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A DISCOURSE ON LEGAL EVIDENCE

[1]Cyril A. Etim (Ph.D), [2]Emmanuel E. Ette (Ph.D)

[1]Department of Philosophy, University of Uyo, Nigeria

[2]Department of Philosophy, University of Uyo, Nigeria.

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Abstract: **The words "reason", "cause" and "evidence" are frequently used throughout with premise of an argument and can therefore be applied in specific contexts to reflect different interests, such as historical, logical, philosophical, religious and legal. Just as using one word to stand for many things can encounter problems, so may it be in using many words to stand for one thing. It is possible to bracket our controversies by relying on context. Sometimes our use of words depends on the domain of enquiry or the prevailing paradigm in the social world, which thus implies that different types of argument are involved requiring different kinds of evidence. Legal problems involving reference to evidence cut across all areas of human endeavor using arguments, and the persuasiveness of law lies in the idiosyncrasies of legislators. Logicians see arguments as relation between evidence and conclusion. Since evidence is to be seen as fact in the legal world it is subject to the controversy surrounding the bivalence of truth and falsity. We more generally refer to our evidence as "reason" that may require validation. The problem of dealing with evidence is not so much that of meaning but that of its nature and application to thought. It concerns relativism against the need for universalism. Legal arguments can sometime be so complicated, based on the kind of evidence they require. They are concerned with thinking about rationality, causation, proof and justification. It is belief that globalisation of evidence is necessary to enhance justice throughout the world. This study will clarify the concept of evidence, classify and present it, and more importantly, give the concept and its application a global look.**

Keywords: **Reason; Cause; Evidence.**

1. INTRODUCTION

The examination of any piece of thinking involves logic, evidence and language. Logic studies evidence and shapes its language as a very important ingredient of argument in all disciplines. Like other concepts that share differing interpretations, evidence is fraught with different uses such as reason, cause, fact or even proof. Discussions on scepticism show clearly that we lack conclusive evidence for our beliefs about nearly any legal topics and this poses problems for understanding legal decisions. It is generally considered a waste of time to engage in argument without evidence. On the one hand, it would seem that if men were completely reasonable and they would be presented with the same evidence, they would probably unanimously arrive at the same view about the truth of statements. On the other hand, it would seem that if men were completely unreasonable, they would not worry about or be interested in looking for evidence; instead, they would try to persuade each other by threats, bribes or such other non-rational appeals. On the whole, we can say that men are partially reasonable and partially unreasonable, and for this reason evidence is necessary to shape their thinking. Evidence, it would seem, is to argument what breathe is to life. An argument cannot be sustained without evidence. The availability of evidence in a philosophical debate or legal suit gives strength to the plausibility of the claim or claims contained in the issue being disputed.

A discourse on legal evidence is a philosophical enquiry into the logic of evidence as applied to law, and is therefore treated as part of the endeavour to establish the rationality of the law of evidence. It shares the belief that since logic systematises thinking and shows the possible connections between the various units of a system, it will help us establish

consistency, coherence and compatibility in the law of evidence. The role of logic in shaping the language of evidence is therefore guaranteed: as it provides that vagueness and fallacious reasoning cannot justify evidence. Our discourse seeks not so much to resolve evidential problems but to elucidate meaning and the concepts that structure legal evidence as a whole. Contemporary jurisprudence shows a tendency towards globalization of justice, thereby making universal rationality in knowledge and justification of evidence necessary; and this study searches for the possibility of such an endeavour. Consequently, we want to treat the concept of evidence as one seeking universal adaptation to legal practice. The study will span the horizon of knowledge for people in the legal profession and enhance reforms within the framework of the relevant statute. Students and teachers of the law, professional lawyers and judges will appreciate the fact that there is no short cut to the business of handling evidentially based disputes in court than undertake a careful and systematic study of the subject. It benefits cut across the entire spectrum of the legal world. Our approaches include reflection, analysis and the dialectic. Since we may sometimes have to go beyond verifiable observation; simplify concepts, propositions and linguistic complex or facts in order to display their logical structure, as well as engaging in practical reasoning to gain truth.

2. CLARIFYING EVIDENCE

We shall begin with the analysis of evidence ordinarily so called. Consider the popular view of evidence held by African people as a person who is present at the scene of event and sees it by himself without being told by another.This person is the witness and he can also produce something as witness. An important description of evidence is that of being an object or substance. In common parlance, the terminology of evidence is used to mean the same thing as “information” or “indication.”[1]As we shall see later, the philosopher’s two ways of analysing the term derives from ordinary language. Ev In this section we shall explore the meaning and nature of evidence, as a phenomenon to be adapted in theoretical and practical ways rationally and ideologically. Doing so will take four approaches, namely:

i. evidence as a thing or object
ii. evidence as reason
iii. evidence as cause and
iv. evidence as evidence.

The world is made up of events, some natural, some accidental and some brought about by deliberate human action. Such is to say that some events are driven by purpose as substantial action of nature or by chance as by-product of change in the substantial world, or still the intentional acts of man in pursuit of goals. They could also be defined in terms of the divine. And, for purposes of claims to knowledge, differing kinds of evidence are discernible, grouped largely into commonsensical and intellectual aspects.

idence is taken to mean “information bearing on the truth or falsity of a proposition.”[2] The philosopher's evidence is the logician's “premise” of an argument. Let us consider the argument:

Chris if any person commits crime A, then legal consequence B follows

X commits crime A

Therefore X faces legal consequence B.

In this argument we need all information about the crime A in terms of both the requisite section of the law and the fact situations conforming to it, as well as fact situations of the person X whose conduct is to be adjudged right or wrong. This goes to show that what the logician refers to in the above stated schema (the first two statements) as “premises” is an abstraction of several contexts. In philosophical discourses, a person’s evidence is generally regarded as all the information that he has, whether positive or negative which are relevant to a proposition. This philosophical sense of evidence thus differs from the ordinary notion according to which physical objects, such as a strand of hair or a drop of blood, counts as evidence. This means that for the strand of hair or a drop of blood to count as evidence in the philosophical sense, it just be expressed as a proposition. But a person's information about such objects could therefore be evidence in the philosophical sense. The view that evidence is an object may be discussed in light of several conceptions of substance and accident. As opposed to accident, substance is anything which exists in itself, that is to say,

any individual thing which exists on its own. There are two kinds of change, substantial change and accidental change. For example, when a body decays and becomes dust, there is a substantial change. This implies that the body of a deceased person taken as evidence undergoes substantial change where it decays, whereas change in colour or weight of a decayed body is accidental change. Substance is the quality of being based on fact, the essential part of something and property. Aristotle's definition of substance is that which is neither predicable of anything nor present in anything as an aspect or property of it. The examples he gives are an individual man and an individual horse. We can predicate being a horse of something but not a horse; nor is a horse in something else. Accident is a feature of property of a substance, without which the existence of the substance is not hindered. Colour and size are accidents of man endowed with the substance of humanity. Only substances can remain self-identical through change. All other things are accidents of substances and exist only as aspects, properties, or relations of substances, or kinds of substances, which may be called secondary substances. Aristotle is a realist who sees things as they are without any pretentions that they are different. Accidents in the Aristotarian sense are space, time, relation, location, position, weight, size, colour, quantity and quality. In practical life situation, these phenomena are subject to extension in other to accommodate social events. Be these as they may, common sense and professionalism have in many ways distinguished substantial and accidental evidences.[3]

