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*HAEC ARGUMENTA LOCOS COMMUNES APPELLAMUS. CICERO'S  
CONCEPT OF THE COMMONPLACE IN DE INVENTIONE*

1. *Introduction*

Some years ago, we had the pleasure of designing an introduction to Roman rhetorical theory for first-year law students. When we consulted the secondary literature, we had difficulties in clearly situating the *loci communes* and remained somewhat vague on that point. When, later, a colleague from the German studies department, working on the concept of the “Gemeinplatz”, *i.e.* the commonplace, asked us to contribute a paper on its ancient roots to a conference dedicated to the matter, we felt that this was a good moment to explore the *loci communes* in more detail.

The main challenge is to define the *loci communes* in relationship to the *loci*. These latter are listed in the rhetorical *inventio* as search formulae for arguments, and we will refer to them hereafter as *loci argumentorum* (based on a formulation from Cic. *orat.* 46)<sup>1</sup>.

We noted that sometimes, in secondary literature, *loci argumentorum* and *loci communes* are treated as one and the same<sup>2</sup>, which may be due to the fact that *loci argumentorum* are also of a general character: they are in a way *communes*, common, insofar as they provide starting points for arguments, *i.e.* aspects or categories that can be exploited in different

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<sup>1</sup> The *loci argumentorum* are extensively discussed in *rhet. Her.*, Cic. *inv.*, *de orat.*, *orat.*, Quint. Their relationship to the *topoi* in Arist. *rh.* and *top.* is not easy to grasp. According to Leff 1983, 26, the Latin doctrine of *loci* as search *formulae* is closer to the Hellenistic rhetorical tradition than to Aristotle. However, the logical argument schemes that go back to Aristotle are at least partly treated among the *loci argumentorum*. In contrast, Cic. *top.* focuses entirely on the argument schemes. On Aristotle's influence on Cicero's *Topica cf.* the introduction in Reinhardt 2003.

<sup>2</sup> Cf. *e.g.* Martin 1974, 115: «Der von Cicero in „*De inventione*“ vorgetragenen Lehre über die *loci communes* schließt sich Quintilian im ganzen an und teilt die *loci argumentorum* in *argumenta a personis* und in *argumenta a rebus ducenda* ein». Cf. also Mertner 1972, 29: As he notes, scholars agree that for Romans *locus* and *locus communis* were more or less the same; he himself expresses doubts concerning their overall synonymity.



cases<sup>3</sup>. In other approaches, the *loci communes* are not presented as exactly the same as, but still as very close to the *loci argumentorum*, insofar as they are said to form a kind of subcategory of the latter<sup>4</sup>. Still others argue that the formal *loci* used as search categories were gradually replaced by *loci communes* that were already filled with content and thus less flexible<sup>5</sup>. According to this interpretation, the *loci communes* are not to be distinguished functionally, but only by the way in which they organize their material. Some interpreters, however, see the *loci communes* as distinct from the *loci argumentorum*<sup>6</sup>.

This confusing picture may in part be attributed to the findings in the Latin handbooks, which do not offer a coherent concept of the *locus*

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<sup>3</sup> At first glance, the equation also seems to be justified in view of Aristotle's use of the term. In literature, the *loci communes* are sometimes said to be the Latin equivalent for the Aristotelian *koinoi topoi* (cf. e.g. Pernot 1986, 274, and Bittner 1999, 251). Indeed, Aristotle notes that the *topoi* are generally applicable. Arist. *rh.* 1358a 10-14 speaks of topics «which concern in common what is just, what is natural, what is political, and many things that differ in species—for example, the topic of the more and the less» (transl. Reeve 2018: οὗτοι [*i.e.* οἱ τόποι] δ' εἰσὶν οἱ κοινῆ περι δικαίων καὶ φυσικῶν καὶ περι πολιτικῶν καὶ περι πολλῶν διαφερόντων εἶδει, οἷον ὁ τοῦ μᾶλλον καὶ ἥττον τόπος). However, this passage rather implies an understanding of *topoi* as equally applicable (*koine*) to many different disciplines. This is based on an understanding of the *topoi* as general patterns of argumentation which, in Aristotle, are fundamentally distinguished from the discipline-specific statements later referred to as *eides resp. idia*. Cf. Rubinelli 2009, 69, Coenen 2001, 404, and Bornscheuer 1976, 38. As we shall argue, this understanding at least partly corresponds to the *loci argumentorum*, but not to the *loci communes* (cf. n. 1). Moreover, as can be seen in the above passage, Aristotle didn't use the expression *koinos topos* as a technical term (as Rubinelli, 2009, 108, Coenen 2001, 404, and Huby 1989, 63, rightly point out). Hence, the conceptual equation of *loci* and *loci communes* cannot be substantiated with reference to Aristotle. However, Ferry-Danblon 2014, 412, argue that the idea of reflections on issues of general interest (which later are referred to as *loci communes*) can already be found in Aristotle.

