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CHAPTER 1

Form and function

D. H. Berry and Andrew Erskine

Iam uero uirtuti Cn. Pompei quae potest oratio par inueniri? Quid est quod quisquam aut illo dignum aut uobis nouum aut cuiquam inauditum possit adferre? Neque enim solae sunt uirtutes imperatoriae quae uolgo existimantur, labor in negotiis, fortitudo in periculis, industria in agendo, celeritas in conficiendo, consilium in prouidendo, quae tanta sunt in hoc uno quanta in omnibus reliquis imperatoribus quos aut uidimus aut audiuimus non fuerunt. Testis est Italia quam ille ipse uictor L. Sulla huius uirtute et subsidio confessus est liberatam; testis Sicilia quam multis undique cinctam periculis non terrore belli sed consili celeritate explicauit; testis Africa quae magnis oppressa hostium copiis eorum ipsorum sanguine redundauit; testis Gallia per quam legionibus nostris iter in Hispaniam Gallorum internicione patefactum est; testis Hispania quae saepissime plurimos hostis ab hoc superatos prostratosque conspexit; testis iterum et saepius Italia quae, cum seruili bello taetro periculosoque premeretur, ab hoc auxilium absente expetiuit, quod bellum exspectatione eius attenuatum atque imminutum est, aduentu sublatum ac sepultum. Testes nunc uero iam omnes orae atque omnes terrae gentes nationes, maria denique omnia cum uniuersa tum in singulis oris omnes sinus atque portus.

As regards the merit of Cn. Pompeius, what speech could possibly do justice to it? What could anyone say that would not be unworthy of him, already known to you, or familiar to everyone? For the attributes of a great general do not consist only of those that are commonly thought of as such: dedication in one's duties, courage in danger, thoroughness in undertaking the task in hand, speed in accomplishing it, foresight in planning – qualities that are more evident in this single man than in all the other commanders, put together, that we have ever seen or heard of. Italy is witness to it – which the victorious L. Sulla himself conceded owed its liberation to Pompeius' ability and the assistance he provided. Sicily is witness to it – which he rescued from the many dangers which surrounded it not by the terrors of war but by the speed of his strategy. Africa is witness

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> *to it – which had been crushed by the large enemy forces and was overflowing with their own blood. Gaul is witness to it – through which, by a massacre of Gauls, a route was opened for our legions to march on to Spain. Spain is witness to it – which repeatedly saw countless enemies defeated by him and laid low. Italy again and again is witness to it – which, when it was being threatened by the terrible danger of the slave war, looked to him in his absence for help: the expectation of his arrival reduced the war and scaled it down, and his arrival itself left it dead and buried. And now every shore is witness to it, every land, every people, every nation, and finally every sea – both the open seas and every inlet and harbour on every individual coast.*
>
> (Cicero, *De imperio Cn. Pompei* 29–31)

We begin with a passage of Ciceronian oratory, and ask: what is the form of the passage? What is the function of the passage? And how does the passage's form contribute to its function? Or to turn the last question around: the passage has a function; how is that function served by the form in which the passage is cast?

To take the form first, the passage has been cast in a form which is conspicuously rhetorical. This is signalled in the first sentence by *inueniri*: the challenge Cicero faces is to carry off successfully the first of the parts of rhetoric, *inuentio*, the 'finding' of suitable material with which to make one's case (Cic. *Inv.* 1.9; *Rhet. Her.* 1.3).[1] There are two rhetorical questions; the second is the longer, and contains three parallel cola, each introduced by *aut*, of which the third contains more syllables than the first two. The next sentence lists Pompey's merits in five parallel cola which all follow the form '*x* in *y*' (*labor in negotiis* etc.), and the sentence ends with a pair of correlative clauses and two further cola introduced by *aut*. There then begins a sequence of seven sentences with anaphora,[2] each beginning *testis* . . . followed by the name of a geographical region (the last sentence is slightly different, beginning *Testes* . . . and covering every geographical region); in the first six, the name of the region is immediately followed by a relative clause. The first five sentences (*Testis est Italia* . . . down to *testis Hispania quae* . . . *conspexit*) are, as far as any reader or listener would notice, identical in length (they are all of between twenty-nine and thirty-six syllables); the first and the fifth contain a doublet (*uirtute et subsidio*, *superatos prostratos-que*), while the second contains a pair of cola in antithesis with chiasmus

[1] The problem for Cicero is not, of course, that there is any lack of evidence of Pompey's merit, but that his merits are so superlative that speech will inevitably fall short of the reality.

