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The *Loci* of Cicero¹

Résumé: Comme les plus premiers concepts grecs de *topos* rhétorique et dialectique, le concept de Cicéron du *locus* est dans son essence une métaphore qui est gouvernée par les sens divers de lieu. Cicéron utilise la métaphore centrale d'endroit dans une variété de sens pour relier étroitement des concepts rattachés. Je divise ces sens en le taxinomique, l'idéal, le mnémonique, et le logique. Nous pouvons déduire un cinquième sens de *locus* comme un passage de formule ou cliché qui provient de l'utilisation d'arguments idéalisés quelquefois appelé dans la littérature moderne un lieu commun littéraire ou simplement un lieu commun. Pour distinguer ce sens de l'utilisation de Cicéron de *locus communis* je l'appelle le sens affectif de *locus*.

The rhetorical concept of the *locus*, sometimes called a *topos*, topic, place, commonplace, et al.,² has been one of the most enduring and influential concepts in western thought. The concept stretches from the sophists of the fifth century BCE in an unbroken tradition into modern rhetorical theory. After Aristotle, by far the most influential theoretical writer on the rhetorical topic is Cicero. The Ciceronian rhetorical texts quickly became integrated into the pedagogical regimen in the Latin speaking areas of the

Je voudrais remercier professeur Sayeeda Mamoon de l'université d'Edgewood de son aide avec les parties françaises du papier.

¹Parts of this paper were presented in my dissertation entitled, "Wine, Drunkenness, and the Rhetoric of Crisis in Ancient Rome" (Diss. University of Wisconsin-Madison, 1999; specifically "The *loci* of Cicero" in the appendix, pp. 172–96). The thesis and arguments, however, have been developed far beyond their original form.

²To avoid the confusion of multiple synonymous technical terms, I refer to both the Greek and Latin articulations of the concept generically as *locus*.

Rhetorica, Vol. XXVI, Issue 1, pp. 31–56, ISSN 0734-8584, electronic ISSN 1533-8541. ©2008 by The International Society for the History of Rhetoric. All rights reserved. Please direct all requests for permission to photocopy or reproduce article content through the University of California Press's Rights and Permissions website, at <http://www.ucpressjournals.com/reprintInfo.asp>. DOI: 10.1525/RH.2008.26.1.31.

Roman Empire, and remained a fundamental part of a rhetorical education through Late Antiquity, the Western Middle Ages, and the Renaissance.³ While the Aristotelian concept of the rhetorical and dialectic topic, or *topos*, has become more influential in more recent rhetorical theory, the Ciceronian concept of the *locus* remains a vital part of modern rhetorical theory. Given the importance of Ciceronian topical theory, it is surprising how little scholarly attention it has received. Whereas the Aristotelian concept of the *locus* has generated at least two recent book-length examinations and numerous articles,⁴ Cicero's concept has received very little scholarly attention⁵ outside

³For the influence of the rhetoric of Cicero in the Middle Ages and Renaissance see J. O. Ward, *Ciceronian Rhetoric in Treatise, Scholion and Commentary* (Turnhout: Brepols, 1995) and "From Antiquity to the Renaissance: Glosses and Commentaries on Cicero's Rhetoric," in J. J. Murphy, ed., *Medieval Eloquence. Studies in the Theory and Practice of Medieval Rhetoric* (Berkeley: University of California Press, 1978), 25–67, and J. J. Murphy, "Cicero's Rhetoric in the Middle Ages," *Quarterly Journal of Speech* 53 (1967): 334–41. For the *locus* in the Middle Ages and Renaissance, and Cicero's influence on these concepts, see F. Goyet, *Le Sublime du "Lieu Commun": l'Invention Rhétorique dans l'Antiquité et à la Renaissance* (Paris: Honoré Champion, 1996); S. Ebbesen, "The Theory of Loci in Antiquity and the Middle Ages," in K. Jacobi, ed., *Argumentationstheorie: Scholastische Forschungen zu den logischen und semantischen Regeln korrekten Folgerns* (Leiden, New York: E.J. Brill, 1993), 15–39; N. J. Green-Pedersen, *The Tradition of the Topics in the Middle Ages: the Commentaries on Aristotle's and Boethius' Topics* (München: Philosophia Verlag, 1984); J. M. Lechner, *Renaissance Concepts of the Commonplaces* (New York: Pageant Press, 1962); and E. R. Curtius, *European Literature and the Latin Middle Ages*, trans. by W. R. Trask (Princeton: Princeton University Press, 1967), 36–105.

⁴For recent book length treatments see O. Primavesi, *Die Aristotelische Topik* (München: Beck, 1996); P. Slomkowski, *Aristotle's Topics* (Leiden, New York: Brill, 1997); and S. Carson, "Review of Primavesi (1996) and Slomkowski (1997)," *AJP* (1998): 129–32. See also W. A. De Pater, *Les Topiques d'Aristote et la Dialectique Platonicienne: La Méthodologie de la Définition*, Études Thomistiques: Supplément à la Freiburger Zeitschrift für Philosophie und Theologie, 10 (Suisse: Éditions St. Paul, 1965). For articles that focus on Aristotle's *topoi* see T. M. Conley, "Logical Hylomorphism and Aristotle's *Koinoi Topoi*," *The Central States Speech Journal* 29 (1978): 92–7; E. F. Dyck, "Topos and Enthymeme," *Rhetorica* 20 (2002): 105–19; D. J. Ochs, "Aristotle's Concept of the Formal Topics," *Communication Monographs* (1969): 419–25; and R. C. Huseman, "Aristotle's System of Topics," *The Southern Speech Journal* 30 (1964): 243–52 and "Modern Approaches to the Aristotelian Concept of the Special Topics," *Communication Studies* (1964): 21–6, et al.

⁵There have been scattered articles addressing Ciceronian topical theory. For example, D. J. Ochs, "Cicero and Philosophic Inventio," *Rhetoric Society Quarterly* 19 (1989): 217–27, theorizes a philosophical system of topical invention in Cicero that complemented the rhetorical topics. But the article never addresses directly what Cicero meant by the *loci*. F. A. Cornelius, "Cicero's Treatment of the *Locus Communis* in his Rhetorical Works" (Master's thesis, University of Wisconsin-Madison, 1896), examines the *locus communis* in her Master's thesis, but the treatment is limited in both

of commentaries,⁶ rhetorical handbooks,⁷ broader scholarship on the rhetoric of Cicero,⁸ and scholarship on the concept of the *locus* within rhetorical theory as a whole.⁹ This paper seeks to define the concept

depth and scope. As a survey of the passages in Cicero related to the *locus communis* it is still useful. M. Wallies, *De fontibus Topicorum Ciceronis* (Halle, 1878) addresses the origin of the topical theory in Cicero's *Topica*, but does not address the *locus* on a theoretical level.

⁶The most comprehensive treatment of the *loci* of Cicero has occurred in commentaries, most notably T. Reinhardt's commentary on Cicero's *Topica*, *Marcus Tullius Cicero Topica* (Oxford, New York: Oxford University Press, 2003). See also the commentaries of E. Stump, *Boethius's De Topicis Differentiis* (Ithaca: Cornell University Press, 1978) and *Boethius's In Ciceronis Topica* (Ithaca: Cornell University Press, 1988). These treatments, however, privilege Cicero's conception of the *locus* in the *Topica*, which differs in significant ways from Cicero's treatment of the *locus* elsewhere in his rhetorical works.

⁷E.g. J. Martin, *Antike Rhetorik: Technik und Methode* (München: Beck, 1974), 111–15; C. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: a Treatise on Argumentation*, trans. J. Wilkinson and P. Weaver (Notre Dame: University of Notre Dame Press, 1969), 83–99; and H. Lausberg, *Handbook of Literary Rhetoric: A Foundation for Literary Study*, trans. by M. T. Bliss, A. Jansen, and D. E. Orton (Leiden, Boston, Köln: Brill, 1998), 171–96. By far the most detailed is Lausberg. Lausberg surveys the definitions and divisions of topical theory from Aristotle through the rhetorical texts of Late Antiquity, and supports the analysis with generous citations and passages from the Greek and Latin texts. Lausberg's analysis depends heavily on the works of Cicero, particularly in his discussion of the *loci communes* (pp. 193–96), and theorists such as Victorinus (specifically Victorinus' commentary on Cicero's *De inventione*) and Quintilian, who were heavily influenced by Cicero. Lausberg, however, presents ancient topical theory as having a uniformity which obscures the influences of the different rhetorical and philosophical traditions and the developments in topical theory over time, both of which bear on our discussion of Cicero. And while Lausberg's analysis features Ciceronian texts, he depends on almost exclusively Cicero's *De inventione* and exempla from his speeches, and passes over key developments in Cicero's later rhetorical texts and ambiguities between the texts. I refer back to Lausberg at a number of points in my examination.

⁸For the *locus* as thesis and the relationship between *locus communis* and thesis see A. Michel, *Rhétorique et philosophie chez Cicéron: Essai sur les fondements philosophiques de l'art de persuader* (Paris: Presses Universitaires de France, 1960), 201–34. S. Bittner, *Ciceros Rhetorik—eine Bildungstheorie: von der Redetechnik zur humanitären Eloquenz* (Frechen: Bodem, 1999), 245–56, looks at the relationship between rhetorical and dialectic concepts of the *locus* in Cicero.

