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## Creating, Sustaining And Contesting Definitions Of Reality: Marcus Tullius Cicero (106-43 BCE) As A Pragmatist Theorist And Analytic Ethnographer

### Abstract

Although widely recognized for his oratorical prowess, the collection of intellectual works that Marcus Tullius Cicero (106-43 BCE) has generated on persuasive interchange is almost unknown to those in the human sciences.

Building on six texts on rhetoric attributed to Cicero (*Rhetorica ad Herennium*, *De Inventione*, *Topica*, *Brutus*, *De Oratore*, and *Orator*), I claim not only that Cicero may be recognized as a pragmatist philosopher and analytic ethnographer but also that his texts have an enduring relevance to the study of human knowing and acting.

More specifically, thus, Cicero's texts are pertinent to more viable conceptualizations of an array of consequential pragmatist matters. These include influence work and resistance, impression management and deception, agency and culpability, identity and emotionality, categorizations and definitions of the situation, and emergence and process.

### Keywords

Cicero; Pragmatism; Ethnography; Reality; Activity; Persuasion; Symbolic interaction; Oratory; Rhetoric; Aristotle; Roman; Kenneth Burke

There is a scientific system which includes many important departments. One of these departments -- a large and important one -- is eloquence based on the rules of art, which they call rhetoric. For I do not agree with those who think that political science has no need of eloquence, and I violently disagree with those who think that it is wholly comprehended in the power and skill of the rhetorician. Therefore we will classify oratorical ability as part of political science. The function of eloquence seems to be to speak in a manner suited to persuade an audience, and the end is to persuade by speech. (Cicero, *De Inventione*, I, V: 6)...

Aristotle . . . who did much to improve and adorn this art, thought that the function of the orator was concerned with three classes of subjects, the epideictic, the deliberative, and the judicial. The epideictic is devoted to the praise or censure of a particular individual; the deliberative is at home in a political debate and involves the expression of opinion; and the judicial is at home in a court of law and involves accusation and defense or a claim and counter-plea. According to my opinion, at least, the art and faculty of

the orator must be thought of as concerned with this threefold material.  
(Cicero, *De Inventione*, I, V: 7[trans. Hubbell])

When Plutarch (46-125CE), a Greek scholar of the Roman era developed *Lives* [*Plutarch's Lives*], a series of texts that juxtaposed outstanding pairs of Greek and Roman characters in particular fields of endeavor, Plutarch selected Demosthenes (384-322BCE) as the Greek rhetorician of record and Marcus Tullius Cicero (106-43BCE) as his Roman counterpart. From all accounts, it is these two speakers, Demosthenes and Cicero, who are most renowned for their exceptionally compelling modes of presentation and, relatedly, for their abilities to win favorable judgments for any positions they represented.

Still, to stop here, to focus more exclusively on their prominence as orators, is to miss the broader pragmatist philosophic and historical analysis of rhetoric that Cicero provides as well as the extended importance of his scholarship for Western social thought.<sup>1</sup>

Several of Demosthenes and Cicero's speeches have been preserved and although we cannot be certain of other things Demosthenes may have written, it appears that Demosthenes concentrated more exclusively on his prowess as a practitioner of the art. Thus, whereas Cicero openly and directly models himself after Demosthenes in developing his style of oratory, Cicero also has left an incredible intellectual legacy to those in the human sciences. Accordingly, I will use this occasion to help establish Cicero's relevance as a pragmatist philosopher as well as an analytic ethnographer.<sup>2</sup>

## Looking Back, Looking Ahead

This paper emerged as part of a much larger study of the development of pragmatist thought from the classical Greek era (circa 700-300BCE) to the present time. In the quest to locate text that dealt with human knowing and acting in more explicit, detailed, and sustained terms, this venture has taken me across the realms of rhetoric, poetics, education, love and friendship, ethnohistory, politics, philosophy, and religious studies.

Still, whereas so much interim and contemporary scholarship in these and other fields of the humanities and social sciences have been developed from texts developed by Plato and Aristotle, I have found that of all Roman scholars, it was Marcus Tullius Cicero who has provided the most continuity in Western social

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<sup>1</sup> The terms rhetorician (Greek) and orator (Latin) are used interchangeably to refer to those who assume roles as speakers in persuasive endeavors.

<sup>2</sup> Without going into these matters in detail, I have used the term "pragmatist philosopher" here to refer to someone who addresses the nature of human knowing and acting in conceptually abstract ways -- with particular attention to human capacities for speech and intersubjectivity, reflective thought, minded (i.e., purposive, deliberative, adjustive) activity and collective interchange. Although often associated with the works of John Dewey, George Herbert Mead, and Herbert Blumer, pragmatism (as a philosophic approach to human knowing and acting) can be traced back to the classical Greek era and particularly the works of Aristotle (Prus 2003, 2004, 2007a).

I have used the term "analytic ethnographer" to refer not only to someone who studies the way of life of a group of people, relying extensively on participant observation and/or open-ended inquiry, but also to someone who attempts to develop more conceptually informed (i.e., more generic or abstract) understandings of the people whose life-worlds are being examined. Analytic vs. more purely descriptive ethnography is more pronounced yet when the scholars involved develop more extended comparisons (similarities, differences, and inferences) of people's activities across two or more contexts on a contemporary plane and/or historical basis.

thought. Thus, whereas his work on rhetoric is truly exceptional in its scope, depth, and analytic rigor, Cicero also provides some highly consequential statements on philosophy and religious studies.

I have approached this project as a symbolic interactionist (Mead 1934; Blumer 1969; Strauss 1993; Prus 1996, 1997). Although attentive to human group life more generally (Prus 1996, 1997), much of my work has focused on persuasive endeavor and associated interchanges (Prus and Sharper 1977; Prus and Irini 1980; Prus, 1989 a, b; Prus 1999; Prus and Grills 2003).

Accordingly, I will be asking to what extent and in what ways Cicero attends to matters such as intersubjectivity, multiple perspectives, reflectivity, activity, negotiation, relationships, linguistic fluency, emotionality, ambiguity and knowing, objects, process, and other aspects of human group life that are more central to an interactionist analysis of the human condition.

Moreover, although Cicero does not explicitly approach his texts as a “participant-observer” or “ethnographer,” he very much adopts a role of this sort in developing his materials on rhetoric. Not only has Cicero engaged rhetoric intensively as a student and, seemingly even more so, as a long-term practitioner of rhetoric, but Cicero also examines and writes about the practices that people invoke as rhetoricians in highly sustained, situated, prototypic, historical and comparative analytic terms.

Indeed, it would be difficult to find anyone on a contemporary plane who, in any instance of ethnographic research, matches the expertise or the analytic depth and historical detail that Cicero provides in his texts on rhetoric. Cicero speaks more directly as an instructor or advocate of virtuous rhetoric at times, but this does not invalidate the more central features of Cicero’s texts for the broader, long-term study of human knowing and acting.

Given the immensity of the materials on rhetoric attributed to Cicero and the general lack of familiarity of contemporary scholars in the humanities and social sciences with the contents of these texts as well as the wide range of materials of relevance to the pragmatist study of human knowing and acting to be found within Cicero’s works on rhetoric, I faced a dilemma about whether to focus on particular texts or parts thereof and address these in more sustained pragmatist/interactionist terms or to present a more comprehensive statement of Cicero’s work on rhetoric that could more effectively establish Cicero’s broader relevance as a pragmatist philosopher and analytic ethnographer.

Despite the appeal and value of the former, I chose the latter since comparatively decontextualized statements of the former sort would likely invite skepticism regarding Cicero’s broader relevance as a pragmatist scholar and analytic ethnographer. Engaging the fuller set of Cicero’s texts on rhetoric not only helps establish a more comprehensive foundation on which subsequent, more detailed analyses of Cicero’s works could be developed, but these texts also identify particular resources for comparative analyses.

Still, to better contextualize the more immediate project, it is important to briefly consider (1) the development of rhetoric in the classical Greek era, (2) Roman continuities and practices, and (3) the broader set of Cicero’s works to which we have access. Following (4) a synoptic, chapter and verse, depiction of six texts on rhetoric have been attributed to Cicero — *Rhetorica ad Herennium*, *De Inventione*, *Topica*, *Brutus*, *De Oratore*, and *Orator*, the paper (5) concludes with a discussion of Cicero’s relevance for those in the human sciences.

## Greek Roots

[W]hen it was recognized what power lay in speech carefully prepared and elaborated as a work of art, then suddenly a whole host of teachers of oratory arose: Gorgias of Leontini, Thrasymachus of Calchedon, Protagoras of Abdera, Prodicus of Ceos, Hippias of Elis, all of whom enjoyed great honour in their day. They and many others of the same time professed, not without arrogance to be sure, to teach how by the force of eloquence the worse (as they called it) could be made the better cause. Opposed to them was Socrates, who with characteristic adroitness of argumentation made it a practice to refute their doctrines. Out of the wealth of his discourses there emerged a group of men of great learning, and to them is attributed the first discovery of the philosophy which deals with good and evil, with human life and society, as distinguished from the philosophy of nature, which belonged to an earlier time... In the old age of those whom I have just mentioned Isocrates came forward, whose house became a veritable training-school or studio of eloquence open to all Greece. He was a great orator and an ideal teacher, but he shrank from the broad daylight of the forum, and within the walls of his school brought to fullness a renown such as no one after him has in my judgement attained. (Cicero, *Brutus*, VIII: 30-33 [Hendrickson, trans.])

The preceding quotation from Cicero's *Brutus* provides a particularly succinct account of the genesis of rhetoric as a field of activity and realm of study as well as the subsequent division of philosophy and rhetoric promoted by Socrates and Plato. Whereas the term *rhetoric* (from the Greek, *rhetoreia*) often is used to refer to people's skills in public speaking, it has been used more broadly (see Plato's *Phaedrus* and Aristotle's *Rhetoric*), to encompass all modes and arenas of persuasive endeavor. Thus, although political speeches, legal cases, and eulogies have been especially prominent focal points, rhetoric may be invoked in any instance of human interchange.

Protagoras, Gorgias, and Demosthenes are among the most widely acknowledged Greek rhetoricians but rhetoric also was given considerable attention by the poets Homer and Aristophanes, for instance, as well as the historians (Herodotus, Thucydides, and Xenophon) and those who assume roles as moralists and/or educators of whom Plato, Isocrates, and Aristotle are most prominent. Relatedly, the most astute analyses of rhetoric to which we have access are those provided by Plato (see *Gorgias*, *Sophist*, and *Phaedrus*) and Aristotle (*Rhetoric* and *Rhetoric to Alexander*).

As the two extracts following from Aristotle's *Rhetoric* suggest, Aristotle provides one of the most compelling analysis of persuasive endeavor on record (a point openly acknowledged in Cicero, *De Inventione*, II ii: 6-7):<sup>3</sup>

Rhetoric is the counterpart of dialectic. Both alike are concerned with such things as come, more or less, within the general ken of all men and belong to no definite science. Accordingly all men make use, more or less, of both; for to a certain extent all men attempt to discuss statements and to maintain them, to defend themselves and to attack others. (Aristotle, *Rhetoric*, Book I 1354a [Roberts trans.])

Of the modes of persuasion furnished by the spoken word there are three kinds. The first kind depends on the personal character of the

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<sup>3</sup> For a more extended consideration of Aristotle's *Rhetoric*, see Prus (2008).

speaker; the second on putting the audience into a certain frame of mind; the third on the proof, or apparent proof, provided by the words of the speech itself. Persuasion is achieved by the speaker's personal character when the speech is so spoken as to make us think him credible... Secondly, persuasion may come through the hearers, when the speech stirs their emotions... Thirdly, persuasion is effected through the speech itself when we have proved a truth or an apparent truth by means of the persuasive arguments suitable to the case in question. (Aristotle, *Rhetoric*, Book I 1356a [Roberts trans.])

Still, before turning to rhetoric as practiced by the Romans and Cicero's texts more specifically, it should be noted that Aristotle's analysis of rhetoric not only has a more distinctive philosophic quality than that of those rhetoricians who would follow but also that Aristotle's work on rhetoric is best comprehended amidst his analyses of ethics, poetics, and politics. Cicero does not achieve the remarkable philosophical depth that Aristotle generates, but unlike most academics who (following Socrates and Plato on this matter) separate philosophy and rhetoric, Cicero (more like Aristotle) insists that rhetoric and philosophy are best comprehended mindfully of the other.

Moreover, writing nearly three centuries after Aristotle, Cicero not only provides a remarkable analysis of the practice of rhetoric in Rome in his own time but also generates some of the most valuable historical and comparative analyses of rhetoric on record.

## **Roman Continuities and Practices**

While an analysis of Roman rhetoric (as Cicero observes in *Brutus*) rather inevitably entails a comparative analysis of Greek and Roman rhetoric, the more immediate objective is to briefly consider the ways in which the Romans approached this activity in more general terms.

Judging from the surviving literature, rhetoric or oratory represents a prominent theme in Roman politics, courts, and education during the emergence and duration of what would become known as the Roman (and later the West Roman) empire (c200BCE-500CE).<sup>4</sup>

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<sup>4</sup> Readers might appreciate that following the division of the Roman Empire into Western and Eastern sectors (395CE) in an attempt to facilitate matters of administration, the two Roman empires became notably distinct in a more enduring historical sense. West Rome would disintegrate by 500CE, amidst (a) a series of hostile raids by the Vandals, the Vikings, and others, (b) an assortment of rebellions within various territories that the Romans had occupied, and (c) ongoing internal political struggles. Somewhat concurrently, as well, (d) the Roman Catholic Church began to emerge as the central integrating force (i.e., as a transnational organizational empire) across what is now Western Europe.

Scholarship in Western Europe during the ensuing centuries (c500-1000CE) is often characterized as "the Dark Ages." Academic arenas, interests, and competencies greatly deteriorated during this era and were sustained primarily by small pockets of Christian scholars. Given the general state of intellectual decay during this era, these people not only worked with fragmentary versions of earlier Latin texts (most Greek and Roman texts having been destroyed or lost), but with notably lessened levels of education and associated conceptual abilities.

Although an increasingly distant intellectual relative, East Rome would fare much better (until 1453CE, when Byzantine fell to the Ottoman Empire). In a fashion somewhat paralleling the Roman Catholic Church, its Greek Orthodox offshoot would dominate East Rome and extend its religious empire through proselytizing activity (conversion, theological education) in the neighboring northern states. Greek scholarship retained greater continuity in Byzantine than in Western Europe (during the dark

During the earlier years (c200-01 BCE) of Roman dominance in the Mediterranean and West European theaters, Roman education represented partialized, "carbon copies" of early Greek thought. The Romans had taken control of Greece by 145BCE, but Greek influences on Roman culture (and scholarship) were evident somewhat earlier.

Roman interests were notably different than those of the Greeks, but Roman intrigues with (the more sophisticated) Greek culture were substantial. Academically, the Romans were ill prepared to comprehend various features of Greek thought. Still, as a collectivity, the Romans appear to have appreciated (in ways that many other peoples have not) "the value of a classical Greek education." In these years then (c200BCE-100CE), well-educated Romans would be expected to be highly conversant in (spoken and written) Greek.

As well, there was great unevenness with respect to the specific Greek emphases that were pursued (and lost) in the Roman Empire. Hence, for instance, the Romans appear to have attended with great interest to Greek art and entertainment, courtroom practices (and rhetoric), and military technology.

Likewise, one finds considerable interest on the part of the Romans in some realms of Greek philosophy. Mostly notably, however, these were focused on Stoicism and Epicureanism. The dominant Roman philosophic emphases, thus, reflected a mixture of concerns with theology, morality, idealism, fatalism, determinism, and divination.

By contrast, Roman interests in the more extended and rigorous features of Platonic thought and Aristotelian scholarship (philosophy and science) appear to have been comparatively ignored. Thus, whereas Plato's Academy persisted for some centuries it appears to have been focused more on dialectics than fuller considerations of human knowing and acting. By Cicero's time, Aristotle's school receded yet further into the intellectual background of the Roman era (Prus 2006). However, it might be noted that following the death of Aristotle (c384-322BCE) and the eventual disintegration of the Greek empire that had been established by Alexander the Great (356-323BCE), Greek scholarship also became more theological, idealist, and determinist in emphasis. In these respects, Roman philosophy reasonably imitated the already weakened Greek intellectual tradition in vogue at the time.<sup>5</sup>

Somewhat ironically, too, as Roman education prospered and began to assume a more distinctive character, one witnesses a further loss of intellectual competence. In part, this seems attributable to the (not uncommon) nationalist concern that written materials and instruction be developed in one's own language.