[2] It is immaterial whether these sentences are punctuated with semicolons, as in the Latin text (OCT), or full stops, as in the translation.

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(*non terrore belli sed consili celeritate*). The sixth sentence begins not *testis Italia* ... but *testis iterum et saepius Italia* ..., and continues at greater length than the previous ones; it ends with a relative clause consisting of two balanced cola each containing a doublet (*quod bellum exspectatione eius attenuatum atque imminutum est, aduentu sublatum ac sepultum*). The last sentence is a little shorter; it contains *omnes* or *omnia* four times, asyndeton (*terrae gentes nationes*), a *cum* ... *tum* ... correlation and a doublet (*sinus atque portus*). The whole passage displays Cicero's usual oratorical prose rhythm, and there are two *esse uideatur* clausulae (*internicione patefactum est*, *periculosoque premeretur*). In the final words of the passage, *omnes sinus atque portus*, the normal rule that *atque* is not used before a consonant is broken in order to provide a cretic-double-trochee clausula.

The function of the passage is not to persuade Cicero's audience that Pompey is an exceptionally talented and experienced commander. In this speech, which dates from 66 BC, Cicero is preaching to the converted: Pompey had defeated the pirates of the Mediterranean the previous summer (the last sentence of the passage refers to this crowning achievement), and no one doubted that he possessed the skills necessary to take over the command against Mithridates. The function of the passage is simply, as Cicero implies in his opening questions, to praise Pompey's *uirtus* in the highest terms possible (cf. Cic. *Orat.* 102: 'When discussing the Manilian law, my task was to glorify Pompey'). So how does the form of the passage serve that end?

In the first place, a rhetorical form is the best means of producing the extravagance of praise that is required. Compare this passage, from Augustus' *Res Gestae* (25.2):

Iurauit in mea uerba tota Italia sponte sua et me belli quo uici ad Actium ducem depoposcit; iurauerunt in eadem uerba prouinciae Galliae Hispaniae Africa Sicilia Sardinia.

The whole of Italy swore a spontaneous oath of allegiance to me and for the war which I won at Actium she demanded me *as her leader; the Gallic and Spanish provinces, Africa, Sicily and Sardinia swore the same oath of allegiance.*

Here we have a simple statement of (presumed) facts, without elaboration or commentary. Augustus could have chosen to take Cicero as his model and itemise the provinces separately, with in each case a sentence on the strength of their feelings for him. But that approach would not have been appropriate, because in the *Res Gestae* Augustus is describing his own achievements, not someone else's. To carry conviction, and to avoid the appearance of self-praise, his account needed to remain, on the surface at least, strictly factual. For Cicero, on the other hand, a factual statement of

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Pompey's qualities and experience would have fallen flat: the audience needed to be swept off its feet. The rhetorical form of our passage, apparent in every sentence and clausula, is designed to produce this effect.[3]

