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1   FORM AND FUNCTION

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 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[2] with anaphora, 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 29 and 36 syllables); the first and the fifth

contain a doublet (*uirtute et subsidio*, *superatos prostratosque*), while the second contains a

pair of cola in antithesis with chiasmus (*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

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[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.

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 Pompeius'). 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 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 before a large audience of Roman citizens in the forum, 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

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[3] For a study of the effects of colometry and prose rhythm in Cicero's *Second Catilinarian*,
see Riggsby, Chapter 6 below.

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

Adolf Loos declared that 'ornament is a crime'.[6] In 1923 these principles were combined and

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[4] *Hostes* is not used in the context of the other victories because they were not victories over

external enemies.

[5] Sullivan 1896: 408.

[6] Loos's 1908 essay was not published in its original German until 1929; for an English

translation of that version, see Loos 1998.

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

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[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 Rossi 1966, arguing that the principle 'form follows function' is naïve; also, in the

following decade, Blake 1977, entitled *Form Follows Fiasco*.

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' 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

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[9] A plan of 1859 to make it more picturesque still, by recasting the New Barracks (the over-sized 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.

[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).

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 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,

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

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 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 (law court 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

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[13] See in particular Powell, Chapter 2 below.

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 arguing: 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 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');

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[14] Cic. *Orat*. 102, quoted above (p. 00).

§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 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.

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[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.

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

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[16] See Clark 1895: l-lvii for a detailed analysis of the speech.

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] 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

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[17] Quintilian defends this strategy at *Inst.* 4.2.25-6 and praises it at 6.5.10.

[18] Powell and Paterson 2004: 46. The murder of Dio, however, seems not to have been dealt

with (§23).

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 sixty

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 evocations of a pair of fathers from comedy; and there is further lengthy discussion

of morals, designed to excuse Caelius and condemn Clodia. It is only from §51, where Cicero

does at last turn to those charges that he intends to talk about—the ones relating to Clodia—

that we can feel confident that the *argumentatio* really has begun.

How are we to explain this greatly disproportionate *praemunitio*, which does such

violence to the conventional form of the speech? In the first place, it serves to push the

character of Clodia to the fore, and to push the charges into the background. Clodia's

character, and therefore her perceived reliability as a witness, is utterly destroyed by the time

Cicero turns to address the charges; and the perceived importance of those charges is

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[19] We follow the analysis of Austin 1960.

diminished by his delay in answering them. But in addition, Cicero aims to foster a permissive attitude and a sense of indulgence towards Caelius: his relaxed approach to the structure of the speech, especially in the *praemunitio*, helps to achieve this by creating an air of informality, a sense that no harm will be done if rules are broken. In these different ways, the form of the speech makes a significant contribution to its function.

HISTORIOGRAPHY AND PHILOSOPHY: SPEAKING IN PROSE

In considering Roman oratory, however, we are not concerned only with free-standing speeches such as those of Cicero: the spoken word, whether in speeches or more informally in dialogue, is a feature of ancient historiography and to a lesser extent of ancient philosophical treatises. The practice of including the spoken word in works in these genres goes back to classical Greece. Speeches, given in direct speech, are to be found in the histories of Herodotus, Thucydides and Xenophon, while some, although not all, philosophy takes the form of dialogue between a number of speakers. Thus Plato's work generally proceeds by way of dialogue, although at times the individual contribution of a speaker might be of some length; his pupil Aristotle, on the other hand, although composing some dialogues that are now lost, preferred continuous exposition in his own voice. Here form can be seen to change to accommodate function. The difference in form reflects a different conception of philosophy and how philosophy should be practised.[20]

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[20] Cf. Johnson 1998 who argues that the form that Plato adopts has a philosophical function and cannot be simply stripped away. On the place of dialogues in Aristotle's work, see Höffe 2003: 10-11; Ostwald and Lynch 2000: 619.

