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ARS TOPICA

**The Classical Technique
of Constructing Arguments
from Aristotle to Cicero**

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Introduction by David S. Levene



Springer

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To Hans B. Gottschalk and Peter J. Schulz

*«I was afraid my soul would be blinded if I looked
at things with my eyes and tried to grasp them
with any of my senses. So I thought I must
have recourse to conceptions and examine
in them the truth of realities.»*

(Plato's Phaedo 99e)

Preface

1. Why I Wrote This Book

From the time of Perelman and Olbrechts-Tyteca (1958) onwards, argument schemes have been a major concern of argumentation theory. By ‘argument schemes’ I mean the principles that reveal the internal organization of arguments, and on which speakers rely in defending a standpoint at issue by means of certain premises. Argument schemes are praised for their analytical, evaluative and normative roles.

As I illustrate in this book, the concept of argument scheme goes back to the ancient world. It was first systematised in the Greek context by Aristotle and subsequently presented to the Roman public as an aid to argumentation by Cicero. Aristotle called an argument scheme a *topos* (the Greek τόπος, plural: *topoi*, in Greek τόποι) which corresponds to the Latin *locus* (plural: *loci*), and developed a system of *topoi* based around them. About 300 years later, Cicero proposed a system of *loci* which was explicitly linked to Aristotle’s.

There are many more or less recent works on the concept of *topos*¹ in Aristotle and Cicero, and there are also a few essays that underline the link between *topoi* and argument schemes.² Some of these works are written with great clarity, rigor, intelligence and scholarship. What then is my excuse for adding another study to this glut? The answer is straightforward. Despite this extensive research, the nature, use and meaning of *topos* within the classical tradition – above all the works of Aristotle and Cicero on the subject – have not previously been properly understood. This not only has consequences for our understanding of the concept historically but also prevents us from exploiting fully the *topos*-system for modern theory of argumentation.

The systematic study of *topoi* has been pioneered by Aristotle and Cicero. These two authors configured *topoi* in a way that influenced the subsequent tradition. Cicero’s work on *topoi*, as I show in this book, can only be grasped in juxtaposition with that of Aristotle; Cicero was then the starting point on which Boethius built his work on *topoi*. Boethius, in his turn, is the author on whom medieval discussions

¹ For reason of brevity, when I generally refer to *topoi* and *loci* I shall only use the terms *topos/topoi*.

² Relevant scholarly literature will be discussed in the subsequent chapters.

of *topoi* depend. Again, as Professor Levene discusses in the Introduction, in antiquity the *topos*-system grew out of an interest in creating a theory of argumentation which could stand between the rigour of formal logic and the emotive potential of rhetoric. But this system went through a series of developments and transformations; these are of considerable interest not only for historians, but also for modern argumentation theory, where the concept of informal argumentation plays a crucial role, with a particular focus on the interplay between the separate aims of rhetorical effectiveness (persuasiveness) and that of maintaining dialectical standards (critical reasonableness).

This book thus has three objectives. First, it presents a comprehensive treatment of Aristotle's and Cicero's methods of *topoi*, with an interpretation which is both philosophically articulated and grounded in its proper historical context. Second, the book lays the ground for evaluating the relevance of the method of *topoi* to modern research on arguments. It goes without saying that this book has also a third, more didactic objective. In following the growth and development of *topoi* in Aristotle and Cicero, I tackled the topic from scratch and attempted to interpret Aristotle and Cicero's original motivation for creating the *topoi*-system within the framework of their theories of argumentation. Readers might thus find an introduction to classical theory of argumentation, with a focus on its most important theoretical achievements.

I can state all of these aims at once by saying that I have tried to write the book that I wish I had read when I first began to think about *topoi*. And writing this book led to more than I initially expected of just about everything – more time, more difficulties, but also more rewards, more fun, and a greater appreciation for the advances made in understanding the complex and challenging process by which argumentation theory has grown and developed so far.

