

QUINTILIAN AND THE LAW



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Quintilian And The Law The Art Of Persuasion In Law And Politics

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Quintilian And The Law The Art Of Persuasion In Law And Politics:

Quintilian and the Law Olga Eveline Tellegen-Couperus, 2003 The art of persuasion as practised today in political debate as well as in the courts of law has been developed in the rhetorical tradition but its authors have disappeared from view One of them was Quintilian who wrote his *Institutio oratoria* at the end of the first century AD This book is special because it contains one of the fullest surveys of rhetorical insights ever written and because it has come down to us in its entirety Quintilian's rhetorical system has been used in teaching rhetoric at universities since the Middle Ages The purpose of *Quintilian and the Law* is to reintroduce Quintilian's *Institutio oratoria* to modern readers and to show that the topics discussed in it are still very much alive today To that end modern experts of law and rhetoric present their views on the *Institutio oratoria* each dealing with one of the twelve books of which it consists The authors were free to choose their own way of working so that some books are described in their entirety others are discussed from one particular point of view and others still are treated only with regard to a particular section In Roman times the shortest way to a political career was by working in the law courts There one could acquire a reputation for having a thorough knowledge of the law and for being able to speak well in public In his *Institutio oratoria* Quintilian not only formulated important insights in juridical argumentation in the art of speech writing and in the performative aspects of advocacy he also discussed the ethical problems involved Because Quintilian larded his instructions with numerous examples from practice his book takes us back into the Roman law courts and helps us experience their exciting atmosphere The essays in this book reflect the wide range of subjects discussed by Quintilian They deal with one of six themes 1 the ideal orator in a historical perspective 2 his education 3 rhetoric and communication 4 argumentation 5 Roman law in the *Institutio oratoria* and 6 emotions in the courtroom However in honour of its author they are arranged in the order of the *Institutio oratoria*

Spacing Law and Politics Leif Dahlberg, 2016-04-20 Examining the inherent spatiality of law both theoretically and as social practice this book presents a genealogical account of the emergence and the development of the juridical In an analysis that stretches from ancient Greece through late antiquity and early modern and modern Europe and on to the contemporary courtroom it considers legal and philosophical texts artistic and literary works as well as judicial practices in order to elicit and document a series of critical moments in the history of juridical space Offering a more nuanced understanding of law than that found in traditional philosophical political or social accounts of legal history Dahlberg forges a critical account of the intimate relations between law and politics that shows how juridical space is determined and conditioned in ways that are integral to the very functioning and malfunctioning of law

The Oxford Handbook of Quintilian Marc van der Poel, 2021-12-03 M Fabius Quintilianus was a prominent orator declaimer and teacher of eloquence in the first century CE After his retirement he wrote the *Institutio oratoria* a unique treatise in antiquity because it is both a handbook of rhetoric and an educational treatise Quintilian's fame and influence are not only based on the *Institutio* but also on the two collections of *Declamations*

which were later attributed to him The Oxford Handbook of Quintilian aims to present Quintilian's *Institutio* as a key treatise in the history of Greco Roman rhetoric and to trace its influence on the theory and practice of rhetoric and education up to the present day Topics include Quintilian's educational programme his concepts and classifications of rhetoric his discussion of the five canons of rhetoric his style his views on literary criticism declamation and the relationship between rhetoric and law and the importance of the visual and performing arts in his work His legacy is presented in successive chapters devoted to Quintilian in late antiquity the Middle Ages the Italian Renaissance Northern Europe during the Renaissance Europe from the eighteenth to the twentieth century and the United States of America Other chapters examine the biographical tradition the history of printed editions and modern assessments of Quintilian The contributors represent a wide range of expertise and scholarly traditions offering a unique multidisciplinary perspective

Tenue est mendacium Klaus Lennartz, Javier Martínez, 2022-04-07 Many new and fruitful avenues of investigation open up when scholars consider forgery as a creative act rather than a crime We invited authors to contribute work without imposing any restrictions beyond a willingness to consider new approaches to the subject of ancient fakes forgeries and questions of authenticity The result is this volume in which our aim is to display some of the many possibilities available to scholarship The exposure of fraud and the pursuit of truth may still be valid scholarly goals but they implicitly demand that we confront the status of any text as a focal point for matters of belief and conviction Recent approaches to forgery have begun to ask new questions some intended purely for the sake of debate Ought we to consider any author to have some inherent authenticity that precludes the possibility of a forger's successful parody If every fake text has a real context what can be learned about the cultural circumstances which give rise to forgeries If every real text can potentially engender a parallel history of fakes what can this alternative narrative teach us What epistemological prejudices can lead us to swear a fake is genuine or dismiss the real thing as inauthentic Following *Splendide Mendax* and *Animo Decipiendi* this is the latest installment of an ongoing inquiry conducted by scholars in numerous countries into how the ancient world its literature and culture its history and art appears when viewed through the lens of fakes and forgeries sincerities and authenticities genuine signatures and pseudepigrapha How does scholarship tell the truth if evidence doesn't But *fabula docet* The *falsum* does not simply make the great annoying stone before the door of the truth otherwise this here would really be a council of antiquarians and paleographers The *falsum* makes a delicate fine tissue It allows the *verum* to shine through in nuances and reliefs that were less noticeable without its counterpart really tied at the head And treated differentiated it becomes even itself *perlucidum* shines out with hidden values

