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Understanding Criminal Law

NINTH EDITION

Joshua Dressler

DISTINGUISHED UNIVERSITY PROFESSOR EMERITUS
PROFESSOR OF LAW EMERITUS
MICHAEL E. MORITZ COLLEGE OF LAW
THE OHIO STATE UNIVERSITY



CAROLINA ACADEMIC PRESS

Durham, North Carolina

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See catalog.loc.gov for
Library of Congress Cataloging-in-Publication Data

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
www.cap-press.com

Printed in the United States of America

*I dedicate this book to:
Dottie, my wife and partner in life
Thank you.*

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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 Ninth Edition

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.

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 from the last edition.

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 or onlooker. Such blatant inequality, of course, is less true today. Beginning with the first edition of this text I decided to make sure that it recognized the increasing importance of women in the law, as lawyers and judges and not simply as victims or onlookers. Therefore, when discussing hypothetical defendants and victims, as well as 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. At random I decided that in odd-numbered chapters I would use the female pronoun; 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. (And as a loving grandparent of a transgender child, I am quite sensitive to the fact that some persons may find the use of gender pronouns itself questionable. Nonetheless, I continue to use them, as I am not enamored of the singular pronoun “they.”)

Acknowledgements. There are far too many people to name who have helped me to over the years to improve the text. For now, I wish to thank my Moritz Law School Research Assistants whose great work, both before and during the pandemic, improved this edition: Shea Daley (Moritz '22); Rachel Gurley (Moritz '21); Hayley Hammerstrom (Moritz '22); Brian Mashny (Moritz '21); Andrew Rebholz (Moritz '22); Gretchen Rutz (Moritz '19); and Brianne Schell (Moritz '21). Thank you all!

