

1. Record Nr.	UNINA9910451360003321
Titolo	The trial on trial . Volume 1 Truth and due process / edited by Antony Duff ... [and others]
Pubbl/distr/stampa	Oxford ; Portland, Oregon, : Hart Publishing, 2004
ISBN	1-4725-5965-7 1-280-80887-X 9786610808878 1-84731-162-8
Edizione	[1st ed.]
Descrizione fisica	1 online resource (218 p.)
Disciplina	345.07
Soggetti	Trials - Great Britain Criminal procedure - Great Britain Fair trial - Great Britain Trials - Philosophy Fair trial Electronic books.
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Based on the proceedings of a workshop which took place in 2003.
Nota di bibliografia	Includes bibliographical references and index
Nota di contenuto	1. Introduction: Towards a Normative Theory of the Criminal Trial -- Antony Duff, Lindsay Farmer, Sandra Marshall, Victor Tadros -- 2. Changing Conceptions of the Scottish Criminal Trial: The Duty to Agree Uncontroversial Evidence -- Peter Duff -- 3. Ritual, Fairness and Truth: The Adversarial and Inquisitorial Models of Criminal Trial -- Jenny McEwan -- 4. 'More Than Just Illogical': Truth and Jury Nullification -- Matt Matravers -- 5. The Criminal Trial and the Legitimation of Punishment -- Markus Dirk Dubber -- 6. Testimony -- Duncan Pritchard -- 7. Managing Uncertainty and Finality: The Function of the Criminal Trial in Legal Inquiry -- John D Jackson -- 8. Nothing But the Truth? Some Facts, Impressions and Confessions about Truth in Criminal Procedure -- Heike Jung -- 9. The Distinctiveness of Trial Narrative -- Robert P Burns -- 10 The Objection that Cannot be Heard: Communication and Legitimacy in the Courtroom -- Emiliios Christodoulidis

The trial is central to the institutional framework of criminal justice. It provides the procedural link between crime and punishment, and is the forum in which both guilt and innocence and sentence are determined. Its continuing significance is evidenced by the heated responses drawn by recent government proposals to reform rules of criminal procedure and evidence so as to alter the status of the trial within the criminal justice process and to limit the role of the jury. Yet for all of the attachment to trial by jury and to principles safeguarding the right to a fair trial there has been remarkably little theoretical reflection on the meaning of fairness in the trial and criminal procedure, the relationship between rules of evidence, procedure and substantive law, or the functions and normative foundations of the trial process. There is a need, in other words, to develop a normative understanding of the criminal trial. The book is based on the proceedings of two workshops which took place in 2003, addressing the theme of Truth and Due Process in the Criminal Trial. The essays in the book are concerned with the question of whether, and in what sense, we can take the discovery of truth to be the central aim of the procedural and evidential rules and practices of criminal investigation and trial. They are divided into four parts addressing distinct but inter-related issues: models of the trial (Duff, Matravers, McEwan); the meaning of due process (Gunther, Dubber); the meaning of truth and the nature of evidence (Jung, Pritchard); and legitimacy and rhetoric in the trial (Burns, Christodoulidis)
