

# **Burden of Proof**



# Burden Of Proof

**Paul Finkelman**



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*Burden of Proof and Related Issues* Mojtaba Kazazi, 1996 3 The ISS Case      **Burdens of Proof in Modern Discourse**  
Richard H. Gaskins, 1995-02-22 Public and professional debates have come to rely heavily on a special type of reasoning the  
argument from ignorance in which conclusions depend on the lack of compelling information I win my argument says the  
skillful advocate unless you can prove that I am wrong This extraordinary gambit has been largely ignored in modern  
rhetorical and philosophical studies Yet its broad force can be demonstrated by analogy with the modern legal system where  
courts have long manipulated burdens of proof with skill and subtlety This legal philosophical and rhetorical study by Richard  
H Gaskins provides the first systematic treatment of arguments from ignorance across a wide range of modern discourse  
from constitutional law scientific inquiry and moral philosophy to organizational behavior computer operation and personal  
interaction Gaskins reviews the historic shifts in constitutional proof burdens that have shaped public debate on fundamental  
rights and by analogy on the fundamental status of intellectual and cultural authority He shows how similar shifts have  
dominated polemical battles between scientific and ethical modes of authority affecting both academic and popular  
discussion Finally he discovers the philosophical roots of default reasoning strategies in the arguments of Kant and  
nineteenth century Kantian schools Concluding that shifting proof burdens are inescapable in a world of scientific and moral  
uncertainty Gaskins emphasizes the common strategic ground shared by dogmatic and skeptical reasoning Using Hegelian  
strategies he describes a more pluralistic temper that can move critical thinking beyond polemics and strengthen our  
capacities for common discourse      *The Burden of Proof in Comparative and International Human Rights Law* Juliane  
Kokott, 1998-03-31 Aa A Civil Law Rule      **The Encyclopedia of American Civil Liberties** Paul Finkelman, 2006 Publisher  
Description      *Treatise on Civil Procedure in Tennessee* Noble Smithson, 1901      **Reports of Cases Argued and**  
**Determined in the Supreme Court of Alabama** Alabama. Supreme Court, 1901      **Reports of Cases in Law and**  
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*California. Court of Appeal (1st Appellate District). Records and Briefs* California (State).,      **The American and**  
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inc, 1929      *The Northeastern Reporter*, 1899 Includes the decisions of the Supreme Courts of Massachusetts Ohio Indiana  
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Mar Apr 1936 Courts of Appeals of Ohio      Reports of Cases at Law and in Equity, Argued and Determined in the Supreme  
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California (State).,     **New York Supplement** ,1913 Includes decisions of the Supreme Court and various intermediate and lower courts of record May Aug 1888 Sept Dec 1895 Superior Court of New York City Mar Apr 1926 Dec 1937 Jan 1938 Court of Appeals     **Commentaries on the Law of Evidence in Civil Cases** Burr W. Jones,James Max Henderson,1926  
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