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Persuasion in history

Persuasion in Ancient Greece and Rome

Jon Hall

Many of the central issues connected with verbal persuasion were being examined in great detail by the Greeks and Romans over two thousand years ago. Indeed, rhetoric — a topic they defined as ‘the art of persuasion’ — constituted the main focus of the ancient educational system. After the age of 15 or 16, students would spend virtually all their time with a teacher of rhetoric, who would give very sophisticated instruction on how to make speeches of different types: speeches in the law courts, in political debates and on ceremonial occasions.

This system of rhetoric was developed on a truly grand scale. The most complete treatment that survives is by the Roman writer, Quintilian, and this runs to over 800 pages of Latin (the *Institutio Oratoria*). It is impossible to do full justice to this system in this brief outline, so I'd like to base my discussion around passages from two ancient authors that raise several core issues to do with

Plato on rhetoric

My first passage comes from Plato's dialogue *Phaedrus*. Plato, it's fair to say, despised rhetoric. He regarded orators (for which we can probably read ‘lawyers’ and ‘politicians’) as mere panderers, as glib, facile wordsmiths, who actually had little knowledge of what they were talking about, but disguised that lack with pretty words and clever arguments. It is in Plato then that we find expressed some of the first ethical reservations about rhetoric and its use of manipulative techniques.

Plato was so agitated about rhetoric because it was during his lifetime (and the generation before) that the teaching of persuasion first gained such popularity in ancient Athens (that is, from around 440 to 370 BC). From its very beginnings this instruction had a primarily practical aim: to help people (mostly rich people) defend themselves in court. For in quite a short time, Athens, thanks to its radical experiments with democracy, had

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persuasion. Plato, our first author, considers the ethics of persuasive manipulation, a theme that the organisers of this workshop have identified as especially important; and our second author, the Roman orator, Cicero, presents us with a highly emotional strategy of persuasion whose techniques may cause considerable consternation to the modern lawyer.

developed into a highly litigious society. Legal trials were held in public, with verdicts delivered by large juries (sometimes around 50 people, sometimes as many as 100) drawn from the common people. Attacking political enemies through the courts became a familiar tactic, and consequently rich, powerful people were eager to gain whatever advantage they could. Enter the teachers of



rhetoric, keen to exploit this market.

Let us look at how Plato depicts matters in his dialogue. It's generally accepted that he uses the figure of Socrates as the mouthpiece for his own views, so these comments are often imbued with a touch of famous Socratic irony:

[Phaedrus]: Well, Socrates, of course there is plenty of matter in the rhetorical manuals.

[Socrates]: Thank you for the reminder. The first point, I suppose, is that a speech must begin with a Preamble. You are referring, are you not, to such niceties of the art?

[Phaedrus]: Yes.

[Socrates]: And next comes Exposition, accompanied by Direct Evidence; thirdly Indirect Evidence, fourthly Probabilities; besides which there are the Proof and Supplementary Proof mentioned by the Byzantine master of rhetorical artifice. (Plato *Phaedrus* 266D)

Plato here (via Socrates) expresses a certain contempt for the rhetorical manuals currently in circulation. But they evidently proved very popular with those who wanted to learn something more practical than Platonic philosophy. The first point to note is that these manuals placed a great value on systematic organisation. For the anxious politician facing accusations of bribery and corruption, who had no idea how to make a speech in a law

the manuals provide very systematic information. One aim of the preamble (we are told) is to make the jury well-disposed to you. This was largely because in these courts the prosecution often consisted of personal attacks on character; the defendant had somehow to turn around any such negative perceptions. Again the rhetorical manuals spell out the best techniques. There are three ways to make a jury well-disposed: a, b, and c. If you use approach a, there are four possible arguments you can use: w, x, y and z. If you use approach b, there are three arguments you can use: p, q and r. And so on. And so on — covering every possible facet of speech-making. Such painstaking taxonomy formed the cornerstone of ancient rhetoric.

