8th International Conference on Argumentation

July 1-July 4, 2014

University of Amsterdam

The Netherlands

ISBN 978 90 361 0450 0

Sic Sat
International Center for the Study of Argumentation
Amsterdam

Ethos And Pathos In Legal Argumentation. The Case Of Proceedings Relating To Children

Maurizio Manzin & Serena Tomasi

Cermeg - Faculty of Law
University of Trento
Italy
maurizio.manzin@unitn.it

Cermeg - Faculty of Law
University of Trento
Italy
serena.tomasi_1@unitn.it

ABSTRACT: When the judge draws her syllogism, her work is not a lonely one. To what extent can we say that her work is a cooperative one? How much of it could include arguments, which were ethical and/or emotional in nature? For answering these questions, we will proceed as follows: (1) by analysing the model of legal syllogism (CALS), in particular when including elements from ethos and pathos; (2) by checking this model in practice.

KEYWORDS: ethos, legal argumentation, pathos, persuasion, rhetoric, syllogism.

1. THE COOPERATIVE MODEL OF ARGUMENTATIVE LEGAL SYLLOGISM (CALS)[1]

As a starting point of our account we would like to shortly stress the peculiar nature of legal reasoning in trial and, besides that, the logical structure of legal decision. We basically agree with scholars (e.g. Cattani, 1990) considering 'reasoning' as a rational operation which may assume different forms (like deduction, induction or abduction), remaining however in all cases purely abstract, that is to say *formal* and not *contextualised*. In other words, reasoning implies a set of previous implicit or explicit moves aiming at establishing either the semantic referents of the discourse (and, consequently, what every word univocally means) or the inference rules of it. On the contrary, what we call here 'argumentation' is always related to a practical context, where individuals dispute about a certain issue without having any fixed referent and, most of times, also without an agreement about the kind of inference. Argumentation is therefore *informal* and totally *contextualised* by nature. Its logical structure may assume forms analogue to the ones of reasoning (as deduction, induction or abduction), but the stuff it is made of is completely different – argumentation, for instance, is semantically vague.

To govern such vagueness in order to save the rational (or to say better reasonable) feature of argumentation, is the very purpose of many types of logic oriented to practice.

[1] The paper is co-written by Maurizio Manzin and Serena Tomasi. Maurizio Manzin is the author of paragraphs from 1 to 2; Serena Tomasi is the author of paragraphs from 3 to 4.

In *legal* practice, lawyers dispute about many things: such as the meaning of statutes, the relevance of precedents, the authoritativeness of legal scholars and so on. A peculiar and probably the most remarkable place for such disputes is the trial, where issues like these and many others are put under discussion in a specifically institutionalized context, in order to get a judgement from a 'third person'. Notwithstanding its institutional context, legal dispute in trial is neither formal nor formalizable, for the semantic referents and even the inference rules are not established by the parties at the beginning, being often themselves under discussion. That is why legal logic deals with argumentation rather than reasoning in the strict sense of the word.

Typically, the logical scheme for legal argumentation in trial is thought to be the so called 'legal syllogism': a form of reasoning based on deduction, which looks like a mind's walking from some notorious places (the 'premises') to another (the 'conclusion') which is *necessarily* connected to the first ones. Such *necessity* is given by the fact that the starting point of the mind's walking is broader, and contains the area of the further step, which is more limited. The older scholars of legal logic in trial maintained that these 'premises' were, as we have said before, notorious. But this is not the case, for the certainty about referents and inference rules in legal judgements could be only presumed. The point is that such presumption (typical of formal legal positivism) tends to reduce legal argumentation to an abstract form of reasoning, having the shape of mathematics: an idea deeply rooted in Enlightenment's authors (and some contemporary legal scholars, especially in the field of artificial intelligence and law), but totally unfit for trial, where each party has her own opinion about the 'notoriety' of the premises.

Briefly, legal syllogism could be considered the most appropriate logical form of legal argumentation in trial only on condition that the informal nature of its premises is admitted. If so, we could correctly say that, yes, syllogisms are used in legal decisions, but they have to be intended as argumentative (i.e. syllogisms whose premises must be 'reconstructed' through an argumentative work) and not formal (like in math's demonstrations).

1.2 Legal syllogism as a multiple work

Once pointed out that legal syllogisms are argumentative in nature, it remains to distinguish between the subjective and objective character of argumentation. With such adjectives we mean respectively the agents of argumentation (the individuals which debate), and the argumentative work in itself (which is objective in relation to the methods used for debating) – in other words, *who* and *how* does operate to argument in trial.

