Ephorus, Philistus, Naucrates,[66] and many others, their natures do differ, but they are similar to one another as well as to their teacher in their aims. And the latter, who turned to pleading cases, like Demosthenes, Hyperides, Lycurgus, Aeschines, Dinarchus, and a host of others, were indeed unlike one another,[67] yet they were all representatives of this same type, the one that models itself on reality.[68] As long as imitation of these men persisted, the
95 pursuit of this type of speaking lived on. But when, after their death, all memory of them had gradually grown dim and then vanished, certain other types of speaking flourished, which were softer and more relaxed. Representatives of these types were Demochares, said to have been Demosthenes' nephew, and then Demetrius of Phalerum, in my opinion the most polished of this entire lot, as well as others similar to them. And if we like, we can trace this pattern all the way down to our own time, and we will come to understand that just as even in these days all of Asia is imitating Menecles of Alabanda and his brother Hierocles (both of whom I have heard speak),
96 there has always been, at each point in time, someone whom most people wanted to resemble.

"Whoever, then, wants to achieve such resemblance through imitation, must pursue this goal by frequent and extensive practice, and particularly by writing. Our friend Sulpicius' language would be much more compact, if he did this; as it is, it occasionally has a sort of luxuriance about it (as farmers say about grass when it is at the height of its growth), which should
97 be grazed down by the pen." "You are certainly giving me the right advice," Sulpicius reacted, "and I thank you for it. But I do not believe that you, Antonius, have been in the habit of writing much yourself." "You seem to forget that I am teaching others what I lack myself," Antonius replied.[69] "Yet

[66]The first three of these were historians; the available testimony about the fourth mentions him only as an "epideictic" (i.e., ceremonial) orator and (probably) as a rhetorician.

[67]Though Cicero suggests that all those mentioned here were pupils of Isocrates, this is problematic, especially in the cases of Demosthenes, Aeschines, and Dinarchus: they are not regarded as such elsewhere, and Cicero is obviously stretching his case. There are also other problems in this account; see Fantham 1978: 6–11 on its chronological structure, and LP: 287–288.

[68]This difficult passage has vexed interpreters. Taken in the way it is here, the only remaining problem is Cicero's tortuous way of holding on to his scheme of the dominance, caused by the principle of imitation, of one "type" (*genus*) in each period. His argument in 2.94 amounts to (1) a broadening of the concept of "type," and (2) a substitution of "reality" (the subject of the historians, but also of the practical oratory of Demosthenes and the other four) for a human model. Thus, the "type" of the writers and orators mentioned is defined by the fact that they "model themselves on" (i.e., imitate) "reality." Many of the problems in other interpretations are caused by misguided attempts to give the very general word *genus* (here rendered as "type") a meaning that corresponds to a more specific, modern concept (cf. LPW: 147–148).

[69]See Antonius' ironical announcement in 2.29.

people think I do not even keep accounts[70]—but you can tell what I actually do, in the latter case, from my personal property, and in the former, from what I achieve in speaking, however little that may be.

"Nevertheless, we can see around us that there are many who imitate 98
no one, but accomplish what they want on the strength of their own natural abilities, without resembling anyone. This can readily be observed in you both, Caesar and Cotta. One of you[71] has acquired a particular charm and wittiness that is quite unusual, at least in our orators, and the other an exceptionally pointed and precise type of oratory. And there is also your contemporary Curio, whose father was in my opinion really the most eloquent man of his time. It is my impression that he does not imitate anyone in particular either. Still, with the dignity, refinement, and copiousness of his language, he has fashioned a kind of oratory that has, so to speak, a certain form and shape of its own. I could actually judge this firsthand in the case he conducted before the Council of One Hundred[72] on behalf of the Cossi brothers, while I was speaking for the other side. On that occasion, he showed himself in possession of every quality that not merely a copious, but actually even a wise orator should have.[73]

99–306 INVENTION

99–113 Getting to know the case (status theory)

"But let us at last lead the orator whom we are creating to actual cases, and 99
especially to those that involve a bit more trouble, namely judicial ones. Now someone might perhaps laugh at the following precept, for it is not so much clever as necessary, a piece of advice from someone who is no fool, rather than something a learned teacher might say—but this is the first rule we shall give him: to acquaint himself diligently and thoroughly with each and every case he is going to handle. This precept is not taught in the schools, 100
for the cases entrusted to the boys are simple ones. For example: a law forbids a foreigner to climb the wall; one got up on it and drove back the enemy; he is brought to court. Acquainting oneself with a case like this involves no trouble. So they are right to give no precepts on learning about a case, for cases in the schools almost always follow this pattern. In the forum, however, there are documents, testimonies, agreements, formal guarantees, re-

[70]Elsewhere (*Against Verres* 2.1.60) Cicero reports the same belief about Antonius, adding that it was false. Keeping accounts was considered very important; it could be of particular importance in a trial, for the books could be used as evidence in court (as in the cases mentioned in 2.280 and 2.281).

[71]I.e., Caesar.

[72]On this Council, see Glossary.

lationships by blood and by marriage, magistrates' rulings, legal opinions, and finally the whole of the lives of those involved, and one must acquaint oneself with all of these. We can see for ourselves that it is through negligence in such matters that most cases are lost, particularly private ones,[74]—
101 for they are often much more difficult to understand. Thus, a number of people want their activities to be considered important, and in order to be seen flitting all over the forum and running from case to case, they plead their cases without having properly acquainted themselves with them. In doing so, they commit the offence, grave enough in itself, of negligence if they have taken up the case of their own accord, or of bad faith if they have accepted it when invited. But this offence is actually even graver than is commonly thought, because no one can fail to make a total disgrace of himself when he is speaking about a subject that he has not mastered. And so, while they don't care about being criticized for indolence, which is actually the more serious reproach, what they succeed in winning in addition is the criticism they are trying harder to avoid, namely that of being slow-witted.

