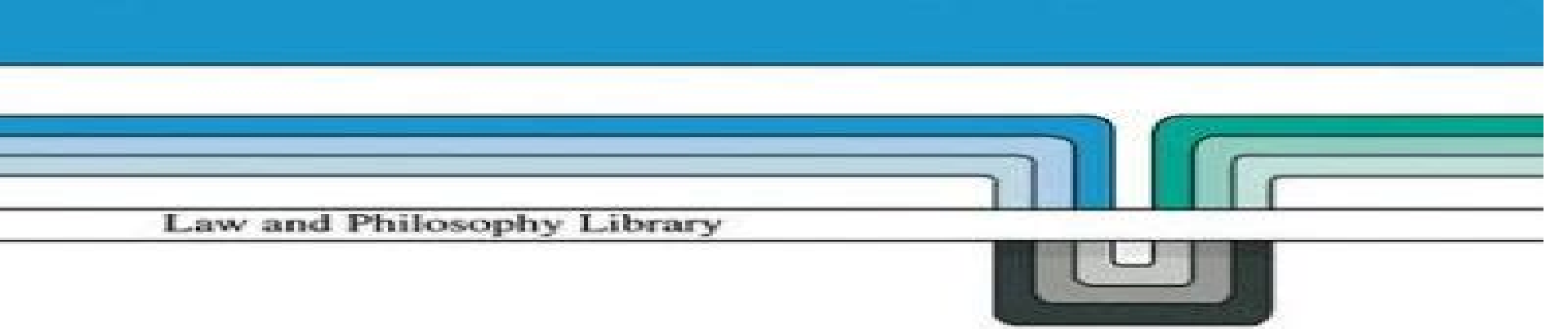




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# The Notion of an Ideal Audience in Legal Argument

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# Notion Of An Ideal Audience In Legal Argument

**George Christie**



### **Notion Of An Ideal Audience In Legal Argument:**

The Notion of an Ideal Audience in Legal Argument George Christie, 2012-12-06 As the dedication of this book suggests the genesis of this book arises from my association with Chaïm Perelman Because I was one of the few Americans to comment on his *Traité de l'argumentation la nouvelle rhétorique* before it was translated into English I was invited to a conference celebrating the translation of that monumental work into English that was held in August 1970 in Santa Barbara California at the Center for the Study of Democratic Institutions which was then under the directorship of the late Robert M Hutchins From that beginning Professor Perelman and I developed a strong and warm friendship which was cemented when Professor Perelman and his wife Fela came to North Carolina in 1979 as a fellow at the National Humanities Center I enjoyed the occasions on which I was able to participate in the activities of the Centre National de Recherches de Logique which had been established under Professor Perelman's aegis in Belgium A trip to Brussels was always something to which I looked forward Since Professor Perelman's sudden and untimely death in January 1984 shortly after he had been singularly honored by being made a baron by King Baudouin I have benefited greatly from my participation in the programs of the Perelman Foundation which was established through the generosity and efforts of Baroness Fela Perelman a remarkable woman in her own right who has now sadly also passed away

**The Concept of Ideals in Legal Theory** Sanne Taekema, 2002-12-31 Talk about law often includes reference to ideals of justice equality or freedom But what do we refer to when we speak about ideals in the context of law This book explores the concept of ideals by combining an investigation of different theories of ideals with a discussion of the role of ideals in law A comparison of the theories of Gustav Radbruch and Philip Selznick leads up to a pragmatist theory of legal ideals which provides an interesting new position in the debate about values in law between legal positivists and natural law thinkers Attention for law's central ideals enables us to understand law's autonomous character while at the same time tracing its connection to societal values Essential reading for anyone interested in the role of values or ideals in law

**The Rule of Law History, Theory and Criticism** Pietro Costa, Danilo Zolo, 2007-05-06 Authors Costa and Zolo share the conviction that a proper understanding of the rule of law today requires reference to a global problematic horizon This book offers some relevant guides for orienting the reader through a political and legal debate where the rule of law and the doctrine of human rights is a concept both controversial and significant at the national and international levels

On the Interpretation of Treaties Ulf Linderfalk, 2007-09-11 1 PURPOSE AND TOPIC We live in the age of treaties Increasingly bilateral and multilateral written agreements are used for the creation of new international legal standards For political reasons states are decreasingly less willing to rely upon customary international law for the regulation of legal matters New technology and growing international exchange have established the need for an ever more precise and flexible international law a need not satisfactorily met by customary law In many fields of activity we can seriously question whether the creation of a rule of custom is at all possible Considering also that the number of states

capable of drafting and concluding treaties seems to be growing it is not surprising that treaties are concluded far more frequently than ever before In several ways this is a development that should be met with approval By entering into written agreements states avoid the difficulties inherent in customary international law At the same time the increasing number of treaties should also be causing concern The more treaties that are concluded the more treaties that will have to be applied and the more treaties that are applied the more often the question will arise To what extent and under what specific conditions should such an application occur Naturally this includes the question of how treaties should be interpreted

