

The Ethics of Ambiguity in Quintilian

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In a list of twelve stylistic and grammatical errors of oratory, the fourth-century grammarian Donatus includes the fault of *amphibolia*, a transliteration of a Greek word that Donatus further defines as an *ambiguitas dictionis*.¹ This understanding of *ambiguitas dictionis* as a flaw in composition is unique neither to the texts of late antiquity nor to technical grammatical treatises, and one can find ample cautioning against it in pedagogical texts both before and after Donatus.² In his first-century *Institutio Oratoria*, for instance, Quintilian similarly cautions against writing ambiguous language and encourages his students to compose lucid and straightforward Latin, particularly in regard to syntax. As part of his manual for the instruction of the ideal orator, Quintilian advises that

vitanda in primis ambiguitas, non haec solum, de cuius genere supra dictum est, quae incertum intellectum facit, ut 'Chremetem audivi percussisse Demean,' sed illa quoque, quae etiam si turbare non potest sensum in idem tamen verborum vitium incidit, ut si quis dicat visum a se hominem librum scribentem. nam etiam si librum ab homine scribi patet, male tamen composuerit, feceritque ambiguum quantum in ipso fuit. (8.2.16)

Above all, ambiguity is to be avoided, not only ambiguity of the kind discussed above, which makes understanding uncertain—"I heard that Chremes Demea struck"—but also that which, although it cannot confuse the sense, falls into the same verbal fault. So if you were to say, for example, "I saw a man a book writing," although it is obvious that the man is writing the book, it would be a bad piece of composition, and you will have made it as ambiguous as you could.

Like Donatus, Quintilian shows that the use of two accusatives with a transitive verb in indirect statement merits special pedagogical reproach, and such syntactical *ambiguitas*, our oratorical instructor cautions, should be avoided even when a sensible audience can reliably deduce the correct meaning. In an earlier discussion, too, Quintilian uses the term *amphibolia* to describe a similar syntactical ambiguity, where "the ambiguity (*amphibolia*) resulting from two accusatives is remedied by using the ablative" (*accusativi geminatione facta amphibolia solvitur ablativo, ut illud 'Lachetem audivi percussisse Demean' fiat 'a Lachete percussum Demean,' 7.9.10*). Both of these monuments of ancient pedagogy, then, show a consistent disapproval of ambiguity, both as *amphibolia* and as *ambiguitas*, particularly as it bears on syntax. By cautioning so strongly against these ambiguous constructions, Quintilian and Donatus make at least this one lesson crystal clear: *ambiguitas delenda est*.

But unlike Donatus' litany of compositional vices, Quintilian's work aims to achieve more than simply teaching students the pitfalls of Latin grammar. It attempts to train a *vir bonus dicendi peritus*, a "good man skilled in speaking," one who is "perfect not only in morals, but also in knowledge" (*nec moribus modo perfectus . . . sed etiam scientia et omni facultate dicendi, 1.pr.18*). In service to these broader ethical aspirations, the *Institutio* revisits the concept of *ambiguitas* throughout its several books, positioning the topic of ambiguity not just within the guidelines of grammar and syntax, but

also within its recommendations for forming ethically good orators, those who are able to plead the right cases in the courtroom with the right arguments. As Quintilian explains in his final book, such cases often rest on questions of *ambiguitas*, an issue that “at some point or another involves the discussion of equity and goodness” (*nulla fere dici potest cuius non parte in aliqua tractatus aequi ac boni reperiat, 12.2.15*). He thus transposes pedantic lessons of syntax and composition into matters of jurisprudence and morality. By showing how recognizing, resolving, and leveraging ambiguity is a matter of ethical concern and not merely a lesson in grammar and composition, Quintilian recasts ambiguity as a topic that the “good man skilled in speaking” must master, not avoid. In fact, one’s ability to interpret ambiguous laws—a task that requires both technical knowledge and a well-developed sense of “equity” or *aequitas*—constitutes the foundation of Quintilian’s moral thinking. Rather than defining ethics as adherence to the doctrines of Epicurus or the Stoic Sage, Quintilian instead argues that ethical training above all must refine the orator’s ability to grapple with the ambiguity of statutes.

