

INSTITUTIO ORATORIA

QUINTILIAN

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MARCUS FABIVS QVINTILIANVS TO HIS FRIEND TRYPHO:

GREETING

You have daily implored me with the request that I should at length take steps to publish the book on the Education of an Orator, which I dedicated to my friend Marcellus. My own view was that it was not yet ripe for publication. As you know, I have spent little more than two years on its composition, during which time moreover, I have been distracted by a multitude of other affairs. These two years have been devoted not so much to actual writing as to the research demanded by a task to which practically no limits can be set and to the reading of innumerable authors.

Further, following the precept of Horace who in his Art of Poetry deprecates hasty publication and urges the would-be author,

“To withhold

His work till nine long years have passed away,”

I proposed to give them time, in order that the ardor of creation might cool and that I might revise them with all the consideration of a dispassionate reader. But if there is such a demand for their publication as you assert, why then let us spread our canvas to the gale and offer up a fervent prayer to heaven as we put out to sea. But remember, I rely on your loyal care to see that they reach the public in as correct a form as possible.

THE
INSTITUTIO
ORATORIA

OF
QUINTILIAN

BOOK I

PREFACE: DUTY TO FRIENDS

Having at length, after twenty years devoted to the training of the young, obtained leisure for study, I was asked by certain of my friends to write something on the art of speaking. For a long time, I resisted their entreaties, since I was well aware that some of the most distinguished Greek and Roman writers had bequeathed to posterity a number of works dealing with this subject, to the composition of which they had devoted the utmost care. This seemed to me to be an admirable excuse for my refusal, but served merely to increase their enthusiasm. They urged that previous writers on the subject had expressed different and at times contradictory opinions, between which it was very difficult to choose. They thought therefore that they were justified in imposing on me the task, if not of discovering original views, at least of passing definite judgment on those expressed by my predecessors.

I was moved to comply not so much because I felt confidence that I was equal to the task, as because I had a certain compunction about refusing. The subject proved more extensive than I had first imagined; but finally I volunteered to shoulder a task which was on a far larger scale than that which I was originally asked to undertake. I wished on the one hand to oblige my very good friends beyond their requests, and on the other to avoid the beaten track and the necessity of treading where others had gone before. For almost all others who have written on the art of oratory have started with the assumption that their readers were perfect in all other branches of education and that their own task was merely to put the finishing touches to their rhetorical training; this is due to the fact that they either despised the preliminary stages of education or thought that they were not their concern, since the duties of the different branches of education are distinct one from another, or else, and this is nearer the truth, because they had no hope of making a remunerative display of their talent in dealing with subjects, which, although necessary, are far from being showy: just as in architecture it is the superstructure and not the foundations which attracts the eye. I, on the other hand, hold that the art of oratory includes all that is essential for the training of an orator, and that it is impossible to reach the summit in any subject unless we have first passed through all the elementary stages. I shall not therefore refuse to stoop to the consideration of those minor details, neglect of which may result in there being no opportunity for more important things, and propose to mould the studies of my orator from infancy, on the assumption that his whole education has been entrusted to my charge. This work I dedicate to you, Marcellus Victorius. You have been

the truest of friends to me and you have shown a passionate enthusiasm for literature. But good as these reasons are, they are not the only reasons that lead me to regard you as especially worthy of such a pledge of our mutual affection. There is also the consideration that this book should prove of service in the education of your son Geta, who, young though he is, already shows clear promise of real talent. It has been my design to lead my reader from the very cradle of speech through all the stages of education which can be of any service to our budding orator till we have reached the very summit of the art. I have been all the more desirous of so doing because two books on the art of rhetoric are at present circulating under my name, although never published by me or composed for such a purpose. One is a two days' lecture which was taken down by the boys who were my audience. The other consists of such notes as my good pupils succeeded in taking down from a course of lectures on a somewhat more extensive scale: I appreciate their kindness, but they showed an excess of enthusiasm and a certain lack of discretion in doing my utterances the honour of publication.

Consequently, in the present work, although some passages remain the same, you will find many alterations and still more additions, while the whole theme will be treated with greater system and with as great perfection as lies within my power.

My aim, then, is the education of the perfect orator. The first essential for such a one is that he should be a good man, and consequently we demand of him not merely the possession of exceptional gifts of speech, but of all the excellences of character as well. For I will not admit that the principles of upright and honourable living should, as some have held, be regarded as the peculiar concern of philosophy. The man who can really play his part as a citizen and is capable of meeting the demands both of public and private business, the man who can guide a state by his counsels, give it a firm basis by his legislation and purge its vices by his decisions as a judge, is assuredly no other than the orator of our quest.

Wherefore, although I admit I shall make use of certain of the principles laid down in philosophical textbooks, I would insist that such principles have a just claim to form part of the subject-matter of this work and do actually belong to the art of oratory. I shall frequently be compelled to speak of such virtues as courage, justice, self-control; in fact, scarcely a case comes up in which some one of these virtues is not involved; every one of them requires illustration and consequently makes a demand on the imagination and eloquence of the pleader. I ask you then, can there be any doubt that, wherever imaginative power and amplitude of diction are required, the orator has a specially important part to play?

These two branches of knowledge were, as Cicero has clearly shown, so closely united, not merely in theory but in practice, that the same men were regarded as

uniting the qualifications of orator and philosopher. Subsequently this single branch of study split up into its component parts, and thanks to the indolence of its professors was regarded as consisting of several distinct subjects. As soon as speaking became a means of livelihood and the practice of making an evil use of the blessings of eloquence came into vogue, those who had a reputation for eloquence ceased to study moral philosophy, and ethics, thus abandoned by the orators, became the prey of weaker intellects.

As a consequence, certain persons, disdaining the toil of learning to speak well, returned to the task of forming character and establishing rules of life and kept to themselves what is, if we must make a division, the better part of philosophy, but presumptuously laid claim to the sole possession of the title of philosopher, a distinction which neither the greatest generals nor the most famous statesmen and administrators have ever dared to claim for themselves. For they preferred the performance to the promise of great deeds. I am ready to admit that many of the old philosophers inculcated the most excellent principles and practised what they preached.

But in our own day, the name of philosopher has too often been the mask for the worst vices. For their attempt has not been to win the name of philosopher by virtue and the earnest search for wisdom; instead they have sought to disguise the depravity of their characters by the assumption of a stern and austere mien accompanied by the wearing of a garb differing from that of their fellow men.

Now as a matter of fact, we all of us frequently handle those themes which philosophy claims for its own. Who, short of being an utter villain, does not speak of justice, equity, and virtue? Who (and even common country-folk are no exception) does not make some inquiry into the causes of natural phenomena? As for the special uses and distinctions of words, they should be a subject of study common to all who give any thought to the meaning of language.

But it is surely the orator who will have the greatest mastery of all such departments of knowledge and the greatest power to express it in words. And if ever he had reached perfection, there would be no need to go to the schools of philosophy for the precepts of virtue. As things stand, it is occasionally necessary to have recourse to those authors who have, as I said above, usurped the better part of the art of oratory after its desertion by the orators and to demand back what is ours by right, not with a view to appropriating their discoveries, but to show them that they have appropriated what in truth belonged to others.

Let our ideal orator then be such as to have a genuine title to the name of philosopher. It is not sufficient that he should be blameless in point of character (for I cannot agree with those who hold this opinion): he must also be a master of

the science and the art of speaking, to an extent that perhaps no orator has yet attained. Still, we must none the less follow the ideal, as was done by not a few of the ancients, who, though they refused to admit that the perfect sage had yet been found, nonetheless handed down precepts of wisdom for the use of posterity.

Perfect eloquence is assuredly a reality, which is not beyond the reach of human intellect. Even if we fail to reach it, those whose aspirations are highest will attain to greater heights than those who abandon themselves to premature despair of ever reaching the goal and halt at the very foot of the ascent.

I have therefore all the juster claim to indulgence, if I refuse to pass by those minor details which are none the less essential to my task.

My first book will be concerned with the preliminary education necessary for the teacher of rhetoric. My second will deal with the fundamentals of the schools of rhetoric and with problems connected with the essence of rhetoric itself. The next five will be concerned with invention, in which I include Arrangement. The four following will be assigned to Eloquence, under which head I include Memory and Delivery. Finally, there will be one book in which our complete orator will be delineated; as far as my feeble powers permit, I will discuss his character, the rules which should guide him in undertaking, studying, and pleading cases, the style of his eloquence, the time at which he should cease to plead cases and the studies to which he should devote himself after such cessation.

In the course of these discussions, I will deal in its proper place with the method of teaching by which students will acquire not merely a knowledge of those things to which the name of art is restricted by certain theorists, and will not only come to understand the laws of rhetoric, but will acquire that which will increase their powers of speech and nourish their eloquence. For as a rule, the result of the dry textbooks on the art of rhetoric is that by straining after excessive subtlety, they impair and cripple all the nobler elements of style, exhaust the lifeblood of the imagination, and leave but the bare bones, which, while it is right and necessary that they should exist and be bound each to each by their respective ligaments, require a covering of flesh as well.

I shall therefore avoid the precedent set by the majority and shall not restrict myself to this narrow conception of my theme, but shall include in my twelve books a brief demonstration of everything which may seem likely to contribute to the education of an orator. For if I were to attempt to say all that might be said on each subject, the book would never be finished.

There is however one point which I must emphasize before I begin, which is this: Without natural gifts, technical rules are useless. Consequently, the student who is devoid of talent will derive no more profit from this work than barren soil

from a treatise on agriculture. There are, it is true, other natural aids, such as the possession of a good voice and robust lungs, sound health, powers of endurance, and grace, and if these are possessed only to a moderate extent, they may be improved by methodical training. In some cases, however, these gifts are lacking to such an extent that their absence is fatal to all such advantages as talent and study can confer, while, similarly, they are of no profit in themselves unless cultivated by skilful teaching, persistent study, and continuous and extensive practice in writing, reading, and speaking.

CHAPTER I: BEGINNINGS OF EDUCATION

I would, therefore, have a father conceive the highest hopes of his son from the moment of his birth. If he does so, he will be more careful about the groundwork of his education. For there is absolutely no foundation for the complaint that but few men have the power to take in the knowledge that is imparted to them, and that the majority are so slow of understanding that education is a waste of time and labour. On the contrary, you will find that most are quick to reason and ready to learn. Reasoning comes as naturally to man as flying to birds, speed to horses, and ferocity to beasts of prey: our minds are endowed by nature with such activity and sagacity that the soul is believed to proceed from heaven. Those who are dull and unteachable are as abnormal as prodigious births and monstrosities, and are but few in number.

A proof of what I say is to be found in the fact that boys commonly show promise of many accomplishments, and when such promise dies away as they grow up, this is plainly due not to the failure of natural gifts, but to lack of the requisite care. But, it will be urged, there are degrees of talent. Undoubtedly, I reply, and there will be a corresponding variation in actual accomplishment: but that there are any who gain nothing from education, I absolutely deny. The man who shares this conviction, must, as soon as he becomes a father, devote the utmost care to fostering the promise shown by the son whom he destines to become an orator.

Above all see that the child's nurse speaks correctly. The ideal, according to Chrysippus, would be that she should be a philosopher: failing that he desired that the best should be chosen, as far as possible. No doubt the most important point is that they should be of good character: but they should speak correctly as well. It is the nurse that the child first hears, and her words that he will first attempt to imitate. And we are by nature most tenacious of childish impressions, just as the flavour first absorbed by vessels when new persists, and the colour imparted by dyes

to the primitive whiteness of wool is indelible. Further it is the worst impressions that are most durable. For, while what is good readily deteriorates, you will never turn vice into virtue. Do not therefore allow the boy to become accustomed even in infancy to a style of speech which he will subsequently have to unlearn.

As regards parents, I should like to see them as highly educated as possible, and I do not restrict this remark to fathers alone. We are told that the eloquence of the Gracchi owed much to their mother Cornelia, whose letters even to-day testify to the cultivation of her style. Laelia, the daughter of Gaius Laelius, is said to have reproduced the elegance of her father's language in her own speech, while the oration delivered before the triumvirs by Hortensia, the daughter of Quintus Hortensius, is still read and not merely as a compliment to her sex.

And even those who have not had the fortune to receive a good education should not for that reason devote less care to their son's education; but should on the contrary show all the greater diligence in other matters where they can be of service to their children.

With respect to the boys in whose company our budding orator is to be brought up, I would repeat what I have said about nurses. Regarding his tutors, I would urge that they should have had a thorough education, or if they have not, that they should be aware of the fact. There are none worse than those who, as soon as they have progressed beyond a knowledge of the alphabet, delude themselves into the belief that they are the possessors of real knowledge. For they disdain to stoop to the drudgery of teaching, and conceiving that they have acquired a certain title to authority - a frequent source of vanity in such persons - become imperious or even brutal in instilling a thorough dose of their own folly. Their misconduct is no less prejudicial to morals. For instance, we are told by Diogenes of Babylon, that Leonides, Alexander's tutor, infected his pupil with certain faults, which as a result of his education as a boy clung to him even in his mature years when he had become the greatest of kings.

If any of my readers regards me as somewhat exacting in my demands, I would ask him to reflect that it is no easy task to create an orator, even though his education be carried out under the most favourable circumstances, and that further and greater difficulties are still before us. For continuous application, the very best of teachers and a variety of exercises are necessary. Therefore, the rules which we lay down for the education of our pupil must be of the best. If anyone refuses to be guided by them, the fault will lie not with the method, but with the individual. Still, if it should prove impossible to secure the ideal nurse, the ideal companions, or the ideal tutor, I would insist that there should be one person at least attached to the boy who has some knowledge of speaking and who will, if any incorrect

expression should be used by nurse or tutor in the presence of the child under their charge, at once correct the error and prevent its becoming a habit. But it must be clearly understood that this is only a remedy, and that the ideal course is that indicated above.

I prefer that a boy should begin with Greek because Latin, being in general use, will be picked up by him whether we will or no; while the fact that Latin learning is derived from Greek is a further reason for his being first instructed in the latter. I do not however desire that this principle should be so superstitiously observed that he should for long speak and learn only Greek, as is done in the majority of cases. Such a course gives rise to many faults of language and accent; the latter tends to acquire a foreign intonation, while the former through force of habit becomes impregnated with Greek idioms, which persist with extreme obstinacy even when we are speaking another tongue. The study of Latin ought therefore to follow at no great distance and in a short time proceed side by side with Greek. The result will be that, as soon as we begin to give equal attention to both languages, neither will prove a hindrance to the other.

Some argue that boys should not be taught to read until they are seven years old, that being the earliest age at which they can benefit from instruction and endure the strain of learning. Most of these people attribute this view to Hesiod, at least those who lived before Aristophanes the grammarian, who first disputed that the *Hypothecae*, in which this opinion is stated, was the work of that poet. However, other authorities, including Eratosthenes, provide the same advice. Yet those who believe that a child's mind should not be allowed to lie fallow for a moment are wiser. Chrysippus, for instance, while he assigns nurses a reign of three years, still believes that shaping the child's mind according to the best principles is a part of their duties.

Why, considering that children are capable of moral training, should they not also be capable of literary education? I am fully aware that during the entire period I am discussing, we can barely expect the same amount of progress that one year will later provide. However, those who disagree with me seem to be sparing the teacher rather than the pupil in this matter. What better activity can a child have as soon as he can speak? He needs to be occupied somehow. And why should we neglect the benefits to be had before the age of seven, even if they are small?

Even though the knowledge gained in the preceding years may be minimal, the boy will be learning something more advanced during that year, which would otherwise have been used for more elementary learning. The gains from each successive year add to the total, and the time saved during childhood is clear profit for the youth period. Furthermore, in relation to the ensuing years, I must stress

the importance of learning what must be learned in good time. Let's not waste the earliest years. This is especially unforgivable since the basics of literary training rely solely on memory, which is present even in very young children and is especially keen at that age.

However, I am not so oblivious to age differences as to believe that very young children should be pushed ahead prematurely or given serious tasks. Above all, we must ensure that the child, not yet old enough to love his studies, does not come to detest them and dread the bitterness he has once tasted, even when infancy is over. His studies must be made a form of amusement. He should be questioned, praised, and taught to rejoice when he has done well. Occasionally, when he is reluctant, instruction should be given to someone else to spark his envy. At times, he should also be engaged in competition and allowed to believe he is successful more often than not. His efforts should be rewarded in ways that appeal to his tender age.

These instructions might seem trivial given that I claim to describe the education of an orator. But studies, like humans, have their infancy. As the physical training of the body that is to grow to full strength begins while the child is in the cradle and at his mother's breast, so too does the man destined to rise to the heights of eloquence start as a squalling infant, attempting to speak in stammering accents and puzzled by the shapes of letters. The fact that the capacity for learning is insufficient doesn't mean that nothing needs to be learned. No one criticizes a father who believes that such details should not be neglected in his own son's case. Why then should he be criticized who records for public benefit what he would be right to apply in his own household? There is this further reason why he should not be blamed. Small children are better adapted for taking in small things, and just as the body can only be trained to certain flexions of the limbs while it is young and supple, so the acquisition of strength makes the mind offer greater resistance to the acquisition of most subjects of knowledge. Would Philip of Macedon have wished that his son, Alexander, should be taught the rudiments of letters by Aristotle, the greatest philosopher of that age, or would the latter have undertaken the task, if he had not thought that even the earliest instruction is best given by the most perfect teacher and has real reference to the whole of education? Let us assume therefore that Alexander has been confided to our charge and that the infant placed in our lap deserves no less attention than he—though for that matter every man's child deserves equal attention. Would you be ashamed even in teaching him the alphabet to point out some brief rules for his education?

At any rate I am not satisfied with the course (which I note is usually adopted) of teaching small children the names and order of the letters before their shapes. Such a practice makes them slow to recognize the letters, since they do not pay

attention to their actual shape, preferring to be guided by what they have already learned by rote. It is for this reason that teachers, when they think they have sufficiently familiarized their young pupils with the letters written in their usual order, reverse that order or rearrange it in every kind of combination, until they learn to know the letters from their appearance and not from the order in which they occur. It will be best therefore for children to begin by learning their appearance and names just as they do with men. The method, however, to which we have objected in teaching the alphabet, is unobjectionable when applied to syllables. I quite approve on the other hand of a practice which has been devised to stimulate children to learn by giving them ivory letters to play with, as I do of anything else that may be discovered to delight the very young, the sight, handling, and naming of which is a pleasure.

As soon as the child has begun to know the shapes of the various letters, it will be no bad thing to have them cut as accurately as possible upon a board, so that the pen may be guided along the grooves. Thus mistakes such as occur with wax tablets will be rendered impossible; for the pen will be confined between the edges of the letters and will be prevented from going astray. Further by increasing the frequency and speed with which they follow these fixed outlines we shall give steadiness to the fingers, and there will be no need to guide the child's hand with our own. The art of writing well and quickly is not unimportant for our purpose, though it is generally disregarded by persons of quality. Writing is of the utmost importance in the study which we have under consideration and by its means alone can true and deeply rooted proficiency be obtained. But a sluggish pen delays our thoughts, while an unformed and illiterate hand cannot be deciphered, a circumstance which necessitates another wearisome task, namely the dictation of what we have written to a copyist. We shall therefore at all times and in all places, and above all when we are writing private letters to our friends, find a gratification in the thought that we have not neglected even this accomplishment.

As regards syllables, no short cut is possible: they must all be learnt, and there is no good in putting off learning the most difficult; this is the general practice, but the sole result is bad spelling. Further, we must beware of placing a blind confidence in a child's memory. It is better to repeat syllables and impress them on the memory and, when he is reading, not to press him to read continuously or with greater speed, unless indeed the clear and obvious sequence of letters can suggest itself without its being necessary for the child to stop to think. The syllables once learnt, let him begin to construct words with them and sentences with the words. You will hardly believe how much reading is delayed by undue haste. If the child attempts more than his powers allow, the inevitable result is hesitation, interruption

and repetition, and the mistakes which he makes merely lead him to lose confidence in what he already knows. Reading must therefore first be sure, then connected, while it must be kept slow for a considerable time, until practice brings speed unaccompanied by error. For to look to the right, which is regularly taught, and to look ahead depends not so much on precept as on practice; since it is necessary to keep the eyes on what follows while reading out what precedes, with the resulting difficulty that the attention of the mind must be divided, the eyes and voice being differently engaged. It will be found worthwhile, when the boy begins to write out words in accordance with the usual practice, to see that he does not waste his labour in writing out common words of everyday occurrence. He can readily learn the explanations or glosses, as the Greeks call them, of the more obscure words by the way and, while he is still engaged on the first rudiments, acquire what would otherwise demand special time to be devoted to it. And as we are still discussing minor details, I would urge that the lines, which he is set to copy, should not express thoughts of no significance, but convey some sound moral lesson. He will remember such aphorisms even when he is an old man, and the impression made upon his unformed mind will contribute to the formation of his character. He may also be entertained by learning the sayings of famous men and above all selections from the poets, poetry being more attractive to children. For memory is most necessary to an orator, as I shall point out in its proper place, and there is nothing like practice for strengthening and developing it. And at the tender age of which we are now speaking, when originality is impossible, memory is almost the only faculty which can be developed by the teacher. It will be worthwhile, by way of improving the child's pronunciation and distinctness of utterance, to make him rattle off a selection of names and lines of studied difficulty: they should be formed of a number of syllables which go off together and should be harsh and rugged in sound: the Greeks call them 'gags.' This sounds a trifling matter, but its omission will result in numerous faults of pronunciation, which, unless removed in early years, will become a perverse and incurable habit and persist through life.

CHAPTER II: ROBUST EDUCATION

But the time has come for the boy to grow up little by little, to leave the nursery and tackle his studies in good earnest. This therefore is the place to discuss the question as to whether it is better to have him educated privately at home or hand him over to some large school and those whom I may call public instructors. The latter course has, I know, won the approval of most eminent authorities and of those

who have formed the national character of the most famous states. However, it would be folly to shut our eyes to the fact that there are some who disagree with this preference for public education owing to a certain prejudice in favour of private tuition. These persons seem to be guided in the main by two principles. In the interests of morality, they would avoid the society of a number of human beings at an age that is especially liable to acquire serious faults: I only wish I could deny the truth of the view that such education has often been the cause of the most discreditable actions. Secondly, they hold that whoever is to be the boy's teacher, he will devote his time more generously to one pupil than if he has to divide it among several. The first reason certainly deserves serious consideration. If it were proved that schools, while advantageous to study, are prejudicial to morality, I should give my vote for virtuous living in preference to even supreme excellence of speaking. But in my opinion, the two are inseparable. I hold that no one can be a true orator unless he is also a good man and, even if he could be, I would not have it so. I will therefore deal with this point first.

It is held that schools corrupt the morals. It is true that this is sometimes the case. But morals may be corrupted at home as well. There are numerous instances of both, as there are also of the preservation of a good reputation under either circumstance. The nature of the individual boy and the care devoted to his education make all the difference. Given a natural bent toward evil or negligence in developing and watching over modest behaviour in early years, privacy will provide equal opportunity for sin. The teacher employed at home may be of bad character, and there is just as much danger in associating with bad slaves as there is with immodest companions of good birth. On the other hand, if the natural bent be towards virtue, and parents are not afflicted with a blind and torpid indifference, it is possible to choose a teacher of the highest character (and those who are wise will make this their first object), to adopt a method of education of the strictest kind and at the same time to attach some respectable man or faithful freedman to their son as his friend and guardian, that his unfailing companionship may improve the character even of those who gave rise to apprehension.

Yet how easy were the remedy for such fears. Would that we did not too often ruin our children's character ourselves! We spoil them from the cradle. That soft upbringing, which we call kindness, saps all the sinews both of mind and body. If the child crawls on purple, what will he not desire when he comes to manhood? Before he can talk he can distinguish scarlet and cries for the very best brand of purple. We train their palates before we teach their lips to speak. They grow up in litters: if they set foot to earth, they are supported by the hands of attendants on either side. We rejoice if they say something over-free, and words which we should

not tolerate from the lips even of an Alexandrian page are greeted with laughter and a kiss. We have no right to be surprised. It was we that taught them: they hear us use such words, they see our mistresses and minions; every dinner party is loud with foul songs, and things are presented to their eyes of which we should blush to speak. Hence springs habit, and habit in time becomes second nature. The poor children learn these things before they know them to be wrong. They become luxurious and effeminate, and far from acquiring such vices at schools, introduce them themselves.

I now turn to the objection that one master can give more attention to one pupil. In the first place, there is nothing to prevent the principle of “one teacher, one boy” being combined with school education. And even if such a combination should prove impossible, I should still prefer the broad daylight of a respectable school to the solitude and obscurity of a private education. For all the best teachers pride themselves on having a large number of pupils and think themselves worthy of a bigger audience. On the other hand, in the case of inferior teachers, a consciousness of their own defects not seldom reconciles them to being attached to a single pupil and playing the part—for it amounts to little more—of a mere *paedagogus*.

But let us assume that influence, money or friendship succeed in securing a paragon of learning to teach the boy at home. Will he be able to devote the whole day to one pupil? Or can we demand such continuous attention on the part of the learner? The mind is as easily tired as the eye if given no relaxation. Moreover, by far the larger proportion of the learner’s time ought to be devoted to private study. The teacher does not stand over him while he is writing or thinking or learning by heart. While he is so occupied, the intervention of anyone, be he who he may, is a hindrance. Further, not all reading requires to be first read aloud or interpreted by a master. If it did, how would the boy ever become acquainted with all the authors required of him? A small time only is required to give purpose and direction to the day’s work, and consequently individual instruction can be given to more than one pupil. There are moreover a large number of subjects in which it is desirable that instruction should be given to all the pupils simultaneously.

I say nothing of the analyses and declamations of the professors of rhetoric: in such cases there is no limit to the number of the audience, as each individual pupil will in any case receive full value. The voice of a lecturer is not like a dinner which will only suffice for a limited number; it is like the sun which distributes the same quantity of light and heat to all of us. So too with the teacher of literature. Whether he speaks of style or expounds disputed passages, explains stories or paraphrases poems, everyone who hears him will profit by his teaching. But, it will be urged, a

large class is unsuitable for the correction of faults or for explanation. It may be inconvenient: one cannot hope for absolute perfection; but I shall shortly contrast the inconvenience with the obvious advantages.

Still, I do not wish a boy to be sent where he will be neglected. But a good teacher will not burden himself with a larger number of pupils than he can manage, and it is further of the very first importance that he should be on friendly and intimate terms with us and make his teaching not a duty but a labour of love. Then there will never be any question of being swamped by the number of our fellow-learners. Moreover, any teacher who has the least tincture of literary culture will devote special attention to any boy who shows signs of industry and talent; for such a pupil will redound to his own credit. But even if large schools are to be avoided, a proposition from which I must dissent if the size is due to the excellence of the teacher, it does not follow that all schools are to be avoided. It is one thing to avoid them, another to select the best.

Having refuted these objections, let me now explain my own views. It is above all things necessary that our future orator, who will have to live in the utmost publicity and in the broad daylight of public life, should become accustomed from his childhood to move in society without fear and habituated to a life far removed from that of the pale student, the solitary and recluse. His mind requires constant stimulus and excitement, whereas retirement such as has just been mentioned induces languor and the mind becomes mildewed like things that are left in the dark, or else flies to the opposite extreme and becomes puffed up with empty conceit; for he who has no standard of comparison by which to judge his own powers will necessarily rate them too high. Again when the fruits of his study have to be displayed to the public gaze, our recluse is blinded by the sun's glare, and finds everything new and unfamiliar, for though he has learnt what is required to be done in public, his learning is but the theory of a hermit. I say nothing of friendships which endure unbroken to old age having acquired the binding force of a sacred duty: for initiation in the same studies has all the sanctity of initiation in the same mysteries of religion. And where shall he acquire that instinct which we call common feeling, if he secludes himself from that intercourse which is natural not merely to mankind but even to dumb animals? Further, at home he can only learn what is taught to himself, while at school he will learn what is taught others as well. He will hear many merits praised and many faults corrected every day: he will derive equal profit from hearing the indolence of a comrade rebuked or his industry commended.

Such praise will incite him to emulation, he will think it a disgrace to be outdone by his contemporaries and a distinction to surpass his seniors. All such

incentives provide a valuable stimulus, and though ambition may be a fault in itself, it is often the mother of virtues. I remember that my own masters had a practice which was not without advantages. Having distributed the boys in classes, they made the order in which they were to speak depend on their ability, so that the boy who had made most progress in his studies had the privilege of declaiming first. The performances on these occasions were criticised. To win commendation was a tremendous honour, but the prize most eagerly coveted was to be the leader of the class. Such a position was not permanent. Once a month the defeated competitors were given a fresh opportunity of competing for the prize. Consequently, success did not lead the victor to relax his efforts, while the vexation caused by defeat served as an incentive to wipe out the disgrace. I will venture to assert that to the best of my memory this practice did more to kindle our oratorical ambitions than all the exhortations of our instructors, the watchfulness of our pedagogi and the prayers of our parents. Further while emulation promotes progress in the more advanced pupils, beginners who are still of tender years derive greater pleasure from imitating their comrades than their masters, just because it is easier. For children still in the elementary stages of education can scarce dare hope to reach that complete eloquence which they understand to be their goal: their ambition will not soar so high, but they will imitate the vine which has to grasp the lower branches of the tree on which it is trained before it can reach the topmost boughs. So true is this that it is the master's duty as well, if he is engaged on the task of training unformed minds and prefers practical utility to a more ambitious programme, not to burden his pupils at once with tasks to which their strength is unequal, but to curb his energies and refrain from talking over the heads of his audience. Vessels with narrow mouths will not receive liquids if too much be poured into them at a time, but are easily filled if the liquid is admitted in a gentle stream or, it may be, drop by drop; similarly you must consider how much a child's mind is capable of receiving: the things which are beyond their grasp will not enter their minds, which have not opened out sufficiently to take them in. It is a good thing therefore that a boy should have companions whom he will desire first to imitate and then to surpass: thus he will be led to aspire to higher achievement. I would add that the instructors themselves cannot develop the same intelligence and energy before a single listener as they can when inspired by the presence of a numerous audience. For eloquence depends on the state of the mind, which must be moved, conceive images, and adapt itself to suit the nature of the subject which is the theme of speech. Further the loftier and the more elevated the mind, the more powerful will be the forces which move it: consequently praise gives it growth and effort increase, and the thought that it is doing something great fills it with joy.

The duty of stooping to expend that power of speaking which has been acquired at the cost of such effort upon an audience of one gives rise to a silent feeling of disdain, and the teacher is ashamed to raise his voice above the ordinary conversational level. Imagine the air of a declaimer, or the voice of an orator, his gait, his delivery, the movements of his body, the emotions of his mind, and, to go no further, the fatigue of his exertions, all for the sake of one listener! Would he not seem little less than a lunatic? No, there would be no such thing as eloquence, if we spoke only with one person at a time.

CHAPTER III: DISCIPLINE OF STUDENTS

The skillful teacher will make it his first care to, as soon as a boy is entrusted to him, ascertain his ability and character. The first indication in a child is his power of memory. The characteristics of it must be quick to take in and faithful to retain impressions of what it receives. The indication of next importance is the power of imitation: for this is a sign that the child is teachable. But he must imitate merely what he is taught, and must not, for example, mimic someone's gait or bearing or defects. For I have no hope that a child will turn out well who loves imitation merely for the purpose of raising a laugh. He who is really gifted will also above all else be good. For the rest, I regard slowness of intellect as preferable to actual badness. But a good boy will be quite unlike the dullard and the sloth. My ideal pupil will absorb instruction with ease and will even ask some questions; but he will follow rather than anticipate his teacher. Precocious intellects rarely produce sound fruit. By the precocious, I mean those who perform small tasks with ease and, thus emboldened, proceed to display all their little accomplishments without being asked: but their accomplishments are only of the most obvious kind: they string words together and trot them out boldly and undeterred by the slightest sense of modesty. Their actual achievement is small, but what they can do they perform with ease. They have no real power and what they have is but of shallow growth: it is as when we cast seed on the surface of the soil: it springs up too rapidly, the blade apes the loaded ear, and yellows ere harvest time, but bears no grain. Such tricks please us when we contrast them with the performer's age, but progress soon stops and our admiration withers away.

Such indications once noted, the teacher must next consider what treatment is to be applied to the mind of his pupil. There are some boys who are slack unless pressed on; others again are impatient of control: some are amenable to fear, while others are paralyzed by it: in some cases the mind requires continued application to

form it, in others this result is best obtained by rapid concentration. Give me the boy who is spurred on by praise, delighted by success and ready to weep over failure. Such a one must be encouraged by appeals to his ambition; rebuke will bite him to the quick; honor will be a spur, and there is no fear of his proving indolent. Still, all our pupils will require some relaxation, not merely because there is nothing in this world that can stand continued strain and even unthinking and inanimate objects are unable to maintain their strength unless given intervals of rest, but because study depends on the goodwill of the student, a quality that cannot be secured by compulsion. Consequently, if restored and refreshed by a holiday, they will bring greater energy to their learning and approach their work with a greater spirit of a kind that will not submit to be driven. I approve of play in the young; it is a sign of a lively disposition; nor will you ever lead me to believe that a boy who is gloomy and in a continual state of depression is ever likely to show alertness of mind in his work, lacking as he does the impulse most natural to boys of his age. Such relaxation must not however be unlimited: otherwise the refusal to give a holiday will make boys hate their work, while excessive indulgence will accustom them to idleness. There are moreover certain games which have an educational value for boys, as for instance when they compete in posing each other with all kinds of questions which they ask turn and turn about. Games too reveal character in the most natural way, at least that is so if the teacher will bear in mind that there is no child so young as to be unable to learn to distinguish between right and wrong, and that the character is best molded when it is still guiltless of deceit and most susceptible to instruction: for once a bad habit has become ingrained, it is easier to break than bend. There must be no delay, then, in warning a boy that his actions must be unselfish, honest, self-controlled, and we must never forget the words of Virgil, "So strong is custom formed in early years."

I disapprove of flogging, although it is the regular custom and meets with the acquiescence of Chrysippus, because in the first place it is a disgraceful form of punishment and fit only for slaves, and is in any case an insult, as you will realize if you imagine its infliction at a later age. Secondly if a boy is so insensible to instruction that reproof is useless, he will, like the worst type of slave, merely become hardened to blows. Finally, there will be absolutely no need for such punishment if the master is a thorough disciplinarian. As it is, we try to make amends for the negligence of the boy's *pedagogus*, not by forcing him to do what is right, but by punishing him for not doing what is right. And though you may compel a child with blows, what are you to do with him when he is a young man no longer amenable to such threats and confronted with tasks of far greater difficulty? Moreover when children are beaten, pain or fear frequently have results

of which it is not pleasant to speak and which are likely subsequently to be a source of shame, a shame which unnerves and depresses the mind and leads the child to shun and loathe the light. Further, if inadequate care is taken in the choices of respectable governors and instructors, I blush to mention the shameful abuse which scoundrels sometimes make of their right to administer corporal punishment or the opportunity not infrequently offered to others by the fear thus caused in the victims. I will not linger on this subject; it is more than enough if I have made my meaning clear. I will content myself with saying that children are helpless and easily victimized, and that therefore no one should be given unlimited power over them. I will now proceed to describe the subjects in which the boy must be trained, if he is to become an orator, and to indicate the age at which each should be commenced.

CHAPTER IV: TEACHING OF LITERATURE

As soon as the boy has learned to read and write without difficulty, it is the turn for the teacher of literature. My words apply equally to Greek and Latin masters, though I prefer that a start should be made with Greek: in either case the method is the same. This profession may be most briefly considered under two heads, the art of speaking correctly and the interpretation of the poets; but there is more beneath the surface than meets the eye. For the art of writing is combined with that of speaking, and correct reading precedes interpretation, while in each of these cases criticism has its work to perform. The old school of teachers indeed carried their criticism so far that they were not content with obelising lines or rejecting books whose titles they regarded as spurious, as though they were expelling a supposititious child from the family circle, but also drew up a canon of authors, from which some were omitted altogether. Nor is it sufficient to have read the poets only; every kind of writer must be carefully studied, not merely for the subject matter, but for the vocabulary; for words often acquire authority from their use by a particular author. Nor can such training be regarded as complete if it stop short of music, for the teacher of literature has to speak of metre and rhythm: nor again, if he be ignorant of astronomy, can he understand the poets; for they, to mention no further points, frequently give their indications of time by reference to the rising and setting of the stars. Ignorance of philosophy is an equal drawback, since there are numerous passages in almost every poem based on the most intricate questions of natural philosophy, while among the Greeks we have Empedocles and among our own poets Varro and Lucretius, all of whom have expounded their philosophies in verse. No small powers of eloquence also are required to enable the

teacher to speak appropriately and fluently on the various points which have just been mentioned. For this reason those who criticise the art of teaching literature as trivial and lacking in substance put themselves out of court. Unless the foundations of oratory are well and truly laid by the teaching of literature, the superstructure will collapse. The study of literature is a necessity for boys and the delight of old age, the sweet companion of our privacy and the sole branch of study which has more solid substance than display.

The elementary stages of the teaching of literature must not therefore be despised as trivial. It is of course an easy task to point out the difference between vowels and consonants, and to subdivide the latter into semivowels and mutes. But as the pupil gradually approaches the inner shrine of the sacred place, he will come to realise the intricacy of the subject, an intricacy calculated not merely to sharpen the wits of a boy, but to exercise even the most profound knowledge and erudition. It is not every ear that can detect the sound of the different letters. It is fully as hard as to distinguish the different notes in music. But all teachers of literature will condescend to such minutiae: they will discuss for instance whether certain necessary letters are absent from the alphabet, not indeed when we are writing Greek words (for then we borrow two letters from them), but in the case of genuine Latin words: for example in words such as *seruus* and *vulgus* we feel the lack of the Aeolic digamma; there is also a sound intermediate between u and i, for we do not pronounce *optimum* as we do *opimum*, while in here the sound is neither exactly e or i. Again there is the question whether certain letters are not superfluous, not to mention the mark of the aspirate, to which, if it is required at all, there should be a corresponding symbol to indicate the opposite: for instance k, which is also used as an abbreviation for certain nouns, and q, which, though slanted slightly more by us, resembles both in sound and shape the Greek *koppa*, now used by the Greeks solely as a numerical sign; there is also z, the last letter of our own alphabet, which we could dispense with as easily as with psi. Again the teacher of literature will have to determine whether certain vowels have not been consonantalised.

For instance *iam* and *chiam* are both spelt with an i, *uos* and *tuos* both with a u. Vowels, however, when joined as vowels, either make one long vowel (compare the obsolete method of indicating a long vowel by doubling it as the equivalent of the circumflex), or a diphthong, though some hold that even three vowels can form a single syllable; this however is only possible if one or more assume the role of consonants. He will also inquire why it is that there are two vowels which may be repeated, while a consonant can only be followed and modified by a different consonant. But *i* can follow *i* (for *coniicit* is derived from *iacit*); so too does u, witness the modern spelling of *servus* and *vulgus*. He should also know that Cicero

preferred to write *aio* and *Maiiam* with a double *i*, in that case one of them is consonantalised. A boy therefore must learn both the peculiarities and the common characteristics of letters and must know how they are related to each other. Nor must he be surprised that *scabilium* is formed from *scamnus* or that a double-edged axe should be called *bipennis* from *pinnus*, for I would not have him fall into the same error as those who, supposing this word to be derived from *bis* and *pennae*, think that it is a metaphor from the wings of birds.

He must not be content with knowing only those changes introduced by conjugation and prefixes, such as *secare*, *secuit*, *cadit*, *excidit*, *caedit*, *excidit*, *calcat*, *exculcat*, to which might be added *lotus* from *lavare* and again *inlotus* with a thousand others. He must learn as well the changes that time has brought about even in nominatives. For just as names like *Valesius* and *Fusius* have become *Valerius* and *Furius*, so *arbos*, *labos*, *vapos* and even *clamos* and *lases* were the original forms. And this same letter *s*, which has disappeared from these words, has itself in some cases taken the place of another letter. For our ancestors used to say *metare* and *pullare*. They also said *fordeum* and *faedi*, using *f* instead of the aspirate *s* as being a kindred letter. For the Greeks, unlike us, aspirate *f* like their own *phi*, as Cicero bears witness in the *pro Fundanio*, where he laughs at a witness who is unable to pronounce the first letter of that name. In some cases again we have substituted *b* for other letters, as with *Burrus*, *Bruges*, and *Belena*. The same letter too has turned *duellum* into *bellum*, and as a result some have ventured to call the *Duelii Belli*. What of *stlocus* and *stlites*? What of the connexion between *t* and *d*, a connexion which makes it less surprising that on some of the older buildings of Rome and certain famous temples we should find the names *Alexanter* and *Cassantra*? What again of the interchange of *o* and *u*, of which examples may be found in *Hecuba*, *notrix*, *Culeides* and *Polyxena*, or to take purely Latin words, *dederunt* and *probaverunt*? So too *Odysseus*, which the Aeolian dialect turned into *Ulysseus*, has been transformed by us into *Ulixes*. Similarly *e* in certain cases held the place that is now occupied by *i*, as in *Minerva*, *liber*, *magister*, and *Dioue victore* in place of *Dioui victori*. It is sufficient for me to give a mere indication as regards these points, for I am not teaching, but merely advising those who have got to teach. The next subject to which attention must be given is that of syllables, of which I will speak briefly, when I come to deal with orthography.

Following this the teacher concerned will note the number and nature of the parts of speech, although there is some dispute as to their number. Earlier writers, among them Aristotle himself and Theodectes, hold that there are but three, *verbs*, *nouns* and *convictions*. Their view was that the force of language resided in the verbs, and the matter in the nouns (for the one is what we speak, the other that

which we speak about), while the duty of the convictions was to provide a link between the nouns and the verbs. I know that *conjunction* is the term in general use. But *conviction* seems to me to be the more accurate translation of the Greek. Gradually the number was increased by the philosophers, more especially by the Stoics: *articles* were first added to the *convictions*, then *prepositions*: to nouns *appellations* were added, then the *pronoun* and finally the *participle*, which holds a middle position between the verb and the noun. To the verb itself was added the *adverb*. Our own language dispenses with the articles, which are therefore distributed among the other parts of speech. But *interjections* must be added to those already mentioned. Others however follow good authority in asserting that there are eight parts of speech. Among these I may mention Aristarchus and in our own day Palaemon, who classified the *vocable* or *appellation* as a species of the genus noun. Those on the other hand who distinguish between the noun and the vocable, make nine parts of speech. But yet again there are some who differentiate between the vocable and the appellation, saying that the *vocable* indicates concrete objects which can be seen and touched, such as a “house” or “bed,” while an *appellation* is something imperceptible either to sight or touch or to both, such as the “wind,” “heaven,” or “virtue.” They added also the *asseveration*, such as “alas” and the *derivative* such as *fasciatim*. But of these classifications I do not approve. Whether we should translate προσηγορία by *vocable* or *appellation*, and whether it should be regarded as a species of noun, I leave to the decision of such as desire to express their opinion: it is a matter of no importance.

Boys should begin by learning to decline nouns and conjugate verbs: otherwise they will never be able to understand the next subject of study. This admonition would be superfluous but for the fact that most teachers, misled by a desire to show rapid progress, begin with what should really come at the end: their passion for displaying their pupils’ talents in connexion with the more imposing aspects of their work serves but to delay progress and their short cut to knowledge merely lengthens the journey. And yet a teacher who has acquired sufficient knowledge himself and is ready to teach what he has learned—and such readiness is all too rare—will not be content with stating that nouns have three genders or with mentioning those which are common to two or all three together. Nor again shall I be in a hurry to regard it as a proof of real diligence, if he points out that there are irregular nouns of the kind called *epicene* by the Greeks, in which one gender implies both, or which in spite of being feminine or neuter in form indicate males or females respectively, as for instance *Muraena* and *Glycerium*. A really keen and intelligent teacher will inquire into the origin of names derived from physical characteristics, such as *Rufus* or *Longus*, whenever their meaning is obscure, as in the case of *Sulla*, *Burrus*, *Galba*,

Plautus, Pansa, Scaurus and the like; of names derived from accidents of birth such as *Agrippa, Opiter, Cordus* and *Postumus*, and again of names given after birth such as *Vopiscus*. Then there are names such as *Cotta, Scipio, Laenas* or *Seranus*, which originated in various ways. It will also be found that names are frequently derived from races, places and many other causes. Further there are obsolete slave-names such as *Marcipor* or *Publipor* derived from the names of their owners. The teacher must also inquire whether there is not room for a sixth case in Greek and a seventh in Latin. For when I say “wounded by a spear,” the case is not a true ablative in Latin nor a true dative in Greek. Again if we turn to verbs, who is so ill-educated as not to be familiar with their various kinds and qualities, their different persons and numbers. Such subjects belong to the elementary school and the rudiments of knowledge. Some, however, will find points undetermined by inflexion somewhat perplexing. For there are certain participles, about which there may be doubts as to whether they are really nouns or verbs, since their meaning varies with their use, as for example *lectum* and *sapiens*, while there are other verbs which resemble nouns, such as *fraudator* and *nutritor*. Again *itur in antiquam silvam* is a peculiar usage. For there is no subject to serve as a starting point: *fletur* is a similar example. The passive may be used in different ways as for instance in

panditur interea domus omnipotentis Olympi

“Meanwhile the house of almighty Olympus is opened.”

Aen. x. 1

and in

totis usque adeo turbatur agris.

“There is such confusion in all the fields.”

Ecl. i. 11

Yet a third usage is found in *urbs habitatur*, whence we get phrases such as *campus curritur* and *mare navigatur*. *Pransus* and *potus* have a meaning which does not correspond to their form. And what of those verbs which are only partially conjugated? Some (as for instance *fero*) even suffer an entire change in the perfect. Others are used only in the third person, such as *licet* and *piget*, while some resemble nouns tending to acquire an adverbial meaning; for we say *dictu* and *factu* as we say *noctu* and *diu*, since these words are participial though quite different from *dicto* and *facto*.

CHAPTER V: FAULTS IN SPEAKING

Style has three kinds of excellence, correctness, lucidity and elegance (for many include the all-important quality of appropriateness under the heading of elegance). Its faults are likewise threefold, namely the opposites of these excellences. The teacher of literature therefore must study the rules for correctness of speech, these constituting the first part of his art. The observance of these rules is concerned with either one or more words. I must now be understood to use *verbum* in its most general sense. It has of course two meanings; the one covers all the parts of which language is composed, as in the line of Horace:

“Once supply the thought,
And words will follow swift as soon as sought”;

Ars Poetica, 311.

the other restricts it to a part of speech such as *lego* and *scribo*. To avoid this ambiguity, some authorities prefer the terms *voces*, *locutiones*, *dictiones*. Individual words will either be native or imported, simple or compound, literal or metaphorical, in current use or newly-coined.

A single word is more likely to be faulty than to possess any intrinsic merit. For though we may speak of a word as appropriate, distinguished or sublime, it can possess none of these properties save in relation to connected and consecutive speech; since when we praise words, we do so because they suit the matter. There is only one excellence that can be isolated for consideration, namely euphony, the Greek term for our *uocalitas*: that is to say that, when we are confronted with making a choice between two exact synonyms, we must select that which sounds best.

In the first place *barbarisms* and *solecisms* must not be allowed to intrude their offensive presence. These blemishes are however pardoned at times, because we have become accustomed to them or because they have age or authority in their favour or are near akin to positive excellences, since it is often difficult to distinguish such blemishes from figures of speech.¹ The teacher therefore, that such slippery customers may not elude detection, must seek to acquire a delicate discrimination; but of this I will speak later when I come to discuss figures of speech. For the present I will define *barbarism* as an offence occurring in connexion with single words. Some of my readers may object that such a topic is beneath the dignity of so ambitious a work. But who does not know that some *barbarisms* occur in writing,

others in speaking? For although what is incorrect in writing will also be incorrect in speech, the converse is not necessarily true, inasmuch as mistakes in writing are caused by addition or omission, substitution or transposition, while mistakes in speaking are due to separation or combination of syllables, to aspiration or other errors of sound. Trivial as these points may seem, our boys are still at school and I am reminding their instructors of their duty. And if one of our teachers is lacking in education and has done no more than set foot in the outer courts of his art, he will have to confine himself to the rules published in the elementary text-books: the more learned teacher on the other hand will be in a position to go much further: first of all, for example, he will point out that there are many different kinds of *barbarism*. One kind is due to race, such as the insertion of a Spanish or African term; for instance the iron tire of a wheel is called *cantus*, though Persius uses it as established in the Latin language; Catullus picked up *ploxenum* (a box) in the valley of the Po, while the author of the *in Pollionem*, be he Labienus or Cornelius Gallus, imported *casamo* from Gaul in the sense of “follower.” As for *mastruca*, which is Sardinian for a “rough coat,” it is introduced by Cicero merely as an object of derision. Another kind of barbarism proceeds from the speaker’s temper: for instance, we regard it as barbarous if a speaker use cruel or brutal language. A third and very common kind, of which anyone may fashion examples for himself, consists in the addition or omission of a letter or syllable, or in the substitution of one for another or in placing one where it has no right to be. Some teachers however, to display their learning, are in the habit of picking out examples of *barbarism* from the poets and attacking the authors whom they are expounding for using such words. A boy should however realize that in poets such peculiarities are pardonable or even praiseworthy, and should therefore be taught less common instances. For Tinga of Placentia, if we may believe Hortensius who takes him to task for it, committed two *barbarisms* in one word by saying *precula* for *pergula*: that is to say he substituted *c* for *g*, and transposed *r* and *e*. On the other hand when Ennius writes *Mettocoque Fufetioeo*, where the *barbarism* is twice repeated, he is defended on the plea of poetic licence. Substitution is however sometimes admitted even in prose, as for instance when Cicero speaks of the army of *Canopus* which is locally styled *Canobus*, while the number of authors who have been guilty of transposition in writing *Trasumennus* for *Tarsumennus* has succeeded in standardising the error. Similar instances may be quoted. If *adsentior* be regarded as the correct form, we must remember that Sisenna said *adsentio*, and that many have followed him on the ground of analogy: on the other hand, if *adsentio* is the correct form, we must remember that *adsentior* has the support of current usage. And yet our fat fool, the fashionable schoolmaster, will regard one of these forms as an example of omission

or the other as an instance of addition. Again there are words which when used separately are undoubtedly incorrect, but when used in conjunction excite no unfavourable comment. For instance *dua* and *tre* are *barbarisms* and differ in gender, but the words *duaundo* and *treundo* have persisted in common parlance down to our own day, and Messala shows that the practice is correct. It may perhaps seem absurd to say that a *barbarism*, which is an error in a single word, may be made, like a *solecism*, by errors in connexion with number or gender. But take on the one hand *scala* (stairs) and *scopa* (which literally means a twig, but is used in the sense of broom) and on the other hand *hordea* (barley) and *mulsa* (mead): here we have substitution, omission and addition of letters, but the blemish consists in the former case merely in the use of singular for plural, in the latter of plural for singular. Those on the other hand who have used the word *gladia* are guilty of a mistake in gender. I merely mention these as instances: I do not wish anyone to think that I have added a fresh problem to a subject into which the obstinacy of pedants has already introduced confusion.

The faults which arise in the course of actual speaking require greater penetration on the part of the critic, since it is impossible to cite examples from writing, except in cases where they occur in poetry, as when the diphthong is divided into two syllables in *Europai* and *Asiai*; or when the opposite fault occurs, called *synaeresis* or *synaloephe* by the Greeks and *complexio* by ourselves: as an example I may quote the line of Publius Varro:

turn te flagranti deiectum fulmine Plaethon.

If this were prose, it would be possible to give the letters their true syllabic value. I may mention as further anomalies peculiar to poetry the lengthening of a short syllable as in *Italiam fato profugus*, or the shortening of a long such as *unū ob noxam et furias*; but in poetry we cannot label these as actual faults. Errors in sound on the other hand can be detected by the ear alone; although in Latin, as regards the addition or omission of the aspirate, the question may be raised whether this is an error when it occurs in writing; for there is some doubt whether *h* is a letter or merely a breathing, practice having frequently varied in different ages. Older authors used it but rarely even before vowels, saying *aedus* or *ircus*, while its conjunction with consonants was for a long time avoided, as in words such as *Graccus* or *trumpus*. Then for a short time it broke out into excessive use, witness such spelling as *chorona*, *chenturia* or *praecho*, which may still be read in certain inscriptions: the well-known epigram of Catullus will be remembered in this connexion. The spellings *vehementer*, *comprehendere* and *mihi* have lasted to our

own day: and among early writers, especially of tragedy, we actually find *mebe* for *me* in the older MSS.

It is still more difficult to detect errors of *tenor* or tone (I note that old writers spell the word *tonor*, as derived from the Greek τόνος), or of accent, styled prosody by the Greeks, such as the substitution of the acute accent for the grave or the grave for the acute: such an example would be the placing of the acute accent on the first syllable of *Camillus*, or the substitution of the grave for the circumflex in *Cetbegus*, an error which results in the alteration of the quantity of the middle syllable, since it means making the first syllable acute; or again the substitution of the circumflex for the grave on the second syllable of *Appi*, where the contraction of two syllables into one circumflexed syllable involves a double error. This, however, occurs far more frequently in Greek words such as *Atrei*, which in our young days was pronounced by the most learned of our elders with an acute accent on the first syllable, necessitating a grave accent on the second; the same remark applies to *Nerei* and *Terei*. Such has been the tradition as regards accents.

Still I am well aware that certain learned men and some professed teachers of literature, to ensure that certain words may be kept distinct, sometimes place an acute accent on the last syllable, both when they are teaching and in ordinary speech: as, for instance, in the following passage:

quae circus litora, circum piscosos scopulos,

Aen. iv. 254.

where they make the last syllable of *circum* acute on the ground that, if that syllable were given the grave accent, it might be thought that they meant *circus* not *circuitus*. Similarly when *quale* is interrogative, they give the final syllable a grave accent, but when using it in a comparison, make it acute. This practice, however, they restrict almost entirely to adverbs and pronouns; in other cases they follow the old usage. Personally I think that in such phrases as these the circumstances are almost entirely altered by the fact that we join two words together. For when I say *circum litora* I pronounce the phrase as one word, concealing the fact that it is composed of two, consequently it contains but one acute accent, as though it were a single word. The same thing occurs in the phrase *Troiae qui primus ab oris*. It sometimes happens that the accent is altered by the metre as in *pecudes pictaeque volucres*; for I shall read *volucres* with the acute on the middle syllable, because, although that syllable is short by nature, it is long by position: else the last two syllables would form an iambus, which its position in the hexameter does not allow. But these same words, if separated, will form no exception to the rule: or if the custom under discussion

prevails, the old law of the language will disappear. (This law is more difficult for the Greeks to observe, because they have several dialects, as they call them, and what is wrong in one may be right in another.) But with us the rule is simplicity itself. For in every word the acute accent is restricted to three syllables, whether these be the only syllables in the word or the three last, and will fall either on the penultimate or the antepenultimate. The middle of the three syllables of which I speak will be acute or circumflexed, if long, while if it be short, it will have a grave accent and the acute will be thrown back to the preceding syllable, that is to say the antepenultimate. Every word has an acute accent, but never more than one. Further the acute never falls on the last syllable and therefore in dissyllabic words marks the first syllable. Moreover the acute accent and the circumflex are never found in one and the same word, since the circumflex itself contains an acute accent. Neither the circumflex nor the acute, therefore, will ever be found in the last syllable of a Latin word, with this exception, that monosyllables must either be acute or circumflexed; otherwise we should find words without an acute accent at all. There are also faults of sound, which we cannot reproduce in writing, as they spring from defects of the voice and tongue. The Greeks who are happier in inventing names than we are call them *iotacisms*, *lambdacisms*, ἰσχνότητες (attenuations) and πλατειασμοί (broadenings); they also use the term *κοιλοστομία*, when the voice seems to proceed from the depths of the mouth. There are also certain peculiar and indescribable sounds for which we sometimes take whole nations to fault. To sum up then, if all the faults of which we have just spoken be avoided, we shall be in possession of the Greek ὀρθοέπεια, that is to say, an exact and pleasing articulation; for that is what we mean when we speak of correct pronunciation.

All other faults in speaking are concerned with more words than one; among this class of faults is the *solecism*, although there have been controversies about this as well. For even those who acknowledge that it occurs in connected speech, argue that, since it can be corrected by the alteration of one word, the fault lies in the word and not in the phrase or sentence. For example whether *amarae corticis* or *medio cortice* contains a solecism in gender (and personally I object to neither, as Vergil is the author of both; however, for the sake of argument let us assume that one of the two is incorrect), still whichever phrase is incorrect, it can be set right by the alteration of the word in which the fault lies: that is to say we can emend either to *amari corticis* or *media cortice*. But it is obvious that these critics misrepresent the case. For neither word is faulty in itself; the error arises from its association with another word. The fault therefore lies in the phrase. Those who raise the question as to whether a *solecism* can arise in a single word show greater intelligence. Is it for instance a *solecism* if a man when calling a single person to him says *uenite*, or in

dismissing several persons says *abi* or *discede*? Or again if the answer does not correspond to the question: suppose, for example, when someone said to you “Whom do I see?”, you were to reply “I.” Some too think it a *solecism* if the spoken word is contradicted by the motion of hand or head. I do not entirely concur with this view nor yet do I wholly dissent. I admit that a *solecism* may occur in a single word, but with this proviso: there must be something else equivalent to another word, to which the word, in which the error lies, can be referred, so that the *solecism* arises from the faulty connexion of those symbols by which facts are expressed and purpose indicated. To avoid all suspicion of quibbling, I will say that a *solecism* may occur in one word, but never in a word in isolation. There is, however, some controversy as to the number and nature of the different kinds of *solecism*. Those who have dealt with the subject most fully make a fourfold division, identical with that which is made in the case of *barbarisms*: *solecisms* are brought about by addition, for instance in phrases such as *nam enim, de susum, in Alexandriam*; by omission, in phrases such as *ambulo viam, Aegypto venio, or ne hoc fecit*: and by transposition as in *quoque ego, enim hoc voluit, aulem non habuit*. Under this last head comes the question whether *igitur* can be placed first in a sentence: for I note that authors of the first rank disagree on this point, some of them frequently placing it in that position, others never. Some distinguish these three classes of error from the *solecism*, styling addition a *pleonasm*, omission an *ellipse*, and transposition *anastrophe*: and they assert that if *anastrophe* is a *solecism*, *hyperbaton* might also be so called. About substitution, that is when one word is used instead of another, there is no dispute. It is an error which we may detect in connexion with all the parts of speech, but most frequently in the verb, because it has greater variety than any other: consequently in connexion with the verb we get *solecisms* of gender, tense, person and mood (or “states” or “qualities” if you prefer either of these terms), be these types of error six in number, as some assert, or eight as is insisted by others (for the number of the forms of *solecism* will depend on the number of subdivisions which you assign to the parts of speech of which we have just spoken). Further there are *solecisms* of number; now Latin has two numbers, singular and plural, while Greek possesses a third, namely the dual. There have however been some who have given us a dual as well in words such as *scripsere* and *legere*, in which as a matter of fact the final syllable has been softened to avoid harshness, just as in old writers we find *male merere* for *male mereris*. Consequently what they assert to be a dual is concerned solely with this one class of termination, whereas in Greek it is found throughout the whole structure of the verb and in nouns as well, though even then it is but rarely used. But we find not a trace of such a usage in any Latin author. On the contrary phrases such as *devenere locos, conticuere omnes* and *consedere*

duces clearly prove that they have nothing to do with the dual. Moreover *dixere*, although Antonius Rufus cites it as proof to the contrary, is often used by the usher in the courts to denote more than two advocates. Again, does not Livy near the beginning of his first book write *tenuere arcem Sabini* and later *in adversum Romani subiere*? But I can produce still better authority. For Cicero in his *Orator* says, “I have no objection to the form *scripsere*, though I regard *scripserunt* as the more correct.” Similarly in vocables and nouns *solecisms* occur in connexion with gender, number and more especially case, by substitution of one for another. To these may be added *solecisms* in the use of comparatives and superlatives, or the employment of patronymics instead of possessives and *vice versa*. As for *solecisms* connected with expressions of quantity, there are some who will regard phrases such as *magnum peculiolum* as a *solecism*, because the diminutive is used instead of the ordinary noun, which implies no diminution. I think I should call it a misuse of the diminutive rather than a *solecism*; for it is an error of sense, whereas *solecisms* are not errors of sense, but rather faulty combinations of words. As regards participles, *solecisms* occur in case and gender as with nouns, in tense as with verbs, and in number as in both. The pronoun admits of *solecisms* in gender, number, and case. *Solecisms* also occur with great frequency in connexion with parts of speech: but a bare statement on this point is not sufficient, as it may lead a boy to think that such error consists only in the substitution of one part of speech for another, as for instance if a verb is placed where we require a noun, or an adverb takes the place of a pronoun and so on. For there are some nouns which are cognate, that is to say of the same *genus*, and he who uses the wrong *species* in connexion with one of these will be guilty of the same offence as if he were to change the *genus*. Thus *an* and *aut* are conjunctions, but it would be bad Latin to say in a question *hic* and *ille sit*; *ne* and *non* are adverbs: but he who says *non feceris* in lieu of *ne feceris*, is guilty of a similar mistake, since one negative denies, while the other forbids. Further *intro* and *intus* are adverbs of place, but *eo intus* and *intro sum* are *solecisms*. Similar errors may be committed in connexion with the various kinds of pronouns, interjections, and prepositions. It is also a *solecism* if there is a disagreement between what precedes and what follows within the limits of a single clause. Some phrases have all the appearance of a *solecism* and yet cannot be called faulty; take for instance phrases such as *tragoedia Thyestes* or *ludi Floralia* and *Megalensia*: although these are never found in later times, they are the rule in ancient writers. We will therefore style them *figures* and, though their use is more frequent in poets, will not deny their employment even to orators. Figures however will generally have some justification, as I shall show in a later portion of this work, which I promised you a little while back. I must however point out that a figure, if used unwittingly, will be

a *solecism*. In the same class, though they cannot be called figures, come errors such as the use of masculine names with a female termination and feminine names with a neuter termination. I have said enough about *solecisms*; for I did not set out to write a treatise on grammar, but was unwilling to slight the science by passing it by without salutation, when it met me in the course of my journey.

I therefore resume the path which I prescribed for myself and point out that words are either native or foreign. Foreign words, like our population and our institutions, have come to us from practically every nation upon earth. I pass by words of Tuscan, Sabine and Praenestine origin; for though Lucilius attacks Vettius for using them, and Pollio reproves Livy for his lapses into the dialect of Padua, I may be allowed to regard all such words as of native origin. Many Gallic words have become current coin, such as *raeda* (chariot) and *petorritim* (four-wheeled wagon) of which Cicero uses the former and Horace the latter. *Mappa* (napkin) again, a word familiar in connexion with the circus, is claimed by the Carthaginians, while I have heard that *gurdus*, which is colloquially used in the sense of “stupid,” is derived from Spain. But this distinction between native and foreign words has reference chiefly to Greek. For Latin is largely derived from that language, and we use words which are admittedly Greek to express things for which we have no Latin equivalent. Similarly they at times borrow words from us. In this connexion the problem arises whether foreign words should be declined according to their language or our own. If you come across an archaistic grammarian, he will insist on absolute conformity to Latin practice, because, since we have an ablative and the Greeks have not, it would be absurd in declining a word to use five Greek cases and one Latin. He will also praise the patriotism of those who aimed at strengthening the Latin language and asserted that we had no need of foreign practices. They, therefore, pronounced *Castorem* with the second syllable long to bring it into conformity with all those Latin nouns which have the same termination in the nominative as *Castor*. They also insisted on the forms *Palaemo*, *Telamo*, and *Plato* (the last being adopted by Cicero), because they could not find any Latin nouns ending in *-on*. They were reluctant even to permit masculine Greek nouns to end in *-as* in the nominative case, and consequently in Caelius we find *Pelia cincinnatus* and in Messala *bene fecit Euthia*, and in Cicero *Hermagora*. So we need not be surprised that the majority of early writers said *Aenea* and *Anchisa*. For, it was urged, if such words are spelt like *Maecenas*, *Sufenas* and *Asprenas*, the genitive should terminate in *-is* not in *-e*. On the same principle they placed an acute accent on the middle syllable of *Olympus* and *tyrannus*, because Latin does not allow an acute accent on the first syllable if it is short and is followed by two long syllables. So too we get the Latinised genitives *Ulixi* and *Achilli* together with many other analogous

forms. More recent scholars have instituted the practice of giving Greek nouns their Greek declension, although this is not always possible. Personally I prefer to follow the Latin method, so far as grace of diction will permit. For I should not like to say *Calypsonem* on the analogy of *Iunonem*, although Gaius Caesar in deference to antiquity does adopt this way of declining it. Current practice has however prevailed over his authority. In other words which can be declined in either way without impropriety, those who prefer it can employ the Greek form: they will not be speaking Latin, but will not on the other hand deserve censure.

Simple words are what they are in the nominative, that is, their essential nature. Compound words are formed by the prefix of a preposition as in *innocens*, though care must be taken that two conflicting prepositions are not prefixed as in *imperterritus*: if this be avoided they may in certain cases have a double prefix as in *incompositus* or *reconditus* or the Ciceronian *subabsurdtim*. They may also be formed by what I might term the combination of two independent units, as in *maleficus*. For I will not admit that the combination of three is possible at any rate in Latin, although Cicero asserts that *capsis* is compounded of *cape si vis*, and there are to be found scholars who contend that *Lupercalia* likewise is a compound of three parts of speech, namely *luere per caprum*. As for *Solitaurilia* it is by now universally believed to stand for *Suovelaurlia*, a derivation which corresponds to the actual sacrifice, which has its counterpart in Homer as well. But these compounds are formed not so much from three words as from the fragments of three. On the other hand Pacuvius seems to have formed compounds of a preposition and two vocables (*i.e.* nouns) as in

Nerei repandirostrum incurvoticerivicum pecs:

“The flock

Of Nereus snout-uplifted, neck-inarched”:

the effect is unpleasing. Compounds are however formed from two complete Latin words, as for instance *supefui* and *subterfui*; though in this case there is some question as to whether the words from which they are formed are complete. They may also be formed of one complete and one incomplete word, as in the case of *malevolus*, or of one incomplete and one complete, such as *noctivagus*, or of two incomplete words as in *pedisevus* (footman), or from one Latin and one foreign word as in *biclinium* (a dining-couch for two), or in the reverse order as in *epitogium* (an upper garment) or *Anticato*, and sometimes even from two foreign words as in *epiraedium* (a thong attaching the horse to the *raeda*). For in this last case the preposition is Greek, while *raeda* is Gallic, while the compound is employed neither

by Greek nor Gaul, but has been appropriated by Rome from the two foreign tongues. In the case of prepositions they are frequently changed by the act of compounding: as a result we get *abstulit*, *aufugit*, *amisit*, though the preposition is *ab*, and *coil*, though the preposition is *con*. The same is true of *ignauus* and *republica*. But compounds are better suited to Greek than to Latin, though I do not think that this is due to the nature of our language: the reason rather is that we have a preference for foreign goods, and therefore receive κυρτάχην with applause, whereas we can scarce defend *incurvicervicus* from derisive laughter.

Words are *proper* when they bear their original meaning; *metaphorical*, when they are used in a sense different from their natural meaning. *Current* words are safest to use: there is a spice of danger in coining *new*. For if they are adopted, our style wins but small glory from them; while if they are rejected, they become a subject for jest. Still we must make the venture; for as Cicero says, use softens even these words which at first seemed harsh. On the other hand the *power of onomatopoeia* is denied us. Who would tolerate an attempt to imitate phrases like the much praised λίγξε βιός, “the bow twanged,” and σῆεν ὀφθαλμός “the eye hissed”? We should even feel some qualms about using *balare* “to baa,” and *hinntre*, “to whinny,” if we had not the sanction of antiquity to support us.

CHAPTER VI: FOUNDATIONS OF LANGUAGE

There are special rules which must be observed both by speakers and writers. Language is based on reason, antiquity, authority and usage. Reason finds its chief support in analogy and sometimes in etymology. As for antiquity, it is commended to us by the possession of a certain majesty, I might almost say sanctity. Authority as a rule we derive from orators and historians. For poets, owing to the necessities of metre, are allowed a certain licence except in cases where they deliberately choose one of two expressions, when both are metrically possible, as for instance in *imo de stirpe recisum* and *aeriae quo congressere palumbes* or *silice in nuda* and the like. The judgment of a supreme orator is placed on the same level as reason, and even error brings no disgrace, if it result from treading in the footsteps of such distinguished guides. Usage however is the surest pilot in speaking, and we should treat language as currency minted with the public stamp. But in all these cases we have need of a critical judgment, especially as regards *analogy* (a Greek term for which a Latin equivalent has been found in *proportion*). The essence of *analogy* is the testing of all subjects of doubt by the application of some standard of comparison about which there is no question, the proof that is to say of the uncertain by reference to the

certain. This can be done in two different ways: by comparing similar words, paying special attention to their final syllables (hence monosyllables are asserted to lie outside the domain of *analogy*) and by the study of diminutives. Comparison of nouns will reveal either their gender or their declension: in the first case, supposing the question is raised as to whether *junis* be masculine or feminine, *panis* will supply a standard of comparison: in the second case, supposing we are in doubt as to whether we should say *hac domu* or *hac domo*, *domuum* or *domorum*, the standard of comparison will be found in words such as *anus* or *manus*. Diminutives merely reveal the gender: for instance, to return to a word previously used as an illustration, *funiculus* proves that *funis* is masculine. The same standard may be applied in the case of verbs. For instance if it should be asserted that the middle syllable of *fervere* is short, we can prove this to be an error, because all verbs which in the indicative terminate in *-eo*, make the middle syllable of the infinitive long, if that syllable contain an *e*: take as examples such verbs as *prandeo*, *pendeo*, *spondeo* with infinitives *prandēre*, *pendēre*, *spondēre*. Those verbs, however, which terminate in *-o* alone, if they form the infinitive in *e*, have the *e* short; compare *lego*, *dico*, *curro*, with the infinitives, *legēre*, *dicēre*, *currēre*. I admit that in Lucilius we find—

fervit aqua et fervet: firvit nunc ferverit ad annum.

“The water boils and boil it will; it boils and for a year will boil.”

But with all due respect to so learned a man, if he regards *fervit* as on the same footing as *currit* and *legit*, we shall say *fervo* as we say *lego* and *curro*: but such a form has never yet come to my ears. But this is not a true comparison: for *fervit* resembles *servit*, and on this analogy we should say *feruire* like *servire*. It is also possible in certain cases to discover the present indicative of a verb from the study of its other tenses. I remember, for instance, refuting certain scholars who criticised me for using the word *pepigi*: for, although they admitted that it had been used by some of the best authors, they asserted that it was an irrational form because the present indicative *paciscor*, being passive in form, made *pactus sum* as its perfect. I in addition to quoting the authority of orators and historians maintained that I was also supported by analogy. For when I found *ni ita pacunt* in the Twelve Tables, I noted that *cadunt* provided a parallel: it was clear therefore that the present indicative, though now obsolete, was *paco* on the analogy of *cado*, and it was further obvious that we say *pepigi* for just the same reason that we say *cecidi*. But we must remember that *analogy* cannot be universally applied, as it is often inconsistent with itself. It is true indeed that scholars have attempted to justify certain apparent anomalies: for example, when it is noted to what an extent *lepus* and *lupus*, which

resemble each other closely in the nominative, differ in the plural and in the other cases, they reply that they are not true parallels, since *lepus* is *epicene*, while *lupus* is masculine, although Varro in the book in which he narrates the origins of Rome, writes *lupus femina*, following the precedent of Ennius and Fabius Pictor. The same scholars, however, when asked why *aper* became *apri* in the genitive, but *pater patris*, asserted that *aper* was an absolute, *pater* a relative noun. Further since both words derive from the Greek, they took refuge in the fact that πατρός provides a parallel to *patris* and κάπρου to *apri*. But how will they evade the difficulty that feminine nouns whose nominative singular ends in *-us* never make the genitive end in *-ris*, and yet the genitive of *Venus* is *Veneris*: again nouns ending in *-es* have various genitive terminations, but never end in *-ris*, but yet we have no choice but to make the genitive of *Ceres* *Cereris*? Again what of those words which, although identical in the form of the nominative or present indicative, develop the utmost variety in their inflections. Thus from *Alba* we get both *Albanus* and *Albensis*, from *volo* both *volui* and *volavi*. Analogy itself admits that verbs whose present indicative ends in *-o* have a great variety of perfect formations, as for instance *cado cecidi*, *spondeo spopondi*, *pingo pinxi*, *lego legi*, *pono posui*, *fiango fregi*, *laudo laudavi*. For analogy was not sent down from heaven at the creation of mankind to frame the rules of language, but was discovered after they began to speak and to note the terminations of words used in speech. It is therefore based not on reason but on example, nor is it a law of language, but rather a practice which is observed, being in fact the offspring of usage. Some scholars, however, are so perverse and obstinate in their passion for analogy, that they say *audaciter* in preference to *audacter*, the form preferred by all orators, and *emicavit* for *emicuit*, and *conire* for *coire*. We may permit them to say *audivisse*, *scivisse*, *tribunale* and *faciliter*, nor will we deprive them of *frugalis* as an alternative for *frugi*: for from what else can *frugalitas* be formed? They may also be allowed to point out that phrases such as *centum milia nummum* and *fidem deum* involve a double solecism, since they change both case and number. Of course we were in blank ignorance of the fact and were not simply conforming to usage and the demands of elegance, as in the numerous cases, with which Cicero deals magnificently, as always, in his Orator. Augustus again in his letters to Gaius Caesar corrects him for preferring *calidus* to *caldus*, not on the ground that the former is not Latin, but because it is displeasing and as he himself puts it in Greek περίεργον (affected). Some hold that this is just a question of ὀρθοέπεια or correctness of speech, a subject to which I am far from being indifferent. For what can be more necessary than that we should speak correctly? Nay, I even think that, as far as possible, we should cling to correct forms and resist all tendencies to change. But to attempt to retain forms long obsolete and extinct is sheer

impertinence and ostentatious pedantry. I would suggest that the ripe scholar, who says “*ave*” without the aspirate and with a long e (for it comes from *avēre* and uses *calefacere* and *conservavisse* in preference to the usual forms, should also add *face*, *dice* and the like to his vocabulary. His way is the right way. Who doubts it? But there is an easier and more frequented path close by. There is, however, nothing which annoys me more than their habit not merely of inferring the nominative from the oblique cases, but of actually altering it. For instance in *ebur* and *robur*, the forms regularly used both in writing and speech by the best authors, these gentlemen change their second syllable to *o*, because their genitives are *roboris* and *eboris*, and because *sulpur* and *guttur* keep the *u* in the genitive. So too *femur* and *iecur* give rise to similar controversy. Their proceedings are just as arbitrary as if they were to substitute an *o* in the genitives of *sulpur* and *guttur* on the analogy of *eboris* and *roboris*. Thus Antonius Gniphio while admitting *robur*, *ebur* and even *marmur* to be correct, would have their plurals to be *ebura*, *robura* and *marnura*. If they would only pay attention to the affinities existing between letters, they would realize that *robur* makes its genitive *roboris* in precisely the same way that *limes*, *miles*, *iudex* and *uindex* make their genitives *militis*, *limitis*, *iudicis* and *uindicis*, not to mention other words to which I have already referred. Do not nouns which are similar in the nominative show, as I have already observed, quite different terminations in the oblique cases? Compare *uirgo* and *Iuno*, *lusus* and *fusus*, *caspis* and *puppis* and a thousand others. Again some nouns are not used in the plural, while others are not used in the singular, some are indeclinable, while others, like *Jupiter*, in the oblique cases entirely abandon the form of the nominative. The same is true of verbs: for instance *fero* disappears in the perfect and subsequent tenses. Nor does it matter greatly whether such forms are nonexistent or too harsh to use. For what is the genitive singular of *progenies* or the genitive plural of *spes*? Or how will *quire* and *ruere* form a perfect passive or passive participles. Why should I mention other words when it is even doubtful whether the genitive of *senatus* is *senati* or *senatus*? In view of what I have said, it seems to me that the remark, that it is one thing to speak Latin and another to speak grammar, was far from unhappy. So much for *analogy*, of which I have said more than enough. *Etymology* inquires into the origin of words, and was called *notation* by Cicero, on the ground that the term used by Aristotle is σύμβολον, which may be translated by *nota*. A literal rendering of ἐτυμολογία would be *ueriloquium*, a form which even Cicero, its inventor, shrinks from using. Some again, with an eye to the meaning of the word, call it *origination*. Etymology is sometimes of the utmost use, whenever the word under discussion needs interpretation. For instance Marcus Caelius wishes to prove that he is *homo frugi*, not because he is abstemious (for he could not even pretend to be that), but

because he is useful to many, that is *fructuosus*, from which *frugalitas* is derived. Consequently we find room for etymology when we are concerned with definitions. Sometimes again this science attempts to distinguish between correct forms and *barbarisms*, as for instance when we are discussing whether we should call Sicily *Triquetra* or *Triquedra*, or say *meridies* or *medidies*, not to mention other words which depend on current usage. Such a science demands profound erudition, whether we are dealing with the large number of words which are derived from the Greek, more especially those inflected according to the practice of the Aeolic dialect, the form of Greek which most nearly resembles Latin; or are using ancient historians as a basis for inquiry into the origin of names of men, places, nations and cities. For instance what is the origin of names such as *Brutus*, *Publicola*, or *Pythicus*? Why do we speak of *Latium*, *Italia* or *Beneventum*? What is the reason for employing such names as *Capitolium*, *collis Quirinalis* or *Argietum*?

I now turn to minor points concerning which enthusiasts for etymology give themselves an infinity of trouble, restoring to their true form words which have become slightly altered: the methods which they employ are varied and manifold: they shorten them or lengthen them, add, remove, or interchange letters and syllables as the case may be. As a result perverseness of judgment leads to the most hideous absurdities. I am ready to admit that *consul* may be derived from *consulere* in the sense of consulting or judging; for the ancients used *consulere* in the latter sense, and it still survives in the phrase *rogat boni consulas*, that is *bonum iudices*, “judge fit.” Again *senatus* may well be derived from old age (for the senators are called “the fathers”): I concur in the derivations assigned to *rex rector* to say nothing of many other words where there can be no doubt, and do not refuse to accept those suggested for *tegula*, *regula* and the like: let *classis* be from *calare* (call out, summon), *lepus* be a contraction of *levipes* and *vulpes* of *volipes*. But are we also to admit the derivation of certain words from their opposites, and accept *lucus a non lucendo*, since a grove is dark with shade, *ludus* in the sense of school as being so called because it is quite the reverse of “play” and *Dis*, *Ditis* from *diues*, because Pluto is far from being rich? Are we to assent to the view that *homo* is derived from *humus*, because man sprang from the earth, as though all other living things had not the same origin or as if primitive man gave the earth a name before giving one to himself? Or again can *verbum* be derived from *aer verheratus*, “beaten air”? Let us go a little further and we shall find that *stella* is believed to be *still luminis* “a drop of light,” a derivation whose author is so famous in literature that it would be unkind to mention his name in connexion with a point where he comes in for censure. But those who collected such derivations in book form, put their names on the title page; and Gavius thought himself a perfect genius when he identified *caelibes*,

“bachelors,” with *caelites*, “gods,” on the ground that they are free from a heavy load of care, and supported this opinion by a Greek analogy: for he asserted that ἡῖθεοι “young men,” had a precisely similar origin. Modestus is not his inferior in inventive power: for he asserts that *caelibes*, that is to say unmarried men, are so called because Saturn cut off the genital organs of *Caelus*. Aelius asserts that *pituuta*, “phlegm,” is so called *quia petat uitam*, because it attacks life. But we may pardon anyone after the example set by Varro. For he tried to persuade Cicero, to whom he dedicated his work, that a field was called *eager* because something is done in it (*agitur*), and jackdaws *graculos* because they fly in flocks (*gregatim*), in spite of the obvious fact that the first word is derived from the Greek, the latter from the cry of the bird in question. But Varro had such a passion for derivations that he derived the name *merula* “a blackbird” from *mera uolans* on the ground that it flies alone! Some scholars do not hesitate to have recourse to *etymology* for the origin of every word, deriving names such as *Rufus* or *Longus* from the appearance of their possessor, verbs such as *strepere* or *murmurare* from the sounds which they represent, and even extending this practice to certain derivatives, making *uelox* for instance find its origin in *uelocitas*, as well as to compounds and the like: now although such words doubtless have an origin, no special science is required to detect it, since it is only doubtful cases that demand the intervention of the etymologist.

Archaic words not only enjoy the patronage of distinguished authors, but also give style a certain majesty and charm. For they have the authority of age behind them, and for the very reason that they have fallen into desuetude, produce an attractive effect not unlike that of novelty. But such words must be used sparingly and must not thrust themselves upon our notice, since there is nothing more tiresome than affectation, nor above all must they be drawn from remote and forgotten ages: I refer to words such as *topper*, “quite,” *antegerio*, “exceedingly,” *exanclare*, “to exhaust,” *prosapia*, “a race” and the language of the Salian Hymns now scarcely understood by its own priests. Religion, it is true, forbids us to alter the words of these hymns and we must treat them as sacred things. But what a faulty thing is speech, whose prime virtue is clearness, if it requires an interpreter to make its meaning plain! Consequently in the case of old words the best will be those that are newest, just as in the case of new words the best will be the oldest.

The same arguments apply to authority. For although the use of words transmitted to us by the best authors may seem to preclude the possibility of error, it is important to notice not merely what they said, but what words they succeeded in sanctioning. For no one to-day would introduce words such as *tuburchinabundus*, “voracious,” or *lurchinabundus*, “guzzling,” although they have the authority of Cato; nor make *lodices*, “blankets,” masculine, though Pollio

preferred that gender; nor say *gladiola*, “small swords,” though Messala used this plural, nor *parricidatus* for parricide, a form which can scarcely be tolerated even in Caelius, nor will Calvus persuade me to speak of *collos*, “necks.” Indeed, were these authors alive to-day, they would never use such words.

Usage remains to be discussed. For it would be almost laughable to prefer the language of the past to that of the present day, and what is ancient speech but ancient usage of speaking? But even here the critical faculty is necessary, and we must make up our minds what we mean by usage. If it be defined merely as the practice of the majority, we shall have a very dangerous rule affecting not merely style but life as well, a far more serious matter. For where is so much good to be found that what is right should please the majority? The practices of depilation, of dressing the hair in tiers, or of drinking to excess at the baths, although they may have thrust their way into society, cannot claim the support of usage, since there is something to blame in all of them (although we have usage on our side when we bathe or have our hair cut or take our meals together). So too in speech we must not accept as a rule of language words and phrases that have become a vicious habit with a number of persons. To say nothing of the language of the uneducated, we are all of us well aware that whole theatres and the entire crowd of spectators will often commit *barbarisms* in the cries which they utter as one man. I will therefore define usage in speech as the agreed practice of educated men, just as where our way of life is concerned I should define it as the agreed practice of all good men.

CHAPTER VII: RULES OF WRITING

Having stated the rules which we must follow in speaking, I will now proceed to lay down the rules which must be observed when we write. Such rules are called *orthography* by the Greeks; let us style it the science of writing correctly. This science does not consist merely in the knowledge of the letters composing each syllable (such a study is beneath the dignity of a teacher of grammar), but, in my opinion, develops all its subtlety in connexion with doubtful points. For instance, while it is absurd to place a circumflex over all long syllables since the quantity of most syllables is obvious from the very nature of the word which is written, it is all the same occasionally necessary, since the same letter involves a different meaning according as it is long or short. For example we determine whether *mains* is to mean an “apple tree” or a “bad man” by the use of the circumflex; *palus* means a “stake,” if the first syllable is long, a “marsh,” if it be short; again when the same

letter is short in the nominative and long in the ablative, we generally require the circumflex to make it clear which quantity to understand. Similarly it has been held that we should observe distinctions such as the following: if the preposition *ex* is compounded with *specto*, there will be an *s* in the second syllable, while there will be no *s* if it is compounded with *pecto*. Again the following distinction has frequently been observed: *ad* is spelt with a *d* when it is a preposition, but with a *t* when it is a conjunction, while *cum* is spelt *quum* when it denotes time, but *cum* when it denotes accompaniment. Still more pedantic are the practices of making the fourth letter of *quidquid* a *c* to avoid the appearance of repeating a question, and of writing *quotidie* instead of *colidie* to show that it stands for *quot diebus*. But such practices have disappeared into the limbo of absurdities.

It is often debated whether in our spelling of prepositions we should be guided by their sound when compounded, or separate. For instance when I say *optinuit*, logic demands that the second letter should be a *b*, while to the ear the sound is rather that of *p*: or again take the case of *immunis*: the letter *n*, which is required by strict adherence to fact, is forced by the sound of the *m*. which follows to change into another *m*. We must also note when analysing compound words, whether the middle consonant adheres to the preceding syllable or to that which follows. For example since the latter part of *haruspex* is from *spectare*, the *s* must be assigned to the third syllable. In *abstemius* on the other hand it will go with the first syllable since the word is derived from *abstinentia temeti*, “abstention from wine.” As for *k* my view is that it should not be used at all except in such words as may be indicated by the letter standing alone as an abbreviation. I mention the fact because some hold that *k* should be used whenever the next letter is an *a*, despite the existence of the letter *c* which maintains its force in conjunction with all the vowels.

Orthography, however, is also the servant of usage and therefore undergoes frequent change. I make no mention of the earliest times when our alphabet contained fewer letters and their shapes differed from those which we now use, while their values also were different. For instance in Greek the letter *o* was sometimes long and short, as it is with us, and again was sometimes used to express the syllable which is identical with its name. And in Latin ancient writers ended a number of words with *d*, as may be seen on the column adorned with the beaks of ships, which was set up in the forum in honour of Duilius. Sometimes again they gave words a final *g*, as we may still see in the shrine of the Sun, close to the temple of Quirinus, where we find the word *uesperug*, which we write *uesperugo* (evening star). I have already spoken of the interchange of letters and need not repeat my

remarks here: perhaps their pronunciation corresponded with their spelling. For a long time the doubling of semivowels was avoided, while down to the time of Accius and beyond, long syllables were indicated by repetition of the vowel. The practice of joining *e* and *i* as in the Greek diphthong *ei* lasted longer: it served to distinguish cases and numbers, for which we may compare the instructions of Lucilius:

The boys are come: why then, their names must end
With *e* and *i* to make them more than one;

and later—

If to a thief and liar (*mendaci furique*) you would give,
In *e* and *i* your thief must terminate.

But this addition of *e* is quite superfluous, since *t* can be long no less than short: it is also at times inconvenient. For in those words which end in *i* and have *e* as their last letter but one, we shall on this principle have to write *e* twice: I refer to words such as *aurei* or *argentei* and the like. Now such a practice will be an actual hindrance to those who are learning to read. This difficulty occurs in Greek as well in connexion with the addition of an *iota*, which is employed not merely in the termination of the dative, but is sometimes found in the middle of words as in *λήστις*, for the reason that the analysis applied by etymology shows the word to be a trisyllable and requires the addition of that letter. The diphthong *ae* now written with an *e*, was pronounced in old days as *ai*; some wrote *ai* in all cases, as in Greek, others confined its use to the dative and genitive singular; whence it comes that Vergil, always a passionate lover of antiquity, inserted *pictai uestis* and *aquai* in his poems. But in the plural they used *e* and wrote *Syllae*, *Galbae*. Lucilius has given instructions on this point also; his instructions occupy quite a number of verses, for which the incredulous may consult his ninth book. Again in Cicero's days and a little later, it was the almost universal practice to write a double *s*, whenever that letter occurred between two long vowels or after a long vowel, as for example in *caussae*, *cassus*, *diuisiones*. That he and Vergil both used this spelling is shown by their own autograph manuscripts. And yet at a slightly earlier date *iussi* which we write with a double *s* was spelt with only one. Further *optimus maximus*, which older writers spelt with a *u*, appear for the first time with an *i* (such at any rate is the tradition) in an inscription of Gaius Caesar. We now write *here*, but I still find in manuscripts of the old comic poets phrases such as *heri ad me uenit*, and the same

spelling is found in letters of Augustus written or corrected by his own hand. Again did not Cato the censor spell *dicam* and *faciam* as *dicem* and *faciem* and observe the same practice in words of similar termination? This is clear from old manuscripts of his works and is recorded by Messala in his treatise on the letter *s*. *Sibe* and *quase* are found in many books, but I cannot say whether the authors wished them to be spelt thus: I learn from Pedianus that Livy, whose precedent he himself adopted, used this spelling: to-day we make these words end with an *i*. What shall I say of *uorlices*, *uorsus* and the like, which Scipio Africanus is said to have been the first to spell with an *e*? My own teachers spelt *seruus* and *ceruus* with a *uo*, in order that the repetition of the vowel might not lead to the coalescence and confusion of the two sounds: to-day however we write these words with a double *u* on the principle which I have already stated: neither spelling however exactly expresses the pronunciation. It was not without reason that Claudius introduced the Aeolic *digamma* to represent this sound. It is a distinct improvement that to-day we spell *cui* as I have written it: when I was a boy it used to be spelt *quoi*, giving it a very full sound, merely to distinguish it from *qui*.

Again, what of words whose spelling is at variance with their pronunciation? For instance *C* is used as an abbreviation for Gaius, and when inverted stands for a woman, for as we know from the words of the marriage service women used to be called *Gaiae*, just as men were called *Gaii*. *Gnaeus* too in the abbreviation indicating the *praenomen* is spelt in a manner which does not agree with its pronunciation. We also find *columnas* and *consul* spelt without an *n*, while *Subura* when indicated by three letters is spelt *Suc*. I could quote many other examples of this, but I fear that I have already said too much on so trivial a theme.

On all such subjects the teacher must use his own judgment; for in such matters it should be the supreme authority. For my own part, I think that, within the limits prescribed by usage, words should be spelt as they are pronounced. For the use of letters is to preserve the sound of words and to deliver them to readers as a sacred trust: consequently they ought to represent the pronunciation which we are to use. These are the more important points in connexion with writing and speaking correctly. I do not go so far as to deny to the teacher of literature all part in the two remaining departments of speaking and writing with elegance and significance, but I reserve these for a more important portion of this work, as I have still to deal with the duties of the teacher of rhetoric.

I am however haunted by the thought that some readers will regard what I have said as trivial details which are only likely to prove a hindrance to those who

are intent upon a greater task; and I myself do not think that we should go so far as to lose our sleep of nights or quibble like fools over such minutiae; for such studies make mincemeat of the mind. But it is only the superfluities of grammar that do any harm. I ask you, is Cicero a less great orator for having given this science his diligent attention or for having, as his letters show, demanded rigid correctness of speech from his son? Or was the vigour of Gaius Caesar's eloquence impaired by the publication of a treatise on Analogy? Or the polish of Messala dimmed by the fact that he devoted whole books to the discussion not merely of single words, but of single letters? Such studies do no harm to those who but pass through them: it is only the pedantic stickler who suffers.

CHAPTER VIII: PRACTICE OF READING

Reading remains for consideration. In this connexion there is much that can only be taught in actual practice, as for instance when the boy should take breath, at what point he should introduce a pause into a line, where the sense ends or begins, when the voice should be raised or lowered, what modulation should be given to each phrase, and when he should increase or slacken speed, or speak with greater or less energy. In this portion of my work I will give but one golden rule: to do all these things, he must understand what he reads. But above all his reading must be manly, combining dignity and charm; it must be different from the reading of prose, for poetry is song and poets claim to be singers. But this fact does not justify degeneration into sing-song or the effeminate modulations now in vogue: there is an excellent saying on this point attributed to Gaius Caesar while he was still a boy: "If you are singing, you sing badly: if you are reading, you sing." Again I do not, like some teachers, wish character as revealed by speeches to be indicated as it is by the comic actor, though I think that there should be some modulation of the voice to distinguish such passages from those where the poet is speaking in person. There are other points where there is much need of instruction: above all, unformed minds which are liable to be all the more deeply impressed by what they learn in their days of childish ignorance, must learn not merely what is eloquent; it is even more important that they should study what is morally excellent.

It is therefore an admirable practice which now prevails, to begin by reading Homer and Vergil, although the intelligence needs to be further developed for the full appreciation of their merits: but there is plenty of time for that since the boy will read them more than once. In the meantime let his mind be lifted by the sublimity of heroic verse, inspired by the greatness of its theme and imbued with

the loftiest sentiments. The reading of tragedy also is useful, and lyric poets will provide nourishment for the mind, provided not merely the authors be carefully selected, but also the passages from their works which are to be read. For the Greek lyric poets are often licentious and even in Horace there are passages which I should be unwilling to explain to a class. Elegiacs, however, more especially erotic elegy, and hendecasyllables, which are merely sections of Sotadean verse (concerning which latter I need give no admonitions), should be entirely banished, if possible; if not absolutely banished, they should be reserved for pupils of a less impressionable age. As to comedy, whose contribution to eloquence may be of no small importance, since it is concerned with every kind of character and emotion, I will shortly point out in its due places what use can in my opinion be made of it in the education of boys. As soon as we have no fear of contaminating their morals, it should take its place among the subjects which it is specially desirable to read. I speak of Menander, though I would not exclude others. For Latin authors will also be of some service. But the subjects selected for lectures to boys should be those which will enlarge the mind and provide the greatest nourishment to the intellect. Life is quite long enough for the subsequent study of those other subjects which are concerned with matters of interest solely to learned men. But even the old Latin poets may be of great value, in spite of the fact that their strength lies in their natural talent rather than in their art: above all they will contribute richness of vocabulary: for the vocabulary of the tragedians is full of dignity, while in that of the comedians there is a certain elegance and Attic grace. They are, too, more careful about dramatic structure than the majority of moderns, who regard epigram as the sole merit of every kind of literary work. For purity at any rate and manliness, if I may say so, we must certainly go to these writers, since to-day even our style of speaking is infected with all the faults of modern decadence. Finally we may derive confidence from the practice of the greatest orators of drawing upon the early poets to support their arguments or adorn their eloquence. For we find, more especially in the pages of Cicero, but frequently in Asinius and other orators of that period, quotations from Ennius, Accius, Pacuvius, Lucilius, Terence, Caecilius and others, inserted not merely to show the speaker's learning, but to please his hearers as well, since the charms of poetry provide a pleasant relief from the severity of forensic eloquence. Such quotations have the additional advantage of helping the speaker's case, for the orator makes use of the sentiments expressed by the poet as evidence in support of his own statements. But while my earlier remarks have special application to the education of boys, those which I have just made apply rather to persons of riper years; for the love of letters and the value of reading are not confined to one's schooldays, but end only with life.

In lecturing the teacher of literature must give attention to minor points as well: he will ask his class after analysing a verse to give him the parts of speech and the peculiar features of the feet which it contains: these latter should be so familiar in poetry as to make their presence desired even in the prose of oratory. He will point out what words are barbarous, what improperly used, and what are contrary to the laws of language. He will not do this by way of censuring the poets for such peculiarities, for poets are usually the servants of their metres and are allowed such licence that faults are given other names when they occur in poetry: for we style them *metaplasms*, *schematisms* and *schemata*, as I have said, and make a virtue of necessity. Their aim will rather be to familiarise the pupil with the artifices of style and to stimulate his memory. Further in the elementary stages of such instruction it will not be unprofitable to show the different meanings which may be given to each word. With regard to *glossemala*, that is to say words not in common use, the teacher must exercise no ordinary diligence, while still greater care is required in teaching all the tropes which are employed for the adornment more especially of poetry, but of oratory as well, and in making his class acquainted with the two sorts of *schemata* or figures known as *figures of speech* and *figures of thought*. I shall however postpone discussion of *tropes* and *figures* till I come to deal with the various ornaments of style. Above all he will impress upon their minds the value of proper arrangement, and of graceful treatment of the matter in hand: he will show what is appropriate to the various characters, what is praiseworthy in the thoughts or words, where copious diction is to be commended and where restraint.

In addition to this he will explain the various stories that occur: this must be done with care, but should not be encumbered with superfluous detail. For it is sufficient to set forth the version which is generally received or at any rate rests upon good authority. But to ferret out everything that has ever been said on the subject even by the most worthless of writers is a sign of tiresome pedantry or empty ostentation, and results in delaying and swamping the mind when it would be better employed on other themes. The man who pores over every page even though it be wholly unworthy of reading, is capable of devoting his attention to the investigation of old wives' tales. And yet the commentaries of teachers of literature are full of such encumbrances to learning and strangely unfamiliar to their own authors. It is, for instance, recorded that Didymus, who was unsurpassed for the number of books which he wrote, on one occasion objected to some story as being absurd, whereupon one of his own books was produced which contained the story in question. Such abuses occur chiefly in connexion with fabulous stories and are sometimes carried to ludicrous or even scandalous extremes: for in such cases the more unscrupulous commentator has such full scope for invention, that he can tell lies to his heart's

content about whole books and authors without fear of detection: for what never existed can obviously never be found, whereas if the subject is familiar the careful investigator will often detect the fraud. Consequently I shall count it a merit in a teacher of literature that there should be some things which he does not know.

CHAPTER IX: DIVERSITY OF INSTRUCTION

I have now finished with two of the departments, with which teachers of literature profess to deal, namely the art of speaking correctly and the interpretation of authors; the former they call *nethodicē*, the latter *historiē*. We must however add to their activities instruction in certain rudiments of oratory for the benefit of those who are not yet ripe for the schools of rhetoric. Their pupils should learn to paraphrase Aesop's fables, the natural successors of the fairy stories of the nursery, in simple and restrained language and subsequently to set down this paraphrase in writing with the same simplicity of style: they should begin by analysing each verse, then give its meaning in different language, and finally proceed to a freer paraphrase in which they will be permitted now to abridge and now to embellish the original, so far as this may be done without losing the poet's meaning. This is no easy task even for the expert instructor, and the pupil who handles it successfully will be capable of learning everything. He should also be set to write *aphorisms*, *moral essays* (*chriae*) and *delineations of character* (*ethologiae*), of which the teacher will first give the general scheme, since such themes will be drawn from their reading. In all of these exercises the general idea is the same, but the form differs: *aphorisms* are general propositions, while *ethologiae* are concerned with persons. Of *moral essays* there are various forms: some are akin to *aphorisms* and commence with a simple statement "he said" or "he used to say": others give the answer to a question and begin "on being asked" or "in answer to this he replied," while a third and not dissimilar type begins, "when someone has said or done something." Some hold that a *moral essay* may take some action as its text; take for example the statement "Crates on seeing an ill-educated boy, beat his *paedagogus*," or a very similar example which they do not venture actually to propose as a theme for a *moral essay*, but content themselves with saying that it is of the nature of such a theme, namely "Milo, having accustomed himself to carrying a calf every day, ended by carrying it when grown to a bull." All these instances are couched in the same grammatical form and deeds no less than sayings may be presented for treatment. Short stories from the poets should in my opinion be handled not with a view to style but as a means of increasing knowledge. Other more serious and ambitious tasks have been

also imposed on teachers of literature by the fact that Latin rhetoricians will have nothing to do with them: Greek rhetoricians have a better comprehension of the extent and nature of the tasks placed on their shoulders.

CHAPTER X: OTHER STUDIES PRIOR TO RHETORIC

I have made my remarks on this stage of education as brief as possible, making no attempt to say everything, (for the theme is infinite), but confining myself to the most necessary points. I will now proceed briefly to discuss the remaining arts in which I think boys ought to be instructed before being handed over to the teacher of rhetoric: for it is by such studies that the course of education described by the Greeks as *ἐγκύκλιος παιδεία* or general education will be brought to its full completion.

For there are other subjects of education which must be studied simultaneously with literature. These being independent studies are capable of completion without a knowledge of oratory, while on the other hand they cannot by themselves produce an orator. The question has consequently been raised as to whether they are necessary for this purpose. What, say some, has the knowledge of the way to describe an equilateral triangle on a given straight line got to do with pleading in the law-courts or speaking in the senate? Will an acquaintance with the names and intervals of the notes of the lyre help an orator to defend a criminal or direct the policy of his country? They will perhaps produce a long list of orators who are most effective in the courts but have never sat under a geometrician and whose understanding of music is confined to the pleasure which their ears, like those of other men, derive from it. To such critics I reply, and Cicero frequently makes the same remark in his *Orator*, that I am not describing any orator who actually exists or has existed, but have in my mind's eye an ideal orator, perfect down to the smallest detail. For when the philosophers describe the ideal sage who is to be consummate in all knowledge and a very god incarnate, as they say, they would have him receive instruction not merely in the knowledge of things human and divine, but would also lead him through a course of subjects, which in themselves are comparatively trivial, as for instance the elaborate subtleties of formal logic: not that acquaintance with the so called "horn" or "crocodile" problems can make a man wise, but because it is important that he should never trip even in the smallest trifles. So too the teacher of geometry, music or other subjects which I would class with these, will not be able to create the perfect orator (who like the philosopher ought to be a wise man), but none the less these arts will

assist in his perfection. I may draw a parallel from the use of antidotes and other remedies applied to the eyes or to wounds. We know that these are composed of ingredients which produce many and sometimes contrary effects, but mixed together they make a single compound resembling no one of its component parts, but deriving its peculiar properties from all: so too dumb insects produce honey, whose taste is beyond the skill of man to imitate, from different kinds of flowers and juices. Shall we marvel then, if oratory, the highest gift of providence to man, needs the assistance of many arts, which, although they do not reveal or intrude themselves in actual speaking, supply hidden forces and make their silent presence felt? "But" it will be urged "men have proved fluent without their aid." Granted, but I am in quest of an orator. "Their contribution is but small." Yes, but we shall never attain completeness, if minor details be lacking. And it will be agreed that though our ideal of perfection may dwell on a height that is hard to gain, it is our duty to teach all we know, that achievement may at least come somewhat nearer the goal. But why should our courage fail? The perfect orator is not contrary to the laws of nature, and it is cowardly to despair of anything that is within the bounds of possibility.

For myself I should be ready to accept the verdict of antiquity. Who is ignorant of the fact that music, of which I will speak first, was in ancient times the object not merely of intense study but of veneration: in fact Orpheus and Linus, to mention no others, were regarded as uniting the roles of musician, poet and philosopher. Both were of divine origin, while the former, because by the marvel of his music he soothed the savage breast, is recorded to have drawn after him not merely beasts of the wild, but rocks and trees. So too Timagenes asserts that music is the oldest of the arts related to literature, a statement which is confirmed by the testimony of the greatest of poets in whose songs we read that the praise of heroes and of gods were sung to the music of the lyre at the feasts of kings. Does not Iopas, the Vergilian bard, sing

"The wandering moon and labours of the Sun"

Aen. i. 742.

and the like? whereby the supreme poet manifests most clearly that music is united with the knowledge even of things divine. If this be admitted, music will be a necessity even for an orator, since those fields of knowledge, which were annexed by philosophy on their abandonment by oratory, once were ours and without the knowledge of all such things there can be no perfect eloquence. There can in any case be no doubt that some of those men whose wisdom is a household word have

been earnest students of music: Pythagoras for instance and his followers popularised the belief, which they no doubt had received from earlier teachers, that the universe is constructed on the same principles which were afterwards imitated in the construction of the lyre, and not content merely with emphasising that concord of discordant elements which they style harmony attributed a sound to the motions of the celestial bodies. As for Plato, there are certain passages in his works, more especially in the *Timaeus*, which are quite unintelligible to those who have not studied the theory of music. But why speak only of the philosophers, whose master, Socrates, did not blush to receive instruction in playing the lyre even when far advanced in years? It is recorded that the greatest generals played on the lyre and the pipe, and that the armies of Sparta were fired to martial ardour by the strains of music. And what else is the function of the horns and trumpets attached to our legions? The louder the concert of their notes, the greater is the glorious supremacy of our arms over all the nations of the earth. It was not therefore without reason that Plato regarded the knowledge of music as necessary to his ideal statesman or politician, as he calls him; while the leaders even of that school, which in other respects is the strictest and most severe of all schools of philosophy, held that the wise man might well devote some of his attention to such studies. Lycurgus himself, the founder of the stern laws of Sparta, approved of the training supplied by music. Indeed nature itself seems to have given music as a boon to men to lighten the strain of labour: even the rower in the galleys is cheered to effort by song. Nor is this function of music confined to cases where the efforts of a number are given union by the sound of some sweet voice that sets the tune, but even solitary workers find solace at their toil in artless song. So far I have attempted merely to sound the praises of the noblest of arts without bringing it into connexion with the education of an orator. I will therefore pass by the fact that the art of letters and that of music were once united: indeed Archytas and Euenus held that the former was subordinate to the latter, while we know that the same instructors were employed for the teaching of both from Sophron, a writer of farces, it is true, but so highly esteemed by Plato, that he is believed to have had Sophron's works under his pillow on his deathbed: the same fact is proved by the case of Eupolis, who makes Prodamus teach both music and literature, and whose Maricas, who was none other than Hyperbolus in disguise, asserts that he knows nothing of music but letters. Aristophanes again in more than one of his plays shows that boys were trained in music from remote antiquity, while in the *Hypobolimaetus* of Menander an old man, when a father claims his son from him, gives an account of all expenses incurred on behalf of the boy's education and states that he has paid out large sums to musicians and geometricians. From the importance thus given to music also

originated the custom of taking a lyre round the company after dinner, and when on such an occasion Themistocles confessed that he could not play, his education was (to quote the words of Cicero) “regarded as imperfect.” Even at the banquets of our own forefathers it was the custom to introduce the pipe and lyre, and even the hymn of the Salii has its tune. These practices were instituted by King Numa and clearly prove that not even those whom we regard as rude warriors, neglected the study of music, at least in so far as the resources of that age allowed. Finally there was actually a proverb among the Greeks, that the uneducated were far from the company of the Muses and Graces. But let us discuss the advantages which our future orator may reasonably expect to derive from the study of Music.

Music has two modes of expression in the voice and in the body; for both voice and body require to be controlled by appropriate rules. Aristoxenus divides music, in so far as it concerns the voice, into *rhythm* and *melody*, the one consisting in measure, the latter in sound and song. Now I ask you whether it is not absolutely necessary for the orator to be acquainted with all these methods of expression which are concerned firstly with gesture, secondly with the arrangement of words and thirdly with the inflexions of the voice, of which a great variety are required in pleading. Otherwise we must assume that structure and the euphonious combination of sounds are necessary only for poetry, lyric and otherwise, but superfluous in pleading, or that unlike music, oratory has no interest in the variation of arrangement and sound to suit the demands of the case. But eloquence does vary both tone and rhythm, expressing sublime thoughts with elevation, pleasing thoughts with sweetness, and ordinary with gentle utterance, and in every expression of its art is in sympathy with the emotions of which it is the mouthpiece. It is by the raising, lowering or inflexion of the voice that the orator stirs the emotions of his hearers, and the measure, if I may repeat the term, of voice or phrase differs according as we wish to rouse the indignation or the pity of the judge. For, as we know, different emotions are roused even by the various musical instruments, which are incapable of reproducing speech. Further the motion of the body must be suitable and becoming, or as the Greeks call it *eurythmic*, and this can only be secured by the study of music. This is a most important department of eloquence, and will receive separate treatment in this work. To proceed, an orator will assuredly pay special attention to his voice, and what is so specially the concern of music as this? Here too I must not anticipate a later section of this work, and will content myself by citing the example of Gaius Gracchus, the leading orator of his age, who during his speeches had a musician standing behind him with a pitchpipe, or *tonarion* as the Greeks call it, whose duty it was to give him the tones in which his voice was to be pitched. Such was the attention which he paid to this point

even in the midst of his most turbulent speeches, when he was terrifying the patrician party and even when he had begun to fear their power. I should like for the benefit of the uninstructed, those “creatures of the heavier Muse,” as the saying is, to remove all doubts as to the value of music. They will at any rate admit that the poets should be read by our future orator. But can they be read without some knowledge of music? Or if any of my critics be so blind as to have some doubts about other forms of poetry, can the lyric poets at any rate be read without such knowledge? If there were anything novel in my insistence on the study of music, I should have to treat the matter at greater length. But in view of the fact that the study of music has, from those remote times when Chiron taught Achilles down to our own day, continued to be studied by all except those who have a hatred for any regular course of study, it would be a mistake to seem to cast any doubt upon its value by showing an excessive zeal in its defence. It will, however, I think be sufficiently clear from the examples I have already quoted, what I regard as the value and the sphere of music in the training of an orator. Still I think I ought to be more emphatic than I have been in stating that the music which I desire to see taught is not our modern music, which has been emasculated by the lascivious melodies of our effeminate stage and has to no small extent destroyed such manly vigour as we still possessed. No, I refer to the music of old which was employed to sing the praises of brave men and was sung by the brave themselves. I will have none of your psalteries and viols, that are unfit even for the use of a modest girl. Give me the knowledge of the principles of music, which have power to excite or assuage the emotions of mankind. We are told that Pythagoras on one occasion, when some young men were led astray by their passions to commit an outrage on a respectable family, calmed them by ordering the piper to change her strain to a spondaic measure, while Chrysippus selects a special tune to be used by nurses to entice their little charges to sleep. Further I may point out that among the fictitious themes employed in declamation is one, doing no little credit to its author’s learning, in which it is supposed that a piper is accused of manslaughter because he had played a tune in the Phrygian mode as an accompaniment to a sacrifice, with the result that the person officiating went mad and flung himself over a precipice. If an orator is expected to declaim on such a theme as this, which cannot possibly be handled without some knowledge of music, how can my critics for all their prejudice fail to agree that music is a necessary element in the education of an orator?

As regards geometry, it is granted that portions of this science are of value for the instruction of children: for admittedly it exercises their minds, sharpens their wits and generates quickness of perception. But it is considered that the value of geometry resides in the process of learning, and not as with other sciences in the

knowledge thus acquired. Such is the general opinion. But it is not without good reason that some of the greatest men have devoted special attention to this science. Geometry has two divisions; one is concerned with numbers, the other with figures. Now knowledge of the former is a necessity not merely to the orator, but to any one who has had even an elementary education. Such knowledge is frequently required in actual cases, in which a speaker is regarded as deficient in education, I will not say if he hesitates in making a calculation, but even if he contradicts the calculation which he states in words by making an uncertain or inappropriate gesture with his fingers. Again linear geometry is frequently required in cases, as in lawsuits about boundaries and measurements. But geometry and oratory are related in a yet more important way than this. In the first place logical development is one of the necessities of geometry. And is it not equally a necessity for oratory? Geometry arrives at its conclusions from definite premises, and by arguing from what is certain proves what was previously uncertain. Is not this just what we do in speaking? Again are not the problems of geometry almost entirely solved by the syllogistic method, a fact which makes the majority assert that geometry bears a closer resemblance to logic than to rhetoric? But even the orator will sometimes, though rarely, prove his point by formal logic. For, if necessary, he will use the syllogism, and he will certainly make use of the enthymeme which is a rhetorical form of syllogism. Further the most absolute form of proof is that which is generally known as linear demonstration. And what is the aim of oratory if not proof? Again oratory sometimes detects falsehoods closely resembling the truth by the use of geometrical methods. An example of this may be found in connexion with numbers in the so-called pseudographs, a favourite amusement in our boyhood. But there are more important points to be considered. Who is there who would not accept the following proposition? "When the lines bounding two figures are equal in length, the areas contained within those lines are equal." But this is false, for everything depends on the shape of the figure formed by these lines, and historians have been taken to task by geometers for believing the time taken to circumnavigate an island to be a sufficient indication of its size. For the space enclosed is in proportion to the perfection of the figure. Consequently if the bounding line to which we have referred form a circle, the most perfect of all plane figures, it will contain a greater space than if the same length of line took the form of a square, while a square contains a greater space than a triangle having the same total perimeter, and an equilateral triangle than a scalene triangle. But there are other points which perhaps present greater difficulty. I will take an example which is easy even for those who have no knowledge of geometry. There is scarcely anyone who does not know that the Roman acre is 240 feet long and 120 feet broad, and

its total perimeter and the area enclosed can easily be calculated. But a square of 180 feet gives the same perimeter, yet contains a much larger area within its four sides. If the calculation prove irksome to any of my readers, he can learn the same truth by employing smaller numbers. Take a ten foot square: its perimeter is forty feet and it contains 100 square feet. But if the dimensions be fifteen feet by five, while the perimeter is the same, the area enclosed is less by a quarter. On the other hand if we draw a parallelogram measuring nineteen feet by one, the number of square feet enclosed will be no greater than the number of linear feet making the actual length of the parallelogram, though the perimeter will be exactly as that of the figure which encloses an area of 100 square feet. Consequently the area enclosed by four lines will decrease in proportion as we depart from the form of a square. It further follows that it is perfectly possible for the space enclosed to be less, though the perimeter be greater. This applies to plane figures only: for even one who is no mathematician can see that, when we have to consider hills or valleys, the extent of ground enclosed is greater than the sky over it. But geometry soars still higher to the consideration of the system of the universe: for by its calculations it demonstrates the fixed and ordained courses of the stars, and thereby we acquire the knowledge that all things are ruled by order and destiny, a consideration which may at times be of value to an orator. When Pericles dispelled the panic caused at Athens by the eclipse of the sun by explaining the causes of the phenomenon, or Sulpicius Gallus discoursed on the eclipse of the moon to the army of Lucius Paulus to prevent the soldiers being seized with terror at what they regarded as a portent sent by heaven, did not they discharge the function of an orator? If Nicias had known this when he commanded in Sicily, he would not have shared the terror of his men nor lost the finest army that Athens ever placed in the field. Dion for instance when he came to Syracuse to overthrow the tyranny of Dionysius, was not frightened away by the occurrence of a similar phenomenon. However we are not concerned with the uses of geometry in war and need not dwell upon the fact that Archimedes singlehanded succeeded in appreciably prolonging the resistance of Syracuse when it was besieged. It will suffice for our purpose that there are a number of problems which it is difficult to solve in any other way, which are as a rule solved by these linear demonstrations, such as the method of division, section to infinity, and the ratio of increase in velocity. From this we may conclude that, if as we shall show in the next book an orator has to speak on every kind of subject, he can under no circumstances dispense with a knowledge of geometry.

CHAPTER XI: DELIVERY OF ACTORS

The comic actor will also claim a certain amount of our attention, but only in so far as our future orator must be a master of the art of delivery. For I do not of course wish the boy, whom we are training to this end, to talk with the shrillness of a woman or in the tremulous accents of old age. Nor for that matter must he ape the vices of the drunkard, or copy the cringing manners of a slave, or learn to express the emotions of love, avarice or fear. Such accomplishments are not necessary to an orator and corrupt the mind, especially while it is still pliable and unformed. For repeated imitation passes into habit. Nor yet again must we adopt all the gestures and movements of the actor. Within certain limits the orator must be a master of both, but he must rigorously avoid staginess and all extravagance of facial expression, gesture and gait. For if an orator does command a certain art in such matters, its highest expression will be in the concealment of its existence.

What then is the duty of the teacher whom we have borrowed from the stage? In the first place he must correct all faults of pronunciation, and see that the utterance is distinct, and that each letter has its proper sound. There is an unfortunate tendency in the case of some letters to pronounce them either too thinly or too fully, while some we find too harsh and fail to pronounce sufficiently, substituting others whose sound is similar but somewhat duller. For instance, *lambda* is substituted for *rho*, a letter which was always a stumbling-block to Demosthenes; our *l* and *r* have of course the same value. Similarly when *c* and *g* are not given their full value, they are softened into *t* and *d*. Again our teacher must not tolerate the affected pronunciation of *s* with which we are painfully familiar, nor suffer words to be uttered from the depths of the throat or rolled out hollow-mouthed, or permit the natural sound of the voice to be over-laid with a fuller sound, a fault fatal to purity of speech; the Greeks give this peculiarity the name *καταπεπλασμένον* (plastered over), a term applied to the tone produced by a pipe, when the stops which produce the treble notes are closed, and a bass note is produced through the main aperture only. He will also see that final syllables are not clipped, that the quality of speech is continuously maintained, that when the voice is raised, the strain falls upon the lungs and not the mouth, and that gesture and voice are mutually appropriate. He will also insist that the speaker faces his audience, that the lips are not distorted nor the jaws parted to a grin, that the face is not thrown back, nor the eyes fixed on the ground, nor the neck slanted to left or right. For there are a variety of faults of facial expression. I have seen many, who raised their brows whenever the voice was called upon for an effort, others who

wore a perpetual frown, and yet others who could not keep their eyebrows level, but raised one towards the top of the head and depressed the other till it almost closed the eye. These are details, but as I shall shortly show, they are of enormous importance, for nothing that is unbecoming can have a pleasing effect.

Our actor will also be required to show how a narrative should be delivered, and to indicate the authoritative tone that should be given to advice, the excitement which should mark the rise of anger, and the change of tone that is characteristic of pathos. The best method of so doing is to select special passages from comedy appropriate for the purpose, that is to say, resembling the speeches of a pleader. These are not only most useful in training the delivery, but are admirably adapted to increase a speaker's eloquence. These are the methods to be employed while the pupil is too young to take in more advanced instruction; but when the time has come for him to read speeches, and as soon as he begins to appreciate their merits, he should have a careful and efficient teacher at his side not merely to form his style of reading aloud, but to make him learn select passages by heart and declaim them standing in the manner which actual pleading would require: thus he will simultaneously train delivery, voice and memory.

I will not blame even those who give a certain amount of time to the teacher of gymnastics. I am not speaking of those, who spend part of their life in rubbing themselves with oil and part in winebibbing, and kill the mind by over-attention to the body: indeed, I would have such as these kept as far as possible from the boy whom we are training. But we give the same name to those who form gesture and motion so that the arms may be extended in the proper manner, the management of the hands free from all trace of rusticity and inelegance, the attitude becoming, the movements of the feet appropriate and the motions of the head and eyes in keeping with the poise of the body. No one will deny that such details form a part of the art of delivery, nor divorce delivery from oratory; and there can be no justification for disdaining to learn what has got to be done, especially as *chironomy*, which, as the name shows, is *the law of gesture*, originated in heroic times and met with the approval of the greatest Greeks, not excepting Socrates himself, while it was placed by Plato among the virtues of a citizen and included by Chrysippus in his instructions relative to the education of children. We are told that the Spartans even regarded a certain form of dance as a useful element in military training. Nor again did the ancient Romans consider such a practice as disgraceful: this is clear from the fact that priestly and ritual dances have survived to the present day, while Cicero in the third book of his *de Oratore* quotes the words of Crassus, in which he lays down the principle that the orator "should learn to move his body in a bold and manly fashion derived not from actors or the stage, but from martial and even from

gymnastic exercises.” And such a method of training has persisted uncensured to our own time. In my opinion, however, such training should not extend beyond the years of boyhood, and even boys should not devote too much time to it. For I do not wish the gestures of oratory to be modelled on those of the dance. But I do desire that such boyish exercises should continue to exert a certain influence, and that something of the grace which we acquired as learners should attend us in after life without our being conscious of the fact.

CHAPTER XII: HARMONY OF STUDIES

The question is not infrequently asked, as to whether, admitting that these things ought to be learned, it is possible for all of them to be taught and taken in simultaneously. There are some who say that this is impossible on the ground that the mind is confused and tired by application to so *many* studies of different tendencies: neither the intelligence nor the physique of our pupils, nor the time at our disposal are sufficient, they say, and even though older boys may be strong enough, it is a sin to put such a burden on the shoulders of childhood. These critics show an insufficient appreciation of the capacities of the human mind, which is so swift and nimble and versatile, that it cannot be restricted to doing one thing only, but insists on devoting its attention to several different subjects not merely in one day, but actually at one and the same time. Do not harpists simultaneously exert the memory and pay attention to the tone and inflexions of the voice, while the right hand runs over certain strings and the left plucks, stops or releases others, and even the foot is employed in beating time, all these actions being performed at the same moment? Again, do not we ourselves, when unexpectedly called upon to plead, speak while we are thinking what we are to say next, invention of argument, choice of words, rhythm, gesture, delivery, facial expression and movement all being required simultaneously? If all these things can be done with one effort in spite of their diversity, why should we not divide our hours among different branches of study? We must remember that variety serves to refresh and restore the mind, and that it is really considerably harder to work at one subject without intermission. Consequently we should give the pen a rest by turning to read, and relieve the tedium of reading by changes of subject. However manifold our activities, in a certain sense we come fresh to each new subject. Who can maintain his attention, if he has to listen for a whole day to one teacher harping on the same subject, be it what it may? Change of studies is like change of foods: the stomach is refreshed by their variety and derives greater nourishment from variety of viands. If my critics

disagree, let them provide me with an alternative method. Are we first to deliver ourselves up to the sole service of the teacher of literature, and then similarly to the teacher of geometry, neglecting under the latter what was taught us by the former? And then are we to go on to the musician, forgetting all that we learned before? And when we study Latin literature, are we to do so to the exclusion of Greek? In fine, to have done with the matter once and for all, are we to do nothing except that which last comes to our hand? On this principle, why not advise farmers not to cultivate corn, vines, olives and orchard trees at the same time? or from devoting themselves simultaneously to pastures, cattle, gardens, bees and poultry? Why do we ourselves daily allot some of our time to the business of the courts, some to the demands of our friends, some to our domestic affairs, some to the exercise of the body, and some even to our pleasures? Any one of these occupations, if pursued without interruption, would fatigue us. So much easier is it to do many things than to do one thing for a long time continuously.

We need have no fear at any rate that boys will find their work too exhausting: there is no age more capable of enduring fatigue. The fact may be surprising, but it can be proved by experiment. For the mind is all the easier to teach before it is set. This may be clearly proved by the fact that within two years after a child has begun to form words correctly, he can speak practically all without any pressure from outside. On the other hand how many years it takes for our newly-imported slaves to become familiar with the Latin language. Try to teach an adult to read and you will soon appreciate the force of the saying applied to those who do everything connected with their art with the utmost skill "he started young!" Moreover boys stand the strain of work better than young men. Just as small children suffer less damage from their frequent falls, from their crawling on hands and knees and, a little later, from their incessant play and their running about from morn till eve, because they are so light in weight and have so little to carry, even so their minds are less susceptible of fatigue, because their activity calls for less effort and application to study demands no exertion of their own, since they are merely so much plastic material to be moulded by the teacher. And further owing to the general pliability of childhood, they follow their instructors with greater simplicity and without attempting to measure their own progress: for as yet they do not even appreciate the nature of their work. Finally, as I have often noticed, the senses are less affected by mere hard work than they are by hard thinking.

Moreover there will never be more time for such studies, since at this age all progress is made through listening to the teacher. Later when the boy has to write by himself, or to produce and compose something out of his own head, he will neither have the time nor the inclination for the exercises which we have been

discussing. Since, then, the teacher of literature neither can nor ought to occupy the whole day, for fear of giving his pupil a distaste for work, what are the studies to which the spare time should preferably be devoted? For I do not wish the student to wear himself out in such pursuits: I would not have him sing or learn to read music or dive deep into the minuter details of geometry, nor need he be a finished actor in his delivery or a dancer in his gesture: if I did demand all these accomplishments, there would yet be time for them; the period allotted to education is long, and I am not speaking of duller wits. Why did Plato bear away the palm in all these branches of knowledge which in my opinion the future orator should learn? I answer, because he was not merely content with the teaching which Athens was able to provide or even with that of the Pythagoreans whom he visited in Italy, but even approached the priests of Egypt and made himself thoroughly acquainted with all their secret lore.

The plea of the difficulty of the subject is put forward merely to cloak our indolence, because we do not love the work that lies before us nor seek to win eloquence for our own because it is a noble art and the fairest thing in all the world, but gird up our loins for mercenary ends and for the winning of filthy lucre. Without such accomplishments many may speak in the courts and make an income; but it is my prayer that every dealer in the vilest merchandise may be richer than they and that the public crier may find his voice a more lucrative possession. And I trust that there is not one even among my readers who would think of calculating the monetary value of such studies. But he that has enough of the divine spark to conceive the ideal eloquence, he who, as the great tragic poet says, regards "oratory" as "the queen of all the world" and seeks not the transitory gains of advocacy, but those stable and lasting rewards which his own soul and knowledge and contemplation can give, *he* will easily persuade himself to spend his time not, like so many, in the theatre or in the Campus Martius, in dicing or in idle talk, to say naught of the hours that are wasted in sleep or long drawn banqueting, but in listening rather to the geometrician and the teacher of music. For by this he will win a richer harvest of delight than can ever be gathered from the pleasures of the ignorant, since among the many gifts of providence to man not the least is this that the highest pleasure is the child of virtue. But the attractions of my theme have led me to say overmuch. Enough of those studies in which a boy must be instructed, while he is yet too young to proceed to greater things! My next book will start afresh and will pass to the consideration of the duties of the teacher of rhetoric.

BOOK II

CHAPTER I: ENTRY INTO RHETORIC

The custom has prevailed and is daily growing commoner of sending boys to the schools of rhetoric much later than is reasonable: this is always the case as regards Latin rhetoric and occasionally applies to Greek as well. The reason for this is twofold: the rhetoricians, more especially our own, have abandoned certain of their duties and the teachers of literature have undertaken tasks which rightly belong to others. For the rhetorician considers that his duty is merely to declaim and give instruction in the theory and practice of declamation and confines his activities to deliberative and judicial themes, regarding all others as beneath the dignity of his profession; while the teacher of literature is not satisfied to take what is left him (and we owe him a debt of gratitude for this), but even presumes to handle declamations in character and deliberative themes, tasks which impose the very heaviest burden on the speaker. Consequently subjects which once formed the first stages of rhetoric have come to form the final stages of a literary education, and boys who are ripe for more advanced study are kept back in the inferior school and practise rhetoric under the direction of teachers of literature. Thus we get the absurd result that a boy is not regarded as fit to go on to the schools of declamation till he knows how to declaim.

The two professions must each be assigned their proper sphere. *Grammaticæ*, which we translate as the science of letters, must learn to know its own limits, especially as it has encroached so far beyond the boundaries to which its unpretentious name should restrict it and to which its earlier professors actually confined themselves. Springing from a tiny fountain-head, it has gathered strength from the historians and critics and has swollen to the dimensions of a brimming river, since, not content with the theory of correct speech, no inconsiderable subject, it has usurped the study of practically all the highest departments of knowledge. On the other hand rhetoric, which derives its name from the power of eloquence, must not shirk its peculiar duties nor rejoice to see its own burdens shouldered by others. For the neglect of these is little less than a surrender of its birthright. I will of course admit that there may be a few professors of literature who have acquired sufficient knowledge to be able to teach rhetoric as well; but when they do so, they are performing the duties of the rhetorician, not their own.

A further point into which we must enquire concerns the age at which a boy may be considered sufficiently advanced to profit by the instructions of the rhetorician. In this connexion we must consider not the boy's actual age, but the

progress he has made in his studies. To put it briefly, I hold that the best answer to the question “When should a boy be sent to the school of rhetoric?” is this, “When he is fit.” But this question is really dependent on that previously raised. For if the duties of the teacher of literature are prolonged to include instruction in deliberative declamation, this will postpone the need for the rhetorician. On the other hand if the rhetorician does not refuse to undertake the first duties of his task, his instruction will be required from the moment the boy begins to compose narratives and his first attempts at passages of praise or denunciation. We know that the orators of earlier days improved their eloquence by declaiming themes and common-places and other forms of rhetorical exercises not involving particular circumstances or persons such as provide the material for real or imaginary causes. From this we can clearly see what a scandalous dereliction of duty it is for the schools of rhetoric to abandon this department of their work, which was not merely its first, but for a long time its sole task. What is there in those exercises of which I have just spoken that does not involve matters which are the special concern of rhetoric and further are typical of actual legal cases? Have we not to narrate facts in the law-courts? Indeed I am not sure that this is not the most important department of rhetoric in actual practice. Are not eulogy and denunciation frequently introduced in the course of the contests of the courts? Are not common-places frequently inserted in the very heart of lawsuits, whether, like those which we find in the works of Cicero, they are directed against vice, or, like those published by Quintus Hortensius, deal with questions of general interest such as “whether small points of argument should carry weight,” or are employed to defend or impugn the credibility of witnesses? These are weapons which we should always have stored in our armoury ready for immediate use as occasion may demand. The critic who denies that such matters concern an orator is one who will refuse to believe that a statue is being begun when its limbs are actually being cast. Some will think that I am in too great a hurry, but let no one accuse me of thinking that the pupil who has been entrusted to the rhetorician should forthwith be withdrawn from the teacher of literature. The latter will still have certain hours allotted him, and there is no reason to fear that a boy will be overloaded by receiving instruction from two different masters. It will not mean any increase of work, but merely the division among two masters of the studies which were previously indiscriminately combined under one: and the efficiency of either teacher will be increased. This method is still in vogue among the Greeks, but has been abandoned by us, not perhaps without some excuse, as there were others ready to step into the rhetorician’s shoes.

CHAPTER II: RELATION OF TEACHER AND PUPIL

As soon therefore as a boy has made sufficient progress in his studies to be able to follow what I have styled the first stage of instruction in rhetoric, he should be placed under a rhetorician. Our first task must be to enquire whether the teacher is of good character. The reason which leads me to deal with this subject in this portion of my work is not that I regard character as a matter of indifference where other teachers are concerned (I have already shown how important I think it in the preceding book), but that the age to which the pupil has now attained makes the mention of this point especially necessary. For as a rule boys are on the verge of manhood when transferred to the teacher of rhetoric and continue with him even when they are young men: consequently we must spare no effort to secure that the purity of the teacher's character should preserve those of tenderer years from corruption, while its authority should keep the bolder spirits from breaking out into licence. Nor is it sufficient that he should merely set an example of the highest personal self-control; he must also be able to govern the behaviour of his pupils by the strictness of his discipline.

Let him therefore adopt a parental attitude to his pupils, and regard himself as the representative of those who have committed their children to his charge. Let him be free from vice himself and refuse to tolerate it in others. Let him be strict but not austere, genial but not too familiar: for austerity will make him unpopular, while familiarity breeds contempt. Let his discourse continually turn on what is good and honourable; the more he admonishes, the less he will have to punish. He must control his temper without however shutting his eyes to faults requiring correction: his instruction must be free from affectation, his industry great, his demands on his class continuous, but not extravagant. He must be ready to answer questions and to put them unasked to those who sit silent. In praising the recitations of his pupils he must be neither grudging nor over-generous: the former quality will give them a distaste for work, while the latter will produce a complacent self-satisfaction. In correcting faults he must avoid sarcasm and above all abuse: for teachers whose rebukes seem to imply positive dislike discourage industry. He should declaim daily himself and, what is more, without stint, that his class may take his utterances home with them. For however many models for imitation he may give them from the authors they are reading, it will still be found that fuller nourishment is provided by the living voice, as we call it, more especially when it proceeds from the teacher himself, who, if his pupils are rightly instructed, should be the object of their affection and respect. And it is scarcely possible to say how

much more readily we imitate those whom we like.

I strongly disapprove of the prevailing practice of allowing boys to stand up or leap from the seats in the expression of their applause. Young men, even when they are listening to others, should be temperate in manifesting their approval. If this be insisted upon, the pupil will depend on his instructor's verdict and will take his approval as a guarantee that he has spoken well. The worst form of politeness, as it has come to be called, is that of mutual and indiscriminate applause, a practice which is unseemly, theatrical and unworthy of a decently disciplined school, in addition to being the worst foe to genuine study. For if every effusion is greeted with a storm of ready-made applause, care and industry come to be regarded as superfluous. The audience no less than the speaker should therefore keep their eyes fixed on their teacher's face, since thus they will learn to distinguish between what is praiseworthy and what is not: for just as writing gives facility, so listening begets the critical faculty. But in the schools of to-day we see boys stooping forward ready to spring to their feet: at the close of each period they not merely rise, but rush forward with shouts of unseemly enthusiasm. Such compliments are mutual and the success of a declamation consists in this kind of applause. The result is vanity and empty self-sufficiency, carried to such an extent that, intoxicated by the wild enthusiasm of their fellow-pupils, they conceive a spite against their master, if his praise does not come up to their expectation. But teachers must also insist on receiving an attentive and quiet hearing from the class when they themselves declaim. For the master should not speak to suit his pupil's standard, but they should speak to suit his. Further he should, if possible, keep his eyes open to note the points which each boy praises and observe the manner in which he expresses his approval, and should rejoice that his words give pleasure not only for his own sake, but for that of those who show sound judgment in their appreciation.

I do not approve of boys sitting mixed with young men. For even if the teacher be such an one as we should desire to see in charge of the morals and studies of the young, and can keep his youthful pupils under proper control, it is none the less desirable to keep the weaker members separate from the more mature, and to avoid not only the actual charge of corruption but the merest suspicion of it. I have thought it worth while to put my views on this subject quite briefly. For I do not think it necessary even to warn the teacher that both he and his school must be free from the grosser vices. And should there be any father who does not trouble to choose a teacher for his son who is free from the obvious taint of immorality, he may rest assured that all the other precepts, which I am attempting to lay down for the benefit of our youth, will be absolutely useless to him, if he neglects this.

CHAPTER III: IMMERSION IN STUDY

I do not think that I should pass by in silence even the opinion of those who, even when they regard boys as ripe for the rhetorician, still do not think that they should at once be placed under the most eminent teacher available, but prefer to keep them for a while under inferior masters, on the ground that in the elementary stages a mediocre instructor is easier to understand and to imitate, and less reluctant to undertake the tiresome task of teaching the rudiments as being beneath his notice. I do not think that I need waste much time in pointing out how much better it is to absorb the best possible principles, or how hard it is to get rid of faults which have once become engrained; for it places a double burden on the shoulders of the later teacher and the preliminary task of unteaching is harder than that of teaching. It is for this reason that the famous piper Timotheus is said to have demanded from those who had previously been under another master a fee double the amount which he charged for those who came to him untaught. The mistake to which I am referring is, however, twofold. First they regard these inferior teachers as adequate for the time being and are content with their instruction because they have a stomach that will swallow anything: this indifference, though blameworthy in itself, would yet be tolerable, if the teaching provided by these persons were merely less in quantity and not inferior in quality as well. Secondly, and this is a still commoner delusion, they think that those who are blest with greater gifts of speaking will not condescend to the more elementary details, and that consequently they sometimes disdain to give attention to such inferior subjects of study and sometimes are incapable of so doing. For my part I regard the teacher who is unwilling to attend to such details as being unworthy of the name of teacher: and as for the question of capacity, I maintain that it is the most capable man who, given the will, is able to do this with most efficiency. For in the first place it is a reasonable inference that a man blest with abnormal powers of eloquence will have made careful note of the various steps by which eloquence is attained, and in the second place the reasoning faculty, which is specially developed in learned men, is all-important in teaching, while finally no one is eminent in the greater things of his art if he be lacking in the lesser. Unless indeed we are asked to believe that while Phidias modelled his Jupiter to perfection, the decorative details of the statue would have been better executed by another artist, or that an orator does not know how to speak, or a distinguished physician is incapable of treating minor ailments.

“Yes” it may be answered “but surely you do not deny that there is a type of eloquence that is too great to be comprehended by undeveloped boys?” Of course

there is. But this eloquent teacher whom they fling in my face must be a sensible man with a good knowledge of teaching and must be prepared to stoop to his pupil's level, just as a rapid walker, if walking with a small child, will give him his hand and lessen his own speed and avoid advancing at a pace beyond the powers of his little companion. Again it frequently happens that the more learned the teacher, the more lucid and intelligible is his instruction. For clearness is the first virtue of eloquence, and the less talented a man is, the more he will strive to exalt and dilate himself, just as short men tend to walk on tip-toe and weak men to use threats. As for those whose style is inflated or vicious, and whose language reveals a passion for high-sounding words or labours under any other form of affectation, in my opinion they suffer not from excess of strength but of weakness, like bodies swollen not with the plumpness of health but with disease, or like men who weary of the direct road betake them to bypaths. Consequently the worse a teacher is, the harder he will be to understand.

I have not forgotten that I stated in the preceding book, when I urged that school was preferable to home education, that pupils at the commencement of their studies, when progress is as yet but in the bud, are more disposed to imitate their schoolfellows than their masters, since such imitation comes more easily to them. Some of my readers may think that the view which I am now maintaining is inconsistent with my previous statement. But I am far from being inconsistent: for my previous assertion affords the strongest reason for selecting the very best teachers for our boys; since pupils of a first rate master, having received a better training, will when they speak say something that may be worthy of imitation, while if they commit some mistake, they will be promptly corrected. But the incompetent teacher on the other hand is quite likely to give his approval to faulty work and by the judgment which he expresses to force approval on the audience. The teacher should therefore be as distinguished for his eloquence as for his good character, and like Phoenix in the *Iliad* be able to teach his pupil both how to behave and how to speak.

CHAPTER IV: NARRATIVES

I shall now proceed to indicate what I think should be the first subjects in which the rhetorician should give instruction, and shall postpone for a time our consideration of the art of rhetoric in the narrow sense in which that term is popularly used. For in my opinion it is most desirable that we should commence with something resembling the subjects already acquired under the teacher of

literature.

Now there are three forms of narrative, without counting the type used in actual legal cases. First there is the fictitious narrative as we get it in tragedies and poems, which is not merely not true but has little resemblance to truth. Secondly, there is the realistic narrative as presented by comedies, which, though not true, has yet a certain verisimilitude. Thirdly there is the historical narrative, which is an exposition of actual fact. Poetic narratives are the property of the teacher of literature. The rhetorician therefore should begin with the historical narrative, whose force is in proportion to its truth. I will, however, postpone my demonstration of what I regard as the best method of narration till I come to deal with narration as required in the courts. In the meantime, it will be sufficient to urge that it should be neither dry nor jejune (for why spend so much labour over our studies if a bald and naked statement of fact is regarded as sufficiently expressive?); nor on the other hand must it be tortuous or revel in elaborate descriptions, such as those in which so many are led to indulge by a misguided imitation of poetic licence. Both these extremes are faults; but that which springs from poverty of wit is worse than that which is due to imaginative excess. For we cannot demand or expect a perfect style from boys. But there is greater promise in a certain luxuriance of mind, in ambitious effort and an ardour that leads at times to ideas bordering on the extravagant. I have no objection to a little exuberance in the young learner. Nay, I would urge teachers too like nurses to be careful to provide softer food for still undeveloped minds and to suffer them to take their fill of the milk of the more attractive studies. For the time being the body may be somewhat plump, but maturer years will reduce it to a sparer habit. Such plumpness gives hope of strength; a child fully formed in every limb is likely to grow up a puny weakling. The young should be more daring and inventive and should rejoice in their inventions, even though correctness and severity are still to be acquired. Exuberance is easily remedied, but barrenness is incurable, be your efforts what they may. To my mind the boy who gives least promise is one in whom the critical faculty develops in advance of the imagination. I like to see the first fruits of the mind copious to excess and almost extravagant in their profusion. The years as they pass will skim off much of the froth, reason will file away many excrescences, and something too will be removed by what I may perhaps call the wear and tear of life, so long as there is sufficient material to admit of cutting and chiselling away. And there will be sufficient, if only we do not draw the plate too thin to begin with, so that it runs the risk of being broken if the graver cut too deep. Those of my readers who know their Cicero will not be surprised that I take this view: for does he not say "I would have the youthful mind run riot in the luxuriance of its growth"?

We must, therefore, take especial care, above all where boys are concerned, to avoid a dry teacher, even as we avoid a dry and arid soil for plants that are still young and tender. For with such a teacher their growth is stunted and their eyes are turned earthwards, and they are afraid to rise above the level of daily speech. Their leanness is regarded as a sign of health and their weakness as a sign of sound judgment, and while they are content that their work should be devoid of faults they fall into the fault of being devoid of merit. So let not the ripeness of vintage come too soon nor the must turn harsh while yet in the vat; thus it will last for years and mellow with age.

It is worth while too to warn the teacher that undue severity in correcting faults is liable at times to discourage a boy's mind from effort. He loses hope and gives way to vexation, then last of all comes to hate his work and fearing everything attempts nothing. This phenomenon is familiar to farmers, who hold that the pruning-hook should not be applied while the leaves are yet young, for they seem to "shrink from the steel" and to be unable as yet to endure a scar. The instructor therefore should be as kindly as possible at this stage; remedies, which are harsh by nature, must be applied with a gentle hand: some portions of the work must be praised, others tolerated and others altered: the reason for the alterations should however be given, and in some cases the master will illumine an obscure passage by inserting something of his own. Occasionally again the teacher will find it useful to dictate whole themes himself that the boy may imitate them and for the time being love them as if they were his own. But if a boy's composition is so careless as not to admit of correction, I have found it useful to give a fresh exposition of the theme and to tell him to write it again, pointing out that he was capable of doing better: for there is nothing like hope for making study a pleasure. Different ages however demand different methods: the task set and the standard of correction must be proportioned to the pupil's strength. When boys ventured on something that was too daring or exuberant, I used to say to them that I approved of it for the moment, but that the time would come when I should no longer tolerate such a style. The result was that the consciousness of ability filled them with pleasure, without blinding their judgment.

However, to return to the point from which I had digressed. Written narratives should be composed with the utmost care. It is useful at first, when a child has just begun to speak, to make him repeat what he has heard with a view to improving his powers of speech; and for the same purpose, and with good reason, I would make him tell his story from the end back to the beginning or start in the middle and go backwards or forwards, but only so long as he is at his teacher's knee and while he is incapable of greater effort and is beginning to connect words and

things, thereby strengthening the memory. Even so when he is beginning to understand the nature of correct and accurate speech, extempore effusions, improvised without waiting for thought to supply the matter or a moment's hesitation before rising to the feet, must not be permitted: they proceed from a passion for display that would do credit to a common mountebank. Such proceedings fill ignorant parents with senseless pride, while the boys themselves lose all respect for their work, adopt a conceited bearing, and acquire the habit of speaking in the worst style and actually practising their faults, while they develop an arrogant conviction of their own talents which often proves fatal even to the most genuine proficiency. There will be a special time for acquiring fluency of speech and I shall not pass the subject by unnoticed. For the meantime it will suffice if a boy, by dint of taking pains and working as hard as his age will permit, manages to produce something worthy of approval. Let him get used to this until it becomes a second nature. It is only he who learns to speak correctly before he can speak with rapidity who will reach the heights that are our goal or the levels immediately below them.

To narratives is annexed the task of refuting and confirming them, styled *anaskeue* and *kataskeue*, from which no little advantage may be derived. This may be done not merely in connexion with fiction and stories transmitted by the poets, but with the actual records of history as well. For instance we may discuss the credibility of the story that a raven settled on the head of Valerius in the midst of a combat and with its wings and beak struck the eyes of the Gaul who was his adversary, and a quantity of arguments may be produced on either side: or we may discuss the tradition that Scipio was begotten by a serpent, or that Romulus was suckled by the she-wolf, or the story of Numa and Egeria. As regards Greek history, it allows itself something very like poetic licence. Again the time and place of some particular occurrence and sometimes even the persons concerned often provide matter for discussion: Livy for instance is frequently in doubt as to what actually occurred and historians often disagree.

From this our pupil will begin to proceed to more important themes, such as the praise of famous men and the denunciation of the wicked. Such tasks are profitable in more than one respect. The mind is exercised by the variety and multiplicity of the subject matter, while the character is moulded by the contemplation of virtue and vice. Further wide knowledge of facts is thus acquired, from which examples may be drawn if circumstances so demand, such illustrations being of the utmost value in every kind of case. It is but a step from this to practice in the comparison of the respective merits of two characters. This is of course a very similar theme to the preceding, but involves a duplication of the subject matter

and deals not merely with the nature of virtues and vices, but with their degree as well. But the method to be followed in panegyric and invective will be dealt with in its proper place, as it forms the third department of rhetoric.

As to *commonplaces* (I refer to those in which we denounce vices themselves such as adultery, gambling or profligacy without attacking particular persons), they come straight from the courts and, if we add the name of the defendant, amount to actual accusations. As a rule, however, the general character of a commonplace is usually given a special turn: for instance we make our adulterer blind, our gambler poor and our profligate far advanced in years. Sometimes too they entail defence: for we may speak on behalf of luxury or love, while a pimp or a parasite may be defended in such a way that we appeal as counsel not for the character itself, but to rebut some specific charge that is brought against him.

Theses on the other hand are concerned with the comparison of things and involve questions such as “Which is preferable, town or country life?” or “Which deserves the greatest praise, the lawyer or the soldier?” These provide the most attractive and copious practice in the art of speaking, and are most useful whether we have an eye to the duties of deliberative oratory or the arguments of the courts. For instance Cicero in his *pro Murena* deals very fully with the second of the two problems mentioned above. Other *theses* too belong entirely to the deliberative class of oratory, as for instance the questions as to “Whether marriage is desirable” or “Whether a public career is a proper object of ambition.” Put such discussions into the mouths of specific persons and they become deliberative declamations at once.

My own teachers used to prepare us for conjectural cases by a form of exercise which was at once useful and attractive: they made us discuss and develop questions such as “Why in Sparta is Venus represented as wearing armour?” or “Why is Cupid believed to be a winged boy armed with arrows and a torch?” and the like. In these exercises our aim was to discover the intention implied, a question which frequently occurs in controversial declamations. Such themes may perhaps be regarded as a kind of *chria* or moral essay.

That certain topics such as the question as to whether we should always believe a witness or whether we should rely on circumstantial evidence, are part and parcel of actual forensic pleading is so obvious that certain speakers, men too who have held civil office with no small distinction, have written out passages dealing with such themes, committed them to memory and kept them ready for immediate use, with a view to employing them when occasion arose as a species of ornament to be inserted into their extempore speeches. This practice—for I am not going to postpone expressing my judgment on it—I used to regard a confession of extreme weakness. For how can such men find appropriate arguments in the course of actual

cases which continually present new and different features? How can they answer the points that their opponents may bring up? how deal a rapid counterstroke in debate or cross-examine a witness? if, even in those matters which are of common occurrence and crop up in the majority of cases, they cannot give expression to the most familiar thoughts except in words prepared so far in advance. And when they produce the same passage in a number of different cases, they must come to loathe it like food that has grown cold or stale, and they can hardly avoid a feeling of shame at displaying this miserable piece of furniture to an audience whose memory must have detected it so many times already: like the furniture of the ostentatious poor, it is sure to shew signs of wear through being used for such a variety of different purposes. Also it must be remembered that there is hardly a single commonplace of such universal application that it will fit any actual case, unless some special link is provided to connect it with the subject: otherwise it will seem to have been tacked on to the speech, not interwoven in its texture, either because it is out of keeping with the circumstances or like most of its kind is inappropriately employed not because it is wanted, but because it is ready for use. Some speakers, for example, introduce the most long-winded commonplaces just for the sake of the sentiments they contain, whereas rightly the sentiments should spring from the context. Such disquisitions are at once ornamental and useful, only if they arise from the nature of the case. But the most finished eloquence, unless it tend to the winning of the case, is to say the least superfluous and may even defeat its own purpose. However I must bring this digression to a close.

The praise or denunciation of laws requires greater powers; indeed they should almost be equal to the most serious tasks of rhetoric. The answer to the question as to whether this exercise is more nearly related to deliberative or controversial oratory depends on custom and law and consequently varies in different states. Among the Greeks the proposer of a law was called upon to set forth his case before a judge, while in Rome it was the custom to urge the acceptance or rejection of a law before the public assembly. But in any case the arguments advanced in such cases are few in number and of a definite type. For there are only three kinds of law, *sacred*, *public* and *private*. This division is of rhetorical value chiefly when a law is to be praised. For example the orator may advance from praise to praise by a series of gradations, praising an enactment first because it is *law*, secondly because it is *public*, and, finally, designed for the support of *religion*. As regards the questions which generally arise, they are common to all cases. Doubts may be raised as to whether the mover is legally in a position to propose a law, as happened in the case of Publius Clodius, whose appointment as tribune of the plebs was alleged to be unconstitutional. Or the legality of the proposal itself may be impugned in

various ways; it may for instance be urged that the law was not promulgated within seventeen days, or was proposed, or is being proposed on an improper day, or in defiance of the tribunicial veto or the auspices or any other legal obstacle, or again that it is contrary to some existing law. But such points are not suitable to elementary rhetorical exercises, which are not concerned with persons, times or particular cases. Other subjects, whether the dispute be real or fictitious, are generally treated on the following lines. The fault must lie either in the words or the matter. As regards the words, the question will be whether they are sufficiently clear or contain some ambiguity, and as regards the matter whether the law is consistent with itself or should be retrospective or apply to special individuals. The point however which is most commonly raised is the question whether the law is right or expedient. I am well aware that many rhetoricians introduce a number of sub-divisions in connexion with this latter enquiry. I however include under the term *right* all such qualities as justice, piety and religion. Justice is however usually discussed under various aspects. A question may be raised about the acts with which the law is concerned, as to whether they deserve punishment or reward or as to the degree of punishment or reward that should be assigned, since excess in either direction is open to criticism. Again expediency is sometimes determined by the nature of things, sometimes by the circumstances of the time. Another common subject of controversy is whether a law can be enforced, while one must not shut one's eyes to the fact that exception is sometimes taken to laws in their entirety, but sometimes only in part, examples of both forms of criticism being found in famous speeches. I am well aware, too, that there are laws which are not proposed with a view to perpetuity, but are concerned with temporary honours or commands, such as the *lex Manilia* which is the subject of one of Cicero's speeches. This however is not the place for instructions on this topic, since they depend on the special circumstances of the matters under discussion, not on their general characteristics.

Such were the subjects on which the ancients as a rule exercised their powers of speaking, though they called in the assistance of the logicians as well to teach them the theory of argument. For it is generally agreed that the declamation of fictitious themes in imitation of the questions that arise in the law courts or deliberative assemblies came into vogue among the Greeks about the time of Demetrius of Phalerum. Whether this type of exercise was actually invented by him I have failed to discover, as I have acknowledged in another work. But not even those who most strongly assert his claim to be the inventor, can produce any adequate authority in support of their opinion. As regards Latin teachers of rhetoric, of whom Plotius was the most famous, Cicero informs us that they came into existence towards the end of the age of Crassus.

CHAPTER V: TEACHING THROUGH IMITATION

I will speak of the theory of declamation a little later. In the meantime, as we are discussing the elementary stages of a rhetorical education, I think I should not fail to point out how greatly the rhetorician will contribute to his pupils' progress, if he imitates the teacher of literature whose duty it is to expound the poets, and gives the pupils whom he has undertaken to train, instruction in the reading of history and still more of the orators. I myself have adopted this practice for the benefit of a few pupils of suitable age whose parents thought it would be useful. But though my intentions were excellent, I found that there were two serious obstacles to success: long custom had established a different method of teaching, and my pupils were for the most part full-grown youths who did not require this form of teaching, but were taking my work as their model. However, the fact that I have been somewhat late in making the discovery is not a reason why I should be ashamed to recommend it to those who come after me. I now know that this form of teaching is practised by the Greeks, but is generally entrusted to assistants, as the professors themselves consider that they have no time to give individual instruction to each pupil as he reads. And I admit that the form of lecture which this requires, designed as it is to make boys follow the written word with ease and accuracy, and even that which aims at teaching the meaning of any rare words that may occur, are to be regarded as quite below the dignity of the teacher of rhetoric. On the other hand it is emphatically part of his profession and the undertaking which he makes in offering himself as a teacher of eloquence, to point out the merits of authors or, for that matter, any faults that may occur: and this is all the more the case, as I am not asking teachers to undertake the task of recalling their pupils to stand at their knee once more and of assisting them in the reading of whatever book they may select. It seems to me at once an easier and more profitable method to call for silence and choose some one pupil—and it will be best to select them by turns—to read aloud, in order that they may at the same time learn the correct method of elocution. The case with which the speech selected for reading is concerned should then be explained, for if this be done they will have a clearer understanding of what is to be read. When the reading is commenced, no important point should be allowed to pass unnoticed either as regards the resourcefulness or the style shown in the treatment of the subject: the teacher must point out how the orator seeks to win the favour of the judge in his *exordium*, what clearness, brevity and sincerity, and at times what shrewd design and well-concealed artifice is shown in the statement of facts. For the only true art in pleading is that which can only be

understood by one who is a master of the art himself. The teacher will proceed further to demonstrate what skill is shown in the division into heads, how subtle and frequent are the thrusts of argument, what vigour marks the stirring and what charm the soothing passage, how fierce is the invective and how full of wit the jests, and in conclusion how the orator establishes his sway over the emotions of his audience, forces his way into their very hearts and brings the feelings of the jury into perfect sympathy with all his words. Finally as regards the style, he will emphasise the appropriateness, elegance or sublimity of particular words, will indicate where the amplification of the theme is deserving of praise and where there is virtue in a diminuendo; and will call attention to brilliant metaphors, figures of speech and passages combining smoothness and polish with a general impression of manly vigour.

It will even at times be of value to read speeches which are corrupt and faulty in style, but still meet with general admiration thanks to the perversity of modern tastes, and to point out how many expressions in them are inappropriate, obscure, high-flown, grovelling, mean, extravagant or effeminate, although they are not merely praised by the majority of critics, but, worse still, praised just because they are bad. For we have come to regard direct and natural speech as incompatible with genius, while all that is in any way abnormal is admired as exquisite. Similarly we see that some people place a higher value on figures which are in any way monstrous or distorted than they do on those who have not lost any of the advantages of the normal form of man. There are even some who are captivated by the shams of artifice and think that there is more beauty in those who pluck out superfluous hair or use depilatories, who dress their locks by scorching them with the curling iron and glow with a complexion that is not their own, than can ever be conferred by nature pure and simple, so that it really seems as if physical beauty depended entirely on moral hideousness.

It will, however, be the duty of the rhetorician not merely to teach these things, but to ask frequent questions as well, and test the critical powers of his class. This will prevent his audience from becoming inattentive and will secure that his words do not fall on deaf ears. At the same time the class will be led to find out things for themselves and to use their intelligence, which is after all the chief aim of this method of training. For what else is our object in teaching, save that our pupils should not always require to be taught? I will venture to say that this particular form of exercise, if diligently pursued, will teach learners more than all the text-books of all the rhetoricians: these are no doubt of very considerable use, but being somewhat general in their scope, it is quite impossible for them to deal with all the special cases that are of almost daily occurrence. The art of war will

provide a parallel: it is no doubt based on certain general principles, but it will nonetheless be far more useful to know the methods employed, whether wisely or the reverse, by individual generals under varying circumstances and conditions of time and place. For there are no subjects in which, as a rule, practice is not more valuable than precept. Is a teacher to declaim to provide a model for his audience, and will not more profit be derived from the reading of Cicero or Demosthenes? Is a pupil to be publicly corrected if he makes a mistake in declaiming, and will it not be more useful, and more agreeable too, to correct some actual speech? For everyone has a preference for hearing the faults of others censured rather than his own. I might say more on the subject. But everyone can see the advantages of this method. Would that the reluctance to put it into practice were not as great as the pleasure that would undoubtedly be derived from so doing!

This method once adopted, we are faced by the comparatively easy question as to what authors should be selected for our reading. Some have recommended authors of inferior merit on the ground that they were easier to understand. Others on the contrary would select the more florid school of writers on the ground that they are likely to provide the nourishment best suited to the minds of the young. For my part I would have them read the best authors from the very beginning and never leave them, choosing those, however, who are simplest and most intelligible. For instance, when prescribing for boys, I should give Livy the preference over Sallust; for, although the latter is the greater historian, one requires to be well-advanced in one's studies to appreciate him properly. Cicero, in my opinion, provides pleasant reading for beginners and is sufficiently easy to understand: it is possible not only to learn much from him, but to come to love him. After Cicero I should, following the advice of Livy, place such authors as most nearly resemble him.

There are two faults of taste against which boys should be guarded with the utmost care. Firstly no teacher suffering from an excessive admiration of antiquity, should be allowed to cramp their minds by the study of Cato and the Gracchi and other similar authors. For such reading will give them a harsh and bloodless style, since they will as yet be unable to understand the force and vigour of these authors, and contenting themselves with a style which doubtless was admirable in its day, but is quite unsuitable to ours, will come to think (and nothing could be more fatal) that they really resemble great men. Secondly the opposite extreme must be equally avoided: they must not be permitted to fall victims to the pernicious allurements of the precious blooms produced by our modern euphuists, thus acquiring a passion for the luscious sweetness of such authors, whose charm is all the more attractive to boyish intellects because it is so easy of achievement. Once, however, the judgment

is formed and out of danger of perversion, I should strongly recommend the reading of ancient authors, since if, after clearing away all the uncouthness of those rude ages, we succeed in absorbing the robust vigour and virility of their native genius, our more finished style will shine with an added grace: I also approve the study of the moderns at this stage, since even they have many merits. For nature has not doomed us to be dullards, but we have altered our style of oratory and indulged our caprices over much. It is in their ideals rather than their talents that the ancients show themselves our superiors. It will therefore be possible to select much that is valuable from modern writers, but we must take care that the precious metal is not debased by the dross with which it is so closely intermingled. Further I would not merely gladly admit, but would even contend that we have recently had and still have certain authors who deserve imitation in their entirety. But it is not for everyone to decide who these writers are. Error in the choice of earlier authors is attended with less danger, and I have therefore postponed the study of the moderns, for fear that we should imitate them before we are qualified to judge of their merits.

CHAPTER VI: DIRECTION AND CORRECTION

I come now to another point in which the practice of teachers has differed. Some have not been content with giving directions as to the arrangement of the subjects set them as themes for declamation, but have developed them at some length themselves, supplying not merely the proofs, but the lines upon which the emotional passages should proceed. Others have merely suggested a bare outline, and then when the declamations were over, have indicated the points missed by each speaker and worked up certain passages with no less care than they would have used, had they been going to stand up to speak themselves. Both practices have their advantages, and therefore I will not give either the pre-eminence. But if we must choose one of the two, it will be found more profitable to point out the right road at the outset, and not merely to recall the pupil from his error when he has already gone astray, since in the first place the correction is only received by the ear, whereas when he is given a sketch of the various heads of the declamation, he has to take them down and think about them: secondly instruction is always more readily received than reproof. Indeed those of our pupils who have a lively disposition are liable in the present condition of manners to lose their temper when admonished and to offer silent resistance. That, however, is no reason for refraining from the public correction of faults; for we must take the rest of the class into account, who will believe that whatever has not been corrected by the master is

right. The two methods should be employed conjointly and in such a way as circumstances may demand. Beginners must be given a subject sketched out ready for treatment and suitable to their respective powers. But when they show that they have formed themselves sufficiently closely on the models placed before them, it will be sufficient to give them a few brief hints for their guidance and to allow them to advance trusting in their own strength and without external support. Sometimes they should be left entirely to their own devices, that they may not be spoilt by the bad habit of always relying on another's efforts, and so prove incapable of effort and originality. But as soon as they seem to have acquired a sound conception of what they ought to say, the teacher's work will be near completion: if they still make some mistakes, they must be brought back under his guidance. We may draw a lesson from the birds of the air, whom we see distributing the food which they have collected in their bills among their weak and helpless nestlings; but as soon as they are fledged, we see them teaching their young to leave the nest and fly round about it, themselves leading the way; finally, when they have proved their strength, they are given the freedom of the open sky and left to trust in themselves.

CHAPTER VII: IMITATION AND MEMORY

There is one practice at present in vogue for boys of the age under discussion, which ought in my opinion undoubtedly to be changed. They should not be forced to commit all their own compositions to memory and to deliver them on an appointed day, as is at present the custom. This practice is especially popular with the boys' fathers, who think that their sons are not really studying unless they declaim on every possible occasion, although as a matter of fact progress depends mainly on industry. For though I strongly approve of boys writing compositions and would have them spend as much time as possible over such tasks, I had much rather that for the purpose of learning by heart passages should be selected from the orators or historians or any other works that may be deserving of such attention. For it is a better exercise for the memory to learn the words of others than it is to learn one's own, and those who have practised this far harder task will find no difficulty in committing to memory their own compositions with which they are already familiar. Further they will form an intimate acquaintance with the best writings, will carry their models with them and unconsciously reproduce the style of the speech which has been impressed upon the memory. They will have a plentiful and choice vocabulary and a command of artistic structure and a supply of figures which will not have to be hunted for, but will offer themselves spontaneously

from the treasure-house, if I may so call it, in which they are stored. In addition they will be in the agreeable position of being able to quote the happy sayings of the various authors, a power which they will find most useful in the courts. For phrases which have not been coined merely to suit the circumstances of the lawsuit of the moment carry greater weight and often win greater praise than if they were our own. I would however allow boys occasionally to declaim their own compositions that they may reap the reward of their labours in the applause of a large audience, that most coveted of all prizes. But this should not be permitted until they have produced something more finished than usual: they will thus be rewarded for their industry and rejoice in the thought that the privilege accorded them is the recompense of merit.

CHAPTER VIII: HARMONY OF TALENTS

It is generally and not unreasonably regarded as the sign of a good teacher that he should be able to differentiate between the abilities of his respective pupils and to know their natural bent. The gifts of nature are infinite in their variety, and mind differs from mind almost as much as body from body. This is clear from a consideration of the orators themselves, who differ in style to such an extent that no one is like another, in spite of the fact that numbers have modelled their style on that of their favorite authors. Many again think it useful to direct their instruction to the fostering of natural advantages and to guide the talents of their pupils along the lines which they instinctively tend to follow. Just as an expert gymnast, when he enters a gymnasium full of boys, after testing body and mind in every way, is able to decide for what class of athletic contest they should be trained, even so, they say, a teacher of oratory after careful observation of a boy's stylistic preferences, be they for terseness and polish, energy, dignity, charm, roughness, brilliance or wit, will so adapt his instructions to individual needs that each pupil will be pushed forward in the sphere for which his talents seem specially to design him; for nature, when cultivated, goes from strength to strength, while he who runs counter to her bent is ineffective in those branches of the art for which he is less suited and weakens the talents which he seemed born to employ. Now, since the critic who is guided by his reason is free to dissent even from received opinions, I must insist that to my thinking this view is only partially true. It is undoubtedly necessary to note the individual gifts of each boy, and no one would ever convince me that it is not desirable to differentiate courses of study with this in view. One boy will be better adapted for the study of history, another for poetry, another for

law, while some perhaps had better be packed off to the country. The teacher of rhetoric will distinguish such special aptitudes, just as our gymnast will turn one pupil into a runner, another into a boxer or wrestler or an expert at some other of the athletic accomplishments for which prizes are awarded at the sacred games. But on the other hand, he who is destined for the bar must study not one department merely, but must perfect himself in all the accomplishments which his profession demands, even though some of them may seem too hard for him when he approaches them as a learner. For if natural talent alone were sufficient, education might be dispensed with. Suppose we are given a pupil who, like so many, is of depraved tastes and swollen with his own conceit; shall we suffer him to go his own sweet way? If a boy's disposition is naturally dry and jejune, ought we not to feed it up or at any rate clothe it in fairer apparel? For, if in some cases it is necessary to remove certain qualities, surely there are others where we may be permitted to add what is lacking. Not that I would set myself against the will of nature. No innate good quality should be neglected, but defects must be made good and weaknesses made strong. When Isocrates, the prince of instructors, whose works proclaim his eloquence no less than his pupils testify to his excellence as a teacher, gave his opinion of Ephorus and Theopompus to the effect that the former needed the spur and the latter the curb, what was his meaning? Surely not that the sluggish temperament of the one and the headlong ardour of the other alike required modification by instruction, but rather that each would gain from an admixture of the qualities of the other.