102 "As for myself, I always do my best to have every client instruct me about his own circumstances personally, and with no one else present, so that he can speak more freely; and I always plead the case of the adversary in order to make him plead his own and advance any thought he might have about his own situation. Then, after he has left, I, just by myself, play three roles with complete calmness: my own, that of my adversary, and that of a juror. Whatever aspect is such as to offer more help than disadvantage, I judge fit to bring forward; on any point where I discover more harm than
103 good, my verdict is to reject it entirely. In this way, I can think about what to say at one time, and say it at another—two things which most people, relying on their talent, do simultaneously. Yet these same people would certainly speak quite a bit better if they would only decide to take one occasion for thinking and another for speaking.

104 "Once I have thoroughly acquainted myself with the circumstances of the case, the point of dispute comes immediately to my mind. For everything that can be a matter of dispute between people—whether the case turns on a criminal charge as when it involves some wrongdoing, or on a civil controversy as when it involves an inheritance, or on deliberation as when it involves war, or on a personality as when it involves praise, or on a theoretical discussion as when it involves the way to live—the question must either be about what was done, is being done, or will be done; or about the character of the matter involved; or about the name that should be applied

[74]"Private ones," i.e., civil cases before a single judge; see 1.173 with note 128. Cf. Crassus' criticisms (in 1.166–184) of orators who fail to acquaint themselves with legal matters; the picture that Antonius gives in the next section especially resembles

to it.[75] Generally speaking, in our cases, at least in those dealing with crim- 105
inal charges, the defense is usually based on denial. For example, in cases of extortion, which are particularly important, all allegations must, as a rule, be denied,[76] and in cases of election bribery, you rarely have the opportunity to distinguish generosity and openhandedness from bribery and corruption.[77] In cases of murder, poisoning, and embezzlement of public property, denial of the charge is actually the inevitable plea. This, then, is the first category of cases: in the courts, it turns on a controversy over what happened in the past, in deliberations most often on a controversy over what will happen in the future and only rarely over what is happening or what happened in the past.

"Often too the question is not whether something is or is not the case, 106
but rather what its character is, as when Gaius Carbo, as consul, defended Lucius Opimius before the people (I was present then). He denied nothing about the killing of Gaius Gracchus, but asserted that this had been done justly, to save our country—just as Scipio Africanus had answered, in response to a question by this same Carbo about Tiberius Gracchus (Carbo was at that time tribune of the plebs and was practicing politics with a totally different attitude),[78] that it seemed to him that Gracchus had been killed justly. And in general, an appeal to justice is the basis of the defense for all those actions that were obligatory or permitted or unavoidable or that seem to have been done out of ignorance or by accident.[79]

[75]Antonius here summarizes (a particular version of) status theory, which was very important in contemporary standard rhetoric (see Introduction, pp. 32–34). He mentions, respectively, the conjectural status (*status coniecturalis*; developed in 2.105 below), the status of quality (*status qualitatis*; see 2.106), and the status of definition (*status definitionis*; see 2.107–109). His view differs from the standard views in two essential respects: (1) the point of dispute comes to mind "immediately"; the standard doctrine is thus implied to be easy (see also 2.132); (2) he insists that the doctrine is applicable not only to judicial cases (divided into criminal and civil ones), but also to the other two standard rhetorical genres (deliberative and laudatory speeches) and to philosophical issues (see Introduction, p. 34).

[76]These cases concerned extortion committed in the provinces. They were "particularly important" because they were often politically significant (cf. Introduction, p. 5) and could also, in some circumstances, entail the loss of civic status (on this last issue, see 1.181, note 144).

[77]This is precisely what Cicero himself did in 63 BC, when defending Murena; see especially *In defense of Murena* 77; cf. Leeman 1982.

[78]Sometime before his consulship in 120 BC, Carbo had become a conservative; as a tribune of the plebs (130 BC), he had been an anticonservative. This volte-face is here underlined by the fact that the argument he used in 120 to defend the killing of Gaius Gracchus was exactly the argument used by his opponent in 130 to defend the murder of Tiberius Gracchus, Gaius' brother. See also 2.170.

[79]This subdivision of the status of quality follows traditional lines, except that intricate subdivisions are avoided; see Introduction pp. 32–34.

107 "Furthermore, the question is about the name to be applied when there is a conflict over what word should be used to designate something, as, for example, in the case of Norbanus, in which I myself had a major conflict of that sort with Sulpicius here. I admitted the truth of most of the facts that he brought up, but I denied that Norbanus had 'impaired the majesty of the Roman people'—and under the terms of the Appuleian Law, the entire case
108 depended on this expression.[80] Now for cases of this type, some people lay down the rule that each of the parties must succinctly define the expression that determines the point at issue in the case. To me at least, this always seems extremely childish. Definition of the expressions involved is quite a different affair when there is a discussion among learned people about the subject matter of one of the arts, for example when it is asked what an art is, or a law, or a state. In such cases, rational procedure as well as standard doctrine recommend that the essence of the thing you are defining should
109 be described in such a way that nothing is absent or superfluous. In the case I just mentioned, however, Sulpicius did no such thing, nor did I attempt to do so. Each of us employed all the fullness he could muster in expanding upon what it meant 'to impair the majesty of the Roman people.' And indeed, a definition, first of all, is often wrenched from our hands if the addition or removal of just one single word is criticized. Secondly, by its very nature it has the smell of learning, and of exercises that are little more than childish. Thirdly, a definition cannot enter the heart and mind of a juror, for it will slip past him before he has grasped it.

110 "But in the type of case in which the point of dispute is something's character, the conflict also often arises from the interpretation of a written document. In such cases, the controversy can depend only on ambiguity.[81] For even the cases in which the letter is at variance with the spirit contain some sort of ambiguity, which is solved as soon as the missing words have

[80]The Appuleian Law, carried by the tribune Lucius Appuleius Saturninus (most probably in 103 BC), set up a permanent court for dealing with cases of *maiestas populi Romani minuta*, "the impairment of the majesty of the Roman people" (approximately "treason"), but obviously without giving a definition. See also the Glossary at "majesty."

