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QUINTILIAN

III

THE INSTITUTIO ORATORIA OF QUINTILIAN

WITH AN ENGLISH TRANSLATION BY

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IN FOUR VOLUMES

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INTRODUCTORY NOTE

A CONSIDERABLE portion of the three books contained in this volume is of a highly technical character and of interest only to professed students of the technique of the ancient schools of rhetoric and the minuter points of Latin prose style. Even these portions contain not a little that is of general interest, but those which are likely to be most attractive to the general reader are VII. i and vi, the whole of VIII., and IX. i, 1–21, and iv, 1–57. Wherever discussion of *bases* occurs, the reader is referred back to III. vi, as the subject is too complicated to be dealt with in notes. Similarly for the Syllogism, Enthymeme or Epichaereme reference will be necessary to the passages indicated in the footnotes.

H. E. B.

SIGLA

A = Codex Ambrosianus, 11th century.

B = Agreement of Codices Bernensis, Bambergensis and Nostradamensis, 10th century.

G = Codex Bambergensis where gaps in B have been supplied by an 11th-century hand.

QUINTILIAN

BOOK VII

M. FABII QUINTILIANI INSTITUTIONIS ORATORIAE

LIBER VII

Prooemium

De inventione, ut arbitror, satis dictum est. Neque enim ea demum, quae ad docendum pertinent, exsecuti sumus, verum etiam motus animorum tractavimus. Sed ut opera exstruentibus satis non est saxa atque materiam et cetera aedificanti utilia congerere, nisi disponendis eis collocandisque artificium manus adhibeatur, sic in dicendo quamlibet abundans rerum copia cumulum tantum habeat atque congestum, nisi illas eadem dispositio in ordinem digestas atque inter se commissas de-
2 vinxerit. Nec immerito secunda quinque partium posita est, cum sine ea prior nihil valeat. Neque enim quanquam fusis omnibus membris statua sit, nisi collocetur, et si quam in corporibus nostris aliorumve animalium partem permutes et transferas,

[1] *cp.* VI. iv. 1. Invention, arrangement, style, memory, delivery.

THE INSTITUTIO ORATORIA OF QUINTILIAN

BOOK VII

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 2
reason that arrangement is treated as the second of the five departments of oratory,[1] 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

licet habeat eadem omnia, prodigium sit tamen. Et artus etiam leviter loco moti perdunt quo viguerunt usum, et turbati exercitus sibi ipsi sunt
3 impedimento. Nec mihi videntur errare qui ipsam rerum naturam stare ordine putant, quo confuso peritura sint omnia. Sic oratio carens hac virtute tumultuetur necesse est et sine rectore fluitet nec cohaereat sibi, multa repetat, multa transeat, velut nocte in ignotis locis errans, nec initio nec fine proposito casum potius quam consilium sequatur.
4 Quapropter totus hic liber serviat dispositioni,[1] quae quidem, si certa aliqua via tradi in omnes materias ullo modo posset, non tam paucis contigisset. Sed cum infinitae litium formae fuerint futuraeque sint et tot saeculis nulla reperta sit causa, quae esset tota alteri similis, sapiat oportet actor et vigilet et inveniat et iudicet et consilium a se ipso petat. Neque infitias eo quaedam esse quae demonstrari possint, eaque non omittam.

I. Sit igitur, ut supra significavi, divisio rerum plurium in singulas, partitio singularum in partes discretio, ordo recta quaedam collocatio prioribus

[1] dispositioni, *early editors*: divisioni, *MSS.*

[1] v. x. 63.

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 3
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 4
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.

I. *Division*, as I have already stated,[1] 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

sequentia adnectens, dispositio utilis rerum ac
2 partium in locos distributio. Sed meminerimus ipsam dispositionem plerumque utilitate mutari nec eandem semper primam quaestionem ex utraque parte tractandam. Cuius rei, ut cetera exempla praeteream, Demosthenes quoque atque Aeschines possunt esse documento in iudicio Ctesiphontis diversum secuti ordinem, cum accusator a iure, quo videbatur potentior, coeperit, patronus omnia paene ante ius posuerit, quibus iudicem quaestioni legum
3 praepararet. Aliud enim alii docere prius expedit, alioqui semper petitoris arbitrio diceretur; denique in accusatione mutua, cum se uterque defendat, priusquam adversarium arguat, omnium rerum necesse est ordinem esse diversum. Igitur, quid ipse sim secutus, quod partim praeceptis partim usurpatum ratione cognoveram, promam nec unquam dissimulavi.

4 Erat mihi curae in controversiis forensibus nosse omnia, quae in causa versarentur. Nam in schola certa sunt et pauca et ante declamationem exponuntur, quae themata Graeci vocant, Cicero pro-

[1] *cp.* III. x. 4.
[2] *cp.* VI. iv. 8; IV. ii. 28.
[3] *Top.*, 21.

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 2
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 3
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,[1] 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 4
point to make myself familiar with every circumstance connected with the case.[2] (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[3] translates by *propositions*.) When I

posita. Cum haec in conspectu quodammodo collocaveram, non minus pro adversa parte quam pro
5 mea cogitabam. Et primum (quod non difficile dictu est sed tamen ante omnia intuendum) constituebam, quid utraque pars vellet efficere, tum per quid, hoc modo. Cogitabam, quid primum petitor diceret. Id aut confessum erat aut contro-
6 versum. Si confessum, non poterat ibi esse quaestio. Transibam ergo ad responsum partis alterius, idem intuebar; nonnunquam etiam quod inde obtinebatur confessum erat. Ubi primum coeperat non convenire, quaestio oriebatur. Id tale est: *Occidisti*
7 *hominem; Occidi.* Convenit; transeo. Rationem reddere debet reus, quare occiderit. *Adulterum,* inquit, *cum adultera occidere licet.* Legem esse certum est. Tertium iam aliquid videndum est, in quo pugna consistat. *Non fuerunt adulteri; Fuerunt:*
8 quaestio; de facto ambigitur, coniectura est. Interim et hoc tertium confessum est adulteros fuisse *Sed tibi,* inquit accusator, *illos non licuit occidere; exul enim eras,* aut *ignominiosus.* De iure quaeritur. At si protinus dicenti *Occidisti* respondeatur *Non occidi,* statim pugna est.

[1] *I.e.* a question as to facts. *cv.* VII. ii.

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 5
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 6
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 7
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*.[1] Sometimes even the third point may be admitted; 8
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.

Si explorandum est, ubi controversia incipiat, et considerari debet, quid primam quaestionem faciat.[1]
9 Intentio simplex, *Occidit Saturninum Rabirius;* coniuncta, *Lege de sicariis commisit L. Varenus. Nam C. Varenum occidendum et Cn. Varenum vulnerandum et Salarium item occidendum curavit.*[2] Nam sic diversae propositiones erunt; quod idem de petitionibus dictum sit. Verum in coniuncta propositione plures esse quaestiones ac status possunt, si aliud negat reus, aliud defendit, aliud a iure actionis excludit. In quo genere agenti est dispiciendum, quid quoque loco diluat.
10 Quod pertinet ad actorem, non plane dissentio a Celso, qui sine dubio Ciceronem secutus instat tamen huic parti vehementius, ut putet primo firmum aliquid esse ponendum, summo firmissimum, imbecilliora medio, quia et initio movendus sit iudex
11 et summo impellendus. At pro reo plerumque gravissimum quidque primum movendum est, ne illud spectans iudex reliquorum defensioni sit aversior. Interim tamen et hoc mutabitur, si leviora illa palam falsa erunt, gravissimi defensio difficilior,

[1] quid . . . faciat, *Happel:* quae . . . facit, *AG.*
[2] curavit, *Gesner:* ca . . . *A.*: cadit, *G.*: cavit, *2nd hand A.*

[1] *cp.* v. xi. 6. [2] *cp.* v. xiii. 38.
[3] *cp.* III. vi. 1 *sq.* [4] *cp.* III. vi. 23 and 52.

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, 9
as for example "Rabirius killed Saturninus,"[1] or complex like the following: "The offence committed by Lucius Varenus falls under the law of assassination; for he procured the murder of Gaius Varenus, the wounding of Gnaeus Varenus and also the murder of Salarius."[2] 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*:[3] for instance the accused may deny one fact, justify another and plead technical grounds to show[4] 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 10
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 11
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

ut detracta prius accusatoribus fide aggrediamur ultimum, iam iudicibus omnia vana esse credentibus. Opus erit tamen praefatione, qua et ratio reddatur dilati criminis et promittatur defensio, ne id quod
12 non statim diluemus timere videamur. Anteactae vitae crimina plerumque prima purganda sunt, ut id, de quo laturus est sententiam iudex, audire propitius incipiat. Sed hoc quoque pro Vareno Cicero in ultimum distulit, non quid frequentissime sed quid tum expediret intuitus.

13 Cum simplex intentio erit, videndum est, unum aliquid respondeamus an plura. Si unum, in re quaestionem instituamus an in scripto; si in re,[1] negandum sit quod obiicitur an tuendum; si in scripto, in qua specie iuris pugna sit, et in ea,
14 de verbis an de voluntate quaeratur. Id ita consequemur, si intuiti fuerimus, quae sit lex quae litem faciat, hoc est, qua iudicium sit constitutum. Nam quaedam in scholasticis ponuntur ad coniungendam modo actae rei seriem, ut puta: *Expositum qui agnoverit, solutis alimentis recipiat. Minus dicto*

[1] in re, *Regius* : iure, *MSS.*

difficulty, we should attack it last of all, after discrediting the prosecution by demonstrating the falsity of the former, thereby disposing the judges to believe that all their arguments are equally unreliable. We shall, however, require to preface our remarks by explaining why we postpone dealing with the most serious charge, and by promising that we will deal with it at a later stage: otherwise the fact that we do not dispose of it at once may give the impression that we are afraid of it. Charges brought against the 12
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 special circumstances of the case.

When the accusation is simple, we must consider 13
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 14
law is which gives rise to the dispute, that is to say under what law the court has been constituted. In scholastic themes, for example, the laws are sometimes stated merely with a view to connecting the arguments of the cases. Take the following case: "A father who recognises a son whom he has exposed in infancy, shall only take him back after paying for his keep. A disobedient son may be disinherited.

audientem filium liceat abdicare. Qui expositum recepit, imperat ei nuptias locupletis propinquae; ille deducere
15 *vult filiam pauperis educatoris.* Lex de expositis ad adfectum pertinet; iudicium pendet ex lege abdicationis. Nec tamen semper ex una lege quaestio est, ut in antinomia. His spectatis apparebit circa quod pugna sit.

16 Coniuncta defensio est, qualis pro Rabirio: *Si occidisset, recte fecisset; sed non occidit.* Ubi vero multa contra unam propositionem dicimus, cogitandum est primum quidquid dici potest, tum ex his quo quidque loco dici expediat aestimandum. In quo non idem sentio, quod de propositionibus paulo ante, quodque de argumentis probationum loco concessi, posse aliquando nos incipere a firmioribus.

17 Nam vis quaestionum semper crescere debet et ad potentissima ab infirmissimis pervenire, sive sunt

18 eiusdem generis sive diversi. Iuris autem quaestiones solent esse nonnunquam ex aliis atque aliis conflictionibus, facti semper idem spectant; in

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[1] The first law is strictly irrelevant to the case, but can be employed by the son to stir the jury's emotions. He owes a deep debt of gratitude to his poor foster-father, and his love for his foster-sister is based on life-long acquaintance. The father, on the other hand, will urge that his payment for his son's nurture has discharged the debt due to the poor man and that his son is once more under the *patria potestas.* The introduction of the first law thus enables the pleader to introduce fresh arguments and is thus said to link up the arguments.

[2] *cp.* III. vi. 46. and vii.

[3] § 10. [4] v. xii. 14.

[5] This statement amounts to no more than that there may be infinite complication where questions of law are con-

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 15
been exposed affords scope for emotional treatment, while the decision of the court turns on the law of disinheritance.[1] On the other hand, a question may turn on more laws than one, as in cases of *ἀντινομία* or contradictory laws.[2] 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 16
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[3] on the subject of *propositions* and on that of *arguments* in the section which I devoted to *proofs*,[4] to the effect that we may sometimes begin with the strongest. 17
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 18
from one ground of dispute after another, whereas questions of fact are always concerned with one point;[5]

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cerned, but questions of fact are simple and there is but one point to be considered, "was such and such an act committed?"

utroque genere similis ordo est. Sed prius de dissimilibus, ex quibus infirmissimum quidque primum tractari oportet, ideo quod quasdam quaestiones exsecuti donare solemus et concedere; neque enim transire ad alias possumus nisi omissis prioribus.
19 Quod ipsum ita fieri oportet, non ut damnasse eas videamur, sed omisisse, quia possimus etiam sine eis vincere. Procurator alicuius pecuniam petit ex fenore hereditario: potest incidere quaestio, an
20 huic esse procuratori liceat. Finge nos, postquam tractavimus eam, remittere vel etiam convinci: quaeretur, an ei, cuius nomine litigatur, procuratorem habendi sit ius. Discedamus hinc quoque: recipit materia quaestionem, an ille, cuius nomine agitur, heres sit feneratoris an ex asse heres.
21 Haec quoque concessa sint: quaeretur an debeatur. Contra nemo tam demens fuerit, ut cum id quod firmissimum duxerit se habere protulerit,[1] remittat illud et ad leviora transcendat. Huic in schola simile est: *Non abdicabis adoptatum; ut hunc quoque, non virum fortem; ut et fortem, non qui cuicunque*[2] *voluntati tuae non paruerit; ut in alia omnia subiectus sit, non*

[1] protulerit, *Halm*: *omitted by MSS.*
[2] qui cuicunque, *W. Meyer*: quicunque, *MSS.*

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[1] See IV. iv. 6. [2] *cp.* III. 6, 8.

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 19
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.[1] Assume that, after discussing the question, 20
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.[2] 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 21
points also and we can still raise the question whether the sum is due at all? On the other hand, no one will be so insane as to drop what he considers his strongest point and pass to others of minor importance. The following case from a scholastic theme is of a similar character. "You may not disinherit your adopted son. And if you may disinherit him *quâ* adopted son, you may not disinherit one who is so brave. And if you may disinherit one who is so brave, you may not disinherit him because he has

propter optionem; ut propter optionem, non propter talem optionem.[1] Haec iuris quaestionum differentia
22 est. In factis autem ad idem tendentia sunt plura, ex quibus aliqua citra summam quaestionem remitti solent; ut si is, cum quo furti agitur, dicat: *Proba te habuisse, proba perdidisse, proba furto perdidisse, proba mea fraude.* Priora enim remitti possunt, ultimum non potest.

23 Solebam et hoc facere,[2] ut vel ab ultima specie (nam ea fere est, quae continet causam) retrorsum quaererem usque ad primam generalem quaestionem, vel a genere ad extremam speciem descenderem,
24 etiam in suasoriis. Ut deliberat Numa, an regnum offerentibus Romanis recipiat. Primum, id est genus, an regnandum, tum[3] an in civitate aliena, an Romae, an laturi sint Romani talem regem. Similiter in controversiis. Optet enim vir fortis alienam uxorem. Ultima species est, an optare possit alienam uxorem. Generale est, an quidquid optarit, accipere debeat. Inde, an ex privato, an nuptias, an maritum ha-

[1] optionem . . . optionem, *Obrecht*: opinionem . . . opinionem, *MSS.*: ut propter optionem *omitted by MSS.*

[2] facere *is followed by* praecipere, *which is expunged by Meister as a gloss.*

[3] tum *added by Christ.*

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[1] The adopted son has done some heroic deed, bringing him under the scholastic law *vir fortis optet quod uolet*, "Let a hero choose what reward he will" (*cp.* v. x. 97). A scandalous choice might give ground for disinheriting him (cp. § 24 below), but the choice in question is not scandalous.

[2] *cp.* v. x. 5, 6. The statement "man is an animal" is insufficient as a definition, "animal" being the *genus*. "Man is mortal" introduces a *species*, but one common to other animals. "Man is rational" introduces the *ultima species*.

not obeyed your every command; and if he was bound to obey you in all else, you may not disinherit him on the ground of his choice of a reward; and even if the choice of a reward may give just ground for disinheriting, that is not true of such a choice as he actually made."[1] Such is the nature of 22
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 23
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*,[2] applying this method even to deliberative themes. For example, Numa is deliberating 24
whether to accept the crown offered him by the Romans. First he considers the general question, "Ought I to be a king?" Then, "Ought I to be king in a foreign state? Ought I to be king at Rome? Are the Romans likely to put up with such a king as myself?" So too in controversial themes. Suppose a brave man to choose another man's wife as his reward. The ultimate *species* is found in the question whether he is allowed to choose another man's wife. The *general* question is whether he should be given whatever he chooses. Next come questions such as whether he can choose his reward from the property of private individuals, whether he

25 bentis. Sed hoc non, quemadmodum dicitur, ita et quaeritur. Primum enim occurrit fere, quod est ultimum dicendum, ut hoc, *Non debes alienam uxorem optare*, ideoque divisionem perdit festinatio. Non oportet igitur offerentibus se contentum esse, sed quaerere aliquid quod ultra est,[1] *ne viduam quidem.* Adhuc plus est,[2] *nihil ex privato.* Ultimum retrorsum, quod idem a capite primum est, *nihil iniquum.*

26 Itaque propositione visa, quod est facillimum, cogitemus, si fieri potest, quid naturale sit primum responderi. Id si, tanquam res agatur et nobis ipsis respondendi necessitas sit, intueri voluerimus,

27 occurret. Si id non contigerit, seponamus id quod primum se obtulerit, et ipsi nobiscum sic loquamur: *Quid si hoc non esset?* id iterum et tertium et dum nihil sit reliqui. Itaque inferiora quoque scrutabimur, quae tractata faciliorem nobis iudicem in

28 summa quaestione facient. Non dissimile huic est et illud praeceptum, ut a communibus ad propria

[1] esse . . . ultra est, *Spalding*: esse quaere aliquidem ultra sit, *AG.*
[2] est, *Halm*: si, *A*: se *G.*

[1] *cp.* III. ix. 6.

can choose a bride as his reward, and if so, whether he can choose one who is already married. But in 25
our search for such questions we follow an order quite different from that which we employ in actual speaking.[1] For that which as a rule occurs to us first, is just that which ought to come last in our speech: as for instance the conclusion, "You have no right to choose another man's wife." Consequently undue haste will spoil our division of the subject. We must not therefore be content with the thoughts that first offer themselves, but should press our inquiry further till we reach conclusions such as that he ought not even to choose a widow: a further advance is made when we reach the conclusion that he should choose nothing that is private property, or last of all we may go back to the question next in order to the general question, and conclude that he should choose nothing inequitable. Consequently 26
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 27
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 28
common to the *particular* is much the same, since

veniamus. Fere enim communia generalia sunt. Commune est, *Tyrannum occidit;* proprium, *patrem*[1] *tyrannum occidit; mulier occidit, uxor occidit.*

29 Solebam et excerpere, quid mihi cum adversario conveniret, si modo id pro me erat, nec solum premere confessionem, sed partiendo multiplicare, ut in illa controversia, *Dux, qui competitorem patrem in suffragiis vicerat, captus est; cuntes ad redemptionem eius legati obvium habuerunt patrem revertentem ab*
30 *hostibus. Is legatis dixit: Sero itis. Excusserunt illi patrem et aurum in sinu eius invenerunt; ipsi perseverarunt ire quo intenderant; invenerunt ducem cruci fixum, cuius vox fuit: Cavete proditorem. Reus est pater.* Quid convenit? *Proditio nobis praedicta est et praedicta a duce;* quaerimus proditorem. *Te isse ad hostes fateris et isse clam et*[2] *ab his incolumem redisse, aurum retulisse et aurum occultum habuisse.*
31 Nam, quod fecit, id nonnunquam potentius fit propositione; quae si animos occupavit, prope aures ipsae defensioni praecluduntur. In totum autem congregatio criminum accusantem adiuvat, separatio defendentem.

Solebam id, quod fieri et in argumentis dixi, in

[1] patrem, *added by Halm.*
[2] clam et, *Regius*: claret, *AG.*

[1] v. x. 66.

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 29
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 30
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 31
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[1] as being done with arguments, namely, after first

tota facere materia, ut propositis extra quae nihil esset omnibus, deinde ceteris remotis, solum id
32 superesset quod credi volebam, ut in praevaricationum criminibus: *Ut absolvatur reus, aut innocentia ipsius fit aut interveniente aliqua potestate aut vi aut corrupto iudicio aut difficultate probationis aut praevaricatione. Nocentem fuisse confiteris, nulla potestas obstitit, nulla vis, corruptum iudicium non quereris, nulla probandi difficultas fuit: quid superest, nisi ut prae-*
33 *varicatio fuerit?* Si omnia amoliri non poteram, plura amoliebar. *Hominem occisum esse constat, non in solitudine, ut a latronibus suspicer; non praedae gratia, quia inspoliatus est; non hereditatis spe, quia pauper fuit: odium igitur in causa, cum sis*
34 *inimicus.* Quae res autem faciliorem divisioni viam praestat, eadem inventioni quoque, excutere quidquid dici potest, et velut reiectione facta ad optimum pervenire. Accusatur Milo, quod Clodium occiderit. Aut fecit aut non. Optimum erat negare; sed non potest: occidit ergo aut iure aut iniuria utique. Iure: aut voluntate aut necessitate,

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 32
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 33
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 34
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 com-

35 nam ignorantia praetendi non potest. Voluntas anceps est, sed, quia ita homines putant, attingenda defensio, ut id pro re publica fuerit. Necessitate? subita igitur pugna, non praeparata; alter igitur insidiatus est. Uter? Profecto Clodius. Videsne, ut ipsa rerum necessitas deducat ad defensionem?
36 Adhuc, aut utique voluit occidere insidiatorem Clodium aut non. Tutius, si noluit. Fecerunt ergo servi Milonis neque iubente neque sciente Milone. At haec tam timida defensio detrahit auctoritatem illi, qua recte dicebamus occisum.
37 Adiicietur: *Quod suos quisque servos in tali re facere voluisset.* Hoc eo est utilius, quod saepe nihil placet et aliquid dicendum est. Intueamur ergo omnia: ita apparebit aut id quod optimum est aut id quod minime malum. Propositione aliquando adversarii utendum et esse nonnunquam communem eam, suo loco dictum est.

Multis milibus versuum scio apud quosdam esse quaesitum, quomodo inveniremus, utra pars deberet

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[1] *pro Mil.* x. 29. [2] v. iv. 8.

pulsion of necessity, for it is impossible to plead ignorance. The intention is doubtful, but as it is 35
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 36
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 37
words, "As every man would have wished his slaves to do under similar circumstances."[1] 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,[2] 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

prior dicere; quod in foro vel atrocitate formularum vel modo petitionum vel novissime sorte diiudicatur.
38 In schola quaeri nihil attinet, cum in declamationibus iisdem narrare et contradictiones solvere tam ab actore quam a possessore concessum sit. Sed in plurimis controversiis ne inveniri quidem potest: ut in illa, *Qui tres liberos habebat, oratorem, philosophum, medicum, testamento quattuor partes fecit et singulas singulis dedit, unam eius esse voluit, qui esset utilissimus*
39 *civitati.* Contendunt; quis primus dicat, incertum est, propositio tamen certa; ab eo enim, cuius personam tuebimur, incipiendum erit. Et haec quidem de dividendo in universum praecipi possunt.
40 At quomodo inveniemus etiam illas occultiores quaestiones? scilicet, quomodo sententias, verba, figuras, colores: ingenio, cura, exercitatione. Non tamen fere unquam nisi imprudentem fugerint, si, ut dixi, na-
41 turam sequi ducem velit. Sed plerique eloquentiae famam adfectantes contenti sunt locis speciosis modo vel nihil ad probationem conferentibus. Alii nihil ultra ea quae[1] in oculos incurrunt exquirendum putant.

Quod quo facilius appareat, unam de schola con-

[1] ultra ea quae, *M. Haupt, Madvig*: vitare quae, *A*: vitare aquae, *G.*

[1] Or perhaps "glosses," *i. e.* the giving of a special aspect to the case by skilful representation of facts.
[2] § 26.

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 rôle we assume. So much for the general rules by which we should be guided in making our *division.*

38 39

But how shall we discover those *questions* which present abnormal difficulty? Just as we discover reflexions, words, figures or the appropriate *nuances* of style,[1] 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,[2] to accept nature for a guide. Many, however, in their passionate desire to win a reputation for eloquence are content to produce showy passages which contribute nothing to the proof of their case, while others think that their enquiry need not proceed further than that which meets the eye.

40 41

To make my meaning clearer, I will cite a

troversiam, non ita sane difficillimam aut novam,
42 proponam in exemplum. *Qui reo proditionis patri non adfuerit, exheres sit. Proditionis damnatus cum advocato exulet. Reo proditionis patri disertus filius adfuit, rusticus non adfuit : damnatus abiit cum advocato in exilium. Rusticus cum fortiter fecisset, praemii nomine impetravit restitutionem patris et fratris. Pater reversus intestatus decessit : petit rusticus partem bonorum, orator*
43 *totum vindicat sibi.* Hic illi eloquentes quibusque nos circa lites raras sollicitiores ridiculi videmur, invadent personas favorabiles. Actio pro rustico contra disertum, pro viro forti contra imbellem, pro restitutore contra ingratum, pro eo, qui parte contentus sit, contra eum, qui fratri nihil dare ex paternis velit.
44 Quae omnia sunt in materia et multum iuvant, victoriam tamen non trahunt. In hac quaerentur sententiae, si fieri poterit, praecipites vel obscurae (nam ea nunc virtus est), et pulchre fuerit cum materia tumultu et clamore transactum. Illi vero, quibus propositum quidem melius, sed cura in

solitary example from the controversial themes of the schools; it is neither novel nor complicated. "The man who refuses to appear in defence 42
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, 43
who laugh at us because we trouble our heads about cases that rarely occur, will always assume the popular rôle. They will defend the uneducated against the eloquent son, the brave against the coward, the son who secured the recall of his kin against the ungrateful son, the son who is content with a portion of the inheritance against the son who would refuse his brother a share in their patrimony. All these points are actually to be 44
found in the case and are of considerable importance, but they are not such as to render victory a certainty. In such a case they will, as far as possible, search for daring or obscure reflexions (for to-day obscurity is accounted a virtue), and they will think they have given the theme a brilliant treatment by ranting and raving over it. Those, on the other hand, whose ideals are higher, but who restrict themselves merely to the obvious, will note

45 proximo est, haec velut innatantia videbunt: excusatum esse rusticum, quod non interfuerit iudicio nihil collaturus patri; sed ne disertum quidem habere, quod imputet reo, cum is damnatus sit; dignum esse hereditate restitutorem; avarum, impium, ingratum, qui dividere nolit cum fratre eoque sic merito; quaestionem quoque illam primam scripti et voluntatis, qua non expugnata non sit sequentibus
46 locus. At qui naturam sequetur illa cogitabit profecto, primo hoc dicturum rusticum: *Pater intestatus duos nos filios reliquit, partem iure gentium peto.* Quis tam imperitus, quis tam procul a litteris, quin sic
47 incipiat, etiamsi nescierit, quid sit propositio? Hanc communem omnium legem leviter adornabit ut iustam. Nempe sequetur, ut quaeramus, quid huic tam aequae postulationi respondeatur? At id manifestum est. *Lex est, quae iubet exheredem esse eum qui patri proditionis reo non adfuerit; tu autem non adfuisti.* Hanc propositionem necessaria sequitur legis laudatio et eius, qui non adfuerit, vituperatio.

48 Adhuc versamur in confessis; redeat animus ad

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[1] *Sc.* in spite of his own eloquence.
[2] See IV. iv.

the following points, which are, however, purely superficial. The uneducated son may be excused 45
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:[1] 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. 46
He, however, who follows the guidance of nature will assuredly reflect as follows: the first argument of the uneducated son will be, "My father died intestate and left two sons, my brother and myself; I claim a share in his estate by the law of nations." Who is so ignorant or so lacking in education as not to make this his opening, even though he does not know what is meant by a proposition?[2] 47
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 48

petitorem; numquid non hoc cogitet necesse est, nisi qui sit plane hebes? *Si lex obstat, nulla lis est, inane iudicium est. Atqui et legem esse et hoc, quod ea puniat, a rustico factum extra dubitationem est.*

49 Quid ergo dicimus? *Rusticus eram.* Si lex[1] omnes complectitur, nihil proderit. Quaeramus ergo num infirmari in aliquam partem lex possit. Quid aliud (saepius dicam) natura permittit quam ut, cum verba contra sint, de voluntate quaeratur? Generalis igitur quaestio, verbis an voluntate sit standum. Sed hoc in commune de iure omni disputandum semper nec unquam satis iudicatum est. Quaerendum igitur in hac ipsa, qua consistimus, an aliquid inveniri possit

50 quod scripto adversetur. *Ergo, quisquis non adfuerit, exheres erit? quisquis sine exceptione?* Iam se illa vel ultro offerent argumenta: *Et infans?* filius enim est et non adfuit; *et qui aberat et qui militabat et qui in legatione erat?* Iam multum acti

[1] lex, *Halm*: lexeram, *AG.*

admitted facts. Let us now return to the claimant. Unless he is hopelessly unintelligent, surely the following argument will suggest itself:—"If the law bars the way, there is no ground for action and the trial becomes a farce. But it is beyond question that the law exists and that the uneducated son did commit the offence for which it enacts a punishment." What then shall we say? "I had no education." But if the law applies to all men, it 49
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 50
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

est: potest aliquis non adfuisse et heres esse.
51 Transeat nunc idem ille, qui hoc[1] cogitavit, ut ait Cicero, tibicinis Latini modo ad disertum. *Ut ista concedam, tu nec infans es nec abfuisti nec militasti.* Num aliud occurrit quam illud, *Sed rusticus sum?*
52 Contra, quod palam est dici:[2] *Ut agere non potueris, adsidere potuisti;* et verum est. Quare redeundum rustico ad animum legumlatoris: *Impietatem punire*
53 *voluit, ego autem impius non sum.* Contra quod disertus, *Tu impie fecisti,* inquit, *cum exheredationem meruisti, licet te postea vel paenitentia vel ambitus ad hoc genus optionis adduxerit. Praeterea propter te damnatus est pater, videbaris enim de causa pronuntiasse.* Ad haec rusticus: *Tu vero in causa damnationis fuisti, multos offenderas, inimicitias domui contraxeras.* Haec coniecturalia; illud quoque, quod coloris loco rusticus dicit, patris fuisse tale consilium, ne universam domum periculo subiiceret. Haec prima quaestione
54 scripti et voluntatis continentur. Intendamus ultra animum videamusque, an aliquid inveniri praeterea possit. Quo id modo fict? Sedulo imitor quae-

[1] hoc, *added by Christ.* [2] dici, *Christ*: dicit, *MSS.*

[1] *Pro Mur.* xii. 26. The flute-player went from one actor to another, according as each required accompaniment.

have established the fact that a man may fail to appear for his father and still inherit. Our declaimer, 51
who has thought out this line of argument, must now pass over like a Latin flute-player, as Cicero says,[1] 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 52
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 53
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 emperil 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 54
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

rentem, ut quaerere doceam, et omisso speciosiore stili genere ad utilitatem me summitto discentium.

Omnes adhuc quaestiones ex persona petitoris ipsius duximus; cur non aliquid circa patrem quaerimus? dictum non est, *Quiquis*[1] *non adfuerit, exheres*
55 *erit.* Cur non conamur et sic quaerere, *Num, cuicunque quis non adfuerit?* Facimus hoc saepe in iis controversiis, in quibus petuntur in vincula qui parentes suos non alunt, ut eam quae testimonium in filium peregrinitatis reum dixit, eum, qui filium lenoni vendidit. In hoc, de quo loquimur, patre quid
56 apprehendi potest? Damnatus est. Numquid igitur lex ad absolutos tantum patres pertinet? Dura prima fronte quaestio. Non desperemus; credibile est hoc voluisse legumlatorem, ne auxilia liberorum innocentibus deessent. Sed hoc dicere rustico verecundum est, quia innocentem fuisse patrem fatetur.
57 Dat aliud argumentum controversiae *Damnatus proditionis cum advocato exulet.* Vix videtur posse fieri, ut poena filio in eodem patre, et si adfuerit et si non

[1] quisquis, *Spalding*: cui quis, *AG.*

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 55
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 56
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, how- 57
ever, 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,

adfuerit, constituta sit. Praeterea lex ad exules nulla pertinet. Non ergo credibile est de advocato damnati scriptum; an possunt enim bona esse ulla
58 exulis? Rusticus[1] in utramque partem dubium facit; disertus et verbis inhaerebit, in quibus nulla exceptio est, et propter hoc ipsum poenam esse constitutam eis qui non adfuerint, ne periculo exilii deterreantur advocatione, et rusticum innocenti non adfuisse dicet. Illud protinus non indignum quod adnotetur, posse ex uno statu duas generales fieri quaestiones, an quisquis? an cuicunque?

59 Haec ex duabus personis quaesita sunt. Ex tertia autem, quae est adversarii, nulla oriri quaestio potest, quia nulla fit ei de sua parte controversia. Nondum tamen cura deficiat. Ista enim omnia dici possent etiam non restituto patre. Nec statim eo tendamus, quod occurrit ultro, a rustico restitutum. Qui subtiliter quaeret, aliquid spectabit ultra; nam, ut genus species sequitur, ita speciem genus praecedit.
60 Fingamus ergo ab alio restitutum: ratiocinativa seu

[1] rusticus, *Regius*: scolastica, *AG*.

[1] III. vi. 1 *sqq*. The *basis* or main point on which the case turns is that of the intention of the law (*voluntas*).
[2] *i. e.* the father and the uneducated son.

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? 58
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*—[1] 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 59
two of the persons involved.[2] 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 60
was recalled by someone else. This will give rise

collectiva quaestio orietur, an restitutio pro sublatione iudicii sit et proinde valeat, ac si iudicium non fuisset. Ubi temptabit rusticus dicere ne impetrare quidem aliter potuisse suorum restitutionem uno praemio nisi patre proinde ac si accusatus non esset revocato, quae res advocati quoque poenam,
61 tanquam is non adfuisset, remiserit. Tum venimus ad id, quod primum occurrebat, a rustico esse restitutum patrem. Ubi rursus ratiocinamur, an restitutor accipi debeat pro advocato, quando id praestiterit quod advocatus petiit, nec improbum sit pro simili
62 accipi quod plus est. Reliqua iam aequitatis, utrius iustius sit desiderium. Id ipsum adhuc dividitur; etiamsi uterque sibi totum vindicaret, nunc utique, cum alter semissem, alter universa fratre excluso. Sed his tractatis etiam habet magnum momentum apud iudices patris memoria, cum praesertim de bonis eius quaeratur. Erit ergo coniectura, qua

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[1] *cp.* III. vi. 15, 43, 46, 51; VII. viii. 1.

[2] The reward to be chosen, it is argued, covered the recall of one person only. The only means by which *both* father and son could be recalled was by the restoration of the father, whose amnesty would *ipso facto* extend to the son as well.

to a question of the ratiocinative or syllogistic type,[1] 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.[2] Our next point 61
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 62
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

mente pater intestatus decesserit. Sed ea pertinet ad qualitatem; alterius status instrumentum est.
63 Plerumque autem in fine causarum de aequitate tractabitur, quia nihil libentius iudices audiunt. Aliquando tamen hunc ordinem mutabit utilitas, ut, si in iure minus fiduciae erit, aequitate iudicem praeparemus.
64 Nihil habui amplius quod in universum praeciperem. Nunc eamus per singulas causarum iudicialium partes, quas ut persequi ad ultimam speciem, id est ad singulas lites controversiasque, non possum, ita de[1] generalibus scribere licet, ut, quae in quemque statum frequentissime incidant, tradam. Et, quia natura prima quaestio est, factumne sit, ab hoc ordiar.

II. Coniectura omnis aut de re aut de animo est. Utriusque tria tempora, praeteritum, praesens, futurum. De re et generales quaestiones sunt et definitae, id est, et quae non continentur personis
2 et quae continentur. De animo quaeri non potest, nisi ubi persona est et de facto constat. Ergo cum de re agitur, aut quid factum sit in dubium venit aut quid fiat aut quid sit futurum, ut in generalibus, an atomorum concursu mundus sit effectus, an provi-

[1] de, *Regius*: in, *AG*.

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[1] *I.e.* qualitative, *cp.* III. vi. 43.
[2] *cp.* VII. i. 23.

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*.[1] As a rule questions of equity are 63
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. 64
We will now proceed to consider the several parts of forensic cases, and although I cannot follow them to the *ultimate species*,[2] 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.

II. All conjecture is concerned either with facts or intention. Each of these may occur in one of three times, past, present or future. Questions concerning facts are either general or definite, that is to say, those which involve consideration of persons and those which do not. Concerning in- 2
tentions there can be no questions which do not involve some person and where the facts of the case are not admitted. Therefore when the question turns on some fact, the point on which doubt arises is either what has been done, or what is being done, or what is likely to be done. For example, in general questions we discuss whether the universe *has been* formed of a concourse of atoms, or *is* governed by

dentia regatur, an sit aliquando casurus; in definitis: an parricidium commiserit Roscius, an regnum adfectet Manlius, an recte Verrem sit accusaturus
3 Q. Caecilius. In iudiciis praeteritum tempus maxime valet; nemo enim accusat, nisi quae facta sunt. Nam quae fiant et quae futura sint ex praeteritis colliguntur. Quaeritur et unde quid ortum? ut pestilentia ira deum an intemperie caeli an corruptis aquis an noxio terrae halitu. Et quae causa facti? ut, quare ad Troiam quinquaginta reges navigaverint iureiurando adacti an exemplo moti an gratificantes Atridis. Quae duo genera non multum inter se
4 distant. Ea vero, quae sunt praesentis temporis, si non argumentis, quae necesse est praecessisse, sed oculis deprehendenda sunt, non egent coniectura, ut si apud Lacedaemonios quaeratur, an Athenis muri fiant. Sed et illud, quod potest videri extra haec positum, coniecturae genus, cum de aliquo homine quaeritur, qui sit; ut est quaesitum contra Urbiniae heredes, is qui[1] tanquam filius petebat
5 bona, Figulus esset an Sosipater. Nam et substantia

[1] is qui, *Spalding*: si qui, *A*: si quis, *G*.

[1] *cp.* IV. i. 11 and VII. ii. 26.

providence, or *is likely* some day to come to an end. In definite questions, on the other hand, we discuss whether Roscius *has* murdered his father, whether Manlius *is* aiming at making himself king, or Quintus Caecilius *will be* justified in appearing as the accuser of Verres. In the law courts past 3
time is of most importance, since all accusations are concerned with what has actually been done, while what is being done or is likely to be done is inferred from the past. We also enquire into origins. For instance, we enquire whether a pestilence be due to the anger of heaven, the inclement weather, the pollution of the water-supply, or the noxious vapours emitted by the earth. Again, we seek for the motives of an act. For example, we enquire whether the fifty kings who sailed against Troy did so because they were bound by their oath, or were moved to do so by righteous indignation, or merely desired to gratify the sons of Atreus. There is no very great difference between these two classes of question. As regards facts falling within the present, 4
if they can be detected by the eye without any reference to their logical antecedents being required, there will be no need of conjecture : let us suppose, for instance, that the Lacedaemonians are enquiring whether the Athenians are erecting fortifications. But although conjecture may seem entirely foreign to this class of question, there are cases in which it it necessary, as in questions of personal identity, which may be illustrated by the action brought against the heirs of Urbinia,[1] where the question was whether the man who claimed the property as being the son of the deceased, was Figulus or Sosipater. In this case the actual person was before the 5

eius sub oculos venit, ut non possit quaeri, an sit, quomodo an ultra oceanum; nec quid sit nec quale sit, sed quis sit? Verum hoc quoque genus litis ex praeterito pendet, an hic sit ex Urbinia natus Clusinius Figulus. Fuerunt autem tales nostris etiam temporibus controversiae, atque aliquae in meum
6 quoque patrocinium inciderunt. Animi coniectura non dubie in omnia tempora cadit, qua mente Ligarius in Africa fuerit, qua mente Pyrrhus foedus petat, quomodo laturus sit Caesar, si Ptolemaeus Pompeium occiderit.

Quaeritur per coniecturam et qualitas circa modum, speciem, numerum, an sol maior quam terra, luna globosa an plana an acuta, unus mundus an plures.
7 Itemque extra naturales quaestiones, maius bellum Troianum an Peloponnesium, qualis clipeus Achillis, an unus Hercules.

In iis autem, quae accusatione ac defensione constant, unum est genus, in quo quaeritur et de facto et de auctore; quod interim coniunctam quaestionem habet, cum[1] utrumque pariter negatur, interim separatam, cum et factum sit necne, et si
8 de facto constet, a quo factum sit ambigitur. Ipsum quoque factum aliquando simplicem quaestionem

[1] cum, *Halm*: et, *MSS.*

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[1] *cp.* III. viii. 16.
[2] *cp.* III. viii. 56.

eyes of the court, so that there could be no question whether he existed (as there is, for instance, when we ask whether there exists any land beyond the Ocean)[1] nor what he was nor of what kind. The question was simply, who he was. But this kind of dispute also depends on past time. The problem is whether this man Clusinius Figulus *was* born of Urbinia. Such disputes have arisen even in our own day, indeed I myself have pleaded in such. On the other hand, conjecture as to intention is 6
obviously concerned with all three times. We ask with what purpose Ligarius *went* to Africa, with what purpose Pyrrhus *is* asking for a treaty, and how Caesar *will* take it if Ptolemy kills Pompey.[2]

We may also employ conjecture to enquire into quality in questions dealing with size, species and number, such as whether the sun is greater than the earth, whether the moon is spherical, flat or conical, whether there is one universe or several, or, to go 7
outside these physical speculations, whether the Trojan or the Peloponnesian war was the greatest, what was the nature of the shield of Achilles, or whether there was more than one Hercules.

In forensic cases, however, which consist of accusation and defence, there is one kind of conjecture by which we enquire both about an act and about its author. This sometimes treats the two questions together, as, for example, when both the act and the identity of the author are denied, and sometimes separately, as when the first enquiry, whether the act was committed, is followed by a second, where, the act being admitted, the question is by whom it was committed. The act itself again 8
sometimes involves a single question, as, for example,

habet, an homo perierit, aliquando duplicem, veneno an eruditate perierit. Alterum est genus de facto tantum, cum, si id certum sit, non potest de auctore dubitari; tertium de auctore tantum, cum factum constat, sed a quo sit factum in controversiam venit.
9 Et hoc, quod tertio loco posui, non est simplex. Aut enim reus fecisse tantummodo se negat aut alium fecisse dicit. Sed ne in alterum quidem transferendi criminis una forma est. Interdum enim substituitur mutua accusatio, quam Graeci ἀντικατηγορίαν vocant, nostrorum quidam concertativam. Interdum in aliquam personam, quae extra discrimen iudicii
10 est, transfertur, et alias certam, alias incertam; et, cum certam, aut in extrariam aut in ipsius qui periit[1] voluntatem. In quibus similis atque in ἀντικατηγορίᾳ personarum, causarum, ceterorum comparatio est, ut Cicero pro Vareno in familiam Ancharianam, pro Scauro circa mortem Bostaris in
11 matrem avertens crimen facit. Est etiam illud huic contrarium comparationis genus, in quo uterque a se factum esse dicit; et illud in quo non personae inter se sed res ipsae colliduntur, id est, non uter

[1] periit, *Badius*: perit, *cod. Argentorat*: petit, *AG.*

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[1] *i.e.* mutual or reciprocal accusation, see VII. i. 3.

whether a man is dead, and sometimes two, as, for instance, whether he died of poison or of some internal disease. Another form of conjecture is concerned with the act alone, it being admitted that if the act was really committed, there can be no doubt as to its author. A third form is concerned solely with the author, the act being admitted and the dispute turning on the question as to who committed it. This third form is complex. For the accused either 9
confines himself to denying that he did it or accuses another of having done it. Further, there is more than one way of transferring the charge to another. At times this results in *mutual accusation*, which the Greeks call *ἀντικατηγορία*, and some of our own authors *concertative accusation*.[1] At times, on the other hand, the charge is transferred to some person who cannot be brought to trial, and may be either known or unknown: again, if the person is known, he may be someone outside the case or the victim himself, who may be alleged to have committed suicide. In such cases we compare characters, 10
motives and other circumstances in the same way as in cases of mutual accusation. Cicero, for instance, in the *pro Vareno* diverts the charge from the accused to the slaves of Ancharius and in the *pro Scauro* throws the suspicion of Bostar's murder upon his mother. There is also a different form of com- 11
parison, which comes into play when both parties claim the credit of some act, and yet another kind, when the question is not as between two persons, but as between two acts; that is to say, the question is not which of the two committed an act, but which of two acts was committed. Finally, if the act and the identity of the author are both

fecerit, sed utrum factum sit. Cum de facto et de auctore constat, de animo quaeri potest.

Nunc de singulis. Cum pariter negatur, hoc modo: *Adulterium non commisi; Tyrannidem non adfectavi.* In caedis ac veneficii causis frequens est illa divisio:
12 *Non est factum; et si est factum, ego non feci.* Sed, cum dicimus, *Proba hominem occisum,* accusatoris tantum partes sunt; a reo nihil dici contra praeter aliquas fortasse suspiciones potest, quas spargere quam maxime varie oportebit, quia, si unum aliquid adfirmaris, probandum est aut causa periclitandum. Nam cum inter id quod ab adversario et id quod a nobis propositum est quaeritur, videtur utique alterum verum; ita everso quo defendimur, reliquum
13 est quo premimur, ut cum quaerimus de ambiguis signis cruditatis et veneni, nihil tertium est ideoque utraque pars, quod proposuit, tuetur. Interim autem ex re quaeritur, veneficium fuerit an cruditas; cum aliqua ex ipsa citra personam quoque argumenta
14 ducuntur. Refert enim, convivium praecesserit laetitia[1] an tristitia, labor an otium,[2] vigilia an quies.

[1] laetitia, *added by Philander.*
[2] labor an otium, *Regius*: laborantium, *MSS.*

admitted, we may still raise the question of his intention.

I shall now proceed to detail. As an example of joint denial covering both the act and the identity of the author we may take the following statements, "I have not committed adultery," "I have not sought to establish myself as tyrant." In cases of murder or poisoning the denial is often divided as follows: "The act was not committed, and, if it 12
was committed, it was not by me." But if the defence say, "Prove that the man was killed," the burden falls solely on the accuser, for the accused can say nothing more against the charge except perhaps in the way of casting certain suspicions, which he should throw out in the vaguest terms, since if you make one definite assertion, you will have to prove it or run the risk of losing your case. For when the question lies between our statement and that of our opponent, one or other will be regarded as true. Thus when the point on which we relied for our defence is overthrown, there is nothing left but the points that tell against us. For example, when the 13
question turns on symptoms, which may point either to poisoning or internal disease, there is no third course left open and consequently each party sticks to his statement. At times the question turns on the nature of the fact, whether, for instance, death was due to poisoning or internal disease, and arguments are introduced which are drawn from the circumstances alone without any reference to the person concerned. For example, it makes a differ- 14
ence whether the deceased was cheerful or depressed, had been working or taking his ease, had been awake or sleeping previous to the festive gathering that

Aetas quoque eius, qui periit, discrimen facit; interest, subito defecerit an longiore valetudine consumptus sit. Liberior adhuc in utramque partem disputatio, si tantum subita mors in quaestionem
15 venit. Interim ex persona probatio rei petitur, ut propterea credibile sit venenum fuisse, quia credibile est ab hoc factum veneficium, vel contra. Cum vero de reo et de facto quaeritur, naturalis ordo est, ut prius factum esse accusator probet, deinde a reo factum. Si tamen plures in persona probationes
16 habuerit, convertet hunc ordinem. Defensor autem semper prius negabit esse factum, quia, si in hac parte vicerit, reliqua non necesse habet dicere; victo superest, ut tueri se possit.

Illic quoque, ubi de facto tantum controversia est, quod si probetur non possit de auctore dubitari, similiter argumenta et ex persona et ex re ducuntur,
17 sed in unam facti quaestionem, sicut in illa controversia: (utendum est enim et his exemplis, quae sunt discentibus magis familiaria) *Abdicatus medicinae studuit. Cum pater eius aegrotaret, desperantibus de eo ceteris medicis, adhibitus sanaturum se dixit, si is*

was followed by his death. The age of the deceased is also an important factor, and it is desirable to know whether he died suddenly or after a long period of ill health. If the question turns only on his sudden death, both parties will have still freer scope for discussion. At times the character of the 15
accused may be adduced to prove the fact, and to make it likely that it was or was not a case of poisoning because the accused is or is not a likely person to have committed such an act.

When, on the other hand, the enquiry concerns both the accused and the act, the natural order for the accuser to pursue is to commence by proving that the act has been committed and then to go on to show that it was committed by the accused. If, however, proofs of the authorship of the crime are more in number than the proofs of the commission, this order may be reversed. On the other hand, the 16
accused will always begin by denying the act, since if this can be successfully proved, there is no need to say anything more, while if it is not proved, there remain other means of defence.

Similarly, when the dispute turns solely on the act and, the act being proved, there can be no doubt as to the author, arguments may be drawn in like manner both from the person and the facts, although with reference to the question of fact alone. Take the 17
following controversial theme as an example, for it is best to employ scholastic themes as illustrations since they are more familiar to the student. "A man who had been disinherited by his father took to the study of medicine. His father fell sick and, his life being despaired of by the other doctors, the son was called in, and said he would cure him if

potionem a se datam bibisset. Pater, acceptae potionis epota parte, dixit venenum sibi datum; filius quod reliquum erat exhausit: pater decessit, ille parricidii
18 *reus est.* Manifestum, quis potionem dederit, quae si veneni fuit, nulla quaestio de auctore; tamen, an venenum fuerit, ex argumentis a persona ductis colligetur.

Superest tertium, in quo factum esse constat aliquid, a quo sit factum, quaeritur. Cuius rei supervacuum est ponere exemplum, cum plurima sint huiusmodi iudicia, ut hominem occisum esse manifestum sit vel sacrilegium commissum, is autem, qui arguitur fecisse, neget. Ex hoc nascitur *ἀντικατηγορία*; utique enim factum esse convenit, quod
19 duo invicem obiiciunt. In quo quidem genere causarum admonet Celsus fieri id in foro non posse; quod neminem ignorare arbitror. De uno reo consilium cogitur, et etiam[1] si qui sunt, qui invicem accusent, alterum iudicium praeferre necesse est.
20 Apollodorus quoque *ἀντικατηγορίαν* duas esse controversias dixit, et sunt revera secundum forense ius duae lites. Potest tamen hoc genus in cognitionem venire senatus aut principis. Sed in iudicio quoque

[1] et etiam, *Christ*: etiam et, *MSS.*

he would take a draught prescribed by himself. The father after drinking part of the draught said that he had been poisoned: the son drank the remainder of the draught. The father died and the son is accused of parricide." There is no doubt 18
who administered the draught, and, if it was poison, there is no question as to the author: but the problem as to whether the draught was poison can only be decided by arguments drawn from the character of the accused.

There remains a third type of conjectural case where the fact is admitted, and the only question is as to the author. It is unnecessary for me to quote examples, since such cases are of frequent occurrence. For example, it may be clear that a man has been killed or that sacrilege has been committed, but the person accused of the crime may deny his guilt. It is from such circumstances that cases of mutual accusation arise, where it is admitted that the crime has been committed, but each party charges the other with being the author. With re- 19
gard to this class of case Celsus points out that they cannot actually occur in the courts, a fact which I imagine is familiar to all: for the jury is empanelled to try one accused person only, and even though the defence and the prosecution may accuse each other of the crime, the first case must be tried before the second. Apollodorus again stated that mutual 20
accusation involved two separate disputes, and this is of course in conformity with the practice of the courts, which insists on two separate trials. On the other hand, mutual accusation is possible in cases tried before the senate or the emperor, and even in the courts the fact of mutual accusation will involve

nihil interest actionum, utrum simul de utroque
21 pronuntietur an sententia de uno feratur.[1] Quo in genere semper prior debebit esse defensio, primum quia natura potior est salus nostra quam adversarii pernicies, deinde quod plus habebimus in accusatione auctoritatis, si prius de innocentia nostra constiterit, postremum, quod ita demum duplex causa erit. Nam qui dicit, *Ego non occidi,* habet reliquam partem, ut dicat, *Tu occidisti;* at qui dicit, *Tu occidisti,*[2] supervacuum habet postea dicere, *Ego non occidi.*

22 Hae porro actiones constant comparatione; ipsa comparatio non una via ducitur. Aut enim totam causam nostram cum tota adversarii causa componimus aut singula argumenta cum singulis. Quorum utrum sit faciendum, non potest nisi ex ipsius litis utilitate cognosci: ut Cicero singula pro Vareno comparat in primo crimine; etenim in posteriore[3] crimine persona alieni cum persona matris temere compararetur. Quare optimum est, si fieri poterit, ut singula vincantur a singulis; sed si quando in partibus laborabimus, universitate pugnandum est.

23 Et sive invicem accusant, sive crimen reus citra accusationem in adversarium vertit (ut Roscius in

[1] sententia . . feratur, *Regius*, *Zumpt*: etiamsi . . . fertur, *MSS.*

[2] at qui dicit . . . occidisti, *added by Regius.*

[3] etenim in posteriore crimine persona, *Halm*: est enim superior enim persona, *AG* (persona enim *A*).

[1] The *pro Vareno* being lost, it is impossible to say to what this refers, and for the same reason Halm's conjecture must be regarded as quite uncertain.

no difference in the pleadings, since the same methods will be required whether the verdict is given on both charges simultaneously or only on one. In such cases the defence must always come 21
first for three reasons. In the first place, we naturally prefer to secure our own safety than to injure our opponent, while secondly, our accusation will carry greater weight if we have first proved our own innocence, and thirdly, we shall thus secure a double line of defence. For the man who says, "I did not kill him," is then free to go on to say, "You killed him," whereas it is superfluous for the man who says, "You killed him," to go on to say, "I did not kill him."

Further, such cases consist of comparison, which 22
may be effected in different ways. For we may either compare our case in its entirety with that of our adversary, or we may compare individual arguments. The choice between these two methods can only be determined by the requirements of the case. For example, in the *pro Vareno*, Cicero, in dealing with the first charge, compares the individual arguments: for it would have been rash in connexion with the second charge to compare the position of a stranger with that of a mother.[1] It is therefore best, if possible, to refute argument by individual argument: if, however, our individual arguments are weak, we shall try to secure success by comparison of case with case as a whole. But whether the case is 23
one of mutual accusation, or the accused throws the guilt upon his opponent without making any formal accusation (as Roscius[2] did without indicting

[2] Roscius Amerinus, accused of parricide and defended by Cicero.

accusatores suos, quamvis reos non fecisset), sive in ipsos, quos sua manu periisse dicemus, factum deflectitur, non aliter quam in iis quae mutuam accusationem habent utriusque partis argumenta inter
24 se comparantur. Id autem genus de quo novissime dixi non solum in scholis saepe tractatur, sed etiam in foro. Nam id est in causa Naevii Arpiniani solum quaesitum, praecipitata esset ab eo uxor an se ipsa sua sponte iecisset. Cuius actionem et quidem solam in hoc tempus emiseram, quod ipsum me fecisse ductum iuvenali cupiditate gloriae fateor. Nam ceterae, quae sub nomine meo feruntur,[1] negligentia excipientium in quaestum notariorum corruptae minimam partem mei habent.

25 Est et alia duplex coniectura huic ἀντικατηγορίᾳ diversa, de praemiis, ut in illa controversia, *Tyrannus suspicatus a medico suo datum sibi venenum torsit eum et, cum is dedisse se pernegaret, arcessit alterum medicum; ille datum ei venenum dixit, sed se antidotum daturum, et dedit ei potionem, qua epota tyrannus decessit. De praemio duo medici contendunt.* Nam ut illic factum in adversarium transferentium, ita hic sibi vindi-

[1] feruntur, *cod. Monac*: ...runtur, *A*: fecerunt, *G*.

his accusers), or the responsibility for the deed be placed on the victims themselves, whom we allege to have perished by their own hand, the arguments for both sides of the case will be compared in exactly the same way as in cases of mutual accusation. The class of case last mentioned by me is, 24
however, not merely of frequent occurrence in the schools, but sometimes actually occurs in the courts. For example, the sole question in the case of Naevius of Arpinum was whether he threw his wife out of the window or she threw herself. My speech in this case is the only one of all my pleadings that I have so far published, and I admit that I was led to do so merely by a youthful desire for glory. For the other speeches which circulate as mine have little in them that actually fell from my lips, having been corrupted by the carelessness of the shorthand-writers who took them down with a view to making money out of them.

There is also another type of conjectural case 25
which, though it involves two questions, is different from cases of mutual accusation; such cases are concerned with rewards and may be illustrated by the following controversial theme. "A tyrant, suspecting that his physician had given him poison, tortured him and, since he persisted in denying that he had done so, sent for a second physician. The latter asserted that poison had been administered, but that he would provide an antidote; he gave him a draught: the tyrant drank it and died. Both physicians claim a reward for slaying the tyrant." Now just as in cases of mutual accusation where each party shifts the guilt to his opponent, so in this

cantium personae, causae, facultates, tempora,
26 instrumenta, testimonia comparantur. Illud quoque, etiamsi non est *ἀντικατηγορία*, simili tamen ratione tractatur, in quo citra accusationem quaeritur, utrum factum sit. Utraque enim pars suam expositionem habet atque eam tuetur, ut in lite Urbiniana petitor dicit, Clusinium Figulum filium Urbiniae acie victa, in qua steterat, fugisse, iactatumque casibus variis, retentum etiam a rege, tandem in Italiam ac patriam suam Marrucinos[1] venisse atque ibi agnosci; Pollio contra, servisse eum Pisauri dominis duobus, medicinam factitasse, manumissum alienae se familiae venali immiscuisse, a se rogantem,[2] ut ei serviret,
27 emptum. Nonne tota lis constat duarum causarum comparatione et coniectura duplici atque diversa? Quae autem accusantium ac defendentium, eadem petentium et infitiantium ratio est.

