ABSTRACT

Eloquence and Its Conditions

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Political rhetoric generally assumes an asymmetric relationship between speaker and audience, but the rhetorical tradition has also developed resources to render this relationship more equitable. One such resource is the conception of the rhetorical situation as one of mutual vulnerability to risk on the part of both speaker and audience. However, this conception is increasingly threatened by “algorithmic” practices of political rhetoric that shield elite speakers from exposure to risk, as well as by the overcorrecting reaction to this development seen in the demagogic rhetoric of “unfiltered” and spontaneous “straight talk.” Turning to the classical tradition of eloquence can help us recover an alternative to both of these troubling tendencies, which we might call “spontaneous decorum.” This notion of eloquence combines qualities associated with spontaneity, because it welcomes risk and uncertainty as part of public deliberation, with qualities associated with decorum, because it is conceived as set apart from ordinary speech, embracing verbal artifice and rejecting the value of sincerity.

Part 1 of the dissertation considers the development of this model of eloquence in classical Greek and Roman rhetoric. Chapter 1 uses the oratory of Demosthenes, and its reception in antiquity, to critique the notion of sincerity as a warrant of rhetorical truthfulness. Chapter 2 addresses the resistance to the systematization of rhetoric in Cicero and Quintilian. Part 2 of the dissertation considers the continuing relevance of ancient notions of eloquence, investigating ways in which more recent writers have worked to translate them into modern institutional settings. Chapter 3 focuses on Edmund Burke’s role in the 18th-century reception of classical eloquence; it reconsiders his provocative claim that disruptive speech
can act as a spur to sound political judgment, even under rule-bound, constitutional government. Chapter 4 explores the means by which Thomas Babington Macaulay attempted to revive the ancient conviction that history is a branch of rhetoric, arguing that the oratorical coloring of his work can best be understood as a response to the contemporary emergence of mass politics; it also contrasts his historical method with the resolutely anti-rhetorical method of Alexis de Tocqueville. Finally, Chapter 5 considers how Carl Schmitt constructed the contemporary “crisis of parliamentary democracy” as a rhetorical crisis, and how his proposed solution to the crisis—taking seriously the ritual as well as the strictly deliberative aspects of rhetoric—informed the illiberal turn in his thought; I conclude by arguing that a more nuanced conception of ritual action can better account for the value of stylized speech, is consistent with the classical tradition, and is more potentially compatible with democratic deliberation. While the first part of the dissertation reconstructs a model of eloquence open to both spontaneity and stylization, the second part shows that this model is far from a relic, and that it remains a valuable resource for critiquing the current state of political speech.
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Introduction

Politicians make us sad, hurt us deep down in ways that are hard even to name, much less talk about.

- David Foster Wallace

In December of 2007, visitors to Barack Obama’s presidential campaign website were met by a “splash page” comprised of two elements: the “media,” an image of the candidate, and the “button,” which enabled a one-click subscription to the campaign’s email list. Or, to speak more accurately, visitors were met by one of 24 permutations of these elements, randomly assembled from one of six media variations (three photos and three videos) and one of four buttons (“SIGN UP,” “SIGN UP NOW,” “LEARN MORE,” and “JOIN US NOW”). Over the course of the experiment, some 13,000 visitors were exposed to each combination. “Combination 11”—a black-and-white image of Obama and his family above the “LEARN MORE” button—outperformed its competitors by generating a sign-up rate of 11.6%. By contrast, the campaign’s initial choice—a color image of Obama above the “SIGN UP” button—had generated a sign-up rate of 8.26%. In other words, the optimized splash page, which remained in place for the rest of the campaign, translated into a 40.6% improvement.

Extrapolating the difference over the course of the election, Dan Siroker, the campaign’s Director of Analytics, estimates that the experiment harvested an additional 2,880,000 email addresses. In turn, he writes, “each email address that was submitted through our splash page ended up donating an average of $21 during the length of the campaign. The additional 2,880,000 email addresses on our email list translated into an additional $60 million in donations.”

When I mention that I’m writing on the topic of political eloquence, I’m often asked for my opinion on President Obama. My opinion is the wholly conventional one that he is the best orator of his generation. But I am also convinced that his campaigns’ advances in analytics, as exemplified by Siroker’s story, are a far more pivotal contribution to the modern history of political persuasion than any of Obama’s own words.

By 2012, those analytic techniques had grown even more sophisticated. By mining sources including web browsing histories, social networks, and credit reports, both the Obama and Mitt Romney campaigns “collected an average of 1,000 data points on each voter.”2 Those data points were marshalled in order to predict “which types of people would be persuaded by certain kinds of appeals,” enabling the campaigns to reach voters with “individually tailored messages”—with much of Obama’s success ultimately attributed to his campaign’s considerably higher investment in data analytics and microtargeting.3 Of course, there is no partisan monopoly on these tools of persuasion. In the 2016 Republican presidential primary, for instance, the Ted Cruz campaign used data mining to construct personality profiles of likely voters. The campaign’s communications staff explained how those profiles would shape advertising directed at members of the National Rifle Association:


Personalities that have received high scores for “neuroticism” are believed to be generally fearful, so a pro-gun pitch to them would emphasize the use of firearms for personal safety and might include a picture of a burglar breaking in to a home.

But those who score high for “openness” or traditional values are more likely to receive a message that promotes hunting as a family activity, perhaps accompanied by an image of a father taking his son duck hunting.⁴

When Sheldon Wolin decried the “technologization of politics” in 2006, none of these developments were yet in evidence; in the subsequent decade, that “technologization” accelerated by any measure.⁵

More recently, Mark Thompson, former director-general of the BBC and now chief executive of the New York Times, observed that “the art of persuasion, once the grandest of the humanities and accessible at its highest level only to those of genius—a Demosthenes or a Cicero, a Lincoln or a Churchill—is acquiring many of the attributes of a computational science.” This is “rhetoric not as art but as algorithm.”⁶

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⁶ Mark Thompson, Enough Said: What’s Gone Wrong with the Language of Politics (New York: St. Martin’s, 2016), 171.
But should the emergence and growing sophistication of “algorithmic” rhetoric trouble us as democratic citizens? After all, a process that removes persuasive power from the hands of a select few “of genius” would seem, on its face, to be at least potentially democratizing. On the other hand, many of the criticisms of data-driven rhetoric are familiar ones: it is founded on serial invasion of privacy; its extreme “narrowcasting” dismantles the shared public sphere and spurs partisan polarization; it is open to exploitation by hostile actors, in ways that the postmortems of the 2016 American presidential election are still making clear. More vaguely, several generations of discomfort still cling to the notion that political speech and consumer marketing might be close neighbors, or might even be two names for the same activity. In the words of Adlai Stevenson, the patron saint of high-minded ineffectualness, “the idea that you can merchandise candidates for high office like breakfast cereal…is the ultimate indignity to the democratic process.”

Indignity to the democratic process is a difficult concept to parse. I do want to suggest, though, that the routinization of rhetoric makes rhetoric itself increasingly difficult to justify in democratic terms.

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“Democratic rhetoric” is not an oxymoron, but it is a challenge. Rhetoric, construed broadly enough, might be any form of persuasive communication. But in practice, it is, among other things, persuasive communication marked by asymmetry. “From the structural point of view,” writes Simone Chambers, rhetoric “implies an asymmetrical relationship between speaker and hearer or

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between the orator and her audience.”9 In the rhetorical relationship, speakers and hearers perform different roles and, of course, hearers outnumber speakers—with all the troubling connotations about “the many” and “the few” that that fact implies. But to flatten out this distinction would mean negating rhetoric itself as a mode of communication. In Gary Remer’s words, “the distinction between speaker and audience cannot be made to vanish”—not, at least, without transforming rhetoric into the contrasting mode of conversation.10 A kind of inequality is built into the structure of rhetoric, and so to the extent that democracy is conceived as a regime of political equality, rhetoric will always come in for democratic suspicion.

Of course, such suspicion may or may not be justified. As Chambers points out, it is a mistake to assume that speech “is inherently undeliberative” simply because it is asymmetrical.11 Similarly, rhetorical relationships may be more or less equitable—and an important part of rhetorical theory consists in thinking about how to mitigate their asymmetries. In fact, the rhetorical tradition descending from the classical world developed a number of resources to render rhetorical relationships more equitable—resources that are not necessarily democratic in their origins, but which may prove valuable to democratic theory in the present.

For instance, Bernard Yack discusses the Aristotelian view of the rhetorical situation as a kind of mutual vulnerability of speaker and audience. For the audience’s part, “if public reasoning requires


11 Chambers, “Rhetoric and the Public Sphere,” 334.
that we open ourselves to being persuaded by something that we hear, then it requires that even the most public-spirited among us make ourselves vulnerable to the possibility of being carried away against our interests and better judgment by the eloquence of public speakers.” On the other hand, public reasoning requires “a group of public speakers who are willing to take no for an answer to their efforts.”

In this rhetorical bargain, the audience assumes the risk of having its convictions called into question or transformed, and even of being moved to act against what it had once considered its better judgment; the speaker assumes the risk of public rejection or even, in the extreme case, of humiliation. In this way, we could conceive of rhetoric as a mutual exposure to risk—one in which the preeminence of elite speakers is compensated by a comparatively higher risk exposure. The view described by Yack and others sees rhetoric not only as a form of public reasoning, but as a negotiation of tensions between mass and elite.

With this in mind, we are in a better position to understand why the modern routinization of rhetoric is normatively troubling. It breaks the rhetorical bargain. It amounts to a sort of “risk shift,” in which elite speakers and their organizations take self-protective steps to minimize their own exposure to rejection or contradiction. From the perspective of privacy, the Obama campaign’s experimental optimization of its website is less troubling than its data-mining practices. But from the perspective of the rhetorical bargain, both practices—along with the focus-grouping and poll-testing

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of political language—are problematic in the same way: they enable “the few” to communicate with “the many” with a high degree of pre-assurance that the message will be received favorably. The vulnerability tends to be on one side—vulnerability to persuasion, without vulnerability to rejection. One common critique of algorithmic rhetoric sees it as tending toward a state of affairs in which “a politician could secretly whisper a personalized message to every voter”; but we could also see it as aspiring toward a state of affairs in which each message is certain to be approved before it is uttered. If the classical notion of a rhetorical bargain could be described with metaphors of vulnerability and exposure, we could see algorithmic rhetoric as describing a relationship in which audiences are as exposed as ever, while the few speak in armor or from behind a wall.

I suggest that we cannot fully understand the pervasive suspicion of “elites” that is such a marked feature of western democracies’ current political landscapes without understanding the rhetorical risk shift and its consequences. In fact, I would argue that one of the most dangerous of those consequences is its tendency to provoke a sort of overcorrection into the demagogic rhetoric of sincerity and spontaneous “straight talk”—the kind that paints any political language other than seemingly unaffected and “unfiltered” speech as “just words.”

As a way of understanding the force of this demagogic claim, it’s worth quoting the exchange—from the second 2016 presidential debate between Hillary Clinton and Donald Trump—which most recently reintroduced the phrase “just words” into the American political lexicon:

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Clinton: I want to send a message—we all should—to every boy and girl and, indeed, to the entire world that America already is great, but we are great because we are good, and we will respect one another, and we will work with one another, and we will celebrate our diversity. These are very important values to me, because this is the America that I know and love. And I can pledge to you tonight that this is the America that I will serve if I’m so fortunate enough to become your president.

Trump: Am I allowed to respond to that? I assume I am.

Moderator: Yes, you can respond to that.

Trump: It’s just words, folks. It’s just words. Those words, I’ve been hearing them for many years. I heard them when they were running for the Senate in New York…. 

News coverage suggested that Trump used the phrase “just words” to dismiss his own egregious comments in the “Access Hollywood” tape, which was the immediate context of the exchange. But the transcript makes clear that he was dismissing Clinton’s words, rather than his own. Everything that she says is “just words,” or an empty artifice; but his own words, by implication, are something else.

How could some words—but only some—be something other than words? Perhaps because they appear to be so uncalculated that they leave the realm of appearances altogether—because, unlike the artifice with which they are contrasted, they seem to reveal the speaker for who he really is, even (and especially) when what is revealed is ugly. At a time when a great deal of elite political speech is characterized by risk aversion, Trump’s persona is fantastically spontaneous to the point of recklessness—an impression to which every gaffe, every demonstrably false claim, and every misspelled tweet contributes. “On record, when President Trump communicates with the American people,” his deputy press secretary recently told a reporter, “his words are his own and come directly from his heart.”

That an administration official had to put the president’s sincerity “on record,” and that the president delivered a State of the Union speech almost certainly written for him by others on the same day that those comments were published, speaks to the irony here. Similarly, you may have noticed that my account of Trump’s spontaneity is hedged with words like “appear,” “seem,” and “persona,” and deliberately so. Of course, spontaneity and sincerity, positioned as the absence of performance, can be and often are as calculated as any performance.

Like technocracy and populism, algorithmic and demagogic rhetoric are interdependent. The difficulty lies in finding a way to criticize each tendency without falling into the other. Can we object to the self-protective qualities of “establishment” speech without endorsing the demagogic premise of a leader unafraid to “tell it like it is”? Can we object to the speech of such a leader without

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endorsing the claim that public deliberation ought to be safer, more sedate, and more predictable? Or are we bound for the foreseeable future to variations on that Clinton-Trump exchange—bromides like “we are great because we are good” alternating with the angry assurance that words we object to are unreal?

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That dilemma motivates my turn to the long history of rhetoric—in particular, to the models of eloquence (or “skilled speech”) developed by the classical orators and rhetoricians, and to their modern resilience. Studying the classical tradition can help us to recover an older notion of eloquence, and an alternative to both dispiriting tendencies in recent political rhetoric, which we might call “spontaneous decorum.” This notion of eloquence has qualities associated with spontaneity, because it welcomes risk and uncertainty as part of public deliberation; it holds up its end of what I called the rhetorical bargain. But it also has qualities associated with decorum, because it is conceived as set apart from ordinary speech, and because it denies the value of sincerity; as with decorum, it aims to adapt itself to the rhetorical situation and the particular audience at hand, rather than to bare the speaker’s heart. The chapters of this project explore, though a history of eloquence in political thought, the ways in which these two qualities might co-exist, and the ways in which they might remain viable under modern institutional conditions. My goal is to elucidate a concept of skilled speech broad enough to accommodate a long and diverse tradition, but distinct enough to offer a critical contrast to the present-day speech norms I have noted in this Introduction. I think that goal is better served through exemplification than definition—and so an aim of the chapters that follow

is to exemplify a coherent tradition of eloquence, while remaining aware of the political conditions surrounding and shaping that tradition.

In this way, I intend the present project to be a contribution to the broader “rhetoric revival” in political theory. In recent years, political theorists including Danielle Allen and Bryan Garsten have worked to treat rhetoric not as a deficient form of communication or deliberation, but as a valuable “form of reasoning itself,” and as a source of ideas “of how to generate trust in ways that preserve an audience’s autonomy and accord with the norms of friendship.” But I hope to add to this line of inquiry in two important ways: first, through a fuller conception of what makes rhetoric distinctive as a form of communication; and second, through a broader account of the factors that have placed rhetoric in need of “reviving” at all.

What sets rhetoric apart as a mode of speech and an object of study? Rhetoric revivalists have often located this quality in the appeal to the “situated judgment” of this particular audience at this

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22 As noted above, it is possible to define rhetoric so broadly that it takes in all communication. For instance, “rhetoric is employed at every moment when one human being intends to produce, through the use of signs or symbols, some effect on another”: Wayne C. Booth, The Rhetoric of Rhetoric: The Quest for Effective Communication (New York: Wiley-Blackwell, 2004), xi. The type of speech in which rhetoric revivalists are interested might then be construed as a particularly self-conscious subset of rhetoric in this broadest sense; or, alternatively, the study of rhetoric might be limited to a particular set of aspects of communication, such as its persuasive or stylistic qualities.
particular moment, rather than to deliberators in a more abstract or disembodied sense.\textsuperscript{23} Or they have characterized rhetoric as an art of “trust production,” one attuned to the recognition and management of disappointment and suspicion, and one which calls attention to speakers’ ethos as valid and valuable grounds for granting or withholding trust in their arguments.\textsuperscript{24} In these accounts, rhetoric is a uniquely \textit{embodied} form of discourse, in which the preconceptions, emotions, reputations, and even biases of speakers and audiences count in a way that they might not, for instance, under stricter definitions of deliberation.\textsuperscript{25} These are valuable insights. But on the other hand, much of the rhetoric revival literature tends to neglect, or to deliberately de-emphasize, the questions of verbal style and \textit{elocutio} that were central issues of concern in the classical tradition.

Rhetoric has historically been characterized not only in terms of appeal to the particular audience, or in terms of the production of trust, but also in terms of “stylistic abundance,” or a quality of language in excess of argument.\textsuperscript{26} This facet of rhetoric is central to the difference between oratory and conversation as distinctive modes of communication; words that sound reasonable in oratory often sound laughable in conversation, and vice-versa. I argue that this dimension of rhetorical theory ought to be recovered, not minimized: it is the dimension that, more than any other, drives speakers’ attentiveness to audiences and rhetorical situations in their particularity—and I believe that it also has to be emphasized to treat the classical tradition and its reception with historical faithfulness.


\textsuperscript{25} I contrast the rhetoric revival and deliberative democracy literatures in more detail in a recent article; see Rob Goodman, “The Deliberative Sublime: Edmund Burke on Disruptive Speech and Imaginative Judgment,” \textit{American Political Science Review} (forthcoming): 2-3.

\textsuperscript{26} Remer, “Cicero Versus Deliberative Democracy,” 63.
Further, the story of the marginalization of the rhetorical tradition is often told in terms of pivotal moments within political theory itself, as in the denunciations of rhetoric in Hobbes, Locke, or Rousseau. Without minimizing the importance of these moments, I argue that a more complete story of the turn away from rhetoric ought to encompass the institutional developments in political modernity that have made the norms of classical eloquence appear increasingly viable—and have, once the classical notion of “the orator” was dispensed with, made the routinization of rhetoric increasingly conceivable. To take eloquence seriously, then, is to study the interaction between institutions and the varieties of public speech that are considered to have decorum within them. It is also to approach the history of political thought through the lens of a relatively neglected question: how have some moderns creatively adapted the model of classical eloquence to preserve its viability within modern institutions, and what can we learn from their efforts?

This project addresses that question in two parts. Part 1 (consisting of Chapters 1 and 2) considers the concept of eloquence and its political implications in the classical world. Part 2 (consisting of Chapters 3, 4, and 5) deals with adaptations of this concept under modern conditions.

Chapter 1 uses the oratory of Demosthenes, and its critical reception in antiquity, to critique the notion of sincerity as a warrant of rhetorical truthfulness. It explores Demosthenes’ reputation as a model of parrhesia, or frank speech, and asks how it can be compatible with the classical claim that Demosthenes, among all other orators, developed the widest range of spoken styles. If we bear in mind the classical view of style as a window to character, we are left with the conclusion that Demosthenes could credibly present himself as a uniquely frank speaker without having to display a sincere or unitary self. This reading challenges our valorization of sincere or “unfiltered” speech, as
well as the notion, developed by Michel Foucault and others, that *parrhesia* requires “avoiding any kind of rhetorical form.” In fact, *parrhesia* might be served by rhetorical forms and stylized speech.

Chapter 2 engages in a close reading of some of the most influential Roman texts on eloquence, especially Cicero’s *De oratore* and Quintilian’s *Institutio oratoria*. I read these texts against a background of political crisis: the collapse of the Roman Republic, the disintegration of its sphere of public deliberation, and the aftermath of a severely constricted public sphere under the principate. Surrounded and threatened by violence, Ciceronian rhetoric is also deeply invested in the notion that eloquence—down to the very figures of speech and techniques of prose rhythm that are among its component parts—is incapable of being systematized, is marked by the uncertainty and instability of the orator’s persuasive tools, and involves the orator in necessary confrontations with vulnerability, failure, and loss. Perhaps the most creative aspect of this model of eloquence is the way in which it *revalues* loss: loss becomes the possibility the orator accepts in order to make the practice of oratory worthwhile, virtuous, and even interesting. Its critique of technical rhetoric anticipates, in fact, dissatisfaction with the routinization of rhetoric in our own time. Though the Ciceronian tradition is heavily elitist, I believe that it also offers important and untapped resources for elite accountability. The tradition denies, on principle, the value of reliable methods or learnable codes for evoking desirable emotions, responses, and deliberative outcomes. If the elements of eloquence cannot be subjected to system, neither can the public: and so this elitist tradition turns out to also valorize a rhetorical audience that is unpredictable, unreliable, unconstrained—an audience that pushes back. The orator turns out to have self-interested motives for fostering a difficult public.

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Each of these chapters could be taken to illustrate half of the compound notion of “spontaneous decorum.” Chapter 1 speaks to the values I have associated with decorum, or adaptable, stylized, and “insincere” speech; Chapter 2 speaks to those I have associated with spontaneity, or resistance to systematization and the exposure of the speaker to risk. I should stress, though, that this split is a somewhat artificial move on my part. Demosthenes and Cicero seem to me to represent both of these sets of qualities, and I have honed in on each set in turn just because I believe each set is more easily analyzed in isolation.

Yet the question remains: to what extent is the notion of eloquence we can find in Greek and Roman orators bound to the political conditions that originally shaped it, and to what extent can it be “translated”? To begin to answer that question, Part 2 considers how this model has come under challenge from the changed political conditions of modernity. Each of its three chapters investigates some of those challenges—with an emphasis on constitutionalism and the development of mass politics—and discusses the ways in which more recent political thinkers have adapted the model of classical eloquence under their pressure.

Chapter 3 focuses on Edmund Burke’s role in the 18th-century reception of classical eloquence, investigating his provocative claim that disruptive and injudicious speech can act as a spur to sound political judgment and institutional health. While the Ciceronian notion of eloquence was adapted to the notion of political time as a series of incommensurable crises, a range of Burke’s contemporaries proposed new norms of dispassionate parliamentary speech adapted to constitutionalism and its uniform round of procedures—norms that stressed the restrained, factual, and even self-consciously mediocre. I argue that Burke’s Philosophical Enquiry Into the Origin of Our Ideas of the Sublime and Beautiful made an important break with this line of thought, celebrating the sublime’s power to disrupt
custom and ordinary time. His speeches and political writings build on this conceptual foundation, developing a critique of the allegedly defective deliberation that—in revolutionary and ordinary times alike—substituted rules and maxims for engagement with circumstantial complexities. Burke consistently argued that such deliberation is ultimately self-defeating and marked by a fatal lack of what I call “imaginative judgment.” Yet he also suggested that the rhetorical sublime—which might be excessive, indecorous, and even uncanny—was necessary to provoke the exercise of such judgment.

Chapter 4 turns to the historiography of Thomas Babington Macaulay to investigate the tensions between classical eloquence and the emergence of the mass public sphere. I argue that Macaulay’s influential *History of England* helped to revive the classical notion of history as a branch of rhetoric, as well as the classical practice of explaining political change through speech, argument, and debate. His historical and political thought is decisively shaped by the concept of contingency, which in fiction can refer to the pleasurable uncertainties of plot, and in rhetoric can refer to the uncertainties that make public deliberation necessary. Macaulay drew on both of these senses in his creation of the “declamatory disquisition,” a recurring feature of his work that combines the set-piece speeches typical of classical historians with contemporary standards of historical accuracy. Above all, the rhythms of oratory and debate in Macaulay’s history stress the ways in which crucial political developments were dependent on probabilistic arguments—that is, they vividly preserve the sense that history might have been otherwise. I propose that preserving such a sense may have been especially important to Macaulay given his ambivalence over contemporary demands for mass democracy. While Macaulay contributed to the growth of mass politics through his parliamentary advocacy of the first Reform Act, I argue that he also feared the ways in which it might render political life more anonymous, more predictable, and less susceptible to the classical norms of
eloquence. His *History* is, among much else, an attempt to investigate the ways in which those norms might still be relevant to a mass age. Last, the chapter sets that attempt in relief by contrasting it with that of a contemporary who developed a resolutely anti-rhetorical method of investigating historical change: Tocqueville, and his *Ancien Régime and the Revolution*. In comparison to his acquaintance Macaulay, Tocqueville fixates on classes, not individuals; secret archives, not public debate; and tragic necessity rather than novelistic contingency. I examine the differences between these two historians as an important contrast in political thought—one that calls into question the value of understanding political change through the lens of rhetoric.

Finally, Chapter 5 explores the ways in which these problems of rhetoric, parliamentary institutions, and mass politics seem to come to a head in the work of Carl Schmitt. I read Schmitt’s *Crisis of Parliamentary Democracy* as an account of a rhetorical crisis, in which the alleged “purposelessness and banality of parliamentary debate” is a central concern.\(^28\) I also call attention to the way in which a less-studied work of Schmitt—*Roman Catholicism and Political Form*, published in the same year as the *Crisis*—raises a potential answer to this rhetorical problem. The broached solution is that we take seriously the ritual as well as the strictly deliberative elements of rhetoric. In Schmitt’s work, this conception of rhetoric informs a disturbingly illiberal turn of thought. But I argue that it need not do so. Turning to the much more recent interdisciplinary work of Adam Seligman and his collaborators, I consider a conception of ritual and its roles in public life that is both richer and more potentially compatible with democratic deliberation: action in the “subjunctive” mood, “the creation of an order as if it were truly the case.”\(^29\) I conclude by arguing that the rhetorical tradition,


broadly conceived, does represent the creation of such an order. The idea of subjunctive action is echoed by the classical tradition’s defense of a kind of healthy “inauthenticity,” which includes the notion that the eloquent orator ought to speak from a variety of roles, not a single, integral self; its ideal orator, and by extension its imagined audience, is multiple, not unitary. Adapting Hannah Arendt’s concept of representative thinking, I argue that this strand of inauthenticity can in fact strengthen deliberation and buttress political judgment.

I do not claim that this set of challenges to classical eloquence—from constitutionalism, mass politics, the routinization of rhetoric, or the norms of sincerity—form an exhaustive list, or that the responses centered on the rhetorical values of sublimity, contingency, and ritual have been decisive. But I do argue that these responses show the classical tradition of eloquence to be far from a relic. The creative adaptations of tradition that I discuss Part 2 show how the classical tradition remains a valuable resource for critiquing the current state of political speech.

Of course, a glance at these chapter summaries will suggest that the history of eloquence on offer in this project is loosely organized and far from comprehensive. Rather than telling a continuous story, I have organized this project around the goal of exemplifying the notion of eloquence as spontaneous decorum and offering evidence for its viability as a living tradition. With that said, there are some important strands of continuity that draw these chapters together. David Armitage has described the method of “serial contextualism” in intellectual history as a way of constructing passages between historical periods that might otherwise, like boxcars, remain sealed off from one another. It is a way of “building corridors between the cars, as it were: that is, ways of joining diachronically reconstructed contexts across time—transtemporally—to produce longer-range
histories which are neither artificially punctuated nor deceptively continuous.” The long tradition of rhetorical education and commentary is one such corridor: glancing down it only briefly, we see Cicero reading Demosthenes and enlisting him in polemical struggles against his own contemporaries, Burke referring to himself as a Ciceronian novus homo on the floor of the House of Commons, Macaulay writing that “my opinions, good or bad, were learned...from Cicero, from Tacitus, and from Milton,” and Schmitt lamenting the demise of “the living idea of classicism” in his own era.

This last complaint, in fact, suggests a second passageway: the all-pervasive “decline of eloquence” trope. It is a striking fact that all of the figures surveyed in this project complained, or confronted contemporaries who complained, that eloquence was terminally endangered. The recurrence of the complaint is itself good reason to treat it skeptically. But rather than stopping there, we can regard this complaint constructively: it is by engaging with the purported decline of eloquence that a number of the writers I survey in the following chapters were prompted to adapt the rhetorical tradition to new political surroundings. If this Introduction participates in the same trope, it is because I too am interested in using it constructively: to prompt, if possible, a renewal of that process of adaptation in our own time.

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Part 1: Eloquence and the Ancients
Chapter 1

Say Everything:

Frank Speech and the Characters of Style in Demosthenes

There is a compelling and, I think, wrong account of the relationship between rhetoric and sincerity that may be best illustrated musically. I’m thinking of a passage of no more than 30 seconds in Beethoven’s thirteenth string quartet, whose fifth movement happens to conclude the Golden Record still traveling into deep space aboard the Voyager probes.¹ The movement is in the form of a cavatina, an unadorned and plaintive kind of song, which proceeds in its heartfelt way until the moment when the first violin goes silent and the accompaniment transforms itself into a heartbeat, pulsing along in monotone. When the lead violin re-enters, it no longer has the singing voice we had just heard: it stutters and whispers; it misses its cues and speaks off the beat; it has forgotten how to carry a tune, forgotten that it is in public. For a moment it is as if a seam, or a suture, has opened up: beneath this song that a moment ago seemed so unaffected, there is a deep and narrow pit, and something down at the bottom pulsating unmusically. And then, just as suddenly as it opened, the seam closes again. The heartbeat turns off, the first violin remembers its voice, and the song resumes unchanged, as if nothing extraordinary has just happened—as if we had not just heard the still, small voice of truth.

¹ https://youtu.be/YbAoCjQdKYg?t=283
That remarkable passage—marked in the score as *beklemmt*, or “anxious”—seems to promise that someone might communicate to us a truth beneath the layers of conventional expression: beneath language, as it were.² And because it is art, not life, it gives us permission to forget that it is promising the impossible. It is like a painting of an open window on a flat wall.

In art, we often admire such momentary disruptions of artifice, even as we acknowledge them to be aural or optical illusions. But the account I want to criticize holds that we should also hold out hope for similar moments of truth in politics, with no acknowledgement of illusion required. Michel Foucault, for instance, defended such a view in his lectures on the classical notion of *parrhesia*—frank speech or radical truth-telling. One who practices *parrhesia* “is someone who says everything he has in mind: he does not hide anything, but opens his heart and mind completely to other people through his discourse….And he does this by avoiding any kind of rhetorical form which would veil what he thinks. Instead, the *parrhesiastes* [the frank speaker] uses the most direct words and forms of expression he can find.”³ For Foucault, the thoughts expressed by opening the heart are of a higher order of truth. They are almost beyond speech—one simply sees them. It is easy to understand the intuitive appeal of this account. How can we conceive of rhetorical forms and stylized language if not as various means of veiling the heart and mind? Aren’t they at odds with the democratic values of transparency, openness, directness? What is rhetorical artifice if not their opposite?

² “The emotions touched on in the *beklemmt* section, someone has said, are so intimate that it hardly seems right to be allowed to witness them”: Joseph Kerman, *The Beethoven Quartets* (New York: W.W. Norton, 1979), 198. In this passage, “we are faced with [a] breakdown...not so much of the Classical language as language itself”: Leah Gayle Weinberg, “Beethoven’s Janus-Faced Quartet,” mss. thesis, wesscholar.wesleyan.edu/cgi/viewcontent.cgi?article=1137&context=etd_hon_theses.

And yet any understanding of frank speech that would elide it with “opening the heart” loses much of what is valuable in *parrhesia*—and in the classical tradition of rhetoric—in the first place. I want to press this argument with special attention to the practices of *parrhesia* and self-representation in the rhetoric of Demosthenes—and in doing so, I hope to draw out the ethical and political implications of the classical claim that Demosthenes was the greatest of orators precisely because he was the most protean of orators, the least reducible to a unitary style and voice, and in fact the one for whom the notion of opening the heart makes the least sense.

The most important of these implications is that, while holding constant the values of honesty and truthfulness, we can and ought to dissociate them from the notion of sincerity, especially where sincerity is conceived as “opening the heart,” speaking directly, or presenting a unitary and stable public self.⁴

It is just because questions of style and voice are so understudied by political theorists that we are unlikely to read Demosthenes with the depth that he deserves—likely, instead, to treat his protean and “insincere” qualities as matters for classics or philology, but not as having any lasting bearing on politics. And yet as long as we hold to fantasies of sincerity in our politics and our political entertainments, as long as we imagine political language as a filter or veil for something deeper than language—and, conversely, valorize the unfiltered and the unveiled—Demosthenes and his interpreters will have something to teach us.

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For one, they can teach us that *parrhesia*, as understood and practiced in the classical tradition, is not sincerity. Sincerity, far from being a cultural constant, has a history. One important source of evidence to that effect is Lionel Trilling’s study of the concept. If the self-consciousness of sincerity as a praiseworthy quality only emerged in early modernity, then we should hardly be surprised by its absence in the classical world. For Trilling, sincerity is conditioned by a complex division of labor, by the proliferation of social “roles,” and even by the growth of theater, with its potential to raise questions of persona and imposture to new salience. In this context, sincerity describes a role that is also true: “a congruence between avowal and actual feeling,” a state of inwardly meaning what one says. However many social roles the modern subject might take on, they are conceived of as “standing outside or above his own personality.” To speak sincerely is to give voice to this one truer self—and, of course, to presume that such a self exists. The bracing quality of Demosthenes’s “insincerity” lies in its conspicuous lack of such a presumption. We can speak of several selves or personae in Demosthenes, but even as he claims the mantle of *parrhesia* he gives us little indication that the idea of “inwardly meaning” is meaningful to him. I stress this point not to provoke any anachronistic surprise, but rather because there can be value simply in illustrating a democratic politics without sincerity—a politics that presumes, against our own received wisdom, that one can tell truths about the world without telling the truth about oneself.

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5 Lionel Trilling, *Sincerity and Authenticity* (Cambridge, MA: Harvard UP, 1972), 4, 24. While Trilling distinguished between sincerity and authenticity, I follow Markovits in collapsing the two terms. Though both “refer to a purity of the self,” the sincere person accurately represents this self in public, “whereas, for Trilling, the authentic person refuses the demands of representation and display to others altogether.” As a result, Trilling’s authenticity is not an apt term for a discussion of self-presentation in political rhetoric. Markovits, *The Politics of Sincerity*, 21 n. 23, 34 n. 60.
In fact, we can conceive of insincerity without dishonesty. More specifically, Demosthenes plausibly identifies himself as a practitioner of *parrhesia*, and yet at the same time he is indisputably a master of rhetorical forms. The possibility he embodies—speaking frankly *through* rhetoric—stands in sharp contrast to Foucault’s notion of frank speech as the abeyance of rhetoric. It is not simply that *parrhesia* is potentially compatible with rhetorical artifice; it might, in fact, be served by rhetorical artifice—when the orator speaks in many voices, rather than one alone.

The rhetorical tradition itself is a much richer resource for critical reflection on the promise and pitfalls of frank speech than is commonly assumed. Historians of political thought generally look elsewhere for such reflection, especially to the Platonic dialogues, classical historiography, and tragic poetry. And while these genres do offer a wealth of engagement with the concept of frankness and its cognates—in the competing claims of Socrates and Protagoras for dialectic and rhetoric, in Thucydides’s Mytilenian debate, or in the unaffected words of Euripides’s Ion—political rhetoric itself has gotten short shrift in this regard. Even the most sensitive scholars of *parrhesia* tend to view ancient rhetoric’s invocation of the term through the lens of political propaganda. They treat the claim of *parrhesia* as a trope in itself, whether as expressed in the boilerplate contrast of one’s own dangerous honesty with the opponent’s convenient untruths—“I alone have the courage and patriotism to speak to you frankly”—or in the boilerplate construction of an impossibly honest past—“once the Athenians debated war and peace like blunt, honest men, but now you reward flatterers.”

Of course, Demosthenes and his fourth-century contemporaries often indulged in such tropes themselves. His rival Aeschines, for instance, asked the Athenian Assembly to reflect back on the

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6 Saxonhouse, *Free Speech and Democracy*. 

democracy’s founding era, when elder statesmen “would come modestly to the platform without clamor and disorder….But now all those [rules] which we previously agreed worked well have been dissolved….The speech of those who are the best and the most moderate of those in the city has been silenced.” Their unaffected counsel had been crowded out, he claimed elsewhere, by the histrionics of speakers prone to raise their voices and gesticulate “like a gymnast in the pankration.”

On this point, at least, he and Demosthenes could agree in principle: the latter claimed to offer “the truth spoken with all freedom [parrhesia], simply in goodwill and for what is best, not a speech using flattery for the sake of harm and deceit.” The irony of claims like these is that they appear to proliferate in tandem with the growth of democratic rhetoric’s technical sophistication—so that the record of fourth-century oratory appears to be one of speakers of increasing artistry increasingly protesting that they are speaking without it. Several potential ways out of this dilemma are evident enough: we might attribute it to a “romantic” nostalgia for the democracy’s heyday, whether justified or not, at a time when its independence was increasingly imperiled; we might situate the frankness trope among the orator’s traditional range of self-protective devices, or as an instance of the “dramatic fiction” of the trained speaker unskilled at speaking. Yet this chapter is a sort of experiment in remaining inside the dilemma at greater length—the dilemma that sees Aeschines use the talents he cultivated as a tragic actor to criticize the actorly gestures of others, and that sees Demosthenes, a man with whom nothing is simple, propose to speak “simply in goodwill.” When we remain inside the dilemma in this way, we are likely to find a kind of rhetorical commentary on

7 Aeschines, Against Ctesiphon, 3.4 (trans. Saxonhouse).
8 Aeschines, Against Timarchus, 1.26 (trans. Saxonhouse).
9 Demosthenes, Philippic 4, 10.76 (trans. Saxonhouse).
the interplay between frankness and sincerity, artifice and ethos, as sophisticated as any reflections on those questions that we find elsewhere in Greek thought.

In this chapter, I work to draw out that commentary in four sections. First, I consider some of the connotations of *parrhesia* in Greek political thought, along with Demosthenes’s repeated claims to speak with *parrhesia*. In the second section, I turn to the claim of two of his later readers in antiquity—Cicero and the rhetorical critic Dionysius of Halicarnassus—that Demosthenes held a unique mastery of all three characters or registers of style, low, middle, and high.¹¹ In the third section, I argue that this constitutes an ethical as well as a purely stylistic claim—in other words, a claim about the speaker’s character as portrayed in and through speech. Finally, in the fourth section, I argue that the claim of *parrhesia*, and the claim of stylistic and ethical multiplicity, can be reconciled with one another—that truth-telling can be served, not undermined, by rhetorical forms and stylized speech.

1.

In the Athenian context, *parrhesia* was not so much a right to speak freely as it was an attribute or virtue of the democratic citizen: it “meant a tendency to say everything, uninhibited by any fear.”¹² In fact, “saying everything” gives a sense of its literal meaning (from *pan + rhesis*, or “all speech”).

¹¹ We should avoid mapping “low” (or plain) and “high” (or elaborate) styles onto a hierarchy of social class. The low style often dealt with down-to-earth matter in a down-to-earth manner, but I have found no suggestion in the classical rhetoricians that using the low style compromised an orator’s class standing. That tolerance is a product of elitism rather than egalitarianism, their ruling assumption being that the ideal orator is always an elite male. I discuss some of the troubling implications of this assumption in the next chapter.

its negative connotations, *parrhesia* took on colors of impudence and shamelessness, and it was a commonplace of the democracy’s fourth-century critics, friendly or otherwise, that it was degraded by the unbridled license of its practices of public speech. Isocrates, for instance, classes *parrhesia* “with license (*akolasia*), lawlessness (*paranomia*) and a general sense of entitlement among the citizens to do whatever they please (*exousian tou panta poiein*).”13 The spread of *parrhesia* was in itself a marker of threats to social hierarchy; Isocrates puts into the mouth of a Spartan king the complaint that his city has fallen into such decline that it “now openly tolerated *parrhesia* on the part of slaves.”14 Similarly, the development of norms of frankness has an important part in the degenerative cycle of regimes in Book 8 of Plato’s *Republic*. Speaking of democratic citizens, Plato’s Socrates asks derisively, “Are they not free? And is not the city chock-full of liberty and freedom of speech [*parrhesia*]? And has not every man license to do as he likes?”15 Democratic ideology, by contrast, tended to celebrate these very qualities in its norms of speech. Among the orators, shamelessness was generally revalued into a healthy and laudable fearlessness. It was an ideal embedded deeply enough into popular political culture that the Assembly voted to give the name *Parrhesia* to one of the public ships. Unsurprisingly, then, we are much less likely to find in the rhetorical corpus instances of politicians criticizing *parrhesia* in itself than we are to find the inverse—criticism of one’s political enemies for practicing flattery rather than frankness, or pleas that one be permitted to use *parrhesia* to tell uncomfortable truths. It is in this laudatory sense that

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the norm of \textit{parrhesia} has experienced something of a revival among political theorists in recent years.\textsuperscript{16}

It is evident that Demosthenes took considerable pains, even for a democratic politician of his era, to cultivate the reputation of a \textit{parrhesiastes}.\textsuperscript{17} Of the many surviving rhetorical \textit{exordia}, or appeals to be heard in the Assembly or courts, “only Demosthenes sometimes expresses them using the language of \textit{parrhesia}.”\textsuperscript{18} And \textit{parrhesia}—conceived of as a willingness to tell the Athenians truths they would rather not hear about threats to their independence—was a recurring theme of Demosthenes’s campaign against Philip of Macedon. He concludes the First Philippic by asserting that “I have spoken my plain sentiments with \textit{parrhesia}. Yet, certain as I am that it is to your interest to receive the best advice, I could have wished that I were equally certain that to offer such advice is also to the interest of the speaker.”\textsuperscript{19} He opens the Third Philippic by venturing “that if I speak something of the truth frankly [\textit{meta parrhesia}], none of you will on that account become angry with me.”\textsuperscript{20} And in the aftermath of the disastrous battle of Chaeronea and his policy’s failure, Demosthenes continued to defend the norms of frank and open speech as central to the democracy’s identity, and as a key to its survival:

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\item I follow Foucault and others in using the noun \textit{parrhesiastes} to describe one who practices \textit{parrhesia}, even though it is an anachronistic coinage. As I argue below, this appears to me to be a “fair” anachronism, given the ways in which a claim that one speaks with \textit{parrhesia} in a given instance reliably shades into a claim that one habitually speaks with \textit{parrhesia}.
\item Carter, “Citizen Attribute, Negative Right,” 209.
\item Demosthenes, \textit{Philippic} 1, 51 (trans. Monoson).
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Democracies possess many other good and just features, to which the right-thinking ought to hold fast, and it is impossible to deter parrhesia, which depends upon speaking the truth, from exposing the truth. For it is not possible for those who do something shameful to win over all the citizens; the result is that even one man, uttering a true reproach, still vexes him.21

My argument does not require us to naively accept these kinds of claims at face value, or even to assume that Demosthenes’s listeners found them all credible. When Demosthenes consistently characterizes himself as a parrhesiastes, we are not obligated to take him at his word—but we might reasonably see him as making an assertion that experience had led him to see as defensible. Successful politicians, after all, generally expect that the repeated claims they make about themselves can bear at least some degree of public scrutiny. And, in fact, these claims did bear enough scrutiny to work their way into the received wisdom about Demosthenes. Four hundred years after his death, Plutarch observed that his speeches uniformly persuade “his fellow-citizens to pursue not that which seems most pleasant, easy, or profitable….None of [his rivals] addressed the people so boldly; he attacked the faults, and opposed himself to the unreasonable desires of the multitude.”22 Through such judgments, Demosthenes’s self-characterization as a parrhesiastes passed into the historical record.


When one claims to speak with *parrhesia*, what sort of claim is it? First, I would argue, it is an ethical claim—an assertion not about one particular utterance, but about the kind of person one is.

Consider the alternative: if I were to say or otherwise indicate, “I am speaking frankly right now,” I doubt that the effect would be increased credence for whatever statement follows. It would, on the contrary, be decreased credence: “If you are speaking especially truthfully right now,” a listener might respond, “were you speaking less than truthfully before? And if that is the case, why should I believe that you have suddenly turned honest?” Limited claims about *parrhesia*, in other words, tend to self-destruct. To have much rhetorical force, such claims have to extend more broadly, to encompass the speaker’s ethos as a whole: “I am *habitually* the kind of person who speaks frankly.”

But if this is the case, is the entire claim to *parrhesia* reduced to a platitude? Who, after all, would ever claim to be an habitually untruthful speaker? It is certainly true that most rhetoric carries with it an implied assertion of truthfulness. But the *parrhesiastes* lays claim to truth-telling of a particular kind. “The sky is blue” is not an instance of *parrhesia*; “the sky is falling” might be. Demosthenes’s words give us a sense of the distinction. When Demosthenes wishes that he “were equally certain that to offer such advice is also to the interest of the speaker,” he is ostensibly complaining about the poor treatment he anticipates from the Assembly—but he is also, of course, pointing out that one warrant for *parrhesia* is an “admission against interest.” Similarly, he expresses apprehension that his words will cause the audience to “become angry with [him].” Finally, *parrhesia* aims at “exposing the truth”; it is oriented toward the kind of truths that, for one reason or another, have been concealed (or, less charitably, it portrays these truths as having been concealed, for effect).

From these arguments, it would seem an intuitive enough step to imagine that the frank speaker is also an especially straight speaker—that the *parrhesiastes* treats rhetorical stylization as one more way
of concealing the truth. This is Foucault’s assertion: the frank speaker “uses the most direct words and forms of expression he can find.” But as intuitive as this step seems, it is one that Demosthenes, and his readers in antiquity, pointedly refuse to make. Nor do they give us evidence of what the ideology of straight talk would seem to presume: a sincere inner self unveiled through directness of speech.

To substantiate these arguments, I turn to consider Demosthenes’s reputation as a rhetorical Proteus, a speaker with a distinctively multiple stylistic profile. Then, drawing on classical notions of style as a window to character, I will claim that this reputation amounts to another ethical claim, a claim about who Demosthenes is—or rather, who he is not.

2.

I should admit right away that I’m in some historical difficulty. I will be drawing on the classical notion that rhetorical styles can be grouped into three distinct characters: low, middle, and high. Though this notion came to particular prominence in the rhetorical theory of Cicero, he did not originate it; a probable originator, as George Kennedy argues in his history of Greek rhetoric, was Theophrastus, Aristotle’s pupil and a younger contemporary of Demosthenes. Given Cicero’s references to the earlier rhetorician’s lost work On Style, “the presence of the theory of the three styles in Cicero’s work is some indication that they may have been found in Theophrastus.”

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23 George Kennedy, The Art of Persuasion in Greece (Princeton: Princeton UP, 1963), 279. Aristotle, by comparison, does give some attention to characters of style, but his notion of the characters simply reproduces the three genres of oratory, so that each genre will have its own characteristic register; this renders his notion of the characters redundant, rather than positioning them as an independent mode of analysis, as later writers would.
So this is my dilemma: I want to discuss Demosthenes on the level of rhetorical criticism or theory; but while he left behind a great deal of rhetoric, he left little in the way of rhetorical theory or self-reflection. I would prefer to discuss Demosthenes with reference to a contemporary standard of style, but Theophrastus’s work, which might have been suited to the task, is lost. The earliest critical discussion of Demosthenes’s registers of style of which I am aware occurs in Cicero, and then in Dionysius, a generation later. I understand that relying on these later readers opens me to charges of anachronism: reading Demosthenes from a distance of three centuries, perhaps they saw in his work a multiplicity of styles that his own contemporaries would not have perceived or placed much emphasis on. Cicero, for one, was anything but a disinterested literary critic: he is particularly eager to enlist Demosthenes in his polemic against his own “Atticist” rivals (a loose grouping of orators who styled themselves as the Roman heirs of Athenian rhetoric, a claim that Cicero strongly contested).24 In my defense, I will point out that Cicero and Dionysius had access to roughly the same texts of speeches as did Demosthenes’s contemporaries—and that, if they were interested readers, they were sensitive and learned readers, as well. In this case, I think they were on to something.

The characters of style might be distinguished by diction, rhythm, density of rhetorical figures, or subject matter. These distinctions were generally subject to the Potter Stewart test. For instance, the anonymous *Rhetorica ad Herennium* (whose longstanding misattribution to a young Cicero gives us a sense of its place in the chronology) offers the following as hypothetical examples of the high and the low:

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High: “Indeed your own hearts, overflowing with patriotism, readily tell you to drive this man, who would have betrayed the fortunes of all, headlong from this commonwealth, which he would have buried under the impious domination of the foulest of enemies.”

Low: “Right then the fellow cries out in that tone of his that might well force blushes from any one; this is how aggressive and harsh it is—a tone certainly not practised in the neighbourhood of the Sundial, I would say, but backstage, and in places of that kind. The young man was embarrassed.”

For the most part, the characters of style were brought to bear in two ways. On the one hand, they were used to characterize the appropriateness of speech to an occasion, an audience, a genre of oratory, or a persuasive function. Cicero, for example, claims that a speech to the people requires a grander style than a speech to the Senate. He also assimilates the low, middle, and high styles to specialized functions: informing, pleasing, and moving, respectively.

On the other hand, the characters were ascribed not only to occasions, but to individual orators. A register of style might become a longstanding feature of one’s rhetorical personality. As Cicero puts it in Orator, his last work on rhetorical theory, “the orators of the grandiloquent style, if I may use an old word, showed splendid power of thought and majesty of diction….At the other extreme were

26 Cicero, De oratore, 2.334.
the orators who were plain, to the point, explaining everything and making every point clear rather than impressive, using a refined, concise style stripped of ornament.” On this understanding of the characters, each could be assimilated to its own historical exemplar: Lysias was a popular stand-in for the low style, Isocrates for the middle, and Thucydides (by some accounts) for the high.

Casting an orator or writer as the historical embodiment of one of the styles would seem to be high praise—and yet it was also a kind of veiled critique. Such an orator is not the person for all occasions; he has developed one part of the persuasive repertoire at the expense of the others; he is, in an important sense, incomplete. Cicero (and, following him, Dionysius) does not, when looking at an orator who has mastered one voice, see an admirable kind of integrity; he sees deficiency. “Those who have gained power in one or another of these three styles,” writes Cicero, “have had a great name as orators, but is open to question whether they have attained the result which we desire.”

With the exception of Cicero himself, who was never one for modesty, Demosthenes alone has attained that desired result: “No one has ever excelled him either in the powerful, the adroit or the tempered style.” Importantly, his accomplishment was not only a matter of versatility across occasions (as when, to borrow Cicero’s example, a comic actor succeeds in performing a tragedy), but also a matter of the stylistic complexity of single performances. Where On the Crown, Demosthenes’s best-regarded speech, is singled out for praise, it is as an example of “varied” expression: for instance, “the middle style he adopts whenever he will, and after an elevated passage

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28 Ibid., 20.

