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Thoughts on logic, language, legal reasoning and the application of legal arguments

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Abstract
The art of reasoning is a necessary and continuous human phenomenon. Reasoning is an act of every man in all strata of human endeavour. Thus, it manifests in different dimensions. For example, the act of listening and application of legal ideas to solve disputes in law is an act of jurisprudence. In humanities, when a man is involved in abstract thought of intelligent ideas, he may be said to be philosophizing. Whichever way it is seen, in as much as the act is an attempt to figure-out a solution in a logical way, such an individual is involved in reasoning. It follows that the act of reasoning may manifest in a professional perspective, where a legal practitioner logically presents a case in court. It may be in an informal perspective when an illiterate successfully bargains a price at a market place to earn business profit. Therefore, it may be said that a solution-based reasoning must be logical and presented in appropriate language to achieve the desired objectives. This may be formal or informal. In a legal point of view, legal reasoning involves the logical application of legal principles and rules in acceptable legal language. It is in this regard that this article seeks to appraise the rules in logical reasoning by juxtaposing them with legal reasoning patterns and justifying same with acceptable canons of statutory and judicial authorities. The approach in this regard is doctrinal, which involves the consultation of primary and secondary sources. The article concludes that the interwoven nature of human experiences- most especially professional areas, must be explored more deeply to ensure better professional expertise.

Keywords: legal reasoning, logic, language, law, inference

Introduction
It is a general consensus that logic is an aspect of philosophy, particularly dealing with arguments and inferences, which connotes reasoning.
Philosophy is usually argued as covering the field because it explains the fundamental nature of knowledge, reality and existence. In application, however, logic extends beyond the boundaries of a particular discipline, like philosophy. The rationale here is that logic is present in any field or profession which depends on evidence, data or case study as a basis for a conclusion. Thus, there is logical reasoning in the fields of law, medicine and surgery, architecture, etc and in the routine decision-making in everyday life. This should explain the difficulty encountered by a majority of scholars on the extent of its application and the exact quantification of logic. While it can be applied in a strictly professional sense via specially constructed systems for carrying out proofs where the languages and rules of reasoning are precisely and carefully defined, an illiterate or unskilled personality trying to discern how to maximize profit and set out priorities will also be said to be logically in thought.
It is not meant in this work to re-enact or emphasize the specialized patterns of analysis peculiar to different disciplines in which logic applies but to appraise the concept and scope of logic by juxtaposing them with particularly relevant areas of legal reasoning with a view to achieve a clearer understanding of what they represent.
This research is basically divided into two parts – the concept and the scope of logic. Several other ancillary subheads like the principles of languages, definition, fallacies, etc shall also be considered.

The Concept of Logic
The term, logic has been defined severally by authors, an indication that opinions abound because it is all-embracing and fairly complex. Lau and Chan (2008), traced the use of logic to the Greek word - Logos, which translates into sentence, discourse, reason, rule and ratio. According to them, logic is the study of the principles of correct reasoning; but they were quick to assert that defining the concept is a controversy.
Irving Copi (1986) defines logic in terms of methods and principles used to distinguish well (correct) from bad (incorrect) reasoning. This is another way of saying that logic provides the denominator or yardstick in ascertaining whether a given inference is correct or wrong. In ascertaining whether an inference is correct or wrong, the logician examines those propositions that are the initial and end points of that process and the relationships between them. Inference is a process by which one proposition is arrived at through one or more propositions. A proposition is a statement consisting of a subject and predicate that is subject to proof or disproof.
According to Hintikka and Sandu (2006), it is far from clear what is meant by logic or what should be meant by it. They however see logic as the study of inferences and inferential relations. Inferential relations, inter alia, is constituted by premise or premises which form the input of the proposition and the conclusion, which is the output. If when the premises, which are statements, are weighed together, and they are accordance with the appropriate rule, then, the conclusion is considered to be valid. The above assertion is in accordance with the syllogic pattern of argument in jurisprudence, which consists of a major premise, a minor premise and a conclusion. Legally, it may be described as a general rule, its application, which is evidential and the result or conclusion derived.
Several other authors have undertaken to prescribe one form of definition or another. Some authors have defined logic as the psychology of reasoning. The rationale for this

