Quintilian

Institutio Oratoria

Book I

Chapters 1 to 3

Preface

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 the 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 hand 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 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 doing so 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 an 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,1 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 thorough 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, none the less 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 education preliminary to the duties of the teacher of rhetoric. My second will deal with the rudiments 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 shall 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 shall 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 are 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 life-blood 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 the subject, the book would never be finished.

There is however one point which I must emphasise 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 1

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 today 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.

As regards the boys in whose company our budding orator is to be brought up, I would repeat what I have said about nurses. As regards his paedagogi,2 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. We are, for instance, told by Diogenes of Babylon, that Leonides, Alexander's paedagogus, infected his pupil with certain faults, which as a result of his education as a boy clung to him even in his maturer 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 paedagogus, I would insist that there should be one person at any rate attached to the boy who has some knowledge of speaking and who will, if any incorrect expression should be used by nurse or paedagogus 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 hold that boys should not be taught to read till they are seven years old, that being the earliest age at which they can derive profit from instruction and endure the strain of learning. Most of them attribute this view to Hesiod, at least such as lived before the time of Aristophanes the grammarian, who was the first to deny that the Hypothecae,3 in which this opinion is expressed, was the work of that poet.

But other authorities, among them Eratosthenes, give the same advice. Those however who hold that a child's mind should not be allowed to lie fallow for a moment are wiser. Chrysippus, for instance, though he gives the nurses a three years' reign, still holds the formation of the child's mind on the best principles to be a part of their duties.

Why, again, since children are capable of moral training, should they not be capable of literary education? I am well aware that during the whole period of which I am speaking we can expect scarcely the same amount of progress that one year will effect afterwards. Still those who disagree with me seem in taking the line to spare the teacher rather than the pupil.

What better occupation can a child have so soon as he is able to speak? And he must be kept occupied somehow or other. Or why should we despise the profit to be derived before the age of seven, small though it be? For though the knowledge absorbed in the previous years may be but little, yet the boy will be learning something more advanced during that year, in which he would otherwise have been occupied with something more elementary.

Such progress each successive year is clear profit to the period of youth. Further as regards the years which follow I must emphasise the importance of learning what has to be learnt in good time. Let us not therefore waste the earliest years: there is all the less excuse for this, since the elements of literary training are solely a question of memory, which not only exists even in small children, but is specially retentive at that age.

I am not however so blind to differences of age as to think that the very young should be forced on

prematurely or given real work to do. Above all things we must take care that the child, who is not yet old enough to love his studies, does not come to hate them and dread the bitterness which he has once tasted, even when the years of infancy are left behind. His studies must be made an amusement: he must be questioned and praised and taught to rejoice when he has done well; sometimes too, when he refuses instruction, it should be given to some other to excite his envy, at times also he must be engaged in competition and should be allowed to believe himself successful more often than not, while he should be encouraged to do his best by such rewards as may appeal to his tender years.

These instructions may seem but trivialities in view of the fact that I am professing to describe the education of an orator. But studies, like men, have their infancy, and as the training of the body which is destined to grow to the fulness of strength begins while the child is in his cradle and at his mother's breast, so even the man who is destined to rise to the heights of eloquence was once a squalling babe, tried to speak in stammering accents and was puzzled by the shapes of letters. Nor does the fact that capacity for learning is inadequate, prove that it is not necessary to learn anything.

No one blames a father because he thinks that such details should on no account be neglected in the case of his own son. Why then should he be criticised who sets down for the benefit of the public what he would be right to put into practice in his own house? 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 recognise 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 familiarised 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 worth while, 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 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 worth while, 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 ill 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 2

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. It would, however, 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 specially 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 speak of style or expound difficult passages, explain stories or paraphrase 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 be 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 to 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 paedagogi 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 in the main 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 deliver, the movements of his body, 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 3

The skilful teacher will make it his first care, as soon as a boy is entrusted to him, to ascertain his ability and character. The surest indication in a child is his power of memory. The characteristics of a good memory are twofold: 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 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 paralysed 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 an one must be encouraged by appeals to his ambition; rebuke will bite him to the quick; honour 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 good will 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 greater spirit of a kind that will not submit to being 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 moulded, 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 realise 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 of such punishment if the master is a thorough disciplinarian.