29 Ibid., 22.

30 hoc nec gravior exstitit quisquam nec callidior nec temperatior. Ibid., 23. Sections 20-1 indicate that Cicero is using “powerful,” “adroit,” and “tempered” as synonyms for high, low, and middle, respectively.
he glides generally into this style.” Aside from Demosthenes himself, the best models for this flexibility are not orators at all, but rather the poets who claim “the privilege of not employing in all passages alike the same impassioned style but of changing their tone frequently, even of passing over at times to the language of everyday life.”

As I noted, Cicero is not so concerned with writing an objective history of eloquence as he is with winning a contemporary argument against the younger generation of “Atticist” orators. The precise identity of these rivals, and the political stakes of their stylistic controversy with Cicero, are still in dispute. As Cicero himself characterizes the argument, the Atticists adhere exclusively to a plain style of speech out of a misplaced purity; but if Demosthenes—who is both sides’ acknowledged master and was “as Attic as Athens itself”—can be made into a foil for the Atticists, then it is an important point in Cicero’s favor. So Cicero’s reading of Demosthenes is colored by his own ambitions—and yet it is still a reading with a good deal of plausibility, as Dionysius’s more detailed treatment of Demosthenes confirms.

Unlike Cicero, Dionysius of Halicarnassus, an historian and critic active in Augustan Rome, was a native speaker of Greek; and unlike Cicero, who refuses to quote Greek rhetoric on grounds of

31 Ibid., 111.
32 Ibid., 109.
33 On Cicero’s rivalry with the Atticists, and his attempts to cast himself as a successor and rival to Demosthenes, see John Dugan, Making a New Man: Ciceronian Self-Fashioning in the Rhetorical Works (New York: Oxford UP, 2005), 303-32.
34 Cicero, Orator, 23.
“propriety,” Dionysius has no such scruples.\textsuperscript{35} As a result, his essay \textit{On the Style of Demosthenes} offers a much richer treatment of Demosthenes’s distinctiveness.

This is especially clear when Dionysius pursues a kind of counterfactual criticism, rewriting passages in an effort to isolate their stylistic qualities. We can observe this method, for instance, in his treatment of “the striking, elaborate style which is remote from normality and is full of every kind of accessory embellishment.”\textsuperscript{36} This grand style is characterized by abundance, but also by a kind of indirectness. One example is drawn from Demosthenes’s Third Philippic:

Many speeches, Athenians, are made in all but every assembly about the outrages which Philip has been committing not only against you but against the rest of Greece ever since he made peace with us; and I am sure that everyone would have said though they do not actually do so, that our counsels and our actions should be directed toward curbing his arrogance and extracting requital from him.\textsuperscript{37}

For Dionysius, this is “not what nature demands”; it gains a striking power at the risk of clarity. For instance, “the clause referring to Philip’s outrages has been broken up and the sequence of thought delayed for some time.” He supports his claim by rewriting the passage in a plainer style:

\begin{quote}
Many speeches, Athenians, are made in all but every assembly about the outrages which Philip has been committing not only against you but against the rest of Greece ever since he made peace with us. And I am sure that everyone would say though they do not actually say so, that our counsels and our actions should be directed toward curbing his arrogance and extracting requital from him.\end{quote}

\textsuperscript{35} Dugan, \textit{Making a New Man}, 287. Cicero’s anxiety over associating himself with “\textit{graeculi}” is a recurring theme of his late rhetorical works, especially \textit{De oratore}.


\textsuperscript{37} Ibid., 268.
There have been many speeches, Athenians, at almost every meeting of this assembly on the subject of Philip’s outrages against you and the rest of Greece ever since he made peace with us. And everyone is saying, even if some do not act upon their words, that our counsels and our actions should be aimed towards making him stop behaving violently and pay for his misdeeds.38

That Dionysius seems to consider his version an improvement suggests that his attitude toward Demosthenes is not all uncritical praise. Nevertheless, heavily stylized language, within reasonable bounds, can be a source of “rhetorical brilliance.”39

Turning to Demosthenes’s own use of the low style, Dionysius draws a long example from the prosecution speech Against Conon, written by Demosthenes during his early career as a logographer but delivered by his client Ariston. I excerpt a short passage from the prosecution’s narrative:

Two years ago we were assigned to garrison duty at Panactum, and went there. The sons of Conon here pitched their tents near ours, and I wish they had not, for it was from that time that our enmity and quarrelling began, as you will now hear. These men spent the whole of every day in drinking, starting straight after breakfast….After accusing our servants of annoying them with smoke when they cooked…they assaulted them, emptied the chamber-pots over them and urinated over them, and left no act of wanton violence undone.40

38 Ibid., 271.
39 Ibid., 277.
40 Ibid., 283.
Dionysius has nothing to alter in this narration of events, which (in presumable contrast to the inciting act of public urination) he finds “pure, precise and lucid.”

Finally, Dionysius offers a number of examples of Demosthenes’s middle style, including this passage from *On the Crown*:

> I shall pass over the conquests which Philip made and held before I began my political career, for I do not consider any of these to be my concern. But I shall draw your attention to those in which I frustrated him from the very day of my entry into politics, and will accept responsibility for their consequences, but with this proviso only: Philip had a great advantage from the start, men of Athens, for it happened that among the Greeks—not some, but all alike—there sprang up a crop of traitors, and corrupt, godforsaken men, such as no one can remember existing before.

Dionysius defines this middle style as a blend of high and low. And though I am not confident that all readers would situate it at the same point on the stylistic spectrum, Dionysius seems to regard it as combining the low style’s directness of expression (“I shall pass over the conquests which Philip made and held before I began my political career” instead of, say, “Over the conquests which Philip accomplished, and, indeed, over those he held, as well, before my career in public life commenced—

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41 Ibid., 287.

42 Ibid., 293.
over these, Athenians, I will for the most part silently pass”) with something of the high style’s intensity of expression (as in “traitors, and corrupt, godforsaken men”).

Now even if we grant that Cicero and Dionysius were sensitive readers with well-honed ears for oratory, we may find something implausible in the notion of a figure so gifted that he beat all of his rivals, jointly and severally, at their own games; it seems equally implausible that who outdid whom could even be settled to such a degree of certainty.⁴³ In Cicero and Dionysius, we can observe the early stages of the process of canonization that resulted, among other things, in the name DEMOSTHENES being chiseled in three-foot-tall letters into the architrave of the library in which I’m writing this chapter. We can observe, as well, the idealization we inflict on those we canonize.

And yet, I’ve dwelled on their readings because it is important to consider the terms in which we idealize. Cicero and Dionysius might have handed down the image of an idealized orator solidly and bluntly speaking truth to power; but instead, their idealized orator is one so multi-voiced as to be nearly inhuman. This almost hollow quality is conveyed most clearly in Dionysius’s summation: Demosthenes

selected the best and most useful elements from all of [the styles], weaving them together to make a single, perfect, composite style embracing the opposite qualities of grandeur and simplicity, the elaborate and the plain, the strange and the familiar,

⁴³ On the other hand, we can still find reiterations of their claim in our own time. “The greatness of On the Crown may be attributed to the fact that it encompasses the three major styles of Greek oratory,” the classicist Galen O. Rowe wrote in 1967. For Rowe, the relevant styles are not low, middle, and high, but antithetical, paratactic, and periodic—and yet, it is striking to see the persistence of the trope of Demosthenes as master of three distinct styles, each of which had previously been mastered by a predecessor (in this case, Gorgias, Lysias, and Isocrates, respectively). Rowe, “Demosthenes’ Use of Language,” in Demosthenes’ On the Crown, ed. Murphy, 192.
the ceremonial and the practical, the serious and the light-hearted, the intense and
the relaxed, the sweet and the bitter, the sober and the emotional. It thus has a
character not at all unlike that of Proteus as portrayed by the mythological poets,
who effortlessly assumed every kind of shape, being either a god or superhuman,
with the power to deceive human eyes, or a clever man with the power to vary his
speech and so beguile every ear.\textsuperscript{44}

The rare hero might compel Proteus to hold still; but for all the rest of us, he is as substantial as
water.

3.

If the discussion of classical literary criticism seems to have taken me far afield from my initial
concern with \textit{parrhesia}, Dionysius’s last observation can help to bring the argument full circle. I want
to call attention to the ease with which he slips from a claim about how Demosthenes speaks to a
claim about who Demosthenes is. To say that someone has mastered all of the characters of speech
is to say that this person is, like Proteus, skilled at changing shapes—and this figurative leap is only
possible on the assumption that the characters of speech have something in common with character
proper. This claim of multiplicity is not just stylistic, but also ethical in nature—and in that way it is
like the claim of \textit{parrhesia}. Before considering whether these two claims are consistent, I will try to
justify this assertion and to argue that it is difficult \textit{not} to elide stylistic and ethical talk.

\textsuperscript{44} Ibid., 267.
While I had to risk some anachronism in the previous section, here I am able to draw on some sources closer to Demosthenes’s own era in order to examine his contemporaries’ views on the links between style and ethos. There is, for instance, the long tradition of rhetorical theory on the subject of *ethopoiea*, or the depiction of character in speech; Demosthenes’s predecessor Lysias is supposed to have excelled in it. Aristotle’s *Rhetoric* places a good deal of weight on this kind of depiction of character, particularly when it insists that ethical persuasion “should be achieved by what the speaker says, not by what people think of his character before he begins to speak.” In other words, one’s pre-existing character is not properly a subject of the art of rhetoric—but the portrayal of this character, through such means as one’s mode of speech, certainly is.

Last, an especially vivid, and understudied, illustration of my point can be found in the *Characters of Theophrastus*, a fragmentary collection of humorous character-sketches delineating the likes of “The Boor,” “The Grumbler,” “The Coward,” “The Oligarch,” and so on. Its attribution to Theophrastus is unlikely, but its dating to the time of Alexander the Great and Demosthenes is more plausible. At any rate, the text can be read as an extended essay in self-presentation through speech; its author presumes that the most intuitive way to define a character-type is through a typical utterance. For instance, “The Surly man is one who, when asked where so-and-so is, will say, ‘Don’t bother me’”; or, “The Complaisant man is very much the kind of person who will hail one afar off with ‘my dear fellow.’” This is a sort of recurring trope of the *Characters*: “Type A is the one who says X.” We should be careful not to make too much of the tendencies of a single writer; but the accessible

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nature of the text, its “homeliness” and its reliance on “little stories” with “lively details,” gives some indication that it drew on common opinion.48

More generally, I would argue that the tendency to elide the categories of ethos and style has something to do with the nature of a stylistic vocabulary. It is not simply that one might tend to describe personalities in terms of styles of speech—it is that it is surprisingly difficult to describe qualities of style without invoking qualities of character. Much of our stylistic vocabulary is an ethical vocabulary; it is either impoverished, in that it has little in the way of an independent sphere of its own, or richer than we might think, in that it cannot help but carry with it some of our weightiest concerns. Few writers, for instance, have thought as rigorously about verbal style as Cicero; and yet the terms he uses to define the characters of style might apply as well to persons as to dictions: “majestic,” “forceful,” and “grave”; “rough, severe, harsh”; “even-tenored” and “easy”; “refined,” “neat,” “elegant.”49 His ideal orator is, by turns, all of these. Similarly, without knowing the broader context, it would be difficult to tell whether Dionysius is describing ways of speaking or ways of living: “the serious and the light-hearted, the intense and the relaxed, the sweet and the bitter, the sober and the emotional.”

What all of this amounts to is a tendency to read ourselves into the aesthetic world, to shape the categories of style in our own image. “To feel that a building is unappealing may simply be to dislike the temperament of the creature or human we dimly recognise in its elevation—just as to call another edifice beautiful is to sense the presence of a character we would like if it took on a living

48 Jebb, Introduction to The Characters of Theophrastus, 10, 31.

49 Cicero, Orator, 20-1.
form,” argues Alain de Botton in a discussion of what we could call the ethos of architecture. And what may be true of buildings seems to apply more broadly, as well: “The ease with which we can connect the psychological world with the outer, visual and sensory one seeds our language with metaphors.”\(^50\) These are the same sorts of metaphors we see Cicero and Dionysius reaching for in their accounts of verbal style—just as Vitruvius saw distinct human personalities in the three Greek orders of architecture.\(^51\) Of course, “our language” begs the question, assuming a universality that would be difficult or impossible to prove. But I do not intend to claim universality for this inclination to make human beings the measure of all things stylistic—only to point out how it appears to have shaped the language of style in antiquity and how it shaped, in turn, critical assessments of Demosthenes.

Last, on the understanding that this is not a fully rigorous proof, I simply want to appeal to intuition. Demosthenes’s speech *On the Crown* is notable for at least one passage of world-historical sublimity and grandeur—the “Oath on the Heroes of Marathon”—and several passages of less than world-historical sublimity and grandeur. Here I excerpt both:

> It cannot, it cannot be that you were wrong, men of Athens, when you took upon you the struggle for freedom and deliverance. No! by those who at Marathon bore the brunt of the peril—our forefathers. No! by those who at Plataea drew up their battle-line, by those who at Salamis, by those who off Artemisium fought the fight at sea, by the many who lie in the sepulchres where the people laid them, brave men, all


alike deemed worthy by their country, Aeschines, of the same honor and the same obsequies—not the successful or the victorious alone! And she acted justly.

...

I am at no loss for information about you and your family, Aeschines; but I am at a loss where to begin. Shall I relate how your father Tromes was a slave in the house of Elpias, who kept an elementary school near the Temple of Theseus, and how he wore shackles on his legs and a timber collar round his neck? or how your mother practised daylight nuptials in an outhouse next door to Heros the bone-setter…? However, everybody knows that without being told by me.52

The intuition I want to appeal to is disbelief that the same person could have been capable of speaking both passages—magnanimous and vicious, democratic (“all alike deemed worthy”) and status-grubbing, the Parthenon, as it were, and the outhouse. Again, of course, there are facts to weigh against this intuition: the fact that, in a spoken performance, it is impossible to lay two passages like this side by side as we can on the printed page; the fact that this is hardly the only time an Athenian speaker sought to simultaneously claim both democratic and elitist authority.53 But speaking for myself, I look at the utter conviction with which each contrasting passage is brought off and wonder if the intuition still weighs more. I wonder if Dionysius thought so, as well, and if


his invocation of Proteus the shape-shifter speaks to this same sense of the Demosthenic uncanny. He opens his heart, and there is nothing there.

4.

And yet, the *parrhesiastes* “opens his heart and mind completely.” Again, the driving assumption behind this claim is that speaking with true frankness requires, or is in fact identical with, disclosing one’s true self. But if the previous section’s argument is convincing, then it would suggest that Demosthenes, at least as he has come down to us through his rhetoric, is lacking a true self to disclose. His plain speech is not the unvarnished reality on which his rhetorical forms are layered; it is just another form. Dionysius hints at the potential for slipperiness in this assessment when he compares Demosthenes not only to Proteus, but to “a clever man” capable of “beguill[ing] every ear.” And this is one potential resolution to the dilemma I have posed in this chapter: given what we know about Demosthenes’s stylistic range, his propensity for adapting his rhetorical persona to every occasion, we could conclude that his reputation for *parrhesia* is simply a piece of propaganda. The two claims about Demosthenes—the claim of *parrhesia*, and the claim of stylistic multiplicity—cannot be consistent, and one of them, most likely the former, has to go.

But I argue that we can avoid that conclusion, and that the two claims can in fact be consistent. In three ways, Demosthenes shows us how truth-telling can be served, not undermined, by rhetorical forms and stylized speech.

First, consider some of the warrants for *parrhesia* that I discussed in the first section—potential evidence to support the claim that one is an especially truthful speaker. Note that all of the warrants
Demosthenes does use are grounded in some evidence external to his performance itself. Whether that evidence is some truth the parrhesiastes purports to uncover, or the standing of the speaker him- or herself (in that one effect of parrhesia may be deliberately lowering the speaker’s standing in the audience’s eyes), these sorts of claims rely on facts that are, in principle, true or false. Of course, such facts could be counterfeited—but it seems far easier to counterfeit the kind of warrant that Demosthenes pointedly refuses to provide, the kind that inheres entirely in the performance itself. In other words, it is easier to forge the stereotyped mannerisms of a truth-teller—one who “uses the most direct words and forms of expression he can find”—than to take on the risks associated with truth-telling. Now, if both sorts of warrants were readily available to speakers, it also seems probable that the kind easier to counterfeit would, over time, crowd out the kind more difficult to counterfeit, just as “bad money drives out good.” In other words, there is less need for any speaker to assume the risks of truth-telling when that speaker can achieve the same results merely by cultivating plain speech. In this light, we might treat Demosthenes’s refusal to speak plainly—or rather, his refusal to speak merely plainly—as tending to take the cheaper warrant out of circulation. To the extent that a leading speaker can shape rhetorical norms, Demosthenes’s influence pushes in the direction of more demanding standards of truth-telling.

Second, though such a move is the kind we might expect a public-spirited politician to make, we need not assume that Demosthenes was driven by any kind of rhetorical altruism. To speak frankly is, by its nature, to risk anger; and those rhetorical environments in which the consequences of listeners’ anger were especially severe have often favored the development of indirect means of truth-telling. As Jennifer London writes, the “tendency to view frank speech as direct speech…prevents us from observing how people can share their genuine views (i.e., speak frankly) in indirect ways. Someone can share his views without speaking in the first person, and this indirect
speaker need not explain his perspective by describing it plainly.”

London’s examples of indirect parrhesia are drawn from the work of the Persian scholar Ibn al-Muqaffa, who worked politically-charged morals into a collection of animal fables he translated at the eighth-century court of the Abbasids. At first glance, such practices of indirection might seem far more at home in an autocracy than a democracy. But given what we know about the power of the demos to silence and punish speakers, these practices may have had their value in democratic Athens, as well. Demosthenes, too, has a way of shunning the “first person”—not literally, of course, but in the sense that his adoption of multiple personae helps him to avoid offering a stable target for criticism.

Now, such a tack might be politically shrewd, but is it anything other than self-protective? Or is it simply a politician’s effort to avoid democratic accountability? I think our answer depends on our notion of preferences and their relationship to speech. If the goal of democratic politics is the aggregation of pre-existing and inviolable preferences—or if, in Rousseau’s sense, deliberation is best when it is silent and internal—the Demosthenic practices I have discussed here will look more or less like manipulation. But if we allow a distinction between initial preferences and considered preferences, and if we think that a goal of deliberation is moving from the former to the latter, we might find Demosthenes’s speech to be more than self-protective. As an example of the latter possibility, consider another instance of indirect parrhesia: the famous confrontation between king David and the prophet Nathan in 2 Samuel. David has deliberately sent the soldier Uriah to his


death, for the purpose of seizing his wife. Rather than directly indicting the king for this abuse of power, Nathan purports to relate the news of a rich man who has stolen from his neighbor. When David replies, “The man who has done this deserves to die,” Nathan answers him: “You are the man!”

It would require an especially forced reading to treat this as a case of entrapment; rather, David’s judgment that the subject of the story has done something gravely wrong (and therefore that he himself has, as well) is self-evidently correct. Compared to the outright dismissal with which he would likely have met a direct accusation, it is also a more considered reaction. Importantly, David himself endorses this view by agreeing with Nathan once the ruse has been dropped; that is, he has been persuaded willingly to revise his preference. In this case, the value of indirect speech lies in the space it affords the listener to temporarily suspend judgment; it prevents the initial and unconsidered preference from crystallizing.

We do not need to be anti-democrats to acknowledge that democratic assemblies or peoples can sometimes act like David—the assumption that they can seems to be embedded in the practice of deliberation itself. What makes Demosthenes’s rhetoric democratic is its appeal to the judgment of the demos; it is ultimately up to the demos to decide whether the orator practicing indirect parrhesia has any goal beyond saving his own skin. But what makes Demosthenes’s rhetoric particularly valuable to democratic deliberation is the space it allows for judgment—its presumption that our initial response to a blunt set of facts is not always the response we would endorse on reflection.

Third and finally, Demosthenes’s rhetoric has the virtue of removing the question of sincerity from democratic politics. Above, I pointed to the problem that sincerity, to have any political impact, has

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to be performed, and so is subject to counterfeiting. But the performance of sincerity is itself subject to a host of criticisms. Elizabeth Markovits offers a persuasive account of these criticisms. On one level, the sincerity norm “helps privilege a stereotypically masculine style of talk—self-confidence, certainty, and a seemingly dispassionate tone”; and while the gender of sincerity cannot be expected to have troubled Demosthenes and his contemporaries, it might reasonably trouble us. Moreover, the sincerity norm has a tendency to smuggle into deliberation a set of assumptions about language, and the world it describes, that are difficult to justify when made explicit. It “can contribute to a naturalization of the world. When we claim to describe the world as it really is and ourselves as we really feel, we often implicitly make a claim that discourse should correspond to a world from which words somehow stand apart.” The performance of sincerity can be a way of asserting without argument that one speaks for bare “reality”; and to the extent that it relies on an implied description of political facts as mere facts of nature, sincerity itself may have a status quo bias. Last, the sincerity norm oversimplifies human psychology. It assumes that the speaking individual can see her own intentions clearly and that those intentions are both stable and unitary (or at least not conflicting). It also assumes that the individual has ready access to language that expresses her feelings clearly and that those words correspond to a stable intention in the individual. But we make statements contingently, stilling for a moment the constant flux and uncertainty of ourselves to say something.57

If this is the case, then the claim to sincerity is self-contradictory: it asserts an improbable degree of self-knowledge and an improbable capacity to directly communicate that knowledge. Because we cannot transmit our intentions or feelings without passing them through the medium of language, and all of its conventions, the second assertion seems even more difficult to justify than the first.

Hannah Arendt made a similar point in more evocative terms: “When we say that nobody but God can see (and, perhaps, can bear to see) the nakedness of a human heart, ‘nobody’ includes one’s own self….What was straight when it was hidden must appear crooked when it is displayed.” This is to suggest not only that our motives may be opaque to ourselves, but that they are transformed by the very process of exhibiting them. It is the very act of wrenching them out of the heart that renders them crooked. We might say that language itself, with its limited powers of capturing inner states, is responsible for this crookedness. But further, the purported sincerity of the parrhesiastes is still always a politicized sincerity; it is not an opening of the heart plain and simple, but an opening of the heart with a definite end in mind. It is fair to ask whether sincerity loses something essential when it is exhibited this way, as a mere means to an end. In fact, the greater the speaker’s integrity, the more likely she is to question her own display of sincerity: has she hit rock bottom, or has she stopped conveniently short?

While Arendt invokes Robespierre’s vicious spiral of suspicion as the epitome of the dilemma, this is by no means to suggest that the politics of sincerity inevitably ends with the politics of Terror—only that it may presume a superhuman kind of certainty. It is the most honest politicians, the


59 Edmund Burke would pose a similar dilemma with respect to sublimity in speech—whether it ceases to be sublime when it is yoked to a political purpose. I consider this dilemma, and Burke’s response to it, in Chapter 3.
incorruptibles, precisely the ones on whose sincerity we would most like to rely, who would find this
demand for certainty the most unbearable. And it is those who find the demand trivial, who have no
difficulty in acting out the mannerisms of the open heart, whose own motives would likely bear the
least scrutiny.

I would propose that Demosthenes offers us a way out of this dilemma. In fact, I hope to have
given evidence that a dilemma of this kind simply never occurred to him, nor does it seem to have
occurred to his audience. Of all the things that troubled them, the problem of sincerity was not one;
explaining to them the self-suspicion of a Robespierre, or even the more moderate suspicions that
characterize our own politics, would have been, I think, like explaining a toothache to someone who
has never suffered one. But suppose that we have, and that we do: can we take from Demosthenes
anything of practical value?

At least this: the history of concepts can teach us that what we took to be facts of nature were
merely facts of contingency. Sincerity has a history, and so does its entanglement with truth-telling.
They have a pre-history, as well. Learning from that pre-history is a necessary, if insufficient, step
toward challenging their present power.
Chapter 2

“I Tremble with My Whole Heart”:
Cicero and Quintilian on the Anxieties of Eloquence

Let me return to the comment from Mark Thompson I quoted in the Introduction: “The art of persuasion, once the grandest of the humanities and accessible at its highest level only to those of genius—a Demosthenes or a Cicero, a Lincoln or a Churchill—is acquiring many of the attributes of a computational science.” This is “rhetoric not as art but as algorithm.”

Thompson, through his roles with the BBC and the New York Times, is as much an authority as anyone on the current state of political language, and on the forces routinizing and technologizing the art of persuasion. But I want to pry into his historical claim: that if a Cicero treated rhetoric as the height of the humanities, it was only through a kind of historical necessity, through the accidental absence of the array of tools—focus-grouping, demographic targeting, real-time audience response measurement, A/B message testing, social media virality tracking, the proven floating effectiveness of such words and phrases as imagine, uncompromising integrity, and I get it—that tend to make eloquence the product of routine rather than the work of genius. If this were the case, we might admire Cicero in the same way that we admire John Henry, and we might even regret that his day has passed, but the former would be about as relevant to the future of rhetoric as the latter is to the future of railroads.

1 Mark Thompson, Enough Said: What’s Gone Wrong with the Language of Politics (New York: St. Martin’s, 2016), 171.
Naturally, I want to argue the opposite. The thought that eloquence might be systematized is positively ancient, and I want to argue that the Ciceronian tradition of eloquence includes a strong strand of skepticism toward that prospect—not on the grounds that such efforts were doomed to failure, but on the grounds that the cost of success was too high. (In other words, resistance to rhetorical system was an integral part of the Ciceronian orator’s self-conception and self-justification, which made a concession to system appear especially damaging.) Recovering this skepticism and the reasons for it—which have to do with the Ciceronian thought that eloquence is incomplete without such discomforts as anxiety, shame, uncertainty, and loss, or at least the risk of these—can give us some principled grounds to critique the algorithmic state of a great deal of political rhetoric in our own time, as well as a better understanding of public frustration with such rhetoric. At the same time, Cicero’s claim that spontaneity and risk are the rightful properties of “elite” speech rather than demagogic speech is a bracing contrast to our usual preconceptions.

One way into this argument is through Thompson’s other assumption, the assumption of decline. There is perhaps no more durable trope in the long rhetorical tradition: eloquence is nearly always supposed to be on the wane, always situated in the past. It is reasonable to attribute this sense to a reflexive nostalgia, the kind of sentiment that ought to be identified, resisted, and corrected for. We may find it more productive, though, to consider the origins of this declinism, and to treat it, at least provisionally, as if it were as native to a system of rhetoric as compendia of figures of speech.

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2 Because, as I suggest below, Quintilian is largely an elaborator of the Ciceronian tradition, and for the sake of concision, I use the same adjective to refer to both rhetoricians. On Quintilian’s efforts to restore Cicero to preeminence over Seneca as the model of Latin prose, see George Kennedy, Quintilian (New York: Twayne, 1969), 20.

Consider the great Roman treatises on eloquence, and consider how deeply they are marked by grief—grief that is not suppressed, but emphasized. *Brutus*, Cicero’s historical survey of Roman oratory from the aftermath of civil war, begins with the death of his preeminent rival, Hortensius: a natural death that leads him to reflect on the unnatural death of the Republic and, as Cicero would have it, of oratory itself. “One pang [Hortensius] would feel beyond the rest, or with few to share it: the spectacle of the Roman forum, the scene and stage of his talents, robbed and bereft of that finished eloquence worthy of the ears of Rome or even of Greece.” And Quintilian, Cicero’s codifier under the principate, interrupts the flow of his course on rhetoric to inform us that, just as he was beginning to write on the decline of eloquence, his son and student, nine years old, has died. “What is there left for me to do?” he asks, and then soldiers on for seven more books. “I shall bequeath this, like my patrimony, for others than those to whom it was my design to leave it. The next subject which I was going to discuss was the peroration….” Read beside Cicero, it is a domestic loss for an era in which politics has left the Forum and gone indoors.

Even near the origins of the tradition, the age of genius next to which ours ought to pale, eloquence is regarded as a practice that exists almost on sufferance, an unstable and threatened space in the midst of violence and death, and in danger of collapse. Cicero’s late rhetorical works narrate the self-confident faith of orators such as Crassus and Antonius in the powers of the word; they also record, explicitly, the failure of their eloquence to save the peace and their lives, a failure that was

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their author's, as well. And this irony repeats itself in muffled form in Quintilian, who taught rhetoric in the rhetorically circumscribed world that Cicero anticipated.

Why, in this atmosphere of loss, would it matter that the Ciceronian tradition is so concerned with eloquence as a practice rather than a technique? Because, I argue, this orientation toward eloquence is a way of stressing, and of valorizing, the unreliability of language: the absence of predictable and manipulable links between speech and audience response, between orator's cause and deliberators' effect. The violent political uncertainties that the Ciceronian orator cannot control are echoed in the

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8 I use the general term “deliberators” deliberately, with the intent of encompassing the audiences of both deliberative and judicial rhetoric. Cicero certainly recognized the distinction, and the bulk of his rhetorical writings are in fact focused on the judicial genre. Given that fact, can a project in political theory, which is presumably more occupied with the deliberative genre, learn much at all from engaging with Cicero’s different priorities? I believe it can. Though deliberative and judicial rhetoric were distinct in standards of proof and argument and, per Aristotle, the time to which they have reference (future and past, respectively), Cicero’s writings point us to a number of important overlaps between the two, including in the areas of subject matter, language, and audience. First, a sharp distinction between “political” and “legal” subject matter would be anachronistic in Cicero’s context: judicial rhetoric quite frequently dealt with large-scale questions of political import. For instance, the trial discussed in the most detail in De oratore, that of Gaius Norbanus (2.197-204), was heavily politicized: the political background of the trial included a Roman military defeat, the authority of the people’s tribunes and the use of force against them, and a charge of “impairing the majesty of the Roman people.” In such cases, there would be no bright line between “doing politics” and “doing law”: the participants were doing both. Second, Cicero’s views on style and the “reliability” of language are not especially geared to one genre or the other; they are offered as arguments about eloquence, not about specifically judicial eloquence. Nor did the fact that Cicero was largely occupied with judicial oratory prevent the imitation of his style by deliberative orators well into the modern era. Third, the typical judicial and deliberative audiences were not identical, but they did overlap in some ways. Cicero generally addressed a jury of equites. But trials were conducted in the open air and were open to the public; De oratore, and Cicero’s subsequent works of rhetorical theory, Brutus and Orator, are all vividly aware of the presence of large, vocal crowds and their influence on juries. (Notably, in Cicero’s most famous forensic failure, his abortive defense of Milo in 52, he seems to have been intimidated by a hostile crowd; Asconius, commentary on Pro Milone, 41c.) Deliberative oratory, on the other hand, might be directed to a people’s assembly (contio) or to the Senate; while Cicero notes in De oratore that speeches to the people will generally be showier and more forceful (2.334), he has fairly little to say about senatorial deliberation. In sum, we should not see Cicero as imagining a monolithic and undifferentiated audience—he makes it clear that the orator must take account of each audience’s particularities. Yet most of the audiences considered in his rhetorical works have this in common: the orator is conceived of as standing in a relationship of superiority to them—both in social terms, and as a result of the inherent asymmetry of oratory. What is especially interesting, as I argue in the second section, are the ways in which this asymmetry is also undermined.
uncertainties of language that the orator actually courts and welcomes as a test of virtus. I suggest that the ideal orators of Cicero and Quintilian want their practice to be more difficult than it is, want it to be hedged around with vulnerability and shame, and tend to reject the principles of rhetorical technique that might protect them. In this sense, the rhetorical tradition I consider is a kind of openness to loss, and a kind of revaluation of loss. This claim might shed light on the strange confession that Cicero puts in the mouth of his mentor Crassus in De oratore, that the orator becomes more prone to fear and shame, not less, as he advances in his art. Last—though Cicero and Quintilian are by no means democrats—I will argue that this stance toward eloquence is of continuing relevance to democratic theory precisely because of the unexpected pressures it places on their elitism.

In pressing this argument, I focus on the most comprehensive of Cicero’s late rhetorical works, the dialogue De oratore (55 BCE), as well as Quintilian’s twelve-book Institutio oratoria (c. 95 CE), concluding with a discussion of important divergences between theory and practice. In particular, I dwell less on Ciceronian rhetoric’s emphasis on the structure of arguments than on its emphasis on the structure of language, including rhythm, sound, tropes, and figures of thought and speech. These small-scale elements are, quite often, the ground on which the large-scale questions I have posed are

Quintilian, for his part, was well aware that opportunities for deliberative rhetoric, and even for judicial rhetoric on a grand scale, were extremely curtailed in his time, and I discuss this importance of this awareness in the first section.

As I argue below, the orator’s maleness—and the kinds of oratory that count as appropriately male—were central bones of contention in the Roman rhetorical tradition. As a result, I generally refer to the orator with male pronouns in this chapter.

In the interest of not sugarcoating Cicero’s elitism, see Catherine Steel, Cicero, Rhetoric, and Empire (Oxford: Oxford UP, 2001), 15 on his references to the Roman people as “scum.” See Cicero, Ad Quintum fratrem 2.5.3, In Pisonem 9, In Catilinam 2.7. See also T.P. Wiseman, Remembering the Roman People: Essays on Late-Republican Politics and Literature (Oxford: Oxford UP, 2009).
fought out. Ciceronian rhetoric is about, among other things, “ownership of speech,” and about control of deliberation through this ownership. More than a simple claim of possession, though, it is about control that is always in danger of slipping away, and about the orator’s coming to terms with this danger.

In this chapter’s first section, I trace a turn in Cicero’s rhetorical theory (and the echo of this theme in Quintilian), which shifts the foundation of the orator’s virtue from his capacity to dominate opponents and audiences to his capacity to endure risk. In the second section, I discuss how this embrace of risk shapes the Ciceronian attitude toward the building-blocks of eloquent speech, and toward the uncertain connections between these elements, audience response, and deliberative outcomes. In the third and final section, I briefly contrast this model of eloquence with the more “algorithmic” model developed in De analogia, Julius Caesar’s fragmentary work on style.

1.

*De oratore*

Near the outset and near the end of his public life, Cicero offered two stories of the origins of rhetoric, which differ in one crucial respect. In the sort of fable that begins *De inventione*, written in Cicero’s second decade, civic life and eloquent speech are coeval. Human beings once lived like

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wild beasts, until the moment that the first orator “collected men, who were previously dispersed over the fields and hidden in habitations in the woods into one place, and united them….He gradually, as they became more eager to listen to him on account of his wisdom and eloquence, made them gentle and civilized from having been savage and brutal.”¹³ The image of the orator-statesman speaking the state of nature out of existence was already an old *topos* in the rhetorical literature; what is striking is how uncritically the young Cicero repeats it.¹⁴

Some three decades later, Cicero returned to this fable in *De oratore*, the most comprehensive of his mature works on rhetorical theory. After a prologue addressed to his brother, Cicero writes that he will record what he has heard of the meeting of Lucius Crassus, Marcus Antonius—both former consuls in the prior generation and surrogate fathers of his own oratorical practice—and their friends, assembled for a few days of leisureed *otium* in the garden of Crassus’s country home, in the year 91 BCE.¹⁵ After his guests have bathed, dined, and slept, Crassus begins the dialogue proper by speaking in praise of eloquence, in words that echo almost exactly the comfortable thought of Cicero’s own youth (and, in the original, echoes some of its words verbatim). Eloquence is the most distinctively human faculty, the one that sets us apart from the animals, and the one that surely must

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¹³ *dispersos homines in agros et in tectis silvestribus abditos…compulit unum in locum et congregavit…deinde propter rationem atque orationem studiosius audientes ex feris et immanibus mites reddidit et mansuetos*; Cicero, *De inventione*, trans. C.D. Yonge (London, 1853), 1.2.


have “gathered the scattered members of the human race into one place…led them away from a savage existence in the wilderness to this truly human, communal way of life.”

What is crucially different is that, in the retelling, the fable of the orator is surrounded by historical and political context that undermines it.

For one, Cicero’s introductory comments note that the orators have not assembled outside the city for an academic seminar, but to discuss “the present crisis”: the conflict over the rights of Rome’s Italian allies that would break into war within months, which echoes the republic’s contemporary crisis at the time of writing. Cicero, writing in 55, can reflect back on Crassus’s time with the benefit of hindsight, and he knows that the orators were prophetic: they “discussed developments they found deplorable in such inspired fashion, that no evil subsequently fell upon our community that they had not seen hanging over it, even at that time.”

To say so is to praise and subtly criticize in the same breath: they can predict, but cannot prevent, their community’s evils. When we recall that deliberative oratory was traditionally classified as the genre of future events, and that Cicero calls his speakers the most eloquent orators of their time, it seems that he has begun his dialogue on eloquence with a sharp reminder of its limits: preternatural knowledge of the future and unsurpassed

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16 *aut dispersos homines unum in locum congregare, aut a fera agrestique vita ad hunc humanum cultum civilaremque deducere;* Cicero, *De or.* 1.33.

17 Of course, the outcome of that crisis was still uncertain in 55. By the time Cicero wrote *Brutus* and *Orator*, the depth of the republic’s crisis was even more apparent—but, as I argue in a longer version of this paper, those works’ themes of rhetorical vulnerability are an extension of the same themes in *De oratore*.

18 Ibid., 1.26.

skill in speaking that knowledge would still prove, for reasons that go unspoken, insufficient.20
Cicero can no longer tell an uncomplicated story about what his art is good for.

_De oratore_, then, opens with the observation that eloquent men have failed to keep the peace, a
thought that cuts directly against Crassus’s fable. Even before we read it, we are primed to distrust it.
In the model, eloquence establishes peace out of civil conflict; in the reality, it notably does not. If
the view dating _De inventione_ to 91, before the outbreak of the Social War, is correct, then the irony
grows: Crassus is voicing the same thought that Cicero, his protégé, is writing down at virtually the
same moment. But uniquely, I believe, in the history of this image, Crassus’s model is uncomfortably
at odds with the reality that frames it—a frame pointedly added by the mature Cicero.

It is in just these terms that Crassus’s father-in-law, the old jurist Scaevola, criticizes his words. “Do
you really believe that when Romulus gathered his shepherds and refugees, or established the right
to intermarry with the Sabines, or checked the violence of his neighbors, he did this by means of
elocuence and not by the singular wisdom of his counsels?”21 Scaevola has not just challenged an
abstract model with (ostensibly) concrete history; more importantly, he has set the terms of the
conversation that follows. But the tension is not simply between eloquence and “wisdom”—

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20 Perhaps, by Cicero’s account, Crassus would have been successful in averting the conflict if he had not died
suddenly of pleurisy (which should be second only to Cesare Borgia’s on the list of Important Illnesses in Political
Theory). But it is worth noting that the orator in the young Cicero’s and Crassus’s model is beyond these kinds of
historical contingencies: he brings history into being, rather than succumbing to its accidents. Further, Cicero
portrays Crassus’s illness as brought on by the strain of coming under personal attack by a rival orator and
delivering his own exceptionally vehement swan-song in response. In other words, Crassus’s death seems to be a
test case for the two models of oratorical greatness that Cicero considers. On the model that I argue Cicero is
moving away from, which stresses the orator’s ability to dominate events, rivals, and audiences, Crassus fails his
last test. On the model that I argue Cicero turns to in its place, which finds virtue in vulnerability, Crassus is great
precisely because of the suffering that his effort costs him. Cicero, _De or._, 3.1.-6.

21 Cicero, _De or._, 1.37.
Scaevola does just as much, in words suited to the urbane setting, to emphasize violence.

“Established the right to intermarry with the Sabines” is a euphemism for abduction and rape; “checked the violence of his neighbors” is a euphemism for war.  

If all of this amounts to a recantation from Cicero, what are its stakes for his larger rhetorical project? For one, the fable of the orator acted in De inventione as a kind of permission to study rhetoric with a clean conscience: eloquence is on balance a force for good, as evidenced above all by its role in the founding of states. It is “the only thing which is of the greatest influence on all affairs both public and private…it is by this same quality that life is rendered safe.”  

If this is no longer conceivable, then rhetoric will have to find its justification elsewhere. More troublingly, eloquence has turned from something independent—even something self-creating, given that the eloquent man in the first fable seems to be spontaneously generated—to something dependent and subsidiary. In the first telling, eloquence overcomes violence and carves out the civic space; in the second telling, eloquence exists in a space carved out by violence and subject to violent collapse.

And if there is an alternative to this dependence, it is perhaps even more unsettling. The alternative, according to Scaevola, is symbolized Tiberius and Gaius Gracchus, the populist tribunes whose redistributive policies—in the eyes of the conservative circle assembled in Crassus’s garden—inaugurated a rolling political crisis. Scaevola continues: “Men of supreme eloquence have more often damaged their states than they have supported them. But let me pass over the rest and only mention Tiberius and Gaius Gracchus. I think that of all the men I have heard, excepting you

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23 Cicero, De inv., 1.4.
[Crassus] and Antonius, they were the most eloquent. . . . [But] they shattered the State by what you maintain is a splendid guide of communities, by eloquence.”

We could call the two poles of Scaevola’s argument the problem of Romulus and the problem of the Gracchi: dependent eloquence and state-shattering eloquence. Scaevola passes from one pole to the other without any indication that there might be tension between the two, and without stopping to ask why the faculty that proved irrelevant in the case of Romulus proved so destructive in the case of the Gracchi. But given the prominence Cicero assigns this argument as the first and tone-setting point of controversy in his dialogue, I think it is fair to credit Scaevola with a provocative claim: if there were a degree of eloquence capable of escaping the problem of Romulus, there would be no guarantee of its remaining within civic bounds. The most gifted orator would be as capable of destroying communities as founding them.

So, by complicating his story of the origins of oratory, Cicero has set himself two challenges. How can the practice of eloquence come to terms with its vulnerability, and the vulnerability of the civic space that it requires? And if this problem were solved, what then would restrain the demagogic abuse of eloquence? Of these two problems, I would suggest that De oratore devotes far more attention to the former—because it is comparatively easier. The latter problem is held in tension for the entire work, until, as I will argue in my own conclusion, it ends on a strong note of uncertainty, as the problem of the Gracchi reappears among its last exchanges.


25 Cicero modeled his treatment of Scaevola on Cephalus in Plato’s Republic: an old man who, despite his conventional attitudes, launches the dialogue’s central line of inquiry before exiting: Cicero, Att., 4.16.3.
Now, to accept the model of oratory’s origins espoused by Crassus and the young Cicero would be to conceive of eloquence as a kind of higher-order power capable even of overcoming the savagery of pre-civic humans—a force more forceful than violence. And this conception of eloquence seems to be congruent with another old tradition, also dating back to the sophists, of treating rhetoric as a force asserted by an “active speaker” against a “passive audience,” or as a kind of combat between two speakers, but in either case as power that matches and even outdoes physical force in its capacity to bend the wills of others.26 One of the more telling aspects of De oratore is the way in which Cicero, again, qualifies this tradition. On the one hand, metaphors of eloquence as violence proliferate, in both of the senses I noted; they are voiced by nearly all of the dialogue’s speakers, but especially Crassus and his fellow consular, Antonius. In the law courts, to cite one example of many, “you confront an armed adversary who must be struck and repelled. There, the one who is to be in control of the decision is often unsympathetic and angry….He must, as it were, be twisted by some sort of mechanical device, now to severity, now to gentleness of heart, then to sadness, and again to joy.”27 This is language as an assault on one’s adversary and on the autonomy of the audience, a force that works its emotions like levers.

Beyond these metaphors, the speakers of De oratore show themselves—as if in answer to Scaevola’s challenge—to be preoccupied with the nexus of oratory, masculinity, and martial virtus. Consider the dialogue’s most detailed treatment of a single trial, Antonius’s defense of Gaius Norbanus, tried for


27 Cicero, De or. 2.72. See also, 2.187, 2.316, 3.55, 3.206, and 3.220.
treason for using force against the people’s tribunes.\textsuperscript{28} In his account of his surprising victory, Antonius claims that he won the case by placing Norbanus’s actions in a long tradition of laudable Roman violence: “If it had ever been conceded to the Roman people that its violence seemed justifiable—and I demonstrated that such concession had often been made—then no reason had ever been more justifiable than this one.”\textsuperscript{29} Or consider the dialogue’s ability to co-opt even laughter—which \textit{De oratore} stresses at unusual length among classical works on rhetoric\textsuperscript{30}—into this attitude of aggression. The dialogue places special stress on laughter’s power to drive deliberation: to “crush” opponents, to compel assent, and even to divert attention away from unwinnable arguments. Laughter fits well with images of the inanimate audience: a joke is one of the few kinds of utterances that can provoke an involuntary physical response.\textsuperscript{31}

But as I suggested, \textit{De oratore}’s treatment of metaphorically or symbolically violent speech is in a way analogous to its treatment of the fable of the orator: it is most distinctive not in how it restates a longstanding tradition, but in how it qualifies, compromises, and undermines it. Cicero takes pains to place these metaphors of violence into conversation with literal violence, to the extent that it is

\textsuperscript{28} The technical charge was “impairing the majesty of the Roman people”; May and Wisse, \textit{On the Ideal Orator}, 351.

\textsuperscript{29} Cicero, \textit{De or.}, 2.199. See Steel, “Tribunician Sacrosanctity and Oratorical Performance in the Late Republic,” in \textit{Form and Function in Roman Oratory}, ed. D.H. Berry and Andrew Erskine (Cambridge: Cambridge UP, 2010), 43.


difficult to take the protestations of Crassus or Antonius or Strabo entirely at face value, a point to which I return below.

_Institutio oratoria_

Carrying on the Ciceronian tradition a century and a half after its exemplar’s death, Quintilian had never known the forum as an active, open-air site of deliberation; instead, he was left to regret the conditions of speech under the principate and the limits they placed on the possibilities of public eloquence. Still, in his massive work on oratorical education, the old Ciceronian rhetoric about rhetoric returns: for the most part, Quintilian is a tradition-builder rather than an innovator. We see the same language about the grand style that rules the emotions, molds them at will, and compels the hearer to “call upon the gods and weep, following [the orator] from one emotion to another.” And laughter is still a “most imperious force [vim imperiosissimam],” though Quintilian makes even more than Cicero does of the way it invades and compels the listener’s face, voice, and body.

What is more distinctive in Quintilian—and surely this is a product, in part, of his text’s educational purpose—is the connection he suggests between force and method. At a number of moments, he implies that the orator’s invasive power over the passions is derived from a teachable mastery of rhetorical technique. He repeats with some approval an earlier definition of the rhetorical art as the

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32 Quintilian, *Inst. or.*, 2.20.4; 5.12.16-23; 5.13.42; 10.7.21. Quintilian also wrote a now-lost work “On the Causes of Corrupted Eloquence,” or at least complained pervasively enough to have a work of that title plausibly attributed to him. As I noted above, however, it is important to take claims of oratorical decline with a grain of salt.


34 Quintilian, *Inst. or.*, 2.5.8; 6.2.1; 12.10.62; 6.3.8.
product of “ordered methods,” and he insists that effective style requires the command of learnable rules.\(^{35}\) As an example, consider his treatment of the orator’s prose rhythm and its predictable effects on the listener’s state of mind: “Long syllables, as I have said, carry the greater dignity and weight, while short syllables create an impression of speed….When a short syllable is followed by a long the effect is one of vigorous ascent, while a long followed by a short produces a gentler impression and suggests descent….Similarly the conclusion of a sentence is stronger when long syllables preponderate.”\(^{36}\) Nor are these treated as aesthetic effects for their own sake:

Wherever it is essential to speak with force, energy and pugnacity, we shall make free use of _commata_ and _cola_ [short and long breaks in the rhythm of a sentence], since this is most effective, and our rhythmical structure must be so closely conformed to our matter, that violent themes should be expressed in violent rhythms to enable the audience to share the horror felt by the speaker….The full periodic style is well adapted to the _exordium_ of important cases, where the theme requires the orator to express anxiety, admiration or pity….But it should be severe when we are prosecuting and expansive in panegyric.\(^{37}\)

\(^{35}\) Ibid., 2.17.41; 8.Pr.16. Quintilian attributes this latter point to Cicero (particularly his _Orator_), in what I think is a telling misreading. Cicero stresses the orator’s knowledge of philosophy, but concrete rules of _elocutio_ are largely absent from his mature works, which present themselves as anti-textbooks.

\(^{36}\) Ibid., 9.4.91-3.

\(^{37}\) _ubicumque acriter erit et instanter et pugnaciter dicendum, membratim caesimque dicemus: nam hoc in oratione plurimum valet; adeoque rebus accommodanda compositio ut asperis asperas etiam numeros adhiberi oporteat et cum dicente aequo audientem inhorrescere…periphas apes prohoemiis maiorum causarum, ubi sollicitudine commendatione miseratione res egit…sed poscitur tum austeri si accuses, tum fusa si laudes_; ibid., 9.4.126-8. Cicero makes a similar claim about the effects of prose rhythm in _Or._ 213-4.
In other words, command of deliberation derives, in this instance, from command of *techne*. The proper deployment of rhythm ostensibly produces pugnacity, horror, pity, or severity—emotions that are highly relevant to the outcomes of deliberation. As I will argue below, moments of such predictable and reproducible links between technical rhetoric and audience response (the precursors of “rhetoric as algorithm” in the sense that Thompson describes) are relative outliers in Quintilian, outweighed in the balance by contradictory moments. But it would be wrong to dismiss the former entirely—and these passages remind us that the question of the teachability of rhetoric was not an academic issue in the classical tradition, but was the site of far-reaching disputes on the manipulability of the audience and the power of the elite speaker.

Just as Cicero does, however, Quintilian demonstrates an ironic awareness of the ways in which this power is circumscribed. At the conclusion of the work, he imagines the orator who has mastered and even exceeded all of the teaching contained in the twelve books. What would the ideal orator do with his eloquence?

