

“If that’s what I said” – The argumentative exploitation of credibility in criminal trials

Draft

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In a famous statement Fritz Teufel, a member of the student movement in the 1960ies in Berlin, responded to the request to stand as the judge entered the court with “wenn es der Wahrheitsfindung dienlich ist” – if it helps to find the truth. Criminal proceedings aim at revealing what really happened, they establish the truth of an incident. This is especially true for the German criminal system where the rules for criminal procedure (*Strafprozessordnung*) state explicitly that a proceeding has at its goal not a judgment beyond reasonable doubt but no less then the truth. As an inquisitorial system of criminal justice, the German criminal procedure rests on the assumption that this truth will be discovered through the investigation by an independent judge. Hence it is established during a process of inquiry, that leads from the early stage of the proceedings up to the trial.

If one would ask legal professionals how the establishment of truth is done, a very likely answer would be: by bringing forward evidence and by reasoning. Providing evidence and employing this evidence in arguments is at the core of legal processes and trials. Although especially true for the Anglo-American adversarial criminal system, which rests on the paradigm that the truth will be uncovered in a dialectical process of two opposing sides, the inquisitorial system, too, rests on argumentative practices. No police interrogation without the demand for explicit reasons, no indictment without a hint why somebody might have done something, no interrogation in court that does not try to explore the defendant’s reasons for her behavior, and above all, no verdict without the reasons for the decision. But what argumentative practices go into this process of truth production?

As a contribution to the answer of this question, this paper concentrates on an argumentative move¹ that is prominent in witness testimonies in German criminal trials. A common response by a witness to why she is certain of her account is: x is true, because non-x would be wrong. In court this can constitute an explicitly invalid form of reasoning. In practice, however, it often functions as a sound argument. I will argue, that this argumentative move has two different functions in criminal trials: presupposing (and thereby immunizing) the own credibility and introducing statements and information from the pre-trial (although one does not remember them). My argument is two-fold. First, by employing an argument that assumes what has yet to be proven in court, the fact-finding process is circumscribed and with it a cornerstone of the German criminal procedure: the principle of orality, stating that everything that goes into the decision process has to be uttered during the trial in court. Thereby, this argumentative move overcomes the procedural boundaries as it draws on its everyday-acceptability, which stands in contradiction to the explicit procedural rules. Second, on a methodological note, the data will show that the validity of argumentative moves are subject to negotiation in criminal trials. Criminal trials bring together different standards of rationality and notions of what counts as a good reason. The relationship between these different standards has to be negotiated anew in every proceeding.

I am first going to introduce the notions of fallacy and argumentation field as I will employ them in this paper. Second, I will lay out briefly the paper's methodological background, which combines ethnography and argumentation analysis. The data used stems from extensive fieldwork conducted in court and in two law firms. Third, I will describe three different forms of the argumentative move "x is true, because non-x would be wrong" in criminal trials and distinguish two functions it serves. I will then discuss the implications of

¹ I use the term argumentation move in the sense of van Eemeren/ Grootendorst/ Snoeck Henkemans (1996) interchangeably with topos or argumentation scheme. Van Eemeren et al. employ the notion of „move“ because it draws from the game metaphor. I would like to point out a further connotation „move“ carries: it points out rather the dynamic notion of argumentation than the stable.

viewing this move as an instance of begging the question and as a means to solve the problem of how to establish truth in court.

Fallacies and fields

One would wonder, how the rather normative concept of fallacy can be used in a descriptive-interpretative methodological environment. Whatever notion of fallacy one subscribes to, Hamblin's (1970) classical definition of the argument that appears to be valid but is not, van Eemeren and Grootendorst's (1992) conceptualization of fallacies as breaks of rules for critical discussion or some other definition, a fallacy is commonly conceptualized as a form of argumentative misconduct, a tinkering with some sort of argumentation rules. Hence, in order to talk about fallacious moves in argumentative practice, one would need first to identify the argumentation rules that are enforced. In a study that employs an ethnographic approach, a fallacy has to be seen context and field-dependent. Only an argument that breaks certain argumentative rules that are enforced within the actual argumentation situation, can be fallacious.