From the subjective point of view, we want to underline that the judge is not the only person drawing a legal syllogism in trial (although her syllogism is the only one legitimated to be performative).

From the objective point of view, either the parties or the judge use argumentative methods to provide the stuff for building the premises of their own legal syllogism (although every party is free to choose her argumentative strategy, while the judge "iuxta alligata et probata iudicare debet" – must decide on the basis of evidences obtained in trial's debate).

In conclusion, we could say that it is not enough to qualify the legal syllogism as *argumentative* (such qualification being in any case a step forward if compared to the

assumptions of legal formalism), because it is also *cooperative* (CALS), in the sense that other individuals (and not only the judge) 'cooperate' in order to furnish the argumentative grounds for decision.

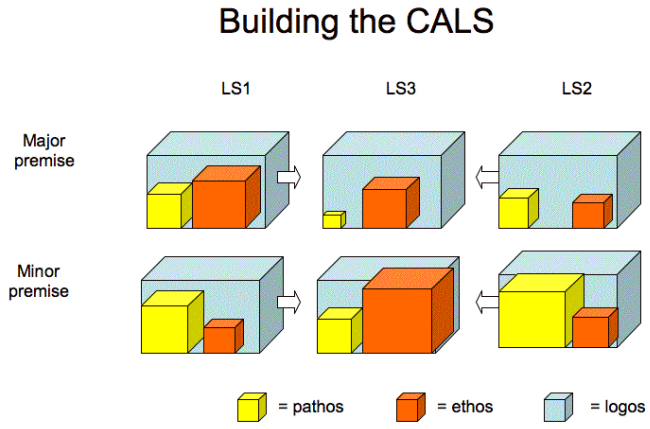
We described elsewhere (Manzin, 2013) the single steps for building the CALS by both the parties and the judge, and the differences between these two kinds of argumentative work; what we are going to stress here is the role of *ethos* and *pathos* in the composition of the CALS's premises.

As for the major premise of legal syllogism, each party has to propose a normative hypothesis by choosing, combining (if it is the case) and interpreting statutes and/or precedents. To be reasonable and persuasive, all the choices implied by the party's normative proposal should be justified, and such justification should be made on the basis of *topoi* (argumentative places) which traditionally draw their strength from *logos* (logic), *ethos* (moral convictions) and *pathos* (feelings).

As for the minor premise, in a quite similar way, each party has to propose a description of the facts; and also in this case she can choose among a variety of things: like documentary evidences, witnesses, expert witnesses (and interpretations of them), in order to give a picture of what 'probably' happened more favourable to her client. A strategy which could succeed insofar as it were justified from the logical, ethical and emotional point of view.

The major and minor premises (as well as the conclusions) proposed by the parties, which often include arguments from ethos and/or pathos, are submitted to the judge, who has this way all the stuff she needs to build the so to say 'final' syllogism of the trial – the performative one. At the end, the judge will evaluate and select the argumentative strategies of the parties, taking from one or another, or even from both, what she considers relevant for the composition of her own premises.

For a visual presentation of such operation see the following picture (LS1 and LS2 being the parties' syllogisms, and LS3 the judge's one):



(Picture nr. 1)

As shown in picture nr.1, the logical component of the premises should be intended as a sort of 'frame', which enables the reasonable placement of ethical (ε) and emotional (π)

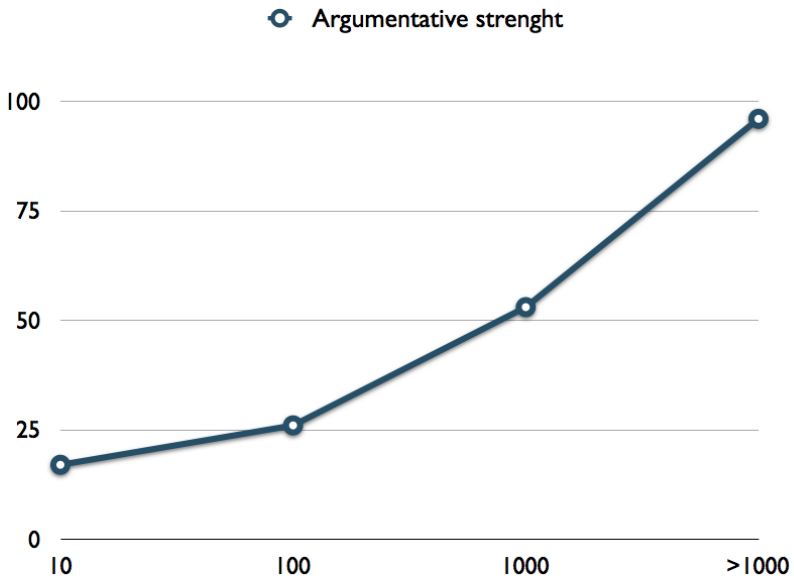
argumentative elements; the weight of these elements can vary, depending on the rhetorical strategy of the parties (in LS1 and LS2) and on the critical evaluation of the judge (in LS3).