<sup>4</sup> Cf. e.g. Wisse 2001, 322, and Lausberg 1990, § 407: «Die *loci communes* stellen eine generalisierend-infinite Anwendung der in der *quaestio finita* entwickelten *loci* (§§ 374-399) auf die *quaestio infinita* dar».

<sup>5</sup> Cf. Fuchs 2006, s.v. *Loci communes* (CT). In *Brill's New Pauly Online*. Brill. [https://doi.org/10.1163/1574-9347\\_bnp\\_e1501750](https://doi.org/10.1163/1574-9347_bnp_e1501750) with reference to Ueding-Steinbrink 2011, 240-242, who argue that in the history of rhetorical proof, search formulae have gradually been replaced by *loci communes* and speak (240) of a «Geschichte einer wachsenden Stereotypisierung von Beweisformeln zu Gemeinplätzen (*loci communes*)». The assertion that Cicero of all people provided the impetus for this development (241) must be emphatically contradicted with reference to *De inventione*, as we shall see.

<sup>6</sup> Cf. Plett 2000, 224, who distinguishes between “Inventionstopik” and “Memorialtopik”. The latter consists of a reservoir of more or less prefabricated textures – the commonplaces – that can be recycled again and again by transferring them to new contexts. Cf. also Rubinelli 2009, 106, Calboli Montefusco 2006, Coenen 2001, 398-405, and, limited to Cicero, Mortensen 2008, 35.

*communis*, but testify to different notions of the term<sup>7</sup> as well as a changing understanding in a diachronic perspective<sup>8</sup>. In addition, the ancient authors mostly focus on the *loci argumentorum* and touch on the *loci communes* rather *en passant*, so they are usually not very explicit on the issue anyway.

In our paper we intend to focus on the *locus communis* in Cicero's *De inventione* which constitutes an interesting exception to this otherwise somewhat shabby treatment of the matter. *De inventione* is not only the oldest surviving text in which the *locus communis* occurs<sup>9</sup>, but it also provides us with a relatively clear and extensive definition of the term<sup>10</sup>, making it the subject of a detailed discussion. However, as *De inventione* is often said to be the immature work of a young man<sup>11</sup>, its richness concerning the conceptualisation of the *locus communis* has not yet been comprehensively explored<sup>12</sup>.

We will show that Cicero clearly distinguishes *loci communes* from *loci argumentorum* mainly in terms of their systematic position and function within the speech. But above all, we shall argue that Cicero presents a highly sophisticated concept of the *locus communis*, making it a demanding feature or even the very pinnacle of rhetorical mastery. So, in a way, he offers a definition which cannot differ more from our

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<sup>7</sup> Coenen 2001, 399, ascribes these difficulties in determining the *locus communis* mainly to the different notions of *locus*.

<sup>8</sup> Cf. also Mortensen 2008, 33 n. 7, who sees problems with developing comprehensive accounts insofar as they tend to present "ancient topical theory as having a uniformity which obscures the influences of the different rhetorical and philosophical traditions and the developments in topical theory over time."

<sup>9</sup> Cicero's *inv.* resembles the *rhet. Her.* in quite many points. The relationship of both texts (including their sources, chronology, resemblances and differences) has been discussed extensively. For a succinct overview cf. Corbeill 2002, 29-47. The *rhet. Her.* also has passages on the *locus communis*, but the approach is less comprehensive than the one we find in *inv.* Cf. Coenen 2001, 401, and Mertner 1972, 29.

<sup>10</sup> Which is somewhat surprising since Cicero generally exercises great restraint with regard to terminological fixations.

<sup>11</sup> In *De oratore* (1, 5), Cicero himself calls his early reflections on rhetoric *incohata ac rudia*, but this self-critique, repeated by overviews on the history of rhetoric (as e.g. in Rubinelli 2009, 94, Kennedy 1994, 118, or Corbeill 2002, 32), may contain a bit of coquetry. Goyet 2018, V, emphasises this early treatise's value, observing that *inv.* has been systematically undervalued even if (together with *rhet. Her.*) it was the most important work on rhetorical theory during the Middle Ages and the Renaissance.

<sup>12</sup> *De inventione* is of course quoted in modern handbooks on ancient rhetorical theory, but its original and coherent approach is not particularly highlighted. Mortensen 2008, 32, states: «Given the importance of Ciceronian topical theory, it is surprising how little scholarly attention it has received».

modern understanding of the commonplace in the sense of a trivial, worn-out phrase<sup>13</sup>.

