

# Rhetoric And The Rule Of Law A Theory Of Legal Reasoning Law State And Practical Reason

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Aristotle's Rhetoric Part 1

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Julian Treasure* ~~What Aristotle and  
Joshua Bell can teach us about  
persuasion — Conor Neill~~ **Classical  
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*Rhetoric, Logos-Ethos-Pathos, 6*

*Rhetorical Tools, "How to speak*

*effectively" Rhetoric 101 - How to*

*Make an Argument Book Review -*

*Rhetoric by Aristotle Aristotle: Politics -*

*Book 1 Summary and Analysis*

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Aristotle's Rhetoric Book 1 Chapter 1

Rhetorical Devices 3: Anadiplosis and

The Rule of Three *Rhetoric And The*

*Rule Of*

Rhetoric and the Rule of Law is a fine

work. It is stimulating: it makes the

reader want to argue and test its

tenets. It is stimulating: it makes the

reader want to argue and test its

tenets. It is too good to be read only by

legal theorists.

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*Rhetoric And The Rule Of Law: A  
Theory of Legal Reasoning ...*  
State And Practical Reason

Or is legal reasoning mere 'rhetoric' in the pejorative sense, open to use, and abuse, to achieve whatever ends unscrupulous politicians, lawyers and judges desire? If the latter what becomes of the supposed security of living under the rule of law? This book tackles these questions by presenting a theory of legal reasoning.

*Rhetoric and The Rule of Law: A  
Theory of Legal Reasoning ...*

Rhetoric and The Rule of Law: A  
Theory of Legal Reasoning (Law,  
State, and Practical Reason) eBook:  
MacCormick, Neil: Amazon.co.uk:  
Kindle Store

*Rhetoric and The Rule of Law: A  
Theory of Legal Reasoning ...*

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Of Legal Reasoning Law,  
State, and Practical Reason.

Description. This book discusses theories of legal reasoning and provides an overall view of the rhetoric of legal justification. It shows how and why lawyers arguments can be rationally persuasive even though rarely, if ever, logically conclusive or compelling. It examines the role of "legal syllogism" and universality of legal reasoning, looking at arguments of consequentialism and principle, and concludes by questioning the infallibility of judges as ...

*Rhetoric and the Rule of Law -*

*Hardcover - Neil MacCormick ...*

RHETORIC AND THE RULE OF LAW.

A THEORY OF LEGAL REASONING.

By Neil MacCormick. (1) Oxford:

Oxford University Press, 2005. Pp. xvi

+ 287. \$74.00. I. INTRODUCTION Neil

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MacCormick first put forward his thoughts on legal reasoning in a book entitled *Legal Reasoning and Legal Theory* (hereinafter *Legal Reasoning*).

*Rhetoric and the Rule of Law: A  
Theory of Legal Reasoning ...*

Buy *Rhetoric and The Rule of Law: A Theory of Legal Reasoning (Law. State. and Practical Reason)* by MacCormick, Neil ( 2009 ) Paperback by (ISBN: ) from Amazon's Book Store. Everyday low prices and free delivery on eligible orders.

*Rhetoric and The Rule of Law: A  
Theory of Legal Reasoning ...*

*Rhetoric and the Rule of Law: an author's day with Neil MacCormick* NILQ (2008) 59(1):1–48 \* This introduction and the three papers following it were originally presented at

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Of Legal Reasoning the late  
Neil MacCormick Law, State, and  
Practical Reason  
a symposium at the School of Law,  
Queen's University Belfast on 28 April  
2006. The fourth paper is a response  
from Sir Neil MacCormick.

*Rhetoric and the Rule of Law: an  
author's day with Neil ...*

Rhetoric and The Rule of Law A  
Theory of Legal Reasoning the late  
Neil MacCormick Law, State, and  
Practical Reason. Provides the  
author's long-awaited successor to his  
classic account of legal reasoning in  
Legal Reasoning and Legal Theory  
(OUP, 1978)

*Rhetoric and The Rule of Law -  
Paperback - the late Neil ...*

The rule of three is a writing principle  
that suggests that a trio of events or  
characters is more humorous,  
satisfying, or effective than other



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numbers. The audience of this form of text is also thereby more likely to remember the information conveyed because having three entities combines both brevity and rhythm with having the smallest amount of information to create a pattern.