As it is, we try to make amends for the negligence of the boy's paedagogus, 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 victimised, 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.

Quintilian

Institutio Oratoria

Book II

Chapters 1 to 5

Chapter 1

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,1 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. Grammatice, 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 commonplaces 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 the weapons which we should always have stored in our armour 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 2

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 the age to which the pupil has 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 today 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 boys 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 3

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 that 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 his 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 4

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.4 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.5 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 the 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 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 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 Scipio8 was begotten by a serpent, or that Romulus was suckled by a 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.9

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 appear 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 Murena10 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?"11 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 regarda 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 lawcourts 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 5

I will speak of the theory of declamation a little later. In the mean time, 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 is 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 produce 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 his 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 none the less 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 every one 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 mind 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 position 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 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.

Quintilian

Institutio Oratoria

Book III

Chapters 1 to 5

Chapter1

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 smearing 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 the process of learning.

But, as will appear in the course of this book, there is an infinite diversity of opinions among writers on this 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,a 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 Alcidama of Elae 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;b Polycrates, who, as I 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 Brutus5 says 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 Caius 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 Hermagoras.

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 today we have some distinguished writers on oratory who, if they had dealt with the subject or 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 2

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 3

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 Albutius 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 invention; 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, invention 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 . 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 4

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 judgment 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 . 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 . Plato in his Sophist in addition to public and forensic oratory introduces a third kind which he styles , 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 at hand, and in part to display. But it may be that Romans are not borrowing from Greek when they apply the term 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 kinds 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 5

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 and .

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, Cicero21 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 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 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," only 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."

Quintilian

Institutio Oratoria

Book IV

PREFACE

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,a and am confronted with a motive for renewed diligence and increased anxiety as to the judgment which 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 so much 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 cases, 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 1

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 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 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,c 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 judge's 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

person 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. 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, , , , and . 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,8 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 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, 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 reflexiond 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 private 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 license 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 , 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 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 all the 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 good-will, 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 my 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 why 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.

Quintilian

Institutio Oratoria

Book V

Chapters 1 to 9

PREFACE

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 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 1

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 or inartificial proofs, the latter 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 2

A 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 cases, 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 the 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 3

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 4

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 5

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 6

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 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 interfere 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 had 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 7

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 persons 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 discussions, 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 away 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 he should not press the witness too much, for fear he should impair his credit by the glibness with which he 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 be 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 a 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 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 had produced none save those who are in 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 when 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 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 always will 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, or 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 8

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 agreements and produce the appearance of superinducing 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 of 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, therefore it is day. Thirdly, it may be argued that because one thing is not, another 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 9

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 blood-stained garment, a shriek, a dark blotch and the like are all evidence analogous to the 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 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 , 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 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 necessary 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" and

"The crow With full voice, good-fornaught, invites the rain."

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.

Quintilian

Institutio Oratoria

Book VI

Preface and Chapter 1

PREFACE

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 a woman to possess, and left her husband 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 failing 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-inlaw 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 1

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 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 this 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 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 fear 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 Aeschines 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 arrival 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 Scaurus, 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 its appeal to pity, which not merely forces the judge to change his views, but even to betray his emotions 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, and returns once more to the rational attitude from which he 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 illness. 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 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 today 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 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 cannot 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 the 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 Verrines, where he laments over Philodamus, the ships' captains, the crucifixion of the Roman citizen, and a number of other tragic incidents.

Some call these , 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 perorations both clearly indicate that they form the conclusion of a speech.

Quintilian

Institutio Oratoria

Book VII

Chapter 1

PREFACE

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. But 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 1

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," he 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 Vernus, 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 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 he 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 signal 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 had 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 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 also 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 qu 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 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 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 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 our 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 be 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 be 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 rle 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 as 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 rle. 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 refuses 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 today 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 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 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 afield: 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 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.

Quintilian

Institutio Oratoria

Book VIII

Chapters 1 to 3

PREFACE

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 arguments 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 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 he 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 doing so 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 today 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, pillar 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 his 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 acquisition 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 1

What the Greeks call ....., 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 2

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 describe 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 though 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, 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 .....

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 turdus 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, 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 Cicero 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, 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."