The concept of field receives a productive double meaning here: the ethnographer is in the field while collecting data, the instances of argumentation she encounters can be considered to be bound to the field. At the same time the employment of the concept in both perspectives draws attention to the singular form: is the researcher really in the field or rather in different, overlapping, contradictory, and complementary fields. With respect to the field-work I conducted, the field consisted of many subfields: the interpersonal relationship between the lawyer and myself, the court-room as the public arena, the hallway as a backstage area for the trial, and so on. Similarly the arguments I encountered in the field were drawn from different areas and could demand different degrees of validity depending on the context.

The different validity standards however, should not be considered to be fixed but as dynamic, especially as different fields can claim appropriateness in the same situation.²

In the literature, the fallacy of begging the question has received special attention, due to its formal resemblance of circular arguments and the discussion, if all circular arguments, including the deductive syllogism, should be considered to be fallacies. Begging the question has also been discussed in legal contexts. Walton (forthcoming) explores the circularity of arguments based on testimony and addresses the issue of reciprocal invocation of witnesses.

I will not address all imponderabilia of the discussion around the concepts of begging the question and circular arguments. Rather, I will follow Truncellito (2004) who, generally in line with Walton's assessment of begging the question, distinguishes between circularity as a feature of the argument form and begging the question as a feature of the arguments function. "For the sake of clarity, let's use the term 'circular' to refer to an argument whose conclusion is identical to one of its premises, and the phrase 'begging the question' to refer to a dialectical move by which one party assumes what is to be proven" (Truncellito 2004, 327). In this sense the circularity of an argument does not determine its validity. In begging the question as in fallacies in general, it is not the argument that makes a mistake but the arguer (see Truncellito 2004, 327).

Ethnography and argumentation analysis

The research project this paper stems from, focuses on the development of criminal cases by linking the analysis of the trial to the pre-trial proceedings. More specifically, it investigates the preparation of criminal trials by the defense lawyer. One of the major concepts for this study is the notion of careers, statements, facts, and stories made in the course of an ongoing legal procedure and what the defense needs to invest in order to make their stories and

² The relation of different argumentation fields is further discussed in Hannken-Illjes, Kati (forthcoming). This notion of argumentation fields is informed by Willard's (1992/ 1981) notion of field as well as by Slob's (2002) concept for a dialogical rhetoric.

arguments the stars of the trial. The project aims at a comparative ethnography of criminal trials between four countries: the US, England, Italy and Germany. Extensive case-studies of defense lawyer's practice in the four countries serve as the data-base for the analysis.

By employing ethnography as the central method, the project focuses on the actual practices of actors in the field. When informed by insights from ethnomethodology and conversation analysis, the focus lies on describing the (patterns of) practices by which actors "create and maintain a sense of order and intelligibility in social life" (ten Have 2002, 2). In relation to argumentation, it directs its focus towards the argumentative (and communicative) means by which arguers reason and resolve controversies.

Ethnography is an essentially descriptive method of inquiry. As Hammersley and Atkinson (1995) put it, ethnography "[i]n its most characteristic form ... involves the ethnographer participating, overtly or covertly, in people's daily lives for an extended period of time, watching what happens, listening to what is said, asking questions – in fact, collecting whatever data are available to throw light on the issues that are the focus of the research" (1). Ethnographic research, that directs its attention to argumentation can thus fall into the well-known dilemma between the descriptive and the normative. Analyses relying on ethnographic data stress the observable. Argumentation analysis however always includes filling in missing links – a direct contradiction it might seem. In line with this issue and with the general difficulty to find a descriptive perspective on argumentation, Deppermann (2003) argues that even a descriptive study of argumentation will have to make theoretical decisions and assume premises, although these substitutions may not be grounded on empirical data ("auch eine 'deskriptive' Argumentationsforschung kommt wohl nicht umhin, gewisse theoretische Entscheidungen zu treffen und auch Interpretationsprämissen zu veranschlagen, die ihrerseits nicht aus der empirischen Untersuchung gewonnen werden können" (19)). Hence, from a descriptive perspective argumentation presents a problematic concept that has to be weighed between the normative and the descriptive. Doing argumentation analysis in ethnographic

fieldwork is thus an act of balancing the descriptive and the normative – a tension that has been at the core of argumentation studies ever since.

