

## Quintilian's Concept and Classifications of Rhetoric

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### Abstract and Keywords

This chapter provides an overview of Quintilian's views on the categories of rhetoric (in relation to existing positions) as outlined in the second part of Book 2 and in Book 3. Concepts discussed include the definition, function, and character of rhetoric, comments on the history of rhetoric and rhetorical theory, the parts of rhetoric, the theory of *status*, as well as the different types of speeches and their characteristics. It can be shown that this part of the *Institutio oratoria* is an important source and illustrates how an educated and well-read professional rhetorician in the early Imperial period reacts to views expressed by predecessors, especially since Quintilian, as a true researcher, aims to offer a panorama of views from which both he and his readers can choose.

Keywords: ars, genera causarum, status, quaestio, parts of rhetoric, type of speech, Hermagoras, Apollodorus, honour, expediency

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## 5.1 Introduction

WHILE Quintilian's understanding of rhetoric and his views on its classifications obviously inform the entire *Institutio oratoria*, they are outlined most systematically and coherently in the second part of Book 2 and in Book 3. Thus, Quintilian's position can best be explored by going through the issues addressed in those two books sequentially, setting out his views as well as his approach and his way of presenting the material in comparison with his predecessors. This will demonstrate how, despite a confusing array of existing views noted by himself, Quintilian manages to provide a clear categorization and definition of the three *genera*.

Quintilian opens Book 3 with the statement that he has talked about the nature and purpose of rhetoric in Book 2 and will now turn to the matter of the origins of rhetoric, discuss its components, and address the issue of how the orator is to deal with each of these (3.1.1). As an answer to the question after the nature of rhetoric (raised in 2.15), he summarizes: rhetoric is an art (*ars*), useful (*utilis*), and a virtue (*virtus*), and it covers all sub-

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jects about which one needs to speak. From Book 4 onwards Quintilian proposes to explain the structure of forensic speeches, which he describes as particularly various and complex (4 pr. 6); in Book 1 and in the first part of Book 2 he outlines his educational maxims (1.1–2.10), since in his view only a good man can be a good orator and therefore the education of the orator has to begin with early training towards virtue (1 pr. 3–5, 9, 18). This structure shows that a close relationship is intended between Book 3 and the second part of Book 2 since both deal with fundamental issues of definition (cf. p. 102 Quintilian's description of the organization of his work: 1 pr. 21–22; division into books seems to go back to Quintilian [see Kennedy 1969: 31], but division into chapters and their headings does not [see Classen 1965]).

In 2.11 Quintilian moves on, as he notes (2.11.1), to matters that typically form the beginning of rhetorical training. He starts by justifying that education in the art of rhetoric is necessary: someone trained in rhetoric will be superior to an untrained (though sometimes impressive) orator. Then Quintilian discusses the use of the Greek term 'rhetoric' in Latin (2.11–14). What he calls 'rhetoric' (*rhetorice*, 2.14.1–4) can be divided into *ars* (*bene dicendi scientia*), *artifex* (*orator, cuius est summa bene dicere*), and *opus* (*bona oratio*); he states that he is going to treat *ars* first (2.14.5). With the question *quid sit rhetorice*, posed at the opening of the following chapter (2.15), a more precise definition of rhetoric as *ars* is introduced, which leads into the discussion of this aspect.

At the beginning of Book 3—after having recapitulated the discussion of the previous book and announced the topics to be addressed in what follows—Quintilian indicates the difficulties he will have to face in outlining the principles of rhetoric, because earlier Greek and Roman rhetoricians have put forward so many different views, which he sketches briefly (3.1). After stating that 'Nature thus gave us the beginnings of speech, observation the beginnings of art' (*initium ergo dicendi dedit natura, initium artis observatio*, 3.2.3), Quintilian adduces the best authorities for the view that the system of rhetoric consists of five parts (3.3.1): *inventio, dispositio, elocutio, memoria, pronuntiatio sive actio*. He admits that others see the parts of rhetoric as *laudativa, deliberativa, and iudicialis*, but in his view this distinction is based on the material (*materia*) rather than on the art (*ars*). Therefore, he reports, some preferred to speak of *genera rhetorices*; the best solution, however, is to adopt Cicero's term *genera causarum* (3.3.14–15). In setting it off from alternative terminology, Quintilian defends the content-based definition of the three *genera* as concerned with praise and blame, deliberative, and forensic (3.4). Quintilian moves on to define what the *oratio* (*res et verba*) and the aims of the orator (*docere, movere, delectare*) consist in (3.5.1–2) and to distinguish between the different *quaestiones* (3.5.3–18); he arrives at the statement that in all cases of a distinction between the general and the particular the same categorization of material applies as in legal cases (3.5.16). Since each case is based on a definition of the Issue (*status*), Quintilian devotes a long section to this point (3.6), only to return afterwards to the original distinction into the three *genera causarum* (3.6.104): he first deals with speeches of praise and blame (3.7), then with deliberative speeches (3.8), and finally with forensic speeches, discussed in detail with respect to their parts and questions addressed (3.9–11; for overviews of the

different aspects of oratory and rhetorical discussions, see the relevant sections in Martin 1974; Porter 1997; Lausberg 1998).

Throughout, Quintilian critically engages with the rhetorical tradition before him, commenting on the views of earlier rhetoricians as well as on the transmission of their texts (cf. 1 ded. 1); he exploits previous treatments as starting points or justifications for his own treatment (e.g. 3.5.14–15; on Quintilian's sources see e.g. Cousin 1936: 109–160 [Book 2], 161–210 [Book 3]; Adamietz 1966, 1986: 2252–2254; Reinhardt and Winterbottom 2006: xlii–xlv, 395–401, and *passim*).

### (p. 103) 5.2 Definition of Rhetoric (2.11–21)

When turning to the detailed discussion of rhetoric in the middle of Book 2, Quintilian places it in the context of other rhetorical doctrines from the start:

iam hinc ergo nobis inchoanda est ea pars artis ex qua capere initium solent qui priora omiserunt. (2.11.1)

At this point I must make a start on that part of the art of rhetoric with which writers who have omitted the earlier stages normally begin.