How small a portion of all these abilities will be required for the defence of the innocent, the repression of crime or the support of truth against falsehood in suits involving questions of money? It is true that our supreme orator will bear his part in such tasks, but his powers will be displayed with brighter splendour in greater matters than these, when he is called upon to direct the counsels of the senate and guide the people from the paths of error to better things.38

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There are two modes of activity here. One—litigating criminal cases and contesting inheritance lawsuits and so on—would require only a fraction of the eloquence of the ideal orator, and yet it was the only kind of rhetorical activity open to Quintilian and his students. (Note that this does not even constitute the full range of judicial oratory: “public” cases, those with great political stakes, are seemingly excluded.) The second and far greater mode is that of deliberative republican oratory, yet it had been closed off for all of Quintilian’s life. In fact, this concluding statement of Quintilian’s goals for his teaching raises the depressing possibility that the entire work, in the best case, leads to a colossal waste of frustrated talent. It has been proposed that Quintilian is almost automatically reiterating a commonplace here, but that interpretation strikes me as unnecessarily uncharitable; he was surely intelligent enough to recognize that the goals he posited for his orator—leading the senate in meaningful deliberation, or addressing the people in a contio, or assembly—were radically out of step with the realities of imperial politics. This is not to imply that Quintilian was a closet revolutionary—only to suggest that his image of the ideal orator is, like Cicero’s, more compromised than it might initially seem.

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40 Kennedy suggests that the last book of the Institutio, which also includes permission for the ideal orator to defend a tyrannicide, shows “a possible sign of dissatisfaction with certain prevailing conditions” under the emperor Domitian. Even if the passage above is intended to portray an emperor as the supreme orator, Quintilian would have recognized that openly placing such demands on the reigning emperor would have been politically dangerous. Kennedy, Quintilian, 127, 132.
We have seen, then, the lasting attractions of a model of eloquence stressing its self-sufficiency and its preeminence over violence, or its capacity to successfully imitate violence. We have also seen, quite arguably, that model’s diminished plausibility. Cicero records an optimistic vision of eloquence that may have still seemed just tenable in the generation of Crassus and Antonius, but he also suggests, in ways large and small, that it is tenable no longer. (In fact, given the ways in which Cicero positions *De oratore*, in particular, as a “portrait” of the ideal orator, we might read its speakers’ assertions of that vision as a sympathetic investigation of the reasons such a person might hold such a belief, rather than a claim that that belief is baldly true.)

In other words, it is difficult to read Cicero, or Quintilian, and take that vision at face value; Cicero and Quintilian are well aware of its instability. It was challenged from within rhetorical practice by, for instance, rivals who cast their criticisms of Cicero’s style as attacks on his manhood, and it was challenged from without by accounts of eloquence as “effeminate” in its entirety. In a telling joke in *De oratore*, Antonius imagines the results if Marcus Scaurus, a true man of few words, were to get wind of the conversation at Crassus’s villa: if he should hear, Crassus, “that you say that *dignitas* belongs to the orator, I think he’d immediately come here and frighten our talkativeness into silence merely by the look on his face.”

But if that reading is too facile, we can put Ciceronian subtext to the side—we only have to consider the text. It records, fairly explicitly, the ways in which the vision of eloquence’s efficacy is threatened and compromised. Most notably, it is threatened by the hard realities of political life. On one level,

41 See, e.g., Garsten, *Saving Persuasion*, 60.

42 Cicero, *De or.*, 1.214.
Antonius may secure acquittal for Norbanus, Crassus may laugh his opponent out of court, and Quintilian may make a fine living as tutor to the emperor’s heirs; on another level, neither Antonius nor Crassus nor Cicero can maintain the institutions of republican oratory in the face of civil war, nor can Quintilian alter the realities that limited the scope of his talents before his birth. And more seriously, we have only to remember the violent deaths waiting for nearly every participant in De oratore, including, of course, the author’s. Behind Antonius’s image of the exordium as a gladiator’s maneuver is the image of Antonius’s head nailed to the Roman rostra.  

For all of these reasons, it is difficult to read any of the texts I have considered and continue to believe, as Cicero claimed to have believed at the outset of his career, that speech can bootstrap itself into efficacy. The mature Cicero is, in Catherine Steel’s words, “a statesman who has been unable to ensure that the circumstances which have allowed him to be a statesman continue.” The nostalgia and anxiety of the Ciceronian texts are, in part, products of this awareness of dependency.

And this dependency has consequences—consequences for the justifications of the study of rhetoric, for the orator’s relationship to his audience, and for the orator’s claims to virtus, “the ideal of manliness” that “made men deserving of…the dignity of office.” I want to suggest that if earlier and relatively less troubled generations situated the orator’s virtus in his capacity to dominate audiences and rival orators, this solution was no longer available to the mature Cicero. Instead, he

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made a virtue of anxiety: his solution was to situate *virtus* precisely in the orator’s increasingly evident vulnerability, in his capacity to endure risk and harm. He did so by building an account of the ways in which the orator undergoes trials of his own, by stressing the uncertainty and instability of the orator’s persuasive tools—by importing a heightened degree of risk into rhetoric and positively announcing its presence. And the ingenuity of this solution lies in the way it revalues the very limitations of eloquence. In examining the ways in which the orator might make a performance of *virtus* in speech, Ciceronian rhetoric is also investigating the ways in which the orator might come to terms with loss.

It is at this point that we should turn, then, to the Ciceronian skepticism of technical rhetoric. It is one thing to have the efficacy of oratory compromised from “above,” by high-level political crisis. It is another and potentially more productive thing to think of oratory compromised from “below,” by the unreliability of language on the smallest scale.

2.

From the Ciceronian perspective, the trouble with the precepts of technical rhetoric—“learnable codes” of language and persuasion that aim to transcend particular rhetorical situations—is that they insulate the orator from uncertainty.

This claim requires a few caveats. For one, it is true that Cicero initially frames *De oratore* as a riposte to his brother Quintus, who “holds that talent and practice (*ingenium* and *exercitatio*) are the most significant elements in the orator’s success, whereas Cicero backs specialized knowledge and erudition (*artes* and *doctrina*).” And yet the rest of the dialogue “canvasses and ultimately abandons
the distinction,” treating it as a “false dichotomy.” Cicero ultimately accepts the commonplace that oratorical success is a compound of talent, practice, and erudition.\textsuperscript{46} But the erudition that matters most to him is the broad and liberal learning that enables the orator to master any topic, not the systematized and technical knowledge of persuasion available in rhetorical handbooks or \textit{artes}.\textsuperscript{47} Without entirely denigrating the value of this knowledge—an orator still ought to know his anaphora from his epistrophe—Cicero is adamant that it is insufficient for true eloquence.

But is it simply the case that any member of the talent/practice/erudition triad would be insufficient without the others—or that handbook rhetoric had failed to keep pace with innovations in actual oratorical practice?\textsuperscript{48} Instead, I think that the Ciceronian claim is more challenging than either of these possibilities: the harm in “learnable codes” is their tendency to minimize rhetorical risk, and this harm actually increases with their effectiveness. It is not simply that Cicero’s late rhetorical works are something other than technical handbooks—it is that they point to the trouble with technique in general. In effect, Ciceronian rhetoric draws an analogy between two types of uncertainty: the uncertainties of practical knowledge, and the uncertainties of rhetorical success. Conceptually, of course, these uncertainties are independent of one another: we could imagine a

\textsuperscript{46} Van den Berg, \textit{The World of Tacitus’ Dialogus}, 57-8.


\textsuperscript{48} For the latter claim, see Friedrich Solmsen, “Cicero’s First Speeches: A Rhetorical Analysis,” \textit{Transactions and Proceedings of the American Philological Association} 69 (1938): 555.
highly skilled performer unable to specify the means of his or her success but confident of attaining it. Yet Ciceronian rhetoric is invested in the project of blurring this distinction: Crassus, for instance, trembles with anxiety not because he is an untrained novice but because he is truly great, and because the condition of his greatness is a refusal to accept the safe harbors of rhetorical certainty.

We can best pursue this argument by considering the Ciceronian treatment of language in its smallest details. In fact, both Cicero and Quintilian came to treat the rhetorical canon governing these details, *elocutio*, as the crown of eloquence. In turning to the micro-qualities of speech, then, I am in fact turning to the aspect that the Ciceronian tradition considered most worthy of sustained attention—and at the conclusion of this section, I will discuss what this attention can tell us about the politics of Ciceronian rhetoric and its models of speaker and audience.

*De oratore*

We might begin with the figures of speech that help lend *ornatus* to oratory. *Ornatus* is not, as the false cognate might suggest, identical with ornateness. Rather, it is the quality that gives speech distinction (the word that James M. May and Jakob Wisse use to translate it), that elevates eloquence above everyday talk, that adds persuasive force to the inert matter of argument, and that is sometimes even necessary to render speech intelligible at all.

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49 Cf. the rather checkered history of successful athletes as sports commentators.


51 See Terry Eagleton, *Ideology of the Aesthetic* (London: Blackwell, 1990), 105. Aristotle’s student Theophrastus posited four virtues of style, which are reiterated by Cicero: correctness, clarity, distinction, and appropriateness. But in *De oratore*, the third (*ornatus*) is by far the most emphasized. Alessandro Garcea, *Caesar’s De Analogia* (Oxford: Oxford UP, 2012), 52 (though as I argue below, this virtue is tightly bound to the notion of speech that is
If, for Cicero, figures of speech resemble armor in their warlike potential (one possible source for the term *ornatus*), they are unlike armor in an even more important way: they cannot simply be strapped on, because their shapes and purposes are unstable. Consider Crassus’s discussion of figures near the end of the third book:

The doubling of a word is at one time forceful, at another time charming; the same can be said for repeating a word in a slightly altered, modified form; frequent repetition of the same word at the beginning of clauses, and return to the same word at the end of successive clauses, and also when one word repeatedly clashes with a certain other; adjunction; use of progressively stronger expressions; use of the same word several times in different meanings; repetition of a word that was used earlier; and words that end in the same way or have the same case endings, or phrases that have the same length or resemble one another.

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52 As Quentin Skinner puts it, to dismiss the Roman rhetoricians’ treatment of *ornatus* as a superficial interest in “ornamentation” or “embellishment” “misses the metaphorical force of their argument, much of which turns on the fact that, in classical Latin, the term *ornatus* is the word ordinarily used to describe the weapons and accoutrements of war. To be properly *ornatus* is to be equipped for battle, powerfully armoured and protected.” Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge: Cambridge UP, 1997), 49. See also Walter J. Ong, *Ramus, Method, and the Decay of Dialogue* (Cambridge, MA: Harvard UP, 1958), 277.

This is a consequential passage: Crassus is advancing the claim that a wide range of the most common figures do not have fixed effects on their audience, but instead are capable of producing very different effects, and sometimes even contradictory ones, at different times.\textsuperscript{54} Anaphora ("repetition of the same word at the beginning of clauses"), for instance, can inspire opposite emotional responses in its deliberating listeners under some unspecified conditions; under some conditions it is an assertive figure of forcefulness, under others it is a placating figure of charm—and that is all that can be said about it. There is no rule linking verbal form to response, only a range of potential responses that vary from situation to situation and must be observed in practice.\textsuperscript{55} As Brian Vickers puts it, the rhetorical figures of speech and thought are “polysemous.” In other words, “the form is fixed, in the rhetorician’s classification of verbal devices—the breaking-off of a sentence is always the same thing formally—but both meaning and feeling are infinitely flexible.”\textsuperscript{56} The

\textsuperscript{54} There is a wide range of possible analytical orientations toward the figures: treating them largely in terms of their pragmatic effects (rather than, say, their psychological origins) is itself a distinctive feature of Roman rhetoric; Adam S. Potkay, \textit{The Fate of Eloquence in the Age of Hume} (Ithaca: Cornell UP, 1994), 65.

\textsuperscript{55} In Jon Elster’s terms, Cicero describes the relationships between figures and responses as mechanisms ("frequently occurring and easily recognizable causal patterns that are triggered under generally unknown conditions or with indeterminate consequences") rather than laws. Cicero’s rhetorical theory blurs the descriptive and the normative; while he appears to argue here that the tools of eloquence are best understood as mechanisms, elsewhere the claim appears to be that the orator ought to act as if that is the case. Elster, \textit{Alchemies of the Mind: Rationality and the Emotions} (Cambridge: Cambridge UP, 1998), 1.

\textsuperscript{56} Vickers, \textit{In Defence of Rhetoric}, 307. The treatment of figures as polysemous is not unique to Cicero and Quintilian, though they make a good deal of it. Vickers points to the discussion of anaphora in the work of the third-century BCE rhetorician Demetrius: Demetrius cites three instances of the figure and claims that they produce the effects of impressiveness, charm, and accusatory intensity, respectively. In response to G.M.A. Grube’s complaint that “the fact that these effects are so different may raise doubts as to the soundness of Demetrius’ basic categories,” Vickers responds that the recognition of different meanings proceeding from a single form is exactly the point.

Conversely, other rhetoricians minimize the polysemous nature of the figures, tending to treat them as if they have unitary and predictable effects. One example is the anonymous author of the \textit{Rhetorica ad Herennium}, whose more systematic treatment of figures (4.13-46) stands as an important contrast with Cicero’s. For instance, here is the author’s view of hypophora, a series of rhetorical questions and answers: “The result of an accumulation of this kind of hypophora is to make it seem obvious that of all the possibilities nothing preferable to the thing done could have been done.” \textit{Rhetorica ad Herennium}, 4.24.34. Such contrasts suggest that Cicero is not simply repeating a truism about figures of speech, but is staking out a distinct position that informs his larger rhetorical project.
Acknowledgement that the same form produces contradictory effects is not simply a literary curiosity—because on the other end of *elocutio* is an audience whose response cannot be circumscribed by rhetorical rules. On the contrary, effective use of the tools of eloquence demands a deep engagement with particulars: the specific demands of *this* audience, *this* moment, and *this* rhetorical situation. In this respect, there is a good deal of truth in Samuel Butler’s rhyme, “For all a rhetorician’s rules / Teach nothing but to name his tools.” Cicero shared the same scorn for academic rhetoricians, and I suspect that he would have taken those lines as a pointed recognition of the fundamental difficulty of eloquence: it is both risk-fraught and valuable because it is gained and lost from moment to moment, in the absence of binding guidance.

Just as *ornatus* cannot be generated by rules before the fact, it resists representation by rules after the fact; eloquence can thwart our powers of induction. And perhaps this resistance is why so many of us are able to experience eloquence as an expression of a speaker’s or writer’s living personality, but few if any of us can provide a satisfactory account, except by quotation and assertion, of this conversion of language into personality. As David Foster Wallace puts it,

That distinctive singular stamp of himself is one of the main reasons readers come to love an author. The way you can just tell, often within a couple paragraphs, that something is by Dickens, or Chekhov, or Woolf, or Salinger, or Coetzee, or Ozick.

The quality’s almost impossible to describe or account for straight out—it mostly

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59 “If I read: *so much marble trembling over so much shadow*, what book will tell me this is a *hypallage*, if I do not already know this? We lack an inductive instrument.” Barthes, “The Old Rhetoric,” 87.
presents as a vibe, a kind of perfume of sensibility—and critics’ attempts to reduce it to questions of “style” are almost universally lame.\(^6\)

Their work is so difficult to describe inductively that the original could never be reconstituted from the lame vagaries of the description. We could easily say the same for speakers, and a reading of Cicero’s rhetorical works—full of claims that orators display the stamp of themselves in speech, yet reticent on the precise means by which the stamp is made—supports such an interpretation. The near-impossibility of systematizing figures of speech is hardly the only source of this difficulty, but it is an important instance of my larger claim about rhetorical uncertainty.\(^5\)

We know that Cicero experienced this uncertainty for himself. Beyond the uncertain effects of *ornatus* is the troubling possibility that, under some circumstances, it will have no effect at all—that on occasion it will be perceived as superfluous embellishment layered on top of the substance of speech, rather than as integral with that substance. If Crassus’s ambitious pronouncement that the unity of *res* and *verba*, substance and style, ought to echo the unity of the whole cosmos may stand for Cicero’s hopes for eloquence, but his letters to friends, including Atticus and the historian Lucceius—in which he compares oratorical adornment to a woman’s cosmetics—could be said to stand for his doubts.\(^6\) Armor might insensibly become makeup, with all of the gendered anxiety the

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6. David Foster Wallace, “Joseph Frank’s Dostoevsky,” in *Consider the Lobster and Other Essays* (New York: Little, Brown, 2006), 260n. I should note that I’m as embarrassed to type “vibe” in this context as you are to read it, but I do think the word captures the kind of imprecision that ought to be stressed here.

5. On the lasting difficulty of categorizing figures of speech, figures of thought, and tropes, see Skinner, *Reason and Rhetoric*, 63-64, 64n.

6. Cicero, *De or.*, 3.20; *Att. 2.1.1; Fam. 5.12*. Here Cicero is repeating a common metaphor: see Wiseman, *Clio’s Cosmetics: Three Studies in Greco-Roman Literature* (Liverpool: Liverpool UP, 2004).
image implies. So a more complete account of, say, anaphora would claim that it takes on a range of effects under different conditions, but that under other conditions it simply “detaches”: it comes to be perceived as anaphora for its own sake, with no link to res or to the orator’s persuasive purposes.63

Yet to pursue ornatus is to unavoidably invite this possibility, along with the possibility of being misheard, misunderstood, or misinterpreted, whether innocently or maliciously. Consider an example from Cicero’s own practice—in this case, an instance of metaphor. In De consulatu suo, the controversial political poem celebrating his suppression of Catiline’s conspiracy, Cicero declared, “cedant arma togae.” Literally, this means, “let arms yield to the toga”; metaphorically, “let war yield to peace.” Yet the metaphorical meaning was misconstrued by Cicero’s political opponents, who turned the poem into a symbol of dangerous hubris: in their reading, toga represented Cicero the civilian, arma stood for Pompey the Great, and the line as a whole was an audacious claim to political preeminence over Rome’s leading general. We know that Cicero was stung by this reading. Eight years after the fact, in a senate debate, he addressed this outburst to one of the senators responsible for it: “Do I have to teach you your letters, you ass?”64

If that reading was malicious, it was also plausible, a risk provoked by Cicero’s own words. Yet to say that Cicero opened himself to attack with his choice of metaphor is not to claim that he chose an

63 Dugan, Making a New Man, 54. This problem may have been especially pressing, given that many audience members whom Cicero addressed (with the exception of the broader public addressed in contio speeches) would have had some rhetorical training of their own.

inept metaphor—it is to say that figurative speech is by its nature prone to be misread, or read against the speaker’s intentions. To wrench a word like arma out of its common usage is to renounce control of its meaning and place that meaning up for contestation: on the face of it, “Pompey” is just as reasonable an interpretation as is “war.” And that raises the obvious question: if Cicero was so incensed at the possibility of being misread, why not just say what he meant? Why not simply say, as Cicero did say when forced to clarify his meaning, “I was speaking poetically and wanted to express that war and upheaval would yield to peace and order.” Because that construction would be comparatively unmemorable, un-visual, and unmoving—because it would lack eloquence. Openness to misinterpretation is the price of potency; the point at which figurative speech becomes powerful is also the very point at which it becomes ambiguous. (Compare dead metaphors: their meaning is fixed, but they are hardly ever striking. The hands of a clock no longer carry any interesting associations with human hands.) This openness, then, is another way in which risk enters rhetoric. Cicero’s ideal orator lives in the uncertain space between fixed political purpose, which would seem to demand fixed readings, and the pursuit of eloquence, which necessarily invites misreadings. In such cases, Cicero holds, there are no resources for abstracting oneself away from the rhetorical situation—only judgment applied in engagement with particulars.

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66 In the *Orator*, Cicero explains that metaphor is more pleasing than literal speech: metaphors “by virtue of the comparison involved transport the mind and bring it back, and move it hither and thither; and this rapid stimulation of thought in itself produces pleasure.” Cicero, *Or.*, 134.

67 To be fair, Cicero’s use of metaphor in this case becomes more risk-averse if one assumes that he wanted to imply his preeminence over Pompey without stating it directly; this is Alessandro Garcea’s reading. Garcea, *Caesar’s De Analogia*, 95-6. In that case, though, the political use of metaphor still requires some difficult calculations: for instance, weighing the rewards of a muted and “deniable” claim to preeminence against the possibility of its exploitation by opponents.

68 *Cicero, De or.*, 3.162-5.
Similarly, the orator's development of prose rhythm is a discipline of attention. The effects of the periodic sentence—the rhythmic and syntactic construct that typifies Cicero's practice and theory of oratory—depend on the arousal and frustration of hearers' expectations; constructions introduced with the sentence's beginning, which in everyday prose might immediately find their predicate, are held in long abeyance, and clause is balanced against clause; and the expectations provoked by the first thought are ultimately resolved, gracefully, one hopes, at the period's end. Yet these effects are difficult to achieve without an intuitive grasp of the ways in which those expectations come to be shaped. While Cicero often relied on syntactical hallmarks to organize his periodic sentences, he was far from arguing that they could or should be constructed mechanically.69 By contrast with Isocrates, a Greek pioneer of periodic prose, Cicero does not rely “on antiphonal, antithetical balance alone,” but rather makes use of “a more subtle, progressive system of anticipation and resolution.”70 For the purpose of comparison, a rigidly-constructed Isocratean sentence might read like this:

Athens…

founded, on the one hand, many cities on both continents,

colonized, on the other, all the islands,

saved, finally, both those who followed them

and those who stayed behind.71


70 Ibid., 65.

Yet a periodic sentence on the more flexible Ciceronian model might read as follows:

If this voice of mine, formed by his encouragement and his precepts, has at times been the instrument of safety to others, undoubtedly we ought, as far as lies in our power, to help and save the very man from whom we have received that gift which has enabled us to bring help to many and salvation to some.72

But this departure from the mechanical model of sentence construction increases the premium on the orator’s engagement with the listening audience (or the writer’s anticipated engagement with the audience); the ebb and flow of expectation becomes a quantity that demands constant monitoring. Arresting asymmetries must be balanced against the given audience’s comprehension: as with

72 si haec vox, huius hortatu praeceptisque conformata, non nullis aliquando saluti fuit, a quo id accepimus quo ceteris opitulari et alios servare possemus, huic profecto ipsi, quantum est situm in nobis, et opem et salutem ferre debemus; Cicero, Pro Archia, 1, in Orations, trans. Yonge. I have chosen a somewhat exaggerated example to make my point clearer: Cicero intended Pro Archia as an elaborate “showpiece” speech, and in any case we should not assume that the written and the spoken versions would have been identical. I do not want to imply that Cicero always spoke in periodic sentences (he didn’t), or even that all of his periodic sentences were as flexible as this example (they weren’t). I do want to explain why he considered the ability to speak in this style on occasion to be a mark of a great orator, and to explain why attempting this style may have required an especially intense engagement with the rhetorical audience.
metaphor, there is a fine line between oratorical force and the possibility of misinterpretation (or, in the case of the periodic sentence, loss of the semantic thread). Satisfying predictability and striking unpredictability must be balanced, as well, “so that the words,” as Crassus puts it, “are neither confined as if by some fixed law of verse, nor so free that they just wander about.” Such an effect is so rule-resistant that we may feel it “without being able to articulate it.” Crassus is here speaking explicitly about the non-expert audience, and we should be careful not to overgeneralize from this remark. Still, this emphasis on the ways in which rhythmic effects resist description and systematization reflects, in a telling way, the same concerns that appear in his comments on the effects of rhetorical figures.

Of course, all effective communication requires a projection into the mind of one’s interlocutor. Rhetoric, Ciceronian or otherwise, is not unique in that regard. But I do contend that the verbal style idealized and practiced by Cicero requires an especially demanding variety of projection, and that we can observe these demands very clearly in his treatment of periodic style, which depends on a constant tracking of listener expectation, comprehension, attention, boredom, and so on. So while there is surely some self-congratulatory hyperbole in Crassus’s assertion that “we have only recently begun to have the ability or the courage” to speak in the periodic style, the claim that willing engagement with these uncertainties involves a measure of courage is not entirely out of place.

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73 Cicero shows his awareness of the need to modulate style to audience in, for instance, *Pro Archia*, 3, where he justifies an especially elaborate use of periodic style with ingratiating praise of his “highly-educated” audience and his client, a poet.

74 Cicero, *De or.*, 3.176, 198.

75 Ibid., 198.
Having made an affirmative case for Cicero’s notion of the unreliable and deeply context-bound nature of the tools of eloquence, I would also briefly note the negative case: *De oratore*’s denigration of “learnable codes” intended to aid persuasion, including stocks of commonplace arguments and *status* theory (an elaborate system for generating legal arguments, descending from Hermagoras, that occupied the bulk of *De inventione* and much of the contemporary *Rhetorica ad Herennium*). On Cicero’s model, the ideal orator regards the attempt to rationalize his practice as almost offensive; his perception of his own *virtus* and even “courage” is bound up with the ways in which his practice resists system and code. System and code, in Crassus’ words, have the effect of “driving the orator away from a vast and immense field and forcing him into a pretty narrow circle.” *De oratore* reminds us that being unsystematic is not identical with being unsophisticated: with the growth of Cicero’s political and philosophical experience came a deliberate rejection of system.

If *De oratore* is valuable for this reminder, it is also valuable as a record of the psychological experience of practicing public speech in the light of this rejection. One side of this experience is what we could call a hunger to empathize. The orator must cultivate, Crassus says, “a thorough understanding of human character and the whole range of human nature, and of the causes by which feelings are stirred or calmed.” Antonius is even more expansive on this point, and while the two initially disagree on the best source of the orator’s knowledge (Crassus stressing philosophy and Antonius stressing practical experience) they largely agree on the content of this knowledge: the

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77 Cicero, *De or. 3.70*.

78 This is not to suggest that empathy is a kindhearted or self-abnegating virtue in every political context; an important chapter for disabusing us of that notion is Stephen Greenblatt, *Renaissance Self-Fashioning*, 2nd ed. (Chicago: University of Chicago Press, 2005), 222-54.
effective orator “ranges over human minds, probing the way they think and feel….We need someone…who with keen scent can track down the thoughts, the feelings, the opinions, and the hopes of his fellow citizens and of those people whom he wants to persuade with his oratory. He must have his finger on the pulse of every class, every age group, every social rank.” It is just this identification with the audience, down to experiencing the very emotions one seeks to provoke in one’s listeners, that fills the role played in other models of rhetoric by “learnable codes.”

The other side of this experience of public speech, as I have noted, is fear. Expertise is no defense against fear—because even if the production of oratory is limited to an elite minority, sound judgment is the property of the vast majority. There is little daylight in Cicero between mass and elite taste, and on the plane of aesthetic judgment, the orator never confronts inferiors, but rough equals. The orator cannot take psychological refuge in a presumption of the audience’s “bad taste”—and this insistence sheds light on De oratore’s most extensive treatment of fear, in its first book.

There, Crassus discloses a thought he claims to have kept secret his whole career: “Unless they are nervous when they set out to speak and are upset while uttering their first words, I think that even the best orators…are little less than shameless. Yet this cannot really happen, seeing that the better a

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79 Cicero, De or., 1.53, 222-3.
80 Cicero, De or., 2.188-96, 337-8.
81 Ibid., 3.196; see also 2.339. Cicero’s comments on the “judgment of the many” seem to echo Aristotle’s well-known passage in Politics, 3.11; for instance, “there are some arts whose products are not judged of solely, or best, by the artists themselves…the knowledge of the house is not limited to the builder only; the user, or, in other words, the master, of the house will actually be a better judge.” In Aristotle, The Politics and the Constitution of Athens, trans. Stephen Everson (Cambridge: Cambridge UP, 1996).
man speaks, the more frightened he feels about the difficulty of speaking, the unpredictable outcome of a speech, and the expectations of the audience.” My argument up to this point will suggest, I hope, that this is something more interesting than simple stagefright. For one, experience is no cure for it; fear actually increases will skill, perhaps because skill demands immersion in all of the kinds of contingency that Cicero elaborates, and which I have surveyed here. The best orator is the most fearful, and we know that the text stipulates Crassus himself as the best. “I find myself turning deathly pale,” he says, “and I tremble with my whole heart and in every limb.” In fact, I would argue that an orator operating on the model of De inventione or Ad Herennium—or on the model of “rhetoric as algorithm”—would have less reason to tremble than one operating on the model of De oratore. In the latter, the condition of excellence is a well-honed sense of shame.

In stressing this susceptibility to shame, Cicero also appears to be entering into conversation with his Greek predecessors to make an intriguing claim about the dignity of oratory, and its commensurability with philosophy. De oratore is deeply concerned with these questions, explicitly modeling its setting on Plato’s Phaedrus, and echoing Aristotle’s philosophical treatment of rhetoric on a number of counts. But whereas Aristotle gives little attention to the orator’s internal state—

82 mihi etiam, quique optime dicunt... nisi timide ad dicendum accedunt, et in exorienda oratione perturbantur, paene impudentes videntur: tametsi id accidere non potest. ut enim quisque optime dicit, ita maxime dicendi difficultatem, variosque eventus orationis, expectationemque hominum pertimescit... exalbescam... et tota mente, atque omnibus artibus contremiscam; Cicero, De or., 1.119-21. On the ways in which oratory subjects the speaker to “the frailties of the performing body,” see Connolly, The State of Speech, 151-7.


84 Cicero “did [the] most to keep alive or revive Aristotelian ideas and concepts” in rhetoric: Solmsen, “The Aristotelian Tradition in Ancient Rhetoric,” The American Journal of Philology 62(1) (1941): 190. See also Solmsen, “Aristotle and Cicero on the Orators’ Playing Upon the Feelings,” Classical Philology 33(4) (1938): 390-404. Regarding Plato, a number of recent scholars, including Danielle S. Allen, have convincingly challenged the notion that he was a critic of rhetoric; my suggestion is their conclusions are anticipated by Cicero’s treatment of Plato—
treating fear and shame exclusively as emotions to be provoked or suppressed in one’s audience—Plato’s treatment of shame finds a surprising echo in Cicero. In his conversation with Phaedrus on eros, Socrates represents himself as ashamed to speak wrongly on the subject and covers his head out of modesty before launching into his criticism of erotic love. This turns out to be insufficient. After his daimon warns him that he has somehow spoken wrongly, Socrates makes a second attempt, this time uncovering his head but internalizing his sense of shame: “Just consider, my good Phaedrus, how shameless” the first speech was, despite the precautions. To make amends, Socrates will take pains to imagine that he is speaking in the presence of “a man of noble and gentle nature, one who was himself in love with another of the same sort, or who had ever been loved by such a one….I am ashamed at the thought of this man and am afraid of Love himself.” And out of this shame comes a speech that Socrates deems far more appropriate, which itself dwells on the philosophical soul’s “shame and wonder” in the face of beauty.

Cicero, then, appears to be making quite a radical claim in transposing this theme from Socrates to Crassus—the latter three centuries removed, pursuing a political rather than a speculative life, but sitting, Cicero says, under an identical plane tree and voicing a nearly identical thought. It is not that either Socrates or Crassus actively wants to shame himself by speaking wrongly, but rather that their openness to shame, their awareness of the many ways that speech might fail, points to the dignity of their respective work. Cicero’s radical move, I think, is shifting the site of the awareness from

here, for instance, and in Crassus’s remark that Plato “while making fun of orators appeared to be a supreme orator himself.” Allen, Why Plato Wrote (Malden, MA: Wiley-Blackwell, 2010).

Aristotle, Rhetoric 2.5.13 and 2.6.24.

philosophy to politics, and turning the watchful audience from a notional and internalized one to a literal and externalized one (and Plato would likely say that this is exactly where he goes wrong). But from either perspective, to diminish that awareness would be to diminish the worth of one’s activity, whether philosophy or oratory.87

The advantage of Socrates, of course, is that he can imagine his own audience. But for the orator, the perception of shame is inseparable from decorum, or a sense for what is “altogether fitting and proper” to the rhetorical situation at hand. It should not surprise us, then, that decorum is a central concept in Cicero’s rhetoric.88 Just after his words on fear, Crassus (quoting the famous actor Roscius) calls appropriateness “the essence” of any art, and yet also unteachable. But it would be a mistake to confuse this idea of appropriateness with stiffness and formality, or to associate decorum with an inflexible code of conduct. For Cicero, on the contrary, beautiful speech and the pleasure we take in it border immediately on excess, ugliness, and aversion—and it is exactly the sense of decorum,

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87 Michelle Zerba adds that the orator’s anxiety, as described by Crassus, is performative: while nervousness before a crowd may be a spontaneous reflex, to show oneself trembling—or better, to show oneself controlling one’s trembling—is “a device, self-consciously managed” to make visible the difficulty of one’s task and to defuse the envy an audience may feel toward a speaker pre-eminent in public life. The difficulty with this interpretation, I think, is that Crassus presents his thoughts on oratorical shame as “an opinion that up till now I have always kept to myself, and thought it right to keep to myself” (De or. 1.119)—so trembling seems to be something that the orator ought to conceal rather than disclose (or to disclose only to trusted friends). Further, Cicero’s allusion to the Phaedrus here suggests that he wants his discussion of shame to bear more philosophical weight than would a simple discussion of effective tools for actio, such as striking the head or thigh in a display of anger. On the other hand, it does seem accurate to point out that the orator’s emotions are a performance all the way down: as the example from Antonius’s practice that I discuss at the end of this section illustrates, the distinction between a “sincere” emotion and a decorum emotion is foreign to Cicero’s rhetoric. Zerba, “Love, Envy, and Pantomimic Morality in Cicero’s ‘De oratore,’” Classical Philology 97(4) (2002): 313. See also Fantham, The Roman World, 65; Robert A. Kaster, Emotion, Restraint, and Community in Ancient Rome (Oxford: Oxford UP, 2005), 19; and Kapust, “Cicero on Decorum and the Morality of Rhetoric,” European Journal of Political Theory 10(1) (2011): 101.

and the linguistic flexibility it enables, that makes this balancing act possible.\textsuperscript{89} This is not to suggest that Cicero’s aesthetic is one of Romantic exuberance—the goal is to court excess without falling into it, in a kind of dynamic moderation (as in the case of a periodic sentence that strains audience expectation without becoming incoherent, or a metaphor that is striking without becoming absurd). Ciceronian \textit{decorum} is as contingent on particulars and situational awareness as the other aspects of style I have discussed here—in a sense, it is the sum of these aspects. As Cicero would define the concept in \textit{De officiis} (in a way that seems consistent with the use of his term in the rhetorical works):

\begin{quote}
If we may call it also moderation, it is defined by the Stoics as follows: “Moderation is the science of disposing aright everything that is done or said.” So the essence of orderliness and of right-placing, it seems, will be the same….By “place of action,” moreover, they mean seasonableness of circumstance; and the seasonable circumstance for an action is called in Greek \textit{eukairia}, in Latin \textit{occasio}.\textsuperscript{90}
\end{quote}

There is no such thing as decorous action or speech in the abstract—only decorous action with respect to a given set of circumstances. (Conversely, there is no such thing as speech that is categorically shameful, only failed speech that becomes shameful in the moment it is spoken: a source, perhaps, for Crassus’s professed fear.) Cicero certainly speaks of \textit{decorum} in terms of harmony and moderation—but as I have stressed, it is a \textit{dynamic} moderation, the product of permanent

\textsuperscript{89} Cicero, \textit{De or.}, 1.132; 3.100.

observation and adjustment.\textsuperscript{91} If the decorous speaker appears unflappable, it is only because he resembles the proverbial duck: a picture of stability above the waterline, and constant motion beneath it.

So \textit{decorum}, along with all of the facets of style that it governs, has a temporal dimension. The orator’s sense of shame and propriety is also a sense of time—an awareness, as Cicero says in borrowing a Greek term, of \textit{kairos}. Unlike the quantitative aspect of evenly-flowing time that is represented by the term \textit{chronos}, \textit{kairos} points to a \textit{qualitative} character of time, to the special position an event or action occupies in a series, to a season when something appropriately happens that cannot happen just at ‘any time,’ but only at \textit{that} time.\textsuperscript{92} While his stress on \textit{kairos} places Cicero in a well-established rhetorical tradition, his mature works stand out in this tradition for the vehemence with which they object to rule-bound systems that aspire to be “akairic” and for the detail in which they explore the centrality of \textit{kairos}-perception to eloquence.\textsuperscript{93} For Cicero, an understanding of \textit{kairos} suffuses every aspect of speech. We might miss the centrality of timeliness to Ciceronian rhetoric, though, if we read his notions of \textit{decorum} and moderation too narrowly. Cicero would then be a rhetorician of a kind of domesticated \textit{kairos}. As Carolyn R. Miller puts it:


\textsuperscript{92} John E. Smith, “Time and Qualitative Time,” in \textit{Rhetoric and Kairos}, 47.

In one view, most prominent in Cicero, the Stoics, and later Ciceronians, 
*kairos*...becomes a principle of adaptation and accommodation to convention, 
expectation, predictability....In this view, knowing the *kairos* means understanding an 
order that guides and shapes rhetorical action, whether that order is given and 
absolute or socially constructed....This view of *kairos* is suited to philosophies of 
order, of realism, of Platonic Being.

In the other view, *kairos* is understood to represent not the expected but its opposite: 
the uniquely timely, the spontaneous, the radically particular.\(^{94}\)

And yet, as Miller goes on to suggest, these views need not be so far apart. In fact, Cicero’s rhetoric 
brings them together—because the motions that create the perception of harmonious balance are 
not adaptations to an unchanging code, but to the permanent flux of rhetorical situation and 
audience. There is such a thing as spontaneity-*within-decorum*, and it characterizes many of the 
moments of exceptional awareness of *kairos* to which the speakers of *De oratore* call our attention.\(^{95}\)

Here is how Antonius describes his successful defense of an old general on trial for 
maladministration: “I clearly sensed that the jurors were especially moved at the point when I called 
forward the grieving old man, dressed in mourning clothes, and when I was prompted not by 
rhetorical theory (I wouldn’t know what to say about that), but by deep grief and passion, to do what 
you, Crassus, were praising—I ripped open his tunic and exposed his scars.”\(^{96}\)

\(^{94}\) Carolyn R. Miller, Introduction to *Rhetoric and Kairos*, xii-xiii.

\(^{95}\) For some of these instances, see Cicero, *De or.*, 2.202-3, 2.225-6, 3.214.

\(^{96}\) Ibid., 2.195.
That action brings together the two senses of uncertainty I have been discussing: it is an action allegedly not dreamt of in rhetorical theory, and it is also the kind of risk of speaker’s and client’s dignitas that “always ran the risk of failure”—yet in this case proved entirely apt.\(^9^7\) It is, as Antonius puts it, an uncontrolled outburst of genuine pity; and yet, as Antonius’s friends know, and as Cicero’s readers surely knew for themselves, it is also an utterly stereotyped gesture—the display of scars is recorded, by one count, in more than a dozen separate instances in the Roman rhetorical literature.\(^9^8\) Antonius is not lying. The gesture is both. It is possible to be brought by a height of spontaneous emotion to perform exactly the most decorous action that the moment demands. As a 20\(^{th}\)-century student of rhetoric put it, such discipline “exists for the sake of what seems its very opposite—for freedom, almost for extravagance”: so that “we may be ‘regular when most irregular we seem.’”\(^9^9\)

\textit{Institutio oratoria}

Quintilian is himself an index of these ideas’ influence. It is one thing to find a bias against system and rigidity in a philosophically-inflected dialogue that Cicero saw as his answer to the \textit{Republic} and \textit{Phaedrus}. It is another to find marks of the same bias in the \textit{Institutio oratoria}, a text specifically dedicated to rhetorical training. In fact, Quintilian builds on Ciceronian notions of flexibility, and


\(^{9^9}\) C.S. Lewis, \textit{A Preface to Paradise Lost} (London: Oxford UP, 1961), 81.
those notions are perhaps even more striking where we might expect to find his era’s version of algorithmic rhetoric.

Among the goals Quintilian sets himself is fleshing out Cicero’s concept of decorum—one that might have made intuitive sense, he says, to the master orators portrayed in Cicero’s works, but which deserves to be elaborated for learners. If eloquence demands responsiveness to the occasion, then the student will be poorly served by “a rigid code of rules such as most authors of textbooks have laid down or…a system of laws as immutable as fate.”100 Any rules offered in the Institutio are necessarily provisional. And eloquent mutability is especially found in the practice of elocutio: not only are the figures of thought and speech mutations of ordinary usage, but these elements are themselves in a constant process of development that it is the orator’s responsibility to track. Quintilian is markedly open to linguistic evolution: “figures of speech have always been liable to change and are continually in process of change in accordance with the variations of usage.”

Quintilian praises Cicero for just this facility: he succeeded most wildly when his efforts stood out from “the ordinary speeches of every day.”101

So two aims of the Institutio pull against one another: on the one hand, to reform and standardize rhetorical education; on the other, to generate extra-ordinary speech. That tension is most apparent in Quintilian’s treatment of the elements of elocutio. Responding to the first aim, he catalogues figures, tropes, and devices of rhythm and sound; and as I noted above (in the case of the emotional

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100 Quintilian, Inst. or., 11.1.1-5; 2.13.1. Note that Quintilian links the quoted passage to his treatment of decorum by mentioning the value of rules in the context of quid deceat: 2.13.7-8.

101 Ibid., 9.3.1, 8.3.4. Perelman and Olbrechts-Tyteca qualify this view by claiming that both novel and quotidian styles are conceivably effective when one is defending an orthodoxy, but that conventional wisdom is most effectively challenged in conventional language. Perelman and Olbrechts-Tyteca, The New Rhetoric, 152.
effects of rhythmic breaks), he occasionally posits a reliable link between form and effect. But responding to the second aim, he stresses more frequently the limits of any theoretical knowledge of eloquence. His figures and tropes often have double, triple, contradictory, or simply vague effects.

Consider a sample of the figures and tropes discussed in his eighth and ninth books. The “piling up” of clauses or rhetorical questions can produce an effect of climax or calming descent; an instance of this trope attributed to Cicero “may be regarded as providing an example of attenuation or of augmentation,” depending on how one chooses to read it. Periphrasis or circumlocutio, “a circuitous mode of speech” that talks around a topic, might either conceal that topic in the interests of decency or call attention to it by means of ornamentation. Citing Cicero, Quintilian notes that the repetition of words may create an impression of either force or grace. A figure of feigned hesitation to speak might convey truthfulness or might be used to “cover the past” (and would presumably be perceived as dishonest rather than honest if its effect does not land as predicted). Aposiopesis, the breaking-off of a sentence, might convey passion, anger, anxiety, or a spontaneous-seeming digression to a new subject. If the same figures produce opposite effects, opposite figures sometimes produce identical effects, as well: asendeton and polysendeton—the omission and superabundance of conjunctions, respectively—both “make our utterances more vigorous and emphatic and produce an impression of vehemence.”

Other tools of eloquence are simply labeled as “pleasing,” or with a similarly vague term, which is tantamount, I think, to an admission that we cannot say much about their general properties at all. The best we can do, as Quintilian implies through his extensive quotations, is to develop a sense for

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102 Quintilian, Inst. or., 8.4.28; 8.6.59; 9.1.33; 9.2.20; 9.4.54-5; 9.3.54.
their effects in practice. Such a reliance on practical, rather than theoretical, knowledge is not even unbecoming in an expert, as Quintilian himself demonstrates:

Consider the following example: *neminem vestrum ignorare arbitror, indices, hunc per hosce dies sermonem vulgi atque hanc opinionem populi Romani fuisse.*\(^\text{103}\) Why is *hosce* preferable to *hos*, although the latter presents no harshness? I am not sure that I can give the reason, but none the less I feel that *hosce* is better. Why is it not enough to say *sermonem vulgi fuisse* [“it has been the talk of the common folk”], which would have satisfied the bare demands of rhythm? I cannot tell, and yet my ear tells me that the rhythm would have lacked fullness without the reduplication of the phrase. The answer is that in such cases we must rely on feeling.\(^\text{104}\)

Rhetorical education for Quintilian is not ultimately the mastery of a *techne*, but the cultivation of certain habits of mind: habits of responsiveness, flexibility, and a willingness to act in the absence of assurance, all of which, as I discuss below, have political import. The *Institutio* is at its most distinctive when it details the ways in which such habits might come to maturity: they begin with the young students who are not to be rewarded with applause but are to “keep their eyes fixed on their

\(^{103}\) From Cicero, *In Verrem* 1.1.1: “I think than none of you, gentlemen, are ignorant that during these days such has been the talk of the common folk and such the opinion of the Roman people” (trans. Butler). Quintilian might have appreciated the Hebrew Bible, which is full of such reduplications: e.g., “Day to day pours forth speech / and night to night declares knowledge” (Psalm 19:2).

\(^{104}\) *neminem vestrum ignorare arbitror, indices, hunc per hosce dies sermonem vulgi atque hanc opinionem populi Romani fuisse.* cur “hosce” potius quam “hos”? neque enim erat asperum. rationem forasse non reddam, sentiam esse melius. cur non satis sit “sermonem vulgi fuisse”? compositio enim patiebatur: ignorabo, set ut audio hoc, animus accipit plenum sine hac geminatione non esse: ad sensus igitur referenda sunt; Quintilian, *Inst. or.*, 9.4.119-20. This seems to be a prime example of “practical knowledge” as defined and defended by Oakeshott. Oakeshott, “Rationalism in Politics,” in *Rationalism in Politics and Other Essays* (New York: Basic, 1962), 8.
teacher’s face”; proceed through the study of lists of rhetorical techniques that emphasize linguistic unpredictability, and through the insistence that the effective orator is capable of standing outside of himself, acting as his own audience, and even include the discipline of memory. Memory in the *Institutio* is not the rote internalization of text or catalogues of techniques, but a creative faculty; it helps speech become not fixed, but unfixed. Reliance on a text leaves us bound to it, Quintilian argues; reliance on memory enables us “to try the fortune of the moment.” If this is true for the trivial reason that a capable orator’s memorized and improvised speech are nearly indistinguishable, it is arguably also true for the more interesting reason that Quintilian, an expert teacher of memory, anticipates the modern understanding of memory as constructive and active. Memorized text, that is, can change in the process of speaking it and under the pressures of the moment—and this tendency is valuable, not regrettable, just because the Ciceronian regard for *kairos* outlasted the political order of which it formed an integral part.

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What part, exactly?

We might begin to answer that question by considering the gaps between the rhetorical world portrayed in Cicero’s works and the historical reality of oratory in the late Republic. In Robert Morstein-Marx’s study of mass oratory, for instance, we find highly partisan audiences that come

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105 Quintilian, *Inst. or.*, 2.2.11.
106 Ibid., 6.2.28-31.
107 Ibid., 10.7.32.
“pre-persuaded,” planted and paid applauders, and oratorical performances that more closely resemble show trials or spectacles than substantive public deliberation—elements that mostly go ignored in the Ciceronian account of republican oratory.\textsuperscript{108} Cicero’s own practice of judicial oratory often aimed not to persuade, but to entertain and distract a jury on the way to an expected and politically “necessary” verdict.\textsuperscript{109} Further, as Steel suggests, his frequent avoidance of difficult but available lines of argument points to risk-aversion in his deliberative practice, as well: “One might want to argue that he relied too heavily on oratory to take risks with it, and that, as a result, there were strict limits on the issues he discusses.”

In other words, if Cicero is highly sensitive to the political crisis threatening republican oratory from “above,” he arguably exaggerates the dangers to oratory from “below”: the unreliability and unpredictability that beset any given instance of public speech. Cicero—and Quintilian, following his lead—seem to depict the pursuit of eloquence as more fraught with uncertainty than their own experience would warrant.


\textsuperscript{109} Consider Cicero’s defense of Murena in 63, in the midst of Catiline’s conspiracy; as Christopher P. Craig observes, “the rhetorical challenge is generally understood to be that of keeping up appearances, of allowing the jury decorously to acquit Murena, despite his guilt, so that there will be two consuls ready to face the Catilinarian danger.” Craig, “Cato’s Stoicism and the Understanding of Cicero’s Speech for Murena,” \textit{Transactions of the American Philological Association} 116 (1986): 229. Incidentally, the idea of a case adjudicated by such nakedly political standards suggests another link between judicial and deliberative oratory. See also Zetzel, “Review of Christopher P. Craig, \textit{Form as Argument in Cicero’s Speeches},” \textit{Bryn Mawr Classical Review} 4(6) (1993): 446-51.
It is worth bearing in mind, then, that the Ciceronian view of eloquence is itself a model, both an idealization of reality and a highly normative product.\textsuperscript{110} But that awareness ought not to weaken the broader point I have tried to advance here—in fact, it should strengthen that point to observe the places in which Cicero felt the need to “improve” on reality, to portray, for instance, a literary Crassus who is much more prone to fear and trembling than the historical Crassus would likely have reason to be.

Why would an idealization of rhetoric exaggerate its difficulties and uncertainties? To a great extent, the uncertain means of language play a central role in justifications of rhetoric as a whole. In this section, I have suggested that the discussion of style and its attendant dangers serves a much more integral and normative function in Ciceronian rhetoric than might at first be apparent. It is, in fact, an answer to the question of virtus, an argument about how the orator—no longer able, in light of political crisis, to dignify his practice as a kind of facsimile of martial virtus—might enact a kind of civilianized virtus by mastering the occasion and enduring risk, an attempt that drives the skepticism toward technical rhetoric that I have discussed. If this is the case, then Cicero and Quintilian have good reason to stress and even overstress the elements of risk in their practice. Both rhetoricians make it very clear that they are occupied with the qualities of the ideal orator. I would add that they are also dealing with the qualities that eloquence as a practice would have to demonstrate in order to be a justifiable object of study.

Perhaps the most creative and resourceful aspect of this model of eloquence is the way in which it revalues loss. I have noted that both of these rhetoricians were sharply aware of loss: Cicero, of the

\textsuperscript{110} For just this reason, I have focused less on speeches than on rhetorical treatises: on the way in which rhetoric conceives of itself, with an understanding of this conception’s departures from reality.
collapse of the republican public sphere; Quintilian, of the more limited possibilities for oratory under the principate. But in their treatment of style, loss appears in a different light: it is the possibility that the orator accepts in order to make his activity worthwhile, and even interesting. Oratory compromised from above—a forum wrecked by systemic crisis and civil war—is a failure outright. But oratory that can imagine itself as compromised from above because undermined from below—failing because it rejected certainty and set itself a task of such difficulty—can rest in a more honorable kind of failure. Certainly this account is heavily self-justifying, and oriented toward the grievances of a narrow elite. The Roman rhetorical tradition is as much the self-portrait of that fading and nostalgic elite as it is a guide to speech. But there are elements of that self-portrait that may still retain value for us.

