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## References to Historical Figures as a Means of Persuasion in Ancient Rhetoric. A Research Methodology Applicable to Cicero

**Abstract:** A speaker in republican Rome had a vast repertoire of arguments based on the past at his disposal. Although the ways in which they were employed differed considerably, both the ancients and modern scholars, with few exceptions, have tended to classify all of them as ‘historical exempla’. In the present paper, a distinction is made between the references to historical figures as a means of persuasion and the exempla in a broader sense. Additionally, a research methodology applicable to the study of the exemplum *sensu stricto* in Cicero’s orations is suggested.

**Key words:** Cicero, rhetoric, exemplum, antonomasia, Aristotle, art of persuasion

### The Exemplary Discourse

Ancient speakers and authors often refer to individuals or events from the remote or recent past for various purposes. They aim at moral guidance, self-fashioning, ornamentation, promotion of certain ideas, but above all at convincing the recipient to either act as expected or perceive given facts in a specific, mostly tendentious way. This practice has usually been defined in modern scholarship as exemplary discourse<sup>1</sup>. Its scope is very wide, ranging from simple

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<sup>1</sup> For this useful notion see M.B. Roller: “Exemplarity in Roman Culture: The Cases of Horatius Cocles and Cloelia”. *CPh* 99, 1 (2004), pp. 1–56. The present article is a part of the project *Argu-*

references to famous ancestors' deeds and sayings, such as collected by Valerius Maximus, to a more complex exploitation of urban architectural space (public monuments, statues, tombs). Special opportunity to commemorate the ancestors' achievements and virtues came during the funeral processions, when masks of the deceased (*imagines*) were carried<sup>2</sup>. Previous judgements in courts were also held up as exemplary events. Rhetorical arguments based on them are commonly described by scholars as 'legal precedents'<sup>3</sup>. In other words, everything the Romans would conceive as belonging to the *mos maiorum* might have constituted part of this discourse.

For the Romans, their history to a large degree consisted of a series of exemplary deeds which ought to be imitated so that the republic might survive and those to be avoided so that it would not come to any harm. Through various conduits, the young Roman was raised in the midst of these models, especially if born to one of the major aristocratic families. Ever since records of what had happened in the past started being kept, the *nobiles* watched carefully which events and ancestors were fit to become part of the tradition to serve as an object of imitation for future generations<sup>4</sup>. In a sense, then, the elites were responsible for both creating and preserving

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<sup>2</sup> The *locus classicus* is Plb. 6, 53–55 on which see F.W. Walbank: *A Historical Commentary on Polybius*. Vol. I. Oxford 1957, ad loc. (pp. 737–740). Cf. E. Flaig: "Die pompa funebris. Adlige Konkurrenz und annalistische Erinnerung in der römischen Republik." In: *Memoria als Kultur*. Hrsg. O.G. Oexle. Göttingen 1995, pp. 115–148; M.B. Röllner: "Exemplarity in Roman Culture....," pp. 1 f and passim. The standard work is H. Flower: *Ancestor Masks and Aristocratic Power in Roman Culture*. Oxford 1996 (esp. ch. 4: "Ancestors at the Funeral: The *Pompa Funebris*" [pp. 91–127]).

<sup>3</sup> On legal precedents see J. Harries: *Cicero and the Jurists: from Citizen's Law to the Lawful State*. London 2006, pp. 134–141, on their use in the *Pro Balbo*, for instance, see Eadem: "Cicero and the Law." In: *Cicero the Advocate*. Eds. J. Powell, J. Paterson. New York 2004, pp. 158–163. Cicero reminds the jury in his *Verrine* speeches not to pass judgment favorable to the defendant, lest they set a perilous legal precedent (e.g. 2, 1, 20: "ut primo die testium tanto numero citato populus Romanus iudicaret isto absoluto rem publicam stare non posse" 3, 219). Here undoubtedly belongs the famous *causa Curtiana* when, according to Cicero, L. Licinius Crassus must have resorted to a great number of exempla to defeat Q. Mucius Scaevola (Cic. *Brut.* 144 = <sup>2</sup>*ORF*, p. 246 [Crassus] = p. 261 [Scaevola]: "ita enim multa tum contra scriptum pro aequo et bono dixit, ut hominem acutissimum Q. Scaevolam et in iure, in quo illa causa vertebatur, paratissimum obrueret argumentorum exemplorumque copia [...]"). See on the subject e.g. M.C. Alexander: *Trials in the Late Roman Republic, 149 BC to 50 BC*. Toronto–Buffalo–London 1990, pp. 48 f; E. Fantham: *The Roman World of Cicero's De oratore*. Oxford 2004, p. 119. Cf. in general R.L. Enos: *The Literate Mode of Cicero's Legal Rhetoric*. Carbondale–Edwardsville 1988.

<sup>4</sup> See H. Rech: *Mos maiorum. Wesen und Wirkung der Tradition in Rom*. (Diss.) Marburg 1936; H. Drexler: "Die moralische Geschichtsauffassung der Römer". *Gymnasium* 61 (1954), pp. 171 f = *Das Staatsdenken der Römer*. Hrsg. R. Klein. Darmstadt 1973, pp. 260 ff, who quotes

the most suitable exempla<sup>5</sup>. All the above mentioned media for narrating the past, to which one may add public and pontifical archives, were controlled by the nobility. Though a *homo novus*, however, Cicero has managed to claim some of the Roman forebears as his own personal exempla, and to redefine the actions of others in line with his own political agenda. By doing so, he was able to build his own public persona and promote himself as an excellent orator and an able statesman<sup>6</sup>. As such, neither his strategy of self-fashioning nor the general references to the broadly perceived *mos maiorum* serve as historical exempla *sensu stricto*, in that their primary concern is with the future and they seldom contribute to the immediate rhetorical effect. In the case of Cicero, it is the statesman, as it were, and not the orator who employs them. They are introduced into a speech, a treatise or even a letter in order to encourage a person, a group of people, or the society at large to act in a specific way or to look at certain things in accordance with the author's wishes.

It is the purpose of the present paper to distinguish references to historical figures as a means of persuasion from the broadly conceived exempla. Secondly, I argue that not all such references to the past should be called historical exempla out of hand, as there are other rhetorical figures, better suited to describe some of them, particularly the antonomasia. My main objective, finally, is to establish a research methodology applicable to the study of this particular kind of argument from the past in Cicero's orations. The nature of the exemplum as such viewed from the perspective of both the ancient rhetoricians and modern scholarship is obvious and necessary point of departure.

## Exemplum in Its Broader Sense

A close affinity between exemplum and simile was underscored by the author of the *Rhetorica ad Herennium*, whose definition (4, 62: "Exemplum est alicuius facti aut dicti praeteriti cum certi auctoris nomine propositio. Id sumitur isdem

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Cato, *orig. fr.* 83 Peter = Gell. 3, 7 as one such example; K. Christ: *Krise und Untergang der römischen Republik*. Darmstadt 2000, p. 415; F. Pina Polo: "Die nützliche Erinnerung: Geschichtsschreibung, mos maiorum und die römische Identität". *Historia* 53, 2 (2004), pp. 156 f, 159. On the *mos maiorum* in general see recently the collection of papers in: *Mos maiorum. Untersuchungen zu den Formen der Identitätsstiftung und Stabilisierung in der römischen Republik*. Hrsgg. B. Linke, H. Stemmler. Stuttgart 2000.

<sup>5</sup> Cf. K.-J. Hölkeskamp: "Exempla und mos maiorum. Überlegungen zum kollektiven Gedächtnis der Nobilität." In: *Vergangenheit und Lebenswelt. Soziale Kommunikation, Traditionsbildung und historisches Bewußtsein*. Hrsgg. H.-J. Gehrke, A. Möller. Tübingen 1996, p. 316.

<sup>6</sup> See H. van der Blom: *Cicero's Role Models. The Political Strategy of a Newcomer*. New York 2010. Cf. F. Pina Polo: "Die nützliche Erinnerung..." p. 165. On Cicero's use of the *mos maiorum* see now J. Kenty: "Congenital Virtue: *Mos Maiorum* in Cicero's Orations". *CJ* 111, 4 (2016), pp. 429–462.

de causis quibus similitudo”) has influenced some scholars<sup>7</sup>. The way Cicero himself put it is preferable in that he mentions *casus alicuius hominis* instead of *factum aut dictum*, which makes it possible to take into account historical persons who were the objects of an action, and not necessarily its agents.<sup>8</sup> For him too it counts among the more general *conparabilia*, to which apart from the exemplum belong *imago* and *conlatio* (= *similitudo*). The modern standard definition, so to say, of the narrowly conceived exemplum is usually based on that of Quintilian (*Inst.* 5, 11, 6): “quod proprie vocamus exemplum, id est rei gestae aut ut gestae utilis ad persuadendum id, quod intenderis, commemoratio”, followed e.g. by H. Lausberg<sup>9</sup>.

The modern researchers concerned with the exemplum tend to agree on its relying on past events, people, or actions, but they differ at specifying its function, depending on the literary genre they are investigating<sup>10</sup>. The ancients themselves provide us with various responses to the issue in question<sup>11</sup>. To put it briefly, the

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<sup>7</sup> A.D. Leeman (*Orationis ratio. The Stylistic Theories and Practice of the Roman Orators, Historians, and Philosophers*. Amsterdam 1963, p. 40) simply translates this passage in his handbook: “The third figure of this triad is *exemplum* (παράδειγμα), in which something said or done in the past is cited with the name of its *auctor*. [...] The aim of the *exemplum* is the same as that of the comparison”. Cf. the definition of Zeno the Stoic (*SVF* 1, 84 von Arnim = *Rhet. Gr.* 1, 447 Spengel): παράδειγμά ἐστι γενομένου πράγματος ἀπομνημόνευσις εἰς ὁμοίωσιν τοῦ νῦν ζητουμένου.

