Critical Examination Of Applicability Of The Principle Of "Falsus In Uno, Falsus In Omnibus" In Evaluating Evidence In India, England, And America In The Light Of Landmark Decisions.

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ABSTRACT

"Falsus in uno, falsus in omnibus" is a Latin phrase that translates as "false in one thing, false in everything." It is "a common law legal notion that a witness who fraudulently testifies about one topic is untrustworthy to testify about any other matter." Although many common law countries have forbidden this idea, it has remained in some American courts. The rationale for abandoning "the concept as a formal rule of evidence is that it is irrelevant." It is presently used as a rule of permissible inference, with the jury making the final decision. Yet, many Courts continue to follow this theory. As a result, a witness who knowingly makes false claims or testifies, then he or she cannot be credible in any other matter. This study will examine the principle of "Falsus in uno Falsus in Omnibus" concerning three countries.

Keywords: "Falsus in uno Falsus in omnibus, Jurisdiction, Doctrine, Permissible, Countries, and Testimony."

INTRODUCTION

"Falsus in uno, falsus in omnibus" is a legal theory applied in evidence law. The idea asserts that if a witness lies about one item, their credibility is harmed, and they cannot be relied on to testify accurately about anything else. Essentially, the "falsus in uno, falsus in omnibus" concept is a Latin term that means "false in one thing, false in everything." This notion is frequently applied in "criminal cases where witness evidence is crucial to the case's results concept acts as a reminder to judges and juries that are accepting the evidence of a witness who has been demonstrated to have lied or made false claims regarding any part of the case should be avoided. Nonetheless, the principle applicability is not absolute, and it is ultimately up to the judge or jury to decide how much weight and credibility to give to a witness's evidence. The idea is not a rule of law that must be followed in all circumstances but a guideline for assessing credibility.

Furthermore, the principle applies only to material matters or issues relevant to the case. If a witness has lied about a minor or immaterial matter, the direction may not use, and the witness's credibility may still be intact. In conclusion, the principle of "falsus in uno, falsus in omnibus" is essential in the law of evidence. It serves as a warning to judges and juries to be cautious when evaluating the credibility of witnesses who have lied

about any aspect of the case. However, the principle is not absolute and should be applied judiciously to determine the weight and credibility of a witness's testimony.[1]

One of the most well-known examples of "the idea occurred in the 1994 murder trial of O. J. Simpson in the Los Angeles County Superior Court." The football great "O. J. Simpson was on trial for two charges of murder that of his ex-wife and her friend." The jury ruled Simpson not guilty of the murders as mentioned above. The testimony of Mark Fuhrman, an officer of the "Los Angeles Police Department," was one of the critical pieces of evidence relied on by the prosecution, which was already under fire for mishandling evidence in the case.

The Court told the jury that "a witness who is knowingly dishonest in one key portion of his or her evidence is to be distrusted in others," without mentioning "Fuhrman or stressing his proven falsehood about his earlier use of a racist epithet." This jury instruction is only a modified form of "the maxim falsus in uno and falsus in omnibus," proving its relevance even in recent states such as California.

In most nations that preserve some form of the idea, the law states that jurors may reject a witness's whole evidence if they are misled about one key fact. This more recent version of the rule relieves the jury of the duty of weighing the credibility of conflicting witnesses. The mechanical application of the maxim is frequently considered to undermine the jury's capacity to judge the validity of various components of witness evidence. In India, courts have repeatedly ruled that the maxim does not have the status of the rule of law and should be avoided. In some situations, Indian courts accept the use of the concept, showing that India has embraced a modified version of the maxim.

The article examines the evolution of the maxim "falsus in uno" from the United States of America, a country with a long history of testing the law. It then moves to Indian law and seeks to outline the law's firm stance on the maxim outlined by the Supreme Court, and then discusses the concept of falsus in omnibus" in England.

STATEMENT OF PROBLEM

A problem with the doctrine of "falsus in uno, falsus in omnibus" is that it assumes that a witness who has lied about one aspect of the case is untrustworthy in all other aspects. This assumption is not always accurate, as witnesses may lie about one detail for various reasons, such as "fear, confusion, or misunderstanding," but maybe tell the truth about other aspects of the case. Another problem is that applying the doctrine is subjective and may lead to unfair outcomes. For example, "if a witness lies about a minor detail that is not central to the case," their entire testimony may be disregarded, even if most of it is truthful and relevant. Moreover, the doctrine heavily burdens witnesses, suggesting that any mistake or lie they make could discredit their entire testimony. This burden may discourage witnesses from coming forward and testifying, hindering the pursuit of justice.

