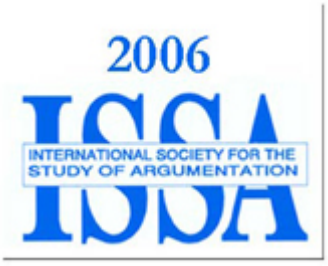
ISSA Proceedings 2006 – Grice's Analysis Of Utterance-Meaning And Cicero's Catilinarian Apostrophe



1. *Introduction*

This paper brings a critical analysis of Cicero's *"First Catilinarian"* to bear on issues at the heart of Paul Grice's analysis of utterance-meaning. Grice's analysis affords a powerful model of how communicative norms can be pragmatically generated in human communication. However, the most defensible and, from the point of view of argumentation scholars, most interesting version of Grice's analysis has been widely criticized as implausibly complex. Through study of Cicero's use of apostrophe in his "First Catilinarian," I will argue that the apparent complexity of Grice's analysis lays bear the essential structure of seriously saying and meaning something and affords students of argumentation insight into the pragmatics of the commitments which speakers and addressees undertake. We will start with Grice and move to Cicero.

2. *The complexity of Gricean speaker-intentions*

Properly understood the pragmatics underlying Paul Grice's analysis of utterance-meaning illuminate the strategic roles played by commitments and obligations in human communication, including the genesis and practical value of a speaker's commitment to the truthfulness of what she says and to such probative obligations as she may incur. Introduced almost fifty years ago, Grice's analysis affords insight into the essential components of the communicative act of seriously saying and meaning something.**[i]** Dennis Stampe has identified the practical calculation which speakers typically employ when performing that communicative act. According to Stampe, when a speaker says, e.g., that Uncle Bill has died, she openly and strategically takes responsibility for the veracity of her utterance. Accordingly, she makes herself inescapably vulnerable to criticism and resentment for mendacity should it turn out that she is speaking falsely. The speaker thereby generates a presumption of veracity on behalf of her utterance,

which serves to provide her addressee with assurance that she is speaking truthfully. Given the speaker's openly incurred commitments, her addressee can reason (ceteris paribus) and is intended to reason that the speaker would not be manifestly willing to risk criticism for speaking falsely, were she not in fact speaking truthfully (Kauffeld, 2001; Stampe, 1967; 1975).

This interpretation of the practical design underlying the constituents identified by Grice's analysis is a model of normative pragmatics.**[ii]** It exhibits the genesis of a normative obligation in a familiar communicative practice: in saying that *p*, the speaker openly incurs an obligation to speak truthfully. And it identifies the potential efficacy of that normative obligation, *viz.*, by openly incurring an obligation to speak truthfully, the speaker generates reason to, e. g., believe what she says. Moreover, variants of Stampe's strategy for generating presumptions can be seen to be at work in the genesis of probative obligations in such speech acts as *accusing, proposing, praising,* etc. (Kauffeld, 1998; 2002).

However, Stampe's account relies on a version of Grice's analysis which many regard as implausibly complex. As Grice defended his analysis in the face of counter-examples, the conditions posited as necessary to seriously saying and meaning something grew in complexity. The version which informs Stampe's account holds that it will be true that some speaker (*S*) means something by an utterance (*u*), if and only if *S* produces *u* with the following complex intention.

S's primary sub-intention (I1): *S* intends1 that some addressee (*A*) respond (*r*) that *p* (or at least act as if *S* intends1 that *A r* that *p*);

S's second sub-intention (I2): *S* intends2 that *A* recognize *S's* primary sub-intention (or at least acts as if *S* intends2 that *A* recognize *I1*);

S's third sub-intention (I3): *S* intends3 that *A* recognize *S's* secondary sub-intention (or at least act as if *S* intends3 that *A* recognize *I2*); and

S's fourth sub-intention (I4): *S* intends4 that *A's* complex recognition of *S's* intentions provide *A* with at least part of *A's* reason for ring that *p* (or at least acts as if *S* were speaking with this intention) (Grice, 1969, pp. 154-157; Stampe, 1967; 1975; Strawson, 1964, pp. 439-460).

