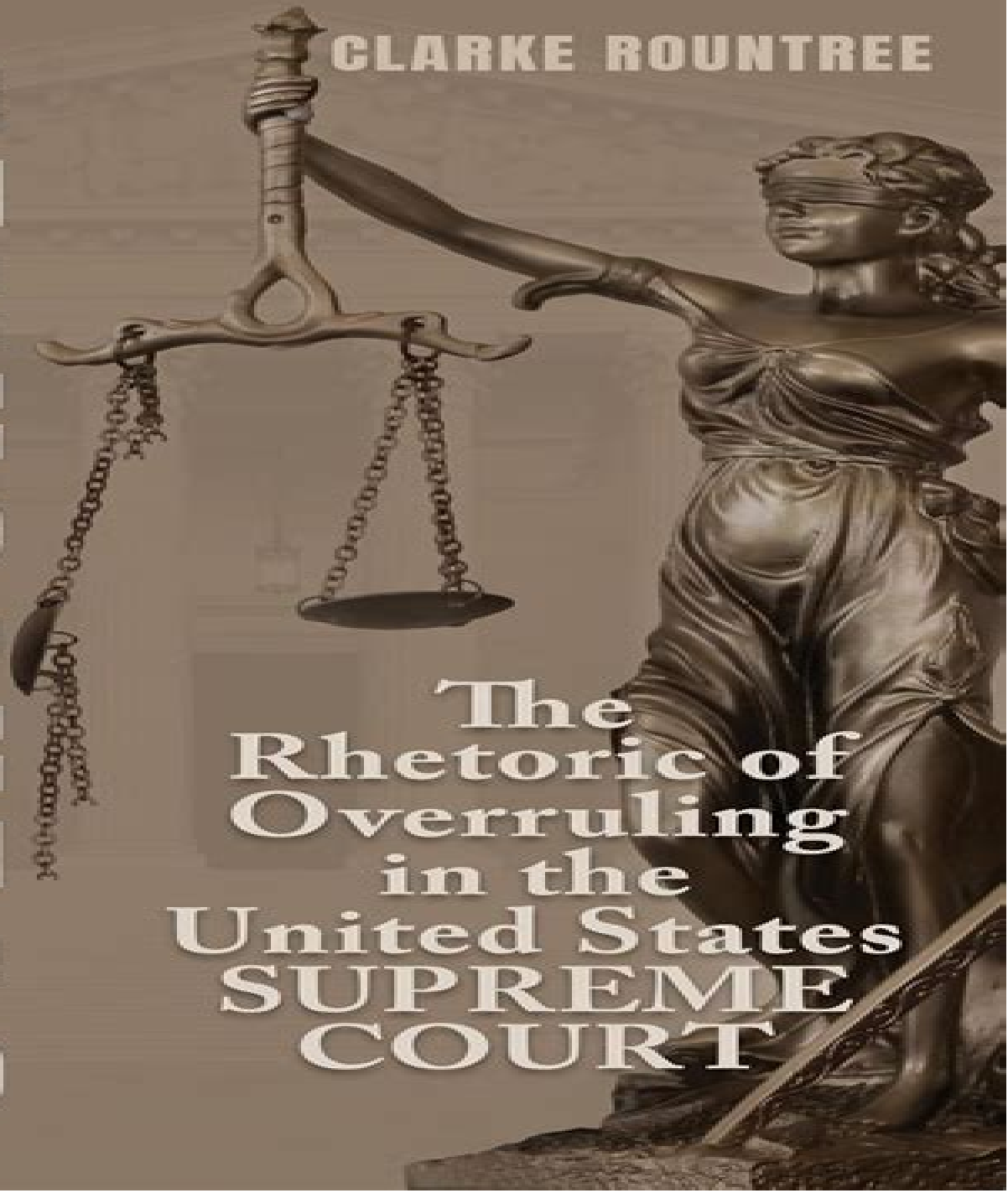


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Rhetoric Of Law

Victoria Ann Kahn, Lorna Hutson



Rhetoric Of Law:

Law's Stories Peter Brooks, Paul Gewirtz, 1996-01-01 The law is full of stories ranging from the competing narratives presented at trials to the Olympian historical narratives set forth in Supreme Court opinions How those stories are told and listened to makes a crucial difference to those whose lives are reworked in legal storytelling The public at large has increasingly been drawn to law as an area where vivid human stories are played out with distinctively high stakes And scholars in several fields have recently come to recognize that law's stories need to be studied critically This notable volume inspired by a symposium held at Yale Law School brings together an exceptional group of well known figures in law and literary studies to take a probing look at how and why stories are told in the law and how they are constructed and made effective Why is it that some stories confessions victim impact statements can be excluded from decisionmakers hearing How do judges claim the authority by which they impose certain stories on reality *Law's Stories* opens new perspectives on the law as narrative exchange performance explanation It provides a compelling encounter of law and literature seen as two wary but necessary interlocutors Contributors J M Balkin Peter Brooks Harlon L Dalton Alan M Dershowitz Daniel A Farber Robert A Ferguson Paul Gewirtz John Hollander Anthony Kronman Pierre N Leval Sanford Levinson Catharine MacKinnon Janet Malcolm Martha Minow David N Rosen Elaine Scarry Louis Michael Seidman Suzanna Sherry Reva B Siegel Robert Weisberg

The Rhetoric of Law Austin Sarat, Thomas R. Kearns, 1996-01-23 *DIV* An interdisciplinary critique of the relationship between words and the law *div Rhetoric of Law* Marianne Constable, Felipe Gutterriez, 2014-03-28

Rhetoric and The Rule of Law Neil MacCormick, 2005-07-28 Is legal reasoning rationally persuasive working within a discernible structure and using recognisable kinds of arguments Does it belong to rhetoric in this sense or to the domain of the merely rhetorical in an adversative sense Is there any reasonable certainty about legal outcomes in dispute situations If not what becomes of the Rule of Law Neil MacCormick's book tackles these questions in establishing an overall theory of legal reasoning which shows the essential part legal syllogism plays in reasoning aimed at the application of law while acknowledging that simple deductive reasoning though always necessary is very rarely sufficient to justify a decision There are always problems of relevancy classification or interpretation in relation to both facts and law In justifying conclusions about such problems reasoning has to be universalistic and yet fully sensitive to the particulars of specific cases How is this possible Is legal justification at this level consequentialist in character or principled and right based Both normative coherence and narrative coherence have a part to play in justification and in accounting for the validity of arguments by analogy Looking at such long discussed subjects as precedent and analogy and the interpretative character of the reasoning involved Neil MacCormick expands upon his celebrated *Legal Reasoning and Legal Theory* OUP 1978 and 1994 and restates his institutional theory of law

The Rhetoric of Law Austin Sarat, Thomas R. Kearns, 1994 An interdisciplinary critique of the relationship between words and the law *Rhetorical Processes and Legal Judgments* Austin Sarat, 2016-09 This

detailed analysis offers new perspectives on rhetoric and law from distinguished scholars

Rediscovering Rhetoric Justin T. Gleeson, Ruth C. A. Higgins, 2008 Rhetoric is ubiquitous in modern discourse from arguments delivered in the High Court to advertisements disseminated in the high street For the legal and political advocate persuasion is also a professional technique that must be perfected properly to practise each art In contrast with the classical era and the middle ages in which grammar rhetoric and dialectic were basic features of all education modern curricula almost entirely neglect any theoretical study of the methods of rhetoric Rediscovering Rhetoric re introduces to modern practitioners and students a grasp of the speeches writings and methodologies of the great classical scholars of rhetoric Part 1 Law and Language in the Greco Roman Tradition provides a contextualised introduction to significant theorists of rhetoric in the classical period and consists of four chapters written by practising barristers and a current Justice of the Federal Court of Australia Part 2 The Practice of Persuasion comprises essays by practitioners distinguished in their pursuit of legal persuasion one former and two current Justices of the High Court of Australia illuminating their experiences of argument from the perspective of both bench and bar Part 3 The Politics of Persuasion performs a similar function to Part 2 in the related domain of politics It includes a chapter by Graham Freudenberg former speechwriter for Gough Whitlam and others Together the three parts provide a unique interdisciplinary perspective on the theory and practice of legal and political persuasion Published in association with the NSW Bar Association

