

Moral Philosophy and Rhetoric in the *Institutes*: Quintilian on Honor and Expediency

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This article argues that the *Institutio Oratoria* is Quintilian's attempt to provide an education in moral philosophy through the teaching of rhetoric as a *technê*. In contrast to the way Quintilian is typically portrayed, this paper presents him as a political opportunist who hoped to benefit from the Flavian emperors' distrust of philosophy by presenting a curriculum that would tame moral philosophy by teaching it in the context of rhetoric. As a demonstration of how Quintilian envisioned rhetoric's transformation of moral philosophy, the article analyzes the treatment of the relationship between the moral and the expedient in the *Institutes*, contrasting Quintilian's rhetorical treatment to that in philosophy, particularly in Cicero's *De Officiis*. This analysis of the *Institutes* has implication for our understanding of how Quintilian's appropriation of philosophy enabled rhetoric, a practical, skills-oriented discipline, to become also the means for character formation within Roman schools and beyond.

Introduction

In rhetoric studies, two themes dominate the conventional presentation of Quintilian. First, we are encouraged to think of Quintilian as a politically disengaged schoolmaster, responding more to themes in the history of rhetoric than to the conditions of oratory in his own time. We are told by one scholar, for example, that Quintilian is “singularly unconscious of the changes that have taken place in the world since the days of Cicero”; as a result the *Institutes of Oratory* “lacks a sense of history and of the realities of contemporary life” (Clarke, 118). Despite the changed political environment under the

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Flavian emperors—a Senate that was largely a ceremonial institution and a court system that was dominated by the state through a system of informers [*delatores*]*—*Quintilian, on this account, writes as if nothing had changed since the time of Cicero. Bizzell and Herzberg summarize this view as the prevailing judgment “Some historians of rhetoric . . . seem to take Quintilian somewhat less seriously than the other major classical rhetoricians because of his uninvolved in the admittedly tricky and treacherous political life of his day” (360). Secondly, the conventional presentation, while acknowledging Quintilian’s *Institutes* as the most comprehensive and learned presentation of rhetoric in the Classical tradition, often minimizes the originality of Quintilian, maintaining that he adds nothing new to Ciceronian rhetoric. Quintilian is a “compiler,” and the *Institutes* a “painstaking and tireless collection of material” that “renounces the formulation of an original theory of its own” (Barilli, 35). Although other scholars have recently rendered judgments of Quintilian’s lack of originality problematic (*e.g.*, Logie), the conventional assessment is well captured by Bizzell and Herzberg who observe that Quintilian’s *Institutes* “is often praised faintly as a masterful synthesis that adds little of importance to classical rhetorical theory” (360).

There is, undeniably, some truth to these assessments. Quintilian can be quoted as envisioning an orator who would “shine more brightly, when he has to guide the counsels of the senate or lead an erring people into better ways,”¹ a mission that seems most unlikely under the autocratic Domitian. And Quintilian does both draw on and defer to Cicero—in his Loeb edition, Donald Russell lists more than six hundred quotations from Cicero in the *Institutes* (416–24). But I want to complicate the received assessments by presenting another view—a view of a politically opportunistic Quintilian, who, responding to Domitian’s increasing distrust of philosophers, presents his *Institutes* as a curriculum in which rhetoric could replace moral philosophy, not merely complement it, which is (I will argue) Cicero’s position. But if in Quintilian’s curriculum the ends of moral philosophy were to be achieved in the context of teaching rhetoric, how, specifically, would this be accomplished? In the second part of this article, I address this question by showing how, in the context of teaching rhetoric as a *technè*, moral philosophy programmatically becomes “rhetoricized” and thereby becomes, not an academic subject, but a means of the formation of the character of the orator. To this end, I focus on a theme in the *Institutes* that is most important to moral philosophy in the Classical tradition: the relationship between the moral and the expedient. Focusing on this theme also allows me to analyze—what for me is a most interesting feature of the

Institutes—the hierarchy of moral values in the formation of the ideal orator.

The Intentions of the *Institutes* and the Politics of the Flavian Emperors

We cannot know much about Quintilian's life, but what we do know suggests that Quintilian was more of political creature than the conventional assessment allows.² Donald Russell characterizes Quintilian as a "careerist" (and Quintilian has been immortalized as such by the generation that succeeded him),³ and his success in his profession depended very much on his pleasing the Flavian emperors. In about the year 71, Vespasian awarded Quintilian the first publicly supported chair of rhetoric in the Empire and a salary of 100,000 sesterces (Kennedy, *Rhetoric in the Roman World*, 488–9). Furthermore, Vespasian's son, Domitian, paid Quintilian a great honor when he appointed him as tutor to his grandnephews whom Domitian was grooming as his heirs (Kennedy, *Quintilian* 29). For his part, Quintilian is fulsome in his praise of the tyrannical Domitian, participating in the deification of the emperor by referring to Domitian as a god, praising him for his eloquence, and pronouncing him the greatest living poet (*Institutes* 4. pr. 2–5; 10.1.91–2).