Human beings' reason about things, gives reason for their actions, and performs reasoning as an activity of the mind by way of arguing; thus, reasoning is argument. When arguing, we provide reason or reasons to support a claim. We explain this activity by saying that an argument involves drawing a conclusion from a belief or set of beliefs. We refer to the reason or reasons so adduced for the claim rather conventionally as premise or premises; while we see the claim on the basis of which the reason or reasons are provided as conclusion. This implies that an argument is a sequence of relation between premise and conclusion.[4] It should be noted that premises and conclusions are propositions involving "fact" or "value", both of which may sometimes roughly be spoken of as opinions. In logic, the reason that we provide in supporting a claim may also be called "evidence",[5]and logicians study arguments as formal and informal categories in order to elucidate meaning and content. A similar use of reason to mean evidence is due to epistemology when Geoffrey Ozumba alludes to the need for certainty in the pursuit of justification for foundational knowledge.[6]Scientists are quite apt to use the term "cause" to show the reason of an event: as the cause of raining seeks explanation in natural occurrences; and such is also the case with social actions. Thus, Donald Davison argues that the existence of a reason is a mental event and unless this event is causally linked to the action, we could not say that it is the reason for which the action is done.[7] Viewed in this way, we are using premise, reason, cause and evidence as synonyms. This means that rationality, causality and evidentiality can be treated in the same way.Yet some disciplines are inclined to using the concept of "evidence" rather strictly in connection with "proof", as law does. It should be noted that proof is the domain of the mathematical sciences and law belongs to social science. A theory of evidence is therefore necessary to enable us justify its adaptability to argument in any field of human endeavour.[8] It might therefore be asked: what is the philosophical connection of the various uses of evidence in terms of premise, reason, cause or proof? Incidentally, the attempt to answer this question will be critical and gradual.

First, we begin by reaching out to examine the concept of "reason." To say that reason is synonymous with the premise of an argument is correct but this is somewhat unsatisfactory. The reason for a person telling a lie about a situation might be to deceive another person or avoid punishment, or better still to exact a benefit. It follows that reason can be used to mean fact that either explains or justifies something. However, it is the linkage of a fact and an event that justifies it. This is why the concept of reason is also often used as a synonym of justification.[9] It is acceptable that justification can be about a belief or claim; about an event or action, or something else. To justify a belief or fact is to put up strong arguments to support or deny it: such is to say that justification is another way of speaking about proof and confirmation. A more robust way of talking about doing so might be to use the language of confirmation. What then is the justification for connecting rain with wetness of the ground, or for lying and for avoidance of punishment? Is there any justification to punish executive corruption in one person and exonerate another? Are their connections necessary or contingent, logical or causal? We will deal with answers to these questionsfrom our classification of reason in what follows.

We may classify reason in many ways. There are good and bad reasons, intrinsic and extrinsic reasons, necessary and contingent reasons, exhaustive and partial reasons, major and minor reasons, sufficient and insufficient reasons, adequate and inadequate reasons, convincing and flimsy reasons, objective and subjective reasons as well as factual and value reasons. More so, there are public and private reasons. A good reason is a cogent one, which is to say that it is convincing or suitable. A bad reason is a poor one, which thus fails to be convincing or suitable. An intrinsic reason is one which

belongs naturally or qualitatively to something, while extrinsic reason is a justification for something from outside the thing itself. A necessary reason is anexistential cause, inevitable or logical. A contingent reason is a cause which depends for its efficacy on something else. Reason is exhaustive, if it is thorough or complete; and this is to say that its assertion excludes the existence of any other relevant cause. A partial reason is therefore an incomplete cause. Reason is adequate if it is qualitative or satisfactory, otherwise it is inadequate. Reason is sufficient if it is enough for the purpose it seeks to serve, otherwise it is insufficient. A major reason is a decisive cause, while a minor reason is a trivial cause. A subjective reason is a consideration that an agent undertakes to support a course of action, whether or not it actually does while an objective reason is one that does support a course of action, regardless of whether or not the agent realises it.[10] A factual reason is determined by what is knowable or provable, while a value reason is referred to as a judgement or an assumption. John Rawls distinguishes between "private" reason which differentiates people's beliefs and public reason which harmonises them.He strives to explain this view in terms of the relation between the roles played by privatisation and corporation: identifying the interests served by these roles in terms of particular and general attitudes respectively. His idea of public reason derives from the context of overlapping consensus which draws an analogy to rules of evidence and relevance for decisions by officials such as judges, so that legal rules concerning evidence differ from church or scientific rules. We cannot therefore appeal to religious or philosophical or moral systems, because to do so would undermine the people's commitment to overlapping consensus.[11] It is based on this two-sided analysis of the phenomenon of reason that we can test inferior and superior arguments. Given the foregoing analysis, one may say that it is not possible to justify executive correction without mitigating the significance of human rationality. We may try to rationalise it, but to do so would destroy objectivity and reason for democratic justice.The connection between rain and wetness of the ground is causal, but there are strictly speaking no reasonable grounds for lying in order to avoid punishment, since justice demands that everybody must accept responsibility for his or her action and such is required of a universal law.[12]

In ordinary or informal speech, we may either present our reasons first before the conclusion or start with the conclusion and end up with the reasons: this is to say that the order of presentation does not really matter. But in formal situation reasons are usually presented first while the conclusion comes last. For example:

All evidences are justifications

All causes are evidences

Therefore, all causes are justifications.

We can say that this argument is valid, because a valid argument results from the entailment of its conclusion in the premise. Yet the argument would be sound if all its propositions were true together with its validity. But the truth of each proposition depends on the averment of facts.[13]

In the foregoing analysis we have used "reason" and "cause" as though they generally overlapped; or it might be the case that there are situations in which they actually do so.Ordinary language permits these ways of using words; but it would seem that some scholars have subjected this claim to serious rebuttal. Ordinarily human beings may want to know why they act in one way or another. Logicians might want to explain it in terms of intrinsic relation while psychologists might be looking for extrinsic relation, and in these ways they resort to entailment and "stimulus-reaction" (S-R) nexus respectively. It would seem that every human action necessarily springs from a reason or set of reasons. But when we act for a reason, is the reason for which we act the cause of our action? Asked otherwise, is the act of explaining an action by means of giving reason or reasons for which it is done a kind of causal explanation? Thinkers tend to be divided in the ways they answer these questions, with some saying that "it is" and others sayingthat "it is not" still others arguing for its dependence on situations. In relation to the foregoing, Simon Blackburn maintains that:

The view that it is not will cite the existence of a logical relation between an action and its reason: it will say that an action would not be the action it is if it did not get its identity from its place in an intentional plan of the agent … the contrary view … claims that the existence of a reason is a mental event, and unless this event is causally linked to the action we could not say that it is the reason for which the action is performed.[14]

It seems to the denialists that reasons and actions are not the loose and separate events between which causal relations hold, whereas the affirmatists share the belief that actions may be performed for one reason rather than another, and the

reason that explains them is the one that was causally efficacious in prompting the action.[15]But linguistic analysts distinguish between ordinary and special uses of words.[16]

