

The Adversarial System Vs The Inquisitorial System

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SOU-CCJ230 Introduction to the American Criminal Justice System - Alison Burke 2019

The Adversarial Process and the Vulnerable Witness - Louise Ellison 2001

Until quite recently it was commonplace to describe the witness as the 'forgotten man' in the criminal justice system. The last few years have seen a dramatic shift in thinking with an increasing recognition of the legitimate expectations and rights of witnesses within the criminal process. At the same time research has drawn attention to a host of factors that conspire to deny the courts access to the best evidence potentially available when so-called vulnerable and intimidated witnesses are called upon to testify in accordance with conventional adversarial trial procedures and methods. The official response so far embodies an approach best described as one of accommodation. Efforts have centred on improving the treatment of witnesses within the established trial framework while preserving an overall commitment to key tenets of adversarial theory. The latter include the principle of orality with its general insistence upon direct evidence and the use of cross-examination as a device for testing the credibility of witnesses. The central contribution of this book lies in its demonstration of the significant limitations of the prevailing approach, most recently manifest in the Youth Justice and Criminal Evidence Act 1999. By providing a broader theoretical framework for understanding the treatment of vulnerable witnesses it signals the need to extend the search for solutions beyond the boundaries of the paradigmatic adversarial model. Drawing upon modern psychological, socio-linguistic, and victimological study across common law jurisdictions, the book provides a systematic critique of the special measures of the 1999 Act and of adversarial trial procedure more generally. As a point of contrast the book also explores the contended advantages inherent within inquisitorial style criminal proceedings for witnesses, drawing on the author's own experience of rape proceedings in the Netherlands. Throughout due account is taken of significant recent developments at national, European, and international levels which have ensured the place victims and witnesses, once excluded, in any discussion of criminal trial fairness.

Adversarial versus Inquisitorial Justice - Peter J. van Koppen 2012-12-06 This is the first volume that directly compares the practices of adversarial and inquisitorial systems of law from a psychological perspective. It aims at understanding why American and European continental systems differ so much, while both systems entertain much support in their communities. The book is written for advanced audiences in psychology and law.

Criminal Justice - Julian V. Roberts 2015

The criminal justice system is wide ranging: it covers crimes, policing, the sentencing of offenders, and prisons. This title draws upon the latest research and current practices from around the world. Focusing on the adversarial model of justice found in common law countries such as the US, UK, Canada, and Australia, it discusses topics such as the uses of imprisonment, the effects of capital punishment, and the purposes of sentencing. Considering the role of the victim, as well as public knowledge and attitudes towards criminal justice, it assesses the way in which the system functions.

Criminal Injustice - F. Belloni 1999-10-10

Beginning with an exploration of the awful miscarriages which prompted the establishment of the Royal Commission on Criminal Justice, the authors examine the role played by institutions and legal factors within the criminal process. Tracking the shift from due process rhetoric to the 'new penology' of efficient risk management of suspect populations, they assess the impact of recent reforms such as curtailment of the right to silence; the removal of the right to jury trial; and the appeal process

itself.

Core Concepts in Criminal Law and Criminal Justice - Kai Ambos 2020-01-16

A comparative and collaborative study of the foundational principles and concepts that underpin different domestic systems of criminal law.

What is Criminology? - Mary Bosworth 2012-05-31

Criminology is a booming discipline, yet one which can appear divided and fractious. In this rich and diverse collection of 34 essays, some of the world's leading criminologists respond to a series of questions designed to investigate the state, impact and future challenges of the discipline: What is criminology for? What is the impact of criminology? How should criminology be done? What are the key issues and debates in criminology today? What challenges does the discipline of criminology face? How has criminology as a discipline changed over the last few decades? The resulting essays identify a series of intellectual, methodological and ideological borders. Borders, in criminology as elsewhere, are policed, yet they are also frequently transgressed; criminologists can and do move across them to plunder, admire, or learn from other regions. While some boundaries may be more difficult or dangerous to cross than others it is rare to find an entirely secluded locale or community. In traversing ideological, political, geographical and disciplinary borders, criminologists bring training, tools and concepts, as well as key texts to share with foreigners. From such exchanges, over time, borders may break down, shift, or spring up, enriching those who take the journey and those who are visited. It is, in other words, in criminology's capacity for and commitment to reflexivity, on which the strength of the field depends.