## *Rule of three (writing) - Wikipedia*

The Rhetoric is regarded by most rhetoricians as "the most important single work on persuasion ever written." Gross and Walzer concur, indicating that, just as Alfred North Whitehead considered all Western philosophy a footnote to Plato, "all subsequent rhetorical theory is but a series of responses to issues raised" by Aristotle's Rhetoric.

## *Rhetoric (Aristotle) - Wikipedia*

In the first of three lectures on using

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Classical rhetoric to fashion your identity as a writer, investigate four widely used rhetorical concepts. These include commonplaces (pieces of truth wrapped in easily recognizable language), stasis (the general agreement between opposing parties about the terms of the argument), and deductive reasoning....

## *The Rules of Rhetoric | The Great Courses Plus*

Rhetoric is the art of discourse, an art that aims to improve the capability of writers or speakers that attempt to inform, persuade, or motivate particular audiences in specific situations. As a subject of formal study and a productive civic practice, rhetoric has played a central role in the Western tradition.

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## *Rules of Rhetoric*

The rule of law as such cannot be said to constitute a rule of law. However, in the recent case, ECJ 5 May 2015, Case C-146/13, Spain v European Parliament and Council, the applicant asked the ECJ to annul EU Regulation 1257/2012 'on the ground that it disregards the values of the rule of law set out in Article 2 TEU' (para. 24).

The Court ...

## *Monitoring and Enforcement of the Rule of Law in the EU ...*

Rhetoric and The Rule of Law: A Theory of Legal Reasoning. Oxford University Press Rhetoric and The Rule of Law: A Theory of Legal Reasoning When cases come before courts can we predict the outcome? Is legal reasoning rationally persuasive, .. Product #: 9780199571246 Regular

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price: \$37.99 \$ 37.99.

## Of Legal Reasoning Law State And Practical Reason

*Rhetoric and The Rule of Law: A  
Theory of Legal Reasoning*

Chinese Rule of Law: The Rhetoric  
and The Reality By Stanley Lubman,  
The Wall Street Journal, China Real  
Time Report Two recent law-related  
events — a harsh conviction and a lofty  
statement by a leader — reflect basic  
tensions in Chinese law and  
governance that will likely continue to  
grow.

*Chinese Rule of Law: The Rhetoric  
and The Reality ...*

Justice Antonin Scalia (1936–2016)  
was the single most important figure in  
the emergence of the “new originalist”  
interpretation of the US Constitution,  
which sought to anchor the court’s  
interpretation of the Constitution to the

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ordinary meaning of the words at the time of drafting. For Scalia, the meaning of constitutional provisions and statutes was rigidly fixed by their original ...

*Justice Scalia: Rhetoric and the Rule of Law, Slocum ...*

Justice Scalia: Rhetoric and the Rule of Law eBook: Slocum, Brian G., Mootz III, Francis J.: Amazon.co.uk: Kindle Store

*Justice Scalia: Rhetoric and the Rule of Law eBook: Slocum ...*

From rhetoric to religion, mastery of the Rule of Three is the key to power. Decoding the Rule of Three. When it comes to communicating ideas, the intelligentsia has always understood how human beings are programmed to process information through instinctive

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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,

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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

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(1978 and 1994) and restates his  
'institutional theory of law'.

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? Neil MacCormick tackles these questions to provide a comparative analysis of legal reasoning.

Justice Antonin Scalia (1936–2016) was the single most important figure in the emergence of the “new originalist” interpretation of the US Constitution, which sought to anchor the court’s interpretation of the Constitution to the ordinary meaning of the words at the time of drafting. For Scalia, the



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State And Practical Reason

meaning of constitutional provisions and statutes was rigidly fixed by their original meanings with little concern for extratextual considerations. While some lauded his uncompromising principles, others argued that such a rigid view of the Constitution both denies and attempts to limit the discretion of judges in ways that damage and distort our system of law. In this edited collection, leading scholars from law, political science, philosophy, rhetoric, and linguistics look at the ways Scalia framed and stated his arguments. Focusing on rhetorical strategies rather than the logic or validity of Scalia's legal arguments, the contributors collectively reveal that Scalia enacted his rigidly conservative vision of the law through his rhetorical framing.