2. Into the Contents of the Book

Let us now enter into the more technical aspects of this book. What is it that makes our understanding of Cicero and Aristotle still problematic? This question can be summarised in the following terms. Aristotle developed a set of about 300 *topoi* in the *Topics* and discussed *topoi* in the *Rhetoric*, but he never defined exactly what a *topos* is. As one might expect, this lack of a clear definition of such a fundamental point had serious implications for a coherent comprehension of the term as used by him. Ancient commentators on the *Topics* and the *Rhetoric* did not help to elucidate the meaning of an Aristotelian *topos*. As a result, while modern scholars have made significant contributions to our understanding of the *Topics* generally, there are still essential characteristics of the concept of *topos* in the treatise that have not been fully comprehended. These, however, cannot be properly grasped if one focuses only on the *Topics*. The fact is that Aristotle discusses *topoi* also in his *Rhetoric*. But the situation in that work is even more complex. In introducing the method of *topoi* in rhetoric, Aristotle refers to the *topoi* of the *Topics*; but scholars have identified two kinds of *topoi* here without agreeing as to their nature and function. In addition,

Aristotle presents a list of 29 *topoi* in *Rhetoric* B 23. This list is not a selection of the *topoi* of the *Topics*; but it has not been clear what this list contains, nor how it relates either to previous sections of the *Rhetoric* or indeed to the *Topics*.

In the Peripatos after Aristotle, Theophrastus (370–285 BC) and Strato (240–268 BC) had an interest in *topoi*. However, there is nothing left of Strato's writings, and Theophrastus does not seem to have made any major change to this part of Aristotle's thought. As for the Stoics, there is no evidence that they took any interest in *topoi*. It is only with Cicero that Aristotle's *topoi* enjoyed a revival that lasted until the Renaissance. Cicero speaks of *topoi* for the first time in his early treatise *De Inventione*. But there we find the term used with several meanings (and not simply as argument schemes) that, I have already demonstrated elsewhere (Rubinelli 2006), require contextualisation. It is in *De Oratore* and then in the *Topica* where Cicero emphasises the importance of Aristotle's *topoi*, and discusses a list of *loci* that he explicitly traces back to Aristotle. On the face of things, however, Cicero's list does not directly derive from either Aristotle's *Topics* or his *Rhetoric*. Scholars have attempted to understand the relationship between Aristotle's *topoi* and what Cicero considers to be Aristotle's *topoi*, but, as I show in Chapter 4, they have not yet succeeded.

It is these questions that the book aims to answer. It is structured in four chapters.

Chapter 1

This chapter aims to clarify Aristotle's method of *topoi* as it is presented in the *Topics*. The first task is to explain for what purpose Aristotle first developed the method. Here I shall address the nature of the ancient dialectical debates – or argument competitions – that represent the historical context for the design of the method. The next step is to analyse the nature and function of the *topoi* themselves, starting from an explanation of the four *predicables* underlying the system's design (*accident*, *genus*, *property* and *definition*) and continuing with an analysis of the structure of a *topos*, and the use of the factual contents (the *protaseis* or premises) for its application. Special attention will be given to those aspects of the *Topics* that seem to have been most neglected by scholars.

Chapter 2

Following a claim which Aristotle makes in *Topics* A 2, 101a 25 – 101b 4, this chapter will assess the practical use Aristotle makes of *topoi*. After an introductory analysis of the role that *topoi* play in the dialectical investigation of scientific matters, it will be shown how Aristotle uses *topoi* in selected passages of the *Nichomachean Ethics* and the *Physics* to establish major starting points for the development of his doctrine. Next, prominent attention will be paid to the method of *topoi* as set out in Aristotle's *Rhetoric*. First I shall address why and how Aristotle introduces the

topoi of the *Topics* into the *Rhetoric*, and how orators can use them to plead their cases. This analysis will resolve the controversial issue of the relationship between *topoi* and *idia*, as introduced in *Rhetoric* A 2, 1358a ff.; it will also enable a broader understanding of the link between rhetoric and dialectic in the Aristotelian system. In the second part of the chapter, the focus will shift to the list of *topoi* that Aristotle introduces in *Rhetoric* B 23. The nature and role of this list in the treatise is recognised as far from clear. Scholars acknowledge the apparent inconsistency with the previous section of the *Rhetoric*, but no progress has been made in explaining the extent of the difference and finding its connection with the previous sections. All these issues are dealt with in this chapter, which concludes by proposing a solution to the problems on the basis of philological and contextual remarks.

