

Cambridge University Press & Assessment 978-1-316-51699-7 — Evidential Legal Reasoning Edited by Jordi Ferrer Beltrán , Carmen Vázquez Table of Contents More Information

## Contents

| List of Figures  | page viii |
|--|-----------|
| List of Tables   | ix        |
| List of Contributors   | X         |
| Introduction   |           |
| Jordi Ferrer Beltrán and Carmen Vázquez  | 1         |
| PART I EVIDENCE AS AN AREA OF KNOWLEDGE  | 11        |
| Evidence as a Multidisciplinary Field: What Do the Law and the Discipline of Law Have to Offer?                |           |
| William Twining  | 13        |
| 2 New Directions for Evidence Science, Complex Adaptati<br>Systems, and a Possibly Unprovable Hypothesis About | ive       |
| <b>Human Flourishing</b><br>Ronald J. Allen  | 34        |
| PART II CONVERGENCES BETWEEN SYSTEMS   | 51        |
| 3 The Transformation of Chinese Evidence Theories and System: From Objectivity to Relevancy                    |           |
| Baosheng Zhang and Ping Yang   | 53        |
| 4 Truth Finding and the Mirage of Inquisitorial Process  |           |
| Adrian A. S. Zuckerman   | 71        |

V



Cambridge University Press & Assessment 978-1-316-51699-7 — Evidential Legal Reasoning Edited by Jordi Ferrer Beltrán , Carmen Vázquez Table of Contents More Information

vi Contents

| 5  | Evidential Remedies for Procedural Rights Violations:<br>Comparative Criminal Evidence Law and Empirical Research<br>Sarah Summers | 84  |
|----|--|-----|
| 6  | Common Law Evidence and the Common Law of Human Rights: Towards a Harmonic Convergence?  |     |
|    | John Jackson   | 98  |
|    | PART III ON EVIDENTIAL INFERENCES  | 123 |
| 7  | Group Deliberative Virtues and Legal Epistemology<br>Amalia Amaya  | 125 |
| 8  | On Probatory Ostension and Inference<br>Giovanni Tuzet   | 138 |
| 9  | Inferences in Judicial Decisions About Facts<br>Michele Taruffo  | 159 |
| 10 | Silence as Evidence<br>Hock Lai Ho   | 171 |
| 11 | Sanctions for Acts or Sanctions for Actors?<br>Frederick Schauer   | 198 |
|    | PART IV EXPERT EVIDENCE  | 215 |
| 12 | From Institutional to Epistemic Authority: Rethinking<br>Court Appointed Experts   |     |
|    | Carmen Vázquez   | 217 |
| 13 | Latent Justice: Fingerprint Evidence and the Limits of Adversarialism in England, Australia and New Zealand Gary Edmond            | 248 |
| 14 | Prevention and Education: The Path towards Better Forensic Science Evidence  | '   |
|    | Marina Gascón Abellán  | 296 |
| 15 | Evidentiary Practices and Risks of Wrongful Conviction:<br>An Empirical Perspective  |     |
|    | Mauricio Duce J.   | 323 |



Cambridge University Press & Assessment 978-1-316-51699-7 — Evidential Legal Reasoning Edited by Jordi Ferrer Beltrán , Carmen Vázquez Table of Contents More Information

|      | Contents   | vii             |
|------|--|-----------------|
|      | PART V STANDARDS OF EVIDENCE AS DECISION-MAKING RULES  | 359             |
| 16   | Burdens of Proof and Choice of Law Dale A. Nance   | 361             |
| 17   | Is It Possible to Formulate a Precise and Objective Standard of Proof? Some Questions Based on an Argumentative Approach to Evidence  Daniel González Lagier | 375             |
| 18   | Prolegomena to a Theory of Standards of Proof: The Test<br>Case for State Liability for Undue Pre-trial Detention<br>Jordi Ferrer Beltrán                    | 395             |
| Inde | 2X   | <del>42</del> 7 |