

Criminal Law

- a person who creates a risk and profits from the risk should also pay for adverse consequences
- prevents socially damaging activities

Arguments against Strict Liability

- criminalizes people who are not blameworthy
- stigmatizes offenders
- may not actually deter behaviour
 - if they are aware of the consequences and what exactly constitutes a wrong at law, they may figure out ways to get around it
- delays fault analysis until sentencing
- selective enforcement
- doesn't make sense for all crimes
 - i.e. butcher who sells meat unfit for human consumption
 - law has to deal differently with
 - i) the butcher who knew that the meat was tainted but sold it anyway
 - ii) the butcher who did not know but should have
 - iii) the butcher who did not know and had no means of finding out
- classification is unclear, not consistent why some crimes are SL and others not

Strict v Absolute Liability

- absolute: it is impossible to avoid conviction where a breach is established
- i.e. Winzar v Chief Constable of Kent
 - Winzar was drunk and placed in the highway by police officers
 - he was then charged for having been drunk on public highway and convicted
- both terms mean liability without fault