At the same time the high bearing of context knowledge on the side of the researcher as well as the reflexivity of the analysis to the actors in the field can help justify the act of adding the unsaid. Ethnographic work focuses on the actual encounters and interactions, and takes into account the personal, situational and cultural context as far as possible. This deeper description of (and knowledge about) the field may justify a form of argumentation analysis that aims at reconstructing elements that are not openly expressed, especially as it can also take into consideration the epistemological substance of arguments, the knowledge, that is acquired and circulated in the field. In line with this endeavor, Prior (2005) points out a “pressing need to move beyond analysis of argumentative artifacts (whether texts, films, music, photographs, monuments, or whatever) to analysis of people's embodied, collaborative, and distributed activity in complexly laminated fields of practice” (129). This would imply a shift of focus in argumentation studies, so Prior. “Whereas argument studies has focused on the challenge of identifying backing, their work points to the field-dependent and problematic character of data/ evidence, the work needed to produce such grounds for argument” (135). Although the request for a concentration on the epistemological dimension seems well grounded, the dissociation of this endeavor from argumentation studies is questionable and seems to ignore the work that has been done in the area that could be called “field theory of argumentation”. Both foci, the formal and the substantial, are needed and, far away from being mutually exclusive, depend on each other.

Circles in the field

In the following, I will provide an analysis of examples taken from actual criminal trials and proceedings. An important limitation of these examples should be noted first. In German courts, one basically cannot conduct audio recordings. Although the judge can grant

permission, this is not easy to achieve and not attainable on a walk-in basis. To complicate issues, the official transcript of a trial is not a transcript as such, but a protocol that covers only the trial's cornerstones, both in technical respect and in terms of content (see *Strafprozessordnung* §272). For the latter, it is up to the clerk, and of course the presiding judge, to put down what she considers to be significant. Hence, the only way for the researcher to record data in the court room is by making notes during the trial. Even the permission to take these notes is up to the judge – one judge I encountered allowed only the press to take notes in court (interestingly enough he did not provide any reasons for this). This puts limits on the collection of data and bares special weight on an issue that is inherently normative as argumentation is.

“Because it would be wrong”

After this brief theoretical and methodological background I shall now move to the data. Let's take a look at the following example with two instances of the same argumentative move. This example is taken from a civil trial, but it is just too good to leave out. As the other examples will show, the form equals the one in criminal trials.

A civil trial. At issue is the question, if the tenant paid a fee to the real estate agent she cannot demand in return now that she moved out, or if that very same money was a deposit, to be paid back in full.

The first witness, the plaintiff's daughter, is asked to give her account of the story. The mother of the witness was looking for a new apartment. They looked through the Sunday newspaper and found something interesting. The mother wanted to take a look at the apartment. In the add it only said that a security deposit was needed, nothing about a fee for the real estate dealer. The judge asks, why she is so sure about that. She answers „it did not say fee, otherwise we would not have taken the apartment“.

The third witness is the real estate agent. The judge asks the witness about the payment the plaintiff made. The plaintiff sent money that he took to be the brokerage, but that was meant to be the security deposit. The plaintiff had written „security deposit“ as purpose on the check. This is what the judge points out to the broker. „But it said deposit on the remittance slip“. The broker says that he did not notice, because otherwise he would not have been allowed to take it. Asked further, if the brokerage was mentioned in the add, the real estate agent replies: “Yes, it has to”.

The main controversial issue in the trial is, if the add for the apartment stated that a brokerage would be charged. The first witness is confronted with the question how she can be so sure (after several years) that it did not say “brokerage” in the add. Hence, the judge is questioning the credibility of the statement by the witness (not necessarily the credibility of the witness) on the plausible assumption that it is unlikely to remember with certainty something one read years ago. The witness answers with an argument that rests on the premise yet to be established: If an add says that brokerage will be charged we would not consider the apartment. We considered the apartment. Hence, it did not say anything about brokerage in the add. This argument exhibits a circular structure, by stating in one premise, that the witness would never deviate from her routine ways, that she would not make a mistake. But exactly this is disputed by the defendant.

The argument brought forward by the real estate agent resembles this structure closely: Real estate agents are not allowed to take security deposits for apartments. I am obeying the rules. Therefore, I did not notice, that the plaintiff wrote deposit on the check. The acceptability of the argument rests on the assumption of lawful conduct by the landlord and the real estate agent – but precisely the lawfulness of this conduct has been put into question by the plaintiff, this is the controversial issue, the judge has to shed light on. Hence, lifted to

the more general level of the *quaestio* of this trial the argument could be formulated as follows: I did everything right, therefore I did not do anything wrong.