It is also true that Quintilian's success and the success of the rhetoric that he championed flourished at the same time that philosophers were being persecuted. Quintilian was awarded a chair of rhetoric within a year of Vespasian's banishment of philosophers from Rome (Levick 76; 90). Furthermore, at about the same time that Quintilian was finishing the *Institutes*, Domitian decided to extend his father's ill-will toward philosophers by banishing them again from Rome, perhaps from all of Italy (Southern, 114–5; Ussani, 290). If we assume that Quintilian was aware of the coincidence of rhetoric's prospering and philosophy's decline, it seems reasonable to seek in the *Institutes* indications of a programmatic intention—a program to replace philosophy with rhetoric.

Vespasian and Domitian claimed to respect philosophy even as they persecuted some philosophers. Vespasian's targets were the street philosophers, especially anarchistic Cynics who led a vocal, public opposition to his government. In about 72, Vespasian banished philosophers from Rome (Levick, 89–90). The banishment was not unpopular, since these street philosophers were often viewed by Romans as arrogant non-conformists, who lacked the dedication associated with the philosophical tradition they claimed to embrace (MacMullen, 58–59). According to Brian Jones, Domitian's attitude and policy toward philosophers were similar to his father's—expressing respect

for philosophy, especially Stoicism, rewarding Stoic philosophers who taught in what he regarded as a respectful manner, but persecuting dissenting philosophers as a threat to order (121–23). Domitian sometimes tolerated disengaged philosophers who did not espouse political views but sometimes regarded those who did withdraw as expressing a defiant rejection of his regime (Jones, 122). In 93, Domitian executed some philosophers and exiled others (Southern, 114).

With this history in mind, is it merely coincidental that the view toward philosophy and philosophers that Quintilian advances in the *Institutes* is consonant with that of the Flavian rulers, especially with Domitian's? In the *Institutes*, Quintilian evidences considerable respect for philosophy, especially Stoic philosophy. Chrysippus and Cleanthes are quoted often and positively throughout the *Institutes*. In Book 10 (1.36), Quintilian assigns moral philosophy as a source of knowledge of justice that the orator needs and assigns dialectic to improve the orator's facility in argument; in Book 12 (2.9–27), philosophy, especially Stoic philosophy, is prescribed as the means to the development of the character of the *vir bonus*. And of course there is the recommendation that the infant orator's nurse be a philosopher (1.1.4). It is undeniable that Quintilian regards philosophy as central to the orator's education. As did Domitian, then, Quintilian respects the tradition of philosophy. But he shares the emperor's judgment that philosophy's incarnation in current practitioners is its disgrace:

I am very ready to admit that many of the old philosophers taught honourable principles and lived in accordance with their teaching; but in our day, very great vices have been concealed under this name in many persons. They did not try by virtue or learning to be regarded as philosophers; instead, they put on a gloomy face and an eccentric form of dress as a cover for their immorality. (1. pr. 15)

The particular vices Quintilian criticizes are left unspecified, but Domitian could find in the general reference specifically those vices that he had condemned. Quintilian's condemnation of contemporary philosophers as bearded and as non-conformist in dress (above and also at 12.3.12) is similar to the Flavians' general disdain for the unkempt street philosophers. Moreover, in his frequent criticism of philosophers for taking shelter from the forum in the "porticoes and gymnasia, and then to the school lecture rooms" (12.2.8), Quintilian might be making more than the Ciceronian contrast of the disengaged philosopher to the engaged orator; he might also be invoking Domitian's more severe and specific judgment of this withdrawal as exhibiting contempt for his regime—or at least Quintilian has left room for this inference.

The consonance of the disciplinary program Quintilian advances in the Preface and in Book 12 of the *Institutes* with Flavian emperors' policies of banishing philosophers while promoting rhetoricians was well captured over thirty years ago by Italo Lana:

Domitian, as an emperor who uses absolute political power, expels the philosophers from Rome and from Italy: Quintilian as a rhetorician, exercising a sort of cultural power, expels the philosophers in as much from the territory of the intellectuals.

The actions, political by the prince, cultural by the rhetorician, are parallel and coordinated: this constitutes the ideological covering of the situation. Quintilian is the theoretician of the "new course" and Domitian confirms his approval by entrusting the training of two of his seven great-nephews, to whom he gives the names of Vespasian and Domitian, destining them to the succession." (433)⁴

Lana's Quintilian is markedly different from the Quintilian portrayed in the work of Samuel Ijsseling and M. L. Clarke, whose work has been far more influential in rhetoric studies in the U.S. These scholars have tended to hear in Quintilian's condemnation of philosophers not a conscious echo of the emperor's view but a personal bitterness and sarcasm toward philosophy (Ijsseling, 38), motivated by jealousy (Clarke 113). But philosophers under Domitian were hardly to be envied. Clarke and Ijsseling were no doubt attempting to reconcile Quintilian's evident respect for philosophy with his criticism of philosophers. But the basis for reconciling Quintilian's positions is not to be found in the personal pique of an aging schoolmaster but in the political realities of the first century.