[81]Antonius, after setting out his own views here in 2.110–111, will, in sections 111–112, explicitly indicate that they differ from standard doctrine on two points. Both of these are designed to reduce the complexity of the system by reducing the number of categories. In the first place, cases arising from the interpretation of written documents, the so-called "legal questions," were normally kept separate from the so-called "rational questions," i.e., from those that fell under one of the three or four status categories mentioned in 2.104 above (see, e.g., Crassus' account of the standard system in 1.140; cf. Introduction, p. 33). Antonius, however, takes these "legal questions" to belong to the status of quality. In the second place, while the standard systems distinguished three categories of cases based on written documents, namely ambiguity, contradiction, and conflict between letter and intention (see again 1.140; cf. Introduction, p. 33). Antonius holds that ambiguity is the basic category for all; it is am-

been supplied. After adding these, one argues that the intention of the text had been clear all along. Also, if the point of dispute is something arising from texts that contradict one another, this does not imply the creation of a new type, but the repetition of the previous one. It will either be impossible to decide such a controversy, or it will be decided in such a way that whatever text we are supporting will be made complete by a restoration of the words that were not included. Thus, of those cases in which a written text underlies the point of dispute, one category remains, namely of those that arise when something has been formulated ambiguously. Of these ambigu- 111
ities, there are a number of categories (which I think the so-called dialecticians[82] know better, while our dear friends the rhetoricians, who should be equally familiar with them, don't know them at all). Yet the one most common in everyday practice of any kind, whether in conversation or in writing, is when something is in dispute because either one or more words have been left out. And these people make another mistake[83] in separating this 112
kind of case, which is concerned with the interpretation of a written document, from those mentioned earlier, in which the dispute is over the character of the matter involved. For nowhere is the question of the actual, general character of a thing more prominent than in the examination of a written text, something that is entirely distinct from a dispute over what happened.

"All told, then, there are three categories of questions that can become 113
the subject of controversies and debates: 'what is being done, was done, or will be done,' or 'what is its character,' or 'how should it be called.' For the category added by some Greeks, 'whether the thing done was right,' belongs entirely to the category, 'what is its character.' But let me now return to what I set out to do.

114–120a General remarks on the three means of persuasion

"Well then, after accepting a case and acquainting myself with its category, 114
the very first thing I do when I start working on the matter is to establish the point of reference for the whole portion of the speech that specifically concerns the judgment of the issue itself. After that, I consider very carefully two further elements: the first one recommends us or those for whom we are pleading, the second is aimed at moving the minds of our audience in the direction we want. The method employed in the art of oratory, then, re- 115
lies entirely upon three means of persuasion: proving that our contentions are true, winning over our audience, and inducing their minds to feel any

[82]For dialecticians, see Glossary at "dialectic."

[83]Antonius has indicated the first mistake in the parenthesis in section 111: the rhetoricians do not know how to categorize cases arising from the

that I am considerably more tormented and anxious in choosing words than in choosing thoughts, for fear that my speech, if it is a little too trite, may seem not to have deserved the high expectations and silent attention of the
34 audience.[43] Between all of us here, then, there are great differences, and each of us has clear and specific traits. And amid this variety, the better is generally distinguished from the worse more by ability than by the type to which each belongs, and everything that is perfect in its own type is praised. So don't you think that if we chose to include all orators who are or have ever been active anywhere, we would have to say something like, 'so many orators, so many types of speaking'?

"Perhaps my argument will give rise to a further notion: if there is indeed an almost countless number of, let us say, forms and kinds of speaking, different in appearance but praiseworthy in their own types, then these mutually different things cannot be molded by the same rules and by one
35 method of instruction. But this is not true. It is the responsibility of those who provide instruction and education to observe very carefully where each pupil's natural abilities seem to lead him. In fact, when we look at the schools run by expert teachers who were superior in their own different types, we see that each one produced pupils who were different from one another and still praiseworthy, since every teacher adapted his instruction to the natural
36 abilities of each individual pupil. The most striking example of this (to leave aside the other arts) is probably that the incomparable teacher Isocrates said that he always used the spurs on Ephorus, but the bridle on Theopompus.[44] He checked the latter, who was unrestrained in his bold use of words, while he urged on the former, who was hesitant and modest, so to speak. Yet he did not make them alike; he added to the one and filed away from the other only as much as was necessary to reinforce in each what his natural abilities allowed.

37 "I had to make these preliminary remarks for a specific reason: my suggestions may not all fit the aims of each of you and the type of oratory that each of you favors, so I wanted you to realize that I am describing the type that I myself favor most.

37b–38 Introduction of the four qualities of style

"Well then, the orator must deliver the material discussed by Antonius, as well as express it in a certain way. And tell me, is there a better way of expression—for I will see to delivery later[45]—than to speak correct Latin, clearly, with distinction, and in a manner that is suitable and appropriate to
38 the particular matter at issue?[46] Now I don't think that I am expected to give

[43]Cicero thus again makes it clear that Crassus is the right person to discuss style; see Introduction, p. 13.

[44]For these two historians and (alleged) pupils of Isocrates, see Index.

[45]In 3.213–227.

an account of the two elements that I mentioned first, pure and lucid language. For we do not attempt to teach someone to speak who doesn't know how to talk, and we cannot hope, if someone cannot speak correct Latin, that he is going to speak with distinction—or, for that matter, if someone cannot say something that we might understand, that he will be able to say something that we might admire. So let us leave these two elements aside. Learning them is easy, using them is indispensable. For the first is taught when we are learning our ABCs in our elementary lessons, and the reason for applying the second is to ensure that everybody will make himself understood—which is indeed indispensable, but nevertheless only a minimum prerequisite.

39–51 The first two qualities of style: correct Latin (especially pronunciation) and clarity

"Still, every aspect of refined diction, though it can be polished by a knowl- 39
edge of grammar, can nonetheless be developed by reading the orators and the poets.[47] For almost all of the ancients, though they were not yet able to impart distinction to what they said, expressed themselves very well, and people who have become accustomed to their language cannot fail to speak anything but correct Latin, even if they should try. This is not to say that we should employ the words that are not employed in normal usage anymore, except sparingly, for the sake of imparting distinction to what we say, as I will point out later.[48] But in the employment of words in common use you will be able to use the choicest among them if you have thoroughly and devotedly immersed yourself in the writings of the ancients.