definition is particularly doubtful on the basis that the act of studying the correct principles of reasoning is not the same as studying the psychology of reasoning. Indeed, Lau and Chan (2008), have been more categorical in this sense as they opine that logic is not a branch of psychology and thus, it is separate, and manifestly distinct from it. In a more distinct unambiguous, manner, Irving Copi (1986), asserted that logic tells us how to reason while psychology tells us about reasoning habits and ability.

In summary, logic is concerned with the validity or invalidity of inferences, derived from inductive or deductive arguments represented by premises and conclusions and subject to the application or in application of laid down rules or guidelines.

What is being said here is that a valid opinion or idea known as inference is achieved by arguments through accepted procedure or rules.

The Importance of Logic

There are several benefits that accrue from the study and application of logic, professionally and in everyday life. These include the four explained below.

1. The Study of Logic Enhances Correct Reasoning

This is achieved through the grasping of the principles of reasoning which enable the learner to avoid pitfalls, lest he stumbles into them. One of such pitfalls is fallacy. According to Ramee Neal (2002), a fallacy is an error in reasoning. It is a statement that appears true in form but is lacking in substance. Fallacy shall be subject to discussion in the scope of logic.

Enhanced correct reasoning can metamorphose into an ability to manage, control and confront situations that beset a learner. The upsurge of the social vice known as advanced fee fraud, i.e. 419, a specialized fraud which is committed using fake claims, identities, positions and enticing, non-existent proposals which can be combated by the repositioning of one's frame of mind - slowness in promptness and a critical analytic mind. The Economic and Financial Crimes Commission-EFCC (February, 2009) reported an incident where a female advanced fee fraud victim was enticed to believe that witches were after her on the grounds that a stone given to her would turn black, which actually did and sequel to this, she parted with a huge sum of money. An analytic mind will know that the act of changing the colour of a stone is not a necessity and thus, not a miracle. In short, it is an act of sorcery, synonymous with witchcraft, which she was made to believe that they (the fraudsters) could help her avoid.

2. Logic Facilitates Perfection in Speech through Correct Reasoning

Perfection in speech also includes being able to express oneself in clear terms through writing. It involves an avoidance of superfluous and verbose expressions which are lengthy, connoting little meaning. Irving Copi (1986), expressed concern on the use of much words with little being said. In citing an example, he remarked that the expression, “how are you” is not intended to inquire into the medical report or health of the person being asked, but a friendly greeting requiring “I am fine” or "thank you all is, well” as an answer.

A knowledge of the basic rule of relation between the major minor premises with the conclusion of a statement can foster control of speech in advocacy. It can enable the advocate to properly marshal his points through the application of facts as evidence to establish a case. For example, in a criminal case of murder, the sequence of a counsel’s argument in establishing murder, through circumstantial evidence may be as follows:

Murder is an unlawful killing of a person.
Circumstantial evidence can establish murder.
A was found mortally wounded to death with an object.
B was found near the corpse with blood-stained knife and clothes.
B mortally wounded A to death with a knife.

The act of establishing the above might be a subject of intense debate and argument, but the pendulum of truth may never shift rightly, in as much as a counsel does not embark on a wild-goose chase, but applies each material fact at every material time in the proceeding.

3. Logic Can Improve Professional Competence

Here, a professional is one engaged in a job or activity requiring special training and a formal qualification and whose competence can be an issue of scrutiny. These professionals, like the Lawyers, Doctors, Engineers, Architects, etc require daily acts of deductive and inductive reasoning to come to compromise in specific professional issues. Logic approaches its study as an art as well as a science, and the learner through practice, becomes perfect.

The rules of professional conduct of the legal profession inter alia recognizes some personalities who have distinguished themselves as Senior Advocates of Nigeria (SAN). The qualification for an award includes the appearance and winning of a number of cases at the Supreme Court, Court of Appeal and High Court. This is a doughty task requiring lots of reasoning and intelligent and convincing argument this is what logic connotes.

