

ON THE PROBLEM OF THE CHRONOLOGY OF CICERO'S
PARTITIONES ORATORIAE *

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1. Cicero several times attempted to plan and present a course in rhetoric. The first time was in his youth in the planned extensive *libri rhetorici* which eventually were only partially realised in the two extant books of *De inventione* – although I 9 lists all the topics of the course: *inventio*, *dispositio*, *elocutio*, *memoria*, *pronuntiatio*, there is no indication that the problem of invention will be the only one discussed.

The second time, Cicero undertook this task – after more than twenty years of practice as an orator – in a three-volume work *De oratore*, in which, in the form of a literary dialogue, he not only presented but thoroughly discussed the whole theory of the preparation of a student for the application of the rhetorical arts in living speech or in writing.

Cicero then kept returning to this subject in the *Partitiones oratoriae* and in the *Orator*; although it seemed that the *De oratore* was his ‘last word’ on the subject of rhetoric since he himself considered it to be entirely successful, both in form and in content. Nevertheless, even after this he still had more to say about the system and content of a course in rhetoric.

The focus of this brief article will be the question of the identification of the *Partitiones oratoriae* mentioned above, primarily pertaining to the chronology of this work.

2. This system of teaching rhetoric was preserved in two medieval manuscripts from the 10th and 12th centuries¹ as well as in some later ones from the 15th century² and in the incipits and explicits it was described unambiguously as *M. Tulli*

* Originally published in Polish in “Eos” LXXI 1983, fasc. 1, pp. 11–19.

¹ Parisinus 7231 (P) from the 10th century, Parisinus 7696 (p) from the 12th century.

² Representing two genetic groups, thus, as it were, two more manuscripts. Cf. *Cicéron, Divisions de l'art oratoire, Topiques*, ed. and transl. H. BORNECQUE, Paris 1924, pp. XV f.

*Ciceronis partitiones oratoriae*³. These manuscript *Partitiones oratoriae* are also identical with those which were known to Quintilian in the 1st century AD. This author made great use of the rhetorical writings and non-rhetorical writings of Cicero, among them drawing several times on the *Partitiones oratoriae*⁴.

The evidence from Quintilian is, however, the earliest we possess, less than one hundred years after Cicero's death. It is also the only ancient evidence we are aware of for the existence of this work. For this reason, despite the evidence cited above, the determination of the author has proved difficult and even doubtful, particularly because Cicero never mentions this work in his own writings. Attention was drawn to the form of dialogue which is not usually found in Cicero: questions of the pupil and replies of the master, and also to the omission of practical examples to illustrate the teaching, so characteristic of Cicero. Difficulties were raised pertaining to the placing of the composition of the work within the chronology of the author's life and literary activity. And so there arose the question for the authenticity of the work as well as the question of its chronology which is still being discussed.

The question of authenticity, however, can today be regarded as no longer in focus⁵. The question of chronology, on the other hand, remains open to discussion.

3. Suggestions as to the date of the composition of the *Partitiones oratoriae* vary between 55 and 44 BC. Investigation was focused on identifying the period during which Cicero would have had the time and conditions to write such a 'textbook' or 'catechism' of rhetoric. For this work came to be known by these very terms. Thus there were various hypotheses by various people, as well as the gap in the proposed chronologies between 50 and 46 BC, explained by Cicero's situation during the time of conflict of Caesar with the Senate and Pompey.

Those who placed the work at an earlier time, circa 54 BC⁶, were influenced by the fact that it does not contain any polemics with Atticists who were motivating Cicero in 46 BC in his writings *Brutus*, *Orator* and *De optimo genere oratorum*. With even more ease they acknowledged the words of Cicero himself

³ Some of the later manuscripts mentioned above change the title to *De partitione oratoria*.

⁴ This title, alongside the first citations – in the third book of the *Institutio oratoria* which opens the discourse on rhetoric – he mentioned three times: III 3, 7; III 11, 10; III 11, 19. In the later books he cited without a title.

⁵ Following the work of D. ROMANO, *La cronologia delle "Partitiones oratoriae" di Cicerone*, Palermo 1964. Cf. K. KUMANIECKI, *Literatura rzymska. Okres cyceroński*, Warszawa 1977, p. 310.