In this light, an observation by Brian Krostenko on Cicero’s treatment of spontaneous humor has an even wider application: “to prefer the spontaneous over the mannered is, in effect, to take a position on the ideal structure of the elite person: meant to be, rather than made to be. What is at issue in such distinctions is ideology, not fact.” So many of the qualities of the ideal orator in Cicero and Quintilian cannot be “made” in any systematic way. Recall how much of the practice of eloquence their texts profess to be unteachable: not only humor, but the effects of the rhetorical figures, the command of metaphor, a sense for *kairos*, and so on. When the subject is public deliberation, unteachability is an ideologically-fraught idea. To call so much of eloquence unteachable is to call it

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112 Brian Krostenko, *Cicero, Catullus, and the Language of Social Performance* (Chicago: University of Chicago Press, 2001), 218. As Krostenko goes on to point out, the oratorical career of Cicero, a *novus homo*, was a highly “made” artifact; this is just why Cicero’s distinction is ideological, not factual.
the quality of the “right sort of person.” This exclusivity is the aspect of the rhetorical tradition that would likely strike a modern democrat as the most objectionable, and it is heavily stressed in Ciceronian scholarship.\(^\text{113}\)

But consider the other face of this unteachability: the rhetorical audience is not a learnable object, either. In other words, there is no reliable guide to evoking the emotions, responses, and deliberative outcomes that one sets out to attain; if the elements of eloquence cannot be subjected to system, then neither can the public. To claim that a figure of speech, a periodic sentence, or an attempt at humor will have effects that are contingent on the moment is to imagine and valorize an audience that is itself unpredictable, unreliable, unconstrained—an audience that pushes back. The price for assigning virtuous eloquence to the “right sort of person” is, it turns out, a stress on the autonomy of the audience, its freedom of response from moment to moment (and perhaps even an exaggeration of this autonomy beyond that of the audiences that Cicero and Quintilian actually encountered). Without that presumed freedom, eloquence would be too trivial an accomplishment. And the price for it is paid in the solicitous attention to and projection into the thoughts and moods of the other that run as a demand through the texts I have discussed here. Ciceronian eloquence is a contest in identification with a moving object.

Conversely, imagine that rhetoric were treated as a system of learnable codes, or even as a “computational science.” What would that imply about the rhetorical audience? It would imply, I think, an audience that was inert and manipulable, and would go some distance toward constituting this kind of audience; rhetoric would be done to such a public, not done with it (or even against it). To

imagine an “akairic” system of rhetoric, one rendered general and abstracted from the moment, is also to imagine a public whose responses to language were highly fixed. A learnable public would be, in important ways, less autonomous than the one imagined in the Ciceronian corpus.

Of course, this is a simplification. But this simplified model helps make clear that there are two poles at stake here: one stands for the speaker’s tools of eloquence, and the other stands for the rhetorical audience. It also seems that both poles have “elitist” and “populist” extremes. At the elitist end of the first pole, eloquence and effective participation in public speech are treated as the unteachable properties of an elite; at the populist end, they are systems that might be disseminated widely, even universally. At the elitist end of the second pole, the audience itself is learnable and inert; at the populist end, the audience is more autonomous and unruly.\(^{114}\)

We might imagine a democratic aspiration for a rhetoric that would be populist in both senses: accessible to anyone, without reducing the audience to predictability. But reading the Ciceronian tradition casts doubt on that possibility. Its disconcerting message is one of tradeoffs: just as the unlearnable audience seems to be a condition of the maintenance of exclusivity in eloquence, a systematized audience would seem to be a condition of eloquence as learnable code. To the extent that democratic theorists and publics are interested in the conditions of public deliberation,

\(^{114}\) This model is also simplified in another sense, dealing for the moment with audiences in general, rather than with the range of audiences, from fellow senators to the mass public, that Cicero would have confronted across various social distances. I think this simplification is, however, in keeping with the spirit of the works I have discussed here. The uncertainties of language and style do not seem uniquely bound in these works to speech before a certain kind of audience; the works seem to treat them as inherent to oratory itself. This chapter, for instance, has included examples of “push-back” from a wide range of audiences, from the senatorial rivals who misinterpreted Cicero’s use of *arma,* to the mass public that Crassus imagines crying out in protest at the misuse of rhythm. In other words, I do not want to claim that Cicero is valuable for democratic theory because he usually spoke to “democratic” audiences, but because of his sharp sense of the pressures that the pursuit of eloquence place on a speaker in a position of nominal superiority.
negotiating and evaluating these tradeoffs may be one of the most important demands on their judgment.

But there is also a more optimistic reading of the Roman rhetoricians. Even these decidedly undemocratic thinkers had to leave space for a recalcitrant audience and an empathizing elite—to posit an audience more recalcitrant and an elite more empathetic than they ever knew, simply as a condition of their art. Cicero and Quintilian subscribe to a kind of accountable elitism. And studying the pressures on their elitism that emerge over the course of their works, as I have attempted to do here, may offer us resources for responsiveness and accountability in our own time. It may also offer resources for critiquing the implications of “algorithmic” rhetoric for democracy.

And yet I noted that Cicero, for his part, raised and then held in abeyance another rhetorical dilemma, the problem represented by the Gracchi: demagogues, in his view, who practiced a kind of “state-shattering” oratory. But in the end, the dilemma they pose turns out to be even more difficult. It is that in the realm of rhetoric they did everything correctly—they were models of Cicero’s view of eloquence—and still turned that mastery toward what Cicero considers evil ends. They were the original “traitors to their class,” as much in their well-honed speech as in their politics. (Again, the use of the Gracchi to fill this role reflects Cicero’s own political biases; we might substitute any demagogue of our choice.) They could be the occasion for an uncharitable but challenging response to Cicero’s broader argument: aren’t you ultimately claiming that eloquence is its own justification? And if so, what can you say about a demagogue who still meets all of your criteria for eloquence?

In De oratore, it seems that Cicero wants to leave this as his dialogue’s point of aporia. But he has, at least, the intellectual integrity to recognize the problem—not by passing over it, but by calling
attention to its difficulty and perhaps even insolubility. Just as the Gracchi frame the beginning of the work, and their dilemma is held in tension for the length of the conversation, they are invoked at its close. The younger Gracchus, Crassus says, was so careful in modulating his speaking voice that he placed his slave-secretary behind him with an ivory flute, to correct him whenever his pitch strayed too high or too low. Crassus goes on:

“I can only regret that these men made the mistake of taking the dangerous political course that they did. Though such a pattern is now being woven, such a way of living is being encouraged in our community and held up as an example to future generations, that we now wish we had citizens like those whom our fathers found intolerable.”

“Please, please, Crassus,” said Strabo, “stop talking about that and return to Gracchus’ flute.”

This is very nearly the last word.

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115 Besides Cicero’s, there are a number of versions of the anecdote about the flute: Valerius Maximus, Factorum et dictorum memorabilium libri IX, 8.10.praef.-1 (where Gracchus’s slave corrects rhythm rather than pitch); Quintilian, Inst. or., 1.11.27; Plutarch, Moralia, 456a, and Tiberius Gracchus, 2.5-6; Cassius Dio, Roman History 25.82.2; Aulus Gellius, Noctes Atticae, 1.11.10-15. For modern discussions, see Günter Wille, Musica Romana: Die Bedeutung der Musik im Leben der Römer (Amsterdam: John Benjamins 1967), 453–4; and Jean-Michel David, “L’action oratoire de C. Gracchus: L’image d’un modèle,” in Demokratia et Aristokratia: à propos de Caius Gracchus: mots grecs et réalités romaines, ed. Claude Nicolet (Paris: Publications de la Sorbonne, 1983), 108-10.

116 Cicero, De or., 3.226. (I have changed Gaius Julius Caesar Strabo from “Caesar” to “Strabo” for the sake of clarity.)
Above, I sketched out an alternative to the Ciceronian model of rhetoric—a model of rhetoric as learnable code, which reverses the “elitist” and “populist” polarities of the Ciceronian model. It might be argued that this alternative is only a hypothetical invented to render Ciceronian rhetoric more distinctive-seeming than it would otherwise be. But this objection can be challenged, I think, by briefly considering a competing model with which the Ciceronian texts are in direct conversation, that of Caesar’s *De analogia*.

Caesar posed an immediate challenge to the Ciceronian model, not only through the political crisis of the late Republic, which profoundly shaped Cicero’s sense of an endangered eloquence, but also on the level of rhetorical theory. *De analogia*, Caesar’s own work on style, was likely written in the spring of 54, directly on the heels of *De oratore*. It bore a dedication to Cicero, and though it is now fragmentary, its longest quotations are preserved in the *Brutus*. Again, this is fitting, because, to the extent that it has been reconstructed, *De analogia* seems to pose a range of important objections to Cicero’s notions of rhetorical education, the nature of eloquence, and the place of *techne* in public speech.

Caesar opened his work with these ambiguous words of praise for Cicero:

> If, to the task of giving brilliant expression to their thought, some had devoted study and practice—and we must recognize that you have deserved well of the name and

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117 On the probable composition date of *De analogia*, see Garcea, *Caesar’s De Analogia*, 19-23.

118 Ibid., 82 n. 14.
prestige of the Roman people as almost the pioneer and inventor of this new resource—yet are we now to consider that the knowledge of this easy and everyday speech may be rejected?\footnote{Cicero, Brut., 253, trans. Hendrickson; Garcea, Caesar’s De Analogia, 131.}

What is at stake in this opposition of brilliant speech to everyday speech? De analogia is largely preoccupied with grammar and clarity: it aims at “purifying” diction and setting the bounds of proper Latinitas, and ignores any wider questions of ornatus. This choice of emphasis is telling in itself. Cicero minimizes these qualities in the scheme of his work, treating them as unimpressive prerequisites to any kind of real eloquence; Caesar seems to treat them as nearly coterminous with eloquence as a whole. As George L. Hendrickson puts it, Caesar’s work “took as its starting-point Cicero’s undervaluation of the significance of these studies [of Latinitas], in comparison with the larger tasks of rhetorical elaboration of language.”\footnote{Hendrickson, “The De Analogia of Julius Caesar; Its Occasion, Nature, and Date, with Additional Fragments,” Classical Philology 1 (1906): 113-4.} De analogia is not a counterpart to De oratore, but it does propose a sharply competing set of priorities.\footnote{Hellfried Dahlmann, “Caesars Schrift über die Analogie,” Rheinisches Museum für Philologie 84 (1935): 265.}

More to the political point, the issue at stake is participation in public speech. Cicero simply expects his ideal orator to absorb purity of diction through his immersion in elite, urbane society; none of the friends in Crassus’s garden would ever need to be corrected on a point of Latinitas. On the other hand, the simplified model of speech offered by De analogia would seem to expand the range of potential orators. It is likely not a coincidence that Caesar wrote his treatise in the midst of eight years in Gaul, where he regularly acted as judge as well as general; if Cicero’s demands for eloquence
were likely beyond the grasp of all but a few non-native speakers, Caesar’s need not have been.\textsuperscript{122}

His model of eloquence is close to what might have been predicted from a politician with a large non-Roman clientele, as well as \textit{popularis} political sympathies at home.

But \textit{De analogia}'s import beyond its immediate political context lies in the means by which it proposes to make eloquence accessible. In Caesar’s words (again in a fragment or paraphrase preserved in the \textit{Brutus}), “those who have enjoyed this distinction [in oratory] hitherto have had it, not as the result of a rational norm or a theoretical knowledge, but, so to speak, as heirs of good usage.” Now, however, “it is necessary to purge language and to resort to a rational criterion as a touchstone, not subject to change.”\textsuperscript{123} That rational criterion is, as the title suggests, analogy. In grammar, analogy offered rules to construct and correct new word-forms on the basis of old and accepted forms—but it was a much wider-ranging mode of thought in Roman life. It informed the search for generalizable rules and precedents in first-century jurisprudence, and even the method of working toward lawlike principles of nature in the work of Lucretius: “scientific” ways of knowing that stood in tension with the traditions of inherited authority. Alessandro Schiesaro places Caesar’s work on eloquence within this intellectual current: “Analogy was a method charged with explicit political sensitivities…. [It] is predicated on the universal validity of fixed rules, and thus makes it possible to face new words and new formations without undue worries,” a feature that tends to open the possibilities of public speech to erstwhile outsiders.\textsuperscript{124} It is a model of eloquence that aims

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to reassure, not, per Crassus, to provoke fear and shame in even the most capable. It presents itself as a rationalized reform founded on technical knowledge, not, as Cicero casts his own practice of speech, the product of a long-gestating tradition of practical knowledge. In its rule-bound character, sharply defined scope, and criticism of inherited practice as obscurantist, it is a companion to the technocratic policies that Caesar would pursue as dictator.\textsuperscript{125}

Just as Cicero’s model of public speech was geared to his own political interests, so was Caesar’s model geared to his and incorporated into his political persona.\textsuperscript{126} We might read it as an attempt at devaluing the resources in which his senatorial opponents had invested so much—in economic terms, as a kind of “inflation.” And if it proposed to expand participation in speech, it also aimed to restrict what eloquence might accomplish; for this reason, Patrick Sinclair describes it as a kind of defense mechanism for Caesar’s preeminence, one whose possibilities were most fully realized by his successors.\textsuperscript{127} We see its lasting results in the kind of depoliticized oratory practiced by Quintilian, who looked back nostalgically on the Ciceronian grand style but found its only outlets in the declamation theater and the schoolroom, where it often verged on the ridiculous.

Speculating much more about this effort toward a “science” of public speech means treading carefully, simply because most of Caesar’s work on eloquence is lost; we should be wary of burdening it with generalizations beyond its context. Still, I am not convinced that the affinity between Caesar’s model of eloquence and his eventual model of governance is entirely an accident

\textsuperscript{125} Garcea, \textit{Caesar’s De Analogia}, 5-7.

\textsuperscript{126} For instance, through the style he adopted in his \textit{Commentaries}.

\textsuperscript{127} Sinclair, “Political Declensions,” 94.
of history. Caesar’s model did not only, as Sinclair suggests, place a limit on charismatic challenges to his political project; more importantly, it placed a limit on the rhetorical public—on what might be heard, as well as the range of what might be said. The more speech is driven by a standard “not subject to change,” and the more political speech comes to resemble technical speech, with effects tightly and predictably bound to utterances, the less free is the rhetorical public to mishear and misinterpret—that is, to react against the speaker’s intentions from kairos to kairos. Criticism of republicanism cannot be easily separated from criticism of its characteristic and contentious mode of speech, which grows from the confrontation between elite speaker and assertive audience.\textsuperscript{128}

Cicero did not respond to Caesar’s model in the detail we might have wished.\textsuperscript{129} But we might say on his behalf—taking Madison wildly out of context—that “ambition must be made to counteract ambition.” Here, the ambitions in conflict do not exist within a constitutional order, but an orator. Remarkable speech is produced in opposition; the ambition to say something remarkable in public counteracts the ambition to dominate the public.

\textsuperscript{128} On the republican conception of the link between rhetoric and liberty, see Kapust, \textit{Republicanism, Rhetoric, and Roman Political Thought} and P.A. Brunt, “Libertas in the Republic,” in \textit{The Fall of the Roman Republic and Other Related Essays} (Oxford: Clarendon Press, 1988), 314. For Cicero, as I have argued here, the liberty of the speaker (his unwillingness to be forced into a “narrow circle” of prescribed speech) and the audience’s liberty of response are two sides of a coin.

\textsuperscript{129} He did, though, suggest in \textit{Brutus} that Caesar himself failed to follow it, and that he succeeded because of ornatus, not his freedom from it—in effect, that he was a Ciceronian despite himself. Garcea, \textit{Caesar’s De Analogia}, 109-10.
Part 2: Eloquence and the Moderns
In his 1775 speech on “Conciliation with the Colonies,” Edmund Burke breaks off from a litany of population and trade statistics to launch a Melvillean paragraph on the marvels of the American whaling industry. Unlikely as it may seem, this is an important passage in the history of rhetoric, though it is not obviously persuasive, and embodies an elaborate theory of deliberation, though it is not clearly deliberative:

As to the wealth which the Colonies have drawn from the sea by their fisheries…what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the Whale Fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson’s Bay and Davis’s Streights, whilst we are looking for them beneath the Arctic Circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen Serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them, than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along
the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not
witness to their toils.\(^1\)

This is exactly the kind of passage that would be excised from a propositional summary of Burke’s
argument: a piece of excess that seems to embody every unflattering association in the word
“rhetorical.” I intend to argue here, instead, that Burke’s habit of excess—because this is one such
moment among very many—serves a much more than decorative purpose, and that we can best
understand that purpose in the light of the contested translation of the classical model of political
speech into the modern era.

As powerful a hold as Cicero maintained on European education, it was evident by the mid-18\(^{th}\)
century that the approach to rhetoric he had come to symbolize was potentially incompatible with
the politics of modernity in a number of important ways. While Cicero’s rhetoric—and, by
extension, his model of public life—valorized risky spontaneity and was only loosely rule-governed,
modern constitutionalism and its complementary norms of speech were founded on an opposite
valuation, on a kind of rule-bound predictability. Not for nothing did the early theorists of
constitutionalism speak of government as machinery—and not for nothing did the image of
dangerous classical rhetoric emerge in their work as a commonplace \textit{bête noire}. Among theorists in
the early era of constitutionalism, in fact, it was something of a commonplace that the rule-bound
governance of the modern era demanded a complementary style of rule-bound speech: a discourse
that was factual, restrained, dispassionate, and even happily mediocre. The partisans of this discourse
denounced classical eloquence as “waste language,” praised the speech of modern pleaders who

aimed only “at convincing and instructing,” or decried “the ascendancy of passion over reason,” in the republics of the ancient world.²

Burke is a central and challenging figure in this controversy because, in a sense, he stands on both sides of it. On one hand, he is a constitutionalist: not, of course, an advocate of a written constitution, but synonymous with stability, predictability, and gradualism in the institutions and practices of government. On the other hand, he is a theorist and, more importantly, a practitioner of the sublime: of the very experience of aesthetic excess that threatens to destroy settled institutions, a concept lifted directly from classical rhetoric. Burke’s Ciceronian debt should not surprise us: from the outset of his career, he consciously identified himself with Cicero, his fellow novus homo, and his contemporaries echoed the identification.³ Even if it is an exaggeration to call Burke “the last of the

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neoclassicals,” his most important rhetorical project, I argue, is a creative repurposing of the classical tradition: a sustained demonstration of the ways in which the priorities represented by constitutionalism and sublimity might co-exist—and of the ways in which sublimity can be safely integrated into constitutional government as a corrective against its weaknesses.

For Burke, such government demands the exercise of circumstantial judgment—and therefore demands that deliberators overcome an allegedly ingrained resistance to judging. Burke presumed that most of us would take every opportunity to offload the pain of judgment onto preexisting “methods and forms,” maxims, and abstractions, all of which fail to engage with circumstantial complexities. In fact, he held that the very political stability he prized might lead deliberators to abdicate judgment. For Burke, the spur to sound political judgment was immoderate language itself; there is thus a necessary place within settled institutions for unsettling and even uncanny speech.

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4 Carnall, “Burke as Modern Cicero,” 88.
6 Regarding my use of the term “deliberation,” I would note that, while deliberative democrats have tended to treat deliberation and rhetoric as antagonistic concepts, or at least as concepts in tension, this is, historically speaking, a new development. Until fairly recently, “rhetoric and deliberation were treated as closely related activities rather than as competing alternatives”: Bryan Garsten, “The Rhetoric Revival in Political Theory,” Annual Review of Political Science 14 (2011): 164; see also Gary Remer, “Two Modes of Deliberation: Oratory and Conversation in Ratifying the Constitution,” Journal of Political Philosophy 8(1) (2000): 75. On a spectrum of the treatment of these concepts, which ranges from treating them as antagonistic to treating them as closely related, Burke falls toward the latter end. He sees deliberation as a rhetorical activity: for instance, Parliament is “a deliberative assembly,” yet it is also an assembly in which rhetorical appeals are regularly practiced: Burke, “Speech to the Electors of Bristol,” in Works, vol. 2, 96. Burke’s use of the term “deliberation” itself was not far from that of his contemporaries. In arguing that the size of the colonies’ population ought to be “in the front of our deliberation,” or in referring to “this grave deliberation of policy and empire,” he uses the term in a non-technical sense that had wide currency: roughly, “reasoning on the merits of public policy”: Burke, “On Conciliation,” 110; Burke, “Speech on Mr. Fox’s East India Bill,” in Works, vol. 2, 434; Joseph M. Bessette, The Mild Voice of Reason: Deliberative Democracy and American National Government (Chicago: University of Chicago Press, 1994), 49. Occasionally, though, his use of the term more nearly anticipates the sense of deliberation as a particularly conscientious kind of reasoning, as when he refers to “care, circumspection, and deliberation”: Burke, A Representation to His Majesty, in Works, vol. 2, 569. Again, this secondary sense is in line with contemporary usage: compare “deliberation and circumspection” in the Federalist Papers: Alexander Hamilton, “Federalist No. 70,” in The Federalist Papers, 405. Burke’s distinctiveness from his contemporaries lies not in his use of the term
Of course, this tension between the constitutionalist and the aesthetician is not the only Burkean contradiction. Other well-known polarities are Burke, the man of first principles and the critic of philosophical “systems”; and Burke, the champion of the aristocracy and the bourgeois radical. A more textured investigation of Burke’s political practice of the sublime may help us navigate these contradictions. At the same time, it can sidestep a difficulty in Burkean aesthetics that frequently recurs when the main object of study is what Burke considered sublime. The difficulty lies in forcing Burke’s aesthetics to square with his politics, and it often results in the importation of artificial distinctions between the “wholesome” and the “evil” sublime, or between healthy “drama” and destructive “theatricality.” We would be more likely to avoid these pitfalls if our reading were more “superficial”; more concerned with how Burke uses sublimity, and with how sublimity works as a vehicle for his political thought. This perspective is true to the spirit of Burke’s own work, as well: for him, the foremost site of sublimity is language itself, and so we would be wise to look for the Burkean sublime not in concepts, but in surfaces—to treat it not as an object of thought, but as a mode of thinking. In this perspective, it is certainly not politically important whether or not Burke thinks whaling is sublime; but it is valuable to observe how he deploys for deliberative ends a passage about whaling that meets many of his own standards for sublimity. And this approach is consistent, I think, with the particular Burke I am interested in here—the Burke who is most applicable beyond his era and beyond his ideological commitments. I am not so much interested in

“deliberation,” but in his deployment and defense of a set of deliberative practices much friendlier to immoderate speech.

7 For an overview of these complications, see Kramnick, The Rage of Edmund Burke: Portrait of an Ambivalent Conservative (New York: Basic, 1977), 3-11.

the “prophetic” Burke, the author of jeremiads against revolution, as the ordinary Burke, the participant in three decades of parliamentary politics; not so much in the father of conservatism as the theorist of language and judgment.⁹

More than any of those interests, though, my aim is to explore an especially rich answer to the challenge of the relevance of classical rhetoric to a constitutional age. The proposed answer, in short, is that the “deliberative sublime” is not the contradiction that it would seem to be; and that if the sublime is a kind of crisis of the senses, there is an analogous kind of crisis that does not undermine a constitutional order, but inoculates it.

This chapter proceeds in four sections. In the first section, I consider the discourse of civility against which Burke reacted; while this discourse had roots in an ancient critique of Ciceronian rhetoric, it also informed the anti-rhetorical arguments of Burke’s contemporaries. In the second section, I demonstrate how far Burke’s practice of rhetoric strayed from his contemporaries’ deliberative ideals. The following two sections reconstruct the theoretical basis of this practice. The third section reads Burke’s 1757 work of aesthetic and linguistic theory, the *Philosophical Enquiry Into the Origin of Our Ideas of the Sublime and Beautiful*, as his response to his contemporaries’ “rhetoric against rhetoric.”¹⁰ The fourth section argues that, for Burke, the disruptive impact of the sublime is a

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⁹ As David Bromwich puts it, “no serious historian today would repeat the commonplace that Burke was the father of modern conservatism.” Bromwich, *The Intellectual Life of Edmund Burke: From the Sublime and Beautiful to American Independence* (Cambridge, MA: Harvard UP, 2014), 19. Bourke adds that Burke “cannot usefully be interpreted through the prism of party-political doctrines that lacked any purchase in his own time: neither ‘liberalism’ nor ‘conservatism’ can adequately capture Burke.” Bourke, *Empire and Revolution*, 17.

corrective to faulty deliberation: deliberation lacking in attentiveness to circumstances and in “imaginative judgment.”

1. In the previous chapter, I argued that Cicero’s model of political speech is deeply marked by crisis. It is not simply framed by discrete instances of crisis that can be safely confined to the historical background; rather, Cicero’s awareness of the turmoil endangering republican oratory leaves deep impressions on his model of eloquence, and the rhetoric we see crystalized in his late works is rhetoric at its most threatened moment. This threat, I argued, stands behind a wide range of the most important Ciceronian preoccupations: the ways in which the imitation-violence of oratory is rendered vulnerable to actual violence; the ways in which the orator’s practice of virtus might legitimize the forcefulness of speech; the ways in which the performance of a kind of civilianized virtus in speech brings the orator into willing contact with uncertainty and loss; and the ways in which the danger to republican oratory from “above” (the collapse of the Forum as a public sphere) is reenacted as a kind of danger from “below” (an emphasis on the unreliability of the orator’s most basic tools of eloquence). Many of these preoccupations are brought together in Cicero’s treatment of the rhetorical concept of kairos, or the singular, outstanding moment in time. In the context of oratory, to emphasize kairos is to stress the particularity of each rhetorical situation and audience, and to resist the safe harbor of rhetorical manuals and their promise that effective speech can be captured by any set of rules that transcends the situation at hand. Accordingly, the instances of outstanding speech highlighted in Cicero’s late works are characterized by daring and spontaneity, whether real or feigned—biting jokes seemingly launched on a sudden inspiration, dramatically ripped togas and bared chests, gestures that self-consciously walk up to the edge of shame. Even
with the historical context stripped away, it would be evident that this is a rhetoric made by and for crisis.

I also discussed a number of classical responses to Cicero. Among them were the stripped-down and scientistic model of speech proposed in Caesar’s *De analogia*, which appears to demand less of both speaker and audience than Cicero does, and the compromise of Quintilian’s *Institutio oratoria*, which attempts to embed Cicero’s demand for extra-ordinary speech within a standardized course of education for less-eventful times. Each of these responses was highly consequential in its own way, Caesar’s as a window onto the constrained and depoliticized oratory of the Roman principate, and Quintilian’s as the vehicle that would help to carry Cicero’s stylistic reputation into the principate and into the school curricula of early-modern Europe. What remains to be considered, however, is the most conceptually challenging criticism of Cicero, which forms the background of this chapter’s argument: the criticism that concludes Tacitus’s *Dialogus de oratoribus*. Briefly, it is the claim that Ciceronian eloquence is not only marked by crisis, but limited by crisis.

Both the *Institutio* and the *Dialogus*, likely completed within a decade of one another, are haunted by the figure of Cicero and by the republican oratory with which he was synonymous. But while Cicero appears and reappears in the *Institutio* as an unambiguous hero, he is a compromised and even pathetic figure in the work of Quintilian’s younger contemporary Tacitus. Like Quintilian, Tacitus is concerned with the impossibility of great eloquence in a more settled era—but Tacitus seems more willing to entertain the notion that that is for the best.

The *Dialogus* concludes with a speech attributed to Curiatius Maternus, a senator who has abandoned the practice of oratory for the mostly apolitical art of poetry. His words are a warning against
oratorical nostalgia—that is, against a privileged present that wants to idealize past eloquence at a safe distance from the upheaval that conditioned it. The dialogue’s best-known tag summarizes the argument: “Great eloquence, like fire, grows with its material; it becomes fiercer with movement, and brighter as it burns.” And yet the fuel for eloquence is a burning state: “disorder and license…universal confusion,” all of which offer rich opportunities and high premiums for extraordinary acts of persuasion.¹¹

A stable state, by contrast, makes the opposite bargain: it chooses process over eloquence, the unexceptional round of procedures over the demands of *kairos*. The bargain is evident in the substitution of the declawed imperial Senate for factional politics and loud public assemblies; speeches on “a theft, a technical point, a judicial decision” for speeches on “the plundering of the allies and the massacre of citizens”; or procedural rules that set strict limits on speakers’ time and admissible evidence for the free-flowing forensic combat in which Cicero excelled.¹²

In much of this, Tacitus’s Maternus echoes Quintilian—yet without Quintilian’s nostalgia, or his or hopeful gestures toward a “supreme orator” whose powers might be “displayed with brighter splendour in greater matters” than the times permit.¹³ Maternus has no regrets like those: what appears to be modern mediocrity is, in truth, “all that the circumstances of a settled, quiet, and prosperous community allow.”¹⁴ It is only toward the end of his speech that Maternus reaches a

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¹² Ibid., 37. In fact, the mention of a prosecution for “plunder” and “massacre” recalls Cicero’s famous case against Verres—a remarkable performance that was only necessitated by a disastrous system of provincial governance.


¹⁴ Tacitus, *Dial.*., 36.
vehemence that might begin to betray the author’s irony, a point to which I will return in a moment.

In any case, he concludes that

the great and famous eloquence of old is the nursling of the licence which fools called freedom; it is the companion of sedition, the stimulant of an unruly people, a stranger to obedience and subjection, a defiant, reckless, presumptuous thing which does not show itself in a well-governed state….

What need there of long speeches in the senate, when the best men are soon of one mind, or of endless harangues to the people, when political questions are decided not by an ignorant multitude, but by one man of pre-eminent wisdom?²¹

Taken at face value, this is a powerful indictment of the model of speech proposed in Cicero’s late works, for two reasons beyond the more obvious claim that the high costs of eloquence are not worth paying. First, it would sharply limit the applicability of Ciceronian speech, demoting it from living tradition to historical artifact. Maternus suggests that the characteristic move of Cicero’s ideal orator, reference to the rhetorical *kairos*, be applied to the body of Ciceronian rhetoric as a whole: what we find in *De oratore*, he implies, is not analysis of eloquence in general, but eloquence under very specific conditions that have now expired. What remains is a merely aesthetic object, “the great and famous eloquence of old”—perhaps of some value to a poet like Maternus, but certainly something other, and less, than what Cicero believed he had produced. And because Maternus speaks as if Rome’s new stability is permanent, he does not allow for a return to crisis that might

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²¹ Tacitus, *Dial.*, 41.
return Cicero to relevance. Second, Maternus seems to negate entirely Cicero’s fixation *de oratore*—that is, “on the (ideal) orator.” For Cicero, as for Quintilian, eloquence is inseparable from a lifelong project of character-formation culminating in an heroic series of public performances. For Maternus, the production of eloquence is much less mystified: it is a reliable question of opportunities and rewards, the appearance of sufficiently dramatic subject matter (for which the orator, unlike the poet, must simply bide his time), and the presence or absence of good legal procedures (the worse, the better). This is the orator as epiphenomenon, not hero, a product rather than a maker of his times; in well-governed times, eloquence would seem to be not merely “presumptuous,” but actually impossible. Or, from another perspective, we could call Maternus’s thesis the spontaneous generation of eloquence. It is an appropriate end to Tacitus’s dialogue, because it implies that eloquence is not especially worth studying at all: it grows from crisis with as little effort and surprise as fire grows from kindling.

Maternus’s words are certainly susceptible to ironic readings, especially given what is suspected about the republican leanings of Tacitus.16 The best men might be “soon of one mind” because it is too dangerous not to be. Disorder, confusion, and unruliness might, in the Machiavellian sense, be signs of a polity’s vigorous health, rather than its weakness.17 Yet a straightfaced version of his argument would ultimately prove far more influential than any ironic reading—especially in the 18th-


century discourse of civility, in which constitutionalism and the rule of law were often consciously opposed to classical eloquence.\(^18\) While I am not claiming a definitive Tacitean influence on this discourse, I do think it is fair to claim that the arguments I consider here stand with Tacitus in a common tradition of thought.

In 18\(^{th}\)-century discourse, then, we see the reintroduction of the Tacitean point that regularity and predictability in government generate their own model of speech: factual, restrained, dispassionate, and even mediocre, a rebirth of the kind of Atticism that Cicero denounced at such length. The opposing model of speech, frequently embodied in the image of an orator of the late Roman Republic or a Greek demagogue, is treated as outmoded and ridiculous, or as actively dangerous to the rule of law.

We find an early example of this argumentative tack in “Of Eloquence, Considered Politically,” a 1722 entry in the series of *Cato’s Letters* by John Trenchard. Trenchard suggests the counterfactual of a Demosthenes forced to speak in the style of “dry truth” that Locke had recommended and to summarize his Philippics in a series of succinct propositions.\(^19\) This straightforward Demosthenes

\(^{18}\) I am indebted to Adam S. Potkay’s *The Fate of Eloquence in the Age of Hume* for a number of the examples of anti-Ciceronian writing below. Potkay’s work is especially concerned with investigating the social history of the 18\(^{th}\)-century turn against Ciceronianism—the ways in which the passions of classical eloquence ran afoul of an emerging ethic of “politeness,” and in which “polite society” turned consciously restrained speech into a mark of social distinction. Here, however, I am more concerned with the institutional history of the anti-Ciceronian turn—the ways in which 18\(^{th}\)-century writers began to see the norms of classical eloquence as inconsistent with orderly government. These sets of motivations might coexist and might inform one another, and I do not want to imply that the set of institutional motivations was somehow less snobbish or more principled. I do want to suggest, however, that the development of speech norms is an important topic for political theorists, as well as for literary or social historians, and that its study might shed valuable light on the study of political institutions. Potkay, *The Fate of Eloquence in the Age of Hume* (Ithaca: Cornell UP, 1994).

would have been a flop—and that would have been for the best, Trenchard suggests, given the disastrous outcome for the Greeks persuaded by the historical Demosthenes.

And yet the counterfactual has, thanks to the English law, become the reality. Classical eloquence has, for the most part, been rendered impossible: “the rules of proceeding being strict and ascertained, there is no room for haranguing. The judge is tied to the rigid letter of the law, and not to be moved from it by pity or resentment; and therefore an address to his passions would be ridiculous and offensive.” The proper audience for an unrestrained oratory is “an assembly that acts by discretion, or…an absolute prince who has life and death in his hands”: here is an important analogy between model of speech and model of polity, the mutually-reinforcing restraint of oratory and the lawfulness of the sovereign to which it is directed. Parliament and the English courts, by contrast, are not bodies that act purely by discretion, bound as they are by the customary constitution and the rule of law. Accordingly, “a speech of this [ancient] sort would be waste language in Westminster-Hall….To know law, and to speak to the point, is the only rhetoric approved, or indeed allowed, there.” The rhetoric of tropes, figures, and passions is at best a necessary evil whose scope is to be policed by the modern state. For Cicero, eloquence constitutes libertas, which is inconceivable without it; for Trenchard, eloquence is the mildly noxious byproduct of liberty that is simply impossible to “destroy” at an acceptable price.20

20 Trencahrd, “Of Eloquence, Considered Politically,” 732-3. While Cato’s Letters offer an early instance of this line of argument against any revival of classical eloquence, it would become something of a commonplace by mid-century. The year 1762, for instance, saw Adam Smith’s argument that “the behavior which is reckoned polite in England is a calm, composed, unpassionate serenity” which necessarily clashes with the “old Eloquence”; it also saw Joseph Priestley’s claim that “the English pulpit, the English bar, and the English senate, require an eloquence more addressed to the reason, and less directly to the passions, than the harangues of a Roman pleader, or the speech of a Roman Senator.” In 1783, Hugh Blair repeated the point that modern audiences demand a “much more cool and temperate” style “which aims at convincing and instructing, rather than affecting the passions”—that is, an oratory limited to Cicero’s plain and middle styles. Smith, Lectures on Rhetoric and Belles-Lettres, ed. J.C. Bryce (Indianapolis, IN: LibertyClassics, 1985), 198-9; Priestley, A Course of Lectures on Oratory and Criticism, ed. Vincent Bevilacqua and Richard Murphy (Carbondale, IL: Southern Illinois UP, 1965), 113; Blair, Lectures on
David Hume picks up this argumentative thread in his widely-read essay “Of Eloquence,” published in 1742 and revised over the next two decades. Here, Hume makes explicit the equation between the language of modern politics and the Atticism against which Cicero defined himself: “If I mistake not, our modern eloquence is of the same stile or species with that which ancient critics denominated Attic discourse, that is, calm, elegant, and subtile, which instructed the reason more than affected the passions, and never raised its tone above argument or common discourse.” Modernity represents the belated victory of the Atticists—and Hume is more willing than Trenchard to mourn that fact. Eloquence is the one practice in which the moderns have failed to excel the ancients, and a passionate passage of the kind that marked the high-point of Cicero’s achievement—“Should I lift up my voice in the most desolate solitude, to the rocks and mountains, yet should I surely see those rude and inanimate parts of nature moved with horror and indignation at the recital of so enormous an action”—would only appear “monstrous and gigantic” in the mouth of a modern politician or pleader, a fatal mismatch of scale.²¹

Hume’s essay ends at an impasse, petering out in the modest suggestion that members of Parliament might at least spend more time preparing their speeches and less time extemporizing. But in the weakness of Hume’s constructive response, Adam Potkay is, I think, right to observe a serious ambivalence: the loss of classical eloquence is worth some nostalgia but not very strenuous action. We might be reminded of the equivocal position taken in a contemporary work of much greater

scope, Montesquieu’s *Spirit of the Laws*: that we can express admiration for the achievements of the ancients that “astonish our small souls” without any real desire, or capacity, to emulate them. In any case, the importance of Hume’s essay for the argument I am pursuing here lies in the way that even one of the 18th-century writers most nostalgic for ancient eloquence was largely unable or unwilling to imagine what its return might look like.

Finally, as a late example of this line of thought with respect to deliberative oratory, we can briefly consider James Madison’s *Federalist* 58. While the bulk of this entry in the *Federalist* is concerned with technical questions of the apportionment of the House of Representatives, Madison concludes by proposing a kind of theorem of the inverse relationship between the size of deliberative bodies and their security from demagogues: “in all legislative assemblies the greater the number composing them may be, the fewer will be the men who will in fact direct their proceedings.” And his chief point of evidence for this theorem is the experience of unruly rhetoric in the classical world:

> [T]he more numerous an assembly may be, of whatever characters composed, the greater is known to be the ascendancy of passion over reason. In the next place, the larger the number, the greater will be the proportion of members of limited information and of weak capacities….In the ancient republics, where the whole body of the people assembled in person, a single orator, or an artful statesman, was generally seen to rule with as complete a sway as if a sceptre had been placed in his single hand.

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And yet, this threat of a tyrannical eloquence is averted without much difficulty. It is sufficient to render deliberative bodies as small as possible (consistent with the need for “diffuse sympathy with the whole society”), and to ignore misguided demands for their augmentation. Grant such demands, and “the machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.”

Empirically, Madison may well be correct on this point. But what is much more striking is the difference in the cast of mind illustrated here between Madison the constitutionalist and the ancients against whom he defines himself. Cicero, too, was well aware of the problem of tyrannical eloquence, but he devoted considerable attention to distinguishing it from legitimate eloquence and investigating in detail the processes of character-formation by which one or the other might be fostered. Madison, by contrast, is convinced that “sophistry and declamation” can be engineered

23 Madison, “Federalist No. 58,” 251. Similarly, in Madison’s constitutional machinery, no one branch of government could be said to “act by discretion,” Trenchard’s precondition for classical eloquence.

24 For a detailed discussion of the effects of assembly size on the quality of deliberation, see Elster, Securities Against Misrule: Juries, Assemblies, Elections (Cambridge: Cambridge UP, 2013), 151ff. From the perspective of Condorcet’s jury theorem (which Elster, however, holds is minimally applicable to actual assemblies), we might read Madison as arguing that any epistemic advantages of a large assembly are offset by the fact that fewer members reach their conclusions independently; a very large assembly is only superficially large. In fact, Condorcet’s 1789 argument echoes Madison’s, though it comes to the more radical conclusion that the problem lies in verbal deliberation itself: while verbal deliberation may introduce new facts into consideration, “one is also seduced and worked up by the voice of an orator”; in general, “it would be easy to prove that spoken discussion harms the truth more than serving it.” Condorcet, “On the Need for the Citizens to Ratify the Constitution,” in Condorcet: Foundations of Social Choice and Political Theory, ed. Iain McLean and Fiona Hewitt (Aldershot, UK: Edward Elgar, 1994), 85-6.

25 Of course, the irony is that Madison substantively defined himself against the ancients while writing under a Roman pen-name—which brings to mind Marx’s comment that the French revolutionaries “performed the task of their time...in Roman costumes.” Despite the classicizing costumes of the 18th century, its substantive departure from classicism is much more noteworthy. For a detailed discussion of this departure, see Paul Rahe, Republics Ancient & Modern [3 vols.], vol. 3 (Chapel Hill, NC: University of North Carolina Press, 1994), 744.

out of the machinery.\textsuperscript{27} From the size of the assembly to the proportion of weak deliberators to the majority threshold for oratorical entrepreneurs capitalizing on their weakness: the production of eloquence is as predictable as that, and its restriction is equally mechanical.

This theme of destructive speech would not be especially worth dwelling on if it were simply of antiquarian interest to these writers, an opportunity for displaying their classical bona fides. But it is considerably more than that. For one, the ancient demagogue is never a purely ancient figure for any of these writers, but has modern analogues in disquieting varieties of political speech in their own time. For Trenchard, the analogue is the danger of radical preaching, whether from “popish ecclesiasticks” or “the Lutheran monks at Hamburgh”; for Hume, at various points of the revisions to his essay, and as his attitude toward Cicero soured, it the “country party” leaders who threatened the polite monopoly on political speech; for Madison, perhaps, it is the threat of a “majority faction” professing “a rage for paper money, for an abolition of debts, for an equal division of property.”\textsuperscript{28}

More important than these immediate associations, though, is the way in which classical eloquence comes to symbolize what constitutionalism is not. In passages like the ones I have considered, we see constitutionalism expressing its priorities through its oppositions, working to set itself apart from its troubled precedents in the republics of the ancient world. As much as Madison, for instance, departed from Cicero, he shared with him the conviction that a polity can be powerfully characterized by the kinds of political speech it considers normative, and by the kinds it considers aberrant. If so, then the strand of argument that I have sampled here might characterize a

\textsuperscript{27} More broadly, the gap between the two seems to reflect the gap between a discourse of virtue and a discourse of interests; on the transition from the former to the latter in republican thought, see Rahe, \textit{Republics Ancient & Modern}, vol. 2, 180, 191, 202.

constitutional polity as one in which Ciceronian speech is impossible, or at least sharply limited. (Factually speaking, of course, such speech was not impossible; deliberative civility or “politeness” was never so much a description of how things were as it was an ideological claim about how things, under an enlightened government, ought to be.²⁹)

What are the roots of this opposition? A familiar argument expresses constitutionalism’s sharp break with earlier political thought in terms of an emphasis on institutions at the expense of persons. As Sheldon Wolin argues, we can best understand the “depersonalizing tendencies” of modern constitutional theory in terms of its omissions: “We look in vain for any theory of political education, of political leadership….Constitutionalism [instead] relied on rules and procedures.”³⁰ Hume himself offers a strong rationale for these omissions: it is the health of procedures, not characters, that best explains good government. “One part of the same republic may be wisely conducted and another weakly by the very same men, merely on account of the differences of the forms and institutions by which these parts are regulated.”³¹ Needless to say, this choice of emphasis is directly at odds with much of the conceptual scaffolding of Ciceronian rhetoric: its deep interest in political education, its conception of political debate as a trial of virtus, and its valorization of a model of speech raised to such a high pitch of difficulty that it serves as much to identify and test virtus as it does to aid deliberation. Remove this fascination with character—and with the ways in


³⁰ Sheldon Wolin, *Politics and Vision*, expanded ed. (Princeton: Princeton UP, 2004), 349. Of course, we would expect these depersonalizing tendencies to be even stronger if they were supported by a generally pessimistic view of human nature; accordingly, on Madison’s Calvinistic perspective on human “depravity,” see Garrett Ward Sheldon, *The Political Philosophy of James Madison* (Baltimore: Johns Hopkins UP, 2001), xii, 65.

³¹ David Hume, “That Politics May Be Reduced to a Science,” in *Essays*, 24.
which elites display the various stamps of their characters in speech—and the self-conscious
difficulties of Ciceronian rhetoric seem no longer integral to the structure of political life but
superfluous to it, “monstrous and gigantic” growths that have ceased to function.

As useful as this argument is, I believe that a significantly underexamined but complementary
explanation accounts just as well for constitutionalism’s tendency to define itself against classical
cloquence—and clears space for a better appreciation of constitutionalism’s friendly critics,
including Burke. As Wolin goes on to argue, constitutional theory shares important affinities with
scientific methodology:

The existence of these affinities is confirmed in the strong fascination
constitutionalists have had for the idea of applying scientific methods to the study of politics….Constitutionalists have been especially susceptible to the lures of scientific
method because of an assumption that a constitutional system provides a field of
phenomena, so to speak, which is uniquely receptive to scientific methods.

In particular, a constitutional system—with its circumscribed political roles and checks on attempts
to act by “discretion”—“lays down explicit procedures for developing regularities and uniformities
in human behavior.”32 In other words, a constitutional system resembles scientific method both
positively and normatively: even as it is founded on assumptions about uniformities in human
behavior (Madison’s inverse theorem on the size of deliberative bodies is an example close to hand),
it also drives those who occupy roles within it to act with greater uniformity; we might say that it

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32 Wolin, Politics and Vision, 351. My argument, however, does not require us to subscribe to the value judgment inherent in “lures of scientific method.”
aims to foster positive feedback between these two categories. Scientific or scientistic accounts of uniformities in behavior rely, in turn, on premises about temporal uniformity: predictions, explanations, and scientific laws depend on such premises, just as the inverse square law of gravitation is as valid in Newton’s time as in ours, and just as Madison holds that his theorem applies equally well to ancient and modern republics. Similarly, “constitutional time” could be described as uniform in a normative sense: it aspires to a stable round of procedures and a limited range of recurring situations, and it offers a language for criticizing deviations from this round as unconstitutional.

In sharp contrast, time in classical rhetoric does not move in any such round. Cicero, for instance, largely resists efforts to sort politics into a set of uniformities; instead, rhetorical situations succeed one another as a series of particular, isolated moments that throw the skilled orator into a state of permanent adjustment. This is time as kairos—a collection of occasions or an uneven line of peaks. Again, this conception is as normative as it is descriptive. Cicero’s late rhetorical works do not simply argue that politics is best represented as a set of incommensurable moments—rather, he and the speakers in his dialogues closest to his perspective represent themselves as offended, disappointed, or even bored that political life might be otherwise. As his mentor Crassus says in response to one attempt to discover regularities and patterns in the law: “if you are content with all of this…then you are driving the orator away from a vast and immense field and forcing him into a pretty narrow circle.”33 The irregularity of time in Cicero is an exaggeration of reality, an ought as much as an is; but then so is the regularity of “constitutional time.” The premises of Ciceronian eloquence would seem to be a deep criticism of the premises of constitutionalism, and vice-versa—

33 Cicero, De or., 3.70.
so it would not be outrageous to characterize these political frameworks in terms of the speech that they attempt to exclude.34

Burke would spend much of his career testing that proposition. Compared with Madison, for instance, he held that sound institutional design was less likely to obviate questions of political and rhetorical conduct. He did not question the value of rule-bound government; he did, however, dispute the value to such government of moderate speech. As reasonable as the case for moderate speech appears on its face—who, in the end, is in favor of “sophistry and declamation”?—Burke offered a sophisticated and forceful account of its shortcomings. In the next section, I consider how this account informed his rhetorical practice.

2.

When we read Burke describing Parliament, in his 1774 speech to the Electors of Bristol, as “a deliberative assembly,” he does not at first glance appear to be so distant from the critics of immoderate speech I considered in the previous section. His argument against binding mandates for representatives depends on the claim that “government and legislation are matters of reason and judgment, and not of inclination; and what sort of reason is that in which the determination precedes the discussion…?”35 Lines like these, along with the image of Burke as the ur-conservative, might lead us to assume that Burke’s notion of deliberation was as staid as that of any of his

34 On the wide scope for “discretion” and the weakness of “clear rules and procedures” under the Roman Republic, see Michelle T. Clarke, “Doing Violence to the Roman Idea of Liberty?: Freedom as Bodily Integrity in Roman Political Thought,” History of Political Thought 35(2) (2014): 215.

contemporaries, and that he conceived of a deliberative assembly as a forum for measured debate among elite representatives according to clear rules of decorum. Yet Burke’s rhetorical conduct clearly belies that assumption.

To be sure, Burke was hardly the only one of his contemporaries to practice an especially impassioned form of oratory: we need only consider his parliamentary colleague Richard Brinsley Sheridan, who concluded his 1788 speech in the impeachment trial of Warren Hastings by theatrically collapsing into Burke’s arms. Nevertheless, Burke’s rhetorical practice remains distinctive. For one, Burke is notable not just for a handful of impassioned performances, but for a career-spanning degree of vehemence. He did not employ the rhetorical sublime simply to inspire fear of revolution. Rather, he conceived of disruptive speech as serving a far more fundamental purpose: countering deficiencies of deliberation and provoking the exercise of judgment across a wide range of cases. Further, contemporaries found in Burke’s words not only heightened passion, but a consistent quality of strangeness: invocations of the immense, the obscure, the alien, the paradoxical, and the powers of nature—all of which, as I will argue, build on the theory of the sublime developed in the *Enquiry*.

Before reconstructing that theoretical basis in the following two sections, I will discuss a range of examples of Burkean sublimity in practice. I will consider how we can derive from Burke an account of the ways in which disruptive and immoderate speech can serve deliberation, as well as the ways in which the obscure and the uncanny can in fact help us to see political problems more clearly. As I

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will argue, the notion of deliberation implicit in Burke’s practice runs counter to the ideals of both present-day deliberative theorists and his own contemporaries.