Accordingly, it will be true that Mary has said that Uncle Bill has died, if she has uttered something *A* is to take as semantically equivalent to 'Uncle Bill has died', and if this utterance is part of a complex effort on her part to get *A* to, e.g., believe that Bill has died, and if that effort includes an attempt to get *A both* to recognize that she is trying to secure this belief and to recognize that Mary wants

A to recognize that she is trying to get him to believe that Uncle Bill has passed on, and if Mary at least acts as if this complex effort is designed to provide *A* with reason to believe that Uncle Bill has. Notice that in implementing *I2, S* deliberately tries to make *I1* apparent to *A*; while in implementing *I3, S* openly gives *A* to believe that *S* is trying to get *A* believe that *p.* Were *S* successful in executing *I2* in the absence of *I3*, then *A* would recognize *I1,* but *A* might well believe that this recognition was something he had arrived at on his own. If *S* successfully executes *I3,* A is given to know that *S* has induced him to recognize *I1*.

To many this claim that seriously saying and meaning something requires that *S* be deliberately open about the primary intention which S is (ostensibly) speaking attributes to speakers a far more complex production than is typically involved in simply saying something (Avramides, 1989, p. 14; Black, 1975, p. 118; Evans & McDowell, 1976, pp. xix-xxiii; Grandy & Warner, 1986, pp. 8-13; Grice, 1986, pp. 80-85; Kemmerling, 2001, p. 74; Loar, 2001, p. 104)**.[iii]** Consequently, many students of Grice's work prefer simpler versions of his analysis in which speakers, relying (tacitly) on the trust of their addressees, need only make it apparent that they want *A* to know that, e.g., *S* wants (intends) *A* to believe that *p* (Kemmerling, 1986, pp. 132 & 142; 2001, pp. 74-76; Loar, 2001, pp. 104-106). However, this retrenchment strips the analysis of the means by which *S* openly takes responsibility for her communicative effort and, thus, eliminates the grounds, which, according to Stampe, *S* provides to assure her addressee of *S's* accountability.

In what follows I try to show that, far from attributing to speakers a hopelessly complicated effort, Grice's analysis helps us to appreciate the complexity of human communication and the practical value of the primary communicative act of saying and meaning something. Attention now turns to Cicero's famous oration.

3. *The apostrophes in Cicero's First Catalinarian*

Consider first the communicative structure of *apostrophe.* Willard Espy, parroting Peacham's *Garden of Eloquence*, explicates this figure of speech as follows.

> Apostrophe, when we suddenly forsake the former frame of our speech and go to another. That is to say, when we have long spoken of some person or thing, we leave speaking of it, and speak unto it, which is no other thing than a sudden removing from the third person to the second (1983, p. 156).

Apostrophe, then, requires at least two addressees (*A1 & A2*), one of whom is

typically present while the other may be actually present or may appear only as a persona imagined by the speaker. In producing an apostrophe, *S* is engaged in speaking to *A1* about *A2*, and *S* turns from addressing A1 to speak to (or as if to speak to) A2, and S casts A1 in the role of an affected listener, who (i) is intended1 to overhear and respond appropriately to what *S* says to *A2* and (ii) is intended2 to recognize that *S* intends1 that *A1* overhear and respond appropriately to what *S* is saying to *A2*. In this scheme, an addressee may play two roles: first as the person spoken to, the addressee, and second as the affected listener. The sequence of roles here is not essential. In his "First Catilinarian" Cicero switches back and forth between two potential addressees – The Roman Senate and the villainous Catiline – both of whom are actually present (Cicero, 1977b).