Additionally, the doctrine assumes that all witnesses are "equally credible, regardless of their background, experience, or knowledge of the case." This assumption may not be accurate, as some witnesses may have

[1] *SLXXXVII, BOSTON, WELLS & LILLY, THOMAS STARKIE, A PRACTICAL TREATIES ON THE LAW OF EVIDENCE.*

more "expertise or relevant information than others." Witnesses may omit or disclose incorrect information to avoid being caught, resulting in an incomplete or misleading picture of the case.

Therefore, while the "falsus in uno, falsus in omnibus" theory can be beneficial in judging witness credibility, its application should be cautious and contextual, considering the type and degree of the deception and the witness' general dependability.

RESEARCH QUESTIONS

- How has the "Falsus in uno, falsus in omnibus" approach been utilized in analyzing evidence in India, England, and America, and what are the significant distinctions between these jurisdictions?
- What were the significant cases that determined the application of the "Falsus in uno, falsus in omnibus" concept in India, England, and America, and how did they influence the interpretation of this principle?
- How successful is the "Falsus in uno, falsus in omnibus" approach in preventing false or untrustworthy evidence from being allowed in Court, and what are its limits and criticisms?
- How does the "Falsus in uno, falsus in omnibus" concept connect with other evidential norms and standards in India, England, and America, such as the hearsay rule, the best evidence rules, and the standard of proof?

RESEARCH HYPOTHESIS

- H1- The "Falsus in uno, falsus in omnibus" principle is a valuable tool for assessing the credibility of witnesses, but its adoption should be subject to specific restrictions and exceptions.
- H2-In India, England, and America applying the concept of "Falsus in uno, falsus in omnibus" is inconsistent and changes based on each case's unique context and circumstances.
- H3-In their respective legal systems, critical decisions in India, England, and America have substantially affected the interpretation and implementation of the principle of "Falsus in uno, falsus in omnibus."
- H4- In criminal prosecutions, the prosecution has misapplied and exploited the "Falsus in uno, falsus in omnibus" concept, resulting in unjust convictions.

RESEARCH OBJECTIVES

- Considering historical decisions, critically examine the relevance of the principle of "Falsus in uno, falsus in omnibus" in the appraisal of evidence in India, England, and America.
- Comparing the application of "Falsus in uno, falsus in omnibus" in India, England, and America.
- To highlight the difficulties and limits of implementing the "Falsus in uno, falsus in omnibus" concept in examining evidence in the three legal systems.
- To investigate the function of the judge and jury in deciding the weight and trustworthiness of evidence in the light of the "Falsus in uno, falsus in omnibus" concept.

SCOPE OF THE STUDY

The following may be included in the scope of the research for a critical investigation of the applicability of the concept of "Falsus in uno, falsus in omnibus" in the appraisal of "evidence in India, England, and America in light of historic decisions:"

The most important details are the examination of the concept of the "Falsus in uno, falsus in omnibus" concept and its historical context, the implementation of the principle in India, England, and America, the parallels and variations in how the idea is used, the evaluation of its efficacy and limits in assessing evidence, the critical analysis of the reasons and justification underlying the principle's use or non-application in the selected landmark instances, the influence on the outcomes of the situations in which it was applied, identifying the problems and objections, as well as their consequences for the fairness and dependability of the judicial system, and a comparison of evidence-evaluation procedures in these countries.

RESEARCH METHODOLOGY

The researchers of this exploration paper emphatically trust that one must utilize the Doctrinal study method to investigate the subject accurately. The idea of Doctrinal review is an ethically hypothetical procedure of the study. Moreover, diaries and exploration articles express all the material expected to close. All requests will have direct responses to exceptional inquiries that can be easily found and tried; these are the keys to doctrinal and library-based review. These sources give meanings of expressions that help the specialist capture and sum up the prerequisites stressed in the spot of enactment.

