INTRODUCTION

1. CICERO AND *DE ORATORE*

(*a*) *Circumstances of composition*

Between 63, the year of his consulate and his widely supported and acclaimed suppression of Catiline's conspiracy, and 55, when he wrote *De or.*, Cicero experienced, among other reversals, estrangement from the most powerful men in Rome, Pompey, Crassus, and Caesar, whom he declined to abet in their 'triumvirate' aimed at dominating the state, and increasing resentment in other quarters, fomented by his arch enemy P. Clodius, for what had come to be regarded as the unlawful execution of some of Catiline's followers. The estrangement and the resentment culminated in his exile from Italy for over a year (58–57) and, despite a triumphant return (Sept. 57) suggesting better times ahead, his hopes of renewed prominence were cut off by warnings from the 'triumvirs', who reaffirmed their alliance in the infamous conference at Luca (May 56), and by his disgust and disillusionment with the senate in general, which he came to regard as no less harmful to the state than the 'triumvirate' itself.[1]

In these circumstances Cic. turned to the *solacia* (cf. 14) furnished by literary composition, first (57–55) with poems about Marius (= frr. 15–19 *FLP*; cf. 8n.) and about his own exile and return (= fr. 14 *FLP*),[2] later with the philosophical treatises *Rep.* (54–51) and *Leg.* (begun in 52).[3] In between – figuratively, perhaps (cf. 27, 56nn.), as well as actually – the poetry and the philosophy came *De or.*, which he completed after considerable care and effort in Nov. of 55.[4]

The work is addressed to Cic.'s brother Q. Tullius Cicero (Quintus). Cic. claims Quintus had urged him to improve on his youthful *Inv.* and produce a work about rhetoric commensurate with his now greater maturity and experience (1.5). But what Cic. offers, although suited, he believes, to Quintus' request (1.4), is something quite different from *Inv.* Where that work was Cic.'s version of a standard type of treatise concerned with standard aspects of rhetoric, *De or.*, as the title indicates,[5] is concerned not just with rhetoric, but with the orator who will make use of it, and it purports

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[1] For Cic. and Rome in the period after his consulate, see Gruen 1974: 83–120, Mitchell 1991: 63–203, esp. 144–203, Fantham 2004: 1–15, and *CAH* IX 368–81.

[2] For the chronology of the poems, see Courtney on fr. 19 *FLP*.

[3] Many scholars believe that Cic.'s *Part.* also belongs to this time, although others would assign it to Cic.'s second great phase of literary production in the mid 40s. See Intro. 4b.

[4] See *Att.* 4.13.2. This and Cic.'s other explicit *testimonia* concerning *De or.* are collected in App. 1e. There may also be a ref. at *Att.* 4.6.3; cf. Shackleton Bailey on *Att.* Appendix 2 and Fantham 2004: 12–13.

[5] The title given by the MSS (see Intro. 5 and Kum's app. crit. at 1.1, 2.1, 3.1, 230) is confirmed as Cic.'s own ('*libri oratorii*' at *Att.* 4.13.2 and '*oratoriis*' at *Att.* 4.16.2 would seem to be descriptive) in his references to the work at *Fam.* 1.19.23, *Div.* 2.4, and *Att.* 13.19.4; see App. 1e and Komm. I 25.

to present not Cic.'s own views, but the views of an earlier generation, expressed not in treatise form, but in a dialogue which supposedly took place at a crucial time in Roman history.[6]

The differences from what Quintus and probably most of Cic.'s audience in the 50s might have expected of a work on rhetoric greatly increase the scope and, it would seem, the significance of *De or.* The focus on the orator or, more precisely, on an 'ideal orator' (below) who will combine natural talent, experience, and wide learning (cf. 59n.), leads to consideration of topics and issues of human, social, and political import traditionally associated more with the practicalities of Roman life and with Greek philosophy than with rhetoric.[7] The dialogue form allows for a nuanced and gradual explication of this unusual material, which is made more accessible and, perhaps, more acceptable to Cic.'s readers by repetition and variation and by the depiction of characters both raising objections and yet, on vital points, achieving a consensus.[8] At the same time, although this consensus is generally and probably rightly taken as representing Cic.'s own views,[9] its occurrence in a dialogue in which he was not a participant (Intro. 2a) makes it possible for him to maintain the 'Academic' (67–8nn.) stance of presenting different opinions while, except in the proems to each book,'withholding' (*epoche* (67n.)) his own.[10]

The uncertainty which this creates about Cic.'s precise view on certain issues is given a human and political dimension by his choice of participants and setting for the dialogue. His inclusion of Crassus, Antonius, and other eminent orators (Intro. 2c) as his 'spokesmen' lends a certain authority to the opinions they are made to express.[11] It also provides him with an opportunity to display his esteem and gratitude (14n.) toward Crassus and Antonius in particular by attempting to preserve the memory of

[6] The account of *De or.* offered here follows, with some differences, Komm. I 25–6, M–W 3–40, and Wisse 2002b; see also Kennedy 1972: 205–30, Zetzel 2003: 129–35, Fantham 2004, Dugan 2005: 75–133. For the 'standard' (the term is Wisse's) qualities of *Inv.*, cf. Calboli on *Rhet. Her.*:19–29, Kennedy 1972: 103–48, 1994: 117–21, and Wisse 2002a: 347–9, 354–61.