A World View of Criminal Justice - Richard Vogler 2017-03-02

Criminal justice procedure is the bedrock of human rights. Surprisingly, however, in an era of unprecedented change in criminal justice around the world, it is often dismissed as technical and unimportant. This failure to take procedure seriously has a terrible cost, allowing reform to be driven by purely pragmatic considerations, cost-cutting or foreign influence. Current US political domination, for example, has produced a historic and global shift towards more adversarial procedure, which is widely misunderstood and inconsistently implemented. This book addresses such issues by bringing together a huge range of historical and contemporary research on criminal justice in Europe, Asia, Africa, Australasia and the Americas. It proposes a theory of procedure derived from the three great international trial modes of 'inquisitorial justice', 'adversarial justice' and 'popular justice'. This approach opens up the possibility of assessing criminal justice from a more objective standpoint, as well as providing a sourcebook for comparative study and practical reform around the world.

European Criminal Procedures - Mireille Delmas-Marty 2002-10-17

Revised by Elena Ricci

Comparative Criminal Procedure - Jacqueline E. Ross 2016-06-24

This Handbook presents innovative research that compares different criminal procedure systems by focusing on the mechanisms by which legal systems seek to avoid error, protect rights, ground their legitimacy, expand lay participation in the criminal process and develop alternatives to criminal trials, such as plea bargaining, as well as alternatives to the criminal process as a whole, such as intelligence operations. The criminal procedures examined in this book include those of the United States, Germany, France, Spain, Russia, India, Latin America, Taiwan and Japan, among others.

The Adversary System - Stephan Landsman 1984

Comparative Criminal Justice Systems - Harry R. Dammer 2013-01-04

Offering a comprehensive analysis, bestselling COMPARATIVE CRIMINAL JUSTICE SYSTEMS, 5e compares the various criminal justice

systems throughout the world using six model countries: China, England, France, Germany, Japan, and Saudi Arabia. The book illustrates the different types of law and justice systems while exploring the historical, political, economic, social, and cultural influences on each system. It examines important aspects of each type of justice system--common law, civil law, socialist law, and sacred (Islamic) law--to highlight the similarities and differences of each. Completely up to date, it provides expanded coverage of such high-profile topics as human trafficking, Internet pornography, identity theft, transnational policing, terrorism and more. Important Notice: Media content referenced within the product description or the product text may not be available in the ebook version.

Criminal Justice in Europe - Phil Fennell 1995

The theme of this book is the developing influence of European law and European integration on the criminal justice systems of the Netherlands and England and Wales. It examines the different responses adopted in the two jurisdictions to current problems in criminal justice, against the background of European law. The topics included in this original study include: the influence of the European Convention on Human Rights; the influence of European Community law; the influence of treaties concerning criminal justice co-operation between the two systems; and, finally, the extent to which supranational mechanisms of criminal justice are developing in the wake of European integration.

The Criminal Process - Andrew Ashworth 1994

In recent years the English criminal justice system has been shaken by certain notorious cases such as the Guildford Four, the Birmingham Six, and the Cardiff Three. The quashing of convictions in these and other cases has brought to public notice the structural deficiencies which exist in the criminal justice system. In this book Professor Ashworth addresses one of the most controversial areas of the entire criminal process: the pre-trial stage. Taking as his starting point the detention of suspects in police custody, the author examines six key issues in the pre-trial process: the questioning of suspects, cautioning of offenders, prosecutorial review, remand decisions, mode of trial decisions, and plea bargaining. Drawing upon empirical research, substantive law, and official guidance, the author considers how the rights of victims and defendants are promoted within the system, and in particular considers the potential impact of the European Convention of Human Rights on the administration of criminal justice in England and Wales. The recommendations of the 1993 Royal Commission on Criminal Justice are critically appraised.