Successful apostrophe imports content from statements made to one party into a discourse addressed to another party. The material thus transferred occupies a unique status. The imported evidence, arguments, etc. does not enter the dialogue as statements made to the parties who are to assimilate those materials in the capacity of affected listeners. So when Cicero says something to Catiline, while manifestly intending that the Senate follow his statements and find them relevant to the arguments he is presenting to the Senate, he does not actually say those things to Senate; accordingly, he does not openly take responsibility for the truthfulness and rational adequacy of the imported utterances. Consequently, the speaker does not openly incur a burden of proof with respect to those materials. This possibility of importing into a discourse argumentation for which one does not *openly* commit oneself to a corresponding burden of proof was of considerable strategic importance to Cicero on the occasion of his First Catilinarian.

To appreciate that importance, recall the situation Cicero confronted on the occasion of this address. Nearing the end of his term as Consul in 63 BC, Cicero was confronted with a potentially broad popular uprising growing out the economic conditions of the time and led by dissolute and debt-ridden members of the Senatorial class, particularly by Catiline. Fortunately, Cicero had an informer in his enemies' camp, and on November 6, he was informed that the insurrection was coming to a head with plans to assassinate Cicero and to initiate an insurrection in the city of Rome, accompanied by armed uprisings in the countryside. Cicero thwarted the attempted assassination and called a meeting of the Senate to announce his latest intelligence regarding Catiline's intrigues. Upon

his arrival at the meeting, Cicero found Catiline brazenly in attendance, seated in isolation from the other Senators. Cicero then faced a situation which called for a careful and moderate response. Operating under what we would describe as a declared state of emergency, he had, at least arguably, broad powers to take action against Catiline, but of necessity Cicero pursued a cautious strategy and was unwilling to act without full Senatorial approval. As a recent biographer observes:

[E]vidence for a conspiracy in Rome still consisted only of rumor and unverifiable reports from unauthoritative sources. He [Cicero] was aware of broad skepticism, real or pretended, about Catiline's revolutionary intent and the danger from it, and, sensitive to the volatility of public opinion and the political hazards of any drastic response to unproven charges or of seemingly tyrannical tactics against a man who commanded the sympathy of a constituency as broad as Catiline's, he was determined to let the conspiracy develop until he could convince the public of its scope and purposes, and win from the exposure of the danger and from its suppression the vindication of his beliefs. . . . (Mitchell, 1979, p. 235)

Were Cicero to decisively had Catiline executed or banished, he would have risked charges of overstepping his authority with potentially grave consequences for his career and his life. On the other hand, Cicero could ill afford not to act: Catiline's presence in the city posed the immediate danger of fire and murder and, also, presented a grave challenge to Cicero's authority. In these circumstances Cicero had three fundamental purposes with three corresponding and interlocking lines of argument:

(1) *The first purpose* was to drive Catiline from the city, i.e., to give Catiline sufficient reason to obey the imperative, "Leave the city!" This objective Cicero openly avowed repeatedly. By getting Catiline out of Rome, Cicero would reduce the immediate threat, and Catiline would, by his very action of joining the insurrectionary forces gathered in Etruria (Tuscany) around Catiline's co-conspirator, Manilius, add substance to charges Cicero expected to eventually bring against him and his cohort.

First line of argument. Responsive to this purpose, Cicero explicitly argued that Catiline must leave the city. This argument was openly addressed to Catiline (Cicero, 1977b, 10, 17, 18, 20, 23, 33). It occupies the bulk of Cicero's discourse on this occasion.

(2) *Cicero's second purpose*, openly pursued throughout his address, was to

justify to the Senate the course of action, or what might appear to some as inaction, which Cicero was pursuing. Cicero had been given emergency powers to deal with the threat posed by Cataline, yet Cicero had not acted to banish or execute the villain. Was this inaction acceptable (1977b, 3-4, 27-29)?