In the case of weaker understandings however some concession must be made and they should be directed merely to follow the call of their nature, since thus they will be more effective in doing the only thing that lies in their power. But if we are fortunate enough to meet with richer material, such as justifies us in the hope of producing a real orator, we must leave no oratorical virtue uncared for. For though he will necessarily have a natural bent for some special department of oratory, he will not feel repelled by the others, and by sheer application will develop his other qualities until they equal those in which he naturally excels. The skilled gymnast will once again provide us with a parallel: if he undertakes to train a pancratiast, he will not merely teach him how to use his fists or his heels, nor will he restrict his instructions to the holds in wrestling, giving special attention to certain tricks of this kind, but will train him in every department of the science. Some will no doubt be incapable of attaining proficiency in certain exercises; these must specialise on those which lie within their powers. For there are two things which he must be most careful to avoid: first, he must not attempt the impossible, secondly he must not switch off his pupil from what he can do well to exercises for which he is less

well suited. But if his pupil is like the famous Nicostratus, whom we saw when he was old and we were boys, he will train him equally in every department of the science and will make him a champion both in boxing and wrestling, like Nicostratus himself who won the prize for both contests within a few days of each other. And how much more important is the employment of such methods where our future orator is concerned! It is not enough to be able to speak with terseness, subtlety or vehemence, any more than it would be for a singing master to excel in the upper, middle or lower register only, or in particular sections of these registers alone. Eloquence is like a harp and will never reach perfection, unless all its strings be taut and in tune.

CHAPTER IX: REGARD FOR TEACHERS

Though I have spoken in some detail of the duties of the teacher, I shall for the moment confine my advice to the learners to one solitary admonition, that they should love their masters not less than their studies, and should regard them as the parents not indeed of their bodies but of their minds. Such attachments are of invaluable assistance to study. For under their influence they find it a pleasure to listen to their teachers, believe what they say and long to be like them, come cheerfully and gladly to school, are not angry when corrected, rejoice when praised, and seek to win their master's affection by the devotion with which they pursue their studies. For as it is the duty of the master to teach, so it is the duty of the pupil to show himself teachable. The two obligations are mutually indispensable. And just as it takes two parents to produce a human being, and as the seed is scattered in vain, if the ground is hard and there is no furrow to receive it and bring it to growth, even so eloquence can never come to maturity, unless teacher and taught are in perfect sympathy.

CHAPTER X: DECLAMATION

These elementary stages are in themselves no small undertaking, but they are merely members and portions of the greater whole; when therefore the pupil has been thoroughly instructed and exercised in these departments, the time will as a rule have come for him to attempt deliberative and forensic themes. But before I begin to discuss these, I must say a few words on the theory of declamation, which is at once the most recent and most useful of rhetorical exercises. For it includes

practically all the exercises of which we have been speaking and is in close touch with reality. As a result it has acquired such a vogue that many think that it is the sole training necessary to the formation of an orator, since there is no excellence in a formal speech which is not also to be found in this type of rhetorical exercise. On the other hand the actual practice of declamation has degenerated to such an extent owing to the fault of our teachers, that it has come to be one of the chief causes of the corruption of modern oratory; such is the extravagance and ignorance of our declaimers. But it is possible to make a sound use of anything that is naturally sound. The subjects chosen for themes should, therefore, be as true to life as possible, and the actual declamation should, as far as may be, be modelled on the pleadings for which it was devised as a training. For we shall hunt in vain among *sponsions* and *interdicts* for magicians and plagues and oracles and stepmothers more cruel than any in tragedy, and other subjects still more unreal than these. What then? are we never to permit young men to handle unreal or, to be more accurate, poetic themes that they may run riot and exult in their strength and display their full stature? It were best to prohibit them absolutely. But at any rate the themes, however swelling and magnificent, should not be such as to seem foolish and laughable to the eye of an intelligent observer. Consequently, if we must make some concession, let us allow the declaimer to gorge himself occasionally, as long as he realises that his case will be like that of cattle that have blown themselves out with a surfeit of green food: they are cured of their disorder by blood-letting and then put back to food such as will maintain their strength; similarly the declaimer must be rid of his superfluous fat, and his corrupt humours must be discharged, if he wants to be strong and healthy. Otherwise, the first time he makes any serious effort, his swollen emptiness will stand revealed. Those, however, who hold that declamation has absolutely nothing in common with pleading in the courts, are clearly quite unaware of the reasons which gave rise to this type of exercise. For if declamation is not a preparation for the actual work of the courts, it can only be compared to the rant of an actor or the raving of a lunatic. For what is the use of attempting to conciliate a non-existent judge, or of stating a case which all know to be false, or of trying to prove a point on which judgment will never be passed? Such waste of effort is, however, a comparative trifle. But what can be more ludicrous than to work oneself into a passion and to attempt to excite the anger or grief of our hearers, unless we are preparing ourselves by such mimic combats for the actual strife and the pitched battles of the law-courts? Is there then no difference between our declamations and genuine forensic oratory? I can only reply, that if we speak with a desire for improvement, there will be no difference. And even if display is the object of declamation, surely we ought to unbend a little for the entertainment

of our audience. For even in those speeches which, although undoubtedly to some extent concerned with the truth, are designed to charm the multitude (such for instance as panegyrics and the oratory of display in all its branches), it is permissible to be more ornate and not merely to disclose all the resources of our art, which in cases of law should as a rule be concealed, but actually to flaunt them before those who have been summoned to hear us. Declamation therefore should resemble the truth, since it is modelled on forensic and deliberative oratory. On the other hand it also involves an element of display, and should in consequence assume a certain air of elegance. In this connexion I may cite the practice of comic actors, whose delivery is not exactly that of common speech, since that would be inartistic, but is on the other hand not far removed from the accents of nature, for, if it were, their mimicry would be a failure: what they do therefore is to exalt the simplicity of ordinary speech by a touch of stage decoration. So too we shall have to put up with certain inconveniences arising from the nature of our fictitious themes; such drawbacks occur more especially in connexion with those numerous details which are left uncertain and which we presume to suit our purpose, such as the ages of our characters, their wealth, their families, or the strength, laws and manners of the cities where our scenes are laid, and the like. Sometimes we even draw arguments from the actual flaws of the assumptions involved by the theme. But each of these points shall be dealt with in its proper place. For although the whole purpose of this work is the formation of an orator, I have no intention of passing over anything that has a genuine connexion with the practice of the schools, for fear that students may complain of the omission.

CHAPTER XI: UNTRAINED TALENT

I have now arrived at the point when I must begin to deal with that portion of the art at which those who have omitted the preceding stages generally commence. I can see, however, that certain critics will attempt to obstruct my path at the very outset: for they will urge that eloquence can dispense with rules of this kind and, in smug satisfaction with themselves and the ordinary methods and exercises of the schools, will laugh at me for my pains; in which they will be only following the example of certain professors of no small reputation. One of these gentlemen, I believe, when asked to define a *figure* and a *thought*, replied that he did not know what they were, but that, if they had anything to do with the subject, they would be found in his declamation. Another when asked whether he was a follower of Theodorus or Apollodorus, replied, "Oh! as for me, I am all for the Thracians." To

do him justice, he could hardly have found a neater way to avoid confessing his ignorance. These persons, just because, thanks to their natural gifts, they are regarded as brilliant performers and have, as a matter of fact, uttered much that deserves to be remembered, think that, while most men share their careless habits, few come near them for talent. Consequently they make it their boast that they speak on impulse and owe their success to their native powers; they further assert that there is no need of proof or careful marshalling of facts when we are speaking on fictitious themes, but only of some of those sounding epigrams, the expectation of which has filled the lecture-room; and these they say are best improvised on the spur of the moment. Further, owing to their contempt for method, when they are meditating on some future effusion, they spend whole days looking at the ceiling in the hope that some magnificent inspiration may occur to them, or rock their bodies to and fro, booming inarticulately as if they had a trumpet inside them and adapting their agitated movements, not to the delivery of the words, but to their pursuit. Some again settle on certain definite openings long before they have thought what they are going to say, with a view to using them as pegs for subsequent snatches of eloquence, and then after practising their delivery first in silent thought and then aloud for hours together, in utter desperation of providing any connecting links, abandon them and take refuge in one formula after another, each no less hackneyed and familiar than the last. The least unreasonable of them devote their attention not to the actual cases, but to their purple patches, in the composition of which they pay no attention to the subject-matter, but fire off a series of isolated thoughts just as they happen to come to hand. The result is a speech which, being composed of disconnected passages having nothing in common with each other, must necessarily lack cohesion and can only be compared to a schoolboy's notebook, in which he jots down any passages from the declamations of others that have come in for a word of praise. None the less they do occasionally strike out some good things and some fine epigrams, such as they make their boast. Why not? slaves and barbarians sometimes achieve the same effects, and if we are to be satisfied with this sort of thing, then good-bye to any theory of oratory.

CHAPTER XII: UNTRAINED VIGOR

I must, however, admit that the general opinion is that the untrained speaker is usually the more vigorous. This opinion is due primarily to the erroneous judgment of faulty critics, who think that true vigour is all the greater for its lack of art, regarding it as a special proof of strength to force what might be opened, to

break what might be untied and to drag what might be led. Even a gladiator who plunges into the fight with no skill at arms to help him, and a wrestler who puts forth the whole strength of his body the moment he has got a hold, is acclaimed by them for his outstanding vigour, although it is of frequent occurrence in such cases for the latter to be overthrown by his own strength and for the former to find the fury of his onslaught parried by his adversary with a supple turn of the wrist. But there are many details in this department of our art which the unskilled critic will never notice. For instance, careful division under heads, although of the utmost importance in actual cases, makes the outward show of strength seem less than the reality; the unhewn block is larger than the polished marble, and things when scattered seem more numerous than when placed together. There is moreover a sort of resemblance between certain merits and certain defects: abuse passes for freedom of speech, rashness for courage, prodigality for abundance. But the untrained advocate will abuse too openly and too often, even though by so doing he imperils the success of the case which he has undertaken and not seldom his own personal safety as well. But even such violence will win men's good opinion, since they are only too pleased to hear another say things which nothing would have induced them to utter themselves. Such speakers are also less careful to avoid that other peril, the pitfall of style, and are so reckless in their efforts that sometimes in their passion for extravagance they light upon some really striking expression. But such success is rare and does not compensate for their other defects.

For the same reason the uninstructed sometimes appear to have a richer flow of language, because they say everything that can be said, while the learned exercise discrimination and self-restraint. To this must be added the fact that such persons take no trouble to prove their contentions, and consequently steer clear of the chilly reception given in our decadent law-courts to arguments and questions and seek only for such themes as may beguile the ears of the public even at the cost of appealing to the most perverted tastes. Again, their epigrams, the sole objects of their quest, seem all the more striking because of the dreariness and squalor of their context, since flashes are more clearly seen against a background, not of mere "shade," as Cicero says, but of pitchy darkness. Well, let the world credit them with as much genius as it pleases, so long as it is admitted that such praise is an insult to any man of real eloquence. None the less it must be confessed that learning does take something from oratory, just as the file takes something from rough surfaces or the whetstone from blunt edges or age from wine; it takes away defects, and if the results produced after subjection to the polish of literary study are less, they are less only because they are better.

But these creatures have another weapon in their armoury: they seek to obtain

the reputation of speaking with greater vigour than the trained orator by means of their delivery. For they shout on all and every occasion and bellow their every utterance “with uplifted hand,” to use their own phrase, dashing this way and that, panting, gesticulating wildly and wagging their heads with all the frenzy of a lunatic. Smite your hands together, stamp the ground, slap your thigh, your breast, your forehead, and you will go straight to the heart of the dingier members of your audience. But the educated speaker, just as he knows how to moderate his style, and to impart variety and artistic form to his speech, is an equal adept in the matter of delivery and will suit his action to the tone of each portion of his utterances, while, if he has any one canon for universal observance, it is that he should both possess the reality and present the appearance of self-control. But the ranters confer the title of force on that which is really violence. You may also occasionally find not merely pleaders, but, what is far more shameful, teachers as well, who, after a brief training in the art of speaking, throw method to the winds and, yielding to the impulse of the moment, run riot in every direction, abusing those who hold literature in higher respect as fools without life, courage or vigour, and calling them the first and worst name that occurs to them. Still let me congratulate these gentlemen on attaining eloquence without industry, method or study. As for myself I have long since retired from the task of teaching in the schools and of speaking in the courts, thinking it the most honourable conclusion to retire while my services were still in request, and all I ask is to be allowed to console my leisure by making such researches and composing such instructions as will, I hope, prove useful to young men of ability, and are, at any rate, a pleasure to myself.

CHAPTER XIII: PLIABILITY OF RHETORIC’S RULES

Let no one however demand from me a rigid code of rules such as most authors of textbooks have laid down, or ask me to impose on students of rhetoric a system of laws immutable as fate, a system in which injunctions as to the *exordium* and its nature lead the way; then come the *statement of facts* and the laws to be observed in this connexion: next the *proposition* or, as some prefer, the *digression*, followed by prescriptions as to the order in which the various questions should be discussed, with all the other rules, which some speakers follow as though they had no choice but to regard them as orders and as if it were a crime to take any other line. If the whole of rhetoric could be thus embodied in one compact code, it would be an easy task of little compass: but most rules are liable to be altered by the nature of the case, circumstances of time and place, and by hard necessity itself. Consequently

the all-important gift for an orator is a wise adaptability since he is called upon to meet the most varied emergencies. What if you should instruct a general, as often as he marshals his troops for battle, to draw up his front in line, advance his wings to left and right, and station his cavalry to protect his flank? This will perhaps be the best plan, if circumstances allow. But it may have to be modified owing to the nature of the ground, if, for instance, he is confronted by a mountain, if a river bars his advance, or his movements are hampered by hills, woods or broken country. Or again it may be modified by the character of the enemy or the nature of the crisis by which he is faced. On one occasion he will fight in line, on another in column, on one he will use his auxiliary troops, on another his legionaries; while occasionally a feint of flight may win the day. So, too, with the rules of oratory. Is the *exordium* necessary or superfluous? should it be long or short? addressed entirely to the judge or sometimes directed to some other quarter by the employment of some figure of speech? Should the statement of facts be concise or developed at some length? continuous or divided into sections? and should it follow the actual or an artificial order of events? The orator will find the answers to all these questions in the circumstances of the case. So, too, with the order in which questions should be discussed, since in any given debate it may often suit one party best that such and such a question come up first, while their opponents would be best suited by another. For these rules have not the formal authority of laws or decrees of the plebs, but are, with all they contain, the children of expediency. I will not deny that it is generally expedient to conform to such rules, otherwise I should not be writing now; but if our friend expediency suggests some other course to us, why, we shall disregard the authority of the professors and follow her.

“For my part above all things
This I enjoin and urge and urge anew”

Verg. Aen. iii. 436.

that in all his pleadings the orator should keep two things constantly in view, what is becoming and what is expedient. But it is often expedient and occasionally becoming to make some modification in the time-honoured order. We see the same thing in pictures and statues. Dress, expression and attitude are frequently varied. The body when held bolt upright has but little grace, for the face looks straight forward, the arms hang by the side, the feet are joined and the whole figure is stiff from top to toe. But that curve, I might almost call it motion, with which we are so familiar, gives an impression of action and animation. So, too, the hands will not always be represented in the same position, and the variety given to the

expression will be infinite. Some figures are represented as running or rushing forward, others sit or recline, some are nude, others clothed, while some again are half-dressed, half-naked. Where can we find a more violent and elaborate attitude than that of the Discobolus of Myron? Yet the critic who disapproved of the figure because it was not upright, would merely show his utter failure to understand the sculptor's art, in which the very novelty and difficulty of execution is what most deserves our praise. A similar impression of grace and charm is produced by rhetorical figures, whether they be *figures of thought* or *figures of speech*. For they involve a certain departure from the straight line and have the merit of variation from the ordinary usage. In a picture the full face is most attractive. But Apelles painted Antigonus in profile, to conceal the blemish caused by the loss of one eye. So, too, in speaking, there are certain things which have to be concealed, either because they ought not to be disclosed or because they cannot be expressed as they deserve. Timanthes, who was, I think, a native of Cythnus, provides an example of this in the picture with which he won the victory over Colotes of Teos. It represented the sacrifice of Iphigenia, and the artist had depicted an expression of grief on the face of Calchas and of still greater grief on that of Ulysses, while he had given Menelaus an agony of sorrow beyond which his art could not go. Having exhausted his powers of emotional expression he was at a loss to portray the father's face as it deserved, and solved the problem by veiling his head and leaving his sorrow to the imagination of the spectator. Sallust did something similar when he wrote "I think it better to say nothing of Carthage rather than say too little." It has always, therefore, been my custom not to tie myself down to *universal* or *general* rules (this being the nearest equivalent I can find for the Greek *catholic rules*). For rules are rarely of such a kind that their validity cannot be shaken and overthrown in some particular or other. But I must reserve each of these points for fuller treatment in its proper place. For the present I will only say that I do not want young men to think their education complete when they have mastered one of the small textbooks of which so many are in circulation, or to ascribe a talismanic value to the arbitrary decrees of theorists. the art of speaking can only be attained by hard work and assiduity of study, by a variety of exercises and repeated trial, the highest prudence and unfailing quickness of judgement. But rules are helpful all the same so long as they indicate the direct road and do not restrict us absolutely to the ruts made by others. For he who thinks it an unpardonable sin to leave the old, old track, must be content to move at much the same speed as a tight-rope walker. Thus, for example, we often leave a paved military road to take a short cut or, finding that the direct route is impossible owing to floods having broken down the bridges, are forced to make a circuit, while if our house is on fire and flames bar the

way to the front door, we make our escape by breaking through a party wall. The orator's task covers a large ground, is extremely varied and develops some new aspect almost every day, so that the last word on the subject will never have been said. I shall however try to set forth the traditional rules and to point out their best features, mentioning the changes, additions and subtractions which seem desirable.

CHAPTER XIV: DIVISIONS OF RHETORIC

Rhetoric is a Greek term which has been translated into Latin by *oratoria* or *oratrix*. I would not for the world deprive the translators of the praise which is their due for attempting to increase the vocabulary of our native tongue; but translations from Greek into Latin are not always satisfactory, just as the attempt to represent Latin words in a Greek dress is sometimes equally unsuccessful. And the translations in question are fully as harsh as the *essentia* and *queentia* of Plautus, and have not even the merit of being exact. For *oratoria* is formed like *elocutoria* and *oratrix* like *elocutrix*, whereas the rhetoric with which we are concerned is rather to be identified with *eloquentia*, and the word is undoubtedly used in two senses by the Greeks. In the one case it is an adjective i.e. *ars rhetorica*, the rhetorical art, like piratic in the phrase *navis piratica*, in the other it is a noun like philosophy or friendship. It is as a substantive that we require it here; now the correct translation of the Greek *grammatice* is *litteratura* not *litteratrix* or *litteratoria*, which would be the forms analogous to *oratrix* and *oratoria*. But in the case of "rhetoric" there is no similar Latin equivalent. It is best therefore not to quarrel about it, more especially as we have to use Greek terms in many other cases. For I may at least use the words *philosophus*, *musicus* and *geometres* without outraging them by changing them into clumsy Latin equivalents. Finally, since Cicero gave a Greek title to the earlier works which he wrote on this subject, I may without fear of rashness accept the great orator as sufficient authority for the name of the art which he professed.

To resume, then, rhetoric (for I shall now use the name without fear of captious criticism) is in my opinion best treated under the three following heads, the art, the artist and the work. The art is that which we should acquire by study, and is the art of speaking well. The artist is he who has acquired the art, that is to say, he is the orator whose task it is to speak well. The work is the achievement of the artist, namely good speaking. Each of these three *general* divisions is in its turn divided into *species*. Of the two latter divisions I shall speak in their proper place. For the present I shall proceed to a discussion of the first.

CHAPTER XV: DEFINITION OF RHETORIC

The first question which confronts us is “What is rhetoric?” Many definitions have been given; but the problem is really twofold. For the dispute turns either on the quality of the thing itself or on the meaning of the words in which it is defined. The first and chief disagreement on the subject is found in the fact that some think that even bad men may be called orators, while others, of whom I am one, restrict the name of orator and the art itself to those who are good. Of those who divorce eloquence from that yet fairer and more desirable title to renown, a virtuous life, some call rhetoric merely a power, some a science, but not a virtue, some a practice, some an art, though they will not allow the art to have anything in common with science or virtue, while some again call it a perversion of art or κακοτεχνία. These persons have as a rule held that the task of oratory lies in persuasion or speaking in a persuasive manner: for this is within the power of a bad man no less than a good. Hence we get the common definition of rhetoric as the power of persuading. What I call a power, many call a capacity, and some a faculty. In order therefore that there may be no misunderstanding I will say that by power I mean δύναμις. This view is derived from Isocrates, if indeed the treatise on rhetoric which circulates under his name is really from his hand. He, although far from agreeing with those whose aim is to disparage the duties of an orator, somewhat rashly defined rhetoric as πειθοῦς δημιουργός, the “worker of persuasion”: for I cannot bring myself to use the peculiar derivative which Ennius applies to Marcus Cethegus in the phrase *suadae medulla*, the “marrow of persuasion.” Again Gorgias, in the dialogue of Plato that takes its title from his name, says practically the same thing, but Plato intends it to be taken as the opinion of Gorgias, not as his own. Cicero in more than one passage defined the duty of an orator as “speaking in a persuasive manner.” In his *Rhetorica* too, a work which it is clear gave him no satisfaction, he makes the end to be persuasion. But many other things have the power of persuasion, such as money, influence, the authority and rank of the speaker, or even some sight unsupported by language, when for instance the place of words is supplied by the memory of some individual’s great deeds, by his lamentable appearance or the beauty of his person. Thus when Antonius in the course of his defence of Manius Aquilius tore open his client’s robe and revealed the honourable scars which he had acquired while facing his country’s foes, he relied no longer on the power of his eloquence, but appealed directly to the eyes of the Roman people. And it is believed that they were so profoundly moved by the sight as to acquit the accused. Again there is a speech of Cato, to mention no other records, which informs us that

Servius Galba escaped condemnation solely by the pity which he aroused not only by producing his own young children before the assembly, but by carrying round in his arms the son of Sulpicius Gallus. So also according to general opinion Phryne was saved not by the eloquence of Hyperides, admirable as it was, but by the sight of her exquisite body, which she further revealed by drawing aside her tunic. And if all these have power to persuade, the end of oratory, which we are discussing, cannot adequately be defined as persuasion. Consequently those who, although holding the same general view of rhetoric, have regarded it as the *power of persuasion by speaking*, pride themselves on their greater exactness of language. This definition is given by Gorgias, in the dialogue mentioned above, under compulsion from the inexorable logic of Socrates. Theodectes agrees with him, whether the treatise on rhetoric which has come down to us under his name is really by him or, as is generally believed, by Aristotle. In that work the end of rhetoric is defined as the *leading of men by the power of speech to the conclusion desired by the orator*. But even this definition is not sufficiently comprehensive, since others besides orators persuade by speaking or lead others to the conclusion desired, as for example harlots, flatterers and seducers. On the other hand the orator is not always engaged on persuasion, so that sometimes persuasion is not his special object, while sometimes it is shared by others who are far removed from being orators. And yet Apollodorus is not very far off this definition when he asserts that the first and all-important task of forensic oratory is *to persuade the judge and lead his mind to the conclusions desired by the speaker*. For even Apollodorus makes the orator the sport of fortune by refusing him leave to retain his title if he fails to persuade. Some on the other hand pay no attention to results, as for example Aristotle, who says "*rhetoric is the power of discovering all means of persuading by speech*." This definition has not merely the fault already mentioned, but the additional defect of including merely the power of invention, which without style cannot possibly constitute oratory. Hermagoras, who asserts that its end is to *speak persuasively*, and others who express the same opinion, though in different words, and inform us that the end is to *say everything which ought to be said with a view to persuasion*, have been sufficiently answered above, when I proved that persuasion was not the privilege of the orator alone. Various additions have been made to these definitions. For some hold that rhetoric is concerned with everything, while some restrict its activity to politics. The question as to which of these views is the nearer to the truth shall be discussed later in its appropriate place. Aristotle seems to have implied that the sphere of the orator was all-inclusive when he defined rhetoric as the *power to detect every element in any given subject which might conduce to persuasion*; so too does Patrocles who omits the words *in any given subject*, but since he excludes nothing,

shows that his view is identical. For he defines rhetoric as the *power to discover whatever is persuasive in speech*. These definitions like that quoted above include no more than the power of *invention* alone. Theodorus avoids this fault and holds that it is the *power to discover and to utter forth in elegant language whatever is credible in every subject of oratory*. But, while others besides orators may discover what is credible as well as persuasive, by adding the words *in every subject* he, to a greater extent than the others, concedes the fairest name in all the world to those who use their gifts as an incitement to crime. Plato makes Gorgias say that he is a master of persuasion in the law-courts and other assemblies, and that his themes are justice and injustice, while in reply Socrates allows him the power of persuading, but not of teaching. Those who refused to make the sphere of oratory allinclusive, have been obliged to make somewhat forced and long-winded distinctions: among these I may mention Ariston, the pupil of the Peripatetic Critolaus, who produced the following definition, "*Rhetoric is the science of seeing and uttering what ought to be said on political questions in language that is likely to prove persuasive to the people*." Being a Peripatetic he regards it as a science, not, like the Stoics, as a virtue, while in adding the words "*likely to prove persuasive to the people*" he inflicts a positive insult on oratory, in implying that it is not likely to persuade the learned. The same criticism will apply to all those who restrict oratory to political questions, for they exclude thereby a large number of the duties of an orator, as for example panegyric, the third department of oratory, which is entirely ignored. Turning to those who regard rhetoric as an art, but not as a virtue, we find that Theodorus of Gadara is more cautious. For he says (I quote the words of his translators), "*rhetoric is the art which discovers and judges and expresses, with an elegance duly proportioned to the importance of all such elements of persuasion as may exist in any subject in the field of politics*." Similarly Cornelius Celsus defines the end of rhetoric as to *speak persuasively on any doubtful subject within the field of politics*. Similar definitions are given by others, such for instance as the following: "*rhetoric is the power of judging and holding forth on such political subjects as come before it with a certain persuasiveness, a certain action of the body and delivery of the words*." There are countless other definitions, either identical with this or composed of the same elements, which I shall deal with when I come to the questions concerned with the subject matter of rhetoric. Some regard it as neither a power, a science or an art; Critolaus calls it the *practice of speaking* (for this is the meaning of *τριβή*), Athenaeus styles it the *art of deceiving*, while the majority, content with reading a few passages from the Gorgias of Plato, unskilfully excerpted by earlier writers, refrain from studying that dialogue and the remainder of Plato's writings, and thereby fall into serious error. For they believe that in Plato's view rhetoric was not an art, but a certain *adroitness*

in the production of delight and gratification, or with reference to another passage the *shadow of a small part of politics* and the *fourth department of flattery*. For Plato assigns two departments of politics to the body, namely medicine and gymnastic, and two to the soul, namely law and justice, while he styles the art of cookery a form of flattery of medicine, the art of the slave-dealer a flattery of gymnastic, for they produce a false complexion by the use of paint and a false robustness by puffing them out with fat: sophistry he calls a dishonest counterfeit of legal science, and rhetoric of justice. All these statements occur in the *Gorgias* and are uttered by Socrates who appears to be the mouthpiece of the views held by Plato. But some of his dialogues were composed merely to refute his opponents and are styled *refutative*, while others are for the purpose of teaching and are called *doctrinal*. Now it is only rhetoric as practised in their own day that is condemned by Plato or Socrates, for he speaks of it as “the manner in which you engage in public affairs”: rhetoric in itself he regards as a genuine and honourable thing, and consequently the controversy with Gorgias ends with the words, “The rhetorician therefore must be just and the just man desirous to do what is just.” To this Gorgias makes no reply, but the argument is taken up by Polus, a hot-headed and headstrong young fellow, and it is to him that Socrates makes his remarks about “shadows” and “forms of flattery.” Then Callicles, who is even more hot-headed, intervenes, but is reduced to the conclusion that “he who would truly be a rhetorician ought to be just and possess a knowledge of justice.” It is clear therefore that Plato does not regard rhetoric as an evil, but holds that true rhetoric is impossible for any save a just and good man. In the *Phaedrus* he makes it even clearer that the complete attainment of this art is impossible without the knowledge of justice, an opinion in which I heartily concur. Had this not been his view, would he have ever written the *Apology of Socrates* or the *Funeral Oration* in praise of those who had died in battle for their country, both of them works falling within the sphere of oratory. It was against the class of men who employed their glibness of speech for evil purposes that he directed his denunciations. Similarly Socrates thought it incompatible with his honour to make use of the speech which Lysias composed for his defence, although it was the usual practice in those days to write speeches for the parties concerned to speak in the courts on their own behalf, a device designed to circumvent the law which forbade the employment of advocates. Further the teachers of rhetoric were regarded by Plato as quite unsuited to their professed task. For they divorced rhetoric from justice and preferred plausibility to truth, as he states in the *Phaedrus*. Cornelius Celsus seems to have agreed with these early rhetoricians, for he writes “The orator only aims at the semblance of truth,” and again a little later “The reward of the party to a suit is not a good conscience, but

victory.” If this were true, only the worst of men would place such dangerous weapons at the disposal of criminals or employ the precepts of their art for the assistance of wickedness. However I will leave those who maintain these views to consider what ground they have for so doing.

For my part, I have undertaken the task of moulding the ideal orator, and as my first desire is that he should be a good man, I will return to those who have sounder opinions on the subject. Some however identify rhetoric with politics, Cicero calls it a *department of the science of politics* (and science of politics and philosophy are identical terms), while others again call it a *branch of philosophy*, among them Isocrates. The definition which best suits its real character is that which makes rhetoric the *science of speaking well*. For this definition includes all the virtues of oratory and the character of the orator as well, since no man can speak well who is not good himself. The definition given by Chrysippus, who derived it from Cleanthes, to the effect that it is the *science of speaking rightly*, amounts to the same thing. The same philosopher also gives other definitions, but they concern problems of a different character from that on which we are now engaged. Another definition defines oratory as the power of *persuading men to do what ought to be done*, and yields practically the same sense save that it limits the art to the result which it produces. Areus again defines it well as *speaking according to the excellence of speech*. Those who regard it as the science of political obligations, also exclude men of bad character from the title of orator, if by science they mean virtue, but restrict it overmuch by confining it to political problems. Albutius, a distinguished author and professor of rhetoric, agrees that rhetoric is the science of speaking well, but makes a mistake in imposing restrictions by the addition of the words *on political questions* and *with credibility*; with both of these restrictions I have already dealt. Finally those critics who hold that the aim of rhetoric is *to think and speak rightly*, were on the correct track.

These are practically all the most celebrated and most discussed definitions of rhetoric. It would be both irrelevant and beyond my power to deal with all. For I strongly disapprove of the custom which has come to prevail among writers of textbooks of refusing to define anything in the same terms as have been employed by some previous writer. I will have nothing to do with such ostentation. What I say will not necessarily be my own invention, but it will be what I believe to be the right view, as for instance that oratory is the science of speaking well. For when the most satisfactory definition has been found, he who seeks another, is merely looking for a worse one.

Thus much being admitted we are now in a position to see clearly what is the end, the highest aim, the ultimate goal of rhetoric, that τέλος in fact which every

art must possess. For if rhetoric is the science of speaking well, its end and highest aim is to speak well.

CHAPTER XVI: UTILITY OF RHETORIC

There follows the question as to whether rhetoric is useful. Some are in the habit of denouncing it most violently and of shamelessly employing the powers of oratory to accuse oratory itself. "It is eloquence" they say "that snatches criminals from the penalties of the law, eloquence that from time to time secures the condemnation of the innocent and leads deliberation astray, eloquence that stirs up not merely sedition and popular tumult, but wars beyond all expiation, and that is most effective when it makes falsehood prevail over the truth." The comic poets even accuse Socrates of teaching how to make the worse cause seem the better, while Plato says that Gorgias and Tisias made similar professions. And to these they add further examples drawn from the history of Rome and Greece, enumerating all those who used their pernicious eloquence not merely against individuals but against whole states and threw an ordered commonwealth into a state of turmoil or even brought it to utter ruin; and they point out that for this very reason rhetoric was banished from Sparta, while its powers were cut down at Athens itself by the fact that an orator was forbidden to stir the passions of his audience. On the showing of these critics not only orators but generals, magistrates, medicine and philosophy itself will all be useless. For Flaminius was a general, while men such as the Gracchi, Saturninus and Glaucia were magistrates. Doctors have been caught using poisons, and those who falsely assume the name of philosopher have occasionally been detected in the gravest crimes. Let us give up eating, it often makes us ill; let us never go inside houses, for sometimes they collapse on their occupants; let never a sword be forged for a soldier, since it might be used by a robber. And who does not realise that fire and water, both necessities of life, and, to leave mere earthly things, even the sun and moon, the greatest of the heavenly bodies, are occasionally capable of doing harm.

On the other hand will it be denied that it was by his gift of speech that Appius the Blind broke off the dishonourable peace which was on the point of being concluded with Pyrrhus? Did not the divine eloquence of Cicero win popular applause even when he denounced the Agrarian laws, did it not crush the audacious plots of Catiline and win, while he still wore the garb of civil life, the highest honour that can be conferred on a victorious general, a public thanksgiving to heaven? Has not oratory often revived the courage of a panic-stricken army and persuaded the

soldier faced by all the perils of war that glory is a fairer thing than life itself? Nor shall the history of Sparta and Athens move me more than that of the Roman people, who have always held the orator in highest honour. Never in my opinion would the founders of cities have induced their unsettled multitudes to form communities had they not moved them by the magic of their eloquence: never without the highest gifts of oratory would the great legislators have constrained mankind to submit themselves to the yoke of law. Nay, even the principles which should guide our life, however fair they may be by nature, yet have greater power to mould the mind to virtue, when the beauty of things is illumined by the splendour of eloquence. Wherefore, although the weapons of oratory may be used either for good or ill, it is unfair to regard that as an evil which can be employed for good. These problems, however, may be left to those who hold that rhetoric is the power to persuade. If our definition of rhetoric as the science of speaking well implies that an orator must be a good man, there can be no doubt about its usefulness. And in truth that god, who was in the beginning, the father of all things and the architect of the universe, distinguished man from all other living creatures that are subject to death, by nothing more than this, that he gave him the gift of speech. For as regards physical bulk, strength, robustness, endurance or speed, man is surpassed in certain cases by dumb beasts, who also are far more independent of external assistance. They know by instinct without need of any teacher how to move rapidly, to feed themselves and swim. Many too have their bodies clothed against cold, possess natural weapons and have not to search for their food, whereas in all these respects man's life is full of toil. Reason then was the greatest gift of the Almighty, who willed that we should share its possession with the immortal gods. But reason by itself would help us but little and would be far less evident in us, had we not the power to express our thoughts in speech; for it is the lack of this power rather than thought and understanding, which they do to a certain extent possess, that is the great defect in other living things. The construction of a soft lair, the weaving of nests, the hatching and rearing of their young, and even the storing up of food for the coming winter, together with certain other achievements which we cannot imitate, such as the making of honey and wax, all these perhaps indicate the possession of a certain degree of reason; but since the creatures that do these things lack the gift of speech they are called dumb and unreasoning beasts. Finally, how little the heavenly boon of reason avails those who are born dumb. If therefore we have received no fairer gift from heaven than speech, what shall we regard as so worthy of laborious cultivation, or in what should we sooner desire to excel our fellow-men, than that in which mankind excels all other living things? And we should be all the more eager to do so, since there is no art which yields a

more grateful recompense for the labour bestowed upon it. This will be abundantly clear if we consider the origins of oratory and the progress it has made; and it is capable of advancing still further. I will not stop to point out how useful and how becoming a task it is for a good man to defend his friends, to guide the senate by his counsels, and to lead peoples or armies to follow his bidding; I merely ask, is it not a noble thing, by employing the understanding which is common to mankind and the words that are used by all, to win such honour and glory that you seem not to speak or plead, but rather, as was said of Pericles, to thunder and lighten?

CHAPTER XVII: RHETORIC AS AN ART

However, if I were to indulge my own inclinations in expatiating on this subject, I should go on for ever. Let us therefore pass to the next question and consider whether rhetoric is an art. No one of those who have laid down rules for oratory has ever doubted that it is an art. It is clear even from the titles of their books that their theme is the art of rhetoric, while Cicero defines rhetoric as *artistic eloquence*. And it is not merely the orators who have claimed this distinction for their studies with a view to giving them an additional title to respect, but the Stoic and Peripatetic philosophers for the most part agree with them. Indeed I will confess that I had doubts as to whether I should discuss this portion of my inquiry, for there is no one, I will not say so unlearned, but so devoid of ordinary sense, as to hold that building, weaving or moulding vessels from clay are arts, and at the same time to consider that rhetoric, which, as I have already said, is the noblest and most sublime of tasks, has reached such a lofty eminence without the assistance of art. For my own part I think that those who have argued against this view did not realise what they were saying, but merely desired to exercise their wits by the selection of a difficult theme, like Polycrates, when he praised Busiris and Clytemnestra; I may add that he is credited with a not dissimilar performance, namely the composition of a speech which was delivered against Socrates.

Some would have it that rhetoric is a natural gift though they admit that it can be developed by practice. So Antonius in the *de Oratore* of Cicero styles it a *knack derived from experience*, but denies that it is an art: this statement is however not intended to be accepted by us as the actual truth, but is inserted to make Antonius speak in character, since he was in the habit of concealing his art. Still Lysias is said to have maintained this same view, which is defended on the ground that uneducated persons, barbarians and slaves, when speaking on their own behalf, say something that resembles an *exordium*, state the facts of the case, prove, refute and

plead for mercy just as an orator does in his peroration. To this is added the quibble that nothing that is based on art can have existed before the art in question, whereas men have always from time immemorial spoken in their own defence or in denunciation of others: the teaching of rhetoric as an art was, they say, a later invention dating from about the time of Tisias and Corax: oratory therefore existed before art and consequently cannot be an art. For my part I am not concerned with the date when oratory began to be taught. Even in Homer we find Phoenix as an instructor not only of conduct but of speaking, while a number of orators are mentioned, the various styles are represented by the speeches of three of the chiefs and the young men are set to contend among themselves in contests of eloquence: moreover lawsuits and pleaders are represented in the engravings on the shield of Achilles. It is sufficient to call attention to the fact that everything which art has brought to perfection originated in nature. Otherwise we might deny the title of art to medicine, which was discovered from the observation of sickness and health, and according to some is entirely based upon experiment: wounds were bound up long before medicine developed into an art, and fevers were reduced by rest and abstention from food, long before the reason for such treatment was known, simply because the state of the patient's health left no choice. So too building should not be styled an art; for primitive man built himself a hut without the assistance of art. Music by the same reasoning is not an art; for every race indulges in some kind of singing and dancing. If therefore any kind of speech is to be called eloquence, I will admit that it existed before it was an art. If on the other hand not every man that speaks is an orator and primitive man did not speak like an orator, my opponents must needs acknowledge that oratory is the product of art and did not exist before it. This conclusion also rules out their argument that men speak who have never learnt how to speak, and that which a man does untaught can have no connexion with art. In support of this contention they adduce the fact that Demades was a waterman and Aeschines an actor, but both were orators. Their reasoning is false. For no man can be an orator untaught and it would be truer to say that these orators learned oratory late in life than that they never learned at all; although as a matter of fact Aeschines had an acquaintance with literature from childhood since his father was a teacher of literature, while as regards Demades, it is quite uncertain that he never studied rhetoric and in any case continuous practice in speaking was sufficient to bring him to such proficiency as he attained: for experience is the best of all schools. On the other hand it may fairly be asserted that he would have achieved greater distinction, if he had received instruction: for although he delivered his speeches with great effect, he never ventured to write them for others. Aristotle, it is true, in his *Gryllus* produces some tentative

arguments to the contrary, which are marked by characteristic ingenuity. On the other hand he also wrote three books on the art of rhetoric, in the first of which he not merely admits that rhetoric is an art, but treats it as a department of politics and also of logic. Critolaus and Athenodorus of Rhodes have produced many arguments against this view, while Agnon renders himself suspect by the very title of his book in which he proclaims that he is going to indict rhetoric. As to the statements of Epicurus on this subject, they cause me no surprise, for he is the foe of all systematic training.

These gentlemen talk a great deal, but the arguments on which they base their statements are few. I will therefore select the most important of them and will deal with them briefly, to prevent the discussion lasting to all eternity. Their first contention is based on the subject-matter; for they assert that all arts have their own subject-matter (which is true) and go on to say that rhetoric has none, which I shall show in what follows to be false. Another slander is to the effect that no art will acquiesce in false opinions: since an art must be based on direct perception, which is always true: now, say they, rhetoric does give its assent to false conclusions and is therefore not an art. I will admit that rhetoric sometimes substitutes falsehood for truth, but I will not allow that it does so because its opinions are false, since there is all the difference between holding a certain opinion oneself and persuading someone else to adopt an opinion. For instance a general frequently makes use of falsehood: Hannibal when hemmed in by Fabius persuaded his enemy that he was in retreat by tying brushwood to the horns of oxen, setting fire to them by night and driving the herds across the mountains opposite. But though he deceived Fabius, he himself was fully aware of the truth. Again when the Spartan Theopompus changed clothes with his wife and escaped from custody disguised as a woman, he deceived his guards, but was not for a moment deceived as to his own identity. Similarly an orator, when he substitutes falsehood for the truth, is aware of the falsehood and of the fact that he is substituting it for the truth. He therefore deceives others, but not himself. When Cicero boasted that he had thrown dust in the eyes of the jury in the case of Cluentius, he was far from being blinded himself. And when a painter by his artistic skill makes us believe that certain objects project from the picture, while others are withdrawn into the background, he knows perfectly well that they are really all in the same plane. My opponents further assert that every art has some definite goal towards which it directs its efforts, but that rhetoric as a rule has no such goal, while at other times it professes to have an aim, but fails to perform its promise. They lie: I have already shown that rhetoric has a definite purpose and have explained what it is. And, what is more, the orator will always make good his professions in this respect, for he will always speak well. On

the other hand this criticism may perhaps hold good as against those who think persuasion the end of oratory. But our orator and his art, as we define it, are independent of results. The speaker aims at victory, it is true, but if he speaks well, he has lived up to the ideals of his art, even if he is defeated. Similarly a pilot will desire to bring his ship safe to harbour; but if he is swept out of his course by a storm, he will not for that reason cease to be a pilot, but will say in the well-known words of the old poet "Still let me steer straight on!" So too the doctor seeks to heal the sick; but if the violence of the disease or the refusal of the patient to obey his regimen or any other circumstance prevent his achieving his purpose, he will not have fallen short of the ideals of his art, provided he has done everything according to reason. So too the orator's purpose is fulfilled if he has spoken well. For the art of rhetoric, as I shall show later, is realised in action, not in the result obtained. From this it follows that there is no truth in yet another argument which contends that arts know when they have attained their end, whereas rhetoric does not. For every speaker is aware when he is speaking well. These critics also charge rhetoric with doing what no art does, namely making use of vices to serve its ends, since it speaks the thing that is not and excites the passions. But there is no disgrace in doing either of these things, as long as the motive be good: consequently there is nothing vicious in such action. Even a philosopher is at times permitted to tell a lie, while the orator must needs excite the passions, if that be the only way by which he can lead the judge to do justice. For judges are not always enlightened and often have to be tricked to prevent them falling into error. Give me philosophers as judges, pack senates and assemblies with philosophers, and you will destroy the power of hatred, influence, prejudice and false witness; consequently there will be very little scope for eloquence whose value will lie almost entirely in its power to charm. But if, as is the case, our hearers are fickle of mind, and truth is exposed to a host of perils, we must call in art to aid us in the fight and employ such means as will help our case. He who has been driven from the right road cannot be brought back to it save by a fresh detour. The point, however, that gives rise to the greatest number of these captious accusations against rhetoric, is found in the allegation that orators speak indifferently on either side of a case. From which they draw the following arguments: no art is self-contradictory, but rhetoric does contradict itself; no art tries to demolish what itself has built, but this does happen in the operations of rhetoric; or again: rhetoric teaches either what ought to be said or what ought not to be said; consequently it is not an art because it teaches what ought not to be said, or because, while it teaches what ought to be said, it also teaches precisely the opposite. Now it is obvious that all such charges are brought against that type of rhetoric with which neither good men nor virtue herself will have anything to do;

since if a case be based on injustice, rhetoric has no place therein and consequently it can scarcely happen even under the most exceptional circumstances that an orator, that is to say, a good man, will speak indifferently on either side. Still it is in the nature of things conceivable that just causes may lead two wise men to take different sides, since it is held that wise men may fight among themselves, provided that they do so at the bidding of reason. I will therefore reply to their criticisms in such a way that it will be clear that these arguments have no force even against those who concede the name of orator to persons of bad character. For rhetoric is not self-contradictory. The conflict is between case and case, not between rhetoric and itself. And even if persons who have learned the same thing fight one another, that does not prove that what they have learned is not an art. Were that so, there could be no art of arms, since gladiators trained under the same master are often matched against each other; nor would the pilot's art exist, because in sea-fights pilots may be found on different sides; nor yet could there be an art of generalship, since general is pitted against general. In the same way rhetoric does not undo its own work. For the orator does not refute his own arguments, nor does rhetoric even do so, because those who regard persuasion as its end, or the two good men whom chance has matched against one another seek merely for probabilities: and the fact that one thing is more credible than another, does not involve contradiction between the two. There is no absolute antagonism between the probable and the more probable, just as there is none between that which is white and that which is whiter, or between that which is sweet and that which is sweeter. Nor does rhetoric ever teach that which ought not to be said, or that which is contrary to what ought to be said, but solely what ought to be said in each individual case. But though the orator will as a rule maintain what is true, this will not always be the case: there are occasions when the public interest demands that he should defend what is untrue.

The following objections are also put forward in the second book of Cicero's *de Oratore*: "Art deals with things that are known. But the pleading of an orator is based entirely on opinion, not on knowledge, because he speaks to an audience who do not know, and sometimes himself states things of which he has no actual knowledge." Now one of these points, namely whether the judges have knowledge of what is being said to them, has nothing to do with the art of oratory. The other statement, that art is concerned with things that are known, does however require an answer. Rhetoric is the art of speaking well and the orator knows how to speak well. "But," it is urged, "he does not know whether what he says is true." Neither do they, who assert that all things derive their origin from fire or water or the four elements or indivisible atoms; nor they who calculate the distances of the stars or the size of the earth and sun. And yet all these call the subject which they teach an

art. But if reason makes them seem not merely to hold opinions but, thanks to the cogency of the proofs adduced, to have actual knowledge, reason will do the same service to the orator. “But,” they say, “he does not know whether the cause which he has undertaken is true.” But not even a doctor can tell whether a patient who claims to be suffering from a headache, really is so suffering: but he will treat him on the assumption that his statement is true, and medicine will still be an art. Again what of the fact that rhetoric does not always aim at telling the truth, but always at stating what is probable? The answer is that the orator knows that what he states is no more than probable. My opponents further object that advocates often defend in one case what they have attacked in another. This is not the fault of the art, but of the man. Such are the main points that are urged against rhetoric; there are others as well, but they are of minor importance and drawn from the same sources.

That rhetoric is an art may, however, be proved in a very few words. For if Cleanthes definition be accepted that “Art is a power reaching its ends by a definite path, that is, by ordered methods,” no one can doubt that there is such method and order in good speaking: while if, on the other hand, we accept the definition which meets with almost universal approval that art consists in perceptions agreeing and cooperating to the achievement of some useful end, we shall be able to show that rhetoric lacks none of these characteristics. Again it is scarcely necessary for me to point out that like other arts it is based on examination and practice. And if logic is an art, as is generally agreed, rhetoric must also be an art, since it differs from logic in *species* rather than in *genus*. Nor must I omit to point out that where it is possible in any given subject for one man to act without art and another with art, there must necessarily be an art in connexion with that subject, as there must also be in any subject in which the man who has received instruction is the superior of him who has not. But as regards the practice of rhetoric, it is not merely the case that the trained speaker will get the better of the untrained. For even the trained man will prove inferior to one who has received a better training. If this were not so, there would not be so many rhetorical rules, nor would so many great men have come forward to teach them. The truth of this must be acknowledged by everyone, but more especially by us, since we concede the possession of oratory to none save the good man.

CHAPTER XVIII: ADMINISTRATIVE ART

Some arts, however, are based on examination, that is to say on the knowledge and proper appreciation of things, as for instance astronomy, which demands no

action, but is content to understand the subject of its study: such arts are called *theoretical*. Others again are concerned with action: this is their end, which is realised in action, so that, the action once performed, nothing more remains to do: these arts we style *practical*, and dancing will provide us with an example. Thirdly there are others which consist in producing a certain result and achieve their purpose in the completion of a visible task: such we style *productive*, and *painting* may be quoted as an illustration. In view of these facts we must come to the conclusion that, in the main, rhetoric is concerned with action; for in action it accomplishes that which it is its duty to do. This view is universally accepted, although in my opinion rhetoric draws largely on the two other kinds of art. For it may on occasion be content with the mere examination of a thing. Rhetoric is still in the orator's possession even though he be silent, while if he gives up pleading either designedly or owing to circumstances over which he has no control, he does not therefore cease to be an orator, any more than a doctor ceases to be a doctor when he withdraws from practice. Perhaps the highest of all pleasures is that which we derive from private study, and the only circumstances under which the delights of literature are unalloyed are when it withdraws from action, that is to say from toil, and can enjoy the pleasure of self-contemplation. But in the results that the orator obtains by writing speeches or historical narratives, which we may reasonably count as part of the task of oratory, we shall recognise features resembling those of a productive art. Still, if rhetoric is to be regarded as one of these three classes of art, since it is with action that its practice is chiefly and most frequently concerned, let us call it an active or administrative art, the two terms being identical.

CHAPTER XIX: GENESIS OF ELOQUENCE

I quite realise that there is a further question as to whether eloquence derives most from nature or from education. This question really lies outside the scope of our inquiry, since the ideal orator must necessarily be the result of a blend of both. But I do regard it as of great importance that we should decide how far there is any real question on this point. For if we make an absolute divorce between the two, nature will still be able to accomplish much without the aid of education, while the latter is valueless without the aid of nature. If, on the other hand, they are blended in equal proportions, I think we shall find that the average orator owes most to nature, while the perfect orator owes more to education. We may take a parallel from agriculture. A thoroughly barren soil will not be improved even by the best cultivation, while good land will yield some useful produce without any cultivation;

but in the case of really rich land cultivation will do more for it than its own natural fertility. Had Praxiteles attempted to carve a statue out of a millstone, I should have preferred a rough block of Parian marble to any such statue. On the other hand, if the same artist had produced a finished statue from such a block of Parian marble, its artistic value would owe more to his skill than to the material. To conclude, nature is the raw material for education: the one forms, the other is formed. Without material art can do nothing, material without art does possess a certain value, while the perfection of art is better than the best material.

CHAPTER XX: RHETORIC AS A VIRTUE

More important is the question whether rhetoric is to be regarded as one of the indifferent arts, which in themselves deserve neither praise nor blame, but are useful or the reverse according to the character of the artist; or whether it should, as not a few even among philosophers hold, be considered as a virtue. For my own part I regard the practice of rhetoric which so many have adopted in the past and still follow to-day, as either no art at all, or, as the Greeks call it, ἀτεχνία (for I see numbers of speakers without the least pretension to method or literary training rushing headlong in the direction in which hunger or their natural shamelessness calls them); or else it is a bad art such as is styled κακοτεχνία. For there have, I think, been many persons and there are still some who have devoted their powers of speaking to the destruction of their fellow-men. There is also an unprofitable imitation of art, a kind of ματαιοτεχνία which is neither good nor bad, but merely involves a useless expenditure of labour, reminding one of the man who shot a continuous stream of vetch-seeds from a distance through the eye of a needle, without ever missing his aim, and was rewarded by Alexander, who was a witness of the display, with the present of a bushel of vetch-seeds, a most appropriate reward. It is to such men that I would compare those who spend their whole time at the expense of much study and energy in composing declamations, which they aim at making as unreal as possible. The rhetoric on the other hand, which I am endeavouring to establish and the ideal of which I have in my mind's eye, that rhetoric which befits a good man and is in a word the only true rhetoric, will be a virtue. Philosophers arrive at this conclusion by a long chain of ingenious arguments; but it appears to me to be perfectly clear from the simpler proof of my own invention which I will now proceed to set forth.

The philosophers state the case as follows. If self-consistency as to what should and should not be done is an element of virtue (and it is to this quality that we give

the name of prudence), the same quality will be revealed as regards what should be said and what should not be said, and if there are virtues, of which nature has given us some rudimentary sparks, even before we were taught anything about them, as for instance justice, of which there are some traces even among peasants and barbarians, it is clear that man has been so formed from the beginning as to be able to plead on his own behalf, not, it is true, with perfection, but yet sufficiently to show that there are certain sparks of eloquence implanted in us by nature. The same nature, however, is not to be found in those arts which have no connexion with virtue. Consequently, since there are two kinds of speech, the continuous which is called rhetoric, and the concise which is called dialectic (the relation between which was regarded by Zeno as being so intimate that he compared the latter to the closed fist, the former to the open hand), even the art of disputation will be a virtue. Consequently there can be no doubt about oratory whose nature is so much fairer and franker.

I should like, however, to consider the point more fully and explicitly by appealing to the actual work of oratory. For how will the orator succeed in panegyric unless he can distinguish between what is honourable and the reverse? How can he urge a policy, unless he has a clear perception of what is expedient? How can he plead in the law-courts, if he is ignorant of the nature of justice? Again, does not oratory call for courage, since it is often directed against the threats of popular turbulence and frequently runs into peril through incurring the hatred of the great, while sometimes, as for instance in the trial of Milo, the orator may have to speak in the midst of a crowd of armed soldiers? Consequently, if oratory be not a virtue, perfection is beyond its grasp. If, on the other hand, each living thing has its own peculiar virtue, in which it excels the rest or, at any rate, the majority (I may instance the courage of the lion and the swiftness of the horse), it may be regarded as certain that the qualities in which man excels the rest are, above all, reason and powers of speech. Why, therefore, should we not consider that the special virtue of man lies just as much in eloquence as in reason? It will be with justice then that Cicero makes Crassus say that “eloquence is one of the highest virtues,” and that Cicero himself calls it a virtue in his letters to Brutus and in other passages. “But,” it may be urged, “a bad man will at times produce an *exordium* or a *statement of facts*, and will argue a case in a manner that leaves nothing to be desired.” No doubt; even a robber may fight bravely without courage ceasing to be a virtue; even a wicked slave may bear torture without a groan, and we may still continue to regard endurance of pain as worthy of praise. We can point to many acts which are identical with those of virtue, but spring from other sources. However, what I have said here must suffice, as I have already dealt with the question of the usefulness of

oratory.

CHAPTER XXI: MATERIAL OF ORATORY

As to the material of oratory, some have asserted that it is speech, as for instance Gorgias in the dialogue of Plato. If this view be accepted in the sense that the word “speech” is used of a discourse composed on any subject, then it is not the material, but the work, just as a statue is the work of the sculptor. For speeches like statues require art for their production. If on the other hand we interpret “speech” as indicating the words themselves, they can do nothing unless they are related to facts. Some again hold that the material consists of persuasive arguments. But they form part of the work, are produced by art and require material themselves. Some say that political questions provide the material. The mistake made by these lies not in the quality of their opinion but in its limitation. For political questions are material for eloquence but not the only material. Some, on the ground that rhetoric is a virtue, make the material with which it deals to be the whole of life. Others, on the ground that life regarded as a whole does not provide material for every virtue, since most of them are concerned only with departments of life (justice, courage and self-control each having their own duties and their own end), would consequently restrict oratory to one particular department of life and place it in the practical or pragmatic department of ethics, that is to say the department of morals which deals with the business of life.

For my own part, and I have authority to support me, I hold that the material of rhetoric is composed of everything that may be placed before it as a subject for speech. Plato, if I read him aright, makes Socrates say to Gorgias that its material is to be found in things not words; while in the *Phaedrus* he clearly proves that rhetoric is concerned not merely with law-courts and public assemblies, but with private and domestic affairs as well: from which it is obvious that this was the view of Plato himself. Cicero also in a passage of one of his works, states that the material of rhetoric is composed of the things which are brought before it, but makes certain restrictions as to the nature of these things. In another passage, however, he expresses his opinion that the orator has to speak about all kinds of things; I will quote his actual words: “although the very meaning of the name of orator and the fact that he professes to speak well seem to imply a promise and undertaking that the orator will speak with elegance and fullness on any subject that may be put before him.” And in another passage he says, “It is the duty of the true orator to seek out, hear, read, discuss, handle and ponder everything that befalls in

the life of man, since it is with this that the orator is concerned and this that forms the material with which he has to deal.”

But this material, as we call it, that is to say the things brought before it, has been criticised by some, at times on the ground that it is limitless, and sometimes on the ground that it is not peculiar to oratory, which they have therefore dubbed a *discursive* art, because all is grist that comes to its mill. I have no serious quarrel with these critics, for they acknowledge that rhetoric is concerned with every kind of material, though they deny that it has any peculiar material just because of that material’s multiplicity. But in spite of this multiplicity, rhetoric is not unlimited in scope, and there are other minor arts whose material is characterised by the same multiplicity: such for instance is architecture, which deals with everything that is useful for the purpose of building: such too is the engraver’s art which works on gold, silver, bronze, iron. As for sculpture, its activity extends to wood, ivory, marble, glass and precious stones in addition to the materials already mentioned. And things which form the material for other artists, do not for that reason cease forthwith to be material for rhetoric. For if I ask what is the material of the sculptor, I shall be told bronze; and if I ask what is the material of the maker of vessels (I refer to the craft styled *χολλευτική* by the Greeks), the answer will again be bronze: and yet there is all the difference in the world between vessels and statues. Similarly medicine will not cease to be an art, because, like the art of the gymnast, it prescribes rubbing with oil and exercise, or because it deals with diet like the art of cookery. Again, the objection that to discourse of what is good, expedient or just is the duty of philosophy presents no difficulty. For when such critics speak of a philosopher, they mean a good man. Why then should I feel surprised to find that the orator whom I identify with the good man deals with the same material? There is all the less reason, since I have already shown in the first book that philosophers only usurped this department of knowledge after it had been abandoned by the orators: it was always the peculiar property of rhetoric and the philosophers are really trespassers. Finally, since the discussion of whatever is brought before it is the task of dialectic, which is really a concise form of oratory, why should not this task be regarded as also being the appropriate material for continuous oratory?

There is a further objection made by certain critics, who say “Well then, if an orator has to speak on every subject, he must be the master of all the arts.” I might answer this criticism in the words of Cicero, in whom I find the following passage: “In my opinion no one can be an absolutely perfect orator unless he has acquired a knowledge of all important subjects and arts.” I however regard it as sufficient that an orator should not be actually ignorant of the subject on which he has to speak. For he cannot have a knowledge of all causes, and yet he should be able to speak on

all. On what then will he speak? On those which he has studied. Similarly as regards the arts, he will study those concerning which he has to speak, as occasion may demand, and will speak on those which he has studied.

What then?—I am asked—will not a builder speak better on the subject of building and a musician on music? Certainly, if the orator does not know what is the question at issue. Even an illiterate peasant who is a party to a suit will speak better on behalf of his case than an orator who does not know what the subject in dispute may be. But on the other hand if the orator receive instruction from the builder or the musician, he will put forward what he has thus learned better than either, just as he will plead a case better than his client, once he has been instructed in it. The builder and the musician will, however, speak on the subject of their respective arts, if there should be any technical point which requires to be established. Neither will be an orator, but he will perform his task like an orator, just as when an untrained person binds up a wound, he will not be a physician, but he will be acting as one. Is it suggested that such topics never crop up in panegyric, deliberative or forensic oratory? When the question of the construction of a port at Ostia came up for discussion, had not the orator to state his views? And yet it was a subject requiring the technical knowledge of the architect. Does not the orator discuss the question whether livid spots and swellings on the body are symptomatic of ill-health or poison? And yet that is a question for the qualified physician. Will he not deal with measurements and figures? And yet we must admit that they form part of mathematics. For my part I hold that practically all subjects are under certain circumstances liable to come up for treatment by the orator. If the circumstances do not occur, the subjects will not concern him.

We were therefore right in asserting that the material of rhetoric is composed of everything that comes before the orator for treatment, an assertion which is confirmed by the practice of everyday speech. For when we have been given a subject on which to speak, we often preface our remarks by calling attention to the fact that the matter has been laid before us. Gorgias indeed felt so strongly that it was the orator's duty to speak on every subject, that he used to allow those who attended his lectures to ask him questions on any subject they pleased. Hermagoras also asserted that the material of oratory lay in the cause and the questions it involved, thereby including every subject that can be brought before it. If he denies that general questions are the concern of oratory, he disagrees with me: but if they do concern rhetoric, that supports my contention. For there is nothing which may not crop up in a cause or appear as a question for discussion. Aristotle himself also by his tripartite division of oratory, into forensic, deliberative and demonstrative, practically brought everything into the orator's domain, since there is nothing that

may not come up for treatment by one of these three kinds of rhetoric.

A very few critics have raised the question as to what may be the *instrument* of oratory. My definition of an instrument is *that without which the material cannot be brought into the shape necessary for the effecting of our object*. But it is not the art which requires an instrument, but the artist. Knowledge needs no instruments, for it may be complete although it produces nothing, but the artist must have them. The engraver cannot work without his chisel nor the painter without his brush. I shall therefore defer this question until I come to treat of the orator as distinct from his art.

BOOK III

CHAPTER I: HISTORY OF RHETORIC

In the second book the subject of inquiry was the nature and the end of rhetoric, and I proved to the best of my ability that it was an art, that it was useful, that it was a virtue and that its material was all and every subject that might come up for treatment. I shall now discuss its origin, its component parts, and the method to be adopted in handling and forming our conception of each. For most authors of text-books have stopped short of this, indeed Apollodorus confines himself solely to forensic oratory. I know that those who asked me to write this work were specially interested in that portion on which I am now entering, and which, owing to the necessity of examining a great diversity of opinions, at once forms by far the most difficult section of this work, and also, I fear, may be the least attractive to my readers, since it necessitates a dry exposition of rules. In other portions of this work I have attempted to introduce a certain amount of ornateness, not, I may say, to advertise my style (if I had wished to do that, I could have chosen a more fertile theme), but in order that I might thus do something to lure our young men to make themselves acquainted with those principles which I regarded as necessary to the study of rhetoric: for I hoped that by giving them something which was not unpleasant to read I might induce a greater readiness to learn those rules which I feared might, by the dryness and aridity which must necessarily characterise their exposition, revolt their minds and offend their ears which are nowadays grown somewhat over-sensitive. Lucretius has the same object in mind when he states that he has set forth his philosophical system in verse; for you will remember the well known simile which he uses:

“And as physicians when they seek to give
A draught of bitter wormwood to a child,
First smear along the edge that rims the cup
The liquid sweets of honey, golden-hued,”

and the rest. But I fear that this book will have too little honey and too much wormwood, and that though the student may find it a healthy draught, it will be far from agreeable. I am also haunted by the further fear that it will be all the less attractive from the fact that most of the precepts which it contains are not original, but derived from others, and because it is likely to rouse the opposition of certain persons who do not share my views. For there are a large number of writers, who though they are all moving toward the same goal, have constructed different roads to it and each drawn their followers into their own. The latter, however, approve

of the path on which they have been launched whatever its nature, and it is difficult to change the convictions implanted in boyhood, for the excellent reason that everybody prefers to have learned rather than to be in process of learning. But, as will appear in the course of this book, there is an infinite diversity of opinions among writers on [his subject, since some have added their own discoveries to those portions of the art which were still shapeless and unformed, and subsequently have altered even what was perfectly sound in order to establish a claim to originality.

The first writer after those recorded by the poets who is said to have taken any steps in the direction of rhetoric is Empedocles. But the earliest writers of text-books are the Sicilians, Corax and Tisias, who were followed by another from the same island, namely Gorgias of Leontini, whom tradition asserts to have been the pupil of Empedocles. He, thanks to his length of days, for he lived to a hundred and nine, flourished as the contemporary of many rhetoricians, was consequently the rival of those whom I have just mentioned, and lived on to survive Socrates. In the same period flourished Thrasymachus of Chalcedon, Prodicus of Ceos, Protagoras of Abdera, for whose instructions, which he afterwards published in a text-book, Euathlus is said to have paid 10,000 denarii, Hippias of Elis and Alcidas of Elaea whom Plato calls Palamedes. There was Antiphon also, who was the first to write speeches and who also wrote a text-book and is said to have spoken most eloquently in his own defence; Polycrates, who, as have already said, wrote a speech against Socrates, and Theodorus of Byzantium, who was one of those called “word-artificers” by Plato. Of these Protagoras and Gorgias are said to have been the first to treat commonplaces, Prodicus, Hippias, Protagoras and Thrasymachus the first to handle emotional themes. Cicero in the *Brutus* states that nothing in the ornate rhetorical style was ever committed to writing before Pericles, and that certain of his speeches are still extant. For my part I have been unable to discover anything in the least worthy of his great reputation for eloquence, and am consequently the less surprised that there should be some who hold that he never committed anything to writing, and that the writings circulating under his name are the works of others. These rhetoricians had many successors, but the most famous of (Gorgias' pupils was Isocrates, although our authorities are not agreed as to who was his teacher: I however accept the statement of Aristotle on the subject. From this point the roads begin to part. The pupils of Isocrates were eminent in every branch of study, and when he was already advanced in years (and he lived to the age of ninety-eight), Aristotle began to teach the art of rhetoric in his afternoon lectures, in which he frequently quoted the well-known line from the *Philoctetes* in the form

“Isocrates still speaks. ’Twere shame should I
Sit silent.”

Both Aristotle and Isocrates left text-books on rhetoric, but that by Aristotle is the larger and contains more books. Theodectes, whose work I mentioned above, also lived about the same period: while Theophrastus, the pupil of Aristotle, produced some careful work on rhetoric. After him we may note that the philosophers, more especially the leaders of the Stoic and Peripatetic schools, surpassed even the rhetoricians in the zeal which they devoted to the subject. Hermagoras next carved out a path of his own, which numbers have followed: of his rivals Athenaeus seems to have approached him most nearly. Later still much work was done by Apollonius Molon, Areus, Caecilius and Dionysius of Halicarnassus. But the rhetoricians who attracted the most enthusiastic following were Apollodorus of Pergamus, who was the instructor of Augustus Caesar at Apollonia, and Theodorus of Gadara, who preferred to be called Theodorus of Rhodes: it is said that Tiberius Caesar during his retirement in that island was a constant attendant at his lectures. These rhetoricians taught different systems, and two schools have arisen known as the Apollodoreans and the Theodoreans, these names being modelled on the fashion of nomenclature in vogue with certain schools of philosophy. The doctrines of Apollodorus are best learned from his pupils, among whom Cains Valgius was the best interpreter of his master’s views in Latin, Atticus in Greek. The only text-book by Apollodorus himself seems to be that addressed to Matius, as his letter to Domitius does not acknowledge the other works attributed to him. The writings of Theodorus were more numerous, and there are some still living who have seen his pupil Herinagoras.

The first Roman to handle the subject was, to the best of my belief, Marcus Cato, the famous censor, while after him Marcus Antonius began a treatise on rhetoric: I say “began,” because only this one work of his survives, and that is incomplete. he was followed by others of less note, whose names I will not omit to mention, should occasion demand. But it was Cicero who shed the greatest light not only on the practice but on the theory of oratory; for he stands alone among Romans as combining the gift of actual eloquence with that of teaching the art. With him for predecessor it would be more modest to be silent, but for the fact that he himself describes his *Rhetorica* as a youthful indiscretion, while in his later works on oratory he deliberately omitted the discussion of certain minor points, on which instruction is generally desired. Cornificius wrote a good deal, Stertinius something, and the elder Gallio a little on the same subject. But Gallio’s predecessors, Celsus and Laenas, and in our own day Verginius, Pliny and Tutilius,

have treated rhetoric with greater accuracy. Even to-day we have some distinguished writers on oratory who, if they had dealt with the subject more comprehensively, would have saved me the trouble of writing this book. But I will spare the names of the living. The time will come when they will reap their meed of praise; for their merits will endure to after generations, while the calumnies of envy will perish utterly.

Still, although so many writers have preceded me, I shall not shrink from expressing my own opinion on certain points. I am not a superstitious adherent of any school, and as this book will contain a collection of the opinions of many different authors, it was desirable to leave it to my readers to select what they will. I shall be content if they praise me for my industry, wherever there is no scope for originality.

CHAPTER II: ORIGIN OF RHETORIC

The question as to the origin of rhetoric need not keep us long. For who can doubt that mankind received the gift of speech from nature at its birth (for we can hardly go further back than that), while the usefulness of speech brought improvement and study, and finally method and exercise gave perfection? I cannot understand why some hold that the elaboration of speech originated in the fact that those who were in peril owing to some accusation being made against them, set themselves to speak with studied care for the purpose of their own defence. This, however, though a more honourable origin, cannot possibly be the earlier, for accusation necessarily precedes defence. You might as well assert that the sword was invented for the purpose of self-defence and not for aggression. It was, then, nature that created speech, and observation that originated the art of speaking. Just as men discovered the art of medicine by observing that some things were healthy and some the reverse, so they observed that some things were useful and some useless in speaking, and noted them for imitation or avoidance, while they added certain other precepts according as their nature suggested. These observations were confirmed by experience and each man proceeded to teach what he knew. Cicero, it is true, attributes the origin of oratory to the founders of cities and the makers of laws, who must needs have possessed the gift of eloquence. But why he thinks this the actual origin, I cannot understand, since there still exist certain nomad peoples without cities or laws, and yet members of these peoples perform the duties of ambassadors, accuse and defend, and regard one man as a better speaker than another.

CHAPTER III: PARTS OF ORATORY

The art of oratory, as taught by most authorities, and those the best, consists of five parts: *invention*, *arrangement*, *expression*, *memory*, and *delivery* or *action* (the two latter terms being used synonymously). But all speech expressive of purpose involves also a *subject* and *words*. If such expression is brief and contained within the limits of one sentence, it may demand nothing more, but longer speeches require much more. For not only what we say and how we say it is of importance, but also the circumstances under which we say it. It is here that the need of arrangement comes in. But it will be impossible to say everything demanded by the subject, putting each thing in its proper place, without the aid of memory. It is for this reason that memory forms the fourth department. But a delivery, which is rendered unbecoming either by voice or gesture, spoils everything and almost entirely destroys the effect of what is said. Delivery therefore must be assigned the fifth place.

Those (and Albutins is among them), who maintain that there are only three departments on the ground that memory and delivery (for which I shall give instructions in their proper place) are given us by nature not by art, may be disregarded, although Thrasymachus held the same views as regards delivery. Some have added a sixth department, subjoining *judgment* to *invention*, on the ground that it is necessary first to *invent* and then to *exercise our judgment*. For my own part I do not believe that *invention* can exist apart from *judgment*, since we do not say that a speaker has *invented* inconsistent, two-edged or foolish arguments, but merely that he has failed to avoid them. It is true that Cicero in his *Rhetorica* includes *judgment* under *mention*; but in my opinion *judgment* is so inextricably mingled with the first three departments of rhetoric (for without *judgment* neither *expression* nor *arrangement* are possible), that I think that even delivery owes much to it. I say this with all the greater confidence because Cicero in his *Partitiones oratoriae* arrives at the same five-fold division of which I have just spoken. For after an initial division of oratory into *invention* and *expression*, he assigns *matter and arrangement* to *invention*, *words* and *delivery* to *expression*, and makes *memory* a fifth department common to them all and acting as their guardian. Again in the *Orator* he states that eloquence consists of five things, and in view of the fact that this is a later work we may accept this as his more settled opinion. Others, who seem to me to have been no less desirous than those mentioned above to introduce some novelty, have added *order*, although they had already mentioned arrangement, as though *arrangement* was anything else than the marshalling of arguments in the

best possible order. Dion taught that oratory consisted only of *invention* and *arrangement*, but added that each of these departments was twofold in nature, being concerned with words and things, so that *expression* comes under *invention*, and *delivery* under *arrangement*, while *memory* must be added as a fifth department. The followers of Theodorus divide *invention* into two parts, the one concerned with *matter* and the other with *expression*, and then add the three remaining departments. Hermagoras places *judgment*, *division*, *order* and everything relating to *expression* under the heading of *economy*, a Greek word meaning the management of domestic affairs which is applied metaphorically to oratory and has no Latin equivalent.

A further question arises at this point, since some make *memory* follow *invention* in the list of departments, while others make it follow *arrangement*. Personally I prefer to place it fourth. For we ought not merely to retain in our minds the fruits of our *invention*, in order that we may be able to arrange them, or to remember our *arrangement* in order that we may express it, but we must also commit to memory the words which we propose to use, since *memory* embraces everything that goes to the composition of a speech. There are also not a few who have held that these are not *parts* of rhetoric, but rather *duties* to be observed by the orator. For it is his business to invent, arrange, express, etcetera. If, however, we accept this view, we leave nothing to art. For although the orator's task is to speak well, rhetoric is the science of speaking well. Or if we adopt another view, the task of the artist is to persuade, while the power of persuasion resides in the art. Consequently, while it is the duty of the orator to invent and arrange, *intention* and *arrangement* may be regarded as belonging to rhetoric. At this point there has been much disagreement, as to whether these are *parts* or *duties* of rhetoric, or, as Athenaeus believes, *elements* of rhetoric, which the Greeks call στοιχεῖα. But they cannot correctly be called *elements*. For in that case we should have to regard them merely as first-principles, like the moisture, fire, matter or atoms of which the universe is said to be composed. Nor is it correct to call them duties, since they are not performed by others, but perform something themselves. We must therefore conclude that they are *parts*. For since rhetoric is composed of them, it follows that, since a whole consists of parts, these must be parts of the whole which they compose. Those who have called them *duties* seem to me to have been further influenced by the fact that they wished to reserve the name of *parts* for another division of rhetoric: for they asserted that the *parts* of rhetoric were, *panegyric*, *deliberative* and *forensic* oratory. But if these are parts, they are parts rather of the material than of the art. For each of them contains the whole of rhetoric, since each of them requires *invention*, *arrangement*, *expression*, *memory* and *delivery*. Consequently some writers have thought it better to say that there are three *kinds*

of oratory; those whom Cicero has followed seem to me to have taken the wisest course in terming them *kinds of causes*.

CHAPTER IV: KINDS OF ORATORY

There is, however, a dispute as to whether there are three kinds or more. But it is quite certain that all the most eminent authorities among ancient writers, following Aristotle who merely substituted the term *public* for *deliberative*, have been content with the threefold division. Still a feeble attempt has been made by certain Greeks and by Cicero in his *de Oratore*, to prove that there are not merely more than three, but that the number of kinds is almost past calculation: and this view has almost been thrust down our throats by the greatest authority of our own times. Indeed if we place the task of praise and denunciation in the third division, on what kind of oratory are we to consider ourselves to be employed, when we complain, console, pacify, excite, terrify, encourage, instruct, explain obscurities, narrate, plead for mercy, thank, congratulate, reproach, abuse, describe, command, retract, express our desires and opinions, to mention no other of the many possibilities? As an adherent of the older view I must ask for indulgence and must enquire what was the reason that led earlier writers to restrict a subject of such variety to such narrow bounds. Those who think such authorities in error hold that they were influenced by the fact that these three subjects practically exhausted the range of ancient oratory. For it was customary to write panegyrics and denunciations and to deliver funeral orations, while the greater part of their activities was devoted to the law-courts and deliberative assemblies; as a result, they say, the old writers of text-books only included those kinds of oratory which were most in vogue. The defenders of antiquity point out that there are three kinds of audience: one which comes simply for the sake of getting pleasure, a second which meets to receive advice, a third to give judgement on causes. In the course of a thorough enquiry into the question it has occurred to me that the tasks of oratory must either be concerned with the law-courts or with themes lying outside the law-courts. The nature of the questions into which enquiry is made in the courts is obvious. As regards those matters which do not come before a judge, they must necessarily be concerned either with the past or the future. We praise or denounce past actions, we deliberate about the future. Again everything on which we have to speak must be either certain or doubtful. We praise or blame what is certain, as our inclination leads us: on the other hand where doubt exists, in some cases we are free to form our own views, and it is here that deliberation comes in, while in others,

we leave the problem to the decision of others, and it is on these that litigation takes place.

Anaximenes regarded forensic and public oratory as *genera* but held that there were seven *species*: exhortation, dissuasion, praise, denunciation, accusation, defence, inquiry, or as he called it ἐξεταστικόν. The first two, however, clearly belong to deliberative, the next to demonstrative, the three last to forensic oratory. I say nothing of Protagoras, who held that oratory was to be divided only into the following heads: question and answer, command and entreaty, or as he calls it εὐχολή. Plato in his *Sophist* in addition to public and forensic oratory introduces a third kind which he styles προσομιλητική, which I will permit myself to translate by “conversational.” This is distinct from forensic oratory and is adapted for private discussions, and we may regard it as identical with dialectic. Isocrates held that praise and blame find a place in every kind of oratory.

The safest and most rational course seems to be to follow the authority of the majority. There is, then, as I have said, one kind concerned with praise and blame, which, however, derives its name from the better of its two functions and is called *laudatory*; others however call it *demonstrative*. Both names are believed to be derived from the Greek in which the corresponding terms are *encomiastic*, and *epideictic*. The term *epideictic* seems to me however to imply display rather than demonstration, and to have a very different meaning from *encomiastic*. For although it includes laudatory oratory, it does not confine itself thereto. Will any one deny the title of *epideictic* to *panegyric*? But yet *panegyrics* are advisory in form and frequently discuss the interests of Greece. We may therefore conclude that, while there are three kinds of oratory, all three devote themselves in part to the matter in hand, and in part to display. But it may be that Romans are not borrowing from Greek when they apply the title *demonstrative* but are merely led to do so because praise and blame demonstrate the nature of the object with which they are concerned. The second kind is deliberative, the third forensic oratory. All other *species* fall under these three *genera*: you will not find one in which we have not to praise or blame, to advise or dissuade, to drive home or refute a charge, while conciliation, narration, proof, exaggeration, extenuation and the moulding of the minds of the audience by exciting or allaying their passions, are common to all three kind of oratory. I cannot even agree with those who hold that *laudatory* subjects are concerned with the question of what is honourable, deliberative with the question of what is expedient, and forensic with the question of what is just: the division thus made is easy and neat rather than true: for all three kinds rely on the mutual assistance of the other. For we deal with justice and expediency in *panegyric* and with honour in (*deliberations*, while you will rarely find a *forensic* case, in part

of which at any rate something of those questions just mentioned is not to be found.

CHAPTER V: CONSTITUENTS OF A SPEECH

Every speech however consists at once of that which is expressed and that which expresses, that is to say of matter and words. Skill in speaking is perfected by nature, art and practice, to which some add a fourth department, namely imitation, which I however prefer to include under art. There are also three aims which the orator must always have in view; he must instruct, move and charm his hearers. This is a clearer division than that made by those who divide the task of oratory into that which relates to things and that which concerns the emotions, since both of these will not always be present in the subjects which we shall have to treat. For some themes are far from calling for any appeal to the emotions, which, although room cannot always be found for them, produce a most powerful effect wherever they do succeed in forcing their way. The best authorities hold that there are some things in oratory which require proof and others which do not, a view with which I agree. Some on the other hand, as for instance Celsus, think that the orator will not speak on any subject unless there is some question involved in it; but the majority of writers on rhetoric are against him, as is also the threefold division of oratory, unless indeed to praise what is allowed to be honourable and to denounce what is admittedly disgraceful are no part of an orator's duty.

It is, however, universally agreed that all questions must be concerned either with something that is written or something that is not. Those concerned with what is written are questions of law, those which concern what is not written are questions of fact. Hermagoras calls the latter *rational* questions, the former *legal* questions, for so we may translate λογικόν and νομικόν. Those who hold that every question concerns either things or words, mean much the same.

It is also agreed that questions are either *definite* or *indefinite*. *Indefinite* questions are those which may be maintained or impugned without reference to persons, time or place and the like. The Greeks call them *theses*, Cicero *propositions*, others *general questions relating to civil life*, others again *questions suited for philosophical discussion*, while Athenaeus calls them *parts of a cause*. Cicero distinguishes two kinds, the one concerned with *knowledge*, the other with *action*. Thus "Is the world governed by providence?" is a question of knowledge, while "Should we enter politics?" is a question of action. The first involves three questions, whether a thing is, what it is, and of what nature: for all these things may be unknown: the second involves two, how to obtain power and how to use it.

Definite questions involve facts, persons, time and the like. The Greeks call them *hypotheses*, while we call them *causes*. In these the whole question turns on persons and facts. An *indefinite* question is always the more comprehensive, since it is from the *indefinite* question that the *definite* is derived. I will illustrate what I mean by an example. The question "Should a man marry?" is *indefinite*; the question "Should Cato marry?" is *definite*, and consequently may be regarded as a subject for a *deliberative* theme. But even those which have no connexion with particular persons are generally given a specific reference. For instance the question "Ought we to take a share in the government of our country?" is abstract, whereas "Ought we to take part in the government of our country under the sway of a tyrant?" has a specific reference. But in this latter case we may say that a person is tacitly implied. For the mention of a tyrant doubles the question, and there is an implicit admission of time and quality; but all the same you would scarcely be justified in calling it a cause or definite question. Those questions which I have styled indefinite are also called *general*: if this is correct, we shall have to call definite questions *special* questions. But in every special question the general question is implicit, since the *genus* is logically prior to the *species*. And perhaps even in actual causes wherever the notion of quality comes into question, there is a certain intrusion of the abstract. "Milo killed Clodius: he was justified in killing one who lay in wait for him." Does not this raise the general question as to whether we have the right to kill a man who lies in wait for us? What again of conjectures? May not they be of a general character, as for instance, "What was the motive for the crime? hatred? covetousness?" or "Are we justified in believing confessions made under torture?" or "Which should carry greater weight, evidence or argument?" As for definitions, everything that they contain is undoubtedly of a general nature. There are some who hold that even those questions which have reference to persons and particular cases may at times be called *theses*, provided only they are put slightly differently: for instance, if Orestes be accused, we shall have a *cause*: whereas if it is put as question, namely "Was Orestes rightly acquitted?" it will be a *thesis*. To the same class as this last belongs the question "Was Cato right in transferring Marcia to Hortensius?" These persons distinguish a *thesis* from a *cause* as follows: a *thesis* is theoretical in character, while a *cause* has relation to actual facts, since in the former case we argue merely with a view to abstract truth, while in the latter we have to deal with some particular act.

Some, however, think that general questions are useless to an orator, since no profit is to be derived from proving that we ought to marry or to take part in politics, if we are prevented from so doing by age or ill health. But not all general questions are liable to this kind of objection. For instance questions such as "Is virtue an end

in itself?" or "Is the world governed by providence?" cannot be countered in this way. Further in questions which have reference to a particular person, although it is not sufficient merely to handle the general question, we cannot arrive at any conclusion on the special point until we have first discussed the general question. For how is Cato to deliberate "whether he personally is to marry," unless the general question "whether marriage is desirable" is first settled? And how is he to deliberate "whether he should marry Marcia," unless it is proved that it is the duty of Cato to marry? There are, however, certain books attributed to Hermagoras which support this erroneous opinion, though whether the attribution is spurious or whether they were written by another Hermagoras is an open question. For they cannot possibly be by the famous Hermagoras, who wrote so much that was admirable on the art of rhetoric, since, as is clear from the first book of the *Rhetorica* of Cicero, he divided the material of rhetoric into *theses and causes*. Cicero objects to this division, contends that *theses* have nothing to do with an orator, and refers all this class of questions to the philosophers. But Cicero has relieved me of any feeling of shame that I might have in controverting his opinion, since he has not only expressed his disapproval of his *Rhetorica*, but in the *Orator*, the *de Oratore* and the *Topica* instructs us to abstract such discussions from particular persons and occasions, "because we can speak more fully on general than on special themes, and because what is proved of the whole must also be proved of the part." In all general questions, however, the essential *basis* is the same as in a cause or definite question. It is further pointed out that there are some questions which concern "things in themselves," while others have a particular reference; an example of the former will be the question "Should a man marry?" of the latter "Should an old man marry?"; or again the question whether a man is brave will illustrate the first, while the question whether he is braver than another will exemplify the second.

Apollodorus defines a *cause* in the following terms (I quote the translation of his pupil Valgius): "A cause is a matter which in all its parts bears on the question at issue," or again "a cause is a matter of which the question in dispute is the object." He then defines a *matter* in the following terms: "A matter is a combination of persons, circumstances of place and time, motives, means, incidents, acts, instruments, speeches, the letter and the spirit of the law." Let us then understand a *cause* in the sense of the Greek *hypothesis* or subject, and a *matter* in the sense of the Greek *peristasis* or collection of circumstances. But some, however, have defined a *cause* in the same way that Apollodorus defines a *matter*. Isocrates on the other hand defines a *cause* as *some definite question concerned with some point of civil affairs, or a dispute in which definite persons are involved*; while Cicero uses the following words: "A *cause* may be known by its being concerned with certain definite persons,

circumstances of time and place, actions, and business, and will relate either to all or at any rate to most of these.”

CHAPTER VI: ESSENTIAL BASIS

Since every cause, then, has a certain essential *basis* on which it rests, before I proceed to set forth how each kind of cause should be handled, I think I should first examine a question that is common to all of them, namely, what is meant by *basis*, whence it is derived and how many and of what nature such *bases* may be. Some, it is true, have thought that they were peculiar merely to forensic themes, but their ignorance will stand revealed when I have treated of all three kinds of oratory. That which I call the *basis* some style the *constitution*, others the *question*, and others again *that which may be inferred from the question*, while Theodorus calls it the most *general head*, κεφάλαιον γενικώτατον, to which everything must be referred. These different names, however, all mean the same thing, nor is it of the least importance to students by what special name things are called, as long as the thing itself is perfectly clear. The Greeks call this essential *basis* στάσις, a name which they hold was not invented by Hermagoras, but according to some was introduced by Naucrates, the pupil of Isocrates, according to others by Zopyrus of Clazomenae, although Aeschines in his speech against Ctesiphon seems to employ the word, when he asks the jury not to allow Demosthenes to be irrelevant but to keep him to the *stasis* or *basis* of the case. The term seems to be derived from the fact that it is on it that the first collision between the parties to the dispute takes place, or that it forms the *basis or standing* of the whole case. So much for the origin of the name. Now for its nature. Some have defined the *basis* as being the *first conflict of the causes*. The idea is correct, but the expression is faulty. For the essential *basis* is not the first conflict, which we may represent by the clauses “You did such and such a thing” and “I did not do it.” It is rather the kind of question which arises from the first conflict, which we may represent as follows. “You did it,” “I did not,” “Did he do it?,” or “You did this,” “I did not do this,” “What did he do?” It is clear from these examples, that the first sort of question depends on *conjecture*, the second on *definition*, and that the contending parties rest their respective cases on these points: the *bases* of these questions will therefore be of a *conjectural* or *definitive* character respectively. Suppose it should be asserted that sound is the conflict between two bodies, the statement would in my opinion be erroneous. For sound is not the actual conflict, but a result of the conflict. The error is, however, of small importance: for the sense is clear, whatever the expression. But this trivial mistake

has given rise to a very serious error in the minds of those who have not understood what was meant: for on reading that the essential *basis* was the first conflict, they immediately concluded that the *basis* was always to be taken from the first question, which is a grave mistake. For every question has its *basis*, since every question is based on assertion by one party and denial by another. But there are some questions which form an essential part of causes, and it is on these that we have to express an opinion; while others are introduced from without and are, strictly speaking, irrelevant, although they may contribute something of a subsidiary nature to the general contention. It is for this reason that there are said to be several questions in one matter of dispute. Of these questions it is often the most trivial which occupies the first place. For it is a frequent artifice to drop those points in which we place least confidence, as soon as we have dealt with them; sometimes we make a free gift of them to our opponents, while sometimes we are content to use them as a step to arguments which are of greater importance. A simple cause, however, although it may be defended in various ways, cannot have more than one point on which a decision has to be given, and consequently the *basis* of the cause will be that point which the orator sees to be the most important for him to make and on which the judge sees that he must fix all his attention. For it is on this that the cause will stand or fall. On the other hand questions may have more *bases* than one. A brief example will show what I mean. When the accused says "Admitting that I did it, I was right to do it," he makes the *basis* one of *quality*; but when he adds "but I did not do it," he introduces an element of *conjecture*. But denial of the facts is always the stronger line of defence, and therefore I conceive the *basis* to reside in that which I should say, if I were confined to one single line of argument. We are right therefore in speaking of the first conflict of *causes* in contradistinction to the conflict of *questions*. For instance in the first portion of his speech on behalf of Rabirius Postumus Cicero contends that the action cannot lie against a Roman knight, while in the second he asserts that no money ever came into his client's hands. Still I should say that the *basis* was to be found in the latter as being the stronger of the two. Again in the case of Milo I do not consider that the conflict is raised by the opening questions, but only when the orator devotes all his powers to prove that Clodius lay in wait for Milo and was therefore rightly killed. The point on which above all the orator must make up his mind, even although he may be going to take up various lines of argument in support of his case, is this: what is it that he wishes most to impress upon the mind of the judge? But although this should be the first point for his consideration, it does not follow that it should be the first that he will make in his actual speech.

Others have thought that the *basis* lay in the first point raised by the other side

in its defence. Cicero expresses this view in the following words: “the argument on which the defence first takes its stand with a view to rebutting the charge.” This involves a further question as to whether the *basis* can only be determined by the defence. Cornelius Celsus is strongly against this view, and asserts that the *basis* is derived not from the denial of the charge, but from him who affirms his proposition. Thus if the accused denies that anyone has been killed, the *basis* will originate with the accuser, because it is the latter who desires to prove: if on the other hand the accused asserts that the homicide was justifiable, the burden of proof has been transferred and the *basis* will proceed from the accused and be affirmed by him. I do not, however, agree. For the contrary is nearer to the truth, that there is no point of dispute if the defendant makes no reply, and that consequently the *basis* originates with the defendant. But in my opinion the origin of the *basis* varies and depends on the circumstances of the individual case. For instance in conjectural causes the affirmation may be regarded as determining the *basis*, since *conjecture* is employed by the plaintiff rather than the defendant, and consequently some have styled the *basis* originated by the latter *negative*. Again in any *sylogism* the whole of the reasoning proceeds from him who affirms. But on the other hand he who in such cases denies appears to impose the burden of dealing with such *bases* upon his opponent. For if he says “I did not do it,” he will force his opponent to make use of *conjecture*, and again, if he says “The law is against you,” he will force him to employ the *sylogism*. Therefore we must admit that a *basis* can originate in denial. All the same we are left with our previous conclusion that the *basis* is determined in some cases by the plaintiff, in some by the defendant. Suppose the accuser to affirm that the accused is guilty of homicide: if the accused denies the charge, it is he who will determine the *basis*. Or again, if he admits that he has killed a man, but states that the victim was an adulterer and justifiably killed (and we know that the law permits homicide under these circumstances), there is no matter in dispute, unless the accuser has some answer to make. Suppose the accuser does answer however and deny that the victim was guilty of adultery, it will be the accuser that denies, and it is by him that the *basis* is determined. The *basis*, then, will originate in the first denial of facts, but that denial is made by the accuser and not the accused. Again the same question may make the same person either accuser or accused. “He who has exercised the profession of an actor, is under no circumstances to be allowed a seat in the first fourteen rows of the theatre.” An individual who had performed before the praetor in his private gardens, but had never been presented on the public stage, has taken his seat in one of the fourteen rows. The accuser of course affirms that he has exercised the profession of an actor: the accused denies that he has exercised the profession. The question then arises as to the meaning of the “exercise

of the profession of actor.” If he is accused under the law regarding the seats in the theatre, the denial will proceed from the accused; if on the other hand he is turned out of the theatre and demands compensation for assault, the denial will be made by the accuser. The view of the majority of writers on this subject will, however, hold good in most cases. Some have evaded these problems by saying that a *basis* is that which emerges from affirmations and denials, such as “You did it,” “I did not do it,” or “I was justified in doing it.” But let us see whether this is the *basis* itself or rather that in which the *basis* is to be found. Hermagoras calls a *basis* that which enables the matter in question to be understood and to which the proofs of the parties concerned will also be directed. My own opinion has always been that, whereas there are frequently different *bases* of questions in connexion with a cause, the *basis* of the cause itself is its most important point on which the whole matter turns. If anyone prefers to call that the *general question* or *general head* of the cause, I shall not quarrel with him, any more than I have done hitherto if he produced a different technical term to express the same thing, although I know that whole volumes have been written on such disputes. I prefer however to call it the *basis*. There is the greatest possible disagreement among writers about this as about everything else, but in this case as elsewhere they seem to me to have been misled by a passion for saying something different from their fellow-teachers. As a result there is still no agreement as to the number and names of *bases*, nor as to which are general and which special.

To begin with Aristotle lays down that there are ten categories on which every question seems to turn. First there is οὐσία which Plautus calls *essence*, the only available translation: under this category we inquire *whether a thing is*. Secondly there is *quality*, the meaning of which is self-evident. Third comes *quantity*, which was subdivided by later philosophers as dealing with two questions as to *magnitude* and *number*. Next *relation*, involving questions of *competence* and *comparison*. This is followed by *when* and *where*. Then come *doing*, *suffering* and *possessing*, which for example are concerned with a person’s being armed or clothed. Lastly comes κεῖσθαι or *position*, which means to be in a certain position, such for instance as being warm, standing or angry. Of these categories the first four concern *bases*, the remainder concern only certain *topics for argument*. Others make the number of categories to be nine. *Person*, involving questions concerning the mind, body or external circumstances, which clearly has reference to the means by which we establish *conjecture* or *quality*. *Time*, or χρόνος, from which we get questions such as whether a child is born a slave, if his mother is delivered of him while assigned to her creditors. *Place*, from which we get such disputes as to whether it is permissible to kill a tyrant in a temple, or whether one who has hidden himself at

home can be regarded as an exile. Then comes *time* in another sense, called καιρός by the Greeks, by which they refer to a period of time, such as summer or winter; under this heading come problems such as that about the man who held high revel in a time of pestilence. *Action* or πράξις, to which they refer questions as to whether an act was committed wittingly or unwittingly, by accident or under compulsion and the like. *Number*, which falls under the category of quantity, under which come questions such as whether the state owes Thrasybulus thirty talents for ridding it of the same number of tyrants. *Cause*, under which heading come a large number of disputes, whenever a fact is not denied, but the defence pleads that the act was just and reasonable. τρόπος or *manner*, which is involved when a thing is said to have been done in one way when it might have been done in another: under this category come cases of such as that of the adulterer who is scourged with thongs or starved to death. *Opportunity* for action, the meaning of which is too obvious to need explanation or illustration: the Greeks however call it ἔργων ἀφορμαί. These authorities like Aristotle hold that no question can arise which does not come under one of these heads. Some subtract two of them, namely *number* and *opportunity*, and substitute for what I have called *action*, *things*, or in Greek πράγματα. I have thought it sufficient to notice these doctrines, for fear someone might complain of their omission. Still I do not consider that *bases* are sufficiently determined by these categories, nor that the latter cover every possible kind of topic, as will be clear to any that read carefully what I have to say on both points. For there will be found to be many topics that are not covered by these categories.

I find it stated in many authors that some rhetoricians only recognise one kind of *basis*, the *conjectural*. But they have not mentioned who these rhetoricians are nor have I been able to discover. They are however stated to have taken this view on the ground that all our knowledge is a matter of inference from indications. On this line of reasoning they might regard all *bases* as *qualitative*, because we inquire into the nature of the subject in every case. But the adoption of either view leads to inextricable confusion. Nor does it matter whether one recognises only one kind of *basis* or none at all, if all causes are of the same nature. *Coniectura* is derived from *conicere* “to throw together,” because it implies the concentration of the reason on the truth. For this reason interpreters of dreams and all other phenomena are called *coniectores* “conjecturers.” But the *conjectural basis* has received more names than one, as will appear in the sequel.

Some have recognised only two *bases*. Archedemus for instance admits only the *conjectural* and *definitive* and refuses to admit the *qualitative*, since he held that questions of *quality* take the form of “What is unfair? what is unjust? what is disobedience?” which he terms questions about *identity* and *difference*. A different

view was held by those who likewise only admitted two *bases*, but made them the *negative* and *juridical*. The *negative basis* is identical with that which we call the *conjectural*, to which some give the name of *negative* absolutely, others only in part, these latter holding that *conjecture* is employed by the accuser, *denial* only by the accused. The *juridical* is that known in Greek as δικαιολογικός. But just as Archedemus would not recognise the *qualitative basis*, so these reject the *definitive* which they include in *the juridical*, holding that in these questions we have to enquire whether it is just that the act with which the accused is charged should be called sacrilege or theft or madness. Pamplihlus held this opinion but subdivided *quality* into several different species. The majority of later writers have classified *bases* as follows, involving however no more than a change of names: those dealing with ascertained facts and those dealing with matters where there is a doubt. For a thing must either be certain or uncertain: if it is uncertain, the *basis* will be *conjectural*; if certain, it will be some one of the other *bases*. Apollodorus says the same thing when he states that a question must either lie in *things external*, which give play to *conjecture*, or in our own *opinions*: the former he calls πραγματικός the latter περί έννοίας. The same is said by those who employ the terms άπροληπτός and προληπτικός, that is to say *doubtful* and *presumptive*, by this latter term meaning those facts which are beyond a doubt. Theodorus agrees with them, for he holds that the question is either as to whether such and such a thing is really so, or is concerned with the *accidents* of something which is an admitted fact: that is to say it is either περί ούσίας or περί συμβεβηκότων. For in all these cases the first *basis* is *conjectural*, while the second belongs to one of the other classes. As for these other classes of *basis*, Apollodorus holds that there are two, one concerned with *quality* and the other with the *names* of things, that is to say a *definitive basis*. Theodorus makes them four, concerned with *existence*, *quality*, *quantity* and *relation*. There are some too who make questions of *identity* and *difference* come under the head of *quality*, others who place it under the head of *definition*. Posidonius divides them into two classes, those concerned with *words* and those concerned with *things*. In the first case he thinks that the question is whether a word has any meaning; if so, what is its meaning, how many meanings has it, and how does it come to mean what it means? In the latter case, we employ *conjecture*, which he calls κατ' αΐσθησιν, or inference from perception, *quality*, *definition* which he calls κατ' έννοιαν, or rational inference, and *relation*. Hence also comes the division into things written and unwritten. Even Cornelius Celsus stated that there were two general *bases*, one concerned with the question *whether a thing is*, the other with the question *of what kind it is*. He included *definition* under the first of these, because enquiry may equally be made as to whether sacrilege has been committed, when a

man denies that he has stolen anything from a temple, and when he admits that he has stolen private money from a temple. He divides *quality* into *fact* and the *letter of the law*. Under the head of the *letter of the law* he places four classes, excluding questions of *competence*: *quantity* and *intention* he places under the head of *conjecture*. There is also another method of dividing *bases* into two classes: according to this disputes are either about *substance* or *quality*, while *quality* is treated either in its most general sense or in its special senses. *Substance* is dealt with by *conjecture*: for in enquiring into anything, we ask whether it has been done, is being done, or is likely to be done, and sometimes also consider its *intention*: this method is preferable to that adopted by those who style the conjectural *basis* a *basis of fact*, as though we only enquired into the past and what has actually been done. The consideration of *quality* under its most general aspect rarely comes up in the courts; I refer to questions such as “whether that is honourable which is generally praised.” With regard to the special aspects of *quality*, questions sometimes occur about some common term, such as whether sacrilege has been committed when a man has stolen private money from a temple, or about some act with a definite name, when there is no doubt either as to the commission or the nature of the act. Under this heading come all questions about what is honourable, just or expedient. These *bases* are said to contain others as well, because *quantity* is sometimes concerned with *conjectural bases*, as in the question whether the sun is bigger than the earth, and sometimes with *qualitative bases*, as in the question what reward or punishment it would be just to assign to some particular person, while questions of *competence* undoubtedly are concerned with *quality*, and *definition* with questions of *competence*, *ratiocinative basis* or *sylogism* and the majority of questions dealing with the *letter of the law* and *intention* are based on equity, with the exception that this last question sometimes admits of *conjecture* as, for instance, concerning the *intentions* of the legislator: *ambiguity*, however, must always be explained by *conjecture*, because as it is clear that the words admit of two interpretations the only question is as to the *intention*.

A large number of writers recognise *general bases*; Cicero adopts them in his *Orator*, and holds that everything that can form the subject of dispute or discussion is covered by the three questions, *whether it is*, *what it is*, and *of what kind it is*. The names of these three *bases* are too obvious for mention. The same view is asserted by Patrocles. Marcus Antonius stated that there were three *bases* in the following words: “The things which form the ground of every speech are few and are as follows: ‘Was a thing done or not done? ‘Was it just or unjust?’ ‘Was it good or bad?’” But since, when we are said to have been justified in doing anything, this does not merely mean that our action was legal, but further implies that it was just,

those who follow Antonius attempt to differentiate these *bases* with greater exactness. They therefore called them *conjectural*, *legal* and *juridical*, a division which meets with the approval of Verginius as well. These they then subdivided into species, placing *definition* under the head of the *legal basis*, together with all others which are concerned with the letter of the law: such as that of *contradictory laws*, or ἀντινομία that which rests on the *letter of the law* and on *meaning* or *intention* (which the Greeks call κατὰ ῥητὸν καὶ διάνοιαν and μετάληψις to which latter we give various names, styling it the *translative*, *transumptive* or *transpositive basis*; the *syllogism*, which we call the *ratiocinative* or *deductive basis*; and those which turn on *ambiguity* or ἀμφιβολία. I mention these because they are called *bases* by most writers, though some prefer to call them *legal questions*.

Athenaeus laid down that there were four *bases*: the προτρεπτική or παρορμητική, that is, the *hortative*, which is peculiar to deliberative themes; the συντελική which is shown to be the *conjectural*, not so much from the name itself, but from what follows; the ὑπαλλακτική or *definitive*, for it consists in a change of terms.; and the *juridical* to which he gives the name employed by other Greek writers. For, as I have said, there is a great variety in the names employed. There are some who, arguing from its meaning of change, hold that ὑπαλλακτική is the *translative basis*, which is concerned with *competence*. Others, Caecilius and Theon for instance, hold that there are the same number of *bases*, but make them of a different kind, namely, those covered by the questions whether a thing is, what it is, of what kind it is and how great it is. Aristotle in his *Rhetoric* states that all enquiry turns on the questions *whether a thing is, of what kind it is, how great it is, and of how many parts it consists*. In one place however he recognises the force of *definition* as well, saying that certain points are defended on the following lines: “I took it, but did not steal it.” “I struck him, but did not commit an assault.” Cicero again in his *Rhetorica* makes the number of *bases* to be four, namely those concerned with *fact*, *names*, *kinds*, and *legal action*, that is to say *conjecture* is concerned with *fact*, *definition* with *names*, *quality* with *kinds*, and *law* with *action*: under this latter head of *law* he included questions of *competence*. But in another passage he treats legal questions as a species of *action*.

Some writers have held that there are five *bases*: the *conjectural*, *definitive*, *qualitative*, *quantitative* and *relative*. Theodorus, also, as I have said, adopts the same number of general heads, *whether a thing is, what it is, of what kind it is, how great it is, and to what it refers*. The last he considers to be chiefly concerned with *comparison*, since better and worse, greater and less are meaningless terms unless referred to some standard. But questions of *relation*, as I have already pointed out, enter also into *translative* questions, that is, questions of *competence*, since in cases

such as “Has this man a right to bring an action?” or “Is it fitting that he should do such and such a thing, or against this man, or at this time, or in this manner?” For all these questions must be referred to a certain standard. Others hold that there are six *bases*: *conjecture* or γένεσις, *quality*, *particularity* or ιδιότης by which word they mean *definition*, *quantity* or ἄξια, *comparison* and *competence*, for which a new term has been found in μετάστασις I call it new when applied to a *basis*, for Hermagoras employs it to describe a species of *juridical question*. Others think there are seven, while refusing to recognise *competence*, *quantity* or *comparison*, in place of which they substitute four *legal bases*, completing the seven by the addition of those three which they call *rational*. Others again make eight by the addition of *competence* to the above-mentioned seven. Some on the other hand have introduced a fresh method of division, reserving the name of *bases* for the *rational*, and giving the name of *questions* to the *legal*, as I mentioned above, since in the former the problem is concerned with *facts*, in the latter with the *letter of the law*. Some on the contrary reverse this nomenclature calling the legal questions *bases* and the rational grounds *questions*. But others have thought that there are only three *rational bases*, covered by the questions *whether a thing is*, *what it is*, and *of what kind it is*? Hermagoras is alone in thinking that there are four, namely *conjecture*, *particularity*, *competence*, and *quality*: to the latter he appends the phrase κατὰ συμβεβηκός “according to its accidents,” illustrating his meaning by putting a case where it is enquired whether a man *happen* to be good or bad. He then subdivides *quality* into four species: first that which is concerned with *things to be sought or avoided*, which belongs to *deliberative* oratory: secondly those concerned *with persons*, by which he indicates *panegyric*: thirdly the *practical or pragmatic*, which is concerned *with things in general* without reference to persons, and may be illustrated by questions such as whether he is free who is claimed as a slave and waiting the trial of his case, whether riches beget insolence, and whether a thing is just or good; lastly there is the *juridical* species, under which practically the same questions arise, but in relation to certain definite persons, as for instance when it is asked whether that particular man has done well or ill. I am aware that another explanation is given by Cicero in the first book of his *Rhetorica* of the species known as *practical*, where he says that it is “the department under which we consider what is right according to civil usage and equity: this department is regarded by us as the special sphere of the lawyer.” But I have already mentioned what his opinion was about this particular work. The *Rhetorica* are simply a collection of school-notes on rhetoric which he worked up into this treatise while quite a young man. Such faults as they possess are due to his instructor. In the present instance he may have been influenced by the fact that the first examples given by Hermagoras of this species are drawn from legal questions,

or by the fact that the Greeks call interpreters of the law *πραγματικοί*. But for these early efforts Cicero substituted his splendid *de Oratore* and therefore cannot be blamed for giving false instruction. I will now return to Hermagoras. He was the first rhetorician to teach that there was a *basis* concerned with *competence*, although the elements of this doctrine are found in Aristotle, without however any mention of the name. The legal questions were according to Hermagoras of five kinds. First the letter of the law and its intention; the names which he gives to these are *κατὰ ῥητόν* and *ὑπεξαίρεσις*, that is to say *the letter of the law* and the *exceptions* thereto: the first of these classes is found in all writers, but the term *exception* is less in use. The number is completed by the *ratiocinative basis* and those dealing with *ambiguity* and *contradictory laws*. Albutius adopts this classification, but eliminates *competence*, including it under the juridical *basis*. Further he holds that in legal questions there is no *ratiocinative basis*. I know that those who are prepared to read ancient writers on rhetoric more carefully than I have, will be able to discover yet more on this subject, but I fear that I may have been too lengthy even in saying what I have said.

I must admit that I am now inclined to take a different view from that which I once held. It would perhaps be safer for my reputation if I were to make no modification in views which I not only held for so many years, but of which I expressed my open approbation. But I cannot bear to be thought guilty of concealment of the truth as regards any portion of my views, more especially in a work designed for the profit of young men of sound disposition. For Hippocrates, the great physician, in my opinion took the most honourable course in acknowledging some of his errors to prevent those who came after from being led astray, while Cicero had no hesitation about condemning some of his earlier works in books which he published later: I refer to his condemnation of his *Lucullus* and *Catulus* and the books on rhetoric which I have already mentioned. Indeed we should have no justification for protracting our studies if we were forbidden to improve upon our original views. Still none of my past teaching was superfluous: for the views which I am now going to produce will be found to be based on the same principles, and consequently no one need be sorry to have attended my lectures, since all that I am now attempting to do is to collect and rearrange my original views so that they may be somewhat more instructive. But I wish to satisfy everybody and not to lay myself open to the accusation that I have allowed a long time to elapse between the formation and publication of my views. I used to follow the majority of authorities in adhering to three *rational bases*, the *conjectural*, *qualitative* and *definitive*, and to one *legal basis*. These were my *general bases*. The *legal basis* I divided into five *species*, dealing with the *letter of the law and intention*, *contradictory laws*, the *syllogism*, *ambiguity* and *competence*. It is now clear to me that

the fourth of the *general bases* may be removed, since the original division which I made into *rational* and *legal bases* is sufficient. The fourth therefore will not be a *basis*, but a kind of *question*; if it were not, it would form one of the *rational bases*. Further I have removed *competence* from those which I called *species*. For I often asserted, as all who have attended my lectures will remember, and even those discourses which were published against my will included the statement, that the *basis* concerned with competence hardly ever occurs in any dispute under such circumstances that it cannot more correctly be given some other name, and that consequently some rhetoricians exclude it from their list of *bases*. I am, however, well aware that the point of *competence* is raised in many cases, since in practically every case in which a party is said to have been ruled out of court through some error of form, questions such as the following arise: whether it was lawful for this person to bring an action, or to bring it against some particular person, or under a given law, or in such a court, or at such a time, and so on. But the question of *competence* as regards persons, times, legal actions and the rest originates in some pre-existent cause: the question turns therefore not on *competence* itself, but on the cause with which the point of *competence* originates. "You ought to demand the return of a deposit not before the praetor but before the consuls, as the sum is too large to come under the praetor's jurisdiction." The question then arises whether the sum is too large, and the dispute is one of fact. "You have no right to bring an action against me, as it is impossible for you to have been appointed to represent the actual plaintiff." It then has to be decided whether he could have been so appointed. "You ought not to have proceeded by interdict, but to have put in a plea for possession." The point in doubt is whether the interdict is legal. All these points fall under the head of *legal questions*. not even those special pleas, in which questions of *competence* make themselves most evident, give rise to the same species of question as those laws under which the action is brought, so that the enquiry is really concerned with the name of a given act, with the letter of the law and its meaning, or with something that requires to be settled by argument? The *basis* originates from the question, and in cases of *competence* it is not the question concerning which the advocate argues that is involved, but the question on account of which he argues. An example will make this clearer. "You have killed a man." "I did not kill him." The *question* is whether he has killed him; the *basis* is the *conjectural*. But the following case is very different. "I have the right to bring this action." "You have not the right." The question is whether he has the right, and it is from this that we derive the *basis*. For whether he is allowed the right or not depends on the event, not on the cause itself, and on the decision of the judge, not on that on account of which he gives such a decision. The following is a similar

example. "You ought to be punished." "I ought not." The judge will decide whether he should be punished, but it is not with this that the *question* or the *basis* is concerned. Where then does the *question* lie? "You ought to be punished, for you have killed a man." "I did not kill him." The *question* is whether he killed him. "I ought to receive some honour." "You ought not." Does this involve a *basis*? I think not. "I ought to receive some honour for killing a tyrant." "You did not kill him." Here there is a *question* and a *basis* as well. So, too, "You are not entitled to bring this action," "I have," involves no *basis*. Where then is it to be found? "You have no right to bring this action, because you have been deprived of civil rights." In this case the question is whether he has been so deprived, or whether loss of civil rights debars a person from bringing an action. Here on the other hand we find both *questions* and *bases*. It is therefore to *kinds of causes*, not to *bases* that the term *competence* applies: other *kinds of cause* are the *comparative* and the *recriminatory*. "But," it is urged, "the case 'I have a right,' 'You have not,' is similar to 'You have killed a man,' 'I was justified in so doing.'" I do not deny it, but this does not make it a *basis*. For these statements are not propositions until the reasons for them are added. If they were propositions as they stand, the case could not proceed. "Horatius has committed a crime, for he has killed his sister." "He has not committed a crime, since it was his duty to kill her for mourning the death of an enemy." The question is whether this was a justifiable reason, and the *basis* is one of *quality*. So too as regards *competence*. "You have no right to disinherit, since a person who has been deprived of civil rights is not allowed to take legal action." "I have the right, since disinheriting is not legal action." The question here is what is legal action. And we shall arrive at the conclusion that the son's disinheritance is unlawful, by use of the *syllogism*. The case will be similar with all the *rational* and *legal bases*. I am aware that there have been some who placed *competence* among *rational bases*, using as illustrations cases such as, "I killed a man under orders from my general," "I gave the votive offerings in a temple to a tyrant under compulsion," "I deserted owing to the fact that storms or floods or ill health prevented me from rejoining." That is to say it was not due to me, but some external cause. From these writers I differ even more widely: for it is not the nature of the *legal action* itself which is involved in the question of *competence*, but the cause of the act; and this is the case in almost every defence. Finally he who adopts this line of defence, does not thereby abandon the *qualitative basis*; for he states that he himself is free from blame, so that we really should differentiate between two kinds of *quality* one of which comes into play when both the accused person and his act are defended, and the other when the accused person alone is defended.

We must therefore accept the view of the authorities followed by Cicero, to

the effect that there are three things on which enquiry is made in every case: we ask *whether a thing is, that it is, and of that kind it is*. Nature herself imposes this upon us. For first of all there must be some subject for the question, since we cannot possibly determine *what a thing is*, or *of what kind it is*, until we have first ascertained *whether it is*, and therefore the first question raised is *whether it is*. But even when it is clear that a thing *is*, it is not immediately obvious *what it is*. And when we have decided what it is, there remains the question of its *quality*. These three points once ascertained, there is no further question to ask. These heads cover both *definite* and *indefinite questions*. One or more of them is discussed in every demonstrative, deliberative or forensic theme. These heads again cover all cases in the courts, whether we regard them from the point of view of *rational* or *legal questions*. For no legal problem can be settled save by the aid of *definition, quality* and *conjecture*. Those, however, who are engaged in instructing the ignorant will find it useful at first to adopt a slightly less rigid method: the road will not be absolutely straight to begin with, but it will be more open and will provide easier going. I would have them therefore learn above all things that there are four different methods which may be employed in every case, and he who is going to plead should study them as first essentials. For, to begin with the defendant, far the strongest method of self-defence is, if possible, to deny the charge. The second best is when it is possible to reply that the particular act with which you are charged was never committed. The third and most honourable is to maintain that the act was justifiable. If none of these lines of defence are feasible, there remains the last and only hope of safety: if it is impossible either to deny the charge or justify the act, we must evade the charge with the aid of some point of law, making it appear that the action has been brought against us illegally. Hence arise those questions of *legal action* or *competence*. For there are some things, which, although not laudable in themselves, are yet permitted by law; witness the passage in the Twelve Tables authorising creditors to divide up a debtor's body amongst themselves, a law which is repudiated by public custom. There are also certain things which although equitable are prohibited by law; witness the restrictions placed on testamentary disposition. The accuser likewise has four things which he must keep in mind: he must prove that something was done, that a particular act was done, that it was wrongly done, and that he brings his charge according to law. Thus every cause will turn on the same sorts of questions, though the parts of plaintiff and defendant will sometimes be interchanged: for instance in the case of a claim for a reward, it will be the plaintiffs task to show that what was done was right.

These four schemes or forms of action which I then called *general bases* fall into two classes as I have shown, namely, the *rational* and the *legal*. The *rational* is

the simpler, as it involves nothing more than the consideration of the nature of things. In this connection, therefore, a mere mention of *conjecture*, *definition* and *quality* will suffice. *Legal questions* necessarily have a larger number of species, since there are many laws and a variety of forms. In the case of one law we rely on the letter, in others on the spirit. Some laws we force to serve our turn, when we can find no law to support our case, others we compare with one another, and on others we put some novel interpretation. Thus from these three *bases* we get three resemblances of *bases*: sometimes simple, sometimes complex, but all having a character of their own, as, for instance, when questions of the *letter of the law* and its *intention* are involved, for these clearly come under *conjecture* or *quality*; or again where the syllogism is involved, for this is specially connected with *quality*; or where contradictory laws are involved, for these are on the same footing as the *letter of the law and intention*; or yet again in cases of *ambiguity*, which is always resolved by *conjecture*. *Definition* also belongs to both classes of question, namely those concerned with the consideration of *facts* and those concerned with the *letter of the law*. All these questions, although they come under the three *bases*, yet since, as I have mentioned, they have certain characteristic features of their own, require to be pointed out to learners; and we must allow them to be called *legal bases* or *questions* or *minor heads*, as long as it is clearly understood that none of them involve any other *questions* than the three I have mentioned. As regards questions of *quantity*, *number*, *relation*, and, as some have thought, *comparison*, the case is different. For these have no connexion with the complexities of the law, but are concerned with reason only. Consequently they must always be regarded as coming under *conjecture* or *quality*, as, for instance, when we ask with what purpose, or at what time, or place something was done.

But I will speak of individual questions when I come to handle the rules for *division*. This much is agreed to by all writers, that one *cause* possesses one *basis*, but that as regards secondary questions related to the main issue of the trial, there may frequently be a number in one single cause. I also think there is at times some doubt as to which *basis* should be adopted, when many different lines of defence are brought to meet a single charge; and, just as in regard to the complexion to be given to the statement of the facts of the case, that complexion is said to be the best which the speaker can best maintain, so in the present connexion I may say that the best *basis* to choose is that which will permit the orator to develop a maximum of force. It is for this reason that we find Cicero and Brutus taking up different lines in defence of Milo. Cicero says that Clodius was justifiably killed because he sought to waylay Milo, but that Milo had not designed to kill him; while Brutus, who wrote his speech merely as a rhetorical exercise, also exults that Milo has killed a

bad citizen. In complicated causes, however, two or three *bases* may be found, or different *bases*: for instance a man may plead that he did not do one thing, and that he was justified in doing another, or to take another similar class of case, a man may deny two of the charges. The same thing occurs when there is a question about some one thing which is claimed by a number of persons, who may all of them rely on the same kind of plea (for instance, on the right of the next of kin), or may put in different claims, one urging that the property was left him by will, another that he is next of kin. Now whenever a different defence has to be made against different claimants, there must be different *bases*, as for example the well-known controversial theme: "Wills that are made in accordance with law shall be valid. When parents die intestate, their children shall be the heirs. A disinherited son shall receive none of his father's property. A bastard, if born before a legitimate son, shall be treated as legitimate, but if born after a legitimate son shall be treated merely as a citizen. It shall be lawful to give a son in adoption. Every son given in adoption shall have the right to re-enter his own family if his natural father has died childless. A father of two legitimate sons gave one in adoption, disinherited the other, and acknowledged a bastard, who was born to him later. Finally after making the disinherited son his heir he died. All three sons lay claim to the property." *Nothbus* is the Greek word for a bastard; Latin, as Cato emphasized in one of his speeches, has no word of its own and therefore borrows the foreign term. But I am straying from the point. The son who was made heir by the will finds his way barred by the law "A disinherited son shall receive none of his father's property." The *basis* is one resting on the *letter of the law* and *intention*, and the problem is whether he can inherit by any means at all? can he do so in accordance with the intention of his father? or in virtue of the fact that he was made heir by the will? The problem confronting the bastard is twofold, since he was born after the two legitimate sons and was not born before a legitimate son. The first problem involves a syllogism: are those sons who have been cast out from their own family to be regarded as though they had never been born? The second is concerned with the letter of the law and intention. For it is admitted that he was not born before any legitimate son, but he will defend his claim by appealing to the intention of the law, which he will maintain to imply that the bastard, born when there was no legitimate son in the family, should rank as legitimate. He will dismiss the letter of the law, pointing out that in any case the position of a bastard is not prejudiced by the fact that no legitimate son was born after him, and arguing as follows: "Suppose that the only son is a bastard, what will his position be? Merely that of a citizen? and yet he was not born after any legitimate son. Or will he rank as a son in all respects? But he was not born before the legitimate sons. As it is impossible to stand by the

letter of the law we must stand by its intentions.” It need disturb no one that one law should originate two *bases*. The law is twofold, and therefore has the force of two laws. To the son who desires to re-enter the family, the disinherited’s first reply is, “Even though you are allowed to re-enter the family, I am still the heir.” The *basis* will be the same as in the claim put forward by the disinherited son, since the question at issue is whether a disinherited son can inherit. Both the disinherited and the bastard will object, “You cannot re-enter the family, for our father did not die childless.” But in this connexion each will rely on his own particular question. For the disinherited son will say that even a disinherited man does not cease to be a son, and will derive an argument from that very law which denies his claim to the inheritance; namely that it was unnecessary for a disinherited son to be excluded from possession of his father’s property if he had ceased to be one of the family; but now, since in virtue of his rights as son he would have been his father’s heir if he had died intestate, the law is brought to bar his claim; and yet the law does not deprive him of his position as son, but only of his position as heir. Here the *basis* is *definitive*, as turning on the definition of a son. Again the bastard in his turn will urge that his father did not die childless, employing the same arguments that he had used in putting forward his claim that he ranked as a son; unless indeed he too has recourse to definition, and raises the question whether even bastards are not sons. Thus in one case we shall have either two special *legal bases*, namely the *letter of the law and intention*, with the *sylogism* and also *definition*, or those three which are really the only *bases* strictly so called, *conjecture* as regards the *letter of the law and intention*, *quality* in the *sylogism*, and *definition*, which needs no explanation.

Further every kind of case will contain a *cause*, a *point for the decision of the judge*, and a *central argument*. For nothing can be said which does not contain a reason, something to which the decision of the judge is directed, and finally something which, more than aught else, contains the substance of the matter at issue. But as these vary in different cases and are as a rule explained by writers on judicial causes, I will postpone them to the appropriate portion of my work. For the present I shall follow the order which I prescribed by my division of *causes* into three classes.

CHAPTER VII: PRAISE AND BLAME

I will begin with the class of *causes* which are concerned with praise and blame. This class appears to have been entirely divorced by Aristotle, and following him by Theophrastus, from the practical side of oratory (which they call πραγματικῇ,)

and to have been reserved solely for the delectation of audiences, which indeed is shown to be its peculiar function by its name, which implies display. Roman usage on the other hand has given it a place in the practical tasks of life. For funeral orations are often imposed as a duty on persons holding public office, or entrusted to magistrates by decree of the senate. Again the award of praise or blame to a witness may carry weight in the courts, while it is also a recognised practice to produce persons to praise the character of the accused. Further the published speeches of Cicero directed against his rivals in the election to the consulship, and against Lucius Piso, Clodius and Curio, are full of denunciation, and were notwithstanding delivered in the senate as formal expressions of opinion in the course of debate. I do not deny that some compositions of this kind are composed solely with a view to display, as, for instance, panegyrics of gods and heroes of the past, a consideration which provides the solution of a question which I discussed a little while back, and proves that those are wrong who hold that an orator will never speak on a subject unless it involves some problem. But what problem is involved by the praise of Jupiter Capitolinus, a stock theme of the sacred Capitoline contest, which is undoubtedly treated in regular rhetorical form?

However, just as panegyric applied to practical matters requires proof, so too a certain semblance of proof is at times required by speeches composed entirely for display. For instance, a speaker who tells how Romulus was the son of Mars and reared by the she-wolf, will offer as proofs of his divine origin the facts that when thrown into a running stream he escaped drowning, that all his achievements were such as to make it credible that he was the offspring of the god of battles, and that his contemporaries unquestionably believed that he was translated to heaven.

Some arguments will even wear a certain semblance of defence: for example, if the orator is speaking in praise of Hercules, he will find excuses for his hero having changed raiment with the Queen of Lydia and submitted to the tasks which legend tells us she imposed upon him. The proper function however of panegyric is to amplify and embellish its themes.

This form of oratory is directed in the main to the praise of gods and men, but may occasionally be applied to the praise of animals or even of inanimate objects. In praising the gods our first step will be to express our veneration of the majesty of their nature in general terms. next we shall proceed to praise the special power of the individual god and the discoveries whereby he has benefited the human race. For example, in the case of Jupiter, we shall extol his power as manifested in the governance of all things, with Mars we shall praise his power in war, with Neptune his power over the sea; as regards inventions we shall celebrate Minerva's discovery of the arts, Mercury's discovery of letters, Apollo's of medicine, Ceres' of the fruits

of the earth, Bacchus' of wine. Next we must record their exploits as handed down from antiquity. Even gods may derive honour from their descent, as for instance is the case with the sons of Jupiter, or from their antiquity, as in the case of the children of Chaos, or from their offspring, as in the case of Latona, the mother of Apollo and Diana. Some again may be praised because they were born immortal, others because they won immortality by their valour, a theme which the piety of our sovereign has made the glory even of these present times.

There is greater variety required in the praise of men. In the first place there is a distinction to be made as regards time between the period in which the objects of our praise lived and the time preceding their birth; and further, in the case of the dead, we must also distinguish the period following their death. With regard to things preceding a man's birth, there are his country, his parents and his ancestors, a theme which may be handled in two ways. For either it will be creditable to the objects of our praise not to have fallen short of the fair fame of their country and of their sires or to have ennobled a humble origin by the glory of their achievements. Other topics to be drawn from the period preceding their birth will have reference to omens or prophecies foretelling their future greatness, such as the oracle which is said to have foretold that the son of Thetis would be greater than his father. of the individual himself will be based on his character, his physical endowments and external circumstances. Physical and accidental advantages provide a comparatively unimportant theme, which requires variety of treatment. At times for instance we extol beauty and strength in honorific terms, as Homer does in the case of Agamemnon and Achilles; at times again weakness may contribute largely to our admiration, as when Homer says that Tydeus was small of stature but a good fighter. Fortune too may confer dignity as in the case of kings and princes (for they have a fairer field for the display of their excellences) but on the other hand the glory of good deeds may be enhanced by the smallness of their resources. Moreover the praise awarded to external and accidental advantages is given, not to their possession, but to their honourable employment. For wealth and power and influence, since they are the sources of strength, are the surest test of character for good or evil; they make us better or they make us worse. Praise awarded to character is always just, but may be given in various ways. It has sometimes proved the more effective course to trace a man's life and deeds in due chronological order, praising his natural gifts as a child, then his progress at school, and finally the whole course of his life, including words as well as deeds. At times on the other hand it is well to divide our praises, dealing separately with the various virtues, fortitude, justice, self-control and the rest of them and to assign to each virtue the deeds performed under its influence. We shall have to decide which of these two methods will be the more

serviceable, according to the nature of the subject; but we must bear in mind the fact that what most pleases an audience is the celebration of deeds which our hero was the first or only man or at any rate one of the very few to perform: and to these we must add any other achievements which surpassed hope or expectation, emphasising what was done for the sake of others rather than what he performed on his own behalf. It is not always possible to deal with the time subsequent to our hero's death: this is due not merely to the fact that we sometimes praise him, while still alive, but also that there are but few occasions when we have a chance to celebrate the award of divine honours, posthumous votes of thanks, or statues erected at the public expense. Among such themes of panegyric I would mention monuments of genius that have stood the test of time. For some great men like Menander have received ampler justice from the verdict of posterity than from that of their own age. Children reflect glory on their parents, cities on their founders, laws on those who made them, arts on their inventors and institutions on those that first introduced them; for instance Numa first laid down rules for the worship of the gods, and Publicola first ordered that the lictors' rods should be lowered in salutation to the people.

The same method will be applied to denunciations as well, but with a view to opposite effects. For humble origin has been a reproach to many, while in some cases distinction has merely served to increase the notoriety and unpopularity of vices. In regard to some persons, as in the story of Paris, it has been predicted that they would be the cause of destruction to many, some like Thersites and Irus have been despised for their poverty and mean appearance, others have been loathed because their natural advantages were nullified by their vices: the poets for instance tell us that Nireus was a coward and Pleisthenes a debauchee. The mind too has as many vices as virtues, and vice may be denounced, as virtue may be praised, in two different ways. Some have been branded with infamy after death like Maelius, whose house was levelled with the ground, or Marcus Manlius, whose first name was banished from his family for all generations to come. The vices of the children bring hatred on their parents; founders of cities are detested for concentrating a race which is a curse to others, as for example the founder of the Jewish superstition; the laws of Gracchus are hated, and we abhor any loathsome example of vice that has been handed down to posterity, such as the criminal form of lust which a Persian is said to have been the first to practise on a woman of Samos. And even in the case of the living the judgment of mankind serves as a proof of their character, and the fairness or foulness of their fame proves the orator's praise or blame to be true.

Aristotle however thinks that the place and subject of panegyrics or denunciations make a very considerable difference. For much depends on the

character of the audience and the generally received opinion, if they are to believe that the virtues of which they approve are pre-eminently characteristic of the person praised and the vices which they hate of the person denounced. For there can be little doubt as to the attitude of the audience, if that attitude is already determined prior to the delivery of the speech. It will be wise too for him to insert some words of praise for his audience, since this will secure their good will, and wherever it is possible this should be done in such a manner as to advance his case. Literature will win less praise at Sparta than at Athens, endurance and courage more. Among some races the life of a freebooter is accounted honourable, while others regard it as a duty to respect the laws. Frugality might perhaps be unpopular with the Sybarites, whilst luxury was regarded as a crime by the ancient Romans. Similar differences of opinion are found in individuals. A judge is most favourable to the orator whose views he thinks identical with his own. Aristotle also urges a point, which at a later date Cornelius Celsus emphasised almost to excess, to the effect that, since the boundary between vice and virtue is often ill-defined, it is desirable to use words that swerve a little from the actual truth, calling a rash man brave, a prodigal generous, a mean man thrifty; or the process may, if necessary, be reversed. But this the ideal orator, that is to say a good man, will never do, unless perhaps he is led to do so by consideration for the public interest.

Cities are praised after the same fashion as men. The founder takes the place of the parent, and antiquity carries great authority, as for instance in the case of those whose inhabitants are said to be sprung from the soil. The virtues and vices revealed by their deeds are the same as in private individuals. The advantages arising from site or fortifications are however peculiar to cities. Their citizens enhance their fame just as children bring honour to their parents.

Praise too may be awarded to public works, in connexion with which their magnificence, utility, beauty and the architect or artist must be given due consideration. Temples for instance will be praised for their magnificence, walls for their utility, and both for their beauty or the skill of the architect. Places may also be praised, witness the praise of Sicily in Cicero. In such cases we consider their beauty and utility: beauty calls for notice in places by the sea, in open plains and pleasant situations, utility in healthy or fertile localities. Again praise in general terms may be awarded to noble sayings or deeds. Finally things of every kind may be praised. Panegyrics have been composed on sleep and death, and physicians have written eulogies on certain kinds of food.

While therefore I do not agree that panegyric concerns only questions regarding what is honourable, I do think that it comes as a rule under the heading of *quality*, although all three *bases* may be involved in Panegyric and it was observed

by Cicero that all were actually used by Gaius Caesar in his denunciation of Cato. But *panegyric* is akin to *deliberative* oratory inasmuch as the same things are usually praised in the former as are advised in the latter.

CHAPTER VIII: DELIBERATIVE ORATORY

I am surprised that *deliberative* oratory also has been restricted by some authorities to questions of expediency. If it should be necessary to assign one single aim to deliberative I should prefer Cicero's view that this kind of oratory is primarily concerned with what is honourable. I do not doubt that those who maintain the opinion first mentioned adopt the lofty view that nothing can be expedient which is not good. That opinion is perfectly sound so long as we are fortunate enough to have wise and good men for counsellors. But as we most often express our views before an ignorant audience, and more especially before popular assemblies, of which the majority is usually uneducated, we must distinguish between what is honourable and what is expedient and conform our utterances to suit ordinary understandings. For there are many who do not admit that what they really believe to be the honourable course is sufficiently advantageous, and are misled by the prospect of advantage into approving courses of the dishonourable nature of which there can be no question: witness the Numantine treaty and the surrender of the Caudine Forks. Nor does it suffice to restrict deliberative oratory to the *basis* of *quality* which is concerned with questions of honour and expediency. For there is often room for conjecture as well. Sometimes again *definition* is necessary or *legal* problems require handling; this is especially the case when advice has to be given on private matters, where there is some doubt of the legality of the course under consideration. Of *conjecture* I shall speak more fully a little later on. Returning to *definition* for the moment, we find it in the question raised by Demosthenes, "whether Philip should give or restore Halonnesus," and to that discussed by Cicero in the *Philippics* as to the nature of a *tumultus*. Again does not the question raised in connection with the statue of Servius Sulpicius as to "whether statues should be erected only in honour of those ambassadors who perish by the sword" bear a strong resemblance to the questions that are raised in the law courts? The *deliberative* department of oratory (also called the *advisory* department), while it deliberates about the future, also enquires about the past, while its functions are twofold and consist in advising and dissuading.

Deliberative oratory does not always require an *exordium*, such as is necessary in forensic speeches, since he who asks an orator for his opinion is naturally well

disposed to him. But the commencement, whatever be its nature, must have some resemblance to an *exordium*. For we must not begin abruptly or just at the point where the fancy takes us, since in every subject there is something which naturally comes first. In addressing the senate or the people the same methods apply as in the law courts, and we must aim as a rule at acquiring the goodwill of our audience. This need cause no surprise, since even in *panegyric* we seek to win the favour of our hearers when our aim is praise pure and simple, and not the acquisition of any advantage. Aristotle, it is true, holds, not without reason, that in *deliberative* speeches we may often begin with a reference either to ourselves or to our opponent, borrowing this practice from *forensic* oratory, and sometimes producing the impression that the subject is of greater or less importance than it actually is. On the other hand he thinks that in *demonstrative* oratory the *exordium* may be treated with the utmost freedom, since it is sometimes drawn from irrelevant material, as for example in Isocrates' Praise of Helen, or from something akin to the subject, as for instance in the *Panegyricus* of the same author, when he complains that more honour is given to physical than to moral excellence, or as Gorgias in his speech delivered at the Olympic games praises the founders of the great national games. Sallust seems to have imitated these authors in his *Jugurthine War* and in the introduction to his *Catiline*, which has no connection with his narrative.

But it is time for me to return to *deliberative* oratory in which, even when we introduce an *exordium*, we must content ourselves with a brief prelude, which may amount to no more than a mere heading. As regards the *statement of facts*, this is never required in speeches on private subjects, at least as regards the subject on which an opinion has to be given, because everyone is acquainted with the question at issue. Statements as to external matters which are relevant to the discussion may however frequently be introduced. In addressing public assemblies it will often be necessary to set forth the order of the points which have to be treated. As regards appeals to the emotions, these are especially necessary in *deliberative* oratory. Anger has frequently to be excited or assuaged and the minds of the audience have to be swayed to fear, ambition, hatred, reconciliation. At times again it is necessary to awaken pity, whether it is required, for instance, to urge that relief should be sent to a besieged city, or we are engaged in deploring the overthrow of an allied state. But what really carries greatest weight in *deliberative* speeches is the authority of the speaker. For he, who would have all men trust his judgment as to what is expedient and honourable, should both possess and be regarded as possessing genuine wisdom and excellence of character. In *forensic* speeches the orator may, according to the generally received opinion, indulge his passion to some extent. But all will agree that the advice given by a speaker should be in keeping with his moral

character.

The majority of Greek writers have held that this kind of oratory is entirely concerned with addressing public assemblies and have restricted it to politics. Even Cicero himself deals chiefly with this department. Consequently those who propose to offer advice upon peace, war, troops, public works or revenue must thoroughly acquaint themselves with two things, the resources of the state and the character of its people, so that the method employed in tendering their advice may be based at once on political realities and the nature of their hearers. This type of oratory seems to me to offer a more varied field for eloquence, since both those who ask for advice and the answers given to them may easily present the greatest diversity.

Consequently there are three points which must be specially borne in mind in advice or dissuasion: first the nature of the subject under discussion, secondly the nature of those who are engaged in the discussion, and thirdly the nature of the speaker who offers them advice. As to the subject under discussion its practicability is either certain or uncertain. In the latter case this will be the chief, if not the only point for consideration; for it will often happen that we shall assert first that something ought not to be done, even if it can be done, and secondly, that it cannot be done. Now when the question turns on such points as to whether the Isthmus can be cut through, the Pontine Marshes drained, or a harbour constructed at Ostia, or whether Alexander is likely to find land beyond the Ocean, we make use of *conjecture*. But even in connection with things that are undoubtedly feasible, there may at times be room for *conjecture*, as for instance in questions such as whether Rome is ever likely to conquer Carthage, whether Hannibal will return to Africa if Scipio transports his army thither, or whether the Samnites are likely to keep faith if the Romans lay down their arms. There are some things too which we may believe to be both feasible and likely to be carried into effect, but at another time or place or in another way.

When there is no scope for conjecture, our attention will be fixed on other points. In the first place advice will be asked either on account of the actual thing on which the orator is required to express his views, or on account of other causes which affect it from without. It is on the actual thing that the senate for instance debates, when it discusses such questions as whether it is to vote pay for the troops. In this case the material is simple. To this however may be added reasons for taking action or the reverse, as for example if the senate should discuss whether it should deliver the Fabii to the Gauls when the latter threaten war, or Gaius Caesar should deliberate whether he should persist in the invasion of Germany, when his soldiers on all sides are making their wills. These deliberative themes are of a twofold nature. In the first case the reason for deliberation is the Gallic threat of war, but

there may still be a further question as to whether even without such threat of war they should surrender those who, contrary to the law of nations, took part in a battle when they had been sent out as ambassadors and killed the king with whom they had received instructions to treat. In the second case Caesar would doubtless never deliberate on the question at all, but for the perturbation shown by his soldiers; but there is still room for enquiry whether quite apart from this occurrence it would be wise to penetrate into Germany. But it must be remembered that we shall always speak first on that subject which is capable of discussion quite apart from the consequences.

Some have held that the three main considerations in an advisory speech are honour, expediency and necessity. I can find no place for the last. For however great the violence which may threaten us, it may be necessary for us to suffer something, but we are not compelled to do anything; whereas the subject of deliberation is primarily whether we shall do anything. Or if by necessity they mean that into which we are driven by fear of worse things, the question will be one of expediency. For example, if a garrison is besieged by overwhelmingly superior forces and, owing to the failure of food and water supplies, discusses surrender to the enemy, and it is urged that it is a matter of necessity, the words “otherwise we shall perish” must needs be added: consequently there is no necessity arising out of the circumstances themselves, for death is a possible alternative. And as a matter of fact the Saguntines did not surrender, nor did those who were surrounded on the raft from Opitergium. It follows that in such cases also the question will be either one of expediency alone or of a choice between expediency and honour. “But,” it will be urged, “if a man would beget children, he is under the necessity of taking a wife.” Certainly. But he who wishes to become a father must needs be quite clear that he must take a wife. It appears to me, therefore, that where necessity exists, there is no room for deliberation, any more than where it is clear that a thing is not feasible. For deliberation is always concerned with questions where some doubt exists. Those therefore are wiser who make the third consideration for deliberative oratory to be τὸ δυνατόν or “possibility” as we translate it; the translation may seem clumsy, but it is the only word available. That all these considerations need not necessarily obtrude themselves in every case is too obvious to need explanation. Most writers, however, say that there are more than three. But the further considerations which they would add are really but *species* of the three *general* considerations just mentioned. For right, justice, piety, equity and mercy (for thus they translate τὸ ἥμερον), with any other virtues that anyone may be pleased to add, all come under the heading of that which is honourable. On the other hand, if the question be whether a thing is easy, great, pleasant or free from danger, it comes under

questions of expediency. Such topics arise from some contradiction; for example a thing is expedient, but difficult, or trivial, or unpleasant, or dangerous. Some however hold that at times deliberation is concerned solely with the question whether a thing is pleasant, as for instance when discussion arises as to whether a theatre should be built or games instituted. But in my opinion you will never find any man such a slave to luxury as not to consider anything but pleasure when he delivers an advisory speech. For there must needs be something on every occasion that takes precedence of pleasure: in proposing the institution of public games there is the honour due to the gods; in proposing the erection of a theatre the orator will consider the advantages to be derived from relaxation from toil, and the unbecoming and undesirable struggle for places which will arise if there is no proper accommodation; religion, too, has its place in the discussion, for we shall describe the theatre as a kind of temple for the solemnization of a sacred feast. Often again we shall urge that honour must come before expediency; as for instance when we advise the men of Opitergium not to surrender to the enemy, even though refusal to do so means certain death. At times on the other hand we prefer expediency to honour, as when we advise the arming of slaves in the Punic War. But even in this case we must not openly admit that such a course is dishonourable: we can point out that all men are free by nature and composed of the same elements, while the slaves in question may perhaps be sprung from some ancient and noble stock; and in the former case when the danger is so evident, we may add other arguments, such as that they would perish even more cruelly if they surrendered, should the enemy fail to keep faith, or Caesar (a more probable supposition) prove victorious. But in such a conflict of principles it is usual to modify the names which we give them. For expediency is often ruled out by those who assert not merely that honour comes before expediency, but that nothing can be expedient that is not honourable, while others say that what we call honour is vanity, ambition and folly, as contemptible in substance as it is fair in sound. Nor is expediency compared merely with inexpediency. At times we have to choose between two advantageous courses after comparison of their respective advantages. The problem may be still more complicated, as for instance when Pompey deliberated whether to go to Parthia, Africa or Egypt. In such a case the enquiry is not which of two courses is better or worse, but which of three or more. On the other hand in *deliberative* oratory there will never be any doubt about circumstances wholly in our favour. For there can clearly be no doubt about points against which there is nothing to be said. Consequently as a rule all *deliberative* speeches are based simply on comparison, and we must consider what we shall gain and by what means, that it may be possible to form an estimate whether there is more advantage in the aims we pursue or

greater disadvantage in the means we employ to that end. A question of expediency may also be concerned with time (for example, “it is expedient, but not now”) or with place (“it is expedient, but not here”) or with particular persons (“it is expedient, but not for us” or “not as against these”) or with our method of action (“it is expedient, but not thus”) or with degree (“it is expedient, but not to this extent”).

But we have still more often to consider personality with reference to what is becoming, and we must consider our own as well as that of those before whom the question is laid. Consequently, though examples are of the greatest value in deliberative speeches, because reference to historical parallels is the quickest method of securing assent, it matters a great deal whose authority is adduced and to whom it is commended. For the minds of those who deliberate on any subject differ from one another and our audience may be of two kinds. For those who ask us for advice are either single individuals or a number, and in both cases the factors may be different. For when advice is asked by a number of persons it makes a considerable difference whether they are the senate or the people, the citizens of Rome or Fidenae, Greeks or barbarians, and in the case of single individuals, whether we are urging Cato or Gaius Marius to stand for office, whether it is the elder Scipio or Fabius who is deliberating on his plan of campaign. Further sex, rank, and age, must be taken into account, though it is character that will make the chief difference. It is an easy task to recommend an honourable course to honourable men, but if we are attempting to keep men of bad character to the paths of virtue, we must take care not to seem to upbraid a way of life unlike our own. The minds of such an audience are not to be moved by discoursing on the nature of virtue, which they ignore, but by praise, by appeals to popular opinion, and if such vanities are of no avail, by demonstration of the advantage that will accrue from such a policy, or more effectively perhaps by pointing out the appalling consequences that will follow the opposite policy. For quite apart from the fact that the minds of unprincipled men are easily swayed by terror, I am not sure that most men’s minds are not more easily influenced by fear of evil than by hope of good, for they find it easier to understand what is evil than what is good. Sometimes again we urge good men to adopt a somewhat unseemly course, while we advise men of poor character to take a course in which the object is the advantage of those who seek our advice. I realise the thought that will immediately occur to my reader: “Do you then teach that this should be done or think it right?” Cicero might clear me from blame in the matter; for he writes to Brutus in the following terms, after setting forth a number of things that might honourably be urged on Caesar: “Should I be a good man to advise this? No. For the end of him who gives advice

is the advantage of the man to whom he gives it. But, you say, your advice is right. Certainly, but there is not always room for what is right in giving advice.” However, this is a somewhat abstruse question, and does not concern deliberative oratory alone. I shall therefore reserve it for my twelfth and concluding book. For my part I would not have anything done dishonourably. But for the meantime let us regard these questions as at least belonging to the rhetorical exercises of the schools: for knowledge of evil is necessary to enable us the better to defend what is right. For the present I will only say that if anyone is going to urge a dishonourable course on honourable man, he should remember not to urge it as being dishonourable, and should avoid the practice of certain declaimers who urge Sextus Pompeius to piracy just because it is dishonourable and cruel. Even when we address bad men, we should gloss over what is unsightly. For there is no man so evil as to wish to seem so. Thus Sallust makes Catiline speak as one who is driven to crime not by wickedness but by indignation, and Varius makes Atreus say:

“My wrongs are past all speech,
And such shall be the deeds they force me to.”

How much more has this pretence of honour to be kept up by those who have a real regard for their own good name! Therefore when we advise Cicero to beg Antonius for mercy or even to burn the *Philippics* if Antonius promises to spare him on that condition, we shall not emphasise the love of life in our advice (for if that passion has any force with him, it will have it none the less if we are silent), but we shall exhort him to save himself in the interest of the state. For he needs some such reason as that to preserve him from feeling shame at entreating such a one as Antony. Again if we urge Gaius Caesar to accept the crown we shall assert that the state is doomed to destruction unless controlled by a monarchy. For the sole aim of the man who is deliberating about committing a criminal act is to make his act appear as little wicked as possible.

It also makes a great deal of difference who it is that is offering the advice: for if his past has been illustrious, or if his distinguished birth or age or fortune excite high expectations, care must be taken that his words are not unworthy of him. If on the other hand he has none of these advantages he will have to adopt a humbler tone. For what is regarded as liberty in some is called licence in others. Some receive sufficient support from their personal authority, while others find that the force of reason itself is scarce sufficient to enable them to maintain their position.

Consequently I regard *impersonation* as the most difficult of tasks, imposed as it is in addition to the other work involved by a deliberative theme. For the same

speaker has on one occasion to impersonate Caesar, on another Cicero or Cato. But it is a most useful exercise because it demands a double effort and is also of the greatest use to future poets and historians, while for orators of course it is absolutely necessary. For there are many speeches composed by Greek and Latin orators for others to deliver, the words of which had to be adapted to suit the position and character of those for whom they were written. Do you suppose that Cicero thought in the same way or assumed the same character when he wrote for Gnaeus Pompeius and when he wrote for Titus Ampius and the rest? Did he not rather bear in mind the fortune, rank and achievements of each single individual and represent the character of all to whom he gave a voice so that though they spoke better than they could by nature, they still might seem to speak in their own persons? For a speech which is out of keeping with the man who delivers it is just as faulty as the speech which fails to suit the subject to which it should conform. It is for this reason that Lysias is regarded as having shown the highest art in the speeches which he wrote for uneducated persons, on account of their extraordinary realism. In the case of declaimers indeed it is of the first importance that they should consider what best suits each character: for they rarely play the role of advocates in their declamations. As a rule they impersonate sons, parents, rich men, old men, gentle or harsh of temper, misers, superstitious persons, cowards and mockers, so that hardly even comic actors have to assume more numerous roles in their performances on the stage than these in their declamations. All these rôles may be regarded as forming part of *impersonation*, which I have included under *deliberative* themes, from which it differs merely in that it involves the assumption of a role. It is sometimes introduced even with controversial themes, which are drawn from history and involve the appearance of definite historical characters as pleaders. I am aware also that historical and poetical themes are often set for the sake of practice, such as Priam's speech to Achilles or Sulla's address to the people on his resignation of the dictatorship. But these will fall under one or other of the three classes into which I have divided causes. For entreaty, statement, and argument, with other themes already mentioned, are all of frequent occurrence in *forensic*, *deliberative* or *demonstrative* subjects, according as circumstances demand, and we often introduce fictitious speeches of historical persons, whom we select ourselves. Cicero for instance in the *pro Caelio* makes both Appius Caecus and her brother Clodius address Clodia, the former rebuking her for her immorality, the latter exhorting her thereto.

In scholastic declamations the fictitious themes for deliberative speeches are often not unlike those of controversial speeches and are a compromise between the two forms, as for instance when the theme set is a discussion in the presence of

Gaius Caesar of the punishment to be meted out to Theodotus; for it consists of accusation and defence, both of them peculiar to forensic oratory. But the topic of expediency also enters into the case, in such questions as whether it was to Caesar's advantage that Pompeius should be slain; whether the execution of Theodotus would involve the risk of a war with the king of Egypt; whether such a war would be highly inopportune at such a critical moment, would prove dangerous and be certain to last a long time. There is also a question of honour. Does it befit Caesar to avenge Pompeius' death? or is it to be feared that an admission that Pompeius did not deserve death will injure the cause of the Caesarian party? It may be noted that discussions of such a kind may well occur in actual cases.

Declaimers have however often been guilty of an error as regards deliberative themes which has involved a series of consequences. They have considered deliberative themes to be different and absolutely opposed to forensic themes. For they have always affected abrupt openings, an impetuous style and a generous embellishment, as they call it, in their language, and have been especially careful to make shorter notes for *deliberative* than for *forensic* themes. For my part while I realise that *deliberative* themes do not require an *exordium*, for reasons which I have already stated, I do not, however, understand why they should open in such a wild and exclamatory manner. When a man is asked to express his opinion on any subject, he does not, if he is sane, begin to shriek, but endeavours as far as possible to win the assent of the man who is considering the question by a courteous and natural opening. Why, I ask, in review of the fact that deliberations require moderation above all else, should the speaker on such themes indulge in a torrential style of eloquence kept at one high level of violence? I acknowledge that in controversial speeches the tone is often lowered in the *exordium*, *the statement of facts* and *the argument*, and that if you subtract these three portions, the remainder is more or less of the *deliberative* type of speech, but what remains must likewise be of a more even flow, avoiding all violence and fury. With regard to magnificence of language, deliberative declaimers should avoid straining after it more than others, but it comes to them more naturally. For there is a preference among those who invent such themes for selecting great personages, such as kings, princes, senators and peoples, while the theme itself is generally on a grander scale. Consequently since the words are suited to the theme, they acquire additional splendour from the magnificence of the matter. In actual deliberations the case is different, and consequently Theophrastus laid it down that in the *deliberative* class of oratory the language should as far as possible be free from all affectation: in stating this view he followed the authority of his instructor, although as a rule he is not afraid to differ from him. For Aristotle held that the *demonstrative* type of oratory was the

best suited for writing and that the next best was *forensic* oratory: his reason for this view was that the first type is entirely concerned with display, while the second requires art, which will even be employed to deceive the audience, if expedience should so demand, whereas advice requires only truth and prudence. I agree with this view as regards *demonstrative* oratory (in fact all writers are agreed on this point), but as regards *forensic* and *deliberative* themes I think that the style must be suited to the requirements of the subject which has to be treated. For I notice that the *Philippics* of Demosthenes are pre-eminent for the same merits as his forensic speeches, and that the opinions expressed by Cicero before the senate or the people are as remarkable for the splendour of their eloquence as the speeches which he delivered in accusing or defending persons before the courts. And yet Cicero says of *deliberative* oratory that the whole speech should be simple and dignified, and should derive its ornament rather from the sentiments expressed than the actual words. As regards the use of examples practically all authorities are with good reason agreed that there is no subject to which they are better suited, since as a rule history seems to repeat itself and the experience of the past is a valuable support to reason. Brevity and copiousness are determined not so much by the nature as by the compass of the subject. For, just as in *deliberations* the question is generally less complicated, so in *forensic* cases it is often of less importance.

Anyone who is content to read not merely speeches, but history as well, in preference to growing grey over the notebooks of the rhetoricians, will realise the truth of what I say: for in the historians the speeches delivered to the people and the opinions expressed in the senate often provide examples of advice and dissuasion. he will find an avoidance of abrupt openings in *deliberative* speeches and will note that the *forensic* style is often the more impetuous of the two, while in both cases the words are suited to the matter and *forensic* speeches are often shorter than *deliberative*. Nor will he find in them those faults into which some of our declaimers fall, namely a coarse abuse of those who hold opposite opinions and a general tendency to speak in such a way as to make it seem that the speaker's views are in opposition to those of the persons who ask his advice. Consequently their aim seems to be invective rather than persuasion. I would have my younger readers realise that these words are penned for their special benefit that they may not desire to adopt a different style in their exercises from that in which they will be required to speak, and may not be hampered by having to unlearn what they have acquired. For the rest if they are ever summoned to take part in the counsels of their friends, or to speak their opinions in the senate, or advise the emperor on some point on which he may consult them, they will learn from practice what they cannot perhaps put to the credit of the schools.

CHAPTER IX: FORENSIC ORATORY

I now come to the forensic kind of oratory, which presents the utmost variety, but whose duties are no more than two, the bringing and rebutting of charges. Most authorities divide the forensic speech into five parts: the *exordium*, the *statement of facts*, the *proof*, the *refutation*, and the *peroration*. To these some have added the *partition into heads*, *proposition* and *digression*, the two first of which form part of the *proof*. For it is obviously necessary to *propound* what you are going to *prove* as well as to conclude. Why then, if *proposition* is a part of a speech, should not *conclusion* be also? *Partition* on the other hand is merely one aspect of *arrangement*, and *arrangement* is a part of rhetoric itself, and is equally distributed through every theme of oratory and their whole body, just as are *invention* and *style*. Consequently we must regard *partition* not as one part of a whole speech, but as a part of each individual question that may be involved. For what question is there in which an orator cannot set forth the order in which he is going to make his points? And this of course is the function of *partition*. But how ridiculous it is to make each question an aspect of *proof*, but *partition* which is an aspect of a question a part of the whole speech. As for *digression* (*egressio*, now more usually styled *excessus*), if it lie outside the case, it cannot be part of it, while, if it lie within it, it is merely an accessory or ornament of that portion of the case from which *digression* is made. For if anything that lies within the case is to be called part of it, why not call *argument*, *comparison*, *commonplace*, *pathos*, *illustration* parts of the case? On the other hand I disagree with those who, like Aristotle, would remove *refutation* from the list on the ground that it forms part of the *proof*: for the *proof* is constructive, and the *refutation* destructive. Aristotle also introduces another slight novelty in making *proposition*, not *statement of facts*, follow the *exordium*. This however he does because he regards *proposition* as the *genus* and *statement of facts* as the *species*, with the result that he holds that, whereas the former is always and everywhere necessary, the latter may sometimes be dispensed with.

It is however necessary to point out as regards these five parts which I have established, that that which has to be spoken first is not necessarily that which requires our first consideration. But above all we must consider the nature of the case, the question at issue and the arguments for and against. Next we must consider what points are to be made, and what refuted, and then how the facts are to be stated. For the *statement of facts* is designed to prepare the way for the *proofs* and must needs be unprofitable, unless we have first determined what *proofs* are to be promised in the *statement*. Finally we must consider how best to win the judge to

take our view. For we cannot be sure until we have subjected all the parts of the case to careful scrutiny, what sort of impression we wish to make upon the judge: are we to mollify him or increase his severity, to excite or relax his interest in the case, to render him susceptible to influence or the reverse?

I cannot however approve the view of those who think that the *exordium* should actually be written last. For though we must collect all our material and determine the proper place for each portion of it, before we begin to speak or write, we must commence with what naturally comes first. No one begins a portrait by painting or modelling the feet, and no art finds its completion at the point where it should begin. Otherwise what will happen if we have not time to write our speech? Will not the result of such a reversal of the proper order of things be that we shall be caught napping? We must therefore review the subject-matter in the order laid down, but write our speech in the order in which we shall deliver it.

CHAPTER X: CONTROVERSIAL QUESTIONS

Every cause in which one side attacks and the other defends consists either of one or more controversial questions. In the first case it is called *simple*, in the second *complex*. An example of the first is when the subject of enquiry is a theft or an adultery taken by itself. In *complex* cases the several questions may all be of the same kind, as in cases of extortion, or of different kinds, as when a man is accused at one and the same time of homicide and sacrilege. Such cases no longer arise in the public courts, since the praetor allots the different charges to different courts in accordance with a definite rule; but they still are of frequent occurrence in the Imperial or Senatorial courts, and were frequent in the days when they came up for trial before the people. Private suits again are often tried by one judge, who may have to determine many different points of law. There are no other *species of forensic* causes, not even when one person brings the same suit on the same grounds against two different persons, or two persons bring the same suit against one, or several against several, as occasionally occurs in lawsuits about inheritances. Because although a number of parties may be involved, there is still only one suit, unless indeed the different circumstances of the various parties alter the questions at issue.

There is however said to be a third and different class, the *comparative*. Questions of comparison frequently require to be handled in portions of a cause, as for instance in the centum viral court, when after other questions have been raised the question is discussed as to which of two claimants is the more deserving of an inheritance. It is rare however for a case to be brought into court on such grounds

alone, as in *divinations* which take place to determine who the accuser shall be, and occasionally when two informers dispute as to which has earned the reward. Some again have added a fourth class, namely *mutual accusation*, which they call ἀντικατηγορία. Others, however, regard it as belonging to the *comparative* group, to which indeed the common case of reciprocal suits on different grounds bears a strong resemblance. If this latter case should also be called ἀντικατηγορία (for it has no special name of its own), we must divide *mutual accusation* into two classes, in one of which the parties bring the same charge against each other, while in the other they bring different charges. The same division will also apply to claims.

As soon as we are clear as to the kind of cause on which we are engaged, we must then consider whether the act that forms the basis of the charge is denied or defended, or given another name or excepted from that class of action. Thus we determine the *basis* of each case.

CHAPTER XI: FOUNDATION FOR THE CASE

As soon as these points are ascertained, the next step, according to Hermagoras, should be to consider what is the *question at issue*, the *line of defence*, the *point for the judge's decision* and the *central point*, or, as others call it, the *foundation* of the case. The *question* in its more general sense is taken to mean everything on which two or more plausible opinions may be advanced. In *forensic* subjects however it must be taken in two senses: first in the sense in which we say that a controversial matter involves many questions, thereby including all minor questions; secondly in the sense of the main question on which the case turns. It is of this, with which the *basis* originates, that I am now speaking. We ask whether a thing has been done, what it is that has been done, and whether it was rightly done. To these Hermagoras and Apollodorus and many other writers have given the special name of *questions*; Theodorus on the other hand, as I have already said, calls them *general heads*, while he designates minor questions or questions dependent on these *general heads* as *special heads*. For it is agreed that question may spring from question, and species be subdivided into other species. This main question, then, they call the ζήτημα. The *line of defence* is the method by which an admitted act is defended. I see no reason why I should not use the same example to illustrate this point that has been used by practically all my predecessors. Orestes has killed his mother: the fact is admitted. He pleads that he was justified in so doing: the *basis* will be one of quality, the *question*, whether he was justified in his action, the *line of defence* that Clytemnestra killed her husband, Orestes' father. This is called the

αἴτιον or *motive*. The point for the decision of the judge is known as the κρινόμενον and in this case is whether it was right that even a guilty mother should be killed by her son. Some have drawn a distinction between αἴτιον and αἰτία making αἴτιον mean the cause of the trial, namely the murder of Clytemnestra, αἰτία the motive urged in defence, namely the murder of Agamemnon. But there is such lack of agreement over these two words, that some make αἰτία the cause of the trial and αἴτιον the motive of the deed, while others reverse the meanings. If we turn to Latin writers we find that some have given these causes the names of *initium*, the beginning, and *ratio*, the reason, while others give the same name to both. Moreover *cause* seems to spring from *cause*, or as the Greeks say αἴτιον ἔξ αἰτίας as will be seen from the following: Clytemnestra killed Agamemnon, because he had sacrificed their daughter and brought home a captive woman as his paramour. The same authors think that there may be several *lines of defence* to one *question*: for instance Orestes may urge that he killed his mother because driven to do so by oracles. But the number of *points for the decision of the judge* will be the same as the number of alleged *motives* for the deed: in this case it will be whether he ought to have obeyed the oracles. But one alleged *motive* may also in my opinion involve several questions and several points for the decision of the judge, as for instance in the case when the husband caught his wife in adultery and slew her and later slew the adulterer, who had escaped, in the market place. The *motive* is but one: “he was an adulterer.” But there arise as *questions* and *points for decision by the judge*, whether it was lawful to kill him at that time and at that place. But just as, although there be several *questions*, each with its special *basis*, the *basis* of the case is but one, namely that to which all else is referred, even so the real *point for the decision of the judge* is, strictly speaking, that on which judgment is given. As for the σύνεχον the *central argument*, as I have mentioned it is called by some, or the *foundation* as it is called by others, or as Cicero styles it *the strongest argument of the defender and the most relevant to the decision of the judge*, some regard it as being the point after which all enquiry ceases, others as the main point for adjudication. The *motive* of the deed does not arise in all controversial cases. For how can there be a *motive* for the deed, when the deed is denied? But when the *motive* for the deed does come up for discussion, they deny that the *point for the decision of the judge* rests on the same ground as *the main question at issue*, and this view is maintained by Cicero in his *Rhetorica* and *Partitiones*. For when it has been asserted and denied that a deed was done, the question whether it was done is resolved by *conjecture*, and the *decision of the judge* and the *main question* rest on the same ground, since the first question and the final decision are concerned with the same point. But when it is stated and denied that Orestes was justified in killing his mother,

considerations of *quality* are introduced: the *question* is whether he was justified in killing her, but this is not yet the point for the *decision of the judge*. When, then, does it become so? “She killed my father.” “Yes, but that did not make it your duty to murder your mother.” The *point for the decision of the judge* is whether it was his duty to kill her. As regards the *foundation*, I will put it in the words of Cicero himself: “The foundation is the strongest argument for the defence, as for instance, if Orestes were ready to say that the disposition of his mother towards his father, himself and his sisters, the kingdom, the reputation of the race and the family were such that it was the peculiar duty of her children to punish her.” Others again use illustrations such as the following: “He who has spent his patrimony, is not allowed to address the people.” “But he spent it on public works.” The *question* is whether everyone that spends his patrimony is to be prohibited, while the *point for decision* is whether he who spent it in such a way is to be prohibited. Or again take the case of the soldier Arruntius, who killed the tribune Lusius for assaulting his honour. The *question* is whether he was justified in so doing, *the line of defence*, that the murdered man made an assault upon his honour, *the point for the decision of the judge*, whether it was right that a man should be killed uncondemned or a tribune by a soldier. Some even regard the *basis* of the *question* as being different from the *basis* of the *decision*. The *question* as to whether Milo was justified in killing Clodius, is one of *quality*. The *point for the decision of the judge*, namely whether Clodius lay in wait for Milo, is a matter for *conjecture*. They also urge that a case is often diverted to the consideration of some matter irrelevant to the *question*, and that it is on this matter that judgment is given. I strongly disagree. Take the question whether all who have spent their patrimony are to be prohibited from addressing the people. This *question* must have its *point for decision*, and therefore the *question* and the *point for decision* are not different, but there are more than one *question* and more than one *point for decision* in the case. Again, in the case of Milo, is not the *question of fact* ultimately referred to the *question of quality*? For if Clodius lay in wait for Milo, it follows that he was justifiably killed. But when the case is shifted to some other point far removed from the original question, even in this case the *question* will be found to reside in the *point for decision*.

As regards these questions Cicero is slightly inconsistent with himself. For in the *Rhetorica*, as I have already mentioned, he followed Hermagoras, while in the *Topica* he holds that the κρινόμενον or *disputed point* is originated by the *basis*, and in addressing the lawyer Trebatius on this subject he calls it the *point at issue*, and describes the elements in which it resides as *central arguments* or *foundations of the defence which hold it together and the removal of which causes the whole defence to fall to the ground*. But in the *Partitiones Oratoriae* he gives the name of *foundation*

to that which is advanced against the defence, on the ground that the *central argument*, as it logically comes first, is put forward by the accuser, while *the line of defence* is put forward by the accused, and the *point for the decision of the judge* arises from the question jointly raised by the *central argument* and the *line of defence*.

The view therefore of those who make the *basis*, the *central argument*, and the *point for the decision of the judge* identical, is at once more concise and nearer to the truth. The *central argument*, they point out, is that the removal of which makes the whole case fall to the ground. In this *central argument* they seem to me to have included both the alleged causes, that Orestes killed his mother and that Clytemnestra killed Agamemnon. the same authorities have likewise always held that the *basis* and the *point for the decision* of the judge are in agreement; any other opinion would have been inconsistent with their general views.

