
Contents

List of contributors ix

PART I INTRODUCTION

Introduction: mapping dialogue and change in comparative criminal procedure 3
Jacqueline E. Ross and Stephen C. Thaman

PART II HOLISTIC COMPARISONS

- 1 Limits on the search for truth in criminal procedure: a comparative view 35
Jenia Iontcheva Turner
- 2 Ensuring the factual reliability of criminal convictions: reasoned judgments or a return to formal rules of evidence? 75
Stephen C. Thaman

PART III DIACHRONIC COMPARISONS

A Screening mechanisms

- 3 Anticipatory bail in India: addressing misuse of the criminal justice process? 119
Vikramaditya S. Khanna and Kartikey Mahajan
- 4 Mechanisms for screening prosecutorial charging decisions in the United States and Taiwan 161
Tzu-te Wen and Andrew D. Leipold
- 5 Standards for making factual determinations in arrest and pre-trial detention: a comparative analysis of law and practice 191
Richard Vogler and Shahrzad Fouladvand

B Pre-trial investigation

- 6 Procedural economy in pre-trial procedure: developments in Germany and the United States 219
Shawn Marie Boyne

7	From the domestic to the European: an empirical approach to comparative custodial legal advice <i>Jacqueline S. Hodgson</i>	258
8	A comparative perspective on the exclusionary rule in search and seizure cases <i>Christopher Slobogin</i>	280
9	Silence, self-incrimination, and hazards of globalization <i>Jason Mazzone</i>	308
C Adjudication: jury trials		
10	Rumba justice and the Spanish jury trial <i>Elisabetta Grande</i>	365
11	Japan's lay judge system <i>David T. Johnson</i>	396
12	The French case for requiring juries to give reasons: safeguarding defendants or guarding the judges? <i>Mathilde Cohen</i>	422
PART IV SYNCHRONIC COMPARISONS: ALTERNATIVES TO TRIAL, TO CRIMINAL INVESTIGATIONS, AND TO THE CRIMINAL PROCESS ITSELF		
13	Special investigative techniques in post-Soviet states: the divide between preventive policing and criminal investigation <i>Nikolai Kovalev and Stephen C. Thaman</i>	453
14	The emergence of foreign intelligence investigations as alternatives to the criminal process: a view of American counterterrorism surveillance through German lenses <i>Jacqueline E. Ross</i>	475
PART V EPILOGUE		
15	Strength, weakness, or both? On the endurance of the adversarial-inquisitorial systems in comparative criminal procedure <i>Máximo Langer</i>	519
	<i>Index</i>	537