Second line of argument. In treating that question, Cicero explicitly advanced three arguments. First, he maintained that the danger posed by Catiline's actions warranted the accusation that his failure to have Cataline executed or banished was negligent and imprudent (1977b, 27-29). Second, as part of his answer to this self-accusation, Cicero maintained that he had not been negligent, since he knew of and managed to frustrate Catiline's maneuvers (1977b, 8, 31-32). And, thirdly, Cicero maintained that soon Catiline would be recognized by all as an enemy of the state and could then be executed without risk of appearing cruel and merciless (1977b 6, 29-30).

(3) *The third purpose*, as described by Ann Vasaly, ". . . was to induce his audience to see Catiline not only as a pernicious citizen – a traitor deserving of exile – but as a hostis whose plans and action had thrust him outside the pale of citizenship and the legal protection that accompanied that status"(1993). The status of *hostis* was not well defined in Roman law. Under a declared state of emergency, such as was in effect at the time of Cicero's address, parties recognized as "hostis" were regarded as enemies of the state, outside the protection of Roman law, and liable to execution. Were the Senate unanimously to recognize Catiline as a hostis, then Cicero could secure his execution with relative impunity. Roman law was not similarly clear about what must be shown to convict a patrician Roman as an enemy of the state. Precedents were available, but their application by Cicero, a new man from outside patrician ranks, required clear and certain evidence of guilt – evidence which Cicero did not have (Cicero, 1977a, pp. 570-571).

Third line of argument. Corresponding to Cicero's third purpose, he manifestly developed what can be described as a proto-argument, i.e., an argument which addressed the key issues involved in the question of Catiline's guilt, but waited for its completion on further evidence which, Cicero maintained, would predictably be forthcoming as Catiline continued on his reckless course (1977b, 5-6, 29-30). This line of argument was set out manifestly, with Cicero deliberately making it apparent that he intended to show the Senate that Cataline is a hostis, but he did not openly advance that argument.

These lines of argument are interlocking in that the success of each depends on the success of the others, and they are cumulative in that reason and evidence introduced in the first is manifestly designed to provide, by means of apostrophe, argumentation essential to the support of the second; while argument structures imported from both the first and the second manifestly compose the third.

Consider first the interdependence of these arguments. Were Cicero to succeed, as indeed he did, in driving Catiline from the Senate and from the City, then Catiline's conduct would show Cicero's mastery of the situation as claimed by his second line of argument and, more importantly, would provide evidence clinching Catiline's guilt as predicted by Cicero. So success in the first line of argument provided support designed to carry the second. But both the first and the second depend fundamentally on the proto-argument that Catiline is a hostis. In order to convince Catiline to leave, Cicero argued that Catiline had no remaining support in the Senate; he could not hope to gain legitimacy for his action (1977b, 16-17, 20-21). In this connection, Cicero made use of the silence of the Senators in response to his attack upon Catiline.

Leave the city, Catiline, free the commonwealth from fear. . . . Well, Catiline? What are you waiting for? Do you not notice the Senate's silence? They accept it [Cicero's injunction], they are silent. Why are you waiting for them to voice their decision, when you see clearly their wish expressed by their silence. . . . Catiline, their inaction signifies approval, their acquiescence a decision and their silence applause (1977b, 20-21).

In order to generate this evidence, important to the success of his first line of argument, Cicero needed to provide enough support for his proto-argument to convince Catline's potential supporters to at least remain silent. The importance of the proto-argument in silencing Catiline's sympathizers is confirmed by subsequent events. Immediately following Cicero's invective, Catiline rose to respond but was shouted down by the Senators. He thereupon fulfilled Cicero's injunction by storming out of the forum. So, the success of the first line of argument depended on the success of the proto-argument. Likewise the second line of argument held that Cicero's inaction was warranted because the case against Catiline was so powerful that it was foreseeable that Catiline's behavior would betray his guilt even to those inclined to support him. But this supposition required that the proto-argument establish a persuasive presumption of Catiline's guilt. In brief, the proto-argument was the fundamental argument of the discourse.