Before turning to these explicitly ethical considerations at the end of the *Institio*, it is helpful to view Quintilian’s earlier elaboration of *ambiguitas* as a topic of rhetorical invention: not yet a meditation on moral philosophy, but nevertheless a fundamental recasting of ambiguity as a concern of interpretation rather than of composition. After surveying matters of early childhood education and philosophical issues surrounding rhetoric’s status as an art, Quintilian turns to the methods for devising and shaping arguments (*inventio*).³ Like many rhetorical theorists before him, including Cicero and the author of the *Rhetorica ad Herennium*, Quintilian grounds much of his approach to *inventio* in status theory, a framework of invention that heavily influenced Roman rhetorical thought and its practitioners.⁴ First elaborated in the now-lost writings of Hermagoras of Temnos in the second century BCE, status theory attempts to articulate the central issue (*status*) of a forensic dispute by asking three progressively specific questions: whether something happened (the “conjectural”

issue, often rendered *an sit?*), what happened (“definitional,” *quid sit?*), and what kind of thing happened (“qualitative,” *quale sit?*). Quintilian himself illustrates the application of this framework with several examples, and for the issues of definition and quality, for instance, he sets out a hypothetical accusation of murder:

sit enim accusatoris intentio: ‘hominem occidisti’: si negat reus, faciat statum qui negat. quid si confitetur, sed iure a se adulterum dicit occisum (nempe legem esse certum est quae permittat)? nisi aliquid accusator respondet, nulla lis est. ‘non fuit’ inquit ‘adulter’: ergo depulsio incipit esse actoris, ille statum faciet. (3.6.17)

Let us suppose the charge made by the accuser is “You killed the man.” If the defendant denies it, it is he who produces the issue. But suppose he admits the fact, but says the adulterer was justifiably killed by him. (It is of course established that there is a law permitting this.) Unless the accuser makes a reply, there is no dispute. If he says, “He was not an adulterer,” then the rebuttal of the charge is now the prosecutor’s business, and he will produce the issue.

In this trial, the case progresses from the definitional issue of what the defendant did to the qualitative issue of what kind of thing was done. (The conjectural question of whether something happened, we can assume, has been settled affirmatively.) While the two parties agree that the defendant did kill another man, they disagree on the existence of mitigating conditions, since the circumstance of adultery would exonerate the defendant. The two sides, then, would focus on the kind of homicide that had taken place.

While discussions of status theory most often center around these three *status rationales*—conjecture, definition, and quality—several rhetorical theorists, including Quintilian, add a second collection of issues that situate this framework more specifically in the context

of forensic disputes.⁵ In Quintilian's account, this second category includes four *status legales*, issues that concern the application of legal codes: letter and spirit (*scriptum et voluntas*), inference (*sylogismos*), conflicting laws (*leges contrariae*), and ambiguity (*amphibolia* or *ambiguitas*).⁶ Quintilian notes that the *status legales* are more complex than three *status rationales*, for in logical issues

itaque in eo satis est ostendisse coniecturam finitionem qualitatem. legalium plures sint species necesse est, propterea quod multae sunt leges et varia habent formas. alia est cuius verbis nitimur, alia cuius voluntate: alias nobis, cum ipsi nullam habeamus, adiungimus, alias inter se comparamus, alias in diversum interpretamur. (3.6.86–87)

it is enough to point to conjecture, definition, and quality. Of legal issues there are inevitably more varieties, because there are many laws and they have many forms. We rely on the letter of one, on the intention of another; others we harness to our cause, though we have no law really on our side; sometimes we compare one law with another, sometimes we give different interpretations.

In this explanation of the four varieties of *status legales* through the activities of the orator, Quintilian shows that *ambiguitas* bears on the rhetorician's interpretation of laws that might be variously construed (*alias in diversum interpretamur*).⁷ No longer a mere warning to students about composing sentences, *amphibolia* and *ambiguitas* now point to a lack of clarity in legal codes and their attendant interpretive difficulties.

Surviving declamatory speeches from the early Roman Empire show that Quintilian is not alone in understanding *ambiguitas* as a central concern of rhetorical invention. We find a particularly helpful example in the sixth of the *Declamationes Maiores* of

Pseudo-Quintilian. Like many of the cases presented in these nineteen speeches, long attributed to the author of the *Institutio* itself, the sixth declamation includes at its outset the applicable statute: “Whoever deserts his parents in a state of disaster shall be thrown out without burial” (*qui in calamitate parentes deseruerit, insepultus abiciatur*, 6.pr).⁸ The author then summarizes the controversy at hand, highlighting how statutory interpretation can serve as the central issue in the courtroom:

qui habebat uxorem et filium, captus a piratis scripsit domum de redemptione. uxor flendo oculos amisit. Filius retinente matre profectus vicariis manibus redemit patrem. idem in vinculis decessit. abiectus in mare et appulsus ad litus patrium est eiectus. vult illum sepelire pater, mater prohibet. (6.pr.)