The structure of the first argument can be stated as: “I did X, because not-X is incompatible with my routine”. Note, that a break of the routine could be considered to be a failure from the perspective of the witness. Hence, the underlying structure could even be simplified into “I did X, because non-X is wrong”. The double negation in this scheme is not a liberty taken by me that could just be replaced by the scheme “I did X because X is compatible with my routine”. The double negation can be interpreted in two ways. First, as a strategy to conceal the circularity of the argument. Second, the translation into “I did X because X is compatible with my routine” does not fully cover the original statement. It establishes a contradiction, a mutually exclusive relationship between X and non-X where not doing non-X necessarily leads to doing X. Hence, it stresses that the actor had only limited options to act upon: either X or non-X. Both arguments rely on the assumption, that the witness would obey the rules (whatever their nature): but exactly this assumption is disputed. The own *ethos* becomes the speakers resource.

The form of this argumentative move is clearly circular. As stated earlier, the labeling of an argument as fallacious depends on the evaluation by the co-arguers. So, how did the opponents respond during the hearing? How did they react to the argument? This question points to one of the crucial points of actual argumentation in German criminal trials. Rarely will judges evaluate an argument. Rather, they will follow up with another question and leave it to the other participants and the audience to wonder what to make of this. Of course, this reluctance to evaluate arguments on the spot depends on a variety of factors, as for example personality. Hence, it is hard to say, if the judge will actually accept the argument. One indicator might however be the reaction of the opposing party – in this case the plaintiff and defendant, in criminal trials the prosecution and the defense. In this trial the respective other

party did not put the reasoning into question. This does not come as a surprise, as both parties make use of this move.

“That’s what I always do”

Similar to the former example, which rests on the assumption that one would not do something that is wrong, the next example establishes a link between a model of normalcy and the actual.

An appeal hearing. The defendant is charged with the theft of a tool in a building center. He claims that him not paying for the tool happened by mistake, because other goods had concealed the tool. The lower court (*Amtsgericht*) sentenced the defendant to a penalty of 50€ He appealed the verdict and is now sitting in the court room of the higher court (*Landgericht*). One key issue of the case is, if the cashier asked him “is that all for you?” with him replying in the affirmative or not. When the cashier is asked as a witness if she said anything to the man, she says, yes, “is that all for you”. When asked why she recalls the question and answer after more then one year she says, because she asks this every costumer.

The witness argues that, as she always asks her costumers this particular question she also asked the defendant. This argumentative move constitutes a very common everyday way of reasoning: we trust that the tram will leave at the same time every working day, without checking each evening, we act on the basis that the computer will work today, as it used to work every day and we are quite certain that we locked the door when we left, because we always lock it. Not relying on such generalizations would render life stressful and close to unmanageable.

In the context of the criminal trial it changes in the rationality of the procedural rule from an argument by generalization to a sort of hasty generalization. Although this

argumentative move is ubiquitous in everyday life, it is formally not sufficient in criminal trials. The witness has to actually remember what happened. Hence, in this case she would need to be able to say: I remember this man, I asked him if that was all and he replied yes. Also, related to the procedural rules, the argument can be depicted as circular in form. By referring to the general practice the cashier assumes also that she would not fail to ask any customer the magic question, hence she would not make a mistake. Exactly this statement however is still under question.

Interestingly enough, the defense never questions this line of reasoning explicitly. Only in the hallway the lawyer complains, that the cashier was not really persuasive. The defendant will later be found guilty, one of the reasons the judge gives for her verdict is the testimony by the cashier.

“If that is what I said”

In its third form the argumentative move now gains importance for linking the proceeding's history to the actual trial. Hence, it directly links the pre-trial to the main hearing showing the following structure: what I said/ wrote earlier is right (although I do not remember it) because otherwise I would not have said/ written it. This argumentative move has to be seen in close connection to one central mechanism that secures the process of truth-establishment in German criminal proceedings: The principle of orality. Everything that informs the decision has to be spoken out in court. Hence, it is not enough that a witness once said something in a police interrogation – she has to repeat it in court, and may only present what she remembers at that time.

