# Editorial
## On Legal Argumentation: from words to software

When Antonius (Cicero, *On the Ideal Orator*, 1.128) kindly reminded Crassus that "In an orator, however, we have to demand the acumen of a dialectician, the thoughts of a philosopher, the words, I'd almost say, of a poet, the memory of a jurisconsult, the voice of a tragic performer, and gestures close to those of a consummate actor. This is why nothing in the human race is more rarely to be found than a perfect orator", he was, at the same time, calling our attention to the general necessity for professionals to be always up-to-date in many techniques and knowledge of different disciplines. Could we, in fact, demand these same features of a lawyer or, in general, of those who work in law? The answer certainly could be positive. To be fair with Cicero, we should add that he emphasizes the need of memory for the jurisconsult because in Roman times every lawyer had to remember and take into account, for each case, all the precedents to reply or advise.

Although rhetorical skills (the voice of a tragic performer, the words of a poet, the gestures of a consummate actor) are very important in many legal realities today (this is the case in Chile), they are not enough. To say that rhetorical skills are not enough for legal practice, is not to say that the rhetorical dimension isn't a core part of the legal activity, actually it is the other way round, as MacCormick (2005) nicely demonstrated. The point is that it is not unknown that time is fleeting in tribunals and legal practitioners try to adapt their strategies to it (besides many of them are busy with more than one case at the same time), that the legal practice is more complex in modern societies, and that currently within the legal field specialization is required of young lawyers. All these characteristics are part of a scenario in which the rhetorical aspects have to be used with criteria: this is to say, not in all cases nor in all stages of a case.

Such as Antonius suggested for the ideal orator, we can also expect that

a professional lawyer with some knowledge in forensic linguistics (Gibbons, 2005), updated in the relationship between artificial intelligence and law (Prakken, 2008, 2005, 2004), or with some information about how specific argumentative structures work (such as the witness testimony evidence's structure (Walton, 2008)), could indeed improve her performance in each stage of a case.

Thus, new information, proposals, and technology, such as software to deal with legal argumentation, are very welcome, at theoretical and practical level. Precisely, the papers in this volume of Cogency offer interesting intersections between *extra-technical legal* theoretical frameworks (pragma-dialectics, Toulmin's ideas), with the analysis of specific problems and notions in legal argumentation: the problem of the relationship between normativity and law; the uses of fallacies in legal disputations; the possibility of a typology of argumentation based on legal principles; or the uses of strategic manoeuvres in famous cases.

These papers, then, give lawyers and those interested in legal argumentation or argumentation in general, the chance to improve their understanding to confront the contemporary legal realm. Cogency would like to thank Eveline Feteris for the invaluable effort, gentleness, and professional skills in building this solid volume following all the formal criteria of Cogency: having an international group of scholars, evaluating each paper in a peer blind review process , and tackling many dimension of the legal reality.

**Works Cited**

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