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Contenu, Evidence et la structure logique des controverses dans le Droit traditionnel Africain

**(Evidence, Content and the Logical Structure of Controversies in
Traditional African Law)**

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In a series of papers that followed the research-path opened by his PHD-thesis, Gildas Nzokou opened a new perspective for the study of the logical structure underlying traditional African legal processes. Nzokou's idea was to use a dialogical framework that provides a natural approach to the interactive features of legal processes in general and of traditional African law in particular – since the oral character of the latter is rooted on a conversational view that structures the legal controversies.

The idea is, on my view, not only fruitful because of the dialogical approach to notion of legal inference but because of the dialogical theory of meaning underlying the project. The work of Nzokou up to now has been centred in the inferential aspects however, it is now time to tackle the issue of the theory of meaning within a framework that incorporates the conversational features of the language: Legal Debates are about content after all. Moreover, the, for the law, central notion of evidence, including indirect or *hearsay evidence* (*déposition sur la foi d'un tiers*), requires an approach that links content and evidence with the concept of legal-proof.

The main aims of the presentation is to set the basis for a research that builds the links mentioned above making use of a dialogical approach to constructive type theory. The ideas behind are

- 1) Semantics is not a metalanguage to speak about the relations between world and language but semantics is displayed by a linguistic practice that constitutes meaning. This practice assumes a network of predication rules that structure a language in general and a specific terminology in particular (such as the legal one)

- 2) Evidence is not an epistemic or other sort of operator that builds propositions from propositions but it is a proof-object that provides the grounds of a judgement expressed by an assertion and that should be carefully distinguished from the proof-act by the means of which indirect evidence is inferentially linked to direct evidence.
- 3) The work should build a bridge to the conversational semantics of Jonathan Ginzburg at Paris VII developed in his recent book *The interactive Stance* (Oxford U.P., 2012).