⁹Broader treatments on the *locus* have examined Ciceronian topical theory—for example, M. C. Leff's article, "The Topics of Argumentative Invention in Latin Rhetorical Theory from Cicero to Boethius," *Rhetorica* 1.1 (1983): 23–44 (esp. pp. 26–31) and Ebbesen, "The Theory of *loci* in Antiquity and the Middle Ages," cited in n. 3 above, pp. 14–39. Both contain detailed discussions of Cicero's concept of the *locus* in relation to Aristotle and the later tradition. Green-Pedersen, *The Tradition of the Topics in the Middle Ages*, cited in n. 3 above (esp. pp. 41–58, 73–7, 139–46), never focuses directly on Ciceronian topical theory, but his discussion

of the *locus* within the rhetorical works of Cicero with the goal of clarifying ambiguities within the Ciceronian concept of the *locus* and thereby promoting a more precise use of the rhetorical topic as a technical term in modern rhetoric.

Like the earlier Greek concepts of the rhetorical and dialectic *topos*, Cicero's concept of the *locus* is in its essence a metaphor. In their literal translation, both *topos* and *locus* mean place, in the sense of a physical location; as technical terms within rhetoric and dialectic, both *topos* and *locus* operate within the metaphor of place. Cicero does not use the metaphor to define a unified, consistent concept of the *locus*. Rather, Cicero uses the central metaphor of place in a variety of senses to link closely related concepts.

of the *Topica* and its relationship to Boethius and Aristotle as source material for later concepts of the topic is informative. See also B. Emrich, "Topik und Topoi," in P. Jehn, ed., *Toposforschung; eine Dokumentation*, *Respublica Literaria* 10 (Frankfurt: Athenäum, 1972), 90–120 (pp. 102–20) and V. E. Mertner, "Topos und Commonplace," in *Toposforschung; eine Dokumentation*, 20–68 (pp. 28–31). Both articles take as a starting point the work of Curtius, *European Literature and the Latin Middle Ages*, cited in n. 3 above. Curtius' scholarship on the *locus* (esp. chapter 5, pp. 79–105, but see also "Zum Begriff einer historischen Topik," in *Toposforschung; eine Dokumentation*, 3–19, and P. Jehn, "Ernst Robert Curtius: Toposforschung als Restauration" in *Toposforschung; eine Dokumentation*, introduction, VII–LXIV) views the *locus* from a Medieval/Renaissance perspective that privileges the sense of the topic as a cliché—what I refer to as the affective sense of the topic. R. J. Brake's treatment in "Classical Conceptions of 'Places': a Study in Invention" (Diss. Michigan State University, 1965) is limited, but useful for references. The examination by Goyet, *Le Sublime du "Lieu Commun"*, cited in n. 3 above, of the influence of ancient concepts of the commonplace on Medieval and Renaissance thought prominently features Cicero. The orientation is, however, toward the later works. Accordingly, the discussion of Cicero is dispersed throughout the work, and is always seen from the perspective of later works. Despite the Renaissance orientation, by the end of project Goyet has covered in detail the relevant passages in Cicero, as well as uncovered the major features of Ciceronian topical theory such as the necessity to see *locus* in multiple senses (cf. the conclusions p. 675). The work of J. M. Lechner, *Renaissance Concepts of the Commonplaces* (New York: Pageant Press, 1962) is similarly oriented, though more readable and ultimately less satisfying. Lechner's work is very limited in its treatment of Ciceronian theory (pp. 23–5), and he uses key technical terms such as *argumentum* loosely, which limits its value (cf. Nadeau's critique, "An Analysis of the Commonplaces," *Quarterly Journal of Speech* 49 (1963): 328–31). Lechner's section on "The Metaphorical substructure of the Places" (pp. 131–52) bears on our discussion. The best overview I have found is L. Pernot, "Lieu et lieu commun dans la rhétorique antique," *Bulletin de l'Association Guillaume Budé* (1986): 253–84. But the sections on Cicero are limited. While the preceding works are of value to our current discussion, these overviews are necessarily limited by their broader focus in the depth of discussion of the Ciceronian *locus*.

I divide the senses of *locus* into the taxonomic, the ideal, the mnemonic, and the logical.¹⁰ While these senses of *locus* are distinct, they are linked metaphorically, functionally, and historically. By the taxonomic sense, I mean a search formula for arguments that utilizes taxonomies of rhetorical forms to analyze situations. We see this in the long lists of *loci* common throughout Cicero's rhetorical works and comparable lists throughout the handbook tradition of antiquity. By the ideal I mean an idealized argument that

¹⁰My division of the different senses of *locus* in Cicero parallels at points the divisions proposed by Lausberg in *Handbook of Literary Rhetoric* (cited in n. 7 above). According to Lausberg the dominant sense of *locus* is a "general search formula for finding (*inventio*) suitable ideas" (p. 700) and "a reservoir of ideas from which fitting ideas can be selected" (p. 171). Within the dominant sense of *locus* as a search formula Lausberg identifies three functions: a) to supply "appropriate arguments" (*argumenta propria*) for a specific case (*quaestio finita*), b) to supply arguments for a general question (*quaestio infinita*) or in Greek, *thesis*, and c) to develop a general question within a specific case by the process of amplification—referred to as *loci communes*. A secondary sense of *locus* refers to the "ideas found with the help of this search formula" (p. 700). The secondary sense is generated by the metonymic relationship (container vs contained) between the search formula for an argument and the argument that the search formula produces (cf. pp. 174–5). A tertiary sense of *locus* refers to an "imaginary place as an aid to memory" (p. 700). The primary difference between my analysis and Lausberg is that I see the idealized forms of arguments (i.e. the thesis and commonplace) as a distinct sense of *locus*, rather than functions of the search formulas. Lausberg's analysis also doesn't take into account the literary motifs and clichés that are created through the use of these idealized arguments (i.e. the affective sense of *locus*), and the developments and influences of the philosophical tradition of *locus* (i.e. the logical sense of *locus*). While Lausberg's analysis is in its outline sound, an accurate description of the Ciceronian concept of *locus* requires a more nuanced approach than Lausberg provides. My divisions parallel as well J. M. May and J. Wisse's division of "commonplaces" in the glossary of their translation of the *De oratore* (*Cicero on the Ideal Orator (De Oratore): translated, with introduction, notes, appendixes, glossary, and indexes* (New York, Oxford: Oxford University Press, 2001), 322). They divide the "commonplaces" into: 1) condemnations of specific terrible acts such as murder, etc.; 2) standard arguments about specific issues that could be argued either way, such as the reliability of witnesses; 3) ready-made argument types for a specific class of case; 4) standard approaches for arousing emotions, particularly hatred, mercy, and pity; and 5) abstract argument patterns, such as those found in Aristotle, and at points in Cicero's *Topica* and *De oratore*. While the use of *commonplace* to describe each of these types glosses over problems in Cicero's use of *locus* and *locus communis* as technical terms, the analysis is sound and parallels my divisions of the senses of *locus*. Type 1 corresponds to *locus* in the affective sense, type 3 corresponds to the taxonomic sense of *locus* (though I object to the characterization of this type as "ready-made arguments" and prefer my characterization of this type as a system of analysis for situations), types 2 and 4 correspond to *locus* in the ideal sense, and type 5 corresponds to *locus* in the logical sense.

is prepared in advance of use and can be inserted into a speech as needed. This sense can be seen in the references to rhetorical exercises, such as a *propositum/quaestio*, or in Greek *thesis*, or the longer declamations and *progymnasmata* that were common in Roman and Greek rhetorical pedagogy. This sense of the term also includes an idealized argument of praise or blame or a two-fold argument, both developed through amplification, which was referred to by Cicero as a *locus communis*. By the mnemonic sense I mean the imagined *loci* that were used within the Hellenistic system of memorization. By the logical sense I mean an heuristic device derived from the Greek dialectic tradition, designed to produce *archai*, or first principles. While Cicero acknowledges its philosophical origin, he applies the logical *locus* to both rhetoric and dialectic. We can infer a fifth sense of *locus* as an idealized rhetorical form as it appears in a speech—sometimes called in modern literature a literary commonplace or simply a commonplace. To distinguish this sense from Cicero's use of *locus communis* I refer to this as the affective sense of *locus*.¹¹ Cicero never explicitly uses *locus* in this sense in his rhetorical works, but this concept of the *locus* is reflected in the choice of examples he uses to illustrate various *loci* and in Cicero's speeches. The affective sense of *locus* is associated with *locus* in its ideal sense.