While Quintilian proceeds to explain that setting down rules for the aspiring orator makes sense since rules for rhetoric exist (though even the untrained can make speeches), he distinguishes himself from other writers of textbooks who have put down fixed laws: the orator will have to apply these guidelines flexibly according to the circumstances, always bearing in mind (2.13.8) *quid deceat, quid expediat* (2.13.1–14). Thus, in his opinion, young people should not assume that their education is complete once they have learned the rules from a textbook, even if rules are an aid (2.13.15–16). Quintilian therefore concludes:

late fusum opus est et multiplex et prope cotidie novum et de quo numquam dicta erunt omnia. quae sint tamen tradita, quid ex his optimum, et si qua mutari adici detrahi melius videbitur, dicere experiar. (2.13.17)

Our work is extensive, varied, and new almost every day; never will everything have been said about it. What I shall try to do is to set out the traditional doctrines, what is best in them, and whatever changes, additions, or omissions seem desirable.

This critical approach explains the perhaps slightly unusual character of the subsequent chapters: there Quintilian gives a survey of doctrines presented by earlier rhetoricians, comments on and criticizes them as appropriate, and presents his own views in relation to the tradition (cf. 1 pr. 2; 1 ded. 1). The overview starts with the stated decision to use the term *rhetorice* in this Latin work, on Cicero's model, instead of suggested Latin translations (2.14.1–4). 'Rhetoric', according to Quintilian, can be divided into three areas:

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igitur rhetorice (iam enim sine metu cavillationis utemur hac appellatione) sic, ut opinor, optime dividetur ut de arte, de artifice, de opere dicamus. (2.14.5)

“Rhetoric” then (I shall use this word from now on without fear of criticism) will be best, in my view, divided into (1) the art, (2) the artist, (3) the work.

Quintilian goes on to explain his understanding of these items: *ars* is a *disciplina*, namely *bene dicendi scientia*; *artifex* is the orator, *cuius est summa bene dicere*; and *opus* is *bona oratio* (2.14.5). This distinction will govern the rest of the exposition. He then states that (p. 104) he will start with *ars* (2.14.5); with the question *quid sit rhetorice*, posed at the beginning of the following chapter (2.15.1), a more precise definition of rhetoric as *ars* is introduced. After summarizing a wide range of definitions proposed by earlier rhetoricians, outlining their problems and deficiencies, Quintilian reveals that he subscribes to a definition with a moral element, since he is concerned with the perfect orator, who should be a ‘good man’ (*vir bonus*) in his view (2.15.33; cf. 1 pr. 9, 12.1): for him only a good man can speak well; the ultimate goal therefore is ‘to speak well’ (2.15.34, 38; 2.16.11; 3.3.12; cf. Cic. *De orat.* 1.83; on Quintilian’s concept of the orator as a *vir bonus*, see Winterbottom 1964).

Although Quintilian has listed a number of opinions (some assigned to particular individuals) before reaching this point, he claims that this survey is not a comprehensive overview of all existing proposals, but rather a selection of those that are most famous and most seriously discussed (2.15.37). The question of whether views are traditional or widely spread frequently functions as a criterion for discussing them, though Quintilian claims to have also searched out unusual or obscure theories. At the same time he seems to feel overwhelmed by the variety of definitions and the sometimes minute differences between them; he refers this situation to the intention of each writer never to use the words of a predecessor. He does not claim the same intention for himself: he will just follow what is right (2.15.38). Thus, he posits scholarly and factual accuracy as more important for him than acquiring fame by finding a new turn of phrase.

Quintilian goes on to reject the view that rhetoric is not useful for the reason that it can be abused and exploited to pursue bad aims (2.16): if the science of speaking well is the aim of rhetoric, so that the orator will be a good man, which Quintilian assumes, it will have to be admitted that rhetoric is useful (2.16.11). As human beings are distinguished from animals by the faculty of speech, this ability should be cultivated. Quintilian thus confirms, against other views, that rhetoric is an art, since things originating in nature are made perfect by art, and this is accomplished better by someone who has learned it; he refutes a number of objections against such a position in detail (2.17; cf. 1 pr. 26–27). This discussion is again based on Quintilian’s definition of rhetoric outlined previously: speaking well is an art and a positive end in itself:

aiunt etiam omnes artes habere finem aliquem propositum ad quem tendant: hunc modo nullum esse in rhetorice, modo non praestari eum qui promittatur. mentiuntur: nos enim esse finem iam ostendimus et quis esset diximus; [23] et praestabit hunc semper orator: semper enim bene dicet. firmum autem hoc quod opponitur

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adversus eos fortasse sit qui persuadere finem putaverunt: noster orator arsque a nobis finita non sunt posita in eventu; tendit quidem ad victoriam qui dicit, sed cum bene dixit, etiam si non vincat, id quod arte continetur effecit. (2.17.22–23)

They also say that all arts have a definite end to which they are directed, but in rhetoric sometimes there is no such thing, and sometimes the promised end is not achieved. This is false. We have already shown that there is an end, and what it is. Moreover, the real orator will always achieve it, because he will always speak well. However, this criticism may perhaps be valid against those who think that the “end” is to persuade. My orator, and the art that I have defined, do not depend on the outcome. The (p. 105) speaker certainly aims to win; but when he has spoken well even if he does not win, he has fulfilled the demands of his art.

