

Ciceronian rhetoric: theory and practice

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Let me begin with a word about the title I have chosen. The word 'rhetoric' is commonly used in both a stricter sense, that is, having to do with *theory about* (or *the study of*) discourse, and a looser, that is, as synonymous with discourse itself, or 'oratory'. In the brief space allotted to me here, I shall attempt to say something about Cicero's rhetoric in both senses. As for the term 'Ciceronian', I should say that I mean 'of Cicero' in the strictest sense; it is far beyond the scope of this collection to chart the course of the Ciceronian tradition in Renaissance (and later) rhetorics.

THEORY

Cicero himself was a voluminous writer on the topic of rhetoric, beginning with the *De Inventione Rhetorica* and spanning the rest of his adult life, to the late *Orator* in 46 BCE. It is important to remember that, in this lifelong enterprise, he was the heir of a cultural phenomenon that was firmly entrenched, elaborately institutionalized, and minutely codified. Horace wrote, *Graecia capta ferum victorem cepit et artis / intulit agresti Latio* ('Captive Greece captured her fierce captor, and introduced the arts to hayseed Latium', *Epist.* 2.1.156-7);¹ and in no area of human endeavour was this truer than in that of rhetoric. Well before Aristotle began to work on his monumental *Rhetoric* – of which more below – the Greeks, and especially those in and around Athens, were absorbed (not to say obsessed) with the phenomenon of persuasive language, with its formalization in oratory, and with its theoretical abstraction in what came to be called *rhêtorikê*. Indeed this group of cultural practices stands fair to be considered one of the greatest achievements and

legacies of the Greek-speaking peoples – on a par with the invention of democracy, with whose development and practice it is intimately, even organically, involved.²

Having absorbed so much else, then, from Greek culture, it was inevitable that, when the Romans came to repudiate monarchy in favour of a *res publica*, they should also absorb and institute a Hellenic model of oratory – and, with it, a philhellenic approach to rhetorical theory. This is evident both from the pitifully sparse fragmentary remains of the pre-Ciceronian orators³ and from theoretical works such as the *De Inventione Rhetorica* and its cousin-german, the *Rhetorica ad Herennium*.⁴ The greatest rhetorical genius of the Greeks, to generalize somewhat, was theory; that of the Romans, practice. Moreover, short of a drastic cultural shift, for which there was no evident impetus, it would at any rate have been virtually impossible for the Romans to turn quite away from the Greek model of rhetoric that was presented to them.

Consequently, in turning to Roman writers on rhetoric, we must not be surprised to find them fortifying the Hellenic edifice rather than tearing it down and laying radically new foundations. This is true primarily of Cicero himself, in whose own lifetime that edifice was still being explored. The youthful *De Inventione Rhetorica*, of which he later wrote disparagingly, cannot be dated exactly – his own reference to the time of composition, namely when he was *puer aut adulescentulus* ('a boy or just coming into adolescence', *De Or.* 1.5) is not particularly precise. But in any case it shows that at the time of its composition (say, tentatively, around 91–88 BCE)⁵ Cicero's rhetorical training must have been derived partly from the teachings of Hermagoras, a Greek of the second century BCE, himself influenced by Stoicism, and partly from the Peripatetic tradition – the latter, especially, in the doctrine of the syllogism, and the former in that of stasis theory. As the *Rhetorica ad Herennium* shows, these are likely to have been typical influences in Roman rhetorical education at this time. Cicero was well-connected in educated circles, even at an early age, and met not only prominent Roman orators but probably also visiting Greek rhetoricians and philosophers, such as Menedemus, Philo, and Apollonius Molon.⁶ From these or other such teachers he may have made his first acquaintance with the Aristotelian *Synagôgê Tekhnôn*, a compendium or summary (unfortunately now lost) of earlier Greek rhetorical treatises (*Inv. Rhet.* 2.6–7):

And indeed Aristotle brought together into one place the ancient writers of the art, all the way back from Tisias, the earliest and the inventor [of rhetoric]. Aristotle arranged clearly and individually the great teachings of each, which had been carefully collected, and diligently unravelled the knotty parts; in fact he so far surpassed the original writers in sweetness and succinctness that no one [now] learns their precepts from their own books: rather, anyone who wants to know what they teach turns instead to this [book], as to a much more convenient expositor. And indeed Aristotle himself published for us both himself and his predecessors, so that we might learn about him and the others from himself. Moreover, those who came after him, although they spent the greatest part of their energies on philosophy, just as he whose teachings they followed had done, nonetheless left us quite a few precepts of discourse.

At the same time he received instruction in what was undeniably the greatest opposing tradition of Greek rhetorical training, the Isocratean (*Inv. Rhet.* 2.7–8):

And from another fount there also flowed other teachers of oratory, who likewise helped extensively in public speaking (if artifice can be said to be of any help). For there lived at the same time as Aristotle the great and noble *rhetor*⁷ Isocrates, whose own handbook [*artem*], while it is generally agreed that there was one, I have not found. But I have found many teachings on the subject by his students and by those who continued in that tradition.