TAXONOMIC

The dominant sense of *locus* in the works of Cicero is of a system of situational analysis comprising taxonomies of rhetorical forms that can be used to create arguments for a specific case (*quaestio finita*).¹² Large sections of Cicero's rhetorical works are taken up by these lists

¹¹The later rhetorical tradition and the scholarship on the rhetorical texts of the later tradition—e.g. Curtius, *European Literature*, cited in n. 3 above, pp. 79–105 or the essays in C. Plantin, ed., *Lièux communs: topoi, stéréotypes, clichés* (Paris: Editions Kimé, 1993)—blur the distinction between idealized arguments developed through exercises such as a thesis or commonplace (i.e. the idealized sense of *locus*) and the clichés and motifs that are created when the exercises are imported into a speech or literary work (i.e. the affective sense of *locus*). A theoretical distinction, however, between the two is worth maintaining, particularly since in his rhetorical works Cicero recognizes one sense but not the other.

¹²Cf. Lausberg, *Handbook of Literary Rhetoric*, cited in n. 7 above, p. 171. Though, as I note above (n. 10) Lausberg sees the creation of a *quaestio finita* as just one function of the search formula.

of *loci*.¹³ While Cicero repeatedly emphasizes the limited number of *loci*, they are not laid out in a single list, but rather are organized under broad categories—for example, the topics of the person (*persona*) and the act (*negotia*) from *De inventione* 1.34–43. The broad categories of the person and the act are then sub-divided into smaller categories. For example, in *De inventione* 1.34–5 under the category of the person Cicero includes the nature (*natura*), manner of life (*victus*), etc. of a person. These are then themselves sub-divided. Cicero indicates that the headings and sub-headings are limited and can reasonably be memorized by the orator.

When the orator is faced with a specific case he relates the facts of the case to the general headings. Cicero describes the process in *De oratore* 2.145–6:

It should be understood that all things that are called into question are found not in the endless number of individuals, nor in the infinite variety of circumstances, but in the subject matter (*causis*) and characteristics (*naturis*) inherent to the broad types (*generum*) [of people and circumstances]. And it should be understood that the types (*genera*) are not only limited but few in number. As a result, once the raw material of a speech of a certain type (*generis*) is apportioned, arrayed, and embellished with every *locus*, those who have mastered the art of speaking can express it with facts and, so to speak, periodic prose. This process will on its own strength beget words, which I have found are readily furnished, if they are of a type that would fit the circumstances (lit. as the circumstance itself would bring forth).¹⁴

¹³Modern translators will often translate Ciceronian references to items of these lists as “commonplaces” (e.g. E.W. Sutton/H. Rackham’s translation of the *De oratore* (Cicero *De Oratore*, Books 1 and 2, Loeb Classical Texts (Cambridge: Harvard University press, 1942), 1.56, 1.141, 1.157, 2.118, 2.121) or May/Wisse’s translation of the *De oratore* (cited above in n. 10) at 1.141 and 2.118). Cicero, however, refers to them simply as *loci* (e.g. *De inventione* 1.38, 1.44, *De orat.* 1.56, 1.141, 2.118, 2.121, 3.119). For the classical sources I use the standard Greek and Latin titles and abbreviations found in the *Greek-English Lexicon*, edited by H.G. Liddell and R. Scott (Oxford: Clarendon Press, 1968), and the *Oxford Latin Dictionary* (Oxford and London: Clarendon Press, 1968–82), except for when the more common title is preferable for purposes of clarity.

¹⁴“Quoniam intellegitur non in hominum innumerabilibus personis neque in infinita temporum varietate, sed in generum causis atque naturis omnia sita esse, quae in dubium vocarentur, genera autem esse definita non solum numero, sed etiam paucitate, ut eam materiem orationis, quae cuiusque esset generis, studiosi qui essent dicendi, omnibus locis discriptam, instructam ornatamque comprehenderent rebus dico et sententiis. Ea vi sua verba parient, quae semper satis ornata mihi quidem videri solent, si eius modi sunt, ut ea res ipsa peperisse videatur.”

In this passage Cicero describes the *loci* as a collection of subjects and characteristics regarding the types of people and circumstances that might be present in a given situation. In his commentary on the *Topica* Reinhardt notes that *loci* of this type are “a list of concepts that may trigger an associative process rather than a collection of rules or precepts reducible to rules.”¹⁵ In other words the *loci* serve to focus the attention of the orator on specific aspects of a given case and so function as a simple information system that assists the orator in making sense of the facts of a given case. For example, the subcategories of manner of life (*victus*) referred to above include how someone was raised, their teachers, friends, occupation, business ventures, etc. These categories would focus the attention of the orator on aspects of the case around which the orator could construct arguments.

At a number of points in his rhetorical works Cicero attempts to organize all existing *loci* within an overarching taxonomy. For example, the *loci* of the Person and the Act in the *De inventione*, the universal issues from the third book of the *De oratore* (3.109–25), or the *loci* of the *Topica* should all be seen as attempts to create a master taxonomy of the *loci*.

The stasis system should be seen in the same light. Lausberg states that given the overlap between the stasis system and the other systems of organizing *loci*, the categories of the stasis system “have to be ruled out as a principle for organizing the *loci*.”¹⁶ Cicero, however, lists any number of sub-categories under the various *staseis*, and repeatedly refers to these as *loci*.¹⁷ Moreover, the stasis system functions as a system of analysis of a given case that can be used to bring forth specific arguments, precisely as the *loci* of the Person and the Act. The stasis system should therefore be seen as a parallel system of organizing the *loci*.

As Reinhardt notes,¹⁸ the concept of the *loci* as an “associative process” differs from the Aristotelian concept of the *topos* as “a rule of inference.”¹⁹ For Aristotle, such rules of inference would

Unless otherwise noted, all Greek and Latin translations are my own. I have used the Greek and Latin texts of and cross-checked my translations with the texts of the Loeb Classical Library.

¹⁵Cited in n. 6 above, p. 28.

¹⁶Cited in n. 7 above p. 172.

¹⁷E.g. *De inventione* 2.53, 70, and 74.

¹⁸Cited in n. 6 above, p. 28.

¹⁹For this point see also Leff, “The Topics of Argumentative Invention,” pp. 25–7, Pernot, “*Lieu et lieu commun*,” p. 261, both cited in n. 9 above.

provide “first principles” (*archai*) or a “starting point” (*aphorme*), or in other words types of axiomatic premises for a dialectic or rhetorical argument.²⁰ This is the difference between the taxonomic sense (the associative process) and the logical sense (the rules of inference) of *locus*. In the *De inventione* *locus* is always used to refer to the taxonomies used in an associative process or the idealized arguments such as the thesis or *locus communis* discussed below. It is only in Cicero’s later works, most notably in the *Topica*, that Cicero adopts a more logical approach to the *loci*.

IDEAL

A second sense of *locus* used by Cicero is of an idealized argument that the orator would prepare as a rhetorical exercise in the absence of any specific case. I refer to this use as *locus* in the ideal sense. Cicero uses *locus* in the ideal sense in two ways: first in reference to the “universal argument” or thesis (*propositum* or *quaestio infinita*),²¹ and second in reference to the *locus communis*, or an idealized argument developed by amplification, usually regarding praise or blame.

Cicero discusses the thesis and hypothesis briefly in the *De inventione* (1.8), where he criticizes Hermogoras for including the thesis within the realm of the orator rather than leaving such questions for philosophers. In his later works, however, thesis and hypothesis form the backbone of Cicero’s theory of argumentation, and are integral to his theory of the *locus*.

In a number of passages Cicero associates the concept of the *locus* with the concept of the thesis. In the *Orator* (45–6) Cicero states that the orator should always remove a question from its particular circumstances (i.e. the hypothesis) and speak to the broader underlying question—the reason being that if one can prove the more general case, then one can prove the specific. In a parallel passage (*De oratore* 2.134–5) Cicero writes: “There is no case (*causa*, used here as a synonym of hypothesis) in which the issue in question is examined with regard to the participants of the case and not on the abstract debate

²⁰Cf. Reinhardt, *Topica*, cited in n. 6 above, pp. 20–5; Slomkowski, *Aristotle’s Topics*, cited in n. 4 above, pp. 43–67; Leff “The Topics of Argumentative Invention,” cited in n. 9 above, pp. 25–6; Stump, *Boethius’s De topicis differentiis*, cited in n. 6 above, pp. 159–78.

²¹Cf. Lausberg, *Handbook of Literary Rhetoric*, cited in n. 7 above, p. 171.

of these general questions (*generum ipsorum universa dubitatione*).²² Cicero continues to say that if an orator wishes to convict someone of extravagance (*sumptuosus*), he must address the question of luxury (*de luxuria*); if one wishes to convict someone of seeking the property of another, he must address the question of avarice (*de avaritia*); if one wishes to convict someone of sedition, then he must address the question of disruptive and wicked members of the society (*de turbulentis et malis civibus*).²³ These general questions are referred to as *loci* later in the same passage (2.136).