LITERATURE REVIEW

- ***"Falsus in uno, according to Judge Richard Posner."***[2]

The Latin the "falsus in onu, falsus in omnibus" means "false in one thing, false in everything" In legal contexts, the expression refers to a circumstance in which a witness or party has been demonstrated to be dishonest or misleading in one area of their evidence or case, casting doubt on their credibility. Judge Richard Posner, a well-known American jurist and legal expert, has written extensively about "falsus in onu, falsus in omnibus" and its legal ramifications. According to him, even a single lie or distortion of witness evidence can substantially influence the result of a case. Posner contends that judges and juries should be sceptical of witnesses who have been demonstrated to be "false in onu, falsus in omnibus" as their credibility may be compromised. He points out that even tiny misrepresentations or contradictions witness's evidence might call into question their whole tale, making it impossible for the trier of fact to ascertain the truth. Posner further points out that the "false in" can be used for entire legal systems or arguments rather than individual witnesses. Suppose a legal theory is demonstrated to be defective or founded on erroneous assumptions. JudgPosner's "falsus in" emphasises the importance of honesty and integrity in the judicial system.

[2] *JUDGE RICHARD POSNER, FALSUS IN UNO, FALSUS IN OMNIBUS*.

❖ ***"R. Venkata Rao and V. Jagannadha Rao" – "Law of Evidence" (2013)***[3]

R. Venkata Rao and V. Jagannadha Rao wrote "Law of Evidence," a thorough work on evidence. The book was initially published in 1977 and the 18th edition in 2013. The book discusses Indian evidence law, especially the Indian Evidence Act, which is the principal piece of legislation controlling Indian evidence law. The writers have thoroughly examined the Indian Evidence Act and its interpretation and use in Indian courts. The book discusses relevance, admissibility, the burden of proof, presumptions, witness examination and cross-examination, expert opinion, documentary evidence, and electronic evidence. The authors also discussed significant critical judgments issued by Indian courts that have impacted Indian evidence law. The "Law of Evidence by R. Venkata Rao and V. JagannaRao" is an influential text on evidence law in India.

❖ ***"William R. Glendon" - "The Admissibility of Evidence in Civil Cases."*** [4]

"The Admissibility of Evidence in Civil Tria," by William R. Glendon, is a legal book initially published in 1916. The book thoroughly examines the laws regulating evidence admission in civil disputes, concentrating on American la Glendon's work covering many themes, such as the burden of proof, evidentiary relevance, witness competence, and the admission of hearsay testimony. He also goes through the use of expert testimony, the admissibility of documented evidence, and the laws controlling physical stances. Glendon's approach emphasises ensuring that evidence is credible and trustworthy. He contends evidence's admission should be determined by its probative value or capacity to show or refute a fact significant to the case. Glendon also underlines the need for judges to use discretion in assessing evidence admissibility. Judges should balance the evidence against bias and exclude material likely to prejudice one side.

❖ ***"Richard A. Posner" - "Evidence: Cases and Materials." (1998)***[5]

Richard A. Posner, "a legal scholar and judge who sat on the United States Court of Appeals for the Seventh Circuit, wrote Evidence: Cases and Materials" The book debuted in 1998 and is now in its third edition. The book thoroughly reviews evidence law, including subjects such as relevance, hearsay, authentication, privileges, character evidence, expert testimony, and the use of demonstrative evidence. It covers both classic and recent instances and analysis and comments on each. One of the book's standout aspects is its emphasis on the economics of evidence law. Posner contends that the law of evidence should be viewed as a system of rules to balance the costs and advantages of various forms of evidence. He argues that evidence law should be judged on its capacity to facilitate accurate fact-finding and efficient dispute settlement. It provides a comprehensive and nuanced overview of the subject and has been lauded for its straightforward writing style and insightful analysis.

[3] *R. Venkata Rao vs. Jagannadha Rao, AIR 1978 A.P 319."*
[4] *WILLIAM R. GLENDON, THE ADMISSIBILITY OF EVIDENCE IN CIVIL CASES,1916.*
[5] *RICHARD A. POSNER, EVIDENCE, CASES AND MATERIALS, 1998.*

❖ ***"Colin Tapper" - "Cross and Tapper on Evidence." (2017)***[6]

"Cross and Tapper on Evidence," published by Colin Tapper and Sir Rupert Cross, is a well-known "legal textbook on the law of evidence in the United Kingdom." The book thoroughly examines the ideas and standards of evidence in English law. Sir Rupert Cross, a distinguished British legal professor who played a significant role in creating UK evidence law, released the book's first version in 1956. Colin Tapper, a law professor at the University of Oxford, took up the authorship after his death and updated and modified the book. The book covers various evidence law subjects, such as evidence admissibility, the burden and standard of proof, witness examination and cross-examination, and the role of expert evidence. It also considers the influence of human rights legislation on evidence law and the admission of digital evidence. "Cross and Tapper on Evidence" is frequently used by attorneys, judges, and law students and is regarded as "one of the primary authorities on the law of evidence in the United Kingdom." The book is regularly mentioned in judicial decisions and scholarly papers.