To my mind this kind of approach is both impressive and disconcerting. What a massive intellectual endeavour — and achievement — to break down the process of legal persuasion into hundreds and hundreds of component parts and to arrange them with such precision and clarity. That's the impressive bit. But to me it's also a little disconcerting in the same way as I find it disconcerting to walk into a colleague's office and see a clear desk, with perfectly ordered books and files on the shelves, every pencil sharpened and neatly arranged. It all seems a bit dry and characterless; very rigid and

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court, this clear organisation must have been a huge comfort. The manuals set things out very explicitly: divide your speech into five parts, starting with a preamble, followed by an exposition, and so on. If you are not sure what exactly to say in the preamble, again

very rigorous. But there's no denying that this approach was also very effective. No wonder Greek intellectuals embraced the system with energy and vigour.

Except Plato. As I've mentioned, Plato didn't like rhetoric. In particular,



he didn't like its approach to argument. This is because rhetoric viewed the topic merely from the point of view of winning. Its sole aim was to outwit and defeat one's opponent. (The adversarial

like me have attacked a big fellow like him?' [an appeal to probability].
(Plato *Phaedrus* 273B–C)
It's a nice conundrum for rhetoricians to consider; but Plato himself engages

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nature of legal systems goes back a long way.) With this in mind let's look at a second passage from his dialogue:

[Socrates]: There is, they maintain, absolutely no need for the budding orator to concern himself with *the truth about what is just or good conduct* ... In the law courts nobody cares a rap for the truth about these matters, but *only about what is plausible* ... *Even actual facts ought sometimes not to be stated, if they don't tally with probability.*

(Plato *Phaedrus* 272D–E)

Here we see Plato's main concern with advocacy and persuasive manipulation. In the perverted law courts as he depicts them, truth does not prevail. The ambitious orator argues only what will best win the case. And he uses as an example the advice given by one teacher of rhetoric called Tisias. The scenario imagined here is that of a small, pugnacious man — Danny DeVito, say — beating up and stealing the cloak from a big cowardly lug — Arnold Schwarzenegger perhaps. What would happen if this case came to court and what arguments would the different parties make?

... [Tisias] laid down that if a weak but brave man is arrested for assaulting a strong but cowardly one, whom he has robbed of his cloak or some other garment, *neither of them ought to state the true facts*. The coward [that is, Arnold] should say that the brave man [DeVito] didn't assault him single-handed [because that would be improbable]; and the brave man should contend that there were only the two of them and then have recourse to the famous plea: 'How could a little fellow

in a measure of distortion as he presents an ethically bleak landscape where nobody in a law court ever tells the truth. He is reluctant to acknowledge that persuasion can be a force for good as well as evil. In fact his criticisms did little to dent the rise of rhetoric to a position of dominance in the ancient educational system — although he did initiate a scholarly mistrust of rhetoric that has appeared at regular intervals throughout the following millennia.

Cicero and the exploitation of the emotions

Let me turn now to my second passage. This is taken from a speech by Cicero, the great Roman orator who lived in the first century BC. Although Cicero wrote several rhetorical treatises, he didn't discuss much the theory of oratorical delivery (my own particular field of interest). Nevertheless, it is clear from his actual speeches that his legal defences regularly employed quite extravagant performative elements. Such antics are severely circumscribed in today's courts, but it is fascinating to consider how Cicero exploited the freedom of performance given him by the ancient legal system.

The following passages (*Pro Fonteio*, sections 46–48) come from the very end of a speech in defence of a prominent politician — a man called Fonteius — who had been accused of extorting huge amounts of money from tribes in Gaul. I'd like to go through them in short sections with some commentary:

Shall Indutiomarus himself, leader of the Allobroges and all the Gauls, drag and



tear my client from the embrace of that peerless though unhappy lady his mother, while you raise no finger to stop him?

From this remark we can probably infer that Cicero has actually brought on to the speaker's platform both the defendant Fonteius ('my client') and his mother, who is embracing him. It seems to me that this must have been carefully rehearsed beforehand. Such a display could easily turn into farce if it was not carried off convincingly. The passage then continues:

Shall he do so, though upon the other side a Vestal Virgin casts her arms about her brother, imploring your protection, gentlemen, and that of the Roman people?

This remark reveals another element of the tableau. Fonteius' sister is also up there embracing the accused. And she is a Vestal Virgin — an exclusive group of religious priestesses, charged with the duty of protecting the eternal flame of Rome. This woman is desperately pleading the jury to take pity:

What protection, what comfort is left to the poor lady, if he is taken from her? Other women [that is, those who are not virgins] can bear protectors for themselves; they can have at their own homes a companion and a participant [that is, a husband] in all life's chances; but to this maiden what can be dear or delightful except her brother?

