**RHETORIK ALS METHODIK DER JURISPRUDENZ (abstract)**

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According to ontological philosophies, language is a mere instrument to the discovery of truth. In what ethics is concerned, truth equals correctness, justice. It is argued here 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. The thesis here confronts both metonymical reductions: it is against the adversaries of Rhetoric, which reduce it to its strategic and ornamental aspects, and against the rhetoricians themselves, who defend a still narrower conception and reduce Rhetoric to consent and persuasion, that constitute only a part of it, no matter how important.

Depending on the amplitude of the concept of philosophy, rhetoric can be placed inside or outside it. If philosophy is the quest for truth, rhetoric prescinds of that concept and thus is not inside philosophy, as are not also skepticism, agnosticism, voluntarism, nominalism, positivism, pragmatism. But if philosophy does not have truth as a prerequisite of research, the rhetorical attitude opposes the ontological and both constitute a basic dichotomy in Western philosophical thought. This text considers rhetoric a kind of philosophy that takes language to be the common point of these "realities in which we live" (Blumenberg) and, as such, the single environment for this very peculiar knowledge that humans may have of the world (rhetorical knowledge).

All philosophical conceptions departing of a "poor" anthropology are rhetorical, while all those that are based on a “rich” anthropology are ontological. Following Arnold Gehlen, Hans Blumenberg summarizes into two opposing trends the anthropological bases of an evolution in the conceptions of knowledge which can be detected in Western tradition, a division that would here correspond to the dichotomy essentialism vs. rhetoric or to the dichotomy truth versus conjecture. A paradigm change in post-modern times would be ceasing to see humans as a triumphant species that dominates nature, builds its own world and represents the “crown of creation” – as proposed by the *Geschischtsphilosophien* and by evolutionary biologists –, to understand it as a delayed, metaphorical being, intermediated in its relationship with the environment, dominated by the need for compensation by virtue of its withdrawal from surrounding nature. In Gehlen’s terminology, humans are seen by philosophical anthropology as rich or plain (reiches Wesen) or as poor or needy beings (armes Wesen), according to its relations with the surrounding environment.

Jurisprudence can profit from rhetorical conceptions of law, because a healthy pirronical skepticism about ultimate truths could propitiate the tolerance that positive law is entitled to give.