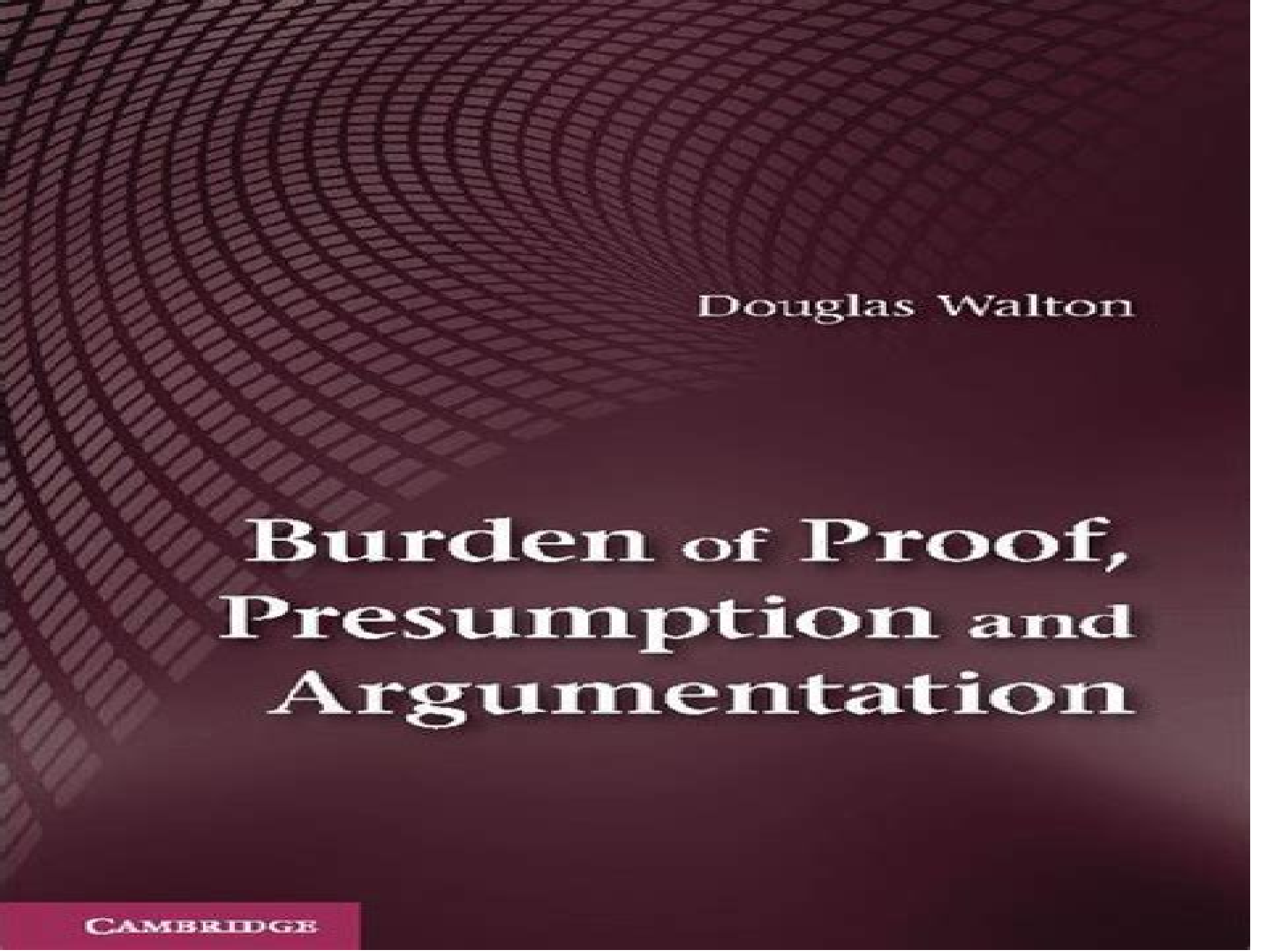




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Burden of Proof, Presumption and Argumentation

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Douglas Walton

J. Anthony Blair



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Burden of Proof, Presumption and Argumentation Douglas Walton, 2014-06-30 This book explains how burden of proof and presumption work as powerful devices in argumentation based on studying many clearly explained legal and non legal examples It shows how the latest argumentation based methods of artificial intelligence can be applied to these examples to help us understand how burdens of proof and presumptions work as devices of legal reasoning It also shows the reader how to deal with presumptions and burdens of proof in everyday life as they shift from one side to the other sometimes confusingly during a sequence of argumentation