Philosophers like Plato and Aristotle find the exercise of reason to be largely part of the highest good for human beings, while Immanuel Kant and George F. Hegel find it to be the one way in which persons act freely, contrasting acting rationally with acting because of uncontrolled passions. David Hume limits the scope of rationality severely, allowing it to characterise mathematical and logical reasoning, but not to underlie normal empirical processes of belief formation, nor to play an important role in practical reasoning or ethical or aesthetic deliberation. Hume's notorious statement in the *Treatise* that "reason is the slave of the passions, and can aspire to no other office than to serve and obey them", isconsidered as a deliberate reversal of the Platonic picture of reason dominating the rather unruly passions.[17]

How can we then assess the forgoing assertions? It might be said that although rationally defensible actions are logically determined, they are broadly classified into general and particular types. The view generally expressed by philosophers that for any action, belief or desire, if it is rational then it ought to be chosen is logically inadequate, because the difficulty in deciding rational choices based on beliefs or desires does not allow universal assent to the claim.[18]

The attempt to link reason and cause in human or physical action appears to have brought logic and metaphysics together in the context of relation. Causation is the relation between two events which holds such that once the first has happened the second must happen or that the second follows on from the first. It is argued that not only events but also other phenomena relate by causation. How does this relate to human action? According to Francis Njoku,we can see human actions as events caused by beliefs or desires.[19] Hence it can be said that such activities are characterised by reflection, aim, intention, perfection, free will and responsibility. This is why rational action is inextricably tied to the need for man to achieve the good life in society. Also, Donald Davidson identifies the cause of an action with its reason,[20] maintaining that one can learn the reason why a man raises his arms from the event that causes the action. Since all reasons are causes, they require pro-attitude; and this is to bring about what is in one's plan of action. To this extent, we can see some rationality in linking human action with physical causes. In any case, it seems that the central problem of causation is understanding elements of necessitation or determination of the future wherever it is applicable. Causation, whether we are referring to common sense or intellectual knowledge, is closely tied to the principles of verification and confirmation of evidence. This is why causality finds its justification within the contextual framework of discovery in science. To discover the cause of something is to learn or find out a piece of information about it. To discover evidence is to establish a case at which this evidence is a solution.

How then do we classify causes? Causation may be classified in several ways. The four kinds of causation identified by Aristotle are material, formal, efficient and final.[21] By material cause is meant the substance out of which a thing is made. Thus, it is argued that societal values constitute the material basis of normative law. Formal cause is the pattern of a thing. Thus, liberalism may be seen as the mould for deciding equality of all persons in a democracy. [22]Efficient cause is the agency that produces a thing. Hence the cutting off of a living person's head produces death. Cause is final when it is that for the sake of which a thing is made. Thus, we see justice as the sole purpose of law. Besides these, other ways to classify causation include necessary cause, contingent cause, *causa sui* and immanent cause.[23] Others are proximate and factual causes. A necessary cause is a seminal kind, as in arguing about the natural growth in plants. A contingent cause is one which depends on another cause: for instance, rain falls on a slippery road and brings about a motorcycle accident. God is said to be *causa sui*, in that HE is self-caused. An immanent cause lies beyond experience. For instance, God as the cause of the world is said to be immanent lying beyond experience. Cause may be classified as immediate or remote. An immediate cause may be described as operational reason, while a remote cause is traceable to its efficiency in a chain of causes in spatio-temporal terms. Questions often raised in the social sphere are those of proximity and remoteness of damage, and for this reason it is necessary in this paper to deal, at least in brief, with some legal aspects concerning proximate and factual causes.

We may try to tie the various conceptions of causation to the causal principle which says that "every event has a cause".[24]Some thinkers refer to this principle as "the law of cause and effects",which asserts that there is a bonding or link between a cause and its effect. This link or bonding is called causal nexus (or causal chain). Although ancient sceptics and subsequent occassionalists as well as later David Hume argue that no such link is perceptible, nevertheless it seems that a careful examination of the concept of causation presents no difficulty in creating the belief that it is.

Not only do we have a causal nexus that links related phenomena, also a causal chain may be found in a sequence of events leading up to some final effect, where each member of the sequence causes its succeeding member to come about. Let us assume that X stumbles, and thereby falls, as a result of which he has a fracture, that brings him to hospital. We can analyse this situation as a series of events thus:

i. X stumbles

ii. X falls

iii. X is fractured

iv. X is treated in hospital.

Following this analysis, it means that a cause can be either immediate or remote, or even intermediate. However, it is not clear whether or not causation can be analysed into linear chains of discrete events. A typical classical problem of causation in terms of this linear theory is thus linked to the concept of time. It raises two questions. The first is if the earlier event precedes the latter how can it be causally efficacious after it has ceased to exist? The second is if the two events are simultaneous, how do we find the chain stretched back in time?

In law, causation is concerned with the ways legal rules and courts try to assess whether a human action or omission caused some specific harm that attempt to determine the extent to which liability for punishment loams on the specific connection between the action or omission and harm. The two approaches for determining liability are traditional and modern. The traditional approach limits liability of causes to the belief that we cannot trace consequences indefinitely; there must be a limit beyond which the law cannot cover some damages.[25] Accordingly, the rules restricting liability are applied against the background of a general question of law. Therefore, damages may be recovered from the destruction of a house caused by fire negligently started if it is not the first affected. The issue to address is whether the destruction of the house was caused by the negligent act of the defendant. Modern writers take the factual approach as opposed to the tradition of proximate cause: they argue that to put causation on active force is unsatisfactory, since it does not address issues of omission. In this way, it is argued that in deciding cases, policy should be the prominent factor.By policy is meant a deliberate system of principles to guide decisions and achieve rational outcome of cases.[26]

We discover that although the rules of relevancy under it are, generally speaking, based upon logical relevancy, nevertheless it is not the case that logic determines relevancy but the provisions of the Act. The implication of the Act is that facts in issue are all such facts that a plaintiff in a civil case must prove in order to establish his claim if they were admitted expressly or by implication by the defendant; they also include such facts as the prosecutor in a criminal case must prove in order to secure a conviction; more so they include what a defendant must prove in order to establish his defence. Based on these, it is argued that "the decision whether a fact is a fact in issue must be determined by the substantive law on the subject matter of the action and also by pleadings."

3. PROVABILITY OF EVIDENCE

We have argued in the preceding section that evidence is usually linked with proof and this is a question relating to justification. Describing evidence as proof is very popular among traditional people and professionals alike. It is very practical to look for demonstration of evidence. The question now left is: what is it that we call proof that justifies a fact? In the practical disciplines, such as science and law (to mention but a few), the term evidence is sometimes but not usually used in the ordinary sense to mean information, or in the logical sense of premise to mean reason. It is instead often used in connection with proof; and to prove a thing or fact is to show that it is true or certain by means of evidence. In other words the term "proof" is used to mean evidence that shows, or helps to show, that something is true, or more formally, "a deductively valid argument starting from true premises, that yields the conclusion".[27] Thus Bird writes:

A fact is said to be proved when the court is satisfied as to its truth, and the evidence by which that result is produced is called the proof. The general rule is that the burden of proof lies on the party who asserts the affirmative of the issue or question in dispute. When that party adduces evidence sufficient to raise the presumption that what he asserts is true, he is said to shift the burden of proof. [28]

It follows from the foregoing that something like providing proof of identity or that of ownership is not just a matter of showing evidence in the sense of merely assuming a reason or reasons for it, as it is often the case in formal logic; rather,

it is used in the sense of informal logic in terms of having something to substantiate one's claim for something. This is not to argue that facts are not applicable to logic, since informal logic deals with all conceivable kinds of truth and their adaptability to thought and life.