⁶ R. HIRZEL, *Der Dialog*, vol. I, Leipzig 1895, p. 493, n. 4. Then W. KROLL, F. SKUTSCH, Teufels *Geschichte der römischen Literatur*, vol. I, Leipzig–Berlin 1916, p. 398; W. KROLL also in *Ciceros rhetorische Schriften*, RE VII A, 1 (1939), col. 1102; also C. HOSIUS, M. SCHANZ, *Geschichte der römischen Literatur*, vol. I, München 1927, p. 468; R. HANSLIK, *M. Tullius Cicero [the son]*, RE VII A, 2 (1943), col. 1281, 55 f.; A. ROSTAGNI, *Letteratura latina*, vol. I, Torino 1949; K. BÜCHNER, *Römische Literaturgeschichte*, Stuttgart 1959, and others. In isolation, G. AMMON dated the *Part. orat.* earlier, to 55 BC, in *Bursians Jahresb.* CXVII 1903, p. 142. Also M. HADAS, *A History of Latin Literature*, New York 1960, p. 122, acknowledged this date as more probable than 46 BC.

in his letters to Quintus from October 54 BC as the opening and decisive motive or even the very moment of the composition of the work. In the first of these letters, dated the 24th of October, Cicero wrote to his brother about Quintus' son:

Your and also our Cicero⁷ is very eagerly following his instruction with his rhetor Paeonius, whom I consider a decent man and one with great professional experience. But our way of teaching is, as you well know, somewhat more erudite (*paulo eruditius*) and more systematic (θετικώτερον). I do not want to stand in the way of Cicero's learning. The boy himself seems to follow this declamatory teaching method with greater pleasure. We also had been schooled in it. Let us permit him, then, to follow the same road. We hope that the result will be the same in his case. If, however, we drag him with us to the country somewhere, we will induct him into our own method (*in nostram rationem consuetudinemque*).

The son of Quintus was therefore the student of Paeonius, perhaps at the desire of his uncle, Pomponius Atticus, a well-known friend of Cicero, for this Paeonius was not particularly pleasing to his other uncle, i.e. Cicero. He accepted Paeonius, probably because of Atticus. But Cicero considered that he would have to supplement the education of Quintus with his own system of looking at things, his own method. Did this ever occur? How or when after the date of the letter, i.e. October 24, 54 BC?

Two or three days later Cicero writes to Quintus that, to avoid the games (*ludi*) in Rome he is fleeing to Tusculanum and he is taking his son (*Ciceronem meum*) with him to a school of learning, not play (*in ludum discendi, non lusionis*). What is the meaning of this comment? And why only *his* son? We can think that the son of Quintus remained in Rome for the games and that in the statement *in ludum discendi, non lusionis* a reproach to Quintus is concealed. Unfortunately, after this all data pertaining to the sons is lacking. The letters to Quintus that have been preserved break off in 54 BC. Letters to Atticus also show a gap between 54 and 51 BC⁸. Several other letters from this interval in the collection *Ad familiares* give us no information.

4. We once again see both boys with Cicero only in 51 BC, in Asia, along with the teachers Dionysius and Chrysippus, while Cicero is governing Cilicia. In 50 BC, at the end of November, the boys returned with Cicero to Brundisium in Italy. There have been made efforts to date the composition of the *Partitiones oratoriae*

⁷ These words were sometimes misunderstood, as if there were reference to the sons of both Ciceros; this was the interpretation of e.g., HANSLIK, *loc. cit.* (n. 6). But Cicero continues writing in the singular, and thus is speaking only about the son of Quintus. The words *tuus nosterque* (your and at the moment our son, because he is under our care during your [Quintus'] absence) were correctly understood by F. MÜNZER, *Q. Tullius Cicero* [the son], *RE VII A*, 2 (1943), col. 1306.

