

Contents

Law and History: Major Themes

History, Science, Law ... and Truth: Reflections on Fact Finding in History, Science and Law	3
Ronald J. Allen	

A Comparison of Fact-Finding Methodology in Evidence Law and History	11
Baosheng Zhang and Guoyang Ma	

Facts and Proof: Concepts and Application

The Paradox of Proof: A Semiotic and Language-Based Critique	37
Clinton W. Francis	

Facts, Evidence and Proof: The Core Concepts of Law and History	69
Guoying Shu and Xuguang Song	

The Generation of Probable Facts from Testimonies in Jurisprudence and Historiography	81
Aviezer Tucker	

Evidence and Facts: Perspectives from History

Why Can't Oral Testimonies be Historical Facts? The Study of "Comfort Women" and Its Challenge to Modern Historiography	99
Q. Edward Wang	

Interrogating Qi Shan Again: History, Law and Evidence Science	117
Weimin Zhong and Xin Hao	

Judging the Past, Blaming the Past, Hailing the Past	129
Zoltán Boldizsár Simon	

Evidence and Facts: Perspectives from Law

Fact-Finding in Constitutional Cases 153
David L. Faigman

**The Elaine Massacre: A Case Study in the Dialogue Between Law
and History** 177
Rayman L. Solomon

How to Determine the Facts of a Criminal Case 193
Ruihua Chen

**Facts and Evidence: A Case Study of Developments in England's
Old Bailey Criminal Court During the Eighteenth Century** 211
Stephan Landsman

Case Studies in History and Law

**Cleaning Up the Mess of Empire? Evidence, Time and Memory
in 'Historic Justice' Cases Concerning the Former British Empire
(2000–Present)** 231
Berber Bevernage

**On Fact Cognition and Legal Reasoning in Song Dynasty Justice
from the Perspective of Intellectual Rationality** 253
Jingliang Chen and Xiaokang Wang

Can Truth Be Negotiated? Rethinking Plea Bargaining at the ICTY 301
Suhao Chen

**A Historical Retrial of the Socrates Trial: Who Was the Victim
of Guilt Presumption?** 319
Jinpeng Feng

Seeking Truth in Law and History

**How We Get to Know What Aaron Burr Did? Ascertaining Past
Facts in History and in Law** 339
Thomas Yunlong Man and MengXuan Lu

Chasing Truth from the Perspective of History 367
Luping Zhang

**Charlemagne's Imperial Title: From the Perspective
of Evidence Science** 399
Longguo Li