By his own testimony, then, Cicero had read widely in the Greek authorities on rhetoric by the time he was twenty years old or so.

In 79 BCE he left Rome for a two-year stint, travelling first to Greece to study philosophy, then to Asia Minor and the island of Rhodes to study rhetoric under Greek and Levantine teachers – Menippus of Stratonicea, Dionysius of Magnesia, Aeschylus of Cnidus, Xenocles of Adramyttium, Demetrius of Syria, and again Apollonius Molon (*Brut.* 315–16). Much of his training there must have been in the form of declamation-exercises, as was then customary, but it is possible that Molon's tutelage was more specifically tailored to Cicero's needs. One would give a great deal to know what specific theoretical works Molon and others recommended for Cicero's reading at this time.

But this same period was to bring a significant windfall to Rome: in around 84, Sulla, returning from Greece, brought with him the library of Aristotle.⁸ This will have included the *Rhetoric* and other writings on language and communication, which Cicero evidently had not seen before that time, but to which he eventually gained access. It very likely also included some of Aristotle's dialogues – also among our grievous losses from antiquity – which served, in some capacity, as models for the writing of the *De Oratore*:⁹ in an important letter to Lentulus Spinther (*Fam.* 1.9), Cicero says that the *De Oratore* is written *Aristotelio more* ('in the Aristotelian manner') and that in it he has contrived to synthesize both the Aristotelian and the Isocratean traditions (*omnem antiquorum et Aristoteliam et Isocratiam rationem oratoriam complectuntur*). The former remark seems to refer to form, the latter to content: that is, the form of the dialogue is Aristotelian rather than Platonic, in that the interlocutors hold forth at length rather than engaging in what Plato calls *brakhylogia*, the quick give-and-take so vital to the Socratic elenchus. As for the content, it is above all in the *De Oratore* that Cicero shows the influence of Aristotle's *Rhetoric*: we now find, in book 2, a fundamental shift from the (originally sophistic) approach to invention based on the *moria logou*, or parts of the oration, to the tripartite Aristotelian schema of ethos/pathos/logos – *ethos*, the perceived good character of the *rhetor* as he speaks; *pathos*, the emotional response of the audience to the discourse; and *logos*, the use of logical inference (whether inductive or deductive) in the discourse itself.¹⁰

Several aspects of the *De Oratore* distinguish it from the typical rhetorical handbook. First and most obvious, there is the dialogue-format, which in itself has several important effects: because the discursive presentation is conversational, it will lend itself more naturally to broad discussion of ideas than to dense, list-like enumeration.¹¹ Because, *as dialogue*, it presents a multiplicity of subjectivities in the various speakers, it avoids the monologic presentation of the treatise. Because, too, the speakers are Romans, the Greek legacy is now overlaid by something important and new: the sense that the reader is now being presented with rhetorical theory that feels uniquely Roman.

The distinction between verisimilitude and veridicality is sometimes difficult to discern, and the historicity of the *De Oratore* has been called into question.¹² But as George Kennedy points out, Cicero is at pains to stress that the opinions expressed by the interlocutors in the dialogue are consonant with those held by the

historical people.¹³ Moreover, despite the fact that he was 'not part of the actual conversation' (*nos enim . . . ipsi sermoni non interfuissemus*, 3.11), he knew the speakers – Crassus and Antonius in particular – well enough to be able to represent them accurately in both style and substance. All of this leaves us with the conviction that, if such a conversation ever occurred, it would have gone something very like what we read in the *De Oratore*. The question it cannot answer – and nothing can – is, 'But *did* it ever occur?' Which brings us back to the important, if basic, fact that the ultimate source and guiding genius behind the whole work is of course Cicero himself. In this massive dialogue he attained to a breadth and depth of rhetorical originality that he equalled in one other place only: the corpus of his collected speeches.

There remain two other major rhetorical treatises of Cicero to mention,¹⁴ both apparently dating from 46 BCE, and both dedicated to Marcus Brutus: the *Brutus* and the *Orator*. The *Brutus* is a remarkable piece in a number of ways, different perhaps from every other work of Cicero. Like the *De Oratore* it is a dialogue, but here Cicero figures (with Titus Pomponius Atticus) as a principal interlocutor. The major substance of the dialogue is to trace the history of eloquence in Rome and in Greece before it. Among the Greeks, Demosthenes and Isocrates are particularly valorized. The development of Roman eloquence is charted on an evolutionary course from its early efflorescence in Cornelius Cethegus and the elder Cato, moving toward its full flowering in Antonius, Crassus, Caesar, Calvus, Hortensius, and – of course – Cicero. Far from being a disinterested history of eloquence, however, the *Brutus* is in fact a carefully crafted investigation of the Atticist-Asianist controversy, and a justification of what the unsympathetic might call Cicero's own Asianist practices (cf. Quint. *Inst.* 12.10.12; Tac. *Dial.* 18). What emerges is a redefinition of what constitutes Atticism (*Brut.* 285–91) so that it closely resembles the Ciceronian style.

