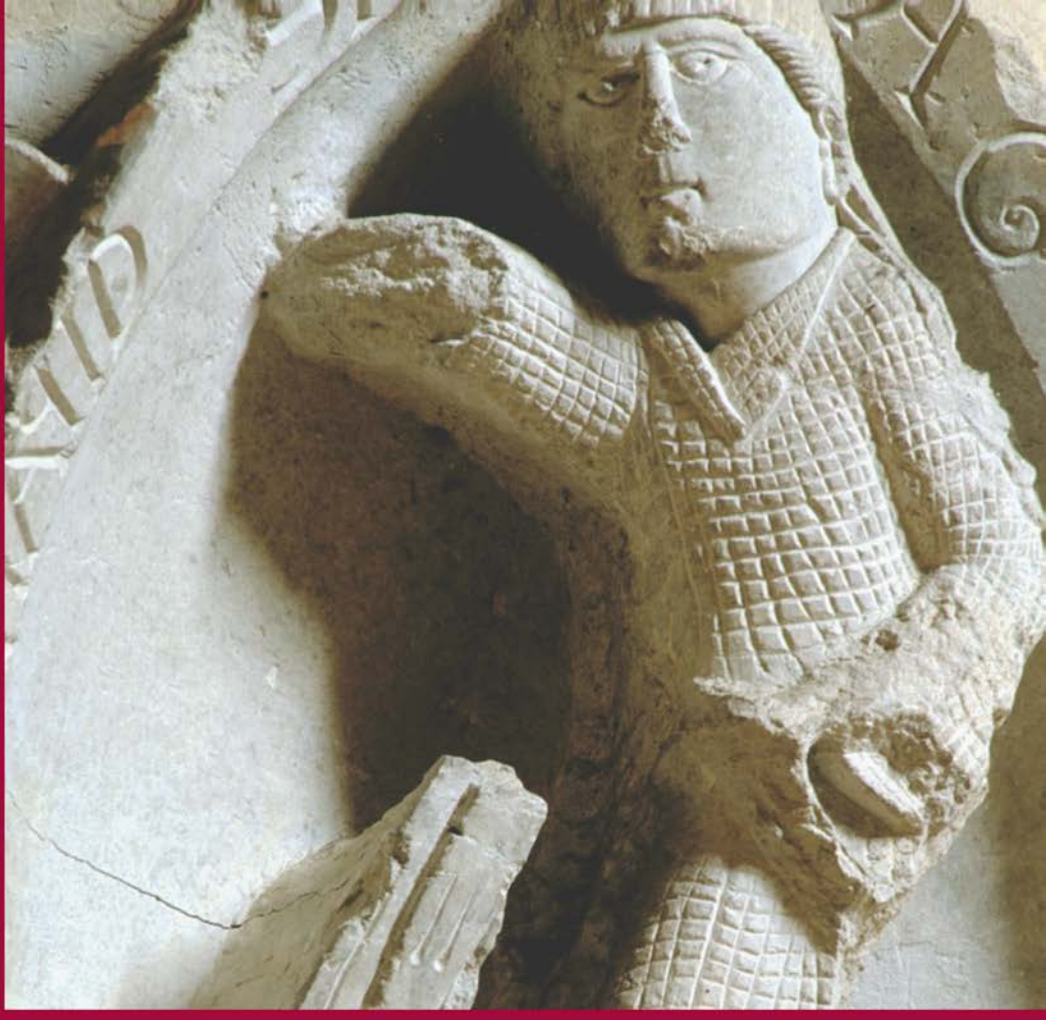

Yosef Z. Liebersohn

The Dispute concerning Rhetoric in Hellenistic Thought

Vandenhoeck & Ruprecht

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Hypomnemata

Untersuchungen zur Antike und zu ihrem Nachleben

Herausgegeben von
Albrecht Dihle, Siegmar Döpp, Dorothea Frede,
Hans-Joachim Gehrke, Günther Patzig,
Christoph Riedweg, Gisela Striker

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To John Glucker

sub umbra illius, quem desideraveram, sedi; et fructus eius dulcis gutturi meo

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Preface

This book has its origins in my doctoral thesis (2002) at Bar-Ilan University, Israel. Since then, developments in research on the art of rhetoric have required significant modifications to be made to my position prior to publication. Two studies above all have affected the subject matter, form, and conclusions of the present work. Winterbottom and Reinhardt's *Quintilian*: *Institutio Oratoria Book 2* (2006) was for me an eye-opener. I am indebted to the authors for providing me with a copy of their typescript prior to publication. Their work on Quintilian, II, the second half of which is one of the main sources I discuss, obliged me to rewrite much of the book in light of their findings. The second study I should mention actually appeared before I had begun my thesis, but was unattainable at the time. This is an article by Jonathan Barnes, "Is Rhetoric an Art?" (1986). I am deeply grateful to Prof. Barnes for sending me a personal copy. The article deals mainly with Sextus Empiricus, but also looks at parallels in Quintilian and Philodemus, among others. I have gained most profit, however, from the astonishing originality of Barnes' notes, as the reader will be able to discern.

This book is not an easy read, and is not intended to be dipped into. The argument is cumulative, and pays close attention to the sources; the reader would be well advised to have the sources at hand while reading the book. It is the complex character of the sources themselves which has obliged this approach, and every effort has been made to facilitate reading within these strictures.

A study of ancient rhetoric is particularly significant at a time when departments of rhetoric and media studies, not to mention advertising and public relations agencies, are increasingly commonplace. Unlike research on the debate over rhetoric in the Classical period, drawing on the extensive sources of Plato and Aristotle, there has been little discussion of the great debate over rhetoric in the Hellenistic period, primarily because of the difficult nature of the sources for this later debate. It is the aim of this book to rectify this omission.

Many have aided me in bringing this book to publication, but I would like to thank two in particular. My great teacher and mentor, Prof. John Glucker, has accompanied me at almost every stage, from the preparation of the doctoral dissertation, and through many consultations during the writing of this book, he has given generously of his time and expertise. My thanks also go to my good friend Dr. Ivor Ludlam who read through the entire typescript with the eye of a true expert in the field of Hellenistic philosophy and made many important remarks. Finally, I would like to thank Bar-Ilan University, my home for over twenty years, and especially my colleagues in the departments of Philosophy, History and Classics who have always given me support and good advice.

Yosef Z. Liebersohn — Jerusalem, January 2010

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1. Introduction

1.1. Foreword

The status of rhetoric as an art (τέχνη) was a matter of dispute ever since its practitioners and teachers began to lay such claims for their profession.

Rhetoric began, so the ancients tell us, in Sicily in the fifth century B.C.E., to meet the new demands of democracy, then making its appearance in that area. In theory anyone could be elected to the various offices of the democratic polis, but in practice only the eloquent succeeded. The demand for teachers of public speaking, of course with commensurate rewards, encouraged the growth of rhetoric to meet the need. Tradition names Corax and Tisias as the first to engage in rhetoric. Rhetoric reached Athens through their pupil Gorgias, who participated in the embassy to that city in 427 B.C.E.,[1] and from there it spread to the rest of the Greek-speaking world.[2] However, the development and spread of rhetoric during this first period was accompanied by a growing opposition. The most famous testimonia for all this are of course Plato's *Gorgias* and Aristotle's *Rhetorica*.[3] The accusations against rhetoric in this, the Classical period, have received extensive attention in the secondary literature and are not the subject of this study.

The title of the present work is *The Dispute Concerning Rhetoric in Hellenistic Thought*,[4] but a few more words need to be said before we proceed to this subject. For 150 years after the death of Aristotle, while the practice of rhetoric was cer-

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1 Diodorus Siculus, XII. 53.

2 This theory originates with Aristotle, although Plato must have been aware of it when he wrote the *Phaedrus.* It was universally accepted until the middle of the twentieth century. There are those nowadays who date the origin of rhetoric earlier or later, and in many of these cases the matter hinges on how rhetoric is defined, and this differs from one scholar to the next. For some of this debate, see Schiappa (1990) and the responses by O'Sullivan (1992) and Pendrick (1998). The debate is essentially about the participle καλουμένην which appears in Plato's *Gorgias* with the noun ῥητορικήν (448d9). Schiappa argues that the term ῥητορική originates in *Gorgias*, which would mean that Plato himself "invented" it in his attack on the sophistic profession. If this were the case, the term would need to be considered rather late, originating some time in the fourth century B.C.E. The position has aroused serious controversy up to the present day. See also Kennedy (1994) 7 n. 3.

3 To this we should add the testimonia concerning the activities of the sophists, some of the writings of Isocrates and other teachers of rhetoric such as Alcidamas. These and many others are well documented in the secondary literature and do not need to be mentioned here.

4 The decision to use "thought" rather than "philosophy" rests on the simple fact that the rhetorical schools are also party to the debate.

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tainly a matter of controversy, none of the philosophical and rhetorical schools[5] seems to have held any significant metarhetorical[6] debate over the legitimacy of rhetoric.

In the middle of the second century B.C.E., however, we witness an explosion of negative criticism against rhetoric, headed by the philosophers, who in the words of Cicero attacked *una paene voce* (*De Oratore* I. 46). This strong opposition of philosophical teachers and their pupils included Critolaus the Peripatetic, Diogenes of Babylon the Stoic and (a little later) Charmadas the Academic. It is difficult to set the time limits of this debate. The outbreak may have had antecedents and later champions now unrecorded but who are nonetheless part of the debate. This said, the debate may tentatively be restricted to the second century, and even to the second half of the second century. I shall call this "the Second Period" (the First Period being the controversies in the Classical period), and this is the subject of our study.

1.2. Methodology

The method followed in this study is philological-philosophical, and needs to be explained in some detail. While whole texts have reached us from the First Period, from the Second Period none by any of the philosophers involved has survived. We are dependent upon the testimonia of later authors. For our purposes, these texts are: Cicero's *De Oratore*, published in 45 B.C.E., and a work by Cicero's contemporary, Philodemus, *De Rhetorica*, dated to the 70's B.C.E.,[7] both of which are at least fifty years later than the second stage[8] of the Second Period; the second book of Quintilian's *Institutio Oratoria*, written more than a century after the death of Cicero; Sextus Empiricus' *Adversus Rhetoricos*, written more than a century after the death of Quintilian; and Lucian's satirical work, *De Parasito*, written more than fifty years after the death of Quintilian. None of these later works is devoted to the debate of the Second Period, but they each contain sporadic hints, arguments and shreds of arguments, often garbled to a certain degree, reflecting the style and editorial method of each of these late authors and indeed of their sources back to the second century B.C.E. It is our task to recover as much as possible these earlier sources so far as they pertain to the metarhetorical debate.

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5 For a detailed survey of the pursuits of the Hellenistic philosophical and rhetorical schools, see pp. 24–38 below.

6 I use "metarhetoric" to refer only to discussions on the very nature of rhetoric, while "rhetoric" deals both with the theory and the practice of how to speak. See further my article, Liebersohn (1999) 108 n. 1.

7 On the dating, see Hubbell (1920) 259.

8 Here I anticipate a conclusion of the present study, that the Second Period constists of two stages, the first being around the middle of the second century, and the second towards its end; see pp. 38–46 (esp. 45) below.

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Cicero's work deals with the nature of the ideal orator, but unwittingly provides us with some information on the background to the debate;[9] some of Cicero's immediate predecessors visiting Athens were able to witness at first hand the Second stage of the debate. Philodemus was an Epicurean, and Epicureans did not regard rhetoric as a legitimate occupation.[10] His work on rhetoric was discovered on a papyrus scroll in Herculaneum, blackened by the eruption of Vesuvius. The scroll was opened carelessly, and for many years also read carelessly. The text was in any case fragmented, and today it is hard to say what the context for any particular fragment was. The texts of Quintilian and Sextus Empiricus, on the other hand, are complete, so far as those authors are concerned. They are not, however, concerned with a historical description of a long forgotten debate. Any references to it, such as the names of antagonists, are incidental to their actual aims. Quintilian was a teacher of rhetoric, and his discussions of arguments against rhetoric were not simply in order to reconstruct them, but rather to refute them in defence of his own profession. Sextus Empiricus was a Pyrrhonian Sceptic, and his aim in the present work, as in all his works, is to undermine any claim to knowledge; thus here he proves with philosophical arguments that rhetoric is not an art, and there is no real knowledge behind it. He follows his usual procedure, discovering in his sources any argument which will serve his purposes, whether he uses them as they were historically intended or not. Lucian was a satirist, and would at first sight appear to be even less of an authority than the others; in fact, as we shall later see, on certain critical issues he is more exact than some of the "more serious" authors.[11]

The main point is that all our testimonia are from sources not dealing primarily with the debate which occurred decades or centuries before their time. Yet with sensitive and careful philological work it is possible to identify their origins in one or other stage of the debate.

The examination is therefore to be not only philosophical but also philological. The international language of science and philosophy in the Second Period was still Greek; but most of the Greek sources have been lost, and we must supplement our surviving Greek testimonia with Latin authors, such as Cicero and Quintilian, who were proficient in Greek, indeed often thought in Greek even when they wrote Latin. The significance of various terms in our Greek testimonia would often escape us, were it not for our Latin sources which provide us with explanations and illustrations. The task of reconstructing the original arguments and terminology is complicated by the linguistic developments in Latin and Greek over the centuries between the Second Period and the latest sources, in grammar, syntax, vocabulary, style and regional variations. Another complication is of course the problem of transmission,

9 For a discussion of this background, which is essential for the reconstruction of the arguments themselves, see pp. 38–46 below.

10 Apart from what they called "sophistic rhetoric"; see p. 29 below.

11 See pp. 169–172 below.

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with all that is involved in the recension and editing of texts. Sometimes the text will need to be emended, according to content and context, but with a philological sensitivity to the many ways in which errors are known to have crept into the manuscript tradition.[12]

The necessary philological work involved is complemented by a philosophical sensitivity to the arguments being uncovered, just as the philosophical endeavour to reconstruct the arguments is aided by a philological awareness. There are, for example, arguments which appear to be similar to other arguments but for a small but significant difference in terminology or formulation. Some similar arguments are used for very different purposes: for example, an argument dealing in one place with the goal of rhetoric and the possibility of attaining it may in another place deal with the question whether rhetoric has a subject matter (*materia*). Only the combination of philosophy and philology can lead us through the complex maze of testimonia, terminology and arguments.

The very nature of the difficulties may well be the reason why so few scholars have dealt with this issue so far. Yet the few who have dealt with the issue – including the great scholars of the 19th. and 20th. centuries – have not examined the controversy itself, but have regarded it rather like an appendix to other subjects.[13] While discussions of this type do have some value, the general picture will always remain at best partial, at worst entirely distorted. What is required is a concerted and thorough examination of all the evidence regarding the controversy in its own right.

It is perhaps not surprising that all the references in the secondary literature eventually make do with the presentation of a few parallels between the various sources. The present study begins where all other studies have left off. The fact that there are similar arguments in Sextus Empiricus, Quintilian, Philodemus, Cicero and others should not be the conclusion but rather a starting point for the investigation. Each argument needs to be analysed with care, taking into account the contexts of the various works in which it is found, and the rationale behind it in each one, with a view to reconstructing the original arguments as they were used in the controversy for and against rhetoric in that period, and if possible, identifying their authors.[14]

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12 For an example of an emendation see p. 205 n. 95 below.

13 For a detailed critical survey of the secondary literature dealing with this issue, see §2.4 below.

14 The natural tendency of scholars researching other subjects only touching on the debate over rhetoric is to avoid the intricacies of source criticism, with the result that their findings are to be treated with extreme caution; e. g., Charles Brittain (2001) devotes the last chapter (ch. 7, pp. 296–342) of his book on the Academic sceptic, Philo of Larissa, to Philo's understanding of rhetoric. To this end, Philo's teacher, Charmadas is also discussed. Since Charmadas, who lived towards the end of the second century B. C. E., participated in the attacks of the philosophers against the orators, Brittain has to address the problem of the debate: yet his introduction to the chapter already bodes ill: "Sections (i) and (ii) examine *the general context* of the dispute between late Hellenistic philoso-

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1.3. A Survey of the Sources

We shall end this introduction with a survey of the sources. The main problems with the sources at our disposal have been mentioned above in general terms, but apart from these general problems, each source has individual characteristics which need to be taken into account when attempting to glean information from them about Hellenistic rhetoric and metarhetoric. The following survey will treat the sources in chronological order, apart from Cicero who is dealt with before his older contemporary, Philodemus.[15]

1.3.1. Cicero

Cicero (106–43 B.C.E.) is our earliest source for arguments about rhetoric in the Hellenistic period. The greatest orator of his generation, he was well-versed in Greek philosophy and literature as well as Latin literature. He spent the years 79–78 studying philosophy in Athens with Philo of Larissa,[16] the last head of the Academic school, and Antiochus of Ascalon, a former pupil of Philo, in addition to rhetoric with Apollonius Molon in Rhodes. His works include, beside speeches, books on rhetoric and philosophy. The significance of these books lies not only in the proximity of their author to the period under discussion, but also in their author's mastery of the Greek language and Hellenistic philosophical terminology. He may occasionally be seen struggling to provide an adequate Latin translation for a Greek philosophical term.

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phers and rhetoricians and, in particular, the thought of Philo's Academic colleague Charmadas" (p. 297, italics mine). Section (i) begins: "The nature of the primary sources for this philosophical onslaught against rhetoric… is such that *it is difficult to determine the specific arguments and their precise origination… it will suffice here to summarize the principal lines of criticism* (italics mine)." Brittain does indeed discuss the debate, with important and helpful remarks which I shall refer to during the course of this study; but the fact that he approaches the subject as an adjunct to his research on Philo places his conclusions in limbo until they are checked against the results of an enquiry into the debate *per se.* There is a more reliable alternative to discussing the "general context" and the "principal lines of criticism", and it is that alternative which is taken in this book.

15 The surveys will not consider bibliographies, the subjects of compositions, secondary literature and other items which may be found in any encyclopaedia.

16 Academic scepticism required the opposition of one plausible dogmatic argument to another in order to justify withholding judgement. To this end, pupils would be encouraged to learn all they could from the various dogmatic schools. Philo himself advised Cicero to study with Zeno of Sidon, the head of the Epicurean school, which he did during his stay in Athens; cf. Cic. *ND* I. 59.

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1.3.2. Philodemus

Philodemus (110–40 B.C.E.) was a famous Epicurean philosopher, but his works had been lost before the modern era. In Rome he had been greatly respected by the youth, especially of the Piso family, one of whom provided him with a luxurious villa in Herculaneum, complete with a large library. The eruption of Mt. Vesuvius in 79 C.E. buried Herculaneum under a heavy layer of ash. Excavations begun in the eighteenth century revealed parts of the town, but it was only in the following century that papyri began to be recovered from the library. Identifying and reconstructing the texts has been proceeding at a slow pace ever since. Among the charred papyri were found a few scrolls containing the lost Philodemean text on rhetoric (*De Rhetorica*, or Περὶ ῥητορικῆς), most probably a part of a larger composition dealing with the various branches of philosophy. Although Philodemus was an Epicurean philosopher, his writings indicate a tendency to popularize the philosophical systems of all the schools, hence his great importance as a source on philosophers whose own works have been lost.[17] The main problem with Philodemus is the woeful physical state of the material. During the century between the discovery of the papyri and the establishment of satisfactory scientific procedures for preserving them, they received further damage from unscientific attempts to open them, various parts fell into private hands, and the fragments lost all semblance of order.[18] There is no agreement today among scholars as to the proper sequence, and the many lacunae may be supplemented in various ways in order to provide a minimally readable text.[19] Yet the significance of the text is twofold: firstly, the author lived soon after the period under discussion; secondly, he wrote in Greek.[20]

17 Siegfried Sudhaus was the first to produce a critical edition of the rhetorical writings of Philodemus which had so far been brought to light. His edition comprised two volumes (1892, 1896) and a supplement (1895). On this edition see also Hubbell (1920) 252–253; Reinhardt-Winterbottom (2006) 395 n. 1.

18 Cf. the *praefatio* of Sudhaus.

19 On the history of the discovery of this work, see Hubbell (1920) 247–253, whose attempted reconstruction and reordering of the text of Sudhaus indicates the complexity and seriousness of the problem, as does the 1977 edition with Italian translation by Francisca L. Auricchio.

20 Sextus Empiricus (see below) also wrote in Greek, but some three centuries after the Second Period, while our authors closer to the period, apart from Philodemus, wrote in Latin. It is the combination of his proximity and his writing in Greek which makes Philodemus so important.

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1.3.3. Quintilian

Quintilian (c. 35–c. 100 C. E.) was a Roman rhetorician. His great work *Institutio Oratoria* never served as a handbook (*ars*, τέχνη) of rhetoric,[21] but its great popularity put all the other handbooks in the shade.[22] This would indicate that the work appealed not only to those engaged in rhetoric but also to educators at large and *literati* in general.[23] Quintilian was rightly considered a model educator. What matters to us, however, is the value of Quintilian as a source for his predecessors. Fortunately for us, Quintilian was not an original thinker but a teacher concerned with transmitting the ideas of others. This does not mean that he is orderly in his presentation. He began writing the *Institutio* after he had already retired from teaching, and during the course of writing he lost both his wife and his two sons. His field of expertise was rhetoric *per se.* It seems that in metarhetoric he was mainly familiar with various summaries and prefatory sections of τέχναι which touched on arguments for and against rhetoric.[24] It is therefore not surprising that his metarhetorical writing is not always methodical. Wherever possible, he prefers a Latin source to a Greek one,[25] even a Latin translation to a Greek original.[26] With all his faults, Quintilian is one of the most important sources for research; in fact, his very lack of organization often facilitates the reconstruction of his sources.

One of the main problems with the text of Quintilian is the identification of its target audience: the teacher or the pupil? There are undoubtedly subjects in the composition relating only to the teacher, such as the best method of teaching, metarhetoric, and corporal violence. On the other hand, there appear to be passages written

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21 The reason is simple: pupils wanted a rule book with all the answers, while Quintilian repeatedly emphasized that rules were insufficient, and that one had to know when to be flexible (cf. II. 13. 1–2). This advice stems from Quintilian's view of the perfect orator, a man educated from infancy to be an orator. Speech would be natural for such a man, and it is clear that a speech delivered exclusively according to strict rules would be unnatural.

22 Following Poggio's discovery of a complete text of this work in the fifteenth century, it quickly became the Renaissance authority on education in all its aspects; Cf. Kennedy (1994) 181. The most comprehensive survey of Quintilian's influence on later generations is that of Colson (1924) xliii-lxxxix, summarized in Murphy (1965) xx-xxvi.

23 The first book of the composition is devoted to education, while the tenth book deals with Latin and Greek literature recommended for pupils.

24 Regarding the image of the orator, Cicero was undoubtedly his main source of inspiration. His description of the ideal orator is identical to that of Cicero in *De Oratore.* Furthermore, under the new Flavian regime, it was politic to adopt Ciceronian style in preference to that of Seneca who was identified with the regime of Nero. On the criticism against this oratorical model whose time had passed, see Winterbottom (1964).

25 Cf. esp. II. 16. 7. This tendency occasionally helps to explain parallels in Quintilian, and Greek sources such as Sextus Empiricus.

26 Yet Quintilian certainly knew Greek; cf. I. 1. 12–14; Quintilian recommends teaching Greek as the primary language in basic education.

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for the pupil, with subjects arranged just as they would be in handbooks on the study of rhetoric *per se.* It has been claimed that the composition has parts aimed either at the teacher or at the pupil.[27] My own opinion is that the entire work is written for the teacher, although the teaching material is to a large extent the same as the material studied by pupils. The teacher must learn not only how to teach, but also what to teach. Quintilian goes out of his way in the *prooemium* (23) to emphasize the addition of the *ratio docendi* ("teaching method") in the requisite places.

In light of the unusual character of the composition, it is not surprising to find that the secondary literature on Quintilian's text is extremely selective.[28] There is very little secondary literature, for example, on the second book which is the main part dealing with metarhetoric, especially sections 15–21.[29] In fact, the only work devoted to the second book is that of Reinhardt-Winterbottom (2006),[30] and a few words about this important commentary should be made here,[31] so far as it is pertinent to the present study on the reconstruction of the charges against rhetoric. Quintilian was not interested in reconstructing a metarhetorical debate and, having his own ends in view, arranged his material as he saw fit.[32] Reinhardt and Winterbot-

27 The first two books are clearly aimed at the teacher (cf. Kennedy (1994) 183), but there is some question over books 3–11. Colson (1924) xxxviii claims that here the pupil is the intended audience. Cf. Little (1951) II. 41, who divides the composition into four parts: one on education, a guide to rhetoric, a guide to the informed reading of literature, and a guide to the ethical obligations of the orator.

28 On this secondary literature cf. Kennedy (1994) 182 n. 11 to which should be added Murphy (1965), whose selectivity is particularly instructive. His work provides commentary and notes only to the first book of Quintilian and the first ten chapters of the second book. The title of his book, *On the Early Education of the Citizen-Orator*, provides an explanation for this limitation. In general, the first one and a half books, the tenth, and the twelfth, have enjoyed special treatment because of scholars' interest in education (I), literary criticism (X) and the ideal citizen (XII). There are however, two books which provide a running commentary throughout the whole text. The first is the critical edition of Spalding (1798) comprising six volumes including an index. This great work provides the reader with a text, a critical apparatus, a source apparatus, and notes (in Latin, of course) which do not, however, stray far from linguistic matters and references to additional sources. This commentary has been of much assistance on technical issues, but it does not provide the sort of discussion on particular subjects which is expected of a modern commentary. The second running commentary is that of Cousin (1975–80), a critical edition of the whole text of Quintilian with a French translation and extensive notes which Kennedy (ibid) says are "to be used with caution".

29 There are other metarhetorical sections throughout the composition, especially in the introductions to the various books; cf., e. g., the introduction to the third book (§§1–4) which provides a historical survey of the origins of τέχναι. The division into books is by Quintilian himself (cf. the *proeomium*, 21–22); the division into sections is the work of modern editors.

30 Apart from the running commentaries on the whole text of the *Institutio* such as those of Cousin and Spalding (see n. 28 above).

31 I take this opportunity to express my gratitude to the authors who were kind enough to send me a typescript of their book prior to its publication. I have made much use of their comments, as the reader will be able to judge from the following pages.

32 See pp. 146–150; 176–179 below.

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tom's commentary on Book II naturally follows the course of the text and attempts to elucidate the motives, intentions and sources of Quintilian. A reconstruction of the metarhetorical debate, however, requires a reorganization of relevant material, be they arguments, parts of arguments, or incidental comments, only taking into account Quintilian's purposes insofar as they may have affected his presentation of the relevant material. The commentary was not intended to reconstruct the metarhetorical debate, but even on this subject it has been helpful at many places, as may be seen later on.[33]

1.3.4. Sextus Empiricus

Sextus Empiricus (late second/early third centuries C.E.) is something of an enigma. Even his name is debatable. From the little that is known about him, it seems that he was a doctor and a Pyrrhonean Sceptic.[34] The term "Sceptic", however, developed several meanings over the years. It originally meant simply "enquirer", but later came to be associated with philosophers who opposed dogmatism.[35]

In the second book of *Adversus Mathematicos*,[36] Sextus Empiricus attacks orators and rhetoricians. The text contains a collection of arguments against rhetoric, and this fact alone makes Sextus one of our most valuable sources. There are, however, not a few problems to resolve, such as the attitude of the author to his material. Some scholars regard Sextus as a mere collator of arguments, which, if true, would permit an examination of the arguments without a consideration of the context and the author. Further examination reveals a collator who, unfortunately for us, can think. His imprint is on the arguments which he manipulates for his own purposes.[37]

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33 See also §2.4.5 below.

34 For a discussion, see House (1980).

35 Dogmatism came to refer to any system in which positive opinions were held. In the Hellenistic philosophical schools, a dogma was an impression which had been assented to as reflecting a true state of affairs. Stoics asserted that the wise man would assent only to those impressions which really did reflect true states of affairs. Their fiercest critics, the Academic Sceptics, claimed that one could not distinguish between an impression reflecting a true state of affairs and one which did not, so that the wise course of action was never to assent to any impression as true. Pyrrhonian Sceptics took the argument one step further, claiming that impressions never reflected a true state of affairs.

36 The works of Sextus Empiricus comprise three groups: 1. a summary of Pyrrhonean philosophy; 2. (often appended to the third group) a critique against the dogmatic philosophers: a book each against the logicians, physicists, and the ethicists (following the Stoic division of philosophy into the interrelated branches of logic, physics and ethics); 3. a critique against the learned (traditionally called *Against the Professors, Adversus Mathematicos*), of which the second book is against the orators, one of the most important texts for our study. On the works and the aims of Sextus Empiricus, see Sluiter (2000).

37 Even had Sextus been a mere copier of his sources, these would still have to be recognized as summaries and summaries of summaries of the original arguments. The originality of Sextus merely adds yet another layer of complexity.

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It is also worth noting that while there are commentaries on other works of Sextus, there is not even one on the book against the orators. The present study, insofar as it touches upon Sextus, may be regarded as a contribution towards such a commentary.

1.3.5. The Prolegomena Literature

The *prolegomena* or introductory handbooks[38] to rhetoric occasionally contain metarhetorical discussions, as is the nature of introductions. It is most likely that teachers of rhetoric had already been introducing their courses with a little information on rhetoric itself, from which the written προλεγόμενα developed. Our first known example of such a written introduction is the first chapter of Aristotle's *Rhetorica*, dealing with the *techne* itself, its relationship with other *technai* (especially dialectic and politics), its advantages and disadvantages.[39] Another outstanding example is Quintilian, II. ch. 15–21, where the author explains to the teacher how to answer a potential pupil with doubts about signing up. The youth is likely to ask about the necessity of this *techne*, and may request answers to criticism of rhetoric which he has heard elsewhere; he may even ask the simplest question: "What is this *techne*?" Such useful information would have become an integral part of any teacher's introduction to a course on rhetoric.

Aristotle and Quintilian notwithstanding, the term προλεγόμενα is reserved in scholarly research for the introductions prefaced to commentaries on rhetorical works, especially those of Hermogenes. These commentaries with their introductions were widespread in the fourth and fifth centuries C. E. and their popularity continued throughout the Byzantine period. The text to be commented upon is divided into small extracts a line or so in length, and each is followed by comments and elucidations of varying length, sometimes of several pages. This, the body of the commentary, is of less interest to us, since it is for the most part on rhetoric *per se.* We are more concerned with the introductions. From the *Rhetores Graeci*,[40] Hugo Rabe located thirty-three such introductions which he re-edited and provided with a critical apparatus and source apparatus.[41] Common to all of them is a Neoplatonic background, which has its advantages and disadvantages. The Neoplatonists, at least so far as concerns rhetoric, made no innovations; but attempted to synthesize

38 For a survey of this literature, see Kennedy (1994) 217–224; Reinhardt & Winterbottom (2006) 396 comment: "We shall cite evidence from the *prolegomena* for comparison, but do not suggest that they reflect the common source of Sextus and Q[uintilian] closely."

39 On this chapter and its special importance in Aristotle's *Rhetorica* see Schütrumpf (1990).

40 An immense collection of rhetorical works of various types and from various periods, edited by Walz, 1832–36 (rep. 1968).

41 For an extensive critical survey of the structure and sources of this collection, see Wilcox (1942); id. (1943).

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the material of their predecessors, especially Plato and Aristotle who were considered authoritative (if not always followed on every point). They wrote mainly commentaries on previous works, without innovating, and hence their great value to us as a source. They preserve very many details which would otherwise have been lost to us.[42] At the same time, some of the theories presented seem to have been figments of the Neoplatonic imagination. Certainly these teachers are not to be judged by the standards of scientific truth, since they were only concerned here with the orderly exposition of rhetoric and its place within the larger context of education in general.[43]

The main value in the introductions from our point of view is that they offer us the opportunity to reconstruct criticisms launched against rhetoric. It is a well-known phenomenon that criticism is sometimes dealt with by incorporating responses to it into the theory. For an example from the ancient world, in the Hippocratic treatise *On art*[44] there is a definition of medicine as that art which can heal, but not in all cases. This suggests that an original claim that a doctor simply heals was modified following objections that a doctor does not always heal; the objection was incorporated into the definition of medicine. The phenomenon is also to be found in the *prolegomena.* Sometimes metarhetorical definitions or theories are found together with reservations, often in a way which does not affect the original definition.[45] At other times, the reservation has been better integrated into the text, but a careful examination can still uncover it, especially by comparison with similar, earlier, discussions in which such additions do not appear (such as Sextus Empiricus or Philodemus). In such cases, it is sometimes possible to date the criticism and even trace it to its source.[46]

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42 It is in the nature of the reworking of material in the ancient world that many details could survive the passage of four or five centuries from one work to another (with or without scribal errors creeping in). In any case, the Neoplatonists also had direct access to Hellenistic literature and to later works which had had direct access to Hellenistic literature.

43 The standard number of main subjects (usually ten) or the division of every genus into three clearly obliged the authors of some of the introductions to take extreme measures to make the material fit. An example of a late invention, developed in several theories to be found in the introductions, is that Phalaris was the originator of rhetoric; the inventor must have known that there was a link between Sicily and the origins of rhetoric.

44 *De Arte* discusses the *techne* of medicine. It appears to be sophistic in origin. For further information, see Gomperz (1910).

45 The reservation may, for example, be inserted into the Greek formulation as a genitive absolute without affecting the rest of the sentence.

46 In this survey I have not touched on Lucian's *De Parasito*, a composition which does not deal with rhetoric at all. It is a satire pretending to prove that παρασιτική is an art; but Radermacher (see §2.4.1 below) proved that this work was based on or made extensive use of arguments and lines of thought originating in the debate over rhetoric centuries before. The significant contribution made by the Lucian's satire will be discernible throughout the course of this study.

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2. The Background to the Debate

2.1. Preliminary Considerations

In order to reconstruct and understand the various arguments for and against rhetoric in the Hellenistic period, they must be placed, so far as is possible, in their historical context. There are two main aspects to this context. Firstly, the position of the philosophical schools towards rhetoric, and secondly the more material historical background to the debate. Both aspects taken together provide the context with which the various arguments can be put in proper historical perspective, even sometimes allowing the identification of individual advocates or opponents, or at least of a certain school, and, ultimately, permitting us to reconstruct the arguments themselves.

Our starting point will be Cicero, *De Oratore* I. 46:

> multi erant praeterea clari in philosophia et nobiles, a quibus omnibus una paene voce repelli oratorem a gubernaculis civitatum, excludi ab omni doctrina rerumque maiorum scientia, ac tantum in iudicia et contiunculas tamquam in aliquod pistrinum detrudi et compingi videbam.

This testimonium indicates that around[1] the middle of the second century B.C.E. there was a general philosophical movement against rhetoric and the schools of rhetoric.[2] This movement, its origins, motives and the contribution of each school to it form the subject of the present study.

The schools of rhetoric were a recent phenomenon which requires a brief explanation. Rhetoric had developed since Plato's attacks on it in his dialogues, especially the *Gorgias*, to become a permanent presence, albeit an unwelcome one to some in the Hellenistic period, a time of considerable change following the conquests of Alexander the Great. Entrance to Greek society and a higher standard of living for the residents of the newly conquered lands, throughout which rose many Hellenistic cities and monarchies, was acquired through Greek culture, and particu-

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1 The dating is deliberately vague. At this point we are not entering the complexities of the case, but it is worth anticipating briefly here that there seem to have been two stages in the opposition to rhetoric: the first was around 150 B.C.E. and the second towards the end of that century (see also p. 14 n. 8 above). The hypothesis will be proved throughout the analysis of the various problems surrounding the debate, including a thorough analysis of the present testimonium and others in the course of this chapter.

2 The need for a distinction between rhetoric and the schools of rhetoric will become clearer during the course of this work. See esp. §§2.2–2.3 below.

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larly the Greek language, and these in turn were to be acquired through rhetoric. Hence the rise in popularity of schools of rhetoric.[3] Rhetoric in the Classical period was regarded as a means to political advancement and the winning of high office, especially for the offspring of the ruling elite; in the Hellenistic period, rhetoric came to be regarded by ordinary people as the means to acceptance in a polis, without necessarily entertaining high political aspirations. Rhetoric in the Classical period was used by leaders to persuade the citizens; in the Hellenistic period, it was used by the citizens to understand their leaders.[4] Rhetoric now touched the very civil foundation of the polis. Its disadvantage – its exclusion from matters of state – came to be its advantage as an essential tool of Hellenization. Rhetoric was no longer a luxury but a necessity, no longer of the few but of the many. It became the goose that laid very many golden eggs, a fact that should not be lost sight of,[5] even, or especially, when we are considering the philosophical arguments against rhetoric. Economic considerations may well have been the only motivation, or the main motivation, for the philosophical attacks.[6]

Both rhetoric and philosophy have pretensions to being educational. The connection between rhetoric and education is more than understandable; it is a clear expression of the term *paideia.* Philosophy (Socratic-Platonic) was already struggling with rhetoric (the sophistic) in the Classical period, but there is an essential difference between that debate and the one which broke out in the second century, and this difference is connected of course with Rome.

Greek affairs in the second century B.C.E., whether political or cultural, were under the shadow of Rome. The rising power in the west was being inexorably drawn into matters to its east. Rome's ties with the Greek world were well established, going back to the fifth century, at least, according to certain traditions. Ties, however, do not necessarily entail influence. Indications of a cultural influence on the Roman world, may be discerned from around the beginning of the third century,

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3 The Greek settlers in these lands always availed themselves of teachers of rhetoric for the education of their children.

4 Cf. Kennedy (1994) 81–84.

5 Sudhaus in his preface to the supplement of 1895 (p. 18 n. 17 above) linked the debate between rhetoric and philosophy to the education of the youth (p. xxvi), but made no mention at all of the economic aspect. One is left with the impression that all the participants in the debate were idealists.

6 The first to suggest this cause, accepted to some extent by most scholars today, was von Arnim (1898). He claimed that the rise of technical rhetoric, esp. the publication of *Rhetorica ad Hermagoram* by the second century B.C.E. rhetorician Hermagoras of Temnos, led to the outbreak of hostilities when the philosophers began to realize that the Roman elite (see immediately below in the text) were preferring to send their sons to study with the rhetoricians. The financial motive is also raised by Barnes (1986) 8, although he emphasizes written rhetoric and the "sophistic" rhetoric of some of the Epicureans. On the other side, Brittain (2001) 301–310 emphasizes the philosophical aspect of the debate, at least with regard to Charmadas. This problem also has a bearing on the dating of the stages of the debate; cf. Barwick (1963) 51–56.

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reaching a peak at the end of the second century. During this time, Greek culture became a major element in the higher education of Roman intellectuals. Among the first Latin translations was that of the Odyssey by Livius Andronicus, a Greek captured in the first Punic war in Sicily.[7] The new spirit of Greek culture had its Roman proponents, such as the conquerors Titus Flamininus and Scipio in the second century B.C.E.,[8] but it also had its adversaries, the most outstanding of whom was Cato the Censor. This representative of the Roman conservative faction took every opportunity to condemn anything tainted by the Greeks,[9] but despite his opposition was himself quite influenced by Greek culture.[10] Cato's death in 149 B.C.E. may have saved him from witnessing the peak of Greek influence in Rome, but by then he had been exposed to it for decades.

Greek culture is a term covering a wide range of subjects, among them philosophy and rhetoric, all of which were vainly opposed by the Roman conservative element.[11] Roman interest caused not only Greek intellectuals to come to Rome, but also rich Roman youths to visit the Greek speaking world. It was only natural that the various Greek schools would begin to compete for these potential students, especially the schools of philosophy and rhetoric, the self-proclaimed purveyors of what we would call higher education. Since Roman inclination was towards practice rather than theory, the majority of students preferred rhetoric to philosophy. By the

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7 The exact date of the translation of the Odyssey is unknown, but Livius Andronicus was already producing comedies and tragedies on the stage in 240 B.C.E.

8 The so-called "Scipionic Circle", cultivated men patronized by Scipio, included many Greek intellectuals.

9 Cato dedicated a work to his son (see next note), of which two sentences on rhetoric have survived. The first defines the orator: *vir bonus dicendi peritus* (Quintilian, XII. 1. 1; Seneca, *Controversiae* I. pr. 10); the second gives advice: *rem tene, verba sequentur* (Julius Victor in *Rhetores Latini Minores*, 374 [ed. Halm]). The polemical tone of these sentences is unmistakable, and the target is undoubtedly Greek rhetoric. The question whether a Greek source lies behind the first sentence is discussed by Sohlberg (1972) 261–262. He reaches the conclusion apparently already reached by Pohlenz and Radermacher (ibid. nn. 15–16) that the word *bonus* in the sentence reflects the Roman ideal of the *gute Bürger*. He contrasts this meaning with the morally Good (*sittlich Gut*) which appears in the Greek source of this sentence, Diogenes of Babylon (second century B.C.E.), followed by Cicero, Quintilian and others. In my opinion, however, the Stoic morally good man is not contrary to Cato's politically good man, and Cato may in fact be siding with the philosophers against rhetoric as espoused by Greek rhetoricians. For a recent discussion of the problem, see Reinhardt & Winterbottom (2006) xlvi-l, who essentially accept the opinion of Sohlberg with a few reservations.

10 In his composition dedicated to his son Marcus, *Libri ad Marcum filium*, Thucydidean and Demosthenean influences are clearly discernible, as was demonstrated long ago by Mommsen (see Wilkins (1895) I. 50). Cato visited Athens in 191 and may well have met Diogenes of Babylon and other intellectuals. On Cato's relationship with Greek culture cf. also Plutarch, *Cato* 2. 4.

11 In 161 B.C.E., an edict was issued against the philosophers (Suetonius, *De Rhetorica* I), but seems not to have been executed. After this time, Greek culture flourished with only sporadic voices raised ineffectually in protest, such as that of Cato against the speeches of the three visiting Greek philosophers in 155 B.C.E. (cf. Gellius, *NA* VI. 14. 8; Pliny, *HN* 7. 112; Plutarch, *Cato* 22. 4).

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middle of the second century B.C.E. the philosophers set out to fight for their share of the Roman market.[12]

The schools of philosophy and rhetoric were not entirely at odds with each other. Most of the leading philosophers were famous for their rhetorical skills.[13] Schools of philosophy taught rhetoric as an integral part of philosophy.[14] Educated men were deemed to have some grasp of rhetoric, and schools of philosophy supplied the demand.[15] This is particularly true of Stoic schools, but Peripatetics also embraced rhetoric. Even the Academics may have accepted it. Only the Epicureans, opponents of "logic" in general, seem to have rejected rhetoric. Whether the philosophical schools teaching rhetoric had a theoretical grounding for the *de facto* acceptance of rhetoric in their systems is a question which will be addressed later.

If most of the schools incorporated rhetoric into their philosophical systems, it would appear at first sight that they were not averse to rhetoric, indeed, regarded it favourably. If this were the case, on what grounds could the schools of philosophy attack the schools of rhetoric? Furthermore, since the debate appears to have boiled down to the question of the status of rhetoric as an art, if the philosophers claimed that rhetoric was not an art and was consequently unteachable, how could they justify their own teaching of it? A clearer picture will gradually emerge during the course of this study, but some outlines may already be given.

The existence of a debate between the philosophers and the rhetoricians is undeniable, but interestingly most of the testimonia actually refer to a debate between the various philosophical schools. The inescapable conclusion is that rhetoric was a point of contention not only between the schools of philosophy and of rhetoric, but also between the schools of philosophy themselves. It may also be tentatively con-

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12 This might explain the 150 years since the death of Aristotle during which time no metarhetorical debate seems to have taken place (see pp. 13–14 above). The schools of rhetoric had been on the wane, and the schools of philosophy had incorporated rhetoric into their teaching. Hence the schools of philosophy had had no pressing reason during this time to launch an attack on the schools of rhetoric.

13 This is especially true of Carneades, the second century head of the Academic school (Cicero, *De Oratore* I. 45), and of a slightly earlier Stoic, Chrysippus, whose rhetorical skill was said to be because of his refusal to learn rhetoric (ibid., 50); Carneades was one of the three philosophers (along with the Peripatetic Critolaus and the Stoic Diogenes of Babylon) who gained fame (or notoriety) on their embassy to Rome due to the speeches they gave (ibid. II. 155), with some regarding them as representing the three kinds of speaking (*tria genera dicendi*), just like the three Homeric parallels (Gellius, *NA* VI. 14).

14 See the survey of schools of philosophy, §2.2 below.

15 On the teaching of rhetoric in schools of philosophy, see Quintilian, XII. 2. 25, and in Peripatetic and Stoic schools in particular, ibid., III. 1. 15. On the Academy and rhetoric, Cicero claims that he owed more to the Academy than to the schools of rhetoric (Quintilian, XII. 2. 23; Cicero, *Orator* 12). Quintilian (ibid., 22) attributes to the great Athenian orators, Pericles and Demosthenes, teachers of philosophy, Anaxagoras and Plato respectively. Plutarch attempted the same in his biographies, and such attributions must have appeared in his sources; cf. Plutarch, *Pericles* 4. 1–6 (ed. Ziegler); id., *Demosthenes* 5. 7; id., *Themistocles* 2. 5–6.

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cluded that each debate mutually influenced the other, making this debate somewhat more complex than others of the same period.

For the sake of clarity, I shall call the debate among the philosophers themselves internal, the one between them and the rhetoricians external, and the phenomenon as a whole I shall refer to as the "double debate". On this subject, one question to consider is which testimonia pertain to the internal debate and which to the external. Another is how these testimonia relate to each other. Yet another is who produce which arguments against whom. All these questions will be discussed in due course.

2.2. The Philosophical Schools and Rhetoric

The sorry state of our evidence is one of the main reasons for the difficulties we face in reconstructing the arguments against rhetoric raised in the Hellenistic period. Most of our testimonia derive from later sources, especially Quintilian, Sextus Empiricus and Philodemus whose own sources were not always acknowledged or identified, sometimes because the name was not known even to them, or because it was assumed that the reader already knew who was being referred to.[16] However, in some cases, names do appear along with arguments or various opinions on rhetoric, while in other cases, if not an individual then at least a school may be identified by the way an argument is formulated.[17] This requires an acquaintance with each school's attitutde towards rhetoric.[18] We shall attempt to trace not only the status of rhetoric in the various schools, but also its connections with other parts of the system, so far as this is relevant to understanding the place of rhetoric in each school. This philosophical survey[19] will be followed by a description of the historical and material side of the debate. Both surveys are required in order to put the arguments in proper perspective.

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16 It was not considered obligatory to name one's sources as it is today. A question worth raising is why they did name who they did when they did.

17 With the proviso that the style and terminology of one's opponent was occasionally used for greater effect; this and other similar reservations must be taken into account when establishing the identity of the source of an argument.

18 For other surveys on this subject, see Barnes (1986) 2–4 and Kennedy (1957) 29–31. Barnes' survey is brief but factual, while Kennedy's is more detailed but concentrates on the claim that rhetors were already to be found in Homer. Kennedy's survey does uncover some of the sources for The Exclusivity of Teaching Argument, on which see pp. 72–73 below.

19 The survey by no means exhausts the problem of rhetoric in the various systems. It is intended primarily to facilitate our entry into the maze of various arguments. Various issues mentioned will be treated more fully in later chapters, and a more comprehensive picture should emerge only towards the end of the book.

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Of the four main Hellenistic schools, the Epicurean, Peripatetic and Stoic were dogmatic, while the Academic school in this period was sceptical, suspending judgement on all matters.[20] We shall begin with the dogmatic schools.

2.2.1. The Epicureans

We begin with the Epicureans, not because they have anything of value to say about rhetoric, but precisely the opposite.[21] As Quintilian observes (XII. 2. 24): *nam in primis nos Epicurus a se ipse dimittit, qui fugere omnem disciplinam navigatione quam velocissima iubet.*[22] It would not be a mistake to understand rhetoric to be one of the disciplines which Epicurus advises fleeing from. In *De Oratore* III. 61, Crassus surveys the *discidium linguae atque cordis.* Turning to the schools, *ex illis autem quae remanent*, he begins with the Epicureans and gives them short shrift. They have nothing serious to say on the subject of rhetoric, and they claim that the wise man should refrain from politics. This statement suffices to remove them from the discussion in *De Oratore.*

It should be noted, however, that some Epicureans did have a favourable view of rhetoric. The Epicureans, Zeno of Sidon and Philodemus, both claimed that the epideictic part could constitute an art, and this they called "sophistic rhetoric", actually to do with defined and established rules of literary style.[23]

2.2.2. The Peripatetics

The Peripatetics may be divided into two groups, the first including Aristotle and Theophrastus, the second all the rest. Aristotle's rhetorical writings, just like his other works which are known to us today, disappeared for a couple of centuries until they were rediscovered and sent to Rome in the 90's B.C.E. where they were published by a certain Andronicus. The same happened to Theophrastus' discussions on

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20 On the distinction between dogmatic and sceptical, see p. 21 and n. 35 above.

21 Surveys of issues in the Hellenistic schools frequently began with the view of the Epicureans since it was usually the easiest to describe and to refute; thus the first and shortest of the speeches in Cicero's *De Natura Deorum* (I. 18) is the one Velleius supplies on the Epicurean position, and again in Cicero's *De Finibus* (I. 13) it is the Epicurean position which is first presented, this time by Torquatus; and Crassus in Cicero's *De Oratore* begins with the Epicureans.

22 Cf. also II. 17. 15. For the Greek source, cf. Diogenes Laertius, X. 6. On the attitude of Epicurus towards sciences, cf. also Cicero, *De Finibus* I. 26. For recent bibliography, see Reinhardt & Winterbottom (2006) 326.

23 This is beyond the scope of the present work; for a survey of this subject, see Hubbell (1920) 250–251.

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rhetoric.[24] Both these philosophers concentrated primarily on rhetoric *per se*, and less on metarhetoric, and this is especially the case with Theophrastus.[25] Aristotle's *Rhetorica* discusses metarhetorical issues mainly in the first chapters.[26] Only Aristotle's lost work *Gryllus* appears to have been mainly metarhetorical, discussing the question whether rhetoric is an art. It seems that even Quintilian had no first-hand familiarity with this text.[27]

After Theophrastus, few Peripatetics down to the first century B.C.E. seem to have engaged in rhetoric. Our testimonia mention only Lyco, Eudemus and Demetrius. They too were mainly concerned with rhetoric *per se.*[28] The outstanding exception is Critolaus,[29] the Peripatetic scholarch around the middle of the second century. He is mentioned in all our sources as a strong opponent of rhetoric,[30] and one gains the impression that he was one of the leaders of the philosophical attack against rhetoric as an art.[31] The question immediately arises how a Peripatetic could oppose rhetoric.

The question could be answered in a number of ways. The first, already hinted at, is based on the fact that Critolaus was unaware of the rhetorical tradition of Aristotle and Theophrastus. This reply, however, is only partial, since Aristotle's *Gryllus* was

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24 Cf. Strabo, XIII. 1. 54.

25 For a general survey of Theophrastean rhetoric, see Kennedy (1994) 84–87. The rhetorical fragments of Theophrastus are in Fortenbaugh (1993) II. 508–559.

26 Cf. Cicero, *De Oratore* I. 43, according to which, the Peripatetics wrote more than any other school on rhetorical matters: *Peripatetici autem etiam haec ipsa, quae propria oratorum putas esse adiumenta, atque ornamenta dicendi, ab se peti vincerent oportere: ac non solum meliora, sed etiam multo plura Aristotelem Theophrastumque de his rebus, quam omnes dicendi magistros, scripsisse ostenderent.* The testimonium clearly refers to rhetoric *per se.* On the metarhetorical nature of the first few chapters of *Rhetorica*, see Schütrumpf (1990) 99–116. Just how different these chapters are from the rest of the work may be appreciated by the fact that these were the only chapters to be paraphrased by Cope (1867), in accordance with his criterion for paraphrasing (p. xii.): "In some parts, where the obscurity of the text or the especial importance and difficulty of the immediate subject seemed to require it."

27 See n. 32 below.

28 See the testimonia in Wehrli (1944) IV. 34–37 (Demetrius); VI. 13–15 (Lyco); VIII. 20–21 (Eudemus); cf. also Kennedy (1994) 87–88.

29 And perhaps his pupil, Ariston, but this is somewhat problematic: see Brittain (2001) 308; Reinhardt-Winterbottom (2006) 252–253.

30 See e.g., Cicero, *De Oratore* II. 160; Quintilian, II. 15. 23; Sextus Empiricus, *Math.* II. 12, 20; Philodemus, *De Rhetorica* II. 71, 97. Critolaus was not an ill-informed bigot, but actually well-versed in rhetoric (Cicero, *De Oratore* II. 160). On Critolaus see also Reinhardt-Winterbottom (ibid.) 252, 258, 325 and the note there on Quintilian, II. 17. 15, where they adduce Philodemus, II. 102 attributing to Critolaus πρὸς τοὺς ῥήτορας φιλοτιμία; they regard this as an exceptional remark which is difficult to square with Radermacher's hypothesis that Critolaus was the source for the attack on rhetoric (see next note). *Philotimia*, however, may express a negative sentiment such as "competition" rather than a more positive sense such as "emulation".

31 This is the hypothesis of Radermacher (see §2.4.1 below) and I shall be adopting it in this study.

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known to him, a dialogue which seems to have had a positive conclusion regarding rhetoric, even if it contained arguments for and against.[32] In light of this, the true reason must be found elsewhere. Cicero describes Critolaus as somewhat independent of his Peripatetic roots.[33] What survives of his works[34] indicates that he was very familiar with the Stoic system and applied some elements of it to his own philosophy. If we add to this the problem common to all the schools of philosophy, the loss of students to the schools of rhetoric, then Critolaus' opposition to rhetoric may become more comprehensible. Critolaus and his doctrine, his sources and his attacks on rhetoric will be discussed in more depth in the following chapters as each argument is dealt with in turn.

We turn now to another point which needs to be taken into consideration when dealing with the Peripatetic attitude towards rhetoric. The close relations between rhetoric and dialectic are well known. It should suffice to observe that λόγος and τὸ λέγειν are common to both, and that dialectic also serves the speaker's aim to persuade, as a method which works through the intelligence rather than the emotions of the audience. Furthermore, the part where the opponent's arguments are refuted requires a modicum of dialectic thinking. This is a point on which the Peripatetics prided themselves, as may be seen from the testimonia of Cicero and Quintilian.[35]

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32 The *Gryllus* is a dialogue dedicated to the memory of Xenophon's son who was killed at the battle of Mantinea in 362 B.C.E. The secondary title of the dialogue is *On Rhetoric* (Diogenes Laertius, V. 22), from which it is already clear that the dialogue was metarhetorical. Our main source for the *Gryllus* today is Quintilian, II. 17. 14; the dialogue seems to have included arguments and counter-arguments with a view to determining the nature of rhetoric (deducible from the phrase *quaerendi gratia*, or its Greek counterpart ζητήσεως χάριν). Cicero (*De Oratore* III. 80; *Att.* XIII. 19, 4) describes his own dialogue form as following the Aristotelian style (*Aristotelius mos*), which is that of speeches for and against, with the opinion of the author, appearing in his own person, being presented last. Lossau (1974) 20 argues that Aristotle's conclusion was in favour of rhetoric being an art, and this is also the opinion of Hubbel (1920) 366. Only Kennedy (1957) 29–30 argues that Aristotle's conclusion was negative, which he infers from the testimonium of Quintilian at face value. Yet Quintilian does not seem to have been acquainted first hand with the dialogue (neither had Cicero before him), and his source may have supplied him only with the dialogue's arguments against rhetoric.

33 Cic. *De Finibus* V. 14 *ac tamen ⟨ne⟩ is quidem in patriis institutis manet* (supplement by Bremius), and cf. Quintilian, II. 17. 2 *sed cum iis (*sc. *oratoribus) philosophi et Stoici et Peripatetici plerique consentiunt (sc. rhetoricen artem esse).* The word *plerique* pertains only to the Peripatetics, thus "the philosophers, both the Stoics and *most of the Peripatetics* agree [that rhetoric is an art]" as Barnes (1986) 2 translates it (my italics); cf. too Reinhardt-Winterbottom (2006) 308. "Most of the Peripatetics" because Critolaus was notoriously of the opposite opinion. Wehrli claims that Critolaus' pupil, Ariston, was also opposed to rhetoric, but Reihardt-Winterbottom (ibid.) 252 are more circumspect: "Ariston's attitude to rhetoric was an ambiguous one, i.e. less straightforwardly hostile than that of his teacher Critolaus." I shall argue that the testimonia indicate that his position was clearly positive (see pp. 167–168 below).

34 Wehrli (1944) X. 49–58.

35 Quintilian, XII. 2. 25; Cicero, *Tusc.* II. 9. The latter refers to the Peripatetic and Academic custom (*consuetudo*) of arguing for and against on every issue (*de omnibus rebus in contrarias*

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Aristotle himself makes the mutual connection between dialectic and rhetoric explicit in the first sentence of his *Rhetorica*, where rhetoric is said to be the ἀντίστροφος of dialectic.

Rhetorical exercise trained the students to discover arguments for and against every subject, whether a specific case, a *hypothesis*, or a general subject, a *thesis.* It is easy to see how a *thesis* would be a factor common to rhetoric and philosophy alike. One possible *thesis* could be the assertion that rhetoric is an art, and this was indeed the *thesis* of Aristotle's *Gryllus.* To the extent, then, that the Peripatetics indulged in arguing for and against everything, they engaged in rhetoric.

2.2.3. The Stoics

The Stoics taught both dialectic and rhetoric.[36] Their teaching of the subjects *per se* would have differed little from that of other teachers of these subjects.[37] Yet the Stoics differed from others in their view of the status of rhetoric because of its integration into the Stoic system. The Stoics regarded political involvement as one of the activities of the wise man. That is, his wisdom was expressed, among other things, in politics. Since rhetoric was an essential implement for the politician, it also became a positive aspect of the wise man's behaviour,[38] indeed, nothing less than a *virtus* (ἀρετή).[39] This is an unusually extreme position, and needs to be understood in the context of an additional aspect of the Stoic sage and the Stoic attitude towards ἀρεταί.

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partes disserendi). The structure of the sentence allows us to understand that the two schools are given different reasons for this dialectical behaviour. For the Academics it is epistemological, namely, because *aliter non posset quid in quaque re veri simile esset inveniri*, while for the Peripatetics, it is rhetorical, *quod esset ea maxima dicendi exercitatio.* Hence dialectic was employed at least in part in rhetoric. Cicero notes that the first to use this method was Aristotle.

36 When Zeno presented philosophy as comprising the fields of logic, physics and ethics, his logic appears to have consisted purely of the two previously existing arts dealing with words, namely dialectic and rhetoric. By the time of Chrysippus, logic was the branch dealing with the connection between *logos* as language and *logos* as the creative cosmic force, and dialectic had come to the fore. In the middle of the second century B.C.E., Antipater of Tarsus seems to have regarded philosophy as the practice of the ideal wise man, with the fields of philosophy expressing the various spheres of behaviour of this Stoic sage. He regarded rhetoric as an aspect of dialectic, which was itself an aspect of logic; see further Ludlam (1997) 409–413.

37 Cf. *SVF* II. fr. 288–298, esp. 288 where we learn that Cleanthes and Chrysippus wrote handbooks on rhetoric and taught rhetoric *per se.* A harsh opinion of their handbooks is to be found in Cicero, *De Finibus* IV. 7: *quamquam scripsit artem rhetoricam Cleanthes, Chrysippus etiam, sed sic, ut, si quis obmutescere concupierit, nihil aliud legere debeat.*

38 For the Stoics' contribution to the development of rhetoric *per se*, see Diogenes Laertius, VII. 42; Quintilian, II. 15. 20.

39 Cf. e.g. Quintilian, II. ch. 20; Cicero, *De Oratore* III. 65; *SVF* II. fr. 117.

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A position common to all the Stoics is that all the ἀρεταί have mutual dependence (ἀνταϰολουθία). It is impossible to have one ἀρετή without the others; conversely, to lack one is to lack all.[40] The Stoic sage by definition possessed all virtues, including rhetoric.[41] The unavoidable conclusion was that only the Stoic sage could be – and was – an orator, while an orator would necessarily be a Stoic sage.[42]

Thus far the positive attitude of the Stoics towards rhetoric. The extreme, uncompromising Stoic position, however, demands a high price. Stoic rhetoric is alien to the common people, although they are naturally the target audience of the orator.[43] The reason lies in the nature of the Stoic sage. Among other things, the Stoic sage has complete control over his emotions, which, if left unchecked, would adversely affect his good thinking and good behaviour.[44] Emotions are, however, one of the most effective means of persuasion at the disposal of the orator; Aristotle actually devoted a considerable part of his *Rhetorica* to what he called τὸ πάθος. Thus the self-contained Stoic sage, deprived of the emotional juice, is left with dry words that fall somewhat flat on the ears of the mob.[45] He is unconcerned by this, since his aim, in his capacity as an orator, is to persuade simply by teaching the truth.[46] The ancients were well aware of this position and criticized the Stoics heavily for their unrhetorical rhetoric.

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40 Cf. Diogenes Laertius, VII. 125 (= *SVF* III. pp. 72–73 fr. 295); Cicero, *De Oratore* I. 83.

41 Cicero, *De Oratore* III. 65 (= *SVF* II. fr. 291); ibid. III. 55; Quintilian, II. 15. 20.

42 See Cicero, *De Oratore* I. 83. The Stoic orator would necessarily be good (cf. esp. Quintilian, XII. 1. 3). Thus the Stoics neatly avoided one of the criticisms launched against rhetoric, namely the misbehaviour of orators. The Stoics could argue that such orators were, strictly speaking, not orators at all, since by definition a morally bad person cannot be an orator at all. This Stoic position seems to be the butt of a joke in Lucian, *De Parasito* 54, where the parasite, free from all worries and cares, is furthermore claimed to be not even susceptible to hunger, since, it is argued, that which lacks food is not a parasite (see also ibid. 56).

43 See Cicero, *De Finibus* IV. 7; Sextus Empiricus, *Math.* II. 53; cf. also Cicero, *De Oratore* I. 81–82 where Antonius has correctly identified the ideal speaker portrayed by Crassus with the Stoic sage/speaker. In the following section (83), the speech of the Stoic Mnesarchus is described: *haec erat spinosa quaedam et exilis oratio, longeque a nostris sensibus abhorrebat.* This might be the best place to note that what Spengel calls the "scholastic rhetorical school" was heavily influenced by the Stoics. The school, apparently originating in Pergamum, where there was significant Stoic influence, emphasized the methodological and logical aspect of rhetoric, whence its occupation almost entirely with *inventio* and its endless divisions. The outstanding proponent of this system was Hermagoras of Temnos. The criticism of his composition for its impracticality in daily life (Quintilian, III. 6. 21) may therefore be applied to the Stoics as well.

44 Seneca, *Epistulae Morales* 9. 1–3; id. *De Ira* II. 3–4.

45 The Stoics emphasize simple and direct discourse. Even "ornamentation" is interpreted by Chrysippus as "simplicity of words" (Plutarch, *De Stoicorum Repugnantiis* 1047A–B).

46 Quintilian, V. 1. 1: *fuerunt et clari quidem auctores, quibus solum videretur oratoris officium docere.* That the Stoics are intended is clear from the context (e. g., *adfectus* is subsequently identified with *vitium* and *animi perturbatio*); cf. also ibid. IV. 5. 6.

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Another problem with the Stoic attitude towards rhetoric stems from the similarity of rhetoric to dialectic. The sophists, Academics, and Peripatetics were all aware of the proximity of the two (we have already seen the first sentence of Aristotle's *Rhetorica*), but the Stoics took the similarity to an extreme. Some of their definitions of rhetoric and dialectic were almost identical, with rhetoric being the knowledge/understanding of speaking well (= ἐπιστήμη τοῦ εὖ λέγειν),[47] and dialectic the knowledge/understanding of speaking correctly (ἐπιστήμη τοῦ ὀρθῶς λέγειν).[48] It seems that the Stoics themselves did not always make the distinction clear.[49] The founder of Stoicism, Zeno of Citium, is said to have distinguished between rhetoric and dialectic only according to their external form: long unbroken speech as opposed to broken speech in the form of question and answer.[50]

Despite the many confusions in the testimonia, it is clear that the Stoics formally granted rhetoric the status of an art, while in practice they neutralized it, so far as the usual target audience for rhetoric was concerned. The Stoic strict criterion of knowledge, that of the Stoic sage,[51] was naturally applied to rhetoric, or rather to the rhetor. This sort of rhetoric would have been inapplicable in the setting of a peo-

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47 Quintilian, II. 15. 34, and see next note.

48 The distinction is clearly stated in Diogenes Laertius, VII. 42, but somewhat blurred in Quintilian, II. 15. 34: *huic eius substantiae ⟨Cleanthis⟩ maxime conveniet finitio "rhetoricen esse bene dicendi scientiam". nam et orationis omnes virtutes semel conplectitur et protinus etiam mores oratoris, cum bene dicere non possit nisi bonus. idem valet Chrysippi finis ille ductus a Cleanthe, "scientia recte dicendi".* Kiderlin's supplement (see *SVF* I. fr. 491, critical apparatus on line 14) attributes the "well" definition of rhetoric to Cleanthes, which seems to be correct considering the mention of Cleanthes at the end of the testimonium. Whether Chrysippus really equated "well" with "correctly" (thereby apparently removing the distinction between rhetoric and dialectic, if he used "correctly" also in one of his definitions of dialectic) is a matter for debate. As Quintilian goes on to say in the very next sentence, Chrysippus had many definitions of rhetoric. The apparent difference between Cleanthes and Chrysippus may have been inferred from a Chrysippean argument rather than a simple statement. Diogenes Laertius, VII. 42 and Sextus Empiricus, *Math.* II. 6 attribute to the Stoics in general the "well" definition of rhetoric. Spalding (1798) ad loc., makes the unfounded claim that the Stoics in general used the "correctly" definition of rhetoric. As for dialectic, Stoics are occasionally said to have used the "well" definition, but this may be the interpretation of the reporter: e. g., Alexander (*CAG* II. 2, p. 1, 10 W) attributes the ἐπιστήμη τοῦ εὖ λέγειν definition to dialectic, but glosses εὖ λέγειν as τὰ ἀληθῆ καὶ τὰ προσήκοντα λέγειν, suggesting that he carelessly paraphrased "well" as "correctly".

49 Cicero, *Top.* II. 6, presenting the distinction between the Stoics and Peripatetics on the matter of *ratio disserendi*, observes that Aristotle treated the two arts comprising it, *una inveniendi, altera diiudicandi*, equally, while the Stoics emphasized the second, which they of course called dialectic. What is interesting is that the first they did not call rhetoric, but "topic" (τοπική).