Criminal Justice in Scotland - Peter Duff 2020-04-02

Published in 1999. Scottish criminal law and procedure are very different from their counterparts elsewhere in the United Kingdom. This book is the first socio-legal account of the Scottish criminal justice process and its constituent institutions. Its aims are: to explain the operation of the various elements which make up the 'system'; to summarise the considerable volume of relevant Scottish research; and to locate this knowledge within contemporary theorising about criminal justice. To this end, the editors commissioned a team of experts to write chapters on the various stages of institutions of the Scottish criminal justice process. Given Scotland's broad social and cultural similarities to the rest of the United Kingdom, the book also provides a useful comparative perspective which should help to discourage the tendency towards overly ethnocentric theorising south of the border.

One Case-- Two Systems - Floyd Feeney 2005-01-01

Using California as the model for the adversarial system and Germany as the model for the inquisitorial system, this innovative work seeks to add a new dimension to the comparative study of criminal justice. The basic idea is contained in the title, One Case--Two Systems. Containing the first ever side-by-side portrayals of full American and German trials, the book views a single case through two separate lenses--one American, one German. Returning home unexpectedly from a vacation in the country, an elderly man interrupts a night time burglary in his own house and is attacked as the burglar tries to escape. By portraying an ordinary crime--a burglary that turns into a robbery--rather than a dramatic, high-profile murder, the book provides a detailed, working picture of the two systems and the contrasts between them. Allowing the reader to observe and compare the formal steps that cases go through in the two systems, it brings the work of the police, the prosecution, the defense, and the courts to life - by giving thoughts and reasons as well as actions. Even the most critical documents are included. Designed to illustrate the most important differences between the two systems, the country chapters first portray the California investigation and prosecution and then take the same case through the German system. Often seeing eye-to-eye but

sometimes diverging sharply, the two sets of comments focus on the critical issues depicted in the country chapters--seeking to explain the similarities, differences, and peculiarities of the two systems. Published under the Transnational Publishers imprint.

DEATH IN THE TIERGARTEN - Benjamin Carter Hett 2009-06-30

From Alexanderplatz, the bustling Berlin square ringed by bleak slums, to Moabit, site of the city's most feared prison, *Death in the Tiergarten* illuminates the culture of criminal justice in late imperial Germany. In vivid prose, Benjamin Hett examines daily movement through the Berlin criminal courts and the lawyers, judges, jurors, thieves, pimps, and murderers who inhabited this world. Drawing on previously untapped sources, including court records, pamphlet literature, and pulp novels, Hett examines how the law reflected the broader urban culture and politics of a rapidly changing city. In this book, German criminal law looks very different from conventional narratives of a rigid, static system with authoritarian continuities traceable from Bismarck to Hitler. From the murder trial of Anna and Hermann Heinze in 1891 to the surprising treatment of the notorious Captain of Koepenick in 1906, Hett illuminates a transformation in the criminal justice system that unleashed a culture war fought over issues of permissiveness versus discipline, the boundaries of public discussion of crime and sexuality, and the role of gender in the courts. Trained in both the law and history, Hett offers a uniquely valuable perspective on the dynamic intersections of law and society, and presents an impressive new view of early twentieth-century German history. Table of Contents: Acknowledgments Introduction 1. In Moabit 2. The Berlin of Surrogates 3. Honorable Men 4. Justice Is Blind 5. "Were People More Pitiless Fifteen Years Ago?" Epilogue Appendix: Regimes and Rulers Abbreviations Notes Archival and Primary Sources Index *Death in the Tiergarten* is an impressive book. Written in a light and entertaining style, with elegance and wit, it is a rich source of thought-provoking insights. Hett offers his own distinct spin on some of the common themes of Berlin literature--crime, sex, sensation, mass media, and the dramatic character of life in the modern metropolis. This unusually successful and effective work of scholarship has the potential to reach a broad audience. --Jonathan Sperber, University of Missouri at Columbia An extremely rich and well-argued analysis of the culture of the criminal courtroom in Wilhelmine Germany. Using stories about love, lust, betrayal, and honor--crime stories and city stories--Benjamin Hett pries open Berlin's public life in brilliant, unexpected ways. --Peter Fritzsche, author of *Reading Berlin 1900*

