Celebrating Classical Rhetoric & Building Contemporary Law

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Agenda & Reading List

Celebrating Classical Rhetoric & Building Contemporary Law

Session P3, Rhetoric Society of America 18th Biennial Conference

June 2, 2:00-3:15, 2018, Grand Ballroom B, 3rd Floor

Speakers
Kirsten Davis, Stetson University College of Law
Brian Larson, Texas A&M University School of Law
Francis J. Mootz, McGeorge School of Law
Susan Provenzano, Northwestern Pritzker School of Law
Susie Salmon, The University of Arizona James E. Rogers College of Law

Classical rhetoric and the western legal tradition were born together in the Greek city-states of the 5th century BCE. Yet little is said about Isocrates, Aristotle, Cicero, and Quintilian (for example) in contemporary law schools, and lawyers know little about the classical rhetorical foundations of their practice. Beginning in 2017, a group of two dozen scholars (mostly teachers of communication and legal theory in law schools) began a distance reading-group to examine the intersections between classical rhetorical theory and contemporary legal theory, practice, and education. This special-format session will present some of the group’s findings in the form of a moot court. The group will “moot” three resolutions: For two of the resolutions, a member of the group will argue for and another against it, and the audience will judge—offering their own perspectives to boot. (For the third, a member of the group will argue for the resolutions and leave the audience to argue against it.)

The session will make visible the enduring connections between classical rhetoric and contemporary law practice and look to the future of legal education in the west. The resolutions explore the utility of the classical texts directly in the classroom, theoretical implications of classical rhetorical and logical theory to contemporary legal argumentation, and the possibility that principles of the classical rhetorical tradition can shape legal education and practice.
**Agenda**

Imagine that you are an Athenian jury who will vote on the three resolutions mooted here. Our speakers will propose and oppose them, and you will vote. Here is our schedule.

2:00-2:05  Introduction and description of format. Brian Larson.
2:06-2:27  Resolution 1: “Contemporary law students should read classical rhetorical texts”
           PRO: Kirsten Davis. CON: Susie Salmon.
2:28-2:49  Resolution 2: “Legal theory is inevitably logical, dialectical, and rhetorical in the classical senses.”
           PRO: Sue Provenzano. CON: Brian Larson.
2:50-3:15  Resolution 3: “Classical rhetorical texts are inadequate to educate contemporary law students, because the social and technological context of modern legal practice brings it outside the scope of the liberal arts.”
           PRO: Jay Mootz.

The debate format for the first two resolutions will provide five minutes for the proponent, five for the opponent, up to one minute rebuttal for each, and then an audience discussion and vote. On the third resolution, the speaker will propose the resolution, and the other speakers and audience may oppose it; that segment may function more as a general discussion, but we’ll still take your vote.

**Classical Rhetoric & Contemporary Law Reading List**
(June 2017 – May 2018)


15. Cicero, Marcus Tullius. *On the Ideal Orator [De Oratore]*. Translated by James M. May and Jakob Wisse, Oxford University Press, USA, 2001. (The group discussed this over two sessions.)