⁸ G.A. GILLEGAND (CPh LXVI 1961, pp. 29 f.) proposed here 52 BC but without acceptance from other scholars.

to this time⁹. The boys were 16 and 15 years old and were therefore sufficiently mature for Cicero's course of rhetoric, while Cicero himself would also be able to take care of them. The son of Quintus had already received the *toga virilis* in March of 50 BC, but both boys remained under the care of Cicero and his wife Terentia in Formianum. Cicero, in fact, was ready to undertake their further education, but Dionysius once more took this in charge.

5. In March of 49 BC, Cicero's son Marcus also received the *toga virilis*. But this was already the beginning of the war between Caesar and Pompey. Shortly, therefore, both elder and both younger Ciceros travelled to Greece, to Pompey. War followed, and the brothers were separated until the end of 47 BC, when they returned to Italy. The son of Quintus accompanied Caesar on the expedition to Spain, while the son of Marcus prepared for study abroad. In March of 45 BC he left for Athens.

This very circumstance of a father getting his son ready for further studies in Greece seemed to some scholars to be a ready-made occasion for the writing of the *Partitiones oratoriae* for his son. Only now, at the end of 46 or else at the beginning of 45 BC¹⁰, the then nineteen-year-old son was more sufficiently mature and could understand a discourse of a systematic course on rhetoric as learned as are the *Partitiones oratoriae*, a course that would have been too difficult for an eleven-year-old boy in 54 BC, despite the fact that the opening scene and introductory exchange of questions and answers in the dialogue between father and son seems misleadingly easy.

It was also noticed that in the *Partitiones oratoriae* Cicero devotes more attention to the problem of *genus dicendi laudativum* and treats this matter at more length than in his other discussions of the matter, in *De inventione* or in *De oratore*, which can perhaps be linked with the author's experiences during his recent composition of an eulogy for Cato the Younger¹¹.

6. Such are the observations and hypotheses proposed to date. If we are once more returning to them here, it is because it is possible to examine this matter from a different angle and to justify this by means of a new observation or two

⁹ A.D. LEEMAN, *Orationis ratio: The Stylistic Theories and Practice of the Roman Orators, Historians and Philosophers*, Amsterdam 1963; also without further acceptance.

¹⁰ K.W. PIDERIT (*Ciceros Partitiones oratoriae*, Leipzig 1867, pp. 4 f.) proposed various arguments to date the composition of *Part. orat.* in 46 BC. This year is also accepted by, among others, BORNECQUE, *op. cit.* (n. 2), pp. XI f. (at the end of 46); ROMANO, *op. cit.* (n. 5); V. PALLADINI, E CASTORINA, *Storia della letteratura latina*, vol. II, Bologna 1970, p. 125; KUMANIECKI, *op. cit.* (n. 5), p. 310. R. PHILIPPSON, in his discussion of Cicero's scholarly writings (*RE VII A*, 1, 1939, col. 1122), is not clear, inserting *Part. orat.* between *De legibus*, which is believed to have been written between 53–51 BC, and *Brutus* and *Orator* from 46 BC, but does not take any more precise position. R. PICHON, *Histoire de la littérature latine*, Paris 1924, p. 205, dates the *Part. orat.* to 45 BC (cf. BORNECQUE, *op. cit.* [n. 2], p. XII: "à la fin de 46 ou au début de 45").

¹¹ Cf. KUMANIECKI, *op. cit.* (n. 5), p. 310.

which can have an impact, not so much on the date of the completion of the work, but rather on the chronology of its development. This development has already been discussed here by PIDERIT, who dated its final stage to 46 BC. It is possible, however, to move this date later.

7. As mentioned previously, the *Partitiones oratoriae* present the systematics of a course of rhetoric in the form of a dialogue between pupil and master. The pupil asks and the master, answering, lectures. Cicero was aware that he who is to ask must know what he is to ask. He needs to know the subject. The short introductory scene introducing the dialogue has as its goal not only the presentation of the circumstances of the dialogue (time available, the opportunity for a voyage out of Rome, initiative of the son); rather, it anticipates the surprise of the reader at the pupil's role and informs him that the boy has already followed the course in Greek and so has the wherewithal to now ask about familiar things in Latin. How much this information was necessary, we will see later.

