

Summary

„Rhetorik als Rechtsphilosophie“

by João Maurício
Adeodato

According to essentialist philosophies, usually called ontological and clearly prevailing in Western tradition and in contemporary philosophy of law, there is a truth to be discovered by competent proceedings. The common idea is that with method, logic, intuition, emotion and all their knowledge apparatus, it is possible for human beings to find truth, statements which would compel everyone to acceptance (“rationality”). In what ethics is concerned, truth equals correctness, justice and other laudatory adjectives. This paper applies a particular concept of rhetoric to defend the thesis that this is a highly functional illusion and that the precarious agreements of language not only constitute the maximum possible guarantees, they are the only ones. Moreover, despite being temporary, autopoietic and circumstantial, with promises which are frequently disrespected in their attempt to control the future, they are all that can be called rationality.