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The first full-length consideration of the controversial problem of strict liability in the criminal law European coverage examines implications of the ECHR on strict liability

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Abstract 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

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more elements of the actus reus, there is no need for the prosecution to prove a corresponding mens rea or fault element.

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The imposition of strict liability in the criminal law is widely thought by scholars to be unjustified. This chapter argues that it is wrong to convict the blameless of stigmatic crimes. We would be right to object to the enactment of a strict liability homicide offence of, say, causing death by one's action.

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Decisions regarding the constitutionality of strict liability in the United States fit with a principle of ' constitutional innocence ' . Under that principle, strict liability crimes are constitutional when, but only when, the other elements of the offence, with the strict liability element excluded, would themselves be constitutional.

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