## 2. Loci argumentorum

In Roman rhetorical theory, the *loci argumentorum* designate aspects or sources for arguments and thus provide the formal and methodical basis for developing the *argumentatio*<sup>14</sup>. Handbooks usually distinguish between *loci a persona* and *loci a re*<sup>15</sup>. In *De inventione*, however, Cicero speaks not of *loci*, but of *attributa personis ac negotiis*<sup>16</sup> and develops them systematically in the first book, in the section dedicated to the *confirmatio*. Cicero presents catalogues for both categories<sup>17</sup>, starting with the *personis attributa* (Cic. *inv.* 1, 34):

Ac personis has res adtributas putamus: nomen, naturam, victum, fortunam, habitum, affectionem, studia, consilia, facta, casus, orationes<sup>18</sup>.

The *negotiis attributa* are divided again into four sub-categories (Cic. *inv.* 1, 37):

Negotiis autem quae sunt adtributa, partim sunt continentia cum ipso negotio, partim in gestione negotii considerantur, partim adiuncta negotio sunt, partim negotium consequuntur<sup>19</sup>.

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<sup>13</sup> The Cambridge Dictionary defines the commonplace as «a boring remark that is used very often and does not have much meaning», the German Duden calls it an «abgegriffene, nichtssagende Redensart», the Larousse speaks of a «réflexion banale». Cf. also Gülich 1978, 361. As for Cicero, we agree with Mortensen 2008, who underlines 36 n. 11, that the understanding of the commonplace in the sense of cliché/formulaic passage is to be distinguished from Cicero's understanding of the *locus communis*.

<sup>14</sup> For a general introduction into the *topoi/loci* cf. e.g. Lausberg 1990, §§ 373-398, Ueding 2011<sup>5</sup>, 243-258, Pernot 1986, 254-271, Leff 1983, 27-31, Mertner 1972, 30-34.

<sup>15</sup> Cf. e.g. Quint. 5, 10, 20-23, Cic. *top.* 8 or Cic. *part.* 5.

<sup>16</sup> *Omnes res argumentando confirmantur aut ex eo, quod personis, aut ex eo, quod negotiis est adtributum* («All propositions are supported in argument by attributes of persons or of actions»; Cic. *inv.* 1, 34, transl. Hubbell 1960).

<sup>17</sup> The catalogues sometimes just contain lists of keywords, sometimes more detailed instructions on their possible development.

<sup>18</sup> «We hold the following to be the attributes of persons: name, nature, manner of life, fortune, habit, feeling, interests, purposes, achievements, accidents, speeches made» (always transl. Hubbell 1960). These keywords are explained briefly in *inv.* 1, 34-36. In Quint. 5, 10, 24-25 we find a very similar catalogue – and much more detailed explanations concerning possible ways to make use of the different *loci a persona*.

In summary, for the functional description of the *loci argumentorum* we can state the following: they are devices for the *inventio* insofar as they serve as starting points for arguments which are meant to prove or refute an accusation. As such, the *loci* are not part of the argumentation itself; instead, they provide a heuristic for the argumentation. With regard to the three goals of persuasion that we know from Cicero *de orat.* 2, 115<sup>20</sup> we may further conclude that they are tools for the rational persuasion (*docere*) of an audience.

### 3. *Loci communes*

As has briefly been noted in the introduction, both *loci argumentorum* and *loci communes* are of a general character. As we shall see, however, their universality is situated on different levels: Whereas the *loci argumentorum* are structurally universal, the *loci communes* are universal in terms of content insofar as they address general aspects of life going beyond the special case<sup>21</sup>. So, whereas *loci argumentorum* are starting points from which to develop arguments suitable for a certain case, *loci communes* are arguments themselves, as we shall argue, arguments that can be transferred to many cases<sup>22</sup>.

In *inv.* 2, 47 f. Cicero introduces the *locus communis* as follows:

Omni autem in causa pars argumentorum est adiuncta ei causae solum, quae dicitur, et ex ipsa ita ducta, ut ab ea separatim in omnes eiusdem generis causas transferri non satis commode possit; pars autem est pervagatior et aut in omnes

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<sup>19</sup> «The attributes of actions are partly coherent with the action itself, partly considered in connexion with the performance of it, partly adjunct to it and partly consequent upon its performance». Quintilian chooses a much simpler scheme in *Quint.* 5, 10, 32, *in omnibus porro, quae fiunt, quaeritur aut quare aut ubi aut quando aut quo modo aut per quae facta sunt* («With every action, the question is either why or where or when or how or by what means it was done»; transl. Russell 2002). Quintilian's scheme resembles the *peristaseis*; one could say that *Quis?* is what the *loci a persona* are concerned with; the *loci a re* deal with the other questions: *Quid? Ubi? Quibus auxiliis? Cur? Quomodo? Quando?* Cf. Pernot 1986, 264, who stresses that even if the *peristaseis* are never explicitly called *topoi/loci*, there is no doubt about «leur nature de lieux». Similarly Mertner 1972, 30.