A man who had a wife and a son was captured by pirates and wrote home for his rescue. The wife lost her eyesight from crying. Even though the mother tried to restrain him, the son set out and freed his father by offering to take his father’s place. During his captivity, the son died. He was thrown into the sea, and he later drifted to his father’s homeland and washed ashore. The father wishes to bury the son. The mother prohibits it.

In the remainder of the text, the father argues for the son’s burial on the grounds that the son has not transgressed the statute, grounding his case in the law’s intent (*voluntas*) rather than a more pedantic understanding of its literal meaning (*scriptum*). Crucially for our purposes, the father forthrightly explains that the case “concerns the letter and the meaning of the law, whether one should rely on the ambiguity of the words or the adherence to its intent” (*omnis nobis in hac prius causa, iudices, de scripto et intellectu legis contentio est, utrum verborum ambiguitate an voluntatis fide standum sit*, 6.11),

thus aligning *ambiguitas* with the letter of the law (*scriptum*), and the meaning found through interpretation (*intellectum*) with the law's intent (*voluntas*).⁹

Almost paradoxically, the father argues that the apparent *ambiguitas* of the law can be circumvented if one simply interprets the text appropriately and avoids a slavishly literal (and therefore distorting) reading. While the mother, he argues, grounds her argument in an implausible interpretation of the law, the father explains how the intent of the law, itself unambiguous, disallows her literal understanding:

pars enim diversa id nititur parentem fuisse in calamitate eam, quae deserta sit; cuius rei poena est abici insepultum. quid tum fuerit in causa, quid sit postea consecutum, quomodo legem intellegere conveniat, subterfugit dicere, neque a vestigio scripti recedit, sed nuda recitatione contenta est. nos neque omnibus personis neque omnibus causis scriptam esse legem, et iuveni iustas ac necessarias recedendi causas, et, cui rei semper ius satis plenum est, contendimus, atque eo causam demittimus, ut non sit absolvendus nisi etiam laudandus. qui autem dubitat, an scripti voluntatem sequi conveniat, is mihi videtur quaestionem temptare†incertus. (6.12)

One side of the case contends this: that she was a parent in a distress, and she was abandoned; that the punishment for this crime is to be denied burial. But she dodges having to say what the motive was at that time, what happened afterward, and how one should interpret the law. And she does not step from the footprint of the law, but instead she is content with an unsophisticated reading. We maintain, however, that the law was not written for all people and all cases, and that the boy's motives for leaving were just and

necessary, and that his intentions were good (a factor the law is very generous about), and finally, that he did not commit desertion. And we settle her case for this reason as well: the boy does not deserve acquittal, but actually praise. Whoever doubts whether one should follow the intent of the law, in fact, seems to be unsure of how run an investigation.

Returning to the vocabulary of interpretation (*intellegere*) and intent (*voluntas*), the father clarifies that the mother relies on “an unsophisticated reading” (*nuda recitatio*) and neglects to interpret the law sensibly. She refuses to consider interpretive questions underlying the case: What does it mean to leave one’s parents *in calamitate*? Does abandonment (*deserere*) require malicious motives? Unlike the compositional focus on ambiguous syntax, the *ambiguitas* of the *status legales* centers on the multiple approaches that one can take to a law, here tightly bound to the well-known opposition between the law’s letter and spirit (itself another of the *status legales* in the *Institutio*): while the mother argues for a literal understanding of the law’s *scriptum*, the father argues against the *ambiguitas* afforded by this strict reading and instead supports an adherence to the evident *voluntas* found through fair-minded interpretation.¹⁰ This case thus illustrates how *ambiguitas* extends far beyond Donatus’ purely grammatical concerns. The problem of ambiguity requires litigants to read statutes sensitively, since their words often admit multiple meanings, even when the syntax is clear.