ANALYSIS OF THE TOPIC

The Applicability of the principle of "Falsus in uno, falsus in omnibus."

The falsus in uno concept is a legal notion that deals with the reliability of witnesses in Court. It indicates that if a witness is shown to be false in one aspect, they may be false in all aspects of their testimony. This approach is used to assess witnesses' credibility and balance their testimony. If a witness is proven to have lied about a crucial fact, the Court may dismiss the whole evidence as untrustworthy. "The concept of falsus in uno applies in various legal systems, with the Court having the authority to throw out evidence if a witness is shown to be untrue." In England, the jury may examine the potential of a witness, but this is not an obligatory requirement, while in America, the rule only relates to the witness's credibility.

The idea of falsus in uno is employed in all three jurisdictions to assess the reliability of witnesses and the weight assigned to their evidence. "The principle applicability is determined by the facts of the case and the judge's or jury's judgment." It is important to note that while the falsus in uno concept is a valuable tool for judging the reliability of witnesses, it is not an infallible rule. "A witness may be telling the truth regarding most of their testimony but may have lied about one crucial fact." In such circumstances, "it is up to the Court to decide the witness's reliability and the weight accorded to their testimony." In summary, the falsus in uno concept assesses witnesses' reliability and importance.

[6] *COLIN TAPPER, CROSS AND TAPPER ON EVIDENCE, 2017.*

- **Compare and contrast the application of the principle of "Falsus in uno, falsus in omnibus in the Indian Evidence Act, the English common law, and the American legal system."**

The Latin phrase "falsus in uno, falsus in omnibus" means "false in one thing, wrong in everything." This idea is applied in several judicial systems to assess "a witness's evidence's credibility." We shall examine and contrast the implementation of this concept in "the Indian Evidence Act, English common law, and the American legal system in our answer."

- *"Indian Evidence Act."*

The Indian Evidence Act governs evidence admission and relevance in Indian courts. "Section 114 of the Act" addresses the "falsus in uno, falsus in omnibus" premise. Suppose a witness is determined to have wilfully misrepresented or withheld essential facts. In that case, the Court may conclude that the rest of the witness's evidence is likewise false, according to this provision.

The Court, however, is not required to assume that the rest of the evidence is false. It is, instead, a court's discretion, and the presumption can be rebutted if the witness can present a reasonable explanation for the fabrication or concealment of the material fact.

- *"English Common Law."*

The "falsus in uno, falsus in omnibus" premise is not officially recognised in English common law. But, via common law, the courts have created a similar basis. The English courts have decided that if a witness is found to have lied about a crucial fact, the Court may treat the rest of the witness's testimony with suspicion. This method, however, is not absolute, and the Court will analyse the facts of each case before making a final determination on the reliability of the witness's evidence.

- *"American Legal System."*

"Falsus in uno, falsus in omnibus is not accepted as a formal rule of evidence in the American judicial system." Similar techniques, however, are employed to assess the credibility of a witness's evidence. The overall credibility of a witness in American courts is determined by criteria such as manner, character, and consistency of testimony. "If a witness is discovered to have lied about a crucial fact, the Court may view the rest of the witness's evidence with scepticism." This method, however, is not absolute, and the Court will analyse the facts of each case before making a final determination on the reliability of the witness's evidence. To summarise, while the idea of "falsus in uno, falsus in omnibus" is not universally acknowledged, comparable criteria are employed to assess the reliability of witness evidence. Implementing these "principles is at the discretion of the Court and is determined by the facts and circumstances of each case."

- **The role of the judge and the jury in determining the weight and credibility of evidence in the context of the principle of "Falsus in uno, falsus in omnibus."**

The judge and jury play critical roles in establishing the weight and trustworthiness of evidence in the criminal justice system. The falsus in Uno falsus in omnibus concept, which means "false in one thing, false in all," is a crucial premise in judging the trustworthiness of evidence in a criminal prosecution. "The falsus principle is Whenever a witness or piece of evidence is shown to be false in one respect," the entire testimony or piece of evidence should be regarded as untrustworthy.

