EVIDENCE AND INFERENCE IN HISTORY AND LAW INTERDISCIPLINARY DEACOGRES

WILLIAM TWINING and IAIN HAMPSHER-MONK

Evidence And Inference In History And Law Interdisciplinary Dialogues

Robert R. Redfield

Evidence And Inference In History And Law Interdisciplinary Dialogues:

A Dialogue Between Law and History Baosheng Zhang, Thomas Yunlong Man, Jing Lin, 2020-12-14 This book builds on the success of the First International Conference on Facts and Evidence A Dialogue between Law and Philosophy Shanghai China May 2016 which was co hosted by the Collaborative Innovation Center of Judicial Civilization CICJC and East China Normal University The Second International Conference on Facts and Evidence A Dialogue between Law and History was jointly organized by the CICIC the Institute of Evidence Law and Forensic Science ELFS at China University of Political Science and Law CUPL and Peking University School of Transnational Law STL in Shenzhen China on November 16 17 2019 Historians legal scholars and legal practitioners share the same interest in ascertaining the truth in their respective professional endeavors It is generally recognized that any historical study without truthful narration of historical events is fiction and that any judicial trial without accurate fact finding is a miscarriage of justice In both historical research and the judicial process practitioners are invariably called upon before making any arguments to prove the underlying facts using evidence regardless of how the concept is defined or employed in different academic or practical contexts Thus historians and legal professionals have respectively developed theories and methodological tools to inform and explain the process of gathering evidentiary proof When lawyers and judges reconsider the facts of cases questions of law are actually a subset of questions of fact and thus the legal interpretation process also involves questions of historical fact The book brings together more than twenty leading history and legal scholars from around the world to explore a range of issues concerning the role of facts as evidence in both disciplines As such the book is of enduring value to historians legal scholars and everyone interested in truth seeking Evidence and Inference in History and Law William Twining, Iain Hampsher-Monk, 2003 However little that various disciplines in the humanities and social sciences might seem to have in common they share certain interests in methodological problems relating to evidence inference and interpretation By pursuing these shared interests across divergent topics and fields the contributors to this book advance our understanding of how such truth seeking proof finding methods work and of what it means to prove something in a range of contexts Coedited by William Twining one of the world's outstanding evidence scholars and Lain HempsherMonk a leading political theorist the volume considers intriguing questions from different realms Assyriology theatre iconography musicology criminology the history of ideas and colonial history as it reveals how particular concepts lines of questioning and techniques of reasoning and analysis developed in one context can be fruitfully applied in others Material Evidence Robert Chapman, Alison Wylie, 2014-12-05 How do archaeologists make effective use of physical traces and material culture as repositories of evidence Material Evidence takes a resolutely case based approach to this question exploring instances of exemplary practice key challenges instructive failures and innovative developments in the use of archaeological data as evidence The goal is to bring to the surface the wisdom of practice teasing out norms of archaeological reasoning from evidence Archaeologists make compelling

use of an enormously diverse range of material evidence from garbage dumps to monuments from finely crafted artifacts rich with cultural significance to the detritus of everyday life and the inadvertent transformation of landscapes over the long term Each contributor to Material Evidence identifies a particular type of evidence with which they grapple and considers with reference to concrete examples how archaeologists construct evidential claims critically assess them and bring them to bear on pivotal questions about the cultural past Historians cultural anthropologists philosophers and science studies scholars are increasingly interested in working with material things as objects of inquiry and as evidence and they acknowledge on all sides just how challenging this is One of the central messages of the book is that close analysis of archaeological best practice can yield constructive guidelines for practice that have much to offer archaeologists and those in related fields

