

Timeless Masters of Rhetoric: Socrates and Johnnie Cochran

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Abstract

This study proposes to compare the juridical speech of Socrates as represented in the Apology to the speech of American lawyer Johnnie Cochran in his famous closing defense of O.J. Simpson. Employing a unique rhetorical taxonomy, this study aims to examine the ways in which ancient authors analyzed and taxonomized forensic rhetoric, and to use their technical vocabulary to analyze both the ancient and modern examples of a defense speech. The figures and tropes that the Greeks themselves identified as components of rhetoric serve to show that the speeches of Socrates and Cochran share common discursive modes with similar goals that aim to persuade their audiences that the defendants are not guilty.

Senior Research Paper

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Introduction

‘*rhetoric*, s.v.: Language designed to have a persuasive or impressive effect, but which is often regarded as lacking in sincerity or meaningful content.’¹

The following cross-cultural rhetorical analysis examines possible interconnections between classical Greek and contemporary North-American legal speeches. This study focuses specifically on forensic (otherwise called judicial or dicastic) oratory, which represents one of three “species” (*eidē*) of rhetoric as outlined in Aristotle’s *Art of Rhetoric* (c. 335 B.C.E.), and offers a comparative rhetorical analysis of two famous legal speeches delivered almost two-thousand–four-hundred years apart. The first is the self-defense of Socrates at his trial in Athens in 399 B.C.E., as recounted by Plato in his version of the *Apology*.² The second is Johnnie Cochran’s *Closing Argument* from the “People of California vs. Orenthal James Simpson” murder trial, delivered on behalf of the accused, O. J. Simpson, on September 27th and 28th 1995. In the aftermath of the one trial, Socrates was sentenced to death on charges of “impiety” (*asebeia*) and “corrupting the youth,” whilst in the other, Simpson was acquitted of the murders of Nicole Brown Simpson and Ronald Goldman. Both judicial speeches are well-known, conventional models of the genre: H. N. Fowler describes the *Apology* as a ‘brilliant example of oratorical composition’ which ‘follows the rules in vogue for public speeches,’ whilst legal expert Thomas Meseraeu Jr. esteems Cochran’s *Closing Argument* as ‘among the greatest of the genre.’³

Classical rhetorical figures are categorized in this study according to the conventionally labelled “first canon” of rhetoric (*heuresis*) and its three subdivisions: *ethos*, *logos* and *pathos*. A brief description for each of these modes of argument is presented at the beginning of each section. A formal rhetorical analysis of both speeches is then offered which employs a unique system of classification. This taxonomy requires a brief explanation: in the extracts included, all of the rhetorical figures that contribute to these three persuasive appeals are italicized in the text and explicated in the footnotes. For rhetorical devices characterized by repetition (such as **polyptoton** and **polysyndeton**), only the first identified example is labelled with a footnote; then, subsequent examples are italicized only (thus limiting the back and forth of footnotes within the same extract). Certain rhetorical techniques that encompass a portion of the extract (such as **apostrophe** and **anecdote**), are isolated by brackets and are labelled as such in the footnotes; for example, if the footnote is labelled **Paradox {...}**, then the text enclosed in these brackets {...} refers specifically to that technique. Following the analysis, a comparative review of the rhetoric of both speeches is then presented. Each of the sections outlined in the table of contents has their own corresponding footnotes (i.e. footnotes will restart at the beginning of

¹ “rhetoric.” Oxford English Dictionary Online. June 2017. Oxford University Press. URL: <http://www.oed.com/viewdictionaryentry/Entry/11125> (accessed June 14, 2017).

² Socrates’ two shorter addresses delivered after his conviction (Pl. *Ap.* 35e–42a), have been excised for the purposes of this study. Similarly, in the *Closing Argument*, Cochran’s general recapping of evidence and lay witnesses has been sectioned off from the speech.

³ Harold N. Fowler, *Euthyphro. Apology. Crito. Phaedo. Phaedrus*. (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1914), 65; Thomas Meseraeu Jr., “Johnnie Cochran’s Humility Moved Mountains,” *Los Angeles Daily Journal*, March 29, 2006, URL: <http://mesereaulaw.com/johnnie-cochran-by-thomas-a.-mesereau%2C-jr.html>.

each section). All of the technical, rhetorical terms that appear throughout the entirety of this study are highlighted in bold and cited in the Glossary section. These definitions have been compiled according to Richard Lanham's standard *Handlist of Rhetorical Terms*.⁴

It is necessary to preface the beginning of the analysis with an acknowledgement of inherent problems. Beginning with Plato's version of the *Apology*, the issue of its precise dating raises clear historiographical concerns for the modern historian. Whilst Fowler tendentiously posits that the speech is 'in all probability [...] essentially the speech delivered by Socrates,' Plato nonetheless began a process of distortion by writing his anachronistic *Apology* following the conclusion of the trial.⁵ One also questions the potential biases that may be embedded within the text, especially when considering the personal relationship between Plato and Socrates. Additionally, one must consider the implications of conducting a rhetorical analysis on an Ancient Greek text transliterated into modern English over two-thousand years later. This necessarily limits the range of rhetorical devices accessible.⁶

The structure of the analysis is also complex. The *flores rhetoricae* ("flowers of rhetoric"), which encompass all the figures and practices of rhetoric, pervade the three aforementioned modes of persuasion and cannot be categorized as modestly as this study may indicate. Furthermore, a figure that appeals to *ethos* may also appeal to *pathos*, *logos*, or even all three simultaneously – depending on one's interpretation. Finally, due to the nature and limitations of this study, it is impossible to identify each device that appeals to a certain argument, nor can every specific example of the devices analyzed be mentioned. Despite these caveats, this study offers a unique, cross-cultural, textual analysis of two forensic speeches intended to contribute to the field of comparative rhetoric.

⁴ Some definitions were insufficient or omitted from Richard Lanham's *A Handlist of Rhetorical Terms* (California: University of California Press, 2012). In these few labelled cases, John Anthony Cuddon's *Penguin Dictionary of Literary Terms and Literary Theory: Third Edition* (London: Penguin Books, 1992) has been substituted.

⁵ Fowler 1914; 64.

⁶ Rhetorical devices that depend on linguistic framing (puns and alliteration, for example) have been omitted for the purposes of this study.

Section I: Ethos

i. Definition

‘The orator persuades by moral character when his speech is delivered in such a manner as to render him worthy of confidence; for we feel confidence in a greater degree and more readily in persons of worth in regard to everything in general, but where there is no certainty and there is room for doubt, our confidence is absolute [...] moral character, so to say, constitutes the most effective means of proof.’⁷

Ethos, the “ethical appeal,” is the manner in which the speech, as a ‘one-time, unified performance,’ persuasively connects the speaker’s character to their audience.⁸ In attempting to ingratiate oneself with the listener, the speaker must depict an idealized self-image that embodies popular ideologies and convictions. This character portrayal should remain consistent throughout the entirety of one’s discourse and is often most explicit in both the *exordium* and peroration of a speech. The ethical appeal might thus be considered as both the primary objective for the speaker as well as the bedrock to one’s speech.

ii. Analysis

Preceding the Athenian court, Socrates begins his speech in the high style and with a direct address to the jurors, employing **recurring refrain**, **aporia** and **irony** in his initial appeal to *ethos*:⁹

Extract A1¹⁰

How you, (*men of Athens*)¹¹, have been affected by my accusers, (*I do not know*)¹²; but I, for my part, (*almost forgot my own identity, so persuasively did they talk*)¹³.

In the few sentences following, Socrates parlays figures of **polyptoton**, **antithesis**, **meiosis**, **irony**, **repetition** and **meta-discourse** to establish the classical rhetorical principle of **decorum**: the connection between the audience and speaker, and the direction of the speech:

⁷ Arist. *Rh.* I. 2. 4. Trans. G. Kennedy (Oxford: Oxford University Press, 1991).

⁸ Peter O’Connell, *The Rhetoric of Seeing in Attic Forensic Oratory* (Austin: University of Texas Press, 2017), 6.

⁹ Socrates was tried before a heliastic court of around five-hundred, adult-male, Athenian jurors who would have been selected by lot. Whilst his speech was given to an esoteric, Athenian audience, Plato’s textualized version was certainly directed towards the Athenian public at large (and perhaps even a larger, educated Greek audience). Cf. Fowler 1914; 64.

¹⁰ **Extract A1**: Pl. *Ap.* 17a. Trans. H. N. Fowler (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1914).

¹¹ **Recurring Refrain (...)**: the refrain, ‘*men of Athens*,’ is dictated several times by Socrates throughout his self-defense speech.

¹² **Aporia (...)**: Socrates initially expresses doubt as to what extent his calumniators’ words have affected the jury.

¹³ **Irony (...)**: immediately following his implementation of **aporia**, Socrates claims ‘[I] *almost forgot my own identity*,’ which is a hyperbolic, rhetorical ploy that implicitly critiques the speech of his interlocutors.

Extract A2¹⁴

For I thought it the most *shameless*¹⁵ part of their conduct that they are not *ashamed* because they will immediately be convicted by me of {*falsehood by evidence of fact*}¹⁶, {*when I show myself to be not in the least a clever speaker, unless indeed they call him a clever speaker who speaks the truth*}¹⁷¹⁸ [...] {*Now they, as I say, have said little or nothing true; but you shall hear from me nothing but the truth*}¹⁹.

Continuing with his ethical appeal, Socrates deploys **enargeia** – an attempt to paint a mental picture of a scene – supplemented by figures of **antithesis**, **analogy**, **recurring refrain**, **synonymia** and **apostrophe**:

Extract A3²⁰

For surely it would not be fitting for {*one of my age to come before you like a youngster making up speeches*}²¹. And, (*men of Athens*)²², I urgently *beg*²³ and *beseech* you, {*if you hear me making my defense with the same words with which I have been accustomed to speak both in the market place at the bankers' tables, where many of you have heard me, and elsewhere, not to be surprised or make a disturbance on this account*}²⁴.

Shortly before delineating his compartmentalized defense, Socrates engages in the invective of his calumniators, utilizing **paradox**, **mimesis** and **cataphora**. In addition, Socrates employs several repetitive devices like **polyptoton**, **repetition**, **polysyndeton**, **parallelism**, **tricolon**, **tautology** and **recurring refrain** to amplify his own victimization and proclamations of innocence:

¹⁴ **Extract A2**: Pl. Ap. 17b–17c.

¹⁵ **Polyptoton**: Socrates denigrates his adversaries by inserting the cognates ‘shameless’ and ‘ashamed’ into his anomalous and acrimonious *exordium*.

¹⁶ **Antithesis {...}**: ‘*falsehood*’ opposed to ‘*evidence of fact*.’

¹⁷ **Polyptoton**: Socrates’ emphasis on the truth is augmented by the repetition of the cognates ‘*true*’ and ‘*truth*.’

¹⁸ **Meiosis, Irony and Repetition {...}**: in the following extract, Socrates asserts that he is ‘*not a clever speaker*,’ which is an axiomatic and ironic under-statement.

¹⁹ **Meta-discourse and Antithesis {...}**: with these imbricating rhetorical figures, Socrates illuminates the duality between the false claims of his calumniators and his own factual testimony: ‘*they [...] have said little or nothing true [...] you shall hear from me nothing but the truth*.’

²⁰ **Extract A3**: Pl. Ap. 17c–17d.

²¹ **Antithesis and Analogy {...}**: Socrates simultaneously contrasts and analogizes himself as ‘*one of my age*’ to a ‘*youngster*’ in his initial appeal to **decorum**.

²² **Recurring Refrain (...)**: ‘*men of Athens*.’

²³ **Synonymia**: Socrates inserts the synonyms ‘*beg*’ and ‘*beseech*’ somewhat pleonastically for rhetorical effect.

²⁴ **Enargeia and Apostrophe {...}**: addressing an esoteric group of present jurors, Socrates reminds them of a past experience he shared with them.

Extract A4²⁵

First then it is right for me to defend myself against the {*first false accusations*²⁶ brought against me, and²⁷ the first accusers and then against the later accusations and the later accusers}²⁸. For many accusers have risen up against me before you, who have been speaking {for a long time, many years already}²⁹, and {saying nothing true}³⁰, and I fear them more than Anytus and these rest, though these are also *dangerous*³¹; but those others are more *dangerous, gentlemen*³², who gained your belief, since they got hold of most of you in childhood, and accused me {without any truth}, saying, {“there is a certain Socrates, a wise man, a ponderer over the things in the air and one who has investigated the things beneath the earth and (who makes the weaker argument the stronger”)³³ }³⁴. {These, (men of Athens)³⁵, who have spread about this report, are my dangerous enemies}³⁶.

Similarly, Johnnie Cochran, the lead defense attorney in the O. J. Simpson murder trial, begins his speech by directly addressing the Los Angeles jury, employing **meta-discourse**, **paralipsis** and **recurring refrain** in his initial appeal to *ethos*:

Extract B1³⁷

The Defendant, Mr. Orenthal James Simpson, is now afforded an opportunity to argue the case, if you will, but {I’m not going to argue with you}³⁸, (ladies and gentlemen)³⁹.

²⁵ **Extract A4**: Pl. Ap. 18a–18c.

²⁶ **Polyptoton and Repetition**: the repetition of these three cognates within two sentences is significant: ‘accusations,’ ‘accusers’ and ‘accused.’

