

On Public Acceptability of Judicial Rulings from a New Rhetoric Perspective

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Abstract: The public constitutes one category of audience within rhetorical theory. In the current judicial landscape, the public's acceptance of cases they follow plays an immeasurable role in enhancing judicial credibility and upholding judicial authority. Rhetoric, as a discipline studying persuasion techniques, offers methodologies through legal rhetoric to persuade audiences and address public acceptance of rulings. By applying audience theory from new rhetoric and employing rhetorical methods, the persuasiveness of judicial rulings can be enhanced, thereby promoting public acceptance. This is particularly crucial in high-profile cases with significant social impact, where integrating rhetorical techniques into trial proceedings, rulings, and post-ruling explanations can substantially improve the acceptability of judicial decisions.

Keywords: Judicial Decisions; Acceptability; Public; Rhetoric

1. Problem Statement

With the rapid development of social media, public discussions on judicial rulings have intensified, reaching unprecedented levels of enthusiasm. Judicial cases increasingly feature in public discourse. However, in some socially prominent cases, public sentiment diverges from judicial rulings, resulting in instances of public rejection. Moreover, certain segments of "public opinion" no longer focus on factual inquiry or objective discussions about the applicability of legal systems. Instead, they have transformed into outlets for public emotional venting—a concentrated expression of dissatisfaction with reality and perceptions of judicial injustice. [1] To address this issue, theories grounded in the public perspective may offer solutions for enhancing the acceptability of judicial rulings. According to various schools of thought, audiences for judicial rulings can be

categorized into different types. This paper primarily examines the segment of society that follows specific cases—the general public. This vast demographic constitutes the largest audience group, focusing on high-profile social cases whose rulings attract significant attention. This segment of the public can access case information relatively promptly through social media, becoming one of the audiences for judicial rulings. Their acceptance of judicial rulings plays an immeasurable role in enhancing the acceptability of judicial decisions and elevating judicial authority. This paper will explore pathways to increase public acceptance of judicial rulings from the perspective of New Rhetoric, utilizing audience theory within New Rhetoric.

2. The Role of the Public in Judicial Decision-Making and Its Significance for Judicial Rulings

Perelman's rhetorical theory stands as a pivotal framework for persuasion. He defines the audience as the collective of individuals whom the speaker seeks to influence through argumentation. [2] At the theoretical level, Perelman categorizes audiences into three types: "The first category encompasses all humanity—that is, all normal, rational, and humane adults—constituting the universal audience; The second category comprises the single listener in a dialogue, constituting the particular audience; the third category is the speaker themselves, who engages in self-dialogue by treating themselves as the audience, representing individual thought." [3] These three audience classifications are not absolute and exhibit overlap. Considering the degree of influence on a case based on audience acceptance, we can categorize these non-professional groups into several tiers: juries (primarily in Anglo-American legal systems), litigants, and the general public. [4] While this holds true for cases attracting limited public

attention, the influence of public perception significantly intensifies in high-profile cases. A sound judicial ruling must not only comply with legal provisions but also consider public feedback post-delivery. Drawing on Perelman's rhetorical theory, the public's role during and after judicial proceedings manifests primarily in the following aspects.

2.1 The Public as Witnesses to Judicial Decisions

When cases attracting public attention arise, the sustained focus from trial proceedings to the final judgment—even if not experienced firsthand—constitutes a form of witnessing. If a judicial ruling is imposed upon others, it may inspire awe but will not command conviction. From a democratic perspective, law and the judiciary should not be viewed merely as the exercise of power. Judicial actions must not only be lawful but also possess legitimacy and acceptability by aligning with socially recognized values. [5] In today's era of judicial democratization, open trials have become a fundamental principle of procedural law. Moreover, this openness now extends beyond courtrooms. The public has multiple avenues to witness cases of interest—attending hearings, reading news reports, reviewing court documents, and more—all enabling them to follow developments. This act of witnessing has evolved into a form of public oversight. People tend to behave more formally and civilly in public settings. Surrounded by unfamiliar observers, even if they remain silent and inactive, their mere presence exerts an intangible pressure. The existence of these witnesses compels adjudicators to exercise greater caution in the application of power during trial proceedings.

2.2 The Public as the Persuasion Target in Judges' Decision-Making Process

When judges deliberate on verdicts, they persuade not only the parties involved but also themselves. According to rhetorical theory, persuasive discourse inherently targets an audience. Argumentation is audience-centered communication. Regardless of the approach or intended impact, the arguments you prepare and present must be centered on the recipient. Without considering your audience, your reasoning merely exercises your ability to construct argumentative units. [6] Of course,

this audience includes not only the parties involved but also the broader public, which is a crucial factor to consider. Whether the public trusts judicial rulings depends largely on their intuitive perceptions of real-world issues. [7] Particularly when handling high-profile cases with significant societal impact, judges must anticipate public reactions to verdicts and prepare accordingly. When adjudicating socially controversial cases, judges inevitably must account for public sentiment. In such instances, judges effectively treat the public as their audience for persuasion. Naturally, public opinion cannot serve as the basis for judicial rulings. Yet regardless of the final decision, judges inherently incorporate the goal of persuading the public throughout their adjudication process.