Ducitur coniectura primum a praeteritis. In his sunt personae, causae, consilia. Nam is ordo est, ut facere voluerit, potuerit, fecerit. Ideoque intu-
28 endum ante omnia, qualis sit de quo agitur. Accusatoris autem est efficere ut, si quid obiecerit non

[1] Marrucinos, *Bonnell*: Marginos, *MSS.*
[2] a se rogantem, *A*: ac rogantem, arrogantem, *other MSS.*

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[1] *cp.* IV. i. 11. and VII. ii. 4.
[2] For another meaning of *venalis*, newly-bought, see VIII. ii. 8.

case we compare the characters, motives, means, opportunities, instruments and evidence of the persons who claim the reward. There is yet another 26
type of case which, though not one of mutual accusation, is treated in the same way: I mean a case in which we enquire, without accusing anyone, which of two acts has taken place. For both parties make and defend their own statement of the case. Thus in the suit concerning the estate of Urbinia[1] the claimant says that Clusinius Figulus, the son of Urbinia, on the defeat of the army in which he was serving, fled and after various misfortunes, being even even kept in captivity by the king, at length returned to Italy and his own home in the Marrucine district, where he was recognised. To this Pollio replies that he had been a slave to two masters at Pisaurum, that he had practised medicine, and finally, after receiving his freedom, inserted himself into a gang of slaves who were for sale[2] and was at his own request purchased by himself. Does not the whole suit consist 27
of comparison between the two cases and of two different and opposite sets of conjecture? But the method to be followed is identical whether the case be one of accusation and defence or of claim and denial of the claim.

Conjecture is, in the first place, based on what is past, under which I include persons, causes and intent. For in dealing with a case we first ask what the accused intended to do, next what he was in a position to do, and lastly what he actually did. Consequently the first point on which we must fix our attention is the character of the accused. It is 28
the business of the accuser to make any charge that

solum turpe sit, sed etiam crimini, de quo est iudicium, quam maxime conveniat. Nam si reum caedis impudicum vel adulterum vocet, laedat quidem infamia, minus tamen hoc ad fidem valeat quam si audacem, petulantem, crudelem, temerarium ostend-
29 derit. Patrono, si fieri poterit, id agendum est ut obiecta vel neget vel defendat vel minuat; proximum est ut a praesenti quaestione separet. Sunt enim pleraque non solum dissimilia, sed etiam aliquando contraria: ut si reus furti prodigus dicatur aut negligens. Neque enim videtur in eundem et con-
30 temptus pecuniae et cupiditas cadere. Si deerunt haec remedia, ad illa declinandum est, non de hoc quaeri nec eum, qui aliquando peccaverit, utique commisisse omnia, et hanc fiduciam fuisse accusatoribus falsa obiiciendi, quod laesum et vulneratum
31 reum speraverint[1] hac invidia opprimi posse. Alii a propositione accusatoris contraque eam[2] loci oriuntur. Saepe a persona prior ducit argumenta defensor et interim generaliter, incredibile esse a filio patrem occisum, ab imperatore proditam hostibus patriam. Facile respondetur vel quod omnia scelera in malos

[1] speraverint, *Gesner*: speravere, *MSS.*
[2] contraque eam, *Halm*: contra quam, *A*: contra qua, *G.*

he may bring against the accused not merely discreditable, but as consistent as possible with the crime for which he is arraigned. For example, if he calls a man accused of murder a debauchee or an adulterer, the discredit attaching to such charges will no doubt tell against the accused, but will, on the other hand, do less to prove the case than if he shows him to be bold, insolent, cruel or reckless. On the other hand, counsel for the defence must, 29
as far as possible, aim at denying, excusing or extenuating such charges, or, if that be impossible, show that they are not relevant to the case. For there are many charges which not only have no mutual resemblance, but may even at times contradict each other, as for instance if a man accused of theft is called prodigal or careless. For it is not likely that one and the same man should at once despise money and covet it. If such means 30
of defence are not available, we must take refuge with the plea that the charges made are not relevant to the case, that because a man has committed certain sins, it does not follow that he has committed all, and that the accusers ventured to make such false charges merely because they hoped by injuring and insulting the accused to be able to overwhelm him with the unpopularity thus created. There are also other topics which arise 31
from and against the statement of the case by the prosecution. The defence may begin by drawing arguments from the person involved, and will at times urge on general grounds that it is incredible that a father has been killed by his son or that a commander has betrayed his country to the enemy. The answer to such arguments is easy, for we may

cadant ideoque saepe deprehensa sint, vel quod
32 indignum[1] sit crimina ipsa atrocitate defendi. Interim proprie, quod est varium. Nam dignitas et tuetur reum et nonnunquam ipsa in argumentum facti convertitur, tanquam inde fuerit spes impunitatis; proinde paupertas, humilitas, opes, ut cuique
33 ingenio vis est, in diversum trahuntur. Probi vero mores et anteactae vitae integritas nunquam non plurimum profuerint. Si nihil obiicietur, patronus quidem in hoc vehementer incumbet, accusator autem ad praesentem quaestionem, de qua sola iudicium sit, cognitionem adligabit dicens neminem non aliquando coepisse peccare, nec per encaenia[2]
34 ducendum scelus primum. Haec in respondendo. Sic autem praeparabit actione prima iudicum animos, ut noluisse potius obiicere quam non potuisse credatur. Eoque satius est omni se anteactae vitae abstinere convicio quam levibus aut frivolis aut manifesto falsis reum incessere, quia fides ceteris detrahitur; et qui nihil obiicit, omisisse credi potest

[1] indignum, *Aldine ed.*: ingenuum, ingenium, *MSS.*

[2] *Encaenia* is a feast in honour of the dedication of a new temple or building. The phrase is strange, but there seems no possibility of plausible emendation. The word is rare and not likely to be corrupt. *Pro* is the reading of the best MSS.

urge that bad men are capable of every crime, as is shown by every-day occurrences, or that the atrocious nature of a crime is but a poor argument against its having been committed. At times we 32
may base our arguments on the special circumstances of the person involved. This may be done in various ways: rank, for example, may be pleaded in defence of the accused, or at times, on the other hand, may be employed to prove his guilt on the ground that he trusted to his rank to secure impunity. Similarly poverty, humble rank, wealth may be used as arguments for or against the accused according to the talent of the advocate. Upright character, however, 33
and the blamelessness of his past life are always of the utmost assistance to the accused. If no charge is made against his character, counsel for the defence will lay great stress on this fact, while the accuser will attempt to restrict the judge to the sole consideration of the actual issue which the court has to decide, and will say that there must always be a first step in crime and that a first offence is not to be regarded as the occasion for celebrating a feast in honour of the defendant's character. So 34
much for the methods of reply which will be employed by the prosecution. But he will also in his opening speech endeavour to dispose the judges to believe that it is not so much that he is unable, as that he is unwilling to bring any charge against the character of the accused. Consequently it is better to abstain from casting any slur on the past life of the accused than to attack him with slight or frivolous charges which are manifestly false, since such a proceeding discredits the rest of our argument. Further, the advocate who brings

maledicta tanquam supervacua; qui vana congerit, confitetur unum [1] in anteactis argumentum, in quibus
35 vinci quam tacere maluerit. Cetera, quae a personis duci solent, in argumentorum locis exposuimus.

Proxima est ex causis probatio, in quibus haec maxime spectantur, ira, odium, metus, cupiditas, spes; nam reliqua in horum species cadunt. Quorum si quid in reum conveniet, accusatoris est efficere ut [2] ad quidquid faciendum causae valere videantur, easque quas in argumentum sumet augere; si minus,
36 illuc conferenda est oratio, aut aliquas fortasse latentes fuisse aut nihil ad rem pertinere cur fecerit, si fecit, aut etiam dignius esse odio scelus, quod non habuerit causam. Patronus vero, quotiens poterit, instabit huic loco, ut nihil credibile sit factum esse sine causa. Quod Cicero vehementissime multis orationibus tractat, praecipue tamen pro Vareno, qui omnibus aliis premebatur; nam et damnatus est.
37 At, si proponitur, cur factum sit, aut falsam causam

[1] unum, *Spalding*: vanum, *MSS.*
[2] ut, *added by Spalding.*

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[1] v. x. 20, where *argumentorum loci* are defined as "the dwellings of arguments, where they hide and where we must look for them.

no charges against the accused may be believed to have omitted all reference to past offences on the ground that such reference was not necessary, while the advocate who heaps up baseless charges thereby admits that his only argument is to be found in the past life of the accused, and that he has deliberately preferred to risk defeat on this point rather than say nothing at all about it. As regards the other 35
arguments derived from character, I have already discussed them in connexion with "places" of argument.[1]

The next type of proof is derived from causes or motives, such as anger, hatred, fear, greed or hope, since all motives can be classified as species of one or other of these. If any of these motives can be plausibly alleged against the accused, it is the duty of the accuser to make it appear that such motives may lead a man to commit any crime, and to exaggerate the particular motives which he selects for the purpose of his argument. If no such motive can 36
be alleged, he must take refuge in suggesting that there must have been some hidden motive, or in asserting that, if he committed the act, all enquiry into motive is irrelevant or that a motiveless crime is even more abominable than one which has a motive. Counsel for the defence, on the other hand, will, wherever it be possible, emphasise the point that it is incredible that any act should be committed without a motive. Cicero develops this point with great energy in a number of his speeches, but more especially in his defence of Varenus, who had everything else against him and was as a matter of fact condemned. But if the prosecution do allege some 37
motive, he will either say that the motive alleged is

aut levem aut ignotam reo dicet. Possunt autem esse aliquae interim ignotae, an heredem habuerit, an accusaturus fuerit eum, a quo dicitur[1] occisus. Si alia defecerint, non utique spectandas esse causas; nam quem posse reperiri, qui non metuat, oderit,
38 speret? plurimos tamen haec salva innocentia facere. Neque illud est omittendum, non omnes causas in omnibus personis valere. Nam ut alicui sit furandi causa paupertas, non erit idem in Curio Fabricioque momentum.

39 De causa prius an de persona dicendum sit, quaeritur, varieque est ab oratoribus factum, a Cicerone etiam praelatae frequenter causae. Mihi, si neutro litis condicio praeponderet, secundum naturam videtur incipere a persona. Nam hoc magis generale est rectiorque divisio, an ullum crimen
40 credibile, an hoc. Potest tamen id ipsum, sicut pleraque, vertere utilitas. Nec tantum causae voluntatis sunt quaerendae, sed interim et erroris, ut ebrietas, ignorantia. Nam ut haec in qualitate

[1] dicitur, *vulgo:* dicetur, *AG.*

false or inadequate or unknown to the accused. For it is possible that a man may be quite ignorant of motives imputed to him. He may not, for example, have known whether the man whom he is accused of having killed had appointed him his heir or intended to prosecute him. All else failing, we may urge that motives are not necessarily of importance. For what man is there who is not liable to the emotions of fear, hatred or hope, and yet numbers of persons act on these motives without committing crime? Nor should we neglect the point 38
that all motives do not apply to all persons. For example, although poverty may in certain cases be a motive for theft, it will not have the same force with men such as Curius or Fabricius.

The question has been raised as to whether we 39
should deal first with persons or motives, and different orators have given different answers: Cicero as a rule prefers to treat motives first. For my own part, if the circumstances of the case do not point strongly in either direction, I consider that the most natural course is to begin by dealing with persons. For the enquiry whether any crime can credibly be imputed to such a man as the accused is of a more general character than the question whether some one particular crime can be imputed, and in addition involves a greater correctness in division. Still, in 40
many cases expediency may make it desirable to reverse the order. Further, we have to seek not merely motives affecting the will, but also causes leading to error, such as drunkenness or ignorance. For just as such considerations lessen the guilt of a crime when regarded from the point of view of its quality, so they tell heavily against the criminal as

41 crimen elevant, ita in coniectura premunt. Et persona quidem nescio an unquam, utique in vero actu rei, possit incidere, de qua neutra pars dicat; de causis frequenter quaeri nihil attinet, ut in adulteriis, ut in furtis, quia illas per se ipsa crimina secum habent.

42 Post haec intuenda videntur et consilia, quae late patent; an credibile sit, reum sperasse id a se scelus effici posse, an ignorari, cum fecisset, an, etiamsi ignoratum non esset, absolvi vel poena levi transigi vel tardiore vel ex qua minus incommodi consecuturus quam ex facto gaudii videretur, an etiam tanti
43 putaverit poenam subire; post haec, an alio tempore et aliter facere vel facilius vel securius potuerit, ut dicit Cicero pro Milone enumerans plurimas occasiones, quibus ab eo Clodius impune occidi potuerit; praeterea, cur potissimum illo loco, illo tempore, illo modo sit aggressus, (qui et ipse diligentissime trac-
44 tatur pro eodem locus) an, etiamsi nulla ratione ductus est, impetu raptus sit et absque sententia, (nam vulgo dicitur scelera non habere consilium) an etiam consuetudine peccandi sit ablatus.

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[1] c. xiv. *sqq.*

far as the question of fact is concerned. I should 41
imagine that there could never be a case, or at any rate
an actual case in the courts, in which neither side said
anything about the character of the persons involved;
but this is not true of causes and motives, for it is
often wholly unnecessary to trouble ourselves about
them, as, for example, in cases of theft or adultery,
crimes which carry their motives on the face of them.

Next we must consider the intention, a term which 42
involves a number of questions, such as whether it is
probable that the accused hoped that he would be
able to carry such a crime into effect, or that it
would escape detection when committed, or that,
even if detected, it would be pardoned or punished
but lightly or after considerable lapse of time, or
that the inconvenience involved by the penalty
would be outweighed by the pleasure resulting from
the crime: or again, whether it was worth while
incurring the penalty; and further, whether he could 43
have done the deed at some other time and in some
other way, or with greater ease or security, as Cicero
says in the *pro Milone*,[1] where he mentions the
numerous occasions when his client could have killed
Clodius with impunity. There is also the question
why the accused should have chosen that particular
place or time or means for the commission of the
crime, a topic to which Cicero gives a thorough
treatment in the same passage; or whether, without 44
having the least reason for the deed, he was carried
away by the impulse of the moment and acted
without deliberate purpose (for it is a common
saying that crimes are irrational), or finally, whether
he was led astray by the fact that crime had become
a habit with him.

Excussa prima parte, an voluerit, sequitur, an potuerit. Hic tractatur locus, tempus, ut furtum in loco cluso, frequenti, tempore vel diurno, cum testes
45 plures, vel nocturno, cum maior difficultas. Inspiciuntur itaque difficultates occasionesque, quae sunt plurimae ideoque exemplis non egent. Hic sequens locus talis est, ut, si fieri non potuit, sublata sit lis; si potuit, sequatur quaestio an fecerit. Sed haec etiam ad animi coniecturam pertinent, nam et ex his colligitur an speraverit. Ideo spectari debent et instrumenta, ut Clodii ac Milonis comitatus.

46 Quaestio, an fecerit, incipit a secundo tempore, id est praesenti, deinde coniuncto, quorum sunt sonus, clamor, gemitus; insequentis latitatio, metus, similia. His accedunt signa, de quibus tractatum est, verba etiam et facta, quaeque antecesserunt quaeque in-
47 secuta sunt. Haec aut nostra sunt aut aliena. Sed verba nobis magis nocent et minus [1] prosunt nostra

[1] et minus, *Regius*: aut minus magis, *MSS.*

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[1] *cp.* v. x. 45. [2] v. ch. ix.

Having dealt with the question whether he intended to commit the crime, we proceed to the question whether he was in a position to commit it. Under this head we discuss the place and occasion of the offence. For instance, in a case of theft we ask whether it was committed in a secluded or frequented spot, in the daytime, when witnesses are more numerous, or by night, when success is more difficult. Consequently we shall consider all the circumstances 45
rendering the act difficult or easy of accomplishment; these require no illustration, being numerous and familiar. This second topic is of such importance that, if it is impossible to give it satisfactory treatment, the case falls to the ground; if, however, we succeed in dealing with it adequately, we must proceed to consider whether the accused actually committed the act. But this topic involves conjecture as to intention, for it is from these facts that we infer whether he hoped for success or not. Therefore we must also consider the question of the means at his disposal, such, for example, as the retinues of Clodius and Milo.

The question whether he actually did the deed 46
belongs, in the first place, to the second division of time, namely the present, and secondly to time that is almost, though not actually contemporary: under this latter head come circumstances such as noise, cries or groans,[1] while concealment, fear and the like belong to subsequent time. To these must be added indications, which we have already discussed elsewhere,[2] and words and acts antecedent or subsequent to the crime. These words and acts are either 47
our own or those of others. With regard to words, our own do us greater harm and bring us less profit

quam aliena; magis prosunt et minus nocent aliena quam nostra. Facta autem interim magis prosunt nostra, interim aliena, ut si quid, quod pro nobis sit, adversarius fecit; semper vero magis nocent nostra
48 quam aliena. Est et illa in verbis differentia, quod aut aperta sunt aut dubia. Seu nostra seu aliena sunt, infirmiora in utrumque sint necesse dubia; tamen nostra saepe nobis nocent, ut in illa controversia: *Interrogatus filius, ubi esset pater, dixit, Ubicunque est, vivit; at ille in puteo mortuus est inventus.*
49 Aliena, quae sunt dubia, nunquam possunt nocere nisi aut incerto auctore aut mortuo. *Nocte audita vox est, Cavete tyrannidem;* et, *Interrogatus, cuius veneno moreretur, respondit, Non expedit tibi scire.* Nam si est, qui possit interrogari, solvet ambiguitatem.
50 Cum autem dicta factaque nostra defendi solo animo possint, aliena varie refutantur.

De uno quidem maximo genere coniecturalium controversiarum locuti videmur, sed[1] in omnes aliquid ex his cadit. Nam furti, depositi, creditae

[1] videmur sed, *Spalding*: videmus et, *G*: videmur et, *A*.

than do those of others, while those of others bring us greater profit and do us less harm than our own. On the other hand, with regard to deeds, it is sometimes from our own and sometimes from those of others that we derive the greatest advantage, as, for example, when our opponent has done something which tells in our favour: but our own acts are always more injurious to our case than are those of others. Again, with regard to words, we must 48
distinguish between those whose meaning is clear and those whose significance is doubtful. The latter will necessarily give less assistance to either side, be they our own words or another's. On the other hand, any ambiguity in our own words will always tell against us, as, for example, in the following controversial theme. "A son, on being asked where his father was, replied: 'Wherever he is, he is alive.' But the father was found dead at the bottom of a well." When the ambiguity lies in words used by 49
others, they can never do us any harm, unless he who uttered them be unknown or dead; I will give two illustrations of my meaning: "A cry was heard at night, 'Be on your guard against the establishment of a tyranny';" and, "on being asked who had poisoned him, he replied: 'It is not fit that you should know.'" For if the speaker is available for examination, he will clear up the ambiguity. Finally, 50
whereas our own words and deeds can only be justified by their intention, the deeds and words of others can be disposed of in a number of different ways.

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

pecuniae et a facultatibus argumenta veniunt, an fuerit, quod deponeretur, et a personis, an ullum deposuisse apud hunc, vel huic credidisse credibile sit, an petitorem calumniari, an reum infitiatorem
51 esse vel furem. Sed etiam in furti reo sicut in caedis quaeritur de facto et de auctore. Crediti et depositi duae quaestiones, sed nunquam iunctae, an datum sit, an redditum. Habent aliquid proprii adulterii causae, quod plerumque duorum discrimen est et de utriusque vita dicendum, quanquam et id quaeritur, an utrumque pariter defendi oporteat. Cuius rei consilium nascetur ex causa; nam si adiuvabit pars altera, coniungam; si nocebit, separabo.
52 Ne quis autem mihi putet temere excidisse, quod plerumque duorum crimen esse adulterium, non semper dixerim: potest accusari sola mulier incerti adulterii: *Munera domi inventa sunt; pecunia, cuius auctor non exstat; codicilli, dubium ad quem scripti*
53 In falso quoque ratio similis; aut enim plures in

theft, deposits and loans, arguments are derived both from possibilities (as when we enquire whether there was any money to deposit), and from persons, as when we raise the question whether it is credible that anyone deposited money with this man or trusted him with a loan, or that the claimant is bringing a false accusation, or that the accused repudiates his debt or is a thief. But even in the case of an accusation of 51
theft, just as in an accusation of murder, we enquire both into the act and the author, while in cases concerned with loans and deposits there are also two questions (though these are always distinct from one another), namely, whether the money was delivered and whether it has been repaid. Cases of adultery are marked by the following peculiarity, that, as a rule, the safety of two persons is involved, and it is necessary to say something of the past life of both, although some have raised the question whether both parties should be defended together. The line to be taken must depend on the circumstances of the individual case: if the defence of one party lends support to the defence of the other, I should defend them conjointly; if the reverse is the case, I should treat the two cases separately. How- 52
ever, that no one may think me somewhat hasty in saying that two persons are as a rule involved in charges of adultery, I would point out that I would not assert that this is always the case. The woman alone may be accused of adultery with a person unknown: we may say, "Gifts were found in the house, and money from some unknown source, and love-letters whose destination cannot be ascertained." The case is similar in accusations of 53
forgery: for either there are several accused or only

culpam vocantur aut unus. Et scriptor quidem semper tueri signatorem necesse habet, signator scriptorem non semper, nam et decipi potuit. Is autem, qui hos adhibuisse et cui id factum dicitur, et scriptorem et signatores defendet. Iidem argumentorum loci in causis proditionis et adfectatae tyrannidis.

54 Verum illa scholarum consuetudo ituris in forum potest nocere, quod omnia, quae in themate non sunt, pro nobis ducimus. Adulterium obiicis; *quis testis? quis index?* Proditionem,[1] *quod pretium? quis conscius?* Venenum; *ubi emi? a quo? quando? quanti? per quem dedi?* Pro reo tyrannidis adfectatae;
55 *ubi sunt arma? quos contraxi satellites?* Neque haec nego esse dicenda, et ipsis utendum pro parte suscepta. Nam et in foro aliqua, quando[2] adversarius probare non poterit, desiderabo. Sed in foro tantam illam facilitatem olim desideravimus, ubi non fere causa agitur, ut non aliquid ex his aut plura
56 ponantur. Huic simile est, quod in epilogis quidam,

[1] Proditionem, *added by Spalding.*
[2] aliqua quando, *Spalding*: aliquando, *AG.*

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[1] The writer will always support the signatory's statement that he signed the document. The signatory will not always support the writer; *e. g.* he may not know the nature of the document which he signed.

[2] *cp.* IV. ii. 28. As the examples which follow show, the declaimer assumes that his imaginary opponent has no good evidence to support his case: *i. e.* no witness, no informer, no weapons, no bodyguard.

one. The writer of a document always regards it as necessary to support the signatory, but the signatory does not always support the writer of the document, for it is always possible that he has been deceived on the matter.[1] On the other hand, the man who is said to have called in their services, and for whom the document is alleged to have been written, will always defend both writer and signatories. The arguments employed in cases of treason or attempted tyranny will be drawn from the same sources.

But the custom prevalent in the schools of regard- 54
ing everything not definitely stated in the theme as being in the speaker's favour,[2] is likely to prove harmful to students destined for practice in the courts. You bring a charge of adultery. "Who is your witness? who is your informer?" You charge me with treason. "What was my reward? who was my accomplice?" You charge me with poisoning. "Where did I buy the poison, and from whom? When did I buy it, what was the price, and whom did I employ to administer it?" Or in defence of one charged with attempting to establish himself as tyrant, the declaimer will cry, "Where are my weapons, and what bodyguards have I ever collected?" I do not deny that these questions 55
should be asked, or that we should use them as far as is permitted by the rôle which we have assumed; for even in the courts I feel that it will be desirable to put such questions, if my opponent is not in a position to reply effectively; but we have often felt the lack of such freedom in the courts, whereas in the schools there is scarcely a case where one or more examples of this method are not to be found. Similar to this is the practice which some 56

quibus volunt, liberos, parentes, nutrices accommodant, nisi quod magis concesseris ea, quae non sint posita, desiderare quam adiicere.[1]

De animo quomodo quaeratur, satis dictum est, cum ita diviserimus, an voluerit, an potuerit, an fecerit. Nam qua via tractatur, an voluerit, eadem, quo animo fecerit; id enim est, an male facere
57 voluerit. Ordo quoque rerum aut adfert aut detrahit fidem; multo scilicet magis res, prout ponuntur,[2] congruunt aut repugnant. Sed haec nisi in ipso complexu causarum non deprehenduntur. Quaerendum tamen semper, quid cuique connectatur et quid consentiat.

III. Sequitur coniecturam finitio. Nam, qui non potest dicere nihil fecisse, proximum habebit, ut dicat, non id fecisse, quod obiiciatur. Itaque pluribus legibus in iisdem quibus coniectura versatur, defensionis tantum genere mutato, ut in furtis, depositis, adulteriis. Nam, quemadmodum dicimus,

[1] adiicere, *Spalding*: dicere, *AG.*
[2] ponuntur, *added by Spalding.*

[1] *i. e.* it is safer to ask the imaginary opponent "where is your evidence?" than to produce imaginary evidence ourselves.
[2] § 27.

declaimers allow themselves in their perorations of assigning children, parents and nurses to their characters at will, though it is more reasonable to call for evidence which is not explicitly mentioned in the statement of the theme than to introduce it ourselves.[1]

With regard to the method to be followed when we enquire into intention, I have said enough in dividing the subject into three questions,[2] namely, whether the accused intended to do the deed, whether he was in a position to do it and whether he actually did it. For the method of enquiring into the purpose with which an act was committed is identical with that employed in enquiring whether the deed was intended, since it amounts to asking whether a criminal act was intended. Further, the 57
order in which the facts are stated may either contribute to or detract from the credibility of our case; for consistency and the reverse depend to a very great extent on the way the circumstances are arranged. But we shall be unable to detect these qualities unless we consider the circumstances in connexion with the case as a whole. None the less, it will always be necessary to consider what are best suited to be placed together.

III. *Conjecture* is followed by *definition*. For the man who cannot assert that he has done nothing, must needs take refuge in the assertion that he has not committed the act which is alleged against him. Consequently the laws which govern *definition* are for the most part the same as those which govern *conjecture*, the only difference lying in the method to be employed in defence in cases such as those concerned with theft, deposits or adultery. For just as we say,

Non feci furtum, non accepi depositum, non commisi adulterium, ita, *Non est hoc furtum, non est hoc depo-*
2 *situm,*[1] *non est hoc adulterium.* Interim a qualitate ad finitionem descenditur, ut in actionibus dementiae, malae tractationis, rei publicae laesae; in quibus si recte facta esse, quae obiiciuntur, dici non potest, illud succurrit, *Non est male tractare uxorem verbis*[2] *laedere.* Finitio igitur est rei propositae propria et dilucida et breviter comprehensa verbis enuntiatio.
3 Constat maxime, sicut est dictum, genere, specie, differentibus, propriis: ut si finias equum, (noto enim maxime utar exemplo) genus est animal, species mortale, differentia irrationale, (nam et homo mortale erat) proprium hinniens. Haec adhi-
4 betur orationi pluribus causis. Nam tum est certum de nomine, sed quaeritur quae res ei subiicienda sit, tum res est manifesta, sed de nomine non constat. Cum de[3] nomine constat, de re dubium est, interim
5 coniectura est: ut si quaeratur, quid sit deus. Nam qui neget deum esse spiritum omnibus partibus immixtum, non hoc dicat falsam esse divinae illius naturae appellationem, sicut Epicurus, qui humanam ei formam locumque inter mundos dedit? Nomine
6 uterque uno utitur; utrum sit in re, coniectat. Interim qualitas tractatur, ut quid sit rhetorice, vis

[1] depositum, *Badius*: initiatio, *AG*: mutuatio, *cod. Mon.*
[2] uxorem verbis, *Spalding*: rem publicam verbis, *MSS.*
[3] sed . . . constat, *Halm*: et quod nomine constat, *MSS.*

[1] v. x. 55.

"I have not committed theft, I never received a deposit, I am not guilty of adultery," so we say, "This is not theft, this is not a deposit, this is not adultery." Sometimes we may pass from *quality* to *definition*, as in actions concerned with lunacy, cruelty and offences against the State. In such cases if it is impossible to assert that the acts alleged were right, we are left with such pleas as, "To use bad language to one's wife does not amount to cruelty." Definition is the statement of the fact called in question in appropriate, clear and concise language. As I have already said,[1] it consists mainly in the statement of *genus, species, difference* and *property*. For example, if you wish to define a horse (for I will take a familiar example), the *genus* is animal, the *species* mortal, the *difference* irrational (since man also is mortal) and the *property* neighing. Definition is employed by the orator for a number of different reasons. For sometimes, though there may be no doubt as to a term, there is a question as to what it includes, or, on the other hand, there may be no doubt about the thing, but no agreement as to the term to be applied to it. When the term is agreed, but the thing doubtful, conjecture may sometimes come into play, as, for instance, in the question, "What is god?" For the man who denies that god is a spirit permeating all things, assuredly asserts that the epithet "divine" is falsely applied to his nature, like Epicurus, who gives him a human form and makes him reside in the intermundane space. While both use the same term *god*, both have to employ conjecture to decide which of the two meanings is consistent with fact. Sometimes again we have recourse to quality, as in the question, "What is

2 3 4 5 6

persuadendi an bene dicendi scientia. Quod genus est in iudiciis frequentissimum. Sic enim quaeritur, an deprehensus in lupanari cum aliena uxore adulter sit: quia non de appellatione, sed de vi facti eius ambigitur, an omnino peccaverit. Nam si peccavit,
7 non potest esse aliud quam adulter. Diversum est genus, cum controversia consistit in nomine, quod pendet ex scripto, nec versatur in iudiciis nisi propter verba quae litem faciunt: an, qui se interficit, homicida sit; an, qui tyrannum in mortem compulit, tyrannicida; an carmina magorum veneficium. Res enim manifesta est, sciturque non idem esse occidere se quod alium, non idem occidere tyrannum quod compellere ad mortem, non idem carmina ac mortiferam potionem; quaeritur tamen, an eodem nomine appellanda sint.

8 Quanquam autem dissentire vix audeo a Cicerone, qui multos secutus auctores dicit, finitionem esse de eodem et de altero, semper enim[1] neganti aliquod esse nomen dicendum quod sit potius: tamen equi-
9 dem[2] tris habeo velut species. Nam interim con-

[1] enim, *added by Regius.*
[2] equidem, *Christ*: eandem, *AG.*

[1] *cp.* III. vi. 31.

rhetoric? Is it the power to persuade or the science of speaking well?" This form of question is of frequent occurrence in the courts. For instance, the question may arise whether a man caught in a brothel with another man's wife is an adulterer. Here there is no doubt about the name; it is the significance of the act which is in doubt, since the question is whether he has committed any sin at all. For if he has sinned, his sin can only be adultery. There is a different type of question where the 7
dispute is concerned with the term to be applied, which depends on the letter of the law: it is a form of question which can only arise in the courts from the actual words on which the dispute turns. Take as examples the questions, whether suicide is a form of homicide, or whether the man who forces a tyrant to kill himself can be considered a tyrannicide, or whether magical incantations are equivalent to the crime of poisoning. In all these cases there is no doubt about the facts, for it is well known that there is a difference between killing oneself and killing another, between slaying a tyrant and forcing him to suicide, between employing incantations and administering a deadly draught, but we enquire whether we are justified in calling them by the same name.

Though I hardly like to differ from Cicero,[1] who 8
follows many authorities in saying that definition is concerned with identity and difference (since he who denies the applicability of one term must always produce another term which he regards as preferable), for my own part I consider that definition falls into three types, which I may perhaps call *species* For at times it is convenient merely to 9

venit solum [1] quaerere, an hoc sit, ut an adulterium in lupanari. Cum hoc negamus, non necesse est dicere quid id vocetur, quia totum crimen infitiamur. Interim quaeritur, hoc an hoc; furtum an sacrilegium. Non quin sufficiat non esse sacrilegium, sed quia necesse sit dicere quid sit aliud; quo in loco utrum-
10 que finiendum est. Interim quaeritur in rebus specie diversis, an et hoc et hoc eodem modo sit appellandum, cum res utraque habet suum nomen, ut amatorium, venenum. In omnibus autem huius generis litibus quaeritur, an etiam hoc, quia nomen de quo ambigitur utique in alia re certum est. Sacrilegium est rem sacram de templo surripere: an et privatam? Adulterium cum aliena uxore domi coire: an et in lupanari? Tyrannicidium occidere tyrannum: an et
11 in mortem compellere? Ideoque *συλλογισμὸς*, de quo postea dicam, velut infirmior est finitio, quia in hac quaeritur, an idem sit huius rei nomen quod alterius, illo, an proinde habenda sit haec atque illa.
12 Est et talis finitionum [2] diversitas, ut qui idem sentiant, non iisdem verbis comprehendant: ut

[1] solum, *Zumpt*: suum, *AG*.
[2] finitionum, *Regius*: divisionum, *MSS*.

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[1] *cp.* VIII. v. 31.

enquire whether one particular term is applicable to a given thing, as in the question whether an act committed in a brothel is adultery. If we deny that it is adultery, there is no need to state what it should be called, since we have given a total denial to the charge. Secondly, there are occasions when the question is which of two terms is to be applied to a thing, as in the question whether an act is theft or sacrilege. It may be sufficient for the defence that it is not sacrilege, but it is still necessary to show what else it is, and therefore we must define both. Thirdly, there are times when the question 10
concerns things which are different in species, and we ask whether two different things are to be called by the same name, in spite of the fact that each has a special name of its own: for example, is the same name applicable both to a love-potion and a poison?[1] But in all disputes of this kind the question is whether one thing is another thing as well, since the name in doubt does without question apply to something else. It is sacrilege to steal a sacred object from a temple; is it also sacrilege to steal private property from a temple? It is adultery to lie with another man's wife in one's own house; is it adultery to do so in a brothel? It is tyrannicide to slay a tyrant; is it tyrannicide to force him to slay himself? Consequently the syllogism, to which 11
I shall return later, is virtually a weaker form of definition, since while definition seeks to determine whether one thing has the same name as another, syllogism seeks to determine whether one thing is to be regarded as identical with another. There is 12
moreover great variety in definitions. For instance, persons will give different verbal expression to

rhetorice bene dicendi scientia, et eadem bene inveniendi et bene enuntiandi et dicendi secundum virtutem orationis et dicendi quod sit officii. Atque providendum ut, si sensu non pugnant, comprehensione dissentiant. Sed de his disputatur, non liti-
13 gatur. Opus est aliquando finitione obscurioribus et ignotioribus verbis ut, quid sit clarigatio, erctum citum ;[1] interim notis nomine verbis,[2] quid sit penus, quid litus.

Quae varietas efficit, ut eam quidam coniecturae, quidam qualitati, quidam legitimis quaestionibus
14 subiecerint. Quibusdam ne placuit quidem omnino subtilis haec et ad morem dialecticorum formata conclusio, ut in disputationibus potius arguta[3] verborum cavillatrix quam in oratoris officio multum adlatura momenti. Licet enim valeat in sermone tantum, ut constrictum vinculis suis eum qui responsurus est vel tacere vel etiam invitum id quod sit contra cogat fateri, non eadem est tamen eius in
15 causis utilitas. Persuadendum enim iudici est, qui etiamsi verbis devinctus est, tamen, nisi ipsi rei accesserit, tacitus dissentiet. Agenti vero quae tanta est huius praecisae comprehensionis necessitas? An, si non dixero, *Homo est animal mortale rationale*, non potero, expositis tot corporis animique proprie-

[1] erctum citum, *Halm*: erctus citus, *A*: ercet ut, *G*.
[2] verbis, *early edd.*: videbis, *AG*.
[3] arguta, *Zumpt*: argumenta, *AG*.

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[1] A formal demand for redress under threat of war.
[2] An undivided inheritance.
[3] Store of provisions.
[4] Shore, see v. xiv. 34, where its derivation is explained as *qua fluctus eludit*.

things about which they are really in agreement: thus rhetoric is defined as the science of *speaking well*, as the science of *correct conception* or *correct expression* of what we have to say, as the science of *speaking in accordance with the excellence of an orator* and again of *speaking to the purpose*. And we must take care to discover how it is that definitions, identical in meaning, differ in the form in which they are expressed. However, this is a subject for discussion and not for a quarrel. Definition is sometimes required to explain rare or obscure words such as *clarigatio*[1] or *erctum citum*,[2] or again to explain familiar words such as *penus*[3] or *litus*.[4] 13

This variety in definition has caused some writers to include it under conjecture, others under quality and others again under legal questions. Some, on the other hand, entirely reject the elaborate and formal methods of reasoning employed by dialectic, regarding such ingenuity as suited rather to quibbles over words in philosophical discussions than as likely to carry much weight in the performance of the duties of an orator. For though in dialogue definition may serve to fetter the person who has got to reply in chains of his own making, or may force him to silence, or even to reluctant confession of a point which tells against himself, it is of less use in forensic cases. For there we have to persuade the judge, who, even though he may be tied and bound with our words, will still dissent in silence, unless he is brought really into touch with the actual facts. And what need has a pleader for such precision of definition? Even if I do not say that man is an animal, mortal and rational, surely I shall still be able, by setting forth the numerous properties of his 14 15

tatibus, latius oratione ducta, vel a dis eum vel a
16 mutis discernere? Quid quod nec uno modo definitur res eadem (ut facit Cicero: *quid est enim vulgo? universos*) et latiore varioque tractatu, ut omnes oratores plerumque fecerunt? Rarissima enim apud eos reperitur illa ex consuetudine philosophorum ducta servitus [est certa servitus] [1] ad certa se verba adstringendi, idque faciendum in libris Ciceronis de
17 Oratore vetat M. Antonius. Nam est etiam periculosum, cum, si uno verbo sit erratum, tota causa cecidisse videamur; optimaque est media illa via, qua utitur Cicero pro Caecina, ut res proponatur, verba non periclitentur. *Etenim, reciperatores, non ea sola vis est quae ad corpus nostrum vitamque pervenit, sed etiam multo maior ea quae periculo mortis iniecto formidine animum perterritum loco saepe et certo statu*
18 *demovet.* Aut, cum finitionem praecedit probatio, ut in Philippicis Cicero Servium Sulpicium occisum ab Antonio colligit et in clausula demum ita finit: *Is enim profecto mortem attulit qui causa mortis fuit.* Non negaverim tamen haec quoque, ut expediet causae, esse facienda, et si quando firme comprehendi poterit brevi complexu verborum finitio, esse id tum

[1] *Expunged by Halm.*

[1] *Pro Mur.* xxxv. 73. [2] II xxv. 108 *sqq.*
[3] xv. 42. [4] IX. iii. 7.

body and mind in more general terms, to distinguish him from gods or dumb beasts. Again, may not the 16
same thing be defined in more than one way, as Cicero does when he says, "What do we mean when we say 'commonly': surely we mean 'by all men'?"[1] May it not be given a wide and varied treatment such as is frequently employed by all orators? For it is rare to find orators falling victims to that form of slavery introduced from the practice of the philosophers and tying themselves down to certain definite words; indeed it is absolutely forbidden by Marcus Antonius in the *de Oratore*[2] of Cicero. For it is a most dangerous practice, since, if we make 17
a mistake in a single word, we are like to lose our whole case, and consequently the compromise adopted by Cicero in the *pro Caecina*[3] is the safest course to follow; this consists in setting forth the facts without running any risks over the exactness of our terminology. These are his words: "Judges, the violence which threatens our lives and persons is not the only kind of violence: there is a much more serious form which by the threat of death fills our minds with panic and often turns them from their natural condition of stability." Or again, we may prove 18
before we define, as Cicero does in the *Philippics*,[4] where he proves that Servius Sulpicius was killed by Antony and introduces his definition at the conclusion in the following terms:—"For assuredly the murderer was he who was the cause of his death." I would not, however, deny that such rules should be employed, if it will help our case, and that, if we can produce a definition which is at once strong and concise, it will be not merely an ornament to our speech, but will also produce the strongest im-

elegans tum etiam fortissimum, si modo erit illa inexpugnabilis.

19 Eius certus ordo est, quid sit, an hoc sit. Et in hoc fere labor maior est, ut finitionem confirmes, quam ut in rem finitionem applices. In eo, quid sit, duplex opus est. Nam et nostra confirmanda est et
20 adversae partis destruenda finitio. Ideoque in schola, ubi nobis ipsi fingimus contradictionem, duos ponere debemus fines, quales utrinque esse optimi poterunt. At in foro providendum, num forte supervacua et nihil ad causam pertinens an ambigua an contraria an communis sit finitio; quorum nihil accidere nisi
21 agentis culpa potest. Ut recte autem finiamus, ita fiet, si prius in animo constituerimus quid velimus efficere. Sic enim accommodari ad voluntatem verba poterunt. Atque ut a notissimo exemplo, quo sit res lucidior, non recedamus: *Qui privatam pecuniam*
22 *de templo surripuit, sacrilegii reus est.* Culpa manifesta est; quaestio est an huic crimini nomen quod est in lege conveniat. Ergo ambigitur an hoc sacrilegium

[1] *i. e.* the thing under consideration.

pression, provided always that it cannot be overthrown.

The order to be followed in definition is invariable. 19
We first ask *what* a thing is, and then, whether it is *this*.[1] And there is generally more difficulty in the establishment than in the application of a definition. In determining what a thing is, there are two things which require to be done: we must establish our own definition and destroy that of our opponent. Consequently in the schools, where we ourselves 20
imagine our opponent's reply, we have to introduce two definitions, which should suit the respective sides of the case as well as it is in our power to make them. But in the courts we must give careful consideration to the question whether our definition may not be superfluous and irrelevant or ambiguous or inconsistent or even of no less service to our opponents than to ourselves, since it will be the fault of the pleader if any of these errors occur. On the other hand, we shall ensure the right definition, 21
if we first make up our minds what it is precisely that we desire to effect: for, this done, we shall be able to suit our words to serve our purpose. To make my meaning clearer, I will follow my usual practice and quote a familiar example. "A man who has stolen private money from a temple is accused of sacrilege." There is no doubt about his 22
guilt; the question is whether the name given by the law applies to the charge. It is therefore debated whether the act constitutes sacrilege. The accuser employs this term on the ground that the money was stolen from a temple: the accused denies that the act is sacrilege, on the ground that the money stolen was private property, but admits that

sit? Accusator, quia de templo surrepta sit pecunia, utitur hoc nomine. Reus, quia privatam surripuerit, negat esse sacrilegium sed furtum fatetur. Actor ergo ita finiet, *Sacrilegium est surripere aliquid de sacro;* Reus, *Sacrilegium est surripere aliquid*[1] *sacri.*
23 Uterque finitionem alterius impugnat. Ea duobus generibus evertitur, si aut falsa est aut parum plena. Nam illud tertium nisi stultis non accidit, ut nihil
24 ad quaestionem pertineat. [Falsa est, si dicas, *Equus animal rationale;* nam est equus animal sed irrationale. Quod autem commune cum alio est, desinet esse proprium.][2] Hic reus falsam dicit esse finitionem accusatoris, accusator autem non potest dicere falsam rei; nam est sacrilegium *surripere aliquid sacri;* sed dicit parum plenam, adiiciendum enim *aut ex sacro.*
25 Maximus autem usus in approbando refellendoque fine propriorum ac differentium, nonnunquam etiam etymologiae. Quae tamen omnia, sicut in ceteris, confirmat aequitas, nonnunquam et coniectura mentis. Etymologia maxime rare est: *Quid enim est aliud tumultus, nisi perturbatio tanta, ut maior timor*
26 *oriatur? Unde etiam nomen ductum est tumultus.* Circa propria ac differentia magna subtilitas, ut cum quae-

[1] de sacro . . . aliquid, *added by early editors.*
[2] Falsa . . . proprium, *expunged by Gesner.*

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[1] Conjecture is here used in the ordinary sense, not the technical.
[2] Cic. *Phil.* VIII. i. 3. *Tumultus* is here used by Cicero in its special sense, civil war or Gallic invasion. He derives it from *timor multus.* [3] *cp.* III. vi. 25.

it is theft. The prosecutor will therefore give the following definitions, "It is sacrilege to steal anything from a sacred place." The accused will reply with another definition, "It is sacrilege to steal something sacred." Each impugns the other's definition. A definition may be overthrown on two 23
grounds: it may be false or it may be too narrow. There is indeed a possible third ground, namely irrelevance, but this is a fault which no one save a fool will commit. [It is a false definition if you say, 24
"A horse is a rational animal," for though the horse is an animal, it is irrational. Again, a thing which is common to something else cannot be a property of the thing defined.] In the case under discussion, then, the accused alleges that the definition given by the accuser is false, whereas the accuser cannot do the same by his opponent's definition, since to steal a sacred object is undoubtedly sacrilege. He therefore alleges that the definition is too narrow and requires the addition of the words "or from a sacred place." But the most effective method of 25
establishing and refuting definitions is derived from the examination of properties and differences, and sometimes even from considerations of etymology, while all these considerations will, like others, find further support in equity and occasionally in conjecture.[1] Etymology is rarely of assistance, but the following will provide an example of its use. "For what else is a 'tumult' but a disturbance of such violence as to give rise to abnormal alarm? And the name itself is derived from this fact."[2] Great 26
ingenuity may be exercised with regard to properties and differences, as for instance in the question whether a person assigned to his creditor for debt,[3]

ritur an addictus, quem lex servire, donec solverit, iubet, servus sit. Altera pars finit ita, *Servus est, qui est iure in servitute ;* altera, *qui in servitute est eo iure, quo servus,* aut, ut antiqui dixerunt, *qui servitutem servit.* Quae finitio, etiamsi distat aliquo, nisi tamen
27 propriis et differentibus adiuvatur, inanis est. Dicet enim adversarius, servire eum servitutem aut eo iure quo servum. Videamus ergo propria et differentia, quae libro quinto leviter in transitu attigeram. Servus, cum manumittitur, fit libertinus, addictus recepta libertate ingenuus ; servus invito domino libertatem non consequetur, addictus soluendo citra voluntatem domini consequetur :[1] ad servum nulla lex pertinet, addictus legem habet. Propria liberi, quod nemo habet nisi liber, praenomen, nomen, cognomen, tribum ; habet haec addictus.

28 Excusso quid sit, prope peracta est quaestio, an hoc sit. Id enim agimus ut sit causae nostrae conveniens finitio. Potentissima est autem in ea qualitas, an amor insania. Huc pertinebunt probationes, quas

addictus . . . consequetur, *added by Regius.*

[1] v. x. 60.

who is condemned by the law to remain in a state of servitude until he has paid his debt, is actually a slave. One party will advance the following definition, "A slave is one who is legally in a state of servitude." The other will produce the definition, "A slave is one who is in a state of servitude on the same terms as a slave (or, to use the older phrase, 'who serves as a slave')." This definition, though it differs considerably from the other, will be quite useless unless it is supported by properties and differences. For the opponent will say that the 27
person in question is actually serving as a slave or is legally in a state of servitude. We must therefore look for properties and differences, to which in passing I devoted a brief discussion in my fifth book.[1] A slave when manumitted becomes a freedman: a man who is assigned for debt becomes a free man on the restoration of his liberty. A slave cannot acquire his freedom without the consent of his master: a man assigned for debt can acquire it by paying his debt without the consent of his master being necessary. A slave is outside the law; a man assigned for debt is under the law. Turning to properties, we may note the following which are possessed by none save the free, the three names (praenomen, nomen and cognomen) and membership of a tribe, all of which are possessed by the man assigned for debt.

By settling what a thing is we have come near 28
to determining its identity, for our purpose is to produce a definition that is applicable to our case. Now the most important element in a definition is provided by quality, as, for example, in the question whether love be a form of madness. To this point

Cicero dicit proprias esse finitionis, ex antecedentibus, consequentibus, adiunctis, repugnantibus, causis, effectis, similibus; de quorum argumentorum natura
29 dictum est. Breviter autem pro Caecina Cicero initia, causas, effecta, antecedentia, consequentia complexus est: *Quid igitur fugiebant? Propter metum Quid metuebant? Vim videlicet. Potestis igitur principia negare, cum extrema concedatis?* Sed similitudine quoque usus est, *Quae vis in bello appellatur, ea in otio non*
30 *appellabitur?* Sed etiam ex contrario argumenta ducuntur, ut si quaeratur, amatorium venenum sit necne; quia venenum amatorium non sit.

Illud alterum genus quo sit manifestius adolescentibus meis (meos enim semper adolescentes putabo),
31 hic quoque fictae controversiae utar exemplo. *Iuvenes, qui convivere solebant, constituerunt, ut in litore cenarent. Unius, qui cenae defuerat, nomen tumulo, quem exstruxerant, inscripserunt. Pater eius, a transmarina peregrinatione cum ad litus idem appulisset, lecto nomine*
32 *suspendit se. Dicuntur ii causa mortis fuisse.* Hic finitio est accusatoris, *Per quem factum est, ut quis*

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[1] *Top.* xxiii. 88.
[2] v. x. 73.
[3] xv. 44.
[4] xv. 43.

in our procedure belong those proofs which according to Cicero[1] are peculiar to definition, that is, proofs drawn from antecedents, consequents, adjuncts, contraries, causes, effects and similarities, with the nature of which I have already dealt.[2] I will, however, quote a passage from the *pro Caecina*[3] in which Cicero includes brief proofs drawn from origins, causes, effects, antecedents and consequents: "Why then did they fly? Because they were afraid. What were they afraid of? Obviously of violence. Can you then deny the beginning, when you have admitted the end?" But he also argued from similarity:[4] "Shall not that which is called violence in war be called violence in peace as well?" Arguments may also be drawn from contraries, as for instance in the question whether a love-potion can be a poison, in view of the fact that a poison is not a love-potion. 29 30

In order that my young students (and I call them mine, because the young student is always dear to me) may form a clearer conception of this second kind of definition, I will once more quote a fictitious controversial theme. "Some young men who were in the habit of making merry together decided to dine on the sea-shore. One of their party failed to put in an appearance, and they raised a tomb to him and inscribed his name thereon. His father on his return from overseas chanced to land at this point of the shore, read the name and hung himself. It is alleged that the youths were the cause of his death." The definition produced by the accuser will run as follows: "The man whose act leads to another's death is the cause of his death." The definition given by the accused will be, "He who wittingly commits an act which must necessarily lead 31 32

perierit, causa mortis est; rei est, *Qui fecit quid sciens, per quod perire homini necesse est.* Remota finitione accusatori sat est dicere, *Causa mortis fuistis; per vos enim factum est, ut homo periret; quia, nisi vos illud*
33 *fecissetis, viveret.* Contra, *Non statim, per quem factum est, ut quis periret, is damnari debet, ut accusator, testis, iudex rei capitalis. Nec undecunque causa fluxit, ibi culpa est: ut si quis profectionem suaserit aut amicum arcessierit trans mare et is naufragio perierit, ad cenam*
34 *invitarit et is cruditate illic contracta decesserit. Nec fuerit in causa mortis solum adolescentium factum sed credulitas senis, in dolore ferundo infirmitas; denique, si fortior fuisset aut prudentior, viveret. Nec mala mente fecerunt; et ille potuit vel ex loco tumuli vel ex opere tumultuario suspicari non esse monumentum. Qui ergo puniri debent, in quibus omnia absunt*[1] *homicidae praeter manum?*

35 Est interim certa finitio, de qua inter utramque partem convenit: ut Cicero dicit, *Maiestas est in imperii atque in nominis populi Romani dignitate.* Quaeritur tamen, *an maiestas minuta sit,* ut in causa Corne-

[1] absunt, *Teuffel*: sunt, *MSS.*

[1] *Part. Or.* xxx. 105. *maiestatem imminuere* = to commit lèse-majesté or treason.

to another's death, is the cause of his death." Without any formal definition it would be sufficient for the accuser to argue as follows: "You were the cause of his death, for it was your act that led to his death: but for your act he would still be alive." To which the accused might answer, "It 33
does not necessarily follow that the man whose act leads to another's death should be condemned forthwith. Were this so, the accuser, witnesses and judges in a capital case would all be liable to condemnation. Nor is the cause of death always a guilty cause. Take for instance the case of a man who persuades another to go on a journey or sends for his friend from overseas, with the result that the latter perishes in a shipwreck, or again the case of a man who invites another to dine, with the result that the guest dies of indigestion. Nor 34
is the act of the young men to be regarded as the sole cause of death. The credulity of the old man and his inability to bear the shock of grief were contributory causes. Finally, had he been wiser or made of sterner stuff, he would still be alive. Moreover the young men acted without the least thought of doing harm, and the father might have suspected from the position of the tomb and the traces of haste in its construction that it was not a genuine tomb. What ground then is there for condemning them, for everything else that constitutes homicide is lacking save only the contributory act?"

Sometimes we have a settled definition on which 35
both parties are agreed, as in the following example from Cicero:[1] "Majesty resides in the dignity of the Roman power and the Roman people." The question however, is, whether that majesty has been

lii quaesitum est. Sed hic etiamsi[1] videri potest finitiva, tamen quia de finitione non ambigitur, iudicatio est qualitatis atque ad eum potius statum reducenda, ad cuius forte quidem venimus mentionem, sed erat ordine proximus locus.

IV. Est autem qualitas alia de summo genere atque ea quidem non simplex. Nam et qualis sit cuiusque rei natura et quae forma quaeritur: an immortalis anima, an humana specie deus; et de magnitudine ac numero, quantus sol, an unus mundus. Quae omnia coniectura quidem colliguntur, quaestionem tamen habent in eo, qualia sint? 2 Haec et in suasoriis aliquando tractari solent, ut, si Caesar deliberet, an Britanniam impugnet, quae sit Oceani natura, an Britannia insula (nam tum ignorabatur), quanta in ea terra, quo numero militum aggredienda, in consilium ferendum sit. Eidem qualitati succedunt facienda ac non facienda, appetenda, vitanda; quae in suasorias quidem maxime cadunt, sed in controversiis quoque sunt frequentia, hac sola differentia, quod illic de futuris hic de factis 3 agitur. Item demonstrativae partis omnia sunt in

[1] etiamsi, *Christ*: etiam similis, *MSS.*

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[1] No fragments of the *pro Cornelio* contain any trace of this.
[2] See III. vi. 31, *sqq.* [3] See III. iv. 12 *sqq.*

impaired, as for example in the case of Cornelius.[1] But even although the case may seem to turn on definition, the point for decision is one of quality, since there is no doubt about the definition, and must be assigned to the *qualitative basis.*[2] It is a mere accident that I have come to mention quality at this moment, but in point of fact quality is the matter that comes next in order for discussion.

IV. In speaking of quality we sometimes use the word in its most general sense, which covers a number of different questions. For we enquire sometimes into the nature and form of things: as for instance whether the soul is immortal or whether god is to be conceived of in human form. Sometimes, on the other hand, the question turns on size and number, as, for instance, what is the size of the sun or whether there are more worlds than one. In all these cases we arrive at our conclusions by conjecture, yet each involves a question of quality. Such questions are sometimes treated in deliberative themes: for example, if Caesar is deliberating whether to attack Britain, he must enquire into the nature of the Ocean, consider whether Britain is an island (a fact not then ascertained), and estimate its size and the number of troops which he will require for the invasion. Under the same head of quality fall questions whether certain things should be done or not and certain objects sought or avoided: such topics are specially adapted for deliberative themes, but occur with some frequency in controversial themes as well, the only difference being that in the latter we deal with what is past and in the former with the future. Similarly all the topics of demonstrative[3] oratory involve a *qualitative basis.* 2 3

hoc statu: factum esse constat, quale sit factum quaeritur. Lis est omnis aut de praemio aut de poena aut de quantitate. Igitur[1] genus causae aut simplex aut comparativum. Illic, quid aequum, hic, quid aequius aut quid aequissimum sit, excutitur. Cum de poena iudicium est, a parte eius, qui causam dicit, aut defensio est criminis aut imminutio aut excusatio aut, ut quidam putant, deprecatio.

4 Defensio longe potentissima est, qua ipsum factum, quod obiicitur, dicimus honestum esse. Abdicatur aliquis, quod invito patre militarit, honores petierit, uxorem duxerit: tuemur, quod fecimus. Hanc partem vocant Hermagorei κατ' ἀντίληψιν, ad intellectum id nomen referentes. Latine ad verbum translatam non invenio; absoluta appellatur. Sed
5 enim de re sola quaestio, iusta sit ea necne. Iustum omne continetur natura vel constitutione; natura,
6 quod fit secundum cuiusque rei dignitatem. Hinc sunt pietas, fides, continentia et talia. Adiiciunt et id, quod sit par. Verum[2] id non temere intuendum est: nam et vis contra vim et talio nihil habent adversum eum, qui prior fecit, iniusti; et non, quoniam res pares sunt, etiam id est iustum, quod antecessit. Illa utrinque iusta, eadem lex, eadem

[1] igitur, *early edd.*: agitur, *A*: egrum, *G*.
[2] sit par. Verum, *Regius*: sit pūsum, *MSS*.

[1] ἀντίληψις is the technical term for this form of defence which turns not on the facts, but on the justice of the case. The meaning of *ad intellectum id nomen referentes* is obscure. If the words are correct (and no satisfactory correction seems possible), their meaning must be that the defence turns not on the act, but on its significance and equity. If any change is made in the text, the simplest course is to delete the words as a gloss which has crept into the text.

The facts are admitted, and the question turns on their quality, the dispute being entirely concerned with rewards or penalties or their quantity. The case is therefore of two kinds, simple or comparative, the former dealing with what is just, the latter with what is juster, or most just. When the point for decision is the penalty to be inflicted, the duty of the pleader will be to defend, extenuate or excuse the act on which the charge is based, or even, according to some, to plead for mercy.

