



Criminal Law (Oxford Introductions to U.S. Law)

Guyora Binder

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Many controversies in American criminal law reflect the tension between older and newer conceptions of the purposes of punishment. The English common law of crimes enforced a royal peace by conditioning punishment on unauthorized force and harm to particular victims. The story of American criminal law has been the emergence of a more utilitarian conception of criminal offending as the imposition of risk or the violation of consent, combined with culpability. This conception is reflected in the Model Penal Code and many state codes. Yet understanding contemporary criminal law requires that we also remember the model of offending as trespass against sovereignty out of which it emerged.

The Oxford Introductions to U.S. Law: Criminal Law reviews the development of American criminal law and explains its key concepts and persistent controversies in light of its history. These key concepts include retribution and prevention as purposes of punishment; the requirements of a criminal act and a culpable mental state; criteria of causal responsibility; modes of violating consent; inchoate offenses, including attempt and conspiracy; doctrines of participation in crime; and defenses of justification and excuse.

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