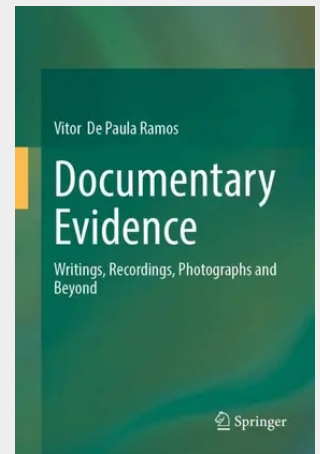


Documentary Evidence

Writings, Recordings, Photographs and Beyond

This book offers a groundbreaking perspective on the use of documentary evidence in legal proceedings. The book starts presenting a critical overview of the current state of legal scholarship and jurisprudence concerning documentary evidence. It argues that, particularly in civil law jurisdictions, the law often rests on two flawed assumptions: that documents are sensory equivalents and that they are objective, with self-evident meaning that requires no interpretation or intersubjective validation. The result, in the author's view, is a legal culture that treats documentary evidence as a kind of objective "gold standard," obscuring the subjectivity and interpretive work that actually goes into creating and evaluating such evidence. After this, the book draws on general epistemology and semiotics to challenge these assumptions. It explores the role of context, the differences between human testimony and machine-generated evidence, and the need for comprehensive evidentiary sets. Through a semiotic lens, it examines various types of signs and the processes of representation and interpretation that underlie each type of documentary evidence. Building on these theoretical foundations, the book then proposes a new framework for understanding documentary evidence. It emphasizes the need for understanding the "physiological" functioning of each type of document and considers factors such as the nature of the sign, potential pathological or physiological alterations, and whether the source is human or mechanical. Finally, offers both theoretical insights and practical recommendations for all actors involved in the admission, production, and evaluation of documentary evidence—judges, lawyers, prosecutors, and others—providing tools for a more critical, contextual, and accurate approach to legal proof.

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