

## Rumor as Argument in Roman Rhetoric

The youthful Cicero, the author of *Rhetorica ad Herennium*, and Quintilian all agree that rumors can serve as evidence for proving a case, while the surviving declamations of Pseudo-Quintilian and Seneca offer examples of such evidentiary rumors in action as imaginary orators employ hearsay to buttress their fictive arguments. This paper will move from the theory of the handbooks through the practice of the rhetorical schools into the records of imperial justice to consider why Cicero would one day consider the use of rumor rhetorically immature.

An advocate, according to the teenaged Cicero, needs to twist rumors to his case's advantage: *torquere ad suae causae commodum debet* (*Inv. Rhet.* 2.46). The author of the *Rhetorica ad Herennium* provides more detailed instruction in how to accomplish this (*Rhet. Her.* 2.12), while Quintilian includes rumor in his outline of independent evidence but notes that strong precedents exist both for dismissing rumor as idle chatter and for trusting rumor as the consensus of the community (*Inst.* 5.3). These lessons come to life when the declamatory pauper argues for the credibility of rumor as he tries to prove his rich neighbor responsible for the rape of his daughter (*Decl. Min.* 252.16-17). Another pauper stands accused of selling his wife to another rich neighbor, and the prosecutor wants the rumor of this to affirm its reality (*Decl. Min.* 325.17-18). Seneca sends a husband to court against his wife with a charge of adultery in his absence. The husband tells the jury how to find the truth: *interrogate rumorem* (*Controv.* 2.7). The topics caricatured in these school exercises bear a passing resemblance to some juridical snippets preserved in Justinian's *Corpus Iuris Civilis*. Rumored deaths complicate the execution of wills and the distribution of estates, and they might lead even a faithful wife to abandon her marriage vows (*Digest* 28.5.93, 29.2.25, 38.15.2, 48.5.12). The ambiguity of rumor enables an advocate to bend it to his ends, but the same ambiguity creates the very difficulties that lead to

court in the first place. The orator tries to control rumor, while the sociological phenomenon that is rumor resists human control (Allport and Postman 1947).

An older and wiser Cicero rejects the heavy-handed use of rumor as argument when he criticizes C. Scribonius Curio's otherwise famous defense of Servius Fulvius on charges of incest: *haec, inquam, de incestu laudata oratio puerilis est locis multis—de amore, de tormentis, de rumore loci sane inanes* (*Brutus* 122-4). The foolhardy rush to manipulate rumor seen in the rhetorical primers and exercises is in this instance considered superficial by Rome's greatest orator. A brief visit with Pliny to Trajan's chambers to examine one more will encumbered by rumor (*Ep.* 6.31) reveals that rumor is serious business.

#### Select Bibliography

Allport, Gordon, and Leo Postman. *The Psychology of Rumor*. New York: Russell & Russell, 1965 [1947].

Dominik, William J., and Jon Hall. *A Companion to Roman Rhetoric*. Blackwell Companions to the Ancient World. Literature and Culture. Malden, MA: Blackwell, 2007.

Hardie, Philip R. *Rumour and Renown: Representations of Fama in Western Literature*. Cambridge University Press 2012.

Kennedy, George A. *A New History of Classical Rhetoric*. Princeton, N.J.: Princeton University Press, 1994.

Saylor, Charles F. "The Emperor as Insula: Pliny Epist. 6. 31." *Classical Philology* 67.1 (1972): 47–51.

Sherwin-White, A. N. *The Letters of Pliny: a Historical and Social Commentary*. Oxford: Clarendon Press, 1966.

Sinclair, Patrick. "The Sententia in *Rhetorica Ad Herennium*: A Study in the Sociology of Rhetoric." *The American Journal of Philology* 114.4 (1993): 561–580.

Winterbottom, Michael. *The Minor Declamations Ascribed to Quintilian*. Berlin and New York: De Gruyter, 1984.