Presumptions and Burdens of Proof Hans Vilhelm Hansen, Fred J. Kauffeld, James B. Freeman, Lilian Bermejo-Luque, 2019-05-28 An anthology of the most important historical sources classical and modern on the subjects of presumptions and burdens of proof In the last fifty years the study of argumentation has become one of the most exciting intellectual crossroads in the modern academy Two of the most central concepts of argumentation theory are presumptions and burdens of proof Their functions have been explicitly recognized in legal theory since the middle ages but their pervasive presence in all forms of argumentation and in inquiries beyond the law including politics science religion philosophy and interpersonal communication have been the object of study since the nineteenth century However the documents and essays central to any discussion of presumptions and burdens of proof as devices of argumentation are scattered across a variety of remote sources in rhetoric law and philosophy *Presumptions and Burdens of Proof* An Anthology of Argumentation and the Law brings together for the first time key texts relating to the history of the theory of presumptions along with contemporary studies that identify and give insight into the issues facing students and scholars today The collection's first half contains historical sources and begins with excerpts from Aristotle's *Topics* and goes on to include the *locus classicus* chapter from Bishop Whately's *Crucial Elements of Rhetoric* as well as later reactions to Whately's views The second half of the collection contains contemporary essays by contributors from the fields of law philosophy rhetoric and argumentation and communication theory These essays explore contemporary understandings of presumptions and burdens of proof and their role in numerous contexts today This anthology is the definitive resource on the subject of these crucial rhetorical modes and will be a vital resource to all scholars of communication and rhetoric as well as legal scholars and practicing jurists

Proof, Evidence and Hate Crime Tshepo Bogosi Mosaka, 2025-07-18 Proof is the property of a disputed fact being established inferentially from an extant fact This book explicates the structural components of this phenomenon in the context of hate crimes across various jurisdictions around the world It departs from the orthodox conception of evidence and proof as being a general value neutral or non normative and epistemic subject and offers a relativistic conception of this area of law The core argument is that proof is both semantically and methodologically determined by three conditions of materiality process and probativity This argument is then justified by the context specific application of this relativistic theory of proof to hate crimes This theoretical application of proof is sustained throughout the

book using multiple examples and illustrations of hate crimes around the world The discussion both at the level of proof and hate crimes while focusing on the grounds of race religion and ethnicity specifically is framed in jurisprudential cross jurisdictional and interdisciplinary terms The book will be of interest to academics and researchers working in the areas of criminal law legal philosophy and procedural law

Argumentation Schemes for Presumptive Reasoning Douglas Walton, 2013-11-05 Recent concerns with the evaluation of argumentation in informal logic and speech communication center around nondemonstrative arguments that lead to tentative or defeasible conclusions based on a balance of considerations Such arguments do not appear to have structures of the kind traditionally identified with deductive and inductive reasoning but are extremely common and are often called plausible or presumptive meaning that they are only provisionally acceptable even when they are correct How is one to judge by some clearly defined standard whether such arguments are correct or not in a given instance The answer lies in what are called argumentation schemes forms of argument structures of inference that enable one to identify and evaluate common types of argumentation in everyday discourse This book identifies 25 argumentation schemes for presumptive reasoning and matches a set of critical questions to each These two elements the scheme and the questions are then used to evaluate a given argument in a particular case in relation to a context of dialogue in which the argument occurred In recent writings on argumentation there is a good deal of stress placed on how important argumentation schemes are in any attempt to evaluate common arguments in everyday reasoning as correct or fallacious acceptable or questionable However the problem is that the literature thus far has not produced a precise and user friendly enough analysis of the structures of the argumentation schemes themselves nor have any of the documented accounts been as helpful accessible or systematic as they could be especially in relation to presumptive reasoning This book solves the problem by presenting the most common presumptive schemes in an orderly and clear way that makes them explicit and useful as precisely defined structures As such it will be an indispensable tool for researchers students and teachers in the areas of critical thinking argumentation speech communication informal logic and discourse analysis