Like Pseudo-Quintilian’s declamatory exercise, Quintilian’s *Institutio* also understands ambiguity as a concern for the excavation of statutory *voluntas*. As part of a discussion of the *status legales* within his treatment of oratorical *dispositio* in Book 7, Quintilian’s manual again turns its attention to *ambiguitas* and explains how two kinds of ambiguity (or at least two attitudes toward ambiguity) bear on rhetorical education. First, he cautions his students that one should not aim to resolve “an ambiguous expression conclusively: “It is therefore futile to recommend that, in this case, we should try to

turn the ambiguous expression itself to our advantage, because if that can be done, there is no ambiguity in the first place” (*ideoque frustra praecipitur ut in hoc statu vocem ipsam ad nostram partem conemur vertere: nam si id fieri potest amphibolia non est*, 7.9.14). Quintilian here perhaps has in mind the unresolvable ambiguity of two accusatives in indirect statement. To return to his earlier example, the sentence *Chremetem audivi percussisse Demean* offers two interpretations, neither of which is conclusively or obviously better than the other.

Immediately following this pessimistic outlook for one’s ability to resolve ambiguity, however, Quintilian suggests that *ambiguitas* often requires the orator to seek out the *voluntas* of the law and its most equitable interpretation, again recasting the problem of *ambiguitas* as a conflict between the letter and the spirit of the law. Not merely an irreconcilable debate of unclear syntax, this second kind of ambiguity “rests sometimes on which is the more natural interpretation, but always on which is the more equitable interpretation and which the writer or speaker intended” (*amphiboliae autem omnis erit in his quaestio: aliquando uter sit secundum naturam magis sermo, semper utrum si aequius, utrum is qui scripsit ac dixit voluerit*, 7.9.15). In the vein of his earlier discussion of interpreting ambiguous language as a strategy of rhetorical *inventio* (*in diversum interpretamur*, 3.6.87), Quintilian again underscores in this treatment of *dispositio* that the orator should consider both “natural interpretation” as well as equitable interpretations of the speaker’s intent (*voluerit*). Hardly without resolution or opportunities for securing an advantage in the courtroom, then, this second attitude toward ambiguity invites the rhetorician to use his interpretive acumen to find the most sensible or convincing reading of the law.

The role of *ambiguitas* in this process of equitable interpretation is bound up, moreover, with the other *status legales*, for “it is well-known that this treatment according to *ius* and *aequitas* is merely a general manifestation of the detailed doctrine of [these four issues].”¹¹ And Quintilian’s reference here to *aequitas*—the “equity” one needs to interpret ambiguous language fairly and correctly—signals an

important shift into the territory of ethical training. Not only do the *status legales* require interpretive skill; they also require the moral disposition of the orator who is *aequus*. In the final book of the *Institutio*, as we shall now see, Quintilian cements this link between *ambiguitas* and ethics in his meditations on the philosophical training of the ideal orator. For without ethical training, he argues, the orator will be a poor reader, poor interpreter, and thus poor courtroom advocate. When Quintilian defines *aequitas* as the indispensable foundation of the rhetorician's ability to grapple with ambiguous language, therefore, he advances a key justification for one of the most important but least intuitive claims of his entire manual: that unless one is a morally good man, one can never be a skillfully good orator.

In the final book of the *Institutio*, Quintilian takes a more general approach to the aims and activities of oratory.¹² As part of this culminating discussion, he investigates the relationship between philosophical learning and the practice of the orator, most importantly in matters of moral philosophy: “the orator must above all else develop his moral character by study, and undergo a thorough training in the honorable and the just, because without this no one can be either a good man or a skilled speaker” (*mores ante omnia oratori studiis erunt excolendi atque omnis honesti iustique disciplina pertractanda, sine qua nemo nec vir bonus esse nec dicendi peritus potest*, 12.2.1). Here Quintilian alludes to his requirement that no one can be an orator unless he is a good man, an utterly surprising claim when one considers that both modern and premodern eras are rife with examples of talented but depraved speakers.¹³ Apparently aware of how unintuitive his claim is, Quintilian devotes the whole first chapter of book 12 to defending it, and even in the second chapter, in which he turns his attention to the philosophical training of the rhetorician, he often returns to a defense of this major thesis. And it is in this second discussion that Quintilian explores the foundational role that one's facility with *ambiguitas* has in developing this necessary ethical character.