The Journal of Legal Pluralism and Unofficial Law 49/2004 Gordon R. Woodman, 2005-12-15 Jon Unruh examines the role of a disordered and dysfunctional legal pluralism in Liberia s descent into internal armed conflict Thoko Khaime considers the concepts of children's universal rights and their relationship to the social reality of living law in an African society Abdulmumuni Oba discusses the jurisdiction and functioning of Area Courts in the state of Ilorin in the Federal Republic of Analysis of Evidence Terence Anderson, David Nigeria Sue Farran examines the land law in the Pacific state of Vanuatu Schum, William Twining, 2005-07-11 This extensively revised second edition is a rigorous introduction to the construction and criticism of arguments about questions of fact and to the marshalling and evaluation of evidence at all stages of litigation It covers the principles underlying the logic of proof the uses and dangers of story telling standards for decision and the relationship between probabilities and proof the chart method and other methods of analyzing and ordering evidence in fact investigation in preparing for trial and in connection with other important decisions in legal processes and in criminal investigation and intelligence analysis Most of the chapters in this new edition have been rewritten the treatment of fact investigation probabilities and narrative has been extended and new examples and exercises have been added Designed as a flexible tool for undergraduate and postgraduate courses on evidence and proof students practitioners and teachers alike will find this book challenging but rewarding **Expert Evidence and International Criminal Justice** Artur Appazov, 2016-01-09 The book is a comprehensive narration of the use of expertise in international criminal trials offering reflection on standards concerning the quality and presentation of expert evidence It analyzes and critiques the rules governing expert evidence in international criminal trials and the strategies employed by counsel and courts relying upon expert evidence and challenges that courts face determining its reliability In particular the author considers how the procedural and evidentiary architecture of international criminal courts and tribunals influences the courts ability to meaningfully incorporate expert evidence into the rational fact finding process The book provides analysis of the unique properties of expert evidence as compared with other forms of evidence and the challenges that these properties present for fact finding in international criminal trials It draws conclusions about the extent to which particularized evidentiary rules for

expert evidence in international criminal trials is wanting Based on comparative analyses of relevant national practices the book proposes procedural improvements to address some of the challenges associated with the use of expertise in Law's Ethical, Global and Theoretical Contexts Upendra Baxi, Christopher international criminal trials McCrudden, Abdul Paliwala, 2015-10-22 Law s Ethical Global and Theoretical Contexts examines William Twining s principal contributions to law and jurisprudence in the context of three issues which will receive significant scholarly attention over the coming decades Part I explores human rights including torture the role of evidence in human rights cases the emerging discourse on traditional values the relevance of Southern voices to human rights debates and the relationship between human rights and peace agreements Part II assesses the impact of globalization through the lenses of sociology and comparative constitutionalism and features an analysis of the development of pluralistic ideas of law in the context of privatization Finally Part III addresses issues of legal theory including whether global legal pluralism needs a concept of law the importance of context in legal interpretation the effect of increasing digitalization on legal theory and the utility of feminist and postmodern approaches to globalization and legal theory **Against the Grain** Bradley B. Walters, 2008-01-17 Against the Grain gathers scholars from across disciplines to explore the work of ecological anthropologist Andrew P Vayda and the future of the study of human ecology Legal Evidence and Proof Henry Prakken, Hendrik Kaptein, 2016-04-22 As a result of recent scandals concerning evidence and proof in the administration of criminal justice ranging from innocent people on death row in the United States to misuse of statistics leading to wrongful convictions in The Netherlands and elsewhere inquiries into the logic of evidence and proof have taken on a new urgency both in an academic and practical sense This study presents a broad perspective on logic by focusing on inference not just in isolation but as embedded in contexts of procedure and investigation With special attention being paid to recent developments in Artificial Intelligence and the Law specifically related to evidentiary reasoning this book provides clarification of problems of logic and argumentation in relation to evidence and proof As the vast majority of legal conflicts relate to contested facts rather than contested law this volume concerning facts as prime determinants of legal decisions presents an important contribution to the field for both scholars and practitioners **The Art of Commedia** M A Katritzky, 2006-01-01 Italian comedians attracted audiences to performances at every level from the magnificent Italian German and French court festival appearances of Orlando di Lasso or Isabella Andreini to the humble street trestle lazzi of anonymous quacks The characters they inspired continue to exercise a profound cultural influence and an understanding of the commedia dell arte and its visual record is fundamental for scholars of post 1550 European drama literature art and music The 340 plates presented here are considered in the light of the rise and spread of commedia stock types and especially Harlequin Zanni and the actresses Intensively researched in public and private collections in Oxford Munich Florence Venice Paris and elsewhere they complement the familiar images of Jacques Callot and the Stockholm Recueil Fossard within a framework of hundreds of