Chapter 3

In Chapter 3, having first introduced the figure of Cicero within his historical and theoretical context – with an emphasis on Cicero as orator – I will analyse the text where he first discusses the concept of *locus*, namely *De Inventione*. Having first given an introductory overview of Cicero's theory of argumentation in the treatise, the analysis will show how in *De Inventione* Cicero uses the term *locus* with different more or less technical senses ranging from 'topic or theme', 'subject matter indicator', 'argument-scheme', 'argument' and '*locus communis*'. These different usages of *locus* will be explained on the basis of examples quoted by Cicero himself or extrapolated from his speeches.

Chapter 4

In Chapter 4, my emphasis will be on the treatises where Cicero highlights the importance of two lists of *loci* he explicitly attributes to Aristotle, namely *De Oratore* and *Topica*. As I have already mentioned, a cursory glance at Cicero's lists suggests that, on the face of it, Cicero's *loci* are a direct account of neither Aristotle's *topoi* in the *Topics*, nor of those in the *Rhetoric*. The current scholarly consensus is that behind Cicero's lists of *loci* there is a late Hellenistic source containing echoes of Academic, Peripatetic and Stoic material. Antiochus of Ascalon, the Stoic Diodotus and Philo of Larissa have been mentioned as possible sources, but there is no evidence that any of these ancient philosophers had ever worked on *topoi*. Likewise attempts to clarify the relationship between Aristotle's *topoi* and Cicero's *loci* have produced disparate interpretations. In accordance with the framework set out above, in this chapter I will present Cicero's lists in their respective contexts. The analysis will then focus on the nature and provenance of the *loci* which Cicero traces back to Aristotle, juxtaposing Cicero's *topoi* with those of Aristotle. By drawing on the main findings of the previous chapters, this chapter will demonstrate the Aristotelian paternity of Cicero's lists, and that Cicero's system of *topoi* can be properly understood if interpreted in the light of Aristotle.

I conclude with two final remarks. The analysis presented in the following chapters is based on close readings of the texts of Aristotle and Cicero. Standard English translations are used for all the Greek and Latin passages cited. Also, since the main arguments of this work are new, marking every point of disagreement with past scholarship would be burdensome to the reader; I have generally confined my comments to discussions of the most important works on the subject. Readers may however find an exhaustive guide to research in the extensive bibliography provided by Kienpointner (1992), Slomkowski (1997) and more recently by Garssen (2001), Reinhardt (2003) and Zampetti (2006).

Acknowledgments

My interest in *topoi* was first kindled when I wrote my undergraduate dissertation on Aristotle's *Topics* at the Catholic University of Milan. Then I was captivated by the complexity of the subject and wanted to understand and clarify it further. This book is the culmination of doctoral and postdoctoral research on *topoi* I conducted at the School of Classics of the University of Leeds and at the Faculty of Communication Sciences of the University of Lugano.

I owe special thanks to my PhD supervisor, Hans B. Gottschalk – who sadly died in 2003 – and to Peter J. Schulz with whom I have been working in Lugano since 2002. Their seriousness and intellectual honesty, as well as their incisive and perceptive criticism, have been a constant challenge and inspiration. This book is dedicated to Hans and Peter to thank them for being the persons from whom I have learnt most in my academic education.

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University of Lugano
October, 2008

S. Rubinelli

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Introduction: *Topoi* in Their Rhetorical Context

Among the most enduring intellectual legacies of the ancient world is the development of formal logic. Aristotle's system of logic, as set out above all in the *Prior Analytics*, established a method for formally analysing the validity of arguments which dominated the intellectual field until the 19th century. More recently its limitations have been recognised, and other systems of formal logical analysis have been developed, but some of these themselves have been shown to have roots in antiquity, notably in the Stoic system of propositional logic.