But this affectation of subtlety in the invention of technical terms is mere laborious ostentation: I have undertaken the task of discussing them solely that I might not be regarded as having failed to make sufficient inquiry into the subject which I have chosen as my theme. But it is quite unnecessary for an instructor proceeding on less technical lines to destroy the coherence of his teaching by attention to such minute detail. Many however suffer from this drawback, more especially Hermagoras who, although he labours these points with such anxious diligence, was a man of penetrating intellect and in most respects deserves our admiration, so that even where we must needs blame him, we cannot withhold a certain meed of praise. But the shorter method, which for that very reason is also by far the most lucid, will not fatigue the learner by leading him through a maze of detail, nor destroy the coherence of his eloquence by breaking it up into a number of minute departments. For he who has a clear view of the main issue of a dispute, and divines the aims which his own side and his opponents intend to follow and the means they intend to employ (and it is to the intentions of his own side that he must pay special attention), will without a doubt be in possession of a knowledge of all the points which I have discussed above. And there is hardly anyone, unless he be a born fool without the least acquaintance with the practice of speaking, who does not know what is the main issue of a dispute (or as they call it the *cause* or *central argument*) and what is the *question* between the parties and the *point on which the judge has to decide*, these three being identical. For the *question* is concerned with the matter in dispute and the *decision of the judge* is given on the point involved in the *question*. Still we do not keep our attention rigidly fixed on such details, but the desire to win praise by any available means and the sheer delight in speaking make us wander away from the subject, since there is always richer material for eloquence outside the strict theme of the case, inasmuch as the points of any given dispute are

always few, and there is all the world outside, and in the one case we speak according to our instructions, in the other on the subjects of our own choice. We should teach not so much that it is our duty to discover the *question, the central argument*, and the *point for the decision of the judge* (an easy task), as that we should continually keep our attention on our subject, or if we digress, at least keep looking back to it, lest in our desire to win applause we should let our weapons drop from our grasp. The school of Theodorus, as I have said, groups everything under *heads*, by which they mean several things. First they mean the *main question*, which is to be identified with the *basis*; secondly they mean the other questions dependent on the *main question*, thirdly the *proposition* and the *statement of the proofs*. The word is used as we use it when we say “It is the head of the whole business,” or, as Menander says, κεφάλαιόν ἐστιν. But generally speaking, anything which has to be proved will be a head of varying degrees of importance.

I have now set forth the principles laid down by the writers of text-books, though I have done so at a greater length than was necessary. I have also explained what are the various parts of forensic causes. My next book therefore shall deal with the *exordium*.

BOOK IV

PREFACE: ORDER OF FORENSIC CASES

I have now, my dear Marcellus Victorius, completed the third book of the work which I have dedicated to you, and have nearly finished a quarter of my task, and am confronted with a motive for renewed diligence and increased anxiety as to the judgment it may be found to deserve. For up to this point we were merely discussing rhetoric between ourselves and, in the event of our system being regarded as inadequate by the world at large, were prepared to content ourselves with putting it into practice at home and to confine ourselves to the education of your son and mine. But now Domitianus Augustus has entrusted me with the education of his sister's grandsons, and I should be undeserving of the honour conferred upon me by such divine appreciation, if I were not to regard this distinction as the standard by which the greatness of my undertaking must be judged. For it is clearly my duty to spare no pains in moulding the character of my august pupils, that they may earn the deserved approval of the most righteous of censors. The same applies to their intellectual training, for I would not be found to have disappointed the expectations of a prince pre-eminent in eloquence as in all other virtues. But no one is surprised at the frequency with which the greatest poets invoke the Muses not merely at the commencement of their works, but even further on when they have reached some important passage and repeat their vows and utter fresh prayers for assistance. Assuredly therefore I may ask indulgence for doing what I omitted to do when I first entered on this task and calling to my aid all the gods and Himself before them all (for his power is unsurpassed and there is no deity that looks with such favour upon learning), beseeching him to inspire me with genius in proportion to the hopes that he has raised in me, to lend me propitious and ready aid and make me even such as he has believed me to be. And this, though the greatest, is not the only motive for this act of religious devotion, but my work is of such a nature that, as it proceeds, I am confronted with greater and more arduous obstacles than have yet faced me. For my next task is to explain the order to be followed in forensic causes, which present the utmost complication and variety. I must set forth the function of the *exordium*, the method of the *statement of facts*, the cogency of *proofs*, whether we are confirming our own assertions or refuting those of our opponents, and the force of the *peroration*, whether we have to refresh the memory of the judge by a brief recapitulation of the facts, or to do what is far more effective, stir his emotions. Some have preferred to give each of these points separate treatment, fearing that if they undertook them as a whole the burden would be greater than they could bear, and consequently have published several books on each individual

point. I have ventured to treat them altogether and foresee such infinite labour that I feel weary at the very thought of the task I have undertaken. But I have set my hand to the plough and must not look back. My strength may fail me, but my courage must not fail.

CHAPTER I: EXORDIUM OR PROEM

The commencement or *exordium* as we call it in Latin is styled a *proem* by the Greeks. This seems to me a more appropriate name, because whereas we merely indicate that we are beginning our task, they clearly show that this portion is designed as an introduction to the subject on which the orator has to speak. It may be because οὔμη means a tune, and players on the lyre have given the name of *proem* to the prelude which they perform to win the favour of the audience before entering upon the regular contest for the prize, that orators before beginning to plead make a few introductory remarks to win the indulgence of the judges. Or it may be because οἶμος in Greek means a *way*, that the practice has arisen of calling an introduction a *proem*. But in any case there can be no doubt that by *proem* we mean the portion of a speech addressed to the judge before he has begun to consider the actual case. And it is a mistaken practice which we adopt in the schools of always assuming in our *exordia* that the judge is already acquainted with the case. This form of licence arises from the fact that a sketch of the case is always given before actual declamation. Such kinds of *exordia* may, however, be employed in the courts, when a case comes on for the second time, but never or rarely on the first occasion, unless we are speaking before a judge who has knowledge of the case from some other source.

The sole purpose of the *exordium* is to prepare our audience in such a way that they will be disposed to lend a ready ear to the rest of our speech. The majority of authors agree that this is best effected in three ways, by making the audience well-disposed, attentive and ready to receive instruction. I need hardly say that these aims have to be kept in view throughout the whole speech, but they are especially necessary at the commencement, when we gain admission to the mind of the judge in order to penetrate still further.

As regards good-will, we secure that either from persons connected with the case or from the case itself. Most writers have divided these persons into three classes, the plaintiff, the defendant and the judge. This classification is wrong, for the *exordium* may sometimes derive its conciliatory force from the person of the pleader. For although he may be modest and say little about himself, yet if he is

believed to be a good man, this consideration will exercise the strongest influence at every point of the case. For thus he will have the good fortune to give the impression not so much that he is a zealous advocate as that he is an absolutely reliable witness. It is therefore pre-eminently desirable that he should be believed to have undertaken the case out of a sense of duty to a friend or relative, or even better, if the point can be made, by a sense of patriotism or at any rate some serious moral consideration. No doubt it is even more necessary for the parties themselves to create the impression that they have been forced to take legal action by some weighty and honourable reason or even by necessity. But just as the authority of the speaker carries greatest weight, if his undertaking of the case is free from all suspicion of meanness, personal spite or ambition, so also we shall derive some silent support from representing that we are weak, unprepared, and no match for the powerful talents arrayed against us, a frequent trick in the *exordia* of Messala. For men have a natural prejudice in favour of those who are struggling against difficulties, and a scrupulous judge is always specially ready to listen to an advocate whom he does not suspect to have designs on his integrity. Hence arose the tendency of ancient orators to pretend to conceal their eloquence, a practice exceedingly unlike the ostentation of our own times. It is also important to avoid giving the impression that we are abusive, malignant, proud or slanderous toward any individual or body of men, especially such as cannot be hurt without exciting the disapproval of the judges. As to the judge, it would be folly for me to warn speakers not to say or even hint anything against him, but for the fact that such things do occur. Our opponent's advocate will sometimes provide us with material for our *exordium*: we may speak of him in honorific terms, pretending to fear his eloquence and influence with a view to rendering them suspect to the judge, or occasionally, though very seldom, we may abuse him, as Asinius did in his speech on behalf of the heirs of Urbinia, where he includes among the proofs of the weakness of the plaintiff's case the fact that he has secured Labienus as his advocate. Cornelius Celsus denies that such remarks can be considered as belonging to the *exordium* on the ground that they are irrelevant to the actual case. Personally I prefer to follow the authority of the greatest orators, and hold that whatever concerns the pleader is relevant to the case, since it is natural that the judges should give readier credence to those to whom they find it a pleasure to listen. The character of our client himself may, too, be treated in various ways: we may emphasise his worth or we may commend his weakness to the protection of the court. Sometimes it is desirable to set forth his merits, when the speaker will be less hampered by modesty than if he were praising his own. Sex, age and situation are also important considerations, as for instance when women, old men or wards are pleading in the

character of wives, parents or children. For pity alone may move even a strict judge. These points, however, should only be lightly touched upon in the *exordium*, not run to death. As regards our opponent he is generally attacked on similar lines, but with the method reversed. For power is generally attended by envy, abject meanness by contempt, guilt and baseness by hatred, three emotions which are powerful factors to alienate the good-will of the judges. But a simple statement will not suffice, for even the uneducated are capable of that: most of the points will require exaggeration or extenuation as expediency may demand: the method of treatment belongs to the orator, the points themselves belong to the case.

We shall win the good-will of the judge not merely by praising him, which must be done with tact and is an artifice common to both parties, but by linking his praise to the furtherance of our own case. For instance, in pleading for a man of good birth we shall appeal to his own high rank, in speaking for the lowly we shall lay stress on his sense of justice, on his pity in pleading the cause of misfortune, and on his severity when we champion the victims of wrong, and so on. I should also wish, if possible, to be acquainted with the character of the judge. For it will be desirable to enlist their temperaments in the service of our cause, where they are such as are like to be useful, or to mollify them, if they are like to prove adverse, just according as they are harsh, gentle, cheerful, grave, stern, or easy-going. It will, however, sometimes happen that the judge is hostile to us and friendly to our adversaries. Such cases demand the attention of both parties and I am not sure that the party favoured by the judge does not require to handle the situation with even more care than his opponent. For perverse judges have sometimes a preposterous tendency to give judgment against their friends or in favour of those with whom they have a quarrel, and of committing injustice merely to avoid the appearance of partiality. Again some have been judges in cases where their own interests were involved. I note, for instance, in the books of observations published by Septimius that Cicero appeared in such a case, while I myself, when I appeared on behalf of Queen Berenice, actually pleaded before her. In such cases we must be guided by the same principles that I have laid down above. The opponent of the judge will emphasise his confidence in the justice of his client's cause, while the advocate of his interests will express the fear that the judge may be influenced by a quixotic delicacy. Further, if the judge is thought to have come into court with a prejudice in favour of one side, we must try to remove or strengthen that prejudice as circumstances may demand. Again occasionally we shall have to calm the judges' fears, as Cicero does in the *pro Milone*, where he strives to persuade them not to think that Pompey's soldiers have been stationed in the court as a threat to themselves. Or it may be necessary to frighten them, as Cicero does in the *Verrines*.

There are two ways of bringing fear to bear upon the judges. The commonest and most popular is to threaten them with the displeasure of the Roman people or the transference of the juries to another class; the second is somewhat brutal and is rarely employed, and consists in threatening them with a prosecution for bribery: this is a method which is fairly safe with a large body of judges, since it checks the bad and pleases the good members of the jury, but I should never recommend its employment with a single judge except in the very last resort. But if necessity should drive us to such a course, we must remember that such threats do not come under the art of oratory, any more than appeals from the judgment of the court (though that is often useful), or the indictment of the judge before he gives his decision. For even one who is no orator can threaten or lay an information.

If the case affords us the means of winning the favour of the judge, it is important that the points which seem most likely to serve to our purpose should be selected for introduction into the *exordium*. On this subject Verginius falls into error, for he asserts that Theodorus lays down that some one reflexion on each individual question that is involved by the case should be introduced into the *exordium*. As a matter of fact Theodorus does not say this, but merely that the judge should be prepared for the most important of the questions that are to be raised. There is nothing to object to in this rule, save that he would make it of universal application, whereas it is not possible with every question nor desirable in every case. For instance, seeing that the plaintiff's advocate speaks first, and that till he has spoken the judge is ignorant of the nature of the dispute, how is it possible for us to introduce reflexions relating to all the questions involved? The facts of the case must be stated before that can be done. We may grant that some questions may be mentioned, for that will sometimes be absolutely necessary; but can we introduce all the most important questions, or in other words the whole case? If we do we shall have completed our *statement of facts* within the limits of the *exordium*. Again if, as often happens, the case is somewhat difficult, surely we should seek to win the good-will of the judge by other portions of our speech sooner than thrust the main questions upon him in all their naked harshness before we have done anything to secure his favour. If the main questions ought always to be treated at the beginning of a speech, we might dispense with the *exordium*. We shall then occasionally introduce certain points from the main questions into the *exordium*, which will exercise a valuable influence in winning the judge to regard us with favour. It is not necessary to enumerate the points which are likely to gain us such favour, because they will be obvious as soon as we have acquainted ourselves with the circumstances of each dispute, while in view of the infinite variety presented by cases it is out of the question to specify them here. Just, however, as it is in the

interest of our case to note and amplify these points, so it is also to rebut or at any rate lessen the force of anything that is damaging to our case. Again our case may justify an appeal to compassion with regard to what we have suffered in the past or are likely to suffer. For I do not share the opinion held by some, that the *exordium* and the *peroration* are to be distinguished by the fact that the latter deals with the past, the former with the future. Rather I hold that the difference between them is this: in our opening any preliminary appeal to the compassion of the judge must be made sparingly and with restraint, while in the peroration we may give full rein to our emotions, place fictitious speeches in the mouths of our characters, call the dead to life, and produce the wife or children of the accused in court, practices which are less usual in *exordia*. But it is the function of the *exordium* not merely to excite the feelings to which I have alluded, but to do all that is possible to show that our opponent's case is not deserving of them. It is advantageous to create the impression not merely that our fate will be deserving of pity, if we lose, but that our adversary will be swollen with outrageous insolence if he prove successful.

But exordia are often drawn from matters which do not, strictly speaking, concern either cases or the persons involved, though not unrelated to either. In such relation to persons stand not only wives and children of whom I have just spoken, but also relations, friends, and at times districts and states together with anything else that is like to suffer injury from the fall of the client whom we defend. As regards external circumstances which have a bearing on the case, I may mention time, which is introduced in the exordium of the *pro Caelio*, place (in the *pro Deiotaro*), the appearance of the court (in the *pro Milone*), public opinion (in the *Verrines*), and finally, as I cannot mention all, the ill-repute of the law courts and the popular expectation excited by the case. None of these actually belong to the case, but all have some bearing on it. Theophrastus adds that the *exordium* may be drawn from the speech of one's opponent, as that of the *pro Ctesiphonte* of Demosthenes appears to be, where he asks that he may be allowed to speak as he pleases and not to be restricted to the form laid down by the accuser in his speech.

Confidence often labours under the disadvantage of being regarded as arrogance. But there are certain tricks for acquiring good-will, which though almost universal, are by no means to be neglected, if only to prevent their being first employed against ourselves. I refer to rhetorical expressions of wishing, detestation, entreaty, or anxiety. For it keeps the judge's attention on the alert, if he is led to think the case novel, important, scandalous, or likely to set a precedent, still more if he is excited by concern for himself or the common weal, when his mind must be stirred by hope, fear, admonition, entreaty and even by falsehood, if it seems to us that it is likely to advance our case. We shall also find it a useful device for

wakening the attention of our audience to create the impression that we shall not keep them long and intend to stick closely to the point. The mere fact of such attention undoubtedly makes the judge ready to receive instruction from us, but we shall contribute still more to this effect if we give a brief and lucid summary of the case which he has to try; in so doing we shall be following the method adopted by Homer and Virgil at the beginning of their poems. For as regards the length of the *exordium*, it should propound rather than expound, and should not describe how each thing occurred, but simply indicate the points on which the orator proposes to speak. I do not think a better example of this can be found than the *exordium* to the *pro Cluentio* of Cicero. "I have noted, judges, that the speech for the prosecution was divided into two parts: of these, the first seemed to rest and in the main to rely on the odium, now inveterate, arising from the trial before Junius, while the other appeared to touch, merely as a matter of form, and with a certain timidity and diffidence, on the question of the charge of poisoning, though it is to try this point that the present court has been constituted in accordance with the law." All this, however, is easier for the defender than the prosecutor, since the latter has merely to remind the judge, while the former has to instruct him. Nor shall any authority, however great, induce me to abandon my opinion that it is always desirable to render the judge attentive and ready to receive instruction. I am well aware that those who disagree with me urge that it is to the advantage of a bad case that its nature should not be understood; but such lack of understanding arises not from inattention on the part of the judge, but from his being deceived. Our opponent has spoken and perhaps convinced him; we must alter his opinion, and this we cannot do unless we render him attentive to what we have to say and ready to be instructed. What are we to do then? I agree to the view that we should cut down, depreciate and deride some of our opponent's arguments with a view to lessening the attention shown him by the judge, as Cicero did in the *pro Ligario*. For what was the purpose of Cicero's irony save that Caesar should be induced to regard the case as presenting only old familiar features and consequently to give it less attention? What was his purpose in the *pro Caelio* save to make the case seem far more trivial than had been anticipated?

It is, however, obvious that of the rules which I have laid down, some will be applicable to one case and some to another. The majority of writers consider that there are five kinds of causes, the *honourable*, the *mean*, the *doubtful* or *ambiguous*, the *extraordinary* and the *obscure*, or as they are called in Greek, ἔνδοξον, ἄδοξον, ἀμφίδοξον, παράδοξον and δυσπαρακολούθητον. To these some would add a sixth, the *scandalous*, which some again include under the heading of the *mean*, others under the *extraordinary*. The latter name is given to cases which are contrary

to ordinary expectation. In *ambiguous* cases it is specially important to secure the good-will of the judge, in the *obscure* to render him ready to receive instruction, in the *mean* to excite his attention. As regards the *honourable* the very nature of the case is sufficient to win the approval of the judge; in the *scandalous* and *extraordinary* some kind of palliation is required.

Some therefore divide the *exordium* into two parts, the *introduction* and the *insinuation*, making the former contain a direct appeal to the good-will and attention of the judge. But as this is impossible in scandalous cases, they would have the orator on such occasions insinuate himself little by little into the minds of his judges, especially when the features of the case which meet the eye are discreditable, or because the subject is disgraceful or such as to meet with popular disapproval, or again if the outward circumstances of the case are such as to handicap it or excite odium (as for instance when a patron appears against a client or a father against a son), or pity (as when our opponent is an old or blind man or a child). To save the situation the rhetoricians lay down a number of rules at quite inordinate length: they invent fictitious cases and treat them realistically on the lines which would be followed in actual pleading. But these peculiar circumstances arise from such a variety of causes as to render classification by species impossible, and their enumeration save under the most general heads would be interminable. The line to be adopted will therefore depend on the individual nature of each case. As a general principle, however, I should advise the avoidance of points which tell against us and concentrate on those which are likely to be of service. If the case itself is weak, we may derive help from the character of our client; if his character is doubtful, we may find salvation in the nature of the case. If both are hopeless, we must look out for something that will damage our opponent. For though it is desirable to secure as much positive good-will as possible, the next best thing is to incur the minimum of actual dislike. Where we cannot deny the truth of facts that are urged against us, we must try to show that their significance has been exaggerated or that the purpose of the act was not what is alleged or that the facts are irrelevant or that what was done may be atoned for by penitence or has already been sufficiently punished. It is consequently easier for an advocate to put forward such pleas than for his client, since the former can praise without laying himself open to the charge of arrogance and may sometimes even reprove him with advantage to the case. At times, like Cicero in his defence of Rabirius Postumus, he will pretend that he himself is strongly moved, in order to win the ear of the judge and to give the impression of one who is absolutely convinced of the truth of his cause, that so his statements may find all the readier credence whether he defends or denies the actions attributed to his client. Consequently it is of the first

importance, wherever the alternative is open to us, to consider whether we are to adopt the character of a party to the suit or of an advocate. In the schools, of course, we have a free choice in the matter, but it is only on rare occasions that a man is capable of pleading his own case in the actual courts. When we are going to deliver a declamation on a theme that turns largely on its emotional features, we must give it a dramatic character suited to the persons concerned. For emotions are not transferable at will, nor can we give the same forcible expression to another man's emotions that we should give to our own. The circumstances which call for insinuation arise also in cases where the pleading of our opponent has made a powerful impression on the minds of the judges, or where the audience whom we have to address are tired. The first difficulty we shall evade by promising to produce our own proofs and by eluding the arguments of our opponents, the second by holding out hopes that we shall be brief and by the methods already mentioned for capturing the attention of the judges. Again an opportune display of wit will often restore their flagging spirits and we may alleviate their boredom by the introduction of entertaining matter derived from any source that may be available. It will also be found advantageous to anticipate the objections that may be raised by our opponent, as Cicero does when he says "I know that some persons are surprised that one, who for such a number of years has defended so many and attacked none, should have come forward as the accuser of Verres," he then goes on to show that the accusation which he has undertaken is really a defence of the allies, an artifice known as *πρόληψις* or anticipation. Although this is at times a useful device, some of our declaimers employ it on practically every occasion, on the assumption that one should always start with the order thus reversed.

The adherents of Apollodorus reject the view stated above to the effect that there are only three respects in which the mind of the judge requires to be prepared, and enumerate many others, relating to the character of the judge, to opinions regarding matters which though outside the case have still some bearing on it, to the opinion current as to the case itself, and so on *ad infinitum*: to these they add others relating to the elements of which every dispute is composed, such as persons, deeds, words, motives, time and place, occasions and the like. Such views are, I admit, perfectly correct, but are covered by one or other of the three classes which I have mentioned. For if I can secure good-will, attention and readiness to learn on the part of my judge, I cannot see what else I ought to require; even fear, which perhaps may be thought more than anything else to lie outside the considerations I have mentioned, secures the attention of the judge and deters him from favouring our opponent.

It is not, however, sufficient to explain the nature of the *exordium* to our pupils.

We must also indicate the easiest method of composing an *exordium*. I would therefore add that he who has a speech to make should consider what he has to say; before whom, in whose defence, against whom, at what time and place, under what circumstances he has to speak; what is the popular opinion on the subject, and what the prepossessions of the judge are likely to be; and finally of what we should express our deprecation or desire. Nature herself will give him the knowledge of what he ought to say first. Nowadays, however, speakers think that anything with which they choose to start is a *proem* and that whatever occurs to them, especially if it be a reflexion that catches their fancy, is an *exordium*. There are, no doubt, many points that can be introduced into an *exordium* which are common to other parts of a speech, but the best test of the appropriateness of a point to any part of a speech is to consider whether it would lose effect by being placed elsewhere. A most attractive form of *exordium* is that which draws its material from the speech of our opponent, if only for the reason that the fact of its not having been composed at home, but having been improvised on the spot to meet the needs of the case increases the orator's reputation for natural talent by the readiness with which it is produced and carries conviction owing to the simple and ordinary language in which it is clothed. As a result, even although the rest of the speech has been committed to writing and carefully elaborated, the whole of the speech will often be regarded as extempore, simply because its commencement is clearly not the result of previous study. Indeed a certain simplicity in the thoughts, style, voice and look of the speaker will often produce so pleasing an effect in the *exordium* that even in a case where there is no room for doubt the confidence of the speaker should not reveal itself too openly. For as a rule the judge dislikes self-confidence in a pleader, and conscious of his rights tacitly demands the respectful deference of the orator. No less care must be taken to avoid exciting any suspicion in this portion of our speech, and we should therefore give no hint of elaboration in the *exordium*, since any art that the orator may employ at this point seems to be directed solely at the judge. But to avoid all display of art in itself requires consummate art: this admirable canon has been insisted on by all writers, though its force has been somewhat impaired by present conditions, since in certain trials, more especially those brought on capital charges or in the centumviral court, the judges themselves demand the most finished and elaborate speeches, think themselves insulted, unless the orator shows signs of having exercised the utmost diligence in the preparation of his speech, and desire not merely to be instructed, but to be charmed. It is difficult to preserve the happy mean in carrying this precept into effect: but by a skilful compromise it will be possible to give the impression of speaking with care but without elaborate design. The old rule still holds good that no unusual word,

no overbold metaphor, no phrase derived from the lumber-rooms of antiquity or from poetic licence should be detected in the *exordium*. For our position is not yet established, the attention of the audience is still fresh and imposes restraint upon us: as soon as we have won their good-will and kindled their interest, they will tolerate such freedom, more especially when we have reached topics whose natural richness prevents any licence of expression being noticed in the midst of the prevailing splendour of the passage. The style of the *exordium* should not resemble that of our purple patches nor that of the argumentative and narrative portions of the speech, nor yet should it be prolix or continuously ornate: it should rather seem simple and unpremeditated, while neither our words nor our looks should promise too much. For a method of pleading which conceals its art and makes no vain display, being as the Greeks say ἀνεπίφατος will often be best adapted to insinuate its way into the minds of our hearers. But in all this we must be guided by the extent to which it is expedient to impress the minds of the judges.

There is no point in the whole speech where confusion of memory or loss of fluency has a worse effect, for a faulty *exordium* is like a face seamed with scars; and he who runs his ship ashore while leaving port is certainly the least efficient of pilots. The length of the *exordium* will be determined by the case; simple cases require a short introduction only, longer *exordia* being best suited to cases which are complicated, suspect or unpopular. As for those who have laid it down as a law applying to all *exordia* that they should not be more than four sentences long, they are merely absurd. On the other hand undue length is equally to be avoided, lest the head should seem to have grown out of all proportion to the body and the judge should be wearied by that which ought to prepare him for what is to follow. The figure which the Greeks call *apostrophe*, by which is meant the diversion of our words to address some person other than the judge, is entirely banned by some rhetoricians as far as the *exordium* is concerned, and for this they have some reason, since it would certainly seem to be more natural that we should specially address ourselves to those whose favour we desire to win. Occasionally however some striking expression of thought is necessary in the *exordium* which can be given greater point and vehemence if addressed to some person other than the judge. In such a case what law or what preposterous superstition is to prevent us from adding force to such expression of our thought by the use of this figure? For the writers of text-books do not forbid it because they regard it as illicit, but because they think it useless. Consequently if its utility be proved, we shall have to employ it for the very reason for which we are now forbidden to do so. Moreover Demosthenes turns to address Aeschines in his *exordium*, while Cicero adopts the same device in several of his speeches, but more especially in the *pro Ligario*, where he turns to

address Tubero. His speech would have been much less effective, if any other figure had been used, as will be all the more clearly realised, if the whole of that most vigorous passage “You are, then, in possession, Tubero, of the most valuable advantage that can fall to an accuser etc.” be altered so as to be addressed to the judge. For it is a real and most unnatural diversion of the passage, which destroys its whole force, if we say “Tubero is then in possession of the most valuable advantage that can fall to an accuser.” In the original form Cicero attacks his opponent and presses him hard, in the passage as altered he would merely have pointed out a fact. The same thing results if you alter the turn of the passage in Demosthenes. Again did not Sallust when speaking against Cicero himself address his *exordium* to him and not to the judge? In fact he actually opens with the words “I should feel deeply injured by your reflexions on my character, Marcus Tullius,” wherein he followed the precedent set by Cicero in his speech against Catiline where he opens with the words “How long will you continue to abuse our patience?” Finally to remove all reason for feeling surprise at the employment of *apostrophe*, Cicero in his defence of Scaurus, on a charge of bribery (the speech is to be found in his Notebooks; for he defended him twice) actually introduces an imaginary person speaking on behalf of the accused, while in his *pro Rabirio* and his speech in defence of this same Scaurus on a charge of extortion he employs illustrations, and in the *pro Cluentio*, as I have already pointed out, introduces division into heads. Still such artifices, although they may be employed at times to good effect, are not to be indulged in indiscriminately, but only when there is strong reason for breaking the rule. The same remark applies to *simile* (which must however be brief), *metaphor* and other *tropes*, all of which are forbidden by our cautious and pedantic teachers of rhetoric, but which we shall none the less occasionally employ, unless indeed we are to disapprove of the magnificent example of irony in the *pro Ligario* to which I have already referred a few pages back. The rhetoricians have however been nearer the truth in their censure of certain other faults that may occur in the *exordium*. The stock *exordium* which can be suited to a number of different cases they style *vulgar*; it is an unpopular form but can sometimes be effectively employed and has often been adopted by some of the greatest orators. The *exordium* which might equally well be used by our opponent, they style *common*. That which our opponent can turn to his own advantage, they call *interchangeable*, that which is irrelevant to the case, *detached*, and that which is drawn from some other speech, *transferred*. In addition to these they censure others as *long* and others as *contrary to rule*. Most of these faults are however not peculiar to the *exordium*, but may be found in any or every portion of a speech.

Such are the rules for the *exordium*, wherever it is employed. It may however

sometimes be dispensed with. For occasionally it is superfluous, if the judge has been sufficiently prepared for our speech without it or if the case is such as to render such preparation unnecessary. Aristotle indeed says that with good judges the *exordium* is entirely unnecessary. Sometimes however it is impossible to employ it, even if we desire to do so, when, for instance, the judge is much occupied, when time is short or superior authority forces us to embark upon the subject right away. On the other hand it is at times possible to give the force of an *exordium* to other portions of the speech. For instance we may ask the judges in the course of our *statement of the facts* or of our *arguments* to give us their best attention and goodwill, a proceeding which Prodicus recommended as a means of wakening them when they begin to nod. A good example is the following: "Gaius Varenus, he who was killed by the slaves of Ancharius—I beg you, gentlemen, to give me your best attention at this point." Further if the case involves a number of different matters, each section must be prefaced with a short introduction, such as "Listen now to what follows," or "I now pass to the next point." Even in the *proof* there are many passages which perform the same function as an *exordium*, such as the passage in the *pro Cluentio* where Cicero introduces an attack on the censors and in the *pro Murena* when he apologises to Servius. But the practice is too common to need illustration.

However on all occasions when we have employed the *exordium*, whether we intend to pass to the *statement of facts* or direct to the *proof*, our intention should be mentioned at the conclusion of the introduction, with the result that the transition to what follows will be smooth and easy. There is indeed a pedantic and childish affectation in vogue in the schools of marking the transition by some epigram and seeking to win applause by this feat of legerdemain. Ovid is given to this form of affectation in his *Metamorphoses*, but there is some excuse for him owing to the fact that he is compelled to weld together subjects of the most diverse nature so as to form a continuous whole. But what necessity is there for an orator to gloss over his transitions or to attempt to deceive the judge, who requires on the contrary to be warned to give his attention to the sequence of the various portions of the speech? For instance the first part of our *statement of the facts* will be wasted, if the judge does not realise that we have reached that stage. Therefore, although we should not be too abrupt in passing to our *statement of facts*, it is best to do nothing to conceal our transition. Indeed, if the *statement of fact* on which we are about to embark is somewhat long and complicated, we shall do well to prepare the judge for it, as Cicero often does, most notably in the following passage: "The introduction to my exposition of this point will be rather longer than usual, but I beg you, gentlemen, not to take it ill. For if you get a firm grasp of the beginning,

you will find it much easier to follow what comes last.” This is practically all that I can find to say on the subject of the *exordium*.

CHAPTER II: STATEMENT OF FACTS

It is a most natural and frequently necessary proceeding, that after preparing the mind of the judge in the manner described above we should indicate the nature of the subject on which he will have to give judgment: that is the *statement of facts*. In dealing with this question I shall deliberately pass over the divisions made by certain writers, who make too many classes and err on the side of subtlety. For they demand an explanation dealing not only with the facts of the case which is before the court, but with the person involved (as in the sentence, “Marcus Lollius Palicanus, a Picentine of humble birth, a man gifted with loquacity rather than eloquence”) or of the place where an incident occurred (as in the sentence “Lampsacus, gentlemen, is a town situated on the Hellespont”), or of the time at which something occurred (as in the verse

“In early spring, when on the mountains hoar
The snows dissolve),”

or of the causes of an occurrence, such as the historians are so fond of setting forth, when they explain the origin of a war, a rebellion or a pestilence. Further they style some *statements of fact* “*complete*,” and others “*incomplete*,” a distinction which is self-evident. To this they add that our explanation may refer to the past (which is of course the commonest form), the present (for which compare Cicero’s remarks about the excitement caused among the friends of Chrysogonus when his name was mentioned), or of the future (a form permissible only to prophets): for *hypotyposis* or picturesque description cannot be regarded as a *statement of facts*. However let us pass to matters of more importance.

The majority regard the *statement of facts* as being indispensable: but there are many considerations which show that this view is erroneous. In the first place there are some cases which are so brief, that they require only a brief summary rather than a full statement of the facts. This may apply to both parties to a suit, as for instance in cases where there is no necessity for explanation or where the facts are admitted and the whole question turns on a point of law, as it so often does in the centumviral court, as for example when we discuss, whether the heir of a woman who has died intestate should be her son or brother, or whether puberty is to be reckoned by age or by physical development. The same situation arises also in cases where the facts

admit of full statement, but are well known to the judge or have been correctly set forth by a previous speaker. Sometimes again the statement of facts can be dispensed with only by one party, who is generally the plaintiff, either because it is sufficient for him to make a simple summary of his case or because it is more expedient for him to do so. It may, for instance, suffice to say, "I claim repayment of a certain sum of money which was lent on certain conditions" or "I claim a legacy in accordance with the terms of the will." It is for the other party to explain why these sums are not due to the plaintiff. Again it is sometimes sufficient and expedient to summarise a case in one sentence such as "I say that Horatius killed his sister." For the judge will understand the whole charge from this simple affirmation: the sequence of events and the motive for the deed will be matters for the defence to expound. On the other hand in some cases the accused may dispense with the *statement of facts*, when for instance the charge can neither be denied nor palliated, but turns solely on some point of law: the following case will illustrate my meaning. A man who has stolen from a temple money belonging to a private individual is accused of sacrilege: in such a case a confession will be more seemly than a full *statement of facts*: "We do not deny that the money was taken from the temple; but the accuser is bringing a false accusation in charging my client with sacrilege, since the money was not consecrated, but private property: it is for you to decide whether under these circumstances sacrilege has been committed."

While however I think that there are occasional cases where the *statement of facts* may be dispensed with, I disagree with those who say that there is no *statement of facts* when the accused simply denies the charge. This opinion is shared by Cornelius Celsus who holds that most cases of murder and all of bribery and extortion fall into this class. For he thinks that the only *statement of facts* is that which gives a general account of the charge before the court. Yet he himself acknowledges that Cicero employed the *statement of facts* in his defence of Rabirius Postumus, in spite of the fact that Cicero denies that any money came into the hands of Rabirius (and this was the question at issue) and gives no explanations relating to the actual charge in his *statement of facts*. For my part I follow the very highest authorities in holding that there are two forms of *statement of facts* in forensic speeches, the one expounding the facts of the case itself, the other setting forth facts which have a bearing on the case. I agree that a sentence such as "I did not kill the man" does not amount to a *statement of facts*: but there will be a *statement of facts*, occasionally, too, a long one, in answer to the arguments put forward by the accuser: it will deal with the past life of the accused, with the causes which have brought an innocent man into peril, and other circumstances such as show the charge to be incredible. For the accuser does not merely say "You killed him," but

sets forth the facts proving his assertion: tragedy will provide an example, where Teucer accuses Ulysses of murdering Ajax, and states that he was found in a lonely place near the lifeless body of his enemy with a blood-stained sword in his hands. To this Ulysses does not merely reply that he did not do the deed, but adds that he had no quarrel with Ajax, the contest between them having been concerned solely with the winning of renown: he then goes on to say how he came to be in the lonely place, how he found Ajax lying lifeless and drew the sword from the wound. Then follow arguments based on these facts. But even when the accuser says "You were found on the spot where your enemy was killed" and the accused says "I was not," a *statement of facts* is involved; for he must say where he was. Consequently cases of bribery and extortion will require as many statements of this kind as there are charges: the charges themselves will be denied, but it will be necessary to counter the arguments of the accuser either singly or all together by setting forth the facts in quite a different light. Is it, I ask you, irrelevant for one accused of bribery to set forth his parentage, his past life and the services on which he relied for success in his candidature? And if a man is indicted for extortion, will it not be to his advantage to set forth not merely his past record, but also the reasons which have made the whole province or the accuser or a witness hostile to himself? If these are not *statements of facts*, neither is the first portion of Cicero's defence of Cluentius, beginning with the words "Aulus Cluentius Habitus." For there he says nothing about the charge of poisoning, but confines himself entirely to setting forth the reasons for the hostility of Cluentius' mother to her son. There are also statements which do not set forth the facts of the case itself, but facts which are none the less relevant to the case: the speaker's purpose may be to illustrate the case by some parallel, as in the passage in the *Verrines* about Lucius Domitius who crucified a shepherd because he admitted that he had used a hunting spear to kill the boar which he had brought him as a present; or he may desire to dispel some charge that is irrelevant to the case as in the passage of the speech for Rabirius Postumus, which runs as follows: "For when he came to Alexandria, gentlemen, the only means of saving his money which the king suggested to Postumus was that he should take charge of the royal household and act as a kind of steward." Or the orator may desire to heighten the effect of his charges, as Cicero does in his description of the journey of Verres.

Sometimes a fictitious statement is employed either to stir the emotions of the judges, as in that passage of the *proo Roscio Amerino* dealing with Chrysogonus to which I referred just recently, or to entertain them with a show of wit, as in the passage of the *pro Cluentio* describing the brothers Caepasius: sometimes again a digression may be introduced to add beauty to the speech, as in the passage about

Proserpine in the *Verrines*, beginning “It was here that a mother is once said to have sought her daughter.” All these examples serve to show that he who denies a charge may not necessarily refrain from stating, but may actually state that very fact which he denies.

Even the assertion which I made above to the effect that a *statement* of facts familiar to the judge is superfluous, is not to be taken too literally. My meaning is that it may be dispensed with, if the judge knows not merely what has been done, but takes a view of the facts which is favourable to our case. For the purpose of the *statement of facts* is not merely to instruct, but rather to persuade the judge. Therefore, when we desire to influence him in some way or other, although he may require no instruction, we shall preface our statement with some such remarks as these: “I know that you are aware of the general nature of the case, but I trust you will not take it ill if I ask you to consider each point in detail.” At times again we may pretend that we are repeating the facts for the benefit of some new member of the jury, at times that we do so with a view to letting every bystander as well realise the gross unfairness of our opponents’ assertions. Under these circumstances our statement must be diversified by a free use of figures to avoid wearying those to whom the facts are familiar: we shall for instance use phrases such as “You remember,” “It may perhaps be superfluous to dwell on this point,” “But why should I say more, as you are well acquainted with the fact?”, “You are not ignorant how this matter stands” and so on. Besides, if we are always to regard as superfluous a *statement of facts* made before a judge who is familiar with the case, we may even go so far as to regard it as superfluous at times to plead the case at all.

There is a further question which is still more frequently raised, as to whether the *statement of facts* should always follow immediately on the *exordium*. Those who hold that it should always do so must be admitted to have some reason on their side. For since the purpose of the *exordium* is to make the judge more favourably disposed and more attentive to our case and more amenable to instruction, and since the *proof* cannot be brought forward until the facts of the case are known, it seems right that the judge should be instructed in the facts without delay. But the practice may be altered by circumstances, unless it is contended that Cicero in his magnificent published defence of Milo delayed his *statement* too long by placing three questions before it; or unless it is argued that, if it had been held to be impermissible to defend a man at all who acknowledged that he had killed another, or if Milo’s case had already been prejudged and condemnation passed by the senate, or if Gnaeus Pompeius, who in addition to exerting his influence in other ways had surrounded the court with an armed guard, had been regarded with apprehension as hostile to the accused, it would have served his case to set forth

how Clodius had set an ambush for Milo. These three questions, then, served the purpose of an exordium, since they all of them were designed to prepare the minds of the judges. Again in the *pro Vareno* Cicero delayed his statement of facts until he had first rebutted certain allegations put forward by the prosecution. This may be done with advantage whenever we have not merely to rebut the charge, but to turn the tables on our opponents: thus after first rebutting the charge, we make *our statement of facts* the opening of an incrimination of the other party just as in actual fighting we are most concerned to parry our adversary's blows before we strike him ourselves. There will also not infrequently be certain cases, in which it is easy to rebut the charge that is under trial, but the conduct of which is hampered by the past life of our client and the many and serious crimes which he has committed. We must dispose of these first, in order that the judge may give a favourable hearing to our defence of the actual facts which form the question at issue. For example, if we have to defend Marcus Caelius, the best course for his advocate to adopt will be to meet the imputations of luxury, wantonness and immorality which are made against him before we proceed to the actual charge of poisoning. It is with these points that the speech of Cicero in his defence is entirely concerned. Is he then to go on to make a statement about the property of Palla and explain the whole question of rioting, a charge against which Caelius has already defended himself in the speech which he delivered on his own behalf? We however are the victims of the practice of the schools in accordance with which certain points or themes as we call them are put forward for discussion, outside which our refutation must not go, and consequently a *statement of facts* always follows the *exordium*. It is this too that leads declaimers to take the liberty of inserting a *statement of facts* even when they speak second for their side. For when they speak for the prosecution they introduce both a *statement of facts*, as if they were speaking first, and a refutation of the arguments for the defence, as if they were replying: and they are right in so doing. For since declamation is merely an exercise in forensic pleading, why should they not qualify themselves to speak either first or second? Those however who do not understand the reason for such a practice, think that when they appear in the courts they should stick to the custom of the schools with which they have become familiar. But even scholastic rhetoricians occasionally substitute a brief summary for the full statement of the facts. For what statement of the case can be made when a wife is accusing a jealous husband of maltreating her, or a father is indicting his son turned Cynic before the censors for indecent behaviour? In both cases the charge can be sufficiently indicated by one word placed in any part of the speech. But enough of these points.

I will now proceed to the method to be adopted in making our *statement of*

facts. The *statement of facts* consists in the persuasive exposition of that which either has been done, or is supposed to have been done, or, to quote the definition given by Apollodorus, is a speech instructing the audience as to the nature of the case in dispute. Most writers, more especially those of the Isocratean school, hold that it should be lucid, brief and plausible (for it is of no importance if we substitute clear for lucid, or credible or probable for plausible). I agree with this classification of its qualities, although Aristotle disagrees with Isocrates on one point, and pours scorn on his injunction to be brief, as though it were necessary that a statement should be either long or short and it were impossible to hit the happy mean. The followers of Theodorus on the other hand recognise only plausibility on the ground that it is not always expedient that our exposition should be either short or clear. It will be necessary therefore for me to devote some care to the differentiation of the various features of this portion of a speech, in order that I may show under what circumstances each is specially useful.

The *statement* will be either wholly in our favour or wholly in that of our opponent or a mixture of both. If it is entirely in our own favour, we may rest content with the three qualities just mentioned, the result of which is to make it easier for the judge to understand, remember and believe what we say. Now I should regret that anyone should censure my conduct in suggesting that a *statement* which is wholly in our favour should be *plausible*, when as a matter of fact it is *true*. There are many things which are true, but scarcely credible, just as there are many things which are plausible though false. It will therefore require just as much exertion on our part to make the judge believe what we say when it is true as it will when it is fictitious. These good qualities, which I have mentioned above, do not indeed cease to be virtues in other portions of the speech; for it is our duty to avoid obscurity in every part of our pleading, to preserve due proportion throughout and to say nothing save what is likely to win belief. But they require special observance in that portion of the speech which is the first from which the judge can learn the nature of the case: if at this stage of the proceedings he fails to understand, remember or believe what we say, our labour is but lost in the remainder of the speech.

We shall achieve lucidity and clearness in our statement of facts, first by setting forth our story in words which are appropriate, significant and free from any taint of meanness, but not on the other hand farfetched or unusual, and secondly by giving a distinct account of facts, persons, times, places and causes, while our delivery must be adapted to our matter, so that the judge will take in what we say with the utmost readiness. This latter virtue is disregarded by the majority of speakers who are used to the noisy applause of a large audience, whether it be a

chance gathering or an assembly of *claqueurs*, and consequently are unnerved by the attentive silence of the courts. They feel that they have fallen short of eloquence, if they do not make everything echo with noise and clamour; they think that to state a matter simply is suited only to everyday speech such as falls within the capacity of any uneducated man, while all the time it is hard to say whether they are less willing or less capable of performing a task which they despise on account of its supposed easiness. For even when they have tried everything, they will never find anything more difficult in the whole range of oratory than that which, once heard, all think they would have said,—a delusion due to the fact that they regard what has been said as having no merit save that of truth. But it is just when an orator gives the impression of absolute truth that he is speaking best. As it is, when such persons as these get a fair field for stating their case, they select this as the precise occasion for affected modulations of the voice, throwing back their heads, thumping their sides and indulging in every kind of extravagance of statement, language and style. As a result, while the speech, from its very monstrosity, meets with applause, the case remains unintelligible. However, let us pass to another subject; my aim is to win favour for pointing out the right road rather than to give offence by rebuking such perversity.

The *statement of facts* will be brief, if in the first place we start at that point of the case at which it begins to concern the judge, secondly avoid irrelevance, and finally cut out everything the removal of which neither hampers the activities of the judge nor harms our own case. For frequently conciseness of detail is not inconsistent with length in the whole. Take for instance such a statement as the following: “I came to the harbour, I saw a ship, I asked the cost of a passage, the price was agreed, I went on board, the anchor was weighed, we loosed our cable and set out.” Nothing could be terser than these assertions, but it would have been quite sufficient to say “I sailed from the harbour.” And whenever the conclusion gives a sufficiently clear idea of the premisses, we must be content with having given a hint which will enable our audience to understand what we have left unsaid. Consequently when it is possible to say “I have a young son,” it is quite superfluous to say, “Being desirous of children I took a wife, a son was born whom I acknowledged and reared and brought up to manhood.” For this reason some of the Greeks draw a distinction between a concise statement (the word they use is σύντομος) and a brief statement, the former being free from all superfluous matter, while the latter may conceivably omit something that requires to be stated. Personally, when I use the word brevity, I mean not saying less, but not saying more than occasion demands. As for repetitions and tautologies and diffuseness, which some writers of textbooks tell us we must avoid, I pass them by; they are faults

which we should shun for other reasons beside our desire for brevity. But we must be equally on our guard against the obscurity which results from excessive abridgment, and it is better to say a little more than is necessary than a little less. For though a diffuse irrelevance is tedious, the omission of what is necessary is positively dangerous. We must therefore avoid even the famous terseness of Sallust (though in his case of course it is a merit), and shun all abruptness of speech, since a style which presents no difficulty to a leisurely reader, flies past a hearer and will not stay to be looked at again; and whereas the reader is almost always a man of learning, the judge often comes to his panel from the country side and is expected to give a decision on what he can understand. Consequently we must aim, perhaps everywhere, but above all in our *statement of facts*, at striking the happy mean in our language, and the happy mean may be defined as saving just what is necessary and just what is sufficient. By “just what is necessary” I mean not the bare minimum necessary to convey our meaning; for our brevity must not be devoid of elegance, without which it would be merely uncouth: pleasure beguiles the attention, and that which delights us ever seems less long, just as a picturesque and easy journey tires us less for all its length than a difficult short cut through an arid waste. And I would never carry my desire for brevity so far as to refuse admission to details which may contribute to the plausibility of our narrative. Simplify and curtail your statement of facts in every direction and you will turn it into something more like a confession. Moreover, the circumstances of the case will often necessitate a long *statement of facts*, in which case, as I have already enjoined, the judge should be prepared for it at the conclusion of the *exordium*. Next we must put forth all our art either to shorten it or to render it less tedious. We must do what we can to make it less long by postponing some points, taking care however to mention what it is that we propose to postpone. Take the following as an example. “As regards his motives for killing him, his accomplices and the manner in which he disposed his ambush, I will speak when I come to the *proof*.” Some things indeed may be omitted altogether from our marshalling of the facts, witness the following example from Cicero, “Fulcinus died; there are many circumstances which attended that event, but as they have little bearing on this case, I shall pass them by.” Division of our statement into its various heads is another method of avoiding tedium: for example, “I will tell you first what preceded this affair, then what occurred in its actual development, and finally you shall hear its sequel.” Such a division will give the impression of three short statements rather than of one long one. At times it will be well to interrupt our narrative by interjecting some brief remark like the following: “You have heard what happened before: now learn what follows.” The judge will be refreshed by the fact that we have brought our previous remarks to a

close and will prepare himself for what may be regarded as a fresh start. If however after employing all these artifices our array of facts is still long, it will not be without advantage to append a summary at the end of it as a reminder: Cicero does this even at the close of a brief *statement of facts* in the *pro Ligario*: “To this day, Caesar, Quintus Ligarius is free from all blame: he left his home not merely without the least intention of joining in any war, but when there was not the least suspicion of any war etc.”

The *statement of fact* will be credible, if in the first place we take care to say nothing contrary to nature, secondly if we assign reasons and motives for the facts on which the inquiry turns (it is unnecessary to do so with the subsidiary facts as well), and if we make the characters of the actors in keeping with the facts we desire to be believed: we shall for instance represent a person accused of theft as covetous, accused of adultery as lustful, accused of homicide as rash, or attribute the opposite qualities to these persons if we are defending them: further we must do the same with place, time and the like. It is also possible to treat the subject in such a way as to give it an air of credibility, as is done in comedy and farce. For some things have such natural sequence and coherence that, if only the first portion of your *statement* is satisfactory, the judge will himself anticipate what you have got to say in the later part. It will also be useful to scatter some hints of our proofs here and there, but in such a way that it is never forgotten that we are making a *statement of facts* and not a proof. Sometimes, however, we must also support our assertions by a certain amount of argument, though this must be short and simple: for instance in a case of poisoning we shall say, “He was perfectly well when he drank, he fell suddenly to the ground, and blackness and swelling of the body immediately supervened.” The same result is produced by preparatory remarks such as the following: “The accused is a strong man and was fully armed, while his opponents were weak, unarmed and suspecting no evil.” We may in fact touch on everything that we propose to produce in our *proof*; while making our statement of facts, as for instance points connected with persons, cause, place, time, the instrument and occasion employed. Sometimes, when this resource is unavailable, we may even confess that the charge, though true, is scarcely credible, and that therefore it must be regarded as all the more atrocious; that we do not know how the deed was done or why, that we are filled with amazement, but will prove our case. The best kind of preparatory remarks are those which cannot be recognised as such: Cicero, for instance, is extraordinarily happy in the way he mentions in advance everything that shows that Clodius lay in wait for Milo and not Milo for Clodius. The most effective stroke of all is his cunning feint of simplicity: “Milo, on the other hand, having been in the senate all day till the house rose, went home, changed his shoes and clothes, and

waited for a short time, while his wife was getting ready, as is the way with women.” What an absence of haste and premeditation this gives to Milo’s proceedings. And the great orator secures this effect not merely by producing facts which indicate the slow and tardy nature of Milo’s departure, but by the use of the ordinary language of everyday speech and a careful concealment of his art. Had he spoken otherwise, his words would by their very sound have warned the judge to keep an eye on the advocate. The majority of readers regard this passage as lacking in distinction, but this very fact merely serves to show how the art which is scarce detected by a reader succeeded in hoodwinking the judge. It is qualities of this kind that make the *statement of facts* credible. If a student requires to be told that we must avoid contradiction and inconsistency in our *statement of facts*, it will be vain to attempt to instruct him on the remaining points, although some writers of text-books produce this precept as if it were a mystery only discovered by their own personal penetration.

To these three qualities some add magnificence of diction or μεγαλοπρέπεια as they call it this quality is not, however, suitable to all cases. For what place has language that rises above the ordinary level in the majority of private suits dealing with loans, letting and hiring and interdicts? Nor yet is it always expedient, as may be inferred from the passage just cited from the *pro Milone*. We must remember, too, that there are many cases in which confession, excuse or modification are necessary with regard to our statements: and magnificence is a quality wholly out of keeping with such procedure. Magnificence of diction is therefore no more specially appropriate to the statement of facts than language calculated to excite pity or hatred, or characterised by dignity, charm or wit. Each of these qualities is admirable in its proper place, but none can be regarded as the peculiar and inalienable property of this portion of the speech.

Theodectes asserts that the *statement of facts* should not merely be magnificent, but attractive in style. But this quality again though suitable enough to the statement of facts, is equally so in other portions of the speech. There are others who add palpability, which the Greeks call ἐνάργεια. And I will not conceal the fact that Cicero himself holds that more qualities are required. For in addition to demanding that it should be plain, brief and credible, he would have it clear, characteristic and worthy of the occasion. But everything in a speech should be characteristic and worthy of the occasion as far as possible. Palpability, as far as I understand the term, is no doubt a great virtue, when a truth requires not merely to be told, but to some extent obtruded, still it may be included under lucidity. Some, however, regard this quality as actually being injurious at times, on the ground that in certain cases it is desirable to obscure the truth. This contention is, however,

absurd. For he who desires to obscure the situation, will state what is false in lieu of the truth, but must still strive to secure an appearance of palpability for the facts which he narrates.

A chance turn of the discussion has led us to a difficult type of *statement of facts*. I will therefore proceed to speak of those in which the facts are against us. Under such circumstances some have held that we should omit the *statement of facts* altogether. Nothing can be more easy, except perhaps to throw up the case altogether. But suppose you undertake a case of this kind with some good reason. It is surely the worst art to admit the badness of the case by keeping silence. We can hardly hope that the judge will be so dense as to give a decision in favour of a case which he knows we were unwilling to place before him. I do not of course deny that just as there may be some points which you should deny in your *statement of facts*, others which you should add, and yet again others that you should alter, so there may be some which you should pass over in silence. But still only those points should be passed over which we ought and are at liberty to treat in this way. This is sometimes done for the sake of brevity, as in the phrase "He replied as he thought fit." We must therefore distinguish between case and case. In those where there is no question of guilt but only of law, we may, even though the facts be against us, admit the truth. "He took money from the temple, but it was private property, and therefore he is not guilty of sacrilege. He abducted a maiden, but the father can have no option as to his fate. He assaulted a freeborn boy, and the latter hanged himself, but that is no reason for the author of the assault to be awarded capital punishment as having caused his death; he will instead pay 10,000 sesterces, the fine imposed by law for such a crime." But even in making these admissions we may to some extent lessen the odium caused by the statement of our opponent. For even our slaves extenuate their own faults. In some cases, too, we may mitigate a bad impression by words which avoid the appearance of a *statement of facts*. We may say, for instance, "He did not, as our opponent asserts, enter the temple with the deliberate intention of theft nor seek a favourable occasion for the purpose, but was led astray by the opportunity, the absence of custodians, and the sight of the money (and money has always an undue influence on the mind of man), and so yielded to temptation. What does that matter? He committed the offence and is a thief. It is useless to defend an act to the punishment of which we can raise no objection." Again we may sometimes go near condemning our client ourselves. "*Do* you wish me to say that you were under the influence of wine? that you made a mistake? that the darkness deceived you? That may be true. But still you committed an assault on a freeborn boy; pay your 10,000 sesterces." Sometimes we may fortify our case in advance by a preliminary summary, from which we proceed to the full *statement of*

facts. All the evidence points to the guilt of three sons who had conspired against their father. After drawing lots they entered their father's bedroom while he slept, one following the other in the order predetermined and each armed with a sword. None of them had the heart to kill him, he woke and they confessed all. If, however, the father, who has divided his estate among them and is defending them when accused of parricide, pleads as follows: "As regards my defence against the law, it suffices to point out, that these young men are charged with parricide in spite of the fact that their father still lives and is actually appearing on behalf of his children. What need is there for me to set forth the facts as they occurred since the law does not apply to them? But if you desire me to confess my own guilt in the matter, I was a hard father to them and watched over my estate, which would have been better managed by them, with miserly tenacity." And if he then should add, "they were spurred to attempt the crime by others who had more indulgent fathers; but their real feelings towards their father have been proved by the result; they could not bring themselves to kill him. It would have been quite unnecessary for them to take an oath to kill him, if they had really had the heart to do the deed, while the only explanation of their drawing lots is that each of them wished to avoid the commission of the crime." If such were his pleading, all these pleas would, such as they are, find the judges all the more disposed to mercy, since the brief defence offered in the first summary statement would have paved the way for them. But if the question is whether an act has been committed or what its nature may be, even though everything be against us, how can we avoid a *statement of facts* without gross neglect of our case? The accuser has made a *statement of facts*, and has done so not merely in such a way as to indicate what was done, but has added such comments as might excite strong prejudice against us and made the facts seem worse than they are by the language which he has used. On the top of this have come the *proofs*, while the *peroration* has kindled the indignation of the judges and left them full of anger against us. The judge naturally waits to hear what we can state in our behalf. If we make no statement, he cannot help believing that our opponent's assertions are correct and that their tone represents the truth. What are we to do then? Are we to restate the same facts? Yes, if the question turns on the nature of the act, as it will if there is no doubt about the commission, but we must restate them in a different way, alleging other motives and another purpose and putting a different complexion on the case. Some imputations we may mitigate by the use of other words; luxury will be softened down into generosity, avarice into economy, carelessness into simplicity, and I shall seek to win a certain amount of favour or pity by look, voice and attitude. Sometimes a frank confession is of itself sufficient to move the jury to tears. And I should like to ask those who differ from me whether

they are prepared to defend what they have refused to state, or no. For if they refuse either to defend or to state the facts, they will be giving away their whole case. If, on the other hand, they do propose to put in a defence, they must at least, as a rule, set forth what they intend to justify. Why then not state fully facts which can be got rid of and must in fact be pointed out to make that possible? Or again what difference is there between a *proof* and a *statement of facts* save that the latter is a *proof* put forward in continuous form, while a *proof* is a verification of the facts as put forward in the *statement*? Let us consider therefore whether under such circumstances the *statement* should not be somewhat longer and fuller than usual, since we shall require to make some preliminary remarks and to introduce certain special arguments (note that I say arguments, and not argumentation), while it will add greatly to the force of our defence if we assert not once nor twice that we shall prove what we say is true and that the significance of the facts cannot be brought out by one opening statement, bidding them wait, delay forming their opinions and hope for the best. Finally it is important to include in our statement anything that can be given a different complexion from that put upon it by our opponent. Otherwise even an *exordium* will be superfluous in a case of this kind. For what is its purpose if not to make the judge better disposed for the investigation of the case? And yet it will be agreed that the *exordium* is never more useful than when it is necessary to divert the judge from some prejudice that he has formed against us. Conjectural cases, on the other hand—that is to say questions of fact—require a statement, which will more often deal with the circumstances from which a knowledge of the point at issue may be derived than with the actual point which is under trial. When the accuser states these circumstances in such a manner as to throw suspicion on the case for the defence, and the accused has consequently to dispel that suspicion, the facts must be presented to the judge in quite a different light by the latter. But, it may be urged, some arguments are strong when put forward in bulk, but far less effective when employed separately. My answer is that this remark does not affect the question whether we ought to make a statement of fact, but concerns the question how it should be made. For what is there to prevent us from amassing and producing a number of arguments in the *statement*, if that is likely to help our cause? Or from subdividing our statement of facts and appending the proofs to their respective sections and so passing on to what remains to be said? Neither do I agree with those who assert that the order of our *statement of facts* should always follow the actual order of events, but have a preference for adopting the order which I consider most suitable. For this purpose we can employ a variety of figures. Sometimes, when we bring up a point in a place better suited to our purpose, we may pretend that it had escaped our notice; occasionally, too, we may

inform the judge that we shall adhere to the natural order for the remainder of our statement, since by so doing we shall make our case clearer, while at times after stating a fact, we may append the causes which preceded it. For there is no single law or fixed rule governing the method of defence. We must consider what is most advantageous in the circumstances and nature of the case, and treat the wound as its nature dictates, dressing at once or, if the dressing can be delayed, applying a temporary bandage. Again I do not regard it as a crime to repeat a statement of a fact more than once, as Cicero does in the *pro Cluentio*. It is not merely permissible, but sometimes necessary, as in trials for extortion and all complicated cases; and only a lunatic will allow a superstitious observance of rules to lead him counter to the interests of his case. The reason for placing the statement of facts before the proof is to prevent the judge from being ignorant of the question at issue. Why then, if each individual point has to be proved or refuted, should not each individual point be stated as well? If my own experience may be trusted, I know that I have followed this practice in the courts, whenever occasion demanded it, and my procedure has been approved both by learned authorities and the judges themselves, while the duty of setting forth the case was generally entrusted to me. I am not boasting, for there are many with whom I have been associated as counsel, who can bring me to book if I lie. On the other hand this is no reason for not following the order of events as a general rule. Indeed inversion of the order has at times a most unhappy effect, as for example if you should mention first that a woman has brought forth and then that she has conceived, or that a will has been read and then that it has been signed. In such cases, if you should happen to have mentioned the later incident, it is better to say nothing about the former, which must quite obviously have come first.

Sometimes, too, we get false statements of facts; these, as far as actual pleading in the courts is concerned, fall into two classes. In the first case the statement depends on external support; Publius Clodius, for instance, relied on his witnesses when he stated that he was at Interamna on the night when he committed abominable sacrilege at Rome. The other has to be supported by the speaker's native talent, and sometimes consists simply in an assumption of modesty, which is, I imagine, the reason why it is called a gloss, while at other times it will be concerned with the question at issue. Whichever of these two forms we employ, we must take care, first that our fiction is within the bounds of possibility, secondly that it is consistent with the persons, dates and places involved and thirdly that it presents a character and sequence that are not beyond belief: if possible, it should be connected with something that is admittedly true and should be supported by some argument that forms part of the actual case. For if we draw our fictions entirely from

circumstances lying outside the case, the liberty which we have taken in resorting to falsehood will stand revealed. Above all we must see that we do not contradict ourselves, a slip which is far from rare on the part of spinners of fiction: for some things may put a most favourable complexion on portions of our case, and yet fail to agree as a whole. Further, what we say must not be at variance with the admitted truth. Even in the schools, if we desire a *gloss*, we must not look for it outside the facts laid down by our theme. In either case the orator should bear clearly in mind throughout his whole speech what the fiction is to which he has committed himself, since we are apt to forget our falsehoods, and there is no doubt about the truth of the proverb that a liar should have a good memory. But whereas, if the question turns on some act of our own, we must make one statement and stick to it, if it turns on an act committed by others, we may cast suspicion on a number of different points. In certain controversial themes of the schools, however, in which it is assumed that we have put a question and received no reply, we are at liberty to enumerate all the possible answers that might have been given. But we must remember only to invent such things as cannot be checked by evidence: I refer to occasions when we make our own minds speak (and we are the only persons who are in their secret) or put words in the mouth of the dead (for what they say is not liable to contradiction) or again in the mouth of someone whose interests are identical with ours (for he will not contradict), or finally in the mouth of our opponent (for he will not be believed if he does deny). *Glosses* drawn from dreams and superstitions have long since lost their value, owing to the very ease with which they can be invented. But it will avail us little to use *glosses* in a *statement of fact*, unless they are consistent throughout the whole of our speech, more especially as certain things can only be proved by persistent assertion. Take for instance the case of the parasite who claims as his son a young man who has been thrice disinherited by a wealthy father and thrice restored to his own. He will be able to put forward as a *gloss* or plea that poverty was the reason why he exposed the child, that he assumed the role of a parasite because his son was in the house in question and, lastly, that the reason why the young man was thrice disinherited was simply that he was not the son of the man who disinherited him. But unless every word that he utters reveals an ardent paternal affection, hatred for his wealthy opponent and anxiety on behalf of the youth, who will, he knows, be exposed to serious danger if he remains in the house where he is the victim of such dislike, he will be unable to avoid creating the suspicion that he has been suborned to bring the action.

It sometimes happens in the controversial themes of the schools, though I doubt whether it could ever occur in the courts, that both sides employ the same *gloss* and support it on their own behalf. An example of this may be found in the

theme which runs as follows. "A wife has stated to her husband that her stepson has attempted to seduce her and that a time and place have been assigned for their meeting: the son has brought the same charge against his stepmother, with the exception that a different time and place are mentioned. The father finds the son in the place mentioned by the wife, and the wife in the place mentioned by the son. He divorces her, and then, as she says nothing in her own defence, disinherits the son." No defence can be put forward for the son which is not also a defence of the stepmother. However, what is common to both sides of the case will be stated, and then arguments will be drawn from a comparison of the characters of the two parties, from the order in which they laid information against each other and from the silence of the divorced wife. Still we must not ignore the fact that there are some cases which do not admit of any form of *gloss*, but must be defended forthright. An example is provided by the case of the rich man who scourged the statue of a poor man who was his enemy, and was subsequently indicted for assault. Here no one can deny that the act was outrageous, but it may be possible to maintain that it is not punishable by law.

If, however, part of the statement of facts tells in our favour and part against us, we must consider whether in view of the circumstances of the case the parts in question should be blent or kept apart. If the points which are damaging to our case be in the majority, the points which are in its favour will be swamped. Under those circumstances it will be best to keep them apart and, after setting forth and proving the points which help our case, to meet the rest by employing the remedies mentioned above. If, on the other hand, it be the points in our favour which predominate, we may even blend them with the others, since thus the traitors in our camp will have less force. None the less these points, both good and bad, must not be set forth naked and helpless: those in our favour must be supported by some argument, and then reasons must be added why the points which tell against us should not be believed; since if we do not distinguish clearly between the two, it is to be feared that those which are favourable may suffer from their bad company.

Further rules are laid down with regard to the statement of fact, forbidding us to indulge in digression, apostrophe or argumentation or to put our words into the mouths of others. Some even add that we should make no appeal to the passions. These rules should for the most part be observed, indeed they should never be infringed unless the circumstances absolutely demand it. If our statement is to be clear and brief, almost anything can be justified sooner than digression. And if we do introduce a digression, it must always be short and of such a nature that we give the impression of having been forced from our proper course by some uncontrollable emotion. The passage in Cicero about the marriage of Sasia is a good

example of this. “What incredible wickedness in a woman! Unheard of in the history of mankind till she dared the sin! What unbridled and unrestrained lust, what amazing daring! One might have thought that, even if she had no regard for the vengeance of heaven and the opinion of man, she would at least have dreaded that night of all nights and those torches that lighted her to the bridal bed: that she would have shrunk in horror from the threshold of her chamber, from her daughter’s room and the very walls that had witnessed her former marriage.” As to addressing another in place of the judge, it may be a means of making a point with greater brevity and give it greater force. On this subject I hold the same view that I expressed in dealing with the *exordium*, as I do on the subject of impersonation. This artifice however is employed not only by Servius Sulpicius in his speech on behalf of Aufidia, when he cries “Am I to suppose that you were drowsed with sleep or weighed down by some heavy lethargy?” but by Cicero as well, when in a passage which, like the above, belongs to the statement of facts, in speaking of the ships’ captains he says, “You will give so much to enter, etc.” Again in the pro *Cluennio* does not the conversation between Staienus and Bulbus conduce to speed and enhance the credibility of the statements? In case it should be thought that Cicero did this without design (quite an incredible supposition in his case), I would point out that in the *Partitiones* he lays it down that the *statement of facts* should be characterised by passages which will charm and excite admiration or expectation, and marked by unexpected turns, conversations between persons and appeals to every kind of emotion. We shall, as I have already said, never argue points in the *statement of facts*, but we may sometimes introduce arguments, as for example Cicero does in the pro *Ligario*, when he says that he ruled his province in such a way that it was to his interest that peace should continue. We shall sometimes also, if occasion demand, insert a brief defence of the facts in the statement and trace the reasons that led up to them. For we must state our facts like advocates, not witnesses. A statement in its simplest form will run as follows, “Quintus Ligarius went out as legate to C. Considius.” But how will Cicero put it? “Quintus Ligarius,” he says, “set out for Africa as legate to Gaius Considius at a time when there was no thought of war.” And again elsewhere he says, “Not only not to war, but to a country where there was no thought of war.” And when the sense would have been sufficiently clear had he said no more than “Quintus Ligarius would not suffer himself to be entangled in any transaction,” he adds “for he had his eyes fixed on home and wished to return to his own people.” Thus he made what he stated credible by giving a reason for it and at the same time coloured it with emotion.

I am therefore all the more surprised at those who hold that there should be no appeal to the emotions in the *statement of facts*. If they were to say “Such appeals

should be brief and not on the scale on which they are employed in the *peroration*," I should agree with them; for it is important that the statement should be expeditious. But why, while I am instructing the judge, should I refuse to move him as well? Why should I not, if it is possible, obtain that effect at the very opening of the case which I am anxious to secure at its conclusion, more especially in view of the fact that I shall find the judge far more amenable to the cogency of my proof, if I have previously filled his mind with anger or pity? Does not Cicero, in his description of the scourging of a Roman citizen, in a few brief words stir all the emotions, not merely by describing the victim's position, the place where the outrage was committed and the nature of the punishment, but also by praising the courage with which he bore it? For he shows us a man of the highest character who, when beaten with rods, uttered not a moan nor an entreaty, but only cried that he was a Roman citizen, thereby bringing shame on his oppressor and showing his confidence in the law. Again does he not throughout the whole of his statement excite the warmest indignation at the misfortunes of Philodamus and move us even to tears when he speaks of his punishment and describes, or rather shows us as in a picture, the father weeping for the death of his son and the son for the death of his father? What can any *peroration* present that is more calculated to stir our pity? If you wait for the *peroration* to stir your hearer's emotions over circumstances which you have recorded unmoved in your *statement of facts*, your appeal will come too late. The judge is already familiar with them and hears their mention without turning a hair, since he was unstirred when they were first recounted to him. Once the habit of mind is formed, it is hard to change it.

For my own part (for I will not conceal my opinion, though it rests rather on actual examples than on rules), I hold that the *statement of fact* more than any portion of the speech should be adorned with the utmost grace and charm. But much will depend on the nature of the subject which we have to set forth. In slighter cases, such as are the majority of private suits, the decoration must be restrained and fit close to the subject, while the utmost care must be exercised in choice of words. The words which in our purple passages are swept along by the force of our eloquence and lost in the profusion of our language, must in cases such as these be clear and, as Zeno says, "steeped with meaning." The rhythm should be unobtrusive, but as attractive as possible, while the figures must neither be derived from poetry nor such as are contrary to current usage, though warranted by the authority of antiquity (for it is important that our language should be entirely normal), but should be designed to relieve tedium by their variety and should be frequently changed to relax the strain of attention. Thus we shall avoid repeating the same terminations and escape monotony of rhythm and a stereotyped turn of

phrase. For the *statement of facts* lacks all the other allurements of style and, unless it is characterised by this kind of charm, will necessarily fall flat. Moreover there is no portion of a speech at which the judge is more attentive, and consequently nothing that is well said is lost. And the judge is, for some reason or other, all the more ready to accept what charms his ear and is lured by pleasure to belief. When on the other hand the subject is on a larger scale, we have a chance to excite horror by our narration of abominable wrongs or pity by a tale of woe: but we must do so in such a way as not to exhaust our stock of emotions on the spot, but merely to indicate our harrowing story in outline so that it may at once be clear what the completed picture is like to be. Again I am far from disapproving of the introduction of some striking sentence designed to stimulate the judge's jaded palate. The best way of so doing is the interposition of a short sentence like the following: "Milo's slaves did what everyone would have wished his own slaves to do under similar circumstances": at times we may even be a little more daring and produce something like the following: "The mother-in-law wedded her son-in-law: there were no witnesses, none to sanction the union, and the omens were dark and sinister." If this was done in days when every speech was designed for practical purposes rather than display and the courts were far stricter than to-day, how much more should we do it now, when the passion for producing a thrill of pleasure has forced its way even into cases where a man's life or fortunes are in peril? I shall say later to what extent I think we should indulge popular taste in this respect: in the meantime I shall admit that some such indulgence is necessary. A powerful effect may be created if to the actual facts of the case we add a plausible picture of what occurred, such as will make our audience feel as if they were actual eyewitnesses of the scene. Such is the description introduced by Marcus Caelius in his speech against Antonius. "For they found him lying prone in a drunken slumber, snoring with all the force of his lungs, and belching continually, while the most distinguished of his female companions sprawled over every couch, and the rest of the seraglio lay round in all directions. They however perceived the approach of the enemy and, half-dead with terror, attempted to arouse Antonius, called him by name, heaved up his head, but all in vain, while one whispered endearing words into his ear, and another slapped him with some violence. At last he recognised the voice and touch of each and tried to embrace her who happened to be nearest. Once wakened he could not sleep, but was too drunk to keep awake, and so was bandied to and fro between sleeping and waking in the hands of his centurions and his paramours." Could you find anything more plausible in imagination, more vehement in censure or more vivid in description?

There is another point to which I must call attention, namely the credit which

accrues to the *statement of facts* from the authority of the speaker. Now such authority should first and foremost be the reward of our manner of life, but may also be conferred by our style of eloquence. For the more dignified and serious our style, the greater will be the weight that it will lend to our assertions. It is therefore specially important in this part of our speech to avoid anything suggestive of artful design, for the judge is never more on his guard than at this stage. Nothing must seem fictitious, nought betray anxiety; everything must seem to spring from the case itself rather than the art of the orator. But our modern orators cannot endure this and imagine that their art is wasted unless it obtrudes itself, whereas as a matter of fact the moment it is detected it ceases to be art. We are the slaves of applause and think it the goal of all our effort. And so we betray to the judges what we wish to display to the bystanders.

There is also a kind of repetition of the *statement* which the Greeks call ἐπιδηγήσις. It belongs to declamation rather than forensic oratory, and was invented to enable the speaker (in view of the fact that the statement should be brief) to set forth his facts at greater length and with more profusion of ornament, as a means of exciting indignation or pity. I think that this should be done but rarely and that we should never go to the extent of repeating the *statement* in its entirety. For we can attain the same result by a repetition only of parts. Anyone, however, who desires to employ this form of repetition, should touch but lightly on the facts when making his *statement* and should content himself with merely indicating what was done, while promising to set forth how it was done more fully when the time comes for it.

Some hold that the *statement of facts* should always begin by referring to some person, whom we must praise if he is on our side, and abuse if he is on the side of our opponents. It is true that this is very often done for the good reason that a lawsuit must take place between persons. Persons may however also be introduced with all their attendant circumstances, if such a procedure is likely to prove useful. For instance, "The father of my client, gentlemen, was Aulus Cluentius Habitus, a man whose character, reputation and birth made him the leading man not only in his native town of Larinum, but in all the surrounding district." Or again they may be introduced without such circumstances, as in the passage beginning "For Quintus Ligarius etc." Often, too, we may commence with a fact as Cicero does in the *pro Tullio*: "Marcus Tullius has a farm which he inherited from his father in the territory of Thurium," or Demosthenes in the speech in defence of Ctesiphon,—"On the outbreak of the Phocian war."

As regards the conclusion of the *statement of facts*, there is a controversy with those who would have the statement end where the issue to be determined begins.

Here is an example. “After these events the praetor Publius Dolabella issued an interdict in the usual form dealing with rioting and employment of armed men, ordering, without any exception, that Aebutius should restore the property from which he had ejected Caecina. He stated that he had done so. A sum of money was deposited. It is for you to decide to whom this money is to go.” This rule can always be observed by the prosecutor, but not always by the defendant.

CHAPTER III: VERIFICATION

In the natural order of things the *statement of fact* is followed by the *verification*. For it is necessary to prove the points which we stated with the proof in view. But before I enter on this portion, I have a few words to say on the opinions held by certain rhetoricians. Most of them are in the habit, as soon as they have completed the *statement of facts*, of digressing to some pleasant and attractive topic with a view to securing the utmost amount of favour from their audience. This practice originated in the display of the schools of declaration and thence extended to the courts as soon as causes came to be pleaded, not for the benefit of the parties concerned, but to enable the advocates to flaunt their talents. I imagine that they feared that if the slender stream of concise statement, such as is generally required, were followed by the pugnacious tone inevitable in the arguing of the case, the speech would fall flat owing to the postponement of the pleasures of a more expansive eloquence. The objection to this practice lies in the fact that they do this without the slightest consideration of the difference between case and case or reflecting whether what they are doing will in any way assist them, on the assumption that it is always expedient and always necessary. Consequently they transfer striking thoughts from the places which they should have occupied elsewhere and concentrate them in this portion of the speech, a practice which involves either the repetition of a number of things that they have already said or their omission from the place which was really theirs owing to the fact that they have already been said. I admit however that this form of digression can be advantageously appended, not merely to the *statement of facts*, but to each of the different questions or to the questions as a whole, so long as the case demand, or at any rate permit it. Indeed such a practice confers great distinction and adornment on a speech, but only if the digression fits in well with the rest of the speech and follows naturally on what has preceded, not if it is thrust in like a wedge parting what should naturally come together. For there is no part of a speech so closely connected with any other as the *statement* with the *proof*, though of course such a

digression may be intended as the conclusion of the *statement* and the beginning of the *proof*. There will therefore sometimes be room for digression; for example if the end of the *statement* has been concerned with some specially horrible theme, we may embroider the theme as though our indignation must find immediate vent. This, however, should only be done if there is no question about the facts. Otherwise it is more important to verify your charge than to heighten it, since the horrible nature of a charge is in favour of the accused, until the charge is proved. For it is just the most flagrant crimes that are the most difficult to prove. Again a digression may be advantageous if after setting forth the services rendered by your client to his opponent you denounce the latter for his ingratitude, or after producing a variety of charges in your statement, you point out the serious danger in which the advancement of such charges is likely to involve you. But all these digressions should be brief. For as soon as he has heard the facts set forth in order, the judge is in a hurry to get to the proof and desires to satisfy himself of the correctness of his impressions at the earliest possible moment. Further, care must be taken not to nullify the effect of the *statement* by diverting the minds of the court to some other theme and wearying them by useless delay.

But, though such digressions are not always necessary at the end of the *statement*, they may form a very useful preparation for the examination of the main question, more especially if at first sight it presents an aspect unfavourable to our case, if we have to support a harsh law or demand severe punishment. For this is the place for inserting what may be regarded as a second *exordium* with a view to exciting or mollifying the judge or disposing him to lend a favouring ear to our proofs. Moreover we can do this with all the greater freedom and vehemence at this stage of the proceedings since the case is already known to the judge. We shall therefore employ such utterances as emollients to soften the harder elements of our statement, in order that the ears of the jury may be more ready to take in what we have to say in the sequel and to grant us the justice which we ask. For it is hard to persuade a man to do anything against the grain. It is also important on such occasions to know whether the judge prefers equity or a strict interpretation of the law, since the necessity for such digression will vary accordingly.

Such passages may also serve as a kind of peroration after the main question. The Greeks call this παρέκβασις, the Romans *egressus* or *egression* (digression). They may however, as I have said, be of various kinds and may deal with different themes in any portion of the speech. For instance we may extol persons or places, describe regions, record historical or even legendary occurrences. As examples I may cite the praise of Sicily and the rape of Proserpine in the *Verrines*, or the famous recital of the virtues of Gneius Pompeius in the *pro Cornelio*, where the

great orator as though the course of his eloquence had been broken by the mere mention of the general's name, interrupts the topic on which he had already embarked and digresses forthwith to sing his praises. παρέκβασις may, I think, be defined as the handling of some theme, which must however have some bearing on the case, in a passage that involves digression from the logical order of our speech. I do not see therefore why it should be assigned a special position immediately following on the *statement of facts* any more than I understand why they think that the name is applicable only to a digression where some statement has to be made, when there are so many different ways in which a speech may leave the direct route. For whatever we say that falls outside the five divisions of the speech already laid down is a digression, whether it express indignation, pity, hatred, rebuke, excuse, conciliation or be designed to rebut invective. Other similar occasions for digression on points not involved by the question at issue arise when we amplify or abridge a topic, make any kind of emotional appeal or introduce any of those topics which add such charm and elegance to oratory, topics that is to say such as luxury, avarice, religion, duty: but these would hardly seem to be digressions as they are so closely attached to arguments on similar subjects that they form part of the texture of the speech. There are however a number of topics which are inserted in the midst of matter which has no connexion with them, when for example we strive to excite, admonish, appease, entreat or praise the judge. Such passages are innumerable. Some will have been carefully prepared beforehand, while others will be produced to suit the occasion or the necessity of the moment, if anything extraordinary should occur in the course of our pleading, such as an interruption, the intervention of some individual or a disturbance. For example, this made it necessary for Cicero to digress even in the *exordium* when he was defending Milo, as is clear from the short speech which he made on that occasion. But the orator who makes some preface to the main question or proposes to follow up his proofs with a passage designed to commend them to the jury, may digress at some length. On the other hand, if he breaks as say in the middle of his speech, he should not be long in returning to the point from which he departed.

CHAPTER IV: PROPOSITION

After the *statement of facts* some place the *proposition* which they regard as forming a division of a forensic speech. I have already expressed my opinion of this view. But it seems to me that the beginning of every *proof* is a *proposition*, such as often occurs in the demonstration of the main question and sometimes even in the

enunciation of individual arguments, more especially of those which are called ἐπιχειρήματα But for the moment I shall speak of the first kind. It is not always necessary to employ it. The nature of the main question is sometimes sufficiently clear without any *proposition*, especially if the *statement of facts* ends exactly where the question begins. Consequently the recapitulation generally employed in the case of arguments is sometimes placed immediately after the statement of facts. "The affair took place, as I have described, gentlemen: he that laid the ambush was defeated, violence was conquered by violence, or rather I should say audacity was crushed by valour." Sometimes *proposition* is highly advantageous, more especially when the fact cannot be defended and the question turns on the definition of the fact; as for example in the case of the man who has taken the money of a private individual from a temple: we shall say, "My client is charged with sacrilege. It is for you to decide whether it *was* sacrilege," so that the judge may understand that his sole duty is to decide whether the charge is tantamount to sacrilege. The same method may be employed in obscure or complicated cases, not merely to make the case clearer, but sometimes also to make it more moving. This effect will be produced, if we at once support our pleading with some such words as the following: "It is expressly stated in the law that for any foreigner who goes up on to the wall the penalty is death. You are undoubtedly a foreigner, and there is no question but that you went up on to the wall. The conclusion is that you must submit to the penalty." For this *proposition* forces a confession upon our opponent and to a certain extent accelerates the decision of the court. It does more than indicate the question, it contributes to its solution.

Propositions may be single, double or manifold: this is due to more than one reason. For several charges may be combined, as when Socrates was accused of corrupting the youth and of introducing new superstitions; while single *propositions* may be made up of a number of arguments, as for instance when Aeschines is accused of misconduct as an ambassador on the ground that he lied, failed to carry out his instructions, wasted time and accepted bribes. The defence may also contain several *propositions*: for instance against a claim for money we may urge, "Your claim is invalid; for you had no right to act as agent nor had the party whom you represent any right to employ an agent: further, he is not the heir of the man from whom it is asserted that I borrowed the money, nor am I his debtor." These *propositions* can be multiplied at pleasure, but it is sufficient to give an indication of my meaning. If *propositions* are put forward singly with the proofs appended, they will form several distinct *propositions*: if they are combined, they fall under the head of *partition*.

A *proposition* may also be put forward unsupported, as is generally done in conjectural cases: "The formal accusation is one of murder, but I also charge the

accused with theft.” Or it may be accompanied by a reason: “Gaius Cornelius is guilty of an offence against the state; for when he was tribune of the plebs, he himself read out his bill to the public assembly.” In addition to these forms of *proposition* we can also introduce a *proposition* of our own, such as “I accuse him of adultery,” or may use the *proposition* of our opponent, such as “The charge brought against me is one of adultery,” or finally we may employ a *proposition* which is common to both sides, such as “The question in dispute between myself and my opponent is, which of the two is next-of-kin to the deceased who died intestate.” Sometimes we may even couple contradictory *propositions*, as for instance “I say this, my opponent says that.”

We may at times produce the effect of a *proposition*, even though it is not in itself a *proposition*, by adding after the *statement of facts* some phrase such as the following: “These are the points on which you will give your decision,” thereby reminding the judge to give special attention to the question and giving him a fillip to emphasise the point that we have finished the *statement of facts* and are beginning the *proof*, so that when we start to verify our statements he may realise that he has reached a fresh stage where he must begin to listen with renewed attention.

CHAPTER V: PARTITION

Partition may be defined as the enumeration in order of our own *propositions*, those of our adversary or both. It is held by some that this is indispensable on the ground that it makes the case clearer and the judge more attentive and more ready to be instructed, if he knows what we are speaking about and what we are going subsequently to speak about. Others, on the contrary, think that such a course is dangerous to the speaker on two grounds, namely that sometimes we may forget to perform what we have promised and may, on the other hand, come upon something which we have omitted in the *partition*. But this will never happen to anyone unless he is either a fool or has come into court without thinking out his speech in detail beforehand. Besides, what can be simpler or clearer than a straightforward *partition*? It follows nature as a guide and the adhesion to a definite method is actually of the greatest assistance to the speaker’s memory. Therefore I cannot approve the view even of those who lay down that *partition* should not extend beyond the length of three *propositions*. No doubt there is a danger, if our *partition* is too complicated, that it may slip the memory of the judge and disturb his attention. But that is no reason why it should be tied down to a definite number of *propositions*, since the case may quite conceivably require more. There are further

reasons why we should sometimes dispense with *partition*. In the first place there are many points which can be produced in a more attractive manner, if they appear to be discovered on the spot and not to have been brought ready made from our study, but rather to have sprung from the requirements of the case itself while we were speaking. Thus we get those not unpleasing figures such as “It has almost escaped me,” “I had forgotten,” or “You do well to remind me.” For if we set forth all that we propose to prove in advance, we shall deprive ourselves of the advantage springing from the charm of novelty. Sometimes we shall even have to hoodwink the judge and work upon him by various artifices so that he may think that our aim is other than what it really is. For there are cases when a *proposition* may be somewhat startling: if the judge foresees this, he will shrink from it in advance, like a patient who catches sight of the surgeon’s knife before the operation. On the other hand, if we have given him no preliminary notice and our words take him unawares, without his interest in them having been previously roused by any warning, we shall gain a credence which we should not have secured had we stated that we were going to raise the point. At times we must not merely avoid distinguishing between the various questions, but must omit them altogether, while our audience must be distracted by appeals to the emotion and their attention diverted. For the duty of the orator is not merely to instruct: the power of eloquence is greatest in emotional appeals. Now there is no room for passion if we devote our attention to minute and microscopic division at a time when we are seeking to mislead the judgment of the person who is trying the case. Again, there are certain arguments which are weak and trivial when they stand alone, but which have great force when produced in a body. We must, therefore, concentrate such arguments, and our tactics should be those of a sudden charge in mass. This, however, is a practice which should be resorted to but rarely and only under extreme necessity when reason compels us to take a course which is apparently irrational. In addition it must be pointed out that in any *partition* there is always some one point of such special importance, that when the judge has heard it he is impatient with the remainder, which he regards as superfluous. Consequently if we have to prove or refute a number of points, *partition* will be both useful and attractive, since it will indicate in order what we propose to say on each subject. On the other hand, if we are defending one point on various grounds *partition* will be unnecessary. If you were to make a *partition* such as the following, “I will not say that the character of my client is such as to render him incapable of murder, I will only say that he had no motive for murder and that at the time when the deceased was killed he was overseas,” in that case all the proofs which you propose to bring before this, the final proof, must needs seem superfluous to the judge. For the judge is always in a hurry to reach the most

important point. If he has a patient disposition he will merely make a silent appeal to the advocate, whom he will treat as bound by his promise. On the other hand, if he is busy, or holds exalted position, or is intolerant by nature, he will insist in no very courteous manner on his coming to the point. For these reasons there are some who disapprove of the *partition* adopted by Cicero in the *pro Cluentio*, where he premises that he is going to show, first, “that no man was ever arraigned for greater crimes or on stronger evidence than Oppianicus,” secondly, “that previous judgments had been passed by those very judges by whom he was condemned,” and finally, “that Cluentius made no attempt to bribe the jury, but that his opponent did.” They argue that if the third point can be proved, there is no need to have urged the two preceding. On the other hand you will find no one so unreasonable or so foolish as to deny that the *partition* in the *pro Murena* is admirable. “I understand, gentlemen, that the accusation falls into three parts, the first aspersing my client’s character, the second dealing with his candidature for the magistracy, and the third with charges of bribery.” These words make the case as clear as possible, and no one division renders any other superfluous.

There are also a number who are in doubt as to a form of defence which I may exemplify as follows: “If I murdered him, I did right; but I did not murder him.” What, they ask, is the value of the first part, if the second can be proved, since they are mutually inconsistent, and if anyone employs both arguments, we should believe neither? This contention is partially justified; we should employ the second alone only if the fact can be proved without a doubt. But if we have any doubts as to being able to prove the stronger argument, we shall do well to rely on both. Different arguments move different people. He who thinks that the act was committed may regard it as a just act, while he who is deaf to the plea that the act was just may perhaps believe that it was never committed: one who is confident of his powers as a marksman may be content with one shaft, whereas he who has no such confidence will do well to launch several and give fortune a chance to come to his assistance. Cicero in the *pro Milone* reveals the utmost skill in showing first that Clodius laid an ambush for Milo and then in adding as a supernumerary argument that, even if he had not done so, he was nevertheless so bad a citizen that his slaying could only have done credit to the patriotism of the slayer and redounded to his glory. I would not however entirely condemn the order mentioned above, since there are certain arguments which, though hard in themselves, may serve to soften those which come after. The proverb, “If you want to get your due, you must ask for something more,” is not wholly unreasonable. Still no one should interpret it to mean that you must stop short of nothing. For the Greeks are right when they lay it down as a rule that we should not attempt the impossible. But whenever the

double-barrelled defence of which I am speaking is employed, we must aim at making the first argument support the credibility of the second. For he who might without danger to himself have confessed to the commission of the act, can have no motive for lying when he denies the commission.

Above all it is important, whenever we suspect that the judge desires a proof other than that on which we are engaged, to promise that we will satisfy him on the point fully and without delay, more especially if the question is one of our client's honour. But it will often happen that a discreditable case has the law on its side, and to prevent the judges giving us only a grudging and reluctant hearing on the point of law, we shall have to warn them with some frequency that we shall shortly proceed to defend our client's honour and integrity, if they will only wait a little and allow us to follow the order of our proofs. We may also at times pretend to say certain things against the wishes of our clients, as Cicero does in the *pro Cluentio* when he discusses the law dealing with judicial corruption. Occasionally we may stop, as though interrupted by our clients, while often we shall address them and exhort them to let us act as we think best. Thus we shall make a gradual impression on the mind of the judge, and, buoyed up by the hope that we are going to clear our client's honour, he will be less ill-disposed toward the harder portions of our proof. And when he has accepted these, he will be all the readier to listen to our defence of our client's character. Thus the two points will render mutual assistance to each other; the judge will be more attentive to our legal proofs owing to his hope that we shall proceed to a vindication of character and better disposed to accept that vindication because we have proved our point of law.

But although *partition* is neither always necessary nor useful, it will, if judiciously employed, greatly add to the lucidity and grace of our speech. For it not only makes our arguments clearer by isolating the points from the crowd in which they would otherwise be lost and placing them before the eyes of the judge, but relieves his attention by assigning a definite limit to certain parts of our speech, just as our fatigue upon a journey is relieved by reading the distances on the milestones which we pass. For it is a pleasure to be able to measure how much of our task has been accomplished, and the knowledge of what remains to do stimulates us to fresh effort over the labour that still awaits us. For nothing need seem long, when it is definitely known how far it is to the end. Quintus Hortensius deserves the high praise which has been awarded him for the care which he took over his *partitions*, although Cicero more than once indulges in kindly mockery of his habit of counting his headings on his fingers. For there is a limit to gesture, and we must be specially careful to avoid excessive minuteness and any suggestion of articulated structure in *our partition*. If our divisions are too small, they cease to be limbs and become

fragments, and consequently detract not a little from the authority of our speech. Moreover, those who are ambitious of this sort of reputation, in order that they may appear to enhance the nicety and tile exhaustive nature of their division, introduce what is superfluous and subdivide things which naturally form a single whole. The result of their labours is, however, not so much to increase the number of their divisions as to diminish their importance, and after all is done and they have split up their argument into a thousand tiny compartments, they fall into that very obscurity which the *partition* was designed to eliminate.

The *proposition*, whether single or multiple, must, on every occasion when it can be employed with profit, be clear and lucid; for what could be more discreditable than that a portion of the speech, whose sole purpose is to prevent obscurity elsewhere, should itself be obscure? Secondly it must be brief and must not be burdened with a single superfluous word; for we are not explaining what we *are* saying, but what we are going to say. We must also ensure that it is free alike from omissions and from redundancy. Redundance as a rule occurs through our dividing into *species* when it would be sufficient to divide into *genera*, or through the addition of *species* after stating the *genus*. The following will serve as an example: "I will speak of virtue, justice and abstinence." But justice and abstinence are *species* of tile *genus* virtue. Our first *partition* will be between admitted and disputed facts. Admitted facts will then be divided into those acknowledged by our opponent and those acknowledged by ourselves. Disputed facts will be divided into those which we and those which our opponents allege. But the worst fault of all is to treat your points in an order different from that which was assigned them in your *proposition*.

BOOK V

PREFACE: IMPORTANCE OF PROOFS

There have been certain writers of no small authority who have held that the sole duty of the orator was to instruct: in their view appeals to the emotions were to be excluded for two reasons, first on the ground that all disturbance of the mind was a fault, and secondly that it was wrong to distract the judge from the truth by exciting his pity, bringing influence to bear, and the like. Further, to seek to charm the audience, when the aim of the orator was merely to win success, was in their opinion not only superfluous for a pleader, but hardly worthy of a self-respecting man. The majority however, while admitting that such arts undoubtedly formed part of oratory, held that its special and peculiar task is to make good the case which it maintains and refute that of its opponent. Whichever of these views is correct (for at this point I do not propose to express my own opinion), they will regard this book as serving a very necessary purpose, since it will deal entirely with the points on which they lay such stress, although all that I have already said on the subject of judicial causes is subservient to the same end. For the purpose of the *exordium* and the *statement of facts* is merely to prepare the judge for these points, while it would be a work of supererogation to know the *bases* of cases or to consider the other points dealt with above, unless we intend to proceed to the consideration of the *proof*. Finally, of the five parts into which we divided judicial cases, any single one other than the *proof* may on occasion be dispensed with. But there can be no suit in which the *proof* is not absolutely necessary. With regard to the rules to be observed in this connexion, we shall, I think, be wisest to follow our previous method of classification and show first what is common to all cases and then proceed to point out those which are peculiar to the several kinds of cases.

CHAPTER I: DIVISION OF PROOFS

To begin with it may be noted that the division laid down by Aristotle has met with almost universal approval. It is to the effect that there are some proofs adopted by the orator which lie outside the art of speaking, and others which he himself deduces or, if I may use the term, begets out of his case. The former therefore have been styled ἀτεχνοί or *inartificial* proofs, the latter ἐντεχνοί or *artificial*. To the first class belong decisions of previous courts, rumours, evidence extracted by torture, documents, oaths, and witnesses, for it is with these that the majority of forensic arguments are concerned. But though in themselves they involve no art, all

the powers of eloquence are as a rule required to disparage or refute them. Consequently in my opinion those who would eliminate the whole of this class of proof from their rules of oratory, deserve the strongest condemnation. It is not, however, my intention to embrace all that can be said for or against these views. I do not for instance propose to lay down rules for commonplaces, a task requiring infinite detail, but merely to sketch out the general lines and method to be followed by the orator. The method once indicated, it is for the individual orator not merely to employ his powers on its application, but on the invention of similar methods as the circumstances of the case may demand. For it is impossible to deal with every kind of case, even if we confine ourselves to those which have actually occurred in the past without considering those which may occur in the future.

CHAPTER II: LEGAL PRECEDENTS

As regards decisions in previous courts, these fall under three heads. First, we have matters on which judgment has been given at some time or other in cases of a similar nature: these are, however, more correctly termed precedents, as for instance where a father's will has been annulled or confirmed in opposition to his sons. Secondly, there are judgments concerned with the case itself; it is from these that the name *praeiudicium* is derived: as examples I may cite those passed against Oppianicus or by the senate against Milo. Thirdly, there are judgments passed on the actual case, as for example in cases where the accused has been deported, or where renewed application is made for the recognition of an individual as a free man, or in portions of cases tried in the centumviral court which come before two different panels of judges. Such previous decisions are as a rule confirmed in two ways: by the authority of those who gave the decision and by the likeness between the two cases. As for their reversal, this can rarely be obtained by denouncing the judges, unless they have been guilty of obvious error. For each of those who are trying the case wishes the decision given by another to stand, since he too has to give judgment and is reluctant to create a precedent that may recoil upon himself. Consequently, as regards the first two classes, we must, if possible, take refuge in some dissimilarity between the two cases, and two cases are scarcely ever alike in all their details. If, however, such a course is impossible and the case is the same as that on which the previous decision was given, we must complain of the negligence shown in the conduct of the previous case or of the weakness of the parties condemned, or of undue influence employed to corrupt the witnesses, or again of popular prejudice or ignorance which reacted unfavourably against our client; or

else we must consider what has occurred since to alter the aspect of the case. If none of these courses can be adopted, it will still be possible to point out that the peculiar circumstances of many trials have led to unjust decisions; hence condemnations such as that of Rutilius and acquittals such as those of Clodius and Catiline. We must also ask the judges to consider the facts of the case on their merits rather than make their verdict the inevitable consequence of a verdict given by others. When, however, we are confronted by decrees of the senate, or ordinances of emperors or magistrates, there is no remedy, unless we can make out that there is some difference, however small, between the cases, or that the same persons or persons holding the same powers have made some subsequent enactment reversing the former decision. Failing this, there will be no case for judgment.

CHAPTER III: RUMOR

With regard to rumour and common report, one party will call them the verdict of public opinion and the testimony of the world at large; the other will describe them as vague talk based on no sure authority, to which malignity has given birth and credulity increase, an ill to which even the most innocent of men may be exposed by the deliberate dissemination of falsehood on the part of their enemies. It will be easy for both parties to produce precedents to support their arguments.

CHAPTER IV: TORTURE

A like situation arises in the case of evidence extracted by torture: one party will style torture an infallible method of discovering the truth, while the other will allege that it also often results in false confessions, since with some their capacity of endurance makes lying an easy thing, while with others weakness makes it a necessity. It is hardly worth my while to say more on the subject, as the speeches both of ancient and modern orators are full of this topic. Individual cases may however involve special considerations in this connexion. For if the point at issue is whether torture should be applied, it will make all the difference who it is who demands or offers it, who it is that is to be subjected to torture, against whom the evidence thus sought will tell, and what is the motive for the demand. If on the other hand torture has already been applied, it will make all the difference who was in charge of the proceedings, who was the victim and what the nature of the torture, whether the confession was credible or consistent, whether the witness stuck to his

first statement or changed it under the influence of pain, and whether he made it at the beginning of the torture or only after it had continued some time. The variety of such questions is as infinite as the variety of actual cases.

CHAPTER V: DOCUMENTS

It is also frequently necessary to speak against documents, for it is common knowledge that they are often not merely rebutted, but even attacked as forgeries. But as this implies either fraud or ignorance on the part of the signatories, it is safer and easier to make the charge one of ignorance, because by so doing we reduce the number of the persons accused. But our proceedings as a whole will draw their arguments from the circumstances of the case at issue. For example, it may be incredible that an incident occurred as stated in the documents, or, as more often happens, the evidence of the documents may be overthrown by other proofs which are likewise of an *inartificial* nature; if, for example, it is alleged that the person, whose interests are prejudiced by the document, or one of the signatories was absent when the document was signed, or deceased before its signature, or if the dates disagree, or events preceding or following the writing of the document are inconsistent with it. Even a simple inspection of a document is often sufficient for the detection of forgery.

CHAPTER VI: IMPORTANCE OF OATHS

With regard to oaths, parties either offer to take an oath themselves, or refuse to accept the oath of their opponent, demand that their opponent should take an oath or refuse to comply with a similar demand when proffered to themselves. To offer to take an oath unconditionally without demanding that one's opponent should likewise take an oath is as a rule a sign of bad faith. If, however, anyone should take this course, he will defend his action by appealing to the blamelessness of his life as rendering perjury on his part incredible, or by the solemn nature of the oath, with regard to which he will win all the greater credence, if without the least show of eagerness to take the oath he makes it clear that he does not shrink from so solemn a duty. Or again, if the case is such as to make this possible, he will rely on the trivial nature of the point in dispute to win belief, on the ground that he would not incur the risk of the divine displeasure when so little is at stake. Or, finally, he may in addition to the other means which he employs to win his case

offer to take an oath as a culminating proof of a clear conscience. The man who refuses to accept his opponent's offer to take an oath, will allege that the inequality of their respective conditions are not the same for both parties and will point out that many persons are not in the least afraid of committing perjury, even philosophers having been found to deny that the gods intervene in human affairs; and further that he who is ready to take an oath without being asked to do so, is really proposing to pass sentence on his own case and to show what an easy and trivial thing he thinks the oath which he offers to take. On the other hand the man who proposes to put his opponent on oath appears to act with moderation, since he is making his adversary a judge in his own case, while he frees the actual judge from the burden of coming to a decision, since the latter would assuredly prefer to rest on another man's oath than on his own. This fact makes the refusal to take an oath all the more difficult, unless indeed the affair in question be of such a nature that it cannot be supposed that the facts are known to the person asked to take the oath. Failing this excuse, there is only one course open to him: he must say that his opponent is trying to excite a prejudice against him and is endeavouring to give the impression that he has real ground for complaint though he is not in a position to win his case; consequently, though a dishonest man would eagerly have availed himself of the proposal, he prefers to prove the truth of his statements rather than leave a doubt in anyone's mind as to whether he has committed perjury or no. But in my young days advocates grown old in pleading used to lay it down as a rule that we should never be in a hurry to propose that our opponent should take an oath, just as we should never allow him the choice of a judge nor select our judge from among the supporters of the opposite side: for if it is regarded as a disgrace to such a supporter to say anything against his client, it is surely a still worse disgrace that he should do anything that will harm his client's case.

CHAPTER VII: EVIDENCE

It is, however, the evidence that gives the greatest trouble to advocates. Evidence may be given either in writing or orally by witnesses present in court. Documentary evidence is easier to dispose of. For it is likely that the deponent was less ashamed of himself in the presence of a small number of witnesses, and his absence from court is attacked as indicating a lack of confidence. If we cannot call the character of the deponent in question, we may attack the witnesses to his signature. Further there is always a certain tacit prejudice against documentary evidence, since no one can be forced to give such evidence save of his own free will,

whereby he shows that he harbours unfriendly feelings towards the person against whom he bears witness. On the other hand an advocate should be chary of denying that a friend may give true evidence against a friend or an enemy against an enemy, provided they are persons of unimpeachable credit. But the subject admits of copious discussion, from whichever side it be regarded.

The task of dealing with the evidence of witnesses present in court is, however, one of great difficulty, and consequently whether defending or impugning them the orator employs a twofold armoury in the shape of a set speech and examination. In set speeches it is usual to begin with observations either on behalf of or against witnesses in general. In so doing we introduce a commonplace, since one side will contend that there can be no stronger proof than that which rests on human knowledge, while the other, in order to detract from their credibility, will enumerate all the methods by which false evidence is usually given. The next procedure is the common practice of making a special attack, which all the same involves impugning the validity of evidence given by large numbers of persons. We know, for instance, that the evidence of entire nations and whole classes of evidence have been disposed of by advocates. For example, in the case of hearsay evidence, it will be urged that those who produce such evidence are not really witnesses, but are merely reporting the words of unsworn persons, while in cases of extortion, those who swear that they paid certain sums to the accused are to be regarded not as witnesses, but as parties to the suit. Sometimes however the advocate will direct his speech against single individuals. Such a form of attack may be found in many speeches, sometimes embedded in the speech for the defence and sometimes published separately like the speech against the evidence of Vatinius. The whole subject, therefore, demands a thorough investigation, as the task which we have in hand is the complete education of an orator. Otherwise the two books written on this subject by Domitius Afer would suffice. I attended his lectures when he was old and I was young, and consequently have the advantage not merely of having read his book, but of having heard most of his views from his own lips. He very justly lays down the rule that in this connexion it is the first duty of an orator to make himself thoroughly acquainted with the case, a remark which of course applies to all portions of a speech. How such knowledge may be acquired I shall explain when I come to the appropriate portion of this work. This knowledge will suggest material for the examination and will supply weapons ready to the speaker's hand: it will also indicate to him the points for which the judge's mind must be prepared in the set speech. For it is by the set speech that the credit of witnesses should be established or demolished, since the effect of evidence on the individual judge depends on the extent to which he has been previously influenced in the direction

of believing the witness or the reverse.

And since there are two classes of witnesses those who testify of their own free will and those who are summoned to attend in the public courts of whom the former are available to either party, the latter solely to the accusers, we must distinguish between the duties of the advocate who produces witnesses and the advocate who refutes them.

He who produces a voluntary witness is in a position to know what he is likely to say: consequently the task of examining him would seem to be rendered easier. But even here such cases make a great demand on the acumen and watchfulness of the advocate, who must see that his witness is neither timid, inconsistent nor imprudent. For the opposing counsel have a way of making a witness lose his head or of leading him into some trap; and once a witness trips, he does more harm to his own side than he would have done good, had he retained his composure and presence of mind. The advocate must therefore put his witnesses through their paces thoroughly in private before they appear in court and must test them by a variety of questions such as may well be put to them by his opponent. The result will be that they will not contradict themselves or, if they do make some slip, can be set upon their feet again by a timely question from the advocate who produces them. Still, even in the case of witnesses whose evidence is consistent, we must be on our guard against treachery. For such witnesses are often put up by one's opponent and, after promising to say everything that will help our case, give answers of exactly the opposite character and carry more weight by the admission of facts which tell against us than they would have done had they disproved them. We must therefore discover what motives they have for doing our opponent a hurt, and the fact that they were once his enemies will not suffice our purpose: we must find out whether they have ceased to be ill-disposed to him or whether they desire by means of their evidence to effect a reconciliation with him, in order to assure ourselves that they have not been bribed or repented of their previous attitude and changed their purpose. Such precautions are necessary even with witnesses who know that what they propose to say is true; but it is still more necessary with those who promise to give false evidence. For experience shows that they are more likely to repent of their purpose, their promises are less to be relied on, and, if they do keep their promise, their evidence is easier to refute.

Witnesses appearing in answer to a subpoena may be divided into two classes: those who desire to harm the accused, and those who do not. The accuser sometimes is aware of their disposition, sometimes unaware. For the moment let us assume that he is aware of their disposition, although I must point out that in either case the utmost skill is required in their examination. For if an advocate is

producing a witness who is desirous of harming the accused, he must avoid letting this desire become apparent, and must not at once proceed to question him on the point at issue. On the contrary this point must be approached by a circuitous route in such a manner as to make it seem that the statement which the witness is really desirous of making has been forced from him. Again lie should not press the witness too much, for fear he should impair his credit by the glibness with which lie answers every question, but should draw from him just so much as may seem reasonable to elicit from a single witness. On the other hand in the case of a witness who is reluctant to tell the truth, the essential for successful examination is to extort the truth against his will. This can only be done by putting questions which have all the appearance of irrelevance. If this he done, he will give replies which he thinks can do no harm to the party which he favours, and subsequently will be led on from the admissions which he has made to a position which renders it impossible for him to deny the truth of the facts which he is reluctant to state. For just as in a set speech we usually collect detached arguments which in themselves seem innocuous to the accused, but taken together prove the case against him, so we must ask the reluctant witness a number of questions relative to acts antecedent or subsequent to the case, places, dates, persons, etcetera, with a view to luring him into some reply which will force him to make the admissions which we desire or to contradict his previous evidence. If this fails, we must content ourselves with making it clear that he is reluctant to tell what he knows, and lead him with a view to tripping him up on some point or other, even though it be irrelevant to the case; we must also keep him in the witness-box for an unusual length of time, so that by saying everything that can be said and more than is necessary on behalf of the accused, he may be rendered suspect to the judge. Thus he will do the accused no less harm than if he had told the truth against him. But if (to proceed to our second supposition) the advocate does not know what the intentions of the witness may be, he must advance gradually inch by inch and sound him by examination and lead him step by step to the particular reply which it is desired to elicit. But since these witnesses are sometimes so artful that their first replies are designed to meet the wishes of the questioner, in order to win all the greater credit when subsequently they answer in a very different way, it will be the duty of the advocate to dismiss a suspect witness while he can still do so with advantage.

In the case of advocates for the defence examination is in some respects easier, in some more difficult. It is more difficult because it is rarely possible for them to have any previous knowledge of what the witness is likely to say, and easier because, when they come to cross-examine, they know what he has already said. Consequently in view of the uncertainty involved, there is need for careful inquiry

with a view to discovering the character of the witness against the accused and what are his motives for hostility and what its extent: and all such points about the witness should be set forth in advance and disposed of, whether we desire to represent the evidence against the accused as instigated by hatred, envy, bribery or influence. Further, if our opponents bring forward only a small number of witnesses, we must attack them on that head; if on the other hand they produce an excessive number, we must accuse them of conspiracy: if the witnesses are persons of inconspicuous rank, we must minimise their importance, while if they are powerful, we shall accuse our adversaries of bringing undue influence to bear. It will, however, be still more helpful if we expose the motives which they have for desiring to injure the accused, and these will vary according to the nature of the case and the parties concerned. For the other lines of argument mentioned above are often answered by the employment of commonplaces on similar lines, since the prosecutor, if he produce but few witnesses of inconspicuous rank, can parade the simple honesty of his methods on the ground that he has produced none save those who are in a position to know the real facts, while if he produce a number of distinguished witnesses, it is even easier to commend them to the court. But at times, just as we have to praise individual witnesses, so we may have to demolish them, whether their evidence has been given in documentary form or they have been summoned to appear in person. This was easier and of more frequent occurrence in the days when the examination of the witnesses was not deferred till after the conclusion of the pleading. With regard to what we should say against individual witnesses, no general rules can be laid down: it will depend on the personality of the witness.

It remains to consider the technique to be followed in the examination of witnesses. The first essential is to know your witness. For a timid witness may be terrorised, a fool outwitted, an irascible man provoked, and vanity flattered. The shrewd and self-possessed witness, on the other hand, must be dismissed at once as being malicious and obstinate; or refuted, not by cross-examination, but by a brief speech from the counsel for the defence; or may be put out of countenance by some jest, if a favourable opportunity presents itself; or, if his past life admits of criticism, his credit may be overthrown by the scandalous charges which can be brought against him. It has been found advantageous at times when confronted with an honest and respectable witness to refrain from pressing him hard, since it is often the case that those who would have defended themselves manfully against attack are mollified by courtesy. But every question is either concerned with the case itself or with something outside the case. As regards the first type of question counsel for the defence may, by adopting a method which I have already recommended for the

prosecutor, namely by commencing his examination with questions of an apparently irrelevant and innocent character and then by comparing previous with subsequent replies, frequently lead witnesses into such a position that it becomes possible to extort useful admissions from them against their will. The schools, it is true, give no instruction either as to theory or practice in this subject, and skill in examination comes rather from natural talent or practice. If, however, I am asked to point out a model for imitation, I can recommend but one, namely that which may be found in the dialogues of the Socratics and more especially of Plato, in which the questions put are so shrewd that although individually as a rule the answers are perfectly satisfactory to the other side, yet the questioner reaches the conclusion at which he is aiming. Fortune sometimes is so kind that a witness gives an answer involving some inconsistency, while at times (and this is a more frequent occurrence) one witness contradicts another. But acute examination methodically conducted will generally reach the same result which is so often reached by chance. There are also a number of points strictly irrelevant to the case on which questions may be put with advantage. We may for example ask questions about the past life of other witnesses or about the witness' own character, with a view to discovering whether they can be charged with some disgraceful conduct, or degrading occupation, with friendship with the prosecutor or hostility toward the accused, since in replying to such questions they may say something which will help our cause or may be convicted of falsehood or of a desire to injure the accused. But above all our examination must be circumspect, since a witness will often launch some smart repartee in answering counsel for the defence and thereby win marked favour from the audience in general. Secondly, we must put our questions as far as possible in the language of everyday speech that the witness, who is often an uneducated man, may understand our meaning, or at any rate may have no opportunity of saying that he does not know what we mean, a statement which is apt to prove highly disconcerting to the examiner. I must however express the strongest disapproval of the practice of sending a suborned witness to sit on the benches of the opposing party, in order that on being called into the witness-box from that quarter he may thereby do all the more damage to the case for the accused by speaking against the party with whose adherents he was sitting or, while appearing to help him by his testimony, deliberately giving his evidence in such an extravagant and exaggerated manner, as not only to detract from the credibility of his own statements, but to annul the advantage derived from the evidence of those who were really helpful. I mention this practice not with a view to encourage it, but to secure its avoidance.

Documentary evidence is not frequently in conflict with oral. Such a

circumstance may be turned to advantage by either side. For one party will rest its case on the fact that the witness is speaking on oath, the other on the unanimity of the signatories. Again there is often a conflict between the evidence and the arguments. One party will argue that the witnesses know the facts and are bound by the sanctity of their oath, while the arguments are nought but ingenious juggling with the facts. The other party will argue that witnesses are procured by influence, fear, money, anger, hatred, friendship, or bribery, whereas arguments are drawn from nature; in giving his assent to the latter the judge is believing the voice of his own reason, in accepting the former he is giving credence to another. Such problems are common to a number of cases, and are and will always be the subject of vehement debate. Sometimes there are witnesses on both sides and the question arises with regard to themselves as to which are the more respectable in character, or with regard to the case, which have given the more credible evidence, with regard to the parties to the case, which has brought the greater influence to bear on the witnesses. If to this kind of evidence anyone should wish to add evidence of the sort known as supernatural, based on oracles, prophecies and omens, I would remind him that there are two ways in which these may be treated. There is the general method, with regard to which there is an endless dispute between the adherents of the Stoics and the Epicureans, as to whether the world is governed by providence. The other is special and is concerned with particular departments of the art of divination, according as they may happen to affect the question at issue. For the credibility of oracles may be established or destroyed in one way, and that of soothsayers, augurs, diviners and astrologers in another, since the two classes differ entirely in nature. Again the task of establishing or demolishing such evidence as the following will give the orator plenty to do; as for example if certain words have been uttered under the influence of wine, in sleep or in a fit of madness, or if information has been picked up from the mouths of children, whom the one party will assert to be incapable of invention, while the other will assert that they do not know what they are saying. The following method may not merely be used with great effect, but may even be badly missed when it is not employed. *You gave me the money. Who counted it out? Where did this occur and from what source did the money come? You accuse me of poisoning. Where did I buy the poison and from whom? What did I pay for it and whom did I employ to administer it? Who was my accomplice?* Practically all these points are discussed by Cicero in dealing with the charge of poisoning in the *pro Cluentio*. This concludes my observations upon inartificial proofs. I have stated them as briefly as I could.

CHAPTER VIII: ARTIFICIAL PROOFS IN GENERAL

The second class of proofs are wholly the work of art and consist of matters specially adapted to produce belief. They are, however, as a rule almost entirely neglected or only very lightly touched on by those who, avoiding arguments as rugged and repulsive things, confine themselves to pleasanter regions and, like those who, as poets tell, were bewitched by tasting a magic herb in the land of the Lotus-eaters or by the song of the Sirens into preferring pleasure to safety, follow the empty semblance of renown and are robbed of that victory which is the aim of eloquence. And yet those other forms of eloquence, which have a more continuous sweep and flow, are employed with a view to assisting and embellishing the arguments and produce the appearance of super inducing a body upon the sinews, on which the whole case rests; thus if it is asserted that some act has been committed under the influence of anger, fear or desire, we may expatiate at some length on the nature of each of these passions. It is by these same methods that we praise, accuse, exaggerate, attenuate, describe, deter, complain, console or exhort. But such rhetorical devices may be employed in connexion with matters about which there is no doubt or at least which we speak of as admitted facts. Nor would I deny that there is some advantage to be gained by pleasing our audience and a great deal by stirring their emotions. Still, all these devices are more effective, when the judge thinks he has gained a full knowledge of the facts of the case, which we can only give him by argument and by the employment of every other known means of proof.

Before, however, I proceed to classify the various species of artificial proof, I must point out that there are certain features common to all kinds of proof. For there is no question which is not concerned either with things or persons, nor can there be any ground for argument save in connexion with matters concerning things or persons, which may be considered either by themselves or with reference to something else; while there can be no proof except such as is derived from things consequent or things opposite, which must be sought for either in the time preceding, contemporaneous with or subsequent to the alleged fact, nor can any single thing be proved save by reference to something else which must be greater, less than or equal to it. As regards arguments, they may be found either in the questions raised by the case, which may be considered by themselves quite apart from any connexion with individual things or persons, or in the case itself, when anything is discovered in it which cannot be arrived at by the light of common reason, but is peculiar to the subject on which judgment has to be given. Further,

all proofs fall into three classes, necessary, credible, and not impossible. Again there are four forms of proof. First, we may argue that, because one thing is, another thing is not; as *It is day and therefore not night*. Secondly, we may argue that, because one thing is, another thing is; as *The sun is risen, thereit is day*. Thirdly, it may be argued that because one thing is not, another thing is; as *It is not night, therefore it is day*. Finally, it may be argued that, because one thing is not, another thing is not; as *He is not a reasoning being, therefore he is not a man*. These general remarks will suffice by way of introduction and I will now proceed to details.

CHAPTER IX: INDICATIONS

Every artificial proof consists either of indications, arguments or examples. I am well aware that many consider indications to form part of the arguments. My reasons for distinguishing them are twofold. In the first place indications as a rule come under the head of inartificial proofs: for a bloodstained garment, a shriek, a dark blotch and the like are all evidence analogous to documentary or oral evidence and rumours; they are not discovered by the orator, but are given him with the case itself. My second reason was that indications, if indubitable, are not arguments, since they leave no room for question, while arguments are only possible in controversial matters. If on the other hand they are doubtful, they are not arguments, but require arguments to support them.

The two first species into which artificial proofs may be divided are, as I have already said, those which involve a conclusion and those which do not. The former are those which cannot be otherwise and are called τεκμήρια, by the Greeks, because they are indications from which there is no getting away. These however seem to me scarcely to come under the rules of art. For where an indication is irrefutable, there can be no dispute as to facts. This happens whenever there can be no doubt that something is being or has been done, or when it is impossible for it to be or have been done. In such cases there can be no dispute as to the fact. This kind of proof may be considered in connexion with past, present or future time. For example, a woman who is delivered of a child must have had intercourse with a man, and the reference is to the past. When there is a high wind at sea, there must be waves, and the reference is to the present. When a man has received a wound in the heart, he is bound to die, and the reference is to the future. Nor again can there be a harvest where no seed has been sown, nor can a man be at Rome when he is at Athens, nor have been wounded by a sword when he has no scar. Some have the same force when reversed: a man who breathes is alive, and a man who is alive

breathes. Some again cannot be reversed: because he who walks moves it does not follow that he who moves walks. So too a woman, who has not been delivered of a child, may have had intercourse with a man, there may be waves without a high wind, and a man may die without having received a wound in the heart. Similarly seed may be sown without a harvest resulting, a man, who was never at Athens, may never have been at Rome, and a man who has a scar may not have received a sword-wound.

There are other indications or εἰκότα, that is probabilities, as the Greeks call them, which do not involve a necessary conclusion. These may not be sufficient in themselves to remove doubt, but may yet be of the greatest value when taken in conjunction with other indications. The Latin equivalent of the Greek σημεῖον is *signum*, a sign, though some have called it *indicium*, an indication, or *vestigium*, a trace. Such signs or indications enable us to infer that something else has happened; blood for instance may lead us to infer that a murder has taken place. But bloodstains on a garment may be the result of the slaying of a victim at a sacrifice or of bleeding at the nose. Everyone who has a bloodstain on his clothes is not necessarily a murderer. But although such an indication may not amount to proof in itself, yet it may be produced as evidence in conjunction with other indications, such for instance as the fact that the man with the bloodstain was the enemy of the murdered man, had threatened him previously or was in the same place with him. Add the indication in question to these, and what was previously only a suspicion may become a certainty. On the other hand there are indications which may be made to serve either party, such as livid spots, swellings which may be regarded as symptoms either of poisoning or of bad health, or a wound in the breast which may be treated as a proof of murder or of suicide. The force of such indications depends on the amount of extraneous support which they receive.

Hermagoras would include among such indications as do not involve a necessary conclusion, an argument such as the following, "Atalanta cannot be a virgin, as she has been roaming the woods in the company of young men." If we accept this view, I fear that we shall come to treat all inferences from a fact as indications. None the less such arguments are in practice treated exactly as if they were indications. Nor do the Areopagites, when they condemned a boy for plucking out the eyes of quails, seem to have had anything else in their mind than the consideration that such conduct was an indication of a perverted character which might prove hurtful to many, if he had been allowed to grow up. So, too, the popularity of Spurius Maelius and Marcus Manlius was regarded as an indication that they were aiming at supreme power. However, I fear that this line of reasoning will carry us too far. For if it is an indication of adultery that a woman bathes with

men, the fact that she revels with young men or even an intimate friendship will also be indications of the same offence. Again depilation, a voluptuous gait, or womanish attire may be regarded as indications of effeminacy and unmanliness by anyone who thinks that such symptoms are the result of an immoral character, just as blood is the result of a wound: for anything, that springs from the matter under investigation and comes to our notice, may properly be called an indication. Similarly it is also usual to give the names of signs to frequently observed phenomena, such as prognostics of the weather which we may illustrate by the Vergilian

“For wind turns Phoebe’s face to ruddy gold”

Verg. Georgics. i. 431.

and

“The crow

With full voice, good-for-naught, invites the rain.”

ibid. i. 388.

If these phenomena are caused by the state of the atmosphere, such an appellation is correct enough. For if the moon turns red owing to the wind, her hue is certainly a sign of wind. And if, as the same poet infers, the condensation and rarification of the atmosphere causes that “concert of bird-voices” of which he speaks, we may agree in regarding it as a sign. We may further note that great things are sometimes indicated by trivial signs, witness the Vergilian crow; that trivial events should be indicated by signs of greater importance is of course no matter for wonder.

CHAPTER X: ARGUMENTS IN GENERAL

I now turn to arguments, the name under which we comprise the ἐνθυμήματα, ἐπιχειρήματα, and ἀποδείξεις of the Greeks, terms which, in spite of their difference, have much the same meaning. For the *epicheireme* (which we translate by *commentum* or *commentatio*, there being no alternative, though we should be wiser to use the Greek name) has three meanings: firstly it means anything conceived in the mind (this is not however the sense of which I am now speaking); secondly it signifies a proposition with a reason, and thirdly a conclusion of an argument drawn

either from denial of consequents or from incompatibles; although there is some controversy on this point. For there are some who style a conclusion from consequents an *epicheireme*, while it will be found that the majority hold the view that an *epicheireme* is a conclusion from incompatibles: wherefore Cornificius styles it a *contrarium* or argument from contraries. Some again call it a rhetorical syllogism, others an incomplete syllogism, because its parts are not so clearly defined or of the same number as those of the regular syllogism, since such precision is not specially required by the orator. Valgius translates ἐπιχείρημα by *aggressio*, that is an attempt. It would however, in my opinion, be truer to say that it is not our handling of the subject, but the thing itself which we attempt which should be called an ἐπιχείρημα, that is to say the argument by which we try to prove something and which, even if it has not yet been stated in so many words, has been clearly conceived by the mind. Others regard it not as an attempted or imperfect proof, but a complete proof, falling under the most special species of proof; consequently, according to its proper and most generally received appellation it must be understood in the sense of a definite conception of some thought consisting of at least three parts. Some call an ἐπιχείρημα a *reason*, but Cicero is more correct in calling it a *reasoning*, although he too seems to derive this name from the syllogism rather than anything else; for he calls the *sylogistic basis* a *ratiocinative basis* and quotes philosophers to support him. And since there is a certain kinship between a syllogism and an *epicheireme*, it may be thought that he was justified in his use of the latter term. An ἀπόδειξις is a clear proof; hence the use of the term γραμμικαὶ ἀποδείξεις, “linear demonstrations” by the geometers. Caecilius holds that it differs from the *epicheireme* solely in the kind of conclusion arrived at and that an *apodeixis* is simply an incomplete *epicheireme* for the same reason that we said an enthymeme differed from a syllogism. For an *epicheireme* is also part of a syllogism. Some think that an *apodeixis* is portion of an *epicheireme*, namely the part containing the proof. But all authorities, however much they may differ on other points, define both in the same way, in so far as they call both a method of proving what is not certain by means of what is certain. Indeed this is the nature of all arguments, for what is certain cannot be proved by what is uncertain. To all these forms of argument the Greeks give the name of πίστεις, a term which, though the literal translation is *fides* “a warrant of credibility,” is best translated by *probatio* “proof.” But *argument* has several other meanings. For the plots of plays composed for acting in the theatre are called arguments, while Pedianus, when explaining the themes of the speeches of Cicero, says *The argument is as follows*. Cicero himself in writing to Brutus says, *Fearing that I might transfer something from that source to my Cato, although the argument is quite different*. It is thus clear that all

subjects for writing are so called. Nor is this to be wondered at, since the term is also in common use among artists; hence the Vergilian phrase *A mighty argument*. Again a work which deals with a number of different themes is called “rich in argument.” But the sense with which we are now concerned is that which provides proof Celsus indeed treats the terms, proof, indication, credibility, attempt, simply as different names for the same things, in which, to my thinking, he betrays a certain confusion of thought. For proof and credibility are not merely the result of logical processes, but may equally be secured by inartificial arguments. Now I have already distinguished signs or, as he prefers to call them, indications from arguments. Consequently, since an argument is a process of reasoning which provides proof and enables one thing to be inferred from another and confirms facts which are uncertain by reference to facts which are certain, there must needs be something in every case which requires no proof. Otherwise there will be nothing by which we can prove anything; there must be something which either is or is believed to be true, by means of which doubtful things may be rendered credible. We may regard as certainties, first, those things which we perceive by the senses, things for instance that we hear or see, such as signs or indications; secondly, those things about which there is general agreement, such as the existence of the gods or the duty of loving one’s parents; thirdly, those things which are established by law or have passed into current usage, if not throughout the whole world, at any rate in the nation or state where the case is being pleaded—there are for instance many rights which rest not on law, but on custom; finally, there are the things which are admitted by either party, and whatever has already been proved or is not disputed by our adversary. Thus for instance it may be argued that since the world is governed by providence, the state should similarly be governed by some controlling power: it follows that the state must be so governed, once it is clear that the world is governed by providence. Further, the man who is to handle arguments correctly must know the nature and meaning of everything and their usual effects. For it is thus that we arrive at probable arguments or εἰκότα as the Greeks call them. With regard to credibility there are three degrees. First, the highest, based on what usually happens, as for instance the assumption that children are loved by their parents. Secondly, there is the highly probable, as for instance the assumption that a man in the enjoyment of good health will probably live till to-morrow. The third degree is found where there is nothing absolutely against an assumption, such as that a theft committed in a house was the work of one of the household. Consequently Aristotle in the second book of his *Rhetoric* has made a careful examination of all that commonly happens to things and persons, and what things and persons are naturally adverse or friendly to other things or persons, as for instance, what is the

natural result of wealth or ambition or superstition, what meets with the approval of good men, what is the object of a soldier's or a farmer's desires, and by what means everything is sought or shunned. For my part I do not propose to pursue this subject. It is not merely a long, but an impossible or rather an infinite task; moreover it is within the compass of the common understanding of mankind. If, however, anyone wishes to pursue the subject, I have indicated where he may apply. But all credibility, and it is with credibility that the great majority of arguments are concerned, turns on questions such as the following: whether it is credible that a father has been killed by his son, or that a father has committed incest with his daughter, or to take questions of an opposite character, whether it is credible that a stepmother has poisoned her stepchild, or that a man of luxurious life has committed adultery; or again whether a crime has been openly committed, or false evidence given for a small bribe, since each of these crimes is the result of a special cast of character as a rule, though not always; if it were always so, there would be no room for doubt, and no argument.

Let us now turn to consider the "places" of arguments, although some hold that they are identical with the topics which I have already discussed above. But I do not use this term in its usual acceptance, namely, commonplaces directed against luxury, adultery, and the like, but in the sense of the secret places where arguments reside, and from which they must be drawn forth. For just as all kinds of produce are not provided by every country, and as you will not succeed in finding a particular bird or beast, if you are ignorant of the localities where it has its usual haunts or birthplace, as even the various kinds of fish flourish in different surroundings, some preferring a smooth and others a rocky bottom, and are found on different shores and in divers regions (you will for instance never catch a sturgeon or wrasse in Italian waters), so not every kind of argument can be derived from every circumstance, and consequently our search requires discrimination. Otherwise we shall fall into serious error, and after wasting our labour through lack of method we shall fail to discover the argument which we desire, unless assisted by some happy chance. But if we know the circumstances which give rise to each kind of argument, we shall easily see, when we come to a particular "place," what arguments it contains.

Firstly, then, arguments may be drawn from persons; for, as I have already said, all arguments fall into two classes, those concerned with things and those concerned with persons, since causes, time, place, occasion, instruments, means and the like are all accidents of things. I have no intention of tracing all the accidents of persons, as many have done, but shall confine myself to those from which arguments may be drawn. Such are birth, for persons are generally regarded as

having some resemblance to their parents and ancestors, a resemblance which sometimes leads to their living disgracefully or honourably, as the case may be; then there is nationality, for races have their own character, and the same action is not probable in the case of a barbarian, a Roman and a Greek; country is another, for there is a like diversity in the laws, institutions and opinions of different states; sex, since for example a man is more likely to commit a robbery, a woman to poison; age, since different actions suit different ages; education and training, since it makes a great difference who were the instructors and what the method of instruction in each individual case; bodily constitution, for beauty is often introduced as an argument for lust, strength as an argument for insolence, and their opposites for opposite conduct; fortune, since the same acts are not to be expected from rich and poor, or from one who is surrounded by troops of relations, friends or clients and one who lacks all these advantages; condition, too, is important, for it makes a great difference whether a man be famous or obscure, a magistrate or a private individual, a father or a son, a citizen or a foreigner, a free man or a slave, married or unmarried, a father or childless. Nor must we pass by natural disposition, for avarice, anger, pity, cruelty, severity and the like may often be adduced to prove the credibility or the reverse of a given act; it is for instance often asked whether a man's way of living be luxurious, frugal or parsimonious. Then there is occupation, since a rustic, a lawyer, a man of business, a soldier, a sailor, a doctor all perform very different actions. We must also consider the personal ambitions of individuals, for instance whether they wish to be thought rich or eloquent, just or powerful. Past life and previous utterances are also a subject for investigation, since we are in the habit of inferring the present from the past. To these some add passion, by which they mean some temporary emotion such as anger or fear; they also add design, which may refer to the past, present or future. These latter, however, although accidents of persons, should be referred to that class of arguments which we draw from causes, as also should certain dispositions of mind, for example when we inquire whether one man is the friend or enemy of another. Names also are treated as accidents of persons; this is perfectly true, but names are rarely food for argument, unless indeed they have been given for some special reasons, such as the titles of Wise, Great, Pious, or unless the name has suggested some special thought to the bearer. Lentulus for instance had the idea of conspiracy suggested to him by the fact that according to the Sibylline books and the Responses of the soothsayers the tyranny was promised to three members of the Cornelian family, and he considered himself to be the third in succession to Sulla and Cinna, since he too bore the name Cornelius. On the other hand the conceit employed by Euripides where he makes Eteocles taunt his brother Polynices on the ground that his name is evidence of

character, is feeble in the extreme. Still a name will often provide the subject for a jest, witness the frequent jests of Cicero on the name of Verres. Such, then, and the like are the accidents of persons. It is impossible to deal with them all either here or in other portions of this work, and I must content myself with pointing out the lines on which further enquiry should proceed.

I now pass to things: of these actions are the most nearly connected with persons and must therefore be treated first. In regard to every action the question arises either Why or Where or When or How or By what means the action is performed. Consequently arguments are drawn from the causes of past or future actions. The matter of these causes, by some called ὕλη, by others δύναιμις, falls into two genera, which are each divided into four species. For the motive for any action is as a rule concerned with the acquisition, increase, preservation and use of things that are good or with the avoidance, diminution, endurance of things that are evil or with escape there from. All these considerations carry great weight in deliberative oratory as well. But right actions have right motives, while evil actions are the result of false opinions, which originate in the things which men believe to be good or evil. Hence spring errors and evil passions such as anger, hatred, envy, desire, hope, ambition, audacity, fear and others of a similar kind. To these accidental circumstances may often be added, such as drunkenness or ignorance, which serve sometimes to excuse and sometimes to prove a charge, as for instance when a man is said to have killed one person while lying in wait for another. Further, motives are often discussed not merely to convict the accused of the offence with which he is charged, but also to defend him when he contends that his action was right, that is to say proceeded from an honourable motive, a theme of which I have spoken more fully in the third book. Questions of definition are also at times intimately connected with motives. Is a man a tyrannicide if he kills a tyrant by whom he has been detected in the act of adultery? Or is he guilty of sacrilege who tore down arms dedicated in a temple to enable him to drive the enemy from the city? Arguments are also drawn from place. With a view to proving our facts we consider such questions as whether a place is hilly or level, near the coast or inland, planted or uncultivated, crowded or deserted, near or far, suitable for carrying out a given design or the reverse. This is a topic which is treated most carefully by Cicero in his *pro Milone*. These points and the like generally refer to questions of fact, but occasionally to questions of law as well. For we may ask whether a place is public or private, sacred or profane, our own or another's, just as where persons are concerned we ask whether a man is a magistrate, a father, a foreigner. Hence arise such questions as the following. "You have stolen private money, but since you stole it from a temple, it is not theft but sacrilege." "You have

killed adulterers, an act permitted by law, but since the act was done in a brothel, it is murder." "You have committed an assault, but since the object of your assault was a magistrate, the crime is *lèse-majesté*. Similarly it may be urged in defence, "The act was lawful, because I was a father, a magistrate." But such points afford matter for argument when there is a controversy as to the facts, and matter for enquiry when the dispute turns on a point of law. Place also frequently affects the quality of an action, for the same action is not always lawful or seemly under all circumstances, while it makes considerable difference in what state the enquiry is taking place, for they differ both in custom and law. Further arguments drawn from place may serve to secure approval or the reverse. Ajax for instance in Ovid says:

"What! do we plead our cause before the ships?
And is Ulysses there preferred to me?"

Met. xiii. 5

Again one of the many charges brought against Milo was that he killed Clodius on the monument of his ancestors. Such arguments may also carry weight in deliberative oratory, as may those drawn from time, which I shall now proceed to discuss. Time may, as I have said elsewhere, be understood in two different senses, general and special. The first sense is seen in words and phrases such as "now," "formerly," "in the reign of Alexander," "in the days of the siege of Troy," and whenever we speak of past, present or future. The second sense occurs when we speak either of definite periods of time such as "in summer," "in winter," "by night," "by day," or of fortuitous periods such as "in time of pestilence," "in time of war," "during a banquet." Certain Latin writers have thought it a sufficient distinction to call the general sense "time," and the special "times." In both senses time is of importance in advisory speeches and demonstrative oratory, but not so frequently as in forensic. For questions of law turn on time, while it also determines the quality of actions and is of great importance in questions of fact; for instance, occasionally it provides irrefragable proofs, which may be illustrated by a case which I have already cited, when one of the signatories to a document has died before the day on which it was signed, or when a person is accused of the commission of some crime, although he was only an infant at the time or not yet born. Further, all kinds of arguments may easily be drawn either from facts previous to a certain act, or contemporary or subsequent. As regards antecedent facts the following example will illustrate my meaning; "You threatened to kill him, you went out by night, you started before him." Motives of actions may also belong to past time. Some writers

have shown themselves over-subtle in their classification of the second class of circumstances, making “a sound was heard” an example of circumstances *combined* with an act and “a shout was raised” an instance of circumstances *attached* to an act. As regards subsequent circumstances I may cite accusations such as “You hid yourself, you fled, livid spots and swellings appeared on the corpse.” The counsel for the defence will employ the same divisions of time to discredit the charge which is brought against him. In these considerations are included everything in connexion with words and deeds, but in two distinct ways. For some things are done because something else is like to follow, and others because something else has previously been done, as for instance, when the husband of a beautiful woman is accused of having acted as a procurer on the ground that he bought her after she was found guilty of adultery, or when a debauched character is accused of parricide on the ground that he said to his father “You have rebuked me for the last time.” For in the former case the accused is not a procurer because he bought the woman, but bought her because he was a procurer, while in the latter the accused is not a parricide because he used these words, but used them because he intended to kill his father. With regard to accidental circumstances, which also provide matter for arguments, these clearly belong to subsequent time, but are distinguished by a certain special quality, as for instance if I should say, “Scipio was a better general than Hannibal, for he conquered Hannibal”; “He was a good pilot, for he was never shipwrecked”; “He was a good farmer, for he gathered in huge harvests”; or referring to bad qualities, “He was a prodigal, for he squandered his patrimony”; “His life was disgraceful, for he was hated by all.” We must also consider the resources possessed by the parties concerned, more especially when dealing with questions of fact; for it is more credible that a smaller number of persons were killed by a larger, a weaker party by a stronger, sleepers by men that were wide awake, the unsuspecting by the well-prepared, while the converse arguments may be used to prove the opposite. Such considerations arise both in deliberative and forensic oratory: in the latter they occur in relation to two questions, namely, whether some given person had the will, and whether he had the power to do the deed; for hope will often create the will to act. Hence the well-known inference in Cicero: “Clodius lay in wait for Milo, not Milo for Clodius, for Clodius had a retinue of sturdy slaves, while Milo was with a party of women; Clodius was mounted, Milo in a carriage, Clodius lightly clad, Milo hampered by a cloak.” With resources we may couple instruments, which form part of resources and means. But sometimes instruments will provide us with indications as well, as for instance if we find a javelin sticking in a dead body. To these we may add manner, the Greek τρόπος, in regard to which we ask how a thing was done. Manner is concerned sometimes with quality

and the letter of the law (we may for instance argue that it was unlawful to kill an adulterer by poison), sometimes with questions of fact, as for example if I argue that an act was committed with a good intent and therefore openly, or with a bad intent and therefore treacherously, by night, in a lonely place.

In all cases, however, in which we enquire into the nature and meaning of an act, and which can be considered by themselves apart from all considerations of persons and all else that gives rise to the actual cause, there are clearly three points to which we must give attention, namely Whether it is, What it is and Of what kind it is. But as there are certain “places” of argument which are common to all three questions, this triple division is impracticable and we must therefore consider these questions rather in connexion with those “places” in which they most naturally arise. Arguments, then, may be drawn from definition, sometimes called *finitio* and sometimes *finis*. Definition is of two kinds. We may ask whether a particular quality is a virtue or make a definition precede and ask what is the nature of a virtue. Such a definition is either stated in general terms, such as *Rhetoric is the science of speaking well*, or in detail, such as *Rhetoric is the science of correct conception, arrangement and utterance, coupled with a retentive memory and a dignified delivery*. Further, we may define a word by giving its content as in the preceding instances, or by etymology: we may for instance explain *assiduus* by deriving it from *as* and *do*, *locuples* by deriving it from *copia locorum*, *pecuniosus* from *copia pecorum*. *Genus*, *species*, *difference* and *property* seem more especially to afford scope for definition, for we derive arguments from all of these. *Genus* is of little use when we desire to prove a *species*, but of great value for its elimination. A tree is not necessarily a plane tree, but that which is not a tree is certainly not a plane tree; again, a virtue is not necessarily the virtue of justice, but that which is not a virtue is certainly not justice. We must proceed from the *genus* to the ultimate *species*; for example, to say that man is an animal will not suffice; for animal merely gives us the *genus*: nor yet will the addition of the words “subject to death” be adequate; for although this epithet gives us a *species*, it is common to other animals as well. If, however, we define man as a rational animal, we need nothing further to make our meaning clear. On the other hand *species* will give us clear proof of *genus*, but is of little service for its elimination. For example, justice is always a virtue, but that which is not justice may still be a virtue, such as fortitude, constancy or self-control. *Genus* therefore cannot be eliminated by *species* unless all the *species* included in the *genus* be eliminated, as for instance in the following sentence: *That which is neither rational nor mortal nor an animal is not a man*. To these they add *property* and *difference*. *Properties* serve to establish definitions, *differences* to overthrow them. A *property* is that which happens to one particular object and that alone; speech and laughter for instance

are *properties* of man. Or it may be something specially belonging to an object, but not to it alone; heating for instance is a *property* of fire. The same thing may also have a number of *properties*: light and heat are both *properties* of fire. Consequently, the omission of any *property* in a definition will impair it, but the introduction of a *property*, whatever it may be, will not necessarily establish a definition. We have, however, often to consider what is a *property* of some given object; for example, if it should be asserted, on the ground of etymology, that the peculiar *property* of a tyrannicide is to kill tyrants, we should deny it: for an executioner is not *ipso facto* a tyrannicide, if he executes a tyrant who has been delivered to him for the purpose, nor again is he a tyrannicide who kills a tyrant unwittingly or against his will. What is not a *property* will be a *difference*: it is, for instance, one thing to be a slave, and another to be in a state of servitude; hence the distinction raised in connexion with persons assigned to their creditors for debt: *A slave, if he is manumitted becomes a freedman, but this is not the case with one who is assigned.* There are also other points of difference which are dealt with elsewhere. Again, the term difference is applied in cases when the *genus* is divided into *species* and one *species* is subdivided. Animal, for instance, is a *genus*, mortal a *species*, while terrestrial or biped is a *difference*: for they are not actually properties, but serve to show the difference between such animals and quadrupeds or creatures of the sea. This distinction, however, comes under the province not so much of argument as of exact definition. Cicero separates *genus* and *species*, which latter he calls *form*, from definition and includes them under relation. For example, if a person to whom another man has left all his silver should claim all his silver money as well, he would base his claim upon *genus*; on the other hand if when a legacy has been left to a married woman holding the position of *materfamilias*, it should be maintained that the legacy is not due to a woman who never came into the power of her husband, the argument is based on *species*, since there are two kinds of marriage. Cicero further shows that definition is assisted by *division*, which he distinguishes from *partition*, making the latter the dissection of a whole into its parts and the former the division of a *genus* into its *forms* or *species*. The number of parts he regards as being uncertain, as for instance the elements of which a state consists; the *forms* or *species* are, however, certain, as for instance the number of forms of government, which we are told are three, democracy, oligarchy, and monarchy. It is true that he does not use these illustrations, since, as he was writing to Trebatius, he preferred to draw his examples from law. I have chosen my illustrations as being more obvious. *Properties* have relation to questions of fact as well; for instance, it is the *property* of a good man to act rightly, of an angry man to be violent in speech or action, and consequently we believe that such acts are committed by persons of the appropriate

character, or not committed by persons of inappropriate character. For just as certain persons possess certain qualities, so certain others do not possess certain qualities, and the argument is of precisely the same nature, though from opposite premises.

In a similar way *division* is valuable both for proof and refutation. For proof, it is sometimes enough to establish one thing. “To be a citizen, a man must either have been born or made such.” For refutation, both points must be disproved: “he was neither born nor made a citizen.” This may be done in many ways, and constitutes a form of argument by elimination, whereby we show sometimes that the whole is false, sometimes that only that which remains after the process of elimination is true. An example of the first of these two cases would be: “You say that you lent him money. Either you possessed it yourself, received it from another, found it or stole it. If you did not possess it, receive it from another, find or steal it, you did not lend it to him.” The residue after elimination is shown to be true as follows: “This slave whom you claim was either born in your house or bought or given you or left you by will or captured from the enemy or belongs to another.” By the elimination of the previous suppositions he is shown to belong to another. This form of argument is risky and must be employed with care; for if, in setting forth the alternatives, we chance to omit one, our whole case will fail, and our audience will be moved to laughter. It is safer to do what Cicero does in the *pro Caecina*, when he asks, “If this is not the point at issue, what is?” For thus all other points are eliminated at one swoop. Or again two contrary propositions may be advanced, either of which if established would suffice to prove the case. Take the following example from Cicero: “There can be no one so hostile to Cluentius as not to grant me one thing: if it be a fact that the verdict then given was the result of bribery, the bribes must have proceeded either from Habitus or Oppianicus: if I show that they did not proceed from Habitus I prove that they proceeded from Oppianicus: if I demonstrate that they were given by Oppianicus, I clear Habitus.” Or we may give our opponent the choice between two alternatives of which one must necessarily be true, and as a result, whichever he chooses, he will damage his case. Cicero does this in the *pro Oppio*: “Was the weapon snatched from his hands when he had attacked Cotta, or when he was trying to commit suicide?” and in the *pro Vareno*: “You have a choice between two alternatives: either you must show that the choice of this route by Varenus was due to chance or that it was the result of this man’s persuasion and inducement.” He then shows that either admission tells against his opponent. Sometimes again, two propositions are stated of such a character that the admission of either involves the same conclusion, as in the sentence, “We must philosophise, even though we ought not,” or as in the common dilemma, “What is

the use of a figure, if its meaning is clear? And what is its use, if it is unintelligible?" or, "He who is capable of enduring pain will lie if tortured, and so will he who cannot endure pain."

As there are three divisions of time, so the order of events falls into three stages. For everything has a beginning, growth and consummation, as for instance a quarrel, blows, murder. Thus arise arguments which lend each other mutual support; for the conclusion is inferred from the beginnings, as in the following case: "I cannot expect a purple-striped toga, when I see that the beginning of the web is black"; or the beginning may be inferred from the conclusion: for instance the fact that Sulla resigned the dictatorship is an argument that Sulla did not take up arms with the intention of establishing a tyranny. Similarly from the growth of a situation we may infer either its beginning or its end, not only in questions of fact but as regards points of equity, such as whether the conclusion is referable to the beginning, that is, "Should the man that began the quarrel be regarded as guilty of the bloodshed with which it ended?"

Arguments are also drawn from similarities: "If self-control is a virtue, abstinence is also a virtue." "If a guardian should be required to be faithful to his trust, so should an agent." To this class belongs the type of argument called *ἐπαγωγή* by the Greeks, *induction* by Cicero. Or arguments may be drawn from unlikes: "It does not follow that if joy is a good thing, pleasure also is a good thing": "It does not follow that what applies to the case of a woman applies also to the case of a ward." Or from contraries: "Frugality is a good thing, since luxury is an evil thing": "If war is the cause of ill, peace will prove a remedy": "If he who does harm unwittingly deserves pardon, he who does good unwittingly does not deserve a reward." Or from contradictions: "He who is wise is not a fool." Or from consequences necessary or probable: "If justice is a good thing, we must give right judgment": "If breach of faith is a bad thing, we must not deceive." And such arguments may also be reversed. Similar to these are the following arguments, which must therefore be classed under this same head, since it is to this that they naturally belong: "A man has not lost what he never had": "A man does not wittingly injure him whom he loves": "If one man has appointed another as his heir, he regarded, still regards and will continue to regard him with affection." However, such arguments, being incontrovertible, are of the nature of absolute indications. These, however, I call *consequent* or *ἀκόλουθα* goodness, for instance, is consequent on wisdom: while in regard to things which merely have taken place afterwards or will take place I use the term *insequent* or *παρεπόμενα*, though I do not regard the question of terminology as important. Give them any name you please, as long as the meaning is clear and it is shown that the one depends on time, the other on the

nature of things. I have therefore no hesitation in calling the following forms of argument also *consequential*, although they argue from the past to the future: some however divide them into two classes, those concerned with *action*, as in the *pro Oppio*, “How could he detain against their will those whom he was unable to take to the province against their will?” and those concerned with *time*, as in the *Verrines*, “If the first of January puts an end to the authority of the praetor’s edict, why should the commencement of its authority not likewise date from the first of January?” Both these instances are of such a nature that the argument is reversible. For it is a necessary *consequence* that those who could not be taken to the province against their will could not be retained against their will. So too I feel clear that we should rank as *consequential* arguments those derived from facts which lend each other mutual support and are by some regarded as forming a separate kind of argument, which they call ἐκ τῶν πρὸς ἀλλήλα, arguments from things mutually related, while Cicero styles them arguments drawn from things to which the same line of reasoning applies; take the following example: “If it is honourable for the Rhodians to let out their harbour dues, it is honourable likewise for Hermocreon to take the contract,” or “What it is honourable to learn, it is also honourable to teach.” Such also is the fine sentence of Domitius Afer, which has the same effect, though it is not identical in form: “I accused, you condemned.” Arguments which prove the same thing from opposites are also mutually *consequential*; for instance, we may argue that he who says that the world was created thereby implies that it is suffering decay, since this is the property of all created things.

There is another very similar form of argument, which consists in the inference of facts from their efficient causes or the reverse, a process known as argument from causes. The conclusion is sometimes necessary, sometimes generally without being necessarily true. For instance, a body casts a shadow in the light, and the shadow wherever it falls indicates the presence of a body. There are other conclusions which, as I have said, are not necessary, whether as regards both cause and effect or only one of the two. For instance, “the sun colours the skin, but not everyone that is coloured receives that colour from the sun; a journey makes the traveller dusty, but every journey does not produce dust, nor is everyone that is dusty just come from a journey.” As examples of necessary conclusions on the other hand I may cite the following: “If wisdom makes a man good, a good man must needs be wise”; and again, “It is the part of a good man to act honourably, of a bad man to act dishonourably,” or “Those who act honourably are considered good, those who act dishonourably are considered bad men.” In these cases the conclusion is correct. On the other hand, “though exercise generally makes the body robust, not everyone who is robust is given to exercise, nor is everyone that is addicted to exercise robust.

Nor again, because courage prevents our fearing death, is every man who has no fear of death to be regarded as a brave man; nor is the sun useless to man because it sometimes gives him a headache.” Arguments such as the following belong in the main to the hortative department of oratory: “Virtue brings renown, therefore it should be pursued; but the pursuit of pleasure brings ill-repute, therefore it should be shunned.” But the warning that we should not necessarily search for the originating cause is just: an example of such error is provided by the speech of Medea beginning

“Ah! would that never there in Pelion’s grove,” as though her misery or guilt were due to the fact that there
“The beams of fir had fallen to the ground”;

or I might cite the words addressed by Philoctetes to Paris,

“Hadst thou been other than thou art, then I
Had ne’er been plunged in woe.”

By tracing back causes on lines such as these we may arrive anywhere. But for the fact that Cicero has done so, I should regard it as absurd to add to these what is styled the *conjugate* argument, such as “Those who perform a just act, act justly,” a self-evident fact requiring no proof; or again, “Every man has a common right to send his cattle to graze in a common pasture.” Some call these arguments derived from causes or efficient by the Greek name ἐκβάσεις that is, results; for in such cases the only point considered is how one thing results from another.

Those arguments which prove the lesser from the greater or the greater from the less or equals from equals are styled *apposite or comparative*. A conjecture as to a fact is confirmed by argument from something greater in the following sentence: “If a man commit sacrilege, he will also commit theft”; from something less, in a sentence such as “He who lies easily and openly will commit perjury”; from something equal in a sentence such as “He who has taken a bribe to give a false verdict will take a bribe to give false witness.” Points of law may be proved in a similar manner; from something greater, as in the sentence “If it is lawful to kill an adulterer, it is lawful to scourge him”; from something less, “If it is lawful to kill a man attempting theft by night, how much more lawful is it to kill one who attempts robbery with violence”; from something equal, “The penalty which is just in the case of parricide is also just in the case of matricide.” In all these cases we follow the syllogistic method. The following type of argument on the other hand is more serviceable in questions turning on definition or quality. “If strength is good for

the body, health is no less good.” “If theft is a crime, sacrilege is a greater crime.” “If abstinence is a virtue, so is self-control.” “If the world is governed by providence, the state also requires a government.” “If a house cannot be built without a plan, what of a whole city?” “If naval stores require careful supervision, so also do arms.” I am content to treat this type of argument as a *genus* without going further; others however divide it into *species*. For we may argue from several things to one or from one thing to several; hence arguments such as “What has happened once may happen often.” We may also argue from a part to a whole, from *genus* to *species*, from that which contains to that which is contained, from the difficult to the easy, from the remote to the near, and similarly from the opposites of all these to their opposites. Now all these arguments deal with the greater or the less or else with things that are equal, and if we follow up such fine distinctions, there will be no limit to our division into species. For the comparison of things is infinite; things may be more pleasant, more serious, more necessary, more honourable, more useful. I say no more for fear of falling into that very garrulity which I deprecate. The number of examples of these arguments which I might quote is likewise infinite, but I will only deal with a very few. As an example of argument from something greater take the following example from the *pro Caecina* “Shall we suppose that that which alarms whole armies caused no alarm to a peaceful company of lawyers?” As an instance of argument from something easier, take this passage from the speech against Clodius and Curio: “Consider whether it would have been easy for you to secure the praetorship, when he in whose favour you withdrew failed to secure election?” The following provides an example of argument from something more difficult: “I beg you, Tubero, to remark that I, who do not hesitate to speak of my own deed, venture to speak of that performed by Ligarius”; and again, “Has not Ligarius reason for hope, when I am permitted to intercede with you for another?” For an argument drawn from something less take this passage from the *pro Caecinaa*: “Really! Is the knowledge that the men were armed sufficient to prove that violence was offered, and the fact that he fell into their hands insufficient?” Well, then, to give a brief summary of the whole question, arguments are drawn from persons, causes, place and time (which latter we have divided into preceding, contemporary and subsequent), from resources (under which we include instruments), from manner (that is, how a thing has been done), from definition, genus, species, difference, property, elimination, division, beginnings, increase, consummation, likes, unlikes, contradictions, consequents, efficient, effects, results, and comparison, which is subdivided into several species.

I think I should also add that arguments are drawn not merely from admitted facts, but from fictitious suppositions, which the Greeks style καθ’ ὑπόθεσιν and

that this latter type of argument falls into all the same divisions as those which I have mentioned above, since there may be as many species of fictitious arguments as there are of true arguments. When I speak of fictitious arguments I mean the proposition of something which, if true, would either solve a problem or contribute to its solution, and secondly the demonstration of the similarity of our hypothesis to the case under consideration. To make this the more readily intelligible to youths who have not yet left school, I will first of all illustrate it by examples of a kind familiar to the young. There is a law to the effect that “the man who refuses to support his parents is liable to imprisonment.” A certain man fails to support his parents and none the less objects to going to prison. He advances the hypothesis that he would be exempt from such a penalty if he were a soldier, an infant. or if he were absent from home on the service of the state. Again in the case where a hero is allowed to choose his reward we might introduce the hypotheses of his desiring to make himself a tyrant or to overthrow the temples of the gods. Such arguments are specially useful when we are arguing against the letter of the law, and are thus employed by Cicero in the *pro Caecina*: “[The interdict contains the words,] ‘whence you or your household or your agent had driven him.’ If your steward alone had driven me out, [it would not, I suppose, be your household but a member of your household that had driven me out]. . . . If indeed you owned no slave except the one who drove me out, [you would cry, ‘If I possess a household at all, I admit that my household drove you out’].” Many other examples might be quoted from the same work. But fictitious suppositions are also exceedingly useful when we are concerned with the quality of an act: “*If* Catiline could try this case assisted by a jury composed of those scoundrels whom he led out with him he would condemn Lucius Murena.” It is useful also for amplification: “If this had happened to you during dinner in the midst of your deep potations”; or again, “If the state could speak.”

Such in the main are the usual topics of proof as specified by teachers of rhetoric, but it is not sufficient to classify them generically in our instructions, since from each of them there arises an infinite number of arguments, while it is in the very nature of things impossible to deal with all their individual species. Those who have attempted to perform this latter task have exposed themselves in equal degree to two disadvantages, saying too much and yet failing to cover the whole ground. Consequently the majority of students, finding themselves lost in an inextricable maze, have abandoned all individual effort, including even that which their own wits might have placed within their power, as though they were fettered by certain rigid laws, and keeping their eyes fixed upon their master have ceased to follow the guidance of nature. But as it is not in itself sufficient to know that all proofs are

drawn either from persons or things, because each of these groups is subdivided into a number of different heads so he who has learned that arguments must be drawn from antecedent, contemporary or subsequent facts will not be sufficiently instructed in the knowledge of the method of handling arguments to understand what arguments are to be drawn from the circumstances of each particular case; especially as the majority of proofs are to be found in the special circumstances of individual cases and have no connexion with any other dispute, and therefore while they are the strongest, are also the least obvious, since, whereas we derive what is common to all cases from general rules, we have to discover for ourselves whatever is peculiar to the case which we have in hand. This type of argument may reasonably be described as drawn from circumstances, there being no other word to express the Greek περίστασις or from those things which are peculiar to any given case. For instance, in the case of the priest who having committed adultery desired to save *his own* life by means of the law which gave him the power of saving *one* life, the appropriate argument to employ against him would run as follows: “You would save more than one guilty person, since, if you were discharged, it would not be lawful to put the adulteress to death.” For such an argument follows from the law forbidding the execution of the adulteress apart from the adulterer. Again, take the case falling under the law which lays down that bankers may pay only half of what they owe, while permitted to recover the whole of what they are owed. One banker requires payment of the whole sum owed him by another banker. The appropriate argument supplied by the subject to the creditor is that there was special reason for the insertion of the clause sanctioning the recovery of the whole of a debt by a banker, since there was no need of such a law as against others, inasmuch as all have the right to recover the whole of a debt from any save a banker. But while some fresh considerations are bound to present themselves in every kind of subject, this is more especially the case in questions turning on the letter of the law, since not merely individual words, but still more whole phrases are frequently ambiguous. And these considerations must vary according to the complexity of laws and other documents, whether they are in agreement or contradictory, since fact throws light on fact and law on law as in the following argument: “I owed you no money: you never summoned me for debt, you took no interest from me, nay, you actually borrowed money from me.” It is laid down by law that he who refuses to defend his father when accused of treason thereby loses his right to inherit. A son denies that he is liable to this penalty unless his father is acquitted. How does he support this contention? There is another law to the effect that a man found guilty of treason shall be banished and his advocate with him. Cicero in the *pro Cluentio* says that Publius Popilius and Tiberius Gutta were not condemned for receiving bribes to

give a false verdict, but for attempting to bribe the jury. What is his argument in support of this view? That their accusers, who were themselves found guilty of bribing the jury, were restored in accordance with law after winning their case. But the consideration as to what argument should be put forward requires no less care than the consideration of the manner in which we are to prove that which we have put forward. Indeed in this connexion invention, if not the most important, is certainly the first consideration. For, just as weapons are superfluous for one who does not know what his target is, so too arguments are useless, unless you see in advance to what they are to be applied. This is a task for which no formal rules can be laid down. Consequently, though a number of orators, who have studied the same rules, will use similar kinds of arguments, one will discover a greater number of arguments to suit his case than another. Let us take as an example a controversial theme involving problems that have little in common with other cases. "When Alexander destroyed Thebes, he found documents showing that the Thebans had lent a hundred talents to the Thessalians. These documents he presented to the Thessalians as a reward for the assistance they had given him in the campaign. Subsequently the Thebans, after the restoration of their city by Cassander, demanded that the Thessalians should repay the money." The case is tried before the Amphictyonic council. It is admitted that the Thebans lent the money and were not repaid. The whole dispute turns on the allegation that Alexander had excused the Thessalians from payment of the debt. It is also admitted that the Thessalians had received no money from Alexander. The question is therefore whether his gift is equivalent to his having given them money. What use will formal topics of argument be in such a case, unless I first convince myself that the gift of Alexander made no difference, that he had not the power to make it, and that he did not make it? The opening of the Thebans' plea presents no difficulty and is likely to win the approval of the judges, since they are seeking to recover by right what was taken from them by force. But out of this point arises a violent controversy as to the right of war, since the Thessalians urge that kingdoms and peoples and the frontiers of nations and cities depend upon these rights. To meet this argument it is necessary to discover in what respect this case differs from others which are concerned with property that has fallen into the hands of the victor: the difficulty moreover lies not so much in the proof as in the way it should be put forward. We may begin by stating that the rights of war do not hold good in any matter which can be brought before a court of justice, and that what is taken by force of arms can only be retained by force of arms, and consequently, wherever the rights of war hold good, there is no room for the functions of a judge, while on the contrary where the functions of the judge come into play, the rights of war cease to have any force. The reason why

it is necessary to discover this principle is to enable us to bring the following argument into play: that prisoners of war are free on returning to their native land just because the gains of war cannot be retained except by the exercise of the same violence by which they were acquired. Another peculiar feature of the case is that it is tried before the Amphictyonic council, and you will remember that we have to employ different methods in pleading a case before the centumviral court and before an arbitrator, though the problems of the cases may be identical. Secondly we may urge that the right to refuse payment could not have been conferred by the victor because he possesses only what he holds, but a right, being incorporeal, cannot be grasped by the hand. It is more difficult to discover this principle than, once discovered, to defend it with arguments such as that the position of an heir and a conqueror are fundamentally different, since right passes to the one and property to the other. It is further an argument peculiar to the subject matter of the case that the right over a public debt could not have passed to the victor, because the repayment of a sum of money lent by a whole people is due to them all, and as long as any single one of them survives, he is creditor for the whole amount: but the Thebans were never all of them to a man in Alexander's power. The force of this argument resides in the fact that it is not based on any external support, but holds good in itself. Proceeding to the third line of argument we may note that the first portion of it is of a more ordinary type, namely that the right to repayment is not based on the actual document, a plea which can be supported by many arguments. Doubt may also be thrown on Alexander's purpose: did he intend to honour them or to trick them? Another argument peculiar to the subject (indeed it practically introduces a new discussion) is that the Thebans may be regarded as having in virtue of their restoration recovered the right even though it be admitted that they had lost it. Again Cassander's purpose may be discussed, but, as the case is being pleaded before the Amphictyonic council, we shall find that the most powerful plea that can be urged is that of equity.

I make these remarks, not because I think that a knowledge of the "places" from which arguments may be derived is useless (had I thought so, I should have passed them by) but to prevent those who have learnt these rules from neglecting other considerations and regarding themselves as having a perfect and absolute knowledge of the whole subject, and to make them realise that, unless they acquire a thorough knowledge of the remaining points which I am about to discuss, they will be the possessors of what I can only call a dumb science. For the discovery of arguments was not the result of the publication of text-books, but every kind of argument was put forward before any rules were laid down, and it was only later that writers of rhetoric noted them and collected them for publication. A proof of

this is the fact that the examples which they use are old and quoted from the orators, while they themselves discover nothing new or that has not been said before. The creators of the art were therefore the orators, though we owe a debt of gratitude also to those who have given us a short cut to knowledge. For thanks to them the arguments discovered by the genius of earlier orators have not got to be hunted out and noted down in detail. But this does not suffice to make an orator any more than it suffices to learn the art of gymnastic in school: the body must be assisted by continual practice, self control, diet and above all by nature; on the other hand none of these are sufficient in themselves without the aid of art. I would also have students of oratory consider that all the forms of argument which I have just set forth cannot be found in every case, and that when the subject on which we have to speak has been propounded, it is no use considering each separate type of argument and knocking at the door of each with a view to discovering whether they may chance to serve to prove our point, except while we are in the position of mere learners without any knowledge of actual practice. Such a proceeding merely retards the process of speaking to an incalculable extent, if it is always necessary for us to try each single argument and thus learn by experiment what is apt and suitable to our case. In fact I am not sure that it will not be an actual obstacle to progress unless a certain innate penetration and a power of rapid divination seconded by study lead us straight to the arguments which suit our case. For just as the melody of the voice is most pleasing when accompanied by the lyre, yet if the musician's hand be slow and, unless he first look at the strings and take their measure, hesitate as to which strings match the several notes of the voice, it would be better that he should content himself with the natural music of the voice unaccompanied by any instrument; even so our theory of speaking must be adapted and, like the lyre, attuned to such rules as these. But it is only by constant practice that we can secure that, just as the hands of the musician, even though his eyes be turned elsewhere, produce bass, treble or intermediate notes by force of habit, so the thought of the orator should suffer no delay owing to the variety and number of possible arguments, but that the latter should present themselves uncalled and, just as letters and syllables require no thought on the part of a writer, so arguments should spontaneously follow the thought of the orator.