The *loci* of luxury, avarice, wicked members of society, etc. represent universal questions that the orator could ponder, develop, and practice at his leisure. When a situation arose that touched on one of these *loci*, the orator would have an ideal version of a speech addressing the question on hand, and could quickly adapt it for use. An analogy would be the use of scales within improvisational music: the musician learns and practices the scales, then adapts the scales as needed or desired within a given performance.²⁴

A second ideal sense of *locus* is Cicero's concept of the *locus communis*.²⁵ In *De inventione* 2.48 Cicero defines the *locus communis* as "those arguments which can be transferred to many cases." It can contain either an "amplification of a matter that has been previously established . . . which should be used either in the conclusion or after the case has been proven, or [the amplification] of a doubtful matter against which there are also probable lines of argument." He continues to say (2.48–9) that "some commonplaces are used to develop arguments of indignation and complaint . . . while others establish probable reasoning that can be used on both sides of (*utraque ex parte*) a case."²⁶ In 2.51 Cicero concludes that the object (*finis*) of all

²²"Nulla denique est causa, in qua id, quod in iudicium venit, reorum personis ac non generum ipsorum universa dubitatione quaeratur."

²³The classical rhetorical writers often use the prepositions *de* or *a*, or in Greek *peri*, to designate a *locus*. We see this in Cicero (e.g. *De orat.* 1.56, 1.86, 2.67) and contemporary works such as the *Rhetorica ad Herennium* (e.g. 2.26).

²⁴Plato uses a similar analogy in *Theaetetus* 206a-b, where he uses the term *stoicheion* to refer to both the syllables of words and the notes of music. In Aristotle *stoicheion* is used synonymously with *topos* (e.g. *Rhetorica* 1396b20, 1403a16; *Topica* 121b11, 128a22, 143a13, 151b19).

²⁵The commonplace is discussed at: *Inv.* 2.48–51, 2.121, 2.143, *Orat.* 125–39, *De orat.* 3.106–8. Cf. also *Rhet. Her.* 2.9, 2.47–50.

²⁶The full text reads: "Haec ergo argumenta, quae transferri in multas causas possunt, locos communes nominamus. Nam locus communis aut certae rei quamdam continet amplificationem, ut si quis hoc velit ostendere, eum, qui parentem necarit maximo supplicio esse dignum; quo loco, nisi perorata et probata causa,

the types of commonplaces is amplification (*amplitudo*).²⁷ Elsewhere Cicero states that a commonplace is often a vehicle for emotional appeals and stylistic ornamentation.²⁸

In this interpretation, therefore, a commonplace is 1) an amplification of a matter previously established, or 2) an amplification of a doubtful matter against which there are probable lines of argument on both sides. In the *De oratore* (3.105–7), however, Cicero discusses the commonplaces within the use of praise and blame to amplify a speech. In this section he identifies three subcategories including 1) a pointed criticism or attack associated with the amplification of vices or transgressions, 2) a deprecation of these charges or a plea for mercy, and 3) two-sided disputations that develop arguments on both sides of a general question (i.e. a thesis).²⁹

non est utendum; aut dubiae, quae ex contrario quoque habeat probabiles rationes argumentandi, ut suspicionibus credi oportere, et contra, suspicionibus credi non oportere. Ac pars locorum communium per indignationem aut per conquestionem inducitur, de quibus ante dictum est, pars per aliquam probabilem utraque ex parte rationem. Distinguitur autem oratio atque inlustratur maxime raro inducendis locis communibus et aliquo loco iam certioribus illis argumentis confirmato. Nam et tum conceditur commune quiddam dicere, cum diligenter aliqui proprius causae locus tractatus est et auditoris animus aut renovatur ad ea quae restant aut omnibus iam dictis exsuscitatur. Omnia autem ornamenta elocutionis, in quibus et suavitatis et gravitatis plurimum consistit, et omnia, quae in inventione rerum et sententiarum aliquid habent dignitatis in communes locos conferuntur.”

²⁷The full text and translation read: “In illis enim finis est ut id quod dicitur verum esse videatur, in his, tametsi hoc quoque videri oportet, tamen finis est amplitudo.” (In [arguments] the object is to demonstrate that what has been said is true, but while this is appropriate as well in [commonplaces], the object is amplification.)

²⁸For the association of the commonplace with emotional appeals see *Inv.* 2.49, *Orat.* 128. For the association of the commonplace with style see *Inv.* 2.49.

²⁹The full text and translation read: “Consequenter etiam illi loci, qui quamquam proprii causarum et inhaerentes in earum nervis esse debent, tamen quia de universa re tractari solent, ‘communes’ a veteribus nominati sunt; quorum partim habent vitiorum et peccatorum acrem quandam cum amplificatione incusationem aut querelam—contra quam dici nihil solet nec potest,—ut in depeculatore, in proditore, in parricidam, quibus uti confirmatis criminibus oportet, aliter enim ieiuni sunt atque inanes, alii autem habent deprecationem aut miserationem; alii vero ancipitis disputationes, in quibus de universo genere in utramque partem disseri copiose licet.” (There also follow those *loci* which, although they are appropriate for specific cases and inherent to their structure, yet because they treat universal questions were called “commonplaces” by the ancient writers. Some [commonplaces] are used to amplify an attack or protest of some vice or transgression—which ought not to be, nor indeed can be, refuted—such as charges of embezzlement, treason, or parricide. These [commonplaces] must only be used after the crime has been proven; otherwise they are harmless and ineffective. A second type consists of a deprecation

The divisions of the *locus communis* in the *De oratore* seem to represent a development in Cicero's thinking on the *locus communis* rather than just a variation. First, Cicero places the categories within a discussion of the use of praise and blame to amplify a speech, whereas in the earlier discussion indignation and complaint were only one part of the *locus communis*. The focus on praise and blame is reflected elsewhere in the *De oratore* and in other later works such as the *Brutus* and *Orator*.³⁰ Second, Cicero includes pleas to mercy as part of the *loci communes*. Finally, Cicero categorizes the thesis as a subtype of a *locus communis*.³¹

How much of a development this represents, however, is open to question. For example, we already see the association of the *loci communes* with praise and blame in the *De inventione*, albeit as only one part. And while the *De inventione* does not identify pleas for mercy with the *locus communis*, the contemporary work *Rhetorica ad Herennium* does. For example, in 2.26 the author identifies the commonplaces of humanity (*humanitate*), fortune (*fortuna*), pity (*misericordia*), and mutability of circumstances (*rerum commutatione*) as appropriate for pleas for mercy.³² This work—or more likely a common source—may have been the impetus for adding a plea for mercy to the types of *loci communes*. Even in Cicero's later works there remains an ambiguity between the relationship of *locus communis* and thesis. For example, in the *Paradoxa stoicorum* Cicero refers to the practice speeches of Cato and other stoics—such as on the greatness of the soul (*de magnitudine animi*), on self control (*de continentia*), etc.—as *loci communes* in section 3, but later in section 5 as theses (*thetikos*). This passage seems to suggest that the two terms are synonymous. But in the *Orator* (125–6) Cicero makes the distinction between thesis (*thesis*) and amplification (*amplificandis/auxesis*) as two ways of showcasing the orator's talent. The tripartite division of the *locus communis*, therefore, seems to have been more an attempt at clarification than a true shift in Cicero's theoretical position.

More important than the development of Cicero's concept of the *locus communis* across his career is the association of the *locus com-*

[of such charges] or an appeal to mercy. A third type is a two-sided disputation that addresses some general question, for which there are copious arguments on both sides.)

³⁰*Brut.* 46, *Orat.* 127, *De orat.* 3.105.

³¹Though even in the *De inventione* (e.g. 2.49, 121, 143) Cicero identifies the *locus communis* with a two-sided argument.

³²The passage is situated within a larger discussion of *loci* associated with the juridical (i.e. qualitative) stasis.

munis with Sophistic forms of argumentation. For example, Aristotle defines the commonplace (*koinos topos*) as an argument usable in any of the three genres of speaking, such as the topic of the “greater and the lesser” (*Rhetorica* 1358a12–14).³³ Cicero discusses the *locus* of the greater and the lesser in *Topica* 23, but does not refer to it as a commonplace. Reinhardt³⁴ notes that in general the *loci* from Cicero’s *Topica* are derived from the tradition of Aristotle’s *koinoi topoi*, or what I call the *locus* in the logical sense.

Rather than an Aristotelian sense of commonplace, Cicero seems to refer to a type of formulaic speech made popular by the sophists, and illustrated by Gorgias’ *Encomium of Helen*, the *Antilogies* of Protagoras, or the anonymous *Dissoi Logoi*.³⁵ In the *Brutus* (46–7) Cicero states that the disputations on illustrious themes and speeches of praise and blame (*laudes* and *vituperationes*) of Protagoras and Gorgias were similar to what “we now (*nunc*) call commonplaces.”³⁶

³³In *Rhet.* 1391b30–1392a Aristotle does discuss the use of a common argument (*koinon*) in the diminution (*meioun*) and amplification (*auxein*) of arguments that include praise and blame. He discusses it, however, as one example of a commonplace, rather than as a defining feature of all or some commonplaces.

³⁴Cited in n. 6 above, pp. 23–4.

³⁵For the *Dissoi Logoi* see L. Pernot, *Rhetoric in Antiquity*, trans. W.E. Higgins (Washington: The Catholic University of America Press, 2005), 13–14; T. Cole, *The Origins of Rhetoric in Ancient Greece* (Baltimore, London: Johns Hopkins University Press, 1995), 75, 99; G. A. Kennedy, *The Art of Persuasion in Greece* (Princeton, N.J.: Princeton University Press, 1963), 34–5; and K. Freeman, *Ancilla to the Pre-Socratic Philosophers: A complete Translation of the Fragments in Diels, Fragmente der Vorsokratiker* (Cambridge: Harvard University Press, 1948), 417–23 (cf. H. Diels, *Die Fragmente der Vorsokratiker* (Berlin: Weidmannsche Buchhandlung, 1906–1907), 90).