As Quintilian surveys the various areas of philosophical training—logic, ethics, and natural philosophy—that one needs to achieve

oratorical excellence, he underscores the importance of developing a facility with *ambiguitas*, first as a matter of logical precision and second as a matter of moral disposition. First turning his attention to training in logic, Quintilian explains how the orator must be able to “know the properties of every word, clear up ambiguities, unravel perplexities, judge falsehoods, and produce whatever inferences and refutations we wish” (*proprietas vocis cuiusque nosse et ambigua aperire et perplexa discernere et de falsis iudicare et colligere ac resolvere quae velis oratorum est*, 12.2.10).¹⁴ It is unsurprising that ambiguity would arise in this discussion of the orator’s logical training. Without the ability to evaluate the truthfulness of courtroom statements and make inferences from evidence, the orator would lack the crucial skills of the dialectician that—as Aristotle notes in the first sentence of his *Rhetoric*—are central to rhetorical practice.¹⁵

Although Quintilian includes *ambiguitas* in his discussion of the orator’s logical training, he also firmly positions facility with interpreting ambiguous language within ethical education, the second branch of the rhetorician’s philosophical learning. Returning to the language of status theory, Quintilian almost immediately pivots in his discussion of ethical training to the *status rationales* and the *status legales* elaborated in books 3 and 7:

iam quidem pars illa moralis quae dicitur ethice certe tota oratori est accommodata. nam in tanta causarum sicut superioribus libris diximus varietate, cum alia coniectura quaerantur, alia finitionibus concludantur, alia iura summoveantur vel transferantur, alia colligantur vel ipsa inter se concurrant vel in diversum ambiguitate ducantur. (12.2.15)

Moral philosophy, or ethics as it is called, is surely wholly appropriate to the orator. As I have shown in previous books, there is a huge variety of cases. We have issues of conjecture, conclusions reached by definition, cases dismissed on legal grounds,

questions of competence, cases based on inference, contrary laws, or ambiguities.

As he explains in the sentence that immediately follows this passage, Quintilian understands how these *status rationales* and *status legales* all involve matters of “equity and goodness” (*tractatus aequi ac boni*, 12.2.15). In fact, he underscores the central place of statutory interpretation in moral philosophy more generally: “Does not every question of law rest upon the correct sense of words or on a point of equity or on a conjecture about intention?” (*non quaestio iuris omnis aut verborum proprietate aut aequi disputatione aut voluntatis coniectura continetur?* 12.2.19). Not describing the rhetorician’s ethical training through the maxims of a particular philosophical school or an ethical authority—there is no explicit mention of Stoic *ratio* or Aristotelian deliberation here—Quintilian instead frames it as facility with a Hellenistic technique of rhetorical invention and sensitivity to ambiguous language. Without a sense of *aequitas*, the fairness needed to resolve interpretive ambiguity, and without the related ability to discover the spirit of the law (*voluntas*), the orator will come up short in the courtroom and lose his cases.¹⁶ In fact, when the orator lacks these hermeneutic and inventional skills, his practice will devolve into simple “loquaciousness” (*loquacitas*, 12.2.20), a symptom of language that “has either no guides to follow or false ones” (*vel nullos vel falsos duces habeat*, 12.2.20).

Quintilian elaborates the proposed relationship between ethics and interpretation in a later discussion of the orator’s knowledge of civil laws. Admitting that some points of the law are “certain” because they “stand firm in either writing or custom” (*omne ius, quod est certum, aut scripto aut moribus constat*, 12.3.6), Quintilian explains that what is “doubtful” in the law must be understood by the standard of equity (*dubium aequitatis regula examinandum est*, 12.3.6). While an investigation of the former kind of “certain law” requires “knowledge, not invention” (*cognitionis sunt enim, non inventionis*, 12.3.7), because presumably there are no controversies surrounding these plainly understood statutes, “doubtful” points

invite multiple interpretations and demand careful invention and argument. As Quintilian explains in the sentences that follow, the ability to wrestle with these interpretive controversies stems from the equity one develops through moral training:

at quae consultorum responsis explicantur aut in verborum interpretatione sunt posita aut in recti praviue discrimine. vim cuiusque vocis intellegere aut commune prudentium est aut proprium oratoris, aequitas optimo cuique notissima. nos porro et bonum virum et prudentem in primis oratorem putamus.
(12.3.7–8)

Points explained in the responses of legal consultants rest either on the interpretation of words or on the distinction between right and wrong. To understand the meaning of each word is either common ground to sensible men, or peculiar to the orator; equity is perfectly familiar to all good men. We believe, in fact, that the orator is first and foremost a good and prudent man.