[7] Cf. Komm. I 25–6 (Cic.) 'handles the art [of rhetoric] as one of many arts which contribute to the development of the person of the orator. The orator himself as a human, spiritual, and social figure stands in the foreground', and Zetzel 2003: 135.

[8] For the 'persuasive design' (Hall's term) of the dialogue, see Hall 1994, M–W 18–19, Wisse 1989: 192–9, 2002b: 378–83, and, for an example, 32n. below.

[9] So already Quint. 10.3.1 (n. 11 below); cf. Komm. I 13, Hall 1994: 211 'Crassus . . . is to be seen throughout the dialogue as the general representative of Cicero's views', but also *Fam.* 7.32.2 with Fantham 2004: 187.

[10] The proems in fact contain surprisingly little comment on matters discussed in the dialogue. Two major exceptions are what is in effect a (partial) table of contents at 1.16–17 (but see below), and Cic.'s remarks at 2.1–7 about the erudition of Crassus and Antonius (see Intro. 2c). Cf. Hall 1994: 211–17.

[11] Cf. 1.4 (Cic. will report the dialogue to Quintus) *ut cognoscas quae uiri omnium eloquentissimi clarissimique senserint de omni ratione dicendi*, 1.23 *repetamque non ab incunabulis nostrae ueteris puerilisque doctrinae quendam ordinem praeceptorum, sed ea quae quondam accepi in nostrorum hominum eloquentissimorum et omni dignitate principum disputatione esse uersata*, *Q. fr.* 3.5.1 (App. 1e), Quint. 10.3.1 (citing 1.150 (190n.)) *cui sententiae personam L. Crassi in disputationibus quae sunt De oratore assignando iudicium suum cum illius auctoritate coniunxit*, Dugan 2005: 86–9.

their greatness (1.23, 2.8–9; cf. 1n.) and, in his recreations (Intro. 4) of their urbane 'conversation' (*sermo* (1n.)), forceful 'argumentation' (*disceptatio* (110n.; cf. 80n.)), and extended 'discourse' (*disputatio* (1n.)), to exemplify the varieties of eloquence (cf. 29–33). But, as Cic. reminds his audience near the beginning (1.24–7) and, more vividly, toward the end (1–16), the wise, humane, and eloquent discussion *De oratore* he claims to report took place just days (1n.) before the death of Crassus and the eruption of a crisis which would seem to mock such a discussion, since it would engulf the surviving participants, their oratory powerless to avert their own ruin and the near-ruin of their country.

Cic. does not explicitly draw a parallel between the past crisis and the situation in 55, but the similarities – disruptive tribunes, a divided senate, contention over military commands, even the identity and names of some of the principals[12] – are obvious and cannot help but inspire doubts as to whether the practice and investigation of oratory were any less futile in an era of 'triumvirs' than they had been in the days of Marius, Cinna, and Sulla.[13] Such doubts seem reinforced by various elements in the work, including Cic.'s gloomy remarks in the proems,[14] Crassus' almost casual reference to freedom and peace as necessary conditions for oratory to flourish and hold sway,[15] Scaevola's assertion, acknowledged but not refuted by Antonius (2.85) and Crassus (55n.), that 'the most eloquent men' such as the Gracchi have brought more harm than good to their countries,[16] and the uncomprehending or hostile reactions of the younger participants to the more idealistic part of Crassus' speech in bk 3 (144–7n.; see 1c). From this perspective it is possible to detect in *De or.* a certain pessimism about its subject matter, a sense that the prominence of the orator in civic life at Rome[17] might be as much a part of the past as the vanished Curia Hostilia (6n.) and Capitolium (180n.).

But Cic. does not express this pessimism directly or in his own person,[18] and here his 'withholding' of his own view (above) seems especially important, since it permits *De or.* to suggest that, as dire as things appear, there may still be cause for optimism. This emerges from three factors in the work, pertaining to past, present, and future.