First, consider Burke’s 1775 speech “On Conciliation with the Colonies.” Here, he aims to show that his colleagues’ emphasis on Parliament’s legal right to tax the American colonies ignores the high costs of enforcing that right. But after attempting to carry his point through a litany of statistics demonstrating the colonies’ economic heft, Burke breaks off from the argument in favor of a much more vertiginous image. He asks his listeners to imagine that an angel had traveled 68 years into the past to prophesy to a young boy—now an aged lord—the immense transformations that his lifetime would witness. Suppose that the angel

should point out to him a little speck, scarcely visible in the mass of the national interest…and should tell him—“Young man, there is America…[which] shall, before you taste of death, show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to…in a series of Seventeen Hundred years, you shall see as much added to her by America in the course of a single life!” If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!37

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Here Burke conjures the awe of a divine apparition, a thought that the *Enquiry* calls “amazingly sublime.” Awesome as well is the presumed position of the listener, peering down on the globe from a dizzying height that turns a continent into “a little speck,” as 1,700 years of development are compressed into the span of a single life. In another unsettling note, Burke reminds us that the subject of his extended conceit, who has been briefly restored to youth, is in truth on the verge of death. On reflection, in fact, this is the kind of image that can be spoken but not stably envisioned or held in the mind. Not only is the view of the earth impossible (in 1775), but it is imposed on a protagonist whose position in time will not stop shifting: first we imagine him old (“my Lord Bathurst might remember…”), then young (“Young man…”), then old (“before you taste of death…”), then young again (“the sanguine credulity of youth…”), then dying (“…the setting of his day”).

The whaling passage, quoted at the outset of this chapter, is another spatially disorienting journey, an instantaneous passage from Greenland to Antarctica. Even the traditional markers of navigation are distorted: rather than the southern constellation of Hydra, we look up to see an immense “frozen Serpent” in the sky. And again, we are among the monumental: crumbling glaciers, piercing cold, and the violent death of “gigantic game.”

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39 This passage can be read as a deliberate distortion of the popular poetic trope of the “prospect survey.” On that trope, see Frans De Bruyn, *The Literary Genres of Edmund Burke: The Political Uses of Literary Form* (Oxford: Clarendon, 1996), 112.

40 A Google Ngram search suggests that this phrase is Burke’s coinage.
Burke casts his American speeches as an effort to drive his listeners away from abstract considerations and into a confrontation with circumstances: away from the “metaphysical distinctions” surrounding the mere right to taxation and toward “the arguments of states and kingdoms,” the prudential considerations surrounding the exercise of that right.\textsuperscript{41} For Burke, engagement with the latter demands that the contingent, specific circumstances of America—the scale of its trade, the political culture of its colonies—be made powerfully present to the deliberators, a strategy served by arresting passages like the above.

Burke returned to this framing in his Indian speeches in the subsequent decade. He claims that the colonial abuses of Warren Hastings and the East India Company are abetted by Parliament’s tendency, once again, to evade circumstances—to perceive only the usual topics of politics, or “the petty intrigue of a faction at court,” in lieu of India itself. A deliberation conducted in the customary and deadening register of legalisms is an abdication of responsibility. It represents the intrusion “of such company as \textit{Quo Warranto}, and \textit{Mandamus}, and \textit{Certiorari}; as if we were on a trial about mayors and aldermen….It is not right, it is not worthy of us, in this manner to depreciate the value, to degrade the majesty of this grave deliberation of policy and empire.”\textsuperscript{42}

What sort of language, then, could effectively challenge this resistance to perceiving the problem in its true scale, rather than as the transposition of a parochial English controversy? Again, Burke has an interest in disorienting his listeners, of shaking them out of the confines of locality and routine. If Burke’s American speeches are spatially disorienting, his 1783 speech “On Mr. Fox’s East India

\textsuperscript{41} Burke, “American Taxation,” 73.

\textsuperscript{42} Burke, “Speech on Mr. Fox’s East India Bill,” in \textit{Works}, vol. 2, 434.
Bill”—a bill to place the East India Company under direct parliamentary control in hopes of curbing its colonial abuses—is disorienting in terms of sound. Perhaps its most striking feature is its density with foreign place names and proper names, sounds that Burke admits are likely to strike his English audience as “uncouth and strange.”

We might assume that a speech on imperialism in India would necessarily entail the use of local terminology—but a comparison with Charles James Fox’s speech on the same bill, which is almost entirely lacking in such terms, suggests that Burke was making a considered persuasive choice.

To hear a passage such as this one, on the Company’s conduct toward local rulers (and an especially compact instance of a pattern recurring throughout the speech), is to be forcibly reminded that one is no longer in the familiar territory of mayors and aldermen:

In Bengal, Seraja Dowla was sold to Mir Jaffier; Mir Jaffier was sold to Mir Cossim; and Mir Cossim was sold to Mir Jaffier again. The succession to Mir Jaffier was sold to his eldest son; another son of Mir Jaffier, Mobarech ul Dowla, was sold to his step-mother. The Maratta empire was sold to Ragoba; and Ragoba was sold and delivered to the Peishwa of the Marattas. Both Ragoba and the Peishwa of the Marattas were offered to sale to the Rajah of Berar. Scindia, the chief of Malva, was offered to sale to the same Rajah; and the Subah of the Decan was sold to the great trader Mahomet Ali, Nabob of Arcot.

43 Ibid., 465.


45 Burke, “Mr. Fox’s East India Bill,” 450.
Perhaps this is simply a performance of expertise. Yet I would also suggest that Burke is participating in a time-honored trope for invoking “majesty”—one that relies on the striking value of a passage, nominally in English, that passes close to unintelligibility and becomes a display of sound rather than sense. In fact, Burke argued in the *Enquiry* that language is most powerful when it is obscure rather than clear. Given Burke’s attested Miltonic references in debate, and his discussion in the *Enquiry* of Milton as an exemplar of sublimity, the passage above seems to recall nothing so much as one of the nearly context-free litanies of Hebraic place names in *Paradise Lost*:

Rabba…in Argob and in Basan, to the stream of utmost Arnon…Hinnom,
Tophet…Chemos…Moab…from Aroar to Nebo, and the wild of Southmost Abarim; in Hesebon and Horonaim, Seon’s realm…Sibma…and Eleale to the Asphaltic pool.46

In his subsequent attack on the Company, the 1785 speech “On the Nabob of Arcot’s Debts,” Burke once more wants to call his listeners’ attention to the consequences of British misgovernment in India. His most telling illustration is not one of famine and rapine, but of objects unheard-of in Britain. They are some 1,100 massive stone and earthen irrigation reservoirs in the Carnatic state of south India, now destroyed by war:

These are the monuments of real kings, who were the fathers of their people—testators to a posterity which they embraced as their own. These are the grand sepulchres built by ambition—but by the ambition of an insatiable benevolence,

which, not contented with reigning in the dispensation of happiness during the
contracted term of human life, had strained, with all the reachings and graspings of a
vivacious mind, to extend the dominion of their bounty beyond the limits of Nature.

No sooner are we confronted with immense earthworks built to endure “through generations of
generations” than we discover that something unseen has universally wrecked them. Even intact,
the reservoirs are both life-giving public works and “sepulchres,” a uncanny instance of death-in-life.
They are, moreover, the products of impossible ambition: they were dug by “an insatiable
benevolence” (paradoxical in itself—benevolence is supposed to be giving, not all-consuming) and
aimed to extend “beyond the limits of Nature,” that is, to achieve the physically impossible. What
might be a civil engineering project in other hands becomes, in Burke’s, one of those sublime “ideas
not presentable but by language.”

Finally, as another instance of such ideas, consider the impeachment trial of Warren Hastings, which
Burke concluded in 1794 with an appeal to apocalyptic justice:

that justice which, emanating from the Divinity, has a place in the breast of every
one of us…and which will stand, after this globe is burned to ashes, our advocate or
our accuser, before the great Judge, when He comes to call upon us for the tenor of
a well-spent life.

47 Burke, “Speech on the Motion Made for Papers Relative to the Directions for Charging the Nabob of Arcot’s Private Debts to Europeans on the Revenues of the Carnatic,” in Works, vol. 3, 68.

48 Burke, Enquiry, 260.

Here, the fear pervading the passages above is literalized—and it is Burke’s preeminent fear, divine judgment. But even as his listeners are asked explicitly to imagine their own deaths, Burke draws out all the physical queerness of a Christian commonplace. What would it mean for the fabric of the world to be destroyed? If the world were burned to ash, where would all of the ashes go? Of course, these are impossible questions, just as “insatiable benevolence” is an impossible concept. For our purposes, the more important question is: how, if at all, does this kind of impossibility contribute to deliberation?

In answering that question, we could draw out three common properties of the range of passages I have considered. First, each has a semantic content that is obvious enough—America is very big; India’s local rulers are worthy of respect; judges will be held accountable for their judgments—but the distance between that content and the means used to express it is almost laughably large. This distance itself suggests that such passages do not exactly function as arguments. All of these passages could, in fact, be plausibly excised from propositional summaries of Burke’s arguments. To the extent that we conceive of deliberation as an exchange of reasons or a “sequence of propositions,” these passages are arguably not deliberative at all.  

Second, however, they are deliberative in Burke’s conception of the term. A guide to this conception is the biblical allusion with which Burke introduces the passage on the angel in “Conciliation”: “I cannot prevail on myself to hurry over this great consideration. It is good for us to be here.” The words

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were spoken by Peter on witnessing the Transfiguration, the best candidate in the Gospels for the
Burkean sublime. In that context, “it is good for us to be here” is not a bland statement of fact, but
an instance of the kind of clarified realization that prototypically follows an encounter with
sublimity. Here is in immediate and unmediated confrontation with circumstances. Having been
alarmed by the immensity of America, by the grandeur of India’s kings, and by the prospect of
divine justice, we might then exercise our judgment; we might reflect more clearly on the difficulty
of holding America by force, on the wrongs done to India, and on the fate of Warren Hastings. In
his Reflections on the Revolution in France, Burke put this notion more succinctly: we must be “alarmed
into reflection.” 52 Even if the object that provokes such alarm is strange and obscure, it may yet
make it possible—as the sublime object is encompassed by the mind and the alarm recedes—for us
to judge more clearly. Burke holds that deliberators will be disinclined to perform the second step,
the step of painful judgment, unless they have been confronted by the first.

Third, if these passages, to the extent that they intend to disturb and disorient, would arguably run
afoul of present-day notions of civility, they also transgressed notions of civility current in Burke’s
own time—notions whose theoretical basis I explored in Section 1. If we perceive such passages as
particularly heated, florid, emotive, or superabundant, we are not simply reading 18th-century prose
with 21st-century eyes. We are echoing the opinion of many of Burke’s contemporaries. Burke’s
conduct in debate was frequently likened to a force of nature: he was “a wolf,” or “foaming like
Niagara.” 53 Journalists often observed something archaic in Burke’s eloquence. In 1773, the Evening


53 William Dowe, Junius, Lord Chatham (New York: Miller, Orton, 1857), 9; Christopher Reid, “Burke as Rhetorician
and Orator,” in The Cambridge Companion to Edmund Burke., ed. David Dwan and Christopher Insole (Cambridge:
Post attributed to him a “vehemence uncommon amongst our modern Orators.” In a 1776 report from the Gazetteer, we read that Burke cast a debate on the American colonies into the Miltonic terms of epic poetry: “the House of Commons he likened to Chaos…its hallowed inhabitants to the host of Satan; and himself to the poet.”

For others, though, Burke was merely an ethnic caricature: Thomas Erskine, a member of Parliament, complained that Burke had the manner “of an Irish chairman,” or sedan-porter, and John Wilkes claimed that Burke’s “wild Irish eloquence” was the product of “potatoes and whiskey.” Burke was well aware that he spoke not only (for the bulk of his career) as a member of the political opposition, but also from the position of an ethnic and social outsider. In a 1770 outburst in the House of Commons, Burke referred to himself as a “novus homo,” borrowing Cicero’s term for a self-made man in politics. He continued: “He knew the envy attending that character. *Novorum Hominum Industriam odisti* [You hate the industry of self-made men].” Near the close of his career, he complained with some justification that “at every step of my progress in life…I was obliged to show my passport.” And it seems that Burke’s marginal origins, not to mention his


family ties to the minority religion of Catholicism, were never so salient as when he spoke with
vehemence.

But perhaps most striking is the fact that contemporaries who perceived Burke’s rhetoric as
indecorously excessive often pointed to the Enquiry itself as incriminating evidence.58 Following
their lead, I turn to the Enquiry for a Burkean account of the trouble with moderate speech. The
trouble is that moderate speech does little to lift deliberators out of the recurring round of
procedures and situations characteristic of constitutional government—and that, immersed in
this round, deliberators will tend toward the neglect of shifting and contingent particulars that we
have seen Burke criticize repeatedly. For this reason, sound deliberation demands a degree of
novelty and excess, qualities that characterize the sublime.

3.

Burke’s Philosophical Enquiry Into the Origin of Our Ideas of the Sublime and Beautiful (first
published in 1757 and then in a revised edition two years later) is a key basis of his critique of
the anti-rhetorical tradition. The sublime, of course, is an aesthetic of excess: it literally
designates experience that proceeds up to and beyond the limen, the threshold or the brink.59 And
the study of the sublime—a category that would in time be extended to natural vistas, or to
colossal architecture, or to the objects of religious worship—originated in the study of rhetorical
excess, of classical oratory and its

58 De Bruyn, “‘Expressive Uncertainty’: Edmund Burke’s Theory of the Sublime and Eighteenth Century
Conceptions of Metaphor,” in The Science of Sensibility: Reading Burke’s Philosophical Enquiry, ed.

grand style. The *Enquiry* stands as the conceptual foundation for Burke’s rhetorical project. Like Burke’s oratory—“It is good for us to be here”—it is concerned with the singular and irregular moment in time. And it is a rhetorically-inspired text precisely because it prioritizes language itself as the preeminent site of sublimity.

None of this argument requires a bluntly political reading of the *Enquiry*, in which we search for hints or prefigurations of its author’s future concerns; F.P. Lock, for one, is correct in warning us against such an attempt and the ways in which it trivializes the *Enquiry*’s broader goals. But the warning would go too far if it led us to ignore Burke’s insights into the rhetorical role of sublimity, and the ways in which these insights effect a powerful challenge to the Tacitean tradition I have discussed. As I argued at the outset of this chapter, the richer question is not what Burke considers sublime; it is the uses and limits of sublimity in the life of the senses and, by extension, the life of the polity.

Reading *On the Sublime* (*Peri hypsous*) in two influential translations—Boileau’s French version in 1674, and William Smith’s English version in 1739—European audiences were reintroduced to a rhetoric and aesthetics of excess with deep roots in classical oratory. The original Greek treatise—of uncertain date and authorship, but produced during the Roman principate and attributed to “Longinus”—is a sustained close reading of poets, orators, philosophers, and even the Jewish Septuagint in an effort to uncover the stylistic constituents of “mastery and power.”

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61 On Burke’s familiarity with Tacitus, see Bullard, *Edmund Burke and the Art of Rhetoric*, 16.

alongside Homer and Plato as an exemplar of the sublime is Demosthenes. In a typically insightful piece of analysis, Longinus imagines a counterfactual Demosthenic passage: he claims that a minor stylistic change would have rendered the climax of the great speech *On the Crown* rhetorically inert, even while roughly preserving its semantic content.

Demosthenes is defending his policy; his natural line of argument would have been:

“You did not do wrong, men of Athens, to take upon yourselves the struggle for the liberties of Hellas. Of this you have home proofs. They did not wrong who fought at Marathon”….Instead of this, in a sudden moment of supreme exaltation he bursts out like some inspired prophet with that famous appeal to the mighty dead: “Ye did not, could not have done wrong. I swear it by the men who faced the foe at Marathon!”….He rises to the loftiest altitude of grandeur and passion, and commands assent by the startling novelty of his appeal.

As a Greek, Longinus demurs from offering a similarly detailed engagement with Cicero. Yet the “conflagration” of Cicero’s prose qualifies as the treatise’s only Latin instance of sublimity. More importantly, there is good reason to believe that Longinus was a close student of the Ciceronian tradition, if not Cicero’s rhetorical works themselves, as he shares with that tradition a long list of hallmarks of the grand style.

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So when the translations by Boileau and Smith launched a renewed vogue for the sublime, the concept had already been decisively molded by the Demosthenic and Ciceronian aesthetic, one in which qualities of “exaltation,” “conflagration,” and “grandeur” were, given the suitable moment, highly desirable, rather than monstrously uncouth. In this sense, the study of the sublime itself offered a counterweight to the Tacitean tradition, one that Burke would fully exploit.

The *Enquiry*’s stated purpose—clarifying the often-muddled distinction between sublimity and beauty—immediately involves its author in a search for a foundational point at the most basic level of human psychology, and even physiology. This is the level of our fundamental sensations, pleasure and pain, and of the sensations triggered by their removal, which Burke respectively labels grief and delight. If beauty is pleasurable, sublimity is delightful: it excites and relieves us of sensations of pain. At a higher level of abstraction, Burke classes the passions into two broad groups, those relating to society and those relating to self-preservation. The impulses that make society possible, including sympathy and imitation, tend toward regularity, habit, and the round of custom; beauty, as a pleasurable, unthreatening, and “social quality,” would initially seem to be allied to these impulses.65

Yet one of Burke’s social passions pushes us in the direction of the sublime. This is ambition—a drive toward the singular and the unaccustomed. Ambition is the progressive force that impels one toward “excelling his fellows”; but, crucially, it operates even more forcefully in the contemplation of the strange and terrible. In such cases, “the mind [is] always claiming to itself some part of the

dignity and importance of the things which it contemplates. Hence proceeds what Longinus has observed of that gloriing sense of inward greatness, that always fills the reader of such passages in poets and orators as are sublime.” In this way, ambition drives us to play with our self-preservation—and I stress the word play here, because sublime poetry or oratory, or architecture, or landscapes have the power of simulating the danger that tenses and arrests the mind, and the succeeding delight and even “inward greatness” that occurs when the mind emerges from the confrontation intact and assimilates the source of danger to itself.⁶⁶

We should dwell on the importance of the process that Burke posits here—the triumphant assimilation of danger—because it implies that temporal limits are intrinsic to the sublime. The sublime is, roughly, a one-off: because the perception of danger fades with familiarity, the glory of claiming it to oneself by contemplating it fades, as well. Put another way, there are diminishing returns to assimilating the same object twice. Burke links sublimity to a host of threatening qualities—obscurity, immensity, physical force or its imitations—but underlying all of these is the rupture that sublimity effects in ordinary experience.⁶⁷

Yet in this property of singularity and novelty, beauty turns out to be more allied to sublimity than we were initially led to believe. As David Bromwich argues, a book that began by promising to distinguish these two qualities turns out to blur the line between them, until a different opposition is brought to the forefront: not beauty against sublimity, but beauty and sublimity against custom. Summarizing Burke’s argument, Bromwich writes that “custom binds us to the past….By contrast,

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⁶⁷ See ibid., 135, 190, 231.
the beautiful and the sublime belong to the present moment and dominate by their presence.

Custom…assists our survival by connecting past with present. The sublime and beautiful sever that link.” 68 Similarly, Jason Frank argues that Burke’s notion of the beautiful, like his notion of the sublime “is keyed primarily to human curiosity and the value of the unexpected and the new”—even if the sublime is the “apotheosis” of this value. 69

In this light, we would be making a common mistake if we treated Burke as a partisan of the sublime at the expense of beauty; we would even be mistaken if we treated Burke as a partisan of the sublime and beautiful at the expense of custom. “We are so wonderfully formed,” he writes, “that whilst we are creatures vehemently desirous of novelty, we are as strongly attached to habit and custom.” As in his political thought, he recognizes the value of the customary and the exceptional. Yet Burke does exceed Longinus and his classical precedents in one particular claim: his sublime is not only praiseworthy, but life-saving. Burke means this literally—excessive immersion in custom, habit, and regularity means depression and even death: “in this languid inactive state, the nerves are more liable to the most horrid convulsions, than when they are sufficiently braced and strengthened. Melancholy, dejection, despair, and often self-murder, is the consequence of the gloomy view we take of things in this relaxed state of body.” 70 Questionable physiology aside, this is a powerful and prescient account of ennui, or of the depressive stupor of unbroken sameness. 71 I have suggested

68 Bromwich, The Intellectual Life of Edmund Burke, 81-2.

69 Frank, ““Delightful Horror,”” 10-1. On the sources of Burke’s treatment of novelty-seeking as a fundamental human drive—and on Burke’s additional claim that “our interest in our environment is exhausted by familiarity”—see Bourke, Empire and Revolution, 123.


71 This account drew on contemporary accounts in medicine and moral philosophy of stimulation and melancholy: see Louis-Jean Lévesque de Pouilly, Theorie des sentiments agréables: ou après avoir indiqué les règles, que la
that Burke’s account of sublimity is deeply marked by the notion of *kairos* he inherited from classical rhetoric, and in his revulsion at too much pattern, he is not far from Cicero’s speakers in *De oratore*. But what he adds here is a psychological account, in the most modern terms available to him, of sublimity’s necessity. We might call his sublime the quality that breaks through ordinary time to refresh our sanity.

And this quality is, above all, evident in language: “we find by experience, that eloquence and poetry are as capable, nay indeed much more capable, of making deep and lively impressions than any other arts, and even than nature itself in very many cases.” This is the case not because language offers clarity of impressions, but because it promises obscurity: the obscurity that characterizes the sublime is most purely present in words. For instance, language alone can convey the impossibly sublime, as in Milton’s survey of Hell:

> Rocks, caves, lakes, fens, bogs, dens, and shades of death,
> A universe of death.\(^72\)

The lines are sublime because permanently obscure, obscure because just beyond our mental grasp. What could it possibly mean for rocks, caves, etc. to be “of death”—an idea “which nothing but a word could annex to the others”? What could “a universe of death” possibly entail? “Here are again

two ideas not presentable but by language; and an union of them great and amazing beyond conception.”

And yet, despite his nods to Longinus, it might be argued that Burke effectively divorces sublimity from rhetoric altogether. In this view, it is fitting that Burke’s treatment on sublime language ends with a discussion of poetry—including the work of Lucretius, Vergil, and Milton—because the sublime is fatally weakened by any attempt to harness it to persuasion. We find support for this view in Bromwich’s close reading of a key Burkean omission. The passage at stake is a handful of lines from Shakespeare—a portrayal of the king’s army in *Henry IV*—that Burke cites as a prime example of “magnificence”:

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All furnished, all in arms,
All plumed like ostriches that with the wind
Baited like eagles having lately bathed:
As full of spirit as the month of May,
And gorgeous as the sun in midsummer,
Wanton as youthful goats, wild as young bulls.
I saw young Harry with his beaver on
Rise from the ground like feathered Mercury;
And vaulted with such ease into his seat,
As if an angel dropped down from the clouds
To turn and wind a fiery Pegasus.
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Pulled from its context, this is an instance of pure verbal profusion; but returned to its context, as Bromwich observes, it turns out to be the greater part of a speech, a speech aiming to rouse its hearer, Hotspur, to battle. Burke’s omission turns the words from rhetoric to poetry; reading them in context, by contrast, gives the words “some utilitarian value after all. The passage is intent on dazzling a particular person who will act with a purpose.” And yet, on Burke’s understanding of the concept, it is exactly the words’ persuasive purpose that renders them less sublime, and the excision of that purpose that qualifies them to illustrate his text. To say, “…to turn and wind a fiery Pegasus. And so therefore…” is to attempt to bridge sublimity and ordinary experience, or to render the words less obscure and terrifying in the light of an understandable goal. But, writes Bromwich, “to the extent that a passage is woven into a context and becomes accessible to narrative understanding, to that extent it loses its sublimity….The nature of the sublime is to smash context.”

In this brief survey of the Enquiry, we can observe the foundation of a Burkean response to the anti-rhetorical tradition that cast sublimity as too dangerous for a constitutional polity: it replies that the absence of danger is itself threatening. As Bromwich points out, important rhetorical tasks arguably remain off-limits to the Burkean sublime: it is rendered less remarkable whenever it is, through the act of persuasion, yoked to a comprehensible human purpose Recognizing that limit, however, does not mean casting the Enquiry as a work with no bearing on politics. For Burke, the sublime has the salutary power of stimulating the imagination—and of disrupting ordinary time and the round of custom and procedure.

75 Bromwich, The Intellectual Life of Edmund Burke, 79.
Politically speaking, this is not nothing. To appreciate why, it is necessary to consider what might be wrong with deliberation in the absence of sublimity. We have already seen Burke criticizing his fellow deliberators for their inattention to circumstances. In the Burkean understanding of deliberation, this neglect is deeply rooted, but it is also corrigible through the cultivation of “imaginative judgment.”

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Burke’s speeches and political writings are full of criticism of allegedly defective deliberation—and his notion of its defining feature is remarkably consistent across his career. As Iain Hampsher-Monk puts it, Burke is a relentless opponent of political abstractions that are “dissociated from the circumstances which alone…can enable us to make judgments.”

Such abstractions are destructive of the necessary “accommodation to circumstances which must constitute all actual political systems.” Burke is often recognized to have taken this view of radical revolutionaries. But it is equally his view of ordinary parliamentary politics gone wrong: a mode of politics that prides itself on stability can, he insists, give rise to a mode of deliberation that is altogether too static, smoothing over circumstantial complexities and repetitively applying general maxims. He consistently urges his audiences to attend to the singular political moment, a challenge for which rules, procedures, and nostrums offer little help. The faculty Burke sees as absent from bad deliberation is a kind of “imaginative judgment”; I will argue that it shares important affinities with the notion of sublimity developed in the *Enquiry*, and that the disruptive impact of the sublime can provoke its exercise.

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We have already observed the tension between abstractions and circumstances in Burke’s American speeches: a fixation on the legal right to tax the colonies, at the expense of prudential judgment, sparked the colonial crisis and stands in the way of its resolution. That point is pressed most vividly in Burke’s critical character sketch of George Grenville, the prime minister responsible for the Stamp Act. In Burke’s depiction, he is a lawyer’s lawyer whose professional training has atrophied his political judgment:

[He thought] the substance of business not to be much more important than the forms in which it is conducted. These forms are adapted to ordinary occasions…but when the high-roads are broken up, and the waters out, when a new and troubled scene is opened, and the file affords no precedent, then it is that a greater knowledge of mankind, and a far more extensive comprehension of things is requisite, than ever office gave, or than office can ever give.

Stable “methods and forms,” it seems, can dupe us into perceiving the political occasion as exaggeratedly stable. In this way, Grenville read the mercantilist Act of Navigation as a legal precedent for the permissible degree of colonial taxation, not as a policy adapted to its moment and bound to alter with the occasion. In reality, Burke argues, “if the act be suffered to run the full length of its principle, and is not changed and modified according to the change of times and the fluctuation of circumstances, it must do great mischief.”

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The following year’s speech “On Conciliation” is an expansion of this theme—an analysis of a conflict that has grown so acute just because it is a clash of two normative abstractions, each with some claim on truth. The colonies, for their part, insist that “no shadow of liberty could subsist” in the absence of the power to control their own taxation; Parliament remains fixed on the claim that it is legally entitled to tax those it virtually represents. Of these two, it is the American claim that is the “pleasing error,” but it is the parliamentary claim that receives the bulk of Burke’s ire—simply because, in his view, the error of judgment that is excusable in a young nation is inconceivable among experienced statesmen:

[Does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles and all those arms? Of what avail are they, when the reason of the thing tells me that the assertion of my title is the loss of my suit, and that I could do nothing but wound myself by the use of my own weapons?]

From any systematic perspective, the proposal on which Burke came to rest seems naggingly unsatisfying: that Parliament might hold the right to taxation but refuse indefinitely to press the issue by exercising it; that a right asserted but indefinitely held in reserve is a coherent concept. Of course, the proposal failed; but in the context of my argument, it is less important to claim that Burke’s

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78 On the frequent intractability of debates over first principles, see Elster, Securities, 58-60.

framing of the issue—abstract right against circumstantial interests—was ultimately successful than that it was a habitual fixture of his thought.

This habitual fixture of Burke’s thought is evident again in the Hastings impeachment, which Burke cast as an inherently more just form of proceeding than an ordinary trial: “It is here that those who by the abuse of power have violated the spirit of law, can never hope for protection from any of its forms.” Burke praises impeachment as the least judicial of trials, one “tried by statesmen” and uniquely open to the prudential claims that characterize deliberative rhetoric.\(^{80}\)

With these precedents in mind, Burke’s writing on the French Revolution appears not as a deviation from a long-established pattern, but an intensification of it. In the Reflections, the Jacobins of 1790 seem just as prone as the parliamentarians of 1774 to conduct politics in terms of “metaphysical distinctions.” But the abstract soundness of their principles is not at issue: “Circumstances (which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing colour….\[Politics\] is, like every other experimental science, not to be taught à priori.”\(^{81}\)

Finally, this theme is brought to bear in his 1791 Appeal from the New to the Old Whigs, a defense of Burke’s political conduct against those of his party who sympathized with the revolution. Again, his criticism of English and French radicals restates his indictment of those who “build their politics,

\(^{80}\) Burke, “Speech in Opening the Impeachment,” in Works, vol. 9, 333. On Burke’s praise of impeachment as a quasi-deliberative procedure that was “less formalized and lawyerly, more passionate and personal,” see Bullard, Edmund Burke and the Art of Rhetoric, 129. This line of argument is reminiscent of Aristotle’s claim that deliberative rhetoric is “nobler and more worthy of a statesman” than judicial rhetoric; Rhetoric, in Aristotle [23 vols.], vol. 22, trans. J.H. Freese (Cambridge, MA: Harvard UP, 1926), 1.1.10.

\(^{81}\) Burke, Reflections, 240, 311.
not on convenience but on truth.” Truth is too rarefied a category to apply to politics: “nothing universal can be rationally affirmed on any moral, or any political subject….The lines of morality are not like the ideal lines of mathematics.”

In privileging the practical fact of the constitution’s endurance, which theory can analyze but not critique, Burke presumes that we express more wisdom in our concrete accommodations to the world than in our reflections on it.

In this light, Burke’s famous attack on the “calculators” of Paris is the direct descendant of his critique of his parliamentary opponents in relatively more ordinary conditions. It was no ad hoc reaction to crisis; it was the development of stable, deeply-rooted features of Burke’s thought. His analysis of deliberative failure remained consistent through such a long succession of issues and antagonists that it is difficult to assign it an obvious ideological valence at all.

But this, in turn, raises a different question: why was deliberation, in Burke’s terms, so consistently prone to failure? We might answer the question by more directly exploring the concept of political judgment. Judgment, in Ronald Beiner’s definition, is “a form of mental activity that is not bound to rules…and comes into play beyond the confines of rule-governed intelligence.” The move beyond such confines would seem to offer a strong prospect for fleshing out Burke’s notion of “enlargement,” the quality so often missing from defective deliberation, and which I take to entail a broad engagement with the moment in all its complexities. Burke is especially preoccupied with the psychology and the experience of judgment—the conditions under which we are moved to exercise

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83 Burke, *Reflections*, 331.

or, more likely, avoid it—along with the ways in which the inclination to judge can be provoked or suppressed by language.  

Returning to the *Enquiry*, and especially its introduction “On Taste,” we find judgment characterized as a “reasoning faculty” that is called for where the aesthetic meets the ethical. Perhaps the most salient fact about this faculty is that its exercise is unpleasant. Calling on our judgment means “tying us down to the disagreeable yoke of our reason,” and we will naturally develop a repertoire of means for evading this yoke. Reading this discussion into Burke’s more explicitly political works, it emerges as an etiology of faulty deliberation: we over-rely on maxims, legalisms, rules, and “metaphysical abstraction” to avoid or minimize the pain of judgment. All of these modes offer, in Burke’s view, ready-made applications that save us full engagement with the matter at hand; they are all a delegation of responsibility. This is why the essential feature of the French radicals is, perhaps surprisingly, their laziness, their “degenerate fondness for tricking short-cuts….Commencing their labours on a principle of sloth, they have the common fortune of slothful men.” It is hardly incidental that political actors of this kind do not really deliberate at all: “It is notorious, that all their

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85 Burke’s investigations of the internal experience of judgment makes him an important figure in the history of this concept. But his emphasis on the necessity of circumstantial judgment in politics has much older precedents—for instance, in Ciceronian *decorum* and especially in Aristotle’s discussion of practical wisdom, the quality of those skilled in “regulating their behavior according to the best propriety of the instant situation...without reference to laws or established systems.” Gloria Vivenza, *Adam Smith and the Classics: The Classical Heritage in Adam Smith’s Thought* (Oxford: Oxford UP, 2001), 49. See Aristotle, *Nicomachean Ethics*, 1137b8-27. To the extent that there is a puzzle about “judging judgment” in Burke’s politics—that is, how can we evaluate judgments as better or worse, as Burke clearly does, without some overt or covert reference to rules, laws, or systems?—Aristotle’s discussion of *phronesis* seems to me to remain the best answer.


87 Burke, *An Appeal from the New to the Old Whigs*, 80.
measures are decided before they are debated." Judgment, by contrast, is a labor-intensive mode of engaging with the world.

But for just this reason, there are, for Burke, important affinities between the experience of exercising judgment and the experience of the sublime. First, both share a tight bond with ambition. We exercise and cultivate our judgment in order to outdo our peers: “almost the only pleasure that men have in judging better than others, consists in a sort of conscious pride and superiority.” And the same impulse that seeks preeminence in a deliberative assembly also enjoys “claiming to itself some part of the dignity and importance” of sublime objects. In both cases, the drive to distinguish ourselves pushes us toward the unaccustomed.

Second, these two experiences share a similar structure of reward. In both cases, we deliberately encounter pain in order to experience delight in its removal. In one instance, encompassing the sublime object in one’s perception provokes and then relieves fear. In the other, putting on “the yoke of our reason” provokes and then discharges mental strain.

Third, both the exercise of judgment and the sublime are characterized by their aversion to rules and regularities. Just as judgment is required when rules do not readily apply to concrete circumstances, irregularity is essential to the sublime. It is not only that the experience of triumphant assimilation described by Burke virtually demands that the sublime object be new and singular. It is also that, from Cicero and Longinus on, the experience of the sublime has been associated with strategic

88 Burke, Reflections, 454, 321.

89 Burke, Enquiry, 97.
transgression of proprieties. In both the experience of judgment and the experience of the sublime, we are driven beyond the round of custom.

Fourth and finally, the experiences of judgment and of the sublime share a temporal structure. In his political works, Burke is consistently engaged in calling his audience back to the “here-and-now” of circumstances. If the “here-and-now” were not so valuable to Burke, he would be more content to rely on principles that aspire to a kind of timelessness. Yet only if we attend to what makes this deliberative moment distinctive, he urges, can we begin to judge rightly. Of course, that goal might strike us as paradoxical in a writer so committed, simultaneously, to notions of age-old stability—but only if we have neglected to read our Cicero. Rhetorical decorum was never a notion of stable and static propriety, but of a dynamic moderation that appears stable because it is a permanent adaptation to flux; in Burke, I believe, we encounter a writer who deeply absorbed this lesson.

Similarly, the experience of sublimity is consistently portrayed in terms of a qualitative rupture in time, in which the perception of steady temporal progress is suddenly arrested. The sublime “is constantly understood via reference to the arrestation of movement.” For Burke, “this notion of suspension, of hanging in mid air” has a distinct political value: it is the frame of mind that best prepares us to render judgment.⁹⁰

And yet there are two important ways in which these two experiences are not analogous. For one, Burke (following Locke) claims that, unlike the imaginative “wit” required to think in metaphors,

“the business of judgment is rather in finding differences.” But the relationship between the sublime and the business of “finding differences” is not clear-cut. If the sublime experience is distinctive in time, it is far from distinct: for Burke, its attributes are obscurity, darkness, and uncertainty. To develop Burke’s visual metaphor, in exercising judgment we ought to see clearly; when confronted with the sublime, we see darkly. But what can the obscure, the dark, and the terrible tell us about taxation and administration?

Second, Burke sees a persistent tension between judgment and imagination: “the judgment is for the greater part employed in throwing stumbling-blocks in the way of the imagination.” It is just this stern tendency to prevent our minds from running away with themselves that accounts for the pain of judgment.

Given these two dissimilarities, my argument would be at an impasse if Burke had not suggested that the tension between the judgment and the imagination can be highly productive. Where both of these faculties are well developed and operating in tandem, we are dealing with a master of good taste. In fact, Burke posits a causal relationship between them, in that the exercise of imagination can spur us to cultivate our judgment:

> [G]ood taste, does in a great measure depend upon sensibility; because if the mind has no bent to the pleasures of the imagination, it will never apply itself sufficiently to works of that species to acquire a competent knowledge in them. But though a

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92 Ibid., 97.
degree of sensibility is requisite to form a good judgment, yet a good judgment does not necessarily arise from a quick sensibility of pleasure.\textsuperscript{93}

In other words, imagination is necessary but not sufficient to good judgment—and the exercise of the imagination combines with the exercise of judgment to constitute the compound faculty of taste.\textsuperscript{94}

I prefer to use the term “imaginative judgment” when discussing this faculty in a political context—simply because “taste” is now so associated with aesthetic appreciation, and even snobbery, that the notion of “good political taste” would sound trivial. But it was not trivial for Burke, and it is reasonable to see it at the center of his rhetorical project. Burke’s psychology insists that judgment is difficult and must be deliberately provoked—and that appeals to the imagination can effect this provocation. If the sublime constitutes the strongest possible appeal to the imagination, then it is also the strongest possible spur to judgment. This is not to claim that we are in a state of mind to render distinct and precise judgments when confronted with the sublime in its obscurity—only that the confrontation with the sublime, by disrupting ordinary time, clears the ground for judgment. For

\textsuperscript{93} Ibid., 96.

\textsuperscript{94} As a result, I differ on this point from Neal Wood, whose 1964 article on Burke’s aesthetics paved the way for political readings of the \textit{Enquiry}. While Wood reads Burke as arguing that “judgment [is] opposed to the imagination,” I read him as positing a more complex relationship between the two, in which well-functioning judgment does obstruct the imagination, but in which imagination moves us to practice and develop judgment. (In this sense, the metaphor of “the yoke of our reason” is well-chosen—because the motive power originates in a faculty that is yoked—and calls to mind the chariot in Plato’s \textit{Phaedrus}.) Wood goes on to paraphrase Burke to the effect that “refined judgment depends up on right opinion, vast knowledge, concentrated effort, and frequent exercise”; but I would add that, for Burke, it is “the pleasures of the imagination” that move us to engage in this frequent exercise. Wood, “The Aesthetic Dimension of Burke’s Political Thought,” \textit{Journal of British Studies} 4(1) (1964): 45, 55-6.

Burke, who stressed our aversion to judgment, clearing the ground was of primary importance. The process of “alarming into reflection” is a double movement: alarm (or our confrontation with the sublime) is not reflection (or the exercise of judgment), but it precedes and conditions reflection. And if this is the case, immoderation in language might turn out to serve moderation, or circumstantial prudence, in government.\textsuperscript{95}

It is little wonder, then, that Burke explicitly casts his political works as appeals to the imagination:

\begin{quote}
Do not entertain so weak an imagination as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce.…All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians…who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine.\textsuperscript{96}
\end{quote}


\textsuperscript{96} Burke, “On Conciliation,” 180-1.
Passages like this one in Burke’s political writing ought to be read not simply as appeals to their audiences, but as commentaries on the means by which the works themselves are intended to operate. Burke’s object is not just to criticize the habits of parliamentary government for failing to “stretch and expand our minds”—but also that his own words might begin to effect the needed expansion. Burke leads us to the counter-intuitive position that the language best suited to judgment may not itself be judicious.

At this point, we can more fully formulate Burke’s response to the critics of immoderate speech, who were discussed in the first section. We can also better appreciate the theoretical grounding for the practice of rhetorical excess we observed in the second section. The anti-rhetorical discourse of Burke’s contemporaries celebrates the consistency of rule-bound government and argues that this consistency both entails, and is buttressed by, restrained norms of political speech. Burke argues, in response, that this model is ultimately self-undermining, because it produces public deliberation that is fatally lacking in imaginative judgment. The capacity for such judgment, under settled institutions, is prone to degenerate—unless it is revitalized by the sublime and its power to provoke deliberative ambition.

Now, if this were simply the account of a rhetorical trick, then I doubt that it would be of enduring interest for political theory. But what is of enduring interest, I think, is Burke’s defense and exemplification of a distinctive set of norms of political speech—a set of norms that, recall, stood out to his contemporaries as much as they ought to stand out to us. From Cicero and Tacitus to Hume and Madison, such norms were not treated as incidental objects of concern, but as central to

a polity’s self-conception. In this chapter, I have pointed to ways in which writers on politics have
long defined their polities in terms of acceptable and aberrant speech; this accommodation of
speech norms to political framework is, arguably, decorum in the very largest sense. In this sense,
words that were laudable in the Forum—“Should I lift up my voice in the most desolate
solitude…”—would be monstrous and even dangerous in Westminster. And in the view of a host of
Burke’s contemporaries, the excesses of Ciceronian speech were essentially archaic—archaic in that
they were bound to and limited by the ancient political crisis that formed them, and archaic in that
an era of more settled institutions had left them behind.

It is perhaps appropriate that Burke, who defended settled institutions so passionately, developed,
with an insider’s insight, the argument that their very stability produces in their political classes these
signal weaknesses: atrophy of imagination and abdication of judgment. If that is the case, then there
is a place even in ordinary politics, and even in settled institutions, for unsettling speech: speech that
aims to act as Burke’s sublime is held to act, fostering amazement and strain, challenging the
complacencies of constitutional time. Burke’s rhetorical project is, among many other things, a brief
for the enduring rights of the uncanny.
Chapter 4

Debatable Land:

Macaulay, Tocqueville, and the Art of Contingency

The sure and certain effect of his great work, the historian Thomas Babington Macaulay announced at the outset, would be “to excite thankfulness in all religious minds, and hope in the breasts of all patriots. For the history of our country during the last hundred and sixty years is eminently the history of physical, of moral, and of intellectual improvement.” These lines give us some indication of the difficulty of reading Macaulay as a political theorist. There is the confident, ringing style—so confident and so ringing that it was not uncommon for Macaulay’s contemporaries to treat him as a writer of maximal surface and minimal depth. Nor was it uncommon to suspect that the powerful narrative drive of his History of England was in fact serving to conceal something or other, whether a partisan bias, or a middle-class complacency, or the rudiments of jingoism.

Then there is Macaulay’s explicit case for his historiography as a proud account of progress. To a radical critic of liberalism or a postcolonial thinker, this is deliberately blinkered; to a philosophical

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cast of mind, the emphasis on material progress that develops into a refrain in the History—
especially the what-was-once-a-desolate-heath-is-now-the-seat-of-many-an-opulent-villa passages—
is markedly philistine; and to a critic of “Whig history,” the notion of inexorable teleology hinted at
here is simply ahistorical.³ These critiques form the greater part of Macaulay’s own historical
memory: if he is remembered as anything other than a literary stylist, it is largely as the Victorian
apostle of progress, the great mythologizer of the middle class, and the quintessential Whig
historian—which is by no means a compliment.⁴

But I am less interested in relitigating these arguments than in proposing their incompleteness.
Macaulay’s explicit commitment may be to inexorable Whiggish progress, to a stance outside and
above the past; but his implicit commitment is to a stance inside the past, the historical development
of which is suspenseful in the way that a work of fiction is often suspenseful.⁵ It is, in other words,
an invitation to the reader to view political change through the lens of contingency.

Contingency is, of course, an important concept in the history of rhetoric. It refers to the
uncertainties that make public deliberation and its judgment of probabilities necessary, or to the
space between certainty and impossibility.⁶ More broadly, contingency stands for the sense that

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⁶ The locus classicus is Aristotle, Rhetoric, 1357a. On contingency in the rhetorical tradition, see Steven M. Cahn,
Fate, Logic, and Time (New Haven: Yale UP, 1967); Thomas B. Farrell, “Knowledge, Consensus, and Rhetorical
Communication, ed. Dan Nimmo and Keith Sanders (Beverly Hills: Sage, 1981), 225-48; Sarah Waterlow, Passage
and Literary Form: Philosophical Theory and Literary Practice in the Augustan Age (New York: Cambridge UP,
events might develop in a way that is meaningfully surprising, or, looking backwards, that they might have developed in such a way in the past; most roughly, contingency is the possibility that the world might be “otherwise.” But in Macaulay’s work, the concept of contingency takes on an additional valence: it is not only a descriptive means of understanding the past, but also a normatively valuable orientation to political action in the present, an integral part of his version of reformist liberalism. This version of liberalism was equipped to perceive and flexibly act on contingencies in a way that its critics to the left and the right were not, bound as they were, he argued, to inflexible notions of political necessity.

If this is the case, then history’s educative function extends beyond constructing a useable past—history becomes a kind of intellectual exercise for appreciating contingencies in the past, so as to perceive them more clearly in the present. In this way, Macaulay’s style is a political commitment, and one that is in interesting tension with his alleged historical Whiggism. Most importantly, Macaulay’s history is—in a way that has been unappreciated by students of political theory and historiography alike—a markedly rhetorical undertaking. To read Macaulay’s History is to become familiar with its rhythms of oratory and debate, and perhaps to suspect, as was in fact the case, that its author was considered one of the leading parliamentary orators of the generation or two after

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Burke and Fox. Macaulay’s work is a history *in* rhetoric; it brings to the foreground, in a conscious nod to its ancient predecessors, the spectacle of deliberation under conditions of uncertainty.

To the extent that political science is experiencing a renewed appreciation for contingency, Macaulay’s work ought to be of great contemporary interest. Why Macaulay specifically? I dwell on him here because he was an historiographical innovator (or renovator) in two related ways. His historiography is both novelistic and oratorical, and I argue that these commitments are of a piece. For one, Macaulay was among the first historians to model his work on the novel, especially the new genre of the historical novel, and to defend this commitment openly. But in addition, he went to great lengths to revive the classical tradition of explaining historical change through the medium of simulated speech—the tradition, originating with Herodotus and Thucydides, but given an important theoretical grounding by Cicero, that treated “speech as a canonical element in classical historiography.” Though Macaulay could not invent whole speeches for his protagonists in the manner of Thucydides while remaining true to contemporary standards of accuracy, he could

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8 Jebb, *Macaulay*, 45. The rhetorical orientation of Macaulay’s History may also have contributed to another criticism of his work as disproportionately interested in “the spectacle of a character” to the exclusion of the “deep animated passions”; Walter Bagehot, “Mr. Macaulay,” in *The Collected Works of Walter Bagehot*, vol. 1, ed. Normal St John-Stevas (London: Routledge, 1965), 411, 424.


11 Of course, the historical status of the speeches in Thucydides is a highly vexed subject; for one argument that they are largely reported accurately, see Donald Kagan, *Thucydides: The Reinvention of History* (New York: Penguin, 2010). However, what is important for my argument is that Macaulay did believe that Thucydides’s speeches were invented, and so represented a liberty that a 19th-century historian could no longer take. For this reason, imitating him in form would require innovating in methodology—especially by creating rhetorical passages that were faithful to the kinds of arguments voiced by historical figures, but were also rearrangements and embellishments of those arguments.
develop a new means of paraphrasing and representing rhetoric within history—what he called the “declamatory disquisition,” which became a defining mark of his work, a classicizing answer to a typically 19th-century problem. As different as they might seem at first glance, Macaulay’s debts to the novel and to oratory actually derive from the same source: an appreciation of these sense of “otherwise-ness,” of possibility, whether expressed in the uncertainties of a plot or the unpredictability of genuine debate.

For this reason, Macaulay is also an important figure in my broader story about the classical tradition of eloquence and its adaptations in modernity. In the previous chapter, I argued that Edmund Burke’s rhetorical project was especially concerned with the tensions between eloquence and constitutionalism, which Burke attempted to reconcile through his adaptations of the classical practice of sublimity. Burke is a key figure in my story not only because he self-consciously participated in the classical tradition of eloquence, but because he was both an advocate and friendly critic of constitutional government; in other words, he responded to constitutionalism’s threat to eloquence not as a reactionary might, by wishing away the present, but rather by creatively accommodating himself to it.

Of course, we left the story at the point at which the success of this project was growing increasingly doubtful—not necessarily because of any failure in the orator, but because of the changing nature of the rhetorical audience. In the last chapter, I claimed that Burke’s rhetorical practice draws powerfully on his psychology of judgment. But there is a sociology of judgment, as well: rhetorical theories carry their imagined publics with them. An irony of Burke’s career is that his anti-egalitarian thought was addressed to, a roughly equal audience: a House of equals and a body of educated
“political citizens” that he estimated at only 400,000 members. He understood, moreover, that his rhetorical psychology could not be seamlessly transposed from one imagined public to another: he feared in the mass public the same enthusiasm that he celebrated in the elite. In fact, Burke’s increasing anti-egalitarian rage might be read as the frustration of an orator in danger of losing the limited audience whose tastes and tendencies he had studied so extensively. Burke’s writings might tell us how Ciceronian rhetoric could be adapted to an age of constitutions and parliaments; but they do not yet tell us whether, and on what terms, it might be adapted to the age of a rapidly growing public sphere.

But Macaulay’s work, in turn, might offer the beginnings of an answer. He lived through the dramatic development of the public sphere and the early demands for mass democracy, from the Peterloo Massacre (which helped to spark his youthful turn away from Toryism) to the revolutions of 1848 (to which his History obliquely responded) and the Chartist movement. And, in a way reminiscent of Burke’s constitutionalism, his response to these developments was ambivalent. On the one hand, he contributed materially to the growth of mass politics through his parliamentary advocacy of the 1832 Reform Act, which expanded middle-class participation in British politics. On the other hand, his writing and oratory also reveal his fear that an increasingly mass politics would render public life more anonymous and predictable—more an artifact of nature subject to deterministic forces than a human artifact subject to the contingencies of persuasive argument and statesmanship. Macaulay’s attitude toward “democratization” (to use an anachronistic term) amounted to “this far, but no further.” And if this stance renders him less than sympathetic to


modern democrats, it also renders him an important figure in the history of eloquence and its
translations, just because he has something of Burke’s in-betweenness: because his in-betweenness
drove him to imagine ways in which the classical tradition need be neither blindly clung to or
jettisoned, but rather adapted in the course of its confrontation with modernity. A politics less
understandable in terms of contingency is also presumably a politics less susceptible to classical
norms of eloquence; but Macaulay’s History is an attempt to investigate the ways in which those
norms might still be relevant to a mass age.