50 Quintilian, II. 20. 7; Sextus Empiricus, *Math.* II. 7.

51 This strict criterion of knowledge, which is connected with the φαντασία καταληπτική, is opposed to what I shall call later the relaxed criterion of knowledge by which the rhetor is expected to be acquainted with the subjects he speaks about, but without having the knowledge of an expert. Aristotle advocated this second criterion, and found later supporters in Cicero and Quintilian. On this subject, see Leeman-Pinkster (1981) 190–194.

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ple's assembly or other such public gathering. The tension in Stoic rhetoric is well exemplified by Crassus in Cicero's *De Oratore* (III. 65), during his discussion of *discidium linguae atque cordis* (beginning at III. 61). He praises the Stoa for holding rhetoric in high esteem, being the only school which treats it as a virtue and knowledge.[52] Yet he cannot accept the Stoic model of the orator, since such a man is divorced from daily discourse.

Crassus, we should remember, was not a philosopher but a Roman orator,[53] and as such, he scorned theoretical arguments about rhetoric.[54] Greek philosophers had no such qualms. It seems that the Stoic positive attitude towards rhetoric attracted the ire of all other Greek schools of philosophy in the second century B.C.E. Yet, unlike other issues where the Hellenistic schools attacked each other from purely philosophical considerations, here in rhetoric, a practical motive also came into play. It might well have seemed to the other philosophers that the Stoics on this point were playing into the hands of the schools of rhetoric who were threatening all of them.[55] Here was the most prominent school of philosophy confirming that rhetoric was indeed an art. The metarhetorical debate, therefore, was not only between the schools of philosophy and of rhetoric (the external debate), but between the Stoics and the other schools of philosophy (the internal debate).[56] The Stoics were in a double bind, both attacking the schools of rhetoric, and defending their own position against the attacks of the other schools of philosophy.[57] These comments are currently no more than speculations, but they will be borne out by the source analyses in the following chapters.

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52 Cf. also §55: *est enim eloquentia una quaedam de summis virtutibus.*

53 The Roman intellectuals and statesmen influenced by Stoic philosophy may have accepted the Stoic treatment of rhetoric in theory, but in practice they rejected it.

54 Cf. Cicero, *De Oratore* I. 47; 102, where Crassus calls the Greeks indulging in such arguments *Graeculi.*

55 The Stoics did participate in the general attack on the schools of rhetoric (Philodemus, I. 356; II. 204); but on this point they were perceived to be letting the side down. On the Stoic defence of their position, see pp. 41–42 below.

56 The connection between the two debates will be demonstrated throughout this study as the various arguments concerning rhetoric are uncovered and reconstructed.

57 This would explain why so much Stoic terminology is to be found in the metarhetorical debate as a whole. Not only the Stoics used it, but also the Academics, who specialized in formulating their attacks in terms used by their opponents, and others could have adopted similar tactics. Quintilian and Sextus Empiricus use Stoic terminology and context in many of their references to the metarhetorical debate. Even other sources such as Philodemus express this tendency, which may have been one of the reasons why Sudhaus and Radermacher traced the text of Philodemus to a debate between the Peripatetic Critolaus and the Stoic Diogenes of Babylon; cf. Radermacher (1895) xvii; even Lucian's *De Parasito*, which Radermacher proved to reflect the metarhetorical debate (ibid. xxiii-xxvi) is steeped in Stoic terminology.

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2.2.4. The Academics

The Academic school saw a number of changes of direction during the course of its history (c. 380–c. 80 B. C. E.).[58] The most significant change occurred when the third century scholarch Arcesilaus decided that Plato's teachings were essentially sceptical rather than dogmatic, and henceforth the previously dogmatic (later known as the "Old" or "Early") Academy developed an increasingly sophisticated sceptical philosophy.[59] It is with this marked change in direction that the Academy finds renewed interest in rhetoric which last received significant Academic treatment in Plato's dialogues, especially the *Gorgias.* Arcesilaus and later Carneades and his followers brought the study of rhetoric into the Academy, although it was not always called rhetoric.[60] Arcesilaus instituted the practice of arguing both for and against any position.[61] This dialectic exercise would certainly have drawn the Academics into the practice of rhetoric; but would this be enough to justify attributing the study of rhetoric to the Academics? Kennedy (1994) 146–147 argues that it is not,[62] claiming that the Academics study dialectic which, according to Cicero, is necessary for the acquisition of the art of rhetoric. It is Cicero, however, who writes (*Partitiones Oratoriae* 139):

> expositae sunt tibi omnes oratoriae partitiones, quae quidem e media illa nostra Academia effloruerunt.

And a little later (ibid.):

> … subtiliter disputandi et copiose dicendi ars.

Dialectic and rhetoric are treated as one art, and, so far as Cicero is concerned, rhetoric flourished in the Academy.[63]

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58 The last official Academic scholarch was Philo of Larissa, who died in Rome in the 80's B. C. E., while in Athens the last Academic exponent, Charmadas, was dead by 79 B. C. E.

59 See Glucker (1978) 98–107; 111 n. 42; 345–346 on the various divisions – both ancient and modern – of the life of the Academy into periods.

60 Cf. Cicero, *De Oratore* I. 45, where we learn that Crassus met Metrodorus of Scepsis, a pupil of Carneades, in Asia around 110 B. C. E. At this point Crassus calls the man an Academic philosopher, but at III. 75 he refers to him as a rhetor from the Academy. Metrodorus may have considered himself a dialectician, but his practice may have been close enough to rhetoric for Cicero to consider him a rhetor. Cf. also Brittain (2001) 316–319, 323 who attributes the teaching of rhetoric to Charmadas as well.

61 Cicero, *De Oratore* III. 80.

62 This is also the opinion of Brittain (2001) 310–311 and n. 28. For an opposing view, see Barnes (1986) 16 n. 14.

63 Brittain (2001) 323–234 and n. 53 reaches a similar position, but through a consideration of the aim of Carneadean dialectic, which, according to him, is the πιθανόν or "persuasive" which he identifies with the aim of "Classical" rhetoric, πειθώ ("persuasion"). Quite apart from this formal

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It is interesting, therefore, to find among the leaders of the movement against rhetoric in the second century B.C.E. Academics, of whom the most prominent had studied with Carneades.[64] Cicero's Crassus names several Academics active at the time that he was in Athens, just before he describes the attacks of the philosophers against the rhetoricians (*De Oratore* I. 45):

> audivi enim summos homines, cum quaestor ex Macedonia venissem Athenas, florente Academia,[65] ut temporibus illis ferebatur, cum eam Charmadas et Clitomachus et Aeschines obtinebant; erat etiam Metrodorus, qui cum illis una ipsum illum Carneadem diligentius audierat.[66]

There were two main reasons for the Academics to oppose rhetoric. The first was the rise of the schools of rhetoric, a threat common to all the schools of philosophy. The second reason was peculiar to the sceptical Academy, namely, the opposition to accepting rhetoric as an art, which was akin to accepting a dogma.[67] The sceptical Academic position is well-known, and boiled down to the suspension of judgement, a refusal to accept anything as true, but at the most, as something like the truth, or as persuasive. They could present inconsistent positions, since none was considered by them to be true, and we find that their attacks on rhetoric were also inconsistent, taken from or inspired by any source, with the sole aim of obliging the recipients of the attack to renounce their dogmatic positions and suspend judgement. Thus they might use Peripatetic arguments against the Stoics, and Stoic arguments against the Epicureans, or even the arguments of one Stoic against another Stoic, a particularly effective strategy.[68]

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demonstration of the connection between the Academics and rhetoric, it may also be noted that at least Carneades and Charmadas were accomplished orators (Cicero, *De Oratore* I. 45, 85 respectively). Furthermore, Cicero portrays Crassus in *De Oratore* as an Academic, and it is this character who represents the ideal orator. The first and third books, in which Crassus is the main speaker, clearly echo Plato's *Phaedrus.* Although in the third book, Crassus examines the opinions of the rival schools (62–68) and prefers that of the Academy, he adopts the Stoic ideal with regard to the status of the orator and the scope of his fields of knowledge.

64 Carneades resigned from the Academic scholarchate in 137/6 B.C.E. and died in 129/8 B.C.E. See Dorandi (1991) 15; Ludlam (1997) 150.

65 This phrase may not necessarily emphasize the fact that the Academy had since then ceased to exist, but that it was prominent in the attack on the rhetoricians, at least at this particular stage of the controversy. On the various stages, see pp. 44–46 below.

66 The year seems to be 109 B.C.E., at the end of which Clitomachus died. Crassus returned to Rome in 108. On this passage in detail, see pp. 38–42 below.

67 On the Academic suspension of judgement with regard to rhetoric, see e.g., Cicero, *De Oratore* I. 63, 84; III. 80; and with regard to anything, ibid., II. 67 *nihil esse certi*; cf. also Cicero, *Lucullus* 74; *SVF* III. p. 246 fr. 21.

68 Since the Academics studied the dogmatic philosophies in any case for their own benefit, namely to argue for and against all positions in order to reach a suspension of judgement, they were already well prepared for their attacks on their rivals, and used the same methods.

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The Academics were still teaching rhetoric after the movement against rhetoric. Thus Cicero, referring to the teaching of Philo of Larissa, the last Academic scholarch, writes (*Tusc.* II. 9): *alio tempore rhetorum praecepta tradere, alio philosophorum.* Furthermore, at the end of *Partitiones Oratoriae*, Cicero attributes the content of that work on rhetoric to the Academy without which, he claims, he could not have uncovered all the characteristics required of the orator (such as the discovery of arguments, the distinction between truth and falsehood, and other items which he lists there).

2.3. The Historical Background

The brief and far from exhaustive survey of the various Hellenistic philosophies and their attitudes towards rhetoric leads us to the following survey which outlines the milieu in which the Hellenistic anti-rhetorical movement operated; it deals with the period, the places and the social circles involved.

For this discussion, our main source is Cicero, and *De Oratore* in particular.[69] This text is somewhat unusual. It does not deal with rhetoric *per se*, and it is certainly not a handbook.[70] Nor does it deal with pure metarhetoric using arguments for and against rhetoric, and it is quite different from the sort of material written by Sextus Empiricus. What it does contain is a discussion of the ideal orator and the conditions required for his existence. Such a discussion will certainly contain traces of metarhetorical arguments on the status of rhetoric as an art. The status of the orator should after all involve the relation between his natural ability and his training, the need for higher education, theory and practice, and even the question whether rhetoric is an art (I. 90; 102 ff.). All these matters are indeed to be found in *De Oratore*, if not always in the form of arguments, attacks and defences.[71]

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69 Cicero is also the earliest source we have for this period. He was acquainted with many of the people involved in the movement. As for the participants in the dialogue, all were known to him personally (Crassus, the main participant, was his teacher; II. 2). The dramatic date of the dialogue prevented Cicero from participating in it himself, since at that time he was still very young.

70 The second and third books do deal with matters of rhetoric *per se* (Cicero refers to these books by the term τεχνολογία in *Att.* IV. 16. 3) but Cicero refrains from the use of technical terminology which is expected of a handbook (cf. *Fam.* I. 9. 23) and does not keep to the strict divisions and subdivisions of the exposition of rhetoric. Moreover, long and elaborate speeches such as those of Antonius and Crassus in *De Oratore* are never to be found in rhetorical handbooks.

71 Cicero intended the ideal orator to be the one portrayed in the speeches of Crassus, and he turns out to be a sort of Presocratic living before the outbreak of the *discidium linguae atque cordis.* It is apparent that Cicero wishes to unite philosophy and rhetoric by returning philosophy to its natural place within rhetoric. Cicero may be thinking of this when he writes to Lentulus that *De Oratore* embraces *et Aristoteliam et Isocratiam rationem oratoriam* (*Fam.* I. 9. 23): the rhetoric of Isocrates is technical-professional, while that of Aristotle is more philosophical. At any rate, this

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The dramatic date of *De Oratore* is the beginning of September 91 B.C.E.[72] The dialogue comprises three conversations taking place over two days. The main participants are Lucius Licinius Crassus, and Marcus Antonius in whose Tusculan villa the conversations take place. Both are in their fifties, old enough to be eye witnesses to the events of the late second century B.C.E. that they describe. The other participants will be mentioned wherever relevant during the course of our discussion.[73]

Crassus and Antonius are presented as providing eye-witness accounts of the milieu at the time of the controversies surrounding rhetoric in Greece.[74] This is not to say that Cicero's dialogue records actual conversations,[75] but the information itself may be taken as reliable.

The first to testify is Crassus (I. 45–57).[76] He is reacting to Scaevola who has argued that the orator needs no wide education or mastery of all the higher arts. At I. 45, Crassus says that he has already heard elements of Scaevola's speech from Greek philosophers. Cicero is clearly hinting here that he put into Scaevola's speech opinions on rhetoric which had been voiced by Greek philosophers. We should, therefore, backtrack to Scaevola's speech (I. 35–44), and even to the previous remarks of Crassus (I. 30–34) which Scaevola interrupted. There, Crassus was praising rhetoric as the most exalted of all the arts, claiming that orators were the first to found cities, and that the ideal orator would be an expert in every art, in private and in public; he would be able to speak with authority on every subject. Scaevola ob-

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intention would lead the author to deal with the various philosophical schools and their opinions on rhetoric.

72 The dialogue was written in 55 B.C.E.; cf. Cicero, *Att.* IV. 13. 2.

73 The other participants are Quintus Mucius Scaevola, Publius Sulpicius Rufus, Gaius Aurelius Cotta, Quintus Lutatius Catulus, Gaius Julius Caesar Strabo. Cicero presents Cotta as the one who reports these conversations to him (III. 16).

74 On the dates of the visits of Crassus and Antonius to Athens, see n. 89 below. It was quite common for Romans on various political missions abroad to mix their business with a little sightseeing, including visiting the philosophers in their natural habitat, in those places most noted for philosophy, such as Athens, Tarsus, Rhodes and Alexandria. Cicero thus lends the account a plausible context while also honouring Crassus and Antonius. On the dates and activities of the philosophers mentioned in the two passages of *De Oratore*, see also Dorandi (1991) 59–64.

75 Cf. III. 16. Although the dialogue is a fiction, it was important for Cicero to provide authoritative sources (cf. Cicero, *Att.* IV. 16. 2). As for the veracity of the reports, Cicero may well have heard Crassus and Antonius talking about their experiences while he was still young, and to these he could have added from his own experiences in Athens in 79 B.C.E., twenty four years before he wrote the dialogue, not to mention any written material he may have had to hand while writing this work. While in Athens he could have heard more about the controversies between the philosophers and the rhetoricians then already three or four decades past. The first to argue, on the strength of I. 94, that one of Cicero's sources may have been a dialogue written by Charmadas was Hubbell (1920) 373–374, on which speculation see §2.4.2 below.

76 The paragraphs relating to his visit to Athens are I. 45–48.

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jects both to the view that the orators were the first founders of cities and continue to preserve their integrity, and to the notion that the orator can be an expert on matters outside the political arena of the senate, public assemblies and lawcourts. He argues that the sound advice of wise men rather than speeches by orators were responsible for the founding and preserving of cities, while the orators actually aided in the destruction of the state. Titus Sempronius Gracchus made a great contribution to the state, but his two sons, both orators, destroyed what he had accomplished. At I. 41 Scaevola turns to the second objection, claiming that the orator's pretensions to mastery of fields outside the political arena would attract the ire of those who regard that as trespassing. The people he has in mind are the philosophers, from those nowadays called Presocratics, such as Pythagoras and Democritus, down to the late Hellenistic schools of his time. They all share a common objection against rhetoric, that the orator has no knowledge of what today is called ethics, namely the problems of good and bad, the goal of life, and the nature of emotions, which all belong to the field of philosophy.[77] After presenting this general objection, Scaevola passes over to the particular objections of each school. The Academy would cause Crassus to deny what he had previously agreed upon. The Stoa would ensnare Crassus in the minutiae so typical of that school. As for the Peripatetics, and here Scaevola is a little more discursive, they would simply claim that all these subjects belong to them, proving this by observing that Aristotle and Theophrastus together wrote more and better than all the rhetors taken together both on rhetoric and its relations with ethics/politics. Scaevola would restrict the rhetor to the legal field alone.

The response of Crassus to Scaevola, beginning at I. 45, includes the names of a few individuals involved in the debate, known also from other sources. Crassus gives an account of the philosophical side of the debate in Athens in 109 B.C.E. It is worth noting the order in which he treats the schools. Firstly the Academy, then the Stoa, then finally the Peripatos.[78] This is the same order used by Scaevola in I. 43. Secondly, the term *florente Academia* depicts the Academics at their peak, led by Charmadas, Clitomachus,[79] and Aeschines.[80] Thirdly, all the philosophers appear as pupils while the teacher is explicitly mentioned. The Academic philosophers mentioned, including Metrodorus, are labelled as pupils of Carneades; the Peripatetic Diodorus is mentioned as a pupil of Critolaus; the Stoic Mnesarchus is the pupil of Panaetius (and more on him in the next paragraph).[81]

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77 These subjects, however, are considered pertinent to the orator in Aristotle's *Rhetorica*; and cf. the detailed criticism of the Peripatetics at I. 43.

78 The absence of the Epicureans is unsurprising, given their scorn for any art whatsoever; cf. §2.2.1 above.

79 Clitomachus died in 109/8, the year to which Crassus refers; see n. 66 above.

80 Metrodorus appears as an outsider, probably because his interpretation of Carneades was not accepted by Clitomachus and his followers; see Glucker (1978) 75–81, 316–317, 395–396.

81 Carneades is called *homo omnium in dicendo acerrimus et copiosissimus*, ibid I. 45.

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I shall be arguing that we have here evidence for a debate begun by the teachers of these philosophers which their pupils continued.[82] We might have expected the Stoic teacher contemporary with Carneades and Critolaus to have been Diogenes of Babylon or Antipater of Tarsus, but we are given Panaetius, who was in fact a pupil of Diogenes and Antipater.[83] The reason why Crassus mentions Panaetius rather than Diogenes or Antipater may be because Scaevola himself was on good terms with Panaetius. This impression is strengthened by Crassus referring to the Stoic as "your Panaetius" (*vigebat auditor Panaetii illius tui Mnesarchus*).

These and many other philosophers attack not rhetoric but the rhetor. One might assume that attacking the artist would involve attacking the art, but it seems that the emphasis is correct, since the philosophers are most concerned with the practical effects, namely their own loss of students who prefer to learn how to become orators. The emphasis on the rhetor rather than on rhetoric is important for distinguishing this attack from another emphasizing rhetoric and attacking that school of philosophy which alone regarded rhetoric as a virtue, namely the Stoa.

Indeed, we must ask ourselves what was the place of the Stoa in this attack, being the only philosophical school openly to regard rhetoric favourably at this time, according to Cicero.[84] While the other philosophical schools indulged in rhetoric in practice, but in part or under another name, the Stoics explicitly made rhetoric one of the arts of the wise man. Only the Stoics called rhetoric a virtue (which they had to if it was to be an art of the wise man).

De Oratore I. 46 has been quoted at the beginning of §2.1. above. We learn from it that the orator was exiled from political affairs almost unanimously by the philosophers (in their philosophical systems). The word "almost" (*paene*) hints at two alternatives. Firstly, that the Stoics did not participate at all in the general attack on the schools of rhetoric. This is unlikely, since the Stoics had as much to lose materially as the others schools of philosophy had, and they also had their private war with the rhetors over the nature of the true orator.[85] Furthermore, the Stoic Mnesarchus appears explicitly attacking the rhetors, even refusing to call them rhetors; in his opinion they are merely *operarii lingua celeri et exercitata* (I. 83). The second alternative seems more plausible, that the Stoics participated in the general attack, but that the Stoics had some reservations. Note that *paene* qualifies "with one voice", not "all [the philosophers]".[86] In other words, all the philosophers attacked, and they attacked almost with one voice.

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82 See p. 44 below.

83 Mnesarchus appears in the *Stoicorum Index* in a list von Arnim considers to be of pupils of Diogenes of Babylon, *SVF* III. fr. 11, n. to line 30; cf. Ludlam (1997) 171, 183–184; id. (2003) 44.

84 Cicero, *De Oratore* III. 65.

85 See immediately below.

86 *…a quibus omnibus una paene voce…*

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The Stoics were in a difficult position. While they supported rhetoric in principle, in practice they advocated an impractical form of rhetoric quite unlike anything familiar to a rhetor or his students. Stoic rhetoric was very close to dialectic, using language alien to the political arena of everyday life.[87] The rise of the schools of rhetoric threatened the Stoics just as much as the other philosophers, and the Stoics had the additional task of defending their view of rhetoric against that of the rhetoricians. Yet the Stoics could not align themselves entirely with the other schools of philosophy whose main line of attack against the rhetors was that rhetoric was not an art. The legitimacy which the Stoics gave to rhetoric as an art required them to join the general philosophical attack against rhetoric only with great reservations which it is not hard to guess at. They may have claimed that although they opposed the rhetoric propagated by the schools of rhetoric, they were not opposed to rhetoric in principle, regarding it even as a virtue.[88] Would the other philosophers, especially the Academics and the Peripatetics, accept such a position? Before answering this question, we should move to the second testimonium, that of Antonius (I. 80–93).

On his way to serve as proconsul in Cilicia, Antonius passed through Athens and was held up there for many days. He met almost the same people whom Crassus had met earlier (*eos fere ipsos*),[89] and he reports, without naming names, on both sides of the debate *de officio et ratione oratoris.* At I. 83, however, he concentrates on the Stoic Mnesarchus, perhaps because Crassus identifies with the ideal Stoic orator.[90] Whatever the case may be, his report, unlike the general one provided by Crassus, reveals a little more of the content of the controversy. It also provides a speaker for the opposition, the rhetors, in the person of Menedemus.

The arguments of Mnesarchus summarize what we know of the Stoic position. The only orator is the wise man, and only the wise man is an orator. Rhetoric (*eloquentia*) is one of the virtues, and as such is dependent upon the others. To have one is to have all, and to lack one is to lack all. The so-called orators one meets every day are not wise men since they lack perfect knowledge/understanding, and should

87 Cf. the remarks of Antonius which appear to be directed at the Stoic orator, perceived to be the ideal orator of Crassus: *deinde illud etiam verendum est ne abstrahamur ab hac exercitatione et consuetudine dicendi populari et forensi…*(I. 81); cf. also the end of I. 83; see p. 33 n. 43 above.

88 On the Stoics' double game see Sextus Empiricus, *Math.* II. 43–45.

89 The visit of Crassus to Athens (I. 45) seems to have been in the spring of 109 B.C.E., on his way from Macedonia to his province of Asia. Antonius visited Athens (I. 82) seven years later, in 102 (it should be borne in mind that men of the status of Crassus and Antonius would most probably have visited Athens more than once). Antonius reports that he met almost the same learned men (*eos fere ipsos*) as Crassus had. Cicero may be hinting at the fact that between the two visits, Clitomachus had died (end of 109). For the information at the beginning of this note, I am obliged to Prof. John Morgan of the Department of Physics, the University of Delaware, and member of the American School of Classical Studies in Athens. See also Wilkins (1895) 14 n. 1. On this visit, with an emphasis on Charmadas' novel view of rhetoric, see Brittain (2001) 319–328.

90 See also n. 71 above.

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be considered no more than *operarii lingua celeri et exercitata* (83). It is noticeable that the Stoic arguments do not attack the notion that rhetoric is an art, but concentrate rather on the teachers and practitioners of rhetoric themselves. Antonius' opinion of Stoic rhetoric is made clear in his closing remark: *sed haec erat spinosa quaedam et exilis oratio longeque a nostris sensibus abhorrebat.* Thus Antonius/Cicero neatly indicates what is problematic in the Stoic position.

Academics do not suffer from the problems plaguing the Stoics. Their representative, Charmadas,[91] appears in I. 84:[92] *Charmadas vero multo uberius eisdem de rebus loquebatur.* It is the representative of the Academy, one who does not regard rhetoric as an art, who is presented as a better orator than the Stoic who does consider rhetoric an art.[93] Here, however, Charmadas does not enter into the argument over the status of rhetoric as an art, but restricts himself to the practical aspect, namely, the impossibility of knowing how to speak without philosophy.[94] The significance is clear. The schools of philosophy should not be overlooked. The arguments of Mnesarchus and Charmadas so far are to be located within the external debate with the schools of rhetoric. For all their differences, the Stoic and the Academic both emphasize the importance of philosophy for the orator.

This practical point continues to dominate with the entry of Menedemus into the discussion. He is an orator, and his testimony is one of the very few we have from an orator of that period. He attempts to carve out for rhetoric its own special field, namely politics. This raises the ire of Charmadas, who fails to find any reference to political matters in the rhetorical handbooks. Education, the relationship between men and gods, the founding of cities, and virtues, are all subjects discussed by the philosophers. Furthermore, the rhetoricians lack any real knowledge of the laws of speaking beautifully, such as the way to manipulate the emotions of the audience to a particular end, or how to create a good impression.[95] Menedemus adduces Demosthenes who displays in his speeches an ability to manipulate the emotions of his audience. Charmadas sidesteps Demosthenes by regarding him as an exception

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91 For the most up-to-date discussion of this Academic philosopher, especially in the context of rhetoric, see Brittain (2001) 312–328.

92 Brittain (ibid.) 320 is interested in Charmadas insofar as he is the teacher of Philo of Larissa, the subject of his book. His discussion of Antonius' testimonium begins with I. 84, and he ignores I. 80–83. This is understandable given the nature of his subject, but he does thereby overlook the fact that the attack is not only external, between Charmadas and Menedemus, but also internal, between Charmadas and Mnesarchus (although the latter is mentioned in n. 49).

93 Charmadas would not be a better orator from the Stoic point of view, but could be only more experienced; this is precisely the problem of the Stoics; their strange manner of speech which is alien to everyday language (cf. also Sextus Empiricus, *Math.* II. 52 ff.).

94 See Brittain (ibid.) 312: "… that Charmadas took rhetoric to be a capacity that, while it could not be technically taught, could be effectively improved by an appropriate philosophical training."

95 The aims of the orator mentioned here suggest that Charmadas is basing himself on Aristotle and Theophrastus. Here we encounter the ἦθος and πάθος. The λόγος will appear in §92.

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which proves the rule, although suggesting that his knowledge may have been acquired during his studies with Plato.

There is no need to detail here all the arguments presented by Charmadas, the response of Menedemus and the response of Charmadas to that. Enough will be said about them in the following chapters. Only one point needs to be made here with regard to the context for these arguments. The arguments of Charmadas up until I. 89 are not purely metarhetorical. They are rather practical, arguing that philosophy is better suited to deal with the topics rhetoric is claiming for itself. It is only from I. 90 that Charmadas moves onto metarhetorical arguments, now claiming that rhetoric is not an art at all, and even reconstructing its creation. This makes clear to us the context in which the debate is taking place, namely, the struggle for pupils and income. The metarhetorical arguments appear only to support the practical aims of the philosophers.

The descriptions appearing in the testimonies of Crassus and Antonius are datable to the end of the second century B. C. E. and pertain to the second generation of the controversy. The leading figure in the movement of the philosophers against the rhetors is Charmadas, from which we may infer that the school leading the movement at this time was the Academy.

However, there are a few reasons for positing a first generation of the debate datable to the middle of the second century B. C. E. There are almost no references to it in Cicero apart from the names of teachers appearing in I. 45.[96] Cicero may have concentrated on the second generation because of the main characters participating in the dialogue, who would not have been able to provide eyewitness accounts of the first generation. Yet, the influence of Greek culture on Rome was already great during the middle of the second century, enough to arouse the ire of prominent statesemen such as Cato the Censor. It is likely that pupils would already have been streaming to schools of rhetoric, and that this would already have caused the schools of philosophy to react. Being the professionals they were, those philosophers would not have waited decades before voicing their protests. In addition to these reasons, there are late sources attesting to this first generation of the debate, although they tend to reflect an internal debate, between the philosophical schools themselves (Academics and Peripatetics against Stoics), while no name of a rhetor is to be found. The arguments in these sources are nearly all philosophical in form and terminology, to an extent which may have been unintelligible to the majority of rhetors. Finally, the object of the attacks is not the orator but rhetoric itself.

The nature of this internal philosophical debate has already been hinted at. The Stoics were uncomfortably positioned in the general attack on rhetoric since they themselves gave rhetoric a place in their philosophical system. Two points in the later sources, such as Sextus Empiricus, Philodemus, Quintilian and Lucian, indicate

96 To which may be added II. 155 ff., describing the embassy of the philosophers to Rome in 155 B. C. E., although the context has nothing to do with the controversy over rhetoric.

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that the Stoics set themselves apart from the general debate as presented in Cicero's *De Oratore*, the first point being the question of the status of rhetoric as an art, and the second point being the almost exclusively Stoic terminology used in arguments and especially in definitions of arts. These and other points, all to be discussed later, lead us to the following hypothesis. Throughout the last half of the second century there took place a debate over rhetoric. There were two main fronts. The first involved all the philosophical schools against the schools of rhetoric, and the second involved the Stoics defending themselves against all the other philosophical schools, especially the Academics and the Peripatetics who regarded the Stoics on this point as betraying their camp to the enemy. It may be expected that the rhetors were happy to use the legitimacy granted their art by the Stoics, and that this did not go down well with the other philosophical schools. The testimonia in *De Oratore* emphasize the external debate during the years 109–102, between the philosophers and the rhetors, with the orator as the object of the debate. The later sources[97] emphasize the internal philosophical debate, between the Stoics and the other philosophical schools, with rhetoric itself as the object of the debate.[98] It should be made quite clear, however, that in no period is there one front without the other.

We have called this controversy on two fronts the double debate (p. 28 above). This double debate must now be divided into two stages, the middle and the end of the second century B.C.E. The "two-staged double debate" will become a familiar idea during the course of the rest of this study.[99]

The near inseparability of the two fronts may be seen in *De Oratore.* Charmadas' attack beginning at I. 84 continues the arguments of the Stoic Mnesarchus against Menedemus. There is no mention of the problem of rhetoric as an art until I. 90. This is because the context until then includes the Stoics on the side of the attackers. Yet, at I. 90, Charmadas suddenly argues that rhetoric is not an art. This claim is very strange given the context where Mnesarchus is still a part of the opposition. The answer may be found in the way this new attack is presented: *Saepe etiam in eam partem ferebatur oratione, ut omnino disputaret nullam artem esse dicendi.* At

97 Such as Sextus Empiricus and Quintilian who will be distinguished in later chapters; Sextus Empiricus reflects more the later debate led by Charmadas, while Quintilian reflects the earlier one led by Critolaus.

98 Cf. also the way in which Crassus avoids the question of rhetoric as a craft in I. 102. He passes it off as a hairsplitting exercise worthy of Greeks. There seems to be no mention of rhetors in the whole passage, apart from the allusion to Gorgias in I. 103. The context has everything to do with the philosophers.

99 The notion of a two-staged double debate is absent from previous literature on the subject. For example, in his survey of the Stoic position regarding rhetoric as a craft, Barnes (1986) 3 contrasts supporters such as Zeno, Cleanthes and Chrysippus with opponents such as Ariston of Chios, Posidonius and Mnesarchus. He seems to have confused opposition to rhetoric with opposition to rhetors, thereby missing the existence of a double debate. The Stoics supported rhetoric (that of their own system) while opposing the rhetors of the schools of rhetoric.

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I. 84–89, Charmadas belongs to a group of philosophers which includes the Stoic Mnesarchus, and is unwilling to threaten this unity. The common enemy is Menedemus and what he represents. At I. 90 we are told that he occasionally gets carried away,[100] and raises a claim which exposes an additional debate, this time with his erstwhile ally, Mnesarchus. This argument against rhetoric as an art is not, therefore, an integral part of the philosophers' attack on the schools of rhetoric, but a central argument used by Academics and perhaps Peripatetics in the internal debate with the Stoics.[101]

For another example of Charmadas arguing two different positions, we may begin with I. 84:

> eos, qui rhetores nominarentur et qui dicendi praecepta traderent, nihil plane tenere neque posse quemquam facultatem adsequi dicendi, nisi qui philosophorum inventa didicisset.

The argument is not dressed in philosophical terminology, but states quite plainly that, according to Charmadas, the orators and rhetors are dependent upon the discoveries of the philosophers. Contrast this with I. 92:

> artem vero negabat esse ullam, nisi quae cognitis penitusque perceptis[102] et in unum exitum spectantibus et numquam fallentibus rebus contineretur; haec autem omnia, quae tractarentur ab oratoribus, dubia esse et incerta; quoniam et dicerentur ab eis, qui omnia ea non plane tenerent, et audirentur ab eis, quibus non scientia esset tradenda, sed exigui temporis aut falsa aut certe obscura opinio.

This criticism, appearing near the end of Charmadas' speech, uses a Stoic definition of art, which an Academic would use when attacking the Stoics. This argument for internal consumption has found its way into the external debate. The later chapters will discuss the two-staged double debate in much greater detail, but enough has been said to allow us to survey previous secondary literature with some perspective.

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100 Cf. his being depicted as *homo promptus* at I. 85.

101 Leeman-Pinkster (1981) felt that there was a problem with Charmadas arguing in this way (cf. their note to *ferebatur oratione* on pp. 182–183), but attributed the problem to the philosophical-rhetorical position he presented in I. 87. Antonius has already reminded us, however, at I. 84, that the Academic does not necessarily hold the positions he presents. It would be more correct to attribute the problem of Charmadas to the Stoics' ambiguous position in the double debate.

102 *perceptis* is to be read instead of *perspectis.* The emendation is that of Spalding (1798) ad loc.; cf. Hubbell (1920) 376 n. 10.

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2.4. Common Assumptions in the Secondary Literature

As was noted above in the introduction, the little secondary literature dealing with this controversy has always treated it as an aside or as an appendix to other enquiries, with all the drawbacks that such an approach entails. In this section I shall survey these studies in detail and stress in particular assumptions common to them all.

2.4.1. Ludwig Radermacher

Interest in the controversy began with the discovery of the Herculaneum papyri, among them the works of Philodemus, including *De Rhetorica.* The edition of this text by Siegfried Sudhaus in the years 1892–1896 provided the groundwork for the first piece of research on the subject by Frank Olivier, a Berlin dissertation of 1895 entitled *De Critolao Peripatetico.* The sources used were Philodemus and Sextus Empiricus. Significantly, he did not use Quintilian,[103] a lack which was supplied by Radermacher in his research. We have already had occasion to mention his article which appeared in the introduction (pp. ix-xxvi) to the *supplementum* to Sudhaus' great work.[104] In this article, Radermacher attempts to trace the source or sources of the various attacks against the legitimacy of rhetoric and its status as an art. The mainly philological argument identifies the source for a number of arguments against rhetoric appearing in later literature as a lost work by Critolaus, the second century B.C.E. Peripatetic philosopher. The method adopted in the article is based on a comparison of similar sources – those of Sextus Empiricus, Quintilian and Philodemus. The main reason for Radermacher's identification of Critolaus as the source is the explicit or implicit reference to him in every one of the texts.

2.4.2. Harry Hubbell

Three decades later, in 1920, the American scholar Harry Hubbell published a reconstruction of the fragments of the same book of Philodemus.[105] Again, it is only in an excursus to the work (pp. 364–382)[106] that some attention is given to the Hel-

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103 This was only one of many problems Radermacher found in the work; cf. Sudhaus (1892) suppl. IX. I have noted Olivier's work only because it is the first treatment of the subject which uses Philodemus; the absence of Quintilian makes the research almost worthless.

104 See p. 23 n. 46 above.

105 This was not a critical edition of the text, but an attempt to reconstruct the entire book. Hubbell arranged the fragments of Sudhaus in a different way and speculatively filled in all the lacunae.

106 Hubbell's excursus is mainly a criticism of Radermacher and a way of tying up loose ends in his own work (p. 368).

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lenistic debate on rhetoric as a whole. Hubbell was the first to notice the relevance of some passages in Cicero's *De Oratore* which had somehow escaped the attention of Radermacher. These passages did not merely supplement the picture, but entirely changed the direction of the research. It was now becoming clear that the debate over the legitimacy of rhetoric was still continuing at the end of the second century B.C.E., with the philosophers championed by Charmadas of the Academy.[107] The relevant point in *De Oratore* is the speech of Antonius at I. 83–93,[108] where Charmadas features prominently. Hubbell rightly understood that the controversy could no longer be entirely attributed to Critolaus, since Charmadas had also to be reckoned with. Furthermore, it was now apparent that different versions existed of the same arguments, each being attributed to a different philosopher, including Critolaus and Charmadas. Sometimes the same argument appears after a list mentioning both Critolaus and Charmadas.[109] Hubbell's solution was simple. He surmised that there was one work from which all our sources had derived. This work was a dialogue by Charmadas, the dramatic context being the embassy of the three philosophers, Critoloaus, Diogenes of Babylon and Carneades, to Rome in 155 B.C.E. In the dialogue, the Peripatetic Critolaus took the lead in attacking the Stoic Diogenes for his support of rhetoric.[110] Thus references to Critolaus would be to the character in the dialogue, while references to Charmadas would be to the author of the dialogue.

The solution is simple but certainly not easy. A glance at the sources is enough to show that they are in no condition to allow any decisive conclusions. Often the arguments are frustratingly similar, and there is a strong temptation to ascribe them to a common source or sources. Our texts (Quintilian, Sextus Empiricus, Cicero and Philodemus) reflect summaries, and summaries of summaries, further exacerbating the situation. Hubbell may have had all this on his mind when he suggested the following:[111]

> A comparison of the arguments used by our four authorities will reveal that they drew from common sources, some of which can be identified,

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107 See also the review of Barnes (1986) 15 n. 8.

108 This does not imply the irrelevance of other important passages, such as the speech of Crassus beginning at I. 45. What is particularly relevant about the present passage is that it presents a complete argument attributed explicitly to a well-known philosopher, Charmadas.

109 A good example is Sextus Empiricus, II. 20.

110 Carneades the Academic Sceptic would have had to attack at least one of his dogmatic companions in any case, but would have shared a common cause with Critolaus in the present case against the spread of the schools of rhetoric.

111 Hubbell (1920) 368. This may also be why he does not claim to analyse all the sources or their problems; cf. his remark (356–357): It is my purpose in this excursus to discuss *merely certain phases* of that part of the controversy which deals with the question whether rhetoric deserves to be called an "art". [my emphasis]

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> but most of which must be classed as part of a store of commonplaces which were familiar to all educated people.

If it is problematic to posit one source for all the arguments, the problem is compounded by the identification of this source with a dialogue by Charmadas. Firstly, there is no evidence for any written work by Charmadas. Hubbell points to *De Oratore* I. 94, where Antonius is said to have written down some notes from that conversation, but this proves nothing.[112] Hubbell also argues unconvincingly that when Antonius mentions the arguments he heard in Athens between the rhetors and their opponents, this is Cicero's way of hinting at his own reliance on the writings of Charmadas in his description of the controversy.[113] Even were we to accept that Charmadas left written work,[114] there is nothing to prevent the additional supposition that Critolaus also left written work. They are separated by only a few decades. This raises a few questions. Even if Charmadas did leave a text, would the dialogue with its characters of the preceding generation reflect their concerns or rather his own? Was there more than one controversy? If so, did they differ, and in what way? Further reasons prevent the putative dialogue by Charmadas from serving as a sufficient explanation: the names of Charmadas and Critolaus appear alternately, and the arguments themselves appear in different versions, which would not happen were they all to have a common source.

The main problem, however, so far overlooked by everyone, is the object or objects of criticism in each of the texts. Antonius' speech in *De Oratore* mainly describes an argument with a rhetor,[115] a point repeatedly emphasized. The attacks appearing in Quintilian and Sextus Empiricus are directed against the Stoics.[116] They reflect the internal debate between the philosophical schools. The controversy, therefore, is complex, with all the philosophers united against the rhetors, while the Stoics are criticized by the other philosophers for approving of rhetoric and thereby providing the rhetors with ammunition. Hubbell overlooked the latter component of the controversy and saw only a concerted philosophical attack on rhetoric.

Another point overlooked by Hubbell was the fact that Charmadas was an Academic, a pupil of Carneades, while Critolaus was a Peripatetic. What sort of connec-

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112 Furthermore, had the dialogue by Charmadas existed, Antonius would not have needed to write down his own notes in order to remember it. Cicero occasionally mentions Greek works which may well have been his source for the dialogue in which he mentions them: e. g., *Lucullus* 11 (*Sosus* of Antiochus) and *De Natura Deorum* I. 16 (another, unnamed, work of Antiochus).

113 Hubbell (ibid.) 372 n. 8, following Hendrickson.

114 Charmadas was the pupil of Carneades. It was actually Hagnon and Clitomachus who published their master's lectures and arguments; see *Der Kleine Pauly, s.v.* "Hagnon 3".

115 Had Charmadas been the source for this speech in Cicero, he would surely have presented himself arguing against Menedemus; for this possibility, cf. Leeman-Pinkster (1981) 173.

116 Cf. also *De Oratore* I. 83 where Charmadas appears as an ally of the Stoic Mnesarchus. On the complexity of the debate over rhetoric, see pp. 45–46 above.

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tion existed between them, if any? What of the pupil of Critolaus, Ariston?[117] Why should he not write a dialogue? Why does he not appear as the heir to his master's arguments? The testimonia suggests that he was in favour of rhetoric, and somewhat influenced by the Stoics on this point.[118]

2.4.3. Leeman and Pinkster

In the early 1980's, Anton Leeman and Harm Pinkster began to publish what promised to be a great commentary on Cicero's *De Oratore.*[119] They briefly refer to the debate in their first volume (1981), in the introduction to one of the passages in the book (I. 96–112). While Hubbell regarded a dialogue by Charmadas as the common source for all our information on the controversy, with Critolaus' contributions deriving from his appearance in the dialogue, Leeman-Pinkster treated Charmadas himself as the source for the second century attacks on rhetoric, without any reference to Critolaus.[120] Their view becomes clear from the long summary concerning the status of rhetoric as an art to be found in their notes on *De Oratore* I. 96–112.[121] They also criticize Radermacher for concluding "voreilig" that Critolaus is the source. Yet their conclusion that Charmadas is the source adds nothing, as it is no more than a simple exchange of names. Their criticism of Radermacher actually works against them, since their own argument, that Charmadas is occasionally mentioned, may also be applied to Critolaus, with similar conclusions. Radermacher understandably preferred Critoloaus as the source, since he used those sources in which Critolaus is more prominent, namely Quintilian, Sextus Empiricus and Philodemus. Leeman-Pinsker, more aware of Charmadas thanks to Cicero's *De Oratore*, had no compelling reason to retain the simplistic position of identifying a single source for the controversy, be it Critolaus or Charmadas. Leeman-Pinkster effectively transferred to Charmadas all that had been concluded by Radermacher about Critolaus as the source for the controversy. The problems regarding the arguments were also transferred, and all given an Academic hue (192):

> er {Charmadas} hatte offenbar der alten platonischen Kritik der Rhetorik in Anschluß besonders an den Gorgias eine neue, skeptische Prägung verliehen.

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117 In order to distinguish him from Ariston of Chios, Wehrli calls him Ariston der Jüngere.

118 Sextus Empiricus, *Math.* II. 61; see also p. 31 n. 33 above.

119 Four volumes have been published.

120 No reference is made to Hubbell either.

121 Leeman-Pinkster (ibid.) 189–194. The aim of the authors, as seen from their conclusion to the discussion, is to demonstrate that Cicero used an intermediate source dealing with art, and that this source held a view somewhere between the extreme Stoic position and that of the schools of rhetoric.

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This discussion of the source of the arguments in *De Oratore* I. 96–112 turns out to be incidental to their analysis. They interpret the reaction of Crassus to the speech of Antonius as a presentation of the moderate approach of Cicero to the art of rhetoric whereby it is defined using the more relaxed conditions of knowledge (193).

2.4.4. Jonathan Barnes

In 1986, Jonathan Barnes published an article entitled "Is Rhetoric an Art?" The title might give the impression that the article is devoted to the debate over rhetoric, but this is not the case. Barnes chooses five arguments from the text of Sextus Empiricus, accepts them as they are presented by Sextus, and discusses them in those terms.[122] While he does refer to parallels for each argument, mainly from Quintilian and Philodemus, Barnes treats every parallel as independently devised by its author. The failure to address the problem of sources is problematic. Barnes does warn the reader in many instances when something does not quite square with the text. These many reservations[123] are indicative of the need for source criticism. This no doubt is one of the factors leading to Barnes' dissatisfaction with the article: "even so the thing remains pretty rude; and although I have been persuaded that it may be worth publishing, I should like it to be read as a report of 'work in progress' rather than as a finished essay" (n. 67).

This said, Barnes' contribution to our understanding of the sources is immense. In many cases he has offered suggestive and often persuasive readings and emendations. His article has been a useful aid throughout the writing of this book.

2.4.5. Reinhardt and Winterbottom

The last view to be considered in this survey is that of Reinhardt-Winterbottom. We have already had occasion to mention the commentary on the second book of Quintilian by Tobias Reinhardt and Michael Winterbottom in the survey of sources.[124] These authors do not claim to be dealing with the debate over rhetoric *per se.* They have written a commentary on Quintilian's second book, and their remarks are always in the context of elucidating Quintilian. In the preface to section 17, to a lesser

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122 Barnes actually uses a number of arguments against rhetoric in ancient literature as a springboard for a discussion on the status of rhetoric today. His conclusion (pp. 13–14), based partly on his understanding of Aristotle, is that rhetoric today cannot be considered an art. Cf. Reinhardt & Winterbottom (2006) 302 n. 52 commenting on this article: "… with an independent appraisal of how one might today, but in terms of the ancient discussion, answer the question."

123 Esp. in nn. 23, 33, 48, 50, 53, 55.

124 See pp. 20–21 above.

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extent in the preface to section 15, and in part of the appendix, the authors discuss the debate itself.[125] Unlike Radermacher, Hubbell, and Leeman-Pinsker, they do not identify any one source for the various testimonia. Instead they provide a list of parallels to Quintilian, Sextus Empiricus and Philodemus (aided by the *prolegomena* literature) in the appendix.[126] While their restraint in identifying one text or another as the ultimate source may be seen as progress in a field requiring extreme caution, merely indicating parallels to the testimonia may be viewed as a return to the first article by Radermacher. It is in fact not surprising that nothing has essentially changed in over a century, between Radermacher and Reinhardt-Winterbottom, since no concerted research has been attempted on the debate itself, using all the sources at our disposal and subjecting them to meticulous scrutiny with a view to discovering their sources. In lieu of this, all that remains is to point to similarities and parallels.

As has already been noted, their view of the debate appears mainly in three places, in the introductions to chapters 15 and 17, and in the opening note of the Appendix.[127] RW are well aware of the previous surveys and their faults (304–305).

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125 The discussion is of course limited to a number of places, and the emphasis everywhere is naturally on Quintilian and his rhetorical method. See e. g. that part of the introduction (xxiii-l) devoted entirely to understanding the purpose of Quintilian in the second book and his conception of the essence and role of rhetoric. In their introduction to chapter 15 (beginning on p. 227), the authors consider the source of the survey of the various definitions of rhetoric appearing in this chapter, where, by a process of elimination, the list concludes with the Stoic definition of rhetoric. RW disagree with Radermacher who traced the survey back to Diogenes of Babylon, arguing instead that the source is a doxography originating in a school of rhetoric, organized by Quintilian to suit his purposes. While RW do not discuss the sources for the arguments against rhetoric, they do refer indirectly to the question of sources.

126 The authors emphasize that the *prolegomena* literature is provided merely for comparison; see p. 22 n. 38 above.

127 The second half of the Introduction ("Defining Rhetoric": xxxiv-l) considers Quintilian's conception of rhetoric. Quintilian's argument is twofold. The first claim is that the aim or definition of rhetoric is not to persuade but to speak well; the second is that only the (morally) good man can be an orator. The authors detect conscious Stoic influence (following Sohlberg (1972), they conclude that the source is Diogenes of Babylon, although with the reservation that a similar description of the orator could have come from another Stoic source), although Quintilian plays down his source since Stoic rhetoric was considered "dry", and of course because in his day it was commonly accepted that philosophy was not a requirement for a good orator. Towards the end of the Introduction it is speculated that Quintilian intuited that the orator needed to be a good man and an expert at rhetoric, only after which he found supporting evidence from a Stoic source which he had to hand, choosing Stoic principles suited to Roman ones, especially to Cato's famous definition of the orator as *vir bonus dicendi peritus.* RW are concerned not so much with the actual arguments against rhetoric as with the general claim of Quintilian himself regarding his conception of rhetoric, yet one might wonder whether the Stoic text Quintilian putatively used might also have supplied arguments pertaining to the status of rhetoric as an art. Without entering the question of the plausibility of Quintilian alighting upon a Stoic text in this fashion, I would say that Quintilian in any case did not understand the point of the Stoic arguments, and this may in fact strengthen the claim of RW. Quintilian simply took the Stoic aim and status of rhetoric as an art at face value and used them for his

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They rightly claim that no one text or thinker is to be regarded as the source for all the information on the controversy (304):[128] "There is, however, no reason to assume a source in the form of a single text with an identifiable author … such agreements may have more complex reasons." Since even the existence of a specific source is uncertain, the authors in their Appendix concentrate on finding parallels and attempting to gain a general impression. There (397–401) they bring thirty-one parallels between the four sources: Sextus Empiricus,[129] Quintilian, Philodemus, and the prolegomena. RW write (395): "The following list of correspondences has the purpose of documenting overlaps, similarities, and points of contact (as well as relevant material peculiar to each of the three texts) and of giving an idea how the authors treat the same source material in different ways."

2.5. The Present Study

Our partial survey[130] has demonstrated that Critolaus and Charmadas are prominent characters in our sources, but that any attempt to identify a particular text as the source, let alone reconstruct it, has so far met with little success. Our main sources – Cicero, Sextus Empiricus, Quintilian and Philodemus – are too problematic to give us a detailed picture. It may be no accident that until now there has been no study devoted to the reconstruction of the debate in all its complexity. The debate, from Radermacher in 1892 to RW in 2006, has been referred to incidentally in works dealing with other topics, be it an edition of a text or a commentary. The debate has always been addressed on the sidelines, in an introduction, for example, or

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own purposes, while failing to understand Stoic terminology and the general system in which their rhetoric was grounded, not to mention the nature of the debate with the other schools. This claim will be borne out in the analyses of the arguments.

128 RW (2006) 305 n. 54 even refute the position of Leeman-Pinkster that a composition of Charmadas was a source for arguments against rhetoric.

129 RW always regard Sextus Empiricus as the primary source whose arguments may find parallels in the other sources, since he reflects, in their view (396), the original organization of the material used also by the other sources. I should point out at once that although Sextus does present his material methodically and logically, this does not necessarily reflect the state of his sources or their trustworthiness, but his own style, which might well have changed the character of the arguments which he found in his sources.

130 We have not mentioned, for example, the treatment of Lucian's *De Parasito* in the secondary literature (see pp. 15; 23 n. 46; 33 n. 42 above). Radermacher was the first to identify in this work a structure based on the controversy over rhetoric. Sudhaus in the second part of his article developed the argument with parallels between Lucian and Philodemus (xxvi ff.). Hubbell mentions the work in one line (it is not one of the four main sources he mentions on p. 367) to show how familiar in the second century C. E. were the arguments for and against rhetoric. Common to all these scholars is their assumption that nothing can be learned from Lucian's work (a parody after all) on the arguments themselves or their sources. Lucian may, however, inadvertently reveal information which is not to be obtained from the other texts discussed in this survey.

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an appendix. A general discussion of the controversy in the second century B.C.E. is understandable in such circumstances, but it is unsatisfactory.

Each argument falls either under the internal or the external debate, and this must be established in order to understand the import of the argument.[131] Furthermore, it needs to be asked whether the double debate developed over time during the second century B.C.E. The accepted notion of a simple controversy between rhetoric and philosophy in the second century leads to serious inaccuracies, to say the least.

The present study will demonstrate by submitting the relevant texts to a thorough comparative examination that there was a two-staged double debate. The first stage was led by Critolaus the Peripatetic in the mid-second century. The second stage occurred towards the end of the century and was led by Charmadas the Academic. In both stages the debate was two-fold: the philosophers against the rhetors, and the Peripatetics and/or the Academics against the Stoics.[132]

Any attempt to reconstruct this complex controversy with its arguments and sources is fraught with difficulties, not least because the sources are confused with regard to the arguments and seem to be unaware of the two-fold nature of the debate. It must be recalled that our texts are not first-hand accounts, but are often at quite some remove from the original sources.[133] They had a tendency to combine

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131 A good example of this is in Barnes' discussion of the definition of art. Barnes (1986) 6 identifies the definition of art appearing in Sextus Empericus II. 10 and Quintilian II. 17. 41 as Stoic, but relying on the words of Quintilian, *ab omnibus fere probatus*, regards the argument as one against rhetoric as an art rather than against the Stoic conception of rhetoric as an art: "The dispute concerns the standing of rhetoric as a τέχνη not its standing as τέχνη in some specifically Stoic sense of the word." This despite referring in n. 30 to Radermacher's article which does in fact hint at arguments directed against the Stoics. Barnes' statement is typical of the approach which refrains from a deep analysis of the complex of arguments, preferring to make do with the way they appear in the sources. We shall prove throughout the course of this study that a considerable number of the arguments appearing in our sources were explicitly levelled against the Stoics, precisely for which reason they used the Stoic definition of art.

132 Wehrli (1944) 70, commenting on fragments of Critolaus claimed, "[Diogenes] prinzipielle Übereinstimmung mit K[ritolaos] schließt die Polemik zwischen beiden Philosophen, die Sudhaus bei Philodem zu finden glaubt, aus." While it is true that Diogenes of Babylon and Critolaus may have presented a united front against the rhetors, this does not preclude an internal debate between them as is reflected in Philodemus. Brittain (2001) 307 touches on the second stage of the debate; he posits three stages, the middle stage being the rise in the influence of the handbook of Hermagoras, but so far as attacks on the rhetors are concerned, he agrees on two stages. Barnes (1986) 4 sees only one stage in the second century, and sets it in the middle of the century with the embassy of the three philosophers to Rome in 155 B.C.E.

133 Quintilian, I. 1–2 (*prooemium*) testifies to the great number of books in Greek and in Latin dealing with rhetoric, for which very reason he was requested by his acquaintances to impose some order on the often conflicting material. Of these works, probably mostly handbooks, many would have had an introduction concerning the nature of rhetoric, its definition and its uses – in short, metarhetoric. Quintilian would have made his selection from among these works, keeping in mind his aim of showing that the orator needs to be a morally good man who has enjoyed a methodical education (see p. 19 n. 24 above). He would have been able to integrate into his work various opinions

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arguments into one, or separate one argument into different parts, thus adding to the difficulties of reconstructing the original arguments. The tendency to pile on the arguments is motivated by the notion that more is better. Quintilian and Philodemus both observe that in many instances the arguments presented are merely versions of one and the same argument.[134] Cicero's *De Oratore* may for the time being be assumed to reflect the second stage of the debate, while Quintilian, whose text makes no mention of Charmadas, reflects the first stage.[135] Sextus Empiricus seems not to have drawn from sources of one stage exclusively.

After the stages of the controversy, the objects of the debate must also be considered. The context for *De Oratore* I. 45 ff. and 83–93 is the external debate between the philosophers and the rhetors, but the picture is a little more complicated. As we have already seen at I. 90, there is also some reference to the internal debate, here between Charmadas and the Stoics.[136] The other texts at our disposal are no less complex. Quintilian may well reflect the internal debate in some way, but this does not automatically rule out the possibility that some of the arguments are connected with the external debate.

Our working hypothesis might be summarized thus: the first stage material concentrates more on the internal debate, while the second stage material concentrates more on the external debate. Quintilian is greatly influenced by the Stoa,[137] suggesting that his text will reflect in particular the debate between Critolaus and Diogenes of Babylon. *De Oratore* presents the external debate between Charmadas and Menedemus.[138]

A careful philological analysis accompanied by a philosophical analysis of the internal logic of each argument and its object may aid our unravelling of the debate, without necessarily attributing a particular author to each argument. There are strands of thought common to more than one source. Sometimes part of an argument

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in a most manipulative way to achieve his ends. We must bear in mind that Quintilian would not have been the first to do so, but that his sources would also have had their axes to grind. It follows that while each argument may be reconstructed, there is no point attempting to identify the source if it is not given. The same may be said about Sextus Empiricus. It is clear from his discussion that he relies on sources which have reworked their sources.

134 Cf. Quintilian, II. 17. 16; Philodemus, II. 102, fr. VII.

135 Charmadas is mentioned once by name at Quintilian, XI. 2. 26, in a context which has nothing to do with the debate.

136 See pp. 45–46 above.

137 As seen already in Quintilian's introduction with the ideal of the orator (I. 9) which he details further in the last book. This ideal effectively identifies the perfect orator with the Stoic sage. A separate section on the question whether rhetoric is a virtue, answered in the positive, is Stoic through and through (II. ch. 20). Additional evidence will be considered in due course. See also the introduction to chapter 15 in RW (2006).

138 It must, however, be again emphasized, that Quintilian and Sextus Empiricus reflect summaries of summaries of summaries, with all that that entails.

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is found to be an entirely self-standing argument in another source.[139] In other cases, such a process leads to a logical distortion which actually allows us to reconstruct the original argument.

The context of the authors is also significant. The grouping of arguments may shed light on the nature of the source. In most cases, arguments are piled up on top of other arguments without much intelligence, as may be seen when the same argument is seen in its proper context in another source.[140] It must be stressed that such research must be satisfied occasionally with reaching some degree of probability without ascertaining complete certainty. In some cases it will not be possible to decide between two possibilities. As for the rest, I leave it to the reader to decide.

This chapter ends with a comment regarding all the following chapters. We shall often encounter the word "exclusive" in one or other of its forms. This is a characteristic cutting across all the arguments against rhetoric in the Hellenistic Period, and it is worth special mention before we proceed to the individual arguments. Then as now, art was not considered omnipotent. Being a natural human phenomenon with a limited scope, art is not always successful. A doctor who fails to save all his patients does not thereby lose his title, just as a general who loses one or two battles is considered no less a master of the art of warfare. This is already pointed out in the fifth chapter of the Hippocratic *De Arte* and many other places. No one would think of suspecting the expertise of an expert (the "art" of an "artist") just because of the occasional failure.[141] Yet the philosophers of the Hellenistic Period, finding their livelihood threatened by the rise of the schools of rhetoric, suddenly find all sorts of reasons to discredit rhetoric as an art.[142] The fact that the aim of rhetoric –

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139 In such cases there is the primary problem of deciding whether one version is a summary of the other, or whether the second is an expansion of the first. The decision often rests with external evidence.

140 One criticism against all the secondary literature is the common assumption that the authors, especially Quintilian and Sextus Empiricus, are no more than neutral media through which their sources pass. Their arrangement of the material is considered significant for the understanding of the arguments. To take one outstanding example, Radermacher's collection of parallels from Sextus Empiricus, Philodemus and Quintilian (X–XV) is designed to find arguments already well-known, and this requires stripping away the contexts in which the arguments are found. Thus Radermacher can present and correctly connect between two claims. The first is that there are orators who learned rhetoric, but who despite this failed to attain their goal of persuading (b^1); the second is that there have been great orators who managed to persuade despite never learning rhetoric (b^2). These two claims follow one another in Sextus Empiricus (II. 13–15; 16); but in Quintilian they are reversed and not found together (17. 11; 17. 22). Radermacher also failed to consider the surrounding arguments, author's section headings or bridging sentences, assuming that the claims spoke for themselves. I hope to show that the context is usually highly significant.

141 Were the failures to be a common occurrence, these would be a cause for concern, but we shall stay clear of this problem for now.

142 In the third chapter of the Hippocratic *De Arte*, the author notes during the definition of the art of medicine that part of the art is the doctor's knowing when medicine cannot heal. That some patients cannot be healed by the doctor does not therefore mean that he does not possess the art. The

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persuasion – is not always achieved by the orator suffices to throw the art of the orator into question. The fact that the *materia* of rhetoric is common to additional arts is considered reason enough to remove rhetoric from the family of arts. If the orator on occasion harms his audience, again, the fate of rhetoric has been determined. These are just a few of the examples of the arguments based on the principle of the exclusivity of arts. The outstanding example, however, is the way in which any definition of the art of rhetoric is subjected to an exhaustive examination of all its elements.[143] One element out of place and rhetoric is demoted to a τριβή, ἐμπειρία or even a κακοτεχνία. This general tendency to place art out of the reach of rhetoric by setting extreme standards for art is what we call the exclusivity of the arts.

We have now come to the end of our survey of the background to the controversy over rhetoric in the Hellenistic Period. The following chapters aim to reconstruct a number of arguments connected with the controversy. The choice of arguments is not random. Quintilian, supported by Cicero and Philodemus, testifies that the opponents of rhetoric availed themselves of any argument they could find, even arguments which originally have nothing to do with the controversy; they even make cosmetic changes to an existing argument, add new examples, etc. Our choice for the five arguments examined here is based on two main criteria: firstly, because of the state of the sources, each of the arguments must appear in more than one source;[144] secondly, these arguments are not borrowed from other fields but are based on the claim of rhetoric to be an art. These arguments reflect substantial problems pertaining not only to rhetoric *per se* but also to rhetoric as an art representing all arts. These arguments, therefore, clarify not only the controversy surrounding rhetoric, but also the attitude towards art in general in that period. Art itself comes under scrutiny by the very nature of the arguments, touching as they do on: the teacher-pupil relationship; the possibilty of using the art for bad ends; its aim; and the *materia* of rhetoric.

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very mention of this possibility shows that the criticism was made (and is indeed made in the fourth chapter of the same work), but of more interest to us is that this criticism did not unduly worry the author. He actually incorporates this deficiency of the art into the definition of the art. Such a procedure is not followed by anyone in the second Period of the debate over rhetoric. In the case of the doctor, where the context is natural and authentic and the target audience is the whole populace, all sane people recognize that the doctor cannot be expected to perform miracles. The doctor is only human, and working among humans. As such, not everything is possible, and the author of *De Arte* can insert the reservation about the art into the definition of the art. In the case of the second Period of the debate over rhetoric, the context is artificial. It is only pedants arguing in a circle who could demand from the artist of rhetoric what is hardly ever demanded even of the gods.

143 This is the method of Sextus Empiricus, beginning at *Math.* II. 10.

144 The similarity between the versions in different sources is too great to be coincidental, while the differences between them require some serious philological and philosophical groundwork before the original argument can be arrived at in each case.

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3. The Exclusivity of Teaching Argument

3.1. General Points

The Exclusivity of Teaching Argument is as follows. If rhetoric is an art, then it is only through it, via the teacher or school of rhetoric, that one can arrive at the end of the art, which is the orator and/or the speech.[1] One counterexample will suffice to show that rhetoric is not an art.

It was observed at the end of the last chapter that exclusivity runs through all the Hellenistic arguments raised against rhetoric,[2] but the exclusivity referred to in the title of this argument is not of the same type. The uniqueness of the exclusivity in the education argument lies in the nature of the art as an array of knowledge possessed by an expert in a master-pupil relationship. That is to say, in this argument, education is the exclusive factor by which art is expressed.

The exclusivity of art was a concept serving motives not entirely philosophical. The philosophical schools were worried about the loss of their livelihood as students were attracted away to the schools of rhetoric. In the ancient period it was accepted that an artist was entitled to teach and even to demand a tuiton fee; his entitlement to teach could at least be questioned by proving him to be a charlatan. With this in mind, the opponents of rhetoric set out to prove that rhetoric was not an art. Many arguments were employed, but practical success (dissuading students to study with rhetors) was most likely to come from undermining the teacher-pupil relationship, using the Exclusivity of Teaching Argument.

3.2. The Sources

All four main sources provide testimony for this argument: Cicero, *De Oratore* I. 83–93;[3] Quintilian, II. 17. 5–13; Sextus Empiricus, *Math.* II. 13–19;[4] and various fragments from Philodemus.[5]

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1 The orator and the speech are both products of the art of rhetoric, as shown by the two formulations of this argument in Quintilian, II. 17. 7 (oratio) and II. 17. 11 (orator). These products need to be distinguished from ends of rhetoric, such as persuasion (τὸ πείθειν, *persuadere*) and speaking well (τὸ εὖ λέγειν, *bene dicere*), although of course there is a connection between them.

2 See pp. 56–57 above.

3 This includes the whole of Antonius' long speech, in order to provide the context for the specific arguments at I. 89–90.

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None of these sources provides a complete and clear picture of the Exclusivity of Teaching Argument, but much may be gained by comparing each with the others. Several possible interpretations present themselves, but it seems that one may finally be established as being more plausible than the others. Our method will begin by examining the most complete text and its origins without implying that this is the preferred version of the argument from the point of view of its correctness or fidelity towards its sources.[6] The other sources may then be compared with it. This method may seem to be arbitrary, and indeed it is, but it is dictated by the poor state of our sources.[7]

Of the four sources in this instance, we choose to begin with Cicero, for three reasons: firstly, the theoretical basis for the argument is to be found there; secondly, the argument is consciously presented as self-standing; thirdly, the argument is explicitly attributed to Charmadas.[8]

3.3. The Testimony of Cicero

3.3.1. The Arguments

The speech of Antonius in *De Oratore* I. 80–95 contains a description of a debate in Athens between Charmadas the philosopher and Menedemus the rhetor (I. 83–93), which may be divided into two parts (83–89; 90–93) for the simple reason that at I. 90 Charmadas turns to a discussion of the "art" of rhetoric, and denies its existence completely. The discussion is supposed to be *de officio et ratione oratoris disputatio* (82), and this is a clear departure from that subject. We are told at I. 90 that Charmadas was often carried away in this direction. The digression is not restricted to this

4 The Exclusivity of Teaching Argument appears at II. 16–18, in the context of a discussion on the τέλος during criticism of the definition of art which appears at II. 10.

5 The state of the text of Philodemus prevents precise location of the argument and its context. The relevant fragments are discussed in §3.6 below.

6 Barnes and RW used Sextus Empiricus as their main text for all the arguments (the Appendix of RW presents the arguments in the order of their appearance in Sextus, together with their parallels in the other sources). It must be clearly stated that the order of appearance of arguments in Sextus Empiricus reflects no more than the choices made by Sextus himself in the arrangement of his material. Our own method is to choose the most complete version of each argument as our starting point, with no preference for a particular author.

7 The same method is used in the collation of manuscripts, whereby one manuscript is chosen primarily for its relative completeness against which variant readings in other manuscripts are noted. After the collation, this base manuscript may be found to be marginal to the textual tradition as a whole.

8 The argument is attributed to Critolaus in Philodemus where, however, we lack a context approaching anywhere near the completeness of Cicero. Whatever the case may be concerning the origin of the argument, there can at least be no doubt that Charmadas used the argument.