While a great deal of the early Roman literature represented overt (but less adequate) variants of the Greek originals and some Greek originals had been directly translated into Latin, the subsequent emphasis on producing *Latin* texts and honoring *Roman* celebrities, events, and authors meant an increasing disregard of classic Greek scholarship.

This is not to deny some instances of highly competent scholarship on the part of the Romans but, rather, to observe that one effect of the Roman quest for *national pride* and *individual persona* was the disregard of a great deal of highly enabling Greek thought.

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ages), but Greek philosophy and science stagnated in the East, where it was not further suppressed, under the theological agendas of the Eastern or Greek Orthodox Church.

<sup>5</sup> A similar observation on the overall deterioration of Greek philosophy is made by Cicero (*De Oratore*, BIII, xxxii: 132). More than any Roman scholar of record, Cicero addresses the conceptual transitions in *both* rhetoric and philosophy from the Greek era to his own time.

When we turn more directly to rhetoric, the loss is much less apparent than in some other areas (most notably philosophy and science) of scholarship. Still, despite the extended attention given to rhetoric by a vast assortment of Roman practitioners and scholars (see Cicero's *Brutus*), Roman rhetoric would become viewed more exclusively as a productive or enabling art or technology.

Even Cicero (106-43BCE) who clearly emerges as the outstanding scholar of Roman rhetoric *and* who explicitly endorses the study of philosophy on the part of orators can, on his own, only contribute so much to the broader study of community life in a setting intellectually dominated by Stoic philosophy.

## Cicero's Written Works

While a great many Greek and Latin texts have been lost, Cicero's preserved writings still are quite extensive. These include several treatises on rhetoric and philosophy, a series of texts of his orations, and a collection of his letters. Although his texts are only marginally known in the broader contemporary academic world, Marcus Tullius Cicero emerges as one of the most competent scholars of record from the Roman Empire, particularly in the areas of rhetoric, philosophy, and religious studies. Moreover, Cicero's texts also have been invaluable for a historical reconstruction of Roman society.<sup>6</sup>

Although building extensively on the Greek literature that he encountered as a student of rhetoric and his broader, longer-term attentiveness to Greek and Latin philosophy, it is during the last few years of his life (45-43 BCE) that Cicero developed much of his work on philosophy (MacKendrick 1989).<sup>7</sup> Although Cicero makes few claims to the originality of content, it is in his attempts to generate a greater awareness of philosophic thought of the part of Roman readers and the ways that he (dialogically) presents and compares a series of viewpoints of rhetoric, philosophy, and religion, that his scholarship is so valuable.

In addition to Cicero's works on rhetoric (especially *Rhetorica Ad C. Herennium*, *De Inventione*, *Topica*, *Brutus*, *De Oratore*, *Orator*) and their implications for a fuller pragmatist approach to the study of human knowing and acting, readers also are referred to Cicero's more distinctive philosophic works. These include *Academica*, *On the Nature of the Gods*, *On Fate*, *On Divination*, *On Ends*, *Topics*, and *Tusculan Disputations*. Also see Cicero's *On Friendship*, *On Old Age*, and *On Office* as well as *On the Republic* and *On the Laws*.<sup>8</sup>

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<sup>6</sup> Whereas most of those generating translations of Cicero's texts also provide valuable background information of the materials they address more directly, Paul MacKendrick (1989) has provided an invaluable service by reviewing in some detail the entire corpus of Cicero's texts on rhetoric and philosophy. Still, as with so much of the scholarship of classic Greek and Roman eras, Cicero's materials typically have been discussed as segmented parts of the broader historical flow rather than in more sustained comparative analytic terms.

<sup>7</sup> Cicero's decision to develop a series of texts on philosophy was his way of dealing with the inactivity resulting from a closure of the court system in Rome. Still, Cicero likely would have contributed yet more had he not been killed at the order of Mark Anthony. Having extensively criticized Mark Antony (Marcus Antonius, one of the three Roman Governors), in a series of orations (copies have been preserved), Cicero was defined as threat to the state.

<sup>8</sup> Because of the longer-term diffusion of classical Greek and Latin thought, as well as the disjunctures and constrictions characterizing the flows of Western intellectual thought, it is not possible to fully and directly trace the influences of Cicero's work on Western scholarship. However, as MacKendrick (1989) indicates in some detail, Cicero's impact is likely much greater than is commonly acknowledged.

## Cicero's Latinization of Rhetoric<sup>9</sup>

In one of his later volumes, *Brutus* (xci: 313- xcii: 317),<sup>10</sup> Cicero describes himself as initially poorly prepared (physically and mentally) to assume an active role as an orator. However, pursuing what he describes as an intense fascination with oratorical fame, Cicero spent two years studying rhetoric and philosophy with a number of Greek-educated instructors in Greece and Asia Minor.

Following his return to Rome, Cicero would become an exceptionally prominent judicial orator and political figure.

Still, in very general terms, one might observe that Cicero, who had traveled across Greece and Asia Minor in pursuit of a strong education in rhetoric, invokes a mixed set of conceptual frames in his writings.

Thus, while Cicero's rhetoric (a) very much reflects the general analytical features associated with Aristotle (384-322BCE), Cicero's writings also appear to have been (b) moderated by an attentiveness to Hermagoras' (c150CE) concerns about more direct technological applications and (c) developed in ways that are explicitly mindful of Isocrates' (436-338BCE) emphasis on pursuing rhetoric that is morally virtuous and stylistically elegant. At the same time, Cicero has particular regard for (d) the courage and style of the Greek rhetorician Demosthenes (384-322BCE) whom Cicero frequently references as exemplary in his depictions of the ideal orator.

As well, while we know little about Hermagoras,<sup>11</sup> Cicero clearly was much more centrally involved in the practice of judicial and political rhetoric than were Aristotle or Isocrates. Hence, Cicero's (detailed) expositions on rhetoric also reflect his extensive experiences as a *participant* in a wide variety of forensic and deliberative arenas.

Of all Roman scholars too, it is Cicero who appears most desirous of fostering a closer linkage of philosophy and rhetoric. Cicero clearly distances himself from the censorial posture on rhetoric that Plato and Socrates promote. Cicero also is vigorously opposed to the artificial and anti-intellectual separation of rhetoric and philosophy he associates with Socrates and Plato.

Nevertheless, whereas Cicero (like Isocrates) defends rhetoric as a realm of activity and scholarship, he still emphasizes the desirability of *virtuous rhetoric*.

For Cicero, thus, *the ideal orator* would be someone who: is exceedingly accomplished at a technical and performance level; is well schooled in procedures, style, and philosophical insight; is compellingly eloquent in linguistic and physical expressivity; is able to effectively address audiences and convince them of the viability of any claims (or challenges) made; does not avoid the challenges of the day; and rigorously champions the moral integrity of the community.

Expressed in other terms, Cicero's ideal orator would achieve the analytical insights of Plato, the conceptual rigor of Aristotle, the eloquence of Isocrates, the oratorical depth and courage of Demosthenes, and the moral virtues of those who respect the well being of the community.

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<sup>9</sup> In developing this material on Cicero, I will be building primarily on the Loeb Classical Library series of translations of Cicero's works on rhetoric. Individual translators will be acknowledged as particular texts are introduced.

<sup>10</sup> As Hubbell (1962: 299) notes in his introduction to *Orator*, the more complete versions of *Orator* and *De Oratore*, along with the theretofore unknown *Brutus* were only rediscovered by Western academics in the 1400s.

<sup>11</sup> For more information on Hermagoras' works on rhetoric, see Kennedy (1963: 303-321).



Cicero's analyses of rhetoric are conceptually astute as well as thoroughly substantively informed. Moreover, he also develops (especially see *Brutus*) his analyses of rhetoric in *comparative-analytic* terms. Thus, he draws extensively on *historical* and *cross-cultural* materials as well as practices in his own more situated, contemporary context.

Envisioning rhetoric as much more than (informed and noble) talk, Cicero *takes the practice of rhetoric apart piece by piece* and examines these matters in comparative analytical terms. Even when questing for ideals of sorts, Cicero is a remarkably insightful and conceptually articulate analyst of rhetoric as a *realm of humanly contrived and negotiated human interchange*. It is for this reason that his writings are so informative for social scientists.

By examining *Cicero's texts on rhetoric*,<sup>12</sup> readers may be able to track Cicero's thoughts more directly as these pertain to the ways that realities are constructed, presented, and resisted in oratorical arenas.

Readers are cautioned that it is impossible to represent, in any adequate sense, the depth of analysis or the eloquence of Cicero's writings within the confines of the present statement. In dealing with his works, the emphasis has been on maintaining an overall sequential flow within each volume while acknowledging particular sections of these texts that address more consequential features of persuasive endeavor.

Whereas these texts are considered in some detail so that readers might appreciate that Cicero's relevance as a pragmatist philosopher and an analytic ethnographer as well as an exceptional orator, readers are cautioned that this material is densely compacted. Because Cicero's texts are conceptually detailed as well as exceptionally informed in both comparative procedural and historical terms, readers are encouraged to exercise patience in examining and absorbing the material presented here. The references provided within enable readers to more directly consult Cicero's texts for more complete, more precise indications of the material presented here.

Before proceeding further, it may be noted that this treatment of Cicero's work begins with a statement on *Rhetorica Ad C. Herennium [RH]*. *Rhetorica Ad C. Herennium* traditionally has been attributed to Cicero, but some have questioned whether Cicero wrote *RH*. However, this uncertainty neither diminishes the overall importance of this text for comprehending rhetoric more generally nor, given the contents of the other five volumes (*De Inventione*, *Topica*, *Brutus*, *De Oratore*, and *Orator*) considered here, does this ambiguity notably detract from Cicero's immense contributions as a scholar (and practitioner) of oratory.

Still, because most of Cicero's works appear to have been recovered only in the 1300's, *RH* appears to have represented the major or best known work in rhetoric available to European scholars during the intervening centuries. Thus, regardless of its authorship, *RH* is to be recognized not only for the insights it provides into *humanly negotiated reality* but also as a highly consequential intellectual linchpin for students of rhetoric over the millennia. Thus, whereas we may be highly indebted to an unknown author if *RH* was written by another or even more grateful to Cicero if this text also was one that he had written.

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<sup>12</sup> Those more familiar with Cicero's works will recognize that I have disattended to Cicero's *Paradoxa Stoicism* (Stoic Paradoxes; apparently modeled after Aristotle's *Sophistical Refutations*, wherein Aristotle addresses a series of problematic or misleading arguments commonly made by some sophists of his day). *Paradoxa Stoicism* is an important volume but would unduly extend the parameters of this statement.

As with Cicero's *De Inventione* (discussed later), the indebtedness of *RH* to Aristotle's *Rhetoric* (or variants thereof) is strikingly apparent. Although *RH* lacks some of the analytical features of Aristotle's *Rhetoric* (particularly in reference to Aristotle's broader explanations of human activity and Aristotle's more extended consideration of emotionality as a humanly experienced essence), *RH* merits recognition as a solid, direct, and highly articulate treatment of influence work.

### ***Rhetorica Ad Herennium*<sup>13</sup>**

Like Aristotle's *Rhetoric*, *RH* is concerned with three modes of oratory: (a) judicial or forensic, (b) deliberative or political, and (c) epideictic or demonstrative (also evaluative). However, whereas Aristotle attends to human behavior more broadly, *RH* is intended more exclusively as a theory of public speaking (BI, i: 1). Still, *RH* (especially Books I-III) provides considerable insight into the humanly engaged world, particularly into matters that are contested in courtroom interchanges. *RH* also maintains an instructive or prescriptive (versus a more distinct analytical) thrust but, because of its more precise focus and systematic presentation, *RH* provides a valuable *transhistorical comparison* point for contemporary analysts interested in the linkages of language and action.

Although the material in *RH* is intended to enable speakers to pitch messages to audiences as a generalized other (Mead 1934) of sorts, the author of *RH* recognizes a considerable range of interests, competencies, and interpretations on the part of judges or audiences. As well, *RH* explicitly shares with Aristotle the expectation that speakers would *attend to* their audiences on an ongoing basis and *make adjustments* along the way.

Nevertheless, as with virtually all classical rhetoric, the emphasis is primarily on the activities of speakers. Speakers are explicitly encouraged to "take the role" (Mead, 1934) of judges, but one obtains comparatively little insight into the ways in which judges actually deal materials presented to them by speakers (even though the authors of these works seem likely to have served as judges or auditors on many occasions).

*RH* is organized around five features of oratory: (1) *invention* or the matter of devising credible arguments; (2) *arrangement* or the ordering of the material to be presented; (3) *style* or the selection of appropriate words and phrases; (4) *memory* or speakers' capacities for retaining and recalling materials pertinent to the matter at hand; and (5) *delivery* or the actual presentation signified by voice, appearance, and gesture (BI, ii: 3).

While acknowledging some natural abilities on the part of speakers, *RH* emphasizes theory, imitation and practice as essential to speakers' overall success (BI, ii: 3).

#### *Invention*

Referring primarily to the development or building of cases for presentation, the term *invention* encompasses a great many features of forensic, deliberative and demonstrative oratory.

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<sup>13</sup> In developing this statement on *Rhetorica Ad C. Herennium* I am very much indebted to Harry Caplan (1954) for his translation of *Rhetorica Ad Herennium*.

In the ensuing text, *RH* provides an extended treatment of invention in forensic or judicial oratory, followed by much briefer considerations of deliberative and demonstrative oratory before turning to the other four features of oratory (i.e., arrangement, style, memory, and delivery).

### *Judicial Oratory*

The first two parts (Books I and II) of *RH* deal predominantly with *invention* or the task of developing viable cases in forensic settings. Although *RH* gives primary attention to speakers who make claims against others, it is expected that those involved in defending cases would also attend directly to these matters. Notably, too, speakers are expected to develop their own cases in ways that anticipate and adjustively neutralize, if not more effectively destroy, their opponents' cases. All speakers, thus, may introduce and pursue matters in ways that they deem appropriate to the case and all claims of relevancy and significance are open to dispute. However, all presentations and counterclaims are pursued with the understanding that it is some third party judge(s) who, in the end, will decide the case on whatever grounds that third party considers appropriate.

*RH* (BI, ii: 5) classifies the cases (or causes to be undertaken) as honorable, discreditable, doubtful (both honorable and discreditable in some way), and petty, providing some suggestions for the ways that these differing types of cases might be approached. More generally, however, explicit concerns are expressed about speakers (a) achieving *attentive audiences* (BI, iv); (b) establishing *credibility* vis-à-vis judges, (c) *discrediting* their adversaries, and (d) *extolling the virtues* of the judges in the case (BI, iv: 7 -v: 8).

Mindful of the task of inventing or generating cases for auditors, *RH* then addresses the central components or *stages of forensic oratory*. These are the (1) *introduction*, (2) *narration*, (3) *division*, (4) *proof*, (5) *refutation*, and (6) *conclusion*. After briefly distinguishing subtler from more overt *introductions* to the case (BI, vi: 9 -vii: 11), *RH* focuses on the matter of *developing narratives* or "stating the facts" (BI, viii: 12 -ix: 16) in ways that favor one's case.

In Aristotelian fashion, *RH* also stresses the importance of developing accounts that are direct, clear, and plausible. In pursuing definitions of narrative plausibility, *RH* particularly emphasizes the importance of achieving a coherence of people, place, and activity in the case.

In the *division* (*RH* BI, x: 17), speakers typically indicate both (a) points of agreement between themselves and their opponents and (b) issues that remain contested. Here, speakers are advised to enumerate the points of contention and prepare the auditors for the materials that they will be developing in greater depth.

Next, *RH* (BI, x: 18 -xxxix: 47) considers *proof* and *refutation*, viewing these as the basis on which cases are won and lost. Confirmations and challenges are seen to revolve around three *types of issues*: (a) conjectural, (b) legal, and (c) juridical.

*Conjectural* issues (*RH* BI, xi: 18) deal with questions of the facts in the case. *Legal* issues (BI, xi: 19 -xiii: 23) pertain to interpretations and applications of laws (as in disputes between the spirit and letter the law, conflicting laws, or disputes regarding the applicability of particular laws to specific instances).