Fact can be logical, metaphysical, scientific or historical and these depend for their use in different domains of enquiry. Proof can be written, historical, scientific, legal, mathematical, demonstrative, or even logical; but their common ground tends to be that there must be evidence to justify its truth. Proof is not usually regarded as an argument, but as an object in the course of arguing. So, the commonplace approach of using proof as argument, very often associated with uncritical thinking, is grossly mistaken. Proof requires orderly presentation of facts. Doing this involves analysis and synthesis of data. Analysis is concerned with specification of phenomena, by which is meant that we are to examine its constitution and relationships. Synthesis is concerned with association of variables, and this means that we are to combine separate things to form one whole. Consequently, unity exists between analysis and synthesis at the level of proof. Logical proofs can therefore be so rigorous or challenging that they call into plays the highest faculty of our reasoning.

Instances of proof abound in our various disciplines and a few examples can serve our purpose. History is a record of some occurrences of proof. It deals with events that happened in the past. Its data can serve as proof either for or against past, present, or even future developments. In Christian religion, it is given that "faith without work is dead".[29] Thus, a person's work is proof of his faith in God, while his faith stands as evidence of things that he hoped for. Consequently, faith is causally linked with practical success. Science deals with uniformities in nature.[30] It teaches that the possession of a certain set of characteristics or properties in common by certain elements can serve as proof that such elements are identical. Let us take the science of chemistry as our specific example. This branch of study teaches that if a blue litmus paper is changed to red when dipped in a certain liquid, then this is enough proof that the liquid is an acid; but when the change is in the reverse direction, from red to blue, then this is proof that the liquid is a base.[31]How can this be justified? Although the process of converting a litmus paper from one colour to another is a physical one, it is nevertheless arguable that in the case of change from blue to red, the "reason" of being blue gives rise to the conclusion that it is red linked by the relation of acidity. What constitutes evidence in the experiment is the "change" involved rather than the litmus paper or the acid. The change that connotes evidence could be seen as a metaphysical phenomenon capable of reducibility to empirical analysis of testability or conformability. A predetermined harmony exists between them based on their testable properties and the conditions under which they remain the same. Apart from being scientific, the existence of that evidence has come to be seen as an event in the historical evolution of human knowledge. But the detection of the acid as such does not establish its identity as hydrochloric (HCl) or sulpheric (H_2SO_4), whereas a different text is needed to accomplish that task. One is therefore required to show the property of sulphur in sulpheric acid and that of chlorine in hydrochloric acid. But if a man X pours an acid on another man Y, is the expected evidence one in which the body of the victim changes from one colour to another? A red Indian would simply turn into blue if poured with a based and correspondingly turned into red when poured with acid. Acids are harmful to the human skin, because they are corrosive to touch as supported by experience and testability of facts in the medical world. The courts therefore are not expected to look for change of colour in to the human skin to as existence of X pouring acid on Y but to the harm done by X to Y by pouring that liquid whether or not its name is acid, in which case it might be necessary to argue for the relevance of historical evidence. Suppose that X had poured a different kind of liquid on Z which, though it harmed Z, but the liquid did not turn blue litmus paper red or red litmus paper blue when tested: what would be the verdicts of the scientist and legal practitioner on proof, perhaps this requires a different approach. Historical evidence consolidates account of the past and can take a variety of forms: among the most important of which are primary sources, consisting of original documents, artifacts, or other pieces of information that were created at the time under study.

The legal profession requires that claims to rights or wrongs may be proven by reference to evidence (or facts), such evidence being capable of organisation into reason or reasons (premises) for a verdict (conclusion) in a particular case. In mathematics, which deals with signs and symbols, proof is concerned with facts that justify the equality or equivalence of phenomena. For instance, one can prove that two triangles are similar or congruent by examining their properties.[32] It follows then that proof is a standard to be attained and in which case it means conformity with required or acceptable procedure. The important thing to note here is that proving the similarity or congruency of human conduct in law is necessary to make precedent authentic for legal decision and this approach is also required for similarity and congruency of evidences.

In the logical sphere, we can prove the validity of an argument through the juxtaposition of different assertions in relation to each other. This may be done by referring to truth-values of propositions.[33] Of course, there are other possibilities. But whereas the procedure of proof itself does not form part of any logical argument; the statement of proof can constitute its premise. Therefore, what we may refer to as conclusion in a system of proof can turn out to be the premise (or the logician's evidence) of an argument. It is this role that is causally connected to the concept of factual reason in a logical argument that law declares. But it should be noted that the logician is not limited by the fact-value scepticism in law to deny the reality of bivalence of propositions whether or not they are known to be the case. Like logical validity, legal validity is the extent to which a concept, conclusion or measurement is well-founded and likely correspond accurately to the real world.[34] Simply put, the word "valid" means strong. The validity of measurement tool (for example, a test in education) is the degree to which the tool measures what it claims to measure. Validity is based on the strength of a collection of different types of evidence as exemplified by face validity and construct validity. The concept of scientific validity addresses the nature of reality in terms of statistical measures and as such is an epistemological issue and hence a philosophical question and that of measurement.Two facts may be contradictory or contrary to each other, thereby becoming opposed for the purpose of validating a belief. Thus it might be argued that evidence need not be contradicted, if it is to justify or discover, or even prove a conviction. Now, the proposition that evidence need not be contradicted to make a valid decision begs for qualification. In formal logic, a contradiction is a signal of defeat, but in the evolution of real knowledge, it marks the first step in progress toward victory.Once primary aim is simple since one isto demonstrate that supporting evidence prevails over the controversial. Rigorous evaluation of restorative justice practices is necessary, and this calls for questioning and check the conduct of its practitioners, as morality demands if legal decisions are to be affected.

Proof may be supplemented with additional evidence: and by this is meant to refer to an important methodological feature of science capable of adaptation to the law of evidence in terms of "corroboration." Corroborative evidence refers to evidence that is independent of and different from but supplements and strengthens evidence already presented as proof; and such evidence is one that supports what someone said. For instance, details of killings experienced in 2017 Niger Delta Militancy or genocide may be corroborated by official documents. Corroboration is therefore a principle of justification to be found in confirmation theory.