[12] The 'triumvirs' Crassus and Pompey had been commanders under Sulla, while their names and the name of Caesar are evoked with references to their relatives (cf. 10, 78, 226nn.); one of the consuls at the time of the conference of Luca was a Philippus, son of the consul of 91 (2n.).

[13] This and the ensuing paragraph owe much to Fantham 2004: 305–11.

[14] Cf. 13–14, 1.1 (contrast between the 'happier' Roman past and the present), 1.2 *graues communium temporum . . . casus . . . maximae moles molestiarum et turbulentissimae tempestates*, 1.3 *in iis uel asperitatibus rerum uel angustiis temporis*, 1.21 *in hac tanta occupatione urbis ac uitae.*

[15] 1.30 *haec una res* [i.e. eloquence] *in omni libero populo maximeque in pacatis tranquillisque ciuitatibus praecipue semper floruit semperque dominata est.* This is echoed by Antonius at 2.33; cf. Komm. on 1.14, where Cic. says the pursuit of eloquence at Rome did not begin until *diuturnitas pacis otium confirmauit.* See also Douglas on *Brut.* 45, *Or.* 141, and Mayer on Tac. *Dial.* 40.2.

[16] 1.38, cited at 55n. See 1c below.

[17] This is vividly depicted in passages such as 1.166–84, 1.225–45, 2.88–9, 2.106–9, 2.124–5, 2.188–204, and throughout Strabo's discussion of wit and humour at 2.217–89; see also Millar 2002: 143–61.

[18] But see 1c and n. 58 below.

In regard to the past, both the characters in the dialogue and Cic. in the proems refer or allude to crises prior to those of 91 and of the 50s which the Republic managed to survive and which were followed by periods of 'relative calm' when oratory flourished as never before;[19] there might, then, be reason to hope that the present crisis, too, would pass, and oratory once again prove its resilience.[20] In regard to the present, Cic. depicts himself in *De or.* as conceding to his studies and writing only 'so much leisure as either the malice of enemies or the cause of friends or the Republic will bestow'.[21] He thus indicates that, despite the difficulties of the times and temptations of retreat (cf. 13, 56nn.), he has not abandoned public life, and his example, which recalls that of Crassus in his last days (3–5), may be meant to encourage the 'good men' (8n.) in his audience to do likewise.[22] Finally, in regard to the future, there is the 'ideal orator' himself, not yet realized in Rome's past or present, but embodying the possibility of an eloquence that might not only survive political turmoil, but moderate or even prevent it.[23]

(b) The 'ideal orator'

The concept of an 'ideal orator'[24] begins to emerge in the proem to bk 1, where Cic. mentions (1.5) a long-standing disagreement between Quintus and himself concerning eloquence, whether it is, as he believes, a product of 'learning' (*doctrina*), or, as Quintus maintains, of 'natural ability' (*ingenium*) and 'experience' (*exercitatio*). In support of *doctrina* Cic. cites the comparative rarity throughout history of outstanding orators as opposed to military leaders, statesmen, philosophers, mathematicians, musicians, literary scholars, and even poets (1.6–16); this rarity, in his view, stems from the fact that eloquence requires 'a knowledge of a great many things without which

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[19]   For the characters in the dialogue the periods of 'relative calm' (Fantham 2004: 305) were those following the Gracchan crises of 133 and 123–121 (cf. 214, 226nn., 1.38, 2.106, 2.132, 2.169–70, 2.269, 2.285) and the tribunate of Saturninus in 100 (Intro. 2b; cf. 164n., Komm. on 2.107, 2.201), for Cic. they were those following Sulla's dictatorship of 82–80 (cf. 8–11, 1.3) and Catiline's conspiracy of 63 (1.3).

[20]   Cf. Fantham 2004: 310 'Better, then, to assume that Cicero, like most of us, wanted to believe that present troubles would sooner or later come to an end, reverting to a future more like the remembered stability of the past.'

[21]   1.3 *sed tamen in iis uel asperitatibus rerum uel angustiis temporis obsequar studiis nostris et quantum uel fraus inimicorum uel causa amicorum uel res publica tribuet oti ad scribendum potissimum conferam.* This may anticipate a contrast with the very different leisure of Hortensius (1c below).

[22]   Presumably most of the original audience for *De or.* would be unaware that in his private letters Cic. expresses a somewhat bleaker view of the prospects for political engagement; cf. *Att.* 4.5, 6.1–2, *Fam.* 1.8.3–4, 7.1.4–5, Mitchell 1991: 185–8, and Fantham 2004: 9–16.

[23]   Cf. Fantham 2004: 311–14. From 1.9 (n. 28 below) it is evident that Cic. hoped his teachings would make an impression on the rising generation; cf. *Fam.* 1.9.23 (App. 1e), where he describes *De or.* to P. Cornelius Lentulus Spinther (*RE* no. 238) as *libros . . . quos arbitror Lentulo tuo* [no. 239] *fore non inutiles*; see also n. 76 below.