Quintilian's Contribution

Quintilian's attitude toward philosophy in the *Institutes* is, then, briefly this: that philosophy is too important to be left to philosophers. This position is similar to Cicero's; yet Quintilian claims at the beginning of the final book of the *Institutes* that his position on the relationship between moral philosophy and rhetoric is original, different from Cicero's: "And finally, now that the orator I was educating has been dismissed by his teachers and is either proceeding under his own power or seeking greater assistance from the innermost shrine of philosophy, I begin to feel how far I have been swept out to sea. . . . Only one man can I see in all the boundless waste of waters, Marcus Tullius, and even he, though he entered this sea with such a great and finely equipped ship, shortens sail and checks his stroke, content to speak merely about the type of style which his orator is to use. But

I, in my rashness, will seek to give him also moral principles, and assign him duties. Thus I have no predecessor to follow . . ." (12. pr. 3–4).

What is the basis for Quintilian's claim to originality? It is, as he states, that he puts greater emphasis on "moral principles," assigning the orator "duties," than Cicero did. With regard to the relationship between philosophy and rhetoric, both Cicero and Quintilian contrast an idealized past, in which wisdom and eloquence were taught as complementary disciplines, to the present. In *De Oratore*, Crassius maintains that until the time of Socrates, the same masters gave instruction in both eloquence and wisdom, rhetoric and right conduct (3. 57, 3.71–2). But the two subjects became distinct disciplines, to the disadvantage of both. Philosophy, without rhetoric, became disengaged and inert; rhetoric, in the absence of knowledge, became empty—a mere knack (3.81). In the Preface to Book 1, Quintilian recalls essentially this same idealized past and makes the same points, referencing Cicero. "These two disciplines, as Cicero very clearly argues, were once so closely joined by nature and united in function that philosophers and orators were taken to be the same. The subject then split into two, and it came about, through failure of art, that there were thought to be more arts than one" (1. pr.13). While Cicero had insisted that the genuine orator was a man of broad cultural knowledge—of philosophy, history, law, and politics—Quintilian, while affirming Cicero's emphasis on a broad, humanistic training (1 pr. 19), nevertheless insists that what rhetoric lost when it separated from philosophy was a concern with ethics: "For as soon as the tongue began to offer a way of making a living, and the practice developed of making a bad use of good gifts of eloquence, those who were counted able speakers abandoned moral concerns and these [moral concerns], left to themselves, became as it were the prey of weaker minds" (1. pr. 14). These "weaker minds" were philosophers who assumed to themselves the "the business of forming character and establishing rules of life" (1. pr 14). As Quintilian goes on to relate, at first philosophers meet the demands of forming character well but today the lives they lead, that is, their very example, disqualifies them from this responsibility (1. pr. 15). There is nothing really like this in Cicero, who does not talk about formation and duties. And while Cicero seeks a rapprochement with philosophy (*De Oratore* 3. 142), Quintilian would usurp it. He envisions a day when rhetoric can replace philosophy, though he acknowledges that at this time rhetoric must borrow some materials and themes from philosophy: "But it is the orator who will both know these things best and best express them in words; and if the perfect orator had existed at some epoch, there would be no need to apply to the schools of the philosophers for the precepts of

virtue. As things are, we must return to those authors who, as I said, took possession of the better part of rhetoric when it was unoccupied, and demand its return, as our by right—not appropriate their discoveries but show them that they have appropriated what was not theirs (1.pr. 17). In Book 12, he is even more explicit: “May the time come when some perfect orator, such as we pray for, claims for himself this art, which is now hated for the arrogance of its name and the vices of some who are ruining its property, and restores our stolen goods, as it were, to be once again incorporated in rhetoric!” (12.2. 9). As Vincenzo Scarano Ussani writes, “Quintilian was conscious of the novelty of his isogogical proposal and, consequently, of the difference between his educational programme and that shaped by Cicero, in particular in *De Oratore*. . . . Cicero had in mind an orator who was master of all knowledge useful for his education, and claimed the supremacy of rhetoric, but he had not considered it a ‘total knowledge,’ which, in the first place, could replace philosophy in education” (288). Quintilian insists that, as distinguished from Cicero and other theorists, he is less concerned with “facility with words and Figures, an understanding of Invention, practice in Disposition, a good Memory and charm of Delivery” and more concerned with the forming of a character that “fear cannot break, disapproval cannot dismay, and the authority of the audience has no power to inhibit,” without which “no art . . . will be of any use” (12. 5. 1–2).