By far the strongest line that can be taken in 4
defence is to assert that the act which forms the subject of the charge is actually honourable. A man is disinherited because he went on military service, stood for office or married without his father's consent. We defend this act. This form of defence is called κατ' ἀντίληψιν by the followers of Hermagoras, that is, defence by objection, the term being used with reference to the purport of the defendant's plea.[1] I can find no exact Latin translation of the term; we call it an absolute defence. But in such cases the question is concerned with the justice or injustice of the act alone. Justice is 5
either natural or conventional. Natural justice is found in actions of inherent worth. Under this 6
head come the virtues of piety, loyalty, self-control and the like. To these some add the rendering of like for like. But this view must not be adopted without consideration: for to retaliate, or meet violence with violence on the one hand, does not imply injustice on the part of the aggressor, while on the other hand it does not follow that the first act was just merely because the two acts were alike. In cases where there is justice on both sides, the

condicio; ac forsitan ne sint quidem paria, quae ulla parte sunt dissimilia. Constitutio est in lege, more, iudicato, pacto.

7 Alterum est defensionis genus, in quo factum per se improbabile adsumptis extrinsecus auxiliis tuemur; id vocant *κατ' ἀντίθεσιν*. Latine hoc quoque non ad verbum transferunt, adsumptiva enim dicitur causa.

8 In quo genere fortissimum est, si crimen causa facti tuemur, qualis est defensio Orestis, Horatii, Milonis. *Ἀντέγκλημα* dicitur, quia omnis nostra defensio constat eius accusatione, qui vindicatur: *Occisus est, sed*

9 *latro; excaecatus, sed raptor.* Est et illa ex causis facti ducta defensio priori contraria, in qua neque factum ipsum per se, ut in absoluta quaestione, defenditur neque ex contrario facto, sed ex aliqua utilitate aut rei publicae aut hominum multorum aut etiam ipsius adversarii, nonnunquam et nostra, si modo id erit, quod facere nostra causa fas sit; quod sub extrario accusatore et legibus agente prodesse

[1] *i.e.* from motives derived from facts lying outside the actual case.

two parties must both come under the same law and the same conditions, and it would not perhaps be untrue to say that things can never be spoken of as like if there is any point in which they are dissimilar. Convention, on the other hand, is to be found in laws, customs, legal precedents and agreements.

7 There is another form of defence by which we defend an act in itself indefensible by arguments drawn from without.[1] This the Greeks call *κατ' ἀντίθεσιν*, by opposition. Here again there is no Latin equivalent, since we call it defence by assumption. 8 The strongest line to take in this form of defence is to defend the act forming the subject of the charge by appealing to its motive. An example of this is provided by the defence put forward on behalf of Orestes, Horatius or Milo. The term *ἀντέγκλημα*, or counter-accusation, is employed when our defence consists entirely in accusing the person whom our opponents are seeking to vindicate. "He was killed, but he was a robber; he was blinded, but he was a ravisher." 9 There is another form of defence based on an appeal to the motives of the act which is the opposite of that which I have just described It consists not in defending the act *per se*, as we do when we employ the absolute defence, nor in opposing another act to it, but in appealing to the interests of the State, of a number of persons, of our opponent himself or finally at times of ourselves, provided always that the act in question is such as we might lawfully do in our own interests. If, however, the accuser is a stranger and insists on the letter of the law, this form of defence will invariably be useless, though it may

nunquam potest, in domesticis disceptationibus po-
10 test. Nam et filiis pater in iudicio abdicationis et maritus uxori, si malae tractationis accusabitur, et patri filius, si dementiae causa erit, non inverecunde dicet multum sua interfuisse. In quo tamen incommoda vitantis melior quam commoda petentis
11 est causa. Quibus similia etiam in vera rerum quaestione tractantur. Nam quae in scholis abdicatorum, haec in foro exheredatorum a parentibus et bona apud centumviros repetentium ratio est; quae illic malae tractationis, hic rei uxoriae, cum quaeritur utrius culpa divortium factum sit; quae illic
12 dementiae, hic petendi curatoris. Subiacet utilitati etiam illa defensio, si peius aliquid futurum fuit. Nam in comparatione malorum boni locum obtinet levius: ut si Mancinus foedus Numantinum sic defendat, quod periturus, nisi id factum esset, fuerit exercitus. Hoc genus ἀντίστασις Graece nominatur, comparativum nostri vocant.

13 Haec circa defensionem facti; quae si neque per

serve our turn if the dispute is of a domestic character. For example, in a suit concerned 10
with the question of disinheritance a father may, without reflecting on himself, say to his sons that his act was of importance to his own interests, and the same plea may be urged by a husband accused of cruelty by his wife or a son who alleges that his father is insane. But in such cases the position of the man who seeks to avoid loss is stronger than that of him who aims at positive advantage. Precisely similar methods are 11
also employed in questions that occur in real life. For the scholastic themes concerned with the disowning of children are on exactly the same footing as the cases of sons disinherited by their parents which are tried in the public courts, or of those claims for the recovery of property which are tried in the centumviral court: themes dealing with cruelty find an actual parallel in those cases in which the wife claims the restoration of her dowry, and the question is whose fault it was that led to the divorce: and again the theme where the son accuses his father of madness has its analogy in cases where a suit is brought for the appointment of a guardian. Under 12
the same heading as the appeal to public or personal interest comes the plea that the act in question prevented the occurrence of something worse. For in a comparison of evils the lesser evil must be regarded as a positive good: for example, Mancinus may defend the treaty made with the Numantines on the ground that it saved the army from annihilation. This form of defence is called *ἀντίστασις* by the Greeks, while we style it defence by comparison.

Such are the methods by which we may 13

se ipsa nec adhibitis auxiliis dabitur, proximum est in alium transferre crimen, si possumus. Ideoque etiam in hos, qui citra scriptum [1] sunt, status visa est cadere translatio Interdum ergo culpa in hominem relegatur, ut si Gracchus reus foederis Numantini, cuius metu leges populares tulisse in tribunatu vide-
14 retur,[2] missum se ab imperatore suo diceret. Interim derivatur in rem, ut si is, qui testamento quid iussus non fecerit, dicat per leges id fieri non potuisse. Hoc μετάστασιν dicunt.

Hinc quoque exclusis excusatio superest. Ea est aut ignorantiae, ut si quis fugitivo stigmata scripserit eoque ingenuo iudicato neget se liberum esse scisse; aut necessitatis, ut cum miles ad commeatus diem non adfuit et dicit se fluminibus interclusum aut
15 valetudine. Fortuna quoque saepe substituitur culpae. Nonnunquam male fecisse nos sed bono animo dicimus. Utriusque rei multa et manifesta exempla sunt; idcirco non est eorum necessaria expositio.

[1] citra scriptum, *Christ*: etiam scriptum, *AG.*
[2] videretur, *Halm*: videntur, *AG.*

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[1] *i. e.* there are no legal grounds for alleging that the court is not competent to try the case, or the accuser to bring the charge, etc. See III. vi. 53, 78.

defend an act. If it is impossible to defend an act either on its merits or with the assistance of arguments from without, the next best course will be to shift the charge, if possible, to another. It is for this reason that the *basis* of *competence* has been held to apply even to those who cannot plead the letter of the law in this connexion.[1] In some cases, then, the blame will be thrown on a person: for example, Gracchus, when accused of making the treaty with the Numantines (and it was fear of this accusation that seems to have led him to bring forward the democratic laws of his tribuneship) may plead that he made it as the representative of his commander-in-chief. At times, on the 14
other hand, the blame may be shifted to some thing: for instance, a person who has failed to comply with some testamentary injunction may plead that the laws forbade such compliance. The Greek term for such shifting is μετάστασις.

If these methods of defence are out of the question, we must take refuge in making excuses. We may plead ignorance. For example, if a man has branded a runaway slave and the latter is subsequently adjudged to be a free man, he may deny that he was cognisant of the truth. Or we may plead necessity; for instance, if a soldier overstays his leave, he may plead that his return was delayed by floods or ill health. Again, the 15
blame is often cast upon fortune, while sometimes we assert that, although we undoubtedly did wrong, we did so with the best intentions. Instances of these two latter forms of excuse are, however, so numerous and obvious that there is no need for me to cite them here.

Si omnia, quae supra scripta sunt, deerunt, videndum, an imminui culpa possit. Hic est ille, qui
16 a quibusdam fieri solet, status quantitatis. Sed ea cum sit aut poenae aut honoris, ex qualitate facti constituitur, eoque nobis sub hoc esse statu videtur sicut eius quoque, quae ad numerum refertur a Graecis. Nam et *πηλικότητα* et *ποσότητα* dicunt, nos utrumque appellatione una complectimur.

17 Ultima est deprecatio, quod genus causae plerique negarunt in iudicium unquam venire. Quin Cicero quoque pro Q. Ligario idem testari videtur, cum dicit, *Causas, Caesar, egi multas equidem tecum, dum te in foro tenuit ratio honorum tuorum, certe nunquam hoc modo: Ignoscite, iudices, erravit, lapsus est, non puta-*
18 *vit, si unquam posthac,* et cetera. In senatu vero et apud populum et apud principem et ubicunque iuris clementia est, habet locum deprecatio. In qua plurimum valent ex ipso, qui reus est, haec tria; vita praecedens, si innocens, si bene meritus, si spes in futurum innocenter victuri et in aliquo usu futuri;

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[1] *cp.* III. vi. 23, 51, 53.
[2] *ποσότης* = quantity with reference to number; *πηλικότης* = quantity with reference to magnitude.
[3] *Pro Lig.* x. 30.

If all the above-mentioned resources prove unavailable, we must see whether it may not be possible to extenuate the offence. It is here that what some call the *quantitative basis*[1] comes into play. But when quantity is considered in refer- 16
ence to punishment or reward, it is determined by the quality of the act, and therefore in my opinion comes under the *qualitative basis*, as also does quantity which is used with reference to number by the Greeks, who distinguish between ποσότης and πηλικότης[2]: we, however, have only one name for the two.

In the last resort we may plead for mercy, a though 17
most writers deny that this is ever admissible in the courts.[3] Indeed Cicero himself seems to support this view in his defence of Quintus Ligarius where he says, "I have pleaded many causes, Caesar, some of them even in association with yourself, so long as your political ambitions prevented you from abandoning the bar, but never have I pleaded in words such as these, 'Forgive him, gentlemen, he erred, he made a slip, he did not think that it mattered, he will never do it again,'" and so on. On the other 18
hand, in addressing the senate, the people, the emperor or any other authority who is in a position to show clemency, such pleas for mercy have a legitimate place. In such cases there are three points based on the circumstances of the accused which are most effective. The first is drawn from his previous life, if he has been blameless in his conduct and deserved well of the state, or if there is good hope that his conduct will be blameless for the future and likely to be of some use to his fellow men; the second is operative if it appears that he has been sufficiently

praeterea si vel aliis incommodis vel praesenti periculo vel paenitentia videatur satis poenarum dedisse; extra nobilitas, dignitas, propinqui, amici.

19 In eo tamen qui cognoscit plurimum ponendum, si laus eum misericordis potius quam reprehensio dissoluti consecutura est. Verum et in iudiciis, etiamsi non toto genere causae, tamen ex parte magna hic locus saepe tractatur. Nam et divisio frequens est, etiamsi fecisset, ignoscendum fuisse idque in causis dubiis saepe praevaluit, et epilogi omnes in eadem
20 fere materia versari solent. Sed nonnunquam etiam rei totius hic summa constituta. An[1] vero si exheredatum a se filium pater testatus fuerit elogio, propterea quod is meretricem amaverit, non omnis hic erit quaestio, an huic delicto pater debuerit ignoscere et centumviri tribuere debeant veniam? Sed etiam in formulis, cum poenariae sunt actiones, ita causam partimur, an commissa sit poena, an exigi debeat. Id autem, quod illi viderunt, verum est, reum a iudicibus hoc defensionis modo liberari non posse.

21 De praemiis autem quaeruntur duo: an ullo sit

[1] constituta. An, *Zumpt*: constitutam, *G*: constituta iam *A*.

punished already on the ground that he has suffered other misfortunes, or that his present peril is extreme, or that he has repented of his sin; while thirdly we may base his appeal on his external circumstances, his birth, his rank, his connexions, his friendships.

It is, however, on the judge that we shall pin our 19
highest hopes, if the circumstances be such that acquittal will result in giving him a reputation for clemency rather than for regrettable weakness. But even in the ordinary courts appeals for mercy are frequently employed to a large extent, although they will not colour the whole of our pleading. For the following form of division is common:—"Even if he had committed the offence, he would have deserved forgiveness," a plea which has often turned the balance in doubtful cases, while practically all perorations contain such appeals. Sometimes 20
indeed the whole case may rest on such considerations. For example, if a father has made an express declaration that he has disinherited his son because he was in love with a woman of the town, will not the whole question turn on the point whether it was the father's duty to pardon such an offence and whether it is the duty of the centumviral court to overlook it? Nay, even in penal prosecutions governed by strict forms of law we raise two separate questions: first whether the penalty has been incurred, and secondly whether, if so, it ought to be inflicted. Still the view of the authorities to whom I have referred that an accused person cannot be saved from the clutches of the law by this method of defence is perfectly correct.

With regard to rewards, there are two questions 21
which confront us: namely, whether the claimant is

dignus, qui petit, an tanto; ex duobus, uter dignior; ex pluribus, quis dignissimus. Quorum tractatus ex ipso meritorum genere ducuntur. Et intuebimur non rem tantum, sive adleganda sive comparanda erit, sed personam quoque; nam et multum interest, tyrannum iuvenis occiderit an senex, vir an femina,
22 alienus an coniunctus; et locum multipliciter, in civitate tyrannis assueta an libera semper, in arce an domi; et quomodo factum sit, ferro an veneno; et quo tempore, bello an pace, cum depositurus esset eam potestatem an cum aliquid novi sceleris ausurus. Habent in meritis gratiam periculum quoque et
23 difficultas. Similiter liberalitas a quo profecta sit, refert. Nam in paupere gratior quam in divite, dante beneficium quam reddente, patre quam orbo. Item in quam rem dederit et quo tempore et quo animo, id est, num in aliquam spem suam; similiter alia. Et ideo qualitas maxime oratoris recipit operam, quia in utramque partem plurimum

deserving of any reward, and, if so, whether he deserves so great a reward. If there are two claimants, we have to decide which is the more worthy of the two ; if there are a number, who is the most worthy. The treatment of these questions turns on the kind of merit possessed by the claimants. And we must consider not merely the act (whether it has merely to be stated or has to be compared with the acts of others), but the person of the claimant as well. For it makes a great difference whether a tyrannicide be young or old, man or woman, a stranger or a connexion. The place may also be discussed in a number 22
of ways: was the city in which the tyrant was killed one inured to tyranny or one which had always been free? was he killed in the citadel or in his own house? The means, too, and the time call for consideration: was he killed by poison or the sword? was he killed in time of peace or war, when he was intending to lay aside his power or to venture on some fresh crime? Further, in considering the 23
question of merit, the danger and difficulty of the act will carry great weight, while with regard to liberality it will similarly be of importance to consider the character of the person from whom it proceeds. For liberality is more pleasing in a poor man than in a rich, in one who confers than in one who returns a benefit, in a father than in a childless man. Again, we must consider the immediate object of the gift, the occasion and the intention, that is to say, whether it was given in the hope of subsequent profit; and so on with a number of similar considerations. The question of *quality* therefore makes the highest demands on the resources of oratory, since it affords the utmost scope for a display of talent on either side,

est ingenio loci, nec usquam tantum adfectus valent.
24 Nam coniectura extrinsecus quoque adductas frequenter probationes habet et argumenta ex materia sumit; quale quidque videatur eloquentiae est opus; hic regnat, hic imperat, hic sola vincit.

Huic parti subiungit Verginius causas abdicationis, dementiae, malae tractationis, orbarum nuptias indicentium. Nam et fere sic accidit, inventique sunt,
25 qui has materias officiorum vocarent. Sed alios quoque nonnunquam leges hae recipiunt status. Nam et coniectura est aliquando in plerisque horum, cum se vel non fecisse vel bona mente fecisse contendunt. Cuius generis exempla sunt multa. Et quid sit dementia ac mala tractatio, finitur. Nam leges iuris[1] plerumque quaestiones praecurrere solent, sed[2] ex
26 quibus causae non fiat status. Quod tamen facto defendi non poterit, iure nitetur: et quot et quibus causis abdicare non liceat, et in quae crimina malae tractationis actio non[3] detur, et cui accusare dementiae non permittatur.

[1] leges iuris, *Spalding*: iuris leges, *MSS.*
[2] sed, *Spalding*: et, *MSS.*
[3] non, *added by Obrecht.*

[1] The general sense of 25 and 26 is clear. These cases do not always come under the *status qualitatis:* they not infrequently come under the *status coniecturalis* and *finitivus.* They cannot, however, strictly be said to come under the *status legalis,* since although the *leges* of such scholastic themes do involve certain questions of law, these are not such as to constitute the *status legalis.* Still in the last resort such cases may be argued on legal grounds. The text adopted for the

while there is no topic in which the emotional appeal is so effective. For *conjecture* has often to introduce 24
proofs from without and uses arguments drawn from the actual subject matter, whereas the real task of eloquence is to demonstrate *quality*: there lies its kingdom, there its power, and there its unique victory.

Verginius includes under *quality* cases concerned with disinheritance, lunacy, cruelty to a wife, and claims of female orphans to marry relatives. The questions thus involved are, it is true, frequently questions of *quality*, while some writers style them questions of *moral obligation*. But the laws governing 25
these cases sometimes admit of other *bases*. For example, *conjecture* is involved in quite a number of such cases, as when the accused urges either that he did not commit the act or, if he did, acted with the best intentions. I could quote many examples of this kind. Again, it is definition which tells us what precisely is meant by lunacy or cruelty to a wife.[1] For as a rule the laws cited in such themes involve certain legal questions, though not to such an extent as to determine the *basis* of the case. But this not- 26
withstanding, if the actual fact cannot be defended, we may in the last resort base our defence on legal grounds, in which case we shall consider how many and what cases there are in which a father may not disinherit his son, what charges fail to justify an action for cruelty, and under what circumstances a son is not allowed to accuse his father of lunacy.

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last sentence of 25 is that which involves the least change, but it is highly obscure and the corruption may well lie deeper still. For the whole question of *bases*, which is highly technical, see III, vi.

27 Abdicationum formae sunt duae, altera criminis perfecti, ut si abdicetur raptor, adulter, altera velut pendentis et adhuc in condicione positi, quales sunt, in quibus abdicatur filius, quia non pareat patri. Illa semper asperam abdicantis actionem habet; immutabile est enim, quod factum est; haec ex parte blandam et suadenti similem; mavult enim pater[1] non abdicare; at pro filiis in utroque genere summis-
28 sam et ad satisfaciendum compositam. A quo dissensuros scio, qui libenter patres figura laedunt; quod non ausim dicere nunquam esse faciendum, potest enim materia incidere, quae hoc exigat; certe vitandum est, quotiens aliter agi potest. Sed de figuris alio
29 libro tractabimus. Non dissimiles autem abdicationum actionibus sunt malae tractationis actiones; nam et ipsae habent eandem in accusationibus moderationem. Dementiae quoque iudicia aut propter id, quod factum est, aut propter id quod adhuc fieri
30 vel non fieri potest instituuntur. Et actor in eo, quod factum est, liberum habet impetum, sic tamen ut factum accuset, ipsius patris tanquam valetudine lapsi misereatur; in eo vero, cuius libera mutatio est,

[1] pater non abdicare, *Spalding*: pater abdicare, *G.*: quam abdicare, *A.*: pater corrigere quam abdicare, *cod. Monac and early edd.*

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[1] Literally *conditional*. The sense, however, is that the disinheritance is only conditional on the disobedience being continued.

[2] Book IX. See especially IX. ii. 65 sqq.

Disinheritance may be of two kinds. In the first 27
case it is for a completed crime: for example, the son who is disinherited may be a ravisher or an adulterer: in the second case it is for a crime which is still incomplete and terminable[1]; an instance of this will be the case where the son is disinherited because of disobedience to his father. The first form of disinheritance always demands a certain harshness when the father pleads his case, since the act is irrevocable, whereas in the latter his pleading will be of a kindly and almost persuasive nature, since he would prefer not to disinherit him. On the other hand, the pleading of the sons should in both cases be of a subdued character and couched in a conciliatory tone. I know that those who delight in making 28
covert attacks upon the father under the disguise of some figure of speech will disagree with me: and I would not deny that their procedure may sometimes be justifiable, since the theme may conceivably be such as to demand it; but it is certainly to be avoided wherever possible. However, I shall deal with the whole question of figures in a later book.[2] The treatment of the theme of cruelty to a 29
wife is not unlike that of the theme of disinheritance; for both demand a certain moderation on the part of the accuser. Cases concerned with lunacy arise either out of what has been done or out of something which may or may not be done in the future. In the former case the pleader is free to 30
attack as he will, but must none the less do so in such a manner that, while denouncing the act, he will yet express pity for the father on the ground that he has erred by reason of his infirmity. On the other hand, in the latter case, where the act has not

diu roget et suadeat et novissime dementiam rationi queratur obstare, non mores: quos quanto magis in praeteritum laudaverit, tanto facilius probabit morbo
31 esse mutatos. Reus, quotiens causa patietur, debebit esse in defensione moderatus, quia fere ira et concitatio furori sunt similia. Omnibus his commune est, quod rei non semper defensione facti, sed excusatione ac venia frequenter utuntur. Est enim domestica disceptatio, in qua et semel peccasse et per errorem et levius, quam obiiciatur, absolutioni nonnunquam sufficit.

32 Sed alia quoque multa controversiarum genera in qualitatem cadunt. Iniuriarum; quanquam enim reus aliquando fecisse negat, plerumque tamen haec
33 actio facto atque animo continetur. De accusatore constituendo, quae iudicia divinationes vocantur; in quo genere Cicero quidem, qui mandantibus sociis Verrem deferebat,[1] hac usus est divisione, spectandum a quo maxime agi velint ii quorum de ultione quaeritur, a quo minime velit is qui accusatur.
34 Frequentissimae tamen hae sunt quaestiones, uter

[1] deferebat, *Halm*: defendebant, *AG.*: accusabat contra eos qui eum defendebant, *2nd hand of A and early edd.*

yet taken place and there is nothing to prevent the father changing his purpose, he must begin by a prolonged attempt to induce him to change his mind, and then, and only then, complain that it is madness and not depravity of character that prevents him from listening to the voice of reason; and the more he praises his past character, the easier will it be to prove the change which it has undergone owing to the inroads of the disease. The accused, wherever 31
possible, must assume a temperate tone in his defence, for the reason that as a rule anger and excitement are near akin to madness. All these cases have this much in common, that the accused does not always defend his act, but often pleads excuse and asks for pardon. For these are domestic quarrels, in which the fact that the offence is an isolated case, due to error and of a less serious character than alleged, will sometimes suffice to secure an acquittal.

There are, however, a number of other contro- 32
versial themes involving *quality*, as, for example, cases of *assault*. In these, although at times the accused denies that he committed the assault, the pleading as a rule is concerned with fact and intention. Then there are cases concerned with the 33
appointment of a prosecutor, which are known as *divinations*. In this connexion Cicero, who was indicting Verres on the instruction of our Sicilian allies, adopts the following division—to the effect that the main point for consideration is, by whom those the redress of whose wrongs forms the subject of the trial would prefer to be represented, and by whom the accused would least desire them to be represented. But in the great majority of cases the 34
questions raised are, which claimant has the strongest

maiores causas habeat, uter plus industriae aut virium sit adlaturus ad accusandum, uter id fide
35 meliore facturus. Tutelae praeterea; in quo iudicio solet quaeri, an alia de re quam de calculis cognosci oporteat, an fidem praestare debeat tantum, non etiam consilium et eventum. Cui simile est male gestae procurationis, quae in foro negotiorum ges-
36 torum; nam et mandati actio est. Praeter haec finguntur in scholis et inscripti[1] maleficii, in quibus aut hoc quaeritur, an inscriptum[1] sit aut hoc, an maleficium sit, raro utrumque. Male gestae legationis apud Graecos et veris causis frequens, ubi iuris loco quaeri solet, an omnino aliter agere quam mandatum sit liceat, et quousque sit legatus, quoniam aliae in nuntiando, aliae in renuntiando[2] sunt, ut in Heio, qui testimonium in Verrem dixerat post perlatam
37 legationem. Plurimum tamen est in eo, quale sit factum. Rei publicae laesae: hinc moventur quidem illae

[1] inscripti . . . inscriptum, *Caperonnier*: scripti . . . scriptum, *MSS.*
[2] aliae in nuntiando, *added by Spalding.*

motives for undertaking the rôle of accuser, which is likely to bring the greatest energy or talent to the task, and which is likely to press the charge with the greatest sincerity. Next we may take cases 35
concerned with *guardianship,* in which it is usual to enquire whether it is necessary to investigate anything save the accounts, and whether anything can be demanded of the guardian except the honest execution of his trust; his sagacity and the success of his administration being beside the mark. Cases of *fraud on the part of an agent,* which are styled cases of *conduct of business* when they occur in the actual courts, are of a similar nature, since they also are concerned with the administration of a trust. In addition to these we have the fictitious 36
cases of the schools which deal with *crimes not covered by the law,* where the question is as a rule either whether the crime is really not covered by the law or whether it is a crime, though on rare occasions both questions are raised. Cases of *misconduct on the part of an ambassador* are of frequent occurrence among the Greeks, even in actual life: in these the legal question is raised whether it is lawful to deviate at all from one's instructions and for how long the accused was technically an ambassador, since in some cases the ambassador's duty is to convey a communication to a foreign power and in others to bring one back. Take for example the case of Heius, who gave evidence against Verres after performing his duties as ambassador. But in such cases the most important question turns on the nature of the deed complained of. Next come cases of *action contrary to the interests* 37
of the state. In these we meet with legal quibbles as to what is the meaning of "action contrary to the

iuris cavillationes, quid sit rem publicam laedere, et, laeserit an non profuerit, et, ab ipso an propter ipsum laesa sit: in facto tamen plurimum est. Ingrati quoque, in quo genere quaeritur, an is cum quo agitur acceperit beneficium. Quod raro negan-
38 dum est; ingratus est enim qui negat. Quantum acceperit, an reddiderit, an protinus qui non reddidit ingratus sit, an potuerit reddere, an id, quod exigebatur, debuerit, quo animo sit. Simpliciores illae iniusti repudii, sub qua lege controversiae illud proprium habent, quod a parte accusantis
39 defensio est, a[1] defendentis accusatio. Praeterea, cum quis rationem mortis in senatu reddit, ubi una quaestio est iuris, an is demum prohibendus sit, qui mori vult ut se legum actionibus subtrahat; cetera qualitatis. Finguntur et testamenta, in quibus de sola qualitate[2] quaeratur, ut in controversia, quam supra exposui, in qua de parte patrimonii quarta, quam pater dignissimo ex filiis reliquerat, contendunt philosophus, medicus, orator. Quod idem accidit, si orbae nuptias indicant pares gradu, et si inter
40 propinquos de idoneo quaeratur. Sed mihi nec omnes persequi materias in animo est, fingi enim

[1] a, *Spalding*: et, *MSS.* [2] qualitate, *added by Christ.*

[1] *i. e.* the divorced wife defends her character, while the husband attacks her character.

[2] Based on a law of Massilia, where the state provided poison for the would-be suicide, provided he could justify himself before the senate.

[3] VII. i. 38.

interests of the state," and whether the action of the accused was injurious or profitable, or whether the interests of the state suffered at his hands or merely on his account: but the most important question is that of fact. There are also cases of *ingratitude;* in these we raise the question whether the accused has really received any kindness. It is only rarely that the fact can be denied, as denial is in itself a sign of ingratitude. But there are the further questions as to the extent of the kindness and whether it has been repaid. If it has not been 38
repaid, does this necessarily involve ingratitude? Was it in his power to repay? Did he really owe the return which was demanded of him? What is his intention? Somewhat simpler are cases of *unjust divorce,* a form of controversy which has this peculiarity, that the accuser defends and the defendant accuses.[1] Further there are cases where 39
a senator sets forth to the senate the *reasons which determine him to commit suicide,*[2] in which there is one *legal* question, namely, whether a man who desires to kill himself in order to escape the clutches of the law ought to be prevented from so doing, while the remaining questions are all concerned with *quality.* There are also fictitious cases concerned with *wills,* in which the only question raised is one of *quality,* as, for instance, in the controversial theme quoted above,[3] where the philosopher, physician and orator all claim the fourth share which their father had left to the most worthy of his sons. The same is true of cases where suitors of equal rank claim the hand of an orphan and the question confronting her relatives is which is the most suitable. I do not, 40
however, intend to discuss every possible theme,

adhuc possunt; nec omnes earum quaestiones, quia positionibus mutantur. Hoc tantum admiror Flavum, cuius apud me summa est auctoritas, cum artem scholae tantum componeret, tam anguste materiam qualitatis terminasse.

41 Quantitas quoque, ut dixi, etiamsi non semper, plerumque tamen eidem subiacet, seu modi est seu numeri. Sed modus aliquando constat aestimatione facti, quanta sit culpa, quantumve beneficium, aliquando iure, cum id in controversiam venit, qua quis
42 lege puniendus vel honorandus sit: stuprator decem milia dare debeat, quae poena huic crimini constituta est, an, quia se stupratus suspendit, capite puniri tanquam causa mortis. Quo in genere falluntur, qui ita dicunt, tanquam inter duas leges quaeratur: nam de decem milibus nulla controversia est, quae non
43 petuntur. Iudicium redditur, an reus causa sit mortis. In coniecturam quoque eadem species cadit, cum, perpetuo an quinquennali sit exilio multandus, in controversiam venerit; nam an prudens caedem
44 commiserit quaeritur. Illa quoque, quae ex numero

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[1] *i. e.* Verginius mentioned in § 24.
[2] § 16. [3] *cp.* IV. ii. 69.

since fresh ones can always be invented, nor yet to deal with all the questions to which they give rise, since these vary with circumstances. But I cannot help expressing my astonishment that Flavus,[1] for whose authority I have the highest respect, restricted the range of *quality* to such an extent in the text-book which he composed for the special guidance of the schools.

Quantity also, as I have already stated,[2] falls as a 41
rule, though not always, under the head of *quality*, whether it is concerned with measure or number. Measure, however, sometimes consists in the valuation of a deed with a view to determining the amount of guilt or the amount of benefit involved, while, on the other hand, it sometimes turns on a point of law, when the dispute is under what law a man is to be punished or rewarded. For example is a 42
ravisher to pay 10,000 sesterces[3] because that is the penalty appointed by law, or is he liable to capital punishment as a murderer because his victim hanged himself? In such cases those who plead as if there were a question between two laws, are wrong: for there is no dispute about the fine of 10,000, since it is not claimed by the prosecution. The 43
point on which judgment has to be delivered is whether the accused is guilty of causing his victim's death. The same type of case will also bring *conjecture* into play, when, for example, the question in dispute is whether the accused shall be punished with banishment for life or for five years. For the question then is whether he caused his death willingly or not. Again, there are questions con- 44
cerned with numerical quantity which turn on a point of law, such as the questions whether thirty

ducitur, pendet ex iure, an Thrasybulo triginta praemia debeantur, et, cum duo fures pecuniam abstulerint, separatim quadruplum quisque an duplum debeat. Sed hic quoque factum aestimatur et, tamen ius ipsum pendet ex qualitate.

V. Qui neque fecisse se negabit neque aliud esse quod fecerit dicet neque factum defendet, necesse est in suo iure consistat, in quo plerumque actionis
2 est quaestio. Ea non semper, ut quidam putaverunt, iudicium antecedit, qualia sunt praetorum curiosa consilia, cum de iure accusatoris ambigitur; sed in ipsis iudiciis frequentissime versatur. Est autem[1] duplex eius disceptationis condicio, quod aut intentio aut praescriptio habet controversiam. Ac fuerunt, qui praescriptionis statum facerent, tanquam ea non iisdem omnibus quibus ceterae leges quaestionibus
3 contineretur. Cum ex praescriptione lis pendet, de ipsa re quaeri non est necesse. Ignominioso filius praescribit: de eo solo[2] iudicatio est, an liceat. Quotiens tamen poterimus, efficiendum est, ut de re quoque iudex bene sentiat; sic enim iuri nostro

[1] autem, *Spalding*: enim, *MSS.*
[2] solo, *Regius*: loco, *G*: colo, *A*.

[1] *i.e.* for his overthrow of the thirty tyrants; *cp.* III. vi. 26.
[2] *cp.* III. vi. 72.

rewards are due to Thrasybulus,[1] or whether, when two thieves have stolen a sum of money, they are each to be required to refund fourfold or twofold. But in these cases, too, valuation of the act is necessary, and yet the point of law also turns on *quality*.

V. He who neither denies nor defends his act nor asserts that it was of a different nature from that alleged, must take his stand on some point of law that tells in his favour, a form of defence which generally turns on the legality of the action brought against him. This question is not, however, as some 2
have held, always raised before the commencement of the trial, like the elaborate deliberations of the praetor when there is a doubt as to whether the prosecutor has any legal standing, but frequently comes up during the course of the actual trial. Such discussions fall into two classes, according as the point in dispute arises from an argument advanced by the prosecution or from some *prescription*[2] (or demurrer) put forward by the defence. There have indeed been some writers who have held that there is a special *prescriptive basis;* but *prescription* is covered by precisely the same questions that cover all other laws. When the dispute turns on *prescription*, there 3
is no need to enquire into the facts of the case itself. For example, a son puts forward a demurrer against his father on the ground that his father has forfeited his civil rights. The only point which has to be decided is whether the demurrer can stand. Still, wherever possible, we should attempt to create a favourable impression in the judge as to the facts of the case as well, since, if this be done, he will be all the more disposed to give an indulgent hearing

libentius indulgebit, ut in sponsionibus, quae ex interdictis fiunt, etiamsi non proprietatis est quaestio sed tantum possessionis, tamen non solum possedisse nos, sed etiam nostrum possedisse docere oportebit.
4 Sed frequentius etiam quaeritur de intentione. *Vir fortis optet, quod volet.* Nego illi dandum, quidquid optaverit: non habeo praescriptionem, sed tamen voluntate contra verba praescriptionis modo utor. In utroque autem genere status iidem sunt.
5 Porro lex omnis aut tribuit aut adimit aut punit aut iubet aut vetat aut permittit. Litem habet aut propter se ipsam aut propter alteram, quaestionem
6 aut in scripto aut in voluntate. Scriptum aut apertum est aut obscurum aut ambiguum. Quod de legibus dico, idem accipi volo de testamentis, pactis, stipulationibus, omni denique scripto, idem de voce. Et quoniam quattuor eius generis quaestiones vel status facimus, singulos percurram.

VI. Scripti et voluntatis frequentissima inter consultos quaestio est, et pars magna controversi iuris hinc pendet; quo minus id accidere in scholis mirum est, ubi etiam ex industria fingitur. Eius genus unum est, in quo et de scripto et de voluntate

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[1] *sponsio* (= wager) was a form of suit in which the litigant promised to pay a sum of money if he lost his case. The *interdict* was an order issued by the praetor commanding or prohibiting certain action. It occurred chiefly in disputes about property.

[2] *i.e.* an imaginary law of the schools of rhetoric.

to our point of law: for example, in actions taking the form of a wager and arising out of interdicts,[1] even though the question is concerned solely with actual possession, the question as to the right to possession not being raised, it will be desirable to prove not merely that the property was actually in our possession, but that it was ours to possess. On 4 the other hand, the question more frequently turns on intention. Take the law[2] "Let a hero choose what reward he will." I deny that he is entitled to receive whatever he chooses. I cannot put forward any formal demurrer, but none the less I use the intention as against the letter of the law just as I should use a demurrer. In both cases the *basis* is the same.

Moreover every law either gives or takes away, 5 punishes or commands, forbids or permits, and involves a dispute either on its own account or on account of another law, while the question which it involves will turn either on the letter or the intention. The letter is either clear or obscure or ambiguous. 6 And what I say with reference to laws will apply equally to wills, agreements, contracts and every form of document; nay, it will apply even to verbal agreements. And since I have classified such cases under four *questions* or *bases*, I will deal with each in turn.

VI. Lawyers frequently raise the question of the letter and the intention of the law, in fact a large proportion of legal disputes turn on these points. We need not therefore be surprised that such questions occur in the schools as well, where they are often invented with this special purpose. One form of this kind of question is found in cases where the enquiry turns both on the letter and the spirit

2 quaeritur. Id tum accidit, cum est in lege aliqua obscuritas. In ea aut uterque suam interpretationem confirmat, adversarii subvertit: ut hic, *Fur quadruplum solvat. Duo surripuerunt pariter decem milia; petuntur ab utroque quadragena; illi postulant, ut vicena conferant;* nam et actor dicit hoc esse quadruplum quod petat, et rei hoc quod offerant; voluntas quoque
3 utrinque defenditur. Aut, cum de altero intellectu certum est, de altero dubium: *Ex meretrice natus ne contionetur. Quae filium habebat, prostare coepit: prohibetur adolescens contione.* Nam de eius filio, quae ante partum meretrix fuit, certum est: an eadem huius causa sit, dubium est, quia ex hac natus est,
4 antequam meretrix esset.[1] Solet et illud quaeri, quo referatur, quod scriptum est, *Bis de eadem re ne sit actio;* id est, hoc *bis* ad actorem an ad actionem? Haec ex iure obscuro.

Alterum genus est ex manifesto; quod qui solum viderunt, hunc statum plani et voluntatis appellarunt. In hoc altera pars scripto nititur, altera voluntate.

[1] antequam . . . esset, *Regius*: et haec . . . est, *MSS.*

of a law. Such questions arise when the law presents 2
some obscurity. Under these circumstances both parties will seek to establish their own interpretation of the passage and to overthrow that advanced by their opponent. Take for example the following case. "A thief shall refund four times the amount of his theft. Two thieves have jointly stolen 10,000 sesterces. 40,000 are claimed from each. They claim that they are liable only to pay 20,000 each." The accuser will urge that the sum which he claims is fourfold the amount stolen; the accused will urge that the sum which they offer to pay is fourfold. The intention of the law will be pleaded by both parties. On the other hand, the dispute may turn 3
on a passage of the law which is clear in one sense and doubtful in another. "The son of a harlot shall not address the people. A woman who had a son became a prostitute. The youth is forbidden to address the people." Here there is no doubt about the son of one who was a prostitute before his birth, but it is doubtful whether the law applies to the case of one born before his mother became a prostitute. Another question which is not infrequently raised is 4
as to the interpretation of the law forbidding an action to be brought twice on the same dispute, the problem being whether the word *twice* refers to the prosecutor or the prosecution. Such are the points arising out of the obscurity of the law.

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

5 Sed contra scriptum tribus generibus occurritur. Unum est, in quo ipso patet, semper id servari non posse: *Liberi parentes alant aut vinciantur;* non enim adligabitur infans. Hic erit ad alia transitus, et divisio, num quisquis non aluerit, num hic propter
6 hoc. Secundum[1] tale genus controversiarum, in quo nullum argumentum est, quod ex lege ipsa peti possit, sed de eo tantum, de quo lis est, quaerendum est.[2] *Peregrinus, si murum ascenderit, capite puniatur. Cum hostes murum ascendissent, peregrinus eos depulit;*
7 *petitur ad supplicium.* Non erunt hic separatae quaestiones, an quisquis, an hic, quia nullum potest adferri argumentum contra scriptum vehementius eo quod in lite est; sed hoc tantum, an ne servandae quidem civitatis causa. Ergo aequitate et voluntate pugnandum. Fieri tamen potest, ut ex aliis legibus exempla ducamus, per quae appareat semper stari scripto non posse, ut Cicero pro Caecina fecit.
8 Tertium, cum in ipsis verbis legis reperimus aliquid, per quod probemus aliud legumlatorem voluisse, ut

[1] Secundum, *Christ*: quidam, *MSS.*
[2] est, *Halm*: sit, *MSS.*

on the intention of the law. There are three 5
different methods in which we may combat the letter.
The first comes into play where it is clear that it is
impossible always to observe the letter of the law.
"Children shall support their parents under penalty
of imprisonment." It is clear, in the first place, that
this cannot apply to an infant. At this point we
shall turn to other possible exceptions and distinguish
as follows. "Does this apply to everyone who refuses
to support his parent? Has this particular individual
incurred the penalty by this particular act?" The 6
second arises in scholastic themes where no argu-
ment can be drawn from the particular law, but the
question is concerned solely with the subject of the
dispute. "A foreigner who goes up on to the wall
shall be liable to capital punishment. The enemy
had scaled the wall and were driven back by a
foreigner. His punishment is demanded." In this 7
case we shall not have two separate questions,
namely, whether every foreigner who goes up on
the wall is liable to the penalty, and whether this
particular foreigner is liable, since no more forcible
argument can be brought against the application of
the letter of the law than the fact in dispute, but the
only question to be raised will be whether a foreigner
may not go on to the wall even for the purpose of
saving the city. Therefore we shall rest our case on
equity and the intention of the law. It is, however,
sometimes possible to draw examples from other laws
to show that we cannot always stand by the letter,
as Cicero did in his defence of Caecina. The third 8
method becomes operative when we find something
in the actual words of the law which enables us to
prove that the intention of the legislator was different.

in hac controversia: *Qui nocte cum ferro deprehensus fuerit, adligetur. Cum anulo ferreo inventum magistratus adligavit.* Hic quia est verbum in lege *deprehensus,* satis etiam significatum videtur, non contineri lege nisi noxium ferrum.

9 Sed ut qui voluntate nitetur scriptum, quotiens poterit, infirmare debebit, ita, qui scriptum tuebitur, adiuvare se etiam voluntate temptabit. In testamentis et illa accidunt, ut voluntas manifesta sit, scriptum nihil sit: ut in iudicio Curiano, in quo nota
10 L. Crassi et Scaevolae fuit contentio. Substitutus heres erat, si postumus ante tutelae annos decessisset. Non est natus. Propinqui bona sibi vindicabant. Quis dubitaret, quin ea voluntas fuisset testantis, ut is non nato filio heres esset, qui mortuo?
11 sed hoc non scripserat. Id quoque, quod huic contrarium est, accidit nuper, ut esset scriptum, quod appareret scriptorem noluisse. Qui sestertium nummum quinque milia legaverat, cum emendaret testamentum, sublatis sestertiis nummis, *argenti pondo* posuit, *quinque milia* manserunt. Apparuit tamen, *quinque pondo* dari voluisse, quia ille in argento legati
12 modus et inauditus erat et incredibilis. Sub hoc statu generales sunt quaestiones, scripto an voluntate

[1] About 384 sesterces go to the pound of silver.

The following theme will provide an example. "Anyone who is caught at night with steel in his hands shall be thrown into prison. A man is found wearing a steel ring, and is imprisoned by the magistrate." In this case the use of the word *caught* is sufficient proof that the word steel was only intended by the law in the sense of a weapon of offence.

But just as the advocate who rests his case on the 9
intention of the law must wherever possible impugn the letter of the law, so he who defends the letter of the law must also seek to gain support from the intention. Again, in cases concerned with wills it sometimes happens that the intention of the testator is clear, though it has not been expressed in writing: an example of this occurs in the trial of Curius, which gave rise to the well-known argument between Lucius Crassus and Scaevola. A second heir had 10
been appointed in the event of a posthumous son dying while a minor. No posthumous son was born. The next of kin claimed the property. Who could doubt that the intention of the testator was that the same man should inherit in the event of the son not being born who would have inherited in the event of his death? But he had not written this in his will. Again, the opposite case, that is to say, 11
when what is written is obviously contrary to the intention of the writer, occurred quite recently. A man who had made a bequest of 5000 sesterces, on altering his will erased the word *sesterces* and inserted *pounds of silver*.[1] But it was clear that he had meant not 5000 but 5 pounds of silver, because the weight of silver mentioned in the bequest was unparalleled and incredible. The same *basis* includes such general 12
questions as to whether we should stand by the

standum sit, quae fuerit scribentis voluntas; tractatus omnes qualitatis aut coniecturae, de quibus satis dictum arbitror.

VII. Proximum est de legibus contrariis dicere, quia inter omnes artium scriptores constitit, in antinomia duos esse scripti et voluntatis status; neque immerito; quia, cum lex legi obstat, et[1] utrinque contra scriptum dicitur et quaestio est de voluntate; in utraque id ambigitur, an utique illa
2 lege sit utendum. Omnibus autem manifestum est nunquam esse legem legi contrariam iure ipso, quia, si diversum ius esset, alterum altero abrogaretur, sed eas casu collidi et eventu.
3 Colliduntur autem aut pares inter se, ut si optio tyrannicidae et viri fortis comparentur, utrique data quod velit petendi potestate; hic meritorum, temporis, praemii collatio est; aut secum ipsae, ut duorum fortium, duorum tyrannicidarum, duarum raptarum, in quibus non potest esse alia quaestio, quam temporis, utra prior sit, aut qualitatis, utra iustior sit petitio. Diversae quoque leges confligunt
4 aut similes aut impares.[2] Diversae, quibus etiam

[1] obstat et, *Halm*: obstet, *MSS.*
[2] aut impares. Diversae, *Christ*: ut duae, *AG.*

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[1] See III. vi. 46.
[2] Both claiming the reward allotted by the law.
[3] Two women, both dishonoured by one man, put in different claims, both of which are provided for as alternatives in the same law. *A.* demands the ravisher's death, *B.* demands his hand in marriage.

letter or the intention of the document, and what was the purpose of the writer, while for the treatment of such questions we must have recourse to *quality* or *conjecture*, with which I think I have dealt in sufficient detail.

VII. The next subject which comes up for discussion is that of contrary laws.[1] For all writers of text-books are agreed that in such cases there are two *bases* involving the letter and the intention of the law respectively. This view is justified by the fact that, when one law contradicts another, both parties attack the letter and raise the question of intention, while the point in dispute, as regards each law, is whether we should be guided by it at all. But 2
it is clear to everybody that one law cannot contradict another in principle (since if there were two different principles, one law would cancel the other), and that the laws in question are brought into collision purely by the accidents of chance.

When two laws clash, they may be of a similar nature, as for instance if we have to compare two cases in which a tyrannicide and a brave man are given the choice of their reward, both being granted the privilege of choosing whatever they desire. In such a case we compare the deserts of the claimants, the occasions of the respective acts and the nature of the rewards claimed. Or the same law may be 3
in conflict with itself, as in the case where we have two brave men,[2] two tyrannicides[2] or two ravished women,[3] when the question must turn either on *time* (that is, whose claim has priority) or on *quality* (that is, whose claim is the more just). Again, we may have a conflict between diverse, similar or dissimilar laws. *Diverse* laws are those against which arguments 4

citra adversam legem contradici possit, ut in hac controversia: *Magistratus ab arce ne discedat; vir fortis optet quod volet: impunitatem magistratus petit.*[1] Vel alia nulla obstante quaeri potest, vir fortis an, quidquid optarit, accipere debeat. Et in legem[2] magistratus multa dicentur, quibus scriptum expugnatur; si incendium in arce fuerit, si in hostes
5 decurrendum. Similes, contra quas nihil opponi potest nisi lex altera: *Tyrannicidae imago in gymnasio ponatur;* contra, *Mulieris imago in gymnasio*[3] *ne ponatur. Mulier tyrannum occidit.* Nam neque mulieris imago ullo alio casu poni potest nec tyrannici-
6 dae ullo alio casu summoveri. Impares sunt, cum alteri multa opponi possunt, alteri nihil nisi quod in lite est: ut cum vir fortis impunitatem desertoris petit. Nam contra legem viri fortis, ut supra

[1] vir fortis . . . petit, *added by Christ: it is possible that no insertion is necessary, the heading* Magistratus . . . discedat *being considered by Q. as sufficient indication of a familiar theme.*

[2] legem, *added by Halm.*

[3] ponatur; contra . . . gymnasio, *added by Regius.*

may be brought without reference to any contradictory law. The following theme will provide an example. "A magistrate shall not quit the citadel. One who has rendered heroic service to his country may choose what reward he pleases. A magistrate who left his post and saved his country, demands an amnesty for his conduct." In this case, even though there be no other law covering the case, we may raise the question whether a hero ought to be granted anything he chooses to claim. Again, many conclusive arguments may be brought against the letter of the law restricting the movements of the magistrate: for example, a fire may have broken out in the citadel, or a sally against the enemy may have been necessary. Laws are styled *similar* when nothing can be opposed to one except the other. "Tyrannicides shall have their statues set up in the gymnasium. A statue of a woman shall not be set up in the gymnasium. A woman killed a tyrant." Here are two conflicting laws: for a woman's statue cannot under any other circumstances be erected in the gymnasium, while there is no other circumstance which can bar the erection of the statue of a tyrannicide in the gymnasium. Laws are styled *dissimilar* when many arguments can be urged against one, while the only point which can be urged against the other is the actual subject of dispute. An example is provided by the case in which a brave man demands the pardon of a deserter as his reward. For there are many arguments, as I have shown above, which can be urged against the law permitting a hero to choose whatever reward he will, but the letter of the law dealing with the crime of desertion cannot be overthrown under any circum-

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ostendi, multa dicuntur; adversus desertores scripta non potest nisi optione subverti.

7 Item aut confessum ex utraque parte ius est aut dubium. Si confessum est, haec fere quaeruntur, utra lex potentior; ad deos pertineat an ad homines, rem publicam an privatos, de honore an de poena, de magnis rebus an de parvis; permittat an vetet an 8 imperet. Solet tractari et, utra sit antiquior, sed velut potentissimum, utra minus perdat; ut in desertore et viro forti, quod illo non occiso lex tota tollatur, occiso, sit reliqua viro forti alia optio. Plurimum tamen est in hoc, utrum fieri sit melius atque aequius; de quo nihil praecipi nisi proposita 9 materia potest. Si dubium, aut alteri aut invicem utrique de iure fit controversia, ut in re tali: *Patri in filium, patrono in libertum manus iniectio sit; liberi heredem sequantur. Liberti filium quidam fecit heredem: invicem petitur manus iniectio;* et pater dicit sibi ius in filium esse, et patronus[1] negat ius patris illi fuisse, quia ipse in manu patroni fuerit.

[1] dicit . . . et patronus, *added by Halm.*

stances save the choice of rewards to which I have just referred.

Again, the point of law is either admitted by both parties or disputed. If it be admitted, the questions which are raised will as a rule be such as the following. Which of the two laws is the most stringent? Does it concern gods or men, the state or private individuals, reward or punishment, great things or small? Does it permit, forbid or command? Another common question is which of the two laws is the oldest; but the most important question is which of the two laws will suffer less by its contravention, as for example in the case of the hero and the deserter just mentioned, in which case, if the deserter is not put to death, the whole law is ignored, whereas, if he be put to death, the hero will still have another choice left open to him. It is, however, of the utmost importance to consider which course is best from the point of view of morality and justice, a problem for the solution of which no general rules can be laid down, as it will depend on the special circumstances of the case. If, on the other hand, the point of law is disputed, either one party or both in turn will argue the point. Take the following case as an example. "A father shall be empowered to arrest his son, and a patron to arrest his freedman. Freedmen shall be transferred to their patron's heir. A certain man appointed the son of a freedman as his heir. The son of the freedman and the freedman himself both claim the right to arrest the other." Here the father claims his right over the son, while the son, in virtue of his new position as patron, denies that his father possessed the rights of a father, because he was in the power of his patron. 7 8 9

10 Duplices leges sicut duae colliduntur: ut *Nothus ante legitimum natus, legitimus sit; post legitimum, tantum civis.* Quod de legibus, idem de senatusconsultis dictum; quae si aut inter se pugnent aut obstent legibus, non tamen aliud sit eius status nomen.

VIII. Syllogismus habet aliquid simile scripto et voluntati, quia semper pars in eo altera scripto nititur, sed hoc interest, quod illic dicitur contra scriptum, hic supra scriptum; illic qui verba defendit, hoc agit ut fiat utique quod scriptum est; hic, ne aliud quam scriptum est. Ei nonnulla etiam cum finitione coniunctio: nam saepe, si finitio
2 infirma est, in syllogismum delabitur. Sit enim lex: *Venefica capite puniatur. Saepe se verberanti marito uxor amatorium*[1] *dedit; eundem repudiavit; per propinquos rogata ut rediret non est reversa; suspendit se maritus. Mulier veneficii rea est.* Fortissima est actio dicentis amatorium venenum esse. Id erit finitio; quod si parum valebit, fiet syllogismus, ad quem, velut

[1] se verberanti marito uxor amatorium, *Victor* (p. 373, II.): severantia moritorium, *G*: se . . . rantis maritorium, *A*.

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[1] See III. vi. 96. [2] See III. vi. 43 *sqq.*

Laws containing two provisions may conflict with themselves in exactly the same way as two laws may conflict. The following will serve as an illustration. "The bastard born before a legitimate son shall rank as legitimate, the bastard born after the legitimate son shall only rank as a citizen."[1] All that I have said about laws will also apply to decrees of the senate. If decrees of the senate conflict with one another or with the laws, the *basis* will be the same as if laws only were concerned. 10

VIII. The *syllogistic basis*[2] has some resemblance to the *basis* concerned with the *letter and intention of the law*, since whenever it comes into play, one party rests his case on the letter: there is, however, this difference between the two *bases*, that in the latter we argue against the letter, in the present beyond the letter, while in the latter the party defending the letter aims at securing that in any case the letter may be carried into effect, whereas in the present his aim will be to prevent anything except the letter being carried into effect. The *syllogism* is sometimes employed in conjunction with *definition*: for often if the definition be weak it takes refuge in the syllogism. Assume a law to run as follows: "A woman who is a poisoner shall be liable to capital punishment. A wife gave her husband a love-potion to cure him of his habit of beating her. She also divorced him. On being asked by her relatives to return to him, she refused. The husband hung himself. The woman is accused of poisoning." The strongest line for the accuser to take will be to assert that the love-potion was a poison. This involves definition. If it proves weak, we shall have recourse to the syllogism, to which we shall proceed after virtually 2

remissa priore contentione, veniemus, an proinde puniri debeat, ac si virum veneno necasset?

3 Ergo hic status ducit ex eo quod scriptum est id quod incertum est; quod quoniam ratione colligitur, ratiocinativus dicitur. In has autem fere species venit an, quod semel ius est, idem et saepius. *Incesti damnata et praecipitata de saxo vixit; repetitur.* An, quod in uno, et in pluribus. *Qui duos uno tempore tyrannos occidit, duo praemia petit.* An
4 quod ante, et postea. *Raptor profugit, rapta nupsit, reverso illo petit optionem.* An, quod in toto, idem in parte. *Aratrum accipere pignori non licet, vomerem accepit.* An, quod in parte, idem in toto. *Lanas*
5 *evehere Tarento non licet, oves evexit.* In his syllogismus et scripto nititur; nam satis cautum esse dicit. *Postulo, ut praecipitetur incesta; lex est;* et *rapta*

[1] See III. vi. 43, 61.
[2] *i. e.* the death of the ravisher, see n. on VII. vii. 3.

dropping our previous argument, and which we shall employ to decide the question whether she does not deserve to be punished for administering the love-potion no less than if she had caused her husband's death by poison.

The *syllogistic basis,* then, deduces from the letter 3
of the law that which is uncertain; and since this conclusion is arrived at by reason, the *basis* is called *ratiocinative.*[1] It may be subdivided into the following *species* of question. If it is right to do a thing once, is it right to do it often? Example: "A priestess found guilty of unchastity is thrown from the Tarpeian rock and survives. It is demanded that she shall be thrown down again." If the law grants a privilege with reference to one thing, does it grant it with reference to a number? Example: "A man kills two tyrants together and claims two rewards." If a thing is legal before a certain 4
occurrence, is it legal after it? Example: "The ravisher took refuge in flight. His victim married. The ravisher returned and the woman demands to be allowed her choice."[2] Is that which is lawful with regard to the whole, lawful with regard to a part? Example: "It is forbidden to accept a plough as security. He accepted a ploughshare." Is that which is lawful with regard to a part, lawful with regard to the whole? Example: "It is forbidden to export wool from Tarentum: he exported sheep." In all these cases the syllogism rests on the letter of 5
the law as well: for the accuser urges that the provisions of the law are precise. He will say, "I demand that the priestess who has broken her vows be cast down: it is the law," or "The ravished woman demands the exercise of the

optionem petit, et *in ove lanae sunt,* similiter alia.
6 Sed quia responderi potest, *non est scriptum, ut bis praecipitetur damnata, ut quandoque rapta optet, ut tyrannicida duo praemia accipiat, nihil de vomere cautum, nihil de ovibus :* ex eo, quod manifestum est, colligitur quod dubium est. Maioris pugnae est ex scripto ducere quod scriptum non est; an, quia hoc, et hoc.[1] *Qui patrem occiderit, culleo insuatur : matrem occidit. Ex domo in ius educere ne liceat : ex tabernaculo eduxit.*
7 In hoc genere haec quaeruntur, an, quotiens propria lex non est, simili sit utendum, an id de quo agitur ei de quo scriptum est simile sit. Simile autem et maius est et par et minus. In illo priore, an satis lege cautum sit, an, etsi parum cautum est, et hoc sit utendum. In utroque de voluntate legumlatoris. Sed de aequo tractatus potentissimi.

IX. Amphiboliae species sunt innumerabiles, adeo ut philosophorum quibusdam nullum videatur esse verbum quod non plura significet; genera admodum pauca; aut enim vocibus accidit singulis aut coniunctis.

