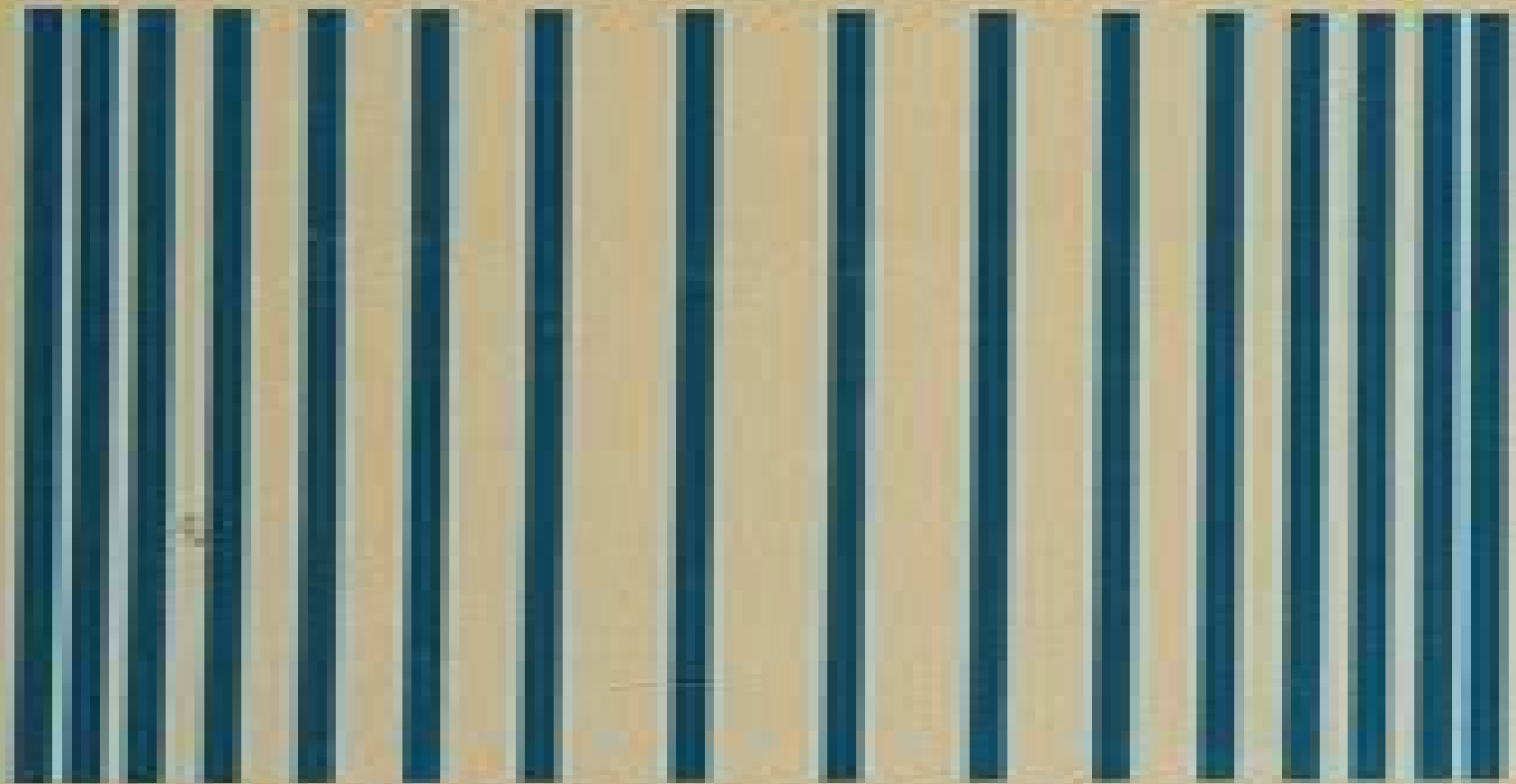


Metaphor and Reason in JUDICIAL OPINIONS



Haig Bosmajian

Metaphor And Reason In Judicial Opinions

**Kenneth L. Smith, Sandra
Moriarty, Keith Kenney, Gretchen
Barbatsis**



Metaphor And Reason In Judicial Opinions:

Metaphor and Reason in Judicial Opinions Haig A. Bosmajian, 1992 While much has been written on the use of metaphor in literature and religion science and philosophy few articles and no books have discussed its function in legal opinions To the public judges handing down judicial decisions present arguments derived through rational discourse and literal language Yet as Judge Richard Posner has pointed out rhetorical power counts for a lot in law Science not to mention everyday thought is influenced by metaphors Why shouldn't law be Haig Bosmajian examines the crucial role of the trope metaphors personifications metonymies in argumentation and reveals the surprisingly important place that figurative nonliteral language holds in judicial decision making Focusing on the specific genre of the legal opinion Professor Bosmajian discusses the question of why we have judicial opinions at all and the importance of style in them He then looks at specific well known figures of speech such as the wall of separation between church and state justice personified as a female or the Constitution as color blind explaining why they are not straight forward statements of legal fact but examples of the ways tropes are used in legal language