Secondly, there is the list of regions, each one preceded by the repeated word *testis*: this is the most striking feature of the passage's form. After each region is named, a subordinate clause serves to hold back for a few moments the announcement of the next. The content of these subordinate clauses is less important than their delaying function. Cicero was speaking in the forum before a large audience of Roman citizens, not all of whom would have been able to hear everything that he said; but it was necessary that they should at least be able to hear the names of all the regions, in order to be able to grasp the point he was making. This explains the function of the subordinate clauses: they provide a kind of oral punctuation, allowing time for each *testis X* to be heard and taken in. The anaphora of *testis* gives the impression that the regions are coming forward one by one, as in a court of law, to give evidence of Pompey's *uirtus*. At the same time, the citation of one region after another may suggest a triumphal procession, led by Pompey, passing through the forum in which the speech is being delivered; many in the audience would have witnessed Pompey's triumphs over Africa in 81 or 80 and over Spain in 71, awarded for victories alluded to in the passage by, in each case, the word *hostes*.[4] The passage ends with pleonasm: there is considerable overlap in *omnes terrae gentes nationes* and in *omnes orae ... maria denique omnia ... in singulis oris omnes sinus atque portus*. The function of this is to provide, in the most forceful way possible, a sense of comprehensiveness: Pompey is master of land and sea, and of the whole earth.

Form and function in Roman oratory is the subject of this book. We have begun with one example of what 'form and function' might mean. But the terms 'form' and 'function' are not used only with reference to literature. They are used, in many different contexts, with reference to designed objects (a speech is of course a designed object too). One application is architecture: a building has its form, and it also has its function. The form is the appearance, both external and internal – what the building looks like. The function is what the building is actually for. At the end of the nineteenth century, Louis Sullivan, a modernist of the 'Chicago school', argued that 'form ever follows function'.[5] Twelve years later, the Austrian architect

[3] For a study of the effects of colometry and prose rhythm in Cicero's *Second Catilinarian* see Riggsby, Chapter 6 below.
[4] *Hostes* is not used in the context of the other victories because they were not victories over external enemies.
[5] Sullivan 1896: 408.

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Adolf Loos declared that 'ornament is a crime'.[6] In 1923 these principles were combined and taken to their logical extreme by Le Corbusier, who, famously describing a house as a 'machine for living in', advocated an architecture based on mass production and the factory assembly line.[7] For Le Corbusier, standardisation and the machine aesthetic were the key to human health and happiness. All ornament and historical reference was to be rejected. This even extended to the contents of the house: paintings were to be kept in cupboards as far as possible, in order to allow the walls to remain bare. By the 1960s, some within the architectural profession were beginning to reject such austere and puritanical functionalism.[8] The Sydney Opera House (1959–73) was designed by a modernist architect, Jørn Utzon, but its form bears little relation to its function: its function is to provide a venue for the performing arts, but it takes the form of a group of shells.

There is always, potentially, a tension between form and function – a tension more evident in architecture than in literature. We want our buildings to perform the function for which they were designed; but buildings loom large in the landscape, and so we also want them to have a form which satisfies us, or at least does not offend us. A medieval castle, such as Edinburgh Castle, was designed as a purely functional building. If it happened to look impregnable, and to convey an idea of its possessors' power, that was no doubt all to the good, but its builders were essentially concerned only with the function of the building, which was to keep people out. It is purely by accident that Edinburgh Castle came to acquire a highly picturesque form;[9] and it is ironic that a building designed to deter people from entering Scotland should now, because of its form, attract visitors from all over the world. Medieval cathedrals, by contrast, were designed with form in mind; but the internal form counted for more than the external form. In the interior, arches soar to the heavens, and stone vaults are suspended in air; outside, the ungainly flying buttresses, which make this possible, are exposed to view.[10] At Wells Cathedral, three gigantic 'scissor'

[6] Loos' 1908 essay was not published in its original German until 1929; for an English translation of that version see Loos 1998.

[7] Le Corbusier 1923. In this book Le Corbusier placed great emphasis on the Parthenon, which he saw as the perfection of a standard type, contrasting it with the motor car, a type which was still evolving.

[8] See Aldo Rossi 1966, arguing that the principle 'form follows function' is naïve; also, in the following decade, Blake 1977, entitled *Form Follows Fiasco*.

[9] A plan of 1859 to make it more picturesque still, by recasting the New Barracks (the oversized Georgian block that dominates the view from the west) 'in a style more French château than Scottish castle', was never carried out (Gifford, McWilliam and Walker 1991: 88).

[10] An exception is Durham Cathedral, where the flying buttresses are hidden under roofs. At the later St Paul's Cathedral in London there are flying buttresses concealed behind external walls.