After Quintilian has defined rhetoric as an art, he provides a variety of further specifications: in terms of type of art (based on theory, consisting in action, depending on a result) rhetoric is an art consisting of action, but it can also just exist or create a product by the composition of speeches (2.18). In answer to the question of whether natural abilities or teaching are more important for the creation of the perfect orator (*consummatus orator*), Quintilian says that perfect orators can only exist by a combination of the two, while teaching will be more relevant than nature (2.19.1–2; on the role of nature in Quintilian's work, see Fantham 1995). Further, Quintilian addresses the issue of whether rhetoric is a value-free art, whose usefulness is determined by the moral qualities of those who apply it, or whether it is a virtue: the rhetoric Quintilian is thinking of is a virtue (2.20.4). In addition to the reasons adduced by philosophers (whose identity he does not define), Quintilian's own argument is that a good orator must have knowledge of other virtues, and since for all beings those features by which they surpass others are their virtue, and man surpasses other animals in reason and speech, human virtue includes eloquence. Therefore, Cicero agrees with Crassus, who is made to say by Cicero (*De orat.* 3.55) that eloquence is one of the highest virtues (2.20.9). From the fact that rhetoric is a virtue Quintilian does not conclude that its subject matter (*materia*) is the entire life, as he rejects other definitions of *materia* (2.21.1–3). On the authority of others, he decides that the subject matter of rhetoric is everything that it is made to speak about (2.21.4, 20). With reference to Plato (*Gorg.* 451d; *Phaedr.* 261a) and Cicero (*Inv.* 1.7; *De orat.* 1.64–67; 3.54), Quintilian asserts his belief that the subject matter of rhetoric consists not in words (*verba*), but rather in things (*res*) (2.21.4–6). This subject matter is not unlimited, but varied (2.21.7–11). Accordingly, an orator must have knowledge of what he is talking about and will then speak better than experts in the subject (2.21.14–19). Quintilian adds that Aristotle's division of speeches into forensic, deliberative, and epideictic covers all objects of rhetoric (2.21.23).

In the second part of Book 2 Quintilian has thus set off his own view of rhetoric against other existing ones and provided the framework for further specifications: rhetoric is an art, but teaching is also a relevant factor in producing the perfect orator, who will be a ‘good man’, speak well, and be able to talk about all things which need the spoken word.

## 5.3 History of Rhetoric and Rhetorical Theory (3.1-2)

At the start of Book 3 Quintilian indicates the aspect of rhetoric to be treated there: 'I shall now expound its origins, its component elements, and how we should discover and handle each constituent' (*iam hinc unde coeperit, quibus constet, quo quaeque in ea* (p. 106) *modo invenienda atque tractanda sint exequetur*, 3.1.1). Thus, among other things, he announces a more detailed discussion of the different kinds of speech and the tasks of orators. Before he embarks on that, he issues a list of warnings: the material to be presented is particularly difficult (3.1.2), it will not be very pleasurable (3.1.2-4), it will not be very original (3.1.5), and it will encounter criticism since there are so many different views and people tend to stick to a single doctrine (3.1.5-7).

This opening leads into an extended survey of earlier intellectuals who wrote on rhetoric, both Greek and Roman (3.1.8-21): Quintilian mentions Empedocles as the earliest representative of rhetoric as well as Corax and Tisias as the oldest writers of textbooks (3.1.8); he refers to the works of Aristotle and Theophrastus (3.1.14-15); the first Romans of note according to him are Cato, then M. Antonius and later, of course, Cicero (3.1.19-20). Quintilian provides his own views on some of these men, but he does not assess them all; he often simply defines their chronological position and names their works. Still, this section is an important piece of evidence on the rhetorical tradition preceding Quintilian in terms of what he was aware of and what influenced his own writing, as regards opinions he feels prompted to refute, and with respect to the development of his own ideas. The overview is placed at the beginning of the discussion of the main substantive issues and illustrates the difficulties for Quintilian in dealing with such an extensive and varied tradition (cf. Adamietz 1966: 66-69).

In line with what he said at the beginning of the chapter, namely that 'its contents will be for the most part not discoveries of mine but the doctrines of others' (*pleraque non inventa per me sed ab aliis tradita continebit*, 3.1.5), Quintilian confirms, when he reaches Cicero in the historical overview, that one could hardly say anything after him had he not himself denounced his early work *De inventione* (80s BCE) in later writings (Cic. *De orat.* 1.5 [55 BCE]; cf. 2.15.6; 3.5.15; 6.59) and had omitted some details:

praecipuum vero lumen sicut eloquentiae, ita praeceptis quoque eius dedit unicum apud nos specimen orandi docendique oratorias artes M. Tullius, post quem tacere modestissimum foret, nisi et rhetoricos suos ipse adulescenti sibi elapsos diceret, et in oratoriis haec minora, quae plerumque desiderantur, sciens omisisset.  
(3.1.20)

But it was Cicero, the unique model both of oratory and of the teaching of oratory, who shed the greatest light on the theory as well as on the practice of eloquence. After him, the most modest course would be to keep silent, had he not himself said that his "rhetorical" books were an indiscretion of his youth, and had he not delib-

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erately omitted, in his "oratorical" books, the details whose absence we often regret.

This comment justifies that Quintilian may disagree with some of Cicero's views and that he can write another book on rhetoric, allegedly to fill the gaps. Since Cicero's rhetorical works are even less standard handbooks than Quintilian's treatise, he might have noticed the absence of a more down-to-earth treatment and practical advice for orators.

Still, despite the long tradition before him and Cicero in particular, Quintilian concludes the chapter by announcing a certain amount of originality and freedom of choice:

(p. 107)

non tamen post tot ac tantos auctores pigebit meam quibusdam locis posuisse sententiam. neque enim me cuiusquam sectae velut quadam superstitione inbutus addixi, et electuris quae volent facienda copia fuit, sicut ipse plurimum in unum confero inventa, ubicumque ingenio non erit locus curae testimonium meruisse contentus. (3.1.22)

All the same, despite all these great authorities, I shall not feel it wrong to give my own views on some subjects. I have not bound myself superstitiously (as it were) to any sect. My object has been to give my readers an opportunity to choose as they will, just as I myself bring together the discoveries of many, and am content with a reputation for accuracy wherever there is not scope for originality.

There is, however, not a real contradiction. As a true scholar and teacher, Quintilian feels obliged to research views on the topic of rhetoric (even obscure ones) and record them accurately, so that both he and his readers can choose the best doctrines on a case-by-case basis (1 pr. 1-3; 2.13.17; 6.2.25; 9.4.2). Where no satisfactory theory exists in his assessment, he feels prompted to provide his own opinion. That he outlines the subject and his own views on the basis of the tradition, so that he can assess and supplement where necessary, explains the detailed account of other theories.

After situating himself within the tradition of earlier teachers of rhetoric, Quintilian moves on to the first topic of those indicated for Book 3, the question of the origin of rhetoric, which he intends to deal with briefly: in taking up ideas indicated in the previous book (2.17), Quintilian presents the view that the gift of speech was received from nature and then developed (3.2).