Formal logic has, however, well-known practical limitations. While it is an essential tool for close philosophical analysis, it is rare in ordinary discourse that a matter of controversy turns on a question that can be resolved through formal logical reasoning. It is therefore unsurprising that among the ancients themselves the systems of formal logic set out by the philosophers rarely appear to have had a great deal of impact: few writers beyond those who are themselves specifically writing on logic show any awareness of the logical systems of the philosophers.

An entirely different area in which the ancient world has had a vast cultural impact is on rhetoric. Oral persuasion played a substantial role from the earliest days of historical Greece and Rome: its influence was especially pervasive in political contexts (such as democratic Athens or Republican Rome) where the ability to persuade a wide audience was the key to achieving one's desired political ends, but even under the autocracy of the Roman empire rhetoric flourished in the courtroom as well as for purposes of political display, with, for example, orators making grand speeches on public occasions in praise of emperors or celebrating cities. Rhetoric accordingly stood at the centre of the ancient educational curriculum, and a large body of theoretical and teaching materials grew up around it. Many of these have survived, as have many of the speeches and other works in which the precepts of the theorists were put into practice; and these too had a tremendous influence on later generations.

Rhetoric, however, was not uncontroversial. The ability to persuade through speech regularly raised anxieties, especially in the earlier development of the discipline, that audiences could be persuaded to unacceptable conclusions by the application of emotive devices or specious reasoning. And indeed rhetorical theorists and practitioners laid a good deal of stress on emotion and on ways in which it could be aroused in an audience so as to encourage the hearers to accept one's

case. But rhetoric had a place for argument as well, and not necessarily bad argument – because, as Aristotle observes (*Rhetoric* A 1, 1355a20–23: see below, 51), other things being equal one would expect a good argument to be more persuasive than a bad one, for all that the art of rhetoric as it developed in practice also provided devices for making effective use of bad arguments should good ones prove inadequate. Yet it is clear that these good arguments are rarely going to be the rigorous deductive ones of formal logic, which are too narrowly focused to have a place in the practical issues in which an orator will be interested.

It is that gap, between the rigour of formal logic and the emotive potential of rhetoric, that the ancient theories of *topoi* were developed to fill. They provide an informal theory of argument which, while not possessing the formal deductive validity of (for example) the Aristotelian or Stoic syllogism, offers a set of flexible schemata which can be used in a wide variety of practical contexts. They provide for the speaker arguments which may not always be valid in the strictest formal sense, but which will draw conclusions from premises, conclusions that are likely to follow in most cases, and so are rightly persuasive even if not without exceptions. A good example is *a fortiori* reasoning: if I defend a man against a charge of stealing of a small amount of money by observing that he passed up the opportunity to steal a larger amount, this does not demonstrate incontrovertibly that such a person *could not* have stolen the small amount, but it provides a valid reason for thinking that he is *unlikely* to have done so. Such a theory of argument is, however, rarely recognised as a distinctive system (despite the existence of books by Aristotle and Cicero devoted to it): one of the important consequences of Dr Rubinelli's book is to restore it to its rightful place.

But it is a consequence of the intermediate place occupied by *topos*-theory within ancient systems of argument that the ancients' own understanding of *topoi* and the role which they saw them as playing within broader systems of discourse, were highly fluid. Here Dr Rubinelli's demonstration of the different types of argument that the ancients subsumed under the heading of *topoi* in different contexts, the roles that they play in different works, and the often complex relationship between different thinkers on the subject, is a remarkable and invaluable contribution to our understanding. Aristotle's *Topics*, our earliest, fullest and most systematic account of *topoi*, is not primarily focused on rhetoric at all, but on dialectical argumentation as a philosophical exercise. It is not surprising, therefore, that it is the clearest and most focused of all, as Dr Rubinelli shows, in establishing the *topos* as an 'argument scheme', as an abstract place-holder for arguments into which content of any sort can be inserted. This has the immense advantage of logical clarity; however, when the system is transferred to rhetorical contexts other considerations enter in. The fine distinctions required to generate the 300 or so argument schemes of the *Topics* are manifestly less likely to be of practical use for an aspiring orator who has to keep control of many features of a speech, not merely the logical one, nor is it essential for such an orator to be able to categorise *topoi* according to Aristotelian distinctions between class and species, essence and accident. Understandably, therefore, rhetorical writers handle the concept of *topoi* rather differently from the way Aristotle does in the *Topics*.