<sup>8</sup> See Cic. *Inv.* 1, 49: “conparabile autem est, quod in rebus diversis similem aliquam rationem continet. eius partes sunt tres: imago, conlatio, exemplum. [...] exemplum est, quod rem auctoritate aut casu alicuius hominis aut negotii confirmat aut infirmat”. Cf. the example of Quintilian (*Inst.* 5, 11, 6 fin.): “iure occisus est Saturninus sicut Gracchi” which juxtaposes persons who were both justly killed. See also Cicero’s *De Provinciis Consularibus Oratio*. Ed. L. Grillo. Oxford 2015, ad § 26 (p. 175).

<sup>9</sup> See H. Lausberg: *Handbuch der literarischen Rhetorik. Eine Grundlegung der Literaturwissenschaft*. Stuttgart<sup>3</sup>1990, § 410 (pp. 227 f). On the notion of *res gesta aut ut gesta* cf. B.J. Price: *Paradeigma and exemplum in Ancient Rhetorical Theory*. (Diss.) Univ. of California, Berkeley 1975, p. 149. On the *exemplum* in ancient rhetorical theory in general see *ibid.*, *passim*; K. Aljewell: *Über das rhetorische ΠΑΡΑΔΕΙΓΜΑ. Theorie, Beispielsammlungen, Verwendung in der Kaiserzeit*. (Diss. Kiel) Leipzig 1912, which is still useful, and more recently K. Demoen: “A Paradigm for the Analysis of Paradigms: The Rhetorical *Exemplum* in Ancient and Imperial Greek Theory”. *Rhetorica* 15 (1997), pp. 125–158. See also D.L. Clark: *Rhetoric in Greco-Roman Education*. New York 1959, p. 124. On the meaning of Quintilian’s phrase *id quod intenderis* see the discussion in the section “The Adjustment of the Paradigm Theory” below.

<sup>10</sup> Thus, for instance, for A.W. Robinson: *Cicero’s Use of People as exempla in His Speeches*. (Diss.) Univ. of Indiana 1986, p. 1 it is “to make an argument more persuasive”, for I. Opper mann: *Zur Funktion historischer Beispiele in Ciceros Briefen*. Leipzig 2000, p. 19 *exempla* are simply “die Erwähnung von realen oder als realen betrachteten Personen oder Ereignissen [...], die [...] von außen neben das Thema gestellt sind [...]”, for H. van der Blom: *Cicero’s Role Models...*, p. 3 an exemplum “is intended to serve as a moral-didactic guide to conduct”. The state of modern research of exemplum is discussed e.g. by F. Bücher: *Verargumentierte Geschichte. Exempla Romana im politischen Diskurs der späten römischen Republik*. Stuttgart 2006, p. 152, n. 1.

<sup>11</sup> See, e.g., *Rhet. Her.* 4, 62: “Rem ornatiorem facit cum nullius rei nisi dignitatis causa sumitur; apertioem, cum id quod sit obscurius magis dilucidum reddit; probabiliorem, cum

exemplum can serve either as a means of persuasion, as ornamentation, as illustration of an argument or, finally, as a role model. Some of the precepts we come across in the ancient handbooks, on the other hand, may turn out to suit poetry better<sup>12</sup>, especially as the exemplum is often dealt with under the rubric ‘figures of thought’<sup>13</sup>. One should not be easily misled by the titles of those works, for a good deal of material gathered in the *Rhetorica ad Herennium* will be illustrated on the example of republican tragedy, and Vergil, apart from Cicero, is arguably author the most often quoted by Quintilian.

It seems reasonable to assume, moreover, that the persuasive function had been gradually in decline since rhetoric lost its judicial and political meaning in Rome during the Principate<sup>14</sup>. For Livy, the exemplum will serve mainly as a moral guide for the characters of the *Ab urbe condita* “within the text”<sup>15</sup>. From the Early Empire onwards, as the work of Valerius Maximus clearly indicates, exempla were

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magis veri similem facit; ante oculos ponit, cum exprimit omnia perspicue ut res prope dicam manu temptari possit”; 2, 46: “quoniam exornatio constat ex similibus et exemplis et amplificationibus et rebus iudicatis et ceteris rebus [...]” and the discussion of other sources in J. Martin: *Antike Rhetorik. Technik und Methode*. München 1974, pp. 119 ff; K. Demoen: “A Paradigm for the Analysis of Paradigms...”, pp. 130–133.

<sup>12</sup> On exempla in poetry see R. Öhler: *Mythologische Exempla in der älteren griechischen Dichtung*. (Diss.) Basel 1925; H.V. Canter: “The Mythological Paradigm in Greek and Latin Poetry”. *AJPh* 54 (1933), pp. 201–224; M.M. Willcock: “Mythological Paradeigma in the *Iliad*”. *CQ*, NS 14, 2 (1964), pp. 141–154; A. Bobrowski: *Mitologia w rzymskiej elegii i liryce miłosnej okresu augustowskiego*. Kraków 1997; M. Puk: *Mitologia w wygnańczych utworach Owidiusza*. Poznań 2013.

<sup>13</sup> E.g. *Rhet. Her.* 4, 62 quoted in n. 11 above; Cic. *De or.* 3, 205; *Top.* 41–45. Cf. M.H. McCall, Jr.: *Ancient Rhetorical Theories of Simile and Comparison*. Cambridge (Mass.) 1969, p. 100; J. Wisse, M. Winterbottom, E. Fantham: *M. Tullius Cicero. De oratore libri III*. Vol. 5. *A Commentary on Book III*, 96–230. Heidelberg 2008, p. 318.

<sup>14</sup> Cf. P. Panitschek: “Sp. Cassius, Sp. Maelius, M. Manlius als exempla maiorum”. *Philologus* 133, 2 (1989), pp. 231–245 [here at 232]: “Exempla treten, wie die Quellen zeigen, nach der Institutionalisierung des Prinzipats nur noch als moralisch-ethische Lehrbeispiele, nicht aber als Argumente in einem politischen Disput über Sachfragen auf [...]”. Among the most relevant ancient sources are Tac. *Dial.* 1, 1 and passim; Petr. 1 f, 88; Vell. 1, 16–18; Sen. *Contr.* 1, *praef.* 6–8; cf. H. Caplan: “The Decay of Eloquence at Rome in the First Century.” In: *Studies in Speech and Drama in Honor of Alexander M. Drummond*. Ed. H.A. Wichelns. Ithaca 1944, pp. 295–325 = *Of Eloquence. Studies in Ancient and Mediaeval Rhetoric by Harry Caplan*. Eds. A. King, H. North. Ithaca–London 1970, pp. 160–195. The standard work on the subject seems to be still K. Heldmann: *Antike Theorien über Entwicklung und Verfall der Redekunst*. München 1982 (see esp. pp. 207–299). Already Cicero, as *Tacitus. Dialogus de oratoribus*. Ed. R. Mayer. Cambridge 2001, p. 12, n. 34 notes, had prophesized about this decline (*Tusc.* 2, 5). Quintilian later wrote a piece entitled *De causis corruptae eloquentiae*, of which only fragments survive (C.O. Brink: “Quintilian’s *De Causis Corruptae Eloquentiae* and Tacitus’ *Dialogus de Oratoribus*”. *CQ* 39, 2 (1989), pp. 472–503).

<sup>15</sup> See N. Zorzetti: “Struttura annalistica e sistema degli exempla nelle storie liviane”. In: Idem: *Interpretazioni latine*. Padua 1978, pp. 79–127; J.D. Chaplin: *Livy’s Exemplary History*. New York 2000, p. 3. A short bibliographical survey is given by H. van der Blom: *Cicero’s Role Models...*, p. 5, n. 16.



increasingly becoming subordinate to the imperial policy. Their function outside of the text was limited to moral lessons, but collections of the *facta et dicta* were also meant to supply a reader with an appropriate means of illustrating a case<sup>16</sup>. This eventually led to the development of a new literary genre in the Middle Ages, namely the *exempla* as ‘parables’ or ‘anecdotes’<sup>17</sup>.

By this short sketch I intended to call attention to the fact that the exemplum, both diachronically and in terms of its purpose, has been a very complex phenomenon, encompassing numerous meanings. Even in its narrower sense of rhetorical example, it could have two significations, one more general, the other more technical. The former, closely associated with ancestral custom (*mos maiorum*), stemmed from the practice of following in the footsteps of one’s predecessors. At Rome, it rested upon the high respect everything related to the ancestors enjoyed<sup>18</sup>. On a more universal level, the ancients saw the advantages of perceiving of and deciding about the future in the light of past events<sup>19</sup>. That is precisely why the rhetoricians commonly ascribed it to the *genus deliberativum*<sup>20</sup>.

The latter is what Cicero listed among the *comparabilia* (cf. n. 8), and what Quintilian understood by the Greek παράδειγμα (*Inst.* 5, 11, 1): “quo nomine et generaliter usi sunt [scil. Graeci] in omni similitum adpositione et specialiter in iis, quae rerum gestarum auctoritate nituntur”, that is the comparing of

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<sup>16</sup> For a more detailed discussion see U. Lucarelli: *Exemplarische Vergangenheit. Valerius Maximus und die Konstruktion des sozialen Raumes in der frühen Kaiserzeit*. Göttingen 2007, pp. 24–35; cf. G. Maslakov: “Valerius Maximus and Roman Historiography. A Study of the *exempla* Tradition”. *ANRW* II 32, 1 (1984), pp. 437–496.

