



“海外名师大讲堂” \ 萃英法律大讲堂

“LZU GLOBAL LECTURES SERIES”



法律移植、模仿和创造性： 上 世 纪 欧 美

*Legal transplants, legal imitation and creativity
Europe and USA in the last century*

This lecture is a critique of the widely held idea that European criminal procedures have been “Americanized.” During the last few decades, European continental criminal procedures underwent extensive reforms and the American adversary system often became the reference model for this overhaul. Nevertheless, the transfer, rather than producing an actual diffusion of American legal institutions in Europe and making the European criminal procedure systems more adversarial, has resulted instead in its opposite—i.e., in the fortification of the nonadversary civilian structure and its tenets. It is my speculation that this occasioned what Prof. Elisabetta Grande propose to call an “inoculation effect,” which, in a Gramscian sense, is theoretically explainable as a “counterhegemonic” move.

Prof. Elisabetta Grande is an internationally renowned legal anthropologist. She has over 150 publications that have been translated into Chinese, French, English, Italian, Spanish, and Portuguese. Her documentary about globalization and Mali has been showcased at international conferences and film festivals such as Mondriel, San Francisco, Turin, and Palermo. Her academic monograph “Guai ai poveri. La faccia triste dell’Arca” won the 2020 Planet Book Award. Professor Elisabetta Grande has also been invited multiple times to Yale University, Stanford University, Cambridge University for research collaboration and visiting research due to her outstanding research in the fields of global legal model dissemination, global diffusion of the American system, and legal discrimination against marginalized groups.

Elisabetta Grande 教授 (主讲人)

主持人：刘光华教授

与谈人：Ugo Mattei 教授 \ Castellucci Ignazio 教授

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