4. Logic Provides Platform for the Evaluation of what is Heard

All assertions made or uttered are not necessarily true or correct-some are truth, others are half-truths while others are falsehood. Logic provides critical tools with which we can make sound evaluation or judgment of what we hear. In this sense, it explains how we ought to think. When an expression is made, a logical mind transforms it into an argument and logic is applied to determine whether it is correct or not, through the relationship or cohesion of premises and conclusions.

Use of Language in Logic

The proper use of language is a condition precedent to the correct presentation of sound arguments because it is characterized by statements which border on linguistics, which is a part of language. Language is extremely complicated and most often than not, errors occur in its usage which goes a long way to erode the correctness of assertions and arguments. One reason for its complication is its diversification. For example, a word may have several meanings and usage in different contexts; failing to understand the several uses will certainly result in errors.

It is also an issue of preliminary importance to note that the use of language can be in a professional standardized form, in which case, it connotes a restricted application. This can be seen in the interpretation prowess of members of the bench - justices, judges, magistrates, and so on, with regard to the interpretation of the intention of the legislatures in legislation.

Types of Language

Language is a complex entity capable of being used in adverse forms depending on the benefit(s) the user intends to derive. It is at the level of an attempt to derive a goal in its use that the user is usually intercepted with errors, fallacies, ambiguities, equivocations and vagueness because each of the language forms has its pros and cons, i.e. limits and boundaries. For example, in the Urhobo language of Delta State of Nigeria, the expression: ushovwi vro ogon meaning some heads are above head knocks, is an exclusive reserve of the elders, and hence a minor (youngster) who attempts to justify his actions with the proverbial parlance will be in error. This might not be the same with one of the elders.

A major type of language can be in terms of region or place of use e.g. English Language of Britain, pidgin language, French language, etc. It can as well be in terms of tribal diversification e.g. the Urhobo language of Delta State; Bini language of Edo State, Yoruba language of Oyo, Osun, Lagos and other Western States of Nigeria etc. Professional language may also be a type of language e.g. Shakespearean language, King James Version of the Holy Bible language, Legal language and other professional disciplines. The emphasis here is that there are different classifications of language.

In the domain of logic, the above stated classifications are applicable. Language is therefore, stratified into two types - object language and metalanguage.

According to the Oxford English Dictionary (1978), object language is a language described by means of another language while metalanguage is that form of language used to discuss a language. For example, the official language of the legal system in Nigeria is the English language and it is only in remote circumstances that any other language may be used e.g. in a case involving an illiterate. While English language is the metalanguage in Nigeria, legal latin maxims are object language in the Nigerian legal system and in the words of Salmon (1973), this differentiation in language is meant to show that there is hierarchy of languages in their use.

Although legal Latin maxims constitute object languages in the Nigerian legal system, they are substantial enough to establish a case: Thus, in Legal Practitioners Disciplinary Committee v. Chief Gani Fawehinmi (1985) 2 NWLR (pt.7) 300, the defendant pleaded successfully the latin maxim: nemo judex in Causa sua, i.e., no man shall be a judge in his own case. Here, the disciplinary committee set up to try the defendant was composed of a chairman who was personally involved in the matter. This would have led to bias. Also, the case of Aliu Bello v. Attorney General Oyo State (1986)5 NWLR (pt. 45) 820 allowed the exploration of the latin maxim: ubi jus ibi remedium i.e, where there is a wrong, there is a remedy. Here, the accused, Bello, was charged, tried and sentenced to death for armed robbery, but while his appeal was pending, the Oyo State Government ordered for his execution via a nolle prosequi. They pleaded in the action on the basis of the latin maxim against the Oyo State government. Thus, while the Latin expressions are object language in the Nigerian legal system, they constitute enough grounds for legal actions.

