
BURDENS OF PERSUASION AND STANDARDS OF PROOF IN STRUCTURED ARGUMENTATION

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In this paper we provide an account of the burden of persuasion, in the context of structured argumentation. First, burdens of proof in legal proceedings are discussed in general, distinguishing the burdens of production and the burdens of persuasion. Then, we focus on burdens of persuasion, illustrating their role in civil and criminal law. A formal model for the burden of persuasion is then defined, discussed, and used to capture the role of the burden of persuasion in adjudicating conflicts between conflicting arguments and in determining the dialectical status of arguments. We consider how our model can also capture adversarial burdens of proof, namely, those cases in which failure to establish an argument for a proposition burdened with persuasion entails establishing the complementary proposition. Finally, we examine how burdens of proofs can be integrated with standards of proof defining the extent to which an argument for a proposition burdened with persuasion has to be stronger than arguments to the contrary, in order to meet the burden.