The *Orator* is likewise an apologia for the Ciceronian style in the face of Atticist criticism. Thus, while it touches on such topics as the genres of oratory and the parts of rhetoric, it concentrates above all on matters of rhetorical style – the three levels of style (plain/middle/grand) and their uses. In fact it is here that he makes an important theoretical innovation: he connects these three with the three *officia oratoris* ('functions of the orator') as outlined in *De Oratore* 2.115: to teach, to charm, and to move, respectively.¹⁵ He also offers a very

detailed treatment of composition (i.e., how individual words are put together in a sentence), particularly the difficult topic of prose-rhythm (168–236).

PRACTICE

Cicero was certainly important for his inscription and codification of the current wisdom about rhetorical theory; and he himself advanced knowledge in the field in a number of ways. He, however, like all of us, was culturally and temporally bound, and the body of rhetorical theory to which he was heir had its inevitable limitations. If humanity survives another two thousand years, the same will doubtless be said of our situation. Nonetheless we now have interests and concerns in rhetoric that Cicero could not have imagined from his vantage-point in history.

Moreover, in Cicero's published orations we are able to discern aspects of his rhetorical strategies and tactics that (for whatever reason) he never discusses in the theoretical works. Close attention to the form and content of a Ciceronian oration reveals considerable and valuable information about the way he actually went about achieving his rhetorical goals. Our fullest understanding of 'Ciceronian rhetoric' as that is most broadly conceived, then, can only come to fruition after careful scrutiny of the extant corpus of his speeches, for it is here that we are able in some wise to take the measure of his creative powers. Many volumes could be written in close analysis of his speeches; again, space forbids such dilation here. But as a single splendid example of his rhetorical genius as evinced in practice, I direct my reader's attention to one of his most celebrated orations, the *Pro Milone*.

On the day of Titus Annius Milo's trial, we are told, Cicero was so afraid of the violent tendencies of Clodius' followers that he was carried to the forum in an enclosed litter. He may or may not in fact have been frightened; but one thing is certain, that he understood the rhetorical value of this extravagant gesture. In any case, this dramatic arrival by Cicero in the forum certainly made a statement, and one that set the stage for the things he was about to say. It is on the *exordium* of the speech that I want to concentrate here, paying attention to two devices in particular, *parallelism* and *paradox*. Far from being mere stylistic fillips, these strategies are crucial in providing Cicero with the notional categories that shape his argument overall.¹⁶

Terminology

By 'parallelism' I intend something other than what is ordinarily meant by that word – several things in fact. The term, as commonly used, obfuscates rather than clarifies, and – more importantly – does not account for the intricacies of language that we find, for example, in Cicero. Consequently I subdivide the topic of parallelism under two headings: (1) *structural* (or *syntactic*) parallelism, the close juxtaposition of compared or contrasted verbal forms or syntactic structures, and (2) *thematic* (or *conceptual*) parallelism, the close juxtaposition of compared or contrasted ideas. Typically structural parallelism will be used to draw attention to thematic parallelism that is being highlighted in the discourse.

Each of these categories can be broken down into two sub-categories, *conjunctive* and *disjunctive*. Conjunctive parallelism, of course, relies on the notion of joining or juxtaposition; disjunctive, on that of separation. Common strategies for signalling conjunctive parallelism include the use of particles such as 'both . . . and' (*et . . . et*), 'either . . . or' (*aut . . . aut, vel . . . vel*), and the like. The commonest method of signalling disjunction is the pair 'not . . . but' (*non . . . sed*). Using this terminology, we can say that the word 'parallelism', as most commonly used, refers to what I would call *conjunctive syntactic parallelism*.

Although all these sub-categories of parallelism appear in this *exordium*, two of them are particularly important to the presentation of its arguments: *disjunctive thematic parallelism* and *disjunctive structural parallelism*. These two, especially the latter, are generally referred to as *antithesis*.¹⁷ In its thematic and structural guises, antithesis works closely with paradox to give the *exordium* its characteristic shape, as we shall see.

Parallelism

The first sentence, stripped of all its levels of hypotaxis, reveals one basic antithetical theme: *fear versus courage*. The syntax of *etsi . . . tamen* ('although . . . nonetheless') sets us up for this (*Mil.* 1):

Etsi vereor, iudices, ne turpe sit pro fortissimo viro dicere incipientem timere minimeque deceat, cum T. Annius ipse magis de rei publicae salute quam de sua perturbetur, me ad eius causam parem animi magnitudinem adferre non posse, tamen haec novi iudici: nova forma terret oculos qui,

quocumque inciderunt, veterem consuetudinem fori et pristinum morem iudiciorum requirunt.