2. MANAGING THE ETHICAL AND EMOTIONAL FEATURES OF THE CALS'S PREMISES

All ε-elements (*ethos*) and π-elements (*pathos*) in CALS's premises can be more or less effective, depending on the strength they have in public discourses and/or private opinions. To be very schematic: an ε–element will be effective to the extent that it could be derived from a widely and/or authoritatively shared moral value; a π-element will be effective to the extent that it could be derived from a widely and/or authoritatively shared feeling. By effectiveness, we mean the capability of being accepted from the judge when composing the premises of her own legal syllogism (LS3), as well as from other judges in higher Courts when deciding upon judgements of lower ones. There is, of course, also an argumentative strength that could be evaluated by legal scholars when studying precedents, and even one that could be impressive for some social audience (as, for instance, the readers of a newspaper), but the 'syllogisms' they could build with ε- and π-elements taken from the trial are not properly normative and, least of all, performative. We suggest here rapidly, as a part of a prescriptive theory on legal argumentation, some steps based on classical rhetoric (namely from Aristotle and Cicero) for managing the ε- and π-elements.

(1) "*Memoria*" (recall): the makers of LS1 and LS2 should place their standpoints on a reasonable and persuasive ground. For doing so, they have to choose from a number of possible *topoi*. The greatest the number, the highest the probability to find out some good ε- and π-elements. From this point of view, "*memoria*" has to be regarded not only as the mnemonic ability of the speaker but, in a broader sense, as the availability of a rich data storage: it doesn't matter if digital, paper-based or simply mental. Memory deals with lawyer's education, which can never be reduced to skills and technicalities, but should embrace culture and media information.

(2) "*Inventio*" (finding): among all the available data, the makers of LS1 and LS2 should evaluate and select the most suitable ones. For doing do, they can turn to the criteria of just/unjust (ethos) and pleasure/pain (pathos). In culture as well as in public discourses the arguers can detect some moral convictions and feelings, and determine their effectiveness on the basis of how much shared they are and by whom. More precisely, they could be perceived from the majority of persons (or experts) as more just (or less unjust) than others, or because they produce more positive (or less negative) emotions.



0/100 = degree of perceived justice (ε) / positive feeling (π)
10/>1000 = amount of persons / experts - (Picture nr. 2)

(3) "*Dispositio*" (setting): once ε- and π-elements have been chosen, they must be arranged in a certain order (increasing, decreasing, Nestorian etc.). Like the "*inventio*" in the prior step, setting depends upon the judicial strategy of the arguer, which is aimed at convincing not just her opponent, but the 'third person' of the trial – the judge. This kind of legal argumentation has in fact a "trilogical" (rather than dialogical) communicative structure, being addressed by both the arguing parties to an allegedly neutral audience.
When drawing her syllogism (LS3) to decide the case, the judge needs the stuff for building the major and minor premises, and such stuff can be provided basically by the parties in the course of the trial's debate. As we have shown before, part of the stuff will be purely logic, part could be ethical, and part could be emotional (the three kinds of 'bricks' in the picture nr. 1). It will be a primary task of the judge to make up her mind about the plausibility of ε- and π-elements and the accuracy of the connections between them and the party's standpoint. In this very sense, we could say that the final argumentative legal syllogism (LS3) is also a *cooperative* one: a "work made by many hands" (Villa, 2004, p. 196), where no argumentative engagement from the part of the judge would be possible without the contribution of the parties. Of course, it is not a 'cooperation' in the sense of an agreement: the parties work 'together' with the judge to the extent that they provide reliable 'bricks' for LS3 building – notwithstanding (or to say better, thanks to) the fact that they dialectically struggle one against the other.

