## Table of Contents

### Notes on Contributors ix

**Introduction**

Grounding Criminal Law: Foundational Texts in Comparative-Historical Perspective

*Markus D Dubber*

1. Hobbes on "Diffidence" and the Criminal Law

*Alice Ristroph* 23

2. Beccaria’s *On Crimes and Punishments*: A Mirror on the History of the Foundations of Modern Criminal Law

*Bernard E Harcourt* 39


*Simon Stern* 61

4. Foundations of the Legislative Panopticon: Bentham’s *Principles of Morals and Legislation*

*Guyora Binder* 79

5. Dignity, Crime, and Punishment: A Kantian Perspective

*Meir Dan-Cohen* 101

6. PJA von Feuerbach and his *Textbook of the Common Penal Law*

*Tatjana Hörnie* 119

7. The Contraction of Crime in Hegel’s *Rechtsphilosophie*

*Alan Brudner* 141

8. Mills *On Liberty* and the Modern "Harm to Others" Principle

*Bernard E Harcourt* 163


*Marc 0 DeGirolami* 183

10. Pashukanis and Public Protection

*Peter Ramsay* 199


*Mireille Hildebrandt* 219


*Markus D Dubber* 239
13. The Modest Ambition of Glanville Williams
   *Lindsay Farmer*

14. The Radical Orthodoxy of Hart's *Punishment and Responsibility*
   *Malcolm Thorburn*

15. Criminal Law as an Efficiency-Enhancing Device: The
    Contribution of Gary Becker
   *Alon Harel*

16. Foucault, Criminal Law, and the Governmentalization of the State
   *Pat O'Malley and Mariana Valverde*

17. Nils Christie: "Conflicts as Property"
   *Vidar Halvorsen*

18. Günther Jakobs's *Feindstrafrecht*: A Dispassionate Account
   *Daniel Ohana*

Appendix A. Textbook of the Common Penal Law in Force in Germany
   *Paul Johann Anselm Feuerbach*  

Appendix B. Concerning the Need for a Right Violation in the Concept
   of a Crime, having particular Regard to the Concept of an Affront to Honour
   *Johann Michael Franz Birnbaum*  

Appendix C. The Origin of Criminal Law in the Status of the Unfree
   *Gustav Radbruch*

Appendix D. On the Theory of Enemy Criminal Law
   *Günther Jakobs*

*Index*