Here Quintilian treats the “interpretation of words” and “the distinction between right and wrong” as parallel concerns, and he suggests that without the *aequitas* of the good man, one cannot “understand the meaning of each word.” (To return to our declamatory example from Pseudo-Quintilian for a moment, the *Institutio* here implies that the father’s ability to correctly interpret the concepts of “desertion” and “calamity” stems from his equity.) Quintilian’s discussion of ethical education in book 12, then, shows a certain internal consistency surrounding the place of morality in oratorical skill. Unlike the *ambiguitas* of composition, the *ambiguitas* of the *status legales* presents an interpretive challenge. Only with the correct ethical training and a refined *aequitas* will the orator have the “guides” (*duces*, 12.2.20) he needs to grapple with ambiguity and to

avoid the likelihood of courtroom defeat. Or as Quintilian lays out in the first sentences of this final book, the orator cannot be successful unless he is a good, equitable man.

By way of conclusion, I offer a third consideration of the role of ambiguity in rhetorical education as it relates to decorum and humor, topics adjacent to both morality and invention. In a discussion of sources of laughter, Quintilian explains that “*ambiguitas* undoubtedly gives the most frequent opportunities” (*cui sine dubio frequentissimam dat occasionem ambiguitas*, 6.3.87) for inspiring comedic responses in one’s audience, and he goes on to explain that “all witty speech consists in expressing things in a way other than the direct and truthful one” (*omnis salse dicendi ratio in eo est, ut aliter quam est rectum verumque dicatur*, 6.3.89). This understanding of ambiguity as a source of urbane comedy is not Quintilian’s own creation: earlier rhetorical texts including the *Rhetorica ad Herennium* consider “ambiguities as deliberate stylistic flourishes, when the intended double or triple meaning was seen as witty and entertaining, a flattering challenge to the audience’s intelligence, rather than an obstacle to their understanding.”¹⁷

Not all kinds of ambiguity, however, result in appropriate or acceptable humor, and Quintilian is careful to include a cautionary note about the ethics of comedic propriety:

cum sint autem loci plures ex quibus dicta ridicula ducantur, repetendum est mihi non omnis eos oratoribus convenire, in primis ex amphibolia, neque illa obscura quae atellanio more captant, nec qualia vulgo iactantur a vilissimo quoque, conversa in maledictum fere ambiguitate. (6.3.46–47)

Although there are many areas from which jokes may be drawn, I must emphasize again that they are not all suitable for orators: in particular any kind of *amphibolia*, either the obscure variety pursued in Atellan fashion, or the vulgar sort which the lowest

of the low bandy about, and in which the *ambiguitas* commonly turns into abuse.

Here Quintilian underscores how *amphibolia* and *ambiguitas* lend themselves to comedy, but also how certain instances of such ambiguity are beneath the moral character of the ideal orator. Such “vulgar” kinds of ambiguity are used by the ethically compromised man (*vilissimus*), an adjective hardly befitting the *bonus homo* who epitomizes oratorical excellence in the *Institutio*’s final book.¹⁸ Indeed, this debased kind of humor effects not the *urbanitas* of the learned rhetorician but the *maledictum* of the crass joker.

The role of *ambiguitas* in comedic decorum deserves a fuller treatment than it can be given here, but the term’s appearance in Quintilian’s discussion of humor and propriety exemplifies the schoolmaster’s consistent and deep interest in the ethics of linguistic ambiguity. As Quintilian illustrates through his allusion to the *vilissimus* man who includes questionable comedy in his speeches, even these more ornamental considerations of *ambiguitas* can reveal the ethical character of the orator. Perhaps, then, Quintilian sees the ethical significance of ambiguity not merely in its interpretive dimension—whether one has the proper disposition to understand vague statutory language—but even in the compositional concerns with which this chapter begins. Incompetent in his handling of *ambiguitas*, the unskilled, unethical orator will fail in both his reading and his writing, both his laws and his punchlines.