Confirmation is an evidential relation between evidence and any statement (especially a scientific hypothesis) that this evidence supports. One of the fundamental senses of the term is the incremental sense, in which a piece of evidence contributes at least some degree of support to the hypothesis in question:for example, finding a fingerprint of a suspect at the scene of crime lends some weight to the hypothesis that the suspect is guilty. The second sense is the absolute sense, in which a body of evidence provides strength for the hypothesis in question: for example, a case presented by a prosecutor making it practically certain that a suspect is guilty. It follows that if one thinks of confirmation in terms of probability, then evidence that increases the probability of a hypothesis confirms it incrementally, whereas evidence that renders hypothesis highly probable confirms it absolutely. Probability deals with the verifying weight of evidence. In each of the two foregoing senses one can distinguish three types of confirmation, namely qualitative, quantitativeand comparative. In the qualitative type, the two examples relating to visible fingerprint and prove of practical certainty illustrate qualitative confirmation, since numerical values of the degree of confirmation are mentioned. In the quantitative type: if a gambler, upon learning that an opponent holds a certain card asserts that her chance of winning has increased from$\frac{2}{3}$to$\frac{3}{4}$then claim is an instance of quantitative incremental confirmation. If a physician states that, on the basis of an X-ray, the possibility that the patient has tuberculosis is .95, that claim exemplifies quantitative absolute confirmation. In the incremental sense, any case of quantitative confirmation involves a difference between two probability values. Comparative confirmation in the incremental sense would be illustrated if an investigator said that possession of the murder weapon weighs more heavily against the suspect than does the fingerprint found at the scene of the crime. Comparative confirmation in the absolute sense would occur if a prosecutor claimed to have strong cases against two suspects thought to be involved in a crime, but that the case against one is stronger than that against the other. Even given recognition of the foregoing six varieties of confirmation, there is still considerable controversy regarding its analysis. Some scholars claim that quantitative confirmation does not exist; instead only qualitative or comparative confirmations are possible. Some scholars maintain that confirmation has nothing to do with probability while others say it has. The concept of corroboration advocated by Karl Popper differs fundamentally from that of confirmation.[35]

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4. CRITERIA OF LEGALITY

There is a view of evidence as fact, that is to say"evidence as evidence" or evidence as such. If we so liked it, we mightrefer to it as evidence *qua* evidence. The use of evidence as fact is very popular among legal practitioners, who are fondly regarded as empiricists.To speak of evidence as fact is to utter the central idea of an important philosophical doctrine or legal theory called "realism" which asserts that the thing called "evidence" actually exists in the empirical world and are believable.Two broad categorisations of this existent are logico-metaphysical and logico-epistemological, the former concerns to espouse its nature and the latter its knowledge. What do we mean by fact?We have already referred to evidence tentatively as reason or cause, and discovered in the end that the logician's concern with evidence as premise is not misleading, taking it reflectively and analytically. It is in this way that the scientist looks at evidence as cause verified. Evidence refers to facts or physical signs that help to prove something. By this is meant to say legally that "facts" are statements or objects that help to prove whether or not someone has committed a crime.[36] More so, facts include things that witnesses say in a court of law when they answer questions. A fact therefore refers to state of affairs,[37] and such is to say that something is true, a piece of information on which an argument is based, a possibility or an actuality, a situation or set of circumstances that exist. A sign is a mark or symbol used to represent something, as a mark on the ground may show that a lion was present at a certain place and time. Consequently, evidence is something present somewhere and easy to notice: in that case, the thing called evidence is obvious to the human eye or mind, thereby characterising evidence to be observable or inferable, empirical or rational. This is why it might be said that experience and reason constitute too well known sources of our evidence claims; thus as with philosophy generally, intuition and revelation are open to serious scepticism, while authority is placed on a different level of enquiry altogether. Ludwig Wittgenstein is believed to have said that the world is a totality of facts, not of things.[38]Facts seem to be shaped by analysis just like sentences, they prove to be slippery items but of which to build anything. It might be the case that animals and children have rights or that sun and rain make rainbow. Minimalists point out that it is a fact that p is the same as it is true that P and both of them reduce to P. There is no general operative answer to make it the cause of P. Facts are truths about the world. Truth can be a matter of certainty of opinion or justification of belief, the coherence of fact with other facts about an event, the correspondence of fact with existing or established fact, an assertion of what is the case, or that which works for practical purposes in the interest of all or what is capable of proof.

A more legal or lawyers' use of the term "evidence" leaves no doubt as to the possibility of a novel classification in terms of loose and strict categories: which though they maybe distinct are logically related. These two ways of classifying evidence may be equated with inclusive and exclusive senses respectively.According to RogerBird,evidence refers to "All the legal means, exclusive of mere arguments, which tend to prove or disprove any matters of fact, the truth of which is submitted to judicial investigation".[39]This is to say that judicial evidence is the means by which facts are proved, but excluding inferences and arguments. Such means include oral testimonies of persons, production of documents, inspection of things or places, admissions and confessions, judicial notice, presumptions and estoppels.

Evidence may generally be classified according to their form, source and relationship to the conclusion or proof.[40]One of the ways to look at the form of argument is its inclusiveness or exclusiveness. Inclusive evidence refers to all the facts adduced to buttress or undermine a claim. An example is fitting the oral statement made by a witness into the antecedent of a judicial syllogism in order to decide a case. Exclusive evidence are facts that cannot exist or be true if something else exists or is true.

The important word in the foregoing two definitions is "fact"; and we have argued already that "fact" is about what is knowable or provable. Facts could be concrete or abstract: for just as we can speak of particular facts, so can we speak of general facts; but in either case they refer to materials out of which we can weave our conclusion. This is why one can say that it is with fact that one may establish the relationship which leads to legal argument or inference. Andrew Uduigwomenmaintains that a fact or evidence is accepted only insofar as those people immediately concerned with the evidence recognise it.[41] This ranges from the more concrete (specific) to the more abstract (general) categories. Let us take the two propositions "all human laws aspire to justice" and "family law aspires to justice." The former is general, while the latter is specific. Incidentally these social expressions in the legal domain are like the physical expressions in the scientific realm which say "all planets revolve round the sun" and "the earth revolves round the sun".The general rule is more due to inference than observation, while the specific rule is more due to observation than inference. Incidentally, inferable evidence is or may be justified where direct empirical observation is not possible.

The four general types of evidence known to our laws are real evidence (tangible things such as a weapon), demonstrative evidence (a model of what likely happened at a given time and place), documentary evidence (a letter, blog post or other documents), and testimonial evidence (testimony of witness). However, this first classification appears to be broad,thus involving the need to narrow down.Accordingly, evidence may be classified in most specific ways,one of which is according to its form, and in this category is evidence such as material or verbal and positive or negative. By material evidence is meant objects or things themselves, while verbal evidence refers to statements about these objects or things. Positive evidence is concerned with facts that go to prove the existence of alleged facts, while negative evidence is concerned with facts from which we make inference in the absence of original facts. A written"will" transfers property but evidence of parentage does so by inference.

Another way in which evidence may be classified is according to its source. The sources of evidence may be original or hearsay, ordinary or expert, written or unwritten. The term "original evidence" is a nominal phrase for describing facts derived from a primary source and the primary source of a document is the document itself or duplicate of the original. Hearsay evidence may be identified with rumour and offered as essential facts: thus, we may distinguish between two witnesses "X" and "Y", where X comes to court to testify on the basis of experience while Y bases his testimony on authority. A secondary source evidence like hearsay has no probative force of its own. Ordinary evidence represents fact offered by a layman or an everyday witness and which is usually associated with lack of special knowledge. It is generally held that a layman is a naïve realist and his experience and expressions are based on common sense. Expert evidence refers to authoritative fact, either based on training or experience. Such training or experience must be acceptable by others for offering opinion in such or related area of knowledge. The court may require a post-mortem examination of a person carried out by a medical doctor on matters of harm occasioning death.[42]However, it might be that expert evidence may be changed, debated or argued against.