The chapter proceeds in four sections. In the first, I discuss the notion of the orator as the ideal
historian, as it was developed in Cicero’s rhetorical theory. In the second, I discuss Macaulay’s
preliminary work toward a new style of history-writing, alongside his normative defense of a
contingency-informed liberalism in the Reform Act debates. In the third, through a close reading of
the History, I consider Macaulay’s efforts to revive the tradition of rhetorical historiography; I end
this section by characterizing the History as Macaulay’s attempt to imaginatively reconstruct a public
sphere that he feared was in decline.

In the fourth and final section, I set this attempt in relief by contrasting it with that of a
contemporary who shared many of Macaulay’s anxieties over mass politics, but instead developed a
resolutely anti-rhetorical method of investigating historical change: Alexis de Tocqueville, and his
Ancien Régime and the Revolution, published in 1856, a year after the publication of Macaulay’s third and
fourth volumes. Like his acquaintance Macaulay, Tocqueville set out to explain his own country’s
defining revolution. Yet he chose a form that reversed nearly all of the priorities of Macaulay’s
version of narrative and rhetorical history: he fixes his attention on secrecy rather than publicity;
unintended consequences rather than intelligible motives; processes rather than charged moments of
persuasion; and tragic necessity rather than novelistic contingency. I conclude this chapter with Tocqueville just because he offers, even if implicitly, a severe critique of Macaulay’s work: that it amounted to a kind of historical escapism, and that it failed to truly come to terms with the new realities of mass politics.

I argue that this contrast in historiography is also an important contrast in political thought. The contrast revolves around a question at least as old as Cicero: is history a branch of rhetoric? Or, more broadly, can rhetoric serve as a guide not only to writing and speaking about political change, but to understanding political change—and should it?

1.

We find one of the earliest and most influential understandings of history-as-rhetoric in Cicero’s De oratore. On the second day of their conversation, the orators in Cicero’s dialogue find themselves in a digression on history-writing, which culminates when Antonius asks, “Do you see how great a task history is for the orator?” In fact, the orator is preeminently suited to write history, and in making his case, Antonius explains the work of constructing an historical narrative in a well-known passage:

   The treatment of the content demands chronological arrangement and topographical description. Also (since readers, in the case of great and memorable events, first expect plans, then actions, and after that, the outcome), it requires the author to indicate what he thinks was good about the plans, to show, in his treatment of the events, not only what was done or said, but also how, and, in speaking about the outcome, to give an account of all its causes, whether they were a matter of chance
or sound judgment or recklessness. And he must describe not merely the deeds of
the participants, but for all those of outstanding glory and fame, also their lives and
characters.\textsuperscript{14}

Now, as Woodman points out, Antonius is describing not only the activities of an historian, but the
activities of a forensic orator: the latter as well as the former has to lay out events in “chronological
arrangement,” explain their causes, judge the characters of the actors, and so on. In identifying the
two activities so closely, “Cicero has simply transferred to historiography the various rules and
requirements that conventionally applied to an oratorical narratio.”\textsuperscript{15} And of those requirements, the
most pivotal is that a narratio be judged by the standard of probability, which is distinct from the
standard of truth. What convinces in a narrative of the facts of a case, Cicero wrote in De inventione,
is “that which for the most part happens or which does not strain credibility or which contains
within itself an approximation of either of these, whether it be true or false.”\textsuperscript{16} Probabilistic
arguments tended to be persuasive to the extent that oratory had to operate in the absence of
demonstrable truth: lacking reliable eyewitness testimony, a classical forensic orator might have
argued, we can still be confident that such a person as the accused would likely have acted in such a
way under such circumstances. While I have argued that Cicero repudiated some of De inventione’s
key commitments by the time he turned to De oratore and his other mature pieces of rhetorical
theory, this discussion of probability in narration was not one of them. In De oratore, his Antonius
treats the notion that an orator’s “narration should be plausible” as almost too obvious to merit


\textsuperscript{16} Cicero, \textit{De inventione}, trans. C.D. Yonge (1853), 1.46.
mention. To import this notion into historiography is to argue that probability, not truth, is the standard by which a history ought to be judged; because an orator is already, by supposition, a master of probable narration, it follows that he would be an ideal historian, as well.

I should add that this emphasis on probability does not imply that the orator or the historian ought to be hostile to truth. Just before the passage quoted, Antonius makes clear that “the first law of history is not daring to say anything false [and] the second is daring to say everything that is true.” But shunning lies and telling the truth is not sufficient for good history, or for good oratory. As Antonius claims, history-writing began as “nothing more than the compilation of yearly chronicles [annales]”; the earliest historians “left only memorials of dates, people, places, and events, devoid of any distinction,” and deficient historians have continued to follow their model up to the present. Their example ought to refute the idea that “it is sufficient for the writer to tell truth.” All of the times, persons, places, and events in a chronicle may be factually accurate; but before they are given “distinction”—embellished by style, but also by their incorporation into a narrative that links them by causality and explanation, emphasizing some and deemphasizing others—they are only the raw material of history, or a kind of sub-history. And it is just to this higher level of “embellished” data that the criterion of probability best applies. It would sound reasonable to say that an account of “the causes contributing” to an outcome, or “the characters concerned,” is more or less probable; it would make less sense to call such an account strictly true or false.

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17 Cicero, *De or.*, 2.83. See also Cicero, *De partitione oratoria*, 31-2.

18 Cicero, *De or.*, 2.62, 52-4.

If this distinction between probability and truth is open to a more cynical reading—the orator’s aim is just to persuade a jury, not to demonstrate a scientific proposition—it is also open to one that is more charitable: scientific truth is orthogonal to rhetoric. We have rhetoric just to deal with those cases in which truth cannot be precisely demonstrated. And we have history, in Cicero’s argument, for much the same reason. The larger force of his claim is not only that one ought to write about the past with rhetorical skill, but that one ought to understand and evaluate the past rhetorically. As Woodman puts it, “rhetoric is a precondition of historical writing in the classical world, and everything that constitutes the content of a historical work will be driven by rhetoric and permeated by rhetoric.”

What could it mean, then, for a work of history to be “permeated by rhetoric” and to embody probability? In the context of Cicero’s near contemporaries, such as Livy, the work would be founded on a substratum of factual data: dates of consulships, triumphs, and so on. But where it was necessary to embellish or ornament this core of fact, Woodman argues, the historian would have recourse to the rules of rhetorical *inventio*, his descriptions of characters or topographies, or his insertions of spoken text into the narrative, would be evaluated by their conformity to recognized rhetorical tropes and *topoi*. The work as a whole would be judged first and foremost by its capacity to edify the present, rather than literally represent the past.

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But how could a modern write this kind of probabilistic history, assuming that he or she were both committed to the rhetorical tradition and to modern standards of historical accuracy? It would help to observe that the same notion of probability can appear under two different colors: we could describe the same event as “at least probable,” or as “merely probable.” Ciceronian rhetoric tended to use probability under the former color: while we cannot be positively certain that the accused acted in such a way, it is at least probable that he did so. In Macaulay, as we will see, probability does often appear in this light, as when he reconstructs the ways in which Whigs and Tories were likely to have argued in a given circumstance.

And yet, with a shift of perspective, what was at least probable can become merely probable: the emphasis can turn from the approach to certainty, to the distance from certainty; contingency can turn from something a narrative strives to overcome, to something a narrative strives to accentuate, or even celebrate. Such a narrative might become probabilistic not by playing fast and loose with facts, but by laying special emphasis on the possibility that the facts it represents might have been otherwise. If most histories are at least implicitly open to the presence of “possible worlds” in which other facts would have been the case (in the sense that one cannot, say, critique an historical figure’s action without a sense of other plausible courses not taken), a history of the kind I am describing is open to other possible worlds more explicitly. In truth, this is much less arcane than it sounds: it is really only the sense that makes a fictional plot more or less compelling, and less or more predictable

21 See, e.g., the American Historical Association’s “Statement on Standards of Professional Conduct” (2011): “Although historians disagree with each other about many things, they do know what they trust and respect in each other’s work. All historians believe in honoring the integrity of the historical record. They do not fabricate evidence.” www.historians.org/jobs-and-professional-development/statements-and-standards-of-the-profession/statement-on-standards-of-professional-conduct.
(as well as the sense that makes a fiction like Waverly categorically different from a fiction like Oedipus Rex). It is a measure of surprise or suspense, or, in the terms I have been using, of contingency; it is a kind of resistance in the text to any notion of historical determinism or inevitability. Such a work would not be an “historical fiction” of the kind attributed to Livy, but it would still be imbued with some of fiction’s qualities. And it would, I argue, be a recognizable descendant of the rhetorical history theorized by Cicero, even if a descendant embodying this shift in perspective. In Macaulay’s theory of history and in his political practice, we can trace the origins of his novelistic and rhetorical history to this shift toward the merely probable—a methodology and a politics that treats contingency as something worth fostering.

2.

Macaulay did us the favor of spelling out his historical program early in his career as an essayist, and then of remaining largely faithful to that program over two intervening decades before putting it to work with the publication of the first two volumes of his History. With one important exception, which I will discuss, the aims he proposes in his 1828 Edinburgh Review essay on “History” are the


23 I should note that Cicero’s deep influence on Macaulay’s political and historical thought is attested, not simply hypothetical. At the age of 18, Macaulay wrote to his father that “my opinions, good or bad, were learned...from Cicero, from Tacitus, and from Milton”: George Otto Trevelyan, The Life and Letters of Lord Macaulay, vol. 1 (London: Longmans, Green, and Co., 1876), 97. Sixteen years later, during his stay in India as part of the British colonial administration, “he read all of Cicero twice”; in the marginalia preserved by Macaulay’s first biographer, “Cicero is one of the authors most prominently featured”: Wiseman, “Macaulay on Cicero,” in Remembering the Roman People: Essays on Late-Republican Politics and Literature (Oxford: Oxford UP, 2009), 100-1. In a letter from India, Macaulay remarked that Cicero’s “character, moral and intellectual, interests me prodigiously”—though he was also sharply critical of Cicero’s accommodation to the Roman oligarchy in the last years of the republic: Macaulay, letter to T.F. Ellis, February 8, 1835 (cited in Wiseman).
aims that would animate his own practice; he would work to turn that essay’s depiction of the ideal historian into, retrospectively, a self-portrait.

The 1828 essay characterizes historiography as “a debatable land. It lies on the confines of two distinct territories”—the reason and the imagination. Importantly, the claims of imagination extend beyond ensuring the historical text’s literary value; imagination is central to its value as a record of the past. “It perpetually happens that one writer tells less truth than another, merely because he tells more truths.”

Truths, here, are individual pieces of fact; but truth, singular, seems to refer to the overall impression of the past effected by the selection, suppression, and interrelation of the pieces by a skillful hand. Despite the difference in nomenclature, this notion of impressionistic truth has a great deal in common with the notion of probability that I have been developing, especially when we consider Macaulay’s illustrations of historical fidelity—such as the portraitist who captures the character of a subject without needing to depict every capillary under the skin.

To Macaulay’s contemporaries, and perhaps to us as well, the most striking implication of his argument was that the ideal modern historian, who paid equal court to reason and imagination, ought to take on a new and indecorous set of models: the dramatist, the biographer, and, especially, the novelist. With an “aristocratical contempt,” contemporary historians “miserably neglect the art of narration.” By contrast, the ideal historian would, while keeping faith with the demands of accuracy, write history in such a way as to render a true novel no longer a contradiction in terms. The history that resulted would intersperse with high politics “the details which are the charm of historical romances.” And its guiding spirit would be “Sir Walter Scott, [who] has used those

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fragments of truth which historians have scornfully thrown behind them in a manner which may well excite their envy. He has constructed out of their gleanings works which, even considered as histories, are scarcely less valuable than theirs. But a truly great historian would reclaim those materials which the novelist has appropriated.25 Such an historian would serve the impressionistic truth by relating, say, the English Civil War not through a series of state papers, but through an immediacy of character and situation: for instance, “the coarse fanaticism which concealed the yet loftier genius of Cromwell, destined to control a motionless army and a factious people.” Nor would this immediacy be the privilege of the great: such an historian would also relate the Protestant Reformation not only as a religious schism, “but a moral war which raged in every family, which set the father against the son, and the son against the father, the mother against the daughter, and the daughter against the mother.”26 No doubt, this approach makes for superficially more enjoyable (and better-selling) works of history. But is a demand for histories that read less like David Hume and more like Walter Scott anything beyond a populist gesture?

In Macaulay’s terms, it clearly is, because the subject matter that breaks with the discipline’s “aristocratical” decorum also turns out to be of supreme political importance. This is the broad space of social history, which encompasses everything from technological change to religious movements to gender.27 It is change in this sphere that drives the “noiseless revolutions” that political actors must discern and accommodate. That accommodation might be inept, as in the case


of the *ancien régime* or of James II, who in Macaulay’s telling clung to absolutism in the midst of circumstances that rendered it socially implausible; or it might be sensitive and effective, as in the case of the English revolutionaries of 1688. In either case, the essay on “History” would generally limit the scope of politics to periodically identifying noiseless revolutions and bringing political institutions into alignment with social circumstances. For this reason, the best politician is, at base, a social historian: “A narrative, defective in [social history], is as useless as a medical treatise which should pass by all the symptoms attendant on the early stage of a disease and mention on what occurs when the patient is beyond the reach of remedies.”

So the ideal historian and the ideal politician are identical, or at least very closely allied, figures—not a surprising claim from a writer who still harbored serious political ambitions at this point in his career. (Nor is this claim very distinct from that of Cicero, who also identified the historian and the politician.)

Macaulay would put this stated agenda into practice, most famously, in the third chapter of his *History of England*, on the state of the nation at the accession of James II in 1685—one of the first extended essays in social history, which touches on the condition of the roads, the advent of street lighting, the status of the clergy, the development of Restoration drama, and so on. But my argument grows more complicated at this point, because I am trying to demonstrate Macaulay’s engagement with contingency, a view from “inside” history in which developments are genuinely surprising, or only probable. Macaulay’s social history, on the other hand, is clearly not subject to contingency in this sense. If his attention to novelistic detail in the writing of social history is relatively new, the endeavor as a whole owes an intellectual debt to the historians of the Scottish Enlightenment, including Dugald Stewart and Adam Ferguson, and their efforts to subsume

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historical particulars under lawlike and generalizable principles of development. The best known of these principles is the “stadial” theory that traces the development of human civilizations through hunting, pastoral, agricultural, and commercial stages. It was accepted by Macaulay as “the best and most advanced view” of social development, and it is taken for granted in his “History” essay. Not only are such developments progressive on the large scale; they tend to obtain even on the smaller scale of successive generations. “In every experimental science there is a tendency toward perfection,” Macaulay begins his chapter of social history. “In every human being there is a wish to ameliorate his own condition. These two principles have often sufficed, even when counteracted by great public calamities by and bad institutions, to carry civilisation rapidly forward.” If this is the case, then the story Macaulay has to tell is not very contingent, or rhetorically legible, at all. The driver of the story is scientific and material progress of the kind that renders notions of the “good old days” laughable; politics itself is a kind of perfectible “experimental science” of institutional adaptation, one that clearly admits of answers that are true and false, rather than more or less probable. In this case, there is very little that is actually arguable about politics at all.

And yet, as I have argued, this is not the complete story. Macaulay’s History is full of contingencies of “plot,” and is full of arguments among its protagonists, that his high-level theoretical commitments would deem irrelevant. His work’s intense readability actually pushes against its

29 For a well-known version of this theory, see Adam Smith, The Wealth of Nations, 5.1, and Lectures on Jurisprudence, 1.27.


31 Macaulay, History, vols. 1-2, 137. However, Clive notes some important qualifications to the view that Macaulay took for granted “the postulate of illimitable progress”; Clive, Macaulay, 78.

32 Levine observes a “tension between Macaulay’s theory—that individual men cannot greatly influence the course of history—and his practice….But it is characteristic of Macaulay that he did not feel obliged to wrestle with the
Whiggism; in other words, there is more to a successful novel than social detail, and Macaulay’s stated aim of writing a true novel meant that his work had to be something other than a chronicle of progress working itself out by lawlike principles. History, at least to a good Whig, might in fact be such a chronicle; but the ideal historian has to temporarily forget that this is the case. I am claiming, then, that in comparing Macaulay’s “History” and his History, we see an important shift in emphasis—away from the dominant focus on the noiseless revolutions that his “History” essay would seem to portend, and toward a focus on the trials and uncertainties of political accommodation. I want to suggest that Macaulay’s own involvement in national politics, beginning with his election (or, more accurately, appointment) from the “pocket borough” of Calne in 1830, contributed to the shift. Macaulay’s ensuing speeches on the Reform Act, which made his name as an orator, show him putting into practice his claims about the relation of the “under current” of social change to the “upper current” of politics—and finding politics perhaps more difficult, and more intrinsically interesting, than he might have held to be the case in 1828.

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By this point, it should be easy enough to extrapolate Macaulay’s essential case for the Reform Act in the years from 1830 to 1832: a social and economic revolution had taken place; Britain’s system of political representation had failed to keep pace; the social and political spheres might still peacefully be brought into alignment if representation were expanded in a timely manner; the alternative was problem very long. His anti-theoretical inclinations led him to avoid large questions about whether man makes history or history makes man.” Yet it is just his anti-theoretical inclinations that give his practice added weight from our perspective. Levine, The Boundaries of Fiction, 147-8 n. 41. Similarly, Joseph Hamburger writes that Macaulay’s figures were not merely “agents of historical forces, unwittingly contributing to fortunate developments. In this important way Macaulay deviated from the Scottish tradition.” Hamburger, Macaulay and the Whig Tradition (Chicago: University of Chicago Press, 1976), 179.
bloodshed. That case is best summed up in his invocation of France’s *ancien régime* as warning and prophecy. Have the would-be conservators of the status quo “never walked by those stately mansions, now sinking into decay, and portioned out into lodging rooms, which line the silent streets of the Faubourg St Germain?…Why were those haughty nobles destroyed with that utter destruction?…Because they had no sympathy with the people, no *discernment of the signs of their time.*”

Were Macaulay’s critics in Parliament right to construe passages like these as threats, or even as incitements to violence? The question hinges on the nature of noiseless revolutions: if their development, and their outlet in violence when resisted too long, is in fact predictable and irreversible, such passages are merely warnings. And this does, at least, seem to have been Macaulay’s consistent position, as expressed most clearly three months later:

> I believe that over the great changes of the moral world we possess as little power as over the great changes of the physical world….In peace or in tumult, by means of old institutions, where those institutions are flexible, over the ruins of old institutions, where those institutions oppose an unbending resistance, the great march of society proceeds, and must proceed. The feeble efforts of individuals to bear back are lost and swept away in the mighty rush with which the species goes

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33 Macaulay, “Parliamentary Reform (September 20, 1831),” in *Writings and Speeches*, 509, emphasis added.

34 For instance, the Tory representative Lord Mahon accused him of arguing “*ad terrorem*” and of attempting to frighten parliament into passing the bill: “Mr. Macaulay had told them, they said, that there would be a massacre unless the Reform Bill passed, and Mr. Macaulay wrote in the *Edinburgh Review*, and must be right.” March 2, 1831, *Hansard*, 3rd series, II, 1207; March 22, 1831, *Hansard*, 3rd series, III, 726; quoted in Clive, *Macaulay*, 174-5.

onward. Those who appear to lead the movement are, in fact, only whirled along before it; those who attempt to resist it, are beaten down and crushed beneath it.\textsuperscript{36}

Now, this seems to me to be a gloss on Machiavelli’s famous words on damming the river of \textit{Fortuna}, save for one crucial difference.\textsuperscript{37} Initially, the rushing river stood for the sum of the world’s unpredictability; if this were the case, then the central goal of statesmanship would be to tame contingency and to fortify a space of predictability and certainty in political life. But now—in an unspoken reversal that we might attribute to the development of the social sciences over the intervening centuries—\textsuperscript{38} the “mighty rush” of human events is the preeminent object of certainty. Its action is compounded from the innumerable and indeterminate small choices of individuals, but the order that emerges from them is as certain as the seasons and the tides.\textsuperscript{39} The interesting question, in turn, is whether the same reversal applies to the other half of the analogy. If the mighty rush of events is unpredictable, then the essential work of politics is taming \textit{Fortuna} and establishing certainty wherever possible. But if we now perceive instead a surplus of predictability, does that imply that the essential work of politics is to preserve a space of contingent action—a space for the free exercise of judgment—in response?

\textsuperscript{36} Macaulay, “Parliamentary Reform (December 16, 1831),” in \textit{Writings and Speeches}, 525.

\textsuperscript{37} On Macaulay’s reading of and esteem for Machiavelli, see Hamburger, \textit{Macaulay and the Whig Tradition}, 171, 180.

\textsuperscript{38} A classic passage in this tradition—in which “the silent and insensible operation of foreign commerce and manufactures,” as exemplified in a lord’s pursuit of a pair of diamond buckles, which gradually undermines the feudal order—is Smith, \textit{The Wealth of Nations}, 3.4. On “establishments which are indeed the result of human action, but not the execution of human design,” see Adam Ferguson, \textit{An Essay on the History of Civil Society}, ed. Fania Oz-Salzberger (Cambridge: Cambridge UP, 1996), 3.2.

\textsuperscript{39} As Gaonkar notes, the traditional emphasis on contingency means that rhetoric has historically dealt with “what is likely to happen.” But here, likelihood is tending in the direction of certainty and necessity, which would remove the action described from the sphere of rhetoric entirely.
There are grounds in Macaulay’s work in these years to suggest that he held this to be the case—especially in his efforts to distinguish his self-identified liberal position on parliamentary reform from conservatives on one hand and radicals on the other. Essentially, it is the liberal center that preserves a kind of freedom of action in the midst of social revolution, while the extremes to either side are, each in their own way, slaves to necessity.\(^{40}\)

As Macaulay argued in the midst of the Reform Act debate, in an essay on the 1789 revolution (which he continued to treat as the typical case of frustrated reform), the hardliners’ essential fault was a failure of imagination. “The church and the aristocracy, with that blindness to danger, that incapacity of believing that anything can be except what has been, which the long possession of power seldom fails to generate, mocked at the counsel [of Turgot] which might have saved them.”\(^{41}\) They were destroyed because they extrapolated wrongly; they assumed that politics was so lawlike and predictable that rupture was impossible. If one is, like a bored aristocrat, incapable of conceiving of surprise, then one will naturally have a politics of inaction; the river never floods, so it never needs to be dammed at all.

On the other hand, Macaulay’s case against anything approaching universal male suffrage—his case against “those whom it is necessary to exclude”—will likely strike us as much less palatable. But beyond its class politics, which are quite literally patronizing, we may still find a kernel of interest in

\(^{40}\) Hamburger notes that “an explicit statement of the importance of the center as a bulwark against the danger from the extremes was novel in the 1820s,” when Macaulay first began to voice this idea, though he was not entirely alone in doing so. In 1834, Macaulay identified himself as a member of the “centre gauche.” Hamburger, *Macaulay and the Whig Tradition*, 117, 119.

\(^{41}\) Macaulay, “Mirabeau,” in *Writings and Speeches*, 281.
it, or at least a guide to appreciating the distinctiveness of his History. In one sense, Macaulay’s elitism is as old as Plato’s: the “labouring classes” are not the best guardians of their own happiness. In the long run, the interest of “the higher and middling orders,” orders which are to be demarcated by “a pecuniary qualification,” is “identical with that of the innumerable generations which are to follow.”

Macaulay did not claim to be categorically opposed to mass democracy, and on occasion spoke sympathetically of democratizing measures including the introduction of the secret ballot and the election of the House of Lords. He cast his dismissal of the political capacity of the working class as conditional rather than absolute. Universal male suffrage might be feasible in contemporary America, with its relative material abundance, and might one day be feasible in the British future. But in the Malthusian British present, the material basis for full democracy was, unfortunately, lacking. Of course, when one is the object of such an argument, it is no consolation to hear that one’s political claims are merely inexpedient rather than inconceivable, and it is no consolation to hear the argument made in tones of regret. Without judging Macaulay’s sincerity, however, I want to call attention to the way in which he distinguishes liberal politics from the radical politics of the working class. The trouble with radical politics, he insists, is that it is a politics rising from physical distress, and therefore a politics of reflex and instinct rather than judgment and discernment:

We know what effect distress produces, even on people more intelligent than the great body of the labouring classes can possibly be. We know that it makes even wise

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43 Hamburger, Macaulay and the Whig Tradition, 120-2.
men irritable, unreasonable, credulous, eager for immediate relief, heedless of remote consequences. There is no quackery in medicine, religion, or politics, which may not impose even on a powerful mind, when that mind has been disordered by pain or fear.

Or, as he put it several months later, “we ought not, therefore, be surprised that, as the Scotch proverb says, ‘it should be ill talking between a full man and a fasting [man];’ that the logic of the rich man who vindicates the rights of property, should seem very inconclusive to the poor man who hears his children cry for bread.” In that scenario, it is the poor man who is pitiable, but it is the rich man who is correct. To the extent that the poor man has a political position, for Macaulay, it is simply an extension of the physical cry of hunger. His political platform is, literally, “Bread!” Radicals, on Macaulay’s account, have a politics entirely of the body—a politics of necessity to which persuasion does not and cannot apply.

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44 Macaulay, “Parliamentary Reform (March 2, 1831),” 484; “Parliamentary Reform (December 16, 1831),” 523. On Macaulay’s “bruising encounter” with “the people” in his successful 1832 election campaign for one of the new urban seats created by the Reform Act in Leeds, see Catherine Hall, Macaulay and Son: Architects of Imperial Britain (New Haven: Yale UP, 2012), 164-74. Hall also comments (294) on the History’s dismissive treatment of workers, “summoned up only occasionally to shout ‘huzzah’ or appreciate the political actions of their betters.”

45 Assuming that we do not share Macaulay’s class prejudices, is there anything still salvageable from the notion of politics outlined here? If so, it might turn out to have a great deal in common with an Arendtian criticism of a politics dominated by “the social,” or by sheer survival needs and the accumulation of property, which “excludes spontaneous action or outstanding achievement.” This argument is developed by Jason Frank with respect to Tocqueville, whose critique of radicalism was quite similar to Macaulay’s. See Hannah Arendt, The Human Condition (Chicago: University of Chicago Press, 1958), 40; Hanna Fenichel Pitkin, Attack of the Blob: Hannah Arendt’s Concept of the Social (Chicago: University of Chicago Press, 1998); Frank, “Tocqueville’s Religious Dread” (forthcoming ms.), 36ff.

Further, Macaulay’s treatment of contingency may have a radical potential that he himself did not emphasize. At a time when “there is no alternative” has become a commonplace slogan for austerity politics, Macaulay’s work is still a valuable training in the perception and the occlusion of alternatives, and a reminder that the construction of a range of conceivable alternatives is always a political act.

If Macaulay remained a doctrinaire laissez-faire liberal, we should not assume that his history was oblivious to poverty and suffering. For instance, at the conclusion of his chapter on social history, he observed that the force of nostalgia was so powerful that it might one day glorify the Victorian age as it was then in the habit of glorifying the pre-revolutionary age. “It may then be the mode to...talk of the reign of Queen Victoria as the time when England was truly merry England, when all classes were bound together by brotherly sympathy, when the
Both extremisms, then, are incapable of “discernment of the signs of their times.” In other words, both extremisms are blind to the distinctiveness of the historical situation, and both are bound to a monotonously unvarying set of demands—the “narrow oligarchy above,” because power dulls its perception of historical change, and the “infuriated multitude below,” because need preempts reflection. Both extremisms are incapable of experiencing, or provoking, surprise. That is solely the quality of the liberal, reforming center. This “third party,” the party of the Reform Act, is the only party to which the categories of discernment and judgment apply; it is the only party whose responses are not fixed, and the only one that can be said to have a meaningful freedom of action. “It will preserve, in spite of themselves, those who are assailing it, from the right and from the left…it will lay its hand upon them both: it will not suffer them to tear each other in pieces.”

But if, in 1832, the correct course was so unambiguously clear to Macaulay, and if the choice between reform and revolution was so stark, could the liberal center truly be said to have a meaningful freedom of action at all? Are all parties not equally subject to the mighty rush of the species? On one level, what makes reforming politics distinctive for Macaulay is that it is the only politics that is truly responsive to the signs of the times, and that the signs of the times are not immediately obvious. It is an act of judgment, for instance, to distinguish between a set of local disturbances to be ignored or suppressed, and a genuine social revolution to be conciliated; and if this act of judgment were easy or automatic, there would have been no French Revolution, nor

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rich did not grind the faces of the poor, and when the poor did not envy the splendour of the rich.” Of course, the implication is that, nostalgia to the contrary, the rich always grind the faces of the poor. Macaulay, History, vols. 1-2, 209.

would there be any need for Macaulay’s ideal historian. On a larger level, the problem of the
freedom to make the timely concession is no more difficult than the Miltonic dilemma of free will
given in order to choose the good, or the Ciceronian dilemma of spontaneously performing the
decorous action. For Macaulay, it is only liberal politics that gets to have a dilemma at all.

As common as it is to contrast the glamor of unshakable commitment with the dull compromises of
the center, Macaulay saw matters in exactly the opposite terms: only liberal politics is interesting. If
this were simply an aesthetic judgment, it would not count for much; but as we have seen, in this
case aesthetic judgment tracks Macaulay’s political priorities. To write a History that was
preeminently interesting would be a political commitment in itself.

3.

Of course, interesting is still a vague term, but I want to flesh it out by suggesting that what Macaulay
found interesting in “the art of narration” reflected what he found interesting in politics. The
capacity to provoke and experience surprise that he valued in his own politics derived from a kind of
heightened historical attentiveness, which he denied to his political opponents. He linked this
attentiveness, in turn, to a reliance on and receptivity to persuasion. Any politics might use the tools
of rhetoric, but Macaulay seems to have held that his own politics was uniquely rhetorical in
orientation. He denied that his adversaries perceived meaningful change in political or historical
circumstances at all; in Cicero’s terms, their politics was one of truth rather than probability, or in
Burke’s terms, of truth rather than convenience. Whether or not they would have found that
indictment fair, it sheds light on Macaulay’s return to the classical tradition of rhetorical
historiography and its stress on probability. From a political point of view, the virtue of this tradition
is that it taught readers to perceive contingencies—moments of “otherwiseness”—in the past, and thereby heightened their sensitivity to contingency in the present. To develop the art of narration is to recover, in the interests of the present, the past’s ability to surprise.

I noted that two kinds of contingency work together toward this end in Macaulay’s *History*: contingencies in “plot,” and contingencies in reported arguments, which I will call novelistic contingency and rhetorical contingency, respectively. While my main focus will be on the latter, I begin by discussing the former, and the ways in which “historical suspense” might be something other than an oxymoron. (I should add that demonstrating Macaulay’s distinctiveness in this regard will require some longer-than-usual quotations in this section, for which I’ll ask your patience in advance.)

Recall that Macaulay argued that the nature of the English Civil War was best captured not by a series of state papers, but through the story of “the coarse fanaticism which concealed the yet loftier genius of Cromwell, destined to control a motionless army and a factious people.” The point at issue here is not the extent to which “great men” should figure in history: Cromwell would certainly be well represented in those state papers, as well. The key distinction is that the preferred version—the version that is both more readable and more historically valid—is a novel in miniature: the story of an outwardly unpromising fanatic who reveals unimagined reserves of genius in the process of acting out his destiny. The story only works as a kind of novel to the extent that it takes an unexpected turn—most fanatics, after all, are just fanatics—and to the extent that the historian can persuade the reader to forget what he or she already knows about Cromwell. As an instance of how this forgetting

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47 To be sure, some novels do not rely, or do not rely entirely, on contingencies of plot—for instance, it is clear from the first line that Ishmael survives the events of *Moby Dick*. 
in the interests of immediacy functions in practice, consider the *History*’s passage on Cromwell’s decision to approve the execution of Charles I at the conclusion of the war:

Cromwell had to determine whether he would put to hazard the attachment of his party, the attachment of his army, his own greatness, nay his own life, in an attempt which would probably have been vain, to save a prince whom no engagement could bind. With many struggles and misgivings, and probably not without many prayers, the decision was made. Charles was left to his fate. The military saints resolved that, in defiance of the old laws of the realm, and of the almost universal sentiment of the nation, the King should expiate his crimes with his blood. He for a time expected a death like that of his unhappy predecessors, Edward the Second and Richard the Second. But he was in no danger of such treason. Those who had him in their gripe were not midnight stabbers. What they did they did in order that it might be a spectacle to heaven and earth, and that it might be held in everlasting remembrance. They enjoyed keenly the very scandal which they gave. That the ancient constitution and the public opinion of England were directly opposed to regicide made regicide seem strangely fascinating to a party bent on effecting a complete political and social revolution….A revolutionary tribunal was created. That tribunal pronounced Charles a tyrant, a traitor, a murderer, and a public enemy; and his head was severed from his shoulders, before thousands of spectators, in front of the banqueting hall of his own palace.\(^{48}\)

Of course, every reader would have known what happened to Charles—but consider how deliberately this information is held in reserve. First we are told that Cromwell had to make a certain decision at the risk of his own life, and that the decision was agonizing. Then we are told that “the decision was made,” without any indication of the outcome, or even of whom it concerns. When we are informed that the decision concerns Charles, and that he will have to die, we are still not at a conclusion. In fact, we are led into an even deeper puzzle, because “he was in no danger” of assassination, the only means of death that the paragraph has yet admitted. The alternative is still concealed: “what they did they did in order that it might be a spectacle” and a “scandal.” The true alternative—regicide, or the judicial killing of a king—is first broached only as something that is unthinkable, an act to which “the ancient constitution and the public opinion of England were directly opposed.” One even suspects that this was just the way in which the possibility entered the deliberations of the “military saints”—as something inconceivable, at first. Even once the word has been spoken, it is still cast as something only “fascinating,” rather than as a course decisively resolved upon. The only factual confirmation of Cromwell’s choice is the scene as it would have appeared to the spectators: Charles’s head severed from his shoulders.  

That passage is a lesson in the ways in which concealment can serve historical fidelity. It seems to presume that the overridingly important aspect of the regicide was not its blunt fact, but its improbability. In other words, Macaulay is less interested in conveying the fact that the regicide happened, and more interested in restoring, to the extent that a narrative written after the fact can do so, its contemporary shock—with a special emphasis on the shock of king-killing under judicial forms. Even further, we might venture to say that replacing the passage with the sentence, “Charles

was executed by a revolutionary tribunal” would be accurate yet still lacking in truth, because that sentence would not do justice to the contingencies that were foreclosed by the execution. At any rate, the sentence recalls the Ciceronian claim that facts do not become history until they are embellished, and the full passage suggests what that embellishment might look like in a modern context.

Turning now to a closer look at what I called rhetorical contingency, we can observe Macaulay’s willingness to identify historiography and rhetoric in the evolution of his view of Thucydides, whose own history is famous for its oratorical content. Recall that, in his 1828 essay, Macaulay is fairly dismissive of Thucydides as a model for the present, especially with regard to his habit of punctuating his narrative with speeches. That habit might have been excusable in Herodotus, whose work had at least one foot in the world of fables and tall tales, but it fit poorly with the more serious aspirations of his successor. “The speeches of Thucydides are neither preceded nor followed by anything with which they harmonise. They give to the whole book something of the grotesque character of those Chinese pleasure-grounds in which perpendicular rocks of granite start up in the midst of a soft green plain. Invention is shocking where truth is in such close juxtaposition with it.”

In this view, a Thucydidean debate, such as the debate of the ambassadors at Sparta, is an “invention” because it was fabricated by the historian; but, as I will suggest, it is also supposed to be superfluous because it fails to get at the “real truth” of events. Whatever the merits of this view of Thucydides, Macaulay came to repudiate it. In 1835, he wrote that after “reading him with a mind

50 Macaulay, “History,” 139.
accustomed to historical researches, and to political affairs…I am astonished at my own former
blindness, and at his greatness.”

What in Thucydides might Macaulay have been blind to, which greater experience in political affairs
could have redeemed? The answer may turn on Thucydides’s interest in political appearances, as a
supplement and counterweight to his famous realism. In the case of the ambassadors, for instance,
he quotes (or invents) lengthy speeches for and against war with Athens, and then, stepping back
into his own voice, reports that the Spartans chose to go to war—“not so much because they were
influenced by the speeches, as because they were afraid of the further growth of Athenian power.”

But if the speeches had no bearing on the real truth behind the war, why preserve them in the
history of the war at all? As Richard Lanham comments on this episode, “Thucydides’ story tells not
only what people do and why they really do it, but why they think, and why they say, they do it.”

The ambassadors’ fine words on treaty obligations were not, in the historian’s disinterested
judgment, a true cause of the war; the war, per realist theory, “had” to happen, or at least was not
the outcome of a fair debate. In this sense, fear of a shift in relative power is reality, and the debate
is the mere appearance that obscures it. And yet, as Lanham points out, the debate’s participants
treated it as anything but a sham. They did not perceive themselves in the way that the historian is
privileged to perceive them: they professed, and sometimes entertained, higher motives than the
“real” motives he ascribes to them; they represented their actions, and quite arguably understood

51 George Otto Trevelyan, The Life and Letters of Lord Macaulay, vol. 1 (London: Longmans, Green, and Co., 1876), 399. See also Hall, recording a similar comment from his journals (November 25, 1848): Thucydides “is the great
historian. The others one may hope to match—him never.” Hall, Macaulay and Son, 275.

52 Thucydides, History of the Peloponnesian War, 1.88.

them, in the language of principle rather than advantage; they spoke as if the war were contingent on
the debate, rather than practically preordained. These motives and representations—these
appearances—do not explain the war. But they do help to explain how the war’s actors made sense
of it, and their self-understanding becomes especially compelling when the historian stops speaking
in propria persona and allows them to speak for themselves. A complete history is also a history of
appearances.

There is evidence that Macaulay came to think of his own history in similar terms. In one telling
example, George Levine shows him coping with a dilemma relatively new to the self-consciously
modern historian. Classical and medieval histories often made room for the fabulous and
picturesque; but if a modern could no longer deploy those elements in good conscience, how could
he or she write a history of truly mythic scope? Macaulay, for one, found a way of both having and
eating his cake: reporting fabulous beliefs in loving detail, while attributing them to “rumours” or to
“the vulgar.” That strategy allows him to embellish history with the detail that William’s Swedish
troops “had themselves slain the huge bears whose skins they wore,” or that the decapitated Duke
of Monmouth would one day return to save his country—details that are of course not true, but
which nevertheless can be admitted into history with the excuse that they were part of its climate of
appearances.

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54 The Melian Dialogue is so shocking just because it represents the war’s erosion of even these pretenses.

55 On rhetoric and appearances, see Thomas B. Farrell, Norms of Rhetorical Culture (New Haven: Yale UP, 1993),
32; and Arendt, On Revolution (New York: Viking, 1965), 96-8. See also Aristotle, Rhetoric, 1404a1-12.

On a much larger scale, Macaulay treats rhetoric in the same way. There was no question of inventing speeches for his protagonists. But he might still simulate speech by assembling arguments on either side of a question, paraphrasing their content, and arranging them into detailed oratorical passages at key moments of the *History*. In his diary, he called this method “the declamatory disquisition which I have substituted for the orations of the ancient historians.”57 And as in the case of the ancient historians, the rhetorical element adds more to historiography than color. It is a kind of polyvocal writing, an important check on the historian’s own understanding of the past; it allows for passages in which it is evident that the protagonists themselves, rather than the historian, are narrating and explaining events. It offers the historian, and his readers, the opportunity to play with the possibility that his own reading of events is not the final word. And if the paraphrased “speeches” on either side are given equal weight and invested with roughly the same quantum of eloquence—as Macaulay’s generally are—it raises the possibility that events themselves might have developed differently: it encourages us to provisionally treat each side as compelling, and to consider the outcome as a close-run thing, even if, in the historian’s “real” judgment, the outcome was anything but. All of this puts the declamatory disquisition in the domain of contingency. In the classical formulation, we deliberate when we are faced with uncertainty, not with necessity or impossibility. For Macaulay to treat much of the content of his history as a series of questions to be debated, rather than a series of facts to be chronicled, is to suggest that necessity, “the arc of history,” or “the march of progress” are questionable frames through which to view the past.

And so, even though Macaulay did acknowledge the existence of an historical “law which regulates the growth of communities,” his approach to narrative history has the effect of temporarily and

deliberately obscuring the long view, concentrating attention on the small, indeterminate fragments instead. In the long view, certain events in the progress of British institutions “had” to happen, in the sense that the optimal course of action was not debatable in a meaningful sense. Difficult or tragic choices between competing values are absent from this view of politics—the view that is most obvious in Macaulay’s sweeping historical pronouncements, or in the instances when he puts his finger on the scale of one of his History’s debates, explaining which position ought to have won. But this is also the view that his rhetorical passages continually call into question. To take one example I discuss below: to accept Macaulay’s long view of history is to concur with him that, of course, the Church of England clergy had a responsibility to swear allegiance to William of Orange after the 1688 revolution; but to read the eloquent “speech” he composes for the non-juring clergy is to doubt, momentarily, that his long view is coherent.

I will examine Macaulay’s practice of rhetorical contingency with respect to three important questions surrounding the consolidation of the revolutionary settlement. First, on what legal terms should James be replaced as sovereign? Second, are the Church of England clergy obligated to swear an oath of allegiance to a “usurper”? And third, should parliament fund a standing army in peacetime at William’s request? While these questions are more or less arcane in our terms, they are important to my argument not so much in themselves, but rather for the light that Macaulay’s treatment of them sheds more broadly on his method as an historian and political thinker.

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58 Macaulay, “Parliamentary Reform (December 16, 1831),” 524.

59 This is especially true of those cases in which the government could choose only to give way to popular pressure “peaceably” or “after a violent struggle”; ibid.
First, regarding the legal character of the new regime: when the Convention Parliament met in January 1689, it was clear that William held executive authority *de facto*. Yet the question of the way in which his authority would be legalized, and whether it would rest on the notion of an “original contract,” carried immense weight: in effect, it would determine how revolutionary the revolution would be. Even the choice to declare the throne “vacant” was ideologically fraught: if the throne was not vacant, but passed to James’s heirs on account of his abdication, desertion, or incapacity (and each term, in turn, had its partisans), then the principle of hereditary right was upheld, but voting the throne to be vacant would establish William’s government on an elective basis, and would imply parliament’s power to depose future sovereigns.

While Macaulay’s Whiggish contemporaries were largely interested in recording the legal outcomes of these debates, Macaulay is concerned with recording the appearance of the controversy in addition to its sheer fact. We can take up his account of the convention at the point of the lords’

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60 In this case, the throne would pass to Mary, James’s daughter and William’s wife.

61 Two valuable cases for comparison are Henry Hallam’s *Constitutional History of England* (1827) and James Mackintosh’s *History of the Revolution in England in 1688* (1834). Both predecessors shared Macaulay’s politics and treated similar subject matter. Both were important sources for Macaulay, and he praised both in his essays. In fact, he relied heavily on Mackintosh’s notes in preparing his own history of the revolution.

Their contrast with Macaulay is especially marked with regard to the first controversy I consider, the outcome of the Convention Parliament. Hallam is largely concerned with recording vote totals for various resolutions on the state of the monarchy: for instance, the House of Lords “omitted the final and most important clause, that the throne was thereby vacant, by a majority of fifty-five to forty-one.” The votes in each house are important in terms of the legal and political principles that they established—for instance, denying the “absolute and indefeasible authority” of the monarch—but not as occasions for debate.

Mackintosh, on the other hand, does capture something of the debates themselves through brief quotation and close paraphrase, juxtaposing arguments rather haphazardly against one another as speakers rose in turn. For instance: “‘I have heard,’ says Sir Robert Howard, ‘that the King has his crown by divine right: we, the people, have a divine right too.’…Sir Robert Seymour, a Tory…argued with great warmth against the king’s alleged abdication, and the vacancy of the throne.” Mackintosh prioritizes hewing closely to the available documentary sources; Macaulay, building a synthetic scene of high drama. Henry Hallam, *The Constitutional History of England from the Accession of Henry VII. to the Death of George II*, vol. 3 (Boston: Wells and Lilly, 1829), 130; James Mackintosh, *History of the Revolution in England in 1688: Comprising a View of the Reign of James II. from His Accession, to the Enterprise of the Prince of Orange* (Philadelphia: Carey, Lea, and Blanchard, 1835), 622.
debate on the vacancy of the throne. The argument here is between Tories and Whigs, who agree that James is no longer king, but who disagree as to whether parliament can elect a sovereign. We are likely to notice immediately that Macaulay’s account is highly synthetic: by compressing the actual claims of any number of speakers into a coherent and polished whole, he reconstructs the best possible case for either side, even at the cost of literal accuracy. If the result is a kind of “invention”—in that there is no claim that the words were actually spoken in this form—it is still a probable fiction: it presumes that the actors can speak to us more directly and more plausibly through a loose paraphrase than through quotation. As Macaulay reconstructs their argument—and note how the historian’s own voice gradually shades into “we”—the Tories held that the king might die; but the magistrate was immortal. The man might abdicate; but the magistrate was irremovable. If, these politicians said, we once admit that the throne is vacant, we admit that it is elective….If we once say that merit, however eminent, shall be a title to the crown, we disturb the very foundations of our polity, and furnish a precedent of which every ambitious warrior or statesman who may have rendered any great service to the public will be tempted to avail himself. This danger we avoid if we logically follow out the principles of the constitution to their consequences. There has been a demise of the crown. At the instant of the demise the next heir became our lawful sovereign.

The case for the Whigs immediately follows:

It was idle to apply ordinary rules to a country in a state of revolution….The throne was vacant, and…the Houses might invite the Prince of Orange to fill it. That he was
not next in order of birth was true: but this was no disadvantage: on the contrary, it was a positive recommendation. Hereditary monarchy was a good political institution, but was by no means more sacred than other good political institutions. Unfortunately, bigoted and servile theologians had turned it into a religious mystery, almost as awful and as incomprehensible as transubstantiation itself. To keep the institution, and yet to get rid of the abject and noxious superstitions with which it had of late years been associated and which had made it a curse instead of a blessing to society, ought to be the first object of English statesmen.  

The second of these speeches clearly voices Macaulay’s own view; in fact, the Whigs’ line that hereditary monarchy is good but not sacred is lifted almost verbatim from Macaulay’s speeches on the Reform Act. He might have noted the existence of the other, “incorrect” side without entering into its worldview so fully, and without offering it equal space and equal dignity, and without rendering it equally plausible. Yet he chose otherwise—to the extent that one would be hard-pressed, without knowing anything else about the author of those two paragraphs, to determine which way he leaned.

But while Macaulay records the convention’s arguments, and even improves on them, he was under no illusions that they were decisive, just as Thucydides was under no comparable illusions. The two arguments Macaulay constructs here are both rigorously consistent—yet the houses’ ultimate resolutions were, as he acknowledges, intricate bundles of contradictions, agglomerated to satisfy a

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broad coalition rather than to stake out a coherent position in political philosophy. Further, the truly
deciding factor, in his account, hinged on a much blunter form of persuasion: William terminated
the debate by promising to withdraw from England along with his army unless he was voted the
crown. It was an implicit threat to the safety of the convention’s members, and it settled the matter.

This rhetorical passage, like all of Macaulay’s rhetorical passages, is framed by necessity of one kind
or another—but within that frame is a moment of contingency. Just as Thucydides attributes
arguments to his principals in order to do justice to their perception of events as they unfolded,
Macaulay temporarily arrests his story at a moment of deliberative uncertainty. And just as it is
difficult, when taking the speeches in isolation, to determine where the author’s sympathies lie, it is
difficult to anticipate the outcome on the grounds of the arguments alone. This is another kind of
historical suspense, and in comparison to the novelistic tension surrounding Cromwell’s act of
regicide, it is suspense of a more sophisticated kind, concerning the constitutional fate of all future
monarchs. Recall that cultivating this kind of suspense had a normative valence for Macaulay, who
held that the superiority of his own politics lay in its responsiveness to historical surprise.

At the same time, situating the Whig view within the range of contemporary debatable opinion
would seem to provoke a kind of humility in the presumably Whig reader. If the cases both for and
against the modification of hereditary right are stated plausibly—and if such a seemingly
indisputable positive as a ruler’s “eminent merit” could be redescribed as a danger to political
stability—the reader might be moved to see his or her own standpoint as contingent. The fact that
the reader happens to hold the “correct” view when situated in the present is no guarantee that the
reader would have been at the vanguard of the past.
In fact, Macaulay frequently adverted to that claim (or rather to its logical inverse) in his political writing: we should not imitate our favorite forerunners’ politics in any literal sense, but should imaginatively reconstruct how they would act in our circumstances.\textsuperscript{64} For instance, John Somers, a leading 17\textsuperscript{th}-century Whig and a hero of Macaulay’s narrative, was vehemently anti-Catholic, and many of Macaulay’s contemporaries used the legacy of the old Whigs to bolster their opposition to Catholic emancipation. But for Macaulay, this use of history was much too mechanical: only by vividly reconstructing the debates in which Somers participated can we discover whether anti-Catholicism was one of his bedrock commitments, or whether it derived (as Macaulay believed) from a more fundamental commitment to parliamentary liberalism, which had become contingently bound up with resistance to a Catholic monarch. This mode of using the past points away from the rote application of precedent and toward a greater reliance on probabilistic judgment—after all, we are much more certain of \textit{what} Somers did than of \textit{why} he did it, but the latter kind of knowledge is far more valuable.

In the case of the convention, Macaulay is applying rhetorical historiography to an actual parliamentary debate. But as the second case shows, the declamatory disquisition turns out to be a more flexible form. It is a tool not only for summarizing a debate in a given time and place, but for concentrating and juxtaposing a more diffuse set of arguments carried out in the broader space of public opinion. In effect, it is a way of imposing the qualities of parliamentary debate (for better or worse) on the world outside of parliament.