²⁷ **Polysyndeton**: repetition of the conjunction ‘and.’

²⁸ **Parallelism and Tricolon {...}**: ‘the first accusers and [...] the later accusations and the later accusers.’ Here, Socrates highlights the litany of apocryphal accusations that have been levied against him, as well as the plethora of accusers, through his paralleling sentence structure, **tricolon** and use of **polysyndeton**.

²⁹ **Tautology {...}**: the isomorphic quotations ‘for a long time, many years already’ similarly emphasize the extent of time that Socrates has dealt with these accusations.

³⁰ **Polyptoton and Tautology**: ‘saying nothing true’ and ‘without any truth.’

³¹ **Repetition**: Socrates repeats that his enemies are ‘dangerous’ in an attempt to foster hostility towards them.

³² **Recurring Refrain**: ‘gentlemen.’

³³ **Paradox**: ‘who makes the weaker argument the stronger.’

³⁴ **Mimesis {...}** and **Tricolon (...)**: Socrates articulates the paradoxical charges brought against him utilizing **tricolon** and **mimesis**.

³⁵ **Recurring Refrain (...)**: ‘men of Athens.’

³⁶ **Cataphora and Repetition {...}**: Socrates co-references the deictic pronoun ‘these’ with the recurring characterization of his ‘dangerous enemies.’

³⁷ **Extract B1**: People v. Simpson, Case No. BAO97211, 1995 WL 686429 (Cal. Super. L.A. County Dept. 103 1995). See Unoff. Tr. URL: <http://simpson.walraven.org/sep28.html>; URL: <http://simpson.walraven.org/sep29.html>.

³⁸ **Meta-Discourse and Paralipsis {...}**: in the opening line of his *Closing Argument*, Cochran suggests that he will not argue the case with the jury in an attempt to win their favor.

³⁹ **Recurring Refrain (...)**: ‘ladies and gentlemen.’

The larger part of Cochran's *exordium* is essentially an **encomium** of the jury, which establishes **decorum** through the implementation of **repetition, polyptoton, kolakeia** and **captatio benevolentiae**:

Extract B2⁴⁰

{*You truly are a marvelous jury*⁴¹, *the longest serving jury in Los Angeles County, perhaps the most patient and healthy*⁴² *jury we've seen*}⁴³. I hope that your *health* and good *health* continues.

Evident is Cochran's application of **syncatabasis** – the adaption of rhetoric to the level of the audience – through his short, succinct sentence structure (**parataxis**) and comparatively plain style. In the following six sentences cited, Cochran injects figures of **anaphora, polyptoton, humor**, and a recurring **metaphor** to continue positioning himself in relation to his audience:

Extract B3⁴⁴

*We*⁴⁵ met approximately one year and one day ago on September 26th, 1994. {*I guess we've been together longer than some relationships*⁴⁶ *as it were*}.⁴⁷ But *we've* had a unique *relationship* in this matter in that you've been the *judges*⁴⁸ of the facts. *We* have been advocates on both sides. The *judge* has been the *judge* of the law. *We* all understand our various roles in this endeavor that I'm going to call {*a journey toward justice*}⁴⁹.

Next, Cochran's implementation of three **allusions**, which are supplemented by figures of **anaphora, antistasis, epistrophe**, and a recurring **metaphor**, collectively appeal to the ethnic composition of the jury, which consisted of nine African-Americans (eight of whom were female), two Caucasians and one Hispanic.⁵⁰ By implementing these poetic **allusions** – which is a rhetorical construct that is explicitly approved by Aristotle – Cochran effectively aligns himself with the received values of the jury, evoking an American, Roman-Catholic figure (Sister Rose), an American President (Abraham Lincoln), and an African-American civil rights reformer (Frederick Douglass), and concluding his initial *ethos* appeal *par excellence*.⁵¹

⁴⁰ **Extract B2**: People v. Simpson, 1995 WL 686429.

⁴¹ **Repetition**: 'jury.'

⁴² **Polyptoton**: 'health' and 'healthy.'

⁴³ **Kolakeia** and **Captatio Benevolentiae** {...}: the repetition of 'jury,' the insertion of the cognates 'health' and 'healthy,' and the deployment of **kolakeia** (flattery), rhetorically coalesce to help form an intimate connection between speaker and audience.

⁴⁴ **Extract B3**: People v. Simpson, 1995 WL 686429.

⁴⁵ **Anaphora**: the personal pronoun 'we' is repeated four times in four sentences in an attempt to link Cochran to his listener.

⁴⁶ **Polyptoton**: 'relationships' and 'relationship.'

⁴⁷ **Humor**: Cochran solidifies his relationship with the jurors by injecting humor into his discourse.

⁴⁸ **Polyptoton**: 'judges' and 'judge.'

⁴⁹ **Metaphor** {...}: the **metaphor** 'a journey toward justice' is consistently repeated throughout Cochran's speech.

⁵⁰ Alan Dershowitz, *Reasonable Doubts: The Criminal Justice System and the O. J. Simpson Case* (New York: Simon & Schuster, 1996), 12.

⁵¹ For a discussion of Aristotle's commentary on the implementation of poetry in discourse, see Edith Hall, *The Theatrical Cast of Athens* (New York: Oxford University Press, 2006), 367.

Extract B4⁵²

- 1) (*You know*)⁵³, Sister Rose said a long time ago, {“*He who violates his oath profanes the divinity of Faith*⁵⁴ *himself*”}⁵⁵. And, of course, both sides of this lawsuit have *faith* that you'll live up to your promises and I'm sure you'll do that.
- 2) (*You know*), Abraham Lincoln said that {*jury service is the (highest act of citizenship)*⁵⁶ }⁵⁷. So if it's any consolation to you, you've been involved in that very (*highest act of citizenship*). And so again, we applaud you and we thank you {*as we move toward justice*}⁵⁸.
- 3) One of my favorite people in history is the great Frederick Douglass. He said shortly after the slaves were freed, quote, {“*In a composite nation like ours, as before the law, there should be no rich, no poor, no high, no low, no white, no black, but common country, common citizenship, equal rights and a common destiny*”}⁵⁹.

iii. Review

In discussing the virtue of *ethos* in speech, the pioneering scholar of rhetoric Kenneth Burke emphasized the importance of establishing **decorum**: ‘you persuade a man only insofar as you can talk his language by speech, gesture, tonality, order, image, attitude, idea, identifying your ways with his.’⁶⁰ At the practical level of discourse, Cochran’s pragmatic implementation of the plain style, lengthy **encomium** of the jurors, and the incorporation of **captatio benevolentiae**, **syncatabasis**, **parataxis** and **kolakeia**, collectively demonstrate a tacit appreciation for **decorum** and **kairos** (the timeliness of a speech). With his stylistic, rhetorical instruments and florid Baptist style, which collectively produce an intimate and mellifluous rhetorical effect, Cochran forms a bond of commonality with his target audience by effectively projecting himself as “one of the people.”

⁵² **Extract B4**: People v. Simpson, 1995 WL 686429.

⁵³ **Anaphora (...)**: ‘*you know*.’

⁵⁴ **Antistasis**: the word “faith” is articulated in two different senses: ‘*Faith*’ as a metonym for a spiritual power or higher being, and ‘*faith*’ as a noun, corresponding its conventional definition.

⁵⁵ **Allusion {...}**: this excerpt was mistakenly attributed to Sister Rose by Cochran; the real quotation, which adorns the Los Angeles City Hall, comes from Cicero’s *De Officiis*. Cic. Off. 102: *qui ius igitur iurandum violat, is fidem violat*. Translation: “*Whoever, therefore, violates his oath, violates good Faith.*” Trans. W. Miller (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1913).

⁵⁶ **Epistrophe (...)**: the quotation ‘*the highest act of citizenship*’ is repeated twice by Cochran at the end of successive sentences.

⁵⁷ **Allusion {...}**: despite Cochran’s claim, it is unclear whether Abraham Lincoln explicitly made this statement about jury service.

⁵⁸ **Metaphor {...}**: ‘*as we move toward justice*.’

⁵⁹ **Allusion {...}**: from Frederick Douglass, “Composite Nation” (Boston, 1869) in H. L. T. Quan, “Race, Immigration, and the Limits of Citizenship,” in *Race and Human Rights*, ed. C. Stokes (Michigan: Michigan State University Press, 2009), Chapter 5.

⁶⁰ Kenneth Burke, *A Rhetoric of Motives* (California: University of California Press, 1969), 55.

Juxtaposed is Socrates, whose deployment of the high style, omission of **captatio benevolentiae**, stream of invective, use of **aporia**, hyperbolic **irony**, **meiosis**, **mimesis**, and the **repetition** of telling his audience to ‘not make a disturbance,’ represent a seemingly impractical and indecorous appeal to *ethos*.⁶¹ With his grandiloquent, epistemic rhetoric and waxing philosophical, Socrates appears to betray arrogance to his Athenian audience by rhetorically comporting himself above them and their idealized conception of the democratic Athenian; instead, he submits himself ‘to the judgement of posterity, [which] purchased,’ according to Quintilian, ‘by the sacrifice of a short portion of extreme old age, a life that will last forever.’⁶²

Notably, Socrates also explicitly refuses to adopt the idiomatic rhetoric of the court, despite the prevailing expectation that ‘litigants behave and speak in a certain manner.’⁶³ Instead, he elects to speak ‘with the same words with which I have been accustomed to speak both in the market place at the bankers tables.’⁶⁴ According to Simon Slings, by employing his own ‘customary method of argumentation,’ i.e. **dialectic**, Socrates effectively divorces himself from the contemporary conception of a lawsuit as a contest (*agon*) between two men who attempt to win by any means necessary.⁶⁵ This notion is reinforced rhetorically by Socrates’ explicit refusals to bring his children before the court.⁶⁶ Thematically, Socrates further sequesters himself by offering the ‘god of Delphi’ as a witness during his trial.⁶⁷ He buttresses this act of provocation by stating that he is operating on behalf of the gods in rebuking the Athenians collectively.⁶⁸ Thus Socrates not only declares his own piety to the Athenians as a result, but he also uses the testimony of Apollo as the bedrock to his defense, thus effectively “doubling-down,” *per se*, on his implicit attack on the Athenians’ social conceptions of piety. The rhetorical necessity for orators to conform to common ideologies is eschewed totally by Socrates throughout his inflammatory speech, whom instead, chooses to speak according to ‘[what] is true and necessary, not what is pleasant.’⁶⁹ As a result, Socrates effectively marginalizes himself from an Athenian audience that was fundamentally invested in its own social and cultural uniformity.

Whilst both orators employ the same, central thematic concerns of truth and justice in their respective speeches, the contrasting manner in which these concepts are espoused is emblematic of their antithetical appeals to *ethos*. On the one side, Cochran uses these themes to ally himself to his audience and direct them towards a shared goal of justice. This notion is highlighted rhetorically by the **repetition** of the personal pronouns ‘we’ and ‘our,’ in the recurring **metaphor** ‘we all understand our various roles in this [...] journey towards justice,’ and ‘as we move towards justice.’⁷⁰ Furthermore, with the series of historical vignettes identified in Extract

⁶¹ Pl. Ap. 17d; Pl. Ap. 20e. Following the *exordium*: Pl. Ap. 21a; Pl. Ap. 27b; Pl. Ap. 30c.

⁶² Quint. Inst. XI. 1. 1–3. Trans. D. A. Russell (Loeb Classical Library Edition. Cambridge: Harvard University Press, 2002).

⁶³ Craig Cooper, “Forensic Oratory” in *A Companion to Greek Rhetoric*, ed. I. Worthington (West Sussex: Blackwell Publishing, 2010), 205.

⁶⁴ Pl. Ap. 17c.

⁶⁵ S. R. Slings, *Plato’s Apology of Socrates: A Literary and Philosophical Study With a Running Commentary* (Leiden: Brill Publishers, 1994), 33, 38.

⁶⁶ Pl. Ap. 34c; Pl. Ap. 34d.

⁶⁷ Ibid. 20e.

⁶⁸ Ibid. 21c–22e.

⁶⁹ Josiah Ober, *Mass and Elite in Democratic Athens* (Princeton: Princeton University Press, 1989), 43.

⁷⁰ See Extract **B3** and Extract **B4** for these **metaphors**.

