

CONTENTS

| | |
|----------------------------------|------|
| <i>List of Abbreviations</i> | xiii |
| <i>Notes on the Contributors</i> | xix |

PART I APPROACHES AND METHODS

| | |
|---|-----|
| 1. Criminology MARIANA VALVERDE AND PAT O'MALLEY | 3 |
| 2. Critical Race Theory BENNETT CAPERS | 25 |
| 3. Economic Analysis of Criminal Law TALIA FISHER | 38 |
| 4. Feminist Approaches to Criminal Law PRABHA KOTISWARAN | 59 |
| 5. The Transition to Modernity JAMES Q. WHITMAN | 84 |
| 6. Law and Literature SIMON STERN | 111 |
| 7. Philosophy LEO ZAIBERT | 131 |
| 8. Criminal Law and Sociology GALIA SCHNEEBEAM AND SHAI J. LAVI | 152 |
| 9. Criminal Law and Technology in a Data-Driven Society MIREILLE HILDEBRANDT | 174 |

PART II SYSTEMS AND MODELS

| | |
|---|-----|
| 10. Medieval Canon Law: The Origins of Modern Criminal Law HEIKKI PIHLAJAMÄKI AND MIA KORPIOLA | 201 |
| 11. Indigenous Legal Traditions: Roots to Renaissance VAL NAPOLEON AND HADLEY FRIEDLAND | 225 |
| 12. Islamic Criminal Law SILVIA TELLENBACH | 248 |
| 13. Jewish Law ARNOLD ENKER | 269 |
| 14. Marxist and Soviet Law STEPHEN C. THAMAN | 295 |
| 15. Military Justice RAIN LIIVOJA | 326 |

PART III ASPECTS AND ISSUES

SECTION A. FOUNDATIONS

| | |
|---|-----|
| 16. Theories of Crime and Punishment EMMANUEL MELISSARIS | 355 |
| 17. Codification LINDSAY FARMER | 379 |
| 18. Jurisdiction ALEJANDRO CHEHTMAN | 399 |
| 19. Constitutional Principles BENJAMIN L. BERGER | 422 |

SECTION B. SUBSTANTIVE CRIMINAL LAW

(i) General Part

| | |
|---|-----|
| 20. Acts and <i>Actus Reus</i> | 447 |
| VINCENT CHIAO | |
| 21. Causation | 468 |
| CARL-FRIEDRICH STUCKENBERG | |
| 22. Subjective Elements of Criminal Liability | 490 |
| THOMAS WEIGEND | |
| 23. Inchoate Crimes | 512 |
| MICHAEL T. CAHILL | |
| 24. Complicity | 534 |
| JAMES G. STEWART | |
| 25. Corporate Criminal Liability | 560 |
| SUSANNE BECK | |
| 26. Necessity/Duress | 583 |
| ULFRID NEUMANN | |
| 27. Self-Defense | 607 |
| VICTORIA NOURSE | |
| 28. The Defense of Consent | 629 |
| VERA BERGELSON | |
| 29. Insanity and Intoxication | 654 |
| CHRISTOPH SAFFERLING | |

(ii) Special Part

| | |
|---------------------------------|-----|
| 30. Theories of Criminalization | 679 |
| TATJANA HÖRNLE | |
| 31. Homicide | 702 |
| GUYORA BINDER | |

| | |
|---------------------------------|-----|
| 32. Offenses Against the Person | 727 |
| JAMES CHALMERS | |
| 33. Sexual Autonomy | 747 |
| VANESSA E. MUNRO | |
| 34. Property Offenses | 768 |
| STUART P. GREEN | |
| 35. Drug Offenses | 789 |
| BEATRICE BRUNHÖBER | |
| 36. Terrorism | 812 |
| KENT ROACH | |
| 37. "White Collar" Crimes | 837 |
| SAMUEL W. BUELL | |
| 38. Public Welfare Offenses | 862 |
| DARRYL K. BROWN | |

SECTION C. CRIMINAL PROCESS

| | |
|---|-----|
| 39. The Long Shadow of the Adversarial and Inquisitorial Categories | 887 |
| MÁXIMO LANGER | |
| 40. Discretion | 913 |
| FRANK MEYER | |

SECTION D. CRIMINAL SANCTIONS

| | |
|-------------------------|-----|
| 41. Types of Punishment | 941 |
| NORA V. DEMLEITNER | |
| 42. Sentencing | 964 |
| ERIK LUNA | |
| 43. Prison Law | 988 |
| DIRK VAN ZYL SMIT | |

PART IV CONTEXTS AND COMPARISONS

SECTION A. PROVINCE OF CRIMINAL LAW

| | |
|--|------|
| 44. Paradigms of Penal Law | 1017 |
| MARKUS D. DUBBER | |
| 45. Public and Private Law | 1040 |
| ALON HAREL | |
| 46. Regulatory Offenses and Administrative Sanctions: Between Criminal and Administrative Law | 1064 |
| DANIEL OHANA | |

SECTION B. BEYOND DOMESTIC CRIMINAL LAW

| | |
|--------------------------------|------|
| 47. Comparative Criminal Law | 1089 |
| LUIS E. CHIESA | |
| 48. European Criminal Law | 1115 |
| KIMMO NUOTIO | |
| 49. International Criminal Law | 1139 |
| ELIES VAN SLIEDREGT | |
| <i>Index</i> | 1165 |