Issues are viewed as *juridical* matters (BI, xiv: 24 -xv: 25) when people agree on the act in question, but contest the culpability or accountability of the focal actor(s). Normally, this involves considerations such as the denial of responsibility, the shift of responsibility to others, or justifications based on unavoidable choices between undesirable activities.

Once the type of issue is defined, the next aspect of proof and refutation revolves around *motives* for the acts in question. While *justifying motives* are not central to conjectural cases (in which the commission of the act is the first or primarily issue), actor justifications are seen as vital to building strong defenses in legal and juridical cases (and become points of adjudication). Notably, (all or any) *motives* (*RH* BI, xvi: 26-27) represent devices that defenders and prosecutors may invoke more generally as they build and challenge cases.

In Book II, *RH* deals with conjectural, legal, and juridical cases in greater detail. In conjectural issues, it is *facts of the case* that are subject to challenge or dispute. Accordingly, *RH* addresses six themes (BII, ii: 3 -viii: 12) that prosecutors may pursue in *generating definitions* favorable to their positions (as well as ways that defenders may try to invalidate these themes). "Facts" revolve around (a) probabilities, (b) comparisons, (c) signs, (d) presumptive proofs, (e) subsequent behaviors, and (f) confirmatory proofs.

Rather than treat facts as objective entities, *RH* focuses on speakers convincing audiences by establishing more compelling *probabilities* (BII, ii: 3 -iii: 5). Thus, some attempts to achieve proof rests on claims that defendants were *motivated* (via possible gains or losses) to engage in the act in question and that the activities in question are consistent with aspects of the defendants' *life-style*.

*Comparisons* (*RH* BII, iv: 6) may be invoked to exclude others (as in lacking motives or opportunities to commit the acts in question) from responsibility for the event. A variety of *signs* (BII, iv: 6-7) or supplementary indicators also may be introduced by prosecutors to show that accused persons maximized conditions favorable to success. This would include things such as: selecting specific places, times, and occasions; assuming confidence of success; and taking precautions to minimize detection.

Likewise, guilt in conjectural cases may be demonstrated through *presumptive proofs* (*RH*, BII, v: 8) wherein some sense-based evidence (materials, indicators) is submitted that allegedly fits (before, during, and after) with the event at issue. References to people's *subsequent behaviors* (*RH*, BII, v: 8) also may be made to establish consistency of those behaviors with the claims being made. As well, *confirmatory proof* (BII, vi: 9 -viii: 12) in the form of witnesses and rumors may also be introduced. As the author of *RH* observes throughout, however, any or all claims along these lines made by those attempting to prosecute cases may be challenged by those endeavoring to defend accused persons.

When engaging *legal issues* (BII, ix: 13 -xii: 18), *RH* provides an instructive commentary on the ways that speakers might develop (and oppose) viewpoints on matters of interpretation regarding (a) the intention vs. the letter of written text; (b) the conflict of two or more laws; (c) ambiguous text; (d) the definition of terms of reference; and (e) the appropriateness of the present legal setting for dealing with the case at hand.

In *juridical issues* (*RH*, BII, xiii: 19 -xvii: 26), wherein it is acknowledged that specific people did things, the issue revolves more directly around the culpability of actors. Accordingly, *RH* embarks on considerations of (a) the context in which the act and actors are to viewed (as in statutory law vs. customary arrangements; concerns with previous decisions or equality); (b) comparison (choosing between two or more undesirable activities); (c) shifting blame to other people; (d) denial of responsibility through necessity, accident, or ignorance; and (e) pleas for mercy.

Having dealt with these three types of issues (conjectural, legal and juridical), *RH* subsequently introduces an assortment of *defective reasonings* (e.g., questionable inferences, weak analogies, problematic comparisons) that

speakers may invoke as they move through the various stages of their arguments (BII, xviii: 27 -xxix: 47).

*RH* (BII, xxx: 47 -xxxi: 50) then addresses *conclusions*, drawing attention to the objectives of summarizing cases, focusing attention on desired matters, and generating emotional sensations on the part of judges. Following a synopsis, in which audiences are reminded of the key issues of contention and are specifically refreshed of the compelling features of the speaker's argument, speakers are then in a position to generate hostility toward the accused (or, conversely, arouse sympathy for the accused) on the part of their audiences.

As part of the conclusion, *RH* (BII, xxx: 48-49) identifies ten points on which speakers may attempt to *generate animosity* toward those they are trying to prosecute. Thus, particular efforts may be directed to show that (a) recognized authorities (as gods, rulers, or states) have been violated; (b) certain undeserving parties (whether superiors, equals, or subordinates) have been negatively affected; (c) such acts should not go unpunished, lest they lead to more dangerous, widespread practices of this sort; (d) if this person is tolerated, others will be encouraged to commit similar offenses; and (e) an error of leniency would be irreversible in this case.

Likewise, animosity may be intensified when speakers claim that (f) the act was premeditated and is not to be excused; (g) the crime is exceedingly distasteful, cruel, or sacrilegious, (h) the offense is unusual and needs to be avenged; and (i) compared to other crimes, this act is truly reprehensible. As well, (j) speakers are encouraged to present all distasteful features of the act as fully and intensely as possible so that auditors might more fully participate in this experience.

The *treatment of pity* (*RH*, BII, xxxi: 50) is dealt with more abruptly, but those defending cases may appeal to audiences by emphasizing (a) human vulnerabilities to chance; (b) the perpetrator's current difficult circumstances; (c) the great losses that the perpetrator is likely to experience if found guilty; (d) the generalized sympathies of judges toward people; (e) the kindness that the perpetrator has shown toward others; (f) the long-standing difficulties the perpetrator has experienced; and (g) the "human understanding" of the auditors. Defenders also may (h) directly plead for mercy on behalf of their clients.

The material presented in *RH* does not inform us of the ways that judges might actually sort out the materials (and challenges thereof) with which they may be presented. However, *RH* clearly alerts readers to the relativistic, tactically enterprising and negotiable nature of courtroom definitions. Moreover, invention is not limited to forensic oratory.

### *Deliberative Oratory*

Focusing on orators who attempt to shape the choices that auditors make between two or more lines of action, deliberative or political speeches are seen to revolve around the advantages that speakers associate with (a) security and (b) honor.

Attending to audience concerns about avoiding and managing threats or dangers (*RH*, BIII, ii: 3), speakers invoking images of *security* more typically address people's predicaments or opportunities with respect to physical resources (e.g., equipment, supplies, money) and/or political craftiness.

By contrast, speakers attending to *honor* (BIII, iii: 3 -iv: 7) tend to emphasize people's concerns with wisdom, justice, courage and self-restraint. Further, while

acknowledging that deliberative rhetoric could address or invoke audience concerns with both security and honor in the same speech, it is made apparent that the two realms of emphases also may be presented as sharply competing justifications or motivations for action in other instances (BIII, v: 8-9).

### *Demonstrative Oratory*

*RH* (BIII, vi: 10 -vii: 15) also gives some attention to *epideictic rhetoric* wherein particular targets (specific people, participants in certain events, gods, or communities) become the focal points of praise or censure. Those developing demonstrative or evaluative speeches may draw on (a) the circumstances in which their targets find themselves, as well as (b) any physical attributes or (c) qualities of character that speakers might associate with these targets. In addition to selectively *amplifying* (emphasizing) or diminishing various features of the situation at hand, speakers are explicitly counseled to attend to *audience viewpoints* in developing, presenting, and adjusting the statements that they present to these audiences.

### **On Arrangement**

Having focused predominantly on invention or the development of arguments in judicial, deliberative, and demonstrative contexts, *RH* (BIII, ix: 16 -x: 18) briefly considers *arrangement* or the ordering of the major components of the speech. Thus, attention is given to the typical sequencing of judicial oratory, including the introduction, statement of the facts, division (points of agree and contention), proof, refutation, and conclusion.

### **On Delivery**

The discussion then shifts to the delivery or presentation of the speech. While stressing the importance of delivery, the author of *RH* clearly intends not to minimize the importance of any of the other four facilities (invention, arrangement, memory, style) outlined at the outset (BIII, xi: 19). The ensuing portrayal of delivery very much focuses on *voice quality* (volume, control, flexibility; BIII, ix: 20 -xiv: 25) and *physical movement* (gestures, posturing, facial expressions, BIII, xv: 26-27). Notably, the detail directed toward delivery (as enacted eloquence) in this section appears to approximate the rhetorical style of Isocrates rather than Aristotle.

### **On Memory**

The author of *RH* (Book III, xvi: 28 -xxiv: 40) also provides a valuable consideration of memory or deliberative recollection (*mnemonics*, from the Greek) as this facility enters into people's abilities to effectively present speeches to others. While some speeches may be delivered directly from written text, *RH* encourages speakers to develop the ability to organize their thoughts around *sequences of images* that they might memorize and then recollectively invoke these images as they work their way through their presentations.<sup>14</sup>

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<sup>14</sup> Taking issue with more conventional Greek oratorical practices, here, the author of *RH* encourages the learning and recollection of images over the memorization of extended sequences of text (words).

## **On Style**

Although of less immediate interest for our purposes, Book IV of *RH* (about one-third of the overall text) deals with an extended assortment of embellishments of *linguistic style*. Noting that these elements cut across all aspects of invention and delivery, the author deals with the selection of words and phrases as this pertains to contemporary tastes of speech, variants of diction, and figures of thought. This material indicates just how intricately orators may attend to various grammatical features of speeches. The inference is that each of these stylistic devices may enable speakers to develop more persuasive messages and, thus, contribute to the overall likelihood of influencing other in desired manners (also see Murphy, 2003).

## **Cicero's *De Inventione*<sup>15</sup>**

When *De Inventione* (*INV*) is read mindfully of *Rhetorica Ad C. Herennium* (*RH*), the parallels in the materials are striking. Indeed, it is commonly argued (variously) that both were written by the same author, that one author copied the other, or that both works reflect common sources (also see Hubbell's [1949: xi-xviii] introduction to *De Inventione*).<sup>16</sup> However, some notable differences in emphases in these texts are evident and *De Inventione* provides us with yet further insights into human interchange.

In his later years Cicero (*De Oratore*, I, ii: 5) describes *De Inventione* as a less polished product of his youth. He also notes at the conclusion of *INV*, that he has not developed his statement on oratory as fully as he had intended (i.e., to cover all the parts of rhetoric; invention, arrangement, expression, memory, and delivery). Still, *De Inventione* provides an exceptionally valuable account of the processes by which speakers *envision, develop, and arrange materials* in ways designed to influence audience definitions of situations.

While maintaining the essential flow of this volume, the following headings are used to highlight various features of Cicero's *De Inventione*: (1) defense of rhetoric; (2) the stages of oratory; (3) intensifying affective viewpoints; (4) conjecture, definition, and resolution; (5) assessing documents; and (6) deliberative and epideictic rhetorical continuities.

## ***In Defense of Rhetoric***

Like Aristotle and the author of *RH*, Cicero deals with forensic, deliberative and epideictic rhetoric. However, in contrast to *RH*, *De Inventione* is begun with an explicit *defense of rhetoric*. Thus, while observing that some people have used their abilities to speak in self-serving or divisive and destructive manners. Cicero intends to alert readers to the value of eloquence, particularly that informed by philosophic wisdom:

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<sup>15</sup> *De Inventione* (*On Invention*) was translated by H. M. Hubbell (1949). I am most grateful for his contributions to the present statement.

<sup>16</sup> Later, in introducing Book II (i: 1 -iii: 11) of *De Inventione*, Cicero notes that he has used a number of sources (citing Aristotle, Isocrates, and Hermagoras) in developing his statement.

I have often seriously debated with myself whether men and communities have received more good or evil from oratory and a consuming devotion to eloquence. For when I ponder the troubles in our commonwealth, and run over in my mind the ancient misfortunes of mighty cities, I see that no little part of the disasters was brought about by men of eloquence. When, on the other hand, I begin to search in the records of literature for events which occurred before the period which our generation can remember, I find that many cities have been founded, that the flames of a multitude of wars have been extinguished, and that the strongest alliances and most sacred friendships have been formed not only by the use of the reason but also more easily by the help of eloquence.

For my part, after long thought, I have been led by reason itself to this opinion first and foremost, that wisdom without eloquence does too little for the good of states, but that eloquence without wisdom is generally highly disadvantageous and is never helpful. (Cicero, *De Inventione* BI, i: 1)

In more general terms, Cicero also argues for the *centrality of language* for the human condition. Not only does speech provide the basis of reasoned community life among humans (*INV*, BI, ii: 2 -iii: 5), but it is also an element that uniquely distinguishes people from other animals. As well, Cicero observes, if oratory is something that can be achieved through instruction, then it warrants closer study:

For from eloquence the state receives many benefits, provided only it is accompanied by wisdom, the guide of all human affairs. From eloquence those who have acquired it obtain glory and honour and high esteem. From eloquence comes the surest and safest protection for one's friends. Furthermore, I think that men, although lower and weaker than animals in many respects, excel them most by having the power of speech...

And if, as it happens, this is not brought about by nature alone nor by practice, but is also acquired from some systematic instruction, it is not out of place to see what those say who have left us some directions for the study of oratory. (Cicero, *De Invention*, BI, iv: 5)

Relatedly, like Gorgias and Aristotle whom he explicitly cites, Cicero views rhetoric as applicable to *any* subject matter (BI, v: 6-8).

Acknowledging five components of rhetoric (i.e., invention, arrangement, expression, memory, and delivery; *INV*, BI, vii: 9), Cicero focuses most directly on *invention* or the matter of developing the issue or case at hand in judicial cases.

In ways that somewhat parallel *RH*, Cicero (*INV*, BI, viii-xi) distinguishes cases with respect to *issues* of (1) fact (conjecture or inference), (2) definitions (establishing legal terms of reference), and (3) the qualifying matters of actor responsibility and accountability. Cicero also recognizes those judicial cases that introduce (4) a transitional dimension (when it is argued that the case should be transferred to another court or handled in other ways).

Following summary statements on each of these matters, Cicero also briefly considers simple vs. complex cases (BI, xii: 17) and those involving written documents (BI, xiii). Cicero then deals with the overall framing or arranging of the case (BI, xiii: 18 -xiv: 19).

### ***The Stages of Judicial Oratory***

Envisioning rhetoric as entailing a series of deliberatively engaged processes, Cicero delineates *six stages of oratory*: (1) exordium or introduction; (2) narrative or



account; (3) partition or points of contention; (4) confirmation or proof; (5) refutation or challenge; (6) and peroration or conclusion.

Mindful of the task of inventing or generating cases, Cicero deals with each of these matters in considerable detail. In the process, he addresses a number of consequential features of human known and enacted realities.

Providing a preliminary introduction to the case, the **exordium** (*INV*, BI: xv: 20 - xviii: 26) is intended to encourage judges to be more favorably disposed to the speaker at hand. Thus, while urging speakers to attend to audience viewpoints, Cicero distinguishes cases as honorable (wherein judges are already receptive to the viewpoints to be proposed), difficult (wherein judges are hostile to the case), petty (where the issues are thought inconsequential), ambiguous (involving a mixture of honorable and discreditable elements), and obscure (where the issues are not readily comprehensible to the judges).

Cicero (*INV*, BI, xv: 22 -xvi: 23) also observes that those intending to achieve the *good will of their auditors* in the introduction may (a) comment (presumably modestly) on their own person, (b) draw attention to noteworthy failings of their opponents, (c) discuss the merits of their case, and (d) acknowledge the wisdom and virtues of the auditors.

Where auditors are thought more hostile to the case, Cicero instructs speakers to (e) attend to the basis of this resistance (and adjust accordingly). More generally, Cicero also encourages speakers who anticipate difficult audiences to (f) shorten their introductions and (g) use these as places in which to develop insinuations or otherwise cast some doubt on the integrity of their opponents (BI, xvi: 21).<sup>17</sup>

Relatedly, those desiring greater *auditor receptivity* (BI, xvii: 23) also may claim to (h) address matters that are novel, incredible, or derive importance by their relevance to the auditors or others in the community, or pertain to matters of state or theology. Likewise, Cicero notes, (i) speakers promising to be brief are also apt to be better received.