<sup>17</sup> See P. von Moos: *Geschichte als Topik. Das Rhetorische Exemplum von der Antike zur Neuzeit und die historiae im Policraticus des Johann von Salisbury*. Hildesheim–New York 1986; Idem: “Das argumentative Exemplum und die ‘wächserne Nase’ der Autorität im Mittelalter.” In: *Exemplum et Similitudo. Alexander the Great and other heroes as points of reference in medieval literature*. Eds. W.J. Aerts, M. Gosman. Groningen 1988, p. 55 and other essays collected in this volume; T. Szostek: *Exemplum w polskim średniowieczu*. Warszawa 1997; E.R. Curtius: *Literatura europejska i łacińskie średniowiecze*. Trans. A. Borowski. Kraków 1997, pp. 65–67.

<sup>18</sup> See Cic. *De or.* 1, 18: “tenenda praeterea est omnis antiquitas exemplorumque vis, neque legum ac iuris civilis scientia neglegenda est”. Cf. A.D. Leeman, H. Pinkster: *M. Tullius Cicero. De oratore libri III. Kommentar*. Bd. 1. *Buch I, 1–165*. Heidelberg 1981, pp. 40 f; H. van der Blom: *Cicero’s Role Models...*, passim and J. Kenty: “Congenital Virtue...”, passim.

<sup>19</sup> See Arist. *Rh.* 1418a: ἔστιν δὲ τὰ μὲν παραδείγματα δημηγορικώτατα, τὰ δ’ ἐνθυμήματα δικανικώτερα· ἢ μὲν γὰρ περὶ τὸ μέλλον, ὥστ’ ἐκ τῶν γενομένων ἀνάγκη παραδείγματα λέγειν, ἢ δὲ περὶ ὄντων ἢ μὴ ὄντων, οὐ μᾶλλον ἀπόδειξις ἐστὶν καὶ ἀνάγκη· ἔχει γὰρ τὸ γεγονὸς ἀνάγκην; *Lys.* 25, 23: χρῆ τὸίνυν, ὃ ἄνδρες δικασταί, τοῖς πρότερον γεγενημένοις παραδείγμασι χρωμένους βουλευέσθαι περὶ τῶν μελλόντων ἔσεσθαι.

<sup>20</sup> See Arist. loc. cit.; *Rhet. Her.* 3, 4: “aut si suadebimus quippiam cuius rei gestae aut praesentem aut auditam memoriam poterimus habere – qua in re facile id quod velimus exemplo alato persuadere possumus”; Quint. *Inst.* 5, 11, 9: “ad exhortationem vero praecipue valent imparia”. Quintilian has here only the *exemplum impar* in mind, but he does not recommend other types for any specific kind of oratory.

matters similar to one another, especially those based on history. In this respect, I believe, the rhetorical procedure whereby an orator introduces an individual or an action from the past in order to improve his argument did not change, at least from theoretical point of view, since it was expounded for the first time by Aristotle. In *Rh.* 1393a he divides the exempla into historical ones (τὸ λέγειν πράγματα προγεγεννημένα) and those which have been made up (τὸ αὐτὸν ποιεῖν). These latter are in turn specified as either *similitudo* (παραβολή), or fables (λόγοι, οἷον Αἰσώπειοι καὶ Λιβυκοί).<sup>21</sup> Quintilian, after discussing the degrees of similarity between various types of exempla, makes the same distinction. First, he mentions *poeticae fabulae* and *fabellae* (5, 11, 17–20), and then he rounds off the survey of exempla by saying (§ 22): “Proximas exemplo vires habet similitudo [...]”. Furthermore, when he calls attention to their use in the deliberations upon the future actions, he chooses the Aristotelian example concerning Dionysius’ aiming at tyranny.<sup>22</sup> Similar argumentation might have been used at Rome as early as the latter half of the second century BC, when ‘C. Fannius’ (*cos.* 122) argued against C. Gracchus’ munificence (the grant of citizenship to the Latins and Latin rights to the Italians?). He compared his opponent to Dionysius, Pisistratus, and Phalaris (Iul. Victor 11 [*RLM*, p. 413 Halm] = <sup>2</sup>*ORF*, pp. 144 f Malcovati): “non debetis largitionem permittere; nam et Dionysius et Pisistratus cives largitione corruperunt (fr. 6) [...]; si Phalaridi et Pisistrato et ceteris omnibus una res maxime, largitio, dominationem comparavit, quid est, quod non idem Gracchum adfectare credatis, quem eadem quae illos facere videatis? (fr. 7)”<sup>23</sup>. This would to some extent account for the rela-

<sup>21</sup> Cf. F. Solmsen: “Aristotelian Tradition in Ancient Rhetoric”. *AJPh* 62 (1941), p. 171 = *Rhetorika. Schriften zur aristotelischen und hellenistischen Rhetorik*. Hrsg. R. Stark. Hildesheim 1968, p. 330; [*Cicero*] *Ad C. Herennium De ratione dicendi (Rhetorica ad Herennium)*. Ed. H. Caplan. London–Cambridge (Mass.) 1968, p. 376, n.<sup>b</sup>.

<sup>22</sup> See Quint. *Inst.* 5, 11, 8: “etiam in iis, quae futura dicemus, utilis similitum admonitio est, ut si quis dicens, Dionysium idcirco petere custodes salutis suae, ut eorum adiutus armis tyrannidem occupet, hoc referat exemplum, eadem ratione Pisistratum ad dominationem pervenisse” ~ Arist. *Rh.* 1357b: οἷον ὅτι ἐπεβούλευε τυραννίδι Διονύσιος αἰτῶν τὴν φυλακὴν· καὶ γὰρ Πεισίστρατος πρότερον ἐπιβουλεύων ἦται φυλακὴν καὶ λαβὼν ἐτυράννησε, καὶ Θεαγένης ἐν Μεγάροις καὶ ἄλλοι ὄσους ἴσασι, παράδειγμα πάντες γίνονται τοῦ Διονυσίου, ὃν οὐκ ἴσασιν πῶς εἰ διὰ τοῦτο αἰτεῖ. πάντα δὲ ταῦτα ὑπὸ τὸ αὐτὸ καθόλου, ὅτι ὁ ἐπιβουλεύων τυραννίδι φυλακὴν αἰτεῖ. Cf. D.L. Clark: *Rhetoric in Greco-Roman Education...*, p. 125.

<sup>23</sup> Cf. on the subject A.W. Robinson: *Cicero’s Use of People as exempla...*, pp. 10 f, 16 with n. 21. For the historical background see the sources listed by T.R.S. Broughton: *The Magistrates of the Roman Republic*. Vol. I. New York 1951, p. 516 (henceforth *MRR*) and the discussion below. Though these fragments are considered by E. Malcovati as *incertae sedis*, they might have fitted the context of C. Fannius’ speech *De sociis et nomine Latino*. Cf. R. Morstein-Marx: *Mass Oratory and Political Power in the Late Roman Republic*. Cambridge 2004, pp. 127; 222, n. 82. *Contra [implicite]* D. Stockton: *The Gracchi*. Oxford 1979, pp. 156 f. J.-L. Ferrary (“A propos de deux fragments attribués a C. Fannius, *cos.* 122 [*ORF*<sup>1</sup>, fr. 6 et 7]”). In: *Demokratia et aristokratia. A propos de Caius Gracchus: mots grecs et réalités romaines*. Éd. C. Nicolet. Paris 1983, pp. 51–58), however, argues convincingly against the attribution of these fragments to C. Fannius. According to him, Julius Victor might have derived them from an anti-Gracchan declamation. For the sake of



tive conciseness with which the Roman handbooks of rhetoric known to us deal with the exemplum as a means of persuasion. Perhaps fuller elaborations upon the subject existed and such authors as Cicero, who was never too fond of the technicalities<sup>24</sup>, did not feel obliged to say what seemed obvious. Looked at this way, however, in order to grasp what underlies the narrowly conceived exemplum, one has to resort to the “original treatment” of it.

## The Aristotelian Paradigm

Aristotle describes the paradigm as a mode of arguing from similar to similar or, in other words, from particular to particular<sup>25</sup>. It rests, therefore, on the analogy between a part of the event referred to during a speech and a part of that which constitutes the case under discussion. Both of them should belong to the same γένος – ‘general class’<sup>26</sup>. An example is the abovementioned lust for power of Dionysius of Syracuse (quoted in n. 22 above)<sup>27</sup>. Aristotle does not delve into details of the mechanism of the analogy, for he has already explained it on another occasion, in his *Prior Analytics*<sup>28</sup>. Only through the understanding of that passage,

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argument, we shall call Gracchus’ adversary ‘C. Fannius’, since a hypothetical declaimer might as well have impersonated him.

<sup>24</sup> See, e.g., E. Narducci: *Cicerone e l'eloquenza romana. Retorica e progetto culturale*. Roma–Bari 1997, pp. 24–28; J. Wisse, M. Winterbottom, E. Fantham: *M. Tullius Cicero. De oratore libri III...*, pp. 303 f.