<sup>20</sup> In this famous passage, Cicero speaks of three means of persuasion: *ut probemus* [...], *ut conciliemus, ut animos* [...] *ad quemcumque causa postulabit motum vocemus*. For *ad motum vocare* he synonymously uses *movere*. Cf. Leeman *et al.* 1989, 56.

<sup>21</sup> Cf. Calboli Montefusco 2006, who states that «the matter at issue must be a general state of affairs».

<sup>22</sup> The term *locus* sometimes also is used to designate the argument itself. Cf. Lausberg 1990<sup>3</sup>, § 374, Coenen 2001, 399, Mortensen 2008, 35 n. 10, and Rubinelli 2009, 106.

eiusdem generis aut in plerasque causas adcommodata. Haec ergo argumenta, quae transferri in multas causas possunt, locos communes nominamus<sup>23</sup>.

After this first definitory step, Cicero continues in *inv.* 2, 48:

Nam locus communis aut certae rei quandam continet amplificationem, ut si quis hoc velit ostendere, eum, qui parentem necarit, maximo supplicio esse dignum; quo loco nisi perorata [et probata] causa non est utendum; aut dubiae, quae ex contrario quoque habeat probabiles rationes argumentandi, ut suspicionibus credi oportere, et contra, suspicionibus credi non oportere. Ac pars locorum communium per indignationem aut per conquestionem inducitur, de quibus ante dictum est, pars per aliquam probabilem utraque ex parte rationem<sup>24</sup>.

*Loci communes* are arguments meant to amplify a particular issue or standpoint by going beyond the case in hand. They have a strong evaluative content<sup>25</sup>: Cicero distinguishes the amplification of an undisputed statement (*res certa*) from a doubtful one (*res dubia*). By *res certa* he designates a case which has already been proven (*perorata et probata causa*) and in which the audience now has to be made aware of what is outrageous (*indignatio*) or deplorable (*conquestio*) about it<sup>26</sup>. Cicero refers to a case of someone convicted of having murdered mother or father. At that moment an orator might conclude by emphasising the particular gravity of patricide itself<sup>27</sup>. In the case of a doubtful statement (*res dubia*), the *locus communis* desig-

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<sup>23</sup> «In every case some of the arguments are related only to the case that is being pleaded, and are so dependent on it that they cannot advantageously be separated from it and transferred to other cases, while others are of a more general nature, and adaptable to all or most cases of the same kind. These arguments, which can be transferred to many cases, we call common topics».

<sup>24</sup> «A common topic either contains an amplification of an undisputed statement – for example, if one should wish to show that a man who has murdered his father or mother deserves the extreme penalty (this type is to be used only when the case has been finished and proved) – or of a doubtful statement against which there are also plausible lines of argument, for example, it is right to put confidence in suspicions, and on the other hand, it is not right. Some common topics are used in connection with resentment and complaint, which have been explained above, and part in supporting some probable line of reasoning in either side».

<sup>25</sup> Cf. Rubinelli 2009, 107, who underlines that *loci communes* «do not add any factual information. But they are used to put the audience in a favourable frame of mind by presenting evaluations». A similar point was already made by Michel 1960, 214.

<sup>26</sup> As Goyet 2018, 116, rightly puts it, both the prosecutor and the defence may aim at arousing *indignatio*, the former emphasising the crime's atrocity, the latter suggesting that a witness can lie. The same applies to *conquestio*. Michel 1960, 214, underlines that it is essential that the case really has been proven: «Sinon, le développement tombera à plat».

<sup>27</sup> Cf. Goyet 2018, 85, who emphasises that the peroration is the part of the speech where the function of the *locus communis* is the most visible.

nates a more general consideration within the argumentation<sup>28</sup> and can be advanced both *pro* and *contra* (*utraque ex parte*)<sup>29</sup>: if an orator uses a mere rumour for an argument he may reflect on the reliability of suspicions in general (*suspicionibus credi oportere*).

In a similar way as for *loci argumentorum*, Cicero's *De inventione* has catalogues of *loci communes*, separately for the amplification of a *res certa* and for that of a *res dubia*. Unlike the catalogues of *loci argumentorum*, however, they do not contain the formal and methodical toolkit for arguments, but rather proper arguments listed in keywords<sup>30</sup>. Still, Cicero concedes that the *loci argumentorum* may be helpful starting points for any amplification (*inv.* 1, 100)<sup>31</sup>:

Nam ex eis rebus quae personis aut quae negotiis sunt attributae quaevis amplificationes et indignationes nasci possunt, sed tamen ea quae separatim de indignatione praecipui possunt consideremus<sup>32</sup>.