The Encyclopedia of Criminology and Criminal Justice - Jay S. Albanese 2014

"Comprising over 500 entries on the essential topics and informed by the latest theory and research, this innovative reference resource offers a state-of-the-art survey of the fields of criminology and criminal justice. It combines this breadth of coverage with the authority and international perspective of an experienced editorial team, creating a definitive reference resource for students, scholars, and professionals."-- Publisher's description.

Debates in Criminal Justice - Tom Ellis 2013-03

This innovative new book recognises that, while criminal justice studies is a core component of all criminology/criminal justice undergraduate degrees, it can be a confusing, overwhelming and a relatively dry topic despite its importance. Taking an original approach, this book sets out a series of ten key dilemmas - presented as debates - designed to provide students with a clear framework within which to develop their knowledge and analysis in a way that is both effective and an enjoyable learning experience. It is also designed for use by lecturers, who can structure a core unit of their courses around it. *Debates in Criminal Justice* provides a new and dynamic framework for learning, making considerable use of the other already available academic key texts, press articles, web sources and more.

Forensic Psychiatry and Psychology in Europe - Kris Goethals 2018-05-30

This study guide aims to make European trainees in forensic psychiatry and psychology and young forensic psychiatrists and psychologists aware of the differences and commonalities in forensic psychiatry and psychology in different countries within Europe and to enable them to learn from the approaches adopted in each country. The guide is divided into five main sections that address legal frameworks, service provision and frameworks, mandatory skills, teaching and training in forensic psychiatry and psychology, and *capita selecta*. In addition, recommendations are made with respect to the practice of teaching and training across European countries. It is anticipated that the guide will

provide an excellent means of improving specific skills and that, by learning about the offender/patient pathways in the different jurisdictions of Europe, the reader will gain a deeper understanding of the principles that govern methods and practices in their own work with mentally disordered offenders.

The Case Against the Common Law - Gordon Tullock 1997

Central to the social functions and the foundational principles of the common law system is the concept of doctrinal stability as encapsulated in the institutional principle of *stare decisis*, or binding precedent. Under this principle, precedent binds subsequent similar cases when certain formal conditions are met. The doctrinal stability standard cannot survive significant deviation from the principle of *stare decisis*. Gordon Tullock demonstrates how the retreat from *stare decisis* in the U.S. common law system is a predictable consequence of adverse institutional characteristics. He concludes that this withdrawal is now sufficiently extensive as to challenge the validity of the common law system itself.

Judge Without Jury - John Jackson 1995

Cases connected with the troubles in Northern Ireland have been tried by a judge sitting without a jury in 'Diplock Courts'. Given the symbolic importance of the jury within the common law tradition, this study offers the first systematic comparison of the process of trial by judge alone with that of trial by jury. The authors determine the impact of the replacement of jury trial with trial by a professional judge on the adversarial character of the criminal trial process.

Adversarial versus Inquisitorial Justice - Peter van Koppen 2012-09-25

This is the first volume that directly compares the practices of adversarial and inquisitorial systems of law from a psychological perspective. It aims at understanding why American and European continental systems differ so much, while both systems entertain much support in their communities. The book is written for advanced audiences in psychology and law.