Although I fear, gentlemen of the jury, that it is disgraceful for one who is beginning the defence of an extremely courageous man to exhibit fear, and that it is particularly unbecoming (seeing as Titus Annius himself shows more concern for our country's *salus* [safety, welfare, salvation] than for his own) that I am not able to muster the same intrepid spirit as he has when I speak on his behalf; nonetheless, the unfamiliar aspect of this unfamiliar tribunal exercises an alarming effect on me. Wherever my eyes turn, they look in vain for the customary sights of the forum and the traditional procedure of the courts.¹⁸

Within this superstructure are several nested levels of subordination and several other structural and thematic antitheses:

- Milo versus Cicero (Milo is fearless, Cicero is fearful)
- public versus private *salus* (Milo cares more about the public *salus* than about his own)
- *novi iudici nova forma* versus *vetus consuetudo*.

This last one is the conceptual link with the next sentence, marked by *enim* (1–2):

Non enim corona consessus vester cinctus est, ut solebat; non usitata frequentia stipati sumus; non illa praesidia quae pro templis omnibus cernitis, etsi contra vim conlocata sunt, non adferunt tamen oratori terroris aliquid, ut in foro et in iudicio, quamquam praesidiis salutaribus et necessariis saepti sumus, tamen ne non timere quidem sine aliquo timore possimus.

For the usual circle of listeners is missing; the habitual crowds are nowhere to be seen. Instead you can see military guards, stationed in front of all the temples. They are posted there, it is true, in order to protect us from violence, but all the same they cannot fail to inflict some fear on an orator. This ring of guards is, I repeat, both protective and necessary, and yet the very freedom from fear that they are there to guarantee has something frightening about it.

Here the basic antithesis is *vis/oratio*, 'force' or 'violence' versus 'discourse' – a key theme for the speech, because human discourse is meant to mark the progress we have made from that primitive stage

where we clubbed one another like cavemen – a stage to which Milo and Clodius had temporarily returned.¹⁹ The law-court is the house and shrine of *IVS*, that is, 'law, justice, jurisprudence', the triumph of reason and civilization. *Ius* is what guarantees, in legal/rhetorical situations, the efficacy of *oratio* as a means of settling human differences. But the presence of the soldiers stationed about the forum threatens the toppling of *ius* by its opposite – and anagram – *VIS*, and this is the focus of Cicero's fear: for he is easily by this time of his life the incarnation of oratory in Rome; he embodies in his own person the civilizing power of rhetoric. This antithesis of *vis* versus *oratio* is echoed in the third sentence, which is completely structured as a contrary-to-fact condition – a powerful antithetical structure in itself (2):

Quae si opposita Miloni putarem, cederem tempori, iudices, nec enim inter tantam vim armorum existimarem esse orationi locum.

If I believed these precautions to be aimed against Milo, gentlemen, I should bow to necessity and conclude that amid all this weapon-power there was no place for an advocate at all.

Schematically one might frame it thus (in the inferential pattern known as *modus tollens*): If X were true, then Y; but not Y; therefore not X. The implied part of this syllogism, set out in the contrary-to-fact condition, is picked up by *sed me recreat* in the next sentence (2):

Sed me recreat et reficit Cn. Pompei, sapientissimi et iustissimi viri, consilium, qui profecto nec iustitiae suae putaret esse, quem reum sententiis iudicium tradidisset, eundem telis militum dedere, nec sapientiae temeritatem concitatae multitudinis auctoritate publica armare.

But on this point the wisdom of the sage and fair-minded Gnaeus Pompeius has relieved and reassured me. For once he has committed a man to a court to be tried, he would certainly not regard it as compatible with his sense of justice to place that same man at the mercy of troops bristling with arms. And it would also, surely, be inconsistent with his sound judgement to add official incitement to the violence of a wild and excited mob.

Here Cicero begins to weave together into one strong cord the antithetical strands he has already been spinning out:

- fear versus confidence
- legal process (*ius*) versus force of arms (*vis*)
- the gripping fear of social disintegration versus the calming and civilizing presence of *Pompey*, who hovers (if we may believe Cicero in this speech) like a guardian angel over Milo in his plight.

This leads, by *quam ob rem*, to a series of *non/sed* (not X but Y) structural antitheses in §3, where Cicero is embroidering, or ‘amplifying’, a *paradox*: all these soldiers should not frighten me but relieve me; they assure me of (3):

- physical safety,
- emotional strength,
- silence (a very practical consideration in the forum, especially on this occasion):

Quam ob rem illa arma, centuriones, cohortes non periculum nobis, sed praesidium denuntiant, neque solum ut quieto, sed etiam ut magno animo simus hortantur, nec auxilium modo defensionis meae verum etiam silentium pollicentur.

Consequently, what all these weapons and centurions and cohorts surely promise is not danger but a safeguard. They are meant to encourage us to be not only calm but determined as well; as I speak in defence of Milo they assure me physical security, but they also guarantee an uninterrupted hearing.

In the next sentence, *reliqua vero multitudo* institutes a new antithesis: the *soldiers* versus the *civilians*. The latter category is broken down by a sort of *diairesis*, or division, into two groups: those who are favourably disposed toward Milo and who tremble on his behalf (*nec eorum quisquam*) versus those rabble who had been roused by Clodius’ madness (3):

Reliqua vero multitudo, quae quidem est civium, tota nostra est, nec eorum quisquam quos undique intuentis, unde aliqua fori pars aspici potest, et huius exitum iudici exspectantis videtis, non cum virtuti Milonis favet, tum de se, de liberis suis, de patria, de fortunis hodierno die decertari putat.