The catalogues for *loci communes* are not listed one after the other. The catalogue for the *amplificatio* of an undisputed statement is included in Cicero's precepts for the *peroratio* in the end of the first book<sup>33</sup>, whereas the catalogue of *loci communes* for a doubtful case is systematically integrated into the stasis theory of the second book<sup>34</sup>.

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<sup>28</sup> As Cornelius 1896, 4, rightly puts it, in these cases *loci communes* «do not prove the matter, but emphasize the view assumed by the speaker».

<sup>29</sup> This possibility of use *in utramque partem* is the main criterion for the definition of the *locus communis* in *rhet. Her.* 2, 9: *Loci communes* are those that can be advanced both by the prosecutor and the defence counsel.

<sup>30</sup> Cf. Goyet 2018, 88, who stresses the differences between the catalogues of *loci* and *loci communes*.

<sup>31</sup> In this passage, Cicero speaks of *res* instead of *loci*. In the first catalogue on *indignatio*, Cicero does not explicitly speak of *loci communes* either, but rather of *loci*, whereas in the catalogue for *conquestio*, he uses the term *locus communis*. It should be noted that in *De inventione* as well as in other Latin treatises *locus* is sometimes used as simple abbreviation of *locus communis* for reasons of linguistic economy. This lack of terminological precision may be the reason why Rubinelli 2009, 105, classes the *loci communes* for *indignatio* mistakenly among the *loci* as «argument schemes».

<sup>32</sup> «In other words, all the attributes of persons and things can give occasion for any use of amplification that may be desired, or any method of arousing enmity; still we should consider what particular and separate rules can be given about *indignatio*». So even if *loci communes* can be developed from *loci argumentorum*, there are particular catalogues for the former.

<sup>33</sup> This treatment of the *amplificatio* of a *res certa* somewhat anticipates Cicero's definition of the *locus communis* in the second book of *inv.*

<sup>34</sup> The context of the stasis theory clearly shows that Cicero's reflections on the *locus communis* are situated within the framework of a court speech. Concerning the presentation of the *loci communes* classified along the different *staseis*, cf. Michel 1982, 128, who

In *inv.* 1, 101-105 Cicero lists 15 *loci communes* aimed at arousing indignation as announced in the above passage; from 1, 106-107 he adds 16 *loci communes* seeking to arouse compassion (*inv.* 1, 106). As for *indignatio*, Cicero develops different ways to stress the cruelty of the act in question or its negative effects upon those immediately concerned and on the community as a whole. The *loci communes* for the *conquestio* center on man's vulnerability, on the grief for a loss, and on the question on how to deal with an undeserved, hard fate.

In the second book of *De inventione*, Cicero lists *loci communes* to be used in a *res dubia*, i.e. at a moment of the speech when the argument has not yet been finished, but when it is time to emphasise one's reasoning. Cicero does not present one concise catalogue of these *loci communes*, but treats them at length according to the different *staseis* (which he calls *constitutiones*).

Some of these *loci communes* can be used *in utramque partem*. In the *constitutio coniecturalis*, for example, it is possible to reflect in a more general way whether one should or should not take somebody's past life into account (*inv.* 2, 50) – the prosecutor would emphasise that one should, the defendant argue that one should not. Some *loci communes* are appropriate either for the accusation or for the defence: in the *constitutio definitiva*, the prosecutor will give a conventional definition of a certain crime and will reflect on its seriousness, whereas the defence counsel may stress how wicked it is to distort not only facts, but also words<sup>35</sup>.

In a *res dubia*, *loci communes* are integrated into the *argumentatio*. They do not present any new argument proper to the case at hand, but put it into a larger context. Insofar as they are developed within the argumentation, they contribute to the rational persuasion of the audience (*docere*; cf. *inv.* 2, 48: *habeat probabiles rationes argumentandi*). At the same time, however, as they amplify certain aspects, they are capable of appealing to the audience's emotions (*movere*). In a similar way as in a *res certa*, the *loci communes* for a *res dubia* can aim at raising *indignatio* and *conquestio*<sup>36</sup>. In *inv.* 2, 56 Cicero speaks of *communes loci, aut qui*

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states that for Cicero «les *status causarum* se résorbent dans le classement des questions générales». For a summary of the *loci communes* suitable to the different *staseis* cf. Cornélius 1896, 12-18.

<sup>35</sup> Cicero's example starting in *inv.* 2, 53 is the prototypical one of lèse-majesté. First, he develops *loci* for the prosecutor (2, 53-55), then for the defendant (2, 55-56).