A second obvious but important difference between Cicero and Quintilian results from differences in purpose and genre. *De Oratore* is really an exercise in definition—of the orator and oratory—and as such can be seen as a prelude to the curriculum that the *Institutes* presents. As a dialogue among friends, it is a leisurely, sophisticated chat. But there is no philosopher among the interlocutors, and this fact, plus Cicero’s emphasis on general knowledge (as distinguished from philosophy specifically) allowed Cicero to avoid confronting the deeper epistemological differences between philosophy and rhetoric: that philosophy claims to value truth over verisimilitude, while rhetoric denies the distinction; that philosophy is disengaged and critical; rhetoric politically orthodox and oriented toward success. Quintilian did not have this luxury in creating a curriculum. Because he emphasized formation, he could not ignore these differences. For example, ethics when taught in the context of rhetoric is not a matter of knowing what the good is “by word and name,” but a matter of internalizing these principles, so that the orator “has really embraced the virtues themselves and in his mind come to have virtuous sentiments” (12. 2. 17). Michael Winterbottom describes the distinction between Cicero’s views and Quintilian’s thus: “The role of philosophy is now [in

Quintilian] to help with the moral education of the orator far more importantly than with the content of his speeches” (321). Cicero wanted an orator who knew philosophy; Quintilian sought to form through education in rhetoric the Stoic Wise Man, trained in Ciceronian eloquence (Walzer).

The Honorable and the Expedient in the *Institutes*

We can see more specifically how moral philosophy is transformed when part of the rhetorical *paideia* and how training in oratory and moral discernment complement each other in Quintilian’s curriculum if we analyze Quintilian’s treatment of the relationship between the moral or honorable, and the expedient or advantageous in the *Institutes*. Quintilian maintains that the meaning of the virtues and the relationship between them can be taught, not merely separately within a rhetorical curriculum, but also and specifically as part of the education in the *technê* of rhetoric. He notes at 2.20.8 that the principal concerns of the three traditional forums line up well with the cardinal virtues so important to moral philosophy. Others, he acknowledges, have pointed this out in arguing that moral philosophy is therefore relevant to the education of the orator. But he would take a more technical approach to the relationship: “I should like however to look at this matter more fully and more explicitly by considering the actual work of the orator. For what will [the orator] do in an encomium, unless he understands honour and shame? How can he urge a policy unless he has a grasp of expediency? How can he plead in the law courts if he knows nothing about justice? Again, does not oratory call also for courage, since we often have to speak in the face of threats of public disorder, often at the risk of offending the powerful...?” Kennedy notes that Quintilian claims that this observation of the relationship between rhetoric as a *technê* and moral philosophy is an original one (*Quintilian*, 58). In setting forth his program in the Preface to the *Institutes*, Quintilian made the same point—that there is an artistic warrant in rhetoric as a *technê* for rhetoric to include moral philosophy, linking the study of rhetoric to knowledge of the cardinal virtues: “We are often obliged to speak of justice, courage, temperance and the alike—indeed, scarcely a Cause can be found in which some question relating to these is not involved—and all these topics have to be developed by Invention and Elocution” (1. pr. 12).

The relationship between the moral or honorable and the expedient is the subject of the deliberative forum,⁵ which Quintilian considers at Book 3, chapter 8. To appreciate the difference between the philosophical approach to the tension between the honorable and

expedient and Quintilian's rhetorical approach, we need first to review how philosophers typically approached honor and expediency. Cicero's *On Duties* (*De Officiis*) can serve well because the relationship between morality and the honorable, on the one hand, and expediency on the other, is its central theme.

In *De Officiis* Cicero summarizes, for the benefit of his son, the philosophy of the Stoic philosopher Panaetius (180–111 ca). In Books 1 and 2, Cicero summarizes Panaetius's views on morality and the advantageous *respectively*; in Book 3, he takes up a question that he maintains Panaetius failed to address: how to resolve situations in which the morally correct and the expedient seem to be at odds (3. 7). In his role as philosopher, Cicero will fill the void by explaining how to resolve these tensions. Although he approaches the conflict from a Stoic point of view, Cicero points out (3.11) that other philosophical schools agree that "it is beyond question that expediency [*utilitas*] can never conflict with moral rectitude [*honestate*]." The seeming conflict between the two is only apparent; what is morally correct is always expedient. This point is made repeatedly in Book 3 (e.g., 3.34–5; 3.48; 3.75). Cicero on behalf of Panaetius insists that what appears to be a conflict between the moral and the expedient is really a disagreement over what is moral (3.53). He denies that there is a difference even in the meanings of the two: "Expediency [*utilitas*], therefore, must be measured by the standard of moral rectitude [*honestate*], and in such a way, too, that these two words shall seem in sound only to be different but in real meaning to be one and the same" (3.83). In effect, Cicero's approach, a Stoic approach but one that he says also characterizes other schools of philosophy, is to dissolve the distinction between the morally right or honorable and the expedient or useful: what is morally right must be expedient.