These lines of argument were also cumulative in ways which involved the principle of apostrophe. The argument addressed to Catiline was manifestly designed to provide the Senate with much of the reasoning and evidence needed to support the self-accusation and defense Cicero offered in his second line of argument. That accusation was first introduced in remarks addressed to Catiline: "It is not the deliberations and decisions of this body that the Republic lacks. It is we, – I say it openly – we consuls, who are lacking [are wanting in our duty]" (1977b, 3-4). Cicero then immediately raised this same accusation in statements addressed to the Senate: "It is my wish, gentlemen, to be a man of compassion, it is my wish not to seem easygoing at a time of serious danger for the Republic, but now I condemn myself for my inaction and my negligence" (Cicero, 1977b, 4). By raising this charge first in his address to Catiline and, subsequently, in his address to the Senate, the primary audience for the accusation, Cicero initiated a frame which enabled him to import argumentation addressed to Catiline into the arguments addressed to the Senate. Within that frame, Cicero implicitly transferred from arguments addressed to Catline the supporting precedents, legislation, and evidentiary details needed to support the accusation and defense he offered to the Senate (1977b, 4-10 & 30).

The third line of argument was not openly addressed or explicitly supported in Cicero's remarks to the Senate. In his address to Catiline, Cicero did call his villain an enemy of the state: "I achieved this much when I kept you from the consulship, that you would only be able attack the State as an exile and not harry it as a consul, and that this criminal attack upon which you have embarked would go under the name of banditry not war" (Cicero, 1977b, 27-28; also see: Cicero, 1977a, p. 573), but in statements address to the Senate, Cicero explicitly refused to say that Catiline is a hostis (1977b, 9, 19, 29-30). Nevertheless, the basic structure of Cicero's proto-argument can be reconstructed from statements openly addressed to Catiline and to the Senate.

Premise one: Cicero ought to have Catiline executed, when incontrovertible evidence that he is a hostis has emerged [transposed from statements addressed to Catiline (1977b, 2-3)].
Premise two: There is compelling evidence that Catiline is a hostis [transposed from statements addressed to Catiline and supported at length by arguments addressed to that culprit (Cicero, 1977b, 17-19, 27)].
Premise three: However, some of Catiline's supporters in the Senate are not yet

convinced of Catiline's guilt [transposed from statements addressed to the Senate in response to Cicero's self-accusation (1977b, 5-6, 29-30)].
Internal conclusion: Therefore, in the interest of appearing merciful, Catiline should not be executed until further uncontestable evidence firmly establishes his guilt [transposed from statements addressed to the Senate in response to Cicero's self accusation (1977b, 6, 29-30)].
Premise four: However, given what is known about Catiline's plots, it is likely that incontrovertible evidence will soon emerge firmly establishing his guilt [transposed from and supported by Cicero's recounting to Catiline of what he knows about the latter's plan to join his band of traitors in Eutria and further reinforced by the force of Cicero's urging Catiline to leave (1977b, 5, 10)].
Conclusion: Therefore, it will soon be apparent to all that Catiline is a hostis, and Cicero will then be free to do what he ought to do, i.e., have Catiline executed [transposed from Cicero's concluding remarks to the Senate (1977b, 30)].

Although Cicero did not openly address this proto-argument to the Senators, he manifestly intended that they follow its development as embedded in remarks addressed to Catiline and to the Senate. What, then, enables us (and presumably the Senators) to recognize Cicero's apparent intention that they find in his remarks a compelling argument for Catiline's guilt?
First, we can be reasonably certain that Cicero did have some such primary intention, i.e., he did intend that his fellow Senators find in his remarks compelling reason to believe that Catiline is a hostis. Demonstrating that to the Senate was one of Cicero's ultimate goals in this whole affair – one he attained when Catiline's presence in Manilus' camp provided confirmatory evidence, as Cicero had predicted in this address. Moreover, we can suppose that Cicero intended his audience to find such an argument in his remarks because, as noted above, getting the Senate to recognize and be moved by his proto-argument was practically essential to the success of the other two lines of argument developed in this address.
The fact that Cicero probably held such a primary communicative intention lends plausibility to the claim that Cicero deliberately gave the Senators to believe that he was speaking with that intention. First off, it shows us an intention Cicero had which, with a little prompting on his part, he might reasonably have expected others to recognize. Second, if his auditors recognized that intention, then they would have a guide to interpreting his remarks which would make apparent the direction and force of his proto-argument. So we have reason to believe that