CHAPTER XI: COMPARISONS

The third kind of proof, which is drawn into the service of the case from without, is styled a παράδειγμα by the Greeks, who apply the term to all

comparisons of like with like, but more especially to historical parallels. Roman writers have for the most part preferred to give the name of comparison to that which the Greeks style παραβολή, while they translate παράδειγμα by example, although this latter involves comparison, while the former is of the nature of an example. For my own part, I prefer with a view to making my purpose easier of apprehension to regard both as παραδείγματα and to call them examples. Nor am I afraid of being thought to disagree with Cicero, although he does separate comparison from example. For he divides all arguments into two classes, induction and ratiocination, just as most Greeks divide it into παραδείγματα and ἐπιχειρήματα, explaining παράδειγμα as a rhetorical induction. The method of argument chiefly used by Socrates was of this nature: when he had asked a number of questions to which his adversary could only agree, he finally inferred the conclusion of the problem under discussion from its resemblance to the points already conceded. This method is known as induction, and though it cannot be used in a set speech, it is usual in a speech to assume that which takes the form of a question in dialogue. For instance take the following question: “What is the finest form of fruit? Is it not that which is best?” This will be admitted. “What of the horse? What is the finest? Is it not that which is the best?” Several more questions of the same kind follow. Last comes the question for the sake of which all the others were put: “What of man? Is not he the finest type who is best?” The answer can only be in the affirmative. Such a procedure is most valuable in the examination of witnesses, but is differently employed in a set speech. For there the orator either answers his own questions or makes an assumption of that which in dialogue takes the form of a question. “What is the finest fruit? The best, I should imagine. What is the finest horse? The swiftest. So too the finest type of man is not he that is noblest of birth, but he that is most excellent in virtue.”

All arguments of this kind, therefore, must be from things like or unlike or contrary. Similes are, it is true, sometimes employed for the embellishment of the speech as well, but I will deal with them in their proper place; at present I am concerned with the use of similitude in proof. The most important of proofs of this class is that which is most properly styled example, that is to say the adducing of some past action real or assumed which may serve to persuade the audience of the truth of the point which we are trying to make. We must therefore consider whether the parallel is complete or only partial, that we may know whether to use it in its entirety or merely to select those portions which are serviceable. We argue from the like when we say, “Saturninus was justly killed, as were the Gracchi”; from the unlike when we say, “Brutus killed his sons for plotting against the state, while Manlius condemned his son to death for his valour”; from the contrary when we

say, "Marcellus restored the works of art which had been taken from the Syracusans who were our enemies, while Verres took the same works of art from our allies." The same divisions apply also to such forms of proof in panegyric or denunciation. It will also be found useful when we are speaking of what is likely to happen to refer to historical parallels: for instance if the orator asserts that Dionysius is asking for a bodyguard that with their armed assistance he may establish himself as tyrant, he may adduce the parallel case of Pisistratus who secured the supreme power by similar means.

But while examples may at times, as in the last instance, apply in their entirety, at times we shall argue from the greater to the less or from the less to the greater. "Cities have been overthrown by the violation of the marriage bond. What punishment then will meet the case of adultery?" "Fluteplayers have been recalled by the state to the city which they had left. How much more then is it just that leading citizens who have rendered good service to their country should be recalled from that exile to which they have been driven by envy." Arguments from unlikes are most useful in exhortation. Courage is more remarkable in a woman than in a man. Therefore, if we wish to kindle someone's ambition to the performance of heroic deeds, we shall find that parallels drawn from the cases of Horatius and Torquatus will carry less weight than that of the woman by whose hand Pyrrhus was slain, and if we wish to urge a man to meet death, the cases of Cato and Scipio will carry less weight than that of Lucretia. These are however arguments from the greater to the less. Let me then give you separate examples of these classes of argument from the pages of Cicero; for where should I find better? The following passage from the *pro Murena* is an instance of argument from the like: "For it happened that I myself when a candidate had two patricians as competitors, the one a man of the most unscrupulous and reckless character, the other a most excellent and respectable citizen. Yet I defeated Catiline by force of merit and Galba by my popularity." The *pro Milone* will give us an example of argument from the greater to the less: "They say that he who confesses to having killed a man is not fit to look upon the light of day. Where is the city in which men are such fools as to argue thus? It is Rome itself, the city whose first trial on a capital charge was that of Marcus Horatius, the bravest of men, who, though the city had not yet attained its freedom, was none the less acquitted by the assembly of the Roman people, in spite of the fact that he confessed that he had slain his sister with his own hand." The following is an example of argument from the less to the greater: "I killed, not Spurius Maelius, who by lowering the price of corn and sacrificing his private fortune fell under the suspicion of desiring to make himself king, because it seemed that he was courting popularity with the common people overmuch," and so on till

we come to, “No, the man I killed (for my client would not shrink from the avowal, since his deed had saved his country) was he who committed abominable adultery even in the shrines of the gods”; then follows the whole invective against Clodius.

Arguments from unlikes present great variety, for they may turn on kind, manner, time, place, etcetera, almost every one of which Cicero employs to overthrow the previous decisions that seemed to apply to the case of Cluentius, while he makes use of argument from contraries when he minimises the importance of the censorial stigma by praising Scipio Africanus, who in his capacity of censor allowed one whom he openly asserted to have committed deliberate perjury to retain his horse, because no one had appeared as evidence against him, though he promised to come forward himself to bear witness to his guilt, if any should be found to accuse him. I have paraphrased this passage because it is too long to quote. A brief example of a similar argument is to be found in Virgil,

“But he, whom falsely thou dost call thy father,
Even Achilles, in far other wise
Dealt with old Priam, and Priam was his foe.”

Aen. ii. 540

Historical parallels may however sometimes be related in full, as in the *pro Milone*: “When a military tribune serving in the army of Gaius Marius, to whom he was related, made an assault upon the honour of a common soldier, the latter killed him; for the virtuous youth preferred to risk his life by slaying him to suffering such dishonour. And yet the great Marius acquitted him of all crime and let him go scot free.” On the other hand in certain cases it will be sufficient merely to allude to the parallel, as Cicero does in the same speech: “For neither the famous Servilius Ahala nor Publius Nasica nor Lucius Opimius nor the Senate during my consulship could be cleared of serious guilt, if it were a crime to put wicked men to death.” Such parallels will be adduced at greater or less length according as they are familiar or as the interests or adornment of our case may demand.

A similar method is to be pursued in quoting from the fictions of the poets, though we must remember that they will be of less force as proofs. The same supreme authority, the great master of eloquence, shows us how we should employ such quotations. For an example of this type will be found in the same speech: “And it is therefore, gentlemen of the jury, that men of the greatest learning have recorded in their fictitious narratives that one who had killed his mother to avenge his father was acquitted, when the opinion of men was divided as to his guilt, not merely by the decision of a deity, but by the vote of the wisest of goddesses.” Again

those fables which, although they did not originate with Aesop (for Hesiod seems to have been the first to write them), are best known by Aesop's name, are specially attractive to rude and uneducated minds, which are less suspicious than others in their reception of fictions and, when pleased, readily agree with the arguments from which their pleasure is derived. Thus Menenius Agrippa is said to have reconciled the plebs to the patricians by his fable of the limbs' quarrel with the belly. Horace also did not regard the employment of fables as beneath the dignity even of poetry; witness his lines that narrate "What the shrewd fox to the sick lion told." The Greeks call such fables αἵνοι (tales) and, as I have already remarked, Aesopean or Libyan stories, while some Roman writers term them "apologues," though the name has not found general acceptance. Similar to these is that class of proverb which may be regarded as an abridged fable and is understood allegorically: "The burden is not mine to carry," he said, "the ox is carrying panniers."

Simile has a force not unlike that of *example*, more especially when drawn from things nearly equal without any admixture of metaphor, as in the following case: "Just as those who have been accustomed to receive bribes in the Campus Martius are specially hostile to those whom they suspect of having withheld the money, so in the present case the judges came into court with a strong prejudice against the accused." For παραβολή, which Cicero translates by "comparison," is often apt to compare things whose resemblance is far less obvious. Nor does it merely compare the actions of men as Cicero does in the *pro Murena*: "But if those who have just come into harbour from the high seas are in the habit of showing the greatest solicitude in warning those who are on the point of leaving port of the state of the weather, the likelihood of falling in with pirates, and the nature of the coasts which they are like to visit (for it is a natural instinct that we should take a kindly interest in those who are about to face the dangers from which we have just escaped), what think you should be my attitude who am now in sight of land after a mighty tossing on the sea, towards this man who, as I clearly see, has to face the wildest weather?" On the contrary, similes of this kind are sometimes drawn from dumb animals and inanimate objects. Further, since similar objects often take on a different appearance when viewed from a different angle, I feel that I ought to point out that the kind of comparison which the Greeks call εἰκών, and which expresses the appearance of things and persons (as for instance in the line of Cassius—

"Who is he yonder that doth writhe his face
Like some old man whose feet are wrapped in
wool?)"

should be more sparingly used in oratory than those comparisons which help to prove our point. For instance, if you wish to argue that the mind requires cultivation, you would use a comparison drawn from the soil, which if neglected produces thorns and thickets, but if cultivated will bear fruit; or if you are exhorting someone to enter the service of the state, you will point out that bees and ants, though not merely dumb animals, but tiny insects, still toil for the common weal. Of this kind is the saying of Cicero: "As our bodies can make no use of their members without a mind to direct them, so the state can make no use of its component parts, which may be compared to the sinews, blood and limbs, unless it is directed by law." And just as he draws this simile in the *pro Cluentio* from the analogy of the human body, so in the *pro Cornelio* he draws a simile from horses, and in the *pro Archia* from stones. As I have already said, the following type of simile comes more readily to hand: "As oarsmen are useless without a steersman, so soldiers are useless without a general." Still it is always possible to be misled by appearances in the use of simile, and we must therefore use our judgment in their employment. For though a new ship is more useful than one which is old, this simile will not apply to friendship: and again, though we praise one who is liberal with her money, we do not praise one who is liberal with her embraces. In these cases there is similitude in the epithets *old* and *liberal*, but their force is different, when applied to ships and friendship, money and embraces. Consequently, it is all important in this connexion to consider whether the simile is really applicable. So in answering those Socratic questions which I mentioned above, the greatest care must be taken to avoid giving an incautious answer, such as those given by the wife of Xenophon to Aspasia in the dialogue of Aeschines the Socratic: the passage is translated by Cicero as follows: "Tell me, pray, wife of Xenophon, if your neighbour has finer gold ornaments than you, would you prefer hers or yours?" "Hers," she replied. "Well, then, if her dress and the rest of her ornaments are more valuable than yours, which would you prefer, hers or yours?" "Hers," she replied. "Come, then," said she, "if her husband is better than yours, would you prefer yours or hers?" At this the wife of Xenophon not unnaturally blushed; for she had answered ill in replying that she would prefer her neighbour's gold ornaments to her own, since it would be wrong to do so. If on the other hand she had replied that she would prefer her ornaments to be of the same quality as those of her neighbour, she might have answered without putting herself to the blush that she would prefer her husband to be like him who was his superior in virtue.

I am aware that some writers have shown pedantic zeal in making a minute classification of similes, and have pointed out that there is lesser similitude (such as that of a monkey to a man or a statue when first blocked out to its original), a

greater similitude (for which compare the proverb “As like as egg to egg”), a similitude in things dissimilar (an elephant, for instance, and an ant both belong to the genus *animal*), and dissimilitude in things similar (puppies and kids, for example, are unlike the parents, for they differ from them in point of age). So too they distinguish between contraries: some are opposites, as night to day, some hurtful, as cold water to a fever, some contradictory, as truth to falsehood, and some negative, as things which are not hard when contrasted with things which are hard. But I cannot see that such distinctions have any real bearing on the subject under discussion.

It is more important for our purpose to note that arguments may be drawn from similar, opposite, and dissimilar points of law. As an example of the first, take the following passage from the *Topica* of Cicero, where he argues that a man to whom the usufruct of a house has been left will not restore it in the interests of the heir if it collapses; just as he would not replace a slave if he should die. The following will provide an example of an argument drawn from opposite points of law: “The absence of a formal contract is no bar to the legality of a marriage, provided the parties cohabit by mutual consent, since the signing of a formal document will count for nothing in the absence of such mutual consent.” An instance of an argument drawn from dissimilar points of law occurs in the *pro Caecina* of Cicero: “If anyone had driven me from my house by armed violence, I should have ground for action against him. Have I then no ground, if he has prevented me from entering my house?” Dissimilar points may be illustrated by the following example: “Because a man has bequeathed all his silver to a given person and this bequest is regarded as including silver coin as well as plate, it does not follow that he intended all outstanding debts to be paid to the legatee.”

Some draw a distinction between *analogy* and *similarly*, but personally I regard the former as included under the latter. For the statement that the relation of 1 to 10 is the same as that of 10 to 10 certainly involves similarity, just as does the statement that a bad citizen may be compared to an actual enemy. But arguments of this kind are carried still further: “If connexion with a male slave is disgraceful to the mistress of the house, so is the connexion of the master with a female slave. If pleasure is an end sought by dumb animals, so also must it be with men.” But these arguments may readily be met by arguments from dissimilarity: “It is not the same thing for the master of the house to have intercourse with a female slave as for the mistress to have intercourse with a male slave; nor does it follow that because dumb animals pursue pleasure, reasoning beings should do likewise.” Or they may even be met by arguments from opposites; as for instance, “Because pleasure is an end sought by dumb animals, it should not be sought by reasoning beings.”

Authority also may be drawn from external sources to support a case. Those who follow the Greeks, who call such arguments κρίσεις, style them *judgments* or *adjudications*, thereby referring not to matters on which judicial sentence has been pronounced (for such decisions form examples or precedents), but to whatever may be regarded as expressing the opinion of nations, peoples, philosophers, distinguished citizens, or illustrious poets. Nay, even common sayings and popular beliefs may be found to be useful. For they form a sort of testimony, which is rendered all the more impressive by the fact that it was not given to suit special cases, but was the utterance or action of minds swayed neither by prejudice or influence, simply because it seemed the most honourable or honest thing to say or do. For instance, if I am speaking of the misfortunes of this mortal life, surely it will help me to adduce the opinion of those nations who hold that we should weep over the new-born child and rejoice over the dead. Or if I am urging the judge to shew pity, surely my argument may be assisted by the fact that Athens, the wisest of all states, regarded pity not merely as an emotion, but even as a god. Again, do we not regard the precepts of the Seven Wise Men as so many rules of life? If an adulteress is on her trial for poisoning, is she not already to be regarded as condemned by the judgment of Marcus Cato, who asserted that every adulteress was as good as a poisoner? As for reflexions drawn from the poets, not only speeches, but even the works of the philosophers, are full of them; for although the philosophers think everything inferior to their own precepts and writings, they have not thought it beneath their dignity to quote numbers of lines from the poets to lend authority to their statements. Again, a remarkable example of the weight carried by authority is provided by the fact that when the Megarians disputed the possession of Salamis with the Athenians, the latter prevailed by citing a line from Homer, which is not however found in all editions, to the effect that Ajax united his ships with those of the Athenians. Generally received sayings also become common property owing to the very fact that they are anonymous, as, for instance, "Friends are a treasure," or "Conscience is as good as a thousand witnesses," or, to quote Cicero, "In the words of the old proverb, birds of a feather flock together." Sayings such as these would not have acquired immortality had they not carried conviction of their truth to all mankind. Some include under this head the supernatural authority that is derived from oracles, as for instance the response asserting that Socrates was the wisest of mankind: indeed, they rank it above all other authorities. Such authority is rare, but may prove useful. It is employed by Cicero in his speech on the Replies of the Soothsayers and in the oration in which he denounced Catiline to the people, when he points to the statue of Jupiter crowning a column, and again in the *pro Ligario*, where he admits the cause of

Caesar to be the better because the gods have decided in his favour. When such arguments are inherent in the case itself they are called supernatural evidence; when they are adduced from without they are styled supernatural arguments. Sometimes, again, it may be possible to produce some saying or action of the judge, of our adversary or his advocate in order to prove our point. There have therefore been some writers who have regarded examples and the use of authorities of which I am speaking as belonging to *inartificial* proofs, on the ground that the orator does not discover them, but receives them readymade. But the point is of great importance. For witnesses and investigation and the like all make some pronouncement on the actual matter under trial, whereas arguments drawn from without are in themselves useless, unless the pleader has the wit to apply them in such a manner as to support the points which he is trying to make.

CHAPTER XII: STRENGTH OF ARGUMENTS

Such in the main are the views about proof which I have either heard from others or learned by experience. I would not venture to assert that this is all there is to be said; indeed I would exhort students to make further researches on the subject, for I admit the possibilities of making further discoveries. Still anything that may be discovered will not differ greatly from what I have said here. I will now proceed to make a few remarks as to how proofs should be employed.

It has generally been laid down that an argument to be effective must be based on certainty; for it is obviously impossible to prove what is doubtful by what is no less doubtful. Still some things which are adduced as proof require proof themselves. "You killed your husband, for you were an adulteress." Adultery must first be proved: once that is certain it can be used as an argument to prove what is uncertain. "Your javelin was found in the body of the murdered man." He denies that it was his. If this point is to serve as a proof, it must itself be proved. It is, however, necessary in this connection to point out that there are no stronger proofs than those in which uncertainty has been converted into certainty. "You committed the murder, for your clothes were stained with blood." This argument is not so strong if the accused admits that his clothes were bloodstained as if the fact is proved against his denial. For if he admits it, there are still a number of ways in which the blood could have got on to his clothes: if on the other hand he denies it, he makes his whole case turn on this point, and if his contention is disproved, he will be unable to make a stand on any subsequent ground. For it will be thought that he would never have told a lie in denying the allegation, unless he had felt it a

hopeless task to justify himself if he admitted it.

In insisting on our strongest arguments we must take them singly, whereas our weaker arguments should be massed together: for it is undesirable that those arguments which are strong in themselves should have their force obscured by the surrounding matter, since it is important to show their true nature: on the other hand arguments which are naturally weak will receive mutual support if grouped together. Consequently arguments which have no individual force on the ground of strength will acquire force in virtue of their number, since all tend to prove the same thing. For instance, if one man is accused of having murdered another for the sake of his property, it may be argued as follows: "You had expectations of succeeding to the inheritance, which was moreover very large: you were a poor man, and at the time in question were specially hard pressed by your creditors: you had also offended him whose heir you were, and knew that he intended to alter his will." These arguments are trivial and commonplace in detail, but their cumulative force is damaging. They may not have the overwhelming force of a thunderbolt, but they will have all the destructive force of hail.

There are certain arguments, which must not merely be stated, but supported as well. If we say, "The motive for the crime was greed," we must show the force of greed as a motive: if we say that anger was the motive, we must show the sway that this passion has over the minds of men. Thus our arguments will not only be strengthened, but will be more ornamental as well, since we shall have produced something more than a mere fleshless skeleton. It also makes an enormous difference, supposing that we allege hatred as the motive for a crime, whether such hatred was due to envy, injury or unlawful influence, whether it was recent or of long standing, whether it was directed against an inferior, an equal or a superior, against a stranger or a relative. There are special methods for the treatment of all these arguments, and the treatment to be selected will depend on the interests of the case which we are defending. On the other hand we must not always burden the judge with all the arguments we have discovered, since by so doing we shall at once bore him and render him less inclined to believe us. For he will hardly suppose those proofs to be valid which we ourselves who produce them regard as insufficient. On the other hand, where the facts are fairly obvious, it would be as foolish to argue about them as to bring some artificial light into broad sunlight.

To these proofs some authorities would add those which they call *pathetic* or *emotional*. Aristotle indeed holds that the strongest argument in support of a speaker is that he is a good man. This no doubt is the best support, but to seem good is also of value, though the semblance is but a bad second to the reality. Of this nature is the noble defence of Scaurus. "Quintus Varius of Sueto asserts that

Aemilius Scaurus has betrayed the interests of the Roman people: Aemilius Scaurus denies it." A similar defence is said to have been employed by Iphicrates : he asked Aristophon who was accusing him on a similar charge of treason whether he would consent to betray his country for a bribe: when Aristophon replied in the negative, he continued, "Have I then done what you would have refused to do?" We must however take the character of the judge into consideration and seek out such arguments as will appeal to him. I have already spoken of this in the rules which I laid down for the exordium and for deliberative oratory. Another form of proof is provided by asseveration as in "I did this," "You told me this," or "O outrageous crime!" and the like. Every pleading should contain some such asseverations; if it does not, the loss will be considerable. Still asseverations must not be regarded as supports of the first importance, since they can be produced by either party in the same case with the same emphasis. A more forcible kind of proof is that drawn from character and supported by some plausible reason, as for instance, "It is not likely that a wounded man or one who has lost his son would accuse anyone who is not guilty, since if he accused an innocent man, he would free the real offender from all risk of punishment." It is from such arguments that fathers seek support when pleading against their sons or one relative against another.

The further question has been raised as to whether the strongest arguments should be placed first, to take possession of the judge's mind, or last, to leave an impression on it; or whether they should be divided between the commencement and close of the proof, adopting the Homeric disposition of placing the weakest in the centre of the column, so that they may derive strength from their neighbours. But in the disposition of our arguments we must be guided by the interests of the individual case: there is only one exception to this general rule in my opinion, namely, that we should avoid descending from the strongest proofs to the weakest.

I have been content to give a brief outline of my views concerning these points, and have put them forward in such a way as to show as clearly as was in my power the various topics and kinds of arguments. Others have dealt with the subject at greater length, preferring to deal with the whole subject of commonplaces and to show how each topic may be treated. This seems to me unnecessary, since it is as a rule obvious what should be said against the injurious conduct or avarice of our opponents, or against a hostile witness or powerful friends; to say everything on all these subjects is an endless task, as endless in fact as if I were to attempt to lay down rules for dealing with every dispute that can ever occur and all the questions, arguments and opinions thereby involved. I do not venture to suppose that I have pointed out all the circumstances that may give rise to arguments, but I think that I have done so in the majority of cases.

This was a task which required all the more careful handling because the declamations, which we used to employ as foils wherewith to practise for the duels of the forum, have long since departed from the true form of pleading and, owing to the fact that they are composed solely with the design of giving pleasure, have become flaccid and nerveless: indeed, declaimers are guilty of exactly the same offence as slave-dealers who castrate boys in order to increase the attractions of their beauty. For just as the slave-dealer regards strength and muscle, and above all, the beard and other natural characteristics of manhood as blemishes, and softens down all that would be sturdy if allowed to grow, on the ground that it is harsh and hard, even so we conceal the manly form of eloquence and power of speaking closely and forcibly by giving it a delicate complexion of style and, so long as what we say is smooth and polished, are absolutely indifferent as to whether our words have any power or no. But I take Nature for my guide and regard any man whatsoever as fairer to view than a eunuch, nor can I believe that Providence is ever so indifferent to what itself has created as to allow weakness to be an excellence, nor again can I think that the knife can render beautiful that which, if produced in the natural course of birth, would be regarded as a monster. A false resemblance to the female sex may in itself delight lust, if it will, but depravity of morals will never acquire such ascendancy as to succeed in giving real value to that to which it has succeeded in giving a high price. Consequently, although this debauched eloquence (for I intend to speak with the utmost frankness) may please modern audiences by its effeminate and voluptuous charms, I absolutely refuse to regard it as eloquence at all: for it retains not the slightest trace of purity and virility in itself, not to say of these qualities in the speaker. When the masters of sculpture and painting desired to carve or paint forms of ideal beauty, they never fell into the error of taking some Bagoas or Megabyzus as models, but rightly selected the well-known Doryphorus, equally adapted either for the fields of war or for the wrestling school, and other warlike and athletic youths as types of physical beauty. Shall we then, who are endeavouring to mould the ideal orator, equip eloquence not with weapons but with timbrels? Consequently, let the youth whom we are training devote himself, as far as in him lies, to the imitation of truth and, in view of the fact that the battles of the forum that await him are not few, let him strive for victory in the schools and learn how to strike the vitals of his foe and protect his own; and let his instructor insist on his doing this above all else and reserve his special approval for the mastery of this art. For though young men may be lured to evil practices by praise, they still prefer to be praised for what is right. At the present time the misfortune is that teachers more often than not pass over what is necessary in silence, and utility is not accounted one of the good qualities of eloquence. But I have dealt with these

points in another work, and shall often have to recur to them in this. I will now return to my prescribed course.

CHAPTER XIII: REFUTATION

Refutation may be understood in two senses. For the duty of the defence consists wholly in refutation, while whatever is said by our opponents must be rebutted, whether we are speaking for the defence or the prosecution. It is in this sense that refutation is assigned the fourth place in pleadings, but the methods required in either case are identical. For the principles of argument in refutation can only be drawn from the same sources as those used in proof, while topics and thoughts, words and figures will all be on the same lines. As a rule no strong appeal to the emotions is made in refutation.

It is not, however, without reason that, as Cicero so often testifies, the task of defence has always been considered harder than that of prosecution. In the first place accusation is a simpler task: for the charge is put forward in one definite form, but its refutation may take a number of different forms, since as a rule it is sufficient for the accuser that his charge should be true, whereas counsel for the defence may deny or justify the facts, raise the question of competence, make excuses, plead for mercy, soften, extenuate, or divert the charge, express contempt or derision. The task of the accuser is consequently straightforward and, if I may use the phrase, vociferous; but the defence requires a thousand arts and stratagems. Moreover the prosecutor generally produces a speech which he has prepared at home, while the counsel for the defence has frequently to deal with quite unexpected points. The prosecutor brings forward his witnesses, while counsel for the defence has to refute the charge by arguments drawn from the case itself. The prosecutor draws his material from the odium excited by the charges, even though it have no justification, denouncing parricide, sacrilege, or treason, whereas counsel for the defence can only deny them. Consequently quite moderate speakers have proved adequate in prosecution, while no one can be a good counsel for the defence unless he possesses real eloquence. In a word, it is just so much easier to accuse than to defend as it is easier to inflict than to heal a wound.

The nature of the arguments put forward by our opponent and the manner in which he produces them will, however, make an enormous difference to our task. We must therefore first consider what it is to which we have to reply, whether it is part and parcel of the actual case or has been introduced from circumstances lying outside the case. For in the former case we must deny or justify the facts or raise

the question of competence: for these are practically the sole methods of defence available in the courts. Pleas for mercy, which are not in any sense a method of actual defence, can rarely be used, and only before judges who are not limited to some precise form of verdict. Even those speeches delivered before Gaius Caesar and the triumvirs on behalf of members of the opposite party, although they do employ such pleas for mercy, also make use of the ordinary methods of defence. For I think you will agree with me that the following passage contains arguments of a strongly defensive character: "What was our object, Tubero, save that we might have the power that Caesar has now" But if, when pleading before the emperor or any other person who has power either to acquit or condemn, it is incumbent on us to urge that, while our client has committed an offence that deserves the death penalty, it is still the duty of a merciful judge to spare him despite his sins, it must be noted in the first place that we have to deal, not with our adversary, but with the judge, and secondly that we shall have to employ the deliberative rather than the forensic style. For we shall urge the judge to fix his desire rather on the glory that is won by clemency than on the pleasure that is given by vengeance. On the other hand, when we are pleading before judges who have to give their verdict in accordance with the prescriptions of law, it would be absurd to give them advice as to how they should deal with a criminal who admits his guilt. Consequently, when it is impossible either to deny the facts or to raise the question of competence, we must attempt to justify the facts as best we can, or else throw up the case. I have pointed out that there are two ways in which a fact can be denied: it can be denied absolutely, or it may be denied that a fact is of the nature alleged. When it is impossible to plead justification or to raise the question of competence, we must deny the facts, and that not merely when a definition of the facts will serve our case, but even when nothing except an absolute denial is left for us. If witnesses are produced, there is much that may be said to discredit them; if a document is put forward, we may hold forth on the similarity of the handwritings. In any case there can be no worse course than confession of guilt. When denial and justification are both impossible, we must as a last resort base our defence on the legal point of competence. Still, there are some cases in which none of these three courses is possible. "She is accused of adultery on the ground that after a widowhood of twelve months she was delivered of a child." In this case there is no ground for dispute. Consequently I regard as the height of folly the advice that is given in such cases, that what cannot be defended should be ignored and passed over in silence, at any rate if the point in question is that on which the judge has to give his decision. On the other hand, if the allegation is irrelevant to the actual case and no more than accessory, I should prefer simply to state that it has nothing to do with the question

at issue, that it is not worth our attention, and that it has not the importance given to it by our opponent, though in such a case I should be prepared to pardon a policy of ignoring the charge such as I have just mentioned. For a good advocate ought not to be afraid of incurring a trivial censure for negligence, if such apparent negligence is likely to save his client.

We must further consider whether we should attack our opponent's arguments *en masse* or dispose of them singly. We shall adopt the former course if the arguments are so weak that they can be overthrown simultaneously, or so embarrassing that it would be inexpedient to grapple with them individually. For in such a case we must fight with all the force at our disposal and make a frontal attack. Sometimes, if it is difficult to refute the statements made by our opponents, we may compare our arguments with theirs, at least if by such a procedure it is possible to prove the superiority of our own. On the other hand, those arguments which rely on their cumulative force must be analysed individually, as for example in the case which I cited above: "You were the heir, you were poor and were summoned by your creditors for a large sum: you had offended him and knew that he intended to change his will." The cumulative force of these arguments is damaging. But if you refute them singly, the flame which derived its strength from the mass of fuel will die down as soon as the material which fed it is separated, just as if we divert a great stream into a number of channels we may cross it where we will. We shall therefore adapt our method of refutation to the exigencies of our case, now dealing with individual arguments and now treating them in bulk. For at times we may include in a single proposition the refutation of an argument which our opponent has constructed of a number of different points. For instance, if the accuser allege that the accused had a number of motives for committing a crime, we may make a general denial of the fact without dealing singly with each alleged motive, because the fact that a man has had a motive for committing a crime does not prove that he has actually committed it. It will however as a rule be expedient for the prosecution to employ massed arguments, and for the accused to refute them in detail.

We must, however, also consider the manner in which we should refute the arguments of our opponent. If his statements be obviously false, it will be sufficient to deny them. This is done by Cicero in the *pro Cluentio*, where he denies that the man alleged by the accuser to have fallen dead on the spot after drinking the contents of the cup, died on the same day. Again, it requires no skill to rebut arguments which are obviously contradictory, superfluous or foolish, and consequently I need give no examples nor instructions as to the method to be employed. There is also the type of charge which is known as obscure, where it is

alleged that an act was committed in secret without witnesses or any evidence to prove it: this suffers from an inherent weakness, since the fact that our opponent can produce no proof is sufficient for our purpose: the same applies to arguments which are irrelevant to the case. It is, however, sometimes an orator's duty to make it appear that some argument of his opponent is contradictory or irrelevant or incredible or superfluous or really favourable to his own client. Oppius is charged with having embezzled the supplies intended to feed the troops. It is a serious charge, but Cicero shows that it contradicts other charges, since the same accusers also charged Oppius with desiring to corrupt the army by bribes. The accuser of Cornelius offers to produce witnesses to show that he read out the law when tribune: Cicero makes this argument superfluous by admitting it. Quintus Caecilius demands to be entrusted with the task of accusing Verres on the ground that he had been the latter's quaestor: Cicero actually makes this argument tell in his own favour. As regards other charges, they may all be dealt with by very similar methods. For they may be demolished either by conjecture, when we shall consider whether they are true, by definition, when we shall examine whether they are relevant to the case, by quality, when we shall consider whether they are dishonourable, unfair, scandalous, inhuman, cruel, or deserve any other epithet coming under the head of quality. Such questions have to be considered, not merely in connection with the statement of the charges or the reasons alleged, but with reference to the nature of the case in its entirety. For instance, the question of cruelty is considered with regard to the charge of high treason brought against Rabirius by Labienus; of inhumanity in the case of Tubero who accused Ligarius when he was an exile and attempted to prevent Caesar from pardoning him; of arrogance as in the case of the charge brought against Oppius on the strength of a letter of Cotta. Similarly, it may be shown that charges are hasty, insidious or vindictive. The strongest argument, however, which can be brought against a charge is that it involves peril to the community or to the judges themselves; we find an example of the former in the *pro Tullio*, where Cicero says "Who ever laid down such a principle as this, or who could be allowed, without grave peril to the community, to kill a man, just because he asserts that he feared that he himself might be killed by him?" An instance of the latter occurs in the *pro Oppio*, where Cicero warns the judges at some length not to permit such an action to be brought against the equestrian order. On the other hand there are certain arguments which at times may best be treated with contempt, as being trivial or irrelevant. This course is frequently pursued by Cicero, indeed this affectation of indifference is sometimes carried so far that we trample disdainfully under foot arguments which we should never succeed in refuting by counter-argument.

Since, however, the majority of such arguments are based on similarity, we must make diligent search to discover if any discrepancy is to be found in what is put forward. It is easy to do this where points of law are concerned. For the law was drafted to cover cases quite other than the present, and consequently it is all the easier to show the difference between case and case. As to parallels drawn from dumb animals or inanimate objects, they are easy to make light of. Examples drawn from facts, if damaging to our case, must be treated in various ways: if they are ancient history, we may call them legendary, while if they are undoubted, we may lay stress on their extreme dissimilarity. For it is impossible for two cases to be alike in every detail. For instance, if the case of Ahala,² by whom Maelius was killed, is quoted to justify Nasica for the slaying of Tiberius Gracchus, we may argue that Maelius was endeavouring to make himself king, while all that Gracchus had done was to bring forward laws in the interest of the people, and that while Ahala was Master of the Horse, Nasica was a private citizen. In the last resort, if all else prove unavailing, we must see if we can show that the action adduced as a parallel was itself unjustifiable. These remarks as to examples apply also to previous decisions in the courts.

With regard to my statement that the manner in which the accuser stated his charges was of importance, I would point out in this connexion that if he has spoken but feebly, we may repeat his actual words; while, if he has used bitter and violent language, we may restate the facts in milder terms, as Cicero does in the *pro Cornelia*, where he says, "He put his hand to the tablet containing the law": and we may do this in such a way as to defend our client; for instance, if our client is addicted to luxury, we may say, "He has been charged with living in a somewhat too liberal style." So, too, we may call a mean man thrifty and a slanderous tongue free. But we must never under any circumstances repeat our opponent's charges together with their proofs, nor emphasise any of his points by amplifying them, unless we do so with a view to making light of them, as for instance in the following passage: "You have been with the army, he says, and have not set foot in the forum for so many years, and do you now on returning after so long an interval seek to compete for a post of high dignity with those who have made the forum their home?" Again, when we are replying to the accuser we may sometimes set forth the whole charge, as Cicero does in the *pro Scauro* with reference to the death of Bostar, where he virtually parodies the speech of his opponent, or we may take a number of points raised in the course of the accusation and put them together as in the *pro Vareno*: "They have asserted that, when he was journeying with Pompulenus through a lonely stretch of country, he fell in with the slaves of Ancharius, that Pompulenus was then killed and Varenus imprisoned on the spot until such time

as this man should indicate what he wished to be done with him.” Such a procedure is useful, if the sequence of facts alleged by the prosecution is incredible, and likely to lose its force by restatement. Sometimes, on the other hand, we may destroy the cumulative force of a number of statements by refuting them singly; in fact this is generally the safest course. Sometimes, again, the different portions of our reply will be independent of one another, a case which requires no illustration.

Common arguments are readily appropriated, not merely because they can be used by either party, but because they are of greater service to the speaker who is replying; for I shall not scruple to repeat the warning which I have often given already; the speaker who is first to employ such an argument makes it tell against himself. For an argument must needs tell against a speaker if it be one which his opponent can use with effect. “But, you say, it is not probable that a crime of this magnitude was designed by Marcus Cotta. Is it probable then that a crime of this magnitude was attempted by Oppius?” On the other hand it is a task for a real artist to discover inconsistencies, real or apparent, in the speech of his opponent, though such inconsistencies are sometimes evident from the bare facts, as for instance in the case of Caelius, where Clodia asserts on the one hand that she lent Caelius money, which is an indication of great intimacy, and on the other hand that he got poison to murder her, which is a sign of violent hatred. Tubero similarly accuses Ligarius of having been in Africa, and complains that Ligarius refused to allow him to land in Africa. At times, however, some ill-advised statement by our opponent will give us an opportunity of demolishing his arguments. This is specially likely to occur with speakers who have a passion for producing impressive thoughts: for the temptation to air their eloquence is such that they take no heed of what they have said already, being absorbed by the topic immediately before them to the detriment of the interests of the case as a whole. What is there likely to tell so heavily against Cluentius as the stigma inflicted by the censors? What can be more damaging than the fact that Egnatius disinherited his son on the ground that he had been bribed to give a false verdict in the trial in which Cluentius secured the condemnation of Oppianicus? But Cicero shows that the two facts tell against one another. “But, Attius, I would urge you to give the closest consideration to the following problem. Which do you desire to carry the greater weight—the judgment of the censors, or of Egnatius? If the latter, you regard the judgment of the censors in other cases as counting for little, since they expelled this same Gnaeus Egnatius, on whose authority you lay such stress, from his place in the senate. On the other hand, if you attach most weight to the judgment of the censors, I must point out that the censors retained the younger Egnatius, whom his father disinherited by an act resembling a censorial decision, in his position as senator, although they had expelled his

father.” As regards errors such as the following, the folly shown in their commission is out of all proportion to the skill required to deal with them: I refer to mistakes such as advancing a disputable argument as indisputable, a controversial point as admitted, a point common to a number of cases as peculiar to the case in hand, or the employment of trite, superfluous, or incredible arguments. For careless speakers are liable to commit a host of errors: they will exaggerate a charge which has still got to be proved, will argue about an act when the question is who committed it, will attempt impossibilities, drop an argument as if it were complete, whereas it is scarcely begun, speak of the individual in preference to the case, and attribute personal faults to circumstances, as for instance if a speaker should attack the decemvirate instead of Appius. They will also contradict what is obvious, speak ambiguously, lose sight of the main issue of the case, or give replies which have no relation to the charges made. This latter procedure may, it is true, be occasionally employed when we have a bad case which requires to be supported by arguments drawn from matters foreign to the case. The trial of Verres provides an example; when accused of peculation it was alleged that he had shown courage and energy in his defence of Sicily against the pirates.

The same rules apply to objections which we may have to meet. But there is one point which requires special attention, since in such cases many speakers fall into two very different faults. For some even in the courts will pass by such objections when raised by their opponents as troublesome and vexatious details, and, contenting themselves with the arguments which they have brought ready-made from their study, will speak as if their opponent did not exist. This error is of course far more common in the schools, for there objections are not merely disregarded, but the subjects for declamation are generally framed in such a way that there is nothing to be said on the opposite side. On the other hand there are some who suffer from excess of zeal, and think it their duty to reply to every word and even every trifling reflexion, a task which is at once endless and superfluous. For it is not the case. but the pleader, whom they are refuting. Personally I should always prefer that a speaker should reveal his eloquence in such a way that, if what he says advances his case, the credit will be given to his talent and not to the nature of his case, while if what he says damages his case the blame will attach to the case and not to his powers. Consequently when we come across denunciations such as that directed against Rullus for the obscurity of his language, or against Piso for his utter incapacity as a speaker, or against Antony for his lack of taste and his complete ignorance both of words and things, we shall give then our sanction as reasonable concessions to passion and just resentment, and as useful in stirring up hatred against those whom it is desired to render unpopular. The method of reply to our

opponent's counsel should be on different lines. Sometimes however we are justified in attacking, not merely their manner of speaking, but also their character, their appearance, their gait or bearing. Indeed, in his attack on Quintius, Cicero does not confine himself to these topics, but even attacks his purple-bordered toga that goes trailing to his heels: for Quintius had caused Cluentius grave embarrassment by his turbulent harangues. Sometimes, in order to dispel the unpopularity excited by bitter criticism, the latter may be disposed of by a jest, as for example Cicero disposes of Triarius. For to the allegation that the pillars destined for the house of Scaurus were carried on waggons through the city streets he replied, "I got my pillars from the quarries of Alba, and had them brought in panniers!" Such tactics are more readily allowed against an accuser, for the duties of counsel for the defence sometimes force him to make such personal attacks. On the other hand there is no objection to complaining of the conduct of the advocates on either side, so long as our complaint follows accepted practice and does not overstep the limits imposed by good manners; I refer to complaints such as that our opponents have abridged, obscured or postponed the discussion of some point, or with deliberate cunning have avoided discussing it at all. A change in the tactics of defence is also often selected for censure. For example, Attius in his speech against Cluentius complains that Cicero insists on the letter of the law, and Aeschines in his speech against Ctesiphon complains that Demosthenes refuses to consider the legal aspect of the case.

It is however necessary to issue a special warning to declaimers that they should not put forward objections that can easily be met or assume that their opponent is a fool. As it is, owing to our tendency to think that the subject-matter of our speech may be drawn from our own fancy, florid commonplaces and epigrams designed to bring down the house occur to our minds with the utmost readiness, with the result that we should do well to bear in mind the lines:

"A shrewd retort! Could it be otherwise?
A foolish question makes for smart replies."

But such a practice will be fatal in the courts, where we have to answer our opponent and not ourselves. It is said that Accius, when asked why he did not turn advocate in view of the extraordinary skill in making apt replies which his tragedies revealed, replied that in his plays the characters said what he himself wanted them to say, whereas in the courts his adversaries would probably say just what he least wanted them to say. It is therefore ridiculous in exercises which prepare the student for the actual courts to consider what answer can be made before ever giving a

thought to what the opposing counsel is likely to say. And a good teacher should commend a pupil no less for his skill in thinking out arguments that may be put forward for the opposite side than in discovering arguments to prove his own case. Again, there is another practice which is always permissible in the schools, but rarely in the courts. For when we speak first as claimants in a real case, how can we raise objections, seeing that our opponent has so far said nothing? Still, many fall into this error either because they have acquired the habit in declamation or simply owing to a passion for hearing their own voice, thereby affording fine sport to those who reply: for sometimes the latter will remark sarcastically that they never said anything of the kind and have no intention of saying anything so idiotic, and sometimes that they are grateful for the admirable warnings so kindly given by their opponent: but most often they will say, and this is the strongest line that they can take, that their opponent would never have replied to objections which had never been raised had he not realised that these objections were justified and been driven to admit it by his consciousness of the fact. We may find an example of this in the *pro Cluentio* of Cicero: "You have frequently asserted that you are informed that I intend to base my defence on the letter of the law. Really! I suppose that my friends have secretly betrayed me, and that there is one among those whom I believe to be my friends who reports my designs to my opponent. Who gave you this information? Who was the traitor? And to whom did I ever reveal my design? No one, I think, is to blame. It must have been the law itself that told you." But there are some who, not content with raising imaginary objections, develop whole passages on such themes, saying that they know their opponents will say this and will proceed to argue thus and thus. I remember that Vibius Crispus in our own day disposed of this practice very neatly, for he was a humorous fellow with a very pretty wit: "I do not make those objections which you attribute to me," he said, "for what use would it be to make them twice?" Sometimes however it may be possible to put forward something not unlike such objections, if some point included by our opponent in the depositions which he produces has been discussed among his advocates: for then we shall be replying to something which they have said and not to an objection which has been invented by ourselves; or again, this will be possible if the case is of such a nature that we are in a position to state certain definite objections which are absolutely essential to our opponent's case: for instance, if stolen goods have been discovered in a house, the accused must of necessity allege either that they were brought there without his knowledge or deposited with him or given to him and we may therefore answer all these points even although they have not been put forward. On the other hand, in the schools we are quite justified in answering both statements and imaginary objections; for by these means we shall

train ourselves at one and the same time for speaking either first or second. Unless we do this, we shall have no chance of employing objections, since there is no adversary to whom we can reply.

There is another serious fault into which pleaders fall: the anxious over-elaboration of points. Such a procedure makes his case suspect to the judges, while frequently arguments which, if stated without more ado, would have removed all doubt, lose their force owing to the delay caused by the elaborate preparations made for their introduction, due to the tact that the advocate thinks that they require additional support. Our orator must therefore adopt a confident manner, and should always speak as if he thought his case admirable. This quality, like all other good qualities, is particularly evident in Cicero. For the extraordinary care which he takes gives the impression of confidence and carries such weight when he speaks that it does not permit us to feel the least doubt and has all the force of genuine proof. Further, the advocate who knows what are the strongest points in his own and his opponent's case will easily be able to decide what points it will be most necessary for him to emphasise or to counter.

As regards order, there is no part of a case which involves less trouble. For, if we are prosecuting, our first duty will be to prove our own case, our second to refute the arguments brought against it. If, on the other hand, we are defending, we must begin by refutation. But from our answers to objections fresh objections will arise, a process which may be carried to some length. The *strokes* of gladiators provide a parallel. If the first stroke was intended to provoke the adversary to strike, the second will lead to the third, while if the challenge be repeated it will lead to the fourth stroke, so that there will be two parries and two attacks. And the process may be prolonged still further. But refutation also includes that simple form of proof, which I described above, based on an appeal to the emotions and mere assertion; for an example see the words of Scaurus which I have already quoted. Nay, I am not sure that this form of proof is not actually of more frequent occurrence when something is denied. It is, however, specially important for both parties that they should see where the main issue lies. For it often happens that the points raised in pleading are many, although those on which a decision is given are few.

Such are the elements of the methods of proof and refutation, but they require to be embellished and supported by the powers of the speaker. For although our arguments may be admirably adapted to express what we desire, they will none the less be slight and weak unless the orator makes a special effort to give them life. Consequently the commonplaces on the subject of witnesses, documentary evidence, arguments and the like make a great impression on the minds of the

judges, as also do those topics which are peculiar to the case, those I mean in which we praise or blame any action or show that it is just or unjust, or make it seem more or less important or more or less harsh than it really is. Of these topics some are adapted to the comparison of individual arguments, others to the comparison of a number, while others may serve to influence the success or failure of the whole case. Some again prepare the mind of the judge, while others confirm it in opinions already formed. But such preparation or confirmation will sometimes apply to the whole case, sometimes only to particular portions, and must therefore be employed with due regard to circumstances. I am consequently surprised that there should be a violent dispute between the leaders of two opposite schools as to whether such commonplaces should be applied to individual questions (which is the view of Theodorus), or whether the judge should be instructed in the facts before any appeal is made to his feelings (the latter being the view of Apollodorus), as though no middle course were possible and no regard were to be had to the exigencies of the case itself. Those who lay down such rules have no experience of speaking in the actual courts, the result being that text-books composed in the calm leisure of the study are sadly upset by the necessities of forensic strife. For practically all those who have set forth the law of speaking as though it were a profound mystery, have tied us down not merely to fixed topics for argument, but to definite rules as to how we should draw our conclusions. I propose after making a few preliminary remarks on the subject to give a frank expression of my own views, or in other words to set forth what I perceive to have been the practice of the most distinguished orators.

CHAPTER XIV: ENTHYMEMES

The term *enthymeme* is applied not merely to the actual argument, that is to say, the matter adduced to prove something else, but also to its expression, the nature of which, as I have already pointed out, is twofold. It may be drawn from denial of *consequents*, when it will consist of a proposition immediately followed by a proof, as in the following passage from the *pro Ligario*; “At that point the justice of the cause was doubtful, since there was something to be said on both sides. But now we can only regard that cause as superior, which even the gods supported.” Here we have a proposition and a reason, but no formal conclusion: it is therefore the incomplete syllogism known as an *enthymeme*. It may on the other hand be drawn from *incompatibles*, in which case the proof will be much stronger; indeed some restrict the title of *enthymeme* to this form of argument. The following passage

from the *pro Milone* of Cicero will provide a parallel: “You are then sitting there to avenge the death of a man whom you would refuse to restore to life, even if you thought it within your power to do so.” This form of argument may even at times consist of a number of clauses, as in the following passage from the same speech: “Was he resolved then to kill to the dissatisfaction of some a man whom he refused to kill to the satisfaction of all? Are we to believe that he did not hesitate, in defiance of the law and despite the unfavourable circumstances both of time and place and the risk involved to his own life, to kill one whom he did not venture to kill when he might have done so legally, at his own time and place and without the least danger to himself?” The most effective kind of *enthymeme* seems however to be that in which a reason is subjoined to a dissimilar or contrary proposition as in the following passage from Demosthenes: “For if at any time an act has been committed contrary to law and you have imitated it, it does not therefore follow that you should go scot free; on the contrary it is an additional reason why you should be condemned. For if any of those who transgressed the law had been condemned, you would not have proposed this, and further, if you are condemned, no one else will propose anything of the kind.”

As regards the *epicheieme*, some authorities hold that it consists of four, five, and even six parts. Cicero urges that there are not more than five at most, i.e. the major premise and its reason, the minor premise and its proof, and fifthly the conclusion. But since at times the major premise does not require a reason nor the minor a proof, while occasionally even the conclusion is not necessary, he holds that the *epicheireme* may consist of only four, three, or even two parts. Personally however follow the majority of authorities in holding that there are not more than three parts. For it follows from the very nature of reasoning that there must be something to form the subject of enquiry and something else to provide the proof, while the third element which has to be added may be regarded as resulting from the agreement of the two previous elements. Thus the first part will be the major, the second the minor premise and the third the conclusion. For the confirmation and development of both premises may reasonably be included in the parts to which they belong. Let us then take an example from Cicero of the *epicheireme* consisting of five parts. “Those things which are controlled by reason are better governed than those which are not.” This they call the first part and consider that it requires to be established by various reasons and a copious display of eloquence. Personally I hold that the whole of this together with its reason forms but one part. Otherwise, if the *reason* is to be treated as a separate part and if there are a variety of *reasons*, this will involve an addition to the number of parts. Next he produces the *minor premise*: “But there is nothing better administered than the universe.” The proof of this

minor premise is treated as the fourth part of the *epicheireme*. My criticism of this statement is identical with my criticism of the preceding. The fifth place they assign to the conclusion which either merely makes the necessary inference from the preceding parts (*i.e.* "Therefore the universe is governed by reason") or after briefly bringing major and minor premise together adds what is deduced from them with the following result: "But if on the one hand things that are controlled by reason are better governed than things which are not and on the other nothing is better administered than the universe, then it follows that the universe is governed by reason." As regards this part of the *epicheireme* I agree.

I have said that the *epicheireme* consists of three parts: its form is not however invariable. There is firstly the form in which the *conclusion* is identical with what has already been stated in the *major premise*. "The soul is immortal, since whatever derives its motion from itself is immortal. But the soul derives its motion from itself. Therefore the soul is immortal." This process occurs not merely in individual arguments, but in whole *cases*, provided they are of a simple character, and also in *questions*. For cases and questions always have first a *major premise*, such as "You have committed sacrilege," or "Not everyone who has killed a man is guilty of murder." Second comes a *reason*, which is stated at greater length in cases and questions than in separate arguments, while finally comes the *conclusion* in which as a rule they set forth the point they have proved either by enumeration of particulars or in the form of a hasty conclusion. In this type of *epicheireme* the *major premise* is doubtful, since it is still under investigation. There is another form of *conclusion* which is not actually identical with the *major premise*, but has the same force "Death is nothing to us, for that which is dissolved into its elements is devoid of feeling, and that which is devoid of feeling is nothing to us." There is a third form in which the *major premise* and the *conclusion* are different. "All animate things are better than inanimate, but there is nothing better than the universe, wherefore the universe is animate." It may be thought that in this case there is no real *major premise*, since it would be possible to state the reasoning in the following form: "The universe is animate, for all things animate are better than inanimate," etcetera. This *major premise* is either an admitted fact as in the last example or requires to be proved as in the following: "He who wishes to live a happy life, must be a philosopher": for this is not an acknowledged truth, and the premises must be established before we can arrive at the conclusion. Sometimes again the *minor premise* is an admitted fact, as for instance, "But all men wish to live a happy life," while sometimes it requires to be proved, as for example the statement quoted above, "That which is dissolved into its elements is devoid of feeling," since it is doubtful whether the soul is immortal after its release from the body or only continues to exist for a time. Some

call this a *minor premise*, some a *reason*.

There is no difference between the *epicheireme* and the *sylogism*, except that the latter has a number of forms and infers truth from truth, whereas the *epicheireme* is frequently concerned with statements that are no more than credible. For if it were always possible to prove controversial points from admitted premises, the orator would have little to do in this connexion. For what skill does it require to say, "The property is mine, for I am the only son of the deceased," or "I am the sole heir, since possession of the testator's estate is given by the law of property in accordance with the terms of his will: the property therefore belongs to me"? But when the reason given is itself disputable, we must establish the certainty of the premises by which we are proposing to prove what is uncertain. For example, if our opponent says "You are not his son" or "You are illegitimate" or "You are not his only son"; or, again, "You are not his heir" or "The will is invalid" or "You are not entitled to inherit" or "You have co-heirs," we must prove the validity of the reason on which we base our claim that the property should be adjudicated to us. But when a *reason* of unusual length intervenes, it is necessary to state the final conclusion, otherwise the *major premise* and the *reason* would suffice. "Laws are silent in the midst of arms, and do not require us to await their sanction when the circumstances are such that he who would await their sanction is certain to be the victim of an unjust penalty before ever the just penalty can be claimed." Hence it has been asserted that the form of *enthymeme* which is based on denial of consequents resembles a *reason*. But sometimes, again, it is sufficient to state a single proposition as in the example just quoted, "The laws are silent in the midst of arms." We may also begin with the *reason* and then proceed to the conclusion as in another passage from the same speech: "But if the Twelve Tables permitted the killing of a thief by night under any circumstances, and by day if he used a weapon to defend himself, who is there who will contend that the slayer must be punished under whatever circumstances a man has been killed?" "The process is still further varied by Cicero, and the *reason* placed third, as in the phrase, "When he sees that the sword is sometimes placed in our hands by the laws themselves." On the other hand, he places the various parts in the regular order in the following instance: "How can it be unjust to kill a robber who lies in wait for his victim?" Next comes the *reason*: "What is the object of our escorts and our swords?" Last comes the conclusion resulting from the *major premise* and the *reason*: "Which we certainly should not be permitted to have, if we were absolutely forbidden to use them."

This form of proof may be countered in three ways, that is to say it may be attacked in all its parts. For either the *major premise* or the *minor* or the *conclusion*

or occasionally all three are refuted. The *major premise* is refuted in the following case: "I was justified in killing him, as he lay in wait for me." For the very first question in the defence of Milo is "whether it is right that he who confesses that he has killed a man should look upon the light of day." The *minor premise* is refuted by all the methods which we mentioned in dealing with refutation. As to the *reason* it must be pointed out that it is sometimes true when the *proposition* to which it is attached is not true, but may on the other hand sometimes be false although the proposition is true. For example, "Virtue is a good thing" is true, but if the reason, "Because it brings us wealth," be added, we shall have an instance of a true *major premise* and a false *reason*. With regard to the *conclusion*, we may either deny its truth when it infers something which does not logically result from the premises, or we may treat it as irrelevant. The truth is denied in the following case: "We are justified in killing one who lies in wait for us; for since, like an enemy, he threatens us with violence, we ought to repulse his attack as though he were an enemy: therefore Milo was justified in killing Clodius as an enemy." The conclusion is not valid, since we have not yet proved that Clodius lay in wait for him. But the conclusion that we are therefore justified in killing one who lies in wait for us is perfectly true, though irrelevant to the case, for it is not yet clear that Clodius lay in wait for Milo. But while the *major premise* and the *reason* may both be true and the conclusion false, yet if both are false, the conclusion can never be true.

Some call the *enthymeme* a *rhetorical syllogism*, while others regard it as a part of the *syllogism*, because whereas the latter always has its premises and conclusion and effects its proof by the employment of all its parts, the *enthymeme* is content to let its proof be understood without explicit statement. The following is an example of a syllogism: "Virtue is the only thing that is good, for that alone is good which no one can put to a bad use: but no one can make a bad use of virtue; virtue therefore is good." The *enthymeme* draws its conclusion from denial of consequents. "Virtue is a good thing because no one can put it to a bad use." On the other hand take the following syllogism. "Money is not a good thing; for that is not good which can be put to a bad use: money may be put to a bad use; therefore money is not a good thing." The *enthymeme* draws its conclusion from incompatibles. "Can money be a good thing when it is possible to put it to a bad use?" The following argument is couched in syllogistic form: "If money in the form of silver coin is silver, the man who bequeathed all his silver to a legatee, includes all money in the form of coined silver: but he bequeathed all his silver: therefore he included in the bequest all money in the form of coined silver." But for the orator it will be sufficient to say, "Since he bequeathed all his silver, he included in his bequest all his silver money."

I think I have now dealt with all the precepts of those who treat oratory as a

mystery. But these rules still leave scope for free exercise of the judgment. For although I consider that there are occasions when the orator may lawfully employ the syllogism, I am far from desiring him to make his whole speech consist of or even be crowded with a mass of *epicheiremes* and *enthymemes*. For a speech of that character would resemble dialogues and dialectical controversies rather than pleadings of the kind with which we are concerned, and there is an enormous difference between the two. For in the former we are confronted with learned men seeking for truth among men of learning; consequently they subject everything to a minute and scrupulous inquiry with a view to arriving at clear and convincing truths, and they claim for themselves the tasks of invention and judgment, calling the former *τοπική* or the art of selecting the appropriate material for treatment, and the latter *κριτική* or the art of criticism. We on the other hand have to compose our speeches for others to judge, and have frequently to speak before an audience of men who, if not thoroughly ill-educated, are certainly ignorant of such arts as dialectic: and unless we attract them by the charm of our discourse or drag them by its force, and occasionally throw them off their balance by an appeal to their emotions, we shall be unable to vindicate the claims of truth and justice. Eloquence aims at being rich, beautiful and commanding, and will attain to none of these qualities if it be broken up into conclusive inferences which are generally expressed in the same monotonous form: on the contrary its meanness will excite contempt, its severity dislike, its elaboration satiety, and its sameness boredom. Eloquence therefore must not restrict itself to narrow tracks, but range at large over the open fields. Its streams must not be conveyed through narrow pipes like the water of fountains, but flow as mighty rivers flow, filling whole valleys; and if it cannot find a channel it must make one for itself. For what can be more distressing than to be fettered by petty rules, like children who trace the letters of the alphabet which others have first written for them, or, as the Greeks say, insist on keeping the coat their mother gave them. Are we to have nothing but premises and conclusions from consequents and incompatibles? Must not the orator breathe life into the argument and develop it? Must lie not vary and diversify it by a thousand figures, and do all this in such a way that it seems to come into being as the very child of nature, not to reveal an artificial manufacture and a suspect art nor at every moment to show traces of an instructor's hand? What orator ever spoke thus? Even in Demosthenes we find but few traces of such a mechanism. And yet the Greeks of to-day are even more prone than we are (though this is the only point in which their practice is worse than ours) to bind their thoughts in fetters and to connect them by an inexorable chain of argument, making inferences where there was never any doubt, proving admitted facts and asserting that in so doing they are following the orators

of old, although they always refuse to answer the question who it is that they are imitating. However of figures I shall speak elsewhere.

For the present I must add that I do not even agree with those who hold that arguments should always be expressed in language which is not only pure, lucid and distinct, but also as free as possible from all elevation and ornateness. I readily admit that arguments should be distinct and clear, and further that in arguments of a minor character the language and words should be as appropriate and as familiar as possible. But if the subject be one of real importance every kind of ornament should be employed, so long as it does nothing to obscure our meaning. For metaphor will frequently throw a flood of light upon a subject: even lawyers, who spend so much trouble over the appropriateness of words, venture to assert that the word *litus* is derived from *eludere*, because the shore is a place where the waves break in play. Further, the more unattractive the natural appearance of anything, the more does it require to be seasoned by charm of style: moreover, an argument is often less suspect when thus disguised, and the charm with which it is expressed makes it all the more convincing to our audience. Unless indeed we think that Cicero was in error when he introduced phrases such as the following into an argumentative passage: “The laws are silent in the midst of arms,” and “A sword is sometimes placed in our hands by the laws themselves.” However, we must be careful to observe a happy mean in the employment of such embellishments, so that they may prove a real ornament and not a hindrance.

BOOK VI

PREFACE: SOLACE IN ADVERSITY

I undertook my present task, Marcellus Victorius, mainly to gratify your request, but also with a view to assist the more earnest of our young men as far as lay in my power, while latterly the energy with which I have devoted myself to my labours has been inspired by the almost imperative necessity imposed by the office conferred on me, though all the while I have had an eye to my own personal pleasure. For I thought that this work would be the most precious part of the inheritance that would fall to my son, whose ability was so remarkable that it called for the most anxious cultivation on the part of his father. Thus if, as would have been but just and devoutly to be wished, the fates had torn me from his side, he would still have been able to enjoy the benefit of his father's instruction. Night and day I pursued this design, and strove to hasten its completion in the fear that death might cut me off with my task unfinished, when misfortune overwhelmed me with such suddenness, that the success of my labours now interests no one less than myself. A second bereavement has fallen upon me, and I have lost him of whom I had formed the highest expectations, and in whom I reposed all the hopes that should solace my old age. What is there left for me to do? Or what further use can I hope to be on earth, when heaven thus frowns upon me? For it so chances that just at the moment when I began my book on the causes of the decline of eloquence, I was stricken by a like affliction. Better had I thrown that ill-omened work and all my ill-starred learning upon the flames of that untimely pyre that was to consume the darling of my heart, and had not sought to burden my unnatural persistence in this wicked world with the fatigue of fresh labours! For what father with a spark of proper feeling would pardon me for having the heart to pursue my researches further, and would not hate me for my insensibility, had I other use for my voice than to rail against high heaven for having suffered me to outlive all my nearest and dearest, and to testify that providence deigns not at all to watch over this earth of ours? If this is not proved by my own misfortune (and yet my only fault is that I still live), it is most surely manifest in theirs, who were cut off thus untimely; their mother was taken from me earlier still, she had borne me two sons ere the completion of her nineteenth year; but for her, though she too died most untimely, death was a blessing. Yet for me her death alone was such a blow that thereafter no good fortune could bring me true happiness. For she had every virtue that is given to woman to possess, and left her husband a prey to irremediable grief; nay, so young was she when death took her, that if her age be compared with mine, her decease was like the loss not merely of a wife, but of a daughter. Still her children

survived her, and I, too, lived on by some unnatural ordinance of fate, which for all its perversity was what she herself desired; and thus by her swift departure from this life she escaped the worst of tortures. My youngest boy was barely five, when he was the first to leave me, robbing me as it were of one of my two eyes. I have no desire to flaunt my woes in the public gaze, nor to exaggerate the cause I have for tears; would that I had some means to make it less! But how can I forget the charm of his face, the sweetness of his speech, his first flashes of promise, and his actual possession of a calm and, incredible though it may seem, a powerful mind. Such a child would have captivated my affections, even had he been another's. Nor was this all; to enhance my agony the malignity of designing fortune had willed that he should devote all his love to me, preferring me to his nurses, to his grandmother who brought him up, and all those who, as a rule, win the special affection of infancy. I am, therefore, grateful to the grief that came to me some few months before his loss in the death of his mother, the best of women, whose virtues were beyond all praise. For I have less reason to weep my own fate than to rejoice at hers.

After these calamities all my hopes, all my delight were centred on my little Quintilian, and he might have sufficed to console me. For his gifts were not merely in the bud like those of his brother: as early as his ninth birthday he had put forth sure and well-formed fruit. By my own sorrows, by the testimony of my own sad heart, by his departed spirit, the deity at whose shrine my grief does worship, I swear that I discerned in him such talent, not merely in receiving instruction, although in all my wide experience I have never seen his like, nor in his power of spontaneous application, to which his teachers can bear witness, but such upright, pious, humane and generous feelings, as alone might have sufficed to fill me with the dread of the fearful thunder-stroke that has smitten me down: for it is a matter of common observation that those who ripen early die young, and that there is some malign influence that delights in cutting short the greatest promise and refusing to permit our joys to pass beyond the bound allotted to mortal man. He possessed every incidental advantage as well, a pleasing and resonant voice, a sweetness of speech, and a perfect correctness in pronouncing every letter both in Greek and Latin, as though either were his native tongue. But all these were but the promise of greater things. He had finer qualities, courage and dignity, and the strength to resist both fear and pain. What fortitude he showed during an illness of eight months, till all his physicians marvelled at him! How he consoled me during his last moments. How even in the wanderings of delirium did his thoughts recur to his lessons and his literary studies, even when his strength was sinking and he was no longer ours to claim! Child of my vain hopes, did I see your eyes fading in death and your breath take its last flight? Had I the heart to receive your fleeting spirit,

as I embraced your cold pale body, and to live on breathing the common air. Justly do I endure the agony that now is mine, and the thoughts that torment me. Have I lost you at the moment when adoption by a consular had given hope that you would rise to all the high offices of state, when you were destined to be the son-in-law of your uncle the praetor, and gave promise of rivalling the eloquence of your grandsire? and do I your father survive only to weep? May my endurance (not my will to live, for that is gone from me) prove me worthy of you through all my remaining years. For it is in vain that we impute all our ills to fortune. No man grieves long save through his own fault. But I still live, and must find something to make life tolerable, and must needs put faith in the verdict of the wise, who held that literature alone can provide true solace in adversity. Yet, if ever the violence of my present grief subside and admit the intrusion of some other thought on so many sorrowful reflexions, I may with good cause ask pardon for the delay in bringing my work to completion. Who can wonder that my studies have been interrupted, when the real marvel is that they have not been broken off altogether? Should certain portions therefore betray a lack of finish compared with what was begun in the days when my affliction was less profound, I would ask that the imperfections should be regarded with indulgence, as being due to the cruel tyranny of fortune, which, if it has not utterly extinguished, has at any rate weakened such poor powers of intellect as I once possessed. But for this very reason I must rouse myself to face my task with greater spirit, since it is easy to despise fortune, though it may be hard to bear her blows. For there is nothing left that she can do to me, since out of my calamities she has wrought for me a security which, full of sorrow though it be, is such that nothing can shake it. And the very fact that I have no personal interest in persevering with my present work, but am moved solely by the desire to serve others, if indeed anything that I write can be of such service, is a reason for regarding my labours with an indulgent eye. Alas! I shall bequeath it, like my patrimony, for others than those to whom it was my design to leave it.

CHAPTER I: KINDS OF PERORATION

The next subject which I was going to discuss was the peroration which some call the completion and others the conclusion. There are two kinds of peroration, for it may deal either with facts or with the emotional aspect of the case. The repetition and grouping of the facts, which the Greeks call ἀνακεφαλαίωσις and some of our own writers call the enumeration, serves both to refresh the memory of the judge and to place the whole of the case before his eyes, and, even although

the facts may have made little impression on him in detail, their cumulative effect is considerable. This final recapitulation must be as brief as possible and, as the Greek term indicates, we must summarise the facts under the appropriate heads. For if we devote too much time thereto, the peroration will cease to be an enumeration and will constitute something very like a second speech. On the other hand the points selected for enumeration must be treated with weight and dignity, enlivened by apt reflexions and diversified by suitable figures; for there is nothing more tiresome than a dry repetition of facts, which merely suggests a lack of confidence in the judges' memory. There are however innumerable ways in which this may be done. The finest example is provided by Cicero's prosecution of Verres. "If your own father were among your judges, what would he say when these facts were proved against you?" Then follows the enumeration. Another admirable example may be found in the same speech where the enumeration of the temples which the praetor had despoiled takes the form of invoking the various deities concerned. We may also at times pretend to be in doubt whether we have not omitted something and to wonder what the accused will say in reply to certain points or what hope the accuser can have after the manner in which we have refuted all the charges brought against us. But the most attractive form of peroration is that which we may use when we have an opportunity of drawing some argument from our opponent's speech, as for instance when we say "He omitted to deal with this portion of the case," or "He preferred to crush us by exciting odium against us," or "He had good reason for resorting to entreaty, since he knew certain facts." But I must refrain from dealing with the various methods individually, for fear that the instances that I produce should be regarded as exhaustive, whereas our opportunities spring from the nature of the particular case, from the statements of our opponents and also from fortuitous circumstances. Nor must we restrict ourselves to recapitulating the points of our own speech, but must call upon our opponent to reply to certain questions. This however is only possible if there is time for him to do so and if the arguments which we have put forward are such as not to admit of refutation. For to challenge points which tell in our opponent's favour is not to argue against him, but to play the part of prompter to him. The majority of Athenians and almost all philosophers who have left anything in writing on the art of oratory have held that the recapitulation is the sole form of peroration. I imagine that the reason why the Athenians did so was that appeals to the emotions were forbidden to Athenian orators, a proclamation to this effect being actually made by the court-usher. I am less surprised at the philosophers taking this view, for they regard susceptibility to emotion as a vice, and think it immoral that the judge should be distracted from the truth by an appeal to his emotions and that

it is unbecoming for a good man to make use of vicious procedure to serve his ends. None the less they must admit that appeals to emotion are necessary if there are no other means for securing the victory of truth, justice and the public interest. It is however admitted by all that recapitulation may be profitably employed in other portions of the speech as well, if the case is complicated and a number of different arguments have been employed in the defence; though no one will doubt but that there are many cases, in which no recapitulation at all is necessary at any point, assuming, that is, that the cases are both brief and simple. This part of the peroration is common both to the prosecution and the defence.

Both parties as a general rule may likewise employ the appeal to the emotions, but they will appeal to different emotions and the defender will employ such appeals with greater frequency and fulness. For the accuser has to rouse the judge, while the defender has to soften him. Still even the accuser will sometimes make his audience weep by the pity excited for the man whose wrongs he seeks to avenge, while the defendant will at times develop no small vehemence when he complains of the injustice of the calumny or conspiracy of which he is the victim. It will therefore be best to treat these duties separately: as I have already said, they are much the same in the peroration as in the exordium, but are freer and wider in scope in the former. For our attempts to sway the judges are made more sparingly at the commencement of the speech, when it is enough that such an attempt should gain admittance and we have the whole speech before us. On the other hand in the peroration we have to consider what the feelings of the judge will be when he retires to consider his verdict, for we shall have no further opportunity to say anything and cannot any longer reserve arguments to be produced later. It is therefore the duty of both parties to seek to win the judge's goodwill and to divert it from their opponent, as also to excite or assuage his emotions. And the following brief rule may be laid down for the observation of both parties, that the orator should display the full strength of his case before the eyes of the judge, and, when he has made up his mind what points in his case actually deserve or may seem to deserve to excite envy, goodwill, dislike or pity, should dwell on those points by which he himself would be most moved were he trying the case. But it will be safer to discuss these considerations in detail.

The points likely to commend the accuser to the judge have already been stated in my remarks on the exordium. There are however certain things which require fuller treatment in the peroration than in the exordium, where it is sufficient merely to outline them. This fuller treatment is specially required if the accused be a man of violent, unpopular or dangerous character or if the condemnation of the accused is likely to cover the judges with glory or his acquittal with disgrace. Calvus for

example in his speech against Vatinius makes an admirable remark: “You know, gentlemen, that bribery has been committed and everybody knows that you know it.” Cicero again in the *Verrines* says that the ill-name acquired by the courts may be effaced by the condemnation of Verres, a statement that comes under the head of the conciliatory methods mentioned above. The appeal to tear also, if it is necessary to employ it to produce a like effect, occupies a more prominent place in the peroration than in the exordium, but I have expressed my views on this subject in an earlier book. The peroration also provides freer opportunities for exciting the passions of jealousy, hatred or anger. As regards the circumstances likely to excite such feelings in the judge, jealousy will be produced by the influence of the accused, hatred by the disgraceful nature of his conduct, and anger by his disrespectful attitude to the court, if, for instance, he be contumacious, arrogant or studiously indifferent: such anger may be aroused not merely by specific acts or words, but by his looks, bearing and manner. In this connexion the remark made by the accuser of Cossutianus Capito in my young days was regarded with great approval: the words used were Greek, but may be translated thus: “You blush to fear even Caesar.” The best way however for the accuser to excite the feelings of the judge is to make the charge which he brings against the accused seem as atrocious or, if feasible, as deplorable as possible. Its atrocity may be enhanced by considerations of the nature of the act, the position of its author or the victim, the purpose, time, place and manner of the act: all of which may be treated with infinite variety. Suppose that we are complaining that our client has been beaten. We must first speak of the act itself; we shall then proceed to point out that the victim was an old man, a child, a magistrate, an honest man or a benefactor to the state; we shall also point out that the assailant was a worthless and contemptible fellow, or (to take the opposite case) was in a position of excessive power or was the last man who should have given the blow, or again that the occasion was a solemn festival, or that the act was committed at a time when such crimes were punished with special severity by the courts or when public order was at a dangerously low ebb. Again the hatred excited by the act will be enhanced if it was committed in the theatre, in a temple, or at a public assembly, and if the blow was given not in mistake or in a moment of passion or, if it was the result of passion which was quite unjustifiable, being due to the fact that the victim had gone to the assistance of his father or had made some reply or was a candidate for the same office as his assailant; or finally we may hint that he wished to inflict more serious injury than he succeeded in inflicting. But it is the manner of the act that contributes most to the impression of its atrocity, if, for example, the blow was violent or insulting: thus Demosthenes seeks to excite hatred against Midias by emphasising the position of the blow, the attitude of the

assailant and the expression of his face. It is in this connexion that we shall have to consider whether a man was killed by sword or fire or poison, by one wound or several, and whether he was slain on the spot or tortured by being kept in suspense. The accuser will also frequently attempt to excite pity by complaining of the fate of the man whom he is seeking to avenge or of the desolation which has fallen upon his children or parents. The judges may also be moved by drawing a picture of the future, of the fate which awaits those who have complained of violence and wrong, if they fail to secure justice. They must go into exile, give up their property or endure to the end whatever their enemy may choose to inflict upon them. But it will more frequently be the duty of the accuser to divert the judge from all the temptations to pity which the accused will place before him, and to incite him to give a strong and dispassionate verdict. It will also be his duty in this connexion to forestall the arguments and actions to which his opponent seems likely to have recourse. For it makes the judge more cautious in observing the sanctity of his oath and destroys the influence of those who are going to reply to us when the arguments used by the defence have already been dealt with by the prosecution, since they lose their novelty. An instance of this will be found in the speech of Messala against Aufidia, where he warns Servius Sulpicius not to talk about the peril which threatens the signatories to the document and the defendant herself. Again Aesehines foretells the line of defence which Demosthenes will pursue. There are also occasions when the judges should be told what answer they should make to requests on behalf of the accused, a proceeding which is a form of recapitulation.

If we turn to the defendant, we must note that his worth, his manly pursuits, the scars from wounds received in battle, his rank and the services rendered by his ancestors, will all commend him to the goodwill of the judges. Cicero, as I have already pointed out, and Asinius both make use of this form of appeal: indeed they may almost be regarded as rivals in this respect, since Cicero employed it when defending the elder Scæurus, Asinius when defending the son. Again, the cause which has brought the accused into peril may serve to produce the same effect, if, for example, it appears that he has incurred enmity on account of some honourable action: above all his goodness, humanity or pity may be emphasised with this end in view. For it adds to the apparent justice of his claim, if all that he asks of the judge is that he should grant to him what he himself has granted to others. We may also in this connexion lay stress on the interests of the state, the glory which will accrue to the judges, the importance of the precedent which their verdict will set and the place it will hold in the memory of after generations. But the appeal which will carry most weight is the appeal to pity, which not merely forces the judge to change his views, but even to betray his emotion by tears. Such appeals to pity will

be based either on the previous or present sufferings of the accused, or on those which await him if condemned. And the force of our appeal will be doubled if we contrast the fortune which he now enjoys with that to which he will be reduced, if he fail. In this connexion great play may be made by reference to the age and sex of the accused, or to his nearest and dearest, that is, his children, parents and kindred, all of which topics are treated in different ways. Sometimes the advocate himself may even assume the role of close intimacy with his client, as Cicero does in the *pro Milone*, where he cries: "Alas, unhappy that I am! Alas, my unfortunate friend! You succeeded by the agency of those who are now your judges in recalling me to my native land, and cannot I through the same agency retain you in yours?" Such a method is especially serviceable when, as was the case with Milo, entreaty is not in keeping with the character of the accused. Who would have endured to hear Milo pleading for his life, when he admitted that he had killed a man of noble birth because it was his duty to do so? Consequently Cicero sought to win the judges' goodwill for Milo by emphasising the staunchness of his character, and himself assumed the role of suppliant.

Impersonation may also be employed with profit in such passages, and by impersonations I mean fictitious speeches supposed to be uttered, such as an advocate puts into the mouth of his client. The bare facts are no doubt moving in themselves; but when we pretend that the persons concerned themselves are speaking, the personal note adds to the emotional effect. For then the judge seems no longer to be listening to a voice bewailing another's ills, but to hear the voice and feelings of the unhappy victims, men whose appearance alone would call forth his tears even though they uttered never a word. And as their plea would awaken yet greater pity if they urged it with their own lips, so it is rendered to some extent all the more effective when it is, as it were, put into their mouth by their advocate: we may draw a parallel from the stage, where the actor's voice and delivery produce greater emotional effect when he is speaking in an assumed role than when he speaks in his own character. Consequently Cicero, to quote him once again, although he will not put entreaties into Milo's mouth, and prefers to commend him by his staunchness of character, still lends him words in the form of such complaint as may become a brave man. "Alas!" he says, "*my* labours have been in vain! Alas for my blighted hopes! Alas for my baffled purpose!"

Appeals to pity should, however, always be brief, and there is good reason for the saying that nothing dries so quickly as tears. Time assuages even genuine grief, and it is therefore inevitable that the semblance of grief portrayed in our speech should vanish yet more rapidly. And if we spend too much time over such portrayal our hearer grows weary of his tears, takes a breathing space, and returns once more

to the rational attitude from which lie has been distracted by the impulse of the moment. We must not, therefore, allow the effect which we have produced to fall flat, and must consequently abandon our appeal to the emotion just when that emotion is at its height, nor must we expect anyone to weep for long over another's ills. For this reason our eloquence ought to be pitched higher in this portion of our speech than in any other, since, wherever it fails to add something to what has preceded, it seems even to diminish its previous effect, while a *diminuendo* is merely a step towards the rapid disappearance of the emotion.

Actions as well as words may be employed to move the court to tears. Hence the custom of bringing accused persons into court wearing squalid and unkempt attire, and of introducing their children and parents, and it is with this in view that we see blood-stained swords, fragments of bone taken from the wound, and garments spotted with blood, displayed by the accusers, wounds stripped of their dressings, and scourged bodies bared to view. The impression produced by such exhibitions is generally enormous, since they seem to bring the spectators face to face with the cruel facts. For example, the sight of the bloodstains on the purple-bordered toga of Gaius Caesar, which was carried at the head of his funeral procession, aroused the Roman people to fury. They knew that he had been killed; they had even seen his body stretched upon the bier: but his garment, still wet with his blood, brought such a vivid image of the crime before their minds, that Caesar seemed not to have been murdered, but to be being murdered before their very eyes. Still I would not for this reason go so far as to approve a practice of which I have read, and which indeed I have occasionally witnessed, of bringing into court a picture of the crime painted on wood or canvas, that the judge might be stirred to fury by the horror of the sight. For the pleader who prefers a voiceless picture to speak for him in place of his own eloquence must be singularly incompetent. On the other hand, I know that the wearing of mourning and the presentation of an unkempt appearance, and the introduction of relatives similarly arrayed, has proved of value, and that entreaties have been of great service to save the accused from condemnation. The practice therefore of appealing to the judges by all that is near and dear to them will be of great service to the accused, especially if he, too, has children, a wife and parents. Invocation of the gods, again, usually gives the impression that the speaker is conscious of the justice of his cause, while it may produce a good effect if the accused throws himself on the ground and embraces the knees of the judges, unless his character, his past life and station prohibit a resort to this device: for there are some acts which require to be defended with no less boldness than was required for their commission. But we must take care not to carry matters with too high a hand, for fear of creating a bad impression by an

appearance of over-confidence. The most effective of all such methods was in times past that by which more than anything else Cicero is considered to have saved Lucius Murena from the attacks of his accusers, who were men of the greatest distinction. For he persuaded the court that nothing was more necessary in view of the critical position of affairs than that Murena should assume the consulship on the thirty-first of December. This form of appeal is now, however, almost entirely obsolete, since the safety of the state is to-day dependent on the watchful care of a single ruler, and cannot conceivably be imperilled by the result of a trial.

I have spoken of accusers and accused because it is in situations involving danger that the emotional appeal is most serviceable. But private cases also admit of both kinds of peroration, namely, that which consists in the recapitulation of the proofs and that which takes the form of an appeal for pity, the latter being employed when the position or reputation of the litigant seems to be in danger. For to embark on such tragic methods in trivial cases would be like putting the mask and buskins of Hercules on a small child.

It is also worth while pointing out that, in my opinion, the manner in which the client whose sorrows we parade before the court conforms his behaviour to the methods of his advocate is of the utmost importance. For sometimes our appeal falls flat owing to the ignorance, rusticity, indifference or uncouthness of our client, and it is consequently most important that the advocate should take all necessary precautions in this connexion. I have often seen clients whose behaviour was wholly out of keeping with the line adopted by their counsel, since their expression showed not the slightest emotion, while they displayed a most unseasonable cheerfulness and even aroused laughter by their looks or actions; such incongruity is especially frequent when the appeal is of a theatrical character. On one occasion an advocate produced a girl alleged to be the sister of the opposing party (for it was on this point that the dispute turned) and led her across to the benches occupied by his opponents as though to leave her in the arms of her brother: I however had given the brother timely warning and he had left his seat. The advocate, although as a rule an eloquent speaker, was struck dumb by the unexpected turn of events and took his little girl back again in the tamest possible manner. There was another advocate who was defending a woman who thought to secure a great effect by producing the portrait of her husband, but sent the court into repeated peals of laughter. For the persons entrusted with the duty of handing in the portrait had no idea of the nature of a peroration and displayed it whenever the advocate looked their way, and when at last it was produced at the proper moment it destroyed all the good effect of his previous eloquence by its hideousness, for it was a wax cast taken from an old man's corpse. We are also familiar with the story of what happened to Glycon, nicknamed

Spiridion. He asked a boy whom he produced in court why he was crying; to which the boy replied, that his *paedagogus* was pinching him. But the most effective warning as to the perils which beset the peroration is the story told by Cicero about the Caepasii. But all these perils may be boldly faced by those who have no difficulty in changing their line of pleading. Those however who cannot get away from what they have written, are reduced to silence by such emergencies or else led into making false statements, as for instance if an advocate should say, "He stretches out suppliant hands to embrace your knees," or "The unhappy man is locked in the embrace of his children," or "See he recalls me to the point," although the person in question is doing none of these things. Such faults are due to the practice of the schools, where we are free to feign what we will with impunity, because we are at liberty to invent facts. But this is impossible when we are confronted with realities, and it was an excellent remark that Cassius made to a young orator who said, "Why do you look so fiercely at me, Severus?" To which he replied, "I was doing nothing of the kind, but if it is in your manuscript, here you are!" And he fixed his eyes on him with the most ferocious scowl that he could muster. There is one point which it is specially important to remember, that we should never attempt to move our audience to tears without drawing on all the resources of our eloquence. For while this form of emotional appeal is the most effective of all, when successful, its failure results in anti-climax, and if the pleader is a feeble speaker he would have been wiser to leave the pathos of the situation to the imagination of the judges. For look and voice and even the expression on the face of the accused to which the attention of the court is drawn will generally awaken laughter where they fail to awaken compassion. Therefore the pleader must measure and make a careful estimate of his powers, and must have a just comprehension of the difficulty of the task which he contemplates. For there is no halfway house in such matters between tears and laughter.

The task of the peroration is not however confined to exciting pity in the judges: it may also be required to dispel the pity which they feel, either by a set speech designed to recall them from their tears to a consideration of the justice of the case, or by a few witticisms such as, "Give the boy some bread to stop him crying," or the remark made by counsel to a corpulent client, whose opponent, a mere child, had been carried round the court by his advocate, "What am I to do? I can't carry you!" Such jests should not however descend to buffoonery. Consequently I cannot give my approval to the orator, although he was one of the most distinguished speakers of his day, who, when his opponent brought in some children to enhance the effect of his peroration, threw some dice among them, with the result that they began to scramble for them. For their childish ignorance of the

perils with which they were threatened might in itself have awakened compassion. For the same reason I cannot commend the advocate who, when his opponent the accuser produced a bloodstained sword in court, fled suddenly from the benches as though in an agony of terror, and then, when his turn came to plead, peeped out of the crowd with his head half covered by his robe and asked whether the man with the sword had gone away. For though he caused a laugh, he made himself ridiculous. Still, theatrical effects of the kind we are discussing can be dispelled by the power of eloquence. Cicero provides most admirable examples of the way in which this may be done both in the *pro Rabirio* where he attacks the production in court of the portrait of Saturninus in the most dignified language, and in the *pro Vareno* where he launches a number of witticisms against a youth whose wound had been unbound at intervals in the course of the trial.

There are also milder kinds of peroration in which, if our opponent is of such a character that he deserves to be treated with respect, we strive to ingratiate ourselves with him or give him some friendly warning or urge him to regard us as his friends. This method was admirably employed by Passienus when he pleaded in a suit brought by his wife Domitia against her brother Ahenobarbus for the recovery of a sum of money: he began by making a number of remarks about the relationship of the two parties and then, referring to their wealth, which was in both cases enormous, added, "There is nothing either of you need less than the subject of this dispute."

All these appeals to emotion, although some hold that they should be confined to the exordium and the peroration, which are, I admit, the places where they are most often used, may be employed in other portions of the speech as well, but more briefly, since most of them must be reserved for the opening or the close. But it is in tile peroration, if anywhere, that we must let loose the whole torrent of our eloquence. For, if we have spoken well in the rest of our speech, we shall now have the judges on our side, and shall be in a position, now that we have emerged from the reefs and shoals, to spread all our canvas, while since the chief task of the peroration consists of amplification, we may legitimately make free use of words and reflexions that are magnificent and ornate. It is at the close of our drama that we must really stir the theatre, when we have reached the place for the phrase with which the old tragedies and comedies used to end, "Friends, give us your applause."

In other portions of the speech we must appeal to the emotions as occasion may arise. For it would clearly be wrong to set forth facts calling for horror and pity without any such appeal, while, if the question arises as to the quality of any fact, such an appeal may justifiably be subjoined to the proofs of the fact in question. When we are pleading a complicated case which is really made up of several cases,

it will be necessary to introduce a number of passages resembling perorations, as Cicero does in the *Vetrines*, where he laments over Philodamus, the ships' captains, the crucifixion of the Roman citizen, and a number of other tragic incidents. Some call these μερικοὶ ἐπίλογοι, by which they mean a peroration distributed among different portions of a speech. I should regard them rather as *species* than as *parts* of the peroration, since the terms epilogue and peroration both clearly indicate that they form the conclusion of a speech.

CHAPTER II: APPEALS TO THE EMOTIONS IN PERORATION

The peroration is the most important part of forensic pleading, and in the main consists of appeals to the emotions, concerning which I have consequently been forced to say something. But I have not yet been able to give the topic specific consideration as a whole, nor should I have been justified in doing so. We have still, therefore, to discuss a task which forms the most powerful means of obtaining what we desire, and is also more difficult than any of those which we have previously considered, namely that of stirring the emotions of the judges, and of moulding and transforming them to the attitude which we desire. The few remarks which I have already made on this subject were only such as were essential to my theme, while my purpose was rather to show what ought to be done than to set forth the manner in which we can secure our aim. I must now review the whole subject in a more exhaustive fashion.

There is scope for an appeal to the emotions, as I have already said,¹ in every portion of a speech. Moreover these emotions present great variety, and demand more than cursory treatment, since it is in their handling that the power of oratory shews itself at its highest. Even a slight and limited talent may, with the assistance of practice or learning, perhaps succeed in giving life to other departments of oratory, and in developing them to a serviceable extent. At any rate there are, and have always been, a considerable number of pleaders capable of discovering arguments adequate to prove their points. I am far from despising such, but I consider that their utility is restricted to providing the judge with such facts as it is necessary for him to know, and, to be quite frank, I regard them merely as suitable persons to instruct pleaders of real eloquence in the facts of a case. But few indeed are those orators who can sweep the judge with them, lead him to adopt that attitude of mind which they desire, and compel him to weep with them or share their anger. And yet it is this emotional power that dominates the court, it is this form of eloquence that is the queen of all. For as a rule arguments arise out of the

case itself, and the better cause has always the larger number to support it, so that the party who wills by means of them will have no further satisfaction than that of knowing that his advocate did not fail him. But the peculiar task of the orator arises when the minds of the judges require force to move them, and their thoughts have actually to be led away from the contemplation of the truth. No instruction from the litigant can secure this, nor can such power be acquired merely by the study of a brief. Proofs, it is true, may induce the judges to regard our case as superior to that of our opponent, but the appeal to the emotions will do more, for it will make them wish our case to be the better. And what they wish, they will also believe. For as soon as they begin to be angry, to feel favourably disposed, to hate or pity, they begin to take a personal interest in the case, and just as lovers are incapable of forming a reasoned judgment on the beauty of the object of their affections, because passion forestalls the sense of sight, so the judge, when overcome by his emotions, abandons all attempt to enquire into the truth of the arguments, is swept along by the tide of passion, and yields himself unquestioning to the torrent. Thus the verdict of the court shows how much weight has been carried by the arguments and the evidence; but when the judge has been really moved by the orator he reveals his feelings while he is still sitting and listening to the case. When those tears, which are the aim of most perorations, well forth from his eyes, is he not giving his verdict for all to see? It is to this, therefore, that the orator must devote all his powers,

There lie the task and toil!

Aen. vi. 128.

Without this all else is bare and meagre, weak and devoid of charm. For it is in its power over the emotions that the life and soul of oratory is to be found.

Emotions however, as we learn from ancient authorities, fall into two classes; the one is called *pathos* by the Greeks and is rightly and correctly expressed in Latin by *adfectus* (emotion): the other is called *ethos*, a word for which in my opinion Latin has no equivalent: it is however rendered by *mores* (morals) and consequently the branch of philosophy known as *ethics* is styled *moral* philosophy by us. But close consideration of the nature of the subject leads me to think that in this connexion it is not so much *morals* in general that is meant as certain peculiar aspects; for the term *morals* includes every attitude of the mind. The more cautious writers have preferred to give the sense of the term rather than to translate it into Latin. They therefore explain *pathos* as describing the more violent emotions and *ethos* as designating those which are calm and gentle: in the one case the passions are violent, in the other subdued, the former command and disturb, the latter persuade

and induce a feeling of goodwill. Some add that *ethos* is continuous, while *pathos* is momentary. While admitting that this is usually the case, I still hold that there are some subjects which demand that the more violent emotion should be continuous. But, although the gentler emotions require less force and impetus, they call for no less art and experience than the more vehement, and are demanded in a greater number of cases, indeed in a certain sense they are required in all. For as everything treated by the orator may be regarded from the ethical standpoint, we may apply the word *ethos* whenever he speaks of what is honourable and expedient or of what ought or ought not to be done. Some regard commendation and excuse as the peculiar spheres of *ethos*, but while I admit that they do fall within its sphere, I do not regard them as being alone in so doing. Indeed I would add that *pathos* and *ethos* are sometimes of the same nature, differing only in degree; love for instance comes under the head of *pathos*, affection of *ethos*; sometimes however they differ, a distinction which is important for the peroration, since *ethos* is generally employed to calm the storm aroused by *pathos*. I ought however to explain what is meant by *ethos* in greater detail, since the term is not in itself sufficiently expressive of its meaning. The *ethos* which I have in my mind and which I desiderate in an orator is commended to our approval by goodness more than aught else and is not merely calm and mild, but in most cases ingratiating and courteous and such as to excite pleasure and affection in our hearers, while the chief merit in its expression lies in making it seem that all that we say derives directly from the nature of the facts and persons concerned and in the revelation of the character of the orator in such a way that all may recognise it. This kind of *ethos* should be especially displayed in cases where the persons concerned are intimately connected, whenever we tolerate or pardon any act or offer satisfaction or admonition, in all of which cases there should be no trace of anger or hatred. On the other hand the moderation shown by a father to his son, a guardian to his ward or a husband to his wife will differ from that which is shown by an old man to a youthful stranger who has insulted him or by a man of high rank to his inferior, since in the former cases they emphasise their affection for the wrongdoer and there is no desire to do anything that will excite dislike against them save by the manifestation of the fact that they still love them; while in the one case the offended party should be no more than provoked, in the other he should be really deeply moved. Of the same character, though less violent, is the emotion to be shown when we ask pardon for the errors of the young, or apologise for some youthful amour. Sometimes again gentle raillery of another's passion may derive its tone from *ethos*, though only to a partial extent. More closely dependent on *ethos* are the skilful exercise of feigned emotion or the employment of irony in making apologies or asking questions, irony being the term which is

applied to words which mean something other than they seem to express. From the same source springs also that more powerful method of exciting hatred, when by a feigned submission to our opponents we pass silent censure on their violence. For the very fact of our yielding serves to demonstrate their insupportable arrogance, while orators who have a passion for abuse or are given to affect freedom of speech fail to realise that it is a far more effective course to make your antagonist unpopular than to abuse him. For the former course makes our antagonists disliked, the latter ourselves. The emotion of love and longing for our friends and connexions is perhaps of an intermediate character, being stronger than *ethos* and weaker than *pathos*. There is also good reason for giving the name of *ethos* to those scholastic exercises in which we portray rustics, misers, cowards and superstitious persons according as our theme may require. For if *ethos* denotes moral character, our speech must necessarily be based on *ethos* when it is engaged in portraying such character.

Finally *ethos* in all its forms requires the speaker to be a man of good character and courtesy. For it is most important that he should himself possess or be thought to possess those virtues for the possession of which it is his duty, if possible, to commend his client as well, while the excellence of his own character will make his pleading all the more convincing and will be of the utmost service to the cases which he undertakes. For the orator who gives the impression of being a bad man while he is speaking, is actually speaking badly, since his words seem to be insincere owing to the absence of *ethos* which would otherwise have revealed itself. Consequently the style of oratory employed in such cases should be calm and mild with no trace of pride, elevation or sublimity, all of which would be out of place. It is enough to speak appropriately, pleasantly and persuasively, and therefore the intermediate style of oratory is most suitable.

The *pathos* of the Greeks, which we correctly translate by *emotion*, is of a different character, and I cannot better indicate the nature of the difference than by saying that *ethos* rather resembles comedy and *pathos* tragedy. For *pathos* is almost entirely concerned with anger, dislike, fear, hatred and pity. It will be obvious to all what topics are appropriate to such appeals and I have already spoken on the subject in discussing the exordium and the peroration. I wish however to point out that fear is of two kinds, that which we feel and that which we cause in others. Similarly there are two kinds of *invidia* (hatred, envy), to which the two adjectives *invidus* (envious) and *invidious* (invidious, hateful) correspond. The first supplies an epithet for persons, the second for things, and it is in this latter connexion that the orator's task is even more onerous. For though some things are hateful in themselves such as parricide, murder, poisoning, other things have to be made to seem hateful. This

latter contingency arises when we attempt to shew that what we have suffered is of a more horrible nature than what are usually regarded as great evils. Vergil will provide an example in the lines:

“blest beyond all maidens Priam’s child,
Beneath Troy’s lofty bulwarks doomed to die
Upon the tomb of him that was thy foe.”

Aen. iii. 321.

For how wretched was the lot of Andromache, if Polyxena be accounted happy in comparison with her! Again the same problem arises when we endeavour to magnify our wrongs by saying that other far lesser ills are intolerable; *e.g.* “If you had merely struck him, your conduct would have been indefensible. But you did more, you wounded him.” However I will deal with this subject more fully when I come to speak of *amplification*. Meanwhile I will content myself with the observation that the aim of appeals to the emotion is not merely to slew the bitter and grievous nature of ills that actually are so, but also to make ills which are usually regarded as tolerable seem unendurable, as for instance when we represent insulting words as inflicting more grievous injury than an actual blow or represent disgrace as being worse than death. For the force of eloquence is such that it not merely compels the judge to the conclusion toward which the nature of the facts lead him, but awakens emotions which either do not naturally arise from the case or are stronger than the case would suggest. This is known as *deriosis*, that is to say, language giving additional force to things unjust, cruel or hateful, an accomplishment in which Demosthenes created immense and special effect.

If I thought it sufficient to follow traditional rules, I should regard it as adequate treatment for this topic to omit nothing that I have read or been taught, provided that it be reasonably sound. But my design is to bring to light the secret principles of this art, and to open up the inmost recesses of the subject, giving the result not of teaching received from others, but of my own experience and the guidance of nature herself. The prime essential for stirring the emotions of others is, in my opinion, first to feel those emotions oneself. It is sometimes positively ridiculous to counterfeit grief, anger and indignation, if we content ourselves with accommodating our words and looks and make no attempt to adapt our own feelings to the emotions to be expressed. What other reason is there for the eloquence with which mourners express their grief; or for the fluency which anger lends even to the uneducated, save the fact that their minds are stirred to power by the depth and sincerity of their feelings? Consequently, if we wish to give our words

the appearance of sincerity, we must assimilate ourselves to the emotions of those who are genuinely so affected, and our eloquence must spring from the same feeling that we desire to produce in the mind of the judge. Will he grieve who can find no trace of grief in the words with which I seek to move him to grief? Will he be angry, if the orator who seeks to kindle his anger shows no sign of labouring under the emotion which he demands from his audience? Will he shed tears if the pleader's eyes are dry? It is utterly impossible. Fire alone can kindle, and moisture alone can wet, nor can one thing impart any colour to another save that which it possesses itself. Accordingly, the first essential is that those feelings should prevail with us that we wish to prevail with the judge, and that we should be moved ourselves before we attempt to move others. But how are we to generate these emotions in ourselves, since emotion is not in our own power? I will try to explain as best I may. There are certain experiences which the Greeks call φαντασῖαι, and the Romans *visions*, whereby things absent are presented to our imagination with such extreme vividness that they seem actually to be before our very eyes. It is the man who is really sensitive to such impressions who will have the greatest power over the emotions. Some writers describe the possessor of this power of vivid imagination, whereby things, words and actions are presented in the most realistic manner, by the Greek word εὐφαντασίωτος and it is a power which all may readily acquire if they will. When the mind is unoccupied or is absorbed by fantastic hopes or daydreams, we are haunted by these visions of which I am speaking to such an extent that we imagine that we are travelling abroad, crossing the sea, fighting, addressing the people, or enjoying the use of wealth that we do not actually possess, and seem to ourselves not to be dreaming but acting. Surely, then, it may be possible to turn this form of hallucination to some profit. I am complaining that a man has been murdered. Shall I not bring before my eyes all the circumstances which it is reasonable to imagine must have occurred in such a connexion? Shall I not see the assassin burst suddenly from his hiding-place, the victim tremble, cry for help, beg for mercy, or turn to run? Shall I not see the fatal blow delivered and the stricken body fall? Will not the blood, the deathly pallor, the groan of agony, the death-rattle, be indelibly impressed upon my mind?

From such impressions arises that ἐνάργεια which Cicero calls *illumination* and *actuality*, which makes us seem not so much to narrate as to exhibit the actual scene, while our emotions will be no less actively stirred than if we were present at the actual occurrence. Is it not from visions such as these that Vergil was inspired to write—

“Sudden her fingers let the shuttle fall

And all the thread was spilled,”

Aen. ix. 474.

Or,

“In his smooth breast the gaping wound”

ibid. xi. 40.

or the description of the horse at the funeral of Pallas, “his trappings laid aside”? And how vivid was the image of death conceived by the poet when he wrote—

“And dying sees his own dear Argive home”?

Again, when we desire to awaken pity, we must actually believe that the ills of which we complain have befallen our own selves, and must persuade our minds that this is really the case. We must identify ourselves with the persons of whom we complain that they have suffered grievous, unmerited and bitter misfortune, and must plead their case and for a brief space feel their suffering as though it were our own, while our words must be such as we should use if we stood in their shoes. I have often seen actors, both in tragedy and comedy, leave the theatre still drowned in tears after concluding the performance of some moving role. But if the mere delivery of words written by another has the power to set our souls on fire with fictitious emotions, what will the orator do whose duty it is to picture to himself the facts and who has it in his power to feel the same emotion as his client whose interests are at stake? Even in the schools it is desirable that the student should be moved by his theme, and should imagine it to be true; indeed, it is all the more desirable then, since, as a rule in scholastic declamations, the speaker more often appears as the actual litigant than as his advocate. Suppose we are impersonating an orphan, a shipwrecked man, or one in grave peril. What profit is there in assuming such a rôle unless we also assume the emotions which it involves? I have thought it necessary not to conceal these considerations from my reader, since they have contributed to the acquisition of such reputation for talent as I possess or once possessed. I have frequently been so much moved while speaking, that I have not merely been wrought upon to tears, but have turned pale and shown all the symptoms of genuine grief.

CHAPTER III: USE OF HUMOUR

I now turn to a very different talent, namely that which dispels the graver emotions of the judge by exciting his laughter, frequently diverts his attention from the facts of the case, and sometimes even refreshes him and revives him when he has begun to be bored or wearied by the case. How hard it is to attain success in this connexion is shown by the cases of the two great masters of Greek and Roman oratory. For many think that Demosthenes was deficient in this faculty, and that Cicero used it without discrimination. Indeed, it is impossible to suppose that Demosthenes deliberately avoided all display of humour, since his few jests are so unworthy of his other excellences that they clearly show that he lacked the power, not merely that he disliked to use it. Cicero, on the other hand, was regarded as being unduly addicted to jests, not merely outside the courts, but in his actual speeches as well. Personally (though whether I am right in this view, or have been led astray by an exaggerated admiration for the prince of orators, I cannot say), I regard him as being the possessor of a remarkable turn of wit. For his daily speech was full of humour, while in his disputes in court and in his examination of witnesses he produced more good jests than any other, while the somewhat insipid jokes which he launches against Verres are always attributed by him to others and produced as evidence: wherefore, the more vulgar they are, the more probable is it that they are not the invention of the orator, but were current as public property. I wish, however, that Tiro, or whoever it may have been that published the three books of Cicero's jests, had restricted their number and had shown more judgment in selecting than zeal in collecting them. For he would then have been less exposed to the censure of his calumniators, although the latter will, in any case, as in regard to all the manifestations of his genius, find it easier to detect superfluities than deficiencies. The chief difficulty which confronts the orator in this connexion lies in the fact that sayings designed to raise a laugh are generally untrue (and falsehood always involves a certain meanness), and are often deliberately distorted, and, further, never complimentary: while the judgments formed by the audience on such jests will necessarily vary, since the effect of a jest depends not on the reason, but on an emotion which it is difficult, if not impossible, to describe. For I do not think that anybody can give an adequate explanation, though many have attempted to do so, of the cause of laughter, which is excited not merely by words or deeds, but sometimes even by touch. Moreover, there is great variety in the things which raise a laugh, since we laugh not merely at those words or actions which are smart or witty, but also at those which reveal folly, anger or fear. Consequently, the cause of

laughter is uncertain, since laughter is never far removed from derision. For, as Cicero says, "Laughter has its basis in some kind or other of deformity or ugliness," and whereas, when we point to such a blemish in others, the result is known as wit, it is called folly when the same jest is turned against ourselves.

Now, though laughter may be regarded as a trivial matter, and an emotion frequently awakened by buffoons, actors or fools, it has a certain imperious force of its own which it is very hard to resist. It often breaks out against our will and extorts confession of its power, not merely from our face and voice, but convulses the whole body as well. Again, it frequently turns the scale in matters of great importance, as I have already observed: for instance, it often dispels hatred or anger. A proof of this is given by the story of the young men of Tarentum, who had made a number of scurrilous criticisms of Pyrrhus over the dinner table: they were called upon to answer for their statements, and, since the charge was one that admitted neither of denial nor of excuse, they succeeded in escaping, thanks to a happy jest which made the king laugh: for one of the accused said, "Yes, and if the bottle hadn't been empty, we should have killed you!" a jest which succeeded in dissipating the animosity which the charge had aroused.

Still, whatever the essence of humour may be, and although I would not venture to assert that it is altogether independent of art (for it involves a certain power of observation, and rules for its employment have been laid down by writers both of Greece and Rome), I will insist on this much, that it depends mainly on nature and opportunity. The influence of nature consists not merely in the fact that one man is quicker or cleverer than another in the invention of jests (for such a power can be increased by teaching), but also in the possession of some peculiar charm of look or manner, the effect of which is such that the same remarks would be less entertaining if uttered by another. Opportunity, on the other hand, is dependent on circumstances, and is of such importance that with its assistance not merely the unlearned, but even mere country bumpkins are capable of producing effective witticisms: while much again may depend on some previous remark made by another which will provide opportunity for repartee. For wit always appears to greater advantage in reply than in attack. We are also confronted by the additional difficulty that there are no specific exercises for the development of humour nor professors to teach it. Consequently, while convivial gatherings and conversation give rise to frequent displays of wit, since daily practice develops the faculty, oratorical wit is rare, for it has no fixed rules to guide it, but must adapt itself to the ways of the world. There has, however, never been anything to prevent the composition of themes such as will afford scope for humour, so that our controversial declamations may have an admixture of jests, while special topics may

be set which will give the young student practice in the play of wit. Nay, even those pleasantries in which we indulge on certain occasions of festive licence (and to which we give the name of *mots*, as, indeed, they are), if only a little more good sense were employed in their invention, and they were seasoned by a slight admixture of seriousness, might afford a most useful training. As it is, they serve merely to divert the young and merry-makers.

There are various names by which we describe wit, but we have only to consider them separately to perceive their specific meaning. First, there is *urbanitas*, which I observe denotes language with a smack of the city in its words, accent and idiom, and further suggests a certain tincture of learning derived from associating with well-educated men; in a word, it represents the opposite of rusticity. The meaning of *venustus* is obvious; it means that which is said with grace and charm. *Salsus* is, as a rule, applied only to what is laughable: but this is not its natural application, although whatever is laughable should have the salt of wit in it. For Cicero, when he says that whatever has the salt of wit is Attic, does not say this because persons of the Attic school are specially given to laughter; and again when Catullus says—

In all her body not a grain of salt!

Cat. lxxxvi. 4.

he does not mean that there is nothing in her body to give cause for laughter. When, therefore, we speak of the salt of wit, we refer to wit about which there is nothing insipid, wit, that is to say, which serves as a simple seasoning of language, a condiment which is silently appreciated by our judgment, as food is appreciated by the palate, with the result that it stimulates our taste and saves a speech from becoming tedious. But just as salt, if sprinkled freely over food, gives a special relish of its own, so long as it is not used to excess, so in the case of those who have the salt of wit there is something about their language which arouses in us a thirst to hear. Again, I do not regard the epithet *facelus* as applicable solely to that which raises a laugh. If that were so Horace would never have said that nature had granted Vergil the gift of being *facetus* in song. I think that the term is rather applied to a certain grace and polished elegance. This is the meaning which it bears in Cicero's letters, where he quotes the words of Brutus, "In truth her feet are graceful and soft as she goes delicately on her way." This meaning suits the passage in Horace, to which I have already made reference, "To Vergil gave a soft and graceful wit." *locus* is usually taken to mean the opposite of seriousness. This view is, however, somewhat too narrow. For to feign, to terrify, or to promise, are all at times forms

of jesting. *Dicacitas* is no doubt derived from *dico*, and is therefore common to all forms of wit, but is specially applied to the language of banter, which is a humorous form of attack. Therefore, while the critics allow that Demosthenes was *urbanus*, they deny that he was *dicax*.

The essence, however, of the subject which we are now discussing is the excitement of laughter, and consequently the whole of this topic is entitled *περὶ γελοίου* by the Greeks. It has the same primary division as other departments of oratory, that is to say, it is concerned with things and words. The application of humour to oratory may be divided into three heads: for there are three things out of which we may seek to raise a laugh, to wit, others, ourselves, or things intermediate. In the first case we either reprove or refute or make light of or retort or deride the arguments of others. In the second we speak of things which concern ourselves in a humorous manner and, to quote the words of Cicero, say things which have a suggestion of absurdity. For there are certain sayings which are regarded as folly if they slip from us unawares, but as witty if uttered ironically. The third kind consists, as Cicero also tells us, in cheating expectations, in taking words in a different sense from what was intended, and in other things which affect neither party to the suit, and which I have, therefore, styled intermediate. Further, things designed to raise a laugh may either be said or done. In the latter case laughter is sometimes caused by an act possessing a certain element of seriousness as well, as in the case of Marcus Caelius the praetor, who, when the consul Isauricus broke his curule chair, had another put in its place, the seat of which was made of leather thongs, by way of allusion to the story that the consul had once been scourged by his father: sometimes, again, it is aroused by an act which passes the grounds of decency, as in the case of Caelius' box, a jest which was not fit for an orator or any respectable man to make. On the other hand the joke may lie in some remark about a ridiculous look or gesture; such jests are very attractive, more especially when delivered with every appearance of seriousness; for there are no jests so insipid as those which parade the fact that they are intended to be witty. Still, although the gravity with which a jest is uttered increases its attraction, and the mere fact that the speaker does not laugh himself makes his words laughable, there is also such a thing as a humorous look, manner or gesture, provided always that they observe the happy mean. Further, a jest will either be free and lively, like the majority of those uttered by Aulus Galba, or abusive, like those with which Junius Bassus recently made us familiar, or bitter, like those of Cassius Severus, or gentle, like those of Domitius Afer. Much depends on the occasion on which a jest is uttered. For in social gatherings and the intercourse of everyday a certain freedom is not unseemly in persons of humble rank, while liveliness is becoming to all. Our

jests should never be designed to wound, and we should never make it our ideal to lose a friend sooner than lose a jest. Where the battles of the courts are concerned I am always better pleased when it is possible to indulge in gentle raillery, although it is, of course, permissible to be abusive or bitter in the words we use against our opponents, just as it is permissible to accuse them openly of crime, and to demand the last penalty of the law. But in the courts as elsewhere it is regarded as inhuman to hit a man when he is down, either because he is the innocent victim of misfortune or because such attacks may recoil on those who make them. Consequently, the first points to be taken into consideration are who the speaker is, what is the nature of the case, who is the judge, who is the victim, and what is the character of the remarks that are made. It is most unbecoming for an orator to distort his features or use uncouth gestures, tricks that arouse such merriment in farce. No less unbecoming are ribald jests, and such as are employed upon the stage. As for obscenity, it should not merely be banished from his language, but should not even be suggested. For even if our opponent has rendered himself liable to such a charge, our denunciation should not take the form of a jest. Further, although I want my orator to speak with wit, he must not give the impression of striving after it. Consequently he must not display his wit on every possible occasion, but must sacrifice a jest sooner than sacrifice his dignity. Again, no one will endure an accuser who employs jests to season a really horrible case, nor an advocate for the defence who makes merry over one that calls for pity. Moreover, there is a type of judge whose temperament is too serious to allow him to tolerate laughter. It may also happen that a jest directed against an opponent may apply to the judge or to our own client, although there are some orators who do not refrain even from jests that may recoil upon themselves. This was the case with Sulpicius Longus, who, despite the fact that he was himself surpassingly hideous, asserted of a man against whom he was appearing in a case involving his status as a free man, that even his face was the face of a slave. To this Domitius Afer replied, "Is it your profound conviction, Longus, that an ugly man must be a slave?" Insolence and arrogance are likewise to be avoided, nor must our jests seem unsuitable to the time or place, or give the appearance of studied premeditation, or smell of the lamp, while those directed against the unfortunate are, as I have already said, inhuman. Again, some advocates are men of such established authority and such known respectability, that any insolence shown them would only hurt the assailant. As regards the way in which we should deal with friends I have already given instructions. It is the duty not merely of an orator, but of any reasonable human being, when attacking one whom it is dangerous to offend to take care that his remarks do not end in exciting serious enmity, or the necessity for a grovelling apology. Sarcasm that applies to a

number of persons is injudicious: I refer to cases where it is directed against whole nations or classes of society, or against rank and pursuits which are common to many. A good man will see that everything he says is consistent with his dignity and the respectability of his character; for we pay too dear for the laugh we raise if it is at the cost of our own integrity.

It is, however, a difficult task to indicate the sources from which laughter may be legitimately derived or the topics where it may be naturally employed. To attempt to deal exhaustively with the subject would be an interminable task and a waste of labour. For the topics suitable to jests are no less numerous than those from which we may derive *reflexions*, as they are called, and are, moreover, identical with the latter. The powers of invention and expression come into play no less where jests are concerned, while as regards expression its force will depend in part on the choice of words, in part on the figures employed. Laughter then will be derived either from the physical appearance of our opponent or from his character as revealed in his words and actions, or from external sources; for all forms of raillery come under one or other of these heads; if the raillery is serious, we style it as severe; if, on the other hand, it is of a lighter character, we regard it as humorous. These themes for jest may be pointed out to the eye or described in words or indicated by some *mot*. It is only on rare occasions that it is possible to make them visible to the eye, as Gaius Julius did when Helvius Mancina kept clamouring against him. "I will show you what you're like!" he cried, and then, as Mancina persisted in asking him to do so, pointed with his finger at the picture of a Gaul painted on a Cimbric shield, a figure to which Mancina bore a striking resemblance. There were shops round the forum and the shield had been hung up over one of them by way of a sign. The narration of a humorous story may often be used with clever effect and is a device eminently becoming to an orator. Good examples are the story told of Caepasius and Fabricius, which Cicero tells in the *pro Cluentio*, or the story told by Caelius of the dispute between Decimus Laelius and his colleague when they were both in a hurry to reach their province first. But in all such cases the whole narrative must possess elegance and charm, while the orator's own contribution to the story should be the most humorous element. Take for instance the way in which Cicero gives a special relish to the flight of Fabricius. "And so, just at the moment when he thought his speech was showing him at his best and he had uttered the following solemn words, words designed to prove a master-stroke of art, 'Look at the fortunes of mankind, gentlemen, look at the aged form of Gaius Fabricius,' just at that very moment, I say, when he had repeated the word 'look' several times by way of making his words all the more impressive, he looked himself, and found that Fabricius had slunk out of court with his head hanging down." I will not quote the

rest of the passage, for it is well known. But he develops the theme still further although the plain facts amount simply to this, that Fabricius had left the court. The whole of the story told by Caelius is full of wit and invention, but the gem of the passage is its conclusion. "He followed him, but how he crossed the straits, whether it was in a ship or a fisherman's boat, no one knew; but the Sicilians, being of a lively turn of wit, said that he rode on a dolphin and effected his crossing like a second Arion." Cicero thinks that humour belongs to narrative and wit to sallies against the speaker's antagonist. Domitius Afer showed remarkable finish in this department; for, while narratives of the kind I have described are frequent in his speeches, several books have been published of his witticisms as well. This latter form of wit lies not merely in sallies and brief displays of wit, but may be developed at greater length, witness the story told by Cicero in the second book of his *de Oratore*, in which Lucius Crassus dealt with Brutus, against whom he was appearing in court. Brutus was prosecuting Cnaeus Plancus and had produced two readers to show that Lucius Crassus, who was counsel for the defence, in the speech which he delivered on the subject of the colony of Narbo had advocated measures contrary to those which he recommended in speaking of the Servilian law. Crassus, in reply, called for three readers and gave them the dialogues of Brutus' father to read out. One of these dialogues was represented as taking place on his estate at Privernum, the second on his estate at Alba, and the third on his estate at Tibur. Crassus then asked where these estates were. Now Brutus had sold them all, and in those days it was considered somewhat discreditable to sell one's paternal acres. Similar attractive effects of narrative may be produced by the narration of fables or at times even of historical anecdotes.

On the other hand brevity in wit gives greater point and speed. It may be employed in two ways, according as we are the aggressors, or are replying to our opponents; the method, however, in both cases is to some extent the same. For there is nothing that can be said in attack that cannot be used in riposte. But there are certain points which are peculiar to reply. For remarks designed for attack are usually brought ready-made into court, after long thought at home, whereas those made in reply are usually improvised during a dispute or the cross-examination of witnesses. But though there are many topics on which we may draw for our jests, I must repeat that not all these topics are becoming to orators: above all *doubles entendres* and obscenity, such as is dear to the Atellan farce, are to be avoided, as also are those coarse jibes so common on the lips of the rabble, where the ambiguity of words is turned to the service of abuse. I cannot even approve of a similar form of jest, that sometimes slipped out even from Cicero, though not when he was pleading in the courts: for example, once when a candidate, alleged to be the son of

a cook, solicited someone else's vote in his presence, he said, *Ego quoque tibi favebo*. I say this not because I object absolutely to all play on words capable of two different meanings, but because such jests are rarely effective, unless they are helped out by actual facts as well as similarity of sound. For example, I regard the jest which Cicero levelled against that same Isauricus, whom I mentioned above, as being little less than sheer buffoonery. "I wonder," he said, "why your father, the steadiest of men, left behind him such a stripy gentleman as yourself." On the other hand, the following instance of the same type of wit is quite admirable: when Milo's accuser, by way of proving that he had lain in wait for Clodius, alleged that he had put up at Bovillae before the ninth hour in order to wait until Clodius left his villa, and kept repeating the question, "When was Clodius killed?", Cicero replied, "Late!" a retort which in itself justifies us in refusing to exclude this type of wit altogether. Sometimes, too, the same word may be used not merely in several senses, but in absolutely opposite senses. For example, Nero said of a dishonest slave, "No one was more trusted in my house: there was nothing closed or sealed to him." Such ambiguity may even go so far as to present all the appearance of a riddle, witness the jest that Cicero made at the expense of Pletorius, the accuser of Fonteius: "His mother," he said, "kept a school while she lived and masters after she was dead." The explanation is that in her lifetime women of infamous character used to frequent her house, while after her death her property was sold. (I may note however that *ludus*, is used metaphorically in the sense of school, while *magisiri* is used ambiguously.) A similar form of jest may be made by use of the figure known as *metalepsis*, as when Fabius Maximus complained of the meagreness of the gifts made by Augustus to his friends, and said that his *congiaria* were *heminaria*: for *congiarium* implies at once liberality and a particular measure, and Fabius put a slight on the liberality of Augustus by a reference to the measure. This form of jest is as poor as is the invention of punning names by the addition, subtraction or change of letters: I find, for instance, a case where a certain Acisculus was called Pacisculus because of some "compact" which he had made, while one Placidus was nicknamed Acidus because of his "sour" temper, and one Tullius was dubbed Tollius because he was a thief. Such puns are more successful with things than names. It was, for example, a neat hit of Afer's when he said that Manlius Sura, who kept rushing to and fro while he was pleading, waving his hands, letting his toga fall and replacing it, was not merely pleading, but giving himself a lot of needless trouble. For there is a spice of wit about the word *satagere* in itself, even if there were no resemblance to any other word. Similar jests may be produced by the addition or removal of the aspirate, or by splitting up a word or joining it to another: the effect is generally poor, but the practice is occasionally permissible. Jest drawn

from names are of the same type. Cicero introduces a number of such jests against Verres, but always as quotations from others. On one occasion he says that he would sweep everything away, for his name was Verres; on another, that he had given more trouble to Hercules, whose temple he had pillaged, than was given by the Erymanthine “boar”; on another, that he was a bad “priest” who had left so worthless a pig behind him. For Verres’ predecessor was named Sacerdos. Sometimes, however, a lucky chance may give us an opportunity of employing such jests with effect, as for instance when Cicero in the *pro Caecina* says of the witness Sextus Clodius Phormio, “He was not less black or less bold than the Phormio of Terence.”

We may note therefore that jests which turn on the meaning of things are at once more pointed and more elegant. In such cases resemblances between things produce the best effects, more especially if we refer to something of an inferior or more trivial nature, as in the jests of which our forefathers were so fond, when they called Lentulus Spinther and Scipio Serapio. But such jests may be drawn not merely from the names of men, but from animals as well; for example when I was a boy, Junius Bassus, one of the wittiest of men, was nicknamed the white ass. And Sarmentus compared Messius Cicirrus to a wild horse. The comparison may also be drawn from inanimate objects: for example Publius Blessius called a certain Julius, who was dark, lean and bent, the iron buckle. This method of raising a laugh is much in vogue to-day. Such resemblances may be put to the service of wit either openly or allusively. Of the latter type is the remark of Augustus, made to a soldier who showed signs of timidity in presenting a petition, “Don’t hold it out as if you were giving a penny to an elephant.” Some of these jests turn on similarity of meaning. Of this kind was the witticism uttered by Vatinius when he was prosecuted by Calvus. Vatinius was wiping his forehead with a white handkerchief, and his accuser called attention to the unseemliness of the act. Whereupon Vatinius replied, “Though I am on my trial, I go on eating white bread all the same.” Still more ingenious is the application of one thing to another on the ground of some resemblance, that is to say the adaptation to one thing of a circumstance which usually applies to something else, a type of jest which we may regard as being an ingenious form of fiction. For example, when ivory models of captured towns were carried in Caesar’s triumphal procession, and a few days later wooden models of the same kind were carried at the triumph of Fabius Maximus, Chrysippus remarked that the latter were the cases for Caesar’s ivory towns. And Pedo said of a heavy-armed gladiator who was pursuing another armed with a net and failed to strike him, “He wants to catch him alive.” Resemblance and ambiguity may be used in conjunction: Galba for example said to a man who stood very much at his ease when

playing ball, "You stand as if you were one of Caesar's candidates." The ambiguity lies in the word *stand*, while the indifference shewn by the player supplies the resemblance. I need say no more on this form of humour. But the practice of combining different types of jest is very common, and those are best which are of this composite character. A like use may be made of dissimilarity. Thus a Roman knight was once drinking at tile games, and Augustus sent him the following message, "If I want to dine, I go home." To which the other replied, "Yes, but you are not afraid of losing your seat" Contraries give rise to more than one kind of jest. For instance the following jests made by Augustus and Galba differ in form. Augustus was engaged in dismissing an officer with dishonour from his service: the officer kept interrupting him with entreaties and said, "What shall I say to my father?" Augustus replied, "Tell him that I fell under your displeasure." Galba, when a friend asked him for the loan of a cloak, said, "I cannot lend it you, as I am going to stay at home," the point being that the rain was pouring through the roof of his garret at the time. I will add a third example, although out of respect to its author I withhold his name: "You are more lustful than a eunuch," where we are surprised by the appearance of a word which is the very opposite of what we should have expected. Under the same heading, although it is quite different from any of the preceding, we must place the remark made by Marcus Vestinus when it was reported to him that a certain man was dead. "Some day then he will cease to stink," was his reply. But I shall overload this book with illustrations and turn it into a common jest-book, if I continue to quote each jest that was made by our forefathers.

All forms of argument afford equal opportunity for jests. Augustus for example employed *definition* when he said of two ballet-dancers who were engaged in a contest, turn and turn about, as to who could make tile most exquisite gestures, that one was a dancer and the other merely interrupted the dancing. Galba on the other hand made use of *partition* when he replied to a friend who asked him for a cloak, "It is not raining and you don't need it; if it does rain, I shall wear it myself." Similar material for jests is supplied by genus, species, property, difference, conjugates, adjuncts, antecedents, consequents, contraries, causes, effects, and comparisons of things greater, equal, or less, as it is also by all forms of trope. Are not a large number of jests made by means of *hyperbole*? Take for instance Cicero's remark about a man who was remarkable for his height, "He bumped his head against the Fabian arch," or the remark made by Publius Oppius about the family of the Lentuli to the effect, that since the children were always smaller than their parents, the race would "perish by propagation." Again, what of *irony*? Is not even the most severe form of irony a kind of jest? Afer made a witty use of it when he replied to Didius Callus, who, after making the utmost efforts to secure a provincial government,

complained on receiving the appointment that he had been forced into accepting, “Well, then, do something for your country’s sake.” Cicero also employed *metaphor* to serve his jest, when on receiving a report of uncertain authorship to the effect that Vatinius was dead, he remarked, “Well, for the meantime I shall make use of the interest.” He also employed *allegory* in the witticism that he was fond of making about Marcus Caelius, who was better at bringing charges than at defending his client against them, to the effect that he had a good right hand, but a weak left. As an example of the use of *emphasis* I may quote the jest of Aulus Villius, that Tuccius was killed by his sword falling upon him. Figures of thought, which the Greeks call σχήματα διανοίας, may be similarly employed, and some writers have classified jests under their various headings. For we ask questions, express doubts, make assertions, threaten, wish and speak in pity or in anger. And everything is laughable that is obviously a pretence. It is easy to make fun of folly, for folly is laughable in itself; but we may improve such jests by adding something of our own. Titius Maximus put a foolish question to Campatius, who was leaving the theatre, when he asked him if he had been watching the play. “No,” replied Campatius, “I was playing ball in the stalls,” whereby he made the question seem even more foolish than it actually was.

Refutation consists in denying, rebutting, defending or making light of a charge, and each of these affords scope for humour. Manius Curius, for example, showed humour in the way in which he denied a charge that had been brought against him. His accuser had produced a canvas, in every scene of which he was depicted either as naked and in prison or as being restored to freedom by his friends paying off his gambling debts. His only comment was, “Did I never win, then?” Sometimes we rebut a charge openly, as Cicero did when he refuted the extravagant lies of Vibius Curius about his age: “Well, then,” he remarked, “in the days when you and I used to practise declamation together, you were not even born.” At other times we may rebut it by pretending to agree. Cicero, for example, when Fabia the wife of Dolabella asserted that her age was thirty, remarked, “That is true, for I have heard it for the last twenty years.” Sometimes too it is effective to add something more biting in place of the charge which is denied, as was done by Junius Bassus when Domitia the wife of Passienus complained that by way of accusing her of meanness he had alleged that she even sold old shoes. “No,” he replied, “I never said anything of the sort. I said you bought them.” A witty travesty of defence was once produced by a Roman knight who was charged by Augustus with having squandered his patrimony. “I thought it was my own,” he answered. As regards making light of a charge, there are two ways in which this may be done. We may throw cold water on the excessive boasts of our opponent, as was done by Gaius

Caesar, when Pomponius displayed a wound in his face which he had received in the rebellion of Sulpicius and which he boasted he had received while fighting for Caesar: "You should never look round," he retorted, "when you are running away." Or we may do the same with some charge that is brought against us, as was done by Cicero when he remarked to those who reproached him for marrying Publilia, a young unwedded girl, when he was already over sixty, "Well, she will be a woman to-morrow." Some style this type of jest *consequent* and, on the ground that both jests seem to follow so naturally and inevitably, class it with the jest which Cicero levelled against Curio, who always began his speeches by asking indulgence for his youth: "You will find your exordium easier every day," he said. Another method of making light of a statement is to suggest a reason. Cicero employed this method against Vatinius. The latter was lame and, wishing to make it seem that his health was improved, said that he could now walk as much as two miles. "Yes," said Cicero, "for the days are longer." Again Augustus, when the inhabitants of Tarraco reported that a palm had sprung up on the altar dedicated to him, replied, "That shows how often you kindle fire upon it." Cassius Severus showed his wit by transferring a charge made against himself to a different quarter. For when he was reproached by the praetor on the ground that his advocates had insulted Lucius Varus, an Epicurean and a friend of Caesar, he replied, "I do not know who they were who insulted him, I suppose they were Stoics."

Of retorts there are a number of forms, the wittiest being that which is helped out by a certain verbal similarity, as in the retort made by Trachalus to Suelius. The latter had said, "If that is the case, you go into exile": to which Trachalus replied, "And if it is not the case, you go back into exile." Cassius Severus baffled an opponent who reproached him with the fact that Proculius had forbidden him to enter his house by replying, "Do I ever go there?" But one jest may also be defeated by another: for example, Augustus of blessed memory, when the Gauls gave him a golden necklet weighing a hundred pounds, and Dolabella, speaking in jest but with an eye to the success of his jest, said, "General, give me your necklet," replied, "I had rather give you the crown of oak leaves." So, too, one lie may be defeated by another: Galba, for instance, when someone told him that he once bought a lamprey five feet long for half a denarius in Sicily, replied, "There is nothing extraordinary in that: for they grow to such a length in those seas that the fishermen tie them round their waists in lieu of ropes!" Then there is the opposite of denial, namely a feigned confession, which likewise may show no small wit. Thus Afer, when pleading against a freedman of Claudius Caesar and when another freedman called out from the opposite side of the court, "You are always speaking against Caesar's freedmen," replied, "Yes, but I make precious little headway." A similar

trick is not to deny a charge, though it is obviously false and affords good opportunity for an excellent reply. For example, when Philippus said to Catulus, "Why do you bark so?" the latter replied, "I see a thief." To make jokes against oneself is scarcely fit for any save professed buffoons and is strongly to be disapproved in an orator. This form of jest has precisely the same varieties as those which we make against others and therefore I pass it by, although it is not infrequently employed. On the other hand scurrilous or brutal jests, although they may raise a laugh, are quite unworthy of a gentleman. I remember a jest of this kind being made by a certain man against an inferior who had spoken with some freedom against him: "I will smack your head, and bring an action against you for having such a hard skull!" In such cases it is difficult to say whether the audience should laugh or be angry.

There remains the prettiest of all forms of humour, namely the jest which depends for success on deceiving anticipations or taking another's words in a sense other than he intended. The unexpected element may be employed by the attacking party, as in the example cited by Cicero, "What does this man lack save wealth and—virtue?" or in the remark of Afer, "For pleading causes he is most admirably—dressed." Or it may be employed to meet a statement made by another, as it was by Cicero on hearing a false report of Vatinius' death: he had met one of the latter's freedmen and asked him, "Is all well?" The freedman answered, "All is well." To which Cicero replied, "Is he dead, then?" But the loudest laughter of all is produced by simulation and dissimulation, proceedings which differ but little and are almost identical; but whereas simulation implies the pretence of having a certain opinion of one's own, dissimulation consists in feigning that one does not understand someone else's meaning. Afer employed simulation, when his opponents in a certain case kept saying that Celsina (who was an influential lady) knew all about the facts, and he, pretending to believe that she was a man, said, "Who is he?" Cicero on the other hand employed dissimulation when Sextus Annalis gave evidence damaging to the client whom he was defending, and the accuser kept pressing him with the question, "Tell me, Marcus Tullius, what have you to say about Sextus Annalis?" To which he replied by beginning to recite the Sixth book of the Annals of Ennius, which commences with the line,

"Who may the causes vast of war unfold?"

Enn. 174

This kind of jest finds its most frequent opportunity in ambiguity, as for example, when Cascellius, on being consulted by a client who said, "I wish to divide

my ship,” replied, “You will lose it then.” But there are also other ways of distorting the meaning; we may for instance give a serious statement a comparatively trivial sense, like the man who, when asked what he thought of a man who had been caught in the act of adultery, replied that he had been too slow in his movements. Of a similar nature are jests whose point lies in insinuation. Such was the reply which Cicero quotes as given to the man who complained that his wife had hung herself on a fig-tree. “I wish,” said someone, “you would give me a slip of that tree to plant.” For there the meaning is obvious, though it is not expressed in so many words. Indeed the essence of all wit lies in the distortion of the true and natural meaning of words: a perfect instance of this is when we misrepresent our own or another’s opinions or assert some impossibility. Juba misrepresented another man’s opinion, when he replied to one who complained of being bespattered by his horse, “What, do you think I am a Centaur?” Gaius Cassius misrepresented his own, when he said to a soldier whom he saw hurrying into battle without his sword, “Shew yourself a handy man with your fists, comrade.” So too did Galba, when served with some fish that had been partially eaten the day before and had been placed on the table with the uneaten sides turned uppermost: “We must lose no time,” he said, “for there are people under the table at work on the other side.” Lastly there is the jibe that Cicero made against Curius, which I have already cited; for it was clearly impossible that he should be still unborn at a time when he was already declaiming. There is also a form of misrepresentation which has its basis in irony, of which a saying of Gaius Caesar will provide an example. A witness asserted that the accused attempted to wound him in the thighs, and although it would have been easy to ask him why he attacked that portion of his body above all others, he merely remarked, “What else could he have done, when you had a helmet and breastplate?” Best of all is it when pretence is met by pretence, as was done in the following instance by Domitius Afer. He had made his will long ago, and one of his more recent friends, in the hopes of securing a legacy if he could persuade him to change it, produced a fictitious story and asked him whether he should advise a senior centurion who, being an old man, had already made his will to revise it; to which Afer replied, “Don’t do it: you will offend him.”

But the most agreeable of all jests are those which are good humoured and easily digested. Take another example from Afer. Noting that an ungrateful client avoided him in the forum, he sent his servant to him to say, “I hope you are obliged to me for not having seen you.” Again when his steward, being unable to account for certain sums of money, kept saying, “I have not eaten it: I live on bread and water,” he replied, “Master sparrow, pay what you owe.” Such jests the Greeks style ὑπὸ τὸ ἥθος or adapted to character. It is a pleasant form of jest to reproach a

person with less than would be possible, as Afer did when, in answer to a candidate who said, "I have always shown my respect for your family," he replied, although he might easily have denied the statement, "You are right, it is quite true." Sometimes it may be a good joke to speak of oneself, while one may often raise a laugh by reproaching a person to his face with things that it would have been merely bad-mannered to bring up against him behind his back. Of this kind was the remark made by Augustus, when a soldier was making some unreasonable request and Marcianus, whom he suspected of intending to make some no less unfair request, turned up at the same moment: "I will no more grant your request, comrade, than I will that which Marcianus is just going to make."

Apt quotation of verse may add to the effect of wit. The lines may be quoted in their entirety without alteration, which is so easy a task that Ovid composed an entire book against bad poets out of lines taken from the quatrains of Macer. Such a procedure is rendered specially attractive if it be seasoned by a spice of ambiguity, as in the line which Cicero quoted against Lartius, a shrewd and cunning fellow who was suspected of unfair dealing in a certain case,

"Had not Ulysses Lartius intervened."

Or the words may be slightly altered, as in the line quoted against the senator who, although he had always in previous times been regarded as an utter fool, was, after inheriting an estate, asked to speak first on a motion—

"What men call wisdom is a legacy,"

where *legacy* is substituted for the original *faculty*. Or again we may invent verses resembling well known lines, a trick styled parody by the Greeks. A neat application of proverbs may also be effective, as when one man replied to another, a worthless fellow, who had fallen down and asked to be helped to his feet, "Let someone pick you up who does not know you." Or we may shew our culture by drawing on legend for a jest, as Cicero did in the trial of Verres, when Hortensius said to him as he was examining a witness, "I do not understand these riddles." "You ought to, then," said Cicero, "as you have got the Sphinx at home." Hortensius had received a bronze Sphinx of great value as a present from Verres.

Effects of mild absurdity are produced by the simulation of folly and would, indeed, themselves, be foolish were they not fictitious. Take as an example the remark of the man who, when people wondered why he had bought a stumpy candlestick, said, "It will do for lunch." There are also sayings closely resembling absurdities which derive great point from their sheer irrelevance, like the reply of

Dolabella's slave, who, on being asked whether his master had advertised a sale of his property, answered, "He has sold his house." Sometimes you may get out of a tight corner by giving a humorous explanation of your embarrassment, as the man did who asked a witness, who alleged that he had been wounded by the accused, whether he had any scar to show for it. The witness proceeded to show a huge scar on his thigh, on which he remarked, "I wish he had wounded you in the side." A happy use may also be made of insult. Hispo, for example, when the accuser charged him with scandalous crimes, replied, "You judge my character by your own"; while Fulvius Propinquus, when asked by the representative of the emperor whether the documents which he produced were autographs, replied, "Yes, Sir, and the handwriting is genuine, too!"

Such I have either learned from others or discovered from my own experience to be the commonest sources of humour. But I must repeat that the number of ways in which one may speak wittily are of no less infinite variety than those in which one may speak seriously, for they depend on persons, place, time and chances, which are numberless. I have, therefore, touched on the topics of humour that I may not be taxed with having omitted them; but with regard to my remarks on the actual practice and manner of jesting, I venture to assert that they are absolutely indispensable.

To these Domitius Marsus, who wrote an elaborate treatise on *Urbanity*, adds several types of saying, which are not laughable, but rather elegant sayings with a certain charm and attraction of their own, which are suitable even to speeches of the most serious kind: they are characterized by a certain urbane wit, but not of a kind to raise a laugh. And as a matter of fact his work was not designed to deal with humour, but with *urbane wit*, a quality which he regards as peculiar to this city, though it was not till a late period that it was understood in this sense, after the word *Urbs* had come to be accepted as indicating Rome without the addition of any proper noun. He defines it as follows: "Urbanity is a certain quality of language compressed into the limits of a brief saying and adapted to delight and move men to every kind of emotion, but specially suitable to resistance or attack according as the person or circumstances concerned may demand." But this definition, if we except the quality of brevity, includes all the virtues of oratory. For it is entirely concerned with persons and things to deal with which in appropriate language is nothing more nor less than the task of perfect eloquence. Why he insisted on brevity being essential I do not know, since in the same book he asserts that many speakers have revealed their *urbanity* in narrative. And a little later he gives the following definition, which is, as he says, based on the views expressed by Cato: "Urbanity is the characteristic of a man who has produced many good sayings

and replies, and who, whether in conversation, in social or convivial gatherings, in public speeches, or under any other circumstances, will speak with humour and appropriateness. If any orator do this, he will undoubtedly succeed in making his audience laugh.” But if we accept these definitions, we shall have to allow the title of *urbane* to anything that is well said. It was natural therefore that the author of this definition should classify such sayings under three heads, serious, humorous and intermediate, since all good sayings may be thus classified. But, in my opinion, there are certain forms of humorous saying that may be regarded as not possessing sufficient *urbanity*. For to my thinking *urbanity* involves the total absence of all that is incongruous, coarse, unpolished and exotic whether in thought, language, voice or gesture, and resides not so much in isolated sayings as in the whole complexion of our language, just as for the Greeks *Atticism* means that elegance of taste which was peculiar to Athens. However, out of respect to the judgment of Marsus, who was a man of the greatest learning, I will add that he divides serious utterances into three classes, the honorific, the derogatory and the intermediate. As an example of the honorific he quotes the words uttered by Cicero in the *pro Ligario* with reference to Caesar, “You who forget nothing save injuries.” The derogatory he illustrates by the words used by Cicero of Pompey and Caesar in a letter to Atticus: “I know whom to avoid, but whom to follow I know not.” Finally, he illustrates the intermediate, which he calls apophthegmatic (as it is), by the passage from Cicero’s speech against Catiline where he says, “Death can never be grievous to the brave nor premature for one who has been consul nor a calamity to one that is truly wise.” All these are admirable sayings, but what special title they have to be called *urbane* I do not see. If it is not merely, as I think, the whole complexion of our oratory that deserves this title, but if it is to be claimed for individual sayings as well, I should give the name only to those sayings that are of the same general character as humorous sayings, without actually being humorous. I will give an illustration of what I mean. It was said of Asinius Pollio, who had equal gifts for being grave or gay, that he was “a man for all hours,” and of a pleader who was a fluent speaker extempore, that “his ability was all in ready money.” Of the same kind, too, was the remark recorded by Marsus as having been made by Pompey to Cicero when the latter expressed distrust of his party: “Go over to Caesar and you will be afraid of me.” Had this last remark been uttered on a less serious subject and with less serious purpose, or had it not been uttered by Pompey himself, we might have counted it among examples of humour. I may also add the words used by Cicero in a letter to Caerellia to explain why he endured the supremacy of Caesar so patiently: “These ills must either be endured with the courage of Cato or the stomach of Cicero,” for here again the word “stomach” has a spice of humour in it.

I felt that I ought not to conceal my feelings on this point. If I am wrong in my views, I shall not, at any rate, lead my readers astray, since I have stated the opposite view as well, which they are at liberty to adopt if they prefer it.

CHAPTER IV: PRINCIPLES OF FORENSIC

With regard to the principles to be observed in forensic debate, it might seem that I should delay such instructions until I had finished dealing with all the details of continuous speaking, since such debates come after the set speeches are done. But since the art of debate turns on invention alone, does not admit of arrangement, has little need for the embellishments of style, and makes no large demand on memory or delivery, I think that it will not be out of place to deal with it here before I proceed to the second of the five parts, since it is entirely dependent on the first. Other writers have omitted to deal with it on the ground perhaps that they thought the subject had been sufficiently covered by their precepts on other topics. For debate consists in attack and defence, on which enough has already been said, since whatever is useful in a continuous speech for the purpose of proof must necessarily be of service in this brief and discontinuous form of oratory. For we say the same things in debate, though we say them in a different manner, since debate consists of questions and replies, a topic with which we have dealt fairly exhaustively in connexion with the examination of witnesses. But since this work is designed on an ample scale and since no one can be called a perfect orator unless he be an expert debater, we must devote a little special attention to this accomplishment as well, which as a matter of fact is not seldom the deciding factor in a forensic victory. For just as the continuous speech is the predominant weapon in general questions of quality (where the inquiry is as to whether an act was right or wrong), and as a rule is adequate to clear up questions of definition and almost all those in which the facts are ascertained or inferred by conjecture from artificial proof, so on the other hand those cases, which are the most frequent of all and depend on proofs which are either entirely inartificial or of a composite character, give rise to the most violent debates; in fact I should say that there is no occasion when the advocate has to come to closer grips with his adversary. For all the strongest points of the argument have to be sharply impressed on the memory of the judge, while we have also to make good all the promises we may have made in the course of our speech and to refute the lies of our opponents. There is no point of a trial where the judge's attention is keener. And even mediocre speakers have not without some reason acquired the reputation of being good advocates simply by their excellence in

debate. Some on the other hand think they have done their duty to their clients by an ostentatious and fatiguing display of elaborate declamation and straightway march out of court attended by an applauding crowd and leave the desperate battle of debate to uneducated performers who often are of but humble origin. As a result in private suits you will generally find that different counsel are employed to plead and to prove the case. If the duties of advocacy are to be thus divided, the latter duty must surely be accounted the more important of the two, and it is a disgrace to oratory that inferior advocates should be regarded as adequate to render the greater service to the litigants. In public cases at any rate the actual pleader is cited by the usher as well as the other advocates. For debate the chief requisites are a quick and nimble understanding and a shrewd and ready judgment. For there is no time to think; the advocate must speak at once and return the blow almost before it has been dealt by his opponent. Consequently while it is most important for every portion of the case that the advocate should not merely have given a careful study to the whole case, but that he should have it at his fingers' ends, when he comes to the debate it is absolutely necessary that he should possess a thorough acquaintance with all the persons, instruments and circumstances of time and place involved: otherwise he will often be reduced to silence and forced to give a hurried assent to those who prompt him as to what he should say, suggestions which are often perfectly fatuous owing to excess of zeal on the part of the prompter. As a result it sometimes happens that we are put to the blush by too ready acceptance of the foolish suggestions of another. Moreover, we have to deal with others beside these prompters who speak for our ear alone. Some go so far as to turn the debate into an open brawl. For you may sometimes see several persons shouting angrily at the judge and telling him that the arguments thus suggested are contrary to the truth, and calling his attention to the fact that some point which is prejudicial to the case has been deliberately passed over in silence. Consequently the skilled debater must be able to control his tendency to anger; there is no passion that is a greater enemy to reason, while it often leads an advocate right away from the point and forces him both to use gross and insulting language and to receive it in return; occasionally it will even excite him to such an extent as to attack the judges. Moderation, and sometimes even longsuffering, is the better policy, for the statements of our opponents have not merely to be refuted: they are often best treated with contempt, made light of or held up to ridicule, methods which afford unique opportunity for the display of wit. This injunction, however, applies only so long as the case is conducted with order and decency: if, on the other hand, our opponents adopt turbulent methods we must put on a bold front and resist their impudence with courage. For there are some advocates so brazen-faced that they bluster and bellow

at us, interrupt us in the middle of a sentence and try to throw everything into confusion. While, then, it would be wrong to pay them the compliment of imitation, we must none the less repel their onslaughts with vigour by crushing their insolence and making frequent appeals to the judges or presiding magistrates to insist on the observance of the proper order of speaking. The debater's task is not one that suits a meek temper or excessive modesty, and we are apt to be misled because that which is really weakness is dignified by the name of honesty. But the quality which is the most serviceable in debate is acumen, which while it is not the result of art (for natural gifts cannot be taught), may none the less be improved by art. In this connexion the chief essential is never for a moment to lose sight either of the question at issue or the end which we have in view. If we bear this in mind, we shall never descend to mere brawling nor waste the time allotted to the case by indulging in abuse, while we shall rejoice if our adversary does so.

Those who have given a careful study to the arguments that are likely to be produced by their opponents or the replies which may be made by themselves are almost always ready for the fray. There is, however, a further device available which consists in suddenly introducing into the debate arguments which were deliberately concealed in our set speech: it is a procedure which resembles a surprise attack or a sally from an ambush. The occasion for its employment arises when there is some point to which it is difficult to improvise an answer, though it would not be difficult to meet if time were allowed for consideration. For solid and irrefutable arguments are best produced at once in the actual pleading in order that they may be repeated and treated at greater length. I think I need hardly insist on the necessity for the avoidance in debate of mere violence and noise and such forms of pleasantry as are dear to the uneducated. For unscrupulous violence, although annoying to one's antagonist, makes an unpleasant impression on the judge. It is also bad policy to light hard for points which you cannot prove. For where defeat is inevitable, it is wisest to yield, since, if there are a number of other points in dispute, we shall find it easier to prove what remains, while if there is only one point at issue, surrender with a good grace will generally secure some mitigation of punishment. For obstinacy in the defence of a fault, more especially after detection, is simply the commission of a fresh fault.

While the battle still rages, the task of luring on our adversary when he has once committed himself to error, and of forcing him to commit himself as deeply as possible, even to the extent at times of being puffed up with extravagant hopes of success, requires great prudence and skill. It is, therefore, wise to conceal some of our weapons: for our opponents will often press their attack and stake everything on some imagined weakness of our own, and will give fresh weight to our proofs by

the instancy with which they demand us to produce them. It may even be expedient to yield ground which the enemy thinks advantageous to himself: for in grasping at the fancied advantage he may be forced to surrender some greater advantage: at times, too, it may serve our purpose to give him a choice between two alternatives, neither of which he can select without damage to his cause. Such a course is more effective in debate than in a set speech, for the reason that in the latter we reply to ourselves, while in the former our opponent replies, and thereby delivers himself into our hands. It is, above all, the mark of a shrewd debater to perceive what remarks impress the judge and what he rejects: this may often be detected from his looks, and sometimes from some action or utterance. Arguments which help us must be pressed home, while it will be wise to withdraw as gently as possible from such as are of no service. We may take a lesson from doctors who continue or cease to administer remedies according as they note that they are received or rejected by the stomach. Sometimes, if we find difficulty in developing our point, it is desirable to raise another question and to divert the attention of the judge to it if this be feasible. For what can you do, if you are unable to answer an argument, save invent another to which your opponent can give no answer? In most respects the rules to be observed in debate are, as I have said, identical with those for the cross examination of witnesses, the only difference lying in the fact that the debate is a battle between advocates, whereas cross-examination is a fight between advocate and witness.

To practise the art of debate is, however, far easier. For it is most profitable to agree with a fellow-student on some subject, real or fictitious, and to take different sides, debating it as would be done in the courts. The same may also be done with the simpler class of questions. I would further have an advocate realise the order in which his proofs should be presented to the judge: the method to be followed is the same as in arguments: the strongest should be placed first and last. For those which are presented first dispose the judge to believe us, and those which come last to decide in our favour.

CHAPTER V: JUDGMENT

Having dealt with these points to the best of my ability, I should have had no hesitation in proceeding to discuss arrangement, which is logically the next consideration, did I not fear that, since there are some who include judgment under the head of invention, they might think that I had deliberately omitted all discussion of judgment, although personally I regard it as so inextricably blent with

and involved in every portion of this work, that its influence extends even to single sentences or words, and it is no more possible to teach it than it is to instruct the powers of taste and smell. Consequently, all I can do is now and hereafter to show what should be done or avoided in each particular case, with a view thereby to guide the judgment. What use then is it for me to lay down general rules to the effect that we should not attempt impossibilities, that we should avoid whatever contradicts our case or is common to both, and shun all incorrectness or obscurity of style? In all these cases it is common sense that must decide, and common sense cannot be taught.

There is no great difference, in my opinion, between judgment and sagacity, except that the former deals with evident facts, while the latter is concerned with hidden facts or such as have not yet been discovered or still remain in doubt. Again judgment is more often than not a matter of certainty, while sagacity is a form of reasoning from deep-lying premises, which generally weighs and compares a number of arguments and in itself involves both invention and judgment. But here again you must not expect me to lay down any general rules. For sagacity depends on circumstances and will often find its scope in something preceding the pleading of the cause. For instance in the prosecution of Verres Cicero seems to have shown the highest sagacity in preferring to cut down the time available for his speech rather than allow the trial to be postponed to the following year when Quintus Hortensius was to be consul. And again in the actual pleading sagacity holds the first and most important place. For it is the duty of sagacity to decide what we should say and what we should pass by in silence or postpone; whether it is better to deny an act or to defend it, when we should employ an exordium and on what lines it should be designed, whether we should make a statement of facts and if so, how, whether we should base our plea on law or equity and what is the best order to adopt, while it must also decide on all the nuances of style, and settle whether it is expedient to speak harshly, gently or even with humility. But I have already given advice on all these points as far as each occasion permitted, and I shall continue to do the same in the subsequent portions of this work. In the meantime, however, I will give a few instances to make my meaning clearer, since it is not possible, in my opinion, to do so by laying down general rules. We praise Demosthenes for his sagacity because when he urged a policy of war upon the Athenians after they had met with a series of reverses, he pointed out that so far their action had been entirely irrational. For they might still make amends for their negligence, whereas, if they had made no mistakes, they would have had no ground for hopes of better success in the future. Again, since he feared to give offence if he taxed the people with lack of energy in defending the liberties of their country, he preferred to praise

their ancestors for their courageous policy. Thus lie gained a ready hearing, with the natural result that the pride which they felt in the heroic past made them repent of their own degenerate behaviour. If we turn to Cicero, we shall find that one speech alone, the *pro Cluentio*, will suffice to provide a number of examples. The difficulty is to know what special exhibition of sagacity to admire most in this speech. His opening statement of the case, by which he discredited the mother whose authority pressed so hardly on her son? The fact that he preferred to throw the charge of having bribed the jury back upon his opponents rather than deny it on account of what he calls the notorious infamy of the verdict? Or his recourse, last of all, to the support of the law in spite of the odious nature of the affair, a method by which lie would have set the judges against him but for the fact that he had already softened their feelings towards him? Or the skill which lie shows in stating that he has adopted this course in spite of the protests of his client? What again am I to select as an outstanding instance of his sagacity in the *pro Milone*? The fact that he refrains from proceeding to his statement of facts until he has cleared the ground by disposing of the previous verdicts against the accused? The manner in which he turns the odium of the attempted ambush against Clodius, although as a matter of fact the encounter was a pure chance? The way in which he at one and the same time praised the actual deed and showed that it was forced upon his client? Or the skill with which he avoided making Milo plead for consideration and undertook the role of suppliant himself? It would be an endless task to quote all the instances of his sagacity, how he discredited Cotta, how he put forward his own case in defence of Ligarius and saved Cornelius by his bold admission of the facts. It is enough, I think, to say that there is nothing not merely in oratory, but in all the tasks of life that is more important than sagacity and that without it all formal instruction is given in vain, while prudence unsupported by learning will accomplish more than learning unsupported by prudence. It is sagacity again that teaches us to adapt our speech to circumstances of time and place and to the persons with whom we are concerned. But since this topic covers a wide field and is intimately connected with eloquence itself, I shall reserve my treatment of it till I come to give instructions on the subject of appropriateness in speaking.

BOOK VII

PREFACE: TRANSITION TO ARRANGEMENT

I think that enough has been said on the subject of invention. For I have dealt not merely with the methods by which we may instruct the judge, but also with the means of appealing to his emotions. But just as it is not sufficient for those who are erecting a building merely to collect stone and timber and other building materials, but skilled masons are required to arrange and place them, so in speaking, however abundant the matter may be, it will merely form a confused heap unless arrangement be employed to reduce it to order and to give it connexion and firmness of structure. Nor is it without good reason that arrangement is treated as the second of the five departments of oratory, since without it the first is useless. For the fact that all the limbs of a statue have been cast does not make it a statue: they must be put together; and if you were to interchange some one portion of our bodies or of those of other animals with another, although the body would be in possession of all the same members as before, you would none the less have produced a monster. Again even a slight dislocation will deprive a limb of its previous use and vigour, and disorder in the ranks will impede the movements of an army. Nor can I regard as an error the assertion that order is essential to the existence of nature itself, for without order everything would go to wrack and ruin. Similarly if oratory lack this virtue, it cannot fail to be confused, but will be like a ship drifting without a helmsman, will lack cohesion, will fall into countless repetitions and omissions, and, like a traveller who has lost his way in unfamiliar country, will be guided solely by chance without fixed purpose or the least idea either of starting-point or goal.

The whole of this book, therefore, will be devoted to arrangement, an art the acquisition of which would never have been such a rarity, had it been possible to lay down general rules which would suit all subjects. Put since cases in the courts have always presented an infinite variety, and will continue to do so, and since through all the centuries there has never been found one single case which was exactly like any other, the pleader must rely upon his sagacity, keep his eyes open, exercise his powers of invention and judgment and look to himself for advice. On the other hand, I do not deny that there are some points which are capable of demonstration and which accordingly I shall be careful not to pass by.

CHAPTER I: DIVISION IN IDENTIFYING AN ACT

Division, as I have already stated, means the division of a group of things into its component parts, *partition* is the separation of an individual whole into its elements, *order* the correct disposition of things in such a way that what follows coheres with what precedes, while *arrangement* is the distribution of things and parts to the places which it is expedient that they should occupy. But we must remember that *arrangement* is generally dependent on expediency, and that the same question will not always be discussed first by both parties. An example of what I mean, to quote no others, is provided by Demosthenes and Aeschines, who adopt a different order in the trial of Ctesiphon, since the accuser begins by dealing with the legal question involved, in which he thought he had the advantage, whereas the advocate for the defence treats practically every other topic before coming to the question of law, with a view to preparing the judges for a consideration of the legal aspect of the case. For it will often be expedient for the parties to place different points first; otherwise the pleading would always be determined by the good pleasure of the prosecution. Finally, in a case of mutual accusation, where both parties have to defend themselves before accusing their antagonist, the order of everything must necessarily be different. I shall therefore set forth the method adopted by myself, about which I have never made any mystery: it is the result in part of instruction received from others, in part of my own reasoning.

When engaged in forensic disputes I made it a point to make myself familiar with every circumstance connected with the case. (In the schools, of course, the facts of the case are definite and limited in number and are moreover set out before we begin to declaim: the Greeks call them *themes*, which Cicero translates by *propositions*.) When I had formed a general idea of these circumstances, I proceeded to consider them quite as much from my opponent's point of view as from my own. The first point which I set myself to determine (it is easy enough to state, but is still all-important) was what each party desired to establish and then what means he was likely to adopt to that end. My method was as follows. I considered what the prosecutor would say first: his point must either be admitted or controversial: if admitted, no question could arise in this connexion. I therefore passed to the answer of the defence and considered it from the same standpoint: even there the point was sometimes one that was admitted. It was not until the parties ceased to agree that any question arose. 'Take for example the following case. "You killed a man." "Yes, I killed him." Agreed, I pass to the defence, which has to produce the motive for the homicide. "It is lawful," lie urges, "to kill an adulterer with his

paramour.” Another admitted point, for there is no doubt about the law. We must look for a third point where the two parties are at variance. “They were not adulterers,” say the prosecution; “They were,” say the defence. Here then is the question at issue: there is a doubt as to the facts, and it is therefore a question of *conjecture*. Sometimes even the third point may be admitted; it is granted that they were adulterers. “But,” says the accuser, “you had no right to kill them, for you were an exile” or “had forfeited your civil rights.” The question is now one of law. On the other hand, if when the prosecution says, “You killed them,” the defence at once replies, “I did not,” the issue is raised without more delay.

If it requires some search to discover where the dispute really begins, we must consider what constitutes the first question. The charge may be simple, as for example “Rabirius killed Saturninus,” or complex like the following: “The offence committed by Lucius Varenus falls under the law of assassination for he procured the murder of Gaius Varenus, the wounding of Gnaeus Varenus and also the murder of Salarius.” In the latter case there will be a number of propositions, a statement which also applies to civil suits as well. But in a complex case there may be a number of *questions* and *bases*: for instance the accused may deny one fact, justify another and plead technical grounds to show that a third fact is not actionable. In such cases the pleader will have to consider what requires refutation and where that refutation should be placed.

As regards the prosecutor, I do not altogether disagree with Celsus, who, though no doubt in so doing he is following the practice of Cicero, insists with some vehemence on the view that the first place should be given to some strong argument, but that the strongest should be reserved to the end, while the weaker arguments should be placed in the middle, since the judge has to be moved at the beginning and forcibly impelled to a decision at the end. But with the defence it is different: the strongest arguments as a rule require to be disposed of first, for fear that the judge through having his thoughts fixed on those arguments should regard the defence of other points with disfavour. Sometimes, however, this order is subject to alteration; for example if the minor arguments are obviously false and the refutation of the most serious argument a matter of some difficulty, we should attack it last of all, after discrediting the prosecution by demonstrating the falsity of the former, thereby disposing the judges to believe that all their arguments are equally unreliable. We shall, however, require to preface our remarks by explaining why we postpone dealing with the most serious charge, and by promising that we will deal with it at a later stage: otherwise the fact that we do not dispose of it at once may give the impression that we are afraid of it. Charges brought against the past life of the accused should generally be dealt with first in order that the judge

may be well disposed to listen to our defence on that point on which lie has to give his verdict. But Cicero in the *pro Vareno* postpones his treatment of such charges to the conclusion, being guided not by the general rule, but by the special circumstances of the case.

When the accusation is simple, we must consider whether to give a single answer to the charge or several. In the former case, we must decide whether the question is one of fact or of law: if it is one of fact, we must deny the fact or justify it: if, on the other hand, it is a question of law, we must decide on what special point the dispute arises and whether the question turns on the letter or the intention of the law. We shall do this by considering what the law is which gives rise to the dispute, that is to say under what law the court has been constituted. In scholastic themes, for example, the laws are sometimes stated merely with a view to connecting the arguments of the cases. Take the following case: "A father who recognises a son whom he has exposed in infancy, shall only take him back after paying for his keep. A disobedient son may be disinherited. A man who took back a son whom he had exposed orders him to marry a wealthy neighbour. The son desires to marry the daughter of the poor man who brought him up." The law about children who have been exposed affords scope for emotional treatment, while the decision of the court turns on the law of disinheritance. On the other hand, a question may turn on more laws than one, as in cases of ἀντινομία or contradictory laws. It is by consideration of such points as these that we shall be able to determine the point of law out of which the dispute arises.

As an example of complex defence I may quote the *pro Rabirio*: "If he had killed him, he would have been justified in so doing: but he did not kill him." But when we advance a number of points in answer to a single proposition, we must first of all consider everything that can be said on the subject, and then decide which out of these points it is expedient to select and where to put them forward. My views on this subject are not identical with those which I admitted a little while ago on the subject of *propositions* and on that of *arguments* in the section which I devoted to *proofs*, to the effect that we may sometimes begin with the strongest. For when we are defending, there should always be an increase of force in the treatment of questions and we should proceed from the weaker to the stronger, whether the points we raise are of the same or of a different character. Questions of law will often arise from one ground of dispute after another, whereas questions of fact are always concerned with one point; but the order to be followed is the same in both cases. We must, however, deal first with points that differ in character. In such cases the weakest should always be handled first, for the reason that there are occasions when after discussing a question we make a concession or present of it to

our opponents: for we cannot pass on to others without dropping those which come first. This should be done in such a way as to give the impression not that we regard the points as desperate, but that we have deliberately dropped them because we can prove our case without them. Suppose that the agent for a certain person claims the interest on a loan as due under an inheritance. The question may here arise whether such a claim can be made by an agent. Assume that, after discussing the question, we drop it or that the argument is refuted. We then raise the question whether the person in whose name the action is brought has the right to employ an agent. Let us yield this point also. The case will still admit of our raising the question whether the person in whose name the suit is brought is heir to the person to whom the interest was due and again whether he is sole heir. Grant these points also and we can still raise the question whether the sum is due at all? On the other hand, no one will be so insane as to drop what he considers his strongest point and pass to others of minor importance. The following case from a scholastic theme is of a similar character. "You may not disinherit your adopted son. And if you may disinherit him *quâ* adopted son, you may not disinherit one who is so brave. And if you may disinherit one who is so brave, you may not disinherit him because he has not obeyed your every command; and if he was bound to obey you in all else, you may not disinherit him on the ground of his choice of a reward; and even if the choice of a reward may give just ground for disinheriting, that is not true of such a choice as he actually made." Such is the nature of dissimilarity where points of law are concerned. Where, however, the question is one of fact, there may be several points all tending to the same result, of which some may be dropped as not essential to the main issue, as for instance if a man accused of theft should say to his accuser, "Prove that you had the property, prove that you lost it, prove that it was stolen, prove that it was stolen by me." The first three can be dropped, but not the last.

I used also to employ the following method. I went back from the ultimate *species* (which generally contains the vital point of the case) to the first general question or descended from the *genus* to the ultimate *species*, applying this method even to deliberative themes. For example, Numa is deliberating whether to accept the crown offered him by the Romans. First he considers the general question, "Ought I to be a king?" Then, "Ought I to be king in a foreign state? Ought I to be king at Rome? Are the Romans likely to put up with such a king as myself?" So too in controversial themes. Suppose a brave man to choose another man's wife as his reward. The ultimate *species* is found in the question whether he is allowed to choose another man's wife. The *general* question is whether he should be given whatever he chooses. Next come questions such as whether he can choose his reward from the property of private individuals, whether he can choose a bride as his reward,

and if so, whether he can choose one who is already married. But in our search for such questions we follow an order quite different from that which we employ in actual speaking. For that which as a rule occurs to us first, is just that which ought to come last in our speech: as for instance the conclusion, "You have no right to choose another man's wife." Consequently undue haste will spoil our division of the subject. We must not therefore be content with the thoughts that first offer themselves, but should press our inquiry further till we reach conclusions such as that he ought not even to choose a widow: a further advance is made when we reach the conclusion that he should choose nothing that is private property, or last of all we may go back to the question next in order to the general question, and conclude that he should choose nothing inequitable. Consequently after surveying our opponent's proposition, an easy task, we should consider, if possible, what it is most natural to answer first. And, if we imagine the case as being actually pleaded and ourselves as under the necessity of making a reply, that answer will probably suggest itself. On the other hand, if this is impossible, we should put aside whatever first *occurs* to us and reason with ourselves as follows: "What if this were not the case?" We must then repeat the process a second and a third time and so on, until nothing is left for consideration. Thus we shall examine even minor points, by our treatment of which we may perhaps make the judge all the better disposed to us when we come to the main issue. The rule that we should descend from the *common* to the *particular* is much the same, since what is *common* is usually *general*. For example, "He killed a tyrant" is *common*, while "A tyrant was killed by his son, by a woman or by his wife" are all *particular*.

