Contents

Introduction, 3

1. Substance versus Procedure, 7
   The Philosophical Problem: Substance versus Procedure, 10
   The Burden of Proof: Half a Loaf, 14
   The Distinction in Context, 19

2. Punishment versus Treatment, 25
   Two Constitutional Perspectives: Motive versus Impact, 26
   The Purposes of Punishment, 30
   The Conceptual Analysis of Punishment, 33
   Punishment: Public and Private, 35

3. Subject versus Object, 43
   The Requirement of Human Action, 44
   Acts and Omissions, 45
      Commission by Omission, 47
      Offenses of Failing to Act, 48
   Alternative Approaches to Human Action, 50
   Subject and Object in Criminal Procedure, 53

4. Human Causes versus Natural Events, 59
   The Domain of Causation, 60
   How to Approach Causation, 62
      Problem One: Alternative Sufficient Causes, 63
      Problem Two: Proximate Cause, 64
Contents

11. Perpetration versus Complicity, 188
   The Formal Equivalence of Perpetrators and Accomplices, 190
   The Differentiation of Perpetrators from Other Participants, 194
   Two Problematic Variations, 197
   The Expansion of Corporate Criminal Liability, 201

12. Justice versus Legality, 206
   The Complexities of Legality, 207
   The Legal Nature of the Twelve Basic Distinctions, 211
   Implicit Principles, 212

Index, 215