[1] et hoc, *added by 2nd hand of A.*

choice permitted her by law," or "Wool grows on sheep," and so on. But to this we may reply, 6
"The law does not prescribe that the condemned woman should be thrown down twice, that the ravished woman should exercise her choice under all circumstances, that the tyrannicide should receive two rewards, while it makes no mention of ploughshares or of sheep." Thus we infer what is doubtful from what is certain. It is a more difficult task to deduce from the letter of the law that which is not actually prescribed by the letter, and to argue because that is the case, so also is this. Take the following problems. "The man who kills his father shall be sewn up in a sack. He killed his mother," or "It is illegal to drag a man from his own house into the court. He dragged him from his tent." Under this 7
heading come questions such as the following: if there is not a special law applicable to the case, ought we to have recourse to an analogous law? is the point in question similar to what is contained in the letter of the law? Now it should be noted that what is similar may be greater, equal or less. In the first case we enquire whether the provisions of the law are sufficient, or, if they are insufficient, whether we should have recourse to this other law. In both cases it is a question of the intention of the legislator. But the most effective form of treatment in such cases will be to appeal to equity.

IX. I turn to the discussion of *ambiguity*, which will be found to have countless species: indeed, in the opinion of certain philosophers, there is not a single word which has not a diversity of meanings. There are, however, very few *genera*, since ambiguity must occur either in a single word or in a group of words.

2 Singula adferunt errorem, cum pluribus rebus aut hominibus eadem appellatio est (ὁμωνυμία dicitur), ut *gallus*, avem an gentem an nomen an fortunam corporis significet, incertum est; et *Aiax*, Telamonius an Oïlei filius. Verba quoque quaedam diversos 3 intellectus habent, ut *cerno*. Quae ambiguitas plurimis modis accidit. Unde fere lites, praecipue ex testamentis, cum de libertate aut etiam de hereditate contendunt ii quibus idem nomen est, aut 4 quid sit legatum quaeritur. Alterum est, in quo alia integro verbo significatio est, alia diviso, ut *ingenua* et *armamentum* et *Corvinum*, ineptae sane cavillationis, ex qua tamen Graeci controversias ducunt: inde enim αὐλητρὶς illa vulgata, cum quaeritur, utrum aula, quae ter ceciderit, an tibicina, si 5 ceciderit, debeat publicari. Tertia est ex compositis, ut si quis corpus suum in culto loco poni iubeat, circaque monumentum multum agri ab heredibus in tutelam cinerum, ut solent, leget, sit litis occasio 6 cultum locum dixerit an incultum.[1] Sic apud

[1] locum . . . incultum, *added by Zumpt.*

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[1] See *or* decide *or* separate.

[2] *Ingenua*, a freeborn woman; *in genua*, on to the knees. *Armamentum*, equipment; *arma mentum*, arms, chin. *Corvinum*, acc. of name Corvinus; *cor vinum*, heart, wine.

Single words give rise to error, when the same noun applies to a number of things or persons (the Greeks call this *homonymy*): for example, it is uncertain with regard to the word *gallus* whether it means a cock or a Gaul or a proper name or an emasculated priest of Cybele; while Ajax may refer either to the son of Telamon or the son of Oileus. Again, verbs likewise may have different meanings, as, for example, *cerno*.[1] This ambiguity crops up in many ways, and gives rise to disputes, more especially in connexion with wills, when two men of the same name claim their freedom or, it may be, an inheritance, or again, when the enquiry turns on the precise nature of the bequest. There is another form of ambiguity where a word has one meaning when entire and another when divided, as, for example, *ingenua, armamentum* or *Corvinum*.[2] The disputes arising from such ambiguities are no more than childish quibbles, but nevertheless the Greeks are in the habit of making them the subject for controversial themes, as, for example, in the notorious case of the αὐλητρίς, when the question is whether it is a hall which has fallen down three times (αὐλη τρίς) or a flute-player who fell down that is to be sold. A third form of ambiguity is caused by the use of compound words; for example, if a man orders his body to be buried in a cultivated spot, and should direct, as is often done, a considerable space of land surrounding his tomb to be taken from the land left to his heirs with a view to preserving his ashes from outrage, an occasion for dispute may be afforded by the question whether the words mean "in a cultivated place" (*in culto loco*) or "in an uncultivated place" (*inculto loco*). Thus arises the Greek theme

2 3 4 5 6

Graecos contendunt Λέων et Πανταλέων, cum scriptura dubia est, bona omnia Λέοντι an bona Πανταλέοντι relicta sint.

In coniunctis plus ambiguitatis est. Fit autem per casus, ut

7 *Aio te, Aeacida, Romanos vincere posse.*

Per collocationem, ubi dubium est, quid quo referri oporteat, ac frequentissime, cum quidem medium est, cum utrinque possit trahi, ut de Troilo Vergilius, *Lora tenens tamen.* Hic, utrum teneat tamen lora an, quamvis teneat, tamen trahatur, quaeri potest.

8 Unde controversia illa, *Testamento quidam iussit poni statuam auream hastam tenentem.* Quaeritur, statua hastam tenens aurea esse debeat an hasta esse aurea in statua alterius materiae? Fit per flexum idem magis:

Quinquaginta ubi erant centum inde occidit Achilles.

9 Saepe, utri duorum antecedentium sermo subiunctus sit, in dubio est: unde et controversia, *Heres*

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[1] *i. e.* whether he wrote πάντα Λέοντι or Πανταλέοντι.

[2] Enn. *Ann.* 186. An ambiguous oracle quoted by Cicero (*de Div.* II. lvi.). It might equally mean that Rome or Pyrrhus would conquer. Cp. the oracle given to Croesus: "If thou cross the Halys, thou shalt destroy a mighty empire."

[3] *Aen.* i. 477.

[4] "Achilles slew fifty out of a hundred," *or* "a hundred out of fifty." Translated from a Greek line in Arist. *Soph. El.* i. 4. (πεντήκοντ' ἀνδρῶν ἑκατὸν λίπε δῖος Ἀχιλλεύς). *Quinquaginta* is the object of *occidit.* Faulty reading might make it go with *ubi erant*, leaving *centum* as the object of *occidit*, and making nonsense of the line.

about Leon and Pantaleon, who go to law because the handwriting of a will makes it uncertain whether the testator has left all his property to Leon or his property to Pantaleon.[1]

Groups of words give rise to more serious ambiguity. Such ambiguity may arise from doubt as to a case, as in the following passage:[2]—

> "I say that you, O prince of Aeacus' line,
> Rome can o'erthrow."

Or it may arise from the arrangement of the words, 7
which makes it doubtful what the exact reference of some word or words may be, more especially when there is a word in the middle of the sentence which may be referred either to what precedes or what follows, as in the line of Virgil[3] which describes Troilus as

lora tenens tamen,

where it may be disputed whether the poet means that he is still holding the reins, or that, although he holds the reins, he is still dragged along. The 8
controversial theme, "A certain man in his will ordered his heirs to erect '*statuam auream hastam tenentem,*'" turns on a similar ambiguity; for it raises the question whether it is the statue holding the spear which is to be of gold, or whether the spear should be of gold and the statue of some other material. The same result is even more frequently produced by a mistaken inflexion of the voice, as in the line:

quinquaginta ubi erant centum inde occidit Achilles.[4]

It is also often doubtful to which of two antecedents 9
a phrase is to be referred. Hence we get such con-

meus uxori meae dare damnas esto argenti quod elegerit pondo centum. Uter eligat, quaeritur.

Verum id, quod ex his primum est, mutatione casuum, sequens divisione verborum aut translatione
10 emendatur, tertium adiectione. Accusativi geminatione facta amphibolia solvitur ablativo, ut illud, *Lachetem audivi percussisse Demean* fiat *a Lachete percussum Demean.* Sed ablativo ipsi, ut in primo diximus, inest naturalis amphibolia. *Caelo decurrit aperto:* utrum per apertum caelum, an cum apertum
11 esset. Divisio respiratione et mora constat: *statuam,* deinde *auream hastam;* vel *statuam auream,* deinde *hastam.* Adiectio talis est, *argentum, quod elegerit ipse,* ut heres intelligatur, vel *ipsa,* ut uxor. Adiectione facta amphibolia, qualis sit, *Nos*[1] *flentes illos depre-*
12 *hendimus,* detractione solvetur. Pluribus verbis emendandum, ubi est id, quod quo referatur dubium est, et ipsum[2] est ambiguum. *Heres meus dare illi damnas*

[1] Nos, *Badius*: Nunc, *MSS.*: Hunc, *Spalding.*
[2] ipsum, *later MSS.*: ipse est, *AG.*

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[1] See § 11. [2] I. vii. 3.
[3] Apparently a misquotation of Virg. *Aen.* v. 212, *pelago decurrit aperto.*
[4] Does this mean *we found them weeping,* or *we found them weeping for us?* The ambiguity is eliminated by the removal of *nos.*

troversial themes as, "My heir shall be bound to give my wife a hundred pounds of silver according to choice," where it is left uncertain which of the two is to make the choice.

But in these examples of ambiguity, the first may be remedied by a change of case, the second by separating[1] the words or altering their position, the third by some addition.[1] Ambiguity resulting from 10
the use of two accusatives may be removed by the substitution of the ablative: for example, *Lachetem audivi percussisse Demeam* (I heard that Demea struck Laches, *or* that L. struck D.) may be rendered clear by writing *a Lachete percussum Demeam* (that D. was struck by L.). There is, however, a natural ambiguity in the ablative case itself, as I pointed out in the first book.[2] For example, *caelo decurrit aperto*[3] leaves it doubtful whether the poet means he hastened down "through the open sky," or "when the sky was opened for him to pass." Words may 11
be separated by a breathing space or pause. We may, for instance, say *statuam,* and then, after a slight pause, add *auream hastam,* or the pause may come between *statuam auream* and *hastam.* The addition referred to above would take the form *quod elegerit ipse,* where *ipse* will show that the reference to the heir, or *quod elegerit ipsa,* making the reference to the wife. In cases where ambiguity is caused by the addition of a word, the difficulty may be eliminated by the removal of a word, as in the sentence *nos flentes illos deprehendimus.*[4] Where it 12
is doubtful to what a word or phrase refers, and the word or phrase itself is ambiguous, we shall have to alter several words, as, for example, in the sentence, "My heir shall be bound to give him all his own

esto omnia sua. In quod genus incidit Cicero loquens de C. Fannio; *Is soceri instituto, quem, quia cooptatus in augurum collegium non erat, non admodum diligebat, praesertim cum ille Q. Scaevolam sibi minorem natu generum praetulisset.* Nam *sibi* et ad socerum referri
13 et ad Fannium potest. Productio quoque in scripto et correptio in dubio relicta causa est ambiguitatis, ut in hoc, *Cato.* Aliud enim ostendit brevis secunda syllaba casu nominativo, aliud eadem syllaba producta casu dativo aut ablativo.[1] Plurimae praeterea sunt aliae species, quas persequi nihil necesse est.

14 Nec refert, quo modo sit facta amphibolia aut quo resolvatur. Duas enim res significari manifestum est et, quod ad scriptum vocemve pertinet, in utramque partem par est. Ideoque frustra praecipitur, ut in hoc statu vocem ipsam ad nostram partem conemur vertere. Nam, si id fieri potest, amphibolia non est.
15 Amphiboliae autem omnis erit in his quaestio; aliquando, uter sit secundum naturam magis sermo, semper, utrum sit aequius, utrum is, qui scripsit ac dixit, voluerit. Quarum in utramque partem satis ex his, quae de coniectura et qualitate diximus, praeceptum est.

[1] aliud eadem . . . ablativo, *added by Regius.*

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[1] *Brut.* xxvi. 101. The sentence continues, "(an act of which Laelius said by way of excuse that he had given the augurship not to his younger son-in-law, but to his elder daughter), Fannius, I say, despite his lack of affection for Laelius, in obedience to his instructions attended the lectures of Panaetius."

[2] *sc.* of the adjective *catus*, shrewd.

property," where "his own" is ambiguous. Cicero commits the same fault when he says of Gaius Fannius,[1] "He following the instructions of his father-in-law, for whom, because he had not been elected to the college of augurs, he had no great affection, especially as he had given Quintus Scaevola, the younger of his sons-in-law, the preference over himself . . ." For *over himself* may refer either to his father-in-law or to Fannius. Again, another source 13
of ambiguity arises from leaving it doubtful in a written document whether a syllable is long or short. *Cato*, for example, means one thing in the nominative when its second syllable is short, and another in the dative or ablative when the same syllable is long.[2] There are also a number of other forms of ambiguity which it is unnecessary for me to describe at length.

Further, it is quite unimportant how ambiguity 14
arises or how it is remedied. For it is clear in all cases that two interpretations are possible, and as far as the written or spoken word is concerned, it is equally important for both parties. It is therefore a perfectly futile rule which directs us to endeavour, in connexion with this *basis*, to turn the word in question to suit our own purpose, since, if this is feasible, there is no ambiguity. In cases of 15
ambiguity the only questions which confront us will be, sometimes which of the two interpretations is most natural, and always which interpretation is most equitable, and what was the intention of the person who wrote or uttered the words. I have, however, given sufficient instructions in the course of my remarks on *conjecture* and *quality*, as to the method of treating such questions, whether by the prosecution or the defence.

X. Est autem quaedam inter hos status cognatio. Nam et in finitione, quae sit voluntas nominis, quaeritur, et in syllogismo, qui secundus a finitione status est,[1] spectatur quid voluerit scriptor; et contrarias leges duos esse scripti et voluntatis status apparet. Rursus et finitio quodammodo est amphibolia, cum in duas partes diducatur intellectus
2 nominis. Scriptum et voluntas habet in verbis iuris[2] quaestionem, quod idem antinomia petitur. Ideoque omnia haec quidam scriptum et voluntatem esse dixerunt, alii in scripto et voluntate amphiboliam esse, quae facit quaestionem. Sed distincta sunt; aliud est enim obscurum ius, aliud ambiguum.
3 Igitur finitio in natura ipsa nominis quaestionem habet generalem, et quae esse etiam citra complexum causae possit; scriptum et voluntas de eo disputat iure quod est in lege, syllogismus de eo quod non est. Amphiboliae lis in diversum trahit, legum
4 contrariarum ex diverso pugna est. Neque immerito

[1] *After* est *AG read* quae, *which is expunged by Regius.*
[2] iuris, *Spalding*: * * ocis, *A.*: iocis, *G.*

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[1] III. vi. 54. [2] See ch. viii. 1.

X. There is, however, a certain affinity between all these *bases.*[1] For in *definition* we enquire into the meaning of a term, and in the *syllogism,* which is closely connected with *definition,*[2] we consider what was the meaning of the writer, while it is obvious that in the case of contrary laws there are two *bases,* one concerned with the *letter,* and the other with the *intention.* Again, *definition* is in itself a kind of *ambiguity,* since it brings out two meanings in the same term. The *basis* concerned with the *letter* and 2
the *intention* of the law involves a legal question as regards the interpretation of the words, which is identical with the question arising out of *contrary laws.* Consequently some writers have asserted that all these *bases* may be resolved into those concerned with the *letter* and *intention,* while others hold that in all cases where the *letter* and the *intention* of a document have to be considered, it is *ambiguity* that gives rise to the question at issue. But all these *bases* are really distinct, for an obscure point of law is not the same as an ambiguous point of law. *Definition,* then, involves a general question as to 3
the actual nature of a term, a question which may conceivably have no connexion whatsoever with the content of the case in point. In investigations as to the *letter* and the *intention,* the dispute turns on the provisions contained in the law, whereas the *syllogism* deals with that which is not contained in the law. In disputes arising out of *ambiguity* we are led from the ambiguous phrase to its conflicting meanings, whereas in the case of *contrary laws* the fight starts from the conflict of their provisions. The distinction between these *bases* has therefore 4
been rightly accepted by the most learned of

et recepta est a doctissimis haec differentia et apud plurimos ac prudentissimos durat.

Et de hoc quidem genere dispositionis, etiamsi
5 non omnia, tradi tamen aliqua potuerunt. Sunt alia quae, nisi proposita de qua dicendum est materia, viam docendi non praebeant. Non enim causa tantum[1] universa in quaestiones ac locos diducenda[2] est, sed hae ipsae partes habent rursus ordinem suum. Nam et in prooemio primum est aliquid et secundum ac deinceps, et quaestio omnis ac locus habet suam dispositionem ut theses etiam simplices.
6 Nisi[3] forte satis erit dividendi peritus, qui controversiam in haec diduxerit,[4] an omne praemium viro forti dandum sit, an ex privato, an nuptiae, an eius quae nupta sit, an hae; deinde, cum fuerit de prima quaestione dicendum, passim et ut quidque in mentem veniet miscuerit, non primum in ea scierit
7 esse tractandum, verbis legis standum sit an voluntate, huius ipsius particulae aliquod initium fecerit, deinde proxima subnectens struxerit orationem, ut

[1] tantum, *added by Halm.*
[2] diducenda, *Regius*: dicenda, *AG.*
[3] nisi, *Obrecht*: si, *MSS.*
[4] diduxerit, *Regius*: dixerit, *MSS.*

[1] *cp.* II. iv. 24; III. v. 8.

rhetoricians, and is still adopted by the majority and the wisest of the teachers of to-day.

It has not been possible in this connexion to give instructions which will cover the arrangement to be adopted in every case, though I have been able to give some. There are other details concerning which 5
I can give no instructions without a statement of the particular case on which the orator has to speak. For not only must the whole case be analysed into its component topics and questions, but these subdivisions themselves require to be arranged in the order which is appropriate to them. For example, in the *exordium* each part has its own special place, first, second and third, etc., while each question and topic requires to be suitably arranged, and the same is true even of isolated *general questions*.[1] For it will 6
not, I imagine, be represented that sufficient skill in division is possessed by the man who, after resolving a controversial theme into questions such as the following, whether a hero is to be granted any reward that he may claim, whether he is allowed to claim private property, whether he may demand any woman in marriage, whether he may claim to marry a woman who already possesses a husband, or this particular woman, *then*, although it is his duty to deal with the first question first, proceeds to deal with them indiscriminately as each may happen to occur to him, and ignores the fact that the first point which should be discussed is whether we should stand by the letter or the intention of the law, and fails to follow the natural order, which 7
demands that after beginning with this question he should then proceed to introduce the subsidiary questions, thereby making the structure of his speech

pars hominis est manus, eius digiti, illorum quoque articuli. Hoc est quod scriptor demonstrare non
8 possit, nisi certa definitaque materia. Sed quid una faciet aut altera, quin immo centum ac mille in re infinita[1]? Praeceptoris est, in alio atque alio genere cotidie ostendere, quis ordo sit rerum et quae copulatio, ut paulatim fiat usus et ad similia transitus. Tradi enim omnia, quae ars efficit, non possunt.
9 Nam quis pictor omnia, quae in rerum natura sunt, adumbrare didicit? sed percepta semel imitandi ratione adsimulabit quidquid acceperit. Quis non faber vasculum aliquod, quale nunquam viderat, fecit?
10 Quaedam vero non docentium sunt, sed discentium. Nam medicus, quid in quoque valetudinis genere faciendum sit, quid quibusque signis providendum, docebit; vim sentiendi pulsus venarum, coloris modos, spiritus meatum, caloris distantiam, quae sui cuiusque sunt ingenii, non dabit. Quare plurima petamus a nobis et cum causis deliberemus cogite

[1] in re infinita, *Rollin*: in re finita quae materia in se finita, *G*: in re finitaque materia ars finita, *A*.

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[1] *fecerit* and *struxerit* are both negatived by the preceding *non*. It is impossible to reproduce the conciseness of the original.

as regular as that of the human body, of which, for example, the hand is a part, while the fingers are parts of the hand, and the joints of the fingers.[1] It is precisely this method of arrangement which it is impossible to demonstrate except with reference to some definite and specific case. But it is clearly 8
useless to take one or two cases, or even a hundred or a thousand, since their number is infinite. It is the duty of the teacher to demonstrate daily in one kind of case after another what is the natural order and connexion of the parts, so that little by little his pupils may gain the experience which will enable them to deal with other cases of the same character. For it is quite impossible to teach everything that can be accomplished by art. For example, what 9
painter has ever been taught to reproduce everything in nature? But once he has acquired the general principles of imitation, he will be able to copy whatever is given him. What vase-maker is there who has not succeeded in producing a vase of a type which he had never previously seen?

There are, however, some things which depend 10
not on the teacher, but on the learner. For example, a physician will teach what treatment should be adopted for different diseases, what the dangers are against which he must be on his guard, and what the symptoms by which they may be recognised. But he will not be able to communicate to his pupil the gift of feeling the pulse, or appreciating the variations of colour, breathing and temperature: this will depend on the talent of the individual. Therefore, in most instances, we must rely on ourselves, and must study cases with the utmost care, never

musque homines ante invenisse artem quam docuisse.
11 Illa enim potentissima est, quaeque vere dicitur oeconomica totius causae dispositio, quae nullo modo constitui nisi velut in re praesente potest: ubi adsumendum prooemium, ubi omittendum, ubi utendum expositione continua, ubi partita, ubi ab initiis incipiendum, ubi more Homerico e mediis vel
12 ultimis, ubi omnino non exponendum, quando a nostris, quando ab adversariorum propositionibus incipiamus, quando a firmissimis probationibus, quando a levioribus; qua in causa praeponendae prooemiis quaestiones, qua praeparatione praemuniendae, quid iudicis animus accipere possit statim dictum, quo paulatim deducendus, singulis an universis opponenda refutatio, reservandi perorationi an per totam actionem diffundendi adfectus, de iure prius an de aequitate dicendum; anteacta crimina an de quibus iudicium est prius obiicere vel diluere
13 conveniat; si multiplices causae erunt, quis ordo faciendus, quae testimonia tabulaeve cuiusque generis in actione recitandae, quae reservandae. Haec est velut imperatoria virtus copias suas partientis ad

[1] *cp.* III. iii. 9.

forgetting that men discovered our art before ever they proceeded to teach it. For the most effective, 11
and what is justly styled most *economical*[1] arrangement of a case as a whole, is that which cannot be determined except when we have the specific facts before us. It consists in the power to determine when the *exordium* is necessary and when it should be omitted; when we should make our statement of facts continuous, and when we should subdivide it; when we should begin at the very beginning, when, like Homer, start at the middle or the end; when 12
we should omit the statement of facts altogether; when we should begin by dealing with the arguments advanced by our opponents, and when with our own; when we should place the strongest proofs first and when the weakest; in what cases we should prefix *questions* to the *exordium*, and what preparation is necessary to pave the way for these questions; what arguments the judge will accept at once, and to what he requires to be led by degrees; whether we should refute our opponent's arguments as a whole or in detail; whether we should reserve emotional appeals for the peroration or distribute them throughout the whole speech; whether we should speak first of law or of equity; whether we should first advance (or refute) charges as to past offences or the charges connected with the actual trial; or, again, if the 13
case is complicated, what order we should adopt, what evidence or documents of any kind should be read out in the course of our speech, and what reserved for a later stage. This gift of arrangement is to oratory what generalship is to war. The skilled commander will know how to distribute his forces

casus proeliorum, retinentis partes per castella tuenda custodiendasve urbes, petendos commeatus, obsidenda itinera, mari denique ac terra dividentis.
14 Sed haec in oratione praestabit, cui omnia adfuerint, natura, doctrina, studium. Quare nemo exspectet, ut alieno tantum labore sit disertus. Vigilandum, durandum,[1] enitendum, pallendum est, facienda sua cuique vis, suus usus, sua ratio, non respiciendum ad haec, sed in promptu habenda, nec tanquam
15 tradita sed tanquam innata. Nam via demonstrari potest, velocitas sua cuique est; verum ars satis praestat, si copias eloquentiae ponit in medio;
16 nostrum est uti eis scire. Neque enim partium est demum dispositio, sed in his ipsis primus aliquis sensus et secundus et tertius; qui non modo ut sint ordine collocati, laborandum est, sed ut inter se vincti atque ita cohaerentes, ne commissura per-
17 luceat; corpus sit, non membra. Quod ita continget, si et quid cuique conveniat viderimus et verba verbis applicarimus non pugnantia, sed quae invicem complectantur. Ita res non diversae distantibus ex locis quasi invicem ignotae collidentur, sed aliqua societate cum prioribus ac sequentibus

[1] durandum, *Bonnell*: dicendum, *A.*: dicat iterum, *G.*

for battle, what troops he should keep back to garrison forts or guard cities, to secure supplies, or guard communications, and what dispositions to make by land and by sea. But to possess this gift, our 14
orator will require all the resources of nature, learning and industrious study. Therefore let no man hope that he can acquire eloquence merely by the labour of others. He must burn the midnight oil, persevere to the end and grow pale with study: he must form his own powers, his own experience, his own methods: he must not require to hunt for his weapons, but must have them ready for immediate use, as though they were born with him and not derived from the instruction of others. The road 15
may be pointed out, but our speed must be our own. Art has done enough in publishing the resources of eloquence, it is for us to know how to use them. And it is not enough merely to arrange 16
the various parts: each several part has its own internal economy, according to which one thought will come first, another second, another third, while we must struggle not merely to place these thoughts in their proper order, but to link them together and give them such cohesion that there will be no trace of any suture: they must form a body, not a congeries of limbs. This end will be attained if we note what 17
best suits each position, and take care that the words which we place together are such as will not clash, but will mutually harmonise. Thus different facts will not seem like perfect strangers thrust into uncongenial company from distant places, but will be united with what precedes and follows by an intimate bond of union, with the result that our

copulatae tenebuntur,[1] ac videbitur non solum composita oratio, sed etiam continua. Verum longius fortasse progredior fallente transitu et a dispositione ad elocutionis praecepta labor, quae proximus liber inchoabit.

[1] copulatae tenebuntur, *Halm*: scopula tenebunt, *G*: se copula tenebunt, *A* (se *2nd hand*).

speech will give the impression not merely of having been put together, but of natural continuity. I fear, however, that I have been lured on from one thing to another and have advanced somewhat too far, since I find myself gliding from the subject of arrangement to the discussion of the general rules of style, which will form the opening theme of the next book.

BOOK VIII

LIBER VIII

Prooemium

His fere, quae in proximos quinque libros collata sunt, ratio inveniendi atque inventa disponendi continetur, quam ut per omnes numeros penitus cognoscere ad summam scientiae necessarium est, ita incipientibus brevius ac simplicius tradi magis
2 convenit. Aut enim difficultate institutionis tam numerosae atque perplexae deterreri solent, aut eo tempore, quo praecipue alenda ingenia atque indulgentia quadam enutrienda sunt, asperiorum tractatu rerum atteruntur, aut, si haec sola didicerunt, satis se ad eloquentiam instructos arbitrantur, aut quasi ad certas quasdam dicendi leges adligati conatum
3 omnem reformidant. Unde existimant accidisse ut, qui diligentissimi artium scriptores exstiterint, ab eloquentia longissime fuerint. Via tamen opus est incipientibus, sed ea plana et cum ad ingrediendum tum ad demonstrandum expedita. Eligat itaque

BOOK VIII

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 2
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 3
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

peritus ille praeceptor ex omnibus optima et tradat ea demum in praesentia quae placet, remota refutandi cetera mora. Sequentur enim discipuli, quo
4 duxeris. Mox cum robore dicendi crescet etiam eruditio. Iidem primo solum iter credant esse in quod inducentur, mox illud cognituri etiam optimum. Sunt autem neque obscura neque ad percipiendum difficilia quae scriptores diversis opinionibus perti-
5 naciter tuendis involverunt. Itaque in toto artis huiusce tractatu difficilius est iudicare quid doceas quam, cum iudicaris, docere, praecipueque in duabus his partibus perquam sunt pauca, circa quae si is qui instituitur non repugnaverit, pronum ad cetera habiturus est cursum.

6 Nempe enim plurimum in hoc laboris exhausimus, ut ostenderemus rhetoricen bene dicendi scientiam et utilem et artem et virtutem esse; materiam eius res omnes de quibus dicendum esset; eas in tribus fere generibus, demonstrativo, deliberativo, iudicialique reperiri; orationem porro omnem constare

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, 4 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 5 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 6 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

rebus et verbis; in rebus intuendam inventionem, in verbis elocutionem, in utroque[1] collocationem, quae memoria conplecteretur, actio commendaret.
7 Oratoris officium docendi, movendi, delectandi partibus contineri, ex quibus ad docendum expositio et argumentatio, ad movendum adfectus pertinerent, quos per omnem quidem causam sed maxime tamen in ingressu ac fine dominari. Nam delectationem, quamvis in utroque sit eorum, magis tamen proprias
8 in elocutione partes habere. Quaestiones alias infinitas, alias finitas quae personis, temporibus, locis continerentur. In omni porro materia tria esse quaerenda, an sit, quid sit, quale sit. His adiiciebamus demonstrativam laude ac vituperatione constare. In ea quae ab ipso de quo diceremus, quae post eum acta essent, intuendum. Hoc opus tracc
9 tatu honestorum utiliumque constare. Suasoriis accedere tertiam partem ex coniectura, possetne fieri et an esset futurum de quo deliberaretur. Hic praecipue diximus spectandum, quis, apud quem, quid diceret. Iudicialium causarum alias in singulis, alias in pluribus controversiis consistere, et in

[1] utroque, *Halm*: utraque, *AG*.

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 7
the orator is composed of instructing, moving and delighting his hearers, statement of facts and argument falling under the head of instruction, while emotional appeals are concerned with moving the audience and, although they may be employed throughout the case, are most effective at the beginning and end. As to the element of charm, I pointed out that, though it may reside both in facts and words, its special sphere is that of style. I 8
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 9
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

quibusdam intentionem modo statum facere, modo depulsionem;[1] depulsionem porro omnem infitiatione duplici, factumne et an hoc factum esset,
10 praeterea defensione ac translatione constare. Quaestionem aut ex scripto esse aut ex facto; facto,[2] de rerum fide, proprietate, qualitate; scripto, de verborum vi aut voluntate, in quibus vis tum causarum tum actionum inspici soleat, quae aut scripti et voluntatis aut ratiocinativa aut ambiguitatis aut
11 legum contrariarum specie continentur. In omni porro causa iudiciali quinque esse partes, quarum exordio conciliari audientem, narratione doceri, probatione[3] proposita confirmari, refutatione contra dicta dissolvi, peroratione[4] aut memoriam refici aut
12 animos moveri. His argumentandi et adficiendi locos et quibus generibus concitari, placari, resolvi iudices oporteret, adiecimus. Accessit ratio divisionis. Credere modo qui discet velit materiam quandam variam esse,[5] et in qua multa etiam sine doctrina praestare debeat per se ipsa natura, ut haec

[1] statum . . . depulsionem, *added by Happel, following Schütz.*

[2] facto, *added by Spalding.*

[3] doceri, probatione, *added by Meister.*

[4] contra dicta, *added by Halm*: dissolvi, peroratione, *added by Aldine edn.*

[5] materiam quandam variam esse, *Happel*: certa quaedam varia est *and the like, MSS.*

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 10
to show that questions must turn either on something written or something done: in the latter case we have to consider the truth of the facts together with their special character and quality; in the former we consider the meaning or the intention of the words, with reference to which we usually examine the nature of all cases, criminal or civil, which fall under the heads of the *letter* and *intention,* the *syllogism, ambiguity* or *contrary laws.* I went on to point out that in all forensic cases the 11
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 12
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

de quibus dixi non tam inventa a praeceptoribus quam cum fierent observata esse videantur.

13 Plus exigunt laboris et curae quae sequuntur. Hinc enim iam elocutionis rationem tractabimus, partem operis, ut inter omnes oratores convenit, difficillimam. Nam et M. Antonius, cuius supra mentionem habuimus, cum a se disertos visos esse multos ait, eloquentem neminem: diserto satis putat dicere quae oporteat, ornate autem dicere
14 proprium esse eloquentissimi. Quae virtus si usque ad eum in nullo reperta est, ac ne in ipso quidem aut L. Crasso, certum est et in his et in prioribus eam desideratam, quia difficillima fuit. Et Marcus Tullius inventionem quidem ac dispositionem pru-
15 dentis hominis putat, eloquentiam oratoris, ideoque praecipue circa praecepta partis huius laboravit. Quod eum merito fecisse etiam ipso rei, de qua loquimur, nomine palam declaratur. Eloqui enim[4] est omnia, quae mente conceperis, promere atque ad audientes perferre; sine quo supervacua sunt priora et similia gladio condito atque intra vaginam
16 suam haerenti. Hoc itaque maxime docetur, hoc nullus nisi arte adsequi potest, hic studium plurimum adhibendum, hoc exercitatio petit, hoc

[1] *After* enim *the MSS. give* hoc *which is deleted by Gesner.*

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[1] *de Or.* I. xxi. 94. [2] Cic. *Or.* xiv. 44;

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 13
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.[1] And if this excellence was to be found in 14
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[2] holds that, while invention and arrangement are within the reach of any man of good sense, eloquence belongs to the orator alone, and consequently it was on the rules for the cultivation of eloquence that he expended the greatest care. That he was justified in so doing is shown 15
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 16
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

imitatio, hic omnis aetas consumitur, hoc maxime orator oratore praestantior, hoc genera ipsa dicendi
17 aliis alia potiora. Neque enim Asiani aut quocunque alio genere corrupti res non viderunt aut eas non collocaverunt neque, quos aridos vocamus, stulti aut in causis caeci fuerunt; sed his iudicium in eloquendo ac modus, illis vires defuerunt, ut appareat in hoc et vitium et virtutem esse dicendi.

18 Non ideo tamen sola est agenda cura verborum. Occurram enim necesse est et, velut in vestibulo protinus apprehensuris hanc confessionem meam, resistam iis qui, omissa rerum (qui nervi sunt in causis) diligentia, quodam inani circa voces studio senescunt, idque faciunt gratia decoris, qui est in dicendo mea quidem opinione pulcherrimus, sed
19 cum sequitur non cum adfectatur. Corpora sana et integri sanguinis et exercitatione firmata ex iisdem his speciem accipiunt ex quibus vires, namque et colorata et adstricta et lacertis expressa sunt; at eadem si quis volsa atque fucata muliebriter comat,

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 17
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 18
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 19
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

20 foedissima sint ipso formae labore. Et cultus concessus atque magnificus addit hominibus, ut Graeco versu testatum est, auctoritatem; at muliebris et luxuriosus non corpus exornat, sed detegit mentem. Similiter illa translucida et versicolor quorundam elocutio res ipsas effeminat, quae illo verborum habitu vestiantur. Curam ergo verborum, rerum
21 volo esse sollicitudinem. Nam plerumque optima rebus cohaerent et cernuntur suo lumine; at nos quaerimus illa, tanquam lateant semper seque subducant. Ita nunquam putamus circa id esse de quo dicendum est, sed ex aliis locis petimus et inventis
22 vim adferimus. Maiore animo aggredienda eloquentia est, quae si toto corpore valet, ungues polire et capillum reponere non existimabit ad curam suam pertinere.

Sed evenit plerumque ut in hac diligentia deterior
23 etiam fiat oratio, primum, quia sunt optima minime arcessita et simplicibus atque ab ipsa veritate profectis similia. Nam illa, quae curam fatentur et ficta atque composita videri etiam volunt, nec gratiam consequuntur et fidem amittunt propter id quod sensus obumbrantur et velut laeto gramine sata
24 strangulantur.[1] Nam et quod recte dici potest circumimus amore verborum et quod satis dictum est

[1] obumbrantur . . . strangulantur, *Spalding*: obumbrant . . . strangulant, *MSS.*

very care which he bestows on them. Again, a 20
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 21
rule, the best words are essentially suggested by the
subject matter and are discovered by their own
intrinsic light. But to-day we hunt for these words
as though they were always hiding themselves and
striving to elude our grasp. And thus we fail to
realise that they are to be found in the subject of
our speech, and seek them elsewhere, and, when we
have found them, force them to suit their context.
It is with a more virile spirit that we should pursue 22
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 23
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 24
our passion for words we paraphrase what might be
said in plain language, repeat what we have already

repetimus et quod uno verbo patet pluribus oneramus et pleraque significare melius putamus quam dicere. Quid quod nihil iam proprium placet, dum
25 parum creditur disertum quod et alius dixisset? A corruptissimo quoque poetarum figuras seu translationes mutuamur, tum demum ingeniosi scilicet, si ad intelligendos nos opus sit ingenio. Atqui satis aperte Cicero praeceperat, in dicendo vitium vel maximum esse a vulgari genere orationis atque a
26 consuetudine communis sensus abhorrere. Sed ille est durus atque ineruditus; nos melius, quibus sordet omne quod natura dictavit, qui non ornamenta quaerimus sed lenocinia, quasi vero sit ulla verborum nisi rei cohaerentium virtus; quae ut propria sint et dilucida et ornata et apte collocentur, si tota vita laborandum est, omnis studiorum fructus amis-
27 sus est. Atqui plerosque videas haerentes circa singula et dum inveniunt et dum inventa ponderant ac dimetiuntur. Quod si idcirco fieret ut semper optimis uterentur, abominanda tamen haec infelicitas erat, quae et cursum dicendi refrenat et calorem
28 cogitationis extinguit mora et diffidentia. Miser

[1] *de Or.* I. iii. 12.

said at sufficient length, pile up a number of words where one would suffice, and regard allusion as better than directness of speech. So, too, all directness of speech is at a discount, and we think no phrase eloquent that another could conceivably have used. We borrow figures and metaphors from the 25
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[1] long since laid down this rule in the clearest of language, that the worst fault in speaking is to adopt a style inconsistent with the idiom of ordinary speech and contrary to the common feeling of mankind. But 26
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 27
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 28

enim et, ut sic dicam, pauper orator est qui nullum verbum aequo animo perdere potest. Sed ne perdet quidem, qui rationem loquendi primum cognoverit, tum lectione multa et idonea copiosam sibi verborum supellectilem comparavit et huic adhibuerit artem collocandi, deinde haec omnia exercitatione plurima roborarit, ut semper in promptu sint et
29 ante oculos. Namque ei qui id fecerit simul[1] res cum suis nominibus occurrent. Sed opus est studio praecedente et acquisita facultate et quasi reposita. Namque ista quaerendi, iudicandi, comparandi anxietas, dum discimus, adhibenda est, non dum dicimus. Alioqui sicut, qui patrimonium non pararunt, sub diem quaerunt, ita in oratione, qui non
30 satis laboravit. Sin praeparata dicendi vis fuerit, erunt in officio, non ut requisita respondere, sed ut semper sensibus inhaerere videantur atque eos
31 ut umbra corpus sequi. Sed[2] in hac ipsa cura est aliquid satis. Nam cum Latina, significantia, ornata, cum apte sunt collocata, quid amplius laboremus? Quibusdam tamen nullus est finis calumniandi se et cum singulis paene syllabis commoriendi, qui etiam,

[1] ei qui fecerit, simul, *Halm*: hii quid fecerit sic, *G*: illi qui id fecerit sic, *A*. (illi qui id, 2*nd hand*).
[2] sequi. Sed, *Halm*: sequis, *G*.: sequitur, *A*.

endure to lose a single word is like a man plunged in griping poverty. On the other hand, if he will only first form a true conception of the principles of eloquence, accumulate a copious supply of words by wide and suitable reading, apply the art of arrangement to the words thus acquired, and finally, by continual exercise, develop strength to use his acquisitions so that every word is ready at hand and lies under his very eyes, he will never lose a single word. For the man who follows these in- 29
structions 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 30
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 31
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

cum optima sunt reperta, quaerunt aliquid quod sit magis antiquum, remotum, inopinatum, nec intelligunt iacere sensus in oratione, in qua verba lau-
32 dantur. Sit igitur cura elocutionis quam maxima, dum sciamus tamen nihil verborum causa esse faciendum, cum verba ipsa rerum gratia sint reperta; quorum ea sunt maxime probabilia, quae sensum animi nostri optime promunt atque in animis
33 iudicum quod nos volumus efficiunt. Ea debent praestare sine dubio et admirabilem et iucundam orationem, verum admirabilem non sic, quomodo prodigia miramur, et iucundam non deformi voluptate sed cum laude ac dignitate coniuncta.

1. Igitur, quam Graeci φράσιν vocant, Latine dicimus elocutionem. Ea spectatur verbis aut singulis aut coniunctis. In singulis intuendum est ut sint Latina, perspicua, ornata, ad id quod efficere volumus accommodata, in coniunctis, ut emendata, ut collo-
2 cata, ut figurata. Sed ea, quae de ratione Latine atque emendate loquendi fuerunt dicenda, in libro primo, cum de grammatice loqueremur, exsecuti sumus. Verum illic tantum ne vitiosa essent praecepimus; hic non alienum est admonere ut sint quam minime peregrina et externa. Multos enim,

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, 32
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 33
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.

I. What the Greeks call φράσις, 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, 2
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

quibus loquendi ratio non desit, invenias quos curiose potius loqui dixeris quam Latine, quomodo et illa Attica anus Theophrastum, hominem alioqui disertissimum, adnotata unius adfectatione verbi, hospitem dixit nec alio se id deprehendisse interrogata respon-
3 dit, quam quod nimium Attice loqueretur. Et in Tito Livio, mirae facundiae viro, putat inesse Pollio Asinius quandam Patavinitatem. Quare, si fieri potest et verba omnia et vox huius alumnum urbis oleant, ut oratio Romana plane videatur, non civitate donata.

II. Perspicuitas in verbis praecipuam habet proprietatem, sed proprietas ipsa non simpliciter accipitur. Primus enim intellectus est sua cuiusque rei appellatio, qua non semper utemur; nam et obscena
2 vitabimus et sordida et humilia. Sunt autem humilia infra dignitatem rerum aut ordinis. In quo vitio cavendo non mediocriter errare quidam solent, qui omnia quae sunt in usu,[1] etiamsi causae necessitas postulet, reformidant; ut ille, qui in actione *Ibericas herbas,* se solo nequicquam intelligente, dicebat, nisi irridens hanc vanitatem Cassius Severus *spartum*
3 dicere eum velle indicasset. Nec video quare clarus orator *duratos muria pisces* nitidius esse crediderit

[1] in, *Regius*: sine, *MSS.*

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 3
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.

II. Clearness results above all from *propriety* in the use of words. But *propriety* is capable of more than one interpretation. In its primary sense it means calling things by their right names, and is consequently sometimes to be avoided, for our language must not be obscene, unseemly or mean. Language may be described as mean when it is 2
beneath the dignity of the subject or the rank of the speaker. Some orators fall into serious error in their eagerness to avoid this fault, and are afraid of all words that are in ordinary use, even although they may be absolutely necessary for their purpose. There was, for example, the man who in the course of a speech spoke of "Iberian grass," a meaningless phrase intelligible only to himself. Cassius Severus, however, by way of deriding his affectation, explained that he meant Spanish broom. Nor do I see why 3
a certain distinguished orator thought "fishes con-

quam ipsum id quod vitabat.[1] In hac autem proprietatis specie, quae nominibus ipsis cuiusque rei utitur, nulla virtus est, at quod ei contrarium est, vitium. Id apud nos improprium, ἄκυρον apud
4 Graecos vocatur, quale est, *tantum sperare dolorem,* aut, quod in oratione Dolabellae emendatum a Cicerone adnotavi, *mortem ferre,* aut, qualia nunc laudantur a quibusdam, quorum est, *de cruce verba ceciderunt.* Non tamen quidquid non erit proprium, protinus et improprii vitio laborabit, quia primum omnium multa
5 sunt et Graece et Latine non denominata. Nam et, qui iaculum emittit, *iaculari* dicitur, qui pilam aut sudem, appellatione privatim sibi adsignata caret; et ut, *lapidare* quid sit, manifestum est, ita glebarum
6 testarumque iactus non habet nomen. Unde abusio, quae καταχρησις dicitur, necessaria. Translatio quoque, in qua vel maximus est orationis ornatus, verba non suis rebus accommodat. Quare proprietas non ad nomen, sed ad vim significandi refertur nec
7 auditu, sed intellectu perpendenda est. Secundo modo dicitur proprium inter plura, quae sunt eius-

[1] vitabat, *Aldine ed.*: videbat, *MSS.*

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[1] Probably *salsamenta.* [2] *Aen.* IV. 419.
[3] Presumably in the sense, "He spoke like one in bodily pain."

served in brine" a more elegant phrase than the word which he avoided.[1] 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 *ἄκυρον*. As 4
examples I may cite the Virgilian,[2] "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."[3] 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 5
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 6
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 7
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.

dem nominis, id unde cetera ducta sunt; ut *vertex* est contorta in se aqua vel quidquid aliud similiter vertitur, inde propter flexum capillorum pars summa capitis, ex hoc id quod in montibus eminentissimum. Recte dixeris haec omnia vertices, proprie tamen
8 unde initium est. Sic *soleae* et *turdi* pisces et cetera. Tertius est huic diversus modus, cum res communis pluribus in uno aliquo habet nomen eximium, ut carmen funebre proprie *naenia* et tabernaculum ducis *augurale*. Item, quod commune et aliis nomen intellectu alicui rei peculiariter tribuitur, ut *urbem* Romam accipimus et *venales* novicios et *Corinthia* aera, cum sint urbes aliae quoque et venalia multa et tam aurum et argentum quam aes Corinthium. Sed ne
9 in his quidem virtus oratoris inspicitur. At illud iam non mediocriter probandum, quod hoc etiam laudari modo solet, ut proprie dictum, id est, quo nihil inveniri possit significantius: ut Cato dixit, *C. Caesarem ad evertendam rem publicam sobrium accessisse;* ut Virgilius *deductum carmen,* et Horatius *acrem*
10 *tibiam Hannibalemque dirum*. In quo modo illud

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[1] Lit. i. e. in the *proper* sense *the sole of the foot* and a *thrush*.
[2] *Suet. Caes.* 53.
[3] *Ecl.* vi. 5.
[4] *Odes* I. xii. 1, and III. vi. 36.

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* 8
are employed as names of fish, to mention no other cases.[1] The third kind of *propriety* is found in the case where a thing which serves a number of purposes has a special name in some one particular context; for example, the proper term for a funeral *song* is *naenia*, and for the general's *tent augurale*. Again, a term which is common to a number of things may be applied in a *proper* or special sense to some one of them. Thus we use *urbs* in the special sense of Rome, *venales* in the special sense of newly-purchased slaves, and *Corinthia* in the special sense of bronzes, although there are other cities besides Rome, and many other things which may be styled *venales* besides slaves, and gold and silver are found at Corinth as well as bronze. But the use of such terms implies no special excellence in an orator. There 9
is, however, a form of *propriety* of speech which deserves the highest praise, that is to say, the employment of words with the maximum of significance, as, for instance, when Cato[2] said that "Caesar was thoroughly sober when he undertook the task of overthrowing the constitution," or as Virgil[3] spoke of a "thin-drawn strain," and Horace[4] of the "shrill pipe," and "dread Hannibal." Some 10
also include under this head that form of *pro-*

quoque est a quibusdam traditum proprii genus ex appositis (epitheta dicuntur): ut *dulcis musti* et *cum dentibus albis*. De quo genere alio loco dicendum
11 est. Etiam quae bene translata sunt propria dici solent. Interim autem quae sunt in quoque praecipua proprii locum accipiunt, ut Fabius inter plures imperatorias virtutes *Cunctator* est appellatus. Possunt videri verba, quae plus significant quam eloquuntur, in parte ponenda perspicuitatis; intellectum enim adiuvant. Ego tamen libentius emphasin retulerim ad ornatum orationis, quia non ut intelligatur efficit, sed ut plus intelligatur.

12 At obscuritas fit verbis iam[1] ab usu remotis: ut si commentarios quis pontificum et vetustissima foedera et exoletos scrutatus auctores id ipsum petat ex his quae inde contraxerit, quod non intelligantur. Hinc enim aliqui famam eruditionis adfectant, ut quaedam
13 soli scire videantur. Fallunt etiam verba vel regionibus quibusdam magis familiaria vel artium propria, ut *Atabulus* ventus et navis *saccaria* et *in malo cosanum*.[2] Quae vel vitanda apud iudicem ignarum significationum earum vel interpretanda sunt, sicut

[1] iam, *Halm*: etiam, *AG*.

[2] The meaning is not known and no satisfactory emendation has been made.

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[1] *Georg.* i. 295 and *Aen.* xi. 681.

[2] *Sc.* ch. vi. [3] See IX. ii. 64.

[4] An Apulian term for the Scirocco. What is the peculiarity of a *sack-ship* is unknown. It is possible that with Haupt we should read *stlataria*, "a broad-beamed merchant-vessel.

priety which is derived from characteristic epithets, such as in the Virgilian[1] phrases, "sweet unfermented wine," or "with white teeth." But of this sort of propriety I shall have to speak elsewhere.[2] *Propriety* is also made to include the appro- 11
priate 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*[3] 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 12
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 pro- 13
duced 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,"[4] 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

in his, quae homonyma vocantur: ut, *Taurus* animal sit an mons an signum in coelo an nomen hominis an radix arboris, nisi distinctum non intelligetur.

14 Plus tamen est obscuritatis in contextu et continuatione sermonis et plures modi. Quare nec sit tam longus, ut eum prosequi non possit intentio, nec traiectione vel ultra modum[1] hyperbato finis eius differatur. Quibus adhuc peior est mixtura verborum, qualis in illo versu.

Saxa vocant Itali, mediis quae in fluctibus, aras.

15 Etiam interiectione (qua et oratores et historici frequenter utuntur, ut medio sermone aliquem inserant sensum) impediri solet intellectus, nisi quod interponitur breve est. Nam Vergilius illo loco, quo pullum equinum describit, cum dixisset,

Nec vanos horret strepitus,

compluribus insertis alia figura quinto demum versu redit,

— — Tum, si qua sonum procul arma dedere,
Stare loco nescit.

16 Vitanda in primis ambiguitas, non haec solum, de cuius genere supra dictum est, quae incertum intellectum facit, ut *Chremetem audivi percussisse Demean,*

[1] transiectione vel ultra modum, *Spalding*: transiectio intra modum (domum *G.*), *AG.*

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[1] Reference unknown. [2] See VIII. vi. 62.
[3] *Aen.* i. 109. The awkwardness of the order cannot be brought out in English.
[4] *Georg.* iii. 79–83. [5] See VII. ix. 10.

example, the word *taurus* may be unintelligible unless we make it clear whether we are speaking of a bull, or a mountain, or a constellation, or the name of a man, or the root of a tree.[1]

14 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*.[2] Still worse is the result when the order of the words is confused as in the line[3]

"In the midmost sea
Rocks are there by Italians altars called."

15 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[4] 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."

16 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*,[5]

sed illa quoque, quae, etiamsi turbare non potest sensum, in idem tamen verborum vitium incidit, ut si quis dicat, *visum a se hominem librum scribentem.* Nam etiamsi librum ab homine scribi patet, male tamen composuerit feceritque ambiguum, quantum in ipso fuit.

17 Est etiam in quibusdam turba inanium verborum, qui, dum communem loquendi morem reformidant, ducti specie nitoris circumeunt omnia copiosa loquacitate, eo quod[1] dicere nolunt ipsa[2]; deinde illam seriem cum alia simili iungentes miscentesque, ultra
18 quam ullus spiritus durare possit, extendunt. In hoc malum a quibusdam etiam laboratur; neque id novum vitium est, cum iam apud Titum Livium inveniam fuisse praeceptorem aliquem, qui discipulos obscurare quae dicerent iuberet, Graeco verbo utens σκότισον. Unde illa scilicet egregia laudatio: *Tanto*
19 *melior; ne ego quidem intellexi.* Alii brevitatem aemulati necessaria quoque orationi subtrahunt verba et, velut satis sit scire ipsos quid dicere velint, quantum ad alios pertineat, nihil putant. At ego otiosum sermonem dixerim, quem auditor suo ingenio intelligit. Quidam, emutatis in perversum dicendi

[1] eo quod, *Halm*: et quod *or* et quae, *MSS.*
[2] ipsa; deinde, *Christ*: ipsam deinde, *MSS.*

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[1] *i. e.* and not the man by the book!
[2] Perhaps in his letter to his son, for which see II. v. 20.

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,[1] 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 17
useless words; for, in their eagerness to avoid ordinary methods of expression, and allured by false ideals of beauty they wrap up everything in a multitude of words simply and solely because they are unwilling to make a direct and simple statement of the facts: and then they link up and involve one of those long-winded clauses with others like it, and extend their periods to a length beyond the compass of mortal breath. Some even expend 18
an infinity of toil to acquire this vice, which, by the way, is nothing new: for I learn from the pages of Livy[2] that there was one, a teacher, who instructed his pupils to make all they said obscure, using the Greek word σκότισον ("darken it.") It was this same habit that gave rise to the famous words of praise, "So much the better: even I could not understand you." Others are consumed with a 19
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 per-

20 figuris, idem vitium consequuntur. Pessima vero sunt *ἀδιανόητα*, hoc est, quae verbis aperta occultos sensus habent, ut *cum ductus est caecus secundum viam stare,*[1] et, qui suos artus morsu lacerasset,
21 fingitur in scholis *supra se cubasse.* Ingeniosa haec et fortia et ex ancipiti diserta creduntur, pervasitque[2] iam multos ista persuasio, ut id iam demum eleganter atque exquisite dictum putent, quod interpretandum sit. Sed auditoribus etiam nonnullis grata sunt haec, quae cum intellexerunt acumine suo delectantur et gaudent, non quasi audierint sed quasi invenerint.
22 Nobis prima sit virtus perspicuitas, propria verba, rectus ordo, non in longum dilata conclusio, nihil neque desit neque superfluat: ita sermo et doctis probabilis et planus imperitis erit. Haec eloquendi observatio. Nam rerum perspicuitas quo modo prae-
23 standa sit, diximus in praeceptis narrationis. Similis autem ratio est in omnibus. Nam si neque pauciora quam oportet neque plura neque inordinata aut indistincta dixerimus, erunt dilucida et negligenter quoque audientibus aperta; quod et ipsum in consilio

[1] cum ductus, *A*: conductus, *G*: cum dictus, *Spalding*: viam *A*: vitam, *G*. *This sentence is unintelligible. Halm reads* cum dictus est caecus secundum vitam (*G.*) stare, *which might conceivably be intended to mean 'as when the blind man was said to stand there to gain his living,' a rare use of* vita.

[2] pervasitque, *Badius*: persuasitque, *MSS.*

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[1] Like a wild beast devouring his prey.

verse misuse of figures. Worst of all are the 20
phrases which the Greeks call ἀδιανόητα, that is to say, expressions which, though their meaning is obvious enough on the surface, have a secret meaning, as for example in the phrase *cum ductus est caecus 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*.[1] Such expressions are regarded as ingenious, 21
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 22
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 23
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

est habendum, non semper tam esse acrem iudicis intentionem, ut obscuritatem apud se ipse discutiat et tenebris orationis inferat quoddam intelligentiae suae lumen, sed multis eum frequenter cogitationibus avocari, nisi tam clara fuerint, quae dicemus, ut in animum eius oratio, ut sol in oculos, etiamsi in eam
24 non intendatur, incurrat. Quare non, ut intelligere possit, sed, ne omnino possit non intelligere, curandum. Propter quod etiam repetimus saepe, quae non satis percepisse eos qui cognoscunt putamus: *Quae causa utique nostra culpa dicta obscurius est: ad planiora et communia magis verba descendimus;* cum id ipsum optime fiat, quod nos aliquid non optime fecisse simulamus.

III. Venio nunc ad ornatum, in quo sine dubio plus quam in ceteris dicendi partibus sibi indulget orator. Nam emendate quidem ac lucide dicentium tenue praemium est, magisque ut vitiis carere quam ut aliquam magnam virtutem adeptus esse videaris.
2 Inventio cum imperitis saepe communis, dispositio modicae doctrinae credi potest; si quae sunt artes altiores, plerumque occultantur, ut artes sint; denique omnia haec ad utilitatem causarum solam referenda sunt. Cultu vero atque ornatu se quoque

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 24
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.

III. 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 un- 2
trained 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

commendat ipse qui dicit et in ceteris iudicium doctorum, in hoc vero etiam popularem laudem petit, nec fortibus modo, sed etiam fulgentibus armis
3 proeliatur. An[1] in causa Cicero Cornelii conseeutus esset docendo iudicem tantum et utiliter demum ac Latine perspicueque dicendo, ut populus Romanus admirationem suam non acclamatione tantum, sed etiam plausu confiteretur? Sublimitas profecto et magnificentia et nitor et auctoritas expressit illum
4 fragorem. Nec tam insolita laus esset prosecuta dicentem, si usitata et ceteris similis fuisset oratio. Atque ego illos credo, qui aderant, nec sensisse quid facerent nec sponte iudicioque plausisse, sed velut mente captos et quo essent in loco ignaros erupisse in hunc voluptatis adfectum.

5 Sed ne causae quidem parum confert idem hic orationis ornatus. Nam, qui libenter audiunt, et magis attendunt et facilius credunt, plerumque ipsa delectatione capiuntur, nonnunquam admiratione auferuntur. Nam et ferrum ipsum[2] adfert oculis terroris aliquid, et fulmina ipsa non tam nos confunderent, si vis eorum tantum, non etiam ipse fulgor
6 timeretur. Recteque Cicero his ipsis ad Brutum

[1] An, *added by Spalding.*
[2] ipsum, *added by Christ.*

[1] Now lost.

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 3
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 4
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 5
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 6
was right when, in one of his letters[1] to Brutus, he

verbis quadam in epistola scribit, *Nam eloquentiam, quae admirationem non habet, nullam iudico.* Eandem Aristoteles quoque petendam maxime putat.

