

# Understanding Criminal Law

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# Understanding Criminal Law

EIGHTH EDITION

**Joshua Dressler**

DISTINGUISHED UNIVERSITY PROFESSOR EMERITUS  
FRANK R. STRONG CHAIR IN LAW EMERITUS  
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*I dedicate this book to:*

*Dottie, David, Jessica, Lucy Belle, Maya Shoshana, Gideon Jacob, and  
Dahlia Jane: You give my life meaning and pleasure.*

*and to:*

*Sandy Koufax, for refusing to pitch in the World Series on Yom Kippur*





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# Frequently Cited Source

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This text frequently cites to the MODEL PENAL CODE COMMENTARIES, found in two volumes:

American Law Institute, MODEL PENAL CODE AND COMMENTARIES (OFFICIAL DRAFT AND REVISED COMMENTS) (PART I: GENERAL PROVISIONS) (1985); and

American Law Institute, MODEL PENAL CODE AND COMMENTARIES (OFFICIAL DRAFT AND REVISED COMMENT) (PART II: DEFINITION OF SPECIFIC CRIMES) (1980).

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*These sources are cited in footnotes of this text by use of the shorthand “American Law Institute.”*



# Preface to the Eighth Edition

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This text is primarily designed for use by law students enrolled in a course in Criminal Law. It also has served successfully in undergraduate courses covering substantive criminal law. As well, based on comments I have received from practicing attorneys, judges, and scholars (and citations to this text in judicial opinions and scholarly works), this text should be helpful to *anyone* looking for a survey of American criminal law substance and theory. The text considers common law doctrine, statutory reform (with particular emphasis on the Model Penal Code), and constitutional law affecting the substantive criminal law.

This edition has undergone *substantial* revisions and updating, far more than in prior editions. Those familiar with prior editions will also observe that Chapter 33, regarding sexual offenses, includes new sections and subsections, which make it more complete.

I am gratified by the extremely favorable response UNDERSTANDING CRIMINAL LAW has received over the years. Therefore, I have avoided the temptation to tinker unnecessarily. As before, I have included citations to new scholarship in the field, in the hope that users will look to some of these sources for additional insights into the various topics. I believe each chapter has been improved overall.

*Gender policy of the text.* For most of Anglo-American legal history men monopolized the critical roles in the system of criminal justice. With only a few exceptions, lawyers, judges, legislators, jurors, and criminals were men. The only place for a woman in the system was as a crime victim. Such inequality, of course, is changing. As an author of a book that will be read and used by readers of both sexes I wanted to make sure that the text recognized the increasing importance of women in the law. Therefore, when discussing hypothetical defendants and victims, and when writing in general terms about other parties in the legal system—e.g., lawyers, judges, and legislators—I have balanced the account between male and female parties. In odd-numbered chapters the parties are female; in the even-numbered chapters males get equal time. I diverge from this approach only when the gender policy would distort history (e.g., there were no female property-holders in sixteenth-century England), prove inaccurate as a principle of law, or confuse the reader. Although I received some criticism of this approach when the first edition was published, I am gratified that this approach is no longer viewed as particularly noteworthy.