All the other Roman citizens in this audience are sympathetic. From any and every point overlooking the forum you can see crowds gazing this way, and there is not a single soul among them who does not applaud the sterling qualities of Milo. And every one of these persons feels the same conviction: that not

only Milo’s future but his own, and the future of his children and his entire country, everything he possesses in the whole world, is at stake in this court today.

The principle underlying *antithesis* is, as I have said, *disjunction*: not ‘both X and Y’ (what I call *conjunctive* parallelism) but (in some form) ‘not X but Y’. The parallel construction that is conjunctive, that is, not what I would call antithetical, is used all along in this *exordium* and indeed everywhere in Cicero, for example:

- turpe sit . . . minimeque deceat
- novi iudici: nova forma
- veterem consuetudinem fori et pristinum morem iudiciorum
- non cinctus est . . . non stipati sumus . . . non . . . non adferunt
- nec iustitiae . . . nec sapientiae

On the conceptual level this conjunctive principle works too, and is very deeply (if subliminally) ingrained in the whole rhetorical set-up:

- I am *pro Milone* (and fearless); hence you should be too
- Pompey is *pro Milone*; hence you should be too
- Every citizen worth his salt is *pro Milone*; hence you should be too

For all the sophistication of Cicero’s rhetorical approach, this principle is very primitive. It is something like sympathetic magic, on a par with the *hieros gamos* or ‘sacral wedding’ that was intended to ensure a plentiful harvest: the act performed is supposed to bring about, by analogy, a resonance in the intended area of focus.

Milo himself also provides a conjunctive parallel for the *iudices* (‘jurors’, 3):

Quorum clamor si qui forte fuerit, admonere vos debet ut eum civem retineatis qui semper genus illud hominum clamoresque maximos prae vestra salute neglexit.

And if their racket reaches your ears, it should, I hope, warn you of the necessity of cherishing as a fellow-citizen the man who has always spurned individuals of that type, however loud they shout, because his one preoccupation is with the safety of you all.

What is implied is that just as Milo ignored the political agitation of the *Clodiani* in favour of the needs of the good citizens, so now you, *iudices*, must return the favour to him.

What we have then is another antithesis being implied: *bad people* versus you, the *iudices* (bad people being defined as anyone inimical to Milo). That is, two of these three points – [1] Milo, [2] you the *iudices*, [3] the *Clodiani* – are paired off with reference to the third, in two different ways:

- (conjunctive) Milo ignored the *Clodiani*; hence you should do so as well
- (disjunctive) The *Clodiani* [bad] were opposed to Milo; hence you [good] should favour Milo

In section 4 we come to a typical turn in Cicero's train of thought – a pattern evinced repeatedly in his oratory:

Quam ob rem adeste animis, iudices, et timorem, si quem habetis, deponite. Nam si umquam de bonis et fortibus viris, si umquam de bene meritis civibus potestas vobis iudicandi fuit, si denique umquam locus amplissimorum ordinum delectis viris datus est, ut sua studia erga fortis et bonos civis, quae voltu et verbis saepe significassent, re et sentiis declararent, hoc profecto tempore eam potestatem omnem vos habetis ut statuatis utrum nos qui semper vestrae auctoritati dediti fuimus semper miseri lugeamus an diu vexati a perditissimis civibus aliquando per vos ac per vestram fidem virtutem sapientiamque recreemur.

So give me your attention, gentlemen. If you feel any nervousness, dismiss it from your minds. For here is the greatest opportunity you have ever had to declare your attitude towards a fine and gallant gentleman, a citizen of proven loyalty. You who are members of our country's most distinguished Orders have often expressed your appreciation of goodness and bravery by looks and words, but this is your unequalled chance to clothe those sentiments in actual votes and deeds. For here and now a vital decision is yours and yours alone to give. We, for our part, have never failed in devotion to your authority, and now it is for you to decide whether we must continue to mourn in miserable hardship or whether instead, by your staunch, courageous and wise support, our prolonged persecution by these ruffians can at long last come to an end, so that we may be revived.

This pattern functions as follows. [a] He makes a number of points,

which he sums up in a 'therefore' of some type (here *quam ob rem*); [b] on the basis of these, he exhorts the *iudices* in a series of imperatives (or the equivalent, such as jussive noun clauses):

- *quam ob rem adeste . . . deponate. . . ut statuatis*

These two sentences comprising section 4 exhibit a remarkable shift. Until *utrum . . . an* toward the end there is no interplay of disjunction and conjunction. The pattern is entirely conjunctive, and almost every word is involved in some sort of conjunctive parallelism:

- *si quem habetis . . . / adeste . . . deponite*
- *si umquam / si umquam / si denique umquam / hoc profecto tempore*
- *de bonis et fortibus viris / de bene meritis civibus*
- *potestas vobis iudicandi fuit / locus . . . delectis viris datus est*
- *voltu et verbis saepe significassent / re et sentiis declararent*