This is, anyway, the authentic nature of the legal truth: to be the outcome of an argumentative process set up by the parties and checked by the judge, where reasonableness works also for the assimilation of *ethos* and *pathos*.

3. COMPARING THEORY TO PRACTICE

The second part of this paper will be entirely concerned with the comparison of the model to practice.
One way to put this point is to carry out empirical investigations in the legal domain to identify the applicability and the reliability of the model in practice. The main issue is formulated in terms of testing the use of *ethos* and *pathos* in legal argumentation and the weight of these critical elements in the decision-making process.

The rhetorical model of legal reasoning, that we put forward, captures many of the insights from the institutional features of legal context. In particular, summarizing the theoretical framework, central to CALS are the following elements.

First, a *cooperative* view of the relationship among the parties and the judge. The hypotheses, on which CALS is based, is that the decision-making process needs for cooperation. This concept is affected by the models of cooperative agents and cooperative systems in communication theory. Theoretically, we are addressing to the principle of communicative ethics theorized by Habermas, through which "all participants unreservedly pursue illocutionary aims in order to arrive at an agreement that provides the basis for a consensual coordination of individually pursued plans of action" (Habermas, 1998, pp. 129-130). In recent years there has been a growing interest in argumentation theory too: this concept has been fully implemented by the pragma-dialectical rules which focus on the necessary conditions of mutual respect and equal dignity to solve a conflict of opinions on the matters. The CALS model encourages a communicative process in the courtrooms through which the parties and the judge will come to a plausible and sharable decision. That is possible just modelling an interaction among the parties and the judge by which the parties in trial contribute to improve the adversary legal system through their argumentative work.

Another focal point is concerned with the strategic use of the social and moral values in justifying a legal decision. We are used to consider a legal opinion as a formal output of the decision-making process, in other words a written pronouncement of the judge consisting in a summary of the facts of the legal controversy, a description of the applicable law and how it relates to the facts, a rational argumentation and a final judgment. The CALS model provide a new methodology for analysing and evaluating a legal opinion, by considering its inputs: a legal opinion can be reconstructed as LS3 which combines LS1 and LS2, the legal argumentation proposed by the two parties, using rhetorical tools (*memoria*, *inventio*, *dispositio*).

3.1 A case by Italian juvenile criminal law

Our research topic could be potentially very broad: it may involve the analysis of Courts opinions in the different branches of law (civil law, criminal law, administrative law, etc.).

In fact, under the adversary system, both in common law and in civil law[2], each side is responsible for bringing pertinent information and argumentation in an effort to produce benefits to its side of the case.

In this paper, we decide to limit our analysis to a specific field of legal argumentation, presenting a case as a meaningful example of the applicability of CALS. We will consider a case of the Italian juvenile justice system[3] as a good test-bed for testing the model. The Juvenile Criminal Court's procedures represent an extreme case in which our sketched focal points come easily to light. Juvenile Court Rulings are cooperative in character and show that a cooperative attitude of the parties is necessary in the prevailing interest of the minor child involved. As far as the personality of someone is concerned, *pathos* and *ethos* are constitutive elements of this kind of judgment. In addition, in Italian legal system, some institutions of Juvenile Crime Law have recently been adopted by criminal law dealing with adults. We are referring to a particular formulation based on legislation concerning young offenders, which implies an alternative resolution at trial: it involves, now even for adults, the suspension of the trial in order to undergo a rehabilitation programme. If the conditions of the rehabilitative programme are fulfilled, the young offender could avoid prosecuting in Court (the formulation is "to put the young offender to the test"). Therefore, under the current law, the procedures in criminal law have been modelled upon the legislative principle of cooperation, which comes from the Juvenile Legal System.

We will first present a brief overview of the case; then we will rhetorically reconstruct the judgment through the CALS model.

This is an opinion delivered by the Juvenile Criminal Court of Milan in 2006[4]. The trial was of a fifteen young man fatherless, accused of violence towards children. He committed sexual abuse while he was playing in a garage with two younger friends, showing them his privates under compulsion. The young offender was put to the test and admitted to a rehabilitation program, under the control of Social Services. According to the programme, he was required to do activities, carried out by a team of psychologists and social workers, in order to develop social values and change his offending behaviour. After a cooperative start, he changed his mood and did not respect the rules of the programme.