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,"

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 the 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 audivi 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 ideas 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 not 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 ..... ("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 ....., 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 secundum 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 3

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 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 any 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 chelon 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,b 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."

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.

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."

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 aerumnosum? 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!"

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 eliminat was a phrase which ought to have been allowed in tragedy. But the ancients had no hesitation about using even expectorat 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 Flavus, 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 formulations 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 amorem et eum, ut hoc verbo utar, favorem in consilium advocabo,

while to Appius Pulcher he writes, te 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 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 ....., 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 today. 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 the 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."

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 in the Virgilian phrase:

incipiunt agitata tumescere;

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 ....., 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 ....., 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 give another name, ..., 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 , or sameness, a term applied to the 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."

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 ..... 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 ....., the faulty use of figures or ....., and the faulty collocation of words or ..... 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 , which consists in the indiscriminate use of several 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,"

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 ..... 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 this 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;"

or

"And trembling mothers clasped

Their children to their breast."

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,"

or

"Like the bird that flies

Around the shore and the fish-haunted reef,

Skimming the deep."

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 illuminate. 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,"

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 .....

For example, the simile already cased,

"Thence like fierce wolves beneath the cloud of night,"

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, the 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."

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 form 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,"

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, 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 ..... has in it a certain chaste ornateness which 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: ....., or a certain sublimity in the exaggerated denunciation of unworthy conduct, to mention no other topics; ....., or imagination, which assists us to form mental pictures of things; ..... or finish, which produces completeness of effect; ....., an intensified form of the preceding, which reasserts our proofs and clinches the argument by repetition;

and ..... 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 again 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.

Quintilian

Institutio Oratoria

Book IX

Chapter 1

In my last book I spoke of tropes. I now come to figures, called ..... 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 driving 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, synecdoch, 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 necessarily 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 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 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 .....) and that which is adorned with figures (or .....).

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 word, while others hold that figures are concerned solely with the sense, on the ground that words are adapted to things.

Night these views are obviously quibbling. For the same things are often put in different ways and the sense remains unaltered though the word 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 that 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 digs. But it is one thing to admit a 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 exact 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 adventured in groups or we may correct ourselves, within 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 examination. 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 of 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 arm 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 give illustrations. I shall therefore content myself merely with indicating this topic. Our ideal orator then will speak in such a manner that 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 left 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, he must display eloquence in all its grandest forms."

Quintilian

Institutio Oratoria

Book X

Chapter 1

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 ..... 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 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 though 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 mucro (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."

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 word 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 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 re-read 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 Decimus 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 most 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 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 today, 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 land 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 Euphorion? 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 Tyrtaeus 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 write 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 characterised 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 to 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 hisi 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 Hypobolimaeus.

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 rles 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, than 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 fencing-school 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 of 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 came nearest to Homer, 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 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 epics and is unduly enamoured with 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 he first book, he would have 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; today 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."

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 Sallust 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 Cremutius 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, 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 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 jealous 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 today: 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 Catius 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.

Quintilian

Institutio Oratoria

Book XI

Chapter 1

After acquiring the power of writing and thinking, as described in the precede and 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 an effect 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 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 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 fact and argument, 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 this case for the approval of posterity and at the cost of a few last declining years achieved though 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 beseem 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 sheers 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 reign the field,"

or

"O happy Rome, born in my consulship!"

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 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 gray-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 unpleasing 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 Canterbury 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 Pompey 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 Diomede 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 Philippus, "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 very 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, kindliness, 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 disposals 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 to 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 newly-coined 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, dispute 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. 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 word 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 rle 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 had 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 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 admission for his hand 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 case 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 privately 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 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 tired 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 only 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 please 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 which 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 discovering 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 unexperienced to be within their grasp, those who understand know that they are capable of eminence in neither.

Quintilian

Institutio Oratoria

Book XII

Chapter 1

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."

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.

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 life 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 innocency 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, 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, and distracted, so rent and torn by so many and such varied passions as an evil mind. For when it cherishes some dark garden, 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 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 hireling pleader, nor yet, to use no harsher term, a serviceable attorney of the class generally known as causidici,a 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 this not 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."

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 hand, 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 what 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 will only plead good cases, and those 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 tis 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 fact 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 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.