Presumption of Innocence in EU Anti-Cartel Enforcement Aistè Mickonytė, 2018-11-26 In this monograph Aist Mickonyt examines the compliance of the European anti cartel enforcement procedure with the presumption of innocence under Article 6 2 of the European Convention on Human Rights ECHR The author maintains that the pursuit of manifestly severe punishment with insistence of the European Commission on administrative level procedural safeguards is inconsistent with the robust standards of protection under the Convention Arguing that EU anti cartel procedure is criminal within the meaning of the Convention this work considers this procedure in light of the core elements of the presumption of innocence such as the burden of proof and the principle of fault The author zeroes in on the de facto automatic liability of parental companies for offences committed by their subsidiaries

Secondary Rules of Primary Importance in International Law Gábor Kajtár, Basak Çali, Marko Milanovic, 2022 This volume emphasizes the consequential nature of secondary rules of international

law such as attribution causality and the standard and burden of proof and argues that the outcome of litigation is fundamentally shaped by the exact standard of proof standard of review or attribution basis that is chosen by adjudicators

Argumentation Edward Schiappa, 2025-11-28 This book is an accessible reference guide to the key concepts associated with argumentation theory criticism and pedagogy Providing an encyclopedic style synthesis the book defines and describes 175 essential concepts of argumentation and provides discussion of the meaning application and impact as well as offering suggestions for further reading Readers are introduced to foundational reasoning methods deductive inductive and abductive as well as key argumentative models such as the Toulmin Model and Pragma Dialectics The text delves into the identification and analysis of fallacies the evaluation of evidence and the crucial roles of context audience adaptation and argumentative style It explores the ethical dimensions of argument the impact of cognitive bias and the influence of cultural and discourse communities The first of its kind and a key entry point to understanding the fundamental principles of the field this guidebook is ideal for undergraduate and graduate courses in argumentation debate rhetoric and communication studies as well as other related disciplines It will also be of interest to the general reader looking to improve their analytical and decision making abilities

Justice, Equality and Tax Law Nevla Čičin-Šain, Mario Riedl, 2022-10-05 An in depth analysis of the specific aspects of justice equality and tax law Justice Equality and Tax Law is a topic that is both old and new at the same time Even if the society changes the demands that tax needs to be just and equal seem to be immutable What changes of course is the perception of the content of those demands International taxation post BEPS has been fraught with new challenges that warranted urgent responses These challenges were mainly provoked by the unprecedented rise of the digital economy which truly marked a change in the way business is conducted how value is created and how goods and services are produced and consumed Digitalization in turn had repercussions on all aspects of taxation direct taxation indirect taxation and even tax procedures For instance the quest for more justice and equality in profit taxes was the reason why in October 2021 a historical deal based on a two pillar solution to address the tax challenges arising from the digitalization of the economy was negotiated within the OECD G20 Inclusive Framework on Base Erosion and Profit Shifting and agreed upon by 137 member countries It was also the motive behind the shift from a typical vendor collection model to an intermediary collection model supported by centralized registration points in indirect taxes notably the VAT GST Abundant data from the European Union or the OECD signaled an ever increasing gap between expected VAT revenues and VAT actually collected making it obvious that the classical system of VAT GST collection was unable to respond to challenges posed by the digital economy Therefore new solutions based on the participation of digital platforms as intermediaries had been introduced Finally new technologies such as blockchain paved new avenues in enhancing tax compliance In this context this volume entitled Justice Equality and Tax Law contains not only a selection of the best master s theses of the full time LL M programme in 2021 2022 but also represents an in depth analysis of various aspects of this evergreen topic

Arguments

from Ignorance Douglas Walton, 2010-11-01

Groundwork in the Theory of Argumentation J. Anthony

Blair, 2011-10-20 J. Anthony Blair is a prominent international figure in argumentation studies. He is among the originators of informal logic, an author of textbooks on the informal logic approach to argument analysis and evaluation, and on critical thinking, and a founder and editor of the journal *Informal Logic*. Blair is widely recognized among the leaders in the field for contributing formative ideas to the argumentation literature of the last few decades. This selection of key works provides insights into the history of the field of argumentation theory and various related disciplines. It illuminates the central debates and presents core ideas in four main areas: Critical Thinking, Informal Logic, Argument Theory, and Logic, Dialectic, and Rhetoric.

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