The Prosecutor in Transnational Perspective - Erik Luna 2012-09-27

In this book, Erik Luna and Marianne Wade examine the considerable powers of the American prosecutor and look abroad in order to learn valuable lessons from a transnational examination of prosecutorial authority. They explore parallels and distinctions in the processes available to and decisions made by prosecutors in the United States and Europe. Through the varied topics covered by the contributors on both sides of the Atlantic, they demonstrate how the enhanced role of the prosecutor represents a crossroads for criminal justice with weighty legal and socio-economic consequences.

Commitment to Efficiency and Legitimacy - Gongbaozhandaog Soge 2022

The majority of criminal cases are disposed by the mechanism of plea negotiation in the federal jurisdiction of the United States. This procedure has replaced adversarial trial tradition of the U.S. criminal justice system for decades. Since 2014, China has initiated plea negotiation in the criminal justice system. Following the efforts of legislation and judiciary, China has formulated a Sinicized concessional criminal justice system. Up to now, over 86% criminal cases in China are handled with the plea negotiation system without appeals. Motivated by the same goals of procedural economy and systematic efficiency, these two nations have developed the plea negotiation system into the core driver of criminal justice dynamics. This ubiquity has led the similarities appearing in the adversarial system of the US and the inquisitorial system of China substantially and procedurally. In the light of the costs and benefits analysis, it raises research questions as follows: what needs to be ensured where a defendant posits in a plea negotiation process? What are the costs and benefits of defendant's decision making? Whether this cost-saving procedure achieves systemic efficiency and fairness? What can be rebuilt for improving the current system? This article is aimed to propose some new practical ideas that may improve the transparency and the fairness of plea negotiation process, and finally earn trust from the criminal defendants and the public at large. Through a comparative study, this article outlines the advantages and disadvantages of the plea negotiation systems in the U.S. and China. Thereafter, this article channels the practical measures to rebuild the plea negotiation system in these two nations. It is also aimed to contribute some insights to other nations' re-consideration of reforming the negotiated criminal justice system in the near future.

Professional Legal Ethics - Donald Nicolson 2000-02-03

Ethics and regulation have become catchwords of the late 1990s, yet relatively little has been written about the ethical discourse and regulation of the legal professions in England and Wales. This book

represents the first attempt to subject the ethical discourse of the English legal professions to in-depth analysis and sustained critique. Drawing on insights from moral philosophy, social theory, the sociology of the legal profession, public law theories of regulation, and the extensive American literature on lawyers' ethics, it argues that, in seeking to provide definitive answers to particular problems of professional conduct, professional legal ethics has failed to deliver an approach which requires lawyers actively to engage with the ethical issues raised by legal practice. Through an analysis of the core issues facing lawyers, the authors locate this failure in the profession's reliance on a liberal and adversarial role morality that conceptualises the ethical values of human dignity, autonomy and equality in a formalistic and narrowly legalistic manner. This encourages lawyers to overlook the real invasions of these values so often wrought by upholding clients legal rights, and to ignore the competing claims of affected third parties, the wider community and the environment. In seeking to move beyond critique, the authors develop throughout the book a contextual approach to individual ethical decision-making and outline a range of institutional, regulatory and educational reforms which, they suggest, could form the basis for a more ethical brand of professionalism. *Professional Legal Ethics: Critical Interrogations* is a wide-ranging and thought-provoking analysis written for lawyers, ethicists and policy-makers interested in this neglected area of professional ethics and regulation.

Comparative Restorative Justice - Theo Gavrielides 2021-09-20

This edited collection introduces and defines the concept of "comparative restorative justice", putting it in the context of power relations and inequality. It aims to compare the implementation and theoretical development of restorative justice internationally for research, policy and practice. In Part I, this volume compares practices in relation to the implementing environment - be that cultural, political, or societal. Part II looks at obstacles and enablers in relation to the criminal justice system, and considers whether inquisitorial versus adversarial jurisdictions have impact on how restorative justice is regulated and implemented. Finally, Part III compares the reasons that drive governments, regional bodies, and practitioners to implement restorative justice, and whether these impetuses impact on ultimate delivery. Featuring fifteen original chapters from diverse authors and practitioners, this will serve as a key resource for those working in social justice or those seeking to understand and implement the tenets of restorative justice comparatively.