## 5.4 Parts of Rhetoric, Categorizations (3.3-5)

The next item of those listed at the beginning of the book (3.1.1) is dealt with in greater detail within an explanation of the parts of rhetoric, for which no parallels exist (cf. Adamietz 1966: 16). In terms of the system for delivering speeches (*orandi ratio*), in line with most and the best authorities Quintilian divides it into five parts: *inventio*, *dispositio*, *elocutio*, *memoria*, *pronuntiatio* or *actio* (3.3.1; cf. Cic. *Inv.* 1.9; *De orat.* 1.142; 2.79; *Brut.*

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214; *Part. 3; Rhet. Her.* 1.3). He argues against others who posit fewer or more parts or arrange them in a different order. In his own view he feels corroborated by Cicero. With respect to terminology Quintilian insists that these items are parts of rhetoric rather than functions of the orator or works or elements of rhetoric (3.3.11–12).

Accordingly, Quintilian does not approve of applying the term 'parts of rhetoric' to different types of speeches, since each of them includes rhetoric as a whole (3.3.14–15). He therefore prefers the terminology used by Cicero in some works (*Cic. Inv.* 1.7, 12; *De orat.* 2.43; *Part.* 70; *Top.* 90), also called an 'old view' (3.4.4), that the three *genera* of rhetoric (p. 108) (as others had named them) are to be called 'kinds of Causes' (*genera causarum*): *laudativum, deliberativum, iudiciale* (3.3.15; 3.4) (on the 'three types of speech', see Albaladejo 2003). Quintilian explains that everything falls under these headings, depending also on the audience, on whether the questions discussed relate to the present, past, or future, or on whether the matter is certain or uncertain. All other types of speech identified by other rhetoricians, who have argued that there are more than three, including an unnamed famous contemporary rhetor and Cicero in other works (3.4.2–3; cf. *Cic. De orat.* 2.43–70), can be subsumed under these three genres (3.4).

Without any explicit transition Quintilian goes on to outline further categorizations: every speech consists of content and words; the ability to speak is created by a combination of nature, art, and practice; there are three aims of the orator: to instruct, to move, and to delight (3.5.1–2; cf. 12.10.59; *Cic. Orat.* 69). To Quintilian this division seems clearer than others based on content and emotion. There is, however, general agreement as to distinguishing between 'legal' (*de iure*, based on a written text) and 'rational' (*de re*, not based on a written text) questions in Hermagoras' terminology (3.5.4–5). Quintilian goes on to note that it is also agreed that there are definite and indefinite questions, i.e. general questions and those based on particular facts (3.5.5–18). Definite questions are determined by facts, persons, and times; they are called *causae* in Latin (3.5.7). In contrast to the definition of Apollodorus, who describes *causa* as an affair (*negotium*) relating to the question in all its parts, Quintilian, with reference to Cicero (*Cic. Top.* 80), states his own definition of *causa*:

causam nunc intellegamus ὑπόθεσιν, negotium περίστασιν. sed et ipsam causam quidam similiter finierunt ut Apollodorus negotium. Isocrates autem causam esse ait quaestionem finitam civilem aut rem controversam in personarum finitarum complexu, Cicero his verbis: 'causa certis personis locis temporibus actionibus negotiis cernitur, aut in omnibus aut in plerisque eorum'. (3.5.18)

Let us now understand "Cause" as hypothesis, and "affair" as peristasis. Some have defined "Cause" itself also in much the same terms as Apollodorus defines "affair". Isocrates says that a "Cause" is "a Definite Question of a political kind, or a dispute involving definite persons" and Cicero says (I quote): "A Cause is marked out by certain definite persons, places, times, actions, and affairs, and relates to all or most of these".



### 5.5 *Status* (3.6)

After having outlined different systems of determining the parts of rhetoric, Quintilian, for the rest of the book, moves on to the third thematic area indicated at its start, the way in which each component should be identified and handled (3.1.1). The division into the five parts of rhetoric (3.3) and the three *genera* of Causes (3.4) guides the order of the following discussion. This combined structuring principle can already be found in Cicero's (p. 109) *De inventione*, but there it is restricted to two parts of a speech, *confirmatio* and *reprehensio*; in the *Rhetorica ad Herennium* the entire topic of *inventio* is arranged according to the types of speech, but there is no section applying to all types as in Quintilian (on these structural principles, see Adamietz 1966: 15–16). Quintilian's first main section (3.9–6.4) is devoted to the first part, *inventio*, but, as he indicates, elements of *tractatio* have also been included (e.g. 3.7.10, 12, 20).

Quintilian starts by discussing what is common to all three types of speech, in line with his view that each case is based on some Issue:

ergo cum omnis causa contineatur aliquo statu, prius quam dicere adgredior quo modo genus quodque causae sit tractandum, id quod est commune omnibus, quid sit status et unde ducatur et quot et qui sint intuendum puto. quamquam id nonnulli ad iudiciales tantum pertinere materias putaverunt, quorum inscitiam, cum omnia tria genera fuero executus, res ipsa deprendet. (3.6.1)

So, since every Cause rests on some Issue, before I begin to explain how each type of Cause should be treated, I have first to consider a question common to all, namely what is an Issue, how it arises, how many of them there are, and what they are. Some however have held that they are relevant only to forensic subjects: these people's ignorance will be revealed by the facts, when I have discussed all the three kinds.

More detailed discussion, however, of what is more relevant to forensic speeches, is postponed, at the end of the chapter, to later sections:

sed quia magis haec variantur in litibus et fere tradita sunt ab iis qui de iudicialibus causis aliqua composuerunt, in illam partem differantur. nunc, quia in tria genera causas divisi, ordinem sequar. (3.6.104)

But as these vary more in actual court cases and are usually taught by writers on Judicial Causes, they may be postponed to that part of my work. For the moment, having divided Causes into their three classes, I shall take these in order.

The discussion in this chapter is structured as follows: indication of the questions to be addressed (3.6.1), section on terminology (3.6.2–4), considerations on definition (3.6.4–6), reflections on the origin of Issue (3.6.6–12), further considerations on definition (3.6.13), question of whether the Issue arises from the accuser or the respondent (3.6.13–20), final words on definition (3.6.20–22), survey of elements of Issues (3.6.23–28), overview of oth-

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er Issue theories (3.6.29–62), Quintilian's own views (3.6.63–90), discussion of the number of Issues per Cause (3.6.91–103), forward reference to treatment of motive, point to decide, and core (3.6.104). The distinction between overall rules and those specific to individual *genera causarum* can also be found in other rhetorical works, but in Quintilian the general part only covers the doctrine of *status* (cf. Adamietz 1966: 17).