The Public Prosecutor asked for prosecuting and convicting him; to support his request, the Prosecutor focused on the negative results of the test and his partial and irregular attendance of the programme. The defence attorney argued his absolution, reasoning that he did his best. The Juvenile Criminal Court in Milan upheld that the young offender deserve to be absolved, reasoning that the law was intended to rehabilitate younger offenders.

---

[2] As far as the Italian system is concerned, Italy adopted procedures model on U.S. law, making the procedures at trial adversarial.

[3] There exist significant problems with applying non-Italian terminology and concepts related to law and justice to the Italian justice system. For that reason, some of the technical words used in the rest of the article shall be defined.

[4] Tribunale di Milano, 6.6.2006; available at: http://www.tribunaleminorimilano.it/dettaglio.asp?id_articolo=478&id_categoria=giurisprudenza Tribunale per i Minorenni Milano Penale&parola=.

According to our model, we will literally analyse the arguments of LS3 in order to evaluate whether the absolution has been ethically justified and how the Court judges the young man and his attitude after the criminal offence. We expect that the parties (LS1 & LS2) have offered most of arguments based on *ethos* and *pathos*, which occur in LS3. To appreciate the weight of *ethos* and *pathos* in the legal syllogism, we will identify its rhetorical elements.

The first step of LS concerns the so called *memoria*: we are referring to shared feelings and shared moral values. To some extent, in a legal syllogism the institutional setting affects this step: by law the parties at trial share and apply principles and guarantees that should govern the system of justice. In proceedings related to children in conflict with the law, a common premise of each LS regards the specific principles and guarantees, which govern the Juvenile Legal System.

LS3 is premised upon the rules of protection of the rights of children and adolescents and the contemporary international human rights law that recognizes children as subjects of their rights and not as objects of protection. Police authorities, the Public Prosecutor's Office, public defenders and the judge share these principles and guarantees. In fact, the juvenile Courts are different and separated by the other Courts.
More precisely, LS3 recalls the normative foundation of juvenile proceedings as a general ethical foundation. By law n. 448/1988, children who commit crimes have a different status. Since they are children with less understanding of the laws, they deserve special protections, for example a specialized judge. Italian juvenile Courts' procedures reflect an effort to rehabilitate juvenile offenders and to make them to feel responsible. Unlike one of the goals in a typical adult criminal case, the purpose of a juvenile sentence is not to punish, but primarily to rehabilitate the juvenile so that he /she can go on to live a productive adult life.

The following steps of analysis of LS concern the classical phases called *inventio* and *dispositio*. We will analyse the text in order to understand how it sets forth its argumentation.

3.2 Pathos and ethos arguments in the judgement's text

Reading the passages of the judgement, we will detect arguments as they are developed in paragraphs. In this section, we will take note of them in the same order in which they appear. For each of them, we will specifically question whether it is based on the element of pain/pleasure (π-argument) or just/unjust (e-argument).
The Court, at the beginning of the decision, says[5]:

> *"The evolutionary process of adolescence implies to run into the sexuality. Teenagers encounter the possibility to act and realize what they mentally elaborate. When action prevails on thoughts, they can commit a crime".*

Rhetorically, this could be classified a π-element: the Court starts describing the teenage years during which people go through many changes and may present sexual offence behaviours. Giving a great emphasis on the psychological problems of adolescent, the Court means to figure a person in a particular stage of his life.

[5] Author's translation.

"*The legislation (D.P.R. 448/88) is intended to abandon the logic, which was historically predominant, consisting of supervising and punishing*".

In this paragraph, the Court states what is right to do towards adolescents by law. The normative source plays an ethical role.

"*In this direction, there has been innovation of juvenile criminal legislation such as, above all, the institution of the suspension of trial with admission of the offender to a test programme. It helps the young offender to review his action*".

The Court is putting emphasis on the ethical demand of giving time and a chance to the young offender to review his action.
Then the Court notes:

"*The aim of this institution is not to punish but to re-educate".*

This is another ε-element: what is fair? To enable young offenders to act properly.

"*The partial attendance of the psychological programme could not be considered in itself a reason for a negative evaluation of his rehabilitative work. To assess his behaviour, we need to consider his activities from the beginning to the end, his resources, his family, his social engagement*".

We classify it as a π-argument: the Court underlines that the assessment must be comprehensive, with an emphasis on the last imagines of the family and the society. It cares about the person and his own life story.

"A goal was to support the comparison with a non-idealized male model, reasoning that he is fatherless. Another goal was to support his relationship with the quarrelsome neighbourhood".