Indeed, this fluidity can be seen in Aristotle's own *Rhetoric*. As Dr Rubinelli emphasises, it would be a mistake to regard Aristotle as less focused on accurate reasoning in this work than he was in the *Topics*. On the contrary, perhaps the most striking and distinctive feature of Aristotle's *Rhetoric*, by comparison with any other systematic rhetorical treatise of the ancient world, is the central place given to persuasion through rational argumentation. But the *Rhetoric* as we have it is not wholly consistent: in particular the list of *topoi* in B 23 seems to introduce types of argument and considerations which are not compatible with the concept of the *topos* that Aristotle developed in the *Topics* and uses elsewhere in the *Rhetoric*, and Dr Rubinelli argues that this chapter of the *Rhetoric* did not originally stand in that treatise, but was incorporated from elsewhere either by Aristotle himself or by a later follower. If one is considering the broader cultural role of *topos*-theory, the identity of the person who imported the chapter is less significant than the fact that it was felt of importance to do at all: it strongly suggests that the more abstract considerations of argument-theory found in the rest of the *Rhetoric* were felt to be in need of supplementing with, for example, forms of argument specifically focused on the needs of orators, even at the cost of potential dissonance with the work as a whole. It is clear that the concept of *topos* – the informally valid argument – existed independently of and indeed predated Aristotle, and, naturally enough, was elaborated in different directions and without the philosophical systematisation that he offers.

In post-Aristotelian theory the term *topos* (or its Latin term *locus*) is, moreover, sometimes attached to quite a different idea: the 'ready-made arguments' which certain rhetoricians provided to be used on either side of particular disputes. So, for example, if a case turns on evidence given under torture, it was possible to read theorists who would provide specific arguments for and against the validity of torture, arguments that could be recycled whenever the issue emerged (e.g. *Rhetorica ad Herennium* 2,10). This is obviously far removed intellectually from the universal schemes for generating arguments that is at the heart of the Aristotelian approach (indeed, it is very close to the approaches of the rhetorical theorists whom Aristotle criticised at *Sophistic Refutations* 34, 183b36ff.), but it is recognisably part of the same general conceptual world in which the Aristotelian theory was being reconstructed to suit the practical needs of rhetoric. *Rhetoric* B 23 provides not only *topoi* in the strict Aristotelian sense, but also specific rhetorical strategies such as alleging motives: it is not a great leap from that to providing actual examples which can be used for specific occasions. The one unfortunate thing is that in contemporary literary scholarship the term *topos* has come to be used almost exclusively to refer to these 'ready-made arguments', or by extension to any theme or idea that has become a commonplace through repeated use: this has led to misunderstandings of the term when it is used in its Aristotelian sense and, more damagingly, to a tendency to underestimate the role of rational argument in ancient rhetoric, in which the Aristotelian *topos* and its development, above all through Cicero, plays so large a part.

