

## Learning Units

### Learning Units

#### Learning unit 14: Persuasive advocacy: substance and style

##### Prescribed reading

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According to Marnewick: "The degree of persuasion with which an argument can be presented depends on its substantive content and the manner in which the material is presented. The substantive content of a legal argument is based on evidence, facts, logic and legal principles. The manner in which it is presented depends on the arguer's skills in the art of oratory or public speaking. The one is a matter of substance; the other a matter of style. These are the two main components of persuasive advocacy. They are inter-dependant. An argument that is supported by the evidence and the law but is badly presented is unlikely to persuade. By the same token, not even a brilliant oratory can save an argument that is devoid of substance."

##### Learning outcomes

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On completion of Learning Unit 14, you should be able to:

- identify the skills and attributes necessary for persuasive advocacy
- identify the skills on which oratory is based
- demonstrate the ability to create a structure to convey a legal argument persuasively

##### Activity

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Assume that you separately have to persuade three people that it is wrong to apply racial epithets to other people. The first is your five year old daughter, the second your teenage son and the third a magistrate presiding over a *crimen injuria* trial. How would you moderate your language and change your argument so that it is persuasive in each case? Discuss your answers on myUnisa under **Forum 4 (discussion 15)**.

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