Sed hic ornatus (repetam enim) virilis et fortis et sanctus sit nec effeminatam levitatem et fuco emen-
7 titum colorem amet, sanguine et viribus niteat. Hoc autem adeo verum est ut, cum in hac maxime parte sint vicina virtutibus vitia, etiam, qui vitiis utuntur, virtutum tamen iis nomen imponant. Quare nemo ex corruptis dicat me inimicum esse culte dicentibus. Non hanc esse virtutem nego, sed illis eam non
8 tribuo. An ego fundum cultiorem putem, in quo mihi quis ostenderit lilia et violas et anemonas, fontes surgentes, quam ubi plena messis aut graves fructu vites erunt? Sterilem platanum tonsasque myrtos quam maritam ulmum et uberes oleas praeoptaverim? Habeant illa divites licet, quid essent, si aliud nihil
9 haberent? Nullusne ergo etiam frugiferis adhibendus est decor? Quis negat? Nam et in ordinem certaque intervalla redigam meas arbores. Quid illo quincunce speciosius[3] qui, in quamcunque partem spectaveris, rectus est? Sed protinus in id quoque prodest, ut terrae sucum aequaliter trahat.
10 Surgentia in altum cacumina oleae ferro coercebo;

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[1] *Rhet.* III. ii. 5.
[2] In the introduction to this book, 19.
[3] *Quincunx.* The formation may be thus represented

wrote, "Eloquence which evokes no admiration is, in my opinion, unworthy of the name." Aristotle[1] likewise thinks that the excitement of admiration should be one of our first aims.

But such ornament must, as I have already said,[2] be bold, manly and chaste, free from all effeminate smoothness and the false hues derived from artificial dyes, and must glow with health and vigour. So true 7
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 décadents accuse me of being an enemy to those who speak with grace and finish. I do not deny the existence of such a virtue, I merely deny that they possess it. Shall I regard a farm as a model of good 8
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 con- 9
sideration in the planting of fruit trees? Certainly not! For my trees must be planted in due order and at fixed intervals. What fairer sight is there than rows of trees planted in échelon[3] 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 10
tops of my olive trees rise too high, I lop them away, with the result that their growth expands laterally

in orbem se formosius fundet et protinus fructum ramis pluribus feret. Decentior equus, cuius adstricta ilia, sed idem velocior. Pulcher aspectu est[1] athleta, cuius lacertos exercitatio expressit, idem
11 certamini paratior. Nunquam vera species ab utilitate dividitur.

Sed hoc quidem discernere modici iudicii est. Illud observatione dignius, quod hic ipse honestus ornatus materiae genere esse debebit[2] variatus. Atque, ut a prima divisione ordiar, non idem demonstrativis et deliberativis et iudicialibus causis conveniet. Namque illud genus ostentationi compositum solam petit audientium voluptatem, ideoque omnes dicendi artes aperit ornatumque orationis exponit, ut quod non insidietur nec ad victoriam sed
12 ad solum finem laudis et gloriae tendat. Quare, quidquid erit sententiis populare, verbis nitidum, figuris iucundum, translationibus magnificum, compositione elaboratum, velut institor quidam eloquentiae intuendum et paene pertractandum dabit. Nam
13 eventus ad ipsum, non ad causam refertur. At ubi res agitur et vera dimicatio est, ultimus sit famae locus. Praeterea ne decet quidem, ubi maxima rerum momenta versantur, de verbis esse sollicitum.

[1] est, *Halm*: sit, *MSS.*
[2] esse debebit, *Halm*: decidit, *AG.*

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 11
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 12
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, 13
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

Neque hoc eo pertinet, ut in his nullus sit ornatus, sed uti pressior et severior et minus confessus, prae-
14 cipue materiae accommodatus. Nam et in suadendo sublimius aliquid senatus, concitatius populus, et in iudiciis publicae capitalesque causae poscunt accuratius dicendi genus. At privatum consilium causasque paucorum, ut frequenter accidit, calculorum purus sermo et dissimilis curae magis decuerit. An non pudeat certam creditam periodis postulare aut circa stillicidia adfici aut in mancipii redhibitione sudare?

15 Sed ad propositum. Et quoniam orationis tam ornatus quam perspicuitas aut in singulis verbis est aut in pluribus positus, quid separata, quid iuncta exigant, consideremus. Quanquam enim rectissime traditum est, perspicuitatem propriis, ornatum translatis verbis magis egere, sciamus nihil ornatum esse
16 quod sit improprium. Sed cum idem frequentissime plura significent (quod *συνωνυμία* vocatur), iam sunt aliis alia honestiora, sublimiora, nitidiora, iucundiora, vocaliora. Nam ut syllabae e litteris melius sonantibus clariores sunt, ita verba e syllabis magis vocalia et, quo plus quodque spiritus habet, auditu pulchrius.

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 14
the senate demand a certain loftiness and the people a certain impetuosity of eloquence, the public cases of the courts and those involving capital punishment demand a more exact style. On the other hand, in private deliberations and lawsuits about trifling sums of money (and there are not a few of these) it is more appropriate to employ simple and apparently unstudied language. For we should be ashamed to demand the repayment of a loan in rolling periods, or to display poignant emotion in a case concerned with water-droppings, or to work ourselves into a perspiration over the return of a slave to the vendor. But I am wandering from the point.

Since rhetorical ornament, like clearness, may 15
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 16
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.

Et quod facit syllabarum, idem verborum quoque inter se copulatio, ut aliud alii iunctum melius sonet.
17 Diversus tamen usus. Nam rebus atrocibus verba etiam ipso auditu aspera magis convenient. In universum quidem optima simplicium creduntur, quae aut maxime exclamant aut sono sunt iucundissima. Et honesta quidem turpibus potiora semper nec sor-
18 didis unquam in oratione erudita locus. Clara illa atque sublimia plerumque materiae modo discernenda sunt. Quod alibi magnificum, tumidum alibi, et quae humilia circa res magnas, apta circa minores videntur. Ut autem in oratione nitida notabile humilius verbum et velut macula, ita a sermone tenui sublime nitidumque discordat fitque corrup-
19 tum, quia in plano tumet. Quaedam non tam ratione quam sensu iudicantur, ut illud,

Caesa iungebant foedera porca,

fecit elegans fictio nominis, quod si fuisset *porco*, vile erat. In quibusdam ratio manifesta est. Risimus, et merito nuper poetam, qui dixerat

Praetextam in cista mures rosere camilli.

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[1] *Aen.* viii. 641.
[2] Camillus originally means a "young boy."

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 17
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 18
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 19
some cases instinct, and not reason, must supply the touchstone, as, for example, in the line:[1]

"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.[2]"

20 At Vergilii miramur illud,

Saepe exiguus mus.

Nam epitheton[1] proprium effecit, ne plus exspectaremus, et casus singularis magis decuit, et clausula ipsa unius syllabae non usitata addidit gratiam. Imitatus est itaque utrumque Horatius,

Nascetur ridiculus mus.

21 Nec augenda semper oratio sed summittenda nonnunquam est. Vim rebus aliquando verborum ipsa humilitas adfert. An, cum dicet in Pisonem Cicero, *Cum tibi tota cognatio serraco advehatur,* incidisse videtur in sordidum nomen, non eo contemptum hominis, quem destructum volebat, auxisse? Et
22 alibi, *Caput opponis, cum eo coruscans.*[2] Unde interim gratus fit iocis decor,[3] qualis est ille apud M. Tullium *Pusio, qui cum maiore sorore cubitabat,* et, *Flavius, qui cornicum oculos confixit,* et pro Milone illud *Heus tu Rufio,* et *Erucius Antoniaster.* Id tamen in declamatoribus est notabilius laudarique me puero solebat, *Da patri panem;* et in eodem, *Etiam canem*
23 *pascis.* Res quidem praecipue in scholis anceps et

[1] Epitheton *is followed by the words* exiguus aptum, *which are bracketed as a gloss by Christ.*

[2] coruscans, *W. Freund*: conificans, *MSS.*

[3] gratus fit iocis decor, *Christ*: grati idiotis de quo, *AG.*

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[1] *Georg.* i. 181. [2] *A.P.* 139.

[3] *Fr.* 10. [4] *pro Cael.* xv. 36.

[5] *pro Mur.* xi. 25. Our equivalent is "catch a weasel asleep."

[6] *pro Mil.* xxii. 60. *Rufio,* a slave name = red head.

[7] From the lost *pro Vareno.* "Erucius, Antonius' ape."

[8] A declamation turning on the law that sons must support their parents.

On the other hand, we admire Virgil[1] when he 20
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[2] 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 21
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,[3] 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 22
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,"[4] or where he speaks of "Flavius, who put out the eyes of crows,"[5] or, again, in the *pro Milone*,[6] cries, "Hi, there! Rufio!" and talks of "Erucius Antoniaster."[7] 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."[8] But such tricks do not always come off, especially in 23

frequenter causa risus, nunc utique, cum haec exercitatio procul a veritate seiuncta laboret incredibili verborum fastidio ac sibi magnam partem sermonis absciderit.

24 Cum sint autem verba propria, ficta, translata, propriis dignitatem dat antiquitas. Namque et sanctiorem et magis admirabilem faciunt orationem, quibus non quilibet fuerit usurus, eoque ornamento acerrimi
25 iudicii P. Vergilius unice est usus. *Olli* enim et *quianam* et *moerus*[1] et *pone* et *pellacia*[2] aspergunt illam, quae etiam in picturis est gratissima, vetustatis inimitabilem arti auctoritatem. Sed utendum modo, nec ex ultimis tenebris repetenda. Satis est vetus *quaeso;* quid necesse est *quaiso*[3] dicere? *oppido* quidem[4] usi sunt paulum tempore nostro superiores, vereor, ut iam nos ferat quisquam; certe *antegerio*, cuius eadem significatio est, nemo nisi ambitiosus
26 utetur. *Aerumnosum*[5] quid opus est? tanquam parum sit, si dicatur quid *horridum*. *Reor* tolerabile, *autumo* tragicum, *prolem* dicere inusitatum est,[6] *prosapiam* insulsum. Quid multa? totus prope mutatus
27 est sermo. Quaedam tamen adhuc vetera vetustate

[1] moerus, *O. Ribbeck*: mus, *AG.*
[2] pellacia, *Ribbeck*: pollicerent *or* policent, *MSS.*
[3] quaiso, *Gertz*: quam, *MSS.*
[4] quidem, *Halm*: quam, *MSS.*
[5] aerumnosum, *Zumpt*: erumnas, *AG.*
[6] dicere inusitatum est, *Halm*: dicendi versum ei, *AG.*

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[1] Archaic for *illi*.
[2] Because.
[3] Archaic for *murus* (*Aen.* x. 24.).
[4] Behind.
[5] Deceitfulness (*Aen.* ii. 90).
[6] *quaeso* = pray, *oppido* = quite, exactly.

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 24
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 25
olli,[1] *quianam*,[2] *moerus*,[3] *pone*[4] and *pellacia*[5] 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?*[6] *Oppido* was still used by my older contemporaries, but I fear that no one would tolerate it now. At any rate, *antegerio*,[7] 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?*[8] It 26
is surely enough to call a thing *horridum*. *Reor* may be tolerated, *autumo*[9] smacks of tragedy, *proles*[10] has become a rarity, while *prosapia*[11] stamps the man who uses it as lacking taste. Need I say more? Almost the whole language has changed. But there 27
are still some old words that are endeared to us by

[7] Quite, very. [8] Wretched. [9] Assert.
[10] Offspring. [11] Stock, family.

ipsa gratius nitent, quaedam et necessario interim sumuntur, ut *nuncupare* et *fari;* multa alia etiam audentius inseri possunt sed ita demum, si non appareat adfectatio, in quam mirifice Vergilius:

28 *Corinthiorum amator iste verborum,*
Thucydides Britannus, Atticae febris,
Tau Gallicum, al, min, et sil ut male elisit;[1]
Ita omnia ista verba miscuit fratri.

29 Cimber hic fuit, a quo fratrem necatum hoc Ciceronis dicto notatum est, *Germanum Cimber occidit.* Nec minus noto Sallustius epigrammate incessitur:

Et verba antiqui multum furate Catonis,
Crispe, Iugurthinae conditor historiae.

30 Odiosa cura; nam et cuilibet facilis et hoc pessima, quod eius[2] studiosus non verba rebus aptabit, sed res extrinsecus arcesset, quibus haec verba conveniant.

Fingere, ut primo libro dixi, Graecis magis concessum est, qui sonis etiam quibusdam et adfectibus non dubitaverunt nomina aptare, non alia libertate quam qua illi primi homines rebus appellationes dederunt.

31 Nostri autem in iungendo aut in derivando paulum

[1] al min et sil ut male elisit, *Schenkl following Wagner:* enim et spinet male illisit *and the like, MSS.* See Ausonius, Idyll xii. *Grammaticomast* 5. *For* sil *Bücheler would read* sphin.

[2] eius, *Gesner*: rei, *AG.*

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[1] Name, speak. [2] *Catal.* ii.

[3] *Phil.* xi. vi. 14. A pun on the two meanings of *germanus*, brother and German. [4] i. v. 70.

their antique sheen, while there are others that we cannot avoid using occasionally, such, for example, as *nuncupare* and *fari*[1]: 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[2] has derided so cleverly:

28 "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!"

29 This was a certain Cimber who killed his brother, a fact which Cicero recorded in the words, "Cimber has killed his brother German."[3]

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."

30 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,[4] 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 31 own writers have ventured on a few attempts at composition and derivation, but have not met with

aliquid ausi vix in hoc satis recipiuntur. Nam memini iuvenis admodum inter Pomponium ac Senecam etiam praefationibus esse tractatum, an *gradus eliminat* in tragoedia dici oportuisset. At veteres ne *expectorat* quidem timuerunt; et sane eiusdem notae
32 est *exanimat*. In tractu et declinatione talia sunt, qualia apud Ciceronem *beatitas* et *beatitudo;* quae dura quidem sentit esse, verumtamen usu putat posse molliri. Nec a verbis modo, sed a nominibus quoque derivata sunt quaedam, ut a Cicerone *Sulla-*
33 *turit* ab Asinio *Fimbriatum* et *Figulatum*. Multa ex Graeco formata nova ac plurima a Verginio[1] Flavo, quorum dura quaedam admodum videntur, ut *queens*[2] et *essentia;* quae cur tantopere aspernemur nihil video, nisi quod iniqui iudices adversus nos sumus ideoque paupertate sermonis laboramus. Quaedam
34 tamen perdurant. Nam et quae vetera nunc sunt, fuerunt olim nova, et quaedam sunt in usu perquam recentia, ut Messala primus *reatum, munerarium* Augustus primus dixerunt. *Piraticam* quoque ut *musicam* et *fabricam* dici adhuc vetabant[3] mei praeceptores. *Favorem* et *urbanum* Cicero nova credit. Nam et in epistola ad Brutum *Eum,* inquit, *amorem et eum, ut hoc verbo utar, favorem in consilium advo-*

[1] Verginio, *Spalding*: Sergio, *MSS.*
[2] queens, *Halm*: quae ens, *MSS.*
[3] vetabant, *Halm*: dubitabant, *MSS. om. by A.*

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[1] Sc. "moves his steps beyond the threshold."
[2] "banishes from his heart." [3] *De Nat. D.* I. xxxiv. 95.
[4] *ad Att.* IX. x. 6. "Desires to be a second Sulla."
[5] Metamorphosed into Figulus. Presumably refers to Clusinius Figulus, see VII. ii. 26.
[6] See II. xiv. 2.

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*[1] was a phrase which ought to have been allowed in tragedy. But the ancients had no hesitation about using even *expectorat*,[2] and, after all, it presents exactly the same formation as *exanimat*. Of the coining of words by expansion 32
and inflexion we have examples, such as the Ciceronian[3] *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*[4] in Cicero and *Fimbriatus* and *Figulatus*[5] in Asinius. Many new words have been 33
coined in imitation of the Greeks,[6] 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 formations do, however, succeed in establishing themselves. For words which now 34
are old, once were new, and there are some words in use which are of quite recent origin, such as *reatus*,[7] invented by Messala, and *munerarius*,[8] 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 amorer et eum, ut hoc*

[7] The condition of an accused person.
[8] The giver of a gladiatorial show.

35 *cabo.* Et ad Appium Pulchrum, *Te, hominem non solum sapientem verum etiam, ut nunc loquimur, urbanum.* Idem putat a Terentio primum dictum esse *obsequium,* Caecilius a Sisenna *albente caelo. Cervicem* videtur Hortensius primus dixisse, nam veteres pluraliter appellabant. Audendum itaque; neque enim accedo Celso, qui ab oratore verba fingi vetat.
36 Nam, cum sint eorum alia (ut dicit Cicero) nativa, id est, quae significata sunt primo sensu, alia reperta, quae ex his facta sunt, ut iam nobis ponere alia, quam quae illi rudes homines primique fecerunt, fas non sit, at derivare, flectere, coniungere, quod natis
37 postea concessum est, quando desiit licere? Sed, si quid periculosius finxisse videbimur, quibusdam remediis praemuniendum est: *Ut ita dicam, Si licet dicere, Quodam modo, Permittite mihi sic uti.* Quod idem etiam in iis, quae licentius translata erunt, proderit, nihilque non tuto dici potest, in quo non falli iudicium nostrum sollicitudine ipsa manifestum erit. Qua de re Graecum illud elegantissimum est, quo praecipitur προεπιπλήσσειν τῇ ὑπερβολῇ.
38 Translata probari nisi in contextu sermonis non

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[1] This letter is lost: "I will call that love and that favour, if I may use the word, to be my counsellors."
[2] *ad Fam.* III. viii. 3. "You who are not merely wise, but, as we say nowadays, urbane."
[3] "When the sky grew white (at dawn)."
[4] *Part Or.* v. 16.
[5] *Ar. Rhet.* III. vii. 9.

verbo utar, favorem in consilium advocabo,[1] while to 35
Appius Pulcher he writes, *te hominem non solum sapientem, verum etiam, ut nunc loquimur, urbanum.*[2] 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.*[3] Hortensius seems to have been the first to use *cervix* in the singular, since the ancients confined themselves to the plural. We must not then be cowards, for I cannot agree with Celsus when he forbids orators to coin new words. For some words, as Cicero[4] says, 36
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 37
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.[5]

The metaphorical use of words cannot be recom- 38

possunt. Itaque de singulis verbis satis dictum, quae, ut alio loco ostendi, per se nullam virtutem habent. Sed ne inornata sunt quidem, nisi cum sunt infra rei, de qua loquendum est, dignitatem, excepto
39 si obscena nudis nominibus enuntientur. Quod viderint, qui non putant esse vitanda, quia nec sit vox ulla natura turpis et, si qua est rei deformitas, alia quoque appellatione quacunque ad intellectum eundem nihilominus perveniat. Ego Romani pudoris more contentus, ut iam respondi talibus, verecundiam silentio vindicabo.

40 Iam hinc igitur ad rationem sermonis coniuncti transeamus. Cuius ornatus in haec duo prima dividitur, quam concipiamus elocutionem, quo modo efferamus. Nam primum est, ut liqueat, augere quid velimus an minuere, concitate dicere an moderate, laete an severe, abundanter an presse, aspere an leniter, magnifice an subtiliter, graviter an urbane.
41 Tum, quo translationum[1] genere, quibus figuris, qualibus sententiis, quo modo, qua postremo collocatione id, quod intendimus, efficere possimus.

Ceterum dicturus, quibus ornetur oratio, prius ea, quae sunt huic contraria laudi, attingam; nam prima
42 virtus est vitio carere. Igitur ante omnia ne speremus ornatam orationem fore, quae probabilis non erit.

[1] translationum, *IIalm* : translationem, *A* : translatione, *G*.

[1] I. v. 3.

mended except in connected discourse. Enough has now been said on the subject of single words, which, as I have pointed out elsewhere,[1] 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 39
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. 40
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 41
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 42
any speech to be ornate that is not, in the first place,

Probabile autem Cicero id genus dicit, quod non nimis est comptum.[1] Non quia comi expolirique non debeat (nam et haec ornatus pars est) sed quia
43 vitium est ubique quod nimium est. Itaque vult esse auctoritatem in verbis, sententias vel graves vel aptas opinionibus hominum ac moribus. His enim salvis, licet assumere ea quibus illustrem fieri orationem putat, delecta, translata, superlata, ad nomen adiuncta, duplicata et idem significantia atque ab ipsa actione atque ab imitatione rerum non abhorrentia.

44 Sed quoniam vitia prius demonstrare aggressi sumus, ab hoc initium[2] sit, quod κακέμφατον vocatur, sive mala consuetudine in obscenum intellectum sermo detortus est (ut *ductare exercitus* et *patrare bella*, apud Sallustium dicta sancte et antique ridentibus, si dis placet; quam culpam non scribentium
45 quidem iudico sed legentium, tamen vitandam, quatenus verba honesta moribus perdidimus, et vincentibus iam[3] vitiis cedendum est) sive iunctura deformiter sonat, ut, si *cum hominibus notis loqui* nos dicimus, nisi hoc ipsum *hominibus* medium sit, in praefanda

[1] nimis est comptum, *Cicero*: nimis est dictum, *AG.*: plus minusve quam dicet (decet, *edd.*), *codd. dctt.*

[2] ab hoc initium, *Halm*: vel hoc initium, *AG.*: vel hoc vitium *vulgo.*

[3] iam, *Spalding*: etiam, *AG.*

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[1] *Part. Or.*, vi. 19.

[2] *ductare* might mean *ad libidinem abducere. patrare bellum* might mean *paedicare formosum.*

acceptable. An acceptable style is defined by Cicero[1] 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 43
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 44
be avoided, I will begin by calling attention to the fault known as *κακέμφατον*, 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*,[2] which were employed by Sallust in their old and irreproachable sense, but, I regret to say, cause amusement in certain quarters to-day. This, however, is not, in my opinion, the fault of the writer, but of his readers; still it is one to be avoided, for we 45
have perverted the purity of language by our own corruption, and there is no course left to us but to give ground before the victorious advance of vice. The same term is also applied in the cases where an unfortunate collocation of words produces an obscene suggestion. For example, in the phrase *cum hominibus notis loqui*, unless *hominibus* is placed between *cum* and *notis*, we shall commit ourselves to a phrase

videmur incidere, quia ultima prioris syllabae littera, quae exprimi nisi labris coeuntibus non potest, aut intersistere nos indecentissime cogit aut continuata
46 cum insequente in naturam eius corrumpitur. Aliaeque coniunctiones aliquid simile faciunt, quas persequi libenter est in eo vitio, quod vitandum dicimus, commorantis. Sed divisio quoque adfert eandem iniuriam pudori, ut si *intercapedinis* nomina-
47 tivo casu quis utatur. Nec scripto modo id accidit, sed etiam sensu plerique obscene intelligere, nisi caveris, cupiunt (ut apud Ovidium *Quaeque*[1] *latent meliora putat*) et ex verbis, quae longissime ab obscenitate absunt, occasionem turpitudinis rapere. Siquidem Celsus κακέμφατον apud Vergilium putat:

Incipiunt agitata tumescere.

Quod si recipias, nihil loqui tutum est.

48 Deformitati proximum est humilitatis vitium, ταπείνωσιν vocant, qua rei magnitudo vel dignitas minuitur: ut *Saxea est verruca in summo montis vertice.* Cui natura contrarium, sed errore par est, parvis dare

si qua, *MSS. of Ovid.*

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[1] *i.e.* pronouncing *cunnotis.*

[2] *intercapedo*, of which the last two syllables might give rise to unseemly laughter; *pedo* = "break wind."

[3] *Met.* i. 502. [4] *Georg.* i. 357.

[5] From an unknown tragedian.

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[1] will produce a most objectionable suggestion. I might quote other collocations 46
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*.[2] And it is not 47
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[3] 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 κακέμφατον in the Virgilian[4] 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, 48
styled ταπείνωσις, when the grandeur or dignity of anything is diminished by the words used, as in the line:

"There is a rocky wart upon the mountain's brow."[5]

The opposite fault, which is no less serious, consists

excedentia modum nomina, nisi cum ex industria risus inde captatur. Itaque nec parricidam *nequam* dixeris hominem nec deditum forte meretrici *nefarium;* quia alterum parum, alterum nimium est.
49 Proinde quaedam hebes, sordida, ieiuna, tristis, ingrata, vilis oratio est; quae vitia facillime fient manifesta contrariis virtutibus. Nam primum acuto, secundum nitido, tertium copioso, deinceps hilari, iucundo, accurato diversum est.
50 Vitari debet[1] et μείωσις, cum sermoni deest aliquid, quo minus plenus sit; quanquam id obscurae potius quam inornatae orationis est vitium. Sed hoc quoque, cum a prudentibus fit, schema dici solet, sicut ταυτολογία, id est eiusdem verbi aut sermonis iteratio.
51 Haec enim, quanquam non magnopere a summis auctoribus vitata, interim vitium videri potest, in quod saepe incidit etiam Cicero securus tam parvae observationis, sicut hoc loco, *Non solum igitur illud iudicium iudicii simile, iudices, non fuit.* Interim mutato nomine ἐπανάληψις dicitur, atque est et ipsum inter schemata; quorum exempla illo loco quaerenda, quo virtutes erunt.
52 Peior hac ὁμοείδεια, quae nulla varietatis gratia levat taedium atque est tota coloris unius, qua maxime deprehenditur carens arte oratio; eaque et in sententiis et in figuris et in compositione longe

[1] debet, *added by Halm.*

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[1] *Pro Cluent.* xxxv. 96. To bring out the effect criticised by Cicero, *iudicium* must be translated "judgment." But "trial" is required to give the correct sense. ἐπανάληψις = repetition.

[2] IX. ii.

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 49
making our language dull, or coarse, jejune, heavy, unpleasing or slovenly, all of which faults are best realised by reference to the virtues which are their opposites, that is, point, polish, richness, liveliness, charm, and finish.

We must also avoid *μείωσις*, a term applied to 50
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 51
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,[1] "Judges, this judgment was not merely unlike a judgment." It is sometimes given another name, *ἐπανάληψις*, under which appellation it is ranked among figures, of which I shall give examples when I come to the discussion of stylistic virtues.[2]

A worse fault is *ὁμοείδεια*, or sameness, a term 52
applied to a style which has no variety to relieve its tedium, and which presents a uniform monotony of hue. This is one of the surest signs of lack of art, and produces a uniquely unpleasing effect, not merely on the mind, but on the ear, on account of its same-

non animis solum sed etiam auribus est ingratissima.
53 Vitanda etiam[1] μακρολογία, id est longior quam oportet sermo: ut apud T. Livium, *Legati non impetrata pace retro domum, unde venerant, abierunt.* Sed huic vicina periphrasis virtus habetur. Est et πλεοναςμὸς vitium, cum supervacuis verbis oratio oneratur: *Ego oculis*
54 *meis vidi;* sat est enim *vidi.* Emendavit hoc etiam urbane in Hirtio Cicero, cui sapasim[2] cum declamans *filium a matre decem mensibus in utero latum esse* dixisset, *Quid? aliae,* inquit, *in perula*[3] *solent ferre?* Nonnunquam tamen illud genus, cuius exemplum priore loco posui, adfirmationis gratia adhibetur:

Vocemque his auribus hausi.

55 At vitium erit, quotiens otiosum fuerit et supererit, non cum adiicietur. Est etiam, quae περιεργία vocatur, supervacua, ut sic dixerim, operositas, ut a diligenti curiosus et a religione superstitio distat. Atque, ut semel finiam, verbum omne, quod neque intellectum adiuvat neque ornatum, vitiosum dici potest.
56 Κακόζηλον, id est mala adfectatio, per omne dicendi genus peccat. Nam et tumida et pusilla et praedulcia et abundantia et arcessita et exultantia sub idem

[1] etiam *added by Christ.*
[2] cui sapasim cum, *A*: cusapastium, *G, while equally meaningless readings are given by later MSS. R. Unger suggested* cum is Pasiphaam, *Volkmann* cum is apud ipsum.
[3] perula, *Passerat*: penula, *MSS.*

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[1] *Fr.* 62, *Hertz.*
[2] *perula* means "a small wallet." But it is noteworthy that in Apul. *Met.* V. xiv. it is used = *uterus,* and the *double-entendre* was probably current in Cicero's time.
[3] *Aen.* iv. 359.

ness of thought, the uniformity of its figures, and the monotony of its structure. We must also avoid 53
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."[1] 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 54
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."[2] 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[3]:

"With mine own ears his voice I heard."

But whenever the addition is not deliberate, but 55
merely tame and redundant, it must be regarded as a fault. There is also a fault entitled περιεργία, which I may perhaps translate by superfluous elaboration, which differs from its corresponding virtue much as fussiness differs from industry, and superstition from religion. Finally, every word which neither helps the sense nor the style may be regarded as faulty.

Cacozelia, or perverse affectation, is a fault in every 56
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

nomen cadunt. Denique κακόζηλον vocatur, quidquid est ultra virtutem, quotiens ingenium iudicio caret et specie boni fallitur, omnium in eloquentia vitiorum pessimum. Nam cetera parum vitantur,
57 hoc petitur. Est autem totum in elocutione. Nam rerum vitia sunt stultum, commune, contrarium, supervacuum; corrupta oratio in verbis maxime impropriis, redundantibus, comprehensione obscura compositione fracta, vocum similium aut ambigua-
58 rum puerili captatione consistit. Est autem omne κακόζηλον utique falsum, etiamsi non omne falsum κακόζηλον· est enim quod[1] dicitur aliter, quam se natura habet et quam oportet et quam sat est. Totidem autem generibus corrumpitur oratio quot ornatur. Sed de hac parte et in alio nobis opere plenius dictum est et in hoc saepe tractatur et adhuc spargetur omnibus locis. Loquentes enim de ornatu subinde, quae sint vitanda similia virtutibus vitia, dicemus.

59 Sunt inornata et haec: quod male dispositum est, id ἀνοικονόμητον, quod male figuratum, id ἀσχημάτιστον, quod male collocatum, id κακοσύνθετον vocant. Sed de dispositione diximus; de figuris et compositione dicemus. Σαρδισμὸς quoque appellatur quaedam mixta ex varia ratione linguarum oratio, ut si Atticis Dorica, Ionica, Aeolica etiam dicta confundas.

[1] *I have added* est enim quod *as the simplest way of filling up an obvious gap. Victor gives* cacozelon vero est quod dicitur.

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[1] The lost *De causis corruptae eloquentiae.*

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 57
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, 58
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,[1] 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 arrange- 59
ment or *ἀνοικονόμητον*, the faulty use of figures or *ἀσχημάτιστον*, and the faulty collocation of words or *κακοσύνθετον*. But, as I have already discussed arrangement, I will confine myself to the consideration of figures and structure. There is also a fault known as *Σαρδισμός*, which consists in the indiscriminate use of several different dialects, as, for instance, would result from mixing Doric, Ionic, and

60 Cui simile vitium est apud nos, si quis sublimia humilibus, vetera novis, poetica vulgaribus misceat. Id enim tale monstrum, quale Horatius in prima parte libri de arte poetica fingit :

Humano capiti cervicem pictor equinam
Iungere si velit,

et cetera ex diversis naturis subiiciat.

61 Ornatum est, quod perspicuo ac probabili plus est. Eius primi sunt gradus in eo quod velis concipiendo et[1] exprimendo, tertius, qui haec nitidiora faciat, quod proprie dixeris cultum. Itaque ἐνάργειαν, cuius in praeceptis narrationis feci mentionem, quia plus est evidentia vel, ut alii dicunt, repraesentatio quam perspicuitas, et illud patet, hoc se quodammodo
62 ostendit, inter ornamenta ponamus. Magna virtus est res de quibus loquimur clare atque, ut cerni videantur, enuntiare. Non enim satis efficit neque, ut debet, plene dominatur oratio, si usque ad aures valet atque ea sibi iudex, de quibus cognoscit, narrari credit, non exprimi et oculis mentis ostendi.
63 Sed quoniam pluribus modis accipi solet non equidem in omnes eam particulas secabo,[2] quarum

[1] The plural *primi gradus* followed by *tertius* demands the addition of some other verb beside *exprimendo*. I have added *concipiendo et*.

[2] secabo, *Regius* : locabo, *AG*.

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[1] *A. P.* 1.

[2] iv. ii. 63.

even Aeolic words with Attic. A similar fault is 60
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*,[1]

"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 61
is merely lucid and acceptable. It consists firstly in forming a clear conception of what we wish to say, secondly in giving this adequate expression, and thirdly in lending it additional brilliance, a process which may correctly be termed embellishment. Consequently we must place among ornaments that ἐνάργεια which I mentioned in the rules which I laid down for the statement of facts,[2] 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 62
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 63
views have been held with regard to this art of representation, I shall not attempt to divide it into

ambitiose a quibusdam numerus augetur, sed maxime necessarias attingam. Est igitur unum genus, quo tota rerum imago quodammodo verbis depingitur:

Constitit in digitos extemplo arrectus uterque

et cetera, quae nobis illam pugilum congredientium faciem ita ostendunt, ut non clarior futura fuerit
64 spectantibus. Plurimum in hoc genere sicut in ceteris eminet Cicero. An quisquam tam procul a concipiendis imaginibus rerum abest, ut non, cum illa in Verrem legit, *Stetit soleatus praetor populi Romani cum pallio purpureo tunicaque talari muliercula nixus in litore,* non solum ipsos intueri videatur et locum et habitum, sed quaedam etiam ex iis,
65 quae dicta non sunt, sibi ipse adstruat? Ego certe mihi cernere videor et vultum et oculos et deformes utriusque blanditias et eorum qui aderant tacitam
66 aversationem ac timidam verecundiam. Interim ex pluribus efficitur illa quam conamur exprimere facies, ut est apud eundem (namque ad omnium ornandi virtutum exemplum vel unus sufficit) in descriptione convivii luxuriosi: *Videbar videre alios intrantes, alios autem exeuntes, quosdam ex vino vacillantes, quosdam*

[1] *Aen.* v. 426. [2] v. xxxiii. 86.
[3] From the lost *pro Gallio.*

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."[1]

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 64
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,[2] 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 65
part, I seem to see before my eyes his face, his eyes, the unseemly blandishments of himself and his paramour, the silent loathing and frightened shame of those who viewed the scene. At times, again, the 66
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,[3] 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,

hesterna ex potatione oscitantes. Humus erat immunda, lutulenta vino, coronis languidulis et spinis cooperta
67 *piscium.* Quid plus videret qui intrasset? Sic et urbium captarum crescit miseratio. Sine dubio enim, qui dicit expugnatam esse civitatem, complectitur omnia quaecunque talis fortuna recipit, sed in adfectus
68 minus penetrat brevis hic velut nuntius. At si aperias haec, quae verbo uno inclusa erant, apparebunt effusae per domus ac templa flammae et ruentium tectorum fragor et ex diversis clamoribus unus quidam sonus, aliorum fuga incerta, alii extremo complexu suorum cohaerentes et infantium feminarumque ploratus et male usque in illum diem
69 servati fato senes; tum illa profanorum sacrorumque direptio, efferentium praedas repetentiumque discursus et acti ante suum quisque praedonem catenati et conata retinere infantem suum mater et, sicubi maius lucrum est, pugna inter victores.
70 Licet enim haec omnia, ut dixi, complectatur eversio, minus est tamen totum dicere quam omnia. Consequemur autem, ut manifesta sint, si fuerint versimilia; et licebit etiam falso adfingere quidquid

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 67
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 68
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 69
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 70
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

fieri solet. Continget eadem claritas etiam ex accidentibus:

Mihi frigidus horror
Membra quatit, gelidusque coit formidine sanguis.

Et

Et trepidae matres pressere ad pectora natos.

71 Atque huius summae, iudicio quidem meo, virtutis facillima est via. Naturam intueamur, hanc sequamur. Omnis eloquentia circa opera vitae est, ad se refert quisque quae audit, et id facillime accipiunt animi, quod agnoscunt.

72 Praeclare vero ad inferendam rebus lucem repertae sunt similitudines; quarum aliae sunt, quae probationis gratia inter argumenta ponuntur, aliae ad exprimendam rerum imaginem compositae, quod est huius loci proprium:

Inde lupi ceu
Raptores atra in nebula.

Et

Avi similis, quae circum litora, circum
Piscosos scopulos humilis volat aequora iuxta.

73 Quo in genere id est praecipue custodiendum, ne id, quod similitudinis gratia adscivimus, aut obscurum sit aut ignotum. Debet enim, quod illustrandae alterius rei gratia assumitur, ipsum esse

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[1] *Aen.* iii. 29.
[2] *Aen.* vii. 518.
[3] *Aen.* ii. 355.
[4] *Aen.* iv. 254.

also by the mention of the *accidents* of each situation:

"Chill shudderings shake my limbs
And all my blood is curdled cold with fear;"[1]

or

"And trembling mothers clasped
Their children to their breast."[2]

Though the attainment of such effects is, in my 71
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 72
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,"[3]

or

"Like the bird that flies[4]
Around the shore and the fish-haunted reef,
Skimming the deep."

In employing this form of ornament we must be 73
especially careful that the subject chosen for our simile is neither obscure nor unfamiliar: for anything that is selected for the purpose of illuminating

clarius eo quod illuminat. Quare poetis quidem permittamus sane eiusmodi exempla:

Qualis ubi hibernam Lyciam Xanthique fluenta
Deserit aut Delum maternam invisit Apollo.

Non idem oratorem decebit, ut occultis aperta
74 demonstret. Sed illud quoque, de quo in argumentis diximus, similitudinis genus ornat orationem facitque sublimem, floridam, iucundam, mirabilem. Nam quo quaeque longius petita est, hoc plus
75 adfert novitatis atque inexspectata magis est. Illa vulgaria videntur et utilia tantum ad conciliandam fidem: *Ut terram cultu, sic animum disciplinis meliorem uberioremque fieri,* et *Ut medici abalienata morbis membra praecidant, ita turpes ac perniciosos, etiamsi nobis sanguine cohaereant, amputandos.* Iam sublimius illud pro Archia; *Saxa atque solitudines voci respondent, bestiae saepe immanes cantu flectuntur atque*
76 *consistunt* et cetera. Quod quidem genus a quibusdam declamatoria maxime licentia corruptum est. Nam et falsis utuntur nec illa iis, quibus similia videri volunt, applicant. Quorum utrumque in his

[1] *Aen.* iv. 143. [2] v. xi. 22.
[3] *Pro Arch.* viii. 19.

something else must itself be clearer than that which it is designed to illustrate. Therefore while we may permit poets to employ such similes as:—

> "As when Apollo wintry Lycia leaves,
> And Xanthus' streams, or visits Delos' isle,
> His mother's home," [1]

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 74
connexion with arguments [2] 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 75
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 [3] 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 76
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

est, quae me iuvene ubique cantari solebant, *Magnorum fluminum navigabiles fontes sunt*, et *Generosioris*
77 *arboris statim planta cum fructu est.* In omni autem parabole aut praecedit similitudo, res sequitur, aut praecedit res et similitudo sequitur. Sed interim libera et separata est; interim, quod longe optimum est, cum re, cuius est imago, connectitur, collatione invicem respondente, quod facit redditio contraria,
78 quae ἀνταπόδοσις dicitur. Praecedit similitudo illa, cuius modo feci mentionem:

Inde lupi ceu
Raptores atra in nebula.

Sequitur in primo Georgicon post longam de bellis civilibus atque externis conquestionem:

Ut, cum carceribus sese effudere quadrigae,
Addunt in spatia; et frustra retinacula tendens
Fertur equis auriga, neque audit currus habenas.

79 Sed hae sunt sine antapodosi. Redditio autem illa rem utramque, quam comparat, velut subiicit oculis et pariter ostendit. Cuius praeclara apud Vergilium multa reperio exempla, sed oratoriis potius utendum est. Dicit Cicero pro Murena, *Ut aiunt in Graecis artificibus eos auloedos esse, qui citharoedi fieri non potuerint, sic apud nos videmus, qui oratores evadere non*

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[1] *Aen.* ii. 355. [2] *Georg.* i. 512.
[3] *Pro Mur.* xiii. 29.

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 77
comparison the simile either precedes or follows the subject which it illustrates. But sometimes it is free and detached, and sometimes, a far better arrangement, is attached to the subject which it illustrates, the correspondence between the resemblances being exact, an effect produced by *reciprocal representation*, which the Greeks style ἀνταπόδοσις. For example, the simile already quoted, 78

> "Thence like fierce wolves beneath the cloud of night,"[1]

precedes its subject. On the other hand, an example of the simile following its subject is to be found in the first *Georgic*, where, after the long lamentation over the wars civil and foreign that have afflicted Rome, there come the lines:

> "As when, their barriers down, the chariots speed
> Lap after lap; in vain the charioteer
> Tightens the curb: his steeds ungovernable
> Sweep him away nor heeds the car the rein."[2]

There is, however, no *antapodosis* in these similes. 79
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[3] 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

80 *potuerint, eos ad iuris studium devenire.* Illud pro eodem iam paene poetico spiritu, sed tamen cum sua redditione, quod est ad ornatum accommodatius: *Nam ut tempestates saepe certo aliquo caeli signo commoventur, saepe improvisae nulla ex certa ratione obscura aliqua ex causa concitantur, sic in hac comitiorum tempestate populari saepe intelligas, quo signo commota sit, saepe ita obscura est, ut sine causa excitata videatur.*

81 Sunt et illae breves, *Vagi per silvas ritu ferarum*, et illud Ciceronis in Clodium, *Quo ex iudicio velut ex incendio nudus effugit.* Quibus similia possunt cuicunque etiam ex cotidiano sermone succurrere.

Huic subiacet virtus non solum aperte ponendi rem

82 ante oculos, sed circumcise atque velociter. Ac merito laudatur brevitas integra; sed ea minus praestat, quotiens nihil dicit, nisi quod necesse est (*βραχυλογίαν* vocant, quae reddetur inter schemata), est vero pulcherrima, cum plura paucis complectimur, quale Sallustii est, *Mithridates corpore ingenti, perinde armatus.* Hoc male imitantes sequitur obscuritas.

83 Vicina praedictae sed amplior virtus est *ἔμφασις*,

[1] *Pro Mur.* xvii. 36. [2] Now lost.

law." There is also another simile in the same 80
speech,[1] which is almost worthy of a poet, but in
virtue of its *reciprocal representation* is better adapted
for ornament: "For as tempests are generally pre-
ceded 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 fre-
quently so obscure that the storm seems to have
burst without any apparent cause." We find also 81
shorter similes, such as "Wandering like wild beasts
through the woods," or the passage from Cicero's
speech against Clodius:[2] "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 82
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 83
is on a grander scale, is *emphasis*, which succeeds

altiorem praebens intellectum quam quem verba per se ipsa declarant. Eius duae sunt species, altera, quae plus significat quam dicit, altera, quae etiam id
84 quod non dicit. Prior est et apud Homerum, cum Menelaus Graios in equum *descendisse* ait (nam verbo uno magnitudinem eius ostendit), et apud Vergilium, *Demissum lapsi per funem;* nam sic quoque altitudo demonstrata est. Idem, Cyclopa cum iacuisse dixit *per antrum,* prodigiosum illud corpus spatio loci men-
85 sus est. Sequens positum in voce aut omnino suppressa aut etiam abscisa. Supprimitur vox, ut fecit pro Ligario Cicero: *Quodsi in hac tanta fortuna bonitas tanta non esset, quam tu per te, per te inquam, obtines: intelligo, quid loquar.* Tacuit enim illud, quod nihilominus accipimus, non deesse homines, qui ad crudelitatem eum impellant. Absciditur per ἀποσιώπησιν· quae, quoniam est figura, reddetur suo
86 loco. Est in vulgaribus quoque verbis emphasis: *Virum esse oportet,* et *Homo est ille,* et *Vivendum est.* Adeo similis est arti plerumque natura.

Non tamen satis eloquentiae est, ea, de quibus

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[1] *Od.* xi. 523. [2] *Aen.* ii. 262. [3] *Aen.* iii. 631.

[4] v. 15: The passage goes on, "Then your victory would have brought bitter grief in its train. For how many of the victors would have wished you to be cruel!" Where then is the *suppressio?* Quintilian is probably quoting from memory and has forgotten the context.

[5] IX. ii. 54; iii. 69.

in revealing a deeper meaning than is actually expressed by the words. There are two kinds of *emphasis:* the one means more than it says, the other often means something which it does not actually say. An example of the former is found 84
in Homer,[1] 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:[2]

"Descending by a rope let down,"

a phrase which in a similar manner indicates the height of the horse. The same poet,[3] 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* con- 85
sists either in the complete suppression of a word or in the deliberate omission to utter it. As an example of complete suppression I may quote the following passage from the *pro Ligario*,[4] where Cicero says: "But if your exalted position were not matched by your goodness of heart, a quality which is all your own, your very own—I know well enough what I am saying——" Here he suppresses the fact, which is none the less clear enough to us, that he does not lack counsellors who would incite him to cruelty. The omission of a word is produced by *aposiopesis*, which, however, being a figure, shall be dealt with in its proper place.[5] *Emphasis* is 86
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

dicat, clare atque evidenter ostendere; sed sunt
87 multi ac varii excolendae orationis modi. Nam ipsa illa ἀφέλεια simplex et inadfectata habet quendam purum, qualis etiam in feminis amatur, ornatum, et sunt quaedam velut e tenui diligentia circa proprietatem significationemque munditiae. Alia copia
88 locuples, alia floribus laeta. Virium non unum genus; nam, quidquid in suo genere satis effectum est, valet. Praecipua tamen eius opera δείνωσις in exaggeranda indignitate et in ceteris altitudo quaedam, φαντασία in concipiendis visionibus, ἐξεργασία in efficiendo velut opere proposito, cui adiicitur ἐπεξεργασία, repetitio probationis eiusdem et cumu-
89 lus ex abundanti, ἐνέργεια confinis his (est enim ab agendo dicta) et cuius propria sit virtus non esse, quae dicuntur, otiosa. Est et amarum quiddam, quod fere in contumelia est positum, quale Cassii: *Quid facies, cum in bona tua invasero, hoc est, cum te docuero nescire maledicere?* Et acre, ut illud Crassi, *Ego te consulem putem, cum tu me non putes senatorem?* Sed vis oratoris omnis in augendo minuendoque consistit.

[1] Cassius Severus was famous for his powers of abuse. His opponent was abusive. Cassius says that he will take a leaf out of his book and show him what real abuse is.

forth its theme in brilliant and vivid language: there are many different ways of embellishing our style. For even that absolute and unaffected sim- 87
plicity which the Greeks call *ἀφέλεια* has in it a certain chaste ornateness such as we admire also in women, while a minute accuracy in securing propriety and precision in our words likewise produces an impression of neatness and delicacy. Again copiousness may consist either in wealth of thought or luxuriance of language. Force, too, may be 88
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: *δείνωσις*, or a certain sublimity in the exaggerated denunciation of unworthy conduct, to mention no other topics; *φαντασία*, or imagination, which assists us to form mental pictures of things; *ἐξεργασία*, or finish, which produces completeness of effect; *ἐπεξεργασία*, an intensified form of the preceding, which reasserts our proofs and clinches the argument by repetition; and *ἐνέργεια*, or vigour, a 89
near relative of all these qualities, which derives its name from action and finds its peculiar function in securing that nothing that we say is tame. Bitterness, which is generally employed in abuse, may be of service as in the following passage from Cassius: "What will you do when I invade your special province, that is, when I show that, as far as abuse is concerned, you are a mere ignoramus?"[1] 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

Utrique parti totidem modi, ex quibus praecipuos attingemus; reliqui similes erunt; sunt autem positi
90 in rebus et verbis. Sed, quae sit rerum inventio ac ratio, tractavimus; nunc, quid elocutio attollat aut deprimat, dicendum.

IV. Prima est igitur amplificandi vel minuendi species in ipso rei nomine: ut cum eum, qui sit caesus, *occisum*, eum, qui sit improbus, *latronem*, contraque eum, qui pulsavit, *attigisse*, qui vulneravit, *laesisse* dicimus. Utriusque pariter exemplum est pro M. Caelio: *Si vidua libere, proterva petulanter, dives effuse, libidinosa meretricio more viveret, adulterum ego putarem,*
2 *si qui hanc paulo liberius salutasset?* Nam et impudicam *meretricem* vocavit, et eum, cui longus cum illa fuerat usus, *liberius salutasse*. Hoc genus increscit ac fit manifestius, si ampliora verba cum ipsis nominibus, pro quibus ea posituri sumus, conferantur: ut Cicero in Verrem, *Non enim furem sed ereptorem, non adulterum sed expugnatorem pudicitiae, non sacrilegum sed hostem sacrorum religionumque, non sicarium sed*

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[1] xvi. 38. [2] *Verr.* I. iii. 9.

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 90
invention and arrangement, and shall therefore now concern myself with the way in which style may elevate or depress the subject in hand.

IV. The first method of *amplification* or *attenuation* is to be found in the actual word employed to describe a thing. For example, we may say that a man who was *beaten* was *murdered*, or that a *dishonest* fellow is a *robber*, or, on the other hand, we may say that one who *struck* another merely *touched* him, and that one who *wounded* another merely *hurt* him. The following passage from the *pro Caelio*,[1] provides examples of both: "If a widow lives freely, if being by nature bold she throws restraint to the winds, makes wealth an excuse for luxury, and strong passions for playing the harlot, would this be a reason for my regarding a man who was somewhat free in his method of saluting her to be an adulterer?" For here he calls an immodest 2
woman a harlot, and says that one who had long been her lover saluted her with a certain freedom. This sort of *amplification* may be strengthened and made more striking by pointing the comparison between words of stronger meaning and those for which we propose to substitute them, as Cicero does in denouncing Verres:[2] "I have brought before you, judges, not a thief, but a plunderer; not an adulterer, but a ravisher; not a mere committer of sacrilege, but the enemy of all religious observance and all holy things; not an assassin,

crudelissimum carnificem civium sociorumque in vestrum
3 *iudicium adduximus.* Illo enim modo ut sit multum, hoc etiam plus ut sit efficitur. Quattuor tamen maxime generibus video constare amplificationem, incremento, comparatione, ratiocinatione, congerie.

Incrementum est potentissimum, cum magna videntur etiam quae inferiora sunt. Id aut uno gradu fit aut pluribus et pervenit non modo ad summum sed interim quodammodo supra summum.
4 Omnibus his sufficit vel unum Ciceronis exemplum: *Facinus est vincire civem Romanum, scelus verberare, prope parricidium necare: quid dicam in crucem tollere?* Nam et, si tantum verberatus esset, uno gradu increverat, ponendo etiam id esse *facinus,* quod erat
5 inferius; et, si tantum occisus esset, per plures gradus ascenderat; cum vero dixerit, *prope parricidium necare,* supra quod nihil est, adiecit *quid dicam in crucem tollere?* Ita, cum id, quod maximum est, occupasset, necesse erat in eo, quod ultra est, verba
6 deficere. Fit et aliter supra summum adiectio, ut apud Vergilium de Lauso:

quo pulchrior alter
Non fuit, excepto Laurentis corpore Turni.

Summum est enim, *quo pulchrior alter non fuit;* huic

[1] *Verr.* v. lxvi. 170. [2] *Aen.* vii. 649.

but a bloodthirsty butcher who has slain our fellow-citizens and our allies." In this passage the 3
first epithets are bad enough, but are rendered still worse by those which follow. I consider, however, that there are four principal methods of *amplification: augmentation, comparison, reasoning* and *accumulation.*

Of these, *augmentation* is most impressive when it lends grandeur even to comparative insignificance. This may be effected either by one step or by several, and may be carried not merely to the highest degree, but sometimes even beyond it. A single example from Cicero[1] will suffice to 4
illustrate all these points. "It is a sin to bind a Roman citizen, a crime to scourge him, little short of the most unnatural murder to put him to death; what then shall I call his crucifixion?" If he had merely been scourged, we should have had but one step, indicated by the description even of the lesser offence as a *sin,* while if he had merely been killed, 5
we should have had several more steps; but after saying that it was "little short of the most unnatural murder to put him to death," and mentioning the worst of crimes, he adds, "What then shall I call his crucifixion?" Consequently, since he had already exhausted his vocabulary of crime, words must necessarily fail him to describe something still worse. There is a second method of passing be- 6
yond the highest degree, exemplified in Virgil's description of Lausus:[2]

> "Than whom there was not one more fair
> Saving Laurentian Turnus."

For here the words "than whom there was not

7 deinde aliquid superpositum. Tertius quoque est modus, ad quem non per gradus itur et quod non est plus maximo, sed quo nihil maius est; *Matrem tuam cecidisti. Quid dicam amplius? Matrem tuam cecidisti.* Nam et hoc augendi genus est tantum
8 aliquid efficere, ut non possit augeri. Crescit oratio minus aperte, sed nescio an hoc ipso efficacius, cum citra distinctionem in contextu et cursu semper aliquid priore maius insequitur: ut de vomitu in Antonium Cicero, *In coetu vero populi Romani, negotium publicum gerens, magister equitum.* Singula incrementum habent. Per se deforme vel non in *coetu* vomere, in coetu etiam non *populi*, populi etiam non *Romani*, vel si nullum *negotium* ageret, vel si non *publicum*,
9 vel si non *magister equitum*. Sed alius divideret haec et circa singulos gradus moraretur; hic in sublime etiam cucurrit et ad summum non pervenit nisu, sed impetu.

Verum ut haec amplificatio in superiora tendit, ita, quae fit per comparationem, incrementum ex minoribus petit. Augendo enim, quod est infra,

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[1] *Phil.* II. XXV. 63.

one more fair" give us the superlative, on which the poet proceeds to superimpose a still higher degree. There is also a third sort, which is not 7
attained by gradation, a height which is not a degree beyond the superlative, but such that nothing greater can be conceived. "You beat your mother. What more need I say? You beat your mother." For to make a thing so great as to be incapable of augmentation is in itself a kind of augmentation. It is also possible to heighten 8
our style less obviously, but perhaps yet more effectively, by introducing a continuous and unbroken series in which each word is stronger than the last, as Cicero[1] does when he describes how Antony vomited "before an assembly of the Roman people, while performing a public duty, while Master of the Horse." Each phrase is more forcible than that which went before. Vomiting is an ugly thing in itself, even when there is no assembly to witness it; it is ugly when there is such an assembly, even though it be not an assembly of the people; ugly even though it be an assembly of the people and not the Roman people; ugly even though he were engaged on no business at the time, even if his business were not public business, even if he were not Master of the Horse. Another might have 9
broken up the series and lingered over each step in the ascending scale, but Cicero hastens to his climax and reaches the height not by laborious effort, but by the impetus of his speed.

Just as this form of *amplification* rises to a climax, so, too, the form which depends on *comparison* seeks to rise from the less to the greater, since by raising what is below it must necessarily exalt that which

necesse est extollat id quod supra positum est: ut
10 idem atque in eodem loco, *Si hoc tibi inter cenam et in illis immanibus poculis tuis accidisset, quis non turpe duceret? In coetu vero populi Romani* —. Et in Catilinam: *Servi mehercules mei si me isto pacto metuerent, ut te metuunt omnes cives tui, domum meam*
11 *relinquendam putarem.* Interim proposito velut simili exemplo efficiendum est, ut sit maius id quod a nobis exaggerandum est: ut idem pro Cluentio, cum exposuisset, Milesiam quandam a secundis heredibus pro abortu pecuniam accepisse, *Quanto est,* inquit, *Oppianicus in eadem iniuria maiore supplicio dignus? Siquidem illa, cum suo corpori vim attulisset, se ipsa cruciavit; hic autem idem illud effecit per alieni*
12 *corporis vim atque cruciatum.* Nec putet quisquam hoc, quanquam est simile illi ex argumentis loco, quo maiora ex minoribus colliguntur, idem esse. Illic enim probatio petitur, hic amplificatio; sicut in Oppianico non id agitur hac comparatione, ut ille male fecerit sed ut peius. Est tamen quanquam diversarum rerum quaedam vicinia. Repetam itaque hic quoque idem quo sum illic usus exemplum, sed
13 non in eundem usum. Nam hoc mihi ostendendum

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[1] *Phil.* II. xxv. 63.
[2] *Phil.* I. vii. 17.
[3] xi. 32.
[4] *cp.* V. xiii. 24.

is above, as, for example: in the following passage:[1]
"If this had befallen you at the dinner-table in 10
the midst of your amazing potations, who would
not have thought it unseemly? But it occurred at
an assembly of the Roman people." Or take this
passage from the speech against Catiline:[2] "In
truth, if my slaves feared me as all your fellow-
citizens fear you, I should think it wise to leave my
house." At times, again, we may advance a parallel 11
to make something which we desire to exaggerate
seem greater than ever, as Cicero does in the *pro
Cluentio*,[3] where, after telling a story of a woman
of Miletus who took a bribe from the reversionary
heirs to prevent the birth of her expected child,
he cries, "How much greater is the punishment
deserved by Oppianicus for the same offence! For
that woman, by doing violence to her own body
did but torture herself, whereas he procured
the same result by applying violence and torture
to the body of another." I would not, however, 12
have anyone think that this method is identical
with that used in argument, where the greater is
inferred from the less, although there is a certain
resemblance between the two. For in the latter
case we are aiming at proof, in the former at
amplification; for example, in the passage just cited
about Oppianicus, the object of the comparison is
not to show that his action was a crime, but that
it was even worse than another crime. There is,
however, a certain affinity between the two methods,
and I will therefore repeat[4] a passage which I
quoted there, although my present purpose is
different. For what I have now to demonstrate is 13
that when amplification is our purpose we com-

est, augendi gratia non tota modo totis, sed etiam partes partibus comparari : sicut hoc loco, *An vero vir amplissimus P. Scipio, pontifex maximus, Ti. Gracchum mediocriter labefactantem statum rei publicae privatus interfecit : Catilinam orbem terrae caede atque incendio*
14 *vastare cupientem nos consules perferemus?* Hic et Catilina Graccho et status rei publicae orbi terrarum et mediocris labefactatio caedi et incendiis et vastationi et privatus consulibus comparatur; quae si quis dilatare velit, plenos singula locos habent.

15 Quas dixi per ratiocinationem fieri amplificationes, viderimus an satis proprio verbo significaverim. Nec sum in hoc sollicitus, dum res ipsa volentibus discere appareat. Hoc sum tamen secutus, quod haec amplificatio alibi posita est alibi valet; ut aliud crescat aliud augetur, inde ad id, quod extolli
16 volumus, ratione ducitur. Obiecturus Antonio Cicero merum et vomitum, *Tu,* inquit, *istis faucibus, istis lateribus, ista gladiatoria totius corporis firmitate.* Quid fauces et latera ad ebrietatem? Minime sunt otiosa; nam respicientes ad haec possumus aestimare, quan-

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[1] *Cat.* I. i. 3.