Functions of Language

There are basically three functions of language. One of such functions is to communicate information. This is done by composing a sequence of ideas and affirming or negating such ideas to depict the mind or opinion of the speaker. This pattern of the function of language is referred to as informative function. In the opinion of Irving (1986), the expression "information" includes misinformation. False as well as true propositions, incorrect as well as correct arguments. The important issue to be noted here is that, an idea or opinion must be dispensed - correct or true, wrong or false. Or indifferent and it is left to the listener to accept or reject such an opinion as truth, falsehood or an error after a critical appraisal. The following assertion is an informative language function:

> …Do you not know that your body is a temple of the Holy Spirit, Who is in you, whom you have received? From God? You are not your own ... [I Corinthians 9:1.9 NIV]

While a believer of the Holy Scriptures, the Bible, will unequivocally affirm the above lines on the basis of personal experience and conviction, the same may not be said of an unbeliever e.g. an atheist. Thus, the frame of mind of a listener coupled with broad exposure and experience to facts is a basis for affirmation or negation of assertions or arguments in language functions. Salmon (1973), has asserted that effective thinking requires free play of thought and imagination and to be bound by rigid methods or rules would tend only to hamper thought. It follows that the most fruitful ideas are often precisely, those which rules cannot produce.

Another language function is the expressive function which is not meant to unveil facts or propound new themes. It is meant to arouse feelings or emotions, sobriety and attitude. The following is an example:

> …Where, O death, are your plagues? Where, O grave, is your destruction? (Hosea 13:14 NIV)

Also, the performative and directive aspects of language are part of the functions of language. It is performative when it is said according to the action to be performed. For example, in the pronouncement of the death sentence in the Superior Courts of Record in Nigeria under Section 367(1) and (2), Criminal Procedure Act, to wit:

The sentence of the court upon you is that you be hanged by the neck until you be dead and may the Lord have mercy on your soul.

The pronouncement is said as a description of the actual act being pronounced upon. This makes the expression a performance of what is being addressed or talked about.

Lastly, languages possess directive functions when they are expressed or uttered with the intention of getting results or outcome, which include the prevention of illicit acts like crime. Thus, provisions in Acts, Codes and Laws specifying different crimes and punishments, when contravened, are directive in nature. Technically in a legal perspective, they are referred to as directive principles.

The Principle of Definition in Language

A language is composed of words and words are comprised of marks, sound waves, symbols, etc. The act of defining connotes the use of words in explaining the meanings of things.

Definitions specify the boundaries and perimeters within which a particular concept can be used and thus, they help to avoid fallacies, ambiguities and vagueness. Hintikka and Sandu (2006), while explaining the difference between strategic and definitory rules, asserted that definitions

specify what may happen in the "game of logic". They explained further by citing the "game" of chess in which definitory rules of chess determine what moves are possible, what counts as checking and checkmating.

On his part, Salmon (1976), believes that definitions stand for the accepted, conventions for the meaning of words. The scholar argued that the meaning of words contained in a definition are accepted as such, if there is accepted convention for them which is possible informally, by long usage or professionally by established proofs. Thus, a definition is a proposal and a convention for it is made when it is generally accepted. When a definition is refused because of errors or fallacies, the proposal is rejected and there cannot be an established convention on it.

An important attribute of a definition is that it eliminates ambiguity and vagueness. This is to say that in as much as expressions are capable of two or more meanings and unclearness, determine the scope of such expressions. It therefore means that a definition must strive to cover the field in which it is employed. This is the basis for the constitutional as well as administrative concept of covering the field. This concept was explained in the case of Attorney General Oyo State & Others v. Attorney General of the Federation (1982)2 NCLR 166. The definition of rape contained in Section 357, Criminal Code, Cap. 77 explains it as an unlawful carnal knowledge which involves penetration of the woman by a man, with her consent (if obtained by fraud, coercion or intimidation) or without her consent. This definition, it has been agreed by scholars, does not cover the field- rape, because it lacks a converse value: situations where the penetration was performed by the man under coercion, threat or intimidation, by the woman, connoting the rape of the man. This controversy and error would have been avoided if the definition was gender-indifferent and contained the use of instruments as rider to genitals.