The second stage, the **narrative** refers to an account of the events that are supposed to have transpired in the case at hand. Here, Cicero (*INV*, BI, xix: 27) distinguishes (a) clearly fictionalized narratives from (b) historical accounts of actual events and (c) more plausible fictionalizations prior to focusing on (d) legal narratives. Legal accounts, Cicero (BI, xx: 28 -xxi: 30) emphasizes, should be brief, clear, and plausible.

In pursuing *plausibility* in judicial settings, Cicero (*INV*, BI, xxi: 29-30) instructs speakers to strive for narratives that fit with people's general understandings of real life. For Cicero, this means (a) articulating selectively favorable accounts of one's cases in ways that are (b) mindful of reasonable ranges of people's (as actors) characters, acts, rationales, abilities, opportunities, places, and encounters with other participants, and (c) attentive to the viewpoints of the auditors.

The **partition** or division (BI, xxii: 31 -xviii: 43) is intended to *clarify the issues* at hand; to provide auditors with direction for the ensuing arguments. Thus, speakers are advised to identify consequential areas of (agreement and) disagreement with their opponents and to *outline the agendas* that they will pursue in making their cases.

**Confirmation** or proof, along with refutation, constitutes the essence of case to be contested. Referring to attempts to establish the viability of one's positions by argumentation, Cicero (*INV*, BI, xxiv: 34-xli: 77) develops confirmation around three

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<sup>17</sup> Cicero (*INV*, BI, xviii: 23-25) later discusses the matter of handling insinuations made by others.

themes: (a) *features of the people* involved; (b) *relevant components of the activities* in question; and (c) *realistic probabilities*.<sup>18</sup>

Cicero recognizes the inseparability of people and activities in actual instances but points to the importance of distinguishing people from activities and inferential probabilities in developing cases (proofs and refutations). Although Cicero's efforts are directed primarily toward forensic cases, social scientists may well appreciate the highly astute analytical distinctions that Cicero introduces in his considerations of people, activities, and probabilities.

Accordingly, Cicero (*INV*, BI, xxiv: 34 -xxviii: 43) identifies a number of *features of the people* involved that may be used as departure points for building a case for (or against someone). After acknowledging target names as convenient reference points, Cicero identifies a broad series of background characteristics (e.g., gender, citizenship, age, ancestry, appearance, and physical and mental abilities) that speakers may invoke in developing proofs. Cicero also indicates ways in which people's life-styles, fortune and circumstances, habits and skills, emotional states, plans and purposes, and achievements may be used to support whatever case one intends to make.

While cases invariably involve connections between particular people and specific activities, Cicero (*INV*, BI, xxvi: 37 -xxviii: 43) delineates several *components of the activities* in question. Here, Cicero is explicitly mindful of (a) naming or designating the particular acts involved as well as (b) identifying the specific instances (performances) of acts under consideration. Cicero further discusses acts with respect to (c) place, (d) time, (e) occasion, (f) manner, (g) facilities (resources and limitations), and (h) the consequences attributed to these instances.

Observing that all judicial argumentation is developed around people and acts, Cicero (*INV*, BI, xxix: 44 -xxx: 50) observes that the task becomes one of defining (and combining) people and acts in ways that *appear probable*, if not also irrefutable, *to the auditors*.

Envisioning all arguments to be developed through inductive or deductive reasoning, Cicero (BI, xxxi: 51 -xli: 77) deals with these matters at some length. When speakers use inductive reasoning, they ask people to draw conclusions based on comparisons, analogies, and apparent similarities and differences. Deductive or syllogistic reasoning requires that speakers establish premises that appear to capture the essences of the phenomena at hand and show (through logical inclusion or exclusion) that certain conclusions are unavoidable.

As Cicero (*INV*, BI, xlvii: 78 -li: 96) notes, **refutations** build on the same basic materials as confirmations. In general terms, then, any argument may be invalidated by (a) challenging one or more of its assumptions (BI, xliii: 79 -xlvi: 86), (b) showing the form of argument to be erroneous in some way (BI, xlvii: 87 -l: 95), or (c) introducing arguments that are equally or more compelling (BI, li: 96).

While serving (a) to draw speeches to a conclusion, the **peroration**, as Cicero (BI, lii: 98 -lvi: 109) observes, also provides speakers with valuable opportunities to (b) selectively summarize cases for auditors. Further, (c) although judicial speeches are organized around attempts discredit (or exonerate) certain persons and speakers may attempt to invoke appropriate affectations throughout, Cicero envisions the peroration as a particularly opportune place in which to (c) *intensify emotionality* on

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<sup>18</sup> Interestingly, despite Aristotle's genuinely sustained attention to activity in *Rhetoric* and *Nicomachean Ethics*, Cicero (*De Inventione* Book I xxiv-xxviii; Book II iv-xvi) more adequately focuses analysis on what actually happens in particular instances (i.e., as in rigorously attending to the situated flows of the events under consideration). This may reflect Cicero's greater involvements in prosecuting and defending (versus observing) actual cases.

the part of the auditors. Notably, this means (d) generating indignation directed toward one's opponent and (e) arousing sympathy for one's own position. Because of the attention given to the (social) production of emotionality (especially the matters of anger and pity), Cicero's analysis of these topics merit more detailed consideration on the part of social scientists.

### ***Intensifying Affective Viewpoints***

In a manner reminiscent of Aristotle (*Rhetoric*) and *RH*, Cicero focuses explicitly on people's abilities to shape (potentially at least) the emotional viewpoints that others adopt. Thus, while primarily discussing the peroration, Cicero (*INV*, *Bl*, *liii*: 100 -*liv*: 105) delineates fifteen themes that speakers may employ to *generate indignation* or hostility toward some person (or action).

To this end, speakers may (1) point out authorities (gods, rulers, law makers, or people of the state) that have been violated; (2) indicate the disapproval of large segments of the community (including superiors, equals or inferiors); (3) argue that tolerance of this situation and the subsequent widespread practices of this sort would be devastating for the community; (4) posit that others are eagerly anticipating a licensing of this activity so that they too may engage in these undesirable activities; and (5) claim that making a mistake (of leniency) in this case would be unalterable. Similarly, hostility may be generated when speakers (6) stipulate that the deed was done purposively and not to be excused like those acts that people might do inadvertently; (7) stress that the evil deed was accomplished by force, violence, wealth, or other unfair advantage; (8) contend that the crime is exceptional in nature and/or highly despicable because it was perpetrated against those who were least able to defend themselves; (9) compare the incident with other crimes to show how horrible it is, even in that notably immoral context; (10) present the act in highly vivid terms, with violent denunciations of each aspect of the act as it developed, evoking as much disgust and shame as possible for the auditor to experience.

Speakers intent on inciting hostility also may (11) argue that the perpetrator was in a position to have known better and would be expected to prevent such an act were it done by others; (12) express indignation that those present uniquely have to deal with a case of this sort; (13) contend that the target has exhibited disregard and arrogance with respect to the act; (14) urge the auditors to personalize the offense, to put themselves and their family members in the place of those harmed by the target; and (15) state that even one's enemies do not deserve to be treated in the fashion the perpetrator has treated the target.

Cicero (*INV*, *Bl*, *lv*: 106 -*lvi*: 109) then turns matters around as he indicates sixteen ways that speakers may attempt to *evoke audience pity* or sympathy for the defendant (perpetrator). Cicero defines his overarching strategy for inducing more gentle or merciful sentiments for the defendant as one of encouraging auditors to attend to commonplace human experiences and the overall weakness and limitations of humans. Cicero also suggests that this material be presented in a more somber fashion, with the intention of neutralizing more intense emotional spirits.

Operating within this general framework, then, Cicero observes that speakers who intend to invoke sympathy or pity on the part of audiences may: (1) depict losses that the defendant has experienced and the basis of these troubles; (2) indicate the difficulties the defendant has had over time and tell how these have persisted; (3) show how the defendant experienced intense grief with various personal losses and indicate the concern the defendant had shown for others; (4) alert auditors to the

negative treatments that the defendant has experienced at the hands of others; (5) present the defendant's misfortunes in more vivid terms so that auditors may experience these more directly; (6) stress the disappointments that the defendant has experienced and the great state of distress that befell the defendant; (7) ask the auditors to consider their own relatives or other loved ones when looking at the speaker; and (8) indicate that there are uncertainties surrounding troublesome acts or omissions that will remain unknown.

In their attempts to encourage sympathy on the part of judges, speakers also may (9) remind audiences of their capacities to achieve deep affections for other objects, such as animals, houses, and other possessions; (10) address the sense of helplessness, weakness, and loneliness that all people generally experience; (11) acknowledge the necessity of auditors assigning to the defendant's loved ones the eventual task of burying them; (12) observe the great sense of loss that people experience when some loved one is torn away from them; (13) remind auditors of the anger that people experience when they are treated badly by those very people whom they have treated most kindly and from whom they would least expect such treatment; (14) ask the audience to take mercy on the defendant; (15) observe that auditors are people who care more about their loved ones than themselves; and (16) indicate that the auditors are not only understanding and merciful in their viewpoints but also virtuous and patient in dealing with human limits and misfortune.

### ***Conjecture, Definition, and Resolution in Judicial Cases***

Following a brief overview of Book I and his own approach to rhetoric, Cicero develops most of Book II around the three issues that form *the nucleus of forensic rhetoric*. It is here that Cicero deals at greater length with (1) *conjecture* or the matter establishing the facts (and causes) of the case; (2) the *definition* of the act or the legal terms of reference; and (3) the *resolution* or quality (accountability, as in responsibilities and sanctions) of the case.

While these matters may take us more directly into considerations of law than some might prefer, the material that Cicero introduces here is particularly important. Not only does *De Invention* provide valuable insight into the ways in which *law may be negotiated* in practice but this statement also considers the ways in which *human agency* is represented (and assessed) more generally.

Viewed in these latter terms, Book II contributes yet further to a pragmatist approach to the study of human community life or the sociology of knowing and acting. As with Book I, however, it will be necessary to present this material in highly compacted terms. This means glossing over a great many subthemes in Cicero's statement that those who wish to develop a fuller appreciation of influence work, identity claims, or the social construction of reality would find beneficial.

Because *conjecture* (*INV*, BII, iv: 13 -xvi: 51) deals with "issues of fact," it is here that speakers attempt to provide audiences with their views of the things that have not been acknowledged by earlier agreement (in the partition or division). Conjecture, thus, revolves around claims, indications, and inferences. Relatedly, as Cicero stipulates (BII, iv: 16), all inferences are contingent on considerations of causes or arguments about *the ways that particular people accomplished specific activities*.

When dealing with *causality* in the human theater of operations, Cicero (*INV*, BII, iv: 17 -vi: 22) begins by contrasting impulsive and premeditated acts. Cicero defines impulsive acts as things that are done without usual care and deliberation. In

forensic instances, these are often signified by intense emotional states wherein one acts passionately rather than reflectively.

Premeditated activity is characterized by deliberation and a careful consideration of alternatives. These acts imply clear objectives, assessments of options, and voluntary, intentioned behaviors.

In discussing causality, Cicero also makes distinctions between intended and unanticipated outcomes of intentional acts (*INV*, BII, vii: 23). He also notes the importance of showing that the act was perpetrated exclusively by the accused (that others lacked motive, opportunity, capacity; BII, viii: 24).

For Cicero (*INV*, BII, viii: 25-27), causes become formulated in the courtroom as speakers define the acts in question with respect to those presumably involved. Thus, speakers may work with images of impulse and premeditation in their considerations of human agency with respect to both the immediate case at hand *and* any more general reference points that speakers may invoke in developing particular aspects of their cases.

Although Cicero earlier (*INV*, BI, xxiv: 34 -xxv: 36) had considered imputations based on target characters, with respect to confirmation, Cicero (BII, ix: 28 -xi: 37) makes further reference to these background matters in discussing the ways in which *people's characters* may be more directly incorporated into speakers' conceptions of causality (via notions of motives, life-style, past deeds, circumstances, and passions). Cicero also observes that the very same target materials may be used in radically different manners, depending on whether speakers are endeavoring to prosecute or exonerate particular targets.

Likewise, while Cicero earlier (*INV*, BI, xxvi: 37 -xxviii: 43) had discussed the performance of the act in reference to confirmation, Cicero now (BII, xii: 38 -xiii: 45) points to the *constituents of the act* as another consequential matter that speakers may address when defining causality (as impulsive or premeditated; voluntary or forced).

Thus, Cicero takes the reader from suspicions of the act to a more vigorous *deconstruction of the act* from all feasible angles. This encompasses notions of sequencing and coherence, as well as considerations of settings, opportunities, timing, strategies, consequences, ensuing perpetrator reactions, moral indignation (and amplification), and so forth. It is important to acknowledge Cicero's explicit attention to the fuller sets of subprocesses entailed in people developing "acts." Notably, this includes the things that people do *prior* to the focal act, the ways they *physically engage* (the various components of) the act, and anything they might *do afterwards*.

For Cicero (*INV*, BII, xiv: 45 -xvi: 51), invention (i.e., the discovery and development of particular cases) requires the careful study of causes (via circumstances, participants, and acts). Thus, Cicero encourages rhetoricians to give concerted attention to the ways that people, acts, and circumstances fit together, both at the level of particular instances and in more abstracted, comparative types of cases.

Having examined notions of causation in forensic cases, Cicero proceeds to the matter of *definition* (*INV*, BII: xvii: 52 -xx: 61). Because the meanings and applications of specific words serve to establish the essential terms of reference for all participants in the setting, these may become the focal points of contention. As Cicero indicates, definitional matters in judicial settings more commonly revolve around (a) the nature of the charge, (b) the status of the people involved, and (c) the terms (and significations) of other things (e.g., acts, duty, rights, possessions) that are deemed consequential to the case.

Attempting to convince audiences of the greater viability of their *terms of reference* for dealing with the cases at hand, each of the speakers involved may propose specific definitions of things, as well as challenge the definitions proposed by their opponents. Although all sorts of reference points may be taken for granted, Cicero is acutely aware that speakers' choices and definitions of words, terms of reference, and other significations may consequentially transform the relevancies of any aspect of the case at hand.

Cicero (*INV*, BII, xxi: 62) next considers the way in which the case is to be *resolved* or (what he terms) the *qualitative features* of the act. Having discussed a number of aspects of the act earlier (BI, xxvi: 37 -xxviii: 43; BII, xii: 38 -xiii: 45) in some detail, Cicero intends to concentrate on accountability and sanctions.

In developing this discussion, Cicero (*INV*, BII, xxii: 65-69) distinguishes between natural law, customary law, and statutory law. *Natural law* (or justice), Cicero alleges, is somehow implanted in people through their general exposure to religion, truth and such. *Customary law* relies on consensus between the people involved; it reflects people's prevailing understandings regarding contacts, notions of equity, and the like. *Statutory law* is that which is formally recorded as state law. Cicero observes that speakers strategically may appeal to any or all of these three divisions of law in developing and defending their cases.

Attending more directly to matters of justice (or equity) and ensuing auditor actions (rewards or punishments), Cicero (*INV*, BII; xxiv: 72 -xxxvi: 109) subsequently embarks on a consideration of arguments intended to *offset* (and re-establish) *culpability* on the part of defendants who admit performing the acts in question. Here, the defenders do not attempt to define the act in desirable terms, nor do they contest their involvements (as accused persons) in the act. Instead, they try to absolve defendants of responsibility for the act or its consequences.

Focusing on speaker attempts to minimize defendant (agent) accountability for the act, Cicero delineates four common tactical themes. The first two involve (a) comparison, wherein it is argued that defendants picked the lesser of two or more undesirable options (*INV*, BII, xxiv: 72 -xxvi: 77) and (b) retort, in which the speaker alleges that the defendant was provoked to act in this particular manner by another (the claimant) who had acted improperly (BII, xxvi: 78 -xxviii: 86).

Speakers also may attempt to minimize culpability by (c) shifting the charge, wherein the act is acknowledged but it is claimed to be the fault (and responsibility) of another (BII, xxix: 86 -xxx: 94) and (d) seek concessions, wherein the defendant acknowledges the act, but asks to be pardoned as a consequence of ignorance, chance, or other matters beyond the defendant's fuller control (BII, xxxi: 94 -xxxvi: 109).

In building justifications of this sort, Cicero anticipates that speakers representing defendants also would stress various desirable qualities (including the deeds and associations) of those they represent while their opponents would set out to destroy the integrity of their arguments in these same regards.