[2] *Phil.* ii. xxv. 63.

pare not merely whole with whole, but part with part, as in the following passage:[1] "Did that illustrious citizen, the pontifex maximus, Publius Scipio, acting merely in his private capacity, kill Tiberius Gracchus when he introduced but slight changes for the worse that did not seriously impair the constitution of the state, and shall we as consuls suffer Catiline to live, whose aim was to lay waste the whole world with fire and sword?" Here 14
Catiline is compared to Gracchus, the constitution of the state to the whole world, a slight change for the worse to fire and sword and desolation, and a private citizen to the consuls, all comparisons affording ample opportunity for further individual expansion, if anyone should desire so to do.

With regard to the *amplification* produced by 15
reasoning, we must consider whether *reasoning* quite expresses my meaning. I am not a stickler for exact terminology, provided the sense is clear to any serious student. My motive in using this term was, however, this, that this form of amplification produces its effect at a point other than that where it is actually introduced. One thing is magnified in order to effect a corresponding augmentation elsewhere, and it is by reasoning that our hearers are then led on from the first point to the second which we desire to emphasise. Cicero, when he is about 16
to reproach Antony with his drunkenness and vomiting, says,[2] "You with such a throat, such flanks, such burly strength in every limb of your prize-fighter's body," etc. What have his throat and flanks to do with his drunkenness? The reference is far from pointless: for by looking at them we are enabled to estimate the quantity of

tum ille vini in Hippiae nuptiis exhauserit, quod ferre et concoquere[1] non posset illa corporis gladiatoria firmitate. Ergo, si ex alio colligitur aliud, nec improprium nec inusitatum nomen est ratiocinationis, ut quod ex eadem causa inter status quoque habeamus.

17 Sic et ex insequentibus amplificatio ducitur, siquidem tanta vis fuit vini erumpentis, ut non casum adferret aut voluntatem sed necessitatem, ubi minime deceret, vomendi, et cibus non recens, ut accidere interim solet, redderetur, sed usque in posterum diem redun-

18 daret. Idem hoc praestant, quae antecesserunt. Nam cum Aeolus a Iunone rogatus

> *cavum conversa cuspide montem*
> *Impulit in latus, ac venti velut agmine facto*
> *. . . ruunt,*

19 apparet, quanta sit futura tempestas. Quid? cum res atrocissimas quasque in summam ipsi extulimus invidiam elevamus consulto, quo graviora videantur quae secutura sunt, ut a Cicerone factum est, cum illa diceret, *Levia sunt haec in hoc reo. Metum virgarum nauarchus nobilissimae civitatis pretio redemit: humanum est. Alius, ne securi feriretur, pecuniam dedit: usitatum*

20 *est.* Nonne usus est ratiocinatione,[2] qua colligerent

[1] concoquere, *Spalding*: conquere, *B*: quod coquere, *A*.
[2] ratiocinatione, *Regius*: ratione, *MSS*.

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[1] See III. vi. 43 *sqq.* VII. v. 2. [2] *Aen.* i. 81.
[3] *Verr.* 5, 44, 177.

the wine which he drank at Hippias' wedding, and was unable to carry or digest in spite of the fact that his bodily strength was worthy of a prize-fighter. Accordingly if, in such a case, one thing is inferred from another, the term *reasoning* is neither improper nor extraordinary, since it has been applied on similar grounds to one of the *bases*.[1] So, again, amplification results from subsequent 17
events, since the violence with which the wine burst from him was such that the vomiting was not accidental nor voluntary, but a matter of necessity, at a moment when it was specially unseemly, while the food was not recently swallowed, as is sometimes the case, but the residue of the revel of the preceding day. On the other hand, *amplification* may equally result from antecedent circumstances; for example, when Juno made her request 18
to Aeolus, the latter[2]

> "Turned his spear and smote
> The mountain's caverned side, and forth the winds
> Rushed in a throng,"

whereby the poet shows what a mighty tempest will ensue. Again, when we have depicted some horrible 19
circumstance in such colours as to raise the detestation of our audience to its height, we then proceed to make light of them in order that what is to follow may seem still more horrible: consider the following passage from Cicero:[3] "These are but trivial offences for so great a criminal. The captain of a warship from a famous city bought off his threatened scourging for a price: a humane concession! Another paid down a sum of money to save his head from the axe: a perfectly ordinary circumstance!" Does 20

audientes, quantum illud esset quod inferebatur, cui comparata haec viderentur humana atque usitata? Sic quoque solet ex alio aliud augeri: ut cum Hannibalis bellicis laudibus ampliatur virtus Scipionis, et fortitudinem Gallorum Germanorumque miramur,
21 quo sit maior C. Caesaris gloria. Illud quoque est ex relatione ad aliquid, quod non eius rei gratia dictum videtur, amplificationis genus. Non putant indignum Troiani principes, Graios Troianosque propter Helenae speciem tot mala tanto temporis spatio sustinere: quaenam igitur illa forma credenda est? Non enim hoc dicit Paris, qui rapuit, non aliquis iuvenis aut unus e vulgo, sed senes et prudentissimi
22 et Priamo assidentes. Verum et ipse rex decennii bello exhaustus, amissis tot liberis, imminente summo discrimine, cui faciem illam, ex qua tot lacrimarum origo fluxisset, invisam atque abominandam esse oportebat, et audit haec et eam filiam appellans iuxta se locat et excusat etiam atque sibi esse
23 malorum causam negat. Nec mihi videtur in Symposio Plato, cum Alcibiadem confitentem de se, quid a Socrate pati voluerit, narrat, ut illum culparet, haec tradidisse, sed ut Socratis invictam continentiam ostenderet, quae corrumpi speciosissimi hominis tam

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[1] *Il.* iii. 156.

[2] 218B–219D.

not the orator employ a process of reasoning to enable the audience to infer how great the implied crime must be when such actions were but humane and ordinary in comparison? So, again, one thing may be magnified by allusion to another: the valour of Scipio is magnified by extolling the fame of Hannibal as a general, and we are asked to marvel at the courage of the Germans and the Gauls in order to enhance the glory of Gaius Caesar. There 21
is a similar form of *amplification* which is effected by reference to something which appears to have been said with quite another purpose in view. The chiefs of Troy [1] think it no discredit that Trojan and Greek should endure so many woes for so many years all for the sake of Helen's beauty. How wondrous, then, must her beauty have been! For it is not Paris, her ravisher, that says this; it is not some youth or one of the common herd; no, it is the elders, the wisest of their folk, the counsellors of Priam. Nay, even the king himself, worn out by a 22
ten years' war, which had cost him the loss of so many of his sons, and threatened to lay his kingdom in the dust, the man who, above all, should have loathed and detested her beauty, the source of all those tears, hears these words, calls her his daughter, and places her by his side, excuses her guilt, and denies that she is the cause of his sorrows. Again, when 23
Plato in the Symposium [2] makes Alcibiades confess how he had wished Socrates to treat him, he does not, I think, record these facts with a view to blaming Alcibiades, but rather to show the unconquerable self-control of Socrates, which would not yield even to the charms which the greatest beauty of his day so frankly placed at his disposal.

24 obvia voluntate non posset. Quin ex instrumento quoque heroum illorum magnitudo aestimanda nobis datur. Huc pertinet clipeus Aiacis et Pelias Achillis. Qua virtute egregie est usus in Cyclope Vergilius. Nam quod illud corpus mente concipiam, cuius

Trunca manum pinus regit?

25 Quid? cum *vix loricam duo multiplicem connixi humeris ferunt*, quantus Demoleos, qui indutus ea

cursu palantes Troas agebat?

Quid? M. Tullius de M. Antonii luxuria tantum fingere saltem potuisset, quantum ostendit dicendo, *Conchyliatis Cn. Pompeii peristromatis servorum in cellis stratos lectos videres?* Conchyliata peristromata et Cn. Pompeii terunt servi in cellis: nihil dici potest ultra, et necesse est tamen infinito plus in domino
26 cogitare. Est hoc simile illi, quod ἔμφασις dicitur; sed illa ex verbo, hoc ex re coniecturam facit tantoque plus valet, quanto res ipsa verbis est firmior.

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[1] *Il.* vii. 219. [2] *Il.* xvi. 140. [3] *Aen.* iii. 659. [4] *Aen.* v. 264. [5] *Phil.* ii. 27.

We are even given the means of realising the 24
extraordinary stature of the heroes of old by the description of their weapons, such as the shield of Ajax[1] and the spear-shaft of Achilles[2] hewn in the forests of Pelion. Virgil[3] also has made admirable use of this device in his description of the Cyclops. For what an image it gives us of the bulk of that body

"Whose hand was propped by a branchless trunk of pine."

So, too, what a giant must Demoleos[4] have been, 25
whose

"corselet manifold
Scarce two men on their shoulders could uphold"

And yet the hero buckled it upon him and

"Drave the scattering Trojans at full speed."

And again, Cicero[5] could hardly even have conceived of such luxury in Antony himself as he describes when he says, "You might see beds in the chambers of his slaves strewn with the purple coverlets that had once been Pompey's own." Slaves are using purple coverlets in their chambers, aye, and coverlets that had once been Pompey's! No more, surely, can be said than this, and yet it leaves us to infer how infinitely greater was the luxury of their master. This form of *amplification* is near akin 26
to *emphasis:* but emphasis derives its effect from the actual words, while in this case the effect is produced by inference from the facts, and is consequently far more impressive, inasmuch as facts are more impressive than words.

Potest adscribi amplificationi congeries quoque verborum ac sententiarum idem significantium. Nam, etiamsi non per gradus ascendant, tamen velut
27 acervo quodam adlevantur: *Quid enim tuus ille, Tubero, destrictus in acie Pharsalica gladius agebat? cuius latus ille mucro petebat? qui sensus erat armorum tuorum? quae tua mens, oculi, manus, ardor animi? quid cupiebas? quid optabas?* Simile est hoc figurae, quam συναθροισμόν vocant; sed illic plurium rerum est congeries, hic unius multiplicatio. Haec etiam crescere solet verbis omnibus altius atque altius insurgentibus: *Aderat ianitor carceris, carnifex praetoris, mors terrorque sociorum et civium Romanorum, lictor Sextius.*

28 Eadem fere est ratio minuendi. Nam totidem sunt ascendentibus quot descendentibus gradus. Ideoque uno ero exemplo contentus eius loci, quo Cicero de oratione Rulli haec dicit: *Pauci tamen, qui proximi adstiterant, nescio quid illum de lege agraria voluisse dicere suspicabantur.* Quod si ad intellectum referas, minutio est, si ad obscuritatem, incrementum.

29 Scio posse videri quibusdam speciem amplificationis hyperbolen quoque, nam et haec in utramque partem

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[1] *Pro Lig.* iii. 9.
[2] "accumulation."
[3] *Verr.* v. xlv. 118.
[4] *Leg. Agr.* ii. v. 13.

Accumulation of words and sentences identical in meaning may also be regarded under the head of *amplification.* For although the climax is not in this case reached by a series of steps, it is none the less attained by the piling up of words. Take the following example:[1] "What was that sword of yours 27
doing, Tubero, the sword you drew on the field of Pharsalus? Against whose body did you aim its point? What meant those arms you bore? Whither were your thoughts, your eyes, your hand, your fiery courage directed on that day? What passion, what desires were yours?" This passage recalls the figure styled *συναθροισμός*[2] by the Greeks, but in that figure it is a number of different things that are accumulated, whereas in this passage all the accumulated details have but one reference. The heightening of effect may also be produced by making the words rise to a climax.[3] "There stood the porter of the prison, the praetor's executioner, the death and terror of the citizens and allies of Rome, the lictor Sextius."

Attenuation is effected by the same method, since 28
there are as many degrees of descent as ascent. I shall therefore content myself with quoting but one example, namely, the words used by Cicero[4] to describe the speech of Rullus: "A few, however, who stood nearest to him suspected that he had intended to say something about the agrarian law." This passage may be regarded as providing an example of *attenuation* or of *augmentation,* according as we consider its literal meaning or fix our attention on the obscurity attributed to Rullus.

I know that some may perhaps regard *hyperbole* 29
as a species of *amplification,* since *hyperbole* can be

valet; sed quia excedit[1] hoc nomen in tropos, differenda est. Quos continuo subiungerem, nisi esset a ceteris separata ratio dicendi, [quae constat non propriis sed translatis].[2] Demus ergo breviter hoc desiderio iam paene publico, ne omittamus eum, quem plerique praecipuum ac paene solum putant orationis ornatum.

V. Sententiam veteres, quod animo sensissent, vocaverunt. Id cum est apud oratores frequentissimum, tum etiam in usu cotidiano quasdam reliquias habet; nam et iuraturi *ex animi nostri sententia* et gratulantes *ex sententia* dicimus. Non raro tamen et sic locuti sunt, ut *sensa* sua dicerent; nam *sensus*
2 corporis videbantur. Sed consuetudo iam tenuit, ut mente concepta sensus vocaremus, lumina autem praecipueque in clausulis posita *sententias;* quae minus celebratae apud antiquos nostris temporibus modo carent. Ideoque mihi et de generibus earum et de usu arbitror pauca dicenda.
3 Antiquissimae sunt, quae proprie, quamvis omnibus idem nomen sit, sententiae vocantur, quas Graeci

[1] excedit, *B*: excidit, *A*.

[2] *Halm brackets* quae . . . translatis *as a gloss. The sense is unsatisfactory, but no satisfac'ory correction seems possible.*

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[1] See ch. vi.

employed to create an effect in either direction. But as the name is also applied to one of the *tropes*, I must postpone its consideration for the present. I would proceed to the immediate discussion of this subject but for the fact that others have given separate treatment to this form of artifice, [which employs words not in their literal, but in a metaphorical sense[1]]. I shall therefore at this point indulge a desire now almost universal, and discuss a form of ornament which many regard as the chief, nay, almost the sole adornment of oratory.

V. When the ancients used the word *sententia*, they meant a feeling, or opinion. The word is frequently used in this sense by orators, and traces of this meaning are still found even in the speech of every day. For when we are going to take an oath we use the phrase *ex animi nostri sententia* (in accordance with what we hold is the solemn truth), and when we offer congratulations, we say that we do so *ex sententia* (with all our heart). The ancients, indeed, often expressed the same meaning by saying that they uttered their *sensa;* for they regarded *sensus* as referring merely to the senses of the body. But modern usage applies *sensus* to concepts of the 2
mind, while *sententia* is applied to striking reflexions such as are more especially introduced at the close of our periods, a practice rare in earlier days, but carried even to excess in our own. Accordingly, I think that I ought to say something of the various forms which such reflexions may take and the manner in which they should be used.

Although all the different forms are included 3
under the same name, the oldest type of *sententia*, and that in which the term is most correctly applied,

γνώμας appellant; utrumque autem nomen ex eo acceperunt, quod similes sunt consiliis aut decretis. Est autem haec vox universalis, quae etiam citra complexum causae possit esse laudabilis, interim ad rem tantum relata, ut *Nihil est tam populare quam bonitas,* interim ad personam, quale est Afri Domitii, *Princeps, qui vult omnia scire, necesse habet multa ignos-*
4 *cere.* Hanc quidam partem enthymematis, quidam initium aut clausulam epichirematis esse dixerunt; et est aliquando, non tamen semper. Illud verius esse eam aliquando simplicem, ut ea, quae supra dixi, aliquando ratione subiecta: *Nam in omni certamine, qui opulentior est, etiamsi accipit iniuriam, tamen, quia plus potest, facere videtur;* nonnunquam duplicem:

Obsequium amicos, veritas odium parit.

5 Sunt etiam, qui decem genera fecerint, sed eo modo, quo fieri vel plura possunt, per interrogationem, per comparationem, infitiationem, similitudinem, admira-

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[1] Cic. *pro Lig.* xii. 37.
[2] The premises of the enthymeme are simple, while those of the epichireme are supported by a *reason.* See v. xiv.
[3] *Sall. Jug.* 10. [4] *Ter. Andr.* I. i. 41.

is the aphorism, called γνώμη by the Greeks. Both the Greek and the Latin names are derived from the fact that such utterances resemble the decrees or resolutions of public bodies. The term, however, is of wide application (indeed, such reflexions may be deserving of praise even when they have no reference to any special context), and is used in various ways. Sometimes it refers merely to things, as in the sentence: "There is nothing that wins the affections of the people more than goodness of heart." [1] Occasionally, again, they may have a personal reference, as in the following utterance of Domitius Afer: "The prince who would know all, must needs ignore much." Some have called 4
this form of *reflexion* a part of the *enthymeme*, others the major premise or conclusion of the *epichireme*, as it sometimes, though not invariably, is. More correct is the statement that at times it is simple, as in the example just quoted, while at other times a reason for the statement may be added,[2] such as the following: [3] "For in every struggle, the stronger seems not to suffer wrong, even when this is actually the case, but to inflict it, simply in virtue of his superior power." Sometimes, again, it may be double, as in the statement that

"Complaisance wins us friends, truth enmity." [4]

There are some even who classify them under ten 5
heads, though the principle on which they make this division is such that it would justify a still larger number: they class them as based on interrogation, comparison, denial, similarity, admiration, and the like, for they can be treated under every

tionem, et cetera huiusmodi; per omnes enim figuras tractari potest. Illud notabile ex diversis:

Mors misera non est, aditus ad mortem est miser.

6 Ac rectae quidem sunt tales:

Tam deest avaro, quod habet, quam quod non habet.

Sed maiorem vim accipiunt et mutatione figurae, ut

Usque adeone mori miserum est?

acrius hoc enim quam per se, *Mors misera non est.* Et translatione a communi ad proprium; nam, cum sit rectum, *Nocere facile est, prodesse difficile,* vehementius apud Ovidium Medea dicit,

Servare potui; perdere an possim, rogas?

7 Vertit ad personam Cicero: *Nihil habet, Caesar, nec fortuna tua maius quam ut possis, nec natura melius quam ut velis servare quam plurimos.* Ita, quae erant rerum, propria fecit hominis. In hoc genere custodiendum est et id, quod ubique, ne crebrae sint, ne palam falsae (quales frequenter ab iis dicuntur,

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[1] Author unknown. [2] Publil. *Syr. Sent.* 486.
[3] *Aen.* xii. 646. [4] In his lost tragedy, the Medea.
[5] *Pro Lig.* xii. 38.

kind of figure. A striking type is that which is produced by opposition:

"Death is not bitter, but the approach to death."[1]

Others are cast in a form of a direct statement, 6
such as

"The miser lacks
That which he has no less than what he has not."[2]

But they acquire greater force by a change in the *figure* employed, as in the following:

"Is it so bitter, then, to die?"[3]

For this is more vigorous than the simple statement, "Death is not bitter." A similar effect may be produced by transference of the statement from the general to the particular. For example, although the direct statement would be, "To hurt is easy, but to do good is hard." Ovid[4] gives this reflexion increased force when he makes Medea say,

"I had the power to save, and ask you then
If I have power to ruin?"

Cicero[5] again gives the general statement a personal 7
turn when he says: "Caesar, the splendour of your present fortune confers on you nothing greater than the power and nothing better than the will to save as many of your fellow-citizens as possible." For here he attributes to Caesar what was really attributable to the circumstances of his power. In this class of *reflexion* we must be careful, as always, not to employ them too frequently, nor at random, nor place them in the mouth of every kind of person,

qui haec καθολικὰ vocant, et, quidquid pro causa videtur, quasi indubitatum pronuntiant), et ne passim
8 et a quocunque dicantur. Magis enim decet eos, in quibus est auctoritas, ut rei pondus etiam persona confirmet. Quis enim ferat puerum aut adolescentulum aut etiam ignobilem, si iudicet in dicendo et quodammodo praecipiat?

9 Enthymema quoque est omne quod mente concepimus; proprie tamen dicitur, quae est sententia ex contrariis, propterea quod eminere inter ceteras videtur, ut Homerus poeta, urbs Roma. De hoc in argumentis satis dictum est. Non semper autem ad
10 probationem adhibetur sed aliquando ad ornatum: *Quorum igitur impunitas, Caesar, tuae clementiae laus est, eorum te ipsorum ad crudelitatem acuet oratio?* Non quia sit ratio dissimilis, sed quia iam per alia, ut id
11 iniustum appareret, effectum erat; et addita in clausula est epiphonematis modo non tam probatio quam extrema quasi insultatio. Est enim epiphonema rei narratae vel probatae summa acclamatio:

Tantae molis erat Romanam condere gentem!

Facere enim probus adolescens periculose quam perpeti

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[1] See v. x. 2, and again, for greater detail, v. xiv. 1 (note at end), where an example of this type of *sententia* is given from the *pro Milone* (ch. 29) "You are sitting to avenge the death of one whom you would be unwilling to restore to life even if you thought it was in your power to restore it!"

[2] *Pro Lig.* iv. 10. [3] *Aen.* i. 33.

while we must make certain that they are not untrue, as is so often the case with those speakers who style them *reflexions of universal application* and recklessly employ whatever seems to support their case as though its truth were beyond question. Such reflexions are best suited to those speakers 8
whose authority is such that their character itself will lend weight to their words. For who would tolerate a boy, or a youth, or even a man of low birth who presumed to speak with all the authority of a judge and to thrust his precepts down our throats?

The term *enthymeme* may be applied to any concept 9
of the mind, but in its strict sense means a *reflexion* drawn from contraries. Consequently, it has a supremacy among *reflexions* which we may compare to that of Homer among poets and Rome among cities. I have already said enough on this 10
topic in dealing with arguments.[1] But the use of the enthymeme is not confined to proof, it may sometimes be employed for the purpose of ornament, as in the following instance:[2] "Caesar, shall the language of those whom it is your glory to have spared goad you to imitate their own cruelty?" Cicero's motive in saying this is not that it introduces any fresh reason for clemency, but because he has already demonstrated by other arguments how unjust such conduct would be, while he adds it at the period's 11
close as an *epiphonema*, not by way of proof, but as a crowning insult to his opponents. For an *epiphonema* is an exclamation attached to the close of a statement or a proof by way of climax. Here are two examples:

"Such toil it was to found the Roman race!"[3]

and "The virtuous youth preferred to risk his life

12 *turpiter maluit.* Est et, quod appellatur a novis noema qua voce omnis intellectus accipi potest; sed hoc nomine donarunt ea quae non dicunt, verum intelligi volunt: ut in eum, quem saepius a ludo redemerat soror, agentem cum ea talionis, quod ei pollicem dormienti recidisset, *Eras dignus, ut haberes integram*
13 *manum,* sic enim auditur *ut depugnares.* Vocatur aliquid et clausula; quae, si est quod conclusionem dicimus, et recta et quibusdam in partibus necessaria est: *Quare prius de vestro facto fateamini necesse est, quam Ligarii culpam ullam reprehendatis.* Sed nunc aliud volunt, ut omnis locus, omnis sensus in fine
14 sermonis feriat aurem. Turpe autem ac prope nefas ducunt, respirare ullo loco, qui acclamationem non petierit. Inde minuti corruptique sensiculi et extra rem petiti; neque enim possunt tam multae bonae sententiae esse, quam necesse est multae sint clausulae.

15 Iam haec magis nova sententiarum genera. Ex inopinato: ut dixit Vibius Crispus in eum, qui, cum loricatus in foro ambularet, praetendebat id se metu

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[1] Cic. *pro Mil.* iv. 9, *cp.* v. xi. 13.

[2] *Pro Lig.* i. 2. It is a conclusion in the logical sense. But *clausula* more commonly means "close, conclusion, cadence" of a period. *Cp.* what follows.

by slaying him to suffering such dishonour."[1] There 12
is also what our modern rhetoricians call the *noema*, a term which may be taken to mean every kind of *conception*, but is employed by them in the special sense of things which they wish to be understood, though they are not actually said, as in the declamation where the sister defends herself against the brother whom she had often bought out from the gladiatorial school, when he brought an action against her demanding the infliction of a similar mutilation because she had cut off his thumb while he slept: "You deserved," she cries, "to have all your fingers," meaning thereby, "You deserved to be a gladiator all your days." There is also what 13
is called a *clausula*. If this merely means a *conclusion*, it is a perfectly correct and sometimes a necessary device, as in the following case: "You must, therefore, first confess your own offence before you accuse Ligarius of anything."[2] But to-day something more is meant, for our rhetoricians want every passage, every sentence to strike the ear by an impressive close. In fact, they think it a dis- 14
grace, nay, almost a crime, to pause to breathe except at the end of a passage that is designed to call forth applause. The result is a number of tiny epigrams, affected, irrelevant and disjointed. For there are not enough striking reflexions in the world to provide a close to every period.

The following forms of reflexion are even more 15
modern. There is the type which depends on surprise for its effect, as, for example, when Vibius Crispus, in denouncing the man who wore a breastplate when strolling in the forum and alleged that he did so because he feared for his life, cried, "Who

facere, *Quis tibi sic timere permisit?* Et insigniter Africanus apud Neronem de morte matris, *Rogant te, Caesar, Galliae tuae, ut felicitatem tuam fortiter feras.*
16 Sunt et alio relata: ut Afer Domitius, cum Cloatillam defenderet, cui obiectum crimen, quod virum qui inter rebellantes fuerat sepelisset, remiserat Claudius, in epilogo filios eius adloquens, *Matrem tamen,* inquit,
17 *pueri sepelitote.* Et aliunde petita, id est in alium locum ex alio translata. Pro Spatale Crispus, quam qui heredem amator instituerat decessit, cum haberet annos duodeviginti, *Hominem divinum, qui*
18 *sibi indulsit.* Facit quasdam sententias sola geminatio, qualis est Senecae in eo scripto, quod Nero ad senatum misit occisa matre, cum se periclitatum videri vellet: *Salvum me esse adhuc nec credo nec gaudeo.* Melior, cum ex contrariis valet: *Habeo quem fugiam; quem sequar non habeo. Quid, quod*
19 *miser, cum loqui non posset, tacere non poterat?* Ea vero fit pulcherrima, cum aliqua comparatione clarescit. Trachalus contra Spatalen: *Placet hoc ergo, leges, diligentissimae pudoris custodes, decimas uxoribus dari, quartas meretricibus?*

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[1] The point is uncertain. Possibly, as Gesner suggests, the sons were accusing their mother.

[2] *sibi indulsit* would seem to mean his appointing S. his heir and then being kind enough to die so soon! But the point is uncertain.

[3] Cic. *ad Att.* VIII. vii. 2.

[4] Probably from the lost *in Pisonem,* since St. Jerome in a letter to Oceanus says *postea vero Pisoniano vitio, cum loqui non posset, tacere non poterat.* But here again the point is obscure.

[5] By the *lex Julia et Papia Poppaea* childless wives were only entitled to a tenth of their husband's estate.

gave you leave to be such a coward?" Another instance is the striking remark made by Africanus to Nero with reference to the death of Agrippina: "Caesar, your provinces of Gaul entreat you to bear your good fortune with courage." Others are of 16
an allusive type: for example, Domitius Afer, in his defence of Cloatilla, whom Claudius had pardoned when she was accused of having buried her husband, who had been one of the rebels, addressed her sons in his peroration with the words: "Nonetheless, it is your duty, boys, to give your mother burial."[1] Some, again, depend on the fact that they are 17
transferred from one context to another Crispus, in his defence of Spatale, whose lover had made her his heir and then proceeded to die at the age of eighteen, remarked: "What a marvellous fellow to gratify his passion thus!"[2] Another type of re- 18
flexion may be produced by the doubling of a phrase, as in the letter written by Seneca for Nero to be sent to the senate on the occasion of his mother's death, with a view to creating the impression that he had been in serious danger:—"As yet I cannot believe or rejoice that I am safe." Better, however, is the type which relies for its effect on contrast of opposites, as "I know from whom to fly, but whom to follow I know not;"[3] or, "What of the fact that the poor wretch, though he could not speak, could not keep 19
silence?"[4] But to produce the most striking effect this type should be given point by the introduction of a comparison, such as is made by Trachalus in his speech against Spatale, where he says: "Is it your pleasure, then, ye laws, the faithful guardians of chastity, that wives should receive a tithe[5] and harlots a quarter?"

Sed horum quidem generum et bonae dici possunt
20 et malae. Illae semper vitiosae ut a verbo: *Patres conscripti, sic enim incipiendum est mihi, ut memineritis patrum.* Peius adhuc, quo magis falsum est et longius petitum, contra eandem sororem gladiatoris,
21 cuius modo feci mentionem, *Ad digitum pugnavi.* Est etiam generis eiusdem, nescio an vitiosissimum, quotiens verborum ambiguitas cum rerum falsa quadam similitudine iungitur. Clarum actorem[1] iuvenis audivi, cum lecta in capite cuiusdam ossa sententiae gratia tenenda matri dedisset: *Infelicissima femina, nondum extulisti filium et iam ossa legisti.*
22 Ad hoc plerique minimis etiam inventiunculis gaudent, quae excussae risum habent, inventae facie ingenii blandiuntur. De eo, qui naufragus et ante agrorum sterilitate vexatus in scholis fingitur se suspendisse: *Quem neque terra recipit nec mare, pendeat.*
23 Huic simile in illo, de quo supra dixi, cui pater sua membra laceranti venenum dedit: *Qui haec edit, debet hoc bibere.* Et in luxuriosum, qui ἀποκαρτέρησιν simulasse dicitur: *Necte laqueum, habes, quod faucibus*

[1] actorem, *Spalding*: actorum, *A*: auctorem, *other MSS.*

[1] The exact meaning is uncertain. The allusion may be to the turning up of the thumb as a sign of defeat. See sect. 12.

In these instances, however, the reflexion may equally well be good or bad. On the other hand, 20
there are some which will always be bad, such as those which turn on play upon words, as in the following case: "Conscript fathers, for I must address you thus that you may remember the duty owed to fathers." Worse still, as being more unreal and far-fetched, is the remark made by the gladiator mentioned above in his prosecution of his sister: "I have fought to the last finger."[1] There is 21
another similar type, which is perhaps the worst of all, where the play upon words is combined with a false comparison. When I was a young man I heard a distinguished pleader, after handing a mother some splinters of bone taken from the head of her son (which he did merely to provide an occasion for his epigram), cry: "Unhappiest of women, your son is not yet dead and yet you have gathered up his bones!" Moreover, most of our orators delight in 22
devices of the pettiest kind, which seriously considered are merely ludicrous, but at the moment of their production flatter their authors by a superficial semblance of wit. Take, for instance, the exclamation from the scholastic theme, where a man, after being ruined by the barrenness of his land, is shipwrecked and hangs himself: "Let him whom neither earth nor sea receives, hang in mid air." A 23
similar absurdity is to be found in the declamation, to which I have already referred, in which a father poisons his son who insists on tearing his flesh with his teeth: "The man who eats such flesh, deserves such drink." Or again, take this passage from the theme of the luxurious man who is alleged to have pretended to starve himself to death: "Tie a noose

tuis irascaris; sume venenum, decet luxuriosum bibendo
24 *mori.* Alia vana, ut suadentis purpuratis, ut Alexandrum Babylonis incendio sepeliant, *Alexandrum sepelio; hoc quisquam spectabit a tecto?* quasi vero id sit in re tota indignissimum. Alia nimia ut de Germanis dicentem quendam audivi, *Caput nescio ubi impositum;* et de viro forti, *Bella umbone propellit.*
25 Sed finis non erit, si singulas corruptorum persequar formas. Illud potius, quod est magis necessarium.

Duae sunt diversae opiniones, aliorum sententias solas paene spectantium, aliorum omnino damnantium; quorum mihi neutrum admodum placet.
26 Densitas earum obstat invicem; ut in satis omnibus fructibusque arborum nihil ad iustam magnitudinem adolescere potest, quod loco in quem crescat caret, nec pictura, in qua nihil circumlitum est, eminet;— ideoque artifices etiam, cum plura in unam tabulam opera contulerunt, spatiis distinguunt, ne umbrae in
27 corpora cadant. Facit res eadem concisam quoque orationem; subsistit enim omnis sententia, ideoque post eam utique aliud est initium. Unde soluta fere

[1] Is this a suggestion that the Germans are monsters "whose heads do grow beneath their shoulders" or that they are so tall that their heads are lost in the clouds?

for yourself: you have good reason to be angry with your throat. Take poison: it is fit that a luxurious man should die of drink!" Others are merely 24
fatuous, such as the remark of the declaimer who urges the courtiers of Alexander to provide him with a tomb by burning down Babylon. "I am burying Alexander. Shall any man watch such a burial from his housetop?" As if this were the climax of indignities! Others fail from sheer extravagance. For example, I once heard a rhetorician who was declaiming about the Germans, say: "I know not where they carry their heads,"[1] and again when belauding a hero, "He beats back whole wars with the boss of his shield." However, I shall never 25
come to an end if I try to describe every possible form of this kind of absurdity. I will therefore turn to discuss a point of more importance.

Rhetoricians are divided in opinion on this subject: some devote practically all their efforts to the elaboration of *reflexions*, while others condemn their employment altogether. I cannot agree entirely with either view. If they are crowded too thick 26
together, such *reflexions* merely stand in each other's way, just as in the case of crops and the fruits of trees lack of room to grow results in a stunted development. Again in pictures a definite outline is required to throw objects into relief, and consequently artists who include a number of objects in the same design separate them by intervals sufficient to prevent one casting a shadow on the other. Further, this form of display breaks up our speeches 27
into a number of detached sentences; every *reflexion* is isolated, and consequently a fresh start is necessary after each. This produces a discontinuous style, since

oratio et e singulis non membris sed frustis collata structura caret, cum illa rotunda et undique circum-
28 cisa insistere invicem nequeant. Praeter hoc etiam color ipse dicendi quamlibet claris, multis tamen ac variis velut maculis conspergitur. Porro, ut adfert lumen clavus purpurae in loco insertus,[1] ita certe neminem deceat intertexta pluribus notis vestis.
29 Quare, licet haec et nitere et aliquatenus exstare videantur, tamen et lumina illa non flammae, sed scintillis inter fumum emicantibus similia dixeris (quae ne apparent quidem, ubi tota lucet oratio, ut in sole sidera ipsa desinunt cerni); et, quae crebris parvisque conatibus se attollunt, inaequalia tantum et velut confragosa nec admirationem consequuntur
30 eminentium et planorum gratiam perdunt. Hoc quoque accedit quod solas captanti sententias multas dicere necesse est leves, frigidas, ineptas. Non enim potest esse dilectus, ubi numero laboratur. Itaque videas et divisionem pro sententia poni et argumentum; sit tantum in clausula nec[2] male pronuntietur.
31 *Occidisti uxorem ipse adulter; non ferrem te, etiamsi repudiasses,* divisio est. *Vis scire, venenum esse amatorium? Viveret homo, nisi illud bibisset,* argumentum est.

[1] adferent lumen clavus et purpurae, *B* (adferunt, *Spalding*).

[2] clausula nec male, *Halm*: clausula et male, *B*: clausulae calce, *A*.

our language is composed not of a system of limbs, but of a series of fragments: for your nicely rounded and polished phrases are incapable of cohesion. Further, the colour, though bright enough, has no 28
unity, but consists of a number of variegated splashes. A purple stripe appropriately applied lends brilliance to a dress, but a dress decorated with a quantity of patches can never be becoming to anybody. Where- 29
fore, although these ornaments may seem to stand out with a certain glitter of their own, they are rather to be compared to sparks flashing through the smoke than to the actual brilliance of flame: they are, in fact, invisible when the language is of uniform splendour, just as the stars are invisible in the light of day. And where eloquence seeks to secure elevation by frequent small efforts, it merely produces an uneven and broken surface which fails to win the admiration due to outstanding objects and lacks the charm that may be found in a smooth surface. To this must be added the fact that those 30
who devote themselves solely to the production of *reflexions* cannot avoid giving utterance to many that are trivial, flat or foolish. For their mere number will so embarrass their author that selection will be impossible. Consequently you will often find that such persons will produce a *division* or an *argument* as if it were an epigram, the only qualification necessary being that it should come toward the close of the period and be impressively delivered. "You killed 31
your wife, though you were an adulterer yourself. I should loathe you even if you had only divorced her." Here we have a division. "Do you wish me to prove that a love-philtre is a poison? The man would still be living, if he had not drunk it" This is an argu-

Nec multas plerique sententias dicunt, sed omnia
32 tanquam sententias. Huic quibusdam contrarium studium, qui fugiunt ac reformidant omnem hanc in dicendo voluptatem, nihil probantes nisi planum et humile et sine conatu. Ita, dum timent, ne aliquando cadant, semper iacent. Quod enim tantum in sententia bona crimen est? Non causae prodest? non iudicem movet? non dicentem com-
33 mendat? Est quoddam genus, quo veteres non utebantur. Ad quam usque nos vocatis vetustatem? Nam si illam extremam, multa Demosthenes, quae ante eum nemo. Quomodo potest probare Ciceronem, qui nihil putet ex Catone Gracchisque mutandum? Sed ante hos simplicior adhuc ratio
34 loquendi fuit. Ego vero haec lumina orationis velut oculos quosdam esse eloquentiae credo. Sed neque oculos esse toto corpore velim, ne cetera membra officium suum perdant; et, si necesse sit, veterem illum horrorem dicendi malim quam istam novam licentiam. Sed patet media quaedam via, sicut in cultu victuque accessit aliquis citra reprehensionem nitor. Quare, sicut possumus, adiiciamus virtutibus;

ment. There are, moreover, a number of speakers who not merely deliver many such epigrams, but utter everything as if it were an epigram. Against 32
these persons, on the other hand, must be set those who shun and dread all ornament of this kind, approving nothing that is not plain, humble and effortless, with the result that by their reluctance to climb for fear of falling they succeed merely in maintaining a perpetual flatness. What sin is there in a good epigram? Does it not help our case, or move the judge, or commend the speaker to his audience? It may be urged, perhaps, that it is a form of 33
ornament eschewed by the ancients. What do you mean by antiquity? If you go back to the earliest periods you will find that Demosthenes frequently employed methods that were known to none before him. How can we give our approval to Cicero, if we think that no change should be made from the methods of Cato and the Gracchi? And yet before the Gracchi and Cato the style of oratory was simpler still. For my own part I regard these particular 34
ornaments of oratory to be, as it were, the eyes of eloquence. On the other hand, I should not like to see the whole body full of eyes, for fear that it might cripple the functions of the other members, and, if I had no alternative, I should prefer the rudeness of ancient eloquence to the license of the moderns. But a middle course is open to us here no less than in the refinements of dress and mode of life, where there is a certain tasteful elegance that offends no one. Therefore let us as far as possible seek to increase the number of our virtues, although our first care must always be to keep ourselves free from vices, lest in seeking to make ourselves better than

prius tamen sit vitiis carere, ne, dum volumus esse meliores veteribus, simus tantum dissimiles.

35 Reddam nunc, quam proximam partem dixeram esse de tropis, quos modos clarissimi nostrorum auctores vocant. Horum tradere praecepta et grammatici solent. Sed a me, cum de illorum officio loquerer, dilata pars haec est, quia de ornatu orationis gravior videbatur locus et maiori operi reservandus.

VI. Tropus est verbi vel sermonis a propria significatione in aliam cum virtute mutatio. Circa quem inexplicabilis et grammaticis inter ipsos et philosophis pugna est, quae sint genera, quae species, qui
2 numerus, quis cuique subiiciatur. Nos omissis, quae nihil ad instruendum oratorem pertinent, cavillationibus, necessarios maxime atque in usum receptos exsequemur, haec modo in his adnotasse contenti, quosdam gratia significationis quosdam decoris assumi, et esse alios in verbis propriis alios in tralatis, vertique formas non verborum modo sed
3 et sensuum et compositionis. Quare mihi videntur errasse, qui non alios crediderunt tropos, quam in quibus verbum pro verbo poneretur. Neque illud

the ancients we succeed merely in making ourselves unlike them.

I will now proceed to the next subject for dis- 35
cussion, which is, as I have said, that of *tropes*, or *modes*, as the most distinguished Roman rhetoricians call them. Rules for their use are given by the teachers of literature as well. But I postponed the discussion of the subject when I was dealing with literary education, because it seemed to me that the theme would have greater importance if handled in connexion with the ornaments of oratory, and that it ought to be reserved for treatment on a larger scale.

VI. By a *trope* is meant the artistic alteration of a word or phrase from its proper meaning to another. This is a subject which has given rise to interminable disputes among the teachers of literature, who have quarrelled no less violently with the philosophers than among themselves over the problem of the *genera* and *species* into which *tropes* may be divided, their number and their correct classification. I propose to disregard such quibbles as in no wise 2
concern the training of an orator, and to proceed to discuss those *tropes* which are most necessary and meet with most general acceptance, contenting myself merely with noting the fact that some *tropes* are employed to help out our meaning and others to adorn our style, that some arise from words used *properly* and others from words used *metaphorically*, and that the changes involved concern not merely individual words, but also our thoughts and the structure of our sentences. In view of these facts 3
I regard those writers as mistaken who have held that *tropes* necessarily involved the substitution of word for word. And I do not ignore the fact that

ignoro, in iisdem fere, qui significandi gratia adhibentur, esse et ornatum; sed non idem accidet contra, eruntque quidam tantum ad speciem accommodati.

4 Incipiamus igitur ab eo, qui cum frequentissimus est tum longe pulcherrimus, translatione dico, quae μεταφορὰ Graece vocatur. Quae quidem cum ita est ab ipsa nobis concessa natura, ut indocti quoque ac non sentientes ea frequenter utantur, tum ita iucunda atque nitida, ut in oratione quamlibet clara
5 proprio tamen lumine eluceat. Neque enim vulgaris esse neque humilis nec insuavis apte[1] ac recte modo adscita potest. Copiam quoque sermonis auget permutando aut mutuando quae non habet, quodque est difficillimum, praestat ne ulli rei nomen deesse videatur. Transfertur ergo nomen aut verbum ex eo loco in quo proprium est, in eum in quo aut proprium deest aut translatum proprio melius est.
6 Id facimus, aut quia necesse est aut quia significantius est aut (ut dixi) quia decentius. Ubi nihil horum praestabit, quod transferetur, improprium erit. Necessitate rustici *gemmam* in vitibus (quid enim dicerent aliud?), et *silire segetes* et *fructus laborare;* necessitate nos *dûrum hominem* aut *asperum;* non enim proprium erat, quod daremus his
7 adfectibus, nomen. Iam *incensum ira* et *inflammatum*

[1] apte, *added by Christ.*

as a rule the *tropes* employed to express our meaning involve ornament as well, though the converse is not the case, since there are some which are intended solely for the purpose of embellishment.

Let us begin, then, with the commonest and by far 4
the most beautiful of *tropes*, namely, *metaphor*, the Greek term for our *translatio*. It is not merely so natural a turn of speech that it is often employed unconsciously or by uneducated persons, but it is in itself so attractive and elegant that however distinguished the language in which it is embedded it shines forth with a light that is all its own. For if it be correctly 5
and appropriately applied, it is quite impossible for its effect to be commonplace, mean or unpleasing. It adds to the copiousness of language by the interchange of words and by borrowing, and finally succeeds in accomplishing the supremely difficult task of providing a name for everything. A noun or a verb is transferred from the place to which it properly belongs to another where there is either no *literal* term or the *transferred* is better than the *literal*. We do this either because it is necessary or to make 6
our meaning clearer or, as I have already said, to produce a decorative effect. When it secures none of these results, our metaphor will be out of place. As an example of a necessary metaphor I may quote the following usages in vogue with peasants when they call a vinebud *gemma*, a gem (what other term is there which they could use?), or speak of the *crops being thirsty* or the *fruit suffering*. For the same reason we speak of a *hard* or *rough* man, there being no *literal* term for these temperaments. On the 7
other hand, when we say that a man is *kindled to anger* or *on fire with greed* or that he has *fallen into*

cupiditate et *lapsum errore* significandi gratia; nihil enim horum suis verbis quam his arcessitis magis proprium erit. Illa ad ornatum, *lumen orationis* et *generis claritatem* et *contionum procellas* et *eloquentiae fulmina*, ut Cicero pro Milone Clodium *fontem gloriae eius* vocat et alio loco *segetem ac*
8 *materiem*. Quaedam etiam parum speciosa dictu per hanc explicantur:

Hoc faciunt, nimio ne luxu obtunsior usus
Sit genitali arvo et sulcos oblimet inertes.

In totum autem metaphora brevior est similitudo, eoque distat, quod illa comparatur rei quam volumus
9 exprimere, haec pro ipsa re dicitur. Comparatio est, cum dico fecisse quid hominem *ut leonem;* translatio, cum dico de homine, *leo est*. Huius vis omnis quadruplex maxime videtur: cum in rebus animalibus aliud pro alio ponitur, ut de agitatore,

Gubernator magna contorsit equum vi;

aut ut Livius Scipionem a Catone *adlatrari* solitum
10 refert. Inanima pro aliis generis eiusdem sumuntur, ut:

Classique immittit habenas;

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[1] *Pro Mil.* xiii. 34, 35. [2] Virg. *Georg.* iii. 1
[3] Probably from Ennius. [4] Liv. xxxviii. liv.
[5] *Aen.* vi. 1.

error, we do so to enhance our meaning. For none of these things can be more literally described in its own words than in those which we import from elsewhere. But it is a purely ornamental metaphor when we speak of *brilliance of style, splendour of birth, tempestuous public assemblies, thunderbolts of eloquence*, to which I may add the phrase employed by Cicero[1] in his defence of Milo where he speaks of Clodius as the *fountain*, and in another place as *the fertile field and material* of his client's *glory*. It 8
is even possible to express facts of a somewhat unseemly character by a judicious use of metaphor, as in the following passage:[2]

"This do they lest too much indulgence make
The field of generation slothful grow
And choke its idle furrows."

On the whole *metaphor* is a shorter form of *simile*, while there is this further difference, that in the latter we compare some object to the thing which we wish to describe, whereas in the former this object is actually substituted for the thing. It is a com- 9
parison when I say that a man did something *like a lion*, it is a metaphor when I say of him, *He is a lion*. Metaphors fall into four classes. In the first we substitute one living thing for another, as in the passage where the poet, speaking of a charioteer,[3] says,

"The steersman then
With mighty effort wrenched his charger round."

or when Livy[4] says that Scipio was continually *barked at* by Cato. Secondly, inanimate things may 10
be substituted for inanimate, as in the Virgilian.

"And gave his fleet the rein,"[5]

aut pro rebus animalibus inanima,

Ferron an[1] *fato moerus Argivom occidit?*

aut contra:

Sedet[2] *inscius alto*
Accipiens sonitum saxi de vertice pastor.

11 Praecipueque ex his oritur mira sublimitas, quae audaci et proxime periculum translatione tolluntur, cum rebus sensu carentibus actum quendam et animos damus, qualis est

Pontem indignatus Araxes,

12 et illa Ciceronis, *Quid enim tuus ille, Tubero, destrictus in acie Pharsalica gladius agebat? Cuius latus ille mucro petebat? qui sensus erat armorum tuorum?* Duplicatur interim haec virtus, ut apud Vergilium,

Ferrumque armare veneno.

Nam et *veneno armare* et *ferrum armare* translatio est.
13 Secantur haec in plures species[3]: ut a rationali ad rationale et item de irrationalibus, et haec invicem, quibus similis ratio est, et a toto et a partibus. Sed iam non pueris praecipimus, ut accepto genere species intelligere non possint.
14 Ut modicus autem atque opportunus eius usus

[1] ferron, *Bücheler*: ferro, *MSS.*: an, *B*: non, *A*.
[2] stupet, *MSS. of Virgil.*
[3] species, *added by Daniel.*

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[1] From an unknown tragedian. [2] *Aen.* ii. 307.
[3] *Aen.* viii. 728. [4] *Pro Lig.* iii. 9. See VIII. iv. 27.
[5] *Aen.* ix. 773.

or inanimate may be substituted for animate, as in

"Did the Argive bulwark fall by sword or fate?" [1]

or animate for inanimate, as in the following lines:

"The shepherd sits unknowing on the height
Listening the roar from some far mountain brow." [2]

But, above all, effects of extraordinary sublimity are 11
produced when the theme is exalted by a bold and almost hazardous metaphor and inanimate objects are given life and action, as in the phrase

"Araxes' flood that scorns a bridge," [3]

or in the passage of Cicero,[4] already quoted, where 12
he cries, "What was that sword of yours doing, Tubero, the sword you drew on the field of Pharsalus? Against whose body did you aim its point? What meant those arms you bore?" Sometimes the effect is doubled, as in Virgil's.

"And with venom arm the steel." [5]

For both "to arm the steel" and "to arm with venom" are metaphors. These four kinds of 13
metaphor are further subdivided into a number of *species,* such as transference from rational beings to rational and from irrational to irrational and the reverse, in which the method is the same, and finally from the whole to its parts and from the parts to the whole. But I am not now teaching boys: my readers are old enough to discover the *species* for themselves when once they have been given the *genus.*

While a temperate and timely use of metaphor is 14

illustrat orationem, ita frequens et obscurat et taedio complet, continuus vero in allegorias et aenigmata exit. Sunt etiam quaedam et humiles translationes, ut id de quo modo dixi, *Saxea est*
15 *verruca*, et sordidae. Non enim, si Cicero recte *sentinam rei publicae* dixit, foeditatem hominum significans, idcirco probem illud quoque veteris oratoris, *Persecuisti rei publicae vomicas.* Optimeque Cicero demonstrat cavendum, ne sit deformis translatio, (qualis est—nam ipsis eius utar exemplis—*Castratam morte Africani rem publicam*, et *Stercus curiae Glauciam*)
16 ne nimio maior aut, quod saepius accidit, minor, ne dissimilis. Quorum exempla nimium frequenter deprehendet, qui scierit haec vitia esse. Sed copia quoque modum egressa vitiosa est, praecipue in
17 eadem specie. Sunt et durae, id est a longinqua imilitudine ductae, ut *capitis nives* et

Iuppiter hibernas cana nive conspuit Alpes.

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[1] See VIII. iii. 48. [2] In *Cat.* I. v. 12.
[3] *De Or.* III. xli. 164.
[4] From Furius, an old epic poet of the second century (not Furius Bibaculus), *cp.* Hor. *S.* II. v. 11.

a real adornment to style, on the other hand, its frequent use serves merely to obscure our language and weary our audience, while if we introduce them in one continuous series, our language will become allegorical and enigmatic. There are also certain metaphors which fail from meanness, such as that of which I spoke above[1]:

"There is a rocky wart upon the mountain's brow."

or they may even be coarse. For it does not follow that because Cicero was perfectly justified in talking of "the sink of the state,"[2] when he desired to indicate the foulness of certain men, we can approve the following passage from an ancient orator: "You have lanced the boils of the state." Indeed Cicero[3] himself has demon- 15
strated in the most admirable manner how important it is to avoid grossness in metaphor, such as is revealed by the following examples, which he quotes:—"The state was gelded by the death of Africanus," or "Glaucia, the excrement of the senate-house." He also points out that a metaphor 16
must not be too great for its subject or, as is more frequently the case, too little, and that it must not be inappropriate. Anyone who realises that these are faults, will be able to detect instances of them only too frequently. But excess in the use of metaphor is also a fault, more especially if they are of the same species. Metaphors may also be harsh, that is, 17
far-fetched, as in phrases like "the snows of the head" or

"Jove with white snow the wintry Alps bespewed."[4]

In illo vero plurimum erroris, quod ea, quae poetis, qui et omnia ad voluptatem referunt et plurima vertere etiam ipsa metri necessitate coguntur, permissa sunt, convenire quidam etiam prosae putant.

18 At ego in agendo nec *pastorem populi* auctore Homero dixerim, nec volucres *per aera nare*,[1] licet hoc Vergilius in apibus ac Daedalo speciosissime sit usus. Metaphora enim aut vacantem occupare locum debet aut, si in alienum venit, plus valere eo quod expellet.

19 Quod aliquanto etiam [2] magis de synecdoche dicam. Nam translatio permovendis animis plerumque et signandis rebus ac sub oculos subiiciendis reperta est. Haec variare sermonem potest, ut ex uno plures intelligamus, parte totum, specie genus, praecedentibus sequentia, vel omnia haec contra;

20 liberior poetis quam oratoribus. Nam prosa, ut *mucronem* pro gladio et *tectum* pro domo recipiet, ita non *puppim* pro navi nec *abietem* pro tabellis; et rursus, ut pro gladio *ferrum*, ita non pro equo *quadrupedem*. Maxime autem in orando valebit

[1] Per aera nare, *Halm following Burmann:* sperae sanare, *G.*: pennis remigare, *A.*

[2] aliquanto etiam, *Regius*: aliquando pentiam, *AG*: paene etiam *Obrecht.*

[1] *Georg.* iv. 59. *Aen.* vi. 16 and 19.

The worst errors of all, however, originate in the fact that some authors regard it as permissible to use even in prose any metaphors that are allowed to poets, in spite of the fact that the latter aim solely at pleasing their readers and are compelled in many cases to employ metaphor by sheer metrical necessity. For my own part I should not regard a phrase 18
like "the shepherd of the people" as admissible in pleading, although it has the authority of Homer, nor would I venture to say that winged creatures "swim through the air," despite the fact that this metaphor has been most effectively employed by Virgil to describe the flight of bees and of Daedalus.[1] For metaphor should always either occupy a place already vacant, or if it fills the room of something else, should be more impressive than that which it displaces.

What I have said above applies perhaps with even 19
greater force to *synecdochè*. For while *metaphor* is designed to move the feelings, give special distinction to things and place them vividly before the eye, *synecdochè* has the power to give variety to our language by making us realise many things from one, the whole from a part, the *genus* from a *species*, things which follow from things which have preceded; or, on the other hand, the whole procedure may be reversed. It may, however, be more freely employed by poets than by orators. For 20
while in prose it is perfectly correct to use *mucro*, the point, for the whole sword, and *tectum*, roof, for a whole house, we may not employ *puppis*, stern, to describe a ship, nor *abies*, fir, to describe planks; and again, though *ferrum*, the steel, may be used to indicate a sword, *quadrupes* cannot be used in the

numerorum illa libertas. Nam et Livius saepe sic dicit, *Romanus proelio victor,* cum Romanos vicisse significat; et contra Cicero ad Brutum, *Populo,* inquit, *imposuimus et oratores visi sumus,* cum de se
21 tantum loqueretur. Quod genus non orationis modo ornatus, sed etiam cotidiani sermonis usus recipit. Quidam synecdochen vocant et cum id in contextu sermonis quod tacetur accipimus; verbum enim ex verbis intelligi, quod inter vitia ellipsis vocatur:

Arcades ad portas ruere.

22 Mihi hanc figuram esse magis placet; illic ergo reddetur. Aliud etiam intelligitur ex alio:

Aspice, aratra iugo referunt suspensa invenci,

unde apparet noctem appropinquare. Id nescio an oratori conveniat nisi in argumentando, cum rei signum est. Sed hoc ab elocutionis ratione distat.
23 Nec procul ab hoc genere discedit metonymia, quae est nominis pro nomine positio,[1] sed, ut ait Cicero, hypallagen rhetores dicunt. Haec inventas ab

[1] *The MSS. here inserts the words* cuius vis est pro eo quod dicitur causam propter quam dicitur ponere ("the substitution of the cause for which we say a thing in place of the thing to which we refer"). *The words are expunged by Spalding as a manifest gloss, so clumsily worded as to be barely intelligible, but intended to mean* "the substitution of cause for effect."

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[1] This letter is lost.
[2] *Aen.* xi. 142. A false explanation of the historic infinitive as involving the omission of some such word as *coeperunt.* [3] *Ed.* ii. 66. [4] *Orat.* xxvii. 93.

sense of horse. It is where numbers are concerned that *synecdochè* can be most freely employed in prose. For example, Livy frequently says, "The Roman won the day," when he means that the *Romans* were victorious; on the other hand, Cicero in a letter to Brutus[1] says, "We have imposed on the people and are regarded as orators," when he is speaking of himself alone. This form of *trope* is 21
not only a rhetorical ornament, but is frequently employed in everyday speech. Some also apply the term *synecdochè* when something is assumed which has not actually been expressed, since one word is then discovered from other words, as in the sentence,

"The Arcadians to the gates began to rush;"[2]

when such omission creates a blemish, it is called an *ellipse*. For my own part, I prefer to regard this as 22
a figure, and shall therefore discuss it under that head. Again, one thing may be suggested by another, as in the line,

"Behold, the steers
Bring back the plough suspended from the yoke,"[3]

from which we infer the approach of night. I am not sure whether this is permissible to an orator except in arguments, when it serves as an indication of some fact. However, this has nothing to do with the question of style.

It is but a short step from *synecdochè* to *metonymy*, 23
which consists in the substitution of one name for another, and, as Cicero[4] tells us, is called *hypallage* by the rhetoricians. These devices are employed to indicate an invention by substituting the name of

inventore et subiectas res ab obtinentibus significat: ut

Cererem corruptam undis,

et

receptus
Terra Neptunus classes Aquilonibus arcet.

24 Quod fit retrorsum durius. Refert autem in quantum hic tropus oratorem sequatur. Nam ut *Vulcanum* pro igne vulgo audimus, et *vario Marte pugnatum* eruditus est sermo, et *Venerem* quam coitum dixisse magis decet, ita *Liberum* et *Cererem* pro vino et pane licentius quam ut fori severitas ferat. Sicut ex eo, quod continetur, usus recipit *bene moratas urbes* et
25 *poculum epotum* et *saeculum felix*; at id, quod contra est, raro audeat quis, nisi poeta:

iam proximus ardet Ucalegon.