I used also to note down separately whatever was admitted both by my opponent and myself, provided it suited my purpose, and not merely to press any admissions that he might make, but to multiply them by partition, as for example in the following controversial theme: "A general, who had stood against his father as a candidate and defeated him, was captured: the envoys who went to ransom him met his father returning from the enemy. He said to the envoys, 'You are too late.' They searched the father and found gold in his pockets. They pursued their journey and found the general crucified. He cried to them, 'Beware of the traitor.' The father is accused." What points are admitted by both parties? "We were told that there had been treason and told it by the general." We try to find the traitor. "You admit that you went to the enemy, that you did so by stealth, that you returned unscathed, that you brought back gold and had it concealed about your person." For an act of the accused may sometimes be stated in such a way as to tell heavily against him, and if our statement makes a real impression on the mind of the judge, it may serve to close his ears to all that is urged by the defence. For as a general rule

it is of advantage to the accuser to mass his facts together and to the defence to separate them.

I used also, with reference to the whole material of the case, to do what I have already mentioned as being done with arguments, namely, after first setting forth all the facts without exception, I then disposed of all of them with the one exception of the fact which I wished to be believed. For example, in charges of collusion it may be argued as follows. "The means for securing the acquittal of an accused person are strictly limited. His innocence may be established, some superior authority may intervene, force or bribery may be employed, his guilt may be difficult to prove, or there may be collusion between the advocates. You admit that he was guilty; no superior authority intervened, no violence was used and you make no complaint that the jury was bribed, while there was no difficulty about proving his guilt. What conclusion is left to us save that there was collusion?" If I could not dispose of all the points against me, I disposed of the majority. "It is acknowledged that a man was killed: but he was not killed in a solitary place, such as might lead me to suspect that he was the victim of robbers; he was not killed for the sake of plunder, for nothing was taken from him; he was not killed in the hope of inheriting his property, for he was poor: the motive must therefore have been hatred, since you are his enemy." The task not merely of division, but of invention as well, is rendered materially easier by this method of examining all possible arguments and arriving at the best by a process of elimination. Milo is accused of killing Clodius. Either he did or did not do the deed. The best policy would be to deny the fact, but that is impossible. It is admitted then that he killed him. The act must then have been either right or wrong. We urge that it was right. If so, the act must have either been deliberate or under compulsion of necessity, for it is impossible to plead ignorance. The intention is doubtful, but as it is generally supposed to have existed, some attempt must he made to defend it and to show that it was for the good of the state. On the other hand, if we plead necessity, we shall argue that the fight was accidental and unpremeditated. One of the two parties then must have lain in wait for the other. Which was it? Clodius without doubt. Do you see how inevitably we are led to the right method of defence by the logical necessity of the facts? We may carry the process further: either he wished to kill Clodius, who lay in wait for him, or he did not. The safer course is to argue that he did not wish to kill him. It was then the slaves of Milo who did the deed without Milo's orders or knowledge. But this line of defence shows a lack of courage and lessens the weight of our argument that Clodius was rightly killed. We shall therefore add the words, "As every man would have wished his slaves to do under similar circumstances." This method is all the more useful from the fact that often we can find nothing to say that really

pleases us and yet have got to say something. Let us therefore consider every possible point; for thus we shall discover what is the best line for us to pursue, or at any rate what is least bad. Sometimes, as I have already said in the appropriate context, we may make good use of the statement of our opponent, since occasionally it is equally to the purpose of both parties.

I am aware that some authors have written thousands of lines to show how we may discover which party ought to speak first. But in the actual practice of the courts this is decided either by some brutally rigid formula, or by the character of the suit, or finally by lot. In the schools, on the other hand, such an enquiry is mere waste of time, since the prosecution and the defence are indifferently permitted to state a case and refute it in the same declamation. But in the majority of controversial themes it is not even possible to discover who should speak first, as for instance in the following: "A certain man had three sons, an orator, a philosopher and a physician. In his will he divided his property into four portions, three of which he distributed equally among his sons, while the fourth was to go to the son who rendered the greatest service to his country." The sons dispute the point. It is uncertain who should speak first, but our course is clear enough. For we shall begin with the son whose role we assume. So much for the general rules by which we should be guided in making our *division*.

But how shall we discover those *questions* which present abnormal difficulty? Just as we discover reflexions, words, figures or the appropriate *nuances* of style, namely by native wit, by study and by practice. None the less it will be rare for anyone who is not a fool to fail to discover them, so long as he is content, as I have said, to accept nature for a guide. Many, however, in their passionate desire to win a reputation for eloquence are content to produce showy passages which contribute nothing to the proof of their case, while others think that their enquiry need not proceed further than that which meets the eye.

To make my meaning clearer, I will cite a solitary example from the controversial themes of the schools; it is neither novel nor complicated. "The man who refuses to appear in defence of his father when accused of treason shall be disinherited: the man who is condemned for treason shall be banished together with his advocate. A father accused of treason was defended by one son who was a fluent speaker, while another son, who was uneducated, refused to appear for him. The father was condemned and banished with his advocate. The uneducated son performed some heroic act and demanded as a reward the restoration of his father and brother. The father returned and died intestate. The uneducated son claims a portion of his estate, the orator claims the whole for himself." In this case those paragons of eloquence, who laugh at us because we trouble our heads about cases

that rarely occur, will always assume the popular rôle. They will defend the uneducated against the eloquent son, the brave against the coward, the son who secured the recall of his kin against the ungrateful son, the son who is content with a portion of the inheritance against the son who would refuse his brother a share in their patrimony. All these points are actually to be found in the case and are of considerable importance, but they are not such as to render victory a certainty. In such a case they will, as far as possible, search for daring or obscure reflexions (for to-day obscurity is accounted a virtue), and they will think they have given the theme a brilliant treatment by ranting and raving over it. Those, on the other hand, whose ideals are higher, but who restrict themselves merely to the obvious, will note the following points, which are, however, purely superficial. The uneducated son may be excused for not appearing at the trial on the ground that he could contribute nothing to his father's defence: but even the orator has no claim on the gratitude of the accused, since the latter was condemned: the man who secured the recall of his kin deserves to receive the inheritance, while the man who refuses to divide it with his brother, more especially with a brother who has deserved so well of him, is avaricious, unnatural and ungrateful: they will further note that the first and essential question is that which turns on the letter and intention of the law; unless this is first disposed of, all subsequent arguments must fall to the ground. He, however, who follows the guidance of nature will assuredly reflect as follows: the first argument of the uneducated son will be, "My father died intestate and left two sons, my brother and myself; I claim a share in his estate by the law of nations." Who is so ignorant or so lacking in education as not to make this his opening, even though he does not know what is meant by a proposition? He will then proceed to extol, though with due moderation, the justice of this common law of nations. The next point for our consideration is what reply can be made to so equitable a demand? The answer is clear: "There is a law which disinherits the man who fails to appear in his father's defence when the latter is accused of treason, and you failed to appear." This statement will be followed by the necessary praise of the law and denunciation of the man who failed to appear.

So far we have been dealing entirely with admitted facts. Let us now return to the claimant. Unless he is hopelessly unintelligent, surely the following argument will suggest itself: "If the law bars the way, there is no ground for action and the trial becomes a farce. But it is beyond question that the law exists and that the uneducated son did commit the offence for which it enacts a punishment." What then shall we say? "I had no education." But if the law applies to all men, it will be of no avail to plead lack of education. We must therefore try to discover whether there be not some point on which the law can be invalidated. We turn for guidance

to nature (a point on which I cannot insist too often); what does she suggest save that when the letter of the law is against us, we should discuss its intention? This introduces the general question whether we are to stand by the letter or the spirit. But if we argue this question on general grounds with reference to law in the abstract, we shall go on for ever; it is a question that has never been decided. We must therefore restrict our enquiry to the particular law on which our case turns and try to find some argument against adhesion to the strict letter. Well, then, is everyone who fails to appear in defence of his father to be disinherited? Are there no exceptions to the rule? At this point the following arguments will spontaneously suggest themselves. "Is an infant liable to the law?" For we may imagine a case where the son is an infant and has failed to appear in his father's support. Again "does the law apply to a man who was away from home or absent on military service or on an embassy?" We have gained a considerable amount of ground; for we have established the fact that a man may fail to appear for his father and still inherit. Our declaimer, who has thought out this line of argument, must now pass over like a Latin flute-player, as Cicero says, to the side of the eloquent son and reply, "Granted, but you are not an infant, you were not away from home nor absent on military service." Is there any answer to this except the previous reply, "I am an uneducated man"? But to this there is the obvious retort, "Even if you could not actually plead, you might have supported him by your presence," which is no more than the simple truth. The uneducated son must therefore return to the intention of the legislator. "He wished to punish unfilial conduct, but I am not unfilial." To this the eloquent son will reply, "The action whereby you deserved disinheritance was unfilial, although penitence or desire for display may have subsequently led you to choose this as your reward. Further, it was owing to you that our father was condemned, since by absenting yourself you appeared to imply that you thought him guilty." The uneducated son replies, "Nay, you contributed to his condemnation, for you had given offence to many and made our family unpopular." These arguments are based on conjecture, as also will be the excuse put forward by the uneducated son to the effect that his father advised his absence, as he did not wish to imperil his whole family. All these arguments are involved in the preliminary question as to the letter and the intention of the law. Let us pursue the matter further and see if we can discover any additional arguments. How is that to be done? I am deliberately imitating the actual train of thought of one who is engaged in such an enquiry with a view to showing how such enquiry should be conducted. I shall therefore put aside the more showy kind of composition, and concern myself solely with such as may be of real profit to the student.

So far we have derived all our questions from the character of the claimant. But

why should we not make some enquiries into the character of the father? Does not the law say that whoever fails to appear for his father is to be disinherited? Why should we not try asking whether this means that he is to be disinherited, whatever the character of the father for whom he failed to appear? Such a course is often adopted in those controversial themes in which we demand that sons who fail to maintain their parents should be cast into prison: take for example the case of the mother who gave evidence against her son when accused of being an alien, or of the father who sold his son to a procurer. What, then, is there in the present case that we lay hold of as regards the character of the father? He was condemned. But does the law apply only to those cases where the father is acquitted? At first sight the question is difficult. But let us not despair. It is probable that the intention of the legislator was that innocent parents should secure the support of their children. But the uneducated son will be ashamed to produce this argument, since he acknowledges that his father was innocent. There is, however, another line of argument which may be drawn from the enactment that the person condemned for treason should be banished together with his advocate. It seems almost impossible that in one and the same case a son should incur a penalty, both if he appeared in his father's defence and if he did not appear. Further, exiles are outlaws. Therefore the letter of the law cannot conceivably apply to the advocate of the condemned man. For how can an exile hold any property? The uneducated son raises a doubt as to the interpretation both of the letter and the spirit of the law. The eloquent son will cling to the strict letter of the law, which makes no exception, and will argue that the reason for enacting a penalty against those who fail to appear for their fathers was to prevent their being deterred from the defence of their fathers by the risk of banishment, and he will assert that his brother failed to appear in defence of his innocent father. It may therefore be worth while pointing out that two *general questions* may arise out of one *basis*— for we may ask, “Is everyone who fails to appear liable to disinheritance?” or “Is he bound to appear irrespective of the character of his father?”

So far all our questions have been derived from two of the persons involved. With regard to the third, this can give rise to no question, as there is no dispute about his portion of the inheritance. Still the time is not yet come to relax our efforts: for so far all the arguments might have been used even if the father had not been recalled from exile. But we must not betake ourselves at once to the obvious point that he was recalled by the agency of the uneducated son. A little ingenuity will lead us to look further a field: for as *species* comes after *genus*, so *genus* precedes *species*. Let us therefore assume that the father was recalled by someone else. This will give rise to a question of the ratiocinative or syllogistic type, namely whether

recall from exile cancels the sentence of the court and is tantamount to the trial never having taken place at all. The uneducated son will therefore attempt to argue that, being entitled to not more than one reward, there was no means by which he could have secured the recall of his kin save by the restoration of his father on the same terms as if he had never been accused, and that this fact carries with it the cancellation of the penalty incurred by his advocate, as though he had never defended his father at all. Our next point will be that which first occurred to us, namely the plea that he was recalled by the agency of the uneducated son. At this point we are confronted by the question whether the son who secured his father's restoration is thereby to be regarded in the light of an advocate, since he secured for him precisely what his original advocate demanded for him, and it is not an unreasonable claim to ask that an action should be regarded as equivalent when it is really more than equivalent. The remaining points turn on questions of equity, for we ask which of the two sons makes the juster claim. This question admits of still further division. The claim of the uneducated son would have been the juster even if both had claimed the whole property. How much more so when one claims only a half and the other the whole to the exclusion of his brother. And then, even after we have dealt with all these points, an appeal to the memory of his father will carry great weight with the judges, more especially as the dispute is about the father's estate. This will give rise to conjecture as to what the intentions of the father were at the time of his dying intestate. This conjecture, however, involves a question of *quality*, and is employed in the service of a different *basis*. As a rule questions of equity are best introduced at the conclusion of a case, since there is nothing to which the judges give more ready hearing. Sometimes, however, the interests of the case demand a change in this order; for example if we regard our case as weak in point of law, it will be well to secure the good-will of the judge by dealing with the question of equity first.

This concludes my general rules on this subject. We will now proceed to consider the several parts of forensic cases, and although I cannot follow them to the *ultimate species*, that is to say, I cannot deal with individual suits and controversies, I shall be able to discuss them on general lines in such a way as to show what *bases* most of them involve. And since the first question naturally is whether an alleged fact has taken place, I will begin with this.

CHAPTER II: CONJECTURE CONCERNING AN ACT

All conjecture is concerned either with facts or intention. Each of these may

occur in one of three times, past, present or future. Questions concerning facts are either general or definite, that is to say, those which involve consideration of persons and those which do not. Concerning intentions there can be no questions which do not involve some person and where the facts of the case are not admitted. Therefore when the question turns on some fact, the point on which doubt arises is either what has been done, or what is being done, or what is likely to be done. For example, in general questions we discuss whether the universe *has been* formed of a concourse of atoms, or *is* governed by providence, or *is likely* some day to come to an end. In definite questions, on the other hand, we discuss whether Roscius *has* murdered his father, whether Manlius *is* aiming at making himself king, or Quintus Caecilius *will be* justified in appearing as the accuser of Verres. In the law courts past time is of most importance, since all accusations are concerned with what has actually been done, while what is being done or is likely to be done is inferred from the past. We also enquire into origins. For instance, we enquire whether a pestilence be due to the anger of heaven, the inclement weather, the pollution of the water-supply, or the noxious vapours emitted by the earth. Again, we seek for the motives of an act. For example, we enquire whether the fifty kings who sailed against Troy did so because they were bound by their oath, or were moved to do so by righteous indignation, or merely desired to gratify the sons of Atreus. There is no very great difference between these two classes of question. As regards facts falling within the present, if they can be detected by the eye without any reference to their logical antecedents being required, there will be no need of conjecture: let us suppose, for instance, that the Lacedaemonians are enquiring whether the Athenians are erecting fortifications. But although conjecture may seem entirely foreign to this class of question, there are cases in which it is necessary, as in questions of personal identity, which may be illustrated by the action brought against the heirs of Urbinia, where the question was whether the man who claimed the property as being the son of the deceased, was Figulus or Sosipater. In this case the actual person was before the eyes of the court, so that there could be no question whether he existed (as there is, for instance, when we ask whether there exists any land beyond the Ocean) nor what he was nor of what kind. The question was simply, who he was. But this kind of dispute also depends on past time. The problem is whether this man Clusinius Figulus *was* born of Urbinia. Such disputes have arisen even in our own day, indeed I myself have pleaded in such. On the other hand, conjecture as to intention is obviously concerned with all three times. We ask with what purpose Ligarius *went* to Africa, with what purpose Pyrrhus *is* asking for a treaty, and how Caesar *will* take it if Ptolemy kills Pompey.

We may also employ conjecture to enquire into quality in questions dealing

with size, species and number, such as whether the sun is greater than the earth, whether the moon is spherical, flat or conical, whether there is one universe or several, or, to go outside these physical speculations, whether the Trojan or the Peloponnesian war was the greatest, what was the nature of the shield of Achilles, or whether there was more than one Hercules.

In forensic cases, however, which consist of accusation and defence, there is one kind of conjecture by which we enquire both about an act and about its author. This sometimes treats the two questions together, as, for example, when both the act and the identity of the author are denied, and sometimes separately, as when the first enquiry, whether the act was committed, is followed by a second, where, the act being admitted, the question is by whom it was committed. The act itself again sometimes involves a single question, as, for example, whether a man is dead, and sometimes two, as, for instance, whether he died of poison or of some internal disease. Another form of conjecture is concerned with the act alone, it being admitted that if the act was really committed, there can be no doubt as to its author. A third form is concerned solely with the author, the act being admitted and the dispute turning on the question as to who committed it. This third form is complex. For the accused either confines himself to denying that he did it or accuses another of having done it. Further, there is more than one way of transferring the charge to another. At times this results in *mutual accusation*, which the Greeks call ἀντικατηγορία, and some of our own authors *concertative accusation*. At times, on the other hand, the charge is transferred to some person who cannot be brought to trial, and may be either known or unknown: again, if the person is known, he may be someone outside the case or the victim himself, who may be alleged to have committed suicide. In such cases we compare characters, motives and other circumstances in the same way as in cases of mutual accusation. Cicero, for instance, in the *pro Vareno* diverts the charge from the accused to the slaves of Ancharius and in the *pro Scauro* throws the suspicion of Bostar's murder upon his mother. There is also a different form of comparison, which comes into play when both parties claim the credit of some act, and yet another kind, when the question is not as between two persons, but as between two acts; that is to say, the question is not which of the two committed an act, but which of two acts was committed. Finally, if the act and the identity of the author are both admitted, we may still raise the question of his intention.

I shall now proceed to detail. As an example of joint denial covering both the act and the identity of the author we may take the following statements, "I have not committed adultery," "I have not sought to establish myself as tyrant." In cases of murder or poisoning the denial is often divided as follows: "The act was not

committed, and, if it was committed, it was not by me.” But if the defence say, “Prove that the man was killed,” the burden falls solely on the accuser, for the accused can say nothing more against the charge except perhaps in the way of casting certain suspicions, which he should throw out in the vaguest terms, since if you make one definite assertion, you will have to prove it or run the risk of losing your case. For when the question lies between our statement and that of our opponent, one or other will be regarded as true. Thus when the point on which we relied for our defence is overthrown, there is nothing left but the points that tell against us. For example, when the question turns on symptoms, which may point either to poisoning or internal disease, there is no third course left open and consequently each party sticks to his statement. At times the question turns on the nature of the fact, whether, for instance, death was due to poisoning or internal disease, and arguments are introduced which are drawn from the circumstances alone without any reference to the person concerned. For example, it makes a difference whether the deceased was cheerful or depressed, had been working or taking his ease, had been awake or sleeping previous to the festive gathering that was followed by his death. The age of the deceased is also an important factor, and it is desirable to know whether he died suddenly or after a long period of ill health. If the question turns only on his sudden death, both parties will have still freer scope for discussion. At times the character of the accused may be adduced to prove the fact, and to make it likely that it was or was not a case of poisoning because the accused is or is not a likely person to have committed such an act.

When, on the other hand, the enquiry concerns both the accused and the act, the natural order for the accuser to pursue is to commence by proving that the act has been committed and then to go on to show that it was committed by the accused. If, however, proofs of the authorship of the crime are more in number than the proofs of the commission, this order may be reversed. On the other hand, the accused will always begin by denying the act, since if this can be successfully proved, there is no need to say anything more, while if it is not proved, there remain other means of defence.

Similarly, when the dispute turns solely on the act and, the act being proved, there can be no doubt as to the author, arguments may be drawn in like manner both from the person and the facts, although with reference to the question of fact alone. Take the following controversial theme as an example, for it is best to employ scholastic themes as illustrations since they are more familiar to the student. “A man who had been disinherited by his father took to the study of medicine. His father fell sick and, his life being despaired of by the other doctors, the son was called in, and said he would cure him if he would take a draught prescribed by

himself. The father after drinking part of the draught said that he had been poisoned: the son drank the remainder of the draught. The father died and the son is accused of parricide.” There is no doubt who administered the draught, and, if it was poison, there is no question as to the author: but the problem as to whether the draught was poison can only be decided by arguments drawn from the character of the accused.

There remains a third type of conjectural case where the fact is admitted, and the only question is as to the author. It is unnecessary for me to quote examples, since such cases are of frequent occurrence. For example, it may be clear that a man has been killed or that sacrilege has been committed, but the person accused of the crime may deny his guilt. It is from such circumstances that cases of mutual accusation arise, where it is admitted that the crime has been committed, but each party charges the other with being the author. With regard to this class of case Celsus points out that they cannot actually occur in the courts, a fact which I imagine is familiar to all: for the jury is empanelled to try one accused person only, and even though the defence and the prosecution may accuse each other of tile crime, the first case must be tried before the second. Apollodorus again stated that mutual accusation involved two separate disputes, and this is of course in conformity with the practice of the courts, which insists on two separate trials. On the other hand, mutual accusation is possible in cases tried before the senate or the emperor, and even in the courts the fact of mutual accusation will involve no difference in the pleadings, since the same methods will be required whether the verdict is given on both charges simultaneously or only on one. In such cases the defence must always come first for three reasons. In the first place, we naturally prefer to secure our own safety than to injure our opponent, while secondly, our accusation will carry greater weight if we have first proved our own innocence, and thirdly, we shall thus secure a double line of defence. For the man who says, “I did not kill him,” is then free to go on to say, “You killed him,” whereas it is superfluous for the man who says, “You killed him,” to go on to say, “I did not kill him.”

Further, such cases consist of comparison, which may be effected in different ways. For we may either compare our case in its entirety with that of our adversary, or we may compare individual arguments. The choice between these two methods can only be determined by the requirements of the case. For example, in the *pro Vareno*, Cicero, in dealing with the first charge, compares the individual arguments: for it would have been rash in connexion with the second charge to compare the position of a stranger with that of a mother. It is therefore best, if possible, to refute argument by individual argument: if, however, our individual arguments are weak, we shall try to secure success by comparison of case with case as a whole. But

whether the case is one of mutual accusation, or the accused throws the guilt upon his opponent without making any formal accusation (as Roscius did without indicting his accusers), or the responsibility for the deed be placed on the victims themselves, whom we allege to have perished by their own hand, the arguments for both sides of the case will be compared in exactly the same way as in cases of mutual accusation. The class of case last mentioned by me is, however, not merely of frequent occurrence in the schools, but sometimes actually occurs in the courts. For example, the sole question in the case of Naevius of Arpinum was whether he threw his wife out of the window or she threw herself. My speech in this case is the only one of all my pleadings that I have so far published, and I admit that I was led to do so merely by a youthful desire for glory. For the other speeches which circulate as mine have little in them that actually fell from my lips, having been corrupted by the carelessness of the shorthand-writers who took them down with a view to making money out of them.

There is also another type of conjectural case which, though it involves two questions, is different from cases of mutual accusation; such cases are concerned with rewards and may be illustrated by the following controversial theme. "A tyrant, suspecting that his physician had given him poison, tortured him and, since he persisted in denying that he had done so, sent for a second physician. The latter asserted that poison had been administered, but that he would provide an antidote; he gave him a draught: the tyrant drank it and died. Both physicians claim a reward for slaying the tyrant." Now just as in cases of mutual accusation where each party shifts the guilt to his opponent, so in this case we compare the characters, motives, means, opportunities, instruments and evidence of the persons who claim the reward. There is yet another type of case which, though not one of mutual accusation, is treated in the same way: I mean a case in which we enquire, without accusing anyone, which of two acts has taken place. For both parties make and defend their own statement of the case. Thus in the suit concerning the estate of Urbinia the claimant says that Clusinius Figulus, the son of Urbinia, on the defeat of the army in which he was serving, fled and after various misfortunes, being even kept in captivity by the king, at length returned to Italy and his own home in the Marrucine district, where he was recognised. To this Pollio replies that he had been a slave to two masters at Pisaurum, that he had practised medicine, and finally, after receiving his freedom, inserted himself into a gang of slaves who were for sale and was at his own request purchased by himself. Does not the whole suit consist of comparison between the two cases and of two different and opposite sets of conjecture? But the method to be followed is identical whether the case be one of accusation and defence or of claim and denial of the claim.

Conjecture is, in the first place, based on what is past, under which I include persons, causes and intent. For in dealing with a case we first ask what the accused intended to do, next what he was in a position to do, and lastly what he actually did. Consequently the first point on which we must fix our attention is the character of the accused. It is the business of the accuser to make any charge that he may bring against the accused not merely discreditable, but as consistent as possible with the crime for which he is arraigned. For example, if he calls a man accused of murder a debauchee or an adulterer, the discredit attaching to such charges will no doubt tell against the accused, but will, on the other hand, do less to prove the case than if he shows him to be bold, insolent, cruel or reckless. On the other hand, counsel for the defence must, as far as possible, aim at denying, excusing or extenuating such charges, or, if that be impossible, show that they are not relevant to the case. For there are many charges which not only have no mutual resemblance, but may even at times contradict each other, as for instance if a man accused of theft is called prodigal or careless. For it is not likely that one and the same man should at once despise money and covet it. If such means of defence are not available, we must take refuge with the plea that the charges made are not relevant to the case, that because a man has committed certain sins, it does not follow that he has committed all, and that the accusers ventured to make such false charges merely because they hoped by injuring and insulting the accused to be able to overwhelm him with the unpopularity thus created. There are also other topics which arise from and against the statement of the case by the prosecution. The defence may begin by drawing arguments from the person involved, and will at times urge on general grounds that it is incredible that a father has been killed by his son or that a commander has betrayed his country to the enemy. The answer to such arguments is easy, for we may urge that bad men are capable of every crime, as is shown by every-day occurrences, or that the atrocious nature of a crime is but a poor argument against its having been committed. At times we may base our arguments on the special circumstances of the person involved. This may be done in various ways: rank, for example, may be pleaded in defence of the accused, or at times, on the other hand, may be employed to prove his guilt on the ground that he trusted to his rank to secure impunity. Similarly poverty, humble rank, wealth may be used as arguments for or against the accused according to the talent of the advocate. Upright character, however, and the blamelessness of his past life are always of the utmost assistance to the accused. If no charge is made against his character, counsel for the defence will lay great stress on this fact, while the accuser will attempt to restrict the judge to the sole consideration of the actual issue which the court has to decide, and will say that there must always be a first step in crime

and that a first offence is not to be regarded as the occasion for celebrating a feast in honour of the defendant's character. So much for the methods of reply which will be employed by the prosecution. But he will also in his opening speech endeavour to dispose the judges to believe that it is not so much that he is unable, as that he is unwilling to bring any charge against the character of the accused. Consequently it is better to abstain from casting any slur on the past life of the accused than to attack him with slight or frivolous charges which are manifestly false, since such a proceeding discredits the rest of our argument. Further, the advocate who brings no charges against the accused may be believed to have omitted all reference to past offences on the ground that such reference was not necessary, while the advocate who heaps up baseless charges thereby admits that his only argument is to be found in the past life of the accused, and that he has deliberately preferred to risk defeat on this point rather than say nothing at all about it. As regards the other arguments derived from character, I have already discussed them in connexion with "places" of argument.

The next type of proof is derived from causes or motives, such as anger, hatred, fear, greed or hope, since all motives can be classified as species of one or other of these. If any of these motives can be plausibly alleged against the accused, it is the duty of the accuser to make it appear that such motives may lead a man to commit any crime, and to exaggerate the particular motives which he selects for the purpose of his argument. If no such motive can be alleged, he must take refuge in suggesting that there must have been some hidden motive, or in asserting that, if he committed the act, all enquiry into motive is irrelevant or that a motiveless crime is even more abominable than one which has a motive. Counsel for the defence, on the other hand, will, wherever it be possible, emphasise the point that it is incredible that any act should be committed without a motive. Cicero develops this point with great energy in a number of his speeches, but more especially in his defence of Varenus, who had everything else against him and was as a matter of fact condemned. But if the prosecution do allege some motive, he will either say that the motive alleged is false or inadequate or unknown to the accused. For it is possible that a man may be quite ignorant of motives imputed to him. He may not, for example, have known whether the man whom he is accused of having killed had appointed him his heir or intended to prosecute him. All else failing, we may urge that motives are not necessarily of importance. For what man is there who is not liable to the emotions of fear, hatred or hope, and yet numbers of persons act on these motives without committing crime? Nor should we neglect the point that all motives do not apply to all persons. For example, although poverty may in certain cases be a motive for theft, it will not have the same force with men such as Curius or Fabricius.

The question has been raised as to whether we should deal first with persons or motives, and different orators have given different answers: Cicero as a rule prefers to treat motives first. For my own part, if the circumstances of the case do not point strongly in either direction, I consider that the most natural course is to begin by dealing with persons. For the enquiry whether any crime can credibly be imputed to such a man as the accused is of a more general character than the question whether some one particular crime can be imputed, and in addition involves a greater correctness in division. Still, in many cases expediency may make it desirable to reverse the order. Further, we have to seek not merely motives affecting the will, but also causes leading to error, such as drunkenness or ignorance. For just as such considerations lessen the guilt of a crime when regarded from the point of view of its quality, so they tell heavily against the criminal as far as the question of fact is concerned. I should imagine that there could never be a case, or at any rate an actual case in the courts, in which neither side said anything about the character of the persons involved; but this is not true of causes and motives, for it is often wholly unnecessary to trouble ourselves about them, as, for example, in cases of theft or adultery, crimes which carry their motives on the face of them.

Next we must consider the intention, a term which involves a number of questions, such as whether it is probable that the accused hoped that he would be able to carry such a crime into effect, or that it would escape detection when committed, or that, even if detected, it would be pardoned or punished but lightly or after considerable lapse of time, or that the inconvenience involved by the penalty would be outweighed by the pleasure resulting from the crime: or again, whether it was worth while incurring the penalty; and further, whether he could have done the deed at some other time and in some other way, or with greater ease or security, as Cicero says in the *pro Milone*, where he mentions the numerous occasions when his client could have killed Clodius with impunity. There is also the question why the accused should have chosen that particular place or time or means for the commission of the crime, a topic to which Cicero gives a thorough treatment in the same passage; or whether, without having the least reason for the deed, he was carried away by the impulse of the moment and acted without deliberate purpose (for it is a common saying that crimes are irrational), or finally, whether he was led astray by the fact that crime had become a habit with him.

Having dealt with the question whether he intended to commit the crime, we proceed to the question whether he was in a position to commit it. Under this head we discuss the place and occasion of the offence. For instance, in a case of theft we ask whether it was committed in a secluded or frequented spot, in the daytime, when witnesses are more numerous, or by night, when success is more difficult.

Consequently we shall consider all the circumstances rendering the act difficult or easy of accomplishment; these require no illustration, being numerous and familiar. This second topic is of such importance that, if it is impossible to give it satisfactory treatment, the case falls to the ground; if, however, we succeed in dealing with it adequately, we must proceed to consider whether the accused actually committed the act. But this topic involves conjecture as to intention, for it is from these facts that we infer whether he hoped for success or not. Therefore we must also consider the question of the means at his disposal, such, for example, as the retinues of Clodius and Milo.

The question whether he actually did the deed belongs, in the first place, to the second division of time, namely the present, and secondly to time that is almost, though not actually contemporary: under this latter head come circumstances such as noise, cries or groans, while concealment, fear and the like belong to subsequent time. To these must be added indications, which we have already discussed elsewhere, and words and acts antecedent or subsequent to the crime. These words and acts are either our own or those of others. With regard to words, our own do us greater harm and bring us less profit than do those of others, while those of others bring us greater profit and do us less harm than our own. On the other hand, with regard to deeds, it is sometimes from our own and sometimes from those of others that we derive the greatest advantage, as, for example, when our opponent has done something which tells in our favour: but our own acts are always more injurious to our case than are those of others. Again, with regard to words, we must distinguish between those whose meaning is clear and those whose significance is doubtful. The latter will necessarily give less assistance to either side, be they our own words or another's. On the other hand, any ambiguity in our own words will always tell against us, as, for example, in the following controversial theme. "A son, on being asked where his father was, replied: 'Wherever he is, he is alive.' But the father was found dead at the bottom of a well." When the ambiguity lies in words used by others, they can never do us any harm, unless he who uttered them be unknown or dead; I will give two illustrations of my meaning: "A cry was heard at night, 'Be on your guard against the establishment of a tyranny';" and, "on being asked who had poisoned him, he replied: 'It is not fit that you should know.'" For if the speaker is available for examination, he will clear up the ambiguity. Finally, whereas our own words and deeds can only be justified by their intention, the deeds and words of others can be disposed of in a number of different ways.

My remarks on this subject have, I think, been confined to one very important class of conjectural cases, but something of what I have said will apply to all cases. For example, in cases concerned with theft, deposits and loans, arguments are

derived both from possibilities (as when we enquire whether there was any money to deposit), and from persons, as when we raise the question whether it is credible that anyone deposited money with this man or trusted him with a loan, or that the claimant is bringing a false accusation, or that the accused repudiates his debt or is a thief. But even in the case of an accusation of theft, just as in an accusation of murder, we enquire both into the act and the author, while in cases concerned with loans and deposits there are also two questions (though these are always distinct from one another), namely, whether the money was delivered and whether it has been repaid. Cases of adultery are marked by the following peculiarity, that, as a rule, the safety of two persons is involved, and it is necessary to say something of the past life of both, although some have raised the question whether both parties should be defended together. The line to be taken must depend on the circumstances of the individual case: if the defence of one party lends support to the defence of the other, I should defend them conjointly; if the reverse is the case, I should treat the two cases separately. However, that no one may think me somewhat hasty in saying that two persons are as a rule involved in charges of adultery, I would point out that I would not assert that this is always the case. The woman alone may be accused of adultery with a person unknown: we may say, "Gifts were found in the house, and money from some unknown source, and love-letters whose destination cannot be ascertained." The case is similar in accusations of forgery: for either there are several accused or only one. The writer of a document always regards it as necessary to support the signatory, but the signatory does not always support the writer of the document, for it is always possible that he has been deceived on the matter. On the other hand, the man who is said to have called in their services, and for whom the document is alleged to have been written, will always defend both writer and signatories. The arguments employed in cases of treason or attempted tyranny will be drawn from the same sources.

But the custom prevalent in the schools of regarding everything not definitely stated in the theme as being in the speaker's favour, is likely to prove harmful to students destined for practice in the courts. You bring a charge of adultery. "Who is your witness? who is your informer?" You charge me with treason. "What was my reward? who was my accomplice?" You charge me with poisoning. "Where did I buy the poison, and from whom? When did I buy it, what was the price, and whom did I employ to administer it?" Or in defence of one charged with attempting to establish himself as tyrant, the declaimer will cry, "Where are my weapons, and what bodyguards have I ever collected?" I do not deny that these questions should be asked, or that we should use them as far as is permitted by the rôle which we have assumed; for even in the courts I feel that it will be desirable to put such

questions, if my opponent is not in a position to reply effectively; but we have often felt the lack of such freedom in the courts, whereas in the schools there is scarcely a case where one or more examples of this method are not to be found. Similar to this is the practice which some declaimers allow themselves in their perorations of assigning children, parents and nurses to their characters at will, though it is more reasonable to call for evidence which is not explicitly mentioned in the statement of the theme than to introduce it ourselves.

With regard to the method to be followed when we enquire into intention, I have said enough in dividing the subject into three questions, namely, whether the accused intended to do the deed, whether he was in a position to do it and whether he actually did it. For the method of enquiring into the purpose with which an act was committed is identical with that employed in enquiring whether the deed was intended, since it amounts to asking whether a criminal act was intended. Further, the order in which the facts are stated may either contribute to or detract from the credibility of our case; for consistency and the reverse depend to a very great extent on the way the circumstances are arranged. But we shall be unable to detect these qualities unless we consider the circumstances in connexion with the case as a whole. None the less, it will always be necessary to consider what are best suited to be placed together.

CHAPTER III: DEFINITION OF AN ACT

Conjecture is followed by *definition*. For the man who cannot assert that he has done nothing, must needs take refuge in the assertion that lie has not committed the act which is alleged against him. Consequently the laws which govern *definition* are for the most part the same as those which govern *conjecture*, the only difference lying in the method to be employed in defence in cases such as those concerned with theft, deposits or adultery. For just as we say, "I have not committed theft, I never received a deposit, I am not guilty of adultery," so we say, "This is not theft, this is not a deposit, this is not adultery." Sometimes we may pass from *quality* to *definition*, as in actions concerned with lunacy, cruelty and offences against the State. In such cases if it is impossible to assert that the acts alleged were right, we are left with such pleas as, "To use bad language to one's wife does not amount to cruelty." Definition is the statement of the fact called in question in appropriate, clear and concise language. As I have already said, it consists mainly in the statement of *genus*, *species*, *difference* and *property*. For example, if you wish to define a horse (for I will take a familiar example), the *genus* is animal, the *species* mortal,

the *diffrence* irrational (since man also is mortal) and the *properly* neighing. Definition is employed by the orator for a number of different reasons. For sometimes, though there may be no doubt as to a term, there is a question as to what it includes, or, on the other hand, there may be no doubt about the thing, but no agreement as to the term to be applied to it. When the term is agreed, but the thing doubtful, conjecture may sometimes come into play, as, for instance, in the question, "What is god?" For the man who denies that god is a spirit permeating all things, assuredly asserts that the epithet "divine" is falsely applied to his nature, like Epicurus, who gives him a human form and makes him reside in the intermundane space. While both use the same term *god*, both have to employ conjecture to decide which of the two meanings is consistent with fact. Sometimes again we have recourse to quality, as in the question, "What is rhetoric? Is it the power to persuade or the science of speaking well?" This form of question is of frequent occurrence in the courts. For instance, the question may arise whether a man caught in a brothel with another man's wife is an adulterer. Here there is no doubt about the name; it is the significance of the act which is in doubt, since the question is whether he has committed any sin at all. For if he has sinned, his sin can only be adultery. There is a different type of question where the dispute is concerned with the term to be applied, which depends on the letter of the law: it is a form of question which can only arise in the courts from the actual words on which the dispute turns. Take as examples the questions, whether suicide is a form of homicide, or whether the man who forces a tyrant to kill himself can be considered a tyrannicide, or whether magical incantations are equivalent to the crime of poisoning. In all these cases there is no doubt about the facts, for it is well known that there is a difference between killing oneself and killing another, between slaying a tyrant and forcing him to suicide, between employing incantations and administering a deadly draught, but we enquire whether we are justified in calling them by the same name.

Though I hardly like to differ from Cicero, who follows many authorities in saying that definition is concerned with identity and difference (since he who denies the applicability of one term must always produce another term which he regards as preferable), for my own part I consider that definition falls into three types, which I may perhaps call *species*. For at times it is convenient merely to enquire whether one particular term is applicable to a given thing, as in the question whether an act committed in a brothel is adultery. If we deny that it is adultery, there is no need to state what it should be called, since we have given a total denial to the charge. Secondly, there are occasions when the question is which of two terms is to be applied to a thing, as in the question whether an act is theft or

sacrilege. It may be sufficient for the defence that it is not sacrilege, but it is still necessary to show what else it is, and therefore we must define both. Thirdly, there are times when the question concerns things which are different in species, and we ask whether two different things are to be called by the same name, in spite of the fact that each has a special name of its own: for example, is tile same name applicable both to a love-potion and a poison? But in all disputes of this kind the question is whether one thing is another thing as well, since the name in doubt does without question apply to something else. It is sacrilege to steal a sacred object from a temple; is it also sacrilege to steal private property from a temple? It is adultery to lie with another man's wile in one's own house; is it adultery to do so in a brothel? It is tyrannicide to slay a tyrant; is it tyrannicide to force him to slay himself? Consequently the syllogism, to which I shall return later, is virtually a weaker form of definition, since while definition seeks to determine whether one thing has the same name as another, syllogism seeks to determine whether one thing is to be regarded as identical with another. There is moreover great variety in definitions. For instance, persons will give different verbal expression to things about which they are really in agreement: thus rhetoric is defined as the science of *speaking well*, as the science of *correct conception* or *correct expression* of what we have to say, as the science of *speading in accordance with the excellence of an orator* and again of *speaking to the purpose*. And we must take care to discover how it is that definitions, identical in meaning, differ in the form in which they are expressed. However, this is a subject for discussion and not for a quarrel. Definition is sometimes required to explain rare or obscure words such as *clarigatio* or *erctum citum*, or again to explain familiar words such as *penus* or *litus*.

This variety in definition has caused some writers to include it under conjecture, others under quality and others again under legal questions. Some, on the other hand, entirely reject the elaborate and formal methods of reasoning employed by dialectic, regarding such ingenuity as suited rather to quibbles over words in philosophical discussions than as likely to carry much weight in the performance of the duties of an orator. For though in dialogue definition may serve to fetter the person who has got to reply in chains of his own making, or may force him to silence, or even to reluctant confession of a point which tells against himself, it is of less use in forensic cases. For there we have to persuade the judge, who, even though he may be tied and bound with our words, will still dissent in silence, unless he is brought really into touch with the actual facts. And what need has a pleader for such precision of definition? Even if I do not say that man is an animal, mortal and rational, surely I shall still be able, by setting forth the numerous properties of his body and mind in more general terms, to distinguish him from

gods or dumb beasts. Again, may not the same thing be defined in more than one way, as Cicero does when he says, "What do we mean when we say' commonly ': surely we mean 'by all men?'" May it not be given a wide and varied treatment such as is frequently employed by all orators? For it is rare to find orators falling victims to that form of slavery introduced from the practice of the philosophers and tying themselves down to certain definite words; indeed it is absolutely forbidden by Marcus Antonius in the *de Oratore* of Cicero. For it is a most dangerous practice, since, if we make a mistake in a single word, we are like to lose our whole case, and consequently the compromise adopted by Cicero in the *pro Caecina* is the safest course to follow; this consists in setting forth the facts without running any risks over the exactness of our terminology. These are his words: "Judges, the violence which threatens our lives and persons is not the only kind of violence: there is a much more serious form which by the threat of death fills our minds with panic and often turns them from their natural condition of stability." Or again, we may prove before we define, as Cicero does in the *Philippics*, where he proves that Servius Sulpicius was killed by Antony and introduces his definition at the conclusion in the following terms: "For assuredly the murderer was he who was the cause of his death." I would not, however, deny that such rules should be employed, if it will help our case, and that, if we can produce a definition which is at once strong and concise, it will be not merely an ornament to our speech, but will also produce the strongest impression, provided always that it cannot be overthrown.

The order to be followed in definition is invariable. We first ask *what* a thing is, and then, whether it is *this*. And there is generally more difficulty in the establishment than in the application of a definition. In determining what a thing is, there are two things which require to be done: we must establish our own definition and destroy that of our opponent. Consequently in the schools, where we ourselves imagine our opponent's reply, we have to introduce two definitions, which should suit the respective sides of the case as well as it is in our power to make them. But in the courts we must give careful consideration to the question whether our definition may not be superfluous and irrelevant or ambiguous or inconsistent or even of no less service to our opponents than to ourselves, since it will be the fault of the pleader if any of these errors occur. On the other hand, we shall ensure the right definition, if we first make up our minds what it is precisely that we desire to effect: for, this done, we shall be able to suit our words to serve our purpose. To make my meaning clearer, I will follow my usual practice and quote a familiar example. "A man who has stolen private money from a temple is accused of sacrilege." There is no doubt about his guilt; the question is whether the name given by the law applies to the charge. It is therefore debated whether the act

constitutes sacrilege. The accuser employs this term on the ground that the money was stolen from a temple: the accused denies that the act is sacrilege, on the ground that the money stolen was private property, but admits that it is theft. The prosecutor will therefore give the following definitions, "It is sacrilege to steal anything from a sacred place." The accused will reply with another definition, "It is sacrilege to steal something sacred." Each impugns the other's definition. A definition may be overthrown on two grounds: it may be false or it may be too narrow. There is indeed a possible third ground, namely irrelevance, but this is a fault which no one save a fool will commit. [It is a false definition if you say, "A horse is a rational animal," for though the horse is an animal, it is irrational. Again, a thing which is common to something else cannot be a property of the thing defined.] In the case under discussion, then, the accused alleges that the definition given by the accuser is false, whereas the accuser cannot do the same by his opponent's definition, since to steal a sacred object is undoubtedly sacrilege. He therefore alleges that the definition is too narrow and requires the addition of the words "or from a sacred place." But the most effective method of establishing and refuting definitions is derived from the examination of properties and differences, and sometimes even from considerations of etymology, while all these considerations will, like others, find further support in equity and occasionally in conjecture. Etymology is rarely of assistance, but the following will provide an example of its use. "For what else is a 'tumult' but a disturbance of such violence as to give rise to abnormal alarm? And the name itself is derived from this fact." Great ingenuity may be exercised with regard to properties and differences, as for instance in the question whether a person assigned to his creditor for debt, who is condemned by the law to remain in a state of servitude until he has paid his debt, is actually a slave. One party will advance the following definition, "A slave is one who is legally in a state of servitude." The other will produce the definition, "A slave is one who is in a state of servitude on the same terms as a slave (or, to use the older phrase, 'who serves as a slave')." This definition, though it differs considerably from the other, will be quite useless unless it is supported by properties and differences. For the opponent will say that the person in question is actually serving as a slave or is legally in a state of servitude. We must therefore look for properties and differences, to which in passing I devoted a brief discussion in my fifth book. A slave when manumitted becomes a freedman: a man who is assigned for debt becomes a free man on the restoration of his liberty. A slave cannot acquire his freedom without the consent of his master: a man assigned for debt can acquire it by paying his debt without the consent of his master being necessary. A slave is outside the law; a man assigned for debt is under the law. Turning to properties,

we may note the following which are possessed by none save the free, the three names (praenomen, nomen and cognomen) and membership of a tribe, all of which are possessed by the man assigned for debt.

By settling what a thing is we have come near to determining its identity, for our purpose is to produce a definition that is applicable to our case. Now the most important element in a definition is provided by quality, as, for example, in the question whether love be a form of madness. To this point in our procedure belong those proofs which according to Cicero are peculiar to definition, that is, proofs drawn from antecedents, consequents, adjuncts, contraries, causes, effects and similarities, with the nature of which I have already dealt. I will, however, quote a passage from the *pro Caecina* in which Cicero includes brief proofs drawn from origins, causes, effects, antecedents and consequents: "Why then did they fly? Because they were afraid. What were they afraid of? Obviously of violence. Can you then deny the beginning, when you have admitted the end?" But he also argued from similarity: "Shall not that which is called violence in war be called violence in peace as well" Arguments may also be drawn from contraries, as for instance in the question whether a love-potion can be a poison, in view of the fact that a poison is not a love-potion.

In order that my young students (and I call them mine, because the young student is always dear to me) may form a clearer conception of this second kind of definition, I will once more quote a fictitious controversial theme. "Some young men who were in the habit of making merry together decided to dine on the sea-shore. One of their party failed to put in an appearance, and they raised a tomb to him and inscribed his name thereon. His father on his return from overseas chanced to land at this point of the shore, read the name and hung himself. It is alleged that the youths were the cause of his death." The definition produced by the accuser will run as follows: "The man whose act leads to another's death is the cause of his death." The definition given by the accused will be, "He who wittingly commits an act which must necessarily lead to another's death, is the cause of his death." Without any formal definition it would be sufficient for the accuser to argue as follows: "You were the cause of his death, for it was your act that led to his death: but for your act he would still be alive." To which the accused might answer, "It does not necessarily follow that the man whose act leads to another's death should be condemned forthwith. Were this so, the accuser, witnesses and judges in a capital case would all be liable to condemnation. Nor is the cause of death always a guilty cause. Take for instance the case of a man who persuades another to go on a journey or sends for his friend from overseas, with the result that the latter perishes in a shipwreck, or again the case of a man who invites another to dine, with the

result that the guest dies of indigestion. Nor is the act of the young men to be regarded as the sole cause of death. The credulity of the old man and his inability to bear the shock of grief were contributory causes. Finally, had lie been wiser or made of sterner stuff, he would still be alive. Moreover the young men acted without the least thought of doing harm, and the father might have suspected from the position of the tomb and the traces of haste in its construction that it was not a genuine tomb. What ground then is there for condemning them, for everything else that constitutes homicide is lacking save only the contributory act?"

Sometimes we have a settled definition on which both parties are agreed, as in the following example from Cicero: "Majesty resides in the dignity of the Roman power and the Roman people." The question however, is, whether that majesty has been impaired, as for example in the case of Cornelius. But even although the case may seem to turn on definition, the point for decision is one of quality, since there is no doubt about the definition, and must be assigned to the *qualitative basis*. It is a mere accident that I have come to mention quality at this moment, but in point of fact quality is the matter that comes next in order for discussion.

CHAPTER IV: DEFENCE BY HONORABLE ACTION

In speaking of quality we sometimes use the word in its most general sense, which covers a number of different questions. For we enquire sometimes into the nature and form of things: as for instance whether the soul is immortal or whether god is to be conceived of in human form. Sometimes, on the other hand, the question turns on size and number, as, for instance, what is the size of the sun or whether there are more worlds than one. In all these cases we arrive at our conclusions by conjecture, yet each involves a question of quality. Such questions are sometimes treated in deliberative themes: for example, if Caesar is deliberating whether to attack Britain, he must enquire into the nature of the Ocean, consider whether Britain is an island (a fact not then ascertained), and estimate its size and the number of troops which lie will require for the invasion. Under the same head of quality fall questions whether certain things should be done or not and certain objects sought or avoided: such topics are specially adapted for deliberative themes, but occur with some frequency in controversial themes as well, the only difference being that in the latter we deal with what is past and in the former with the future. Similarly all the topics of demonstrative oratory involve a *qualitative basis*. The facts are admitted, and the question turns on their quality, the dispute being entirely concerned with rewards or penalties or their quantity. The case is therefore of two

kinds, simple or comparative, the former dealing with what is just, the latter with what is juster, or most just. When the point for decision is the penalty to be inflicted, the duty of the pleader will be to defend, extenuate or excuse the act on which the charge is based, or even, according to some, to plead for mercy.

By far the strongest line that can be taken in defence is to assert that the act which forms the subject of the charge is actually honourable. A man is disinherited because he went on military service, stood for office or married without his father's consent. We defend this act. This form of defence is called *κατ' ἀντίληψιν* by the followers of Hermagoras, that is, defence by objection, the term being used with reference to the purport of the defendant's plea. I can find no exact Latin translation of the term; we call it an absolute defence. But in such cases the question is concerned with the justice or injustice of the act alone. Justice is either natural or conventional. Natural justice is found in actions of inherent worth. Under this head come the virtues of piety, loyalty, self-control and the like. To these some add the rendering of like for like. But this view must not be adopted without consideration: for to retaliate, or meet violence with violence on the one hand, does not imply injustice on the part of the aggressor, while on the other hand it does not follow that the first act was just merely because the two acts were alike. In cases where there is justice on both sides, the two parties must both come under the same law and the same conditions, and it would not perhaps be untrue to say that things can never be spoken of as like if there is any point in which they are dissimilar. Convention, on the other hand, is to be found in laws, customs, legal precedents and agreements.

There is another form of defence by which we defend an act in itself indefensible by arguments drawn from without. This the Greeks call *κατ' ἀντίθεσιν* by opposition. Here again there is no Latin equivalent, since we call it defence by assumption. The strongest line to take in this form of defence is to defend the act forming the subject of the charge by appealing to its motive. An example of this is provided by the defence put forward on behalf of Orestes, Horatius or Milo. The term *ἀντέγκλημα*, or counter-accusation, is employed when our defence consists entirely in accusing the person whom our opponents are seeking to vindicate. "He was killed, but he was a robber; he was blinded, but he was a ravisher." There is another form of defence based on an appeal to the motives of the act which is the opposite of that which I have just described. It consists not in defending the act *per se*, as we do when we employ the absolute defence, nor in opposing another act to it, but in appealing to the interests of the State, of a number of persons, of our opponent himself or finally at times of ourselves, provided always that the act in question is such as we might lawfully do in our own interests. If,

however, the accuser is a stranger and insists on the letter of the law, this form of defence will invariably be useless, though it may serve our turn if the dispute is of a domestic character. For example, in a suit concerned with the question of disinheritance a father may, without reflecting on himself, say to his sons that his act was of importance to his own interests, and the same plea may be urged by a husband accused of cruelty by his wife or a son who alleges that his father is insane. But in such cases the position of the man who seeks to avoid loss is stronger than that of him who aims at positive advantage. Precisely similar methods are also employed in questions that occur in real life. For the scholastic themes concerned with the disowning of children are on exactly the same footing as the cases of sons disinherited by their parents which are tried in the public courts, or of those claims for the recovery of property which are tried in the centum viral court: themes dealing with cruelty find an actual parallel in those cases in which the wife claims the restoration of her dowry, and the question is whose fault it was that led to the divorce: and again the theme where the son accuses his father of madness has its analogy in cases where a suit is brought for the appointment of a guardian. Under the same heading as the appeal to public or personal interest comes the plea that the act in question prevented the occurrence of something worse. For in a comparison of evils the lesser evil must be regarded as a positive good: for example, Mancinus may defend the treaty made with the Numantines on the ground that it saved the army from annihilation. This form of defence is called ἀντίστασις by the Greeks, while we style it defence by comparison.

Such are the methods by which we may defend an act. If it is impossible to defend an act either on its merits or with the assistance of arguments from without, the next best course will be to shift the charge, if possible, to another. It is for this reason that the *basis of competence* has been held to apply even to those who cannot plead the letter of the law in this connexion. In some cases, then, the blame will be thrown on a person: for example, Gracchus, when accused of making the treaty with the Numantines (and it was fear of this accusation that seems to have led him to bring forward the democratic laws of his tribuneship) may plead that he made it as the representative of his commander-in-chief. At times, on the other hand, the blame may be shifted to some thing: for instance, a person who has failed to comply with some testamentary injunction may plead that the laws forbade such compliance. The Greek term for such shifting is μετάστασις.

If these methods of defence are out of the question, we must take refuge in making excuses. We may plead ignorance. For example, if a man has branded a runaway slave and the latter is subsequently adjudged to be a free man, he may deny that he was cognisant of the truth. Or we may plead necessity; for instance, if a

soldier overstays his leave, he may plead that his return was delayed by floods or ill health. Again, the blame is often cast upon fortune, while sometimes we assert that, although we undoubtedly did wrong, we did so with the best intentions. Instances of these two latter forms of excuse are, however, so numerous and obvious that there is no need for me to cite them here.

If all the above-mentioned resources prove unavailable, we must see whether it may not be possible to extenuate the offence. It is here that what some call the *quantitative basis* comes into play. But when quantity is considered in reference to punishment or reward, it is determined by the quality of the act, and therefore in my opinion comes under the *qualitative basis*, as also does quantity which is used with reference to number by the Greeks, who distinguish between ποσότης and πηλικότης; we, however, have only one name for the two.

In the last resort we may plead for mercy, a though most writers deny that this is ever admissible in the courts. Indeed Cicero himself seems to support this view in his defence of Quintus Ligarius where he says, "I have pleaded many causes, Caesar, some of them even in association with yourself, so long as your political ambitions prevented you from abandoning the bar, but never have I pleaded in words such as these, 'Forgive him, gentlemen, he erred, he made a slip, he did not think that it mattered, he will never do it again,'" and so on. On the other hand, in addressing the senate, the people, the emperor or any other authority who is in a position to show clemency, such pleas for mercy have a legitimate place. In such cases there are three points based on the circumstances of the accused which are most effective. The first is drawn from his previous life, if he has been blameless in his conduct and deserved well of the state, or if there is good hope that his conduct will be blameless for the future and likely to be of some use to his fellow men; the second is operative if it appears that he has been sufficiently punished already on the ground that he has suffered other misfortunes, or that his present peril is extreme, or that he has repented of his sin; while thirdly we may base his appeal on his external circumstances, his birth, his rank, his connexions, his friendships.

It is, however, on the judge that we shall pin our highest hopes, if the circumstances be such that acquittal will result in giving him a reputation for clemency rather than for regrettable weakness. But even in the ordinary courts appeals for mercy are frequently employed to a large extent, although they will not colour the whole of our pleading. For the following form of division is common: "Even if he had committed the offence, he would have deserved forgiveness," a plea which has often turned the balance in doubtful cases, while practically all perorations contain such appeals. Sometimes indeed the whole case may rest on such considerations. For example, if a father has made an express declaration that

he has disinherited his son because lie was in love with a woman of the town, will not the whole question turn on the point whether it was the father's duty to pardon such an offence and whether it is the duty of the centumviral court to overlook it? Nay, even in penal prosecutions governed by strict forms of law we raise two separate questions: first whether the penalty has been incurred, and secondly whether, if so, it ought to be inflicted. Still the view of the authorities to whom I have referred that an accused person cannot be saved from the clutches of the law by this method of defence is perfectly correct.

With regard to rewards, there are two questions which confront us: namely, whether the claimant is deserving of any reward, and, if so, whether he deserves so great a reward. If there are two claimants, we have to decide which is the more worthy of the two; if there are a number, who is the most worthy. The treatment of these questions turns on the kind of merit possessed by the claimants. And we must consider not merely the act (whether it has merely to be stated or has to be compared with the acts of others), but the person of the claimant as well. For it makes a great difference whether a tyrannicide be young or old, man or woman, a stranger or a connexion. The place may also be discussed in a number of ways: was the city in which the tyrant was killed one inured to tyranny or one which had always been free? was he killed in the citadel or in his own house? The means, too, and the time call for consideration: was he killed by poison or the sword? was he killed in time of peace or war, when he was intending to lay aside his power or to venture on some fresh crime? Further, in considering the question of merit, the danger and difficulty of the act will carry great weight, while with regard to liberality it will similarly be of importance to consider the character of the person from whom it proceeds. For liberality is more pleasing in a poor man than in a rich, in one who confers than in one who returns a benefit, in a father than in a childless man. Again, we must consider the immediate object of the gift, the occasion and the intention, that is to say, whether it was given in the hope of subsequent profit; and so on with a number of similar considerations. The question of *quality* therefore makes the highest demands on the resources of oratory, since it affords the utmost scope for a display of talent on either side, while there is no topic in which the emotional appeal is so *effective*. For conjecture has often to introduce proofs from without and uses arguments drawn from the actual subject matter, whereas the real task of eloquence is to demonstrate *quality*: there lies its kingdom, there its power, and there its unique victory.

Verginius includes under *quality* cases concerned with disinheritance, lunacy, cruelty to a wife, and claims of female orphans to marry relatives. The questions thus involved are, it is true, frequently questions of *quality*, while some writers style

them questions of *moral obligation*. But the laws governing these cases sometimes admit of other *bases*. For example, *conjecture* is involved in quite a number of such cases, as when the accused urges either that he did not commit the act or, if he did, acted with the best intentions. I could quote many examples of this kind. Again, it is definition which tells us what precisely is meant by lunacy or cruelty to a wife. For as a rule the laws cited in such themes involve certain legal questions, though not to such an extent as to determine the *basis* of the case. But this notwithstanding, if the actual fact cannot be defended, we may in the last resort base our defence on legal grounds, in which case we shall consider how many and what cases there are in which a father may not disinherit his son, what charges fail to justify an action for cruelty, and under what circumstances a son is not allowed to accuse his father of lunacy.

Disinheritance may be of two kinds. In the first case it is for a completed crime: for example, the son who is disinherited may be a ravisher or an adulterer: in the second case it is for a crime which is still incomplete and terminable; an instance of this will be the case where the son is disinherited because of disobedience to his father. The first form of disinheritance always demands a certain harshness when the father pleads his case, since the act is irrevocable, whereas in the latter his pleading will be of a kindly and almost persuasive nature, since he would prefer not to disinherit him. On the other hand, the pleading of the sons should in both cases be of a subdued character and couched in a conciliatory tone. I know that those who delight in making covert attacks upon the father under the disguise of some figure of speech will disagree with me: and I would not deny that their procedure may sometimes be justifiable, since the theme may conceivably be such as to demand it; but it is certainly to be avoided wherever possible. However, I shall deal with the whole question of figures in a later book. The treatment of the theme of cruelty to a wife is not unlike that of the theme of disinheritance; for both demand a certain moderation on the part of the accuser. Cases concerned with lunacy arise either out of what has been done or out of something which may or may not be done in the future. In the former case the pleader is free to attack as he will, but must none the less do so in such a manner that, while denouncing the act, he will yet express pity for the father on the ground that he has erred by reason of his infirmity. On the other hand, in the latter case, where the act has not yet taken place and there is nothing to prevent the father changing his purpose, he must begin by a prolonged attempt to induce him to change his mind, and then, and only then, complain that it is madness and not depravity of character that prevents him from listening to the voice of reason; and the more he praises his past character, the easier will it be to prove the change which

it has undergone owing to the inroads of the disease. The accused, wherever possible, must assume a temperate tone in his defence, for the reason that as a rule anger and excitement are near akin to madness. All these cases have this much in common, that the accused does not always defend his act, but often pleads excuse and asks for pardon. For these are domestic quarrels, in which the fact that the offence is an isolated case, due to error and of a less serious character than alleged, will sometimes suffice to secure an acquittal.

There are, however, a number of other controversial themes involving *quality*, as, for example, cases of *assault*. In these, although at times the accused denies that he committed the assault, the pleading as a rule is concerned with fact and intention. Then there are cases concerned with the *appointment of a prosecutor*, which are known as *divinations*. In this connexion Cicero, who was indicting Verres on the instruction of our Sicilian allies, adopts the following division—to the effect that the main point for consideration is, by whom those the redress of whose wrongs forms the subject of the trial would prefer to be represented, and by whom the accused would least desire them to be represented. But in the great majority of cases the questions raised are, which claimant has the strongest motives for undertaking the role of accuser, which is likely to bring the greatest energy or talent to the task, and which is likely to press the charge with the greatest sincerity. Next we may take cases concerned with *guardianship*, in which it is usual to enquire whether it is necessary to investigate anything save the accounts, and whether anything can be demanded of the guardian except the honest execution of his trust; his sagacity and the success of his administration being beside the mark. Cases of *fraud on the part of an agent*, which are styled cases of *conduct of business* when they occur in the actual courts, are of a similar nature, since they also are concerned with the administration of a trust. In addition to these we have the fictitious cases of the schools which deal with *crimes not covered by the law*, where the question is as a rule either whether the crime is really not covered by the law or whether it is a crime, though on rare occasions both questions are raised. Cases of *misconduct on the part of an ambassador* are of frequent occurrence among the Greeks, even in actual life: in these the legal question is raised whether it is lawful to deviate at all from one's instructions and for how long the accused was technically an ambassador, since in some cases the ambassador's duty is to convey a communication to a foreign power and in others to bring one back. Take for example the case of Heius, who gave evidence against Verres after performing his duties as ambassador. But in such cases the most important question turns on the nature of the deed complained of. Next come cases of *action contrary to the interests of the state*. In these we meet with legal quibbles as to what is the meaning of "action contrary to the interests of the state,"

and whether the action of the accused was injurious or profitable, or whether the interests of the state suffered at his hands or merely on his account: but the most important question is that of fact. There are also cases of *ingratitude*; in these we raise the question whether the accused has really received any kindness. It is only rarely that the fact can be denied, as denial is in itself a sign of ingratitude. But there are the further questions as to the extent of the kindness and whether it has been repaid. If it has not been repaid, does this necessarily involve ingratitude? Was it in his power to repay? Did he really owe the return which was demanded of him? What is his intention? Somewhat simpler are cases of *unjust divorce*, a form of controversy which has this peculiarity, that the accuser defends and the defendant accuses. Further there are cases where a senator sets forth to the senate the *reasons which determine him to commit suicide*, in which there is one *legal* question, namely, whether a man who desires to kill himself in order to escape the clutches of the law ought to be prevented from so doing, while the remaining questions are all concerned with *quality*. There are also fictitious cases concerned with *wills*, in which the only question raised is one of *quality*, as, for instance, in the controversial theme quoted above, where the philosopher, physician and orator all claim the fourth share which their father had left to the most worthy of his sons. The same is true of cases where suitors of equal rank claim the hand of an orphan and the question confronting her relatives is which is the most suitable. I do not, however, intend to discuss every possible theme, since fresh ones can always be invented, nor yet to deal with all the questions to which they give rise, since these vary with circumstances. But I cannot help expressing my astonishment that Flavius, for whose authority I have the highest respect, restricted the range of *quality* to such an extent in the text-book which he composed for the special guidance of the schools.

Quantity also, as I have already stated, falls as a rule, though not always, under the head of *quality*, whether it is concerned with measure or number. Measure, however, sometimes consists in the valuation of a deed with a view to determining the amount of guilt or the amount of benefit involved, while, on the other hand, it sometimes turns on a point of law, when the dispute is under what law a man is to be punished or rewarded. For example is a ravisher to pay 10,000 sesterces because that is the penalty appointed by law, or is he liable to capital punishment as a murderer because his victim hanged himself? In such cases those who plead as if there were a question between two laws, are wrong: for there is no dispute about the fine of 10,000, since it is not claimed by the prosecution. The point on which judgment has to be delivered is whether the accused is guilty of causing his victim's death. The same type of case will also bring *conjecture* into play, when, for example,

the question in dispute is whether the accused shall be punished with banishment for life or for five years. For the question then is whether he caused his death willingly or not. Again, there are questions concerned with numerical quantity which turn on a point of law, such as the questions whether thirty rewards are due to Thrasybulus, or whether, when two thieves have stolen a sum of money, they are each to be required to refund fourfold or twofold. But in these cases, too, valuation of the act is necessary, and yet the point of law also turns on *quality*.

CHAPTER V: LEGALITY OF THE BASIS

He who neither denies nor defends his act nor asserts that it was of a different nature from that alleged, must take his stand on some point of law that tells in his favour, a form of defence which generally turns on the legality of the action brought against him. This question is not, however, as some have held, always raised before the commencement of the trial, like the elaborate deliberations of the praetor when there is a doubt as to whether the prosecutor has any legal standing, but frequently comes up during the course of the actual trial. Such discussions fall into two classes, according as the point in dispute arises from an argument advanced by the prosecution or from some *prescription* (or demurrer) put forward by the defence. There have indeed been some writers who have held that there is a special *prescriptive basis*; but *prescription* is covered by precisely the same questions that cover all other laws. When the dispute turns on *prescription*, there is no need to enquire into the facts of the case itself. For example, a son puts forward a demurrer against his father on the ground that his father has forfeited his civil rights. The only point which has to be decided is whether the demurrer can stand. Still, wherever possible, we should attempt to create a favourable impression in the judge as to the facts of the case as well, since, if this be done, he will be all the more disposed to give an indulgent hearing to our point of law: for example, in actions taking the form of a wager and arising out of interdicts, even though the question is concerned solely with actual possession, the question as to the right to possession not being raised, it will be desirable to prove not merely that the property was actually in our possession, but that it was ours to possess. On the other hand, the question more frequently turns on intention. Take the law "Let a hero choose what reward he will." I deny that he is entitled to receive whatever he chooses. I cannot put forward any formal demurrer, but none the less I use the intention as against the letter of the law just as I should use a demurrer. In both cases the *basis* is the same.

Moreover every law either gives or takes away punishes or commands, forbids or permits, and involves a dispute either on its own account or on account of another law, while the question which it involves will turn either on the letter or the intention. The letter is either clear or obscure or ambiguous. And what I say with reference to laws will apply equally to wills, agreements, contracts and every form of document; nay, it will apply even to verbal agreements. And since I have classified such cases under four *questions* or *bases*, I will deal with each in turn.

CHAPTER VI: LETTER AND INTENTION OF THE LAW

Lawyers frequently raise the question of the letter and the intention of the law, in fact a large proportion of legal disputes turn on these points. We need not therefore be surprised that such questions occur in the schools as well, where they are often invented with this special purpose. One form of this kind of question is found in cases where tile enquiry turns both on the letter and the spirit of a law. Such questions arise when the law presents some obscurity. Under these circumstances both parties will seek to establish their own interpretation of the passage and to overthrow that advanced by their opponent. Take for example the following case. "A thief shall refund four times the amount of his theft. Two thieves have jointly stolen 10,000 sesterces. 40,000 are claimed from each. They claim that they are liable only to pay 20,000 each." The accuser will urge that the sum which he claims is fourfold the amount stolen; the accused will urge that the sum which they offer to pay is fourfold. The intention of the law will be pleaded by both parties. On the other hand, the dispute may turn on a passage of the law which is clear in one sense and doubtful in another. "The son of a harlot shall not address the people. A woman who had a son became a prostitute. The youth is forbidden to address the people." Here there is no doubt about the son of one who was a prostitute before his birth, but it is doubtful whether the law applies to the case of one born before his mother became a prostitute. Another question which is not infrequently raised is as to the interpretation of the law forbidding an action to be brought twice on the same dispute, the problem being whether the word *twice* refers to the prosecutor or the prosecution. Such are the points arising out of the obscurity of the law.

A second form of question turns on some passage where the meaning is clear. Those who have given exclusive attention to this class of question call it the *basis concerned with the obvious expression of the law and its intention*. In such circumstances one party will rest their case on the letter, the other on the intention of the law. There are three different methods in which we may combat the letter.

The first comes into play where it is clear that it is impossible always to observe the letter of the law. "Children shall support their parents under penalty of imprisonment." It is clear, in the first place, that this cannot apply to an infant. At this point we shall turn to other possible exceptions and distinguish as follows. "Does this apply to everyone who refuses to support his parent? Has this particular individual incurred the penalty by this particular act?" The second arises in scholastic themes where no argument can be drawn from the particular law, but the question is concerned solely with the subject of the dispute. "A foreigner who goes up on to the wall shall be liable to capital punishment. The enemy had scaled the wall and were driven back by a foreigner. His punishment is demanded." In this case we shall not have two separate questions, namely, whether every foreigner who goes up on the wall is liable to the penalty, and whether this particular foreigner is liable, since no more forcible argument can be brought against the application of the letter of the law than the fact in dispute, but the only question to be raised will be whether a foreigner may not go on to the wall even for the purpose of saving the city. Therefore we shall rest our case on equity and the intention of the law. It is, however, sometimes possible to draw examples from other laws to show that we cannot always stand by the letter, as Cicero did in his defence of Caecina. The third method becomes operative when we find something in the actual words of the law which enables us to prove that the intention of the legislator was different. The following theme will provide an example. "Anyone who is caught at night with steel in his hands shall be thrown into prison. A man is found wearing a steel ring, and is imprisoned by the magistrate." In this case the use of the word *caught* is sufficient proof that the word steel was only intended by the law in the sense of a weapon of offence.

But just as the advocate who rests his case on the intention of the law must wherever possible impugn the letter of the law, so he who defends the letter of the law must also seek to gain support from the intention. Again, in cases concerned with wills it sometimes happens that the intention of the testator is clear, though it has not been expressed in writing: an example of this occurs in the trial of Curius, which gave rise to the well-known argument between Lucius Crassus and Scaevola. A second heir had been appointed in the event of a posthumous son dying while a minor. No posthumous son was born. The next of kin claimed the property. Who could doubt that the intention of the testator was that the same man should inherit in the event of the son not being born who would have inherited in the event of his death? But he had not written this in his will. Again, the opposite case, that is to say, when what is written is obviously contrary to the intention of the writer, occurred quite recently. A man who had made a bequest of 5000 sesterces, on

altering his will erased the word *sesterces* and inserted *pounds of silver*. But it was clear that he had meant not 5000 but 5 pounds of silver, because the weight of silver mentioned in the bequest was unparalleled and incredible. The same *basis* includes such general questions as to whether we should stand by the letter or the intention of the document, and what was the purpose of the writer, while for the treatment of such questions we must have recourse to *quality* or *conjecture*, with which I think I have dealt in sufficient detail.

CHAPTER VII: CONTRARY LAWS

The next subject which comes up for discussion is that of contrary laws. For all writers of text-books are agreed that in such cases there are two *bases* involving the letter and the intention of the law respectively. This view is justified by the fact that, when one law contradicts another, both parties attack the letter and raise the question of intention, while the point in dispute, as regards each law, is whether we should be guided by it at all. But it is clear to everybody that one law cannot contradict another in principle (since if there were two different principles, one law would cancel the other), and that the laws in question are brought into collision purely by the accidents of chance.

When two laws clash, they may be of a similar nature, as for instance if we have to compare two cases in which a tyrannicide and a brave man are given the choice of their reward, both being granted the privilege of choosing whatever they desire. In such a case we compare the deserts of the claimants, the occasions of the respective acts and the nature of the rewards claimed. Or the same law may be in conflict with itself, as in the case where we have two brave men, two tyrannicides or two ravished women, when the question must turn either on *time* (that is, whose claim has priority) or on *quality* (that is, whose claim is the more just). Again, we may have a conflict between diverse, similar or dissimilar laws. *Diverse* laws are those against which arguments may be brought without reference to any contradictory law. The following theme will provide an example. "A magistrate shall not quit the citadel. One who has rendered heroic service to his country may choose what reward he pleases. A magistrate who left his post and saved his country, demands an amnesty for his conduct." In this case, even though there be no other law covering the case, we may raise the question whether a hero ought to be granted anything he chooses to claim. Again, many conclusive arguments may be brought against the letter of the law restricting the movements of the magistrate: for example, a fire may have broken out in the citadel, or a sally against the enemy

may have been necessary. Laws are styled *similar* when nothing can be opposed to one except the other. "Tyrannicides shall have their statues set up in the gymnasium. A statue of a woman shall not be set up in the gymnasium. A woman killed a tyrant." Here are two conflicting laws: for a woman's statue cannot under any other circumstances be erected in the gymnasium, while there is no other circumstance which can bar the erection of the statue of a tyrannicide in the gymnasium. Laws are styled *dissimilar* when many arguments can be urged against one, while the only point which can be urged against the other is the actual subject of dispute. An example is provided by the case in which a brave man demands the pardon of a deserter as his reward. For there are many arguments, as I have shown above, which can be urged against the law permitting a hero to choose whatever reward he will, but the letter of the law dealing with the crime of desertion cannot be overthrown under any circumstances save the choice of rewards to which I have just referred.

Again, the point of law is either admitted by both parties or disputed. If it be admitted, the questions which are raised will as a rule be such as the following. Which of the two laws is the most stringent? Does it concern gods or men, the state or private individuals, reward or punishment, great things or small? Does it permit, forbid or command? Another common question is which of the two laws is the oldest; but the most important question is which of the two laws will suffer less by its contravention, as for example in the case of the hero and the deserter just mentioned, in which case, if the deserter is not put to death, the whole law is ignored, whereas, if he be put to death, the hero will still have another choice left open to him. It is, however, of the utmost importance to consider which course is best from the point of view of morality and justice, a problem for the solution of which no general rules can be laid down, as it will depend on the special circumstances of the case. If, on the other hand, the point of law is disputed, either one party or both in turn will argue the point. Take the following case as an example. "A father shall be empowered to arrest his son, and a patron to arrest his freedman. Freedmen shall be transferred to their patron's heir. A certain man appointed the son of a freedman as his heir. The son of the freedman and the freedman himself both claim the right to arrest the other." Here the father claims his right over the son, while the son, in virtue of his new position as patron, denies that his father possessed the rights of a father, because he was in the power of his patron.

Laws containing two provisions may conflict with themselves in exactly the same way as two laws may conflict. The following will serve as an illustration. "The bastard born before a legitimate son shall rank as legitimate, the bastard born after

the legitimate son shall only rank as a citizen." All that I have said about laws will also apply to decrees of the senate. If decrees of the senate conflict with one another or with the laws, the *basis* will be the same as if laws only were concerned.

CHAPTER VIII: SYLLOGISTIC BASIS

The *sylogistic basis* has some resemblance to the *basis* concerned with the *letter and intention of the law*, since whenever it comes into play, one party rests his case on the letter: there is, however, this difference between the two *bases*, that in the latter we argue against the letter, in the present beyond the letter, while in the latter the party defending the letter aims at securing that in any case the letter may be carried into effect, whereas in the present his aim will be to prevent anything except the letter being carried into effect. The *sylogism* is sometimes employed in conjunction with *definition*: for often if the definition be weak it takes refuge in the syllogism. Assume a law to run as follows: "A woman who is a poisoner shall be liable to capital punishment. A wife gave her husband a love-potion to cure him of his habit of beating her. She also divorced him. On being asked by her relatives to return to him, she refused. The husband hung himself. The woman is accused of poisoning." The strongest line for the accuser to take will be to assert that the love-potion was a poison. This involves definition. If it proves weak, we shall have recourse to the syllogism, to which we shall proceed after virtually dropping our previous argument, and which we shall employ to decide the question whether she does not deserve to be punished for administering the love potion no less than if she had caused her husband's death by poison.

The *sylogistic basis*, then, deduces from the letter of the law that which is uncertain; and since this conclusion is arrived at by reason, the *basis* is called *ratiocinative*. It may be subdivided into the following *species* of question. If it is right to do a thing once, is it right to do it often? Example: "A priestess found guilty of unchastity is thrown from the Tarpeian rock and survives. It is demanded that she shall be thrown down again." If the law grants a privilege with reference to one thing, does it grant it with reference to a number? Example: "A man kills two tyrants together and claims two rewards." If a thing is legal before a certain occurrence, is it legal after it? Example: "The ravisher took refuge in flight. His victim married. The ravisher returned and the woman demands to be allowed her choice." Is that which is lawful with regard to the whole, lawful with regard to a part? Example: "It is forbidden to accept a plough as security. He accepted a ploughshare." Is that which is lawful with regard to a part, lawful with regard to the

whole? Example: "It is forbidden to export wool from Tarentum: he exported sheep." In all these cases the syllogism rests on the letter of the law as well: for the accuser urges that the provisions of the law are precise. He will say, "I demand that the priestess who has broken her vows be cast down: it is the law," or "The ravished woman demands the exercise of the choice permitted her by law," or "Wool grows on sheep," and so on. But to this we may reply, "The law does not prescribe that the condemned woman should be thrown down twice, that the ravished woman should exercise her choice under all circumstances, that the tyrannicide should receive two rewards, while it makes no mention of ploughshares or of sheep." Thus we infer what is doubtful from what is certain. It is a more difficult task to deduce from the letter of the law that which is not actually prescribed by the letter, and to argue because that is the case, so also is this. Take the following problems. "The man who kills his father shall be sewn up in a sack. He killed his mother," or "It is illegal to drag a man from his own house into the court. He dragged him from his tent." Under this heading come questions such as the following: if there is not a special law applicable to the case, ought we to have recourse to an analogous law? is the point in question similar to what is contained in the letter of the law? Now it should be noted that what is similar may be greater, equal or less. In the first case we enquire whether the provisions of the law are sufficient, or, if they are insufficient, whether we should have recourse to this other law. In both cases it is a question of the intention of the legislator. But the most effective form of treatment in such cases will be to appeal to equity.

CHAPTER IX: AMBIGUITY

I turn to the discussion of *ambiguity*, which will be found to have countless species: indeed, in the opinion of certain philosophers, there is not a single word which has not a diversity of meanings. There are, however, very few *genera*, since ambiguity must occur either in a single word or in a group of words.

Single words give rise to error, when the same noun applies to a number of things or persons (the Greeks call this *homonymy*): for example, it is uncertain with regard to the word *gallus* whether it means a cock or a Gaul or a proper name or an emasculated priest of tybele; while Ajax may refer either to the son of Telamon or the son of Oileus. Again, verbs likewise may have different meanings, as, for example, cerno. This ambiguity crops up in many ways, and gives rise to disputes, more especially in connexion with wills, when two men of the same name claim their freedom or, it may be, an inheritance, or again, when the enquiry turns on the

precise nature of the bequest. There is another form of ambiguity where a word has one meaning when entire and another when divided, as, for example, *ingenua, armameniam* or *Corvinum*. The disputes arising from such ambiguities are no more than childish quibbles, but nevertheless the Greeks are in the habit of making them the subject for controversial themes, as, for example, in the notorious case of the αὐλητρίς, when the question is whether it is a hall which has fallen down three times (αὖλη τρίς) or a flute-player who fell down that is to be sold. A third form of ambiguity is caused by the use of compound words; for example, if a man orders his body to be buried in a cultivated spot, and should direct, as is often done, a considerable space of land surrounding his tomb to be taken from the land left to his heirs with a view to preserving his ashes from outrage, an occasion for dispute may be afforded by the question whether the words mean “in a cultivated place” (*in culto loco*) or “in an uncultivated place” (*inculto loco*). Thus arises the Greek theme about Leon and Pantaleon, who go to law because the handwriting of a will makes it uncertain whether the testator has left all his property to Leon or his property to Pantaleon.

Groups of words give rise to more serious ambiguity. Such ambiguity may arise from doubt as to a case, as in the following passage:—

“I say that you, O prince of Aeacus’ line,
Rome can o’erthrow.”

Enn. Ann. 186.

Or it may arise from the arrangement of the words, which makes it doubtful what the exact reference of some word or words may be, more especially when there is a word in the middle of the sentence which may be referred either to what precedes or what follows, as in the line of Virgil which describes Troilus as

lora tenens tamen,

Aen. i. 477.

where it may be disputed whether the poet means that he is still holding the reins, or that, although he holds the reins, he is still dragged along. The controversial theme, “A certain man in his will ordered his heirs to erect *statuam auream hastam tenentem*,” turns on a similar ambiguity; for it raises the question whether it is the statue holding the spear which is to be of gold, or whether the spear should be of gold and the statue of some other material. The same result is even more frequently produced by a mistaken inflexion of the voice, as in the line:

quinguaginta ubi erant centum inde occidit Achilles.

Arist. Soph. El. i. 4.

It is also often doubtful to which of two antecedents a phrase is to be referred. Hence we get such controversial themes as, "My heir shall be bound to give my wife a hundred pounds of silver according to choice," where it is left uncertain which of the two is to make the choice.

But in these examples of ambiguity, the first may be remedied by a change of case, the second by separating the words or altering their position, the third by some addition. Ambiguity resulting from the use of two accusatives may be removed by the substitution of the ablative: for example, *Lachetem audivi percussisse Demeam* (I heard that Demea struck Laches, or that L. struck D.) may be rendered clear by writing *a Lachete percussum Demeam* (that D. was struck by L.). There is, however, a natural ambiguity in the ablative case itself, as I pointed out in the first book. For example, *caelo decurrit aperto* leaves it doubtful whether the poet means he hastened down "through the open sky," or "when the sky was opened for him to pass." Words may be separated by a breathing space or pause. We may, for instance, say *statuam*, and then, after a slight pause, add *auream hastam*, or the pause may come between *statuam auream* and *haslam*. The addition referred to above would take the form *quod elegerit ipse*, where *ipse* will show that the reference is to the heir, or *quod elegerit ipsa*, making the reference to the wife. In cases where ambiguity is caused by the addition of a word, the difficulty may be eliminated by the removal of a word, as in the sentence *nos flentes illos deprehendimus*. Where it is doubtful to what a word or phrase refers, and the word or phrase itself is ambiguous, we shall have to alter several words, as, for example, in the sentence, "My heir shall be bound to give him all his own property," where "his own" is ambiguous. Cicero commits the same fault when he says of Gaius Fannius, "He following the instructions of his father-in-law, for whom, because he had not been elected to the college of augurs, he had no great affection, especially as he had given Quintus Scaevola, the younger of his sons-in-law, the preference over himself. ." For *over himself* may refer either to his father-in-law or to Fannius. Again, another source of ambiguity arises from leaving it doubtful in a written document whether a syllable is long or short. *Cato*, for example, means one thing in the nominative when its second syllable is short, and another in the dative or ablative when the same syllable is long. There are also a number of other forms of ambiguity which it is unnecessary for me to describe at length.

Further, it is quite unimportant how ambiguity arises or how it is remedied.

For it is clear in all cases that two interpretations are possible, and as far as the written or spoken word is concerned, it is equally important for both parties. It is therefore a perfectly futile rule which directs us to endeavour, in connexion with this *basis*, to turn the word in question to suit our own purpose, since, if this is feasible, there is no ambiguity. In cases of ambiguity the only questions which confront us will be, sometimes which of the two interpretations is most natural, and always which interpretation is most equitable, and what was the intention of the person who wrote or uttered the words. I have, however, given sufficient instructions in the course of my remarks on *conjecture* and *quality*, as to the method of treating such questions, whether by the prosecution or the defence.

CHAPTER X: DEDICATION OF THE STUDENT

There is, however, a certain affinity between all these *bases*. For in *definition* we enquire into the meaning of a term, and in the *sylogism*, which is closely connected with *definition*, we consider what was the meaning of the writer, while it is obvious that in the case of contrary laws there are two *bases*, one concerned with the *letter*, and the other with the *intention*. Again, *definition* is in itself a kind of *ambiguity*, since it brings out two meanings in the same term. The *basis* concerned with the *letter* and the *intention* of the law involves a legal question as regards the interpretation of the words, which is identical with the question arising out of *contrary laws*. Consequently some writers have asserted that all these *bases* may be resolved into those concerned with the *letter* and *intention*, while others hold that in all cases where the *letter* and the *intention* of a document have to be considered, it is *ambiguity* that gives rise to the question at issue. But all these *bases* are really distinct, for an obscure point of law is not the same as an ambiguous point of law. *Definition*, then, involves a general question as to the actual nature of a term, a question which may conceivably have no connexion whatsoever with the content of the case in point. In investigations as to the *letter* and the *intention*, the dispute turns on the provisions contained in the law, whereas the *sylogism* deals with that which is not contained in the law. In disputes arising out of *ambiguity* we are led from the ambiguous phrase to its conflicting meanings, whereas in the case of *contrary laws* the fight starts from the conflict of their provisions. The distinction between these *bases* has therefore been rightly accepted by the most learned of rhetoricians, and is still adopted by the majority and the wisest of the teachers of to-day.

It has not been possible in this connexion to give instructions which will cover

the arrangement to be adopted in every case, though I have been able to give some. There are other details concerning which I can give no instructions without a statement of the particular case on which the orator has to speak. For not only must the whole case be analysed into its component topics and questions, but these subdivisions themselves require to be arranged in the order which is appropriate to them. For example, in the *exordium* each part has its own special place, first, second and third, etc., while each question and topic requires to be suitably arranged, and the same is true even of isolated *general questions*. For it will not, I imagine, be represented that sufficient skill in division is possessed by the man who, after resolving a controversial theme into questions such as the following, whether a hero is to be granted any reward that he may claim, whether he is allowed to claim private property, whether he may demand any woman in marriage, whether he may claim to marry a woman who already possesses a husband, or this particular woman, *then*, although it is his duty to deal with the first question first, proceeds to deal with them indiscriminately as each may happen to occur to him, and ignores the fact that the first point which should be discussed is whether we should stand by the letter or the intention of the law, and fails to follow the natural order, which demands that after beginning with this question he should then proceed to introduce the subsidiary questions, thereby making the structure of his speech as regular as that of the human body, of which, for example, the hand is a part, while the fingers are parts of the hand, and the joints of the fingers. It is precisely this method of arrangement which it is impossible to demonstrate except with reference to some definite and specific case. But it is clearly useless to take one or two cases, or even a hundred or a thousand, since their number is infinite. It is the duty of the teacher to demonstrate daily in one kind of case after another what is the natural order and connexion of the parts, so that little by little his pupils may gain the experience which will enable them to deal with other cases of the same character. For it is quite impossible to teach everything that can be accomplished by art. For example, what painter has ever been taught to reproduce everything in nature? But once he has acquired the general principles of imitation, he will be able to copy whatever is given him. What vase-maker is there who has not succeeded in producing a vase of a type which he had never previously seen?

There are, however, some things which depend not on the teacher, but on the learner. For example, a physician will teach what treatment should be adopted for different diseases, what the dangers are against which he must be on his guard, and what the symptoms by which they may be recognised. But he will not be able to communicate to his pupil the gift of feeling the pulse, or appreciating the variations of colour, breathing and temperature: this will depend on the talent of the

individual. Therefore, in most instances, we must rely on ourselves, and must study cases with the utmost care, never forgetting that men discovered our art before ever they proceeded to teach it. For the most effective, and what is justly styled most *economical* arrangement of a case as a whole, is that which cannot be determined except when we have the specific facts before us. It consists in the power to determine when the *exordium* is necessary and when it should be omitted; when we should make our statement of facts continuous, and when we should subdivide it; when we should begin at the very beginning, when, like Homer, start at the middle or the end; when we should omit the statement of facts altogether; when we should begin by dealing with the arguments advanced by our opponents, and when with our own; when we should place the strongest proofs first and when the weakest; in what cases we should prefix *questions* to the *exordium*, and what preparation is necessary to pave the way for these questions; what arguments the judge will accept at once, and to what he requires to be led by degrees; whether we should refute our opponent's arguments as a whole or in detail; whether we should reserve emotional appeals for the peroration or distribute them throughout the whole speech; whether we should speak first of law or of equity; whether we should first advance (or refute) charges as to past offences or the charges connected with the actual trial; or, again, if the case is complicated, what order we should adopt, what evidence or documents of any kind should be read out in the course of our speech, and what reserved for a later stage. This gift of arrangement is to oratory what generalship is to war. The skilled commander will know how to distribute his forces for battle, what troops he should keep back to garrison forts or guard cities, to secure supplies, or guard communications, and what dispositions to make by land and by sea. But to possess this gift, our orator will require all the resources of nature, learning and industrious study. Therefore let no man hope that he can acquire eloquence merely by the labour of others. He must burn the midnight oil, persevere to the end and grow pale with study: he must form his own powers, his own experience, his own methods: he must not require to hunt for his weapons, but must have them ready for immediate use, as though they were born with him and not derived from the instruction of others. The road may be pointed out, but our speed must be our own. Art has done enough in publishing the resources of eloquence, it is for us to know how to use them. And it is not enough merely to arrange the various parts: each several part has its own internal economy, according to which one thought will come first, another second, another third, while we must struggle not merely to place these thoughts in their proper order, but to link them together and give them such cohesion that there will be no trace of any suture: they must form a body, not a congeries of limbs. This end will be attained if we note what best suits each

position, and take care that the words which we place together are such as will not clash, but will mutually harmonise. Thus different facts will not seem like perfect strangers thrust into uncongenial company from distant places, but will be united with what precedes and follows by an intimate bond of union, with the result that our speech will give the impression not merely of having been put together, but of natural continuity. I fear, however, that I have been lured on from one thing to another and have advanced somewhat too far, since I find myself gliding from the subject of arrangement to the discussion of the general rules of style, which will form the opening theme of the next book.

BOOK VIII

PREFACE: TRANSITION TO STYLE

THE observations contained in the preceding five books approximately cover the method of invention and the arrangement of the material thus provided. It is absolutely necessary to acquire a thorough knowledge of this method in all its details, if we desire to become accomplished orators, but a simpler and briefer course of instruction is more suitable for beginners. For they tend either to be deterred from study by the difficulties of so detailed and complicated a course, or lose heart at having to attempt tasks of such difficulty just at the very period when their minds need special nourishment and a more attractive form of diet, or think that when they have learned this much and no more, they are fully equipped for the tasks of eloquence, or finally, regarding themselves as fettered by certain fixed laws of oratory, shrink from making any effort on their own initiative. Consequently, it has been held that those who have exercised the greatest care in writing text-books of rhetoric have been the furthest removed from genuine eloquence. Still, it is absolutely necessary to point out to beginners the road which they should follow, though this road must be smooth and easy not merely to enter, but to indicate. Consequently, our skilful instructor should select all that is best in the various writers on the subject and content himself for the moment with imparting those precepts of which he approves, without wasting time over the refutation of those which he does not approve. For thus your pupils will follow where you lead. Later, as they acquire strength in speaking, their learning will grow in proportion. To begin with, they may be allowed to think that there is no other road than that on which we have set their feet, and it may be left to time to teach them what is actually the best. It is true that writers on rhetoric have, by the pertinacity with which they have defended their opinions, made the principles of the science which they profess somewhat complicated; but these principles are in reality neither obscure nor hard to understand. Consequently, if we regard the treatment of the art as a whole, it is harder to decide what we should teach than to teach it, once the decision has been made. Above all, in the two departments which I have mentioned, the necessary rules are but few in number, and if the pupil gives them ready acceptance, he will find that the path to further accomplishment presents no difficulty.

I have, it is true, already expended much labour on this portion of my task; for I desired to make it clear that rhetoric is the science of speaking well, that it is useful, and further, that it is an art and a virtue. I wished also to show that its subject matter consists of everything on which an orator may be called to speak, and is, as

a rule, to be found in three classes of oratory, demonstrative, deliberative, and forensic; that every speech is composed of matter and words, and that as regards matter we must study invention, as regards words, style, and as regards both, arrangement, all of which it is the task of memory to retain and delivery to render attractive. I attempted to show that the duty of the orator is composed of instructing, moving and delighting his hearers, statement of facts and argument falling under the head of instruction, while emotional appeals are concerned with moving the audience and, although they may be employed throughout the case, are most effective at the beginning and end. As to the element of charm, I pointed out that, though it may reside both in facts and words, its special sphere is that of style. I observed that there are two kinds of questions, the one indefinite, the other definite, and involving the consideration of persons and circumstances of time and place; further, that whatever our subject matter, there are three questions which we must ask, *is it? what is it? and of what kind is it?* To this I added that demonstrative oratory consists of praise and denunciation, and that in this connexion we must consider not merely the acts actually performed by the person of whom we were speaking, but what happened after his death. This task I showed to be concerned solely with what is honourable or expedient. I remarked that in deliberative oratory there is a third department as well which depends on conjecture, for we have to consider whether the subject of deliberation is possible or likely to happen. At this point I emphasised the importance of considering who it is that is speaking, before whom he is speaking, and what he says. As regards forensic cases, I demonstrated that some turn on one point of dispute, others on several, and that whereas in some cases it is the attack, in others it is the defence that determines the *basis*; that every defence rests on denial, which is of two kinds, since we may either deny that the act was committed or that its nature was that alleged, while it further consists of justification and technical pleas to show that the action cannot stand. I proceeded to show that questions must turn either on something written or something done: in the latter case we have to consider the truth of the facts together with their special character and quality; in the former we consider the meaning or the intention of the words, with reference to which we usually examine the nature of all cases, criminal or civil, which fall under the heads of the *letter* and *intention*, the *syllogism*, *ambiguity* or *contrary laws*. I went on to point out that in all forensic cases the speech consists of five parts, the *exordium* designed to conciliate the audience, the *statement of facts* designed to instruct him, the *proof* which confirms our own propositions, the *refutation* which overthrows the arguments of our opponents, and the *peroration* which either refreshes the memory of our hearers or plays upon their emotions. I then dealt with the sources of arguments and emotion, and indicated

the means by which the judges should be excited, placated, or amused. Finally I demonstrated the method of division. But I would ask that the student who is really desirous of learning should believe that there are also a variety of subjects with regard to which nature itself should provide much of the requisite knowledge without any assistance from formal teaching, so that the precepts of which I have spoken may be regarded not so much as having been discovered by the professors of rhetoric as having been noted by them when they presented themselves.

The points which follow require greater care and industry. For I have now to discuss the theory of style, a subject which, as all orators agree, presents the greatest difficulty. For Marcus Antonius, whom I mentioned above, states that lie has seen many good, but no really eloquent speakers, and holds that, while to be a good speaker it is sufficient to say what is necessary, only the really eloquent speaker can do this in ornate and appropriate language. And if this excellence was to be found in no orator up to his own day, and not even in himself or Lucius Crassus, we may regard it as certain that the reason why they and their predecessors lacked this gift was its extreme difficulty of acquisition. Again, Cicero holds that, while invention and arrangement are within the reach of any man of good sense, eloquence belongs to the orator alone, and consequently it was on the rules for the cultivation of eloquence that he expended the greatest care. That he was justified in so doing is shown clearly by the actual name of the art of which I am speaking. For the verb *eloqui* means the production and communication to the audience of all that the speaker has conceived in his mind, and without this power all the preliminary accomplishments of oratory are as useless as a sword that is kept permanently concealed within its sheath. Therefore it is on this that teachers of rhetoric concentrate their attention, since it cannot possibly be acquired without the assistance of the rules of art it is this which is the chief object of our study, the goal of all our exercises and all our efforts at imitation, and it is to this that we devote the energies of a lifetime; it is this that makes one orator surpass his rivals, this that makes one style of speaking preferable to another. The failure of the orators of the Asiatic and other decadent schools did not lie in their inability to grasp or arrange the facts on which they had to speak, nor, on the other hand, were those who professed what we call the dry style of oratory either fools or incapable of understanding the cases in which they were engaged. No, the fault of the former was that they lacked taste and restraint in speaking, while the latter lacked power, whence it is clear that it is here that the real faults and virtues of oratory are to be found.

This does not, however, mean that we should devote ourselves to the study of words alone. For I am compelled to offer the most prompt and determined

resistance to those who would at the very portals of this enquiry lay hold of the admissions I have just made and, disregarding the subject matter which, after all, is the backbone of any speech, devote themselves to the futile and crippling study of words in a vain desire to acquire the gift of elegance, a gift which I myself regard as the fairest of all the glories of oratory, but only when it is natural and unaffected. Healthy bodies, enjoying a good circulation and strengthened by exercise, acquire grace from the same source that gives them strength, for they have a healthy complexion, firm flesh and shapely thews. But, on the other hand, the man who attempts to enhance these physical graces by the effeminate use of depilatories and cosmetics, succeeds merely in defacing them by the very care which he bestows on them. Again, a tasteful and magnificent dress, as the Greek poet tells us, lends added dignity to its wearer: but effeminate and luxurious apparel fails to adorn the body and merely reveals the foulness of the mind. Similarly, a translucent and iridescent style merely serves to emasculate the subject which it arrays with such pomp of words. Therefore I would have the orator, while careful in his choice of words, be even more concerned about his subject matter. For, as a rule, the best words are essentially suggested by the subject matter and are discovered by their own intrinsic light. But to-day we hunt for these words as though they were always hiding themselves and striving to elude our grasp. And thus we fail to realise that they are to be found in the subject of our speech, and seek them elsewhere, and, when we have found them, force them to suit their context. It is with a more virile spirit that we should pursue eloquence, who, if only her whole body be sound, will never think it her duty to polish her nails and tire her hair.

The usual result of over-attention to the niceties of style is the deterioration of our eloquence. The main reason for this is that those words are best which are least far-fetched and give the impression of simplicity and reality. For those words which are obviously the result of careful search and even seem to parade their self-conscious art, fail to attain the grace at which they aim and lose all appearance of sincerity because they darken the sense and choke the good seed by their own luxuriant overgrowth. For in our passion for words we paraphrase what might be said in plain language, repeat what we have already said at sufficient length, pile up a number of words where one would suffice, and regard allusion as better than directness of speech. So, too, all directness of speech is at a discount, and we think no phrase eloquent that another could conceivably have used. We borrow figures and metaphors from the most decadent poets, and regard it as a real sign of genius that it should require a genius to understand our meaning. And yet Cicero long since laid down this rule in the clearest of language, that the worst fault in speaking is to adopt a style inconsistent with the idiom of ordinary speech and contrary to

the common feeling of mankind. But nowadays our rhetoricians regard Cicero as lacking both polish and learning; we are far superior, for we look upon everything that is dictated by nature as beneath our notice, and seek not for the true ornaments of speech, but for meretricious finery, as though there were any real virtue in words save in their power to represent facts. And if we have to spend all our life in the laborious effort to discover words which will at once be brilliant, appropriate and lucid, and to arrange them with exact precision, we lose all the fruit of our studies. And yet we see the majority of modern speakers wasting their time over the discovery of single words and over the elaborate weighing and measurement of such words when once discovered. Even if the special aim of such a practice were always to secure the best words, such an ill-starred form of industry would be much to be deprecated, since it checks the natural current of our speech and extinguishes the warmth of imagination by the delay and loss of self-confidence which it occasions. For the orator who cannot endure to lose a single word is like a man plunged in griping poverty. On the other hand, if he will only first form a true conception of the principles of eloquence, accumulate a copious supply of words by wide and suitable reading, apply the art of arrangement to the words thus acquired, and finally, by continual exercise, develop strength to use his acquisitions so that every word is ready at hand and lies under his very eyes, he will never lose a single word. For the man who follows these instructions will find that facts and words appropriate to their expression will present themselves spontaneously. But it must be remembered that a long course of preliminary study is necessary and that the requisite ability must not merely be acquired, but carefully stored for use; for the anxiety devoted to the search for words, to the exercise of the critical faculty and the power of comparison is in its place while we are learning, but not when we are speaking. Otherwise, the orator who has not given sufficient attention to preliminary study will be like a man who, having no fortune, lives from hand to mouth. If, on the other hand, the powers of speech have been carefully cultivated beforehand, words will yield us ready service, not merely turning up when we search for them, but dwelling in our thoughts and following them as the shadow follows the body. There are, however, limits even to this form of study; for when our words are good Latin, full of meaning, elegant and aptly arranged, why should we labour further? And yet there are some who are never weary of morbid self-criticism, who throw themselves into an agony of mind almost over separate syllables, and even when they have discovered the best words for their purpose look for some word that is older, less familiar, and less obvious, since they cannot bring themselves to realise that when a speech is praised for its words, it implies that its sense is inadequate. While, then, style calls for the utmost attention, we must always bear in mind that

nothing should be done for the sake of words only, since words were invented merely to give expression to things: and those words are the most satisfactory which give the best expression to the thoughts of our mind and produce the effect which we desire upon the minds of the judges. Such words will assuredly be productive of a style that will both give pleasure and awaken admiration; and the admiration will be of a kind far other than that which we bestow on portents, while the pleasure evoked by the charm will have nothing morbid about it, but will be praiseworthy and dignified.

CHAPTER I: ELOCUTIO

What the Greeks call *φράσιν* we in Latin call *elocutio* or style. Style is revealed both in individual words and in groups of words. As regards the former, we must see that they are Latin, clear, elegant and well-adapted to produce the desired effect. As regards the latter, they must be correct, aptly placed and adorned with suitable figures. I have already, in the portions of the first book dealing with the subject of grammar, said all that is necessary on the way to acquire idiomatic and correct speech. But there my remarks were restricted to the prevention of positive faults, and it is well that I should now point out that our words should have nothing provincial or foreign about them. For you will find that there are a number of writers by no means deficient in style whose language is precious rather than idiomatic. As an illustration of my meaning I would remind you of the story of the old woman at Athens, who, when Theophrastus, a man of no mean eloquence, used one solitary word in an affected way, immediately said that he was a foreigner, and on being asked how she detected it, replied that his language was too Attic for Athens. Again Asinius Pollio held that Livy, for all his astounding eloquence, showed traces of the idiom of Padua. Therefore, if possible, our voice and all our words should be such as to reveal the native of this city, so that our speech may seem to be of genuine Roman origin, and not merely to have been presented with Roman citizenship.

CHAPTER II: PROPRIETY OF USE

Clearness results above all from *propriety* in the use of words. But *propriety* is capable of more than one interpretation. In its primary sense it means calling things by their right names, and is consequently sometimes to be avoided, for our language

must not be obscene, unseemly or mean. Language may be described as mean when it is beneath the dignity of the subject or the rank of the speaker. Some orators fall into serious error in their eagerness to avoid this fault, and are afraid of all words that are in ordinary use, even although they may be absolutely necessary for their purpose. There was, for example, the man who in the course of a speech spoke of "Iberian grass," a meaningless phrase intelligible only to himself. Cassius Severus, however, by way of deriding his affectation, explained that he meant Spanish broom. Nor do I see why a certain distinguished orator thought "fishes conserved in brine" a more elegant phrase than the word which he avoided. But while there is no special merit in the form of *propriety* which consists in calling things by their real names, it is a fault to fly to the opposite extreme. This fault we call *impropriety*, while the Greeks call it ἄκρουν. As examples I may cite the Virgilian, "Never could I have hoped for such great woe," or the phrase, which I noted had been corrected by Cicero in a speech of Dolabella's, "To bring death," or again, phrases of a kind that win praise from some of our contemporaries, such as, "His words fell from the cross." On the other hand, everything that lacks appropriateness will not necessarily suffer from the fault of positive *impropriety*, because there are, in the first place, many things which have no proper term either in Greek or Latin. For example, the verb *iaculari* is specially used in the sense of "to throw a javelin," whereas there is no special verb appropriated to the throwing of a ball or a stake. So, too, while *lapidare* has the obvious meaning of "to stone," there is no special word to describe the throwing of clods or potsherds. Hence abuse or *catachresis* of words becomes necessary, while metaphor, also, which is the supreme ornament of oratory, applies words to things with which they have strictly no connexion. Consequently *propriety* turns not on the actual term, but on the meaning of the term, and must be tested by the touchstone of the understanding, not of the ear. The second sense in which the word *propriety* is used occurs when there are a number of things all called by the same name: in this case the original term from which the others are derived is styled the *proper* term. For example, the word *vertex* means a whirl of water, or of anything else that is whirled in a like manner: then, owing to the fashion of coiling the hair, it comes to mean the top of the head, while finally, from this sense it derives the meaning of the highest point of a mountain. All these things may correctly be called *vertices*, but the *proper* use of the term is the first. So, too, *solea* and *tuidus* are employed as names of fish, to mention no other cases. The third kind of *propriety* is found in the case where a thing which serves a number of purposes has a special name in some one particular context; for example, the proper term for a funeral *song* is *naenia*, and for the general's *tent augurale*. Again, a term which is common to a number of things may be applied in a *proper* or special sense

to some one of them. Thus we use *urbs* in the special sense of Rome, *venales* in the special sense of newly-purchased slaves, and *Corinthia* in the special sense of bronzes, although there are other cities besides Rome, and many other things which may be styled *venales* besides slaves, and gold and silver are found at Corinth as well as bronze. But the use of such terms implies no special excellence in an orator. There is, however, a form of *propriety* of speech which deserves the highest praise, that is to say, the employment of words with the maximum of significance, as, for instance, when Cato said that “Caesar was thoroughly sober when he undertook the task of overthrowing the constitution,” or as Virgil spoke of a “thin-drawn strain,” and Horace of the “shrill pipe,” and “dread Hannibal.” Some also include under this head that form of *propriety* which is derived from characteristic epithets, such as in the Virgilian phrases, “sweet unfermented wine,” or “with white teeth.” But of this sort of propriety I shall have to speak elsewhere. *Propriety* is also made to include the appropriate use of words in metaphor, while at times the salient characteristic of an individual comes to be attached to him as a *proper* name: thus Fabius was called “Cunctator,” the Delayer, on account of the most remarkable of his many military virtues. Some, perhaps, may think that words which mean more than they actually say deserve mention in connexion with clearness, since they assist the understanding. I, however, prefer to place *emphasis* among the ornaments of oratory, since it does not make a thing intelligible, but merely more intelligible.

Obscurity, on the other hand, results from the employment of obsolete words, as, for instance, if an author should search the records of the priests, the earliest treaties and the works of long-forgotten writers with the deliberate design of collecting words that no man living understands. For there are persons who seek to gain a reputation for erudition by such means as this, in order that they may be regarded as the sole depositories of certain forms of knowledge. Obscurity may also be produced by the use of words which are more familiar in certain districts than in others, or which are of a technical character, such as the wind called “Atabalus,” or a “sack-ship,” or *in malo cosanum*. Such expressions should be avoided if we are pleading before a judge who is ignorant of their meaning, or, if used, should be explained, as may have to be done in the case of what are called homonyms. For example, the word *taurus* may be unintelligible unless we make it clear whether we are speaking of a bull, or a mountain, or a constellation, or the name of a man, or the root of a tree.

A greater source of obscurity is, however, to be found in the construction and combination of words, and the ways in which this may occur are still more numerous. Therefore, a sentence should never be so long that it is impossible to follow its drift, nor should its conclusion be unduly postponed by transposition or

an excessive use of *hyperbaton*. Still worse is the result when the order of the words is confused as in the line

“In the midmost sea
Rocks are there by Italians altars called.”

Aen. i. 109.

Again, parenthesis, so often employed by orators and historians, and consisting in the insertion of one sentence in the midst of another, may seriously hinder the understanding of a passage, unless the insertion is short. For example, in the passage where Vergil describes a colt, the words

“Nor fears he empty noises,”

Georg. iii. 79-83.

are followed by a number of remarks of a totally different form, and it is only four lines later that the poet returns to the point and says,

“Then, if tile sound of arms be heard afar,
How to stand still he knows not.”

Above all, ambiguity must be avoided, and by ambiguity I mean not merely the kind of which I have already spoken, where the sense is uncertain, as in the clause *Chremetem audiui percussisse Demean*, but also that form of ambiguity which, although it does not actually result in obscuring the sense, falls into the same verbal error as if a man should say *visum a se hominem librum scribentem* (that he had seen a man writing a book). For although it is clear that the book was being written by the man, the sentence is badly put together, and its author has made it as ambiguous as he could.

Again, some writers introduce a whole host of useless words; for, in their eagerness to avoid ordinary methods of expression, and allured by false ideals of beauty they wrap up everything in a multitude of words simply and solely because they are unwilling to make a direct and simple statement of the facts: and then they link up and involve one of those long-winded clauses with others like it, and extend their periods to a length beyond the compass of mortal breath. Some even expend an infinity of toil to acquire this vice, which, by the way, is nothing new: for I learn from the pages of Livy that there was one, a teacher, who instructed his pupils to make all they said obscure, using the Greek word σκότισον (“darken it.”) It was

this same habit that gave rise to the famous words of praise, “So much the better: even I could not understand you.” Others are consumed with a passion for brevity and omit words which are actually necessary to the sense, regarding it as a matter of complete indifference whether their meaning is intelligible to others, so long as they know what they mean themselves. For my own part, I regard as useless words which make such a demand upon the ingenuity of the hearer. Others, again, succeed in committing the same fault by a perverse misuse of figures. Worst of all are the phrases which the Greeks call ἀδιανόητα, that is to say, expressions which, though their meaning is obvious enough on the surface, have a secret meaning, as for example in the phrase *cum ductus est caecus secundam viam stare*, or where the man, who is supposed in the scholastic theme to have torn his own limbs with his teeth, is said to have *lain upon himself*. Such expressions are regarded as ingenious, daring and eloquent, simply because of their ambiguity, and quite a number of persons have become infected by the belief that a passage which requires a commentator must for that very reason be a masterpiece of elegance. Nay, there is even a class of hearer who find a special pleasure in such passages; for the fact that they can provide an answer to the riddle fills them with an ecstasy of self-congratulation, as if they had not merely heard the phrase, but invented it.

For my own part, I regard clearness as the first essential of a good style: there must be propriety in our words, their order must be straightforward, the conclusion of the period must not be long postponed, there must be nothing lacking and nothing superfluous. Thus our language will be approved by the learned and clear to the uneducated. I am speaking solely of clearness in style, as I have already dealt with clearness in the presentation of facts in the rules I laid down for the *statement of the case*. But the general method is the same in both. For if what we say is not less nor more than is required, and is clear and systematically arranged, the whole matter will be plain and obvious even to a not too attentive audience. For we must never forget that the attention of the judge is not always so keen that he will dispel obscurities without assistance, and bring the light of his intelligence to bear on the dark places of our speech. On the contrary, he will have many other thoughts to distract him unless what we say is so clear that our words will thrust themselves into his mind even when he is not giving us his attention, just as the sunlight forces itself upon the eyes. Therefore our aim must be not to put him in a position to understand our argument, but to force him to understand it. Consequently we shall frequently repeat anything which we think the judge has failed to take in as he should. We shall say, for example, “I fear that this portion of our case has been somewhat obscurely stated: the fault is mine, and I will therefore re-state it in plainer and simpler language”; for the pretended admission of a fault on our part

creates an excellent impression.

CHAPTER III: ORNAMENTATION

I now come to the subject of ornament, in which, more than in any other department, the orator undoubtedly allows himself the greatest indulgence. For a speaker wins but trifling praise if he does no more than speak with correctness and lucidity; in fact his speech seems rather to be free from blemish than to have any positive merit. Even the untrained often possess the gift of invention, and no great learning need be assumed for the satisfactory arrangement of our matter, while if any more recondite art is required, it is generally concealed, since unconcealed it would cease to be an art, while all these qualities are employed solely to serve the interests of the actual case. On the other hand, by the employment of skilful ornament the orator commends himself at the same time, and whereas his other accomplishments appeal to the considered judgment of the learned, this gift appeals to the enthusiastic approval of the world at large, and the speaker who possesses it fights not merely with effective, but with flashing weapons. If in his defence of Cornelius Cicero had confined himself merely to instructing the judge and speaking in clear and idiomatic Latin without a thought beyond the interests of his case, would he ever have compelled the Roman people to proclaim their admiration not merely by acclamation, but by thunders of applause? No, it was the sublimity and splendour, the brilliance and the weight of his eloquence that evoked such clamorous enthusiasm. Nor, again, would his words have been greeted with such extraordinary approbation if his speech had been like the ordinary speeches of every day. In my opinion the audience did not know what they were doing, their applause sprang neither from their judgment nor their will; they were seized with a kind of frenzy and, unconscious of the place in which they stood, burst forth spontaneously into a perfect ecstasy of delight.

But rhetorical ornament contributes not a little to the furtherance of our case as well. For when our audience find it a pleasure to listen, their attention and their readiness to believe what they hear are both alike increased, while they are generally filled with delight, and sometimes even transported by admiration. The flash of the sword in itself strikes something of terror to the eye, and we should be less alarmed by the thunderbolt if we feared its violence alone, and not its flash as well. Cicero was right when, in one of his letters to Brutus, he wrote, "Eloquence which evokes no admiration is, in my opinion, unworthy of the name." Aristotle likewise thinks that the excitement of admiration should be one of our first aims.

But such ornament must, as I have already said, be bold, manly and chaste, free from all effeminate smoothness and the false hues derived from artificial dyes, and must glow with health and vigour. So true is this, that although, where ornament is concerned, vice and virtue are never far apart, those who employ a vicious style of embellishment disguise their vices with the name of virtue. Therefore let none of our decadents accuse me of being an enemy to those who speak with grace and finish. I do not deny the existence of such a virtue, I merely deny that they possess it. Shall I regard a farm as a model of good cultivation because its owner shows me lilies and violets and anemones and fountains of living water in place of rich crops and vines bowed beneath their clusters? Shall I prefer the barren plane and myrtles trimly clipped, to the fruitful olive and the elm that weds the vine? No, let such luxuries delight the rich: but where would their wealth be if they had nought save these? Again, is beauty an object of no consideration in the planting of fruit trees? Certainly not! For my trees must be planted in due order and at fixed intervals. What fairer sight is there than rows of trees planted in *échelon* which present straight lines to the eye from whatever angle they be viewed? But it has an additional advantage, since this form of plantation enables every tree to derive an equal share of moisture from the soil. When the tops of my olive trees rise too high, I lop them away, with the result that their growth expands laterally in a manner that is at once more pleasing to the eye and enables them to bear more fruit owing to the increase in the number of branches. A horse whose flanks are compact is not only better to look upon, but swifter in speed. The athlete whose muscles have been formed by exercise is a joy to the eye, but he is also better fitted for the contests in which he must engage. In fact true beauty and usefulness always go hand in hand.

It does not, however, require any special ability to discern the truth of this. It is more important to note that such seemly ornament must be varied to suit the nature of the material to which it is applied. To begin with the primary classification of oratory, the same form of ornament will not suit demonstrative, deliberative and forensic speeches. For the oratory of display aims solely at delighting the audience, and therefore develops all the resources of eloquence and deploys all its ornament, since it seeks not to steal its way into the mind nor to wrest the victory from its opponent, but aims solely at honour and glory. Consequently the orator, like the hawker who displays his wares, will set forth before his audience for their inspection, nay, almost for their handling, all his most attractive reflexions, all the brilliance that language and the charm that figures can supply, together with all the magnificence of metaphor and the elaborate art of composition that is at his disposal. For his success concerns himself, and not his cause. But when it is a question of facts, and he is confronted by the hard realities of battle, his last thought

will be for his personal glory. Nay, it is even unseemly to trouble overmuch about words when the greatest interests are at stake. I would not assert that such themes afford no scope for ornament, but such ornament as is employed must be of a more severe, restrained and less obvious character; above all, it must be adapted to the matter in hand. For whereas in deliberative oratory the senate demand a certain loftiness and the people a certain impetuosity of eloquence, the public cases of the courts and those involving capital punishment demand a more exact style. On the other hand, in private deliberations and lawsuits about trifling sums of money (and there are not a few of these) it is more appropriate to employ simple and apparently unstudied language. For we should be ashamed to demand the repayment of a loan in rolling periods, or to display poignant emotion in a case concerned with water-droppings, or to work ourselves into a perspiration over the return of a slave to the vendor. But I am wandering from the point.

Since rhetorical ornament, like clearness, may reside either in individual words or groups of words, we must consider the requirements of both cases. For although the canon, that clearness mainly requires propriety of language and ornament the skilful use of metaphor, is perfectly sound, it is desirable that we should realise that without propriety ornament is impossible. But as several words may often have the same meaning (they are called synonyms), some will be more distinguished, sublime, brilliant, attractive or euphonious than others. For as those syllables are the most pleasing to the ear which are composed of the more euphonious letters, thus words composed of such syllables will sound better than others, and the more vowel sounds they contain the more attractive they will be to hear. The same principle governs the linking of word with word; some arrangements will sound better than others. But words require to be used in different ways. For example, horrible things are best described by words that are actually harsh to the ear. But as a general rule it may be laid down that the best words, considered individually, are those which are fullest or most agreeable in sound. Again, elegant words are always to be preferred to those which are coarse, and there is no room for low words in the speech of a cultivated man. The choice of striking or sublime words will be determined by the matter in hand; for a word that in one context is magnificent may be turgid in another, and words which are all too mean to describe great things may be suitable enough when applied to subjects of less importance. And just as a mean word embedded in a brilliant passage attracts special attention, like a spot on a bright surface, so if our style be of a plain character, sublime and brilliant words will seem incongruous and tasteless excrescences on a flat surface. In some cases instinct, and not reason, must supply the touchstone, as, for example, in the line:

“A sow was slain to ratify their pacts.”

Aen. viii. 641.

Here the poet, by inventing the word *porca*, succeeded in producing an elegant impression, whereas if he had used the masculine *porcus*, the very reverse would have been the case. In some cases, however, the incongruity is obvious enough. It was only the other day that we laughed with good reason at the poet who wrote:

“The youngling mice had gnawed
Within its chest the purple-bordered gown.”

On the other hand, we admire Virgil when he says:

“Oft hath the tiny mouse,” etc.

Georg. i. 181.

For here the epithet is appropriate and prevents our expecting too much, while the use of the singular instead of the plural, and the unusual monosyllabic conclusion of the line, both add to the pleasing effect. Horace accordingly imitated Virgil in both these points, when he wrote,

“The fruit shall be a paltry mouse.”

A.P. 139.

Again, our style need not always dwell on the heights: at times it is desirable that it should sink. For there are occasions when the very meanness of the words employed adds force to what we say. When Cicero, in his denunciation of Piso, says, “When your whole family rolls up in a dray,” do you think that his use of the word *dray* was accidental, and was not designedly used to increase his audience’s contempt for the man he wished to bring to ruin? The same is true when he says elsewhere, “You put down your head and butt him.” This device may also serve to carry off a jest, as in the passage of Cicero where he talks of the “little sprat of a boy who slept with his elder sister,” or where he speaks of “Flavius, who put out the eyes of crows,” or, again, in the *pro Milone*, cries, “Hi, there! Rufio!” and talks of “Erucius Antoniaster.” On the other hand, this practice becomes more obtrusive when employed in the schools, like the phrase that was so much praised in my boyhood, “Give your father bread,” or in the same declamation, “You feed even your dog.” But such tricks do not always come off, especially in the schools, and often turn

the laugh against the speaker, particularly in the present day, when declamation has become so far removed from reality and labours under such an extravagant fastidiousness in the choice of words that it has excluded a good half of the language from its vocabulary.

Words are *proper, newly-coined or metaphorical*. In the case of *proper* words there is a special dignity conferred by antiquity, since old words, which not everyone would think of using, give our style a venerable and majestic air: this is a form of ornament of which Virgil, with his perfect taste, has made unique use. For his employment of words such as *olli, quianam, moerus, pone* and *pellacia* gives his work that impressive air of antiquity which is so attractive in pictures, but which no art of man can counterfeit. But we must not overdo it, and such words must not be dragged out from the deepest darkness of the past. *Quaeso* is old enough: what need for us to say *quaiso*? *Oppido* was still used by my older contemporaries, but I fear that no one would tolerate it now. At any rate, *antegerio*, which means the same, would certainly never be used by anyone who was not possessed with a passion for notoriety. What need have we of *acrumnosum*? It is surely enough to call a thing *horridum*. *Reor* may be tolerated, *autumo* smacks of tragedy, *proles* has become a rarity, while *prosapia* stamps the man who uses it as lacking taste. Need I say more? Almost the whole language has changed. But there are still some old words that are endeared to us by their antique sheen, while there are others that we cannot avoid using occasionally, such, for example, as *nuncupare* and *fari*: there are yet others which it requires some daring to use, but which may still be employed so long as we avoid all appearance of that affectation which Virgil has derided so cleverly:

“Britain’s Thucydides, whose mad Attic brain
Loved word-amalgams like Corinthian bronze,
First made a horrid blend of words from Gaul,
Tau, al, min, sil and God knows how much else,
Then mixed them in a potion for his brother!”

Catal. ii.

This was a certain Cimber who killed his brother, a fact which Cicero recorded in the words, “Cimber has killed his brother German.”

The epigram against Sallust is scarcely less well known:

“Crispus, you, too, Jugurtha’s fall who told,
And filched such store of words from Cato old.”

It is a tiresome kind of affectation; any one can practise it, and it is made all the worse by the fact that the man who catches the infection will not choose his words to suit his facts, but will drag in irrelevant facts to provide an opportunity for the use of such words.

The coining of new words is, as I stated in the first book, more permissible in Greek, for the Greeks did not hesitate to coin nouns to represent certain sounds and emotions, and in truth they were taking no greater liberty than was taken by the first men when they gave names to things. Our own writers have ventured on a few attempts at composition and derivation, but have not met with much success. I remember in my young days there was a dispute between Pomponius and Seneca which even found its way into the prefaces of their works, as to whether *gradus eliminate* was a phrase which ought to have been allowed in tragedy. But the ancients had no hesitation about using even *expectorate* and, after all, it presents exactly the same formation as *exanimat*. Of the coining of words by expansion and inflexion we have examples, such as the Ciceronian *beatitas* and *beatitudo*, forms which he feels to be somewhat harsh, though he thinks they may be softened by use. Derivatives may even be fashioned from proper names, quite apart from ordinary words, witness *Sullaturit* in Cicero and *Fimbriatus* and *Figulatus* in Asinius. Many new words have been coined in imitation of the Greeks, more especially by Verginius Flavius, some of which, such as *queens* and *essentia*, are regarded as unduly harsh. But I see no reason why we should treat them with such contempt, except, perhaps, that we are highly self-critical and suffer in consequence from the poverty of our language. Some new formations do, however, succeed in establishing themselves. For words which now are old, once were new, and there are some words in use which are of quite recent origin, such as *reatus*, invented by Messala, and *munerarius*, invented by Augustus. So, too, my own teachers still persisted in banning the use of words, such as *piratica*, *musica* and *fabrica*, while Cicero regards *favor* and *urbanus* as but newly introduced into the language. For in a letter to Brutus he says, *eum amator et eum, ut hoc verbo utar, favore in consilium advocabo*, while to Appius Pulcher he writes, *le hominem non solum sapientem, verum etiam, ut nunc loquimur, urbanum*. He also thinks that Terence was the first to use the word *obsequium*, while Caecilius asserts that Sisenna was the first to use the phrase *albente caelo*. Hortensius seems to have been the first to use *cervix* in the singular, since the ancients confined themselves to the plural. We must not then be cowards, for I cannot agree with Celsus when he forbids orators to coin new words. For some words, as Cicero says, are native, that is to say, are used in their original meaning, while others are derivative, that is to say, formed from the native. Granted then that we are not justified in coining entirely new words having no resemblance

to the words invented by primitive man, I must still ask at what date we were first forbidden to form derivatives and to modify and compound words, processes which were undoubtedly permitted to later generations of mankind. If, however, one of our inventions seems a little risky, we must take certain measures in advance to save it from censure, prefacing it by phrases such as “so to speak,” “if I may say so,” “in a certain sense,” or “if you will allow me to make use of such a word.” The same practice may be followed in the case of bold metaphors, and it is not too much to say that almost anything can be said with safety provided we show by the very fact of our anxiety that the word or phrase in question is not due to an error of judgment. The Greeks have a neat saying on this subject, advising us to be the first to blame our own hyperbole.

The metaphorical use of words cannot be recommended except in connected discourse. Enough has now been said on the subject of single words, which, as I have pointed out elsewhere, have no intrinsic value of their own. On the other hand, there is no word which is intrinsically ugly unless it be beneath the dignity of the subject on which we have to speak, excepting always such words as are nakedly obscene. I would commend this remark to those who do not think it necessary to avoid obscenity on the ground that no word is indecent in itself and that, if a thing *is* revolting, its unpleasantness will be realised clearly enough by whatever name it is called. Accordingly, I shall content myself with following the good old rules of Roman modesty and, as I have already replied to such persons, shall vindicate the cause of decency by saying no more on this unpleasant subject.

Let us now pass to consider connected discourse. Its adornment may be effected, primarily, in two ways; that is to say, we must consider first our ideal of style, and secondly how we shall express this ideal in actual words. The first essential is to realise clearly what we wish to enhance or attenuate, to express with vigour or calm, in luxuriant or austere language, at length or with conciseness, with gentleness or asperity, magnificence or subtlety, gravity or wit. The next essential is to decide by what kind of metaphor, figures, reflexions, methods and arrangement we may best produce the effect which we desire.

But, before I discuss ornament, I must first touch upon its opposite, since the first of all virtues is the avoidance of faults. Therefore we must not expect any speech to be ornate that is not, in the first place, acceptable. An acceptable style is defined by Cicero as one which is not over-elegant: not that our style does not require elegance and polish, which are essential parts of ornament, but that excess is always a vice. He desires, therefore, that our words should have a certain weight about them, and that our thoughts should be of a serious cast or, at any rate, adapted to the opinions and character of mankind. These points once secured, we may

proceed to employ those expressions which he regards as conferring distinction on style, that is to say, specially selected words and phrases, metaphor, hyperbole, appropriate epithets, repetitions, synonyms and all such language as may suit our case and provide an adequate representation of the facts.

But since my first task is to point out the faults to be avoided, I will begin by calling attention to the fault known as κακέμφοτον, a term applied to the employment of language to which perverted usage has given an obscene meaning: take, for example, phrases such as *ductare exercitus* and *patrare bellum*, which were employed by Sallust in their old and irreproachable sense, but, I regret to say, cause amusement in certain quarters to-day. This, however, is not, in my opinion, the fault of the writer, but of his readers; still it is one to be avoided, for we have perverted the purity of language by our own corruption, and there is no course left to us but to give ground before the victorious advance of vice. The same term is also applied in the cases where an unfortunate collocation of words produces an obscene suggestion. For example, in the phrase *cum hominibus notis loqui*, unless *hominibus* is placed between *cum* and *notis*, we shall commit ourselves to a phrase which will require some apology, since the final letter of the first syllable, which cannot be pronounced without closing the lips, will force us either to pause in a most unbecoming manner, or by assimilation to the *n* which follows will produce a most objectionable suggestion. I might quote other collocations of words which are liable to the same objection, but to discuss them in detail would be to fall into that very fault which I have just said should be avoided. A similar offence against modesty may be caused by the division of words, as, for example, by the use of the nominative of *intercapedinis*. And it is not merely in writing that this may occur, but you will find, unless you exercise the greatest care, that there are a number of persons who take pleasure in putting an indecent interpretation on words, thinking, as Ovid says:

“that whatsoe’er is hid is best of all.”

Met. i. 502.

Nay, an obscene meaning may be extracted even from words which are as far removed from indecency as possible. Celsus, for example, detects an instance of κακέμφοτον in the Virgilian phrase:

incipiunt agitata tumescere;

Georg. i. 357.

but if this point of view be accepted, it will be risky to say anything at all.

Next to indecency of expression comes meanness, styled ταπείνωσις, when the grandeur or dignity of anything is diminished by the words used, as in the line:

“There is a rocky wart upon the mountain’s brow.”

The opposite fault, which is no less serious, consists in calling small things by extravagant names, though such a practice is permissible when deliberately designed to raise a laugh. Consequently we must not call a parricide a scamp, nor a man who keeps a harlot a villain, since the first epithet is too weak and the second too strong. This fault will result in making our language dull, or coarse, jejune, heavy, unpleasing or slovenly, all of which faults are best realised by reference to the virtues which are their opposites, that is, point, polish, richness, liveliness, charm, and finish.

We must also avoid μείωσις a term applied to meagreness and inadequacy of expression, although it is a fault which characterises an obscure style rather than one which lacks ornament. But *meiosis* may be deliberately employed, and is then called a figure, as also is *tautology*, which means the repetition of a word or phrase. The latter, though not avoided with special care even by the best authors, may sometimes be regarded as a fault: it is, in fact, a blemish into which Cicero not infrequently falls through indifference to such minor details: take, for example, the following passage, “Judges, this judgment was not merely unlike a judgment.” It is sometimes given another name, ἐπανάληψις, under which appellation it is ranked among figures, of which I shall give examples when I come to the discussion of stylistic virtues.

A worse fault is ὁμοσιδεια, or sameness, a term applied to a style which has no variety to relieve its tedium, and which presents a uniform monotony of hue. This is one of the surest signs of lack of art, and produces a uniquely unpleasing effect, not merely on the mind, but on the ear, on account of its sameness of thought, the uniformity of its figures, and the monotony of its structure. We must also avoid *macrology*, that is, the employment of more words than are necessary, as, for instance, in the sentence of Livy, “The ambassadors, having failed to obtain peace, went back home, whence they had come.” On the other hand, *periphrasis*, which is akin to this blemish, is regarded as a virtue. Another fault is *pleonasm*, when we overload our style with a superfluity of words, as in the phrase, “I saw it with my eyes,” where “I saw it” would have been sufficient. Cicero passed a witty comment on a fault of this kind in a declamation of Hirtius when he said that a child had been carried for ten months in his mother’s womb. “Oh,” he said, “I suppose other women carry them in their bags.” Sometimes, however, the form of

pleonasm, of which I have just given an example, may have a pleasing effect when employed for the sake of emphasis, as in the Virgilian phrase:

“With mine own ears his voice I heard.”

Aen. iv. 359.

But whenever the addition is not deliberate, but merely tame and redundant, it must be regarded as a fault. There is also a fault entitled περιεργία, which I may perhaps translate by superfluous elaboration, which differs from its corresponding virtue much as fussiness differs from industry, and superstition from religion. Finally, every word which neither helps the sense nor the style may be regarded as faulty.

Cacozelia, or perverse affectation, is a fault in every kind of style: for it includes all that is turgid, trivial, luscious, redundant, far-fetched or extravagant, while the same name is also applied to virtues carried to excess, when the mind loses its critical sense and is misled by the false appearance of beauty, the worst of all offences against style, since other faults are due to carelessness, but this is deliberate. This form of affectation, however, affects style alone. For the employment of arguments which might equally well be advanced by the other side, or are foolish, inconsistent or superfluous, are all faults of matter, whereas corruption of style is revealed in the employment of improper or redundant words, in obscurity of meaning, effeminacy of rhythm, or in the childish search for similar or ambiguous expressions. Further, it always involves insincerity, even though all insincerity does not imply affectation. For it consists in saying something in an unnatural or unbecoming or superfluous manner. Style may, however, be corrupted in precisely the same number of ways that it may be adorned. But I have discussed this subject at greater length in another work, and have frequently called attention to it in this, while I shall have occasion to mention it continually in the remaining books. For in dealing with ornament, I shall occasionally speak of faults which have to be avoided, but which are hard to distinguish from virtues.

To these blemishes may be added faulty arrangement or ἀνοικονόμητον, the faulty use of figures or ἀσχημάτιστον, and the faulty collocation of words or κακοσύνητον. But, as I have already discussed arrangement, I will confine myself to the consideration of figures and structure. There is also a fault known as Σαρδισμός, which consists in the indiscriminate use of several different dialects, as, for instance, would result from mixing Doric, Ionic, and even Aeolic words with Attic. A similar fault is found amongst ourselves, consisting in the indiscriminate mixture of grand words with mean, old with new, and poetic with colloquial, the

result being a monstrous medley like that described by Horace in the opening portion of his *Ars poetica*,

“If a painter choose
To place a man’s head on a horse’s neck,”

A.P. 1.

and, he proceeds to say, should add other limbs from different animals.

The ornate is something that goes beyond what is merely lucid and acceptable. It consists firstly in forming a clear conception of what we wish to say, secondly in giving this adequate expression, and thirdly in lending it additional brilliance, a process which may correctly be termed embellishment. Consequently we must place among ornaments that ἐνάργεια which I mentioned in the rules which I laid down for the statement of facts, because vivid illustration, or, as some prefer to call it, representation, is something more than mere clearness, since the latter merely lets itself be seen, whereas the former thrusts itself upon our notice. It is a great gift to be able to set forth the facts on which we are speaking clearly and vividly. For oratory fails of its full effect, and does not assert itself as it should, if its appeal is merely to the hearing, and if the judge merely feels that the facts on which he has to give his decision are being narrated to him, and not displayed in their living truth to the eyes of the mind. But since different views have been held with regard to this art of representation, I shall not attempt to divide it into all its different departments, whose number is ostentatiously multiplied by certain writers, but shall content myself with touching on those which appear to me to be absolutely necessary. There is, then, to begin with, one form of vividness which consists in giving an actual word-picture of a scene, as in the passage beginning,

“Forthwith each hero tiptoe stood erect.”

Other details follow which give us such a picture of the two boxers confronting each other for the fight, that it could not have been clearer had we been actual spectators. Cicero is supreme in this department, as in others. Is there anybody so incapable of forming a mental picture of a scene that, when he reads the following passage from the Verrines, he does not seem not merely to see the actors in the scene, the place itself and their very dress, but even to imagine to himself other details that the orator does not describe? “There on the shore stood the praetor, the representative of the Roman people, with slippered feet, robed in a purple cloak, a tunic streaming to his heels, and leaning on the arm of this worthless woman.” For

my own part, I seem to see before my eyes his face, his eyes, the unseemly blandishments of himself and his paramour, the silent loathing and frightened shame of those who viewed the scene. At times, again, the picture which we endeavour to present is fuller in detail, as, for example, in the following description of a luxurious banquet, which is also from Cicero, since he by himself is capable of supplying admirable examples of every kind of oratorical ornament: "I seemed to see some entering, some leaving the room, some reeling under the influence of the wine, others yawning with yesterday's potations. The floor was foul with wine-smears, covered with wreaths half-withered and littered with fishbones." What more would any man have seen who had actually entered the room? So, too, we may move our hearers to tears by the picture of a captured town. For the mere statement that the town was stormed, while no doubt it embraces all that such a calamity involves, has all the curtness of a dispatch, and fails to penetrate to the emotions of the hearer. But if we expand all that the one word "stormed" includes, we shall see the flames pouring from house and temple, and hear the crash of falling roofs and one confused clamour blent of many cries: we shall behold some in doubt whither to fly, others clinging to their nearest and dearest in one last embrace, while the wailing of women and children and the laments of old men that the cruelty of fate should have spared them to see that day will strike upon our ears. Then will come the pillage of treasure sacred and profane, the hurrying to and fro of the plunderers as they carry off their booty or return to seek for more, the prisoners driven each before his own inhuman captor, the mother struggling to keep her child, and the victors fighting over the richest of the spoil. For though, as I have already said, the sack of a city includes all these things, it is less effective to tell the whole news at once than to recount it detail by detail. And we shall secure the vividness we seek, if only our descriptions give the impression of truth, nay, we may even add fictitious incidents of the type which commonly occur. The same vivid impression may be produced also by the mention of the *accidents* of each situation:

"Chill shudderings shake my limbs
And all my blood is curdled cold with fear;"

Aen. iii. 29

or

"And trembling mothers clasped
Their children to their breast."

Aen. vii. 518.

Though the attainment of such effects is, in my opinion, the highest of all oratorical gifts, it is far from difficult of attainment. Fix your eyes on nature and follow her. All eloquence is concerned with the activities of life, while every man applies to himself what he hears from others, and the mind is always readiest to accept what it recognises to be true to nature.

The invention of *similes* has also provided an admirable means of illuminating our descriptions. Some of these are designed for insertion among our arguments to help our proof, while others are devised to make our pictures yet more vivid; it is with this latter class of simile that I am now specially concerned. The following are good examples:

“Thence like fierce wolves beneath the cloud of night,”

Aen. ii. 355.

or

“Like the bird that flies
Around the shore and the fish-haunted reef,
Skimming the deep.”

Aen. iv. 254.

In employing this form of ornament we must be especially careful that the subject chosen for our simile is neither obscure nor unfamiliar: for anything that is selected for the purpose of illuminating something else must itself be clearer than that which it is designed to illustrate. Therefore while we may permit poets to employ such similes as:

“As when Apollo wintry Lycia leaves,
And Xanthus’ streams, or visits Delos’ isle,
His mother’s home,”

Aen. iv. 143.

it would be quite unsuitable for an orator to illustrate something quite plain by such obscure allusions. But even the type of simile which I discussed in connexion with arguments is an ornament to oratory, and serves to make it sublime, rich, attractive or striking, as the case may be. For the more remote the simile is from the subject

to which it is applied, the greater will be the impression of novelty and the unexpected which it produces. The following type may be regarded as commonplace and useful only as helping to create an impression of sincerity: "As the soil is improved and rendered more fertile by culture, so is the mind by education," or "As physicians amputate mortified limbs, so must we lop away foul and dangerous criminals, even though they be bound to us by ties of blood." Far finer is the following from Cicero's defence of Archias: "Rock and deserts reply to the voice of man, savage beasts are oft-times tamed by the power of music and stay their onslaught," and the rest. This type of simile has, however, sadly degenerated in the hands of some of our declaimers owing to the license of the schools. For they adopt false comparisons, and even then do not apply them as they should to the subjects to which they wish them to provide a parallel. Both these faults are exemplified in two similes which were on the lips of everyone when I was a young man, "Even the sources of mighty rivers are navigable," and "The generous tree bears fruit while it is yet a sapling." In every comparison the simile either precedes or follows the subject which it illustrates. But sometimes it is free and detached, and sometimes, a far better arrangement, is attached to the subject which it illustrates, the correspondence between the resemblances being exact, an effect produced by *reciprocal representation*, which the Greeks style ἀνταπόδοσις. For example, the simile already quoted,

"Thence like fierce wolves beneath the cloud of
night,"

Aen. ii. 355.

precedes its subject. On the other hand, an example of the simile following its subject is to be found in the first *Georgic*, where, after the long lamentation over the wars civil and foreign that have afflicted Rome, there come the lines:

"As when, their barriers down, the chariots speed
Lap after lap; in vain the charioteer
Tightens the curb: his steeds ungovernable
Sweep him away nor heeds the car the rein."

Georg. i. 512.

There is, however, no *antapodosis* in these similes. Such *reciprocal representation* places both subjects of comparison before our very eyes, displaying them side by side. Virgil provides many remarkable examples, but it will be better for me to quote

from oratory. In the *pro Murena* Cicero says, “As among Greek musicians (for so they say), only those turn flute-players that cannot play the lyre, so here at Rome we see that those who cannot acquire the art of oratory betake themselves to the study of the law.” There is also another simile in the same speech, which is almost worthy of a poet, but in virtue of its *reciprocal representation* is better adapted for ornament: “For as tempests are generally preceded by some premonitory signs in the heaven, but often, on the other hand, break forth for some obscure reason without any warning whatsoever, so in the tempests which sway the people at our Roman elections we are not seldom in a position to discern their origin, and yet, on the other hand, it is frequently so obscure that the storm seems to have burst without any apparent cause.” We find also shorter similes, such as “Wandering like wild beasts through the woods,” or the passage from Cicero’s speech against Clodius: “He fled from the court like a man escaping naked from a fire.” Similar examples from everyday speech will occur to everyone.

Such comparisons reveal the gift not merely of placing a thing vividly before the eye, but of doing so with rapidity and without waste of detail. The praise awarded to perfect brevity is well-deserved; but, on the other hand, *brachylogy*, which I shall deal with when I come to speak of figures, that is to say, the brevity that says nothing more than what is absolutely necessary, is less effective, although it may be employed with admirable results when it expresses a great deal in a very few words, as in Sallust’s description of Mithridates as “huge of stature, and armed to match.” But unsuccessful attempts to imitate this form of terseness result merely in obscurity.

A virtue which closely resembles the last, but is on a grander scale, is *emphasis*, which succeeds in revealing a deeper meaning than is actually expressed by the words. There are two kinds of *emphasis*: the one means more than it says, the other often means something which it does not actually say. An example of the former is found in Homer, where he makes Menelaus say that the Greeks *descended* into the Wooden Horse, indicating its size by a single verb. Or again, there is the following example by Virgil:

“Descending by a rope let down,”

Aen. ii. 262.

a phrase which in a similar manner indicates the height of the horse. The same poet, when he says that the Cyclops lay stretched “throughout the cave,” by taking the room occupied as the standard of measure, gives an impression of the giant’s immense bulk. The second kind of *emphasis* consists either in the complete

suppression of a word or in the deliberate omission to utter it. As an example of complete suppression I may quote the following passage from the *pro Ligario*, 4 where Cicero says: “But if your exalted position were not matched by your goodness of heart, a quality which is all your own, your very own—I know well enough what I am saying——” Here he suppresses the fact, which is none the less clear enough to us, that he does not lack counsellors who would incite him to cruelty. The omission of a word is produced by *aposiopesis*, which, however, being a figure, shall be dealt with in its proper place. *Emphasis* is also found in the phrases of every day, such as “Be a man!” or “He is but mortal,” or “We must live!” So like, as a rule, is nature to art.

It is not, however, sufficient for eloquence to set forth its theme in brilliant and vivid language: there are many different ways of embellishing our style. For even that absolute and unaffected simplicity which the Greeks call ἀφέλεια has in it a certain chaste ornateness such as we admire also in women, while a minute accuracy in securing propriety and precision in our words likewise produces an impression of neatness and delicacy. Again copiousness may consist either in wealth of thought or luxuriance of language. Force, too, may be shown in different ways; for there will always be force in anything that is in its own way effective. Its most important exhibitions are to be found in the following: δεινωσις or a certain sublimity in the exaggerated denunciation of unworthy conduct, to mention no other topics; φαντασία or imagination, which assists us to form mental pictures of things; ἐξεργασία or finish, which produces completeness of effect; ἐπεξεργασία an intensified form of the preceding, which reasserts our proofs and clinches the argument by repetition; and ἐνέργεια, or vigour, a near relative of all these qualities, which derives its name from action and finds its peculiar function in securing that nothing that we say is tame. Bitterness, which is generally employed in abuse, may be of service as in the following passage. from Cassius: “What will you do when I invade your special province, that is, when I show that, as far as abuse is concerned, you are a mere ignoramus?” Pungency also may be employed, as in the following remark of Crassus: “Shall I regard you as a consul, when you refuse to regard me as a senator?” But the real power of oratory lies in enhancing or attenuating the force of words. Each of these departments has the same number of methods; I shall touch on the more important; those omitted will be of a like character, while all are concerned either with words or things. I have, however, already dealt with the methods of invention and arrangement, and shall therefore now concern myself with the way in which style may elevate or depress the subject in hand.

CHAPTER IV: AMPLIFICATION AND ATTENUATION

The first method of *amplification* or *attenuation* is to be found in the actual word employed to describe a thing. For example, we may say that a man who was *beaten* was *murdered*, or that a *dishonest* fellow is a *robber*, or, on the other hand, we may say that one who *struck* another merely *touched* him, and that one who *wounded* another merely *hurt* him. The following passage from the *pro Caelio*, provides examples of both: "If a widow lives *freely*, if being by nature bold she throws restraint to the winds, makes wealth an excuse for luxury, and strong passions for playing the harlot, would this be a reason for my regarding a man who was somewhat free in his method of saluting her to be an adulterer?" For here he calls an immodest woman a harlot, and says that one who had long been her lover saluted her with a certain freedom. This sort of *amplification* may be strengthened and made more striking by pointing the comparison between words of stronger meaning and those for which we propose to substitute them, as Cicero does in denouncing Verres: "I have brought before you, judges, not a thief, but a plunderer; not an adulterer, but a ravisher; not a mere committer of sacrilege, but the enemy of all religious observance and all holy things; not an assassin, but a bloodthirsty butcher who has slain our fellow citizens and our allies." In this passage the first epithets are bad enough, but are rendered still worse by those which follow. I consider, However, that there are four principal methods of *implication*: *augmentation*, *comparison*, *reasoning* and *accumulation*.

Of these, *augmentation* is most impressive when it ends grandeur even to comparative insignificance. This may be effected either by one step or by several, and may be carried not merely to the highest degree, but sometimes even beyond it. A single example from Cicero will suffice to illustrate all these points. "It is a sin to bind a Roman citizen, a crime to scourge him, little, short if the most unnatural murder to put him to death; what then shall I call his crucifixion?" If he had merely been scourged, we should have had but one step, indicated by the description even of the lesser offence as a *sin*, while if he had merely been killed, we should have had several more steps; but after saying that it was "little short of the most unnatural murder to put him to death," and mentioning the worst of crimes, he adds, "What then shall call his crucifixion?" Consequently, since he had ready exhausted his vocabulary of crime, words must necessarily fail him to describe something still worse. There is a second method of passing beyond the highest degree, exemplified in Virgil's description of Lausus:

“Than whom there was not one more fair
Saving Laurentian Turnus.”

Aen. vii. 649.

or here the words “than whom there was not one more fair” give us the superlative, on which the poet proceeds to superimpose a still higher degree. There is also a third sort, which is not attained by gradation, a height which is not a degree beyond the superlative, but such that nothing greater can be conceived. “You beat your mother. What more need I say? You beat your mother.” For to make a thing so great as to be incapable of augmentation is in itself a kind of augmentation. It is also possible to heighten our style less obviously, but perhaps yet more effectively, by introducing a continuous and unbroken series in which each word is stronger than the last, as Cicero does when he describes how Antony vomited “before an assembly of the Roman people, while performing a public duty, while Master of the Horse.” Each phrase is more forcible than that which went before. Vomiting is an ugly thing in itself, even when there is no assembly to witness it; it is ugly when there is such an assembly, even though it be not an assembly of the people; ugly even though it be an assembly of the people and not the Roman people; ugly even though he were engaged on no business at the time, even if his business were not public business, even if he were not Master of the Horse. Another might have broken up the series and lingered over each step in the ascending scale, but Cicero hastens to his climax and reaches the height not by laborious effort, but by the impetus of his speed.

Just as this form of *amplification* rises to a climax, so, too, the form which depends on *comparison* seeks to rise from the less to the greater, since by raising what is below it must necessarily exalt that which is above, as, for example: in the following passage: “If this had befallen you at the dinner-table in the midst of your amazing potations, who would not have thought it unseemly? But it occurred at an assembly of the Roman people.” Or take this passage from the speech against Catiline: “In truth, if my slaves feared me as all your fellow citizens fear you, I should think it wise to leave my house.” At times, again, we may advance a parallel to make something which we desire to exaggerate seem greater than ever, as Cicero does in the *pro Cluentio*, where, after telling a story of a woman of Miletus who took a bribe from the reversionary heirs to prevent the birth of her expected child, he cries, “How much greater is the punishment deserved by Oppianicus for the same offence! For that woman, by doing violence to her own body did but torture herself, whereas he procured the same result by applying violence and torture to the

body of another.” I would not, however, have anyone think that this method is identical with that used in argument, where the greater is inferred from the less, although there is a certain resemblance between the two. For in the latter case we are aiming at proof, in the former at *amplification*; for example, in the passage just cited about Oppianicus, the object of the comparison is not to show that his action was a crime, but that it was even worse than another crime. There is, however, a certain affinity between the two methods, and I will therefore repeat a passage which I quoted there, although my present purpose is different. For what I have now to demonstrate is that when amplification is our purpose we compare not merely whole with whole, but part with part, as in the following passage: “Did that illustrious citizen, the pontifex maximus, Publius Scipio, acting merely in his private capacity, kill Tiberius Gracchus when he introduced but slight changes for the worse that did not seriously impair the constitution of the state, and shall we as consuls suffer Catiline to live, whose aim was to lay waste the whole world with fire and sword?” Here Catiline is compared to Gracchus, the constitution of the state to the whole world, a slight change for the worse to fire and sword and desolation, and a private citizen to the consuls, all comparisons affording ample opportunity for further individual expansion, if anyone should desire so to do.

With regard to the *amplification* produced by *reasoning*, we must consider whether *reasoning* quite expresses my meaning. I am not a stickler for exact terminology, provided the sense is clear to any serious student. My motive in using this term was, however, this, that this form of amplification produces its effect at a point other than that where it is actually introduced. One thing is magnified in order to effect a corresponding augmentation elsewhere, and it is by reasoning that our hearers are then led on from the first point to the second which we desire to emphasise. Cicero, when he is about to reproach Antony with his drunkenness and vomiting, says, “You with such a throat, such flanks, such burly strength in every limb of your prize-fighter’s body,” etc. What have his throat and flanks to do with his drunkenness? The reference is far from pointless: for by looking at them we are enabled to estimate the quantity of the wine which he drank at Hippias’ wedding, and was unable to carry or digest in spite of the fact that his bodily strength was worthy of a prizefighter. Accordingly if, in such a case, one thing is inferred from another, the term *reasoning* is neither improper nor extraordinary, since it has been applied on similar grounds to one of the *bases*. So, again, amplification results from subsequent events, since the violence with which the wine burst from him was such that the vomiting was not accidental nor voluntary, but a matter of necessity, at a moment when it was specially unseemly, while the food was not recently swallowed, as is sometimes the case, but the residue of the revel of the preceding day. On the

other hand, *amplification* may equally result from antecedent circumstances; for example, when Juno made her request to Aeolus, the latter

"Turned his spear and smote
The mountain's caverned side, and forth the winds
Rushed in a throng,"

Aen. i. 81.

whereby the poet shows what a mighty tempest will ensue. Again, when we have depicted some horrible circumstance in such colours as to raise the detestation of our audience to its height, we then proceed to make light of them in order that what is to follow may seem still more horrible: consider the following passage from Cicero: "These are but trivial offences for so great a criminal. The captain of a warship from a famous city bought off his threatened scourging for a price: a humane concession! Another paid down a sum of money to save his head from the axe: a perfectly ordinary circumstance!" Does not the orator employ a process of reasoning to enable the audience to infer how great the implied crime must be when such actions were but humane and ordinary in comparison? So, again, one thing may be magnified by allusion to another: the valour of Scipio is magnified by extolling the fame of Hannibal as a general, and we are asked to marvel at the courage of the Germans and the Gauls in order to enhance the glory of Gaius Caesar. There is a similar form of *amplification* which is effected by reference to something which appears to have been said with quite another purpose in view. The chiefs of Troy think it no discredit that Trojan and Greek should endure so many woes for so many years all for the sake of Helen's beauty. How wondrous, then, must her beauty have been! For it is not Paris, her ravisher, that says this; it is not some youth or one of the common herd; no, it is the elders, the wisest of their folk, the counsellors of Priam. Nay, even the king himself, worn out by a ten years' war, which had cost him the loss of so many of his sons, and threatened to lay his kingdom in the dust, the man who, above all, should have loathed and detested her beauty, the source of all those tears, hears these words, calls her his daughter, and places her by his side, excuses her guilt, and denies that she is the cause of his sorrows. Again, when Plato in the Symposium makes Alcibiades confess how he had wished Socrates to treat him, he does not, I think, record these facts with a view to blaming Alcibiades, but rather to show the unconquerable self-control of Socrates, which would not yield even to the charms which the greatest beauty of his day so frankly placed at his disposal. We are even given the means of realising the extraordinary stature of the heroes of old by the description of their weapons,

such as the shield of Ajax and the spear-shaft of Achilles hewn in the forests of Pelion. Virgil also has made admirable use of this device in his description of the Cyclops. For what an image it gives us of the bulk of that body

“Whose hand was propped by a branchless trunk of
pine.”

Aen. iii. 659.

So, too, what a giant must Demoleos have been, whose

“corselet manifold
Scarce two men on their shoulders could uphold”

And yet the hero buckled it upon him and

“Drive the scattering Trojans at full speed.”

Aen. v. 264.

And again, Cicero could hardly even have conceived of such luxury in Antony himself as he describes when he says, “You might see beds in the chambers of his slaves strewn with the purple coverlets that had once been Pompey’s own.” Slaves are using purple coverlets in their chambers, aye, and coverlets that had once been Pompey’s! No more, surely, can be said than this, and yet it leaves us to infer how infinitely greater was the luxury of their master. This form of *amplification* is near akin to *emphasis*: but emphasis derives its effect from the actual words, while in this case the effect is produced by inference from the facts, and is consequently far more impressive, inasmuch as facts are more impressive than words.

Accumulation of words and sentences identical in meaning may also be regarded under the head of *amplification*. For although the climax is not in this case reached by a series of steps, it is none the less attained by the piling up of words. Take the following example: “What was that sword of yours doing, Tubero, the sword you drew on the field of Pharsalus? Against whose body did you aim its point? What meant those arms you bore? Whither were your thoughts, your eyes, your hand, your fiery courage directed on that day? What passion, what desires were yours?” This passage recalls the figure styled *συναθροισμός* by the Greeks, but in that figure it is a number of different things that are accumulated, whereas in this passage all the accumulated details have but one reference. The heightening of effect may also be produced by making the words rise to a climax. “There stood the

porter of the prison, the praetor's executioner, the death and terror of the citizens and allies of Rome, the lictor Sextius."

Attenuation is effected by the same method, since there are as many degrees of descent as ascent. I shall therefore content myself with quoting but one example, namely, the words used by Cicero to describe the speech of Rullus: "A few, however, who stood nearest to him suspected that he had intended to say something about the agrarian law." This passage may be regarded as providing an example of *attenuation* or of *augmentation*, according as we consider its literal meaning or fix our attention on the obscurity attributed to Rullus.

I know that some may perhaps regard *hyperbole* as a species of *amplification*, since *hyperbole* can be employed to create an effect in either direction. But as the name is also applied to one of the *tropes*, I must postpone its consideration for the present. I would proceed to the immediate discussion of this subject but for the fact that others have given separate treatment to this form of artifice, [which employs words not in their literal, but in a metaphorical sense]. I shall therefore at this point indulge a desire now almost universal, and discuss a form of ornament which many regard as the chief, nay, almost the sole adornment of oratory.

CHAPTER V: SENTENTIAE

When the ancients used the word *sententia*, they meant a feeling, or opinion. The word is frequently used in this sense by orators, and traces of this meaning are still found even in the speech of every day. For when we are going to take an oath we use the phrase *ex animi nostri sententia* (in accordance with what we hold is the solemn truth), and when we offer congratulations, we say that we do so *ex sententia* (with all our heart). The ancients, indeed, often expressed the same meaning by saying that they uttered their *sensa*; for they regarded *senses* as referring merely to the senses of the body. But modern usage applies *sensus* to concepts of the mind, while *sententia* is applied to striking reflexions such as are more especially introduced at the close of our periods, a practice rare in earlier days, but carried even to excess in our own. Accordingly, I think that I ought to say something of the various forms which such reflexions may take and the manner in which they should be used.

Although all the different forms are included under the same name, the oldest type of *sententia*, and that in which the term is most correctly applied, is the aphorism, called γνώμη by the Greeks. Both the Greek and the Latin names are derived from the fact that such utterances resemble the decrees or resolutions of

public bodies. The term, however, is of wide application (indeed, such reflexions may be deserving of praise even when they have no reference to any special context), and is used in various ways. Sometimes it refers merely to things, as in the sentence: "There is nothing that wins the affections of the people more than goodness of heart." Occasionally, again, they may have a personal reference, as in the following utterance of Domitius Afer: "The prince who would know all, must needs ignore much." Some have called this form of *reflexion* a part of the *enthymeme*, others the major premise or conclusion of the *epichireme*, as it sometimes, though not invariably, is. More correct is the statement that at times it is simple, as in the example just quoted, while at other times a reason for the statement may be added, such as the following: "For in every struggle, the stronger seems not to suffer wrong, even when this is actually the case, but to inflict it, simply in virtue of his superior power." Sometimes, again, it may be double, as in the statement that

Complaisance wins us friends, truth enmity.

Ter. Andr. I. i. 41.

There are some even who classify them under ten heads, though the principle on which they make this division is such that it would justify a still larger number: they class them as based on interrogation, comparison, denial, similarity, admiration, and the like, for they can be treated under every kind of figure. A striking type is that which is produced by opposition:

"Death is not bitter, but the approach to death."

Others are cast in a form of a direct statement, such as

"The miser lacks
That which he has no less than what he has
not."

Publil. Syr. Sent. 486.

But they acquire greater force by a change in the *figure* employed, as in the following:

"Is it so bitter, then, to die?"

Aen. xii. 646.

For this is more vigorous than the simple statement, "Death is not bitter." A similar effect may be produced by transference of the statement from the general to the particular. For example, although the direct statement would be, "To hurt is easy, but to do good is hard." Ovid gives this reflexion increased force when he makes Medea say,

"I had the power to save, and ask you then
If I have power to ruin?"

Medea, lost tragedy.

Cicero again gives the general statement a personal turn when he says: "Caesar, the splendour of your present fortune confers on you nothing greater than the power and nothing better than the will to save as many of your fellow-citizens as possible." For here he attributes to Caesar what was really attributable to the circumstances of his power. In this class of *reflexion* we must be careful, as always, not to employ them too frequently, nor at random, nor place them in the mouth of every kind of person, while we must make certain that they are not untrue, as is so often the case with those speakers who style them *reflexions of universal application* and recklessly employ whatever seems to support their case as though its truth were beyond question. Such reflexions are best suited to those speakers whose authority is such that their character itself will lend weight to their words. For who would tolerate a boy, or a youth, or even a man of low birth who presumed to speak with all the authority of a judge and to thrust his precepts down our throats?

The term *enthymeme* may be applied to any concept of the mind, but in its strict sense means a *reflexion* drawn from contraries. Consequently, it has a supremacy among *reflexions* which we may compare to that of Homer among poets and Rome among cities. I have already said enough on this topic in dealing with arguments. But the use of the enthymeme is not confined to proof, it may sometimes be employed for the purpose of ornament, as in the following instance: "Caesar, shall the language of those whom it is your glory to have spared goad you to imitate their own cruelty?" Cicero's motive in saying this is not that it introduces any fresh reason for clemency, but because he has already demonstrated by other arguments how unjust such conduct would be, while he adds it at the period's close as an *epiphonema*, not by way of proof, but as a crowning insult to his opponents. For an *epiphonema* is an exclamation attached to the close of a statement or a proof by way of climax. Here are two examples:

"Such toil it was to found the Roman race!"

and “The virtuous youth preferred to risk his life by slaying him to suffering such dishonour.” There is also what our modern rhetoricians call the *noema*, a term which may be taken to mean every kind of *conception*, but is employed by them in the special sense of things which they wish to be understood, though they are not actually said, as in the declamation where the sister defends herself against the brother whom she had often bought out from the gladiatorial school, when he brought an action against her demanding the infliction of a similar mutilation because she had cut off his thumb while he slept: “You deserved,” she cries, “to have all your fingers,” meaning thereby, “You deserved to be a gladiator all your days.” There is also what is called a *clausula*. If this merely means a *conclusion*, it is a perfectly correct and sometimes a necessary device, as in the following case: “You must, therefore, first confess your own offence before you accuse Ligarius of anything.” But to-day something more is meant, for our rhetoricians want every passage, every sentence to strike the ear by an impressive close. In fact, they think it a disgrace, nay, almost a crime, to pause to breathe except at the end of a passage that is designed to call forth applause. The result is a number of tiny epigrams, affected, irrelevant and disjointed. For there are not enough striking reflexions in the world to provide a close to every period.

The following forms of reflexion are even more modern. There is the type which depends on surprise for its effect, as, for example, when Vibius Crispus, in denouncing the man who wore a breastplate when strolling in the forum and alleged that he did so because he feared for his life, cried, “Who gave you leave to be such a coward?” Another instance is the striking remark made by Africanus to Nero with reference to the death of Agrippina: “Caesar, your provinces of Gaul entreat you to bear your good fortune with courage.” Others are of an allusive type: for example, Domitius Afer, in his defence of Cloatilla, whom Claudius had pardoned when she was accused of having buried her husband, who had been one of the rebels, addressed her sons in his peroration with the words: “Nonetheless, it is your duty, boys, to give your mother burial.” Some, again, depend on the fact that they are transferred from one context to another Crispus, in his defence of Spatale, whose lover had made her his heir and then proceeded to die at the age of eighteen, remarked: “What a marvellous fellow to gratify his passion thus!” Another type of reflexion may be produced by the doubling of a phrase, as in the letter written by Seneca for Nero to be sent to the senate on the occasion of his mother’s death, with a view to creating the impression that he had been in serious danger: “As yet I cannot believe or rejoice that I am safe.” Better, however, is the type which relies

for its effect on contrast of opposites, as “I know from whom to fly, but whom to follow I know not;” or, “What of the fact that the poor wretch, though he could not speak, could not keep silence?” But to produce the most striking effect this type should be given point by the introduction of a comparison, such as is made by Trachalus in his speech against Spatale, where he says: “Is it your pleasure, then, ye laws, the faithful guardians of chastity, that wives should receive a title and harlots a quarter?”

In these instances, however, the reflexion may equally well be good or bad. On the other hand, there are some which will always be bad, such as those which turn on play upon words, as in the following case: “Conscript fathers, for I must address you thus that you may remember the duty owed to fathers.” Worse still, as being more unreal and far-fetched, is the remark made by the gladiator mentioned above in his prosecution of his sister: “I have fought to the last finger.” There is another similar type, which is perhaps the worst of all, where the play upon words is combined with a false comparison. When I was a young man I heard a distinguished pleader, after handing a mother some splinters of bone taken from the head of her son (which he did merely to provide an occasion for his epigram), cry: “Unhappiest of women, your son is not yet dead and yet you have gathered up his bones!” Moreover, most of our orators delight in devices of the pettiest kind, which seriously considered are merely ludicrous, but at the moment of their production flatter their authors by a superficial semblance of wit. Take, for instance, the exclamation from the scholastic theme, where a man, after being ruined by the barrenness of his land, is shipwrecked and hangs himself: “Let him whom neither earth nor sea receives, hang in mid air.” A similar absurdity is to be found in the declamation, to which I have already referred, in which a father poisons his son who insists on tearing his flesh with his teeth: “The man who eats such flesh, deserves such drink.” Or again, take this passage from the theme of the luxurious man who is alleged to have pretended to starve himself to death: “Tie a noose for yourself: you have good reason to be angry with your throat. Take poison: it is fit that a luxurious man should die of drink!” Others are merely fatuous, such as the remark of the declaimer who urges the courtiers of Alexander to provide him with a tomb by burning down Babylon. “I am burying Alexander. Shall any man watch such a burial from his housetop?” As if this were the climax of indignities! Others fail from sheer extravagance. For example, I once heard a rhetorician who was declaiming about the Germans, say: “I know not where they carry their heads,” and again when belauding a hero, “He beats back whole wars with the boss of his shield.” However, I shall never come to an end if I try to describe every possible form of this kind of absurdity. I will therefore turn to discuss a point of more

importance.

