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Sommario/riassunto

Does religious confession privilege exist at common law? Most evidence law texts answer 'no'. This analysis shows that most of the cases relied upon for the 'no religious confession privilege conclusion' are not authority for that conclusion. The origin of the privilege in the canon law in the first millennium AD is traced and its reception into common law is documented. Proof that religious confession privilege continues unbroken at common law through to the present day is of obvious importance in jurisdictions where there is no relevant statute. A correct understanding of the common law extant before statutes were passed will influence whether those statutes are broadly or narrowly interpreted. The book also brings the reader up to date on the state of religious confession privilege in the United States, Canada, England, Wales, Scotland, Ireland, Australia, New Zealand and South Africa.

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