[24]   For the terms used to denote the 'ideal orator', see 74n., and, for the subject, which is only touched on here, Komm. 1 42–3, IV 88–91, M–W 9–12, Barwick 1963, von Albrecht 2003: 226–32, Fantham 2004: 311–19, and Dugan 2005: 75–171.

fluency of words is empty and absurd' (1.17).[25] These things include word choice
and arrangement (cf. 149–98), audience psychology (cf. 76n., 2.178–216), a sense of
humour and other qualities related to a 'liberal education' (cf. 2.217–89),[26] history (cf.
2.36, 2.51–64), law (cf. 1.166–203, 1.234–55), performance (cf. 213–27), and memory
technique (cf. 2.350–60).

The list is almost a programme of the contents of *De or.*, but there are at least
three differences between the presentation of these 'requirements' in Cic.'s proem
and the treatment of many of them in the dialogue. The first is that, in Cic.'s view,
despite the 'greatness and difficulty' (1.16) of the task, there have been men, if only
a few (1.7–8, 1.11, 1.16), who can be considered (true) orators.[27] His allusion to the
historical existence of such men suggests that his focus is on an already existing
form of eloquence attainable by budding orators even in the circumstances (above) of
present-day Rome,[28] not on some as yet unrealized 'ideal'.[29] The second is that Cic.
does not claim for (true) orators, however rare they might be, a status superior to that
of men distinguished in more common areas of achievement and even admits that,
in regard to 'utility and greatness', the orator merits less esteem than the military
leader (*imperator*).[30] The third and, in light of the sequel, most striking difference is
that, although there are hints of this, Cic. does not explicitly connect oratory with
philosophy.[31]

[25] 1.17 (to achieve eloquence) *est enim . . . scientia* [55n.] *comprehendenda rerum plurimarum sine qua
uerborum uolubilitas inanis* [66n.] *atque irridenda est*; cf. 1.19 *cum ex illis rebus uniuersis eloquentia constet
quibus in singulis elaborare permagnum est*, 1.20 (n. 26 below).

[26] For this 'liberal education', cf. 21, 94nn., and, for its connection at 1.17 with *lepos quidam
facetiaeque*, see Komm. 1 39–40.

[27] In bk 1 Cic. does not name any of these men, but implies at 1.4 and 23 (n. 11 above) that
they would include Crassus and Antonius; cf. 2.5–6, where he confirms this. It also seems likely
that Cic. expected his audience to think of Hortensius and himself as among the 'few' (Intro 1c).

[28] Cf. 1.19–20 *hortemurque . . . liberos nostros ceterosque quorum gloria nobis et dignitas cara est ut animo rei
magnitudinem complectantur neque iis aut praeceptis aut magistris aut exercitationibus* [i.e. those of 'technical
rhetoric' (Intro. 3)] *quibus utuntur omnes, sed aliis quibusdam se id quod expetunt consequi posse confidant.*
(20) *ac mea quidem sententia nemo poterit esse omni laude cumulatus orator nisi erit omnium rerum magnarum
atque artium scientiam consecutus. etenim ex rerum cognitione* [56n.] *efflorescat et redundet* [16n.] *oratio,
quae nisi subest res ab oratore percepta et cognita, inanem quandam habet elocutionem* [n. 49 below]. Since
this passage immediately follows Cic.'s 'list' (1.17–18), it would appear that *aliis quibusdam* (1.19),
omnium . . . scientiam, and *rerum cognitione* (1.20) refer to the items on it (so Komm.), not to as yet
unspecified 'ideal' requirements.

[29] In *De or.* Cic. in his own person seems to suggest the possibility of a more universal
eloquence only at 1.21 (cf. 22–3nn.) and 2.5–6 (n. 30 below), but he refuses to impose the
'burden' of achieving this on orators in the present, and at 1.22 claims that he will follow Greek
theorists in limiting the competence and knowledge of the orator to forensic and political matters
(cf. 69–70nn.).