<sup>25</sup> See Arist. *Rh.* 1357b: ἔστι δὲ οὔτε ὡς μέρος πρὸς ὅλον οὔθ’ ὡς ὅλον πρὸς μέρος οὔθ’ ὡς ὅλον πρὸς ὅλον, ἀλλ’ ὡς μέρος πρὸς μέρος, ὅμοιον πρὸς ὅμοιον—ὅταν ἄμφω μὲν ἢ ὑπὸ τὸ αὐτὸ γένος, γνωριμώτερον δὲ θάτερον ἢ θατέρου, παράδειγμά ἐστιν. Cf. *Rhet. Her.* 4, 61 fin.: “Non enim res tota totae rei necesse est similis sit, sed id ipsum quod conferetur similitudinem habere oportet”.

<sup>26</sup> Cf. W.M.A. Grimaldi: *Aristotle, Rhetoric I. A Commentary*. New York 1980, ad 1357b27 (p. 69); S. Schweinfurth-Walla: *Studien zu den rhetorischen Überzeugungsmitteln bei Cicero und Aristoteles*. Tübingen 1986, p. 54; K. Demoen: “A Paradigm for the Analysis of Paradigms...,” pp. 133 f; *Aristoteles. Rhetorik*. Hrsg. C. Rapp. Zweiter Halbband, Berlin 2002, ad 1357b25–1358a2 (p. 208). The other type, alongside the analogical, is the inductive paradigm, where “the example is quoted as an illustration of a general rule” (K. Demoen: “A Paradigm for the Analysis of Paradigms...,” p. 134). This type, however, does not seem to be relevant to Cicero’s practice of referring to historical figures. A somewhat different understanding of Aristotle’s double meaning of παράδειγμα was offered by A. Kantelhardt: *De Aristotelis rhetoricis*. (Diss.) Göttingen 1911 = *Rhetorika...* Hrsg. R. Stark, pp. 124–183 [here at 159–163].

<sup>27</sup> Cf. for instance *Pl. R.* 566b: Τὸ δὴ τυραννικὸν αἴτημα τὸ πολυθρύλητον ἐπὶ τούτῳ πάντες οἱ εἰς τοῦτο προβεβηκότες ἐξευρίσκουσιν, αἰτεῖν τὸν δῆμον φύλακάς τινας τοῦ σώματος, ἵνα σῶς αὐτοῖς ἢ ὁ τοῦ δήμου βοηθός.

<sup>28</sup> See Arist. *APr.* 68b–69a: Παράδειγμα δ’ ἐστὶν ὅταν τῷ μέσῳ τὸ ἄκρον ὑπάρχον δειχθῆ διὰ τοῦ ὁμοίου τῷ τρίτῳ. δεῖ δὲ καὶ τὸ μέσον τῷ τρίτῳ καὶ τὸ πρῶτον τῷ ὁμοίῳ γνώριμον εἶναι ὑπάρχον. οἶον ἔστω τὸ Α κακόν, τὸ δὲ Β πρὸς ὁμόρους ἀναιρεῖσθαι πόλεμον, ἐφ’ ᾧ δὲ Γ τὸ Ἀθηναίου

as S. Schweinfurth-Walla suggests, are we able to draw conclusions on the nature of the device at large.<sup>29</sup>

What Aristotle had employed here was described by later formal logic as ‘the Barbara-1 syllogism’: If *A* is predicated of all *B*, and *B* is predicated of all *C*, then *A* is predicated of all *C*<sup>30</sup>. The argument, in short, runs as follows: we know that the war between the Thebans and the Phocians was an evil; this war was waged against neighbors; it leads to a general premise that to fight against neighbors is an evil; therefore, a war of the Athenians against the Thebans would be something evil (since they are neighbors)<sup>31</sup>. S. Schweinfurth-Walla has built the following pattern<sup>32</sup> on that basis: 1)  $\Delta = A$  (it is a fact that the war between the Thebans and the Phocians was a disaster) and 2)  $\Delta = B$  is reached by induction (because it was a war against neighbors). 3) All *B* equal *A*, and further 4)  $\Gamma = B$  (the Athenians versus the Thebans means fighting against neighbors) which inevitably leads to 5)  $\Gamma = A$ . In order to get a proper paradigm, therefore, we need first to replace the variables with particulars (e.g. ‘a thing is evil’ instead of simply *A*) and next supply

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πρὸς Θηβαίους, τὸ δ' ἐφ' ᾧ  $\Delta$  Θηβαίους πρὸς Φωκεῖς. ἐὰν οὖν βουλώμεθα δεῖξαι ὅτι τὸ Θηβαίους πολεμεῖν κακόν ἐστι, ληπτέον ὅτι τὸ πρὸς τοὺς ὁμόρους πολεμεῖν κακόν. τούτου δὲ πίστις ἐκ τῶν ὁμοίων, οἷον ὅτι Θηβαίους ὁ πρὸς Φωκεῖς. ἐπεὶ οὖν τὸ πρὸς τοὺς ὁμόρους κακόν, τὸ δὲ πρὸς Θηβαίους πρὸς ὁμόρους ἐστὶ, φανερόν ὅτι τὸ πρὸς Θηβαίους πολεμεῖν κακόν. ὅτι μὲν οὖν τὸ *B* τῷ  $\Gamma$  καὶ τῷ  $\Delta$  ὑπάρχει, φανερόν (ἄμφοι γὰρ ἐστὶ πρὸς τοὺς ὁμόρους ἀναιρεῖσθαι πόλεμον), καὶ ὅτι τὸ *A* τῷ  $\Delta$  (Θηβαίους γὰρ οὐ συνήνεγκεν ὁ πρὸς Φωκεῖς πόλεμος). ὅτι δὲ τὸ *A* τῷ *B* ὑπάρχει, διὰ τοῦ  $\Delta$  δειχθήσεται. τὸν αὐτὸν δὲ τρόπον κἂν εἰ διὰ πλείονων τῶν ὁμοίων ἡ πίστις γένοιτο τοῦ μέσου πρὸς τὸ ἄκρον. φανερόν οὖν ὅτι τὸ παράδειγμά ἐστιν οὔτε ὡς μέρος πρὸς ὅλον οὔτε ὡς ὅλον πρὸς μέρος, ἀλλ' ὡς μέρος πρὸς μέρος, ὅταν ἄμφοι μὲν ἢ ὑπὸ ταῦτό, γνώριμον δὲ θάτερον.

<sup>29</sup> See S. Schweinfurth-Walla: *Studien zu den rhetorischen Überzeugungsmitteln...*, p. 58: “Erst die Analyse von *An.pr.* 68b38–69a19 ermöglicht das Verständnis von *Rhet.* 1357b25–36” who in support of this view refers to J. Sprute: *Die Enthymemtheorie der aristotelischen Rhetorik*. Göttingen 1982, pp. 80 ff. Cf. F. Solmsen: “Aristotelian Tradition...”, p. 39.

<sup>30</sup> See J. Łukasiewicz: *Aristotle's Syllogistic from the Standpoint of Modern Formal Logic*. Oxford 1972 (1957), pp. 3, 10; Aristoteles: *Analytica Priora. Buch II*, übersetzt von N. Strobach, M. Malink, erläutert von N. Strobach. Berlin–Boston 2015, pp. 95 f.

<sup>31</sup> This example may have been inspired by the circumstances of the third Sacred War (356–346 BC) fought between the Phocians and the Thebans over the control of Delphi, as well as Demosthenes' diplomatic mission to Thebes, whereby he managed to convince the Thebans to join forces with Athens against Philip of Macedon in 339 BC. See Dem. 22, 168–179; Plut. *Dem.* 18; *Aristotle's Prior and Posterior Analytics*. Ed. W.D. Ross. Oxford 1957, ad loc. (p. 488). Cf. Quint. *Inst.* 9, 3, 55; W. Jaeger: *Demosthenes. Der Staatsmann und sein Werden*. Berlin 1963, pp. 183 f; C.W. Wooten: *Cicero's Philippics and Their Demosthenic Model. The Rhetoric of Crisis*. Chapel Hill – London 1983, pp. 6, 8 f. I would like to thank Prof. J. Kucharski for suggesting to me the possible historical context of that passage.

<sup>32</sup> Where *A* = (ἄκρον) ‘the extreme [statement]’ – ‘[a thing] is evil’ (*Oberbegriff*); *B* = (μέσον) ‘the middle’ – ‘to fight against neighbors’ (*Mittelbegriff*);  $\Gamma$  = (τρίτον) ‘the third’ – ‘war between the Athenians and the Thebans’ (*Unterbegriff*);  $\Delta$  = (ὁμοιον) ‘the similar’ – ‘war between the Thebans and the Phocians’ (*das Ähnliche*). Cf. S. Schweinfurth-Walla: *Studien zu den rhetorischen Überzeugungsmitteln...*, pp. 56 f.

the Barbara-1 syllogism with a context (no 1 above) which enables us to perform the induction<sup>33</sup>.