In Quintilian's discussion of the deliberative forum, this discussion in moral philosophy becomes incorporated into rhetoric, and the treatment of the relationship between the honorable and the expedient is reconceived. Some, Quintilian begins, have maintained that deliberative speeches are "concerned with only one question, namely that of expediency [*utilitate*]" (3.8.1). Quintilian speculates that these other theorists have no doubt held the "idealistic view" that "nothing that is not honourable [*honestum*] can be expedient [*utlile*] either" (3.8.2). Quintilian will show this idealistic stance, typical of the philosophical approach, to be inadequate when moral philosophy is incorporated into rhetoric. He begins by acknowledging that this idealistic view is viable in some forums and for some audiences: "And this principle [that the honorable must be expedient] is perfectly sound if we are fortunate enough always to be addressing a council of the good and

wise” (3.8.2), the audience that philosophers envision in speaking in lecture rooms and porticoes. “With the inexperienced however (to whom one often has to give advice) and especially with the people, which contains an uneducated majority, we have to keep the two things separate and conform more to ordinary understandings” (3.8.3). This uneducated majority, unlike philosophers, draws a clear line between the honorable and the expedient; indeed these people often value the expedient over the honorable: “For there are many who think that even what they believe to be honourable [*honesta*] is not also sufficiently expedient [*utilia*], and who can be tempted to approve on grounds of expediency things that they must know to be disgraceful [*turpia*], like the Numantine treaty or the Caudine surrender” (3.8.3). Quintilian is careful not to reveal his own view: “many” think that the two are not the same and that the expedient must be honored. But we are aware that complexities increase when a question is examined through the multiple perspectives a rhetorical lens yields: “Whether the object is to persuade or 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” (3.8.15). Often, we would argue that “expediency [*utilitatem*] must be spurned so that we can act honorably [*honestam*]” (3.8.30). But it is just as likely that we would at other times “give priority to expediency over honour [*utilia honestis praeferimus*], as when we counsel arming slaves in the Punic War” (3.8.31).

Within Quintilian’s rhetorical *paideia* and in contrast to the philosophical *paideia*, the question of the relative value of the honorable and the expedient becomes a real question—as it has been historically for actual orators—and the *Institutes*, in contrast to the *De Officiis*, references real historical examples to support the advice given. Nor can the tension between the moral and the advantageous be resolved outside of the rhetorical situation. It may depend on who the audience is. “It is very easy to commend an honourable course to honourable men; but if we try to ensure the right action from persons of bad character, we must take care not to seem to be criticizing their very different way of life, but must try to affect the hearer’s attitude by appealing not to honour in itself, for which he has no regard, but to praise public opinion, and (if these vanities are ineffectual) the future advantages . . .” (3.8. 38–9). Quintilian here recognizes the complexities and perhaps dangers of giving advice to the powerful, especially in an autocracy. The orator must not risk appearing self-righteous, especially before an Emperor who regards philosophers as arrogant. The orator must argue from expediency or advantage on behalf of what is honorable or morally right. But Quintilian’s rhetorical

perspective, grounded in history, not philosophical systems, takes him even further from the philosopher's insistence on the priority of morality: sometimes "improper advice [*parum decora*] is given to good men too" (3.8.41). Quintilian backs away from endorsing this position: "I know what the reader may immediately think when he reads this: 'Is this your teaching? Is this what you think right?'" (3.8.42). Quintilian will not lend his authority to this conclusion at this point, but he withholds his overt approval only temporarily, "I shall keep it for Book Twelve" where he is no longer addressing students but graduates, that is, professional orators.

Once incorporated into rhetoric, the philosophical discussion of the relationship between the honorable and the expedient undergoes a sea change. "It seems to me," Quintilian observes (3.8.15) "that things are more complicated [than the Greeks and even Cicero thought], for there are many types both of people asking advice and of the advice that can be given." In contrast to a philosophical treatment that would dissolve the distinction between the honorable and the expedient, Quintilian's curriculum would drive a wedge between the two in the name of a rhetorical education that heeds situational factors and real historical examples. Students who would succeed in the deliberative forum must know what the philosopher knows of honor and expediency: a rhetorical education incorporates a moral one. But in his treatment of the deliberative forum, Quintilian honors two voices—one on behalf of honor and one on behalf of expediency—and allows the real examples from history to complicate the resolutions that philosophers work out in the safety of the study.

But Quintilian further complicates the relationship between the honorable and the becoming, on the one hand, and the expedient, on the other, when he raises the question of the relationship again in Book 11, on style. Examining this section reveals how the *Institutes* is intended to form the orator's character in the context of providing technical training in rhetoric.