[30] 1.7 *quis enim est qui si clarorum hominum scientiam rerum gestarum uel utilitate uel magnitudine metiri
uelit, non anteponat oratori imperatorem?*

[31] The hints are in Cic.'s reference to philosophy as *laudandarum artium omnium* [including, one
presumes, oratory] *procreatricem quandam et quasi parentem* (1.9), in the wide scope of knowledge
attributed to both philosophy (1.9) and oratory (1.16–17), and in the inclusion among oratory's
requirements of 'psychology' (1.17), an area usually considered the domain of philosophy (76n.;
cf. 1.54, 1.60, 1.68, 1.87). At 2.5–6, Cic. seems to connect oratory and philosophy more explicitly

The shift from this historically realized orator to an 'ideal' one pre-eminent in the state and combining oratory with philosophy occurs in the opening exchange of the dialogue. In the speech which initiates the whole discussion *De oratore* Crassus seems to echo Cic.'s proem by alluding to the rarity (1.31) and historical existence (1.30, 1.33) of (true) orators, but goes further by claiming for such orators a primary role in the governance,[32] preservation, and even foundation of states (1.30–4) and suggesting that they have excelled not only in public but in private discourse as well (1.32).[33] Both of these assertions are immediately challenged by Scaevola (1.35–44) on the grounds that they ignore, in regard to states, the primacy of military leaders and statesmen and the harm inflicted by eloquence (1.38), and, in regard to private discourse, as well as the most important topics of discussion (ethics, politics etc.), the pre-eminence of philosophers. In response, Crassus modifies his position in two ways which further differentiate it from that of Cic., first (1.45–73) acknowledging but also challenging the claims by contemporary philosophers of a 'monopoly' on serious discourse, then (1.78–9) insisting that his claims for oratory pertain not to present-day examples, including himself,[34] but to a 'future orator' who will have the 'leisure and industry' to avail himself of *doctrina*, clearly now including philosophical *doctrina* (1.79). At this point Antonius (1.80–95) intervenes and, although expressing doubts about its value for oratory, draws on philosophy as well as on his own experience to contribute a further modification: not only are there no present-day examples, but even in the past no man, or at least no Roman, attained the status of (true) orator.

In the rest of bk 1, Crassus and Antonius debate how, as Crassus puts it (1.118), 'we are to fashion in our discourse an orator free from all faults and crowned with every excellence'. For Crassus, this entails 'completeness and perfection' (1.130) in regard to *ingenium* (1.113–21), *exercitatio* (1.147–57), and especially *doctrina* (1.158–9), now presented as an almost 'universal knowledge'[35] encompassing not just the 'hackneyed precepts'

when, after justifying his depiction of Crassus and Antonius as versed in the subject (see Intro. 2c), he insists that neither they nor any other orator could have attained true eloquence *sine omni . . . sapientia* (2.5), but even here *sapientia* does not necessarily connote (Greek) *philosophia* (cf. 3, 55–7nn.).

[32] But cf. n. 15 above. At 1.85–9 Antonius reports that, when he visited Athens (43n.), he heard a certain Menedemus (otherwise unknown) advance a similar claim, which was refuted by the Academic Charmadas (68n.), who argued that the statesman's *prudentia* (55n.) could only be a product of philosophy, not of rhetoric.

[33] In an example of how dialogue is employed to advance gradually unusual ideas (above), Crassus' rather vague suggestion *ne semper forum, subsellia* [benches in the senate-house], *rostra* [10n.], *curiamque* [6n.] *meditere, quid esse potest in otio* [56n.] *aut iucundius aut magis proprium humanitatis* [1n.] *quam sermo facetus* ['intelligent', 'smart'; cf. Krostenko 2001: 90–4] *ac nulla in re rudis?*, is interpreted by Scaevola as a more substantial and provocative claim that *remoto foro, contione* [2n.], *iudiciis, senatu . . . oratorem in omni genere sermonis et humanitatis esse perfectum* (1.37; cf. 1.41 and Antonius' similar phrasing at 1.218), which he challenges but which Crassus proceeds to defend (1.59, 1.71) as if it were what he said in the first place.

[34] This is in response to a flattering and perhaps not entirely serious suggestion by Scaevola (1.76–7), which is echoed by Antonius (1.95), that Crassus himself may exemplify the (true) orator. See 82–90n.

[35] See M–W 11.

(1.137) of technical rhetoric, which are easily summarized (1.138–46), but poetry, history, and all 'noble arts' (cf. 21n.), the modes of philosophical argumentation, the arcana of law, and the sources of humour and wit.[36] In response to a sceptical comment by Scaevola (1.165), Crassus focuses on what seems the most narrow of these areas, knowledge of the law, but his account of civil law (1.166–200) includes an argument about the importance even here of philosophical method (1.186–90),[37] and his brief survey of criminal and public law (1.201) leads him to reassert (1.202), in language strikingly relevant to the circumstances of both 91 and 55, his claim for the orator's prominence in the state.[38] In his rejoinder, Antonius takes issue with this, arguing that oratory is distinct from statesmanship (1.209–11, 1.215–16) as well as philosophy (1.212, 1.217, 1.219–33) and legal expertise (1.212, 1.216–17, 1.234–55), and although he agrees with Crassus about *ingenium* (1.126–8) and aspects of *exercitatio* (1.22–5, 1.262), he offers a more limited and pragmatic view of the 'doctrinal' requirements and role of the (true) orator, whom he defines simply as someone adept at persuasion in 'the ordinary and public activity of communities', for which the other concerns and studies mentioned by Crassus are irrelevant.[39]