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or 'strainer' arches were inserted under the crossing in 1338, to prevent the tower from collapsing; their blatant functionality is considered to compromise the form of the interior.[11] In domestic architecture, the function is sometimes subordinated to the external form. A Georgian terrace in London, Edinburgh or Bath presents a regular appearance from the street, with the windows arranged in straight lines; but if the staircase in each house is placed at the front of the building, the landings will pass across the centre of the windows, producing an inconvenient internal arrangement, but a harmonious external form. If the staircase is placed at the back of the building, on the other hand, and the rear elevation is not considered of particular visual importance, the windows can be placed in the most functional position, between the landings; the result will be a rather confusing chequer pattern of windows on the rear elevation. Hence a building may be designed 'from the inside out' (external form subordinated to function) or 'from the outside in' (function subordinated to external form). Where possible, architects try to effect a satisfactory resolution of form and function.[12] In the case of the Lloyd's Building in London (1986), the architect Richard Rogers placed the services on the outside of the building, in order to leave an uncluttered space inside. In this respect he followed the practice of the architects of the medieval cathedrals; but of course he intended the functional exterior to serve as form. It is thus possible for an architect to play with the notions of form and function in his work, and to challenge the viewer's preconceived ideas of what a building ought to look like.

The notions of 'form' and 'function' can be applied to all literary genres. The *Iliad* and the *Aeneid*, for example, have a function, to tell the tale of the wrath of Achilles, or of arms and the man. But form is everywhere in evidence – in the overall structure of the epics, in their metre and in the shaping of every verse. Similarly, in drama there will also be a tale to be told, but the form of the telling will be different, involving performance rather than narrative. This book explores the notions of form and function in relation to a single genre, oratory. We have imposed two limitations on the material: we only consider Roman oratory, and we are not concerned with speeches in verse. But otherwise we have chosen to give oratory the widest

[11] Clifton-Taylor 1967: 164–5: 'But what is to be said of the appearance of these arches? Although their masoncraft is much more agreeable than modern concrete, in their audacity, even starkness, they carry analogies with certain contemporary structures, especially bridges, in that material . . . but the plain truth can only be that in a building so exquisitely detailed, so abounding in subtleties, they are a grotesque intrusion' (cf. 74).

[12] Other kinds of designers do the same: thus a luxury car was advertised recently as a 'perfect marriage of form and function'.

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possible definition, by moving beyond the strict literary categories, such as speeches, histories and treatises. In this volume oratory will embrace both 'free-standing' speeches, i.e. speeches written as complete works of literature in themselves (for example, Cicero's *De imperio Cn. Pompei*), and speeches embedded within works in other genres, specifically historiography and philosophy.

FREE-STANDING SPEECHES

Free-standing speeches differ from speeches in other genres in that the former are essentially oral compositions (there are some exceptions, such as Cicero's *Second Philippic*, which was never delivered) whereas histories and philosophical treatises are written prose texts. The distinction is not hard and fast, however. Scarcely any free-standing speech, as it survives today, is likely to be a verbatim record of what was delivered, although the relationship to the original delivered speech is in each case arguable.[13] Our understanding of the speech must therefore take into account both the original performance context and the form in which it survives now, that is to say as a written text. Indeed, its function as a written speech may well be different from its function when originally delivered. At the same time, histories and philosophical treatises, though written as prose texts, are infused with the techniques and characteristics of oratory, and may most frequently have been appreciated aloud. It is a reflection of the oral culture inhabited by the historians and philosophers of antiquity that speech and speeches so often play a prominent part in the works they composed.