There is also extensive *echoing* of significant words and forms. This is another kind of conjunctive thematic parallelism, or perhaps of a type somewhere between the thematic and the structural:

- *timorem, si quem habetis/eam potestatem omnem vos habetis*
- *de bonis et fortibus viris/erga fortis et bonos civis*
- *bene meritis civibus/fortis et bonos civis*
- *potestas vobis iudicandi fuit/eam potestatem omnem*

After such close interplay of conjunction and disjunction, this patch of language, purely conjunctive in both form and content, gives a sense of release, of gathering momentum and smooth force – comparable to the Latin hexameter, where the pattern of long syllables tends to conflict with the ictus of the words in the first half of the line, but to coincide in the second half, for example, *Aeneid* 1.1–2:

Árma virúmque cáno, Tróiae quí primus ab óris
Itáliam fáto prófugus Lavíniaque vénit

We come next to another antithesis constructed around an indirect question with *utrum . . . an: ut statuatis utrum nos . . . lugeamus an . . . recreemur* (4). This antithesis is something of an *aria da capo*: not only does it have a resumptive force, bringing us back to disjunctive parallelism after the smooth sailing of the purely conjunctive passage; it synthesizes several disjunctive and conjunctive themes already touched upon in the *exordium*:

- fear (or, here, sorrow, *lugeamus*) versus confidence
- *Clodiani* versus *boni* (*a perditissimis civibus . . . per vos*)
- assimilation of *iudices* to Cicero (*dediti fuimus; per vos ac per vestram fidem virtutem sapientiamque*)
- assimilation of the *iudices* to Pompey (especially in the word *recreemur*, which echoes *sed me recreat et reficit* in section 2)

Once again we have structural disjunction:

- *utrum . . . lugeamus/an . . . recreemur*
- *semper dediti fuimus/semper . . . lugeamus*
- *diu vexati a perditissimis civibus/per vos . . . recreemur* (the participle *vexati* has a concessive force and might well have been answered by a *tamen*)

but it is laced with a conjunctive parallel, another *amplificatio*:

- *per vos/ac per vestram fidem virtutem sapientiamque*

It is no coincidence that we have such a synthesis of themes along with a reintegration of disjunction and conjunction at this strategic moment, which is focused directly on Cicero's relationship with his audience. This question about the jury's decision is highly charged emotionally, and framed in the following terms: not 'Are you going to acquit my client?', which would be far more neutral, but 'Are you going to disappoint me?'

Section 5 is markedly disjunctive:

Quid enim nobis duobus, iudices, laboriosius, quid magis sollicitum, magis exercitum dici aut fingi potest, qui spe amplissimorum praemiorum ad rem publicam adducti metu crudelissimorum suppliciorum carere non possumus? Equidem ceteras tempestates et procellas in illis dumtaxat fluctibus contionum semper putavi Miloni esse subeundas, quia semper pro bonis contra improbos senserat; in iudicio vero et in eo consilio in quo ex coniunctis ordinibus amplissimi viri iudicarent numquam existimavi spem ullam esse habituros Milonis inimicos ad eius non modo salutem exstinguendam sed etiam gloriam per talis viros infringendam.

For the situation in which my client and myself find ourselves is in the highest degree painful and anxious and distressing. When he and I originally took up politics, we nourished the hope that the amplest rewards might come our way. But what

has happened? Instead we suffer from incessant, tormenting fears of the cruellest penalties. I always realized Milo would be buffeted by storms and tempests of every other kind, that is to say of the kind encountered on the troubled waters of popular meetings. But in a trial, conducted in a court of law, where the most eminent members of all the Orders in the state pronounce their judgements, I never imagined for a moment that the enemies of Milo could entertain the smallest hope that such men might lend themselves to damaging his splendid reputation – much less that they would actually be willing to ruin him utterly.

Here Cicero contrasts *spe*, 'hope', with *metu*, 'fear', and *crudelissimorum suppliciorum*, 'the cruellest penalties'; then, the *fluctibus contionum* with the serenity and order of the legal system,²⁰ and *pro bonis* with *contra improbos*.

Section 6 consists basically of two complex sets of conditional clauses that together pose a major disjunction (I shall number them [i] and [ii] in the English):

Nisi oculis videritis insidias Miloni a Clodio esse factas, nec deprecaturi sumus ut crimen hoc nobis propter multa praeclara in rem publicam merita condonetis, nec postulaturi ut, quia mors P. Clodi salus vestra fuerit, idcirco eam virtuti Milonis potius quam populi Romani felicitati adsignetis. Sin illius insidiae clariores hac luce fuerint, tum denique obsecrabo obtestaborque vos, iudices, si cetera amisimus, hoc nobis saltem ut relinquatur, vitam ab inimicorum audacia telisque ut impune liceat defendere.