At the end of the first book Sulpicius and Cotta (below) are uncertain about 'whose discourse seems to come nearer to the truth' (1.262), but Crassus suggests that Antonius' arguments may represent an 'Academic' stance (above) rather than his actual beliefs (1.263). When the discussion resumes on the following day, his suspicion seems confirmed[40] as Antonius, called on (below) to expound the activities and duties of the orator, starts by describing (2.33–8), not his narrow 'functionary' (cf. 1.263) of the first day, but a 'perfect orator' nearly identical, in the scope of his *doctrina*, the range of his discourse, and his political prominence, to that posited by Crassus. In considering how to instruct such an orator, Antonius cites various teachings of Greek technical rhetoric but criticizes them, insisting that oratory is vital not just for the three standard genres (judicial, deliberative, and epideictic; see 105, 109nn.) traditionally assigned to it, but for all discourse, including history[41] and wide-ranging discussion of philosophical and political issues (2.41–73; cf. 109–19n.), and that the usual schemes for the orator's tasks (invention, arrangement, expression, memorization, performance)

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[36] See n. 25 above.   [37] See Fantham 2004: 111–15.

[38] 1.202 (we are seeking) *eum uirum . . . qui scelus fraudemque nocentis possit dicendo subicere odio ciuium supplicioque constringere; idemque languentem labentemque populum aut ad decus excitare aut ab errore deducere aut inflammare in improbos aut incitatum in bonos mitigare.*

[39] 1.260 *sit orator nobis is qui . . . accommodate ad persuadendum possit dicere. is autem concludatur in ea quae sunt in usu ciuitatum uulgari* [66, 79nn.] *ac forensi* [30n.]*, remotisque ceterisque studiis, quamuis ea sint ampla atque praeclara, in uno opere, ut ita dicam, noctes et dies urgeatur.*

[40] 2.40 (Antonius to Crassus) *nunc . . . uideor debere non tam pugnare tecum quam quid ipse sentiam dicere.* But here too (above) Cic. leaves room for uncertainty, since at 2.30 he has Antonius remind the company that oratory is a thing *quae mendacio nixa sit, quae ad scientiam non saepe perueniat, quae opiniones hominum et saepe errores aucupetur.* Görler 1988: 223 suggests that Antonius' second speech is meant as a 'palinode' like that of Socrates in Plato's *Phaedrus* (Intro. 2a); see 1c and n. 64 below.

[41] Antonius' claims concerning the importance of oratory (rhetoric) for historiography have generated considerable debate; cf. Komm. II 249–52, Woodman 1988: ch. 2, and Fantham 2004: 147–52.

and for the parts of a speech (prologue, narration, argumentation, conclusion) are too simplistic and no substitute for the imitation of real-life examples and for experience (2.74–98).[42] But although examples and experience figure in his proposed alternative to this Greek teaching, especially in its later stages, where he gives advice about arrangement (2.307–32), the genres of oratory (2.333–49),[43] and memorization (2.350–6), the core of the proposal, his account of invention (2.99–216), has its basis, as Catulus recognizes and as he himself admits (2.151–61; cf. 2.59), in another sort of Greek teaching, that furnished by 'philosophical rhetoric' (Intro. 3b). This teaching includes a philosophy-influenced version of '*status* doctrine' (2.99–113; see 113n.),[44] the Peripatetic concept of the 'three means of persuasion' (2.114–28; see 23n.), and a form of Aristotle's 'topical method' (2.129–51, 2.162–77; see App. 3), which Antonius recommends in connection with the first means of persuasion, instruction through logic, as well as theories about human character and psychology, which inform his discussion of the second and third, reconciliation through *ethos* and arousal of emotion through *pathos* (2.178–216).[45]