Rhetoricians are divided in opinion on this subject: some devote practically all their efforts to the elaboration of *reflexions*, while others condemn their employment altogether. I cannot agree entirely with either view. If they are crowded too thick together, such *reflexions* merely stand in each other's way, just as in the case of crops and the fruits of trees lack of room to grow results in a stunted development. Again in pictures a definite outline is required to throw objects into relief, and consequently artists who include a number of objects in the same design separate them by intervals sufficient to prevent one casting a shadow on the other. Further, this form of display breaks up our speeches into a number of detached sentences; every *reflexion* is isolated, and consequently a fresh start is necessary after each. This produces a discontinuous style, since our language is composed not of a system of limbs, but of a series of fragments: for your nicely rounded and polished phrases are incapable of cohesion. Further, the colour, though bright enough, has no unity, but consists of a number of variegated splashes. A purple stripe appropriately applied lends brilliance to a dress, but a dress decorated with a quantity of patches can never be becoming to anybody. Wherefore, although these ornaments may seem to stand out with a certain glitter of their own, they are rather to be compared to sparks flashing through the smoke than to the actual brilliance of flame: they are, in fact, invisible when the language is of uniform splendour, just as the stars are invisible in the light of day. And where eloquence seeks to secure elevation by frequent small efforts, it merely produces an uneven and broken surface which fails to win the admiration due to outstanding objects and lacks the charm that may be found in a smooth surface. To this must be added the fact that those who devote themselves solely to the production of *reflexions* cannot avoid giving utterance to many that are trivial, flat or foolish. For their mere number will so embarrass their author that selection will be impossible. Consequently you will often find that such persons will produce a *division* or an *argument* as if it were an epigram, the only qualification necessary being that it should come toward the close of the period and be impressively delivered. "You killed your wife, though you were an adulterer yourself. I should loathe you even if you had only divorced her." Here we have a division. "Do you wish me to prove that a love-philtre is a poison? The man would still be living, if he had not drunk it." This is an argument. There are, moreover, a number of speakers who not merely deliver many such epigrams, but utter everything as if it were an epigram. Against these persons, on the other hand, must be set those who shun and dread all ornament of this kind, approving nothing that is not plain, humble and effortless, with the result that by their reluctance to climb for fear of falling they succeed merely in maintaining a perpetual flatness.

What sin is there in a good epigram? Does it not help our case, or move the judge, or commend the speaker to his audience? It may be urged, perhaps, that it is a form of ornament eschewed by the ancients. What do you mean by antiquity? If you go back to the earliest periods you will find that Demosthenes frequently employed methods that were known to none before him. How can we give our approval to Cicero, if we think that no change should be made from the methods of Cato and the Gracchi? And yet before the Gracchi and Cato the style of oratory was simpler still. For my own part I regard these particular ornaments of oratory to be, as it were, the eyes of eloquence. On the other hand, I should not like to see the whole body full of eyes, for fear that it might cripple the functions of the other members, and, if I had no alternative, I should prefer the rudeness of ancient eloquence to the license of the moderns. But a middle course is open to us here no less than in the refinements of dress and mode of life, where there is a certain tasteful elegance that offends no one. Therefore let us as far as possible seek to increase the number of our virtues, although our first care must always be to keep ourselves free from vices, lest in seeking to make ourselves better than the ancients we succeed merely in making ourselves unlike them.

I will now proceed to the next subject for discussion, which is, as I have said, that of *tropes*, or *modes*, as the most distinguished Roman rhetoricians call them. Rules for their use are given by the teachers of literature as well. But I postponed the discussion of the subject when I was dealing with literary education, because it seemed to me that the theme would have greater importance if handled in connexion with the ornaments of oratory, and that it ought to be reserved for treatment on a larger scale.

CHAPTER VI: TROPES

By a *trope* is meant the artistic alteration of a word or phrase from its proper meaning to another. This is a subject which has given rise to interminable disputes among the teachers of literature, who have quarrelled no less violently with the philosophers than among themselves over the problem of the *genera* and *species* into which *tropes* may be divided, their number and their correct classification. I propose to disregard such quibbles as in no wise concern the training of an orator, and to proceed to discuss those *tropes* which are most necessary and meet with most general acceptance, contenting myself merely with noting the fact that some *tropes* are employed to help out our meaning and others to adorn our style, that some arise from words used *properly* and others from words used *metaphorically*, and that the

changes involved concern not merely individual words, but also our thoughts and the structure of our sentences. In view of these facts I regard those writers as mistaken who have held that *tropes* necessarily involved the substitution of word for word. And I do not ignore the fact that as a rule the *tropes* employed to express our meaning involve ornament as well, though the converse is not the case, since there are some which are intended solely for the purpose of embellishment.

Let us begin, then, with the commonest and by far the most beautiful of *tropes*, namely, *metaphor*, the Greek term for our *translatio*. It is not merely so natural a turn of speech that it is often employed unconsciously or by uneducated persons, but it is in itself so attractive and elegant that however distinguished the language in which it is embedded it shines forth with a light that is all its own. For if it be correctly and appropriately applied, it is quite impossible for its effect to be commonplace, mean or unpleasing. It adds to the copiousness of language by the interchange of words and by borrowing, and finally succeeds in accomplishing the supremely difficult task of providing a name for everything. A noun or a verb is transferred from the place to which it properly belongs to another where there is either no *literal* term or the *transferred* is better than the *literal*. We do this either because it is necessary or to make our meaning clearer or, as I have already said, to produce a decorative effect. When it secures none of these results, our metaphor will be out of place. As an example of a necessary metaphor I may quote the following usages in vogue with peasants when they call a vinebud *gemma*, a gem (what other term is there which they could use?), or speak of the *crops being thirsty* or the *fruit suffering*. For the same reason we speak of a *hard* or *rough* man, there being no *literal* term for these temperaments. On the other hand, when we say that a man is *kindled to anger* or *on fire with greed* or that he has *fallen into error*, we do so to enhance our meaning. For none of these things can be more literally described in its own words than in those which we import from elsewhere. But it is a purely ornamental metaphor when we speak of *brilliance of style*, *splendour of birth*, *tempestuous public assemblies*, *thunderbolts of eloquence*, to which I may add the phrase employed by Cicero in his defence of Milo where he speaks of Clodius as the *fountain*, and in another place as *the fertile field and material* of his client's *glory*. It is even possible to express facts of a somewhat unseemly character by a judicious use of metaphor, as in the following passage:

“This do they lest too much indulgence make
The field of generation slothful grow
And choke its idle furrows.”

Georg. iii. 1.

On the whole *metaphor* is a shorter form of *simile*, while there is this further difference, that in the latter we compare some object to the thing which we wish to describe, whereas in the former this object is actually substituted for the thing. It is a comparison when I say that a man did something *like a lion*, it is a metaphor when I say of him, *He is a lion*. Metaphors fall into four classes. In the first we substitute one living thing for another, as in the passage where the poet, speaking of a charioteer, says,

“The steersman then
With mighty effort wrenched his charger round.”

or when Livy says that Scipio was continually *barked at* by Cato. Secondly, inanimate things may be substituted for inanimate, as in the Virgilian.

“And gave his fleet the rein,”

Aen. vi. 1.

or inanimate may be substituted for animate, as in

“Did the Argive bulwark fall by sword or fate?”

or animate for inanimate, as in the following lines:

“The shepherd sits unknowing on the height
Listening the roar from some far mountain
brow.”

Aen. ii. 307.

But, above all, effects of extraordinary sublimity are produced when the theme is exalted by a bold and almost hazardous metaphor and inanimate objects are given life and action, as in the phrase

“Araxes’ flood that scorns a bridge,”

Aen. viii. 728.

or in the passage of Cicero, already quoted, where he cries, “What was that sword of yours doing, Tubero, the sword you drew on the field of Pharsalus? Against

whose body did you aim its point? What meant those arms you bore?” Sometimes the effect is doubled, as in Virgil’s.

“And with venom arm the steel.”

Aen. ix. 773.

For both “to arm the steel” and “to arm with venom” are metaphors. These four kinds of metaphor are further subdivided into a number of *species*, such as transference from rational beings to rational and from irrational to irrational and the reverse, in which the method is the same, and finally from the whole to its parts and from the parts to the whole. But I am not now teaching boys: my readers are old enough to discover the *species* for themselves when once they have been given the *genus*.

While a temperate and timely use of metaphor is a real adornment to style, on the other hand, its frequent use serves merely to obscure our language and weary our audience, while if we introduce them in one continuous series, our language will become allegorical and enigmatic. There are also certain metaphors which fail from meanness, such as that of which I spoke above:

“There is a rocky wart upon the mountain’s
brow.”

or they may even be coarse. For it does not follow that because Cicero was perfectly justified in talking of “the sink of the state,” when he desired to indicate the foulness of certain men, we can approve the following passage from an ancient orator: “You have lanced the boils of the state.” Indeed Cicero himself has demonstrated in the most admirable manner how important it is to avoid grossness in metaphor, such as is revealed by the following examples, which he quotes: “The state was gelded by the death of Africanus,” or “Glaucia, the excrement of the senate-house.” He also points out that a metaphor must not be too great for its subject or, as is more frequently the case, too little, and that it must not be inappropriate. Anyone who realises that these are faults, will be able to detect instances of them only too frequently. But excess in the use of metaphor is also a fault, more especially if they are of the same species. Metaphors may also be harsh, that is, far-fetched, as in phrases like “the snows of the head” or

“Jove with white snow the wintry Alps bespewed.”

From Furius, an old epic poet of the second century (not Furius Bibaculus),

cp. Hor. S. ii. v. 11.

The worst errors of all, however, originate in the fact that some authors regard it as permissible to use even in prose any metaphors that are allowed to poets, in spite of the fact that the latter aim solely at pleasing their readers and are compelled in many cases to employ metaphor by sheer metrical necessity. For my own part I should not regard a phrase like “the shepherd of the people” as admissible in pleading, although it has the authority of Homer, nor would I venture to say that winged creatures “swim through the air,” despite the fact that this metaphor has been most effectively employed by Virgil to describe the flight of bees and of Daedalus.¹ For metaphor should always either occupy a place already vacant, or if it fills the room of something else, should be more impressive than that which it displaces.

What I have said above applies perhaps with even greater force to *synecdoche*. For while *metaphor* is designed to move the feelings, give special distinction to things and place them vividly before the eye, *synecdoche* has the power to give variety to our language by making us realise many things from one, the whole from a part, the *genus* from a *species*, things which follow from things which have preceded; or, on the other hand, the whole procedure may be reversed. It may, however, be more freely employed by poets than by orators. For while in prose it is perfectly correct to use *macro*, the point, for the whole sword, and *tectum*, roof, for a whole house, we may not employ *puppis*, stern, to describe a ship, nor *abies*, fir, to describe planks; and again, though *ferrum*, the steel, may be used to indicate a sword, *quadrupes* cannot be used in the sense of horse. It is where numbers are concerned that *synecdoche* can be most freely employed in prose. For example, Livy frequently says, “The Roman won the day,” when he means that the *Romans* were victorious; on the other hand, Cicero in a letter to Brutus says, “We have imposed on the people and are regarded as orators,” when he is speaking of himself alone. This form of *trope* is not only a rhetorical ornament, but is frequently employed in everyday speech. Some also apply the term *synecdoche* when something is assumed which has not actually been expressed, since one word is then discovered from other words, as in the sentence,

“The Arcadians to the gates began to rush;”

Aen. xi. 142.

when such omission creates a blemish, it is called an *ellipsis*. For my own part, I prefer to regard this as a figure, and shall therefore discuss it under that head. Again,

one thing may be suggested by another, as in the line,

“Behold, the steers
Bring back the plough suspended from the
yoke,”

Ed. ii. 61.

from which we infer the approach of night. I am not sure whether this is permissible to an orator except in arguments, when it serves as an indication of some fact. However, this has nothing to do with the question of style.

It is but a short step from *synecdoche* to *metonymy*, which consists in the substitution of one name for another, and, as Cicero tells us, is called *hypallage* by the rhetoricians. These devices are employed to indicate an invention by substituting the name of the inventor, or a possession by substituting the name of the possessor. Virgil, for example, writes:

“Ceres by water spoiled,”

Aen. i. 177.

and Horace:

“Neptune admitted to the land
Protects the fleets from blasts of Aquilo.”

A. P. 63.

If, however, the process is reversed, the effect is harsh. But it is important to enquire to what extent *tropes* of this kind should be employed by the orator. For though we often hear “Vulcan” used for fire and to say *vario Marte pugnatum est* for “they fought with varying success” is elegant and idiomatic, while *Venus* is a more decent expression than *coitus*, it would be too bold for the severe style demanded in the courts to speak of *Liber* and *Ceres* when we mean bread and wine. Again, while usage permits us to substitute that which contains for that which is contained, as in phrases such as “civilised cities,” or “a cup was drunk to the lees,” or “a happy age,” the converse procedure would rarely be ventured on by any save a poet: take, for example, the phrase:

“Ucalegon burns next.”

Aen. ii. 311.

It is, however, perhaps more permissible to describe what is possessed by reference to its possessor, as, for example, to say of a man whose estate is being squandered, "the man is being eaten up." Of this form there are innumerable species. For example, we say "sixty thousand men were slain by Hannibal at Cannae," and speak of "Virgil" when we mean "Virgil's poems"; again, we say that supplies have "come," when they have been "brought," that a "sacrilege," and not a "sacrilegious man" has been detected, and that a man possesses a knowledge of "arms," not of "the art of arms." The type which indicates cause by effect is common both in poets and orators. As examples from poetry I may quote:

"Pale death with equal foot knocks at the poor man's door"

Hor. Od. I. iv. 13.

and

"There pale diseases dwell and sad old age;"

Aen. vi. 275

while the orator will speak of "headlong anger," "cheerful youth" or "slothful ease".

The following type of *trope* has also some kinship with *synecdochè*. For when I speak of a man's "looks" instead of his "look," I use the plural for the singular, but my aim is not to enable one thing to be inferred from many (for the sense is clear enough), but I merely vary the form of the word. Again, when I call a "gilded roof" a "golden roof," I diverge a little from the truth, because gilding forms only a part of the roof. But to follow out these points is a task involving too much minute detail even for a work whose aim is not the training of an orator.

Antonomasia, which substitutes something else for a proper name, is very common in poets: it may be done in two ways: by the substitution of an epithet as equivalent to the name which it replaces, such as "Tydides," "Pelides," or by indicating the most striking characteristics of an individual, as in the phrase

"Father of gods and king of men,"

Aen. i. 65.

or from acts clearly indicating the individual, as in the phrase,

“The arms which he, the traitor, left
Fixed on the chamber wall.”

Aen. iv. 495.

This form of *trope* is rare in oratory, but is occasionally employed. For although an orator would not say “Tydides” or “Pelides,” he will speak of certain definite persons as “the impious parricides,” while I should have no hesitation in speaking of Scipio as “the destroyer of Carthage and Numantia,” or of Cicero as “the prince of Roman orators.” Cicero himself, at any rate, availed himself of this licence, as, for example, in the following case: “Your faults are not many, said the old praeceptor to the hero,” where neither name is given, though both are clearly understood.

On the other hand, *onomatopoea*, that is to say, the creation of a word, although regarded with the highest approbation by the Greeks, is scarcely permissible to a Roman. It is true that many words were created in this way by the original founders of the language, who adapted them to suit the sensation which they expressed. For instance, *mugitus*, lowing, *sibilus*, a hiss, and *murmur* owe their origin to this practice. But to-day we consider that all has been done that can be done in this line, and do not venture on fresh creations, in spite of the fact that many of the words thus formed in antiquity are daily becoming obsolete. Indeed, we scarcely permit ourselves to use new derivatives, so they are called, which are formed in various ways from words in common use, such as *Sullaturit*, “he wishes to be a second Sulla,” or *proscripturit*, “he wishes to have a proscription,” while *laureati posies*, “laurelled door-posts,” for *lauru coronati*, “crowned with laurel,” are similar formations. * *Here there is a corruption in the Latin text which makes it impossible to translate sensibly.**

These facts make *catachresis* (of which *abuse* is a correct translation) all the more necessary. By this term is meant the practice of adapting the nearest available term to describe something for which no actual term exists, as in the line

“A horse they build [*aedificant*, literally meaning to build a house] by
Pallas’ art divine,”

Aen. ii. xv.

or as in the expression found in tragedy,

“To Aigialeus
His sire bears funeral offerings,”

The following examples are of a similar character. Flasks are called *acetabula*, whatever they contain, and caskets *pyxides*, of whatever material they are made, while *parricide* includes the murder of a mother or a brother. We must be careful to distinguish between *abuse* and *metaphor*, since the former is employed where there is no proper term available, and the latter when there is another term available. As for poets, they indulge in the abuse of words even in cases where proper terms do exist, and substitute words of somewhat similar meaning. But this is rare in prose. Some, indeed, would give the name of *catachresis* even to cases such as where we call temerity valour or prodigality liberality. I, however, cannot agree with them; for in these instances word is not substituted for word, but thing for thing, since no one regards prodigality and liberality as meaning the same, but one man calls certain actions liberal and another prodigal, although neither for a moment doubts the difference between the two qualities.

There is but one of the *tropes* involving change of meaning which remains to be discussed, namely, *metalepsis* or *transumption*, which provides a transition from one *trope* to another. It is (if we except comedy) but rarely used in Latin, and is by no means to be commended, though it is not infrequently employed by the Greeks, who, for example, call Χείρων the centaur Ἡσσων and substitute the epithet θοαί (swift) for ὄξειαι in referring to sharp-pointed islands. But who would endure a Roman if he called Verres *sus* or changed the name of Aelius Catus to Aelius *doctus*? It is the nature of *metalepsis* to form a kind of intermediate step between the term transferred and the thing to which it is transferred, having no meaning in itself, but merely providing a transition. It is a *trope* with which to claim acquaintance, rather than one which we are ever likely to require to use. The commonest example is the following: *cano* is a synonym for *canto* and *canto* for *dico*, therefore *cano* is a synonym for *dico*, the intermediate step being provided by *canto*. We need not waste any more time over it. I can see no use in it except, as I have already said, in comedy.

The remaining *tropes* are employed solely to adorn and enhance our style without any reference to the meaning. For the *epithet*, of which the correct translation is *appositum*, though some call it *sequens*, is clearly an ornament. Poets employ it with special frequency and freedom, since for them it is sufficient that the epithet should suit the word to which it is applied: consequently we shall not blame them when they speak of “white teeth” or “liquid wine.” But in oratory an epithet is redundant unless it has some point. Now it will only have point when it adds something to the meaning, as for instance in the following: “O abominable crime, O hideous lust!” But its decorative effect is greatest when it is metaphorical, as in the phrases “unbridled greed” or “those mad piles of masonry.” The epithet is generally made into a *trope* by the addition of something to it, as when Virgil speaks

of “disgraceful poverty” or “sad old age.” But the nature of this form of embellishment is such that, while style is bare and inelegant without any epithets at all, it is overloaded when a large number are employed. For then it becomes long-winded and cumbrous, in fact you might compare it to an army with as many camp-followers as soldiers, an army, that is to say, which has doubled its numbers without doubling its strength. None the less, not merely single epithets are employed, but we may find a number of them together, as in the following passage from Virgil:

“Anchises, worthy deigned
Of Venus’ glorious bed, [beloved of heaven,
Twice rescued from the wreck of Pergamum.]”

Aen. iii. 475.

Be this as it may, two epithets directly attached to one noun are unbecoming even in verse. There are some writers who refuse to regard an *epithet* as a *trope*, on the ground that it involves no change. It is not always a *trope*, but if separated from the word to which it belongs, it has a significance of its own and forms an *antonomasia*. For if you say, “The man who destroyed Numantia and Carthage,” it will be an *antonomasia*, whereas, if you add the word “Scipio,” the phrase will be an *epithet*. An epithet therefore cannot stand by itself.

Allegory, which is translated in Latin by *inversio*, either presents one thing in words and another in meaning, or else something absolutely opposed to the meaning of the words. The first type is generally produced by a series of metaphors. Take as an example:

O ship, new waves will bear thee back to sea.
What dost thou? Make the haven, come what may,

Hor. Od. i. xiv. 1.

and the rest of the ode, in which Horace represents the state under the semblance of a ship, the civil wars as tempests, and peace and good-will as the haven. Such, again, is the claim of Lucretius:

“Pierian fields I range untrod by man,”

Lucr. iv. 1.

and such again the passage where Virgil says,

“But now
A mighty length of plain we have travelled o’er;
‘Tis time to loose our horses’ steaming necks.”

Georg. ii. 541.

On the other hand, in the *Bucolics* he introduces an allegory without any metaphor:

“Truth, I had heard
Your loved Menalcas by his songs had saved
All those fair acres, where the hills begin
To sink and droop their ridge with easy slope
Down to the waterside and that old beech
With splintered crest.”

Buc. ix. 7.

For in this passage, with the exception of the proper name, the words bear no more than their literal meaning. But the name does not simply denote the shepherd Menalcas, but is a pseudonym for Virgil himself. Oratory makes frequent use of such allegory, but generally with this modification, that there is an admixture of plain speaking. We get allegory pure and unadulterated in the following passage of Cicero: “What I marvel at and complain of is this, that there should exist any man so set on destroying his enemy as to scuttle the ship on which he himself is sailing.” The following is an example of the commonest type, namely, the mixed allegory: “I always thought that Milo would have other storms and tempests to weather, at least in the troubled waters of political meetings.” Had he not added the words “at least in the troubled waters of political meetings,” we should have had pure allegory: their addition, however, converted it into a mixed allegory. In this type of allegory the ornamental element is provided by the metaphorical words and the meaning is indicated by those which are used literally. But far the most ornamental effect is produced by the artistic admixture of simile, metaphor and allegory, as in the following example: “What strait, what tide-race, think you, is full of so many conflicting motions or vexed by such a variety of eddies, waves and fluctuations, as confuse our popular elections with their wild ebb and flow? The passing of one day, or the interval of a single night, will often throw everything into confusion, and one little breath of rumour will sometimes turn the whole trend of opinion.” For it is all-important to follow the principle illustrated by this passage and never to mix

your metaphors. But there are many who, after beginning with a tempest, will end with a fire or a falling house, with the result that they produce a hideously incongruous effect. For the rest, allegory is often used by men of little ability and in the conversation of everyday life. For those hackneyed phrases of forensic pleading, “to fight hand to hand,” “to attack the throat,” or “to let blood” are all of them allegorical, although they do not strike the attention: for it is novelty and change that please in oratory, and what is unexpected always gives special delight. Consequently we have thrown all restraint to the wind in such matters, and have destroyed the charm of language by the extravagant efforts which we have made to attain it. Illustrative examples also involve allegory if not preceded by an explanation; for there are numbers of sayings available for use like the “Dionysius is at Corinth,” which is such a favourite with the Greeks. When, however, an allegory is too obscure, we call it a riddle: such riddles are, in my opinion, to be regarded as blemishes, in view of the fact that lucidity is a virtue; nevertheless they are used by poets, as, for example, by Virgil in the following lines:

“Say in what land, and if thou tell me true,
I’ll hold thee as Apollo’s oracle,
Three ells will measure all the arch of heaven.”

Ecl. iii. 104.

Even orators sometimes use them, as when Caelius speaks of the “Clytemnestra who sold her favours for a farthing, who was a Coan in the dining-room and a Nolan in her bedroom.” For although we know the answers, and although they were better known at the time when the words were uttered, they are riddles for all that; and other riddles are, after all, intelligible if you can get someone to explain them.

On the other hand, that class of allegory in which the meaning is contrary to that suggested by the words, involve an element of irony, or, as our rhetoricians call it, *illusio*. This is made evident to the understanding either by the delivery, the character of the speaker or the nature of the subject. For if any one of these three is out of keeping with the words, it at once becomes clear that the intention of the speaker is other than what he actually says. In the majority of *tropes* it is, however, important to bear in mind not merely what is said, but about whom it is said, since what is said may in another context be literally true. It is permissible to censure with counterfeited praise and praise under a pretence of blame. The following will serve as an example of the first. “Since Gaius Verres, the urban praetor, being a man of energy and blameless character, had no record in his register of this substitution of

this man for another on the panel.” As an example of the reverse process we may take the following: “We are regarded as orators and have imposed on the people.” Sometimes, again, we may speak in mockery when we say the opposite of what we desire to be understood, as in Cicero’s denunciation of Clodius: “Believe me, your well known integrity has cleared you of all blame, your modesty has saved you, your past life has been your salvation.” Further, we may employ *allegory*, and disguise bitter taunts in gentle words by way of wit, or we may indicate our meaning by saying exactly the contrary or. . . If the Greek names for these methods are unfamiliar to any of my readers, I would remind him that they are *σαρκασμός*, *ἀστεϊσμός*, *ἀντίφρασις* and *παροιμία* (sarcasm, urbane wit, contradiction and proverbs). There are, however, some writers who deny that these are species of *allegory*, and assert that they are actually *tropes* in themselves: for they argue shrewdly that allegory involves an element of obscurity, whereas in all these cases our meaning is perfectly obvious. To this may be added the fact that when a *genus* is divided into *species*, it ceases to have any peculiar properties of its own: for example, we may divide tree into its species, pine, olive, cypress, etc., leaving it no properties of its own, whereas allegory always has some property peculiar to itself. The only explanation of this fact is that it is itself a species. But this, of course, is a matter of indifference to those that use it. To these the Greeks add *μυκτηρισμός* or mockery under the thinnest of disguises.

When we use a number of words to describe something for which one, or at any rate only a few words of description would suffice, it is called *periphrasis*, that is, a circuitous mode of speech. It is sometimes necessary, being of special service when it conceals something which would be indecent, if expressed in so many words: compare the phrase “To meet the demands of nature” from Sallust. But at times it is employed solely for decorative effect, a practice most frequent among the poets:

“Now was the time
When the first sleep to weary mortals comes
Stealing its way, the sweetest boon of heaven.”

Aen. ii. 268.

Still it is far from uncommon even in oratory, though in such cases it is always used with greater restraint. For whatever might have been expressed with greater brevity, but is expanded for purposes of ornament, is a *periphrasis*, to which we give the name *circumlocution*, though it is a term scarcely suitable to describe one of the virtues of oratory. But it is only called *periphrasis* so long as it produces a decorative

effect: when it passes into excess, it is known as *perissology*: for whatever is not a help, is a positive hindrance.

Again, *hyperbaton*, that is, the transposition of a word, is often demanded by the structure of the sentence and the claims of elegance, and is consequently counted among the ornaments of style. For our language would often be harsh, rough, limp or disjointed, if the words were always arranged in their natural order and attached each to each just as they occur, despite the fact that there is no real bond of union. Consequently some words require to be postponed, others to be anticipated, each being set in its appropriate place. For we are like those who build a wall of unhewn stone: we cannot hew or polish our words in order to make them fit more compactly, and so we must take them as they are and choose suitable positions for them. Further, it is impossible to make our prose rhythmical except by artistic alterations in the order of words, and the reason why those four words in which Plato in the noblest of his works states that he had gone down to the Piraeus were found written in a number of different orders upon his wax tablets, was simply that he desired to make the rhythm as perfect as possible. When, however, the transposition is confined to two words only, it is called *anastrophe*, that is, a reversal of order. This occurs in everyday speech in *mecum* and *secure*, while in orators and historians we meet with it in the phrase *quibus de rebus*. It is the transposition of a word to some distance from its original place, in order to secure an ornamental effect, that is strictly called *hyperbaton*: the following passage will provide an example: *animadverti, indices, omnem accusatoris orationem in duas divisam esse partes*. ("I noted, gentlemen, that the speech of the accuser was divided into two parts.") In this case the strictly correct order would be *in duas partes divisam esse*, but this would have been harsh and ugly. The poets even go so far as to secure this effect by the division of words, as in the line:

"Hyperboreo septem subiecta trioni"
("Under the Hyperborean Wain"),

Goerg. iii. 381.

a licence wholly inadmissible in oratory. Still there is good reason for calling such a transposition a *trope*, since the meaning is not complete until the two words have been put together. On the other hand, when the transposition makes no alteration in the sense, and merely produces a variation in the structure, it is rather to be called a *verbal figure*, as indeed many authorities have held. Of the faults resulting from long or confused *hyperbata* have spoken in the appropriate place.

I have kept *hyperbole* to the last, on the ground of its boldness. It means an

elegant straining of the truth, and may be employed indifferently for exaggeration or attenuation. It can be used in various ways. We may say more than the actual facts, as when Cicero says, "He vomited and filled his lap and the whole tribunal with fragments of food, or when Virgil speaks of

"win rocks that threaten heaven."

Aen. i. 162.

Again, we may exalt our theme by the use of simile, as in the phrase:

"Thou wouldst have deemed
That Cyclad isles uprooted swam the deep."

Aen. viii. 691.

Or we may produce the same result by introducing a comparison, as in the phrase:

"Swifter than the levin's wings;"

Aen. v. 319.

or by the use of indications, as in the lines:

"She would fly
Even o'er the tops of the unsickled corn,
Nor as she ran would bruise the tender ears."

Aen. vii. 808.

Or we may employ a metaphor, as the verb to *fly* is employed in the passage just quoted. Sometimes, again, one *hyperbole* may be heightened by the addition of another, as when Cicero in denouncing Antony says: "What Charybdis was ever so voracious? Charybdis, do I say? Nay, if Charybdis ever existed, she was but a single monster. By heaven, even Ocean's self, methinks, could scarce have engulfed so many things, so widely scattered in such distant places, in such a twinkling of the eye." I think, too, that I am right in saying that I noted a brilliant example of the same kind in the Hymns of Pindar, the prince of lyric poets. For when he describes the onslaught made by Hercules upon the Meropes, the legendary inhabitants of the island of Cos, he speaks of the hero as like not to fire, winds or sea, but to the thunderbolt, making the latter the only true equivalent of his speed and power, the former being treated as quite inadequate. Cicero has imitated his method in the

following passage from the Verrines: “After long lapse of years the Sicilians saw dwelling in their midst, not a second Dionysius or Phalaris (for that island has produced many a cruel tyrant in years gone by), but a new monster with all the old ferocity once familiar to those regions. For, to my thinking, neither Scylla nor Charybdis were ever such foes as he to the ships that sailed those same narrow seas.” The methods of hyperbole by attenuation are the same in number. Compare the Virgilian

“Scarce cling they to their bones,”

Ecl. iii. 103.

or the lines from a humorous work of Cicero’s,

“Fundum Vetto vocat quem possit mittere funda;
Ni tamen exciderit, qua cava funda patet.”

“Vetto gives the name of farm to an estate which might easily be hurled from a sling, though it might well fall through the hole in the hollow sling, so small is it.”

But even here a certain proportion must be observed. For although every *hyperbole* involves the incredible, it must not go too far in this direction, which provides the easiest road to extravagant affectation. I shrink from recording the faults to which the lack of this sense of proportion has given rise, more especially as they are so well known and obvious. It is enough to say that *hyperbole* lies, though without any intention to deceive. We must therefore be all the more careful to consider how far we may go in exaggerating facts which our audience may refuse to believe. Again, *hyperbole* will often cause a laugh. If that was what the orator desired, we may give him credit for wit; otherwise we can only call him a fool. *Hyperbole* is employed even by peasants and uneducated persons, for the good reason that everybody has an innate passion for exaggeration or attenuation of actual facts, and no one is ever contented with the simple truth. But such disregard of truth is pardonable, for it does not involve the definite assertion of the thing that is not. *Hyperbole* is, moreover, a virtue, when the subject on which we have to speak is abnormal. For we are allowed to amplify, when the magnitude of the facts passes all words, and in such circumstances our language will be more effective if it goes beyond the truth than if it falls short of it. However, I have said enough on this topic, since I have already dealt with it in my work on the causes of the decline of oratory.

BOOK IX

CHAPTER I: FIGURES IN GENERAL

In my last book I spoke of *tropes*. I now come to *figures*, called σχήματα in Greek, a topic which is naturally and closely connected with the preceding. For many authors have considered *figures* identical with *tropes*, because whether it be that the latter derive their name from having a certain form or from the fact that they effect alterations in language (a view which has also led to their being styled *motions*), it must be admitted that both these features are found in *figures* as well. Their employment is also the same. For they add force and charm to our matter. There are some again who call *tropes figures*, Artorius Proculus among them. Further the resemblance between the two is so close that it is not easy to distinguish between them. For although certain kinds differ, while retaining a general resemblance (since both involve a departure from the simple and straightforward method of expression coupled with a certain rhetorical excellence), on the other hand some are distinguished by the narrowest possible dividing line: for example, while *irony* belongs to *figures of thought* just as much as to *tropes*, *periphrasis*, *hyperbaton* and *onomatopoea* have been ranked by distinguished authors as *figures of speech* rather than *tropes*.

It is therefore all the more necessary to point out the distinction between the two. The name of *trope* is applied to the transference of expressions from their natural and principal signification to another, with a view to the embellishment of style or, as the majority of grammarians define it, the transference of words and phrases from the place which is strictly theirs to another to which they do not properly belong. A *figure*, on the other hand, as is clear from the name itself, is the term employed when we give our language a conformation other than the obvious and ordinary. Therefore the substitution of one word for another is placed among *tropes*, as for example in the case of *metaphor*, *metonymy*, *antonomasia*, *metalepsis*, *synecdochè*, *catachresis*, *allegory* and, as a rule, *hyperbole*, which may, of course, be concerned either with words or things. *Onomatopoea* is the creation of a word and therefore involves substitution for the words which we should use but for such creation. Again although *periphrasis* often includes the actual word whose place it supplies, it still uses a number of words in place of one. The *epithet* as a rule involves an element of *antonomasia* and consequently becomes a *trope* on account of this affinity. *Hyperbaton* is a change of order and for this reason many exclude it from *tropes*. None the less it transfers a word or part of a word from its own place to another. None of these can be called *figures*. For a *figure* does not necessarily involve

any alteration either of the order or the strict sense of words. As regards *irony*, I shall show elsewhere how in some of its forms it is a *trope*, in others a *figure*. For I admit that the name is common to both and am aware of the complicated and minute discussions to which it has given rise. They, however, have no bearing on my present task. For it makes no difference by which name either is called, so long as its stylistic value is apparent, since the meaning of things is not altered by a change of name. For just as men remain the same, even though they adopt a new name, so these artifices will produce exactly the same effect, whether they are styled *tropes* or *figures*, since their values lie not in their names, but in their effect. Similarly it makes no difference whether we call a *basis* conjectural or negative, or concerned with fact or substance, provided always that we know that the subject of enquiry is the same. It is best therefore in dealing with these topics to adopt the generally accepted terms and to understand the actual thing, by whatever name it is called. But we must note the fact that *trope* and *figure* are often combined in the expression of the same thought, since figures are introduced just as much by the metaphorical as by the literal use of words.

There is, however, a considerable difference of opinion among authors as to the meaning of the name, the number of *genera* and the nature and number of the *species* into which figures may be divided. The first point for consideration is, therefore, what is meant by a *figure*. For the term is used in two senses. In the first it is applied to any form in which thought is expressed, just as it is to bodies which, whatever their composition, must have some shape. In the second and special sense, in which it is called a *schema*, it means a rational change in meaning or language from the ordinary and simple form, that is to say, a change analogous to that involved by sitting, lying down on something or looking back. Consequently when a student tends to continuous or at any rate excessive use of the same cases, tenses, rhythms or even feet, we are in the habit of instructing him to vary his *figures* with a view to the avoidance of monotony. In so doing we speak as if every kind of language possessed a *figure*: for example *cursitare* and *lectitare* are said to have the same figure, that is to say, they are identical in formation. Therefore in the first and common sense of the word everything is expressed by *figures*. If we are content with this view, there is good reason for the opinion expressed by Apollodorus (if we may trust the statement of Caecilius on this point) to the effect that he found the rules laid down in this connexion quite incomprehensible. If, on the other hand, the name is to be applied to certain attitudes, or I might say gestures of language, we must interpret *schema* in the sense of that which is poetically or rhetorically altered from the simple and obvious method of expression. It will then be true to distinguish between the style which is devoid of figures (or ἀσχημάτιστος) and

that which is adorned with figures (or ἐσχηματισμένη). But Zoilus narrowed down the definition, since he restricted the term *schema* to cases when the speaker pretends to say something other than that which he actually does say. I know that this view meets with common acceptance: it is, in fact, for this reason that we speak of *figured* controversial themes, of which I shall shortly speak. We shall then take a *figure* to mean a form of expression to which a new aspect is given by art.

Some writers have held that there is only one kind of *figure*, although they differ as regards the reasons which lead them to adopt this view. For some of them, on the ground that a change of words causes a corresponding change in the sense, assert that all *figures* are concerned with words, while others hold that *figures* are concerned solely with the sense, on the ground that words are adapted to things. Both these views are obviously quibbling. For the same things are often put in different ways and the sense remains unaltered though the words are changed, while a *figure of thought* may include several *figures of speech*. For the former lies in the conception, the latter in the expression of our thought. The two are frequently combined, however, as in the following passage: “Now, Dolabella, [I have no pity] either for you or for your children”: for the device by which he turns from the judges to Dolabella is a *figure of thought*, while *iam iam* (“now”) and *liberum* (“your children”) are *figures of speech*.

It is, however, to the best of my knowledge, generally agreed by the majority of authors that there are two classes of *figure*, namely *figures of thought*, that is of the mind, feeling or conceptions, since all these terms are used, and *figures of speech*, that is of words, diction, expression, language or style: the name by which they are known varies, but mere terminology is a matter of indifference. Cornelius Celsus, however, to *figures of thought* and *speech* would add those produced by “glosses”; but he has merely been led astray by an excessive passion for novelty. For who can suppose that so learned a man was ignorant of the fact that “glosses” and “reflexions” both come under the heading of thought? We may therefore conclude that, like language itself, figures are necessarily concerned with thought and with words.

As, however, in the natural course of things we conceive ideas before we express them, I must take *figures of thought* first. Their utility is at once great and manifold, and is revealed with the utmost clearness in every product of oratory. For although it may seem that proof is infinitesimally affected by *the figures* employed, none the less those same *figures* lend credibility to our arguments and steal their way secretly into the minds of the judges. For just as in sword-play it is easy to see, parry, and ward off direct blows and simple and straightforward thrusts, while side-strokes and feints are less easy to observe and the task of the skilful swordsman is to give the impression that his design is quite other than it actually is, even so the

oratory in which there is no guile fights by sheer weight and impetus alone; on the other hand, the fighter who feints and varies his assault is able to attack flank or back as he will, to lure his opponent's weapons from their guard and to outwit him by a slight inclination of the body. Further, there is no more effective method of exciting the emotions than an apt use of figures. For if the expression of brow, eyes and hands has a powerful effect in stirring the passions, how much more effective must be the aspect of our style itself when composed to produce the result at which we aim? But, above all, *figures* serve to commend what we say to those that hear us, whether we seek to win approval for our character as pleaders, or to win favour for the cause which we plead, to relieve monotony by variation of our language, or to indicate our meaning in the safest or most seemly way.

But before I proceed to demonstrate what *figures* best suit the different circumstances, I must point out that their number is far from being as great as some authorities make out. For I am not in the least disturbed by the various names which the Greeks more especially are so fond of inventing. First of all, then, I must repudiate the views of those who hold that there are as many types of *figure* as there are kinds of emotion, on the ground, not that emotions are not qualities of the mind, but that a figure, in its strict, not its general sense, is not simply the expression of anything you choose to select. Consequently the expression in words of anger, grief, pity, fear, confidence or contempt is not a *figure*, any more than persuasion, threats, entreaty or excuse. But superficial observers are deceived by the fact that they find *figures* in all passages dealing with such themes, and select examples of them from speeches; whereas in reality there is no department of oratory which does not admit such *figures*. But it is one thing to admit *i>figure* and another to be a *figure*; I am not going to be frightened out of repeating the term with some frequency in my attempt to make the facts clear. My opponents will, I know, direct my attention to special figures employed in expressing anger, in entreating for mercy, or appealing to pity, but it does not follow that expressions of anger, appeals to pity or entreaties for mercy are in themselves *figures*. Cicero, it is true, includes all ornaments of oratory under this head, and in so doing adopts, as it seems to me, a middle course. For he does not hold that all forms of expression are to be regarded as *figures*, nor, on the other hand, would he restrict the term merely to those expressions whose form varies from ordinary use. But he regards as figurative all those expressions which are especially striking and most effective in stirring the emotions of the audience. He sets forth this view in two of his works, and that my readers may have the opportunity of realising the judgment of so high an authority, I subjoin what he says *verbatim*.

In the third book of the *de Oratore* we find the following words: "As regards

the composition of continuous speech, as soon as we have acquired the smoothness of structure and rhythm of which I have spoken, we must proceed to lend brilliance to our style by frequent embellishments both of thought and words. For great effect may be produced by dwelling on a single point, and by setting forth our facts in such a striking manner that they seem to be placed before the eyes as vividly as if they were taking place in our actual presence. This is especially effective in stating a case or for the purpose of illuminating and amplifying the facts in course of statement, with a view to making our audience regard the point which we amplify as being as important as speech can make it. On the other hand, as opposed to this procedure we may often give a rapid summary, suggest more than is actually said, may express ourselves tersely in short, clean-cut sentences and disparage, or, what is much the same, mock our opponent in a manner not inconsistent with the precepts given us by Caesar. Or we may employ digressions and then, after thus delighting our audience, make a neat and elegant return to our main theme. We may set forth in advance what we propose to say, mark off the topics already treated from those which are to follow, return to our point, repeat it and draw our formal conclusions. Again, with a view to augmenting or attenuating the force of some point, we may exaggerate and overstate the truth: we may ask questions, or, what is much the same, enquire of others and set forth our own opinion. There is also available the device of dissimulation, when we say one thing and mean another, the most effective of all means of stealing into the minds of men and a most attractive device, so long as we adopt a conversational rather than a controversial tone. Hesitation may be expressed between two alternatives, our statement may be distributed in groups or we may correct ourselves, either before or after we have said something or when we repel some allegation against ourselves. We may defend ourselves by anticipation to secure the success of some point which we propose to make or may transfer the blame for some action to another. We may confer with our audience, admitting them as it were into our deliberations, may describe the life and character of persons either with or without mention of their names, a device which is one of the greatest embellishments of oratory and specially adapted to conciliate the feelings, as also frequently to excite them. Again by the introduction of fictitious personages we may bring into play the most forcible form of exaggeration. We may describe the results likely to follow some action, introduce topics to lead our hearers astray, move them to mirth or anticipate the arguments of our opponent. Comparisons and examples may be introduced, both of them most effective methods; we may divide, interrupt, contrast, suppress, commend. Our language may be free or even unbridled with a view to heighten our effects, while anger, reproach, promises that we shall prove our case, entreaty, supplication, slight

deviations from our proposed course (which must be distinguished from the longer digressions mentioned above), exculpation, conciliation, personal attacks, wishes and execrations are all of value. The above include practically all the devices of thought which may be employed for the adornment of our speech. As regards diction, this may either be employed like weapons for menace and attack, or handled merely for the purpose of display. For example, sometimes the repetition of words will produce an impression of force, at other times of grace. Again, slight changes and alterations may be made in words, the same word may be repeated sometimes at the beginning of a sentence and sometimes at the end, or the sentence may be made to open and close with the same phrase. One verb may be made to serve the purpose of a number of clauses, our words may be worked up to a climax, the same word may be repeated with a different meaning or reiterated at the opening of one sentence from the close of the preceding, while we may introduce words with similar terminations or in the same cases or balancing or resembling each other. Other effects may be obtained by the graduation or contrast of clauses, by the elegant inversion of words, by arguments drawn from opposites, asyndeton, paraleipsis, correction, exclamation, meiosis, the employment of a word in different cases, moods and tenses, the correspondence of subsequent particulars with others previously mentioned, the addition of a reason for what is advanced, the assignment of a reason for each distinct statement; again we may employ concession and another form of hesitation, introduction of the unexpected, distinction by heads, another form of correction, local distribution, rapid succession of clauses, interruption of clauses, imagery, answering our own questions, immutation, the appropriate distinction of one proposition from another, effective arrangement, reference, digression and circumscription. These (and there may be yet more like them) are the various devices for the embellishment of our style, either by the cast of our thought or the conformation of our language."

Most of these statements are repeated by Cicero in the *Orator*, but not all, while his language is somewhat more precise, since after dealing with figures of speech and of thought he adds a third section, concerned, as he himself says, with the other excellences of style. "And those other embellishments which are derived from the arrangement of words contribute greatly to the adornment of our style. They may be compared to what we term the decorations of the forum or a richly-ornamented stage, since they not only adorn, but stand out conspicuously in the midst of other ornaments. The principle governing the use of embellishments and decorations of style is the same: words may be repeated and reiterated or reproduced with some slight change. Sentences may repeatedly commence or end with the same word or may begin and end with the same phrase. The same word may be reiterated

either at the beginning or at the conclusion, or may be repeated, but in a different sense. Words may have the same inflexion or termination or be placed in various antitheses, our language may rise by gradations to a climax, or a number of words may be placed together in asyndeton without connecting particles. Or we may omit something, while making clear the reason for such omission, or correct ourselves with apparent censure of our carelessness, may utter exclamations of admiration or grief, or introduce the same word repeatedly in different cases. The ornaments of thought are, however, more important. They are so frequently employed by Demosthenes that some critics have held that it is in them that the chief beauty of his style resides. And in truth there is hardly a topic in his speeches which is not distinguished by some artificial treatment of the thought, and it must be admitted that speaking involves the embellishment of all, or at any rate most of our thoughts with some form of ornament. As you, Brutus, have such an admirable knowledge of all these methods, it would be waste of time for me to cite all their names or to give illustrations. I shall therefore content myself merely with indicating this topic. Our ideal orator then will speak in such a manner that he will cast the same thought into a number of different forms, will dwell on one point and linger over the same idea. he will often attenuate some one point or deride his opponent, will diverge from his theme and give a bias to his thought, will set forth what he intends to say, after completing his argument will give a brief summary, will recall himself to the point which he has left, repeat what he has said, complete his proof by a formal conclusion, embarrass his opponent by asking questions or answer himself in reply to imaginary questions; will desire his words to be taken in a different sense from their literal meaning, will hesitate what argument or form of statement to prefer, will classify and divide, will deliberately omit and ignore some point, and defend himself by anticipation; will transfer the blame of some charge brought against him to his opponent, will often take his audience, and sometimes even his opponent into consultation, will describe the character and talk of particular persons, will put words into the mouths of inanimate objects, divert the minds of the audience from the point at issue, often move them to merriment or laughter, anticipate objections, introduce comparisons, cite precedents, assign and distribute different sentiments to different persons, silence interrupters, assert that there are certain things of which he prefers not to speak, warn his audience to be on their guard against certain things, or venture on a certain licence of speech. Again, he will wax angry, sometimes indulge in rebuke, entreaty or supplication, will clear away unfavourable impressions, swerve a little from his point, utter wishes or execrations, or address his audience in terms of familiar intimacy. There are also other virtues at which he should aim, such as brevity, if his theme demands it, while he will often set forth

topics in such vivid language as almost to present them to the very eyes of his audience, or will exaggerate his subject beyond the bounds of possibility. His meaning will frequently be deeper than his words seem to indicate, his tone will often be cheerful, and he will often mimic life and character. In fact, as regards this department of oratory, of which I have given you the substance, lie must display eloquence in all its grandest forms.”

CHAPTER II: FIGURES OF THOUGHT

The student who desires to give a wider consideration to figures of thought and speech will, therefore, have a guide to follow, and I would not venture to assert that he could have a better. But I would ask him to read these passages of Cicero with reference to my own views on this subject. For I intend to speak only of those figures of thought which depart from the direct method of statement, and I note that a similar procedure has been adopted by a number of learned scholars. On the other hand, all those embellishments which differ in character from these are none the less virtues whose importance is such that without them all oratory will be little less than unintelligible. For how can the judge be adequately instructed unless lucidity characterise our performance of the following tasks: explanation, proposition, promise of proofs, definition, distinction, exposition of our own opinion, logical conclusion, defence by anticipation, introduction of comparisons or precedents, disposition and distribution, interruption, repression of those who interrupt us, antithesis, exculpation and personal attack? Again, what would eloquence do if deprived of the artifices of amplification and its opposite? of which the first requires the gift of signifying more than we say, that is *emphasis*, together with exaggeration and overstatement of the truth, while the latter requires the power to diminish and palliate. What scope is there for the stronger emotions if the orator is not allowed to give free rein to his speech, to flame out in anger, to reproach, to wish or execrate? Or for the milder emotions without the assistance of commendation, conciliation and humour? What pleasure can an orator hope to produce, or what impression even of the most moderate learning, unless he knows how to fix one point in the minds of the audience by repetition, and another by dwelling on it, how to digress from and return to his theme, to divert the blame from himself and transfer it to another, or to decide what points to omit and what to ignore as negligible? It is qualities such as these that give life and vigour to oratory; without them it lies torpid like a body lacking the breath to stir its limbs. But more than the mere possession of these qualities is required; they must be

deployed, each in their proper place and with such variety that every sound may bewitch the hearer with all the charm of music. But these qualities are as a rule open and direct, manifesting themselves without disguise. They do, however, as I have said, admit of *figures*, as the instances to which I shall proceed will show.

What is more common than to *ask* or *enquire*? For both terms are used indifferently, although the one seems to imply a desire for knowledge, and the other a desire to prove something. But whichever term we use, the thing which they represent admits a variety of figures. We will begin with those which serve to increase the force and cogency of proof to which I assign the first place. A simple question may be illustrated by the line:

“But who are ye and from what shores are come?”

Aen. i. 369.

On the other hand, a question involves a figure, whenever it is employed not to get information, but to emphasise our point, as in the following examples: “What was that sword of yours doing, Tubero, that was drawn on the field of Pharsalus?” and “How long, Catiline, will you abuse our patience?” and “Do you not see that your plots are all laid bare?” with the whole passage that follows. How much greater is the fire of his words as they stand than if he had said, “You have abused our patience a long time,” and “Your plots are all laid bare.” We may also ask what cannot be denied, as “Was Gaius Fidiculanus Falcula, I ask you, brought to justice?” Or we may put a question to which it is difficult to reply, as in the common forms, “How is it possible?” “*How* can that be?” Or we may ask a question with a view to throw odium on the person to whom it is addressed, as in the words placed by Seneca in the mouth of Medea:

“What lands dost bid me seek?”

Med. 451.

Or our aim may be to excite pity, as is the case with the question asked by Sinon in Virgil:

“Alas, what lands, lie cried,
What seas can now receive me?”

Aen. ii. 69.

Or to embarrass our opponent and to deprive him of the power to feign ignorance

of our meaning, as Asinius does in the following sentence: "Do you hear? The will which we impugn is the work of a madman, not of one who lacked natural affection." In fact questions admit of infinite variety. They may serve our indignation, as in the line:

"Are any left
That still adore Juno's divinity?"

Aen. i. 48.

Or they may still express wonder, as in:

"To what dost thou not drive the hearts of men,
Accursed greed of gold?"

Aen. iii. 56.

Again, at times they may express a sharp command, as in:

"Will they not rush to arms and follow forth
From all the city?"

Aen. iv. 592.

Or we may ask ourselves, as in the phrase of Terence, "What, then, shall I do?" A figure is also involved in a reply, when one question is asked and another is answered, because it suits the respondent's purpose better to do so, or because it aggravates the charge brought against the accused. For example, a witness for the prosecution was asked whether he had been cudgelled by the plaintiff, and replied, "And what is more, I had done him no harm." Or the purpose may be to elude a charge, a very common form of reply. The advocate says, "I ask if you killed the man?" The accused replies, "He was a robber." The advocate asks, "Have you occupied the farm?" The accused replies, "It was my own." Again, the answer may be of such a kind as to make defence precede confession. For example, in the *Eclogues* of Virgil, when one shepherd asks:

"Did I not see you, villain, snare a goat
Of Damon's?"

the other replies:

"I vanquished him in song, and should he not

Pay me the prize, my due?”

Ecl. iii. 17 and 21.

Akin to this kind of answer is the dissimulatory reply, which is employed solely with the purpose of raising a laugh, and has therefore been treated in its appropriate place. If it were meant seriously, it would be tantamount to a confession. Further, there is the practice of putting the question and answering it oneself, which may have quite a pleasing effect. Take as an example the following passage from the *pro Ligario*, where Cicero says, “Before whom do I say this? Before one who, although he was aware of these facts, yet restored me to my country even before he had seen me.” A different form of fictitious question is to be found in the *pro Caelio*. “Some one will say, ‘Is this your moral discipline? Is this the training you would give young men?’” with the whole passage that follows. Then comes his reply, “Gentlemen, if there were any man with such vigour of mind, with such innate virtue and self-control, etc.” A different method is to ask a question and not to wait for a reply, but to subjoin the reply at once yourself. For example, “Had you no house? Yes, you had one. Had you money and to spare? No, you were in actual want.” This is a figure which some call *suggestion*. Again, a question may involve *comparison*, as, for instance, “Which of the two then could more easily assign a reason for his opinion?” There are other forms of question as well, some concise, some developed at greater length, some dealing with one thing only, others with several. *Anticipation*, or, as the Greeks call it, *πρόληψις*, whereby we forestall objections, is of extraordinary value in pleading; it is frequently employed in all parts of a speech, but is especially useful in the *exordium*. However, it forms a genus in itself, and has several different species. One of these is the defence by anticipation, such as Cicero employs against Quintus Caecilius, where he points out that though previously he himself has always appeared for the defence, he is now undertaking a prosecution. Another is a form of *confession*, such as he introduces in his defence of Rabirius Postumus, where he admits that he himself regards his client as worthy of censure for lending money to the king. Another takes the form of *prediction*, as in the phrase, “For I will say without any intention of aggravating the charge.” Again, there is a form of *self-correction*, such as, “I beg you to pardon me, if I have been carried too far.” And, most frequent of all, there is *preparation*, whereby we state fully why we are going to do something or have done it. *Anticipation* may also be employed to establish the meaning or *propriety* of words, as in the following case, “Although that was not a punishment, but merely a prevention of crime,” while the same effect may be produced by *qualification*, as in the following sentence, “Citizens, I say, if I may call

them by that name.”

Again, hesitation may lend an impression of truth to our statements, when, for example, we pretend to be at a loss, where to begin or end, or to decide what especially requires to be said or not to be said at all. All speeches are full of such instances, but for the present one will be enough. “As for myself, I know not where to turn. Shall I deny that there was a scandalous rumour that the jury had been bribed, etc.?” This device may also be employed to cover the past; for we may equally pretend that we *had* felt hesitation on the subject. This figure is akin to that known as *communication*, when we actually take our opponents into consultation, as Domitius Afer does in his defence of Cloatilla. “She is so agitated that she does not know what is permitted to a woman or what becomes a wife. It may be that chance has brought you into contact with the unhappy woman in her helpless plight. What counsel do you give her, you her brother, and you, her father’s friends?” Or we may admit the judges to our deliberations, a device which is frequently called into play. We may say, “What do you advise?” or, “I ask you,” or, “What, then, should have been done?” Cato, for example, says, “Come now, if you had been in his place, what else would you have done?” And in another passage, “Imagine this to be a matter which concerns us all, and assume you have been placed in charge of the whole affair.” Sometimes, however, in such forms of communication we may add something unexpected, a device which is in itself a *figure*, as Cicero does in the *Verrines*: “What then? What think you? Perhaps you expect to hear of some theft or plunder.” Then, after keeping the minds of the judges in suspense for a considerable time, he adds something much worse. This figure is termed *suspension* by Celsus. It has two forms. For we may adopt exactly the opposite procedure to that just mentioned, and after raising expectation of a sequel of the most serious nature, we may drop to something which is of a trivial character, and may even imply no offence at all. But since this does not necessarily involve any form of *communication*, some have given it the name of *paradox* or *surprise*. I do not agree with those who extend the name of *figure* to a statement that something has happened unexpectedly to the speaker himself, like the following passage from Pollio: “Gentlemen, I never thought it would come to pass that, when Scaurus was the accused, I should have to entreat you not to allow influence to carry any weight on his behalf.” The figure known as *concession* springs from practically the same source as *communication*; it occurs when we leave some things to the judgment of the jury, or even in some cases of our opponents, as when Calvus says to Vatinius, “Summon all your assurance and assert that you have a better claim than Cato to be elected praetor.”

The *figures* best adapted for intensifying emotion consist chiefly in simulation.

For we may feign that we are angry, glad, afraid, filled with wonder, grief or indignation, or that we wish something, and so on. Hence we get passages like the following: “I am free, I breathe again,” or, “It is well,” or, “What madness is this?” or, “Alas! for these degenerate days!” or, “Woe is me; for though all my tears are shed my grief still clings to me deep-rooted in my heart,” or,

“Gape now, wide earth.”

To this some give the name of *exclamation*, and include it among *figures of speech*. When, however, such exclamations are genuine, they do not come under the head of our present topic: it is only those which are simulated and artfully designed which can with any certainty be regarded as *figures*. The same is true of free speech, which Corificius calls *licence*, and the Greeks παρρησία. For what has less of the *figure* about it than true freedom? On the other hand, freedom of speech may frequently be made a cloak for flattery. For when Cicero in his defence for Ligarius says, “After war had begun, Caesar, and was well on its way to a conclusion, I deliberately, of my own free will and under no compulsion, joined the forces of your opponents,” he has in his mind something more than a desire to serve the interests of Ligarius, for there is no better way of praising the clemency of the victor. On the other hand, in the sentence, “What else was our aim, Tubero, than that we might secure the power which he now holds?” he succeeds with admirable art in representing the cause of both parties as being good, and in so doing mollifies him whose cause was really bad. A bolder form of *figure*, which in Cicero’s opinion demands greater effort, is *impersonation*, or προσωποποιΐα. This is a device which lends wonderful variety and animation to oratory. By this means we display the inner thoughts of our adversaries as though they were talking with themselves (but we shall only carry conviction if we represent them as uttering what they may reasonably be supposed to have had in their minds); or without sacrifice of credibility we may introduce conversations between ourselves and others, or of others among themselves, and put words of advice, reproach, complaint, praise or pity into the mouths of appropriate persons. Nay, we are even allowed in this form of speech to bring down the gods from heaven and raise the dead, while cities also and peoples may find a voice. There are some authorities who restrict the term *imepersonation* to cases where both persons and words are fictitious, and prefer to call imaginary conversations between men by the Greek name of *dialogue*, which some translate by the Latin *seminocinatio*. For my own part, I have included both under the same generally accepted term, since we cannot imagine a speech without we also imagine a person to utter it. But when we lend a voice to things to which

nature has denied it, we may soften down the *figure* in the way illustrated by the following passage: “For if my country, which is far dearer to me than life itself, if all Italy, if the whole commonwealth were to address me thus, ‘Marcus Tullius, what dost thou?’ A bolder figure of the same kind may be illustrated by the following: “Your country, Catiline, pleads with you thus, and though she utters never a word, cries to you, ‘For not a few years past no crime has come to pass save through your doing!’” It is also convenient at times to pretend that we have before our eyes the images of things, persons or utterances, or to marvel that the same is not the case with our adversaries or the judges; it is with this design that we use phrases such as “It seems to me,” or “Does it not seem to you?” But such devices make a great demand on our powers of eloquence. For with things which are false and incredible by nature there are but two alternatives: either they will move our hearers with exceptional force because they are beyond the truth, or they will be regarded as empty nothings because they are not the truth. But we may introduce not only imaginary sayings, but imaginary writings as well, as is done by Asinius in his defence of Liburnia: “Let my mother, who was the object of my love and my delight, who lived for me and gave me life twice in one day (and so on) inherit nought of my property.” This is in itself a figure, and is doubly so whenever, as in the present case, it imitates a document produced by the opposing party. For a will had been read out by the prosecution, in the following form: “Let Publius Novanius Gallio, to whom as my benefactor I will and owe all that is good, as a testimony to the great affection which he has borne me (then follow other details) be my heir.” In this case the *figure* borders on *parody*, a name drawn from songs sung in imitation of others, but employed by an abuse of language to designate imitation in verse or prose. Again, we often personify the abstract, as Virgil does with Fame, or as Xenophon records that Prodicus did with Virtue and Pleasure, or as Ennius does when, in one of his satires, he represents Life and Death contending with one another. We may also introduce some imaginary person without identifying him, as we do in the phrases, “At this point some one will interpose,” or, “Some one will say.” Or speech may be inserted without any mention of the speaker, as in the line:

“Here the Dolopian host
Camped, here the fierce Achilles pitched his tent.”

Aen. ii. 29.

This involves a mixture of *figures*, since to *impersonation* we add the *figure* known as *ellipsis*, which in this case consists in the omission of any indication as to who is

speaking. At times *impersonation* takes the form of narrative. Thus we find indirect speeches in the historians, as at the opening of Livy's first book: "That cities, like other things, spring from the humblest origins, and that those who are helped by their own valour and the favour of heaven subsequently win great power and a great name for themselves." *Apostrophe* also, which consists in the diversion of our address from the judge, is wonderfully stirring, whether we attack our adversary as in the passage, "What was that sword of yours doing, Tubero, in the field of Pharsalus?" or turn to make some invocation such as, "For I appeal to you, hills and groves of Alba," or to entreaty that will bring odium on our opponents, as in the cry, "O Porcian and Sempronian laws." But the term *apostrophe* is also applied to utterances that divert the attention of the hearer from the question before them, as in the following passage:

"I swore not with the Greeks
At Aulis to uproot the race of Troy."

Aen. iv. 425.

There are a number of different figures by which this effect may be produced. We may, for instance, pretend that we expected something different or feared some greater disaster, or that the judges in their ignorance of the facts may regard some point as of more importance than it really is: an example of this latter device is to be found in the exordium to Cicero's defence of Caelius.

With regard to the figure which Cicero calls *ocular demonstration*, this comes into play when we do not restrict ourselves to mentioning that something was done, but proceed to show how it was done, and do so not merely on broad general lines, but in full detail. In the last book I classified this figure under the head of *vivid illustration*, while Celsus actually terms it by this name. Others give the name of ὑποτύπωσις to any representation of facts which is made in such vivid language that they appeal to the eye rather than the ear. The following will show what I mean: "He came into the forum on fire with criminal madness: his eyes blazed and cruelty was written in every feature of his countenance." Nor is it only past or present actions which we may imagine: we may equally well present a picture of what is likely to happen or might have happened. This is done with extraordinary skill by Cicero in his defence of Milo, where he shows what Clodius would have done, had he succeeded in securing the praetorship. But this *transference of time*, which is technically called μετάστασις was more modestly used in *vivid description* by the old orators. For they would preface it by words such as "Imagine that you see": take, for example, the words of Cicero: "Though you cannot see this with your

bodily eyes, you can see it with the mind's eye." Modern authors, however, more especially the declaimers, are bolder, indeed they show the utmost animation in giving rein to their imagination; witness the following passages from Seneca's treatment of the controversial theme in which a father, guided by one of his sons, finds another son in the act of adultery with his stepmother and kills both culprits. "Lead me, I follow, take this old hand of mine and direct it where you will." And a little later, "See, he says, what for so long you refused to believe. As for myself, I cannot see, night and thick darkness veil my eyes." This figure is too dramatic: for the story seems to be acted, not narrated. Some include the clear and vivid description of places under the same heading, while others call it *topography*.

I have found some who speak of *irony* as *dissimulation*, but, in view of the fact that this latter name does not cover the whole range of this figure, I shall follow my general rule and rest content with the Greek term. *Irony* involving a *figure* does not differ from the *irony* which is a *trope*, as far as its *genus* is concerned, since in both cases we understand something which is the opposite of what is actually said; on the other hand, a careful consideration of the *species* of *irony* will soon reveal the fact that they differ. In the first place, the *trope* is franker in its meaning, and, despite the fact that it implies something other than it says, makes no pretence about it. For the context as a rule is perfectly clear, as, for example, in the following passage from the Catilinarian orations. "Rejected by him, you migrated to your boon-companion, that excellent gentleman Metellus." In this case the irony lies in two words, and is therefore a specially concise form of *trope*. But in the *figurative* form of irony the speaker disguises his entire meaning, the disguise being apparent rather than confessed. For in the *trope* the conflict is purely verbal, while in the *figure* the meaning, and sometimes the whole aspect of our case, conflicts with the language and the tone of voice adopted; nay, a man's whole life may be coloured with *irony*, as was the case with Socrates, who was called an *ironist* because he assumed the role of an ignorant man lost in wonder at the wisdom of others. Thus, as continued *metaphor* develops into *allegory*, so a sustained series of *tropes* develops into this *figure*. There are, however, certain kinds of *this figure* which have no connexion with *tropes*. In the first place, there is the *figure* which derives its name from negation and is called by some ἀντίφρασις. Here is an example: "I will not plead against you according to the rigour of the law, I will not press the point which I should perhaps be able to make good"; or again, "Why should I mention his decrees, his acts of plunder, his acquisition, whether by cession or by force, of certain inheritances?" or "I say nothing of the first wrong inflicted by his lust"; or "I do not even propose to produce the evidence given concerning the 600,000 sesterces"; or "I might say, etc." Such kinds of irony may even be sustained at times

through whole sections of our argument, as, for instance, where Cicero says, “If I were to plead on this point as though there were some real charge to refute, I should speak at greater length.” It is also *irony* when we assume the tone of command or concession, as in Virgil’s

“Go!
Follow the winds to Italy;”

Aen. iv. 381.

or when we concede to our opponents qualities which we are unwilling that they should seem to possess. This is specially effective when we possess these qualities and they do not, as in the following passage,

“Brand *me* as coward, Drances, since thy sword
Has slain such hosts of Trojans.”

Aen. xi. 383.

A like result is produced by reversing this method when we pretend to own to faults which are not ours or which even recoil upon the heads of our opponents, as for example,

“’Twas I that led the Dardan gallant on
To storm the bridal bed of Sparta’s queen!”

Aen. x. 92.

Further, this device of saying the opposite of what we desire to imply is not merely restricted to persons, but may be extended to things, witness the whole of the *exordium* of the *pro Ligario* and disparaging phrases such as “Forsooth,” “ye great gods!” or

“Fit task, I ween, for gods!”

Aen. iv., 379

Another example is provided by the following passage from the *pro Oppio*, “What wondrous love! what extraordinary benevolence!” Akin to *irony* also are the following *figures*, which have a strong family resemblance: *confession* of a kind that can do our case no harm, such as the following: “You have now, Tubero, the advantage most desired by an accuser: the accused confesses his guilt”; secondly,

concession, when we pretend to admit something actually unfavourable to ourselves by way of showing our confidence in our cause, as in the following passage: “The commander of a ship from a distinguished city paid down a sum of money to rid himself of the fear of a scourging which hung over his head; it shows Verres’ humanity”; or again, in the *pro Cluentio*, where Cicero is speaking of the prejudice aroused against his client, “Let it prevail in the public assembly, but be silent in the courts of law”; thirdly, *agreement*, as when Cicero, in the same speech, agrees that the jury was bribed. This last form of *figure* becomes more striking when we agree to something which is really likely to tell in our favour; but such an opportunity can only occur through weakness on the part of our opponent. Sometimes we may even praise some action of our opponent, as Cicero does in his prosecution of Verres when dealing with the charge in connexion with Apollonius of Drepanum: “Nay, it is a real pleasure to me to think that you took something from him, and I say that you never did a juster action in your life.” At times we may exaggerate charges against ourselves which we can easily refute or deny; this device is too common to require any illustration. At other times we may by this same method make the charges brought against us seem incredible just because of their gravity: thus Cicero in his defence of Roscius, by the sheer force of his eloquence, exaggerates the horror of parricide, despite the fact that it requires no demonstration.

Aposiopesis, which Cicero calls *reticentia*, Celsus *obticentia*, and some *interruptio*, is used to indicate passion or anger, as in the line:

“Whom I—
But better first these billows to assuage.”

Aen. i. 135.

Or it may serve to give an impression of anxiety or scruple, as in the following: “Would he have dared to mention this law of which Clodius boasts he was the author, while Milo was alive, I will not say was consul? For as regards all of us—I do not dare to complete the sentence.” There is a similar instance in the exordium of Demosthenes’ speech in defence of Ctesiphon. Again it may be employed as a means of transition, as, for example, “Cominius, however— nay, pardon me, gentlemen.” This last instance also involves *digression*, if indeed digression is to be counted among *figures*, since some authorities regard it as forming one of the parts of a speech. For at this point the orator diverges to sing the praises of Gnaeus Pompeius, which he might have done without any recourse to *aposiopesis*. For as Cicero says, the shorter form of *digression* may be effected in a number of different ways. The following passages will, however, suffice as examples: “Then Gaius

Varenus, that is, the Varenus who was killed by the slaves of Ancharius: I beg you, gentlemen, to give careful attention to what I am about to say;” the second is from the *pro Milone*: “Then he turned on me that glance, which it was his wont to assume, when he threatened all the world with every kind of violence.” There is also another kind of figure, which is not aposiopesis, since that involves leaving a sentence unfinished, but consists in bringing our words to a close before the natural point for their conclusion. The following is an example: “I am pressing my point too far; the young man appears to be moved”; or “Why should I say more? you heard the young man tell the story himself.” The imitation of other persons’ characteristics, which is styled ἡθοποιία or, as some prefer μίμησις may be counted among the devices which serve to excite the gentler emotions. For it consists mainly in banter, though it may be concerned either with words or deeds. If concerned with the latter, it closely resembles ὑποτύπωσις while the following passage from Terence will illustrate it as applied to words: “I didn’t see your drift. ‘A little girl was stolen from this place; my mother brought her up as her own daughter. She was known as my sister. I want to get her away to restore her to her relations.’” We may, however, imitate our own words and deeds in a similar fashion by relating some act or statement, though in such cases the speaker more frequently does so to assert his point than for the sake of banter, as, for example, in the following, “I said that they had Quintus Caecilius to conduct the prosecution.” There are other devices also which are agreeable in themselves and serve not a little to commend our case both by the introduction of variety and by their intrinsic naturalness, since by giving our speech an appearance of simplicity and spontaneity they make the judges more ready to accept our statements without suspicion. Thus we may feign repentance for what we have said, as in the *pro Caelio*, where Cicero says, “But why did I introduce so respectable a character?” Or we may use some common phrase, such as, “I didn’t mean to say that.” Or we may pretend that we are searching for what we should say, as in the phrases, “What else is there?” or “Have I left anything out?” Or we may pretend to discover something suggested by the context, as when Cicero says, “One more charge, too, of this sort still remains for me to deal with,” or “One thing suggests another.” Such methods will also provide us with elegant transitions, although transition is not itself to be ranked among figures: for example, Cicero, after telling the story of Piso, who ordered a goldsmith to make a ring before him in court, adds, as though this story had suggested it to him, “This ring of Piso’s reminds me of something which had entirely slipped my memory. How many gold rings do you think Verres has stripped from the fingers of honourable men?” Or we may affect ignorance on certain points, as in the following passage: “But who was the sculptor who made those statues? Who was he? Thank you for

prompting me, you are right; they said it was Polyclitus.” This device may serve for other purposes as well. For there are means of this kind whereby we may achieve an end quite other than that at which we appear to be aiming, as, for example, Cicero does in the passage just quoted. For while he taunts Verres with a morbid passion for acquiring statues and pictures, he succeeds in creating the impression that he personally has no interest in such subjects. So, too, when Demosthenes swears by those who fell at Marathon and Salamis, his object is to lessen the odium in which he was involved by the disaster at Chaeronea. We may further lend charm to our speech by deferring the discussion of some points after just mentioning them, thus depositing them in the safe keeping of the judge’s memory and afterwards reclaiming our deposit; or we may employ some figure to enable us to repeat certain points (for repetition is not in itself a figure) or may make especial mention of certain things and vary the aspect of our pleading. For eloquence delights in variety, and just as the eye is more strongly attracted by the sight of a number of different things, so oratory supplies a continuous series of novelties to rivet the attention of the mind.

Emphasis may be numbered among figures also, when some hidden meaning is extracted from some phrase, as in the following passage from Virgil:

“Might I not have lived,
From wedlock free, a life without a stain,
Happy as beasts are happy?”

Aen. iv. 550.

For although Dido complains of marriage, yet her passionate outburst shows that she regards life without wedlock as no life for man, but for the beasts of the field. A different kind of emphasis is found in Ovid, where Zmyrna confesses to her nurse her passion for her father in the following words:

“O mother, happy in thy spouse!”

Met. x. 422.

Similar, if not identical with this figure is another, which is much in vogue at the present time. For I must now proceed to the discussion of a class of figure which is of the commonest occurrence and on which I think I shall be expected to make some comment. It is one whereby we excite some suspicion to indicate that our meaning is other than our words would seem to imply; but our meaning is not in this case contrary to that which we express, as is the case in *irony*, but rather a

hidden meaning which is left to the hearer to discover. As I have already pointed out, modern rhetoricians practically restrict the name of *figure* to this device, from the use of which *figured* controversial themes derive their name. This class of figure may be employed under three conditions: first, if it is unsafe to speak openly; secondly, if it is unseemly to speak openly; and thirdly, when it is employed solely with a view to the elegance of what we say, and gives greater pleasure by reason of the novelty and variety thus introduced than if our meaning had been expressed in straightforward language.

The first of the three is of common occurrence in the schools, where we imagine conditions laid down by tyrants on abdication and decrees passed by the senate after a civil war, and it is a capital offence to accuse a person with what is past, what is not expedient in the courts being actually prohibited in the schools. But the conditions governing the employment of figures differ in the two cases. For we may speak against the tyrants in question as openly as we please without loss of effect, provided always that what we say is susceptible of a different interpretation, since it is only danger to ourselves, and not offence to them, that we have to avoid. And if the danger can be avoided by any ambiguity of expression, the speaker's cunning will meet with universal approbation. On the other hand, the actual business of the courts has never yet involved such necessity for silence, though at times they require something not unlike it, which is much more embarrassing for the speaker, as, for example, when he is hampered by the existence of powerful personages, whom he must censure if he is to prove his case. Consequently he must proceed with greater wariness and circumspection; since the actual manner in which offence is given is a matter of indifference, and if a figure is perfectly obvious, it ceases to be a figure. Therefore such devices are absolutely repudiated by some authorities, whether the meaning of the figure be intelligible or not. But it is possible to employ such *figuress* in moderation, the primary consideration being that they should not be too obvious. And this fault can be avoided, if the *figure* does not depend on the employment of words of doubtful or double meaning, such, for instance, as the words which occur in the theme of the suspected daughter-in-law: "I married the wife who pleased my father." It is important, too, that the *figure* should not depend on ambiguous collocations of words (a trick which is far more foolish than the last); an example of this is to be found in the controversial theme, where a father, accused of a criminal passion for his unmarried daughter, asks her for the name of her ravisher. "Who dishonoured you?" he says. She replies: "My father, do you not know?" The facts themselves must be allowed to excite the suspicions of the judge, and we must clear away all other points, leaving nothing save what will suggest the truth. In doing this we shall find emotional appeals,

hesitation and words broken by silences most effective. For thus the judge will be led to seek out the secret which he would not perhaps believe if he heard it openly stated, and to believe in that which he thinks he has found out for himself. But however excellent our *figures*, they must not be too numerous. For overcrowding will make them obvious, and they will become ineffective without becoming inoffensive, while the fact that we make no open accusation will seem to be due not to modesty, but to lack of confidence in our own cause. In fact, we may sum up the position thus: our figures will have most effect upon the judge when he thinks that we use them with reluctance. I myself have come across persons whom it was impossible to convince by other means: I have even come across a much rarer thing, namely, a case which could only be proved by recourse to such devices. I was defending a woman who was alleged to have forged her husband's will, and the heirs were stated to have given a bond to the husband on his deathbed, which latter assertion was true. For since the wife could not legally be appointed his heir, this procedure was adopted to enable the property to be transferred to her by a secret conveyance in trust. Now it was easy for me to secure the woman's acquittal, by openly mentioning the existence of the bond; but this would have involved her loss of the inheritance. I had, therefore, to plead in such a way that the judges should understand that the bond had actually been given, but that informers might be unable to avail themselves of any statement of mine to that effect. And I was successful in both my aims. The fear of seeming to boast my own skill would have deterred me from mentioning this case, but for the fact that I wished to demonstrate that there was room for the employment of these *figures* even in the courts. Some things, again, which cannot be proved, may, on the other hand, be suggested by the employment of some *figure*. For at times such hidden shafts will stick, and the fact that they are not noticed will prevent their being drawn out, whereas if the same point were stated openly, it would be denied by our opponents and would have to be proved.

When, however, it is respect for some person that hampers us (which I mentioned as the second condition under which such *figures* may be used), all the greater caution is required because the sense of shame is a stronger deterrent to all good men than fear. In such cases the judge must be impressed with the fact that we are hiding what we know and keeping back the words which our natural impulse to speak out the truth would cause to burst from our lips. For those against whom we are speaking, together with the judges and our audience, would assuredly be all the more incensed by such toying with detraction, if they thought that we were inspired by deliberate malice. And what difference does it make how we express ourselves, when both the facts and our feelings are clearly understood? And what

good shall we do by expressing ourselves thus except to make it clear that we are doing what we ourselves know ought not to be done? And yet in the days when I first began to teach rhetoric, this failing was only too common. For declaimers selected by preference those themes which attracted them by their apparent difficulty, although as a matter of fact they were much easier than many others. For straightforward eloquence requires the highest gifts to commend itself to the audience, while these circuitous and indirect methods are merely the refuge of weakness, for those who use them are like men who, being unable to escape from their pursuers by speed, do so by doubling, since this method of expression, which is so much affected, is really not far removed from jesting. Indeed it is positively assisted by the tact that the hearer takes pleasure in detecting the speaker's concealed meaning, applauds his own penetration and regards another man's eloquence as a compliment to himself. Consequently it was not merely in cases where respect for persons prevented direct speaking (a circumstance which as a rule calls for caution rather than *figures*) that they would have recourse to *figurative* methods, but they made room for them even under circumstances where they were useless or morally inadmissible, as for example in a case where a father, who had secretly slain his son whom he suspected of incest with his mother, and was accused of ill-treating his wife, was made to bring indirect insinuations against his wife. But what could be more discreditable to the accused than that he should have kept such a wife? What could be more damaging than that he who is accused because he appears to have harboured the darkest suspicions against his wife, should by his defence confirm the charge which he is required to refute? If such speakers had only placed themselves in the position of the judges, they would have realised how little disposed they would have been to put up with pleading on such lines, more especially in cases where the most abominable crimes were insinuated against parents.

However, since we have lighted on this topic, let us devote a little more time to considering the practice of the schools. For it is in the schools that the orator is trained, and the methods adopted in pleading ultimately depend on the methods employed in declamation. I must therefore say something of those numerous cases in which *figures* have been employed which were not merely harsh, but actually contrary to the interests of the case. "A man condemned for attempting to establish himself as tyrant shall be tortured to make him reveal the names of his accomplices. The accuser shall choose what reward he pleases. A certain man has secured the condemnation of his father and demands as his reward that he should not be tortured. The father opposes his choice." Everyone who pleaded for the father indulged in *figurative* insinuations against the son, on the assumption that the

father would, when tortured, be likely to name him as one of his accomplices. But what could be more foolish? For as soon as the judges grasp their point, they will either refuse to put him to the torture in view of his motive for desiring to be tortured, or will refuse to believe any confession he may make under torture. But, it will be urged, it is possible that this was his motive. May be. But he should then disguise his motive, in order that he may effect his purpose. But what will it profit us (and by *us* I mean the declaimers) to have realised this motive, unless we declare it as well? Well, then, if the case were being actually pleaded in the courts, should we have disclosed this secret motive in such a way? Again, if this is not the real motive, the condemned man may have other reasons for opposing his son; he may think that the law should be carried out or be unwilling to accept such a kindness from the hands of his accuser, or (and this is the line on which I personally should insist) he may intend to persist in declaring his innocence even under torture. Consequently the usual excuse advanced by such declaimers to the effect that the inventor of the theme meant the defence to proceed on these lines, will not always serve their purpose. It is possible that this was not the inventor's wish. However, let us assume that it was. Are we then to speak like fools merely because he thought like a fool? Personally I hold that, even in actual cases, we should often disregard the wishes of the litigant. Further, in such cases speakers fall into the frequent error of assuming that certain persons say one thing and mean another: this is more especially the case where it is assumed that a man asks permission to die. Take, for example, the following controversial theme. "A man who had shown himself a heroic soldier in the past, on the occasion of a subsequent war demanded exemption from service in accordance with the law, on the ground that he was fifty years of age, but exemption being refused owing to the opposition of his son, he deserted on being compelled to go into the fight. The son, who had borne himself like a hero in the same battle, asks for his father's pardon as a reward. The father opposes his choice." "Yes," they say, "that is due not to his desire to die, but to bring odium on his son." For my part, I laugh at the fears which they manifest on his behalf, as though they were in peril of death themselves, and at the way in which they allow their terror to influence their line of pleading; for they forget how many precedents there are for suicide and how many reasons there may be why a hero turned deserter should wish for death. But it would be waste of time to expatiate on one controversial theme. I would lay it down as a general rule that an orator should never put forward a plea that is tantamount to collusion, and I cannot imagine a lawsuit arising in which both parties have the same design, nor conceive that any man who wishes to live could be such a fool as to put forward an absurd plea for death, when he might refrain from pleading for it at all. I do not, however, deny

that there are controversial themes of this kind where *figures* may legitimately be employed, as, for example, the following: "A man was accused of unnatural murder on the ground that he had killed his brother, and it seemed probable that he would be condemned. His father gave evidence in his defence, stating that the murder had been committed on his orders. The son was acquitted, but disinherited by the father." For in this case he does not pardon his son entirely, but cannot openly withdraw the evidence that he gave in the first trial, and while he does not inflict any worse penalty than disinheritance, he does not shrink from that. Further, the employment of the *figure* tells more heavily against the father than is fair and less against the son. But, while no one ever speaks against the view which he wishes to prevail, he may wish something of greater importance than what he actually says. Thus the disinherited son who asks his father to take back another son whom he had exposed, and who had been brought up by himself, on payment for his maintenance, while he may prefer that he himself should be reinstated, may all the same be perfectly sincere in his demand on behalf of his brother. Again, a kind of tacit hint may be employed, which, while demanding the utmost rigour of the law from the judges, suggests a loophole for clemency, not openly, for that would imply a pledge on our part, but by giving a plausible suspicion of our meaning. This device is employed in a number of controversial themes, among them the following. "A ravisher, unless within thirty days he secure pardon both from his own father and the father of the ravished girl, shall be put to death. A man who has succeeded in securing pardon from the father of the girl, but not from his own, accuses the latter of madness." Here if the father pledges himself to pardon him, the dispute falls to the ground. If, on the other hand, he holds out no hope of pardon, though he will not necessarily be regarded as mad, he will certainly give the impression of cruelty and will prejudice the judge against him. Latro therefore showed admirable skill when he made the son say, "You will kill me then?" and the father reply, "Yes, if I can." The elder Gallio treats the theme with greater tenderness, as was natural to a man of his disposition. He makes the father say, "Be firm, my heart, be firm. Yesterday you were made of sterner stuff." Akin to this are those *figures* of which the Greeks are so fond, by means of which they give gentle expression to unpleasing facts. Themistocles, for example, is believed to have urged the Athenians to commit their city to the protection of heaven, because to urge them to abandon it would have been too brutal an expression. Again the statesman who advised that certain golden images of Victory should be melted down as a contribution to the war funds, modified his words by saying that they should make a proper use of their victories. But all such devices which consist in saying one thing, while intending something else to be understood, have a strong resemblance to *allegory*.

It has also been asked how *figures* may best be met. Some hold that they should always be exposed by the antagonist, just as hidden ulcers are laid open by the surgeon. It is true that this is often the right course, being the only means of refuting the charges which have been brought against us, and this is more especially the case when the question turns on the very point at which the *figures* are directed. But when the *figures* are merely employed as vehicles of abuse, it will sometimes even be wisest to show that we have a clear conscience by ignoring them. Nay, even if too many figures have been used to permit us to take such a course, we may ask our opponents, if they have any confidence in the righteousness of their cause, to give frank and open expression to the charges which they have attempted to suggest by indirect hints, or at any rate to refrain from asking the judges not merely to understand, but even to believe things which they themselves are afraid to state in so many words. It may even at times be found useful to pretend to misunderstand them; for which we may compare the well known story of the man who, when his opponent cried, "Swear by the ashes of your father," replied that he was ready to do so, whereupon the judge accepted the proposal, much to the indignation of the advocate, who protested that this would make the use of *figures* absolutely impossible; we may therefore lay it down as a general rule that such *figures* should only be used with the utmost caution.

There remains the third class of figure designed merely to enhance the elegance of our style, for which reason Cicero expresses the opinion that such *figures* are independent of the subject in dispute. As an illustration I may quote the *figure* which he uses in his speech against Clodius: "By these means he, being familiar with all our holy rites, thought that he might easily succeed in appeasing the gods." *Irony* also is frequently employed in this connexion. But by far the most artistic device is to indicate one thing by allusion to another; take the case where a rival candidate speaks against an ex-tyrant who had abdicated on condition of his receiving an amnesty: "I am not permitted to speak against you. Do you speak against me, as you may. But a little while ago I wished to kill you." Another common device is to introduce an oath, like the speaker who, in defending a disinherited man, cried, "So may I die leaving a son to be my heir." But this is not a *figure* which is much to be recommended, for as a rule the introduction of an oath, unless it is absolutely necessary, is scarcely becoming to a self-respecting man. Seneca made a neat comment to this effect when he said that oaths were for the witness and not for the advocate. Again, the advocate who drags in an oath merely for the sake of some trivial rhetorical effect, does not deserve much credit, unless he can do this with the masterly effect achieved by Demosthenes, which I mentioned above. But by far the most trivial form of *figure* is that which turns on

a single word, although we find such a figure directed against Clodia by Cicero: “Especially when everybody thought her the friend of all men rather than the enemy of any.”

I note that *comparison* is also regarded as a *figure*, although at times it is a form of proof, and at others the whole case may turn upon it, while its form may be illustrated by the following passage from the *pro Murena*: “You pass wakeful nights that you may be able to reply to your clients; he that he and his army may arrive betimes at their destination. You are roused by cockcrow, he by the bugle’s reveille,” and so on. I am not sure, however, whether it is so much a *figure of thought* as of *speech*. For the only difference lies in the fact that universals are not contrasted with universals, but particulars with particulars. Celsus, however, and that careful writer Visellius regard it as a *figure of thought*, while Rutilius Lupus regards it as belonging to both, and calls it *antithesis*.

To the *figures* placed by Cicero among the ornaments of thought Rutilius (following the views of Gorgias, a contemporary, whose four books he transferred to his own work, and who is not to be confused with Georgias of Leontini) and Celsus (who follows Rutilius) would add a number of others, such as: *concentration*, which the Greek calls διαλλαγή a term employed when a number of different arguments are used to establish one point: *consequence*, which Gorgias calls ἐπακολούθησις and which I have already discussed under the head of argument: *inference*, which Gorgias terms συλλογισμός *threats*, that is, κατάπληξις *exhortation*, or παραινετικόν But all of these are perfectly straightforward methods of speaking, unless combined with some one of the *figures* which I have discussed above. Besides these, Celsus considers the following to be *figures*: exclusion, asseveration, refusal, excitement of the judge, the use of proverbs, the employment of quotations from poetry, jests, invidious remarks or invocation to intensify a charge (which is identical with δεινώσεις) flattery, pardon, disdain, admonition, apology, entreaty and rebuke. He even includes partition, proposition, division and affinity between two separate things, by which latter he means that two things apparently different signify the same: for example, not only the man who murders another by administering a deadly draught is to be regarded as a poisoner, but also the man who deprives another of his wits by giving him some drug, a point which depends on *definition*. To these Rutilius or Gorgias add ἀναγκαῖον that is, the representation of the necessity of a thing, ἀνάμνησις or reminding, ἀνθυποφορά that is, replying to anticipated objections, ἀντίρρησις or refutation, παραύξεις or amplification, προέκθεσις which means pointing out what ought to have been done, and then what actually has been done, ἐναντιότης, or arguments from opposites (whence we get *enthymemes* styled κατ’ ἐναντίωσιν), and even

μετάληψις, which Hermagoras considers a *basis*. Visellius, although he makes the number of *figures* but small, includes among them the *enthymeme*, which he calls *commentum*, and the *epicheireme*, which he calls *ratio*. This view is also partially accepted by Celsus, who is in doubt whether *consequence* is not to be identified with the *epicheireme*. Visellius also adds *general reflexions* to the list. I find others who would add to these διασκευή or enhancement, ἀπαγόρευσις or prohibition, and παραδιήγησις or incidental narrative. But though these are not figures, there may be others which have slipped my notice, or are yet to be invented: still, they will be of the same nature as those of which I have spoken above.

CHAPTER III: FIGURES OF SPEECH

Figures of speech have always been liable to change and are continually in process of change in accordance with the variations of usage. Consequently when we compare the language of our ancestors with our own, we find that practically everything we say nowadays is *figurative*. For example, we say *invidere hac re* for to “grudge a thing,” instead of *hanc rem*, which was the idiom of all the ancients, more especially Cicero, and *incumbere illi* (to lean upon him) for *incumbere in ilium*, *plenum vino* (full of wine) for *plenum vini*, and *huic adulari* (to flatter him) for *hunc adulari*. I might quote a thousand other examples, and only wish I could say that the changes were not often changes for the worse. But to proceed, *figures of speech* fall into two main classes. One is defined as the form of language, while the other is mainly to be sought in the arrangement of words. Both are equally applicable in oratory, but we may style the former rather more grammatical and the latter more rhetorical. The former originates from the same sources as errors of language. For every *figure* of this kind would be an error, if it were accidental and not deliberate. But as a rule such *figures* are defended by authority, age and usage, and not infrequently by some reason as well. Consequently, although they involve a divergence from direct and simple language, they are to be regarded as excellences, provided always that they have some praiseworthy precedent to follow. They have one special merit, that they relieve the tedium of everyday stereotyped speech and save us from commonplace language. If a speaker use them sparingly and only as occasion demands, they will serve as a seasoning to his style and increase its attractions. If, on the other hand, he strains after them overmuch, he will lose that very charm of variety which they confer. Some figures, however, are so generally accepted that they have almost ceased to be regarded as figures: consequently however frequently they may be used, they will make less impression on the ear,

just because it has become habituated to them. For abnormal *figures* lying outside the range of common speech, while they are for that very reason more striking, and stimulate the ear by their novelty, prove cloying if used too lavishly, and make it quite clear that they did not present themselves naturally to the speaker, but were hunted out by him, dragged from obscure corners and artificially piled together. *Figures*, then, may be found in connexion with the gender of nouns; for we find *oculis capti talpae* (blind moles) and *timidi damae* (timid deer) in Virgil; but there is good reason for this, since in these cases both sexes are covered by a word of one gender, and there is no doubt that there are male moles and deer as well as female. *Figures* may also affect verbs: for example, we find such phrases as *fabricatus est gladium* or *inimicum poenitus es*. This is the less surprising, since the nature of verbs is such that we often express the active by the passive form, as in the case of *arbitror* (think) and *suspikor* (suspect), and the passive by the active, as in the case of *vapulo* (am beaten). Consequently the interchange of the two forms is of common occurrence, and in many cases either form can be used: for example, we may say *luxuriatur* or *luxuriat* (luxuriate), *fluctuatur* or *fluctuat* (fluctuate), *adsentior* or *adsentio* (agree). *Figures* also occur in connexion with number, as when the plural follows the singular, as in the phrase *gladio pugnacissima gens Romani* (the Romans are a nation that fight fiercely with the sword); for *gens* is a singular noun indicating multitude. Or the singular may follow the plural, as in the following instance,

qui non risere parentes
nec deus hunc mensa dea nec dignata cubili est,

Ecl. iv. 62.

where “he whom no goddess deems,” etc., is included among “those who have never smiled,” etc. In a satire again we read,

nostrum istud vivere triste asphei,

Pers. i. 9.

where the infinitive is used as a noun: for the poet by *nostrum vivere* means *nostram vitam*. We also at times use the verb for the participle, as in the phrase,

magnum dat ferre talentum,

Aen. v. 248.

where *ferre* is used for *ferendum*, or the participle may be used for the verb, as in the

phrase *volo datum* (I wish to give).

At times, again, there may be some doubt as to the precise error which a figure resembles. Take, for example, the phrase

virtus est vitium fugere,

Hor. Ep. I. i. 41.

where the writer has either changed the parts of speech (making his phrase a variant for *virtus est fuga vitiorum*), or the cases (in which case it will be a variant for *virtutis est vitium fugere*); but whichever be the case, the *figure* is far more vigorous than either. At times *figures* are joined, as in *Sthenelus sciens pugnae*, which is substituted for *Sthenelus scilus pugnandi*. Tenses too are interchangeable. For example, *Timarchides negat esse ei periculum a seuri* the present *negat* is substituted for the past. Or one mood may be used for another, as in the phrase, *hoc Ithacus velit*. In fact, to cut a long matter short, there is a *figure* corresponding to every form of solecism.

There is also a *figure* styled ἑτεροίωσις (i.e. alteration of the normal idiom), which bears a strong resemblance to ἑξαλλαγή. For example, we find in Sallust phrases such as *neque ea res failsum me habuit* and *duci probare*. Such *figures* as a rule aim not merely at novelty, but at conciseness as well. Hence we get further developments, such as *non paenitutum* for “not intending to repent,” and *visuros* for “sent to see,” both found in the same author. These may have been figures when Sallust made them; but it is a question whether they can now be so considered, since they have met with such general acceptance. For we are in the habit of accepting common parlance as sufficient authority where current phrases are concerned: for example, *rebus agentibus* in the sense of *while this was going on*, which Pollio rebukes Labienus for using, has become an accredited idiom, as has *contumeliam fecit*, which, as is well known, is stigmatised by Cicero: for in his day they said *ad fici contumelia*. Figures may also be commended by their antiquity, for which Virgil had such a special passion. Compare his

vel cum se pavidum contra mea iurgia iactat

Aen. xi. 400.

or

*progeniem sed enim Troiano a sanguine duci
audierat.*

An. i. 19.

Numerous instances of the same kind might be cited from the old tragic and comic poets. One word of this type has remained in common use, namely *enimvero*. I might further quote from the same author

nam quis te iuvenum confidentissime,

Georg. iv. 445.

words which form the beginning of a speech: or

tam magis illa tremens et tristibus etffra flammis,
quam magis effuso crudescunt sanguine pugnae.

Aen. vii. 787.

“The more the strife with bloodshed rages wild,
The more it quivers and with baleful fire
Glows fiercer.”

There the sentence inverts the natural order which may be illustrated by *quam magis aerumna urgent, tam magis ad malefaciendumn viget*.

Old writers are full of such usages. At the beginning of the *Eunuchus* of Terence we have *quid igitur faciam*, while another comic poet says *ain tandem leno?* Catullus in his *Epithalamium* writes:

dum innupta manet, dum cara suis est,

Cat. lxii. 45.

where the first *dum* means *while*, and the second means *so long*. Sallust, on the other hand, borrows a number of idioms from the Greek, such as *vulgus amat fieri*: the same is true of Horace, who strongly approves of the practice. Compare his

nec ciceris net longae invidit avenae.

Sat. II. vi. 83.

Virgil does the same in phrases such as

Tyrrhenum navigat aequor

or *saucius pectus* (“wounded at heart”), an idiom which has now become familiar in

the public gazette. Under the same class of figure falls that of addition, which, although the words added may be strictly superfluous, may still be far from inelegant. Take, for example,

nam neque Parnasi vobis iuga, nam neque Pindi,

Ecl. x. 11:

where the second *nam* might be omitted. And we find in Horace,

Fabriciumcque,
hunc et intonsis Curium capillis.

Similarly, words are omitted, a device which may be either a blemish or a *figure*, according to the context. The following is an example:

accede ad ignem, iam calesces plus satis;

Ter. Eun. I. ii. 5.

for the full phrase would be *plus quam satis*. There is, however, another form of omission which requires treatment at greater length.

We frequently use the comparative for the positive, as, for example, when a man speaks of himself as being *infirmior* (rather indisposed). Sometimes we join two comparatives, as in the following passage: *si te, Catilina, comprehend, si interfici iussero, credo erit verendum mihi, ne non potius hoc ones boni serius a me quam quisquam crudelius factum esse dicat*. There are also *figures* like the following, which, though far from being solecisms, alter the number and are also usually included among *tropes*. We may speak of a single thing in the plural, as in the following instance:

“But we have travelled o’er a boundless space;”

Or we may speak of the plural in the singular, as in the following case:

“Like the fierce Roman in his country’s arms.”

There are others which belong to a different species, but the same genus, such as

“Nor let thy vineyards slope toward the west,”

Georg. ii. 298.

or

“In that hour
Be it not mine beneath the open sky
To court soft sleep nor on the forest ridge
Amid the grass to lie.”

Georg. iii. 435.

For in the first of these passages he is not advising some other person, nor exhorting himself in the second, his advice in both passages being meant for all. Sometimes, again, we speak of ourselves as though we were referring to others, as in phrases like, “Servius asserts, Tullius denies it.” At other times we speak in the first person instead of in another, or substitute one person for another. Both devices are employed together in the *pro Caecina*, where Cicero, addressing Piso, the counsel for the prosecution, says, “You asserted that you reinstated me: I deny that you did so in accordance with the praetor’s edict.” The actual truth is that it was Aebutius who asserted that he had reinstated the defendant, and Caecina who denied that he had been restored in accordance with the praetor’s edict. We may note also a further *figure of speech* in the contracted *dixti*, which has dropped one of its syllables. The following also may be regarded as belonging to the same *genus*. The first is called *interpositio* or *interclusio* by us, and *parenthesis* or *paremptosis* by the Greeks, and consists in the interruption of the continuous flow of our language by the insertion of some remark. The following is an example: *ego cum te (mecum enim saepissime loquilar) patriae reddidissem*. To this they add *hyperbaton*, which they refuse to include among *tropes*. A second *figure* of this kind is one closely resembling the *figure of thought* known as *apostrophe*, but differing in this respect, that it changes the form of the language and not the sense. The following will illustrate my meaning:

“The Decii too,
The Marii and Camilli, names of might,
The Scipios, stubborn warriors, aye, and thee,
Great Caesar.”

Georg. ii. 169. (Rhoades’ translation).

There is a still more striking example in the passage describing the death of Polydorus:

“All faith he brake and Polydorus slew
Seizing his gold by force. Curst greed of gold,

To what wilt thou not drive the hearts of men?”

Those terminologists who delight in subtle distinctions call the last figure *μετάβασις* (transition), and hold that it may be employed in yet another way, as in Dido’s

What do I say? Where am I?

Aen. iv. 595.

Virgil has combined *apostrophé* and *parenthesis* in the well-known passage:

“Next Mettus the swift cars asunder tore,
(Better, false Alban, hadst thou kept thy troth!)
And Tullus dragged the traitors’ mangled limbs. . .”

These figures and the like, which consist in change, addition, omission, and the order of words, serve to attract the attention of the audience and do not allow it to flag, rousing it from time to time by some specially striking figure, while they derive something of their charm from their very resemblance to blemishes, just as a trace of bitterness in food will sometimes tickle the palate. But this result will only be obtained if figures are not excessive in number nor all of the same type or combined or closely packed, since economy in their use, no less than variety, will prevent the hearer being surfeited.

There is a more striking class of figure, which does not merely depend on the form of the language for its effect, but lends both charm and force to the thought as well. The first figure of this class which calls for notice is that which is produced by *addition*. Of this there are various kinds. Words, for instance, may be doubled with a view to amplification, as in “I have slain, I have slain, not Spurius Maelius” (where the first *I have slain* states what has been done, while the second emphasises it), or to excite pity, as in

“Ah! Corydon, Corydon.”

Ecl. ii. 69.

The same figure may also sometimes be employed ironically, with a view to disparagement. Similar to such doubling of words is repetition following a *parenthesis*, but the effect is stronger. “I have seen the property alas! (for though all my tears are shed, my grief still clings to me deep-rooted in my heart), the property, I say, of Gnaeus Pompeius put up for sale by the cruel voice of the public crier.”

“You still live, and live not to abate your audacity, but to increase it.” Again, a number of clauses may begin with the same word for the sake of force and emphasis. “Were you unmoved by the guard set each night upon the Palatine, unmoved by the patrolling of the city, unmoved by the terror of the people, unmoved by the unanimity of all good citizens, unmoved by the choice of so strongly fortified a spot for the assembly of the senate, unmoved by the looks and faces of those here present to-day?” Or they may end with the same words. “Who demanded them? Appius. Who produced them? Appius.” This last instance, however, comes under the head of another figure as well, where both opening and concluding words are identical, since the sentences open with “who” and end with “Appius.” Here is another example. “Who are they who have so often broken treaties? The Carthaginians. Who are they who have waged war with such atrocious cruelty? The Carthaginians. Who are they who have laid Italy waste? The Carthaginians. Who are they who pray for pardon? The Carthaginians.” Again, in antitheses and comparisons the first words of alternate phrases are frequently repeated to produce correspondence, which was my reason for saying a little while back that this device came under the present topic rather than that which I was then discussing. “You pass wakeful nights that you may be able to reply to your clients; he that he and his army may arrive betimes at their destination. You are roused by cockcrow, he by the bugle’s reveillé. You draw up your legal pleas, he sets the battle in array. You are on the watch that your clients be not taken at a disadvantage, he that cities or camps be not so taken.” But the orator is not content with producing this effect, but proceeds to reverse the figure. “He knows and understands how to keep off the forces of the enemy, you how to keep off the rainwater; he is skilled to extend boundaries, you to delimit them.” A similar correspondence may be produced between the middle and the opening of a sentence, as in the line:

te nemus Angitia, vitrea te Fucinus unda.

Aen. vii. 759

Or the middle may correspond to the end, as in the following sentence: “This ship, laden with the spoil of Sicily, while it was itself a portion of the spoil.” Nor will it be questioned that a like effect may be produced by the repetition of the middle of both clauses. Again, the end may correspond with the beginning. “Many grievous afflictions were devised for parents and for kinsfolk many.” There is also another form of repetition which simultaneously reiterates things that have already been said, and draws distinctions between them.

“Iphitus too with me and Pelias came,
Iphitus bowed with age and Pelias
Slow-limping with the wound Ulysses gave.”

Aen. ii. 435.

This is styled ἐπάνοδος by the Greeks and *regression* by Roman writers. Nor are words only repeated to reaffirm the same meaning, but the repetition may serve to mark a contrast, as in the following sentence. “The reputation of the leaders was approximately equal, but that of their followers perhaps not so equal.” At times the cases and genders of the words repeated may be varied, as in “Great is the toil of speaking, and great the task, etc.”; a similar instance is found in Rutilius, but in a long period. I therefore merely cite the beginnings of the clauses. *Pater hic tuus? patrem nunc appellas? patris tui filius es?* This figure may also be effected solely by change of cases, a proceeding which the Greeks call πολύπτωτον. It may also be produced in other ways, as in the *pro Cluentio*: *Quod autem tempus veneni dandi? illo die? illa frequentia? per quem porro datum? unde sumptum? quae porro interceptio poculi? cur non de integro autem datum?* The combination of different details is called μεταβολήν by Caecilius, and may be exemplified by the following passage directed against Oppianicus in the *pro Cluentio*: “The local senate were unanimously of opinion that he had falsified the public registers at Larinum; no one would have any business dealings or make any contract with him, no one out of all his numerous relations and kinsfolk ever appointed him as guardian to his children,” with much more to the same effect. In this case the details are massed together, but they may equally be distributed or *dissipated*, as I think Cicero says. For example:

“Here corn, there grapes, elsewhere the growth of trees
More freely rises,”

Georg. i. 54.

with the remainder of the passage. A wonderful mixture of figures may be found in Cicero in the following passage, where the first word is repeated last after a long interval, while the middle corresponds with the beginning, and the concluding words with the middle. “Yours is the work which we find here, conscript fathers, not mine, a fine piece of work too, but, as I have said, not mine, but yours.” This frequent repetition, which, as I have said, is produced by a mixture of figures, is called πλοκή by the Greeks: a letter of Cicero to Brutus will provide a further example. “When I had made my peace with Appius Claudius and made it through

the agency of Gnaeus Pompeius, when then I had made my peace,” etc. The like effect may be produced in the same sentence by repeating the same words in different forms, as in Persius:

“Is then to know in thee
Nothing unless another know thou knowest?”

i. 26.

and in Cicero, where he says, “For it was impossible for the judges as well to be condemned by their own judgement.” Whole sentences again end with the phrase with which they began. Take an example. “He came from Asia. What a strange thing. A tribune of the people came from Asia.” Nay, the first word of this same period is actually repeated at its close, thus making its third appearance: for to the words just quoted the orator adds, “Still for all that he came.” Sometimes a whole clause is repeated, although the order of the words is altered, as, for example, *Quid Cleomenes facere potuit non enim possum quemquam insimulare falso, quid, inquam, magno opere potuit Cleomenes facere?* The first word of one clause is also frequently the same as the last of the preceding, a figure common in poetry.

“And ye,
Pierian Muses, shall enhance their worth
For Gallus; Gallus, he for whom each hour
My love burns stronger.”

Cat. I. i. 2.

But it is not uncommon even in the orators. For example: “Yet this man lives. Lives? Why he even came into the senate house.” Sometimes, as I remarked in connexion with the doubling of words, the beginnings and the conclusions of sentences are made to correspond by the use of other words with the same meaning. Here is an example of correspondence between the beginnings: “I would have faced every kind of danger; I would have exposed myself to treacherous attacks; I would have delivered myself over to public hatred.” An example of the correspondence of conclusions is provided by another passage in the same speech which follows close on that just cited: “For you have decided; you have passed sentence; you have given judgment.” Some call this *synonymy*, others *disjunction*: both terms, despite their difference, are correct. For the words are differentiated, but their meaning is identical. Sometimes, again, words of the same meaning are grouped together. For instance, “Since this is so, Catiline, proceed on the path which you have entered;

depart from the city, it is high time. The gates are open, get you forth.”

Or take this example from another book of the orations against Catiline, “He departed, he went hence; he burst forth, he was gone.” This is regarded as a case of *pleonasm* by Caecilius, that is to say, as language fuller than is absolutely required, like the phrase:

“Myself before my very eyes I saw:”

Aen. xii. 638.

for “myself” is already implied by “I saw.” But when such language is over weighted by some purely superfluous addition, it is, as I have also pointed out elsewhere, a fault; whereas when, as in this case, it serves to make the sense stronger and more obvious, it is a merit. “I saw,” “myself,” “before my very eyes,” are so many appeals to the emotion. I cannot therefore see why Caecilius should have stigmatised these words by such a name, since the doubling and repetition of words and all forms of addition may likewise be regarded as *pleonasms*. And it is not merely words that are thus grouped together. The same device may be applied to thoughts of similar content. “The wild confusion of his thoughts, the thick darkness shed upon his soul by his crimes and the burning torches of the furies all drove him on.”

Words of different meaning may likewise be grouped together, as for instance, “The woman, the savage cruelty of the tyrant, love for his father, anger beyond control, the madness of blind daring”; or again, as in the following passage from Ovid,

“But the dread Nereids’ power,
But horned Ammon, but that wild sea-beast
To feed upon my vitals that must come.”

Met. v. 17.

I have found some who call this also by the name of *πλοκή*: but I do not agree, as only one figure is involved. We may also find a mixture of words, some identical and others different in meaning; of this figure, which the Greeks style *διαλλαγή*, the following will provide an example: “I ask my enemies whether these plots were investigated, discovered and laid bare, overthrown, crushed and destroyed by me.” In this sentence “investigated,” “discovered” and “laid bare” are different in meaning, while “overthrown,” “crushed” and “destroyed” are similar in meaning to each other, but different from the three previous. But both the last example and the last but one involve a different *figure* as well, which, owing to the absence of

connecting particles, is called *dissolution* (*asyndeton*), and is useful when we are speaking with special vigour: for it at once impresses the details on the mind and makes them seem more numerous than they really are. Consequently, we apply this *figure* not merely to single words, but to whole sentences, as, for instance, is done by Cicero in his reply to the speech which Metellus made to the public assembly: “I ordered those against whom information was laid, to be summoned, guarded, brought before the senate: they were led into the senate,” while the rest of the passage is constructed on similar lines. This kind of *figure* is also called *brachylogy*, which may be regarded as detachment without loss of connexion. The opposite of this figure of *asyndeton* is *polyxyndeton*, which is characterised by the number of connecting particles employed. In this figure we may repeat the same connecting particle a number of times, as in the following instance:

“His house and home and arms
And Amyclean hound and Cretan quiver;”

Georg. iii. 344.

or they may be different, as in the case of *arma virumque* followed by *multum ille et terris* and *multa quoque*. Adverbs and pronouns also may be varied, as in the following instance: *lic ilium vidi iunvenem* followed by *bis senos cui nostra dies* and *hic mihi responsum primus dedit ille petenti*. But both these cases involve the massing together of words and phrases either in *asyndeton* or *polysyndeton*. Writers have given special names to all the different forms, but the names vary with the caprice of the inventor. The origin of these *figures* is one and the same, namely that they make our utterances more vigorous and emphatic and produce an impression of vehemence such as might spring from repeated outbursts of emotion.

Gradation, which the Greeks call *climax*, necessitates a more obvious and less natural application of art and should therefore be more sparingly employed. Moreover, it involves *addition*, since it repeats what has already been said and, before passing to a new point, dwells on those which precede. I will translate a very famous instance from the Greek. “I did not say this, without making a formal proposal to that effect, I did not make that proposal without undertaking the embassy, nor undertake the embassy without persuading the Thebans.” There are, however, examples of the same thing in Latin authors. “It was the energy of Africanus that gave him his peculiar excellence, his excellence that gave him glory, his glory that gave him rivals.” Calvus again writes, “Consequently this means the abolition of trials for treason no less than for extortion, for offences covered by the Plautian law no less than for treason, for bribery no less than for those offences, and

for all breaches of every law no less than for bribery,” etc. It is also to be found in poets, as in the passage in Homer describing the sceptre which he traces from the hands of Jupiter down to those of Agamemnon, and in the following from one of our own tragedians:

“From Jove, so runs the tale, was Tantalus sprung,
From Tantalus Pelops, and of Pelops’ seed
Sprang Atreus, who is sire of all our line.”

As regards the figures produced by omission, they rely for their charm in the main on conciseness and novelty. There is one of these which I mentioned in the last book with reference to *synecdoche*, and postponed discussing until such time as I came to deal with *figures*: it occurs when the word omitted may be clearly gathered from the context: an example may be found in Caelius’ denunciation of Antony: *stupere gaudio Graecus*: for we must clearly supply *coepit*. Or take the following passage from a letter of Cicero to Brutus: *Serno nullus scilicet nisi de te: quid enim potius? turn Flavius, cras, inquit, tabellarii, et ego ibidem has inter cenam exaravi*. Of a similar kind, at any rate in my opinion, are those passages in which words are decently omitted to spare our modesty.

“You—while the goats looked goatish—we know who,
And in what chapel—(but the kind Nymphs
laughed).”

Ecl. iii. 8.

Some regard this as an *aposiopesis*, but wrongly. For in *aposiopesis* it is either uncertain or at least requires an explanation of some length to show what is suppressed, whereas in the present case only one word, and that of an obvious character, is missing. If this, then, is an *aposiopesis*, all omissions will have a claim to the title. I would not even allow the name of *aposiopesis* to all cases where what is omitted is left to be understood, as for example the following phrase from Cicero’s letters, *Data Lupercalibus quo die Antonius Caesari*: for there, there is no real suppression: the omission is merely playful, for there is but one way of completing the sentence, namely with the words *diadema imposuit*. Another figure produced by omission is that of which I have just spoken, when the connecting particles are omitted. A third is the figure known as *ἑπεζευγμένον* in which a number of clauses are all completed by the same verb, which would be required by each singly if they stood alone. In such cases the verb to which the rest of the sentence refers may

come first, as in the following instance: *Vicit pudorem lilido, timiorem audacia, rationem amentia*. Or it may come last, closing a number of clauses, as in the following: *Neque enim is es, Catilina, ut te aut pudor unquam a turpitudine aut meites a periculo aut ratio a furore revocaverit*. The verb may even be placed in the middle so as to serve both what precedes and what follows. The same figure may join different sexes, as for example when we speak of a male and female child under the comprehensive term of “sons”; or it may interchange singular and plural. But these devices are so common that they can scarcely lay claim to involve the art essential to *figures*. On the other hand it is quite obviously *figure*, when two different constructions are combined as in the following case:

Sociis tunc arma capessant
Edico et dira bellum cum gene gerendumn.

Aen. iii. 234; participio = gerundive (gerendum).

(“I bid my comrades straight to seize their arms / And war be waged
against a savage race.”)

For although the portion of the sentence following *bellum* ends with a participle, both clauses of the sentence are correctly governed by *edico*. Another form of connexion, which does not necessarily involve omission, is called συννοικείωσις, because it connects two different things, for example:

“The miser lacks
That which he has no less than what he has not.”

Syrus 486 (Ribbeck).

To this figure is opposed *distinction*, which they call παραδιαστολή, by which we distinguish between similar things, as in this sentence: “When you call yourself wise instead of astute, brave instead of rash, economical instead of mean.” But this is entirely dependent on definition, and therefore I have my doubts whether it can be called a figure. Its opposite occurs when we pass at a bound from one thing to something different, as though from like to like; for example:

“I labour to be brief, I turn obscure,”

Hor A.P. 25.

with what follows.

There is a third class of *figures* which attracts the ear of the audience and excites their attention by some resemblance, equality or contrast of words. To this class belongs *paronomasia*, which we call *adnominatio*. This may be effected in different ways. It may depend on the resemblance of one word to another which has preceded, although the words are in different cases. Take the following passage from Domitius Afer's defence of Cloatilla: *Mulier omnium rerum imiperita, in omnibus rebus infelix*. Or the same word may be repeated with greater meaning, as *quando homo, hostis homino*. But although I have used these examples to illustrate something quite different, one of them involves both *emphasis* and *reiteration*. The opposite of *paronomasia* occurs when one word is proved to be false by repetition; for instance, "This law did not seem to be a law to private individuals." Akin to this is that syled ἀντανάκλασις, where the same word is used in two different meanings. When Proculeius reproached his son with waiting for his death, and the son replied that he was not waiting for it, the former retorted, *Well then, I ask you to wait for it*. Sometimes such difference in meaning is obtained not by using the same word, but one like it, as for example by saying that a man whom you think *dignus supplicatione* (worthy of supplication) is *supplicio adficiendus*. There are also other ways in which the same words may be used in different senses or altered by the lengthening or shortening of a syllable: this is a poor trick even when employed in jest, and I am surprised that it should be included in the text-books: the instances which I quote are therefore given as examples for avoidance, not for imitation. Here they are: *Amari iucundum est, si curetur ne quid insit amari*, and *Avium dulcedo ad avium ducit*; and again this jest from Ovid,

Cur ego non dicam, Furia, te furiam?

Cornificius calls this *traductio*, that is the transference of the meaning of one word to another. It has, however, greater elegance when it is employed to distinguish the exact meanings of things, as in the following example: "This curse to the state could be repressed for a time, but not suppressed for ever;" the same is true when the meaning of verbs is reversed by a change in the preposition with which they are compounded: for example, *Non emissus ex urbe, sed immissus in urbem esse videatur*. The effect is better still and more emphatic when our pleasure is derived both from the figurative form and the excellence of the sense, as in the following instance: *emit morte immortalitatem*. A more trivial effect is produced by the following: *Non Pisonum, sed pistorum*, and *Ex oratore arator*, while phrases such as *Ne patres conscripti videantur circumscripti*, or *raro evenit, sed vehementer venit*, are the worst of all. It does, however, sometimes happen that a bold and vigorous

conception may derive a certain charm from the contrast between two words not dissimilar in sound. I do not know that there is any reason why modesty should prevent me from illustrating this point from my own family. My father, in the course of a declamation against a man who had said he would die on his embassy and then returned after a few days' absence without accomplishing anything, said, *non exigo ut immoriaris legationi: immorare*. For the sense is forcible and the sound of the two words, which are so very different in meaning, is pleasant, more especially since the assonance is not far fetched, but presents itself quite naturally, one word being of the speaker's own selection, while the other is supplied by his opponent. The old orators were at great pains to achieve elegance in the use of words similar or opposite in sound. Gorgias carried the practice to an extravagant pitch, while Isocrates, at any rate in his early days, was much addicted to it. Even Cicero delighted in it, but showed some restraint in the employment of a device which is not unattractive save when carried to excess, and, further, by the weight of his thought lent dignity to what would otherwise have been mere trivialities. For in itself this artifice is a flat and foolish affectation, but when it goes hand in hand with vigour of thought, it gives the impression of natural charm, which the speaker has not had to go far to find. There are some four different forms of play upon verbal resemblances. The first occurs when we select some word which is not very unlike another, as in the line of Virgil

vuppesque tuae pubesque tuorum,

Aen. i. 399.

or, *sic in hac calamitosa fama quasi in aliqua perniciosissim flamma*, and *non enim tarn spes laudanda quam res est*. Or at any rate the words selected will be of equal length and will have similar terminations, as in *non verbis, sed armis*. A good effect may also be produced by an artifice such as the following, so long as the thought which it expresses be vigorous: *quantum possis, in eo semper experire ut prosis*. The name commonly applied to this is *πάροσον* though the Stoic Theon thinks that in cases of *πάρισον* the correspondence between the clauses must be exact. The second form occurs when clauses conclude alike, the same syllables being placed at the end of each; this correspondence in the ending of two or more sentences is called *homoeoteleuton*. Here is an example: *Non modo ad salutem eius extinguendam sed etiam gloriam per tales viros infringendam*. This figure is usually, though not invariably, found in the groups of three clauses, styled *τρίκωλα*, of which the following may be cited as an illustration: *vicit pudorem libido, timorem audacia, rationed amentia*. But the device may be applied to four clauses or more. The effect

may even be produced by single words; for example, *Hecuba hoc dolet, pudet, piget, or abiit, excessit, erupit, evasit*. In the third form the correspondence is produced by the use of similar cases; it is known as ὁμοιόπτωτον. But this name, though it implies a certain similarity, does not necessarily involve identity in termination, since it means no more than similarity of case, irrespective of the fact that words may be differently declined, and does not always occur at the end of a sentence; the correspondence may occur at the beginning, middle or end of clauses, or may be varied so that the middle of one clause corresponds with the beginning of another and the end with the middle: in fact, any arrangement of correspondences is permissible. Nor need the words which correspond consist of the same number of syllables. For example, we find the following sentence in Domitius Afer: *Amisso nuper infelicitis aulae, si non praesidio inter pericula, tamen solacio inter adversa*. The best form of this figure is that in which the beginnings and ends of the clauses correspond (as in this case *praesidio* corresponds with *solacio* and *pericula* with *adversa*), in such a way that there is a close resemblance between the words, while cadence and termination are virtually identical. It is also desirable that the clauses should be of equal length, although as a matter of fact this forms the fourth figure of this class, and is known as ἰσόκωλον. The following will serve as an example, being both ἰσόκωλον and ὁμοιόπτωτον: *Si, quantum in agro locisque desertis audacia potest, tantum in foro atque iudiciis impudentia valeret*; continuing, it combines ἰσόκωλον, ὁμοιόπτωτον, and ὁμοιοτέλευτον.: *non minus nunc in causa cederet Aulus Caecina Sexti Aebutii impudentiae, quam turn in vi facienda cessit audaciae*. This passage derives an additional elegance from the figure which I mentioned above as consisting in the repetition of words with an alteration of case, tense, mood, etc., to be found in this instance in the words *non minus cederet quam cessit*. The following, on the other hand, combines *homoeoteleuton* and *paronomasia*: *Neminem alteri posse dare in matrimonium, nisi penes quem sit patrimonium*.

Antithesis, which Roman writers call either *contrapositum* or *contentio*, may be effected in more than one way. Single words may be contrasted with single, as in the passage recently quoted, *Vicit pudorem libido, timorem audacia*, or the contrast may be between pairs of words, as in *non nostri ingenii, vestri auxilii est*, or sentence may be contrasted with sentence, as in *dominetur in contionibus, iaceat in iudiciis*. Next to this another form may appropriately be placed, namely that which we have styled *distinction* and of which the following is an example: *Odit populus Romanus privaia luxuriam, publicam magoificentiam diligit*. The same is true of the figure by which words of similar termination, but of different meaning are placed at the end of corresponding clauses, as in *ut quod in tempore mali fuit, nihil obsit, quod in causa boni fruit, prosit*. Nor is the contrasted phrase always placed immediately after that

to which it is opposed, as it is in the following instance: *est igitur haec, indices, non scripta, sed nata lex*: but, as Cicero says, we may have correspondence between subsequent particulars and others previously mentioned, as in the passage which immediately follows that just quoted: *quam non didicimus, accepimus, legimus, verum ex natura ipsa arrptluimus, hauusimus, epressimus*. Again the contrast is not always expressed antithetically, as is shown by the following passage from Rutilius: *nobis primis dii immortales fruges dedelunt, nos, quod soli accepimus, in omnes terras distribuimus*. Antithesis may also be effected by employing that *figure*, known as ἀντιμεταβολή by which words are repeated in different cases, tenses, moods, etc., as for instance when we say, *non ut edam, vivo, sed ut vivam, edo* (I do not live to eat, but eat to live). There is an instance of this in Cicero, where he has managed, while changing the case, to secure similarity of termination: *ut et sine invidia culpa plectatur et sine culpa invidia ponatur*. Again the clauses may end with the same word, as when Cicero says of Sextus Roscius: *etenim cum artifex eiusmodi est ut solus videatur dignus qui in scena spectetur, turn vir eiusmodi est ut solus dignus esse videatur qui eo non accedat*. There is also a special elegance which may be secured by placing names in antithesis, as in the following instance, *Si consul Antonius, Brutus hostis; si conservator rei publicae Brutus, hostis Antonius*.

I have already said more than was necessary on the subject of *figures*. But there will still be some who think that the following (which they call ἀνθυποφορὰ is a *figure*: *Incredibile est, quod dico, sed verum*: they say the same of *Aliquis hoc semel tubit, neno bis, ego ter* (which they style διέξοδος), and of *Longius evects sum, sed redeo ad propositum*, which they call ἄφοδος. There are some *figures of speech* which differ little from *figures of thought*, as for example that of hesitation. For when we hesitate over a thing, it belongs to the former class, whereas when we hesitate over a word, it must be assigned to the latter, as for instance if we say, “I do not know whether to call this wickedness or folly.” The same consideration applies to correction. For correction emends, where hesitation expresses a doubt. Some have even held that it applies to personification as well; they think, for example, that *Avarice is the mother of cruelty*, Sallust’s *O Romulus of Arpinum* in his speech against Cicero, and the *Thriasian Oedipus* of Menander are *figures of speech*. All these points have been discussed in full detail by those who have not given this subject merely incidental treatment as a portion of a larger theme, but have devoted whole books to the discussion of the topic: I allude to writers such as Caecilius, Dionysius, Rutilius, Cornificius, Visellius and not a few others, although there are living authors who will be no less famous than they. Now though I am ready to admit that more *figures of speech* may perhaps be discovered by certain writers, I cannot agree that such figures are better than those which have been laid down by high authorities. Above

all I would point out that Cicero has included a number of figures in the third book of the *de Oratore*, which in his later work, the *Orator*, he has omitted, thereby seeming to indicate that he condemned them. Some of these are *figures of thought* rather than *of speech*, such as meiosis, the introduction of the unexpected, imagery, answering our own questions, digression, permission, arguments drawn from opposites (for I suppose that by *contrarium* he means what is elsewhere styled ἐναντιότης), and proof borrowed from an opponent. There are some again which are not figures at all, such as arrangement, distinction by headings, and circumscription, whether this latter term be intended to signify the concise expression of thought or definition, which is actually regarded by Cornificius and Rutilius as a *figure of speech*. With regard to the elegant transposition of words, that is, *hyperbaton*, which Caecilius also thinks is a *figure*, I have included it among *tropes*. As for *mutation* of the kind which Rutilius calls ἀλλοίωσις its function is to point out the differences between men, things and deeds: if it is used on an extended scale, it is not a *figure*, if on a narrower scale, it is mere *antithesis*, while if it is intended to mean *hypallage*, enough has already been said on the subject. Again what sort of a figure is this *addition of a reason, for what is advanced*, which Rutilius calls αἰτιολογία? It may also be doubted whether the *assignment of a reason for each distinct statement*, with which Rutilius opens his discussion of figures, is really a figure. He calls it προσαπόδοσις and states that strictly it applies to a number of propositions, since the reason is either attached to each proposition separately, as in the following passage from Gaius Antonius: “But I do not fear him as an accuser, for I am innocent; I do not dread him as a rival candidate, for I am Antonius; I do not expect to see him consul, for he is Cicero”; or, after two or three propositions have been stated, the reasons for them may be given continuously in the same order, as for example in the words that Brutus uses of Gnaeus Pompeius: “For it is better to rule no man than to be the slave to any man: since one may live with honour without ruling, whereas life is no life for the slave.” But a number of reasons may also be assigned for one statement, as in the lines of Virgil:

“Whether that earth there from some hidden strength
And fattening food derives, or that the tire
Bakes every blemish out, etc.
Or that the heat unlocks new passages. . . .
Or that it hardens more, etc.”

Georg. i. 86.

As to what Cicero means by *reference*, I am in the dark: if he means ἀνάκλασις

or ἐπάνοδος or ἀντιμεταβολή, I have already discussed them. But whatever its meaning may be, he does not mention it in the Orator any more than the other terms I have just mentioned. The only figure of speech mentioned in that work, which I should prefer to regard as a figure of thought owing to its emotional character, is *exclamation*. I agree with him about all the rest. To these Caecilius adds *periphrasis*, of which I have already spoken, while Cornificius adds interrogation, reasoning, suggestion, transition, concealment, and further, sentence, clause, isolated words, interpretation and conclusion. Of these the first (down to and including concealment) are *figures of thought*, while the remainder are not *figures* at all. Rutilius also in addition to the figures found in other authors adds, παρομολογία ἀναγκαῖον ἥθοποιῖα δικαιολογία, πρόληψις, χαρακτηρισμός βραχυλογία, παρασιώπησις παρρησία of which I say the same. I will pass by those authors who set no limit to their craze for inventing technical terms and even include among *figures* what really comes under the head of arguments.

With regard to genuine *figures*, I would briefly add that, while, suitably placed, they are a real ornament to style, they become perfectly fatuous when sought after overmuch. There are some who pay no consideration to the weight of their matter or the force of their thoughts and think themselves supreme artists, if only they succeed in forcing even the emptiest of words into *figurative* form, with the result that they are never tired of stringing *figures* together, despite the fact that it is as ridiculous to hunt for *figures* without reference to the matter as it is to discuss dress and gesture without reference to the body. But even perfectly correct *figures* must not be packed too closely together. Changes of facial expression and glances of the eyes are most effective in pleading, but if the orator never ceases to distort his face with affected grimaces or to wag his head and roll his eyes, he becomes a laughing-stock. So too oratory possesses a natural mien, which while it is far from demanding a stolid and immovable rigidity should as far as possible restrict itself to the expression with which it is endowed by nature. But it is of the first importance that we should know what are the requirements of time, place and character on each occasion of speaking. For the majority of these figures aim at delighting the hearer. But when terror, hatred and pity are the weapons called for in the fray, who will endure the orator who expresses his anger, his sorrow or his entreaties in neat antitheses, balanced cadences and exact correspondences? Too much care for our words under such circumstances weakens the impression of emotional sincerity, and wherever the orator displays his art unveiled, the hearer says, "The truth is not in him."

CHAPTER IV: ARTIFICIALITY IN LANGUAGE

I should not venture to speak of artistic structure after what Cicero has said upon the subject (for there is I think no topic to which he has devoted such elaborate discussion) but for the fact that his own contemporaries ventured to traverse his theories on this subject even in letters which they addressed to him, while a number of later writers have left on record numerous observations on the same topic. Accordingly on a large number of questions I shall be found in agreement with Cicero and shall deal more briefly with those points which admit of no dispute, while there will be certain subjects on which I shall express a certain amount of disagreement. For, though I intend to make my own views clear, I shall leave my readers free to hold their own opinion.

I am well aware that there are certain writers who would absolutely bar all study of artistic structure and contend that language as it chances to present itself in the rough is more natural and even more manly. If by this they mean that only that is natural which originated with nature and has never received any subsequent cultivation, there is an end to the whole art of oratory. For the first men did not speak with the care demanded by that art nor in accordance with the rules that it lays down. They knew nothing of introducing their case by means of an exordium, of instructing the jury by a statement of facts, of proving by argument or of arousing the emotions. They lacked all these qualifications as completely as they lacked all knowledge of the theory of artistic structure. But if they were to be forbidden all progress in this respect, they ought equally to have been forbidden to exchange their huts for houses, their cloaks of skin for civilised raiment and their mountains and forests for cities. What art was ever born fullgrown? What does not ripen with cultivation? Why do we train the vine? Why dig it? We clear the fields of brambles, and they too are natural products of the soil. We tame animals, and yet they are born wild. No, that which is most natural is that which nature permits to be done to the greatest perfection. How can a style which lacks orderly structure be stronger than one that is welded together and artistically arranged? It must not be regarded as the fault of the study of structure that the employment of feet consisting of short syllables such as characterise the Sotadean and Galliambic metres and certain prose rhythms closely resembling them in wildness, weakens the force of our matter. Just as river-currents are more violent when they run along a sloping bed, that presents no obstacles to check their course, than when their waters are broken and baffled by rocks that obstruct the channel, so a style which flows in a continuous stream with all the full development of its force is better than one which is rough and

broken. Why then should it be thought that polish is inevitably prejudicial to vigour, when the truth is that nothing can attain its full strength without the assistance of art, and that art is always productive of beauty? Is it not the fact that grace always goes with the highest skill in throwing the spear, and that the truer the archer's aim, the more comely is his attitude? Again in fencing and all the contests of the wrestling school, what one of all the tricks of attack and defence is there, that does not require movements and firmness of foot such as can only be acquired by art? Consequently in my opinion artistic structure gives force and direction to our thoughts just as the throwing-thong and the bowstring do to the spear and the arrow. And for this reason all the best scholars are convinced that the study of structure is of the utmost value, not merely for charming the ear, but for stirring the soul. For in the first place nothing can penetrate to the emotions that stumbles at the portals of the ear, and secondly man is naturally attracted by harmonious sounds. Otherwise it would not be the case that musical instruments, in spite of the fact that their sounds are inarticulate, still succeed in exciting a variety of different emotions in the hearer. In the sacred games different methods are employed to excite and calm the soul, different melodies are required for the war-song and the entreaty sung by the suppliant on bended knee, while the war-note of the trumpet that leads the army forth to battle has no resemblance to the call that sounds the retreat. It was the undoubted custom of the Pythagoreans, when they woke from slumber, to rouse their souls with the music of the lyre, that they might be more alert for action, and before they retired to rest, to soothe their minds by melodies from the same instrument, in order that all restlessness of thought might be lulled to orderly repose. But if there is such secret power in rhythm and melody alone, this power is found at its strongest in eloquence, and, however important the selection of words for the expression of our thoughts, the structural art which welds them together in the body of a period or rounds them off at the close, has at least an equal claim to importance. For there are some things which, despite triviality of thought and mediocrity of language, may achieve distinction in virtue of this excellence alone. In fact, if we break up and disarrange any sentence that may have struck us as vigorous, charming or elegant, we shall find that all its force, attraction and grace have disappeared. Cicero in his *Orator* breaks up some of his own utterances in this way: "*Neque me divitiae movent, quibus omnes Africanos et Laelios multi venalicii mercatoresque superarunt.*" Change the order but a little so that it will run *multi superarunt mercatores venaliciiique,*" and so on. Disarrange these periods in such a manner, and you will find that the shafts you have hurled are broken or wide of the mark. Cicero also corrects passages in the speeches of Gracchus where the structure appears to him to be harsh. For Cicero this is becoming enough, but we

may content ourselves with testing our own power of welding together in artistic form the disconnected words and phrases which present themselves to us. For why should we seek elsewhere for examples of faults which we may all of us find in our own work? One point, however, it is enough simply to notice—that the more beautiful in thought and language the sentence which you deprive of such structural cohesion, the more hideous will be the effect upon the style, for the very brilliance of the words at once exposes the carelessness of their arrangement. Accordingly, although I admit that artistic structure, at any rate in perfection, was the last accomplishment to be attained by oratory, I still hold that even primitive orators regarded it as one of the objects of their study, as far at least as the rudeness of their attainments permitted. For even Cicero for all his greatness will never persuade me that Lysias, Herodotus and Thucydides were careless in this respect. They may not perhaps have pursued the same ideals as Demosthenes and Plato, and even these latter differed in their methods. For it would never have done to spoil the fine and delicate texture of Lysias by the introduction of richer rhythms, since he would thus have lost all that surpassing grace which he derives from his simple and unaffected tone, while he would also have sacrificed the impression of sincerity which he now creates. For it must be remembered that he wrote his speeches for others to deliver, so that it was right that they should suggest a lack of form and artistic structure: indeed his success in producing this effect actually shows his mastery of structure. Again history, which should move with speed and impetuosity, would have been ill-suited by the halts imposed by the rounding off of the period, by the pauses for breath inevitable in oratory, and the elaborate methods of opening sentences and bringing them to a close. It is however true that in the speeches inserted by historians we may note something in the way of balanced cadences and antitheses. As regards Herodotus, while his flow, in my opinion, is always gentle, his dialect has such a sweetness of its own that it even seems to contain a certain rhythmical power hidden within itself. However I shall speak of the different ideals a little later: my immediate task is to teach the student elementary rules which are essential if correctness of structure is to be attained.

There are then in the first place two kinds of style: the one is closely welded and woven together, while the other is of a looser texture such as is found in dialogues and letters, except when they deal with some subject above their natural level, such as philosophy, politics or the like. In saying this, I do not mean to deny that even this looser texture has its own peculiar rhythms which are perhaps the most difficult of all to analyse. For dialogues and letters do not demand continual *hiatus* between vowels or absence of rhythm, but on the other hand they have not the flow or the compactness of other styles, nor does one word lead up so inexorably

to another, the structural cohesion being loose rather than non-existent. Again in legal cases of minor importance a similar simplicity will be found to be most becoming, a simplicity, that is to say, that does not dispense with rhythm altogether, but uses rhythms of a different kind, conceals them and employs a certain secrecy in their construction. But the more closely welded style is composed of three elements: the *comma*, or as we call it *incisum*, the *colon*, or in Latin *menbrum*, and the *period*, which Roman writers call *ambitus*, *circumductum*, *continuatio* or *conclusio*. Further, in all artistic structure there are three necessary qualities, *order*, *connexion* and *rhythm*.

Of these we will first discuss *order*, which must be considered in connexion with words taken both singly and in conjunction. Words taken singly are known as *asyndeta* (unconnected). In dealing with them we must take care that our style does not diminish in force through the fact that a weaker word is made to follow a stronger: as, for example, if after calling a man a despoiler of temples we were to speak of him as a thief, or after styling him a highwayman were to dub him an insolent fellow. For sentences should rise and grow in force: of this an excellent example is provided by Cicero, where he says, "You, with that throat, those lungs, that strength, that would do credit to a prizefighter, in every limb of your body"; for there each phrase is followed by one stronger than the last, whereas, if he had begun by referring to his whole body, he could scarcely have gone on to speak of his lungs and throat without an anticlimax. There is also another species of order which may be entitled natural, as for example when we speak of "men and women," "day and night," "rising and setting," in preference to the reverse order. In some cases a change in the order will make a word superfluous: for example, we write *fratres gemini* rather than *gemini fratres* (twin-brothers), since if *gemini* came first, there would be no necessity to add *fratres*. The rule which some have sought to enforce that nouns should precede verbs, and verbs adverbs, while epithets and pronouns should follow their substantives, is a mere extravagance, since the reverse order is often adopted with excellent effect. Another piece of extravagant pedantry is to insist that the first place should always be occupied by what is first in order of time: such an order is no doubt often the best, but merely because previous events are often the most important and should consequently be placed before matters of more trivial import. If the demands of artistic structure permit, it is far best to end the sentence with a verb: for it is in verbs that the real strength of language resides. But if it results in harshness of sound, this principle must give way before the demands of rhythm, as is frequently the case in the best authors of Rome and Greece. Of course, in every case where a verb does not end the sentence, we shall have an *hyperbaton*, but *hyperbaton* is an admitted *trope* or *figure*, and therefore is to

be regarded as an adornment. For words are not cut to suit metrical feet, and are therefore transferred from place to place to form the most suitable combinations, just as in the case of unhewn stones their very irregularity is the means of suggesting what other stones they will best fit and what will supply them with the surest resting-place. On the other hand, the happiest effects of language are produced when it is found possible to employ the natural order, apt connexion and appropriate rhythm. Some transpositions are too long, as I have pointed out in previous books, while at times they involve faulty structure, although some writers actually aim at this vicious type of transposition, in order to create an appearance of freedom and license, as in the following phrases from Maecenas, *sole et aurora rubent plurima; inter se sacra movit aqua fraxinos; ne exequias quidem unus inter miserrimos viderem meas*. The worst feature in these examples, is that he plays pranks with his structure while dealing with a sad theme. It is, however, not infrequently possible to give special significance to a word by placing it at the close of the sentence and thereby stamping and impressing it on the mind of the hearer, whereas if it were placed in the middle of the sentence, it would remain unnoticed, escape the attention and be obscured by its surroundings; the following passage from Cicero will illustrate what I mean: *ut tibi necesse esset in conspectu populi Romani vomere postridie*. Transfer the last word to some other position and the effect will be decreased. For the whole passage is made to converge to a point at the end; the disgraceful circumstance of his being forced to vomit has been mentioned and the audience expect nothing more, when the orator adds yet a further revolting feature of the case, namely that he was still unable to retain his food the day after the carouse. Domitius Afer was in the habit of transferring words at the cadence of the sentence solely for the purpose of harshening his rhythm, more especially in his *exordia*, as, for example, in his defence of Cloatilla, where he says *gratias again continuo*, and in his defence of Laelia, where he says, *eis utrisque apud te iudicem periclitatur Laelia*. To such an extent did he avoid the voluptuous effect of soft and delicate rhythm, that he actually interposed obstacles to break the natural harmonies of his language. There is a further drawback resulting from the faulty arrangement of words, with which we are all familiar, namely, that it leads to ambiguity. The above remarks will, I think, suffice as a brief summary of the points which require notice in connexion with order. If the order is faulty, our language will be deservedly liable to the charge of lacking artistic construction, however compact and rhythmical it may be.

The next point for consideration is connexion, that is to say connexion between words, *commata*, *cola* and periods. For all these have merits and defects which turn on the way in which they are linked together. I will follow the natural order and

will begin by pointing out that there are some blemishes so obvious that even the uneducated regard them as worthy of censure; I refer to occasions when two consecutive words form some unseemly expression by the coalescence of the last syllable of the first word and the first of the second. Again, there are occasions when vowels clash. When this happens, the language is broken by gaps and interstices and seems to labour. The most displeasing effects of sound will be produced by the juxtaposition of the same long vowels, while the worst *hiatus* occurs between vowels which are pronounced hollow- or open-mouthed. *E* has a flatter, *i* a narrower sound, and consequently such blemishes are less noticeable where they are concerned. It is a less serious fault to place short vowels after long, a statement which applies even more strongly to placing short vowels before long. But the least unsatisfactory combination is that of two short vowels. And in all conjunctions of vowels, the resulting sound will be proportionately soft or harsh according as they resemble or differ from each other in the method of utterance. On the other hand, *hiatus* is not to be regarded as so very terrible a crime: in fact I do not know which is the worse fault in this connexion, carelessness or a pedantic solicitude for correctness. For anxiety on this score is bound to check the flow of our language and to divert us from more important considerations. Therefore while it is a sign of carelessness to admit *hiatus* here, there and everywhere, it is a symptom of grovelling timidity to be continually in terror of it, and there is good reason for the view that all the followers of Isocrates and more especially Theopompus pay accessive attention to the avoidance of this defect. On the other hand Demosthenes and Cicero show a sense of proportion in the way in which they face the problem. For the coalescence of two letters, known as συναλοιφή, may make our language run more smoothly than if every word closed with its own vowel, while sometimes *hiatus* may even prove becoming and create an impression of grandeur, as in the following case, *pulchra oratione ista iacta te*. For syllables which are naturally long and rich in sound gain something from the time which intervenes between two vowels, as though there were a perceptible pause. I cannot do better than quote the words of Cicero on this subject. *Hiatus*, he says, *and the meeting of vowels produce a certain softness of effect, such as to suggest a not displeasing carelessness on the part of the orator, as though he were more anxious about his matter than his words.*

But consonants also are liable to conflict at the juncture of words, more especially those letters which are comparatively harsh in sound; as for instance when the final *s* of one word clashes with *x* at the opening of the next. Still more displeasing is the hissing sound produced by the collision between a pair of these consonants, as in the phrase *ars studiorum*. This was the reason why Servius, as he himself has observed, dropped the finals, whenever the next word began with a

consonant, a practice for which Luranius takes him to task, while Messala defends him. For he thinks that Lucilius did not pronounce the final *s* in phrases such as, *Aeserninus fuit* and *dignus locoque*, while Cicero in his *Orator* records that this was the practice with many of the ancients. Hence we get forms such as *belligerare* and *pomeridiem*, to which the *diee hanc* of Cato the Censor, where the final *m* is softened into an *e*, presents an analogy. Unlearned readers are apt to alter such forms when they come across them in old books, and in their desire to decry the ignorance of the scribes convict themselves of the same fault. On the other hand, whenever this same letter *m* comes at the end of a word and is brought into contact with the opening vowel of the next word in such a manner as to render coalescence possible, it is, although written, so faintly pronounced (*e.g.* in phrases such as *nultum ille* and *quantum erat*) that it may almost be regarded as producing the sound of a new letter. For it is not elided, but merely obscured, and may be considered as a symbol occurring between two vowels simply to prevent their coalescence. Care must also be taken that the last syllables of one word are not identical with the opening syllables of the next. In case any of my readers should wonder that I think it worth while to lay down such a rule, I may point out that Cicero makes such a slip in his Letters, in the sentence *res mihi invisae visae sunt*, *Brute*, and in the following line of verse,

Ofortunatam natam me consule Romam.

See XI. i. 24.

Again it is a blemish to have too many monosyllables in succession, since the inevitable result is that, owing to the frequency of the pauses, the rhythm degenerates into a series of jerks. For the same reason we must avoid placing a number of short verbs and nouns in succession; the converse also is true as regards long syllables, since their accumulation makes our rhythm drag. It is a fault of the same class to end a number of successive sentences with similar cadences, terminations and inflexions. It is likewise inartistic to accumulate long series of verbs, nouns or other parts of speech, since even merits produce tedium unless they have the saving grace of variety.

The principles by which the connexion of words is guided are not sufficient in the case of *commata* and *cola*, though even here beginnings and ends should harmonise; but our structural effect will very largely depend on the relative order of these two types of clause. For in the following instance *vomens frustis esculentis gremium suum el totum tribunal implevit* [the order is satisfactory, since the fact of his having filled the whole judgement seat with his vomiting is the more important

of the two]. On the other hand (for I shall repeat the same illustrations for different purposes to make them more familiar) in the following passage, *saxa alque solitudines voci respondent, bestiae saepe immanes cantu flectuntur atque consistunt*, the gradation would be improved, if it were reversed: for it is a greater miracle to move rocks than wild beasts: but the claims of structural grace have carried the day. However, let us pass to the consideration of *rhythm*.

All combination, arrangement and connexion of words involves either rhythms (which we call *numeri*), or metres, that is, a certain measure. Now though both rhythm and metre consist of feet, they differ in more than one respect. For in the first place rhythm consists of certain lengths of time, while metre is determined by the order in which these lengths are arranged. Consequently the one seems to be concerned with quantity and the other with quality. Rhythm may depend on equal balance, as in the case of *dactylic* rhythm, where one long syllable balances two short, (there are it is true other feet of which this statement is equally true, but the title of dactylic has been currently applied to all, while even boys are well aware that a long syllable is equivalent to two beats and a short to one) or it may consist of feet in which one portion is half as long again as the other, as is the case with *paeanic* rhythm (a *paean* being composed of one long followed by three shorts, three shorts followed by one long or with any other arrangement preserving the proportion of three beats to two) or finally one part of the foot may be twice the length of the other, as in the case of the *iambus*, which is composed of a short followed by a long, or of the *choreus* consisting of a long followed by a short. These feet are also employed by metre, but with this difference, that in rhythm it does not matter whether the two shorts of the *dactyl* precede or follow the long; for rhythm merely takes into account the measurement of the time, that is to say, it insists on the time taken from its rise to its fall being the same. The measure of verse on the other hand is quite different; the *anapaest* (u u $\_$) or *spondee* ($\_ \_$) cannot be substituted at will for the *dactyl*, nor is it a matter of indifference whether the *paean* begins or ends with short syllables. Further, the laws of metre not merely refuse the substitution of one foot for another, but will not even admit the arbitrary substitution of any *dactyl* or *spondee* for any other *dactyl* or *spondee*. For example, in the line

Panditur snterea domus omnipotentis Olympi

Aen. x. 1.

the alteration of the order of the *dactyls* would destroy the verse. There are also the following differences, that rhythm has unlimited space over which it may range,

whereas the spaces of metre are confined, and that, whereas metre has certain definite cadences, rhythm may run on as it commenced until it reaches the point of μεταβολή, or transition to another type of rhythm: further, metre is concerned with words alone, while rhythm extends also to the motion of the body. Again rhythm more readily admits of *rests* although they are found in metre as well. Greater license is, however, admitted when the time is measured by the beat of the feet or fingers, and the intervals are distinguished by certain symbols indicating the number of shorts contained within a given space: hence we speak of four or five time (τετράσημοι, or πεντάσημοι) and others longer still, the Greek σημεῖον indicating a single beat.

In prose the rhythm should be more definite and obvious to all. Consequently, it depends on feet, by which I mean metrical feet, which occur in oratory to such an extent that we often let slip verses of every kind without being conscious of the fact, while everything written in prose can be shown by analysis to consist of short lines of verse of certain kinds or sections of the same. For example, I have come across tiresome grammarians who attempted to force prose into definite metres, as though it were a species of lyric poetry. Cicero, indeed, frequently asserts that the whole art of prose-structure consists in rhythm and is consequently censured by some critics on the ground that he would fetter our style by the laws of rhythm. For these *numeri*, as he himself expressly asserts, are identical with rhythm, and he is followed in this by Virgil, who writes,

Numeros memini, si verba tenerem

Ecl. ix. 45.

and Horace, who says,

Numerisquefertur

Lege solutis.

Odes. IV. ii. 11.

Among others they attack Cicero's statement that the *thunderbolts of Demosthenes would not have such force but for the rhythm with which they are whirled and sped upon their way*. If by *rhythmis contorta* he really means what his critics assert, I do not agree with him. For rhythms have, as I have said, no fixed limit or variety of structure, but run on with the same rise and fall till they reach their end, and the style of oratory will not stoop to be measured by the beat of the foot or the fingers. This fact is clearly understood by Cicero, who frequently shows that the sense in

which he desires that prose should be rhythmical is rather that it should not lack rhythm, a deficiency which would stamp the author as a man of no taste or refinement, than that it should be tied by definite rhythmical laws, like poetry; just as, although we may not wish certain persons to be professional gymnasts, we still do not wish them to be absolutely ignorant of the art of gymnastics. But the rounding of the period to an appropriate close which is produced by the combination of feet requires some name; and what name is there more suitable than rhythm, that is to say, the rhythm of oratory, just as the *enthymeme* is the syllogism of oratory? For my own part, to avoid incurring the calumny, from which even Cicero was not free, I ask my reader, whenever I speak of the rhythm of artistic structure (as I have done on every occasion), to understand that I refer to the rhythm of oratory, not of verse.

It is the task of collocation to link together the words which have been selected, approved and handed over to its custody. For even harsh connexions are better than those which are absolutely valueless. None the less I should allow the orator to select certain words for their euphony, provided always that their force and meaning are the same as those of the alternative words. He may also be permitted to add words, provided they are not superfluous, and to omit them, provided they are not essential to the sense, while he may employ figures to alter case and number, since such variety is attractive in itself, quite apart from the fact that it is frequently adopted for the sake of the rhythm. Again if reason demand one form and usage another, the claims of rhythm will decide our choice between the two, *e.g.* between *vitavisse* and *vitasse* or between *deprehendere* and *deprendere*. Further I do not object to the coalescence of syllables or anything that does no injury either to sense or style. The most important task, however, is to know what word is best fitted to any given place. And the most accomplished artist will be the man who does not arrange his words solely with a view to rhythmic effect.

On the other hand the management of feet is far more difficult in prose than in verse, first because there are but few feet in a single line of verse which is far shorter than the lengthy periods of prose; secondly because each line of verse is always uniform and its movement is determined by a single definite scheme, whereas the structure of prose must be varied if it is to avoid giving offence by its monotony and standing convicted of affectation. Rhythm pervades the whole body of prose through all its extent. For we cannot speak without employing the long and short syllables of which feet are composed. Its presence is, however, most necessary and most apparent at the conclusion of the period, firstly because every group of connected thoughts has its natural limit and demands a reasonable interval to divide it from the commencement of what is to follow: secondly because the ear,

after following the unbroken flow of the voice and being carried along down the stream of oratory, finds its best opportunity of forming a sound judgement on what it has heard, when the rush of words comes to a halt and gives it time for consideration. Consequently all harshness and abruptness must be avoided at this point, where the mind takes breath and recovers its energy. It is there that style has its citadel, it is this point that excites the eager expectation of the audience, it is from this that the declaimer wins all his glory. Next to the conclusion of the period, it is the beginning which claims the most care: for the audience have their attention fixed on this as well. But the opening of the sentence presents less difficulty, since it is independent and is not the slave of what has preceded. It merely takes what has preceded as a starting point, whereas the conclusion coheres with what has preceded, and however carefully constructed, its elegance will be wasted, if the path which leads up to it be interrupted. Hence it is that although the rhythmical structure adopted by Demosthenes in the passage τοῖς φεοῖς εὐχομαι πᾶσι καὶ πάσαις; and again in another passage (approved by all, I think, except Brutus) κἄν μήπω βάλλῃ μηδὲ τοξεύῃ, is regarded as severely correct, Cicero is criticised for passages such as *familiaris coeperat esse balneatori* and for the not less unpleasing *archipiratae*. For although *balneatori* and *archipiratae* give exactly the same cadence as πᾶσι καὶ πάσαις and μηδὲ τοξεύῃ the former are more severely correct. There is also something in the fact that in the passages from Cicero two feet are contained in one word, a practice which even in verse produces an unduly effeminate effect, and that not merely when the line ends with a five-syllable word as in *fortissima Tyndaridarum* but also in four-syllable endings such as *Appennino*, *armamentis* and *Oreione*. Consequently we must also avoid ending our periods with words containing too many syllables. With regard to the middle portions of our periods we must take care not merely that they possess internal cohesion, but also that the rhythm is neither sluggish nor long, and above all that we do not fall into the now fashionable fault of placing a number of short syllables together with the result that we produce an effect not unlike the sound of a child's rattle. For while the beginnings and conclusions of periods, where the sense begins or ends, are the most important, it is none the less the fact that the middle portion may involve some special efforts which necessitate slight pauses. Remember that the feet of a runner, even though they do not linger where they fall, still leave a footprint. Consequently not only must *commata* and *cola* begin and end becomingly, but even in parts which are absolutely continuous without a breathing space, there must be such almost imperceptible pauses. Who, for example, can doubt that there is but one thought in the following passage and that it should be pronounced without a halt for breath? *Animadverti, idlices, omnem accusatoris orationem in duas divisam esse partes* Still the

groups formed by the first two words, the next three, and then again by the next two and three, have each their own special rhythms and cause a slight check in our breathing: at least such is the opinion of specialists in rhythm. And just in proportion as these small segments of the period are grave or vigorous, slow or rapid, languid or the reverse, so will the periods which they go to form be severe or luxuriant, compact or loose. Again, the conclusions of clauses sometimes seem to halt or hang, if they are regarded apart from their context, but are usually caught up and supported by what follows, so that what seemed a faulty cadence is corrected by the continuation. *Non vult populus Romanus obsoletis criminibus accusari Verrem* would be harsh in rhythm, if the sentence ended there; but when it is continued with what follows, *nova postulat, inaudita desiderat*, although the words are separate in meaning, the rhythmical effect is preserved. *Ut adeas, tantum dabis* would be a bad conclusion, for it forms the last portion of an iambic trimeter: but it is followed by *ut cibum vestitumque introferre liceat, tantum*: the rhythm is still abrupt but is strengthened and supported by the last phrase of all, *nemo recusabat*.

The appearance of a complete verse in prose has a most uncouth effect, but even a portion of a verse is ugly, especially if the last half of a verse occurs in the cadence of a period or the first half at the beginning. The reverse order may on the other hand often be positively pleasing, since at times the first half of a verse will make an excellent conclusion, provided that it does not cover more than a few syllables. This is especially the case with the *senarius* or *octonarius*. *In Aliica fuisse* is the opening of a *senarius* and closes the first clause of the *pro Ligario: esse videatur*, with which we are now only too familiar as a conclusion, is the beginning of an *ocionarius*. Similar effects are to be found in Demosthenes, as for example *πᾶσι καὶ πάσαις* and *πᾶσιν ὑμῖν* and throughout almost the whole exordium of that speech. The ends of verses are also excellently suited to the beginning of a period: *etsi vereor, iudices*, for example and *animadverti, iudices*. But the opening feet of a verse are not suited to the opening phrases of prose: Livy provides an example of this in his preface, which begins with the first half of a *hexameter*, '*Facturusne operae premium sim.*' for these are the words as he wrote them, and they are better so than as they have been corrected. Again, the cadence of a verse is not suitable to the cadence of a period: compare the phrase of Cicero, *Quo me vertam, nescio*, which is the end of a *trimeter*. It matters not whether we speak of a *trimeter* or of a *senarius*, since the line has six feet and three beats. The end of a *hexameter* forms a yet worse conclusion; compare the following passage from the letters of Brutus: *neque illi malunt habere tutores aut defensores, quoniam causam sciunt placuisse Catoni*. Iambic endings are less noticeable, because that metre is near akin to prose. Consequently such lines often slip from us unawares: they are specially common in Brutus as a

result of his passion for severity of style; they are not infrequent in Asinius, and are sometimes even found in Cicero, as for example at the very beginning of his speech against Lucius Piso: *Pro di immortales, qui hic nunc illuxit dies?* Equal care must however be taken to avoid any phrase of a definitely metrical character, such as the following passage from Sallust: *Falso queritur de natura sua.* For although the language of prose is bound by certain laws, it should appear to be free. None the less Plato, despite the care which he devotes to his rhythm, has not succeeded in avoiding this fault at the very opening of the *Timaeus*, where we are met at the very outset with the opening of a *hexameter*, which is followed by a *colon* which can be scanned as an Anacreontic, or if you like, as a trimeter, while it is also possible to form what the Greeks call a *πενθημιμερὲς* (that is a portion of the hexameter composed of two feet and a part of a third): and all these instances occur within the space of three lines. Again Thucydides has allowed to slip from his pen a phrase of the most effeminate rhythm in ὑπὲρ ἥμισυ Κᾶρες ἐφάνησαν.

But, having stated that all prose rhythm consists of feet, I must say something on these as well. Different names are given to these feet, and it is necessary to determine what we shall call each of them. For my part I propose to follow Cicero (for he himself followed the most eminent Greek authorities), with this exception, that in my opinion a foot is never more than three syllables long, whereas Cicero includes the *paean* and the *dochmiac* (u – – u –), of which the former has four and the latter as many as five syllables. He does not, however, conceal the fact that some regard these as rhythms rather than feet: and they are right in so doing, since whatever is longer than three syllables involves more than one foot. Since then there are four feet which consist of two syllables, and eight composed of three, I shall call them by the following names: two long syllables make a *spondee*; the *pyrrhic* or *pariambus*, as some call it, is composed of two shorts; the *iambus* of a short followed by a long; its opposite, that is a long followed by a short, is a *choreus*, for I prefer that term to the name of *trochee* which is given it by others. Of trisyllabic feet the *dactyl* consists of a long followed by two shorts, while its opposite, which has the same time-length, is called an *anapaest*. A short between two longs makes an *amphimacer*, although it is more often called a *cretic*, while a long between two shorts produces its opposite, the *amphibruachys*. Two long syllables following a short make a *bacchius*, whereas, if the long syllables come first the foot is called a *palimbacchius*. Three shorts make a *trochee*, although those who give that name to the *choreus* call it a *tribrach*: three longs make a *molossus*. Every one of these feet is employed in prose, but those which take a greater time to utter and derive a certain stability from the length of their syllables produce a weightier style, short syllables being best adapted for a nimble and rapid style. Both types are useful in their proper place: for

weight and slowness are rightly condemned in passages where speed is required, as are jerkiness and excessive speed in passages which call for weight. It may also be important to remark that there are degrees of length in long syllables and of shortness in short. Consequently, although syllables may be thought never to involve more than two time-beats or less than one, and although for that reason in metre all shorts and all longs are regarded as equal to other shorts and longs, they none the less possess some undefinable and secret quality, which makes some seem longer and others shorter than the normal. Verse, on the other hand, has its own peculiar features, and consequently some syllables may be either long or short. Indeed, since strict law allows a vowel to be long or short, as the case may be, when it stands alone, no less than when one or more consonants precede it, there can be no doubt, when it comes to the measuring of feet, that a short syllable, followed by another which is either long or short, but is preceded by two consonants, is lengthened, as for example in the phrase *agrestem tenui musam*. For both *a* and *gr* are short, but the latter lengthens the former, thereby transferring to it something of its own time-length. But how can it do this, unless it possesses greater length than is the portion of the shortest syllables, to which it would itself belong if the consonants *st* were removed? As it is, it lends one time-length to the preceding syllable, and subtracts one from that which follows. Thus two syllables which are naturally short have their time-value doubled by position.

I am, however, surprised that scholars of the highest learning should have held the view that some feet should be specially selected and others condemned for the purposes of prose, as if there were any foot which must not inevitably be found in prose. Ephorus may express a preference for the *paean* (which was discovered by Thrasy-machus and approved by Aristotle) and for the *dactyl* also, on the ground that both these feet provide a happy mixture of long and short; and may avoid the *spondee* and the *trochee*, condemning the one as too slow and the other as too rapid; Aristotle may regard the *heroic* foot, which is another name for the *dactyl*, as too dignified and the *iambus* as too commonplace, and may damn the *trochee* as too hasty and dub it the *cancan*; Theodectes and Theophrastus may agree with him, and a later critic, Dionysius of Halicarnassus, may adopt a similar view; but for all they say, these feet will force themselves upon them against their will, and it will not always be possible for them to employ the *dactyl* or their beloved *paean*, which they select for special praise because it so rarely forms part of a verse rhythm. It is not, however, the words which cause some feet to be of more common occurrence than others; for the words cannot be increased or diminished in bulk, nor yet can they, like the notes in music, be made short or long at will; everything depends on transposition and arrangement. For a large proportion of feet are formed by the

connexion or separation of words, which is the reason why several different verses can be made out of the same words: for example, I remember that a poet of no small distinction writing the following line:

Astra tenet caelum, mare classes, area messem,

a line which, if the order of the words be reversed, becomes a Sotadean; again, the following Sotadean, if reversed, reads as an *iambic trimeter*:

caput exeruit mobile pinus repelita.