B4, Cochran appears to evoke the traditional Athenian orator, whom, ‘when addressing a mass audience [...] used symbols, in the form of modes of address and metaphors, that derived from and referred to the common ideological frame of reference of his listeners.’⁷¹

By comparison, whereas Cochran deploys these themes to his own advantage and in an anodyne fashion, Socrates does the opposite; rather, he criticizes the Athenians’ indifference to these virtues following his investigations of the men of Athens.⁷² According to Slings, it is on account of these epistemological investigations that Socrates conspicuously ‘omits to praise neither the competence nor the impartiality of the members of the jury.’⁷³ Socrates’ eschewal of this legal formality is spotlighted by Slings, who provides the pertinent analogy of Socrates’ contemporary Demosthenes, whom, despite his well-known contempt for the Macedonian King Philip, still adhered to rhetorical expectations: ‘even as proud a man as Demosthenes would be at pains, when he described his policy of resistance to Philip as the only one worth of Athens’ glorious past, to emphasize that this policy was not *his*, but the city’s.’⁷⁴ Socrates’ attack on the wisdom of his peers is particularly significant for the modern scholar of rhetoric when considering that – as Ober has opined – ‘part of the Athenians’ faith in the wisdom of collective decisions [...] rested upon their conviction that Athenians were by nature more intelligent than other people.’⁷⁵

Paradoxically, in diametric opposition to Socrates, Cochran appears to conduct himself more in the spirit of Athenian rhetoric by consistently conforming to the *ethos* of his audience. In spite of their contrasting rhetorical executions, both Socrates and Cochran utilize many of the same rhetorical devices in their respective appeals to *ethos*: **enargeia**, **meta-discourse**, **polypoton**, **epistrophe**, **recurring refrain**, **repetition** (totaling six matching devices between both rhetoricians). In the extracts analyzed, Socrates makes use of **aporia**, **apostrophe**, **cataphora**, **meiosis**, **mimesis**, **paradox**, **parallelism**, **polysyndeton**, **analogy**, **synonimia**, **tautology**, and **tricolon** (equaling twelve unique devices), whilst Cochran employs **allusion**, **paralipsis**, **anaphora**, **antistasis**, **humor**, **kolakeia** and **metaphor** (equaling seven).

Section II: Logos

i. Definition

‘Persuasion is produced by the speech itself, when we establish the true or apparently true from the means of persuasion applicable to each individual subject.’⁷⁶

Logos represents the speaker’s appeal to the rationality of one’s audience. One persuades by presenting interconnected and logical arguments that help guide the audience to form favorable conclusions based on the proof (or apparent proof) provided.⁷⁷ This appeal is aptly characterized

⁷¹ Ober 1989; 44.

⁷² Pl. *Ap.* 21b–22e.

⁷³ Slings 1994; 35.

⁷⁴ *Ibid.* 12.

⁷⁵ Ober 1989; 157.

⁷⁶ Arist. *Rh.* I. 2. 6.

⁷⁷ Richard Toye, *Rhetoric: A very short introduction* (Oxford: Oxford University Press, 2013), 14.

by Sam Leith as ‘reasoning by induction – the process of generalizing from the available evidence.’⁷⁸

ii. Analysis

Socrates’ appeal to *logos* is marshalled principally upon the cross-examination of his chief accuser and anathema Meletus, which is supported by figures of **polyptoton**, **apostrophe**, **paradox**, **anaphora**, **repetition**, **recurring refrain**, **polysyndeton**, **syntheton**, **tricolon**, **metaphor**, **mimesis**, **irony**, **antirrhesis** and **epithet**:

Extract A1⁷⁹

{*But for heaven’s sake, do you think this of me, that I do not believe⁸⁰ there is any god?*}⁸¹ “No, by Zeus, you don’t, not in the least.” {*You cannot be believed, Meletus, not even, as it seems to me, by yourself*}⁸². *For⁸³ this man (appears to me)⁸⁴, (men of Athens)⁸⁵, to be (very violent and⁸⁶ unrestrained)⁸⁷, and actually to have brought this indictment in a spirit of (violence and unrestraint and rashness)⁸⁸. For he seems, as it were, (by composing a puzzle to be making a test)⁸⁹: {“Will Socrates, the wise man, recognize that I am joking and contradicting⁹⁰ myself, or shall I deceive him and the others who hear me?”}⁹¹. {*For he (appears to me) to contradict himself in his speech, as if he were to say*}:⁹² {“Socrates is a wrongdoer, because (he does not believe in gods, but does believe in gods)⁹³”}⁹⁴. And yet this is the conduct of a jester⁹⁵.*

Concluding his extended, **elenctic** cross-examination and profound ad hominem attack of Meletus, Socrates employs **repetition**, **polyptoton**, **hypophora**, **apostrophe**, **metaphor**,

⁷⁸ Leith 2011; 57–8.

⁷⁹ **Extract A1**: Pl. *Ap.* 26e–27a.

⁸⁰ **Polyptoton**: ‘believe’ and ‘believed’; ‘violent’ and ‘violence’; ‘restrained’ and ‘restraint.’

⁸¹ **Apostrophe** {...}: utilizing the eponymous, Socratic method of **dialectic**, Socrates directly engages with his chief calumniator, Meletus, in this particularly dramatic and emotionally-charged episode.

⁸² **Paradox** {...}: the preceding **paradox** is inserted to impugn the credibility of Meletus.

⁸³ **Anaphora**: ‘for.’

⁸⁴ **Repetition** (...): ‘appears to me.’

⁸⁵ **Recurring Refrain** (...): ‘men of Athens.’

⁸⁶ **Polysyndeton**: ‘and’ is repeated four times in one sentence so as to rhetorically emphasize the deplorable qualities of Meletus.

⁸⁷ **Syntheton** (...): ‘very violent and unrestrained.’

⁸⁸ **Tricolon** (...): this **tricolon** is reinforced by the **repetition** of the cognates ‘violence’ and ‘unrestraint’ (**polyptoton**) throughout the extract.

⁸⁹ **Metaphor** (...): ‘by composing a puzzle to be making a test.’

⁹⁰ **Polyptoton**: ‘contradicting’ and ‘contradict.’

⁹¹ **Mimesis** and **Irony** {...}: here, Socrates mimics Meletus in an ironic and satirical fashion.

⁹² **Antirrhesis** {...}: Socrates here rejects Meletus’ argument entirely on account of his ‘violence,’ ‘unrestraint’ and ‘rashness.’

⁹³ **Antithesis** (...): ‘does not believe in gods, but does believe in gods.’

⁹⁴ **Mimesis** and **Paradox** {...}: again utilizing **mimesis**, Socrates mocks Meletus so as to convey the contradictory nature of Meletus’ indictment.

⁹⁵ **Epithet**: Socrates describes Meletus as a ‘jester.’

syntheton, paradox, mimesis, analogy, erotema, synonymia, tricolon, recurring refrain, litotes and antirrhesis in the denouement:⁹⁶

Extract A2⁹⁷

{ (But if I believe⁹⁸ in spiritual⁹⁹ beings, it is quite inevitable that I believe also in spirits; is it not so? It is)¹⁰⁰; for I assume that you agree, since you do not answer. But do we not think the spirits¹⁰¹ are gods or children of gods? Yes, or no? }¹⁰² “Certainly.” { Then if I believe in spirits, as you say, if spirits are a kind of gods, (that would be the puzzle and joke)¹⁰³ which I say you are uttering in saying that I, (while I do not believe in gods, do believe in gods again)¹⁰⁴, since I believe in spirits; but if, on the other hand, spirits are (a kind of bastard children of gods)¹⁰⁵, [...] (what man would believe that there are children of gods, but no gods?)¹⁰⁶ (It would be just as absurd as if one were to believe that there are children of horses and asses, namely mules, but no horses and asses)¹⁰⁷ [...] you were loss as to what true wrongdoing¹⁰⁸ you could accuse me of; but there is no way for you to persuade any man who has even a little sense [that it is possible for the same person to believe in (spiritual and divine existences)¹⁰⁹ and again for the same person not to believe in (spirits or gods or heroes)¹¹⁰]¹¹¹ }¹¹². Well then, (men of

⁹⁶ NB: The word “elenctic” is cited in the Glossary as ‘elenchus.’

⁹⁷ **Extract A1:** Pl. Ap. 27c–28a.

⁹⁸ **Repetition:** ‘believe.’

⁹⁹ **Polyptoton:** ‘spiritual’ and ‘spirits.’

¹⁰⁰ **Hypophora (...):** Socrates directly poses a question to Meletus before immediately answering the question for him.

¹⁰¹ **Repetition:** the repetition of the words ‘spirits,’ ‘gods’ and ‘believe’ – the most repeated words in this extract – are particularly pertinent for Socrates’ defense against the charge of impiety, as they all refer to ideas of belief, piety and spirituality.

¹⁰² **Apostrophe {...}:** the near-entirety of this extract is a direct dialogue between Socrates and Meletus.

¹⁰³ **Metaphor and Syntheton (...):** here again, Socrates cynically characterizes the charges brought against him by Meletus as a ‘puzzle and joke.’

¹⁰⁴ **Paradox and Mimesis (...):** ‘while I do not believe in gods, do believe in gods again.’

¹⁰⁵ **Analogy:** Socrates analogizes ‘spirits’ as ‘a kind of bastard children of gods.’

¹⁰⁶ **Erotema (...):** Socrates poses a rhetorical question to Meletus: ‘what man would believe that there are children of gods, but no gods?’

¹⁰⁷ **Analogy (...):** to emphasize the implausibility of Meletus’ indictment, Socrates analogizes Meletus’ claims as ‘if one were not believe that there are children of horses and asses [...] but no horses and asses.’

¹⁰⁸ **Polyptoton:** ‘wrongdoing’ and ‘wrongdoer.’

¹⁰⁹ **Synonymia:** ‘spiritual and divine existences.’

¹¹⁰ **Tricolon (...):** ‘spirits or gods or heroes.’

¹¹¹ **Paradox [...]:** Socrates rearticulates the earlier paradox of belief and non-belief at the end of this extract.

¹¹² **Apostrophe {...}:** following his **apostrophe** to Meletus, Socrates turns to his audience and summarizes his findings from his cross-questioning of Meletus.

Athens)¹¹³, that (*I am not a wrongdoer*)¹¹⁴ according to Meletus' indictment, {*seems to me not to need much of a defense, but what has been said is enough*}¹¹⁵.

In the next extract, Socrates offers a protreptic and didactic **anecdote** that highlights his high moral character in the face of adversity. Socrates draws upon a commonplace (*topos*) by recalling his own experience with 'that government' (employing **synecdoche**) to augment his logical appeal.¹¹⁶ The figures of **anecdote** and **synecdoche** are supplemented by **antithesis**, **irony**, **repetition**, **synonymia**, **repetition**, **polyptoton**, **simile**, **hypophora** and **recurring refrain**:

Extract A3¹¹⁷

Then I, however, showed again, (*by action, not in word only*)¹¹⁸, that (*I did not care*)¹¹⁹ a whit for death, (*if that be not too rude an expression*)¹²⁰, but (*that I did care*) with all my might not to do anything (*unjust*¹²¹ or *unholy*)¹²². {*For (that government)*¹²³, *with all its power, did not frighten me into doing anything unjust but when we came out of the rotunda, (the other four went to Salamis and arrested Leon, but I simply went home)*¹²⁴; *and perhaps I should have been put to death for it, if the government had not quickly been put down*}¹²⁵. Of these facts you can have many witnesses. {*Do you believe that I could have lived*¹²⁶ *so many years if I had been in public life and had acted (as a good man should act)*¹²⁷, *lending my aid to what is just*¹²⁸ *and considering that of the*

¹¹³ **Recurring Refrain (...):** 'men of Athens.'

¹¹⁴ **Litotes (...):** 'that I am not a wrongdoer.'

¹¹⁵ **Antirrhesis {...}: at the conclusion of the extract, Socrates summarily dismisses Meletus' prosecution speech, which to Socrates 'seems [...] not to need much of a defense.'**

¹¹⁶ Pl. *Ap.* 32d.

¹¹⁷ **Extract A3:** Pl. *Ap.* 32c–33a.

¹¹⁸ **Antithesis (...):** 'by action, not in word only.'

¹¹⁹ **Antithesis (...):** 'I did not care' opposed to 'I did care.'

¹²⁰ **Irony (...):** Socrates claims ironically that he hopes that his preceding exclamation is 'not too rude an expression.'

¹²¹ **Repetition:** 'unjust.'

¹²² **Synonymia (...):** 'unjust or unholy.'

¹²³ **Synecdoche (...):** 'that government' refers to the oligarchic Thirty Tyrants, who were a Spartan-imposed tyranny that held power in Athens from 402 to 403 B.C.E. following the Spartans' triumph over the Athenians in the Peloponnesian War.

¹²⁴ **Antithesis (...):** in order to highlight his own moral supremacy, Socrates contrasts his own behavior to the 'other four' men whom were also sent alongside Socrates to arrest Leon.

¹²⁵ **Anecdote {...}: the majority of this dialogue is given anecdotally.**

¹²⁶ **Polyptoton:** 'lived' and 'life.'

¹²⁷ **Simile (...):** 'as a good man should act.'

¹²⁸ **Antithesis:** the word 'just' is positioned in antithesis to Socrates' repetition of the words 'unjust' and 'unholy.'

highest importance? Far from it}¹²⁹, (*men of Athens*)¹³⁰; nor could any other man.

Notably, in the following, as in the previous extract, Socrates offers witnesses as corroborating evidence for his discourse, summoning what Aristotle describes as one of the five ‘non-technical’ (*tekhnē*) modes of proof which directly appeal to *logos*.¹³¹ In this specific example, Socrates applies **isocolon** to categorize the present jurors, accompanied by figures of **polyptoton**, **parallelism**, **tricolon**, **repetition** and **polysyndeton**:

Extract A4¹³²

For if I am *corrupting*¹³³ some of the young men and have *corrupted* others, surely some of them who have grown older, if they recognize that I ever gave them any bad advice when they were young, (*ought now to have come forward to accuse me*)¹³⁴. Or if they did not wish to do it themselves, some of their relatives — (*fathers or brothers or other kinsfolk*)¹³⁵—(*ought now to tell the facts*). And there are many of them *present*¹³⁶, whom I see; {*first Crito here, (who is of my own age and my own deme and father of Critobulus)*¹³⁷, *who is also present; then there is Lysanias the Sphettian, father of Aeschines, who is here; and also Antiphon of Cephisus, father of Epigenes. Then here are others whose brothers joined in my conversations, Nicostratus, son of Theozotides and brother of Theodotus [...] and Paralus, son of Demodocus; Theages was his brother; and Adimantus, son of Aristo, whose brother* Plato is here; and Aeantodorus, whose brother Apollodorus is present*}¹³⁸.