<sup>36</sup> This aim of emotionally influencing the audience is also described in a short passage in Quint. 5, 13, 57f. where he notes that *loci communes* are capable of moving the



*calumniarum accusatorum demonstrandarum aut misericordiarum captandarum aut facti indignandi aut a misericordia deterrendi causa sumuntur*<sup>37</sup>.

If now we return to Cicero's definition of the *locus communis* and consider its last part we will see that in his eyes this specific task of moving the audience requires outstanding rhetorical skills (*inv.* 2, 49f.):

Distinguitur autem oratio atque illustratur maxime raro inducendis locis communibus et aliquo loco iam certioribus illis argumentis confirmato. [...] Omnia autem ornamenta elocutionis, in quibus et suavitatis et gravitatis plurimum consistit, et omnia, quae in inventione rerum et sententiarum aliquid habent dignitatis, in communes locos conferuntur. Quare non, ut causarum, sic oratorum quoque multorum communes loci sunt. Nam nisi ab iis, qui multa in exercitatione magnam sibi verborum et sententiarum copiam comparaverint, tractari non poterunt ornate et graviter, quemadmodum natura ipsa eorum desiderat<sup>38</sup>.

Cicero emphasises that *loci communes* are to be used rarely, and that they have to be of an exceptional quality both in content (*res* and *sententiae*) and style (*ornamenta elocutionis: suavitas, gravitas* etc.), an achievement of which only the best and most experienced orators are capable (*non, ut causarum, sic oratorum quoque multorum communes loci sunt*)<sup>39</sup>. In that respect *loci communes* differ from arguments related to the case which have to be subtle and precise, but not of particular excellence with regard to content and style, as Cicero says in *inv.* 2, 51:

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public (*communes loci* [...] *magnam vim animis iudicum adferunt*) either by preparing the minds of the judges (this corresponds to Cicero's category of the *res dubia*), others by confirming what the judges already are persuaded of (*res certa*): *Ex quibus sunt qui praeferant animum iudicis, sunt qui confirment*).

<sup>37</sup> «The common topics which are used to demonstrate the ill-will of the prosecutors or to arouse pity, or to denounce a crime or to deter the judges from showing mercy».

<sup>38</sup> «A speech, however, is occasionally rendered distinguished and brilliant by introducing common topics and some topic backed up by arguments when the audience is already convinced. All the ornaments of style, which lend charm and dignity, are lavished on common topics, as well as everything which in the invention of matter or thought contributes to weight and grandeur. Therefore, though these are topics "common" to many cases, they are not common to many orators. For they cannot be treated with elegance and dignity, as their very nature requires, except by those who through long practice have acquired a vast store of words and ideas».

<sup>39</sup> Cf. Coenen 2001, 403, who rightly stresses that the *locus communis* «gibt der Rede emotionale Resonanz und geistige Weite; er schlägt eine Brücke von der Rhetorik zur Philosophie und gibt dem Redner Gelegenheit, den ganzen Reichtum seiner Kunst auszuspielen. Die am rechten Ort und in rechter Dosierung eingestreuten *loci communes* sind Glanzlichter der Rede, die allerdings nur von den größten Meistern entzündet werden können».

Hi et ceteri loci omnes communes ex eisdem praeceptis sumuntur quibus ceterae argumentationes; sed illae tenuius et subtilius et acutius tractantur, hi autem gravius et ornatius et cum verbis tum etiam sententiis excellentibus. In illis enim finis est ut id quod dicitur verum esse videatur, in his, tamen si hoc quoque videri oportet, tamen finis est amplitudo<sup>40</sup>.

This is an important point, especially against the background of our modern understanding of the commonplace as a worn-out phrase, displaying the limits of a speaker's artistry rather than his excellence<sup>41</sup>.

### 5. *The pinnacle of rhetoric*

At least according to Cicero's *De inventione*, a *locus communis* testifies to the mastery of an orator and can thus be said to be pinnacle of rhetoric: A *locus communis* has to be outstanding in language and thought. It starts from a special case, but goes beyond it by addressing questions of general interest, appealing to the audience's experiences and shared values, touching the public in a particular way<sup>42</sup>. It has to be placed carefully<sup>43</sup> and, as Cicero does not explicitly emphasise in *De inventione*, but in his late *Orator*, it has to be adapted to the context of the speech<sup>44</sup>.

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<sup>40</sup> «These and other common topics are subject to the same rules as are other arguments. But the others are treated with greater restraint, simplicity and acumen, while the common topics are developed with greater emphasis and embellishment, and with lofty language and thought. For in arguments the end is to give what is said the appearance of truth; in common topics, although this should also be an object, still the chief end is amplification».

<sup>41</sup> Cf. Pernot 1986, 281, who underlines that the *locus communis* «n'est pas le refuge de ceux qui n'ont pas d'idées» and that «il n'y a pas pauvreté, mais enrichissement».