\textsuperscript{64} Clive, \textit{Macaulay}, 481.
Second, then, Macaulay follows his account of the Convention Parliament with an early controversy in the reign of William and Mary. Under the Stuart kings, the Church of England was distinguished from other Protestant denominations by its doctrine of “passive obedience,” or nonresistance, to the hereditary sovereign. While much of the episcopacy had tacitly compromised this doctrine by collaborating in the revolution against James, the revolution’s success had put the doctrine’s two elements—obedience and hereditary right—into an especially visible contradiction. Parliament forced the issue by requiring, as a condition of keeping their benefices, an oath of allegiance from all members of the state clergy. The result was a dispute carried out within the Church, and in the pamphlet press, over the course of several months: was obedience due to the hereditary sovereign or the sovereign in possession?

Again, Macaulay is concerned not only with the political consequences of this dispute, but with the theological terms in which it was carried out. Those terms—revolving around such relatively arcane topics as the conduct of the primitive Christians and the biblical account of David and Absalom—are, again, “appearances,” a kind of superstructure or code for the true issues of church and state power at stake, as Macaulay himself concedes. But as in the case of the convention’s Whigs and Tories, Macaulay allows the swearing and non-juring clergy to speak in turn. According to the former,

the powers which the Apostle, in the text most familiar to the Anglican divines of that age, pronounces to be ordained of God, are not the powers that can be traced back to a legitimate origin, but the powers that be…. If there be any proposition which can with perfect confidence be affirmed touching the early Christians, it is this, that they never once refused obedience to any actual ruler on account of the
illegitimacy of his title. At one time, indeed, the supreme power was claimed by twenty or thirty competitors. Every province from Britain to Egypt had its own Augustus. All these pretenders could not be rightful Emperors. Yet it does not appear that, in any place, the faithful had any scruple about submitting to the person who, in that place, exercised the imperial functions. While the Christian of Rome obeyed Aurelian, the Christian of Lyons obeyed Tetricus, and the Christian of Palmyra obeyed Zenobia….

Again, an invented speech for the opposing side immediately follows:

The feelings of all mankind must be shocked by the proposition that, as soon as a King, however clear his title, however wise and good his administration, is expelled by traitors, all his servants are bound to abandon him, and to range themselves on the side of his enemies….To break through the ties of allegiance, merely because the Sovereign was unfortunate, was not only wicked, but dirty…. In the Scriptures was to be found the history of a King of Israel, driven from his palace by an unnatural son, and compelled to fly beyond Jordan. David, like James, had the right: Absalom, like William, had the possession. Would any student of the sacred writings dare to affirm that the conduct of Shimei on that occasion was proposed as a pattern to be imitated, and that Barzillai, who loyally adhered to his fugitive master, was resisting the ordinance of God, and receiving to himself damnation?\footnote{Macaulay, History, vols. 3-4, 97-100.}
Now, after observing how extensively and how seriously Macaulay treats these arguments (the full case for the swearing clergy runs to nearly 1,000 words, and the speech for the nonjurors works itself up to a truly impassioned invocation of “the day of death and the day of judgment”), it may surprise us to find that he considered the entire controversy ridiculous. Yet there is no doubt: the doctrine of passive obedience, which was the ground of the controversy for both sides, “was so absurd that it could lead to nothing but absurdity.” And again, his judgment of the truly dispositive factors at play is as cold as Thucydides’s. The argument for swearing the oath carried the day, not because it was better argued, but because it was backed “by some of the strongest motives which can influence the human mind”—money, social prestige, and professional security. This turns all of the invocations of Aurelian, Tetricus, Zenobia, and Christ into a massive case of motivated reasoning—and we could easily imagine what a Gibbon or a Hume could have done with such a passage. But in Macaulay’s version of the arguments, I cannot identify a moment played for a knowing laugh, even if the entire situation as he conceives of it is essentially comical.

One might respond that there is nothing odd in that juxtaposition at all. The debate within the clergy happened, and a fair historian of the post-revolutionary period simply ought to report it. But I would deny the premise: the debate within the clergy did not happen, at least not in the artificial form that Macaulay gives it. It happened even less than his version of the debate in the convention happened, in that the latter stands in for an actual single moment of deliberation, while the former is the composite of sermons, pamphlets, and tracts produced over many months. The text gives us no reason to believe that the same member of the swearing clergy who argued from Paul’s epistle to the Romans also argued from the example of the Syrian Christians under Zenobia, or that the same

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66 Ibid., 100.
non-juror who preached on Romans preached at the same time on Second Samuel—the arguments exist in this form only in Macaulay’s text, and nowhere else. And so the text as a whole, I think—taking both the speeches and their frame together—speaks to a kind of informed sympathy for this pedantic set of bishops and vicars: not a credulous sympathy that can truly believe that the outcome of the controversy hung on the correct citation, but one that is able to enter into the controversy temporarily, provisionally, but seriously.

Third and finally, I want to touch on an important controversy that rose to public and parliamentary attention near the end of William’s reign. In 1697, the Treaty of Ryswick ended nine years of war between England, along with its allies, and France—and turned appropriations for the English army into a newly salient issue. On the one hand, traditional republican theory often dilated on the dangers to liberty of standing armies in peacetime and continued to idealize the civic militia as an alternative. On the other hand, an important faction of the Whigs maintained that, since the revolution, those dangers no longer obtained to the same extent; if the administration were responsible to parliament, and if the military were funded by freely voted taxation, traditional suspicion of standing armies would be out of step with the times. As with the earlier debates within the convention and the state clergy, the underlying question was how decisively the revolution had altered received political wisdom.

While Macaulay is ultimately dismissive of the republican view, he nevertheless takes care to represent it in great detail:

What, they asked, had destroyed the noble commonwealths of Greece? What had enslaved the might Roman people? What had turned the Italian republics of the
middle ages into lordships and duchies? How was it that so many of the kingdoms of modern Europe had been transformed from limited into absolute monarchies?…From such evils, it was said, no country could be secure which was cursed with a standing army. And what were the advantages which could be set off against such evils? Invasion was the bugbear with which the Court tried to frighten the nation. But we were not children to be scared by nursery tales.

Those Whigs who took the contrary position, best represented by Somers, insisted that an army accountable to parliament was a qualitatively different creature:

From such an army surely the danger to public liberty could not by wise men be thought serious. On the other hand, the danger to which the kingdom would be exposed if all the troops were disbanded was such as might well disturb the firmest mind….Everything must then be staked on the steadiness of the militia; and it was pernicious flattery to represent the militia as equal to a conflict in the field with veterans whose whole life had a been a preparation for the day of battle. The instances which it was the fashion to cite of the great achievements of soldiers taken from the threshing floor and the shopboard were fit only for a schoolboy’s theme.67

Once again, however, the historian claims better access to the truth of the matter than the participants had themselves. The case against the standing army fatally contradicted itself, but “our ancestors were generally so much blinded by prejudice that this inconsistency passed unnoticed,”

even by Somers, the ablest advocate on the other side.68 Namely: if the militia could truly repel a
regular army of invasion, then surely it could also overcome a regular domestic army that threatened
public liberty; but if it could not protect the public from a regular English army, then it could hardly
withstand an invasion, either.

In all three of these cases of rhetorical contingency, then, the question that is debated in such detail
is not truly debatable at all. This is the case in two senses: first, Macaulay generally concedes that the
truly dispositive causes in each case were material, not rhetorical. If, for instance, the convention’s
debate over the vacancy of the vacancy of the throne had never taken place, the result, in his telling,
would have been the same—or rather, the debate gave formality and polish to what was already a
fait accompli. Second, these cases are not truly debatable in the sense that Macaulay’s vast
certainty in his rightness—whether out of transposed partisan politics, or out of faith in “the law
which regulates the growth of communities”—moves all of these questions out of the realm of
probability and into the realm of certainty.

But his committed entrance into these debates and into the standpoints of their participants, in these
cases and in many more that I have not considered, is a countervailing force against that certainty.
As his contemporary political remarks make clear, “debatability” is a normative value for Macaulay:
it embodies the flexibility and openness to contingency that makes liberal politics distinctively
valuable. Radical and reactionary politics have their certainties, too—but they are, for Macaulay,
certainties unleavened by surprise, whose clash, as in the case of the ancien régime, can only play out in

68 Ibid., 638.
cycles revolt and repression. We must practice being surprised by the past—practice finding the debatable wherever possible—in order to expand our present sense of the possible.

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“Debatability” is itself one of the themes or even characters of Macaulay’s History, in a very concrete sense. John Clive observes the great extent to which the History is “centered on public opinion, public feelings, what Macaulay liked to call the public mind.” In just one chapter, the words “feeling” or “public mind” recur 35 times. And the work as a whole, in fact, is liberally salted with references to the public “temper,” “public discontent,” “public appetite,” and “the minds of men”—as well as stock phrases in reference to a disembodied public opinion, such as “wise men began to perceive that…,” “it was even whispered that…,” “it was remarked that…,” and so on.69

Rather than presuming that all ages have their public opinion, and that Macaulay’s interest in its state around the turn of the 18th century was simply one of his idiosyncrasies as an historian, it would be more correct to conclude that he fixated on a genuinely novel and important historical development: the emergence of the “political public sphere” in a time and place roughly overlapping with the History. Reading the latter alongside Jürgen Habermas’s analytical history of public opinion as a political force places Macaulay in a new light—as one of the mid-19th-century liberals who both pressed for a more inclusive politics and feared mass democracy for its potential to degrade the public sphere. Macaulay’s rhetorical history, I argue, represents his response to this dilemma.

For Habermas, a number of features made “rational-critical debate” in the public sphere a distinctive kind of political discourse. First, it routinely appealed to “general and abstract laws,” rather than concrete and particular interests. Second, for this reason, its characteristic mode of proceeding was deliberation, not bargaining. Third, participants in the public sphere valued frankness, openness, and inclusivity amongst themselves; at the same time, the middle-class institutions that made up the public sphere were socially exclusive. This exclusivity, in turn, both fortified the belief in a common interest that could act as the criterion of debate and helped to preserve the contingency that true debate requires. Fourth, deliberation in the public sphere was continuous with parliamentary debate. If the representative’s free mandate, as famously defended by Burke, made parliament into a kind of miniature public sphere, the Reform Act made the identification of the two nearly complete: it “transformed Parliament, for a long time the target of critical comment by public opinion, into the very organ of this opinion.”

Habermas also details the developments that made the ideal of the political public sphere—political power rationalized by a critically debating public—increasingly untenable, as both liberal and radical thinkers came to perceive in the mid-19th century. These developments included, for instance, the growing demands of the politically and economically marginalized, which challenged the fiction of a unitary public interest. “The public sphere…became an arena of competing interests fought out in

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71 Habermas, *Structural Transformation of the Public Sphere*, 204, 62. Note that this discussion does not rely on the distinction between rhetoric and deliberation evident in Habermas’s later work; here, he treats deliberative rhetoric in parliament as an extension of deliberation in the political public sphere.

the coarser forms of violent conflict”; deals struck between these interests “could hardly be understood any longer as embodying…reasonable consensus.”

Under the force of these changes—along with the growth of mass party politics and the profit-driven mass media—the nature of legislatures changed, as well: their work was increasingly characterized not so much by deliberation as by non-public bargaining and the marketing of party platforms. If the ideal of the public sphere was “more than mere ideology”—if it was something of value despite its class-bound assumptions—then these developments were an important loss. In the terms I have been using, they mark a loss of contingency of the kind that Macaulay feared.

With these developments in mind, Macaulay’s History takes on a new resonance: we can observe him narrating the origins of the public sphere at the very moment when its decline had become apparent. We can see his own participation in the passage of the Reform Act as the high-water mark of a broad historical movement, and his subsequent work as an attempt to deal with the consequences of its recession—consequences that he himself (in a nice twist of fate) had done his own small part to bring about. Perhaps hindsight shaped his awareness of the cracks in the ideal of the public sphere that were evident even in its early days, as in the case of the standing army debate, in which both sides were too “blinded by prejudice” to recognize a contradiction that ought to have been glaringly obvious to dispassionate deliberators. Perhaps it was hindsight, as well, as much as his reading of Thucydides, that prevented him from ascribing too much consequence to the deliberations, both within and without the walls of parliament, of the revolutionary generation. But in his comments on contemporary politics, those cracks appear far wider: his notions of “the great march of society” and

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73 Habermas, *Structural Transformation of the Public Sphere*, 132.

“the mighty rush of the species” imply, I think, a fear that debatability itself might become endangered—a fear not unlike that of his contemporaries Mill and Tocqueville, who conceived of public opinion as a newly coercive power. In more concrete terms, Macaulay noted the ways in which the emergence of a mass public complicated the prospects of political oratory: “The effect of the great freedom of the press in England has been…to leave among us little of what I call Oratory Proper. Our legislators, our candidates, on great occasions even our advocates, address themselves less to the audience than to the reporters.” The forms of oratory still persist, but the link between the orator, the opposing orator, and the deliberating audience becomes progressively more diffuse: rhetoric is everywhere, but charged and consequential rhetorical moments are increasingly nowhere.

And yet a central claim of the History is that Oratory Proper is the form to which political discourse aspires. Even when it fails to take such a form—as it failed, for various ways, in each of the cases I considered—Oratory Proper is the form into which it ought to be cast. Just as Macaulay intended, in the midst of the upheavals of 1848, to provoke his contemporaries’ admiration for the “preserving revolution” of 1688, he also aimed to provoke their admiration of the revolution’s characteristic mode of discourse, cracks and all.

Is this, finally, an exercise in nostalgia from the least nostalgic of historians—in fact a double nostalgia, directed at both the rhetoric of the revolutionary generation and at the classical mode of rhetorical history? I think, on the contrary, that it is something more constructive than that—because the debates in Macaulay’s history are as much invented as reported. As much as the novelistic details around the execution of Charles I, they are a result of imaginative effort operating...

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on, and embellishing, the historical data. And they are an example of the kind of effort required to preserve a sense of contingency in Macaulay’s political present. Just as Cicero had claimed, the ideal historian would still be an orator. But as Oratory Proper became decreasingly viable, the deliberations that concerned the historian would increasingly be imagined ones, reconstructed and compressed from the materials of the mass public sphere. To do so compellingly and eloquently, as Macaulay’s History so often did, would be to invite the public to undertake the same effort—and in that respect, the historian would remain a politician, as well.

4.

I’ve argued that the political commitments behind Macaulay’s choice to write his country’s revolution as a novel ran much deeper than his conviction that the story ended happily; and I want to press this point by considering the case of Tocqueville, a contemporary who shared much of Macaulay’s politics and many of his democratic anxieties, and yet chose to write his own country’s Great Revolution as a tragedy—again, for reasons that ran deeper than a belief that the story ended badly.76 If Macaulay set out to add spectacle and suspense to settled history, Tocqueville—in developing a “new form” of his own77—took the opposite course, stripping the revolution of narrative, of chronology, even of the right to be considered a revolution at all.78 That deconstructive

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78 As Jon Elster notes (drawing on Lawrence Stone), The Ancien Régime is organized around a broad temporal structure of the revolution’s causes: preconditions, precipitants, and triggers. But within each of these rough categories, events are grouped thematically rather than chronologically. Elster, Alexis de Tocqueville: The First Social Scientist (Cambridge: Cambridge UP, 2009), 151.
move may lie behind his claim to have written “not a history of the French Revolution,” but something else entirely: “a study of that Revolution.” As François Furet observes, The Ancien Régime and the French Revolution “forces the reader to take apart the ‘French Revolution.’” The quotation marks are deliberate. Tocqueville’s most radical claim, to exaggerate only a little, is that there was no French Revolution. Or, as Hayden White puts it, while earlier historians of the revolution had investigated how or why it happened, Tocqueville was instead concerned with the prior question “of whether or not a revolution had actually occurred. And he raised this question not as a semantic exercise, but as a genuine inquiry…into the ways in which things ought to be named.”

This idea of The Ancien Régime as an un-naming points to the ways in which Tocqueville’s account is anti-rhetorical—not simply because it is uninterested in speeches, argumentation, or ideology, but because Tocqueville’s decision to exclude these (just like Macaulay’s decision to invent speeches) grows out of a considered position on what historiography ought to do. We name things by convention, through the sensus communis that is so central to rhetorical persuasion; Tocqueville, who was so preoccupied with the tyrannical power of popular opinion, is skeptical that even the most constitutive naming conventions can be trusted. Rhetoric, as I suggested in discussing Macaulay, operates in the realm of shared appearances, and so it takes actors’ self-justifications and self-representations with at least provisional seriousness; Tocqueville, on the other hand, casts himself as uncovering the falsity of appearances, recovering a truth unembellished by narrative. And this truth is a tragic truth, in the sense I have just discussed: there is little room for contingency in

79 Tocqueville, The Ancien Régime, 1.


Tocqueville’s relentless account, because its decisive forces are so impersonal, and because the relevant action occupies such a vast span of time. By the time his tragic hero, the revolutionary generation, comes on the scene to destroy and be destroyed in its turn, its actions have already been conditioned and constrained. It seeks to break cleanly with the past but is only doing the past’s work. To depict it in the act of deliberation, like Macaulay’s Tories and Whigs, would be a sham. And even if it would be an interesting sham, Tocqueville’s priorities as an historian lie elsewhere: truth does not need to be embellished.

While Tocqueville read and admired Macaulay’s work, he did not consider himself capable of writing narrative history.82 Closer to home, Tocqueville expressed contempt for some of his contemporaries’ narrative histories of the French Revolution, especially the celebrated four-volume work of his parliamentary colleague Adolphe Thiers, whose first two installments were published in 1823. Reviewing Tocqueville’s criticisms, Furet and Françoise Mélonio point to the difficulty of writing narrative history from a position of political opposition or even ambivalence: compelling stories about the past are always prone to an “idolatry of success.” Such idolatry was especially troubling for Tocqueville given the way that a narrative of the revolution, like Thiers’s, could not help but culminate with Napoleon I, and so was always in danger of adding luster to the legitimacy of Napoleon III. Taking up work on his history in the aftermath of Napoleon’s coup and his own exile from political life, Tocqueville may have found the refusal of narrative a gesture of resistance.84

82 Hugh Brogan, Alexis de Tocqueville: A Biography (London: Profile, 2006), 602. Brogan notes that Tocqueville’s research was especially influenced by Macaulay’s work on social history.


84 The greater degree of pessimism about human agency in The Ancien Régime, as compared to Democracy in America, may be attributed to the political disillusionment of an older Tocqueville. Thanks to Matthew Maguire for this point.
At the same time, it was part of Tocqueville’s anti-rhetorical program to deny weight to the kinds of decisive moments that mark Thiers’s history. Consider the latter’s treatment of the call to summon the Estates-General in 1787. At a session that year, the Parlement of Paris denounced the wastefulness of the court and demanded the release of financial statements. “A councillor, punning upon the états (statements), exclaimed, ‘Ce ne sont pas des états mais de états-généraux qu’il nous faut!’—‘It is not statements, but States-General that we want.’ This unexpected demand struck everyone with astonishment….The utterance of a single word presented an unexpected direction to the public mind: it was repeated by every mouth, and States-General were loudly demanded.”85 The temptation to write the history of the revolution in just this way must have been almost overwhelming. Even its reactionary enemies, men like Louis de Bonald, conceded that the revolution was a remarkable rhetorical event: “Never before had eloquence dealt with such lofty issues with such force, knowledge, and gravity.”86 In other words, an event like the revolution is the one acknowledged exception to the Tacitean critique of eloquence that I discussed in the last chapter: even if we can only find burning eloquence when the state is on fire, surely the French Revolution qualifies. In denying even that—in denying that the development and the outbreak of the revolution could be understood or narrated rhetorically—Tocqueville takes the critique to remarkable lengths.

Yet Tocqueville appears to hold that a rhetoric-centered account of the revolution is essentially false for two reasons. First, just as “classes”—not individuals—“ought to be the sole object of the


historian’s interest,” processes rather than charged moments ought to be the sole subject of his history. To highlight a moment of persuasion or spontaneous coordination in the way Thiers does is at least to entertain the possibility of a meaningfully different outcome, a possible world in which the councillor does not speak up and the public mind never takes the unexpectedly revolutionary turn. This is the sense of contingency that Macaulay, in his turn, does so much to cultivate.

Tocqueville, on the other hand, is interested in foreclosing possibilities rather than proliferating them. (Perhaps this is why he criticized Thiers’s history, in a typical paradox, as “too detailed, yet nonetheless incomplete.”) It is not that he considers the revolution preordained or inevitable; it was neither, but it can only be seen as such from an appropriately long distance, one not easily comprehended by narrative. In fact, the error of his predecessors—and his own error, before unearthing the archives of the ancien régime—was a mistake of scale. In those archives, he writes, “I discovered a host of sentiments that I thought had been born with the Revolution, a host of ideas that I believed to have been revolutionary ideas.” The more he uncovers, the more the revolution recedes as a pivotal event. Similarly, its contemporaries, including Burke, were deceived because they were slaves of narrative, drawn to what was remarkable and singular in the revolution, rather than its essential continuity with the past. To them, it “suddenly seemed a phenomenon so new and so different from anything that had ever happened before, yet so monstrous and incomprehensible.


89 Tocqueville did not subscribe to any form of historical determinism, a case made comprehensively in Harvey Mitchell, *Individual Choice and the Structures of History: Alexis de Tocqueville as Historian Reappraised* (Cambridge: Cambridge UP, 1996). In fact, *The Ancien Régime* suggests points at which the violent collapse of the regime might have been averted. As Tocqueville himself put it, “I hate those absolute systems which derive all the events in history from great first causes, link one to another in a chain of destiny and, so to speak, eliminate men from history”; *Souvenirs*, in *Œuvres Complètes*, vol. 12, 84. It is simply that the scale of Tocqueville’s processes is so large that it thwarts our sense of evidently decisive moments: at the point at which the collapse could have been averted, it was not evident; at the point it was evident, it could no longer be averted.
that the human mind could not grasp it.”

Keep in mind that this is just the kind of relationship to events—focused on particularities, distinctive textures, and dramatic turns—that, in Macaulay’s view, is supposed to operate as a course of training in practical wisdom and political readiness. Here, it is blindness.

The truth, for Tocqueville, is that his title is meant quite literally: the ancien régime was the French Revolution. The true revolution was the generational process of centralization that concentrated power in the state, sapped local initiative and the possibility of cross-class collaboration, and progressively weakened France’s “intermediary bodies,” the nobility most of all. It was centralization that sowed dissatisfaction with the regime, producing a nobility that retained economic privileges without the accompanying political responsibility. It was centralization that weakened the regime’s defenses and brought about its shockingly swift collapse. And it was centralization that—after a brief libertarian or even anarchic interlude—proved to be the revolution’s lasting legacy: “Clear away all this debris and you will see an immense and unified central government, which has drawn in and devoured all the bits of authority and influence that were once parceled out….The Revolution created this new power.” More to the point, the revolutionaries’ belief that they were making the world anew was only a kind of false consciousness: the National Convention, for instance, was “obeying the traditions of the Ancien Régime while at the same time detesting it.” Even the intellectuals and philosophe, who might be expected to stand at the farthest remove from the prejudices of their time, were unknowingly in their grip: “all [writers]...
believed that it was proper to replace the complex traditional customs that governed the society in which they lived with certain simple, elementary rules, which could be deduced from reason and natural law”—just as the regime believed. In the face of such epochal forces, heroic moments of agency, such as the Revolution itself, are still possible. But the type of these moments is the energetic construction of a breakwater by the citizens of Cherbourg, which Tocqueville recorded in his history of the town: “It had an audacious and grandiose character….All those who were present at this grand scheme have retained the most lively memory of it”—even though the finished breakwater was almost immediately washed out to sea.

Again, compare this account of political action with Macaulay’s. His actors may practice deceit, but their motives are always transparent to themselves, and always intelligible to us. The motives of Tocqueville’s actors are far more obscure, even to themselves, and the consequences of their actions are far less predictable: like the Convention (and like Saint Paul), “they understand not what they do: for what they would, they do not; and what they hate, that they do.” (This is perhaps one way in which Tocqueville’s characters, even if sketched in less detail than Macaulay’s, are more fully human.) For Tocqueville, powerful rhetoric as often as not achieves the opposite of its intent. Aristocratic reformers under the ancien régime, for instance, imagined that they could publicize and denounce the state’s abuses without being “overhead” by the downtrodden, and without furnishing the people with a vocabulary of resistance to aristocracy in general: “They used their rhetorical skills

92 Tocqueville, The Ancien Régime, 17, 172, 128.


94 Again, I argue that this is an artifact of Macaulay’s historiography rather than a blunt fact about 17th-century English politicians.
to depict the people’s misery and ill-remunerated labor. By thus attempting to relieve the people, they filled them with fury.” For Macaulay, radicals wrongly but deliberately provoke public fury; here, reforming rhetoric of the kind in which Macaulay put such stock accidentally provokes public fury.

These unpredictable effects of persuasion point toward Tocqueville’s second objection to a rhetorical understanding of history. The centralization accelerated by the revolution does not only refer to the concentration of power in Paris; it also encompasses the process of social leveling, and the secular tendency toward “equality of conditions” that is the animating theme of Democracy in America. As Lucien Jaume observes, Tocqueville uses the same term to describe both sovereignty under democracy and authority over language and culture in the age of mass politics: éparpillement, or dispersion. “Strictly speaking, the law of language cannot be defined. If everyone makes the law, then in fact there is no law.” But are centralization and dispersion not polar opposites? For Tocqueville, they are not. In the process he describes, independent and localized centers of judgment are swamped by the unitary authority of a pervasive public opinion. “Only one power is encountered, only one source of strength and success, with nothing outside them”—and it is this disembodied power to which citizens constantly “sacrifice their opinions.” (In fact, the notion of “dispersion plus centralization” has something of the arresting paradoxical quality of “democratic despotism”: the despot is no longer a singular individual but, potentially, everyone.) In contemporary America, as in revolutionary and even ancien régime France, Tocqueville observes the unfolding of the same fact of

95 Tocqueville, The Ancien Régime, 160.


mass politics that Macaulay seems also to have intuited: a persuasive force that is increasingly everywhere, and nowhere in particular.

Yet Tocqueville pursues the implications of this fact much more doggedly than Macaulay does. If persuasion in a mass age has qualities of both centralization (in that public opinion constrains the range of the conceivable and comes to dominate over individual judgment) and dispersion (in that this process is taking place everywhere, and constantly), then it would be fundamentally misleading to write history as a series of pivotal rhetorical moments, of the kind that Thiers emphasizes or that Macaulay so extensively recreates. Thiers writes that “the utterance of a single word presented an unexpected direction to the public mind.” Tocqueville would likely rewrite that sentence, turning the public mind into a kind of unmoved mover: “the public mind took an unexpected direction.”

If this were the case, if persuasion were increasingly taking on the qualities of pervasiveness and diffuseness, how could one write an accurate history of the public mind? I would propose that one would do it just like Tocqueville did, emphasizing not publicity but secrecy. And this, I argue, is a central reason why *The Ancien Régime* goes to such lengths to foreground the historian’s excavations of the regime’s archives: the true story is not one of lofty eloquence in the forum or the parliament, but of innumerable small shifts in opinion that left only archival traces behind. Along with the progress of centralization, secrecy uncovered is a master-theme of Tocqueville’s history. To quote a few instances:

[The regime] operated in the shadows, so that people were not afraid to come before it to reveal the most private of infirmities….
Less than a year before the revolution began, Mirabeau wrote secretly to the king….

A secret report submitted to an intendent….

I went to great lengths to reconstruct as well as I could the cadaster of the Ancien Régime….

This is particularly striking when one studies the archives….

Being in possession of the facts, I make so bold as to say that many of the procedures employed by the revolutionary government derived from…the final two centuries of the monarchy.  

In fact, moments like these shed light on the problem of intelligibility that I raised. If the public mind is the emergent outcome of many individual minds, one might participate in it without grasping its intent; its intent might be evident only to a privileged observer. With respect to the past, Tocqueville writes, “I was thus able to acquire many ideas about the French society of old that contemporaries did not have, because I had before my eyes evidence that they had never seen.” With respect to the present, “a foreigner granted access today to all the confidential correspondence that fills the cartons of the Ministry of the Interior and the prefectures would soon know more about us than we know about ourselves.”  

It is the thought that we do not know ourselves, that the


99 Ibid., 2, 3.
public mind and even the most heroic political actors do not fully understand the forces constraining them, that makes Tocqueville’s notion of history tragic; and it is the uncovering of this constraint after the fact that makes The Ancien Régime a kind of tragic drama.

Tocqueville was arguably the first historian to bring this degree of disciplined archival research to the study of the ancien régime. But he was hardly the first historian to study archives; Macaulay, for instance, drew on many similar resources for his own History. On what grounds, then, might Tocqueville be said to object to Macaulay’s style of historiography? He implicitly critiqued it, I think, not on the grounds that it was insufficiently informed, but on the grounds that it was insufficiently radical. Macaulay, and any other narrative historian of his stripe, had failed on this view to fully face up to the implications of mass politics. Macaulay is as aware as Tocqueville (though less systematically) of the decreasing viability of Oratory Proper; yet rather than follow out the implications of that fact, he works to reconstruct it, embellishing the same materials that Tocqueville aims to exhibit in their raw state, reaching for a mode of explanation and narration that ought to be acknowledged as defunct. At the same time, the closest Macaulay can come to rebuilding the realm of public eloquence is in the pages of a would-be novel, an essentially private experience for its readers—a driver of the very tendency toward social isolation that so troubled Tocqueville. It was not an idle concern: “Despotism, far from combating this tendency, makes it irresistible,” he writes in The Ancien Régime, “for it deprives citizens of all common passions, all mutual needs, all necessity to reach a common understanding, and all opportunity act in concert. It immures them, as it were, in private life.”

The risk of narrative history, then, is that it offers the appearance of acting and

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100 Brogan, Tocqueville, 562; Wolin, Tocqueville, 4.

deliberating together as a substitute for the reality—that it is a private simulacrum for public life and so, however unwittingly, advances despotism’s work.

If Macaulay had been concerned to defend himself against this line of critique, how might he have responded? He might have pointed to a telling gap in Tocqueville’s history: everything up to the revolutionary outbreak can be analyzed, but there is an empty space at the point of the revolution itself, because the defining mark of the revolutionary generation was an impulse toward liberty that Tocqueville readily admits he cannot understand. In fact, he refuses to understand it on principle: “Do not ask me to analyze that sublime desire; you must feel it….To mediocre souls that have never felt it, one cannot hope to make it comprehensible.” In contrast to the universal passion for equality, the “taste” for liberty is far rarer. And if this is the case, then Macaulay might reasonably have claimed that his variety of history does far more to stimulate the taste for free deliberation. In fact, there are moments at which Tocqueville, for all his concern with patterns of land ownership, rates of taxation, and public administration, resembles the 18th-century intellectuals whom he criticizes for their abstracted “remov[al] from the world of affairs.” If the loss that matters is the “prerevolutionary world of particularities,” then the only plausible way to begin to recover that loss is by embedding those particularities in narrative—the very move that Tocqueville refuses to make. This is only to suggest that Macaulay’s defense would likely have drawn on the kind of defense that rhetoric has always made for itself: that it is uniquely attuned to the demands of the **vita activa.**

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However convincing we find that argument, it is worth continuing to read these works together just because we are apt to underestimate them in complementary ways: to neglect the serious intellectual conviction at the heart of Macaulay's narrative history, and to miss the pathos that moves Tocqueville's act of historical un-naming.
Chapter 5

Rhetoric and Ritual in the Crisis of Parliamentary Democracy

“There’s the smallest number still believe that just laws and the right politics can be achieved through newspaper articles, speeches at demonstrations, and parliamentary debates.”

This was, as I argued in the previous chapter, a pre-eminent liberal fear of the mid-19th century: the fear that longstanding practices of rhetoric were beginning to outlive their usefulness. While it drove the last chapter’s two subjects in diametrically opposed directions—Macaulay, toward the classicizing strategy of a rhetorical history; Tocqueville, toward experiments in analytical and anti-rhetorical history-writing—it represented a common diagnosis of the collision between the classical rhetorical tradition and mass politics.

In Macaulay and Tocqueville, it was still something of a premonition or projection. But by 1923, Carl Schmitt could report it as a fait accompli. It had become the conventional wisdom that all but “the smallest number” took for granted. The belief that public debate was what it purported to be—that it entailed the possibility of mutual persuasion, rather than the marketing of positions previously and elsewhere conceived—had become the political equivalent of the Tooth Fairy.

Schmitt’s *Crisis of Parliamentary Democracy* famously argued that the “intellectual foundation” of political debate, both in representative institutions and in the broader public sphere, had been

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hollowed out. That foundation was, in Schmitt's telling, a rationalist faith in the propensity of clashing opinions to converge on truth; its symbol and support was the free mandate of parliamentary representatives, who willingly opened themselves to persuasion in the course of deliberation. But this was, for Schmitt, an evidently exhausted faith: mass politics was a clash of interests rather than opinions, and its criterion was power rather than truth; under these conditions, representatives' freedom was a fiction, and so was their posture as deliberators. The last meaningful form of rhetoric was as the output of the “propaganda apparatus” of the respective parties. For Tacitus, the reigning metaphor for oratory had been a fire feeding on the burning state; for Schmitt, it was a shoddy consumer item manufactured at industrial scale.

I do not intend to fully recapitulate Schmitt’s argument in this chapter, but I do want to reconsider it as the statement of an essentially rhetorical problem. In these terms, it is a problem whose shape we have seen in previous chapters—a problem of fit between institutions and the varieties of speech considered to be appropriate within them, which I called a question of decorum at the largest scale. While Schmitt’s critique of parliamentary democracy remains influential, I argue below that he overstressed the rationalism at its intellectual foundations. More importantly, I want to call attention to the intriguing way in which a less-studied work of Schmitt—Roman Catholicism and Political Form,

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2 Ibid., 6.

3 Schmitt was hardly the only theorist to make this complaint; similar critiques of parliamentary deliberation can be found in Max Weber and Joseph Schumpeter. I focus on Schmitt here not only because he expressed this critique so forcefully, but also his account of “representative discourse” as an alternative rhetoric adds a dimension to the argument absent from that of many contemporaries.


5 An important exception (so to speak) is John P. McCormick, Carl Schmitt’s Critique of Liberalism: Against Politics as Technology (Cambridge: Cambridge UP), 1997.
also first published in 1923—raises and then almost as quickly withdraws a potential answer to the rhetorical problem posed in the *Crisis*. The broached solution is that we take seriously the ritual as well as the strictly deliberative elements of rhetoric. For Schmitt, this conception of rhetoric and ritual would inform a disturbingly illiberal turn of thought. But I argue that it need not do so—because, in part, Schmitt’s conception of ritual is deficient. Turning to the much more recent interdisciplinary work of Adam Seligman and his collaborators, I consider a conception of ritual and its roles in public life that is both richer and more potentially compatible with democratic deliberation: action in the “subjunctive” mood, “the creation of an order *as if* it were truly the case.”

I conclude by arguing that the rhetorical tradition, broadly conceived, does represent the creation of such an order—and that, as such, it remains a viable response to the kind of political brokenness that Schmitt was neither the first nor last to depict.

1.

Schmitt’s *Crisis* represents the kind of decline-of-rhetoric narrative with which readers of the previous chapters will have become familiar. These stories often share a similar structure, in which institutional change renders a previously valorized style of speech impracticable or simply embarrassing. We could take David Hume’s reflections on eloquence as a clear example: in a mismatch of scale between words and setting, Cicero’s oratory would only appear “monstrous and gigantic” in a modern court or parliament.

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Schmitt, too, has a story to tell about a valorized style of speech and the institutional developments that have rendered it inconceivable in practice. (As I will argue, Schmitt’s *Political Form* complicates this story by adding a second defunct style.) In fact, much of the introductory evidence used to substantiate the existence of the Weimar crisis is strictly rhetorical, and even aesthetic: right alongside frequent turnover in government and the obstructive tactics of extreme parties are listed “the purposelessness and banality of parliamentary debate, the declining standard of parliamentary customs…the undignified daily order of business, the poor attendance in the House.”

This is the indignity of those who are merely going about the motions of deliberating; understanding that the source of law is anywhere but in the debating chamber, parliamentarians can no longer play their roles with conviction. “The development of modern mass democracy has made argumentative public discussion an empty formality…like a superfluous decoration, useless and even embarrassing, as though someone had painted the radiator of a modern central heating system with red flames in order to give the appearance of a blazing fire.”

“Argumentative public discussion” might be taken to stand for Schmitt’s valorized form of speech (with the caveat that *Political Form* reveals this valorization to be only provisional). Schmitt defines it more fully as “an exchange of opinion that is governed by the purpose of persuading one’s opponent through argument of the truth or justice of something, or allowing oneself to be

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9 Ibid., 6.

10 Reading the *Crisis* in light of *Political Form*, in fact, suggests that the former is more radical than it may at first appear, painting parliamentarism not merely as outmoded but as rotten from the beginning; see McCormick, *Carl Schmitt’s Critique of Liberalism*, 180.
persuaded of something as true and just.”11 When the exchange is meaningful, it seems to give off aesthetic sparks, so that banality and indignity are, conversely, reliable signs that one is witnessing a sham debate.

But in proposing a commitment to “government by discussion” as the “intellectual foundation” of parliamentary democracy, Schmitt overstates his historical case. The truth-tracking functions of discussion and the deliberative freedom of representatives were, no doubt, important aspects of that foundation. But even the earlier and more functional eras of parliamentary government, which Schmitt puts in pointed contrast to his own, were characterized by spirited claims for the value of non-discursive speech, as I hope to have shown in my discussion of Edmund Burke and his era in Chapter 3.12 Burke, along with a handful of other 18th- and 19th-century parliamentarians, is deployed in Schmitt’s Crisis as a kind of metonymy for government by discussion and its epistemological assumptions: for instance, “the arguments of Burke, Bentham, Guizot, and John Stuart Mill are thus antiquated today.”13 To take only the case of Burke, I have already argued at some length that reducing his rhetoric to “discussion” is a serious mischaracterization of his rhetorical project. That project was a defense and exemplification of the value of the sublime and the uncanny in political speech, and it was aimed directly against the “deliberativists” (to use an anachronistic term) of his day. Schmitt’s invocations of Burke give the impression that he takes the “Speech to the Electors of

11 Ibid., 5.


13 Ibid., 7.
Bristol” to constitute the extent of Burke’s thinking on parliamentary government. But while Burke was strongly committed to the defense of representatives’ freedom of mutual persuasion, he was just as catholic in his treatment of the means by which such persuasion might occur, including even the sort of means that Schmitt might dismiss as “empty formality.”

There is no need to belabor this point, and of course any search for the “spirit” or “principle” of a political regime is bound for some historical oversimplification. I raise the point not out of pedantry, but because it illustrates Schmitt’s tendency to collapse normative parliamentary rhetoric into discussion, and to understate the resilience of the rhetorical tradition more broadly conceived. As I noted above, Schmitt does acknowledge a second valorized form of rhetoric, beyond “argumentative public discussion,” even as he is quick to declare it defunct under democratic conditions. This second foreclosure of rhetorical possibility is of a piece with his one-dimensional reading of Burke, and it plays out in a fascinating digression his 1923 essay on political Catholicism.

*Roman Catholicism and Political Form* is usually read, if it is read at all, as a riposte to Max Weber’s sociology of Protestantism; but I want to extract from its broader context an extremely suggestive passage of rhetorical commentary, which in turn comes in the midst of a discussion of the aesthetic achievements of the Church. Those achievements, which Schmitt holds are especially evident in great eloquence, stand in contrast to the instrumental rationality that would assign the aesthetic to a strictly delimited sphere, as a consumer object or recreational activity:

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The lack of understanding of the significance of rhetoric is but one manifestation of the polar dualism of the age, expressed here, one the one side, by a rapturously overpowering music; on the other, by a mute practicality. It seeks to make “true” art into something Romantic, excessively music and irrational….Taine\textsuperscript{15} destroyed the living idea of classicism by making it the antithesis of Romanticism….[H]e endeavored to identify the classical with the rhetorical and thereby with artificiality, empty symmetry, and fabricated lifelessness…. 

In this comparison of rationalism and something “irrational,” the classical is allotted to the rational; the Romantic, to the irrational. Rhetoric comes under the heading of the classical and rational.\textsuperscript{16}  

These remarks bring to mind the saying, attributed to Roberto Calasso, that classicism is neoclassicism plus paganism. In other words, the “living idea of classicism” in rhetoric was marked not only by the qualities of restraint and systematicity usually deemed “classical,” but also by qualities variously labeled “irrational,” “Romantic,” or “Dionysian” (though Schmitt’s use of scare quotes around “irrational” is a reminder not to take any of these terms too literally). These qualities are evident, as I have argued, in Cicero’s attacks on rhetorical systems and embrace of the rhetorical \textit{kairós}, or in the open theatricality that marks Demosthenes’s rotating cast of spoken personae. And yet a split between these two sets of qualities has disintegrated classicism as a living idea: rhetoric, reduced to the “mute practicality” of discussion, goes one way, while the aesthetic goes another. 

\textsuperscript{15} Hippolyte Taine was an influential literary critic of the 19\textsuperscript{th} century. Blaming him for the destruction of classicism may have been overzealous on Schmitt’s part. 

Here, we see a fuller picture of Schmitt’s proposed genealogy of “argumentative public discussion.” It turns out to be the remainder of a previously integral tradition, and so was perhaps bound for failure from the outset—or at least bound ever more tightly to faith in the viability of discussion’s truth-tracking power, and so left without recourse when that faith faltered. We also see why Schmitt’s somewhat flattened treatment of Burke is significant: it flattens out, at the same time, at least one piece of evidence that the split in question was not as total as Schmitt claims.

At any rate, because Schmitt is convinced that the breakdown of the rhetorical tradition is final, at least within the realm of secular politics, the Church is the only remaining haven for an integral rhetoric, or a “representative discourse.” This is the discourse I referred to above as Schmitt’s second defunct style—defunct because, outside of the Church, it has apparently been secularized out of existence. Standing in contrast to rationalized rhetoric is rhetoric in the sense of what one might call representative discourse, rather than discussion and debate. It moves in antitheses. But these are not contradictions; they are the various and sundry elements molded into a complexio and thus give life to discourse. Do Taine’s categories help us understand Bossuet [a bishop and preacher at the court of Louis XIV]? He has more intelligence than many rationalists and more intuition than all Romanticists. But his eloquence is only possible against the background of an imposing authority, which lapses neither into a discourse nor a dictate but finds resonance in the architecture of speech. Its great diction is more than music; it is a form of human dignity which becomes manifest in a rational form
of speech. All this presupposes a hierarchy, because the spiritual resonance of great rhetoric derives from the belief in the representation claimed by the orator.  

This passage offers Schmitt’s withdrawn solution to the parliamentary crisis in its rhetorical aspect—withdrawn, because however eloquent “representative discourse” might be, Schmitt confines it both to the past and (even if he had wanted to invoke an exemplar more recent than Bossuet) to the Church. Only a sweeping movement of reaction could break it from those confines. To put it bluntly, Schmitt claims that eloquence is impossible without hierarchy—and, by implication, that democratic eloquence is impossible. Why might this be the case? We can best understand Schmitt’s reasoning by unpacking the two crucial terms above: representation and hierarchy.

The representation claimed by Schmitt’s orator is not representation in the modern political sense, but rather representation “from above.” Like all representatives, he makes present something that is absent—but in this case, the absent party is considerably grander than an electoral constituency. The Church and its priesthood are variously said to represent the civitas humana, or simply God himself. Such representation is, for Schmitt, the only kind of representation that is truly “substantive,” because it manifests “something that is only given material presence precisely through the representation process.” While the represented object need not be a religious one (it might also

17 Ibid., 23-4.

18 To be more precise, “representative discourse” might conceivably, on Schmitt’s terms, be revived under an authoritarian form of “democracy,” as I discuss in footnote 23 below. But few would be willing to stretch the term so far.

19 Ibid., 26.


21 McCormick, Carl Schmitt’s Critique of Liberalism, 161.
be “‘the people’ in democratic ideology or abstract ideas like freedom and equality”), representation “from above,” which finds a concrete form for an abstract essence, is qualitatively different from the “mechanical” representation that converts a fixed number of constituents into a single parliamentary vote. If the words of a parliamentary representative merely reflect a constituency back at itself, “representative discourse” refracts a higher order of being.

All this presupposes a hierarchy. In one sense, this is plainly true: the classical rhetorical tradition was founded on the notion of a hierarchy of speech. That notion makes it possible for Cicero or Dionysius to meaningfully distinguish “high” from “middle” and “low” speech, or for Quintilian to comment that an object of rhetorical figures is to cover “too naked an exposition.”

Roland Barthes put this point clearly: in the classical conception of eloquence there is a naked base, a proper level, a normal state of communication, starting from which we can elaborate a more complicated expression, ornamental, endowed with a greater or lesser distance in relation to the original ground. This postulate is decisive...to recover rhetoric is inevitably to believe in the existence of a gap between

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22 Schmitt, Political Form, 21.

23 If representation “from above” is secularized, following Schmitt’s argument in Political Theology, the represented object might be the nation itself, rather than God. And yet, Schmitt holds that such representation is no longer possible in modern parliamentarism, given the decline of the representative’s free mandate; with such a mandate, he might claim to represent the nation as a whole, but without it, he merely reproduces the interests of his constituents; Schmitt, Political Form, 26. As I argue at the end of this chapter, reading Political Form can supplement our understanding of Schmitt’s ultimate turn toward authoritarianism, on the presumption that a supreme leader can speak authoritatively for the nation in a way that an assembly cannot.

two states of language; conversely, rhetoric is always condemned in the name of a rejection of the hierarchy of languages.25

But for Schmitt, the hierarchy of languages is necessarily linked to a hierarchy of persons.26 Bossuet’s eloquence has decorum because he really does speak as the representative of a higher authority. A parliamentarian speaking the same words verbatim would only sound “monstrous,” just as Cicero would, according to Hume, only sound monstrous in Westminster. Bossuet’s eloquence is plausible not only because of what he says, but because of what he is. In fact, the two work on one another reciprocally: the elevation of his language reinforces his representative claim, which in turn forms the background of his speech. (Nor do I think this misstates Schmitt’s causal argument. It is true that the effect of the orator’s speech is said to derive “from the belief in the representation claimed by the orator,” but belief in the claim is stressed here, and eloquence is held to be one of the factors lending it support. In other words, I think that Schmitt is describing what he sees as a virtuous circle.) Bossuet’s speech effects something in the world, and not merely in the sense of persuading his audience to do this or that; the values inherent in his language—what Schmitt calls the “dignity” of its “architecture”—become more plausible and more real for his listeners. His language makes the world marginally more like itself.

As abstract as this may sound, I think it is really the crux of the problem. Schmitt thinks that hierarchies of language and of persons are inseparable—and because he thinks this, he denies that

25 Ibid., 84.

26 Habermas, citing Schmitt, echoes the link between “formal discourse in general” and “a strict code of noble conduct”: Habermas, The Structural Transformation of the Public Sphere: An Enquiry into a Category of Bourgeois Society, trans. Thomas Burger and Frederick Lawrence (Oxford: Polity, 1989), 8.
democratic society can lay claim to the “living idea of classicism.” If we value this tradition of eloquence, but reject its inegalitarian legacy, then we will have to try to do what Schmitt believes cannot be done—pry apart the two hierarchies. We will have to imagine, in other words, a more freestanding hierarchy of language, and we will also have to make a case for its value. I think that we can make some progress in that direction, but first we have to understand why the two hierarchies may have seemed so tightly bound up to someone like Schmitt. In this regard, at least, he seems to be very much in the mainstream of a long tradition. At any rate, there is considerable precedent for situating the value of stylized or ritual action in terms of its power to actively shape the political world, and Schmitt’s Bishop Bossuet fits squarely within that tradition. I now turn to some examples of this treatment of ritual, before considering some of its shortcomings.

2.

Let me provisionally define a ritual as an action that is both repeated and extra-ordinary—in some way set above or apart from ordinary life.27 In what we can (for reasons that will become clear below) call the “sincere” reading of ritual, a ritual encodes a set of meanings or values, and the point of enacting the ritual is both to express those values and to impress them on the ordinary world.28 The goal is to harmonize ritual and the un-ritualized world; for instance, we do rituals of patriotism,

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27 As C.S. Lewis put it, ritual is “something set deliberately apart from daily usage, but wholly familiar within its own sphere.” A homely example might be “turkey and plum pudding on Christmas day; no one is surprised at the menu, but everyone recognizes that it is not ordinary fare.” Lewis, A Preface to Paradise Lost (London: Oxford UP, 1961), 22.

28 This reading of ritual has something in common with Lionel Trilling’s notion of sincerity, which I discussed in Chapter 1, and which is characterized by “a congruence between avowal and actual feeling.” As we will see, the “subjunctive” reading of ritual is much less invested in this kind of congruence, or in the “actual feeling” of participants. Trilling, Sincerity and Authenticity (Cambridge, MA: Harvard UP, 1972), 4.
on this view, to become more patriotic, not only for the duration, but especially afterwards. I will illustrate this reading with an ancient and a more recent example—not to suggest that they are in any line of direct influence, with one another or with Schmitt’s treatment of eloquence, but to point out that this reading is intuitive enough to recur across wide distances.

In Book 6 of his *Histories*, Polybius devotes a good deal of attention to the funerary rites of the Roman Republic—most strikingly, the display of family death masks at important ceremonies: “On the occasion of public sacrifices they display these images, and decorate them with much care, and when any distinguished member of the family dies they take them to the funeral, putting them on men who seem to bear the closest resemblance to the original in stature and carriage.” As Polybius explains, these avatars of the illustrious dead wear the garments and emblems of the offices they attained in life and take their seats on the rostra in a line of ivory chairs, all of the generations simultaneously present. What is most significant to Polybius, however, is the effect of this display on the behavior of the living: “There could not easily be a more ennobling spectacle for a young man who aspires to fame and virtue. For who would not be inspired by the sight of the images of men renowned for their excellence, all together and as if alive and breathing?…The most important result is that young men are thus inspired to endure every suffering for public welfare in the hope of winning the glory that attends on brave men.” And in support of the point, the historian immediately turns to the exploits of the Roman hero Horatius Cocles “as a confirmation of what I say.” The story is a confirmation because the import of the ritual is in its lasting impact on the participants: it communicates that the famous dead are honored, and so inspires the living to seek fame in order that they might be represented in the ritual after their own deaths.