Quintilian assumes some basic knowledge of the doctrine of *status* (cf. e.g. Cic. *Inv.* 1.10–19; 2.12–178; *Rhet. Her.* 1.18–27; 2.2–26; also Cic. *De orat.* 1.139–140; 2.104–113; *Part.* 98–108; *Top.* 93–96) and focuses on the matter rather than its name (3.6.2). The (p. 110) exposition apparently takes its starting point from Hermagoras (on Hermagoras' role in rhetorical theory, cf. Cic. *Inv.* 1.12, 16; *Brut.* 263, 271), who is said to have added the Issue of transference (3.6.60; Cic. *Inv.* 1.16) and seems not to have structured his discussion according to the three *genera causarum* (cf. Adamietz 1966: 109). Quintilian provides an extensive overview of other theories of *status*, sometimes recording views (e.g. of Cicero [3.6.44], who argues that any controversial matter can be captured by the three questions *sitne*, *quid sit*, and *quale sit* [Cic. *Orat.* 45]), sometimes criticizing them and relating them to each other, and juxtaposes this with his (past and current) thinking. In this overview Quintilian discusses the major theories he has come across, sometimes attributing them to particular individuals, sometimes to groups, and sometimes even stating that he has not found evidence for a particular view (3.6.29). Despite this extensive discussion he is aware both that there are more positions and that this long list might be overwhelming:

scio plura inventuros adhuc qui legere antiquos studiosius volent, sed ne haec quoque excesserint modum vereor. (3.6.62)

Careful students of the old writers will, I know, find still more variation; but I fear that even this is too much.

This statement breaks off the presentation of the views of others and leads into that of Quintilian's own position. He starts by explaining that he has changed his opinion in relation to the past; he justifies it, saying that further study would be a waste of time if one could not improve one's views, and he wishes to pass on any further insights he has gained as soon as possible. As a long-standing teacher, he is quick to state that people who have studied with him in the past have not wasted their time because he now is only presenting the long-standing principles of his views in a more straightforward and more meaningful way (3.6.63–65). The aim for clear categorization and organized exposition is obvious elsewhere in the work, both as a way to grasp the material and as an aid in teaching. Ultimately, Quintilian describes the development of his thinking as follows:

secundum plurimos auctores servabam tris rationales status, coniecturam qualitatem finitionem, unum legalem. hi mihi status generales erant. legalem in quinque species partiebar: scripti et voluntatis, legum contrariarum, collectivum, ambiguitatis, translationis. [67] nunc quartum ex generalibus intellego posse removeri; sufficit enim prima divisio qua diximus alios rationales alios legales esse: ita non erit status, sed quaestionum genus; alioqui et rationalis status esset. [68]

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ex iis etiam quos speciales vocabam removi tralationem, frequenter quidem (sicut omnes qui me secuti sunt meminisse possunt) testatus, et in ipsis etiam illis sermonibus me nolente vulgatis hoc tamen complexus, vix in ulla controversia tralationis statum posse reperiri ut non et alius in eadem recte dici videretur, ideoque a quibusdam eum exclusum. (3.6.66–68)

Following most authorities, I kept three Logical Issues—Conjecture, Quality, and Definition—and one Legal Issue. These were my General Issues. I divided the Legal (p. 111) Issue into five species: Letter and Spirit, Conflict of Laws, Inference (the “collective” Issue), Ambiguity, and Transference. Now I realize that the fourth of my General Issues can be dispensed with. The first division—between Logical and Legal Issues—is sufficient. This fourth item therefore will not be an Issue, but a kind of Question; otherwise, there would have to be a corresponding ‘Logical Issue’. Moreover, I have removed Transference from what I called Special Issues, having (as all my pupils can remember) often borne witness, and indeed made the point in the lectures which were published against my wishes, that the Issue of Transference hardly ever occurs in any dispute in such a way that another Issue cannot rightly be said to be present as well, and that this is why some people rule it out.

According to this description Quintilian originally assumed four *status generales* (*coniectura, qualitas, finitio, legalis status*), with the last of these further subdivided into five *species*. This resulted in inhomogeneous groupings: Quintilian therefore has removed the fourth *status generalis*, since a division into *genus rationale* (consisting of *coniectura, qualitas, and finitio*) and *genus legale* (consisting of *scriptum et voluntas, leges contrariae, collectio, and ambiguitas*) will be sufficient (3.6.66–67); and he has removed *tralatio* from the *status speciales* (3.6.68). Such a structure leads to a neater arrangement, but Quintilian develops this further by referring to the three questions already accepted by Cicero (*an sit, quid sit, quale sit*) as the basis for all enquiries; he notes that this is in line with what nature prescribes (3.6.80). He adds a series of four possibilities for the inexperienced orator to consider in every case, both for the defendant and the accuser (3.6.83–85): these four types of argument (deny the charge or prove that the deed was done; show that the deed is not what is alleged or that it is; defend the act as justifiable or demonstrate that it was not; show that legal action is not justifiable or prove that prosecution is justified) are then divided into the two groups of ‘logical’ (*rationale*) and ‘legal’ (*legale*), with the latter being more complex and varied (3.6.86–90; on Quintilian’s use of Roman law in Book 3, see Robinson 2003).

The treatment of individual questions is postponed to later sections of the work. For the time being Quintilian adduces the general view that there is only one *status* for simple Causes and several in complex Causes, but there might be several for each question that relate to a Cause (3.6.91–94). The mention that in some cases there may be different *status*, for instance in questions of inheritance, leads to a consideration of such judicial cas-

es (3.6.94–103); but their detailed discussion is postponed (3.11), as Quintilian now intends to discuss the three *genera causarum* in order (3.6.104).