Feet therefore should be mixed, while care must be taken that the majority are of a pleasing character, and that the inferior feet are lost in the surrounding crowd of their superior kindred. The nature of letters and syllables cannot be changed, but their adaptability to each other is a consideration of no small importance. Long syllables, as I have said, carry the greater dignity and weight, while short syllables create an impression of speed: if the latter are intermixed with a few long syllables, their gait will be a run, but a gallop if they are continuous. When a short syllable is followed by a long the effect is one of vigorous ascent, while a long followed by a short produces a gentler impression and suggests descent. It is therefore best to begin with long syllables, though at times it may be correct to begin with short, as in the phrase *novum crimen*: a gentler effect is created, if we commence with two shorts, as in the phrase *animadverti iudices*: but this opening, which comes from the *pro Cluentio*, is perfectly correct, since that speech begins with something similar to partition, which requires speed. Similarly the conclusion of a sentence is stronger when long syllables preponderate, but it may also be formed of short syllables, although the quantity of the final syllable is regarded as indifferent. I am aware that a concluding short syllable is usually regarded as equivalent to a long, because the time-length which it lacks appears to be supplied from that which follows. But when I consult my own ears I find that it makes a great difference whether the final syllable is really long or only treated as the equivalent of a long. For there is not the same fullness of rhythm in *dicere incipieniem timere* as there is in *ausus est confiteri*. But if it makes no difference whether the final syllable be long or short, the concluding feet in these two instances must be identical: and yet somehow or other one gives the impression of sitting down and the other of a simple halt. This fact has led some critics to allow three timebeats for a final long syllable, adding the extra time-length which a short syllable derives from its position at the end of a sentence to the long syllable as well. And it not merely makes a difference with what foot a sentence ends, but the penultimate foot is also of importance. It is not,

however, necessary to go back further than three feet, and only that if the feet contain less than three syllables, for we must avoid the exactitude of verse: on the other hand, we must not go back less than two: otherwise we shall be dealing with a foot and not with rhythm. But in this connexion the *dichoreus* may be regarded as one foot, if indeed a foot consisting of two *chorei* can be considered as a single foot. The same is true of the *paean* composed of the *choreus* and a *pyrrhic*, a foot which is regarded as specially suitable to the beginning of a sentence, or of the other *paean*, formed of three shorts followed by a long, to which the conclusion is specially dedicated. It is of these two forms that writers on rhythm generally speak. Some, however, call all feet containing three short syllables and a long by the name of *paean*, irrespective of the position of the long syllable, and merely taking into account the total number of time-lengths that it contains. The *dochmiac*, again, which consists of a *bacchius* and an *iambus*, or of an *iambus* and a *cretic*, forms a solid and severe conclusion. The *spondee*, so frequently employed in this position by Demosthenes, is used with varying effect. It is most impressive when preceded by a *cretic*, as in the following instance: *De qua ego nihil dicam, nisi depellendi criminis causa*. Again there is a point, of the importance of which I spoke above, namely that it makes a considerable difference whether two feet are contained in a single word or whether they are both detached. Thus *criminis causa* makes a strong and *archipiratae* a weak ending, while tile weakness is still further increased if the first foot be a *tribrach*, as for instance in words like *facilitates* or *temeritates*. For the mere fact that words are separated from each other involves an imperceptible length of time: for instance, the *spondee* forming the middle foot of a *pentameter* must consist of the last syllable of one word and the first of another, otherwise the verse is no verse at all. It is permissible, though less satisfactory, for the *spondee* to be preceded by an *anapaest*: e.g. *muliere non solum nobili, verum etiami nota*. And it may also, in addition to the *anapaest* and *cretic*, be preceded by the *iambus*, which is a syllable less in length than both of them, thus making one short syllable precede three long. But it is also perfectly correct to place a *spondee* before an *iambus*, as in *armis fui*, or it may be preceded by a *bacchius* instead of a *spondee*, e.g. *in armis fui*, thereby making the last foot a *dochmiac*. From this it follows that the *molossus* also is adapted for use in the conclusion provided that it be preceded by a short syllable, though it does not matter to what foot the latter belongs: e.g. *illud scimus, ubicunque sunt, esse pro nobis*. The effect of the *spondee* is less weighty, if it be preceded by a *palimbacchius* and *pyrrhic*, as in *iudicii Iuniani*. Still worse is the rhythm when the *spondee* is preceded by a *paean*, as in *Brute, dubitavi*, although this phrase may, if we prefer, be regarded as consisting of a *dactyl* and a *bacchius*. As a rule, endings composed of two *spondees*, a termination which causes comment even in a verse, are

to be deprecated, unless the phrase is composed of three separate members, as in *cur de perfiugis nostris copias comparat is contra nos?* where we have a word of two syllables preceded and followed by a monosyllable. Even the *dactyl* ought not to precede a final *spondee*, since we condemn verse-endings at the period's close. The *bacchius* is employed at the conclusion, sometimes in conjunction with itself as in *venenum timeress* while it is also effective when a *choreus* and *spondee* are placed before it as in *ut venenum timeres*. Its opposite, the *palimbacchius*, is also employed as a conclusion (unless, of course, we insist that the last syllable of a sentence is always long), and is best preceded by a *molossus*, as in *civis Romanus sum*, or by a *bacchius*, as in *quod hie potest, nos possemus*. It would, however, be truer to say that in such cases the conclusion consists of a *choreus* preceded by a *spondee*, for the rhythm is concentrated in *nos possemus* and *Romanus sum*. The *dichoreus*, which is the repetition of one and the same foot, may also form the conclusion, and was much beloved by the Asiatic school: Cicero illustrates it by *Patris dictum sapiens temeritasfilii comprobavit*. The *choreus* may also be preceded by a *pyrrhic*, as in *omnes prope cives virtute, gloria, digitiate superabat*. The *dactyl* also may come at the close, unless indeed it be held that, when it forms the final foot, it is transformed into a *cretic*: e.g. *muliercula nixus in litore*. The effect will be good if it is preceded by a *cretic* or an *iambus*, but unsatisfactory if it is preceded by a *spondee*, and worse still if by a *choreus*. The *amphibrachys* may close the cadence, as in Q. *Ligarium in Africa fuisse*, although in that case some will prefer to call it a *bacchius*. The *trochee* is one of the less good endings, if any final syllable is to be regarded as short, as it undoubtedly must be. Otherwise how can we end with the *dichoreus*, so dear to many orators? Of course, if it be insisted that the final syllable is long, the *trochee* becomes an *anapaest*. If preceded by a long syllable, the *trochee* becomes a *paeon*, as is the case with phrases such as *sipotero*, or *dirit hoc Cicero*, or *obstat invidia*. But this form of *paeon* is specially allotted to the beginnings of sentences. The *pyrrhic* may close a sentence if preceded by a *choreus*, thereby forming a *paeon*. But all these feet which end in short syllables will lack the stability required for the cadence, and should as a rule only be employed in cases where speed is required and there is no marked pause at the ends of the sentences. The *cretic* is excellent, both at the beginning (e.g. *quod precatus a diis immortalibus sum*) and at the close (e.g. *in conspectu populi Romani vomere postridie*). The last example makes it clear what a good effect is produced when it is preceded by an *anapaest* or by that form of *paeon* which is regarded as best suited to the end of a sentence. But the *cretic* may be preceded by a *cretic*, as in *servare quam plurinos*. It is better thus than when it is preceded by a *choreus*, as in *quis non turpe duceret?* assuming that we treat the final short syllable as long. However, for the sake of argument, let us substitute *duces*

for *duceret*. Here, however, we get the *rest* of which I spoke: for we make a short pause between the last word and the last but one, thus slightly lengthening the final syllable of *turpe*; otherwise *quis non turpe duceret?* will give us a jerky rhythm resembling the end of an *iambic trimeter*. So, too, if you pronounce *ore excipere liceret* without a pause, you will reproduce the rhythm of a licentious metre, whereas if triply punctuated and thus provided with what are practically three separate beginnings, the phrase is full of dignity. In specifying the feet above-mentioned, I do not mean to lay it down as an absolute law that no others can be used, but merely wish to indicate the usual practice and the principles that are best suited for present needs. I may add that two consecutive *anapaests* should be avoided, since they form the conclusion of a *pentameter* or reproduce the rhythm of the *anapaestic* metre, as in the passage, *nam ubi libido dominatur, innocentiae leve praesidinum est*, where elision makes the last two syllables sound as one. The *anapaest* should preferably be preceded by a *spondee* or a *bacchius*, as, for instance, if you alter the order of words in the passage just quoted to *leve innocentiae praesidium est*. Personally, although I know that in this I am in disagreement with great writers, I am not attracted by the *paean* consisting of three shorts followed by a long: for it is no more than an *anapaest* with the addition of another short syllable (e.g. *facilitas, agilitas*). Why it should have been so popular, I cannot see, unless it be that those who gave it their approval were students of the language of common life rather than of oratory. It is preferably preceded by short syllables, such as are provided by the *pyrrhic* or the *choreus* (e.g. *mea facilitas, nostra facilitas*); on the other hand, if it be preceded by a *spondee*, we have the conclusion of an *iambic trimeter*, as indeed we have in the *paean* considered alone. The opposite form of *paean* is deservedly commended as an opening: for the first syllable gives it stability and the next three speed. None the less I think that there are other feet which are better suited for this purpose than even this *paean*.

My purpose in discussing this topic at length is not to lead the orator to enfeeble his style by pedantic measurement of feet and weighing of syllables: for oratory should possess a vigorous flow, and such solicitude is worthy only of a wretched pedant, absorbed in trivial detail: since the man who exhausts himself by such painful diligence will have no time for more important considerations; for he will disregard the weight of his subject matter, despise true beauty of style and, as Lucilius says, will construct a *tesselated pavement of phrases nicely dovetailed together in intricate patterns*. The inevitable result will be that his passions will cool and his energy be wasted, just as our dandies destroy their horses' capacity for speed by training them to shorten their paces. Prose-structure, of course, existed before rhythms were discovered in it, just as poetry was originally the outcome of a natural impulse and was created by the instinctive feeling of the ear for quantity and the

observation of time and rhythm, while the discovery of feet came later. Consequently assiduous practice in writing will be sufficient to enable us to produce similar rhythmical effects when speaking extempore. Further it is not so important for us to consider the actual feet as the general rhythmical effect of the period, just as the poet in writing a verse considers the metre as a whole, and does not concentrate his attention on the six or five individual feet that constitute the verse. For poetry originated before the laws which govern it, a fact which explains Ennius' statement that *Fauns and prophets sang*. Therefore rhythmical structure will hold the same place in prose that is held by versification in poetry.

The best judge as to rhythm is the ear, which appreciates fullness of rhythm or feels the lack of it, is offended by harshness, soothed by smooth and excited by impetuous movement, and approves stability, while it detects limping measures and rejects those that are excessive and extravagant. It is for this reason that those who have received a thorough training understand the theory of artistic structure, while even the untrained derive pleasure from it. There are some points, it is true, which are beyond the power of art to inculcate. For example if the case, tense or mood with which we have begun, produces a harsh rhythm, it must be changed. But is it possible to lay down any definite rule as to what the change of case, tense or mood should be? It is often possible to help out the rhythm when it is in difficulties by introducing variety through the agency of a *figure*. But what is this *figure* to be? *A figure of speech* or *a figure of thought*? Can we give any general ruling on the subject? In such cases opportunism is our only salvation, and we must be guided by consideration of the special circumstances. Further with regard to the time-lengths, which are of such importance where rhythm is concerned, what standard is there by which they can be regulated save that of the ear? Why do some sentences produce a full rhythmical effect, although the words which they contain are few, whereas others containing a greater number are abrupt and short in rhythm? Why again in periods do we get an impression of incompleteness, despite the fact that the sense is complete? Consider the following example: *neminem vestrum ignorare arbitror, iudices, hunc per hosce dies sermonem vulgi atque hanc opinionem populi Romani fuisse*. Why is *hosce* preferable to *hos*, although the latter presents no harshness? I am not sure that I can give the reason, but none the less I feel that *hosce* is better. Why is it not enough to say *sermonem vulgifuisset*, which would have satisfied the bare demands of rhythm? I cannot tell, and yet my ear tells me that the rhythm would have lacked fullness without the reduplication of the phrase. The answer is that in such cases we must rely on feeling. It is possible to have an inadequate understanding of what it is precisely that makes for severity or charm, but yet to produce the required effect better by taking nature for our guide in place

of art: none the less there will always be some principle of art underlying the promptings of nature.

It is, however, the special duty of the orator to realise when to employ the different kinds of rhythm. There are two points which call for consideration if he is to do this with success. The one is concerned with feet, the other with the general rhythm of the period which is produced by their combination. I will deal with the latter first. We speak of *commata*, *cola* and periods. A *comma*, in my opinion, may be defined as the expression of a thought lacking rhythmical completeness; on the other hand, most writers regard it merely as a portion of the *colon*. As an example I may cite the following from Cicero: *Domus tibi deerat? at habebas: pecunia superabat? at egebas*. But a *comma* may also consist of a single word, as in the following instance where *diximnus* is a *comma*: *Diximus, testes dare volumus*. A *colon*, on the other hand, is the expression of a thought which is rhythmically complete, but is meaningless if detached from the whole body of the sentence. For example *O callidos homines* is complete in itself, but is useless if removed from the rest of the sentence, as the hand, foot or head if separated from the body. He goes on, *O rein excogitatam*. At what point do the members begin to form a body? Only when the conclusion is added: *quem, quaeso, nostrum fefellit, id vos ita esse facturos?* a sentence which Cicero regards as unusually concise. Thus as a rule *commata* and *cola* are fragmentary and require a conclusion. The period is given a number of different names by Cicero, who calls it *ambitus*, *circuitus*, *comprehensio*, *continuatio* and *circumscriptio*. It has two forms. The one is simple, and consists of one thought expressed in a number of words, duly rounded to a close. The other consists of *commata* and *cola*, comprising a number of different thoughts: for example, *aderat ianitor carceris, carnriex praetoris* and the rest. The period must have at least two *cola*. The average number would appear to be *four*, but it often contains even more. According to Cicero, its length should be restricted to the equivalent of four *senarii* or to the compass of a single breath. It is further essential that it should complete the thought which it expresses. It must be clear and intelligible and must not be too long to be carried in the memory. A *colon*, if too long, makes the sentence drag, while on the other hand, if it be too short it gives an impression of instability. Wherever it is essential to speak with force, energy and pugnacity, we shall make free use of *commata* and *cola*, since this is most effective, and our rhythmical structure must be so closely conformed to our matter, that violent themes should be expressed in violent rhythms to enable the audience to share the horror felt by the speaker. On the other hand we shall employ *cola* by preference when narrating facts, or relax the texture of our periods by considerable pauses and looser connexions, always excepting those passages in which narration is designed for decorative effect and not merely for the instruction

of the audience, as for example the passage in the Verrines where Cicero tells the story of the Rape of Proserpine: for in such cases a smooth and flowing texture is required. The full periodic style is well adapted to the *exordium* of important cases, where the theme requires the orator to express anxiety, admiration or pity: the same is true of *commonplaces* and all kinds of *amplification*. But it should be severe when we are prosecuting and expansive in panegyric. It is also most effective in the *peroration*. But we must only employ this form of rhythmical structure in its full development, when the judge has not merely got a grasp of the matter, but has been charmed by our style, surrendered himself to the pleader and is ready to be led whither we will, by the delight which he experiences. History does not so much demand full, rounded rhythms as a certain continuity of motion and connexion of style. For all its *cola* are closely linked together, while the fluidity of its style gives it great variety of movement; we may compare its motion to that of men, who link hands to steady their steps, and lend each other mutual support. The *demonstrative* type of oratory requires freer and more expansive rhythms, while *forensic* and *deliberative* oratory will vary the arrangement of their words in conformity with the variety of their themes. I must now turn to discuss the first of the two points which I mentioned above. No one will deny that some portions of our speech require a gentle flow of language, while others demand speed, sublimity, pugnacity, ornateness or simplicity, as the case may be, or that long syllables are best adapted to express dignity, sublimity and ornateness. That is to say, while the gentler form of utterance requires length of vowel sounds, sublime and ornate language demands sonority as well. On the other hand, passages of an opposite character, such as those in which we argue, distinguish, jest or use language approximating to colloquial speech, are better served by short syllables. Consequently in the *exordium* we shall vary our structure to suit the thought. For I cannot agree with Celsus, when he would impose a single stereotyped form upon the *exordium* and asserts that the best example of the structure required for this purpose is to be found in Asinius: e. g., *si, Caesar, ex omnibus mortalibus, qui sunt ac fuerunt, posset huic causae disceptator legi, non quisquam te potius optandus nobis fuit*. I do not for a moment deny that the structure of this passage is excellent, but I refuse to admit that the form of rhythmical structure which it exemplifies should be forced on all *exordia*. For there are various ways in which the judge's mind may be prepared for what is to come: at times we appeal for pity, at others take up a modest attitude, while we may assume an air of energy or dignity, flatter our audience, attempt to alter their opinions and exhort them to give us their best attention, according as the situation may demand. And as all these methods are different by nature, so each requires a different rhythmical treatment. Did Cicero employ similar rhythms in his *exordia* to the *pro*

Milone, the *pro Cluentio* and the *pro Ligario*? The *statement of fact* as a rule requires slower and what I may be allowed to call more modest feet; and the different kinds of feet should, as far as possible, be intermixed. For while the style of this portion of our speech is generally marked by restraint of language, there are occasions when it is called upon to soar to greater heights, although on the other hand its aim will at all times be to instruct the audience and impress the facts upon their minds, a task which must not be carried out in a hurry. Indeed my personal opinion is that the *statement of fact* should be composed of long *cola* and short *periods*. Arguments, inasmuch as they are characterised by energy and speed, will employ the feet best adapted to these qualities. They will not however acquire rapidity at the expense of force by employing *trochees*, but will rather make use of those feet which consist of a mixture of long and short syllables, though the long should not outnumber the short. Lofty passages, which employ long and sonorous vowels, are specially well served by the amplitude of the *dactyl* and the *paean*, feet which, although they contain a majority of short syllables, are yet not deficient in time-length. On the other hand, where violence is required, the requisite energy will be best secured by the employment of the *iambus*, not merely because that foot contains but two syllables, with the result that its beat is more frequent, making it unsuited to gentle language, but also because every foot gives the effect of an ascent, as they climb and swell from short to long, a fact which renders them superior to the *choreus*, which sinks from long to short. Subdued passages, such as occur in the *peroration*, also require slow syllables, which must, however, be less sonorous.

Celsus insists that there is a special form of rhythmical structure which produces a particularly stately effect: I do not know to what he refers and, if I did, should not teach it, since it must inevitably be slow and flat, that is to say unless this quality is derived from the words and thoughts expressed. If it is to be sought for its own sake, independent of such considerations, I cannot sufficiently condemn it. But, to bring this discussion to a close, I would remark that our rhythm must be designed to suit our delivery. Is not our tone subdued as a rule in the *exordium*, except of course in cases of accusation where we have to rouse the judge or fill him with indignation, full and clear in the *statement of fact*, in argument impetuous and rapid not merely in our language, but in our motions as well, expansive and fluent in *commonplaces* and descriptions and, as a rule, submissive and downcast in the *peroration*? But the motions of the body also have their own appropriate rhythms, while the musical theory of rhythm determines the value of metrical feet no less for dancing than for tunes. Again, do we not adapt our voice and gesture to the nature of the themes on which we are speaking? There is, therefore, all the less reason for wonder that the same is true of the feet employed in prose, since it is natural that

what is sublime should have a stately stride, that what is gentle should seem to be led along, that what is violent should seem to run and what is tender to flow. Consequently, where necessary, we must borrow the pompous effect produced by the *spondees* and *iambi* which compose the greater portion of the rhythms of tragedy, as in the line,

En, impero Argis, sceptrā mi liquit Pelops.

But the comic senarius, styled *trochaic*, contains a number of *pyrrhics* and *trochees*, which others call *tribrachs*, but loses in dignity what it gains in speed, as for example in the line,

quid igitur faciam? non eam, ne nunc quidem?

Ter. Eun. I. i. 1.

Violent and abusive language, on the other hand, even in verse, as I have said, employs the *iambic* for its attack: *e.g.*,

Quis hoc potest videre, quis potest pati,
nisi impudicus et vorax et aleo?

Cat. xxix. 1.

As a general rule, however, if the choice were forced upon me, I should prefer my rhythm to be harsh and violent rather than nerveless and effeminate, as it is in so many writers, more especially in our own day, when it trips along in wanton measures that suggest the accompaniment of castanets. Nor will any rhythm ever be so admirable that it ought to be continued with the same recurrence of feet. For we shall really be indulging in a species of versification if we seek to lay down one law for all varieties of speech: further, to do so would lay us open to the charge of the most obvious affectation, a fault of which we should avoid even the smallest suspicion, while we should also weary and cloy our audience by the resulting monotony; the sweeter the rhythm, the sooner the orator who is detected in a studied adherence to its employment, will cease to carry conviction or to stir the passions and emotions. The judge will refuse to believe him or to allow him to excite his compassion or his anger, if he thinks that he has leisure for this species of refinement. It will therefore be desirable from time to time that in certain passages the rhythm should be deliberately dissolved: this is a task of no small difficulty, if the appearance of effort is to be avoided. In so doing we must not come

to the assistance of the rhythm by introducing *bhyperhata* of extravagant length, for fear that we should betray the purpose of our action: and we should certainly never in our search for smoothness abandon for another any word that is apt and appropriate to our theme. As a matter of fact no word will be so intractable as to baffle all our attempts to find it a suitable position; but it must be remembered that when we avoid such words, we do so not to enhance the charm of our rhythm, but to evade a difficulty. I am not, however, surprised that Latin writers have paid more attention to rhythmical structure than the Athenians, since Latin words possess less correctness and charm. Nor again do I account it a fault in Cicero that, in this respect, he diverged to some extent from the practice of Demosthenes. However, my final book will explain the nature of the difference between our language and that of Greece.

But I must bring this book to a conclusion without more delay, since it has already exceeded the limits designed for it. To sum up then, artistic structure must be decorous, pleasing and varied. It consists of three parts, order, connexion and rhythm. The method of its achievement lies in addition, subtraction and alteration of words. Its practice will depend upon the nature of our theme. The care which it demands is great, but, still, less than that demanded by expression and thought. Above all it is necessary to conceal the care expended upon it so that our rhythms may seem to possess a spontaneous flow, not to have been the result of elaborate search or compulsion.

BOOK X

CHAPTER I: HABITS OF LANGUAGE

But these rules of style, while part of the student's theoretical knowledge, are not in themselves sufficient to give him oratorical power. In addition he will require that assured facility which the Greeks call ἔξις I know that many have raised the question as to whether this is best acquired by writing, reading or speaking, and it would indeed be a question calling for serious consideration, if we could rest content with any one of the three. But they are so intimately and inseparably connected, that if one of them be neglected, we shall but waste the labour which we have devoted to the others. For eloquence will never attain to its full development or robust health, unless it acquires strength by frequent practice in writing, while such practice without the models supplied by reading will be like a ship drifting aimlessly without a steersman. Again, he who knows what he ought to say and how he should say it, will be like a miser brooding over his hoarded treasure, unless he has the weapons of his eloquence ready for battle and prepared to deal with every emergency. But the degree in which a thing is essential does not necessarily make it of immediate and supreme importance for the formation of the ideal orator. For obviously the power of speech is the first essential, since therein lies the primary task of the orator, and it is obvious that it was with this that the art of oratory began, and that the power of imitation comes next, and third and last diligent practice in writing. But as perfection cannot be attained without starting at the very beginning, the points which come first in time will, as our training proceeds, become of quite trivial importance. Now we have reached a stage in our enquiry where we are no longer considering the preliminary training of our orator; for I think the instructions already given should suffice for that; they are in any case as good as I could make them. Our present task is to consider how our athlete who has learnt all the technique of his art from his trainer, is to be prepared by actual practice for the contests in which he will have to engage. Consequently, we must assume that our student has learned how to conceive and dispose his subject matter and understands how to choose and arrange his words, and must proceed to instruct him how to make the best and readiest use of the knowledge which he has acquired.

There can then be no doubt that he must accumulate a certain store of resources, to be employed whenever they may be required. The resources of which I speak consist in a copious supply of words and matter. But while the matter is necessarily either peculiar to the individual case, or at best common to only a few, words must be acquired to suit all and every case. Now, if there were special words

adapted to each individual thing, they would require less care, since they would automatically be suggested by the matter in hand. But since some words are more literal, more ornate, more significant or euphonious than others, our orator must not merely be acquainted with all of them, but must have them at his fingers' ends and before his very eyes, so that when they present themselves for his critical selection, he will find it easy to make the appropriate choice. I know that some speakers make a practice of learning lists of synonyms by heart, in order that one word out of the several available may at once present itself to them, and that if, after using one word, they find that it is wanted again after a brief interval, they may be able to select another word with the same meaning and so avoid the necessity of repetition. But this practice is childish and involves thankless labour, while it is really of very little use, as it merely results in the assembly of a disorderly crowd of words, for the speaker to snatch the first that comes to hand.

On the contrary, discrimination is necessary in the acquisition of our stock of words; for we are aiming at true oratory, not at the fluency of a cheapjack. And we shall attain our aim by reading and listening to the best writers and orators, since we shall thus learn not merely the words by which things are to be called, but when each particular word is most appropriate. For there is a place in oratory for almost every word, with the exception only of a very few, which are not sufficiently seemly. Such words are indeed often praised when they occur in writers of iambics or of the old comedy, but we need do no more than consider our own special task. All words, with these exceptions, may be admirably employed in some place or other. For sometimes we shall even require low and common words, while those which would seem coarse if introduced in the more elegant portions of our speech may, under certain circumstances, be appropriate enough. Now to acquire a knowledge of these words and to be acquainted not merely with their meaning, but with their forms and rhythmical values, so that they may seem appropriate wherever employed, we shall need to read and listen diligently, since all language is received first through the ear. It was owing to this fact that the children who, by order of a king, were brought up by a dumb nurse in a desert place, although they are said to have uttered certain words, lacked the power of speech. There are, however, some words of such a nature that they express the same sense by different sounds, so that it makes no difference to the meaning which we use, as, for instance, *gladius* and *ensis*, which may be used indifferently when we have to speak of a sword. Others, again, although properly applied to specific objects, are used by means of a *trope* to express the same sense, as, for example, *ferrum* (steel) and *muro* (point), which are both used in the sense of sword. Thus, by the *figure* known as *abuse*, we call all those who commit a murder with any weapon whatsoever *sicarii* (poniarders). In other

cases we express our meaning periphrastically, as, for instance, when Virgil describes cheese as

“Abundance of pressed milk.”

Ecl. i. 81.

On the other hand, in a number of instances we employ *figures* and substitute one expression for another. Instead of “I know,” we say “I am not ignorant,” or “the fact does not escape me,” or “I have not forgotten,” or “who does not know?” or “it can be doubted by none.” But we may also borrow from a word of cognate meaning. For “I understand,” or “I feel” or “I see” are often equivalent to “I know.” Reading will provide us with a rich store of expressions such as these, and will enable us not merely to use them when they occur to us, but also in the appropriate manner. For they are not always interchangeable: for example, though I may be perfectly correct in saying, “I see” for “I understand,” it does not follow that I can say “I understand” for “my eyes have seen,” and though *mucro* may be employed to describe a sword, a sword does not necessarily mean the same as *mucro* (point). But, although a store of words may be acquired by these means, we must not read or listen to orators merely for the sake of acquiring words. For in everything which we teach examples are more effective even than the rules which are taught in the schools, so long as the student has reached a stage when he can appreciate such examples without the assistance of a teacher, and can rely on his own powers to imitate them. And the reason is this, that the professor of rhetoric lays down rules, while the orator gives a practical demonstration.

But the advantages conferred by reading and listening are not identical. The speaker stimulates us by the animation of his delivery, and kindles the imagination, not by presenting us with an elaborate picture, but by bringing us into actual touch with the things themselves. Then all is life and movement, and we receive the new-born offspring of his imagination with enthusiastic approval. We are moved not merely by the actual issue of the trial, but by all that the orator himself has at stake. Moreover his voice, the grace of his gestures, the adaptation of his delivery (which is of supreme importance in oratory), and, in a word, all his excellences in combination, have their educative effect. In reading, on the other hand, the critical faculty is a surer guide, inasmuch as the listener’s judgment is often swept away by his preference for a particular speaker, or by the applause of an enthusiastic audience. For we are ashamed to disagree with them, and an unconscious modesty prevents us from ranking our own opinion above theirs, though all the time the taste of the majority is vicious, and the *claque* may praise even what does not really

deserve approval. On the other hand, it will sometimes also happen that an audience whose taste is bad will fail to award the praise which is due to the most admirable utterances. Reading, however, is free, and does not hurry past us with the speed of oral delivery; we can reread a passage again and again if we are in doubt about it or wish to fix it in the memory. We must return to what we have read and reconsider it with care, while, just as we do not swallow our food till we have chewed it and reduced it almost to a state of liquefaction to assist the process of digestion, so what we read must not be committed to the memory for subsequent imitation while it is still in a crude state, but must be softened and, if I may use the phrase, reduced to a pulp by frequent re-perusal.

For a long time also we should read none save the best authors and such as are least likely to betray our trust in them, while our reading must be almost as thorough as if we were actually transcribing what we read. Nor must we study it merely in parts, but must read through the whole work from cover to cover and then read it afresh, a precept which applies more especially to speeches, whose merits are often deliberately disguised. For the orator frequently prepares his audience for what is to come, dissembles and sets a trap for them and makes remarks at the opening of his speech which will not have their full force till the conclusion. Consequently what he says will often seem comparatively ineffective where it actually occurs, since we do not realise his motive and it will be necessary to re-read the speech after we have acquainted ourselves with all that it contains. Above all, it is most desirable that we should familiarise ourselves with the facts of the case with which the speech deals, and it will be well also, wherever possible, to read the speeches delivered on both sides, such as those of Aeschines and Demosthenes in the case of Ctesiphon, of Servius Sulpicius and Messala for and against Aufidia, of Pollio and Cassius in the case of Asprenas, and many others. And even if such speeches seem unequal in point of merit, we shall still do well to study them carefully with a view to understanding the problems raised by the cases with which they deal: for example, we should compare the speeches delivered by Tubero against Ligarius and by Hortensius in defence of Verres with those of Cicero for the opposite side, while it will also be useful to know how different orators pleaded the same case. For example, Calidius spoke on the subject of Cicero's house, Brutus wrote a declamation in defence of Milo, which Cornelius Celsus wrongly believes to have been actually delivered in court, and Pollio and Messalla defended the same clients, while in my boyhood remarkable speeches delivered by Domitius Afer, Crispus Passienus and Decimis Laelius in defence of Volusenus were in circulation.

The reader must not, however, jump to the conclusion that all that was uttered

by the best authors is necessarily perfect. At times they lapse and stagger beneath the weight of their task, indulge their bent or relax their efforts. Sometimes, again, they give the impression of weariness: for example, Cicero thinks that Demosthenes sometimes nods, and Horace says the same of Homer himself. For despite their greatness they are still but mortal men, and it will sometimes happen that their reader assumes that anything which he finds in them may be taken as a canon of style, with the result that he imitates their defects (and it is always easier to do this than to imitate their excellences) and thinks himself a perfect replica if he succeeds in copying the blemishes of great men. But modesty and circumspection are required in pronouncing judgment on such great men, since there is always the risk of falling into the common fault of condemning what one does not understand. And, if it is necessary to err on one side or the other, I should prefer that the reader should approve of everything than that he should disapprove of much.

Theophrastus says that the reading of poets is of great service to the orator, and has rightly been followed in this view by many. For the poets will give us inspiration as regards the matter, sublimity of language, the power to excite every kind of emotion, and the appropriate treatment of character, while minds that have become jaded owing to the daily wear and tear of the courts will find refreshment in such agreeable study. Consequently Cicero recommends the relaxation provided by the reading of poetry. We should, however, remember that the orator must not follow the poets in everything, more especially in their freedom of language and their license in the use of figures. Poetry has been compared to the oratory of display, and further aims solely at giving pleasure, which it seeks to secure by inventing what is not merely untrue, but sometimes even incredible. Further, we must bear in mind that it can be defended on the ground that it is tied by certain metrical necessities and consequently cannot always use straightforward and literal language, but is driven from the direct road to take refuge in certain by-ways of expression; and compelled not merely to change certain words, but to lengthen, contract, transpose or divide them, whereas the orator stands armed in the forefront of the battle, fights for a high stake and devotes all his effort to winning the victory. And yet I would not have his weapons defaced by mould and rust, but would have them shine with a splendour that shall strike terror to the heart of the foe, like the flashing steel that dazzles heart and eye at once, not like the gleam of gold or silver, which has no warlike efficacy and is even a positive peril to its wearer.

History, also, may provide the orator with a nutriment which we may compare to some rich and pleasant juice. But when we read it, we must remember that many of the excellences of the historian require to be shunned by the orator. For history has a certain affinity to poetry and may be regarded as a kind of prose poem, while

it is written for the purpose of narrative, not of proof, and designed from beginning to end not for immediate effect or the instant necessities of forensic strife, but to record events for the benefit of posterity and to win glory for its author. Consequently, to avoid monotony of narrative, it employs unusual words and indulges in a freer use of figures. Therefore, as I have already said, the famous brevity of Sallust, than which nothing can be more pleasing to the leisured ear of the scholar, is a style to be avoided by the orator in view of the fact that his words are addressed to a judge who has his mind occupied by a number of thoughts and is also frequently uneducated, while, on the other hand, the milky fullness of Livy is hardly of a kind to instruct a listener who looks not for beauty of exposition, but for truth and credibility. We must also remember that Cicero thinks that not even "Thucydides or Xenophon will be of much service to an orator, although he regards the style of the former as a veritable call to arms and considers that the latter was the mouthpiece of the Muses. It is, however, occasionally permissible to borrow the graces of history to embellish our digressions, provided always that we remember that in those portions of our speech which deal with the actual question at issue we require not the swelling thews of the athlete, but the wiry sinews of the soldier, and that the cloak of many colours which Demetrius of Phalerum was said to wear is but little suited to the dust and heat of the forum. There is, it is true, another advantage which we may derive from the historians, which, however, despite its great importance, has no bearing on our present topic; I refer to the advantage derived from the knowledge of historical facts and precedents, with which it is most desirable that our orator should be acquainted; for such knowledge will save him from having to acquire all his evidence from his client and will enable him to draw much that is germane to his case from the careful study of antiquity. And such arguments will be all the more effective, since they alone will be above suspicion of prejudice or partiality.

The fact that there is so much for which we must have recourse to the study of the philosophers is the fault of orators who have abandoned to them the fullest portion of their own task. The Stoics more especially discourse and argue with great keenness on what is just, honourable, expedient and the reverse, as well as on the problems of theology, while the Socratics give the future orator a first-rate preparation for forensic debates and the examination of witnesses. But we must use the same critical caution in studying the philosophers that we require in reading history or poetry; that is to say, we must bear in mind that, even when we are dealing with the same subjects, there is a wide difference between forensic disputes and philosophical discussions, between the law-courts and the lecture-room, between the precepts of theory and the perils of the bar.

Most of my readers will, I think, demand that, since I attach so much importance to reading, I should include in this work some instructions as to what authors should be read and what their special excellences may be. To do this in detail would be an endless task. Remember that Cicero in his *Brutus*, after writing pages and pages on the subject of Roman orators alone, says nothing of his own contemporaries with the exception of Caesar and Marcellus. What limit, then, would there be to my labours if I were to attempt to deal with them and with their successors and all the orators of Greece as well? No, it was a safer course that Livy adopted in his letter to his son, where he writes that he should read Cicero and Demosthenes and then such orators as most resembled them. Still, I must not conceal my own personal convictions on this subject. I believe that there are few, indeed scarcely a single one of those authors who have stood the test of time who will not be of some use or other to judicious students, since even Cicero himself admits that he owes a great debt even to the earliest writers, who for all their talent were totally devoid of art. And my opinion about the moderns is much the same. For how few of them are so utterly crazy as not to have the least shadow of hope that some portion or other of their work may have claims upon the memory of posterity? If there is such an one, he will be detected before we have perused many lines of his writings, and we shall escape from him before the experiment of reading him has cost us any serious loss of time. On the other hand, not everything that has some bearing on some department of knowledge will necessarily be of service for the formation of style, with which we are for the moment concerned.

Before, however, I begin to speak of individual authors, I must make a few general remarks about the variety of judgments which have been passed upon them. For there are some who think that only the ancients should be read and hold that they are the sole possessors of natural eloquence and manly vigour; while others revel in the voluptuous and affected style of to-day, in which everything is designed to charm the ears of the uneducated majority. And even if we turn to those who desire to follow the correct methods of style, we shall find that some think that the only healthy and genuinely Attic style is to be found in language which is restrained and simple and as little removed as possible from the speech of every day, while others are attracted by a style which is more elevated and full of energy and animation. There are, too, not a few who are devoted to a gentle, elegant and harmonious style. Of these different ideals I shall speak in greater detail, when I come to discuss the question of the particular styles best suited to oratory. For the moment I shall restrict myself to touching briefly on what the student who desires to consolidate his powers of speaking should seek in his reading and to what kind of reading he should devote his attention. My design is merely to select a few of the

most eminent authors for consideration. It will be easy for the student to decide for himself what authors most nearly resemble these: consequently, no one will have any right to complain if I pass over some of his favourites. For I will readily admit that there are more authors worth reading than those whom I propose to mention. But I will now proceed to deal with the various classes of reading which I consider most suitable for those who are ambitious of becoming orators.

I shall, I think, be right in following the principle laid down by Aratus in the line, "With Jove let us begin," and in beginning with Homer. He is like his own conception of Ocean, which he describes as the source of every stream and river; for he has given us a model and an inspiration for every department of eloquence. It will be generally admitted that no one has ever surpassed him in the sublimity with which he invests great themes or the propriety with which he handles small. He is at once luxuriant and concise, sprightly and serious, remarkable at once for his fullness and his brevity, and supreme not merely for poetic, but for oratorical power as well. For, to say nothing of his eloquence, which he shows in praise, exhortation and consolation, do not the ninth book containing the embassy to Achilles, the first describing the quarrel between the chiefs, or the speeches delivered by the counsellors in the second, display all the rules of art to be followed in forensic or deliberative oratory? As regards the emotions, there can be no one so ill-educated as to deny that the poet was the master of all, tender and vehement alike. Again, in the few lines with which he introduces both of his epics, has he not, I will not say observed, but actually established the law which should govern the composition of the exordium? For, by his invocation of the goddesses believed to preside over poetry he wins the goodwill of his audience, by his statement of the greatness of his themes he excites their attention and renders them receptive by the briefness of his summary. Who can narrate more briefly than the hero who brings the news of Patroclus' death, or more vividly than he who describes the battle between the Curetes and the Aetolians? Then consider his similes, his amplifications, his illustrations, digressions, indications of fact, inferences, and all the other methods of proof and refutation which he employs. They are so numerous that the majority of writers on the principles of rhetoric have gone to his works for examples of all these things. And as for perorations, what can ever be equal to the prayers which Priam addresses to Achilles when he comes to beg for the body of his son? Again, does he not transcend the limits of human genius in his choice of words, his reflexions, figures, and the arrangement of his whole work, with the result that it requires a powerful mind, I will not say to imitate, for that is impossible, but even to appreciate his excellences? But he has in truth outdistanced all that have come after him in every department of eloquence, above all, he has

outstripped all other writers of epic, the contrast in their case being especially striking owing to the similarity of the material with which they deal. Hesiod rarely rises to any height, while a great part of his works is filled almost entirely with names: none the less, his maxims of moral wisdom provide a useful model, the smooth flow of his words and structure merit our approval, and he is assigned the first place among writers of the intermediate style. On the other hand, Antimachus deserves praise for the vigour, dignity and elevation of his language. But although practically all teachers of literature rank him second among epic poets, he is deficient in emotional power, charm, and arrangement of matter, and totally devoid of real art. No better example can be found to show what a vast difference there is to being near another writer and being second to him. Panyasis is regarded as combining the qualities of the last two poets, being their inferior in point of style, but surpassing Hesiod in the choice of his subject and Antimachus in its arrangement. Apollonius is not admitted to the lists drawn up by the professors of literature, because the critics, Aristarchus and Aristophanes, included no contemporary poets. None the less, his work is by no means to be despised, being distinguished by the consistency with which he maintains his level as a representative of the intermediate type. The subject chosen by Aratus is lifeless and monotonous, affording no scope for pathos, description of character, or eloquent speeches. However, he is adequate for the task to which he felt himself equal. Theocritus is admirable in his own way, but the rustic and pastoral muse shrinks not merely from the forum, but from town-life of every kind. I think I hear my readers on all sides suggesting the names of hosts of other poets. What? Did not Pisandros tell the story of Hercules in admirable style? Were there not good reasons for Virgil and Macer taking Nicander as a model? Are we to ignore Euphoriion? Unless Virgil had admired him, he would never have mentioned

“verses written in Chalcidic strain”

in the *Eclogues*. Again, had Horace no justification for coupling the name of Tyrtacus with that of Homer? To which I reply, that there is no one so ignorant of poetic literature that he could not, if he chose, copy a catalogue of such poets from some library for insertion in his own treatises. I can therefore assure my readers that I am well aware of the existence of the poets whom I pass over in silence, and am far from condemning them, since I have already said that some profit may be derived from every author. But we must wait till our powers have been developed and established to the full before we turn to these poets, just as at banquets we take our fill of the best fare and then turn to other food which, in spite

of its comparative inferiority, is still attractive owing to its variety. Not until our taste is formed shall we have leisure to study the elegiac poets as well. Of these, Callimachus is regarded as the best, the second place being, according to the verdict of most critics, occupied by Philetas. But until we have acquired that assured facility of which I spoke, we must familiarise ourselves with the best writers only and must form our minds and develop an appropriate tone by reading that is deep rather than wide. Consequently, of the three writers of iambics approved by the judgment of Aristarchus, Archilochus will be far the most useful for the formation of the facility in question. For he has a most forcible style, is full of vigorous, terse and pungent reflexions, and overflowing with life and energy: indeed, some critics think that it is due solely to the nature of his subjects, and not to his genius, that any poets are to be ranked above him. Of the nine lyric poets Pindar is by far the greatest, in virtue of his inspired magnificence, the beauty of his thoughts and figures, the rich exuberance of his language and matter, and his rolling flood of eloquence, characteristics which, as Horace rightly held, make him inimitable. The greatness of the genius of Stesichorus is shown by his choice of subject: for he sings of the greatest wars and the most glorious of chieftains, and the music of his lyre is equal to the weighty themes of epic poetry. For both in speech and action he invests his characters with the dignity which is their due, and if he had only been capable of exercising a little more restraint, he might, perhaps, have proved a serious rival to Homer. But he is redundant and diffuse, a fault which, while deserving of censure, is nevertheless a defect springing from the very fullness of his genius. Alcaeus has deserved the compliment of being said to make music with *quill of gold* in that portion of his works in which he attacks the tyrants of his day and shows himself a real moral force. He is, moreover, terse and magnificent in style, while the vigour of his diction resembles that of oratory. But he also wrote poetry of a more sportive nature and stooped to erotic poetry, despite his aptitude for loftier themes. Simonides wrote in a simple style, but may be recommended for the propriety and charm of his language. His chief merit, however, lies in his power to excite pity, so much so, in fact, that some rank him in this respect above all writers of this class of poetry.

The old comedy is almost the only form of poetry which preserves intact the true grace of Attic diction, while it is characterized by the most eloquent freedom of speech, and shows especial power in the denunciation of vice; but it reveals great force in other departments as well. For its style is at once lofty, elegant and graceful, and if we except Homer, who, like Achilles among warriors, is beyond all comparison, I am not sure that there is any style which bears a closer resemblance to oratory or is better adapted for forming the orator. There are a number of writers

of the old comedy, but the best are Aristophanes, Eupolis and Cratinus. Aeschylus was the first to bring tragedy into prominence: he is lofty, dignified, grandiloquent often to a fault, but frequently uncouth and inharmonious. Consequently, the Athenians allowed later poets to revise his tragedies and to produce them in the dramatic contests, and many succeeded in winning the prize by such means. Sophocles and Euripides, however, brought tragedy to far greater perfection: they differ in style, but it is much disputed as to which should be awarded the supremacy, a question which, as it has no bearing on my present theme, I shall make no attempt to decide. But this much is certain and incontrovertible, that Euripides will be found of far greater service to those who are training themselves for pleading in court. For his language, although actually censured by those who regard the dignity, the stately stride and sonorous utterance of Sophocles as being more sublime, has a closer affinity to that of oratory, while he is full of striking reflexions, in which, indeed, in their special sphere, he rivals the philosophers themselves, and for defence and attack may be compared with any orator that has won renown in the courts. Finally, although admirable in every kind of emotional appeal, he is easily supreme in the power to excite pity. Menander, as he often testifies in his works, had a profound admiration for Euripides, and imitated him, although in a different type of work. Now, the careful study of Menander alone would, in my opinion, be sufficient to develop all those qualities with the production of which my present work is concerned; so perfect is his representation of actual life, so rich is his power of invention and his gift of style, so perfectly does he adapt himself to every kind of circumstance, character and emotion. Indeed, those critics are no fools who think the speeches attributed to Charisius were in reality written by Menander. But I consider that he shows his power as an orator far more clearly in his comedies; since assuredly we can find no more perfect models of every oratorical quality than the judicial pleadings of his Epitrepontes, Epicleros and Locri, or the declamatory speeches in the Psophodes, Nomothetes. and Hypobolimaheus. Still, for my own part, I think that he will be found even more useful by declaimers, in view of the fact that they have, according to the nature of the various controversial themes, to undertake a number of different roles and to impersonate fathers, sons, soldiers, peasants, rich men and poor, the angry man and the suppliant, the gentle and the harsh. And all these characters are treated by this poet with consummate appropriateness. Indeed, such is his supremacy that he has scarce left a name to other writers of the new comedy, and has cast them into darkness by the splendour of his own renown. Still, you will find something of value in the other comic poets as well, if you read them in not too critical a spirit; above all, profit may be derived from the study of Philemon, who, although it was a depraved taste which caused

his contemporaries often to prefer him to Menander, has none the less deserved the second place which posterity has been unanimous in awarding him.

If we turn to history, we shall find a number of distinguished writers; but there are two who must undoubtedly be set far above all their rivals: their excellences are different in kind, but have won almost equal praise. Thucydides is compact in texture, terse and ever eager to press forward: Herodotus is pleasant, lucid and diffuse: the former excels in vigour, speeches and the expression of the stronger passions; the latter in charm, conversations and the delineation of the gentler emotions. Theopompus comes next, and though as a historian he is inferior to the authors just mentioned, his style has a greater resemblance to oratory, which is not surprising, as he was an orator before he was urged to turn to history. Philistus also deserves special distinction among the crowd of later historians, good though they may have been: he was an imitator of Thucydides, and though far his inferior, was somewhat more lucid. Ephorus, according to Isocrates, needed the spur. Clitarchus has won approval by his talent, but his accuracy has been impugned. Timagenes was born long after these authors, but deserves our praise for the very fact that he revived the credit of history, the writing of which had fallen into neglect. I have not forgotten Xenophon, but he will find his place among the philosophers.

There follows a vast army of orators, Athens alone having produced ten remarkable orators in the same generation. Of these Demosthenes is far the greatest: indeed he came to be regarded almost as the sole pattern of oratory. Such is the force and compactness of his language, so muscular his style, so free from tameness and so self-controlled, that you will find nothing in him that is either too much or too little. The style of Aeschines is fuller and more diffuse, while his lack of restraint gives an appearance of grandeur. But he has more flesh and less muscle. Hyperides has extraordinary charm and point, but is better qualified, not to say more useful, for cases of minor importance. Lysias belongs to an earlier generation than those whom I have just mentioned. He has subtlety and elegance and, if the orator's sole duty were merely to instruct, it would be impossible to conceive greater perfection. For there is nothing irrelevant or far-fetched in his speeches. None the less I would compare him to a clear spring rather than to a mighty river. Isocrates was an exponent of a different style of oratory: he is neat and polished and better suited to the fencingschool than to the battlefield. He elaborated all the graces of style, nor was he without justification. For he had trained himself for the lecture-room and not the law-courts. He is ready in invention, his moral ideals are high and the care which he bestows upon his rhythm is such as to be a positive fault. I do not regard these as the sole merits of the orators of whom I have spoken, but have selected what seemed to me their chief excellences, while those whom I have

passed over in silence were far from being indifferent. In fact, I will readily admit that the famous Demetrius of Phalerum, who is said to have been the first to set oratory on the downward path, was a man of great talent and eloquence and deserves to be remembered, if only for the fact that he is almost the last of the Attic school who can be called an orator: indeed Cicero prefers him to all other orators of the intermediate school.

Proceeding to the philosophers, from whom Cicero acknowledges that he derived such a large portion of his eloquence, we shall all admit that Plato is supreme whether in acuteness or perception or in virtue of his divine gift of style, which is worthy of Homer. For he soars high above the levels of ordinary prose or, as the Greeks call it, pedestrian language, and seems to me to be inspired not by mere human genius, but, as it were, by the oracles of the god of Delphi. Why should I speak of the unaffected charm of Xenophon, so far beyond the power of affectation to attain? The Graces themselves seem to have moulded his style, and we may with the utmost justice say of him, what the writer of the old comedy said of Pericles, that the goddess of persuasion sat enthroned upon his lips. Why should I dwell on the elegance of the rest of the Socratics? or on Aristotle, with regard to whom I hesitate whether to praise him more for his knowledge, for the multitude of his writings, the sweetness of his style, the penetration revealed by his discoveries or the variety of the tasks which he essayed? In Theophrastus we find such a superhuman brilliance of style that his name is said to be derived therefrom. The ancient Stoics indulged their eloquence comparatively little. Still, they pleaded the cause of virtue, and the rules which they laid down for argument and proof have been of the utmost value. But they showed themselves shrewd thinkers rather than striking orators, which indeed they never aimed at being.

I now come to Roman authors, and shall follow the same order in dealing with them. As among Greek authors Homer provided us with the most auspicious opening, so will Virgil among our own. For of all epic poets, Greek or Roman, he, without doubt, most nearly approaches to Homer. I will repeat the words which I heard Domitius Afer use in my young days. I asked what poet in his opinion came nearest to Homer, and he replied, "Virgil comes second, but is nearer first than third." And in truth, although we must needs bow before the immortal and superhuman genius of Homer, there is greater diligence and exactness in the work of Virgil just because his task was harder. And perhaps the superior uniformity of the Roman's excellence balances Homer's pre-eminence in his outstanding passages. All our other poets follow a long way in the rear. Macer and Lucretius are, it is true, worth reading, but not for the purpose of forming style, that is to say, the body of eloquence: both deal elegantly with their themes, but the former is tame

and the latter difficult. The poems by which Varro of Atax gained his reputation were translations, but he is by no means to be despised, although his diction is not sufficiently rich to be of much service in developing the resources of eloquence. Ennius deserves our reverence, but only as those groves whose age has made them sacred, but whose huge and ancient trunks inspire us with religious awe rather than with admiration for their beauty. There are other poets who are nearer in point of time and more useful for our present purpose. Ovid has a lack of seriousness even when he writes epic and is unduly enamoured of his own gifts, but portions of his work merit our praise. On the other hand, although Cornelius Severus is a better versifier than poet, yet if, as has been said, he had written his poem on the Sicilian war in the same style throughout as his first book, he would have had a just claim to the second place. A premature death prevented the powers of Serranus from ripening to perfection, but his youthful works reveal the highest talent and a devotion to the true ideal of poetry, which is remarkable in one so young. We have suffered serious loss in the recent death of Valerius Flaccus. Saleius Bassus showed an ardent and genuinely poetic genius, but, like that of Serranus, it was not mellowed by years. Rabirius and Pedo deserve to be studied by those who have the time. Lucan is fiery and passionate and remarkable for the grandeur of his general reflexions, but, to be frank, I consider that he is more suitable for imitation by the orator than by the poet. I have restricted my list of poets to these names, because Germanicus Augustus has been distracted from the study of poetry on which he had embarked by his care for the governance of the world, and the gods have thought it scarce worthy of his powers that he should be the greatest of poets. But what can be more sublime, more learned, more perfect in every detail than those works to which he devoted himself in the seclusion to which he retired after conferring the supreme power upon his father and his brother? Who could sing of war better than he who wages it with such skill? To whom would the goddesses that preside over literature sooner lend an ear? To whom would Minerva, his familiar deity, more readily reveal her secrets? Future ages shall tell of these things more fully; to-day his glory as a poet is dimmed by the splendour of his other virtues. But you will forgive us, Caesar, who worship at the shrine of literature, if we refuse to pass by your achievements in silence and insist on testifying at least that, as Virgil sings,

“The ivy creeps amid your victor bays”

Ecl. viii. 13.

We also challenge the supremacy of the Greeks in elegy. Of our elegiac poets

Tibullus seems to me to be the most terse and elegant. There are, however, some who prefer Propertius. Ovid is more sportive than either, while Gallus is more severe. Satire, on the other hand, is all our own. The first of our poets to win renown in this connexion was Lucilius, some of whose devotees are so enthusiastic that they do not hesitate to prefer him not merely to all other satirists, but even to all other poets. I disagree with them as much as I do with Horace, who holds that Lucilius' verse has a "muddy flow, and that there is always something in him that might well be dispensed with." For his learning is as remarkable as his freedom of speech, and it is this latter quality that gives so sharp an edge and such abundance of wit to his satire. Horace is far terser and purer in style, and must be awarded the first place, unless my judgment is led astray by my affection for his work. Persius also, although he wrote but one book, has acquired a high and well-deserved reputation, while there are other distinguished satirists still living whose praises will be sung by posterity. There is, however, another and even older type of satire which derives its variety not merely from verse, but from an admixture of prose as well. Such were the satires composed by Terentius Varro, the most learned of all Romans. He composed a vast number of erudite works, and possessed an extraordinary knowledge of the Latin language, of all antiquity and of the history of Greece and Rome. But he is an author likely to contribute more to the knowledge of the student than to his eloquence. The iambic has not been popular with Roman poets as a separate form of composition, but is found mixed up with other forms of verse. It may be found in all its bitterness in Catullus, Bibaculus and Horace, although in the last-named the iambic is interrupted by the epode. Of our lyric writers Horace is almost the sole poet worth reading: for he rises at times to a lofty grandeur and is full of sprightliness and charm, while there is great variety in his figures, and his boldness in the choice of words is only equalled by his felicity. If any other lyric poet is to be mentioned, it will be Caesius Bassus, who has but lately passed from us. But he is far surpassed in talent by poets still living.

Among writers of tragedy Accius and Pacuvius are most remarkable for the force of their general reflexions, the weight of their words and the dignity of their characters. But they lack polish, and failed to put the finishing touches on their works, although the fault was perhaps rather that of the times in which they lived than of themselves. Accius is generally regarded as the most vigorous, while those who lay claim to learning regard Pacuvius as the more learned of the two. The *Thyestes* of Varius is a match for any Greek tragedy, and the *Medea* of Ovid shows, in my opinion, to what heights that poet might have risen if he had been ready to curb his talents instead of indulging them. Of the tragic writers whom I myself have seen, Pomponius Secundus is by far the best: his older critics thought him

insufficiently tragic, but admitted his eminence as far as learning and polish were concerned. Comedy is our weakest point. Although Varro quotes Aelius Stilo as saying that if the Muses wished to speak Latin, they would use the language of Plautus, although the ancients extol Caecilius, and although Scipio Africanus is credited with the works of Terence (which are the most elegant of their kind, and would be still more graceful if the poet had confined himself to the iambic trimeter), we still scarcely succeed in reproducing even a faint shadow of the charm of Greek comedy. Indeed, it seems to me as though the language of Rome were incapable of reproducing that graceful wit which was granted to Athens alone, and was beyond the reach of other Greek dialects to achieve. Afranius excels in the purely Roman comedy, but it is to be regretted that he revealed his own character by defiling his plots with the introduction of indecent paederastic intrigues.

In history, however, we hold our own with the Greeks. I should not hesitate to match Saillst against Thucydides, nor would Herodotus resent Titus Livius being placed on the same level as himself. For the latter has a wonderful charm and transparency in narrative, while his speeches are eloquent beyond description; so admirably adapted is all that is said both to the circumstances and the speaker; and as regards the emotions, especially the more pleasing of them, I may sum him up by saying that no historian has ever depicted them to greater perfection. Thus it is that, although by different means, he has acquired no less fame than has been awarded to the immortal rapidity of Sallust. For I strongly approve of the saying of Servilius Nonianus, that these historians were equal rather than alike. Servilius, whom I myself have heard, is himself remarkable for the force of his intellect, and is full of general reflexions, but he is less restrained than the dignity of history demands. But that dignity is admirably maintained, thanks to his style, by Aufidius Bassus, a slightly earlier writer, especially in his work on the German war: he is always praiseworthy, though at times he fails to do his powers full justice. But there still survives to add lustre to this glorious age a man worthy to be remembered through all time: he is appreciated today, but after generations shall declare his name aloud. The bold utterances of Crenutius also have their admirers, and deserve their fame, though the passages which brought him to his ruin have been expurgated; still that which is left reveals a rich store of lofty animation and fearless reflexions upon life. There are other good writers as well, but I am merely selecting from the different departments of literature, not reviewing complete libraries.

But it is our orators, above all, who enable us to match our Roman eloquence against that of Greece. For I would set Cicero against any one of their orators without fear of refutation. I know well enough what a storm I shall raise by this assertion, more especially since I do not propose for the moment to compare him

with Demosthenes; for there would be no point in such a comparison, as I consider that Demosthenes should be the object of special study, and not merely studied, but even committed to memory. I regard the excellences of these two orators as being for the most part similar, that is to say, their judgment, their gift of arrangement, their methods of division, preparation and proof, as well as everything concerned with invention. In their actual style there is some difference. Demosthenes is more concentrated, Cicero more diffuse; Demosthenes makes his periods shorter than Cicero, and his weapon is the rapier, whereas Cicero's periods are longer, and at times he employs the bludgeon as well: nothing can be taken from the former, nor added to the latter; the Greek reveals a more studied, the Roman a more natural art. As regards wit and the power of exciting pity, the two most powerful instruments where the feelings are concerned, we have the advantage. Again, it is possible that Demosthenes was deprived by national custom of the opportunity of producing powerful perorations, but against this may be set the fact that the different character of the Latin language debars us from the attainment of those qualities which are so much admired by the adherents of the Attic school. As regards their letters, which have in both cases survived, and dialogues, which Demosthenes never attempted, there can be no comparison between the two. But, on the other hand, there is one point in which the Greek has the undoubted superiority: he comes first in point of time, and it was largely due to him that Cicero was able to attain greatness. For it seems to me that Cicero, who devoted himself heart and soul to the imitation of the Greeks, succeeded in reproducing the force of Demosthenes, the copious flow of Plato, and the charm of Isocrates. But he did something more than reproduce the best elements in each of these authors by dint of careful study; it was to himself that he owed most of, or rather all his excellences, which spring from the extraordinary fertility of his immortal genius. For he does not, as Pindar says, "collect the rain from heaven, but wells forth with living water," since Providence at his birth conferred this special privilege upon him, that eloquence should make trial of all her powers in him. For who can instruct with greater thoroughness, or more deeply stir the emotions? Who has ever possessed such a gift of charm? He seems to obtain as a boon what in reality he extorts by force, and when he wrests the judge from the path of his own judgment, the latter seems not to be swept away, but merely to follow. Further, there is such weight in all that he says that his audience feel ashamed to disagree with him, and the zeal of the advocate is so transfigured that it has the effect of the sworn evidence of a witness, or the verdict of a judge. And at the same time all these excellences, of which scarce one could be attained by the ordinary man even by the most concentrated effort, flow from him with every appearance of spontaneity, and

his style, although no fairer has ever fallen on the ears of men, none the less displays the utmost felicity and ease. It was not, therefore, without good reason that his own contemporaries spoke of his “sovereignty” at the bar, and that for posterity the name of Cicero has come to be regarded not as the name of a man, but as the name of eloquence itself. Let us, therefore, fix our eyes on him, take him as our pattern, and let the student realise that he has made real progress if he is a passionate admirer of Cicero. Asinius Pollio had great gifts of invention and great precision of language (indeed, some think him too precise), while his judgment and spirit were fully adequate. But he is so far from equalling the polish and charm of Cicero that he might have been born a generation before him. Messala, on the other hand, is polished and transparent and displays his nobility in his utterance, but he fails to do his powers full justice. As for Gaius Caesar, if he had had leisure to devote himself to the courts, he would have been the one orator who could have been considered a serious rival to Cicero. Such are his force, his penetration and his energy that we realise that he was as vigorous in speech as in his conduct of war. And yet all these qualities are enhanced by a marvellous elegance of language, of which he was an exceptionally zealous student. Caelius has much natural talent and much wit, more especially when speaking for the prosecution, and deserved a wiser mind and a longer life. I have come across some critics who preferred Calvus to all other orators, and others again who agreed with Cicero that too severe self-criticism had robbed him of his natural vigour. But he was the possessor of a solemn, weighty and chastened style, which was also capable at times of genuine vehemence. He was an adherent of the Attic school and an untimely death deprived him of his full meed of honour, at least if we regard him as likely to have acquired fresh qualities. Servius Sulpicius acquired a great and well-deserved reputation by his three speeches. Cassius Severus, if read with discrimination, will provide much that is worthy of imitation: if to his other merits he had added appropriateness of tone and dignity of style, he would deserve a place among the greatest. For his natural talents are great, his gift of bitterness, wit and passion remarkable, but he allowed the sharpness of his temper to prevail over his judgment. Moreover, though his jests are pungent enough, this very pungency often turned the laugh against himself. There are many other clever speakers, but it would be a long task to deal with them all. Domitius Afer and Julius Africanus are by far the most distinguished. The former is superior in art and in every department of oratory, indeed he may be ranked with the old orators without fear of contradiction. The latter shows greater energy, but is too great a precisian in the choice of words, prone to tediously long periods and somewhat extravagant in his metaphors. There have been distinguished talents even of more recent date. For example, Trachalus was, as a rule, elevated

and sufficiently clear in his language: one realised that his aims were high, but he was better to listen to than to read. For his voice was, in my experience, unique in its beauty of tone, while his delivery would have done credit to an actor, his action was full of grace and he possessed every external advantage in profusion. Vibius Crispus, again, was well-balanced, agreeable and born to charm, though he was better in private than in public cases. Julius Secundus, had he lived longer, would undoubtedly have attained a great and enduring reputation. For he would have acquired, as he was actually acquiring, all that was lacking to his qualities, namely, a far greater pugnacity and a closer attention to substance as well as form. But, in spite of the untimeliness of his end, he occupies a high place, thanks to his fluency, the grace with which he set forth whatever he desired, the lucidity, smoothness and beauty of his speech, the propriety revealed in the use of words, even when employed figuratively, and the point which characterises even his most hazardous expressions. Subsequent writers on the history of oratory will find abundant material for praise among the orators who flourish to-day: for the law courts can boast a glorious wealth of talent. Indeed, the consummate advocates of the present day are serious rivals of the ancients, while enthusiastic effort and lofty ideals lead many a young student to tread in their footsteps and imitate their excellence.

I have still to deal with writers on philosophy, of whom Rome has so far produced but few who are distinguished for their style. But Cicero, who is great in every department of literature, stands out as the rival of Plato in this department as well. Brutus was an admirable writer on such themes, in which he distinguished himself far more than in his speeches: he is equal to the serious nature of his subject, and the reader realises that he feels what he says. Cornelius Celsus, a follower of the Sextii, wrote a number of philosophical works, which have considerable grace and polish. Among the Stoics Plautus is useful as giving a knowledge of the subject. Among the Epicureans Catus is agreeable to read, though lacking in weight. I have deliberately postponed the discussion of Seneca in connexion with the various departments of literature owing to the fact that there is a general, though false, impression that I condemn and even detest him. It is true that I had occasion to pass censure upon him when I was endeavouring to recall students from a depraved style, weakened by every kind of error, to a severer standard of taste. But at that time Seneca's works were in the hands of every young man, and my aim was not to ban his reading altogether, but to prevent his being preferred to authors superior to himself, but whom he was never tired of disparaging; for, being conscious of the fact that his own style was very different from theirs, he was afraid that he would fail to please those who admired them. But the young men loved him rather than imitated him, and fell as far below him as he fell below the ancients. For I only

wish they had equalled or at least approached his level. But he pleased them for his faults alone, and each individual sought to imitate such of those faults as lay within his capacity to reproduce: and then brought reproach on his master by boasting that he spoke in the genuine Senecan manner. Seneca had many excellent qualities, a quick and fertile intelligence with great industry and wide knowledge, though as regards the last quality he was often led into error by those whom he had entrusted with the task of investigating certain subjects on his behalf. He dealt with almost every department of knowledge; for speeches, poems, letters and dialogues all circulate under his name. In philosophy he showed a lack of critical power, but was none the less quite admirable in his denunciations of vice. His works contain a number of striking general reflexions and much that is worth reading for edification; but his style is for the most part corrupt and exceedingly dangerous, for the very reason that its vices are so many and attractive. One could wish that, while he relied on his own intelligence, he had allowed himself to be guided by the taste of others. For if he had only despised all unnatural expressions and had not been so passionately fond of all that was incorrect, if he had not felt such affection for all that was his own, and had not impaired the solidity of his matter by striving after epigrammatic brevity, he would have won the approval of the learned instead of the enthusiasm of boys. But even as it is, he deserves to be read by those whose powers have been formed and firmly moulded on the standards of a severer taste, if only because he will exercise their critical faculties in distinguishing between his merits and his defects. For, as I have said, there is much in him which we may approve, much even that we may admire. Only we must be careful in our selection: would he had been as careful himself. For his genius deserved to be devoted to better aims, since what it does actually aim at, it succeeds in achieving.

CHAPTER II: IMITATION AND ORIGINAL INVENTION

It is from these and other authors worthy of our study that we must draw our stock of words, the variety of our figures and our methods of composition, while we must form our minds on the model of every excellence. For there can be no doubt that in art no small portion of our task lies in imitation, since, although invention came first and is all-important, it is expedient to imitate whatever has been invented with success. And it is a universal rule of life that we should wish to copy what we approve in others. It is for this reason that boys copy the shapes of letters that they may learn to write, and that musicians take the voices of their teachers, painters the works of their predecessors, and peasants the principles of

agriculture which have been proved in practice, as models for their imitation. In fact, we may note that the elementary study of every branch of learning is directed by reference to some definite standard that is placed before the learner. We must, in fact, either be like or unlike those who have proved their excellence. It is rare for nature to produce such resemblance, which is more often the result of imitation. But the very fact that in every subject the procedure to be followed is so much more easy for us than it was for those who had no model to guide them, is a positive drawback, unless we use this dubious advantage with caution and judgment.

The first point, then, that we must realise is that imitation alone is not sufficient, if only for the reason that a sluggish nature is only too ready to rest content with the inventions of others. For what would have happened in the days when models were not, if men had decided to do and think of nothing that they did not know already? The answer is obvious: nothing would ever have been discovered. Why, then, is it a crime for us to discover something new? Were primitive men led to make so many discoveries simply by the natural force of their imagination, and shall we not then be spurred on to search for novelty by the very knowledge that those who sought of old were rewarded by success? And seeing that they, who had none to teach them anything, have handed down such store of knowledge to posterity, shall we refuse to employ the experience which we possess of some things, to discover yet other things, and possess nought that is not owed to the beneficent activity of others? Shall we follow the example of those painters whose sole aim is to be able to copy pictures by using the ruler and the measuring rod? It is a positive disgrace to be content to owe all our achievement to imitation. For what, I ask again, would have been the result if no one had done more than his predecessors? Livius Andronicus would mark our supreme achievement in poetry and the annals of the *Pontifices* would be our *ne plus ultra* in history. We should still be sailing on rafts, and the art of painting would be restricted to tracing a line round a shadow thrown in the sunlight. Cast your eyes over the whole of history; you will find that no art has remained just as it was when it was discovered, nor come to a standstill at its very birth, unless indeed we are ready to pass special condensation on our own generation on the ground that it is so barren of invention that no further development is possible; and it is undoubtedly true that no development is possible for those who restrict themselves to imitation. But if we are forbidden to add anything to the existing stock of knowledge, how can we ever hope for the birth of our ideal orator? For of all the greatest orators with whom we are as yet acquainted, there is not one who has not some deficiency or blemish. And even those who do not aim at supreme excellence, ought to press toward the mark rather than be content to follow in the tracks of others. For the man whose aim is to prove himself

better than another, even if he does not surpass him, may hope to equal him. But he can never hope to equal him, if he thinks it his duty merely to tread in his footsteps: for the mere follower must always lag behind. Further, it is generally easier to make some advance than to repeat what has been done by others, since there is nothing harder than to produce an exact likeness, and nature herself has so far failed in this endeavour that there is always some difference which enables us to distinguish even the things which seem most like and most equal to one another. Again, whatever is like another object, must necessarily be inferior to the object of its imitation, just as the shadow is inferior to the substance, the portrait to the features which it portrays, and the acting of the player to the feelings which he endeavours to reproduce. The same is true of oratory. For the models which we select for imitation have a genuine and natural force, whereas all imitation is artificial and moulded to a purpose which was not that of the original orator. This is the reason why declamations have less life and vigour than actual speeches, since the subject is fictitious in the one and real in the other. Again, the greatest qualities of the orator are beyond all imitation, by which I mean, talent, invention, force, facility and all the qualities which are independent of art. Consequently, there are many who, after excerpting certain words from published speeches or borrowing certain particular rhythms, think that they have produced a perfect copy of the works which they have read, despite the fact that words become obsolete or current with the lapse of years, the one sure standard being contemporary usage; and they are not good or bad in virtue of their inherent nature (for in themselves they are no more than mere sounds), but solely in virtue of the aptitude and propriety (or the reverse) with which they are arranged, while rhythmical composition must be adapted to the theme in hand and will derive its main charm from its variety.

Consequently the nicest judgment is required in the examination of everything connected with this department of study. First we must consider whom to imitate. For there are many who have shown a passionate desire to imitate the worst and most decadent authors. Secondly, we must consider what it is that we should set ourselves to imitate in the authors thus chosen. For even great authors have their blemishes, for which they have been censured by competent critics and have even reproached each other. I only wish that imitators were more likely to improve on the good things than to exaggerate the blemishes of the authors whom they seek to copy. And even those who have sufficient critical acumen to avoid the faults of their models will not find it sufficient to produce a copy of their merits, amounting to no more than a superficial resemblance, or rather recalling those sloughs which, according to Epicurus, are continually given off by material things. But this is just what happens to those who mould themselves on the first impressions derived from

the style of their model, without devoting themselves to a thorough investigation of its good qualities, and, despite the brilliance of their imitation and the close resemblance of their language and rhythm, not only fail absolutely to attain the force of style and invention possessed by the original, but as a rule degenerate into something worse, and achieve merely those faults which are hardest to distinguish from virtues: they are turgid instead of grand, bald instead of concise, and rash instead of courageous, while extravagance takes the place of wealth, over-emphasis the place of harmony and negligence of simplicity. As a result, those who flaunt tasteless and insipid thoughts, couched in an uncouth and inharmonious form, think that they are the equals of the ancients; those who lack ornament and epigram, pose as Attic; those who darken their meaning by the abruptness with which they close their periods, count themselves the superiors of Sallust and Thucydides; those who are dreary and jejune, think that they are serious rivals to Pollio, while those who are tame and listless, if only they can produce long enough periods, swear that this is just the manner in which Cicero would have spoken. I have known some who thought that they had produced a brilliant imitation of the style of that divine orator, by ending their periods with the phrase *esse videatur*. Consequently it is of the first importance that every student should realise what it is that he is to imitate, and should know why it is good.

The next step is for each student to consult his own powers when he shoulders his burden. For there are some things which, though capable of imitation, may be beyond the capacity of any given individual, either because his natural gifts are insufficient or of a different character. The man whose talent is for the plain style should not seek only what is bold and rugged, nor yet should he who has vigour without control suffer himself through love of subtlety at once to waste his natural energy and fail to attain the elegance at which he aims: for there is nothing so unbecoming as delicacy wedded to ruggedness. True, I did express the opinion that the instructor whose portrait I painted in my second book, should not confine himself to teaching those things for which he perceived his individual pupils to have most aptitude. For it is his further duty to foster whatever good qualities he may perceive in his pupils, to make good their deficiencies as far as may be, to correct their faults and turn them to better things. For he is the guide and director of the minds of others. It is a harder task to mould one's own nature. But not even our ideal teacher, however much he may desire that everything that is correct should prevail in his school to the fullest extent, will waste his labour in attempting to develop qualities to the attainment of which he perceives nature's gifts to be opposed.

It is also necessary to avoid the fault to which the majority of students are so

prone, namely, the idea that in composing speeches we should imitate the poets and historians, and in writing history or poetry should copy orators and declaimers. Each branch of literature has its own laws and its own appropriate character. Comedy does not seek to increase its height by the buskin and tragedy does not wear the slipper of comedy. But all forms of eloquence have something in common, and it is to the imitation of this common element that our efforts should be confined.

There is a further fault to which those persons are liable who devote themselves entirely to the imitation of one particular style: if the rude vigour of some particular author takes their fancy, they cling to it even when the case on which they are engaged calls for an easy and flowing style; if, on the other hand, it is a simple or agreeable style that claims their devotion, they fail to meet the heavy demands of severe and weighty cases. For not only do cases differ in their general aspect, but one part of a case may differ from another, and some things require a gentle and others a violent style, some require an impetuous and others a calm diction, while in some cases it is necessary to instruct and in others to move the audience, in all these instances dissimilar and different methods being necessary. Consequently I should be reluctant even to advise a student to select one particular author to follow through thick and thin. Demosthenes is by far the most perfect of Greek orators, yet there are some things which others have said better in some contexts as against the many things which he has said better than others. But it does not follow that because we should select one author for special imitation, he should be our only model. What then? Is it not sufficient to model our every utterance on Cicero? For my own part, I should consider it sufficient, if I could always imitate him successfully. But what harm is there in occasionally borrowing the vigour of Caesar, the vehemence of Caelius, the precision of Pollio or the sound judgment of Calvus? For quite apart from the fact that a wise man should always, if possible, make whatever is best in each individual author his own, we shall find that, in view of the extreme difficulty of our subject, those who fix their eyes on one model only will always find some one quality which it is almost impossible to acquire therefrom. Consequently, since it is practically impossible for mortal powers to produce a perfect and complete copy of any one chosen author, we shall do well to keep a number of different excellences before our eyes, so that different qualities from different authors may impress themselves on our minds, to be adopted for use in the place that becomes them best.

But imitation (for I must repeat this point again and again) should not be confined merely to words. We must consider the appropriateness with which those orators handle the circumstances and persons involved in the various cases in which

they were engaged, and observe the judgment and powers of arrangement which they reveal, and the manner in which everything they say, not excepting those portions of their speeches which seem designed merely to delight their audience, is concentrated on securing the victory over their opponents. We must note their procedure in the exordium, the method and variety of their statement of facts, the power displayed in proof and refutation, the skill revealed in their appeal to every kind of emotion, and the manner in which they make use of popular applause to serve their case, applause which is most honourable when it is spontaneous and not deliberately courted. If we have thoroughly appreciated all these points, we shall be able to imitate our models with accuracy. But the man who to these good qualities adds his own, that is to say, who makes good deficiencies and cuts down whatever is redundant, will be the perfect orator of our search; and it is now above all times that such perfection should be attained when there are before us so many more models of oratorical excellence than were available for those who have thus far achieved the highest success. For this glory also shall be theirs, that men shall say of them that while they surpassed their predecessors, they also taught those who came after.

CHAPTER III: METHOD AND SUBJECTS OF WRITING

Such are the aids which we may derive from external sources; as regards those which we must supply for ourselves, it is the pen which brings at once the most labour and the most profit. Cicero is fully justified in describing it as the best producer and teacher of eloquence, and it may be noted that in the *de Oratore* he supports his own judgment by the authority of Lucius Crassus, in whose mouth he places this remark. We must therefore write as much as possible and with the utmost care. For as deep ploughing makes the soil more fertile for the production and support of crops, so, if we improve our minds by something more than mere superficial study, we shall produce a richer growth of knowledge and shall retain it with greater accuracy. For without the consciousness of such preliminary study our powers of speaking extempore will give us nothing but an empty flow of words, springing from the lips and not from the brain. It is in writing that eloquence has its roots and foundations, it is writing that provides that holy of holies where the wealth of oratory is stored, and whence it is produced to meet the demands of sudden emergencies. It is of the first importance that we should develop such strength as will not faint under the toil of forensic strife nor be exhausted by continual use. For it is an ordinance of nature that nothing great can be achieved

in a moment, and that all the fairest tasks are attended with difficulty, while on births as well she has imposed this law, that the larger the animal, the longer should be the period of gestation.

There are, however, two questions which present themselves in this connexion, namely, what should be our method and what the subjects on which we write, and I propose to treat them in this order. At first, our pen must be slow yet sure: we must search for what is best and refuse to give a joyful welcome to every thought the moment that it presents itself; we must first criticise the fruits of our imagination, and then, once approved, arrange them with care. For we must select both thoughts and words and weigh them one by one. This done, we must consider the order in which they should be placed, and must examine all the possible varieties of rhythm, refusing necessarily to place each word in the order in which it occurs to us. In order to do this with the utmost care, we must frequently revise what we have just written. For beside the fact that thus we secure a better connexion between what follows and what precedes, the warmth of thought which has cooled down while we were writing is revived anew, and gathers fresh impetus from going over the ground again. We may compare this process with what occurs in jumping matches. The competitors take a longer run and go at full speed to clear the distance which they aim at covering; similarly, in throwing the javelin, we draw back our arms, and in archery pull back the bow-string to propel the shaft. At times, however, we may spread our sails before the favouring breeze, but we must beware that this indulgence does not lead us into error. For we love all the offspring of our thought at the moment of their birth; were that not so, we should never commit them to writing. But we must give them a critical revision, and go carefully over any passage where we have reason to regard our fluency with suspicion. It is thus, we are told, that Sallust wrote, and certainly his works give clear evidence of the labour which he expended on them. Again, we learn from Varius that Virgil composed but a very small number of verses every day. It is true that with orators the case is somewhat different, and it is for this reason that I enjoin such slowness of speed and such anxious care at the outset. For the first aim which we must fix in our minds and insist on carrying into execution is to write as well as possible; speed will come with practice. Gradually thoughts will suggest themselves with increasing readiness, the words will answer to our call and rhythmical arrangement will follow, till everything will be found fulfilling its proper function as in a well-ordered household. The sum of the whole matter is this: write quickly and you will never write well, write well and you will soon write quickly. But it is just when we have acquired this facility that we must pause awhile to look ahead and, if I may use the metaphor, curb the horses that would run away with us. This will not delay our

progress so much as lend us fresh vigour. For I do not think that those who have acquired a certain power in writing should be condemned to the barren pains of false self-criticism. How can anyone fulfil his duties as an advocate if he wastes his time in putting unnecessary finish on each portion of his pleadings? There are some who are never satisfied. They wish to change everything they have written and to put it in other words. They are a diffident folk, and deserve but ill of their own talents, who think it a mark of precision to cast obstacles in the way of their own writing. Nor is it easy to say which are the most serious offenders, those who are satisfied with everything or those who are satisfied with nothing that they write. For it is of common occurrence with young men, however talented they may be, to waste their gifts by superfluous elaboration, and to sink into silence through an excessive desire to speak well. I remember in this connexion a story that Julius Secundus, my contemporary, and, as is well known, my very dear friend, a man with remarkable powers of eloquence, but with an infinite passion for precision, told me of the words once used to him by his uncle, Julius Florus, the leading orator of Gaul, for it was there that he practised, a man eloquent as but few have ever been, and worthy of his nephew. He once noticed that Secundus, who was still a student, was looking depressed, and asked him the meaning of his frowns. The youth made no concealment of the reason: he had been working for three days, and had been unable, in spite of all his efforts, to devise an exordium for the theme which he had been given to write, with the result that he was not only vexed over his immediate difficulty, but had lost all hope of future success. Florus smiled and said, "Do you really want to speak better than you can?" There lies the truth of the whole matter. We must aim at speaking as well as we can, but must not try to speak better than our nature will permit. For to make any real advance we need study, not self-accusation. And it is not merely practice that will enable us to write at greater length and with increased fluency, although doubtless practice is most important. We need judgement as well. So long as we do not lie back with eyes turned up to the ceiling, trying to fire our imagination by muttering to ourselves, in the hope that something will present itself, but turn our thoughts to consider what the circumstances of the case demand, what suits the characters involved, what is the nature of the occasion and the temper of the judge, we shall acquire the power of writing by rational means. It is thus that nature herself bids us begin and pursue our studies once well begun. For most points are of a definite character and, if we keep our eyes open, will spontaneously present themselves. That is the reason why peasants and uneducated persons do not beat about the bush to discover with what they should begin, and our hesitation is all the more shameful if it is simply the result of education. We must not, therefore, persist in thinking that what is hard to find is

necessarily best; for, if it seems to us that there is nothing to be said except that which we are unable to find, we must say nothing at all. On the other hand, there is a fault which is precisely the opposite of this, into which those fall who insist on first making a rapid draft of their subject with the utmost speed of which their pen is capable, and write in the heat and impulse of the moment. They call this their rough copy. They then revise what they have written, and arrange their hasty outpourings. But while the words and the rhythm may be corrected, the matter is still marked by the superficiality resulting from the speed with which it was thrown together. The more correct method is, therefore, to exercise care from the very beginning, and to form the work from the outset in such a manner that it merely requires to be chiselled into shape, not fashioned anew. Sometimes, however, we must follow the stream of our emotions, since their warmth will give us more than any diligence can secure.

The condemnation which I have passed on such carelessness in writing will make it pretty clear what my views are on the luxury of dictation which is now so fashionable. For, when we write, however great our speed, the fact that the hand cannot follow the rapidity of our thoughts gives us time to think, whereas the presence of our amanuensis hurries us on, and at times we feel ashamed to hesitate or pause, or make some alteration, as though we were afraid to display such weakness before a witness. As a result our language tends not merely to be haphazard and formless, but in our desire to produce a continuous flow we let slip positive improprieties of diction, which show neither the precision of the writer nor the impetuosity of the speaker. Again, if the amanuensis is a slow writer, or lacking in intelligence, he becomes a stumbling-block, our speed is checked, and the thread of our ideas is interrupted by the delay or even perhaps by the loss of temper to which it gives rise. Moreover, the gestures which accompany strong feeling, and sometimes even serve to stimulate the mind, the waving of the hand, the contraction of the brow, the occasional striking of forehead or side, and those which Persius notes when he describes a trivial style as one that

“Thumps not the desk nor smacks of bitten nails,”

i. 106.

all these become ridiculous, unless we are alone. Finally, we come to the most important consideration of all, that the advantages of privacy are lost when we dictate. Everyone, however, will agree that the absence of company and deep silence are most conducive to writing, though I would not go so far as to concur in the opinion of those who think woods and groves the most suitable localities for the

purpose, on the ground that the freedom of the sky and the charm of the surroundings produce sublimity of thought and wealth of inspiration. Personally I regard such an environment as a pleasant luxury rather than a stimulus to study. For whatever causes us delight, must necessarily distract us from the concentration due to our work. The mind cannot devote its undivided and sincere attention to a number of things at the same time, and wherever it turns its gaze it must cease to contemplate its appointed task. Therefore, the charm of the woods, the gliding of the stream, the breeze that murmurs in the branches, the song of birds, and the very freedom with which our eyes may range, are mere distractions, and in my opinion the pleasure which they excite is more likely to relax than to concentrate our attention. Demosthenes took a wiser view; for he would retire to a place where no voice was to be heard, and no prospect greeted the sight, for fear that his eyes might force his mind to neglect its duty. Therefore, let the burner of the midnight oil seclude himself in the silence of night, within closed doors, with but a solitary lamp to light his labours. But for every kind of study, and more especially for night work, good health and its chief source, simple living, are essential; for we have fallen into the habit of devoting to relentless labour the hour which nature has appointed for rest and relaxation. From those hours we must take only such time as is superfluous for sleep, and will not be missed. For fatigue will make us careless in writing, and the hours of daylight are amply sufficient for one who has no other distractions. It is only the busy man who is driven to encroach on the hours of darkness. Nevertheless, night work, so long as we come to it fresh and untired, provides by far the best form of privacy.

But although silence and seclusion and absolute freedom of mind are devoutly to be desired, they are not always within our power to attain. Consequently we must not fling aside our book at once, if disturbed by some noise, and lament that we have lost a day: on the contrary, we must make a firm stand against such inconveniences, and train ourselves so to concentrate our thoughts as to rise superior to all impediments to study. If only you direct all your attention to the work which you have in hand, no sight or sound will ever penetrate to your mind. If even casual thoughts often occupy us to such an extent that we do not see passers-by, or even stray from our path, surely we can obtain the same result by the exercise of our will. We must not give way to pretexts for sloth. For unless we make up our mind that we must be fresh, cheerful and free from all other care when we approach our studies, we shall always find some excuse for idleness. Therefore, whether we be in a crowd, on a journey, or even at some festive gathering, our thoughts should always have some inner sanctuary of their own to which they may retire. Otherwise what shall we do when we are suddenly called upon to deliver a set speech in the

midst of the forum, with lawsuits in progress on every side, and with the sound of quarrels and even casual outcries in our ears, if we need absolute privacy to discover the thoughts which we jot down upon our tablets? It was for this reason that Demosthenes, the passionate lover of seclusion, used to study on the seashore amid the roar of the breakers that they might teach him not to be unnerved by the uproar of the public assembly.

There are also certain minor details which deserve our attention, for there is nothing too minute for the student. It is best to write on wax owing to the facility which it offers for erasure, though weak sight may make it desirable to employ parchment by preference. The latter, however, although of assistance to the eye, delays the hand and interrupts the stream of thought owing to the frequency with which the pen has to be supplied with ink. But whichever we employ, we must leave blank pages that we may be free to make additions when we will. For lack of space at times gives rise to a reluctance to make corrections, or, at any rate, is liable to cause confusion when new matter is inserted. The wax tablets should not be unduly wide; for I have known a young and over-zealous student write his compositions at undue length, because he measured them by the number of lines, a fault which persisted, in spite of frequent admonition, until his tablets were changed, when it disappeared. Space must also be left for jotting down the thoughts which occur to the writer out of due order, that is to say, which refer to subjects other than those in hand. For sometimes the most admirable thoughts break in upon us which cannot be inserted in what we are writing, but which, on the other hand, it is unsafe to put by, since they are at times forgotten, and at times cling to the memory so persistently as to divert us from some other line of thought. They are, therefore, best kept in store.

CHAPTER IV: TWOFOLD TASK OF CORRECTION

The next point which we have to consider is the correction of our work, which is by far the most useful portion of our study: for there is good reason for the view that erasure is quite as important a function of the pen as actual writing. Correction takes the form of addition, excision and alteration. But it is a comparatively simple and easy task to decide what is to be added or excised. On the other hand, to prune what is turgid, to elevate what is mean, to repress exuberance, arrange what is disorderly, introduce rhythm where it is lacking, and modify it where it is too emphatic, involves a twofold labour. For we have to condemn what had previously satisfied us and discover what had escaped our notice. There can be no doubt that

the best method of correction is to put aside what we have written for a certain time, so that when we return to it after an interval it will have the air of novelty and of being another's handiwork; for thus we may prevent ourselves from regarding our writings with all the affection that we lavish on a newborn child. But this is not always possible, especially in the case of an orator who most frequently has to write for immediate use, while some limit, after all, must be set to correction. For there are some who return to everything they write with the presumption that it is full of faults and, assuming that a first draft must necessarily be incorrect, think every change an improvement and make some alteration as often as they have the manuscript in their hands: they are, in fact, like doctors who use the knife even where the flesh is perfectly healthy. The result of their critical activities is that the finished work is full of scars, bloodless, and all the worse for their anxious care. No! let there be something in all our writing which, if it does not actually please us, at least passes muster, so that the file may only polish our work, not wear it away. There must also be a limit to the time which we spend on its revision. For the fact that Cinna took nine years to write his *Smyrna*, and that Isocrates required ten years, at the lowest estimate, to complete his *Panegyric* does not concern the orator, whose assistance will be of no use, if it is so long delayed.

CHAPTER V: FACILITY IN WRITING

My next task is to indicate what those should write whose aim is to acquire facility. At this part of my work there is no necessity for me to set forth the subjects which should be selected for writing, or the order in which they should be approached, since I have already done this in the first book, where I prescribed the sequence of studies for boys, and in the second book, where I did the same for young men. The point which concerns me now is to show from what sources copiousness and facility may most easily be derived.

Our earlier orators thought highly of translation from Greek into Latin. In the *de Oratore* of Cicero, Lucius Crassus says that he practised this continually, while Cicero himself advocates it again and again, nay, he actually published translations of Xenophon and Plato, which were the result of this form of exercise. Messala likewise gave it his approval, and we have a number of translations of speeches from his hand; he even succeeded in coping with the delicacy of Hyperides' speech in defence of Phryne, a task of exceeding difficulty for a Roman. The purpose of this form of exercise is obvious. For Greek authors are conspicuous for the variety of their matter, and there is much art in all their eloquence, while,

when we translate them, we are at liberty to use the best words available, since all that we use are our very own. As regards figures, too, which are the chief ornament of oratory, it is necessary to think out a great number and variety for ourselves, since in this respect the Roman idiom differs largely from the Greek.

But paraphrase from the Latin will also be of much assistance, while I think we shall all agree that this is specially valuable with regard to poetry; indeed, it is said that the paraphrase of poetry was the sole form of exercise employed by Sulpicius. For the lofty inspiration of verse serves to elevate the orator's style and the bold license of poetic language does not preclude our attempting to render the same words in the language natural to prose. Nay, we may add the vigour of oratory to the thoughts expressed by the poet, make good his omissions, and prune his diffuseness. But I would not have paraphrase restrict itself to the bare interpretation of the original: its duty is rather to rival and vie with the original in the expression of the same thoughts. Consequently, I disagree with those who forbid the student to paraphrase speeches of our own orators, on the ground that, since all the best expressions have already been appropriated, whatever we express differently must necessarily be a change for the worse. For it is always possible that we may discover expressions which are an improvement on those which have already been used, and nature did not make eloquence such a poor and starveling thing, that there should be only one adequate expression for any one theme. It can hardly be argued that, while the gestures of the actor are capable of imparting a wealth of varied meaning to the same words, the power of oratory is restricted to a narrower scope, so that when a thing has once been said, it is impossible to say anything else on the same theme. Why, even if it be granted that no new expression we discover can be better than or even equal to the old, it may, at any rate, be a good second. Do we not often speak twice, or even more frequently, on the same subject, sometimes even to the extent of a number of sentences in succession? It will scarce be asserted that we must not match ourselves against others when we are permitted to match ourselves against ourselves. For if there were only one way in which anything could be satisfactorily expressed, we should be justified in thinking that the path to success had been sealed to us by our predecessors. But, as a matter of fact, the methods of expression still left us are innumerable, and many roads lead us to the same goal. Brevity and copiousness each have their own peculiar grace, the merits of metaphor are one thing and of literalness another, and, while direct expression is most effective in one case, in another the best result is gained by a use of figures. Further, the exercise is valuable in virtue of its difficulty; and again, there is no better way of acquiring a thorough understanding of the greatest authors. For, instead of hurriedly running a careless eye over their writings, we handle each separate phrase

and are forced to give it close examination, and we come to realise the greatness of their excellence from the very fact that we cannot imitate them.

Nor is it only the paraphrase of the works of others that we shall find of advantage: much may be gained from paraphrasing our own words in a number of different ways: for instance, we may specially select certain thoughts and recast them in the greatest variety of forms, just as a sculptor will fashion a number of different images from the same piece of wax. But it is the simplest subjects which, in my opinion, will serve us best in our attempt to acquire facility. For our lack of talent may easily shelter itself behind the complicated mass of detail presented by persons, cases, circumstances of time and place, words and deeds, since the subjects which present themselves on all sides are so many that it will always be possible to lay hold of some one or other. True merit is revealed by the power to expand what is naturally compressed, to amplify what is small, to lend variety to sameness, charm to the commonplace, and to say a quantity of good things about a very limited number of subjects.

For this purpose indefinite questions, of the kind we call *theses*, will be found of the utmost service: in fact, Cicero still exercised himself upon such themes after he had become the leading man in the state. Akin to these are the proof or refutation of general statements. For such statements are a kind of decree or rule, and whatever problem may arise from the thing, may equally arise from the decision passed upon the thing. Then there are commonplaces, which, as we know, have often been written by orators as a form of exercise. The man who has practised himself in giving full treatment to such simple and uncomplicated themes, will assuredly find his fluency increased in those subjects which admit of varied digression, and will be prepared to deal with any case that may confront him, since all cases ultimately turn upon general questions. For what difference is there between the special case where Cornelius, the tribune of the people, is charged with reading the text of a proposed law, and the general question whether it is *lèse-majesté* for a magistrate himself to read the law which he proposes to the people; what does it matter whether we have to decide whether Milo was justified in killing Clodius, or whether it is justifiable to kill a man who has set an ambush for his slayer, or a citizen whose existence is a danger to the state, even though he has set no such ambush? What difference is there between the question whether it was an honourable act on the part of Cato to make over Marcia to Hortensius, or whether such an action is becoming to a virtuous man? It is on the guilt or innocence of specific persons that judgement is given, but it is on general principles that the case ultimately rests. As for declamations of the kind delivered in the schools of the rhetoricians, so long as they are in keeping with actual life and resemble speeches,

they are most profitable to the student, not merely while he is still immature, for the reason that they simultaneously exercise the powers both of invention and arrangement, but even when he has finished his education and acquired a reputation in the courts. For they provide a richer diet from which eloquence derives nourishment and brilliance of complexion, and at the same time afford a refreshing variety after the continuous fatigues of forensic disputes. For the same reason, the wealth of language that marks the historian should be from time to time imported into portions of our written exercises, and we should indulge in the easy freedom of dialogue. Nay, it may even be advantageous to amuse ourselves with the writing of verse, just as athletes occasionally drop the severe regime of diet and exercise to which they are subjected and refresh themselves by taking a rest and indulging in more dainty and agreeable viands. Indeed, in my opinion, one of the reasons why Cicero was enabled to shed such glory upon the art of speaking is to be found in his excursions to such bypaths of study. For if all our material was drawn solely from actions at law, our eloquence must needs lose its gloss, our limbs grow stiff, and the keen edge of the intellect be blunted by its daily combats.

But although those who find their practice in the contests of forensic warfare derive fresh strength and repair their forces by means of this rich fare of eloquence, the young should not be kept too long at these false semblances of reality, nor should they be allowed to become so familiar with these empty shadows that it is difficult for them to leave them: otherwise there is always the danger that, owing to the seclusion in which they have almost grown old, they will shrink in terror from the real perils of public life, like men dazzled by the unfamiliar sunlight. Indeed it is recorded that this fate actually befell Marcus Porcius Latro, the first professor of rhetoric to make a name for himself; for when, at the height of his fame in the schools, he was called upon to plead a case in the forum, he put forward the most earnest request that the court should be transferred to some public hall. He was so unaccustomed to speak in the open air that all his eloquence seemed to reside within the compass of a roof and four walls. For this reason a young man who has acquired a thorough knowledge from his instructors of the methods of invention and style (which is not by any means an endless task, if those instructors have the knowledge and the will to teach), and who has also managed to obtain a reasonable amount of practice in the art, should follow the custom in vogue with our ancestors, and select some one orator to follow and imitate. He should attend as many trials as possible and be a frequent spectator of the conflicts in which he is destined to take part. Next he should write out speeches of his own dealing either with the cases which he has actually heard pleaded or with others, provided always they be actual cases, and should argue them from both sides, training himself with the real

weapons of his warfare, just as gladiators do or as Brutus did in that speech in defence of Milo which I have already mentioned. This is better than writing replies to old speeches, as Cestius did to Cicero's defence of Milo in spite of the fact that, his knowledge being confined to what was said for the defence, he could not have possessed sufficient acquaintance with the other side of the case.

The young man, however, whom his instructor has compelled to be as realistic as possible in declamation, and to deal with every class of subject, instead of merely selecting the easiest and most attractive cases, as is done at present, will thus qualify himself much more rapidly for actual forensic practice. Under existing circumstances the practice of the principle which I mentioned second is, as a rule, hampered by the large size of the classes and the practice of allotting certain days for recitation, to which must be added the contributory circumstance that the boys' parents are more interested in the number of their sons' recitations than their quality. But, as I think I said in the first book, the really good teacher will not burden himself with a larger number of pupils than he can manage, and will prune any tendency to excessive loquacity, limiting their remarks to the actual points involved by the subject of the declamation and forbidding them to range, as some would have them do, over every subject in heaven and earth: further, he will either extend the period within which he insists on their speaking, or will permit them to divide their themes into several portions. The thorough treatment of one theme will be more profitable than the sketchy and superficial treatment of a number of subjects. For the latter practice has the result that nothing is put in its proper place and that the opening of the declamation exceeds all reasonable bounds, since the young orator crams all the flowers of eloquence which belong to all the different portions of the theme into that portion which he has to deliver, and fearing to lose what should naturally come later, introduces wild confusion into the earlier portions of his speech.

CHAPTER VI: PREMEDITATION

Having dealt with writing, the next point which claims our attention is premeditation, which itself derives force from the practice of writing and forms an intermediate stage between the labours of the pen and the more precarious fortunes of improvisation; indeed I am not sure that it is not more frequently of use than either. For there are places and occasions where writing is impossible, while both are available in abundance for premeditation. For but a few hours' thought will suffice to cover all the points even of cases of importance; if we wake at night, the

very darkness will assist us, while even in the midst of legal proceedings our mind will find some vacant space for meditation, and will refuse to remain inactive. Again, this practice will not merely secure the proper arrangement of our matter without any recourse to writing, which in itself is no small achievement, but will also set the words which we are going to use in their proper order, and bring the general texture of our speech to such a stage of completion that nothing further is required beyond the finishing touches. And as a rule the memory is more retentive of thoughts when the attention has not been relaxed by the fancied security which results from committing them to writing.

But the concentration which this requires cannot be attained in a moment or even quickly. For, in the first place, we must write much before we can form that ideal of style which must always be present to our minds even when engaged in premeditation. Secondly, we must gradually acquire the habit of thought: to begin with, we shall content ourselves with covering but a few details, which our minds are capable of reproducing with accuracy; then by advances so gradual that our labour is not sensibly increased we must develop our powers and confirm them by frequent practice, a task in which the most important part is played by the memory. For this reason I must postpone some of my remarks to the portion of this work reserved for the treatment of that topic. At length, however, our powers will have developed so far that the man who is not hampered by lack of natural ability will by dint of persistent study be enabled, when it comes to speaking, to rely no less on what he has thought out than what he has written out and learnt by heart. At any rate, Cicero records that Metrodorus of Scepsis, Empylus of Rhodes, and our own Hortensius were able to reproduce what they had thought out word for word when it came to actual pleading.

If, however, some brilliant improvisation should occur to us while speaking, we must not cling superstitiously to our premeditated scheme. For premeditation is not so accurate as to leave no room for happy inspiration: even when writing we often insert thoughts which occur to us on the spur of the moment. Consequently this form of preparation must be conceived on such lines that we shall find no difficulty either in departing from it or returning to it at will. For, although it is essential to bring with us into court a supply of eloquence which has been prepared in advance in the study and on which we can confidently rely, there is no greater folly than the rejection of the gifts of the moment. Therefore our premeditation should be such that fortune may never be able to fool us, but may, on the contrary, be able to assist us. This end will be obtained by developing the power of memory so that our conceptions may flow from us without fear of disaster, and that we may be enabled to look ahead without anxious backward glances or the feeling that we

are absolutely dependent on what we can call to mind. Otherwise I prefer the rashness of improvisation to the coherence given by premeditation. For such backward glances place us at a disadvantage, because our search for our premeditated ideas makes us miss others, and we draw our matter from our memory rather than from the subject on which we are speaking. And even if we are to rely on our memory and our subject alike, there are more things that may be discovered than ever yet have been.

CHAPTER VII: IMPROVISATION

But the crown of all our study and the highest reward of our long labours is the power of improvisation. The man who fails to acquire this had better, in my opinion, abandon the task of advocacy and devote his powers of writing to other branches of literature. For it is scarcely decent for an honourable man to promise assistance to the public at large which he may be unable to provide in the most serious emergencies, or to attempt to enter a harbour which his ship cannot hope to make save when sailing before a gentle breeze. For there are countless occasions when the sudden necessity may be imposed upon him of speaking without preparation before the magistrates or in a trial which comes on unexpectedly. And if any such sudden emergency befalls, I will not say any innocent citizen, but some one of the orator's friends or connexions, is he to stand tongue-tied and, in answer to those who seek salvation in his eloquence and are doomed, unless they secure assistance, to ask for delay of proceedings and time for silent and secluded study, till such moment as he can piece together the words that fail him, commit them to memory and prepare his voice and lungs for the effort? What theory of the duties of an orator is there which permits him to ignore such sudden issues? What will happen when he has to reply to his opponent? For often the expected arguments to which we have written a reply fail us and the whole aspect of the case undergoes a sudden change; consequently the variation to which cases are liable makes it as necessary for us to change our methods as it is for a pilot to change his course before the oncoming storm. Again, what use is much writing, assiduous reading and long years of study, if the difficulty is to remain as great as it was in the beginning? The man who is always faced with the same labour can only confess that his past labour has been spent in vain. I do not ask him to prefer to speak extempore, but merely that he should be able to do so. And this capacity is best acquired by the following method.

In the first place, we must note the direction which the argument is likely to

take, since we cannot run our race unless we know the goal and the course. It is not enough to know what are the parts into which forensic pleadings are divided or the principles determining the order of the various questions, important though these points are. We must realise what should come first, second, and so on, in the several parts; for these points are so closely linked together by the very nature of things that they cannot be separated, nor their order changed, without giving rise to confusion. The orator, who speaks methodically, will above all take the actual sequence of the various points as his guide, and it is for this reason that even but moderately trained speakers find it easiest to keep the natural order in the *statement of facts*. Secondly, the orator must know what to look for in each portion of his case: he must not beat about the bush or allow himself to be thrown off the track by thoughts which suggest themselves from irrelevant quarters, or produce a speech which is a confused mass of incongruities, owing to his habit of leaping this way and that, and never sticking to any one point. Finally, he must confine himself to certain definite bounds, and for this *division* is absolutely necessary. When to the best of his ability he has dealt fully with all the points which he has advanced, he will know that he has reached his goal.

The precepts just given are dependent on theory. Those to which I now come depend on individual study. We must acquire a store of the best words and phrases on lines that I have already laid down, while our style must be formed by continuous and conscientious practice in writing, so that even our improvisations may reproduce the tone of our writing, and after writing much, we must give ourselves frequent practice in speaking. For facility is mainly the result of habit and exercise and, if it be lost only for a brief time, the result will be not merely that we fall short of the requisite rapidity, but that our lips will become clogged and slow to open. For although we need to possess a certain natural nimbleness of mind to enable us, while we are saying what the instant demands, to build up what is to follow and to secure that there will always be some thought formed and conceived in advance ready to serve our voice, none the less, it is scarcely possible either for natural gifts or for methodic art to enable the mind to grapple simultaneously with such manifold duties, and to be equal at one and the same time to the tasks of invention, arrangement, and style, together with what we are uttering at the moment, what we have got to say next and what we have to look to still further on, not to mention the fact that it is necessary all the time to give close attention to voice, delivery and gesture. For our mental activities must range far ahead and pursue the ideas which are still in front, and in proportion as the speaker pays out what he has in hand, he must make advances to himself from his reserve funds, in order that, until we reach our conclusion, our mind's eye may urge its gaze forward, keeping time with our

advance: otherwise we shall halt and stumble, and pour forth short and broken phrases, like persons who can only gasp out what they have to say.

There is, therefore, a certain mechanical knack, which the Greeks call ἄλογος τριβή, which enables the hand to go on scribbling, while the eye takes in whole lines at once as it reads, observes the intonations and the stops, and sees what is coming before the reader has articulated to himself what precedes. It is a similar knack which makes possible those miraculous tricks which we see jugglers and masters of sleight of hand perform upon the stage, in such a manner that the spectator can scarcely help believing that the objects which they throw into the air come to hand of their own accord, and run where they are bidden. But this knack will only be of real service if it be preceded by the art of which we have spoken, so that what is irrational in itself will nevertheless be founded on reason. For unless a man speaks in an orderly, ornate and fluent manner, I refuse to dignify his utterance with the name of speech, but consider it the merest rant. Nor again shall I ever be induced to admire a continuous flow of random talk, such as I note streams in torrents even from the lips of women when they quarrel, although, if a speaker is swept away by warmth of feeling and genuine inspiration, it frequently happens that he attains a success from improvisation which would have been beyond the reach of the most careful preparation. When this occurred, the old orators, such as Cicero, used to say that some god had inspired the speaker. But the reason is obvious. For profound emotion and vivid imagination sweep on with unbroken force, whereas, if retarded by the slowness of the pen, they are liable to grow cold and, it put off for the moment, may never return. Above all, if we add to these obstacles an unhealthy tendency to quibble over the choice of words, and check our advance at each step, the vehemence of our onset loses its impetus; while even though our choice of individual words may be of the happiest, the style will be a mere patchwork with no regular pattern.

Consequently those vivid conceptions of which I spoke and which, as I remarked, are called φαντασίαι, together with everything that we intend to say, the persons and questions involved, and the hopes and fears to which they give rise, must be kept clearly before our eyes and admitted to our hearts: for it is feeling and force of imagination that make us eloquent. It is for this reason that even the uneducated have no difficulty in finding words to express their meaning, if only they are stirred by some strong emotion. Further the attention of the mind must be directed not to some one thing, but simultaneously to a number of things in continuous sequence. The result will be the same as when we cast our eyes along some straight road and see at once all that is on and near it, obtaining a view not merely of its end, but of the whole way there. Dread of the shame of failure is also

a powerful stimulant to oratory, and it may be regarded as a matter for wonder that, whereas when writing we delight in privacy and shrink from the presence of witnesses, in extempore pleading a large audience has an encouraging effect, like that which the sight of the massed standards has on the soldier. For the sheer necessity of speaking thrusts forward and forces out our labouring thought, and the desire to win approbation kindles and fosters our efforts. So true is it that there is nothing which does not look for some reward, that eloquence, despite the fact that its activity is in itself productive of a strong feeling of pleasure, is influenced by nothing so much as the immediate acquisition of praise and renown. Nor should any man put such trust in his native ability as to hope that this power will present itself to him at the outset of his career as an orator; for the precepts which I laid down for premeditation apply to improvisation also; we must develop it by gradual stages from small beginnings, until we have reached that perfection which can only be produced and maintained by practice.

Moreover, the orator should reach such a pitch of excellence that, while premeditation may still be the safer method, it will not necessarily be the better, since many have acquired the gift of improvisation not merely in prose, but in verse as well, as, for example, Antipater of Sidon and Licinius Archias (for whose powers we have the unquestionable authority of Cicero), not to mention the fact that there are many, even in our own day, who have done this and are still doing it. I do not, however, regard this accomplishment as being particularly valuable in itself, for it is both impractical and unnecessary, but mention it as a useful example to encourage students training for the bar, in the hope that they may be able to acquire this accomplishment. Still our confidence in our power of speaking extempore should never be so great that we should neglect to devote a few minutes to the consideration of what we are going to say. There will but rarely be occasions when this is impossible, while in the lawsuits of the courts there is always some time allowed for the purpose. For no one can plead a cause with the facts of which he is unacquainted. Some declaimers, it is true, are led by a perverse ambition to attempt to speak the moment their theme has been given them, and even ask for a word with which to start, an affectation which is in the worst and most theatrical taste. But eloquence has, in her turn, nothing but derision for those that insult her thus, and speakers who wish to seem learned to fools are merely regarded as fools by the learned. If, however, chance should impose the necessity upon us of pleading a case at such short notice, we shall require to develop special mental agility, to give all our attention to the subject, and to make a temporary sacrifice of our care for the niceties of language, if we find it impossible to secure both. On such occasions a slower delivery and a style of speaking suggestive of a certain indecision and doubt

will secure us time to think, but we must be careful to do this in such a way as to give the impression of thought, not of hesitation. This precaution may be employed while we are clearing harbour, if the wind drive us forward before all our tackle is ready. Afterwards, as we proceed upon our course, we shall trim our sails, arrange our ropes, and pray that the breeze may fill our sails. Such a procedure is preferable to yielding ourselves to an empty torrent of words, that the storm may sweep us where it will.

But it requires no less careful study to maintain than to acquire this facility. Theory once mastered is not forgotten, and the pen loses but little of its speed by disuse: but this promptitude and readiness for action can be maintained by practice only. The best form of exercise is to speak daily before an audience of several persons, who should, as far as possible, be selected from those whose judgement and good opinion we value, since it is rare for anyone to be sufficiently critical of himself. It is even better to speak alone than not at all. There is yet another method of exercising this faculty: it consists in going over our subjects in their entirety in silent thought, although we must all the time formulate the words to ourselves: such practice is possible at any moment or place that finds us unoccupied, and is, in some respects, more useful than that which I have just mentioned; for we are more careful about our composition than when we are actually speaking and in momentary fear of interrupting the continuous flow of our language. On the other hand, the first method is more valuable for certain purposes, as it gives strength to our voice, fluency to our tongue and vigour to our gesture; and the latter, as I have already remarked, in itself excites the orator and spurs him on, as he waves his hand or stamps his foot: he is, in fact, like the lion, that is said to lash himself to fury with his tail. But we must study always and everywhere. For there is scarce a single day in our lives that is so full of occupations that we may not, at some moment or other, snatch a few precious minutes, as Cicero records that Brutus was wont to do, either for writing or reading or speaking; Gaius Carbo, for example, was in the habit of indulging in such exercises even in his tent. I must also mention the precept (which again has the approval of Cicero) that we should never be careless about our language. Whatever we say, under whatever circumstances, should be perfect in its way. As regards writing, this is certainly never more necessary than when we have frequently to speak extempore. For it maintains the solidity of our speech and gives depth to superficial facility. We may compare the practice of husbandmen who cut away the uppermost roots of their vines, which run close to the surface of the soil, that the taproots may strike deeper and gain in strength. Indeed I am not sure that, if we practise both with care and assiduity, mutual profit will not result, and writing will give us greater precision of speech, while speaking will make us write with

greater facility. We must write, therefore, whenever possible; if we cannot write, we must meditate: if both are out of the question, we must still speak in such a manner that we shall not seem to be taken unawares nor our client to be left in the lurch.

It is, however, a common practice with those who have many cases to plead to write out the most necessary portions, more especially the beginnings of their speeches, to cover the remainder of that which they are able to prepare by careful premeditation and to trust to improvisation in emergency, a practice regularly adopted by Cicero, as is clear from his note-books. But the notes of other orators are also in circulation; some have been discovered by chance, just as they were jotted down previous to a speech, while others have been edited in book form, as in the case of the speeches delivered in the courts by Servius Sulpicius, of whose works only three speeches survive. These memoranda, however, of which I am speaking are so carefully drawn up that they seem to me to have been composed by himself for the benefit of posterity. But Cicero's notes were originally intended merely to meet the requirements of the moment, and were afterwards collected by Tiro. In making this apology I do not mean to imply that I disapprove of them, but merely wish to make them more worthy of admiration. And in this connexion I must state that I admit the use of brief memoranda and note-books, which may even be held in the hand and referred to from time to time. But I disapprove of the advice given by Laenas, that we should set down in our note-books, duly tabulated under the appropriate headings, summaries of what we propose to say, even in cases where we have already written it out in full. For reliance on such notes as these makes us careless in learning what we have written and mutilates and deforms our style. For my own part I think that we should never write out anything which we do not intend to commit to memory. For if we do, our thoughts will run back to what we have elaborated in writing and will not permit us to try the fortune of the moment. Consequently, the mind will waver in doubt between the two alternatives, having forgotten what was committed to writing and being unable to think of anything fresh to say. However, as the topic of memory will be discussed in the next book, I will not introduce it here, as there are other points which require to be dealt with first.

BOOK XI

CHAPTER I: APPROPRIATENESS

After acquiring the power of writing and thinking, as described in the preceding book, and also of pleading extempore, if occasion demand, our next task will be to ensure that appropriateness of speech, which Cicero shows to be the fourth department of style, and which is, in my opinion, highly necessary. For since the ornaments of style are varied and manifold and suited for different purposes, they will, unless adapted to the matter and the persons concerned, not merely fail to give our style distinction, but will even destroy its effect and produce a result quite the reverse of that which our matter should produce. For what profit is it that our words should be Latin, significant and graceful, and be further embellished with elaborate figures and rhythms, unless all these qualities are in harmony with the views to which we seek to lead the judge and mould his opinions? What use is it if we employ a lofty tone in cases of trivial import, a slight and refined style in cases of great moment, a cheerful tone when our matter calls for sadness, a gentle tone when it demands vehemence, threatening language when supplication, and submissive when energy is required, or fierceness and violence when our theme is one that asks for charm? Such incongruities are as unbecoming as it is for men to wear necklaces and pearls and flowing raiment which are the natural adornments of women, or for women to robe themselves in the garb of triumph, than which there can be conceived no more majestic raiment. This topic is discussed by Cicero in the third book of the *de Oratore*, and, although he touches on it but lightly, he really covers the whole subject when he says, *One single style of oratory is not suited to every case, nor to every audience, nor every speaker, nor every occasion*. And he says the same at scarcely greater length in the *Orator*. But in the first of these works Lucius Crassus, since he is speaking in the presence of men distinguished alike for their learning and their eloquence, thinks it sufficient merely to indicate this topic to his audience for their recognition; while in the latter work Cicero asserts that, as these facts are familiar to Brutus, to whom that treatise is addressed, they will be given briefer treatment, despite the fact that the subject is a wide one and is discussed at greater length by the philosophers. I, on the other hand, have undertaken the education of an orator, and, consequently, am speaking not merely to those that know, but also to learners; I shall, therefore, have some claim to forgiveness if I discuss the topic in greater detail.

For this reason, it is of the first importance that we should know what style is most suitable for conciliating, instructing or moving the judge, and what effects we

should aim at in different parts of our speech. Thus we shall eschew antique, metaphorical and newly-coined words in our *exordium*, *statement of facts* and *arguments*, as we shall avoid flowing periods woven with elaborate grace, when the case has to be divided and distinguished under its various heads, while, on the other hand, we shall not employ mean or colloquial language, devoid of all artistic structure, in the *peroration*, nor, when the theme calls for compassion, attempt to dry the tears of our audience with jests. For all ornament derives its effect not from its own qualities so much as from the circumstances in which it is applied, and the occasion chosen for saying anything is at least as important a consideration as what is actually said. But the whole of this question of appropriate language turns on something more than our choice of style, for it has much in common with invention. For if words can produce such an impression, how much greater must that be which is created by the facts themselves. But I have already laid down rules for the treatment of the latter in various portions of this work.

Too much insistence cannot be laid upon the point that no one can be said to speak appropriately who has not considered not merely what it is expedient, but also what it is becoming to say. I am well aware that these two considerations generally go hand in hand. For whatever is becoming is, as a rule, useful, and there is nothing that does more to conciliate the good-will of the judge than the observance or to alienate it than the disregard of these considerations. Sometimes, however, the two are at variance. Now, whenever this occurs, expediency must yield to the demands of what is becoming. Who is there who does not realise that nothing would have contributed more to secure the acquittal of Socrates than if he had employed the ordinary forensic methods of defence and had conciliated the minds of his judges by adopting a submissive tone and had devoted his attention to refuting the actual charge against him? But such a course would have been unworthy of his character, and, therefore, he pleaded as one who would account the penalty to which he might be sentenced as the highest of honours. The wisest of men preferred to sacrifice the remnant of his days rather than to cancel all his past life. And since he was but ill understood by the men of his own day, he reserved his case for the approval of posterity and at the cost of a few last declining years achieved through all the ages life everlasting. And so although Lysias, who was accounted the first orator of that time, offered him a written defence, he refused to make use of it, since, though he recognised its excellence, he regarded it as unbecoming to himself. This instance alone shows that the end which the orator must keep in view is not persuasion, but speaking well, since there are occasions when to persuade would be a blot upon his honour. The line adopted by Socrates was useless to secure his acquittal, but was of real service to him as a man; and that

is by far the greater consideration. In drawing this distinction between what is expedient and what is becoming, I have followed rather the usage of common speech than the strict law of truth; unless, indeed, the elder Africanus is to be regarded as having failed to consult his true interests, when he retired into exile sooner than wrangle over his own innocence with a contemptible tribune of the people, or unless it be alleged that Publius Rutilius was ignorant of his true advantage both on the occasion when he adopted a defence which may almost be compared with that of Socrates, and when he preferred to remain in exile rather than return at Sulla's bidding. No, these great men regarded all those trifles that the most abject natures regard as advantageous, as being contemptible if weighed in the balance with virtue, and for this reason they have their reward in the deathless praise of all generations. Let not us, then, be so poor spirited as to regard the acts, which we extol, as being inexpedient. However, it is but rarely that this distinction, such as it is, is called into play. As I have said, the expedient and the becoming will, as a rule, be identical in every kind of case. Still, there are two things which will be becoming to all men at all times and in all places, namely, to act and speak as befits a man of honour, and it will never at any time besem any man to speak or act dishonourably. On the other hand, things of minor importance and occupying something like a middle position between the two are generally of such a nature that they may be conceded to some, but not to others, while it will depend on the character of the speaker and the circumstances of time, place and motive whether we regard them as more or less excusable or reprehensible. When, however, we are speaking of our own affairs or those of others, we must distinguish between the expedient and the becoming, while recognising that the majority of the points which we have to consider will fall under neither head.

In the first place, then, all kinds of boasting are a mistake, above all, it is an error for an orator to praise his own eloquence, and, further, not merely wearies, but in the majority of cases disgusts the audience. For there is ever in the mind of man a certain element of lofty and unbending pride that will not brook superiority: and for this reason we take delight in raising the humble and submissive to their feet, since such an act gives us a consciousness of our superiority, and as soon as all sense of rivalry disappears, its place is taken by a feeling of humanity. But the man who exalts himself beyond reason is looked upon as depreciating and showing a contempt for others and as making them seem small rather than himself seem great. As a result, those who are beneath him feel a grudge against him (for those who are unwilling to yield and yet have not the strength to hold their own are always liable to this failing), while his superiors laugh at him and the good disapprove. Indeed, as a rule, you will find that arrogance implies a false self-esteem, whereas those who

possess true merit find satisfaction enough in the consciousness of possession.

Cicero has been severely censured in this connexion, although he was far more given to boasting of his political achievements than of his eloquence, at any rate, in his speeches. And as a rule he had some sound reason for his self-praise. For he was either defending those who had assisted him to crush the conspiracy of Catiline, or was replying to attacks made upon him by those who envied his position; attacks which he was so far unable to withstand that he suffered exile as the penalty for having saved his country. Consequently, we may regard his frequent reference to the deeds accomplished in his consulship as being due quite as much to the necessities of defence as to the promptings of vainglory. As regards his own eloquence, he never made immoderate claims for it in his pleading, while he always paid a handsome tribute to the eloquence of the advocate, who opposed him. For example, there are passages such as the following: "If there be aught of talent in me, and I am only too conscious how little it is," and, "In default of talent, I turned to industry for aid." Again, in his speech against Caecilius on the selection of an accuser for Verres, despite the fact that the question as to which was the most capable pleader, was a factor of great importance, he rather depreciated his opponent's eloquence than exalted his own, and asserted that he had done all in his power to make himself an orator, though he knew he had not succeeded. In his letters to intimate friends, it is true, and occasionally in his dialogues, he tells the truth of his own eloquence, though in the latter case he is careful always to place the remarks in question in the mouth of some other character. And yet I am not sure that open boasting is not more tolerable, owing to its sheer straightforwardness, than that perverted form of self-praise, which makes the millionaire say that he is not a poor man, the man of mark describe himself as obscure, the powerful pose as weak, and the eloquent as unskilled and even inarticulate. But the most ostentatious kind of boasting takes the form of actual self-derision. Let us therefore leave it to others to praise us. For it beseems us, as Demosthenes says, to blush even when we are praised by others. I do not mean to deny that there are occasions when an orator may speak of his own achievements, as Demosthenes himself does in his defence of Ctesiphon. But on that occasion he qualified his statements in such a way as to show that he was compelled by necessity to do so, and to throw the odium attaching to such a proceeding on the man who had forced him to it. Again, Cicero often speaks of his suppression of the Catilinarian conspiracy, but either attributes his success to the courage shown by the senate or to the providence of the immortal gods. If he puts forward stronger claims to merit, it is generally when speaking against his enemies and detractors; for he was bound to defend his actions when they were denounced as discreditable.

One could only wish that he had shown greater restraint in his poems, which those who love him not are never weary of criticising. I refer to passages such as:

“Let arms before the peaceful toga yield,
Laurels to eloquence resign the field,”

or

“O happy Rome, born in my consulship!”

Phil. II. i. 2.

together with that “Jupiter, by whom he is summoned to the assembly of the gods,” and the “Minerva that taught him her accomplishments”; extravagances which he permitted himself in imitation of certain precedents in Greek literature.

But while it is unseemly to make a boast of one’s eloquence, it is, however, at times permissible to express confidence in it. Who, for instance, can blame the following? “What, then, am I to think? That I am held in contempt? I see nothing either in my past life, or my position, or such poor talents as I may possess, that Antony can afford to despise.” And a little later he speaks yet more openly: “Or did he wish to challenge me to a contest of eloquence? I could wish for nothing better. For what ampler or richer theme could I hope to find than to speak at once for myself and against Antony?”

Another form of arrogance is displayed by those who declare that they have come to a clear conviction of the justice of their cause, which they would not otherwise have undertaken. For the judges give but a reluctant hearing to such as presume to anticipate their verdict, and the orator cannot hope that his opponents will regard his *ipse dixit* with the veneration accorded by the Pythagoreans to that of their master. But this fault will vary in seriousness according to the character of the orator who uses such language. For such assertions may to some extent be justified by the age, rank, and authority of the speaker. But scarcely any orator is possessed of these advantages to such an extent as to exempt him from the duty of tempering such assertions by a certain show of modesty, a remark which also applies to all passages in which the advocate draws any of his arguments from his own person. What could have been more presumptuous than if Cicero had asserted that the fact that a man was the son of a Roman knight should never be regarded as a serious charge, in a case in which *he* was appearing for the defence? But he succeeded in giving this very argument a favourable turn by associating his own rank with that of the judges, and saying, “The fact of a man being the son of a

Roman knight should never have been put forward as a charge by the prosecution when these gentlemen were in the jury-box and I was appearing for the defendant.”

An impudent, disorderly, or angry tone is always unseemly, no matter who it be that assumes it; and it becomes all the more reprehensible in proportion to the age, rank, and experience of the speaker. But we are familiar with the sight of certain brawling advocates who are restrained neither by respect for the court nor by the recognised methods and manners of pleading. The obvious inference from this attitude of mind is that they are utterly reckless both in undertaking cases and in pleading them. For a man's character is generally revealed and the secrets of his heart are laid bare by his manner of speaking, and there is good ground for the Greek aphorism that, “as a man lives, so will he speak.” The following vices are of a meaner type: grovelling flattery, affected buffoonery, immodesty in dealing with things or words which are unseemly or obscene, and disregard of authority on all and every occasion. They are faults which, as a rule, are found in those who are over-anxious either to please or amuse.

Again, different kinds of eloquence suit different speakers. For example, a full, haughty, bold and florid style would be less becoming to an old man than that restrained, mild and precise style to which Cicero refers, when he says that his style is beginning to grow grey-haired. It is the same with their style as their clothes; purple and scarlet raiment goes ill with grey hairs. In the young, however, we can endure a rich and even, perhaps, a risky style. On the other hand, a dry, careful and compressed style is displeasing in the young as suggesting the affectation of severity, since even the authority of character that goes with age is considered as premature in young men. Soldiers are best suited by a simple style. Those, again, who make ostentatious profession, as some do, of being philosophers, would do well to avoid most of the ornaments of oratory, more especially those which consist in appeals to the passions, which they regard as moral blemishes. So, too, the employment of rare words and of rhythmical structure are incongruous with their profession. For their beards and gloomy brows are ill-suited not merely to luxuriance of style, such as we find in Cicero's “Rocks and solitudes answer to the voice,” but even to full-blooded passages as, “For on you I call, ye hills and groves of Alba; I call you to bear me witness, and ye, too, fallen altars of the Albans, that were once the peers and equals of the holy places of Rome.” But the public man, who is truly wise and devotes himself not to idle disputations, but to the administration of the state, from which those who call themselves philosophers have withdrawn themselves afar, will gladly employ every method that may contribute to the end which he seeks to gain by his eloquence, although he will first form a clear conception in his mind as to what aims are honourable and what are not. There is a form of eloquence which is

becoming in the greatest men, but inadmissible in others. For example, the methods of eloquence employed by commanders and conquerors in their hour of triumph are to a great extent to be regarded as in a class apart. The comparison of the eloquence of Plompey and Cato the younger, who slew himself in the civil war, will illustrate my meaning. The former was extraordinarily eloquent in the description of his own exploits, while the latter's powers were displayed in debates in the senate. Again, the same remark will seem freedom of speech in one's mouth, madness in another's, and arrogance in a third. We laugh at the words used by Thersites to Agamemnon; but put them in the mouth of Diomedes or some other of his peers, and they will seem the expression of a great spirit. "Shall I regard you as consul," said Lucius Crassus to Philippius, "when you refuse to regard me as a senator?" That was honourable freedom of speech, and yet we should not tolerate such words from everybody's lips. One of the poets says that he does not care whether Caesar be white or black. That is madness. But reverse the case. Suppose that Caesar said it of the poet? That would be arrogance. The tragic and comic poets pay special attention to character, since they introduce a great number and variety of persons. Those who wrote speeches for others paid a like attention to these points, and so do the declaimers; for we do not always speak as advocates, but frequently as actual parties to the suit.

But even in these cases in which we appear as advocates, differences of character require careful observation. For we introduce fictitious personages and speak through other's lips, and we must therefore allot the appropriate character to those to whom we lend a voice. For example, Publius Clodius will be represented in one way, Appius Caecus in another, while Caecilius makes the father in his comedy speak in quite a different manner from the father in the comedy of Terence. What can be more brutal than the words of Verres' lictor, "To see him you will pay so much"? or braver than those of the man from whom the scourge could wring but one cry, "I am a Roman citizen!" Again, read the words which Cicero places in the mouth of Milo in his peroration: are they not worthy of the man who to save the state had so oft repressed a seditious citizen, and had triumphed by his valour over the ambush that was laid for him? Further, it is not merely true that the variety required in impersonation will be in proportion to the variety presented by the case, for impersonation demands even greater variety, since it involves the portrayal of the emotions of children, women, nations, and even of voiceless things, all of which require to be represented in character. The same points have to be observed with respect to those for whom we plead: for our tone will vary with the character of our client, according as he is distinguished, or of humble position, popular or the reverse, while we must also take into account the differences in their principles and

their past life. As regards the orator himself, the qualities which will most commend him are courtesy, kindness, moderation and benevolence. But, on the other hand, the opposite of these qualities will sometimes be becoming to a good man. He may hate the bad, be moved to passion in the public interest, seek to avenge crime and wrong, and, in fine, as I said at the beginning, may follow the promptings of every honourable emotion.

The character of the speaker and of the person on whose behalf he speaks are, however, not the only points which it is important to take into account: the character of those before whom we have to speak calls for serious consideration. Their power and rank will make no small difference; we shall employ different methods according as we are speaking before the emperor, a magistrate, a senator, a private citizen, or merely a free man, while a different tone is demanded by trials in the public courts, and in cases submitted to arbitration. For while a display of care and anxiety, and the employment of every device available for the amplification of our style are becoming when we are pleading for a client accused on a capital charge, it would be useless to employ the same methods in cases and trials of minor importance, and the speaker who, when speaking from his chair before an arbitrator on some trivial question, should make an admission like that made by Cicero, to the effect that it was not merely his soul that was in a state of commotion, but that his whole body was convulsed with shuddering, would meet with well-deserved ridicule. Again, who does not know what different styles of eloquence are required when speaking before the grave assembly of the senate and before the fickle populace, since even when we are pleading before single judges the same style will not be suitable for use before one of weighty character and another of a more frivolous disposition, while a learned judge must not be addressed in the same tone that we should employ before a soldier or a rustic, and our style must at times be lowered and simplified, for fear that he may be unable to take it in or to understand it.

Again, circumstances of time and place demand special consideration. The occasion may be one for sorrow or for rejoicing, the time at our disposal may be ample or restricted, and the orator must adapt himself to all these circumstances. It, likewise, makes no small difference whether we are speaking in public or in private, before a crowded audience or in comparative seclusion, in another city or our own, in the camp or in the forum: each of these places will require its own style and peculiar form of oratory, since even in other spheres of life the same actions are not equally suited to the forum, the senate-house, the Campus Martius, the theatre or one's own house, and there is much that is not in itself reprehensible, and may at times be absolutely necessary, which will be regarded as unseemly if done in some

place where it is not sanctioned by custom. I have already pointed out how much more elegance and ornament is allowed by the topics of demonstrative oratory, whose main object is the delectation of the audience, than is permitted by deliberative or forensic themes which are concerned with action and argument.

To this must be added the fact that certain qualities, which are in themselves merits of a high order, may be rendered unbecoming by the special circumstances of the case. For example, when a man is accused on a capital charge, and, above all, if he is defending himself before his conqueror or his sovereign, it would be quite intolerable for him to indulge in frequent metaphors, antique or newlycoined words, rhythms as far removed as possible from the practice of every-day speech, rounded periods, florid commonplaces and ornate reflexions. Would not all these devices destroy the impression of anxiety which should be created by a man in such peril, and rob him of the succour of pity, on which even the innocent are forced to rely? Would any man be moved by the sad plight of one who revealed himself as a vainglorious boaster, and ostentatiously flaunted the airs and graces of his eloquence at a moment when his fate hung in suspense? Would he not rather hate the man who, despite his position as accused, hunted for fine words, showed himself concerned for his reputation as a clever speaker, and found time at such a moment to display his eloquence? I consider that Marcus Caelius, in the speech in which he defended himself against a charge of breach of the peace, showed a wonderful grasp of these facts, when he said: "I trust that none of you gentlemen, or of all those who have come to plead against me, will find offence in my mien or insolence in my voice, or, though that is a comparative trifle, any trace of arrogance in my gesture." But there are some cases where the success of the pleader depends on apology, entreaties for mercy, or confession of error. Can sorrow be expressed in epigram? Or will *enthymemes* or *epiphonemata* avail to win the judge's mercy? Will not all embellishment of pure emotion merely impair its force and dispel compassion by such a display of apparent unconcern? Or, suppose that a father has to speak of his son's death, or of some wrong that is worse than death, will he, in making his statement of facts, seek to achieve that grace in exposition which is secured by purity and lucidity of language, and content himself with setting forth his case in due order with brevity and meaning? Or will he count over the heads of his argument upon his fingers, aim at niceties of division and proposition, and speak without the least energy of feeling as is usual in such portions of a speech? Whither will his grief have fled while he is thus engaged? Where has the fountain of his tears been stayed? How came this callous attention to the rules of text-books to obtrude itself? Will he not rather, from his opening words to the very last he utters, maintain a continuous voice of lamentation and a mien of unvaried woe, if he desires to

transplant his grief to the hearts of his audience? For if he once remits aught of his passion of grief, he will never be able to recall it to the hearts of them that hear him. This is a point which declaimers, above all, must be careful to bear in mind: I mention this because I have no compunction in referring to a branch of the art which was once also my own, or in reverting to the consideration of the youthful students such as once were in my charge: the declaimer, I repeat, must bear this in mind, since in the schools we often feign emotions that affect us not as advocates, but as the actual sufferers. For example, we even imagine cases where persons, either because of some overwhelming misfortune or repentance for some sin, demand from the senate the right to make an end of their lives; and in these cases it is obviously unbecoming not merely to adopt a chanting intonation, a fault which has also become almost universal, or to use extravagant language, but even to argue without an admixture of emotional appeal, so managed as to be even more prominent than the proof which is advanced. For the man who can lay aside his grief for a moment while he is pleading, seems capable even of laying it aside altogether

I am not sure, however, that it is not in our attitude towards our opponents that this care for decorum, which we are now discussing, should be most rigorously maintained. For there can be no doubt, that in all accusations our first aim should be to give the impression that it is only with the greatest reluctance that we have consented to undertake the role of accuser. Consequently, I strongly disapprove of such remarks as the following which was made by Cassius Severus: "Thank Heaven, I am still alive; and that I may find some savour in life, I see Asprenas arraigned for his crimes." For, after this, it is impossible to suppose that he had just or necessary reasons for accusing Asprenas, and we cannot help suspecting that his motive was sheer delight in accusation. But, beside this consideration, which applies to all cases, there is the further point that certain cases demand special moderation. Therefore, a man who demands the appointment of a curator for his father's property, should express his grief at his father's affliction; and, however grave be the charges that a father may be going to bring against his son, he should emphasize the painful nature of the necessity that is imposed upon him. And this he should do not merely in a few brief words, but his emotion should colour his whole speech, so that it may be felt not merely that he is speaking, but that he is speaking the truth. Again, if a ward make allegations against his guardian, the latter must never give way to such anger that no trace is left of his former love or of a certain reverent regard for the memory of his opponent's father. I have already spoken, in the seventh book, I think, of the way in which a case should be pleaded against a father who disinherits his son, or a wife who brings a charge of ill

treatment against her husband, while the fourth book, in which I prescribed certain rules for the exordium, contains my instructions as to when it is becoming that the parties should speak themselves, and when they should employ an advocate to speak for them.

It will be readily admitted by everyone that words may be becoming or offensive in themselves. There is therefore a further point, which presents the most serious difficulty, that requires notice in this connexion: we must consider by what means things which are naturally unseemly and which, had we been given the choice, we should have preferred not to say, may be uttered without indecorum. What at first sight can be more unpleasing and what more revolting to the ears of men than a case in which a son or his advocate has to speak against his mother? And yet sometimes it is absolutely necessary, as, for example, in the case of Cluentius Habitus. But it is not always desirable to employ the method adopted by Cicero against Sasia, not because he did not make most admirable use of it, but because in such cases it makes the greatest difference what the point may be and what the manner in which the mother seeks to injure her son. In the case of Sasia she has openly sought to procure the destruction of her son, and consequently vigorous methods were justified against her. But there were two points, the only points which remained to be dealt with, that were handled by Cicero with consummate skill: in the first place, he does not forget the reverence that is due to parents, and in the second, after a thorough investigation of the history of the crime, he makes it clear that it was not merely right, but a positive necessity that he should say what he proposed to say against the mother. And he placed this explanation in the forefront of his case, although it had really nothing to do with the actual question at issue; a fact which shows that his first consideration in that difficult and complicated case was the consideration of what was becoming for him to say. He therefore made the name of mother cast odium not on the son, but on her who was the object of his denunciations. It is, however, always possible that a mother may be her son's opponent in a case of less serious import, or at any rate in a way which involves less deadly hostility. Under such circumstances the orator must adopt a gentler and more restrained tone. For example, we may offer apology for the line which we take, and thus lessen the odium which we incur or even transfer it to a different quarter, while if it be obvious that the son is deeply grieved by the situation, it will be believed that he is blameless in the matter and he will even become an object of pity. It will also be desirable to throw the blame on others, so that it may be believed that the mother's action was instigated by their malice, and to assert that we will put up with every form of provocation, and will say nothing harsh in reply, so that, even although strong language may be absolutely necessary

on our part, we may seem to be driven to use it against our will. Nay, if some charge has to be made against the mother, it will be the advocate's task to make it seem that he does so against the desire of the son and from a sense of duty to his client. Thus both son and advocate will win legitimate praise. What I have said about mothers will apply to either parent; for I have known of litigation taking place between fathers and sons as well, after the *emancipation* of the son. And when other relationships are concerned, we must take care to create the impression that we have spoken with reluctance and under stress of necessity and that we have been forbearing in our language; but the importance of so doing will vary according to the respect due to the persons concerned. The same courtesy should be observed in speaking on behalf of freedmen against their patrons. In fact, to sum up, it will never become us to plead against such persons in a tone which we ourselves should have resented in the mouth of men of like condition. The same respect is on occasion due to persons of high rank, and it may be necessary to offer justification for our freedom of speech to avoid giving the impression that we have shown ourselves insolent or ostentatious in our attack upon such persons. Consequently Cicero, although he intended to speak against Cotta with the utmost vehemence, and indeed the case of Publius Oppius was such that he could not do otherwise, prefaced his attack by pleading at some length the necessity imposed upon him by his duty to his client. Sometimes, again, it will beseem us to spare or seem to spare our inferiors, more especially if they be young. Cicero gives an example of such moderation in the way in which he deals with Atratinus in his defence of Caelius: he does not lash him like an enemy, but admonishes him almost like a father. For Atratinus was of noble birth and young, and the grievance which led him to bring the accusation was not unreasonable.

But the task is comparatively easy in those cases in which it is to the judge, or even, it may be, to our audience that we have to indicate the reason for our moderation. The real difficulty arises when we are afraid of offending those against whom we are speaking. The difficulties of Cicero when defending Murena were increased by the fact that he was opposed by two persons of this character, namely Marcus Cato and Servius Sulpicius. And yet in what courteous language, after allowing Sulpicius all the virtues, he refuses to admit that he has any idea of the way to conduct a candidature for the consulship. What else was there in which a man of high birth and a distinguished lawyer would sooner admit his inferiority? With what skill he sets forth his reasons for undertaking the defence of Murena, when he says that he supported Sulpicius' candidature as opposed to that of Murena, but did not regard that preference as reason why he should support him in bringing a capital charge against his rival! And with what a light touch he deals

with Cato! He has the highest admiration for his character and desires to show that the fact that in certain respects it has become severe and callous is due not to any personal fault, but to the influence of the Stoic school of philosophy; in fact you would imagine that they were engaged not in a forensic dispute, but merely in some philosophical discussion. This is undoubtedly the right method, and the safest rule in such cases will be to follow the practice of Cicero, namely, that, when we desire to disparage a man without giving offence, we should allow him to be the possessor of all other virtues and point out that it is only in this one respect that he falls short of his high standard, while we should, if possible, add some reason why this should be so, such, for example, as his being too obstinate or credulous or quick to anger, or acting under the influence of others. (For we may generally find a way out of such embarrassments by making it clear throughout our whole speech that we not merely honour the object of our criticism, but even regard him with affection.) Further, we should have good cause for speaking thus and must do so not merely with moderation, but also give the impression that our action is due to the necessities of the case. A different situation arises, but an easier one, when we have to praise the actions of men who are otherwise disreputable or hateful to ourselves: for it is only right that we should award praise where it is deserved, whatever the character of the person praised may be. Cicero spoke in defence of Gabinius and Publius Vatinius, both of them his deadly enemies and men against whom he had previously spoken and even published his speeches: but he justifies himself by declaring that he does so not because he is anxious for his reputation as an accomplished speaker, but because he is concerned for his honour. He had a more difficult task in his defence of Cluentius, as it was necessary for him to denounce Scamander's guilt, although he had previously appeared for him. But he excuses his action with the utmost grace, alleging the importunity of those persons who had brought Scamander to him, and his own youth at the time, whereas it would have been a serious blot on his reputation, especially in connexion with a case of the most dubious character, if he had admitted that he was one who was ready to undertake the defence of guilty persons without asking awkward questions.

On the other hand, when we are pleading before a judge, who has special reasons for being hostile to us or is for some personal motive ill-disposed to the cause which we have undertaken, although it may be difficult to persuade him, the method which we should adopt in speaking is simple enough: we shall pretend that our confidence in his integrity and in the justice of our cause is such that we have no fears. We must play upon his vanity by pointing out that the less he indulges his own personal enmity or interest, the greater will be the reputation for conscientious rectitude that will accrue to him from his verdict. The same method may be

adopted if our case should chance to be sent back to the same judges from whom we have appealed: but we may further, if the case should permit, plead that we were forced to take the action which we did or were led to it by error or suspicion. The safest course will therefore be to express our regret, apologise for our fault and employ every means to induce the judge to feel compunction for his anger. It will also sometimes happen that a judge may have to try the same case on which he has previously given judgment. In such circumstances the method commonly adopted is to say that we should not have ventured to dispute his sentence before any other judge, since he alone would be justified in revising it: but (and in this we must be guided by the circumstances of the case) we may allege that certain facts were not known on the previous occasion or certain witnesses were unavailable, or, though this must be advanced with the utmost caution and only in the last resort, that our clients' advocates were unequal to their task. And even if we have to plead a case afresh before different judges, as may occur in a second trial of a claim to freedom or in cases in the centumviral courts, which are divided between two different panels, it will be most seemly, if we have lost our case before the first panel, to say nothing against the judges who tried the case on that occasion. But this is a subject with which I dealt at some length in the passage where I discussed *proofs*.

It may happen that we have to censure actions in others, of which we have been guilty ourselves, as, for example, when Tubero charges Ligarius with having been in Africa. Again, there have been cases where persons condemned for bribery have indicted others for the same offence with a view to recovering their lost position: for this the schools provide a parallel in the theme where a luxurious youth accuses his father of the same offence. I do not see how this can be done with decorum unless we succeed in discovering some difference between the two cases, such as character, age, motives, circumstances of time and place or intention. Tubero, for example, alleges that he was a young man at the time and went thither in the company of his father, who had been sent by the senate not to take part in the war, but to purchase corn, and further that he left the party as soon as he could, whereas Ligarius clung to the party and gave his support, not to Gnaeus Pompeius, who was engaged with Caesar in a struggle for the supreme power, though both wished to preserve the state, but to Juba and the Africans who were the sworn enemies of Rome. The easiest course, however, is to denounce another's guilt, while admitting our own in the same connexion. However, that is the part of an informer, not of a pleader. But if there is no excuse available, penitence is our only hope. For the man who is converted to the hatred of his own errors, may perhaps be regarded as sufficiently reformed. For there are occasionally circumstances which from the very nature of the case may make such an attitude not unbecoming, as, for example, in

the case where the father disinherits a son born of a harlot because that son has married a harlot, a case which, although it forms a scholastic theme, might actually arise in a court of law. There are a number of pleas which the father may put forward with becoming effect. He will say that it is the prayer of all parents that their sons should be better men than themselves (for example, if a daughter also had been born to him, the harlot, her mother, would have wished her to be chaste), or that he himself was in a humbler position (for a man in such a position is permitted to marry a harlot), or that he had no father to warn him; and further that there was an additional reason against his son's conduct, namely, that he should not revive the old family scandal nor reproach his father with his marriage and his mother with the hard necessity of her former life, nor give a bad example to his own children in their turn. We may also plausibly suggest that there is some particularly shameful feature in the character of the harlot married by the son, which the father cannot under existing circumstances tolerate. There are other possible arguments which I pass by: for I am not now engaged in declamation, but am merely pointing out that there are occasions when the speaker may turn his own drawbacks to good account.

More arduous difficulties confront us when we have to deal with a complaint of some shameful act such as rape, more especially when this is of an unnatural kind. I do not refer to cases when the victim himself is speaking. For what should he do but groan and weep and curse his existence, so that the judge will understand his grief rather than hear it articulately expressed? But the victim's advocate will have to exhibit similar emotions, since the admission of such wrongs cause more shame to the sufferer than the criminal. In many cases it is desirable to soften the harshness of our language by the infusion of a more conciliatory tone, as, for example, Cicero did in his speech dealing with the children of the proscribed. What fate could be more cruel than that the children of men of good birth and the descendants of distinguished ancestors should be excluded from participation in public life? For this reason that supreme artist in playing on the minds of men admits that it is hard, but asserts that the constitution is so essentially dependent on the laws of Sulla, that their repeal would inevitably involve its destruction. Thus he succeeded in creating the impression that he was doing something on behalf of those very persons against whom he spoke. I have already pointed out, in dealing with the subject of jests, how unseemly it is to take the position in life of individuals as the target for our gibes, and also have urged that we should refrain from insulting whole classes, races or communities. But at times our duty toward our client will force us to say something on the general character of a whole class of people, such as freedmen, soldiers, tax farmers or the like. In all these cases the usual remedy is to create the impression that it is with reluctance that we introduce topics which

must give pain, while further we shall avoid attacking everything, and even while using the language of reproof with regard to the essential point of attack, shall make up for our censure by praising our victims in some other connexion. For example, if we charge soldiers with rapacity, we shall qualify our statement by saying that the fact is not surprising, as they think that they are entitled to some special reward for the perils they have faced and the wounds they have sustained. Or, if we censure them for insolence, we shall add that this quality is due to the fact that they are more accustomed to war than to peace. In the case of freedmen we should disparage their influence: but we may also give them credit for the industry which secured their emancipation. With regard to foreign nations, Cicero's practice varies. When he intends to disparage the credibility of Greek witnesses he admits their distinction in learning and literature and professes his admiration for their nation. On the other hand, he has nothing but contempt for the Sardinians and attacks the Allobroges as the enemies of Rome. In all these cases none of his remarks, at the time they were made, were inconsistent with or adverse to the claims of decorum. If there be anything offensive in the subject on which we have to speak, it may be toned down by a studied moderation in our language; for example, we may describe a brutal character as being unduly severe, an unjust man as led astray by prejudice, an obstinate man as unreasonably tenacious of his opinion. And there are a large number of cases where we should attempt to defeat our opponents by reasoning, which forms the gentlest of all methods of attack.

To these remarks I would add that all extravagance of any kind is indecorous, and consequently statements which are in sufficient harmony with the facts will none the less lose all their grace unless they are modified by a certain restraint. It is hard to give rules as to the exact method in which this precept should be observed, but the problem will easily be solved by following the dictates of our own judgement, which will tell us what it is sufficient to say and how much the ears of our audience will tolerate. We cannot weigh or measure our words by fixed standards: they are like foods, some of which are more satisfying than others.

I think I should also add a few brief words to the effect that not only very different rhetorical virtues have their special admirers, but that they are often praised by the same persons. For instance, there is one passage in Cicero where he writes that the best style is that which we think we can easily acquire by imitation, but which we find is really beyond our powers. But in another passage he says that his aim was not to speak in such a manner that everyone should be confident that he could do the same, but rather in a style that should be the despair of all. These two statements may seem to be inconsistent, but as a matter of fact both alike deserve the praise which they receive. The difference is due to the fact that cases

differ in character. Those of minor importance are admirably suited by the simplicity and negligence of unaffected language, whereas cases of greater moment are best suited by the grand style. Cicero is pre-eminent in both. Now while eminence in one of these styles may seem to the inexperienced to be within their grasp, those who understand know that they are capable of eminence in neither.

CHAPTER II: MEMORY

Some regard memory as being no more than one of nature's gifts; and this view is no doubt true to a great extent; but, like everything else, memory may be improved by cultivation. And all the labour of which I have so far spoken will be in vain unless all the other departments be co-ordinated by the animating principle of memory. For our whole education depends upon memory, and we shall receive instruction all in vain if all we hear slips from us, while it is the power of memory alone that brings before us all the store of precedents, laws, rulings, sayings and facts which the orator must possess in abundance and which he must always hold ready for immediate use. Indeed it is not without good reason that memory has been called the treasure-house of eloquence. But pleaders need not only to be able to retain a number of facts in their minds, but also to be quick to take them in; it is not enough to learn what you have written by dint of repeated reading; it is just as necessary to follow the order both of matter and words when you have merely thought out what you are going to say, while you must also remember what has been said by your opponents, and must not be content merely with refuting their arguments in the order in which they were advanced, but must be in a position to deal with each in its appropriate place. Nay, even extempore eloquence, in my opinion, depends on no mental activity so much as memory. For while we are saying one thing, we must be considering something else that we are going to say: consequently, since the mind is always looking ahead, it is continually in search of something which is more remote: on the other hand, whatever it discovers, it deposits by some mysterious process in the safe-keeping of memory, which acts as a transmitting agent and hands on to the delivery what it has received from the imagination. I do not conceive, however, that I need dwell upon the question of the precise function of memory, although many hold the view that certain impressions are made upon the mind, analogous to those which a signet-ring makes on wax. Nor, again, shall I be so credulous, in view of the fact that the retentiveness or slowness of the memory depends upon our physical condition, as to venture to allot a special art to memory. My inclination is rather to marvel at its powers of

reproducing and presenting a number of remote facts after so long an interval, and, what is more, of so doing not merely when we seek for such facts, but even at times of its own accord, and not only in our waking moments, but even when we are sunk in sleep. And my wonder is increased by the fact that even beasts, which seem to be devoid of reason, yet remember and recognise things, and will return to their old home, however far they have been taken from it. Again, is it not an extraordinary inconsistency that we forget recent and remember distant events, that we cannot recall what happened yesterday and yet retain a vivid impression of the acts of our childhood? And what, again, shall we say of the fact that the things we search for frequently refuse to present themselves and then occur to us by chance, or that memory does not always remain with us, but will even sometimes return to us after it has been lost? But we should never have realised the fullness of its power nor its supernatural capacities, but for the fact that it is memory which has brought oratory to its present position of glory. For it provides the orator not merely with the order of his thoughts, but even of his words, nor is its power limited to stringing merely a few words together; its capacity for endurance is inexhaustible, and even in the longest pleadings the patience of the audience flags long before the memory of the speaker. This fact may even be advanced as an argument that there must be some art of memory and that the natural gift can be helped by reason, since training enables us to do things which we cannot do before we have had any training or practice. On the other hand, I find that Plato asserts that the use of written characters is a hindrance to memory, on the ground, that is, that once we have committed a thing to writing, we cease to guard it in our memory and lose it out of sheer carelessness. And there can be no doubt that concentration of mind is of the utmost importance in this connexion; it is, in fact, like the eyesight, which turns to, and not away from, the objects which it contemplates. Thus it results that after writing for several days with a view to acquiring by heart what we have written, we find that our mental effort has of itself imprinted it on our memory.

The first person to discover an art of memory is said to have been Simonides, of whom the following well-known story is told. He had written an ode of the kind usually composed in honour of victorious athletes, to celebrate the achievement of one who had gained the crown for boxing. Part of the sum for which he had contracted was refused him on the ground that, following the common practice of poets, he had introduced a digression in praise of Castor and Pollux, and he was told that, in view of what he had done, he had best ask for the rest of the sum due from those whose deeds he had extolled. And according to the story they paid their debt. For when a great banquet was given in honour of the boxer's success, Simonides was summoned forth from the feast, to which he had been invited, by a

message to the effect that two youths who had ridden to the door urgently desired his presence. He found no trace of them, but what followed proved to him that the gods had shown their gratitude. For he had scarcely crossed the threshold on his way out, when the banquet hall fell in upon the heads of the guests and wrought such havoc among them that the relatives of the dead who came to seek the bodies for burial were unable to distinguish not merely the faces but even the limbs of the dead. Then it is said, Simonides, who remembered the order in which the guests had been sitting, succeeded in restoring to each man his own dead. There is, however, great disagreement among our authorities as to whether this ode was written in honour of Glaucus of Carystus, Leocrates, Agatharcus or Scopas, and whether the house was at Pharsalus, as Simonides himself seems to indicate in a certain passage, and as is recorded by Apollodorus, Eratosthenes, Euphoriion and Eurypylus of Larissa, or at Crannon, as is stated by Apollas Callimachus, who is followed by Cicero, to whom the wide circulation of this story is due. It is agreed that Scopas, a Thessalian noble, perished at this banquet, and it is also said that his sister's son perished with him, while it is thought that a number of descendants of an elder Scopas met their death at the same time. For my own part, however, I regard the portion of the story which concerns Castor and Pollux as being purely fictitious, since the poet himself has nowhere mentioned the occurrence; and he would scarcely have kept silence on an affair which was so much to his credit.

This achievement of Simonides appears to have given rise to the observation that it is an assistance to the memory if localities are sharply impressed upon the mind, a view the truth of which everyone may realise by practical experiment. For when we return to a place after considerable absence, we not merely recognise the place itself, but remember things that we did there, and recall the persons whom we met and even the unuttered thoughts which passed through our minds when we were there before. Thus, as in most cases, art originates in experiment. Some place is chosen of the largest possible extent and characterised by the utmost possible variety, such as a spacious house divided into a number of rooms. Everything of note therein is carefully committed to the memory, in order that the thought may be enabled to run through all the details without let or hindrance. And undoubtedly the first task is to secure that there shall be no delay in finding any single detail, since an idea which is to lead by association to some other idea requires to be fixed in the mind with more than ordinary certitude. The next step is to distinguish something which has been written down or merely thought of by some particular symbol which will serve to jog the memory; this symbol may have reference to the subject as a whole, it may, for example, be drawn from navigation, warfare, etc., or it may, on the other hand, be found in some particular word. (For even in cases of

forgetfulness one single word will serve to restore the memory.) However, let us suppose that the symbol is drawn from navigation, as, for instance, an anchor; or from warfare, as, for example, some weapon. These symbols are then arranged as follows. The first though is placed, as it were, in the forecourt; the second, let us say, in the living-room; the remainder are placed in due order all-round the *impluvium* and entrusted not merely to bedrooms and parlours, but even to the care of statues and the like. This done, as soon as the memory of the facts requires to be revived, all these places are visited in turn and the various deposits are demanded from their custodians, as the sight of each recalls the respective details. Consequently, however large the number of these which it is required to remember, all are linked one to the other like dancers hand in hand, and there can be no mistake since they join what precedes to what follows, no trouble being required except the preliminary labour of committing the various points to memory. What I have spoken of as being done in a house, can equally well be done in connexion with public buildings, a long journey, the ramparts of a city, or even pictures. Or we may even imagine such places to ourselves. We require, therefore, places, real or imaginary, and images or symbols, which we must, of course, invent for ourselves. By images I mean the words by which we distinguish the things which we have to learn by heart: in fact, as Cicero says, we use “places like wax tablets and symbols in lieu of letters.” It will be best to give his words *verbatim*: “We must for this purpose employ a number of remarkable places, clearly envisaged and separated by short intervals: the images which we use must be active, sharply-cut and distinctive, such as may occur to the mind and strike it with rapidity.” This makes me wonder all the more, how Metrodorus should have found three hundred and sixty different localities in the twelve signs of the Zodiac through which the sun passes. It was doubtless due to the vanity and boastfulness of a man who was inclined to vaunt his memory as being the result of art rather than of natural gifts.

I am far from denying that those devices may be useful for certain purposes, as, for example, if we have to reproduce a number of names in the order in which we heard them. For those who use such aids place the things which have to be remembered in localities which they have previously fixed in the memory; they put a table, for instance, in the forecourt, a platform in the hall and so on with the rest, and then, when they retrace their steps, they find the objects where they had placed them. Such a practice may perhaps have been of use to those who, after an auction, have succeeded in stating what object they had sold to each buyer, their statements being checked by the books of the money takers; a feat which it is alleged was performed by Hortensius. It will, however, be of less service in learning the various parts of a set speech. For thoughts do not call up the same images as material things,

and a symbol requires to be specially invented for them, although even here a particular place may serve to remind us, as, for example, of some conversation that may have been held there. But how can such a method grasp a whole series of connected words? I pass by the fact that there are certain things which it is impossible to represent by symbols, as, for example, conjunctions. We may, it is true, like shorthand writers, have definite symbols for everything, and may select an infinite number of places to recall all the words contained in the five books of the second pleading against Verres, and we may even remember them all as if they were deposits placed in safe-keeping. But will not the flow of our speech inevitably be impeded by the double task imposed upon our memory? For how can our words be expected to flow in connected speech, if we have to look back at separate symbols for each individual word? Therefore the experts mentioned by Cicero as having trained their memory by methods of this kind, namely Charmadas, and Metrodorus of Scepsis, to whom I have just referred, may keep their systems for their own use. My precepts on the subject shall be of a simpler kind.

If a speech of some length has to be committed to memory, it will be well to learn it piecemeal, since there is nothing so bad for the memory as being overburdened. But the sections into which we divide it for this purpose should not be very short: otherwise they will be too many in number, and will break up and distract the memory. I am not, however, prepared to recommend any definite length; it will depend on the natural limits of the passage concerned, unless, indeed, it be so long as itself to require subdivision. But some limits must be fixed to enable us, by dint of frequent and continuous practice, to connect the words in their proper order, which is a task of no small difficulty, and subsequently to unite the various sections into a whole when we go over them in order. If certain portions prove especially difficult to remember, it will be found advantageous to indicate them by certain marks, the remembrance of which will refresh and stimulate the memory. For there can be but few whose memory is so barren that they will fail to recognise the symbols with which they have marked different passages. But if anyone is slow to recognise his own signs, he should employ the following additional remedy, which, though drawn from the mnemonic system discussed above, is not without its uses: he will adapt his symbols to the nature of the thoughts which tend to slip from his memory, using an anchor, as I suggested above, if he has to speak of a ship, or a spear, if he has to speak of a battle. For symbols are highly efficacious, and one idea suggests another: for example, if we change a ring from one finger to another or tie a thread round it, it will serve to remind us of our reason for so doing. Specially effective are those devices which lead the memory from one thing to another similar thing which we have got to remember; for example, in the case of

names, if we desire to remember the name Fabius, we should think of the famous Cunctator, whom we are certain not to forget, or of some friend bearing the same name. This is specially easy with names such as Aper, Ursus, Naso, or Crispus, since in these cases we can fix their origin in our memory. Origin again may assist us to a better remembrance of derivative names, such as Cicero, Verrius, or Aurelius. However, I will say no more on this point.

There is one thing which will be of assistance to everyone, namely, to learn a passage by heart from the same tablets on which he has committed it to writing. For he will have certain tracks to guide him in his pursuit of memory, and the mind's eye will be fixed not merely on the pages on which the words were written, but on individual lines, and at times he will speak as though he were reading aloud. Further, if the writing should be interrupted by some erasure, addition or alteration, there are certain symbols available, the sight of which will prevent us from wandering from the track. This device bears some resemblance to the mnemonic system which I mentioned above, but if my experience is worth anything, is at once more expeditious and more effective. The question has been raised as to whether we should learn by heart in silence; it would be best to do so, save for the fact that under such circumstances the mind is apt to become indolent, with the result that other thoughts break in. For this reason the mind should be kept alert by the sound of the voice, so that the memory may derive assistance from the double effort of speaking and listening. But our voice should be subdued, rising scarcely above a murmur. On the other hand, if we attempt to learn by heart from another reading aloud, we shall find that there is both loss and gain; on the one hand, the process of learning will be slower, because the perception of the eye is quicker than that of the ear, while, on the other hand, when we have heard a passage once or twice, we shall be in a position to test our memory and match it against the voice of the reader. It is, indeed, important for other reasons to test ourselves thus from time to time, since continuous reading has this drawback, that it passes over the passages which we find hard to remember at the same speed as those which we find less difficulty in retaining. By testing ourselves to see whether we remember a passage, we develop greater concentration without waste of time over the repetition of passages which we already know by heart. Thus, only those passages which tend to slip from the memory are repeated with a view to fixing them in the mind by frequent rehearsal, although as a rule the mere fact that they once slipped our memory makes us ultimately remember them with special accuracy. Both learning by heart and writing have this feature in common: namely, that good health, sound digestion, and freedom from other preoccupations of mind contribute largely to the success of both. But for the purpose of getting a real grasp of what we have written under

the various heads, division and artistic structure will be found of great value, while, with the exception of practice, which is the most powerful aid of all, they are practically the only means of ensuring an accurate remembrance of what we have merely thought out. For correct division will be an absolute safeguard against error in the order of our speech, since there are certain points not merely in the distribution of the various questions in our speech, but also in their development (provided we speak as we ought), which naturally come first, second, and third, and so on, while the connexion will be so perfect that nothing can be omitted or inserted without the fact of the omission or insertion being obvious. We are told that Scaevola, after a game of draughts in which he made the first move and was defeated, went over the whole game again in his mind on his way into the country, and on recalling the move which had cost him the game, returned to tell the man with whom he had been playing, and the latter acknowledged that he was right. Is order, then, I ask you, to be accounted of less importance in a speech, in which it depends entirely on ourselves, whereas in a game our opponent has an equal share in its development? Again, if our structure be what it should, the artistic sequence will serve to guide the memory. For just as it is easier to learn verse than prose, so it is easier to learn prose when it is artistically constructed than when it has no such organisation. If these points receive attention, it will be possible to repeat *verbatim* even such passages as gave the impression of being delivered extempore. My own memory is of a very ordinary kind, but I found that I could do this with success on occasions when the interruption of a declamation by persons who had a claim to such a courtesy forced me to repeat part of what I had said. There are persons still living, who were then present to witness if I lie.

However, if anyone asks me what is the one supreme method of memory, I shall reply, practice and industry. The most important thing is to learn much by heart and to think much, and, if possible, to do this daily, since there is nothing that is more increased by practice or impaired by neglect than memory. Therefore boys should, as I have already urged, learn as much as possible by heart at the earliest stage, while all who, whatever their age, desire to cultivate the power of memory, should endeavour to swallow the initial tedium of reading and re-reading what they have written or read, a process which we may compare to chewing the cud. This task will be rendered less tiresome if we begin by confining ourselves to learning only a little at a time, in amounts not sufficient to create disgust: we may then proceed to increase the amount by a line a day, an addition which will not sensibly increase the labour of learning, until at last the amount we can attack will know no limits. We should begin with poetry and then go on to oratory, while finally we may attempt passages still freer in rhythm and less akin to ordinary speech, such,

for example, as passages from legal writers. For passages intended as an exercise should be somewhat difficult in character if they are to make it easy to achieve the end for which the exercise is designed; just as athletes train the muscles of their hands by carrying weights of lead, although in the actual contests their hands will be empty and free. Further, I must not omit the fact, the truth of which our daily practice will teach us, that in the case of the slower type of mind the memory of recent events is far from being exact. It is a curious fact, of which the reason is not obvious, that the interval of a single night will greatly increase the strength of the memory, whether this be due to the fact that it has rested from the labour, the fatigue of which constituted the obstacle to success, or whether it be that the power of recollection, which is the most important element of memory, undergoes a process of ripening and maturing during the time which intervenes. Whatever the cause, things which could not be recalled on the spot are easily co-ordinated the next day, and time itself, which is generally accounted one of the causes of forgetfulness, actually serves to strengthen the memory. On the other hand, the abnormally rapid memory fails as a rule to last and takes its leave as though, its immediate task accomplished, it had no further duties to perform. And indeed there is nothing surprising in the fact that things which have been implanted in the memory for some time should have a greater tendency to stay there.

The difference between the powers of one mind and another, to which I have just referred, gives rise to the question whether those who are intending to speak should learn their speeches *verbatim* or whether it is sufficient to get a good grasp of the essence and the order of what they have got to say. To this problem no answer is possible that will be of universal application. Give me a reliable memory and plenty of time, and I should prefer not to permit a single syllable to escape me: otherwise writing would be superfluous. It is specially important to train the young to such precision, and the memory should be continually practised to this end, that we may never learn to become indulgent to its failure. For this reason I regard it as a mistake to permit the student to be prompted or to consult his manuscript, since such practices merely encourage carelessness, and no one will ever realise that he has not got his theme by heart, if he has no fear of forgetting it. It is this which causes interruptions in the flow of speech and makes the orator's language halting and jerky, while he seems as though he were learning what he says by heart and loses all the grace that a well-written speech can give, simply by the fact that he makes it obvious that he has written it. On the other hand, a good memory will give us credit for quickness of wit as well, by creating the impression that our words have not been prepared in the seclusion of the study, but are due to the inspiration of the moment, an impression which is of the utmost assistance both to the orator

and to his cause. For the judge admires those words more and fears them less which he does not suspect of having been specially prepared beforehand to outwit him. Further, we must make it one of our chief aims in pleading to deliver passages which have been constructed with the utmost care, in such manner as to make it appear that they are but casually strung together, and to suggest that we are thinking out and hesitating over words which we have, as a matter of fact, carefully prepared in advance.

It should now be clear to all what is the best course to adopt for the cultivation of memory. If, however, our memory be naturally somewhat dull or time presses, it will be useless to tie ourselves down rigidly to every word, since if we forget any one of them, the result may be awkward hesitation or even a tongue-tied silence. It is, therefore, far safer to secure a good grasp of the facts themselves and to leave ourselves free to speak as we will. For the loss of even a single word that we have chosen is always a matter for regret, and it is hard to supply a substitute when we are searching for the word that we had written. But even this is no remedy for a weak memory, except for those who have acquired the art of speaking extempore. But if both memory and this gift be lacking, I should advise the would-be orator to abandon the toil of pleading altogether and, if he has any literary capacity, to betake himself by preference to writing. But such a misfortune will be of but rare occurrence.

For the rest there are many historical examples of the power to which memory may be developed by natural aptitude and application. Themistocles is said to have spoken excellently in Persian after a year's study; Mithridates is recorded to have known twenty-two languages, that being the number of the different nations included in his empire; Crassus, surnamed the Rich, when commanding in Asia had such a complete mastery of five different Greek dialects, that he would give judgement in the dialect employed by the plaintiff in putting forward his suit; Cyrus is believed to have known the name of every soldier in his army, while Theodectes is actually said to have been able to repeat any number of verses after only a single hearing. I remember that it used to be alleged that there were persons still living who could do the same, though I never had the good fortune to be present at such a performance. Still, we shall do well to have faith in such miracles, if only that he who believes may also hope to achieve the like.

CHAPTER III: DELIVERY

Delivery is often styled *action*. But the first name is derived from the voice, the

second from the gesture. For Cicero in one passage speaks of *action* as being *a form of speech*, and in another as being *a kind of physical eloquence*. None the less, he divides action into two elements, which are the same as the elements of delivery, namely, voice and movement. Therefore, it matters not which term we employ. But the thing itself has an extraordinarily powerful effect in oratory. For the nature of the speech that we have composed within our minds is not so important as the manner in which we produce it, since the emotion of each member of our audience will depend on the impression made upon his hearing. Consequently, no proof, at least if it be one devised by the orator himself, will ever be so secure as not to lose its force if the speaker fails to produce it in tones that drive it home. All emotional appeals will inevitably fall flat, unless they are given the fire that voice, look, and the whole carriage of the body can give them. For when we have done all this, we may still account ourselves only too fortunate if we have succeeded in communicating the fire of our passion to the judge: consequently, we can have no hope of moving him if we speak with languor and indifference, nor of preventing him from yielding to the narcotic influence of our own yawns. A proof of this is given by actors in the theatre. For they add so much to the charm even of the greatest poets, that the verse moves us far more when heard than when read, while they succeed in securing a hearing even for the most worthless authors, with the result that they repeatedly win a welcome on the stage that is denied them in the library. Now if delivery can count for so much in themes which we know to be fictitious and devoid of reality, as to arouse our anger, our tears or our anxiety, how much greater must its effect be when we actually believe what we hear? For my own part I would not hesitate to assert that a mediocre speech supported by all the power of delivery will be more impressive than the best speech unaccompanied by such power. It was for this reason that Demosthenes, when asked what was the most important thing in oratory, gave the palm to delivery and assigned it second and third place as well, until his questioner ceased to trouble him. We are therefore almost justified in concluding that he regarded it not merely as the first, but as the only virtue of oratory. This explains why he studied under the instruction of the actor Andronicus with such diligence and success as thoroughly to justify the remark made by Aeschines to the Rhodians when they expressed their admiration of the speech of Demosthenes on behalf of Ctesiphon, "What would you have said if you had heard him yourselves?" Cicero likewise regards *action* as the supreme element of oratory. He records that Gnaeus Lentulus acquired a greater reputation by his delivery than by his actual eloquence, and that Gaius Gracchus by the same means stirred the whole Roman people to tears when he bewailed his brother's death, while Antonius and Crassus produced a great impression by their command

of this quality, though the greatest of all was that produced by Quintus Hortensius. This statement is strongly supported by the fact that the latter's writings fall so far short of the reputation which for so long secured him the first place among orators, then for a while caused him to be regarded as Cicero's rival, and finally, for the remainder of his life assigned him a position second only to that of Cicero, that his speaking must clearly have possessed some charm which we fail to find when we read him. And, indeed, since words in themselves count for much and the voice adds a force of its own to the matter of which it speaks, while gesture and motion are full of significance, we may be sure of finding something like perfection when all these qualities are combined.