Cicero had both the opportunity and the motive to make this argument apparent. The text of Cicero's address presents us with at least three cues which would have served to induce attention to Cicero's intention to secure audience acceptance of his proto-argument.

First, in urging Catiline to leave the city, Cicero elaborated his argumentation well beyond the reasons and evidence needed to support the claims he advanced to Catiline and beyond the material needed to uphold the claims he presented in consideration of his self-accusation. Ostensibly to show Catiline that staying in the Senate and in Rome would be futile, Cicero detailed three past episodes in which Cicero exposed and frustrated Castiline's designs (1977b, 7-8). Cicero, then, recounted in extravagant detail his knowledge of Catiline's current plot including: the site at which the conspirators met, their division of labor, how they planned to divide up the city of Rome and the rest of Italy, and details of the plot to assassinate Cicero (1977b, 8-10). Presumably, Catiline could have discerned that Cicero had intimate knowledge of the conspiracy from far less detail than Cicero provided. Similarly, this part of Cicero's apostrophe provided the Senate with more data than they would need to grasp the point that Cicero knew what Catiline was plotting. But this extended and detailed narrative did provide Cicero with a vehicle for bringing before the Senate an extended inventory of the evidence for Catiline's guilt. Given the surfeit of argumentation Cicero provided, the intention to do that could hardly be ignored by his audience.
Second, Cicero framed his narrative of Catiline's plot so as to generate confirmation of Catiline's guilt. Cicero was not content simply to recount his knowledge of these episodes; instead he presented his narrative as a series of questions addressed to Catiline; he then interpreted Catiline's silence as confirmation of Cicero's account.

You are trapped on every side; all your plans are as clear as daylight to us. Let us go through them together. Do you remember that I said in the Senate on the 21st of October that Gaius Manlius, your tool and lackey in your wild scheme, would take up arms on a certain day and that the day would the 27th of October? Was I not right, Catiline, both in the seriousness of the plot . . . and – a much more remarkable feat – in the date? I said also. . . . You cannot deny that, can you? . . . . You confidently expected to take Praeneste in a night assault on the 1st of November, but were you aware that the defenses of that colony had been set on my orders with my garrison, my guard-post, and my sentinels? . . . . You do not

have the effrontery to deny it, do you? Why are you silent then? If you deny, I shall prove it (1977b, 6-7).

The confirmation Cicero demanded from Catiline surely was not needed to show Catiline that Cicero knew what Catiline was up to. While Catiline's silence did provide the Senate with confirmation relevant to Cicero's apostophic representation of his mastery of the situation, still that demonstration hardly required point by point demands that Catiline try to deny Cicero's allegations. But Cicero's repeated calls for denial and his accompanying interpretation of silence as indication of guilt did provide some evidence supporting the proto-argument's claim that Catiline was an enemy of the state.