This is a π-element based on touching events of his life, which regards the family and the society.

"He was forced to work in a charitable institution: he began to speak frankly to the social workers acknowledging his problems socially interacting".

This is a π-element: in a certain way, it leads to consider the effort of the accused to react and his results.

"The victims declared to disagree with is prosecution. They support his re-education".

This is an ε-element: it is unfair to punish him, because not even the victim wants his prosecution.

"In conclusion, the social workers argue that it is important to give credit to his efforts, despite the fact he didn't manage to complete the programme".

This is an ε-element based on the authority of social services. The Court uses a list of

climax statements: as if to say, on the high point, that not even qualified psychologists are for his prosecution!

> *"The court argue the positive effect of the test programme with consequent prescription of the crime".*

The last passage links together the premises built by the judge in the just mentioned ways. The Court enthymematically infers a conclusion, which is performative in character.

The upshot of using this method of analysis is that you can identify the weight of *ethos* and *pathos* in legal argumentation. The focus is on the way by which emotions and moral values are made relevant to the argumentative purpose of the judge. In this case, LS3 balances the arguments of the parties (P.P. – victim) within a rhetorical strategy. The arguments are persuasive because the Court strategically appeals on the passion and the heart and on the concept of legal justice. The arguments based on *pathos* count for 50%, the arguments based on *ethos* count for 50%. According to a Cartesian tradition, we may be led to say that this kind of judgment is unscientific, or according to some argumentation theories, is fallacious: but according to CALS model, this judgment is reasonable and effective. The method of legal sciences is rhetorically oriented and involves a complex view in which the relations between the arguments and the thesis are detected considering the special position of emotions and values. To ground the acceptability of the judgment, it is necessary to reconstruct the so called *memoria*, the principles shared by the parties (e.g. normative principles, precedents of higher Courts).

4. CONCLUDING REMARKS

This paper has offered an account on the argumentative process at trial, aimed at introducing the analysis of the use of ethical and emotional elements in judicial decisions through a theoretical and empirical research.

Theoretically, we underline that *ethos* and *pathos* are relevant in many legal discourses: therefore, we defend an analysis of the Courts opinions based on the cooperative nature of legal argumentation and on the identification of statements containing (besides the logical ones) ethical and emotional elements.

Empirically, we consider legal argumentation both as an interactive process of communication and as its performative outcome. This is why we study legal decisions in a 'trilogical' perspective, collecting LS1, LS2 and LS3. Contextually, we provide a literal analysis of legal texts exploring the rhetorical strategy through couples of basic concepts: *pathos* refers to the question on pain or pleasure, *ethos* to just or unjust. In this view, we reconstruct the legal text considering the chosen ethical and emotional patterns.

This approach may help both judges and lawyers to set a legal controversy in a more reasonable and effective way.

REFERENCES

Aarnio, A. (1987). *The Rational as Reasonable. A Treatise on Legal Justification*. Dordrecht: Reidel.

Aarnio, A., R. Alexy, A. Peczenik,W. Rabinowicz and J. Wolenski (1998). *On Coherence Theory of Law*. Lund: Juristfoerlage.

Alexy, R. (1978). *Theorie der juristischen Argumentation. Die Theorie des rationalen Diskurses als Theorie der juristischen Begründung*, Frankfurt aM: Suhrkamp.

Aristotle (2000). *Rhetoric*, translated by W. R. Roberts. The Internet Classic Archive: http://classic.mit.edu/Aristotle/rhetoric.html.

Barberis, M. (1990). *Il diritto come discorso e come comportamento: trenta lezioni di filosofia del diritto.* Torino: Giappichelli.

Beccaria, C. (1982). *Dei delitti e delle pene.* Milano: Mursia [= 1764].

Cattani, A. (1990). *Forme dell'argomentare: il ragionamento tra logica e retorica*. Padova: GB.

Dahlman, C., Feteris, E.T. (Eds.) (2013). *Legal Argumentation Theories: Cross-Disciplinary Perspectives.* Dordrecht, Heidelberg, New York, London: Springer.

Eemeren, F.H. van, & Grootendorst, R. (1992). *Argumentation, communication and fallacies. A pragma-dialectical perspective*. Hillsdale NJ: Lawrence Erlbaum.

Eemeren, F.H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation. The pragma-dialectical approach.* Cambridge: Cambridge University Press.