Although Aristotle himself, as was noted (n. 25 above), speaks only of arguing from part to part, it is implied in his reasoning that a kind of mediated generalization is involved in the process<sup>34</sup>. The ‘first part’, as W.L. Benoit points out, is the ‘premise’ that it was evil when the Thebans fought the Phocians, their neighbors. The ‘second part’ is the ‘conclusion’ we arrive at, that it would be wrong for the Athenians to fight their Theban neighbors. What connects them is a whole: ‘it is evil to fight neighbors’<sup>35</sup>. The exemplum in its narrowest sense (παράδειγμα *par excellence*), according to Aristotle, is  $\Delta$  = ‘war between the Thebans and the Phocians’ (ὅτι δὲ τὸ A τῷ B ὑπάρχει, διὰ τοῦ Δ δειχθήσεται)<sup>36</sup>. B (‘to fight against neighbors’) is the predicate, the intermediate action (‘middle’, μέσον) through which one is able to ascribe  $\Gamma$  and  $\Delta$  to the same general class (γένος). An orator who is inventing an exemplum, therefore, needs to decide whether the action he is about to discuss ( $\Gamma$ ) is right or wrong or, alternatively, whether something that has already been done was just or unjust (A, in the present case ‘[a thing] is evil/wrong’). Let us call it a ‘value judgement’. Then an example of a similar action, in that it belongs to the same general class (B), from the past ( $\Delta$ ) ought to be presented. Having gathered all the particulars, the speaker will possess a premise (no 1 above,  $\Delta = A$ ) leading to a conclusion (no 2,  $\Gamma = A$ ) based upon a predicate (B). Obviously, whether an action is/was *actually* good or wrong is irrelevant to him as he is making a rhetorical case and his objectives depend on the point of view.

As the discussion of the paradigm in the *Prior Analytics* involves details of its mechanics but lacks those of the rhetorical context, we may now return to the example from the *Rhetoric* where we are facing the opposite situation. The audience is aware that Dionysius asks for a bodyguard, but it remains unclear to what purpose he does that. The speaker wants to prove that he is aiming at tyranny. There were those before him, Pisistratus and Theagenes of Megara in particular, who having obtained a bodyguard made themselves tyrants<sup>37</sup>. This fact is known

<sup>33</sup> On the basis of the words Παράδειγμα δ’ ἐστὶν ὅταν τῷ μέσῳ τὸ ἄκρον ὑπάρχον δειχθῆ διὰ τοῦ ὁμοίου τῷ τρίτῳ. δεῖ δὲ καὶ τὸ μέσον τῷ τρίτῳ καὶ τὸ πρῶτον τῷ ὁμοίῳ γινώριμον εἶναι ὑπάρχον N. Strobach (Hrsg.): *Aristoteles. Analytica Priora...*, p. 517 builds a following pattern (where a = ‘is predicated of’ [“zukommt”]): 1. *AaD*, 2. *AaB*, 3. *BaC*, 4. *AaC*. Nos 2–4 correspond exactly to Barbara-1.

<sup>34</sup> See W.L. Benoit: “On Aristotle’s Example”. *Philosophy & Rhetoric* 20, 4 (1987), pp. 261–267. Cf. P. von Moos: “Das argumentative Exemplum...”, pp. 61 f; W.M.A. Grimaldi: *Aristotle, Rhetoric I...*, loc. cit.: “A moment’s reflection will show that one cannot use example without implicitly or explicitly making a real induction in order to apprehend the general class under which the particulars fall and therefore resemble one other” (emphasis added).

<sup>35</sup> See W.L. Benoit: “On Aristotle’s Example...”, p. 263.

<sup>36</sup> Cf. the emphasized sentence in Arist. *Rh.* 1357b (n. 22 above).

<sup>37</sup> On Pisistratus’ successful deceit see Hdt. 1, 59, 4–6 with *A Commentary on Herodotus Books I–IV*. Eds. O. Murray, A. Moreno. Oxford 2007, ad loc. (p. 122 [D. Asheri]); Plut. *Sol.* 30, 2 f.

to the hearers. All such men become examples of those who acted in a similar way as Dionysius has (παράδειγμα πάντες γίνονται τοῦ Διονυσίου), whose intentions, however, are still unknown (ὄν οὐκ ἴσασιν πῶ εἰ διὰ τοῦτο αἰτεῖ)<sup>38</sup>. A pattern analogical to the one described above may be achieved: 1)  $\Delta = A$  and  $\Delta = B$  (it is a fact that they became tyrants after having asked for and obtained a bodyguard), therefore 3) all B equal A (whoever asks for a bodyguard, aims at tyranny); 4)  $\Gamma = B$  which eventually leads to 5)  $\Gamma = A$ . Here the fact that Pisistratus and Theagenes of Megara succeeded in establishing tyranny *because* they asked for a bodyguard constitutes a premise ('first part') and the conclusion ('second part') is that Dionysius too aims at tyranny. One will quickly notice, however, that the two cases differ in one crucial respect, namely the question the speaker is addressing. In the former, he is assessing whether an action should be considered right or wrong, and in the latter he is stating a fact (does or does not Dionysius aim at tyranny?). The categorization of various cases into different *staseis* itself is post-Aristotelian, but its application will help to solve the difficulty. The orator arguing that it is wrong for the Athenians to fight against the Thebans faces the *status iuridicialis* (resp. *qualitatis*: "an iure fecerit/factorus sit"); the one who wants to prove that Dionysius is aiming at tyranny – *status coniecturalis* ("an fecerit/faciat"). Cicero (*Inv.* 2, 19) will later recommend exempla and similes as useful tools in the conjectural kind of cases, especially in establishing the motif<sup>39</sup>.

To sum up: according to Aristotle, the exemplum as a means of persuasion consists of several items which are interrelated on the principle of analogy. What he calls 'the third' is that which constitutes the case under discussion ( $\Gamma$ ). A speaker needs first to establish 'the extreme' (A), i.e. a value judgement or a statement of fact depending on the *status causae*. Then, he has to produce an event from the past ('the similar' or the paradigm proper,  $\Delta$ ) that would enable him to ascribe  $\Gamma$  to A. The two occurrences must belong to the same 'general class' (γένος) which is attainable through the predicate ('the middle'), an intermediate action both of them share. The process runs from the premise connecting  $\Delta$  to A and B respectively, through the mediating generalization (the implied 'whole': 'whoever/whatever A, B') to a conclusion proving that A holds for (is predicated of)  $\Gamma$ .

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Cf. Polyaen. 1, 21, 3. On Theagenes of Megara see, e.g., the literature cited by W.M.A. Grimaldi: *Aristotle, Rhetoric I...*, ad 57b30 (p. 70).

<sup>38</sup> Hence the following is given (cf. n. 32): A = 'to aim at tyranny'; B = 'to ask for a bodyguard';  $\Gamma$  = 'Dionysius asks for a bodyguard';  $\Delta$  = 'Pisistratus and Theagenes made themselves tyrants after having obtained a bodyguard'.

<sup>39</sup> On the stasis theory of Hermagoras in general see G.M.A. Grube: *The Greek and Roman Critics*. London 1965, pp. 142 ff; H. Lausberg: *Handbuch...*, §§ 150–197 (pp. 89–108), on its influence upon the Romans cf. e.g. G. Calboli: "La retorica preciceroniana e la politica a Roma". In: *Éloquence et rhétorique chez Cicéron*. Éd. W. Ludwig. Vandœuvres–Genève 1982, p. 66. F. Solmsen: "Aristotelian Tradition...", pp. 177 with n. 85, 180 f argues that Aristotle may have to a certain degree inspired the system. The standard work on *staseis* is L. Calboli Montefusco: *La dottrina degli 'status' nella retorica greca e romana*. Hildesheim 1986.

## The Adjustment of the Paradigm Theory

In approaching what the later rhetoricians had written on the subject of exemplum as a means of persuasion and in examining the ways in which Cicero availed himself of the device, one needs to bear in mind that they were presumably acquainted with either Aristotle's handling of it or with some more accessible treatment of his theory. Whatever the case, even if the pattern turns out applicable to the rhetorical practice, it seems to be terminologically deficient by modern standards, especially when it comes to "that which constitutes the case under discussion" on the one hand and "the event referred to during a speech" on the other. K. Demoen, in constructing his own paradigm for the analysis of paradigms, has determined these as *illustrandum* and *illustrans* respectively<sup>40</sup>. In general terms, then, the narrowly conceived exemplum is "an appeal to a similar or illustrative incident (the *illustrans*) which is not intrinsically connected with the matter under discussion (the *illustrandum*)". Additionally, the scholar made use of the idea of an *Ernstbedeutung* – 'a semantic intention within the context' as opposed to the *Eigenbedeutung* – 'a meaning in itself' of the *illustrans*, which he has found in and adopted from the work of H. Lausberg<sup>41</sup>. The former is, roughly, what we have recognized in Aristotle as the implied whole mediating the relation between the particulars ('parts'), and what Quintilian will later specify succinctly as "id quod intenderis"<sup>42</sup>. Seen in the light of the present terminological basis, the example from Aristotle's *Rhetoric* can be interpreted as follows: the speaker, addressing an audience aware of Dionysius' actions (*illustrandum*), but unaware of his intentions, by bringing forth the cases of Pisistratus and Theagenes of Megara (*illustrantia*) means that everyone who asks for a bodyguard aims at tyranny (*Ernstbedeutung*). The events that he refers to could have had quite different overtones (their respective *Eigenbedeutungen*) outside of this particular rhetorical context.

This is still only a hypothetical argumentation but, insofar as we can rely on C. Iulius Victor, a rhetorician of the 4<sup>th</sup> century AD, the very 'Dionysius paradigm',

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<sup>40</sup> See K. Demoen: "A Paradigm for the Analysis of Paradigms...", p. 126. He adopted these useful terms from B.J. Price: *Paradeigma and exemplum...*, p. 219 who, in turn, as K. Demoen stresses, followed H. Friis Johansen whose study (*General Reflection in Tragic Rhesis: A Study of Form*. [Diss.] Copenhagen 1959) is, as the title betrays [non vidi], primarily devoted to Greek tragedy.