Cicero also approaches *rewards (and punishments)* as socially contested or negotiated judicial outcomes (*INV*, BII, xxxvii: 110 -xxxix: 115). Thus, rewards, settlements, or payments to some party may be encouraged (and resisted) with respect to (a) any services rendered (regarding conditions, extent, sacrifices, intent, timing of assistance); (b) the person to be rewarded (e.g., merits, intentions while acting, subsequent motives); (c) the kind of reward (as in type of award, quantity, concerns about establishing precedents), and (d) the abilities of defendants or others (individuals or communities) to make awards to claimants or meritorious parties.

## **Assessing Documents**

While only some forensic cases involve *documentary evidence*, Cicero (*INV*, BII, xl: 116 -lii: 154) concludes his treatment of judicial oratory with an insightful analysis of the ambiguities that revolve around written documents and the problematics of invoking (interpreting and contesting) these in courtroom settings.

To this end, Cicero develops discussions around: (a) the ambiguous use of terms (BII, xl: 116 -xli: 121); (b) distinctions between "the letter" and "the intent" of the law (BII, xlii: 122 -xlvi: 143); (c) instances in which two or more laws pertinent to the case appear to be in conflict (BII, xlix: 144-147); (4) reasoning by analogy (BII, l: 148-153) where no law seems directly appropriate for handling the case in question; and (5) invoking specific definitions of aspects of the broader situation in which the case is contested (BII, li: 153-154).

Indicating parallels in the ways in which written documents and other courtroom materials may be interpreted and contested in forensic cases, Cicero provides a great deal of insight into the ways that people define, propose, contest and adjust the meanings of things.

## **Deliberative and Epideictic Rhetoric**

In contrast to his extended treatment of forensic rhetoric, Cicero gives much less attention to deliberation (political, managerial) and epideictic (ceremonial, evaluative) oratory. Still, he addresses these matters in noteworthy fashions.

In discussing **deliberative oratory** (*INV*, BII, li: 155 -lviii: 176), Cicero acknowledges the importance of stressing *advantage* (as in possessions, resources, glory, rank, influence and friendship) of encouraging action in political arenas. However, Cicero intends to emphasize *honor* (as in virtue, knowledge and truth) even more prominently than advantage.

In dealing with advantage, Cicero considers speakers attentiveness to both personal and group related interests with respect to auditors concerns with safety and security on the one hand and auditor influence over other people and things on the other. Still, while encouraging speakers also to be mindful of things in the situation that are possible and necessary in developing deliberative oratory, Cicero adopts the viewpoint that honor is the greatest necessity (followed in order by security and then other advantages).

Observing that the topics of praise and censure (as these pertain to people) have been discussed at length in his earlier considerations of people in forensic rhetoric (especially *INV*, BI, xxiv: 34-xxv: 36; BII, ix: 28-xi: 39), Cicero dispenses with **epideictic rhetoric** rather abruptly (BII, lix: 177-178).

Noting that speakers might distinguish their oratory objects (targets) with respect to qualities of (a) mind (as in honor, virtue, knowledge, wisdom), (b) body (health, beauty, strength), and (c) external circumstances (office, wealth, social connections), Cicero contends that the more compelling demonstrative speeches generally focus on matters of the mind (both in praise and censure).

## **Rhetorical Continuities**

Cicero concludes *De Inventione* with the recognition that this volume has assumed a more expansive quality than he expected. Cicero anticipates, vaguely,

that he will deal with other aspects of rhetoric in later writings. Although twenty or so years would pass before Cicero developed the other texts on oratory considered here, Cicero much more than fulfils his promise. Even so, *De Inventione* is to be appreciated as a remarkable treatise on the social construction of reality.

In what follows, particular attention is given to *Topica*, *Brutus*, *De Oratore*, and *Orator*.<sup>19</sup> Addressing the generic, instructional, historical comparative, and idealized features of influence work, these four pieces of work yet further attest to Cicero's remarkable scholarship as a rhetorician and analyst.

## **Topica**<sup>20</sup>

While Cicero's *Topica* appears to have been modeled after Aristotle's *Topics*, wherein Aristotle presents a statement on how to argue effectively on any position

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<sup>19</sup> Readers may note that I have passed over two of Cicero's other works on rhetoric, *De Partitione Oratoria* and *De Optimo Genere Oratorum*.

**De Partitione Oratoria** (*PDO*) takes the form of a manual of instruction written by Cicero for his son (who participates in this dialogue with his father), and provides an overview of the art of rhetoric. However, despite its very adequate quality as an analytic resource, this volume lacks the more remarkable conceptual detail that Cicero achieves in other statements.

Thus, in very direct terms (*DPO* i: 3-4), we are informed of the centrality of (a) the speaker, the (b) speech, and (c) the question for rhetoric. The *speaker's* task (ii: 5 -vii: 26) is to convince an audience (as in forensic, deliberative, or demonstrative cases) of a certain viewpoint; to develop speeches that are verbally, cognitively, and emotionally compelling; and to deliver these in ways that appeal to, and impact on, audiences.

Next, consideration is given to the parts of the *speech*. This includes: (a) the introduction, which is designed to generate a receptive and attentive audience (*DPO* viii: 27-30); (b) the division and narration, wherein speakers briefly outline the major features of the case in direct, comprehensible terms and provide an account of the events in question in ways that are favorable to the speaker's position (ix: 31-32); (c) the confirmation or lines of proof (ix: 33 -xii: 43), wherein mutually acknowledged facts, evidence of various sorts, and inferences regarding people, places, and actions are used to establish reasonable probabilities and convincing certainties; (d) refutations (xii: 44), wherein specific claims, instances of evidence, witnesses, inferences, and conclusions are challenged; and (e) the peroration (xv: 52-xvii: 60), in which speakers recapitulate the aspects of the case they intend to be most central for auditors and redefine (magnify or diminish) the significance of some particular matters at hand as well as attempt to intensify whatever emotional themes they deem most consequential for invoking desired audience responses.

The third part of oratory as defined in this volume is *the question* (xviii: 61 -xix: 67). Here Cicero focuses on (a) the particular features and development of the case at hand and (b) related theoretical matters pertaining to human knowing, justice, and action as well as (c) issues of duty and the role of rhetoric in shaping emotion.

The volume concludes with summary discussions of speeches developed around (a) oratorical displays of praise and blame (xxi: 70 -xxii: 82), (b) deliberative or advisory stances (xxiv: 83 -xxvii: 97), and judicial cases (xxviii: 98 -xl: 140).

Cicero's **De Optimo Genere Oratorum** (*OGO*) appears to be an introduction to an unfinished manuscript. Focusing on *The Best Kind of Orator* (Hubbell 1949), the materials to be used were Greek records of speeches pitting Demosthenes against Aeschines. Cicero's plan was to consider the interchanges of two of the most accomplished of all Greek orators, focusing on challenges that were highly charged at a personal level. Demosthenes had accused Aeschines of malfeasance on an embassy, while Aeschines sought vengeance on Demosthenes' career and reputation by subjecting these to judicial review under the guise of another case (Cicero, *OGO*, vii: 19-22).

Even in the process of outlining this statement, Cicero is compelling insightful, as suggested in his delineation of the three-fold objectives of the orator:

*The supreme orator, then, is the one whose speech instructs, delights and moves the minds of his audience. The orator is duty bound to instruct; giving pleasure is a free gift to the audience...to move them is indispensable.* (Cicero, *De Optimo Genere Oratorum* I: 3-4).

<sup>20</sup> This consideration of Cicero's *Topica* (Topics) is based on the translation of H. M. Hubbell (1949).



without contradicting oneself), *Topica* establishes the more *generic relevance* of Cicero's writings on influence work. Although considerably more compact and abstract in its development than *De Inventione* (which Cicero uses as an extended set of reference points), *Topica* identifies and examines a series of topics around which argumentation of all sorts may be developed and assessed.

Defining *topics* as realms or regions of argument in which speakers attempt to resolve doubts about specific situations (ii: 8), Cicero's *Topica* is intended to provide readers with the means of efficiently and effectively coming to terms with *all* modes of argumentation. Relatedly, Cicero observes (ii: 6-7) that an adequate consideration of argumentation encompasses both the *development of arguments* and the *judgment of their validity*.

Providing an instructive account of the *linkages of language, objects, and activities* as these are viewed and negotiated in the human community, *Topica*, thus, rather directly takes us into the philosophy and sociology of knowledge.

Positing that argumentation typically is developed (a) around *the nature of things* (*Topica*, ii: 8 -iv: 23) or (b) by means of *external testimony* (iv: 24), Cicero subsequently embarks on an analysis of these contested realms of knowing prior to attending to (c) some distinctions between particulars and abstractions.

#### Addressing the Nature of Things

Focusing first on *the nature of things*, Cicero intends to examine the arguments that speakers develop (and contest) concerning the definitions of things and the ways that these particular matters are to be viewed, acknowledged, acted toward, and the like.

Cicero organizes the ensuing consideration of topics or controversies pertaining to things around (1) the definition of things, (2) etymology, (3) conjugation, (4) genus (and subdivisions within), (5) comparisons of similarities, differences and contraries, (6) adjuncts, (7) logical connections, (8) causes and effects, and (9) quantity and quality. He later will discuss the knowing of things through (10) external sources, and (11) inquiry as this pertains to abstractions and particulars.<sup>21</sup> These topics overlap in various ways, but each may draw attention to different aspects of the cases under consideration.

The first point of contention revolves around the *definition of things* (*Topica*, iv: 26 -viii: 34). This includes notions of what exists (and exists not), the substance of the things under consideration (e.g., as physical entities or more exclusively in people's minds), the species or genus to which things belong and any subdivisions within, and the subcomponents of things and how things are constituted.

A second realm of controversy pertains to the *etymology* or the rootedness of words and the traditional meanings of things (*Topica*, viii: 35-37).<sup>22</sup>

In some other cases, arguments may be developed in reference to what Cicero labels *conjugation*. Here, speakers consider the use of the common roots of two or more terms to establish their affinity (ix: 38).

As with words, when speakers focus on other objects more directly, they may address (and challenge) classifications of things in more *generic* terms or with

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<sup>21</sup> Readers may note various conceptual parallels between Cicero's discussion of "the nature of things" and Aristotle's *Categories*.

<sup>22</sup> Observing that words are tokens (*notae*) of things, Cicero traces the notion of representation back to the Greeks, observing that Aristotle uses the term *symbolon* (*Topica* viii: 35).

respect to the *subdivisions within*; should either be thought to be to their advantage (*Topica*, ix: 39-40).

Another consequential set of arguments revolves around *object comparisons* as these might be developed around *similarities* (*Topica*, x: 41-45), *differences* (xi: 46) and *contraries* (xi: 47-49).

Cicero also introduces a processual flow (*Topica*, x: 51-52) to arguments by reference to *adjuncts*. Criticizing philosophers for disattending to the sequencing of particular things, Cicero observes that orators normally consider, as consequential, the things that happen before (e.g., preparations, conversations), during (as in people shouting, moving), and after (trembling, agitation) particular events.

Cicero (*Topica*, xii: 53 -xiv: 57) then focuses on logical deductions, most centrally as this pertains to the establishment of necessary *consequences*, *antecedents*, and *contradictions*.

Next, Cicero considers *causes* and *effects* (*Topica*, xiv: 58 -xvii: 66). Cicero's considerations of humanly engaged causes and effects are not as fully articulated in *Topica* as in some of his other works (e.g., *De Inventione*, *De Fato*). Nevertheless, Cicero differentiates between causes affecting other things *and* causes involving people (wherein matters of impulse, deliberation, and intention are pivotal).

Cicero (*Topica*, xviii: 68-71) also makes reference to comparisons of *quantity* and *quality* as consequential to some instances of argumentation. These comparisons generally rely on inferences of desirable states (such as possessing more, rather than less, of valued items; equity as an objective to be pursued; achieving honor).

#### Considering External Testimony

Defining the preceding topics as matters that are intrinsic to particular cases, Cicero (*Topica*, xix: 2 -xx: 78) also deals with *external sources* or things from the outside that may become the focal point of some instances of argumentation. Envisioning these external materials to be dependant on testimony, Cicero identifies those sources (human witnesses and other indicators) that are likely to be assigned *greater credence* by judges.

In particular, Cicero (*Topica*, xix: 73 -xx: 75) identifies witnesses who are more generally thought believable to include those who: (a) have long-standing reputations as honorable persons, Cicero makes reference to witnesses who (b) are more skilled in or knowledgeable about the matters they discuss; (c) are opportune witnesses to pertinent matters; or (d) achieve greater effect by their multitude of numbers.

Cicero (*Topica*, xx: 76-77) also notes that speakers sometimes introduce other forms of external testimony (such as oracles, visions, or unusual worldly occurrences) as connoting "messages from the gods" in attempts to make their cases. Readers familiar with *De Divination* and *De Fato* will recognize that Cicero, personally, is highly skeptical of these modes of evidence. As an orator, however, Cicero recognizes that these may be consequential elements insofar as the judges in these cases adopt viewpoints of these sorts.

#### **On Generals and Particulars**

Cicero next deals with the matter of *inquiry* (*Topica*, xxi: 79 -xxvi: 100). Acknowledging a clear indebtedness to Greek scholarship, Cicero differentiates

between a *hypothesis* (which attends to the features of a particular case) and a *thesis* (which involves a more abstract proposition about the nature of things of a certain type).

While envisioning speakers as necessarily developing hypotheses and pursuing practical lines of investigation in order to deal with the specifics of the case at hand, Cicero also encourages orators to strive for the wisdom that can be achieved only by attending to propositions and envisioning cases in more comparative, conceptual terms.

In developing this discussion of inquiry, Cicero reviews his earlier consideration of the preceding modes of argumentation mindfully of the orator's duty *to win cases*. Cicero (xxiv: 91 -xxvi: 100) concludes *Topica* by briefly outlining the three realms of oratory (judicial, deliberative, and epideictic) and the stages of oratory, while emphasizing the importance of establishing proof and achieving emotional appeal throughout.

Whereas *De Inventione* and *Topica* deal with the matters of developing arguments in specific cases and at more generic levels, respectively, the three volumes following (*Brutus*, *De Oratore*, and *Orator*) provide highly instructive *historical, cross-contextual* and *situated* comparative dimensions to Cicero's overall analysis of rhetoric. While all of Cicero's writings add transhistorical features to Greek rhetoric (especially Aristotle), these three volumes offer later-day scholars a compelling set of resources on which to develop a more comprehensive understanding of influence work.

### ***Brutus***<sup>23</sup>

In *Brutus*, Cicero provides another instructive body of insights into *rhetoric as a community phenomenon*. More than Cicero's other writings though, *Brutus* provides an exceptionally valuable *ethnohistorical* account of rhetoric. At the same time, though, it is another opportunity for Cicero to pursue his conceptualization of for the ideal orator and this comparative theme runs through this historical review.

As Cicero (*Brutus*, iii: 14-17) directly acknowledges, this volume was centrally enabled by the information contained in *Liber Annolis* (now lost). Written by Cicero's long-term friend, Titus Pomponius Atticus (c109-32BCE), the *Liber Annolis* apparently represented an extended compendium of major people, their associates, and their interlinkages with important events in Greek and (especially) Roman history to that point in time. In turn, Cicero represents Atticus along with Marcus Junius Brutus and himself in the dialogue.

*Brutus* is begun as Cicero laments the death of Hortensius (c114-50BCE), an exceptionally accomplished orator and colleague. Cicero earlier had envisioned Hortensius as an oratorical role model and then as an intense competitor. As Cicero's career developed, however, Cicero came to view Hortensius not only as a source of personal support, but also as a noble, prominent, and competent proponent of a civilized, law abiding state (i: 1 -ii: 9).

Faced with Hortensius' death, Cicero (*Brutus*, iii: 14-16) found Atticus' historical chronology of Greek and Roman life particularly timely, inspiring, and helpful in developing this remarkable historical account of rhetoric. In *Brutus*, readers become cognizant not only of the emergent shifts of emphases (and de-emphases) of oratory

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<sup>23</sup> I am very grateful to G. L. Hendrickson (1962), on whose translation of *Brutus* this discussion is based.

over time, but also of the variable contexts, talents, styles, and limitations of those who have spoken in political, legal, educational and other forums over the centuries to which Cicero has access through preserved text of sorts.

Framing his analysis around various eras or periods of time, Cicero considers and compares orators in ways that are mindful of the practices of speakers' predecessors, their contemporaries, and those who follow them.