Rhetoric and Law in Early Modern Europe Victoria Ann Kahn, Lorna Hutson, 2001 Bringing together the work of social and legal historians literary scholars and historians of rhetoric and political theory this is an interdisciplinary study of the relation of law and rhetoric in the early modern period in Europe

Law, Hermeneutics and Rhetoric Professor Francis J Mootz III, 2013-07-28 Mootz offers an antidote to the fragmentation of contemporary legal theory with a collection of essays arguing that legal practice is a hermeneutical and rhetorical event that can best be understood and theorized in those terms This is not a modern insight that wipes away centuries of dogmatic confusion rather Mootz draws on insights as old as the Western tradition itself However the essays are not antiquarian or merely descriptive because hermeneutical and rhetorical philosophy have undergone important changes over the millennia To return to hermeneutics and rhetoric as touchstones for law is to embrace dynamic traditions that provide the resources for theorists who seek to foster persuasion and understanding as an antidote to the emerging global order and the trend toward bureaucratization in accordance with expert administration violent suppression or both

Legal Persuasion Linda L. Berger, Kathryn M. Stanchi, 2017-08-07 This book develops a central theme legal persuasion results from making and breaking mental connections This concept of making connections inspired the authors to take a rhetorical approach to the science of legal persuasion That singular approach resulted in the integration of research from cognitive science with classical and contemporary rhetorical theory and the application of these two disciplines to the real life practice of persuasion The combination of rhetorical analysis and cognitive science yields a new way of seeing and understanding legal

persuasion one that promises theoretical and practical gains The work has three main functions First it brings together the leading models of persuasion from cognitive science and rhetorical theory blurring boundaries and leveraging connections between the often separate spheres of science and rhetoric Second it illustrates this persuasive synthesis by working through concrete examples of persuasion demonstrating how to apply this new approach to the taking apart and the putting together of effective legal arguments In this way the book demonstrates the advantages of a deeper and more nuanced understanding of persuasion Third the volume assesses and explains why how and when certain persuasive methods and techniques are more effective than others The book is designed to appeal to scholars in law rhetoric persuasion science and psychology to students learning the practice of law and to judges and practicing lawyers who engage in persuasion **Heracles' Bow**

James Boyd White,1985 The law has traditionally been regarded as a set of rules and institutions In this thoughtful series of essays James Boyd White urges a fresh view of the law as an essentially literary rhetorical and ethical activity Defining and elaborating his conception he artfully bridges the fields of jurisprudence literature philosophy history and political science The result a new approach that may change the way we perceive the legal process will engage not only lawyers and law students but anyone interested in the relationship between ethics persuasion and community White s essays though bound by a common perspective are thematically varied Each of these pieces makes eloquent and insightful reading Taken as a whole they establish by triangulation a position from which they all proceed a view of poetry law and rhetoric as essentially synonymous Only when we perceive the links between these processes White stresses can we begin to unite the concerns of truth beauty and justice in a single field of action and expression **Rhetoric, Persuasion, and Modern Legal Writing**

Brian L. Porto,2020-02-11 Classical rhetorical techniques can enhance the persuasiveness of Supreme Court opinions by making their language clear lively and memorable This book focuses on three techniques invention creation of arguments arrangement organization and style word choice in the work of Oliver Wendell Holmes Jr Robert Jackson Hugo Black William Brennan and Antonin Scalia respectively The justices featured here contributed to the Court s rhetorical legacy in different ways but all five rejected the magisterial opinion style of the eighteenth and nineteenth centuries in favor of a more personal and conversational format As a result their opinions have endured and even modern readers who cannot recall the justices names understand and embrace the ideas expressed in their legal writings and apply those ideas to current debates Practicing lawyers professors and students can use this book to study legal writing techniques and make their own writing more persuasive