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passage, but is expressed in outbursts by Charmadas[9] throughout the whole conversation, and we do not know for certain when or where these took place.[10]

The second part is of most interest to us and will occupy most of our attention; yet the whole discussion is of great significance, and we shall return to the earlier parts of it in due course. One point needs to be made at this stage. It is Mnesarchus who begins the argument, the Stoic who is the first representative of the philosophers against the rhetors. It is only his dry and unacceptable speech which causes Charmadas the Academic to enter the conversation and take charge (I. 84). Charmadas is thus seen to improve upon the argument of Mnesarchus. At I. 90, however, the frequent interruptions by Charmadas and his denial of rhetoric as an art harm the alliance with the Stoics;[11] it needs to be clearly stated that the description of the debate in these paragraphs presents the complex controversy of the philosophers against the rhetors and against rhetoric (the double debate). While Charmadas does not regard rhetoric as an art, he cannot use this argument against rhetoric so long as he and Mnesarchus are presenting a united front against Menedemus and the rhetors. For the time being he must keep to arguments concerning mainly the sphere of activity proper to rhetoric; the philosophers will attempt to restrict it as much as possible, while the rhetors strive to expand it. Yet Charmadas and Mnesarchus still have their internal debate regarding the Stoic support, no matter how idiosyncratic it might be, for rhetoric as an art.[12] In other words, Charmadas should avoid arguments against rhetoric as an art so long as Mnesarchus is present, and deviates if he employs them despite Mnesarchus.

The question immediately arises whether the arguments against rhetoric as an art reflect the internal debate of the philosophers or constitute part of the external debate against the rhetors, since the subject matter could indeed be used in both contexts. A decisive conclusion can be reached only through an analysis of the argu-

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9 Charmadas' tendency to interrupt is emphasized; cf. *excitabatur homo promptus* (ibid., 85).

10 We should not automatically dismiss the possibility that this conversation with Menedemus is not the only conversation Charmadas had, so that the digression on the art of rhetoric in I. 90 might represent a conversation Charmadas had with someone else which Antonius witnessed. We do read about *diserti homines* at I. 85, with Menedemus among them. Furthermore, the use of verbs in the imperfect throughout I. 84–85 might support this claim. Yet Antonius' report of the discussions Charmadas had with other rhetors should be distinguished from the content of the conversations. When Antonius refers to the content of the conversations, he restricts himself to the conversation with Menedemus, giving the impression that Menedemus represents the *diserti homines.* Were this not the case, Antonius would not have had to mention him specifically in connection with the argument at I. 85 (*qui cum diceret*). He could have reported a general debate between philosophers and rhetors, naming all those involved, as Crassus does in I. 45 ff.

11 Leeman-Pinkster (1981) 182–183 see Charmadas as contradicting, or at least denying, his own rhetorical position as it appears in I. 87.

12 The reference to the dry speech of Mnesarchus at I. 83 may be alluding to this. On the use of the word *spinosa* in connection with the Stoics, cf. also Cic. *Fin.* IV. 79.

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ments themselves in relation to the various groups and their attitude towards rhetoric. The answer to this question must therefore be postponed to the end of the discussion.[13] It is now time to turn to our first source, *De Oratore* I. 90–91, in the speech of Charmadas.[14]

Charmadas completely rejects the possibility that rhetoric is an art. He backs up his position with two *argumenta* (I. 90).[15] The first is that all humans are born with the natural ability "to speak for themselves". All humans apply rhetoric naturally in their daily lives: they can persuade others to accept their opinion and support it when it is to their advantage; they can frighten their opponents with threats; they can present their version of events and support it with arguments; they can refute their opponents' version together with its supporting arguments; and they can even conclude their accounts in the right way. In short, man is a natural orator. The second argument (*et quod*) is that experience and exercise (*consuetudo exercitatioque*) are sufficient to sharpen the understanding and improve one's ability to speak.[16] We shall call the first the Natural Orator Argument, the second, the Experienced Orator Argument. Common to both is the conclusion that rhetoric is not an art.[17]

It is only now that Charmadas passes to *exempla*, but here too we find in effect two arguments. Firstly, no author of handbooks on rhetoric was himself an orator; here, Charmadas reviews all such authors beginning with Corax and Tisias. Secondly, many people were very eloquent (*eloquentissimi homines*) without having learned rhetoric or even seeing the need to learn it. Charmadas brings as his example here none other than Antonius himself. The first "example" we shall call the

13 See nn. 64–65; 78–79 below.

14 Charmadas continues his attack in I. 92, but the argument there is clearly different, and is about knowledge. The presentation of the argument (*artem vero negabat…*) also shows that this is a new argument, sharing with the previous argument only the conclusion that rhetoric is not an art. Other arguments not belonging to the exclusivity of teaching, at least in its original form, are also to be found in I. 90–91, and will be treated later in the discussion. They must also be treated as evidence for the Exclusivity of Teaching Argument, since Cicero or his source regard them as such.

15 Charmadas' use of *argumenta* may be contrasted with Menedemus' use of *exempla*, e. g., *ea Menedemus exemplis magis quam argumentis conabatur refellere* (I. 88).

16 Leeman-Pinkster (ibid.) refer to I. 5, where Cicero mentions a difference with his brother Quintus. A quick comparison suffices to show that the additional argument reflects the opinion of Quintus, in other words, that rhetoric is a function of natural talent and exercise. I shall be arguing later that Cicero at I. 90 may well be combining two similar arguments, one an improvement on the other.

17 The opening sentence of Aristotle's *Rhetorica* also expresses the opinion that humans are orators "in some way" (τρόπον τινά). This, however, actually helps Aristotle to categorize rhetoric as an art, in the same group as dialectic. Aristotle may be regarded in this context as belonging to the first period, with Charmadas, of course, belonging to the second. This example demonstrates very well how a simple fact may be used to support different, even conflicting, conclusions, depending upon the motivation of the author of the argument. On the Charmadas' argument itself, see Brittain (2001) 319–328.

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"Dumb Rhetor Argument",[18] and the second we shall call the "Famous Orator Argument".

Charmadas' position against the exclusivity of teaching is, then, supported by four arguments: Natural Orator; Experienced Orator; Dumb Rhetor; Famous Orator. It is time now to turn to an analysis of these arguments.

The first problem is the unclear distinction between *argumenta* and *exempla.* Parts of the *exempla* could easily have appeared as *argumenta* in their own right: the actual examples (rhetors such as Corax and Tisias; orators such as Antonius) exemplify definite claims made within the *exempla* (that authors of handbooks did not practise rhetoric themselves; that one can be a famous orator without learning rhetoric).[19] Since the Ciceronian text, however, distinguishes between the *argumenta* and the *exempla*, an attempt must be made to ascertain the motives for this distinction. On the face of it, we have four separate arguments, two of which contain examples, for which reason these two are referred to in their entirety as *exempla*, while the other two are claims containing no examples, for which reason they are *argumenta.* There is another possibility, the one adopted here, that the *exempla* arguments support the *argumenta.*[20] The two *argumenta* appear to be making one basic claim, that rhetoric is nothing but a natural ability given to every human, amenable to improvement by exercise and experience. Corroboration is provided by the *exempla* arguments, that rhetors where never orators, and that famous orators never learned rhetoric. Even if the two *argumenta* do make one basic claim, however, Cicero treats them as separate arguments, and the two elements should be considered separately.

An examination of Cicero's text and the parallels in Sextus Empiricus and Philodemus leads me to a tentative proposal, that of the two *argumenta*, the second, the Experienced Orator argument is actually an improved and extended version of the first, the Natural Orator argument. A reason for the improvement may be found in the second argument of the *exempla*, the Famous Orator, which had originally been devised to support rhetoric. My reconstruction is as follows: the opponents of rhetoric claimed that rhetoric was not an art but a natural ability (Natural Orator argument). The supporters of rhetoric replied that natural rhetorical ability could allow a person to perform moderately well in lawcourts and public assemblies, but did not suffice to turn the speaker into a professional orator, for which there was a need for the art of rhetoric and the rhetors (proto-Famous Orator argument). It was in answer to this that the opponents emphasized experience and exercise (Experienced Orator argument). They would have argued that those who were more than moderately successful in public speaking were so not because of any training in an art, but simply

18 This name is inspired by one of the parallels to this argument which appears in Sextus Empiricus II. 18, on which more later.

19 The parallels in other texts will show that these are indeed arguments.

20 The *exempla* are *exempla* here because they contain examples with specific names, but the arguments themselves are what support the *argumenta.*

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because they had more experience and exercise in public speaking. These three arguments could have coagulated into one cohesive argument against rhetoric as an art, that a person has a natural rhetorical ability which may be improved by experience and exercise. We shall call this the Extended Natural Orator Argument,[21] in which the Famous Orator argument was turned on its makers. It would have been at this later stage when the opponents of rhetoric added the names of famous orators who never learned rhetoric.[22]

The *only* example which could corroborate the Extended Natural Orator argument should logically be a person or persons who had never learned rhetoric and yet had become famous at oratory, the persuasiveness of the example increasing with the number of orators mentioned.[23] Although the Famous Orator argument with its examples is essential to the extended argument, Charmadas first produces an *exemplum* dealing with those who did not become orators, intending, of course, the teachers of rhetoric. In what way does the Dumb Rhetor argument inherent in this first *exemplum* support the extended argument that rhetoric is natural and not an art? Clearly, if it is shown that no[24] rhetor was an orator, it would need to be concluded – according to the opponents of rhetoric as an art – that they lacked the natural ability, experience and exercise so essential to the successful orator, and that no art of rhetoric was in their possession to help them be successful orators.

The phrase *quasi dedita opera* in the Dumb Rhetor argument is ambiguous. On the one hand, it might mean that the rhetors were aware of their shortcomings as orators despite their expertise and intentionally refrained from entering that field. This interpretation, however, would grant the rhetors an art of rhetoric, and this does not fit the context. The alternative interpretation is quite the opposite: the rhetors could have served as orators had they wished (just as anyone could, naturally), but

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21 The Extended Natural Orator argument is therefore presented by Cicero, who, however, appears also to preserve the stages in its development. The parallel texts also present this version. Quintilian II. 17. 5, following Cicero, takes the two *argumenta* as one argument: *Quidam naturalem esse rhetoricen volunt. et tamen adiuvari exercitatione non diffitentur.* See the more detailed discussion below.

22 It may be the case, although this is entirely speculative, that the supporters of rhetoric failed to provide specific examples of famous orators who had learned rhetoric. Their argument was general, and stated impersonally that natural ability was insufficient at the level of a famous, professional, orator. Their claim would seemed to have required no examples, while the argument to the contrary would certainly have required examples.

23 Charmadas in our passage adduces only one example, but the Greek source would have supplied a number of examples, as may be seen from the parallels in Sextus Empiricus and Quintilian (see immediately below); cf. the remarks of Hubbell (1920) 372–373.

24 Charmadas goes out of his way to survey all the main teachers of rhetoric from the very first up to his time; this heads off a potential counter-argument which might have explained the perceived failings of this or that rhetor in the practise of oratory as due to physical disabilities (stuttering, shortness, etc.). It would be implausible to suggest that all the main rhetors were not orators because they all suffered from physical disabilities.

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they had reasons for not doing so. Whatever the case may, it would seem that the Dumb Rhetor argument was not an original element of the Extended Natural Orator argument, and the reason for its addition will need to be considered later in the discussion.

The development of the Exclusivity of Teaching Argument as it appears in Cicero's testimony may be summarized as follows:

a) The Natural Orator argument: all have rhetorical ability without the need for teachers of rhetoric.
b) The proto-Famous Orator counter-argument suggests that one cannot become a successful orator without an education in rhetoric which develops this natural ability. It may not have been felt necessary to add the names of famous orators.
c) In reaction to the proto-Famous Orator argument, the opponents of rhetoric as an art devised the Experienced Orator argument: these famous orators do not prove the existence of an art of rhetoric, since their success is grounded in their experience and exercise of oratory.
d) The proto-Famous Orator argument is adopted by the opponents of rhetoric as an art, and the Famous Orator argument is used – with examples – to support the Extended Natural Orator argument.
e) A second *exemplum* – the Dumb Rhetor – is added to complement the Famous Orator *exemplum* in the Extended Natural Orator argument. Although it is less pertinent, it precedes the Famous Orator *exemplum.*

3.3.2. The Target of the Arguments

It must now be asked whether the argument reflects the internal or the external debate, or, given that the testimony presents a late stage in the evolution of the argument, a mixture of both. A full answer to this question must be postponed to the end of this chapter, but some progress may already be made.

The two *exempla* arguments cannot belong to the internal debate. The Famous Orator argument would have been to no avail against the Stoics. The examples of famous orators who had not studied rhetoric[25] would not have been considered by the Stoics to be orators at all, since for them only the Stoic sage could be an orator. The Dumb Orator argument would also have been irrelevant against the Stoics. To grasp this point, we shall need to make a distinction which will actually be of use to us throughout the rest of the discussion: this is the distinction between teachers of

25 Cicero's testimony gives only Antonius as an example, but the Greek source would have included famous Greek orators such as Aeschines, Demades and even Demosthenes. See further in the discussion on the parallels in Sextus Empiricus, Quintilian and Philodemus.

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rhetoric and the study of rhetoric. The Stoics regarded rhetoric as an art and as something to be studied. At the same time, they did not posit the existence of teachers of rhetoric. One of their innovations in the field of rhetoric is the very idea that rhetoric is an art which does not have specialized teachers.[26] The Stoic sage will be the true orator. Any true orator would need to be a Stoic sage. The Stoic sage, wise in all aspects of behaviour, would necessarily be the expert in the field of rhetoric too. The fact that Charmadas bothered to list all the famous rhetors from Corax and Tisias onwards clearly indicates that this argument was directed against the schools of rhetoric rather than the Stoics, who would certainly not have regarded Corax, Tisias and the other rhetors as Stoic sages.

Although the *exempla* arguments clearly belong to the external debate, the *argumenta* are not so easily categorized. The Natural Orator argument, especially in its extended form, could serve both debates. Even if a Stoic were not a specialized teacher of rhetoric, he would still have taught rhetoric as a part of Stoic philosophy, against which practice the Natural Orator argument would have been pertinent. The opponents of rhetoric in the internal debate, the Peripatetics and Academics, could have argued against the Stoics that there was no need at all to waste time on the teaching of rhetoric, since rhetoric was a natural ability, not an art, which could improve with experience and practice.

The Natural Orator argument in the external debate was given, as we have seen, some supporting *exempla.* If the argument was also used in the internal debate, we might expect it to have had some *exempla* there too. What these *exempla* might have been will be revealed in our discussion of the parallel from Quintilian, but Cicero does not supply any such *exemplum* against the Stoics. We may conclude, therefore, that Cicero's testimony relates to the exclusivity of teaching insofar as it pertains to the external debate, and to the second stage of the debate, the period in which the Academic Charmadas attacked the teachers of rhetoric. The possibility that the argument was also used in the internal debate has not been ruled out, but there is no evidence in Cicero.

So far, the argument has been speculative and based on probabilities. The parallels to the Ciceronian testimony will provide a clearer picture of the original argument, its claims, its targets, and its author.

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26 This is a claim made explicitly at the beginning of the speech of Mnesarchus: … *atque ipsam eloquentiam, quod ex bene dicendi scientia constaret, unam quandam esse virtutem et, qui unam virtutem haberet, omnis habere…* I. 83. Furthermore, according to Stoic doctrine, rhetoric not only has no need for teachers of rhetoric, but is not even an independent field of study. Virtue is the art of living well; every art consists of two aspects, namely knowledge and its practice; virtue was divided into the knowledge called wisdom, and its practice, called philosophy. All fields of knowledge of the Stoic sage were actually aspects of this wisdom in relation to the various *topoi* – discrete parts – of behaviour: rhetoric was always subsumed in one way or another to the logical *topos* of philosophy. See Ludlam (1997) 205–211; 223–225.

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3.4. The Testimony of Sextus Empiricus

3.4.1. The Arguments

We are concerned here with Sextus Empiricus II. 16–18. It is particularly important with Sextus not to ignore the context, since he puts much thought into the arrangement of his material.[27] This passage constitutes part of a longer argument (13–19), itself part of an even longer argument (10–19) with which we shall begin.

At II. 10, Sextus adduces the Stoic definition of art and commences his criticism of this definition. The Stoic definition may be divided in two parts. The first part states that art is a system of exercised cognitions;[28] and the second part states that this is to the beneficial end of [cognitions] relevant to life.[29] This is how Sextus or his source found the Stoic definition of art which served as ammunition in his criticism of rhetoric. The passage at II. 11–12 is devoted to a critique of the first part of the definition. The argument then turns at II. 13–19 to the second part of the definition on the goal of art.[30] At II. 16, however, there begins what appears to me to be an addition to the original argument, added either by Sextus or his source, as we shall now see.

II. 13 begins with the claim that rhetoric not only fails to achieve its goal consistently but fails even in the majority of cases. The argument at II. 14–15 proves this claim, and this is followed by II. 16:

> εἴπερ τε ἐνδέχεται γενέσθαι ῥήτορα μὴ μετασχόντα τῆς ῥητορικῆς τέχνης, οὐκ ἂν εἴη τις τέχνη ῥητορική. ἐνδέχεται δέ γε ἱκανῶς καὶ κατὰ τρόπον ῥητορεύειν μὴ μετασχόντα ῥητορικῆς…

This is none other than the Famous Orator argument which we identified in Cicero's second *exemplum*.[31] One might discern a rational connection between this argument and the preceding context (§§13–15) as follows: on the one hand, rhetoric does not achieve its objective, while on the other hand, there are those who never learned

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27 As will be seen from our analysis of the text; cf. RW (2006) 397 on their appraisal of Sextus as a source.

28 σύστημά ἐστιν ἐκ καταλήψεων συγγεγυμνασμένων.

29 καὶ ἐπὶ τέλος εὔχρηστον τῶν ἐν τῷ βίῳ λαμβανουσῶν τὴν ἀναφοράν. The various parallels to the Stoic definition appear in *SVF* I. fr. 73; for additional sources see Barnes (1986) 18 n. 29.

30 Although this part of the Stoic definition of art refers to the beneficial end rather than to the end *per se*, Sextus in his criticism discusses the end *per se*, raising the question whether the expert always, or at least in most cases, succeeds in the realization of his art. On this problem, see §5.4.1 below. Here we are concerned only with the way Sextus or his source thinks, and his arrangement of the discussion.

31 The argument of Cicero's first *exemplum* appears in Sextus II. 18, and is dealt with immediately below.

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rhetoric yet do achieve its objective. It is, however, not difficult to see the patchwork here. Firstly, there is the formal-textual proof. §15 concludes with a statement that rhetoric is not an art. Were §16 part of the argument beginning at §13, such a conclusion would have been premature. Secondly, if §16 is assumed to supplement §§13–15, there would then be a problem with the expression "and conversely" opening §18. In such a case the argument falls into three parts, the first and third of which are of a piece (§§13–15, 18), giving us the pattern A (13–15) B (16–17) A (18).[32] Beyond all this, §§13–15 deal not with the possibility of an orator existing without having learned rhetoric but with the aim of rhetoric and the orator, namely persuasion and victory. §16 does not deal with these. We would have expected of a second side of the equation some argument establishing that there are those who are not orators but still manage to beat their opponents through persuasion. While §§16–19 deal with the exclusivity of teaching, §§13–15 deal with the exclusivity of Attaining the End Argument.[33] We must, therefore, regard §§16–19 as a self-standing passage, and it is this to which we shall now turn.[34]

§16 of course begins a new problem, with §§16–17 representing one side, and §§18–19 ("conversely") representing the other; this two-sided argument parallels the two arguments in Cicero's *exempla.* The first to appear is the Famous Orator argument (§16),[35] followed by the Dumb Rhetor (§18). Unlike Cicero, Sextus allows

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32 Barnes (ibid.) 9 refers to this argument: "If it is possible to become an orator without partaking in rhetoric, then rhetoric will not be an art (II 16); and secondly, he urges 'conversely' (ἀντιστρόφως) that if the close students of rhetoric are impotent in practice, then rhetoric is not an art (II 18)." Barnes has overlooked the fact that Sextus takes 16 to be a second side of 13–15, with all the problems that that entails. Barnes' statement that 18 deals with students is incorrect. The paragraph actually deals with teachers, as is corroborated by the epithet σοφιστεύοντες in the following sentence. Furthermore, Barnes even refers the reader in n. 41 to the parallel in Cic. *De Oratore* I. 20. 91, with which we have dealt above; but he failed to note the two sides of the equation and the different order in which they appear in the two sources.

33 The exclusivity of Attaining the End Argument is analysed in detail on §6.3 below.

34 Radermacher compares Sextus with Quintilian. Sextus II. 13–15, and Quintilian II. 17. 22 he calls b^1, while Sextus II. 16 and Quintilian II. 17. 11 he calls b^2. On the connection between them, he writes (1895) xv: Offenbar nämlich gehören b^1 und b^2 enger zusammen, insofern als unter 1 nachgewiesen wird, daß der technisch gebildete Redner nicht immer sein Ziel erreicht, unter 2, daß auch Ungebildete dies Ziel (τὸ πείθειν) erreicht haben. It is easy to see Radermacher's mistake. While b^1 is immediately followed by b^2 in Sextus, the two passages are quite a way apart in Quintilian. Radermacher found some logic to the sequence in Sextus, and imposed that on the passages in Quintilian. It did not occur to him that the passages might concern different subjects entirely (as should be clearly seen from the different contexts in which the passages appear in Quintilian), and that Sextus (or his source) was guilty of stitching the two together; cf. RW (1964) 399 (Appendix); Brittain (2001) 299. The parallels in Quintilian will be discussed in detail later in this chapter, pp. 71–76.

35 Sextus provides an example from Demades "and many others with him". His source may well have contained additional names, but for reasons to be considered later, Sextus prefers to mention only Demades. Cicero also provides only one example, in his case Antonius, where he is clearly

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the defenders of rhetoric to produce a refutation after each argument (§§17 and 19 respectively), and Sextus also reverses the order of the two arguments, for reasons to be discussed below.

So far we have identified only the two *exempla* arguments appearing in Cicero. What of the *argumenta*, the Natural Orator and the Experienced Orator arguments? Sextus has his supporters of rhetoric begin their defence against the Famous Orator argument (§16) with the following (§17):

> ἄλλως τε καὶ [ἐπεὶ][36] τούτοις ἀπιστοῦμεν ὡς τοιούτοις γεγονόσι καὶ ἐν ἕξει κἀκ τοιαύτης τινὸς τριβῆς[37] ἐπὶ τὸ ῥητορεύειν παρεληλυθόσιν, ἀλλ' οὖν γε ἐν τῷ καθ' ἡμᾶς βίῳ πολλοὺς πάρεστιν ὁρᾶν λέγοντας μὲν εὐφυῶς ἐπὶ δικαστηρίων καὶ ἐν ἐκκλησίαις, τὰ δὲ τεχνικὰ τῆς ῥητορικῆς παραγγέλματα μὴ γινώσκοντος.

The first of Cicero's *argumenta*, the Natural Orator argument, has in Sextus replaced the Famous Orator argument in the following way: "If we doubt the veracity of the fact that Demades did not learn rhetoric, we still have another objection to rhetoric, the Natural Orator argument."

As for the Experienced Orator argument, traces of it are to be found in the passage just quoted, where the reason why we might doubt the Famous Orator argument is that we do not believe that it is possible through τριβή alone to attain such a level of rhetoric. There is no hint in §16 that τριβή caused Demades, the example given there, to attain his level of rhetoric. Sextus (or his source) seems to have abbreviated an argument, or pasted together from different sources. The objection in §17 clearly responds to some argument claiming that Demades or one of the other famous orators attained his level of rhetoric through τριβή. This argument would have been raised by the opponents of rhetoric, and it is none other than the Experienced Orator argument.

Cicero and Sextus have organized the material differently. Which version is more reliable? Cicero retains the claim establishing an alternative to the art of rhetoric (the Natural Orator argument) and provides *exempla* while Sextus (or his source) does not have this claim at all. We have also just seen the lax editing of the Famous Orator argument in Sextus. Moreover, the Natural Orator argument should not be used as an alternative to the Famous Orator argument, since it is weaker. Our analy-

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reworking his material for a Roman audience. Hubbell (1920) 372–373 argues that the examples were originally Greek (we may surmise that they included Demades). This is supported by the fact that Cicero's Charmadas originally had a list of Greek orators who had not learned rhetoric: *innumerabilis quosdam nominabat* (*De Oratore* I. 91).

36 *G* reads ἐπεί. Harder emended to εἰ. Mutschman-Mau omit ἐπεί.

37 I regard the conjunction of ἕξις and τριβή as a *hendiadys:* Demades' ἕξις was acquired by τριβή, the latter consequently being the element responsible for his becoming an orator. The order of the two words is otherwise inexplicable, since it is the τριβή which is materially prior to the ἕξις. With regard to this argument I shall henceforth refer only to the τριβή.

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sis of Cicero revealed that it was actually the Famous Orator argument which could undermine the Natural Orator argument. All these considerations lead to the conclusion that the version in Sextus is later than the one in Cicero. If Sextus himself is responsible for the editing, then this is certainly the case; and probable even if Sextus is merely copying his source.[38] His refutation of the counter-argument against the Dumb Rhetor argument increases the probability that Sextus' version is later than Cicero's, since Cicero would surely have used this material in Charmadas' speech against rhetoric had he known about it.[39]

3.4.2. The Target of the Arguments

Our analysis of Cicero had shown with high probability that the schools of rhetoric were the target of the general argument (the external debate). Since all the arguments used in it are to be found in Sextus, it would appear logical to regard them in Sextus as also testifying to the external debate. While this may indeed be the case, it should be recalled that the external debate had two stages. The differences between the two versions suggest that each testifies to a different stage; since Cicero's version is attributed to Charmadas, Sextus' version might logically testify to the earlier stage of the debate and the main protagonist, Critolaus.

The apportionment of the two versions, however, cannot be made so absolutely. Each reflects a number of transformations during the transmission, with influences from other versions. It would be more correct to extricate whatever version is possible of the argument.[40] Thus the argument as a whole in Sextus is later than the argument as a whole in Cicero, but we can extricate from it a version of the external debate as it was in the first stage. This may be proved by observing the differences between Cicero and Sextus, especially in the order of the Famous Orator argument and the Dumb Rhetor argument. I claimed during the analysis of Cicero's passage that the Famous Orator argument was the best proof for the claim of the Natural Orator and should have appeared at the beginning of the *exempla*; indeed this is where we find it in Sextus. It will be necessary later on to consider why the Dumb

38 Probability is the best that can be aimed at when speculating about the chronological order of two versions. It might, for example, be argued that Cicero's version is a condensed form of Sextus §§ 16–17. Our assessment is more probable for the reasons already cited, and in light of the comparison with Quintilian II. 17. 5–13 (immediately below).

39 The counter-argument in Sextus II. 17 is not of the same order, since it is none other than the Natural Orator argument which appears in a different context in Cicero. The counter-argument in II. 19 against the Dumb Rhetor argument, on the other hand, has no parallel in Cicero, although we learn from previous paragraphs in Cicero of attempted responses by Menedemus and their refutations by Charmadas (e. g. I. 88–89).

40 Thus Sextus II. 10–15 certainly reflects an argument against the Stoa (the internal debate), since all the claims are based on the Stoic definition of art. We have already demonstrated that §16 is an addition by Sextus or his source; see pp. 66–67 above.

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Rhetor took pride of place in Cicero's *exempla*, but for now all that concerns us is that Sextus reflects Critolaus and the first stage of the debate.

A further proof might be added, although it would not stand independently. Critolaus appears explicitly in §12. This occurs during another argument, but during the wider circle of argument in §§10–19, which may have been taken in its entirety from a source deriving from Critolaus.

To summarize our findings from Sextus: this version of the Exclusivity of Teaching Argument reflects the first stage of the external debate in the middle of the second century B.C.E. when Critolaus led the philosophical attack on the schools of rhetoric.

Two main claims in our discussion so far still require substantiating: firstly, that the Dumb Rhetor argument was a late addition to the Exclusivity of Teaching Argument; secondly, that there was an internal debate in which the Stoic position came under attack from rival philosophical schools; nothing has yet been found which might have reinforced the Natural Orator argument which we have suggested may have been used against the Stoic position.

Both points are addressed in our analysis of the next source. Quintilian provides the only testimony in which there is no trace of the Dumb Rhetor argument; the Natural Orator argument on the other hand is accompanied by what we shall call the Homeric Orators argument, which appears neither in Cicero nor in Sextus.

3.5. The Testimony of Quintilian

A couple of points need to be stressed before we begin the analysis proper of the arguments. Firstly, while the testimonies of Cicero and Sextus reflect the attack on rhetoric, Quintilian clearly reflects the Stoic position in support of rhetoric.[41] That his testimony reflects the first stage of the internal debate (Critolaus against Diogenes of Babylon) may be inferred from the total absence of Charmadas from metarhetorical passages.[42]

41 There is much evidence to support this. The definition of rhetoric adopted by Quintilian at II. 15. 38 is Stoic: *scientia bene dicendi.* Chrysippus and Cleanthes are mentioned in §34 (=*SVF* II. fr. 292). II. ch. 20 is wholly devoted to the question whether rhetoric is *virtus* (cf. *SVF* II. fr. 291), and Quintilian answers this in the affirmative. Book XII, esp. its prologue, which may be taken together with the introduction to the whole composition (*Praef.* 9), presents the perfect orator as the Stoic sage.

42 Charmadas does appear in Quintilian, XI. 2. 26, but only as an example of someone with a good memory, although a variant reading would have him replaced by Carneades (see the apparatus in Radermacher's Teubner edition). In Cicero, Charmadas is explicitly the source for the arguments; in Sextus he appears along with a list of others at II. 20.

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3.5.1. The Arguments

II. ch. 17 deals with the question whether rhetoric is an art.[43] We are concerned with II. 17. 5–13; the first four sections constitute an introduction to the various arguments. They justify engaging in a question which appears to be redundant; for who would dare to say that rhetoric is not an art? Much could be said about these sections, but we are obliged by the strictures of our subject to pass over them and concentrate on the subsequent arguments.

§5 begins with the word *quidam* ("some people"). Leaving for a moment the identity of these people, let us jump ahead to §14 where the main argument of the chapter begins. For the next 30 sections until the end of the chapter, various arguments are adduced against rhetoric and are examined by Quintilian. These arguments include such subjects as the goal of rhetoric, its *materia*, its tendency to harm, advocate lies, and contradict itself; in short, all the main arguments except for education and the institution of the teacher and his pupils: this discussion is reserved for §§5–13. The fact that this discussion precedes the arguments proper suggests that it derives from a source other than the one reflected in §§14 ff.

§§5–13 may be divided into three main parts. The first part (§§5–6) is the opening objection of "some people" that rhetoric is natural, but may be assisted by training. This is none other than the Extended Natural Orator argument, that is, the Natural Orator and the Experienced Orator argument combined, which we have identified in Cicero,[44] and uncovered in Sextus. The *defensio* for this argument is that even simple people, slaves and barbarians, can orate similarly to professional orators.[45] The second part (§§7–11) comprises both the Homeric Orators argument – if rhetoric is an art which begin with Corax and Tisias, how is it that there are already orators in Homer? – and Quintilian's relatively lengthy response. The third part (§§11–13) contains the Famous Orator argument which we have already identified in Cicero and Sextus.

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43 The question appears explicitly in 17. 1.

44 Quintilian regards Cicero's Antonius in *De Oratore* as expressing a similar opinion. Radermacher's *apparatus fontium* sends the reader to II. 232, where there do indeed appear the words *observatio* and *exercitatio.* Yet the reader could have been directed to I. 90 which better reflects the general theory expressed in Quintilian, although the word *observatio* is missing. §5 expresses the same theory as the one In I. 90, that rhetoric is natural and can be assisted by training and experience; and Quintilian's words in the same section *dicit Antonius* certainly suit what is going on in I. 90 rather than II. 232. Quintilian, relying on his memory, may well have conflated the two passages from Cicero.

45 This is no more than a detailing of the Natural Orator argument at the beginning of §5. While it is the Natural Orator argument itself in Cicero which establishes that rhetoric is something natural, in Quintilian this claim opens the section, standing apart from the argument.

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The three parts form one organic whole covering the Exclusivity of Teaching Argument, so far as Quintilian is concerned. A closer examination reveals that the arguments may have been taken from different contexts with different targets. The parts have been stitched together, as may be easily demonstrated. The second part is introduced as follows (§7):

> deinde adiciunt illas verborum cavillationes, nihil, quod ex arte fiat, ante artem fuisse…

The third part begins as follows (§11):

> quo illud quoque excluditur, quod dicunt, non esse artis id, quod faciat, qui non didicerit…

The difference between the two bridging statements is clear. The first statement introduces the Homeric Orators argument (§§7–11), attributing it to those who regarded rhetoric as natural and used this to strengthen their case. Quintilian saw this introduction in his source. The Famous Orator argument (§11–13) is added as an appendix. It was not found with the rest of the argument, as will be clear from the Homeric Orators argument. After concluding his response to the opponents of rhetoric as an art, Quintilian recalls the Famous Orator argument and adds it as an afterthought to his reply, joining it on in his own words.

Thus one source, from which §§5–11 derive, claims that rhetoric is natural and establishes this with the Homeric Orators argument. Another source, from which §§11–13 derive, does the same with the Famous Orator argument. We see here two strategies for proving that rhetoric is natural: first, by noting that there were orators before the invention of the art of rhetoric; second, by observing the existence today of famous orators who have never studied the art of rhetoric.

Both arguments provide the same alternative to rhetoric as an art; namely, that rhetoric is natural. I propose, however, that the two arguments originally had different targets. Against the teachers of rhetoric, the most appropriate argument would have been the one showing that even after the invention of the art of rhetoric, one could become a famous professional orator without studying rhetoric. The Homeric orators would not have been so problematic for the teachers of rhetoric, since Homeric speakers were clearly not professional orators, by definition, not having studied the as yet undiscovered art of rhetoric.

The use of the Homeric Orators argument would have been most effective against those who could not deprive the Homeric speakers of the art of rhetoric, and these, of course, would be the Stoics.

In 1957, Kennedy published an article tracing the source for what we are calling the Homeric Orators argument. He argued that the Stoics were the first to identify the Homeric heroes as orators, in the context of their concerted effort to find in them all the virtues. This identification led to the Homeric Orators argument being used

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by the opponents of rhetoric. "Since the Stoics' grammatical interests and their allegorizing mythological views fostererd the study of Homer, it may well have been they who first claimed, probably in the third century B.C., that rhetoric existed in Homer and who thus created an opportunity for an attack on logical consistency."[46] Kennedy convincingly demonstrates how the attribution of the epithet "orator" to the Homeric heroes depends upon the development of the theory of *tria genera dicendi*, which first clearly appeared in the Περὶ λέξεως of Theophrastus. It would only have been after the development of this theory that the three types of speaking could be identified with the trio Odysseus, Nestor, and Menelaus.[47] Such a development could have taken place only during the Hellenistic period, and the Stoics are known to have used allegory to present the Homeric heroes as Stoic sages, finding in them all the virtues, one of which happened to be rhetoric. It is now time to move on to an examination of the Homeric Orators argument. §7 begins as follows:

> deinde adiciunt illas verborum cavillationes, nihil, quod ex arte fiat, ante artem fuisse: atqui dixisse homines pro se et in alios semper: doctores artis sero et circa Tisian et Coraca primum repertos: orationem igitur ante artem fuisse eoque artem non esse.

Reading the words *orationem igitur ante artem fuisse*, one might wonder who had this rhetoric, and when; but Quintilian soon provides the answer – the Homeric heroes (§§8–9):

> nos porro, quando coeperit huius rei doctrina, non laboramus, quamquam apud Homerum et praeceptorem Phoenicem cum agendi tum etiam loquendi et oratores plures et omne in tribus ducibus orationis genus … illud enim admonere satis est, omnia quae ars consummaverit a natura initia duxisse.

We may have identified the Homeric Orators argument here,[48] but the mention of Tisias and Corax shows that the context is the external debate. The Stoics would necessarily deny that these two non-Stoics were really teachers of rhetoric. The use of this argument against the schools of rhetoric is problematic. Would a rhetor regard the Homeric heroes as orators? Would he not be shooting himself in the foot?

The questions only multiply when we examine Quintilian's response. He appears to be aiming at a middle ground whereby the Homeric heroes are to be seen as representing the natural ability which could be improved by the art of rhetoric. Thus, for Quintilian, rhetoric is indeed natural, as is seen in Homer, but it can be improved by the art of rhetoric. If, however, the orginal targets of this argument were rhetors,

46 Kennedy (1957) 30.

47 There are other candidates for this trio, but that is not at issue here.

48 We shall see that Philodemus has a version of this argument being used against the schools of rhetoric, p. 81 below.

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why would they make life difficult for themselves by taking this unsatisfactory position? Their position would be so much stronger were they to deny any rhetorical ability to the Homeric heroes. Such a position has already been identified by Kennedy in *prolegomena* 17 in Rabe's collection. The author explicitly denies that Homeric speakers have rhetoric.[49] What, then, is Quintilian's source? It is obviously a Stoic source. Quintilian's answer could have been given independently of the argument he is defending against, as it is nothing other than the Stoic position that every art is a product comprising the three elements of nature, exercise and art. Kennedy has already shown this from the introduction in *De Inventione* I. 5, which clearly reflects the Stoic view, especially of Posidonius, in the context of a discussion of human development in general.[50]

The Homeric Orators argument in Quintilian's version is thus a compound of an objection directed against teachers of rhetoric (the external debate) and a response which reflects an answer to an attack directed against the Stoics (the internal debate). Either Quintilian himself or his source has combined arguments from different contexts. It is actually the confused use of the two arguments which has allowed us to uncover the Homeric Orators argument and determine its original context.

We turn now to the Famous Orator argument in §§11–13. We have already seen in the earlier analyses that its context is restricted to the external debate. In the philosophers' attack on the rhetors, the Natural Orator argument is intended to present an alternative to rhetoric as an art, and this argument we have found supported in Cicero and Sextus by two other arguments, the Dumb Rhetor and the Famous Orator. There is no trace of the Dumb Rhetor argument in Quintilian. The Famous Orator argument is appended as an afterthought to the general Exclusivity of Teaching Argument, on Quintilian's own initiative. This argument, peculiar to the external debate, was not found by Quintilian in the Stoic influenced source he was using for his response in §§7–11. Yet it is Quintilian of all our sources who can cast much light on the Famous Orator argument.

After presenting the argument itself in §11, Quintilian moves on to examples in §§12–13. In contrast to Cicero and Sextus who present only the name of one famous orator who did not learn rhetoric (Antonius and Demades respectively), Quintilian provides a collection of possible responses with regard mainly to two orators, Demades and Aeschines. It would seem, therefore, that rhetors argued against the examples thrown at them by the opponents of rhetoric. The discussion in §§12–13 appears to be a summary of various sources which referred to this argument, with each source having a different response. Common to all is the explicit declaration by Quintilian, *neque orator esse qui non didicit potest.* One's interpretation of the verb

49 See also the comment made by Kennedy (ibid.) 24–25: "When a late Greek rhetorician says something unique, one immediately assumes, not that he is being original, which is unthinkable, but that he is following an independent source."

50 Kennedy (ibid.) 31 n. 22.

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disco has great bearing on each answer. The responses themselves are four in number:

a) Both the examples learned late in life. This answer takes education to be connected with studies at the proper school age. It may be because this answer is unsatisfactory that there are others.
b) Aeschines "learned" from his father who was a teacher of literature. The concept of learning has here been broadened, although it should be borne in mind that there was quite an overlap between the various fields of study and Aeschines may well have come into contact with certain rules of speaking while studying literature, while maintaining a distance from rhetors and schools of rhetoric.
c) The testimony regarding the learning of Demades is doubtful.
d) Demades "learned" from vast experience, which itself is the essence of learning. This answer would have encouraged students of rhetoric to dispense with rhetors, and Quintilian felt obliged to justify visiting rhetors (and paying them): exercise may make one an orator, but not to the extent that he could write his speeches down.

These answers, together with the testimonies of Cicero and Sextus, will enable us to reconstruct satisfactorily the development of the Famous Orator argument, and hence the Exclusivity of Teaching Argument as well, at least in the context of the external debate.

We had already speculated during the analysis of the testimonium of Cicero that the examples in his source had been Greek; we also know from explicit statements in Cicero and Sextus that the opponents of rhetoric as an art used many examples. Quintilian, however, is so far the only one to provide more than one actual example, Demades and Aeschines. Cicero provided one of his speakers, Antionius himself, as an example, and Cicero is clearly the author of this example, preferring a Roman example over the Greek examples in his source. Sextus, however, also provides only one example, Demades. It may be that Aeschines was dropped by him in response to the objection we have seen in Quintilian, that Aeschines did study the principles of speech during the course of his literature lessons with his father.[51] As for Demades, it is worth comparing Sextus with Quintilian:

> ἄλλως τε καὶ [ἐπεὶ] τούτοις ἀπιστοῦμεν ὡς τοιούτοις γεγονόσι καὶ ἐν ἕξει κἀκ τοιαύτης τινὸς τριβῆς ἐπὶ τὸ ῥητορεύειν παρεληλυθόσιν – Sextus, II. 17.

51 The very many (παμπληθεῖς in Sextus II. 16, *innumerabiles* in Cicero, *De Oratore* I. 91) examples may have been dropped for similar reasons. Demades is very difficult to explain away.

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> Demaden neque non didicisse certum sit et continua dicendi *exercitatio* potuerit tantum, quantuscumque postea fuit, fecisse; nam id potentissimum discendi genus est – Quintilian, II. 17. 12.

The two passages complement each other. They reflect the reaction of the supporters of rhetoric to the extended Natural Orator argument which included both the Experienced Orator and the Famous Orator arguments. While the opponents claimed that rhetoric was not an art but something natural which could be helped by practice, as exemplified by Demades who became a professional orator by means only of exercise and experience, the supporters of rhetoric at first simply denied this.[52] Since they could not find for Demades any teacher or rhetorical studies, they developed a different answer, and this is preserved in Quintilian: formal rhetorical training cannot be dispensed with; on the other hand, Demades, who did not have a formal rhetorical training cannot simply be disregarded, nor his lack of studies merely doubted (lacking the proof positive that he did study, as in the case of Aeschines); the answer, therefore, is simply to expand the concept of learning to embrace exercise as well, especially if this learning is over the long term (*continua exercitatio*),[53] and declare that exercise itself is a form of learning, although formal education yields better results. Quintilian even has an example – Demades himself, who did not dare to write his speeches down, since such an enterprise would have required a formal education.

3.5.2. The Target of the Arguments

As already mentioned, Quintilian's testimony differs from those of Cicero and Sextus in that it reflects both the external and the internal debates. Although §§5–11, which clearly belong to the internal debate, also include elements of the external debate, Quintilian is so far the only witness to the internal debate.

With the help of Quintilian's testomonium we may now return to the problem of the ordering of the Famous Orator and the Dumb Rhetor arguments in Cicero and Sextus in the context of the external debate. Since the Famous Orator argument is the stronger and the most pertinent for demonstrating that rhetoric is natural, its position in second place in Cicero needs to be explained. In order to do so, it would be best to summarize the development of the Exclusivity of Teaching Argument in the context of the external debate according to our findings so far.

a) The opponents of rhetoric as an art posit the Natural Orator argument as an alternative to the claim that rhetoric is an art.

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52 Reflected in the testimony of Sextus, and in the first part of Quintilian's (*Demaden neque non didicisse certum sit…*).

53 See also Isoc. *Antid.* 296.

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b) The supporters of rhetoric as an art distinguish between the natural orator and the real orator.[54]
c) The opponents of rhetoric as an art react to this move with a double argument. On the one hand they adduce the Famous Orator argument, in which they mention examples of famous orators who clearly had not studied rhetoric. On the other hand, they need to explain how these people became famous orators without formal rhetoric, and this they do with the Experienced Orator argument whereby the orator acquires his skill through experience and practice. Aeschines and Demades are the only two named examples so far.
d) The supporters of rhetoric as an art refute each example individually. The conclusion follows that there is no famous orator who has not studied rhetoric; exercise and practice are insufficient. It is enough for the supporters to find for each example a teacher of rhetoric, but failing this, they can point to evidence of formal study. Aeschines is easily dealt with. The two excuses appearing in Quintilian, II. 17. 12 would have sufficed to turn him into an orator who had studied formal rhetoric. Demades was more problematic, and the supporters were obliged to extend the concept of study to include practice.

If the father of Aeschines could be turned into a teacher of rhetoric, and if practice itself could be portrayed as the very essence of study, it would seem that no orator could have been deemed by the supporters of rhetoric to have lacked formal training in the subject. This type of argument would have encouraged the discovery of dubious biographical details and the distortion of terms such as "study", leading, I suggest, to the opponents of rhetoric as an art introducing into the Exclusivity of Teaching Argument the Dumb Rhetor argument, an attack pointing to the fact that no teacher of rhetoric or author of works on rhetoric practised as an orator. There may well be a practical or logical reason why rhetors were not also orators, but the fact that since Corax and Tisias no one had served in both capacities must surely have given many pause for thought.[55] This may explain why the Dumb Rhetor argument appears first in Cicero. His testimony reflects the later stage of the debate, when

54 This argument does not seem to have required historical examples. It is the opponents of rhetoric who needed to provide examples of famous orators who had not studied rhetoric.

55 Supporters of rhetoric as an art reacted to this argument as well, as we have already seen from Sextus, II. 19, but this section also shows how the reaction was countered. Another attempt to criticize the Dumb Rhetor argument may be found in Philodemus, II. 87. fr. XIV; this testimony shows that the supporters claimed that the art of rhetoric was self-sufficient (αὐτοτελής) but needed for its application many natural aids and much exercise and experience. Thus although the rhetor lacked the exercise, experience and natural aids obligatory for actual oratory, his knowledge proved that rhetoric was still an art, although he did not practice it. For a discussion of this reply, see Barnes (1986) 10.

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Charmadas and Menedemus were involved. The testimony of Sextus, we have determined, reflects the first stage of the debate – the attack launched by Critolaus – and the primacy of the Famous Orator argument reflects a time when it alone would have sufficed to prove that rhetoric was natural, to which the Dumb Rhetor argument would have been attached later during the transmission.

3.6. The Testimony of Philodemus

Unlike the previous authors, Philodemus does not present us with a continuous testimony. The numerous difficulties in the reconstruction of his text necessarily reduce his contribution to supplementing details missing from our other sources. There are five main passages in which reference is made to the Exclusivity of Teaching Argument:

a) II. p. 71–72, fr. VIII.
b) II. p. 76–77, fr. III–IV
c) II. p. 97–98, fr. VIII
d) II. p. 110–111, fr. XX
e) II. p. 111–112, fr. XXI.[56]

3.6.1. The Arguments

The fragments provide us with additional information about the sources of the Exclusivity of Teaching Argument, its targets, and names which we have not so far encountered. Furthermore, they also show the way Philodemus understands the connection between the various claims which make up the Exclusivity of Teaching Argument on the one hand, and the way this whole argument is connected with the other general arguments yet to be examined by us.

This second point should be addressed first, since it directly affects our understanding of the nature of the testimony. While it is true that Philodemus lived just a few years after the second stage of the debate and would no doubt have had access to at least some of the writings of those involved, the subject of his work – certainly in the second book, has nothing to do with the debate itself. As an Epicurean, he is only concerned with justifying regarding as an art only one type of rhetoric, namely

56 There are a few other fragments which mention names such as Aeschines and must surely have dealt with aspects of the Exclusivity of Teaching Argument, but their condition is so problematic that it is better not to rely on them at all. See, e. g., II. p. 69, fr. V. Without doubt it mentions Aeschines, but nothing clear can be gleaned from the fragment. The reconstruction by Sudhaus is far from satisfactory.

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sophistic rhetoric.[57] The second book is devoted to a survey of opinions against rhetoric. We may suppose that even were he to have used works connected with the debate over rhetoric as a whole, his own limited interests would have led him to abbreviate and excerpt from his sources. This is indeed what we find him doing. Already at II. 102, fr. VII, Philodemus, referring to Critolaus, writes: οὐ χρεία με περὶ τῶν ἄλλων πάντων λέγειν, οὓς καὶ αὐτὸς Κριτόλαος ἐκφέρει διὰ τὴν πρὸς τοὺς ῥήτορας φιλοτιμίαν. Philodemus may well be correct in saying that Critolaus produced many arguments which were no more than different versions of the same basic arguments,[58] but this does not mean that we should accept that the various arguments Philodemus assumes to be the same argument necessarily are. Philodemus could have encountered numerous arguments in many sources with countless examples arranged in different ways, and he may well have made hasty connections in his desire to summarize. He may well have conflated arguments originally aimed at different targets. All this requires the modern scholar to use extreme caution in examining the testimony provided by Philodemus. Each fragment needs to be analysed in its own right.

Regarding the Exclusivity of Teaching Argument, Philodemus sees a clear connection between the Homeric Orators argument and the Famous Orator argument (II. 71–72, fr. VIII):[59] οὐ κρίνω δὲ παλιλλογεῖν ἀναγκαῖον εἶναι τῆς ἀποδείξεως κατά γε τὴν δύναμιν οὐθὲν διαφερούσης τοῦ διδάσκοντος λόγου "῞Ηρωας ἤτοι ἰδιώτας μὴ μαθόντας τὴν ῥητορικὴν δυνατοὺς καὶ ἐπισήμους γεγονέναι." The quotation ending this fragment would have been found by Philodemus in his source, indicating that the connection between the two arguments would also have been made there already.[60]

Another connection is made at the beginning of the fragment, between the Exclusivity of Teaching Argument as a whole, and another argument entirely: [παρακειμένη δέ τις ἦν ταύτῃ ἀπόδειξις, καθ' ἣν διὰ παντὸς μὲν τελεσιουργεῖν ἐλέγετο][61]

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57 Hubbell (1920) describes the internal Epicurean debate between those who denied rhetoric as an art and those, including Philodemus, who regarded what they called σοφιστική as an art and a type of rhetoric. Hubbell adds (251): "The rhetorical works of Philodemus are an exposition of this doctrine. Thus the fragments which we have are the remains of a distinct literary movement in the Epicurean sect, and should be regarded as a literary pronunciamento."

58 Cf. Sudhaus (1892) III. xxx: Auf ihn vor allen geht daher der Tadel Philodems, daß sich viele Beweise nur in verschiedene Formen kleiden, in Wirklichkeit aber, δυνάμει, dieselben sind. Oder aber es werden nur andere Beispiele vorgeführt, und wieder ist ein neuer Beweis gegen die Rhetorik fertig.

59 The version followed here is that of the *Supplementum* p. xxxi, which differs in two places from II. 71–72: κρίνω instead of κρείνω, and the indication of a quotation ("Ηρωας… γεγονέναι), on which see n. 63 below.

60 As Barnes (1986) 19 n. 42 seems to indicate, although ἰδιώτας is usually translated "ordinary people", the word in this context clearly refers to the Famous Orator argument, opposed as it is to the ἥρωας.

61 Supplied by Sudhaus in the *Supplementum* p. xxxi.

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πᾶσα τέχνη· τὸ δ' εἰκοβολεῖν οὐκ ὀρθοβολεῖ πλὴν εἴ που σπανίως· ῥήτορας δὲ δεινοὺς γεγονότας ἄνευ μαθήσεως παρειλήφαμεν. The Exclusivity of Attaining the End Argument may easily be discerned, followed by the Exclusivity of Teaching Argument here represented by the Famous Orator argument.[62]

Taking the fragment as a whole, we may see that Philodemus has used here two different sources which each made a connection to do with the Exclusivity of Teaching Argument. One connected the Exclusivity of Teaching Argument with the Exclusivity of Attaining the End Argument, and the other made a connection between the Homeric Orators and Famous Orator arguments within the Exclusivity of Teaching Argument. It is Philodemus who connects all of this together into one apparently seamless unit.[63]

3.6.2. The Target of the Arguments

Let us turn now to the second point, that Philodemus may be providing us with the source for the Exclusivity of Teaching Argument, and even for some of its component arguments. Our analysis of Cicero, Sextus and Quintilian had led us to suggest that the Homeric Orators argument originated in the internal debate, and was directed against the Stoics. This conclusion rested on two facts: firstly, that the Stoics were alone, or at least the first, in regarding the Homeric heroes as orators; secondly, that the argument appears only in Quintilian who was greatly influenced by the Stoics. These facts are not decisive, but Philodemus provides the following testimony (II. 77, fr. IV):

> ἀλλὰ παρ' αὐτοῖς τοῖς ἥρωσιν, εἴπερ ἴσην γνώμην ἔχεις, παραπλήσιον εὑρήσεις τὸν Ἄδραστον καὶ τὸν Ὀδυσσέα· τὸν πολυμήχανον δ' Ὅμηρος ἐξετραγῴδησεν, ἀγαθὸς ὤν, ὦ Στωικέ, τοὺς στίχους, καὶ τοὺς τῆς Κίρκης δεσμούς.

62 Sextus, II. 13–16 makes the same connection, suggesting that both Sextus and Philodemus are relying here on a common intermediate source which had already made the connection.

63 Sudhaus, Hubbell and Barnes all fall down on this point. Sudhaus, discussing the fragment in the *Supplementum*, p. xxxi, draws two conclusions: that the *logos* belongs to Critolaus; and "Daß zunächst beide Beweise inhaltlich auf dasselbe hinauskommen, ist klar. Der eine sagt: vor der Eröffnung der zunftmäßigen Schulen gab es Redner, der andere: neben der Rhetorenschule gab es Redner, beide sagen also aus: unabhängig von den Schulen gab es Redner." Hubbell (1920) 287–288 n. 27 writes, "This argument is like that which proves that there is no art of rhetoric because the heroes were rhetors before any treatises on rhetoric were written." Barnes (1986) 19, n. 42, during his discussion of the Famous Orator argument in Sextus, II. 16, comments, "In a variant of the same argument the premise is established by appeal to the Homeric heroes, who spoke skilfully long before the inventions of the rhetoricians." Barnes then refers to our fragment from Philodemus (II. 71) and adds, "As Philodemus remarks, ⟨II 71. 7⟩, the variant is not substantially different from the version which appeals to Demades and his similars."

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The address to a Stoic (ὦ Στωικέ) unambiguously demonstrates that this passage is an attack against the Stoics, in which use is made of the Homeric Orators argument.[64] Another testimony should suffice to make the case (II. 110, fr. XX):

> μάρτυρας δὲ παρέξει, διότι ἦσαν ἀγαθοὶ πολιτικοὶ καὶ πρὸ τοῦ Πλάτωνα καὶ Ἀριστοτέλην συντάξασθαι πολιτικάς, εἰ μηθέν' ἕτερον, οὓς Ὅμηρος εἰσήγαγεν, καὶ τὴν φιλοσοφίαν δέ τις πρὸς τούτους λέγων οὐκ οὖσαν ἐπιστήμην παραστήσει· καὶ γὰρ πρὸ τοῦ Ζήνωνα καὶ Κλεάνθην καὶ Σωκράτην καὶ Ἀριστοτέλην…

This is clearly an attack against the Stoics since Zeno and Cleanthes are mentioned along with earlier philosophers. The argument is that if the Stoics teach rhetoric while regarding the Homeric heroes as orators, their philosophy is not a knowledge.[65]

The only critic of the Stoics so far identified (in Cicero) has been Charmadas, but we had already speculated that he was not the source of the argument because Cicero's testimony indicates that there were arguments surrounding rhetoric already towards the middle of the second century B. C. E. Furthermore, our analysis showed that the version attributed to Charmadas was later than the original. Neither Sextus nor Quintilian mentions any name in this context. Philodemus, however, does provide a name for a proponent of the Famous Orator argument, in the context of the external debate, Critolaus (II. 97–98, fr. VIII):

> ὡς πλουσιομαχοῦντ' Αἰσχίνην μὴ δεδιδάχθαι· σαφῶς γὰρ λέγει, ὅτι Δημάδης οὐκ ἔμαθεν, ὧς δ' αὐτῶς Αἰσχίνης ἤτοι καὶ παρ' ἄλλων ἢ δι' αὐτῶν τὰ μεθοδικὰ τῆς ῥητορικῆς οὔτ' ἄπλατα τὸ πλῆθος ὄντα προσκαρτερήσεώς τε πολλῆς οὐ δεόμενα· τὸν μὲν γὰρ Δημοσθένην πάντες κεκράγασιν οἱ κατ' αὐτὸν τεχνίτην εἶναι, καὶ Κριτόλαος οὐκ ἀπαρνεῖται.

Critolaus is here mentioned by Philodemus as using (apparently for the first time) the Exclusivity of Teaching Argument at least in the context of the external debate.[66] Furthermore, he is also presented here as negotiating with regard to various orators. Armed with these details we may now attempt to reconstruct the original argument as Critolaus would have used it in the external debate.

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64 Furthermore, later in the fragment the attacker raises a possible Stoic response to his attack.

65 II. 111, fr. XXI reflects a similar context, with the Stoics replying that Homer was no less wise than Corax and Antiphon, and "we would be foolish to consider Homer to be the discoverer not only of philosophy but also every other art except for rhetoric." The reference to Corax is rare evidence for Stoic reaction to the rhetors in the context of this argument.

66 This does not automatically eliminate Critolaus as the originator of this argument's use against the Stoics (the internal debate). Indeed, it is quite probable that the attacks launched against the Stoics in the previous two fragments discussed was none other than Critolaus, but his name does not appear in the fragments.

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The original Exclusivity of Teaching Argument included the Natural Orator argument, in the version which also included the Experienced Orator argument, and proved its point with the aid of famous orators who had not studied rhetoric.[67] The examples included Demades and Aeschines. Hubbell has argued that there may have been arguments about Demosthenes as well. Critolaus agreed that Demosthenes was a τεχνίτης. That is to say, he attributed his achievements to his rhetorical studies. This may suggest that in other cases Critolaus did not attribute such achievements to rhetorical studies. He would have argued, for example, that Aeschines and Demades succeeded because of their natural talent and their practice and experience in speaking.

Critolaus used to subvert rhetoric with negative terms, most famously κακοτεχνία.[68] Another term he would use corroborates our proposed attribution of the Exclusivity of Teaching Argument to Critolaus (Quintilian, II. 15. 23):

> quidam eam neque vim neque scientiam neque artem putaverunt, sed Critolaus "usum dicendi" (nam hoc τριβή significat).[69]

The various terms used by Critolaus are specific to various attacks on rhetoric. We shall be arguing later that the term κακοτεχνία reflects his criticism of the harm done by rhetoric.[70] The term τριβή (*usus*) of couse reflects the Exclusivity of Teaching Argument,[71] the best demonstration that rhetoric is not an art but no more than a knack.

3.7. Conclusion

The Exclusivity of Teaching Argument rests on the claim that rhetoric is natural and may be aided by practice and experience (the Extended Natural Orator argument). This claim may be strengthened in several ways, and for two different targets, the rhetors (external debate) and the Stoics (internal debate). In the external debate, the philosophers used the Famous Orator argument, while in the internal debate, the Peripatetics and Academics used against the Stoics the Homeric Orators argument.

The Stoics had their reasons for regarding the Homeric heroes as orators, and the rhetors would claim that without formal study one could not be a professional orator. Thus the Famous Orator argument could not serve against the Stoics: they did

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67 This is the first attributable version, but it already shows signs of development from something more elementary; see pp. 61–64 above.

68 Sextus, II. 12.

69 Cf. also II. 15. 2.

70 See §5.4.2 below.

71 This and similar terms appear in the sources we have examined in this chapter: τριβή (Sextus, II. 17); *consuetudo exercitatioque* (Cicero, *De Oratore* I. 90).

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not regard famous orators such as Demades, Aeschines or even Demosthenes as orators since only the (Stoic) wise man could be a true orator. Conversely, the Homeric Orators argument could not be used against the rhetors since the rhetors did not regard the Homeric heroes as orators, preceding as they did the inventors of rhetoric.

The Exclusivity of Teaching Argument was used not only in both arenas of the double debate, but also in both stages.[72] Critolaus (first stage) appears in the testimony of Philodemus, and Charmadas (second stage) in that of Cicero.[73] In the external debate, Critolaus used only the Famous Orator argument. This was weakened over time by the refutations of each and every example, so that by the second stage, Charmadas found it necessary to add the Dumb Rhetor argument.[74]

Cicero and Sextus reflect the external debate,[75] while Quintilian reflects the internal debate.[76] The Homeric Orators argument, belonging only to the internal debate, appears in Quintilian but is missing in Cicero and Sextus, while conversely the Dumb Rhetor argument, belonging only to the external debate, appears in Cicero and Sextus, but is missing in Quintilian.

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72 See pp. 45, 54 above.

73 In both cases the context is the external debate, but they were both in a position to be the proponents of the arguments in the internal debate too. In other arguments to be analysed below these two are expressly portrayed attacking the Stoics.

74 Barnes (ibid.) 10 has already shown that the argument most probably originated with the Epicureans, and even Epicurus himself. The Dumb Rhetor is a variant of the general argument against any teacher who does not practise what he teaches. E.g., Plutarch at the beginning of *SR* attacks the Stoics for teaching about politics while not actually participating in politics. Epicurus infamously scorned any linguistic studies, and may well have attacked the rhetors with this argument. Even so, it was Charmadas who added the Dumb Rhetor to the general Exclusivity of Teaching Argument. He it was who surveyed every teacher of rhetoric, beginning with Corax, and showed that not one ever practised as an orator. It is this inclusiveness which transforms an *ad hominem* argument to one against the art of rhetoric itself.

75 This answers a question raised in our analysis of Cicero (p. 60 above), why Charmadas attacks only the rhetors while Mnesarchus is present with arguments against rhetoric being an art.

76 Philodemus does not present any version of the Exclusivity of Teaching Argument although its various elements are scattered throughout the fragments.

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4. The *Falsa* Argument

4.1. General Points

Falsa may be understood in the singular as agreeing with any feminine noun such as *perceptio* and *opinio*; and may be understood substantivally in the neuter plural as "false things". This comment anticipates some of the problems associated with this argument as it is now to be found in our sources.

It is almost a foregone conclusion that an orator does or could lie in pursuit of his goal. The word "orator" is practically synonymous with "liar". More than this, however, is the notion that rhetoric itself as an art is something of lie or deception. The art of persuasion places great value on the most immediately impressive activities available to the orator, such as emoting, vocalizing, and arguing populistically, avoiding the less successful strategies of telling the truth which is often difficult to grasp, or less appealing. The criticisms both of the orator and of rhetoric itself are included in what I shall call the *Falsa* Argument.

Before proceeding to an analysis of the *Falsa* Argument, we should distinguish it from two other phenomena which might be expected to belong to it. The first is the practice *in utramque partem dicere*,[1] where the speaker argues both for and against a position. It follows that at least one position must be false. However, it is not part of the *Falsa* Argument, both because the sources treat it as something separate, and because it was a mainstay of dialectic, and not intrinsic to rhetoric. The second phenomenon was an argument which concentrated on the harm resulting from the lies told by an orator.[2] The *Falsa* Argument itself was not concerned with the results of the practice of rhetoric, and the Benefit Argument will be dealt with in the next chapter.[3] Thus the *Falsa* Argument is restricted to the very issue of falsity itself. It claims that rhetoric is false and deceitful. The very rules of rhetoric express an attempt to deceive the audience, while the orator does not present what he himself thinks to be the case and lies deliberately.

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1 Also known as *contraria dicere*, or *disserere* or *disputare*, and all this without going into the Greek parallels. Some of the variations may well have had something to do with the distinctions between rhetorical and dialectical practice. The phenomenon was widespread in almost all the Hellenistic schools, and may have originated with the early sophists. It is beyond the scope of the present work, but it might be worth mentioning that it is dealt with in its rhetorical context mainly in Quintilian, II. 17. 30–36.

2 See, e. g., Quintilian, II. 16. 2: *…cum pro falsis contra veritatem valet.*

3 See pp. 97–128 below.

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4.2. The Sources

The three sources to be considered here are Quintilian, II. 17. 18–21, 26–29; Sextus Empiricus, II. 10–12; Philodemus, I. 22, col. III; II. 90, fr. XVIII.[4] There are great similarities between the sources, but just as many problems. Our first task will be to compare the sources. We shall follow this with a consideration of the secondary literature (Hubbell, Barnes and RW), and finally offer an alternative.

4.2.1. The Testimony of Quintilian

Starting at II. 17. 14, Quintilian appears to quote from a source summarizing the arguments of the main philosophical schools against rhetoric.[5] The first argument mentioned, the *Materia* Argument, is postponed until ch. 21, and the second argument is addressed first. This is the *Falsa* Argument (§18):

> altera est calumnia nullam artem falsis adsentiri opinionibus, quia constitui sine perceptione non possit, quae semper vera sit: rhetoricen adsentiri falsis, non esse igitur artem.

This argument is full of Stoic terminology, and it hints at one of the main Stoic dogmas, that the knowledge of the sage is dependent on his consent (συγκατάθεσις) to what appears to him. When the sage assents correctly to a sense impression,[6] he has a "grasp" (κατάληψις) of a state of affairs in the real world. The Latin terms used by Quintilian in §18 and possibly his source are translations of the Greek Stoic concepts:

> *adsentiri: adsentior* and its cognates, *assensus*, *assensio* parallel the Stoic term συγκατάθεσις and cognates.[7]

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4 There are also some other parallels in Philodemus which will be addressed during the course of the discussion.

5 Quintilian's attribution of the arguments to all the main philosophical schools does not guarantee that the context is the external debate alone. Each argument needs to be examined in its own right. As I hope to demonstrate, the *Falsa* Argument appearing in §§18–21 is actually aimed at the Stoics (the internal debate). The appearance of the Stoic Athenodorus among the philosophers named in §15 need prove no more than that at least one of the other arguments in §17 ff. is to do with the external debate.

6 As is always the case. The Stoic sage assents only to those sense impressions (φαντασίαι) actually reflecting real things and coming from those real things. Ordinary people make the mistake of assuming that all their sense impressions are of this type.

7 Cic. *Lucullus* 37: *nunc de adsensione atque adprobatione, quam Graeci* συγκατάθεσιν *vocant, pauca dicemus.*

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> *perceptione: cognitio, perceptio, conprehensio* are all used by Cicero to translate κατάληψις.[8]
> *constitui:* this would appear to be translating a form of the Greek verb συνίστημι, cognate with the noun σύστημα,[9] a word we shall find in the Stoic definition of τέχνη in our next parallel, Sextus, II. 10.[10]

In a word, the argument is clearly based on the Stoic definition of art.[11]

There seem to be two possible options. Firstly, that the argument reflects a Peripatetic/Academic attack on the Stoics, in which Stoic concepts, especially those taken from the Stoic definition of art, are turned against them. The second option is that it reflects a general philosophical attack on the rhetors, being based on what had become the commonly accepted definition of art.[12] I shall be arguing in support of the first option.

There are three points in Quintilian's text which deserve our attention.

