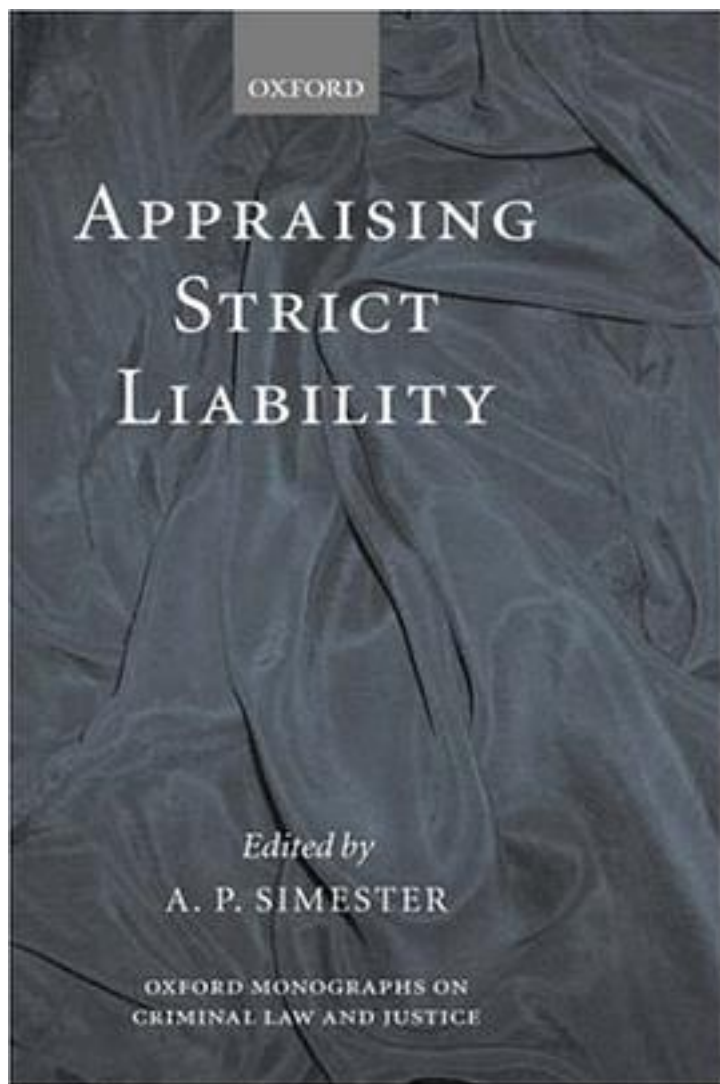


Appraising Strict Liability



[Appraising Strict Liability 下载链接1](#)

著者:Simester, Andrew 编

出版者:Oxford University Press

出版时间:2005-5

装帧:HRD

isbn:9780199278510

Strict liability is a controversial phenomenon in the criminal law because of its potential to convict blameless persons. Offences are said to impose strict liability when, in relation to one or more elements of the actus reus, there is no need for the prosecution to prove a corresponding mens rea or fault element. For example, in the 1986 case of *Storkwain*, the defendant chemists were convicted of selling controlled medicines without prescription simply upon proof that they had in fact done so. It was irrelevant that they neither knew nor had reason to suspect that the 'prescriptions' they fulfilled were forgeries. Thus strict liability offences have the potential to generate criminal convictions of persons who are morally innocent. *Appraising Strict Liability* is a collection of original contributions offering the first full-length consideration of the problem of strict liability in the criminal law. The chapters, including European and Anglo-American perspectives, provide a sustained and wide-ranging examination of the fundamental issues. They explore the definition of strict liability; the relationship between strict liability and blame, and its implications for the requirement for culpability in criminal law; the relevance of European and human rights jurisprudence; and the interaction between substantive rules of strict liability and evidential presumptions. The breadth and depth of the contributions combine to present readers with a sophisticated analysis of the place and legitimacy of strict liability in the criminal law.

作者介绍:

Andrew P. Simester is Professor of Legal Philosophy at the University of Nottingham and Senior Fellow of the Centre for Penal Theory and Penal Ethics, University of Cambridge. His main interests lie in the fields of jurisprudence, criminal law, and private law theory, and he has published in these areas in every major common law jurisdiction. He is the author of two leading criminal law textbooks, in the United Kingdom and New Zealand, and has edited a number of collections of essays.

Contributors:

R.A. Duff

John Gardner

Stuart P. Green

Jeremy Horder

Douglas N. Husak

Alan C. Michaels

Antje Pedain and J.R. Spencer

Paul Roberts

A.P. Simester

G.R. Sullivan

目录: 1. Six Senses of Strict Liability: A Plea for Formalism, Stuart P. Green

2. Is Strict Liability Always Wrong?, A.P. Simester
3. Wrongs and Faults, John Gardner
4. Strict Liability, Justice and Proportionality, Douglas N. Husak
5. Whose Values should Determine when Liability is Strict?, Jeremy Horder
6. Strict Liability, Legal Presumptions and the Presumption of Innocence, R.A. Duff
7. Strict Liability and the Presumption of Innocence, Paul Roberts
8. Strict Liability for Criminal Offences in England and Wales Following Incorporation into English Law of the European Convention on Human Rights, G.R. Sullivan
9. Imposing Constitutional Limits on Strict Liability: Lessons from the American Experience, Alan C. Michaels
10. Approaches to Strict and Constructive Liability in Continental Criminal Law, John R. Spencer and Antje Pedain
• • • • • [\(收起\)](#)

[Appraising Strict Liability_ 下载链接1](#)

标签

评论

[Appraising Strict Liability_ 下载链接1](#)

书评

[Appraising Strict Liability_ 下载链接1](#)