Akin to Socrates, Cochran marshals his appeal to *logos* by refuting the argument of his interlocutors and impugning the credibility of the co-prosecutor, Chris Darden. He also draws upon commonplace in his recursive appeal to ‘common sense.’ These rhetorical strategies are supported by figures of **anaphora**, **polyptoton**, **repetition**, **tautology**, **enargeia**, **erotema**, **enthymeme**, **ethopoeia**, **anidiplosis**, **polysyndeton**, **tricolon**, **antirrhesis**, **anecdote**, **apostrophe**, **epizeuxis** and **apophasis**:

¹²⁹ **Hypophora** {...}: Socrates here indecorously answers a question immediately after posing it to his audience.

¹³⁰ **Recurring Refrain** (...): ‘*men of Athens*.’

¹³¹ Arist. *Rh.* III. 1. 7.

¹³² **Extract A4**: Pl. *Ap.* 33c–34a.

¹³³ **Polyptoton**: ‘*corrupting*’ and ‘*corrupted*.’

¹³⁴ **Parallelism** (...): ‘*ought now to have come forward to accuse me*,’ and ‘*ought now to tell the facts*’ are correlating, isomorphic statements.

¹³⁵ **Tricolon** (...): an eccentric Socrates asks the relatives of those whom he was purported to have corrupted to come forth and accuse him if they perceived him to be guilty.

¹³⁶ **Repetition**: the **repetition** of the words ‘*present*’ and ‘*here*’ is notable in this context – the presence of the jurors at this moment in time, juxtaposed to their silence, is highlighted by Socrates for rhetorical effect.

¹³⁷ **Polysyndeton**: the use of **polysyndeton** here (repetition of ‘*and*’) complements the cataloguing deployment of **isocolon**.

¹³⁸ **Isocolon** {...}: Socrates lists a litany of jurors to reinforce the point that, if he were in fact guilty, those present should come forward and accuse him.

Extract B1¹³⁹

{ (If¹⁴⁰ you lived¹⁴¹ alone)¹⁴², if something happened between ten o'clock and six o'clock in the morning, it is real difficult, (if you live alone), to prove where you were (if nobody lives there with you)}¹⁴³. (Isn't¹⁴⁴ that true? Isn't that common sense?)¹⁴⁵ (Mr. Simpson lived alone)¹⁴⁶. We¹⁴⁷ have done more than that. We can I think establish where (he was)¹⁴⁸. { (He was) at home. [(That Bronco)¹⁴⁹ was outside]¹⁵⁰. (He was packing and¹⁵¹ getting ready and rushing around)¹⁵² at the last minute and [coming outside to (that Bronco)], (getting his phone)¹⁵³, (getting the paraphernalia for that phone). (That is what he was doing)¹⁵⁴. (He was)¹⁵⁵ packing, [(he was) getting the (golf bags)¹⁵⁶ and (golf bag) (out of his car)¹⁵⁷ that was seated (out there). (He was) getting) golf¹⁵⁸ shoes and whatever goes with golf if you are a golfer. (That¹⁵⁹ is what he is doing), [...] [(That is what he was doing), Mr. Darden. That is where he was}¹⁶⁰. {It is your speculation he is on the side of his house running into an air conditioner. That didn't happen. That is unreasonable. Nobody here

¹³⁹ **Extract B1:** People v. Simpson, 1995 WL 686429.

¹⁴⁰ **Anaphora:** The conjunction 'if' is repeated in successive clauses by Cochran.

¹⁴¹ **Polyptoton:** 'lived,' 'live' and 'lives.'

¹⁴² **Repetition and Tautology (...):** 'if you live(d) alone' and 'if nobody lives there with you.'

¹⁴³ **Enargeia {...}: in this particular episode, Cochran evokes a hypothetical scenario for his jurors through his sensory imagery and pleonastic lexical choices.**

¹⁴⁴ **Anaphora:** 'isn't.'

¹⁴⁵ **Erortema (...):** 'isn't that true? Isn't that common sense?'

¹⁴⁶ **Enthymeme and Ethopoeia (...):** Cochran's emphasis on his client's innocence is highlighted by utilizing these corresponding rhetorical flares: the hypothetical scene (**enargeia**) he paints, the rhetorical questions (**erortema**) he poses to the jurors, the framing of his audience's emotions by putting them in the place of the Defendant (**ethopoeia**), *per se*, and the "logical" conclusion he draws from this information (**enthymeme**).

¹⁴⁷ **Anaphora:** 'we.'

¹⁴⁸ **Anidiplosis (...):** the clause 'he was' is repeated at the beginning and end of successive clauses.

¹⁴⁹ **Repetition (...):** 'that Bronco.'

¹⁵⁰ **Tautology (...):** 'that Bronco was outside' and 'coming outside to that Bronco.'

¹⁵¹ **Polysyndeton:** 'and.'

¹⁵² **Tricolon (...):** the somewhat pleonastic tricolon 'he was packing and getting ready and rushing around,' which is reinforced by **polysyndeton**, complements Cochran's use of **enargeia**.

¹⁵³ **Tautology (...):** 'getting his phone' and 'getting the paraphernalia for his phone.' Again, Cochran's rhetoric is manifestly pleonastic in these tautological quotations.

¹⁵⁴ **Repetition (...):** Cochran emphatically repeats the phrase 'that is what he was doing' for rhetorical emphasis.

¹⁵⁵ **Anaphora and Anidiplosis:** 'he was.'

¹⁵⁶ **Repetition:** 'golf bag(s).'

¹⁵⁷ **Tautology:** 'out of his car' and 'out there.'

¹⁵⁸ **Repetition and Polyptoton:** 'golf,' 'golfer.'

¹⁵⁹ **Anaphora:** 'that.'

¹⁶⁰ **Enargeia and Anecdote {...}: following the victims' deaths, Cochran stresses how normal the Defendant acted in a pivotal episode.**

believes it]¹⁶¹. *It is not going to help save their case. They are speculating again, (speculating, speculating)*¹⁶², *and it is not going to work*]¹⁶³.

In the following extract, Cochran incorporates a plethora of rhetorical ornaments designed to strengthen his appeal to *logos*; of these, the most pertinent are the emphatic **epizeuxis** (which repeats the word “many” five times) and the **recurring refrain** of ‘reasonable doubt.’ The emphatic repetition of the phrase ‘reasonable doubt’ is an effective technique that permeates his speech and complements his recurring appeal to ‘common sense.’ These strategies are supported by examples of **meta-discourse**, **allusion** and **apophasis**:

Extract B2¹⁶⁴

*(Let’s talk)*¹⁶⁵ about this whole idea of burden of proof and *(reasonable doubt)*¹⁶⁶ and what is *(reasonable doubt)*. You remember during voir dire I talked to you about this concept of *(reasonable doubt)*. And before we go to that chart, I mean: {“*It is that state of the case after the entire comparison and consideration of the evidence, leaves the minds of the jury in that condition where they cannot say they feel an abiding conviction of the truth of the charge*”}.¹⁶⁷ That is what *(reasonable doubt)* is [...] There are {*many, many, many, many, many*}¹⁶⁸ *(reasonable doubts)*, it is not just one, {*all of which lead you to one verdict in this case and one verdict only of not guilty*}.¹⁶⁹

Comparable to Socrates’ deployment of **isocolon**, Cochran synchronizes figures of **parallelism**, **tautology**, **repetition**, **mimesis**, **recurring refrain**, **metaphor** and the proverbial saw: ‘it is the messengers and their message’ (also using **polyptoton**) in this extract:

Extract B3¹⁷⁰

(Somebody among you may say),¹⁷¹ {*well, you know, I have some suspicions. I think it is highly unlikely, but I have some suspicions*}.¹⁷² But *(somebody*

¹⁶¹ **Apostrophe** [...]: Cochran directly engages with Chris Darden in an attempt to highlight the implausibility of his argument.

¹⁶² **Epizeuxis** (...): the emphatic repetition of the participle ‘*speculating*.’

¹⁶³ **Antirrhesis** and **Apophasis** {...}: Cochran casts aspersions on Darden’s argument in his **apostrophe** to him.

¹⁶⁴ **Extract B2**: People v. Simpson, 1995 WL 686429.

¹⁶⁵ **Meta-discourse** (...): ‘*let’s talk*.’

¹⁶⁶ **Recurring Refrain** (...): ‘*reasonable doubt*.’

¹⁶⁷ **Allusion** {...}: here, Cochran provides the official definition here for the juridical stipulation of reasonable doubt. He prefaces this by reminding the jurors of a previous encounter (during *voir dire*) when they had discussed the concept of reasonable doubt together.

¹⁶⁸ **Epizeuxis** (...): the word ‘*many*’ is repeated five times in a row by Cochran for rhetorical emphasis.

¹⁶⁹ **Apophasis** {...}: Cochran contends that there is only one ‘*reasonable*’ verdict that can be given based on the prevailing legal precept of reasonable doubt.

¹⁷⁰ **Extract B3**: People v. Simpson, 1995 WL 686429.

¹⁷¹ **Parallelism**, **Tautology** and **Repetition** (...): ‘*somebody.. may say*,’ ‘*somebody else might say*,’ ‘*somebody else may say*,’ ‘*somebody else will say*,’ ‘*somebody says*.’

¹⁷² **Mimesis** (...): Cochran creates a series of profiles that personally appeal to each of the jurors: ‘*well, you know, I have some suspicions*,’ ‘*well, it is less than likely* [...],’ ‘*well, you know, he is probably not guilty* [...],’ ‘*it is unlikely he is guilty* [...],’ ‘*I don’t trust the police* [...].’

else may say), {*well, it is less than likely, but you know, I don't know, I mean, they didn't convince me beyond a (reasonable doubt)*¹⁷³ }. And (*somebody else might say*), {*well, you know, he is probably not guilty based upon this evidence*}. (*Somebody else will say*) {*it is unlikely he is guilty. No way in the world is he ever going to go over and kill the mother of his children under these circumstances. (The timeline shatters their case)*¹⁷⁴ }. (*Somebody says*) {*I don't trust the police. Fuhrman was central. I don't trust Vannatter. It is the messengers*¹⁷⁵ *and their message. It just doesn't fit. Something is wrong. (There is a cancer here)*¹⁷⁶ }.

Cochran summarizes his logical argument in his peroration by posing a streak of fifteen **erotemas** to the lead prosecutor, Marcia Clark (employing **digestion**), which effectively summarize the defense's rebuttals to the prosecution's charges. Cochran's implementation of **digestion** and **erotemas** is analogous to Socrates' direct address and elenctic dialogue with Meletus. The first two **erotemas** are cited, which are accompanied by figures of **anaphora** and **epizeuxis**. Notably, Cochran's previous **apostrophe** to Chris Darden in **Extract B1**, alongside the string of fifteen **erotemas** posed to Marcia Clark, which are both underpinned by the prevailing legal precept of 'reasonable doubt,' are comparable to Socrates' polemic of Meletus:¹⁷⁷

Extract B4¹⁷⁸

1). { *Why*¹⁷⁹, *there on the monitor, did the blood show up on the sock almost two months after a careful search for evidence? And why, as demonstrated by Dr. Lee and Professor MacDonnell, was the blood applied when there was no foot in it? (Do you think that is a fair question in this case?)*¹⁸⁰ Let's see if she can answer that question.

2). { *Why was Mark Fuhrman, a detective who had been pushed off the case, a person who went by himself to the Bronco over the fence to interrogate Kato to discover the glove and the (thump, thump, thump)*¹⁸¹ *area?* }

¹⁷³ **Recurring Refrain (...):** 'reasonable doubt.'

¹⁷⁴ **Metaphor (...):** 'the timeline shatters their case.'

¹⁷⁵ **Polyptoton:** 'messengers' and 'message.'

¹⁷⁶ **Metaphor (...):** 'there is a cancer here.'

¹⁷⁷ Extracts **A1** and **A2**.

¹⁷⁸ **Extract B4:** People v. Simpson, 1995 WL 686429.

¹⁷⁹ **Anaphora:** 'Why.'