BIBLIOGRAPHY

- Atherton, Catherine. 2007. *The Stoics on Ambiguity*. Cambridge, UK: Cambridge University Press.
- Austin, R. G., ed. and comm. 1948. *Quintilian Book XII*. Oxford: Oxford University Press.
- Berti, Emanuele. 2015. “Law in Declamation: The *status legales* in Senecan *controversiae*.” In *Law and Ethics in Greek and Roman*

- Declamation*, ed. Eugenio Amato, Francesco Citto, and Burt Huelsenbeck, 7–34. Berlin: De Gruyter.
- Bernstein, Neil W. 2013. *Ethics, Identity, and Community in Later Roman Declamation*. Oxford: Oxford University Press.
- Bobzien, Susanne. 2007. “Aristotle’s *De Interpretatione* 8 is about Ambiguity.” In *Maieusis: Essays in Ancient Philosophy in Honour of Myles Burnyeat*, ed. Dominic Scott, 301–321. Oxford: Oxford University Press.
- Bonner, Stanley F. 1949. *Roman Declamation in the Late Republic and Early Empire*. Liverpool: University Press of Liverpool.
- Brinton, Alan. 1983. “Quintilian, Plato, and the ‘*Vir Bonus*.’” *Philosophy & Rhetoric* 16 (3):167–184.
- Dieter, Otto Alvin Loeb. 1950. “Stasis.” *Communications Monographs* 17 (4):345–369.
- Eden, Kathy. 2005. *Hermeneutics and the Rhetorical Tradition*. New Haven: Yale University Press.
- Fantham, Elaine. 2011. *Beiträge zur Altertumskunde: Roman Readings: Roman Response to Greek Literature from Plautus to Statius and Quintilian*. Berlin: De Gruyter.
- Hintikka, Jaakko. 1959. “Aristotle and the Ambiguity of Ambiguity.” *Inquiry* 2:137–151.
- Nadeau, Ray. 1959. “Classical Systems of Stases in Greek: Hermagoras to Hermogenes.” *Greek, Roman and Byzantine Studies* 2 (1):361–424.
- Sloan, Michael C. 2010. “Aristotle’s *Nicomachean Ethics* as the Original Locus for the *Septem Circumstantiae*.” *Classical Philology* 105 (3):236–251.
- Walzer, Arthur E. 2003. “Quintilian’s *Vir Bonus* and the Stoic Wise Man.” *Rhetoric Society Quarterly* 33 (4):25–41.
- Winterbottom, Michael, ed. and comm. 1984. *The Minor Declamations Ascribed to Quintilian*. Berlin and New York: de Gruyter.
- . 1964. “Quintilian and the *Vir Bonus*.” *Journal of Roman Studies* 54:90–97.

ENDNOTES

- ¹ *Ars Maior* III.3, *cum barbarismo et soloecismo vitia duodecim numerantur hoc modo: barbarismus, soloecismus, acrylogia, cacamphaton, pleonasmos, perissologia, macrologia, tautologia, eclipsis, tapinosis, cacosyntheton, amphibolia . . . amphibolia est ambiguitas dictionis.*
- ² This pedagogical disapproval of ambiguity “was not seriously challenged until [the twentieth] century,” as modern compositional textbooks illustrate (Atherton 1993, 483–484).
- ³ In the first book of the *Institutio*, Quintilian urges a father to begin the rhetorical training of his son “as soon as he is born” (*nato filio*, 1.1.1). For Quintilian’s survey of philosophical debates surrounding the nature and purpose and rhetoric, see *Institutio* 2.11–21.
- ⁴ Status theory is a rhetorical framework in which parties in a forensic dispute come to “a standing still” (*status*) in their arguments. For a brief history of status theory (also called *stasis* theory), see Dieter 1950. For a history of the development of status theory, see Nadeau 1959. For a discussion of Aristotelian influence on status theory, particularly regarding the forensic framework of *circumstantiae*, see Sloan 2010. For examples of discussions of status theory in Roman rhetorical manuals, see Cicero *De Inventione* I.10–16 and *Rhetorica ad Herennium* I.18–19.
- ⁵ As Quintilian himself notes, status theory extends to matters outside the courtroom, even if its primary and original application is to forensic oratory. See, for example, his application of this framework to deliberative oratory at 3.8.4–6.
- ⁶ This four-part collection of Latin terminology can be found at 3.6.88, where *amphibolia* is used instead of *ambiguitas*. A similar list at 3.6.66 includes *ambiguitas* in place of *amphibolia*. The two terms seem interchangeable in Quintilian’s text within the context of the *status legales*.
- ⁷ Compare with *Rhetorica ad Herennium* 1.20: *Ex ambiguo controversia nascitur cum scriptum duas aut plures sententias significat.*
- ⁸ One recent study of the *Declamationes Maiores* explains that they include “a group of nineteen declamations composed by multiple authors from the end of the first through the beginning of the third centuries CE . . . [and] hardly fit Quintilian’s stricture that the scenario [of a declamatory exercise] should be plausible” (Bernstein 2013, 4).