A third classification of evidence as fact is concerned with relation or proof. Evidence seen in this way may be testimonial or circumstantial, which thus refer to original or hearsay evidence respectively. We may also refer to this distinction as one between direct and indirect evidence. These three ways of approaching the factual classification of evidence represent a wide array of types. The different disciplines of our educational system tend to deal with the problem of evidence mainly by referring to individual specifications of these types: and such is often done in ways peculiar to their needs. For instance, Bird[43] arranges legal evidence into oral, documentary, conclusive, direct, circumstantial, real, extrinsic, hearsay, indirect, original, derivative, parol, prima-facie, primary, and secondary. We will discover that some of these ways of perceiving evidence overlap. Oral evidence refers to statements made by a witness in court. Documentary evidence refers to statements of relevant facts made by persons in writing. Document includes books, maps, plans, drawings, photographs and any matter expressed or described upon any substance by means of letters, figure or marks or by more than one of these means, intended to be used or which may be used for the purpose of recording that matter.[44] The two types of documents under the Evidence Acts are public and private. Public documents are: documents forming the acts or records of the acts, such as those of the sovereign authority; those of official bodies and tribunals; and those of public officers, legislative, judicial and executive arms. All documents other than public documents are private documents. It should be noted that the substance used for making the document, for example, writing, typewriting, printing, is immaterial.[45]Conclusive evidence deals with facts which are taken as full proof of it, as opposed to any facts to disprove it. Direct evidence may be seen as fact in issue or perceived fact. Circumstantial evidence refers to evidence that tends to prove a factual matter by proving other events or circumstances from which the occurrence of the matter can be reasonably inferred: this means that it is concerned with indirectly connected fact. Real evidence refers to concrete (material) object produced to substantiate a proof. Extrinsic evidence is concerned with oral evidence that is given in connection with a written document. Hearsay evidence maysimply be called rumour: it is a statement made by an indirect witness. Indirect evidence is identifiable with circumstantial or hearsay evidence. Original evidence is one which has an independent probative force of its own. Derivative evidence draws its force from some source other than itself. Parol evidence is another way of describing oral or extrinsic evidence. Prima-facie evidence is one which ought to be taken as proof of a given fact, if no further evidence exists to disprove it. Primary evidence as original evidence is normally associated with a document, which is to say that it is the document itself; while secondary evidence means any evidence other than original (for example,oral evidence). Incidentally these categories of evidence as spelt out by Bird are assimilated in the broader classification that we first provided.

There is a view that legal evidence must be selected and presented in order to be accepted. A good account of the principle of selection and presentation of evidence is provided byUduigwomen[46]maintaining that evidence should be adequate, abundant, holistic, comparatively accurate, recent, valid, tested, subject to concrete language, and referenceable. We may have to add to these attributes the condition that evidence can be admissible or inadmissible, and this is connected with questions about its relevancy or irrelevancy. In addition to this, evidence must be confirmable or unconfirmable. To say that evidence must be adequate is to announce an important prescription, which involves the belief that the amount and kind or quantity and quality of evidence selected for presentation should be good enough to convince or persuade an audience. To say that evidence must be abundant means that it ought to be diverse and related, which includes its being historical, scientific, religious and economic. Yet this is not to suppose that one may have to amplify every bit of supporting data all the time. A holistic evidence is concerned with totality of facts, both favourable and unfavourable. It follows that selected cases should cut across the whole, not only the lower or upper case.

The requirement of "accuracy" as criterion of presentation of evidence is concerned with three things, namely correctness, exactness, and absence of error. But since it may be difficult to achieve absolute accuracy of data, one is expected to limit the possibility of error; and such is often done through analysis and comparison with facts of otherpeople.Questions concerningthe recency of evidence may be strung to that of accuracy;they derive from the belief that the world is dynamic, with the implication that information sooner or later becomes obsolete, so that its use may render an argument ineffective. This is not to say that an old idea may not be relevant to a new situation, what we are saying is that we have to up-date our information to enable us escape the hammer of rebuttals by referring to obsolecy of fact.

Evidence is valid,[47] if it can be judged by well-established criteria of logical argument to be the case. The reason is that this approach also either validates or invalidates every other person's data. It could utilise inductive, deductive, or analogical criterion:implying that the question of testing evidence is very important. Testing evidence involves applying criticisms to it, and this means that evidence should be submitted to proof by rebuttal and refutation. The intention is to see how their authenticity might firmly be established.

The view that evidence should be subjected to concrete language implies clarity and absence of vagueness and this involves three approaches: that, it should avoid misinterpretation; it should avoid exaggeration; and as far as possible, it must be simple to grasp. The case of referenceability or authoritativeness of evidence attracts a separate attention. It requires that our sources of evidence must be capable of citation. If that is done, then requests regarding legitimacy of data can be satisfied. This factor is a very important one, in that it entails all other ones. It is therefore arguable that what is expected of us in all the earlier claims is also expected of an authority for the purpose of presenting satisfactory evidence.

We will agree that the entire law of evidence is governed by rules of admissibility or inadmissibility of evidence, and whether or not a piece of evidence is admissible depends upon whether the facts to be established by the evidence are relevant to the facts in issue. The reason is that relevancy is judged by the provisions of the Evidence Act rather than any rules of logic. According to the Evidence Act, "any fact from which either by itself or in connection with other facts the existence or nonexistence, nature or existence of any right, liability or disability asserted or denied in any suit or proceedings necessarily follows."[48]The logical connection between them is that they are commonly used in legal practice as expressions of fact, rather than those of value. A state of affairs is a possibility, actuality, or impossibility of the kind expressed by the nominalisation of a proposition.[49]

The two important claims made by the classification of evidence into rules of admissibility and inadmissibility are verifiability and testability, which together lead to conformability of evidence. The confirmation theory is plagued by many paradoxes, such as the ideal evidence paradox in civil law, which states that suppose a hypothesis is assigned a quite low or quite high probability given some body of evidence, then in principle more evidence might be found confirming that assignment. What difference does this evidence make? On the one hand the low or high probability stays the same; on the other hand, such evidence seems intuitively to make confidence in the hypothesis more irrational, that is to lower its probability, if it is already low, or to make confidence in the hypothesis better founded, that is to raise its probability if it is already high. The problem of weightier evidence justifying an existing low or high assignment of probability seems to have something of the effect of evidence in favour of a yet lower or higher probability".[50]

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5. EVIDENCE AND LEGAL KNOWLEDGE

A legal official is a role model; and the exercise of roles impose moral conscience on officials to perform them. It is arguable thatthe best moral sanction is that of conscience rather than religion or law, which has variable content sake of subjectivity, or is guided by universal law. A change of circumstance may warrant that some kind of evidence (say picture) which was not admissible at time T_1, (say 1980s) is admissible at time T_2, (say 2010s) due to growth in knowledge without supposing that T_1, was era of ignorance, whereas it could be due to the stage in technological development, for instance, to plead "time bar" or "statues bar" in contract of employment is no longer tenable in Nigeria since 19xx but the statues quo remains in respect of land matters, this also looking for further consideration. The relationship between cause and effect may be established by inference or confirmation or proof. The philosopher is not constrained by the limitations of a discipline to explore it, since his universe covers everything. An object can make a mark that provides information stating a fact about the physical world of events and actions. A careful study of our doctrine of judicial evidence reveals that human actions repeat in diverse ways, thereby giving rise to similar facts in different cases and different facts in similar cases, so that the probability of adducing the wrong or right evidence for a question coming before the court is possible as well as the possibility of wrong or right judgment. The implication here is that the facts situation S_1 of the first case C_1 may correspond with the facts situation S_2 of the second case C_2 without C_1 and C_2 agreeing in genus; or that the facts situation S_1 of the first case C_1 maycorrespond with the facts but action S_2 of the second case C_2, while C_1 and C_2 actually agree. The probability of the right combinations of S and C out of the possible number of available permutations is a big task.