¹⁸⁰ **Erotema and Digestion {...}: in concluding his peroration, Cochran offers a string of successive rhetorical questions that effectively summarize his defense that focus on the prevailing concept of 'reasonable doubt.'**

¹⁸¹ **Epizeuxis (...):** 'thump, thump, thump.'

iii. **Review**

At the practical level, both *rhetores* manifest a variety of correlating devices in their individual appeals to *logos*, such as **anaphora, anecdote, antirrhesis, antithesis, apostrophe, erotema, irony, metaphor, mimesis, parallelism, polyptoton, polysyndeton, recurring refrain, repetition, tautology, tricolon** (for a total of sixteen). In comparison, whereas Socrates employs **analogy, epithet, hypophora, isocolon, litotes, paradox, synecdoche** and **syntheton** (equaling eight), Cochran uses **allusion, anidiplosis, apophasis, digestion, epizeuxis, enargeia, enthymeme**, and **meta-discourse** (also equaling eight). Notably, through his use of **analogies**, Socrates exercises what Sam Leith describes as an ‘extraordinarily common appeal to *logos*.’¹⁸² Alongside the three examples analyzed in this section, Socrates also analogizes himself as one who ‘attaches himself to the city as a gadfly to a horse,’ in his exhortation of truth, virtue and proper human conduct.¹⁸³

In their respective appeals to *logos*, both Socrates and Cochran also employ analogous rhetorical strategies that are characteristic of judicial oratory, such as the deployment of commonplace, or rhetorical *topoi*. Socrates, on the one hand, utilizes both **anecdote** and **synecdoche** to highlight a shared, culturally-specific experience with his Athenian audience (in the form of the oligarchic government ruled by the Thirty Tyrants). Cochran, on the other, draws upon commonplace by continuously dictating the formulaic phrases ‘common sense’ and ‘reasonable doubt,’ which appeal to the rationality of the jurors. The latter refrain, which is a standard stipulation of contemporary judicial rhetoric, is further amplified by an **allusion** to its legal definition that is cited twice in the latter stages of his *Closing Argument*.¹⁸⁴ According to Peter O’Connell, ‘although there was no reasonable-doubt rule in the Athenian courts, litigants routinely appeal to another kind of reasonableness, claiming that jurors should accept conclusions based on logical arguments as supplements to, and sometimes as replacements for, decisive evidence [...] modern scholars call them “*eikos* arguments”.’¹⁸⁵

The engagement in personal invective and the vociferous refutation of the interlocutor’s argument represent two more common appeals to *logos* that are demonstrated by both litigants.¹⁸⁶ For example, in Extract **B1**, whilst engaged in a direct dialogue with Chris Darden (**apostrophe**), and in discussing the timeline following the murder, Cochran exclaims that ‘nobody here believes it,’ in response to Darden’s specious version of events. In this particular scenario, Cochran is emphatic about his understanding of Simpson’s whereabouts, which is emphasized rhetorically by his pleonastic categorization of Simpson’s conduct. According to Aristotle, who alludes specifically the Attic litigant Isocrates, speakers often make such blanket statements such as “who doesn’t know” and “everyone knows,” and often speak on behalf of their listeners, ‘for the hearer agrees, because he is to appear not to share what is a matter of common knowledge.’¹⁸⁷ Such examples to support these claims are ubiquitous throughout the

¹⁸² Leith 2011; 60.

¹⁸³ Pl. *Ap.* 30e.

¹⁸⁴ This definition was provided by the court and presented to the jury during the trial.

¹⁸⁵ O’Connell 2017; 122.

¹⁸⁶ According to Slings 1994; 49: ‘In a defense, the proof will be the refutation of the arguments presented by the accuser.’

¹⁸⁷ Arist. *Rh.* III. 7. 7.

extant corpus of Attic legal speeches.¹⁸⁸ According to Ober, in classical Athens, the notion that ‘everybody knows something,’ – which he defines as the ‘everybody knows’ *topos* – directly appealed to democratic ideology: ‘because the jury’s decision stood for the decision of the society as a whole, it was regarded as right that society’s opinion be taken into consideration by a jury.’¹⁸⁹

The implementation of **enargeia**, which orators often employ to create a mental picture of an imagined and appropriate scene, represents another common appeal to **logos** exhibited by Cochran. In Extract **B1**, Cochran’s deployment of successive **erotemas**, which complement the hypothetical scene he portrays for the jurors, leads them to imagine themselves as though they were in the place of the Defendant, thus creating a sympathetic character on his behalf (**ethopoeia**). Cochran’s strategy is analogous to Aeschines’ performance in his *Against Ktesiphon*, who implores the jurors six times to ‘imagine’ they see something.¹⁹⁰ O’Connell describes how these rhetorical strategies were deployed in classical Athens:

‘Rather than denying the jurors the possibility of knowing things they failed to witness [...] they developed rhetorical strategies to exploit the jurors’ lack of firsthand knowledge. Through language and the power of suggestion, the speakers try to make the (susceptible) jurors visualize their version of events and accept it as true.’¹⁹¹

Continuing with his focalization on the jurors’ imaginations, in Extract **B3**, Cochran articulates a series of hypothetical positions that supposedly represent the appropriate verdicts of the jurors. By creating an intimate form of address with every type of potential juror, and by vocalizing an individual profile that corresponds specifically to each of them, Cochran encourages his listeners to dispute the authoritativeness of the prosecutions’ charges. Thus, in referring to their thoughts as if they had been made apparent to him, and by imagining the whole gamut of their emotions, Cochran not only cultivates a connection with them, but he also helps them to draw favorable conclusions based on their own imagined presences in the scene. O’Connell collectively describes these appeals to the visual imaginations of one’s audience as the ‘language of imaginary sight,’ which was a rhetorical technique often employed by the Attic orators in their respective appeals to *logos*.¹⁹² By comparison, Socrates does not encourage the jurors to personalize their imaginations; instead, he implores them to recognize his own emotional suffering by consistently presenting himself as the focal point for his discourse.

¹⁸⁸ For example: Isoc. 3. 16.: ‘*everyone would admit.*’ Trans. G. Norlin (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1928); Isae. 4. 27.: ‘*as everyone knows.*’ Trans. E. S. Forster (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1927); Hyp. 4. 22.: ‘*everyone else in the city would know the facts.*’ Trans. J. O. Burt (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1954).

¹⁸⁹ Ober 1989; 150.

¹⁹⁰ Aes. 3. 153; Aes. 3. 157; Aes. 3. 180; Aes. 3. 212; Aes. 3. 220; Aes. 3. 257. Trans. C. D. Adams (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1919)

¹⁹¹ O’Connell 2017; 123.

¹⁹² Ibid. 119.

Section III: Pathos

i. Definition

‘The orator persuades by means of his hearers, when they are roused to emotion by his speech; for the judgements we deliver are not the same when we are influenced by joy or sorrow, love or hate; and it is to this alone that, as we have said, the present-day writers of treatises endeavor to devote their attention.’¹⁹³

Pathos, the “emotional appeal,” refers to the speaker’s appeal to the emotional character of their audience.¹⁹⁴ The speaker invokes *pathos* (an emotional response) in order to frame the emotions of their audience in a favorable way. Speakers use *pathos* to their advantage by eliciting feelings of pity or sympathy on their own behalf or to rouse hostility and contempt towards their adversaries, thus effectively securing the goodwill of their audience. Speakers often conjure *pathos* through evocative, sensory imagery and vivid descriptions (**enargeia**) so as to capture the imaginations and emotions of one’s audience. Like *ethos*, *pathos* is induced often most in the introduction and peroration of one’s speech.

ii. Analysis

In his introductory appeal to *pathos*, Socrates ostensibly conjures pity with figures of **repetition**, **metaphor**, **analogy**, **anacolouthon**, **antithesis**, **syntheton** and **parallelism**. According to Carey, and as demonstrated by Socrates, ‘the speaker will often use the *proemium* to lay the claim to qualities which the audience will respect, or stress the disadvantages of his situation as a claim to sympathy’:¹⁹⁵

Extract A1¹⁹⁶

For the fact is this is the first time I have come before the court, although I am seventy years old; *{I am therefore an utter foreigner¹⁹⁷ to the manner of speech here}*¹⁹⁸. Hence, just as you would, of course, *{if I were really a foreigner}*¹⁹⁹, pardon me if I spoke in that dialect and that *manner*²⁰⁰ which I had been brought up, so now I make this request of you, a fair one, as it seems to me, that you disregard the *manner* of my speech – *{for perhaps it might be worse and perhaps better}*²⁰¹ – and *(observe and pay attention)*²⁰² merely to this, whether what I say is *{just or not}*²⁰³; *{for that is the virtue of a judge}*²⁰⁴, and an *{orator’s virtue is to speak the truth}*.

¹⁹³ Arist. *Rh.* I. 2. 5.

¹⁹⁴ Toye 2013; 14.

¹⁹⁵ Christopher Carey “Rhetorical Means of Persuasion” in *Greek Persuasion in Action*, ed. I. Worthington (London: Routledge Press, 1994), 26.

¹⁹⁶ **Extract A1**: Pl. *Ap.* 17d–18a.

¹⁹⁷ **Repetition**: Socrates characterizes himself as a ‘foreigner’ (*xenōs*) twice in his *proemium*.

¹⁹⁸ **Metaphor** {...}: ‘*I am therefore an utter foreigner to the manner of speech here.*’

¹⁹⁹ **Analogy** {...}: ‘*if I really were a foreigner.*’

²⁰⁰ **Repetition**: ‘*manner.*’

²⁰¹ **Anacolouthon** and **Antithesis** {...}: ‘*for perhaps it might be worse and perhaps better.*’

²⁰² **Syntheton** (...): ‘*observe and pay attention.*’

²⁰³ **Antithesis** {...}: ‘*just or not.*’

²⁰⁴ **Parallelism** {...}: Socrates rhetorically connects his own duties as an orator to the duties of his listeners.

Socrates continues to elicit pity by emphasizing the futility of his defense, supported by examples of **anaphora**, **repetition**, **syntheton**, **antimetabole**, **anacolouthon**, **tautology**, **metaphor**, **paradox**, **recurring refrain** and **antithesis**:

Extract A2²⁰⁵

*And*²⁰⁶ all those who *persuaded*²⁰⁷ you by means of (*envy and slander*)²⁰⁸ – {*and some also persuaded others because they had been themselves persuaded*}²⁰⁹ – all these are most difficult to cope with; for it is not even possible to call any of them up here and *cross-question*²¹⁰ him, but {*I am compelled in making my defense to fight*}²¹¹, as it were, {*absolutely with shadows*}²¹² {*and to cross-question when nobody answers*}²¹³ [...] Well, {*then I must make a defense*}, (*men of Athens*)²¹⁴, and must try {*in so short a time*}²¹⁵ {*to remove from you this prejudice*}²¹⁶ {*which you have been for so long a time acquiring*}.

Socrates attempts to instill feelings of anger by engaging in the vituperation of his calumniators, utilizing **anaphora**, **polysyndeton**, **tricolon**, **metaphor**, **antithesis**, **parallelism**, **aporia**, **repetition**, **recurring refrain** and **paradox**. As was common for a Defendant in the classical period, who generally spoke after the prosecutors, Socrates attempts to secure the goodwill of his listeners by ‘neutralizing the hostilities’ against him registered by the opposing litigants:²¹⁷

Extract A3²¹⁸

²⁰⁵ **Extract A2**: Pl. *Ap.* 18d–19a.

²⁰⁶ **Anaphora**: ‘*and*.’

²⁰⁷ **Repetition**: the repeated word ‘*persuaded*’ carries a pejorative connotation in this context. Socrates emphasizes that the jurors have been persuaded based on false testimonies (‘*by means of envy and slander*’).

²⁰⁸ **Syntheton (...)**: ‘*envy and slander*.’

²⁰⁹ **Antimetabole** and **Anacolouthon {...}**: ‘*and some also persuaded others because they themselves had been persuaded*.’ Socrates employs these imbricating rhetorical devices to highlight the pitiful ways in which his peers have been persuaded.

²¹⁰ **Repetition**: Socrates emphasizes his own persuasive method of **dialectic** by repeating the word ‘*cross-question*.’

²¹¹ **Tautology {...}**: ‘*I am compelled in making my defense*’ and ‘*I must make a defense*.’ Both tautological quotations, which are delivered in the imperative mood, reinforce the notion that Socrates has been forced into the courtroom by his peers.

²¹² **Metaphor {...}**: ‘*absolutely with shadows*.’

²¹³ **Paradox {...}**: ‘*and to cross-question when nobody answers*.’ This **paradox** illuminates Socrates’ preference to deploy **dialectic** over conventional, forensic speechifying.

²¹⁴ **Recurring Refrain (...)**: ‘*men of Athens*.’

²¹⁵ **Antithesis {...}**: here again, Socrates highlights the futility of his defense based on the format of the legal trial. Thus, he must attempt to convince his peers ‘*in short a time*’ and ‘*remove*’ them from the ‘*prejudice*’ which they have held against him ‘*for so long a time*.’

²¹⁶ **Metaphor {...}**: ‘*to remove you from this prejudice*.’

²¹⁷ Carey 1994; 28.

²¹⁸ **Extract A3**: Pl. *Ap.* 23a–24a.

{*They*²¹⁹ *are jealous of their honor and*²²⁰ *energetic and speak concertedly and persuasively about me*}²²¹, {*they have filled your ears*}²²² {*both long ago and now*}²²³ with vehement slanders. {*From among them Meletus attacked me, and Anytus and Lycon*}²²⁴, {*Meletus angered on account of the poets, and Anytus on account of the artisans and the public men, and Lycon on account of the orators*}²⁸; so that, as I said in the beginning, I should be surprised if I were able to {*remove this prejudice from you*}²²⁵ {*in so short a time when it has grown so great*}²²⁶. There you have (*the truth*)²²⁷, (*men of Athens*)²²⁸, and²²⁹ I speak without hiding anything from you, {*great or small or prevaricating*}²³⁰. {*And yet I know pretty well that I am making myself hated by just that conduct*}²³¹; which is also a proof {*that I am speaking (the truth) and that this is the prejudice against me and these are its causes*}²³².