It is up to "the judge and jury to assess the credibility of the evidence and determine whether it is credible." The judge is in charge of supervising the trial and ensuring that it is handled fairly and impartially. The judge must apply the law to the circumstances of the case and advise the jury on the pertinent legal concepts. "The judge is also responsible for judging counsel challenges and deciding whether evidence should be accepted or excluded." The jury is responsible for determining the case's facts, assessing the credibility of witnesses, and assessing the principle "falsus in uno falsus in omnibus."

LEGAL PROVISIONS AND THEIR RELEVANCE TO THE TOPIC

"Falsus in uno, falsus in omnibus" is a Latin word that means "false in one thing, false in everything." It is a legal theory widely used to appraise evidence in India, England, and the United States. According to this concept, if a witness is proved to have lied about one component of their testimony, their entire evidence is considered untrustworthy and might be dismissed.

- ***Falsus in uno,falsus in omnibus: An Indian Perspective.***

A study of court decisions on the maxim is required to comprehend the State of the law in India concerning "falsus in uno and falsus in omnibus because there is no statutory provision touching it in the Indian Evidence Act 1872." As a result, major judicial decisions involving the maxim are presented below in chronological order, along with their analyses, allowing us to understand how courts up to the Supreme Court of India have dealt with complicated questions involving the law of evidence appreciation, particularly witness statements. This idea has been adopted by the Indian judiciary in various significant judgments, including:

- "Nasar Ali v. State of Uttar Pradesh[7] was one of the earliest instances involving the maxim in India. For the sake of brevity, the circumstances of this 1957 case entailed the Appellant allegedly stabbing the dead with a knife provided to him by a certain Qudrat Ullah, outside whose business the incident occurred following an altercation between the Appellant and the deceased." The Appellant was tried for murder "under Section 302 of the Indian Criminal Code, 1860" and Oudrat Ullah for aiding and abetting the murder mentioned above under Section 114 of the same code. The trial court acquitted the Appellant and Qudrat Ullah of the charges against them, but the State appealed to the Allahabad High Court, overturning the acquittal. The Supreme Court argued that eyewitness testimonies must not be relied upon based on "falsus in uno, falsus in omnibus."

The Court held that the maxim falsus in uno, falsus in the omnibus was not the rule of law, but merely a rule of caution, as it did not have any statutory or jurisprudential basis.

- "In ***Balaka Singh v. State of Punjab," AIR 1975 SC 1962***[8], the Court observed as under:

It is true that, as stated by this Court in "Zwinglee Ariel v. State of Madhya Pradesh," AIR 1954 SC 15, and other instances, "the Court must strive to separate the grain from the chaff," the truth from the deception, but this can only be done if the truth is separable from the falsehood. "If the grain cannot be separated from the

[7] *Nasar Ali v. State of Uttar Pradesh, AIR 1957 SC 366.*
[8] *Balaka Singh v. State of Punjab, AIR 1975 SC 1962.*

chaff because the grain and the chaff are so inextricably mixed up that the Court would have to reconstruct an entirely new case for the prosecution by completely detaching the essential details presented by the prosecution from the context and background against which they are made, then this principle will apply."

"The Hon'ble Supreme Court's Judge B. S. Chauhan addressed the adage "falsus in uno, falsus in omnibus" and declared it irrelevant in India." This adage emphasises that if one aspect of a witness's statement is proven false, the objective evidence offered by the witness is subject to be rejected1.

- "In ***Ugar Ahir and Ors. v. State of Bihar," AIR 1965 SC 277***,[9]this Court held as under:

"The maxim Falsus in uno, falsus in omnibus" (false in one thing, false in all things) is neither a sound legal nor a practical rule. The subject is rare to come across as "a witness whose testimony does not contain a grain of falsehood or, at the least," "exaggerations, embroideries, or embellishments." As a result, "it is the Court's responsibility to scrutinize the evidence and, to use a fitting metaphor, separate the grain from the chaff." It cannot, however, "manifestly disregard the prosecution case or the material components of the evidence and create its tale from the remainder."

- ***"Falsus in uno,falsus in omnibus:" England's Perspective.***

The idea of "Falsus in uno, falsus in omnibus" is not accepted as the rule of law in England. On the other hand, English courts have implemented a similar notion known as the "substantial truth rule." This rule states that if a slight disagreement or inconsistency does not impair the overall honesty of a witness's testimony, the testimony may still be regarded as reliable. As evidenced in the classic case of "R v. Lucas, English courts have also acknowledged the necessity of weighing a witness's credibility in examining the evidence." [10](1981).