1. After the attack has reached its conclusion – *rhetoricen adsentiri falsis, non esse igitur artem* – Quintilian provides the obvious response (II. 17. 18):

> ego rhetoricen nonnumquam dicere falsa pro veris confitebor, sed non ideo in falsa quoque esse opinione concedam, quia longe diversum est, ipsi quid videri et ut alii videatur efficere.

This argument against rhetoric as an art is thus refuted by emphasizing the fact that the orator is aware of his own lies and does not assent to false opinion. This solution is so simple that it makes the attack appear illogical. It seems strange that anyone would even raise such an easily refutable argument. Who could confuse a liar who knows the truth with someone who believes his own falsehoods? One might point to Quintilian's description of the argument as a mere *calumnia*, and claim that despite it's being a weak argument, the philosophers were willing to use anything they

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8 Cic. *Lucullus* 17: *nec definiri aiebant necesse esse quid esset cognitio aut perceptio aut, si verbum e verbo volumus, conprehensio, quam illi* κατάληψιν *vocant;* cf. Cic. *Fin.* III. 18; see also p. 46 n. 102 below. On the Stoic senses of *perceptio* and *constitui* see RW (2006) 328, nn. 69–70.

9 It is interesting that none of our Latin parallels for the Stoic definition of art (see next section) translates the word σύστημα with a noun. Verbs are preferred to express the notion, especially *constare* (Quint., II. 17. 41; Cic. *Acad.* II. 22; id. *Fin.* III. 18). The only appearance of a noun to translate the term is *constructio* in Cicero ap. Diomed. II. p. 421 K.

10 For the Stoic definition cf. also *SVF* I. fr. 73; II. fr. 94.

11 It should be emphasized that the argument does not adduce the actual definition, at least not in its entirety. See also RW (ibid.) 328.

12 This is the opinion of RW (ibid.) 328: "… the argument is clearly meant as a general attack on rhetoric as opposed to one on a specifically Stoic position."

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could find. I shall argue that philosophers would not use a weak argument. The superficial reading of the argument must be abandoned.

2. Quintilian in §§19–21 provides three historical examples (Hannibal, Theopompus, Cicero) and as a fourth example, the painter. These examples are not all of a piece. After the first two examples, the argument ends, to all intents and purposes, with a comparison with rhetoric: *item orator, cum falso utitur pro vero, scit esse falsum eoque se pro vero uti: non ergo falsam habet ipse opinionem, sed fallit alium* (§20). Yet Quintilian continues with a further two examples. Furthermore, the two additional examples are essentially different from the first two. Cicero is unlike Hannibal and Theopompus in his being an orator while they were military generals. The fourth example, the painter, is even more out of place.

I shall argue here, based on the parallels to be examined later, that the original example provided with the response was the painter alone. Before copying down this example, Quintilian himself added the examples of Hannibal and Theopompus, found nowhere else as examples, certainly not in parallels to the *Falsa* Argument, and summed up the argument. He may have used Cicero as a bridge to the painter example;[13] he was an obvious choice, being an orator, and the idol of Quintilian.

3. *perceptione* seems to substitute for *opinionibus.* Is Quintilian confused, or is he aware of what he is doing?

4.2.2. The Testimony of Sextus Empiricus

It is the final question of the last section which leads us to Sextus, II. 10–12. In this parallel we find the Stoic definition of art, plainly hinted at in Quintilian,[14] and an argument concerning ψευδῆ, translated by Quintilian as *falsa.* This said, the arguments are far from identical.

Sextus begins his discussion with the Stoic definition of art (§10): πᾶσα τοίνυν τέχνη σύστημά ἐστιν ἐκ καταλήψεων συγγεγυμναμένων, and concentrates at first on σύστημα ἐκ καταλήψεων in order to show that rhetoric does not meet this criterion and is therefore not an art. §11 opens with the statement: τῶν γὰρ ψευδῶν οὐκ εἰσι καταλήψεις, ψευδῆ δέ ἐστι τὰ λεγόμενα τῆς ῥητορικῆς εἶναι θεωρήματα, followed by various examples such as οὕτω παραπειστέον τοὺς δικαστάς and μοιχῷ συνηγορητέον καὶ ἱεροσύλῳ which are not ἀληθῆ and hence are ἀκατάληπτα. The conclusion necessarily follows that rhetoric, not being a σύστημα ἐκ καταλήψεων, is not an art.

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13 *Pace* RW (ibid.) 332: "We do not expect a further illustration from outside the realm of oratory… it may be that the mention of *tenebrae* in the Cicero example caused Q. to think of pictorial illusion."

14 See nn. 10–11 above.

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Radermacher had already noted the passages in Quintilian and Sextus as parallels[15] without much comment.[16] The first to attempt an analysis of the parallel was Hubbell, using two separate arguments in Philodemus. The first argument we shall call the Rhetoric as Fraud argument. It refers to the rules of rhetoric and establishes that they are false: τὰ πλεῖστα θεωρήματά ἐστιν ἀληθῆ, ψευδῆ δὲ τὰ κατὰ τὴν ῥητορικήν (I. 22, col. III, lines 11–13). The second argument we shall call the (Self)Deceiving Orator argument, according to which the orator deceives himself when deceiving others: εἴπερ ἀπατῶσιν οἱ ῥήτορες, καὶ αὐτοί, ᾧτινι ἀπατῶσιν, ἀπατῶνται (II. 90 fr. XVIII, lines 4–6).

Hubbell rightly identifies the Rhetoric as Fraud argument with Sextus II. 10–12,[17] and identifies the (Self)Deceiving Orator argument with a question not found in Quintilian, but answered by Quintilian at II. 17. 19–21. According to Hubbell, Quintilian presents the Rhetoric as Fraud argument in the form of a question at §18, but his reply has more to do with the (Self)Deceiving Orator argument. If the *calumnia* in §18 is to be identified with the one in Sextus, II. 10–12 and Philodemus, I. 22, col. III, then after Quintilian's statement, *rhetoricen adsentiri falsis, non esse igitur artem*, there should have come a response referring to the theorems of the art, as we find in Philodemus.[18] Instead we find the reply pertaining to the (Self)Deceiving Orator argument. Hubbell writes (376):

> The proper sequence to this argument in Quintilian is a discussion of the θεωρήματα or *opiniones* of rhetoric to prove that they are true. This would be parallel to the claims of Sextus that such principles as οὕτως ὀργὴν κινητέον (11) are false. But Quintilian replaces this by the reply…

While Hubbell is correct in identifying Quintilian's reply with the Rhetoric as Fraud argument, there are some difficulties with his interpretation. Firstly, how can Quintilian reply to an objection he does not posit? It is more likely that Quintilian believes that he is answering an objection he has actually posited. Secondly, with re-

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15 Radermacher (1895) p. x parallels Sextus, II. 10–12 with two combined passages from Quintilian – II. 17. 27 and then 18. On the place of the former passage, see pp. 95–96 below.

16 Radermacher (ibid.) p. xv on his combined passage from Quintilian says only: "Sie ist kein σύστημα ἐκ καταλήψεων".

17 The identification between Philodemus I. 22, col. III and Sextus II. 10–12 by Hubbell (1920) 375 is criticized by Barnes (1986) 12: "For Sextus is not objecting that rhetoricians in fact produce a lot of false precepts: he is objecting that the theorems of rhetoric, by their very nature, are bound to be false." Barnes points to the answer provided by Philodemus that if one's having false theorems negates one's claim to art, then philosophy should not be said to be an art, nor should medicine or music… (Philodemus, ibid.). However, the response of Philodemus reflects only his own understanding of the attack rather than the way that the objecters themselves understood it.

18 For the response of Philodemus, see the previous note. The absence of a response in Sextus is natural and obvious: he was one of the opponents of rhetoric.

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gard to the *calumnia* itself, Hubbell sees it as a parallel to the whole of Sextus, II. 10–12; the differences between the two passages cannot support this. Hubbell's own equivocation in the above quotation – θεωρήματα or *opiniones* – well demonstrates his haste in establishing a common ground.[19] The Greek for *opinio* is δόξα, and the Latin for θεώρημα is *spectaculum*, *theorema*, or Cicero's *perceptum.*[20] Both sources have false things in common (*falsa*, ψευδῆ), but those false things – theorems and opinions – are quite different.[21] Thirdly, the (Self)Deceiving Orator argument was answered so easily that either Quintilian must be regarded as inept, or the argument itself still needs to be properly understood by us.

To address these problems, we need to return to Quintilian's formulation of the *calumnia.* While it was Hubbell's opinion that Quintilian raised one objection but answers another, it seems to me that Quintilian raises one objection which is actually a conglomeration of two objections. Sextus dealt only with ψευδῆ θεωρήματα, but Quintilian deals both with *opinio* and with *perceptio.* It is the objection regarding *opinio* which he answers.

Thus the *Falsa* Argument at II. 17. 18 (the *calumnia*), comprises the following elements:

a) the first objection: *altera est calumnia nullam artem falsis adsentiri opinionibus*,
b) the second objection: *quia constitui sine perceptione non possit, quae semper vera sit:*
c) reply to the first objection: *rhetoricen adsentiri falsis, non esse igitur artem.*

The original attack might appear to have comprised (a) and (c) alone. Note that the plural *falsis* in the response refers to the opinions in (a) and cannot refer to the *perceptio* in (b). Leaving the second objection to be examined later,[22] we shall now deal with the first objection.

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19 The same may be said for Hubbell's second identification, between Quintilian, II. 17. 18 and Philodemus I. 22, col. III. While the subject matter might be identical, the terminological parallel is lacking. We might have expected in Philodemus the verb συγκατατίθημι or the noun συγκατάθεσις, or at the very least ψευδεῖς δόξαι, or even just ψευδῆ.

20 Cic., *De Fato* V. 11 = *SVF* II. fr. 954, lines 5–6: *percepta appello, quae dicuntur Graece* θεωρήματα.

21 This may be the best place to note how RW interpret Quintilian's question. They essentially agree with Hubbell that the *calumnia* as a whole deals with the rules of rhetoric, which they refer to as "items of knowledge". However, while Hubbell ignored the first part of the sentence, RW attempt to explain the connection between the two parts in a way which would make the *calumnia* whole and coherent. Say RW (2006) 328: "The reason why Q. uses the noun *opinio* in this phrase is that he needs a term for 'item of knowledge' which (unlike *perceptio*) does not have built into it the notion of truth". For a detailed discussion of the position of RW, see p. 92 below. For my own explanation for the two parts of the sentence, see the text immediately following this note.

22 See §4.3.2 below.

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4.3. The *Falsa* Argument

4.3.1. The (Self)Deceiving Orator Argument

In order to understand what exactly lies behind the formulation *nullam artem falsis adsentiri opinionibus*, we must turn to the parallel in Philodemus, II. 90 fr. XVIII, lines 4–11:[23]

> εἴπερ ἀπατῶσιν οἱ ῥήτορες, καὶ αὐτοί, ᾧτινι ἀπατῶσιν, ἀπατῶνται, ὥσπερ οὐδ' ἄλλως γίνεται ἐν ὁράσει οὐδ' ἀκούσει· εἰ γὰρ ἄλλῳ συμβέβηκεν ἡ ἀπάτη, καὶ αὐτὸς ἀπατᾶται· οὐ μᾶλλον τοίνυν ἀπατῶσιν ἢ ἀπατῶνται.

As we have already seen, Hubbell was the first to note this parallel to Quintilian, II. 17. 19–21, but for the *calumnia* itself found parallels in Sextus, II. 10–12 and in another Philodemus, I. 22, col. III which actually refer to the Rhetoric as Fraud argument. It is my contention that the lines we have just quoted are a parallel to the first objection of the *calumnia.* The key to understanding the argument in Philodemus is the word ἀπατῶσιν, and the paraphrase in which it appears. Hubbell translates (289):

> If the rhetors deceive, they are themselves deceived *by their own instruments*, just as in the case of sight and hearing.

This translation has taken the dative of ᾧτινι as instrumental (and has forced the singular into a plural in English). The main drawback with this interpretation is that the argument is rendered unintelligible. Here is my alternative interpretation:

> If the orators deceive, they too, *in whatever* they deceive, *[in this]* are deceived, just as it is not otherwise in sight and hearing.

The objection is now intelligible, and becomes more so if the reference to sight is connected with Quintilian's example of the painter (§21), given as part of his response to this objection. The painter knows that his picture is actually on a flat surface and does not believe that the picture is three-dimensional although it looks as though it is. He does not assent to the appearance. In the same way, the orator is aware of the nature of his lies and does not assent to them. So much for the response, but the objection is quite sophisticated. The painter is as deceived as anyone else in seeing the picture as three-dimensional, even if he is aware of its two-dimensional nature. Were he not to do so, he would be unable to create the illusion which is the power of his art. Thus the painter is deceived in that in which he deceives

23 Lines 4–6 had already been quoted above, p. 88.

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others.[24] This is the signficance of the words "in seeing" (ἐν ὁράσει)[25] and especially of the word ᾧτινι.

Now comes the comparison with the orator, but the argument in Philodemus does not go into any detail.[26] It is left to us to attempt a reconstruction of the logic behind the comparison between the painter and the orator. In what way could an orator be deceived in that in which he himself deceives? Two lines of attack are possible, and it is difficult to decide between them. Firstly, when the orator uses lies, the fact that the lies serve a function in his arguments means that they are assented to, regardless of whether the arguments themselves are valid or not. The orator's assent to his lies consists in the very action of drawing conclusions based on these lies. The answer appearing in Quintilian, II. 17. 19–21 attempts to distinguish between the functional aspect of the orator in his presentation of arguments and conclusions, and the epistemological aspect of the orator in his ability to judge what is real. There are actually two sorts of assent: the functional assent to be found in action; and the assent inherent in man *qua* rational animal.

The second possible line of attack exploits a basic assumption of rhetoric, that every argument has its counterargument. The orator's lies are not contradictions of manifest facts, such as its being night when it is day (although such extreme cases could be countenanced), but rather work in the realm of possibilities, plausibilities, claims and interpretations where counterarguments are most effective. In his efforts to make the worse case appear the better one,[27] the orator will attempt to strengthen the persuasiveness of an argument using deceit (ἀπάτη) and is likely to persuade himself, just as a painter cannot help but see a three-dimensional picture even if he knows that the picture is two-dimensional. A defender might object that the orator would not fall for his own lies just as a painter would not believe his picture to be three-dimensional, even if there is some semblance of reality.

Both lines of attack are supported by the painter parallel. The expression ἐν ὁράσει in Philodemus would then parallel either the operation of concluding an argument, or the state of the orator in making that conclusion.

Philodemus provides the missing link in Quintilian's argument, the claim that the moment the orator uses lies he assents to them (in either of the ways mentioned in the last paragraph), and according to the Stoic definition of art, rhetoric cannot then

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24 Or as Philodemus puts it, he no more deceives than is deceived.

25 The other example alluded to by Philodemus, "[in] hearing" ([ἐν] ἀκούσει) would be applicable to the mimic or any other artist who deceives through sound. Quintilian chose to bring only the example from the visual arts.

26 Nor can we expect any help from the defender since the fragment provides us with only part of the first response (the word πρῶτον appears in line 11); the defender does not understand how the conclusion is arrived at that rhetoric is not an art; or why the attacker claims that the orators deceive and are deceived, and do not just deceive.

27 Cf. *peiorem causam meliorem facere*; τὸν ἥττω λόγον κρείττω ποιεῖν (Quint. II. 16. 3; Plat. *Apol.* 23d6).

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be an art.[28] It appears that the (Self)Deceiving Orator argument is to be found mostly in Philodemus, with its conclusion in Quintilian. A reconstruction of the whole argument runs as follows. When the orator lies, he is deceived by his lies; but art cannot assent to lies… Rhetoric assents to lies (since the orator is deceived by his own lies). Therefore rhetoric is not an art.[29]

4.3.2. The Rhetoric as Fraud Argument

Quintilian may be confused, but he is no fool. We have found the *calumnia* to contain traces of two arguments, but for Quintilian they are one complete argument. We must understand Quintilian's view of the argument before continuing.

RW in their comments on §18 provide a plausible reconstruction of the process (327–328): "The *calumnia* is, as it were, a backward reasoning from the observation that orators do in fact say things which are false: for someone to act in accordance with the art of rhetoric and *lie*, the items of knowledge which make up the τέχνη of rhetoric must themselves be false." Thus RW connect the two parts of the argument in Quintilian. Just like Hubbell before them, RW regard the whole *calumnia* as dealing with the rules of rhetoric, and these rules are for them "items of knowledge" to which refer both *opinio* and *perceptio* which appear in Quintilian's question. Unlike Hubbell, however, RW consider the items of knowledge to be false because of the lies of the orator rather than of morally tainted rules such as appear in Sextus.[30]

While RW do manage to connect Quintilian's response with his question, the weak point in their argument is obvious: the lies of the orator do not appear in the question, and they have to be deduced.[31] Furthermore, the term *opinio* appearing in his question is said to refer to the rules of rhetoric, or the items of knowledge,[32] while the same term in his answer refers to the lies of the orator.[33]

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28 RW (ibid.) 327–330 discuss the matter at length, but the Philodeman parallel is dismissed in a short paragraph (330): "Parallels in Philodemus do not require detailed discussion… The details of the argument are ludicrous, and bear no relation to Q. except for the general contrast of deceiving and deception."

29 The words *quia constitui sine perceptione non possit* have been omitted from the reconstruction because they belong to the Rhetoric as Fraud argument, to be dealt with immediately below. It is the addition of the latter argument which causes the conclusion of the (Self)Deceiving Orator argument to refer to rhetoric rather than the orator.

30 Thus RW (ibid.) 330 do not find a whole parallel between Sextus, II. 10–12 and Quintilian, II. 17. 18–21. Both sources "share the assumption that the items of knowledge which make up rhetoric include false ones: on Q.'s argument they seem to be false for a different reason." According to RW (338, n. 75), the passage in Sextus has a parallel in Quintilian II. 17. 26.

31 RW (ibid.) 327: "The *calumnia* is, as it were, a backward reasoning…"

32 RW (ibid.) 328; see also n. 21 above.

33 RW (ibid.) 329: "factual untruths as opposed to… morally reprehensible untruths."

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It seems to me that Quintilian conflates two distinct parts of one argument. The *calumnia* comprises parts of two arguments patched together, but they share a common origin. This is none other than the Stoic definition of art.[34] Furthermore, both arguments are based on *falsa.* It is my contention that Quintilian found both parts in one argument and in his attempt to summarize the argument, perhaps with undue haste, omitted what would have made the argument much clearer.[35] Whatever the case may be, the original argument attacks the nature of rhetoric through the use of the Stoic definition of art.[36] The aim of this argument is to show that rhetoric is built on ψευδῆ / *falsa*, demonstrable on two levels, education and application. The first attack hinged on the notion of ψευδῆ θεωρήματα / *falsa percepta*, and this is preserved in Sextus, II. 10–12.[37] The second attack, reconstructed from Quintilian and Philodemus together, exploits the notion of ψευδεῖς δόξαι / *falsae opiniones.* Thus, neither the rhetor nor the orator can claim to have καταλήψις / *perceptio*, and without this, rhetoric cannot be considered an art.

4.4. The Target of the Arguments

We have just seen that the *Falsa* Argument attacks rhetoric as art on two fronts, the theoretical side (Rhetoric as Fraud argument) pertaining to the rhetor and the theorems he teaches, and the practical side ([Self]Deceiving Orator argument) pertaining to the practice and opinions of the orator. The Rhetoric as Fraud argument is linked

34 The definition is clearly seen in Sextus, but is only hinted at in Quintilian in the phrase *quia constitui sine perceptione non possit, quae semper vera sit*, a point noted by many. My claim is that the first part of Quintilian's argument also derives albeit indirectly from the Stoic definition of art, as may be seen by the verb *adsentior.* The fact that the orator lies could lead him to assent to the very false opinions he is using to deceive others.

35 Barnes (1986) 12–13 is well aware of the difference between the two arguments. After his discussion of the argument against the θεωρήματα of rhetoric in Sextus, II. 10–12, he adds in n. 59: "It is clear from Philodemus that there was another argument against rhetoric which invoked falsity, but which depended on the claim that in seeking to deceive others orators deceive themselves too." While identifying what we call the (Self)Deceiving Orator argument in Philodemus II. 90, he does not analyse §§18–21 in Quintilian, but merely mentions the parallel: "The same argument and the same reply are found in Quintilian, II xvii 18–19." Thus Barnes, for whom this particular argument is beyond the scope of his enquiry, does note the connection between the two arguments, apparently because of the expressions ψευδῆ and *falsa*, as there seems to be no other reason to note an argument on *opiniones* in a discussion dealing with θεωρήματα.

36 RW (2006) 330 argue that the difference between the versions of Sextus and Quintilian is due to the authors themselves rather than their sources: "they have fitted out the same skeleton of an argument with different examples, suitable to their respective argumentative needs (rhetoric as wielded by a good man is a worse target from Sextus' point of view than the rhetoric of scoundrels)."

37 And of course in the Philodeman parallel, I. 22, col. III.

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with the name of Critolaus in Sextus, II. 12.[38] If both arguments are both components of the *Falsa* Argument, it would be natural to assume that the (Self)Deceiving Orator argument and the *Falsa* Argument as a whole should also be attributed to Critolaus. As it happens, Critolaus is mentioned by Quintilian just two sections before the argument on *opiniones.* This occurs in §15 which begins the list of arguments against rhetoric with a list of philosophers who appear to have been responsible for the arguments. The list is headed by Critolaus.[39]

All who have addressed the *Falsa* Argument in one way or another have noted the presence of many technical Stoic terms. RW argue that the presence of the Stoic definition of art merely shows that it was widely accepted and could be used in an attack on the schools of rhetoric. This may be so, but the argument manifests many Stoic technical terms which were not widely accepted or understood: terms such as καθήκοντα in Sextus, II. 12,[40] and *adsentior* in Quintilian. This fact, combined with the attribution of the argument to Critolaus, suggests very strongly that the argument was in fact aimed against the Stoics themselves. One might add that the rhetors would hardly be moved by a technical, almost abstruse, philosophical argument dealing with epistemology.

If the argument is, as I claim, originally one used by Critolaus against the Stoics, it might be asked why he would attack them when he himself presents rhetoric which they regard as unworthy of the name.[41] Critolaus would not have accepted the Stoic attempt to distinguish their rhetoric from that of the schools of rhetoric, and regards them as responsible for giving rhetoric in general a good name by asserting that rhetoric is a virtue. His attacks on the Stoics, however, would need to be framed in Stoic terms in order to have any chance of being effective.[42]

4.5. Conclusion

We may complete the picture by examining two more sources dealing with *falsa* from different perspectives. Quintilian tries as far as he can to arrange the metarhetorical issues. Thus we have seen him in §17 postponing a discussion of the *materia* which he apparently saw in his source till later (chapter 21). In the chapter prior to the one we have been dealing with (chapter 16), the subject is the benefit of rhetoric. In §2 Quintilian raises a possible objection: *cuius (sc. eloquentiae) denique tum*

38 See also Barnes (1986) 21 n. 58. The exact way in which Critolaus is to be linked with this argument will be considered in the chapter on the Benefit Argument, pp. 123–124 below.

39 On Aristotle's appearance in §14 see p. 183 n. 37 below. He does not seem to have been an integral part of the original sources for the arguments.

40 Barnes (ibid.) 21 n. 6 writes: "The occurrence of the term καθῆκον suggests – but does not demonstrate – a Stoic origin for the argument." He is rightly cautious in his formulation.

41 See p. 42 above.

42 A similar strategy is adopted by Critolaus in the End Argument; see pp. 158–159 below.

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maximus sit usus, cum pro falsis contra veritatem valet. This might seem at first sight out of place, but not if the *falsa* are understood in context: the lies of the orator cause injuries to society, injuries which are listed at the beginning of the section: *eloquentiam esse, quae poenis eripiat scelestos, cuius fraude damnentur interim boni, consilia ducantur in peius…* This *falsa* Argument is clearly directed against the schools of rhetoric, but the originator of the argument could well be the same Critolaus who used a more technical and epistemological *falsa* Argument against the Stoics.

These two fronts do not exhaust the matter. In II. 17. 26–29 we find another front. The chapter, as we have already noted, appears to bring together arguments from a number of sources originating from a number of philosophers listed in §14. The transition from one argument to another is not always as clear as we would wish, and sometimes it just appears as though Quintilian moves from one argument to another by association. At any rate, in §26 we come across an argument against the orator who deceives by arousing the emotions. This seems at first glance to be a populist argument against the orators. Not only their verbal lies are perceived to be bad, but also their emotive power is somehow perceived to be fraudulent. The truth is hidden on both counts. The actual formulation of the argument, however, reveals it to be Stoic: *uti etiam vitiis rhetoricen, quod ars nulla faciat, criminantur, quia et falsum dicat et adfectus moveat.*[43] The identification of the emotions (*adfectus*) with "vices" leaves no room for doubt.[44] The next question is whether the Stoics are the object of the attack, or are themselves attacking the orators using Stoic philosophy. The answer is fairly straightforward if we look at the context. The response to this attack is given by the rhetorical schools, using the defence that rhetoric needs to arouse the emotions to get a point across in what is after all an imperfect world.[45] That the rhetorical schools are responding to a Stoic attack becomes even clearer from the continuation of their reply:

> quorum neutrum est turpe, cum ex bona ratione proficiscitur, ideoque nec vitium. nam et mendacium dicere etiam sapienti aliquando concessum est, et adfectus, si aliter ad aequitatem perduci iudex non poterit, necessario movebit orator: imperiti enim iudicant et qui frequenter in hoc ipsum fallendi sint, ne errent.

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43 RW (2006) 338 find a parallel for this in Sextus, II. 11, but the similarities are not all that striking.

44 Cf. Quintilian, V. 1. 1; Cicero, *Tusc.* IV. 29 = *SVF* III. p. 104 fr. 425, lines 14–16.

45 This reply is very similar in sentiment to Aristotle, *Rhet.* 1355a24–29, where arousing the emotions is a counterweight to the parlous state of the jurors and participants in the assemblies. In other words, *falsa* and the *adfectus* they arouse are means which justify a good end.

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There is a clear hint in this passage to the city of sages to which the Stoics aspired.[46] It is as if the rhetors argued that the Stoics may well have no need of rhetoric in their ideal city, but in this imperfect world even the wise man would have to agree that good sense requires the occasional arousal of emotions and the odd lie in order to achieve beneficial effects.[47] This then is rare evidence for a purely Stoic attack on the rhetorical schools, a limited instance of the external debate.[48]

To sum up the entire argument. Critolaus attacks the Stoa by means of the notion of *falsa.* On the one hand, the rules of rhetoric (*perceptiones*) manifest the fraudulent nature of the occupation. On the other hand, whenever the orator himself lies, he is likely to assent to the fraudulent opinions he is using to persuade his target audience. In either case, Stoa principles must deny rhetoric the status of an art, since no art can have anything to do with false perceptions or opinions. Critolaus does not accept the Stoic distinction between its own rhetoric and that of the rhetors, and he appears to blame them, at least in part, for the success of the rhetorical schools by their portrayal of rhetoric as a virtue.

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46 For an attempted reconstruction of Zeno of Citium's book *Politeia* which, while apparently referring to its Platonic namesake, also outlined a Stoic ideal city of sages, see Schofield (1991); cf. *SVF* I. fr. 41.

47 While RW identify the Stoic traces in Quintilian's argument, they do not regard the argument as peculiar to the Stoics.

48 The beginning of §26 may also be part of the Stoic attack on the rhetors, since the syntax creates the impression of one source for an argument against one target. Indeed, the argument that rhetoric does not know when it achieves its objective (*artes scire, quando sint finem consecutae, rhetoricen nescire*) could well be a Stoic attack against the rhetors since in their system the orator knows that his goal has been achieved simply by speaking well. Quintilian, who has already adopted the Stoic position, thus present the background for the attack as a response to it (*nam se quisque bene dicere intelleget*).

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5. The Benefit Argument

5.1. General Points

The Benefit Argument appears in both our main sources – Sextus and Quintilian – clearly and explicitly. The passages in question are Sextus, II. 20–42;[1] 10–12,[2] and Quintilian, II. ch. 16.[3] There are of course additional passages which deal with benefit; e. g., Quintilian, II. ch. 17 collects various criticisms against rhetoric as art, and cannot help but touch on benefit, among many other topics. Cicero and Philodemus add nothing new to the arguments comprising the Benefit Argument, but should not be overlooked as they may be able to solve problems which crop up during the comparison of the two main sources. We shall begin with Quintilian's discussion of the problem of benefit, in II. ch. 16.

5.2. Quintilian and the Benefit Argument

Quintilian, II. ch. 16 breaks into two halves, §§1–10 and 11–19. The first half begins with a presentation of a criticism of the harm caused by rhetoric (1–4), continues with a rebuttal using the objectors' own assumptions (5–6), and ends with examples

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1 Cf. §43 init. Furthermore, §§43–47 are an integral part of the discussion on Benefit; they include the responses of the supporters of rhetoric and the attackers' reply to the responses. The exchange of blows presented there exposes various layers of the argument to analysis, as will be seen during the course of the discussion.

2 These sections do not actually deal explicitly with the Benefit Argument, but with the *Falsa* Argument (on which see the previous chapter). A philological and philosophical analysis of the sections, however, reveals the Benefit Argument at the heart of the argument there; see pp. 118–127 below.

3 We should also mention chapter 20, entitled *an virtus*, whose aim is to present rhetoric as a virtue; this is of course also connected to the question of benefit. Virtue is always good and beneficial; if a certain art is considered a virtue, it must be considered beneficial and incapable of causing harm. This chapter, however, sheds no further light on the Benefit Argument or its sources, but emphasizes only the removal of the *vir malus* from rhetoric, a point which Quintilian is at pains to make. He adopts the Stoic position that the orator is necessarily a *vir bonus*, and he dedicates a whole chapter to proving it. The chapter recycles material already used earlier, such as 20. 8–9 which repeat 16. 11 ff., and as Quintilian himself points out at the end of the chapter: *sufficiant igitur haec, quia de utilitate supra tractavimus* – i. e., in chapter 16. At the same time, there are some important issues in this chapter, such as the Stoic theory concerning the development of art (§6), but nothing new directly concerning benefit in the context of an argument.

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showing the benefit of rhetoric (7–10). The second half presents a Stoic version of rhetoric.

5.2.1. Quintilian, II. ch. 16 (Description)

Following the criticism of the harm caused by rhetoric (1–4), Quintilian adopts two complementary strategies. The first (5–6) is to rebut the criticism by means of a counterattack: if rhetoric is to be abolished for the bad use to which it may be put, then many essential things would need to be abolished for the same reason. Quintilian includes in this list: strategy, medicine, philosophy, food, shelter and even the heavenly bodies. The second strategy (7–10) is to emphasize the advantages of the art of speaking. Quintilian gives an encomium which attributes nearly all the achievements of human society to rhetoric. The two strategies elicit the conclusion that even if rhetoric can be used *in utramque partem*, it is not intrinsically bad. It is not fair to consider bad what can be used for good, or, in the words of Quintilian: *non est tamen aecum id haberi malum*,[4] *quo bene uti licet* (10).

Although the objections against rhetoric can simply be refuted, there is an easier way, which is to eliminate the objection itself. Quintilian claims that all the criticism is based on the perception that rhetoric is harmful, when rhetoric is viewed as the art of persuasion (11). If, however, rhetoric is understood as the knowledge of speaking well, it is clearly impossible for the orator to cause harm.[5] According to this (Stoic) definition of rhetoric,[6] the *orator* and the *vir bonus* are one and the same.[7]

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4 On the importance of the word *malum* for identifying the source of this argument, cf. p. 105 below.

5 Strictly speaking, the Stoicizing response is adopted and completed in §11. The subsequent encomium to rhetoric derives from Stoic sources and uses Stoic themes, as well demonstrated by RW (2006) 279–230 (in their introduction to chapter 16) and 292–300 (in their notes to the various sections). I do not agree with RW, however, that the source itself was an encomium to rhetoric, but rather to speech, which was then reworked specifically for rhetoric, perhaps by Quintilian himself. No word denoting rhetoric (such as *eloquentia*) appears in the speech. The terms which do appear – *facultas dicendi, loquendum, sermo, vox* – all concern speech as opposed to *ratio* (14–15). It is only at 17 (*Quare si nihil a dis…*), when Quintilian ends this speech and begins to summarize his conclusions, that he uses *oratio* and *facultas orandi.*

6 On the Stoic definition of rhetoric, *scientia bene dicendi* or ἐπιστήμη τοῦ εὖ λέγειν, see *SVF* II. fr. 291–292 and RW (ibid.) 271–274, notes on 15. 34–35.

7 The adverb "well" in the Stoic definition of rhetoric (see last note) need not be understood in a moral sense, but it is obvious to Quintilian that it should be so understood, as is best seen from 16. 11; on this subject, see further Sohlberg (1972) 263–272. See also n. 9 on p. 26 above.

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5.2.2. Quintilian, II. ch. 16 (Analysis)

So far we have considered the internal logic of the chapter, but it should be borne in mind that Quintilian's internal and coherent logic need not reflect the state of his sources. He or an intermediate source may have reworked earlier sources. I shall be arguing that our text is the product of two different criticisms launched against two different targets. Hiding behind the Benefit Argument as it is presented here is the two-staged double debate.[8] This interpretation rests to a large extent on the parallels in Sextus, but we may already note some of the resultant discrepancies in Quintilian.

Quintilian begins by referring to the very unworthy way in which those who attack rhetoric use rhetoric in their attack (§1): *nam quidam vehementer in eam invehi solent et quod sit indignissimum, in accuastionem orationis utuntur orandi viribus.* At this early stage of the analysis I shall make just two points here. Firstly, the comment could have been made about any of the attacks on rhetoric throughout the book and is not peculiar to the Benefit Argument; it concerns more the general strategy of the critic of rhetoric rather than the content of any particular criticism. Secondly, Quintilian did connect this comment with the Benefit Argument, and it is up to us to discover the reason. We may already suspect that behind this comment lies a claim which is directly connected with the Benefit Argument. A detailed analysis of this comment, however, must be postponed until the end of our discussion.[9]

In the meantime, we may wonder who is being referred to in this comment. It must be someone who not only enjoys rhetorical ability without having learned rhetoric, but also uses his rhetorical talent to attack rhetoric. In Cicero's *De Oratore* I. 47, Crassus in his reply to Scaevola refers to studying Plato's *Gorgias* together with Charmadas, and that in this dialogue *maxime admirabar Platonem, quod mihi oratoribus inridendis ipse esse orator summus videbatur.*[10] The critic referred to in our passage is very probably none other than Plato.[11]

The text in *De Oratore* does not address the subject matter of the criticism. It is enough for Crassus to hint at its character. According to him it is to do with *controversia verbi* or *contentio* (ibid.). Since we are not Romans we may be able to view the Greek debates more positively. To discover the subject matter of the criticism, let us return to Quintilian and the criticism adjacent to his remark hinting at Plato. I

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8 See p. 45 above.

9 See p. 102 below.

10 Cf. the beginning of I. 47: … *in dicendo gravissimo et eloquentissimo, Platoni*…

11 The comment of RW (2006) 282 is a little confusing, but tends finally towards identifying Plato as the critic: "Q. has declaimers in particular in mind" but then, "…though Q. may not have philosophers particularly in mind (see above on *quidam*) this epigram recalls a stock criticism of Plato, voiced e. g. by Crassus in Cic."

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shall be arguing that the criticism in §2, at least in part,[12] reflects an attack on rhetoric by Charmadas, based on Plato's *Gorgias*.[13]

The question immediately arises, how an Academic like Charmadas could be responsible for the personal attack on Plato. The answer to this is to be found in *De Oratore* I. 84, where Antonius is reporting on a conversation between rhetors and philosophers, among them Charmadas. When he refers to Charmadas and his criticism, he says: *sed cum maxime tamen hoc significabat, eos, qui rhetores nominarentur… neque posse quemquam facultatem assequi dicendi, nisi qui philosophorum inventa didicisset.* This is a clear testimony attributing to Charmadas the priority of philosophy to rhetoric. Comparing this with the other testimony on Charmadas in §47, we may conclude that Charmadas proves his claim by appeal to Plato. The philosopher who never studied rhetoric can not only beat rhetoric, but also beat it at its own game. If the philosopher who never studied rhetoric (Plato, or stricitly speaking, Plato's Socrates) is able to defeat the professional orator (Gorgias and his pupils), then rhetoric is surely not an art. Charmadas is actually presenting a double argument here. Rhetoric is harmful; but even if there are some good points to it, they are taken from philosophy. Criticism of Plato only enters the argument in a later version such as that in Quintilian.[14]

Thus we may conclude that Charmadas drew from Plato's *Gorgias* arguments against rhetoric. The most important argument in that dialogue concerns the harm caused by rhetoric. The conversations with Polus and Callicles deal explicitly with bad use to which rhetoric is put by pupils, and Socrates even leads Gorgias himself to the question of the bad pupil. Charmadas, therefore, would have taken from *Gorgias* arguments which touch on what we call the Benefit Argument. He also exploited the very fact that Plato, a philosopher, defeated professional rhetors using their own tools.[15] Anyone learning philosophy learns rhetoric as well.[16] The opposite is not the case.[17]

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12 §2, the essence of the objection, appears to concentrate a number of claims which were originally made separately. These will be analysed in due course.

13 We shall see that Charmadas indeed attacked rhetoric for the harm it caused. This of course is insufficient to attribute to Charmadas verbatim the claims of §§2–3, but he is a *prima facie* candidate for at least some of the subject matter.

14 The supporters of rhetoric could either criticize Plato, or actually use his rhetorical ability to their own advantage. If he defeats rhetoric using rhetoric, he is demonstrating, according to the position of the opponents themselves, that rhetoric is beneficial; his use of rhetorical rules proves that rhetoric exists. There is no explicit trace of these claims in our sources, although they may lie behind the beginning of Quintilian, II. ch. 16.

15 Charmadas himself, as an Academic Sceptic, was trained to defeat his rivals using their own techniques.

16 One of the most prominent debates between the philosophers and the rhetors is who stole from whom, and how much, clearly reflected in Cicero, *De Oratore* I., and the *Praefatio* of Quintilian.

17 Alcidamas attacking Isocrates in *On the Sophists* uses a similar argument: the method of Al-

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The connection between the rhetorical abilities of those who attack rhetoric and the Benefit Argument is also made by Quintilian, so it would only appear natural to attribute the subject matter of the criticism in §§2–4 to Charmadas. Any attempt, however, to connect between §1 which hints at Charmadas as the source and §2 which reveals the contents of the criticism is fraught with difficulties. Charmadas was not the first to use Plato in an attack on rhetoric. He was anticipated by at least one additional philosopher, none other than Critolaus.[18] Furthermore, Critolaus used Plato for what we have called the Benefit Argument, as we shall see in our analysis of the parallel in Sextus. Should the criticism in §§2–4 be attributed to Critolaus or Charmadas or to both? If to both, then how?

Despite the great temptation to regard these sections as revealing the content of the criticism of Charmadas hinted at by Crassus in *De Oratore*, there are good reasons for not doing so, mainly to do with the parallels to this issue to be discussed in due course, but also because at this early stage it would be premature to jump to conclusions based on sections which reflect summaries of summaries of arguments. What does seem probable is that Charmadas is responsible for the comment on Plato (§1) and that it is somehow connected with the Benefit Argument. Quintilian may have added the arguments in §§2–3 from another source, in which case there would be no necessary connection between them and the comment on Plato. The arguments run as follows (II. 16. 2–4):

> (2) eloquentiam esse, quae poenis eripiat scelestos, cuius fraude damnentur interim boni, consilia ducantur in peius, nec seditiones modo turbaeque populares, sed bella etiam inexpiabilia excitentur, cuius denique tum maximus sit usus, cum pro falsis contra veritatem valet. (3) nam et Socrati obiciunt comici docere eum, quo modo peiorem causam meliorem faciat, et contra Tisian et Gorgian similia dicit polliceri Plato. (4) et his adiciunt exempla Graecorum Romanorumque et enumerant, qui perniciosa non singulis tantum, sed rebus etiam publicis usi eloquentia turbaverint civitatium status vel everterint, eoque et Lacedaemoniorum civitate expulsam, et Athenis quoque, ubi actor movere adfectus vetabatur, velut recisam orandi potestatem.

The structure of the argument is worth noting. The reported speech in §2 might appear to be quotation, but this is not necessarily the case. §3 appears to be no more than an example for the last argument in §2 (*pro falsis contra veritatem valere*),[19] but it could be a continuation of the quotation, or an addition to the quotation from

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cidamas, τὸ λέγειν, is preferable to that of Isocrates, τὸ γράφειν, because anyone learning the former method will in any case learn the latter, but the opposite is not true. For a discussion, see Liebersohn (1999) 115.

18 Sextus II. 12; 20; cf. also pp. 119–120 below.

19 I agree with the explanation given by RW (2006) 282 on II. 16. 1.

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another source. If it is indeed an addition, then the last argument in §2 could also be an addition, added together with the continuation at some later stage.

§4 does not follow on from §3. "And they (sc. the opponents of rhetoric) add to these [arguments] examples…" Quintilian himself may be summarizing his sources.[20] Towards the end of §4 we find that rhetoric was expelled from Sparta and Athens, demonstrating (*eoque*) that rhetoric is indeed harmful. This argument is presented, however, in such a way as to suggest that it was once independent and has been added on here. We shall return to these problems of structure in due course, but it is now time to turn to examine the problems connected with the content of the criticism.

There are three issues which catch the eye in §§2–3. Firstly, the formulation of the argument is rhetorical: rhetoric snatches the wicked away from punishment while the good are condemned. The formulation and the internal logic of §2 suggest that this is a quotation joined to §1 by Quintilian,[21] since §2 is no more than a demonstration of the claim made in §1. That is to say, Quintilian regards the criticism in §2 as an example of the rhetoric used by opponents of rhetoric in their criticism of rhetoric.

The second issue is the clearly social context. In an argument about the harm that rhetoric causes, the fact that the wicked are snatched away from punishment by rhetoric is hardly harmful to them personally, but it does harm society. The same applies to the fact that the good are condemned by rhetoric. It is society which is harmed as much as the individuals concerned. The harm to society is also the subject of the following items, including revolt and war. Thus we shall call the argument in §2 the Social Harm argument, as opposed to a potential Individual Harm argument which would show how rhetoric harms the individual.

The third issue concerns the last claim made in §2, *pro falsis contra veritatem valet.* Unlike the other arguments which are to do with the harm caused by rhetoric, this claim touches on the method by which rhetoric achieves its harmful results. It is this claim only which is exemplified in §3. Furthermore, §4 also exemplifies this claim only. Why, then, does the last claim in §2 enjoy two sections of examples while the examples of the previous sources are indicated but not detailed (*et his exempla*, §4)? This is assuming that Quintilian is following a source in which the con-

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20 While this is possible, Quintilian hardly ever misses an opportunity to provide his reader with Roman examples, even replacing the Greek examples of his sources with Roman examples of his own. The phrase *exempla Graecorum Romanorumque* might suggest that Quintilian is summarizing a Roman source which had added Roman examples to the Greek examples of its own Greek source, or more probably that he is copying what he found in a summary of that Roman source. This will be of importance in sorting out the various arguments appearing here and in the parallels in Sextus and Philodemus.

21 Quintilian is the only source connecting the comment about the opponents of rhetoric using rhetoric in their criticism with this argument.

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tents of §4 followed on §2, with §3 being interpolated.[22] It would seem that Quintilian in §2 was following a source which had collected all the arguments, stripped them of their examples, and turned them into one Social Harm argument. Quintilian regarded the final claim of §2 and the examples of §3 as an extension of this argument. Leaving these aside for now, let us turn to §4.

Quintilian seems to have supposed, and may have seen in his source, that those who *adiciunt exempla* in §4 are the same *quidam* mentioned in §1. A careful analysis of the connection between §§2–3 and §4 will show that they actually contain different stages of the same argument, if not different arguments.

§4 presents us with two new elements. The first is of course the mention of the Romans. §§1–3 were entirely Greek both in character and in their examples.[23] The fact that Quintilian mentions Romans indicates that the argument is originally Greek but has undergone Romanization, and Quintilian does not reflect the original source. Did the Romanization involve merely the adding of examples or also a reworking of the argument? The latter seems to be the case, as may be demonstrated by means of the second element in the argument, which is the distinction between social and individual harm (*perniciosa non singulis tantum, sed rebus etiam publicis*). §2 concentrated on rhetoric's social harm.[24] We shall consider in due course who the individuals harmed by rhetoric might be – victims of the orator, or the orator himself.

Our analysis of §§2–4 has raised more questions than it has answered. Many of the serious problems will be solved only after an analysis of the parallels in Sextus, Cicero and Philodemus. Before turning to them, however, it is worth perusing the answers Quintilian himself gives to this criticism.

§§5–6 do not address the content of the criticism, and in fact seem to agree that rhetoric causes harm. Quintilian at this stage does not even attempt to emphasize the benefits accruing from rhetoric, which he postpones until §§7–10. Here his strategy is to make the criticism look absurd. This is a well-known rhetorical technique. He suggests that by the same argument used against rhetoric, so too should politics, medicine and wisdom itself be censured, since they too can cause harm.[25] The final

22 I shall be arguing that the final claim of §2 was itself an addition to the Social Harm argument, only after which the examples of §3 were added. See pp. 125–126 below.

23 The examples in §3 for the last claim in §2 are all Greek: Socrates, and then Tisias and Gorgias. §4 ends with the examples of Athens and Sparta, but begins with the assertion that examples of Greeks and Romans were added to the arguments of §2.

24 Quintilian formulates the distinction in §4 as if social harm is the novelty, but §2 has already dealt with this. The inclination of an author faced with isolated information in a source summarizing previous summaries would be to regard social harm as greater than individual harm and formulate accordingly.

25 Quintilian strengthens the argument with examples unconnected with the arts: among them, food, shelter and even the heavenly bodies themselves. These examples are a later addition, perhaps by Quintilian himself. They have no parallel, and they stray from the subject of the argument, the debate between rival arts. More will be said on this in due course.

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example, wisdom itself, suggests that this defence is against a philosophical attack,[26] and this, together with the rhetorical tone of the response, suggests that the context is the external debate, between the philosophical and the rhetorical schools.[27]

That the response in §§5–6 is part of the external debate is corroborated by considering its target. A first reading might establish that these sections respond to a general claim that rhetoric harms (this would be the General Harm argument, which includes the Social Harm and Individual Harm arguments). Such a reading would regard the immediately preceding mention of the eviction of rhetoric from Sparta and Athens (§4) as incidental to the main argument. Another reading, however, is possible. §§5–6 might refer only to the expulsion of rhetoric from Sparta and Athens, and not to a General Harm argument. It must be borne in mind that Quintilian, if not his source, is reworking his material. It would seem that §§2–4 have been taken from one source, in which the expulsion of rhetoric was not an independent argument, while §§5–6 have been taken from another source, in which they were a response to the expulsion of rhetoric as an independent argument.[28] The response, together with the expulsion of rhetoric argument, is in the context of the external debate. The philosophers attacked rhetoric by pointing to its expulsion (the expulsion of rhetors) from Sparta and Athens, and in response, the rhetors produced arts and additional items, such as philosophy itself, which would have had to be expelled for the same reason given by the philosophers for the expulsion of rhetoric.[29]

The external debate continues up to the end of §10 where the argument is summed up, while §11 changes the target of the attack. §§7–10 are actually a response to §§2–3 (the General Harm argument). We have argued that §§4–6 are in the context of the external debate. In fact, the whole of the response in §§5–10 is rhetorical, and part of the external debate. The Stoics had no need of the arguments used in this response, and §11 is where Quintilian begins to address the Stoic theory which undermines all the criticism based on the Benefit Argument.

Before continuing, it might be worth summarizing the three main criticisms:

a) The first basic criticism of rhetoric rests on the Social Harm argument (§§1–3), to which there are two responses. The first response is the presentation of examples showing that rhetoric is actually beneficial (7–

26 The word *sapientia* in the list of things to be censured is parallelled in the following sentence by the philosophers in the list of people who use these things badly.

27 The criticism in §§2–3 was launched against the Stoics as well, in the context of the internal debate, but the Stoics had a much better response, which appears in §11; see pp. 109–112 below.

28 This proposal will be borne out by the parallel in Sextus, p. 110 below.

29 The response only points to the fact that some of the philosophers have caused harm through maltreatment of wisdom, and no examples are provided of philosophers being expelled. This will be an important point in reconstructing the various layers of the argument during our analysis of the parallel in Sextus.

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10). The second response is to change the definition and basis of rhetoric such that it is logically impossible for it to do harm (11 ff.).

b) The second criticism pertains to the General Harm argument which distinguishes between the social and individual aspects (4 init.). Quintilian regards it as a development of the first argument, with it adding Greek and Roman examples.

c) The third criticism may be called the Expulsion argument. This is what appears in Quintilian as an intrusive remark about the fact that rhetoric was expelled from Sparta and Athens (4 fin.). The response is to show that other arts, above all philosophy,[30] could also do harm, and that they should by the same argument also be expelled from cities. This response is intended to make the attack appear absurd (5–6).

Considering the number of arguments we have uncovered, it would be worth asking whether any of them can be attributed to one philosopher or another. It would seem that at least in one case we can identify the originator. Quintilian sums up his response emphasizing the benefit in rhetoric (7–10), with the words (10): *quare, etiam si in utramque partem valent arma facundiae, non est tamen aecum id haberi malum, quo bene uti licet.* This is in response to someone who argued that rhetoric was bad. We know that one of the disparaging terms for rhetoric used by its opponents was the word κακοτεχνία, translated by Quintilian as *mala quasi ars* (II. 20. 2). This term is clearly identified with Critolaus.[31] The inclination to attribute the argument to Critolaus is strengthened by §11 which begins: *Verum haec apud eos forsitan quaerantur, qui summam rhetorices ad persuadendi vim rettulerunt.* I shall be arguing in the chapter on the End Argument that Critolaus was the one who insisted on defining rhetoric as δύναμις τοῦ πείθειν.[32]

Critolaus may be the target for the rhetorical response in §10,[33] but as we have already noted, there is a second response to §§2–3, and this begins in §11 and continues until the end of the chapter. This is a Stoic response, rebutting the criticism by defining rhetoric as *scientia bene dicendi*, and it reflects the internal debate between the Peripatetics (Critolaus) against the Stoa (Diogenes of Babylon).

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30 Wisdom closes the list in Quintilian, but the parallels, esp. in Sextus, II. 25, indicate that philosophy was the main target of the counterattack.

31 Critolaus may not so much have argued that rhetoric is a bad art, as that the harm it causes outweighs its benefit. While we have no explicit evidence for such a position, a similar line of thought may be seen in the words of Scaevola in Cic. *De Oratore.* I. 38: *ego vero si velim et nostrae civitatis exemplis uti, et aliarum, plura proferre possim detrimenta publicis rebus, quam adiumenta per homines eloquentissimos importata.*

32 See pp. 158–160 below.

33 It is rhetorical in its use of examples and its avoidance of technical complexity; cf. the testimony of Cicero referring to the debate between Charmadas and Menedemus in *De Oratore* I. 88.

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The Social Harm argument, then, may be attributed to Critolaus, but the remaining two arguments – General Harm and Expulsion – are still unaccounted for. The General Harm argument is clearly a later addition to the first argument, with its Greek and Roman examples. The Expulsion argument is also an incidental addition intended by Quintilian to show the fact that rhetoric is harmful, but §§5–6 which respond to it indicate that this argument was at some point independent.

Critolaus cannot automatically be made the advocate of all three arguments since they have been shown to derive from different backgrounds. The temptation is great to attribute the Expulsion argument to Charmadas, whose tracks are certainly to be found in this chapter. It would be very neat to divide the arguments up between Critolaus of the first stage and Charmadas of the second stage of the debate, with Social Harm attributed to the former, and Expulsion to the latter. Unfortunately, Quintilian's account reflects a summary combining the various layers, and such a division would be misleading and arbitrary. The state of affairs is more complex than that. For further help, we need to turn to the parallels, and above all, Sextus Empiricus.

5.3. Sextus Empiricus and the Benefit Argument

Is is immediately clear that Sextus works with more than one source. It is not always clear how many sources he works with, or where he turns from one to another. II. 20 is one such case. The first 19 sections of this book concern the Stoic definition of art and the various parts of this definition.[34] The two main components of the definition are the σύστημα and the τέλος. The discussion about benefit starts in §20 and Sextus begins to follow a new source, as the opening makes clear. Benefit is indeed part of the Stoic definition, but is not an independent point at issue there; it appears there in the description of the τέλος (τέλος εὔχρηστον). The first source Sextus used for the criticism based on the Stoic definition may have continued with a discussion of the end. Sextus fixes his attention on the word εὔχρηστον in the definition, and for this reason changes to a source dealing with benefit.[35] The passage relevant to our discussion continues down to II. 47. The following section, 48, explicitly begins a new discussion on the *Materia* Argument (ὕλη).[36]

34 Cf. §3. 4 above.

35 I shall be arguing that the original source for the Stoic definition of art may well have continued with a discussion of benefit, but that it was replaced by a discussion of the end before it reached Sextus; see §5.4, esp. p. 124 below.

36 See chapter 7 below.

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5.3.1. Sextus Empiricus, II. 20–47

A preliminary division of the passage would be as follows:

a) 20–25: The expulsion of rhetoric from cities indicates its lack of benefit (= harm), and hence it is not an art. §25 includes a refutation of the argument by the supporters of rhetoric, and two objections to the refutation by the opposition.
b) 26–47: The harm caused by rhetoric is described at length: to individuals (27–30); to society (31–42). There follow two refutations of the argument by the supporters of rhetoric, and two objections to each refutation, with an additional objection (43–47).

The two elements which appeared incidentally in Quintilian II. 16. 4 are clearly set out here:

a) the expulsion of rhetoric from the cities
b) the distinction between social and individual harm

Since these are clearly parallels, either Sextus and Quintilian share a common source which Sextus expanded upon and Quintilian abbreviated, or Quintilian's source reflects an earlier stage and Sextus drew on a source reflecting a later, more developed, stage. In fact, there is a third alternative which I shall be arguing for here: that there are indeed two stages, but that each text reflects both, with Quintilian abbreviating his mixed stages, and Sextus developing his. By comparing these and other parallel texts, we shall be able to arrive at a fair picture of both stages.

The Benefit Argument in Sextus is one of the few places where a source provides explicit attribution, albeit not without problems (II. 20):

> οἱ δὲ περὶ τὸν Κριτόλαον καὶ οἱ ἀπὸ τῆς Ἀκαδημίας, ἐν οἷς ἐστι Κλειτόμαχος καὶ Χαρμίδας, εἰώθασι καὶ οὗτοι τοιαῦτά τινα λέγειν, ὅτι…

The formulation appears to portray all these philosophers sharing the one argument, although it may mean, as I shall be arguing, that the same argument was advanced first by Critolaus, and that it was developed by the Academics. Furthermore, our notion of a two-stage double debate[37] requires us to consider the targets of each of these attacks – the rhetors or the Stoics. It is also interesting to note that while Critolaus and two Academics are mentioned at the beginning of the discussion on benefit, only the Academics are mentioned at the end. The text itself provides the reason for this (43):

37 See p. 45 above.

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> τοσαῦτα μὲν οὖν καὶ τοῖς Ἀκαδημαϊκοῖς ἐν καταδρομῆς μέρει λέγεται περὶ ῥητορικῆς, ὥστε εἰ μήτε τῷ ἔχοντι μήτε τοῖς πέλας ἐστὶν ὠφέλιμος, οὐκ ἂν εἴη τέχνη.

The criticism ἐν καταδρομῆς μέρει begins only in §26, regarding the harm caused to the individual and to the many. The final sentence at §43, therefore, refers only to §§26–42.[38] The mention of the two Academics along with Critolaus in §20 requires another explanation. One possibility might be that Critolaus is accredited with the Expulsion argument (20–25) and Sextus mentions the two Academics in anticipation of §§26 ff. In other words, §20 serves as a general programme for the whole discussion to come. Another possibility is that the Expulsion argument is also Academic, but is a development of an argument advocated by Critolaus. The difficulty in deciding between these possibilities is the result of the nature of the texts of Sextus and Quintilian where both stages are reworked and confused. Nevertheless, it seems to me that the second possibility is to be preferred, for reasons to be provided immediately below.[39]

The content of the passage will now analysed according to the two arguments identified in it: the Expulsion argument and the General Harm argument.

5.3.2. The Expulsion Argument

The argument is presented clearly and simply in §20: if all cities everywhere persecute rhetoric, there is no benefit in it. The argument rests on the notion that arts are beneficial to life (βιωφελεῖς) and that cities understand (ἐπιστάμεναι) what is good for them. Cities do not expel arts which are good for them.[40] If all the cities everywhere expel rhetoric, this would indicate that rhetoric is not beneficial, and hence is not an art. The following sections prove this claim by means of examples of the most important cities: Crete, Athens and Sparta. The parallel in Quintilian will help us to understand the character of the argument (16. 4):

> et his adiciunt exempla Graecorum Romanorumque et enumerant, qui perniciosa non singulis tantum, sed rebus etiam publicis usi eloquentia turbaverint civitatium status vel everterint, eoque et Lacedaemoniorum

38 This part continues until §47, with the addition of refutations and objections to the refutations.

39 To anticipate the end of the discussion, I shall present a third alternative, that the Expulsion argument appeared independently only in the second stage with Charmadas; see §5.5.2 below.

40 Sextus provides some interesting examples – housekeepers and shepherds. A house cannot survive without a manager, and a herd cannot survive without someone to look after it. A city, however, can survive without rhetoric. Furthermore, the city can survive when it expels its rhetors.

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> civitate expulsam, et Athenis quoque, ubi actor movere adfectus vetabatur, velut recisam orandi potestatem.

The key word here is *eoque.* It makes all the difference between the two parallels. In Quintilian the expulsion of rhetoric from the Greek cities does not appear as an independent argument but as an incidental remark indicating that rhetoric is a bad art, or no art at all. This reflects its status in the Benefit Argument of Critolaus. In Sextus, II. 20–24, the version is an independent and fully developed argument, reflecting the second stage of the debate. This is why Critolaus and the two Academics are mentioned in §20. At the same time, it must be recalled that Quintilian and his source abbreviate, allowing for the possibility that Critolaus already used the fully developed and independent Expulsion argument. This interpretation would require Quintilian to be somewhat confused in his reducing the argument to a mere aside on the previous argument (*eoque*). It is actually this possibility which the parallel in Sextus seems to suggest.

I shall argue that the parallel to Quintilian's argument is Sextus, II. 20–25. Then I hope to demonstrate that the text of Sextus reflects two stages in this argument, one to be attributed to Critolaus and the other to Charmadas, since they are mentioned explicitly in connection with this argument.

Sextus is attacking rhetoric, and for this reason he produces the supporters' refutation of the criticism knowing that he will then add the objections by the opponents of rhetoric to this refutation. The refutations and objections appear in §25. Here it seems that the supporters of rhetoric claimed simply that there were some cities which also expelled philosophy. Here we are on firm ground. A similar claim is made in Quintilian, §§5–6, where wisdom itself is also mentioned, although Quintilian adds a few other arts and other items which are not expelled despite their potential to do harm.

The appearance of *ipsa sapientia* at the end of the list of arts in Quintilian hints at a solution. I argue that the rhetors' refutation concentrated on philosophy because they were being attacked by philosophers. The other examples of Quintilian, of *duces* and *magistratus*, are Roman. In other words, all but *ipsa sapientia* originates in a Roman addition. The Greek original had but wisdom itself. There is no conclusive proof here, since it could also be speculated that the Roman examples replaced Greek ones, but Quintilian does not behave like Cicero.[41] Quintilian does not bother to replace Greek examples he finds in his source. If the arts added to wisdom did not appear in the Greek source,[42] there is even less reason to suppose that the other items, such as heavenly bodies, appeared there. These additions actually detract from the force of the argument, and must have been added by someone who did not

41 Cf. Hubbel (1920) 372–373.

42 One of the arts is medicine, which might be considered more Greek than Roman, but it is a commonly mentioned art in the debate over rhetoric and could easily have been added by a Roman.

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sufficiently understand the sting in the argument, being unaware of the original context.

With the aid of the parallel in Sextus, it is now possible to confirm our suspicion that §§5–6 in Quintilian are a response only to the comment on the expulsion of rhetoric from the cities, and that consequently the expulsion was not originally an incidental remark but an independent argument launched by the philosophers against the rhetors.[43] Sextus concentrates exclusively on the philosophers in §25,[44] and we have already concluded that the argument originates with Critolaus, mentioned explicitly in §20 and hinted at in Quintilian, II. 16. 10. Others adopted the argument, but before identifying them we must distinguish between two versions of the argument as formulated by Sextus. In one version, everyone everywhere (πάντες πανταχόθεν) persecuted rhetoric (§20). In what is meant to be the response, we find a reference to "certain (τινες) of the Greek cities", rather than all of them (§25). Sextus has conflated two arguments. Clearly, the current refutation would have responded to an argument mentioning only some cities. The current argument is sweeping and much stronger, requiring a stronger refutation which is absent here. The weaker argument and refutation would seem to be the earlier stage, followed by the stronger argument and refutation at a later stage. The examples given in the earlier argument of certain Greek cities would no doubt have been Sparta and Athens, mentioned in the parallel in Quintilian (§4). The original argument may indeed have claimed that the greatest cities of the time, Sparta and Athens, had expelled rhetoric. The rhetors would have justly noted that Sparta and Athens are only "certain" of the Greek cities, there being many more, and they could have brought counterexamples of certain Greek cities expelling philosophy (Epicurean and Socratic). The philosophers would have had to counter this by claiming that all cities everywhere expelled rhetoric. To this the rhetors could not give the desired counterexample of philosophy being expelled from all cities everywhere.

It seems that immediately after the claim that all cities everywhere expelled rhetoric (the later version of the argument), Sextus or his source moved to the earlier version, where there were examples of various cities. The provision of particular examples after the universal claim would hardly have helped the later argument, and they clearly belong to the earlier version, regarding certain cities. Nor does the conclusion in §24 refer to all cities everywhere, but is of a piece with the examples taken from the earlier version. Thus the later version's sweeping claim which opens the presentation of the Expulsion argument in Sextus is the only element he uses of that later version. Sextus may have drawn this claim from memory to introduce the examples he saw in his source.

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43 See the discussion above, pp. 103–104 above.

44 Sextus refers to the Epicurean and Socratic schools. It may be these whom Quintilian hints at in II. 16. 5. They would have been ideal for the rhetorical counterattack, serving as examples of philosophers who were expelled from cities, or, indeed, killed.

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Not only are there two versions reflecting two stages in the development of the argument, but there are also two replies to the refutation (§25):

> πρῶτον μὲν γὰρ οὐκ ἂν ἔχοιεν τούτῳ παρασχεῖν μαρτυρίαν ὥσπερ ἐπὶ ῥητορικῆς οἱ τοὐναντίον συναγαγόντες· ἔπειτα εἰ καὶ ἐξέβαλόν τινες τῶν πόλεων φιλοσοφίαν, οὐ κατὰ γένος πᾶσαν ἐξέβαλον ἀλλὰ τινὰς αἱρέσεις, οἷον τὴν Ἐπικούρειον ὡς ἡδονῆς διδάσκαλον, τὴν Σωκρατικὴν δὲ ὡς ἐκφαυλίζουσαν τὸ θεῖον. αἱ μέντοι γε προειρημέναι πόλεις οὐ τινὰ μὲν παρῃτήσαντο ῥητορικὴν τινὰ δὲ προσήκαντο, ἀλλὰ κοινῶς πᾶσαν περιέστησαν.

Sextus typically uses a number of sources at the same time. It may be said with some caution that when he assembles a number of similar arguments, they have been taken (by him or his source) from sources reflecting different stages of the same argument. In this case, the connection between the two arguments appears to be quite simple: First of all (πρῶτον μέν), the supporters of rhetoric are unable to prove the expulsion of philosophers from the cities; secondly (ἔπειτα) even if there were philosophers who had been expelled, they were not expelled as a group (κατὰ γένος). This reply has gone through several stages and is not so simple as it looks. To begin with, either the rhetors had examples of philosophers who had been expelled or they did not. If they did, their opponents should have replied immediately with the κατὰ γένος argument; if the rhetors did not have any examples, their opponents should have been content with pointing this fact out. Furthermore, the second reply does provide examples, apparently used by the rhetors being countered; but then, how could their opponents begin with the claim that the rhetors had no examples? The decisive proof is actually to be found in Quintilian, II. 16. 5–6, which we have already established is the reply of the rhetors to the Expulsion argument, and have identified as a parallel to Sextus, II. 25. The identification was correct, but not entirely accurate. The objection to the refutation in Quintilian is not identical to the one in Sextus. Quintilian makes no mention of the philosophers expelled from cities, referred to in Sextus, but does have the argument that other arts – including wisdom itself – perform criminal acts, with the conclusion that according to the argument of the opponents of rhetoric, these arts, including philosophy, should be expelled. It is this which provides us with the solution to the two-fold objection to the refutation in Sextus. The first of the objections to the refutation in Sextus actually replies to the argument we find in Quintilian, while the second is a response to the claim of the rhetors that the Epicurean and Socratic sects were expelled. The development of the argument is as follows:

a) The philosophers prove that rhetoric is not an art by noting that it was expelled from the cities (Sextus, II. 20).
b) First stage: The rhetors rebutted this with the counter-argument that additional arts, including philosophy, could also do harm (Quintilian, II.

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16. 5–6). The philosophers retorted that the rhetors could not provide an example of such an expulsion (Sextus, II. 25).

c) Second stage: The rhetors provided examples, such as the Epicurean and Socratic sects being expelled (Sextus, II. 25). In response the philosophers made their claim universal, that all cities everywhere expelled rhetoric.

We are left with the second part of the objection to the refutation where the expulsion of rhetors and philosophers is distinguished: the philosophers are expelled individually, but the rhetors are always expelled κατὰ γένος. This comes instead of the claim that rhetoric was expelled by all cities everywhere. One possible explanation for this would be that the universal claim was too sweeping to be credible, while the claim that rhetors were expelled as a group would be more plausible. Another possible explanation is that Sextus has once again conflated replies originally intended for different contexts. Sextus has his own reasons for grouping all the arguments together, all the refutations together, and all the objections to the refutations together, but it makes our search for his sources somewhat more difficult than it might have been. I propose the following: the Expulsion argument was used in both the internal and the external debates. Both the rhetors and the Stoics found examples of philosophers being expelled from cities, and the opponents of rhetoric were obliged to find responses suitable for each target. The universal argument ("all cities everywhere") was directed at the rhetors, while the κατὰ γένος argument was directed at the Stoics. The plausibility of this solution is increased by the fact that the two replies appear in different contexts. The universal argument appears as an integral part of the attack, while the κατὰ γένος reply appears clearly as a reply. They could thus derive from different sources.