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Much later, Rousseau would take a similar standpoint in his influential treatment of games, spectacles, and ceremonials, as in his reform proposal for the government of Poland. There, Rousseau urged Poland’s rulers to emulate the ancient legislators who sought ties that would bind the citizens to the fatherland and to one another…. [They] found what they were looking for in distinctive usages, in religious ceremonies that invariably were in essence exclusive and national, in games that brought citizens together frequently, in exercises that cause them to grow in vigor and strength and developed their pride and self-esteem; and in public spectacles that, by keeping them reminded of their forefathers’ deeds and hardships and virtues and triumphs, stirred their hearts, set them on fire with the spirit of emulation, and tied them tightly to the fatherland—that fatherland on whose behalf they were kept constantly busy.  

> Here again, the goal of all of these national ceremonies is, as it were, to colonize the un-ritualized world. The ceremony enacts public spirit or love of the fatherland with the object of making these passions “constant.” By contrast, the trouble with the superficially similar spectacles of the theater is that they conform themselves to the world outside the theater. They are the objects of pre-existing passions, rather than the instigators of new ones: “Let no one…attribute to the theatre the power to change sentiments or moeurs, which it can only follow and embellish.”  

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constrained by public taste and the demands of attracting an audience, whereas Rousseau imagines public spectacles as imposed by a lawgiver; that difference may go some way toward explaining why the former follow, whereas the latter lead, the passions.

It is my claim that Schmitt thinks about representative discourse in the same way that Polybius thinks about funerals and Rousseau thinks about public spectacles. I will ask you to accept for the sake of argument that we can conceive of the stylized speech contemplated in the rhetorical tradition as a kind of ritual action, which is both repetitive and set apart (a claim that I will try to substantiate in the next section). If this is the case, then Schmitt shares the reading of ritual action that I have just illustrated: the point of representative discourse is the congruence it establishes between the orator’s speech and the social-political world. Bossuet speaks with credible dignity because his representative claim is so dignified; his claim is credible, in part, because of the dignity with which he speaks. It is no coincidence that a liberal democrat would most likely recoil at each of these accounts of ritual: each of them treats ritual as the affective reinforcer of social conformity and political order. If, like Schmitt, we believe that these are the only plausible terms on which we can imagine stylized public speech, then it would most likely be better to do without it.  

But as I suggested above, there is another reading of ritual that makes something very different of the same data. This is the conception advanced in the interdisciplinary work of Adam Seligman et al., and it begins by taking seriously the fact that no ritual can be truly incessant; it directs our

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32 Seligman et al. argue that the “subjunctive” reading of ritual is a better fit for the facts, as compared with theories (advanced by 20th-century scholars including Clifford Geertz and Alfred Radcliffe-Brown) that “emphasize ritual in terms of harmony—in the sense of either interpreting ritual according to a harmonious worldview or seeing the functioning of ritual as leading to harmony.” I am not in a position to judge the truth of this claim, but I do argue for the coherence of the “subjunctive” reading with the rhetorical tradition and for its pragmatic value to a democratic politics. Seligman et al., Ritual and Its Consequences, 30.
attention to “the incongruity between the world of enacted ritual and the participants’ experience of lived reality.”

Everything in one of Rousseau’s public spectacles, for instance, speaks of “love of the fatherland.” But for Seligman et al., to stop there is to take the claims made within ritual at face value. Without, there is an entire un-ritualized world in which these claims hold far more tenuously, if at all—hence the very need to reassert them again and again by repeating the ritual. On this view, we ostentatiously honor the dead or the fatherland because we are all too liable to forget them as we go about our business; similarly, hierarchies of language become more valuable as hierarchies of persons become less plausible. The participants in ritual, where we make our most extravagant claims, are always bound to return to a more prosaic world, and they are well aware of that fact; ritual is self-conscious because we are self-conscious. What is most interesting about ritual, on this view, is not order or harmony, but tension.

In other words, doing ritual means acting in the subjunctive mood: ritual involves “the creation of an order as if it were truly the case….The subjunctive creates an order that is self-consciously distinct from other possible social worlds.” Perhaps the simplest instances of subjunctive action are found in the small rituals of courtesy: when we end a request with “please,” even if it is nearly inconceivable that the request would be declined, or when we ask acquaintances how they are doing, even if we are uninterested in the “real” answer, we are collaborating in creating an illusion—the illusion that the object of the request is offered voluntarily, or of mutual concern. Yet in each case, both parties to the exchange are well aware of the artifice, and either party could act to dissolve it at any time. For instance, we could call the bluff represented by “please” by refusing, or the bluff represented by “how are you?” by offering a sincere answer. The fact that we generally do not do so suggests a

33 Ibid., 20.
willingness to live with a degree of social illusion. Yet such illusion is crucially different from a lie, “which is an illusion with a clear attempt to deceive the other. In this ritual is much more like play, which is the joint entrance into an illusionary world.”\textsuperscript{34} Or it is like fiction that demands not credulity, but the temporary and deliberate suspension of disbelief.

When we ask “how are you?” it is not so necessary to feel concern as to enact it; and even if we enact concern with the goal of bringing our dispositions into line with our actions, there is no telos at which the goal will have been accomplished once and for all. The repetitive nature of ritual is testament to “the continual possibility of falling out of the illusion,” or to the lived realization that our highest priorities are deeply fragile.\textsuperscript{35} And while I have illustrated the point by dwelling on courtesy rituals, Seligman et al. argue that the same emphases—tension, fragility, and subjunctive action—characterize much further-reaching practices, such as the Confucian or Judaic traditions. While these traditions may differ in assigning their ritual practices a human or divine origin, they share a recurrence to temporary spaces in which participants self-consciously act as if.

This subjunctive standpoint is perhaps most clearly opposed to the “indicative” standpoint of sincerity. If ritual is comfortable with artifice, sincerity is distrustful of it. If ritual demands repetitive action for its own sake, sincerity aspires to action in full congruence with our beliefs. If ritual moves us between literal and figurative worlds, sincerity aspires to a state in which the literal is all, or to a “vision of reality ‘as it really is.’”\textsuperscript{36} To be sure, the opposition between these standpoints is rarely so

\textsuperscript{34} Ibid., 20, 22.

\textsuperscript{35} Ibid., 22.

\textsuperscript{36} Ibid., 8.
stark in practice—in practice, they are quite often entangled. For one, the same action—“how are you?” for instance, or the taking of Communion—might be performed in either mode. Further, we can conceive of a sincere reading of ritual, which diminishes its illusionary aspects and treats it primarily as an effort to shape the “real” world. As I suggested, Polybius, Rousseau, and Schmitt all offer instances of this sincere reading. They tend to minimize, that is, the value of self-consciously acting as if, and to treat ritual as a deficient and half-formed kind of sincerity—an attempt to accomplish by non-discursive means what we cannot accomplish by discursive means. In this way, the sincere reading of ritual ultimately tends to diminish the social value of ritual altogether, and to collapse into sincerity pure and simple.

But rather than arguing this case more generally, I will focus on the specific case of the stylized speech we find in the rhetorical tradition. In the next section, I argue that it is meaningful to discuss such speech in terms of ritual practice. In the final section, I argue that it is valuable to treat eloquence as a kind of action in the subjunctive mode. In the process, I propose that a hierarchy of language, considered from the subjunctive standpoint, is more compatible with democratic egalitarianism than many, including Schmitt, would allow.

3.

I want to substantiate, in this section, the notion that ritual is a valid frame for the discussion of stylized speech by arguing that we can meaningfully conceive of such speech as both extra-ordinary and repetitive. Of course, a rhetoric that was entirely ritual would hardly be rhetoric at all. Rhetoric does not simply create a space outside of the everyday world “as is,” but aims to shape and orient us in that world. If ritual often makes evocative use of the non-discursive—if it is, in fact “inherently
nondiscursive” and uninterested in “semantic content” — we have a right to expect political speech to be about something. And yet there is a part of rhetoric—or, at the very least, the coherent and self-conscious rhetorical tradition that is the subject of this project—to which “about,” to which discursive meaning, does not exactly apply. To return to Barthes’s comment about the base and “superstructure” of language, the tradition with which I am concerned has tended to locate eloquence in the space above plain meaning, or in the space in which the discursive content of an utterance is felt to be insufficient. Eloquence is a kind of surplus—an art of saying more than we mean.

As a small-scale example, we could observe Quintilian’s ear for doublings:

Consider the following example: neminem vestrum ignorare arbitror, iudices, hunc per hosce dies sermonem vulgi atque hanc opinionem populi Romani fuisse….Why is it not enough to say sermonem vulgi fuisse, which would have satisfied the bare demands of rhythm? I cannot tell, and yet my ear tells me….  

Grant his assumption that the two phrases at issue have the same semantic meaning: sermonem vulgi and opinionem populi Romani; “the talk of the common folk” and “the opinion of the Roman people.”

37 Ibid., 26.

38 This is not to suggest that the eloquent surplus can easily be identified and lopped off. The possibility that it might be is, as I discussed in Chapter 2, one of the greatest anxieties of Ciceronian rhetoric; but a primary goal of that rhetoric is an integration of res and verba. In Barthes’s terms, we might say that the goal is the construction of an elaborated expression on a naked base, in which the dividing line between the two remains difficult to pinpoint.

39 From Cicero, In Verrem 1.1.1: “I think than none of you, gentlemen, are ignorant that during these days such has been the talk of the common folk and such the opinion of the Roman people” (trans. H.E. Butler).

If Quintilian were only interested in meaning, or in the bare demands of rhythm, it would be enough to speak once—but something he cannot exactly name tells him that this is insufficient. The phrase that makes the sentence rhetorically complete also adds to it the smallest quantum of information; in the sense of telling its hearers something new, the words that matter most are nearly meaningless. But it is with the addition of those words that the sentence ceases to be ordinary talk.  

Enough of this project has dwelled on the qualities separating various modes of stylized speech from ordinary talk that I do not think it is necessary to recapitulate them. In particular, the notion of artifice in speech has been a recurring theme. But I would add that an important normative dimension of conceiving rhetoric as ritual has to do with the concealment or acknowledgement of artifice. If rhetoric at its worst involves the concealment of artifice, at its best (and most potentially democratic) it can occasionally wear its artifice more or less openly and self-consciously—in the way that a ritual does (“of course she’s not literally interested in how I’m doing”) or a game does (“of course the players could pick up the ball and run with it”), but not in the way a lie does.

To be sure, the concealment of artifice is an important and disquieting strand of the rhetorical tradition. After all, it is a commonplace of that tradition that the highest art is the effacement of art: rhetoric supposedly aspires to invisibility. We find that commonplace in Cicero (too much ingenuity “can give rise to a suspicion of preparation”), in Quintilian (rhetoric’s “highest expression will be in the concealment of its existence”), in Longinus (“art is only perfect when it looks like Nature, and

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41 Of course, as I discuss in Chapter 1, there is a long tradition of a “low” or “plain” rhetorical register that approximates ordinary talk. But when this register is conceived as one of a broad range of styles, which the best speakers are expected to command with equal skill, then “plain rhetoric” begins to look more like another persona than Barthes’s “normal state of communication”; the significance of plain speech changes with its context.
Nature succeeds only by concealing art”), and in a host of others. Of course, concealment is itself an art, and so these pronouncements are usually accompanied by a wealth of strategies for covering one’s rhetorical tracks, for artfully denying that one is an orator, for turning the ingenious ingenuous. And these strategies, in turn, raise familiar problems of rhetorical virtue—that the dishonest, for instance, might put on a superior performance of honesty. As a result, writes Carolyn R. Miller, “the possibility for regress is endless. Art must be concealed, and the concealment must be concealed, and likewise that concealment, and so on. We might conclude that despair is the only recourse—or cynicism.”

But I would suggest that the rhetorical tradition offers us another alternative: the possibility of speech that, at least temporarily, lays its artifice bare. This degree of self-consciousness is central to the distinction I tried to draw in Chapter 2—between speech that is done to an audience and speech that is done with it. Cicero, for instance, often betrays just this sort of self-consciousness. He frequently portrays himself not as a speaker in the act of finding words for his true and unitary inner state, but as, in Joy Connolly’s phrase, a “divided self”—ambivalent about the words he is in the act of speaking, or torn and alternating between conflicting roles, such as advocate and friend. Connolly cites, for instance, Cicero’s speech pro Plancio, in which he describes himself as “I will not say miserable…but severely tried…on account of the quarrels of some men who have deserved well of me with one another, which make me fear that it is impossible for me to appear grateful to them all at the same time.” On the one hand, of course, Cicero wants acquittal for his clients, but on the

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43 Miller, “Should We Name the Tools?,” 30.

other hand, he is “preserving traces of his own resistance to his choice of case or line of thought,” suggesting that the conflict within the court is reiterated within the advocate, that there is conflict all the way down.\footnote{Joy Connolly, \textit{The Life of Roman Republicanism} (Princeton: Princeton UP, 2014), 163. See also Christopher P. Craig, “Cicero’s Strategy of Embarrassment in the Speech for Plancius,” \textit{American Journal of Philology} 111(1) (1990): 75-7.} Perhaps this is only a graduate-level form of concealment—an advocate so honest, and therefore so trustworthy, that he can even admit his own doubts. But in the context of the rest of Ciceronian practice and theory, I would suggest that it is closer to the opposite: an orator watching himself orate and calling attention to that very fact, a perspective supported, as well, by Quintilian’s account of the “inner theater,” which I discuss below in the fourth section.

I have also proposed, particularly in the discussion of Demosthenes in Chapter 1, than an important resource for securing audience collaboration in artifice is an orator’s capacity to inhabit multiple personae. That capacity is one key source of the artificial sheen that sets oratory apart from conversation and enables us to perceive it as such. While I have observed it at work in Demosthenes, it is by no means limited to him. Harold C. Gotoff, for instance, observes that “Cicero the advocate is not a single voice or a single personality. Instead he is a variety of \textit{persona} invented and portrayed by Cicero the orator…He is all of these characters and many more. It would be as true to say, however, that, when he is pleading a case, he is none of them.”\footnote{Harold C. Gotoff, \textit{Cicero’s Elegant Style: An Analysis of the Pro Archia} (Urbana, IL: University of Illinois Press, 1979), 312-3.}

This openness to radical shifts in personae is one of the factors lending the classical rhetorical tradition the historical coherence that I have attributed to it. We can observe that same openness in latter-day Ciceronians, like Burke. In Burke’s rhetoric, the most prosaic activities of government—
tallying exports and evaluating officials—become the occasion for figures of messenger angels and the burning of the globe. In his speech “On Conciliation with the Colonies,” for instance, Burke’s immediate concern is to prove the enormous scale of the colonial trade. He begins by making the point as directly as it can be made: “Of the Six Millions which in the beginning of the century constituted the whole mass of our export commerce, the Colony trade was but one twelfth part; it is now (as a part of Sixteen Millions) considerably more than a third of the whole.” The copy of the speech whose printing Burke supervised even included three tables of figures to substantiate the point. And yet, with all of that said, “I cannot prevail upon myself to hurry over this great consideration. It is good for us to be here.” With that, we are out of the world of trade statistics and into the world of the Transfiguration. The passage summoning a divine apparition, which immediately follows, reiterates the same message in a drastically different key: the same information that was just the subject of tables is now the subject of an unsettling, prophetic vision, and the speaker has turned, with barely a pause, from accountant to seer.

Finally, I have argued that part of Macaulay’s distinctiveness as a rhetorical and classicizing historian lies in his effort to incorporate these same traits into history-writing. As a reader, he was already quite sensitive to the discontinuities in voice among some of his classical predecessors, observing in an early essay that “the speeches of Thucydides are neither preceded nor followed by anything with which they harmonise. They give to the whole book something of the grotesque character of those Chinese pleasure-grounds in which perpendicular rocks of granite start up in the midst of a soft

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green plain.” But as a writer, as I argued, he would come to embrace that “disharmony” in his own work, writing lengthy oratorical passages that jar with his narrative voice in the same way.

Far from uncomplicatedly identifying themselves with the thought that they want to communicate, all of these figures find ways of making performance visible as performance. To borrow a set of terms from Richard Lanham, they invite us to pause from looking through a rhetorical performance in order to look at it: that is, to turn from an un-self-conscious consideration of the thought embodied by the performance or text to a consideration of the performance or text as an aesthetic object. This notion brings us back to the claim that the Ciceronian tradition makes room for a non-discursive part of rhetoric, an eloquence that does not argue. And it may remind us of the way in which the *ornatus* of Ciceronian rhetoric is also non-discursive, in that given figures lack a fixed meaning and effect. (Though “ornament” is generally a poor translation for *ornatus*, this is one sense in which it captures something important: ornamental art does not generally have a semantic content, while representational art does.)

To this point, I have dwelled on the set-apart, artificial, or illusionary qualities of eloquence, and I have argued that the rhetorical tradition includes resources for conceiving of eloquence as a collaborative rather than an imposed illusion. And yet, as a number of writers have pointed out, these qualities are not unique to ritual, but are in fact shared by play. Johan Huizinga went so far as

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to argue that “there is no formal difference between play and ritual.” Seligman et al. argue convincingly that ritual is a distinct concept—and, I believe, distinct in a way that accounts for another important aspect of the rhetorical tradition. There is, they write, “greater predictability and repetition in ritual than in play. We know how a ritual will end because it always comes out the same way….Play, on the other hand, never has to be repeated at all. So when we play, the ending is unknown but its world can easily end. Ritual’s world, however, is endless, even though we know the ending of every performance.” With this in mind, we can pose the question: if eloquence is set apart like ritual, is it also familiar, predictable, repetitive like ritual?

No doubt the comparison is again an imperfect one. Political speech, of course, does not always come out the same way; we do not know the ending because the end is persuasion, and because persuasion implies uncertainty and freedom of action (unless the freedom of the deliberating audience is a sham). To make an uncomplicated identification of rhetoric and ritual would be to deny the possibility of persuasion. (In this way, I don’t think that we could describe the participants in Rousseau’s proposed Polish rituals as “persuaded”; the one, certain outcome that he envisions for them is “incessant preoccupation” with the fatherland.) But even with that caveat in mind, can we still find room for repetition within the classical norms of eloquence, so that the concept of ritual can meaningfully explain something of it?


52 Seligman et al., Ritual and Its Consequences, 73-4.
First, think of the tradition as an extremely ambitious attempt to pattern speech. *Elocutio, dispositio,* and *inventio* all propose such patterns in an ascending scale of complexity. On the first level of this scale are the tropes and figures of speech and thought: the concept of anaphora, for instance, tells us that all instances of two or more clauses beginning with the same set of words—regardless of what they are about—have something notable in common. On the next level, the tenets of *dispositio* lump together entire sections of orations into defined units: two *perorationes*—again, regardless of the subject matter—will share important features and objectives. And on the highest level of complexity, *inventio* is the discipline of, literally, “discovering” probable arguments from among a shared stock of commonplaces and topics. Each of these levels is a way of identifying and classifying patterns of predictability; and to the extent that they are taught, or instantiated in classic models of the practice, they bring a kind of fractal repetition to political speech.53 This is not repetition by rote—any more than “I say nothing about what the republic, nothing about what you, nothing about what all good men gained by the result” and “they believe wicked men, they believe seditious men, they believe their own party” are identical statements—but it is an elaborate system of family resemblances.54

Of course, all language is rule-governed; but as Barthes argues, the rhetorical tradition’s audacity lay in its effort to extend such rules into previously unmarked territory, as is best seen in its piling up of hundreds of ever-more-obscure classifications of figures of speech. “Why this rage for segmentation, for denomination, this sort of delirious activity of language upon language? No doubt…because rhetoric tries *to code speech* [parole] and no longer language [langue], i.e., the very space


54 Cicero, *Pro Milone,* 30; *Philippic* 12, 29.
where, in principle, the code ceases.” Borrowing two terms from Saussure, Barthes points out that *langue* is defined by codes: it is the set of constitutive rules (in a simple instance, the rules of grammar) that underlie our speech, and within which we choose our speech. *Langue* imparts the fundamental predictability we require to understand one another; but rhetoric’s attempt to code *parole* aims to extend that predictability through successively more elaborate levels. If the attempt succeeded, the rules of rhetoric might have resembled the rules of grammar: figures of speech would be as well-defined as parts of speech, and omitting a *peroratio* would sound as jarring as omitting a verb. But, of course, it did not and could not succeed—as we see even in the rhetorical tradition’s failure to agree on a system for classifying the figures. Given the fecundity of speech, it was an attempt “to master the unmasterable.” Yet it is still fair to say, I think, that the tradition aspires and tends to predictability and pattern, and that one of the signs of this tendency is its very awareness of itself, across generations, as a coherent tradition. How else could Burke’s contemporaries have understood him as speaking in the Ciceronian tradition—that is, as a late instance of a recognizable pattern almost two millennia old?

And yet, what I have just said about pattern and predictability may seem to be in sharp contrast with a point I have previously stressed: the tradition’s emphasis on spontaneity and accommodation to the rhetorical *kairos*. The *kairos* is the singular moment in time, confronted in each rhetorical situation; and it is a hallmark of the Ciceronian models of both politics and speech that general rules are of no help to the work of meeting this moment with *decorum*. More generally, the rhetorical patterns I have just been discussing aim to apply across messages, situations, and audiences—yet a

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crux of the tradition, as I have presented it, is the incommensurable particularly of messages, situations, and audiences. How do we reconcile the rage for rules and the disavowal of rules?

We might note, to begin with, that the rules in question describe (and, to the extent that they become prescriptive, constrain) the behavior of speakers, not listeners. As I argued in Chapter 2, the rules claim to govern the forms of speech, but pointedly do not claim to govern the effects of those forms. So the Ciceronian tradition might specify what anaphora looks like, but at the same time leave deliberately unspecified what anaphora does—what it might mean in context, or what kind of emotional response it might be expected to produce in the listening audience. And what is true on the level of the individual figure is true, I also argued, at increasing levels of complexity, so that the speaker finds him- or herself entirely circumscribed by rules, and the audience finds itself entirely unconstrained—so that verbal forms come to resemble one another, even as rhetorical moments are held to be incommensurably unique.

A speaker who acted as if the above were true would act, I believe, much as De oratore describes Antonius acting during the successful defense of a war veteran on trial for maladministration. The story is worth recalling because it is such a clear encapsulation of rhetorical decorum, and such a sharp challenge to the norms of sincerity. As Antonius narrates the trial: “I clearly sensed that the jurors were especially moved at the point when I called forward the grieving old man, dressed in mourning clothes, and when I was prompted not by rhetorical theory (I wouldn’t know what to say about that), but by deep grief and passion, to do what you, Crassus, were praising—I ripped open his tunic and exposed his scars.”56 And yet, as I pointed out in Chapter 2, the form of displaying the client’s

scars was a conventional action, nearly as fixed and well-attested as the form of anaphora. Like *opinionem populi Romani*, or like Burke’s recasting of statistics into the mode of prophecy, it says nothing new. Just as fixed, for that matter, was the effect of that form: pity and sympathy.

But, and this is the key point, Antonius acts as if the effect is not fixed, as if it is in fact unknowable. He acts not with reference to the effect he hopes to produce in the audience, or to the rules of rhetoric, but with reference to his own emotional state, driven “by deep grief and passion.” And yet grief and passion are, rhetorically speaking, the correct emotions, and exposing the scars is the correct action; Antonius, expert that he was, surely knew this, but acted as if he did not—that is, as if spontaneously. Similarly, in his telling, the audience reacted as if spontaneously experiencing pity, even though it knew it was witnessing a conventional gesture. If we take the story at face value, there is nothing sincere in it—yet there is nothing dishonest, either. The actions and the passions at stake are all artifice and can all be read in the subjunctive mode, as a kind of decorous spontaneity.

Exposing the scars is, in these respects, an instance of ritual action in the sense I have described: it is a consequential break with ordinary propriety, and yet it is also an expected and predictable break. Its form is fixed, but its effect on the passions is held to be open and indeterminate.

We might well ask ourselves how plausible this claim of indeterminacy really is. The best response, I think, is that plausibility is not the point. The Ciceronian commitment to the indeterminate effects of rhetorical forms is, as I have argued, as normative as it is descriptive: even if the effects of rhetorical forms were fixed by lawlike rules, the ideal orator ought to act as if they were not. Similarly, I have described the Ciceronian notion of *kairos* as a refusal to see recurring patterns in political time—as a kind of elective blindness. In Chapter 2, I discussed how this elective blindness serves the orator: it is a way of making his or her practice more dangerous, respectable, and interesting. But
this self-serving account of rhetoric inadvertently serves the public, as well: the cost of establishing the respectable difficulty of rhetoric in this way is the construction of an unconstrained and unpredictable public. I say “inadvertently” because Cicero and his successors in the tradition had few, if any, democratic sympathies. But I have also argued that there is a great deal of value in adapting this view of rhetoric to a democratic context. If, from Cicero’s elitist perspective, the independence of the audience is simply a condition to be endured, from a democratic perspective, that independence is a condition to be actively asserted; and I would suggest that awareness of artifice is a highly effective way to assert it.

Still, while the above may help us better understand rhetoric, it tells us little about its normative value. Nor is there much normative mileage simply in treating rhetoric as ritual action of the kind Seligman et al. describe—action in the “subjunctive mode.” Even if it is the case that generating and listening to stylized speech allows for the “joint entrance into an illusionary world,” not all illusionary worlds are worth the price of entry. In the following section, then, I address these normative questions more directly: to what extent is subjunctive action valuable to democratic politics?

4.

In ritual, write Seligman et al., “getting it right is doing it again and again and again.”^57 Repetition itself has normative stakes, because the illusionary world of ritual is permanently temporary, and is self-consciously at odds with the ordinary and literal world. Unlike Rousseau, this view holds out no

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^57 Seligman et al., _Ritual and Its Consequences_, 24.
hope that the values expressed in ritual might one day colonize the unritualized world; on the contrary, the values expressed in ritual can take no permanent root. Commitment to this notion of ritual is, then, grounded in a perception of the ordinary world as “broken” in some regard—fundamentally deficient in something crucial, or characterized by “incongruity between the world of enacted ritual and the participants’ experience of lived reality.”

Seligman et al., for instance, quote the Confucian writer Xunzi on the relationship of ritual to brokenness: in the absence of ritual, “Heaven and Earth have no pattern….This is called the utmost chaos.” But “the sages accumulated their considerations and thoughts and practiced artifice and precedents; they thereby generated rituals and propriety.”

In response to chaos, they invented ways to act as if propriety and order exist, understanding all the while that these actions were artifice and did not change the nature of things. The cultural anthropologist Jonathan Z. Smith put it in similar terms: “Ritual is a means of performing the way things ought to be in conscious tension to the way things are.”

Returning to the rhetorical tradition, then, we might ask: does it offer an attractive notion of the way things ought to be?

Consider the story of political brokenness told by Cicero’s rhetorical works. What is broken is not simply the Republic, but political virtue. To claim that political virtue is broken is, again, not simply to say that one happens to live in especially unvirtuous times; it is to say that virtue, in order to

58 Ibid., 20.
59 Xunzi, Wangzhi, 9/39/3-6, 5.7a-7b; Xing’e, 23/114/9, 17.2b-3a; cited in Seligman et al., Ritual and Its Consequences, 17-8.
count, must be performed and recognized as such, but that possessing and performing virtue may be
two very different things. The greatest personal integrity, as in the case of the Stoic Rutilius Rufus—
a philosopher wrongly sentenced to death because he refused to orate with conviction—might count
for nothing, might be utterly vulnerable to politics, if it cannot convincingly orate about itself. And
while I argued that Cicero attempts at great length to make the performance of virtue into a kind of
virtue itself—by insisting that the orator’s endurance of risk and potential shame entitle him to claim
an almost martial kind of virtus—I also suggested that he harbors grave doubts about his success. His
choice to begin and end his most important rhetorical work, De oratore, with the problem of the
Gracchi throws his doubts into high relief. Briefly, the problem is that of the demagogue who
orates exactly as Cicero would prefer, who hits all the correct notes of self-presentation, and yet is
still entirely unvirtuous. This is, in fact, the point of uncertainty or aporia on which the entire work
ends: one of the interlocutors literally begs another to stop talking about it, and the latter complies.
This strikes me as an admission that the dilemma can only be put aside for the moment, not solved.
This is not a passing or accidental problem of practical politics; it is rooted in a basic disjunction
between being and seeming, and as such, it is precisely the kind of unresolvable problem that ritual
can palliate, but not solve.

Consider the significance, against this background, of a performance that owns itself as a
performance. It acts much like the aporia that concludes De oratore: that is, it steps away from the
dilemma without denying its existence—perhaps even calls attention to it in the act of stepping
away. Self-conscious performance does not solve the problem of political virtue, but it enables

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61 Cicero, De or., 1.227-30.

62 The use of the Gracchi to fill this role reflects Cicero’s own political biases; we might substitute any demagogue
of our choice.
participants in politics to act for a time as if the problem has stopped bearing on them. Rather than inventing ever-more-subtle ways to distinguish real from sham virtue, or entering the infinite recursion that is the search for rhetorical sincerity, self-conscious performance lets us imagine what it would be like to treat these insoluble questions as matters of indifference. Just as the rituals described by Xunzi create “pockets of order” in a disordered world, rhetorical artifice creates a pocket in the political world in which the constant assessment and doubt of motives is tabled—in which the admission “I am acting a part for you” provokes a smile of acknowledgment rather than a shudder of revulsion. It is a way of making the problems more bearable. It is also, perhaps, a way of coming back to the problems refreshed, and of reminding ourselves that they exist—which is not a certainty as long as demagogues benefit from exasperation with motive-parsing and from the promise of a kind of final sincerity. Seligman et al. make a similar point when they argue that ritual and play “make us aware of the structures within which we live—not just by reinforcing them but by allowing us to step back for a moment, to see how and why we have constructed them, before stepping back inside them.”63 Nor is the self-consciousness I am describing an escape from politics, in which some rhetorical moments are “escapist” and others are serious. Instead, it is integral to the Ciceronian conception of politics, in which ornament and argument, awareness and forgetfulness of artifice, and the tendencies to look at the performance and to look through it are constantly succeeding one another.64

63 Seligman et al., Ritual and Its Consequences, 94.

64 Lanham was advancing a similar point when he described the viewpoints of at and through as existing in a kind of “oscillation”: Lanham, The Electronic Word: Democracy, Technology, and the Arts (Chicago: University of Chicago Press, 1993), 5.
With that said, it is important to note that Seligman et al. stress the act of temporarily stepping out of our social structures above the content of the illusionary world into which we step. Because ritual is “inherently nondiscursive,” it is difficult to specify the content of this world at all. But this is just why their conception of ritual has more democratic potential than Schmitt’s: ritual, in their conception, does not refer to a higher order of truth to which we can appeal democratic outcomes. On the contrary, the commitment to filling in the content of ritual’s illusionary world in only a minimal sense calls to mind Claude Lefort’s account of democracy: “The locus of power is an empty place.”

A model of political speech that does not merely tolerate, but actively encourages, the illusionary standpoint is likely in for a predictable set of criticisms: triviality, entertainment, distraction, spectacle. The gendered criticisms of Cicero’s style in his own time—“feeble,” “flaccid,” “broken and loin-less”—appear to have a similar thrust, if we take the critics’ claims of a failure of masculine hardness to stand for a failure of seriousness. Indeed, we would be right to question the value of self-conscious performance if it were only a kind of escapism, one that returned us to the ordinary political world less able or willing to deliberate soundly. But we might respond that the habit of playing with roles is, in itself, valuable for political judgment. And we do, in fact, have good reason to assert as much if we find some truth in Hannah Arendt’s notion of “representative thinking”: that we add soundness to our political judgments when we imagine the issue at hand from a wealth of standpoints.


For Arendt, “political thought is representative. I form an opinion by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are absent; that is, I represent them.” And we best achieve this kind of consideration not through a mechanical decision procedure, nor by uncritically taking on the prejudices of others, but by imagining our own selves into a variety of roles: “The more people’s standpoints I have present in my mind while I am pondering a given issue, and the better I can imagine how I would feel and think if I were in their place, the stronger will be my capacity for representative thinking and the more valid my final conclusions, my opinion.” For Arendt, representative thinking is a way of making a person more like a group; an individual practicing representative thinking imitates an ideal deliberative body.

And yet (though this was not Arendt’s immediate concern), not all deliberative bodies, whether conceived more narrowly as representative assemblies or more broadly as the public sphere, are themselves capable of representative thinking. This is just the problem that Schmitt points to in *The Crisis of Parliamentary Democracy*, the problem of a parliament or a public sphere, nominally organized for deliberation, that in fact does not deliberate at all. So what might drive a deliberative body to “think” more representatively, and what might drive its members to listen to and internalize the perspectives of others? It is here that the way deliberation sounds, and not simply the way that it is institutionally organized, matters. And it is with respect to this question that the norms of sincere speech may fall short. Sincerity aspires to a condition in which speaker and listeners inhabit one role only: that which they “really are.” When a speaker talks through a proposition from a range of standpoints—not simply trying to convey them but, as Arendt insists, actually and temporarily

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inhabiting them—he or she is making a compromise of sincerity. And when listeners are habituated to occupying a single standpoint in their listening capacity—the standpoint of looking through political speech, of determining who the speaker really is and what he or she really intends—I would suggest that their development of the capacity for representative thinking is hindered.

By contrast, the notion of an illusionary world that I have associated with rituals, games, and stylized speech seems highly conducive to representative thinking. The speech norms I have considered in this chapter encourage speakers to present themselves as looking on the issue at hand from a range of standpoints and speaking from a wide variety of roles; its ideal orator is not unitary, but multiple. Think of Demosthenes’s protean qualities, or of Cicero’s ideal orator, who is expected to be by turns “majestic,” “harsh,” and “elegant,” or of the way Burke transforms himself from accountant to seer. If the ideal orator is a kind of model of the ideal citizen, this is a central reason why: because he or she palpably models the kind of projection into the places of others that makes political thinking so challenging. But this projection is not the responsibility, or the accomplishment, of the speaker alone; it is interdependent with the listener’s willingness to make the same move. Illusionary worlds are fragile by their nature, and it only requires the listener’s withdrawal back into sincerity to turn an artifice into a lie, or into an absurdity. For both speaker and listener, taking up the illusionary standpoint is a matter of risks and rewards; as Lanham puts it, “if he relinquishes the luxury of a

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69 A scene from Hilary Mantel’s Wolf Hall, set during the English Reformation, captures ritual’s special vulnerability to mockery: “In one city parish last Sunday, at the sacred moment of the elevation of the host, and just as the priest pronounced, ‘hoc est enim corpus meum,’ there was an outbreak of chanting, ‘hoc est corpus, hocus pocus.’” Mantel, Wolf Hall (New York: Picador, 2009), 355.

Of course, brazen absurdity or dishonesty, of the kind that dares one to laugh at great personal risk, is a longstanding tool of despotism: see, e.g., Lisa Weeden, “Acting ‘As If’: Symbolic Politics and Social Control in Syria,” Comparative Studies in Society and History 40(3) (1998): 503-23. Ritual’s compatibility with democracy requires not just susceptibility to mockery, but a public sphere in which mockery is protected. Thanks to Ben Mylius for this point.
central self, a soul, he gains the tolerance, and usually the sense of humor, that comes from knowing he—and others—not only may think differently, but may be differently.”\(^{70}\) In fact, rituals, games, and rhetorical artifice—all of which involve passage back and forth between the literal and subjunctive worlds—are ways of practicing wearing our roles more lightly. They are also, perhaps, reminders that more than one standpoint is possible, or defenses against “naturalizing” the standpoint that one happens to inhabit.\(^{71}\)

But we ought to stress, as Arendt does, that the capacity required for this kind of playing with roles is distinct from empathy. “To accept what goes on in the minds of those whose ‘standpoint’…is not my own,” she writes, “would mean no more than to passively accept their thought, that is, to exchange their prejudices for the prejudices proper to my own station.”\(^{72}\) Empathy is too close and uncritical an identification—it is simply attachment to a new standpoint, rather than the detachment to which representative thinking aspires. The capacity we are after is closer, I think, to irony than to empathy: it is the ability to take up a standpoint provisionally, and to withhold from it the kind of sincere identification that blinkers our judgment. And it is striking to me how this kind of irony seems to track the reservation of the self that is central to Seligman’s conception of ritual.

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\(^{71}\) Yet Arendt might raise an additional difficulty at this point: the possibility that we can only view politics from multiple standpoints as long as we refrain from acting, as long as we remain spectators. To leave the condition of impartial spectatorship and to act is to collapse a wealth of potentialities into a single point; for the most part, action is partial by its nature. Kant, as Arendt observes, proposed that action with the impartiality of spectatorship would only be possible under conditions of cosmopolitan world citizenship, “a united mankind, living in eternal peace.” In the absence of those conditions, rhetorical artifice does not offer a solution to Arendt’s dilemma, any more than it offers a solution to the problem of political virtue. But it does, perhaps, offer a mitigation: to the extent that speech is the medium of political action, and to the extent that we are self-conscious about our political speech, we might step out of the actor’s role more frequently and, as it were, watch ourselves acting. See Arendt, *Lectures on Kant’s Political Philosophy*, ed. Ronald Beiner (Chicago: University of Chicago Press, 1992), 68-9, 74.

\(^{72}\) Ibid., 43.
Surprisingly, perhaps, irony and ritual are amenable to one another, just because ritual action does not demand our belief: “It does not matter how you may feel about the convention, if you identify with it or not….Getting it *right* is not a matter of making outer acts conform to inner beliefs. Getting it right is doing it again and again and again—it is an act of world construction. This suggests the counterintuitive insight that in this world of ritual acts the self is left more ‘room to wander’ (perhaps also to wonder) than in one where the self has to be firmly identified with its role.”73

We might return to Quintilian for some instances of what this reservation of the self means in the context of political speech. Quintilian advises the orator not to aspire to a spontaneous outpouring of sincere emotion, or to display the natural dispassion of someone at a remove from the dramatic events he is narrating, but rather to induce the fitting emotion beforehand by reflecting on those events in his inner theater.74 For Quintilian, we begin to speak by dividing ourselves in two: we persuade ourselves, as it were, to feel the emotion that it is *decorum* to feel under the circumstances. If part of the self is persuaded, the other part—precisely because it has just done the persuading—has to remain aloof. The emotion that results is not faked (“faked” being a concept that is only meaningful from the standpoint of sincerity), but it is artificial; and if the proper response to a fake is outrage, then I think that irony is the proper response to an artifice. Similarly, Quintilian’s discussion of repetition and doublings suggests that eloquence may sometimes require us to say things that we do not mean—not because it asks us to lie, but because it asks us to say things that do not, in the context of our discourse, carry very much meaning at all.

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74 Quintilian, *Inst. or.* 6.2.28-31. Again, this aspect of the rhetorical tradition has a surprising echo in Lewis’s discussion of ritual, which he describes as “a pattern imposed on the mere flux of our feelings by reason and will...[that allows us to be] festive or sober, gay or reverent, when we choose to be, and not at the bidding of chance”; Lewis, *Preface to Paradise Lost*, 22.
The common thread here is one of standing back from speech, our own and that of others, and of watching its effects on others and ourselves with a kind of detachment. In a number of the writers I have considered, this is a kind of aristocratic (or aspirationally aristocratic) detachment. But if democracy is, in part, an attempt to appropriate and universalize some aristocratic pretensions, then this detachment, or this irony, is rightfully one of them. It is self-critical, skeptical of claims to a final truth, capable of reverent action and yet surprisingly irreverent: these seem to me to be democratic virtues.

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Let me conclude by asking whether this discussion sheds any light on the problems posed by Schmitt. If Schmitt, as I have argued, overstressed the rationalism at the foundation of parliamentary democracy, he is similarly responsible for misapprehending the “living idea of classicism.” Central to this idea, for Schmitt, is a coherence between speaker and speech: eloquent speech is only plausible if the speaker has a real claim to “representation from above,” which his speech in turn reinforces. But the classical tradition of rhetoric, despite its elitist roots, offers us resources for challenging this coherence. It proposes that speech might have the stylized qualities that I believe Schmitt was right to admire—qualities that he associates with terms like “dignity,” “architecture,” and “great diction”—but that these qualities might be temporary, or an illusion agreed upon, or in tension rather than harmony with the rest of lived political reality. Indeed, the classical stress on decorum, or the adaptation of speech to situation and audience, suggests a way of thinking of authority that is

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always impermanent, subject to challenge and revision. To take the demands of *decorum* seriously is to deny the possibility of Schmitt’s “background of imposing authority”—because the classical orator’s authority lapses when his speech does, and cannot endure as a background condition.

The trouble, for Schmitt, is that this sort of authority is not real enough. It is not permanent or stable, and without those assurances, any attempt at eloquence on the classical model is bound to be laughable. On the other hand, the tradition I have attempted to recover in this project suggests that eloquence is always on the edge of laughability, and that it sometimes falls over the edge; it is subject to “the continual possibility of falling out of the illusion.” This is just why the most gifted orator can, according to Cicero, confess that before rising, “I tremble with my whole heart and in every limb.”³⁷⁶ There is no background of authority or stable representative claim to reassure him. It is impossible to imagine Schmitt’s Bossuet trembling—and so much the worse for him.

I suggested that *Roman Catholicism and Political Form* confines eloquence to the past and to the Church. But as intimated by *The Crisis of Parliamentary Democracy* and its dispiriting account of politics without eloquence, Schmitt was not content to leave it there; he held the politics of “mute practicality” to be unsustainable. We might understand the darker turn in his thought as part of a search for a new kind of representation “from above”—one in which speech was no longer underwritten by God, but by the nation, represented by the authoritarian figure of the leader.

If the power of rhetoric is limited, the power of rhetorical theory is even more so. But one thing we might ask of it is to help reconcile us to the sort of tension that Schmitt could not tolerate—between

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³⁷⁶ Cicero, *De or.* 1.121.
the ordered architecture of remarkable speech and the polity in which no such order can, or should, abide.
Postscript: Rhetoric and Deliberation

Are rhetoric and deliberation analogous concepts, or are they concepts in tension? Until fairly recently, “rhetoric and deliberation were treated as closely related activities rather than as competing alternatives.”¹ Rhetoric, in this sense, is simply a means of deliberating in public. Its contrasting concepts would be other means of deliberation, such as conversation or reasoning in foro interno.

Much of contemporary deliberative theory, on the other hand, has tended to treat rhetoric and deliberation as more or less antagonistic concepts. Even when rather grudgingly setting aside a place for rhetoric as a prompt or invitation to deliberation,² deliberative democrats, as well as many political theorists who do not identify as such, often conceive of the desirable norms of political speech in terms that pointedly exclude rhetoric. Deliberative communication, for these theorists, aspires not to oratory but to “a particular sort of discussion,” or a “conversation,” structuring the “exchange of reasons” and taking the form of “a dialogue” rather than “a series of monologues.”³

In developing “maxims of fairness to regulate and define the process of deliberation itself,” these theorists have stressed a mode of deliberative communication closer to conversation than to

Like an ideal conversation, this mode of communication ought to be characterized by directness and mutual sincerity; it ought to be cooperative rather than competitive; and it ought to require participants to “state their reasons,” appealing not to the passions but only to “the force of the better argument.” To this end, deliberative practice ought to be hedged around with civility-protecting norms and procedures: argumentation ought to be conducted “rationally and fairly,” promoting the “inclusive, respectful consideration of diverse points of view,” in the spirit of “mutual respect.” Many deliberative democrats allow that rhetoric “does have roles to play” in deliberation, such as calling attention to issues of grave injustice. But these roles are generally conceived of as limited in scope. To the extent that it is stylized rather than sincere, agonistic rather than cooperative, and often impassioned rather than dispassionate, rhetoric runs afoul of deliberative maxims of fairness—especially rhetoric in its most immoderate and injudicious forms.

More fundamentally, this view predicates legitimacy-conferring deliberation on the existence of “universally acceptable procedures of argumentation.” If this is the case, then the trouble with rhetoric is that “it seems to require more flexibility in choosing types of argumentation,” because it

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5 Chambers, Reasonable Democracy, 99.


7 Cohen, “Deliberation and Democratic Legitimacy,” 74.

8 Jürgen Habermas, Moral Consciousness and Communicative Action (Cambridge, MA: MIT Press, 2001), 89.


begins not from universalizable procedures, but rather from a more direct engagement with the particular audience at hand.\textsuperscript{11}

Much of the response of the “rhetoric revivalists” to this line of argument centers on problems of alienation and exclusion. It holds that a major cost of deliberative procedures that aim for universal acceptability, or of a strong standard of public reason, is the alienation from the deliberative process of those who find their worldviews written off as excessively “comprehensive.” In Bryan Garsten’s terms, such exclusion, even as it aims to preserve liberal consensus, reliably produces backlash, “forms of opinion more dogmatic and less prone to deliberative engagement than those they initially sought to replace.”\textsuperscript{12} For Danielle Allen, the valorization of universalizable arguments leads to the problematic “suppression of phenomena like disappointment and distrust.”\textsuperscript{13} Similarly, Iris Marion Young’s critique of deliberative democrats, which helped prompt the more recent “systemic turn” in deliberative theory, points to a related problem of exclusion: the ways in which norms of “articulateness,” “dispassionateness,” and “orderliness” can effectively silence those whose speech a dominant group treats as aberrant.\textsuperscript{14}

Despite their disagreements, both deliberative democrats and their critics often agree in prioritizing a common set of questions. For instance: what sorts of reasons and arguments ought to be

\textsuperscript{11} Garsten, \textit{Saving Persuasion}, 189-90.

\textsuperscript{12} Ibid., 185.


admissible? Does pursuing the goal of universally acceptable procedures compromise the goal of inclusion? Perhaps it is because of this residual overlap with deliberative democrats that the case for the rhetoric revival is, on three counts, not as forceful as it might be.

For one, perhaps the basic deliberative problem lies not in determining the kinds of admissible reasons, but in overcoming our aversions to exercising judgment. In other words, what if we are not inclined to deliberate at all? This is a problem that is posed especially forcefully by Burke. But we may find his concerns still relevant if we bear in mind the ways in which the phenomena of group polarization or the power of partisan loyalty over political perceptions and preferences seem to perform judgment-avoidance functions in our own time.\(^\text{15}\) In other words, it is possible that both deliberative democrats and rhetoric revivalists are overly sanguine about our willingness to do the work of deliberation. The literature on deliberation has a great deal to say about the Rawlsian “burdens of judgment”\(^\text{16}\)—but much less to say about the pain of judgment, or the experience of judging and its subjective costs. If we associate the act of judgment with attention to the granular details of the political here-and-now—and if we agree with the notion that such attention is often unpleasant and unrewarding—then thinking in more detail about the pain of judgment, and its remedies, might help us uncover a more nuanced language with which to critique deliberation without pre-specifying substantive outcomes.


Second, the rhetoric revivalists’ arguments can lead us to conclude that exclusion from deliberation is generally a zero-sum game, which those responsible for the exclusion “win” at the expense of the marginalized. At issue, on this model, is not dominant groups’ ability to effectively pursue their aims through deliberation, but the ability of marginalized groups to secure a hearing for their own aims. But the case against deliberative exclusion would be strengthened if we could accurately characterize it as a negative-sum game: one in which the exclusion from debate of marginal arguments, images, and modes of expression would turn out to have a soporific effect on deliberators, and so could become self-defeating even for those who might appear at first glance to benefit.

Third, as I pointed out in the Introduction, rhetoric has historically been characterized not only in terms of appeal to the particular audience, or in terms of the management of disagreement, but in terms of elocutio and verbal style. The rhetoric revival literature has generally minimized this aspect of the rhetorical tradition. But I hope to have shown in the preceding chapters that the stylistic qualities of rhetoric are of more than aesthetic value—and that we rationalize them away to our detriment.

In other words, I would turn the conversation away from the question of which arguments are admissible in ideal deliberation, and toward the question of which forms of speech are more likely to suppress or provoke the exercise of judgment. In fact, the varieties of rhetoric most likely to be ruled out of bounds in the deliberative literature would also seem to be the varieties most likely to surprise audiences into engaged listening and to expand the scope of the politically possible. These varieties, in turn, would seem to be the most disruptive and marginal—suggesting that the exclusion from debate of marginal modes of expression can have self-sabotaging effects, or can in fact constitute a negative-sum game. This account would give us reason to defend a richer conception of
rhetoric, one more attuned to the “stylistic abundance” that makes it a distinctive mode of communication.\textsuperscript{17}

If this is the case, then we might be led to specify the conditions of deliberation and civility minimally enough to allow space for such abundance. In formulating a preferable conception of deliberation, we might follow Hélène Landemore and “not include all of the demanding criteria set forth by deliberative democrats”—not only to achieve her aim of greater conceptual clarity, but also to call normative attention to the costs of those criteria.\textsuperscript{18} Nothing I have argued here gives us reason, for instance, to mistrust the notion of civility on its face. But it may cause us to suspect that too demanding a notion of civility can stunt deliberation, and it may lead us to prefer a standard of civility minimal enough to make room for disturbingly provocative speech, agonistic ambition, and even “a commitment to mutual contempt.”\textsuperscript{19}

We might take as a motto for this view of eloquence Burke’s quotation of the Gospels: “It is good for us to be here.” The value of eloquence, in this view, is the means it offers us for productively translating political debate from the register of abstract principle to the register of concrete circumstance—the register of the here and now. Such translation is often treated as a matter of “champion[ing] sobriety in political thinking and action.”\textsuperscript{20} But the argument I have developed


should give us reason to doubt analogies between moderation in judgment and sobriety in affect. Such analogies would be more likely to hold if the cultivation and exercise of judgment were easy; but if judgment is in fact painful, then enthusiasm, alarm, and “the darker passions” have a place in its development.\(^{21}\) Consider, for instance, a 2014 speech of Kathy Jetñil-Kijiner, a Marshall Islands poet, to the United Nations Climate Summit. Jetñil-Kijiner addressed these words to her infant daughter, imagining the lagoon near their home transformed by rising seas: “Men say that one day that lagoon will devour you. They say it will gnaw at the shoreline, chew at the roots of your breadfruit trees, gulp down rows of your seawalls, and crunch your island’s shattered bones.”\(^{22}\) The echoes of the long tradition of the sublime, and its aim of alarming into reflection, ought to be evident enough. At the same time, this view of eloquence would lead us to reconsider the varieties of political speech we tend to view as troubling—not only the demagogic appeal, but also the “pernicious vacuousness” that fails to provoke and equally fails to engage our judgment.\(^{23}\)

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