2.3 The Public as the "Grand Jury" of Judicial Decisions

In cases of widespread public interest, the public also serves as the "jury of public opinion" for judicial rulings. We can view the process and outcome of judicial rulings as a genuine, serious performance, where the public acts as both audience and spectator. Although the public lacks the power to overturn a ruling through voting, they can express their evaluations and provide feedback via social media and other platforms. In high-profile cases debated in recent years, related topics consistently garnered significant readership on social media. Public evaluations reflect the degree to which the public accepts a ruling. While such assessments may not always be entirely rational, they have become a factor courts must consider when rendering judgments. Relevant cases may even ultimately influence legal adjustments.

Through the above analysis, it is evident that the public holds an irreplaceable position in judicial rulings. Public acceptance serves as one indicator of a ruling's acceptability. Of course, this does not imply that judges should blindly follow or disregard public opinion. The judicial process involves abstracting objective facts into legal facts, which may create a disconnect from everyday social experience. The public's relative lack of legal knowledge inherently prevents full comprehension of judicial rulings. While law originates from life, it must transcend it to establish authority. Ruling in accordance with the law remains the paramount

factor in adjudication. However, public acceptance of judicial decisions is merely one element judges must weigh during deliberation and one criterion for evaluating rulings afterward.

3. How Judges Persuade the Public

One objective of judges persuading the public is to secure acceptance of judicial rulings. Broadly speaking, the acceptability of a ruling refers to the extent to which judicial decisions—including factual determinations and verdicts—achieve widespread societal recognition and acceptance. [8] When high-profile cases generate significant controversy over their outcomes, public skepticism is likely to arise. If such skepticism persists, it inevitably undermines judicial authority and tarnishes the credibility of the law. Therefore, how judges manage public acceptance of judicial decisions is crucial. Acceptance is persuasion; it is the result of persuasion. However, a judge's persuasion does not necessarily guarantee public acceptance. Judicial persuasion is proactive, while public acceptance tends to be relatively passive and reactive. For the general public, who lack control over public discourse, they are both the subjects of persuasion and individual observers. Past cases show that public attention typically focuses on the trial and sentencing phases. When handling cases of high public interest, courts must prioritize these stages to enhance the persuasiveness of rulings and public acceptance of judicial decisions. Drawing on theories from new rhetoric, we can approach this from several angles to improve the persuasiveness of rulings and public acceptance of judicial decisions.

3.1 Building Bridges between the Court and the Public

The process of judicial persuasion should be an experiential one. The most ideal persuasion process involves face-to-face dialogue among all parties, where arguments and viewpoints are fully articulated. Such an ideal environment can only be realized within the courtroom. The public places greater trust in matters they witness firsthand. Allowing the public to observe how cases they care about are adjudicated, gain deeper insights into case details, and understand the arguments of all parties in real time is crucial. This enables the general public to align their understanding of

the case with that of the judges and parties involved in the trial. Such shared understanding of the case is a necessary prerequisite for persuasion. By observing the arguments and clarifying conflicting interests, the public can largely align their judgments of the facts. Even those without formal legal training can assess cases through life experience and personal values. Moreover, persuasion extends beyond words—gestures, expressions, attire, and other elements also carry persuasive weight. As creatures of symbols, humans imbue sensory experiences with verbal meaning. [9] The ceremonial presence—a judge in robes presiding at the center, the sound of the gavel, the orderly trial process—conveys a sense of sacredness, solemnity, and gravity. This serious, authentic, yet slightly performative activity enhances public trust in the trial, serving as a prerequisite for persuasion. However, in reality, due to constraints, only a minority of the public can personally attend court proceedings. Therefore, building bridges between the courtroom and the public to foster connections is crucial. Courts are actively experimenting with expanding the "trial stage" through measures like live-streaming proceedings, enabling broader public witnessing. Furthermore, with advancements in virtual reality technology, its integration into online broadcasts is feasible. This more immersive technology could significantly enhance public engagement.

3.2 Employing Rhetorical Methods to Restore the Facts

Perelman argued that to gain recognition, an arguer must start from a mutually acknowledged foundation. For the general public, factual determination represents one such shared foundation with judicial authorities. Whether during trials or in written judgments, the public generally possesses a high level of comprehension regarding factual determinations. However, the legal facts established during judicial proceedings do not entirely align with the objective facts commonly perceived by the public. While the judicial process pursues objective facts, these must be distilled and summarized into legal facts before appearing in judgments. The use of legal jargon creates a barrier between legal practitioners and the general public. This necessitates that judges, when determining facts, strive to establish legal

facts from the perspective of the general public. The conclusion of a trial and the issuance of a judgment represent the outcome of rational engagement among all parties, inevitably involving conflicts. When rendering a judgment, judges must reconstruct the facts, ensure thorough cross-examination and rebuttal, and present the facts as fully as possible in the judgment. This involves forming a complete chain of evidence, employing rhetorical methods to construct legal facts, applying logical reasoning, and placing the facts before the public.