The reply is very suitable against the Stoics who claimed that there were two kinds of rhetoric, with Stoic rhetoric being the true kind. The reply would have been in response to a Stoic claim that the rhetoric expelled from the cities was only of the non-Stoic kind, and its import would have been that there are indeed divisions between artists within an art, and individual philosophical sects might have been expelled from certain cities, but rhetoric was expelled κατὰ γένος (and not κατ' εἶδος) – according to its genus, not one of its species.

So far we have uncovered at least two stages and even two targets. It is now time to consider the identity of the proponents of each stage of the argument. It might be thought at this stage[45] that Critolaus is obviously the advocate of the argument at the first stage, and Charmadas at the second. Charmadas is not mentioned explicitly by Quintilian, but is in Sextus, together with the universal argument ("all cities everywhere"), although this is not conclusive evidence since Sextus conflates the various stages.

45 But see pp. 125–127 below.

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To conclude our analysis of the Expulsion argument, we may summarize our findings as follows. Critolaus advocated the argument in the first stage. It may have been part of a general argument dealing with the harm caused by rhetoric, but the Expulsion argument could have stood independently. The argument was directed against the rhetors, and it used a number of examples of Greek cities which had expelled rhetoric, or at least had greatly restricted it.[46] The rhetors replied with counter-examples emphasizing the expulsion of philosophers from the cities.

Charmadas advocated the argument in the second stage,[47] where the attack rested on the universal claim that all cities everywhere expelled rhetoric. If the Stoics were also attacked with this argument, they would have responded by distinguishing their rhetoric from that of the schools of rhetoric. The opponents of rhetoric would then have responded with the κατὰ γένος argument.

5.3.3. The General Harm Argument

The General Harm argument (including the Social and Individual Harm arguments) is clearly Academic, and therefore does not originate with Critolaus the Peripatetic. Sextus in his summation (§43) refers only to Academics in connection with this argument and even adds a typical Academic feature – ἐν καταδρομῆς μέρει. This Academic origin is not affected by the fact that the division also appears in Quintilian. The passage there derives from a source, as we have already noted, which reworks all the attacks against rhetoric, and the distinction made there between individual and social harm is clearly at a join patching together two sources.

The Benefit Argument, apparently initiated by Critolaus, is improved by the addition of the General Harm argument which we are attributing to Charmadas (Sextus, II. 26–48). It is clearly divided as follows:

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46 It should be borne in mind that in the external debate, the philosophers attacked the rhetors, but the real targets were the potential students. This argument would have served to worry the students that after their studies they would not find employment in rhetoric. The discussion of the Spartans at §§21–24 does not deal directly with rhetoric (at least in §22) but rather with the "laconic" style of native speech (Sextus makes the connection between this style and rhetoric with the word ὅθεν at the beginning of §22). The Spartans are "laconic" (brief and to the point) while rhetoric is famously regarded as μακρολογία (probably on the strength of Plato's *Gorgias* 449c5). "Hence" the Spartans hate rhetoric. The problem with this argument is that rhetoric can also handle minimalism in speech, using short sentences which nevertheless confuse and confound. This is not to say that the Spartans did admire rhetoric.

47 But see pp. 126–128 below where I shall claim that the Expulsion argument became independent only with Charmadas, requiring both the versions we have identified here to be attributed to the second stage of the debate.

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a) 26–30: Individual harm
b) 31–42: Social harm
c) 43–47: Refutations and objections to the refutations

Our analysis of the passage in Quintilian revealed that the Benefit Argument of Critolaus dealt solely with benefit to society.[48] The later distinction between individual and social harm requires us to pay some attention to the new element, individual harm.[49]

There would seem to be some Platonic influence here. Charmadas utilized *Gorgias*[50] where there is a similar division,[51] yet the difference is very great. Socrates fought against the rhetoric of Gorgias. A dramatic analysis of the dialogue reveals that the moral doctrine of the sophist is self-destructive (cf. individual harm); rhetoric, which is supposed to lead him to power and government (money and pleasures), will turn him into a wretched leader fearing his fate morning and evening.[52] He would also harm the polis as well as himself by educating everyone to behave hedonistically and by enslaving everyone to his own pleasures. Thus the dialogue *Gorgias* portrays the intrinsic connection between individual and social harm and reveals that they are mutually dependent.

Charmadas preserves the two types of harm, but removes the intrinsic connection between them. The rhetor suffers from rhetoric because it is thankless. Sextus (§§27–30) describes what might be considered a lawyer's nightmare.[53] Rhetoric also harms the public since it undermines the laws which are seen as good for the state (§§31–42).

A counter-criterion for art, however, was becoming increasingly important, the criterion of benefit, which takes the focus away from social benefit towards private benefit. When benefit to the individual was used as the criterion for judging a field of activity as an art, even at the expense of social benefit, the appeal to social harm to discredit rhetoric lost its effectiveness. It became necessary for opponents of rhetoric to prove that rhetoric harmed the individual.[54]

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48 See p. 102 above.

49 Cf. p. 103 above.

50 Cicero, *De Oratore* I. 47.

51 See also Barnes (1986) 19 n. 39.

52 Furthermore, his success is not assured. He might fail and find himself governed by a leader who used means similar to his own to gain power, and with similar intentions.

53 Barnes (ibid.) 9 criticizes this claim as being one-sided. Indeed, one can imagine instances in which rhetoric, e. g., benefits the bank account or even adds to the happiness of its agent. Not all the rhetors lose their cases, and most would win at least one or two. However, a debate is conducted in such a way that each side goes to extremes to present the client's case in the best light. Barnes (ibid.) 16–17 n. 20 considers this to be an argument of Sextus himself. His criticism is correct, but the context is important here.

54 The scope of the present study does not allow for an examination of the transition from social to individual benefit as a criterion of art in the ancient world. The issue is complex and would repay

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The whole passage (§§26–42) is full of examples, with rhetoric appearing prominently. This reflects how Cicero's testimonium (*De Oratore* I. 88) described the character of Charmadas' argument. Charmadas is also mentioned in §20 and the Academy in §43 (where Critolaus is not mentioned). In addition, the distinction between individual and social harm appears in Quintilian at the beginning of the argument (§4). We may therefore state with a great degree of certainty that Charmadas was the instigator of this new stage in the argument. Who, however, were his targets; the rhetors or the Stoics?

An analysis of the content does not allow a conclusive answer. The rhetors are clearly indicated in the words καὶ ταῖς πρὸς τοὺς γονεῖς ἀχαριστίαις (§28). If what is taught in the schools of rhetoric displeases the parents, who would send their son to such places? Yet the internal debate has also left its mark. The orator is corrupted by engaging in rhetoric; he is required to be and to act other than he might wish. Such claims oppose the Stoic notion that the orator is a good man. Rhetoric, it is claimed, makes a man bad. His occupation is a κακοτεχνία and he will become κακός.[55] Another possibility to be considered is that the criticism combines both targets. We have already seen Charmadas doing precisely this in *De Oratore.* The refutation of the criticism and the subsequent objection to the refutation (§§43–47) support this possibility.

Sextus adduces two responses to the criticism, and this already inclines us to suspect two targets of the Benefit Argument. The first refutation distinguishes two types of rhetoric: the first is the higher rhetoric belonging only to the wise man; the second belongs to mediocre or bad men. The criticism of rhetoric in §§26–42 is directed only at the second type of rhetoric. The Stoic[56] position is that the sage is a good orator not because wisdom and rhetoric are combined in him, but that speaking well is one of the aspects of the good man, just as a bad orator is a bad orator because he is a bad man (a fool). A Stoic orator can never be a bad man, and the Benefit Argument does not affect him.

The parallel to this response is of course Quintilian's reply at II. 16. 11, which supplements what is missing in Sextus. The Benefit Argument is directed against the rhetoric of the mediocre and wicked. The aim of this sort of rhetoric is to persuade, and this allows the possibility of a bad man being an orator. The other sort of

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study. The ancient sources reflect a tension between the two spheres of benefit, and there is no doubt that the rise of rhetoric was a catalyst for the transition.

55 Another trace of the internal debate may be found in an image at the beginning of the discussion on social harm (§31): οἱ γὰρ νόμοι πόλεών εἰσι σύνδεσμοι, καὶ ὡς [ψυχὴ] σῶμ⟨α πνεύμ⟩ατος ἐκφθαρέντος φθείρεται, οὕτω νόμων ἀναιρεθέντων καὶ αἱ πόλεις διόλλυνται. This analogy is somewhat Stoic in character if Theiler's emendations are accepted.

56 Barnes (ibid.) 15–16 n. 11 refers to the opinion of Gigante (1981) who sees in τινες the Epicurean group which regarded sophistic rhetoric as an art. The emphasis on σοφός, however, establishes that the context is Stoic, and this also seems to be the opinion of Barnes.

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rhetoric is that of the sage, and its aim is to speak well, which does not allow the possibility of a bad man being an orator.

An identical division of rhetoric is to be found in Cicero, *De Oratore* I. 83, where it is attributed to the Stoic Mnesarchus.[57] This theory of Mnesarchus forms part of his argument with the philosopher named there explicitly: *Charmadas vero multo uberius eisdem de rebus loquebatur* (§84). What Charmadas said would seem to be the reply presented in Sextus, II. 43 and Quintilian, II. 16. 11. If this is the case, we may at least trace one leg of the Benefit Argument, the General Harm argument, to the internal debate between Charmadas and Mnesarchus.

The second reply in Sextus produces the classic argument appearing already in Plato's *Gorgias* which removes responsibility from the rhetor for the deeds of a corrupt pupil and blames rhetoric's bad deeds on the corrupt character of those using it; the art itself is innocent. The use of an identical argument here strongly suggests Platonic influence.

While the first reply in Sextus derives from the Stoics, the second derives from the rhetors who were also attacked by the Benefit Argument. The rhetors cannot use the Stoic division of rhetoric as a means of defence since they only recognize one type, and even with Stoic division they would have been identified with the worse form of rhetoric, precisely the type of rhetoric being attacked. The rhetors found in Plato's *Gorgias* a ready-made argument given by Gorgias which could be used by them without modification. It is also worth noting the comment Sextus makes regarding the use of examples. A similar comment is made in Cicero, *De Oratore* I. 88 in the context of the external debate between the philosophers (Charmadas) and the rhetors (Menedemus). Thus far the refutation of the criticism by the supporters of rhetoric, clearly showing the second stage of the two-fold debate with Charmadas attacking both the rhetors and the Stoics and being replied to.

After presenting the refutation of the criticism (II. 44), Sextus turns to the objections agains the refutation (II. 45–47). Here we find something strange yet typical of Sextus. There are three replies, two responding to the Stoic refutation, and one to that of the rhetors, and yet the replies are out of order: against the Stoics (45), rhetors (46), then Stoics again (47). The reason for this arrangement is that the first two replies are from one source (λέληθε δὲ τοὺς μὲν πρώτους ὅτι…[45]; πρὸς δὲ τοὺς δευτέρους ῥητέον ὅτι… [46]), while the third is from another source, introduced in a general way (καθόλου δὲ τῆς ῥητορικῆς [47]), and is used by Sextus as a conclusion.

Sextus applies against the first Stoic refutation (43) an argument exploiting Stoic ideas. The Stoic sage is unlikely to exist, or at least is very rare. Stoic rhetoric, dependent on the existence of the wise man, is therefore as good as non-existent. This formulation of the argument grants rhetoric ἀνυπαρξία.[58]

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57 Cf. Cic. *Luc.* 69; see also pp. 42–43 above.

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The next reply is against the refutation of the rhetors (44). Here Sextus distinguishes between the example of the wrestler and rhetoric. In his opinion, rhetoric, unlike wrestling, directly teaches how to lie and deceive, show us, for example, πῶς ἂν τὰ μικρὰ μεγάλα ποιήσαιμεν τὰ δὲ μεγάλα μικρά (46).[59]

Sextus' second objection to the Stoic refutation (47) denies the distinction between two types of rhetor – the ἀστεῖος ῥήτωρ and ὁ μὴ τοιοῦτος. The very fact that rhetoric deals with ἐναντία means that it deals necessarily with τὸ ἄδικον.

As is always the case when Sextus provides two arguments against one target,[60] we must ask ourselves why he does so. As in the case of the Expulsion argument, the two objections are from two different sources. The second objection (§47) is better than the first (§45), since the first actually allows the existence of the Stoic rhetoric by admitting that the Stoic sage might exist at all, no matter how rare this might be; the second uses the very power of rhetoric against itself. It might seem that the two arguments reflect the two stages of the debate, rather than two aspects of the second stage. The text in Sextus, however, does not provide us with any guidance.

The refutation of the Benefit Argument in Quintilian (§7)[61] provides only partial parallels to Sextus. In Quintilian, §§11–19 certainly parallel Sextus, §43, with both resulting from the Stoic division of rhetoric. In the case of the refutation by the rhetors, Quintilian and Sextus reflect different stages of the debate, Quintilian the first and Sextus the second. The use of examples emphasizing the benefit of rhetoric characterized the rhetors arguing against Critolaus in a general social context (§§7–10). There is no hint there of individual harm. When Charmadas in the second stage talks about social and individual harm, the rhetors are obliged to defend themselves from the charge of harming their pupils, and do not content themselves with emphasizing the benefit of rhetoric (Sextus, §44).

We may sum up the General Harm argument as follows: Critolaus attacked rhetoric on the grounds that it harmed society, and launched his attacks against the rhetors and the Stoics alike. The rhetors responded with examples of the benefit of rhetoric to society. The Stoics avoided the criticism altogether by distinguishing their rhetoric from the inferior sort being attacked by Critolaus. Charmadas developed Critolaus' argument and turned it into a double argument – Social Harm and Individual Harm (= the General harm argument), he too attacking both rhetors and Stoics. The rhetors responded by attempting to escape the responsibility for any harm caused by the orators, and the Stoics, as usual, distinguished their rhetoric from the inferior sort.

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58 The argument emphasizes that it is not the intention of the Stoics to create a form of rhetoric which actually does not exist, but they do so quite unintentionally (ἄκοντες).

59 On the location of this argument, see pp. 125–126 below, esp. n. 81.

60 Cf. the two objections to the refutation of the Expulsion argument in §25, pp. 111–112 above.

61 The refutation of the Expulsion argument appears in Quintilian, II. 16. 5–6, parallelling Sextus, II. 25; see pp. 109–110 above.

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5.4. Kakotechnia

We have so far attempted to reconstruct the various arguments raised in the Benefit Argument in their various forms according to stage and target. The Benefit Argument, however, is more than the sum of these arguments. There is an overarching context in which all these arguments find their full significance.

5.4.1. Sextus Empiricus, II. 12

We established that Sextus began his discussion at §20 with a new source. Although benefit had already been implied in the second part of the Stoic definition of art in §10 (τέλος εὔχρηστον), Sextus begins to deal with benefit in its own right only in §20.[62] Our analysis was correct but not accurate enough. Sextus introduces the argument as that of Critolaus and the Academicians Clitomachus and Charmadas, but while for him he is using a new source, I wish to claim that the source itself is using a complex version of the argument. To understand what is going on, we should first return to the Stoic definition of art in §10.

The definition comprises two parts. The first states that art is a σύστημα… ἐκ καταλήψεων συγγεγυμνασμένων, and the second part explains that it has a beneficial aim in life: καὶ ἐπὶ τέλος εὔχρηστον τῶν ἐν τῷ βίῳ λαμβανουσῶν τὴν ἀναφοράν. An opponent would need to refute only one part of the definition in order to invalidate the whole. Of the two parts, the second would have been much easier to refute since it is not entirely in Stoic technical jargon, and because attacks on rhetoric because of the harm it causes had been common ever since Plato's time, if not before. This does not mean that the first part would not have had its critics. Indeed, Sextus begins his criticism of this definition with the following declaration: ἡ δὲ ῥητορικὴ οὐκ ἔστι σύστημα ἐκ καταλήψεων, ὡς παραστήσομεν· οὐκ ἄρα ⟨τέχνη⟩ ἐστιν ἡ ῥητορική. From here until the middle of §12, the object of the attack is the first part of the definition. The declaration and the refutation refer only to the first part of the definition. An opponent determined to attack both parts of the definition would have declared his intention to do so,[63] or not made any declaration at all, but attack the first part and then the second part. Neither of these alternatives appears in our text. The critic declares that he will refute the first part, and proceeds to do so. There is no discussion of the beneficial end.

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62 See p. 106 above.

63 Cf. e. g., the statement in §26, where the critic declares that rhetoric is beneficial neither to society nor to the orator himself; the declaration is followed by two arguments reflecting the declared intent.

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In Chapter 3, on the Exclusivity of Teaching Argument, we analysed Sextus, II. 16–19, but mentioned that they were part of a wider argument including §§13–19, themselves part of an even wider argument including §§10–19.[64] From the point of view of Sextus or his source, the argument in §§13–19 is the criticism of the second part of the Stoic definition of art. The argument, however, is not quite what it seems.

First of all, §§13–19 deal with τέλος and not with τέλος εὔχρηστον. In the context of the Benefit Argument, however, it is the adjective which is the weak link inviting attack. The argument was clearly added to the present context from another source because it was at least dealing with the second part of the Stoic definition. That it is an addition may also be proved from another angle. The discussion on the first part of the Stoic definition ends in the middle of §12 with the words:

> ἀμέλει γέ τοι καὶ οἱ περὶ Κριτόλαον τὸν Περιπατητικόν, καὶ πολὺ πρότερον οἱ περὶ Πλάτωνα, εἰς τοῦτο ἀπιδόντες ἐκάκισαν αὐτὴν ὡς κακοτεχνίαν μᾶλλον ἢ τέχνην καθεστηκυῖαν.

If §§13–19 are a continuation of the refutation of rhetoric using the Stoic definition of art, why does this continuation begin with an attribution? This passage clearly does not originally belong with the previous argument. In the source used up to §12, therefore, rhetoric is refuted by an attack on the first part only of the Stoic definition of art. Could that critic find no means to refute rhetoric using the second part of the definition? Did it not occur to him to refute the notion that rhetoric benefits? This would be unlikely.

The answer seems to me to lie in a careful reading of the attribution to Critolaus (§12). The words εἰς τοῦτο ἀπιδόντες appear to signify that it is the first argument which is to be attributed to Critolaus.[65] Without denying the possibility that the first argument should indeed be attributed to Critolaus, it is my contention that the attribution actually refers to what is said in §12 itself. The discussion before the attribution has ended, as may be seen from its concluding summary: οὕτως οὐδὲ τὴν ῥητορικὴν ὑποληπτέον ἔχειν τεχνικὴν ὑπόστασιν, ἐπὶ τοιούτοις παραγγέλμασι σαλεύουσαν. It may also be observed that the content of the first criticism differs from what is attributed to Critolaus in §12. The various rules of rhetoric appearing as examples for the earlier criticism all deal with the harm caused by rhetoric, e. g.: οὕτω παραπειστέον τοὺς δικαστὰς, ὀργὴν κινητέον ἢ ἔλεον, μοιχῷ συνηγορητέον καὶ ἱεροσύλῳ (§11). These rules could have been used by anyone wishing to attack rhetoric using the criterion of benefit. Critolaus in the attribution, however, is portrayed as having examined these rules and observed the working methods of the orators, and come to the conclusion that rhetoric is a κακοτεχνία (§12).

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64 See p. 66 above.

65 So far as I can see, all the secondary literature touching on this point agree that it is the first argument which is to be attributed to Critolaus.

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This term together with its cognates and Latin equivalents was developed in the context of the Benefit Argument. In the present context, none of these terms appears in the argument preceding the attribution to Critolaus, where we find instead epistemological terms such as ὑπόστασις, but do appear after the attribution, which suggests again that the attribution is not to do with the previous argument but has been joined on. It also seems absurd to claim that rhetoric has no τεχνικὴ ὑπόστασις and immediately go on to claim that in fact it is a κακοτεχνία.

Finally, it may be observed that in the attribution, Critolaus appears together with Plato, and, as Radermacher has already suggested (xvi), Critolaus appears to have drawn his argument from Plato. While we may not be able to examine the writings of Critolaus, we are able to examine the writings of Plato. Once again we turn to *Gorgias*, the most obvious dialogue for Critolaus to have used for arguments attacking rhetoric, and we find that this dialogue has no epistemological argument like that preceding the attribution, yet another proof that the attribution does not belong originally to the previous criticism. Both Critolaus and the dialogue *Gorgias* do, however, deal with the harm caused by rhetoric.[66] If we can prove that the term κακοτεχνία is connected exclusively with the question of benefit in rhetoric, we shall be able to speculate that it was this idea (but not the term itself) which Critolaus drew from Plato's *Gorgias*, together with the Benefit Argument in one form or another, and that it was Critolaus himself who coined the term κακοτεχνία. The attribution in §12 suggests that Plato coined the term, but he was if anything only the inspiration for it.

5.4.2. Kakotechnia – sources

The term appears, as we have seen, in Sextus, II. 12. It appears three more times in Sextus, and twice in Quintilian:

1. Quintilian, II. 20. 2–3

> equidem illud, quod in studiis dicendi plerique exercuerunt et exercent, aut nullam artem, quae ἀτεχνία nominatur, puto (multos enim video sine ratione, sine litteris, qua vel impudentia vel fames duxit, ruentes), aut malam quasi artem, quam κακοτεχνίαν dicimus. *nam et fuisse mul-*

66 Socrates in the *Gorgias* also criticizes the lack of truth in rhetoric and especially the lack of knowledge in it. The main context, however, is its social harm. Already in his conversation with Gorgias, Socrates bases his refutation on the bad student. In his conversations with Polus and Callicles the subject is made even more explicit. At a deeper level, the dialogue needs to be seen as a criticism of the harm caused by the hedonistic doctrine underlying the need for rhetoric; but not every reader in the Classical period, just as now, would have seen this. What would have been clear to all would have been the moral criticism emphasizing the social harm in rhetoric.

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> *tos et esse nonnullos existimo, qui facultatem dicendi ad hominum perniciem converterint.* ματαιοτεχνία quoque est quaedam, id est supervacua artis imitatio, quae nihil sane neque boni neque mali habeat, sed vanum laborem…

The context is Quintilian's attempt to characterize rhetoric as a virtue (the Stoic position). For this purpose he criticizes the other occupations in contemporary and earlier rhetoric. The words we have emphasized in the passage demonstrate that κακοτεχνία here pertains to the maltreatment of people.[67]

2. Quintilian, II. 15. 2

> eorum autem, qui dicendi facultatem a maiore ac magis expetenda vitae laude secernunt… quidam etiam pravitatem quandam artis id est κακοτεχνίαν nominaverunt.

This is a particularly interesting passage. Quintilian claims that there are those who separate the art of speaking from the more sought after greater glory in life, after which there follows a long list of terms and definitions of rhetoric, including κακοτεχνία, although we learn there nothing new about the term. It is only later in the discussion that Quintilian goes into detail with all these terms and definitions, even attributing them to people by name. He identifies κακοτεχνία with a certain Athenaeus and translates the term as *ars fallendi* (II. 15. 23). This translation emphasizes the harm inherent in rhetoric, and is quite appropriate, but there is a problem with the attribution. It is manifest from his list that Quintilian assumes that each term has no more than one source. The term appearing before κακοτεχνία in his list is *usus*, and this term, a translation of τριβή as Quintilian points out, is attributed to Critolaus (§23).[68] One might suspect that Quintilian or his source found both *usus* and the definition of κακοτεχνία in a source deriving from Athenaeus (or Athenaeus himself) where both terms were in fact attributed to Critolaus; it may have been Quintilian's desire to attribute only one item to each person that caused him to attribute one to Critolaus, mentioned in Athenaeus, and one to Athenaeus himself.

Athenaeus also appears in Sextus, and is attributed with a definition (II. 62): Ἀθήναιος δὲ λόγων δύναμιν προσαγορεύει τὴν ῥητορικὴν στοχαζομένην τῆς τῶν ἀκουόντων πειθοῦς. This definition contains a term first applied by Critolaus to rhetoric, who claimed that it was not a τέχνη but a δύναμις.[69] It would seem that yet again Athenaeus is accredited with something which he in fact derived from Critolaus.

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67 Cf. the noun *pernicies* here with the cognate adjective *perniciosa* in the General Harm argument in II. 16. 4.

68 We have already shown that this term was applied to rhetoric by Critolaus in the context of the Exclusivity of Teaching Argument, p. 82 above.

69 This will be proved in the chapter on the End Argument, pp. 162–164; 173 below.

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Immediately after the definition of κακοτεχνία as *ars fallendi*, Quintilian provides a discussion, two pages long, on Plato, and his *Gorgias* in particular, in order to prove that the philosopher does not oppose rhetoric. The reason for the location of this discussion here is that it appeared in Quintilian's source, following the definition there. It has more to do with Critolaus than with Athenaeus.

We may conclude that Critolaus attacked rhetoric from a number of different angles, each proving that it was not a τέχνη but a δύναμις. From one angle it was a τριβή and from another it was a κακοτεχνία. He drew the idea from Plato, and from *Gorgias* in particular. This was summarized in a source, perhaps Athenaeus, to which was appended a response, consisting of a discussion attempting to demonstrate that Plato did not oppose rhetoric, and that hence Critolaus had misinterpreted him.

We turn now to the testimonia in Sextus concerning the term κακοτεχνία. In addition to our passage (§12) there are three others:

3. Sextus, II. 36

> πρόδηλον δέ ἐστι τὸ κατὰ τῶν νόμων αὐτὴν ὑπάρχειν καὶ ἐξ ὧν ἐν ταῖς κακοτέχνοις τέχναις ὑποτίθενται.

The context for this sentence is Sextus' attempt to prove that rhetoric harms society. The arts in question are of the literary type.

4. Sextus, II. 49

> οὕτω καὶ λόγων τῶν μὲν συμφερόντων τῶν δὲ βλαπτικῶν ὄντων, εἰ μὴ περὶ τοὺς συμφέροντάς ἐστιν ἡ ῥητορικὴ ἀλλὰ τοὺς βλαβερούς, πρὸς τῷ μὴ εἶναι τέχνη ἔτι καὶ κακοτεχνία γενήσεται.

Sextus explicitly opposes κακοτεχνία to what is beneficial. He provides as an example the pharmacist who harms by means of his art.

5. Sextus, II. 68

> οὐδεμία γὰρ περὶ ψεῦδος ἵσταται τέχνη, ἀλλ' ἀναγκαῖόν ἐστι τὴν ῥητορικὴν τοῦτο μεταδιώκουσαν ἢ μὴ εἶναι τέχνην ἢ κακοτεχνίαν ὑπάρχειν, μετὰ τοῦ πάλιν τὰς αὐτὰς ὑπαντιάζειν ἀπορίας.

The context for this passage is very similar to that of §12. The background is epistemological: the fact that the orators use opposing arguments makes rhetoric something false. While it is true that there are no Stoic terms here such as καταλήψεις and that the argument is formulated for a wider audience, the principle is the same. The two passages are identical in that rhetoric is called κακοτεχνία, and both, I shall argue, originate in the Benefit Argument and acquire an epistemological colouring.

The similarity of Sextus, II. 68 to ibid., 10–12 can help identify the person who gave the argument the epistemological Stoic colouring, since §68 does not stand

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alone. It is part of a whole string of arguments undermining the signficance of τὸ ἐναργῶς ἀληθές. At §60 Sextus begins the formal discussion of τέλος with a list of philosophers emphasizing τὸ πείθειν, and proceeds to refute τὸ πιθανόν in all three of its meanings. §§68–70 are part of this refutation. The chapter on the End Argument will include a detailed analysis of this passage proving that the source of this list is Charmadas, developing an argument by Critolaus.[70] Furthermore, the discussion in §§63–74 is typically Academic, with the presentation of two possibilities and a third being a combination of these, all subsequently refuted. We may also note here that Charmadas uses arguments pertaining, among other things, to epistemology in Cicero's *De Oratore*, where his opponent is the Stoic Mnesarchus.

Philodemus is able to corroborate our findings. Radermacher had already found a parallel to Sextus, II. 10–12 in Philodemus, I. p. 22, col. III, for which he was criticized by Hubbell. The debate between them has been discussed above in the chapter on *Falsa*, and will not be repeated here.[71] Neither, however, considered the possibility that §§10–12 derived from the Benefit Argument. Radermacher saw simply the σύστημα while Hubbell could only add a division between the arguments which he claimed Quintilian had not noticed.[72] Here, then, is Philodemus, I. p. 22:

> τὰ πλεῖστα θεωρήματά ἐστιν ἀληθῆ, ψευδῆ δὲ τὰ κατὰ τὴν ῥητορικήν, δῆλον ὅτι οὐδὲ τὴν φιλοσοφίαν τέχνην ῥητέον οὐδὲ τὴν ἰατρικὴν οὐδὲ τὴν μουσικήν…

Hubbell rightly notes that the reply is fragmentary (269), but it is not difficult to identify the response to the Benefit Argument as it appears in Quintilian, II. 16. 5. The examples are almost identical. In both passages we find philosophy and medicine. The only differences are the appearance of music in Philodemus, absent in Quintilian, and the appearance of *duces* and *magistratus* in Quintilian, absent in Philodemus. These differences, however, hold the key. We had noted earlier that the words *magistratus* and *duces* had been added by a Roman author, perhaps Quintilian himself, in the attempt to Romanize the Greek source.[73] These examples may have replaced μουσική in that source.

Whatever the case may be, the reply making use of philosophy and claiming that it too could suffer the same criticism launched against rhetoric appears explicitly in Sextus, II. 25, as a response by the supporters of rhetoric to the Benefit Argument.

There remains one open question, an explanation for the apparent confusion. Why did an editor, be it Sextus or his source, attribute an argument based on ψευδῆ θεωρήματα to Critolaus when he based his attack on the harm caused by rhetoric?

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70 For the discussion of the issue, see pp. 154–169 below, esp. pp. 161–162 on the detailed argument concerning Charmadas.

71 See Radermacher (1895) xv; Hubbell (1920) 375–377; and §4.2.2 above.

72 See last note.

73 See p. 109 above.

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The answer is, of course, that Critolaus attacked on both issues. The editor was not confused in attributing to Critolaus the argument based on ψευδῆ θεωρήματα, but was confused about its contents and location. While Critolaus did attack rhetoric on the grounds of ψευδῆ θεωρήματα, the second half of §12 refers to another criticism also by Critolaus, that of the harm caused by rhetoric. This criticism, however, is also based on the ψευδῆ θεωρήματα. That is, both criticisms are based on the same rules of rhetoric such as οὕτω παραπειστέον τοὺς δικαστάς – these are the false principles of rhetoric, and because of them rhetoric does harm. The double argument is powerful: not only is rhetoric not a σύστημα and therefore not beneficial to society, but it is actually harmful. The first argument concentrates on the fact that since the θεωρήματα are ἀκατάληπτα, then rhetoric, having no σύστημα, is not a τέχνη, while the second argument shows that it is so far from being a τέχνη that it is a κακοτεχνία.

This interpretation of Sextus, II. 10–12 as belonging to the Benefit Argument is supported surprisingly by Philodemus. The examples Sextus adduces of activities pertaining to ψευδῆ θεωρήματα are ἡ κλεπτική and ἡ τοιχωρυχική, exactly the same two examples appearing in Philodemus, II. 143–144, fr. 1, where the context is clearly the harm caused by rhetoric (ἄχρηστον), and this is the subject of his fifth book on rhetoric.[74] The fourth book ends with a description of the following subject: ὅτι καὶ βλάπτει προστεθεῖσα ἀπάταις ("that [rhetoric] also harms being connected to deceptions").[75] This reveals the connection between harm and lies, a connection which already existed in the text of Philodemus. Thus the connection Sextus makes between harm and lies was already there in his source or sources.

The picture is now becoming clearer. Critolaus asserted that rhetoric comprised ψευδῆ θεωρήματα which, he argued, offended against both halves of the Stoics' own definition of art, specifically σύστημα in the first half and τέλος εὔχρηστον in the second. An intermediate source conflated the two arguments into one attack in which the content of the first argument was retained along with the attribution to Critolaus of the second argument which now lacked all content. The gap was filled by the End Argument (§§13–19).[76] Finally, a discussion concerning benefit was also added, perhaps by Sextus himself, in another attempt to fill the same gap (§§20–47).

Who is the source for the Benefit Argument in §§20–47, given that Critolaus' argument is already presented in a highly compressed way in §§10–12? The question is pertinent especially since Critolaus is mentioned among others in §20. Which criticism is to be attributed to Critolaus? It seems to me that the attribution in §20 should be understood as singling out Critolaus as the spiritual father of this argument, just as Plato was earlier seen to be singled out as the spiritual father of the

74 Cf. Hubbell (ibid.) 305–306.

75 Philodemus, I. 223. 20–21; cf. Hubbell (ibid.) 305.

76 On the source for §§13–19, see the chapter on the End Argument, p. 160 below.

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Harm argument against rhetoric.[77] The argument commencing in §20 is entirely to do with the second stage of the debate. It is none other than the Expulsion argument, which Charmadas developed from that of Critolaus.

5.5. Two Problems

We now arrive at that apparently unavoidable stage in source criticism based on the summaries of summaries of early sources in which conflation and confusion abound where some conclusions we had considered proven or at least highly plausible are turned upside down.

I wish to return to two problems with which we began the Benefit Argument and the discussion in Quintilian.

The first problem[78] dealt with the last argument of §2 (*pro falsis contra veritatem valere*), and the examples of Socrates, Gorgias and Tisias in §3. The argument seemed at the time a little strange since it did not deal with the harm caused by rhetoric to society but rather with the method because of which it did harm. Also, the fact that there were examples for this particular argument when immediately afterwards it was noted that there were examples for all the arguments, but these were not actually given, indicated a problematic text.

The second problem[79] was the appearance of the Expulsion argument in the second half of §4 in Quintilian as an aside. We had concluded from an analysis of Quintilian's text together with the parallel in Sextus that it was originally used by Critolaus as an independent argument and that Charmadas developed it to claim that rhetoric was expelled from all cities everywhere (πάντες πανταχόθεν).

5.5.1. pro falsis contra veritatem valere

Now that the role of Critolaus in Sextus, II. 10–12 has been clarified, it appears that the *pro falsis contra veritatem valere* argument in Quintilian is nothing but an interpolation into the Benefit Argument of one of the arguments forming the *Falsa* Argument (the Rhetoric as Fraud argument). Critolaus attacked rhetoric using both halves of the Stoic definition of art, with both arguments depending on the notion of ψευδῆ θεωρήματα comprising rhetoric. Already at an early stage of the transmission of these arguments they became jumbled up so that both our sources present mixed versions which actually allow us to recover the original. In Quintilian, II. 16. 2–3, where the context is the Benefit Argument, the claim *pro falsis contra veritatem va-*

77 See p. 120 above.
78 See pp. 102–103 above.
79 See pp. 104–113 above.

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lere is interpolated at the end of §2 by means of the clause *cuius denique tum maximus sit usus, cum pro falsis contra veritatem valet* to which is added the example in §3.[80] In Sextus, the context is the *Falsa* Argument, and the Benefit Argument is interpolated by attributing to Critolaus the classification of rhetoric as a κακοτεχνία. From all this we learn that the confusion between the two arguments, arising from their exploitation of the "rules of rhetoric", was made in a source common to Sextus and to Quintilian.[81]

In sum, Critolaus shows that by neither half of the Stoic definition of art can rhetoric be considered an art, since it is based on rules such as οὕτω παραπειστέον τοὺς δικαστὰς (Sextus) or *quo modo peiorem causam meliorem faciat* (Quintilian). The first criticism is epistemological and uses the first half of the Stoic definition of art: the rules of rhetoric are ψευδῆ (*falsa*) and therefore ἀκατάληπτα and cannot form a σύστημα which means that, according to the Stoic definition of art, rhetoric is not a τέχνη (Rhetoric as Fraud argument). The second criticism demonstrates that these same rules of rhetoric are harmful to society. Thus Quintilian, II. 16. 1–3 and Sextus, II. 10–12 are complementary parallels in their presentation of the Social Harm argument. The whole argument has at its heart the claim *pro falsis contra veritatem valere.*

5.5.2. The Expulsion Argument in Critolaus' Version

We had speculated that Critolaus had used the Expulsion argument as a self-standing, independent argument in which rhetoric was observed to have been expelled from some famous cities, and that Charmadas had developed it to include all cities and everywhere. We are now in a position to suggest a different possibility.

There is no doubt that Critolaus employed a version of the Expulsion argument since his name is mentioned in Sextus, II. 20 at the beginning of this argument. Quintilian's version, however, in which the Expulsion argument is closely connected with the Social Harm argument, may reflect the original version. That is to say, Critolaus would have used the fact that some cities had expelled rhetoric as indirect evidence for the harm rhetoric was perceived to cause. Critolaus is mentioned in Sextus, II. 12 and 20, and the connection between the two places may now be seen to be logical and natural. Our analysis of §12 had shown Critolaus to be the originator of the Social Harm argument, while §20 shows him to have observed the

80 The example may itself have been added later to exemplify this interpolated claim.

81 The "rules of rhetoric" allow a certain confusion in Sextus, II. 46 as well, where they underpin the ethical argument that rhetoric causes harm, and the epistemological argument that rhetoric is a fraud, a part of which is interpolated into the ethical argument: the words οἷον πῶς ἂν τὰ μικρὰ μεγάλα ποιήσαιμεν τὰ δὲ μεγάλα μικρά, ἢ πῶς ἂν τὰ μὲν δίκαια ἄδικα φανείη τὰ δὲ ἄδικα δίκαια are reminiscent of Quintilian, II. 16. 3: *quo modo peiorem causam meliorem faciat.*

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fact that rhetoric had been expelled from cities. That is to say, the expulsion would have been used by him not as an argument, but as evidence for the Social Harm argument.

The Social Harm argument would not have required an additional argument based on the fact that rhetoric had been expelled from some cities. It was only when the Benefit Argument centred on the Individual Harm argument[82] that the fact that rhetoric had been expelled could be turned into an independent argument, as indeed happened in the hands of Charmadas. Thus Charmadas must be attributed with both versions of the Expulsion argument, the more extreme version replacing the earlier version because of counterexamples of some philosophers being expelled from cities (Sextus, II. 25).

5.6. Conclusion

Our two main sources for the Benefit Argument reflect sources which summarized the debate without distinguishing between its two stages or the different targets for criticism. Both sources are required to make any sense of the confusion, and much can be discovered by comparing them.

Critolaus uses the "rules of rhetoric" which he claims to be false for two different attacks on rhetoric using the Stoic definition of art as a criterion. Using the first half of the definition, Critolaus shows that rhetoric is not a σύστημα or art (the Rhetoric as Fraud argument); according to the second half of the definition, rhetoric is actually a κακοτεχνία (the Benefit Argument, mainly the Social Harm argument). The first attack is directed against the Stoics, the second against the Stoics and the rhetors alike. The Rhetoric as Fraud argument was discussed at length in the previous chapter. Here we shall concentrate on the Benefit Argument.

Critolaus emphasized in his version of the Benefit Argument the harm caused by rhetoric to the polis (the Social Harm argument), and used the fact that rhetoric was expelled from some cities as supporting evidence. Both targets reacted, but each in their own way. The Stoics attempted to distinguish their own rhetoric from the more popular sort, claiming that their own orator was necessarily a good man (being the Stoic sage). The rhetors emphasized the positive aspects of their rhetoric and indicated that an art should not be considered bad just because some proponents misuse it, especially if the same art is also used for good things.

In the second stage, Charmadas introduces two interconnected changes. He first distinguishes between Social and Individual Harm, with the latter argument concentrating on the orator himself. The second change is his conversion of the fact of the expulsion of rhetoric from some cities into an independent argument. This is possi-

82 The Social Harm argument does not disappear in the second stage, but it is subordinated and appears only after the Individual Harm argument (§§27–30).

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ble precisely because the social context is no longer the main thrust of the Benefit Argument. He uses his version of the Benefit Argument and his Expulsion argument against both the Stoics and the rhetors.

The Expulsion argument in its first version was refuted by the rhetors who pointed to other arts, especially philosophy, which had occasionally been expelled from cities. According to the present argument, these arts too would need to be considered invalid. The Stoics responded to the same attack by distinguishing between their rhetoric and that of the ordinary rhetors, the latter alone being expelled. Charmadas objected to the Stoics by pointing to the fact that unlike philosophy rhetoric as a whole was expelled. To the rhetors, his first response was that philosophy had never been expelled from any city. The rhetors seem to have managed to find a few examples to back their claim, at which point Charmadas was obliged to change his argument, now claiming that rhetoric was being expelled by all cities everywhere (which was not the case with regard to philosophy).

Charmadas also directed his General Harm argument against both targets, both of whom used one argument to counter both the charge of Individual and Social Harm. The Stoics resorted once again to their distinction between Stoic and ordinary rhetoric. The rhetors passed the responsibility for harm caused by rhetoric to the personality of individual orators. Charmadas replied to the Stoics by noting that the Stoic sage by their own admission was a rarity or non-existent, concluding that their rhetoric too, being the province of the Stoic sage alone, was just as non-existent. His response to the rhetors was that the rules of rhetoric were quite unlike the rules of other arts. Rhetoric was inherently harmful, while other arts could be harmful if misused.[83]

83 In the interests of clarity, some alternatives have been passed over in silence, although they are mentioned in the main discussion.

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6. The End Argument

The End Argument essentially includes two arguments concerning exclusivity.[1] The first is the Exclusivity of the End Argument; the second is the Exclusivity of Attaining the End Argument. In the Exclusivity of the End Argument, it is claimed or assumed that rhetoric should have an end not shared by any other art.[2] The Exclusivity of Attaining the End Argument demands that rhetoric should attain its end, whatever it might happen to be.[3] The two arguments are occasionally combined: on the one hand, the orator does not always persuade (the Exlusivity of Attaining the End Argument), while on the other hand, many people who are not orators do persuade (the Exclusivity of the End Argument).[4] In other words, the orator, and only the orator, must always achieve his end. These two arguments, in all their many and various versions, appear from our sources to comprise the essence of the End Argument.[5]

6.1. The Sources

So far as the sources for the End Argument are concerned, a distinction must be made between those presenting arguments dealing with the end explicitly and consciously, and those sources in which the arguments on the end appear out of context or in general discussions.

The main sources are once again Sextus and Quintilian, to whom we may occa-

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1 On the widespread use of exclusivity in all the arguments against rhetoric in the second Period, cf. pp. 56–57 above.

2 In stricter versions of the argument there is a demand that the end of rhetoric should not even be shared with any of its parts (Sextus, II. 85).

3 As we shall see below, there are two versions of this argument. The strict version requires perfect exclusivity; if even in one instance the art fails to attain its end then it is no art. The relaxed version would deprive rhetoric of its claim to be an art only if it fails to attain its end in most instances.

4 Both arguments usually have additions touching on other arguments, and they will be discussed where appropriate. One example will suffice here: the end of rhetoric needs to be beneficial; if it is not, then rhetoric is not an art. This argument should be classified under the Benefit Argument.

5 There are additional arguments which may be classified under the End Argument, such as the clarification of the term "persuasion", the benefit of the end, the relations between the end of rhetoric and the end of its parts, etc. On all these, see the discussion on the Exclusivity of the End, pp. 144 ff. below.

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sionally add Philodemus, and, at least in one instance, Lucian.[6] It is difficult to distinguish between them according to the types of arguments they present, although this is sometimes possible on localized points. This survey of the sources on the End Argument will, therefore, deal with all of them without entering into the component arguments, which will be left for the discussion.

Sextus provides several arguments pertaining to the end. Of course, in rhetoric, nearly everything is connected with everything else, and, as we shall see, the end can appear in discussions which are not about it explicitly. This is particularly the case in the definition of rhetoric (and of art in general) where the end is often one of the elements of the definition. However, there are many instances where one issue is transferred into another issue, and this is often the case with the end, and, as we shall see later, the *materia.*[7] Thus there is no need to make do only with the arguments formally and explicitly dealing with the end.

Sextus deals formally with the end in II. 60–87. The passage opens with the declaration, τὰ νῦν δὲ μετελθόντες καὶ ἀπὸ τοῦ τέλους τῆς ῥητορικῆς ποιώμεθα τὰς ἐνστάσεις. It concludes (§88) with the words, ὥστε εἰ μήτε ὕλην ἔχει ἡ ῥητορικὴ περὶ ἣν τεχνιτεύει, μήτε τέλος ἐφ' ὃ ἀνάγεται, οὐκ ἂν ὑπάρχοι ἡ ῥητορική. οὔτε δὲ ὕλην ἔχει οὔτε τέλος καθὼς παρεστήσαμεν· οὐκ ἄρα ὑπάρχει ἡ ῥητορική.[8] This long passage on the end actually comprises many arguments dealing with the end from many angles and using a variety of assumptions.[9] It will naturally occupy not a little of our attention as it clearly summarizes a collection of arguments from a number of sources. These we shall attempt to uncover with the aid of parallels, where they exist. Sextus also provides at two other places which allow us to learn something about the End Argument. The first is §§13–15 where we find a clear expression of the Exclusivity of Attaining the End Argument.[10] The second is §§2–5

6 Lucian helps to uncover the source of some of the arguments in the End Argument; see §6.5 below.

7 One prominent example is Sextus, II. 51: in a discussion of the *materia* (ὕλη – 48 ff.), §51 clearly deals with τὸ εὖ λέγειν, which is the end of rhetoric according to the Stoics. This belongs to the Exclusivity of the End Argument. On this section see pp. 201–205 below, in the chapter on *materia.*

8 This statement refers both to the preceding discussion on the end, and to the earlier discussion on *materia* in §§48–59.

9 In general, §§60–78 criticize the end of rhetoric on the assumption that this is persuasion; §§79–87 refute rhetoric on the assumption that the end is anything but persuasion, such as benefit, victory, etc.

10 Sextus or his source regards §§13–15 as the first leg of an argument, the second leg of which is §§16–19. We have already demonstrated in the chapter on the Exclusivity of Teaching Argument that these are actually two independent arguments (see pp. 66–68 above, and the analysis of the second leg in that chapter). The difference between the two arguments boils down to the simple point that the Exclusivity of Teaching Argument looks for someone who is not an orator who still manages to persuade, while the Exclusivity of Attaining the End Argument looks for the orator who is unable to persuade.

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where rhetoric is being defined (with the definition being attributed to Plato). I shall argue that there are traces here of a discussion of the end (the Exclusivity of the End Argument).

Quintilian is our second source, and he too provides us with a number of passages pertaining to the End Argument, some explicitly and some implicitly during metarhetorical discussions. Quintilian does not, however, provide a formal discussion of the end, and this requires some explanation.

Quintilian took some pains to present an orderly metarhetorical discussion.[11] Since no metarhetorical discussion would be complete without a discussion of the end, we may be sure that Quintilian provides one, in one form or another. II. ch. 15 opens with the sentence, *Ante omnia, quid sit rhetorice. quae finitur quidem varie…* and indicates that it will deal with the definition of rhetoric. The assumption underlying this declaration is that a definition of the field will clarify its essence. The problems begin once we enter the chapter, and there are many remarks which at first sight seem to deal rather with the end. A partial explanation for this phenomenon may be found in the fact that the Latin word *finis* is ambiguous, translating as it does two different Greek words: ὅρος ("term", "definition"), and τέλος ("end", "goal").[12] Quintilian uses the word without making much distinction between the two meanings. Cicero translates ὅρος as *definitio, finitio, definitiva*, etc., but Quintilian does not.[13] Be this as it may, it is not surprising that the end should be discussed together with the definition since it is difficult to separate the two. In many versions of the definition of art, the end is one of the most important, or even the most important, element. A careful reading of ch. 15 reveals that the first half of the discussion considers the end as an element in the definition, while the second half (15. 15 onwards) considers the *materia* as an element in the definition (in addition to the end). Thus art may be described through its end[14] and/or its definition.

We may conclude that the "formal" discussion of the end of rhetoric is to be found in II. ch. 15. In addition to this, II. ch. 17 presents an argument connected

11 Cf. *prooem.* 21–23. In the sections themselves, when Quintilian mentions a particular argument which will be dealt with later in its proper place, he does not deal with it until that later discussion (II. 17. 17). Conversely, when he touches on a subject already dealt with, he does not repeat the discussion but refers the reader back to it (II. 20. 10).

12 For *finis* as τέλος cf. II. 18. 1; 16. 11, and esp. 15. 38 which adduces the Greek term explicitly); for *finis* as ὅρος cf. II. 15. 3, 13, 19, 34; for ambiguous usage, cf. 15. 9, 11, 35. For a more detailed list, see RW (2006) 227 n. 30.

13 There is only one place in the whole of the metarhetorical discussion in II. ch. 15–21 where ὅρος is translated as *finitio* (15. 34). RW (ibid.) 271–272 attempt to explain this problem.

14 Radermacher appears to have provided his own chapter headings without warning the reader in his *praefatio.* II. ch. 15 receives the title, *quid sit rhetorice et quis eius finis.* He usually uses for his titles the first words of the chapter, but in this case he adds the words *et quis eius finis*, suggesting that he wrestled with the same problem confronting us, that the chapter appears to deal not only with the essence of rhetoric but also with its end.

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with the end.[15] Quintilian there surveys a long list of philosophers, beginning at §14, and summarizes the main arguments against rhetoric. The third argument in the list is what we have called the Exclusivity of Attainment of the End Argument, and it appears in II. 17. 22–25. We shall deal with it in the first part of the discussion.

The Exclusivity of the End Argument and the Exclusivity of Attaining the End Argument both appear in Sextus and in Quintilian; the latter argument, however, is formulated as an argument in Sextus, II. 13–15 and in Quintilian, II. 17. 22–25, while the former is not so presented in either source, but appears as part of the discussion on the definition/end of rhetoric, or rather, on Plato's opinion of the issue (Sextus, II. 2–5;[16] Quintilian, II. 15. 5–9[17]). Before we attempt an analysis of the sources for these arguments, it might be worth considering the End Argument as a whole, since the end is not just one characteristic among many of rhetoric; the end defines in large part the character of rhetoric, so that any change in the perception of the end leads to a change in the perception of rhetoric altogether.

6.2. Introduction to the End Argument

The presence of an end is not a prerequisite of art in particular, but rather for any occupation in general.[18] We do nothing unless it has some purpose, some end. This is all the more true of art. One engages in art in order to achieve its end, but of course, this end must be for some good. Every art, therefore, is assumed to have an end which is beneficial to mankind in one way or another, with each art having an end peculiar to itself.[19] Many sources are aware that arts may be classified in genera (γένη) and species (εἴδη), although they may formulate this concept in different ways. The ends of these arts would also change as appropriate to a genus or a species. Distinguishing arts according to their ends was already known to Aristotle, but did not originate with him.[20] There are three main types of art according to their ends – productive, practical and theoretical.[21] The productive arts are the most ba-

15 Radermacher provides this chapter with the title *an ars*, taken from the words appearing in the text at the end of §1.

16 We should also note Sextus, II. 72, but this is clearly dependent on II. 2–5. On this argument, see pp. 145–150 below.

17 To be demonstrated below, §6.4.2.

18 Aristotle, *EN* 1049a1–2: πᾶσα τέχνη καὶ πᾶσα μέθοδος, ὁμοίως δὲ πρᾶξίς τε καὶ προαίρεσις, ἀγαθοῦ τινὸς ἐφίεσθαι δοκεῖ.

19 Cf. Sextus, II. 85 fin., although there the convention is unfairly turned on its head by the opponents of rhetoric.

20 Awareness of this may be seen in Plato's *Gorgias* in the example Socrates gives to Chaerephon and the examples Chaerephon then gives to Polus (447d4–448c1).

21 Cf. Aristotle, *Metaphysica* 1025b25 ff., whose discussion is intended to distinguish the theoretical from the productive and practical, and subsequently within the theoretical to distinguish the

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sic, and may also have been the first historically.[22] These are the arts whose end is a concrete object separate from the activity of the art. A piece of furniture may be considered the end of carpentry, and it exists after the carpenter has completed his work. The practical arts have one identical end achieved in the very activity of the art. One example of this is dancing. The theoretical arts share an end which has nothing to do with bodily activity.[23] The end is achieved in knowledge.

The development of the three main types of art may reflect the development in the perception of benefit, as this is one of the axes of art *qua* art. At first the productive arts alone were considered beneficial. The demand for some benefit beyond the concrete caused the development of the practical arts, and later, the theoretical arts.[24] The direction of the development of benefit and end, therefore, is from the external concrete *opus* or ἔργον to the internal sphere of thought.

We may now ask ourselves to which group rhetoric belongs. It is a difficult question to answer. Quintilian devotes to this question a whole chapter (II. 18), and it is quite tortuous. His conclusion does not concern us at the moment, but his discussion serves to demonstrate how problematic the question was, a question dependent upon one's view of the end of rhetoric.

The end of rhetoric is not expressed in a concrete product, or, as Quintilian puts it, *quae operis, quod oculis subicitur, consummatione finem accipiunt* (18. 2). Even a written speech cannot qualify since the writing materials are irrelevant to the end. The orator, however, has an end in mind; but whatever it is, it is not *cognitio et aestimatio rerum* (18. 1). Thus rhetoric does not belong to the productive or the theoretical groups. By a simple process of elimination, one might arrive at the conclusion that rhetoric must therefore belong to the practical group. Even if this conclusion is logically necessary, however, the matter is far more complex. The orator does not consider the end of his activity to be the act of speaking itself, yet it would seem that during the period with which we are dealing there was a large group of philosophers

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metaphysical (first philosophy) from the rest. He makes the distinctions between θεωρητική, πρακτική, ποιητική, but the division is of πᾶσα ἐπιστήμη rather than τέχνη, while the criterion is not the τέλος but ἡ ἀρχὴ τῆς κινήσεως καὶ στάσεως. Even so, the division is similar.

22 It has been claimed that the word τέχνη derives from the Indo-European root *tek* which is to do with fastening together pieces of wood to build a house, a task originally shared by the entire household or tribe. Hence the word τέκτων, a carpenter; cf. Roochnik (1996) 19, and n. 6 on the verb τίκτω.

23 Thinking is considered not to be a bodily activity.

24 So far as rhetoric is concerned, Isocrates may be regarded as the point at which this art's benefit was conceived no longer as direct but as indirect. In his war with Alcidamas, Isocrates developed the claim that benefit need not be immediate and direct. While Alcidamas trained his pupils for an occupation whose benefit was obvious and immediate (Alcidamas, 34: τῇ χρείᾳ τοῦ βίου), Isocrates concerned himself with improving the citizens. The benefit of his profession was not obvious or immediate, but it was a greater benefit in the long term. Alcidamas dealt with τὰ ἴδια, συμβόλαια, whereas Isocrates was concerned περὶ κοινῶν. Furthermore, Isocrates called his teaching "philosophy" in the wider sense of a general education.

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who regarded rhetoric as a practical art, if art it was. Quintilian again (18. 2): *fere iudicandum est rhetoricen in actu consistere, hoc enim, quod est officii sui, perficit: atque ita ab omnibus dictum est*... Quintilian is in fact thinking of the Stoics who regard the end of rhetoric to be τὸ εὖ λέγειν / *bene dicere*.[25] This perception of the end of rhetoric is clearly internal, and has influenced the Stoic perception of rhetoric as an art.

Art began in experience. Thus states Aristotle at the beginning of the *Metaphysica*, but the idea was already hardly new. It already appears in the first chapters of the Hippocratic work περὶ ἀρχαίης ἰητρικῆς, and in the famous speech of Polus in Plato's *Gorgias* (448c4–10). In the first stages of the development of the arts, the artist (or future artist) moves between experience and art. By degrees, through experience and observation,[26] he developed a body of rules which, even if they did originate in experience, once formulated were no longer dependent on experience.[27] In these early stages in the development of the art, the artist and his end are almost independent of the art. He knows what his aim or end is, and uses his art in order to attain it. He is not interested in art *per se* or even in artistic activity. He can distinguish quite well between the necessary and the inessential. His art is only a means to attain his end, and as such is external to the artistic activity.

At some stage, the art acquires an extensive and stable set of rules and the budding artist no longer relies on experience and simple *praecepta* but goes instead to a teacher and uses technical handbooks. His original aim, to persuade, becomes marginal to his new aim, which is to master the art he has received from his teacher. Furthermore, once it was assumed that learning the art would suffice for achieving the end of the art, the mastery of the art came to be identified with the end of the art and the fulfilment of the expectations of the artist. It would not be correct to say that the artist changed his aim and the end of the art from persuasion to merely following the instructions of the art, since the change was not so conscious. The end became internal as the orator became less concerned about successfully persuading his audience while paying more attention to following the rules of rhetoric. The tail was now wagging the dog. The orator no longer used rhetoric in order to persuade, but rather rhetoric found expression through the orator, and the end moved from the artist to the art itself.[28]

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25 This end is presented by Quintilian at the end of chapter 15 as a consequence of the definition of rhetoric as ἐπιστήμη τοῦ εὖ λέγειν / *scientia bene dicendi.* The opposite, however, is the case: the definition is dependent upon the end. On the relationship between the definition and its elements, see p. 131 above; see also RW (2006) 226–227.

26 The Latin *observatio* translates παρατήρησις. There was actually an argument to the effect that rhetoric was no more than *observatio*, a sort of experience based on a long observation of audience reactions. Medicine early on was also considered by some to be merely *observatio* (Quintilian, II. 17. 9).

27 The rules could still change in small details due to the experiences of other artists.

28 To this description of the transition from external to internal end should be added the historical circumstances. So long as rhetoric has a significant political function, the student learns the rules

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Hermagoras (mid.-second century B.C.E.) exemplifies the stage at which the end of the artist was replaced by the end of the art.[29] His composition is an outstanding expression of rhetoric as an art. It is a vast collection of a complex but coherent and well ordered set of rules. It is an independent system which purportedly provides the desired outcome, a successful speech and, in any case, victory. This may be seen in his definition of rhetoric (Sextus, II. 62): καὶ Ἑρμαγόρας τελείου ῥήτορος ἔργον εἶναι ἔλεγε τὸ τεθὲν πολιτικὸν ζήτημα διατίθεσθαι κατὰ τὸ ἐνδεχόμενον πειστικῶς. This work clearly exhibits Stoic influence,[30] and it is a short step from here to regarding the end of rhetoric as speaking well.

In the early stages of the development of rhetoric, the end was quite simply persuasion, and we find Plato's Socrates suggesting to Gorgias πειθοῦς δημιουργός as a definition of rhetoric. Gorgias accepts this proposal. There is no reason to suspect the reliability of this testimonium, and it may be assumed that τὸ πείθειν was regarded as the end of rhetoric by its early proponents, Corax and Tisias.[31] This, however, was in the period during which rhetoric was still being formed. All people occasionally find themselves trying to persuade in a variety of contexts. Their experiences tended to add to the body of rules comprising rhetoric, as Aristotle notes at the beginning of his *Rhetorica.* In the Hellenistic period, however, for reasons already mentioned[32] and other causes,[33] the art came to fruition, and was its own reward for the artist indulging in it.

This survey is far from exhaustive, but it is intended only to alert the reader to the transition from external to internal end. This said, the rhetors formally regard persuasion (and victory) as the end of rhetoric. Even the Stoics, who claim a different end for rhetoric, do not entirely overlook persuasion, although it is pushed to the

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for the sake of an ulterior end; he needs to ensure that the rules will aid him in the assemblies and other institutions (hence the debate between Isocrates and Alcidamas is about the relative success of their systems; see n. 24 above). By the time of Hermagoras (see immediately below), rhetoric had already completely lost its political function except for providing encomia to the leaders, and the like.

29 Like most historical landmarks, Hermagoras must be understood to be a somewhat arbitrary choice, but exemplary nevertheless.

30 The work has not survived, but it may be reconstructed through later texts and in particular Cicero's *De Inventione*, whose introduction, at least, shows Stoic influence, most probably Posidonian. Furthermore, the division between theses and hypotheses, an invention of Hermagoras in his composition, was attacked by Posidonius (Plutarch, *Pompeius* 42. 5); cf. Kennedy (1994) 97–101; id. (1957) 31 n. 22.

31 This is the common opinion in all the *prolegomena* in the collection edited by Rabe (1931), appearing in the description entitled πῶς ἐν ἀνθρώποις ἦλθεν ἡ ῥητορική – cf. *proleg.* 4, p. 18, 24–27.

32 The transition from external to internal end was a function of the formation of rhetoric and its rules, added to which there were historical circumstances mentioned above, n. 28.

33 In particular, the Stoic perception of rhetoric as a virtue, on which immediately below.

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margins. In the words of Quintilian, II. 17. 23, *tendit quidem ad victoriam qui dicit, sed cum bene dixit, etiam si non vincat, id, quod arte continetur, effecit.*[34]

The Stoics had their own reasons for advocating an internal end for rhetoric. They regarded rhetoric as a virtue, and as such, it could be had only by the wise man. The Stoic sage is independent of everything external for his happiness. Thus his good use of rhetoric is also independent of external factors such as persuasion. Furthermore, anyone who is not a Stoic sage is necessarily an utter fool;[35] no Stoic sage should be dependent upon the opinion of fools.[36] Quintilian (II. 5.1) reminds his readers that it is very difficult to persuade without using various strategems aimed at the emotions of one's audience. He hints there that this may have been an additional reason for the Stoics to turn away from the external end to the internal. He calls the Stoics there *clari*, but it is clear that he is referring to the Stoics.[37] They regard the attempt by the orator to turn the opinion of the judges by appealing to their emotions as the result of the orator regarding the end as merely *vincendi gratia.* This desire to win is not worthy of a self-respecting man.[38]

In sum, there were in the Hellenistic period two parallel ends of rhetoric: persuasion; and speaking finely or well. Both were associated with the practical end (as opposed to the productive and the theoretical ends). Rhetorical studies in this period were artificial in that they consisted of detailed and complete systems of rules. The student was expected to do no more than execute these rules as prescribed.[39] The opponents of rhetoric in this period could not attack the end without addressing the double nature of rhetoric.

6.3. The Exclusivity of Attaining the End Argument

The main sources for this argument are: Quintilian, II. 17. 22–25; Sextus, II. 13–15, 86–87; Philodemus, I. 25.32–26.12; I. 26. 13–19; II. 105 fr. XI. These fragments have been used in whole or in part by Radermacher, Hubbell and Barnes. To these

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34 On the Stoic method hinted at here, see pp. 137–140 below.

35 At least according to early Stoic theory. Later Stoics could envisage various stages on the way to wisdom.

36 This was a point used in one of the attacks on the Stoics; cf. Quintilian, II. 17. 36 ff.; Cicero, *De Oratore* I. 92.

37 E.g., the *adfectus* there is regarded as a *vitium*; cf. Quintilian, II. 17. 26.

38 This is particularly relevant to our discussion of Quintilian, II. ch. 15, pp. 146–147 below. Quintilian regards the Stoic position as the way to prevent the bad man from entering rhetoric, and that it was this fear which motivated them to regard the end as τὸ εὖ λέγειν. It seems to me, however, that the Stoics were motivated less by such a fear than by elements of their Stoic theory, as I have outlined here in the discussion.

39 Cf. Quintilian, II. 17. 25: *et medicus sanitatem aegri petit: si tamen aut valetudinis vi aut intemperantia aegri aliove quo casu summa non contingit, dum ipse omnia secundum rationem fecerit, medicinae fine non excidet.*

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may be added some hints in Lucian which can help to complete the picture, especially with regard to the origin and the structure of the argument.

Quintilian, II. 17. 22 cites the following criticism:

> aiunt etiam omnes artes habere finem aliquem propositum, ad quem tendant: hunc modo nullum esse in rhetorice, modo non praestari eum, qui promittatur.[40]

Two problems immediately arise with this citation. Firstly, the two sides of the disjunction cannot refer to the same end. It is illogical to claim that rhetoric has an end which occasionally is not presented, while on other occasions it is presented but not achieved. Secondly, it is not clear whether the arts are said to have an end, or rather an end towards which they strive. The word *hunc* could refer to either possibility, with different consequences.

The first problem seems to have arisen because of the conflation of two separate attacks, perhaps against two different targets. This possibility appears more likely after an examination of the first part of the disjunctive sentence. This criticism claims that there are cases in which rhetoric does not present an end at all. It is difficult to imagine someone engaging in a field of activity which has no end, and all the more so if he considers that activity to be an art. It would seem that the criticism rejected the claim that rhetoric had an end because arts should have an end *ad quem tendant.* The target for such a criticism would need to be the Stoics, who regarded the end of rhetoric to be τὸ εὖ λέγειν or *bene dicere.* This was already part of the activity of the art, and not, strictly speaking, something beyond the art to be aimed at, as implied by the verb *tendo.* Quintilian in his response to this criticism argues that speaking well can be coupled together with striving towards an end.[41] Having identified the end of rhetoric as speaking well, he emphasizes (II. 17. 23), *tendit quidem ad victoriam qui dicit, sed cum bene dixit, etiam si non vincat, id, quod arte continetur, effecit.* The orator strives towards victory, the end which is outside the actual activity of the art. Quintilian's rebuttal will be considered later, but for now it will suffice to understand what the criticism was. The first part of the conflated criticism, therefore, is against the Stoics, in the context of the internal debate.[42]

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40 Spalding (1798) considered the second line (*hunc* …) to be part of Quintilian's own discussion. Comparison with parallels (below) reveals both sentences to have been cited from Quintilian's source.

41 Quintilian is not aware that the criticism was originally directed against the Stoics, and misconstrues the criticism as directed against persuasion as the end of rhetoric. He does, however, appear to have made use here of sources which had understood the context, on which immediately below.

42 The Stoic context is clear from other Stoic elements which creep into Quintilian's text, such as the distinction between τέλος and σκοπός in §23. The usage is extremely confused, as we shall see, and cf. Barnes (1986) 11, esp. nn. 52–53 who, however, concludes n. 53, "we need not suppose

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The second part of the conflated criticism is on an end which is presented but not always achieved, and it is clearly referring to persuasion. This was the end of rhetoric according to the rhetors.

The disjunctive criticism, therefore, conflates two criticisms, one directed against the Stoics and the second against the rhetors. The Exclusivity of Attaining the End Argument pertains only to the second.[43] Quintilian himself, however, does not see things in this way. He does realize that there are two attacks, but he assumes that they are against the same target. He does not see that the first criticism is against the Stoics, and actually uses a Stoic argument in order to respond to it.[44] He states this explicitly in §23: *firmum autem hoc, quod opponitur, adversus eos fortasse sit, qui persuadere finem putaverunt.* For Quintilian, both parts of the disjunctive criticism treat persuasion as the end of rhetoric.[45] In order to understand his text, we must follow his reasoning, and accept temporarily the notion that persuasion is the end of rhetoric in both parts.