<sup>41</sup> See K. Demoen: "A Paradigm for the Analysis of Paradigms...", p. 127.

<sup>42</sup> See H. Lausberg: *Handbuch...*, § 421 (pp. 231 f): "Das *exemplum* [...] zeigt eine Doppelschichtigkeit der semantischen *voluntas* [...]: in der ersten Schicht wird die [...] Eigenbedeutung des *exemplum*-Inhaltes gemeint [...]. Aber die semantische Intention (Quint. 5.11.6 *id quod intenderis* [...]) des Sprechers geht über diese sich abgeschlossene normale Eigenbedeutung des *exemplum* hinaus: das *exemplum* wird als Träger einer gültig gemeinten Ernstbedeutung in den Dienst der *causa* genommen: die Eigenbedeutung des *exemplum* ist ein spielerisches Mittel zur Erreichung des Zieles der Ernstbedeutung". Cf. *OLD*, s.v. "intendo" 9, 10c, 11d, 12.

as mentioned above, was employed at Rome by ‘C. Fannius’ towards the end of the 2<sup>nd</sup> century BC. An attempt at interpreting these passages in accordance with the suggested patterns would therefore be worthwhile. A brief sketch of the historical background will suffice for our purposes. By the end of the 120s C. Gracchus as a tribune of the plebs proposed a series of bills aimed at improving the well-being of the lower strata of the Roman people and one somehow related to granting citizenship to the Latins and Latin rights to the Italians. As was the case with his brother, he too faced rigid opposition from a majority of the ruling class. Among those was his former supporter, C. Fannius, elected as consul for the year 122<sup>43</sup>. No matter what the real objectives of the brothers Gracchi were, the *nobiles* perceived their activity as subversive and dangerous to the state<sup>44</sup>. The killing of Tiberius was thus depicted along the lines of a tyrannicide<sup>45</sup>. The fragments of the oration *incertae sedis* quoted above (cf. n. 23), therefore, reflect the aristocratic sentiments toward a revolutionary, though successful politician. On whatever occasion ‘C. Fannius’ spoke those words, he wanted to make his audience believe that C. Gracchus by being munificent was in fact aiming at autocracy<sup>46</sup>. His rhetorical goal, therefore, was a statement of the following fact: ‘whoever bribes the people with gifts, aims at tyranny’ (“qui cives largitione corrumpit, dominationem petit”) [~ fr. 6 f], B = A) leading to the conclusion expressed in the apodosis of fr. 7: “quid est, quod non idem Gracchum adfectare credatis, quem eadem quae illos facere

<sup>43</sup> See Plut. *CG.* 8; *Schol. Bob.* p. 93 Hildebrandt = 132 Stangl; J. Carcopino: *Autour des Gracques. Études critiques.* Paris 1928, pp. 235–244; C. Meier: *Res publica amissa. Eine Studie zu Verfassung und Geschichte der späten römischen Republik.* Frankfurt 1980, pp. 131–134; A. Lintott: “Political History, 146–95 B.C.”. In: *The Cambridge Ancient History.* Vol. 9: *The Last Age of the Roman Republic, 146–43 B.C.* Eds. J.A. Crook, A. Lintott, E. Rawson. Cambridge 2006, pp. 78 f, 83 f. That was also the year of C. Gracchus’ second tribunate (*MRR.* 1.517).

<sup>44</sup> See, e.g., Cic. *Off.* 1, 109 with A.R. Dyck: *A Commentary on Cicero, De Officiis.* Ann Arbor 1996, ad loc. (p. 278) for more references; H. Galsterer: *Herrschaft und Verwaltung im republikanischen Italien.* München 1976, pp. 174 f. Cf. Cic. *Brut.* 99 fin. (*ORF.* p. 143): “alii [scil. aiebant] multos nobiles, quod quisque potuisset, in illam orationem [scil. De sociis et nomine Latino] contulisse” and a brief discussion of that passage in D. Stockton: *The Gracchi...*, p. 191. The Gracchi were not opposed by the senate as such or all the *nobiles*, but by certain *factiones* from the start and, in the case of C. Gracchus, by those (including his former supporters) who disapproved of his legislation. See R.J. Rowland, Jr.: “The Development of Opposition to C. Gracchus”. *Phoenix* 23, 4 (1969), pp. 372–379.

<sup>45</sup> See Plut. *TG.* 19, 3 and T.P. Wiseman: *Remembering the Roman People. Essays on Late-Republican Politics and Literature.* Oxford 2009, pp. 177–187 who discusses the killing of Tiberius in detail. Cf. M.E. Clark, J.E. Ruebel: “Philosophy and Rhetoric in Cicero’s *Pro Milone*”. *RhM* 128, 1 (1985), pp. 59, n. 7; 69 f, n. 35. On the subject in general see T.R. Dunkle: “The Greek Tyrant and Roman Political Inveective of the Late Republic”. *TAPA* 98 (1967), pp. 151–171.

<sup>46</sup> See Vell. 2, 6, 2: “qui [scil. C. Gracchus] cum summa quiete animi civitatis princeps esse posset, vel vindicandae fraternae mortis gratia vel praemuniandae regalis potentiae eiusdem exempli tribunatum ingressus, longe maiora et acriora petens dabat civitatem omnibus Italicis [...]”. Cf. Plut. *CG.* 14, 3 fin.: ἐκ τούτου πάλιν εἰς τὸ βουλευτήριον ἀπελθόντες ἐψηφίσαντο καὶ προσέταξαν Ὀπιμῶ τῷ ὑπάτῳ σώζειν τὴν πόλιν ὅπως δύναίτο, καὶ καταλύειν τοὺς τυράννους.



videtis?"). In order to attain the desired end, he needed first to present the actions of C. Gracchus in this light ( $\Gamma$  = 'he bribes the people, etc.'), and next to introduce a historical parallel: Dionysius, Pisistratus, and Phalaris obtained control over the state by doing so ( $\Delta$ ). This latter action by itself (*Eigenbedeutung*) means only that as a result of their munificence, they were able to make themselves autocrats, but 'C. Fannius' intended it to signify that it is *the aim* of one seducing the people to gain supreme power (*Ernstbedeutung*). On the strictly analytical level, the premise ('first part'), where 'the extreme' is identical with that of the example from Aristotle's *Rhetoric* ('to aim at tyranny'), relies on the paradigm proper ( $\Delta = A$ ), and through the mediating generalization ('a whole', or 'the predicate', every  $B = A$ ) it leads to an inevitable conclusion ('second part') that C. Gracchus aims at tyranny when he bribes the people ( $\Gamma = A$ ). On the rhetorical level, on the other hand, the speaker first shapes the meaning of what Dionysius and the others had done (the particular *Eigenbedeutungen* become his *Ernstbedeutung*), turning it into the *illustrans* (fr. 7: "si Phalaridi et Pisistrato [...] una res maxime, largitio, dominationem comparavit"); then, he recognizes the action of *largiri* as "the common denominator" ('the middle' which renders them as belonging to the same 'general class') of both the *illustrans* and the *illustrandum*. This enables him to juxtapose Gracchus with his infamous predecessors through the predicate ( $B = A$  as stated above).

The question of whether or not the anti-Gracchan speaker relied directly on Aristotle must remain unanswered due to the scarcity of the fragments and the lack of any external evidence. It seems plausible, however, that he might have had access to some second-hand material derived from the *Rhetoric* as the example enjoyed a certain recognition among the later Roman rhetoricians.<sup>47</sup> As regards Phalaris, the tyrant of Akragas, who is absent from "the source", he might have been implied therein (καὶ ἄλλοι ὄσους ἴσασι) and became later on a part of the catalogue.<sup>48</sup> What seems surprising is that 'C. Fannius' employed neither more contemporary Greek examples, e.g. those of Agathocles or Nabis<sup>49</sup>, nor any Roman parallel<sup>50</sup>. This might have resulted from the fact that Pisistratus and the others, unlike the two autocrats mentioned above, had already been established figures in rhetorical tradition, whereas the exempla of the Romans who craved tyranny were still in the

<sup>47</sup> See Quint. *Inst.* 5, 11, 8 quoted in n. 22 above, and Iul. Victor (*RLM*, p. 413 Halm quoted above and p. 399 to be quoted shortly [cf. P. von Moos: "Das argumentative Exemplum...", p. 72, n. 29]).

<sup>48</sup> See, e.g., Cic. *Verr.* 5, 145 cited by Quint. *Inst.* 8, 6, 72; Cic. *Att.* 7, 20, 2, *N.D.* 3, 82. On Phalaris in general see e.g. the sources and literature listed by A. Lazzaretti: *M. Tulli Ciceronis, In C. Verrem actionis secundae Liber quartus (De signis). Commento storico e archeologico*. Pisa 2006, ad Cic. *Verr.* 4, 73 (pp. 225 f).

<sup>49</sup> As was suggested by J.-L. Ferrary: "A propos de deux fragments...", p. 56.

<sup>50</sup> The negative exempla of Sp. Cassius (Cic. *Rep.* 2, 60; Liv. 2, 41; D.H. 8, 69–80, etc.), Sp. Maelius (e.g. Cic. *Mil.* 72; Liv. 4, 13–15), and M. Manlius (Liv. 5, 47, 4–9; Plut. *Cam.* 27, 4–6) would be particularly appropriate. See on these figures as exempla P. Panitschek: "Sp. Cassius, Sp. Maelius, M. Manlius...", passim.

making during the late Republic<sup>51</sup>. At any rate, C. Gracchus' adversary had all the means he could have dreamt of at his disposal, including a political background easily associated with tyranny and a ready exemplum matching his goal.

