CHAPTER EIGHTEEN

THE THEORY OF GENRES IN THE RHETORICAL SYSTEM

In Aristotle’s *Rhetoric*, far from fulfilling a purely classificatory function, the tripartition in genres was profoundly rooted in the conceptual structure of the art of rhetoric, relating to the system’s three basic components, invention (εὑρεσις), arrangement (τάξις), and style (λέξις): each genre uses argumentative forms of its own and requires a particular organization of the parts and a specific style.

Aristotle’s model was fully endorsed by the rhetoricians of the Hellenistic and Imperial Ages, who provided specific norms for the composition of deliberative, judicial, and epideictic speeches on the three levels of invention, arrangement, and style. An investigation of the rich production of treatises that have come down to us—on one hand the Τέχναι or *Artes*, complete courses in rhetoric,1 and on the other treatises concerning various aspects, in particular argumentation (e.g. treatises on status causarum, means of proof, figured speeches) and style (treatises on the ἱδέαι and figures)—2 makes it possible to reconstruct the guidelines of the body of precepts concerning the genres and to recognize the principal developments that occurred.

The first thing to emerge from these texts is an evident disparity in the treatment of the genres. Attention goes first and foremost to speeches made in the law courts. In Aristotle’s *Rhetoric* too, investigation of the judicial genres took up the largest section in Book 1.3 Nonetheless this disparity increases from the Hellenistic age onwards, not least following the great fortune of the stasis theory, applied predominantly to cases of the judicial type.4

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1 On the Imperial Τέχναι or *Artes* and their internal structure see Barwick (1922) 1–11.
2 E.g. on stasis theory: Hermogenes; on the means of proof (or ἐπιχειρήματα): Minucian the Younger; on figured speeches: Pseudo-Dionysius of Halicarnassus and Apsines; on ἱδέαι: Pseudo-Aelius Aristides and Hermogenes; on figures: Rutilius Rufus, Alexander son of Numerius, Aquila Romanus, and Tiberius.
3 Cf. Part II chap. 12.3.
4 The importance assigned to the judicial in respect to the other two genres induces Quintilian to affirm that all speeches are distinguished between those presented in iūdiciis, i.e. in the law courts, and those made extra iūdicia, outside the law courts (Inst. 3.4.6–7). On the privileged role of the judicial genre in the rhetoric of the Hellenistic and Imperial
Although the theoreticians devote less space to it, the deliberative
genre is regarded as the pinnacle of eloquence. This is well exemplified by
Quintilian: in the *Education of the Orator* he dedicates a longer and more
detailed analysis to the judicial genre, but recognizes that giving advice
in the Senate and speaking to the people gathered in assemblies are the
noblest tasks for the perfect orator (*perfectus orator*). 5

The last place in the official hierarchy of genres is occupied by the epi-
dectic. In the first Latin treatises, the *Rhetoric to Herennius* and Cicero’s
*On Invention*, it is relegated to a sort of appendix. The first two books of
the *Rhetoric to Herennius* are devoted to the *inventio* in the judicial genre,
while the *inventio* in the other two genres is only dealt with at the begin-
nning of the third book. As the treatise proceeds, treating the other parts of
rhetoric, the author considers the judicial and deliberative genres above
all. In *On Invention* Cicero reserves for the third genre only two sections
in the entire work. 6 In *On the Orator* Antonius maintains that it is not
necessary to establish specific precepts for the epideictic genre. 7

And if one looks beyond the treatises as such, also in a work like the
*Dialogue on Orators*, a more general reflection on eloquence, Tacitus only treats the
judicial and deliberative speeches, whether delivered in the Forum, the
Senate or in front of the *Princeps*.

In the Imperial Age it is rare to come across Τέχναι that devote space to
the epideictic genre. Although they mention the third genre, the Anony-
mous Seguerianus and the Τέχναι of Rufus, Apsines and Cassius Longinus
only treat the deliberative and above all judicial speeches, usually con

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6 *Inv.* 2.177–178.
7 Throughout his life Cicero shows disdain for the third genre, but nonetheless there
is a certain evolution in his work. In the *Divisions of Oratory* 69–70 (T. 131) he stresses
the moral utility of praise and blame and admits that this genre is not limited to human
praise but is “wide genre and very various” (*latum genus esse potest saneque varium*); and
adds that there is no genre “producing more copious rhetoric or doing more service to
the state” (*aut uberius ad dicendum aut utilius civitatibus*). The *Orator* considers the issue
from the point of view of style. The epideictic refinement, illustrated by Sophists and by
Isocrates, has no place, in principle, in the battle of the forum. But at *Orator* 37 it is said
that the epideictic discourse ought not be neglected, for it is, so to speak, the “nurse”
(*nutrix*) of the orator. Moreover Cicero recalls having had recourse to the Gorgianic sym-
metries in some judicial speeches; he claims the right to employ the rhythms in judicial
and political oratory and mentions some epideictic passages appearing in his own orations
*laudatio*, and in particular on the use and value of paradoxical praise see Levy (2001).