At the outset of this section, Quintilian entertains the question of the relationship between speaking 'appropriately [*apte*]' and what is expedient [*expediat*] and what is becoming [*deceat*]. He proposes that orator must know both what the expedient course is and what the moral course is to speak appropriately: "A point to be particularly emphasized in teaching is that no one can speak appropriately [*apte*] unless he sees not only what is expedient [*expediat*] but what is becoming [*deceat*]" (11.1.8). The two values—expediency and the becoming—"generally go together" (11.1.8), but "sometimes conflict." This position is consistent with 3.8: while the idealistic view of philosophers insists that the two are the same, the orator must consider the distinct claims

of both the expedient and the moral in composing an apt speech. But then Quintilian advances a view on how to resolve a conflict between the moral and the expedient that seems quite different from that advanced at 3.8: “When they do [conflict] expediency must give way to propriety [*utilitatem vincet quod decet*]” (11.1.9). While he envisions the possibility of genuine conflict between the expedient and the moral, he insists that the moral has priority, contrary to the “realistic” position he embraced at 3.8. Furthermore, Quintilian’s example of a speech that successfully negotiated the conflicting demands of expediency and morality to produce a rhetorically apt speech is, surprisingly, Socrates’ *Apology*:

Everyone knows that nothing would have contributed more to Socrates’ acquittal than if he had used the ordinary forensic methods of defence, conciliated his judges by a humble tone, and taken trouble to refute the actual charge. But that would have been unbecoming for him; he therefore conducted his case as a man who intended to assess his own penalty as some great mark of distinction. That supremely wise man preferred to lose the rest of his life rather than his past. Misunderstood by the men of his own day, he reserved himself for the judgement of posterity, and at the small cost of the very last years of his old age made sure of all the ages to come. Thus, although Lysias, who was regarded as the leading orator of the time, offered him a written defence, he refused to use it, thinking it good but not suitable to him. This instance alone shows that the end the orator must keep in view is not to persuade but to speak well, for persuading can sometimes be dishonourable. His action did nothing for his acquittal but, more importantly, it did much for him as a human being. (11.1.10–11)

Quintilian’s choice of the *Apology* as an exemplar of aptness is surprising because within the rhetorical tradition the *Apology* is often cited as rhetorically inept. In Xenophon and Cicero,⁶ for example, the *Apology* is presented as a rhetorical failure that resulted in the worst of consequences—the death of the innocent, heroic Socrates. As Quintilian recounts, Socrates was offered a rhetorically strategic defense by Lysias but rejected the speech as beneath him. In the hands of rhetoricians, Socrates’ fate became an object lesson for philosophers: they dismiss rhetoric at their own peril. We might have predicted that Quintilian would adopt this analysis.

But Quintilian sees the episode differently. According to Quintilian, Socrates’ defense was rhetorically apt because it was morally decorous or becoming; the advantages to him and to posterity of a rhetorically effective defense are discounted. It would appear that Quintilian adopts here what he had previously characterized somewhat

dismissively as the “idealistic view” (3.8.2). He continues in this vein: “In drawing a distinction between the Expedient and the Becoming, I too am following the common usage of language rather than the strict rule of truth” (11.1.12). In “the strict rule of truth,” the honorable and the morally becoming can never be inexpedient. Does Quintilian contradict himself? Perhaps. Or can the seemingly different views presented at 3.8 and here (11.1) be reconciled? This question bears directly on Quintilian’s program for a moral rhetoric.

If we compare what Quintilian writes at 3.8 to what he writes here, there is this difference: at 3.8, the accent was on the audience. The honorable must sometimes be treated as distinct from the expedient because most people see them as distinct; the expedient may even be recommended over the honorable course as it was in the case of the recommendation to arm slaves during the Punic War (3.8.32), presumably because the survival of the fatherland was at stake. At 11.1, however, the focus has shifted away from the audience and the country to the person of the orator himself. What is at issue is the becoming as it bears on the honor of the orator *himself*. As I will argue, the ethic that Quintilian intends remains situational (and therefore appropriately rhetorical) but suggests a hierarchy of values.