There are some, however, who consider that delivery which owes nothing to art and everything to natural impulse is more forcible, and in fact the only form of delivery which is worthy of a manly speaker. But these persons are as a rule identical, either with those who are in the habit of disapproving of care, art, polish and every form of premeditation in actual speaking, as being affected and unnatural, or else with those who (like Lucius Cotta, according to Cicero) affect the imitation of ancient writers both in their choice of words and even in the rudeness of their intonation and rhythm. Those, however, who think it sufficient for men to be born to enable them to become orators, are welcome to their opinion, and I must ask them to be indulgent to the efforts to which I am committed by my belief that we cannot hope to attain perfection unless nature is assisted by study. But I will not be so obstinate as to deny that to nature must be assigned the first place. For a good delivery is undoubtedly impossible for one who cannot remember what he has written, or lacks the quick facility of speech required by sudden emergencies, or is hampered by incurable impediments of speech. Again, physical uncouthness may be such that no art can remedy it, while a weak voice is incompatible with first-rate excellence in delivery. For we may employ a good, strong voice as we will; whereas one that is ugly or feeble not only prevents us from producing a number of effects, such as a *crescendo* or a sudden *fortissimo*, but at times forces faults upon us, making us drop the voice, alter its pitch and refresh the hoarseness of the throat and fatigue of the lungs by a hideous chanting intonation. However, let me now turn to consider the speaker on whom my precepts will not be wasted.

All delivery, as I have already said, is concerned with two different things, namely, voice and gesture, of which the one appeals to the eye and the other to the ear, the two senses by which all emotion reaches the soul. But the voice has the first claim on our attention, since even our gesture is adapted to suit it.

The first point which calls for consideration is the nature of the voice, the second the manner in which it is used. The nature of the voice depends on its

quantity and quality. The question of quantity is the simpler of the two, since as a rule it is either strong or weak, although there are certain kinds of voice which fall between these extremes, and there are a number of gradations from the highest notes to the lowest and from the lowest to the highest. Quality, on the other hand, presents more variations; for the voice may be clear or husky, full or thin, smooth or harsh, of wide or narrow compass, rigid or flexible, and sharp or flat, while lung-power may be great or small. It is not necessary for my purpose to enquire into the causes which give rise to these peculiarities. I need not raise the question whether the difference lies in those organs by which the breath is produced, or in those which form the channels for the voice itself; whether the voice has a character of its own or depends on the motions which produce it; whether it be the strength of the lungs, chest or the vocal organs themselves that affords it most assistance, since the co-operation of all these organs is required. For example, it is not the mouth only that produces sweetness of tone; it requires the assistance of the nostrils as well, which carry off what I may describe as the overflow of the voice. The important fact is that the tone must be agreeable and not harsh. The methods of using the voice present great variety. For in addition to the triple division of accents into sharp, grave and circumflex, there are many other forms of intonation which are required: it may be intense or relaxed, high or low, and may move in slow or quick time. But here again there are many intermediate gradations between the two extremes, and just as the face, although it consists of a limited number of features, yet possesses infinite variety of expression, so it is with the voice: for though it possesses but few varieties to which we can give a name, yet every human being possesses a distinctive voice of his own, which is as easily distinguished by the ear as are facial characteristics by the eye.

The good qualities of the voice, like everything else, are improved by training and impaired by neglect. But the training required by the orator is not the same as that which is practised by the singing-master, although the two methods have many points in common. In both cases physical robustness is essential to save the voice from dwindling to the feeble shrillness that characterises the voices of eunuchs, women and invalids, and the means for creating such robustness are to be found in walking, rubbing-down with oil, abstinence from sexual intercourse, an easy digestion, and, in a word, in the simple life. Further, the throat must be sound, that is to say, soft and smooth; for if the throat be unsound, the voice is broken or dulled or becomes harsh or squeaky. For just as the sound produced in the pipe by the same volume of breath varies according as the stops are closed or open, or the instrument is clogged or cracked, so the voice is strangled if the throat be swollen, and muffled if it is obstructed, while it becomes rasping if the throat is inflamed,

and may be compared to an organ with broken pipes in cases where the throat is subject to spasms. Again, the presence of some obstacle may divide the breath just as a pebble will divide shallow waters, which, although their currents unite again soon after the obstruction is past, still leave a hollow space in rear of the object struck. An excess of moisture also impedes the voice, while a deficiency weakens it. As regards fatigue, its effect is the same as upon the body: it affects the voice not merely at the moment of speaking, but for some time afterwards. But while exercise, which gives strength in all cases, is equally necessary both for orators and singing-masters, it is a different kind of exercise which they require. For the orator is too much occupied by civil affairs to be able to allot fixed times for taking a walk, and he cannot tune his voice through all the notes of the scale nor spare it exertion, since it is frequently necessary for him to speak in several cases in succession. Nor is the same regime suitable as regards food: for the orator needs a strong and enduring voice rather than one which is soft and sweet, while the singer mellows all sounds, even the highest, by the modulation of his voice, whereas we have often to speak in harsh and agitated tones, must pass wakeful nights, swallow the soot that is produced by the midnight oil and stick to our work though our clothes be dripping with sweat. Consequently, we must not attempt to mellow our voice by coddling it nor accustom it to the conditions which it would like to enjoy, but rather give it exercise suited to the tasks on which it will be employed, never allowing it to be impaired by silence, but strengthening it by practice, which removes all difficulties. The best method for securing such exercise is to learn passages by heart (for if we have to speak extempore, the passion inspired by our theme will distract us from all care for our voice), while the passages selected for the purpose should be as varied as possible, involving a combination of loud, argumentative, colloquial and modulated utterance, so that we may prepare ourselves for all exigencies simultaneously. This will be sufficient. Otherwise your delicate, over trained voice will succumb before any unusual exertion, like bodies accustomed to the oil of the training school, which for all the imposing robustness which they display in their own contests, yet, if ordered to make a day's march with the troops, to carry burdens and mount guard at night, would faint beneath the task and long for their trainers to rub them down with oil and for the free perspiration of the naked limbs. Who would tolerate me if in a work such as this I were to prescribe avoidance of exposure to sun, wind, rain or parching heat? If we are called upon to speak in the sun or on a windy, wet or warm day, is that a reason for deserting the client whom we have undertaken to defend? While as for the warning given by some that the orator should not speak when dyspeptic, replete or drunk, or immediately after vomiting, I think that no sane person would dream of declaiming under such circumstances.

There is, however, good reason for the rule prescribed by all authorities, that the voice should not be overstrained in the years of transition between boyhood and manhood, since at that period it is naturally weak, not, I think, on account of heat, as some allege (for there is more heat in the body at other periods), but rather on account of moisture, of which at that age there is a superabundance. For this reason the nostrils and the breast swell at this stage, and all the organs develop new growth, with the result that they are tender and liable to injury. However, to return to the point, the best and most realistic form of exercise for the voice, once it has become firm and set, is, in my opinion, the practice of speaking daily just as we plead in the courts. For thus, not merely do the voice and lungs gain in strength, but we acquire a becoming deportment of the body and develop grace of movement suited to our style of speaking.

The rules for delivery are identical with those for the language of oratory itself. For, as our language must be correct, clear, ornate and appropriate, so with our delivery; it will be correct, that is, free from fault, if our utterance be fluent, clear, pleasant and “urbane,” that is to say, free from all traces of a rustic or a foreign accent. For there is good reason for the saying we so often hear, “He must be a barbarian or a Greek”: since we may discern a man’s nationality from the sound of his voice as easily as we test a coin by its ring. If these qualities be present, we shall have those harmonious accents of which Ennius expresses his approval when he describes Cethegus as one whose “words rang sweetly,” and avoid the opposite effect, of which Cicero expresses his disapproval by saying, “They bark, not plead.” For there are many faults of which I spoke in the first book when I discussed the method in which the speech of children should be formed, since I thought it more appropriate to mention them in connexion with a period of life when it is still possible to correct them. Again, the delivery may be described as correct if the voice be sound, that is to say, exempt from any of the defects of which I have just spoken, and if it is not dull, coarse, exaggerated, hard, stiff, hoarse or thick, or again, thin, hollow, sharp, feeble, soft or effeminate, and if the breath is neither too short nor difficult to sustain or recover.

The delivery will be clear if, in the first place, the words are uttered in their entirety, instead of being swallowed or clipped, as is so often the case, since too many people fail to complete the final syllables through over-emphasising the first. But although words must be given their full phonetic value, it is a tiresome and offensive trick to pronounce every letter as if we were entering them in an inventory. For vowels frequently coalesce and some consonants disappear when followed by a vowel. I have already given an example of both these occurrences: *mullum ille et terris*. Further, we avoid placing two consonants near each other when their

juxtaposition would cause a harsh sound; thus, we say *pellexit* and *collegiate* and employ other like forms of which I have spoken elsewhere. It is with this in mind that Cicero praises Catulus for the sweetness with which he pronounced the various letters. The second essential for clearness of delivery is that our language should be properly punctuated, that is to say, the speaker must begin and end at the proper place. It is also necessary to note at what point our speech should pause and be momentarily suspended (which the Greeks term ὑποδιαστολή and ὑποστιγμή and when it should come to a full stop. After the words *arma virumque cano* there is a momentary suspension, because *virum* is connected with what follows, the full sense being given by *virum Troiae qui primus ab oris*, after which there is a similar suspension. For although the mention of the hero's destination introduces an idea different from that of the place whence he came, the difference does not call for the insertion of a stop, since both ideas are expressed by the same verb *venit*. After *Italiam* comes a third pause, since *fato profugus* is parenthetical and breaks up the continuity of the phrase *Italian, Lavinaeque*. For the same reason there is a fourth pause after *profugus*. Then follows *Lavinaeque venit litora*, where a stop must be placed, as at this point a new sentence begins. But stops themselves vary in length, according as they mark the conclusion of a phrase or a sentence. Thus after *litora* I shall pause and continue after taking breath. But when I come to *atque altae moenia Romae* I shall make a full stop, halt and start again with the opening of a fresh sentence. There are also occasionally, even in periods, pauses which do not require a fresh breath. For although the sentence *in coetu vero populi Romani, negotium publicum gerens, magister equitum*, etc., contains a number of different *cola*, expressing a number of different thoughts, all these *cola* are embraced by a single period: consequently, although short pauses are required at the appropriate intervals, the flow of the period as a whole must not be broken. On the other hand, it is at times necessary to take breath without any perceptible pause: in such cases we must do so surreptitiously, since if we take breath unskilfully, it will cause as much obscurity as would have resulted from faulty punctuation. Correctness of punctuation may seem to be but a trivial merit, but without it all the other merits of oratory are nothing worth.

Delivery will be ornate when it is supported by a voice that is easy, strong, rich, flexible, firm, sweet, enduring, resonant, pure, carrying far and penetrating the ear (for there is a type of voice which impresses the hearing not by its volume, but by its peculiar quality): in addition, the voice must be easily managed and must possess all the necessary inflexions and modulations, in fact it must, as the saying is, be a perfect instrument, equipped with every stop: further, it must have strong lungs to sustain it, and ample breathing power that will be equal to all demands

upon it, however fatiguing. The deepest bass and the highest treble notes are unsuited to oratory: for the former lack clearness and, owing to their excessive fullness, have no emotional power, while the latter are too thin and, owing to excess of clearness, give an impression of extravagance and are incompatible with the inflexions demanded by delivery and place too great a strain upon the voice. For the voice is like the strings of a musical instrument; the slacker it is the deeper and fuller the note produced, whereas if it be tightened, the sound becomes thinner and shriller. Consequently, the deepest notes lack force, and the higher run the risk of cracking the voice. The orator will, therefore, employ the intermediate notes, which must be raised when we speak with energy and lowered when we adopt a more subdued tone.

For the first essential of a good delivery is evenness. The voice must not run joltingly, with irregularity of rhythm and sound, mixing long and short syllables, grave accents and acute, tones loud and low, without discrimination, the result being that this universal unevenness produces the impression of a limping gait. The second essential is variety of tone, and it is in this alone that delivery really consists. I must warn my readers not to fall into the error of supposing that evenness and variety are incompatible with one another, since the fault opposed to evenness is unevenness, while the opposite of variety is that which the Greeks term *μονοειδεια*, or uniformity of aspect. The art of producing variety not merely charms and refreshes the ear, but, by the very fact that it involves a change of effort, revives the speaker's flagging energies. It is like the relief caused by changes in position, such as are involved by standing, walking, sitting and lying, none of which can be endured for a long time together. But the most important point (which I shall proceed to discuss a little later) is the necessity of adapting the voice to suit the nature of the various subjects on which we are speaking and the moods that they demand: otherwise our voice will be at variance with our language. We must, therefore, avoid that which the Greeks call *monotony*, that is to say, the unvarying exertion both of lungs and voice. By this I do not simply mean that we must avoid saying everything in a loud tone, a fault which amounts to madness, or in a colloquial tone, which creates an impression of lifelessness, or in a subdued murmur, which is utterly destructive of all vigour. What I mean is this: within the limits of one passage and the compass of one emotion we may vary our tone to a certain, though not a very great extent, according as the dignity of the language, the nature of the thought, the conclusion and opening of our sentences or transitions from one point to another, may demand. Thus, those who paint in monochrome still represent their objects in different planes, since otherwise it would have been impossible to depict even the limbs of their figures. Let us take as an example the

opening of Cicero's magnificent speech in defence of Milo. Is it not clear that the orator has to change his tone almost at every stop? it is the same face, but the expression is changed. *Etsi vereor, iudices, ne turpe sit, pre fortissimo viro dicere incipientem timere*. Although the general tone of the passage is restrained and subdued, since it is not merely an *exordium*, but the *exordium* of a man suffering from serious anxiety, still something fuller and bolder is required in the tone, when he says *pro fortissimo viro*, than when he says *etsi cereor and turpe sit and timere*. But his second breath must be more vigorous, partly owing to the natural increase of effort, since we always speak our second sentence with less timidity, and partly because he indicates the high courage of Milo: *minimeque deceat, cum T. Annius ipse magis de rei publicae salute quam de sua perturbetur*. Then he proceeds to something like a reproof of himself: *me ad eius causam parem animi magnitudinem adferre non posse*. The next clause suggests a reflexion on the conduct of others: *tamen haec novi iudicii nova forma terret oculos*. And then in what follows he opens every stop, as the saying is: *qui, quocunque inciderunt, consuetudinem fori et pristinum morem iudiciorum requirunt*: while the next clause is even fuller and freer: *non enim corona cousessus vester cinctus est, ut solebat*. I have called attention to these points to make it clear that there is a certain variety, not merely in the delivery of *cola*, but even in that of phrases consisting of one word, a variety the lack of which would make every word seem of equal importance.

The voice, however, must not be pressed beyond its powers, for it is liable to be choked and to become less and less clear in proportion to the increase of effort, while at times it will break altogether and produce the sound to which the Greeks have given a name derived from the crowing of cocks before the voice is developed. We must also beware of confusing our utterance by excessive volubility, which results in disregard of punctuation, loss of emotional power, and sometimes in the clipping of words. The opposite fault is excessive slowness of speech, which is a sign of lack of readiness in invention, tends by its sluggishness to render our hearers inattentive, and, further, wastes the time allotted to us for speaking, a consideration which is of some importance. Our speech must be ready, but not precipitate, under control, but not slow, while we must not take breath so often as to break up our sentence, nor, on the other hand, sustain it until it fails us from exhaustion. For the sound produced by loss of breath is disagreeable; we gasp like a drowning man and fill our lungs with long drawn inhalations at in appropriate moments, giving the impression that our action is due not to choice, but to compulsion. Therefore, in attacking a period of abnormal length, we should collect our breath, but quickly, noiselessly and imperceptibly. On other occasions we shall be able to take breath at the natural breaks in the substance of our speech. But we must exercise our

breathing capacity to make it as great as possible. To produce this result Demosthenes used to recite as many successive lines as possible, while he was climbing a hill. He also, with a view to securing fluency free from impediment, used to roll pebbles under his tongue when speaking in the privacy of his study. Sometimes the breath, although capable of sustained effort and sufficiently full and clear, lacks firmness when exerted, had for that reason is liable to become tremulous, like bodies which, although to all appearances sound, receive insufficient support from the sinews. This the Greeks call βρασμός. There are some too who, owing to the loss of teeth, do not draw in the breath naturally, but suck it in with a hissing sound. There are others who pant incessantly and so loudly that it is perfectly audible within them: they remind one of heavily-laden beasts of burden straining against the yoke. Some indeed actually affect this mannerism, as though to suggest that they are struggling with the host of ideas that crowd themselves upon them and oppressed by a greater flood of eloquence than their throats are capable of uttering. Others, again, find a difficulty in opening their mouths, and seem to struggle with their words; and, further, although they are not actually faults of the voice, yet since they arise out of the use of the voice, I think this is the most appropriate place for referring to the habit of coughing and spitting with frequency while speaking, of hawking up phlegm from the depths of the lungs, like water from a well, sprinkling the nearest of the bystanders with saliva, and expelling the greater portion of the breath through the nostrils. But any of these faults are tolerable compared with the practice of chanting instead of speaking, which is the worst feature of our modern oratory, whether in the courts or in the schools, and of which I can only say that I do not know whether it is more useless or more repugnant to good taste. For what can be less becoming to an orator than modulations that recall the stage and a sing-song utterance which at times resembles the maudlin utterance of drunken revellers? What can be more fatal to any emotional appeal than that the speaker should, when the situation calls for grief, anger, indignation or pity, not merely avoid the expression of those emotions which require to be kindled in the judge, but outrage the dignity of the courts with noises such as are dear to the Lycians and Carians? For Cicero has told us that the rhetoricians of Lycia and Caria come near to singing in their perorations. But, as a matter of tact, we have somewhat overstepped the limits imposed by the more restrained style of singing. I ask you, does anyone sing, I will not say when his theme is murder, sacrilege or parricide, but at any rate when he deals with figures or accounts, or, to cut a long story short, when he is pleading in any kind of lawsuit whatever? And if such a form of intonation is to be permitted at all, there is really no reason why the modulations of the voice should not be accompanied by harps

and flutes, or even by cymbals, which would be more appropriate to the revolting exhibitions of which I am speaking. And yet we show no reluctance in indulging this vicious practice. For no one thinks his own singing hideous, and it involves less trouble than genuine pleading. There are, moreover, some persons who, in thorough conformity with their other vices, are possessed with a perpetual passion for hearing something that will soothe their ears. But, it may be urged, does not Cicero himself say that there is a suggestion of singing in the utterance of an orator? And is not this the outcome of a natural impulse? I shall shortly proceed to show to what extent such musical modulations are permissible: but if we are to call it singing, it must be no more than a suggestion of singing, a fact which too many refuse to realise.

But it is now high time for me to explain what I mean by appropriate delivery. Such appropriateness obviously lies in the adaptation of the delivery to the subjects on which we are speaking. This quality is, in the main, supplied by the emotions themselves, and the voice will ring as passion strikes its chords. But there is a difference between true emotion on the one hand, and false and fictitious emotion on the other. The former breaks out naturally, as in the case of grief, anger or indignation, but lacks art, and therefore requires to be formed by methodical training. The latter, on the other hand, does imply art, but lacks the sincerity of nature: consequently in such cases the main thing is to excite the appropriate feeling in oneself, to form a mental picture of the facts, and to exhibit an emotion that cannot be distinguished from the truth. The voice, which is the intermediary between ourselves and our hearers, will then produce precisely the same emotion in the judge that we have put into it. For it is the index of the mind, and is capable of expressing all its varieties of feeling. Therefore when we deal with a lively theme, the flow of the voice is characterised by fullness, simplicity and cheerfulness; but when it is roused to battle, it puts forth all its strength and strains every nerve. In anger it is fierce, harsh and intense, and calls for frequent filling of the lungs, since the breath cannot be sustained for long when it is poured forth without restraint. When it is desired to throw odium upon our opponents, it will be somewhat slower, since, as a rule, it is none save the weaker party takes refuge in such tactics. On the other hand, in flattery, admission, apology or question it will be gentle and subdued. If we advise, warn, promise or console, it will be grave and dignified, modest if we express fear or shame, bold in exhortation, precise in argument, full of modulations, suggestive of tears and designedly muffled in appeals for pity, whereas in digression it will be full and flowing, and will have all the resonance that is characteristic of confidence; in exposition of facts or conversations it will be even and pitched half-way betwixt high and low. But it will be raised to express violent emotion, and sink

when our words are of a calmer nature, rising and falling according to the demands of its theme.

However, for the moment I will defer speaking of the variations in tone required by different topics, and will proceed first to the discussion of gesture which conforms to the voice, and like it, obeys the impulse of the mind. Its importance in oratory is sufficiently clear from the fact that there are many things which it can express without the assistance of words. For we can indicate our will not merely by a gesture of the hands, but also with a nod from the head: signs take the place of language in the dumb, and the movements of the dance are frequently full of meaning, and appeal to the emotions without any aid from words. The temper of the mind can be inferred from the glance and gait, and even speechless animals show anger, joy, or the desire to please by means of the eye and other physical indications. Nor is it wonderful that gesture which depends on various forms of movement should have such power, when pictures, which are silent and motionless, penetrate into our innermost feelings with such power that at times they seem more eloquent than language itself. On the other hand, if gesture and the expression of the face are out of harmony with the speech, if we look cheerful when our words are sad, or shake our heads when making a positive assertion, our words will not only lack weight, but will fail to carry conviction. Gesture and movement are also productive of grace. It was for this reason that Demosthenes used to practise his delivery in front of a large mirror, since, in spite of the fact that its reflexions are reversed, he trusted his eyes to enable him to judge accurately the effect produced.

The head, being the chief member of the body, has a corresponding importance in delivery, serving not merely to produce graceful effect, but to illustrate our meaning as well. To secure grace it is essential that the head should be carried naturally and erect. For a droop suggests humility, while if it be thrown back it seems to express arrogance, if inclined to one side it gives an impression of languor, while if it is held too stiffly and rigidly it appears to indicate a rude and savage temper. Further, it should derive appropriate motion from the subject of our pleading, maintaining harmony with the gesture and following the movement of the hands and side. For the eyes are always turned in the same direction as the gesture, except when we are called upon to condemn or concede something or to express abhorrence, when we shall show our aversion by turning away the face and by thrusting out our hands as though to repel the thought, as in the lines:

“Ye gods, such dread calamity avert!”

Aen. iii. 620.

or

“Not for me
To claim such honour!”

Aen. i. 335.

The methods by which the head may express our meaning are manifold. For in addition to those movements which indicate consent, refusal and affirmation, there are those expressive of modesty, hesitation, wonder or indignation, which are well known and common to all. But to confine the gesture to the movement of the head alone is regarded as a fault by those who teach acting as well as by professors of rhetoric. Even the frequent nodding of the head is not free from fault, while to toss or roll it till our hair flies free is suggestive of a fanatic.

By far the greatest influence is exercised by the glance. For it is by this that we express supplication, threats, flattery, sorrow, joy, pride or submission. It is on this that our audience hang, on this that they rivet their attention and their gaze, even before we begin to speak. It is this that inspires the hearer with affection or dislike, this that conveys a world of meaning and is often more eloquent than all our words. Consequently in plays destined for the stage, the masters of the art of delivery design even their masks to enhance the emotional effect. Thus, in tragedy, Aerope will be sad, Medea fierce, Ajax bewildered, Hercules truculent. In comedy, on the other hand, over and above the methods adopted to distinguish between slaves, pimps, parasites, rustics, soldiers, harlots, maidservants, old men stern and mild, youths moral or luxurious, married women and girls, we have the important rôle of the father who, because at times he is excited and at others calm, has one eyebrow raised and the other normal, the custom among actors being to turn that side of the face to the audience which best suits the role. But of the various elements that go to form the expression, the eyes are the most important, since they, more than anything else, reveal the temper of the mind, and without actual movement will twinkle with merriment or be clouded with grief. And further, nature has given them tears to serve as interpreters of our feelings, tears that will break forth for sorrow or stream for very joy. But, when the eyes move, they become intent, indifferent, proud, fierce, mild, or angry; and they will assume all these characters according as the pleading may demand. But they must never be fixed or protruding, languid or sluggish, lifeless, lascivious, restless, nor swim with a moist voluptuous glance, nor look aslant nor leer in amorous fashion, nor yet must they seem to promise or ask a boon. As for keeping them fully or partially closed while speaking, surely none save an uneducated man or a fool would dream of doing such a thing. And in addition

to all these forms of expression, the upper and lower eyelids can render service in support of the eyes. The eyebrows also may be used with great effect. For to some extent they mould the expression of the eyes and determine that of the forehead. It is by means of the eyebrows that we contract, raise or smooth the latter: in fact, the only thing which has greater influence over it is the blood, which moves in conformity with the emotions that control the mind, causing a blush on a skin that is sensitive to shame, and giving place to an icy pallor under the influence of fear, whereas, when it is under control, it produces a peaceful complexion, intermediate between the two. Complete immobility in the eyebrows is a fault, as also is excess of mobility or the tendency to raise one and lower the other, as in the comic mask which I mentioned just now: while it is a further blemish if they express a feeling out of keeping with the words we utter. For they show anger by contraction, grief by depression and cheerfulness by their expansion. They are also dropped or raised to express consent or refusal respectively. It is not often that the lips or nostrils can be becomingly employed to express our feelings, although they are often used to indicate derision, contempt or loathing. For to “wrinkle the nostrils” (as Horace says), or blow them out, or twitch them, or fret them with our finger, or snort through them with a sudden expulsion of the breath, or stretch them wide or push them up with the flat of the hand are all indecorous, since it is not without reason that censure is passed even on blowing the nose too frequently. It is also an ugly habit to protrude the lips, open them with a sudden smack, compress them, draw them apart and bare the teeth, or twist them awry to one side till they almost reach the ear, or to curl them in scorn, or let them droop, or allow the voice to escape only on one side. It is also unbecoming to lick or bite them, since their motion should be but slight even when they are employed in forming words. For we must speak with the mouth rather than the lips.

The neck must be straight, not stiff or bent backward. As regards the throat, contraction and stretching are equally unbecoming, though in different ways. If it be stretched, it causes strain as well, and weakens and fatigues the voice, while if the chin be pressed down into the chest it makes the voice less distinct and coarsens it, owing to the pressure on the windpipe. It is, as a rule, unbecoming to raise or contract the shoulders. For it shortens the neck and produces a mean and servile gesture, which is even suggestive of dishonesty when men assume an attitude of flattery, admiration or fear. In continuous and flowing passages a most becoming gesture is slightly to extend the arm with shoulders well thrown back and the fingers opening as the hand moves forward. But when we have to speak in specially rich or impressive style, as, for example, in the passage *saxa atiqua solitudines voci respondent*, the arm will be thrown out in a stately sidelong sweep and the words will, as it were,

expand in unison with the gesture. As for the hands, without which all action would be crippled and enfeebled, it is scarcely possible to describe the variety of their motions, since they are almost as expressive as words. For other portions of the body merely help the speaker, whereas the hands may almost be said to speak. Do we not use them to demand, promise, summon, dismiss, threaten, supplicate, express aversion or fear, question or deny? Do we not employ them to indicate joy, sorrow, hesitation, confession, penitence, measure, quantity, number and time? Have they not power to excite and prohibit, to express approval, wonder or shame? Do they not take the place of adverbs and pronouns when we point at places and things? In fact, though the peoples and nations of the earth speak a multitude of tongues, they share in common the universal language of the hands.

The gestures of which I have thus far spoken are such as naturally proceed from us simultaneously with our words. But there are others which indicate things by means of mimicry. For example, you may suggest a sick man by mimicking the gesture of a doctor feeling the pulse, or a harpist by a movement of the hands as though they were plucking the strings. But this is a type of gesture which should be rigorously avoided in pleading. For the orator should be as unlike a dancer as possible, and his gesture should be adapted rather to his thought than to his actual words, a practice which was indeed once upon a time even adopted by the more dignified performers on the stage. I should, therefore, permit him to direct his hand towards his body to indicate that he is speaking of himself, or to point it at some one else to whom he is alluding, together with other similar gestures which I need not mention. But, on the other hand, I would not allow him to use his hands to imitate attitudes or to illustrate anything he may chance to say. And this rule applies not merely to the hands, but to all gesture and to the voice as well. For in delivering the period *stetit soleatus praetor populi Romani*, it would be wrong to imitate Verres leaning on his mistress, or in uttering the phrase *caedebatur in medio foro Messanae* to make the side writhe, as it does when quivering beneath the lash, or to utter shrieks, such as are extorted by pain. For even comic actors seem to me to commit a gross offence against the canons of their art when, if they have in the course of some narrative to quote either the words of an old man (as, for example, in the prologue to the *Hydria*), or of a woman (as in the (*Georgus*)), they litter them in a tremulous or a treble voice, notwithstanding the fact that they are playing the part of a young man. So true is it that certain forms of imitation may be a blemish even in those whose whole art consists in imitation.

One of the commonest of all the gestures consists in placing the middle finger against the thumb and extending the remaining three: it is suitable to the *exordium*, the hand being moved forward with an easy motion a little distance both to right

and left, while the head and shoulders gradually follow the direction of the gesture. It is also useful in the *statement of facts*, but in that case the hand must be moved with firmness and a little further forward, while, if we are reproaching or refuting our adversary, the same movement may be employed with some vehemence and energy, since such passages permit of greater freedom of extension. On the other hand, this same gesture is often directed sideways towards the left shoulder: this is a mistake, although it is a still worse fault to thrust the arm across the chest and gesticulate with the elbow. The middle and third fingers are also sometimes turned under the thumb, producing a still more forcible effect than the gesture previously described, but not well adapted for use in the *exordium* or *state-meant of facts*. But when three fingers are doubled under the thumb, the finger, which Cicero says that Crassus used to such effect, is extended. It is used in denunciation and in indication (whence its name of index finger), while if it be slightly dropped after the hand has been raised toward the shoulder, it signifies affirmation, and if pointed as it were face downwards toward the ground, it expresses insistence. It is sometimes also used to indicate number. Again, if its top joint is lightly gripped on either side, with the two outer fingers slightly curved, the little finger rather less than the third, we shall have a gesture well suited for argument. But for this purpose the same gesture is rendered more emphatic by holding the middle joint of the finger and contracting the last two fingers still further to match the lower position of the middle finger and thumb. The following gesture is admirably adapted to accompany modest language: the thumb and the next three fingers are gently converged to a point and the hand is carried to the neighbourhood of the mouth or chest, then relaxed palm downwards and slightly advanced. It was with this gesture that I believe Demosthenes to have commenced the timid and subdued exordium of his speech in defence of Ctesiphon, and it was, I think, in such a position that Cicero held his hand, when he said, "If I have any talent, though I am conscious how little it is." Slightly greater freedom may be given to the gesture by pointing the fingers down and drawing the hand in towards the body and then opening it somewhat more rapidly in the opposite direction, so that it seems as though it were delivering our words to the audience. Sometimes we may hold the first two fingers apart without, however, inserting the thumb between them, the remaining two pointing inwards, while even the two former must not be fully extended. Sometimes, again, the third and little finger may be pressed in to the palm near the base of the thumb, which in its turn is pressed against the middle joints of the first and middle fingers; at others the little finger is sometimes drooped obliquely, or the four fingers may be relaxed rather than extended and the thumb slanted inwards: this last gesture is well adapted to pointing to one side or marking the different points which we are

making, the hand being carried palmupwards to the left and swept back to the right face-downwards. The following short gestures are also employed: the hand may be slightly hollowed as it is when persons are making a vow, and then moved slightly to and fro, the shoulders swaying gently in unison: this is adapted to passages where we speak with restraint and almost with timidity. Wonder is best expressed as follows: the hand turns slightly upwards and the fingers are brought in to the palm, one after the other, beginning with the little finger; the hand is then opened and turned round by a reversal of this motion. There are various methods of expressing interrogation; but, as a rule, we do so by a turn of the hand, the arrangement of the fingers being indifferent. If the first finger touch the middle of the right-hand edge of the thumb-nail with its extremity, the other fingers being relaxed, we shall have a graceful gesture well suited to express approval or to accompany *statements of facts*, and to mark the distinction between our different points. There is another gesture not unlike the preceding, in which the remaining three fingers are folded: it is much employed by the Greeks both for the left hand and the right, in rounding off their *enthymemes*, detail by detail. A gentle movement of the hand expresses promise or assent, a more violent movement suggests exhortation or sometimes praise. There is also that familiar gesture by which we drive home our words, consisting in the rapid opening and shutting of the hand: but this is a common rather than an artistic gesture. Again, there is the somewhat unusual gesture in which the hand is hollowed and raised well above the shoulder with a motion suggestive of exhortation. The tremulous motion now generally adopted by foreign schools is, however, fit only for the stage. I do not know why some persons disapprove of the movement of the fingers, with their tops converging, towards the mouth. For we do this when we are slightly surprised, and at times also employ it to express fear or entreaty when we are seized with sudden indignation. Further, we sometimes clench the hand and press it to our breast when we are expressing regret or anger, an occasion when it is not unbecoming even to force the voice through the teeth in phrases such as “What shall I do now?” “What would you do?” To point at something with the thumb turned back is a gesture which is in general just, but is not, in my opinion, becoming to an orator. Motion is generally divided into six kinds, but circular motion must be regarded as a seventh. The latter alone is faulty when applied to gesture. The remaining motions— that is, forward, to right or left and up or down—all have their significance, but the gesture is never directed to what lies behind us, though we do at times throw the hand back. The best effect is produced by letting the motion of the hand start from the left and end on the right, but this must be done gently, the hand sinking to rest and avoiding all appearance of giving a blow, although at the end of a sentence it may sometimes be

allowed to drop, but must quickly be raised again: or it may occasionally, when we desire to express wonder or dissent, spring back with a rapid motion.

In this connexion the earlier instructors in the art of gesture rightly added that the movement of the hand should begin: and end with the thought that is expressed. Otherwise the gesture will anticipate or lag behind the voice, both of which produce an unpleasing effect. Some, through excess of subtlety, have erroneously prescribed that there should be an interval of three words between each movement; but this rule is never observed, nor can it be. These persons, however, were desirous that there should be some standard of speed or slowness (a most rational desire), with a view to avoid prolonged inactivity on the part of the hands as well as the opposite fault, into which so many fall, of breaking up the natural flow of their delivery by continual motion. There is another still more common error, which is less easy of detection. Language possesses certain imperceptible stresses, indeed we might almost call them feet, to which the gesture of most speakers conforms. Thus there will be one movement at *novum crimen*, another at *Gai Caesar*, a third at *et ante diem*, a fourth at *non auditum*, a fifth at *propinquus meus*, a sixth at *ad te* and others at *Quintus Tubero* and *detulit*. From this springs a further error, namely, that young men, when writing out their speeches, devise all their gestures in advance and consider as they compose how the hand is to fall at each particular point. A further unfortunate result is that the movement of the hand, which should end on the right, frequently finishes on the left. It is therefore better, in view of the fact that all speech falls into a number of brief clauses, at the end of which we can take breath, if necessary, to arrange our gesture to suit these sections. For example, the words *novum crimes*, *Gai Caesar*, in a sense form a phrase complete in itself, since they are followed by a conjunction, while the next words, *et ante hanc diem non auditum*, are also sufficiently self-contained. To these phrases the motions of the hand must be conformed, before the speech has passed beyond the calmness of tone on which it opens. But when increasing warmth of feeling has fired the orator, the gesture will become more frequent, in keeping with the impetus of the speech. Some places are best suited by a rapid, and others by a restrained delivery. In the one case we pass rapidly on, fire a volley of arguments and hurry upon our way; in the other, we drive home our points, force them on the hearer and implant them in his mind. But the slower the delivery, the greater its emotional power: thus, Rosins was rapid and Aesopus weighty in his delivery, because the former was a comic and the latter a tragic actor. The same rule applies to the movements. Consequently on the stage young men and old, soldiers and married women all walk sedately, while slaves, maidservants, parasites and fishermen are more lively in their movements. But instructors in the art of gesture

will not permit the hand to be raised above the level of the eyes or lowered beneath that of the breast; since it is thought a grave blemish to lift it to the top of the head or lower it to the lower portions of the belly. It may be moved to the left within the limits of the shoulder, but no further without loss of decorum. On the other hand, when, to express our aversion, we thrust our hand out to the left, the left shoulder must be brought forward in unison with the head, which will incline to the right. It is never correct to employ the left hand alone in gesture, though it will often conform its motion to that of the right, as, for example, when we are counting our arguments on the fingers, or turn the palms of the hands to the left to express our horror of something, or thrust them out in front or spread them out to right and left, or lower them in apology or supplication (though the gesture is not the same in these two cases), or raise them in adoration, or stretch them out in demonstration or invocation, as in the passage, "Ye hills and groves of Alba," or in the passage from Gracchus: "Whither, alas! shall I turn me? To the Capitol? Nay, it is wet with my brother's blood. To my home?" etc. For in such passages greater emotional effect is produced if both hands co-operate, short gestures being best adapted to matters of small importance and themes of a gentle or melancholy character, and longer gestures to subjects of importance or themes calling for joy or horror.

It is desirable also that I should mention the faults in the use of the hands, into which even experienced pleaders are liable to fall. As for the gesture of demanding a cup, threatening a flogging, or indicating the number 500 by crooking the thumb, all of which are recorded by writers on the subject, I have never seen them employed even by uneducated rustics. But I know that it is of frequent occurrence for a speaker to expose his side by stretching his arm too far, to be afraid in one case of extending his hand beyond the folds of his cloak, and in another to stretch it as far as it will go, to raise it to the roof, or by swinging it repeatedly over his left shoulder to deliver such a rain of blows to the rear that it is scarcely safe to stand behind him, or to make a circular sweep to the left, or by casting out his hand at random to strike the standers-by or to flap both elbows against his sides. There are others, again, whose hands are sluggish or tremulous or inclined to saw the air; sometimes, too, the fingers are crooked and brought down with a run from the top of the head, or tossed up into the air with the hand turned palm upwards. There is also a gesture, which consists in inclining the head to the right shoulder, stretching out the arm from the ear and extending the hand with the thumb turned down. This is a special favourite with those who boast that they speak "with uplifted hand." To these latter we may add those speakers who hurl quivering epigrams with their fingers or denounce with the hand upraised, or rise on tiptoe, whenever

they say something of which they are specially proud. This last proceeding may at times be adopted by itself; but they convert it into a blemish by simultaneously raising one or even two fingers as high as they can reach, or heaving up both hands as if they were carrying something. In addition to these faults, there are those which spring not from nature, but from nervousness, such as struggling desperately with our lips when they refuse to open, making inarticulate sounds, as though something were sticking in our throat, when our memory fails us, or our thoughts will not come at our call; rubbing the end of our nose, walking up and down in the midst of an unfinished sentence, stopping suddenly and courting applause by silence, with many other tricks which it would take too long to detail, since everybody has his own particular faults. We must take care not to protrude the chest or stomach, since such an altitude arches the back, and all bending backwards is unsightly. The flanks must conform to the gesture; for the motion of the entire body contributes to the effect: indeed, Cicero holds that the body is more expressive than even the hands. For in the *de Orator* he says, "There must be no quick movements of the fingers, no marking time with the finger-tips, but the orator should control himself by the poise of the whole trunk and by a manly inclination of the side." Slapping the thigh, which Clean is said to have been the first to introduce at Athens, is in general use and is becoming as a mark of indignation, while it also excites the audience. Cicero regrets its absence in Calidius, "There was no striking of the forehead," he complains, "nor of the thigh." With regard to the forehead I must beg leave to differ from him: for it is a purely theatrical trick even to clap the hands or beat the breast. It is only on rare occasions, too, that it is becoming to touch the breast with the finger-tips of the hollowed hand, when, for example, we address ourselves or speak words of exhortation, reproach or commiseration. But if ever we do employ this gesture, it will not be unbecoming to pull back the toga at the same time. As regards the feet, we need to be careful about our gait and the attitudes in which we stand. To stand with the right foot advanced or to thrust forward the same foot and hand are alike unsightly. At times we may rest our weight on the right foot, but without any corresponding inclination of the chest, while, in any case, the gesture is better suited to the comic actor than to the orator. It is also a mistake, when resting on the left foot, to lift the right or poise it on tiptoe. To straddle the feet is ugly if we are standing still, and almost indecent if we are actually moving. To start forward may be effective, provided that we move but a short distance and do so but rarely and without violence. It will also at times be found convenient to walk to and fro, owing to the extravagant pauses imposed by the plaudits of the audience; Cicero, however, says that this should be done only on rare occasions, and that we should take not more than a few steps. On the other

hand, to run up and down, which, in the case of Manlius Sure, Domitius Afer called overdoing it, is sheer folly, and there was no little wit in the question put by Virginias Flatus to a rival professor, when he asked how many miles he had declaimed. I know, too, that some authorities warn us not to walk with our backs turned to the judges, but to move diagonally and keep our eyes fixed on the panel. This cannot be done in private trials, but in such cases the space available is small and the time during which our backs are turned is of the briefest. On the other hand, we are permitted at times to walk backwards gradually. Some even jump backwards, which is merely ludicrous. Stamping the foot is, as Cicero says, effective when done on suitable occasions, that is to say, at the commence meant or close of a lively argument, but if it be frequently indulged in, it brands the speaker as a fool and ceases to attract the attention of the judge. There is also the unsightly habit of swaying to right and left, and shifting the weight from one foot to the other. Above all, we must avoid effeminate movements, such as Cicero ascribes to Titus, a circumstance which led to a certain kind of dance being nicknamed Titus. Another reprehensible practice is that of nodding frequently and rapidly to either side, a mannerism for which the elder Curio was derided by Julius, who asked who it was who was speaking in a boat, while on another occasion, when Curio had been tossing himself about in his usual manner, while Octaves, his colleague, was sitting beside him bandaged and reeking with medicaments on account of ill-health, Spiciness remarked, "Octaves, you can never be sufficiently grateful to your colleague: for if he wasn't there, the flies would have devoured you this very day where you sit. " The shoulders also are apt to be jerked to and fro, a fault of which Demosthenes is said to have cured himself by speaking on a narrow platform with a spear hanging immediately above his shoulder, in order that, if in the heat of his eloquence he failed to avoid this fault, he might have his attention called to the fact by a prick from the spear. The only condition that justifies our walking about while speaking is if we are pleading in a public trial before a large number of judges and desire specially to impress our arguments upon them individually. The practice adopted by some of throwing the toga back over the shoulder, while they draw up the fold to their waist with the right hand, and use the left for gesticulation as they walk up and down and discourse, is not to be tolerated; for even to draw back the left hand while extending the right is an objectionable habit. This reminds me of an extremely foolish trick, which I think I ought to mention, that some speakers have of employing the intervals when the audience are applauding by whispering in someone's ear or jesting with their friends or looking back at their clerks, as if telling them to make a note of some gratuity to be dispensed to their supporters. On the other hand, when we are making some explanation to the judge, more especially if

the point be somewhat obscure, a slight inclination in his direction will be not unbecoming. But to lean forward towards the advocate seated on the benches of our opponent is offensive, while, unless we are genuinely fatigued, it is a piece of affectation to lean back among our own friends and to be supported in their arms; the same remark also applies to the practice of being prompted aloud or reading from manuscript as though uncertain of our memory. For all these mannerisms impair the force of our speaking, chill the effect of emotional appeals and make the judge think that he is not being treated with sufficient respect. To cross over to the seats of our opponents borders on impudence, and Cassius Severus showed a neat turn of wit when he demanded that a barrier might be erected between himself and an opponent who behaved in this fashion. Moreover, though to advance towards our opponent may at times produce an impression of passionate energy, the return to our former position will always prove correspondingly tame. Many of the rules which I have given will require modification by those who have to plead before judges seated on a dais. For in such cases the face must be raised somewhat higher, so that the speaker's eyes may be fixed on the president of the court: for the same reason his gestures must also be carried a little higher, while there are other details which will readily occur to my reader without any mention from me. Similar modifications will be likewise necessary for those who plead sitting. For this is done, as a rule, only in cases of minor importance, where delivery will necessarily be more restrained, and certain defects are inevitable. For example, when the speaker sits on the left side of the judge, he will have to advance his right foot, while if he be seated on the right, many of his gestures must be made from right to left, in order that they may be addressed to the judge. Personally, I note that many speakers start up at the conclusion of individual periods, while some proceed to walk to and fro for a little: it is for them to decide whether this is becoming or not: I will merely remark that, when they do this, they are not pleading seated. It was a common custom, which has not entirely disappeared, to drink or even to eat while pleading; but I shall not permit my ideal orator to do anything of the kind. For if a man cannot endure the burdens imposed by oratory without having recourse to such remedies, he should not find it a serious hardship to give up pleading altogether, a course which is far preferable to acknowledging his contempt both for his profession and his audience.

With regard to dress, there is no special garb peculiar to the orator, but his dress comes more under the public eye than that of other men. It should, therefore, be distinguished and manly, as, indeed, it ought to be with all men of position. For excessive care with regard to the cut of the toga, the style of the shoes, or the arrangement of the hair, is just as reprehensible as excessive carelessness. There are

also details of dress which are altered to some extent by successive changes in fashion. The ancients, for example, wore no folds, and their successors wore them very short. Consequently it follows that in view of the fact that their arms were, like those of the Greeks, covered by the garment, they must have employed a different form of gesture in the exordium from that which is now in use. However, I am speaking of our own day. The speaker who has not the right to wear the broad stripe, will wear his girdle in such a way that the front edges of the tunic fall a little below his knees, while the edges in rear reach to the middle of his hams. For only women draw them lower and only centurions higher. If we wear the purple stripe, it requires but little care to see that it fills becomingly; negligence in this respect sometimes excites criticism. Among those who wear the broad stripe, it is the fashion to let it hang somewhat lower than in garments that are retained by the girdle. The toga itself should, in my opinion, be round, and cut to fit, otherwise there are a number of ways in which it may be unshapely. Its front edge should by preference reach to the middle of the shin, while tie back should be higher in proportion as the girdle is higher behind than in front. The fold is most becoming, if it fall to a point a little above the lower edge of the tunic, and should certainly never fall below it. The other fold which passes obliquely like a belt under the right shoulder and over the left, should neither be too tight nor too loose. The portion of the toga which is last to be arranged should fall rather low, since it will sit better thus and be kept in its place. A portion of the tunic also should be drawn back in order that it may not fall over the arm when we are pleading, and the fold should be thrown over the shoulder, while it will not be unbecoming if the edge be turned back. On the other hand, we should not cover the shoulder and the whole of the throat, otherwise our dress will be unduly narrowed and will lose the impressive effect produced by breadth at the chest. Tire left arm should only be raised so far as to form a right angle at the elbow, while the edge of the toga should fall in equal lengths on either side. The hand should not be overloaded with rings, which should under no circumstances encroach upon the middle joint of the finger. The most becoming attitude for the hand is produced by raising the thumb and slightly curving the fingers, unless it is occupied with holding manuscript. But we should not go out of our way to carry the latter, for it suggests an acknowledgement that we do not trust our memory, and is a hindrance to a number of gestures. The ancients used to let the toga fall to the heels, as the Greeks are in the habit of doing with the cloak: Plotius and Nigidius both recommend this in the books which they wrote about gesture as practised in their own day. I am consequently all the more surprised at the view expressed by so learned a man as Plinius Secundus, especially since it occurs in a book which carries minute research almost to excess: for he

asserts that Cicero was in the habit of wearing his toga in such a fashion to conceal his varicose veins, despite the fact that this fashion is to be seen in the statues of persons who lived after Cicero's day. As regards the short cloak, bandages used to protect the legs, mufflers and coverings for the ears, nothing short of ill-health can excuse their use.

But such attention to our dress is only possible at the beginning of a speech, since, as the pleading develops, in fact, almost from the beginning of the *statement of facts*, the fold will slip down from the shoulder quite naturally and as it were of its own accord, while when we come to arguments and commonplaces, it will be found convenient to throw back the toga from the left shoulder, and even to throw down the fold if it should stick. The left hand may be employed to pluck the toga from the throat and the upper portion of the chest, for by now the whole body will be hot. And just as at this point the voice becomes more vehement and more varied in its utterance, so the clothing begins to assume something of a combative pose. Consequently, although to wrap the toga round the left hand or to pull it about us as a girdle would be almost a symptom of madness, while to throw back the fold from its bottom over the right shoulder would be a foppish and effeminate gesture, and there are yet worse effects than these, there is, at any rate, no reason why we should not place the looser portions of the fold under the left arm, since it gives an air of vigour and freedom not ill-suited to the warmth and energy of our action. When, however, our speech draws near its close, more especially if fortune shows herself kind, practically everything is becoming; we may stream with sweat, show signs of fatigue, and let our dress fall in careless disorder and the toga slip loose from us on every side. This fact makes me all the more surprised that Pliny should think it worth while to enjoin the orator to dry his brow with a handkerchief in such a way as not to disorder the hair, although a little later he most properly, and with a certain gravity and sternness of language, forbids us to rearrange it. For my own part, I feel that dishevelled locks make an additional appeal to the emotions, and that neglect of such precautions creates a pleasing impression. On the other hand, if the toga falls down at the beginning of our speech, or when we have only proceeded but a little way, the failure to replace it is a sign of indifference, or sloth, or sheer ignorance of the way in which clothes should be worn.

The above are the chief adornments and faults of delivery. But there are a number of further considerations which the orator must bear in mind. In the first place there is the question as to the character of speaker, judges and audience. For just as the methods of speaking may justifiably be varied to suit the characteristics of different orators and different judges, so it is with delivery. The same characteristics of voice, gesture and gait are not equally becoming in the presence

of the emperor, the senate, the people, and magistrates, or in private and public trials, or in making a request to the praetor for the appointment of a judge to hear our case, and in actual pleading. Anyone who will reflect upon the matter will realise the nature of the differences involved, as he will also be able to realise the nature of the subject on which he is speaking and the effect which he desires to produce. The considerations with regard to the subject are four in number, of which the first has reference to the case as a whole. For the case may be of a gloomy or a cheerful nature, an anxious business, or one that calls for no alarm, and may involve issues of great or trivial importance. We ought, therefore, never to be so preoccupied over particular portions of a case as to forget to consider the case as a whole. The second point is concerned with the different aspects of the various portions of the speech, that is, the *exordium*, *statement of facts*, *arguments* and *peroration*. The third concerns the thoughts, which will vary according to the subject matter and the emotions which we require to awaken. The fourth has reference to the words, which must be given appropriate expression, unless their force is to be entirely wasted, although it is an error to attempt to make our delivery reproduce the sense of every single word. Consequently, in panegyric, funeral orations excepted, in returning thanks, exhortations and the like, the delivery must be luxuriant, magnificent, and grand. On the other hand, in funeral or consolatory speeches, together with most of those in defence of accused persons, the delivery will be melancholy and subdued. When we speak in the senate, it will be authoritative, when we address the people, dignified, and when we are pleading in private cases, restrained. As regards the respective portions of speeches, thoughts and words, I must speak at somewhat greater length, as the problems involved are manifold.

There are three qualities which delivery should possess. It should be conciliatory, persuasive and moving, and the possession of these three qualities involves charm as a further requisite. A conciliatory effect may be secured either by charm of style or by producing an impression of excellence of character, which is in some mysterious way clearly revealed both by voice and gesture. A persuasive effect, on the other hand, is produced by the power of assertion, which is sometimes more convincing even than actual proof. "Would those statements," says Cicero to Calidius, "have been delivered by you in such a manner if they had been true?" And again, "You were far from kindling our emotions. Indeed, at that point of your speech we could scarcely keep ourselves awake." We must therefore reveal both confidence and firmness, above all, if we have the requisite authority to back them. The method of arousing the emotions depends on our power to represent or imitate the passions. Therefore when the judge in private, or the usher in public cases, calls upon us to speak, we must rise with deliberation. We shall then, to make our garb

the more becoming, and to secure a moment for reflexion, devote a brief space to the arrangement of our toga or even, if necessary, to throwing it on afresh; but it must be borne in mind that this injunction applies only to cases in the courts; for *we* must not do this if we are speaking before the emperor or a magistrate, or in cases where the judge sits in a position of superior authority. Even when we turn to the judge, and have requested and received the praetor's permission to address the court, we must not break forth at once into speech, but should allow ourselves a few moments for reflexion. For the display of such care on the part of one who is about to speak attracts the audience and gives the judge time to settle down. Homer inculcates this practice by placing before us the example of Ulysses, whom he describes as having stood for a while with eyes fixed on the ground and staff held motionless, before he poured forth his whirlwind of eloquence. In this preliminary delay there are certain pauses, as the actors call them, which are not unbecoming. We may stroke our head, look at our hand, wring the fingers, pretend to summon all our energies for the effort, confess to nervousness by a deep sigh, or may adopt any other method suited to our individual character, while these proceedings may be extended over some time, if we find that the judge is not yet giving us his attention. Our attitude should be upright, our feet level and a slight distance apart, or the left may be very slightly advanced. The knees should be upright, but not stiff; the shoulders relaxed, the face stern, but not sad, expressionless or languid: the arms should be held slightly away from the side, the left hand being in the position described above, while the right, at the moment when our speech begins, should be slightly extended beyond the fold of the toga with the most modest of gestures, as though waiting for the commencement. For it is a mistake to look at the ceiling, to rub the face and give it a flush of impudence, to crane it boldly forward, to frown in order to secure a fierce expression, or brush back the hair from the forehead against its natural direction in order to produce a terrifying effect by making it stand on end. Again, there are other unseemly tricks, such as that so dear to the Greeks of twitching our fingers and lips as though studying what to say, clearing the throat with a loud noise, thrusting out one foot to a considerable distance, grasping a portion of the toga in the left hand, standing with feet wide apart, holding ourselves stiffly, leaning backwards, stooping, or bunching our shoulders toward the back of the head, as wrestlers do when about to engage.

A gentle delivery is most often best suited to the *exordium*. For there is nothing better calculated than modesty to win the good-will of the judge, although there are exceptions to the rule, since, as I have already pointed out, all *exordia* are not delivered in the same manner. But, generally speaking, a quiet voice, a modest gesture, a toga sitting well upon the shoulder, and a gentle motion of the sides to

right and left, accompanied by a corresponding movement of the eyes, will all be found to produce a becoming effect. In the *statement of facts* the hand should on most occasions be further extended, the toga allowed to slip back, the gestures sharply distinguished and the voice colloquial, but slightly more emphatic, while there should also be uniformity of tone. Such, at any rate, should be the delivery of a passage such as the following: "For Quintus Ligarius, since there was no hint of the likelihood of the war in Africa," or "Aulus Cluentius Habitus, this man's father." But different methods may be called for in this same portion of the speech, in passionate utterances such as, "The mother-in-law weds her son-in-law," or in pathetic passages such as, "There in the market-place of Laodicea was displayed a grievous and afflicting spectacle for all the province of Asia to behold." The *proofs*, however, require the utmost variety of delivery. For to state them and distinguish between their various points, and to examine witnesses, we employ something not far removed from a colloquial tone, as is also the case in anticipating objections, which is really another form of statement. But in all these cases we sometimes deride, and sometimes mimic our opponents. *Argument*, being as a rule of a livelier, more energetic and aggressive character, demands a type of gesture adapted to its style, that is to say, it should be bold and rapid. There are certain portions of our arguments that require to be pressed home with energy, and in these our style must be compact and concentrated. *Digressions*, as a rule, are characterised by gentleness, calm and placidity, as, for example, in Cicero's description of the Rape of Proserpine, his picture of Sicily, or his panegyric of Pompey. For naturally passages which deal with subjects lying outside the main question in dispute demand a less combative tone. There are occasions on which we may adopt a gentle manner in depreciating our opponents by giving a picture of their character, as in the following passage: "I seemed to see some persons entering the room and others leaving it, while others were staggering to and fro under the influence of wine." Under such circumstances we may even allow the gesture to match the voice, and may employ a gentle movement from side to side: but this motion should be confined to the hands, and there should be no movement of the flanks. There are a number of gradations of tone which may be employed to kindle the feeling of the judges. The most vehement tones that an orator is ever called upon to use will be employed in passages such as the following: "When the war was begun, Caesar, and was, in fact, well on its way to a conclusion." For he has just said: "I will use my voice to its fullest power, that all the Roman people may hear me." On the other hand, a lower tone, not devoid of a certain charm, should be employed in passages such as: "What was that sword of yours doing, Tubero, that sword that was drawn on the field of Pharsalus?" But the utterance must be fuller, slower, and consequently sweeter,

when the orator says, "But in an assembly of the Homan people, and when he was performing his official functions." In this passage every sound should be drawn out, we should dwell upon the vowel-sounds and speak full-throated. Still fuller should be the stream of our voice in the invocation, "You, hills and groves of Alba"; while a tone not far removed from chanting, and dying away to a cadence, should be employed in delivering the phrase, "Rocks and solitudes answer to the voice." These are the modulations denounced by Demosthenes and Aeschines, but they do not necessarily for that reason merit our disapprobation. For as each of these orators taunts the other with making use of them, it is clear that they were employed by both. We may be sure that Demosthenes did not restrict himself to his ordinary simplicity of tone when he swore by those that fought for their country at Marathon, Plataea and Salamis, nor did Aeschines employ a colloquial utterance when he lamented for the fate of Thebes. There is also an entirely different tone, which might be described as lying almost outside the range of the instrument. The Greeks call it bitterness, and it consists in an extravagant acerbity almost beyond the compass of the human voice. It is employed in passages such as, "Why do you not restrain those cries, the proof of your folly and the evidence of your small numbers?" But the extravagance of which I spoke will come in at the opening, where the orator cries, "Why do you not restrain?"

The *peroration*, if it involves a recapitulation, requires an even utterance of short, clear-cut clauses. If, on the other hand, it is designed to stir the emotions of the judges, it will demand some of the qualities already mentioned. If it aims at soothing them, it should be soft; if it is to rouse them to pity, the voice must be delicately modulated to a melancholy sweetness, which is at once most natural and specially adapted to touch the heart. For it may be noted that even orphans and widows have a certain musical quality in the lamentations which they utter at funerals. A muffled voice, such as Cicero says was possessed by Antonius, will also be exceedingly effective under such circumstances, since it has just the natural tone which we seek to imitate. Appeals to pity are, however, of two kinds: they may be marked by an admixture of indignation, as in the passage just quoted describing the condemnation of Philodamus, or they may be coupled with appeals for mercy, in which case their tone will be more subdued. Therefore although there is a suggestion of the chanting tone in the delivery of such passages as "In an assembly of the Roman people" (for he did not utter these words in a contentious tone), or in "Ye hills and groves of Alba" (for he did not say this as though he were appealing to them or calling them to witness), the ensuing phrases require infinitely greater modulation and longer-drawn harmonies: "Ah, woe is me, unhappy that I am!" and "What shall I reply to my children?" and "You, Milo, had the power to recall me to

my country with the aid of these men, and shall I be powerless by their aid to keep you in that same country, your native land and mine?" or when he offers to sell the property of Gaius Rabirius at one sesterce, "Ah, what a sad and bitter task my voice is called on to perform!" Again, it is a most effective device to confess in the peroration that the strain of grief and fatigue is overpowering, and that our strength is sinking beneath them, as Cicero does in his defence of Milo: "But here I must make an end: I can no longer speak for tears." And in such passages our delivery must conform to our words. It may be thought that there are other points which should be mentioned in connexion with the duties of the orator in this portion of his speech, such as calling forward the accused, lifting up his children for the court to see, producing his kinsfolk, and rending his garments; but they have been dealt with in their proper place.

Such being the variety entailed by the different portions of our pleading, it is sufficiently clear that our delivery must be adapted to our matter, as I have already shown, and sometimes also, though not always conform to our actual words, as I have just remarked. For instance, must not the words, "This poor wretched, poverty-stricken man," be uttered in a low, subdued tone, whereas, "A hold and violent fellow and a robber," is a phrase requiring a strong and energetic utterance? For such conformity gives a force and appropriateness to our matter, and without it the expression of the voice will be out of harmony with our thought. Again, what of the fact that a change of delivery may make precisely the same words either demonstrate or affirm, express reproach, denial, wonder or indignation, interrogation, mockery or depreciation? For the word "thou" is given a different expression in each of the following passages:

"Thou this poor kingdom dost on me bestow."

Aen. i. 78.

and

"Thou vanquish him in song?"

Ecl. iii. 25.

and

"Art thou, then, that Aeneas?"

Aen i. 617.

and

“And of fear,
Do thou accuse me, Drances!”

Aen. xi. 383.

To cut a long matter short, if my reader will take this or any other word he chooses and run it through the whole gamut of emotional expression, he will realise the truth of what I say.

There is one further remark which I must add, namely, that while what is becoming is the main consideration in delivery, different methods will often suit different speakers. For this is determined by a principle which, though it is obscure and can hardly be expressed in words, none the less exists: and, though it is a true saying that “the main secret of artistic success is that whatever we do should become us well,” none the less, despite the fact that such success cannot be attained without art, it is impossible entirely to communicate the secret by the rules of art. There are some persons in whom positive excellences have no charm, while there are others whose very faults give pleasure. We have seen the greatest of comic actors, Demetrius and Stratocles, win their success by entirely different merits. But that is the less surprising owing to the fact that the one was at his best in the rôles of gods, young men, good fathers and slaves, matrons and respectable old women, while the other excelled in the portrayal of sharp-tempered old men, cunning slaves, parasites, pimps and all the more lively characters of comedy. For their natural gifts differed. For Demetrius’ voice, like his other qualities, had greater charm, while that of Stratocles was the more powerful. But yet more noticeable were the incommunicable peculiarities of their action. Demetrius showed unique gifts in the movements of his hands, in his power to charm his audience by the long-drawn sweetness of his exclamations, the skill with which he would make his dress seem to puff out with wind as he walked, and the expressive movements of the right side which he sometimes introduced with effect, in all of which things he was helped by his stature and personal beauty. On the other hand, Stratocles’ *forte* lay in his nimbleness and rapidity of movement, in his laugh (which, though not always in keeping with the character he represented, he deliberately employed to awaken answering laughter in his audience), and finally, even in the way in which he sank his neck into his shoulders. If either of these actors had attempted any of his rival’s tricks, he would have produced a most unbecoming effect. Consequently, every man must get to know his own peculiarities and must consult not merely the general rules of technique, but his own nature as well with a view to forming his delivery.

But there is no law of heaven which prohibits the possession of all or at any rate the majority of styles by one and the same person. I must conclude this topic with a remark which applies to all my other topics as well, that the prime essential is a sense of proportion. For I am not trying to form a comic actor, but an orator. Consequently, we need not study all the details of gesture nor, as regards our speaking, be pedantic in the use we make of the rules governing punctuation, rhythm and appeals to the emotions. For example, if an actor has to speak the following lines on the stage:

“What shall I do then? Not go, even now,
Now when she calls me? Or shall I steel my soul
No longer to endure a harlot’s insults?”

Ter. Eun. I. i. 1.

he will hesitate as in doubt, will vary the modulations of his voice, together with the movements of hand and head. But oratory has a different flavour and objects to elaborate condiments, since it consists in serious pleading, not in mimicry. There is, therefore, good reason for the condemnation passed on a delivery which entails the continual alteration of facial expression, annoying restlessness of gesture and gusty changes of tone. And it was a wise saying that the ancient orators borrowed from the Greeks, as is recorded by Popilius Laenas, to the effect that there is too much “business” in such delivery. The instructions given by Cicero on this subject, as on all others, are quite admirable; I allude to the passages which I have already quoted from his *Orator*, while there are similar observations in the *Brutus* with reference to Marcus Antonius. But to-day a rather more violent form of delivery has come into fashion and is demanded of our orators: it is well adapted to certain portions of a speech, but requires to be kept under control. Otherwise, in our attempt to ape the elegances of the stage, we shall lose the authority which should characterise the man of dignity and virtue.

BOOK XII

INTRODUCTION

I now come to what is by far the most arduous portion of the task which I have set myself to perform. Indeed had I fully realised the difficulties when I first designed this work, I should have considered betimes whether my strength was sufficient to support the load that now weighs upon me so heavily. But to begin with, I felt how shameful it would be to fail to perform what I had promised, and later, despite the fact that my labour became more and more arduous at almost every stage, the fear of stultifying what I had already written sustained my courage through every difficulty. Consequently even now, though the burden that oppresses me is greater than ever, the end is in sight and I am resolved to faint by the wayside rather than despair. But the fact that I began with comparatively trivial details deceived me. Subsequently I was lured still further on my voyage by the temptations of the favouring breeze that filled my sails; but the rules which I was then concerned to give were still of a familiar kind and had been already treated by most writers of rhetorical textbooks: thus far I seemed to myself to be still in sight of shore and I had the company of many who had ventured to entrust themselves to the self-same winds. But presently when I entered on the task of setting forth a theory of eloquence which had been but newly discovered and rarely essayed, I found but few that had ventured so far from harbour. And finally now that the ideal orator, whom it was my design to mould, has been dismissed by his masters and is either proceeding on his way borne onward by his own impetus, or seeking still mightier assistance from the innermost shrine of wisdom, I begin to feel how far I have been swept into the great deep. Now there is

“Nothing before and nothing behind but the sky and the Ocean.”

Aen. iii. 193.

One only can I discern in all the boundless waste of waters, Marcus Tullius Cicero, and even he, though the ship in which he entered these seas is of such size and so well found, begins to lessen sail and to row a slower stroke, and is content to speak merely of the kind of speech to be employed by the perfect orator. But my temerity is such that I shall essay to form my orator's character and to teach him his duties. Thus I have no predecessor to guide my steps and must press far, far on, as my theme may demand. Still an honourable ambition is always deserving of approval, and it is all the less hazardous to dare greatly, when forgiveness is assured us if we fail.

CHAPTER I: MORAL VIRTUE OF THE ORATOR

The orator then, whom I am concerned to form, shall be the orator as defined by Marcus Cato, “a good man, skilled in speaking.” But above all he must possess the quality which Cato places first and which is in the very nature of things the greatest and most important, that is, he must be a good man. This is essential not merely on account of the fact that, if the powers of eloquence serve only to lend arms to crime, there can be nothing more pernicious than eloquence to public and private welfare alike, while I myself, who have laboured to the best of my ability to contribute something of value to oratory, shall have rendered the worst of services to mankind, if I forge these weapons not for a soldier, but for a robber. But why speak of myself? Nature herself will have proved not a mother, but a stepmother with regard to what we deem her greatest gift to man, the gift that distinguishes us from other living things, if she devised the power of speech to be the accomplice of crime, the foe to innocence and the enemy of truth. For it had been better for men to be born dumb and devoid of reason than to turn the gifts of providence to their mutual destruction. But this conviction of mine goes further. For I do not merely assert that the ideal orator should be a good man, but I affirm that no man can be an orator unless he is a good man. For it is impossible to regard those men as gifted with intelligence who on being offered the choice between the two paths of virtue and of vice choose the latter, nor can we allow them prudence, when by the unforeseen issue of their own actions they render themselves liable not merely to the heaviest penalties of the laws, but to the inevitable torment of an evil conscience. But if the view that a bad man is necessarily a fool is not merely held by philosophers, but is the universal belief of ordinary men, the fool will most assuredly never become an orator. To this must be added the fact that the mind will not find leisure even for the study of the noblest of tasks, unless it first be free from vice. The reasons for this are, first, that vileness and virtue cannot jointly inhabit in the selfsame heart and that it is as impossible for one and the same mind to harbour good and evil thoughts as it is for one man to be at once both good and evil: and secondly, that if the intelligence is to be concentrated on such a vast subject as eloquence it must be free from all other distractions, among which must be included even those preoccupations which are free from blame. For it is only when it is free and self-possessed, with nothing to divert it or lure it elsewhere, that it will fix its attention solely on that goal, the attainment of which is the object of its preparations. If on the other hand inordinate care for the development of our estates, excess of anxiety over household affairs, passionate devotion to hunting or

the sacrifice of whole days to the shows of the theatre, rob our studies of much of the time that is their due (for every moment that is given to other things involves a loss of time for study), what, think you, will be the results of desire, avarice, and envy, which waken such violent thoughts within our souls that they disturb our very slumbers and our dreams? There is nothing so preoccupied, so distracted, so rent and torn by so many and such varied passions as an evil mind. For when it cherishes some dark design, it is tormented with hope, care and anguish of spirit, and even when it has accomplished its criminal purpose, it is racked by anxiety, remorse and the fear of all manner of punishments. Amid such passions as these what room is there for literature or any virtuous pursuit? You might as well look for fruit in land that is choked with thorns and brambles. Well then, I ask you, is not simplicity of life essential if we are to be able to endure the toil entailed by study? What can we hope to get from lust or luxury? Is not the desire to win praise one of the strongest stimulants to a passion for literature? But does that mean that we are to suppose that praise is an object of concern to bad men? Surely every one of my readers must by now have realised that oratory is in the main concerned with the treatment of what is just and honourable? Can a bad and unjust man speak on such themes as the dignity of the subject demands? Nay, even if we exclude the most important aspects of the question now before us, and make the impossible concession that the best and worst of men may have the same talent, industry and learning, we are still confronted by the question as to which of the two is entitled to be called the better orator. The answer is surely clear enough: it will be he who is the better man. Consequently, the bad man and the perfect orator can never be identical. For nothing is perfect, if there exists something else that is better. However, as I do not wish to appear to adopt the practice dear to the Socratics of framing answers to my own questions, let me assume the existence of a man so obstinately blind to the truth as to venture to maintain that a bad man equipped with the same talents, industry and learning will be not a whit inferior to the good man as an orator; and let me show that he too is mad. There is one point at any rate which no one will question, namely, that the aim of every speech is to convince the judge that the case which it puts forward is true and honourable. Well then, which will do this best, the good man or the bad? The good man will without doubt more often say what is true and honourable. But even supposing that his duty should, as I shall show may sometimes happen, lead him to make statements which are false, his words are still certain to carry greater weight with his audience. On the other hand bad men, in their contempt for public opinion and their ignorance of what is right, sometimes drop their mask unawares, and are impudent in the statement of their case and shameless in their assertions. Further, in their attempt to achieve the impossible

they display an unseemly persistency and unavailing energy. For in lawsuits no less than in the ordinary paths of life, they cherish depraved expectations. But it often happens that even when they tell the truth they fail to win belief, and the mere fact that such a man is its advocate is regarded as an indication of the badness of the case.

I must now proceed to deal with the objections which common opinion is practically unanimous in bringing against this view. Was not Demosthenes an orator? And yet we are told that he was a bad man. Was not Cicero an orator? And yet there are many who have found fault with his character as well. What am I to answer? My reply will be highly unpopular and I must first attempt to conciliate my audience. I do not consider that Demosthenes deserves the serious reflexions that have been made upon his character to such an extent that I am bound to believe all the charges amassed against him by his enemies; for my reading tells me that his public policy was of the noblest and his end most glorious. Again, I cannot see that the aims of Cicero were in any portion of his career other than such as may become an excellent citizen. As evidence I would cite the fact that his behaviour as consul was magnificent and his administration of his province a model of integrity, while he refused to become one of the twenty commissioners, and in the grievous civil wars which afflicted his generation beyond all others, neither hope nor fear ever deterred him from giving his support to the better party, that is to say, to the interests of the common weal. Some, it is true, regard him as lacking in courage. The best answer to these critics is to be found in his own words, to the effect that he was timid not in confronting peril, but in anticipating it. And this he proved also by the manner of his death, in meeting which he displayed a singular fortitude. But even if these two men lacked the perfection of virtue, I will reply to those who ask if they were orators, in the manner in which the Stoics would reply, if asked whether Zeno, Cleanthes or Chrysippus himself were wise men. I shall say that they were great men deserving our veneration, but that they did not attain to that which is the highest perfection of man's nature. For did not Pythagoras desire that he should not be called a wise man, like the sages who preceded him, but rather a student of wisdom? But for my own part, conforming to the language of every day, I have said time and again, and shall continue to say, that Cicero was a perfect orator, just as in ordinary speech we call our friends good and sensible men, although neither of these titles can really be given to any save to him that has attained to perfect wisdom. But if I am called upon to speak strictly and in accordance with the most rigid laws of truth, I shall proclaim that I seek to find that same perfect orator whom Cicero also sought to discover. For while I admit that he stood on the loftiest pinnacle of eloquence, and can discover scarcely a single deficiency in him, although

I might perhaps discover certain superfluities which I think he would have pruned away (for the general view of the learned is that he possessed many virtues and a few faults, and he himself states that he has succeeded in suppressing much of his youthful exuberance), none the less, in view of the fact that, although he had by no means a low opinion of himself, he never claimed to be the perfect sage, and, had he been granted longer life and less troubled conditions for the composition of his works, would doubtless have spoken better still, I shall not lay myself open to the charge of ungenerous criticism, if I say that I believe that he failed actually to achieve that perfection to the attainment of which none have approached more nearly, and indeed had I felt otherwise in this connexion, I might have defended my point with greater boldness and freedom. Marcus Antonius declared that he had seen no man who was genuinely eloquent (and to be eloquent is a far less achievement than to be an orator), while Cicero himself has failed to find his orator in actual life and merely imagines and strives to depict the ideal. Shall I then be afraid to say that in the eternity of time that is yet to be, something more perfect may be found than has yet existed? I say nothing of those critics who will not allow sufficient credit even for eloquence to Cicero and Demosthenes, although Cicero himself does not regard Demosthenes as flawless, but asserts that he sometimes nods, while even Cicero fails to satisfy Brutus and Calvus (at any rate they criticised his style to his face), or to win the complete approval of either of the Asinii, who in various passages attack the faults of his oratory in language which is positively hostile.

However, let us fly in the face of nature and assume that a bad man has been discovered who is endowed with the highest eloquence. I shall none the less deny that he is an orator. For I should not allow that every man who has shown himself ready with his hands was necessarily a brave man, because true courage cannot be conceived of without the accompaniment of virtue. Surely the advocate who is called to defend the accused requires to be a man of honour, honour which greed cannot corrupt, influence seduce, or fear dismay. Shall we then dignify the traitor, the deserter, the turncoat with the sacred name of orator? But if the quality which is usually termed goodness is to be found even in quite ordinary advocates, why should not the orator, who has not yet existed, but may still be born, be no less perfect in character than in excellence of speech? It is no hack-advocate, no hiring pleader, nor yet, to use no harsher term, a serviceable attorney of the class generally known as *causidici*, that I am seeking to form, but rather a man who to extraordinary natural gifts has added a thorough mastery of all the fairest branches of knowledge, a man sent by heaven to be the blessing of mankind, one to whom all history can find no parallel, uniquely perfect in every detail and utterly noble alike in thought

and speech. How small a portion of all these abilities will be required for the defence of the innocent, the repression of crime or the support of truth against falsehood in suits involving questions of money? It is true that our supreme orator will bear his part in such tasks, but his powers will be displayed with brighter splendour in greater matters than these, when he is called upon to direct the counsels of the senate and guide the people from the paths of error to better things. Was not this the man conceived by Virgil and described as quelling a riot when torches and stones have begun to fly:

“Then, if before their eyes some statesman grave
Stand forth, with virtue and high service crowned,
Straight are they dumb and stand intent to hear.”

Here then we have one who is before all else a good man, and it is only after this that the poet adds that he is skilled in speaking:

“His words their minds control, their passions soothe.”

Aen. i. 151 seqq.

Again, will not this same man, whom we are striving to form, if in time of war he be called upon to inspire his soldiers with courage for the fray, draw for his eloquence on the innermost precepts of philosophy? For how can men who stand upon the verge of battle banish all the crowding fears of hardship, pain and death from their minds, unless those fears be replaced by the sense of the duty that they owe their country, by courage and the lively image of a soldier's honour? And assuredly the man who will best inspire such feelings in others is he who has first inspired them in himself. For however we strive to conceal it, insincerity will always betray itself, and there was never in any man so great eloquence as would not begin to stumble and hesitate so soon as his words ran counter to his inmost thoughts. Now: a bad man cannot help speaking things other than he feels. On the other land, the good will never be at a loss for honourable words or fail to find matter full of virtue for utterance, since among his virtues practical wisdom will be one. And even though his imagination lacks artifice to lend it charm, its own nature will be ornament enough, for if honour dictate the words, we shall find eloquence there as well. Therefore, let those that are young, or rather let all of us, whatever our age, since it is never too late to resolve to follow what is right, strive with all our hearts and devote all our efforts to the pursuit of virtue and eloquence; and perchance it may be granted to us to attain to the perfection that we seek. For since nature does

not forbid the attainment of either, why should not someone succeed in attaining both together? And why should not each of us hope to be that happy man? But if our powers are inadequate to such achievement, we shall still be the better for the double effort in proportion to the distance which we have advanced toward either goal. At any rate let us banish from our hearts the delusion that eloquence, the fairest of all things, can be combined with vice. The power of speaking is even to be accounted an evil when it is found in evil men; for it makes its possessors yet worse than they were before.

I think I hear certain persons (for there will always be some who had rather be eloquent than good) asking, "Why then is there so much art in connexion with eloquence? Why have you talked so much of 'glosses,' the methods of defence to be employed in difficult cases, and sometimes even of actual confession of guilt, unless it is the case that the power and force of speech at times triumphs over truth itself? For a good man will only plead good cases, and those might safely be left to truth to support without the aid of learning." Now, though my reply to these critics will in the first place be a defence of my own work, it will also explain what I consider to be the duty of a good man on occasions when circumstances have caused him to undertake the defence of the guilty. For it is by no means useless to consider how at times we should speak in defence of falsehood or even of injustice, if only for this reason, that such an investigation will enable us to detect and defeat them with the greater ease, just as the physician who has a thorough knowledge of all that can injure the health will be all the more skilful in the prescription of remedies. For the Academicians, although they will argue on either side of a question, do not thereby commit themselves to taking one of these two views as their guide in life to the exclusion of the other, while the famous Carneades, who is said to have spoken at Rome in the presence of Cato the Censor, and to have argued against justice with no less vigour than he had argued for justice on the preceding day, was not himself an unjust man. But the nature of virtue is revealed by vice, its opposite, justice becomes yet more manifest from the contemplation of injustice, and there are many other things that are proved by their contraries. Consequently the schemes of his adversaries should be no less well known to the orator than those of the enemy to a commander in the field. But it is even true, although at first sight it seems hard to believe, that there may be sound reason why at times a good man who is appearing for the defence should attempt to conceal the truth from the judge. If any of my readers is surprised at my making such a statement (although this opinion is not of my own invention, but is derived from those whom antiquity regarded as the greatest teachers of wisdom), I would have him reflect that there are many things which are made honourable or the reverse not by the nature of the

facts, but by the causes from which they spring. For if to slay a man is often a virtue and to put one's own children to death is at times the noblest of deeds, and if it is permissible in the public interest to do deeds yet more horrible to relate than these, we should assuredly take into consideration not solely and simply what is the nature of the case which the good man undertakes to defend, but what is his reason and what his purpose in so doing. And first of all everyone must allow, what even the sternest of the Stoics admit, that the good man will sometimes tell a lie, and further that he will sometimes do so for comparatively trivial reasons; for example we tell countless lies to sick children for their good and make many promises to them which we do not intend to perform. And there is clearly far more justification for lying when it is a question of diverting an assassin from his victim or deceiving an enemy to save our country. Consequently a practice which is at times reprehensible even in slaves, may on other occasions be praiseworthy even in a wise man. If this be granted, I can see that there will be many possible emergencies such as to justify an orator in undertaking cases of a kind which, in the absence of any honourable reason, he would have refused to touch. In saying this I do not mean that we should be ready under any circumstances to defend our father, brother or friend when in peril (since I hold that we should be guided by stricter rules in such matters), although such contingencies may well cause us no little perplexity, when we have to decide between the rival claims of justice and natural affection. But let us put the problem beyond all question of doubt. Suppose a man to have plotted against a tyrant and to be accused of having done so. Which of the two will the orator, as defined by us, desire to save? And if he undertakes the defence of the accused, will he not employ falsehood with no less readiness than the advocate who is defending a bad case before a jury? Again, suppose that the judge is likely to condemn acts which were rightly done, unless we can convince him that they were never done. Is not this another case where the orator will not shrink even from lies, if so he may save one who is not merely innocent, but a praiseworthy citizen? Again, suppose that we realise that certain acts are just in themselves, though prejudicial to the state under existing circumstances. Shall we not then employ methods of speaking which, despite the excellence of their intention, bear a close resemblance to fraud. Further, no one will hesitate for a moment to hold the view that it is in the interests of the commonwealth that guilty persons should be acquitted rather than punished, if it be possible thereby to convert them to a better state of mind, a possibility which is generally conceded. If then it is clear to an orator that a man who is guilty of the offences laid to his charge will become a good man, will he not strive to secure his acquittal? Imagine for example that a skilful commander, without whose aid the state cannot hope to crush its enemies, is labouring under a charge which is

obviously true: will not the common interest irresistibly summon our orator to defend him? We know at any rate that Fabricius publicly voted for and secured the election to the consulate of Cornelius Rufinus, despite the tact that he was a bad citizen and his personal enemy, merely because he knew that he was a capable general and the state was threatened with war. And when certain persons expressed their surprise at his conduct, he replied that he had rather be robbed by a fellow-citizen than be sold as a slave by the enemy. Well then, had Fabricius been an orator, would he not have defended Rufinus against a charge of peculation, even though his guilt were as clear as day? I might produce many other similar examples, but one of them taken at random is enough. For my purpose is not to assert that such tasks will often be incumbent on the orator whom I desire to form, but merely to show that, in the event of his being compelled to take such action, it will not invalidate our definition of an orator as a “good man, skilled in speaking.” And it is necessary also both to teach and learn how to establish difficult cases by proof. For often even the best cases have a resemblance to bad and, the charges which tell heavily against an innocent person frequently have a strong resemblance to the truth. Consequently, the same methods of defence have to be employed that would be used if he were guilty. Further, there are countless elements which are common to both good cases and bad, such as oral and documentary evidence, suspicions and opinions, all of which have to be established or disposed of in the same way, whether they be true or merely resemble the truth. Therefore, while maintaining his integrity of purpose, the orator will modify his pleading to suit the circumstances.

CHAPTER II: WORTHWHILE KNOWLEDGE

Since then the orator is a good man, and such goodness cannot be conceived as existing apart from virtue, virtue, despite the fact that it is in part derived from certain natural impulses, will require to be perfected by instruction. The orator must above all things devote his attention to the formation of moral character and must acquire a complete knowledge of all that is just and honourable. For without this knowledge no one can be either a good man or skilled in speaking, unless indeed we agree with those who regard morality as intuitive and as owing nothing to instruction: indeed they go so far as to acknowledge that handicrafts, not excluding even those which are most despised among them, can only be acquired by the result of teaching, whereas virtue, which of all gifts to man is that which makes him most near akin to the immortal gods, comes to him without search or effort, as a natural

concomitant of birth. But can the man who does not know what abstinence is, claim to be truly abstinent? or brave, if he has never purged his soul of the fears of pain, death and superstition? or just, if he has never, in language approaching that of philosophy, discussed the nature of virtue and justice, or of the laws that have been given to mankind by nature or established among individual peoples and nations? What a contempt it argues for such themes to regard them as being so easy of comprehension! However, I pass this by; for I am sure that no one with the least smattering of literary culture will have the slightest hesitation in agreeing with me. I will proceed to my next point, that no one will achieve sufficient skill even in speaking, unless he makes a thorough study of all the workings of nature and forms his character on the precepts of philosophy and the dictates of reason. For it is with good cause that Lucius Crassus, in the third book of the *de Oratore*, affirms that all that is said concerning equity, justice, truth and the good, and their opposites, forms part of the studies of an orator, and that the philosophers, when they exert their powers of speaking to defend these virtues, are using the weapons of rhetoric, not their own. But he also confesses that the knowledge of these subjects must be sought from the philosophers for the reason that, in his opinion, philosophy has more effective possession of them. And it is for the same reason that Cicero in several of his books and letters proclaims that eloquence has its fountain-head in the most secret springs of wisdom, and that consequently for a considerable time the instructors of morals and of eloquence were identical. Accordingly this exhortation of mine must not be taken to mean that I wish the orator to be a philosopher, since there is no other way of life that is further removed from the duties of a statesman and the tasks of an orator. For what philosopher has ever been a frequent speaker in the courts or won renown in public assemblies? Nay, what philosopher has ever taken a prominent part in the government of the state, which forms the most frequent theme of their instructions? None the less I desire that he, whose character I am seeking to mould, should be a “wise man” in the Roman sense, that is, one who reveals himself as a true statesman, not in the discussions of the study, but in the actual practice and experience of life. But inasmuch as the study of philosophy has been deserted by those who have turned to the pursuit of eloquence, and since philosophy no longer moves in its true sphere of action and in the broad daylight of the forum, but has retired first to porches and gymnasia and finally to the gatherings of the schools, all that is essential for an orator, and yet is not taught by the professors of eloquence, must undoubtedly be sought from those persons in whose possession it has remained. The authors who have discoursed on the nature of virtue must be read through and through, that the life of the orator may be wedded to the knowledge of things human and divine.

But how much greater and fairer would such subjects appear if those who taught them were also those who could give them most eloquent expression! O that the day may dawn when the perfect orator of our heart's desire shall claim for his own possession that science that has lost the affection of mankind through the arrogance of its claims and the vices of some that have brought disgrace upon its virtues, and shall restore it to its place in the domain of eloquence, as though he had been victorious in a trial for the restoration of stolen goods! And since philosophy falls into three divisions, physics, ethics and dialectic, which, I ask you, of these departments is not closely connected with the task of the orator?

Let us reverse the order just given and deal first with the third department which is entirely concerned with words. If it be true that to know the properties of each word, to clear away ambiguities, to unravel perplexities, to distinguish between truth and falsehood, to prove or to refute as may be desired, all form part of the functions of an orator, who is there that can doubt the truth of my contention? I grant that we shall not have to employ dialectic with such minute attention to detail when we are pleading in the courts as when we are engaged in philosophical debate, since the orator's duty is not merely to instruct, but also to move and delight his audience; and to succeed in doing this he needs a strength, impetuosity and grace as well. For oratory is like a river: the current is stronger when it flows within deep banks and with a mighty flood, than when the waters are shallow and broken by the pebbles that bar their way. And just as the trainers of the wrestling school do not impart the various *throws* to their pupils that those who have learnt them may make use of all of them in actual wrestling matches (for weight and strength and wind count for more than these), but that they may have a store from which to draw one or two of such tricks, as occasion may offer; even so the science of dialectic, or if you prefer it of disputation, while it is often useful in definition, inference, differentiation, resolution of ambiguity, distinction and classification, as also in luring on or entangling our opponents, yet if it claim to assume the entire direction of the struggles of the forum, will merely stand in the way of arts superior to itself and by its very subtlety will exhaust the strength that has been pared down to suit its limitations. As a result you will find that certain persons who show astonishing skill in philosophical debate, as soon as they quit the sphere of their quibbles, are as helpless in any case that demands more serious pleading as those small animals which, though nimble enough in a confined space, are easily captured in an open field.

Proceeding to moral philosophy or ethics, we may note that it at any rate is entirely suited to the orator. For vast as is the variety of cases (since in them, as I have pointed out in previous books, we seek to discover certain points by conjecture,

reach our conclusions in others by means of definition, dispose of others on legal grounds' or by raising the question of competence, while other points are established by syllogism and others involve contradictions or are diversely interpreted owing to some ambiguity of language), there is scarcely a single one which does not at some point or another involve the discussion of equity and virtue, while there are also, as everyone knows, not a few which turn entirely on questions of quality. Again in deliberative assemblies how can we advise a policy without raising the question of what is honourable? Nay, even the third department of oratory, which is concerned with the tasks of praise and denunciation, must without a doubt deal with questions of right and wrong. For the orator will assuredly have much to say on such topics as justice, fortitude, abstinence, self-control and piety. But the good man, who has come to the knowledge of these things not by mere hearsay, as though they were just words and names for his tongue to employ, but has grasped the meaning of virtue and acquired a true feeling for it, will never be perplexed when he has to think out a problem, but will speak out truly what he knows. Since, however, *general* questions are always more important than special (for the particular is contained in the universal, while the universal is never to be regarded as something superimposed on the particular), everyone will readily admit that the studies of which we are speaking are pre-eminently concerned with general questions. Further, since there are numerous points which require to be determined by appropriate and concise definitions (hence the *definitive basis* of cases), it is surely desirable that the orator should be instructed in such things by those who have devoted special attention to the subject. Again, does not every question of law turn either on the precise meaning of words, the discussion of equity, or conjecture as to the intention—subjects which in part encroach on the domain of dialectic and in part on that of ethics? Consequently all oratory involves a natural admixture of all these philosophic elements—at least, that is to say, all oratory that is worthy of the name. For mere garrulity that is ignorant of all such learning must needs go astray, since its guides are either non-existent or false.

Physics on the other hand is far richer than the other branches of philosophy, if viewed from the standpoint of providing exercise in speaking, in proportion as a loftier inspiration is required to speak of things divine than of things human; and further it includes within its scope the whole of ethics, which as we have shown are essential to the very existence of oratory. For, if the world is governed by providence, it will certainly be the duty of all good men to bear their part in the administration of the state. If the origin of our souls be divine, we must win our way towards virtue and abjure the service of the lusts of our earthly body. Are not these themes which the orator will frequently be called upon to handle? Again there

are questions concerned with auguries and oracles or any other religious topic (all of them subjects that have often given rise to the most important debates in the senate) on which the orator will have to discourse, if he is also to be the statesman we would have him be. And finally, how can we conceive of any real eloquence at all proceeding from a man who is ignorant of all that is best in the world? If our reason did not make these facts obvious, we should still be led by historical examples to believe their truth. For Pericles, whose eloquence, despite the fact that it has left no visible record for posterity, was none the less, if we may believe the historians and that free-speaking tribe, the old comic poets, endowed with almost incredible force, is known to have been a pupil of the physicist Anaxagoras, while Demosthenes, greatest of all the orators of Greece, sat at the feet of Plato. As for Cicero, he has often proclaimed the fact that he owed less to the schools of rhetoric than to the walks of Academe: nor would he ever have developed such amazing fertility of talent, had he bounded his genius by the limits of the forum and not by the frontiers of nature herself.

But this leads me to another question as to which school of philosophy is like to prove of most service to oratory, although there are only a few that can be said to contend for this honour. For in the first place Epicurus banishes us from his presence without more ado, since he bids all his followers to fly from learning in the swiftest ship that they can find. Nor would Aristippus, who regards the highest good as consisting in physical pleasure, be likely to exhort us to the toils entailed by our study. And what part can Pyrrho have in the work that is before us? For he will have doubts as to whether there exist judges to address, accused to defend, or a senate where he can be called upon to speak his opinion. Some authorities hold that the Academy will be the most useful school, on the ground that its habit of disputing on both sides of a question approaches most nearly to the actual practice of the courts. And by way of proof they add the fact that this school has produced speakers highly renowned for their eloquence. The Peripatetics also make it their boast that they have a form of study which is near akin to oratory. For it was with them in the main that originated the practice of declaiming on general questions by way of exercise. The Stoics, though driven to admit that, generally speaking, their teachers have been deficient both in fullness and charm of eloquence, still contend that no men can prove more acutely or draw conclusions with greater subtlety than themselves. But all these arguments take place within their own circle, for, as though they were tied by some solemn oath or held fast in the bonds of some superstitious belief, they consider that it is a crime to abandon a conviction once formed. On the other hand, there is no need for an orator to swear allegiance to any one philosophic code. For he has a greater and nobler aim, to which he

directs all his efforts with as much zeal as if he were a candidate for office, since he is to be made perfect not only in the glory of a virtuous life, but in that of eloquence as well. He will consequently select as his models of eloquence all the greatest masters of oratory, and will choose the noblest precepts and the most direct road to virtue as the means for the formation of an upright character. He will neglect no form of exercise, but will devote special attention to those which are of the highest and fairest nature. For what subject can be found more fully adapted to a rich and weighty eloquence than the topics of virtue, politics, providence, the origin of the soul and friendship? The themes which tend to elevate mind and language alike are questions such as what things are truly good, what means there are of assuaging fear, restraining the passions and lifting us and the soul that came from heaven clear of the delusions of the common herd.

But it is desirable that we should not restrict our study to the precepts of philosophy alone. It is still more important that we should know and ponder continually all the noblest sayings and deeds that have been handed down to us from ancient times. And assuredly we shall nowhere find a larger or more remarkable store of these than in the records of our own country. Who will teach courage, justice, loyalty, self-control, simplicity, and contempt of grief and pain better than men like Fabricius, Curius, Regulus, Decius, Mucius and countless others? For if the Greeks bear away the palm for moral precepts, Rome can produce more striking examples of moral performance, which is a far greater thing. But the man who does not believe that it is enough to fix his eyes merely on his own age and his own transitory life, but regards the space allotted for an honourable life and the course in which glory's race is run as conditioned solely by the memory of posterity, will not rest content with a mere knowledge of the events of history. No, it is from the thought of posterity that he must inspire his soul with justice and derive that freedom of spirit which it is his duty to display when he pleads in the courts or gives counsel in the senate. No man will ever be the consummate orator of whom we are in quest unless he has both the knowledge and the courage to speak in accordance with the promptings of honour.

CHAPTER III: KNOWLEDGE OF LAW

Our orator will also require a knowledge of civil law and of the custom and religion of the state in whose life he is to bear his part. For how will he be able to advise either in public or in private, if he is ignorant of all the main elements that go to make the state? How can he truthfully call himself an advocate if he has to go

to others to acquire that knowledge which is all-important in the courts? He will be little better than if he were a reciter of the poets. For he will be a mere transmitter of the instructions that others have given him, it will be on the authority of others that he propounds what he asks the judge to believe, and he whose duty it is to succour the litigant will himself be in need of succour. It is true that at times this may be effected with but little inconvenience, if what he advances for the edification of the judge has been taught him and composed in the seclusion of his study and learnt by heart there like other elements of the case. But what will he do, when he is confronted by unexpected problems such as frequently arise in the actual course of pleading? Will he not disgrace himself by looking round and asking the junior counsel who sit on the benches behind him for advice? Can he hope to get a thorough grasp of such information at the very moment when he is required to produce it in his speech? Can he make his assertions with confidence or speak with native simplicity as though his arguments were his own? Grant that he may do so in his actual speech. But what will he do in a debate, when he has continually to meet fresh points raised by his opponent and is given no time to learn up his case? What will he do, if he has no legal expert to advise him or if his prompter through insufficient knowledge of the subject provides him with information that is false? It is the most serious drawback of such ignorance, that he will always believe that his adviser knows what he is talking about. I am not ignorant of the generally prevailing custom, nor have I forgotten those who sit by our store-chests and provide weapons for the pleader: I know too that the Greeks did likewise: hence the name of *pragmaticus* which was bestowed on such persons. But I am speaking of an orator, who owes it as a duty to his case to serve it not merely by the loudness of his voice, but by all other means that may be of assistance to it. Consequently I do not wish my orator to be helpless, if it so chance that he puts in an appearance for the preliminary proceedings to which the hour before the commencement of the trial is allotted, or to be unskilful in the preparation and production of evidence. For who, sooner than himself, should prepare the points which he wishes to be brought out when he is pleading? You might as well suppose that the qualifications of a successful general consist merely in courage and energy in the field of battle and skill in meeting all the demands of actual conflict, while suffering him to be ignorant of the methods of levying troops, mustering and equipping his forces, arranging for supplies or selecting a suitable position for his camp, despite the fact that preparation for war is an essential preliminary for its successful conduct. And yet such a general would bear a very close resemblance to the advocate who leaves much of the detail that is necessary for success to the care of others, more especially in view of the fact that this, the most necessary element in the management of a

case, is not as difficult as it may perhaps seem to outside observers. For every point of law, which is certain, is based either on written law or accepted custom: if, on the other hand, the point is doubtful, it must be examined in the light of equity. Laws which are either written or founded on accepted custom present no difficulty, since they call merely for knowledge and make no demand on the imagination. On the other hand, the points explained in the rulings of the legal experts turn either on the interpretation of words or on the distinction between right and wrong. To understand the meaning of each word is either common to all sensible men or the special possession of the orator, while the demands of equity are known to every good man. Now I regard the orator above all as being a man of virtue and good sense, who will not be seriously troubled, after having devoted himself to the study of that which is excellent by nature, if some legal expert disagrees with him; for even they are allowed to disagree among themselves. But if he further wishes to know the views of everyone, he will require to read, and reading is the least laborious of all the tasks that fall to the student's lot. Moreover, if the class of legal experts is as a rule drawn from those who, in despair of making successful pleaders, have taken refuge with the law, how easy it must be for an orator to know what those succeed in learning, who by their own confession are incapable of becoming orators! But Marcus Cato was at once a great orator and an expert lawyer, while Scaevola and Servius Sulpicius were universally allowed to be eloquent as well. And Cicero not merely possessed a sufficient supply of legal knowledge to serve his needs when pleading, but actually began to write on the subject, so that it is clear that an orator has not merely time to learn, but even to teach the law.

Let no one, however, regard the advice I have given as to the attention due to the development of character and the study of the law as being impugned by the fact that we are familiar with many who, because they were weary of the toil entailed on those who seek to scale the heights of eloquence, have betaken themselves to the study of law as a refuge for their indolence. Some of these transfer their attention to the praetor's edicts or the civil law, and have preferred to become specialists in *formulae*, or legalists, as Cicero calls them, on the pretext of choosing a more useful branch of study, whereas their real motive was its comparative easiness. Others are the victims of a more arrogant form of sloth; they assume a stern air and let their beards grow, and, as though despising the precepts of oratory, sit for a while in the schools of the philosophers, that, by an assumption of a severe mien before the public gaze and by an affected contempt of others they may assert their moral superiority, while leading a life of debauchery at home. For philosophy may be counterfeited, but eloquence never.

CHAPTER IV: WEALTH OF EXAMPLES

Above all, our orator should be equipped with a rich store of examples both old and new: and he ought not merely to know those which are recorded in history or transmitted by oral tradition or occur from day to day, but should not neglect even those fictitious examples invented by the great poets. For while the former have the authority of evidence or even of legal decisions, the latter also either have the warrant of antiquity or are regarded as having been invented by great men to serve as lessons to the world. He should therefore be acquainted with as many examples as possible. It is this which gives old age so much authority, since the old are believed to have a larger store of knowledge and experience, as Homer so frequently bears witness. But we must not wait till the evening of our days, since study has this advantage that, as far as knowledge of facts is concerned, it is capable of giving the impression that we have lived in ages long gone by.

CHAPTER V: MODESTY AND CONFIDENCE

Such are the instruments of which I promised to give account, the instruments, that is, not merely of the art, as some have held, but of the orator himself. These are the weapons that he should have ready to his hand, this the knowledge with which he must be equipped, while it must be supplemented by a ready store of words and figures, power of imagination, skill in arrangement, retentiveness of memory and grace of delivery. But of all these qualities the highest is that loftiness of soul which fear cannot dismay nor uproar terrify nor the authority of the audience fetter further than the respect which is their due. For although the vices which are its opposites, such as arrogance, temerity, impudence and presumption, are all positively obnoxious, still without constancy, confidence and courage, art, study and proficiency will be of no avail. You might as well put weapons into the hands of the unwarlike and the coward. It is indeed with some reluctance, as it may give rise to misunderstanding, that I say that even modesty (which, though a fault in itself, is an amiable failing which may easily be the mother of virtues) is on occasion an impediment and has frequently caused the fruits of genius and study to consume away in the mildew of obscurity merely because they have never been displayed to the public day. But in case any of my readers should still lack skill to distinguish the precise meaning of each word, I would have him know that it is not honest shame that is the object of my criticism, but that excess of modesty which is really

a form of fear deterring the soul from doing what is its duty to do, and resulting in confusion of mind, regret that our task was ever begun, and sudden silence. For who can hesitate to give the name of fault to a feeling that makes a man ashamed to do what is right? On the other hand, I am not unwilling that the man who has got to make a speech should show signs of nervousness when he rises to his feet, should change colour and make it clear that he feels the risks of his position: indeed, if these symptoms do not occur naturally, it will be necessary to simulate them. But the feeling that stirs us should be due to the realisation of the magnitude of our task and not to fear: we should be moved, but not to the extent of collapsing. But the best remedy for such excess of modesty is confidence: however great our natural timidity of mien, we shall find strength and support in the consciousness of the nobility of our task.

There are also those natural instruments which, as I mentioned above, may be further improved by care, such as voice, lungs and grace of carriage and movement, all of which are of such importance as frequently to give a speaker the reputation for talent. Our own age has had orators of greater resource and power, but Trachalus appeared to stand out above all his contemporaries, when he was speaking. Such was the elect produced by his lofty stature, the fire of his eye, the dignity of his brow, the excellence of his gesture, coupled with a voice which was not almost a tragedian's, as Cicero demands that it should be, but surpassed the voice of all tragedians that I have ever heard. At any rate I remember that, when he was speaking in the Basilica Julia before the first tribunal, and the four panels of judges were assembled as usual and the whole building was full of noise, he could still be heard and understood and applauded from all four tribunals at once, a fact which was not complimentary to the other pleaders. But gifts like these are such as all may pray for and few are happy enough to attain. And if we cannot achieve such fortune, we must even be content to be heard by the court which we are addressing. Such then should the orator be, and such are the things which he should know.

CHAPTER VI: RIPENESS OF AGE

The age at which the orator should begin to plead will of course depend on the development of his strength. I shall not specify it further, since it is clear that Demosthenes pleaded against his guardians while he was still a mere boy, Calvus, Caesar and Pollio all undertook cases of the first importance before they were old enough to be qualified for the quaestorship, others are said to have pleaded while still wearing the garb of boyhood, and Augustus Caesar delivered a funeral oration

over his grandmother from the public rostra when he was only twelve years old. In my opinion we should aim at a happy mean. The unripe brow of boyhood should not be prematurely robbed of its ingenuous air nor should the young speaker's powers be brought before the public while yet unformed, since such a practice leads to a contempt for study, lays the foundations of impudence and induces a fault which is pernicious in all departments of life, namely, a self-confidence that is not justified by the speaker's resources. On the other hand, it is undesirable to postpone the apprenticeship of the bar till old age: for the fear of appearing in public grows daily and the magnitude of the task on which we must venture continually increases and we waste time deliberating when we should begin, till we find it is too late to begin at all. Consequently it is desirable that the fruit of our studies should be brought before the public eye while it is still fresh and sweet, while it may hope for indulgence and be secure of a kindly disposition in the audience, while boldness is not unbecoming and youth compensates for all defects and boyish extravagance is regarded as a sign of natural vigour. Take for example the whole of the well-known passage from Cicero's defence of Sextus Roscius: "For what is more common than the air to the living, than the earth to the dead, than the sea to mariners or the shore to shipwrecked men?" etc. This passage was delivered at the age of twenty-six amid loud applause from the audience, but in later years he acknowledges that the ferment of youth has died down and his style been clarified with age. And, indeed, however much private study may contribute to success, there is still a peculiar proficiency that the courts alone can give: for there the atmosphere is changed and the reality of the peril puts a different complexion on things, while, if it is impossible to combine the two, practice without theory is more useful than theory without practice. Consequently, some who have grown old in the schools lose their heads when confronted by the novelty of the law courts and wish that it were possible to reproduce all the conditions under which they delivered their exercises. But there sits the judge in silence, their opponent bellows at them, no rash utterance passes unnoticed and all assumptions must be proved, the clock cuts short the speech that has been laboriously pieced together at the cost of hours of study both by day and night, and there are certain cases which require simplicity of language and the abandonment of the perpetual bombast of the schools, a fact which these fluent fellows completely fail to realise. And so you will find some persons who regard themselves as too eloquent to speak in the courts. On the other hand, the man, whom we conducted to the forum while still young and in the charm of immaturity, should begin with as easy and favourable a case as may be (just as the cubs of wild beasts are brought up to start with on softer forms of prey), and should not proceed straight from this commencement to plead case after case without a break, or cause

his talents to set and harden while they still require nourishment; on the contrary, as soon as he has come to realise the nature of the conflicts in which he will have to engage and the object to which his studies should be directed, he should take an interval of rest and refreshment. Thus, at an age to which boldness is still natural, he will find it easy to get over the timidity which invariably accompanies the period of apprenticeship, and will not, on the other hand, carry his boldness so far as to lead him to despise the difficulties of his task. This was the method employed by Cicero: for when he had already won a distinguished position at the bar of his day, he took ship to Asia and there studied under a number of professors of philosophy and rhetoric, but above all under Apollonius Molon, whose lectures he had attended at Rome and to whom he now at Rhodes entrusted the refashioning and recasting of his style. It is only when theory and practice are brought into a perfect harmony that the orator reaps the reward of all his study.

CHAPTER VII: CHOOSING A CASE

When our orator has developed his strength to such a pitch that it is equal to every kind of contract in which he may be called upon to bear his part, his first consideration should be to exercise care in the choice of the cases which he proposes to undertake. A good man will undoubtedly prefer defence to prosecution, but he will not have such a rooted objection to the task of accuser as to disregard his duty towards the state or towards individuals and refuse to call any man to render an account of his way of life. For the laws themselves would be powerless without the assistance of advocates equal to the task of supporting them; and to regard it as a sin to demand the punishment of crime is almost equivalent to the sanctioning of crime, while it is certainly contrary to the interest of the good to give the wicked free leave to work their will. Therefore, our orator will not suffer the complaints of our allies, the death of friends or kinsmen, or conspiracies that threaten the common weal to go unavenged, while his conduct will be governed not by a passion to secure the punishment of the guilty, but by the desire to correct vice and reform morals. For fear is the only means of restraining those who cannot be led to better ways by the voice of reason. Consequently, while to devote one's life to the task of accusation, and to be tempted by the hope of reward to bring the guilty to trial is little better than making one's living by highway robbery, none the less to rid one's country of the pests that gnaw its vitals is conduct worthy of comparison with that of heroes, who champion their country's cause in the field of battle. For this reason men who were leaders of the state have not refused to undertake this portion of an

orator's duty, and even young men of high rank have been regarded as giving their country a pledge of their devotion by accusing bad citizens, since it was thought that their hatred of evil and their readiness to incur enmity were proofs of their confidence in their own rectitude. Such action was taken by Hortensius, the Luculli, Sulpicius, Cicero, Caesar and many others, among them both the Catos, of whom one was actually called the Wise, while if the other is not regarded as wise, I do not know of any that can claim the title after him. On the other hand, this same orator of ours will not defend all and sundry: that haven of safety which his eloquence provides will never be opened to pirates as it is to others, and he will be led to undertake cases mainly by consideration of their nature. However, since one man cannot undertake the cases of all litigants who are not, as many undoubtedly are, dishonest, he will be influenced to some extent by the character of the persons who recommend clients to his protection and also by the character of the litigants themselves, and will allow himself to be moved by the wishes of all virtuous men; for a good man will naturally have such for his most intimate friends. But he must put away from him two kinds of pretentious display, the one consisting in the officious proffering of his services to the powerful against those of meaner position, and the other, which is even more obtrusive, in deliberately supporting inferiors against those of high degree. For a case is not rendered either just or the reverse by the social position of the parties engaged. Nor, again, will a sense of shame deter him from throwing over a case which he has undertaken in the belief that it had justice on its side, but which his study of the facts has shown to be unjust, although before doing so he should give his client his true opinion on the case. For, if we judge aright, there is no greater benefit that we can confer on our clients than this, that we should not cheat them by giving them empty hopes of success. On the other hand, no client that does not take his advocate into his counsel deserves that advocate's assistance, and it is certainly unworthy of our ideal orator that he should wittingly defend injustice. For if he is led to defend what is false by any of the motives which I mentioned above, his own action will still be honourable.

It is an open question whether he should never demand a fee for his services. To decide the question at first sight would be the act of a fool. For we all know that by far the most honourable course, and the one which is most in keeping with a liberal education and that temper of mind which we desiderate, is not to sell our services nor to debase the value of such a boon as eloquence, since there are not a few things which come to be regarded as cheap, merely because they have a price set upon them. This much even the blind can see, as the saying is, and no one who is the possessor of sufficient wealth to satisfy his needs (and that does not imply any great opulence) will seek to secure an income by such methods without laying

himself open to the charge of meanness. On the other hand, if his domestic circumstances are such as to require some addition to his income to enable him to meet the necessary demands upon his purse, there is not a philosopher who would forbid him to accept this form of recompense for his services, since collections were made even on behalf of Socrates, and Zeno, Cleanthes and Chrysippus took fees from their pupils. Nor can I see how we can turn a more honest penny than by performance of the most honourable of tasks and by accepting money from those to whom we have rendered the most signal services and who, if they made no return for what we have done for them, would show themselves undeserving to have been defended by us. Nay, it is not only just, but necessary that this should be so, since the duties of advocacy and the bestowal of every minute of our time on the affairs of others deprive us of all other means of making money. But we must none the less observe the happy mean, and it makes no small difference from whom we take payment, what payment we demand, and how long we continue to do so. As for the piratical practice of bargaining and the scandalous traffic of those who proportion their fees to the peril in which their would-be client stands, such a procedure will be eschewed even by those who are more than half scoundrels, more especially since the advocate who devotes himself to the defence of good men and worthy causes will have nothing to fear from ingratitude. And even if a client should prove ungrateful, it is better that he should be the sinner and not our orator. To conclude, then, the orator will not seek to make more money than is sufficient for his needs, and even if he is poor, he will not regard his payment as a fee, but rather as the expression of the principle that one good turn deserves another, since he will be well aware that he has conferred far more than he receives. For it does not follow that because his services ought not to be sold, they should therefore be unremunerated. Finally, gratitude is primarily the business of the debtor.

CHAPTER VIII: STUDYING A CASE

We have next to consider how a case should be studied, since such study is the foundation of oratory. There is no one so destitute of all talent as, after making himself thoroughly familiar with all the facts of his case, to be unable at least to communicate those facts to the judge. But those who devote any serious attention to such study are very few indeed. For, to say nothing of those careless advocates who are quite indifferent as to what the pivot of the whole case may be, provided only there are points which, though irrelevant to the case, will give them the opportunity of declaiming in thunderous tones on the character of persons involved

or developing some commonplace, there are some who are so perverted by vanity that, on the oft-repeated pretext that they are occupied by other business, they bid their client come to them on the day preceding the trial or early on the morning of the day itself, and sometimes even boast that they learnt up their case while sitting in court; while others by way of creating an impression of extraordinary talent, and to make it seem that they are quick in the uptake, pretend that they have grasped the facts of the case and understand the situation almost before they have heard what it is, and then after chanting out some long and fluent discourse which has nought to do either with the judge or their client, but awakens the clamorous applause of the audience, they are escorted home through the forum, perspiring at every pore and attended by flocks of enthusiastic friends. Further, I would not even tolerate the affectation of those who insist that their friends, and not themselves, should be instructed in the facts of the case, though this is a less serious evil, if the friends can be relied upon to learn and supply the facts correctly. But who can give such effective study to the case as the advocate himself? How can the intermediary, the go-between or interpreter, devote himself whole-heartedly to the study of other men's cases, when those who have got to do the actual pleading do not think it worth while to get up their own? On the other hand, it is a most pernicious practice to rest content with a written statement of the case composed either by the litigant who betakes himself to an advocate because he finds that his own powers are not equal to the conduct of his case, or by some member of that class of legal advisers who admit that they are incapable of pleading, and then proceed to take upon themselves the most difficult of all the tasks that confront the pleader. For if a man is capable of judging what should be said, what concealed, what avoided, altered or even invented, why should he not appear as orator himself, since he performs the far more difficult feat of making an orator? Such persons would not, however, do so much harm if they would only put down all the facts as they occurred. But as it is, they add suggestions of their own, put their own construction on the facts and insert inventions which are far more damaging than the unvarnished truth. And then the advocate as a rule, on receiving the document, regards it as a crime to make any alteration, and keeps to it as faithfully as if it were a theme set for declamation in the schools. The sequel is that they are tripped up and have to learn from their opponents the case which they refused to learn from their own clients. We should therefore above all allow the parties concerned ample time for an interview in a place free from interruption, and should even exhort them to set forth on the spot all the facts in as many words as they may choose to use and allowing them to go as far back as they please. For it is less of a drawback to listen to a number of irrelevant facts than to be left in ignorance of essentials. Moreover, the orator will

often detect both the evil and its remedy in facts which the litigant regarded as devoid of all importance, one way or the other. Further, the advocate who has got to plead the case should not put such excessive confidence in his powers of memory as to disdain to jot down what he has heard.

Nor should one hearing be regarded as sufficient. The litigant should be made to repeat his statements at least once, not merely because certain points may have escaped him on the occasion of his first statement, as is extremely likely to happen if, as is often the case, he is a man of no education, but also that we may note whether he sticks to what he originally said. For a large number of clients lie, and hold forth, not as if they were instructing their advocate in the facts of the case, but as if they were pleading with a judge. Consequently we must never be too ready to believe them, but must test them in every way, try to confuse them and draw them out. For just as doctors have to do more than treat the ailments which meet the eye, and need also to discover those which he hid, since their patients often conceal the truth, so the advocate must look out for more points than his client discloses to him. After he considers that he has given a sufficiently patient hearing to the latter's statements, he must assume another character and adopt the rôle of his opponent, urging every conceivable objection that a discussion of the kind which we are considering may permit. The client must be subjected to a hostile cross-examination and given no peace: for by enquiring into everything, we shall sometimes come upon the truth where we least expect it.

In fact, the advocate who is most successful in getting up his case is he who is incredulous. For the client promises everything: the people, he says, will bear witness to the truth of what he says, he can produce documentary evidence at a moment's notice and there are some points which he says his opponent will not deny. It is therefore necessary to look into every document connected with the case, and where the mere sight of them is not sufficient, they must be read through. For very frequently they are either not at all what the client alleged them to be, or contain less, or are mixed up with elements that may damage our case, or prove more than is required and are likely to detract from their credibility just because they are so extravagant. Further, it will often be found that the thread is broken or the seal tampered with or the signatures unsupported by witnesses. And unless you discover such facts at home, they will take you by surprise in court and trip you up, doing you more harm by forcing you to abandon them than they would have done had they never been promised you. There are also a number of points which the client regards as irrelevant to his case, which the advocate will be able to elicit, provided he go carefully through all the "dwelling places" of argument which I have already described. Now though, for reasons already mentioned, it is most

undesirable that he should hunt for and try every single one of those, while actually engaged in pleading his case, it is most necessary in the preliminary study of the case to leave no stone unturned to discover the character of the persons involved, the circumstances of time and place, the customs and documents concerned, and the rest, from which we may not merely deduce the proofs known as artificial, but may also discover which witnesses are most to be feared and the best method of refuting them. For it makes a great difference whether it be envy, hatred or contempt that forms the chief obstacle to the success of the defence, since of these obstacles the first tells most against superiors, the second against equals, and the third against those of low degree.

Having thus given a thorough examination to the case and clearly envisaged all those points which will tell for or against his client, the orator must then place himself in the position of a third person, namely, the judge, and imagine that the case is being pleaded before himself, and assume that the point which would have carried most weight with himself, had he been trying the case, is likely to have the greatest influence with the actual judge. Thus he will rarely be deceived as to the result of the trial, or, if he is, it will be the fault of the judge.

CHAPTER IX: DUTIES OF THE ADVOCATE

As regards the points to be observed in the actual pleading, I have dealt with these in every portion of this work, but there still remain a few on which I must touch as being specially appropriate to the present place, since they are concerned not so much with the art of speaking as with the duties of the advocate. Above all it is important that he should never, like so many, be led by a desire to win applause to neglect the interest of the actual case. It is not always the duty of generals in the field to lead their armies through flat and smiling country: it will often be necessary to cross rugged mountain ranges, to storm cities placed on inaccessible cliffs or rendered difficult of access by elaborate fortifications. Similarly oratory will always be glad of the opportunity of manœuvring in all its freedom and delighting the spectator by the deployment of its full strength for conflict in the open field; but if it is forced to enter the tortuous defiles of the law, or dark places whence the truth has to be dragged forth, it will not go prancing in front of the enemy's lines nor launch its shafts of quivering and passionate epigram of the fashion that is now so popular, but will wage war by means of sap and mine and ambush and all the tactics of secrecy. None of these methods win applause during their actual execution: the reward comes after they have been carried to a successful termination, when even

the most ambitious will reap a richer recompense than they could ever have secured by other means. For so soon as the thunders of applause awakened among their admirers by these affected declamatory displays have died away, the glory of true virtue rises again with renewed splendour, the judges do not conceal who it is has moved them, the well-trained orator wins their belief and oratory receives its only genuine tribute, the praise accorded it when its task is done. The old orators indeed used to conceal their eloquence, a method which is recommended by Marcus Antonius, as a means of securing that the speaker's words should carry conviction and of masking the advocate's real designs. But the truth is that the eloquence of those days was capable of concealment, for it had not yet attained that splendour of diction which makes it impossible to hide its light under a bushel. Therefore artifice and stratagem should be masked, since detection in such cases spells failure. Thus far, and thus only, may eloquence hope to enjoy the advantages of secrecy. But when we come to consider the choice of words, the weight essential to general reflexions and the elegance demanded by figures, we are confronted by elements which must either strike the attention or be condemned to nonexistence. But the very fact that they strike the attention is a reason why they should not flaunt themselves obtrusively. And, if we have to make the choice, I should prefer that it should be the cause, and not the orator, to which we award our praise. Nevertheless, the true orator will achieve the distinction of seeming to speak with all the excellence that an excellent case deserves. One thing may be regarded as certain, that no one can plead worse than he who wins applause despite the disapproval meted out to his case. For the inevitable conclusion is that the applause must have been evoked by something having no connexion with the case. Further, the true orator will not turn up his nose at cases of minor importance on the ground of their being beneath his dignity or as being likely to detract from his reputation because the subject matter does not allow his genius full scope. For the strongest reason for undertaking a case is to be found in our duty towards our clients: nay, we should even desire the suits in which our friends are involved to be as unimportant as possible, and remember that the advocate who gives an adequate presentment to his case, has spoken exceeding well.

But there are so he who, even although the cases which they have undertaken give but small scope for eloquence, none the less trick it out with matter drawn from without and, if all else fails, fill up the gaps in their case with abuse of their opponents, true if possible, but false if necessary, the sole consideration that weighs with them being that it affords exercise for their talents and is likely to win applause during its delivery. Such conduct seems to me so unworthy of our perfect orator that, in my opinion, he will not even bring true charges against his opponents unless

the case demand. For it is a dog's eloquence, as Appius says, to undertake the task of abusing one's opponent, and they who do so should steel themselves in advance to the prospect of being targets for like abuse themselves, since those who adopt this style of pleading are frequently attacked themselves, and there can at any rate be no doubt that the litigant pays dearly for the violence of his advocate. But such faults are less serious than that which lies deep in the soul itself, making the evil speaker to differ from the evil doer only in respect of opportunity. It is not uncommon for the litigant to demand a base and inhuman gratification of his rancour, such as not a single man among the audience will approve, for it is on revenge rather than on protection that his heart is set. But in this, as in a number of other points, it is the duty of the orator to refuse to comply with his clients' desires. For how can a man with the least degree of gentlemanly feeling consent to make a brutal attack merely because another desires it? And yet there are some who take pleasure in directing their onslaughts against their opponents' counsel as well, a practice which, unless they have deserved such attacks, shows an inhuman disregard of the duties incumbent on the profession, and is not merely useless to the speaker (since he thereby gives his opponent the right to reply in the same strain), but contrary to the interests of his case, since it creates a hostile and antagonistic disposition in the advocates attacked, whose eloquence, however feeble it may be, will be redoubled by resentment at the insults to which they have been subjected. Above all, it involves a complete waste of one of the most valuable of an orator's assets, namely that self-restraint which gives weight and credit to his words, if he debases himself from an honest man into a snarling wrangler, directing all his efforts not to win the goodwill of the judge, but to gratify his client's spite. Often too the attractions of freedom of speech will lure him into a rashness of language perilous not merely to the interests of the case, but to those of the speaker himself. It was not without good reason that Pericles used to pray that no word might occur to his mind that could give offence to the people. But what he felt with regard to the people, I feel with regard to every audience, since they can cause just as much harm to the orator as the people could ever do to Pericles. For utterances which seemed courageous at the moment of speaking, are called foolish when it is found that they have given offence.

In view of the tact that there is commonly a great variety in the aims which pleaders set before themselves and that the diligence shown by some is branded as tedious caution, while the readiness of others is criticised as rashness, I think that this will be an appropriate place to set forth my views as to how the orator may strike the happy mean. He will show all the diligence of which he is capable in his pleading. For to plead worse than he might have done, is not merely an indication

of negligence, but stamps him as a had man and a traitor, disloyal to the cause which he has undertaken. Consequently he must refuse to undertake more cases than he feels he can manage. As far as possible he will deliver only what he has written, and, if circumstances permit, only what he has, as Demosthenes says, carved into shape. Such a practice is possible in first hearings and also in subsequent hearings such as are granted in the public courts after an interval of several days. On the other hand, when we have to reply on the spot, it is impossible to prepare everything: in fact for the less ready type of speaker, it may, in the event of his opponents putting forward arguments quite other than those which they were expected to advance, be a positive drawback to have written anything. For it is only with reluctance that such speakers will under such circumstances consent to abandon what they have written, and throughout their pleading keep looking back and trying to discover whether any portion of their manuscript can be saved from the wreck and interpolated into what they have to improvise. And if they do make such interpolations, the result is a lack of cohesion which is betrayed not merely by the gaping of the seams where the patch has been unskilfully inserted, but by the differences of style. Consequently, the vigour of their eloquence will be hampered and their thought will lack connexion, each of which circumstances reacts unfavourably upon the other, since what is written trammels the mind instead of following its lead. Therefore, in such pleadings we must, as the rustic adage says, “stand on all our feet.” For since the case turns on the propounding and refutation of arguments, it is always possible to write out what we propose to advance on our own behalf, and similar preparation is also possible with regard to the refutation of such replies as are absolutely certain to be made by our adversary: for there are times when we have this certainty. But with regard to all other portions of our speech, the only preparation that is possible in advance consists in a thorough knowledge of our case, while there is a second precaution which may be taken in court, consisting in giving our best attention to our opponent’s speech. On the other hand, there is much that may be thought out in advance and we may forearm our mind against all possible emergencies, a course which is far safer than writing, since a train of thought can easily be abandoned or diverted in a new direction. But whether we have to improvise a reply, or are obliged to speak extempore by some other reason, the orator on whom training, study and practice have conferred the gift of facility, will never regard himself as lost or taken at hopeless disadvantage. He stands armed for battle, ever ready for the fray, and his eloquence will no more fail him in the courts than speech will fail him in domestic affairs and the daily concerns of life: and he will never shirk his burden for fear of failing to find words, provided he has time to study his case: for all other knowledge will always be his at

command.

CHAPTER X: DETERMINATION OF STYLE

The question of the “kind of style” to be adopted remains to be discussed. This was described in my original division of my subject as forming its third portion: for I promised that I would speak of the art, the artist and the work. But since oratory is the work both of rhetoric and of the orator, and since it has many forms, as I shall show, the art and the artist are involved in the consideration of all these forms. But they differ greatly from one another, and not merely in *species*, as statue differs from statue, picture from picture and speech from speech, but in *genus* as well, as, for example, Etruscan statues differ from Greek and Asiatic orators from Attic. But these different kinds of work, of which I speak, are not merely the product of different authors, but have each their own following of admirers, with the result that the perfect orator has not yet been found, a statement which perhaps may be extended to all arts, not merely because some qualities are more evident in some artists than in others, but because one single form will not satisfy all critics, a fact which is due in part to conditions of time or place, in part to the taste and ideals of individuals.

The first great painters, whose works deserve inspection for something more than their mere antiquity, are said to have been Polygnotus and Aglaopllon, whose simple colouring has still such enthusiastic admirers that they prefer these almost primitive works, which may be regarded as the first foundations of the art that was to be, over the works of the greatest of their successors, their motive being, in my opinion, an ostentatious desire to seem persons of superior taste. Later Zeuxis and Parrhasius contributed much to the progress of painting. These artists were separated by no great distance of time, since both flourished about the period of the Peloponnesian war: for example, Xenophon has preserved a conversation between Socrates and Parrhasius. The first-mentioned seems to have discovered the method of representing light and shade, while the latter is said to have devoted special attention to the treatment of line. For Zeuxis emphasised the limbs of the human body, thinking thereby to add dignity and grandeur to his style: it is generally supposed that in this he followed the example of Homer, who likes to represent even his female characters as being of heroic mould. Parrhasius, on the other hand, was so fine a draughtsman that he has been styled the law-giver of his art, on the ground that all other artists take his representations of gods and heroes as models, as though no other course were possible. It was, however, from about the period

of the reign of Philip down to that of the successors of Alexander that painting flourished more especially, although the different artists are distinguished for different excellences. Protogenes, for example, was renowned for accuracy, Pamphilus and Melanthius for soundness of taste, Antiphilus for facility, Theon of Samos for his depiction of imaginary scenes, known as φαντασῖαι, and Apelles for genius and grace, in the latter of which qualities he took especial pride. Euphranor, on the other hand, was admired on the ground that, while he ranked with the most eminent masters of other arts, he at the same time achieved marvellous skill in the arts of sculpture and painting.

The same differences exist between sculptors. The art of Callon and Hegesias is somewhat rude and recalls the Etruscans, but the work of Calamis has already begun to be less stiff, while Myron's statues show a greater softness of form than had been achieved by the artists just mentioned. Polyclitus surpassed all others for care and grace, but although the majority of critics account him as the greatest of sculptors, to avoid making him faultless they express the opinion that his work is lacking in grandeur. For while he gave the human form an ideal grace, he is thought to have been less successful in representing the dignity of the gods. he is further alleged to have shrunk from representing persons of maturer years, and to have ventured on nothing more difficult than a smooth and beardless face. But the qualities lacking in Polyclitus are allowed to have been possessed by Phidias and Alcamenes. On the other hand, Phidias is regarded as more gifted in his representation of gods than of men, and indeed for chryselephantine statues he is without a peer, as he would in truth be, even if he had produced nothing in this material beyond his Minerva at Athens and his Jupiter at Olympia in Elis, whose beauty is such that it is said to have added something even to the awe with which the god was already regarded: so perfectly did the majesty of the work give the impression of godhead. Lysippus and Praxiteles are asserted to be supreme as regards faithfulness to nature. For Demetrius is blamed for carrying realism too far, and is less concerned about the beauty than the truth of his work.

Now, if we turn our attention to the various styles of oratory, we shall find almost as great variety of talents as there are of personal appearance. There were certain kinds of oratory which, owing to the circumstances of the age, suffered from lack of polish, although in other respects they displayed remarkable genius. In this class we may place orators such as Laelius, Africanus, Cato, and even the Gracchi, whom we may call the "Polygnoti" and "Callones" of oratory. Among orators of the intermediate type we may rank Lucius Crassus and Quintus Hortensius. Then let us turn to a vast harvest of orators who flourished much about the same period. It is here that we find the vigour of Caesar, the natural talent of Caelius, the subtlety

of Calidius, the accuracy of Pollio, the dignity of Messala, the austerity of Calvus, the gravity of Brutus, the acumen of Sulpicius and the bitterness of Cassius, while among those whom we have seen ourselves we admire the fluency of Seneca, the strength of Africanus, the mellowness of Afer, the charm of Crispus, the sonority of Trachalus and the elegance of Secundus. But in Cicero we have one who is not, like Euphranor, merely distinguished in a number of different forms of art, but is supreme in all the different qualities which are praised in each individual orator. And yet even his own contemporaries ventured to attack him on the ground that he was bombastic, Asiatic, redundant, given to excessive repetition, liable at times to be pointless in his witticisms, sensuous, extravagant and (an outrageous accusation!) almost effeminate in his rhythm. And later, after he had fallen a victim to the proscription of the second triumvirate, those who hated and envied him and regarded him as their rival, nay, even those who had flattered him in the days of his power, attacked him now that he could no longer reply. But that very man, who is now regarded by some as being too jejune and dry, was attacked by his personal enemies on no other ground than that his style was too florid and his talents too little under control. Both charges are false, but there is more colour for the he in the latter case than in the former. Those, however, who criticised him most severely were the speakers who desired to be regarded as the imitators of Attic oratory. This coterie, regarding themselves as the sole initiates in the mysteries of their art, assailed him as an alien, indifferent to their superstitions and refusing to be bound by their laws. Their descendants are among us to-day, a withered, sapless and anemic band. For it is they that flaunt their weakness under the name of health, in defiance of the actual truth, and because they cannot endure the dazzling rays of the sun of eloquence, hide themselves beneath the shadow of a mighty name. However, as Cicero himself answered them at length and in a number of passages, it will be safer for me to be brief in my treatment of this topic.

The distinction between the Attic and the Asiatic schools takes us back to antiquity. The former were regarded as concise and healthy, the latter as empty and inflated: the former were remarkable for the absence of all superfluity, while the latter were deficient alike in taste and restraint. The reason for this division, according to some authorities, among them Santra, is to be found in the fact that, as Greek gradually extended its range into the neighbouring cities of Asia, there arose a class of men who desired to distinguish themselves as orators before they had acquired sufficient command of the language, and who consequently began to express by periphrases what could have been expressed directly, until finally this practice became an ingrained habit. My own view, however, is that the difference between the two styles is attributable to the character both of the orators and the

audiences whom they addressed: the Athenians, with their polish and refinement, refused to tolerate emptiness and redundancy, while the Asiatics, being naturally given to bombast and ostentation, were puffed up with a passion for a more vainglorious style of eloquence. At a later period, the critics, to whom we owe this classification, added a third style, the Rhodian, which they asserted to be midway between the two and to be a blend of both, since the orators of this school are neither so concise as the Attic nor redundant like the Asiatic school, but appear to derive their style in part from their national characteristics, in part from those of their founder. For it was Aeschines who introduced the culture of Athens at Rhodes, which he had chosen as his place of exile: and just as certain plants degenerate as a result of change of soil and climate, so the fine Attic flavour was marred by the admixture of foreign ingredients. Consequently certain of the orators of this school are regarded as somewhat slow and lacking in energy, though not devoid of a certain weight, and as resembling placid pools rather than the limpid springs of Athens or the turbid torrents of Asia.

No one therefore should have any hesitation in pronouncing Attic oratory to be by far the best. But although all Attic writers have something in common, namely a keen and exact judgement, their talents manifest themselves in a number of different forms. Consequently I regard those critics as committing a serious error who regard only those authors as Attic who, while they are simple, lucid and expressive, are none the less content with a certain frugality of eloquence, and keep their hands modestly within the folds of their cloaks. For what author is there who answers to this conception? I am prepared to grant that there is Lysias, since he is the favourite model of the admirers of this school, and such an admission will save us from being referred to Coccus and Andocides. But I should like to ask whether Isocrates spoke in the Attic style. For there is no author less like Lysias. They will answer in the negative. And yet it is to the school of Isocrates that we owe the greatest orators. Let us look for something closer. Is Hyperides Attic? Yes, they reply, but of an over-sensuous character. I pass by a number of orators, such as Lycurgus and Aristogeiton and their predecessors Isaeus and Antiphon; for though they have a certain *generic* resemblance, they may be said to differ in *species*. But what of Aeschines, whom I mentioned just now? Is not his style ampler and holdier and more lofty than theirs? And what of Demosthenes himself? Did not he surpass all those simple and circumspect orators in force, loftiness, energy, polish and rhythm? Does he not rise to great heights in his *commonplaces*? Does he not rejoice in the employment of figures? Does he not make brilliant use of metaphor? Does he not lend a voice, a fictitious utterance to speechless things? Does not his famous oath by the warriors who fell fighting for their country at Salamis and Marathon

show that Plato was his master? And shall we call Plato an Asiatic, Plato who as a rule deserves comparison with poets instinct with the divine fire of inspiration? What of Pericles? Can we believe that his style was like the slender stream of Lysias' eloquence, when the comedians, even while they revile him, compare his oratory to the bolts and thunder of the skies? What is the reason, then, why these critics regard that style which flows in a slender trickle and babbles among the pebbles as having the true Attic flavour and the true scent of Attic thyme? I really think that, if they were to discover a soil of exceptional richness and a crop of unusual abundance within the boundaries of Attica, they would deny it to be Attic, on the ground that it has produced more seed than it received: for you will remember the mocking comments passed by Menander on the exact fidelity with which the soil of Attica repays its deposits. Well, then, if any man should, in addition to the actual virtues which the great orator Demosthenes possessed, show himself to be the possessor of others, that either owing to his own temperament or the laws of Athens Demosthenes is thought to have lacked, and should reveal in himself the power of strongly stirring the emotions, shall I hear one of these critics protesting that Demosthenes never did this? And if he produces something rhythmically superior (an impossible feat, perhaps, but let us assume it to be so), are we to be told that it is not Attic? These critics would show finer feeling and better judgement, if they took the view that Attic eloquence meant perfect eloquence.

Still I should find this attitude less intolerable if it were only the Greeks that insisted on it. For Latin eloquence, although in my opinion it closely resembles the Greek as far as invention, arrangement, judgement and the like are concerned, and may indeed be regarded as its disciple, cannot aspire to imitate it in point of elocution. For, in the first place, it is harsher in sound, since our alphabet does not contain the most euphonious of the Greek letters, one a vowel and the other a consonant, than which there are none that fall more sweetly on the ear, and which we are forced to borrow whenever we use Greek words. The result of such borrowing is, for some reason or other, the immediate accession to our language of a certain liveliness and charm. Take, for example, words such as *sephyri* and *zophori*: if they were spelt according to the Latin alphabet, they would produce a heavy and barbarous sound. For we replace these letters by others of a harsh and unpleasant character, from which Greece is happily immune. For the sixth letter in our alphabet is represented by a sound which can scarcely be called human or even articulate, being produced by forcing the air through the interstices of the teeth. Such a sound, even when followed by a vowel, is harsh enough and, as often as it clashes (*frangit*) with a consonant, as it does in this very word *frangit*, becomes harsher still. Then there is the Aeolic digamma whose sound occurs in words such

as our *servus* and *cervus*; for even though we have rejected the actual form of the letter, we cannot get rid of that which it represents. Similarly the letter Q, which is superfluous and useless save for the purpose of attaching to itself the vowels by which it is followed, results in the formation of harsh syllables, as, for example, when we write *equos* and *aequum*, more especially since these two vowels together produce a sound for which Greek has no equivalent and which cannot therefore be expressed in Greek letters. Again, we have a number of words which end with M, a letter which suggests the mooing of a cow, and is never the final letter in any Greek word: for in its place they use the letters *nu*, the sound of which is naturally pleasant and produces a ringing tone when it occurs at the end of a word, whereas in Latin this termination is scarcely ever found. Again, we have syllables which produce such a harsh effect by ending in B and D, that *many*, not, it is true, of our most ancient writers, but still writers of considerable antiquity, have attempted to mitigate the harshness not merely by saying *aversa* for *abversa*, but by adding an S to the preposition *ab*, although S is an ugly letter in itself. Our accents also are less agreeable than those of the Greeks. This is due to a certain rigidity and monotony of pronunciation, since the final syllable is never marked by the rise of the acute accent nor by the rise and fall of the circumflex, but one or even two grave accents are regularly to be found at the end. Consequently the Greek language is so much more agreeable in sound than the Latin, that our poets, whenever they wish their verse to be especially harmonious, adorn it with Greek words. A still stronger indication of the inferiority of Latin is to be found in the fact that there are many things which have no Latin names, so that it is necessary to express them by metaphor or periphrasis, while even in the case of things which have names, the extreme poverty of the language leads us to resort to the same practice. On the other hand, the Greeks have not merely abundance of words, but they have also a number of different dialects.

Consequently he who demands from Latin the grace of Attic Greek, must first provide a like charm of tone and equal richness of vocabulary. If this advantage is denied us, we must adapt our thoughts to suit the words we have and, where our matter is unusually slight and delicate, must avoid expressing it in words which are, I will not say too gross, but at any rate too strong for it, for fear that the combination should result in the destruction both of delicacy and force. For the less help we get from the language, the more must we rely on inventiveness of thought to bring us through the conflict. We must discover sentiments full of loftiness and variety, must stir all the emotions and illumine our style by brilliance of metaphor. Since we cannot be so delicate, let us be stronger. If they beat us for subtlety, let us prevail by weight, and if they have greater precision, let us outdo them in fullness of

expression. Even the lesser orators of Greece have their own havens where they may ride in safety, while we as a rule carry more sail. Let stronger gales fill our canvas, and yet let us not always keep the high seas; for at times we must cling to shore. The Greeks can easily traverse any shallows; I must find a deeper, though not much deeper, channel, that my bark may not run aground. For even though the Greeks surpass us where circumstances call for delicacy and restraint, though we acknowledge their superiority in this respect alone, and therefore do not claim to rival them in comedy, that is no justification for our abandonment of this department of oratory, but rather a reason why we should handle it as best we can. Now we can at any rate resemble the Greeks in the method and judgement with which we treat our matter, although that grace of language, which our words cannot provide, must be secured by the admixture of foreign condiments. For example, is not Cicero shrewd, simple and not unduly exalted in tone, when he deals with private eases? Is not Calidius also distinguished for the same virtue? Were not Scipio, Laelius and Cato the Attic orators of Rome? Surely we ought to be satisfied with them, since nothing can be better.

There are still some critics who deny that any form of eloquence is purely natural, except that which closely resembles the ordinary speech of everyday life, which we use to our friends, our wives, our children and our slaves, a language, that is to say, which contents itself with expressing the purpose of the mind without seeking to discover anything in the way of elaborate and far-fetched phraseology. And they hold that whatever is added to this simplicity lays the speaker open to the charge of affectation and pretentious ostentation of speech, void of all sincerity and elaborated merely for the sake of the words, although the sole duty assigned to words by nature is to be the servants of thought. Such language may be compared to the bodies of athletes, which although they develop their strength by exercise and diet, are of unnatural growth and abnormal in appearance. For what, say these critics, is the good of expressing a thing by periphrasis or metaphor (that is, either by a number of words or by words which have no connexion with the thing), when everything has been allotted a name of its own? Finally, they urge that all the earliest orators spoke according to the dictates of nature, but that subsequently there arose a class of speakers resembling poets rather than orators, who regarded false and artificial methods of expression as positive merits; they were, it is true, more sparing than the poets in their use of such expressions, but none the less worked on similar lines. There is some truth in this contention, and we should therefore be careful not to depart from the more exact usage of ordinary speech to the extent that is done by certain orators. On the other hand, that is no reason for thus calumniating the man who, as I said in dealing with the subject of artistic structure,

succeeds in improving upon the bare necessities of style. For the common language of every day seems to me to be of a different character from the style of an eloquent speaker. If all that was required of the latter was merely to indicate the facts, he might rest content with literalness of language, without further elaboration. But since it is his duty to delight and move his audience and to play upon the various feelings, it becomes necessary for him to employ those additional aids which are granted to us by that same nature which gave us speech. It is, in fact, as natural to do this as to harden the muscles, increase our strength and improve our complexion by means of exercise. It is for this reason that among all nations one man is regarded as more eloquent and more attractive in his style than another (since if this were not the case, all speakers would be equal); but the same men speak differently on different subjects and observe distinctions of character. Consequently the more effective a man's speaking, the more in accordance with the nature of eloquence will it be.

I have, therefore, no strong objection even to the views expressed by those who think that some concession should be made to the circumstances under which we speak and to the ears of the audience which require something more polished and emotional than ordinary speech. For this reason I consider that it would be absurd to restrict an orator to the style of the predecessors of Cato and the Gracchi, or even of those orators themselves. And I note that it was the practice of Cicero, while devoting himself in the main to the interests of his case, to take into account the delectation of his audience as well, since, as he pointed out, his own interests were concerned as well as those of his client, although of course the latter were of paramount importance. For his very charm was a valuable asset. I do not know what can be added by way of improvement to the charms of his style, except perhaps the introduction of something more in the way of brilliant reflexions to suit the taste of our own times. For this can be done without injury to the treatment of our case or impairing the authority of our language, provided that such embellishments are not too frequent or continuous, and do not mutually destroy the effects which they were designed to produce. I am ready to go so far along the path of concession, but let no man press me further. I concur in the fashion of the day to the extent of agreeing that the toga should not be long in the nap, but not to the extent of insisting that it should be of silk: I agree that the hair should be cut, but not that it should be dressed in tiers and ringlets, since we must always remember that ornaments, unless they be judged from the standpoint of the fop and the debauchee, are always effective in proportion to their seemliness. But with regard to those passages to which we give the name of *reflexions*, a form of ornament which was not employed by the ancients and, above all, not by the Greeks, although I do find

it in Cicero, who can deny their usefulness, provided they are relevant to the case, are not too diffuse and contribute to our success? For they strike the mind and often produce a decisive effect by one single blow, while their very brevity makes them cling to the memory, and the pleasure which they produce has the force of persuasion.

There are, however, some who, while allowing the actual delivery of such specially brilliant forms of ornament, think that they should be excluded from the written speech. Consequently I must not dismiss even this topic without a word of discussion. For a number of learned authorities have held that the written and the spoken speech stand on different footings, and that consequently some of the most eloquent of speakers have left nothing for posterity to read in durable literary form, as, for example, is the case with Pericles and Decades Again, they urge that there have been authors, like Isocrates, who, while admirable writers, were not well-fitted for actual speaking; and, further, that actual pleading is characterised by a greater energy and by the employment, almost verging on license, of every artifice designed to please, since the minds of an uneducated audience require to be moved and led. On the other hand, the written speech with is published as a model of style must be polished and filed and brought into conformity with the accepted rules and standards of artistic construction, since it will come into the hands of learned men and its art will be judged by artists. These subtle teachers (for such they have persuaded themselves and others that they are) have laid it down that the παράδειγμα is best suited for actual speech and the ἐνθύμημα for writing. My own view is that there is absolutely no difference between writing well and speaking well, and that a written speech is merely a record of one that has actually been delivered. Consequently it must in my opinion possess every kind of merit, and note that I say merit, not fault. For I know that faults do sometimes meet with the approval of the uneducated. What, then, will be the difference between what is written and what is spoken? If I were given a jury of wise men, I should cut down a large number of passages from the speeches not only of Cicero, but even of Demosthenes, who is much more concise. For with such a jury there would be no need to appeal to the emotions nor to charm and soothe the ears, since according to Aristotle even exordia are superfluous, if addressed to such persons, as they will have no influence upon judges who are truly wise: it will be sufficient to state the facts with precision and significance and to marshal our array of proofs. Since, however, our judges are the people, or drawn from the people, and since those who are appointed to give sentence are frequently ill-educated and sometimes mere rustics, it becomes necessary to employ every method that we think likely to assist our case, and these artifices must not merely be produced in speech, but exhibited in the written version

as well, at least if in writing it our design is to show how it should be spoken. If Demosthenes or Cicero had spoken the words as they wrote them, would either have spoken ill. And is our acquaintance with either of those two great orators based on anything save their writings? Did they speak better, then, or worse than they wrote? If they spoke worse, all that can be said is that they should have spoken as they wrote, while, if they spoke better, they should have written as they spoke. Well, you ask, is an orator then always to speak as he writes? If possible, always. If, however, the time allowed by the judge is too short for this to be possible, he will have to cut out much that he should have said, but the published speech will contain the omitted passages. On the other hand, such passages as were uttered merely to suit the character of the judges will not be published for the benefit of posterity, for fear that they should seem to indicate the author's deliberate judgement instead of being a mere concession to the needs of the moment. For it is most important that we should know how the judge is disposed to listen, and his face will often (as Cicero reminds us) serve as a guide to the speaker. Consequently we must press the points that we see commend themselves to him, and draw back from those which are ill-received, while our actual language must be so modified that he will find our arguments as intelligible as possible. That this should be necessary is scarcely surprising, when we consider the alterations that are frequently necessary to suit the characters of the different witnesses. He was a shrewd man who, when he asked a rustic witness whether he knew Amphion, and the witness replied that he did not, dropped the aspirate and shortened the second syllable, whereupon the witness recognised him at once. Such situations, when it is impossible to speak as we write, will sometimes make it necessary to speak in language other than that which we use in writing.

There is another threefold division, whereby, it is held, we may differentiate three styles of speaking, all of them correct. The first is termed the plain (or ἱσχνόν), the second grand and forcible (or ἄδρόν), and the third either intermediate or florid, the latter being a translation of ἀνθηρόν. The nature of these three styles is, broadly speaking, as follows. The first would seem best adapted for instructing, the second for moving, and the third (by whichever name we call it) for charming or, as others would have it, conciliating the audience; for instruction the quality most needed is acumen, for conciliation gentleness, and for stirring the emotions force. Consequently it is mainly in the plain style that we shall state our facts and advance our proofs, though it should be borne in mind that this style will often be sufficiently full in itself without any assistance whatever from the other two. The intermediate style will have more frequent recourse to metaphor and will make a more attractive use of figures, while it will introduce alluring

digressions, will be neat in rhythm and pleasing in its reflexions: its flow, however, will be gentle, like that of a river whose waters are clear, but overshadowed by the green banks on either side. But he whose eloquence is like to some great torrent that rolls down rocks and “disdains a bridge” and carves out its own banks for itself, will sweep the judge from his feet, struggle as he may, and force him to go whither he bears him. This is the orator that will call the dead to life (as, for example, Cicero calls upon Appius Caecus); it is in his pages that his native land itself will cry aloud and at times address the orator himself, as it addresses Cicero in the speech delivered against Catiline in the senate. Such an orator will also exalt his style by amplification and rise even to *hyperbole*, as when Cicero cries, “What Charybdis was ever so voracious!” or “By the god of truth, even Ocean’s self,” etc. (I choose these fine passages as being familiar to the student). It is such an one that will bring down the Gods to form part of his audience or even to speak with him, as in the following, “For on you I call, ye hills and groves of Alba, on you, I say, ye fallen altars of the Albans, altars that were once the peers and equals of the holy places of Rome.” This is he that will inspire anger or pity, and while he speaks the judge will call upon the gods and weep, following him wherever he sweeps him from one emotion to another, and no longer asking merely for instruction. Wherefore if one of these three styles has to be selected to the exclusion of the others, who will hesitate to prefer this style to all others, since it is by far the strongest and the best adapted to the most important cases? For Homer himself assigns to Menelaus an eloquence, terse and pleasing, exact (for that is what is meant by “making no errors in words”) and devoid of all redundancy, which qualities are virtues of the first type: and he says that from the lips of Nestor flowed speech sweeter than honey, than which assuredly we can conceive no greater delight: but when he seeks to express the supreme gift of eloquence possessed by Ulysses he gives a mighty voice and a vehemence of oratory equal to the snows of winter in the abundance and the vigour of its words. “With him then,” he says, “no mortal will contend, and men shall look upon him as on a god.” It is this force and impetuosity that Eupolis admires in Pericles, this that Aristophanes compares to the thunderbolt, this that is the power of true eloquence.

But eloquence cannot be confined even to these three forms of style. For just as the third style is intermediate between the grand and the plain style, so each of these three are separated by interspaces which are occupied by intermediate styles compounded of the two which lie on either side. For there are styles fuller or plainer than the plain, and gentler or more vehement than the vehement, while the gentler style itself may either rise to greater force or sink to milder tones. Thus we may discover almost countless species of styles, each differing from the other by

some fine shade of difference. We may draw a parallel from the winds. It is generally accepted that there are four blowing from the four quarters of the globe, but we find there are also a large number of winds which lie between these, called by a variety of names, and in certain cases confined to certain districts and river valleys. The same thing may be noted in music. For after assigning five notes to the lyre, musicians fill up the intervals between the strings by a variety of notes, and between these again they interpose yet others, so that the original divisions admit of a number of gradations.

Eloquence has, therefore, a quantity of different aspects, but it is sheer folly to inquire which of these the orator should take as his model, since every species that is in itself correct has its use, and what is commonly called *style of speaking* does not depend on the orator. For he will use all styles, as circumstances may demand, and the choice will be determined not only by the case as a whole, but by the demands of the different portions of the case. For just as he will not speak in the same way when he is defending a client on a capital charge and when he is speaking in a lawsuit concerned with an inheritance, or discussing interdicts and suits taking the form of a wager, or claims in connexion with loans, so too he will preserve a due distinction between the speeches which he makes in the senate, before the people and in private consultations, while he will also introduce numerous modifications to suit the different persons and circumstances of time and place. Thus in one and the same speech he will use one style for stirring the emotions, and another to conciliate his hearers; it is from different sources that he will derive anger or pity, and the art which he employs in instructing the judge will be other than that which he employs to move him. He will not maintain the same tone throughout his *exordium*, *statement of fact*, *arguments*, *digression* and *peroration*. He will speak gravely, severely, sharply, with vehemence, energy, fullness, bitterness, or geniality, quietly, simply, Hatteringly, gently, sweetly, briefly or wittily; he will not always be like himself, but he will never be unworthy of himself. Thus the purpose for which oratory was above all designed will be secured, that is to say, he will speak with profit and with power to effect his aim, while he will also win the praise not merely of the learned, but of the multitude as well.

They make the gravest mistake who consider that the style which is best adapted to win popularity and applause is a faulty and corrupt style of speaking which revels in license of diction or wantons in childish epigram or swells with stilted bombast or riots in empty commonplace or adorns itself with blossoms of eloquence which will fall to earth if but lightly shaken, or regards extravagance as sublime or raves wildly under the pretext of free speech. I am ready to admit that such qualities please many, and I feel no surprise that this should be the case. For

any kind of eloquence is pleasing and attractive to the ear, and every effort of the voice inspires a natural pleasure in the soul of man; indeed this is the sole cause of those familiar gatherings in the Forum or on the Old Wall, so that there is small reason for wonder if any pleader is safe to draw a ring of listeners from the crowd. And when any unusually precious phrase strikes the ears of an uneducated audience, whatever its true merits, it wakens their admiration just for the very reason that they feel they could never have produced it themselves. And it deserves their admiration, since even such success is hard to attain. On the other hand, when such displays are compared with their betters, they sink into insignificance and fade out of sight, for they are like wool dyed red that pleases in the absence of purple, but, as Ovid says, if compared with a cloak of Tyrian dye, pales in the presence of the fairer hue. If, however, we test such corrupt eloquence by the touchstone of a critical taste, as, for example, we test inferior dyes with sulphur, it will lay aside the false brilliance that deceived the eye and fade to a pallor almost too repulsive to describe. Such passages shine only in the absence of the sunlight, just as certain tiny insects seem transformed in the darkness to little flames of fire. Finally, while many approve of things that are bad, no one disapproves of that which is good.

But the true orator will not merely be able to achieve all the feats of which I have spoken with supreme excellence, but with the utmost ease as well. For the sovereign power of eloquence and the voice that awakens well-deserved applause will be free from the perpetual distress of harassing anxiety which wastes and fevers the orator who painfully corrects himself and pines away over the laborious weighing and piecing together of his words. No, our orator, brilliant, sublime and opulent of speech, is lord and master of all the resources of eloquence, whose affluence surrounds him. For he that has reached the summit has no more weary hills to scale. At first the climber's toil is hard, but the higher he mounts the easier becomes the gradient and the richer the soil. And if by perseverance of study he pass even beyond these gentler slopes, fruits for which none have toiled thrust themselves upon him, and all things spring forth unbidden; and yet if they be not gathered daily, they will wither away. But even such wealth must observe the mean, without which nothing is either praiseworthy or beneficial, while brilliance must be attended by manliness, and imagination by soundness of taste. Thus the works of the orator will be great not extravagant, sublime not bombastic, bold not rash, severe but not gloomy, grave but not slow, rich but not luxuriant, pleasing but not effeminate, grand but not grandiose. It is the same with other qualities: the mean is safest, for the worst of all faults is to fly to extremes.

CHAPTER XI: PRUDENCE FOR THE FUTURE

After employing these gifts of eloquence in the courts, in councils, in public assemblies and the debates of the senate, and, in a word, in the performance of all the duties of a good citizen, the orator will bring his activities to a close in a manner worthy of a blameless life spent in the pursuit of the noblest of professions. And he will do this, not because he can ever have enough of doing good, or because one endowed with intellect and talents such as his would not be justified in praying that such glorious labours may be prolonged to their utmost span, but for this reason, that it is his duty to look to the future, for fear that his work may be less effective than it has been in the past. For the orator depends not merely on his knowledge, which increases with the years, but on his voice, lungs and powers of endurance. And if these be broken or impaired by age or health, he must beware that he does not fall short in something of his high reputation as a master of oratory, that fatigue does not interrupt his eloquence, that he is not brought to realise that some of his words are inaudible, or to mourn that he is not what once he was. Domitius Afer was by far the greatest of all the orators whom it has been my good fortune to know, and I saw him, when far advanced in years, daily losing something of that authority which his merits had won for him; he whose supremacy in the courts had once been universally acknowledged, now pleaded amid the unworthy laughter of some, and the silent blushes of others, giving occasion to the malicious saying that he had rather “faint than finish.” And yet even then, whatever his deficiencies, he spoke not badly, but merely less well.

Therefore before ever he fall a prey to the ambush where time lies in wait for him, the orator should sound the retreat and seek harbour while his ship is yet intact. For the fruits of his studies will not be lessened by retirement. Either he will bequeath the history of his own times for the delight of after ages, or will interpret the law to those who seek his counsels, as Lucius Crassus proposes to do in the *de Oratore* of Cicero, or compose some treatise on the art of oratory, or give worthy utterance to the sublimest ideals of conduct. His house will, as in the days of old, be thronged by all the best of the rising generation, who will seek to learn from him as from an oracle how they may find the path to true eloquence. And he as their father in the art will mould them to all excellence, and like some old pilot will teach them of the shores whereby their ships must sail, of the harbours where they may shelter, and the signs of the weather, and will expound to them what they shall do when the breeze is fair or the tempest blows. Whereto he will be inclined not only by the common duty of humanity, but by a certain passion for the task that once

was his, since no man desires that the art wherein he was once supreme should suffer decay or diminution. And what can be more honourable than to teach that which you know surpassing well? It was for this that the elder Caelius brought his son to Cicero, as the latter tells us, and it was with this intent that the same great orator took upon himself the duties of instructor, and trained Pansa, Hirtius and Dolabella by declaiming daily before them or hearing them declaim. And I know not whether we should not deem it the happiest moment in an orator's life, when he has retired from the public gaze, the consecrated priest of eloquence, free from envy and far from strife, when he has set his glory on a pinnacle beyond the reach of detraction, enjoys, while still living, that veneration which most men win but after death, and sees how great shall be his renown amid generations yet unborn.

I can say with a good conscience that, as far as my poor powers have permitted, I have published frankly and disinterestedly, for the benefit of such as might wish to learn, all that my previous knowledge and the researches made for the purpose of this work might supply. And to have taught what I know is satisfaction enough for any good man. I fear, however, that I may be regarded as setting too lofty an ideal for the orator by insisting that he should be a good man skilled in speaking, or as imposing too many subjects of study on the learner. For in addition to the many branches of knowledge which have to be studied in boyhood and the traditional rules of eloquence, I have enjoined the study of morals and of civil law, so that I am afraid that even those who have regarded these things as essential to my theme, may be appalled at the delay which they impose and abandon all hope of achievement before they have put my precepts to the test. I would ask them to consider how great are the powers of the mind of man and how astonishing its capacity for carrying its desires into execution: for has not man succeeded in crossing the high seas, in learning the number and the courses of the stars, and almost measuring the universe itself, all of them accomplishments of less importance than oratory, but of far greater difficulty? And then let them reflect on the greatness of their aims and on the fact that no labour should be too huge for those that are beckoned by the hope of such reward. If they can only rise to the height of this conception, they will find it easier to enter on this portion of their task, and will cease to regard the road as impassable or even hard. For the first and greatest of the aims we set before us, namely that we shall be good men, depends for its achievement mainly on the will to succeed: and he that truly and sincerely forms such resolve, will easily acquire those forms of knowledge that teach the way to virtue. For the precepts that are enjoined upon us are not so complex or so numerous that they may be acquired by little more than a few years' study. It is repugnance to learn that makes such labour long. For if you will only believe it, you

will quickly learn the principles that shall lead you to a life of virtue and happiness. For nature brought us into the world that we might attain to all excellence of mind, and so easy is it for those to learn who seek for better things, that he who directs his gaze aright will rather marvel that the bad should be so many. For as water is the natural element of fish, dry land for creatures of the earth and the circumambient atmosphere for winged things, even so it should be easier to live according to nature than counter to her will. As regards other accomplishments, there are plenty of years available for their acquisition, even though we measure the life of man not by the span of age, but by the period of youth. For in every case order and method and a sense of proportion will shorten our labour. But the chief fault lies with our teachers, in that they love to keep back the pupils they have managed to lay their hands on, partly from the desire to draw their miserable fees for as long as possible, partly out of ostentation, to enhance the difficulty of acquiring the knowledge which they promise to impart, and to some extent owing to their ignorance or carelessness in teaching. The next most serious fault lies in ourselves, who think it better to linger over what we have learned than to learn what we do not yet know. For example, to restrict my remarks mainly to the study of rhetoric, what is the use of spending so many years, after the fashion now so prevalent (for I will say nothing of those who spend almost their whole lives), in declaiming in the schools and devoting so much labour to the treatment of fictitious themes, when it would be possible with but slight expenditure of time to form some idea of what the true conflicts are in which the orator must engage, and of the laws of speaking which he ought to follow? In saying this, I do not for a moment mean to suggest that we should ever omit to exercise ourselves in speaking. I merely urge that we should not grow old over one special form of exercise. We have been in a position to acquire varied knowledge, to familiarise ourselves with the principles that should guide our life, and to try our strength in the courts, while we were still attending the schools. The theory of speaking is of such a nature that it does not demand many years for its acquisition. For any one of the various branches of knowledge which I have mentioned will, as a rule, be found to be comprised in a few volumes, a fact which shows that instruction does not require an indefinite amount of time to be devoted to it. The rest depends entirely on practice, which at once develops our powers and maintains them, once developed. Knowledge increases day by day, and yet how many books is it absolutely necessary to read in our search for its attainment, for examples of facts from the historians or of eloquence from the orators, or, again, for the opinions of the philosophers and the lawyers, that is to say, if we are content to read merely what is useful without attempting the impossible task of reading everything? But it is ourselves that make

the time for study short: for how little time we allot to it! Some hours are passed in the futile labour of ceremonial calls, others in idle chatter, others in staring at the shows of the theatre, and others again in feasting. To this add all the various forms of amusement, the insane attention devoted to the cultivation of the body, journeys abroad, visits to the country, anxious calculation of loss and gain, the allurements of lust, wine-bibbing and those remaining hours which are all too few to gratify our souls on fire with passion for every kind of pleasure. If all this time were spent on study, life would seem long enough and there would be plenty of time for learning, even though we should take the hours of daylight only into our account, without asking any assistance from the night, of which no little space is superfluous even for the heaviest sleeper. As it is, we count not the years which we have given to study, but the years we have lived. And indeed even although geometricians, musicians and grammarians, together with the professors of every other branch of knowledge, spend all their lives, however long, in the study of one single science, it does not therefore follow that we require several lives more if we are to learn more. For they do not spend all their days even to old age in learning these things, but being content to have learned these things and nothing more, exhaust their length of years not in acquiring, but in imparting knowledge.

However, to say nothing of Homer, in whom we may find either the perfect achievements, or at any rate clear signs of the knowledge of every art, and to pass by Hippias of Elis, who not merely boasted his knowledge of the liberal arts, but wore a robe, a ring and shoes, all of which he had made with his own hands, and had trained himself to be independent of external assistance, we accept the universal tradition of Greece to the effect that Gorgias, triumphant over all the countless ills incident to extreme old age, would bid his hearers propound any questions they pleased for him to answer. Again in what branch of knowledge worthy of literary expression was Plato deficient? How many generations' study did Aristotle require to embrace not merely the whole range of philosophical and rhetorical knowledge, but to investigate the nature of every beast and plant. And yet they had to discover all these things which we only have to learn. Antiquity has given us all these teachers and all these patterns for our imitation, that there might be no greater happiness conceivable than to be born in this age above all others, since all previous ages have toiled that we might reap the fruit of their wisdom. Marcus Cato was at once a great general, a philosopher, orator, historian, and an expert both in law and agriculture, and despite his military labours abroad and the distractions of political struggles at home, and despite the rudeness of the age in which he lived, he none the less learned Greek, when far advanced in years, that he might prove to mankind that even old men are capable of learning that on which they have set their hearts.

How wide, almost universal, was the knowledge that Varro communicated to the world! What of all that goes to make up the equipment of an orator was lacking to Cicero? Why should I say more, since even Cornelius Celsus, a man of very ordinary ability, not merely wrote about rhetoric in all its departments, but left treatises on the art of war, agriculture and medicine as well. Indeed the high ambition revealed by his design gives him the right to ask us to believe that he was acquainted with all these subjects.

But, it will be urged, to carry out such a task is difficult and has never been accomplished. To which I reply that sufficient encouragement for study may be found in the fact, firstly, that nature does not forbid such achievement and it does not follow that, because a thing never has been done, it therefore never can be done, and secondly, that all great achievements have required time for their first accomplishment. Poetry has risen to the heights of glory, thanks to the efforts of poets so far apart as Homer and Virgil, and oratory owes its position to the genius of Demosthenes and Cicero. Finally, whatever is best in its own sphere must at some previous time have been non-existent. But even if a man despair of reaching supreme excellence (and why should he despair, if he have talents, health, capacity and teachers to aid him?), it is none the less a fine achievement, as Cicero says, to win the rank of second or even third. For even if a soldier cannot achieve the glory of Achilles in war, he will not despise fame such as fell to the lot of Ajax and Diomedes, while those who cannot be Homers may be content to reach the level of Tyrtæus. Nay, if men had been obsessed by the conviction that it was impossible to surpass the man who had so far shown himself best, those whom we now regard as best would never have reached such distinction, Lucretius and Macer would never have been succeeded by Virgil, nor Crassus and Hortensius by Cicero, nor they in their turn by those who flourished after them. But even though we cannot hope to surpass the great, it is still a high honour to follow in their footsteps. Did Pollio and Messala, who began to plead when Cicero held the citadel of eloquence, fail to obtain sufficient honour in their lifetime or to hand down a fair name to posterity? The arts which have been developed to the highest pitch of excellence would deserve but ill of mankind if that which was best had also been the last of its line. Add to this the further consideration that even moderate eloquence is often productive of great results and, if such studies are to be measured solely by their utility, is almost equal to the perfect eloquence for which we seek. Nor would it be difficult to produce either ancient or recent examples to show that there is no other source from which men have reaped such a harvest of wealth, honour, friendship and glory, both present and to come. But it would be a disgrace to learning to follow the fashion of those who say that they pursue not virtue, but only the pleasure

derived from virtue, and to demand this meaner recompense from the noblest of all arts, whose practice and even whose possession is ample reward for all our labours. Wherefore let us seek with all our hearts that true majesty of oratory, the fairest gift of god to man, without which all things are stricken dumb and robbed alike of present glory and the immortal record of posterity; and let us press forward to whatsoever is best, since, if we do this, we shall either reach the summit or at least see many others far beneath us.

Such, Marcellus Victorius, were the views by the expression of which it seemed to me that I might, as far as in me lay, help to advance the teaching of oratory. If the knowledge of these principles proves to be of small practical utility to the young student, it should at least produce what I value more,—the will to do well.