One procedural means in criminal trials to introduce earlier statements from the file is the *Vorhalt*. Here, either the judge, the attorney, or the prosecutor will read part of a document and ask the witness or defendant to relate to the read out passage. Hence, a *Vorhalt* might

function to freshen the memory but also to confront the witness or defendant with former, conflicting versions. However, in order to become part of the trial and to be considered for the decision the witness or defendant needs to actualize the statement (“oh, now I remember”). In this context, the argumentative move described above receives a different bearing, as it is explicitly invalid. But let’s take a look at the examples.

Two men are accused of channeling in refugees from Iraq. The witness is a police officer who checked one of the accused at the airport some time ago. He remembers nor the name of the defendant, neither his face. However, there is a note by the witness about this check in the file.

The lawyer asks the witness about the note.

Lawyer: “The note is correct, but your memory is weak?”

Witness: “Yes”

Lawyer: “The passport check. Are you sure, that the photo in the passport was identical with the person?”

Witness: “Yes. It has to be identical”

Lawyer: “Has to or is?”

Witness: “Is”

The first question by the lawyer already points at the line of reasoning employed by the witness. Although he does not remember, he is certain that what he has written down is correct (because otherwise he would not have written it down). Hence, the reliability of this note – a piece of evidence in the trial – is backed by the argument that as it has been produced it cannot be wrong. This can be reduced to: it is right because it has to be right because I would not write something wrong.

In this example, different from the other cases, an implicit evaluation of the argument by the lawyer takes place. The witness states that he is certain of the identity between photo and person because it has to be identical (otherwise he would have made a mistake during the

control). The lawyer now asks if it has to be or if it actually is identical. Hence, he points at a weak spot in the argument: that something has to be must not mean that something actually is. The witness accepts this correction. Through this evaluation by the lawyer this argument is also labeled inappropriate for the construction of evidence. How far this labeling reaches however, is not clear, as the following example shows.

The same trial, several weeks later. The witness again is a police officer, this time of the boarder police. In the police report written by the police officer that is in the discovery file, a phone number is noted. The officer does not remember the exact number.

Presiding judge: “When it says so in here, I assume that it is correct”

Witness. “That is what I would say”

This time the argument scheme is not brought forward by a witness but by the judge. Resting on the assumption that the police officer put the phone-number down correctly several years ago he concludes that the phone-number is correct.

Notably, the same argumentative move is at one point admissible, even stated by the judge, and in another instance put into question. An answer to this incompatibility could be the function and nature of the concrete evidence under scrutiny: the identification of this phone number is an essential step in the trial, because it links one of the defendant to a couple of known people traffickers. Also, telephone numbers are by definition a piece of evidence that is hard to recall after several weeks. Hence, the exigency of the situation demands some circumscription of the procedural rules in order to ease the way for the evidence from the pre-trial to the trial. The procedural rules function thus as resources rather than boundaries for truth establishing endeavor.

A different case exhibits that the validity of this move is not only negotiated in the actual situation but depends appreciatively on the personality of the judge and her interpretation of the procedural (argumentation) rules.

An appeal hearing: the defendant is charged with driving a motor scooter, although he had not issued a liability insurance for the vehicle. In the first instance he had been sentenced to three months of jail without probation. He appealed the verdict, and now faces a professional and two lay judges in the *Landgericht*. The defendant has stated in the first instance, that the engine of his scooter was out of order and that he only pushed the scooter. Hence, he would not have needed an insurance. Now, the two police officers who charged him testify. The first one states that he could not hear if the engine was running, as the street was very busy. "I have said that already earlier". The judge answers "I know what you said. I have it right in front of me. The point is, what you are saying today."

The second police officer does not remember precisely if the engine was running or not.

Judge: "So, did you hear the engine?"

Witness: "I cannot really say"

Judge: "..."

Witness: "I assume so"

Judge: "If you cannot remember just say that"

Witness: "I don't know"

Judge: "..."

Witness: "In the report it says so"

Judge: "But today you cannot say anymore?"

Witness: "No"

The defendant is acquitted on factual grounds, as his account could not be countered.

This line of argument, falling back on pre-established documents, is especially prominent among police officers as witnesses. This is due to the fact that the notes and reports, written

by police officers, are often important pieces of evidence. However, they have to be actualized in court. The argumentative move employed allows the witness, by using her credibility as a resource, to draw from the history of the procedure and thereby to circumscribe the boundary that divides the process of inquiry from the trial.

