

Chapter 4

Jeremy Horder (2002b) has suggested that criminal offences which regulate activities which have intrinsic value for participants (e.g. they are aspects of an individual's vision of the good life) should not normally be strict liability offences. But offences which regulate activities which have instrumental value (i.e. the activities are not valuable in themselves, but are only a means to another end (e.g. in Horder's view transport)) are more appropriate as being interpreted as strict liability. Do you think this is a helpful distinction?

In making this argument Horder is seeking to ensure that strict liability infringes as little as possible on people's autonomy (e.g. their right to live their version of a good life). Hence he is against strict liability regulation of activities which people may regard as central to their vision of how they want to live their lives (e.g. personal relationships), but is supportive where the activity is not likely to be central to people's goals for their lives. This is an attractive distinction at a theoretical level. However, it is not easy to draw in practice. Horder gives the example of travel as something that has instrumental value but some people do enjoy travel for its own sake.