3.3 Emphasis on Legal Interpretation and Argumentation

Perelman's rhetorical theory posits that audiences are entirely persuadable—it is merely a matter of the persuader's skill. The general public often holds psychological expectations regarding cases they follow, forming internal judgments about how cases should be resolved. When a judgment aligns with these expectations, it reinforces their convictions and deepens their recognition of legal authority. However, when the verdict contradicts their expectations, relatively rational members of the public will typically seek to understand why such a decision was reached. This is where the written judgment plays a crucial role. Law alone cannot enforce itself; it requires interpretation to be applied. The primary value of new rhetoric theory in the legal field, particularly in the judicial domain, lies in elucidating how to achieve rationalization of decisions and actions. [10] The process of drafting a judgment is also one of dialogue between the judge and parties or relevant members of the public who may not understand the law. In this process, the interpretation and argumentation of the law, along with the use of rhetoric, are crucial. Judicial rulings cannot merely be a process of copying and pasting legal provisions. A case's judgment is not only an expression of the legislator's will; as the conveyors of legislative intent, judges must rigorously argue their points in judicial rulings to gain public acceptance. Judicial authority primarily derives from the authority of the law. If rulings are imposed rigidly without explanation, the public may question the law itself, undermining judicial authority. Therefore, judges must exercise caution in verification and adjudicate in accordance with the law while providing

reasoning. Judgments supported by explanation and reasoning not only facilitate persuasion but also serve as a process of legal education, fostering public trust in the law.

3.4 Judicial Authorities Should Proactively Enhance Their Voice

In the digital age, internet users inundated with vast amounts of information are prone to algorithmic influence, trapping them in information silos where irrational public perceptions are easily swayed. Against this backdrop, timely provision of authentic, effective information, rational perspectives, and authoritative statements is essential for building consensus and fostering public recognition. Simultaneously, the media plays a crucial role in the judicial process led by judges. Media outlets serve not only as observers of judicial proceedings but also as influencers of the direction of trials, significantly shaping the value judgments of other audiences involved in the judicial process. [11] Therefore, for cases that gain widespread public attention after a verdict has been rendered due to other factors, it is crucial for judicial organs to proactively enhance their voice in the news media and promptly explain and justify their rulings. Judicial organs must, on the one hand, adeptly utilize new media platforms to actively guide public perception through official channels. On the other hand, they should actively leverage the amplifying effect of news media by strengthening their influence through press conferences, official announcements, and other forms of media engagement. In today's complex and diverse public opinion landscape, judicial authorities must take the initiative to counteract legal mysticism, proactively engage with distorted or biased narratives, and shift from a reactive to a proactive stance in disseminating information to the public—thereby earning public trust.

4. Ideal Acceptability and the Limits of Persuasion

Ideal acceptability is difficult to achieve in practice. Relying solely on rhetorical techniques to enhance the persuasiveness of judicial rulings has inherent limitations. Ideal acceptability should be built upon an environment where the public is sufficiently rational and judicial rulings employ highly sophisticated rhetorical skills. Clearly, such an environment is currently

unattainable. From the public's perspective, people are easily swayed and their rational awareness remains underdeveloped. Judicial adjudication is both competitive and specialized, and both aspects can easily lead to irrational perceptions among audiences, particularly the parties involved. [12] From the judicial perspective, rising public awareness of rights has exacerbated the conflict between heavy caseloads and limited personnel, intensifying judges' workloads. Against this backdrop, judges must also master rhetorical techniques, meticulously crafting each judgment with careful consideration of every word and phrase to persuade others through judicial rulings—significantly increasing their workload. Therefore, while applying a rhetorical perspective to enhance public acceptance of judicial rulings may not be feasible for every case in practice, judicial authorities could consider this approach for high-profile, influential cases. Doing so would strengthen the persuasiveness of rulings and make them more readily accepted by the public.

5. Conclusion

In summary, the development of internet social media has vastly expanded the scope and influence of the societal audience. Within the current judicial and public opinion landscape, enhancing the persuasiveness and credibility of judicial rulings is of paramount importance. When confronting cases with significant public attention and social impact, the theories of new rhetoric offer a fresh perspective for improving the persuasiveness of judicial rulings, presenting a valuable solution. It reminds us that for cases attracting widespread attention even before trial, the court proceedings themselves are crucial. More open and transparent trials allow greater public witness to the decision-making process, enabling the public to observe judges' reasoning and explanations during hearings. For cases that attract widespread public attention after a verdict is rendered, judicial authorities can hold press conferences to explain their decisions. By using their own media channels to speak out, they can enhance their voice in a noisy public discourse environment. This approach strengthens the persuasiveness of judicial rulings, fosters public trust in the judiciary and the law, and elevates judicial authority. Simultaneously, rulings on socially debated

cases provide corresponding reference standards for public conduct, carrying significant legal education value. However, the functionality and effectiveness of rhetoric remain limited. The critical judicial concept of "judicial acceptability" warrants further exploration through diverse methodologies.

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