[i] Far be it from me, I repeat, to ask that you should condone anything he may now have done on the grounds of his many outstanding services to the state. On the contrary, what I propose to do instead is to make you see, with your own eyes, that it was Clodius who subjected Milo to a treacherous attack. And if, again, the death of Publius Clodius has in fact proved your salvation, it is not my purpose to demand that you ascribe this to Milo's valour rather than to the good fortune of the Roman people. [ii] However, if I can make it clear as day (as I shall) that it was Clodius who laid this plot, then, gentlemen, and then only, I shall have one favour to ask of you most earnestly: even if all else be taken from us, I beg and beseech

you, leave us this one thing at least: the right to defend our lives when they are threatened by the brutal weapons of our foes.

The disjunctive parallelism of these two blocks is marked by *nisi oculis videritis* and *sin . . . clariores hac luce fuerint*. But here, too, in among the disjunction is woven a good deal of conjunctivity. There is some amplification, which as we have seen has a conjunctive effect:

- quid laboriosius/quid magis sollicitum/[quid] magis exercitum
- dici/fingi
- tempestates/procellas
- in iudicio/in eo consilio.

And the conjunctive formula *non modo . . . sed etiam*²¹ is used to join *salutem exstinguendam* and *gloriam infringendam*. The first of the two conditions in §6 has the conjunctive formula *nec . . . nec*²² in the apodosis.

Most striking of all, however, is the conjunctive presentation of Milo and Cicero as a pair of Roman statesmen (*nobis duobus*, 5) as having the same aspirations and subject to the same pressures. The pair is to be taken, for all intents and purposes, as a unit. This close identification of Milo with Cicero subtly imputes the latter's powerful ethos to the former.²³

Paradox

Paradox (the word comes from the Greek *para doxan*, 'contrary to expectation') is useful rhetorically because its expression implies that the audience is privileged to learn something that, because of its counterintuitive nature, they might not otherwise discover. This concept pervades the entire *exordium* of the *Pro Milone*, beginning with the first sentence: It is untoward for one to speak fearfully on behalf of a fearless man, and yet I find myself very much afraid. The second sentence embodies another paradox: here the telltale words are *ut solebat* and *usitata*. Things are not as they should be here, he says, not as they normally are – they are *para doxan*. (Cicero is referring, of course, to the presence of the armed guards at the trial.) But in section 3 this is reversed yet again to form a new paradox: These men are actually here not to threaten me but to protect me, not to sabotage the rhetorical situation but to ensure its health. Thus paradox surrounds Cicero's involvement in the case, and (we find)

it surrounds Milo and Clodius as well. Milo 'has always spurned individuals of that type, however loud they shout, because his one preoccupation is with the safety of you all' (3); Clodius' death has turned out, oddly enough, to be the salvation (or 'health') of the body politic (6).

Paradox extends even to the *indices*. Cicero says, 'I never imagined for a moment that the enemies of Milo could entertain the smallest hope that such men might lend themselves to damaging his splendid reputation – much less that they would actually be willing to ruin him utterly' (5). The implication of course is that this threatens to obtain, even as Cicero intervenes rhetorically. So he uses this paradox to make explicit one of his rhetorical goals: he can now present his defence of Milo in terms of preventing a serious disequilibrium in the social order. Such an approach both justifies his defence and encourages the jury to align themselves with him.

There is in the *exordium* another curiosity that classifies not so much as a paradox presented by Cicero as a paradox in his own train of thought. He not only pleads self-defence for Milo, but espouses the right to self-defence in general, even theoretical terms: ' . . . even if all else be taken from us, I beg and beseech you, leave us this one thing at least: the right to defend our lives when they are threatened by the brutal weapons of our foes' (6). He is appealing to our deeply ingrained sense of this right, and hoping that in the vigour of our assent we will lose sight of the fact that self-defence, especially against a gang of thugs like Clodius' henchmen, itself entails a hefty share of *audacia telaque* ('brutal weapons'). As it is, however, he achieves, with the greatest deftness, another *aria da capo*: at the end of the *exordium* he returns to the first theme he invoked, that of fear at the presence of *armed* guards. Those he had turned, by an agile use of paradox, from a liability into an asset. Now he conjunctively associates Milo's arms-bearing with those cohorts and centurions, by a conjunctive anaphoric use of the words *defensioni meae* (3) and *defendere*. The guards are Cicero's defence; it is right and good for them to be there; Milo owes his life to the exercise of his right to self-defence, and should certainly be acquitted on that account. This is a paradox in Cicero's own thinking because, in pressing the point and advocating (or even condoning) physical violence, he risks undermining his own earlier paradox between *vis* and *oratio*. In view of this delicate problem it may also be no coincidence that just at this point the *exordium* ends, and is followed not (as normally) by a *narratio* outlining the facts of the case, but by a *praemunitio*. Such a

procedure is adopted only in extraordinary circumstances, for instance when an unusual set of factors threatens to prejudice the jury against the defendant. Accordingly the advocate attempts to fortify (-*munitio*) his client's case in advance (*prae-*) of the defence proper.²⁴