In these areas of historiography and philosophy Latin writers follow their Greek predecessors and contemporaries in using speech in prose texts. Speeches are an integral part of the histories of Sallust, Livy, Tacitus and in the later empire Ammianus Marcellinus. Cicero's philosophical works contain a mix of speeches and dialogue, the latter a conscious imitation of Plato, but as the *De officiis* demonstrates he could write philosophy without using either form. Seneca too, as Harry Hine shows below in Chapter 13, makes quite varied use of direct speech in his often philosophically-inclined writings.[21]

Speeches embedded within prose texts such as these offer problems of interpretation which are different to those of the free-standing speeches considered above. These speeches are the creation of the historian or philosopher who composes the work but they are at the same time voiced by another.[22] The speech, therefore, performs a different function with respect to each: there is the function of the speech to the speaker within the work and also the function of the speech to the author of the work, a point made by William W. Batstone in his examination of the two speeches of Catiline in Sallust's *Bellum Catilinae* (Chapter 14 below).[23] Thus Catiline's second speech, his address to his followers before the final battle, has at least two functions, one for Catiline and one for Sallust. Catiline's objective is to rouse his troops and boost their morale for the coming fight and the speech is written with that aim in view, but it is Sallust who constructs the history and chooses what to include. For him the

[21] Chapters 12-14 and 16-18 below all consider the role of speeches and speech within prose texts.

[22] Except on the rare occasions where a historian is including his own speech, as is done by Cato in his *Origines*; cf. Marincola 1997: 194-5. Polybius gives a summary of one of his own speeches at 28.7.8-13, on which see Walbank 1979: 335-6.

[23] See p. 000 below.

function of the speech within his history as a whole may be to develop his argument about the

corruption of morals and values in the late republic.

Speeches in histories present a particular and much-discussed problem of their own.

They may in some sense represent speeches that were actually given by a historical figure, but

they were written by the historian in his own words and own style. In this way the historian

himself might even be said to have become an 'orator'.[24] Such speeches were treated by

historians in antiquity as an essential component of a history—a history being understood as a

record not only of deeds but also of words. Yet, since they are the product of the historian,

there is an inevitable tension between form and function, in this case the form and function of

the history itself rather than of the speech. History demands accuracy but speeches, which are

so integral to the historical form, seem to be exempt from this; there is a licence on the part of

the historian to compose his own speech, which was consequently a varying combination of

accuracy and what was felt appropriate. This tension is already noted as early as Thucydides

in his well-known and controversial chapter outlining his own practice in reporting speeches.

He acknowledges that it was difficult to know or to recall exactly what was said, and

continues: 'Since I reckoned that each speaker would have said especially what was necessary

for each occasion, that is what I have written, keeping as close as I could to the full sense of

what was actually said' (ὡς δ' ἂν ἐδόκουν ἐμοὶ ἕκαστοι περὶ τῶν αἰεὶ παρόντων τὰ δέοντα

μάλιστ' εἰπεῖν, ἐχομένῳ ὅτι ἐγγύτατα τῆς ξυμπάσης γνώμης τῶν ἀληθῶς λεχθέντων, οὕτως

εἴρηται, 1.22). The second century BC Greek historian Polybius, too, wrestled with the

problem of what was the proper content for a speech in a history and lambasted his rivals for

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[24] As Marincola 2007b: 118-19 puts it. He notes also that many historians were themselves

political figures who would have given public speeches.

failing to live up to it and preferring rhetoric to accuracy.[25] In the case of Catiline's speeches,

Sallust may have had no witnesses at all, and have formulated the speeches more on the basis

of what he felt appropriate and best suited to his own historiographical objectives.[26]

Historians do not merely insert speeches into their histories: they manipulate the

various forms of speech available to them, both direct and indirect, to shape their narrative

and to drive it forward. This includes speeches, dialogue, single statements and even silence.[27]

In Chapter 16 below, Christopher Smith shows what effective use Livy made of all these in

the first decade of his history. In his later books on Roman involvement in the Greek east

Livy based much of his account on that of Polybius. Although a considerable part of

Polybius' text is now lost, there are sections where both Polybius and Livy still survive and it

is instructive to compare them to see how each uses these forms to achieve different effects,

even when describing the same events.

In Book 32 Livy gives an account of the peace conference between T. Quinctius

Flamininus and Philip V of Macedon at Nicaea in late 198 BC, an account that is based on

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[25] Polyb. 2.56.10, 12.25a-b, on which see Walbank 1967: 385-7 with Pédech 1964: 254-302

and Marincola 2007b. For the Hellenistic rhetorical background, see Erskine 2007.