The presentation of the matter itself is divided into three clearly marked sections. The first section consists of the speaker's assignments pertaining to the familiar five aspects of rhetorical doctrine: *inventio*, *dispositio*, *elocutio*, *actio* (*pronuntiatio*), *memoria*. In this section, therefore, the discussion concerns *artifex* and *ars*. The second section deals with the composition of speeches and the functions of their components, such as *principium* (*initium*), *narratio*, *confirmatio*, *peroratio* and others. This section pertains therefore to *opus*. To this is joined the third section – *de quaestione*. It pertains to the detailed art of invention, but not on the basis of technical points of procedure (*status*) of Hermagoras, but on a philosophical (as Cicero would say) foundation.

Here it should be mentioned that the first two sections which comprises chapters 2, 7 to 7, 26 and 8, 27–17, 59, i.e. two-fifths of the contents, can be considered as material appropriate for a boy educated in rhetoric during his childhood and early youth; thus the conception of these sections and even their realization in some form or other could have taken place earlier, around 54 BC. For even the questions posed by the pupil are prepared in such a way by the answering or rather lecturing teacher (Cicero) that the pupil, following the example of his teacher, can easily formulate them.

8. The third section, however, *de quaestione*, which comprises about three-fifths of the whole, chapters 18, 61 to 39, 138, certainly demanded a significant advance in the understanding of the problems presented and could only appeal to a mind already mature, and thus to an older pupil. In fact, while the first two sections can give the impression of something simple or, as has often been described, something resembling a textbook, the same can in no way be said about the third section.

This is confirmed as well by the difference in the lecturing style: in the first two sections, the presentations are primarily short and more frequently interrupted by questions, while in the third section questions are less frequently interpo-

lated and the lecture continues unbroken for whole chapters and pages at a time. Here, we may harbour doubts about the pupil's ability to follow the exposition and his ability to formulate the proper questions by himself. This section, unlike the first two, is addressed to a pupil or a reader who is much more mature.

It is the third section that is the primary goal of the work. The first two sections are only a sketch of its construction and an indication of the place of the third section in it. This explains why the technical side of invention, popularly encompassed by the well-known hexameter "quis, quid, ubi, quibus auxiliis, cur, quomodo, quando", and also the discourse on *elocutio* in these first sections of the work were presented so tersely, when elsewhere Cicero devoted much time and attention to them. Here they were not his focus, which instead was the expansion of the philosophical foundations of invention in the third section of the work.

9. This also explains why, in the *Partitiones oratoriae*, there is no reference to the matter of Atticism or Neoatticism which was being discussed in Rome circa 46 BC. Simply put, this matter did not pertain to invention but rather the problems encompassed by the discourse on *elocutio* and partly also on *pronuntiatio*. This is also the reason that in the *Orator* from 46 BC, in which Cicero was primarily engaged in a dispute with the Atticists, the other points of a course in rhetoric were summarily dealt with and the main part of the work focused on the problems of *elocutio*, the problems of language and style and of form in general, including the rhythmic of rhetorical prose. It seems that, with respect to the division of tasks and roles, the *Partitiones oratoriae* maintain a strict correlation with the *Orator*, and this also prolongs the period of their development until circa 46 BC and the completion of the *Orator*.

10. But we can go further. For if the idea for the composition of the *Partitiones oratoriae*, even in the form of a school sketch, occurred earlier, after this Cicero doubtless kept working at completing this sketch and thus, in this work, his personal experiences as an orator could be manifested. One trace of this may be the broader discussion of the *genus dicendi laudativum* in the *Partitiones* than in his earlier rhetorical writings, which can, in fact, be connected with the eulogy for Cato the Younger which he wrote in 46 BC. For only then did Cicero have the opportunity to apply and the need to understand in more detail this type of oratorical compositions.

