14

An Unconventional Call for Proposals

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14.1 INTRODUCTION

We began this volume by describing it as a mosaic of theories and texts contributing tesserae – the small pebbles, stones, and glass that make up mosaics – to a larger picture of legal rhetoric. We are proud of the ways that this volume fills in a segment of this picture. First, the volume points to the richness of ancient texts. While much contemporary American legal thought relies on Aristotle, his work is often mischaracterized or simplified. The chapters by Mark Hannah and Jay Mootz on ethos (Chapter 2) and by Susan Tanner on the enthymeme (Chapter 5) challenge and complicate these received understandings. Other contributors illustrate the continued relevance of other figures of Greece and Rome – Brian Larson's chapter on Cicero (Chapter 4), Vasileios Adamidis and Laura Webb's chapter on the Attic orators (Chapter 3), and Beth Britt's chapter on a text by an anonymous sophist (Chapter 13) – while Rasha Diab rereads early Arab-Islamic discourses on women's rights (Chapter 9).

Second, the volume demonstrates the importance of closely attending to rhetorical theory as it developed in the West during the Enlightenment, a crucial period not only for the disciplines of both rhetoric and law but also for their relationship. Jennifer Andrus' chapter on John Locke (Chapter 6), and Laura Collins' chapter on Giambattista Vico (Chapter 8), illustrate opposite ideologies about language that largely represent how law and rhetoric became estranged. Judy Cornett's chapter shows us that the work of Mary Astell, an Enlightenment thinker ignored as a rhetorical theorist until relatively recently, can still teach us how to deploy ethos when addressing social problems (Chapter 12). And third, the volume demonstrates the need for engaging the rhetorical theory of the recent past and present. Kelly Carr's chapter engages with the classical notion of topoi, updated through the lens of Chaïm Perelman and Lucie Olbrechts-Tyteca (Chapter 7). Chapters by Lindsay

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Head and Erin Frymire offer analyses based on the more fully contemporary theories of Michael Calvin McGee (Chapter 10) and Judith Butler (Chapter 11), respectively.

Nonetheless, as our introduction acknowledges, this collection "provides an imperfect and incomplete description of the scholarly matrix in which this volume intervenes." With the exception of Rasha Diab's chapter, the volume is limited in scope first by a focus on American law and second by a focus on rhetorical thinking from European and American traditions. Even within these traditions, this collection cannot pretend to be comprehensive.

We would like to see future work similar to this volume that engages a broader range of rhetorical traditions and applies them to a broader range of contemporary legal texts (or rhetorical performances). We would also like to see contributions whose authors reflect more of the diversity of the fields of law and rhetoric visible in the American academy and in the world. We think this desire is consistent with the invitation of Berenguer and colleagues (2023) to focus attention on a different portion of the law-and-rhetoric mosaic, including "Indigenous, African Diasporic, Asian Diasporic, and Latine" rhetorics, but in no way seeking to limit contributions only to those traditions. What's more, we believe that such efforts would benefit from extending what we mean by *rhetoric* to cover other discursive arts, including argumentation theory, dialectic, logic, and their analogs in other traditions.

In this afterword, we describe the process that led us to make invitations to scholars who could aid us in such an extension, and we make an unconventional call for proposals to scholars interested in extending this work – interested in filling in more of the tesserae in the mosaic of rhetoric and law.

14.2 GETTING HERE

The intellectual roots of this volume go back thousands of years, but its publication history begins in 2017 with Brian Larson's formation of a reading group among scholars of legal communication that explored ancient Western rhetorical traditions and considered their utility for understanding contemporary American law. Some of the authors of this volume (e.g., Francis Mootz and Laura Webb) were participants in that group. By 2019, some group members felt they wished to produce scholarship from the reading group. The first result was the 2019 symposium at University of Nevada, Las Vegas, William S. Boyd School of Law titled *Classical Rhetoric as a Lens for Contemporary Legal Praxis*. Participants in the symposium included members of the reading group but also a number of new faces. Some participants, such as Linda Berger, Michael Cedrone, Kirsten Dauphinais, Kirsten Davis, Lori Johnson, Melissa Love Koenig, Sue Provenzano, Susie Salmon, Laura Webb, and Melissa Weresh, came from the longstanding "wedge" of legal scholars using

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rhetoric in their thinking and approaches, while others hailed from the rhetorical side of academia but sought to take account of the law, including Jeff Bennett, Beth Britt, Robert Gaines, Mark Hannah, Clarke Rountree, Joseph Sery, and Isaac West. A direct consequence of the symposium was volume 20, issue 3, of the *Nevada Law Journal*, which included articles by many of these folks.

Much slower to develop from the 2017 reading group were two other outgrowths: this volume and the Mootz and colleagues (2024) reader containing excerpts of primary texts from the ancient Western rhetorical tradition. Jay Mootz was a member of the reading group and felt that contemporary scholars and students needed greater exposure to the primary texts about which we were all talking. He took the lead, with Kirsten Davis, Brian Larson, and Kristen Tiscione supporting. That project was somewhat drawn out by the complexity of selecting texts, getting permissions for some of the translations, finding the right publisher, two rounds of peer review, and complications of copy-editing the excerpts with contributors' and editors' notes.