### 5.6 Speeches of Praise and Blame/'Epideictic' Speeches (3.7)

For speeches concerned with praise and blame (3.7; cf. Cic. *Inv.* 2.177–178; *De orat.* 2.43–47, 341–349; *Part.* 70–82; *Rhet. Her.* 3.10–15) Quintilian acknowledges that this genre is (p. 112) partly for display (cf. 3.4.11–14), but, at least in the Roman context, also has a practical function as elements of it appear in Senate and court speeches (3.7.1–4). While speeches of praise and blame may include proofs or arguments of defence (3.7.4–6), Quintilian defines the true function of encomium as to amplify and to embellish (3.7.6; cf. Arist. *Rhet.* 1.9, 1368a26–29; Cic. *Part.* 71).

Quintilian moves on to provide detailed advice on what can be praised depending on the nature of the subject (gods or men), the occasion, and the circumstances, for instance, depending on whether someone is praised before or after death and whether there are any external goods worth mentioning. A brief section on invective, where the reverse applies, follows (3.7.19–22). Quintilian repeats Aristotle's advice (*Rhet.* 1.9, 1367b7–11; 3.14, 1415b28–32) that one needs to take account of the views of the audience on what is praiseworthy and what is not, and to include praise of the audience (3.7.23–25). In line with his view of the orator as a *vir bonus*, Quintilian does not agree with the opinion that, because virtues and vices are close, in this genre an orator may use words similar in sense and thus call a miser thrifty (3.7.25; cf. Arist. *Rhet.* 1.9, 1367a33–b7). Quintilian rounds off the section on speeches of praise and blame by adding that not only human beings, but also cities, buildings, and noble words and deeds could be praised (3.7.26–28).

In conclusion, Quintilian places the genre of encomiastic speech within the system of Issues, following Cicero (*Top.* 94); this again justifies why this aspect is discussed at the start as relevant to all types of speech:

itaque, ut non consensi hoc laudativum genus circa solam versari honesti quaestionem, sic qualitate maxime contineri puto, quamquam tres status omnes cadere in hoc opus possint, iisque usum C. Caesarem in vituperando Catone notaverit Cicero. totum autem habet aliquid simile suasoriis, quia plerumque eadem illic suaderi, hic laudari solent. (3.7.28)

While therefore I do not agree that this encomiastic type of oratory is exclusively concerned with what is honourable, I do agree that it is generally within the Issue of Quality, although all three basic Issues may occur in it, and Cicero observed that Caesar used them all in his invective against Cato. But the whole thing has some similarities to deliberative oratory, because its subjects of praise are often the same as the subjects of advice in that type of speech.

### 5.7 Deliberative Speeches (3.8)

For deliberative speeches (cf. Arist. *Rhet.* 1.4–8, 1359a30–1366a21; Cic. *Inv.* 2.157–176; *De orat.* 2.333–340; *Part.* 83–97; *Rhet. Her.* 3.2–9), Quintilian insists that they are concerned with the honourable and the expedient, rather than just the latter (3.8.1–3), in line with Cicero's assessment (*De orat.* 2.334). Quintilian adds that it is not sufficient to limit this genre of speech to the issue of quality, for it may include conjecture, a question of definition, or legal issues. Its key characteristic is to persuade and to dissuade (3.8.4–6). As for (p. 113) the structure of these speeches, they are not bound by the same strict rules as forensic speeches: for instance, they may not have a *prooemium*, or this may be very short (3.8.6–9). What is most important is the speaker's own authority (3.8.12–13); the character of the speech also depends on the audience addressed (3.8.14–15). This leads Quintilian to the following conclusion:

quare in suadendo ac dissuadendo tria primum spectanda erunt: quid sit de quo deliberetur, qui sint qui deliberent, qui sit qui suadeat. (3.8.15)

Whether the object is to persuade or to dissuade, there are therefore three considerations to take into account first: what the proposal is, who are the people discussing it, and who is the adviser.

Accordingly, Quintilian deals with these three considerations in order, first turning to the types of proposal (3.8.16–35), partly applying a categorization on the basis of issues and categories known from forensic speeches: a deliberative speech may be about whether something can be done; then the issue of conjecture applies (3.8.16–17). The discussion can be about a specific point or the wider questions related to it (3.8.18–21). The main points are honour, expediency, and possibility, rather than necessity; any other points adduced by others can be subsumed under the main headings; pleasure should not be a criterion (3.8.22–32). Often the decision is relative, i.e. which course of action is more or less expedient or honourable (3.8.33–35). Therefore, Quintilian concludes, almost every advisory speech is a comparison (*comparatio*); one has to consider what could be gained and by what means, so that potential advantages and disadvantages can be weighed against each other (3.8.34).

Another element important for the outcome of a speech of advice is the personality of the speaker and the character of the people addressed (3.8.35–36). As for the audience, the speaker has to take their views and preferences into account and advise what is best for them and in such a way that they can relate to it, even presenting bad plans in a positive light (3.8.37–47). What the adviser says must be in line with his personality and background (3.8.48).

From the discussion of general principles Quintilian turns to considering how they apply to particular exercises. Naturally, talking about the adviser leads to *prosopeia*, understood as an exercise for which the speaker adopts the part of a particular individual and must create a matching speech. According to Quintilian it mostly applies to *suasoriae*, but can also occur in *controversiae*. Quintilian regards this as the most difficult exercise since

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one has to represent a character. In the schools the topics chosen for *suasoriae* often rather refer to *controversiae* or a mixture of both genres, when there is a situation of accusation and defence, but the matter requires also the consideration of honour and expediency (3.8.49–57).