In the following three-sentence extract, Socrates injects a litany of rhetorical devices again intended to stir *pathos*, including **anaphora**, **paradox**, **repetition**, **polypoton**, **antithesis**, **tricolon**, **aporia**, **antimetabole**, **anacolouthon**, **recurring refrain**, **meta-discourse**, **litotes**, **metaphor** and the emphatic, repetitive juxtaposition of the personal pronouns “I,” “me” and “you.” Notably, the increasing **tricolon**, or **tricolon crescens**, produces a climactic and metrical rhetorical effect that solidifies his emotional appeal:

Extract A4²³³

²¹⁹ **Anaphora**: ‘*they*.’

²²⁰ **Polysyndeton**: Socrates’ consistent repetition of the word ‘*and*’ is employed to illuminate the dishonorable qualities of his adversaries that have subsequently led to this trial.

²²¹ **Tricolon {...}**: Socrates characterizes his calumniators as ‘*jealous of their honor and energetic and speak concertedly and persuasively about me*.’

²²² **Metaphor {...}**: ‘*they have filled your ears*.’

²²³ **Antithesis {...}**: ‘*both long ago and now*.’ As in the previous extract, Socrates underscores the extent of time that these false claims have been held against him in his appeals to *pathos*.

²²⁴ **Tricolon and Parallelism {...}**: these two, successive **tricolons**, which are parallel in structure, explain why Socrates has been brought to court. This instance is the first and only times Socrates’ foremost calumniators are mentioned together explicitly.

²²⁵ **Metaphor {...}**: the metaphor ‘*remove this prejudice from you*’ is repeated from the previous extract.

²²⁶ **Aporia and Antithesis {...}**: again, Socrates articulates his own doubts as to whether he will be able to convince the jury based on the indictments brought against him which have grown in intensity over time.

²²⁷ **Repetition (...)**: as in the first four lines of the *exordium*, Socrates emphasis on the ‘*the truth*’ is rhetorically highlighted through the **repetition** of the phrase.

²²⁸ **Recurring Refrain (...)**: ‘*men of Athens*.’

²²⁹ **Polysyndeton**: ‘*and*.’

²³⁰ **Tricolon and Antithesis {...}**: ‘*great or small or prevaricating*.’

²³¹ **Paradox {...}**: Socrates simultaneously emphasizes the futility of his defense whilst implicitly criticizing his listeners in stating that, by declaring the truth to them, he is paradoxically ‘*making myself hated by just that conduct*.’

²³² **Tricolon {...}**: ‘*that I am speaking the truth and that this is the prejudice against me and these are its causes*.’

²³³ **Extract A4**: Pl. Ap. 30c–30d.

{*For*²³⁴ know that if you kill me *I*²³⁵ being such a man as *I* say *I* am, {*you will not (injure*²³⁶ *me)*²³⁷ *so much as yourselves*}²³⁸, *for* neither Meletus nor Anytus could (*injure me*) that would be impossible, *for* I believe it is not God's will that a {*better man be injured by a worse*}²³⁹. He might, however, perhaps {*kill me or banish me or disfranchise me*}²⁴⁰; and perhaps he thinks he would thus inflict *great*²⁴¹ *injuries* upon me, {*and others may think so, but I do not*}²⁴²; I think he does himself a much *greater injury* {*by doing what he is doing now*}²⁴³– {*killing a man unjustly*}²⁴⁴. And so, (*men of Athens*)²⁴⁵, {*I am now making my defense*}²⁴⁶ {*not for my own sake, as one might imagine, but far more for yours*}²⁴⁷, {*that you may not be condemning me*}²⁴⁸ {*err in your treatment of the gift the God gave you*}²⁴⁹.

In comparison, Cochran issues his first emotional plea by implementing **ethopoeia** – the delineation of character and representation of a person's manners or morals – reinforced by examples of **epistrophe**, **antithesis**, **polyptoton**, **tautology**, **cataphora**, **metaphor** and **repetition**:

Extract B1²⁵⁰

²³⁴ **Anaphora**: '*for*.'

²³⁵ **Repetition**: throughout this extract, the **repetition** of the personal pronoun '*I*' is contrasted to the pronoun '*you*' for rhetorical effect.

²³⁶ **Polyptoton**: Socrates inserts the cognates '*injure*,' '*injured*' and '*injuries*' for rhetorical emphasis. Socrates understands that, even though he will most likely face execution if convicted, whilst his body will be '*injured*,' he will not be defeated entirely on account of his philosophy.

²³⁷ **Repetition (...)**: '*injure me*.'

²³⁸ **Paradox {...}**: in classic Socratic, paradoxical manner, Socrates claims that by convicting him, his audience will '*not injure me so much as yourselves*.' Here, Socrates uses fear and intimidation against the Athenians in an indecorous appeal to *pathos*.

²³⁹ **Antithesis {...}**: in this figure, Socrates refers to himself as a '*better man*' opposed to his adversaries: '*a worse [man]*.'

²⁴⁰ **Tricolon {...}**: '*kill me or banish me or disfranchise me*.'

²⁴¹ **Polyptoton**: '*great*' and '*greater*.'

²⁴² **Aporia {...}**: '*and others may think so, but I do not*.' Here, Socrates again highlights the dichotomy between himself and his accusers.

²⁴³ **Antimetabole {...}**: '*by doing what he is doing now*.'

²⁴⁴ **Anacolouthon {...}**: Socrates abruptly switches from employing the verb '*injure*' to the verb '*kill*' for emphasis. The use of **anacolouthon** rhetorically stresses the gravity of the consequences he faces if convicted.

²⁴⁵ **Recurring Refrain (...)**: '*men of Athens*.'

²⁴⁶ **Meta-discourse {...}**: '*I am now making my defense*.'

²⁴⁷ **Paradox {...}**: the repeated **paradox** here is striking: Socrates implores his audience to acquit him, not for '*my own sake*,' but for '*far more for yours*.'

²⁴⁸ **Litotes {...}**: '*that you may not be condemning me*.' The use of **litotes** here is pertinent, and tied to the preceding use of **paradox**: Socrates rhetorically emphasizes that his jurors should choose *not* to condemn him, instead of asking them to acquit him.

²⁴⁹ **Metaphor {...}**: '*err in your treatment of the gift the God gave you*.'

²⁵⁰ **Extract B1**: People v. Simpson, 1995 WL 686429.

Now, in this case, you're aware that we represent (*Mr. Orenthal James Simpson*).²⁵¹ {*The Prosecution never calls him (Mr. Orenthal James Simpson)*}²⁵². {*They call him Defendant*}. {*I want to tell you right at the outset that (Orenthal James Simpson), like all defendants, is (presumed to be innocent)*}²⁵³ }²⁵⁴ [...] As he sits over there now, {*he's cloaked in a (presumption of innocence)*}²⁵⁵ [...] But he's (*Orenthal James Simpson*).²⁵⁶ He's not just the *Defendant*²⁵⁷, and we on the *Defense*⁵ are proud, consider it a privilege to have been part of representing him in this exercise and this {*journey towards justice*}²⁵⁸.

Supplementing his emphasis on **ethopoeia**, Cochran continues to stir pity with a string of five consecutive **erotemas** posed to the jury, accompanied by **anaphora**, **repetition**, **polysyndeton**, **epizeuxis**, **tautology** and **polyptoton**:

Extract B2²⁵⁹

Let me ask each of you a question. { (*Have you ever*)²⁶⁰ *in your life been (falsely accused)*²⁶¹ *of something?*}²⁶² { (*Have you ever*) *been (falsely accused) ?* } {*Ever had to sit there and*²⁶³ *take it and watch the proceedings (and wait and wait and wait)*²⁶⁴, *all the while (knowing that you didn't do it?)*²⁶⁵ }²⁶⁶ {*All you could do during such a process is to really maintain*²⁶⁷ *your dignity*²⁶⁸, *isn't that correct?*}²⁶⁹ { (*Knowing that you were innocent*²⁷⁰), *but maintaining your dignity and remembering always that all you're left with*

²⁵¹ **Epistrophe (...)**: the name of the Defendant, Mr. Orenthal James Simpson, is repeated explicitly at the end of successive clauses by Cochran for rhetorical effect.

²⁵² **Antithesis {...}**: in order to stir *pathos* against his interlocutors and to secure sympathy for his client, Cochran articulates that, whilst he refers to his client by name, the prosecutors choose only to employ legal terminology when addressing the '*Defendant*,' thus seemingly dehumanizing him.

²⁵³ **Polyptoton (...)**: '*presumed to be innocent*' and '*presumption of innocence*.'

²⁵⁴ **Tautology and Cataphora {...}**: in addressing the jurors, Cochran deploys **tautology** and **cataphora** to emphasize the prevailing legal stipulation of "innocent until proven guilty."

²⁵⁵ **Tautology and Metaphor {...}**: '*he's cloaked in a presumption of innocence*.'

²⁵⁶ **Repetition (...)**: Cochran again repeats his client's full name '*Orenthal James Simpson*,' for rhetorical emphasis.

²⁵⁷ **Polyptoton**: the cognates '*defendant*' and '*defense*' are dictated by Cochran.

²⁵⁸ **Metaphor {...}**: the recurring **metaphor** '*journey towards justice*' is repeated in this extract.

²⁵⁹ **Extract B2**: *People v. Simpson*, 1995 WL 686429.

²⁶⁰ **Anaphora (...)**: Cochran repeats the phrase '*have you ever*' at the start of two successive clauses.

²⁶¹ **Repetition (...)**: '*falsely accused*.'

²⁶² **Erotema {...}**: Cochran asks his jurors twice whether they have ever been '*falsely accused*' of something in an attempt to create **ethopoeia** on behalf of his client.

²⁶³ **Polysyndeton**: the repetition of '*and*.'

²⁶⁴ **Epizeuxis (...)**: '*and wait and wait and wait*.'

²⁶⁵ **Tautology (...)**: '*knowing that you didn't do it*' and '*knowing that you were innocent*.'

²⁶⁶ **Erotema {...}**: the third successive **erotema** is articulated here.

²⁶⁷ **Polyptoton**: '*maintain*,' '*maintaining*' and '*maintained*,' and '*conduct*' and '*conducted*.'

²⁶⁸ **Repetition**: Cochran consistently highlights his client's '*dignity*.'

²⁶⁹ **Erotema {...}**: the fourth successive **erotema** is given here.

²⁷⁰ **Polyptoton**: akin to Socrates, who inserts the cognates '*true*' and '*truth*' in order to stress his innocence, Cochran uses the cognates '*innocent*' and '*innocence*.'

after a crisis is your conduct during?}²⁷¹ So that's another reason why we are proud to represent this man who's *maintained* his *innocence* and who has *conducted* himself with *dignity* throughout these proceedings.

Akin to Socrates, Cochran attempts to rouse feelings of anger by criticizing the Los Angeles Police Department for their mishandling of evidence and erroneous forensic procedure. Cochran indirectly portrays the lead detective, Mark Fuhrman, as a 'dishonest and corrupt' individual who has 'infected' the investigation (using **synonimia** and **metaphor**). As a result, Cochran simultaneously emphasizes his client's mistreatment, discredits the validity of material evidence, and incites feelings of anger towards a key opposing figure. The rhetorical devices of **anaphora**, **antithesis**, **epizeuxis**, **paralipsis**, **anacolouthon**, and the emotive juxtaposition of the personal pronouns "we" and "they" buttress Cochran's emotional appeal. In this particular instance, Cochran incites an extra pulse of anger by editorializing the scene:

Extract B3²⁷²

We²⁷³ knew what we were talking about. { *We were able to demonstrate it through the videos. They delayed unconscionably routine procedures in notifying the Coroners* }²⁷⁴. { *They didn't call the criminalist out on time and yes, they allowed this investigation to be infected by a (dishonest and corrupt)*²⁷⁵ *detective* }²⁷⁶. They did that in this case. [...] { *Because*²⁷⁷ *of their bungling, they ignored the obvious clues. They didn't pick up paper at the scene with prints on it* }. *Because* of their vanity, they very soon pretended to solve this crime and we think implicated an innocent man, and (*they never, they never ever*)²⁷⁸ looked for anyone else. { *We think if they had done their job as we have done* }²⁷⁹, Mr. Simpson would have been eliminated early on. { *And so this case is not – let me say it at the outset – is not about attacking the Los Angeles Police Department* }²⁸⁰.

In a fitting peroration, Cochran delivers his final emotional pitch with grandiloquent, rhythmic and rhyming prose, employing a string of **metaphors**, figures of **anaphora**, **repetition**, **polyptoton**, **tautology**, **parallelism**, **antithesis**, **maxim** and a poetic **allusion**. The series of imperatives that conclude Cochran's peroration are comparable to Lysias' peroration in his

²⁷¹ **Erotema** {...}: finally, the fifth **erotema** is posed here.

²⁷² **Extract B3**: People v. Simpson, 1995 WL 686429.

²⁷³ **Anaphora**: 'we' and 'they.'

²⁷⁴ **Antithesis** {...}: the **antithesis** between the legal procedure of the defense and prosecution is emphasized here in an attempt to rouse the audience.

²⁷⁵ **Synonimia** (...): the synonyms '*dishonest and corrupt*' indirectly malign a key figure in the case: detective Mark Fuhrman.