"But in order to speak correct Latin we must not only be careful to ut- 40
ter words that no one might justifiably criticize, and to use them in the proper case, tense, class, and number, so that there is no confusion, want of agreement, or incorrect order[49]; but we must also control our tongue, our breath, and the actual sound of our voice. I don't like letters to be overarticulated 41
with too much affectation, and I don't like them to be obscured by being pronounced too carelessly; I don't like words to sound thin by being pronounced with too little breath, and I don't like them to be puffed up and uttered, as it were, with too full and heavy a breath. As to the voice, I am not yet speaking about the points that fall under the category of delivery, but about what, as it seems to me, is somehow connected with the normal use

[47]Grammar was largely based on literature, and usually included some examination of poetry (see Glossary). Crassus, however, proceeds to recommend more thorough reading.

[48]See 3.153.

[49]As elements of correct Latin, Crassus first mentions the two categories of school rhetoric, word choice and correct "syntax." (The ancients had no complicated notion of syntax in our sense; the relevant concepts here are morphological regularity and

of language. There are, of course, certain faults that everyone wants to avoid: a voice that is soft or effeminate, or unmusically harsh, so to speak, and dis-
42 cordant. But there is also a fault that is cultivated intentionally by some people. There are those who delight in a countrified and coarse pronunciation because they think that if their language sounds this way, it will seem to preserve more of the past. For example, Lucius Cotta, who is a close friend of yours, Catulus, seems to me to take great delight in a heavy pronunciation and a coarse-sounding voice, and he imagines that what he says will seem truly old if it comes straight from the country. I myself take pleasure in the sound of your voice, Catulus, and in your refinement. I won't mention the refinement in choice of words, fundamental though it is; this is provided by theory, taught by grammar, and strengthened by daily practice in both reading and speaking. What I mean here is a pleasant sound produced by the mouth itself. In the Latin language this belongs especially to the city
43 of Rome, just as in Greece it belongs to the inhabitants of Attica.[50] In Athens, learning among the Athenians themselves has long since perished, and the city has remained merely the seat of several branches of study. The citizens themselves are not involved in them at all, but foreigners[51] avail themselves of them, somehow captivated by the name and prestige of the city. Nevertheless, any unschooled Athenian will easily outdo the most erudite people from Asia, not in their choice of words, but in the sound of their voice, and not so much in the correctness as in the pleasantness of their language. People in our city are less devoted to literary pursuits than are the people from Latium. Nevertheless, among those in the city whom you know and who have very little familiarity with literature, there is no one who, in terms of the smoothness of his voice or the sound of his distinct pronunciation, is not easily superior to the most literate man of all those who wear the toga,[52]
44 Quintus Valerius from Sora.[53] Thus, there is a particular kind of accent characteristic of the Romans who are from the city itself, in which there is nothing that can give offense, nothing unpleasant, nothing to provoke criticism, and nothing to sound or smell of foreignness. So let us cultivate this accent, and learn to avoid not only countrified roughness, but also peculiar foreign pronunciation.

[50]Attica was the territory around, and including, Athens. The dialect spoken in Athens is therefore known as "Attic" Greek.

[51]The foreigners in Athens were, as the sequel shows, primarily Greeks from Asia (i.e., Asia Minor). Romans, of course, also visited the city for their education, but that became more common only in Cicero's own generation, having been less normal in the time of Crassus and Antonius.

[52]I.e., the inhabitants of Rome and its surroundings, including Latium (the area southeast of Rome). The toga was apparently the traditional dress of all these people, though it was sometimes, as in 1.111, considered typical of Roman citizens (not all the people from Latium had citizenship in 91 BC, the dramatic date of the dialogue; cf. note 9 at 3.8).

"I must say that when I hear my mother-in-law, Laelia, speaking—for 45
the old pronunciation is more easily preserved intact by women; they are not exposed to the language of a lot of people, so they always hold on to what they originally learned—anyway, when I hear her speaking, I seem to be hearing Plautus or Naevius. The actual sound of her voice is so straightforward and unaffected that there is obviously nothing ostentatious or inauthentic to it. From this I conclude that this was the way her father used to speak, as well as her ancestors—not roughly, like the man I mentioned,[54] nor in a harsh or countrified or disjointed way, but distinctly and steadily and smoothly. For this reason, it seems to me, Sulpicius, that this friend of 46
ours, Lucius Cotta, whose broad sounds you sometimes imitate when you drop the letter I and pronounce a very full E instead,[55] is imitating farmhands rather than the orators of the past."

Sulpicius himself laughed at this, and Crassus said, "This is the way I'll deal with you: since you wanted me to talk, I'll be telling you a bit about your own faults." "If only you would!" Sulpicius replied. "For that is precisely what we want, and if you do so, we will probably lay aside many of our faults here today." "But surely," said Crassus, "I cannot criticize you, 47
Sulpicius, without risk to myself, because Antonius said that he thinks that you very much resemble me."[56] "He did so," said the other, "when he advised us to imitate the strongest points in each of our models.[57] Accordingly I fear that I have imitated nothing from you but the stamping of your foot, a few expressions, and perhaps some movements." "Then I will not criticize the points you've gotten from me," said Crassus, "in order not to make fun of myself—though they are much more numerous as well as more important than you say. But the qualities that are either clearly your own or that you have formed by imitating someone else, of these I will remind you, if there happens to be an occasion that prompts me to do so.

"Let us, then, pass over the rules for speaking correct Latin, which are 48
taught in our elementary lessons, fostered by a more precise, systematic knowledge of grammar, or by the practice of daily conversation at home, and strengthened by books and the reading of the ancient orators and poets. And really, let us not spend more time on the second point, on discussing in what ways we can see to it that what we say will be understood— 49
obviously by speaking correct Latin, by employing words in common use that properly designate the things we want to be signified and indicated, by avoiding ambiguous words or language, excessively long periodic sentences, and spun-out metaphors, by not breaking up the train of thought, confusing the chronology, mixing up people, or muddling the order. Why say more? The whole thing is so easy that I am often absolutely astonished that it is so

[54]Lucius Cotta, see 3.42 above.

[55]E.g., in the country the word *villa* was probably pronounced *vella* (Varro, *On Agriculture* 1.2.14).