Courts and Trials - Christopher E. Smith 2003-01-01

A collective overview of contemporary developments affecting court organization and judicial procedures. * Covers key historical people and events throughout U.S. jurisprudence history * Documents and tables include excerpts from relevant constitutional provisions, statutes, and judicial opinions; tables include statistics on court organization in different states and in other countries

The Origins of Adversary Criminal Trial - John H. Langbein 2003

The lawyer-dominated adversary system of criminal trial, which now typifies practice in Anglo-American legal systems, was developed in England in the 18th century. This text shows how and why lawyers were able to capture the trial.

Courts on Trial - Jerome Frank 1973-09-21

Provides an in-depth analysis of the American legal system and proposes reforms in the workings of the court. Bibliogs

Victim Participation Rights - Kerstin Braun 2019-02-14

This book traces victims' active participatory rights through different procedural stages in adversarial and non-adversarial justice systems, in an attempt to identify what role victims play during criminal proceedings in the domestic setting. Braun analyses countries with different legal traditions, including: the United States, England, Wales and Australia (as examples of mostly adversarial countries); Germany and France (as examples of inquisitorial systems); as well as Denmark and Sweden with their mixed inquisitorial-adversarial background. *Victim Participation Rights* is distinctive in that it assesses the implementation of formal processes and procedures concerning victim participation at three different procedural stages: first, investigation and pre-trial; second, trial and sentencing; and third, post-trial with a focus on appeal and parole. In addition, Braun provides an in-depth case study on the general position of victims in criminal trials, especially in light of national criminal justice policy, in Germany, a mostly inquisitorial system and Australia, a largely adversarial system. In light of its findings, the book ponders whether, at this stage in time, a greater focus on victim protection rather than on active procedural rights could be more beneficial to enhancing the overall experience of victims. In this context, it takes a close look at the

merits of introducing or expanding legal representation schemes for victims.

Adversarial Justice - Theodore L. Kubicek 2006

Our adversarial legal system is used to evade the truth and makes winning the paramount goal. Here, a law veteran proposes we shift to an inquisitorial system seeking the truth, and recommends changes to evidentiary rules that confuse law enforcement and juries alike.

The Grammar of Criminal Law - George P. Fletcher 2019-09-30

To understand the international legal order in the field of criminal law, we need to ask three elementary questions. What is international law? What is criminal law? And what happens to these two fields when they are joined together? Volume Two of *The Grammar of Criminal Law* sets out to answer these questions through a series of twelve dichotomies - such as law vs. justice, intention vs. negligence, and causation vs. background events - that invite the reader to better understand the jurisprudential foundations of international criminal law. The book will appeal to anyone interested in the future of international cooperation in a time of national retrenchment, and will be of interest to students, scholars, and policymakers around the world.

Treatise on International Criminal Law - Kai Ambos 2016

Since the adoption of the Rome Statute of the International Criminal Court in 1998, international criminal law has rapidly grown in importance. This third volume offers a comprehensive analysis of the procedures and implementation of international law by international criminal tribunals and the International Criminal Court. Through analysis of the framework of international criminal procedure, the author considers each stage in the process of proceedings before the ICC, including the role of legal participants, the scope of jurisdiction, and the enforcement of sentences.