²⁷⁶ **Metaphor** {...}: '*they allowed this investigation to be infected.*'

²⁷⁷ **Anaphora**: '*because.*'

²⁷⁸ **Epizeuxis** (...): '*they never, they never ever.*'

²⁷⁹ **Antithesis** {...}: Cochran again emphasizes the contrast between the legal procedures of both litigant parties.

²⁸⁰ **Paralipsis and Anacolouthon** {...}: whilst Cochran stakes his claim that '*this is not about attacking the Los Angeles Police Department,*' this claim cannot be taken entirely at face value, considering the dialogue given before this implicitly criticizes the forensic procedure of the LAPD.

prosecution speech *Against Erastosthenes*: ‘You have heard. You have seen. You have suffered. You have him. Judge’;²⁸¹

Extract B4²⁸²

{*We are going to pass this baton to you soon*}²⁸³. (*You*²⁸⁴ *will do the right thing*)²⁸⁵. {*You have made a commitment for justice*}²⁸⁶. {*You will do the right thing*}. I will someday go on to other cases, no doubt as will Miss Clark and Mr. Darden. Judge Ito will try another case someday, I hope, but this is O.J. Simpson's one day in court. {*By your decision you control his very life in your hands*}²⁸⁷. {*Treat*²⁸⁸ *it carefully. Treat it fairly*²⁸⁹. *Be fair*}²⁹⁰. *Don't*²⁹¹ be part of this continuing cover-up. *Do* the right thing, remembering that { (*if it doesn't fit, you must acquit*)²⁹², {*that if these messengers have lied to you, you can't trust their message*}²⁹³, that this has been a {*search for truth*}²⁹⁴. That no matter how bad it looks, {*if truth is out there on a scaffold and wrong is in here on the throne, when that scaffold sways the future and beyond the dim unknown standeth the same God for all people keeping watch above his own*}²⁹⁵. He *watches*²⁹⁶ all of us and He will *watch* you in your decision.

iii. Review

In their individual appeals to *pathos*, Socrates and Cochran both employ ten corresponding rhetorical devices: **antithesis, metaphor, tautology, polyptoton, repetition, parallelism, anaphora, anacolouthon, recurring refrain** and **polysyndeton**. Furthermore, both *rhetores* insert streams of emotive, juxtaposing, personal pronouns in order to frame the emotions of the audience and create a favorable dichotomy for rhetorical effect. Whereas Socrates employs figures of **aporia, tricolon, analogy, antimetabole, syntheton, paradox, litotes** (for a total of

²⁸¹ Lys. 12. 100.

²⁸² **Extract B4**: People v. Simpson, 1995 WL 686429.

²⁸³ **Metaphor** {...}: ‘*we are going to pass this baton to you soon.*’ Cochran uses the **metaphor** of a relay race, in which the defense is going ‘*to pass*’ the baton to the jurors, thus effectively binding the aim of the speaker to the audience.

²⁸⁴ **Anaphora**: ‘*you.*’

²⁸⁵ **Repetition**: ‘*you will do the right thing.*’

²⁸⁶ **Metaphor** {...}: ‘*you have made a commitment for justice.*’

²⁸⁷ **Metaphor** {...}: ‘*you control his very life in your hands.*’

²⁸⁸ **Anaphora**: ‘*treat.*’

²⁸⁹ **Polyptoton**: ‘*fairly*’ and ‘*fair.*’

²⁹⁰ **Tautology** and **Parallelism**: through tautological and paralleling sentence structure, Cochran implores his audience to be ‘*fair*’ in their verdicts.

²⁹¹ **Anaphora** and **Antithesis**: ‘*do*’ and ‘*don't.*’ These contrasting imperatives are articulated at the start of successive clauses in Cochran’s final plea to the jurors.

²⁹² **Maxim**: ‘*if it doesn't fit, you must acquit.*’

²⁹³ **Allusion** {...}: the biblical **allusion** (emanating from an unknown source) indirectly attacks Cochran’s adversaries.

²⁹⁴ **Metaphor** {...}: ‘*a search for truth.*’

²⁹⁵ **Allusion** {...}: from James Russell Lowell, “The Present Crisis,” in *The Poetical Works of James Russell Lowell: Volume 1* (Boston: Ticknor and Fields, 1857), 159–164.

²⁹⁶ **Polyptoton**: ‘*watches*’ and ‘*watch.*’

seven), Cochran uses **epistrophe**, **epizeuxis**, **cataphora**, **erotema**, **synonimia**, **paralipsis**, **maxim** and **allusion** (equaling eight).

Both *rhetoires* demonstrate concerted efforts to elicit pity from their audiences. For Cochran, this is achieved principally through the implementation of **ethopoeia**, which he first deploys in highlighting the different ways that the prosecution and defense address the Defendant.²⁹⁷ Moreover, echoing Lysias in his *For Polystratos*, Cochran also draws upon **ethopoeia** by directing the jurors' visual attention towards the Defendant as a claim to sympathy.²⁹⁸ Third, by injecting five consecutive **erotemas**, Cochran generates *pathos* for his client by asking the jurors if they have ever been 'falsely accused.'²⁹⁹ Cochran's visual appeal to the imaginations of his jurors, coupled with his ability to evoke in them the same feelings (or apparent feelings) of the Defendant, is similar to Demosthenes' strategy in *Against Conon*, whom, according to Christopher Carey, 'induces the jurors to register the feelings they would have if they themselves were the victims.'³⁰⁰

By comparison, Socrates tries to engender feelings of pity on account of his old-age and unfamiliarity with the common vernacular of the court by characterizing himself as a 'foreigner' (*xenōs*) in his *prooemium*.³⁰¹ According to Carey, who cites correlating examples from Demosthenes, Antiphon and Lysias, classical orators often highlight their own 'inexperience' in the law-courts as well as the 'magnitude of the danger facing them' so as to induce pity from their audience.³⁰² With specific reference to the *Apology*, Craig Cooper posits that the adverb *atechnōs* 'carries a double sense' which appeals directly to *pathos*: 'Socrates' foreignness to and unfamiliarity with the language of the court comes from him being *atechnōs*, completely artless in his presentation.'³⁰³ Dissimilar to his interlocutors who have composed their 'speeches with finely tricked out with words and phrases,' Socrates alienates himself from his Athenian audience by refusing rhetorically to project himself in the traditional manner; instead, he asserts that he speaks 'at random with the words that happen to occur to me.'³⁰⁴ Thus, in spite of his explicit attempts to elicit pity, Socrates counteracts these emotional appeals by rhetorically comporting himself to a higher standard than his peers. For example, Socrates delivers a blunt, antagonistic blow to mass conceptions of proper, democratic, litigious discourse by consistently illuminating the dichotomy between his own truthful plea (**dialectic**) and the false plea of his prosecutors (speechifying) – the former searching for 'truth' and 'justice' whilst the latter simply

²⁹⁷ Extract **B1**.

²⁹⁸ Lys. 20. 3: 'But you see of what age he is: it is one that fits him rather to restrain others from such proceedings.'; For Cochran, see Extract **B1**: 'as he sits over there now, he's cloaked in a presumption of innocence.'

²⁹⁹ Extract **B2**.

³⁰⁰ Carey 1994; 30. See: Dem. 54. 42. Trans. A. T. Murray (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1939).

³⁰¹ Pl. Ap. 17d: *atechnōs oun xenōs echo tēs enthade lexeōs*. Translation: "I am therefore an utter foreigner to the manner of speech here."

³⁰² Carey 1994; 28. For inexperience in law-courts, see: Dem. 41. 2.; Antiph. 1. 1. Trans. K. J. Maidment (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1941); Isae. 10. 1.; for the dangers they face: Lys. 19. 1. Trans W. R. M. Lamb (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1930).

³⁰³ Cooper 2010; 205.

³⁰⁴ Pl. Ap. 17b; Pl. Ap. 17c.

seeks a scapegoat.³⁰⁵ Additionally, in an emphatic **paradox**, which implicitly attacks the Athenian jurors, Socrates proleptically concedes that by declaring the truth to his audience, he will consequently – and counterintuitively – sequester himself in becoming an object of aversion.³⁰⁶

Next, echoing Aristotle, Cochran ostensibly conjures feelings of anger from his audience through his admonishing and evocative diction: ‘clearly, the orator will have to speak so as to bring his hearers into a frame of mind that will dispose them to anger, and to represent his adversaries as open to such charges and possessed of such qualities as do make people angry.’³⁰⁷ There is an organic character to Cochran’s use of apotroptic rhetoric which seems to emerge naturally from his disposition – one that not only appeals to the emotional character of his audience, but also, one that gives verisimilitude to his argument. This notion is supported by a recent analysis of the *Closing Argument* which suggests that Cochran exhibits ‘stylistic, rhetorical choices that are common in African-American communication patterns,’ including ‘rhyme’ and ‘rhythm.’³⁰⁸ These phonetics play an important role in Cochran’s peroration; for example, the mnemonic and aphoristic **maxim**: ‘if the glove don’t fit, you must acquit.’³⁰⁹ Cochran’s use of visual demonstration was common practice for Athenian litigants, who often ‘exploit[ed] jurors’ prejudices by directing their eyes towards visual features seemingly favorable to themselves and unfavorable to their opponents.’³¹⁰

Cochran again conjures feelings of anger further by engaging in the malicious character assassination of detective Mark Fuhrman, whom he indirectly castigates as a ‘dishonest’ and ‘corrupt’ individual in Extract **B3**, which is comparable to Socrates’ vitriol that is directed towards his accusers (for example, Extract **A3**). These negative portrayals of Fuhrman, which play a key part in the defense’s strategy to cast doubt upon the authenticity of his testimony, are based entirely on previous allegations of racism that come to light during the trial. By exposing and focusing on Fuhrman’s “racist” character, Cochran encourages the jury, which was composed largely of ethnic minorities, to feel as though they had been personally discriminated against by Fuhrman – much like the traditional classical orator.³¹¹ Cochran’s vilification of Fuhrman serves not only to evoke an emotional response, but also to strengthen the plausibility of the indictments levied against him, as well as the Los Angeles Police Department, whom he effectively represented. Cochran’s framing of Fuhrman as a key, antagonistic figure is analogous to several well-known characterizations that were created by classical litigants, which include

³⁰⁵ Harvey Yunis, “Plato’s Rhetoric” in *A Companion to Greek Rhetoric*, ed. I. Worthington (West Sussex: Blackwell Publishing, 2010), 79.

³⁰⁶ Pl. *Ap.* 19a.

³⁰⁷ Arist. *Rh.* 1380a.

³⁰⁸ Felicia R. Walker, “An Afrocentric Rhetorical Analysis of Johnnie Cochran’s Closing Argument in the O. J. Simpson Trial” in *Understanding African American Rhetoric: Classical Origins to Contemporary Innovations*, ed. R. L. Jackson II and E. B. Richardson (London: Routledge Press, 2003), 251.

³⁰⁹ *People v. Simpson*, 1995 WL 686429.

³¹⁰ O’Connell 2017; 25.

³¹¹ According to Carey 1994; 29: ‘commonly the audience is made to feel that they have been wronged personally’ by the classical orator.

‘the shameless and relentless Simon of Lysias 3, the greedy and petty Diogeiton of Lysias 32, the violent and drunken Conon in Demosthenes 54.’³¹²

Finally, in their respective perorations, both Socrates and Cochran elicit fear from their audiences by reminding them that they are making judgements under the eyes of their gods. According to Carey, who cites specific examples from Demosthenes and Aeschines, ‘classical litigants often insist that a judgement for the opponent will open the door to unbridled wrongdoing.’³¹³ Nonetheless, symbolically, whereas Cochran implores his audience to act decorously and to ‘not take part of this continuing cover-up,’ by comparison, Socrates intimidates his Athenian audience by claiming that ‘I am now making my defense, not for my own sake, as one might imagine, but far more for yours.’³¹⁴ Thus, as has often been observed in this paper, whereas Cochran exhibits a seemingly orthodox approach to *pathos*, Socrates tends to stray away from normative rhetorical practice.

Conclusions

A speech written with art, not spoken with truth.

*Gorg. Hel. 13.*³¹⁵

The first paragraph of Socrates’ self-defense speech introduces a fundamental opposition between Socrates who tells the truth and his accusers who lie. For Socrates, the dichotomy between true and false speech effectively juxtaposes the two opposing litigant parties – a notion supported rhetorically by the repetition of the word ‘true’ or its cognate four times in the opening four sentences.³¹⁶ The central impetus for his discourse was to disseminate a new philosophy and its corresponding program of rhetoric (**dialectic**) to his fellow Athenians, and to present the latter in contrast to the conventional speechifying (*logon epideixis, phonaskia*) of his interlocutors who acted on behalf of the Athenians at large.³¹⁷ Thus Socrates, who is compelled to make a defense in the Athenian law-courts by his peers, seizes the rhetorical opportunity to redirect his own charges towards the Athenians themselves (in typical Socratic fashion). Accordingly, his legal defense transforms into a meta-reflective and philosophical inquiry into various social, linguistic, ideological and ethical issues at the heart of Athenian society, in which Socrates – akin to the Athenian in Plato’s *Laws* – exhorts his peers to pursue truth, ‘the first of all goods, for gods as well as for men.’³¹⁸

³¹² These examples are adduced by Carey 1994; 43.