Legalism Paul Dresch, Judith Scheele, 2015-11-12 Mainstream historians in recent decades have often treated formal categories and rules as something to be used by individuals as one might use a stick or stone and the gains of an earlier legal history are often needlessly set aside Anthropologists meanwhile have treated rules as analytic errors and categories as an imposition by outside powers or by analysts leaving a very thin notion of practice as the stuff of social life Philosophy of an older vintage as

well as the work of scholars such as Charles Taylor provides fresh approaches when applied imaginatively to cases beyond the traditional ground of modern Europe and North America Not only are different kinds of rules and categories open to examination but the very notion of a rule can be explored more deeply This volume approaches rules and categories as constitutive of action and hence of social life but also as providing means of criticism and imagination A general theoretical framework is derived from analytical philosophy from Wittgenstein to his critics and beyond and from recent legal thinkers such as Schauer and Waldron Case studies are presented from a broad range of periods and regions from Amazonia via northern Chad Tibet and medieval Russia to the scholarly worlds of Roman law Islam and Classical India As the third volume in the Legalism series this collection draws on common themes that run throughout the first two volumes Legalism Anthropology and History and Legalism Community and Justice consolidating them in a framework that suggests a new approach to rule bound systems

Art and Rhetoric in Roman Culture Jaś Elsner, Michel Meyer, 2014-10-02

Demonstrates the central significance of rhetoric in ancient responses to and receptions of Roman art

Ethics and the Orator Gary A. Remer, 2017-03-14 Succeeds admirably in showing how the study of Cicero's political thought can still be relevant for modern debates in political philosophy Political Theory For thousands of years critics have attacked rhetoric and the actual practice of politics as unprincipled insincere and manipulative In Ethics and the Orator Gary A Remer disagrees offering the Ciceronian rhetorical tradition as a rejoinder Remer's study is distinct from other works on political morality in that it turns to Cicero not Aristotle as the progenitor of an ethical rhetorical perspective Ethics and the Orator demonstrates how Cicero presents his ideal orator as exemplary not only in his ability to persuade but in his capacity as an ethical person Remer makes a compelling case that Ciceronian values balancing the moral and the useful prudential reasoning and decorum are not particular only to the philosopher himself but are distinctive of a broader Ciceronian rhetorical tradition that runs through the history of Western political thought post Cicero including the writings of Quintilian John of Salisbury Justus Lipsius Edmund Burke the authors of The Federalist and John Stuart Mill Gary Remer's very fine new book could not be more familiar or more central to contemporary politics Perspectives on Politics Well illustrates ways in which Cicero was perhaps the classical political thinker most concerned with the transcendence of the common good The Review of Politics

Reading the Bible in the Middle Ages Jinty Nelson, Damien Kempf, 2015-09-24 For earlier medieval Christians the Bible was the book of guidance above all others and the route to religious knowledge used for all kinds of practical purposes from divination to models of government in kingdom or household This book's focus is on how medieval people accessed Scripture by reading but also by hearing and memorizing sound bites from the liturgy chants and hymns or sermons explicating Scripture in various vernaculars Time place and social class determined access to these varied forms of Scripture Throughout the earlier medieval period the Psalms attracted most readers and searchers for meanings This book's contributors probe readers motivations intellectual resources and religious concerns They ask for whom the readers wrote where they expected their

readers to be located and in what institutional social and political environments they belonged why writers chose to write about or draw on certain parts of the Bible rather than others and what real life contexts or conjunctures inspired them why the Old Testament so often loomed so large and how its law books its histories its prophetic books and its poetry were made intelligible to readers hearers and memorizers This book s contributors in raising so many questions do justice to both uniqueness and diversity