[56]See 2.89.

difficult to understand what a pleader is trying to say—more difficult than it would be if the person who actually enlists the pleader were speaking
50 about his case himself. The instruction we get from the people who entrust their cases to us is usually so satisfactory that you couldn't ask for a clearer statement. But as soon as Fufius or your contemporary Pomponius[58] begins to treat the same material, I don't understand them as clearly, unless I pay really close attention—so confused and muddled are their speeches that nothing comes first, nothing second, and there is such a jumble of strange words, that the speech, which ought to shed light on the content, actually obscures and darkens it, and they somehow seem to drown themselves out
51 when they are speaking.[59] But I expect that, at least to you, the older ones here, these subjects are pretty tiresome and pedantic. So if you don't mind, let's move on to the other points, which are a little more troublesome."

"Actually," said Antonius, "I'm sure you see how little attention we are paying, how grudgingly we are listening to you. No (I can guess this when I look at myself), we can be made to abandon everything else to become your followers and listen to you. You discuss what is crude with such brilliance, what is barren with such fullness, and what is common with such originality!"

52–55 True eloquence and the remaining two qualities of style (distinction and appropriateness)

52 "That, Antonius," Crassus replied, "is because the two parts that I just ran through, or rather, virtually passed over, are so very easy—speaking correct Latin and speaking clearly. The parts that remain are important, intricate, varied, and difficult, and on them alone depend the admiration for our talents and the praise of our eloquence. Nobody has ever admired an orator for speaking correct Latin; if he doesn't, they actually make fun of him, and not only consider him no orator, but not even a human being. Nor has anyone ever extolled a man for having spoken in such a way that those present understood what he was saying; on the contrary, everyone has always despised people
53 who proved incapable of doing so. Who is it, then, who sends shivers down your spine? At whom do people stare in stunned amazement when he speaks? For whom do they cheer? Whom do they consider, if I may use the expression, a god among men? Certainly those whose speech is well shaped, is unfolded with clarity and abundance, and is brilliant, both in its content and in its words, and who, where the actual form of the speech is concerned, produce something resembling rhythm and verse[60]—that is, those who practice

[58]Crassus is still addressing Cotta and Sulpicius, for Pomponius was their (near-)contemporary.

[59]Both these orators often shouted when speaking (for Fufius, cf. 2.91; for Pomponius, *Brutus* 221).

[60]By mentioning "something resembling rhythm and verse," Crassus anticipates his

what I call speaking with distinction. Those who also regulate their speech in the way required by the relative importance of the subject matter and the people concerned, deserve praise for the quality that I call suitability and appropriateness.[61] Antonius denied that he had ever yet seen such speakers, and 54
said that to them alone the title of eloquence should be awarded.[62] For this reason you have my blessing when you deride and scorn all those people who imagine they have embraced the entire power of oratory by using the precepts of the rhetoricians, as they are nowadays called, but who have never yet been able to understand what role they are assuming or what claim they are making. For the true orator ought to have examined and heard and read and discussed and thoroughly treated all aspects of human life, since it is with
them that the orator is engaged, and it is this that constitutes his material. Elo- 55
quence, after all, has its own place among the supreme virtues. Of course, all the virtues are equal and equivalent, but still, one is more beautiful and splendid in appearance than another.[63] This is the case with the power that I am talking about: having acquired all-embracing knowledge, it unfolds the thoughts and counsels of the mind in words, in such a way that it can drive the audience in whatever direction it has applied its weight. And the greater this power is, the more necessary it is to join it to integrity and the highest measure of good sense. For if we put the full resources of speech at the disposal of those who lack these virtues, we will certainly not make orators of them, but will put weapons into the hands of madmen.[64]

56–62 The original unity of speech and knowledge and its destruction

"I contend that this method of thought and expression, this power of speak- 56
ing is what the Greeks of old called wisdom. This is what produced people

[61]Crassus here refers to the two remaining (of the four) qualities of style announced in 3.37. His grandiose description of especially the first (speaking with distinction), however, is unlike the technical ones found in the handbooks, and this prepares the way for the broadened scope of what follows.

[62]Crassus here refers to Antonius' "little book" (*libellus*), first mentioned by Antonius himself in 1.94 (see there, with note 69).

[63]Crassus here refers half-ironically to Stoic ideas (defended in almost the same words by Mnesarchus in 1.83). He starts by accepting their estimation of eloquence as a virtue, but in doing so talks of "supreme virtues," which is markedly un-Stoic, because to them, all virtues are equal. He proceeds, therefore, to "apologize," conceding that all virtues are indeed equal—only to qualify this again by saying that some are more beautiful than others. Eloquence, of course, is one of the more beautiful ones! (see LPW: 198–200).

[64]This section is the only one in which Cicero places a moral demand on the (ideal) orator; perhaps surprisingly, this plays no further part in the work. Note that Crassus (Cicero) does not say that supreme eloquence, which is based on knowledge, will automatically be morally upright; on the contrary, it is "necessary" to join such

Perfumes with an intense and penetratingly sweet scent do not delight us for so long as the moderately sweet ones, and what seems to have the fragrance of wax receives more praise than what hints of saffron. Even with the sense of touch, there is a limit to softness and smoothness. Yes, even our taste, the sense that is most responsive to pleasure and that is roused by sweetness more than the other senses—how quickly does it spurn and reject what is intensely sweet! Surely nobody can take sweet food or drink for too long? But both food and drink that affect this sense with only light feel-
100 ings of pleasure quite easily avoid causing feelings of satiety. Since in everything else, then, the greatest pleasure borders on aversion, we need not be too surprised by this phenomenon in the case of speech. Here, our experience with poets as well as orators allows us to conclude that poetry or prose that is elegant, decorated, distinguished, and pretty, but continuously so without new starts or variety, cannot give delight for a very long time, however vivid the colors in which it is painted. In fact, people take offense more quickly at the curls and cosmetics of an orator or poet, for the following reason: satiety of the senses stemming from excessive pleasure is a matter of nature, not of the mind, while in the case of the written and the spoken word, faults of overcoloring are not only recognized through the judgment of the ears, but even more through that of the intellect.