<sup>42</sup> Cf. Pernot 1986, 280, who puts it as follows: «De par sa généralité, le lieu commun est le sommet de la rhétorique, dont il fonde la prétention à l'universalité; grâce au lieu commun, la rhétorique englobe les disciplines spécialisées».

<sup>43</sup> The latter applies especially to a *res dubia*, as we have seen: the *locus communis* needs to occur at an appropriate moment within the *argumentatio*. Cf. also Goyet 2018, 145, who describes the danger of placing *loci communes* at the wrong moment. This is the case especially if they occur before arguments proper to the very case have been given; as he puts it, it is a mistake «de croire que le *movere* permet de se passer du *docere*».

<sup>44</sup> Cic. *orat.* 126, *qui [sc. loci] communes appellati sunt eo, quod videntur multarum idem esse causarum, sed proprii singularum esse debent* («commonplaces, so called because they seem to be the same in many causes. They should, however, be appropriate to each particular cause», transl. Hubbell 1931). As Cicero underlines in *orat.* 72, *loci communes* also have to be adapted to the context insofar as they require a certain context where a rhetorical amplification is appropriate: *quam enim indecorum est, de stillicidiis cum apud unum iudicem dicas, amplissimis verbis et locis uti communibus, de maiestate populi Romani summissis*

If a *locus communis* does not meet these requirements, it misses the intended target: this is particularly vivid in a description we find in Quintilian's *Institutio oratoria*. In its second book he reports the practice of some orators who write down *loci communes*<sup>45</sup> and learn them by heart in order to add them to their speeches when needed, but who fail to adapt them to the case at hand. By using and reusing ready-made reflections on common matters they annoy their audiences<sup>46</sup>:

Nec vero his, cum eadem iudiciis pluribus dicunt, aut fastidium moveant velut frigidi et repositi cibi aut pudorem deprensa totiens audientium memoria infelix supellex, quae sicut apud pauperes ambitiosos pluribus et diversis officiis conteratur<sup>47</sup>.

Basically, it is possible to reuse a ready-made *locus communis* because, unlike an argument proper to a specific case, it contains general considerations relatively independent from the case at hand<sup>48</sup>. But this very possibility

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*et subtiliter!* («How inappropriate it would be to employ general topics and the grand style when discussing cases of stillicide before a single referee, or to use mean and meagre language when referring to the majesty of the Roman people», transl. Hubbell 1931). For a brief introduction to this late Ciceronian text cf. Narducci 2002.

<sup>45</sup> Quintilian is not very forthcoming on the *locus communis*. He uses the term as an exercise within the *progymnasmata*, but does not systematically introduce it (cf. Goyet 2018, 79). For the *loci communes* as parts of the *progymnasmata* cf. Coenen 2001, 405, who points out that from the beginning of the Roman empire, rhetorical education had a relatively clear curriculum that included exercises of increasing difficulty, placing the *locus communis* next to *sententia* and *thesis*. However, the practice of preparing and writing down general reflections must already have existed by the time of the sophists, as a passage in Cic. *Brut.* 46 illustrates: *scriptasque fuisse et paratas a Protagora rerum illustrium disputationes, quae nunc communes appellantur loci.* («He says further that Protagoras wrote out and furnished discussions of certain large general subjects such as we now call common-places»; transl. Hendrickson 1939). For the *loci communes* as elements of the *progymnasmata* cf. also Pernot 1986, 261, and Mortensen 2008, 46. Furthermore, we refer to L. Pirovano's forthcoming study on «*Ermagora di Temno e i "luoghi comuni"*».

<sup>46</sup> Cf. Pernot 1986, 275. Cf. also Kienpointner 1997, 233, who describes the disadvantages of reusing ready-made formulations which, in the context of new situations, may be completely inadequate. Cf. furthermore Goyet 2018, 145, who describes a poor use of *loci communes*: They won't move anybody if they are interchangeable or prefabricated.

<sup>47</sup> «Inevitably, when they say the same things in several cases, they will either produce the disgust we feel for cold, twice-served-up food, or else will be disgraced by the detection of their wretched stock-in-trade, so familiar to the audience's memory, and worn to shreds, as it were, by doing numerous different services for poor men who want to put on a show» (transl. Russell 2002).

<sup>48</sup> Since Quintilian introduces the *loci communes* in the context of the *progymnasmata*, we might think that for a student of rhetoric (who may not be aware of this risk yet), it might be tempting (and even helpful) to reuse carefully elaborated formulations or to collect a stock of phrases, but in the passage cited above we are not dealing with beginners at all: Quintilian speaks of *quidam neque ignobiles*, of relatively well-known orators

of reuse represents a risk: if the public has heard the same reflection several times, it will not feel touched, but repelled<sup>49</sup>. In a way, this negative effect described by Quintilian confirms what Cicero points out in his *De inventione*: a *locus communis* has to be rare, novel and brilliant, and it has to be integrated into the context of the speech in an appropriate way.