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There has been much debate in scholarship over the factors determining the outcome of legal hearings in classical Athens. Specifically, there is divergence regarding the extent to which judicial panels were influenced by non-legal considerations in addition to, or even instead of, questions of law. Ancient rhetorical theory and practice devoted much attention to character and it is this aspect of Athenian law which forms the focus of this book. Close analysis of the dispute-resolution passages in ancient Greek literature reveals striking similarities with the rhetoric of litigants in the Athenian courts and thus helps to shed light on the function of the courts and the fundamental nature of Athenian law.

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The widespread use of character evidence in every aspect of argumentation can be traced to the Greek ideas of 'character' and 'personality', the inductive method of reasoning, and the social, political and institutional structures of the ancient Greek polis. According to the author's proposed method of interpretation, character evidence was not a means of diverting the jury's attention away from the legal issues; instead, it was a constructive and relevant way of developing a legal argument.

In *The Art of Rhetoric*, Aristotle demonstrates the purpose of rhetoric—the ability to convince people using your skill as a speaker rather than the validity or logic of your arguments—and outlines its many forms and techniques. Defining

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important philosophical terms like ethos, pathos, and logos, Aristotle establishes the earliest foundations of modern understanding of rhetoric, while providing insight into its historic role in ancient Greek culture.

Aristotle's work, which dates from the fourth century B.C., was written while the author lived in Athens, remains one of the most influential pillars of philosophy and has been studied for centuries by orators, public figures, and politicians alike. HarperTorch brings great works of non-fiction and the dramatic arts to life in digital format, upholding the highest standards in ebook production and celebrating reading in all its forms. Look for more titles in the HarperTorch collection to build your digital library.

This Major Reference series brings

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together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

"Emerging as a global paradigm, the rule of law is widely accepted as an unqualified good, yet it has also come under criticism for its elusive nature and the wide divergence in its implementation. One of the clearest examples of this is in China and Vietnam, two states who have emphasized their adoption of a

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distinctly 'socialist' version of rule of law, in which their respective Communist Parties play a leading role. China and Vietnam's claim to have adopted rule of law is widely seen as a symbol of how the term has devolved into empty rhetoric. The rhetorical nature of the rule of law is widely invoked, yet seldom analysed. This thesis re-imagines the adoption of rule of law in China and Vietnam through James Boyd White's framework of law as constitutive rhetoric. I begin with the inherited language of the Western liberal concept of rule of law, which is contested and subject to a range of meanings. Contestations over its definition and elements have fueled its rhetorical power, by arming it with a meaning and authority that is arguable and uncertain. Driven by the desire to integrate into the global economic

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order, both China and Vietnam have made deliberate attempts to frame and align domestic legal reforms in the inherited language of rule of law.

However, in adopting the language of rule of law, both countries have engaged in a 'rhetorical process of remaking and reshaping' Western rule of law principles by citing their socialist and Confucian traditions as a way to re-constitute an indigenous version of rule of law. Concurrently, in both countries the official adoption of the rhetoric of rule of law has created a wider rhetorical community in which legal scholars, the media and reformists within the Party and State have co-opted the rhetoric of rule of law to push for establishing a constitutional review mechanism. This has made it increasingly difficult for the Party and state to maintain a

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Of hegemony over the discourse of legal reform. Re-imagining rule of law adoption in China and Vietnam through the framework of constitutive rhetoric reminds us that conceptions of rule of law are not merely asserted by the state, but emerge out of ongoing interactions between the State and society. For rule of law, its elusive and contested nature is also its strength, as the ends that are sought by reforms are continually remade through the rhetorical process which infuse rule of law with meaning. " --

This book analyzes the rhetoric of Donald Trump to argue that Trump embraces conflicting populist and Republican values, and as a result has relied on populist and polarizing rhetoric, along with fabricated crises, to reconcile these combating ideals



# File Type PDF Rhetoric And The Rule Of Law A Theory Of Legal Reasoning and uphold his image of an “anti- status quo politician.” State And Practical Reason

It is twenty-five years since the publication of Neil MacCormick's book *Legal Reasoning and Legal Theory*, a book that has been in print continuously since its first publication. This book looks at how examining legal reasoning can bring up important theoretical and ethical issues, as MacCormick revisits the issues anew in his current work.

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