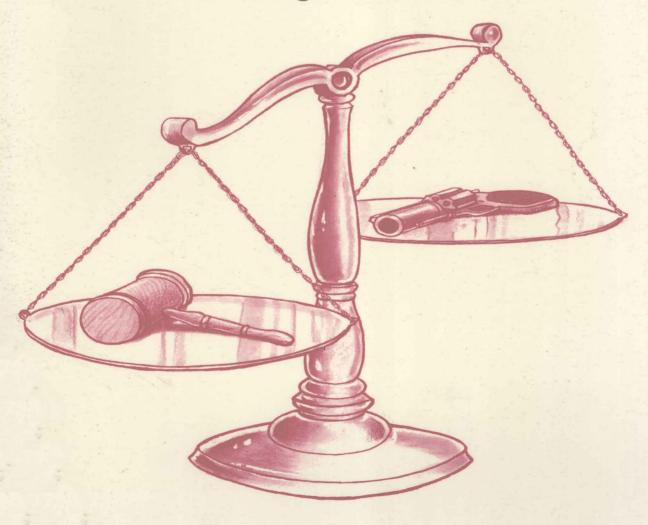


CRIMINAL

EXAMPLES AND EXPLANATIONS

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CRIMINAL LAW

Examples and Explanations

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To my parents, Dorothy Quinn La Fond and Richard D. La Fond —J.Q.L.

Preface

Criminal law forces us to confront the most important moral dilemmas of our times. More than most law school courses, criminal law engages our emotions as well as our intellects. This book will encourage that engagement. Many of our examples are taken from current topics of intense public debate such as euthanasia, abortion, rape, and black rage. But the underlying normative challenge of the criminal law—justifying the coercive use of state power against individuals—transcends particular controversies. Indeed, this debate has challenged great thinkers of the past like Plato, Socrates, Aquinas, and Kant. And it will certainly challenge us and future generations. This text keeps that tension in sharp and continuous focus.

This book seeks to help students master a broad range of criminal law doctrines. But it does not merely present a collection of "rules." It also explains and analyzes those doctrines and the problems they generate in a cohesive and comprehensive way. Where there are ambiguities — either theoretical or practical — we discuss them. Not to do so would mislead students and trivialize the criminal law. By recognizing how complex the tapestry is and how interwoven are its various threads students can appreciate the rich nuances of its doctrine and policy. This book examines that complexity, while remaining easy to read and to understand. Its sole purpose is to help students learn.

We were attracted to the format of the Examples and Explanations series long before we began work on this book. The format fits the typical law school classroom experience by posing challenging problems first (without answers of course!), followed by proposed solutions. We also enjoyed the humor evident in some other volumes in this series. Learning is serious business — but no business is so serious that it cannot be approached with an occasional smile. We have tried to sprinkle humor generously throughout the book.

Finally, a plea for your help. This book can only be successful in helping students if the authors know what works—and what doesn't. We are anxious for your comments—negative and positive—on the piece, either on specific topics or hypotheticals, or generally. Please write us at our email addresses

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and give us your criticisms and comments. We can't promise we'll respond directly, but we can promise that we'll consider every point as we move toward a second edition.

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To all who read this book, we hope you learn from it and enjoy it.

Richard G. Singer John Q. La Fond

April 1997

Acknowledgments

This book bears the name of its "authors." But it required the hard work, assistance, and sacrifice of many people. Our students contributed helpful comments on many of the examples in this book, thereby saving future students the foibles found in earlier versions. Research assistants, particularly Laura Anglin, Jenifer Hanlon, Tara Manley, and Anne-Marie Sargent at Seattle University School of Law, made significant contributions to the manuscript. Moral support was provided by our respective Deans—Roger Dennis and Jim Bond. (And Jim Bond also provided generous financial support to one of us!) The tedious and frustrating job of reading our scribbles and making sense of them fell to wonderful and indefatigable secretaries: Noreen Slease at Seattle University and Mary Ann Purvenas at Rutgers University. We wish especially to thank our respective spouses, Karen Garfing and Evelyn La Fond, for their tolerance and patient support.

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