This is not to say that the role of rational argument in oratory was uncontroversial in antiquity. Quintilian in Book 5 of *Institutio Oratoria* gives an extended account of proof in rhetoric, drawing directly on both Aristotelian and Ciceronian

material: he specifically discusses *loci* as argument schemes in a manner comparable to theirs (5.10.20-99), and differentiates them explicitly from the mere retailing of ready-made arguments (5.10.20). Yet he concludes his discussion with a lengthy critique of the whole concept: while he accepts the broad usefulness of *topoi*, he claims that an attempt to categorise them too rigidly is a doomed enterprise in theory, and one that is likely to provide confusion rather than clarification for students in practice (5.10.100-125). Whether this critique is valid for the theory of *topoi* as elaborated either in Aristotle or in Cicero is a more complex question that I shall leave open here; the interesting point is that Quintilian, as a practical teacher of rhetoric, felt that while informing students of the theory, it was necessary to warn them against too rigid an application of it. Likewise he concludes the entire book with a warning against those who would give too high a place to rational proof in general: a speech consisting of rational argument, he suggests, is ill-suited to the majority of audiences, and the arguments need to be leavened or indeed replaced by devices to charm and move the hearers, as indeed great orators, he says, have done across the ages (5.14.29-32; cf. 5.13.56).

Is it possible, then, to tell how much impact the *topos*-schemes of Aristotle and Cicero, and their later developments in other writers, had in practice on ancient culture, on ancient techniques of argument and thought? Were they (or other works like them) read and employed for practical ends, or did speakers take strictures such as those of Quintilian to heart, relegating the techniques of rational argument such as the *topoi* represent to a secondary role in the grand scheme of speech-construction? One piece of evidence for their continuing relevance is the very position that they have in Quintilian. He, as I said, allots a large section of his work to a detailed account of his own version of *topos*-theory. He is not so generous with all aspects of rational argument: the *enthymeme*, which Aristotle called the ‘body of persuasion’ (*Rhetoric* A 1, 1354a15 σῶμα τῆς πίστεως), Quintilian relegates to the end of his discussion (5.14.1-26),¹ and it becomes the primary target of his criticisms of rational persuasion as a mode of oratory (though, interestingly, he is later prepared to countenance it as an ornament with no particular argumentative function (8.5.10)). *Topoi* not only receive a fuller account, but the very elaborate critique which he appends to them appears to attest to the danger that he sees of students being seduced into regarding them as more powerful a tool than they actually are. He offers a detailed demonstration of what he claims to be the problems with them: he does not merely dismiss them.

But beyond this, we can see indirect evidence in the speeches themselves for the continuing importance of *topoi* in rhetorical practice. The mere fact that ancient speakers repeatedly use arguments which are capable of being characterised in terms of Aristotelian or Ciceronian *topoi* is not of course sufficient to demonstrate that they have studied or read *topos*-theory, because the argument-forms in *topoi* are in many cases intuitively obvious, and are capable of being derived and employed even by someone unacquainted with the theoretical background. Aristotle and

¹ Quintilian’s definition of the *enthymeme* is more restrictive than Aristotle’s: but in this passage he also discusses (and dismisses) arguments which Aristotle would have categorised as *enthymemes* even though Quintilian himself does not.

Cicero systematised arguments that already existed, as Dr Rubinelli demonstrates by her analysis of *topos*-forms in Plato's *Laches*, a work which predates Aristotle's treatise by some years. But the imperial practice of declamation provides additional evidence for the continuing relevance of *topoi*. Declamations were the standard exercise by which students were trained to take on oratorical cases, and they were also used for showpieces by professional orators and teachers. While they were sometimes condemned in antiquity for artificiality and sterility, a condemnation which has all too often been unreflectingly taken over by scholars, their continuing use in education reflected their practical value, a value specifically related to their ability to train aspiring orators in arguing cases.