The *Declamationes Minores*, too, often attributed to Quintilian's own hand, are possibly written by another expert rhetorician: "whether the [author of the minor declamations] is Quintilian is a disputable matter, and not one, perhaps, of the highest importance. There is no doubt that, if he is not Quintilian, he is an avid reader of the *Institutio*" (Winterbottom 1984, xiv).

- ⁹ This sentence includes the only mention of the word *ambiguitas* in both the *Declamationes Maiores* and *Declamtioness Minores* of Pseudo-Quintilian.
- ¹⁰ For a similar treatment of statutory ambiguity in another ancient author, see Seneca the Elder *Controversiae* 1.2. In this declamatory exercise, Seneca's interest in the inevitable lexical ambiguities that arise from a law's compact composition parallels the desertion case from Pseudo-Quintilian's *Declamationes Maiores*. Instead of considering a dead son who may have deserted a grieving parent, this Senecan example looks to the problems surrounding an erstwhile virgin, captured by pirates and forced into prostitution, who later wishes to become a priestess. The law, however, dictates that "a priestess must be chaste and from chaste people, pure and of pure people" (*Sacerdos casta e castis, pura, e puris sit*, 1.2). Seneca includes one approach to the case that focuses on the ambiguity of the adjective *castus* (1.2.15). For recent work on the place of status theory more generally in the works of Seneca the Elder, see Berti 2015. For a discussion of Quintilian's consideration of *controversiae* in his own rhetorical treatise, see Fantham 2011, 320–330.
- ¹¹ Bonner 1949, 47. Bonner also reports that "the origins of [the conflict between *ius* and *aequitas*] are at least as old as Aristotle and the *Rhetorica ad Alexandrum*, and were fully formulated by Hermagoras long before they appeared in Cicero's youthful *De Inventione*" (47). For another investigation of *aequitas* and its role in legal interpretation, see Eden 2005, 1–19. For an Aristotelian discussion of the relationship between equity and the interpretation of the law, see *Nicomachean Ethics* 5.10.
- ¹² After the "protracted, laborious pursuit of systematic rhetorical learning with all its technicalities and precision" in the earlier books of the *Institutio*, "the preliminaries are finished, the boy has grown up, and the complete orator, the *vir bonus dicendi peritus*, is seen in action in the courts and councils of Rome" (Austin 1948, ix).

- ¹³ For one formulation of Quintilian’s claim, see 12.1.3: “Indeed, I do not only say this, that he who is an orator ought to be a good man, but rather that a man will not even be an orator unless he is a good man” (*neque enim tantum id dico, eum qui sit orator virum bonum esse oportere, sed ne futurum quidem oratorem nisi virum bonum*). For discussions of this confounding formulation and its roots in Stoic thought, see Brinton 1983, Walzer 2003, and Winterbottom 1964.
- ¹⁴ For the meaning of *perplexus* related to “cryptic” or “baffling” language, see *OLD* 2b. For the meaning of *aperire* as “to make known or clear by words,” see *OLD* 12. Compare Tacitus *Histories* 2.78, where *aperire* is used to interpret the unclear language of an oracle: *has ambages et statim exceperat fama et tunc aperiebat*.
- ¹⁵ As Diogenes Laertius suggests in his account of the Stoic Wise Man’s need for dialectic, “rhetoric is essential to the Wise Man’s living the virtuous life,” and rhetoric and dialectic should each be understood as both “a science and a virtue” (Walzer 2003, 30). For Aristotle’s various views on ambiguity, particularly as it bears on dialectic, see Bobzein 2008 and Hintikka 1959.
- ¹⁶ This facility with *ambiguitas* bears on the first branch of philosophical training, and Quintilian admits that this ethical training sounds similar to and overlaps with the logical training he has just prescribed in the previous paragraphs: “part of this set of problems overflows into logic, and part into ethics” (*quorum pars ad rationalem, pars ad moralem tractatum redundat*, 12.2.19).
- ¹⁷ Atherton 1993, 484–485. In her discussion, Atherton points to the *Rhetorica ad Herennium* 4.67 as an example of this more positive view of humorous ambiguity in antiquity.
- ¹⁸ For Quintilian’s reference to the *vilissimi* as the worst authors, unfit even to be kept in a library, see 11.3.4–5.