101 "Accordingly, I don't mind hearing people say 'great!' and 'outstanding!' about us, however often, but I don't like to hear 'charming!' or 'how pretty!' too often. Certainly, the popular exclamation, 'couldn't be better!,' I would want to hear repeatedly. All the same, such admiration during a speech, this highest praise, should have some areas of shade and some recesses, so that what is highlighted can be seen to stand out more promi-
102 nently. Roscius never delivers the following line[119] with the kind of gesture with which he could:

> The wise man aims for honor as a reward for virtue, not as its spoils.

But he throws it away, so that in the next verse—

> But what's this I see? Girt with sword, he occupies the sacred dwelling!

—he may put in all his energy, and can gaze, wonder, and be astonished. And what about that other actor?[120] How gently, how calmly, with how little intensity he says,[121]

> Where can I find some help? . . .

[119]This verse and the next are from tragedy, but author and title are unknown (ROL II, p. 616).

[120]Most probably Aesopus, the second famous actor of the period (also mentioned in 1.259).

For immediately after this passage follows this:

> O my father, o my country, o palace of Priam!

—which could not be delivered with such agitation, if his energy were utterly spent by his previous movements. Nor did the actors realize this sooner than the poets themselves, or in actual fact sooner than the composers of the accompanying music. Poets and composers alike lower and raise the tone, make the intensity sink and swell, and see to variation and differentiation.

"Our orator, then, should have distinction and charm—how could it be 103
otherwise!—, but his charm should be austere and firm, not sweet and overripe. The actual precepts that are given for imparting distinction to a speech are irrelevant: they are of a kind that any orator, no matter how fault-ridden, could put into practice. Therefore, as I said earlier,[122] you must first gather a store of material for the content; this aspect has been addressed by Antonius.[123] Then the material must receive its form from the actual texture and the general character of the speech, be highlighted by the words, and be given variety by the ideas.

104–110 *True distinction; general questions (theses)*

"But the highest excellence of eloquence consists in amplifying something 104
by imparting distinction to it. This serves not only to magnify things and raise them to a higher level in your speech, but also to minimize and lower them. It is a requirement for all the elements that are employed, as Antonius has said, in order to secure belief in a speech: whether we expound something, or win over the audience's minds, or stir their feelings.[124] But ampli- 105
fication is most effective in dealing with the last-mentioned element, and this is the unique excellence of the orator, the one that is most his own. An important contribution to all this is made by the faculty that[125] Antonius illustrated at the end of his discussion, having pushed it aside at the beginning, I mean that of praising and blaming.[126] For nothing is better suited for building up and amplifying a speech than the ability to do both of these with great fullness. Another useful factor is the topics that, although they 106
ought to be appropriate to the individual cases and firmly bound up with

[122]See especially 3.93, but of course also Crassus' whole argument in 3.52–81.

[123]In his discussion of invention, 2.99–216.

[124]These are the three means of persuasion, around which Antonius built his account of invention in Book 2 (99–306); see, e.g., 2.114–115 and Introduction, pp. 34–35.

[125]"An important contribution to all this is made by the faculty . . .": this is not a translation of the transmitted Latin text (which is almost certainly very corrupt; see Wilkins), but it gives the gist of the sentence as seems to be required by the context.

[126]Antonius first, in 2.43–47 (plus 48–73), stressed that it was unnecessary to give

their essence, were nonetheless called commonplaces by the ancients,[127] because they are, as a rule, employed when we are dealing with a subject on a general level. They partly consist of bitter, amplified condemnations of, or complaints about, vices and offences, which are usually left unanswered and are indeed unanswerable—such as attacks on embezzlement, on treason, and on murder. We should use them only after proving the charges; otherwise
107 they are barren and empty. Other commonplaces consist of a plea for mercy or pity. And then there are others consisting of double-edged discussions, which offer the possibility of copiously arguing both sides of a general issue.

"These days, this last practice is considered to be characteristic of the two philosophical schools that I discussed earlier.[128] But among the ancients, it belonged to those who furnished the entire method and the whole fullness necessary for speaking about matters arising in public life.[129] And rightly so, for we orators, too, should possess both the power and the art of speaking on both sides of an issue on the topics of virtue, moral duty, the fair and the good, the honorable and the expedient, honor, disgrace, rewards,
108 punishments, and similar subjects. But we have been ousted from our estate and are left with a paltry piece of land (and even that contested), and though we are defenders of others, we have not managed to preserve and protect what is our own. So let us, utterly shameful as it is, borrow what we need from those who have invaded our inherited property.

109 "Well, the following is said,[130] both nowadays by those who take their name from a tiny part of the city and its surroundings, and are called Peri-

[127]These commonplaces will be important in the sections that follow, and the notion that "the ancients" treated them therefore fits in well with Crassus' appeal in 3.56–73 to go back to the wisdom of the ancients. These "commonplaces" (*loci communes*) are not the abstract argument patterns discussed by Antonius in 2.163–173, but, as Crassus says here, generally applicable approaches. Traditional rhetoric also had commonplaces in this sense; all three types mentioned here (3.106–107) have counterparts there, and these had indeed been in use from early times (cf. *On invention* 2.48; *Brutus* 46–47; Aristotle *Sophistical Refutations* 34 [183b36–184a8]; cf. Glossary at "commonplaces"). But while the correspondence is exact for the first and second types, Cicero's third type is much broader than its traditional counterpart, since that was limited to discussions of issues directly relevant to oratory (e.g., the general credibility of suspicions or witnesses). This broadening reflects Cicero's purpose of describing the ideal orator as a master of all communication; accordingly, it is the third type that will be most important in what follows.

[128]The Academic and Peripatetic schools; see 3.67–68, 71 and 80.

[129]Here, Crassus implicitly refers to his earlier description of the ancient unity of speaking (cf. especially "method") and thinking (cf. "whole fullness"); see 3.56–60, 69–73.