Third, in meta-comments on his own discourse, Cicero problematized the intentions with which he purported to speak, suggesting both the futility of belaboring these matters to Catiline and the lack of need to elaborate them to the Senate. Cicero conspicuously failed to give a coherent account of why he was speaking to Catiline. He begins by advising Catiline to leave, explicitly speaking out of what Cicero described as undeserved pity (1977b, 6-16). Well into the oration, Cicero changed his mode of address and ordered Catiline to leave (1977b, 10), but as that would amount to banishing Catiline, an act Cicero was not prepared to justify, Cicero openly backed away from his command and returned to advising Catiline (1977b, 12-13). But, then, as he neared the conclusion to his address, Cicero expressed puzzlement about his avowed purpose in speaking to Catiline. Why, Cicero asked, bother to advise Cateline to do what he is already intent on doing, what his corrupt nature compels him to do? (1977b, 22). Nor did Cicero present a coherent view of why he was addressing the Senate. On the one hand he argued at length that he could justifiably be charged with negligence; while on the other, he purported to believe that many Senators were already prepared to negatively judge his inaction. If the latter were true, then there would be no need for extended argument to establish the former. As for Catiline's sympathizers, Cicero openly admitted that he did not have the evidence needed to convince them. So, what, one may ask, was the point to the remarks Cicero openly addressed to the Senate? By thus problematizing the intentions with which he openly addressed Catiline and the Senate, Cicero invited his fellow Senators to look beneath the ostensible surface of his communicative efforts to find a deeper intention animating his oration. When they looked, they could hardly help but recognize the design of his proto-argument aimed at establishing that Cateline is a hostis.

We have seen that Cicero used a combination of apostrophes to induce one audience to cognitively appropriate reason and evidence from a discourse addressed to another audience. In doing so Cicero strategically managed his probative commitments – his burdens of proof – so as to present to the Senate a body of reason and evidence tending to show that Catiline was an enemy of the State, while evading the obligation to answer objections and demands for conclusive proof from that audience, which he admittedly could not have satisfied at that time (for a discussion of managing burdens of proof, see: Tseronis, 2006). Of course, Cicero did incur probative obligations with respect to both Catiline and the Senate, but he exercised careful stewardship of these openly incurred duties. Thus he managed to provide Catiline with reason to leave the Senate and the City, thereby (arguably) discharging his immediate duties as Counsel; at the same time, he managed to lay before the Senate a case for Catiline's guilt, which ultimately proved to be persuasive, and he achieved all this under circumstances in which he did not have in hand the hard evidence needed to show that Catiline was an enemy of the state. This achievement poses complex historical and moral questions (not to mention questions as to what we regard as fallacious argumentation), but our immediate concern is with the insight which a Gricean perspective affords into Cicero's management of this affair.

4. *Cicero's apostrophes and the complexity of Gricean reflexive speaker intentions*
Earlier we noted that the reflexive speaker-intentions posited by Strawson's and Stampe's version of Grice's analysis of utterance-meaning have been criticized as implausibly complex. In response to this influential complaint, we can now observe:
(i) that far from being dubiously complicated, the distinctions marked by that analysis, together with their concomitant pragmatics, afford insight into an accomplished advocate's stewardship of probative obligations in a "real life situation," and
(ii) that the suspect third level of speaker-intentions posited by this analysis is indeed essential to our conception of seriously saying and meaning something.

The version of Grice's analysis in question here invites us to distinguish between a speaker's deliberately giving it to be believed that she is speaking with a certain primary intention versus her both deliberately and *openly* making it apparent that she is so speaking. The pragmatic importance of this distinction, as explicated by Stampe, is that by openly manifesting her primary communicative intention, the

speaker patently incurs an obligation to speak truthfully which, I have noted, in the appropriate circumstances may ramify into an accompanying burden of proof. These analytically motivated distinctions are mirrored in Cicero's management of his probative obligations.

A key factor in Cicero's strategy consisted in his refusal to say and to openly argue to the Senate that Catiline is a *hostis*, while at the same time manifestly presenting persuasive arguments to that effect. Here we see clear and intelligible exemplification of the resources of serious utterance as explicated by our preferred version of Grice's analysis. Cicero was able to present his proto-argument to the Senate without incurring a concomitant burden of proof by relying upon his manifest intentions to guide the Senators in their appropriation of arguments which he openly addressed to Catiline. At the same time his repeated refusal to openly say to the Senate that Catiline is an enemy of the state is intelligible in light of the probative commitments Cicero would have incurred had he advanced that charge. In these circumstances, had Cicero said to the Senate that Catiline is a *hostis,* he would have *accused* the alleged villain of being an enemy of the state. Given the dynamics of that speech act, he would have committed himself to accepting the burden of showing convincingly that Catiline was indeed guilty, a burden which, as we have seen, Cicero was not in a position to discharge (Kauffeld, 1994; 1998). From these considerations it should be apparent that, far from being implausibly complex, our preferred version of Grice's analysis, marks distinctions important to understanding the complexities of real world argumentation.