Quintilian's response may be examined in two ways. Textually, the words *nos enim esse finem iam ostendimus et quis esset diximus* respond to the first part, referring the reader to the end of ch. 15; the words *et praestabit hunc semper orator: semper enim bene dicet* respond to the second part. In principle, however, Quintilian responds to both parts together: rhetoric presents an end – *bene dicere* – and the orator will always exhibit it. The artist, perfectly applying the rules of his art, is freed from the dependency upon persuasion, and will always attain his end.

We shall now focus on the second part of the argument. We shall see later, especially from Sextus, II. 13–15,[46] that the Exclusivity of Attaining the End Argument appeared on two levels. The first and stricter version demanded the attainment of the end in every instance: one failure would suffice to deny the title of art. The second, more relaxed version demanded only that the end be attained in the majority of cases: a number of failures would be acceptable before the title of art would need to

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that Quintilian used a Stoic source", seeing the argument as "common intellectual property"; it seems to me that while the immediate source need not have been Stoic, the ultimate source was certainly Stoic.

43 The second attack might also be directed against the Stoics on the assumption that they were seen to be justifying the existence of the rhetorical schools by their support of rhetoric. That both criticisms were launched against the Stoics will receive some support from sources later in the discussion.

44 In general, Quintilian adopts the Stoic position on rhetoric: see *prooem.* 9; 15. 38 *passim.* He uses the Stoic end, *bene dicere*, as a means to answer the Exclusivity of Attaining the End Argument, but that is not to say that the Stoics adopted this end simply in order to rebut the argument. They had good philosophical reasons for making speaking well the end of rhetoric (see p. 136 and n. 38 above). Quintilian, with his art under attack, found many advantages in Stoic rhetoric, including this one, which he regarded as solving the present criticism.

45 It remains to be understood how Quintilian could understand the criticism that rhetoric has no end as assuming that the end of rhetoric is persuasion; on this point, see pp. 158–159 below.

46 See p. 140 below.

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be denied. It is difficult to decide which version is being applied in the present criticism, but from Quintilian's response, the emphasis is on the fact that the orator will always (*semper*) attain his end, implying that the original criticism was of the strict version. Furthermore, Quintilian adds examples from medicine and navigation where such a strict criticism is not applied, and he does so in order to argue that the occasional failure to attain an end is no reason to deny the title of art. Thus, Quintilian gives a double reply to the second criticism: firstly, rhetoric does actually fulfil the strict requirement, since the orator always attains his end, which is that of speaking well; secondly, by their own criterion, the opponents of rhetoric would also need to deny the title of art to medicine and navigation.[47]

Let us now recapitulate Quintilian's rebuttal of the criticism (II. 17. 23–25). Quintilian suggests that the critic might be (*fortasse*) one who regards the end of rhetoric as persuasion. He himself regards the end of rhetoric as speaking well, so that the orator always attains his end. Quintilian does not deny that the orator strives for victory, but it is irrelevant for attaining the end, which is speaking well. There follows the second reply comprising the examples of medicine and navigation.

As we have already observed, Quintilian appears to regard both parts of the disjunctive criticism as treating the end of rhetoric as persuasion. It is difficult to understand the first part of the criticism, that rhetoric has no end, if the opponents raise this claim knowing that the end is persuasion. Furthermore, the passage in Sextus, II. 13–15 also provides the two examples of navigation and medicine, but there they exemplify arts which attain their end in the majority of cases. That is to say, in Sextus, these examples are an integral part of the argument.

It is our contention that Quintilian (or his source) is somewhat confused. He seems to have recalled something about navigation and medicine, but uses these arts for a purpose other than the one designed for them in the original argument. Let us, therefore, attempt to reconstruct the original Exclusivity of Attaining the End Argument.

There were originally two arguments. The first was directed against the Stoics and their end of speaking well. The critics claimed that this was not an end, even if it were presented as such. A true art requires an end beyond its own activity towards which it strives (*tendit*), which is not the case with speaking well. It is against this claim that the Stoics respond in §§23–25. A careful examination of the passage reveals traces of the Stoic distinction between τέλος and σκοπός, although the response is now so confused that it almost says the opposite. The Stoic reply would have been that the τέλος is to persuade, but that the immediate goal, the σκοπός, is to speak well. Quintilian argues that the τέλος of speaking well is always achieved, even if the audience remains unpersuaded. There is a further confusion in §25 between *summa* and *finis.* Also, it is noticeable that Stoic technical terminology is not

47 See the discussion of Barnes, referred to in n. 42 above.

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to be found in this passage, but it is clear that the Stoics insisted on the fact that their rhetoric had an end, and that that end was to speak well.

The second argument was directed against the rhetors. Rhetoric does not always attain its end. The rhetors responded with the examples of navigation and medicine. This style of response, the use of counter-examples, suited the rhetors who were not philosophers (cf. Menedemus in Cicero, *De Oratore* I. 88).

Quintilian, then, fails to notice that the two criticisms are directed against different targets. He presents the opinion of the Stoics, and believes that his Stoic response answers both criticisms. He adds the examples of navigation and medicine as support for the main response and his general view that the activity of the art is the end, although these examples were originally the response of the rhetors who alone had to deal with the Exclusivity of Attaining the End Argument.

The criticism in Sextus, II. 13–15 is also double. Rhetoric does not always attain its end, and does not attain it in the majority of cases.[48] There is no art whose end does not either always attain its end, or at least attains it in the majority of cases. Therefore, rhetoric is not an art.

This is a development on the second part of the criticism in Quintilian, where the requirement was that the end should always be attained in every case. In Sextus, the requirement has been relaxed. The same examples as in Quintilian appear in Sextus as well, namely navigation and medicine, as examples of arts which do not always attain their ends, but do so in the majority of cases. A further development in the argument appearing in Sextus is that this double argument is directed at the rhetors alone, and at what they regard as the end of rhetoric, persuasion.[49]

The examples as they appear in Sextus clearly reflect a second stage in the Exclusivity of Attaining the End Argument. The first stage was characterized by the strict version of the argument, that the end should always be attained in every case. This drew the rhetors' response that the same demand would deny the title of art from such arts as navigation and medicine. The opponents toned down their criticism and demanded only that an art should attain its end in the majority of cases, as in navigation and medicine; in their view, rhetoric failed even this criterion.

Yet another passage in Sextus, this time in §§86–87, is the last source to present a version of the Exclusivity of Attaining the End Argument. This occurs in a discussion of the end (§§60–88). The first part of the discussion (§§60–78) deals with criticisms of rhetoric based on its end being persuasion. From §79 onwards the discus-

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48 Hubbell (1920) 377 attributes this double criticism to Quintilian, but we have seen that Quintilian presents only the strict version while Sextus presents both the strict and the relaxed versions.

49 The Quintilian formulation may be due to the habit of presenting double criticisms. If so, the criticsm in Quintilian is late than the original arguments used in it. For a similar application of double arguments see Sextus, II. 26–43 and our discussion in chapter 5 on the Benefit Argument, §5.3.3 above.

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sion concerns four ends of rhetoric other than persuasion. The fourth end is τὸ νικᾶν, on which we find (86–87):

> λείπεται οὖν τὸ νικᾶν αὐτῆς εἶναι τέλος. ὃ πάλιν ἀδύνατόν ἐστιν. ὁ γὰρ ποπλλάκις μὴ τυγχάνων τοῦ κατὰ γραμματικὴν τέλους οὐκ ἂν εἴη γραμματικός, καὶ ὁ πολλάκις μὴ τυγχάνων τοῦ κατὰ μουσικὴν τέλους οὐκ ἂν εἴη μουσικός. τοίνυν καὶ ὁ μὴ τυγχάνων πολλάκις τοῦ κατὰ ῥητορικὴν τέλους οὐκ ἂν εἴη ῥήτωρ. ὁ δέ γε ῥήτωρ πλειονάκις ἢ νικᾷ νικᾶται, καὶ τοσούτῳ πλεῖον ὅσῳ δυναμικώτερός ἐστι, τῶν τὰ ἄδικα ἐχόντων πράγματα ἐπ᾽ αὐτὸν συντρεχόντων. οὐκ ἄρα ῥήτωρ ἐστὶν ὁ ῥήτωρ. ὅ τε μὴ τυχὼν τοῦ κατὰ ῥητορικὴν τέλους οὐκ ἂν ἐπαινοῖτο, ῥήτορα δὲ ἐνίοτε νικηθέντα ἐπαινοῦμεν· οὐκ ἄρα ῥητορικῆς τέλος ἐστὶ τὸ νικᾶν.

This criticism gives the impression of being populist and occasionally sarcastic (οὐκ ἄρα ῥήτωρ ἐστὶν ὁ ῥήτωρ) about a well-known argument, at least in its general outline. §§79–88 appear to be an addition to the main argument, and seem to be a collection of arguments and versions of arguments. The criticism here has some connection with the Exclusivity of Attaining the End Argument, but there is nothing new in this version.[50] The examples used of the musician and the grammarian are quite common in our sources (albeit not usually together). The very presentation of victory as an end differing from persuasion is known from a few parallels which will be dealt with in the discussion on the Exclusivity of the End Argument.

Philodemus confirms and supplements our findings so far. We read in I. 25. 32–26. 12:[51]

> Πᾶς τεχνίτης ἐπαγγέλλεται τὸ τέλος ποιήσειν, ὁ δὲ ῥήτωρ οὐκ[52] ἐπαγγέλλεται πείσειν. Οὐ πᾶς τεχνίτης, ἐὰν ἔχῃ φρένας, ἐπανγέλλεται τὸ τέλος διὰ παντὸς ποιήσειν. Οὔτε γὰρ ἰατρὸς οὔτε κυβερνήτης οὔτε τοξότης οὔτε ἁπλῶς ὅσοι τὰς ἐπιστήμας οὐ παγίους ἔχουσιν ἀλλὰ στοχαστικάς. Ὥστ᾽ ἢ καὶ ταύτας οὐ ῥητέον εἶναι τέχνας ἢ καὶ τὴν ῥητορικήν. Ἐπαγγέλεταί τε καὶ ὁ ῥήτωρ τὸ τέλος ποιήσειν.[53]

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50 This is also the opinion of Barnes (1986) 20 n. 50.

51 This testimonium is also used by Barnes, who regards the various sources as conducting a conversation between themselves ("Philodemus also rejects Sextus' argument…"). Philodemus is important for the sources he used.

52 οὐκ] suppl. 14. 17; εὖ Sudhaus, vol. I of the previous version.

53 Here I divide the fragment into two. The second half (lines 13–19 will appear below). Barnes adduces the fragment in its entirety and does not indicate two arguments, although the last part of the cited first half demonstrates that this is the case: ὥστ᾽ ἢ καὶ ταύτας οὐ ῥητέον εἶναι τέχνας ἢ καὶ τὴν ῥητορικήν. ἐπαγγέλεταί τε καὶ ὁ ῥήτωρ τὸ τέλος ποιήσειν. Barnes (ibid.) 11 translates these sentences "Hence you must say either that these too are not arts or else that rhetoric is in fact an art. And the orator too undertakes to achieve his end". This is clearly a conclusion, while the following second half of the fragment presents an additional stage in the argument, even if Philodemus

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Firstly, Philodemus corroborates our earlier conclusion that there were two stages to the Exclusivity of Attaining the End Argument against the rhetors. In Sextus, II. 13–15, the argument of the opponents of rhetoric was that rhetoric fails to attain its end in all instances, and even in a majority of instances; in Philodemus, the argument of the rhetors, using the examples of medicine, navigation and archery, is that rhetoric is a conjectural art, in which the artist does not always declare the attainment of his end. Were rhetoric to be denied the title of art on this criterion, then many similar arts would also need to be denied their title.

The second part of the fragment is more important since here Philodemus provides unique information. Sextus at II. 15 provides a refutation of the second argument of the rhetors as well, that they attain their end in the majority of cases. The opponents of rhetoric claim that the orator loses more often than he wins. Neither Sextus nor Quintilian provides a response by the rhetors to this claim. Philodemus does provide an answer (I. 26. 13–19):

> Ἐστὶ δ' αὐτοῦ τὸ τέλος, ὃ φέρει τῶν πραγμάτων ἡ φύσις, οὔτε διὰ παντὸς κείμενον οὐδὲ μὰ Δία κατὰ τὸ πλεῖστον. Ἀλλὰ πολὺ μᾶλλον τῶν μὴ ῥητόρων τὸ ἔργον[54] ποιεῖ.

The rhetors can accept, with their opponents, the possibility that they lose more often than they win, but that, they argue, this does not make rhetoric any less an art, since the ratio of their successes is still greater than that of a non-orator.[55]

Let us now consider the origins for the Exclusivity of Attaining the End Argument. Since there are two stages in the attack against the rhetors, one earlier and

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himself might consider the whole passage to be one continuous argument. Cf. Sudhaus (1892) suppl. 15 who regards the following as an addition by Philodemus himself, in support of rhetoric.

54 Until now Philodemus has used the word τέλος but now adopts the term ἔργον. Barnes (1986) 11 correctly translates this as "function" (rather than "end", his translation for τέλος). Hubbell (1920) 270 uses the three terms "result", "end", and "purpose" indiscriminately. It is difficult to decide whether Philodemus intends a strict distinction between terms, or is simply being lax. I have assumed the latter.

55 Barnes (1986) 11 also identifies an additional response of the rhetors in Philodemus, I. 71–72. He argues that the first response which claims that even if the orator loses more often than he wins, he still wins more often than one who is not an orator, is only empirical so that in theory there could be a situation in which one who is not a rhetor might win more than he loses simply by chance. For this reason, according to Barnes, "Philodemus has a better suggestion to make" in which the orator is better than the non-orator in the way that he attains his few victories, ἀπὸ τῆς διαθέσεως. It seems to me, however, that Barnes is making a connection between two fragments which are from different contexts. The argument in I. 71–72 does not deal with the Exclusivity of Attaining the End Argument but rather The Exclusivity of Teaching Argument. Furthermore, the argument ends with the words κἂν ἐπὶ τινων ἀποτυγχάνῃ τῶν κατὰ μέρος which Barnes (ibid.) 12 translates, "even if in some cases he fails in the particular results", demonstrating, surely, that this is not a continuation of the argument against the rhetors. It should have said, to conform to Barnes' argument, "even if in the case where the orator loses in the majority of instances and even more than the non-orator, the fact that he works ἀπὸ τῆς διαθέσεως is what defines him as an orator."

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one later, it would be natural to attribute the earlier to Critolaus. Not only is this logical, but there is textual support for it.

The passage in Quintilian, II. 17. 22–25 is part of a summary of arguments beginning at §14 deriving from various philosophers, but above all Critolaus. The second stage of the argument in Sextus, II. 13–15 is less easily identifiable. At least it may be determined with some degree of confidence that the first stage of the argument was a double attack by Critolaus against the Stoic end of rhetoric, which he refused to recognize as an end, and the end of rhetoric as seen by the rhetors, which Critolaus may have launched against either the rhetors themselves and/or the Stoics who he regarded as providing a figleaf to the rhetors.[56] The second stage of the criticism we might guess is Academic, and attribute it to Charmadas, although this is much less certain from the evidence.[57] At any rate, this later version uses the relaxed criterion and shows that even by that standard rhetoric is not an art, since it fails to attain its end in the majority of cases. The two examples of medicine and navigation which appeared in the first stage as a response to the attackers have been incorporated into the new attack.

The Exclusivity of Attaining the End Argument is one leg of the End Argument. We turn now to the other leg, The Exclusivity of the End Argument. An analysis of this argument will no doubt supplement our picture of the End Argument, but it may also change the picture we have reached so far, since the two legs are mutually dependent and at each stage may be assumed to have derived from the same source.[58]

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56 The only testimonium for an actual debate between a philosopher and a rhetor is of course the conversation between Charmadas and Menedemus in Cicero, *De Oratore* I. 85–93, where the discussion is restricted to which is the better school and what the field of studies might be in each one.

57 The name of Charmadas does not appear in this context either in Sextus or in Philodemus. Furthermore, the name of Critolaus does appear in Sextus, II. 12, one section before the Exclusivity of Attaining the End Argument, and the whole passage §§ 10–19 seems to be one attack against the Stoic definition of art. We have, however, already proved in the chapters on the Exclusivity of Teaching Argument and the Benefit Argument that §§13–15 are out of context, since they deal with τέλος *per se* when the context actually requires a discussion of that part of the Stoic definition of art which is τέλος εὔχρηστον (§10); see pp. 66–67; 118–119; 124 above. Thus the position of the argument does not imply anything about its origin, while the Academic character of the argument and the improvements in the argument over the original version indicate that Charmadas may well be its originator.

58 In particular, we shall find after an analysis of the Exclusivity of the End Argument that the arguments in Quintilian, II. 17. 22–25 which we have determined were launched at two different targets – the Stoics and the rhetors – need to be understood slightly differently. The argument against the rhetors also served against the Stoics in the internal debate.

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6.4. The Exclusivity of the End Argument

Most arguments against rhetoric overlap to some degree with each other, and the Exclusivity of the End Argument is no exception. In its simplest and most basic form it presents an exclusive requirement, that the end of rhetoric must be peculiar to rhetoric.[59] The more complex the definition of the end of rhetoric, the more likely that its elements will overlap with other arguments. One example will serve here: when the τέλος of rhetoric is not merely persuasion but τὸ τεθὲν πολιτικὸν ζήτημα διατίθεσθαι κατὰ τὸ ἐνδεχόμενον πειστικῶς, the End Argument is found to overlap to some extent with the *Materia* Argument.[60] The process is almost inevitable, since the search for an end peculiar to rhetoric (ἴδιον, Sextus, II. 5) requires it to be so complex that some of its elements are bound to common to other arguments. Our sources clearly reflect the development of the complexity of the end.[61] From the simplest and most basic end, τὸ πείθειν, the complexity increases until the description of the end takes up several lines.

This development of the endless end is clearly artificial and is a prominent indicator of the Hellenistic period. There is an outstanding example of this in the ninth *prolegomenon*;[62] sometimes there is no problem if the end and the *materia* are common to several arts (lines 8–13):

> δεῖ δὲ γινώσκειν, ὅτι τῶν ὑποκειμένων τὰ μὲν μιᾷ μόνῃ τέχνῃ ὑπόκειται… τὰ δὲ πλείοσιν… καὶ τῶν τελῶν πάλιν τὰ μὲν μιᾶς μόνης εἰσὶ τέχνης… τὰ δὲ καὶ ἑτέρων…

This is of course a late text.[63] Rhetoric no longer threatens the livelihood of anyone. It was only the people threatened by it in the Hellenistic period who turned what was perfectly natural into problems and attacked rhetoric with them. It was natural, for example, for the arts to be interconnected. Many of them grew out of earlier arts and simply peeled off from them, leaving each with a common *materia.* It was also the case that humans could find various ways (or arts) to attain a certain end.[64]

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59 The more complex version contains a double requirement, that the τέλος be peculiar to rhetoric and that neither rhetoric nor any of its parts has any other τέλος: cf. Sextus, II. 73; 89–92.

60 On the close relations between τέλος and ὕλη, see the following chapter on the *Materia* Argument; esp. the discussion on Sextus, II. 51, pp. 201–205 below.

61 On the addition of the *materia* to the end in order to make it more focussed, cf. Quintilian, II. 15. 15.

62 Rabe (1931) 100, lines 8–24.

63 The author of this text was a teacher of rhetoric and philology in early 11th. century Constantinople. His name was Ἰωάννης Σικελός (or Σικελιώτης), nicknamed Δοχαπατρής. His sources were certainly much older, reaching back to at least the late Roman period (e. g., the second century Hermogenes of Tarsus).

64 In Lucian, *De Parasito* 9, Simon defines parasiticism and identifies its end as pleasure. He is

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There are two sources which certainly deal with the Exclusivity of the End Argument. These are Sextus, II. 72–73, and Quintilian, II. 15. 10–11. The argument comprises two parts, and it may be summarized as follows: on the one hand, there are additional things which persuade apart from rhetoric; on the other hand, rhetoric has more ends than only persuasion.

In addition to these two sources which deal with the argument, there are two other sources dealing with criticism of the Exclusivity of the End, without actually appearing as an argument. These are Sextus, II. 2–5 and Quintilian, II. 15. 6–9.

The final source deals neither with the argument nor with the criticism of the Exclusivity of the End. This is Sextus, II. 60–62, where he begins the formal discussion of the end. This passage is closely connected with the context in which the last two passages appear: both Sextus, II. 2–5 and Quintilian, II. 15. 6–9 appear as part of a survey of philosophers who all regarded persuasion as an essential element[65] in rhetoric. Sextus, II. 60–62 presents a parallel survey, for which reason it is worth considering it in this section.

I should also mention the Whole/Part argument which may be summarized as follows: it cannot be the case that art and its parts have different ends. This may be seen as a type of Exclusivity of the End Argument. It appears to have been an independent argument with its own title, ἀπὸ τῶν μερῶν, found in the only source to present the argument, Sextus, II. 89–92.[66] We shall not be dealing with this argument in the present study.

6.4.1. Analysis of the Exclusivity of the End Argument

Sextus, II. 72–73:

> φασί γάρ, ἤτοι τέχνη ἐστὶν ἡ ῥητορικὴ ἢ οὔκ ἐστιν. καὶ εἰ μὲν μή ἐστι, μηδὲ τέλος αὐτῆς ζητῶμεν· εἰ δέ ἐστι, πῶς κοινὸν ἔχει τέλος καὶ τοῦ μὴ ῥήτορος; τὸ γὰρ πείθειν πολλοῖς πάρεστι διὰ πλοῦτον ἢ κάλλος ἢ δόξαν, ὡς πρότερον ὑπεδείκνυμεν. ῥηθέντων δὲ πολλάκις τῶν λόγων καὶ ἐπ' αὐτοῖς πεπεισμένων τῶν δικαστῶν οὐδὲν ἧττον προσμένουσιν οἱ ῥήτορες, ἕτερόν τι ἀπεκδεχόμενοι τέλος, καὶ προσμένοντες δέονται. οὐκ ἄρα τὸ πείθειν ῥητορικῆς ἐστι τέλος, ἀλλ' εἰ ἄρα, ⟨τὸ⟩ μετὰ τοῦτο ἐπακολουθοῦν.

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not bothered by the fact that this end might be common to various other arts. Nor does his opponent attack him on this point.

65 The sources reflect some vagueness between τέλος and ὅρος (=*finis*).

66 It seems to be hinted at in Philodemus, II. 105, fr. XI 4–10.

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This is at first sight an unassailable argument. On the one hand, the end of rhetoric cannot be persuasion since others who are not orators are also able to persuade; on the other hand, even the orators require more than mere persuasion.

A second glance begins to raise problems. This passage reports what some people say (φασί), but it is not clear where what they say ends. Sextus clearly inserts his own remark sending the reader to §4, but it is not certain whether the remark is simply the reference, ὡς πρότερον ὑπεδείκνυμεν or the whole sentence, τὸ γὰρ πείθειν πολλοῖς πάρεστι διὰ πλοῦτον ἢ κάλλος ἢ δόξαν, ὡς πρότερον ὑπεδείκνυμεν. Is the second part of the equation integral to the original argument, or is this also an addition by Sextus from some other source?

It seems to me that we are dealing with a collage. Firstly, the words πῶς κοινὸν ἔχει τέλος καὶ τοῦ μὴ ῥήτορος; would lead one to expect to find τεχνῖται who are not orators and yet persuade. One could indeed make do with simply other people who persuade by means of wealth, and so on, but as the argument stands, wealth and beauty stand on their own without the aid of the many. We have a Philodeman parallel which presents the τεχνῖται (I. 19. 12–18):

> Αἱ διάφοροι τέχναι τῶν ἀλλήλων τελῶν οὐ τυγχάνουσιν, τοῦ δὲ τῆς ῥητορικῆς τέλους καὶ φιλόσοφος καὶ γραμματικὸς καὶ διαλεκτικὸς παράξει…

The final problem is that the end of the argument refers only to the second part of the equation, whereas one would have expected an argument with two integral parts to conclude with a reference to both.

For solutions to any of these problems, it will be necessary to turn to the parallel in Quintilian, II. ch. 15. So far as metarhetoric is concerned, this is one of the most important chapters in the whole of Quintilian, with parallels to many arguments and many versions of one argument, although they are scattered throughout the chapter and stamped with Quintilian's mark, much more so than in other chapters. This fact makes it very difficult to expose his sources, and it will be necessary to digress a moment to discuss the aims of Quintilian in this chapter, and his mode of presentation.

Quintilian's aim in the whole of his work is to present the perfect orator, none other than the good man, as he writes in his *prooemium* 9:

> Oratorem autem instituimus illum perfectum, qui esse nisi vir bonus non potest, ideoque non dicendi modo eximiam in eo facultatem, sed omnis animi virtutes exigimus.

This theme pervades the whole work, and it is particularly emphasized in the last book dedicated almost entirely to this subject. Quintilian seems to have been extremely concerned about the entry of bad men into the profession. The source of his anxiety might be practical, but Quintilian finds relief in the Stoic position which he

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adopts with enthusiasm, to the extent that he identifies all that is not Stoic as attempting to introduce, or overlooking the introduction of, the bad man into rhetoric. It does not occur to Quintilian that the Stoic system is not necessarily motivated by the fear of the bad man entering rhetoric,[67] just as those whose views differ from that of the Stoics are not all attempting to bring the bad man into rhetoric.

In II. ch. 15, Quintilian can, and indeed must, produce his *credo* with regard to rhetoric. He understands that the discussion of the definition has not exhausted the subject. He must state unambiguously that there is no place for the bad man in rhetoric. His discussion, however, is far from orderly, and does not flow intelligently from his sources.[68] Quintilian was a rhetor of more than twenty years' standing. He was no philosopher, and from this point of view, II. ch. 15–21 cannot be considered his home territory. He was certainly an expert on rhetoric *per se*, but metarhetoric is something else altogether. Every rhetor would refer at least at the beginning of a course to certain metarhetorical elements, but would not have gone too deeply into them. It was not for this that students came to him. Quintilian is no different from other rhetors. When he discusses metarhetoric he is dependent on his sources. He had, however, already read a great deal of material before writing his work, as he states in his *prooemium* (3–4), and there is no reason to disbelieve him. This would have been a double-edged sword for one who was not blessed with a philosophical mind, had no real understanding of the various philosophical schools of thought, no awareness of their internal controversies, let alone the motivations for such controversies or the background to them. He remembered a vast amount, as befits one trained in rhetoric, and served him well in rhetoric *per se*, but it was a disadvantage in metarhetoric. Chapter 15 is written associatively so that while it appears to be orderly, it confuses a great many details. It may be assumed that after writing a passage Quintilian would not return to it and check it against the sources if he had not been copying from them. At least, this does not seem to have been his normal work practice.

Three elements conspire to make the analysis of chapter 15 philologically challenging: 1) the pathological motivation of the author to treat metarhetoric almost exclusively with regard to the problem of the bad man in rhetoric; 2) his faulty grasp of Hellenistic philosophy; 3) the misapplication of his vast reading and extensive memory.

Chapter 15 is so structured that it falls into two main parts. In §§1–32, Quintilian surveys various opinions regarding the definition of rhetoric which he believes allow the bad man to be considered an orator. From §33 onwards, he gives his own opinion, which is that of the Stoics.

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67 See pp. 32–35; 136 above.

68 RW (2006) 225–229 introduce this chapter as if it is orderly. A distinction must be made, however, between Quintilian who imposes order according to the criterion he has determined as primary, and the order of his sources which would have required some understanding of them.

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§§1–32 may be divided as follows. In §2, Quintilian lists five opinions which do not regard rhetoric as a virtue in the Stoic sense of the word. He discusses these until §23. He then turns to a discussion of Plato in §§24–32 with a view to refuting those who see the philosopher as an opponent of rhetoric.

The five opinions appearing in §§2–23 will occupy us later in the discussion. We are concerned here with the Exclusivity of the End Argument which has a parallel in §§10–11. Up until §10, Quintilian has surveyed various definitions of rhetoric which regard persuasion as the main factor[69] in rhetoric. Because of the criticism adducing various means of persuasion other than rhetoric (= Exclusivity of the End Criticism), Quintilian turns in §10 to examples attempting to make the end of rhetoric peculiar to rhetoric by formulating it as *vis dicendo persuadendi.* The examples are from Plato's *Gorgias* and from Theodectes/Aristotle. The definition of the latter is *ducere homines dicendo in id quod auctor velit.* There follows the double criticism in §11:

> sed ne hoc quidem satis est comprehensum: persuadent enim dicendo vel ducunt in id quod volunt alii quoque, ut meretrices, adulatores, corruptores. at contra non persuadet semper orator, ut interim non sit proprius hic finis eius, interim sit communis cum iis, qui ab oratore procul absunt.

Persuasion is not peculiar to the orator, and on the other hand, the orator does not always persuade. This criticism, however, is not all that clear. While the final part makes sense (the second *interim* – there are other people apart from the orator who persuade in speech or manage affairs according to their wishes),[70] it is not at all clear what the first part intends (the first *interim*). Where have we seen an example that persuasion is not the exclusive end of the orator? What about the previous observation which is immediately dropped, *at contra non persuadet semper orator*?[71]

The parallel in Sextus, II. 72–73 helps to answer these questions. This passage is formally a complete parallel to the equation appearing at the end of Quintilian, II.

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69 I use 'factor' because we cannot determine at the moment whether persuasion here is regarded as a τέλος or a ὅρος precisely because Quintilian seems not have been fully aware of the distinction throughout the entire chapter and the metarhetorical discussion altogether; cf. p. 131 nn. 12–13 above, where we demonstrated that Quintilian was aware that *finis* translates both terms, although his usage indicated that he was not entirely aware of the distinction; cf. also RW (ibid.) in their introduction and notes to chapter 15.

70 On the difference between people who persuade and arts which persuade (Sextus, II. 5), see p. 153 below.

71 This is not to be understood as a version of the Exclusivity of Attaining the End Argument, as if the orator does not always attain the peculiar end of rhetoric; cf. RW (ibid.) 245: "understanding *persuadet* as 'succeeding in persuading'." The intent is that the orator has an end other than persuasion, as is clear from the words *non est proprius hic finis eius*, and from a comparison with the formulation of the Exclusivity of Attaining the End Argument in 17. 22: *aiunt etiam omnes artes habere finem aliquem propositum, ad quem tendant… modo non praestari eum, qui promittatur.*

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15. 11. §72 parallels the second leg, except that the examples are different. In Sextus the orator is accompanied by those who persuade by means of money, wealth, etc., while in Quintilian they are various kinds of lowlife.[72] §73 parallels the first leg of the equation, including its content. It now becomes clear what lies behind the vague words *at contra non persuadet semper orator.* After the orator persuades, he is still waiting for something else, and this is the end; thus persuasion is not the end. To discover what he is waiting for, all that we need to do is to return to Quintilian and the definition of Theodectes/Aristotle: *ducere homines dicendo in id quod auctor velit.* That is to say, the persuasion is for some purpose desired by the orator, and it is this which is the end of rhetoric.

We may now see that Quintilian has a basic structure to chapter 15, but during the course of writing occasionally recalls other items and inserts them, not always in their proper place. Sometimes he combines things which were originally separate, and thereby creates unintelligible sentences, which seems to be what happened here. Quintilian combined the definition of Gorgias and Theodectes/Aristotle since for his purpose the fact that they both joined speaking onto the end of rhetoric was what he found important. Quintilian sees no great difference between them, and here he is quite right.[73] What we mean by persuasion as the goal is of course that our goal following the persuasion will be achieved; the target audience will accept our opinion and act upon our wishes. However, what appears logical is not always correct, especially when it is to do with the controversies surrounding rhetoric. There were those who saw (or wanted to see) in the definition of Theodectes/Aristotle and in similar definitions a type of end quite different and separate from persuasion, which leads to the first leg of the equation: *interim non sit proprius hic finis eius (=at contra non persuadet semper orator).*[74] Quintilian (or his source) failed to understand

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72 The criticism in Sextus is before the addition of speaking (*dicendo)* to the end of rhetoric, while in Quintilian the criticism comes afterwards. Even after the addition of speaking, however, examples of other arts which use speech could have been used. Such a criticism appears in Plato's *Gorgias* and is reflected in Sextus, II. 5; cf. Philodemus I. 19, col. 1. 12 ff. where the orator is accompanied by the philosopher, the grammarian and the dialectician. Quintilian is of course using second or third hand material, or rather his memory of it, which might explain his unorthodox examples.

73 Cf. the definition of Apollodorus in §12. The identity between *persuadere* and *sententiam eius (sc. oratoris) ducere in id quod velit* is a little suspicious. A comparison with the final part of the definition by Theodectes/Aristotle in §10 makes it look like an artificial definition combining various things. Furthermore, the parallel to this argument of Apollodorus appears in Sextus, II. 79. Indeed, the main thrust of Sextus' opposition to this end (§84) makes no distinction between the two ends. Finding favour with the judges is as good as persuading them; victory is as good as persuasion (although Sextus does criticize τὸ νικᾶν in other ways; cf. §§86–87).

74 Sextus, II. 86–88 may now be seen to contain something interesting. Victory, which is an element in the Exclusivity of the End Argument (apparently a later version; see next note), now takes on an extra role in the Exclusivity of Attaining the End Argument. Such transitions are typical of the End Argument.

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or properly recall the argument in the Greek original which Sextus did understood correctly.

To conclude this analysis of the Exclusivity of the End Argument, there is no doubt that Quintilian and Sextus had a common source which claimed that persuasion is not exclusive to rhetoric. This becomes the first leg in Sextus, II. 72, whose second leg is no more than a piece of *ad hoc* sophistry.[75] Apart from the two sources mentioned here, the second leg makes no other appearance, while the first leg does have other parallels.

This first leg, as it appears in Sextus, II. 72 and in Quintilian, II. 15. 11, appears completely out of context. Quintilian is completely confused, while Sextus adds it as an appendix to the main argument[76] dealing with the end (§§60–71), arguing ἐξέσται τῷ βουλομένῳ χρῆσθαι (72).

In order to discover the source of the argument, the motivation behind it, the context in which it was created, and its aims, and especially its position in the general controversy over rhetoric, it will be necessary to turn to those parallels which are not formulated as arguments. They fall under what I call the Exclusivity of the End Criticism.

6.4.2. Analysis of the Exclusivity of the End Criticism

Immediately after the first leg in Sextus, II. 72, we are referred back to §4. It is not clear which words may be attributed to Sextus himself, but even in the most extreme case (where the comment begins with τὸ γὰρ πείθειν), it is this that the argument intended. At any rate, there is no doubt that Sextus, II. 2–9 constitutes a parallel to the Exclusivity of the End Argument. To this parallel must be added in the first stage Quintilian, II. 15. 6–9. In these two places, the Exclusivity of the End appears as part of the discussion concerning Plato's opinion of rhetoric. This is explicit in Sextus, but needs to be proved in Quintilian. An analysis of the sources shows that they have a common intermediate source.

The beginning of the metarhetorical discussion in Quintilian, II. ch. 15 is very reminiscent of the beginning of the discussion in Sextus, although their objectives are exactly opposite. Sextus is attacking, and Quintilian is defending, rhetoric. Both be-

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75 It has no connection with the context of the discussion. The fact that persuasion is not always the end of the orator exceeds the bounds of the present argument, which continues in §12 where it is observed that there are others who are not orators who even so manage to persuade, thereby proving that persuasion through speech is not exclusive to rhetoric. Indeed, this addition does not appear in Sextus, II. 2–5, which seems to be a parallel to the first leg.

76 The addition may have already been in his sources, who regarded the criticism stemming from the significance of the term τὸ πιθανόν as the main criticism concerning the end (§§60–71).

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gin by surveying the most outstanding definitions[77] of rhetoric supplied by previous generations. Quintilian does not make do with a *comprensio verborum* but seeks the *qualitas ipsius rei* (II. 15. 1).[78] Similarly, Sextus seeks not only the ἔννοια but also ὅ ἐστι τὸ ζητούμενον (§1).

Sextus adduces the opinions of Plato, Xenocrates and the Stoics, and Aristotle (§§2–9). In the context of Plato (§§2–5), Sextus provides a definition ἐξ ἐπισυνθέσεως, a definition based on Plato's *Gorgias*, which essentially assembles all the reservations Socrates had raised against rhetoric in his discussion with the sophist.[79] The definition begins, of course, with Socrates' proposal that rhetoric is πειθοῦς δημιουργός, from which it progressively reduces in scope.[80] The first step is the addition of διὰ λόγων, since there are also other means of persuasion which fall outside the scope of rhetoric. The next stage concerns those things essentially to do with speech, and so on. We are actually most interested, however, in the first step, the addition of διὰ λόγων to πειθοῦς δημιουργός.

Although Quintilian, II. 15 is more complex, the general context is similar and testifies to a common source.[81] Plato appears twice in Quintilian in the part dealing with the τέλος element in the definition of rhetoric (§§4–14).[82] That he does appear twice indicates a certain confusion in Quintilian's text. It is partly explained by the position of Isocrates who opens the survey in Quintilian. The definition πειθοῦς δημιουργός is not that of Isocrates. It is attributed to Gorgias in Plato's *Gorgias*, and appears as such in Sextus, II. 2. Even Quintilian himself doubts the attribution to Isocrates. At any rate, after attributing the definition to Isocrates, and discussing how best to translate the Greek term, Quintilian adds *apud Platonem quoque Gorgias… fere dicit* (§5). There is no doubt that Quintilian or his source mistakenly attributed to Isocrates Plato's definition.[83]

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77 Cf. Sextus II, 1: φέρε πρῶτον σκεψώμεθα τί ἂν εἴη ῥητορική, τὰς ἐπιφανεστάτας εἰς τοῦτο τῶν φιλοσόφων ἀποδόσεις παρατιθέμενοι.

78 II. 15. 1 seems to have been the beginning of the second half of the second book, which Quintilian in his preface says comprises *quae de ipsa rhetorices substantia quaeruntur* (I. *prooemium* 21). At the same time, II. ch. 13–14 act as a kind of introduction to it.

79 On the history of this method, see RW (ibid.) 236 on the words *apud Platonem.*

80 The order of the elements in the definition do not correspond with the order of their appearance in the dialogue; see n. 97 on pp. 157–158 below.

81 RW (ibid.) 236–238 devote an extended discussion to the problem of the common source, at least so far as it pertains to the definition attributed to Plato. After rejecting the opinion of Radermacher who identified the source with a Stoic work, they state that it was "a doxographical source on definitions of rhetoric, compiled by a rhetorician rather than a philosopher" (237). I shall consider this conclusion in due course, but it should already be noted that they do not analyse the two sources together, or note the differences in detail and their exact location. They also fail to take into consideration an additional parallel in Sextus, II. 60–62.

82 In §14 Quintilian begins his discussion of the ὕλη element in the definition of rhetoric.

83 See also the comments of RW (ibid.) 234–235 on the words *re vera* and πειθοῦς δημιουργός. They support the view that Isocrates never wrote a technical handbook (τέχνη), although he may

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The Exclusivity of the End Criticism appears in Sextus very close to Plato's definition, and is close to the comment about Plato in Quintilian, except that Cicero intervenes. It is typical of Quintilian to add Roman examples and sources wherever he can, occasionally even replacing the original Greek examples. We may be sure that the Exclusivity of the End Criticism beginning in the middle of §6 was originally next to Plato's definition, and the appearance of Cicero is the work of Quintilian.

It is now time to examine the criticism itself: the definition of the end of rhetoric as πειθοῦς δημιουργός is unsatisfactory since there are additional things which persuade apart from rhetoric. These are, according to Sextus, II. 2:

> τὸ μὲν 'διὰ λόγων' προστιθεὶς τάχα παρόσον πολλά ἐστι τὰ πειθὼ τοῖς ἀνθρώποις ἐνεργαζόμενα χωρὶς λόγου, καθάπερ πλοῦτος καὶ δόξα καὶ ἡδονὴ καὶ κάλλος.

and Quintilian, II. 15. 6:

> verum et pecunia persuadet et gratia et auctoritas dicentis et dignitas. postremo aspectus etiam ipse sine voce, quo vel recordatio meritorum cuiusque vel facies aliqua miserabilis vel formae pulchritudo sententiam dictat.

Quintilian's testimonium divides into two parts either side of the word *postremo*, and the reason is obvious. Quintilian adds Roman examples. The first three examples are intended to match three Greek examples, which also appear in Sextus: pecunia-πλοῦτος; gratia-ἡδονή; auctoritas dicentis et dignitas-δόξα.[84] Beauty moves to the second part of the passage because Quintilian wishes to organize a new group of means of persuasion having in common *aspectus ipse sine voce.* In this group Quintilian can place his Roman examples: *recordatio meritorum cuiusque*, with Manius Aquilius in mind (§7), and *facies aliqua miserabilis*, intended for Servius Galba (§8), while *formae pulchritudo* he reserves for Phryne (§9).

Quintilian, therefore, used the same source as Sextus, but added between ἡδονή and κάλλος his own list of means of persuasion accompanied by Roman examples. Interestingly, Quintilian does not add Roman examples where there were no Greek examples in his source. Sextus had examples only for κάλλος, and Quintilian retains

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have composed a collection of speeches (τέχναι) with which his pupils could learn to deliver speeches, while they also accept the view of Dodds that the term πειθοῦς δημιουργός originated in Plato.

84 For the identification of *gratia* with ἡδονή, cf. LSJ, *s.v.* B. The identification of δόξα with two Roman concepts reflects a common phenomenon in translations. It is especially understandable with δόξα since reputation does arouse both authority and worthiness. Contrast RW (ibid.) 240 who state, "Q. covers three of Sextus' headings in the same order: money, *gratia et auctoritas et dignitas*=δόξα, beauty." According to this scheme of things, Quintilian would have skipped the third example, pleasure, which does not seem very plausible.

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there the Greek example of Phryne. His new Roman examples he adds to his own new items.

Quintilian then summarizes the criticism as follows (II. 15. 9–10):

> quae si omnia persuadent, non est hic, de quo locuti sumus, idoneus finis. ideoque diligentiores sunt visi sibi, qui, cum de rhetorice idem sentirent, existimarunt eam 'vim dicendo persuadendi'. quem finem Gorgias in eodem, de quo supra diximus, libro velut coactus a Socrate facit …

It is worth comparing this with the parallel in Sextus, II. 4:

> οὐ τοίνυν ἀσκόπως ὁ Πλάτων ἀποβλέπων εἰς τὴν δι' αὐτῶν γινομένην πειθὼ ἔλεξεν ὅτι ῥητορική ἐστι πειθοῦς δημιουργὸς οὐχ ὁπωσοῦν ἀλλὰ διὰ λόγων.

In both sources, the comment about the addition διὰ λόγων or *dicendo*, although this is by no means the final addition to the definition, is followed by a conclusion. In Sextus this is the mentioning of the name of Plato who would be better placed at the end of §5. In Quintilian we find the declaration *non est hic, de quo locuti sumus, idoneus finis* where the word *idoneus* is a Latin translation of the Greek term ἴδιον which appears at the end of §5 in Sextus.

Thus, the Exclusivity of the End discussion appears in both sources at the transition from the Platonic end – *vis persuadendi* / πειθοῦς δημιουργός and its improvement to *vis dicendo persuadendi* / πειθοῦς δημιουργὸς διὰ λόγων. The Exclusivity of the End discussion continues, but there are significant differences between the two sources. In both sources it is agreed that persuasion through speech does not apply exclusively to rhetoric. According to Sextus, there are other arts which persuade through speech, such as medicine. According to Quintilian, there are other types of cajolers – *alii quoque, ut meretrices, adulatores, corruptores.* These examples are notable for not representing artists.

It may be concluded that the original discussion on Plato's definition of rhetoric included only πειθοῦς δημιουργός with the addition of διὰ λόγων to exclude from the definition all non-verbal means of persuasion. The common source would seem to have claimed that Plato defined rhetoric as the creator of persuasion, but that he argued that rhetoric also required to be linked with speech. The remaining qualifiers are later additions which is why the versions in Sextus and Quintilian differ from each other. What is common, however, is that both sources set the Plato discussion within a survey of various philosophers who referred to rhetoric. This is clearly seen in Sextus, II. 1–9, and from the assembly of theories and opinions adduced in Quintilian, II. ch. 15. We would like to know who is the source for the survey, if indeed there is one common survey, and what the purpose and target of the survey might have been. In order to gain a clearer picture of the survey, it will be necessary to ex-

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amine an additional survey which has something in common with the other two, although there are also differences. This is Sextus, II. 61–62.

This passage appears during what we have called the formal discussion of the end. While the two earlier sources contain the Exclusivity of the End Criticism, this third passage is explicitly declared to be dealing with the end. This already allows us to consider the possibility that this passage, too, has something to do with the Exclusivity of the End. In fact, this passage, in addition to the others, will enable us to reconstruct the correct structure of the Exclusivity of the End Argument, and finally the End Argument as a whole.

We shall begin with what is common to all three surveys:

1. Stoic Background and Influence

I wish to show that the background to the surveys is the internal debate against the Stoa. Traces of it are discernible in all three surveys.

Immediately after the opening line, we find in Sextus, II. 1:

> ἀλλ' ἐπεὶ κοινὸν ὑπάρξεώς τε καὶ ἀνυπαρξίας ἐστὶν ἡ ἔννοια, καὶ οὐδὲν τούτων ἕτερον οἷόν τέ ἐστι ζητεῖν μὴ προλαβόντας ὅ ἐστι τὸ ζητούμενον, φέρε πρῶτον σκεψώμεθα τί ἂν εἴη ῥητορική…

The terms ὕπαρξις and ἀνυπαρξία originate in Stoic philosophy.[85] The former term denotes the reality, the latter the unreality of a πρᾶγμα (a state of affairs) independent of us. We grasp the reality of the state of affairs by giving our assent (συγκατάθεσις) to a true verbalization of the state of affairs, such as ἡμέρα ἐστίν. The impression (φαντασία) presented to us was credible or persuasive (πιθανή), and if it actually reflected accurately the state of affairs from which it came, it would be a καταληπτικὴ φαντασία. The term ἔννοια is also a Stoic term, and it denotes a general concept or notion, such as a horse or a unicorn, whether actual cases are present or absent; the concept *per se* is, therefore, as Sextus observes, common to reality and unreality.[86] For Sextus to prove that rhetoric is not an art, he must refute each and every concept of the philosophers who hold that it is an art.[87] Sextus obtains the concept he wishes to refute by surveying the opinions of Plato, Xenocrates and the Stoics and Aristotle (§§2–9). This is a completely logical and coherent strategy. As we have seen, what we have called the Exclusivity of the End Criticism appears during his survey of the opinion of Plato (§§2–5).

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85 It is true that these concepts later entered general philosophical parlance, but in the present context they are clearly Stoic. On the origin of these terms, see Glucker (1994).

86 Cf. the use of ἔννοιαι in the epistemology of the Stoic Antipater of Tarsus in Ludlam (1997) 366–368.

87 A Pyrrhonian sceptic has no other choice but to refute every positive dogma in order to prove his point, but in fact he will address only the most prominent (τὰς ἐπιφανεστάτας εἰς τοῦτο τῶν φιλοσόφων ἀποδόσεις).

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The Stoic background is proven not only from the terminology used but also from the context of the discussion. All nine of the first sections merely prepare the way for the discussion based on the Stoic definition of art (§§10–42).[88] Seen as such, §§2–9 are part of the criticism agains the Stoa.

The survey in §§60–61 is also connected with the Stoa, and indeed is connected with the same Stoic definition of art. While earlier the definition appears after the survey in §§2–9, here it appears at the beginning of the survey.[89] The appearance of the Stoic definition is enough to corroborate our finding regarding the Stoic background and the internal debate. The criticism itself beginning in §63 is full of Stoic terms, such as φαντασία and συγκατάθεσις.[90]

The Stoic background also appears in Quintilian, II. ch. 15 which is entirely structured around differentiating those who separate rhetoric from the good man from those who do not (the Stoics); in other words, those who define the end of rhetoric as speaking well from those who define it as persuasion. The conclusion to the chapter, beginning at §33 is an encomium to the Stoic theory.

2. The List of Names

The common source for all three surveys must have presented all the names of philosophers which all three surveys share, and perhaps where only two agree. The shortest list is the one in Sextus, II. 2–9, where we find Plato, Xenocrates and the Stoics, and Aristotle. In Sextus, II. 60–61 the list is a little longer: Plato, Xenocrates, Aristotle, Ariston the Peripatetic, Hermagoras, Athenaeus and Isocrates. Quintilian provides Isocrates, Plato, Cicero, Plato again, Theodectes/Aristotle, Apollodorus, Aristotle again, Hermagoras. The lists are certainly not identical, not only in the list of names, but also in the definitions attributed to them. We shall deal with all these problems later.

Now let us consider some of the differences between the three surveys:

1. Context of the Discussion

In Sextus, II. 2–9, the context is the ὅρος. This word, together with the phrase κατὰ διοριστικὴν ἔφοδον, appears in §2 with regard to Plato, but the syntactical structures appearing among the rest of the philosophers also show that the passage is dealing with ὅρος. Thus, in connection with Xenocrates and the Stoics, we find the structure ἔλεγον ῥητορικὴν ὑπάρχειν + accusative; with Aristotle, παραδίδωσι τὴν ῥητορικὴν (*sc.* εἶναι) + accusative. In Sextus, II. 60–61, the context is clearly the τέλος, although the structures are not unambiguous. With some of the philosophers, such as Plato and Aristotle, the formulation conforms more to the ὅρος, but with others, such as Ariston and Hermagoras, the formulation is more suited to the

88 This claim will be proved in p. 160 and §6.4.3 below.

89 The definitions are not identical, on which see p. 158 below.

90 The source for this criticism will be discussed below, pp. 158–160.

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τέλος.[91] Quintilian begins with ὅρος as the context, but already in §3 we meet with *munus orandi*, a term more suited to the τέλος.[92] Even the definitions themselves often pertain to the τέλος, such as Cicero's definition using the infinitives *dicere, persuadere*,[93] or those of Theodectes/Aristotle, Apollodorus and Hermagoras.

We have already noted the ambiguity in Quintilian's use of *finis* which may translate either ὅρος or τέλος.[94] The confusion is compounded by the similarity in content of the two topics. Since each of the two passages in Sextus has a clear preference, one for the end, and the other for the definition, it is impossible to establish by simple comparison what the common source needed with a list of philosophers, and in what context. A more complex comparison is required.

There are a number of problems in Sextus, II. 2–9. These sections are intended to introduce §10 which quotes the Stoic definition of art, using which, Sextus will deny that rhetoric is an art. This being so, §§2–9 should demonstrate that the usual view is that rhetoric is an art. The attempt to use the list of philosophers in this way is not entirely successful, especially since the actual refutation based on the Stoic definition of art can manage very well without the list at all. The connection between the two parts is of course the word τέχνη. It suffices to assume that rhetoric is an art for the refutation to have a point, and for this, the survey is unnecessary, and is indeed dropped, with the argument concentrating on the elements of the Stoic definition alone. Furthermore, not all the philosophers in the list use the word τέχνη. It is used by Aristotle (the third, and the last, in the list), and perhaps we could allow ἐπιστήμη in the formulation of Xenocrates (§6). Plato's definition makes no reference at all to the word τέχνη or anything similar to it, but actually emphasizes persuasion. Yet Sextus concludes this survey by connecting all of these definitions with all their differences to the beginning of the Stoic definition which starts with the word τέχνη. He appears to succeed by glossing the various terms used in the different definitions, and connecting them all with τέχνη:

τέχνη ἢ ἐπιστήμη λόγων ἢ τοῦ λέγειν καὶ πειθοῦς περιποιητική

a) Aristotle – τέχνη λόγων
b) Xenocrates and the Stoics – ἐπιστήμη τοῦ εὖ λέγειν
c) Plato – πειθοῦς δημιουργός

91 The characteristic syntactical structure in a τέλος sentence is an infinitive, especially with a definite article; this point has been well made by RW (2006) 227.

92 RW (ibid.) 234 comment on this term: "It cannot stand in for ἔργον here… which is translated as *officium* although it must mean much the same…" See on the parallel between *munus* and ἔργον ἔσχατον p. 160 and n. 102 below.

93 The word *officium* also points towards the end.

94 See p. 131 and nn. 12–13 above.

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Despite his best efforts, Sextus is unable to synthesize all the definitions. Plato's definition is tacked on to the other two with καί, although Sextus has made it look as though it is the τέχνη which creates the persuasion, which was not the Platonic Socrates' intention. As for the other two definitions, Sextus has identified τέχνη with ἔπιστήμη, which might suit Xenocrates, but certainly not the Stoics, while his identification of λόγων with τοῦ λέγειν succeeds only because he has omitted the all important εὖ.[95]

Given this clumsy concluding sentence, we have no choice but to turn to the parallel in Sextus, II. 60–61. Here it is rather the opening sentence which attempts to state what is common to all the participants in the survey:

> οἱ μὲν οὖν πλεῖστοι καὶ χαρίεντες ἔσχατον οἴονται τῆς ῥητορικῆς ἔργον εἶναι τὸ πείθειν.

Indeed, the survey of the philosophers this time shows without any exceptions that persuasion is the end of rhetoric.

Returning to Sextus, II. 2–9, another problem is the mention of the Stoics together with Xenocrates. In fact, mentioning the Stoics at all before the Stoic definition of art in §10 is problematic, and their mention is obviously an addition to the original survey. The three named philosophers appearing in this survey also appear in the other survey in §§61–62, where Xenocrates is on his own. The Stoics are chronologically out of place in a list of otherwise fourth century B.C.E. philosophers. According to the survey, the Stoics, along with Xenocrates, do not even call rhetoric a τέχνη but an ἐπιστήμη,[96] somewhat ruining the point of the survey as being somehow connected with the Stoic definition of art in §10. There are other indicators that the Stoics have been added together with some Stoic material. The definition as it stands, and the term βεβαία κατάληψις, are quintessentially Stoic and have little to do with Xenocrates, and the latter should surely not be blamed for the accompanying long discussion on the distinction between rhetoric and dialectic.

The survey at Sextus, II. 2–9, therefore, suffers from two major deficiencies. Firstly, it is not in its proper place and should not be serving as an introduction to the Stoic definition of art. Secondly, the survey itself is confused; although the context for the discussion is the ὅρος, the original discussion actually dealt with the τέλος,[97] and Xenocrates has suffered from serious Stoic contamination. We must return once again to Sextus, II. 60–61 for help.

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95 Radermacher (1895) xx n. 1 presents this text with the addition of εὖ, which may well have been his own emendation, based on the fact that εὖ is part of the Stoic definition appearing in §6; cf. Barnes (1986) 5; 17 n. 21. Sextus, however, is aiming not at accuracy but at finding the lowest common denominator. There is no need to emend the text. Mau in his 1961 Teubner edition of the text does not emend and does not even mention Radermacher's emendation.

96 Xenocrates gives a completely different definition in the survey at §§61–62, which will be considered in due course, pp. 166–168 below.

97 This claim is corroborated by comparing the definition attributed to Plato in §2 with Plato's

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§60 begins a formal discussion of the τέλος, and divides into three parts. First is the Stoic definition of art which requires the existence of τέλος τι. This is followed by the survey of a long list of philosophers who all regarded the end of rhetoric to be persuasion. The third stage in the discussion is of course the refutation of rhetoric: if persuasion is not the end, then rhetoric has no end, and consequently is not an art. This argument is entirely consistent and logical. This passage shares with the earlier passage the Stoic definition of art, and the first three philosophers in the present long list are the three named in the earlier one.[98] The Stoic definition in the earlier passage, however, comes after the survey, while in the later one it comes first. This change is significant.

It should be clear by now that the original list was composed by someone intent on presenting famous philosophers who considered the end of rhetoric to be persuasion. Who would do such a thing, and why? It is my contention that the person responsible is Critolaus, and that his aim was to use it against the Stoics.

We have already considered Quintilian, II. 17. 22–25 in the section on the Exclusivity of Attaining the End Argument, where we established that the argument, presenting two sides, reflects two different debates; the internal debate against the Stoics who do not present an external end towards which one might strive (*tendo*), and the external debate against the rhetors who present persuasion as the end, but cannot guarantee its attainment in every case. We mentioned at the end of the discussion that both arguments could be used against the Stoics.[99] We are now in a position to say with some certainty that both End Arguments were used against the Stoics. The first leg of the argument attacked the Stoic end of rhetoric as speaking well since this activity was intrinsic to the activity and not an end to strive for, while the second leg attacked them for the conventional end of rhetoric as persuasion, since this end could not always be attained by the orator. How could the conventional end of rhetoric be imposed on the Stoics? By presenting them with a list of philosophers too famous to ignore, all of whom held this view.

The attack on rhetoric using the Exclusivity of Attaining the End Argument had to regard persuasion as the end of rhetoric. The Stoics could attempt to avoid the criticism by pointing to their Stoic end of rhetoric, speaking well. Critolaus was not prepared to accept this, and in any case refuted this possibility in the first leg of his argument. He claimed (now in Quintilian's Latin, II. 17. 22) that *omnes artes habere finem aliquem propositum, ad quem tendant: hunc modo nullum esse in rhetorice.* Why this end, the end to be striven towards, is not in rhetoric at all is because Crito-

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Gorgias 450b9–453a2 which contains the elements mentioned in the definition: διὰ λόγων, πειθοῦς δημιουργός. Were this definition to have derived from an original ὅρος of rhetoric, we might have expected some reference in it to the *materia* of the art, as they appear in *Gorgias*, such as ἐν δικαστηρίῳ (452e2), and δίκαιά τε καὶ ἄδικα (454b7).

98 Further evidence that the Stoics placed with Xenocrates in the earlier list are an addition.

99 See p. 138 and n. 43 above.

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laus is currently arguing against the Stoic end of rhetoric, speaking well. Having disproved the Stoic end of rhetoric he would have produced his survey of famous philosophers to complete the attack; here is the end that the Stoics should be advocating,[100] and here comes Critolaus' refutation of that end too, the second leg of his argument.

As we have already seen, Quintilian, II. 15 is an associative collection of sources which have been smoothed out to suit the needs of the author. We may now see that the survey appearing there was originally to do with the end, although the chapter as a whole deals formally with definition. Its declared intention is to be found at the beginning of the chapter (II. 15. 1):

> alii malos quoque viros posse oratores dici putant, alii, quorum nos sententiae accedimus, nomen hoc artemque, de qua loquimur, bonis demum tribui volunt.

"Our opinion" is of course that of the Stoics, appearing explicitly at the end of the chapter, §§33 ff. The non-Stoic group all regard persuasion as the end of rhetoric, which Quintilian fears would allow the bad man into the profession. His solution is to regard rhetoric as the knowledge of speaking well, since only the good man can speak well (§34).[101] The list at §2 contains five non-Stoic opinions, followed by Quintilian's fear (§3):

> hi fere aut in persuadendo aut in dicendo apte ad persuadendum positum orandi munus sunt arbitrari: id enim fieri potest ab eo quoque, qui vir bonus non sit.

There follows his survey which parallels those in Sextus, II. 2–9 and 60–61. It contains many names and arguments, only some of which appear in the parallels in Sextus, and the sources are far from uniform. One thing, however, is clear: Quintilian discusses the end as an element of the definition up to §14, followed by a discussion of the *materia* as an additional element of the definition up to the beginning of the conclusion to the chapter in §33. This is not surprising, since the definition can contain either the end or the *materia* or both of them together. We are interested here in the first part, concerning the end. It seems to me that this part derives from a discussion of the end and adapted by Quintilian or his source to be part of the discussion on the definition. This may be proved with the aid of the parallel in Sextus, II. 60–61. First, here is part of Quintilian, II. 15. 3:

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100 Producing a collection of cases, names and examples might seem strange to us today, but it was an effective tactic in argument in the ancient world. Thus Chrysippus collects numerous instances from history to support his position on divination (Cicero, *De Natura Deorum* II. 10–12).

101 As already mentioned earlier, this does not reflect Stoic thought on the subject, but Quintilian's obsession with keeping the bad man away from rhetoric; see pp. 136 and n. 38; 147 above.

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> hi fere aut in persuadendo aut in dicendo apte ad persuadendum positum orandi munus sunt arbitrari… est igitur frequentissimus finis 'rhetoricen esse vim persuadendi'.

and Sextus, II. 61:

> οἱ μὲν οὖν πλεῖστοι καὶ χαρίεντες ἔσχατον οἴονται τῆς ῥητορικῆς ἔργον εἶναι τὸ πείθειν… δύναμιν εἰρήκασιν αὐτὴν τοῦ διὰ λόγων πείθειν.

The passages share a common source. I have underlined only two of the more notable matches: τῆς ῥητορικῆς ἔργον = *orandi munus*;[102] δύναμιν τοῦ πείθειν = *vim persuadendi*.[103]

To summarize our findings so far: the list of names was produced by Critolaus to demonstrate to the Stoics that noteworthy philosophers have always regarded the end of rhetoric to be persuasion, and he used it in his Exclusivity of Attaining the End Argument. Both Sextus, II. 2–9 and Quintilian, II. ch. 15 make use of the list, but with regard to the definition of rhetoric. The attempt in Sextus is unsuccessful, while Quintilian manages to work it into his chapter in a confused manner, relying on the fact that the end filled an important function in the definition. The definition appearing in Sextus, II. 10, immediately after the survey, seems to have been originally before the survey, as it is in §60, which is the only way that the survey makes any sense.

Following the definition in §10, Sextus goes through several arguments: one based on the σύστημα in §§10–12; then the Exclusivity of Attaining the End Argument in §§13–19. We see from this that Critolaus began his attack from the Stoic definition of art. He had no need to confirm that rhetoric was an art according to the earlier famous philosophers. The Stoics themselves probably declared this explicitly. He did need the survey once he began to attack their τέλος. Thus, after attacking their σύστημα and before the Exclusivity of Attaining the End Argument, he had to introduce the survey to prevent the Stoics hiding behind their Stoic end of rhetoric, speaking well.

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102 One might have expected *munus* to translate the Stoic καθῆκον, but that term is commonly translated by *officium*. Cicero uses *munus* as the equivalent of *opus* = ἔργον in *Tusc.* I. 70.

103 The short list in §2 ends with κακοτεχνία, which is attributed to no one in particular. Critolaus is later accredited with *usus* (§23), and it is Athenaeus who immediately afterwards is said to have called rhetoric the art of deceiving (= κακοτεχνία). As for the *vis*, it has already appeared in the short list in §2 without any qualification, but there is no parallel in the detailed list, and Quintilian may have been thinking of the *vis persuadendi* at the time. Critolaus would have derived the *vis persuadendi* from Plato.

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6.4.3. The Surveys and their Sources

In our discussion of the Exclusivity of the End Criticism so far we have considered two main problems: its location and its source. Its location is in the discussion of Plato's opinion on the end of rhetoric being persuasion. The source is Critolaus who uses the criticism as part of a general survey of philosophers with a view to coercing the Stoics to accept that the real end of rhetoric (if at all) is persuasion, and not speaking well, which is the declared Stoic end of rhetoric. Critolaus does this at the stage where he attacks the Stoics according to the second part of the Stoic definition of art, in which the τέλος is the weak link.

In our comparison of the two parallels in Sextus (§§2–9, 60–61), we found different lists of philosophers. They shared Plato, Xenocrates and Aristotle, although the earlier list added the Stoics to Xenocrates; the later list added Ariston, Hermagoras and Athenaeus; and Isocrates, who also appears in Quintilian. Clearly, we have here different versions of the same survey, which means that more than one author made use of it and adapted it to his purposes. Who were these authors? Did they all have the same motives? Why did they make the changes that they made? Above all, is it possible to reconstruct the various surveys and attribute them to particular people?

The answer to all these questions is positive, with some reservations. With the aid of the context of the discussion, terminological matches and the identification of lines of thought, it is possible to speculate on the sources. The results may be speculative, but they are quite plausible, and conform with other findings in this study. The state of the sources does not allow anything more positive than this.

We shall begin with a number of clues. The survey appearing in Sextus, II. 60–61 can certainly not be attributed to Critolaus since it includes philosophers who lived after him. The context will help to narrow the field down somewhat. The survey concludes with τὸ πιθανόν, and the subsequent discussion is typically Academic, clearly reflecting the Academic-Stoic internal debate pertaining to epistemology. The opening declaration of §61, however, pertained to τὸ πείθειν. What might be the significance of the transition from τὸ πείθειν to τὸ πιθανόν?

Here is a tentative suggestion. In the first stage of the internal debate, Critolaus attacked the Stoics with the aid of their own definition of art. When attacking the second part through the weak link, the end, he prefaced the attack with a list of philosophers designed to make the Stoic accept that the end of rhetoric was persuasion. The survey included at least Plato and Aristotle.[104] Following the survey came the Exclusivity of Attaining the End Argument, in which it was claimed that the orator

104 I shall be arguing that not only were the Stoics a later addition, but that Xenocrates was in all likelihood a modification of the original Isocrates; cf. pp. 165–167 below.

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does not always attain his end, persuasion (Sextus, II. 13–15).[105] In the second stage of the debate, Charmadas uses this survey, but adds to it other philosophers and converts it to a consideration of the Academic concept τὸ πιθανόν,[106] applying a liberal helping of Stoic terminology (Sextus, II. 60–71). Some support for this hypothesis is to be found in the surveys themselves.

The surveys' introductions and contexts suffice to show that the ultimate source is Critolaus. His name appears explicitly in Sextus, II. 12, next to the opinion of Plato. The context is the criticism of rhetoric in §§10–19, following the survey in §§2–9. Yet, more precisely, §§10–12 deal with the first part of the Stoic definition, the σύστημα. This is no problem since Critolaus attacked both parts of the definition, the σύστημα and the τέλος.[107] Both attacks are based on Plato, but the connection between Plato and Critolaus appears only in the context of the first half of the definition.[108] The supplementary τέλος argument at §§13–19 does not mention Plato or Critolaus, even though it is influenced by at least the latter, since this is what we have already claimed to be the later, relaxed version, used by Charmadas.[109]

A comparison of Sextus, II. 61–62 with Quintilian, II. ch. 15 also ties Critolaus to this list. Both passages use the term δύναμις / *vis*, and we shall see that this is the essence of the argument, even if Quintilian confuses the issue. We have already considered the general structure of chapter 15,[110] but we must now go into parts of it in some detail.

As already remarked in our earlier outline, Quintilian lists five opinions in §2 which he believes allow the entry of the bad man into rhetoric. So far as we are concerned, these are five non-Stoic opinions, and they are as follows:

a) *vis* (δύναμις)[111]
b) *scientia, sed non virtus*
c) *usus* (τριβή)[112]

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105 Cf. §6.3 above.