³⁶The full text and translation read: “Scriptasque fuisse et paratas a Protagora rerum illustrium disputationes, qui nunc communes appellantur loci; quod idem fecisse Gorgiam, cum singularum rerum laudes vituperationesque conscripsisset, quod iudicaret hoc oratoris esse maxime proprium, rem augere posse laudando vituperandoque rursus afigere.” ([Aristotle states] that Protagoras wrote and prepared disputations on illustrious themes, of the sort we now call commonplaces (*communes loci*). And that Gorgias composed the same type [of exercises], and wrote speeches of praise and blame on various subjects. For he judged that the ability to elevate a subject through praise or cast it down through invective was the defining characteristic of the orator.”)

The use of *nunc* indicates that this type of argument was not always called a commonplace. Cicero, however, seems to contradict this in *De oratore* 3.106 when he states that such arguments were called *communes* by the “ancient writers” (*a veteribus*). While there is ample evidence that sophists such as Protagoras and Gorgias gave and taught speeches on illustrious themes and speeches of praise and blame (cf. J. Poulakos, “Gorgias’ and Isocrates’ use of the *Encomium*,” *The Southern Speech Communication Journal* 51 (1986): 300–7), there is no evidence that these speeches were referred to by *koinos topos*, the Greek equivalent of *locus communis*. Isocrates

Again in *De oratore* (3.106) Cicero states that such speeches were called *communes* by the “ancient writers” (*a veteribus*). Although the extant sophistic texts never use the term *koinos topos* to refer to the formulaic speeches of praise and blame or the *dissoi logoi*, the attributes of Cicero’s *locus communis*—such as the focus on praise and blame, argument from both sides of an issue, the development of an argument by amplification, the focus on style and emotion—are attributes of sophistic argumentation.³⁷

There is some ambiguity in Cicero’s rhetorical works concerning whether Cicero sees a *locus* as thesis in the ideal sense, or rather as a system for organizing theses—in other words, *locus* in the taxonomic sense. In the *De oratore* Cicero regularly uses a form of the word *genus* in association with discussions of universal questions, or theses. For example, in *De oratore* 2.140 they are called the *generum universas quaestiones*; in 2.146 they are referred to as *hoc instrumentum causarum et generum universonum*; in 3.125 Cicero urges study in *universonum generum infinites disceptationibus*.

The concept of the *loci* of argumentation as a categorization of universal arguments is supported by *De oratore* 3.111–13. In this passage Cicero categorizes the different types of questions into the

(*Ep.* 10.3–4) and Aeschines (*Ep.* 3.216) use *topos* in reference to an opponent’s invective, but it is hard to see if either is using *topos* in a technical sense. Ebbesen in “The Theory of *Loci* in Antiquity and the Middle Ages,” cited in n. 3 above, p. 19 and n. 13 points out that there is little evidence of the use of *topos* or *koinos topos* in a technical sense before Aristotle. It is unclear when the term, *locus communis*, comes to be used to refer to the formulaic speeches of display associated with sophists such as Protagoras and Gorgias. The *Rhetorica ad Alexandrum* discusses the use of amplification in speeches of praise and blame in several passages (1425b36, 1427a12, 20), but never refers to this type of argument as a *topos*. The *Rhetorica ad Alexandrum* does refer to amplification and minimization as “common” (*koinas*) to all species of rhetoric (1428a10–11). But the author does not seem to be using the term in any technical sense. The first surviving uses of *locus communis* in this sense are from the *De inventione* and the *Rhetorica ad Herennium*. Whether or not such arguments were called *communes* by the sophists, Cicero is clearly referring to the type of arguments made popular by the sophists.

³⁷For a discussion of the formulaic arguments of the Sophists see Arist. *Sophistici Elenchi* 183b36–184a2; Isoc. *Ep.* 3.12; Pernot, *Rhetoric in Antiquity*, cited in n. 35 above, pp. 12–21; T. Conley, *Rhetoric in the European Tradition* (New York: Longman, 1990), 4–7; Kennedy, *The Art of Persuasion in Greece*, cited in n. 35 above, pp. 52–8; and Cole, *The Origins of Rhetoric in Ancient Greece*, cited in n. 35 above, 71–94. Lausberg, *Handbook of Literary Rhetoric*, cited in n. 7 above, p. 171, sees the invention of theses and commonplaces as two functions of *locus*, as opposed to being different senses of the term. The passages above indicate that *locus* in the ideal sense (i.e. thesis/*locus communis*) was sophistic in origin. This supports an historic explanation of the different terms, rather than a functional distinction suggested by Lausberg.

categories of “abstract deliberations” (*in infinitis consultationibus*),³⁸ political and legal debate (*in civitate et in forensi desceptatione*), or in the acquisition of knowledge or performance of an action (*ad cognoscendi aut ad agendi vim rationemque*). These categories are then divided and subdivided. For example, the three methods (*modi*) of acquiring knowledge are inference (*coniectura*), definition (*definitio*), and cause and effect (*consecutio*). In 3.119 Cicero describes these categories of theses as *loci*. He writes: “every argument, as is applicable to each type, must be taken from the *loci* which Antonius has laid out . . .”³⁹

In the *De oratore* 2.135, however, Cicero refers to various theses such as *de luxurie*, *de avaritia*, and *de turbulentis et malis civibus*. This is the same nomenclature that Cicero uses to designate ideal *loci* elsewhere in the *De oratore*. For example, in 1.56 Cicero presents a list of topics (*loci*) such as *de diis immortalibus*, *de pietate*, *de concordia*, *de amicitia*, etc.⁴⁰

The confusion between the *locus* in the ideal sense and *locus* in the taxonomic sense could stem from their metonymic relationship as container (category) and contained (argument).⁴¹ The taxonomy allows the orator to organize ideal arguments and analyze a given situation to see which types of arguments would be appropriate. Once the orator identifies a given category, he then chooses an ideal argument, and alters and develops it as necessary within the speech. The two concepts would, therefore, be joined functionally within a method of composition,⁴² as well as metaphorically within the metaphor of place.

³⁸Rackham’s translation, cited in n. 13 above.

³⁹“Nam ex illis locis quos exposuit Antonius omnia sunt ad quaeque genera quaestionum argumenta sumenda . . .”

⁴⁰Cf. also *De orat.* 1.67 and *Parad.* 3.

⁴¹As Cole, *The Origins of Rhetoric in Ancient Greece*, cited in n. 35 above, p. 88, suggests. Cf. also the discussion of *locus* as *argumentum* in Lausberg, *Handbook of Literary Rhetoric*, cited in n. 7 above, pp. 173–4.

⁴²This method of composition is similar to that advocated by the sophist, Alcidamas. In his work, *On Those Who Write Written Speeches* (cf. J. V. Muir, *Alcidamas: The Works and Fragments* (London: Bristol Classical Press, 2001)), Alcidamas argues that a speech should be memorized and delivered (and presumably composed) by broad arguments (*enthymemes*), rather than planning individual words (section 18). Plato states at a number of points that sophists, such as Gorgias or Hippias, could speak at any length on a topic and without preparation (e.g. *Protag.* 334E–335A; *Gorg.* 449C–D; *Phaed.* 267B). This is an indication that other sophists besides Alcidamas composed extemporaneously (cf. Pernot’s discussion in *Rhetoric in Antiquity*, cited in n. 35 above, pp. 14–15). For extemporaneous composition of this type see Arist. *Top.* 163b22–33 and Cic. *De orat.* 2.130. This method of composition is distinct from the method of developing (or borrowing) a full manuscript and then memorizing it,

Both *thesis* and *locus communis* were used in practice speeches common in Hellenistic and Roman pedagogy, referred to as *progymnasmata* and declamations.⁴³ Such practice speeches were an integral part of a rhetorical education,⁴⁴ and Cicero himself engaged in these exercises.⁴⁵ The *progymnasmata* were smaller components of a speech. The purpose of these exercises was to develop such a familiarity with a given rhetorical form that an orator can recreate a version of the exercise without preparation as needed within a speech.⁴⁶ In the later tradition both *thesis* and *commonplace* were specific types of *progymnasmata*,⁴⁷ though there is no evidence that Cicero made such

described by Plato in the opening of the *Phaedrus* (228a-e) and Aristotle in *Soph. Elen.* 183b38–184a2.

