Neighbours in Law

Are Common Law and Civil Law Moving Closer Together?

Papers in honour of Barbara Huber on her 65th birthday

edited by

Albin Eser • Christiane Rabenstein



Freiburg im Breisgau 2001

Contents

Preface	
Albin Eser	V
Opening of the Colloquium	
Hans-Jörg Albrecht	1
Forms and Functions of the Sources of the Law from a Common Law Perspective	
Michael Zander	7
Forms and Functions of the Sources of the Law from a Comparative Perspective	
Joachim Herrmann	45
Legal Interpretation: Interpretation of Precedent and Case Law from a Spanish Background	
Enrique Bacigalupo	65
In Search of the Structure of Criminal Responsibility: History, Philosophy, Social Sciences and Comparative Method	
Nicola Lacey	77
Subjective Responsibility, Bad Character, and the Difference between Legal Systems	
Thomas Weigend	99

Contemporary Crime Control Strategies Dirk van Zyl Smit 113 **European Criminal Policy: Actors, Issues, Challenges** Heike Jung 141 **Community Fines and non-Member State Sanctions:** the Effect of the Principle "ne bis in idem" Gerhard Dannecker 153 The Charter of Fundamental Rights and the Convergence of Common Law and Civil Law 187 Jürgen Meyer **List of Publications of Barbara Huber** 203 211 **Programme of the Colloquium** List of Authors 213

The Place of Criminal Law in