106 See Brittain (2001) 324 n. 53.

107 In the chapter on the Benefit Argument, §§5.4.1–5.4.2 above, we attributed to Critolaus the Rhetoric as Fraud Argument (part of the *Falsa* Argument) and the Harm argument (part of the Benefit Argument). These two arguments also attack the same elements of the definition, the σύστημα and the τέλος, or rather the τέλος εὔχρηστον. Both arguments were grounded on the charge of ψευδῆ θεωρήματα, which led to the later conflation of the two arguments (Sextus, II. 10–12). The τέλος element was thereby robbed of its argument, and was provided with a new one in §§13–19. Comparing that argument with the present one, it now appears that Critolaus treated the two parts of τέλος εὔχρηστον separately, in the End Argument and the Benefit Argument respectively.

108 Or more accurately, in the context of the harm caused by rhetoric. See last note.

109 See the discussion on the Exclusivity of Attaining the End Argument, p. 143 and n. 57 above.

110 See pp. 146–150 above.

111 Quintilian himself provides the Greek original term; cf. §3.

112 Cf. §23.

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d) *ars, sed a scientia et virtute diiuncta*
e) *pravitas artis, id est* κακοτεχνία

In the discussion up to §32, Quintilian attempts to discuss all five of these opinions, attributing them, so far as possible, to various philosophers. He typically pays some opinions more attention than he does others, but in general his discussion may be divided according to these five opinions. The second opinion, *scientia, sed non virtus*, appears in §19, and is attributed to the Peripatetic, Ariston. The fourth opinion, *ars, sed a scientia et virtute diiuncta*, appears in §21,[113] and is attributed to Theodorus of Gadara. The third opinion, *usus*, appears out of order at §23 and is attributed to Critolaus. The fifth opinion, *ars pravitas, id est* κακοτεχνία, also appears in §23 (*ars fallendi*) where it is attributed to Athenaeus.

The attributions of Quintilian are unreliable, to say the least, and his presentation of the opinions themselves should also be treated with caution.[114] Quintilian, however, must be understood if we wish to make progress. Of all the opinions, it is the first, *vis*, which receives no personal attribution. This is somewhat strange since it takes up a good proportion of the discussion, with the discussion of the second opinion beginning only in §19. Even stranger is Quintilian's view of the five opinions (II. 15. 3):

> hi fere aut in persuadendo aut in dicendo apte ad persuadendum positum orandi munus sunt arbitrati: id enim fieri potest ab eo quoque, qui vir bonus non sit.

The common denominator to the five opinions is in his view persuasion. Why persuasion is regarded as the element which would allow the bad man into rhetoric does not concern us here. We are interested in something else entirely. Following this common denominator, Quintilian continues, *est igitur frequentissimus finis 'rhetoricen esse vim persuadendi.*' The Greek behind the *vis* is δύναμις, as we know from Quintilian himself later in the paragraph. We may understand, therefore, that the most frequent definition is δύναμις τοῦ πείθειν, and from here until §19, Quintilian discusses persuasion, instead of discussing the first opinion, the *vis.* The solu-

113 Quintilian even gives this opinion an introductory sentence: *ut iam ad eos veniamus, qui artem quidem esse eam, sed non virtutem putaverunt.*

114 To take but one example, κακοτεχνία is how Critolaus calls rhetoric, but Quintilian attributes it to Athenaeus, particularly astonishing since Athenaeus is an orator; it should also be noted that *ars fallendi* is not necesssarily *pravitas artis.* We have testimonia showing that rhetors were proud of their ability to deceive by means of their art (Sextus, II. 38), but would not have called their art κακοτεχνία. Furthermore, the position of the name Critolaus just before this opinion allows the suspicion that he was linked with this term in the original source, where he may well have been accredited with a number of epithets for rhetoric, including *usus* which is what is attributed to him here (see p. 82 above). On the problem of the attribution of the definition to Athenaeus and for a number of possible solutions see RW (2006) 258–259.

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tion is obvious. Quintilian is emphasizing one aspect of δύναμις τοῦ πείθειν / *vis persuadendi*, that rhetoric is claimed to be *vis tantum* (§2), and not a τέχνη or ἐπιστήμη.

What we have, therefore, is a discussion concerning the end, apparently beginning with the most frequent definition of rhetoric as a power of persuasion, but actually with the most frequently given end of rhetoric, τὸ πείθειν. Quintilian may have been a little confused by the Latin term *finis* which, as we have already seen, means both "end" and "definition".[115] Here again are two passages we have already compared:

Quintilian, II. 15. 2

> hi fere aut in persuadendo aut in dicendo apte ad persuadendum positum orandi munus sunt arbitrati… est igitur frequentissimus finis 'rhetoricen esse vim persuadendi'.

Sextus, II. 61

> οἱ μὲν οὖν πλεῖστοι καὶ χαρίεντες ἔσχατον οἴονται τῆς ῥητορικῆς ἔργον εἶναι τὸ πείθειν.

It seems that Quintilian himself created the confusion by referring to the *orandi munus* (the end of speaking) as the most frequent *finis* and continuing as if *finis* were a definition, albeit a definition of the end, in that the task of rhetoric is to persuade. In fact, this definition, with qualification, is given in another part of Sextus, II. 61:

> καὶ γὰρ οἱ περὶ τὸν Πλάτωνα εἰς τοῦτο ἀπιδόντες δύναμιν εἰρήκασιν αὐτὴν τοῦ διὰ λόγων πείθειν.

It is now possible for us to determine Quintilian's sources. True to his concerns, he has divided the philosophers according to the criterion of allowing the bad man access to rhetoric. His source, however, was the same as the one used by Sextus, II. 61–62, a source which was based on that list by Critolaus which assembled the opinions of philosophers who regarded persuasion as the end of rhetoric. Quintilian turns this general claim that rhetoric is the *vis persuadendi* into the first view in his list of five non-Stoic views. Having listed them, he returns to discuss the first view but regards it as a discussion of what is common to all five views, *persuadere.*

Critolaus is not the only one to use a survey of the views of previous philosophers. We have already noted in our examination of Sextus, II. 61–62 that there are hints in the text to a later Academic adaptation of the list. A comparison of all three passages will reveal that the survey was indeed made use of on more than one occasion.

The survey in Sextus, II. 61–62 presents the latest version of the three, since it mentions Ariston the Peripatetic and other orators later than Critolaus, but it has a

115 See p. 131 and nn. 12–13 above.

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logical structure which makes it the preferred choice for beginning the comparison. The three philosophers beginning the list parallel the three named philosophers beginning the list in Sextus, II. 2–9 (where the Stoics have been added to Xenocrates in §6).[116] These three are none other than Plato, Xenocrates and Aristotle. The definition attributed to Plato is that rhetoric is δύναμις τοῦ διὰ λόγων πείθειν. This is a strange definition for two reasons. Firstly, Socrates in Plato's *Gorgias* does not call rhetoric a δύναμις.[117] Secondly, the definition attributed to Xenocrates, πειθοῦς δημιουργός, would suit Plato better, and it is indeed attributed to Plato in Sextus, II. 2. The use of δύναμις in the first definition might well be to do with the point Critolaus wanted to make in his argument, that οἱ περὶ Πλάτωνα (the followers of Plato, such as Xenocrates and Aristotle)[118] treated rhetoric as a means of persuasion, backed up by specific examples from these philosophers (Xenocrates, Aristotle, to whom are added Ariston, Hermagoras, Athenaeus and Isocrates).

Staying with our first three philosophers in §§61–62, there remain two problems. What would have been the definition of Xenocrates, and how to explain the position of Isocrates? The first question is difficult to answer. Xenocrates' defnition should not be the one in §60, since this is Plato's, nor should it be the one in the parallel passage, §6, attributed to him and to the Stoics, since the definition there – ἐπιστήμη τοῦ εὖ λέγειν – is clearly Stoic only, and was imported together with the reference to the Stoics. The second question is even more difficult to answer. Isocrates does not appear at all in §§2–9; in Quintilian he actually heads the list; here, in Sextus, II. 62, he appears out of chronological order at the end of the list. What could explain this puzzle?

Isocrates seems in Sextus, II. 62 to have been left without a place and consequently tacked on to the end. Sextus or his source would have realized by the end of the list that Isocrates should have appeared, but because his natural position has been taken, he is added to the end. That he is added at all suggests that Sextus or his source is aware that Isocrates is an important element in the list, as indeed his appearance at the beginning of the list in Quintilian confirms. Thus it would seem that the rightful place of Isocrates in the list has been taken by someone else. By a process of elimination, this person is Xenocrates. As it happens, Xenocrates does not appear in Quintilian's list, while his place in Sextus, II. 2–9 is very strange, as we have already seen.[119] Thus in Quintilian Xenocrates does not appear while Isocrates does, at the head of the list, and in Sextus, II. 2–9, Isocrates does not appear. In Sex-

116 See p. 157 above.

117 Socrates does ask what the δύναμις of rhetoric might be (456a5 ff.), which is not the same thing.

118 The formula "οἱ περὶ X" in doxographies often means no more than "X" himself, but in the present instance, where Sextus, II. 2 attributes one definition to Plato himself, the difference in formulation here seems to be significant, pointing literally at "those around Plato"; cf. the same formulation in II. 12. Moreover, the similarity between the formulas may point to Critolaos.

119 See pp. 156–157 above.

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tus, II. 61–62, both appear, but Xenocrates is extremely problematic and Isocrates has been tacked on to the end of the list.

The definitions attributed to Xenocrates in the two passages where he appears reveal an interesting detail. In Quintilian, the definition of rhetoric attributed to Xenocrates is πειθοῦς δημιουργός. This certainly is not the definition of Xenocrates, and even Quintilian casts doubt upon the attribution, albeit not for our reasons. As we have seen, the definition is to be attributed to Plato, and Plato is indeed to be found in close proximity.[120] What happened here is simple and in one way parallels what happened in Sextus, II. 61–62. The source refers to δύναμις τοῦ πείθειν / *vis persuadendi*, which is actually the conclusion Critolaus arrives at from his survey, but which he attributes to the followers of Plato,[121] so that the definition of Plato, πειθοῦς δημιουργός is attributed to the next in the list – in Quintilian, to Isocrates, and in Sextus, II. 61–62, to Xenocrates.

The definition attributed to Isocrates in Sextus, II. 62 is ἐπιστήμη πειθοῦς. The word ἐπιστήμη is common to Isocrates here, and to Xenocrates in the earlier list (Sextus, II. 6). In order to understand the reason for the switch, and in order to reject what might have seemed to be a more plausible explanation, let us take a look at Quintilian, II. 15. 19, where we meet the definition of Ariston the Peripatetic, the second of the five opinions Quintilian had listed in II. 15. 2 – *quidam scientia, sed non virtus.* The distinction between *scientia* and *virtus* is developed in §19:

> … quorum fuit Ariston, Critolai Peripatetici discipulus, cuius hic finis est: 'scientia videndi et agendi in quaestionibus civilibus per orationem popularis persuasionis'. hic scientiam, quia Peripateticus est, non ut Stoici virtutis loco ponit …

§19 marks the transition from Plato to the next opinion to be dealt with, and in this it parallels Sextus, II. 6, where after Plato we find Xenocrates.[122] One might have concluded from this that Ariston was replaced by Xenocrates. After all, the addition of the Stoics is connected to these two philosophers because of the term ἐπιστήμη / *scientia.* However, this speculation is to be rejected, for a number of reasons. The first is the observation that Ariston does not sit well chronologically between Plato

120 See also RW (ibid.) 235 *s.v.*

121 So Sextus, II. 61–62, οἱ περὶ Πλάτωνα, while in Quintilian it is presented as a *finis frequentissimus.*

122 The two places can be proved to be parallels as follows. We have mentioned that only in §19 does Quintilian turn from Plato and the *vis* to discuss the second of the five opinions listed in §2. Quintilian typically weaves into the discussion other philosophers, thereby requiring the name of Plato to be mentioned three times, whenever he returns to the main discussion. At the end of the discussion concerning Plato (according to our analysis), we read: *cui Socrates persuadendi, non docendi concedit facultatem*, clearly echoing Sextus, II. 5: ἀλλ' ὅταν σὺν τούτοις μὴ διδασκαλικήν, ὥσπερ γεωμετρία, ἀλλὰ πειστικὴν ποιῆται τὴν πειθώ. The distinction between persuasion and teaching is made in Plato's *Gorgias* 454c7 ff.

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and Aristotle (as in Sextus, II. 2–9). Secondly, Ariston and Xenocrates are not easily confused phonetically. Thirdly, this solution would not explain the addition of the Stoics to Xenocrates in Sextus, II. 2–9, especially since their definition has nothing to do with persuasion, yet we had established that the source of the survey was intended to provide the base for the Exclusivity of Attaining the End Argument.

Now let us examine the advantages of the other alternative, that the person replaced by Xenocrates was Isocrates. Firstly, the names sound very similar. Secondly, Isocrates does actually appear immediately after Plato in Quintilian's list.[123] Thirdly, the fact that Isocrates appears at the end of the list in Sextus, II. 61–62 indicates that his original position was immediately after Plato (instead of Xenocrates, of course). Were we to reinstate Xenocrates in Sextus, II. 2–9 as well, the three passages would be very similar. Isocrates' definition of rhetoric as ἐπιστήμη πειθοῦς would fit very well in the general context of the survey dealing with τὸ πείθειν.[124] Isocrates would fit the declaration in §1, τὰς ἐπιφανεστάτας εἰς τοῦτο τῶν φιλοσόφων ἀποδόσεις. He might well be considered a philosopher; in his speeches he insists on having his educational system recognized as philosophy.

While it now seems clear that Isocrates was replaced by Xenocrates, we cannot be certain why it happened. It could be as simple as an error based on the similarity of the sound of these names, but this seems too simple, although it might have been one element. A comparison between the two Sextus parallels suggests an alternative or additional explanation. Their structures differ on a very interesting point. In §1, Sextus promises to deal with the definitions of the philosophers, while the formulation in §61–62 is less specific: οἱ μὲν οὖν πλεῖστοι καὶ χαρίεντες. This is justified, since the list includes rhetors such as Hermagoras and Athenaeus. It seems to me that Isocrates was replaced in the earlier list by someone who took the opening declaration seriously, did not take Isocrates seriously as a philosopher, and possibly assumed that Isocrates was a mistake for the well-known philosopher, Xenocrates, who would follow Plato naturally, having been one of his pupils, as was the third name in the list, Aristotle. Isocrates found his way back into the second list, being added at the end of it.

It remains to understand the position of Ariston, his appearance in Quintilian, II. 15. 19, and Sextus, II. 6. It must of course be recalled that Ariston was a pupil of Critolaus. If Critolaus is the instigator of the survey, the mention of Ariston would indicate a later adaptation of that survey. We have already speculated that the version in Sextus, II. 61–62 originated with Charmadas, both because of the Academic tone of the argument beginning in §63, and because of the addition of three names

123 This of course is based on our earlier analysis of the first part of chapter 15; see pp. 165–166 above.

124 His use of ἐπιστήμη is not surprising since the term can have many meanings; cf. Cope (1867) 22–23.

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dating to the end of the second century B.C.E. These names, added by Charmadas, began with Ariston.

Ariston was a Peripatetic about whom we know only a little. In Wehrli's collection of fragments,[125] only four fragments are attributed to him, of which the two main ones are taken from our sources.[126] What we do know about him is that he was influenced by the Stoa and that he admired rhetoric despite the opposite inclinations of his teacher. His definition of rhetoric in Quintilian, II. 15. 19 is positive, treating rhetoric as a *scientia*,[127] but of course Quintilian needs to point out that it is not in the Stoic sense. Ariston may have been one of the reasons why the attack on rhetoric shifted away from the Peripatetics and was later taken up by the Academics,[128] with Charmadas at their head. Ariston may be seen as the link between the first stage with Critolaus, and the second stage with Charmadas, all reference to Ariston being in the second stage.

We are now in a position to reconstruct the development of the survey from one stage to the other. We are aiming at consistency and plausibility so far as that is possible with the sources at our disposal. None of our sources reflects any one stage coherently.

In the first stage, Critolaus attacked the Stoics, using their own definition of art against them. With his claim that rhetoric comprised ψευδῆ θεωρήματα, he could refer them to both parts of the Stoic definition of art to prove that rhetoric was not an art. Having dealt with the first half (rhetoric has no σύστημα), he turned to the second half (the τέλος), where he first attacked the Stoic end, showing that speaking well was not something beyond the activity of rhetoric itself. He then continued with a survey of philosophers (he was attacking only the Stoics, not the rhetors) who regarded the end of rhetoric to be persuasion, with a view to obliging the Stoics to adopt what they should have considered as the true end of rhetoric, in order for him to refute that as well. His list of philosophers included Plato, Isocrates, and Aristotle. He demonstrated, using the *Gorgias*, that Plato regarded rhetoric to be πειθοῦς δημιουργὸς διὰ λόγων (the qualification "through *logoi*" being an attempt to reach an exclusive end for rhetoric).

In the second stage of the debate, Charmadas added Ariston, Hermagoras and Athenaeus to the list. His choice of orators suggests that he no longer restricted this

125 Wehrli, (1944) 53–54; see also RW (2006) 252 *s.v.*; Brittain (2001) 307–308 and n. 21.

126 The other two fragments are taken from Philodemus, and their poor state does not allow us to learn much about the philosopher. It is not surprising that most of Wehrli's comments (*ibid.*, see last note) focus on distinguishing this Ariston from Ariston of Chios.

127 Quintilian's argument that this is not in the Stoic sense because Ariston was a Peripatetic does not hold water. It is necessary for Quintilian to distinguish Ariston from the Stoics, since it is their definition which he will adopt later on.

128 Brittain (ibid.) 308 suggests only that Ariston is returning to an Aristotelian orthodoxy; see also RW (2006) 252: "Ariston's attitude to rhetoric was an ambiguous one."

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attack to the Stoics, but aimed it at the rhetors as well. Against the Stoics, he used this survey to set up τὸ πιθανόν, and exploited Stoic epistemology.[129]

6.5. Lucian

This reconstruction of the End Argument is based almost entirely on Sextus and Quintilian, but some of it can be corroborated by Lucian. That his *De Parasito* draws heavily from the debate between philosophy and rhetoric has been known for over a century. Radermacher was the first to draw attention to this text in this context, and Sudhaus elaborated a little. Yet Lucian has not be used as a source for reconstructing the arguments of the debate. He has simply been noted as an author influenced by the debate.[130] It is my contention that the text of Lucian may be used to expose arguments and even their sources.

Our identification of Critolaus as the source for the Exclusivity of Attaining the End Argument used the survey containing the Exclusivity of the End Argument, and relied on a number of links which still require some confirmation in order to make the thesis as a whole acceptable. The first and most important of these links is the term δύναμις which we have identified as the description used by Critolaus as the author of the survey, rather than as an opinion of one of the philosophers appearing in the survey. That is, we have speculated that Critolaus concluded that rhetoric is a δύναμις from all the opinions gathered in his survey regarding persuasion as the end of rhetoric. The second link to consider is the connection between this survey and the end. The third link is of course the identification of Critolaus with the argument.

We have so far based these links on linguistic connections, names appearing in proximity to arguments, the development of arguments, and so. Lucian's *De Parasito*[131] provides all three links neatly bound up together. The composition represents a conversation between Simon and Tichiades, the former of whom is a parasite who attempts to convince the latter that parasiticism is an art. Already near the beginning of the conversation Simon adduces the definition of art (4. 146. 13–15):

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129 The text reflecting Charmadas' version is Sextus, II. 61–62, where the Exclusivity of the End Argument does not appear at all. Critolaus had already completed this task, with Plato's definition, δύναμις τοῦ διὰ λόγων πείθειν.

130 Sudhaus (Supplementum) xxviii: "Die ganze Polemik jener Tage mit ihrer marktschrierischen Übertreibung und Lächerlichkeit spiegelt sich in dieser Schrift…"; Hubbell (1920) 368: "So well known was the general form of argument employed that as Radermacher acutely observed, Lucian could base one of his richest parodies – Περὶ παρασίτου – on the old lines of the discussion whether rhetoric was an art."

131 I have used the Oxford edition edited by Macleod (1974). Radermacher and Sudhaus used a text I have been unable to identify, but which may have been the one edited by Carl Jacobitz in the middle of the 19th. century. I shall refer to Lucian by section number, page number, and number of the line(s) on that page.

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> τέχνη ἐστίν…[132] σύστημα ἐκ καταλήψεων συγγεγυμνασμένων πρός τι τέλος εὔχρηστον τῷ βίῳ.

This definition is almost identical to the one in Sextus, II. 10. Once again, the proof or refutation that something is an art uses the Stoic definition of art as the criterion. By 7. 148. 21–23, Simon will have proved that parasiticism is an art, using various elements of the definition. Firstly, parasiticism is σύστημα ἐκ καταλήψεων (4. 147. 4 – 5. 148. 13). Secondly, there comes a proof that the κατάληψις of parasiticism is συγγεγυμνασμένη (6. 148. 14–20). Finally comes a proof that parasiticism is beneficial to life (7. 148. 21–23). The parallel with the argument in Sextus, II. 11 ff. is almost perfect.[133]

It is already very clear that Lucian is well versed in the debate between the philosophers and the rhetors. Radermacher and Sudhaus present his familiarity with the debate as of a general nature which any educated man such as Lucian would have; the debate, after all, was at its height centuries earlier. It seems to me, however, that Lucian composed his work with sources for the debate in front of him. A general education, or the cultural atmosphere of the time, would not be able to explain the detail in his work, and the accuracy in the order of presentation, maintained almost until the end of the parody. Lucian, therefore, may be seen as an additional source of information about the debate, to help us analyse, supplement, corroborate and even discover sources. The detail Lucian provides, where it is clearly not parody, such as the very notion of parasiticism, may be understood as taken from his sources on the debate over rhetoric.

Following his proof of the art of parasiticism, Simon now turns to rejecting all other descriptions of parasiticism (7. 148. 24 – 8. 150. 10). There are actually two alternatives to the title of τέχνη, being δύναμις and ἀτεχνία. If these are rejected, then we return to the formula of the Stoic definition of art, as indeed happens. Thus parasiticism is proved both positively and negatively to be an art. The work goes on to define parasiticism (9. 150. 11–15), but that is beyond the scope of our enquiry.

From that part that we have outlined so far it is possible to corroborate/prove that Critolaus was the source for the Exclusivity of Attaining the End Argument, that he was connected with the survey of philosophers, and with the End Argument as a whole. Lucian also throws light on the thinking of Critolaus in the wider context of the connection between τέλος and δύναμις.

The Exclusivity of the End is adduced in Sextus, II. 2–9 when the criticism is raised that beauty can persuade even though it is not to do with rhetoric. Again, in

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132 I have omitted the words not pertaining to the definition itself: ὡς ἐγὼ διαμνημονεύω σοφοῦ τινος ἀκούσας. The definition is Stoic, and the wise man must surely refer to the Stoic sage.

133 Apart from the συγγεγυμνασμένη as a separate part, and a discussion of it in the normal, non-Stoic sense of mere exercise, clearly for the purposes of parody and entertainment.

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Quintilian, II. 15. 6–9, beauty appears in the list of things which persuade but do not have anything to do with rhetoric. We speculated that these parallels were part of a general survey aimed at demonstrating that the end of rhetoric is persuasion and that this, therefore, was only a δύναμις (Sextus, II. 61). Lucian has this stated explicitly.

In 8. 149. 1–3, Simon discusses what we have called the Exclusivity of the End. According to his argument, parasiticism is not the same as beauty or strength. This is similar to our parallels,[134] but now he adds an important remark: ὥστε τέχνην μὲν μὴ δοκεῖν αὐτήν, δύναμιν δέ τινα τοιαύτην. That there were those who called rhetoric an art, and others who called it a power, is of course nothing new, however, but this sentence does allow us to tie the Exclusivity of the End Argument to δύναμις.[135] One of the main reasons for calling rhetoric a δύναμις is its problematic end. Lucian's example, beauty, reveals how δύναμις is intended to be understood in this context. The argument runs as follows. The fact that rhetoric has an end which it shares with other things demonstrates that it is not an art, since an art has an end which is exclusively its own and which it attains in every case or in most cases. Beauty, strength, and indeed the ability to speak well (which rhetoric is claimed to be) are no more than δυνάμεις, and as such may or may not attain their ends.

It is now also possible to see in a wider context the connection between a common end and the fact that it does not always attain its end. Art is supposed to be a system or method designed to attain a certain end, and as such should always or nearly always attain that end. The best test of an art is whether that end can be obtained only by that art and by nothing else. If rhetoric has an end in common with other occupations, then it is not the only way to persuade, and it is therefore not an art. It is merely a δύναμις just like beauty or strength. None of these forms of persuasion can guarantee that the end will be attained, because they are not arts.

The other term Simon refutes as an epithet of rhetoric is ἀτεχνία (8. 149. 5–8). The use of this term to characterize rhetoric is typical of Critolaus, for which we have sufficient evidence already.[136] What is interesting is that the term appears here in connection with the end: if parasiticism was an ἀτεχνία, it would not be able to attain its end. The term ἀτεχνία means a lack of system.[137] This is quite similar to δύναμις in the previous section, since this too has no system. Common to both is the inability to guarantee attaining the end. Lucian seems here to be following Critolaus' attack on the end of rhetoric. Critolaus achieved his objective by stating that

134 Strength does not appear as an example in our other sources, while pleasure and wealth do not appear in Lucian. Beauty is the only characteristic in common, exemplified by Phryne. Each author may use examples at his discretion. Quintilian, II. 15. 6–9 even adds Roman examples.

135 We have of course already seen *vis* / δύναμις in Quintilian, II. 15. 2–4 and in Sextus, II. 61, but the direct connection between the non-rhetorical persuasive elements such as beauty and the *vis* is Lucian's contribution.

136 See e. g., Philod. II. 102 fr. VII (= Wehrli, fr. 29).

137 Cf. e. g., Quintilian, II. 20. 2.

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persuasion was the end of rhetoric and then showing that rhetoric did not always attain this end; thus rhetoric was merely a δύναμις and so far from τέχνη that it was actually ἀτεχνία. Quintilian, II. 17. 22–25 and Sextus, II. 13–15 provide us with an example of a counter example, namely, navigation, which becomes a part of the attack in the relaxed version in the second stage of the debate (Sextus). Simon's first argument proving that parasiticism is not ἀτεχνία is taken from navigation. I add Quintilian for contrast and comparison:

Lucian, 8. 149. 6–8

> φέρε γάρ, εἰ ἐπιτρέψειας σὺ σεαυτῷ ναῦν ἐν θαλάττῃ καὶ χειμῶνι μὴ ἐπιστάμενος κυβερνᾶν, σωθείης ἄν;

Quintilian, II. 17. 24

> nam et gubernator vult salva nave in portum pervenire: si tamen tempestate fuerit abreptus…

In conclusion, Lucian connects the terms ἀτεχνία and δύναμις with the τέλος, and thereby completes the picture. The term ἀτεχνία reveals that Critolaus is the source for the argument, and the significance of δύναμις is fully revealed only here. The internal logic of the argument is thus made clear.[138]

6.6. Conclusion

The End Argument comprises two arguments, the Exclusivity of the End, and the Exclusivity of Attaining the End.

The Exclusivity of Attaining the End Argument was used both against the rhetors and against the Stoics, and appears at both stages of the debate.

At the first stage of the external debate, Critolaus (so it seems) claimed that since rhetoric does not always attain its end (to persuade), it is not an art. The rhetors replied that many arts would need to lose the title of art according to this criterion, such as navigation and medicine, since they too fail to attain their end in every case. At the second stage, Charmadas (so it appears) relaxes the demand for an art to at-

138 An obvious question to ask is whether Lucian had access to a work of Critolaus, or of his pupil Ariston, or of Charmadas. Unfortunately, there is no way of answering this question with any degree of plausibility. In the words of Sudhaus (1892) xxvii-xxviii: "Naturgemäß veranlaßte der Kampfruf 'hie Rhetorik' 'hie Philosophie' mit seinen vielfachen Nuancierungen, mit den Versuchen beides zu verbinden oder daß eine unterzuordnen, eine Reihe von Programmschriften, direkt zum Werben bestimmt… Alle diese Tageslitteratur hat nun, wie billig, die Zeit Verschlungen, und nur der Schalk ist übrig geblieben, Λυκιανοῦ Περὶ παρασίτου, ὅτι τέχνη ἡ παρασιτική." Did Lucian himself make use of one of these 'Programmschriften'?

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tain its end in every case, and is satisfied with it attaining its end in most cases. Yet rhetoric cannot meet even this criterion. The rhetors reply that even when an orator loses more than he wins, he still has a greater proportion of successes than a non-orator.

At the first stage of the internal debate, Critolaus attacks the Stoics using the Stoic definition of art which requires the presence of an end. Critolaus cannot, however, use the Exclusivity of Attaining the End Argument against the Stoic end of rhetoric, since this is speaking well, and is always present in the activity of rhetoric. He therefore attempts to prise the Stoics away from their end of rhetoric (which he criticizes in any case as not an end, precisely because it is not outside the activity of rhetoric), by presenting a survey of philosophers, Plato, Isocrates and Aristotle, who regarded the end of rhetoric to be persuasion. The Stoics, who regarded themselves as a link in the philosophical tradition, were thereby intended to feel obliged to return to the conventional end of rhetoric. Whether the Stoics chose to present the end of rhetoric as speaking well or as persuasion, Critolaus could demonstrate that rhetoric was not an art according to their own definition of art. At the second stage of the internal debate, Charmadas added three more names to the list, Ariston the Peripatetic, and the rhetors Hermagoras and Athenaeus, probably because he used the argument in the external debate. In the internal debate, he based on this survey an attack pertaining to τὸ πιθανόν and its ramifications.

The Exclusivity of the End Argument seems to have originated in the end of rhetoric to be found in Plato's *Gorgias*, at the transition between πειθοῦς δημιουργός and the addition διὰ λόγων. Critolaus used this definition in his survey as part of his attempt to force the Stoics to accept persuasion as the end of rhetoric. At the second stage of the debate, this definition took on a life of its own and became an independent argument. In the final stage, a second leg was added to the argument: the orator, having attained persuasion, still expects more from his persuaded audience; thus, not only is persuasion not exclusive to rhetoric, but it is not even the end of rhetoric but rather the means to an end.

The wider context for the criticism of Critolaus gives the End Argument its full significance (the same may be said for the other arguments as well). Critolaus denies rhetoric the title of τέχνη and claims instead that it is a δύναμις. This term is general, and Critolaus presents a long list of epithets for rhetoric, each denoting the δύναμις with regard to one or other of the weaknesses in rhetoric. For example, the fact that rhetoric harms led Critolaus to conclude that the δύναμις is so far from being a τέχνη (conventionally always considered beneficial) that it should be viewed as a κακοτεχνία.[139] The δύναμις is so far from being a τέχνη (lacking the system required to guarantee attaining its end in every case) that it should be viewed as an ἀτεχνία. These two attacks – the End and Benefit Arguments – are closely

139 See chapter 5 above on the Benefit Argument.

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connected and based on the two components of the τέλος εὔχρηστον, appearing in the second half of the Stoic definition of art. These are in addition to the *Falsa* Argument based on the σύστημα appearing in the first half of the definition.

Despite the various reconstructions and detailed parallels, it is clear that great chunks of the puzzle still remain in the dark; alternatives may be offered for each part that we have explained. The advantage of the present reconstruction, however, is that it has taken into account all of the available evidence and has attempted to make one consistent hypothesis to explain all the phenomena in the various sources.

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7. The *Materia* Argument

One of the basic requirements of an art *qua* art is that it should have a *materia* (ὕλη). The artisan has a superior knowledge, or an understanding, of the *materia* of his art, which is lacking to others dabbling in the same field.[1] If someone has no exclusive field, or at least a field which is more his than any other's,[2] he is no artisan. It is his mastery of a definite field which allows the artisan to promise the attainment of its end, at least with a higher degree of certainty than others, and to be beneficial when attaining it. Thus we see that the end and benefit of an art are dependent on the *materia* of the art; if the *materia* cannot be determined, or is not exclusive to that art, then doubt must be cast on the art's end and benefit, and indeed on it's being an art.

7.1. The Sources

The two main sourcs for the *Materia* Argument are once again Quintilian and Sextus. In both sources, the *Materia* Argument is well defined and formally presented. The passages are Sextus, II. 48–59, and Quintilian, II. ch. 21, the final chapter of the book in which metarhetoric is dealt with. There are a few other passages in Quintilian where the *materia* is touched upon, such as II. 17. 17, which refers to the main discussion, and II. 15. 15–23. In addition to these two main sources, there are several others we shall use during the course of the discussion, the most important of these being Philodemus.

Before examining the sources themselves, we shall need to discuss a point of methodology. The *materia* is more difficult to study than the other issues already examined. The methodology used during the previous analyses was based almost entirely on a comparison of Sextus with Quintilian, necessitated by the state of our sources. It was impossible to ignore the fact that on every issue, Sextus and Quintilian had drawn on common sources, or at least sources deriving from an ultimate

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1 Roochnik (1996) 17–88 (the first part of his book) attempts to construct various criteria for art, beginning from Homer and ending with Isocrates. It is no surprise that the first criterion he designates is the *materia* (20): "1. Techne is knowledge of a specific field: its subject matter is *determinate.* The knowledge of the *tekton*, to cite the key example, is restricted to working in wood: the *tekton* does not know how to forge metal." The importance of this criterion had already been noted by Heinimann (1961) 106.

2 Versions of the argument allow this option, as we shall see during the course of the discussion.

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common source. The differences as much as the similarities between the parallels allowed us to reconstruct the original arguments so far as that was possible. There were of course problems arising from the textual transmission, and from the interpretation and use of the sources at the hands of Sextus and Quintilian, but these could to some extent be accounted for in the analysis.

On the subject of *materia*, the state of affairs is completely different and obvious even at first glance. The two main sources, Sextus and Quintilian, present passages on the *materia* which diverge so much from each other that there is hardly anything in common at all. This said, however, the difference beween this topic and the previous topics should not surprise us. It is actually more surprising that our sources for a two-stage double debate[3] have not been more diverse so far, and that the sources drawn on from the innumerable works written both during the debate and after it on the problem of rhetoric as an art should have been so similar, perhaps from one of several traditions.

The topic of *materia* also differs from the other topics in that no philosophers are attributed with the arguments. This adversely affects not only our ability to identity the instigator of the argument, but also our ability to reconstruct it. In our earlier analyses, the identification of one or two sources, by name of philosopher or at least by school, allowed us to pin down the various stages of development of the arguments. The presentation of the *materia* topic is formal and yet totally lacking in attributions. This absence, together with the confusion in argument, suggests that the sources are at several removes from the original.

For all these reasons, the methodology will be different for the topic of *materia.* Each text will be analysed alone since there are no parallels with which to make intelligent comparisons. The result will be less satisfactory conclusions than in the previous analyses, speculations, and occasionally a clarification of a corrupt or confused text. This is not much, but it is all that can be expected in the present state of the sources.

7.2. Quintilian, II. ch. 15–21

Of the two main sources on *materia*, we have chosen to begin with Quintilian. The reason for this is simple. Quintilian presents an argument relatively uncontaminated by other issues. Where there are problems, they are normally associated with the way Quintilian himself works with his sources.

Chapter 21 is entitled *quae materia eius.*[4] The entire chapter does indeed deal with *materia.* As already mentioned above, there are hardly any divergences from the discussion of the *materia.* The chapter is focussed and has an internal logic, even

3 See pp. 45; 54 above.

4 On these titles, see p. 131 n. 14 above.

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if it is not perfect. At the same time, there are various types of arguments, various targets, and various subjects, all of which we shall attempt to reveal. Before turning to this task, however, we would do well to consider the location of the chapter in Quintilian's work.

Chapter 21 concludes the second book, the last part of which – chapters 15–21[5] – constitutes Quintilian's metarhetorical discussion. The chapters appear to present the various metarhetorical topics from most to least important in the study of rhetoric. The most important topic is the definition[6] of rhetoric (15), followed by benefit (16), the question whether rhetoric deserves the title of art (17), and so on; but how are we to explain the location of *materia* at the very end of the discussion? Is it less important than the question *natura an doctrina plus ei conferatur* (19)? It is highly implausible that Quintilian only thought of *materia* at the last minute. Quintilian plans his work in advance, and sets out his programme for all to see (*Prooem.* 21 ff.). Quintilian certainly did not think lightly of the *materia*, as his own remark in II. 17. 17 shows: *prima iis argumentatio ex materia est. omnes enim artes aiunt habere materiam, quod est verum: rhetorices nullam esse propriam, quod esse falsum in sequentibus probabo.*[7] What are we to make of this? Was there a special reason why Quintilian postponed the *materia* to the end of the metarhetorical discussion?

In order to answer this question, we need to distinguish between the order of argument and the order of instruction or education. Both orders are connected with metarhetoric, but there is a great difference between them. The order of instruction is designed for pupils beginning their studies in the schools of rhetoric, and it touches on metarhetoric. The order of argument concerns the arrangement of the arguments raised against rhetoric in the external debate. The order of argument may have been included in the order of instruction, as indeed the work of Quintilian himself exemplifies, but would have been found in other contexts as well, such as books dedicated to the subject.[8]

Arguments were to be found in both orders, and there would have been some overlap. I shall argue here that the chapters of the second half of the second book of Quintilian reflect the order of instruction, while the arguments appearing in chapter 17 reflect the order of argument.

Chapters 15–17 clearly reflect the order in which Quintilian found the subjects in his sources. At the beginning of chapter 15 we find the words *ante omnia*, at the beginning of chapter 16 we find *sequitur quaestio*, and at the beginning of chapter 17,

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5 RW (2006) xxxiv see the metarhetorical discussion beginning in Chapter 14, where the translation of ῥητορική into Latin is considered.

6 On the ambiguity of the term *finis* and its ramifications, cf. p. 131 and nn. 12–13 above.

7 Cf. two similar comments, 15. 15, 23.

8 Cf. e. g., the testimony of Antonius in Cic. *De Oratore* I. 94, who collected material on Charmadas' criticism of rhetoric. The *Grillus* may be considered a book dedicated to this subject.

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transeamus igitur ad eam quaestionem, quae sequitur.[9] The other chapters do not furnish such clues, suggesting that Quintilian was not working with a source possessing such indications. What is certainly clear is that the source for chapters 15–17 did not regard *materia* as worthy of a place in the first three topics.

Chapter 17 itself, beginning with §15, passes over to a new source which summarizes the various arguments against rhetoric. The list of names adduced in §15 is impressive. Nearly all the schools of philosophy of that time are represented there. They all said a great deal (*multa*), but Quintilian or his source abbreviate (§16): *hi complura dicunt, sed ex paucis locis ducta: itaque potentissimis eorum breviter occuram, ne in infinitum quaestio evadat.* Immediately after this appears the comment about *materia.*[10] In this order of argument, the *materia* takes first place and is considered the main issue.

This theory has one problem which needs to be solved, and that is the position of benefit. It is difficult to believe that benefit would take second place to *materia* or any other issue. Yet benefit is absent from chapter 17. Was benefit absent from the original order of argument? Did the opponents of rhetoric in 17. 15 not turn their attention to benefit?[11] One might suggest that the Benefit Argument has already been dealt with before the *Materia* Argument in the order of instruction, appearing as it does in chapter 16, allowing the order of argument in chapter 17 to begin immediately with *materia.* That is, Quintilian allows himself to overlook benefit in the order of argument. This response, however, does not stand up to criticism. We would have expected the comment in 17. 17 to point to benefit as the *prima argumentatio*, with a reference to the previous chapter.[12]

The solution seems to be that the opponents of rhetoric themselves split benefit off from the rest of their arguments, precisely because of its importance and its length.[13] Once they had finished the Benefit Argument they could turn to the rest of the arguments. The various summaries behaved in a similar way, dealing first with the Benefit Argument in one unit, then summarizing the remaining arguments in another unit.[14]

This conclusion is corroborated by Sextus, but we must first understand a fundamental difference between Quintilian and Sextus regarding the aims of their works. Quintilian is writing in order to facilitate the teaching of rhetoric. He is writing for

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9 At the beginning of chapter 17 we gain the clear impression of Quintilian reading his source which seems to have gone on at some length on the subject of benefit, probably because of the wealth of examples provided, and stopping at some point (hence the remark at the beginning of the chapter), rolling up the scroll, and moving on to this chapter, *an ars.*

10 II. 17. 17: *prima iis argumentatio ex materia est. etc.;* see p. 177 above.

11 Cf. Sextus, II. 20.

12 For a sample backward reference, see II. 20. 10.

13 Cf. Quintilian, II. 17. 1.

14 On the position of chapter 16, see the remark of RW (ibid.) 277: "… It also provides some relief between the rather dry chapters 15 and 17."

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rhetors, but ultimately with the pupils in mind, the rhetors' source of income. Sextus is writing a philosophical work designed to attack rhetoric, and he does not have pupils in mind. His work, therefore, draws from the order of argument. Quintilian is obliged to work with both orders, the order of argument and the order of instruction. The discussion of *materia* in Sextus, II. 48–59 precedes the End Argument (60–71), and is actually the first subject after the Benefit Argument.[15] Something similar happens in Quintilian. Chapter 16 is dedicated to benefit, and the next subject is of course *materia*; but after the comment on *materia*, the next subject to be dealt with is the end (17. 22 ff.).

To conclude, Sextus and Quintilian draw from a common source dealing with the order of argument. This source distinguishes between the Benefit Argument and the other arguments. The Benefit Argument is dealt with first. Of the group of other arguments, the *Materia* Argument comes first.[16] As for the order of instruction, benefit comes first (Quintilian, II. 16), but *materia* is pushed to last place.

7.3. Quintilian, II. ch. 21

The first task is to understand the internal logic of this chapter, be it of Quintilian or of his source. It may be divided essentially into two main parts. The first, §§1–6, includes four opinions regarding the *materia* of rhetoric (1–3) which differ from that of Quintilian, followed by Quintilian's opinion (4–6). The second part, §§7–23, includes a number of criticisms against Quintilian's *materia* with some responses.[17] Both parts included subsections which we shall consider now.

§§1–3 summarize four opinions not held by Quintilian concerning the *materia* of rhetoric. They are:

a) *oratio*
b) *argumenta persuasibilia*
c) *civiles quaestiones*
d) *tota vita / ethice*[18]

15 This is if we begin the order of argument from Sextus, II. 20, where Sextus begins to use a new source which may be a parallel to Quintilian, II. 17. 15 ff. The twenty previous sections in Sextus deal with the Stoic definition of art and are from a different source.

16 The *prima iis argumentio* comment at Quintilian, II. 17. 17 makes this abundantly clear, but Sextus also reveals this to be so. A summary of the discussion on benefit is formulated as a conclusion rather than as one of many arguments; it may be contrasted with the final part of the *Materia* Argument in §60. The *Materia* Argument is placed explicitly after the Benefit Argument (μετὰ τοῦτο).

17 §24 concludes the chapter. This section is an appendix distinguishing *materia* from the *instrumentum.* The discussion here does not deal directly with the debate over *materia*, and therefore is not included in my division of the chapter.

18 The last two opinions are to be considered together since they appear to reflect an internal di-

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Quintilian notes that *apud Platonem Gorgias* is placed among those who support the first view, but this the nearest we come to an attribution. All the opinions save the last are refuted. Why the last is not refuted is strange, since Quintilian rejects this opinion along with the rest. This puzzle is worth bearing in mind.

Quintilian's own opinion quickly follows (II. 21. 4):

> ego (neque id sine auctoribus) materiam esse rhetorices iudico omnes res, quaecumque ei ad dicendum subiectae erunt.

This opinion is simply presented as Quintilian's own opinion, but as he indicates, he has some backing; no less than Plato[19] (§4) and Cicero (§5). What does Quintilian mean? There may be three possibilities. The first option is to suppose that the elements of this opinion are indeed to be found in Plato and Cicero, but it is Quintilian who has pieced them all together. The second possibility is that Quintilian found the opinion in his sources and then found authorities for it.[20] The third possibility is that Quintilian found the opinion with the authority of Plato in his source, and added to it the authority of Cicero. It is this third option which seems to me most plausible. Firstly, from §7 onwards, Quintilian deals with attacks on this opinion. It is hardly likely that the highly philosophical, metarhetorical attacks were designed by him or by anyone else against an opinion he had thought up for himself.[21] The opinion, the criticisms, and perhaps the responses too, all predate Quintilian. Yet Quintilian regards this as his own opinion, albeit with authorities. He may have felt justified because he was the one to add the authority of Cicero. It is typical of Quintilian to add Roman examples wherever he can, from Cicero if at all possible.[22] He has even more motivation in the present case since the Platonic authority is a construct out of two places in *Gorgias* and *Phaedrus*,[23] while the one sentence from Cicero contains the two elements *omnes* and *res.*

We may assume for the present that the source contained an opinion which considered the *materia* of rhetoric to be *omnes res*, and relied upon the authority of Plato.[24] Who could be the source for this?

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vision in Stoic philosophy (see immediately below). The subject matter of the two is the same, namely *virtus.* Furthermore, the first four opinions are each held by *quidam*, while the fifth expresses dissent from the fourth in being held by *alii.*

19 Cf. *Gorgias* 449d8–451d6; *Phaedrus* 261a8–9.

20 Quintilian may have found the authorities for it in another source referring to the same opinion.

21 An analysis of these attacks will reveal to us that the source is Greek.

22 Quintilian, II. 15. 5, 9; 16. 8; cf. Hubbell (1920) 372–373.

23 From *Gorgias* 449d8–451d6 come the *res*, which, however, RW (2006) 383 regard as the counterpart to τὰ ὄντα in 451d5–6; from *Phaedrus* 261a8–9 come *omnes.* Alternatively, Quintilian would find support for both these elements in Cicero.

24 Quintilian reflects the source's emphasis on the fact that this opinion is of Plato himself: *quo manifestum est hanc opinionem ipsius Platonis fuisse.* This is significant, as we shall soon see.

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We may approach the correct answer by using common sense with a little help from our sources. Who had the greatest interest in holding the *materia* of rhetoric to be *omnes res*? On the other hand, who presented the four opinions Qunitilian rejects? They may be eliminated as proponents of the *omnes res* position.

The opinion that the *materia* of rhetoric is *omnes res* serves the interests of the schools of rhetoric, where all they have is rhetoric. On the other hand, no philosophical school could claim that rhetoric pertains to everything, since rhetoric in the best case is only part of a philosophical system and would have a more defined *materia.* It is unlikely that the rhetors considered the *materia* of rhetoric on their own initiative, but that in response to the pressure of the philosophers asking for their *materia* they came up with *omnes res ad dicendum ei subiectae.*

Quintilian brings two supports for his opinion, the first from Socrates and the second from Cicero. Socrates of course is the Platonic figure in the dialogue *Gorgias.* The schools of rhetoric often turned to this dialogue for support. The most well-known example is the one extending over several sections in Quintilian, II. 15. 24–31, where he criticizes those who exploit the *Gorgias* in order to present Plato as opposed to rhetoric. Quintilian provides an interpretation of Plato which demonstrates the opposite. It may be supposed that there were rhetors who exploited the *Gorgias* to support their claim that the *materia* of rhetoric was *omnes res.*[25] It was precisely because the opponents of rhetoric based themselves mainly on Plato's *Gorgias* that the supporters of rhetoric also turned to it. If the great philosopher – Plato – supported the rhetors' attitude, what could his descendants say?[26]

The authority of Cicero also indicates that *omnes res* is the *materia* of rhetoric. Unlike the sentences formed from pieces of Platonic dialogues, the two sentences from Cicero both refer to *omnes res* as the *materia* of rhetoric (*De Inventione* I. 5: *quod ad omnes res et privatas et publicas maxime pertineat*; *De Oratore* I. 21). The references are not in a polemical context but occur naturally and almost incidentally.[27] This does not mean that his source would be other than the rhetors with whom he studied.[28]

Common sense, aided by the authorities adduced, has led us to the conclusion that *omnes res* is the *materia* of rhetoric according to the rhetors. As for the attribution of the opinions appearing in §§1–3, a parallel in II. 15. 15–23 will provide some answers. In fact, a comparison of chapter 21 with chapter 15 as a whole will confirm *omnes res* as the *materia* of the rhetors, posit this *materia* in a wider context, and will serve as the basis for the analysis of chapter 21 and the issue of the *materia* in Quintilian altogether.

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25 Cf. Quintilian, II. 21. 1, and our analysis, pp. 183–184 below.

26 The comment *quo manifestum est hanc opinionem ipsius Platonis fuisse* (II. 21. 4) may have been made in this context. See also n. 24 above.

27 At least one of the expressions appears in the protasis of a concessive sentence.

28 *De Inventione* is certainly based on his rhetorical studies.

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Chapter 15 does not deal explicitly with the *materia* of rhetoric. Its declared subject is the *finis*, the definition of rhetoric.[29] Quintilian is intent on keeping the bad man away from rhetoric, and it is with this aim in mind that he rejects a number of definitions.[30] The exclusion of the bad man, however, is not the only criterion by which Quintilian rejects definitions. There is a list in §9 of definitions all to do with persuasion, definitions such as those of Gorgias, Isocrates and Cicero, which would allow the bad man into rhetoric; but a closer examination reveals that they are rejected also because the definition is not peculiar to rhetoric: it is not ἴδιον / *idoneum.*[31] Quintilian subsequently loses sight of his original aim and follows his sources in a search for the perfect definition. Next (§10) comes a definition which introduces the element of speech[32] and again there arise problems which are not all to do with the bad man. Many philosophers are mentioned for their opinions on rhetoric, and it is not always clear whether they actually intended to define rhetoric or only its end. Quintilian exploits whatever he chooses from these opinions for his own purposes, and collects opinions from anywhere he can find them. Some philosophers appear more than once and for opposing purposes.[33] All this in Quintilian's search for the perfect definition, the one which is *idoneus/proprius* for rhetoric.

In §§15–23,[34] there appears a new series of definitions adding something not previously found to the definition. The new element is the construct *circa* + *acc.*[35] Quintilian is intent on narrowing down the definition to make it peculiar to rhetoric, but for us the additions deal with *materia.*

The parallel between II. 15. 15–23 and II. 21. 1–3 is not perfect. Chapter 15 supplies attribution to only a few of the opinions appearing in 21. 1–3; yet this part is clear and well-defined. The incompleteness of the parallel is actually an advantage as we shall now see.

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29 On the ambiguity of the term *finis* and the resultant problems associated with chapter 15, see p. 131 nn. 12–13 above.

30 He rejects every definition which is other than the Stoic definition which he adopts for the whole of his composition, *scientia bene dicendi.* Only the morally good man can speak morally well; see also p. 26 n. 9; p. 70 n. 41; p. 146–147 above.

31 The term used in II. 15. 9 is *idoneus finis.* The word *idoneus* can translate ἴδιος, although that Greek term is usually translated by *proprius*, and *idoneus* usually translates ἱκανός, ἁρμόδιος. Even if the latter interpretation is preferred here, the idea is clear, that the declared end (or definition) is insufficient, since it is not peculiar to rhetoric.

32 "The power of persuading *by speaking*" – *vis dicendo persuadendi.*

33 Aristotle appears three times in chapter 15, each time for a different reason; cf. §§10–11, 13, 16. Plato's *Gorgias* is similarly used.

34 In §23 Quintilian promises to discuss all the definitions given in §§15–23 in the appropriate place: *cum de materia rhetorices dicendum erit.* Not all the discussions in these sections, however, pertain to *materia*, but this is typical of Quintilian.

35 This probaby reflects the Greek περὶ + *acc.* which frequently appears in the argument between Socrates and Gorgias in Plato's *Gorgias* 449d1–450b5.

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At the very beginning of the passage there appears a remark on two opinions concerning the *materia* of rhetoric, with a promise to determine which of them is correct in the appropriate place, i. e., chapter 21 (II. 15. 15):

> quidam enim circa res omnes, quidam circa civiles modo versari rhetoricen putaverunt: quorum verius utrum sit, in eo loco, qui huius quaestionis proprius est, dicam.

The two alternatives are *omnes res* and *civiles (quaestiones)*.[36] Both opinions are exemplified: *omnes res* in §§16–18; *civiles* in §§19–23. The thinkers mentioned in both lists of examples give a clear majority to rhetors (Iatrocles, Eudorus, Gorgias *apud Platonem*, Theodorus of Gadara, Cornelius Celsus).[37]

The two lists, therefore, in §§15–23 reflect a debate among rhetors over the *materia* of rhetoric.[38] The formulation of §15[39] and the examples given up to §23, keeping strictly to the two alternatives presented, show that Quintilian plans to deal in chapter 21 with just these two alternatives regarding the *materia* of rhetoric. In fact, chapter 21 does deal with these alternatives, but with more besides. It seems that by chapter 21, Quintilian has forgotten his plan, or changed his mind, and it is up to us to find out why.

Beginning with these two alternatives, as they appear in chapter 21, we see that Quintilian adopts *omnes res*, the opinion appearing for the first time in §7. It would naturally not appear in §§1–3 where Quintilian presents other views to be rejected. The *civiles (quaestiones)* opinion is third in the list there. As we have seen, it was supported by quite a few rhetors.[40]

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36 The structure of the quotation would require us to understand *civiles res*, but we attribute to Quintilian *quaestiones* for two reasons: the examples Quintilian adduces for this opinion mainly use *quaestiones*; and the parallel in chapter 21 refers to *quaestiones.* Thus Quintilian would have been thinking of *quaestiones* even if he omitted the word for one reason or another.

37 The two exceptions are Aristotle and Ariston, the second adduced for the opinion that rhetoric may be regarded as a *scientia, sed non virtus*, which reveals Quintilian's confusion. Aristotle is mentioned simply because rhetors are always happy to find an authority among the philosophers. Quintilian does the same thing in II. 21. 4.

38 It is quite reasonable to suppose that schools of rhetoric would be divided among themselves into different schools of thought. The potential student of rhetoric would be attracted to a rhetor who could promise to teach him *de omnibus rebus*, but another potential student would be attracted to the rhetor who could teach him not just anything and nothing, but the serious matters *de civilibus quaestionibus.* Such considerations would have entered into the arguments of the rhetors themselves in their internal debate, and in fact there is evidence for this in §§7–11; see pp. 187 ff below.

39 *quorum verius utrum sit in eo loco…* Only these two examples, *omnes res* and *civiles quaestiones*, have the structure *circa + acc.* (περὶ + *acc.*), while the remaining examples are formulated with *in + abl.*

40 We may add to the list Hermagoras, to whom Sextus II. 62 attributes a speech dealing with ζήτημα πολιτικόν (=*quaestio civilis*).

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To conclude and summarize our findings regarding the two main alternatives presented by Quintilian, he seems to have used the work of a rhetor presenting the two alternatives regarding the *materia* of rhetoric. Of these he chooses *omnes res* and presents his choice in II. ch. 21.

Surprising support for these findings comes from *De Inventione* which Cicero wrote when he was still young. It reflects the teaching of the schools of rhetoric in which he studied (*De Oratore* I. 5). He writes (*De Inventione* I. 7):

> Materiam artis eam dicimus, in qua omnis ars et ea facultas, quae conficitur ex arte, versatur… quibus in rebus versatur ars et facultas oratoria, eas res materiam artis rhetoricae nominamus. Has autem res alii *plures*, alii *pauciores* existimarunt.

The terms *res plures* and *res pauciores* hint at *omnes res* and *civiles quaestiones* respectively. Cicero then adduces an authority only for *res plures*, but it is the same as the one Quintilian brings, and it explicitly connects *res plures* with *omnes res* (*ibid.*):

> Nam Gorgias Leontinus, antiquissimus fere rhetor, omnibus de rebus oratorem optime posse dicere existimavit.[41]

We now turn to the other alternatives to be rejected in II. 21. 1–3. We may already realize that these alternatives are not part of the internal rhetorical debate, or we would have seen them in chapter 15. These opinions, then, would seem to pertain to the debates in which the philosophers are involved, be it the internal philosophical debate, or the external debate between the philosophers and the rhetors. We shall begin with the last opinion in the list, *tota vita / ethice.*

We hinted at the beginning of the discussion that there might be two versions of the Stoic *materia* of rhetoric.[42] Apart from the Stoics, no one was interested in the *materia* of rhetoric for its own sake. The other philosophers were actually trying to prove that there was no *materia* of rhetoric.[43] The rhetors were looking for the *materia* of rhetoric under pressure both from philosophers and from their fellow rhetors. Only the Stoics had a philosophical system in which rhetoric, like any other field of behaviour of the Stoic sage, needed to be an art, and as such, they had a purely philosophical interest in discovering what the *materia* of this art might be. Thus any positive *materia* presented by a philosopher is likely to be a *materia* of rhetoric suggested by a Stoic.[44]

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41 We shall return to this quotation on p. 193 below.

42 See pp. 179–180 n. 18 above.

43 The other philosophical schools might have dealt with rhetoric in their own systems, but only the Stoic regarded rhetoric as an art. The other schools, attempting to deny rhetoric the title of art, would have targeted *materia* as one of the means by which to achieve their aim. This would not have affected their own occupation with rhetoric.

44 The other philosophical schools would of course then use the same *materia* in their attacks upon it.

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Both the opinions advanced in §3 are Stoic, since they are grounded in regarding rhetoric as a virtue, the quintessentially Stoic view of art. The difference between the two opinions seems to be based on a difference between views of virtue. The first regards virtue as being general, so that the *materia* of the general virtue, rhetoric, would need to be *tota vita.*[45] The second sees the general virtue as comprising many aspects, each of which is a particular virtue. By this view, the *materia* of the particular virtue which is rhetoric cannot be *tota vita*, the latter being, if anything, the *materia* of the general virtue. The peculiar *materia* of rhetoric is none other than ethics. The reasoning, whether it is right or wrong, is typically Stoic.[46] Its presence in the list of opinions differing from Quintilian's would indicate that it should be refuted, but it is not. This demands further investigation. Furthermore, now that we have discovered it to be Stoic, the question is more urgent. Quintilian, after all, adopts the Stoic position in all other respects. What did he find objectionable in their *materia* of rhetoric? We shall return to this problem later.[47]

The list of opinions Quintilian does not accept regarding the *materia* of rhetoric begins with *oratio* and *argumenta persuabilia.* We have already discovered opinions connected with an internal rhetorical debate and the internal philosophical debate. By a process of elimination we may suspect that the remaining opinions pertain to the external debate between the philosophers and the rhetors.

The first opinion, that the *materia* of rhetoric is *oratio* (=λόγος), does seem to pertain to the external debate, but in a very special way. A cursory reading of II. 21. 1 might seem to be telling us that the rhetors claimed that *oratio* was the *materia* of rhetoric, but that this was criticized by the philosophers. A different reading is called for. This *materia* (to apply the term anachronistically here) is the most famous of all, as it is mentioned by Gorgias in Plato's *Gorgias* 449e1. Just as famous is the refutation of this *materia* by Socrates at 450b5–e1. It is implausible that the

45 Cf. *SVF* III. p. 49 fr. 202: ὅλου γὰρ τοῦ βίου ἐστὶ τέχνη ἡ ἀρετή. RW (ibid.) 381 adduce this source, but hesitate to state that it is Stoic. They prefer to attribute it to "Stoicizing rhetoricians". This tendency continues throughout their discussion of both views in §3. They identify again and again Stoic elements but note linguistic difficulties and other problems which pull them back from recognizing a Stoic philosophical source. The difficulties are certainly present, but it must be recalled that Quintilian is using sources at second or third remove if not more. This point is alluded to when in their discussion of one of the difficulties (identifying *negotiale* with πραγματικόν) they comment (382): "But perhaps the fact that the term is without parallel in this use is an accident of transmission."

46 The most suitable parallel to this passage is Quintilian, XII. 2. 15–20. The term *negotialis* in §§1–3 appears there as *moralis*, but the parallel is clear, and the general character is Stoic. Quintilian's attempt to translate the term πραγματικόν as *locus negotialis* in ethics (§3) is problematic, since in many contexts it is either *negotiale* or *morale.* III. 6. 57 and III. 7.1 might appear to be parallels to our passage, in which case the opinion could have been attributed to Hermagoras, but the context is quite different.

47 See pp. 193–195 below.

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rhetors would adopt a *materia* which everyone knows how to refute.[48] This is clearly a *materia* foisted upon the rhetors by philosophers so that it can easily be refuted.[49] The debate between the various parties was not usually conducted face to face but through the agency of written works. An easy victory over the most famous of the rhetors, Gorgias,[50] would have been an ideal way to begin a polemical exposition of the *materia* of rhetoric. The philosophers could claim that the founder, or at least one of the most prominent founders, of rhetoric had already determined its *materia.* Gorgias *apud Platonem* had identified it as περὶ λόγους, and no self-respecting rhetor could ignore the opinion of Gorgias; indeed, they were obliged to adopt his opinion and face the consequences.

Sextus supports this reading of the text, in what seems to be the only parallel between Sextus and Quintilian on the whole issue of *materia.* Here is the criticism in II. 48:

> εἰ γὰρ περὶ λόγον ἡ γραμματικὴ πονεῖται, οὔτε δὲ λέξις ἐστί τι οὔτε λόγος ἐκ λέξεων συγκείμενος, ὡς ἐπεδείξαμεν, διὰ τὸ οὗ τὰ μέρη μὴ ἔστιν ἀνύπαρκτον εἶναι, ἀκολουθήσει καὶ τὸ τὴν ῥητορικὴν ἀνυπόστατον ὑπάρχειν.

The critic does not attempt to discover whether the rhetors actually claim λόγος to be the *materia* of rhetoric. It is already clear to him. All that remains for him to do is to criticize the claim itself. Quintilian provides one criticism, and Sextus another, drawn from another of his works (against the grammarians). It seems that the philosophers are not content to copy the Socratic refutation from Plato's *Gorgias.*[51] Each philosopher can add whatever criticism he wishes; in Quintilian, II. 21. 1, the criticism comprises two parts. We may conclude that the word *quidam* might well refer to philosophers, in which case it is they who posit *oratio* as the *materia* of rhetoric in order to refute it.

We are left with the second opinion, the *materia* of rhetoric is *argumenta persuasibilia.* This opinion is reminiscent of Aristotle,[52] and it may have been held by a

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48 This is not to mention the fact that we have already discovered two very different *materiae* advocated by rhetors.

49 Critolaus employed the same method when he foisted persuasion as the end of rhetoric on the rhetors to achieve an easy refutation; see pp. 158 ff above.

50 The words *apud Platonem* (21. 1) might emphasize two opposing sentiments. It might be intended to prevent the reader from attributing the opinion to the historical Gorgias, since *Gorgias apud Platonem* is only a dramatic figure; so RW (ibid.) 379. It might, however, be intended to prevent the reader from attributing the opinion to Plato, since it is actually to be attributed to *Gorgias apud Platonem.* This would seem to be the position a philosopher using this argument against the rhetors would need to adopt. Contrast this with §4 where an opinion drawn from Plato's *Phaedrus* is emphatically attributed to Plato himself. There it is clearly the rhetors who wish Plato, the great philosopher, to be seen to be supporting rhetoric.

51 The second half of Quintilian's criticism is actually from Plato's *Gorgias.*

52 RW (ibid.) 381 comment: "… the reference is presumably to the author of the definition gi-

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group of rhetors in the Peripatetic tradition.[53] Quintilian himself in II. 15. 16 connects *omnes res* with Aristotle and emphasizes there the *persuasibile.* Thus the *argumenta persuasibilia* may be seen to be a species of the general opinion of those rhetors who consider *res omnes* to be the *materia* of rhetoric.

The list at II. 21. 1–3, therefore, reflects opinions on the *materia* of rhetoric from three different debates: *oratio* / λόγος reflects the external debate between the philosophers and the rhetors; *civiles quaestiones* and *omnes res* (including *argumenta persuasibilia*) are the two main rival opinions in the internal rhetorical debate; *tota vita* and *ethice* are two rival opinions within the Stoa. If this is the case, then Quintilian seems to have relied in writing chapter 21 on a source summarizing all the various debates pertaining to the *materia* of rhetoric. In chapter 15, Quintilian touched upon *materia* only as part of the definition of rhetoric, in various attempts to make the definition peculiar to rhetoric after the addition of speech to persuasion.[54] There, having mentioned the two main alternatives (the ones in the internal rhetorical debate), he promised to decide between them in the chapter dealing with the *materia.* However, having arrived at the chapter on *materia*, he begins to deal with *materia per se* and provides a relatively complete discussion, being dependent to a large extent on his source.

Quintilian provides six opinions on the *materia* of rhetoric, of which he claims to support one, yet he does not refute the Stoic opinions. That is to say, he does not refute the opinions where he should have done, at the beginning of the chapter, but he does it later on, and not as a criticism of the Stoa. It may be suspected that the list of opinions here is merely a sort of introduction in which all sorts of opinions are adduced and some refuted, the refutations feeding off each other as the author sees the various opinions and refutations that he has collected. They may well appear again in the body of the chapter, together with responses, as we have seen was usual with other topics for debate. If so, the chapter is quite complex. In fact, when we begin the analysis of the various criticisms against *omnes res* as the *materia* of rhetoric, we shall encounter problems, contradictions and inexactitudes. There is no doubt that the source was a summary at some remove from the original arguments, confusing terms and structures of arguments. Our analysis of the list in §§1–3, however, will help us to some extent in exploring the chapter as a whole.

As already mentioned, §§4–6 presented Quintilian's opinion regarding the *materia* of rhetoric, namely *omnes res.* This is the opinion which will occupy most of Quintilian's attention in the chapter, and we shall concentrate on it here. A number of attempts to attack Quintilian's opinion are presented from §7 onwards, but not all

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ven at 2. 15. 13 and others of its kind". At II. 15. 13 we find, *quidam recesserunt ab eventu, sicut Aristoteles dicit: 'rhetorice est vis inveniendi omnia in oratione persuasibilia'.*

53 The closest term to *argumenta persuasibilia* in Aristotle might be the ἐνθυμήματα which Aristotle regards as akin to πιθαναὶ ἀποδείξεις.

54 *dicendo persuadere* = πειθοῦς δημιουργὸς διὰ λόγων, on which see pp. 151–153 above.

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of the attacks are against *omnes res.* We might at first think that we are being told of two attacks against *omnes res* in §7:

> Hanc autem, quam nos materiam vocamus, id est res subiectas, quidam modo infinitam, modo non propriam rhetorices esse dixerunt, eamque artem circumcurrentem vocaverunt, quod in omni materia diceret.

