

Who Has The Burden Of Proof In An Argument?

Description

There are many different conceptions of burden of proof from math to philosophy to law. The concept of **burden of proof here will be more similar to the philosophical and legal** conceptions in the States.

See this [article](#) or this [article](#) for more in depth philosophical treatments of the concept.

What Is “Burden Of Proof” In An Argument?

Burden of proof is the concept that one party is required to provide sufficient warrant for their assertion. In other words, **one side needs to do the convincing**. In legal situations, the proof must be “beyond a reasonable doubt.” Beyond a reasonable doubt means there is no other explanation that a reasonable can come to given the evidence.

Another effective way of looking at burden of proof in an argument is that whoever is saying “I know X” needs to convince the other person they are right.

Why Burden Of Proof Is Important In The Game Of Power

Power disputes are often verbal in our modern society. If you are able to achieve verbal dominance, you can fend off attacks, raise your status by showing you know best, or maintain leverage in a negotiation situation. In all of these situations **people can use the idea of burden of proof as a mode of attack**.

For example, someone might say that you need to prove to them why they should hire you. This [framing](#) approach puts you at a disadvantage since you bear the burden of proof. You are the one who has to show conclusive support for you being the best candidate. While leverage plays a role in situations like this, since whoever has more opportunities is often asking ‘why you,’ you can sometimes shift the burden of proof to the other side if you do it in the right way. By shifting the burden of proof, you gain a sort of social and conversational leverage.

Burden of proof can shift in an argument even if that person doesn’t logically have the burden of proof. This shift can mean the person loses the argument, even if they were right. This shift and subsequent loss can have social repercussions since one loss can lead people to be more likely to attack. For example, one person might assert that the sky is orange. You would disagree. The person making the orange assertion has the burden of proof, but they could say something like “well if you want me to believe you, convince me otherwise.”

Overall, **shifting the burden of proof makes one person more likely to win a verbal dispute**, discussion, or argument. Winning raises a person’s status. Status increases power. Learn how to shift

the burden of proof and how to defend the burden of proof below.

Who Has The Burden Of Proof In An Argument?

There are a few different ways to approach burden of proof in an argument. First, you could take a **legal approach**. This means either saying a person is innocent of the accusation until the accuser has proved their case in a reasonably conclusive manner. You could also say that the person who brings a claim forward is the one who holds the burden of proof. Put simply **the person doing the accusing bears the burden**.

Skepticism is a disposition of doubt towards knowledge assertions. Skeptics suspend judgement until they feel a conclusion is practically necessary or until it is logically supported. In other words, skeptics take the approach that **the one asserting knowledge beyond "I'm not sure" bears the burden** of proof.

Statistics has a similar concept contained in the idea of the null hypothesis. This is the idea that you start your study out with a **default assumption that there is no relationship** between the things you are studying. You reject the null when you find a significant relationship.

Burden of proof also can be determined using two heuristics. **Hitchen's Razor** says if you assert something with no proof than someone can also dismiss it with out proof. The **Sagan Standard** is another justification. It says that extraordinary claims require a similar level of extraordinary evidence.

You can appeal to any of these takes on burden of proof for an argument but the key is you need to first convince your audience that your criteria for sufficient proof is acceptable.

When Has Someone Met The Burden Of Proof?

Debate uses the idea of **5 burdens** to helps us understand how much of a burden of proof a person has. If they meet that burden then they win.

The idea of specific burden means that the person making the assertion needs to establish proof for a certain number of cases. For example, the death penalty is justified in one instance.

The exception burden means that one side only needs to find one exception to the rule for them to meet the burden of proof.

The general burden is a need to prove a most statement. This means proving a statement like "nationalism ought to be valued above globalism." A higher version of this general burden is the rule burden. The Rule burden simply requires more instances of proof of a most statement.

The final type of burden is the absolute burden. This means the person must prove that there are no exceptions.