Legal Discourse Peter Goodrich,1987-06-18 *Classical Rhetoric and Contemporary Law* Kirsten K. Davis,Brian N. Larson,Francis J. Mootz,Kristen K. Tiscione,2024-04-30 From the twin birth of western rhetoric and law in the Greek speaking world in the first millennium BCE law and rhetoric were deeply connected in the ancient world In the modern era of legal practice the clear connections between law and classical rhetoric have largely been lost to both those trained in the law and those who study rhetoric This interdisciplinary reader reestablishes those lost connections by pairing primary

source materials in classical rhetoric and contemporary law The chapters in this volume show that ancient rhetorical texts can deepen or disrupt contemporary notions about principles that lie at the root of western legal traditions and return to us our past making it possible for scholars across several disciplines to build on work accomplished centuries before Broken into four parts this volume first covers the historical development of rhetoric In Part Two volume editor Mootz and scholar David A Frank look at rhetorical theorists at bookends of an era when classical rhetoric was de valued as a mode of thought Mootz discusses the hegemonic wave of Enlightenment epistemology that separated law from rhetoric and Frank shows that where Cartesian rationality fails in the modern era the humanistic tradition of rhetoric allows law to respond to the needs of justice Part Three consists of ten chapters that each 1 introduce a classical rhetorical theorist to the reader 2 provide an excerpt from a text by that theorist and then 3 demonstrate the relevance of that work to a contemporary court case Moving from the Sophists through Aristotle and Plato and their Greek contemporaries to the Roman rhetoricians Cicero and Quintilian and finally to the early medieval rhetorician St Augustine these reprinted classical texts are contextualized by leading scholars in law classics and rhetoric each with probing discussion questions for readers to engage and interact with the materials rhetorically This vital resource of primary texts demonstrates how rhetoric illuminates the operation of the legal system and reconnects law to its rhetorical roots Structured for use by scholars in critical inquiry and well suited for use in graduate or law school courses Classical Rhetoric and Contemporary Law will be of interest to law rhetoric English and communication scholars and as an interactive catalyst to examine the ways in which ancient rhetorical theory informs our understanding of law practice today

Rhetoric for Legal Writers Kristen Konrad Tiscione, 2009 This new book is intended for use by writing professors who want to inject more substance into their first year legal research and writing course as well as advanced legal writing students and upper class students taking a seminar on rhetoric The book is divided into two main sections The first section examines rhetorical theory and its impact on legal argument from the time of ancient Greece to date The second section organized by the canons of classical rhetoric discusses practical applications of rhetorical theory to the specific task of learning to think and write like a lawyer in the twenty first century By fusing theory and practice a legal writer acquires depth the ability to analyze an issue effectively using all available resources as well as breadth the ability to transfer her talent from one context to another Each chapter includes questions for consideration by the students as well as samples exercises and suggested answers

Rhetorical Knowledge in Legal Practice and Critical Legal Theory Francis J. Mootz, 2006-11-12 Publisher Description

Research Handbook on Art and Law Jani McCutcheon, Fiona McGaughey, 2020-01-31 Featuring international contributions from leading and emerging scholars this innovative Research Handbook presents a panoramic view of how law sees visual art and how visual art sees law It resists the conventional approach to art and law as inherently dissonant one a discipline preoccupied with rationality certainty and objectivity the other a creative enterprise ensconced in the imaginary and inviting multiple unique and subjective interpretations Blending

these two distinct disciplines this unique Research Handbook bridges the gap between art and law *Law as Performance* Julie Stone Peters, 2022 Explores the history of legal theatricality from antiquity to the eighteenth century It recovers a long tradition of jurisprudential thought about law as a form of theatre a tradition that ancient medieval early modern and later theorists transmitted across centuries continually elaborating and reworking it to suit changing conditions 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* Learning the Law Jonathan Bush, Alain A. Wijffels, 1999-01-01 The essays in this text deal with aspects of British legal learning It traces the tradition of learning dating back to the Middle Ages and how the Inns of Court provided the equivalent of a legal university The essays describe how before the middle of the 19th century there was little formal provision of legal education in Britain and that law in the ancient universities was not intended to have practical value and entrance to the bar was not dependent upon written examination

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