The expression *modo… modo…* should refer to two separate attacks, and there is no doubt that Quintilian and even his source thought that there were two.[55] One might suspect that these are two aspects of the same attack.[56] The *materia infinita* might be considered to be hinting at the demand of every *materia* to be limited.[57] The *materia non propria* might be intended to hint at the demand that every *materia* be peculiar to its art, and not shared with additional arts or things. In other words, the *materia* must be both *finita* and *propria.*

Both these demands, however, are problematic, each for different reasons. The *propria* demand is logical and therefore intelligible. The search for the ἴδιον of a definiendum has a long history. That rhetoric must have something peculiar to itself is common sense.[58] The second condition, that the *materia* be *finita*, is very strange. So long as the *materia* is peculiar to its art, what does it matter whether it is *infinita*? Indeed, if the *materia* is *non propria*, it is no more relevant that the *materia* might be *infinita.* Finally, it should be observed that we know of no parallel to this demand.[59] Thus the *infinita* criticism seems not to be a philosophical argument pertaining to one of the elements of the definition of art. As for the *non propria* criticism, while it is intelligible *per se*, it might be asked what other art could also claim to have as its *materia* nothing less than *omnes res.* If there is no other art claiming this *materia*, then the *non propria* criticism is unjustified.[60]

The problems continue to increase. Quintilian notes that rhetoric was called *ars circumcurrens.*[61] This expression reflects the character of the art resulting from its

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55 The *non propria* appear alone in 17. 17. The comment there is of significance to the issue of the *materia*, as we shall see in due course, p. 193 below.

56 RW (ibid.) 385 attribute both expressions to the same critics: "…who at different points in their argument variously called a *materia* so defined limitless and not proper to rhetoric." Such a reading is plausible and would usually typify the thinking of Quintilian, but not necessarily of his sources.

57 RW (ibid.) 384 refer the reader to the words of Crassus in Cicero, *De Oratore* I. 21, where the expression is used in exactly this way. The orator restricts his occupation to forensic and deliberative speech.

58 We have called this the Exclusivity of Art; see pp. 56–57 above.

59 Even possible terms such as ὕλη ἄπειρος, ὕλη ἀόριστος do not yield Greek parallels.

60 At the end of §13 we find dialectic presented as an art participating in the *materia* of rhetoric. On the position of this section and of the criticism, see n. 75 below.

61 A search of Greek literature using possible terms such as περιφορητός, περίτρεχος and περίδρομος has yielded no results. It is unclear on what grounds *LSJ* (*s.v.* περιτρέχω) identify *ars circumcurrens* with τέχνη περιτρέχουσα and refer to our passage in Quintilian. The term περι-

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special, problematic *materia.* It is not clear, however, whether this expression has in mind the *materia infinita* or the *non propria.*[62] The *materia non propria* is closer in the text, but it could logically apply to either, since either faulty *materia* might be construed as causing the art to run around in circles. The *materia infinita* should be preferred if we accept Quintilian's own explanation why the art runs around: *quod in omni materia diceret.* Even if this is the case, why do we not find another epithet for rhetoric when the other criticism of the *materia* is applied? Be this as it may, Quintilian replies to both attacks (§8):

> nam de omni materia dicere eam fatentur, propriam habere materiam, quia multiplicem habeat, negant. sed neque infinita est, etiamsi est multiplex…

So far as Quintilian is concerned, both attacks agree that rhetoric speaks *de omni materia.* The problem Quintilian feels the need to tackle is the fact that the opponents of rhetoric are unprepared to regard *omnes res* as the *materia propria* of rhetoric. Their reason is that it has a multiple *materia.* New problems suddenly arise, not only adding to, but also intensifying, the old problems.

The most difficult of the problems is of course the fact that Quintilian begins with a presentation of the *non propria* criticism but immediately leaves it to tackle the *infinita* criticism. Furthermore, the opponents of rhetoric refuse to regard its *materia* as *propria* because it is *multiplex*, a new term which becomes in the very next sentence the target of the *infinita* criticism. It would seem that some confusion has crept in, if not textual corruption.

The Oxford text of Quintilian (edited by Winterbottom) presents with cautious approval in the critical apparatus to II. 21. 8 an emendation by Kiderlin. The resulting text would appear as follows:

> cum quibus mihi minima pugna est; nam de omni materia dicere eam fatentur, propriam habere materiam ⟨quia in eadem versetur et alius, infinitam,⟩ quia multiplicem habeat, negant.

RW (ibid.) 385 comment on this emendation which actually appears in their text:

φορητός appears in the thesaurus of Stephanus, on the strength of another place in Quintilian where the word *circumcurrens* appears (I. 10. 41). However, the context there is geometry rather than language. The *TLL* calls the word as it appears in our passage ἅπαξ εἰρημένα. At the same time, Quintilian does not invent terms, and this must have derived from a Greek source; cf. II. 14, where Quintilian is expansive when explaining his decision to transliterate the Greek *rhetorice* rather than adopt a Latin equivalent. We would have expected some comment had he invented the term *circumcurrens.* See also the comment of RW (ibid.) 385.

62 RW (ibid.) 385 attribute it to both criticisms together, since they regard these criticisms as one; see n. 56 above.

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> It is possible to construct tortuous explanations of the received text… But all its problems were solved at a stroke by Kiderlin 1 130–2, who added 'quia in eadem versetur et alius, infinitam' after *materiam*, words very easily overlooked. Q. then first states the reasons for the claim that *materia* so defined is (*a*) not 'proper' and (*b*) limitless. He then discredits those reasons chiastically 'sed neque infinita est… (10) neque protinus non est materia rhetorices [i. e. proper to it]…'.

It is fair to say that the text is corrupt, and Kiderlin's emendation is brilliant. It is, however, the sort of emendation which philologists propose *exempli gratia*, using a sentence which appears elsewhere in the text and inserting it where the text is corrupt. Now, according to the emendation, the *multiplex* clearly belongs to the *infinita* criticism. Furthermore, both responses to the criticism now correspond each to one of the criticisms. The answer in §§8–9 responds to the *infinita* criticism, while the answer in §§9–10 responds to the *non propria* criticism.

Kiderlin's emendation may be accepted with one reservation: it aims at understanding the thinking of Quintilian, but does not take his sources into consideration. Neither Kinderlin nor RW attempt to understand the criticisms themselves, or the original targets of those criticisms, but are content with trying to understand how Quintilian presents them. The problem is that Quintilian is quite capable of making a mistake. Confusion may already have been present in his sources, but Quintilian is likely to have added to it by attempting to sort out the mess in as logical a way as possible.[63] Kiderlin also attempts to make the text logical. My contention is that the text of Quintilian may be less than logical here as elsewhere. Quintilian's presentation is problematic. Here are some of the problems.

The first problem is the asymmetry between the number of attacks and the number of responses: there are two attacks (*infinita*, *non propria*), but there are, so it seems, three responses. Even if we accept the explanation of RW that §§8–9 respond to the *infinita* criticism and §§9–10 respond to the *non propria* criticism, §§12–13 also clearly respond to a *non propria* criticism, specifically a claim that the discussion *de bono, utili, iusto* is shared with philosophy.[64]

Another problem is the place of the *multiplex* in the context of the *infinita* criticism (according to Kiderlin's emendation). There does not seem to be a connection between the cause and the effect. Towards the end of §8, beginning with the words *et aliae quoque artes minores habent multiplicem materiam*, Quintilian turns to a long argument designed to show that there are many other arts with a *materia multiplex.* Yet this was not the thesis Quintilian had set out to prove. He is supposed to

63 When the sources are scrolls, it is impossible for an author such as Quintilian to keep them all open while he works. He must rely on his memory for many details, and even the best memory can make mistakes.

64 The word *propria* appears explicitly in §13.

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show that the *materia* of rhetoric is not *infinita.* An examination of §§8–9 reveals the problematic connection between *infinita* and *multiplex.* Let us take sculpting as an example. According to the argument presented, the *materia* of sculpting is indeed *multiplex* since the sculptor may use silver, bronze, iron, and so on; yet it might be asked whether the sculptor would use any *materia* whatsoever, even water, for example. The attack by the opponents of rhetoric is not at all clear, since an art's *materia* may well be *multiplex* but still not be *infinita.* The problem is exacerbated by the supporters of rhetoric who in their answer basically provide examples of other arts which have *materia multiplex*, but do not come to grips with the relationship between *multiplex* and *infinita.*

In order to return some semblance of order to these criticisms, we should indeed begin by attempting to understand Quintilian's line of thought. There are two criticisms against the *materia* of rhetoric, *infinita* and *non propria.* Associated with these are two epithets, *multiplex* and *circumcurrens.* Do these epithets describe the *materia* or the art itself?[65] It is difficult to decide from the text itself, since *circumcurrens* clearly describes art, while *multiplex* describes the *materia.* There are reasons to believe, however, that they both originally described the art. The custom of ending an attack by providing rhetoric with an unflattering term emphasizing its failings as an art in the aspect under attack is well known and has already been touched upon in this study. We have already referred to such terms as κακοτεχνία, ματαιοτεχνία, ἀτεχνία. These terms pertain to the pursuit itself (criticizing its claim to be an art), and it is logically easier to understand how a term for the pursuit came to describe its *materia*, than that a term describing the *materia* came to describe the pursuit itself. I suggest that *multiplex* originally described the art rather than the *materia* of the art. This being so, we have two terms, *multiplex* and *circumcurrens*, originally describing the pursuit of rhetoric in light of two different attacks. Which criticism led to which epithet?

Let us return to the beginning of the analysis of §7, where we struggled to make sense of the term *circumcurrens.* Quintilian uses it with regard to both criticisms, but this is the result of confusion or conflation. It seems to me that the term *circumcurrens* was originally associated with the *non propria* criticism, and that consequently *multiplex* accompanied the *infinita* criticism. The term *circumcurrens* is of course metaphorical here. As RW (ibid.) 385 have already noted, "rhetoric is like an itinerant trader… Alternatively, the force of *circumcurrens* might be that such an art cannot choose its subjects, and so is vulgar and promiscuous." Such a description is applicable only to the *materia non propria*, since the *propria* condition guarantees that the *materia* focus on a defined field which is firmly, peculiarly and unalterably the province of that art.

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65 Both *materia*/ὕλη and *ars*/τέχνη are feminine, which may have helped cause or perpetuate the confusion.

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Thus it would appear that the words *eamque artem circumcurrentem vocaverunt* were possibly a marginal gloss by someone who had been reading the passage on the *non propria* criticism, which had become interpolated into the text by the time Quintilian or his source received it. This proposal would solve two problems one of which we had earlier encountered. Firstly, we had tried earlier to associate *circumcurrens* with the *infinita* criticism because of the explanation provided, *quod in omni materia diceret.*[66] This produced a problem because *circumcurrens* was logically and syntactically closer to the *non propria* criticism. Removing the interpolation allows us to see that the explanation provided refers not to the term *circumcurrens* but to the two criticisms together against *res omnes* as the *materia* of rhetoric, which Quintilian and/or his source regard as identical. Secondly, §8 is asymmetrical. Quintilian begins his refutation of both criticisms; the *infinita* criticism is associated with the term *multiplex*[67] while the *non propria* criticism has no associated term.[68] The presence of the interpolation in §7 now makes this explicable; The moment Quintilian considered *circumcurrens* to be associated with both criticisms (§7), he could not use it later on to describe the *non propria* nor the *infinita* criticism exclusively. Thus his explanation of the *infinita* criticism has the *multiplex*, and the *non propria* criticism is reduced to the words, *quia in eadem versetur et alius.*

We have, therefore, discovered two criticisms against the *materia* of rhetoric, the *infinita* and the *non propria* arguments. Yet already at the beginning of the discussion we had already demonstrated that only the *infinita* criticism was applicable against *omnes res* as the *materia* of rhetoric. We had also observed that when both criticisms appear together, the *non propria* criticism is entirely redundant.[69] We need to discover the original contexts for each criticism, since they clearly do not apply to the same argument.

We will recall that *omnes res* as the *materia* of rhetoric appeared in chapter 15 together with *civiles quaestiones*, each accompanied by a long list of rhetors. We had concluded that all this reflected an internal rhetorical debate, or at least that part of the debate where the subject was the *materia* of rhetoric. Some rhetors would argue that the *materia* is *omnes res*, while others would argue for *civiles quaestiones.* Neither the definition of rhetoric nor the end of rhetoric is at issue here; those are subjects for the external debate with the philosophers and do not concern the pupil who has already decided to study rhetoric. The rhetorical schools would not make do with merely praising their wares. They would also apply negative advertising against their rivals, and it is at this point that we enter the internal rhetorical debate. The arguments of the opponents of *civiles quaestiones* are clear, and have been hinted at already in Quintilian, II. 15. 15 in the word *modo* ("only"), but he is more

66 See pp. 188–189 above.

67 As already remarked just above, this is a result of problems in the transmission; the term *multiplex* originally described rhetoric itself in light of the *infinita* criticism.

68 Reading, of course, Kiderlin's emendation, which I follow throughout all of this analysis.

69 See p. 188 above.

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explicit elsewhere. The *civiles quaestiones* are too narrow a *materia* since rhetoric embraces much more (II. 15. 20). What would be more natural for the supporters of *civiles quaetiones* than to claim the opposite for *omnes res*, that this *materia* is too broad?

This plausible account receives support from Cicero's *De Inventione* I. 7, quoted more fully here:[70]

> Materiam artis eam dicimus, in qua omnis ars et ea facultas, quae conficitur ex arte, versatur… item, quibus in rebus versatur ars et facultas oratoria, eas res materiam artis rhetoricae nominamus. Has autem res alii plures, alii pauciores existimarunt. Nam Gorgias Leontinus, antiquissimus fere rhetor, omnibus de rebus oratorem optime posse dicere existimavit; hic *infinitam* et inmensam huic artificio materiam subicere videtur.

We have already used this passage to prove the existence of the two alternatives for the *materia* of rhetoric which we have identified with the rhetorical schools, *omnes res* (=*res plures*) and *civiles quaestiones* (=*res pauciores*). Cicero, however, adduces an argument only against the *omnes res*, and this is the *infinita* criticism. Returning to Quintilian, II. 17. 17, to the remark referring the reader to the chapter on the *materia* (chapter 21), we find only the *non propria* criticism. There is no hint of the *infinita* argument there. We have already argued that chapter 17 as a whole reflects the order of instruction, but that its content, from §15, reflects the order of argument pertaining to the internal philosophical debate,[71] then the *non propria* applies to the attack against the Stoa, while the *infinita* criticism reflects the internal rhetorical debate.

Thus the *infinita* argument originated with the rhetors who regarded the *materia* of rhetoric as *civiles quaestiones.* They attacked their fellow rhetors who considered the *materia* of rhetoric to be *res omnes.* They claimed that the *materia* as *res omnes* was too wide, and their victims countered by claiming that the *materia* as *civiles quaestiones* was too narrow.

As for the *non propria* argument, we need to return to II. 21. 1–3 and the Stoic *materia* of rhetoric, *tota vita* or *ethice.* These were the two opinions which Quintilian did not refute at the time. It would seem that they were to be refuted by the *non propria* argument. The two Stoic opinions of the *materia* are not unique to rhetoric.

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70 Already quoted in part, p. 184 above.

71 See §7.2 above. II. 17. 15 identifies the source for this order of argument with the philosophers. The list of philosophers *per se* does not guarantee that the arguments reflect the internal philosophical debate against the Stoics, but an analysis of the arguments up to §29 clearly indicates the internal nature of the debate; e. g., §18 deals with Stoic epistemology, as does §26 which mentions in the response the Stoic end, *bene dicere.* Since this is the context, we may regard §17 as part of the philosophical attack on the Stoa. Our position also rests on our analysis of chapter 21 and its general context.

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As is pointed out in §§12–13, *de bono, utili, iusto disserere philosophiae officium est;* these sections, then, which appear out of context (*quod vero… non obstat*) explain why the *materia* of rhetoric as *tota vita* or *ethice* is *non propria.* It remains to prove our contention that the *non propria* argument is used by the philosophers against the Stoics, and not by all the philosophers against the rhetors.

In his reply (§13), Quintilian refers the reader to the first book (*prooemium* 9 ff.) where we find the external debate between the philosophers and the rhetors. Our claim, however, is that in chapter 21 it is the internal philosophical debate which is reflected.[72] Firstly, this is the only way in which to find a refutation for the Stoic opinion otherwise unrefuted in §3. Secondly, the terms *bonum, utile, iustum* are the three aspects of civil life covered by rhetoric.[73] They are therefore a parallel to *tota vita/ethice* in §3. Furthermore, Quintilian's response to this criticism prevents us from seeing this attack as part of the external debate. The response is full of Stoic colouring, above all the identification of the *orator* with the *bonus vir* (= *philosophus*), and the identification of rhetoric with dialectic. This identification reminds us of the famous story attributed to Zeno in which an open hand is likened to rhetoric, and a fist to dialectic.[74] The main proof is in this Stoic response. A general attack by the philosophers against the rhetors would not have permitted the rhetors to reply with terminology pertaining to only one school of philosophy, and that school which was unusual in its attitude toward rhetoric.

The other philosophers accuse the Stoics of playing into the hands of the rhetors by giving rhetoric philosophical approval. They attack the Stoic *materia* of rhetoric by pointing out that it is coextensive with their philosophy and argue that the Stoics should choose between philosophy and rhetoric. The Stoics provide a consistent and simple answer: the *philosophus* or *vir bonus* is identical with the *orator.* In other words, the Stoics reply to their critics by reference to their philosophical system. The *non propria* criticism is appropriate against the Stoa because, while the rhetors and the other philosophers can choose their own profession as having exclusive jurisdiction over ethics, the Stoics are supposed to find themselves in a quandary: they cannot hold two different arts and claim that each of them has exclusive jurisdiction over ethics. However, their response is simple and brilliant: the two arts are aspects of the same thing. The expert in one is also expert in the other; not only is it possible

72 This is not to deny the fact that such arguments could also serve against the rhetors. In fact, it is actually part of my contention that the *non propria* argument was used against both the Stoics and the rhetors. We are currently concentrating on the first context; for the second context, see pp. 195–196 below.

73 This is a later version of the three pairs ἀγαθόν-κακόν, καλόν-αἰσχρόν, δίκαιον-ἄδικον which effectively comprised ethics before the term ἠθικά came into use with Aristotle. The later version shows Stoic influence: ἀγαθόν-*utile*, καλόν-*bonum*, δίκαιον-*iustum.*

74 Sextus, II. 7; Quintilian, II. 20. 7; Cicero, *De Finibus* II. 6. Hints at this formal difference between the two arts may already be found in Plato's *Gorgias* 449c4–6, from which Zeno may have derived inspiration.

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for the *materia* to be common to both, but it is necessary for the *materia* to be common to both. Two *materiae* would make the Stoic system inconsistent.[75]

To summarize our findings so far, the *non propria* argument is used in the internal philosophical debate against the Stoics because of their support of rhetoric as an art. The claim is that no two arts can share the same *materia.*[76] The Stoic counterclaim is that these may be two pursuits, but they are effectively one art of the one sage.[77] This analysis solve two of the main problems we had raised: the refutation of the fourth and fifth opinions (the Stoic *materia*) in the list in II. 21. 1–3, and the object of the *non propria* criticism which could not have been directed against the *materia* of rhetoric as *res omnes.*

A reconstruction will now be attempted in order to understand why Quintilian presents both criticisms, the *infinita* and the *non propria*, as pertaining to the attack on the *materia* of rhetoric as *res omnes.* We have already demonstrated that the *non propria* criticism does not belong to this attack, especially when accompanied by the *infinita* criticism.[78] We must attempt to understand what caused Quintilian to add the *non propria* criticism. Why was he not satisfied with the *infinita* criticism?

It is my contention that both criticisms did at some point in the tradition appear together, not, however, against *omnes res*, which could only be attacked by the *infinita* criticism, but against another *materia*, and that Quintilian or his source transfers them to the attack on *omnes res.* The *materia* of rhetoric which could be attacked by both criticisms is none other than λόγος. The λόγος can be *infinitus* since there is no limit to the things that can be talked about; it is also *non proprius* to rhetoric, since there are other arts which share the same *materia.* A cursory glance at Plato's *Gorgias* will provide examples. Further confirmation comes from an examination of the epithets accompanying the criticisms. The *infinitus* λόγος could well be called *multiplex*, since it is as manifold as the subjects it can talk about. On the other hand,

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75 Quintilian, II. 21. 13 continues with a remark apparently deriving from another source (*denique cum sit dialectices materia…*). Instead of defending against the distinction between philosophy and rhetoric, this argument now refers to the distinction between dialectic and rhetoric, claiming that both of them can share the same *materia*; the difference between the two arts is only a matter of length or style, dialectic being *oratio concisa* and rhetoric *oratio perpetua* (cf. Plato, *Gorgias* 449c1–8). This comment may have been added by someone aware that rhetoric was increasingly regarded as an aspect of dialectic in the field of Stoic logic. On the development of Stoic logic and its parts, see Ludlam (1997) 229–249. See also n. 60 above.

76 The non-Stoic philosophers regard ethics to be the province of philosophy alone, and on this point they also attack the rhetors who regard ethics to be the province of rhetoric; see the discussion in Cicero, *De Oratore* I. 45–57 and the argument between Crassus and Scaevola, pp. 39–40 above.

77 Cf. the two aspects of the the Stoic sage as σοφός and σπουδαῖος. The first refers to the theoretical aspect of the wise man, and the second to the practical aspect; but they are still two aspects of one and the same man. Cicero seems to understand this since he translates both expressions as *sapiens.*

78 See p. 192 above.

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the fact that other arts share this *materia* makes the λόγος a *materia circumcurrens*, one that runs around from one art to another.

If this is the case, we must explain what caused Quintilian or his source to direct both criticisms at the *omnes res* version of the *materia* of rhetoric. In light of our findings, I would suggest that Quintilian's source, summarizing the various arguments against rhetoric, intended to present the *infinita* argument against *omnes res*, but found in his source together with the *infinita* criticism the *non propria* criticism, since both had been together against the λόγος version of the *materia* of rhetoric.

We may recall that in II. 21. 1–3, Quintilian surveyed a list of four *materiae* of rhetoric. The first is *oratio*, which translates the Greek λόγος.[79] Quintilian refutes this *materia* with two parallel arguments for two ways in which *oratio* may be understood. Yet we are claiming that the λόγος as the *materia* of rhetoric was attacked using the *non propria* and *infinita* criticisms. How does this all square up? Quite simply, it may be supposed that there were a fair number of attacks against this *materia*, especially as it was so well known and identified with Gorgias.[80] Alternatively, the *non propria* and *infinita* criticisms may be regarded as a development of the second argument appearing in §2:

> sin hac appellatione verba ipsa significari putamus, nihil haec sine rerum substantia faciunt.

The *non propria* and *infinita* criticisms deal precisely with the *res* without which the words do nothing. This is a continuation of the criticism of the second argument against the *oratio.* The fact that the double criticism received a new target, *omnes res*, caused it to appear later.

Let us now summarize all the discussion up to this point. The classic *materia* of rhetoric was attacked using the *non propria* and *infinita* criticisms, but each was used also in an additional context. The *infinita* criticism appeared in the internal rhetorical debate, while the *non propria* criticism appeared in the internal philosophical debate. Thus the analysis of Quintilian has led to the following results regarding the two criticisms of the *materia* of rhetoric:

infinita

a) Originally part of the external debate. When the *materia* of rhetoric was considered to be λόγος, it could be criticized for being *infinita* since anything could be talked about.

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79 The reference to Plato's *Gorgias* leaves no doubt.

80 The discussion on Sextus immediately below will prove this. There were very many arguments and claims, some of which were borrowed from attacks on other parts of the art of rhetoric, aimed at the λόγος.

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b) Now part of the internal rhetorical debate. The rhetors advocating *civiles quaestiones* as the *materia* of rhetoric attacked those advocating *omnes res.*

non propria

a) Originally part of the external debate. When the *materia* of rhetoric was considered to be λόγος, it could be criticized for being the *materia* not only of rhetoric but of other arts as well.
b) Now part of the internal philosophical debate. The Academics/Peripatetics attacked the Stoics who regarded the *materia* of rhetoric to be *tota vita/ethice*, on the grounds that such a *materia* was not only that of rhetoric but also of philosophy (which the Stoics actually agreed was the case).

The argument in II. 21. 14–19 does not deal with *materia.* It is based on *materia*, or rather one of the *materiae.* The argument basically asks, if the *materia* of rhetoric is *omnes res*, whether the orator is expected to know everything (*omnia sciens*). In effect, it deals with the extent and the nature of the knowledge demanded of an orator. This argument, therefore, should not delay us. A few sentences should suffice. Quintilian is using what may be called the Relaxed Criterion of Knowledge, originating in Aristotle's *Rhetorica*, whence it reached Cicero. Quintilian found it in Cicero's *De Oratore* in the speech of Crassus. Cicero is cited as an advocate of the Strict Criterion of Knowledge, but elsewhere Cicero can be more relaxed, as may be learned from the speech of Antonius in the same dialogue.

This argument will not be analysed, but it is worth noting its location since it helps to corroborate our findings concerning §§12–13 as reflecting the internal philosophical debate on the Stoic *materia* of rhetoric. On first reading, this argument appears, as already noted, to be directed against the *omnes res* of the rhetors (e. g., *si de omnibus ei dicendum est*, at the end of the section). A more careful reading reveals an earlier substrate reflecting the internal philosophical debate. There are two pieces of evidence. The rhetor is presented as *omnium artium peritus.* This recalls Cato's famous sentence adopted from the Stoics, *vir bonus dicendi peritus.* The context, then, would be that of Stoic rhetoric. The second point is more important. The rhetor is described as experienced in *omnes artes*, but had the criticism been against the *materia* of the rhetors we would have expected *omnes res.* Being experienced in all the arts is a characteristic of the Stoic sage. Thus Quintilian or his source receive an argument against the rhetors which has been adapted from an argument originally against the Stoics and their strict criterion of knowledge. Furthermore, it may be that the original argument against the Stoics had no particular connection with the debate over rhetoric. We may therefore see three stages in the development of this argument:

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a) The original argument was directed against the Stoic strict criterion of knowledge by which the Stoic sage was considered to be wise.
b) The argument was then directed specifically against Stoic rhetoric by the addition of the adjective *peritus* (ἔμπειρος), perhaps replacing *sapiens* (σοφός) if that had appeared in the original version. In Stoic philosophy, the sage and the orator are one and the same, since the sage is competent in all arts, and rhetoric is one of them.
c) This revised argument was then adapted to be used against the *materia* of the rhetors, *omnes res.*

If the criticism in §14 did indeed originate in a Stoic context, it becomes possible to explain the proximity of this argument (the criterion of knowledge suitable for the orator) to the argument appearing in §§12–13 (the demand for a *materia* suitable for rhetoric). The target in both is the Stoa.

There is a deeper connection between the *Materia* Argument and the Knowledge argument. The requirement for a *materia* is unintelligible if it is not tied to knowledge of that *materia.* In other words, the true demand is not only for a *materia*, but for one which should be known by the person engaging in it. Refuting the artisan's knowledge of his *materia* will now be as effective as refuting the *materia* itself. The opponent can use both aspects in a double attack on rhetoric, criticizing both the *materia* as *non propria*, and the one engaging in rhetoric as being unable to know his *materia.* This is what we can learn from Quintilian, II. ch. 21.

7.4. Sextus Empiricus, II. 48–59

Following the same procedure applied to Quintilian on this subject, we shall attempt to squeeze as much out of the text of Sextus as is possible. The formal discussion is at Sextus, II. 48–59. This passage opens with the declaration, τὸ δὲ μετὰ τοῦτο καὶ ἐκ τῆς ὕλης περὶ ἣν ἐστι σκοπῶμεν αὐτῆς τὸ ἀνυπόστατον. A new subject begins in §60: τὰ νῦν δὲ μετελθόντες καὶ ἀπὸ τοῦ τέλους… Unlike Quintilian, however, Sextus does not seem to keep to the subject of the *materia* in all the arguments appearing in this passage. In fact the word ὕλη does not appear at all in the entire passage, after the initial declaration we have cited. Clearly, the declaration is an addition by Sextus. The only term in the passage which could possibly hint at ὕλη is ἴδιον, which appears now and then during the discussion.[81] There is no guarantee at this stage that the term does hint at *materia* here.

81 In §§51, 55. There is an expression which might also hint at *materia*, and this is περὶ + *acc.*, which appears once in §48 (εἰ γὰρ περὶ λόγον); cf. the Latin equivalent used at Quintilian, II. 15. 15, *circa* + *acc.*, on which see pp. 182–183 and n. 39 above.

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The discussion of *materia* in Sextus may be divided into two main parts. First comes a formal discussion of the *materia* as λόγος (§§48–51), followed by a discussion of καλὴ λέξις and its parallel, εὖ λέγειν (§§52–59) which originally may not have had anything to do with the *Materia* Argument. It is also a question whether all the sections in the first discussion pertain to the *Materia* Argument. There are three main arguments there against the position that the *materia* of rhetoric is λόγος. The first argument is at §48, the second §§49–50, the third §51. We may recall that Quintilian provided only one criticism against this position.[82] Sextus provides three criticisms and they are all completely different from Quintilian's. Their presentation is such that we are less than impressed by the work methods of Sextus or his source in the present case. Each criticism demonstrates the extremes to which the opponents of rhetoric were prepared to go in order to find a new refutation of the λόγος. Some of these refutations have little to do with the λόγος itself. Sextus himself appears to have had some rather poor sources regarding the *materia.* His concentration on only one example of *materia*, and in only one of its contexts (the external debate), compares unfavourably with the rich variety we find in Quintilian.

Sextus prefaces the arguments with an important comment: καίτοι προαποδέδοται ἡμῖν τὸ κεφάλαιον ἐν τῷ πρὸς τοὺς γραμματικούς. During the course of the discussion, Sextus refers twice more to *Adversus Grammaticos* (§§52, 59). Sextus himself in §59 refers to an ἀναλογία, but it is not clear what he means. Firstly, the arguments appearing in §§48–51 have no presence whatsoever in *Adversus Grammaticos*, while the first argument does appear there, but not in the same form.[83] Much the same may be said about the second half in §§52–59. There is some resemblance between the arguments against the grammarians and those against the rhetors since of course both fields deal with language; yet the differences between the two sets of arguments are so great that they cannot be considered as interdependent or as sharing a common source. It seems that Sextus began to deal

82 See Quintilian, II. 21. 1 and pp. 185–186 above. To Quintilian's explicit criticism we might add our reconstructed arguments against it, the *non propria* and the *infinita*, on which see pp. 195–196 above.

83 It is therefore not surprising that two editors of our text send the reader to different places. Mau in the 1961 Teubner edition refers to I. 99 ff., in the chapter whose subject is ὅτι ἀμέθοδόν ἐστι καὶ ἀσύστατον τὸ τεχνικὸν τῆς γραμματικῆς μέρος. The subject may have something to do with our subject, but the reader will search in vain for the λέξις argument against the λόγος (although his remark may be referring to §120 concluding the chapter, where Sextus claims that there is no point in continuing now that the ἀρχαί have been refuted). Bury in the 1949 Loeb edition sends the reader to §139. This chapter is περὶ συλλαβῆς. At least in §§131 ff. we find the whole-part argument, if not the pair of terms λόγος and λέξις, or indeed λέξις and μέρη λόγου. It seems to me that Sextus is actually referring to §123, which effectively acts as an introduction to the discussion on the syllable. In this section Sextus details the hierarchy leading to λόγος. Without the syllables, the word (λέξις) would not exist, nor would the μέρη λόγου, nor, finally, λόγος itself. The reference is problematic, and Bekker's emendation (1842) of γραμματική to ῥητορική is understandable, since the argument does not appear in *Adversus Grammaticos.*

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with the arguments against the λόγος, recalled dealing with the subject in *Adversus Grammaticos*, and noted this fact in passing. This is far from declaring that the present arguments derive from there, or from a common source. For this reason, it is worth dealing with the *Materia* Argument without obligatory reference to *Adversus Grammaticos.*

The first argument (§48) is based on the components of the λόγος, or more accurately, on the relation between the whole and its parts, in this case, the relation between the λόγος and its λέξεις. The main thrust of the argument is simple. If the λέξεις do not exist, the λόγος composed of them does not exist either. The conclusion follows that rhetoric has no *materia* and that it consequently is not an art. The sources for this argument are hard to find. The whole-part principle is often used in refutations and typical of the Academy, but favoured also by other schools.[84] Since there are no attributions or parallels in other sources,[85] this criticism will need to be left as it is.

The second argument against the λόγος includes §§49–50 and clearly derives from a different matter entirely, the question of benefit. Someone seems to have turned this Benefit Argument to use against the *materia* of rhetoric.[86] The argument asserts that the only way in which the λόγος may be considered the *materia* of rhetoric is if there is added to it the adjective συμφέρων, but it is well known that the λόγος of rhetoric is the opposite, βλαβερός. The internal logic of this argument is a little forced and the connection with the *materia* of rhetoric even more so. The place of the argument is strange. It has already been proved one section previously that the λόγος cannot be the *materia.* Three alternative explanations might be considered:

a) Sextus or his source may have understood that the λέξις argument was insufficient.
b) The λόγος cannot be the *materia* of rhetoric, but even if it could, it would have to be beneficial, but rhetoric is harmful.
c) Even if the λόγος were the *materia* of rhetoric, the *materia* needs to be complete; but not every λόγος falls under art; therefore the λόγος cannot be the *materia* of an art; therefore, rhetoric is not an art.

Despite these speculations, the argument remains problematic. Either the author of this argument has looked for a new refutation, even if it has meant raiding the Benefit Argument to attack *materia*; or we see that Sextus or his source works associa-

84 It already appears in Plato; cf. *Theaetetus* 201d ff.; *Cratylus* 385bff.

85 Quintilian, II. 21. 1 might be regarded as a parallel, with difficulty, since the words *nihil haec (sc. verba) sine rerum substantia faciunt* deny the existence of the λόγος without *res*; but the two arguments have very different motives.

86 This argument may be attributed to Critolaus for two reasons. Firstly, the term κακοτεχνία is identified with him (cf. Sextus, II. 12). Secondly, the term ἔντεχνος is Peripatetic (Aristotle, *Rhetorica* 1355b35–39).

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tively, recalling an additional argument which might fit into this topic and adducing it as it is, even though the argument opposes the assumptions of the previous argument.

The third argument (§51) is complex. This is the only argument which seems to have originated as a *Materia* Argument, but it is now a conflation of its variations in all the stages and contexts of the different debates.

The word ἴδιον at the beginning of the section reminds us of *propria* which we had encountered in Quintilian, and we do indeed find here a parallel to the *non propria* criticism in Quintilian, II. 21. 8–9. Furthermore, we now receive the addition missing in Quintilian, πᾶν λογικὸν μάθημα. Those who argued against the *oratio* of rhetoric appealed to all the arts connected with λόγος. We are in the context of the external debate. The rhetors responded to the attack by adducing arts such as sculpture and architecture (Quintilian, II. 21. 10–11). However, such an account depends upon the assumption that the target of the criticism in §51 is the λόγος, and this is precisely the problem. The only word which might signify the λόγος in this argument is τοῦτο, and this is possible since the words πρός γε μὴν τοῖς εἰρημένοις at the beginning of the section could be referring to the beginning of the discussion on the *materia* (§48) which of course mentions only the λόγος. However, there is an alternative, that the word τοῦτο refers to what came immediately before it, namely τὸ λέγειν appearing at the end of §50. We have already seen that the previous argument dealt with the benefit in λόγος and rejected the λόγος as the *materia* of rhetoric. §50 is a sort of appendix to §49, in which Sextus expands on the need to distinguish between the various types of λόγοι. Just as συκοφαντική and similar occupations are not automatically considered to be arts simply because they deal with τὸ λέγειν (which we must supplement by observing that they are not arts because they are harmful by means of speech), so too rhetoric is not to be considered an art simply because κατὰ ψιλὸν τὸ ἐκπεπονηκέναι τὴν ἐν τῷ λέγειν δύναμιν ἐξεταζομένη. Sextus adds an incidental remark in §51: πρός γε μὴν τοῖς εἰρημένοις, οὐδὲ ἴδιον ῥητορικῆς ἐστι τοῦτο. That is to say, since we have already mentioned τὸ λέγειν, it should be noted that this (τοῦτο) is not the ἴδιον of rhetoric.[87]

The ἴδιον is any peculiar characteristic, and need not refer solely to *materia.* If τοῦτο does refer to τὸ λέγειν, are we facing an End Argument which has been converted into a *Materia* Argument? No we are not, for the simple reason that τὸ λέγειν was never treated as an end. Be this as it may, the argument may still originally have used τὸ λέγειν instead of λόγος, although the argument was dealing with λόγος as the *materia* of rhetoric. The hypothesis would have been simpler were it not for the last two sentences of the section. There would have been less of a problem had the section, §51, consisted only of its first third: πρός γε μὴν τοῖς εἰρημένοις, οὐδὲ ἴδιον ῥητορικῆς ἐστι τοῦτο, ἀλλὰ τὸ κοινὸν παντὸς λογικοῦ

87 In this way the μέν of §49 is answered in §51.

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μαθήματος. The following two sentences require some philological spadework to sort out, but it is worth the effort since they add to our understanding of the way in which arguments were created in that period.

The two sentences are problematic for a couple of reasons. Firstly, the examples do not suit the argument. We might suppose πᾶν λογικὸν μάθημα to be exemplified by such arts as dialectic, grammar and philosophy, or even arithmetic and geometry.[88] Instead, we find medicine and music. Secondly, the adverb εὖ is very strange. We cannot be totally sure what τοῦτο refers to,[89] but even if it refers to τὸ λέγειν, the addition of εὖ is uncalled for.

In my opinion, the two problems actually explain each other. The modification of the ἴδιον from τὸ λέγειν to τὸ εὖ λέγειν adapts it to the unsuitable examples. The unsuitable examples appear in order to exemplify the modified ἴδιον. That is to say, the modification of the ἴδιον and the addition of the examples occurred at the same time, at a stage later than the original argument, with the final candidate being Sextus himself. The sentence καὶ γὰρ ἰατρικὴ εὖ λέγει περὶ τῶν ἑαυτῆς θεωρημάτων καὶ μουσικὴ περὶ μουσικῶν together with the sentence following it has been transposed from elsewhere.[90]

The original claim behind this section would have been:

> πρός γε μὴν τοῖς εἰρημένοις, οὐδὲ ἴδιον ῥητορικῆς τοῦτο, ἀλλὰ τὸ κοινὸν παντὸς λογικοῦ μαθήματος·

This sentence is fairly coherent, even if it is somewhat brief and very vague. Either τὸ λέγειν or λόγος – we have not yet established which – is the thing which cannot be the ἴδιον of rhetoric, since it is common to πᾶν λογικὸν μάθημα. Although it makes sense, the sentence is still doubtful. What is meant by the ἴδιον? Does it refer to the *materia*, or definition, or end? Also, what arts are included in the group designated by the expression πᾶν λογικὸν μάθημα? Is there an art and/or μάθημα which does not have in it λόγος?

These doubts, it seems to me, occurred to someone who read the original claim. We still do not know what he might have considered the ἴδιον to refer to, but we do see how he answered the question about λόγος. He mentions medicine and music. What was his source for these two arts? A clue is provided by the other element, τὸ εὖ λέγειν, which he would have taken from the same source. This element is of course the declared Stoic end of rhetoric. The presence of εὖ did not bother this

88 For the first group, cf. Philodemus, I. 19. 12–18; for the second group, cf. Sextus, II. 5. There is no doubt that §§2–5 echo the discussion in Plato's *Gorgias* 450c6 ff., but the confusion is also manifest.

89 For the purposes of reconstructing the *materia* this problem is of no concern.

90 The two sentences are a unit as may be seen by the words ἑκάστη τούτων which can refer only to the examples of medicine and music.

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modifier of the original claim. He does not seem to have been aware of the different contexts of the original claim and the Stoic nature of his other source.

At the beginning of the present discussion, while considering the referent of τοῦτο in §51, we rejected the possibility that τὸ λέγειν had ever been an end. τὸ εὖ λέγειν, however, is the Stoic end of rhetoric. The modifier would have seen the argument reflected in §51 on the *materia* of rhetoric as τὸ λέγειν, and wishing to add examples turned to what he considered to be a similar argument, on τὸ εὖ λέγειν, without realizing that that argument was actually about the Stoic end of rhetoric. Thus the modifier allows us to conclude that the earlier version of the *Materia* Argument treated the *materia* of rhetoric here as τὸ λέγειν. The modifier may have considered both arguments to be dealing with the end of rhetoric, perhaps even the Stoic end of rhetoric, since few would not have known about the Stoic end of rhetoric.

Support for this thesis comes from Sextus, II. 5, which is clearly parallel to §51. Both sections deal with the ἴδιον, explicitly mentioned at the end of §5 and the beginning of §51. Plato's definition of rhetoric is the subject from §2 onwards. We have attributed the first two stages in finding this definition, πειθοῦς δημιουργός and the addition διὰ λόγων, to Critolaus in his treatment of the end of rhetoric.[91] The remaining stages begin in §5, and their source appears to be the second stage whose context is not known. It is this passage which is parallelled in §51. Both passages seek the ἴδιον of rhetoric and therefore do not make do with speech. The addition of διὰ λόγων is insufficient because οὐχ ἐπεὶ λόγοις πείθει, πάντως ἐστὶ ῥητορική. In §51 speech is insufficient because οὐδὲ ἴδιον ῥητορικῆς ἐστι τοῦτο (sc. τὸ λέγειν).

The two sections, however, differ both in the context of the discussion and in the character of the examples. In §51 we find the ἴδιον in the context of a discussion on speech, while in §5 the context is persuasion. As for the examples, the reason that διὰ λόγων is insufficient in §5 is because ἡ ἰατρικὴ καὶ αἱ ὁμοειδεῖς ταύτῃ τέχναι διὰ λόγου πείθουσιν. In §51 the reason why speech is insufficient is because it is τὸ κοινὸν παντὸς λογικοῦ μαθήματος. We shall leave a comparison of the two contexts until after an examination of the examples.

The examples in §5 are the group of arts like medicine, while those in §51 are the logical arts. What is happening here may be explained in part if we continue reading in §5. The criticism against διὰ λόγων is not the last. We now find the following examples: ἐπείπερ καὶ ἡ γεωμετρία καὶ ἀριθμητικὴ καὶ πᾶσα ἡ τῷ γένει θεωρητικὴ τέχνη… Geometry, arithmetic and other such theoretical arts could well have served as examples of πᾶν λογικὸν μάθημα in §51.

§5 is part of the discussion beginning in §2 whose general subject is persuasion as the end of rhetoric. There were originally two stages:

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91 For the discussion, see pp. 150–158 above.

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a) τὸ πείθειν (=πειθοῦς δημιουργός)
b) τὸ διὰ λόγων πείθειν (=πειθοῦς διὰ λόγων δημιουργός)

Critolaus attacked the rhetors over their advocacy of this end of rhetoric, but someone else appears to have continued the process of reducing the field, as we see a number of versions with even more qualifications.[92] At this third stage, what is being sought is not so much the peculiar end of rhetoric, but a peculiar feature at all, and this is the ἴδιον. It could be the definition of rhetoric, and it could just as well be its *materia.* Parts of this ἴδιον could be made use of in different contexts, and that is what has happened in our passage. There were two further requirements to the expression πειθοῦς διὰ λόγων δημιουργός. The first emphasized speech, and the second required this speech to be persuasive rather than instructional. The first requirement was exemplified by that group of arts which we shall call for the sake of this discussion "practical", such as medicine, which also use speech. For the second requirement, examples were adduced from the theoretical group of arts, such as arithmetic and geometry, which also emphasized speech.

The parallel in §51 omitted the first stage, emphasizing speech with the examples of medicine and music, and passed straight to the theoretical arts, without detailing what he meant by πᾶν λογικὸν μάθημα. The second reader, who may have been aware of something like the argument found in the parallel in §5, exemplifies the expression with the aid of arts belonging in effect to what his source had omitted from the original argument. While only medicine and "similar arts" are mentioned in §5, we find in §51 medicine and music, where music is the art similar to medicine.[93]

It is not difficult to see why §51 jumps straight to the theoretical arts. It is because the context of the ἴδιον here is the *materia*, while in §5 it is the definition. As part of the definition, speech is common to rhetoric and medicine, but in the context of *materia*, rhetoric cannot be compared with medicine, while it can be compared with dialectic, grammar and geometry.

The last two sentences in §51 may be summarized as a search for the ἴδιον which may be used in a number of contexts. This search was also used against the Stoic end of rhetoric. The modifier supplements his examples for πᾶν λογικὸν μάθημα from what he found in an argument against the Stoic end.

We return to the question whether τοῦτο in §5 referred to τὸ λέγειν or λόγος. We have already seen that the former would make the modifier's confusion more intelligible, using a source with the Stoic end, τὸ εὖ λέγειν, because of the close similarity. Of course, τὸ λέγειν itself was never an end of rhetoric, but it was a *materia* of rhetoric, despite being a verbal formulation. This being the case, we may detect three stages in the development of §51:

92 Cf. pp. 152–153 above.

93 This is not to say that §51 relies directly on §5. It may be that §5 is an abbreviation of §51. In my opinion, both derive from a common source, perhaps at some remove.

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a) The argument contained only the first sentence, and its subject was τὸ λέγειν.[94]
b) The examples of medicine and music were added from an argument on τὸ εὖ λέγειν.[95]
c) Sextus or his source replaces τοῦτο with τὸ λέγειν, referring to its previous appearance in §50.

Sextus' discussion of the *materia* of rhetoric concludes with an examination of καλὴ λέξις (§§52–59), which naturally follows on from what appeared to be a discussion of τὸ εὖ λέγειν. Is, however, καλὴ λέξις the Stoic *materia* of rhetoric? This is a question worth asking since τὸ εὖ λέγειν is the Stoic end of rhetoric, and because the following discussion is full of Stoic terminology.[96] Is, indeed, καλὴ λέξις the *materia* of rhetoric of anyone? The answer is complex. On the one hand, this passage appears in a formal discussion of the *materia* of rhetoric, which would indicate a positive answer. We could posit a Stoic who held this to be the *materia* of rhetoric, just as we have already found two Stoic *materiae* of rhetoric in Quintilian, II. 21. 3.[97] Furthermore, we have not yet proved that the sources at our disposal exhaust all the various issues raised against rhetoric. On the other hand, there are good reasons for rejecting the possibility that καλὴ λέξις was ever considered the *materia* of rhetoric by anyone. Firstly, the word ὕλη does not appear anywhere in the entire passage (§§52–59). Secondly, Sextus equates καλὴ λέξις with εὖ λέγειν in §58 by making both the object of the verb κατασκευάζει. Furthermore, this verb, appearing also at the beginning of §52 to open the entire discussion (οὐδὲ κατασκευάζει καλὴν λέξιν ἡ ῥητορική), is reminiscent of one of the criticisms of *oratio* in Quintilian, II. 21. 1: *quae si ita accipitur, ut sermo quacumque de re compositus dicatur oratio, non materia, sed opus est ut statuarii statua; nam et oratio efficitur arte sicut statua*…[98] In the same way might it be possible to claim that καλὴ λέξις is no more than the product of rhetoric (as distinct from the λόγος which is its *materia*)?

We have found in Quintilian and Sextus three separate lists of *materiae* of rhetoric, and in none of them have we found even a hint of καλὴ λέξις as a *materia.* Secondly, τὸ εὖ λέγειν, an almost cognate term, appeared only once in §§48–52, and

94 This sentence may have had a continuation which has been lost in transmission.

95 The expression τοῦ λέγειν in the last sentence must be emended to include εὖ. This not only makes both sentences compatible, but also anticipates the following discussion (§§52–59) on καλὴ λέξις.

96 §§53–54 are particularly full of Stoic terminology and arguments: the rich man is not the good man (*SVF* I. fr. 359, line 21; III. p. 36 fr. 151; p. 218 fr. 41, lines 35–36); death is not bad (*SVF* I. fr. 190, 196; III. p. 17 fr. 70; p. 60 fr. 256, lines 33–34; p. 218 fr. 39; p. 261 fr. 14); cf. also the replacement of τὸ αἴτιον by τὸ ποιοῦν (Diogenes Laertius VII. 134), and τὸ σημεῖον by τὸ δηλοῦν (Sextus, *Math.* VIII. 143).

97 See pp. 184–185 above.

98 The verb *efficitur* would be the Latin equivalent of κατασκευάζεται.

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we have found it to be an addition from another source. Thus the connection between the two passages, §§48–51 and 52–59 is clear but extremely tenuous. The second passage seems to have been added to §51 because of (the Stoic end of rhetoric) τὸ εὖ λέγειν appearing there which by association was connected with καλὴ λέξις.

7.5. The Sources for the Arguments

We have as yet not considered the source of any of the arguments we have uncovered in Quintilian and Sextus.[99] There are, however, two clues which may point the way. Quintilian, II. ch. 17 contains what we called the order of argument. This is a collection of arguments against rhetoric:

a) *argumentatio ex materia* (§17)
b) *nulla ars falsis adsentitur opinionibus* (§§18–21)
c) *omnes artes habent finem* (§§22–25)
d) *artes sciunt, quando sint finem consecutae* (§26)
e) *utitur vitiis rhetorice* (§§26–29)
f) *rhetorice ex utraque causae parte dicitur* (§§30–36)

Quintilian found these arguments in a source which had already collected them; he only summarizes what had been a longer summary.[100] He mentions the names of Aristotle, Critolaus, Athenodorus of Rhodes, and Agnon.[101] Critolaus and Athenodorus are accredited with *multa.* Aristotle is given first place in the list, perhaps because Critolaus used arguments appearing in Aristotle's *Grillus*, but Critolaus is actually the most important or relevant person in the list. We have here a summary of the main arguments against rhetoric in the Hellenistic period.

The arguments are mostly connected with the internal debate. The second argument uses the Stoic definition of art and turns Stoic epistemology against the Stoics. The third argument deals with the end and contains both the criticism of Critolaus and that of Charmadas.[102] The response to the fourth argument concerning *bene dicere* is Stoic, while the fifth argument uses the tell-tale Stoic term *adfectus.*

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99 Hubbell (1920) 381: "…they can best be classed with that mass of arguments…".

100 The proof is simple: one of the sources for criticism of rhetoric was Agnon about whom Quintilian says (II. 17. 15): *Agnon quidem detraxit sibi inscriptione ipsa fidem, qua rhetorices accusationem professus est.* Had Quintilian used the books of the opponents of rhetoric, he would not have needed to make inferences from the titles of books about their contents.

101 Meaning Ἄγνων, a pupil of Carneades. The rough breathing had dropped in Greek by the time of Quintilian, or simply in the transition from Greek to Latin. He appears in *Kleine Pauly* 917 *s.v.* "Hagnon" 3.

102 For a summary of the discussion on the end, see §6.6. above.

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Athenodorus was Stoic, and it may be asked why he appears in what seems to be a list of the opponents of rhetoric. It may be that Quintilian used a source which contained more arguments, and it is only the part aimed against the Stoics which Quintilian summarizes since this is what concerns him; but in the introduction to this passage he includes all the people he found in his source's introduction. Also, at least some of the arguments also belong to the external debate, such as the sixth argument (*ex utraque causae parte dicere*). Finally, some of the arguments against the Stoics could have been used without modification against the rhetors, such as the Knowledge argument, which does use Stoic terminology but could have been used just as easily against the rhetors as against the Stoics.

We, however, are interested here in the sources for the *Materia* Argument. The *argumentatio ex materia* is the first in the list, even if it is not the main one.[103] Critolaus appears to be the author of this argument. Our analysis showed that §17 contained only the *non propria* criticism, without any mention of the *infinita* criticism, demonstrating that it was against the Stoics. What more can be said about this *Materia* Argument attributed to Critolaus?

The acroamatic writings of Aristotle were unread for most of the Hellenistic period. The term ὕλη in the sense of "subject-matter" is to be found in these writings; therefore, it may well not have been known to Critolaus, and the term is certainly not used or hinted at in the Stoic definition of art.[104] If this is the case, how could Critolaus use any argument *ex materia*? If he criticized Stoic rhetoric only through the Stoic definition of art, we would have to infer that he did not use the *Materia* Argument.

This may be so, but Critolaus engaged in the external debate as well, although our evidence for this is somewhat sketchy.[105] The fact that our texts concentrate on the internal debate does not allow us to infer that the external debate was less well attended than the internal debate. The Stoic definition of art should not be considered the full extent of the means at Critolaus' disposal for attacking rhetoric. The fact that the *Materia* Argument in Sextus appears separate from the passages more closely identified in the text with Critolaus does not mean that Critolaus was not the author of that argument. The reason why the *Materia* Argument appears as it does is to do with the sources Sextus used and the way they presented the arguments.

Nor is there a problem with the term ὕλη. It should be borne in mind that the *materia* of rhetoric can be attacked without mentioning the term *materia*/ὕλη. There are many other ways.[106] Furthermore, assuming that Critolaus did not read the ac-

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103 The main one is of course *ex utraque causae parte dicere* (§30).

104 The Stoic definition of art contains benefit, end, method (σύστημα), but not *materia.* The reason for this is extremely interesting, but is beyond the scope of the present study.

105 Cicero, *De Oratore* II. 160 portrays a great war between the philosophers, headed by Critolaus among others, against the rhetors.

106 Cf. Quintilian, II. 15. 15, where two systems present their *materia* without using the term

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roamatic writings of Aristotle, there is no reason to suppose that the term ὕλη was not in a Peripatetic oral tradition; it appears several times in the writings of Theophrastus;[107] and other writings of Aristotle were in the public domain, such as the metarhetorical dialogue *Grillus*, which Critolaus certainly read.

There is then nothing to prevent Critolaus from being the source for the *Materia* Argument in the internal debate. As for the external debate, the *infinita* criticism appears only in Quintilian where his text reflects all the types of debates, stages and targets we have uncovered in this study. His summary is so late that all its elements have become seriously tangled up in each other. There is no reason to suppose, however, that Critolaus refrained from the external debate. The first argument in that context is the *non propria*, a criticism which first appeared in the questions of Plato's Socrates to Gorgias, and it is hard to imagine Critolaus not making use of it. As for the other criticisms, especially the endless series of λόγος arguments from every possible angle, they seem to have originated in much later sources who must remain nameless.

7.6. Conclusion

The discussion of *materia* in Sextus clearly points to the internal debate. Despite the great confusion in the discussion, many elements are identifiable with the Stoa, such as τὸ εὖ λέγειν, the κακοτεχνία, a term used by Critolaus to denote Stoic rhetoric (from the point of view of its benefit), and the καλὴ λέξις and the criticism against convoluted speech.

Quintilian's discussion of the *materia* reflects all four facets of the debate: philosophers against rhetors, philosophers (Academics/Peripatetics) against the Stoa, an internal rhetorical debate, and an internal Stoic debate. Against the rhetors and their *logos* as *materia* the philosophers used both the *non propria* and the *infinita* arguments. In the second stage the *infinita* argument was used in the internal rhetorical debate by the rhetors who advocated the *civiles quaestiones* as against *omnes res.* The *non propria* was used by the Academics/Peripatetics against the Stoa (with the term *propria* being the equivalent of the term ἴδιον in Sextus, II. 51). In addition to all this we were given the opportunity to catch a glimpse of an internal Stoic debate between *tota vita* or *ethice* as rhetoric's *materia.*

And a last word, if we are right in assuming that *non propria* and *infinita* criticisms were first used in the external debate against the rhetors and their *materia* – λόγος/*oratio*, we can perhaps expose a method we have already shown to be of Critolaus, and thus raise the likelihood that Critolaus is the source of such arguments.

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materia. It is sufficient to use the formula *circa + acc.* Plato's Socrates in the *Gorgias* expresses himself well without using the term ὕλη. Cf. also p. 182 n. 35 above.

107 Theophrastus was also a popular lecturer.

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We have shown in previous discussions that Critolaus used to attach various epithets to the art of rhetoric according to his different attacks. In our discussion of Quintilian's chapter 21 we came to the conclusion that each attack on the *materia* of rhetoric was accompanied by a term concerning the art. Thus art whose *materia* is *infinita* should be named *multiplex*; art whose *materia* is *non propria* should be called *circumcurrens.* This method is clearly that of Critolaus. Thus Critolaus was the first to attack the rhetors' *materia* both with *non propria* and *infinita* (using Greek terms, of course). It was only in the second stage (Charmadas?) that these two attacks were divided for use in the internal rhetorical and internal philosophical arenas.

Unlike other issues discussed in previous chapters, the *materia* is treated in very different ways by Sextus and Quintilian. This can be explained by the different motivation and sources of each author. Sextus, a philosopher, was naturally closer to sources dealing with the debate between the philosophers and the rhetors, while Quintilian, a rhetor, was closer to sources on the internal debate among the rhetors themselves.[108] Yet Sextus' limited treatment of the *materia* could also be explained by his being a Sceptic who would have been satisfied the moment he had attained his refutation of rhetoric. Quintilian, on the other hand, as he tells us in his *prooemium*, read a great deal of material concerning rhetoric, and this would explain his much more expansive treatment.

108 It helps to explain why the rhetors' *materia* of rhetoric as *omnes res subiectae* is not even mentioned in Sextus. He deals only with λόγος, a *materia* of rhetoric which also appears in Quintilian, where, however, it is removed from the discussion already after the first section of chapter 21.

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8. Summary

This study has tried to reconstruct the dispute over rhetoric in Hellenistic thought. Although this dispute attracted most of the intellecuals of the time, including philosophers from all schools, rhetors, teachers and educators, it has been almost entirely forgotten, and only a few testimonia, most of which are wholly confused and fragmentary, are left. These testimonia are found mainly in Cicero, Philodemus, Quintilian and Sextus.

The reconstruction has been carried out on two main interrelated axes. Firstly, I have tried to delineate the exact milieu in which this dispute took place, including locations, dates and persons, as far as our sources can give us this information. Secondly, I have tried to reconstruct five main arguments used against rhetoric, all of which concentrate on rhetoric's claim to be considered an art. These are: The Exclusivity of Teaching Argument, The *Falsa* Argument, The Benefit Argument, The End Argument and The *Materia* Argument. Clarifying these two axes brings to life an interesting controversy on an issue which goes back to the beginnings of Attic rhetoric and philosophy. It also exemplifies the more conscious and complex character of Hellenistic dispute of issues already debated in earlier periods.

Concerning the milieu of the dispute I have exposed two stages, the first around the middle of the second century BCE, followed by another towards the end of that century, leading me to call this phenomenon "the two-staged debate". The dominant figures are Critolaus the Peripatetic in the first stage and Charmadas the Academic in the second, philosophers who attacked the rhetors in what I have called "the external debate", but also their fellow-philosophers, the Stoics, in what I have called "the internal debate".

Most of our material concerning the dispute is heavily imbued with Stoic terminology and lines of thought, the most clear sign of which is the Stoic definition of art used by the opponents of rhetoric to refute rhetoric's claim to be considered an art. Some scholars have assumed that this definition as well as other Stoic concepts had become common currency, used by all intellectuals. It is my contention, however, that the usage reflects the internal philosophical debate, with the Peripatetics and Academics arguing against the Stoa.

Among all the Hellenistic schools who may have dealt with rhetorical studies and exercises in one way or another, it was only the Stoics who regarded rhetoric as an art, considering it no less than ἀρετή. The Stoics were, of course, part of the whole philosophical movement against the rhetors, but their support of rhetoric *per se* played into the hands of the rhetors. The Stoics could explain the difference be-

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tween what they considered rhetoric and what the rhetors taught, but still it did not prevent the other philosophers from considering the Stoics a fifth column.

The interlinked internal and external debates I have called "the double debate", and since this occurred in the two periods around Critolaus and Charmadas, I have called the phenomenon "the two-staged double debate", which is in fact the main characteristic and axis of this interesting controversy. The "two-staged double debate" has helped in sorting out the untidy and confused bulk of fragmentary and tantalizing materials found in the works of Cicero, Philodemus, Quintilian and Sextus.

Each chapter in the study ends with a summary of the conclusions arrived at in that chapter regarding the various settings in which the argument, in one version or another, was used, and there is no need to repeat all those findings here. Instead, I would like to focus in the following lines mainly on two subjects: firstly, a few general points emerging out of the analyses; secondly, a point of methodology.

A short reference in *The Cambridge History of Hellenistic Philosophy* is dedicated to our dispute:

> "About 160 BC the debate on the status of rhetoric started by Plato gets a new impetus … The main challenge to rhetoric is that it is not an art or expertise (τέχνη). Additional arguments are that it does not make individuals or states happy and that an orator is often constrained to defend criminals. Moreover, one can be a good orator without formal training and, conversely, many instructors of rhetoric are poor speakers. But the chief point of the attack is that rhetoric is not an organized body of knowledge, so that the rhetorician is not an artist or expert …" (*CHP* 1999, 217).

In this citation we identify most of the arguments we were analysing such as "The Exclusivity of Teaching Argument" and "The Benefit Argument". However, what appears here as "the chief point of the attack", i. e. "that rhetoric is not an organized body of knowledge" is actually the axis. This criticism is intended to show that rhetoric does not meet one of the criteria of the Stoic definition of art: σύστημά ἐστιν ἐκ καταλήψεων συγγεγυμνασμένων. As we have shown, most of the arguments derive from this definition, and this reflects Critolaus' dispute against the Stoics. Critolaus, in fact, divided the Stoic definition of art into its most basic elements, taking each element as a basis for a different attack. Hence, all the various arguments mentioned above are part of one complete and well-arranged attack with a specific target – the Stoics. The first part of the definition – especially the noun κατάληψις and the adjectives καταληπτός and ἀκατάληπτος – supplied Critolaus with a double attack which we named "The *Falsa* Argument". This included both "The (self)Deceiving Orator Argument", and "The Rhetoric as Fraud Argument". The second part of the definition – καὶ ἐπὶ τέλος εὔχρηστον τῶν ἐν τῷ βίῳ λαμβανουσῶν τὴν ἀναφοράν – provided Critolaus with two more arguments. The adjec-

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tive εὔχρηστον provided "The Benefit Argument", and the noun τέλος provided both "The End Argument" and the "Exclusivity of Teaching Argument".

All these arguments, however, share a commom denominator. As we have shown in our analyses, Critolaus considers rhetoric to be merely δύναμις (*vis*), and by taking this term to denote the 'essence' of rhetoric as against those who regard rhetoric as τέχνη, he attaches to rhetoric different qualities according to each attack. Thus, looking at rhetoric through "The Benefit Argument" this δύναμις should, according to him, be called κακοτεχνία (*pravitas artis*); through "The Exclusivity of Teaching Argument", this δύναμις should be called τρίβη (*usus*); through "The End Argument" (perhaps originally based on part of "The *Falsa* Argument"), this δύναμις should be called ἀτεχνία (*nulla ars*). Finally, in the context of the *Materia* Argument I have exposed a similar method, thus hinting at Critolaus as the source. Attacking the rhetor's *materia* – λόγος/*oratio* – as both *non propria* and *infinita*, Critolaus attached to each attack a term concerning the art itself: art whose *materia* is *infinita* should be named *nultiplex*; art whose *materia* is *non propria* should be called *circumcurrens.*

Having described Critolaus' arrangement of his arguments and the structure of his attacks, it is no less important to notice his main strategy. As we have seen in our discussions – mainly in "The End Argument" and "The *Materia* Argument" – Critolaus actually imposes views on his rivals which they otherwise would not have accepted: the *finis* (τέλος) as 'persuasion', and the *materia* (ὕλη) as *logos.* His strategy is very interesting, and lies heavily on tradition. In the external debate, the rhetors cannot ignore all the rhetorical tradition, beginning with Corax, and deny *logos* as rhetoric's *materia*. Nor can the Stoics in the internal debate ignore what their spiritual forefathers, earlier philosophers, thought of rhetoric. Here we encounter an example of one of the main arguments used against the Stoics on other issues as well: *ita sublato alte supercilio in eadem quae ceteri descenditis mutatis rerum nominibus* (Seneca, *De Constantia Sapientis* 3, 1). The Stoics claimed as the end of rhetoric *bene dicere* (εὖ λέγειν). Critolaus, using "The Exclusivity of the End Argument", surveyed the most outstanding of earlier philosophers in order to force the Stoics to accept and defend the more conventional end of rhetoric, τὸ πείθειν (*persuadere*); he then attacked them using what we have called "The Exclusivity of Attaining the End Argument".

Charmadas has been identified as the leading scholar of the second stage. However, he should not be taken as simply repeating his predecessor's arguments. Although he bases his attacks on previous arguments, he invents new ones, and in many cases develops the old ones. One case, worth mentioning here, is his treatment of what we have called "The General Harm Argument", part of "The Benefit Argument". While Critolaus in the first stage focused solely on the harm of rhetoric to society, in Charmadas' treatment of the same subject we trace a division between Social and Individual harm. This in itself is a clear sign of a change developing within Greek society. When benefit to the individual is now the criterion for judging

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a field of activity as an art, it is no longer sufficient to discredit rhetoric on the basis of its harm to society. It now becomes necessary for opponents of rhetoric to prove that rhetoric harms the individual, first and foremost the rhetor himself.

I would like to end with a methodological note. It cannot be emphasized enough that ancient sources such as Sextus Empiricus or Quintilian, who frequently reflect various sources and traditions, are not to be used in research without thorough analysis, which includes, first and foremost, source criticism. Simple and straightforward citation from these sources is actually worth nothing, to say the least. We are dealing here with testimonia, and not every witness is immediately reliable; not all witnesses share the same degree of credibility. In this study much use has been made of Sextus and Quintilian, but the same is true of other ancient sources such as Diogenes Laertius, Stobaeus, Plutarch, not to mention the Christian fathers. Only by considering all the relevant aspects of a source, his aims, way of thinking, and his work methods, can one begin to use him intelligently. In cases where there are other parallel sources, as was the case in the present study, a meticulous examination of one source against the other is a valuable tool. The reader may judge from my conclusions whether it is worth the effort.

I should like to cite a few sentences from the introduction of what should be considered the first research on our topic – Radermacher's article from 1896 written as part of the Introduction to the supplementum volume in Sudhaus' edition of the rhetorical writings of Philodemus. In the preface to Radermacher's article Sudhaus writes (p. VI–VII):

> Das zu zeigen, war der Zweck dieses Büchleins. Denn wenn auch im einzelnen noch manches zu bessern bleibt, so übersehen wir doch hier einmal ein beträchtliches Stück lesbaren Textes, das hoffentlich zu weiteren Bemühungen um den interessanten Schriftsteller ermutigt.

In spite of all our findings, our material is too complicated and fragmentary to allow final conclusions to be reached. I join, therefore, Sudhaus' and Radermacher's call for further research. I should like to consider my research as one more contribution, and definitely not the final one, in a long series of contributions on the subject.

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Index Locorum

Note: The *Index Locorum* does not mention Cicero's *De Oratore*, Philodemus' *De Rhetorica*, Quintilian's *Institutio Oratoria* Bk. II and Sextus Empiricus' *Adversus Rhetoricos* (=*Adversus Mathematicos* II), since specific passages from these works are closely discussed in sections which can best be located through the Contents.

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This study succeeds in reconstructing the dispute concerning rhetoric in Hellenistic thought, by using two main interrelated axes. Firstly, it delineates the exact milieu in which this dispute took place, including locations, dates and persons. Secondly, five main arguments used against rhetoric have been reconstructed, all of which concentrate on rhetoric's claim to be considered an art.

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