significant pictures still virtually unknown in this context These range from anonymous popular prints to pictures by artists such as Ambrogio Brambilla Sebastian Vrancx Jan Bruegel Louis de Caulery Marten de Vos and members of the Valckenborch and Francken clans This volume essential for commedia dell arte specialists represents an invaluable reference resource for scholars students theatre practitioners and artists concerned with commedia related aspects of visual dramatic and festival culture in and beyond Italy Art History as Cultural History Richard Woodfield, 2014-04-08 This book focuses on Aby Warburg 1866 1929 one of the legendary figures of twentieth century cultural history His collection which is now housed in the Warburg Institute of the University of London bears witness to his idiosyncratic approach to a psychology of symbolism and explores the Nachleben of classical antiquity in its manifold cultural legacy This collection of essays offers the first translation of one of Warburg s key essays the Gombrich lecture described by Carlo Ginzburg as the richest and most penetrating interpretation of Warburg and original essays on Warburg's astrology his Mnemosyne project and his favourite topic of festivals Richard Woodfield is Research Professor in the Faculty of Art and Design at the Nottingham Trent University England He has edited E H Gombrich's Reflections on the History of Art 1987 Gombrich on Art and Psychology 1996 The Essential Gombrich 1996 and a volume on Riegl in the Critical Voices in Art Theory and Culture series He is also the General Editor of a new series of books for G B Arts International Aesthetics and the Arts Edited by Richard Woodfield Research Professor in the Faculty of Art and Design at Nottingham Trent University UK **Visual Experiences in** Cinquecento Theatrical Spaces Jimena Berzal de Dios, 2019-01-02 Through an interdisciplinary examination of sixteenth century theatre Visual Experiences in Cinquecento Theatrical Spaces studies the performative aspects of the early modern stage paying special attention to the overlooked complexities of audience experience Examining the period s philosophical and aesthetic ideas about space place and setting the book shows how artists consciously moved away from traditional representations of real spaces on stage instead providing their audiences with more imaginative and collaborative engagements that were untethered by strict definitions of naturalism In this way the book breaks with traditional interpretations of early modern staging techniques arguing that the goal of artists in this period was not to cater to a single privileged viewer through the creation of a naturalistically unified stage but instead to offer up a complex multimedia experience that would captivate a diverse assembly of theatre goers The Judicial Assessment of Expert Evidence Déirdre Dwyer, 2008-12-18 Deirdre Dwyer examines how a court can decide when to accept an expert s opinion focusing on English civil justice Evidence Contestation Karin Zachmann, Mariacarla Gadebusch Bondio, Saana Jukola, Olga Sparschuh, 2023-02-21 This book examines the practices of contesting evidence in democratically constituted knowledge societies It provides a multifaceted view of the processes and conditions of evidence criticism and how they determine the dynamics of de and re stabilization of evidence Evidence is an essential resource for establishing claims of validity resolving conflicts and legitimizing decisions In recent times however evidence is being contested with increasing frequency Such

contestations vary in form and severity from questioning the interpretation of data or the methodological soundness of studies to accusations of evidence fabrication The contributors to this volume explore which actors for what reasons and to what effect question evidence in fields such as the biological environmental and health sciences In addition to actors inside academia they examine the roles of various other players including citizen scientists counter experts journalists patients consumers and activists The contributors tackle questions of how disagreements are framed and how they are used to promote vested interests By drawing on methodological and theoretical approaches from a wide range of fields this book provides a much needed perspective on how evidence criticism influences the development and state of knowledge societies and their political condition Evidence Contestation will appeal to scholars and advanced students working in philosophy of science epistemology bioethics science and technology studies the history of science and technology and science *General Jurisprudence* William Twining, 2009-02-12 This book explores the implications of globalisation for the theoretical study of law justice and human rights Character in the Criminal Trial Mike Redmayne, 2015-03-19 If a defendant is on trial for a crime such as burglary to what extent should the fact that he has a previous conviction for burglary feature in his trial Should the prosecution be allowed to tell the jury about the previous conviction as evidence that the defendant is more likely to have committed burglary Should the judge give the defendant a longer sentence because he has a previous conviction These are the fundamental questions examined in Character in the Criminal Trial Including an in depth analysis of the character evidence provisions of the Criminal Justice Act 2003 this book assesses the arguments for and against using character evidence to prove a defendant s guilt It explores the sentencing provisions in the same Act as well as the general use of criminal record and other character evidence to aggravate and mitigate sentence Issues examined in the course of the book include psychological and philosophical debates about the stability of character criminological research on recidivism and the nature of criminal careers ethical debates about the use of prior behaviour to prove current or future offending the process of reasoning underlying the use of bad character evidence whether bad character evidence is prejudicial and the use of risk assessment instruments to classify offenders as dangerous By combining insights from law psychology criminology and philosophy Redmayne reassesses the use of character in the criminal trial and reflects on the significance of the law s increasing emphasis on character Negotiating Responsibility Kimberley White, 2007-11-02 The meaning of criminal responsibility emerged in early to mid twentieth century Canadian capital murder cases through a complex synthesis of socio cultural medical and legal processes Kimberley White places the negotiable concept of responsibility at the centre of her interdisciplinary inquiry rather than the more fixed legal concepts of insanity or guilt In doing so she brings subtlety to more general arguments about the historical relationship between law and psychiatry the insanity defence and the role of psychiatric expertise in criminal law cases Through capital murder case files White examines how the idea of criminal responsibility was produced organized and legitimized in and through institutional structures such