Speeches, whether free-standing or in other genres, are generally classified as belonging to one of three types: forensic (lawcourt speeches, also known as judicial), deliberative (speeches delivered in political assemblies) or epideictic (display speeches); and epideictic can in turn be subdivided into panegyric (praise) and invective (blame). But the distinctions between these categories, too, are not hard and fast. The speech with which we began, *De imperio Cn. Pompei*, is deliberative: Cicero was addressing a political assembly and recommending that it pass a law appointing Pompey to a military command. But, as it happened, most of Cicero's audience agreed with the course of action he was advocating: his task, as he admitted twenty years later,[14] was therefore simply to glorify Pompey. Technically, therefore, the speech is deliberative, but its function is

[13] See in particular Powell, Chapter 2 below. [14] Cic. *Orat.* 102, quoted above (p. 3).

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epideictic. This is tacitly acknowledged at the outset of the speech (*De imperio Cn. Pompei* 3):

Dicendum est enim de Cn. Pompei singulari eximiaque uirtute; huius autem orationis difficilius est exitum quam principium inuenire. Ita mihi non tam copia quam modus in dicendo quaerendus est.

My subject is the outstanding and unique merit of Cn. Pompeius – a subject on which it is more difficult to finish speaking than to begin. In making my speech, therefore, my task will not be to strive after abundance so much as moderation.

Again Cicero uses the verb *inuenire* to refer to the challenge of *inuentio* which he faces. But the pointer that tells us that he sees his task as essentially an epideictic one is his remark that his subject is one on which it is more difficult to finish speaking than to begin. This was a notorious problem inherent in panegyric oratory; it is examined by Bruce Gibson with reference to Pliny's *Panegyricus* in Chapter 8 below.

The form of a speech is perhaps most obvious in its overall structure: rhetorical theory laid down the six parts of a speech, with rules for each part. *De imperio Cn. Pompei* has a textbook structure: §§1–3, *exordium* ('opening'); §§4–5, *narratio* ('statement of facts'); §6a, *partitio* ('partition' or 'division'); §§6b–50, *confirmatio* ('proof'); §§51–68, *reprehensio* ('refutation'); and §§69–71, *conclusio* ('conclusion' or 'peroration'). When rhetoricians wrote their manuals of rhetoric, they were thinking primarily of forensic oratory, and the six-part structure does indeed work well for defences, even if the *partitio*, a statement of how the *argumentatio* ('argumentation', i.e. *confirmatio* + *reprehensio*) is to be divided up, was not often required. But the structure is less obviously suited to deliberative oratory. In the first place, a *narratio* is essential in a forensic speech in which the innocence or guilt of the accused depends on the interpretation of a particular event, and that event has not already been narrated and discussed by a speaker on the same side. But in a speech in which an orator was urging the Roman people to pass or not to pass a law, there cannot often have been a need for a *narratio*.[15] Similarly, it was often convenient for a forensic orator first to put forward the arguments for his own case and then to refute those of his opponent (or alternatively to invert the order and refute his opponent's arguments and then put forward his own); but there must have been many occasions when a deliberative speech did not require a separate *reprehensio*. In *De imperio*, however, all six parts are found, and in the recommended order. The *narratio* is a mere seventeen lines of OCT, and gives

[15] There is no *narratio*, for example, in the three surviving speeches *De lege agraria*. In panegyric, by contrast, narrative played a major role, as Rees shows in Chapter 7 below.

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the barest of summaries of the current state of military operations against Mithridates. The *partitio* is shorter still, a mere twenty-five words (§ 6):

Causa quae sit uidetis; nunc quid agendum sit ipsi considerate. Primum mihi uidetur de genere belli, deinde de magnitudine, tum de imperatore deligendo esse dicendum.

So you can see what the situation is; and now you must decide yourselves what is to be done. It seems to me best first to discuss the character of the war, then its scale, and finally the choice of a commander.

As for the argumentation, a clear division is made between the arguments for Pompey's appointment and the refutation of some objections to the proposal. It is easy to see why this division might have been helpful, but what is the function of the *narratio* and the *partitio*? If a *narratio* were really needed, one might expect it to be longer; and the *partitio* too is perfunctory in the extreme. It is difficult to avoid the conclusion that these parts have been included simply in order to give the speech its textbook structure – a case of function being subordinated to form. This was Cicero's first ever speech before the Roman people: it was the first time he had addressed a really large crowd, and in the structure of the speech what we must be seeing is a desire to show off his mastery of his art. His subsequent publication of the speech will have served the same purpose.