This, finally, brings up the question: what constitutes an exemplum? To answer it, one has to make use of the modern terminology – it will not do to resort to Aristotle's variables. It follows from the previous discussion that to speak of an exemplum as a means of persuasion, and not in the broader sense adumbrated at the outset, we need to discern at least three of its essential elements: the *illustrans*, the *illustrandum*, and the predicate. The latter is, in fact, what underlies this rhetorical device, for without it the speaker is unable to build a proper historical parallel. In order to formulate a premise and a conclusion, consisting of either a value judgement or a statement of fact, as outlined above, he will require a set of actions. A successful exemplum, moreover, is impossible if the actions do not belong to the same general class<sup>52</sup>. As a result, all the references to historical figures which cannot be viewed as forming an analogy between the predicates demand an alternative approach. This is an issue both ancient and modern scholarship tends to oversimplify precisely because of the lack of more accurate distinctions<sup>53</sup>. We have already mentioned that Quintilian brings forth the Aristotelian example concerning the tyrants when dealing with the subject of deliberations about the future. Elsewhere, he quotes from Cicero (ref's in n. 47) the following sentence: “versabatur in Sicilia longo intervallo non alter Dionysius ille nec Phalaris [...], sed quoddam novum monstrum ex vetere illa inmanitate, quae in isdem versata locis dicitur” as an instance of a *hyperbole per translationem allata*. The entire passage, of course, is understood best against this precise rhetorical background of the *Institutio oratoria*, but what are we to make of Dionysius and Phalaris by themselves? They are still referred to by the speaker as people from the past, but this time none of their action is meant. Let us postpone the inquiry into their case in the fifth *Verrine* until we supplement our theoretical basis accordingly.

K. Demoen copes with the difficulty by distinguishing various ways in which an exemplum is inserted into context<sup>54</sup>. He forms a list of elements a paradigm

<sup>51</sup> See J.-L. Ferrary: “A propos de deux fragments...”, loc. cit. and P. Panitschek: “Sp. Cassius, Sp. Maelius, M. Manlius...” pp. 232–245 respectively.

<sup>52</sup> Cf. Cic. *Inv.* 1, 82: “Cum autem pro comparabili aliquid inducetur, quoniam id per similitudinem maxime tractatur, in reprehendendo convenient simile id negare esse, quod conferetur, ei, quicum conferetur. [...] deinde, quid res cum re differat, demonstrabimus”.

<sup>53</sup> P. von Moos: “Das argumentative Exemplum...”, p. 62 grasps the essence of the problem when he writes: “Die doppelte, weite und enge Bedeutung von *paradeigma*, die Quintilian später ausdrücklich für das lateinische Äquivalent *exemplum* übernimmt, lässt sich daraus erklären, dass das historische Beispiel in der antiken Rhetorik als Beschreibungsmodell für alle Vergleichsargumente diente und so etwas wie das Vergleichsargument *per antonomasian* darstellte”.

<sup>54</sup> The following overview is based on K. Demoen: “A Paradigm for the Analysis of Paradigms...”, pp. 144–146. For a detailed account, the reader is invited to consult the article for her/himself.

potentially includes: (a) *illustrans*, (b) *illustrandum*, (c) “*Ernstbedeutung* or the conclusion drawn from it”, (d) linking term or formula. Then he introduces four types of the exemplum based on the presence or absence (explicit or implicit) of the said elements: 1) the *full exemplum*, 2) the *minimal exemplum* (abd), 3) the *metaphorical exemplum* (b = a, or a), and 4) the *exemplum without insertion* (b). According to this, the argument advanced by ‘C. Fannius’, for instance, would fall into the category ‘full exemplum’, because all the elements, including the *Ernstbedeutung*, are stated explicitly. And, to my view, the scheme is useful as long as we are able to detect a semantic intention on the part of the speaker in any of the types 2 and 3. But a good deal of such inquiry will turn out to be a mere guesswork, if only due to the fact that our knowledge of the actions undertaken by some of the people referred to in ancient oratory is at best limited. The rhetorical goal seems to make a better criterion. We have observed that with regard to the exemplum proper, it is strictly persuasive: an orator wants to *prove* something and, more precisely, something about an action (it was just/unjust; it took/did not take place, etc.). Since K. Demoen called his 3rd type ‘the metaphorical exemplum’, in which “[t]he *Ernstbedeutung* is merely implied” and which “takes the shape of a *Vossian antonomasia*”, i.e. substitution of a name<sup>55</sup>, it would perhaps be more justified to specify such reference to the past simply as antonomasia. In this case, the *illustrans* will be either introduced in the vocative or accompanied by a pronoun, especially demonstrative (*ille, iste*, etc.) and possessive (*meus, noster*), or by a qualifying adjective, such as *novus*<sup>56</sup>. This will serve to additionally characterize the *illustrandum*, on the one hand, and to avoid the confusion as to whether the actual mythological or historical character or a person taking part in the trial is the speaker’s main focus, on the other.

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<sup>55</sup> If a regular *antonomasia* is a substitution of a proper name by a descriptive formula (*commune pro proprio*, e.g. “divum pater atque hominum rex” [Verg. *A.* 1, 65 quoted by Quint. *Inst.* 8, 6, 29] for Jupiter, or “Romanae eloquentiae princeps” [ibid. § 30] for Cicero), then the Vossian (since ca 1643 AD) counterpart is its inversion, a substitution of a set of characteristics by a proper name (*proprium pro communi*) which embodies those characteristics according to the tradition. See on the subject in general A.D. Leeman: *Orationis ratio...*, p. 38, and for quotation from Vossius: H. Lausberg: *Handbuch...*, § 581 (pp. 301 f). As one of the instances of *antonomasia*, notably, R. Volkmann: *Die Rhetorik der Griechen und Römer in systematischer Übersicht*. Hildesheim–Zürich–New York 1987 (Leipzig 1885), p. 425 cites Cic. *Prov. Cons.* 9: “an vero in Syria diutius est illa Semiramis retinenda?”. Cf. the comment of P. von Moos quoted in n. 53 above.

<sup>56</sup> See H. Lausberg: *Handbuch...*, loc. cit.; K. Demoen: “A Paradigm for the Analysis of Paradigms...”, p. 146. Cf. the example quoted at the end of the previous note and the comment of Cicero’s *De Provinciis Consularibus...* Ed. L. Grillo, ad loc. (p. 128): “By *pronominatio* [...] Cicero [...] sarcastically lays out the main strands of his invective against Gabinius as effeminate, cruel, ambitious and incompetent”.

## Applying the Theory to Cicero's Rhetorical Practice

Two brief examples should help us make this distinction clear. In the thirteenth *Philippic* Cicero reproaches Antony's own perception of his siege of Mutina in the following way (13, 25): "Veneficam audes appellare eum virum, qui tuis veneficiis remedia invenit? quem ita obsides, nove Hannibal, [...] ut te ipse obsideas neque te istinc, si cupias, possis explicare. Recesseris, undique omnes insequentur; manseris haerebis". Antony's policy at the time rested on arousing indignation towards those responsible for Caesar's death. In answer to his calling D. Brutus the "poisoner", Cicero dubbed him the "new Hannibal". Here, however, we need not abandon the exemplary line of interpretation in that the speaker's semantic intention lies with comparing the military undertakings at Mutina with Hannibal's siege of Saguntum<sup>57</sup>. His *Ernstbedeutung*, to put it succinctly, is that the obvious result of Antony's conduct must be a war against Rome, which he is bound to lose. By saying *nove Hannibal*, then, Cicero does not aim at bringing together the two men as such, but at juxtaposing their particular actions. A few passages earlier, when dealing with the same letter Antony has sent Hirtius and Octavian, Cicero comments on his being pleased by the death of C. Trebonius, who was involved in the assassination of Caesar. The speaker was at loss of words in expressing his outrage (*Phil.* 13, 22 fin.): "o Spartace! quem enim te potius appellem, cuius propter nefanda scelera tolerabilis fuisse videtur Catilina?". This reference to Spartacus does not meet the criteria of the exemplum proper described above, for it is difficult to associate any episode of the slave upheaval with what befell Trebonius. The Thracian gladiator stands for a villain and a criminal in general, and the speaker links *him* with Antony<sup>58</sup>. *O Spartace*, therefore, counts as (Vossian) antonomasia because the proper name is a substitute for the traits with which the tradition furnished "Spartacus".

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<sup>57</sup> See H. van der Blom: *Cicero's Role Models...*, pp. 109–111 (here at p. 110), 113 f. Cf. H. Frisch: *Cicero's Fight for the Republic. The Historical Background of Cicero's Philippics*. Copenhagen 1946, p. 255; A. Lintott: *Cicero as Evidence. A Historian's Companion*. Oxford 2008, pp. 389 f. On Hannibal as exemplum in Cicero's speeches see also F. Bücher: *Verargumentierte Geschichte...*, pp. 218–220.