Eemeren, F.H. van, Garssen, B., & Meuffels, B. (2009). Fallacies and judgements of reasonableness. Empirical research concerning the pragma-dialectical discussion rules. *Argumentation Library*, vol.16. Dordrecht: Springer.

Eemeren, van F.H. (2012). *In Reasonableness*. Amsterdam: Rozenberg / Sic Sat.

Endicott, T. (2000). *Vagueness in Law*. Oxford: Oxford University Press.

Feteris, E.T. (1999). *Fundamentals of legal argumentation. A survey of theories on the justification of judicial decisions.* Dordrecht: Kluwer.

Feteris, E.T. (2009). Strategic manoeuvring with linguistic arguments in legal decisions. Feteris, E.T., Plug, H.J. (Eds.). *Argumentation and the application of legal rules* (pp. 55-73). Amsterdam: Sic Sat.

Groarke, L. and C. W. Tindale (2012). *Good Reasoning Matters! A constructive Approach to Critical Thinking*. Toronto: Oxford University.

Grice, P. (1975). Logic and conversation. In P. Cole & J. Morgan (Eds.), *Syntax and Semantics, volume 3: Speech Acts* (pp. 41-58). New York: Academic Papers.

Habermas, J. (1998). *On the pragmatics of communication*. Maeve Cooke (Ed.). Cambridge, MA: MIT.

MacCormick, N. (1978). *Legal Theory and Legal Reasoning.* Oxford: Clarendon Press.

Manzin, M. (2014). *Argomentazione giuridica e retorica forense. Dieci riletture sul ragionamento processuale*. Torino: G. Giappichelli.

Manzin, M. (2013).Taking Judges Seriously: Argumentation and Rhetoric in Legal Decisions. In G. Kišiček, I. Ž. Žagar (Eds.) *What do we know about the world? Rhetorical and argumentative perspectives* (pp. 251-272). Windsor: Windsor Studies in Argumentation 1.

Manzin, M. (2012). A rhetorical approach to legal reasoning: the Italian experience of CERMEG. In F.H. Van Eemeren, B. Garssen (Eds.), *Exploring argumentative contexts*. Amsterdam: John Benjamins, pp. 135-148.

Manzin, M. (2012). Vérité et logos dans la perspective de la rhétorique judiciaire: contributions perelmaniennes à la culture juridique de troisième millénaire. In B. Frydman, M. Meyer (Eds.), *Chaïm Perelman: de la nouvelle rhétorique à la logique juridique* (pp. 261-288). Paris: Presses universitaires de France.

Plantin, C. (1999). Les raison des émotions. In M. Bondi (Ed.), *Per un'analisi linguistica dell'argomentare*. Bologna: CLEUB.

Plantin, C. (2000). *Les émotions dans les interactions*. Lyon: Presses universitaires de Lyon.

Plantin, C. (2012). *Les bonne raison des émotions. Principes et méthode pour l'étude du discours émotionné*. Berne: Peter Lang.

Prakken, H. (1997). *Logical tools for modelling legal argument. A study of defeasible reasoning in law*. Dordrecht: Kluwer.

Puppo, F. (2012). *Dalla vaghezza del linguaggio alla retorica forense. Saggio di logica giuridica.* Padova: Cedam.

Puppo, F. (2011). Vagueness of language and judicial rhetoric. In F.H. van Eemeren, Bart Garssen, David Godden, and Gordon Mitchell (Eds.), *Proceedings of the 7th Conference of the International Society for the Study of Argumentation. University of Amsterdam, June 29 – July 2, 2010* (pp. 1583-1595). Amsterdam: Rozenberg/Sic Sat.

Tomasi, S. (2011). Adversarial principle and argumentation: an outline of Italian criminal trial. In F. H. Van Eemeren, B. Garssen, D. Godden, G. Mitchell, *Proceedings of the 7th Conference of the International Society for the Study of Argumentation. University of Amsterdam, June 29 – July 2, 2010* (pp. 1870-1879). Amsterdam: Rozenberg/Sic Sat.

Villa,V. (2004). Il positivismo giuridico: metodi, teorie e giudizi di valore. Lezioni di filosofia del diritto. Torino: G. Giappichelli.

Walton, D. (1992). *The place of emotion in argument. Pennsylvania*. Penn State University Press.

Walton, D. (1998). *The New Dialectic*. Toronto: University of Toronto Press.

Walton, D. (2002). *Ethical argumentation*. Lanham: Lexington Books.