Thomas Jefferson and the Wall of Separation Between Church and State Daniel Dreisbach, 2002-09-01 The origins controversies and competing interpretations of the famous phrase A welcome and much needed addition to First Amendment scholarship Journal of Interdisciplinary Studies No phrase in American letters has had a more profound influence on church state law policy and discourse than Thomas Jefferson's wall of separation between church and state and few metaphors have provoked more passionate debate Introduced in an 1802 letter to the Danbury Connecticut Baptist Association Jefferson's wall is accepted by many Americans as a concise description of the U S Constitution's church state arrangement and conceived as a virtual rule of constitutional law Despite the enormous influence of the wall metaphor almost no scholarship has investigated the text of the Danbury letter the context in which it was written or Jefferson's understanding of his famous phrase This book offers an in depth examination of the origins controversial uses and competing interpretations of this powerful metaphor in law and public policy

International Law's Invisible Frames Andrea Bianchi, Moshe Hirsch, 2021 This innovative edited collection uncovers the invisible frames which form our understanding of international law Taking an interdisciplinary approach it investigates how social cognition and knowledge production processes affect decision making and inform unquestioned beliefs about what international law is and how it works

In the Opinion of the Court William Domnarski, 1996 In the Opinion of the Court the first close examination of judicial opinions as a literary genre looks at opinions handed down by the U S Supreme Court the U S Court of Appeals and district courts tracing their history function and place in legal literature William Domnarski explores the connection between judges and their audience on the one hand and judicial opinions and their functions on the other He also reveals the key roles played by the reporting and publication of judicial opinions in advancing distinctly American values the dominance exercised by the best opinion writers and the rise of the law clerk as an individual increasingly called on to write opinions Domnarski pays special

attention to Learned Hand and Oliver Wendell Holmes traditionally seen as the best practitioners of the genre and devotes a chapter to Richard Posner Chief Judge of the Seventh Circuit of the U S Court of Appeals in Chicago seen as carrying on the Hand Holmes tradition

Narrative and Metaphor in the Law Michael Hanne, Robert Weisberg, 2018-02-08 Scholars from many disciplines discuss the crucial roles played by narrative and metaphor in the theory and practice of law

Metaphor in Legal Discourse Inesa Šeškauskienė, 2022-02-22 This book explores different aspects of metaphoricity in legal discourse from court proceedings and written institutionalised texts to judges argumentation and in spoken records among others It brings together linguists and law professionals from six different countries to investigate metaphor as a conceptual phenomenon accessible through language and more specifically through actual linguistic contexts of use

The Fundamental Holmes Oliver Wendell Holmes (Jr.), 2010-07-19 This is the first anthology of Oliver Wendell Holmes s writings speeches and opinions concerning freedom of expression Prepared by a noted free speech scholar the book contains eight original essays designed to situate Holmes s works in historical and biographical context The volume is enriched by extensive commentaries concerning its many entries which consist of letters speeches book excerpts articles state court opinions and U S Supreme Court opinions

Handbook of Visual Communication Kenneth L. Smith, Sandra Moriarty, Keith Kenney, Gretchen Barbatsis, 2004-12-13 This Handbook of Visual Communication explores the key theoretical areas in visual communication and presents the research methods utilized in exploring how people see and how visual communication occurs With chapters contributed by many of the best known and respected scholars in visual communication this volume brings together significant and influential work in the visual communication discipline The theory chapters included here define the twelve major theories in visual communication scholarship aesthetics perception representation visual rhetoric cognition semiotics reception theory narrative media aesthetics ethics visual literacy and cultural studies Each of these theory chapters is followed by exemplar studies in the area demonstrating the various methods used in visual communication research as well as the research approaches applicable for specific media types The Handbook serves as an invaluable reference for visual communication theory as well as a useful resource book of research methods in the discipline It defines the current state of theory and research in visual communication and serves as a foundation for future scholarship and study As such it is required reading for scholars researchers and advanced students in visual communication and it will be influential in other disciplines in which the visual component is key including advertising persuasion and media studies The volume will also be useful to practitioners seeking to understand the visual aspects of their media and the visual processes used by their audiences

Dimensions of Private Law S. M. Waddams, 2003-07-10 This book considers the inherent complexities of private law relevant to property tort contract legal method and legal theory

Metaphor and Philosophy Mark Johnson, 2014-06-23 During the last 15 years cognitive scientists have discovered things about the nature and importance of metaphor that are startling because of their radical implications for metaphor research and because they

require us to rethink some of our most fundamental received notions of meaning concepts and reason Many of the theoretical assumptions that guided earlier generations who worked on metaphor have been undermined by this new research which has profound implications for philosophy More specifically the level of methodological sophistication of empirical studies of metaphor has increased markedly making possible rigorous detailed analyses of how metaphors actually structure conceptualization and reasoning In addition professionals have learned that metaphor is not merely a linguistic phenomenon but more fundamentally a conceptual and experiential process that structures the world The articles in this special issue make significant contributions to these advances

Metaphor And Reason In Judicial Opinions Book Review: Unveiling the Power of Words

In a global driven by information and connectivity, the ability of words has are more evident than ever. They have the capability to inspire, provoke, and ignite change. Such could be the essence of the book **Metaphor And Reason In Judicial Opinions**, a literary masterpiece that delves deep into the significance of words and their impact on our lives. Compiled by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we will explore the book is key themes, examine its writing style, and analyze its overall affect readers.

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