## 6. Conclusion

We have seen that following Cicero's definition beginning in *inv.* 2, 47, *loci communes* are arguments – and are thus located on a different level from that of *loci argumentorum* which provide a methodical and formal toolkit for arguments, but not the arguments themselves. *Loci communes* contain evaluations based on shared values and experiences – on what is generally accepted or rejected in a certain community – and are meant to arouse indignation or compassion. So unlike *loci argumentorum* as sources of arguments which are focusing on rational persuasion (*docere*), they mainly aim at influencing the audience emotionally (*movere*). Then, we can say that unlike the *loci argumentorum* which are to be developed for the *argumentatio*, the *loci communes* build on what is established within the *argumentatio*: in a *res certa* they have their place in the *peroratio*; in a *res dubia* they are to be used in the *argumentatio*, but only at a moment when arguments proper to the case have been given<sup>50</sup>.

*Loci communes* are listed in catalogues, but unlike the catalogues for *loci argumentorum* that provide starting point for arguments, the catalogues for *loci communes* present key phrases that can be further elaborated, but which already indicate the argument *in nuce*<sup>51</sup>. These argu-

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– who, to some extent, have not left the *progymnasmata* behind them: their efforts remain limited to preparing pieces of texts once and for all.

<sup>49</sup> Pernot 1986, 278, stresses that this method of preparing a *locus communis* once for all was not a general practice: «En dépit de leur généralité, ces lieux communs [*i.e.* those developed within the framework of a *res certa*] ne sont pas des morceaux tout prêts: l'orateur les élabore lui-même [...]. On pourrait évidemment imaginer qu'un orateur compose une fois pour toutes un développement contre les voleurs, par exemple, et qu'il le réutilise (ou que d'autres le lui empruntent) dans toute affaire de vol: mais précisément nos sources, qui disjoignent généralité et banalité, n'envisagent pas ce cas».

<sup>50</sup> Goyet 2018, 155, refers to Quintilian's recommendations for the *digressio* which in several points is quite close to the *locus communis*.

<sup>51</sup> Cf. Göttert 1998, 35: «Ein *Topos* ist dabei im übrigen nicht so fixiert, daß er die Schlußfolgerung schon erzwingt. Charakteristisch ist vielmehr, daß derselbe *Topos* unterschiedlichen Zielen dienen kann, für ein bestimmtes Ziel also allererst zubereitet werden

ments are such that they can be transferred to many cases because they do not directly refer to the case in question, but put this very case into a larger and more general context. Thus, unlike arguments developed from *loci argumentorum* which always relate to the case in question, *loci communes* are potentially reusable<sup>52</sup>. We have seen, however, that reuse represents a risk. In order to move the audience, *loci communes* have to be novel, original and adapted onto the context of the speech. Insofar as *loci communes* have to be excellent in content and form, they systematically belong both to the *inventio* and the *elocutio*<sup>53</sup>.

In his *De inventione*, Cicero presents a sophisticated concept of the *loci communes* as rhetorical masterpieces: what is common must be expressed in a beautiful and touching way. It will prove worthwhile to extend the investigation beyond this text and to integrate Cicero's approach into a more comprehensive understanding of the *locus communis* in Roman antiquity.

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muß (man spricht deshalb auch von den *Topoi* als bloßen Suchformeln). Davon zu unterscheiden ist der stärker inhaltlich bestimmte sog. Gemeinplatz (*locus communis*)».

<sup>52</sup> It is interesting to note that the commonplace books of the Renaissance such as Erasmus' *Adagia* contain collections of themes, proverbs and *sententiae*. They constitute the beginnings of systematically clustered encyclopaedic collections of knowledge to be used within conversations. If again we have a look at the goals of persuasion the commonplace shifts from *movere* to *docere*. For the *locus communis* in the Renaissance cf. Plett 2000 and Goyet 2018, *passim* (for a summary esp. Goyet 2018, 675).

<sup>53</sup> Interestingly enough, in his later *De oratore* Cicero treats the *locus communis* in the context of the *elocutio*: beginning in *de orat.* 3, 106, Crassus develops the same types of *loci communes* as in *De inventione*; with regard to *res certae*, he describes them as fundamental critiques of particular vices; as for *res dubiae*, he speaks of general considerations on virtue, duty, equity, worth, honour, and so on. As Wisse *et al.* 2008, 48, state, «[t]he parallel with *inv.* 2, 48-51 has often been noticed».

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