⁴³Extensive collections of such exercises, including declamations and *progymnasmata*, are preserved from the later classical rhetorical tradition. For collections and descriptions of the *progymnasmata* see the handbooks of Theon, Hermogenes, and Aphthonius. Examples of *progymnasmata* are preserved by Libanius. For translations see G. A. Kennedy, *Progymnasmata: Greek Textbooks of Prose Composition Introductory to the Study of Rhetoric* (Fort Collins: Chez l'auteur, 1999); and A. Theon, M. Patillon, and G. Bolognesi, eds, *Progymnasmata* (Paris: Belles Lettres, 1997). For a general discussion see Conley, cited in n. 37 above, p. 31; and G. A. Kennedy, *A New History of Classical Rhetoric* (Princeton, N.J.: Princeton University Press, 1994), 83–4, 202–7. Declamations are preserved by the elder Seneca, Quintilian, pseudo-Quintilian, and Calpurnius Flaccus. For Greek and Roman declamation see D. A. Russell, *Greek Declamation* (Cambridge, New York: Cambridge University Press, 1983); and S. F. Bonner, *Roman Declamation in the Late Republic and Early Empire* (Univ. of Calif. Press, 1949).

⁴⁴Cf. M. L. Clarke, "The Thesis in the Roman Rhetorical Schools of the Republic," *The Classical Quarterly*, New Series, 1 (1951): 159–66; and D. L. Clark, *Rhetoric in Greco-Roman Education* (New York: Columbia University Press, 1957), 177–261.

⁴⁵Cf. Cic. *Att.* 9.4.1, 9.9.2, *Parad.* 3-5; Suetonius *Rhet.* 25.3; Sen. *Con.* 1. pr. 12; Quint. *Inst.* 10.5.11. The closest texts we have to exercises of this sort from Cicero are the paradoxes preserved in the *Paradoxa stoicorum*, which he describes as "exercises" (*gymnasiis* (3), *exercitationum* (5)).

⁴⁶This point is illustrated by Quintilian (*Inst.* 2.4.27–8) who writes: "For various *loci*—such as whether to believe a witness, or whether we should have little faith in circumstantial evidence—are clearly relevant to judicial cases. Even well-known civic leaders have been known to keep on hand [exercises] that they have written out and committed to memory. So that should the occasion arise, they can supply their extemporaneous speeches with this sort of ornamentation." (Nam *locos* quidem, quales sunt de testibus, semperne his credendum, et de argumentis, an habenda etiam parvis fides, adeo manifestum est ad forenses actiones pertinere, ut quidam neque ignobiles in officiis civilibus scriptos eos memoriaeque diligentissime mandatos in promptu habuerint, ut quotiens esset occasio, extemporales eorum dictiones his velut emblematis exornarentur.)

⁴⁷For example, in Hermogenes (*Progymnasmata*) and Libanius (*Loci Communes, Theses*) *thesis* and *locus communis* were listed alongside other *progymnasmata* such as the *chreia*, *ecphrasis*, or *encomium*. Cf. C. S. Baldwin, *Medieval Rhetoric and Poetic*

a fine distinction between thesis and commonplace and the other types of *progymnasmata*. Declamations were complete speeches on stock themes. The goal of declamation was to practice all aspects of the rhetorical craft, but it often showcased the ideal *loci*.⁴⁸

AFFECTIVE

In the Medieval and Renaissance rhetorical tradition *locus* is often used to describe formulaic or clichéd passages in speeches or literature.⁴⁹ I refer to this sense as the affective sense of *locus*. In Cicero's speeches, particularly those involving invective, we see any number of formulaic passages that would conform to a medieval definition of a *locus*. For example, in the second Verrine oration (*Verr.* 2.5.63) Cicero writes:

When it was announced [to Verres], although he was lying drunk with women, he raised himself and immediately sent several of his guards off to the quaestor and legate.⁵⁰

In the *In Catilinam* (2.10) he writes:

But if in wine and dice they sought out only carousing and prostitutes, they would indeed be beyond hope, but they could be tolerated. But

(Gloucester: Peter Smith, 1959), 2–50, which includes an English translation of the passages from Hermogenes.

⁴⁸Cf. Quint. 2.4.27–35; Sen. *Cont.* 1. pr. 23. On Quintilian see Bonner, *Roman Declamation*, cited in n. 43 above, pp. 60–3.

⁴⁹For the medieval and Renaissance texts see Goyet, *Le Sublime du "Lieu Commun"*, cited in n. 3 above. Examples of this view of the *locus* in modern scholarship include: Curtius, *European Literature*, cited in n. 3 above, pp. 79–105; Emrich, "Topik und Topoi," cited in note 9 above, pp. 102–20; Mertner, "Topos und Commonplace," cited in n. 9 above, pp. 28–31; or the collections of essays in Plantin, *Lieux communs: topoï, stéréotypes, clichés*, cited in n. 11 above. This concept of *locus* is often referred to in discussions of form and genre in rhetorical and literary criticism—for example, E. Black, *Rhetorical Criticism: A Study in Method* (New York: Macmillan, 1965), 133–4; K. Burke, *Counter-Statement* (Berkeley: University of California Press, 1968), 29–44; or N. Frye's term "archetype" in *Anatomy of Criticism: Four Essays* (Princeton: Atheneum; Princeton University Press, 1957), 95–103. Cf. summaries in K. K. Campbell and K. H. Jamieson, "Form and Genre in Rhetorical Criticism: An Introduction," in K. K. Campbell and K. H. Jamieson, eds, *Form and Genre: Shaping Rhetorical Action* (Falls Church: The Speech Communication Association, 1978), 19–25; and Mortensen, "Wine, Drunkenness, and the Rhetoric of Crisis," cited in n. 1 above, pp. 8–15.

⁵⁰"Quod ubi isti nuntiatum est, tametsi in acta cum mulierculis iacebat ebrius, erexit se tamen et statim quaestori legatoque suo custodes misit compluris, ut omnia sibi integra quam primum exhiberentur."

who can tolerate this: that cowards should plot against brave men, fools against the wise, the drunk against the sober, the somnolent against the vigilant? Who, I tell you, recline at banquets embracing shameless women, soaked with wine, bloated with food, adorned by wreaths, smeared with unguents, crippled by debauch, while they belch forth schemes for the murder of upstanding men and the burning of the city.⁵¹

In the *In Pisonem* (13) he writes:

Do you remember, you reprobate, when I visited you at the fifth hour with Gaius Piso? You were coming out from some hovel sandaled and with your head shrouded, and exhaling upon us from those fetid lips the stench from the tavern, you proffered your health as an excuse, which you were want to treat with inebrious remedies.⁵²

In the *Philippicae* (2.104–5) he writes:

But how many days did you engage in the vilest forms of debauchery! From the third hour there was drinking, dicing, vomiting . . . In your brief sojourn, I will not say ownership, the rooms resounded with the voices of drunkards, the tiles swam with wine, the walls dripped, freeborn boys consorted with those of easy virtue, harlots mingled with matrons . . . in that deplorable man the dignity of rank was becoming fouled.⁵³

⁵¹“Quodsi in vino et alea comissiones solum et scorta quaerent, essent illi quidem desperandi, sed tamen essent ferendi; hoc vero quis ferre possit, inertes homines fortissimis viris insidiari, stultissimos prudentissimis, ebriosos sobriis, dormientis vigilantibus? qui mihi accubantes in conviviis complexi mulieres impudicas vino languidi, conferti cibo, sertis redimiti, unguentis oblit, debilitati stupris eructant sermonibus suis caedem bonorum atque urbis incendia.”

⁵²“Meministine, caenum, cum ad te quinta fere hora cum C. Pisone venissem, nescio quo e gurgustio te prodire involuto capite soleatum, et, cum isto ore foetido taeterrimam nobis popinam inhalasses, excusatione te uti valetudinis, quod diceres vinulentis te quibusdam medicaminibus solere curari?”

⁵³The full text reads: “At quam multos dies in ea villa turpissime es perbachatus! Ab hora tertia bibebatur, ludebatur, vomebatur. O tecta ipsa misera, ‘quam dispari domino’ (quamquam quo modo iste dominus?)—sed tamen quam ab dispari tenebantur! Studiorum enim suorum M. Varro voluit illud, non libidinum deversorium. Quae in illa villa antea dicebantur, quae cogitabantur, quae litteris mandabantur! Iura populi Romani, monimenta maiorum, omnis sapientiae ratio omnisque doctrinae. At vero te inquilino (non enim domino) personabant omnia vocibus ebriorum, natabant pavimenta vino, madebant parietes ingenui pueri cum meritoriis, scorta inter matres familias versabantur. Casino salutatum veniebant, Aquino, Interamna; admissus est nemo. Iure id quidem; in homine enim turpissimo obsolefiebant dignitatis insignia.”

These four passages (and there are many others)⁵⁴ span Cicero's career, but yet share clearly identifiable themes of drinking, gambling, sexual excess, and gluttony. The passages are generic, and one could easily be substituted for another.⁵⁵ They are commonplaces, in the literary sense.

