

Purple Prose and Persuasion in Cicero's speech for Roscius of America

The mature Cicero will cite part of his youthful treatment of the theme of the punishment of a parricide at S. Rosc. 71-72 as a passage that was applauded at the time, but that was in retrospect an example of his *iuvenalis redundantia* (*Orator* 107-108). This passage showcases elements of the emotional "high style" the *gravis figura*, that the *Rhetorica ad Herennium* discusses and exemplifies at *RhetHer.* 4.12. The *Auctor ad Herennium's* famous example is correctly recognized by Caplan (*ad loc.*) as an *amplificatio criminis*, what Cicero in *De Inventione* (1.100-105) calls an *indignatio*, a *locus* of the prosecutor that is meant to stir offense at the deed and hatred of the doer after the charges have been proved. From the treatment of this *locus* in the *Rhetorica ad Herennium*, Cicero's own youthful *De Inventione*, and the orator's mature rhetorica, Craig (2010:79) extrapolated seven characteristics of an *indignatio*: 1) It is a *locus communis* of the prosecutor; 2) it is used to amplify when the facts have already been established; 3) it stirs hatred against the perpetrator and the deed; 4) it often uses *loci* founded in the target's disrespect of his betters or of social institutions, and his extraordinarily savage behavior towards those including family and the powerless, people whom a decent person would not harm; 5) it may arouse pity towards the victim in order to stir hatred towards the target; 6) it may be placed in the *exordium*, at the end of the *narratio*, or after the strongest argument as well as in the *conclusio*; 7) it serves as both a reinforcement and culmination of negative *argumenta ex persona*.

This paper will demonstrate through an analysis of the argument that culminates in Cicero's purple passage on parricide that the orator ostentatiously incorporates the formal elements of *indignatio*, while functionally standing them on their head. Specifically, the *patronus*

1) amplifies the severity of the crime of parricide, what should be a *locus communis* of the *prosecutor* when the facts have been established. 2) But he does so in order to argue that the facts have not been established. Thus 3) he earns sympathy rather than hatred for the accused, 4) uses parricide, the ultimate crime against family, social order and the way of the ancestors, to argue that the prosecutor has not shown that his client is such a monster, and so 5) arouses sympathy, and perhaps indignation, on behalf of the defendant. 6) The whole section comes at the end of this part of the argument, as one would expect, but here 7) it serves as both the reinforcement and culmination of a *positive* argument from character.

The purple passage on parricide is, in short, the culmination of an anti-*indignatio*. What is Cicero's persuasive purpose in making such a display? The orator begins his refutation of the prosecutor's arguments (secs. 38-82) by vilifying the *accusator's* rhetorical ability, then uses the textbook *loci* on motive and character dictated by rhetorical manuals to show the weakness of the prosecution's case (Cf. Dyck 2010 pp. 106-109). By following this protocol, Cicero is providing his rhetorically educated jury with a display of his own superior ability that recognizes and satisfies the expectations of their education in public speaking. Part of that education is that the *indignatio* happens after the facts have been proved (esp. *Inv.* 2.48). So Cicero deploys his anti-*indignatio* after his demonstration that the prosecutor's picture of Roscius' motives and character have *not* been proved. By introducing his anti-*indignatio* at this point, the orator's display simply assumes, and lulls the audience into assuming, that the prosecutor's assertions about his client's motives and character have been decisively refuted. They have not. Some moderns have even believed that Cicero's client could be guilty (v. esp. Dyck 2003, with lit.). So the ostentatious display of the orator's oratorical prowess in his anti-*indignatio* uses the very expectations formed by his jurors' rhetorical education as a means to obfuscate, and to persuade.

Bibliography

- Caplan, H. 1954. [*Cicero*] *ad C. Herennium de Ratione Dicendi (Rhetorica ad Herennium)*.
Cambridge, MA: Harvard University Press.
- Craig, C. P. 2010. "Means and Ends of *Indignatio* in Cicero's *Pro Roscio Amerino*." In *Form and Function in Roman Oratory*, edited by D. H. Berry, Erskine, A., 75-91. Cambridge:
Cambridge University Press.
- Dyck, A. R. 2003. "Evidence and Rhetoric in Cicero's 'Pro Roscio Amerino': The Case against Sex. Roscius." *Classical Quarterly* 53 (1):235-246.
- Dyck, A. R., and Marcus Tullius Cicero. 2010. *Pro Sexto Roscio, Cambridge Greek and Latin classics*. Cambridge, UK ; New York: Cambridge University Press. [With comprehensive lit., to which add Lintott, A. W. 2008. *Cicero as Evidence: A Historian's Companion*. Oxford ; New York: Oxford University Press, esp.425-427).