The Present State of Scholarship in the History of Rhetoric Lynée Lewis Gaillet, Winifred Bryan Horner, 2010-03-15 Through two previous editions The Present State of Scholarship in Historical and Contemporary Rhetoric has not only introduced new scholars to interdisciplinary research but also become a standard research tool in a number of fields and pointed the way toward future study Adopting research methodologies of revision and recovery this latest edition includes all new material while still following the format of the original and is constructed around bibliographical surveys of both primary and secondary works addressing the Classical Medieval Renaissance and eighteenth through twentieth century periods within the history of rhetoric The Present State of Scholarship in the History of Rhetoric doesn t simply update but rather recasts study in the history of rhetoric The authors experienced and well known scholars in their respective fields redefine existing strands of rhetorical study within the periods expand the scope of rhetorical engagement and include additional figures and their works The globalization and expansion of rhetoric are demonstrated in each of these parts and seen clearly in the inclusion of more female rhetors discussions of historical and contemporary electronic resources and examinations of rhetorical practices falling outside the academy and the traditional canon New to this edition is a cumulative review of twentieth century rhetoric along with a thematic index designed to facilitate interdisciplinary or specialized study and scholarly research across the traditional historical periods As programs incorporating rhetorical studies continue to expand at the university level students and researchers are in need of up to date bibliographical resources No other work matches the scope and approach of The Present State of Scholarship in the History of Rhetoric which carries scholarship on rhetoric into the twenty first century

A Synoptic History of Classical Rhetoric James J. Murphy, Richard A. Katula, Michael Hoppmann, 2013-07-24 Continuing its tradition of providing students with a thorough review of ancient Greek and Roman rhetorical theory and practices A Synoptic History of Classical Rhetoric is the premier text for undergraduate courses and graduate seminars in the history of rhetoric Offering vivid examples of each classical rhetor rhetorical period and source text students are led to understand rhetoric s role in the exchange of knowledge and ideas Completely updated throughout Part I of this new edition integrates new research and expanded footnotes and bibliographies for students to develop their own scholarship Part II offers eight classical texts for reading study and criticism and includes discussion questions and keys to the text in Part I

Veritatem esse quaerendam Kamil Sorka, 2023 The science of civil process has long been uneasy about the question what shape should civil proceedings take in order to allow cases to be dealt with quickly and yet ensure the conviction that the verdicts rendered are fair Should the court limit itself to the statements of the parties

and base its verdict on them with the feeling of a job well done Or rather should judges be allowed or even required to use various means to find out the actual circumstances of the case even when the parties are unwilling to do so Procedural law specialists used to call the first part of this alternative the principle of formal truth and the second the principle of material truth The main research question that underlies this study is the meaning which the theory and practice of Roman civil process attached to learning the truth in court proceedings To use contemporary terminology the question can be reduced to asking whether the Roman civil process was based on the principle of formal legal material truth

FROM THE INTRODUCTION Ethics, Identity, and Community in Later Roman Declamation Neil W. Bernstein, 2013-07-29 Rhetorical training was the central component of an elite Roman man's education and declamations imaginary courtroom speeches in the character of a fictional or historical individual were the most advanced exercises in the standard rhetorical curriculum The Major Declamations is a collection of nineteen full length Latin speeches attributed in antiquity to Quintilian but most likely composed by a group of authors in the second and third centuries CE Though there has been a recent revival of interest in Greco Roman declamation the Major Declamations has generally been neglected Ethics Identity and Community in Later Roman Declamation is the first book devoted exclusively to the Major Declamations and its reception in later European literature It argues that the fictional scenarios of the Major Declamations enable the conceptual exploration of a variety of ethical and social issues Chapters explore these cultural matters covering in turn the construction of authority the verification of claims the conventions of reciprocity and the ethics of spectatorship The book closes with a study of the reception of the collection by the Renaissance humanist Juan Luis Vives and the eighteenth century scholar Lorenzo Patarol followed by a brief postscript that deftly surveys the use of declamatory exercises in the contemporary university This much needed and engaging study will rescue the Major Declamations from generations of neglect while critically informing current work in rhetorical studies

Flavian Poetry Ruud R. Nauta, Johannes J.L. Smolenaars, Harm-Jan van Dam, 2017-07-31 The reign of the Flavian emperors 69-96 saw the production of a large and varied body of Latin poetry the epics of Valerius Flaccus Silius Italicus and Statius the *Silvae* of the same Statius and the Epigrams of Martial This poetry long seen as derivative or decadent is now increasingly appreciated for the daring originality of its responses both to the Latin literary tradition and to the contemporary Roman world In the summer of 2003 the first ever international conference on Flavian poetry was held at Groningen The Netherlands bringing together leading scholars in the field from Europe North America and Australasia This volume offers a selection of the papers delivered on that occasion

Contributory Negligence Emanuel van Dongen, 2014-08-14 Accidents often occur not only through the fault of the wrongdoer but also partly through the conduct of the injured party This contributory conduct of the injured party and its consequences for the delictual liability of the wrongdoer have been central issues in the study of private law for centuries In *Contributory Negligence A Historical and Comparative Study* Van Dongen presents a detailed study of how from Antiquity to today the negligent behaviour of the

injured party has influenced claims for damages based on delictual liability and how it evolved into the modern concept of contributory negligence His research comprises a comparative legal study of the main current developments concerning the concept of contributory negligence in France Germany and the Netherlands