³¹³ For Socrates, see Extract **A4**: ‘err in your treatment of the gift the God gave you’; For Cochran, see Extract **B4**: ‘He watches all of us and He will watch you in your decision’; Carey 1994; 32. For Athenian Orators, see: Dem. 19. 342 ff.; [Dem.] 59.112–113; Aes. 1.192.

³¹⁴ For Cochran: Extract **B4**; For Socrates: Pl. *Ap.* 30d.

³¹⁵ *Gorg. Hel.* 13. Trans. L. Van Hook (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1945).

³¹⁶ Pl. *Ap.* 17a–17b.

³¹⁷ According to Lene Rubenstein, Athenian litigants acted on behalf of a larger group whose interests they effectively represented (Lene Rubenstein, *Litigants and Cooperation: Supporting Speakers in the Courts of Classical Athens*, Stuttgart: Franz Steiner Verlag Stuttgart, 2000, pp. 24–75).

³¹⁸ Pl. *Laws.* 5. 730c. Trans. R. G. Bury (Loeb Classical Library Edition. Cambridge: Harvard University Press, 1926).

The modern scholar of rhetoric, however, is often perplexed by Socrates and his portrait imparted in the *Apology*, and forced to grapple with rhetorical inversions and paradoxes that have polarized ancient and contemporary scholarship. First, in spite of his depiction throughout the Platonic literature as a man utterly committed to Athenian society, Socrates subverts the conventions of Athenian jurisprudence by explicitly refusing to adopt the rhetoric of the court; instead, he chooses to employ **dialectic** over the traditional, verbal exhibitionism of his interlocutors. Next, in discounting the so-called “Gorgianic” rhetoric of his calumniators, Socrates himself deploys many of the canonical commonplaces, techniques and devices that are characteristic of Athenian forensic rhetoric.³¹⁹ In discussing these rhetorical paradoxes, O’Connell suggests that Athenian litigants ‘often paradoxically insist on the unreliability of language, or *logos*, their own special skill’ – by which O’Connell means that they both claim *logos* as their skill, but undercut it in the courts.³²⁰ In comparison, the pioneering scholar of rhetoric George Kennedy postulates that ‘traditional rhetoric was already so deeply implanted in the Greek consciousness that there was no question of any successful deviation from it.’³²¹ Socrates’ inability to omit the features of rhetoric from his discourse, despite his explicit attempts, represents to Kennedy ‘the great[est] significance in the history of rhetoric.’³²²

Ironically, Socrates himself flourished at the very time when classical rhetoric was first conceptualized as a formal discipline in Athens. The fundamental anchoring of democratic government in the late fifth-century B.C.E., which required individual participation in political assemblies (such as the *ekklesia*) and the law-courts (*dikasteria*), both as jurors and litigants, gave rise to this systematized rhetorical practice which Socrates attempts to eschew. Paradoxically, these rhetorical inversions, which were understood to foster contention in classical Athens, are implemented, according to Socrates, ‘for the sake of my good name and yours and that of the whole state.’³²³ As a result, certain scholars have summarily dismissed these rhetorical inversions as indications of Socratic haughtiness or brinksmanship: Socrates’ contemporary Xenophon, for example, specifically blames the ‘arrogance’ (*megalegoria*) of his speech for his execution in his exegesis of the *Apology*.³²⁴

Nonetheless, despite modern scholars who argue to the contrary, the *Apology* is itself a philosophical disquisition – an enactment of Socratic philosophy embedded in a forensic context, which, if interpreted according to Socrates’ own principles and values, provides a framework to appreciate these subversions and their social implications.³²⁵ For Socrates, the concept of truth is not only highlighted by the antithesis he presents between himself and his opposing speakers, but

³¹⁹ According to Slings 1994; 35, ‘Socrates description of his accusers’ rhetoric shows that it possesses the main characteristics of the art of Gorgias and his pupils, as this is known to us from the dialogues of Plato and from other sources [...] Socrates finds in the persuasive oratory of his opponents precisely this indifference to truth combined with the ability to put the hearer exactly in whatever mood the speaker wants.’

³²⁰ O’Connell 2017; 89.

³²¹ George Kennedy, *Art of Persuasion* (Princeton: Princeton University Press, 1963), 151-2.

³²² *Ibid.* 152.

³²³ *Pl. Ap.* 34e.

³²⁴ *Ibid.* 150.

³²⁵ Against the notion that the *Apology* is a philosophical disquisition, see Reginald Hackforth *The Composition of Plato’s Apology* (Cambridge: Cambridge University Press, 2014), p 46.

also manifested in his aporetic dialogue that he employs against them. Because **dialectic** is central to the educational aspect of his philosophy, which is namely concerned with eliciting truth, then speechifying itself is consequently inferior, and also reprehensible to him. The lack of **dialectic** he is able to employ is thus not only a result of the format of the *agon*, but it also exposes the failures of extempore speechifying after he is convicted and executed. Paradoxically, by critiquing and conforming to the Athenian style of forensic oratory simultaneously, Socrates consistently models the position that he has argued intellectually; thus Socrates himself becomes the measure of the system he adamantly opposes. To quote Slings: ‘here, as so often in Plato, problems of method are solved by applying the method.’³²⁶

Socrates’ death provided the impetus for Plato, who sought to salvage the authenticity and altruism of his master and to hold him up for veneration in writing the *Apology*. Indeed for Plato, Socrates was the quintessential inquisitor and model of a democratic Athenian society that was fundamentally invested in the advancement of its own social values, identity and well-being. It was precisely because of Socrates’ sheer dedication to the Gods and adherence to the Athenian laws that he in fact decided to participate in this legal contest – one which he understood to be governed by a set of rules that inherently favored persuasive speechifying over true philosophical inquiry; and, at the same time, one that discredited all the values that he stood for – which were supposedly the same values the Athenians claimed. Thus, as Socrates consistently reiterates, his defense is futile because the system is stacked against him; yet nonetheless, in classic Socratic manner, he seizes the rhetorical opportunity to embrace defeat in a losing game in order to achieve victory on a grander scale, thus vindicating the teleological view that true philosophers live in the shadow of death.

In summary, at the pure level of the *agon*, the lawsuit is essentially a failure for Socrates the litigant. Yet ironically, in a broader sense, the *Apology* is itself a triumphant affirmation of Socratic philosophy in lieu of these rhetorical subversions. If one accepts that Socrates could have secured an acquittal if he chose to act according to convention, as is the general scholarly consensus, then it may be inferred that Socrates not only welcomed his own death, but in fact instigated it by directly attacking those who voted for him in order to embody his own philosophical principles. Thus for Plato, Socrates’ deictic moment in court is visualized in the *Apology* as an actualization of his own philosophy.

Didactically, the polarity between Socrates and his interlocutors and their contrasting types of speech is emblematic of the rhetorical relationship between Socrates and Cochran. Paradoxically, whereas Socrates is vilified in the Athenian court (an especially rich, rhetorical environment) for subverting and decrying rhetorical conventions explicitly, whilst simultaneously deploying the canonical commonplaces of classical Greek rhetoric, by comparison, Cochran conforms overall to the standards of forensic oratory – much like the traditional Attic orator. Throughout this analysis, rhetorical parallels between Cochran and the Attic orators have been manifested by the stylistic antitheses observed between both Socrates and Cochran; in other words, ironically, Socrates’ rhetorical idiosyncrasy and individuality in turn highlights Cochran’s perspicacious conformity, and vice versa.

³²⁶ Slings 1994; 39.

Paradoxically, whilst both speeches are delivered in similar discursive contexts, an analysis of the rhetorical strategies within Cochran's speech offers a superior understanding of the ideological and democratic roots of Athenian jurisprudence more so than Socrates'. Whether Cochran himself was conscious of this transmission of knowledge, or whether he actively attempted to infuse these classical figures of rhetoric into his speech is not definitively known, nor is this information particularly relevant for the broader scope of this study. Nonetheless, the enduring paradox of rhetoric's ongoing negative perception in spite of its fundamental legal and political applications is highlighted by Cochran in his successful transmission of classical Greek rhetoric, and is heightened by the antithesis presented between himself and Socrates.

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Glossary

- Allusion:**³²⁷ Usually an implicit reference, perhaps to another work of literature or art, to a person or an event.
- Anacolouthon:** Ending a sentence with a different structure from that with which it began.
- Analogy:** Reasoning or arguing from parallel cases.
- Anaphora:** Repetition of the same word at the beginning of successive clauses or verses.
- Anecdote:**¹ A brief account of or a story about an individual or an incident.
- Anidiplosis:** Repetition of the last word of one line or clause to begin the next.
- Antimetabole:** Inverting the order of repeated words to sharpen their sense or to contrast the ideas they convey or both (AB:BA).
- Antithesis:** Conjoining contrasting ideas.
- Antirrhesis:** Rejecting an argument because of its insignificance, error, or wickedness.
- Antistasis:** Repetition of a word in a different or contrary sense.
- Apophasis:** All alternatives rejected except one.
- Aporia:** True or feigned doubt or deliberation about an issue.
- Apostrophe:** Breaking off discourse to address directly some person or thing either present or absent.
- Auxesis:**¹ A device in which language is used to extend or magnify or emphasize (particularly through syntax).
- Captatio Benevolentiae:** a technique that aims at capturing the goodwill of the audience at the beginning of a speech or appeal.
- Cataphora:** Co-reference of one expression with another expression which follows it, in which the latter defines the first.
- Decorum:** Fittingness in matters of language and usage.
- Dialectic:** Dialectic is the famous “Socratic Method” of one-on-one question and answer. Plato’s Socrates usually presents it as an interactive method of argumentation aiming at truth, as against the uninterrupted and *non*interactive speech of an orator, which aims only to bamboozle the audience.
- Digestion:** An orderly enumeration of points to be discussed.
- Elenchus:** The Socratic method of finding truth by question and answer, especially as used to refute an argument.
- Enargeia:** A vivid, picturesque description of scenes or events.
- Encomium:** Praise of a person or thing by extolling inherent qualities.
- Enthymeme:** Aristotle uses the term to mean a “syllogism” in which the premises are only generally true, a rhetorical syllogism.
- Epistrophe:** Repetition of a closing word or words at the end of several successive clauses, sentences or verses.
- Epithet:**¹ Usually an adjective or phrase expressing some quality or attribute which is characteristic of a person or thing.
- Epizeuxis:** Emphatic repetition of a word with no other words in between.
- Erotema:** Rhetorical question implying strong affirmation or denial.
- Ethopoeia:** Putting oneself in the place of another, so as to both understand and express his feelings more vividly.

³²⁷ J. A. Cuddon, *Penguin Dictionary of Literary Terms and Literary Theory: Third Edition* (London: Penguin Books, 1992).

- Exordium:** The beginning or introductory part, especially part of a discourse or treatise.
- Humour:**¹ The quality of being amusing or comic, especially as expressed in literature or speech.
- Hypophora:** A speaker asks aloud a question to his adversaries and proceeds to answer it.
- Irony:** Expressing a meaning directly opposite to that intended.
- Isocolon:**¹ A sequence of clauses or sentences of identical length or structure.
- Kairos:**¹ The opportune moment or timeliness of a speech.
- Litotes:** Denial of the contrary; opposite of amplification; understatement that intensifies.
- Maxim:** An instructional saying about a general principle or rule for behavior.
- Meiosis:**¹ A figure of speech which contains an under-statement for emphasis: often used ironically, and also for dramatic effect, in the attainment of simplicity.
- Meta-discourse:** When *rhetores* tell their audience what it is they are doing, have done or what needs to be done.
- Metaphor:** Changing a word from its literal meaning to one not properly applicable but analogous to it; assertion of identity rather than, as with Simile, likeness.
- Mimesis:** Imitation of word or gesture.
- Paradox:** A seemingly self-contradictory statement, which yet is shown to be (sometimes in a surprising way) true.
- Paralipsis (under the heading *Occupatio*):** A speaker emphasizes something by pointedly seeming to pass over it.
- Parallelism:** The use of successive verbal construction that correspond in grammatical structure, sound, meter, meaning, etc.
- Parataxis:** Clauses or phrases arranged independently (a coordinate, rather than a subordinate, construction), sometimes, as here, without the customary connectives.
- Polyptoton:** Repetition of words from the same root but with different endings.
- Polysyndeton:** Use of a conjunction between each clause; opposite of Asyndeton.
- Refrain:**¹ A phrase, line or lines repeated at intervals.
- Repetition:**¹ An essential unifying element in nearly all poetry and much prose. It may consist of sounds, particular syllables and words, phrases, stanzas, metrical patterns, ideas, allusions and shapes.
- Simile:** One thing is likened to another, dissimilar thing by the use of like, as, etc.; distinguished from metaphor in that the comparison is made explicit.
- Syncatabasis:** The adaption of style to the level of the audience.
- Synecdoche:**¹ A figure of speech in which the part stands for the whole, and thus something else is understood within the thing mentioned.
- Synonimia:** Amplification by synonym.
- Syntheton:** A set phrase linking two or more non-synonmous words by conjunction.
- Tautology:** Repetition of the same idea in different words.
- Tricolon:** Repetition of three phrases of equal length and usually corresponding structure.

¹ J. A. Cuddon, *Penguin Dictionary of Literary Terms and Literary Theory: Third Edition* (London: Penguin Books, 1992).