Emotion here is to take precedence over logic: even if the jurors happen to think Fonteius is guilty of the charges according to the evidence, they should still acquit him out of sympathy for his sister. And at this point Cicero gets the sister (Fonteia) to actually supplicate — or beg — the jurors. This probably meant getting down on her knees and making an entreating gesture with her arms:

Do not, gentlemen, let the altars of the immortal gods and of Mother Vesta be reminded of your decision by the daily lamentations of their Virgin; take care that people cannot say that the undying fire guarded by Fonteia's sleepless toil through the watches of the night has been quenched by the tears of your priestess. To you a Vestal Virgin extends in supplication the same hands which she has been accustomed to extend to the immortal god on our behalf.

In *Spinal Tap* terms, the emotional amplifier here is turned up to 11. And yet there's still more. Cicero also tries to make the jury feel anxiety and guilt:

Think of the peril that lies in wait for this arrogance of yours, if you should be deaf to her appeal; for if the gods were to reject *her* supplications, the fabric of our daily lives would be dissolved.

The argument here is pretty weak, but in this emotionally charged context it need have only a superficial coherence to achieve its desired effect. And then, to cap it all, we finally have

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the accused suddenly bursting into tears.

Do you see, gentlemen, how Marcus Fonteius, brave man though he is, has at my allusion to his parent and his sister broken into sudden tears?

There may be a tendency perhaps for us today to snigger condescendingly at this kind of carry-on. From a modern perspective it all seems so obviously manipulative: how did anyone fall for this kind of charade? And yet we know that it was indeed effective. Cicero was one of the most successful legal advocates of his day, and he exploited this technique on numerous occasions. He did so because it worked.

However, despite the practical exploitation of such techniques, the ancient writers on rhetoric have little to say about the theory of this form of persuasion — perhaps because of its ethically dubious aspects, or perhaps because they lacked the conceptual tools to get to grips with more subtle psychological analysis. It is in this respect perhaps that modern research on the processes of persuasion can

help to inform our understanding of the ancients. Nevertheless, as I hope this brief introduction has shown, Greek and Roman rhetoricians also got a lot right. They addressed a wide range of issues: the power of logic, language, emotion, performance and so on. And they were aware too of rhetoric's unsettling power to distort and manipulate. But most impressive perhaps is their bold attempt to create a clear and organised system from the very messy, curious and fascinating phenomenon of persuasion. ●

Jon Hall is a senior lecturer in the Classics Department at the University of Otago, New Zealand. His main areas of research expertise are Roman rhetoric and Cicero. He has published numerous academic articles on Cicero's letters, speeches and rhetorical treatises, and co-edited the Blackwell Companion to Roman Rhetoric, a 500-page volume published earlier this year. He has also written and featured in two DVDs exploring the performative aspects of Cicero's speeches.

developments in ADR

Victorian parliamentary inquiry into ADR

The Victorian Parliament Law Reform Committee is currently undertaking an 'Inquiry into Alternative Dispute Resolution in Victoria' (Inquiry). The Inquiry is to report to Parliament by 30 June 2008.

The Committee published a discussion paper on *Alternative Dispute Resolution* in September of this year, which provides background information and a general overview of ADR in the state in relation to both civil disputes and restorative justice.

The discussion paper, through its terms of reference, identified five specific areas of focus:

- the reach and use of ADR schemes in Victoria;
- access to justice;
- measuring the outcomes of ADR;
- ADR and marginalised communities; and
- regulation.

The Inquiry is seeking establish the utilisation of ADR mechanisms (including restorative justice and Government established ADR schemes), with a view to improving access to justice and outcomes and to reduce the necessity for interaction with the court system, where possible, especially in marginalized communities.

Furthermore, its terms of reference ask the Committee to consider whether Government regulation of ADR is feasible or appropriate.

The discussion paper is available at <www.parliament.vic.gov.au/lawreform/ADR/Discussion_paper.pdf>.

Submissions are due by 9 November 2007. ●