Nisi forte hoc potius est, a possessore quod possidetur, ut *hominem devorari,* cuius patrimonium consumatur.
26 Quo modo fiunt innumerabiles species. Huius enim sunt generis, cum ab Hannibale *caesa apud Cannas sexaginta milia* dicimus, et carmina Vergilii *Vergilium;*

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[1] *Aen.* i. 177. [2] *A. P.* 63.
[3] *Aen.* ii. 311.

the inventor, or a possession by substituting the name of the possessor. Virgil, for example, writes:[1]

"Ceres by water spoiled,"

and Horace:

"Neptune admitted to the land
Protects the fleets from blasts of Aquilo."[2]

If, however, the process is reversed, the effect is harsh. But it is important to enquire to what 24
extent *tropes* of this kind should be employed by the orator. For though we often hear "Vulcan" used for fire and to say *vario Marte pugnatum est* for "they fought with varying success" is elegant and idiomatic, while *Venus* is a more decent expression than *coitus*, it would be too bold for the severe style demanded in the courts to speak of *Liber* and *Ceres* when we mean bread and wine. Again, while usage permits us to substitute that which contains for that which is contained, as in phrases such as "civilised cities," or "a cup was drunk to the lees," or "a happy age," the converse procedure would rarely be 25
ventured on by any save a poet: take, for example, the phrase:

"Ucalegon burns next."[3]

It is, however, perhaps more permissible to describe what is possessed by reference to its possessor, as, for example, to say of a man whose estate is being squandered, "the man is being eaten up." Of this form there are innumerable species. For example, 26
we say "sixty thousand men were slain by Hannibal at Cannae," and speak of "Virgil" when we mean "Virgil's poems"; again, we say that supplies have

venisse commeatus, qui adferantur; *sacrilegium* deprehensum, non *sacrilegum; armorum* scientiam
27 habere, non *artis*. Illud quoque et poetis et oratoribus frequens, quo id, quod efficit, ex eo, quod efficitur, ostendimus. Nam et carminum auctores,

Pallida mors aequo pulsat pede pauperum tabernas,

et

Pallentesque habitant morbi tristisque senectus,

et orator *praecipitem iram, hilarem adolescentiam, segne otium* dicet.

28 Est etiam huic tropo quaedam cum synecdoche vicinia. Nam, cum dico *vultus* hominis pro *vultu*, dico pluraliter quod singulare est; sed non id ago, ut unum ex multis intelligatur (nam id est manifestum), sed nomen immuto[1]; et cum *aurata* tecta *aurea*, pusillum a vero discedo, quia non est nisi[2] pars auratura. Quae singula persequi minutioris est curae etiam non oratorem instruentibus.

29 Antonomasia, quae aliquid pro nomine ponit, poetis utroque modo frequentissima, et per epitheton, quod detracto eo, cui apponitur, valet pro nomine, *Tydides, Pelides:* et ex his, quae in quoque sunt praecipua,

Divum pater atque hominum rex;

[1] immuto, *early edd.*: malta, *MSS.*
[2] nisi *added by Badius.*

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[1] Hor. *Od.* I. iv. 13. [2] *Aen.* vi. 275
[3] The son of Tydeus = Diomede, the son of Peleus = Achilles. [4] *Aen.* i. 65.

"come," when they have been "brought," that a "sacrilege," and not a "sacrilegious man" has been detected, and that a man possesses a knowledge of "arms," not of "the art of arms." The type which 27
indicates cause by effect is common both in poets and orators. As examples from poetry I may quote:

"Pale death with equal foot knocks at the poor man's door"[1]

and

"There pale diseases dwell and sad old age;"[2]

while the orator will speak of "headlong anger," "cheerful youth" or "slothful ease."

The following type of *trope* has also some kinship 28
with *synecdochè*. For when I speak of a man's "looks" instead of his "look," I use the plural for the singular, but my aim is not to enable one thing to be inferred from many (for the sense is clear enough), but I merely vary the form of the word. Again, when I call a "gilded roof" a "golden roof," I diverge a little from the truth, because gilding forms only a part of the roof. But to follow out these points is a task involving too much minute detail even for a work whose aim is not the training of an orator.

Antonomasia, which substitutes something else for 29
a proper name, is very common in poets: it may be done in two ways: by the substitution of an epithet as equivalent to the name which it replaces, such as "Tydides," "Pelides,"[3] or by indicating the most striking characteristics of an individual, as in the phrase

"Father of gods and king of men,"[4]

et ex factis, quibus persona signatur,

Thalamo quae fixa reliquit
Impius.

30 Oratoribus etiamsi rarus eius rei, nonnullus tamen usus est. Nam ut *Tydiden* et *Peliden* non dixerint, ita dixerint *impios et parricidas; eversorem* quoque *Carthaginis et Numantiae* pro Scipione et *Romanae eloquentiae principem* pro Cicerone posuisse non dubitem. Ipse certe usus est hac libertate: *Non multa peccas, inquit ille fortissimo viro senior magister;* neutrum enim nomen est positum et utrumque intelligitur.

31 Onomatopoea quidem, id est fictio nominis, Graecis inter maximas habita virtutes, nobis vix permittitur. Et sunt plurima ita posita ab iis, qui sermonem primi fecerunt aptantes adfectibus vocem. Nam *mugitus*
32 et *sibilus* et *murmur* inde venerunt. Deinde, tanquam consummata[1] sint omnia, nihil generare audemus ipsi, cum multa cotidie ab antiquis ficta moriantur. Vix illa, quae πεποιημένα vocant, quae ex vocibus in usum receptis quocunque modo declinantur, nobis permittimus, qualia sunt *Sullaturit* et *proscripturit;* atque *laureati postes* pro illo *lauru*

[1] consummata, *Badius*: consumpta, *MSS.*

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[1] *Aen.* iv. 495. This third example does not correspond with the twofold division given by *utroque* and may be spurious.

[2] *Pro Muren.* xxix. 60. The passage continues (a quotation from some old play) "But you have faults and I can correct them." Phoenix is addressing his pupil Achilles.

[3] Cic. *ad Att.* ix. x. 6.

or from acts clearly indicating the individual, as in the phrase,

> "The arms which he, the traitor, left
> Fixed on the chamber wall." [1]

This form of *trope* is rare in oratory, but is occa- 30
sionally employed, For although an orator would not say "Tydides" or "Pelides," he will speak of certain definite persons as "the impious parricides," while I should have no hesitation in speaking of Scipio as "the destroyer of Carthage and Numantia," or of Cicero as "the prince of Roman orators." Cicero himself, at any rate, availed himself of this licence, as, for example, in the following case: "Your faults are not many, said the old praeceptor to the hero," [2] where neither name is given, though both are clearly understood.

On the other hand, *onomatopoea,* that is to say, the 31
creation of a word, although regarded with the highest approbation by the Greeks, is scarcely permissible to a Roman. It is true that many words were created in this way by the original founders of the language, who adapted them to suit the sensation which they expressed. For instance, *mugitus,* lowing, *sibilus,* a hiss, and *murmur* owe their origin to this practice. But to-day we consider that all has been 32
done that can be done in this line, and do not venture on fresh creations, in spite of the fact that many of the words thus formed in antiquity are daily becoming obsolete. Indeed, we scarcely permit ourselves to use new derivatives, so they are called, which are formed in various ways from words in common use, such as *Sullaturit,*[3] "he wishes to be a second Sulla," or *proscripturit,* "he wishes to have

33 *coronati*, ex eadem fictione sunt. Sed hoc feliciter evalnit * adoinoia et uio eo ferimus in Graecis ocoeludituinobono eo dure etiam iungere, arquitollentem et videre septentriones videmur *.

34 Eo magis necessaria catachresis, quam recte dicimus abusionem, quae non habentibus nomen suum accommodat quod in proximo est : sic

Equum divina Palladis arte
Aedificant,

35 et apud Tragicos *Aigialeo parentat*[1] *pater.* Similia[2] sunt haec: *acetabula* quidquid habent, et *pyxides* cuiuscunque materiae sunt, et *parricida* matris quoque aut fratris interfector. Discernendumque est hoc totum a translatione[3] genus, quod abusio est, ubi nomen defuit, translatio, ubi aliud fuit. Nam poetae solent abusive etiam in his rebus, quibus nomina sua sunt, vicinis potius uti; quod rarum in
36 prosa est. Illa quoque quidam catachresis volunt esse, cum pro temeritate *virtus* aut pro luxuria *liberalitas* dicitur. A quibus ego quidem dissentio; namque in

[1] Aegialeo parentat, *Gertz*: aigialeo paretat, *AG.*
[2] Similia. *Gesner*: mille, *MSS.*
[3] a translatione, *Regius:* translationis istud, *MSS.*

[1] This passage is too corrupt to admit of emendation or translation. There seem to be references to *vio* for *eo* and to *arquitollens*, for which cp. *arquitenens*. *Septemtriones* can hardly be selected for censure, as it is not uncommon.

[2] *Aen.* II. XV. It is an abuse to say *aedificant*, which means literally "they make a house.

a proscription," while *laureati postes,* "laurelled door-posts," for *lauru coronati,* "crowned with laurel," are similar formations. * * * * * * 33

* * * * * * * * * [1]

These facts make *catachresis* (of which *abuse* is a 34
correct translation) all the more necessary. By this term is meant the practice of adapting the nearest available term to describe something for which no actual term exists, as in the line

"A horse they build by Pallas' art divine," [2]

or as in the expression found in tragedy,

"To Aigialeus
His sire bears funeral offerings," [3]

The following examples are of a similar character. 35
Flasks are called *acetabula,*[4] whatever they contain, and caskets *pyxides,*[5] of whatever material they are made, while *parricide* includes the murder of a mother or a brother. We must be careful to distinguish between *abuse* and *metaphor,* since the former is employed where there is no proper term available, and the latter when there is another term available. As for poets, they indulge in the abuse of words even in cases where proper terms do exist, and substitute words of somewhat similar meaning. But this is rare in prose. Some, indeed, would give 36
the name of *catachresis* even to cases such as where we call temerity valour or prodigality liberality. I, however, cannot agree with them; for in these

[3] Perhaps from the Medus of Pacuvius It is an abuse to use *parentat* of funeral offerings made by father to son.

[4] Lit. vinegar flasks. [5] *i.e.* made of boxwood.

his non verbum pro verbo ponitur, sed res pro re. Neque enim quisquam putat luxuriam et liberalitatem idem significare; verum id quod fit alius luxuriam esse dicit, alius liberalitatem, quamvis neutri dubium sit haec esse diversa.

37 Superest ex his, quae aliter significant, metalepsis, id est transumptio, quae ex alio tropo in alium velut viam praestat; hic nisi in comoediis[1] et rarissimus et improbissimus, Graecis tamen frequentior, qui Centaurum qui Χείρων est Ἥσσονα et insulas ὀξείας θοὰς[2] dicunt. Nos quis ferat, si Verrem *suem* aut
38 Aelium Catum *doctum* nominemus? Est enim haec in metalepsi natura, ut inter id quod transfertur et in quod transfertur[3] sit medius quidam gradus, nihil ipse significans sed praebens transitum; quem tropum magis adfectamus, ut habere videamur, quam ullo in loco desideramus. Nam id eius frequentissimum exemplum est *cano canto, canto dico;* ita *cano,*
39 *dico.* Interest medium illud *canto.* Nec diutius in eo morandum; nihil enim usus admodum video nisi,[4] ut dixi, in comoediis.

40 Cetera iam non significandi gratia sed ad ornandam et augendam orationem assumuntur. Ornat enim epitheton, quod recte dicimus appositum, a nonnullis

[1] *I have added* hic nisi in comoediis, *cp.* 39 below.

[2] Centaurum, *Regius*: scient aurum, *AG.*: Ἥσσονα, *Meister*: hoccona, *AG.*: insulas oxias thoas, *cod. Par.* 7530: insulam ΕΜΨΙΑCΘΟΑC, *AG.*

[3] et in quod transfertur, *Halm*: et in quo transfertur, *cod. Par.* 7530: *om. AG.*

[4] nihil enim . . . nisi, *Regius*: innisi . . . nihil, *AG.*

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[1] χείρων and ἥσσων both mean inferior.

[2] *cp. Od.* xv. 298. Θοός is used elsewhere to express sharpness.

[3] Verres = boar; Catus = wise.

[4] In the sense of to *repeat.*

instances word is not substituted for word, but thing for thing, since no one regards prodigality and liberality as meaning the same, but one man calls certain actions liberal and another prodigal, although neither for a moment doubts the difference between the two qualities.

There is but one of the *tropes* involving change of 37
meaning which remains to be discussed, namely, *metalepsis* or *transumption*, which provides a transition from one *trope* to another. It is (if we except comedy) but rarely used in Latin, and is by no means to be commended, though it is not infrequently employed by the Greeks, who, for example, call Χείρων the centaur Ἥσσων[1] and substitute the epithet θοαί (swift) for ὄξειαι[2] in referring to sharp-pointed islands. But who would endure a Roman if he called Verres *sus*[3] or changed the name of Aelius Catus to Aelius *doctus?* It is the nature of *metalepsis* 38
to form a kind of intermediate step between the term transferred and the thing to which it is transferred, having no meaning in itself, but merely providing a transition. It is a *trope* with which to claim acquaintance, rather than one which we are ever likely to require to use. The commonest example is the following: *cano* is a synonym for *canto* and *canto*[4] for *dico*, therefore *cano* is a synonym for *dico*, the intermediate step being provided by *canto*. We need not waste any more time 39
over it. I can see no use in it except, as I have already said, in comedy.

The remaining *tropes* are employed solely to 40
adorn and enhance our style without any reference to the meaning. For the *epithet*, of which the correct translation is *appositum*, though some call it *sequens*,

sequens dicitur. Eo poetae et frequentius et liberius utuntur. Namque illis satis est convenire id verbo, cui apponitur, itaque et *dentes albos* et *humida vina* in iis non reprehendemus; apud oratorem, nisi aliquid efficitur, redundat. Tum autem efficitur, si sine illo, quod dicitur, minus est: qualia sunt *O scelus abomi-*
41 *nandum, o deformem libidinem.* Exornatur autem res tota maxime translationibus, *Cupiditas effrenata* et *Insanae substructiones.* Et solet fieri aliis adiunctis epitheton tropus, ut apud Vergilium *Turpis egestas* et *Tristis senectus.* Verumtamen talis est ratio huiusce virtutis, ut sine appositis nuda sit et velut
42 incompta oratio, oneretur tamen multis. Nam fit longa et impedita, ut [in quaestionibus] eam iudices[1] similem agmini totidem lixas habenti quot milites, cui et numerus est duplex nec duplum virium; quanquam non singula modo sed etiam plura verba apponi solent: ut

Coniugio Anchise Veneris dignate superbo.

43 Sed hoc quocunque modo: duo vero[2] uni apposita ne versum quidem decuerint. Sunt autem, quibus non videatur hic omnino tropus, quia nihil vertat. Nec

[1] iudices, *vulgo*: iungas, *MSS.* in quaestionibus *is clearly corrupt.*

[2] quocunque . . . vero, *Spalding*: quoque . . . verba, *MSS.*

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[1] *Georg.* III. 364. [2] Cic. in *Cat.* I. x. 25.

[3] *Pro Mil.* xx. 53.

[4] *Aen.* vi. 276 and 275. Here the addition is *metonymy, turpis* and *tristis* both substituting *effect* in place of *cause: cp.* § 27.

[5] *Aen.* iii. 475. I have translated 476 (*cura deum, bis Pergameis erepte ruinis*) as well to bring out Quintilian's meaning. Quintilian assumes the rest of quotation to be known.

is clearly an ornament. Poets employ it with special frequency and freedom, since for them it is sufficient that the epithet should suit the word to which it is applied: consequently we shall not blame them when they speak of "white teeth" or "liquid wine."[1] But in oratory an epithet is redundant unless it has some point. Now it will only have point when it adds something to the meaning, as for instance in the following: "O abominable crime, O hideous lust!" But its decorative effect is greatest 41
when it is metaphorical, as in the phrases "unbridled greed"[2] or "those mad piles of masonry."[3] The epithet is generally made into a *trope* by the addition of something to it, as when Virgil speaks of "disgraceful poverty" or "sad old age."[4] But the nature of this form of embellishment is such that, while style is bare and inelegant without any epithets at all, it is overloaded when a large number are employed. For then it becomes long-winded and 42
cumbrous, in fact you might compare it to an army with as many camp-followers as soldiers, an army, that is to say, which has doubled its numbers without doubling its strength. None the less, not merely single epithets are employed, but we may find a number of them together, as in the following passage from Virgil:[5]

> "Anchises, worthy deigned
> Of Venus' glorious bed, [beloved of heaven,
> Twice rescued from the wreck of Pergamum.]"

Be this as it may, two epithets directly attached 43
to one noun are unbecoming even in verse. There are some writers who refuse to regard an *epithet* as a *trope*, on the ground that it involves no change. It

est semper,[1] sed id quod est [2] appositum, si a proprio diviseris, per se significat et facit antonomasiam. Nam si dicas, *Ille qui Numantiam et Carthaginem evertit,* antonomasia est; si adicceris *Scipio,* appositum. Non potest ergo esse seiunctum.[3]

44 Allegoria, quam inversionem interpretantur, aut aliud verbis aliud sensu ostendit aut etiam interim contrarium. Prius fit genus plerumque continuatis translationibus, ut

> *O navis, referent in mare te novi*
> *Fluctus; o quid agis? fortiter occupa*
> *Portum,*

totusque ille Horatii locus, quo navem pro re publica, fluctus et tempestates pro bellis civilibus, portum pro
45 pace atque concordia dicit. Tale Lucretii

> *Avia Pieridum peragro loca,*

et Vergilii

> *Sed nos immensum spatio confecimus aequor,*
> *Et iam tempus equum fumantia solvere colla.*

46 Sine translatione vero in Bucolicis

> *Certe equidem audieram, qua se subducere colles*
> *Incipiunt mollique iugum demittere clivo*
> *Usque ad aquam et veteris iam fracta cacumina fagi,*
> *Omnia carminibus vestrum servasse Menalcan.*

[1] nec, *Spalding*: necesse, *MSS.*
[2] sed id quod est, *cod. Paris* 7530: sed cum id est *AG.*
[3] seiunctum, *Christ*: iunctum, *MSS.*

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[1] Hor. *Od.* i. xiv. 1.
[2] *Lucr.* iv. 1.
[3] *Georg.* ii. 541.
[4] *Buc.* ix. 7.

is not always a *trope*, but if separated from the word to which it belongs, it has a significance of its own and forms an *antonomasia*. For if you say, "The man who destroyed Numantia and Carthage," it will be an *antonomasia*, whereas, if you add the word "Scipio," the phrase will be an *epithet*. An epithet therefore cannot stand by itself.

Allegory, which is translated in Latin by *inversio*, 44
either presents one thing in words and another in meaning, or else something absolutely opposed to the meaning of the words. The first type is generally produced by a series of metaphors. Take as an example:

"O ship, new waves will bear thee back to sea.[1]
What dost thou? Make the haven, come what may,"

and the rest of the ode, in which Horace represents the state under the semblance of a ship, the civil wars as tempests, and peace and good-will as the haven. Such, again, is the claim of Lucretius:[2] 45

"Pierian fields I range untrod by man,"

and such again the passage where Virgil says,

"But now
A mighty length of plain we have travelled o'er;
'Tis time to loose our horses' steaming necks."[3]

On the other hand, in the Bucolics[4] he introduces 46
an allegory without any metaphor:

"Truth, I had heard
Your loved Menalcas by his songs had saved
All those fair acres, where the hills begin
To sink and droop their ridge with easy slope
Down to the waterside and that old beech
With splintered crest."

47 Hoc enim loco praeter nomen cetera propriis decisa sunt verbis, verum non pastor Menalcas, sed Vergilius est intelligendus. Habet usum talis allegoriae frequenter oratio, sed raro totius; plerumque apertis permixta est. Tota apud Ciceronem talis est: *Hoc miror, hoc queror, quemquam hominem ita pessumdare alterum velle, ut etiam navem perforet, in qua ipse naviget.*
48 Illud commixtum frequentissimum: *Equidem ceteras tempestates et procellas in illis dumtaxat fluctibus contionum semper Miloni putavi esse subeundas.* Nisi adiecisset *dumtaxat fluctibus contionum,* esset allegoria; nunc eam miscuit. Quo in genere et species ex
49 arcessitis verbis venit et intellectus ex propriis. Illud vero longe speciosissimum genus orationis, in quo trium permixta est gratia, similitudinis, allegoriae, translationis: *Quod fretum, quem Euripum, tot motus, tantas, tam varias habere creditis agitationes, commutationes, fluctus, quantas perturbationes et quantos aestus habet ratio comitiorum? Dies intermissus unus aut nox interposita saepe et perturbat omnia et totam opinionem parva nonnunquam commutat aura rumoris.*
50 Nam id quoque in primis est custodiendum ut, quo

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[1] From an unknown speech. [2] *Pro Mil.* ii, 5.
[3] *Pro Mur.* xvii. 35.

For in this passage, with the exception of the 47
proper name, the words bear no more than their literal meaning. But the name does not simply denote the shepherd Menalcas, but is a pseudonym for Virgil himself. Oratory makes frequent use of such allegory, but generally with this modification, that there is an admixture of plain speaking. We get allegory pure and unadulterated in the following passage of Cicero:[1] "What I marvel at and complain of is this, that there should exist any man so set on destroying his enemy as to scuttle the ship on which he himself is sailing." The following is an example 48
of the commonest type, namely, the mixed allegory:[2] "I always thought that Milo would have other storms and tempests to weather, at least in the troubled waters of political meetings." Had he not added the words "at least in the troubled waters of political meetings," we should have had pure allegory: their addition, however, converted it into a mixed allegory. In this type of allegory the ornamental element is provided by the metaphorical words and the meaning is indicated by those which are used literally. But far the most ornamental effect is pro- 49
duced by the artistic admixture of simile, metaphor and allegory, as in the following example:[3] "What strait, what tide-race, think you, is full of so many conflicting motions or vexed by such a variety of eddies, waves and fluctuations, as confuse our popular elections with their wild ebb and flow? The passing of one day, or the interval of a single night, will often throw everything into confusion, and one little breath of rumour will sometimes turn the whole trend of opinion." For it is all-important to follow 50
the principle illustrated by this passage and never to

ex genere coeperis translationis, hoc desinas. Multi autem, cum initium a tempestate sumpserunt, incendio aut ruina finiunt; quae est inconsequentia rerum
51 foedissima. Ceterum allegoria parvis quoque ingeniis et cotidiano sermoni frequentissime servit. Nam illa in agendis causis iam detrita, *Pedem conferre* et *Iugulum petere* et *Sanguinem mittere*, inde sunt, nec offendunt tamen. Est enim grata in eloquendo novitas et emutatio, et magis inopinata delectant. Ideoque iam in his amisimus modum et gratiam rei nimia capta-
52 tione consumpsimus. Est in exemplis allegoria, si non praedicta ratione ponantur. Nam ut *Dionysium Corinthi esse*, quo Graeci omnes utuntur, ita plurima similia dici possunt. Sed allegoria, quae est obscurior, aenigma dicitur; vitium meo quidem iudicio, si quidem dicere dilucide virtus; quo tamen et poetae utuntur:

> *Dic, quibus in terris, et eris mihi magnus Apollo,*
> *Tres pateat caeli spatium non amplius ulnas?*

53 et oratores nonnunquam, ut Caelius *quadrantariam Clytaemnestram*, et *in triclinio coam, in cubiculo nolam.* Namque et nunc quidem solvuntur et tum erant

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[1] The allusion must be to the fact that Dionysius II, tyrant of Syracuse, on his expulsion from the throne, migrated to Corinth and set up as a schoolmaster. Its application is uncertain, but it would obviously be a way of saying "How are the mighty fallen!"

[2] *Ecl.* iii. 104; the solution is lost.

[3] The references are to the licentious character of Clodia. *Coa* was probably intended to suggest *coitus*, while *nola* is best derived from *nolle*, and is to be regarded as the opposite of *coa*.

mix your metaphors. But there are many who, after beginning with a tempest, will end with a fire or a falling house, with the result that they produce a hideously incongruous effect. For the rest, allegory 51
is often used by men of little ability and in the conversation of everyday life. For those hackneyed phrases of forensic pleading, "to fight hand to hand," "to attack the throat," or "to let blood" are all of them allegorical, although they do not strike the attention: for it is novelty and change that please in oratory, and what is unexpected always gives special delight. Consequently we have thrown all restraint to the wind in such matters, and have destroyed the charm of language by the extravagant efforts which we have made to attain it. Illustrative examples also 52
involve allegory if not preceded by an explanation; for there are numbers of sayings available for use like the "Dionysius is at Corinth,"[1] which is such a favourite with the Greeks. When, however, an allegory is too obscure, we call it a riddle: such riddles are, in my opinion, to be regarded as blemishes, in view of the fact that lucidity is a virtue; nevertheless they are used by poets, as, for example, by Virgil[2] in the following lines:

"Say in what land, and if thou tell me true,
I'll hold thee as Apollo's oracle,
Three ells will measure all the arch of heaven."

Even orators sometimes use them, as when Caelius[3] 53
speaks of the "Clytemnestra who sold her favours for a farthing, who was a Coan in the dining-room and a Nolan in her bedroom." For although we know the answers, and although they were better known at the time when the words were uttered,

notiora, cum dicerentur; aenigmata sunt tamen, nam et cetera[1] si quis interpretetur, intelligas.

54 In eo vero genere, quo contraria ostenduntur, ironia est; illusionem vocant. Quae aut pronuntiatione intelligitur aut persona aut rei natura; nam, si qua earum verbis dissentit, apparet diversam esse
55 orationi voluntatem. Quanquam in plurimis id tropis accidit, ut intersit, quid de quoque dicatur, quia quod dicitur alibi verum est Et laudis adsimulatione[2] detrahere et vituperationis laudare concessum est: *Quod C. Verres, praetor urbanus, homo sanctus et diligens, subsortitionem eius in codice non haberet.* Et contra: *Oratores visi sumus et populo*
56 *imposuimus.* Aliquando cum in risu quodam contraria dicuntur iis quae intelligi volunt: quale est in Clodium, *Integritas tua te purgavit, mihi crede, pudor*
57 *eripuit, vita anteacta servavit.* Praeter haec usus est allegoriae, ut tristia dicamus mollioribus[3] verbis urbanitatis[4] gratia aut quaedam contrariis significemus aliud textum spectaco et enumeravimus.[5] Haec si quis ignorat, quibus Graeci nominibus appellent,

[1] nam et cetera, *Christ*: non et cetera, *AG.*
[2] adsimulatione, *Spalding*: autem simulatione, *AG.*
[3] mollioribus, *Werlhof*: melioribus, *MSS.*
[4] urbanitatis, *Gesner*: aut bonae rei, *MSS.*
[5] I have printed the reading of *A*, from which the others differ but little.

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[1] Cic. *Pro Cluent.* xxxiii. 91. [2] *cp.* § 20.
[3] From the lost speech *in Clodium et Curionem.*
[4] The passage is hopelessly corrupt. The concluding portion of the sentence must have referred to the use of proverbs, of which it may have contained an example. This is clear from the next sentence. Sarcasm, urbane wit and contradiction are covered by the first three clauses, but there has been no allusion to proverbs such as παροιμία demands.

they are riddles for all that; and other riddles are, after all, intelligible if you can get someone to explain them.

On the other hand, that class of allegory in which 54
the meaning is contrary to that suggested by the words, involve an element of irony, or, as our rhetoricians call it, *illusio*. This is made evident to the understanding either by the delivery, the character of the speaker or the nature of the subject. For if any one of these three is out of keeping with the words, it at once becomes clear that the intention of the speaker is other than what he actually says In the majority of *tropes* it is, however, 55
important to bear in mind not merely what is said, but about whom it is said, since what is said may in another context be literally true. It is permissible to censure with counterfeited praise and praise under a pretence of blame. The following will serve as an example of the first.[1] "Since Gaius Verres, the urban praetor, being a man of energy and blameless character, had no record in his register of this substitution of this man for another on the panel." As an example of the reverse process we may take the following:[2] "We are regarded as orators and have imposed on the people." Sometimes, again, 56
we may speak in mockery when we say the opposite of what we desire to be understood, as in Cicero's denunciation of Clodius[3]: "Believe me, your well-known integrity has cleared you of all blame, your modesty has saved you, your past life has been your salvation." Further, we may employ *allegory*, and 57
disguise bitter taunts in gentle words by way of wit, or we may indicate our meaning by saying exactly the contrary or . . .[4] If the Greek names for these

σαρκασμόν, ἀστεϊσμόν, ἀντίφρασιν, παροιμίαν dici sciat.

58 Sunt etiam, qui haec non species allegoriae sed ipsa tropos dicant; acri quidem ratione, quod illa obscurior sit, in his omnibus aperte appareat quid velimus. Cui accedit hoc quoque, quod genus, cum dividitur in species, nihil habet proprium, ut arbor pinus et olea et cupressus, et ipsius per se nulla proprietas; allegoria vero habet aliquid proprium. Quod quo modo fieri potest, nisi ipsa species est? Sed utentium

59 nihil refert. Adiicitur his μυκτηρισμὸς, dissimulatus quidam sed non latens derisus.

Pluribus autem verbis cum id, quod uno aut paucioribus certe dici potest, explicatur, περίφρασιν vocant, circuitum quendam eloquendi, qui nonnunquam necessitatem habet, quotiens dictu deformia operit: ut

60 Sallustius, *Ad requisita naturae.* Interim ornatum petit solum, qui est apud poetas frequentissimus:

> *Tempus erat, quo prima quies mortalibus aegris*
> *Incipit et dono divum gratissima serpit.*

61 Et apud oratores non rarus, semper tamen adstrictior.

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[1] Presumably from the Histories.
[2] *Aen.* ii. 268.

methods are unfamiliar to any of my readers, I would remind him that they are *σαρκασμός*, *ἀστεϊσμός*, *ἀντίφρασις* and *παροιμία* (sarcasm, urbane wit, contradiction and proverbs). There are, however, some 58
writers who deny that these are species of *allegory*, and assert that they are actually *tropes* in themselves: for they argue shrewdly that allegory involves an element of obscurity, whereas in all these cases our meaning is perfectly obvious. To this may be added the fact that when a *genus* is divided into *species*, it ceases to have any peculiar properties of its own: for example, we may divide tree into its species, pine, olive, cypress, etc., leaving it no properties of its own, whereas allegory always has some property peculiar to itself. The only explanation of this fact is that it is itself a species. But this, of course, is a matter of indifference to those that use it. To these the 59
Greeks add *μυκτηρισμός*, or mockery under the thinnest of disguises.

When we use a number of words to describe something for which one, or at any rate only a few words of description would suffice, it is called *periphrasis*, that is, a circuitous mode of speech. It is sometimes necessary, being of special service when it conceals something which would be indecent, if expressed in so many words: compare the phrase "To meet the demands of nature" from Sallust.[1] But at times it 60
is employed solely for decorative effect, a practice most frequent among the poets:

> "Now was the time
> When the first sleep to weary mortals comes
> Stealing its way, the sweetest boon of heaven."[2]

Still it is far from uncommon even in oratory, though 61

Quidquid enim significari brevius potest et cum ornatu latius ostenditur, *περίφρασις* est, cui nomen Latine datum est non sane aptum orationis virtuti circumlocutio. Verum hoc ut, cum decorem habet, periphrasis, ita, cum in vitium incidit, *περισσολογία* dicitur. Obstat enim quidquid non adiuvat.

62 Hyperbaton quoque, id est verbi transgressionem, quoniam frequenter ratio compositionis[1] et decor poscit, non immerito inter virtutes habemus. Fit enim frequentissime aspera et dura et dissoluta et hians oratio, si ad necessitatem ordinis sui verba redigantur et, ut quodque oritur, ita proximis, etiamsi 63 vinciri non potest, adligetur. Differenda igitur quaedam et praesumenda, atque ut in structuris lapidum impolitorum loco, quo convenit, quodque ponendum. Non enim recidere ea nec polire possumus, quo coagmentata se magis iungant, sed utendum iis, 64 qualia sunt, eligendaeque sedes. Nec aliud potest sermonem facere numerosum quam opportuna ordinis per mutatio; neque alio ceris Platonis inventa sunt quattuor illa verba, quibus in illo pulcherrimo operum in Piraeeum se descendisse significat, plurimis modis 65 scripta, quam[2] quod eum quoque maxime numerosum[3] facere experiretur. Verum id cum in duobus verbis fit, *ἀναστροφὴ* dicitur, reversio quaedam:

[1] compositionis, *Daniel*: comparationis, *MSS.*

[2] quam, inserted by *Regius.*

[3] The sentence can hardly be correct as it stands in the MSS. I have inserted *numerosum* as being the simplest improvement available.

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[1] At the beginning of the *Republic.* *κατέβην χθὲς εἰς Πειραιᾶ.*

in such cases it is always used with greater restraint. For whatever might have been expressed with greater brevity, but is expanded for purposes of ornament, is a *periphrasis*, to which we give the name *circumlocution*, though it is a term scarcely suitable to describe one of the virtues of oratory. But it is only called *periphrasis* so long as it produces a decorative effect: when it passes into excess, it is known as *perissology*: for whatever is not a help, is a positive hindrance.

Again, *hyperbaton*, that is, the transposition of a 62
word, is often demanded by the structure of the sentence and the claims of elegance, and is consequently counted among the ornaments of style. For our language would often be harsh, rough, limp or disjointed, if the words were always arranged in their natural order and attached each to each just as they occur, despite the fact that there is no real bond of union. Consequently some words require to be postponed, others to be anticipated, each being set in its appropriate place. For we are like 63
those who build a wall of unhewn stone: we cannot hew or polish our words in order to make them fit more compactly, and so we must take them as they are and choose suitable positions for them. Further, 64
it is impossible to make our prose rhythmical except by artistic alterations in the order of words, and the reason why those four words in which Plato[1] in the noblest of his works states that he had gone down to the Piraeus were found written in a number of different orders upon his wax tablets, was simply that he desired to make the rhythm as perfect as possible. When, however, the transposition is con- 65
fined to two words only, it is called *anastrophe*, that is, a reversal of order. This occurs in everyday

qualia sunt vulgo, *mecum, secum,* apud oratores et historicos *quibus de rebus.* At cum decoris gratia traiicitur[1] longius verbum, proprie hyperbati tenet nomen: *Animadverti, iudices, omnem accusatoris orationem in duas divisam esse partes.* Nam *in duas partes divisam esse* rectum erat, sed durum et incomptum.
66 Poetae quidem etiam verborum divisione faciunt transgressionem:

Hyperboreo septem subiecta trioni,

quod oratio nequaquam recipiet. Atqui est propter quod dici tropus possit, quia componendus est e
67 duobus intellectus. Alioqui, ubi nihil ex significatione mutatum est et structura sola variatur, figura potius verborum dici potest, sicut multi existimarunt. Longis autem hyperbatis et confusis quae vitia accidunt, suo loco diximus.

Hyperbolen audacioris ornatus summo loco posui. Est haec decens veri[2] superiectio; virtus eius ex diverso par augendi atque minuendi; fit pluribus
68 modis. Aut enim plus facto dicimus, ut *Vomens frustis esculentis gremium suum et totum tribunal implevit,* et

Geminique minantur
In caelum scopuli;

[1] traiicitur, *Spalding*: trahitur, *AG.*
[2] decens veri, *Spalding*: decensuris, *G.*: demensuris, *A* (*2nd hand*).

[1] Cic. *pro Cluent.* i. 1.
[2] *Georg.* iii. 381.
[3] VIII. ii. 14.
[4] *Phil.* II. xxv. 63.
[5] *Aen.* i. 162.

speech in *mecum* and *secum*, while in orators and historians we meet with it in the phrase *quibus de rebus*. It is the transposition of a word to some distance from its original place, in order to secure an ornamental effect, that is strictly called *hyperbaton*: the following passage will provide an example: *animadverti, iudices, omnem accusatoris orationem in duas divisam esse partes.*[1] ("I noted, gentlemen, that the speech of the accuser was divided into two parts.") In this case the strictly correct order would be *in duas partes divisam esse*, but this would have been harsh and ugly. The poets even go so far as to secure 66
this effect by the division of words, as in the line:

Hyperboreo septem subiecta trioni[2]
("Under the Hyperborean Wain"),

a licence wholly inadmissible in oratory. Still there is good reason for calling such a transposition a *trope*, since the meaning is not complete until the two words have been put together. On the other hand, when 67
the transposition makes no alteration in the sense, and merely produces a variation in the structure, it is rather to be called a *verbal figure*, as indeed many authorities have held. Of the faults resulting from long or confused *hyperbata* I have spoken in the appropriate place.[3]

I have kept *hyperbole* to the last, on the ground of its boldness. It means an elegant straining of the truth, and may be employed indifferently for exaggeration or attenuation. It can be used in various ways. We may say more than the actual facts, as 68
when Cicero says,[4] "He vomited and filled his lap and the whole tribunal with fragments of food, or when Virgil speaks of

"Twin rocks that threaten heaven."[5]

aut res per similitudinem attollimus,

Credas innare revulsas Cycladas;

69 aut per comparationem, ut

Fulminis ocior alis;

aut signis quasi quibusdam,

Illa vel intactae segetis per summa volaret
Gramina nec teneras cursu laesisset aristas;

70 vel translatione, ut ipsum illud *volaret*. Crescit interim hyperbole alia insuper addita, ut Cicero in Antonium dicet, *Quae Charybdis tam vorax? Charybdin dico? quae si fuit, fuit animal unum: Oceanus, medius fidius, vix videtur tot res, tam dissipatas, tam distantibus in* 71 *locis positas, tam cito absorbere potuisse.* Exquisitam vero figuram huius rei deprehendisse apud principem Lyricorum Pindarum videor in libro, quem inscripsit ὕμνους. Is namque Herculis impetum adversus Meropas, qui in insula Coo dicuntur habitasse, non igni nec ventis nec mari, sed fulmini dicit similem fuisse, 72 ut illa minora, hoc par esset. Quod imitatus Cicero

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[1] *Aen.* viii. 691.
[2] *Aen.* v. 319.
[3] *Aen.* vii. 808.
[4] *Phil.* II. xxvii. 67.
[5] A lost work.

Again, we may exalt our theme by the use of simile, as in the phrase:

"Thou wouldst have deemed
That Cyclad isles uprooted swam the deep." [1]

Or we may produce the same result by introducing 69
a comparison, as in the phrase:

"Swifter than the levin's wings;" [2]

or by the use of indications, as in the lines:

"She would fly
Even o'er the tops of the unsickled corn,
Nor as she ran would bruise the tender ears." [3]

Or we may employ a metaphor, as the verb *to fly* is employed in the passage just quoted. Sometimes, 70
again, one *hyperbole* may be heightened by the addition of another, as when Cicero in denouncing Antony says:[4] "What Charybdis was ever so voracious? Charybdis, do I say? Nay, if Charybdis ever existed, she was but a single monster. By heaven, even Ocean's self, methinks, could scarce have engulfed so many things, so widely scattered in such distant places, in such a twinkling of the eye." I think, too, that I am right in saying that 71
I noted a brilliant example of the same kind in the Hymns[5] of Pindar, the prince of lyric poets. For when he describes the onslaught made by Hercules upon the Meropes, the legendary inhabitants of the island of Cos, he speaks of the hero as like not to fire, winds or sea, but to the thunderbolt, making the latter the only true equivalent of his speed and power, the former being treated as quite inadequate. Cicero has imitated his method in the following 72

illa composuit in Verrem *Versabatur in Sicilia longo intervallo alter non Dionysius ille nec Phalaris* (*tulit enim illa quondam insula multos et crudeles tyrannos*), *sed quoddam novum monstrum ex vetere illa immanitate, quae in isdem versata locis dicitur. Non enim Charybdin tam infestam neque Scyllam navibus quam istum in eodem*
73 *freto fuisse arbitror.* Nec pauciora sunt genera minuendi:

Vix ossibus haerent,

et quod Cicero in quodam ioculari libello,

Fundum Vetto vocat, quem possit mittere funda;
Ni tamen exciderit, qua cava funda patet.

Sed huius quoque rei servetur mensura quaedam. Quamvis est enim omnis hyperbole ultra fidem, non tamen esse debet ultra modum, nec alia via magis in
74 κακοζηλίαν itur. Piget referre plurima hinc orta vitia, cum praesertim minime sint ignota et obscura. Monere satis est mentiri hyperbolen nec ita, ut mendacio fallere velit. Quo magis intuendum est, quousque deceat extollere quod nobis non creditur. Pervenit haec res frequentissime ad risum; qui si

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[1] v. lvi. 145.
[2] *Ecl.* iii. 103. Describing a flock of starved sheep.
[3] Unknown.

passage from the Verrines:[1] "After long lapse of years the Sicilians saw dwelling in their midst, not a second Dionysius or Phalaris (for that island has produced many a cruel tyrant in years gone by), but a new monster with all the old ferocity once familiar to those regions. For, to my thinking, neither Scylla nor Charybdis were ever such foes as he to the ships that sailed those same narrow seas." The methods 73
of hyperbole by attenuation are the same in number. Compare the Virgilian[2]

"Scarce cling they to their bones,"

or the lines from a humorous work[3] of Cicero's,

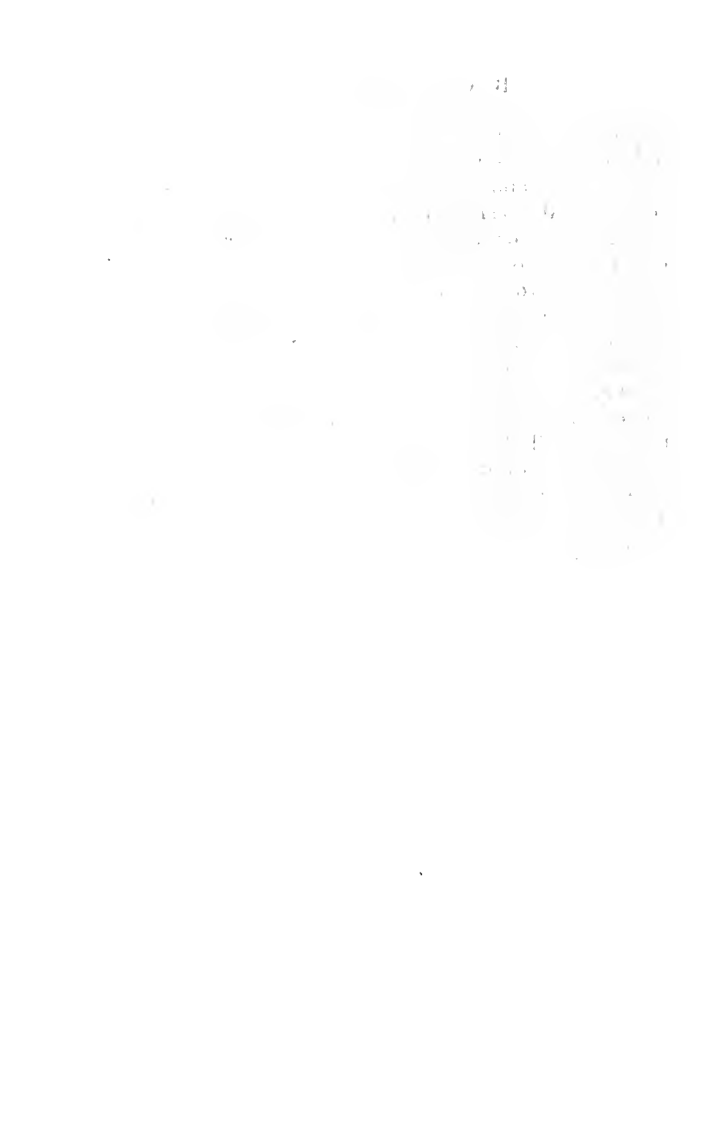
"*Fundum Vetto vocat quem possit mittere funda;*
Ni tamen exciderit, qua cava funda patet."

"Vetto gives the name of farm to an estate which might easily be hurled from a sling, though it might well fall through the hole in the hollow sling, so small is it."

But even here a certain proportion must be observed. For although every *hyperbole* involves the incredible, it must not go too far in this direction, which provides the easiest road to extravagant affectation. I shrink from recording the faults to which the lack 74
of this sense of proportion has given rise, more especially as they are so well known and obvious. It is enough to say that *hyperbole* lies, though without any intention to deceive. We must therefore be all the more careful to consider how far we may go in exaggerating facts which our audience may refuse to believe. Again, *hyperbole* will often cause a laugh. If that was what the orator desired,

captatus est, urbanitatis, sin aliter, stultitiae nomen
75 assequitur. Est autem in usu vulgo quoque et inter ineruditos et apud rusticos, videlicet quia natura est omnibus augendi res vel minuendi cupiditas insita, nec quisquam vero contentus est. Sed igno-
76 scitur, quia non adfirmamus. Tum est hyperbole virtus, cum res ipsa, de qua loquendum est, naturalem modum excessit. Conceditur enim amplius dicere, quia dici, quantum est, non potest, meliusque ultra quam citra stat oratio. Sed de hoc satis, quia eundem locum plenius in eo libro, quo causas corruptae eloquentiae reddebamus, tractavimus.

we may give him credit for wit; otherwise we can only call him a fool. *Hyperbole* is employed even 75
by peasants and uneducated persons, for the good reason that everybody has an innate passion for exaggeration or attenuation of actual facts, and no one is ever contented with the simple truth. But such disregard of truth is pardonable, for it does not involve the definite assertion of the thing that is not. *Hyperbole* is, moreover, a virtue, when the subject 76
on which we have to speak is abnormal. For we are allowed to amplify, when the magnitude of the facts passes all words, and in such circumstances our language will be more effective if it goes beyond the truth than if it falls short of it. However, I have said enough on this topic, since I have already dealt with it in my work on the causes of the decline of oratory.



BOOK IX

LIBER IX

I. Cum sit proximo libro de tropis dictum, sequitur pertinens ad figuras, quae *σχήματα* Graece vocantur,
2 locus ipsa rei natura coniunctus superiori. Nam plerique has tropos esse existimaverunt, quia, sive ex hoc duxerint nomen, quod sint formati quodam modo, sive ex eo, quod vertant orationem, unde et motus dicuntur, fatendum erit esse utrumque eorum etiam in figuris, usus quoque est idem: nam et vim rebus adiiciunt et gratiam praestant. Nec desunt qui tropis figurarum nomen imponant, quorum est C. Artorius
3 Proculus. Quin adeo similitudo manifesta est, ut ea discernere non sit in promptu. Nam quo modo quaedam in his species plane distant, manente tamen generaliter illa societate, quod utraque res de recta et simplici ratione cum aliqua dicendi virtute deflectitur, ita quaedam perquam tenui limite dividuntur, ut cum ironia tam inter figuras sententiae quam inter tropos reperiatur, *περίφρασιν* autem et *ὑπερβατὸν* et *ὀνοματοποιΐαν* clari quoque auctores figuras verborum potius quam tropos dixerint.
4 Quo magis signanda est utriusque rei differentia. Est igitur tropos sermo a naturali et principali signi-

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[1] See IX. ii. 44. [2] VIII. vi. 59 *sqq.*, 62, 31 respectively.

BOOK IX

I. In my last book I spoke of *tropes*. I now come to *figures*, called σχήματα in Greek, a topic which is naturally and closely connected with the preceding. For many authors have considered *figures* identical 2
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 resem- 3
blance between the two is so close that it is not easy to distinguish between them. For although certain kinds differ, while retaining a general resemblance (since both involve a departure from the simple and straightforward method of expression coupled with a certain rhetorical excellence), on the other hand some are distinguished by the narrowest possible dividing line: for example, while *irony* belongs to *figures of thought* just as much as to *tropes*,[1] *periphrasis*, *hyperbaton* and *onomatopoea*[2] have been ranked by distinguished authors as *figures of speech* rather than *tropes*.

It is therefore all the more necessary to point out 4
the distinction between the two. The name of *trope*

ficatione translatus ad aliam ornandae orationis gratia, vel, ut plerique grammatici finiunt, dictio ab eo loco, in quo propria est, translata in eum, in quo propria non est; figura, sicut nomine ipso patet, conformatio quaedam orationis remota a communi et primum se
5 offerente ratione. Quare in tropis ponuntur verba alia pro aliis, ut in *μεταφορᾷ*, *μετωνυμίᾳ*, *ἀντονομασίᾳ*, *μεταλήψει*, *συνεκδοχῇ*, *καταχρήσει*, *ἀλληγορίᾳ*, plerumque *ὑπερβολῇ*; namque et rebus fit et verbis. *Ὀνοματοποιΐα* fictio est nominis; ergo hoc quoque pro aliis ponitur, quibus usuri fuimus, si illud non fingeremus.
6 *Περίφρασις* etiamsi frequenter et id ipsum, in cuius locum adsumitur, nomen complecti solet, utitur tamen pluribus pro uno. *Ἔπίθετον*, quoniam plerumque habet antonomasiae partem, coniunctione eius fit tropus. In hyperbato commutatio est ordinis, ideoque multi tropis hoc genus eximunt. Transfert tamen verbum aut partem eius a suo loco in alienum.
7 Horum nihil in figuras cadit. Nam et propriis verbis et ordine collocatis figura fieri potest. Quomodo autem ironia alia sit tropi, alia schematos, suo loco reddam. Nomen enim fateor esse commune et scio quam multiplicem habeant quamque scrupulosam disputationem; sed ea non pertinet ad praesens

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[1] See VIII. vi. [2] VIII. vi. 29 and 46. [3] IX. ii. 44.

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 5
word for another is placed among *tropes*, as for example in the case of *metaphor, metonymy, antonomasia, metalepsis, synecdochè, catachresis, allegory*[1] 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 6
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*[2] and consequently becomes a *trope* on account of this affinity. *Hyperbaton* is a change of order and for this reason many exclude it from *tropes*. None the less it transfers a word or part of a word from its own place to another. None of these can be called 7
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[3] how in some of its forms it is a *trope*, in others a *figure*. For I admit that the name is common to both and am aware of the complicated and minute discussions to which it has given rise. They, however, have no bearing on my present task. For it

meum propositum. Nihil enim refert, quomodo appelletur utrumlibet eorum, si quid orationi prosit
8 apparet, nec mutatur vocabulis vis rerum. Et sicut homines, si aliud acceperunt quam quod habuerant nomen, iidem sunt tamen, ita haec, de quibus loquimur, sive tropi sive figurae dicuntur, idem efficient; non enim nominibus prosunt, sed effectibus; ut statum coniecturalem an infitialem an facti an de substantia nominemus, nihil interest, dum
9 idem quaeri sciamus. Optimum ergo in his sequi maxime recepta et rem ipsam, quocunque appellabitur modo, intelligere. Illud tamen notandum, coire frequenter in eadem sententia et tropon et figuram. Tam enim translatis verbis quam propriis figuratur oratio.

10 Est autem non mediocris inter auctores dissensio, et quae vis nominis eius et quot genera et quae quamque multae sint species. Quare primum intuendum est, quid accipere debeamus figuram. Nam duobus modis dicitur: uno qualiscunque forma sententiae, sicut in corporibus, quibus, quoquo modo
11 sunt composita, utique habitus est aliquis; altero, quo proprie schema dicitur, in sensu vel sermone aliqua a vulgari et simplici specie cum ratione mutatio, sicut nos sedemus, incumbimus, respicimus. Itaque cum in eosdem casus aut tempora aut numeros

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[1] See III. vi. 15, 39. [2] *i. e.* figure.

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 8
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,[1] provided always that we know that the subject of enquiry is the same. It is best therefore in dealing 9
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 10
opinion among authors as to the meaning of the name,[2] 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 11
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

aut etiam pedes continuo quis aut certe nimium frequenter incurrit, praecipere solemus variandas
12 figuras esse vitandae similitudinis gratia. In quo ita loquimur, tanquam omnis sermo habeat figuram, itemque eadem figura dicitur *cursitare* qua *lectitare*, id est eadem ratione declinari. Quare illo intellectu priore et communi nihil non figuratum est. Quo si contenti sumus, non immerito Apollodorus, si tradenti Caecilio credimus, incomprehensibilia partis huius
13 praecepta existimavit. Sed si habitus quidam et quasi gestus sic appellandi sunt, id demum hoc loco accipi schema oportebit, quod sit a simplici atque in promptu posito dicendi modo poetice vel oratorie mutatum. Sic enim verum erit, aliam esse orationem *ἀσχημάτιστον*, id est carentem figuris, quod vitium non inter minima est, aliam *ἐσχηματισμένην*, id est
14 figuratam. Verum id ipsum anguste Zoilus terminavit, qui id solum putaverit schema, quo aliud simulatur dici quam dicitur, quod sane vulgo quoque sic accipi scio ; unde et figuratae controversiae quaedam, de quibus post paulo dicam, vocantur. Ergo figura sit arte aliqua novata forma dicendi.

15 Genus eius unum quidam putaverunt, in hoc ipso diversas opiniones secuti. Nam hi, quia verborum

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[1] Frequentative forms of *curro* (run) and *lego* (read).
[2] IX. ii. 65.

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 12
we speak as if every kind of language possessed a *figure:* for example *cursitare* and *lectitare*[1] 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, 13
on the other hand, the name is to be applied to certain attitudes, or I might say gestures of language, we must interpret *schema* in the sense of that which is poetically or rhetorically altered from the simple and obvious method of expression. It will then be true to distinguish between the style which is devoid of figures (or ἀσχημάτιστος) and that which is adorned with figures (or ἐσχηματισμένη). But Zoilus narrowed 14
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.[2] 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 15
kind of *figure,* although they differ as regards the reasons which lead them to adopt this view. For

mutatio sensus quoque verteret, omnes figuras in verbis esse dixerunt; illi, quia verba rebus accommodarentur, omnes in sensibus. Quarum utraque
16 manifesta cavillatio est. Nam ut eadem dici solent aliter, manetque sensus elocutione mutata, et figura sententiae plures habere verborum figuras potest. Illa est enim posita in concipienda cogitatione haec in enuntianda; sed frequentissime coeunt, ut in hoc *Iam iam, Dolabella, neque me tui neque tuorum liberum.* Nam oratio a iudice aversa in sententia, *iam iam* et *liberum* in verbis sunt schemata.

17 Inter plurimos enim, quod sciam, consensum est duas eius esse partes, διανοίας, id est mentis vel sensus vel sententiarum, nam his omnibus modis dictum est, et λέξεως, id est verborum vel dictionis vel elocutionis vel sermonis vel orationis; nam et
18 variatur et nihil refert. Cornelius tamen Celsus adiicit verbis et sententiis figuras colorum, nimia profecto novitatis cupiditate ductus. Nam quis ignorasse eruditum alioqui virum credat, colores et sententias sensus esse? Quare sicut omnem orationem ita figuras quoque versari necesse est in sensu et in verbis.

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[1] Cic. *Verr.* I. xxx. 77. *iam iam* is a figure, as being a reduplication, and *liberum* as being a contraction.

[2] See IV. ii. 88. *color* = "the particular aspect given to a case by a skilful representation of the facts—the 'gloss' or varnish put on them by either the accused or the accuser."

some of them, on the ground that a change of words causes a corresponding change in the sense, assert that all *figures* are concerned with words, while others hold that *figures* are concerned solely with the sense, on the ground that words are adapted to things. Both these views are obviously quibbling. For the 16
same things are often put in different ways and the sense remains unaltered though the words are changed, while a *figure of thought* may include several *figures of speech*. For the former lies in the conception, the latter in the expression of our thought. The two are frequently combined, however, as in the following passage: "Now, Dolabella, [I have no pity] either for you or for your children":[1] 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, 17
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 18
speech would add those produced by "glosses";[2] 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.

19 Ut vero natura prius est concipere animo res quam enuntiare, ita de iis figuris ante est loquendum, quae ad mentem pertinent; quarum quidem utilitas cum magna, tum multiplex, in nullo non orationis opere vel clarissime lucet. Nam etsi minime videtur pertinere ad probationem, qua figura quidque dicatur, facit tamen credibilia quae dicimus et in animos
20 iudicum, qua non observatur, irrepit. Namque ut in armorum certamine adversos ictus et rectas ac simplices manus cum videre, tum etiam cavere ac propulsare facile est, aversae tectaeque minus sunt observabiles, et aliud ostendisse quam petas artis est, sic oratio, quae astu caret, pondere modo et impulsu proeliatur; simulanti variantique conatus in latera atque in terga incurrere datur et arma avo-
21 care et velut nutu fallere. Iam vero adfectus nihil magis ducit. Nam si frons, oculi, manus multum ad motum animorum valent, quanto plus orationis ipsius vultus ad id, quod efficere intendimus, compositus? Plurimum tamen ad commendationem facit, sive in conciliandis agentis moribus sive ad promerendum actioni favorem sive ad levandum varietate fastidium sive ad quaedam vel decentius indicanda vel tutius.

22 Sed antequam, quae cuique rei figura conveniat, ostendo, dicendum est nequaquam eas esse tam

As, however, in the natural course of things we 19
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 clear-
ness 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 20
as in sword-play it is easy to see, parry, and ward off
direct blows and simple and straightforward thrusts,
while side-strokes and feints are less easy to observe
and the task of the skilful swordsman is to give the
impression that his design is quite other than it
actually is, even so the oratory in which there is
no guile fights by sheer weight and impetus alone;
on the other hand, the fighter who feints and varies
his assault is able to attack flank or back as he will,
to lure his opponent's weapons from their guard and
to outwit him by a slight inclination of the body.
Further, there is no more effective method of exciting 21
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* 22
best suit the different circumstances, I must

multas quam sint a quibusdam constitutae. Neque enim me movent nomina illa, quae fingere utique
23 Graecis promptissimum est. Ante omnia igitur illi, qui totidem figuras putant quot adfectus, repudiandi, non quia adfectus non sit quaedam qualitas mentis, sed quia figura, quam non communiter, sed proprie nominamus, non sit simplex rei cuiuscunque enuntiatio. Quapropter in dicendo irasci, dolere, misereri, timere, confidere, contemnere non sunt figurae, non magis quam suadere, minari, rogare,
24 excusare. Sed fallit parum diligenter intuentes, quod inveniunt in omnibus his locis figuras et earum exempla ex orationibus excerpunt. Neque enim pars ulla dicendi est, quae non recipere eas possit. Sed aliud est admittere figuram, aliud figuram esse. Neque enim verebor explicandae rei gratia frequenti-
25 orem eiusdem nominis repetitionem. Quare dabunt mihi aliquam in irascente, deprecante, miserante figuram, scio; sed non ideo irasci, misereri, deprecari figura erit. Cicero quidem omnia orationis lumina in hunc locum congerit, mediam quandam, ut arbitror, secutus viam: ut neque omnis sermo schema iudicaretur neque ea sola, quae haberent aliquam

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 23
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 24
deceived by the fact that they find *figures* in all passages dealing with such themes, and select examples of them from speeches; whereas in reality there is no department of oratory which does not admit such *figures*. But it is one thing to admit 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 25
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 figur-

remotam ab usu communi fictionem, sed quae essent clarissima et ad movendum auditorem valerent plurimum; quem duobus ab eo libris tractatum locum ad litteras subieci, ne fraudarem legentes iudicio maximi auctoris.

