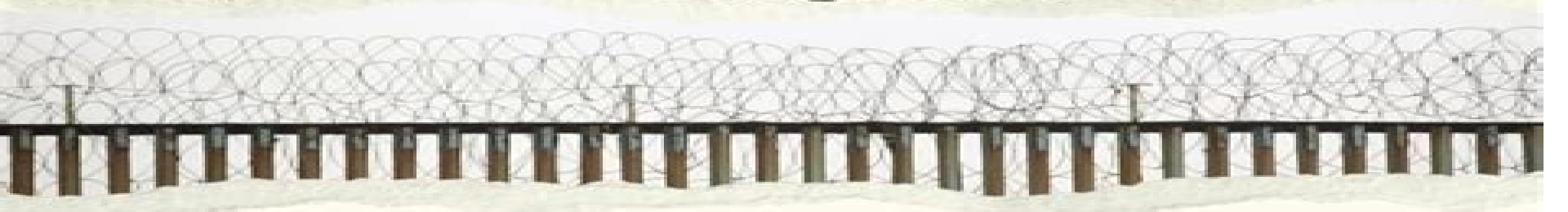




CLASSICAL RHETORIC & CONTEMPORARY LAW

A Critical Reader



EDITED BY FRANCIS J. MOOTZ III, KIRSTEN K. DAVIS,
BRIAN N. LARSON, AND KRISTEN K. TISCIONE

Rhetoric Of Law

Marianne Constable, Felipe Gutterriez



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 *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 *The Rhetoric of Law* Austin Sarat, Thomas R. Kearns, 1996-01-23 DIVAn interdisciplinary critique of the relationship between words and the law div **Legal Discourse** Peter Goodrich, 1987-06-18 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

Rhetorical Processes and Legal Judgments

Austin Sarat, 2016-09 This detailed analysis offers new perspectives on rhetoric and law from distinguished scholars

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

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 inter disciplinary 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

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