There is something that is shared by paradox and antithesis – something disjunctive about them both. Accordingly Cicero uses them both to the utmost in his *exordium*, thereby setting the tone for his whole speech. Nothing is ordinary about this rhetorical situation: the set-up of the jury, the time-limit allowed the *patroni*, the uproar over the whole situation. Everyone knew that Milo was responsible for the death of Clodius, and even Cicero had to admit it. So he has to resort to extraordinary means – to magic, as I have said – to bring about the acquittal of Milo. We happen to know that his defence did not in fact succeed in court: the original version was a failure, and Milo was sent into exile. But Cicero revised it before publication, sending the new version to Milo to read. Milo is said to have commented that it was a good thing Cicero hadn't given that version, because otherwise he would never have had the chance to sample the wonderful seafood in Marseille!²⁵ Luckily for us, however, this second version was preserved – not only a paragon of oratorical perfection but a powerful testimony to my assertion that by virtue of his profound knowledge of the time-honoured patterns of eloquence, coupled with the magisterial capacity to bend or even break the rules when necessary, Cicero provides in the pages of his own oratory the surest demonstration of the heights to which Roman rhetoric was capable of reaching.²⁶

NOTES

- 1 Except as noted, translations from Latin here are my own.
- 2 On this topic, see Cicero's citation of Aristotle in *Brut.* 46.
- 3 These have been expertly collected in the two volumes of Malcovati 1975.
- 4 Once thought to be by Cicero, this was formerly known as the *Rhetorica Secunda*. It is now commonly attributed to one Cornificius. Its close resonances with the *De Inventione* have been explained by a theory that its author and Cicero may have studied with the same teacher. A Loeb translation, with notes of unusually high quality, appears in Caplan 1954.
- 5 So speculates Kennedy 1972: 107.
- 6 See the discussion in Kennedy 1972: 102–4. Molon is mentioned explicitly in *Brut.* 312.
- 7 Cicero's use of the word *rhetor* here is a bit ambiguous. A Greek loanword, in classical Greek it meant simply 'speaker', while in Latin it came

to have the sense of 'teacher of rhetoric' (the sense most apt here). But Isocrates was a *rhetor* in both senses; at any rate he worked, like Lysias, as a logographer, and his extant writings are presented in the form of orations.

- 8 See Kirby 1990b: 4 and n. 8.
- 9 See Kennedy 1972: 209 and n. 88 for discussion of this topic. On the lost dialogues of Aristotle, see, e.g., Chroust 1973, esp. vol. 2.
- 10 On this shift see especially Solmsen 1941: 35–50, 169–90.
- 11 Hence Cicero's contention, in the letter to Lentulus Spinther (*Fam.* 1.9), that the three books of the *De Oratore* 'stay away from the commonly taught precepts' (*abhorrent a communibus praeceptis*, 23).
- 12 See the extensive bibliography in Kennedy 1972: 215 n. 95.
- 13 Kennedy 1972: 215–17.
- 14 I omit, in view of the limitations of space, discussion of some minor treatises – the *Partitiones Oratoriae* (c. 54 BCE), the *De Optimo Genere Oratorum* (52 BCE) and the *Topica* (44 BCE).
- 15 See Douglas 1957: 18–26; *contra* O'Sullivan 1992: 114 n. 52.
- 16 For a profound recent study on the cognitive value of such categories, see Lakoff 1987.
- 17 Antithesis was listed as one of the Gorgianic figures, thus counting as a device of *style* (*lexis, elocutio*); by that system the word should be restricted to what I have termed disjunctive structural parallelism. But Quintilian (*Inst.* 5.10.2) and the author of the *Rhetorica ad Herennium* (4.25–6) show awareness of the use of *contrarium* as a principle of *enthymeme*, which is a matter not of *style* but of *invention* (*heuresis, inventio*). This I call *disjunctive thematic parallelism*.
- 18 Translations of passages from the *Pro Milone* are adapted from those by Grant 1969.
- 19 On the use of discourse in resolving conflict as the mark that distinguishes humans from the lower beasts, see Kirby 1992: 50–1. On the antithesis of *peithô/bia*, comparable in Greek thought to Cicero's *oratio/vis*, see Kirby 1990a: 213–28.
- 20 I would be very surprised if, in this context with *tempestates, procellas*, and *fluctibus contionum*, the word *subeundas* were not intended to suggest a pun on *undas* (waves).
- 21 The unwary may mistake this for disjunction. Note that the *non* negates, not the predication itself, but specifically *modo*.
- 22 Here, too, the negation involved in *nec . . . nec* should not be misconstrued as disjunction. Both clauses are negated (*nec deprecaturi sumus . . . nec postulaturi*) and are thus *joined*.
- 23 On the ethos of the *patronus* as distinguished from that of the client, see Kirby 1990b: 17–38.
- 24 The most famous other example of *praemunitio* in Cicero's speeches is probably that in the *Pro Caelio*.
- 25 Reported in Dio Cass. 40.54.3.
- 26 I am much indebted to my learned friends Scott Carson, Christopher Craig, and Neil O'Sullivan for their help in various ways. This essay is for Patricia and Kip.