Antonius' surprising 'conversion' in his view of the ideal orator is followed by other unexpected developments. At the end of bk 1 and in the preliminaries to bk 2 it is indicated that Antonius will have the final say on all 'the duties and teachings of the orator' (1.264; cf. 2.15), but about a quarter of the way into his speech (2.119–27), when the subject of expression arises in connection with the 'means of persuasion', he assigns this to Crassus (2.123), and somewhat later, when his discussion of character and psychology leads him to the subject of wit and humour, he turns this over to Strabo (2.216). Strabo complies willingly and at once (2.217–90) with a lengthy account of the theory and practice of 'the laughable' (*ridicula*; see Komm. on 2.217) and of the 'polish' and 'urbanity' (2.236) requisite for the orator.[46] His contribution, although distinguished as 'comic relief' (cf. 2.234, 2.290) by its content, tone, and style, can be seen as a kind of 'excursus' within Antonius' speech which supplements his teachings without departing from or challenging the general concept of the ideal orator.[47] But Crassus, who is supposed to speak after Antonius has finished (2.123, 2.350–1), several times attempts to evade his task (2.124–7, 2.350, 2.364–6; cf. 2.233), and when he at last yields to the entreaties of his friends, manages to obtain a recess until the afternoon (2.367). This interval between the end of bk 2 and the resumption of the dialogue in bk 3 has the effect, both within the work's dramatic setting, where it allows Crassus, while the others relax, to prepare as if for an important court case (17), and for Cic.'s

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[42] For these elements of technical rhetoric, see M–W 26–32, and Wisse 2002a: 354–61.

[43] His account of the deliberative genre (2.333–40) is especially important since it reaffirms (cf. 1.202 (n. 38 above)) the role of the orator in preserving the state; cf. Fantham 2004: 209–36, 311–14.

[44] See Komm. III 27–32, Wisse 1989: 93–5, and M–W 33–6, 151.

[45] See Komm. III 102–3, 123–33, Wisse 1989: 105–87, and Fantham 2004: 161–85.

[46] See n. 25 above. Cic. would later forget that this portion is spoken by Strabo rather than Antonius (*Fam.* 7.32.2); cf. Fantham 2004: 187.

[47] This view of Strabo's speech is based on Wisse 1989: 305–12; see also Komm. III 172–200, Fantham 2004: 186–208, and Dugan 2005: 117–45.

listeners, who are now given a detailed account (1–16) of the calamities awaiting the characters and their *patria*, of distancing Crassus' speech from what preceded it, and when Crassus finally does speak, his contribution, or at least a considerable portion of it (19–145), turns out to be somewhat different from what the terms of his assignment might have led both audiences to expect.

(c) *Crassus' speech (3.19–227)*

From the remarks of Antonius (2.119–23, 2.350–1) and of Sulpicius and Cotta (2.366) as they urge Crassus to speak,[48] it appears that they anticipate from him an account of his topic similar to what can be found in the so-called *Rhetorica ad Herennium* (*Rhet. Her.*), a work probably composed around the time of the dramatic setting of *De or.*,[49] where the orator's 'task' (Intro. 1b) of 'expression' (*elocutio*)[50] is presented as something distinct from or even extrinsic to tasks connected with content (invention, arrangement)[51] and treated as a matter of deciding which of three 'levels of style' (*genera orationis* (*Rhet. Her.* 4.11–16); cf. 177n.) is suited to the content, of putting it into words that are correct and clear (*elegantia* (*Rhet. Her.* 4.17); cf. 39n.) and arranged harmoniously (*compositio* (*Rhet. Her.* 4.18); cf. 149n.), and, to the degree required by the level of style, providing 'ornamentation' (*dignitas = ornatus* (*Rhet. Her.* 4.18); cf. 24n.) with 'figures of speech and of thought' (*exornationes* (*Rhet. Her.* 4.19–68); cf. 201n.).

In accepting his assignment, Crassus indicates that he is aware of what is expected (2.366 *'uerba igitur' inquit Crassus 'mihi reliquit Antonius, rem ipse sumpsit'*; cf. 24), and by the time he has finished speaking as evening draws on (17n., 209), he will at least have touched on most of the conventional elements of his topic. But both in its details and in its overall approach his treatment of this material is quite unconventional and indeed seems to be without precedent in the ancient tradition.[52] He begins with a challenge

[48] Catulus (2.126, 2.367) and Strabo (2.233, 2.367), while no less eager than the others to hear Crassus, are not as specific about his topic.

[49] For the date of *Rhet. Her.*, see Corbeill 2002: 31–4. Although its account of style (bk 4) is the earliest systematic treatment of the subject extant in Latin, there seems to be no reason to think that it differs in any major way from what was being taught in the 90s by Greek and even Latin (93n.) rhetors. Cf. Kennedy 1972: 118–21, Calboli on *Rhet. Her.*: 50–4, Corbeill (above) 29–46, and Fantham 2004: 239–40.