[26] The literature on the interpretation of speeches is vast. A useful starting-point is Marincola

2007b with the bibliography cited there, though note in particular Walbank 1965, Fornara

1983: 142-68 and Brock 1995.

[27] Cf. Pelling 2006 and on the 'narrative meaning' of Thucydidean speeches, Whitmarsh

2004: 118-19.

that of Polybius.[28] Livy begins with a conversation in direct speech between Flamininus and

Philip about why the king is unwilling to come ashore to negotiate. This is followed by

silence (*silentium*) as each feels that it is up to the other to open the negotiations. Already it is

possible to observe differences between this and Polybius' version. Not only does Polybius

give the exchange in indirect speech, he also makes no mention of silence. Rather than

merely thinking in silence about who should speak first, Polybius' protagonists voice their

views aloud and discuss whose responsibility it is to begin the negotiations. Livy's decision

to turn Polybius' indirect speech into direct makes the encounter more vivid while at the same

time enabling a sharp contrast to be made between the spoken words and the silence.[29]

The silence that Livy introduces into his account also serves to separate the more

informal opening exchange from what follows. In this Flamininus, referred to simply as 'the

Roman' (*Romanus*), is presented as aloof and dignified, someone above the quarrelling of the

Greeks. The silence is broken by Flamininus, who spells out the Roman conditions for peace,

reported in indirect speech. After this he says nothing further, instead leaving Rome's Greek

allies to put their own demands to Philip; these, together with a speech of the Aetolian

Alexander detailing various charges against Philip, are again in indirect speech. Finally Philip

replies in a speech that is for the most part in direct speech. In their use of direct and indirect

speech here Livy and Polybius are largely in agreement: the demands and accusations,

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[28] Livy 32.32-36; Polyb. 18.1-10. The commentary of Briscoe 1973: 227-42 highlights some

of the main differences between the two accounts. For the date, see Walbank 1967: 548-9. For

Livy's use of Polybius in the fourth and fifth decade, see Tränkle 1977.

[29] On Livy and silence, see Dutoit 1948; cf. also Smith, Chapter 16 below (p. 000). For

Caesar's use of silence, see Kraus, Chapter 15 below.

whether Roman or Greek, are put in indirect speech and Philip's defence in direct speech, the latter allowing both historians to put their rhetorical skills on display.[30]

Polybius' account, however, differs in significant respects, especially in the role given to Flamininus and the way it is expressed through the verbal exchanges. Far from taking no further part once he has laid out the conditions for peace, Flamininus is presented as an active participant in what ensues. Thus he asks for clarification of Philip's remarks about Aetolian customs with regard to booty and laughs at his jokes, none of which appears in Livy's version. Furthermore, in Livy Philip's speech is shorter, and Livy re-works the material given in Polybius, in particular re-ordering the section about the Aetolians, so that where Polybius has Philip methodically defending himself against Alexander's charges, Livy tends to present him as irritated by the Aetolians and as less coherent in his response. Indeed, just as Philip is beginning his speech, the Aetolian Phaeneas interrupts him to point out that 'the matter does not depend on words: one must either conquer in war or obey those who are better' (*non in uerbis rem uerti ait: aut bello uincendum aut melioribus parendum esse*, Livy 32.34.2). The reference to the futility of words in these circumstances does not appear in Polybius, but it does fit with Livy's presentation in which Flamininus puts his demands forward and says nothing more.

The way in which these two historians use the various forms of speech is fundamental to the way they project contrasting images of the same events; form and function here operate in unison. Livy presents a Flamininus who keeps his distance, dignified and separate from the

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[30] Utard 2006 notes that the use of indirect speech by Latin historians has been the subject of much less attention than that of direct speech, but that its use complements direct speech and allows a greater range of nuance.

squabbling Greeks, very obviously superior to Philip. In Polybius, on the other hand, we see

a Flamininus who is genuinely interacting with those assembled and who even has a certain

rapport with Philip. Livy thus takes Polybius' text and re-imagines it in line with his own

image of the world, one in which Rome is very much the ruler.