Also, definitions are meant to explain the meanings of terms. The meaning of a term may be given intentionally or extensionally. Irving (1986), refers to them as general terms or class terms. Intentional meaning states a restricted meaning of a term with the use of the word "means", while the extensional meaning suggests meanings through which additional meanings can be inferred. The word "includes" is used.

In the legal profession, it is the justices, judges and other members of the bench that ascribe meanings to expressions, terms and words in legislations like Acts of the National Assembly and Laws of the State Houses of Assembly. Thus, jurisprudentially, Ojealaro (2002), has argued that the laws are the judges or justices themselves because they determine what should be or not be. In Chief Obafemi Awolowo v. Alhaji Shehu Shagari (1981)2 NCLR 399, the justices of the Supreme Court were called upon to give meaning to $12^2/_3$, of 19 states of Nigeria. The Court held that $12^2/_3$ of 19 States was $12^2/_3$. The question here was, can there be $^2/_3$ States? It is not possible. It is informally believed that the decision was merely academic and political and it is not a precedent because the court was interested in favouring the defendant who was already declared winner of the presidential election by securing victory in $12^2/_3$ instead of 13 states as envisaged by statutes.

The Scope of Logic

The range of logic is primarily about inferences and arguments. It is inherent in a man to reason and the way of achieving this, is by composing inferences which are in turn converted into arguments, which are either deductive or inductive.

1. Inference

An inference is a psychological exercise which involves getting a conclusion from a corresponding evidence. This does not connote that logic is psychology. In analyzing an inference, consideration is put on the relationship between a conclusion and the evidence from which the conclusion is drawn. The evidence is indicated as premises of the argument, while the conclusion is the conclusion of the argument. When the inference is stated, it becomes an argument and logical tools are used to evaluate it. The logician is not particularly concerned with how the person who made the inference reached his conclusion. He is only concerned with the question of whether his conclusion is supported by the evidence upon which it is based (Salmon, 1976:8). This is related to the legal principle of admitting evidence based on relevance and the court is not interested on how the evidence was obtained. Thus, the evidence can be stolen to court. These are the issues in Musa vs The State (1966) All NIR 125).

Types of Inference

The types of inference are patterned by the types of arguments - deductive, analytic and ampliative inferences. Deductive inference reasons from a general rule or notion to a more specific ascertainable statement, which is the conclusion, when expressed in writing. According to Hintikka and Sandu (2006), valid deductive inference cannot introduce new depth information, but it can increase surface information. This means that once a general inferential rule has been obtained, all other supporting deductions must centre on that general opinion. Thus, they clarify the wider information but they do not add more information to it.

Ampliative inference or reasoning is in the domain of inductive reasoning, where the premises of the statements are particular propositions and the conclusion either a generalization or a new particular proposition. It is the direct opposite of deductive inference.

Analytic inference is derived from the broader deductive inference. Here, it is a type of deduction that depends only on the meaning of logical concepts, expressed in language by what is known as logical constants.

2. Argument

In daily common usage, argument connotes a dispute or an exchange of words bordering on an opinion. Logic sees an argument from another perspective. In logic, an argument is used to justify a conclusion. Thus, it is more than a statement which can be comprised of just one sentence without a premise or conclusion. An argument is therefore, a group of statements standing in relation to each other. When there is no premise, there cannot be a conclusion, and it follows that there is no argument.

In legal terms, an argument is put forward to justify or convince a court in a particular case. This position is different in logic because logic is not concerned with the persuasive power of arguments and this is the case as some arguments can be persuasive even when they are incorrect and at times correct argument may fail to persuade even when they are correct. But the point of intersection between the legal adherence to persuasive arguments as opposed to

the non- adherence by logic is that in jurisprudence, the Latin expression: per incuriam, enables a court, most especially the superior courts of records, to review a decision held in error (most often, because of persuasive arguments adopted in error) and correct same.
An argument consists of premises. A premise is an evidence which interplays with other premise (s) to derive a conclusion. There is no limitation to the number of premises that will establish the conclusion. The following is an argument:

Nigeria is comprised of many ethnic groups.
Urhobo is an ethnic group.
Urhobo is predominantly in Delta State.
Thus, Urhobo is an ethnic group in Nigeria.