The Cambridge Companion to Roman Law David Johnston, 2015-02-16 This book reflects the wide range of current scholarship on Roman law The essays newly commissioned for this volume cover the sources of evidence for classical Roman law the elements of private law as well as criminal and public law and the second life of Roman law in Byzantium in civil and canon law and in political discourse from AD 1100 to the present Roman law nowadays is studied in many different ways which is reflected in the diversity of approaches in the essays Some focus on how the law evolved in ancient Rome others on its place in the daily life of the Roman citizen still others on how Roman legal concepts and doctrines have been deployed through the ages All of them are responses to one and the same thing the sheer intellectual vitality of Roman law which has secured its place as a central element in the intellectual tradition and history of the West

Co-Creative Communication in George Herbert and John Donne Sara Rogalski, 2025-03-17 This study examines the co creative relationship between speakers hearers and God in poetry and prose by George Herbert and John Donne Through analyses of communicative situations communicative interactions and reflections on communication models of communication are established that underlie the texts selected In particular the activity of hearing is shown to be considered essential to the constitution of a meaningful utterance In this way a key function of communication becomes apparent it can yield a range of creative products from the conversation itself to a literary artefact and its extratextual effects This study thus offers a new reading of the texts of George Herbert and John Donne and provides a clear perspective on how early modern religious texts regarded communication and co creativity as connected concepts

Routledge Handbook of Descriptive Rhetorical Studies and World Languages Weixiao Wei, James Schnell, 2023-05-12 The Routledge Handbook of Descriptive Rhetorical Studies and World Languages offers a useful collection of papers that presents rhetorical analysis of the discursual practice in different cultural settings Covering issues from America to Europe and Asia and topics from politics to media education to science agriculture to literature and so on the handbook describes how language can guide listeners interpretations alter their perceptions and shape their worldviews This book offers a solid foundation for rhetorical studies to become an essential discipline in arts and humanities engendering innovative theory and applications in areas such as linguistics literature history cultural studies political science and sociology This handbook will be crucial for students and researchers in areas such as literature and linguistics communication studies political science and arts and humanities in general This book will also be useful to social science education business law science and engineering departments due to its coverage of rhetoric in a multidisciplinary and multilingual context Chapter 16 of this book is available for free in PDF format as Open Access from the individual product page at www.routledge.com It has been made available under a Creative Commons Attribution Non Commercial No

Derivatives 4.0 license Cicero and Roman Education Giuseppe La Bua, 2019-02-07 Cicero saw publication as a means of perpetuating a distinctive image of himself as statesman and orator. He memorialized his spiritual and oratorical self by means of a very solid body of texts. Educationalists and schoolteachers in antiquity relied on Cicero's oratory to supervise the growth of the young into intellectual maturity. By reconstructing the main phases of textual transmission from the first authorial dissemination of the speeches to the medieval manuscripts and by re-examining the abundant evidence on Ciceronian scholarship from the first to the sixth century CE, *Cicero and Roman Education* traces the history of the exegetical tradition on Cicero's oratory and re-assesses the didactic function of the speeches whose preservation was largely determined by pedagogical factors.

Reading Quintilian Laura Loporcaro, 2025-01-30 Reading Quintilian takes Quintilian's *Institutio oratoria* as a coherent literary work, one worth reading in full. This book examines how didactic authority is created and how readers are guided through the *Institutio* thanks to an overarching framework that holds it together. This framework is composed of several leitmotifs: the author's self-staging statements of didactic intent and method; the depiction of an ideal didactic constellation; remarks suggesting that the work proceeds in parallel with the pupil's training and the author's life; polemics against other authorities; and proleptic strategies deflecting responsibility for students' potential failures. As *Reading Quintilian* shows, the pervasiveness of that framework and the implementation in the *Institutio* of the same rhetorical strategies it describes indicate that the work is not a mere accumulation of precepts but an artfully crafted whole. All the stops of rhetorical art are pulled out to engage readers and to persuade them that the teachings conveyed are valid. Laura Loporcaro grounds her analysis of the leitmotifs in the discussion of central themes, including Quintilian's reception of Cicero and Seneca the Younger; his conception of the ideal orator; and his polemic against corrupt oratory. Combining a panoramic view with in-depth study of single leitmotifs and themes, *Reading Quintilian* investigates the construction goals and models of the *Institutio*, thereby shedding new light on the treatise as a whole.

Jerome's Commentaries on the Pauline Epistles and the Architecture of Exegetical Authority Andrew Cain, 2021 This monograph provides the first book-length treatment of Jerome's opus Paulinum in any language.

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