Another fruit may also be a more intensive and broader focus in the *Partitiones oratoriae* on the danger of confusing virtue-like faults with real virtues. Cicero mentioned these *vitia virtutibus propinqua et finitima* once before, in the *De inventione*, but only briefly, giving three examples of such deviations¹². In the *Partitiones oratoriae*, however, warning against confusing vices that imitate

¹² *De inv.* II 165: *fidencia*, a justified confidence in one's own abilities – *audacia*, temerity; *perseverantia*, perseverance, endurance – *pertinacia*, obstinacy; *religio*, religiosity – *superstitio*, superstition.

virtue with the virtues themselves, he gathered a whole series of such imitations¹³. Here, undoubtedly, Cicero's experience with Caesar's response to his eulogy of Cato can explain this very extensive discussion of the *vitia virtutibus similia* which cannot actually be explained by the didactic underpinnings of the discourse itself. For in his *Anticatones*, Caesar portrayed Cato's negative characteristics in such a way that the characteristics praised by Cicero as *virtutes* were undermined and presented as virtue-like *vitia*. Thus if Cicero praised Cato's moderation and self-control, then Caesar would expose the pretence by accusing Cato of a propensity for drinking wine and also by presenting Cato's care of his widowed niece as an opportunity for a love affair between them. Caesar similarly painted Cato's austere care for his family as an attitude of inhumanity, his frugal running of the household as stinginess, *avaritia*, and his consistent behaviour according to unwavering principles as arrogance and willfulness.

Possibly also, Cicero's list of virtues and the vices similar to them in the *Partitiones oratoriae* (as mentioned above) comprises principally those very pairs of virtues and the *vitia* which resemble them that Cicero noticed in Caesar's interpretation of Cato's portrait. This, if truly the case, would be a further contribution to the reconstruction of Cicero's eulogy of Cato and Caesar's *Anticatones*. For we can assume that Cicero's response to Caesar's accusations was not only his defence of Porcia and the apology of praise for Cato in the *laudatio Porciae* from 45 BC¹⁴, but also his above-mentioned working out of the question of virtue-like *vitia*, (or, conversely, the question of *virtutes* similar to vices) in the *Partitiones oratoriae*.

In this way, we elicit the completing and refining of our *Partitiones oratoriae* at least as late as 45 BC, since the response of Hirtius to Cicero's *Cato* reached Cicero's hands in May, and the response of Caesar reached him in the summer of the same year, i.e. 45 BC.

11. But it seems that we can go even further. For this is linked with the reaction of Cicero, in the *Topica* of 44 BC, to the method of refutation employed by Caesar in the *Anticatones*. For in a refutation, with reference to the *laudatio*, one can either contradict the accomplishment cited in praise or maintain that the

¹³ *Part. orat.* 81; *prudentia*, sagacity – *malitia*, cunning; *temperantia*, moderation – *immanitas in voluptatibus aspernandis*, exaggerated self-denial of pleasure; *magnitudo animi*, magnanimity – *superbia in nimis extollendis et despicientia in contemnendis honoribus*, either pride in great honours or a scornful and disparaging attitude to them; *liberalitas*, generosity – *effusio*, extravagance; *fortitudo*, courage – *audacia*, excessive daring, foolhardiness; *patientia*, patience, endurance – *duritia immanis*, inhuman callousness; *iustitia*, justice, fairness – *acerbitas*, austerity, severity; *religio*, religiosity – *superstitio*, superstition; *lenitas*, lenience – *mollitia animi*, soft-heartedness; *verecundia*, modesty – *timiditas*, cowardice, fearfulness; *disputandi prudentia*, a matter-of-fact exchange of opinion – *concertatio captatioque verborum*, picky belligerence; *oratoria vis*, oratorical hardiness – *inanis profluentia loquendi*, prolixity. In noble desires, one must similarly distinguish an acceptable degree from an exaggerated passion.

¹⁴ Cf. M. BROZEK, *Cyceronowe pochwały Katona i Porcji*, Meander XXXVI 1981, pp. 359 f.

matter should be described by a term other than that used by the author of the praise, or else that such an accomplishment does not warrant praise since it is neither just nor right. Caesar, indeed, was about to exploit all of these techniques of refutation in his *Anticatores*¹⁵. We can be certain that he made the most use of the second possibility, indicating that Cato's actions should not be described as Cicero had described them, that they were not what Cicero was taking them to be, that from what Cicero had presented as Cato's virtues, more than one could be classified among virtue-like vices, precisely the same ones which appear in the detailed list in the *Partitiones oratoriae*.