A similar motive lies behind the form of Cicero's *Pro Milone* (52 BC, afterwards revised). Here, the structure deviates significantly from the conventional six-part form, but within each part the arguments are such a model of technical perfection that Quintilian was later to quote from the speech more than fifty times in his *Institutio oratoria*.[16] There is an *exordium* (§§1–6), a *narratio* (§§24–31), a *confirmatio* (§§32–91) and a *conclusio* (§§92–105). There is no *partitio*, because a *partitio* would only have drawn attention to the fact that Cicero's defence is based on two separate arguments which do not sit easily together: that Milo had killed Clodius in self-defence, and that the killing of Clodius was a fine public service for which Milo should be rewarded, not punished. There is also no *reprehensio*: the evidence against Milo, which, unusually, had already been taken (Asc. *Mil.* 40 C), was so damning that Cicero stood a better chance of success if he ignored it completely and instead developed his *confirmatio* as an alternative, all-embracing – and false – picture of events. A further passage of argumentation (§§7–23) is, however, inserted between the *exordium* and the *narratio* – an unusual strategy and a clear sign of the difficulty of the case.[17]

[16] See Clark 1895: l–lvii for a detailed analysis of the speech.
[17] Quintilian defends this strategy at *Inst.* 4.2.25–6 and praises it at 6.5.10.

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This passage, which Julius Rufinianus (32, = 46 Halm) calls a *praemunitio* ('advance fortification'), was intended to counter certain assumptions prejudicial to Milo's case, viz. that there are no circumstances in which the killing of a person can be justified, and that the attitude of Pompey and the senate leave the jury no option but to return a guilty verdict. What we find in *Pro Milone*, then, is a structure which is skilfully adapted to a uniquely difficult – in fact, unwinnable – case, combined with a series of arguments that are classic models of rhetorical argumentation. The speech was revised and extended some time after the trial (we can infer from Asc. *Mil.* 41 C that §§72–105 are not original): in its published form it therefore ceases to be an attempt to secure Milo's acquittal and instead becomes a masterclass in the use of rhetorical theory in a supremely challenging forensic situation.

A *praemunitio* is also found in another Cicero speech where the evidence was heavily against the client, *Pro Caelio* (56 BC). This is a highly unconventional speech with regard to its form. Naturally, it has an *exordium* (§§1–2) and a *conclusio* (§§70–80). However, there is no *narratio* or *partitio*. The *narratio* has been omitted presumably because the facts of the case had already been stated by the previous speakers.[18] The lack of a *partitio*, on the other hand, can be accounted for by Cicero's strategy: in a speech in which he puts off turning to discuss the main charges until two thirds of the way through (§51, after false starts at §§25 and 30), it was clearly not to his advantage to announce in advance how he was going to divide up his argumentation. Between the *exordium* and the *conclusio*, then, the entire speech is devoted to argumentation. It is divided into two parts: a *praemunitio*, which takes up 60 per cent of the speech (§§3–50), and an *argumentatio* (§§51–69).[19] The *praemunitio* begins with denials of various minor charges and general allegations prejudicial to Caelius' case: that he was a bad son, a bad neighbour, a libertine, a supporter of Catiline, a distributor of bribes, a rake, a thug and a sexual predator. But at §25 Cicero turns to the general issue of morality, and from this point the structure becomes fluid, and the tone conversational. There is a lengthy discussion of contemporary morals and the vices of the young. The figure of Clodia Metelli, potentially the chief prosecution witness for the charges with which Cicero is concerned, is introduced, and her character is impugned. There are two facetious examples of *fictio personae* (prosopopoeia, 'impersonation'), invented speeches in which Clodia is denounced by her ancestor App. Claudius Caecus and incriminated by her brother Clodius; there are

[18] Powell and Paterson 2004: 46. The murder of Dio, however, seems not to have been dealt with (§23).
[19] We follow the analysis of Austin 1960.

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