

## **The Theoretical Foundations of Evidence Law**

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This article is dedicated to mapping the jurisprudence of evidence law. It seeks to outline the central justifications for subjecting fact-finding to the governance of evidentiary rules. The article opens with an examination of the epistemic core underlying evidence law scholarship, and with an elucidation of the traditional approach to evidentiary rules. It then turns to consequential approaches to evidence law, which inhibit the traditional approach – ex post economic approaches, ex ante primary behavior approaches, and behavioral approaches. The survey of evidence law scholarship culminates with deontological approaches, which restrict the traditional approach by highlighting the fairness and moral legitimacy of trial. Against the background of vanishing evidentiary rules, the article raises some of the core normative arguments in favor of evidence law and against "free proof." These diverse normative claims represent the various theoretical perspectives from which one can examine and understand evidence law. In this, the article serves a dual purpose – not only does it outline the central justifications for evidence law, but it also provides a mapping of the theoretical scholarship in the field.