Approached in these terms, it become evident that matters of oratorical practice, instruction, theory, and text are highly contingent on *human enterprise* and *community interchange* for whatever direction and continuity that rhetoric may attain (also see *Brutus* xcvi: 330 -xcviii: 333).

As a prelude to a more sustained analysis of Roman oratory, Cicero (*Brutus*, vi: 26 -xiv: 51) provides a compact but valuable account of Greek rhetoric. Here, Cicero directly comments on the vital developmental linkages of preSocratic oratory with vast array of Greek life-world activities (politics, poetics, history, and philosophy).

While noting concerted attempts on the part of Socrates and his followers (vii: 31) to separate rhetoric from philosophy, Cicero deals with a series of prominent Greeks who adopted more engaged notions of oratory (including Protagoras, Gorgias, Thucydides, Pericles, Demosthenes, Isocrates, Lysias, Theodorus, Aristotle and Theophrastus).

Although identifying various early Romans whom he believes likely were capable orators, Cicero recognizes Marcus Cornelius Cethegus (c200BCE) as the first Roman orator of written record, followed by Cato (Marcus Porcius Cato; c234-149BCE) whose extensive written works Cicero clearly admires (*Brutus*, xv: 60 -xviii: 69) and whom Cicero subsequently uses as a reference point for assessing others in Cato's broader era.

As Cicero moves through a series of Roman orators, he takes particular issue with the Stoic orators (and philosophers; *Brutus*, xxx: 115 -xxxi: 120) whom Cicero claims lack style. Whereas Cicero is skeptical of the value of any existing school of philosophy for producing the ideal orator, he argues that philosophy (particularly of the Peripatetic or Aristotelian tradition) is essential for developing an effective orator. Cicero then briefly acknowledges the broader philosophical contributions of Plato (richness), Aristotle (vigor), and Theophrastus (charm). By contrast, whereas Demosthenes may seem excessively bold in philosophic contexts, he brings a desirable emotional intensity of application to rhetoric.

Following a more extended consideration of interim and contemporary orators, Cicero later (*Brutus*, xci: 313 -xcvii: 330) documents his own preparations and experiences as an orator. Notably, too, this includes an account of the intersection of his own life with that of Hortensius. Cicero concludes *Brutus* with the observation that with the loss of Hortensius, it is contingent on the few competent practitioners who remain to serve as *guardians* of a genuine, enlightened rhetoric.

## ***De Oratore***<sup>24</sup>

In contrast to *De Inventione* and *Topica*, both of which are developed in more direct analytical manners, Cicero's *De Oratore* (*DO*) assumes a conversational format that is somewhat reminiscent of Plato's dialogues but more pointedly instructional. While presuming familiarity with *De Inventione*, *De Oratore* provides

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<sup>24</sup> This discussion is derived from E. W. Sutton's (1949) translation of *De Oratore* (On the Orator); not to be confused with Cicero's *Orator* (The Orator), considered later.

a broader philosophical and academic context in which to view Roman rhetoric and some of the divisions of emphasis and styles within.

In discussing Roman oratory and its links to academic enterprise more generally, Cicero introduces readers to two very different viewpoints on the importance of a broader, formalized education for oratory. In addition to the analytical contrasts signified by these two "ideal types," Cicero provides some instructive commentary on shaping audience emotions and an insightful analysis of humor. Still, Cicero also wants to emphasize the importance of connecting philosophical insight and oratorical (especially judicial and political) activity.

Accordingly, *DO* is organized around (1) academic vs. populist oratorical emphases; (2) engaging audiences; (3) using humor for advantage; (4) acknowledging memory; and (5) the matters of style, philosophy, and delivery.

### ***Academic vs. Populist Oratorical Emphases***

Allegedly writing *De Oratore* for his brother, Cicero organizes this text primarily around two successful, highly esteemed orators (Licinius Crassus and Marcus Antonius) but also includes others (notably Julius Caesar Strabo Vopiscus). Notably, whereas the more scholarly, sophisticated Licinius Crassus (c140-87BCE) appears to adopt positions that Cicero, himself, would prefer, Cicero still very much appreciates the less disciplined oratorical prowess of Marcus Antonius (c143-87BCE).<sup>25</sup>

In providing a general introduction to rhetoric, Cicero particularly stresses the importance of orators acquiring a broad philosophical, poetical, and historically informed *education* (*DO*, BI, ii: 6-iii: 12). Subsequently, his speakers debate about the *importance of oratory* for the community at large (BI, viii: 30 -xiii: 54), extending this into an exchange about *rhetoric as a science* (encompassing the study of oratorical procedures, laws, philosophy, political science, and cases at hand; BI, xiii: 55 -xxiv: 113). The speakers then focus on the *requirements of an orator* (BI, xxv: 113- xxvi: 122), followed by a consideration of *how orators are judged* (BI, xxvii: 122 - xxx: 136).

The dialogue then shifts to *the school course in rhetoric* (*DO*, BI, xxxi: 137 -xxii: 146) and the importance of practice and preparation (BI, xxxii: 147 -xxxv: 164), including legal knowledge (BI, xxxvi: 165 -xxxvii: 171), to rhetoric. Subsequently, the participants debate about the necessity of formal study for oratory (xxxvii: 172 -xl: 184). They then consider whether rhetoric constitutes a unique and effective specialization (BI, xli: 185 -lxii: 264).

While Crassus affirms the importance of systematic, broad, and intensive scholarship for orators, this position is directly challenged by Antonius who argues, instead, that speakers require a more practical knowledge of the world and an ability to relate people in ways that people more generally find persuasive.

From Antonius' viewpoint, a moralist, virtuous philosophy of the sort associated with Plato and Socrates is seen as inconsistent with, if not detrimental to, successful oratory (*DO*, BI, li: 219 -liv: 233). Likewise, Antonius claims that eloquence and practice are much more consequential than a specialized knowledge of the law in shaping actual forensic decisions (BI, lv: 235 -lxi: 262).

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<sup>25</sup> For another, comparative assessment of the oratorical approaches of Antonius and Crassus on Cicero's part, see *Brutus*, xxxvi: 138 -xliv: 163).

Book II of *De Oratore* finds the orators re-engaging one another, with Antonius restating his views regarding the limited value of an extended formal education for oratorical success. In doing so, however, Antonius develops an insightful commentary on some early Greek historians (Herodotus, Thucydides, and Xenophon) noting that their works inform speakers in ways that philosophy does not (BII, xii: 51 -xv: 61).

Differentiating rhetoric from history (*DO*, BII, xv: 62-64) and philosophy (BII, xv: 65-66) in terms of emphases and style, Antonius further observes that rhetoricians have concentrated rather exclusively on matters of persuasion (BII, xv: 62 -xvi: 70) and have contributed little to history or philosophy. The debate is extended across a range of topics (and technicalities) in rhetoric (BII, xvii: 71 -xxviii: 123) before Antonius is asked to explain his own method of oratory (xxviii: 124).

In responding, Antonius first emphasizes the necessity of an orator being a clear, astute thinker and someone who can readily converse with others. He also insists that most instances of oratorical engagements can be reduced to a few subtypes or prototypical cases. Once orators recognize that they are reworking a small number of what should become increasingly more familiar terrains, Antonius contends, speakers will be able to proceed with specific cases much more readily and effectively.

Still, more is required and Antonius next emphasizes the necessity of speakers attending with great intensity both to the details of their own cases and, albeit as unobtrusively as possible, to all aspects of the opponents' case. In addition, Antonius insists on the importance of memory and energy (as in a more dynamic delivery). From his viewpoint, philosophy offers little viable instruction but, instead, has much capacity for diversion. Antonius then (*DO*, BII, xxxviii: 157-159) describes Roman philosophy (notably Stoicism) as comparatively inconsequential to successful orators.

## Engaging Audiences

Shifting frames somewhat, Antonius next addresses the task of engaging audiences or securing favor with one's audience through appropriate modes of influence work (*DO*, BII, xlii: 178 -liv: 216). One important consideration, thus, revolves around attempts to establish the worth, achievements and reputation of *the person* represented by the speaker:

And so to paint their characters in words, as being upright, stainless, conscientious, modest and long-suffering under injustice, has a really wonderful effect; and this topic, whether in opening, or in stating the case, or in winding-up, is so compelling, when agreeably and feelingly handled, as often to be worth more than the merits of the case. (Cicero, *De Oratore* BII, xliii: 184)

Likewise, Antonius specifically encourages speakers to *focus on the audience* (to "take the role of the other," Mead, 1934) as a means of informing speakers' about the subsequent lines of action to be pursued in presenting the case at hand:

This indeed is the reason why, when setting about a hazardous and important case, in order to explore the feelings of the tribunal, I engage wholeheartedly in a consideration so careful, that I scent out with all possible keenness their thought, judgements, anticipations and wishes, and the direction in which they seem likely to be led away most easily by eloquence... If however an arbitrator is neutral and free from predisposition,

my task is harder, since everything has to be called forth by my speech, with no help from the listener's character. (Cicero, De Oratore BII, xliv: 186-187)

Notably, too, it is anticipated that the *sharing of meanings*, particularly emotional sensations, will be greater when speakers more explicitly convey their viewpoints to their auditors:

Moreover it is impossible for the listener to feel indignation, hatred or ill-will, to be terrified of anything, or reduced to tears of compassion, unless all those emotions, which the advocate would inspire in the arbitrator, are visibly stamped or rather branded on the advocate himself. (Cicero, De Oratore BII, and xliv: 189)

Further, despite the clearly contrived nature of the orator's presentation, Antonius also observes that speakers (even in defending strangers) may also succumb to the very emotional states that the speakers have attempted to generate on the part of others:

...for the very quality of the diction, employed to stir the feelings of others, stirs the speaker himself even more deeply than any of his hearers. (Cicero, De Oratore BII, xlvi: 191)

From there, Antonius moves to a broader consideration of poetics (and theater) observing that more effective performers in these fictionalizations also are apt to become caught up in the emotionality they try to convey to others. Subsequently, Antonius proceeds to establish a set of guidelines for developing emotive oratory (DO, BII, li: 204 -liii: 216).

After stating that emotionally-charged rhetoric should not be invoked in petty cases or in instances in which audiences are judged unreceptive to emotional appeals, Antonius then identifies love, hate, wrath, jealousy, compassion, hope, joy and fear as particularly viable emotional themes. Antonius briefly outlines the basis of each of these emotional motifs and indicates ways in which they may be approached.

Antonius concludes his analysis by observing that any arguments developed along any of these lines may be neutralized or replaced by speakers invoking opposite viewpoints. Thus, as speakers take their turns, they may strive to replace notions of hate with images of good will or vice-versa.

### ***Using Humor for Advantage***

Observing that speakers also may profitably use *wit* or humor to their advantage in shaping auditors' (emotional) receptivities to their cases, Antonius then asks Caesar (Vopiscus) to share his expertise on forensic humor with the others.

After Caesar makes some vague references to earlier Greek texts on courtroom laughter (DO, BII, liv: 217) and distinguishes wit that runs through specific orations with that intended for more certain effects within speeches, the participants consider whether wit is a talent that can be learned (or taught).

Caesar then engages in a highly insightful analysis (DO, BII, lvii: 231 -lxxi: 290) of things that audiences are apt to find humorous and how speakers might achieve these amusements. Defining humor primarily by reference to the unseemly and/or

ugly (in ways that are envisioned as nonthreatening to auditors), Caesar acknowledges a variety of purposes for which judicial humor may be employed.

Most centrally, this includes repelling attacks, dispelling distasteful matters, and relieving boredom. Caesar also consider some limits of the use of humor (especially regarding serious events, beloved targets), suggesting that the things that are most effectively ridiculed fall more moderately between those things generating strong disgust and intense sympathy. He also remarks on the dangers of speakers who intend to be witty being seen as acting in bad taste or as fools.

Caesar further distinguishes wit that is associated with the facts of the case with humor that builds on particular words, phrases or expressions. Recognizing that attempts at humor are problematic in effect, Caesar (*DO*, BII lxi: 248 -lxxi: 290) nevertheless tries to specify some of the more *generic ways in which humor may be developed*.

These include (a) heightening ambiguity (as with mimicry of expressions or mannerisms; equivocation); (b) making unexpected comments; (c) developing plays on words; (d) injecting verses or proverbs (that convey humor by their application) into the presentation; (e) taking words literally (as opposed to contextual or more casual uses); (f) using irony or the inversion of meanings; (g) employing oppositionary meanings or intentions; (h) alerting others to incongruent matters of the case; (i) making unusual comparisons; (j) presenting caricatures; (k) making deliberate understatements; (l) invoking farcical absurdities; (m) expressing undue simplifications; (n) generating hints of (undeveloped) ridicule; and (o) engaging in personal retorts.

Because humor (like magic; Prus and Sharper, 1991; Stebbins, 1994) is always contingent on *audience reactions* for its realization, the difficulties that the participants in *De Oratore* encounter when the analyzing humor from the viewpoint of the speaker are typical of contemporary analysis as well.

As with much of Cicero's work on rhetoric more generally though, his analysis of humor provides contemporary scholars with some uniquely valuable cross-cultural materials on which to build in developing more viable conceptual understandings of this humanly constructed and experienced phenomenon.

Following this astute subtreatise on humor, the participants discuss some other aspects of developing forensic cases, including some cautions about damaging one's own case (*DO*, BII, lxxiv: 301-lxxv: 306). The dialogue then shifts to matters of arrangement and presentation (BII, lxxvi: 307 -lxxxv: 350), before focusing on memory as a practical feature of oratory.

### ***Acknowledging Memory***

Although *memory* is often overlooked as an element of contemporary pragmatist thought,<sup>26</sup> Cicero's participants place great value on human recollective capacities. Here, Antonius (*DO*, BII, lxxxvi: 351 -lxxxviii: 360) explicitly acknowledges the importance of Greek mnemonics (or memory-enabling devices) to aid people's existing capacities for recollection. While clearly appreciating the practice of ordering

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<sup>26</sup> Building notably on conceptual materials from Aristotle and Emile Durkheim on memory, Prus (2007b) provides a more sustained interactionist analysis of memory as a socially accomplished process.



things for later recall, Antonius claims that the practice of people developing particular, sense-related *images* of things is especially helpful for oratory. Thus, in contrast to Greek orators who focus on the memorization of highly sustained text, Antonius puts primary emphasis on the practice of speakers generating, mastering, and recalling an orderly set of images as they prepare for, and present particular cases to, their audiences.

### ***Style, Philosophy, and Delivery***

As the participants resurrect their dialogue in Book III,<sup>27</sup> Crassus (BIII, v: 19) launches on an *exposition of style*. For Crassus (like Cicero), oratorical style is an exceedingly broad phenomenon. It ranges from the philosophic thoughts (following Socrates and Plato) about the unity of all knowing to the deployment of particular words and gestures in shaping the images of things that speakers convey to auditors.

Acknowledging that successful speakers may adopt styles that vary greatly with respect to boldness, intensity, vigor, preparation, precision, intimidation, and the like (DO, BIII, ix: 32), Crassus plans to consider *four requirements of oratory style*: (a) correct diction, (b) lucidity, (c) ornamentation or enhancement, and (d) propriety.

Following some preliminary thoughts on diction and clarity (BIII, x: 38 -xiii: 51), Crassus (BIII, xiv: 52 -xx: 77) argues that the genuine orator is one who has studied and debates the entire matter of human life. Crassus, thus, embarks on a consideration of the *interconnectedness of philosophy and rhetoric* in early (preSocratic) Greek society.

Observing that Greek rhetoric can readily be traced back to Homer's *Iliad*, Crassus stresses the point that pre-Socratic rhetoricians also were politicians, philosophers and scientists. Crassus then pointedly identifies Socrates (and Plato) as the people most directly responsible for the ensuing and *counterproductive separation* of rhetoric and philosophy:<sup>28</sup>

[T]he genius and varied discourses of Socrates have been immortally enshrined in the compositions of Plato, Socrates himself not having left a single scrap of writing. This is the source from which has sprung the undoubtedly absurd and unprofitable and reprehensible severance between the tongue and the brain, leading to our having one set of professors to teach us to think and another to teach us to speak. (Cicero, *De Oratore*, BIII, xvi: 61)

While acknowledging the impact of this divide on the plurality of schools that are linked in one or more ways to the philosophic emphases of Socrates, Crassus (DO, BIII, xviii: 65-66) then more specifically distinguishes rhetoricians from (a) Stoic philosophers (who make inappropriate claims on wisdom, whose discourse is abrupt and obscure, and whose notions of morality are at variance from people more

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<sup>27</sup> Before resuming the dialogues more directly in *De Oratore*, Book III, Cicero (1, i-iv: 16) embarks on a side-discussion of the fates that had befallen the various participants he portrays in *De Oratore*. As a general observation, Cicero notes that those who enter into the competition of public (and political) life rather inevitably place themselves in states of jeopardy.