[130]At the beginning of 3.107, Crassus mentioned the practice of arguing both sides of an issue. He now returns to that topic, after (in 3.107–108) having identified the philosophers who are helpful in that area.

patetic or Academic philosophers,[131] and long ago by those whom the Greeks called "political philosophers" because of their exceptional knowledge of the most important matters (and who thus bore a name derived from the state as a whole)[132]: every speech that has to do with the life of the citizen is concerned with one of two types of issues, being a question either about controversies that are delimited by specific occasions and parties (for example, whether it would be a good decision to recover our prisoners of war from the Carthaginians by returning theirs), or about an entire category in the abstract (what should be our general judgment and position regarding prisoners of war).[133] The first of these types they call a 'case' or a 'controversy,' and they specify three varieties, court cases, deliberations, or laudatory speeches. The second kind of question, which is indefinite and is, as it were, a proposition,[134] is labelled an 'inquiry.' The rhetoricians also employ this 110
division in their teaching. But by the way in which they do so, they give the impression that they are not recovering their lost estate before the praetor or in court or, for that matter, by using force. Rather, it seems that they are asserting their rights only by symbolically breaking off a twig.[135] They do hold on to the former type, the one delimited by occasions, places, and parties—but barely by a thread, for right now, the study and exercise of these "cases" have also come to be included in the teachings of Philo (who, I hear, is very influential in the Academy).[136] And as for the second type, they merely mention it at the beginning of their system, saying that it belongs to the orator, but without setting out its meaning or its nature or its species or

[131]The name "Peripatetic" was sometimes derived from the (alleged) habit of Aristotle of giving his lectures while walking (*peripatein*, "walk up and down"), but sometimes (as here) from the covered walk (*peripatos*) of the Lyceum (a sanctuary dedicated to Apollo, outside the Athenian city wall, where a gymnasium was located), where he held his lectures (Düring 1957: 405). The Academy was so called from the public park of that name at Athens, or from the gymnasium located there.

[132]For the suggestion that these people were called "philosophers," see 3.60 (with note 72) and 73. The extended name, "political philosophers," is based on the derivation of the word "political" from the Greek *polis* ("city" or "state"): these ancients, Crassus suggests, bore a name reflecting their involvement in the "state," whereas the present philosophers bear a name that reflects their restricted, nonpolitical aims.

[133]This is the distinction between *hypothesis* (specific question) and *thesis* (general question); see Introduction, p. 25 and pp. 27–28.

[134]"Pro-position" indicates the equivalence with the Greek technical term for such questions, *thesis* (from τίθημι, "put, place"); the same word is used, e.g., in 3.80.

[135]The imagery is, as more often, taken from legal disputes (cf., e.g., 1.41–42). "Before the praetor or in court" indicates the two stages of a civil procedure (see note 119 at 1.166). The image in "breaking off a twig" is not completely clear, but apparently, one could claim a disputed piece of property by symbolically taking a small part of it, even without (for the time being) going to court.

[136]Philo (of Larissa), head of the Academy in 91 BC, the dramatic date of the dialogue; see Index.

its classes.[137] So, it would have been better for them to pass over it entirely rather than to touch upon and then abandon it. In that way, their silence might have seemed intentional, but now it is clear that they indeed have nothing to say on the subject.

111–119 A "philosophical" classification of general and specific questions

111 "Well then, in every matter that can be the subject of examination and dispute, the potential points of controversy are by nature the same, whether the dispute is based on an indefinite inquiry or on the cases that concern the community and the disputes in the forum.[138] There is none that is not related to the principles of either acquiring knowledge or taking practical action. For one is either trying to acquire pure knowledge about something 112 (for instance, whether virtue is to be pursued for its own intrinsic value or for some advantage it offers),[139] or one is looking for advice about practical action (for instance, whether the wise man should engage in politics).

113 "Now the acquisition of knowledge has three varieties[140]: factual inference, definition, and what I might call "attendance."[141] For when the question is what exists in something, we investigate it by means of inference (for example, whether there is wisdom in the human race). The essence of a particular thing, moreover, is set out by definition (for instance, if the question is, what is wisdom?). And "attendance" is at issue when we inquire what attendant qualities a particular thing has (for example, will a good man ever 114 lie?). At this point they return[142] to the category of inference and divide it

[137]For our use of "species" (as a translation of *partes*), cf. note 157 at 1.189.

[138]Crassus here refers to the distinction between general and specific questions (*theses* and *hypotheses*) given in 3.109. He claims that the same system of subdivisions can be applied to both, and to this end, he proceeds to give a philosophical division of the general questions that resembles the normal divisions (given in status theory) of specific questions. Already in Book 2 (133–142; cf. 104), Antonius had emphatically claimed that there is no real difference between general and specific questions. See Introduction, pp. 25, 26.

[139]As in most of the other examples given in this passage (3.112–118), the issues and terminology reflect contemporary philosophical debates. E.g., "to be pursued" (from the verb *expetere*), like its counterpart "to be avoided" (from *fugere*), was a standard philosophical term (also used, e.g., by Antonius in 1.221).

[140]These three varieties correspond to the common division of status theory, given, e.g., by Antonius in 2.104–109 (see note 75 at 2.104, and Introduction, pp. 32–34). The application of status theory to general questions is deliberate; see note 138 above.

[141]The odd word "attendance" renders the equally odd Latin word *consecutio*. It refers to the investigation of "attendant qualities or circumstances" (cf. Latin *consequentia*, used in 2.166 and 170).

[142]"They return," i.e., the philosophers from whom Cicero (Crassus) has taken this

into four classes: the question is either what a thing is (as in, is justice among human beings a matter of nature or is it based on mere opinion?); or it is about the origin of a particular thing (for instance, what is the source of laws and states?); or about cause and reason (for example, if the question is why the most learned people disagree about the most important issues); or it concerns change (as when there is a discussion about whether virtue in a person could perish, or whether it could change into vice). Disputes are about 115 definitions when the question is either what is the notion that is imprinted, so to speak, on the human mind[143] (as when there is a debate about whether the just is what is in the interest of the majority); or when inquiry is made into the essential properties of a particular thing (for instance, is speaking with distinction the essential property of the orator, or can somebody else do so too?)[144]; or when something is divided into parts (for example, when the question is how many categories there are of things to be pursued,[145] for example, are there three of these, those of the body, the mind, and external goods?); or when the form and, as it were, the special natural mark of a particular person are described (for example, when one tries to find the characteristic features of the miser, the seditious citizen, or the braggart). As for 116 "attendance,"[146] two principal categories of questions are posited. The dispute is either simple (as when it is debated whether glory is to be pursued) or based on comparison (is praise or wealth more to be pursued?). Now, of simple questions there are three varieties: those about things to be pursued or avoided (for instance, should high offices be pursued, should poverty be avoided?); those about the fair or the unfair (is it fair to exact vengeance for wrongs even from relatives?); and those about the honorable or the base (for instance, is it honorable to die for the sake of glory?). Of comparison, there 117 are two varieties: one when the question is whether two things are the same or whether there is a difference (for instance, fear and reverence, a king and a tyrant, or a flatterer and a friend); the other, when the question is which is better than the other (for instance, the issue of whether the wise should be guided by the praise of the best people or by that of the majority). Well, this is basically how very learned people divide up the disputes, as far as they are related to the acquisition of knowledge.