Vulnerability of evidence poses important moral and epistemological problems for legal practice all over the world. There are cases of evidence being falsified, misrepresented or destroyed. A false witness, a fake convict and a supposed disappearance of object or document are examples. Human vulnerability carries another face of problem to evidence: in security of life and corruption of persons entrusted with evidence are not ruled out of the scene. So much is therefore expected of government to address this malaise at the levels of legal education,in development of officials and ethical orientation of the general public. Some people feel a sense of betrayal rather than duty toward their religious faith to reveal evidence in their possession. To some people, the failures of the justice system to administer sanctions mitigate the significance of providing evidence. For insecurity sake, even the person who is affected in a situation may not be willing to get out testifying.

Philosophers agree that the concept of evidence plays a central role in understanding knowledge claims and human rationality. The traditional and widely held view in epistemology is that a person has knowledge only when he has a true belief based on very strong evidence.[51] This is to say that rational belief is based on adequate evidence, even if that evidence falls short of what is required for any claim to knowledge. Many traditional debates in moral and religious philosophies (to mention but a few) are concerned with situations where evidence has to be sufficient.

Our sources of evidence are the senses and reasons.Of all these sources the senses are said to be primary while the rest are secondary. The attempt to study evidence by referring to its sources warrants us to expect the requirement that evidence may be conclusive if it is strong enough to remove the possibility of error; otherwise, it is not. But philosophical discussions in the sphere of scepticism tend to show that we lack knowledge of conclusive evidence about the external world.[52] The reason is that a person's perceptual experiences can only provide inconclusive evidence for belief about the external world due to the possibility of deception or hallucination. On the other hand, inclusive or prima facie evidence can always be defeated or overridden by subsequently acquired evidence. An example is when testimonial evidence in favour of a proposition is overridden by evidence provided in subsequent experiences.

In our preliminary account of the conception of evidence, we have named facts and proof as important components of evidence andtheseneed clarifications. There are rules concerning facts or signs to be proved and there are rules concerning proofs about these facts or signs. There may be grounds for inadmissibility of evidence and grounds for their fallibility. Fallibility of evidence is predicated upon the doctrine that some class beliefs are inherently uncertain and possibly mistaken.Charles Sanders Pierce argues on this account that it is not necessary that beliefs to be certain or grounded on certainty; one may justifiably rest content with beliefs in circumstances in which further evidence,forcing us to revise our opinion, may yet come in. Indeed, since this is always our position, unless we settle for it, we shall be driven to

scepticism.[53]The most extreme form of this position attributes uncertainty to every belief. More restricted forms attribute it to all empirical beliefs or to beliefs concerning the past, the future, other minds, or the external world. But some contemporary philosophers reject the doctrine in its extreme form, holding that beliefs about elementary logical principles and the character of one's current feelings cannot possibly be mistaken[54]. It is argued in *Michael Peter v. the State*[55] that circumstantial evidence is easily prone to fallibility: thus, one may say that in drawing inference of the guilt of an accused person from circumstantial evidence, great care must be taken not to fall into serious error based upon the fallibility of evidence.

The premise of an argument is variously described as reason, cause or evidence. Each of these elements is necessary to justify a course of action or modify a belief. There are reasons for making laws, reasons for interpreting such laws, and reasons for administering them. Incidentally all of them tend to bear upon doing justice in society. But whether or notthese features of our legal experience are rationally connected with particular acts of justice in our society poses a demand for a different kind of enquiry altogether. Analysis of legal language shows that if a judge maintains that from the evidence before him it is clear that a defendant is guilty of an alledged offence, then we are bound to believe that he is applying the inclusive sense of evidence and hence more philosophical than it would have been if he had said that from the evidence before him the defendant has acted in such and such a way which thus led to the decision that the defendant was guilty, then he would be applying the exclusive sense. Yet it would seem that the first approach is an abridged version of the second. Many people have therefore tended to draw from their awareness of this kind of situation to speak about the uniqueness of law. Of course, when we say that law is a unique in the sphere of practical reasoning, we are in one of several ways saying that legal professionals appropriate words for specific use in legal discourse, so that this turns around to fix law in a water-tight situation that makes it abide in a world of its own.The question is not about tracing the origin of legal terms to their Latin or Greek source or even common law practices, but about their philosophical relevance to the legal cultures where they operate.

This is why Moses Oke and Akeem Amodu define evidence as:

… the totality of the reasons, grounds or facts presented in support of a claim. And, since the premise in argument conveys such reasons, facts or grounds, it becomes obvious to expect that the presentation of evidence must take propositional or truth-functional forms. The truth or falsity of such propositions then determines the worth of the evidence contained in them.[56]

What do Oke and Amodu mean by these assertions? It is their belief that that the ground of an argument is made up of propositions depending on whether or not the available pieces of evidence are good enough to give support to the conclusion.

Causation at law may be compared or contrasted with the phenomenon oftruth or accident. As Mansfield C. J. states in his judgment:

An effect is said to be accidental when the act by which it is caused is not done with the intention of causing it, and when its occurrence as a consequence of such act is not so probable that a person of ordinary prudence ought, under the circumstances in which it is done, to take reasonable precaution against it.[57]

In the Queensland case judged by Mansfield M struck S who subsequently died from a hemorrhage. The medical evidence was that it would not be usual for such a blow to cause death, and S had a particular weakness. Nevertheless, the court of Criminal Appeal upheld the conviction for unlawful killing. They thought that the section of the requisite would apply where the final result was caused by a subsequent unforeseeable happening; for example, M would not have been liable if he gave S a slight blow and S tripped over a floor mat and fell, struck his head on a hard object and died: as this later event would have amounted to accident whereas accident would not reasonably included an event resulting from an existing physical condition, such as an inherent weakness or an egg shell which definitely would be a direct and immediate consequence of the accused blow. The accused must therefore face the consequence of his action. It follows from Mansfield's decision in R. v. Martyr that expert evidence is not sacrosanct: in the face of conflict with or can be overturned by superior reason or generally acceptable belief.

One philosophical question may be asked: is there realism in evidence? Realism is a standard account of the belief that things exist in the world. For instance, we may say that evidence or the thing called "evidence" exists as a fact in the empirical world and is capable of expression in real or tangible demonstrative, documentary and testimonial forms. There can be truthful evidence as well as false ones across the strata. A false witness, a faked document, showing freelyor affection, and fabrication or destruction of real evidence as well as the limitation posed by the law itself on access to certain kinds of information, example as regards elections, protocols. The presumption tends to be that the courts will dismiss or throw out a case for want of evidence. But it would seem that very often the courts are not limited to such a verdict by the prangs played by litigants or criminals and their lawyers to make that decision available explanation of the law in force.