The *Topica* were written in July, 44 BC, after the death of Caesar. This explains the critical assessment of Caesar's refutation, only here and now, apparent in the words "nimis impudenter Caesar contra Catonem meum". This permits us to think that, even now, Cicero was still completing the *Partitiones oratoriae*¹⁶.

12. The long labour over this work can perhaps also be explained by the fact that Cicero, when he did not complete a work at once, did not find it easy to come back to it, as he himself admits in *De legibus* I 9¹⁷. He found it easier to finish a philosophical work in progress in one go rather than return to works he had laid aside¹⁸.

Despite this, the *Partitiones oratoriae*, even before the actual dialogue, had already acquired the introduction and character of the overall work, as well as a terse conclusion.

Yet they were never published. Why? Perhaps the author still wanted to somehow rework them, but, during the period of heated fighting with Antony about the restitution of the senatorial republic, never found time to do so until he was surprised by death in December, 43 BC. Perhaps the work, written as it had been for his son, was handed over to Cicero's son for his disposal?

Cicero died, his son remained. After his proscription, he fled to Sextus Pompeius, but afterwards he made his peace with Octavian and returned to Italy. Meanwhile, Cicero's legacy had most probably been handled by his friends, the

¹⁵ *Top.* 94: "aut negari potest id factum esse, quod laudetur, aut non eo nomine afficiendum, quo laudator affecerit, aut omnino non esse laudabile, quod non recte, non iure factum sit; quibus omnibus generibus usus est nimis impudenter Caesar contra Catonem meum".

¹⁶ F.J. MERCHANT, *De Ciceronis Partitionibus oratoriis commentatio*, Berolini 1896, saw the composition of the *Part. orat.* in 44 BC.

¹⁷ *De leg.* I 9: "animi pendere soleo, cum semel quid orsus sum, si traducor alio, neque tam facile interrupta contexo quam absolvo instituta".

¹⁸ It would seem that this very work, i.e. *De legibus*, suffered a similar fate. Here, too, opinions as to its chronology are divided: some see the composition of this work in 53–51 BC, others in 44–43 BC. Similarly, Cicero does not mention it in his introduction to the second book of *De divinatione*, it did not see the light of day during its author's life and the difference of opinions as to the time of its composition and the different arguments presented in this matter should most probably be explained by discussing not the specific year of composition of the work, but rather the period of time during which it was being created.

faithful freedman Tiro and the faithful friend Atticus. And finally, by his son. Atticus, however, died in 32 BC, and all signs of life of Cicero's son are lost circa 23 BC. We do not know whether he had children. All these were survived by the long-lived Tiro, who died in 4 BC. It was he who wrote a biography of Cicero in several volumes, published Cicero's speeches posthumously and collected Cicero's letters. It is very likely, therefore, that Tiro also took care of the rest of the legacy of his master, including our *Partitiones oratoriae*.

13. Later, this work may have been of interest to teachers of rhetoric. Surely they were interested. If we do not see use of it being made before Quintilian, this is doubtless because his work on rhetoric was the first to survive from the post-Ciceronian period. Whatever had been written by Quintilian's teachers and others such as Domitius Afer, Verginius Flavus or Annaeus Cornutus was lost.

It may surprise us, however, that also after Quintilian, who names and cites the *Partitiones oratoriae* several times, there is no mention of this work in extant treatises on rhetorical subjects. This may partly be explained by the fact that Rutilius Lupus, Aquila Romanus or Iulius Rufinianus provide overviews of the so-called *figurae sententiarum* and *figurae elocutionis*, giving numerous practical examples from Cicero's speeches, but they do not need to refer to his theoretical writings on rhetoric.

We could look for traces of Cicero's works, including the *Partitiones oratoriae*, in the *Ars rhetorica* of Chirius Fortunatianus which was written according to the method *per interrogationem et responsionem*, and thus similarly to Cicero's *Partitiones oratoriae*. But while in the books of this *ars* the name of Cicero or Tullius does appear, as do examples from Cicero's writings, we can see no evidence that this author knew of the existence of the *Partitiones oratoriae*. Neither do we know how they survived to the 10th or 12th century AD, when the manuscripts mentioned at the beginning of this paper appeared.