Nor are these passages restricted to Cicero. In a fragment of the *In Antonium* Marcus Caelius⁵⁶ describes an opponent in exactly the same terms. He writes:

For they found him lying prone in a drunken slumber, snoring with all the force of his lungs, and belching continuously, while the most distinguished of his female companions lay sprawled over every couch, and the rest lay about in all directions. But when they perceived the approach of the enemy, half-dead with terror they attempted to arouse Antonius. In vain they called him by name and heaved up his head, while one whispered endearing words into his ear, and another slapped him with some violence. At last he recognized the voice and touches of each and tried to embrace her who happened to be nearest. Once wakened he could not sleep, but was too drunk to keep awake, and so was bandied to and fro between sleeping and waking in the hands of his centurions and his paramours.⁵⁷

⁵⁴Cf. also *Pro Sestio* 20, *Lucullus* 53, 88, *De divinatione* 2.120, *Phil.* 2.63, and many more follow the same pattern. For a general discussion of similar patterns see Mortensen, "Wine, Drunkenness, and the Rhetoric of Crisis in Ancient Rome," cited in n. 1 above.

⁵⁵The formulaic nature of these types of passages in Ciceronian invective has been well established. Cf. A. Corbeil, "Ciceronian Invective," in J. M. May, ed., *Brill's Companion to Cicero: Oratory and Rhetoric* (Leiden, Boston: Brill, 2002), 197–217 (pp. 199–201); R. G. M. Nisbet, ed., *In L. Calpurnium Pisonem Oratio* (Oxford: Clarendon Press, 1961), 192–8; W. Süss, *Ethos: Studien zur alteren griechischen Rhetorik* (Leipzig and Berlin: Teubner, 1910), pp. 245–67.

⁵⁶Cf. H. Malcovati, *Oratorum Romanorum fragmenta liberae rei publicae*, 2nd ed. *Corpus scriptorum Latinorum Paravianum* (Aug. Taurinorum: In aedibus Io. Bapt. Paraviae et sociorum, 1953-) frag. 17, p. 483; Quint. 4.2.123–4. Cf. also Nisbet, *In Pisonem*, cited in n. 55 above, p. 197.

⁵⁷"namque ipsum offendunt temulento sopore profligatum, totis praecordiis stertentem ructuosos spiritus geminare, praeclarasque contubernales ab omnibus spondis transveras incubare et reliquias circum iacere passim: quae tamen exanimatae terrore, hostium adventu percepto, excitare Antonium conabantur, nomen inclamabant, frustra a cervicibus tollebant, blandius alia ad aurem invocabat, vehementius etiam nonnulla, feriebat: quarum cum omnium vocem tactumque noscicaret, proximae cuiusque collum amplexu petebat: neque dormire excitatus neque vigilare ebrius poterat, sed semisomno sopore inter manus centurionum concubinarumque iactabatur."

These passages parallel earlier writers such as Demosthenes (e.g. *Olynthiacs* 2.19, *Against Meidias* 180, *De Corona* 258–62, *Against Neaera* 33, and many others). In the later tradition such Ciceronian passages were used as models for declamations. For example, in a *suasoria* recorded by the Elder Seneca (*Suas.* 6.5) one of the declaimers quotes a passage from the Second *Philippic* (2.66–7), describing Antony as a “Charybdis.” As early as Quintilian the Ciceronian passages, as opposed to solely the exercises, were referred to as *loci communes*.⁵⁸ Cicero, however, never refers to any passage of this type as a *locus communis*.

Although Cicero does not explicitly use *locus* in its affective sense in his rhetorical works, we can infer that Cicero recognized *locus* in this sense. First, the affective *loci* are the product of using ideal *loci*. When an orator employs an ideal *locus* such as a *thesis* or a *locus communis* in a speech, the exercise will leave a footprint in the speech. For example, it is reasonable to infer that the formulaic passages of Ciceronian invective are so repetitive because they have been composed by amplification, as Cicero recommends in his rhetorical works.

Second, Cicero often illustrates the *loci* with examples from speeches. In his commentary on Cicero’s *Topica* Reinhardt⁵⁹ points out that Cicero, like Aristotle, drew his illustrative examples from the arguments found in speeches, rather than fashioning hypothetical examples. This is an indication that Cicero recognized the passages he uses to illustrate the *loci* as *loci* in their own right.

Finally, the rhetorical exercises within which the ideal *loci* are created and defined are inherently imitative. As I stated above, the purpose of the exercise is to develop such a familiarity with a given rhetorical form that an orator can recreate a version of the exercise without preparation as needed within a speech. Or in other words, what occurs in a speech is an imitation of the exercise. Roman rhetorical education in general was highly imitative; much of an early Roman education consisted of nothing more than memorizing exempla of earlier writers.⁶⁰ The purpose of this education was, in

⁵⁸For example, in *Inst.* 2.1.11 Quintilian makes the point that commonplaces on virtue and vice are regularly inserted into law cases “such as those we read from Cicero” (*quales legimus a Cicerone compositos*). Later in the same book (2.4.24) Quintilian identifies the use of a *thesis* on “whether the lawyer or the soldier deserves greater praise” with a passage from the *Pro Murena*.

⁵⁹Cited in n. 6 above, p. 24.

⁶⁰Cf. D. L. Clark, *Rhetoric in Greco-Roman Education*, cited in n. 44 above, pp. 144–76. Cicero states in *De orat.* 2.355 that one of the sources of invention should be an orator’s own previous speeches and the speeches of others.

part, to prepare an orator for a method of composition that utilized the ideal *loci*.

The result, therefore, of using ideal *loci* for composition is a recycling of rhetorical material: the student memorizes the exempla; the orator imitates the exempla in the exercises; the orator uses the exercises to compose speeches; these speeches become exempla for a new generation of students. In this way vestiges of the exempla and exercises permeate every stage of the rhetorical art. It is unlikely that Cicero would have made a distinction between the rhetorical exercises, which he explicitly refers to as *loci*, and either the exempla that were imitated to create the exercises or the footprint of these exercises in a given speech. Later writers, such as Quintilian, made no distinction.⁶¹ Given, however, that Cicero never explicitly recognizes *locus* in its affective sense, this sense of *locus* is at best peripheral.

MNEMONIC

In association with taxonomic and ideal *loci* Cicero describes a system of memorization by *locus*. I refer to this as *locus* in the mnemonic sense. Cicero describes the system of mnemonics in detail in *De oratore* 2.351–60 and *Partitiones oratoriae* 26, and parallels can be found in the *Rhetorica ad Herennium* at 3.28–40.⁶² The classical system of mnemonics consisted of the orator first studying a specific location (*locus*), such as a house or a temple, and then dividing it into sections either by room or the intercolumnar spaces. The orator then places images in the locations that are associated with both the subject matter and specific words. The process is best illustrated by an example from the *Rhetorica ad Herennium* 3.33–4, which describes a prosecutor faced with a case of murder in which the defendant was accused of poisoning the victim for an inheritance. The author suggests that the orator could imagine the victim in bed while the defendant at the bedside holds a cup in his right hand (i.e. the poison) and tablets (i.e. the will) in his left, and on his fourth finger a ram's testicle (representing a purse, which were made out of rams' testicles).⁶³ Each part of the image would represent one part of the

⁶¹See above n. 58.

⁶²See also Quintilian 11.2.1–51; Martin, *Antike Rhetorik*, cited in n. 7 above, pp. 349–50; and F. A. Yates, *The Art of Memory* (London: Routledge and K. Paul, 1966).

⁶³Cf. H. Caplan, [*Cicero*], *ad C. Herennium: de Ratione Dicendi (Rhetorica ad Herennium)*, Loeb Classical Library (Harvard University Press: Cambridge, 1954), 214–15, n. b.

speech, and in this way the orator would utilize the mnemonic power of sight to recall specific facts and the order of his arguments.

The mnemonic *loci* are substantively different from the other senses of *locus*. The mnemonic *loci* utilize representations of specific physical places with which the orator would be familiar,⁶⁴ whereas the taxonomic or ideal *loci* are abstract. The mnemonic sense of *locus*, however, is linked functionally with the other senses of *locus*.

When composing a speech the orator would first create specific arguments through a combination of the taxonomic *loci*, the ideal *loci*, and the specifics of a given case. He would then memorize these arguments using the mnemonic *loci*. Cicero describes this relationship as that of letters and words (i.e. the *loci* of invention and arguments they produce) and a wax tablet (i.e. the *loci* of memory).⁶⁵ Although the mnemonic sense of *locus* is substantively different from the other senses, the metaphor of writing and the wax tablet illustrates that this sense is functionally related to the other senses.

LOGICAL

By the time of Cicero, topical theory was being transmitted though two distinct, though not entirely separate, traditions. These corresponded roughly to the schools associated with rhetoric and the schools associated with philosophy. The taxonomic, ideal, affective, and mnemonic senses of *locus* are the substance of the rhetorical tradition. The philosophical tradition begins with Aristotle's *Topica* and continues through the Hellenistic peripatetic school, and to a lesser degree the stoic and academic schools.⁶⁶ The philosophical tradition of the *loci* advanced a system designed for dialectic rather than speech. These *loci* were axiomatic in nature, and so focused on the relationship of premises in syllogistic arguments. Particularly in

⁶⁴This is made clear in *De orat.* 2.357–8. Cf. also *Rhet. Her.* 3.29 and Quint. *Inst.* 11.2.17–18.

⁶⁵*De orat.* 2.354–5; *Part.* 26.

