Assignment 01

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Strict liability, in Law of Tort, are those crimes do not necessitate any men rea (intention to commit crime). If a person is held responsible for a crime or harming another person, will be convicted, despite ignorance of nature or consequences of crime (Richard A. Epstein, n.d.).

The strict liability crime includes statutory rape, selling alcohol to minor, traffic offense, liability of owner if its animal of owner injures person or animal, product liability, abnormally dangerous activities. The similarity among these strict liability crimes are the severe consequences and losses of the criminal act. A crime like negligence in usage of quality raw material in construction of a building, which results in death of hundreds, has same consequences as incident where building is blown by bomb. The conduction acts of strict liability may be different, but all these actions can potentially claim lives or cause irreparable damage in similar manner. Criminals for these big or small crimes are convicted in similar fashion. The first ever case of strict liability was when proprietor of The News was charged for defamation of Lord Cowper. However, the newspaper was run by his son and he had no knowledge of this publication. The case was actually mis-interpretation of law at that time (Manchester, 1977).

The reason was for this law is to ensure justice and sense of responsibility in people. These liabilities can give rise to prejudice and inequality if not kept in check. In case of statutory rape, the prosecution does not need to prove that the suspect knew about age of minor or not (Carpenter, 2004). It is to guarantee safety of a minor and that the criminal does not get away with excuse of ignorance. Secondly, selling alcohol to minor can have harsh consequences and lead to major societal issues. It is made a strict liability to avoid such practice at all cost. In this way, seller would be cautious of every sale. To avoid tragic incidents and aware the drivers about the consequences of careless driving, traffic offense is considered as strict liability. The punishment for minor traffic offenses is usually small. The owner of an animal is held liable for any damage the animal causes so that the owner take responsibility and take necessary action to prevent harm from an animal as it is a social security concern. Product liability is stated as strict liabilities so that the companies manufacturing the products, will not only focus on the profit rather they will be mindful of the consequences for customers. Lastly, performing any hazardous activity which may negatively impact the people nearby is stated as strict liability, to avoid the damage and chaos that may follow such activities.

The cultural reasoning for a strict liability crime may arise from the concept that one is free to follow his/her culture disregard of how it impacts others. It is observed that numerous times the crime is related to a cultural practice. For some people believes overpower the sense of responsibility. For example, under influence of culture, banishing of a young kid from an interracial marriage, from the family. It will be considered a strict liability if the kid does not survive.

The basic principle of Presumption of innocence is that the suspect will be considered innocent until he/she is proven guilty of crime (Tadros & work(s):, 2004). According to this concept, generally suspects does not have to prove their innocence. The prosecution is held responsible for providing sufficient evidence that the suspect is guilty and also the intention to commit the crime (Duff, 2005). However, in case of strict liability, the prosecution does not have to present the intent to commit murder, it only must prove that suspect committed the violation.

**References**

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