Quintilian finishes the discussion of deliberative speeches with thoughts on style (3.8.58–70). In his view it is wrong to assign to *suasoriae* a style completely different from forensic speeches; a *suasoria* might not need all the parts of a speech a forensic speech might have, but the tone should be equally moderate. In both forensic and deliberative (p. 114) speeches the style has to be adapted to the subject matter (3.8.58–64). Quintilian notes (3.8.65) that Cicero's deliberative speeches are as rhetorically brilliant as his forensic speeches, although in his theoretical works Cicero seems to argue for a simpler style in deliberative speeches (*Part.* 97). This suggests that Quintilian values practical examples over theoretical advice; this is what he says explicitly in the conclusion of the chapter:

quae omnia vera esse sciet si quis non orationes modo sed historias etiam (namque in his contiones atque sententiae plerumque suadendi ac dissuadendi funguntur officio) legere maluerit quam in commentariis rhetorum consenescere; ... [70] haec adulescentes sibi scripta sciant, ne aliter quam dicturi sunt exerceri velint et in desuescendis morentur. ceterum cum advocari coeperint in consilia amicorum, dicere sententiam in senatu, suadere si quid consullet princeps, quod praeceptis fortasse non credant usu docebuntur. (3.8.67–70)

That all this is true will be plain to anyone who chooses to read not only speeches but history (where the speeches in assemblies and councils commonly fulfil the functions of persuasion and dissuasion), rather than letting himself grow old poring over rhetoricians' textbooks.... I should like my young friends to know that this is written for their benefit, so that they should not want to be trained in ways other than those they will need in real speaking, or waste time acquiring habits they will have to unlearn. Anyway, when they begin to be called into consultation by friends or to give their opinion in the Senate or to advise the emperor if he consults them, they will be taught by experience lessons which perhaps they do not believe when they receive them as instruction.

In a way Quintilian thereby devalues textbooks like the one he is writing; at the same time he sets off his own version as it trains students in the methods needed for real speeches.

## 5.8 Forensic Speeches (3.9–11)

Forensic speeches are discussed in greater detail, and there are more distinctions and categorizations than for the other two types of speech. Clearly, this provides the basis for subsequent discussions, starting in Book 4 with the structure of forensic speeches, which Quintilian regards as particularly varied and complex (4 pr. 6). The same characterization of forensic speeches (*multiplex*) can be found in Book 3: according to Quintilian, a foren-

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sic speech, although it is particularly complex, has two functions: accusation and defence (3.9.1). As for the structure of the speech, Quintilian agrees with the majority that there are five parts:

cuius partes, ut plurimis auctoribus placuit, quinque sunt: prohoemium narratio probatio refutatio peroratio. (3.9.2)

Most authorities give five “parts” of the speech: Prooemium, Narrative, Proof, Refutation, Epilogue.

(p. 115) Quintilian considers other proposals, but rejects them since they are based either on unnecessary subdivisions or on an improper use of terminology (3.9.2–5). Thus, for instance, he refutes the view of Aristotle, who had subsumed *refutatio* under *probatio* (*Rhet.* 3.13), with the argument that *probatio* is meant to set something up and *refutatio* to destroy it (3.9.5).

With respect to the five parts, Quintilian maintains that one should not simply plan them in order, but that, prior to that, one should consider the case as a whole and then compose the parts of the speech, beginning with the *prooemium*, i.e. a proper stage of *inventio* must precede any composition:

verum ex his quas constitui partibus non ut quidque primum dicendum ita primum cogitandum est, sed ante omnia intueri oportet quod sit genus causae, quid in ea quaeratur, quae prosint, quae noceant, deinde quid confirmandum sit ac refellendum, tum quo modo narrandum: [7] expositio enim probationum est praeparatio nec esse utilis potest nisi prius constituerit quid debeat de probatione promittere. postremo intuendum quem ad modum iudex sit conciliandus; neque enim nisi totius causae partibus diligenter inspectis scire possumus qualem nobis facere animum cognoscentis expediat, severum an mitem, concitatum an remissum, adversum gratiae an obnoxium.... [9] ... inspicienda igitur materia est quo praecepimus ordine, scribenda quo dicimus. (3.9.6–9)

Of the five parts I have thus established, the one to be spoken first is not the one to be thought out first. The speaker must consider, before anything else, what type of Cause it is, what the Questions in it are, what is advantageous and what disadvantageous, next what is to be established and what refuted, and then again how the Narrative is to be composed; for the statement of facts is a preparation for the proofs, and cannot be of any use unless the speaker has already decided what promises he should make regarding the proofs. The very last point to consider is how to win the judge's goodwill. For we cannot know, until we have carefully considered the parts of the whole Cause, what attitude it is expedient to try to induce in the judge—severe or merciful, tense or relaxed, averse to influence or susceptible.... We must therefore consider the subject matter in the order I have suggested, but write the speech in the order in which we deliver it.

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Quintilian goes on to point out categories for the distinction of Causes. He distinguishes three types: single (on one controversy), compound (on several controversies), and comparative (on the relative merits of people) Causes (3.10.1–4). Then he relates them back to the issues (3.10.5): once the type of Cause has been identified, the issues that apply will have to be considered.

These points do not yet conclude the methodical preparations in Quintilian's view; for, after the issues, further points have to be addressed:

his inventis intuendum deinceps Hermagorae videtur quid sit quaestio ratio iudicatio continens (vel, ut alii vocant, firmamentum). (3.11.1)

Once these points are settled, Hermagoras teaches that the next things to examine are the Question, the Line of Defence, the Point for Decision, and the Core (which others call the Buttress, *firmamentum*).

**(p. 116)** According to Quintilian's explanation of these terms, the question is anything that can be discussed from different perspectives (3.11.1–4). The line of defence is the argument chosen to justify an admitted deed, and the point for decision is the answer to the question posed, while a single Cause may involve several questions and points for decision (3.11.4–8). In line with Cicero (*Inv.* 1.19), Quintilian defines the core as the strongest point for the defendant's argument and as most important for the judge's decision (3.11.9).