In this argument, the first three statements are the premises, while the last statement is the conclusion. The premises must produce evidence for the conclusion. If facts presented are non- existence, no evidence can justify the conclusion, then the argument is logically wrong. According to Salmon (1973:3), in order for facts to be evidence for a conclusion, they must be properly relevant to the conclusion. Relevance plays a cardinal role than the truth of the premises in justifying the conclusion.

Types of Arguments
There are two types of arguments in logic: inductive and deductive arguments.

Inductive Argument
This emphasizes arguments which are not claimed to demonstrate the truth of their conclusions as following necessarily from their premises, but are intended merely to support their conclusions as probable, or probably true. Inductive argument presents arguments in which its conclusion is wider in application than the premise. The following is an example:

Every human that has ever been examined has blood.
Thus, every human has blood.

Here, the premise refers to humans that have been examined but the conclusion makes a statement that is beyond the scope of the premise because it centres on humans that have not been examined. The argument is inductive because the conclusion expresses a statement not within the premise and there is therefore, a possibility in inductive argument for the premise to be correct and the additional attribute in the conclusion to be incorrect or wrong. In S Salmon's view, the inductive argument expands the content of premises by sacrificing necessity, which is a direct opposite of deductive argument which achieves necessity by sacrificing any expansion of content.

Deductive Argument
A deductive argument is one in which the premises provide enough basis for the correctness of the conclusion. In other words, unlike inductive arguments, deductive arguments enable the justification of the conclusion via the relevance and correctness of the premises. It is relatively impossible for a valid deductive argument to have true premises and a false conclusion.
In determining the validity or invalidity of a deductive argument, emphasis is ascribed to the form of argument, i.e. the pattern of presentation. Thus, we can refer to different forms of arguments: Lau and Chan (2008), mention modus tollens as a form of argument; Salmon (1973:25), refers to modus tollens as denying the consequence of premises through the conclusion. Irving Copi (1986:170), also refers to categoric prepositional arguments. The focus of this work shall however be on the form referred to as syllogic argument.
According to Ramnee Neal (2002), a syllogism consists of a major premise, a minor premise and a conclusion. The major premise usually states a general rule. This is referred to as a statement of law in legal argument. The other premise, i.e. the minor premise states a factual statement, which in jurisprudence is referred to as statement of fact and then the conclusion unifies the premises to arrive at a proposition. This is referred to as applying the law to facts in legal argument. The following is a form of deductive syllogic argument:

Nigerian citizenship is by birth, registration and naturalization.
Frank is not born, registered or naturalized in Nigeria.
Therefore, Frank is not qualified as a Nigerian citizen.

The major premise stated the general rule or law and this is envisaged in sections 25, 26 and 27 of the 1999 Constitution of Nigeria (as amended). The minor premise stated a factual situation known as a fact, i.e. the eligibility of Frank as a Nigerian. The conclusion implies that Frank is not qualified as a Nigerian citizen by the import of the major and minor premises.
In determining the validity of a syllogism, emphasis is placed on the possibility or impossibility of the truth. This is to say that for a deductive syllogic argument to be valid, it must be logically impossible for its premises to be true while its conclusion is false. Where an aspect of it is false and the other aspect is true. it will amount to a fallacy.

Fallacious Arguments
A fallacy is a mistaken belief as a result of unsound or erroneous argument.
It is therefore capable of discrediting the proposition of an argument. Fallacy prevents the establishment of the truth of an argument. This might be as a result of the wrong assumption of a proposition as part of the premises. In this case, the conclusion will fail to connect the premises accurately to produce a sound argument.

