CHAPTER 7

Cicero’s Pro Milone:
An Ideal Speech of an Ideal Orator

by James M. May

The decade of the 50s B.C. was a particularly difficult—perhaps the most difficult—period in Cicero’s life. First, after witnessing the glory of his consulship and the Nones of December crumble before his eyes, he was forced into a psychologically devastating exile, during which time he seriously contemplated suicide. Then, after a brief resurgence of popularity following his recall, his hopes of driving a wedge between the Triumvirs were dashed; they brought him quickly to heel, forcing him to sing, so to speak, a “palinode,” and to support their cause further through his oratorical powers by speaking on behalf of some of his most despised personal enemies, including Vatinius and Gabinius. Such humiliation ultimately imposed a kind of forced retirement upon him, which, despite the suffering it entailed for Cicero himself, blessed posterity with its fruits, which include the treatises De republica, De legibus, and most importantly for our purposes, De oratore.

1 More than twenty years ago, I published my first article, which concerned itself with an analysis of Cicero’s use of the three modes of persuasion, logos, ethos, and pathos, in Cicero’s Pro Milone (“Cicero’s Pro Milone: A Progression of Intensity from Logos to Ethos to Pathos,” Classical Journal 74 [1979], 240–46). There I argued that Cicero had constructed his published speech for Milo in such a way that its emotional tone increased in a progression of intensity from logos to ethos to pathos as it moved from the argumentation, through the long digression or pars extra causam into the peroration. George Kennedy provided the nucleus for that article, as well as for my dissertation that preceded it, in notes and discussions that we shared as I prepared to write my doctoral thesis. I thought it would be especially fitting for me, in the present paper written for inclusion in this volume honoring him, to revisit the topic and to explore ethos and pathos in the Pro Milone from a slightly different perspective.

2 Cf. Ad Att. 3.3; 3.4; 3.7.2; 3.9.1; 3.19.1; Ad Quint. Fr. 1-3.
Some thirty years after the publication of his youthful *De inventione*, Cicero, at the urging of his brother, finally found the time and the opportunity to compose a more polished and mature exposition. De *oratore* is unique among ancient rhetorical writings in that it abandons entirely the format, the language—that is, the jargon—of typical rhetorical handbooks. In fact, Cicero has his characters openly criticize the handbooks and their approach repeatedly. Still, most of the rhetorical precepts (at least in abbreviated form) are there, woven skillfully into the dialogue and discussed in a vocabulary that avoids traditional technical terminology. In the course of the discussion, a portrait of the ideal orator emerges: He is a man in possession of both eloquence and wisdom, steeped not only in the knowledge of rhetoric, but more importantly one who has studied philosophy, law, human character and emotion, indeed, all of the noble arts, in sum, the product of a cultural education that has prepared him to speak on any topic and assume any position of leadership in the state. In many ways, of course, this portrait is made in Cicero’s own image and likeness, and it, along with the work as a whole, stands as a monument to his rhetorical and oratorical genius.

One of the most striking characteristics of *De oratore* is its return to the so-called Aristotelian tradition in rhetoric, as noted by Friedrich Solmsen and most recently explicated in elegant detail in the monumental commentary on *De oratore* by A.D. Leeman, H. Pinkster, and their collaborators. This tradition insists, among other things, on the importance of the non-rational modes of proof, namely ethos and pathos, treating them as a part of invention, and setting them on a par with rational argumentation. The significance of these non-rational means of persuasion in the Ciceronian system of rhetoric presented in *De oratore* is difficult to overestimate. It is, I believe, not by chance that Cicero locates the account of ethos and pathos precisely at the center of the work, literally and figuratively at the heart of the matter.

In 52 B.C., only a couple of years following the completion of *De oratore*, Cicero returned to active pleading in order to defend the tribune Milo.

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3 Cf. *De or.* 1.5.


6 Book 2, the middle book of the work, is 367 sections long; Cicero’s primary treatment of ethos and pathos is located in sections 178–216.