In relation to these aspects that an orator will have to consider in preparing a forensic speech, Quintilian discusses a number of views he does not agree with, since they are more confusing and less straightforward, and he notes inconsistency in Cicero's comments on the subject (3.11.10–20). It is indicative of Quintilian's attitude when he finally states that orators do not always focus on these categories, though they should be kept in mind as guidelines (3.11.25–26). This distanced attitude towards detailed rulebooks of rhetoric also comes to the fore in relation to his own teaching, which he describes as potentially too detailed and unnecessary (3.11.21–28):

verum haec adfectata subtilitas circa nomina rerum ambitiose laboret, a nobis in hoc adsumpta solum, ne parum diligenter inquisisse de opere quod adgressi sumus videremur. simplicius autem instituenti non est necesse per tam minutas rerum particulas rationem docendi concidere.... [23] haec autem brevior et vel ideo lucidior multo via neque discentem per ambages fatigabit, nec corpus orationis in parva momenta diducendo consumet. nam qui viderit quid sit quod in controversiam veniat, quid in eo et per quae velit efficere pars diversa, quid nostra, quod in primis est intuendum, nihil eorum ignorare de quibus supra diximus poterit. [24] neque est fere quisquam, modo non stultus atque ab omni prorsus usu dicendi remotus, quin sciat et quid litem faciat (quod ab illis causa vel continens dicitur), et quae sit inter litigantes quaestio, et de quo iudicari oporteat: quae omnia idem sunt. nam et de eo quaestio est quod in controversiam venit, et de eo iudicatur de quo quaestio est.... [28] et quoniam quae de his erant a scriptoribus ar-



tium tradita verbosius etiam quam necesse erat exposuimus, praeterea quae partes essent iudicialium causarum supra dictum est, proximus liber a prima, id est exordio, incipiet. (3.11.21-28)

But let us leave this pedantic terminological subtlety to its pretentious labours! I have discussed it only to avoid being thought careless in the researches involved in the work I have undertaken. But it is quite unnecessary, if one is giving more modest instruction, to destroy the coherence of one's teaching with such minutiae.... Our shorter and therefore (if for no other reason) much clearer procedure will not weary the student with a maze of detail, nor destroy the coherence of his work by breaking it all down into little bits. For the student who has seen what it is that comes into the case, what the other side wants to effect in it and by what means, and (first of all) what his own side needs cannot fail to understand all the points I have been discussing. There can hardly be anyone, other than some complete fool who has absolutely no experience of speaking, who does not know what makes a dispute (that is to say, what these people call "cause" or *Core*), what the Question between the litigants is, and what has to be decided. And these are all the same thing, because the Question concerns whatever comes into dispute, and the Decision is made about whatever the Question is about.... Since I have now set out what the textbook writers tell us about (p. 117) these things at even greater length than was necessary, and have also explained above what the parts of forensic Causes are, my next book will deal first with the first of these parts, namely the Prooemium.

These final remarks once again demonstrate that Quintilian does not wish his exposition to be seen as a new theory of rhetoric, but rather as a manual providing information for those interested both in what Quintilian regards as applicable and in other theoretical systems, presented along with Quintilian's evaluations; teachers and students should be able to select and thus learn.

## 5.9 Conclusion

This section of Quintilian's *Institutio oratoria* gives his views on fundamental definitions, principles, and categories of rhetoric, based on an extensive overview of the preceding tradition. Thus, from the perspective of a modern reader, this part is an important source, and it shows how an educated and well-read professional rhetorician in the early Imperial period reacts to views expressed by predecessors. Quintilian's overview of theories is unusually extensive; this is due to the fact that, as a true researcher, he aims to offer a panorama of views from which both he and his readers can choose. Having evaluated existing views, he does not hesitate to put forward his own opinion where he does not agree with anything already proposed, as his attitude to his predecessors is characterized by both admiration and criticism. Quintilian frequently refers to Cicero, but also to Aristotle and Theophrastus, although it is uncertain whether he has read all the sources mentioned

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in the original; he might see himself continuing the tradition of rhetorical writings, even though he does not state this as explicitly as Cicero does (Cic. *Div.* 2.4).

Obviously, Quintilian has a clear idea of the views of each rhetorician and thus feels in a position to voice judgements on the genuineness and attribution of works (3.5.14). For instance, following Cicero's own comments, Quintilian accepts a development of Cicero's views over time and privileges the later opinions over earlier ones (e.g. 3.3.6–7; 5.14–15; 6.59–60, 64). Therefore, the fact that he disagrees with what Cicero says in *De inventione* does not matter since he agrees with what is expressed in the later works. Generally, Quintilian admires Cicero greatly as an outstanding orator though he sometimes criticizes his views (e.g. 2.16.7; 3.3.6–7; 3.6.59–60; 3.8.14–15; 3.8.65; 3.11.18–19; 5.11.17; 6.3.1–3; 8.3.64; 9.4.2; 10.1.107–112; 10.2.17–18; 10.2.24–25; 10.5.16; 11.1.85; 12.1.19–20; 12.10.12–15; 12.11.26–28).

While Quintilian's discussion of rhetoric is more practical and textbook-like than Cicero's rhetorical writings, the works of both authors share the feature that they do not merely provide instructions for aspiring orators, but also include reflections on the character of oratory and rhetoric and its role in a philosophical and historical context. Quintilian therefore also considers the history and character of rhetoric before outlining (p. 118) technical distinctions such as the theory of *status* or the *genera causarum* (speeches on praise and blame, deliberative, and forensic speeches). The underlying concept of the orator is that of a *vir bonus*, in contrast to the presence of *delatores* in his time. In Quintilian's view learning the rules of textbooks by heart is not sufficient for creating a good orator. Thus, Quintilian's concept of rhetoric is not only an introduction in the style of a textbook, but also continues the line of argument started with the concept of the early education towards a *vir bonus* and lays the groundwork for the more detailed discussion of the duties of the orator in subsequent books, on the path to constructing the perfect orator.

## 5.10 Further Reading

Detailed discussions of the rhetorical terminology and the sources referred to in these books of the *Institutio oratoria* can be found in the commentaries on Book 2 by Reinhardt and Winterbottom (2006) and on Book 3 by Adamietz (1966, in German); the commentaries on Book 2 by Ammendola (1928, in Italian) and on Book 3 by Taylor (1970) are not widely available. Holtsmark (1968) provides an outline of the different systems of 'issues' (*status*) as discussed in 3.6. The concept of *status* and its history have been addressed from various angles: Heath 1994 (the development of *status* theory), Heath 1995 (survey of *status* theory from the perspective of later sources), Nadeau 1959 (an overview of Greek *status* theories), Calboli Montefusco 1986 and Calboli Montefusco in this volume (summary of Greek and Roman *status* theories). Kennedy (1969), Adamietz (1986, in German), Schirren (2005, in German), and Fernández López (2007) offer overviews the *Institutio oratoria* as a whole, outlining the contents, role, and position of Books 2 and 3 in re-

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lation to the entire work. Some studies of particular aspects can be found in recent collections of essays (e.g. Albaladejo 2003; Robinson 2003).

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