as remissions trial and post trial procedures identity politics of race character citizenship and gender and overlapping narratives of mind state and capacity In particular she points to the subtle but deeply influential ways in which common sense about crime punishment criminality and human nature shaped the boundaries of expert knowledge at every stage of the judicial process Negotiating Responsibility fills a void in Western socio legal history scholarship and provides an essential point of reference from which to evaluate current criminal law practices and law reform initiatives in Canada Procedure and Evidence in a Comparative and International Context John D Jackson, Maximo Langer, 2008-09-29 This book aims to honour the work of Professor Mirjan Dama ka 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 Dama ka 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 Dama ka 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 Dama kas contribution to comparative law and the challenges faced by comparative law in the twenty first century Women, Medicine and **Theatre 1500-1750** M.A. Katritzky, 2017-03-02 Well illustrated accessibly presented and drawing on a comprehensive range of historical documents including British German and other European images and literary as well as non literary texts many previously unconsidered in this context this study offers the first interdisciplinary gendered assessment of early modern performing itinerant healers mountebanks charlatans and quacksalvers As Katritzky shows quacks male or female combined in widely varying proportions three elements the medical the itinerant and the theatrical Above all they were performers They used theatricality in its widest possible sense to attract customers and to promote and advertise their pharmaceuticals and health care services Katritzky investigates here the performative aspects of quack marketing and healing methods and their profound links with the rise of Europe's professional actresses fields of enquiry which are only now beginning to attract significant attention from historians of medicine economics or the theatre Women Medicine and Theatre also recovers women's roles in the economy of the itinerant quack stage Women associated with mountebank troupes were medically and theatrically active at every level from major stage celebrities to humble urine sample collectors but also included sedentary

relatives non performing assistants door and bookkeepers wardrobe mistresses prop and costume loaners landladies spectators patrons and clients Katritzky s study of the whole range of women who supported the troupes contextualizes the activities of their male counterparts and rehabilitates a broad spectrum of diversely occupied women The strength of this title s research method lies in its comparative examination of documents that are generally examined from the point of view of either their performative or their medical aspects by historians of respectively the theatre and medicine Taken as a whole these handbills literary descriptions a Mesopotamian Medicine and Magic ,2018-10-22 Mesopotamian Medicine and Magic Studies in Honour of Markham J Geller is a thematically focused collection of 34 brand new essays bringing to light a representative selection of the rich and varied scientific and technical knowledge produced chiefly by the cuneiform cultures The contributions concentrate mainly on Mesopotamian scholarly descriptions and practices of diagnosing and healing diverse physical ailments and mental distress The festschrift contains both critical editions of new texts as well as analytical studies dealing with various issues of Mesopotamian medical and magical lore Currently this is the largest edited volume devoted to this topic significantly contributing to the History of Ancient Sciences This is a broad survey of many aspects of Babylonian culture and reflects the intellectual climate of the world encountered by the exiles Nick Wyatt Journal for the Study of the Old Testament 43 5 2019

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