<sup>28</sup> Cicero (via Crassus) makes a similar, but also informative observation on Socrates' divisive approach to philosophy and rhetoric later in *De Oratore* (BIII, xix: 72-73). See also Cicero's *Brutus*, (vii: 31).

generally) and (b) those idealist or skeptic philosophers who adopt the dialectic viewpoint that nothing, but disbelief in human knowing, is viable.

The dialogue then shifts somewhat to the earlier debate about the overall training of orators with respect to broader, more rigorous educations (*DO*, BIII, xx: 74 -xxiii: 85), before Crassus more specifically discusses *ornamentation* or embellishment in rhetoric (BIII, xxiv: 90 -xxvii: 108).

Approached thusly, embellishment includes not only (a) specific words and phrases intended to engage the senses of the auditors but also (b) various philosophic insights and (c) advantageously construed amplifications (and diminishments) of aspects of the case.

After discussing some applications of embellishments to cases, the dialogue again turns to early Greek rhetoric (*DO*, BIII, xxxii: 126 -xxxv: 143). This is accompanied by a more direct acknowledgment of the more general *deterioration of scholarship* on the part of post-Aristotelian Greeks (BIII, xxxii: 132) and a consideration of the importance of orators becoming cultured in the ways of the classic Greek speakers (BIII, xxxiii: 132 -xxxv: 142)

Then, after observing that philosophers also could benefit from style if they are to communicate more effectively (*DO*, BIII, xxxv: 142), the ensuing dialogue refocuses on *ornate style* wherein Crassus gives direct consideration to (a) vocabulary and enhancement (BIII, xxxvii: 148 -li: 198; as in coining new words, invoking metaphors, structuring sentences harmoniously with rhythm and balance); (b) artistic styles (BIII, lii: 199-201; elegant, plain, and moderated); (c) ways of embellishing lines of argument (BIII, liii: 202-205);<sup>29</sup> (d) the use of figures of speech (BIII, liv: 206-208); and (e) adapting style to the cases (objectives, audiences) at hand (BIII, lv: 210-212).

*De Oratore* concludes (BIII, LVI: 213 -LXI: 227) with an insistence (following the renowned Greek orator Demosthenes) that *delivery* or the enacted presentation of the case is critical to successful oratory. Particular attention, thus, is directed toward (a) the use of one's voice as an evocative musical instrument and (b) the artful deployment of gesture as an element of impression management that can achieve much greater breadth and depth than that afforded by words alone.

Focusing more specifically on the use of one's eyes in engaging the audience, the extract following provides a sampling of Cicero's (via Crassus) deep regard for delivery:

For delivery is wholly the concern of the feelings, and these are mirrored by the face and expressed by the eyes; for this is the only part of the body capable of producing as many indications and variations as there are emotions, and there is nobody who can produce the same effect with the eyes shut... it is the eyes that should be used to indicate the emotions by now assuming an earnest look, now a merry glance, in correspondence with the actual nature of the speech. For by action the body talks, so it is all the more necessary to make it agree with the thought... for words influence nobody but the person allied to the speaker by sharing the same language, and clever ideas frequently outfly the understanding of people who are not clever, whereas delivery, which gives the emotion of the mind expression, influences everybody... (Cicero, *De Oratore*, BIII, lix: 220-223)

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<sup>29</sup> Cicero provides a similar, but also extended review of embellishments (such as tactical amplification, mockery, digressions, reiteration, and fictionalization) in *Orator* (xl: 137-139)

In the *Orator*, the last of Cicero's works on rhetoric considered here, one finds a further extension of a number of themes developed in *De Oratore*. However, in the next volume, it is Cicero who speaks more directly as he situates, depicts, and defends his own style of engaging rhetoric in comparison with the views and practices of his contemporaries.

### ***Orator***<sup>30</sup>

Taking the form of an extended letter written to Marcus Junius Brutus (c85-42BCE), who has asked Cicero for his depiction of the ideal orator, *Orator* (c46BCE) affords Cicero an opportunity to defend his own, more embellished, eloquent, and emotionally-engaged style against the criticisms that Cicero has encountered from some contemporary rhetoricians (including Brutus) who had adopted an *Attic* (Athenian) or plain style of rhetoric (wherein the emphasis is on a clear, articulate, logical, and compact presentation of cases).

More importantly for our purposes, however, *Orator* extends some of the cross-contextual themes that Cicero introduces in *Brutus* and *De Oratore*. Delving further into the realm of rhetorical (and literary) criticism in *Orator*, Cicero develops some ideal-type comparisons that further enable us to appreciate the ways in which his contemporaries approached influence work and how these efforts were received by those in the settings at hand.

In developing *Orator*, Cicero sets out to portray *the ideal orator*, acknowledging that this person likely has never existed (ii: 7). Mindful of this objective, Cicero distinguishes three oratorical styles. Most centrally, Cicero contrasts (1) a *grand* or magnificent style, wherein speakers effectively combine diction and thought, emotional appeals, and forceful delivery with (2) an *Attic* or plain style of speaking wherein Roman orators (imitating some Athenians) deal with cases in ways that are exceptionally clear, precise, analytical and direct. Cicero also references (3) a *tempered* or moderate, style.

Speakers adopting this third style are somewhat less distinct. They fall somewhat between the first two, often mixing more subdued features of grand and Attic styles, albeit in different and uneven manners. Relatedly, while lacking the more sustained, intense or rigorous aspects of either magnificent or plain styles, speakers using a tempered style tend to place greater emphasis on pleasantries or charm.

While Cicero envisions this third, moderated style as somewhat more commonplace, the ensuing discussion primarily hinges on contrasts of magnificent and plain styles, with Cicero holding both of these more disciplined styles (or ideal types) of rhetoric in high regard.

At the same time, though, Cicero recognizes that the objective of all rhetoric is *to win* cases. He is fully aware that it is the speakers' *audiences* who ultimately define the effectiveness (and appropriateness) of *any style* of rhetoric:

*The eloquence of orators has always been controlled by the good sense of the audience, since all who desire to win approval have regard to the goodwill of their auditors, and shape and adapt themselves completely according to this and to their opinion and approval.* (Cicero, *Orator*, viii: 24)<sup>31</sup>

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<sup>30</sup> *Orator (The Orator)*, which has been translated by H.M. Hubbell (1962), represents the primary source for this statement.

<sup>31</sup> Cicero makes somewhat related observations about winning the favor of the audience later in *Orator* (xxxiv: 122 -xxxvi: 125). Also see Cicero's *Brutus*, vii: 31).

Further, as suggested in the following depiction of Demosthenes (c384-322BCE; a Greek rhetorician who was philosophically schooled in Plato's Academy), Cicero's ideal orators would engage their audiences as comprehensively as the situation merits:

Demosthenes, who, I said, excels all others, in his masterpiece, the famous oration In Defence of Ctesiphon, began calmly, then in his discussion of the laws he continued without adornment; after that he gradually aroused the jury, and when he saw them on fire, throughout the rest of the oration he boldly overleaped all bounds; yet, careful as he was to weigh every word. (Cicero, *Orator*, viii: 26)

Noting that rhetoric is only one important realm of speech within the human community, Cicero (*Orator*, xi: 62 -xx: 68) also differentiates the objectives and styles of rhetoricians from those of philosophers, sophists, historians, and poets.

After acknowledging the eloquence of various philosophers (including Plato, Aristotle, and Theophrastus) and some overlap of areas of interest with orators, Cicero observes that *philosophers* engage wide ranges of topics for the purpose of analysis, insight, and instruction rather than attempting to captivate (and win) audiences through emotional intensity, shrewdness, or stylistic modes of delivery.

Cicero envisions the *sophists* as more akin to orators since the sophists use a great many of the modes of influence that rhetoricians might employ in forensic cases. However, Cicero depicts the sophists as somewhat more playful or entertaining in emphasis while the rhetoricians concentrate their efforts on winning cases.

Although Cicero expresses great regard for the scholarship of Thucydides, Cicero also pointedly contrasts the typically smooth-flowing, descriptive narrative of *historians* (even when their texts are extensively and effectively punctuated with speeches) with the more particularistic, vested interests and vigorous styles of orators.

After acknowledging some similarities between *poets* and rhetoricians (via expressive messages and the choice and arrangements of words), Cicero is also mindful of their differing intentions and the greater restrictions (winning cases) with which orators work.

Re-emphasizing the task of orators as one of obtaining favorable judgments (particularly in forensic and deliberative cases) through the use of proof, charm, and persuasion, Cicero subsequently argues for the importance of wisdom and propriety (*decorum*) in all that one does as an orator.

This is followed by more detailed considerations of the three styles of oratory: Attic (*Orator*, xiii: 76 -xxvi: 90), temperate (xxvi: 91 -xxviii: 96), and magnificent (xxviii: 97-99). While Cicero has a clear preference for the magnificent style, he is careful to point out the demanding and meticulous features of the Attic style as well as the preparations and attentiveness that a competent tempered style requires.

With this frame in mind, Cicero more explicitly resumes his task of defining the ideal orator. In a minor shift of emphasis, though, Cicero (*Orator*, xxxix: 101) suggests that instead of searching for the ideal orator as a person, it is more fitting to consider the ideal as a *quality* to which people may aspire (or be judged).

As well, because speakers are expected to deal with a wide variety of issues, Cicero declares that the *ideal orator* would be able to discuss trivial matters in a plain style, things of more moderate importance in a tempered manner, and important matters in a grand style. Having, *in this contextual turn of phrase*, established his

preferences among the three styles, Cicero next proceeds to illustrate oratorical flexibility in these matters on the part of speakers by referencing some cases in which he has been involved (*Orator*, xxix: 102 -xxxi: 111).

Cicero then turns to an insistence on the importance of rhetoricians attending to the *study* of philosophy, civil law, and history (*Orator*, xxxi: 112 -xxxiv: 120). Cicero intends that speakers would benefit from, and make use of, these background materials in seeking favorable judgments from audiences. From Cicero's viewpoint, as well, orators are to *adapt themselves* to the occasions on which they speak and the audiences whom they address (xxxv: 123 -xxxvi: 125).

From here, Cicero considers a wide assortment of capacities that *help define the ideal orator*. More centrally, these include abilities to: (a) deal with cases on both more particular and more abstract levels (*Orator*, xxxvi: 125-126); (b) achieve emotionality at will (xxxvi: 127 -xxxviii: 133); and (c) invoke a wide range of embellishments and figures of thought in dealing with audiences (xxxix: 134 -xli: 140).

In this latter regard, Cicero identifies an array of over thirty *tactics* (*Orator*, xl: 137-139) that speakers may use in attempts *to focus* (and/or divert) audience attention on particular aspects of the case at hand.<sup>32</sup>

These include strategies such as: dealing with the same subject in several ways; speaking casually about or denigrating something; repeating things; asking questions and then providing answers; appearing to consult with one's audience or opponent; invoking humor; introducing comparisons and citing precedents; providing cautions; speaking boldly or presumptively at times; assuming intimate stances toward audiences; condensing or elaborating on things; acting insulted; invoking metaphors or examples; and pleading with audiences.

The remaining text is devoted to the quest for verbal (literary) elegance (*Orator*, xlii: 145 -xlviii: 162) and rhythm (xlviii: 162 -lxxi: 236) of presentation. *Orator* then ends rather abruptly. Cicero acknowledges that Brutus (or other critics) may still differ in their conceptions of the ideal orator but observes that he (Cicero) has pursued this somewhat elusive topic as far as he has been able.

## Cicero's Contributions

In introducing this paper, I made the claim that Marcus Tullius Cicero not only has provided a remarkable set of texts on rhetoric as a realm of influence work (and resistance) but that Cicero also should be acknowledged as a pragmatist philosopher and an analytic ethnographer.

In developing this claim, I provided chapter and verse synoptic statements of six texts on rhetoric that have been attributed to Cicero. Because translations of Cicero's works are widely available, readers can readily consult the fuller set of texts for themselves. Still, it may be helpful to highlight some of the themes from this set of texts as a means of summarizing Cicero's works on rhetoric as well as establishing the viability of the claims I have made.

When we begin with *Rhetorica ad Herennium*, we encounter a text that not only addresses rhetoric in judicial, political, and honorific contexts but also provides

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<sup>32</sup> One of Cicero's speakers, Crassus, in *De Oratore* (BIII, xxxv: 142 -lv: 212) addresses a related set of topics under the notion of ornate style. The sections, BIII, liii: 202 -liv: 208, of *De Oratore* deal more directly with embellishments.

a particularly astute consideration of five features of oratory: invention, arrangement, style, memory, and delivery. Whereas *Rhetorica ad Herennium* (a) builds on Greek rhetoric, particularly that developed by Aristotle and (b) is primarily oriented towards forensic or judicial contexts, the analysis is comprehensive, systematic, and highly detailed. Thus, considerable attention is given to matters of speaker preparations, anticipations, presentations, and adjustments. *Rhetorica ad Herennium* not only provides extended insight into the problematics and processes of court case deliberations and negotiations as this pertains to crime and culpability, but it also represents a highly sophisticated account of human agency and people's participation in collectively achieved definitions of reality.

Because some scholars have questioned whether *Rhetorica ad Herennium* was written by Cicero (or an unknown author), some readers may prefer to put this text aside in assessing the claims I have made for Cicero. I do not find the evidence of those who question Cicero's authorship particularly compelling, but even if we exclude this text for now, Cicero still gives us so much in the other five texts considered here that the claims I have made are substantiated in this latter set of materials.

Like *Rhetorica ad Herennium*, *De Inventione* is a remarkably astute, systematic, and highly detailed depiction of rhetoric as a field of activity. Both statements build on Aristotle's analysis of rhetoric and both have a pronounced instructive dimension. As well, as with *Rhetorica ad Herennium*, *De Inventione* is very much an account of influence work as a realm of negotiated interchange and centrally focuses on human agency and collectively achieved definitions of situations with respect to the speakers and those attending to these matters as auditors or judges.<sup>33</sup>

Although Cicero would later refer to *De Inventione* as a less sophisticated product of his youth, *De Inventione* has a great deal to offer students of community life. In developing this text, Cicero focuses on forensic much more than political or honorific rhetoric. He also attends more centrally to invention than to arrangement, expression, memory, and delivery (as other consequential features of rhetoric). Nevertheless, Cicero's analytic contributions in *De Inventione* are extensive. Notably, thus, *De Inventione* (a) provides an instructive defense of rhetoric as a field of endeavor, (b) outlines the stages of forensic rhetoric (i.e., exordium or introduction, narration or account of the case, partition or clarification of position, confirmation or proof, and peroration or conclusion), (c) considers the ways that speakers might generate, intensify, neutralize, and redirect the emotional sensations and associated conceptual frameworks that audiences associate with aspects of the case at hand, (d) addresses the problematic features of establishing proof, (d) attends in notably pragmatist philosophic terms to the matters of causality and the qualitative features of acts, (f) deals with issues of culpability and assessments of sanctions in judicial cases, and (g) considers the problematics of assessing documentary evidence.

Whereas *Rhetorica ad Herennium* and *De Inventione* focus on the intricacies of judicial rhetoric, perhaps in more extensive detail than many modern readers can

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<sup>33</sup> It might be observed that, virtually all who have written about rhetoric following Plato and Aristotle have focused primarily on those assuming roles as speakers. Little direct attention has been given to those employing their services (or the interchanges between clients and their representatives). Whereas more attention has been given to those assuming roles as judges in these affairs, we also have little direct consideration of the ways in which auditors actually engage their roles. Still, in all fairness to these authors, it can be acknowledged that one finds comparatively few ethnographic studies on a contemporary plane that attend to the roles and activities of the broader set of participants in the setting. For two exceptions, see Wiseman (1970), Prus and Irini (1980).

quickly comprehend, *Topica* represents a yet more abstract consideration of influence work and one that even more consequently establishes Cicero as a pragmatist philosopher.<sup>34</sup>

While utilizing *De Inventione* as a convenience source of more concrete reference points, Cicero has written *Topica* as a means of analyzing argumentation in more generic terms.<sup>35</sup> Moreover, in addressing the basic features of argumentation -- as in making claims about the nature of things, judging or assessing the validity of people's claims about particular matters, and challenging definitions of things -- Cicero provides an exceedingly thoughtful consideration of what, centuries later, will be termed "the philosophy of knowledge" and "the sociology of knowing."

