**Brief Summary**

**The History of Criminal Law**

In ancient societies, what was codified as law was closely tied to the beliefs and rules of the time.  Legal concepts have developed from victim-initiated vengeance through the Greek, Roman, and English systems, culminating in what we know today as the current U.S. legal system.  Many significant changes have emerged during this journey, most notably the separation of civil and criminal laws and the development of the Model Penal Code.

**Common Elements of Modern Criminal Law**

Determining the offense with which defendants should be charged depends on the act (*actus reus*), the culpable mental state (*mens rea*), the attendant circumstances, and the causation of result (cause-in-fact or proximate cause).  These common elements of criminal law further influence how a particular crime is punished. Under strict liability statutes, some acts can incur a criminal charge even in the absence of *mens rea*.

**Types of Crime**

Modern crimes are divided into four major categories.  Crimes against persons are considered our most violent crimes in society and often incur the most severe punishments.  Other types of crime include those against property, as well as inchoate offenses and other offenses, all of which still cause considerable harm to citizens and to society in a variety of ways.  The text presents a thorough review of specific crimes and elements common to each.

**Defenses to Crime**

The first “line of defense” to a criminal charge is to dispute that the state has proven each of the elements beyond a reasonable doubt. But even where the elements are not in dispute, a defendant may raise affirmative defenses. Defenses of excuse and justification do not dispute that the defendant committed the act but offer reasons why the person should be "less" liable or responsible for the crime or why the person should not be held accountable for it.  In contrast, defenses of procedure focus mainly on issues of due process and procedural fairness like those reviewed in Chapter 8.

**Constitutional Limitations on Criminalization**

Critics argue that the penal style of social control is overused, and lawmakers have created too many crimes. Limits on criminalization are set by the U.S. Constitution, which specifies fundamental rights that cannot be limited by government. For example, the rights to free speech, peaceable assembly, freedom of religion, and freedom of the press are addressed in the First Amendment, and the Second Amendment protects the right to bear arms.  Other fundamental rights based on Supreme Court interpretations of the U.S. Constitution address limits to strict liability and protections of substantive due process, which clarify what may or may not be defined as a crime.