

BURDEN OF PROOF AND PRESUMPTIONS IN THE SHAKESPEARE AUTHORSHIP DEBATE

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The effort to ascertain the identity of the person who wrote the works attributed to William Shakespeare needs a logical and practical framework to provide greater structure to the debate. A framework that would serve this purpose well is the evidentiary rules on burden of proof and presumptions. The evidentiary rules on burden of proof lead to the conclusion that Oxfordians should have the burden of producing evidence on the authorship question and that the burden of persuasion on this evidence must be by a standard of clear and convincing evidence. Moreover, the authorship debate would be served by starting with several presumptions derived from accepted and uncontroversial facts about the man from Stratford. Using the Morgan theory of presumptions in evaluating these facts, the Oxfordians should have the burden of producing clear and convincing evidence to rebut these presumptions. It is for the jury of the world's readers to decide which side has the better set of facts using these evidentiary rules.

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