Begged questions, argument evaluation and the principle of orality

The presented data exhibits different forms of the same argumentative move. This move is characterized by drawing on resources that are themselves still under question. Hence, the conclusion entails the premises. It is like I say because if it would be otherwise it would be wrong. It is like I say, because it is always like that. It is like I say, because that is what I said earlier. Formally, this move is a circular argument. However, as Truncellito (2004) stressed, a circular argument must not necessarily be fallacious. A fallacy is grounded in the employment of an argument not in its form. Hence, the status as a fallacy can only be evaluated in the context and through the evaluation of the co-arguers.

Earlier, I described fallacy also as characterized by some kind of tinkering with argumentation rules. The presented examples show that not just one set of governing argumentation rules is in force in an actual situation. Rather, the actors have different sets of rules, which are bound to different argumentation fields at their disposal. The examples exhibit maneuvering between the rules of procedure and the informal rules of what counts as a good argument and what can be considered plausible reasoning. Under what rationality the move will be evaluated appears to be subject to negotiation during the proceedings and especially the trial. Hence, the negotiation between different validity standards is a question of appropriateness. In the brokerage example it is hard to say, how the arguments were received by the judge, but they were not questioned or rejected by the other party. The same goes for the tool from the building center. The defense attorney did not question the argument by the cashier, although he said in an informal chat in the hallway, that that would prove nothing.

The defendant was found guilty in the appeal hearing. The testimony of the police officers differs – here the rules, and the rivalry of different rules is made explicit. At the same time, this example depicts best the room for maneuvering that is given in the court room.

For an assessment of the epistemological function of the move in criminal trials it is important to note that all forms use this move as a substitute for actual recollection of the issue under question. Through the backdoor the actors introduce knowledge and evidence that is formally inappropriate. However, the appropriateness is not only determined by the procedural rules but negotiated in the trial. By negotiating the standard for evaluation of the argumentative move the concept of what constitutes acceptable recollection is negotiated as well. Is it sufficient to introduce the past through general schemes of what constitutes normalcy or does the past need to be actualized in the present?

This question gains specific importance when relating to the connection of pre-trial and trial. The procedural rules of German criminal trials protect the trial from statements that entered the inquiry process. The trial is ruled by the principle of orality, everything that will inform the decision has to be said in court and every statement has to be made anew. A witness has actually to remember what happened and may not rely on prior statements about an incident. By employing the circular move, that rests on credibility as a resource, the witness circumscribes the procedural barrier between past and presence and appropriates past statements.

In conclusion, the production of knowledge in court and the establishment of what really happened in criminal trials does not underlie solely procedural rules but also other sets of validity standards. All this sets of rules function as resources that can be employed due to the situational exigency. Surprisingly, also the inquisitorial German criminal procedure is essentially rhetorical and characterized by argumentation.

References

- Van Eemeren, F./ Grootendorst, R. (1992). *Argumentation, Communication, and Fallacies*. New York.
- Van Eemeren, F./ Grootendorst, R./ Snoeck Henkemans, F. (1996). *Fundamentals of Argumentation Theory*. Mahwah.
- Deppermann, A. (2003). Desiderata einer gesprächsanalytischen Argumentationsforschung. In Arnulf Deppermann & Martin Hartung(Ed.), *Argumentieren in Gesprächen* (pp. 10-26). Tübingen.
- Hamblin, Ch. L. (1970). *Fallacies*. London.
- Hammersley, M./ Atkinson, P. (1995). *Ethnography. Principles in Practice*. 2nd Ed. London/ New York:
- Hannken-Illjes, Kati (forthcoming). “Keine Logik” Das Aufeinandertreffen verschiedener Argumentfelder in strafrechtlichen Verfahren.
- Prior, P. (2005). Toward the Ethnography of Argumentation. *Text*, 25(1), 129-144.
- Ten Have, P. (2002). The notion of member is the heart of the matter. *FQS - Forum Qualitative Sozialforschung*, 3(3).
- Slob, W. H. (2002). How to distinguish good and bad arguments: Dialogico-rhetorical normativity. *Argumentation*, 16, 179-196.
- Truncellito, D. A. (2004). Running in circles about begging the question. *Argumentation*, 18, 325-329.
- Walton, D. Begging the question in arguments based on testimony.
- Willard, C. A. (1992/ 1981). Field Theory. In W. L. Benoit, D. Hample & P. J. Benoit(Ed.), *Readings in Argumentation* (pp. 417-467). Berlin/ New York: Foris.