Types of Fallacy
There is no universally accepted classification of fallacies. This is because the intent of proposing an argument is not to assume an error but to get credit for one's thought. However, over a hundred types of fallacies have been identified by writers and scholars. Few of these shall be briefly considered.

1. Irrelevant Conclusion
The fallacy of irrelevant conclusion occurs when the premises are incorrect or untrue and are not weighty enough substantiate the conclusion, but might be more useful in other patterns of argument.
In jurisprudence, this scenario may occur when an advocate makes submission that does not tally with a standardized position of the law. For example, in Onuoha Kalu vs The Stare (1998) 64 LRCN 5397, the appeal counsel argued

against the conviction to death of the accused for murder on the grounds that the import of the right to life of a human being contained in the Nigerian constitution was to abolish death penalty. The court rejected the argument because the same constitution (then 1979 constitution) recognized the death penalty as a form of punishment in section 30 (1) now section 33 (1), 1999 Constitution (as amended).

2. Appeal to Inappropriate or Wrong Authority

This fallacy will result if a wrong authority or basis is used as a justification of: an action because the authority will not avail.

In matters dealing on the jurisdiction of the court in entertaining an action brought before it, if the court inquires and concludes that it has no jurisdiction to entertain such proceeding, the Counsel would have appealed to an inappropriate authority. Jurisdiction to entertain a matter is so vital that the 1999 Constitution in establishing each of the Superior Courts of record also spelt out each of their jurisdiction. The following argument is fallacious.

The Federal High Court has a federal jurisdiction.
NAFDAC charged Okoro in possession of Indian hemp to States High Court.
Okoro is guilty for possessing hard drugs.

The argument is fallacious because while Okoro can be found guilty of possessing hard drugs, his charge to a State High Court must defeat the charge because by the import of Section 251 (m) and (P) 1999 Constitution (as amended), it is the Federal High Court that exercises jurisdiction over Federal institutions, drugs and narcotics.

3. Erroneous Belief

This fallacy, also termed as division by Ramee Neal (2002), can occur when it is mistakenly argued that attributes of a whole must also be present in each part or constituent of that whole. In the practice of law, the general principle of establishing a case in the court of law is by direct evidence as contained in sections 76 and 77 of the Evidence Act, cap. 112, but where a direct evidence is not readily available, circumstantial evidence is resorted to. It is on the ground that doctrines on circumstantial evidence like Res Gestae was developed. It will therefore be fallacious to assume that all the pieces of circumstantial evidence must be directly experienced to establish a case.

Other types of fallacies include begging the issue, hasty generalization, circular argument, appeal to pity argumentum and populum, and so on. The list is bulky.

Conclusion

What has been discussed is an analysis of the diverse principles of Logic and an attempt was made to justify or credit them using legal patterns of reasoning.

One of the implications of what has been done thus far is that, there is no discipline or area of specialization that is in isolation. In the cause of practice, a professional will come to the realization that the application of the principles of his profession is interwoven with other doctrines that are not principally part of his profession. Thus, a professional with the foreknowledge of the basic rudiments of other areas of human endeavour fits into the discharge of his responsibilities more than a person who is ignorant.

It is of much importance in the act of learning, most especially in our institutions of learning, to imbibe areas other than the primary areas of study to enhance efficiency. The curriculum of schools must strive to achieve this. For example, the Constitution of Nigeria is a "national text book" for all and not an exclusive preserve of lawyers. It is necessary to borrow d leaf from Ghana where its constitution is taught in as early as the primary school level.

Tables of Statutes

1. Constitution of the Federation of Nigeria (as amended), 1999.
2. Criminal Code Act, cap. 77 (Laws of the Federation of Nigeria), 1990.
3. Criminal Procedure Act, Cap. 80 (Laws of the Federation of Nigeria), 1990.

Table of Cases

1. Aliu Bello v. Attorney General of. Oyo State (1986) NWLR 828.
2. Attorney General Oyo State & Others v. Attorney General of the Federation (1982)2 NCLR 166.
3. Chief Awolowo v. Alhaji Shehu Shagari (1981) NCLR 399.
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