That value does not, naturally, arise from the strange and artificial points that are ostensibly at issue in the declamations, with their stepmothers, tyrannicides and pirates, their stories of sons disinherited in unlikely circumstances or of ingenious ways of punishing rapists and adulterers, all of which gave an easy handle to the critics of their unreality. But though they sound bizarre to those encountering them for the first time, they had an integral and intensely practical role in rhetorical culture. Good declamatory themes were carefully designed to offer opportunities for arguments on both sides of each case, and the attention paid to them in education was to allow aspiring orators to be taught to identify the type of issues at stake in a case, and to be able to generate the sorts of arguments appropriate to each. This was treated primarily in terms of the 'issue-theory' devised by Hellenistic rhetorical theorists, especially Hermagoras of Temnos, which categorised the different issues that a case might involve, and offered strategies for dealing with them. While a declamatory theme could of course be elaborated in many ways, with emotive appeals as well as rational ones (as many surviving declamations clearly illustrate), the core of the theoretical analysis was conceived in terms of the rational arguments that could be offered on either side. Issue-theory defined those in relatively broad-brush ways; but those broad-brush strategies needed to be articulated with more specific arguments. It is clear from our sources that *topos*-theory, at least in its later incarnations, was thought to form a natural corollary to issue-theory, providing individual points that would elaborate on the general considerations: indeed, in some cases the two theoretical approaches were so closely tied together as to be barely distinguishable. So, for example, one of the 'issues' was that of 'definition', where the case turned (or could be made to turn) on the correct definition of the disputed act. Clearly in order to present this case appropriately one would need to have mastered the details of how to argue about correct definitions: and that is supplied by one of the standard *topoi*, the *topos* of definition which appears in both Aristotle (*Topics* B 4, 111b 12-16, *Rhetoric* B 23, 1398a 15-28) and Cicero (*De Oratore* 2, 164-5; *Topica* 9). That connection is made directly by Quintilian in his discussion of issue-theory (7.3.3, 7.3.27; cf. 7.3.25); conversely Quintilian in his categorisation of *topoi* repeatedly indicates the issues to which they are primarily related (e.g. 5.10.64, 5.10.87-9). Issue-theory and *topoi* are likewise linked by Cicero at *Topica* 87-90 (cf. 79), as well as in an admittedly difficult passage of the rhetorical treatise known as the Anonymous Seguerianus (170).

Hence *topos*-theory was not simply a concern of a minority of abstruse theorists: it formed part of the armoury with which all students of rhetoric were equipped over years of study, which they were expected to assimilate in order that they could use them in practical argument. The general focus of the educational curriculum was on the courtroom, but it is clear from the frequency with which prescribed rhetorical devices appear in all forms of ancient writing that rhetorical education held a central place in ancient thinking, and its approaches became second nature to anyone who had been through the educational system. This is why a clear analysis of the nature of *topoi* in different theorists, such as Dr Rubinelli offers, is not an arid exercise in categorising an obscure and forgotten dead-end in argument-theory, but an essential prerequisite if we are to understand the place that rational argument found in ancient culture. Rhetoric was itself a flexible tool, of course, and *topos*-theory went through many variations that matched that flexibility, as I described above – it is not simply a systematic way of generating dialectical arguments within certain narrowly conceived intellectual institutions, in the way that Aristotle seems to have conceived of it when writing the *Topics*.

The rigorous Aristotelian pole of *topos*-theory was never forgotten, as is shown not only by its citation in various writers, but also by the early third-century commentary on the *Topics* by Alexander of Aphrodisias. On the other hand, Cicero's *Topica* shows the practical value that a slightly looser version of the theory could be put to, since that work, as Dr Rubinelli discusses, repeatedly takes its examples from and applies itself to legal reasoning. This may partly be explained by the fact that the *Topica* is addressed to the jurisconsult Gaius Trebatius, but it is also likely that Cicero saw Roman law as an area that would especially benefit from the type of rational analysis that *topos*-theory provided. At this point in Roman history there was still a relatively small body of statute-law, nor had there as yet developed a wide body of legal rulings such as we later find attributed to the jurists of the Empire, in which all sorts of cases, including ones that might appear rare or abstruse, received detailed consideration. In the *Topics*, Cicero offers jurists a way of extending Roman law in a manner that will apply it to new areas and complex or marginal issues, while still commanding broad assent; he does this via *topos*-theory, with its systematic and rationally acceptable way of generating conclusions that are accepted as valid given certain agreed premises. And in this respect Cicero provides a model not only for his own day, but also for ours: making practical use of a systematic theory of argument. In our ancient texts the specific examples may appear removed from modern concerns, but the fundamentals of the theory are sufficiently abstract to remain valid in any context in which informally valid reasoning can or should hold sway.

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