<sup>58</sup> Cicero's rhetorical strategy of depicting Antony (and his brother) as either gladiator in general or as Spartacus in particular was recently discussed by D. Słapek: "Lucius Antonius – gladiator Asiaticus. Gladiatorial Episode Seen Through the Eyes of M. Tullius Cicero". In: *Marcus Antonius. History and Tradition*. Eds. I. Łuć, D. Słapek. Lublin 2016, pp. 165–183 and A. Dziuba: "«The Effeminate Spartacus». The Rhetoric Description of Marc Antony in Cicero's Philippics". In: *Marcus Antonius...* Eds. I. Łuć, D. Słapek pp. 185–195. Cf. my review of this volume in *Eos* 104, 1 (2017), esp. at pp. 181 f. Here, I confine myself only to touching upon the subject, for I explore it more thoroughly in D. Pierzak: "Spartacus as a Point of Reference in Cicero's Orations". In: *Spartacus. History and Tradition*. Ed. D. Słapek. Lublin 2018, pp. 47–62.

Now, we may turn our attention back to *Verr.* 5, 145 where C. Verres is presented as worse than anything or anyone (“[...] non alter Dionysius ille nec Phalaris [scil. in Sicilia versabatur]”) the province had ever experienced. Within the framework of an elaborate metaphor, the tyrants are introduced in the form of an antonomasia and serve to inform the recipient that the governor who is standing trial has overshadowed even *their* cruelty. None of their actions, as already mentioned, are meant, so the historical context of the reference would be difficult to establish for us and for Cicero’s audience alike. It follows that as from the analytical viewpoint the constituting element of the exemplum is its predicate, so on the rhetorical level it requires “a narrative possessing a context”<sup>59</sup>. Without it, the speaker cannot hope to advance any logical argument. Such reference to the past should be therefore viewed as part of his ethical argumentation, designed, at least theoretically, to either denigrate or praise the character of a person involved in the case under discussion. Since the rhetorical procedure of referring to historical figures varies depending on the shape it takes, whether of an exemplum or an antonomasia, I would opt to introduce more general expressions to describe a person to whom someone is compared and the one the speaker aims at characterizing. The former I would call ‘a point of reference’ and the latter ‘a designate’, so that the *illustrans* and the *illustrandum* be reserved for the exemplum proper.

We have observed, following P. von Moos (n. 53 above), that the difficulties in defining exemplum result from the freedom the ancient rhetoricians allowed themselves when discussing it. The meaning of the word *exemplum*, it would seem, ranged from a broadly conceived reference to the past, including e.g. legal precedents, to a rendition of the Aristotelian παράδειγμα in the sense of a historical parallel based on analogy and employed as a means of persuasion. Some of their applications, both in theory and practice, must have overlapped, and the ancients apparently lumped together the past events rooted in the tradition into a still more general repertoire of the *loci communes*. That is the case with C. Iulius Victor, who quotes the example from the *Rhetoric* among the *loci circa rem*<sup>60</sup>, but such perspective goes back as far as Cicero himself<sup>61</sup>. As C.P. Craig points out, “in *De Orat.* 2,

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<sup>59</sup> I have adopted this notion from U. Reinhardt: *Mythologische Beispiele in der Neuen Komödie (Menander, Plautus, Terenz)*. Vol. 1. (Diss.) Mainz 1974, p. 10, for whom it became a factor differentiating the mythological exemplum from a common metonymy (D. Pierzak: “Greek Myth in Cicero’s Orations”. *Eos* 103, 1 (2016), p. 151 [a summary of my PhD thesis]). In studying the narrowly conceived historical exempla, however, it seems no less applicable as long as one replaces “metonymy” with “antonomasia”.

<sup>60</sup> See Iul. Victor 4, 3 (*RLM*, p. 399 Halm): “Omne enim, quod in quaestionem venit, habet aliquid, cui comparetur, cum quo conferatur, quia est ei aliquid simile [...]. Et ducetur aut ab exemplo aut a parabola aut a fabula aut ab imagine. Ab exemplo, sicut hoc est: si custodes corporis Dionysio dederitis, etc.”.

<sup>61</sup> In the *De or.* 2, 168–172 as examples of *loci a simili*, *a contrario*, etc. he brings forth a good number of historical characters. [*Cicero*] *Ad C. Herennium*... . Ed. H. Caplan, p. 237, n. ° lists *De or.* 2, 169 as one of the passages illustrating the place of exemplum “in Cicero’s theory of argu-

162–173 and in Cicero's *Topica* [...] *loci* are no longer content-specific, but have become the *sedes argumentorum* (*Top.* 8) in the sense of formal patterns<sup>62</sup>. It follows, then, that the references to the past in general formed part of the potential arguments available for a speaker, but needed not be used as artificial *proofs*. Any speaker would be thus allowed to proceed in the following way: first, either pick an already existing point of reference (the so-called stock exempla<sup>63</sup>) from among the *sedes argumentorum* (τὸ λέγειν πράγματα προγεγενημένα) or invent one (τὸ αὐτὸν ποιεῖν) by himself. Then he would have to determine his goal as either strictly persuasive or otherwise. In the former case, he could shape the reference to the past, depending on the circumstances, into either an exemplum proper or an antonomasia.

Cicero must have had this broader application in mind when he recommended to orators the mastering of as many exempla as possible<sup>64</sup>, which is most apparent from his practice. Although there are some hints in his writings, especially in the *De officiis*, as to how a person should live up to his or her family and/or personal exempla (hence in a wider sense of the word)<sup>65</sup>, their use will be determined more by the political than the rhetorical context. In studying the speeches as illustrating his art of persuasion, however, one ought to rely on more precise precepts. As was observed by C.P. Craig, who comments on the three possible approaches to the Ciceronian oratory offered by C.J. Classen, the kind of study with which we are concerned is impossible when detached from the political background of a given speech<sup>66</sup>. The unique situation of each of the orations being taken into account,

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mentation". Cf. also the references quoted in n. 13 above where exempla count among the figures of thought.

<sup>62</sup> See C.P. Craig: *Form as Argument in Cicero's Speeches. A Study of Dilemma*. Atlanta 1993, p. 2, n. 3. Cf. *Aristoteles. Rhetorik...* Hrsg. C. Rapp, ad 1402b12–1402b20 (p. 794 f); *Cicero's Topica*. Ed. T. Reinhardt. Oxford 2003, passim.

<sup>63</sup> On the 'stock exempla' see, e.g., H. van der Blom: *Cicero's Role Models...*, pp. 107–117. On the collections of exempla and their function outside of rhetoric cf. H.W. Litchfield: "National *Exempla Virtutis* in Roman Literature". *HSCPh* 25 (1914), pp. 1–71.

<sup>64</sup> See Cic. *De or.* 1, 18 quoted (with literature) in n. 18 above; *Orat.* 120 fin.: "Commemoratio autem antiquitatis exemplorumque prolatio summa cum delectatione et auctoritatem orationi adfert et fidem"; *Part. Orat.* 96 init.: "Uterque vero ad augendum habeat exemplorum aut recentium, quo notiora sint, aut veterum, quo plus auctoritatis habeant, copiam". Cf. Quint. *Inst.* 12, 4, 1.

<sup>65</sup> See Cic. *Off.* 1, 115–121; 2, 46 f and H. van der Blom: *Cicero's Role Models...*, passim (pp. 83 f for theoretical precepts); R. Langlands: "Roman *Exempla* and Situation Ethics: Valerius Maximus and Cicero *de Officiis*". *JRS* 101 (2011), pp. 100–122. Cf. *Cicero's De Provinciis Consularibus...* Ed. L. Grillo, ad § 27 (p. 176).

<sup>66</sup> See C.P. Craig: *Form as Argument...*, pp. 3–8 on C.J. Classen: "Ciceros Kunst der Überredung." In: *Éloquence et rhétorique...* Éd. W. Ludwig, pp. 149 f. The three approaches, in short, are these: "1) We may examine each speech in terms of its unique situation [...], 2) We may detail the extent to which Cicero's practice corresponds with rhetorical theory [...], 3) We may notice tactics that Cicero uses repeatedly in the speeches without trying to connect these tactics with rhetorical theory".



therefore, we could examine “the extent to which Cicero’s practice corresponds with rhetorical theory”<sup>67</sup> as described above. Every instance of a departure from what the handbooks advise would of course compel us to investigate the cause of the flexibility of an exemplum.

The inquiry into the subject should begin with establishing whether or not a historical figure is referred to by the speaker as a means of persuasion, i.e. as a “vehicle” of either a logical (the exemplum proper) or an ethical (the antonomasia) argument. Then there would follow a detailed examination of the relations between the point of reference and the designate (and their relation to the predicate in the case of exemplum) based on both Aristotle’s analytical theory and Quintilian’s description of the degrees of similarity, for the discussion of which there is no space in the present paper. Next, the study would focus on the speaker’s rhetorical goal: is he aiming at portraying the character of the designate or at convincing the audience that certain action took/did not take place/was just/unjust, etc.? In the latter case, one would have to sketch a pattern consisting of the following items: a presupposed statement of fact or value judgement, a premise, a conclusion, and a predicate through which these can be ascribed to the same general class. Such a research methodology, to my view, would help us understand better the ways in which Cicero availed himself of the theoretical precepts, on the one hand, and in which the Romans adjusted historical figures to their own exemplary discourse, on the other.

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<sup>67</sup> As instances of such research methodology it suffices to enumerate F. Rhode: *Cicero quae de inventione praecepit quatenus secutus sit in orationibus generis iudicialis*. (Diss.) Königsberg 1903; C.J. Classen: “Cicero *Pro Cluentio* 1–11 im Licht der rhetorischen Theorie und Praxis”. *RhM* 108 (1965), pp. 104–142; B.P. Wallach: “Cicero’s *Pro Archia* and the Topics”. *RhM* 132 (1989), pp. 313–331.

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