Focusing specifically on (a) the ways that people approach particular matters (as in existence, substance), (b) the terms and categories they employ, (c) the linkages they develop, (d) the comparisons they invoke, (e) the sequences or flows of events they consider, (f) the assignment of connections, causes, and consequences, and (g) inferences of quality and quantity, Cicero not only is mindful of *the ways that people make sense of particular matters* but also attends to (h) distinctions between other phenomena and humans as this pertains to causation (and matters of agency — as in reflectivity, intention, deliberation, and meaningful activity combined with interchange and purposive adjustment).

In addition to the preceding aspects of knowing, Cicero also discusses (i) external testimony as another element of the claims-making process and (j) stresses the importance of speakers attending to both generals (or abstractions) and specifics (or the particular cases at hand) in arriving at more adequate understandings of both levels of phenomena. Rather notably, and in direct criticism of philosophic practices, Cicero also (k) emphasizes the importance of considering not only the things that people do in more situated instances (as in the particular activities, thoughts, and consequences) but also the things that people did prior to embarking on those activities and the things that they may have done following some particular activity and observing its outcomes.<sup>36</sup> For social scientists interested in the nature of human group life, especially as group life is accomplished in actual instances, there is much in Cicero's *Topica* to be appreciated relative to the study of human knowing and acting.

Whereas Plato and Aristotle provide valuable reviews of rhetorical practices to their own time, Cicero's *Brutus* offers a highly instructive, historically informed comparative analysis of rhetoric in both the classical Greek and Roman eras. Building on a (now lost) text developed by his friend Titus Pomponius Atticus, Cicero frames his analysis of rhetoric in ways that are not only attentive to the historical flows of people's educations, emphases, and practices as rhetoricians but also develops his materials mindfully of people's modes of argumentation (and presentation) as well as their relative involvements in more scholarly or populist approaches to rhetoric.

*Brutus* has been uniquely valuable to those striving to comprehend the life-worlds and practices of the classical Greek and Roman eras. It is also a testimony to

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<sup>34</sup> Amongst other of his works, readers may also refer to the pragmatist analysis of human knowing and acting found in Cicero's *Academica* (Prus 2006).

<sup>35</sup> Those familiar with Aristotle's works (especially *Categories* and *Topics*) will recognize that Cicero has built on aspects of these texts. Still, Cicero's *Topica* also is highly instructive in its own right.

<sup>36</sup> Because these temporal anterior and posterior elements of activities and outcomes are so widely neglected in the analysis of group life and associated explanations of people's behaviors, readers may recognize the very central relevance of Cicero's criticism for much contemporary theorizing and research within the human sciences

the importance of social scientists attending more directly to the flows, developments, disjunctures, continuities, variations, and adjustments to the ways in which people may pursue parallel sets of activities over time and across, as well as within, particular settings.<sup>37</sup>

The next text considered here, *De Oratore*, is focused more exclusively on Roman orators. Here, Cicero more specifically distinguishes “academic” and “populist” approaches to the practice of rhetoric. In presenting these as ideal types, Cicero more specifically considers the ways that rhetoric as a field of endeavor differs from history and philosophy. He also addresses the ways that speakers engage their audiences, including their attentiveness to audience viewpoints and their more immediate interests. In addition to acknowledging speaker attempts to attend to and more directly shape the emotional states of their auditors, Cicero also considers speakers’ own experiences with emotionality as they develop their performances. Relatedly, Cicero provides a thoughtful analysis of the ways that humor may be used in oratorical contexts as well as a depiction of the more specific ways humor may be invoked. Still, *De Oratore* has more to offer. In addition to a discussion of the ways that memory might be heightened in oratorical contexts, Cicero also encourages speakers to be mindful of oratorical styles, the linkages of philosophy and rhetoric, and the elements of delivery that more directly enable speakers to connect with their audiences.

Whereas Cicero defends his own style of practicing rhetoric against some critics (i.e., an instance of literary criticism with Cicero as a participant-observer) in *Orator*, he also uses this text to elaborate on some of the cross-cultural themes he introduces in *Brutus* and *De Oratore*. Still, in *Orator*, Cicero even more pointedly focuses on the qualities of the ideal orator. Stressing the orators’ central task of obtaining favorable judgments, he discusses three different styles of persuasive endeavor (magnificent, plain, and moderate) and indicates how each may be invoked in seeking favorable commitments from their audiences.

Notably, too, instead of searching for the ideal orator in some particular person, Cicero concentrates on defining the ideal as a *quality* to which people may aspire (or be assessed). Albeit with the acknowledgement that people are apt to disagree on the particular qualities they assign to the ideal orator, Cicero stipulates the qualities he deems most appropriate. He also indicates in some detail the ways in which these qualities may be pursued.

In addition to (a) developing an extended fluency with and competency within wide ranges of rhetorical styles and (b) and associated ability to adopt themselves and their styles of rhetoric to particular contexts and audiences, Cicero stresses the importance of rhetoricians (c) achieving more sustained familiarity with history, law, and philosophy. He also places great value on (d) orators’ abilities to shift back and forth between conceptions of, and references to, generals and particulars. The ideal orator also would have (e) the potential to shape auditor experiences of emotionality at will as well as (f) the ability to invoke wide ranges of embellishments and figures of thought in more effectively focusing and sustaining audience receptivities.

It should be understood from Cicero as well, that the ideal orator would also (g) possess great courage in facing adversity, (h) assume extended resourcefulness in developing cases, and (i) have the integrity to pursue noble causes with particular intensity and yet represent all cases accepted in the most effective manner possible

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<sup>37</sup> Readers interested in the developmental flows of Western social thought from the classical Greek era to the 20<sup>th</sup> century, as seen from a sociological perspective, may like to examine Durkheim (1904-1905) and Prus (2004).



while still respecting the parameters of the judicial system (ultimately, it is the auditors who are responsible for making viable judgments regarding the case at hand).<sup>38</sup>

Some readers were likely puzzled at the outset by the linkages I had drawn between Cicero's works on rhetoric and 20<sup>th</sup> and 21<sup>st</sup> century pragmatist scholarship. Indeed, there is no evidence of the direct influence of Cicero's works on the thought of any of the major American pragmatists (Charles Sanders Peirce, William James, John Dewey, or George Herbert Mead). Still, it should be acknowledged that Aristotle and Cicero, amongst others, articulated a field of activity that continues to inform Western social thought in a great many other sectors of community life (as in law, politics, philosophy, education, entertainment, religion, and interpersonal relations). Although formulated anew and very much envisioned as a discovery-making process (which it was, in terms of various disjunctures and re-emphases of scholarship over the millennia) by its principle architects, American pragmatism nevertheless is rooted in aspects of Western social thought that can be traced back to the classical Greek era (Peirce 1934: 5-11 [1906]; James 1907) and particularly the works of Aristotle (Prus 2003, 2004, 2007a, 2008).

Moreover, whereas Cicero's works clearly predate American pragmatism, Cicero's analysis of rhetoric very much parallels American pragmatism with regards to matters such as people's collectively achieved definitions of situations, the relativity of people's viewpoints and interests, and the human capacity for agency and interchange (especially reflectivity, deliberation, purposive activity, and anticipating and mindfully adjusting to the other) amidst the emergence and challenges of ongoing community life.

Still, Cicero's relevance as a pragmatist philosopher is yet more encompassing. Thus, whereas Cicero's work may be better appreciated when scholars invoke the conceptual emphases on human knowing and acting found in American pragmatist philosophy (and especially the extensions thereof in Blumerian symbolic interactionism), we also can appreciate Cicero's particular attentiveness to (a) the pragmatist conceptualization of activity (terms of reference, connections, causes, and understandings) developed from instruction, study, and actual sustained involvements with actual cases, (b) his explicit emphasis on attending to the more generic features of human knowing (*Topica*), (c) the importance he places on history and comparative analysis (*Brutus*), and (d) his more extended elaborations of the negotiation process (influence and resistance) as this takes place within the established parameters of community life (as in political, judicial, and honorific settings). Thus, whereas his work centers on the elaborations of influence work and the negotiation process, Cicero merits recognition as a pragmatist philosopher of considerable relevance.

Cicero's ethnography may rely heavily on participant-observation but it is participant-observation of a particularly intense, involved, and extended sort. Moreover, it is an especially rigorous analytic ethnography. Not only are Cicero's materials on rhetoric remarkably comprehensive, systematic, and detailed but they also display an extraordinary level of conceptual clarity, historical attentiveness, and comparative analysis of an extended realm of activity at both enacted and more abstracted levels.

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<sup>38</sup> Whereas Cicero's texts may be seen to constitute a highly instructive course in the history and practice of law (forensic rhetoric) in themselves, our emphasis has been on the relevance of these materials for the study of the ways in which human group life is accomplished on a day-to-day basis.

Cicero does not explicitly make reference to extended open-ended interviews as some interactionists (e.g., Prus, 1997) explicitly encourage, but it is apparent that Marcus Tullius Cicero has examined the life-world he discusses at great length. Thus, (based on commentary in his texts), we may acknowledge: years of intense involvement, public practice, and observation in rhetorical arenas; wide ranges of instruction received and given; an ongoing attentiveness to the literature in this area; endless discussions about influence work and resistance in extremely wide range of contexts; and wide ranges of commentary (and criticism) pertaining to his own involvements in rhetoric (*Orator*). On these bases and more especially the several highly detailed and analytic texts he has developed on rhetoric as a realm of activity, Marcus Tullius Cicero not only deserves to be included in the ethnographic circle of scholars but also may be recognized as an exemplar within the ethnographic community.<sup>39</sup>

The third claim I made in introducing this paper was that Cicero's texts have an enduring relevance to the study of human knowing and acting. Whereas Cicero's accomplishments as a pragmatist philosopher and analytic ethnographer would establish this third claim, Cicero's more specific analysis of rhetoric (as indicated in the preceding set of texts) is one of the most remarkable scholarly accomplishments on record.

Although it is often assumed that contemporary analyses of interpersonal relations and associated interchange would be vastly superior to those developed 2000 years ago, this simply is not the case if we take the analyses of rhetoric developed by Aristotle and Cicero as our reference points.

Readers may find James Kinneavy's (1990) review of the 20<sup>th</sup> century literature helpful for situating rhetoric on a more contemporary plane. Although there has been a revival of interest in rhetoric more generally, much of the 20<sup>th</sup> century literature may be characterized by a range of conceptually diffuse (as in applied, artistic, journalistic, casual, moralistic) emphases. Thus, Kinneavy also indicates that the term "rhetoric" has lost much of its connectedness with classical scholarship. In contrast to the exceedingly rich analysis of rhetoric as activity that Aristotle and Cicero provide, most contemporary authors have failed to approach rhetoric as "the study of the activities entailed in instances of persuasive interchange."

Of those more commonly envisioned as 20<sup>th</sup> century rhetoricians, it is Kenneth Burke (1945, 1950) who most consequentially has connected rhetoric with the human sciences. Building on the works of Aristotle and Cicero, as well as aspects of American pragmatist philosophy, Burke does this through a pragmatist (Burke uses the term "dramatist") attentiveness to the "philosophy of the act." Thus, he dialogues with a broad assortment of materials from the classical Greek and Roman eras as well as more contemporary materials in the humanities and social sciences that pertain to the study of human knowing and acting.

Some sociologists, more particularly those working in the symbolic interactionist tradition – notably including Erving Goffman (1959, 1963), Orrin Klapp (1962, 1964, 1971), Joseph Gusfield (1963, 1981, 1989, 1996), and Stanford Lyman and Marvin Scott (1970) – have derived considerable inspiration from Kenneth Burke in developing their own variants of "dramaturgical sociology".

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<sup>39</sup> Although some of Cicero's work on rhetoric has a more distinctive instructive or prescriptive versus a more purely descriptive and analytic quality, it may be acknowledged that Cicero's analysis of rhetoric is so comprehensive, sustained, and detailed that the relevance of his prescriptive elements fades by comparison.

Following Burke, they (along with many others working within the Chicago tradition of symbolic interaction - Prus 1996, 1997; Prus and Grills 2003), have further synthesized materials that Kenneth Burke had developed with aspects of American pragmatist thought. This is particularly evident with respect to the theatrical metaphor Burke represents and the matters of symbolism, impression management, reputations, and the shaping of images and definitions of situations in symbolic interactionist analyses of human group life.

Still, despite the considerable proportion of symbolic interactionists who knowingly or unwittingly have taken aspects of Burke's scholarship as departure points for their own work, there has been little in the way of a more extended engagement of the classical Greek and Latin literatures on rhetoric on the part of those in the interactionist community.

This, in part, may reflect Burke's more casual mode of citing his sources. Thus, even though he frequently references Aristotle and Cicero in discussing his dramaturgic approach, Burke's citations are notably vague. Those not familiar with Aristotle's and Cicero's texts would not realize how partial Burke's utilization of these materials is. Indeed, unless they had examined the fuller texts that Aristotle and Cicero developed, readers relying on Burke's citations would be unable to appreciate just how thoroughly and precisely Aristotle and Cicero had developed their texts in both substantive and conceptual terms.<sup>40</sup>

I say this *not* as a condemnation of Burke's work on rhetoric and dramaturgism because Burke towers above other 20<sup>th</sup> century rhetoricians in his philosophic attentiveness to the nature of human knowing and acting. Moreover, Burke not only has been highly instrumental in reintroducing classical rhetoric to the social sciences, but he also synthesizes rhetoric with American pragmatist thought in ways that Peirce, James, Dewey, and Mead had not even begun to do. Relatedly, Burke also notably extends some of the topics about which Aristotle and Cicero wrote.

Nevertheless, when one more directly compares Kenneth Burke's materials on persuasive endeavor with Cicero's analysis of rhetoric, it becomes apparent that there is yet so much more in Cicero's texts on which students of the human condition could build.

Given the remarkably little attention directed toward to the study of influence work as a realm of meaningful, adjustive interchange in the contemporary human sciences, Cicero's work on rhetoric represents an extremely valuable transhistorical and transcultural reference point for comparative analysis. Cicero provides a wide array of concepts and insights into the influence (and resistance) process that could productively inform contemporary understandings of community life as realms of social accomplishment as well as provide a great many departure points for subsequent inquiry into the analysis of human interchange. These include influence work and resistance, impression management and deception, reflectivity and activity, agency and culpability, identity and emotionality, categorizations and definitions of the situation, and emergence and strategic adjustment.

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<sup>40</sup> Some other 20<sup>th</sup> century authors who have incorporated aspects of classical rhetoric into the human sciences include C. K. Ogden and I. A. Richards (1923), Ernesto Grassi (1980), Chaim Perelman (1982), Martha Cooper and William Nothstine (1992), Thomas Farrell (1993), Michael Billig (1996), Chaim Perelman and L. Olbrechts-Tyteca (1996), Robert Prus (1999, 2008), Bryan Garsten (2006), and Robert Danisch (2007). Still, Cicero's analyses of rhetoric has been much neglected, even these texts. Whereas many people seem prepared to acknowledge Cicero as an outstanding orator, along with Demosthenes (384-322BCE), few seem aware of Cicero's exceptional contributions to scholarship (MacKendrick 1989; Prus 2006).

Somewhat ironically, the challenges for modern day scholars are apt to revolve around the tasks of coming to terms with (a) the vast array of topics that Cicero addresses with respect to human acts, definitions, and persuasive interchange; (b) the highly detailed quality of the materials that Cicero presents; and (c) the extended historical and contextual comparisons he introduces.

Although some conceptual flexibility will be required if contemporary scholars are to achieve transcontextual affinities with Cicero's work, it is by adopting a pragmatist or interactionist vantage point and attending to the more generic or transsituational features of human association (Prus 2007c) that we may be better able to realize the remarkable potency of Cicero's work on rhetoric for considering the ways that people create, sustain, contest, and readjust definitions of reality.

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