Meanwhile, Clarke Rountree introduced Larson to Robert Gaines, an internationally recognized expert in the history of rhetoric, who agreed to become co-editor of this volume. Larson and Gaines' great concern, though, was that things had changed profoundly between 2019, when this project was conceived, and 2020, when the world faced COVID-19 and the United States faced racial reckonings, initiated in part by the Black Lives Matter movement, in the aftermath of the murder of George Floyd.

Though Gaines and Larson had proposals from some contributors already, they asked Beth Britt to join the editorial team to help recruit a more diverse group of contributors and traditions. In time, other pressing responsibilities drew Gaines away from this project, though Britt and Larson are grateful for his early participation in its formation. At that point, Britt and Larson worked to extend the scope of the volume's contributions in three ways: First, we expanded our sense of what *rhetoric* might include so that we could draw upon scholars of argumentation theory, critical studies, philosophy, and other fields that focus on the constitutive nature of discourse; second, we actively recruited junior scholars and scholars from marginalized groups; and third, we extended our recruitment to include scholars specifically from Asia, the Middle East, and the Global South.

As for the first expansion, we viewed works of scholars *who might not see themselves as doing rhetoric* and recognized that they might have a great deal to say that would be of value to readers of this volume. For example, we believed that philosophers such as Danielle Allen (e.g., 2006) and Robin Dembroff (e.g., Kohler-Hausmann & Dembroff, 2022) might make valuable contributions. We reached out to them and others. For the second expansion, we looked at the excellent scholarship in law or rhetoric by people from underrepresented groups, such as, for example, Martin Camper (2018), Rasha Diab (2016; and appearing in this volume,

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Chapter 9), Sarah Hakimzadeh (2023), Annie Hill (2020), Lolita Buckner Innis (2009), Teri McMurtry-Chubb (2019), Ersula Ore (2019), and Anjali Vats (2016, 2019, 2021). We also reached out to promising junior scholars such as Susan Tanner (also appearing in this volume, Chapter 5). Finally, we identified scholars in Brazil, Europe, and Asia writing at the intersection of law and discourse studies. In all, we personally invited more than thirty scholars to propose chapters for the volume. Most responded to our invitations, and most of them were at least conceptually interested in the project. But the great majority of them explained that they were already fully (or overly) committed.

In the end, this volume achieved strong representation from women and from junior scholars, as well as one essay focused on non-Western thought (Chapter 9). Given, however, that the resulting volume is not balanced to represent the diversity of scholars even in the field of rhetoric, let alone the diversity of the *world's* rhetorical traditions, laws, and people, our efforts might seem a failure. But we recount our endeavors to recruit a more diverse group not because we are unhappy with the contributors that we have; we are delighted with the work we have published here. Rather, we believe that editors of collections like this ought to explain their efforts to include even more diverse viewpoints, regardless of the outcomes.

We also anticipate that we missed good candidates, scholars writing at or near the intersection of rhetoric and law that we did not find in our searches. (If you are one of them, did not receive in invitation from us, and think you should have, please see the next section.) The remedy to that problem is to publish more such volumes that include tesserae representing more diverse viewpoints. Only then can we begin to sketch out and fill in (more portions of) the mosaic.

14.3 GETTING THERE: A CALL FOR PROPOSALS

It's not typical to include a call for proposals in an edited collection, but we wish to extend our hands here. We invite scholars using a diverse range of discourse (and rhetorical) traditions to address questions or issues in contemporary law (American law or the law of other lands) – to edit, coedit, author, or coauthor a new volume that begins to fill in another section of the mosaic. We are prepared to assist: as coeditors, as contributors, or just as supporting advisors. We are also pleased to work as "match-makers" of a kind: If you are a scholar of rhetoric and believe you have insufficient expertise in law to carry out your project, or a scholar of law and believe you have insufficient expertise in rhetoric, perhaps we can match you with a complementary scholar. (We have done this before.)

We think a year is probably enough time to leave this call open. And we plan to reach out to the scholars we have previously contacted and others to invite them to

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contribute to another volume. But if you are interested and don't hear from us, reach out to us (we are pretty easy to find online). Pitch your topic.

If you recognize that we are a couple of cisgender scholars of European heritage at the cusp of the Boomer generation, and you believe the *editors* of the next volume should be more diverse, reach out to us. Pitch your editorial role. We can open the circle, or even step out of the circle, to make room for new editors.

If you conclude that you want to do your own thing but want supportive words or proposal templates, and so on, from two experienced scholars, reach out to us. We can share drafts of communications, point you toward publishers who seemed interested in our proposal, and maybe help you find grants or other support for an Open Access subvention (something we think is important for this kind of work to reach the widest possible audience).

As we converse, we hope, with interested parties through 2025 and in early 2026, we should see the outline of a second volume come together in the second quarter of 2026 with contributions late in 2026 or in the first half of 2027. You might be able to put a volume together much more quickly. If we can help you do that, please reach out to us.

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