[50] *elocutio*, the t.t. in *Rhet. Her.* (4.1, 10, 17 etc.) and Cic.'s *Inv.* (1.9, 29, 49, 2.49), occurs only once in *De or.* (1.20 (n. 27 above); not in the later *rhet.* (but cf. *locutio* at *Brut.* 258–9, *Or.* 64, 67) or in the *orat.*, *phil.*, and *epist.*), but Cotta clearly alludes to it and thus indicates his expectations at 2.366 (Crassus must speak since Antonius) *ornamenta* [125n.] *orationis non attigit neque eam laudem, ex qua eloquentia nomen suum inuenit*; see Komm. ad loc., Causeret 1886: 115–16.

[51] Cf. *Rhet. Her.* 1.3 (= *Inv.* 1.9; see Calboli 25–9, Corbeill 2002: 31–4) *elocutio est idoneorum uerborum et sententiarum ad inuentionem accommodatio*, where *sententiarum* refers, not to the essential content of an oration, but to 'figures of thought' and *loci communes* (App. 3). In bks 1 and 2 of *De or.* most of the references to expression and especially *ornatus* likewise imply a separation from content (e.g. 1.20–1, 2.5 (Cic.), 1.42–3, 1.76 (Scaevola), 1.48–51, 1.142, 1.151, 1.154–5, 1.187 (Crassus), 1.81, 1.221, 2.34 (Antonius), 2.143 (Catulus)), although there are passages (1.31 (Crassus), 1.218, 1.250 (Antonius)) which anticipate Crassus' position in bk 3 (below).

[52] See Intro. 3a.

to the very premises of his task, arguing on philosophical grounds (20n.) that style cannot, after all, be separated from subject matter (19–24),[53] of which there is a vast range (21n.), and, maintaining the focus on the orator rather than rhetorical teaching, that there is no single 'best' style but as many praiseworthy varieties of style as there are excellent speakers (25–36). Nevertheless he seems ready (37) to recommend a particular style, even if it is based only on his own preferences, and, leaving content aside and the task of performance, which he unexpectedly volunteers to discuss (37n.), for later treatment, to offer an account of expression, even if that account follows a theory, Theophrastus' doctrine of 'four merits of style' (37, 210nn.), from philosophical, not technical rhetoric (Intro. 3b). But after he offers a lively if somewhat perfunctory account of the first two merits, Latinity and clarity (38–51), and begins to address the third and fourth (52–3), ornamentation (*ornatus*) and appropriateness (*aptum*), he is 'suddenly carried away', as a bewildered Cotta later puts it (145), into an apparent digression (cf. 91) which will in fact make up nearly half of the rest of his discourse.[54]

It would appear that Cic. means his readers to share Cotta's bewilderment, since he does not make the logic behind this 'departure' easy to follow.[55] The starting point is Crassus' remarkably broad definition of *ornatus* (53n.), which he identifies as the main, if not only (*aptum*, too, is important) source of the 'admiration' and 'praise' inspired by eloquence (52) and which, in an echo of his initial remarks (19–24), he now insists encompasses not only expression but content as well (53). This leads him back to the question of the 'ideal orator', whose rarity he once again blames on the inadequacy of conventional rhetorical teaching. Yet when he comes to specify exactly what rhetoric fails to teach, it is not *ornatus*, as might be expected from the flow of his argument, but nothing less than 'the whole power possessed by orators', a power which requires the 'true orator' to study and contemplate 'all things which pertain to human life [= the field of ethics], since it is this [i.e. human life] in which he is engaged and this is his subject matter' (54n.). Then, as if substituting the general 'power' (*uis*) of oratory for *ornatus* were not enough of a jump, he proceeds to reconfigure it in moral and philosophical terms: eloquence, it turns out, is 'in a sense one of the highest virtues', and because it is a power (*uis* again) which can lead men's emotions wherever it chooses, it must be joined with 'probity' (*probitas*) and 'practical wisdom' (*prudentia*) and teaching it to men who lack these virtues would be like 'giving weapons to madmen' (55).

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[53] See n. 50 above. The account offered here of the structure of Crassus' speech is based largely on Komm. IV 91–5 and M–W 19, 47–8; cf. Hall 1994: 216–21, Zetzel 2003: 131–4, and Fantham 2004: 237–304.

[54] With the reaction of Crassus' listeners at 144–7 taken as the dividing point (below), sections 54–143 (minus 126–31, spoken by Catulus) = 23 OCT pages, while 148–227 (minus 187–9, spoken by Catulus and Antonius) = 24 OCT pages. If the 19–143 are taken together as more or less 'philosophical', 148–227 as more or less 'rhetorical', then the former can be seen as accounting for nearly three fifths (33 of 57 OCT pages = 58%) of the discourse. See also Intro. 4.

[55] Cf. Komm. ad loc., Zetzel 2003: 131–2, and Fantham 2004: 247–8, who describes (247) Crassus as 'leaping across a chasm'.