How To Move The Burden Of Proof To The Other Person

There are a few techniques that allow you to [move the burden of proof](#) to the other person. Some are sophistry and others are logic based.

1. **Prize Framing** – The easiest way to shift the burden of proof is by pretending to not care or to not know what you think about the topic. If the other person wants you to change your behavior or beliefs, they need to do the convincing. This is extremely useful if you can pull it off as it appeals to a person’s self interest, and is so flexible that it works whether you have a the logical burden of proof or not. Build your ability to use this method by having lots of options. If you have lots of job offers, you can afford to not receive an offer from a company. That means if the company wants you, they need to demonstrate their superiority. This also works in arguments with friends, roommates, and relationships. Even if you don’t have leverage of having other options, you can politely ask why you should care about the result of the argument. This is sometimes enough to shift the burden of proof all by itself. Sales and interpersonal dynamics studies refer to this as [Prize framing](#). See [Pitch Anything](#) for more. Note that you can also just play dumb and say you haven’t researched the subject. Then the person will often start trying to show you why they are right, implicitly accepting the burden of proof.
2. **Status Quo Trick** – The status quo trick simply moves the burden of proof to whoever wants to change how things already are. This is very useful in political or inter organization disputes. Since the person who wants things to change is arguing that resources be deployed to modify a situation, they bear the burden of proving that the change is important. The key to the status quo trick is arguing that your way of doing things is the standard. Either appeal to how experts do something, how the industry as a whole does something, or how a new and more successful group does something.
3. **Counter Claim** – When someone makes an argument that argument has assumptions. Simply challenge the assumptions of their argument to put them on the defensive and move the burden of proof. Do this by [undermining the frame](#). For example if someone argues that flowers are ugly, simply challenge the assumption implicit in the argument, that flowers are even important to discuss at all. This trick is important because every argument has assumptions. Even if you are the person making the original assertion, you can find something in your opponent’s response that is assumed and focus on that. For example, let’s reverse the example above and say you were arguing that all flowers are ugly. Your opponent would probably respond with “no flowers have colors and smells that make them beautiful.” Technically you are the one with the burden of proof since you are making an assertion. But you can swap the burden of proof by focusing the discussion on part of your opponent’s response. You could respond by saying “well what evidence do we have that smells are part of what is considered beauty?” If they accept your frame then they have also accepted the burden of proof. While the example above is somewhat contrived, this technique is used all the time by attorneys. It works best if the person you are talking to has overextended and taken a position in response to your comment that is extreme. See this article about [tu quoque](#), a method for character assassination that functions in a similar way.
4. **Time Travel** – Since the burden of proof seems to rest with people who go about making claims, simply argue that the person you are speaking to made an assertion first. This could be a literal verbal assertion they made a few weeks ago. It could also be an implicit assertion they are making via their actions. For example, a person who is part of the protest implicitly is arguing that the protest has some merit. Simply argue that you don’t have an opinion and that they are clearly demonstrating with their actions or words that they are making an assertion.

5. **Double Down** – This technique is simply another word for being stubborn. There are many ways to do this but simply being confident when you assert that the other person bears the burden of proof can actually work. For example a person arguing that miracles exist would usually have the burden of proof. But someone could counter by confidently and stubbornly repeating that “miracles exist until someone proves they don’t.”
6. **Shift The Criterion** – Another way of moving the burden is to shift what counts as acceptable proof. Do this by asking, “well is it possible that X is true?” This shifts the burden from proving that something is probable to something being possible. This doesn’t really move the burden of proof so much as lower it. See also [Russel's Teapot](#).
7. **Clarify The Implication Of The Burden** – This technique is useful if someone moves the burden, rightfully, to you. Clarify the implication of them saying you need to prove your argument. Ask “are you saying you don’t have any evidence against X besides the fact that you haven’t heard any good arguments for the proposition?” This keeps them from

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Date Created

January 8, 2022

Author

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