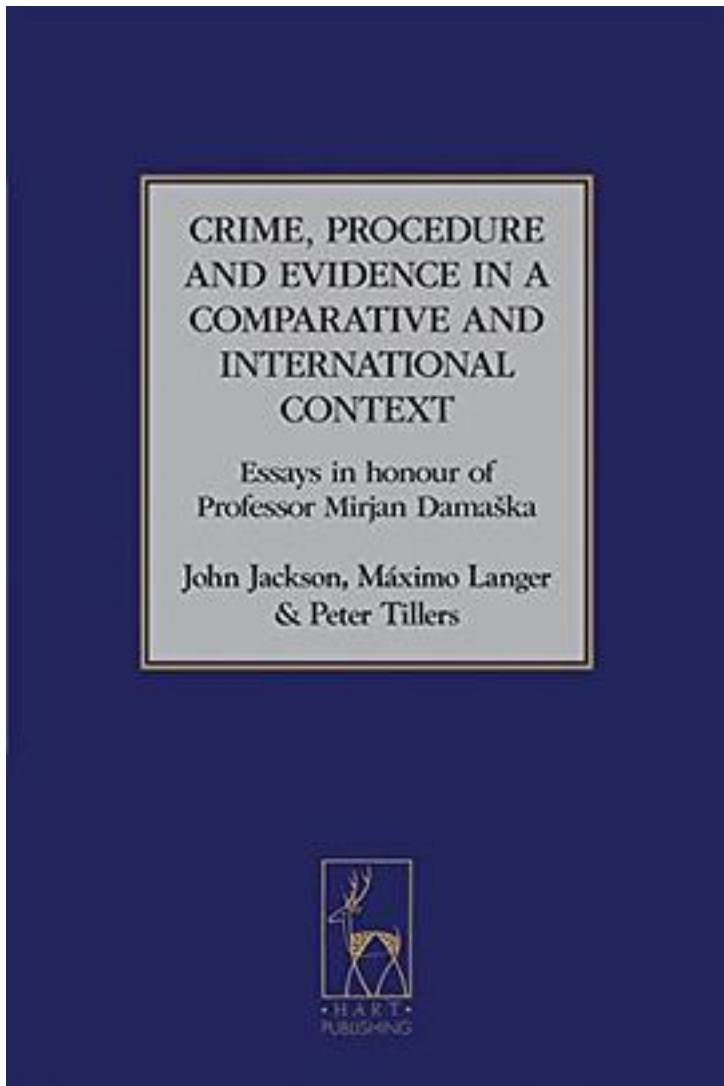


Crime, Procedure and Evidence in a Comparative and International Context



[Crime, Procedure and Evidence in a Comparative and International Context_下载链接1](#)

著者:Jackson, John (EDT)/ Langer, Maximo (EDT)/ Tillers, Peter (EDT)

出版者:Hart Publishing

出版时间:2008-10-1

装帧:Hardcover

isbn:9781841136820

This book aims to honour the work of Professor Mirjan Damaska, Sterling Professor of Law at Yale Law School and a prominent authority for many years in the fields of comparative law, procedural law, evidence, international criminal law and Continental legal history. Professor Damaska's work is renowned for providing new frameworks for understanding different legal traditions. To celebrate the depth and richness of his work and discuss its implications for the future, the editors have brought together an impressive range of leading scholars from different jurisdictions in the fields of comparative and international law, evidence and criminal law and procedure. Using Professor Damaska's work as a backdrop, the essays make a substantial contribution to the development of comparative law, procedure and evidence. After an introduction by the editors and a tribute by Harold Koh, Dean of Yale Law School, the book is divided into four parts. The first part considers contemporary trends in national criminal procedure, examining cross-fertilisation and the extent to which these trends are resulting in converging practices across national jurisdictions. The second part explores the epistemological environment of rules of evidence and procedure. The third part analyses human rights standards and the phenomenon of hybridisation in transnational and international criminal law. The final part of the book assesses Professor Damaska's contribution to comparative law and the challenges faced by comparative law in the twenty first century.

作者介绍:

John Jackson is Professor of Law and Dean of University College Dublin, School of Law.

Maximo Langer is Acting Professor of Law at the University of California, Los Angeles.

Peter Tillers is Professor of Law, Benjamin N. Cardozo School of Law, Yeshiva University.

目录: 1 Introduction: Damaska and Comparative Law John Jackson and Maximo Langer 2 Mirjan Damaska: A Bridge Between Legal Cultures Harold Hongju Koh I Diverging and Converging Procedural Landscapes, Changes in the Institutional and Political Environment and Legal Transplants 3 The Decay of the Inquisitorial Ideal: Plea Bargaining Invades German Criminal Procedure Thomas Weigend 4 Sentencing in the US: An Inquisitorial Soul in an Adversarial Body? William T Pizzi 5 Italian Criminal Procedure: A System Caught Between Two Traditions Luca Marafioti 6 The Two Faces of Justice in the Post-Soviet Legal Sphere: Adversarial Procedure, Jury Trial, Plea-Bargaining and the Inquisitorial Legacy Stephen C Thaman 7 Some Trends in Continental Criminal Procedure in Transition Countries of South-Eastern Europe Davor Krapac II Re-Exploring the Epistemological Environment 8 Dances of Criminal Justice: Thoughts on Systemic Differences and the Search for the Truth Elisabetta Grande 9 Cognitive Strategies and Models of Fact-Finding Craig R Callen 10 Are There Universal Principles or Forms of Evidential Inference? Of Inference Networks and Onto-Epistemology Peter Tillers III Human Rights Standards and Hybridisation in the Transnational and International Prosecution of Crime 11 Extraterritorial Jurisdiction: Applications to 'Terrorism' M Cherif Bassiouni 12 Faces of Transnational Justice: Two Attempts to Build Common Standards Beyond National Boundaries John Jackson 13 Reflections on the 'Hybridisation' of Criminal Procedure Mireille Delmas-Marty 14 The

Confrontation Right Across the Systemic Divide Richard D Friedman IV The Challenge for Comparative Scholarship 15 The Good Faith Acquisition of Stolen Art John Henry Merryman 16 Faces of Justice Adrift? Damaska's Comparative Method and the Future of Common Law Evidence Paul Roberts 17 Utility and Truth in the Scholarship of Mirjan Damaska Ronald J Allen and Georgia N Alexakis 18 Sentencing and Comparative Law Theory Richard S Frase 19 No Right Answer? James Q Whitman Postscript 20 Anglo-American and Continental Systems: Marsupials and Mammals of the Law Richard O Lempert
• • • • • (收起)

[Crime, Procedure and Evidence in a Comparative and International Context_ 下载链接1](#)

标签

评论

国家理念和司法官僚结构的不同组合对司法结构存在不同的影响，对抗制和审问制的一刀切区分只是片面的，本书以达马斯卡的此观点为基础点出模式可以是相似的，形成的原因各有不同。数据有点老。

[Crime, Procedure and Evidence in a Comparative and International Context_ 下载链接1](#)

书评

[Crime, Procedure and Evidence in a Comparative and International Context_ 下载链接1](#)