⁶⁶There are only fragmentary texts from this period, but we know, for example, that Theophrastus wrote on the *locus* (Diogenes Laertius, *Lives* 5.42–50). Cf. Alexander of Aphrodisias. A text and translation can be found in Stump, *Boethius's De Topicis Differentiis*, cited in n. 6 above, p. 209 or see Alexander of Aphrodisias, *On Aristotle's "Topics,"* trans. J. M. Van Ophuijsen (Ithaca: Cornell University Press, 2001), 7. For a general overview of the *locus* in this period see Green-Pedersen, *The Tradition of the Topics in the Middle Ages*, cited in n. 3 above, pp. 37–8; and Ebbesen, "The Theory of *Loci* in Antiquity and the Middle Ages," cited in n. 3 above, pp. 21–3.

his later works, such as the *De oratore* and *Topica*, Cicero borrows heavily from the philosophical tradition, though influences of this tradition can be seen throughout Ciceronian corpus. I refer to this as the logical sense of *locus*.

The best examples of the logical *loci* come from the *Topica*—for example, Cicero lists the “intrinsic” *loci* in *Topica* 71 as arguments from definition, genus, consequents, antecedents, contradictions, causes, effects, and comparisons of things greater, less, and equal.⁶⁷ Unlike ideal *loci* such as *de luxuria* or *de avaritia*, which are thematic in nature, the *loci* of *Topica* 71 are designed to provide indisputable premises, or axioms, upon which an orator could build an argument. The logical *loci* are also distinct from the taxonomies of *loci*, such as the person and the act, or the *loci* associated with the stasis system. The taxonomic *loci* are designed to analyze a given situation, and thereby aid the orator by restricting his search to a given type of argument appropriate to the situation, whereas the logical *loci* are designed to generate premises for a given line of argument, but do not help the orator determine which argument would be appropriate.

Although the axiomatic nature of the logical *loci* differs from taxonomic *loci* and ideal *loci* discussed above, there are also some similarities. For example, logical *loci* of the *Topica* are subdivided in order to create a taxonomy that defines a given *locus*. In addition, with each *locus* Cicero provides a sample argument—or as he calls it a *formula* (*Top.* 9)—to illustrate each subdivision. These formulae represent the framework of an ideal version of a given *locus* that could be used to develop a practice speech. Reinhardt⁶⁸ notes that *formula* is a Roman legal term for a “draft statement of the claim in which the subject of the trial was set out.” He continues to say, “Once the *formula* was accepted, it provided the lay judge who had to chair the actual trial with a precise framework for directing the trial and making a judgment.” In this way the *formula* would frame the debate, thereby establishing a set of expectations and criteria for judgment. Similar formulae, however, can be found in discussions of *loci* throughout the Greek and Roman rhetorical tradition. And so, the logical *loci* could be said to have a taxonomic (i.e. the subdivision) and ideal (i.e. the formula) sense. The distinguishing feature of the logical *loci*, therefore, is their focus on axiomatic premises rather than the form that they take.

⁶⁷H. M. Hubbell’s translation, *Topica*, Loeb Classical Library (Cambridge: Harvard University Press, 1949), ad loc.

⁶⁸Cited in n. 6 above, p. 202.

Given that Cicero explicitly notes that the logical *loci* of the *Topica* are of a different nature than earlier forms of the *loci* and that their origin is from the philosophers,⁶⁹ it is tempting to see in Cicero's rhetorical theory a development from a more ideal concept of the *locus*, influenced by the sophists, to a more logical concept influenced by Aristotle. One difficulty with this view is that Cicero discusses the *thesis* and the *locus communis* in his later works as often as in his earlier works. For example, Cicero discusses the *thesis* in detail in *Topica* 79–90, and discusses the use of *loci* for amplification in *Topica* 98. Or in his discussion of the “extrinsic” (*extrinsecus*) *loci* in *Topica* 72–8 Cicero discusses *loci* of “circumstance” (*in tempore*)—such as talent, wealth, age, good luck, skill, experience, etc.—in a manner that parallels other taxonomies of *loci*, such as the person and the act. Cicero's *Topica* should be seen, therefore, not as an exposition of logical *loci*, so much as an attempt at integrating the logical *loci* into the rhetorical tradition of the *loci* with the purpose of creating a definitive synthesis.

CONCLUSION

In the proem of the second book of the *De inventione* Cicero tells the story of the artist, Zeuxis of Heraclea, who when asked to depict Helen of Troy in a painting selected the five most beautiful maidens of Croton and imbued his painting with the finest qualities of each. The implication of the story is that Cicero's goal, like Zeuxis's, is to create a composite of earlier theoretical approaches and practices in order to create a definitive synthesis. In his topical theory Cicero uses the metaphor of place in an attempt to create a unified theory of the rhetorical *locus*.

Like the earlier Greek concepts of the rhetorical and dialectic *topos*, therefore, Cicero's concept of the *locus* is in its essence a metaphor that is governed by various senses of place. Cicero does not use this metaphor to define a unified, consistent concept. Rather, Cicero uses the central metaphor of place in a variety of senses to link closely related concepts. The metaphor of *locus* is of a type that

⁶⁹In both the *Topica* (1) and the *De oratore* (2.152) Cicero cites Aristotle as his ultimate source for this model of the *locus*. And although Cicero doesn't follow the precise structure of Aristotle's *Topica*, Cicero's concept of the *loci* in the work reflects Aristotle's concept of the *topoi* of the *Topica* and the *koinoi topoi* of the *Rhetorica*. Cf. Reinhardt, cited in n. 6 above, pp. 18–35.

philosophers of language call a “quasi-metaphor,” which is to say a metaphor that has lost its referent through its use as a technical term, but still retains the characteristic indeterminacy of a metaphor.⁷⁰ It has not, so to speak, “died.” To the degree that the concept of the *locus* in Cicero is definable, it is reducible to the taxonomic, ideal, affective, mnemonic, and logical senses that I have discussed above.

The taxonomic, ideal, affective, mnemonic, and logical senses of *locus* are not new to Cicero. Cicero derives the central metaphor of place, his definitions of *locus*, and each of the senses of *locus* from the sophists, Aristotle, Hellenistic philosophy, and Hellenistic rhetorical theory, and he explicitly states this at various points in his rhetorical works. Cicero never advances the theory of the rhetorical topic. Rather, Cicero’s conceptualization of the *locus* should be seen as an attempt (or repeated attempts) to synthesize varying senses of *locus* that were in his own time linked metaphorically, historically and functionally. In his rhetorical works Cicero defines a concept of *locus* that is at the same time historical, theoretical, and practical. At points, particularly in the *Topica*, Cicero’s synthesis is so successful that it comes close to a new concept, and one that survives in works of Boethius and into the Middle Ages and Renaissance.

The observations I have made in this paper have at least two implications for scholarship on the *locus* outside of Cicero. First, the quasi-metaphoric state of *locus* is not solely a characteristic of Cicero’s concept, but is characteristic of the use of *locus* throughout antiquity, the Middle Ages, and the Renaissance. A careful examination of other writers such as Aristotle, Boethius, etc. will reveal an indeterminacy in their definition of *locus* that parallels that of Cicero, and that derives ultimately from the metaphoric nature of the term.

Second, when *locus* is used in modern scholarship across the disciplines it is too often taken as a point of faith that there is a definition of *locus* (or variations such as *topos*, topic, commonplace,

⁷⁰I refer specifically to W.P. Alston, *Philosophy of Language* (Englewood Cliffs, N.J.: Prentice-Hall, 1964), 105–6. The metaphoric nature of *locus* and the difficulties that this brings to scholarship have been widely noted—e.g. Lechner, *Renaissance Concepts of the Commonplaces*, cited in n. 3 above, pp. 131–52; or W.L. Nothstine, “‘Topics’ as Ontological Metaphor in Contemporary Rhetorical Theory and Criticism,” *Quarterly Journal of Speech* 74 (1988): 151–63. Lechner’s discussion highlights the indeterminacy of *locus* that defines Alston’s concept of the quasi-metaphor. Nothstine sees the various senses of *locus* as coming together to form a master “ontological metaphor” in the Cartesian sense, which defines the orator’s perspective and through which he orients an audience. I am intrigued by Nothstine’s argument, but I find Alston’s concept of the quasi-metaphor a simpler solution to the multiple senses of *locus* in Cicero.

etc.) that was universally held in antiquity and is used consistently within modern scholarship. The result is that two scholars could define the term by referring to two different ancient sources, two different passages of a common source, or even the same passage of a given source, but yet define the term in radically different senses. For *locus* to be usable as a modern technical term, we must either kill the metaphor by making it a true, consistent technical term, or acknowledge the quasi-metaphoric nature of *locus*. At the very least, when a scholar refers to *locus* as a technical term within the ancient authors, it is necessary to indicate in which sense or senses *locus* is being used.

The goal of the preceding analysis is to define Cicero's concept of the *locus* for the purpose of advancing an understanding of Ciceronian rhetorical theory, to place Cicero's understanding of the *locus* within an historical context, and to help clarify the term for use in modern rhetorical theory. I hope the analysis has contributed to a more precise use of *locus*, particularly with reference to Ciceronian rhetorical theory, but also in its general use as a technical term in rhetoric, history, and literary criticism.