English Legal System Concentrate - Mark Thomas 2020-08

English Legal System Concentrate is written and designed to help you succeed. Written by experts and covering all key topics, Concentrate guides help focus your revision and maximise your exam performance. Each guide includes revision tips, advice on how to achieve extra marks, and a thorough and focused breakdown of the key topics and cases. Revision guides you can rely on: trusted by lecturers, loved by students... "I have always used OUP revision and QandA books and genuinely believe they have helped me get better grades" - Anthony Poole, law student, Swansea University "The detail in this revision textbook is phenomenal and is just what is needed to push your exam preparation to the next level" - Stephanie Lomas, law student, University of Central Lancashire "It is a little more in-depth than other revision guides, and also has clear diagrams and teaches ways to obtain extra marks. These features make it unique" - Godwin Tan, law student, University College London "The concentrate revision guides stand out against other revision guides" - Renae Haynes Williams, law student, Bangor University "The exam style questions are brilliant and the series is very detailed, prepares you well" - Frances Easton, law student, University of Birmingham "The accompanying website for Concentrate is the most impressive I've come across" - Alice Munnelly, law student, Kings College London Online Resources Packed with essential information, key cases, revision tips, exam QandAs, and more, English Legal System Concentrate is also supported by extensive online resources to take your learning further (www.oup.com/lawrevision/):- Pinpoint which areas you need to concentrate on with the diagnostic test- Test your knowledge with the multiple-choice questions and receive feedback on your answers- Improve your essay skills using the outline answers for guidance on what to include and how to structure your answer- Revise the facts and principles of key cases using the interactive flashcards- Learn the important terms and definitions using the

interactive glossary- Check that you have covered the main points of a topic using the key facts checklists- Achieve better marks following the advice on revision and exam technique by experienced examiner Nigel Foster

The French Code of Criminal Procedure - France 1988

This volume supersedes Volume 7 of the series.

Comparative Legal Traditions, Text, Materials and Cases on Western Law - Mary Ann Glendon 2014-10-08

This new edition includes some significant revisions since the last edition was published in 2007. In addition to updating the materials to take into account developments in the law in the examined jurisdictions, the new edition also places discussion of the relevant regional law, for the most part European Union and Council of Europe law, within the examinations of the specific legal systems themselves (more accurately reflecting the realities of operating within those systems). In addition, there are updates and addition to the in-depth chapters focusing on discrete comparative problems and exercises.

Expert Evidence and Scientific Proof in Criminal Trials - Paul Roberts 2017-07-05

Forensic science evidence and expert witness testimony play an increasingly prominent role in modern criminal proceedings. Science produces powerful evidence of criminal offending, but has also courted controversy and sometimes contributed towards miscarriages of justice. The twenty-six articles and essays reproduced in this volume explore the theoretical foundations of modern scientific proof and critically consider the practical issues to which expert evidence gives rise in contemporary criminal trials. The essays are prefaced by a substantial new introduction which provides an overview and incisive commentary contextualising the key debates. The volume begins by placing forensic science in interdisciplinary focus, with contributions from historical, sociological, Science and Technology Studies (STS), philosophical and jurisprudential perspectives. This is followed by closer examination of the role of forensic science and other expert evidence in criminal proceedings, exposing enduring tensions and addressing recent controversies in the relationship between science and criminal law. A third set of contributions considers the practical challenges of interpreting and communicating forensic science evidence. This perennial battle continues to be fought at the intersection between the logic of scientific inference and the psychology of the fact-finder's common sense reasoning. Finally, the volume's fourth group of essays evaluates the (limited) success of existing procedural reforms aimed at improving the reception of expert testimony in criminal adjudication, and considers future prospects for institutional renewal - with a keen eye to comparative law models and experiences, success stories and cautionary tales.

The Expert Witness, Forensic Science, and the Criminal Justice Systems of the UK - S. Lucina Hackman 2019-04-24

The global nature of crime often requires expert witnesses to work and present their conclusions in courts outside their home jurisdiction with the corresponding need for them to have an understanding of the different structures and systems operating in other jurisdictions. This book will be a resource for UK professionals, as well as those from overseas testifying internationally, as to the workings of all UK jurisdictions. It also will help researchers and students to better understand the UK legal system.

Adversarial Legalism - Robert A. KAGAN 2009-06-30

Robert Kagan examines the origins and consequences of the American system of "adversarial legalism". This study aims to deepen our understanding of law and its relationship to politics, and raises questions about the future of the American legal system.