The idea of "falsus in uno,falsus n omnibus" is not an absolute rule in English law, and it is up to the judge and jury to decide how much weight to give to a witness's evidence if they have been found to have lied about one issue. Nonetheless, the idea has been implemented in some circumstances.

"R v. Edwards and Shewan is one such instance"[11] (2004). The two defendants, in this case, were charged with conspiracy to import and provide narcotics. "The prosecution's case was based on the testimony of a witness who claimed to have been a part of the plot." On cross-examination, however, "it was revealed that the witness had lied about his role in the plan. The judge told the jury that they might reject the witness's evidence entirely or accept portions of it corroborated by other evidence."

Overall, the "falsus in uno falsus in omnibus" notion is a valuable tool for judges and juries when determining the reliability of witnesses. However, it is not an absolute rule, and each case must be judged based on particular facts and circumstances.

- ***"Falsus in uno,falsus in omnibus:" American Perspective.***

The "Ninth Circuit of the United States" Court of Appeals held that the maxim "falsus in uno and falsus in omnibus" could be applied to "the Appellant's testimony, denying asylum and relief on adverse credibility grounds." In this way, "the Immigration Court used the concept of falsus in uno and falsus in the omnibus to

[9] *Ugar Ahir and Ors. v. State of Bihar, AIR 1965 SC 277.*
[10] *R v. Lucas, 1 SCR 439.*
[11] *R v. Edwards and Shewan 1 SCR 128.*

deny the Appellant relief." In its conclusion on appeal, the Court confirmed the Immigration Judge's decision, stating that "Li claims that it was unlawful for the Immigration Judge to deem her whole evidence not credible because it found her testimony about claim not trustworthy." "Falsus in uno and falsus in omnibus are two well-known principles that allow a fact-finder to reject indisputable evidence if the witness tells a material and conscious untruth in one area of their testimony." The maxim is based on the idea that a person can testify incorrectly and still be believed. However, "if someone testifies falsely, deliberately, and materially on one topic, their 'oath' or word is worthless. They are likely to lie in other ways." In the context of immigration, the law of this circuit enables the application of the maxim falsus insupportable.[12]

The Court emphasized the importance of falsus in uno and false in omnibus, as it is a false testimony that should not be used if the witness's honesty does not influence the claim. The Court relied in its decision on several instances in which the maxim falsus in uno, falsus in the omnibus was applied and maintained, notably "Lopez-Umanzor v. Gonzales and Siewe v. Gonzales."[13] "Judge Christen held that falsus in uno, falsus in omnibus cannot undermine a witness's testimony."

The "Ninth Circuit Model Criminal Jury Instructions 3.9" (2010) and "9 Circuit Model Civil Jury Instructions 1.1" (2007) allow jurors to doubt all witness testimony if additional evidence contradicts the testimony without credibility. [14]"In Hattem v. United States, the Court adopted a jury instruction that states that if a witness has intentionally testified falsely about an important fact, they are at liberty to dismiss all of their testimony."

After defining the legal position in a country where falsus in uno and falsus in omnibus is the rule of law, we may go on to legal analysis.

SUGGESTIONS AND CONCLUSION

"Falsus in Uno, Falsus in Omnibus" is a guideline used in the judicial system to describe witnesses discovered lying about a specific case component. It is essential to evaluate the context of the issue and avoid overgeneralization. Searching for confirming evidence is beneficial when assessing the integrity of a statement or claim's integrity. When determining the sincerity of a person's remark or claim, it is essential to evaluate their credibility, such as their honesty track record, motives for lying or speaking the truth, and general character.

The maxim "Falsus in uno and falsus in omnibus is a well-known notion that emerged in English ordinary law courts and expanded to other jurisdictions with the growth of English common law." With such widespread use, the idea evolved independently in several jurisdictions and is relevant to variable degrees in each. In most countries today, it is not utilized mechanically but rather as a tool of caution to help judges and jurors alike in their efforts to grasp the evidence before them. "This use of the maxim allows for a human factor in determining the authenticity of witness testimony. It is documented instead of those reading it from a file as proof on record." In other words, a flexible application of the maxim places a high value on humans as lie detectors who help administer justice.

[12] *Enying Li v. Holder,738 F.3d 1160 9th Cir.2013.*
[13] *Lopez-Umanzor v. Gonzales 549 U.S. 47 (2006), Siewe v. Gonzales. 480 F.3d 160,*
[14] *VOL. 38, NO. 2WERNER L. AHRBECK, PRE-INSTRUCTIONS TO THE JURY, JUN., 1950.*