Evidence may be suppressed or distorted. Questions about evidence are not referable to the legislature but to the practice of the courts. Since legal realism is favorable to pluralism of culture, there seems to be difficulty in searching for uniform practice in the law of evidence. In America with American legal realism, the philosophy of evidence is predicated upon pragmatism as theory of truth and logic of action; in Sweden, with Scandinavian Legal realism, the philosophy of evidence is predicated upon positivism; whereas in Britain with English legal realism, the philosophical basis of evidence is utilitarianism. We are aware that America heaved a sigh of relief in 1776 on the Independence Day celebration when they dropped legal utilitarianism in favour of legal pragmatism. All former British colonies in Africa and beyond are facing the dilemma of which kind philosophy of evidence should apply in their countries. Nigeria in particular is facing the dilemmaof whether to follow America or Britain, or be shaped strictly by an indigenous system of evidence. However, this last position is vitiated by contemporary match towards globalisation of justice. It is a well established principle of human nature that man is a rational animal. Coupled with this are his political, social, religious and economic nature that he likes governance, society, worship and labour in so as far these can enhance his existence and well-being; and in order to perform these tasks he needs laws to help him regulate his conduct and the society. These aspects of man's life are common to all men without exception. The basic necessities of life are the same for all men. They need security of life, knowledge, play, friendship, shelter, food and God. All men owe to themselves their reason and experience to deal with their circumstances and challenges in life.

Can we then suppose that international law arose from the need to stabilise relations in the world? Certainly yes, but this is a lame way of looking at legal reality as a natural fact. Law is an objective value; and at the international level it is meant to correct imperfections of particular laws on criteria of justice. All human beings share common relationships on basic necessities of life, and such relationships are associated with rules that either have been brought under enactments or can so be done. Human errors in making correct rules or taking right decisions cannot sustain arguments against a global legal picture of the world. The book of proverbs in the holy bible says "where there is no guidance, a people fall, but in the abundance of counselors, there is safety".[58]We will agree that there is wisdom in the abundance of counselors, so without international law the much-needed justice in particular systems of society and their laws with elude them. Legal evidence may be structured according to international standards for purposes of legal education and adjudication, so as to enhance legal development and reforms in the legal systems of particular societies.

6. CONCLUSION

Philosophers treat reason, cause, evidence and proof as terms of relation, in order to show logical and causal connection as well as provability between phenomena. Reason is used to support a conclusion, cause is used to explain effect, evidence is used to declare a verdict, while proof is used to convey certainty or validity. But the philosopher is not oblivious of the deeper implications of reason to cause and evidence in relation to proof. We are thereby concerned with the connection between the philosopher's reason and judge's verdict. Incidentally this confluence of ideas reflects the significance of the rationality of legal causation. Causal concepts play a crucial role in moral and legal reasoning in the assessment of responsibilities and liabilities. Legal evidence is casually connected to logical argument in deciding cases. Such evidence is part and parcel of the premise on the basis of which a legal verdict is drawn, representing facts which veracity the minor premise of the judicial syllogism is seeking to establish. The legal philosopher's concept of reason (as premise) includes a theory of reason and causation linked to evidence and proof. Law is a practical discipline with grave implications for life and society. Thus we will assert as a final discovery that legal evidence is causally connected to logical reason. And this confluence of ideas reflects the significance of the rationality of the principle of causality.

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[22] Joseph Omeregbe,*KnowingPhilosophy*(Maryland: 1990, Joja Educational Publishers, 1990), pp.56-75.

[23] *Op. Cit*, no.2, p.112.

[24] *Op. Cit*, no.21, p.419.

[25] See*: Ryan v. New York central R. co.* 1860, 35 N. Y, 210, 91 Am. Dec 9.

[26] See: Publication "What is Policy" sydney.edu.au. Retrieved 15/04/2018, Policy could be subjective or objective.

[27] *Op.Cit.*, no.14, p.306.

[28] *Op. Cit*. no.8, p. 267.

[29] St James. "The Gospel according to St. James" The Holy Bible, 1991, Chapter 2:14-26.

[30] AndrewUduigwomen,*How to Think*, (Aba: AAU Vitalis, 2003), p.92.

[31] OseiAbabio,*New School Chemistry*(Onitsha: Africanna-FEP, 1985), pp. 99-119.

[32] Maria Osuagwu, IjeomaOnyeozili and ChinwaAnemelu,*New School Mathematics* (Onitsha: Africanna-FEP, 2011), pp. 163-191.

[33] *Op. Cit.*, no.4, p.124.

[34] Richard Rich, LarsWillnat, JarolManheim, CraigBrians,*Empirical Political Analysis*. 8ed. (Boston: Longman 2011), p.105.

[35] *Op. Cit.*, no.2, pp.150-151.

[36] Michael Rundell,*MacmillanEnglishDictionary for Advanced* Learners (London: Macmillan Publishers, 2002), p.505.

[37] *Op. Cit.*, no.2, p.765.

[38] *Op. Cit.*, no.14, p.134.

[39] *Op. Cit.*,no. 8, p.137.

[40] *Op. Cit.*, no.30, pp. 89-90.

[41] Timothy Aguda*The Law of Evidence*. 4ed. (Ibadan: Spectrum Books, 1999), pp.23-97.

[42] The purpose of a post-mortem is not just to establish medical diagnosis, but to provide facts in the service of the judicial process and the public interest.

[43] *Op. Cit.*, no. 28, p. 137.

[44] See: the definition of "document" under the English Evidence Act 1938, S.6 (1).

[45] *Op. Cit.*, no.4. p.171.

[46] *Op.Cit.*, no. 30. pp. 91-92.

[47] Other authorities maintain that valid evidence means either paper or electronic proof of a satisfactory Fingerprint Records Check Determination.www.lawinsider.com.Retrieved 05/01/2020.

[48] See: Evidence Act 1851. Legislation. gov.uk.

[49] Op. *Cit.*, no.2, p.765.

[50] *Op. Cit.*, no. 14, p.187.

[51] *Op.Cit.*, no.1, pp.11-23.

[52] *Ibid*, p.36.

[53] CharlesPierce, "Pragmatism", in*Stanford Encyclopedia of Philosophy*. (Stanford: University Press, 2021),pp.901-904.

[54] *Op. Cit.*, no.2, p.261.

[55] See:The charges against appellant, Michael Peter Fitzpatrick, resulted from the stabbing and sexual battery of Laura Romines, who was found nude and bleeding on the side of a road, and later died from her injuries. Fitzpatrick was tried and found guilty of first-degree murder and involuntary sexual battery with great force. The jury recommended death by a ten-to-two majority. The trial court sentenced Fitzpatrick to death on the charge of murder in the first degree and sentenced him to thirty years imprisonment on the charge of sexual battery to run concurrent with his murder sentence. *Michael Peter v. the State of Florida*. 2005. Case No. SC01-2759.

[56] Moses Oke and Akeem Amodu. *Argument and Evidence: AnIntroduction to Critical Thinking.*(Ibadan: Hope Publications, 2006), p.157.

[57] James Stephen. *A Digest of Law of Evidence*.(Oxford: University Press, 1881), p.19.

[58] See: the book of "proverbs". *The Holy Bible*. ESV. 2016, Chapter 11:14.