The source for Quintilian’s insistence that Socrates’ refusal to compromise is the moral or becoming choice is to be found in the Stoic doctrine of the propriety of a constant, individual character. For the Stoic—and for Quintilian who draws on Stoic philosophy for his concept of the ideal orator (Walzer)—the function or nature of a person is fulfilled in the performance of “appropriate” acts. For humans, appropriate acts are those that are consistent with human nature. Since humans are, by nature, reasonable and beasts (by contrast) are not, a life directed by reason is appropriate or becoming for human beings (Long 190). But in addition to this general propriety at the species level, a person also has an individual nature; choices that are consistent with it are also appropriate. In *De Officiis*, Cicero attributes this doctrine of the general and individual nature to Panaetius and summarizes it as follows: “We must realize also that we are invested by Nature with two characters, as it were: one of these is universal, arising from the fact of our being all alike endowed with reason and with that superiority which lifts us above the brute. From this all morality and propriety are derived, and upon it depends the rational method of ascertaining our duty. The other character is the one that is assigned to individuals in particular” (1.107). The proper or becoming life for the individual is the product of choices that are consistent both with human nature and true to the individual’s nature or character: “Everybody, however, must resolutely hold fast to his own

peculiar gifts, in so far as they are peculiar only and not vicious, in order that propriety . . . may the more easily be secured. For we must so act as not to oppose the universal laws of human nature, but, while safeguarding those, to follow the bent of our own particular nature; and even if other careers should be better and nobler, we may still regulate our own pursuits by the standard of our own nature" (1. 110). Our individual nature is manifest and strengthened as we make choices consistent with it throughout life. The moral life thus involves estimating one's own nature, choosing accordingly, and living consistently within this character.

Quintilian's approval of Socrates' decision not to mount a persuasive defense is grounded in the Stoic doctrine of the appropriateness of acts that are true to character. Socrates could have written and delivered a strategic defense, but that "would have been unbecoming *for him*"; or delivered the defense written for him by Lysias, but decided that the defense, though technically effective was "not suitable *to him*" (11.1.10–11; my emphasis). Mounting a persuasive defense would not have been suitable for Socrates because of his character and history—a person who has built his life on following principle and who has argued (famously in the *Gorgias*, e.g.) that the kind of rhetorically strategic defense that a Lysias would write would save his life only at the expense of his soul. And Quintilian evokes a Stoic distinction in the conclusion of this section: "This instance alone shows that the end the orator must keep in view is not to persuade but to speak well, for persuading can sometimes be dishonourable" (11.1.11).

The other examples Quintilian offers share this with the example of the *Apology*: in each case attempting to persuade would have compromised the integrity of the orator's character. The elder Africanus "preferred to leave the country rather than to wrangle about his innocence with some wretched tribune of the plebs" (11.1.12). Charged by Cato the Elder of receiving bribes, Africanus would not demean himself by offering an ingratiating defense before a tribunal he did not respect, preferring instead exile in the country. Africanus would maintain, not a philosophical persona as Socrates did, but an Aristocratic one: it would be socially *beneath him* to allow the tribune of the people to judge him. The other historical example is Publius Rufus Rutilius, the Roman statesman, orator and Stoic, who was unjustly charged in 92 B.C.E. with extortion. He preserved his honor but assured his defeat when he offered "his almost Socratic form of defense" (11.1.13) before a jury stacked against him. He retired to Mytilene, and later to Smyrna, proudly disdaining Sulla's invitation to return to Rome in 78. These cases evoke the kind of ultimate trials that Romans believed defined a person (Barton, 44–5). For the dignified

Roman, it is unbecoming—ugly and revolting—for a great man to put even survival before his sense of himself as a man and a person. These men, Quintilian writes in his high Stoic voice, “regarded the little things which every small mind believes to be expedient as contemptible in comparison with virtue” (11.1.13). “What is always and in all circumstances becoming [*deceat*] for everyone is to act and speak in an honorable [*honeste*] way; conversely it is never becoming for anyone ever to act or speak dishonorably in any circumstances” (11.1.14). In “smaller matters,” presumably matters that do not involve the orator’s sense of self, compromise is possible, “according to the person, time, place, or motive involved” (11.1.15).

In linking the moral rightness of a choice to a person’s individual character, the basis for the ethic the *Institutes* promulgates remains relative and situational. In *De Officiis*, Panaetius acknowledges the relativity inherent in this view of the appropriate or honorable life as linked to an individual’s character: “If there is any such thing as propriety [*decorum*] at all,” Cicero writes, “it can be nothing more than uniform consistency in the course of our life as a whole and all its individual actions. And this uniform consistency one could not maintain by copying the personal traits of others and eliminating one’s own. . . . Indeed, such diversity of character carries with it so great a significance that suicide may be for one man a duty, for another [under the same circumstances] a crime. Did Marcus Cato find himself in one predicament, and were the others, who surrendered to Caesar in Africa, in a another?” (1.111–12; translator’s interpolation).

As appropriated from philosophy and situated within Quintilian’s rhetorical curriculum, then, moral decision-making is a matter of assessing a situation in light of a hierarchy of values. The expedient and the moral both make legitimate claims. When giving advice, the orator weighs the expedient and the honorable in the context of the nature of the audience empowered to make the decision and with an eye toward what will bring about the best outcome for Rome. But when acting in his own person and representing himself, the orator must never choose a course that compromises his personal honor. Preserving personal dignity trumps all other considerations. “No one,” Quintilian writes in Book 12, “can be a perfect orator who does not both understand the language of honour [*honeste dicere*] and have the courage to use it” (12. 2. 31).