Not all speech may count as oratory, but in prose works the dividing line between

oratory and other types of speech is not always straightforward.[31] In some ways historians

can capture the experience of oratory better than can be done in the published free-standing

speech. They may re-invent speeches for their readership, but they also give a sense of the

circumstances in which a speech takes place; at the Nicaea conference there is an audience

and Philip has to put up with it and respond to interruption and heckling. Indeed, the study of

oratory is not just about words, as Catherine Steel's study of tribunician sacrosanctity shows

(Chapter 3 below): it is also about performance context, in this case that of tribunes whose use

of various techniques in the assembly, including the veto, enables them to manipulate the

oratory of others and is part of their own oratorical repertoire. The prevention of speech and

ways of circumventing this reveal the limitation in focusing just on the text of a speech for

understanding oratory. Similarly the evocation of silence in Caesar's commentaries, explored

by Christina Shuttleworth Kraus in Chapter 15, shows the way in which the historian too can

understand and use not only sound but also its absence.

The demarcation between categories is always easier in theory than in practice. Hine,

for example, draws attention to the lack of distinction between the oral and the written.

Seneca is seen to use the formulae of speech whether he is presenting speech or introducing

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[31] Cf. Pelling 2006: 103-4, contrasting the multiplicity of types of speech found in Herodotus

with the more formal and defined speeches of Thucydides.

reports of what other thinkers have *written*. Significantly too it is often hard to determine where speech ends; Seneca and the speech he is presenting seem to merge. But just as there may be a certain haziness in what constitutes speech, so the physical representations of 'orators' are not as simple to interpret as they might at first seem. Statues may appropriate the manners of oratory but, as Glenys Davies makes clear below in Chapter 4, the person represented may not in fact be an orator. In this sense the sculptor uses the traits of oratory, its outward visual form as expressed in gestures and pose, to show membership of the elite, the endorsement of the values of civic participation, or aspirations towards these.

Many of the prose writers studied in this volume were also accomplished orators. Cicero offers a rare example where work in both genres, prose treatises and speeches, survives for us to study the impact of one on the other. Consequently, it is possible in his case to see how the techniques of public oratory inform his prose writing. Carl Joachim Classen's detailed study of the text of Cicero's philosophical treatise, *De natura deorum*, demonstrates how Cicero used his own oratorical methods to present a negative picture of Epicureanism. In this text Velleius the Epicurean spokesman acts not as a philosopher but as a man presenting a case in court. Strikingly, we see here an orator using the oratorical form in a prose work as a means of calling into question what is said. Cicero is not alone in this, however. The historian Tacitus also exploits the unreliability of oratory, as Roland Mayer shows in his exploration of the relationship between narrative and formal speech (Chapter 17 below).[32] Whereas in Dio's history charges against Seneca are incorporated into the main historical narrative and so given authority, Tacitus puts them instead into the mouth of the discredited

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[32] Cf. Woodman, Chapter 18 below, who argues that Tacitus creates a new and common way of speaking for the paired speeches of Seneca and Nero as a means of evoking the unreality of the age of Nero: this marks a step further for the unreliability of oratory.

advocate Suillius, and so significantly lessens their force. As Livy expresses it through the person of Verginius, *oratio ... rebus dubiis inuenta est* ('oratory was invented for things in doubt', 3.56.3).[33]

IMPLICATIONS

The chapters which follow do not of course say all that could be said on the subject of form and function in Roman oratory. In previous scholarship, the topic has been conspicuous by its absence,[34] and there are many speeches beyond those discussed here which could usefully be considered from this viewpoint (the present study does not examine the declamations, for example). Oratory in verse presents a particularly large and rich field. Nevertheless, these chapters serve to illustrate some of the ways in which the notions of form and function can be used as a tool for investigating the relationship between the form of a speech and the job which the speech is designed to do. One important conclusion to emerge from this study is that, in literature, form does not merely follow function, but actively contributes to it; and ornament, far from being a crime, is one of the crucial means by which a speaker achieves his aim. The good sense of ancient rhetoric and the skill and wisdom of Roman orators and writers may yet provide a salutary lesson for our own time.

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[33] See Smith, Chapter 16 below (p. 000).

[34] Exceptions are Keitel 1991 on the speeches in Tacitus' *Histories* and Craig 1993 on Cicero's use of dilemma.