"Then there are those disputes that are related to practical action. These 118 either concern a dispute about moral duty—in this category, the question is what is right and what should be done, a topic that includes the whole forest of problems about virtues and vices—, or are applied in producing or allaying, or even removing, some emotion. The latter category includes exhortation, rebuke, consolation, appeals to pity, and in general all instances

[143]I.e., the commonly accepted notion.

[144]The isuue of this example was basically the topic of Crassus' long discussion at the beginning of Book 1 (1.45–73), and again of Antonius' discussion in 2.36–38 (cf. also Catulus' reaction in 2.39).

[145]On the terminology, see note 139 above.

in which people are either driven to any feeling or, if the occasion so demands, their feelings are soothed.

119 "These, then, are the categories and varieties of all the disputes. It is not at all relevant if my classification has differed from the division of Antonius in any way.[147] The individual branches in our two treatments are identical, but I have simply divided and arranged them a little differently from the way he did. Now I shall go on and turn to what remains, and call myself back to my allotted task. As to the arguments for all these categories of questions, they can all be taken from the commonplaces described by Antonius.[148] Of course, different commonplaces will be suitable for different categories, but this topic needs no discussion at all, not so much because it would take a long time, as because it is self-evident.

120–125 The orator and the general questions (theses)

120 "The most distinguished speeches, then, are those that range most widely and shift their attention from the particular, individual controversy in order to concentrate on unfolding the nature of the general category. Thus, the audience can make their decision about the individual parties, charges, and court cases, after having learned about the nature and category of the mat-
121 ter on a general level. This is the practice, young men, that Antonius urged you to develop into a habit, thinking that you should be brought over from petty and narrow wrangling to the complete range and variety of discourse.[149] So this is not a task for a few trivial handbooks, as those think who have written on the theory of speaking, nor for the morning stroll we had at this Tusculan estate, or the afternoon discussion that we are sitting down to now.[150] For we must not only forge and sharpen our tongues, but we must load our minds[151] to the brim with the attractive richness and va-
122 riety of the most important matters in the greatest possible number. Indeed, it is ours—if at least we are really orators, and if we are to play our part as authorities and leaders in civil and criminal trials and in political deliberations—it is ours, I say, this whole estate of understanding and learn-

[147]Antonius gave his classification of cases in 2.104–113, in the form of a variant of status theory. He claimed, as Crassus did here (3.111), that it was valid for general and specific questions alike (*theses* and *hypotheses*: 2.104, 133–142). About the function of the difference between Crassus' and Antonius' classifications, see Introduction, p. 16.

[148]Crassus refers to the system of abstract commonplaces given in 2.163–173. Since Antonius has already treated that, Crassus can "go on and turn to what remains," i.e., first, to what he thinks will be the closing statement on "speaking with distinction" (*ornatus*), to be given in 120–125 (see Introduction, p. 19).

[149]See 2.118, and especially 2.133–142, 145–147, where Antonius indeed repeatedly addressed the "young men," Cotta and Sulpicius (133, 140, cf. 145).

[150]The discussion of Book 2 took place during a stroll (see 2.20), but now, in the afternoon, the company is sitting (see 3.17–18).

ing, which people with far too much leisure time have invaded while we were occupied, like property unclaimed and uninhabited. They have even gone so far as to laugh at the orator and mock him, as Socrates did in the *Gorgias*, or to give a couple of precepts about the orator's art in a few trivial handbooks and entitle these *On Rhetoric*[152]—as if the orators were not the real owners of the things that these people say about justice, about moral duty, about establishing and governing communities, actually about the whole of the conduct of life, and yes, even about the explanation of nature. Since we cannot get this knowledge elsewhere anymore, we must take it 123
from the very people who plundered us. But we must apply it to our knowledge of community life, with which it is concerned and at which it aims, and as I said before,[153] we must not waste an entire lifetime in learning all this. But once we have seen the sources (and only those who get to know them quickly will ever get to know them at all),[154] we will, whenever the 124
need arises, draw from them only as much as the situation demands. For nature has not endowed the human intellect with such sharp vision that anyone can discern such important matters without being shown them. On the other hand, these matters are not so obscure that a man of sharp intellect cannot see to their depths, provided that he has looked at them.

"Thus, since the orator may range freely in this enormous, immense field, and since he is on his own ground wherever he chooses to stand, all the elaborate provisions for speaking with distinction will be readily at his disposal. For fullness of content begets fullness of words; and if the subjects 125
we speak about are honorable, the content produces a certain natural splendor in the words. It is, of course, essential that the person who is going to speak or write should, as a boy, have received a gentleman's[155] education, that he burns with enthusiasm, that he is helped by his native abilities, that he is practiced in abstract discussions about general questions, and has chosen the most distinguished writers and orators as models for study and imitation. Such a man is certainly not going to ask those teachers how he should arrange and highlight his words—so easy does an abundance of content make it for natural ability, at least if it is practiced, to find its way unguided to the highlights that lend distinction to a speech."

126–131 Catulus on the early sophists

"Good heavens," Catulus exclaimed at this point, "what an extraordinary 126
variety of material, what an enormous range, what copiousness you have embraced, Crassus, and from what narrow confines have you dared to lead the orator, to establish him in the kingdom of his ancestors! We have indeed been told that the ancient teachers and masters of speaking regarded no type

[152]Crassus means (at least) Aristotle and Theophrastus, as is clear from the similar description in 1.55 (where the argument, however, is different).

[153]See 3.86–89.