Insight into Cicero's management of his probative obligations also clarifies the conceptual requirements for an analysis of seriously saying and meaning something. As noted earlier, dismay over the apparent complexity of the Strawson/Stampe version of Grice's analysis has led scholars to retreat to simpler renditions of the analysis which omit the requirement that in seriously saying and meaning that *p*, speakers *openly* manifest their primary communicative intentions. This move allows that *S* will have said that *p*, if she merely manifests her primary communicative intention, while (ostensibly) intending that *A* therein find reason to respond as she primary intends. We have seen that in his "First Catilinarian," Cicero both produced an utterance (addressed to Catiline) semantically equivalent to "Catiline is a *hostis*," and he manifestly intended that the Senate believe that this villain was indeed an enemy of the state, but that he resolutely *refused* to say to the Senate that Catiline is a *hostis.* These facts

powerfully argue that simpler versions of Grice's analysis, which require only that S deliberately manifest her primary speaker-intention, cannot suffice to explicate the conditions essential to seriously saying and meaning something. In order to have said that *p, S* must have *openly* given it to be believed that she is speaking with the primary intention that *A* respond with, e. g., belief that *p*. This conclusion tends to confirm Stampe's account of the pragmatics of serious utterance as discussed above.

5. *Matters for further thought and investigation*

The strategies Cicero employed to manage his probative obligations have great contemporary relevance. The genius of Cicero's message-design resides in his exploitation of potentials inherent in concurrently addressing two audiences on related topics, where each audience could be cast in the role of interested spectator for the discourse addressed to the other. The resources available in this type of situation enabled Cicero to induce the audience he was primarily addressing at any given moment to import into their consideration reasons, evidence, conclusions, etc. from discourses openly addressed to another audience, while avoiding the practical necessity of openly incurring responsibility for the truth and rational adequacy of the imported utterances. In our media rich age, much public discourse is targeted to multiple audiences, often under circumstances in which a primary audience can be induced take the role of interested observer of remarks addressed to a secondary audience. Attention should be given to the ways in which speakers are able, for better or for worse, to manage their probative obligations in such cases. What are the practical and probative gains in these situations versus what are the temptations to abuse?

NOTES

[i] Grice offers an analysis of "utterance-meaning," an artificial term embracing verbal utterances, gestures and other symbolic means of expression. I focus on the elementary communicative act of seriously saying and meaning something and rely on the ordinary sense of 'saying' as it is employed in indirect speech reports of the form 'S said that p'. If Grice's analysis of the meaning utterances have on the specific occasion of their use has any purchase in the world, it must at least capture what is essential to the communicative act of seriously saying that p.

[ii] Addressees do not need to reason out a speaker's commitment to truthfulness in each and every instance of serious communication. Persons acquire a

repertoire of communicative acts, including the act of seriously saying things, and they can rely on that inherited practical knowledge without puzzling out the internal calculation of each and every communicative act.

[iii] In addition, positing a second level reflexive intention (I3) has been criticized on the grounds that it seems to open the possibility of a debilitating regress of reflexive speaker-intentions, and it seems to some that I3 imports into the analysis an intention which is of no practical value (Avramides, 1989, p. 148; MacKay, 1972, p. 60). Stampe's account of the pragmatic value of I3 demonstrates, as I have argued elsewhere, the practical importance of this second level reflexive intention and, by the same stroke, closes the door to potential regresses (Kauffeld, 2001).

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