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Commentary on McInnis

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Author: Michael Leff
In Response to: Christa McInnis' *Ebrius: The rhetorical topos of drunkenness in Cicero's speeches*

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Crista McInnis is quite clear about her purposes. She wants to demonstrate that Cicero's speeches have value for "the historian interested in the study of argumentation," and I think she succeeds in achieving this goal. She provides ample evidence that drunkenness does appear as a recurrent topic in Cicero's orations and that, since it consistently works to discredit leaders of the "Populares faction, it performs an important partisan political function.

I want to approach the Ciceronian topics from a different angle. Rather than inquire into what they might tell us about Roman political history, I am interested in discovering what value they might have for contemporary students of argumentation theory. Of course, these two purposes are related and, in the best case, they should be integrated. The historian's study of Cicero's argumentation benefits from theoretical insight into the nature of argument; and since argumentation is not a formal study but is always connected with circumstances, theoretical inquiry into Cicero's argumentation must acknowledge of the historical context of his speeches. Nevertheless, as McInnis' paper well illustrates, the two perspectives can be separated long enough for us to concentrate on important questions that arise when we deal with one of them in isolation. Thus, my response comes as a supplement to McInnis' paper and as an exploration of the road she did not take.

From this perspective, my first task must be to enlarge and complicate the view of topics that McInnis presents. She defines the "topoi, or commonplaces, of ancient oratory" as "common descriptions, examples or themes" relating to argument, and as a general point of departure, this account has some usefulness, but the lore of topics is far more technical and less straight-forward that this preliminary definition suggests. Different authors approach the topics in strikingly different ways; Aristotle, for example, treats the rhetorical topics mainly as inferential schemes used in enthymematic reasoning, while other authorities do not invoke the enthymeme and conceive the topics mainly as subject headings. Moreover, as Thomas Conley (1997, 706-711) has demonstrated in the case of Philo of Alexandria, several different conceptions of topics may appear within the work of the same author. In fact, this combination of topical systems is typical in the classical treatises, and it is apparent in Cicero's *De inventione*, the source that McInnis uses for her definition.

At *De inventione* II.47-48, Cicero presents his version of the common topics (*loci communes*). He observes that while some arguments apply only to a particular case, there are others that "are of a more general nature, and adaptable to all or most cases of the same kind. These arguments that can be transferred to many cases we call common topics (*locos communes*)." This is the passage McInnis cites in her paper when she introduces the concept of "topoi or commonplaces." We should note, however, that Cicero does not equate topic and commonplace, for he makes no mention of topics (i.e., *loci* or *topoi*) at this point, and earlier, at I.34-44, when dealing with what he calls topics (*loci*), he sets forth precepts that are notably different from the *loci communes*. (For a more detailed account of these topics, see Leff, 1983).

Lack of time prevents a full discussion of the relationship between topics and commonplaces, but to put the point very simply, the Cicieronian topics offer a set of subject

headings that concern the raw material (the timber or planks, as it were) needed to build an argument. And, since this material comes from the person and the act involved in a case, these topics are arranged under the attributes of the person and the act (e.g. who, what, where, when, etc.). The commonplace, on the other hand, is a fully worked out argument. It is, as it were, a finished product that combines all of the materials needed for an argument and embellishes those materials through ornamentation. They are what Kenneth Burke would call "minor forms"--carefully wrought passages that contribute to the general flow of an argumentative discourse but can be detached and understood as independents units.

Cicero also distinguishes between two types of commonplaces. The first of these is an amplification on some point that is beyond dispute--for example that parricide is heinous. The other type develops a position on a matter that is inherently doubtful and addresses general issues that recurrently appear in controversies and might be exploited by either side. (For example: Are rumors credible? Should the testimony of witnesses have priority over other kinds of evidence? Is testimony under torture reliable?) In these instances, orators amplify an argument, complete with stylistic flourishes and emotional appeals, to support whichever position suits their purposes. (For a more detailed account, see Leff, 1996).

This thumbnail sketch of topical lore in *De inventione* clearly indicates the niche where the drunkenness theme belongs. It is an example of the first type of commonplace, the one designed to amplify on a matter beyond doubt, and this classification might lead us to doubt whether this rubric ought to detain a student of argumentation. The other kinds of topics surely seem more relevant--topics that present inferential schemes, or that locate the material for premises, or even those that develop set-pieces on controversial issues. But the drunkenness commonplace and others of the same type might seem exercises in declamation and in arousing emotions rather than in argumentation, and they might also seem to substitute rote memorization for invention.

McInnis is well aware that these appearances are deceiving. She notes that the commonplaces are not designed to "reproduce memorized descriptions and arguments," but they are supposed to be resources that the orator can craft to meet the demands of a particular case. The exercise of declaiming commonplaces as independent units is intended not to displace invention but to offer a model for what is required in a real argumentative context. If the commonplace is to do its proper work, the orator must know when to deploy to it and how to adapt it to the circumstances at hand, and McInnis understands that these requirements make the commonplace at once a stable referent for the orator and a resource of invention. Nevertheless, owing to her interest in the immediate historical context (and perhaps to her incomplete understanding of the range of topical invention), she does not pursue the general or theoretical significance of her observations, and that is what I propose to do in the short time left to me. I want to raise two points, both of which have special implications for those of us still interested in sorting out the relationship between rhetorical and dialectical argumentation.

First, the commonplace offers a synthetic rather than an analytic approach to invention. As contrasted to the typical procedures of dialectic, this typically rhetorical exercise does not break arguments or types of arguments into component parts, but it turns attention to the composition of a whole unit, and then the unit itself becomes a model or analogy for use as part of a larger compositional effort. Moreover, the commonplaces takes shape through amplification that requires both stylistic refinement and emotional appeals. So we have some of the characteristic features that distinguish rhetoric from dialectic: amplification, attention to style, and appeals to the emotions.

Secondly, although the commonplace stands as a whole in one sense (specifically, in the sense that it is a completely worked out module), its argumentative significance depends upon its placement within the structure of the orator's case. When read out of context, a commonplace on drunkenness, for example, might appear as a bit of general moralizing that has no argumentative value. But in the context of a Ciceronian oration, the commonplace may be placed a point where it is crucial to the developing argument of the whole case. It may appear just at the "very heart of the lawsuit" (Quintilian, II.i.11), and may prove the decisive moment in an unfolding argument about the character of Cicero's opponent. The point I want to stress here is the rhetorician's focal interest in orchestrating the case and the way that the commonplace contributes to this larger persuasive purpose. This interest, again, contrasts with the habits of dialecticians, who tend to consider individual arguments as self-standing units.

These two observations would prompt us to study Cicero's use of a commonplace as part of the texture of his rhetorical art. While McInnis aggregates the instances of the commonplace and locates a common purpose for them in the immediate political context, I would want to distinguish these instances from one another, note differences in their treatment, and consider how they function within the argumentative economy of a specific oration. That is, I would approach the commonplace within the context of the text itself and hope to discover how Cicero uses it as an element of case-management. This inquiry hardly runs counter to McInnis' purposes, and in fact it depends upon historical scholarship of the type she practices, since without an understanding of the political function of the commonplace, no theoretical study is likely to have much value. At the same time, I believe that careful attention to the topics as aspects of argumentation theory can prove a useful supplement to scholars who maintain a more strictly historical interest in argumentative texts.

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