Conclusion

If its analysis is tenable, this article makes a number of contributions to our understanding of Quintilian’s program. First, the article argues

that Quintilian was probably more politically motivated than the current, received view suggests. According to the analysis offered in this work, Quintilian opportunistically took advantage of the Flavian rulers' distrust of philosophers by appropriating the ends of moral philosophy within his rhetoric-centered curriculum—to the advantage of his own career and the rhetoric he championed. Second, in examining how this appropriation plays out in Quintilian's curriculum, this article highlights the differences between philosophical and rhetorical perspectives. Rhetoric accepts the empirical world as the only world; there is no ideal world from which the one we experience can be judged. This empirical world, defined in terms of the complex mix of claims made by the different constituents of any rhetorical situation, is the ground that Quintilian's orator occupies. In his consideration of deliberative rhetoric, the static systems, first principles, and critical perspective of philosophy yield to a rhetorical perspective that respects situational complexities and accepts historical precedent as setting the parameters of what can be sought and achieved. Finally, this analysis of the *Institutes* offers insight into why rhetoric as a discipline was to occupy the central place in the educational system of the West through the Renaissance. The appropriation of philosophy allowed rhetoric, in the context of offering practical training in public speaking, to take on responsibility for character formation. This intention is broadly apparent in Quintilian's appropriation of the Stoic Wise Man in his ideal of the good man trained in speaking (Walzer). In this article, I have focused only on how instruction in invention in the context of deliberative rhetoric becomes an education in values—specifically of the honorable, the becoming, and the expedient. To show how, within the *Institutes*, character formation is a central part of instruction in each of the canons of rhetoric, especially in the areas of style and delivery, is (I think) a fruitful avenue for future work.

Notes

¹*Institutio Oratoria: The Orator's Education*, ed., trans. Donald A. Russell (Cambridge: Harvard University Press, 2001): 12.1.26; see also 1.pr.10 for a similar sentiment. All subsequent quotations are from this Loeb edition.

²The evidence I draw on in constructing a portrait of Quintilian as a political opportunist can all be found in my principal source, George Kennedy (see especially *Quintilian*, pp. 19–26). But Kennedy's Quintilian seems reluctantly involved with the emperors, while, from the same facts, I (and the other scholars I cite, e.g. Lana) would create a portrait of Quintilian who exploited his political connections to benefit his career.

³For Russell, see “General Introduction”, p. 2. With regard to Quintilian's reputation, Martial's epigram to him (number 90 in the second book) chides Quintilian for his exclusive dedication to his profession and Rome at the cost of enjoying life. See

Kennedy's discussion (*Quintilian* 25). Too often, the first two lines of the epigram, including, "Quintilian, glory of the Roman gown," are cited, which, absent the rest of the epigram, is absent their irony. For a more sympathetic interpretation of Quintilian's relationship to Domitian than I provide, see McDermott and Orentzel.

⁴"Domiziano come imperatore che esercita il potere politico assoluto espelle i filosofi da Roma e dall'Italia; Quintiliano come retore, esercitando una sorta di potere culturale, espelle la filosofia in quanto tale dal territorio degli intellettuali.

Le azioni, politica del principe, culturale del retore, sono parallele ecoordinate: questa costituisce la copertura ideologica di quella. Quintiliano è teorico del "nuovo corso" e Domiziano ribadisce la sua approvazione affidandogli l'educazione di due dei suoi sette pronipoti, a cui dà i nomi di Vespasiano e Domiziano destinandoli alla successione. . . ." (433). Thanks to Walt Jones for help translating this passage.

⁵Quintilian expands the traditional province of deliberative rhetoric, which in Aristotle and Cicero is identified with the political oratory in the Assembly and, specifically, with matters of war and peace, taxation, etc. Quintilian's expansion, which he mentions at 3.8.15, makes sense since he writes at a time when the Senate is not a genuinely deliberative body. Charles Willbanks points out that Quintilian locates the essence of deliberative rhetoric in its advice-giving quality, not in a location, *i.e.*, the political assembly. Quintilian specifically includes personal deliberation or advice-giving as a type (3.8.10). One answer to the question as to why Quintilian attends to deliberative rhetoric in his curriculum at a time when the Senate was not a deliberative body would be that he envisions the possibility of the rhetor tendering personal advice to the Emperor directly or through a minister.

⁶Xenophon blames Socrates for arrogantly refusing to placate the jury and in *De Oratore*, Antonious maintains that Socrates was condemned "solely for the offence of inexperience in oratory." For Xenophon, see George Kennedy, *The Art of Persuasion in Greece*, 149–50; for Cicero, see *De Oratore*, 1.233.

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