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About the Author

Professor Joel Samaha teaches Criminal Law, Criminal Procedure, Introduction to Criminal Justice, and the History of Criminal Justice at the University of Minnesota. He is both a lawyer and a historian whose primary research interest is the history of criminal justice. He received his B.A., J.D., and Ph.D. from Northwestern University. Professor Samaha also studied at Cambridge University, England, while doing research for his first book, *Law and Order in Historical Perspective*, a quantitative and qualitative analysis of law enforcement in pre-industrial society.

Professor Samaha was admitted to the Illinois Bar. He taught at UCLA before coming to the University of Minnesota. At the University of Minnesota, he served as Chairman of the Department of Criminal Justice Studies from 1974 to 1978. Since then he has returned to teaching, research, and writing full-time. He has taught both television and radio courses in criminal justice, and has co-taught a National Endowment for the Humanities seminar in legal and constitutional history. He was named Distinguished Teacher at the University of Minnesota in 1974, a coveted award.

Professor Samaha is an active scholar. In addition to his monograph on pre-industrial law enforcement and a transcription with scholarly introduction of English criminal justice records during the reign of Elizabeth I, he has written numerous articles on the history of criminal justice, published in such scholarly journals as *Historical Journal*, *American Journal of Legal History*, *Minnesota Law Review*, *William Mitchell Law Review*, and *Journal of Social History*. In addition to his best-seller, *Criminal Law*, he has written two other successful textbooks, *Criminal Procedure*, now in its fourth edition, and *Criminal Justice*, now being revised for its fifth edition.



For Doug and my students



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Youngkin, Commonwealth v., 392
Young v. New York City Transit Authority, 73, 531
Young v. State, 186, 187–189
- Zule v. State*, 115



Preface

I have loved the study and teaching of criminal law since I took Criminal Law and Procedure at Northwestern University Law School in 1958. I am proud to have the privilege to write this sixth edition of my *Criminal Law*. To have my modest innovation to the study of criminal law—the text/casebook—meet with such success is (to borrow a word from my students' lexicon) “awesome.”

Criminal Law, sixth edition, like its predecessors, stresses the general principles that affect the whole of criminal law rather than the specific rules that define the crimes of particular states and localities. Knowledge of the principles of criminal law is not a mere intellectual exercise, although examining them has proven stimulating to hundreds of thousands of students through five previous editions of *Criminal Law*. This knowledge also provides the tools necessary to apply the general principles to the varied and changing definitions of specific crimes. These general principles have remained remarkably constant over time and space. Definitions of specific crimes, on the other hand, differ among states and change over time. The continuing relevance of the general principles of criminal law to new developments and jurisdictional differences testifies both to the durability and to the utility of understanding the general part of the criminal law. This is also practical knowledge, since the general principles form the bases for both the elements of the specific crimes that prosecutors must prove beyond a reasonable doubt and the defenses with which defendants can justify or excuse their guilt.

Criminal Law, sixth edition, rests on this solid foundation, but it cannot remain static any more than the subject of criminal law can remain frozen in time. Studying and teaching criminal law is a process of constant discovery. There is so much that I still haven't learned; so much of what I know that requires rethinking; so many existing cases that I didn't know about; and so many new cases that were decided since the last edition. I feel deeply obligated to incorporate some of this discovery for the benefit of both the teachers who use and the students who buy *Criminal Law*, sixth edition. But