

## EVALUATION OF EVIDENCE

*Evaluation of Evidence* addresses the question: should the law restrict the freedom of judges in assessing the probative value of evidence in the criminal process? Tracing the treatment of evidence from premodern to modern times, Mirjan Damaška argues that there has always been some appreciation of rules regarding the use and value of evidence, and these rules should not be viewed askance as a departure from ideal arrangements. In a time when science and technology have the ability to contribute to factual inquiry, there needs to be acceptance of rules that corroborate evidence produced by our native sensory apparatus.

Mirjan Damaška is Sterling Professor Emeritus of Law and Professorial Lecturer in Law at Yale Law School. He is a fellow of the American Academy of Arts and Sciences, and a member of the Croatian Academy of Sciences and Arts and the International Academy of Comparative Law. He is the author of over 100 articles and six books, including *The Faces of Justice and State Authority* (1986) and *Evidence Law Adrift* (1997).

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PREMODERN AND MODERN APPROACHES

**MIRJAN DAMAŠKA**

Yale University, Connecticut



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To the memory of Marija, meorum finis amorum

Nous voulons vous donner de vastes et d'étranges domaines,  
Où le mystère en fleurs s'offre à qui veut le cueillir.  
*—Apollinaire*

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## Acknowledgments

This book derives from an interest in the history of criminal justice, an interest I have cultivated as a hobby for almost all of my professional life. Although most of my publications have been in other areas, I started taking notes on my readings in the history of criminal justice long before settling in America. Scribbled mostly in my native Croatian, these notes now overflow the drawers of my office cabinets. Five years ago, I decided to recast some of them into a book on a topic with possible contemporary relevance. The evaluation of evidence emerged as the most promising candidate. Executing the project turned out to be a solitary enterprise, however, because my notes were barely legible to others. I also found it difficult to find an assistant with sufficient knowledge of legal Latin. It was only in the academic year 2014–15 that I was fortunate to find an outstanding assistant, Mr. John Wei, then a student at Yale Law School. He helped me in locating many sources to which my notes only alluded, and on several occasions he was also able to establish the proper context of opinions expressed by late medieval legal authorities. For his skillful assistance I owe him a debt of gratitude. Heartfelt thanks go also to Mr. Mike Widener, curator of the rare books collection at Yale's Lillian Goldman Law Library. He saw to it that I promptly acquired whatever literature I needed. I wish that the dedication of the book could express how five years of work on it helped alleviate the years of grief caused by the passing of Marija, my life companion.