Deontic Logic and Artificial Normative Systems Lou Goble, 2006-06-29 This book constitutes the refereed proceedings of the 8th International Workshop on Deontic Logic in Computer Science DEON 2006 held in Utrecht Netherlands in July 2006 Presents 18 revised full papers together with the abstracts of 3 invited talks The papers are devoted to the relationship between normative concepts and computer science artificial intelligence philosophy organization theory and law Special emphasis is placed on artificial normative systems

Constitutional Public Reason Wojciech Sadurski, 2023 This book shows how public reason is both central and useful for thinking about legitimacy in constitutional law and theory It helps academics to understand many important doctrines in constitutional adjudication of some leading constitutional courts around the world and in the supranational sphere

Fundamentals of Legal Argumentation Eveline T. Feteris, 2017-07-10 This book is an updated and revised edition of Fundamentals of Legal Argumentation published in 1999 It discusses new developments that have taken place in the past 15 years in research of legal argumentation legal justification and legal interpretation as well as the implications of these new developments for the theory of legal argumentation Almost every chapter has been revised and updated and the chapters include discussions of recent studies major additions on topical issues new perspectives and new developments in several theoretical areas Examples of these additions are discussions of recent developments in such areas as Habermas theory MacCormick's theory Alexy's theory Artificial Intelligence and law and the pragma dialectical theory of legal argumentation Furthermore it provides an extensive and systematic overview of approaches and studies of legal argumentation in the context of legal justification in various legal systems and countries that have been important for the development of research of legal argumentation The book contains a discussion of influential theories that conceive the law and legal justification as argumentative activity From different disciplinary and theoretical angles it addresses such topics as the institutional characteristics of the law and the relation between general standards for moral discussions and legal standards such as the Rule of Law It discusses patterns of legal justification in the context of different types of problems in the application of the law and it describes rules for rational legal discussions The combination of the sound basis of the first edition and the discussions of new developments make this new edition an up to date and comprehensive survey of the various theoretical influences which have informed the study of legal argumentation It discusses salient backgrounds to this field as well as major approaches and trends in the contemporary research It surveys the relevant theoretical factors both

from various continental law traditions and common law countries *International Terrorism* Dieter Mahncke, Jörg Monar, 2006 Is there a specifically European response to international terrorism Bringing together practitioners and academic experts this volume analyses the international context threat perceptions and multi dimensional nature of EU counter terrorism measures These cover legislative and operational measures internal and international action and cut across all areas of EU responsibility and activity A cooperative and coordinated system of national policies and anti terrorism capabilities has been set up However the EU finds it easier to agree on objectives than on implementing them effectively Of use and interest to students of European and international politics to academics journalists civil servants and the general reader alike the book critically evaluates the efforts of the European Union to protect European citizens against terrorism and to maintain a balance between the protection of its citizens and the protection of the rights and freedoms of the individual

**Legal Institutions** D.W. Ruiter, 2001-11-30 Building on his contributions to institutional legal theory in *Institutional Legal Facts* of 1993 *Law and Philosophy Library* volume 18 the author presents a comprehensive theory of legal institutions To that end the initial theoretical approach which mainly concentrated on problems connected with legal powers and legal acts acts in law is widened to allow for the development of a theory of legal judgements capable of accounting not only for enacted but also unwritten law legal principles and customary law With the use of the concept of institutional legal facts the structure of legal institutions is analyzed in detail In addition to that a classification of legal institutions is provided Extensive attention is given to logical as well as doctrinal problems connected with a conception of legal validity as the mode of existence of legal conditions rather than as a value of legal norms similar to the truth of propositions The study results in an elaborate conceptual framework for institutional analysis of positive law In a final chapter the analytical potential of the framework is put to the test by applying it to the branch of public international law known as the law of treaties Readership Specialists in legal theory and lawyers interested in theoretical issues particularly in linguistic approaches and questions related to the institutional nature of law

Legal Method and the Rule of Law Sebastián Urbina, 2002-08-31 We cannot see the world as it is because we face it in a contaminated vein That is our conceptual scheme and biological constitution condition our world view The legal normative world we are dealing with has some special features like the primacy of practical reason over theoretical reason and the primacy of the internal point of view over the external point of view Although it is not a feature of all legal traditions legal dogmatics is a privileged way of knowing legal normative object that is our legal orders But we are not undertaking as legal scholars an empiricist enterprise because among other reasons we are not interested in the reality in itself but in the relevant reality at least for us In this respect we do not only depend on theories like physicists but also on legal authoritative sources that is power and legitimacy Legal scholars and other participants in the legal life are not neutral observers of their own world trying to discover some hidden truth They are committed experts trying to describe justify and improve the legal order

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