26 In tertio de Oratore ita scriptum est: *In perpetua autem oratione, cum et coniunctionis levitatem et numerorum, quam dixi, rationem tenuerimus, tum est quasi luminibus distinguenda et frequentanda omnis oratio sen-*
27 *tentiarum atque verborum. Nam et commoratio una in re permultum movet et illustris explanatio rerumque, quasi gerantur, sub aspectum paene subiectio, quae et in exponenda re plurimum valet et ad illustrandum id quod exponitur et ad amplificandum, ut iis qui audient illud quod augebimus, quantum efficere oratio poterit, tantum*
28 *esse videatur; et huic contraria saepe percursio est et plus ad intelligendum quam dixeris significatio et distincte concisa brevitas et extenuatio, et huic adiuncta illusio; a praeceptis Caesaris non abhorrens, et ab re digressio, in qua cum fuerit delectatio, tum reditus ad rem aptus et concinnus esse debebit; propositioque, quid sis dicturus, et ab eo quod est dictum seiunctio, et reditus ad proposi-*

[1] The two works are the *Orator* (xxxix. 134 *sqq.*)—see sect. 36 and the *de Oratore* III. lii. 201, which is here quoted.
[2] *de Or.* ii. 261 *sqq.*, 269 *sqq.* Iulius Caesar *Strabo loq.*

ative 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*.[1]

In the third book of the *de Oratore* we find the 26
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 27
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 28
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.[2] 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

29 *tum et iteratio et rationis apta conclusio; tum augendi minuendive causa veritatis superlatio atque traiectio, et rogatio atque huic finitima quasi percontatio expositioque sententiae suae; tum illa, quae maxime quasi irrepit in hominum mentes, alia dicentis ac significantis dissimulatio, quae est periucunda, cum in oratione non contentione sed*
30 *sermone tractatur; deinde dubitatio, tum distributio, tum correctio, vel ante vel post quam dixeris vel cum aliquid a te ipso reiicias. Praemunitio etiam est ad id quod aggrediare, et reiectio in alium; communicatio, quae est quasi cum iis ipsis apud quos dicas deliberatio; morum ac vitae imitatio vel in personis vel sine illis, magnum quoddam ornamentum orationis et aptum ad animos conciliandos vel maxime, saepe autem etiam ad commovendos;*
31 *personarum ficta inductio vel gravissimum lumen augendi; descriptio, erroris inductio, ad hilaritatem impulsio, anteoccupatio; tum duo illa, quae maxime movent, similitudo et exemplum; digestio, interpellatio, contentio, reticentia,*
32 *commendatio. Vox quaedam libera atque etiam effrenatior augendi causa; iracundia, obiurgatio, promissio;*

conclusions. Again, with a view to augmenting 29
or attenuating the force of some point, we may exaggerate and overstate the truth: we may ask questions, or, what is much the same, enquire of others and set forth our own opinion. There is also available the device of dissimulation, when we say one thing and mean another, the most effective of all means of stealing into the minds of men and a most attractive device, so long as we adopt a conversational rather than a controversial tone. Hesi- 30
tation may be expressed between two alternatives, our statement may be distributed in groups or we may correct ourselves, either before or after we have said something or when we repel some allegation against ourselves. We may defend ourselves by anticipation to secure the success of some point which we propose to make or may transfer the blame for some action to another. We may confer with our audience, admitting them as it were into our deliberations, may describe the life and character of persons either with or without mention of their names, a device which is one of the greatest embellishments of oratory and specially adapted to conciliate the feelings, as also frequently to excite them. Again by the introduction of fictitious 31
personages we may bring into play the most forcible form of exaggeration. We may describe the results likely to follow some action, introduce topics to lead our hearers astray, move them to mirth or anticipate the arguments of our opponent. Comparisons and examples may be introduced, both of them most effective methods; we may divide, interrupt, contrast, suppress, commend. Our language may be free or 32
even unbridled with a view to heighten our effects,

deprecatio, obsecratio, declinatio brevis a proposito, non ut superior illa digressio, purgatio, conciliatio, laesio,
33 *optatio atque exsecratio. His fere luminibus illustrant orationem sententiae. Orationis autem ipsius tanquam armorum est vel ad usum comminatio et quasi petitio vel ad venustatem ipsa tractatio. Nam et geminatio verborum habet interdum vim, leporem alias, et paululum immutatum verbum atque deflexum, et eiusdem verbi crebra tum a primo repetitio, tum in extremum conversio, et in eadem verba impetus et concursio et adiunctio et progressio, et eiusdem verbi crebrius positi quaedam distinctio et revocatio verbi, et illa quae similiter desinunt aut quae cadunt similiter aut quae paribus paria refer-*
34 *untur aut quae sunt inter se similia. Est etiam gradatio quaedam et conversio et verborum concinna transgressio, et contrarium et dissolutum, et declinatio et reprehensio,*

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[1] This appears to be the meaning of *impetus* and *concursio*, but there can be no certainty. The long list of technical terms which follows provides almost insuperable difficulty to the translator, since many can neither be translated nor even paraphrased with certainty. Quintilian himself is not always certain as to their meaning: see IX. iii. 90. For *adiunctio*, see Q's remarks on ἐπεζευγμένον IX. iii. 62. *conversio* (§ 33) is illustrated by *Auct. ad Herenn.* iv. 19. by *Poenas populus Romanus iustitia vicit, armis vicit, liberalitate vicit*, while in § 34 it is a form of antithesis (*e. g.* "eat to live, not live to eat"). For *revocatio verbi*, see IX. iii. 44; for *transgressio* VIII. vi. 62, for *contrarium* and *immutatio* see IX. iii. 90. *declinatio* is explained by Cicero in *Orator* 135 as occurring when we pass something by and show why we do so. *reprehensio* means correction of the expression as opposed to the correction of thought referred to above. For the obscure and perhaps corrupt clause *quod de singulis rebus propositis ductum refertur ad singula* see on IX. iii. 83. *dubitatio* is the hesitation between two expressions in contrast to the hesitation between two alternative conceptions. *alia correctio* cannot be clearly distinguished from *reprehensio*; but

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 33
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.[1] One verb may be made to serve the purpose of a number of clauses, our words may be worked up to a climax, the same word may be repeated with a different meaning or reiterated at the opening of one sentence from the close of the preceding, while we may introduce words with similar terminations or in the same cases or balancing or resembling each other. Other effects 34
may be obtained by the graduation or contrast of clauses, by the elegant inversion of words, by argu-

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cp. IX. ii. 60, *paenitentia dicti*. *dissipatio* is illustrated in IX. iii. 39. *diiunctio* is not to be confused with the *disiunctio* of IX. iii. 45. Here it refers to the conclusion of each separate proposition with its appropriate verb, and is the opposite of *adiunctio* (above). The meaning of *relatio* is unknown even to Quintilian (see IX. iii. 97), while he is doubtful as to the meaning of *circumscriptio* (see IX. iii. 90); perhaps = periphrasis.

et exclamatio et imminutio; et quod in multis casibus ponitur et quod de singulis rebus propositis ductum refertur ad singula, et ad propositum subiecta ratio et item
35 *in distributis supposita ratio; et permissio et rursus alia dubitatio et improvisum quiddam; et dinumeratio et alia correctio et dissipatio, et continuatum et interruptum, et imago et sibi ipsi responsio, et immutatio et diiunctio, et*
36 *ordo et relatio, et digressio et circumscriptio. Haec enim sunt fere atque horum similia vel plura etiam esse possunt, quae sententiis orationem verborumque conformationibus illuminent.*

Eadem sunt in Oratore plurima non omnia tamen et paulo magis distincta, quia post orationis et sententiarum figuras tertium quendam subiecit locum ad alias, ut ipse ait, quasi virtutes dicendi perti-
37 nentem: *Et reliqua, ex collocatione verborum quae sumuntur quasi lumina, magnum adferunt ornatum orationi. Sunt enim similia illis quae in amplo ornatu scenae aut fori appellantur insignia, non quia sola ornent, sed quod*
38 *excellant. Eadem ratio est horum quae sunt orationis lumina et quodam modo insignia, cum aut duplicantur iteranturque verba aut leviter*[1] *commutata ponuntur, aut ab eodem verbo ducitur saepius oratio aut in idem coni-*

[1] leviter *Gesner, Ernesti*: breviter, *MSS.*

[1] Perhaps=metonymy. [2] xxxix. 134 *sqq.*

ments 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 35
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,[1] the appropriate distinction of one proposition from another, effective arrangement, reference, digression and circumscription. These 36
(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*,[2] 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 embellish- 37
ments which are derived from the arrangement of words contribute greatly to the adornment of our style. They may be compared to what we term the decorations of the forum or a richly-ornamented stage, since they not only adorn, but stand out conspicuously in the midst of other ornaments. The principle govern- 38
ing 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

icitur aut utrumque, aut adiungitur idem iteratum aut idem ad extremum refertur, aut continenter unum verbum non eadem sententia ponitur, aut cum similiter vel
39 *cadunt verba vel desinunt; aut multis modis contrariis relata contraria, aut cum gradatim sursum versus reditur, aut cum demptis coniunctionibus dissolute plura dicuntur, aut cum aliquid praetereuntes, cur id faciamus, ostendimus, aut cum corrigimus nosmet ipsos quasi reprehendentes, aut si est aliqua exclamatio vel admirationis vel conques-*
40 *tionis, aut cum eiusdem nominis casus saepius commutantur. Sententiarum ornamenta maiora sunt; quibus quia frequentissime Demosthenes utatur, sunt qui putent, idcirco eius eloquentiam maxime esse laudabilem. Et vere nullus fere ab eo locus sine quadam conformatione sententiae dicitur, nec quicquam est aliud dicere nisi omnes aut certe plerasque aliqua specie illuminare*
41 *sententias. Quas cum tu optime, Brute, teneas, quid attinet nominibus uti aut exemplis? Tantummodo notetur locus. Sic igitur dicet ille, quem expetimus, ut verset saepe multis modis eadem et in una re haereat in eademque*
42 *commoretur sententia. Saepe etiam ut extenuet aliquid; saepe ut irrideat; ut declinet a proposito deflectatque sententiam; ut proponat quid dicturus sit; ut, cum transegerit iam aliquid, definiat; ut se ipse revocet, ut*

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[1] *adiungitur* apparently refers to the same figure described in Herodian (*Rh. Gr.* iii. 99) as ἐπίζευξις, for which he gives as an example Θῆβαι δὲ Θῆβαι, πόλις κ.τ.λ., from Aeschin. *Ctes.* 133.

the same word or may begin and end with the same phrase. The same word may be reiterated[1] either at the beginning or at the conclusion, or may be repeated, but in a different sense. Words may have the same 39
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 40
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, 41
Brutus, have such an admirable knowledge of all these methods, it would be waste of time for me to cite all their names or to give illustrations. I shall therefore content myself merely with indicating this topic. Our ideal orator then will speak in such a manner that he will cast the same thought into a number of different forms, will dwell on one point and linger over the same idea. He will often at- 42
tenuate 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

quod dixerit iteret; ut argumentum ratione concludat; ut interrogando urgeat; ut rursus quasi ad interrogata
43 *sibi ipse respondeat; ut contra ac dicat accipi et sentiri velit; ut addubitet quid potius aut quo modo dicat; ut dividat in partes; ut aliquid relinquat ac negligat; ut ante praemuniat; ut in eo ipso, in quo reprehendatur, culpam in adversarium conferat; ut saepe cum iis qui audiunt, nonnunquam etiam cum adversario quasi de-*
44 *liberet; ut hominum mores sermonesque describat; ut muta quaedam loquentia inducat; ut ab eo quod agitur avertat animos; ut saepe in hilaritatem risumve convertat; ut ante occupet quod videat opponi; ut comparet similitudines; ut utatur exemplis; ut aliud alii tribuens dispertiat; ut interpellatorem coerceat; ut aliquid reticere se dicat; ut denuntiet quid caveant; ut liberius quid audeat; ut irascatur etiam, ut obiurget aliquando; ut deprecetur, ut supplicet, ut medeatur; ut a proposito declinet aliquantum; ut optet, ut exsecretur, ut fiat iis*
45 *apud quos dicet familiaris. Atque alias etiam dicendi quasi virtutes sequetur, brevitatem, si res petet, saepe etiam rem dicendo subiiciet oculis, saepe supra feret quam fieri possit; significatio saepe erit maior quam oratio, saepe*

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 43
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 44
and talk of particular persons, will put words into the mouths of inanimate objects, divert the minds of the audience from the point at issue, often move them to merriment or laughter, anticipate objections, introduce comparisons, cite precedents, assign and distribute different sentiments to different persons, silence interrupters, assert that there are certain things of which he prefers not to speak, warn his audience to be on their guard against certain things, or venture on a certain licence of speech. Again, he will wax angry, sometimes indulge in rebuke, entreaty or supplication, will clear away unfavourable impressions, swerve a little from his point, utter wishes or execrations, or address his audience in terms of familiar intimacy. There are also other 45
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

hilaritas, saepe vitae naturarumque imitatio. Hoc in genere (nam quasi silvam vides) omnis eluceat oportet eloquentiae magnitudo.

II. Ergo cui latius complecti conformationes verborum ac sententiarum placuerit, habet quod sequatur nec adfirmare ausim quicquam esse melius; sed haec ad propositi mei rationem legat. Nam mihi de his sententiarum figuris dicere in animo est, quae ab illo simplici modo indicandi recedunt; quod item
2 multis doctissimis viris video placuisse. Omnia tamen illa, etiam quae sunt alterius modi lumina, adeo sunt virtutes orationis ut sine iis nulla intelligi fere possit oratio. Nam quomodo iudex doceri potest, si desit illustris explanatio, propositio, promissio, finitio, seiunctio, expositio sententiae suae, rationis apta conclusio, praemunitio, similitudo, exemplum, digestio, distributio, interpellatio, inter-
3 pellantis coercitio, contentio, purgatio, laesio? Quid vero agit omnino eloquentia detractis amplificandi minuendique rationibus? Quarum prior desiderat illam plus quam dixeris significationem, id est ἔμφασιν, et supralationem veritatis et traiectionem; haec altera extenuationem deprecationemque. Qui adfectus erunt vel concitati detracta voce libera et

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."

II. The student who desires to give a wider consideration to figures of thought and speech will, therefore, have a guide to follow, and I would not venture to assert that he could have a better. But I would ask him to read these passages of Cicero with reference to my own views on this subject. For I intend to speak only of those figures of thought which depart from the direct method of statement, and I note that a similar procedure has been adopted by a number of learned scholars. On the other hand, 2
all those embellishments which differ in character from these are none the less virtues whose importance is such that without them all oratory will be little less than unintelligible. For how can the judge be adequately instructed unless lucidity characterise our performance of the following tasks: explanation, proposition, promise of proofs, definition, distinction, exposition of our own opinion, logical conclusion, defence by anticipation, introduction of comparisons or precedents, disposition and distribution, interruption, repression of those who interrupt us, antithesis, exculpation and personal attack? Again, what would 3
eloquence do if deprived of the artifices of amplification and its opposite? of which the first requires the gift of signifying more than we say, that is *emphasis*, together with exaggeration and overstatement of the truth, while the latter requires the power to diminish and palliate. What scope is there for the stronger emotions if the orator is not allowed to give free rein

effrenatiore, iracundia, obiurgatione, optatione, exsecratione? vel illi mitiores, nisi adiuvantur commendatione, conciliatione, ad hilaritatem impulsione?
4 Quae delectatio aut quod mediocriter saltem docti hominis indicium, nisi alia repetitione, alia commoratione infigere, digredi a re et redire ad propositum suum scierit, removere a se, in alium traiicere, quae relinquenda, quae contemnenda sint iudicare? Motus est in his orationis atque actus, quibus detractis iacet
5 et velut agitante corpus spiritu caret. Quae cum adesse debent, tum disponenda atque varianda sunt, ut auditorem, quod in fidibus fieri videmus, omni sono mulceant. Verum ea plerumque recta sunt nec se fingunt, sed confitentur. Admittunt autem, ut dixi, figuras, quod vel ex proxima doceri potest.
6 Quid enim tam commune quam interrogare vel percontari? Nam utroque utimur indifferenter, quanquam[1] alterum noscendi, alterum arguendi gratia videtur adhiberi. At ea res, utrocunque dicitur modo, etiam multiplex habet schema. Incipiamus enim ab iis, quibus acrior ac vehementior fit probatio,
7 quod primo loco posuimus. Simplex est sic rogare,

Sed vos qui tandem? quibus aut venistis ab oris?

Figuratum autem, quotiens non sciscitandi gratia

[1] quanquam, *Spalding*: quam cum, *A*: cum, *B*.

[1] *Aen.* i. 369.

to his speech, to flame out in anger, to reproach, to wish or execrate? Or for the milder emotions without the assistance of commendation, conciliation and humour? What pleasure can an orator hope to produce, or what impression even of the most moderate learning, unless he knows how to fix one point in the minds of the audience by repetition, and another by dwelling on it, how to digress from and return to his theme, to divert the blame from himself and transfer it to another, or to decide what points to omit and what to ignore as negligible? It is qualities such as these that give life and vigour to oratory; without them it lies torpid like a body lacking the breath to stir its limbs. But more than the mere possession of these qualities is required; they must be deployed, each in their proper place and with such variety that every sound may bewitch the hearer with all the charm of music. But these qualities are as a rule open and direct, manifesting themselves without disguise. They do, however, as I have said, admit of *figures*, as the instances to which I shall proceed will show. 4 5

What is more common than to *ask* or *enquire*? For both terms are used indifferently, although the one seems to imply a desire for knowledge, and the other a desire to prove something. But whichever term we use, the thing which they represent admits a variety of figures. We will begin with those which serve to increase the force and cogency of proof to which I assign the first place. A simple question may be illustrated by the line:[1] 6 7

"But who are ye and from what shores are come?"

On the other hand, a question involves a figure,

adsumitur, sed instandi, *Quid enim tuus ille, Tubero, destrictus in acie Pharsalica gladius agebat?* et, *Quousque tandem abutere, Catilina, patientia nostra?* et, *Patere tua consilia non sentis?* et totus denique hic
8 locus. Quanto enim magis ardet quam si diceretur, *Diu abuteris patientia nostra,* et *Patent tua consilia.* Interrogamus etiam quod negari non possit, *Dixitne tandem causam C. Fidiculanius Falcula?* aut ubi respondendi difficilis est ratio, ut vulgo uti solemus,
9 *Quo modo? qui fieri potest?* aut invidiae gratia, ut Medea apud Senecam, *Quas peti terras iubes?* aut miserationis, ut Sinon apud Vergilium,

Heu quae me tellus, inquit, quae me aequora possunt
Accipere?

aut instandi et auferendae dissimulationis, ut Asinius, *Audisne? furiosum, inquam, non inofficiosum testa-*
10 *mentum reprehendimus.* Totum hoc plenum est varietatis; nam et indignationi convenit:

Et quisquam numen Iunonis adoret?

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[1] *pro. Lig.* iii. 9 and *in Cat.* i. 1.
[2] *pro Cluent.* xxxvii. 103.
[3] *Med.* 451. [4] *Aen.* ii. 69. [5] *Aen.* i. 48.

whenever it is employed not to get information, but to emphasise our point, as in the following examples :[1] "What was that sword of yours doing, Tubero, that was drawn on the field of Pharsalus?" and "How long, Catiline, will you abuse our patience?" and "Do you not see that your plots are all laid bare?" with the whole passage that follows. How much greater is 8
the fire of his words as they stand than if he had said, "You have abused our patience a long time," and "Your plots are all laid bare." We may also ask what cannot be denied, as "Was Gaius Fidiculanius Falcula, I ask you, brought to justice?"[2] Or we may put a question to which it is difficult to reply, as in the common forms, "How is it possible?" "How can that be?" Or we may ask a question 9
with a view to throw odium on the person to whom it is addressed, as in the words placed by Seneca in the mouth of Medea :[3]

"What lands dost bid me seek?"

Or our aim may be to excite pity, as is the case with the question asked by Sinon in Virgil :[4]

"Alas, what lands, he cried,
What seas can now receive me?"

Or to embarrass our opponent and to deprive him of the power to feign ignorance of our meaning, as Asinius does in the following sentence : "Do you hear? The will which we impugn is the work of a madman, not of one who lacked natural affection." In fact questions admit of infinite variety. They 10
may serve our indignation, as in the line :

"Are any left
That still adore Juno's divinity?"[5]

et admirationi :

Quid non mortalia pectoria cogis,
Auri sacra fames ?

11 Est interim acrius imperandi genus :

Non arma expedient totaque ex urbe sequentur ?

Et ipsi nosmet rogamus, quale est illud Terentianum
12 *Quid igitur faciam ?* Est aliqua etiam in respondendo figura, cum aliud interroganti ad aliud, quia sic utilius sit, occurritur, tum augendi criminis gratia, ut testis in reum rogatus, an ab reo fustibus vapulasset, *Et innocens,* inquit ; tum declinandi, quod est frequentissimum : *Quaero, an occideris hominem ;* respondetur, *Latronem ; An fundum occupaveris ;*
13 respondetur, *Meum.* Ut confessionem praecedat defensio, ut apud Vergilium in Bucolicis dicenti,

Non ego te vidi Damonis, pessime, caprum
Excipere insidiis ?

occurritur :

An mihi cantando victus non redderet ille ?

14 Cui est confinis dissimulatio, non alibi quam in risu

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[1] *Aen.* iii. 56.
[2] *Aen.* iv. 592.
[3] *Eun.* I. i. 1.
[4] *Ecl.* iii. 17 and 21.

Or they may still express wonder, as in:

"To what dost thou not drive the hearts of men,
Accursed greed of gold?"[1]

Again, at times they may express a sharp command, 11
as in:

"Will they not rush to arms and follow forth
From all the city?"[2]

Or we may ask ourselves, as in the phrase of Terence, "What, then, shall I do?"[3] A figure is also involved 12
in a reply, when one question is asked and another is answered, because it suits the respondent's purpose better to do so, or because it aggravates the charge brought against the accused. For example, a witness for the prosecution was asked whether he had been cudgelled by the plaintiff, and replied, "And what is more, I had done him no harm." Or the purpose may be to elude a charge, a very common form of reply. The advocate says, "I ask if you killed the man?" The accused replies, "He was a robber." The advocate asks, "Have you occupied the farm?" The accused replies, "It was my own." Again, the 13
answer may be of such a kind as to make defence precede confession. For example, in the *Eclogues*[4] of Virgil, when one shepherd asks:

"Did I not see you, villain, snare a goat
Of Damon's?"

the other replies:

"I vanquished him in song, and should he not
Pay me the prize, my due?"

Akin to this kind of answer is the dissimulatory 14

posita ideoque tractata suo loco. Nam serio si fiat, pro confessione est. Ceterum et interrogandi se ipsum et respondendi sibi solent esse non ingratae vices, ut Cicero pro Ligario, *Apud quem igitur hoc dico? Nempe apud eum, qui, cum hoc sciret, tamen me,* 15 *antequam vidit, rei publicae reddidit.* Aliter pro Caelio ficta interrogatione: *Dicet aliquis, Haec igitur est tua disciplina? sic tu instituis adolescentes?* et totus locus. Deinde: *Ego, si quis, iudices, hoc robore animi atque hac indole virtutis ac continentiae fuit,* et cetera. Cui diversum est, cum alium rogaveris, non exspectare responsum sed statim subiicere: *Domus tibi deerat? at habebas; pecunia superabat? at egebas.* Quod 16 schema quidam per suggestionem vocant. Fit et comparatione: *Uter igitur facilius suae sententiae rationem redderet?* Et aliis modis tum brevius, tum latius, tum de una re, tum de pluribus.

Mire vero in causis valet praesumptio, quae πρόληψις dicitur, cum id quod obiici potest occupamus. Id neque in aliis partibus rarum est et praecipue pro- 17 oemio convenit. Sed, quanquam generis unius,

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[1] VI. iii. 68. [2] iii. 7.

[3] xvii. 39 *sqq.* The passage concludes, "I should consider such an one the possessor of qualities which I can only call worthy of a god."

[4] *Orat.* lxvii. 223. [5] *pro Cluent.* xxxviii. 106.

reply, which is employed solely with the purpose of raising a laugh, and has therefore been treated in its appropriate place.[1] If it were meant seriously, it would be tantamount to a confession. Further, there is the practice of putting the question and answering it oneself, which may have quite a pleasing effect. Take as an example the following passage from the *pro Ligario*,[2] where Cicero says, "Before whom do I say this? Before one who, although he was aware of these facts, yet restored me to my country even before he had seen me." A different 15
form of fictitious question is to be found in the *pro Caelio*. "Some one will say, 'Is this your moral discipline? Is this the training you would give young men?'" with the whole passage that follows. Then comes his reply, "Gentlemen, if there were any man with such vigour of mind, with such innate virtue and self-control, etc."[3] A different method is to ask a question and not to wait for a reply, but to subjoin the reply at once yourself. For example, "Had you no house? Yes, you had one. Had you money and to spare? No, you were in actual want."[4] This is a figure which some call *suggestion*. Again, a question may involve *comparison*, 16
as, for instance, "Which of the two then could more easily assign a reason for his opinion?"[5] There are other forms of question as well, some concise, some developed at greater length, some dealing with one thing only, others with several.

Anticipation, or, as the Greeks call it, προλῆψις, whereby we forestall objections, is of extraordinary value in pleading; it is frequently employed in all parts of a speech, but is especially useful in the *exordium*. However, it forms a genus in itself, and 17

diversas species habet. Est enim quaedam praemunitio, qualis Ciceronis contra Q. Caecilium, quod ad accusandum descendat qui semper defenderit; quaedam confessio, ut pro Rabirio Postumo, quem sua quoque sententia reprehendendum fatetur, quod pecuniam regi crediderit; quaedam praedictio, ut *Dicam enim non augendi criminis gratia;* quaedam emendatio, ut *Rogo, ignoscatis mihi, si longius sum evectus;* frequentissima praeparatio, cum pluribus verbis, vel quare facturi quid simus vel quare feceri-
18 mus, dici solet. Verborum quoque vis ac proprietas confirmatur vel praesumptione: *Quanquam illa non poena, sed prohibitio sceleris fuit;* aut reprehensione: *Cives, inquam, si hoc eos nomine appellari fas est.*

19 Adfert aliquam fidem veritatis et dubitatio, cum simulamus quaerere nos, unde incipiendum, ubi desinendum, quid potissimum dicendum, an omnino dicendum sit? Cuiusmodi exemplis plena sunt omnia, sed unum interim sufficit: *Equidem, quod ad me attinet, quo me vertam nescio. Negem fuisse infamiam*
20 *iudicii corrupti?* et cetera. Hoc etiam in praeteritum valet; nam et dubitasse nos fingimus.

A quo schemate non procul abest illa, quae dicitur

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[1] *Div. in Caec.* i. 1.
[2] Chs. i. and ix.
[3] From a lost work of Cicero.
[4] *pro Mur.* xxxvii. 80.
[5] *pro Cluent.* i. 4.

has several different species. One of these is the defence by anticipation, such as Cicero employs against Quintus Caecilius,[1] where he points out that though previously he himself has always appeared for the defence, he is now undertaking a prosecution. Another is a form of *confession,* such as he introduces in his defence of Rabirius Postumus,[2] where he admits that he himself regards his client as worthy of censure for lending money to the king. Another takes the form of *prediction,* as in the phrase, "For I will say without any intention of aggravating the charge." Again, there is a form of *self-correction,* such as, "I beg you to pardon me, if I have been carried too far." And, most frequent of all, there is *preparation,* whereby we state fully why we are going to do something or have done it. *Anticipation* 18
may also be employed to establish the meaning or *propriety* of words, as in the following case, "Although that was not a punishment, but merely a prevention of crime,"[3] while the same effect may be produced by *qualification,* as in the following sentence, "Citizens, I say, if I may call them by that name."[4]

Again, hesitation may lend an impression of truth 19
to our statements, when, for example, we pretend to be at a loss, where to begin or end, or to decide what especially requires to be said or not to be said at all. All speeches are full of such instances, but for the present one will be enough. "As for myself, I know not where to turn. Shall I deny that there was a scandalous rumour that the jury had been bribed, etc.?"[5] This device may also be employed 20
to cover the past; for we may equally pretend that we *had* felt hesitation on the subject.

This figure is akin to that known as *communication,*

communicatio, cum aut ipsos adversarios consulimus, ut Domitius Afer pro Cloatilla: *Nescit trepida, quid liceat feminae, quid coniugem deceat; forte vos in illa solitudine obvios casus miserae mulieri obtulit; tu, frater,*
21 *vos, paterni amici, quod consilium datis?* aut cum iudicibus quasi deliberamus, quod est frequentissimum: *Quid suadetis?* et *Vos interrogo,* et *Quid tandem fieri oportuit?* et Cato, *Cedo, si vos in eo loco esselis, quid aliud fecissetis?* Et alibi: *Communem rem agi putatote*
22 *ac vos huic rei praepositos esse.* Sed nonnunquam communicantes aliquid inexspectatum subiungimus, quod et per se schema est, ut in Verrem Cicero, *Quid deinde? quid censetis? furtum fortasse aut praedam aliquam?* Deinde, cum diu suspendisset iudicum animos, subiecit, quod multo esset improbius. Hoc
23 Celsus sustentationem vocat. Est autem duplex; nam contra frequenter, cum exspectationem gravissimorum fecimus, ad aliquid quod sit leve aut nullo modo criminosum descendimus. Sed quia non tantum per communicationem fieri solet, *παράδοξον*
24 alii nominarunt, id est inopinatum. Illis non accedo qui schema esse existimant etiam, si quid nobis ipsis

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v. 5. 10.

when we actually take our opponents into consultation, as Domitius Afer does in his defence of Cloatilla. "She is so agitated that she does not know what is permitted to a woman or what becomes a wife. It may be that chance has brought you into contact with the unhappy woman in her helpless plight. What counsel do you give her, you her brother, and you, her father's friends?" Or we may admit the 21
judges to our deliberations, a device which is frequently called into play. We may say, "What do you advise?" or, "I ask you," or, "What, then, should have been done?" Cato, for example, says, "Come now, if you had been in his place, what else would you have done?" And in another passage, "Imagine this to be a matter which concerns us all, and assume you have been placed in charge of the whole affair." Sometimes, however, in such forms 22
of communication we may add something unexpected, a device which is in itself a *figure*, as Cicero does in the *Verrines*: "What then? What think you? Perhaps you expect to hear of some theft or plunder."[1] Then, after keeping the minds of the judges in suspense for a considerable time, he adds something much worse. This figure is termed *suspension* by Celsus. It has two forms. For we may adopt 23
exactly the opposite procedure to that just mentioned, and after raising expectation of a sequel of the most serious nature, we may drop to something which is of a trivial character, and may even imply no offence at all. But since this does not necessarily involve any form of *communication*, some have given it the name of *paradox* or *surprise*. I do not agree with 24
those who extend the name of *figure* to a statement that something has happened unexpectedly to the

dicamus inexspectatum accidisse, ut Pollio, *Nunquam fore credidi, iudices, ut, reo Scauro, ne quid in eius iudicio*
25 *gratia valeret, precarer.* Paene idem fons est illius, quam permissionem vocant, qui communicationis, cum aliqua ipsis iudicibus relinquimus aestimanda, aliqua nonnunquam adversariis quoque, ut Calvus Vatinio, *Perfrica frontem et dic te digniorem, qui praetor fieres, quam Catonem.*

26 Quae vero sunt augendis adfectibus accommodatae figurae, constant maxime simulatione. Namque et irasci nos et gaudere et timere et admirari et dolere et indignari et optare, quaeque sunt similia his, fingimus. Unde sunt illa, *Liberatus sum: respiravi;* et *Bene habet;* et *Quae amentia est haec?* et *O tempora, o mores!* et *Miserum me! consumptis enim lacrimis infixus tamen pectori haeret dolor;* et

Magnae nunc hiscite terrae.

27 Quod exclamationem quidam vocant ponuntque inter figuras orationis. Haec quotiens vera sunt, non sunt in ea forma, de qua nunc loquimur, at simulata et arte composita procul dubio schemata sunt existimanda. Quod idem dictum sit de oratione libera, quam Cornificius licentiam vocat, Graeci *παῤῥησίαν.* Quid enim minus figuratum quam vera libertas?

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[1] *pro Mil.* xviii. 47. [2] *pro Muren.* vi. 14.
[3] *in Cat.* i. 2. [4] *Phil.* ii. xxvi. 64. [5] Unknown.
[6] The author of *Auct. ad Herennium*, iv. 36.

speaker himself, like the following passage from Pollio: "Gentlemen, I never thought it would come to pass that, when Scaurus was the accused, I should have to entreat you not to allow influence to carry any weight on his behalf." The figure 25
known as *concession* springs from practically the same source as *communication;* it occurs when we leave some things to the judgment of the jury, or even in some cases of our opponents, as when Calvus says to Vatinius, "Summon all your assurance and assert that you have a better claim than Cato to be elected praetor."

The *figures* best adapted for intensifying emotion 26
consist chiefly in simulation. For we may feign that we are angry, glad, afraid, filled with wonder, grief or indignation, or that we wish something, and so on. Hence we get passages like the following: "I am free, I breathe again," [1] or, "It is well," or, "What madness is this?" [2] or, "Alas! for these degenerate days!" [3] or, "Woe is me; for though all my tears are shed my grief still clings to me deep-rooted in my heart," [4] or,

"Gape now, wide earth." [5]

To this some give the name of *exclamation,* and 27
include it among *figures of speech.* When, however, such exclamations are genuine, they do not come under the head of our present topic: it is only those which are simulated and artfully designed which can with any certainty be regarded as *figures.* The same is true of free speech, which Cornificius [6] calls *licence,* and the Greeks παῤῥησία. For what has less of the *figure* about it than true freedom? On the other hand, freedom of speech may frequently be made a

28 Sed frequenter sub hac facie latet adulatio. Nam Cicero cum dicit pro Ligario, *Suscepto bello, Caesar, gesto iam etiam ex parte magna, nulla vi coactus consilio ac voluntate mea ad ea arma profectus sum, quae erant sumpta contra te,* non solum ad utilitatem Ligarii respicit, sed magis laudare victoris clementiam non
29 potest. In illa vero sententia, *Quid autem aliud egimus, Tubero, nisi ut, quod hic potest, nos possemus?* admirabiliter utriusque partis facit bonam causam, sed hoc eum demeretur, cuius mala fuerat.

Illa adhuc audaciora et maiorum (ut Cicero existimat) laterum, fictiones personarum, quae προσωποποιΐαι dicuntur. Mire namque cum variant orationem,
30 tum excitant. His et adversariorum cogitationes velut secum loquentium protrahimus (qui tamen ita demum a fide non abhorrent, si ea locutos finxerimus, quae cogitasse eos non sit absurdum), et nostros cum aliis sermones et aliorum inter se credibiliter introducimus, et suadendo, obiurgando, querendo, lau-
31 dando, miserando personas idoneas damus. Quin deducere deos in hoc genere dicendi et inferos excitare concessum est; urbes etiam populique vocem accipiunt. Ac sunt quidam, qui has demum προσωποποιΐας dicant, in quibus et corpora et verba fingimus; sermones hominum adsimulatos dicere διαλόγους malunt, quod Latinorum quidam dixerunt

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[1] iii. 7.
[2] iv. 10. We = the Pompeian party. He = Caesar.
[3] *Orat.* xxv. 85. [4] Cornific. *op. cit.* iv. 43 and 52.

cloak for flattery. For when Cicero in his defence 28
for Ligarius says, "After war had begun, Caesar, and was well on its way to a conclusion, I deliberately, of my own free will and under no compulsion, joined the forces of your opponents,"[1] he has in his mind something more than a desire to serve the interests of Ligarius, for there is no better way of praising the clemency of the victor. On the other hand, in 29
the sentence, "What else was our aim, Tubero, than that we might secure the power which he now holds?"[2] he succeeds with admirable art in representing the cause of both parties as being good, and in so doing mollifies him whose cause was really bad.

A bolder form of *figure*, which in Cicero's opinion[3] demands greater effort, is *impersonation*, or προσωποποιία. This is a device which lends wonderful variety and animation to oratory. By this means we display the 30
inner thoughts of our adversaries as though they were talking with themselves (but we shall only carry conviction if we represent them as uttering what they may reasonably be supposed to have had in their minds); or without sacrifice of credibility we may introduce conversations between ourselves and others, or of others among themselves, and put words of advice, reproach, complaint, praise or pity into the mouths of appropriate persons. Nay, we are even 31
allowed in this form of speech to bring down the gods from heaven and raise the dead, while cities also and peoples may find a voice. There are some authorities who restrict the term *impersonation* to cases where both persons and words are fictitious, and prefer to call imaginary conversations between men by the Greek name of *dialogue*, which some[4] translate

32 sermocinationem. Ego iam recepto more utrumque eodem modo appellavi. Nam certe sermo fingi non potest, ut non personae sermo fingatur. Sed in his, quae natura non permittit, hoc modo mollior fit figura: *Etenim si mecum patria, quae mihi vita mea multo est carior, si cuncta Italia, si omnis res publica sic loquatur, 'M. Tulli, quid agis?'* Illud audacius genus: *Quae tecum, Catilina, sic agit et quodammodo tacita loquitur, 'Nullum iam aliquot annis*
33 *facinus exstitit nisi per te.'* Commode etiam aut nobis aliquas ante oculos esse rerum, personarum, vocum imagines fingimus, aut eadem adversariis aut iudicibus non accidere miramur: qualia sunt *Videtur mihi,* et *Nonne videtur tibi?* Sed magna quaedam vis eloquentiae desideratur. Falsa enim et incredibilia natura necesse est aut magis moveant, quia supra vera sunt, aut pro vanis accipiantur, quia vera non
34 sunt. Ut dicta autem quaedam, ita scripta quoque fingi solent, quod facit Asinius pro Liburnia: *Mater mea, quae mihi cum carissima, tum dulcissima fuit, quaeque mihi vixit bisque eodem die vitam dedit* et reliqua; deinde *exheres esto.* Haec cum per se figura est, tum duplicatur, quotiens sicut in hac causa ad

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[1] *in Cat.* I. xi. 27. [2] *in Cat.* I. vii. 18.

[3] The speech being lost, the allusion in *bis—dedit* is unintelligible.

by the Latin *sermocinatio*. For my own part, I have 32
included both under the same generally accepted
term, since we cannot imagine a speech without we
also imagine a person to utter it. But when we lend
a voice to things to which nature has denied it, we
may soften down the *figure* in the way illustrated
by the following passage: "For if my country, which
is far dearer to me than life itself, if all Italy, if the
whole commonwealth were to address me thus,
'Marcus Tullius, what dost thou?'"[1] A bolder
figure of the same kind may be illustrated by the
following: "Your country, Catiline, pleads with you
thus, and though she utters never a word, cries to
you, 'For not a few years past no crime has come
to pass save through your doing!'"[2] It is also con- 33
venient at times to pretend that we have before our
eyes the images of things, persons or utterances, or
to marvel that the same is not the case with our
adversaries or the judges; it is with this design that
we use phrases such as "It seems to me," or "Does
it not seem to you?" But such devices make a great
demand on our powers of eloquence. For with things
which are false and incredible by nature there are but
two alternatives: either they will move our hearers
with exceptional force because they are beyond the
truth, or they will be regarded as empty nothings
because they are not the truth. But we may intro- 34
duce not only imaginary sayings, but imaginary
writings as well, as is done by Asinius in his defence
of Liburnia: "Let my mother, who was the object
of my love and my delight, who lived for me and
gave me life twice in one day[3] (and so on) inherit
nought of my property." This is in itself a figure,
and is doubly so whenever, as in the present case,

35 imitationem alterius scripturae componitur. Nam contra recitabatur testamentum: *P. Novanius Gallio, cui ego omnia meritissimo volo et debeo pro eius animi in me summa voluntate,* et adiectis deinceps aliis, *heres esto.* Incipit esse quodammodo παρῳδή, quod nomen ductum a canticis ad aliorum similitudinem modulatis abusive etiam in versificationis ac sermonum imi-
36 tatione servatur. Sed formas quoque fingimus saepe, ut Famam Vergilius, ut Voluptatem ac Virtutem (quemadmodum a Xenophonte traditur) Prodicus, ut Mortem ac Vitam, quas contendentes in satura tradit Ennius. Est et incertae personae ficta oratio,
37 *Hic aliquis,* et, *Dicat aliquis.* Est et iactus sine persona sermo:

Hic Dolopum manus, hic saevus tendebat Achilles.

Quod fit mixtura figurarum, cum προσωποποιΐᾳ accedit illa, quae est orationis per detractionem; detractum est enim, quis diceret. Vertitur interim προσωποποιΐα in speciem narrandi. Unde apud historicos reperiuntur obliquae adlocutiones, ut in T. Livii primo statim, *Urbes quoque ut cetera ex infimo nasci; deinde, quas sua virtus ac dii iuvent, magnas opes sibi magnumque nomen facere.*

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[1] *Aen.* iv. 174. [2] *Mem.* ii. 1.

[3] *Aen.* ii. 29. The words represent what some Trojan said after the departure of the Greeks.

[4] i. 9. These words represent the argument of envoys sent out by Romulus to neighbouring cities.

it imitates a document produced by the opposing party. For a will had been read out by the prosecu- 35
tion, in the following form: "Let Publius Novanius Gallio, to whom as my benefactor I will and owe all that is good, as a testimony to the great affection which he has borne me (then follow other details) be my heir." In this case the *figure* borders on *parody,* a name drawn from songs sung in imitation of others, but employed by an abuse of language to designate imitation in verse or prose. Again, we 36
often personify the abstract, as Virgil[1] does with Fame, or as Xenophon[2] records that Prodicus did with Virtue and Pleasure, or as Ennius does when, in one of his satires, he represents Life and Death contending with one another. We may also introduce some imaginary person without identifying him, as we do in the phrases, "At this point some one will interpose," or, "Some one will say." Or 37
speech may be inserted without any mention of the speaker, as in the line:[3]

"Here the Dolopian host
Camped, here the fierce Achilles pitched his tent."

This involves a mixture of *figures,* since to *impersonation* we add the *figure* known as *ellipse,* which in this case consists in the omission of any indication as to who is speaking. At times *impersonation* takes the form of narrative. Thus we find indirect speeches in the historians, as at the opening of Livy's first book[4]: "That cities, like other things, spring from the humblest origins, and that those who are helped by their own valour and the favour of heaven subsequently win great power and a great name for themselves."

38 Aversus quoque a iudice sermo, qui dicitur ἀποστροφή, mire movet, sive adversarios invadimus: *Quid enim tuus ille, Tubero, in acie Pharsalica?* sive ad invocationem aliquam convertimur: *Vos enim iam ego, Albani tumuli atque luci;* sive ad invidiosam implorationem: *O leges Porciae legesque Semproniae!*

39 Sed illa quoque vocatur aversio, quae a proposita quaestione abducit audientem:

> *Non ego cum Danais Troianam exscindere gentem*
> *Aulide iuravi—.*

Quod fit et multis et variis figuris, cum aut aliud exspectasse nos aut maius aliquid timuisse simulamus aut plus videri posse ignorantibus, quale est prooemium pro Caelio.

40 Illa vero, ut ait Cicero, sub oculos subiectio tum fieri solet, cum res non gesta indicatur, sed ut sit gesta ostenditur, nec universa, sed per partes; quem locum proximo libro subiecimus evidentiae, et Celsus hoc nomen isti figurae dedit. Ab aliis ὑποτύπωσις dicitur proposita quaedam forma rerum ita expressa

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[1] *pro Lig.* iii. 9. [2] *pro Mil.* xxxi. 85.

[3] *Verr.* v. lxiii. 163. Laws protecting the person of a Roman citizen, and disregarded by Verres.

[4] *Aen.* iv. 425. Dido is urging Anna to approach Aeneas and induce Aeneas to postpone his departure. Dido is no enemy from whom he need fly.

[5] *de Or.* III. liii. 202. [6] VIII. iii. 61 *sqq.*

Apostrophe also, which consists in the diversion of 38
our address from the judge, is wonderfully stirring, whether we attack our adversary as in the passage, "What was that sword of yours doing, Tubero, in the field of Pharsalus?"[1] or turn to make some invocation such as, "For I appeal to you, hills and groves of Alba,"[2] or to entreaty that will bring odium on our opponents, as in the cry, "O Porcian and Sempronian laws."[3] But the term *apostrophe* is also 39
applied to utterances that divert the attention of the hearer from the question before them, as in the following passage:

"I swore not with the Greeks
At Aulis to uproot the race of Troy."[4]

There are a number of different figures by which this effect may be produced. We may, for instance, pretend that we expected something different or feared some greater disaster, or that the judges in their ignorance of the facts may regard some point as of more importance than it really is: an example of this latter device is to be found in the exordium to Cicero's defence of Caelius.

With regard to the figure which Cicero[5] calls *ocular* 40
demonstration, this comes into play when we do not restrict ourselves to mentioning that something was done, but proceed to show how it was done, and do so not merely on broad general lines, but in full detail. In the last book[6] I classified this figure under the head of *vivid illustration*, while Celsus actually terms it by this name. Others give the name of ὑποτύπωσις to any representation of facts which is made in such vivid language that they appeal to the eye rather than the ear. The follow-

verbis, ut cerni potius videatur quam audiri: *Ipse inflammatus scelere ac furore in forum venit, ardebant*
41 *oculi, toto ex ore crudelitas eminebat.* Nec solum quae facta sint aut fiant, sed etiam quae futura sint aut futura fuerint imaginamur. Mire tractat hoc Cicero pro Milone, quae facturus fuerit Clodius, si praeturam invasisset. Sed haec quidem translatio temporum, quae proprie μετάστασις dicitur, ἐν διατυπώσει[1] verecundior apud priores fuit. Praeponebant enim talia, *Credite vos intueri,* ut Cicero, *Haec, quae non vidistis*
42 *oculis, animis cernere potestis.* Novi vero et praecipue declamatores audacius nec mehercule sine motu quodam imaginantur, ut et Seneca[2] in controversia, cuius summa est, quod pater filium et novercam inducente altero filio in adulterio deprehensos occidit: *Duc, sequor; accipe hanc senilem manum et*
43 *quocunque vis imprime.* Et post paulo, *Aspice, inquit, quod diu non credidisti. Ego vero non video, nox oboritur et crassa caligo.* Habet haec figura manifestius aliquid; non enim narrari res, sed agi videtur.
44 Locorum quoque dilucida et significans descriptio eidem[3] virtuti adsignatur a quibusdam; alii τοπογραφίαν dicunt.

Εἰρωνείαν inveni qui dissimulationem vocaret; quo

[1] ἐν διατυπώσει, *vulgo:* indiatyposi, *B*: incliatibosi, *A*.
[2] ut et Seneca, *vulgo*: ut Seneca, *cod. Bamb.*: ut, *cod. Bern.*: et, *A*.
[3] eidem, *Regius*: eiusdem, *B*: huic, *A* (*2nd hand*): virtuti, *A*: virtutis, *B*.

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[1] *Verr.* v. lxii. 161. [2] Ch. 32.
[3] Not found in extant works of Cicero.

ing will show what I mean: "He came into the forum on fire with criminal madness: his eyes blazed and cruelty was written in every feature of his countenance."[1] Nor is it only past or present actions 41
which we may imagine: we may equally well present a picture of what is likely to happen or might have happened. This is done with extraordinary skill by Cicero in his defence of Milo,[2] where he shows what Clodius would have done, had he succeeded in securing the praetorship. But this *transference of time*, which is technically called μετάστασις, was more modestly used in *vivid description* by the old orators. For they would preface it by words such as "Imagine that you see": take, for example, the words of Cicero[3]: "Though you cannot see this with your bodily eyes, you can see it with the mind's eye." Modern authors, however, more especially 42
the declaimers, are bolder, indeed they show the utmost animation in giving rein to their imagination; witness the following passages from Seneca's treatment of the controversial theme in which a father, guided by one of his sons, finds another son in the act of adultery with his stepmother and kills both culprits. "Lead me, I follow, take this old hand of mine and direct it where you will." And a little 43
later, "See, he says, what for so long you refused to believe. As for myself, I cannot see, night and thick darkness veil my eyes." This figure is too dramatic: for the story seems to be acted, not narrated. Some 44
include the clear and vivid description of places under the same heading, while others call it *topography*.

I have found some who speak of *irony* as *dissimulation*, but, in view of the fact that this latter name

nomine quia parum totius huius figurae vires videntur ostendi, nimirum sicut in plerisque erimus Graeca appellatione contenti. Igitur εἰρωνεία, quae est schema, ab illa, quae est tropos, genere ipso nihil admodum distat; (in utroque enim contrarium ei quod dicitur intelligendum est) species vero prudentius intuenti diversas esse facile est deprehendere.
45 Primum, quod tropos apertior est et, quanquam aliud dicit ac sentit, non aliud tamen simulat. Nam et omnia circa fere recta sunt: ut illud in Catilinam, *A quo repudiatus ad sodalem tuum, virum optimum, Metellum demigrasti.* In duobus demum verbis est
46 ironia, ergo etiam brevior est tropos. At in figura totius voluntatis fictio est apparens magis quam confessa, ut illic verba sint verbis diversa, hic sensus sermoni et voci [1] et tota interim causae conformatio; cum etiam vita universa ironiam habere videatur, qualis est visa Socratis; nam ideo dictus εἴρων, agens imperitum et admiratorem aliorum tanquam sapientium; ut, quemadmodum ἀλληγορίαν facit continua μεταφορά, sic hoc schema faciat tropos ille
47 contextus. Quaedam vero genera huius figurae nullam cum tropis habent societatem, ut illa statim prima, quae dicitur a negando, quam nonnulli ἀντίφρασιν vocant: *Non agam tecum iure summo, non*

[1] sermoni et voci, *Hal'm*: sermonis et ioci, *AB*.

[1] 1. viii. 19.

does not cover the whole range of this figure, I shall follow my general rule and rest content with the Greek term. *Irony* involving a *figure* does not differ from the *irony* which is a *trope*, as far as its *genus* is concerned, since in both cases we understand something which is the opposite of what is actually said; on the other hand, a careful consideration of the *species* of *irony* will soon reveal the fact that they differ. In the first place, the *trope* is franker in its 45
meaning, and, despite the fact that it implies something other than it says, makes no pretence about it. For the context as a rule is perfectly clear, as, for example, in the following passage from the Catilinarian orations.[1] "Rejected by him, you migrated to your boon-companion, that excellent gentleman Metellus." In this case the irony lies in two words, and is therefore a specially concise form of *trope*. But in the *figurative* form of irony the speaker dis- 46
guises his entire meaning, the disguise being apparent rather than confessed. For in the *trope* the conflict is purely verbal, while in the *figure* the meaning, and sometimes the whole aspect of our case, conflicts with the language and the tone of voice adopted; nay, a man's whole life may be coloured with *irony*, as was the case with Socrates, who was called an *ironist* because he assumed the rôle of an ignorant man lost in wonder at the wisdom of others. Thus, as continued *metaphor* develops into *allegory*, so a sustained series of *tropes* develops into this *figure*. There are, 47
however, certain kinds of this *figure* which have no connexion with *tropes*. In the first place, there is the *figure* which derives its name from negation and is called by some ἀντίφρασις. Here is an example: "I will not plead against you according to the rigour

dicam, quod forsitan obtinerem[1]*;* et *Quid ego istius decreta, quid rapinas, quid hereditatum possessiones datas, quid ereptas proferam?* et *Mitto illam primam libidinis iniuriam,* et *Ne illa quidem testimonia recito, quae dicta*
48 *sunt de HS sescentis milibus,* et *Possum dicere.* Quibus generibus per totas interim quaestiones decurrimus: ut Cicero, *Hoc ego si sic agerem, tanquam mihi crimen esset diluendum, haec pluribus dicerem.* Εἰρωνεία est, et cum similes imperantibus vel permittentibus sumus:

I, sequere Italiam ventis;

49 et cum ea, quae nolumus videri in adversariis esse, concedimus eis. Id acrius fit, cum eadem in nobis sunt et in adversario non sunt:

Meque timoris
Argue tu, Drance, quando tot caedis acervos
Teucrorum tua dextra dedit.

Quod idem contra valet, cum aut ea, quae a nobis absunt, aut etiam quae in adversarios recidunt, quasi fatemur:

Me duce Dardanius Spartam expugnavit adulter.

50 Nec in personis tantum, sed et in rebus versatur

[1] debeam forsitan obtinere, *MSS. of Cicero.*

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[1] *Verr.* v. ii. 4. [2] *Phil.* II. xxv. 62.
[3] *pro Cael.* xxii. 53. [4] *pro Cluent.* lx. 166.
[5] *Aen.* iv. 381. Dido to Aeneas. She continues by praying for his destruction.
[6] *Aen.* xi. 383. Turnus addresses Drances, who has been attacking him as the cause of the war and bidding him fight himself, if he would win Lavinia for his bride.
[7] *Aen.* x. 92. Juno ironically pretends to have brought about the rape of Helen, which was in reality the work of Venus.

of the law, I will not press the point which I should perhaps be able to make good"[1]; or again, "Why should I mention his decrees, his acts of plunder, his acquisition, whether by cession or by force, of certain inheritances?"[2] or "I say nothing of the first wrong inflicted by his lust"; or "I do not even propose to produce the evidence given concerning the 600,000 sesterces"; or "I might say, etc."[3] Such kinds of 48
irony may even be sustained at times through whole sections of our argument, as, for instance, where Cicero[4] says, "If I were to plead on this point as though there were some real charge to refute, I should speak at greater length." It is also *irony* when we assume the tone of command or concession, as in Virgil's[5]

"Go!
Follow the winds to Italy;"

or when we concede to our opponents qualities which 49
we are unwilling that they should seem to possess. This is specially effective when we possess these qualities and they do not, as in the following passage,[6]

"Brand *me* as coward, Drances, since thy sword
Has slain such hosts of Trojans."

A like result is produced by reversing this method when we pretend to own to faults which are not ours or which even recoil upon the heads of our opponents, as for example,

"'Twas I that led the Dardan gallant on
To storm the bridal bed of Sparta's queen!"[7]

Further, this device of saying the opposite of what 50

haec contraria dicendi quam quae intelligi velis ratio, ut totum pro Quinto Ligario prooemium et illae elevationes: *Videlicet, O dii boni!*—

Scilicet is superis labor est.

51 —et ille pro Oppio locus: *O amorem mirum! O benivolentiam singularem!* Non procul absunt ab hac simulatione res inter se similes, confessio nihil nocitura, qualis est: *Habes igitur, Tubero, quod est accusatori maxime optandum, confitentem reum;* et concessio, cum aliquid etiam iniquum videmur causae fiducia pati: *Metum virgarum nauarchus nobilissimae civitatis pretio redemit: humanum est;* et pro Cluentio de invidia: *Dominetur in contionibus, iaceat in iudiciis;* tertia consensio, ut pro eodem, iudicium esse cor-
52 ruptum. Haec evidentior figura est, cum alicui rei assentimur, quae est futura pro nobis; verum id accidere sine adversarii vitio non potest. Quaedam etiam velut laudamus, ut Cicero in Verrem circa

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[1] *Aen.* iv. 379. Dido mocks the excuse of Aeneas that he had received the direct command of heaven to leave Carthage.
[2] *pro Lig.* i. 2.
[3] *Verr.* v. xliv. 117.
[4] *pro Cluent.* ii. 5.
[5] *pro Cluent.* xxiii. 63.
[6] *Verr.* iv. xvii. 37. *i. e.* Apollonius deserved it.

we desire to imply is not merely restricted to persons, but may be extended to things, witness the whole of the *exordium* of the *pro Ligario* and disparaging phrases such as "Forsooth," "ye great gods!" or

"Fit task, I ween, for gods!" [1]

Another example is provided by the following pas- 51
sage from the *pro Oppio*, "What wondrous love! what extraordinary benevolence!" Akin to *irony* also are the following *figures*, which have a strong family resemblance: *confession* of a kind that can do our case no harm, such as the following [2]: "You have now, Tubero, the advantage most desired by an accuser: the accused confesses his guilt"; secondly, *concession*, when we pretend to admit something actually unfavourable to ourselves by way of showing our confidence in our cause, as in the following passage [3]: "The commander of a ship from a distinguished city paid down a sum of money to rid himself of the fear of a scourging which hung over his head; it shows Verres' humanity"; or again, in the *pro Cluentio*,[4] where Cicero is speaking of the prejudice aroused against his client, "Let it prevail in the public assembly, but be silent in the courts of law"; thirdly, *agreement*, as when Cicero,[5] in the same speech, agrees that the jury was bribed. This last 52
form of *figure* becomes more striking when we agree to something which is really likely to tell in our favour; but such an opportunity can only occur through weakness on the part of our opponent. Sometimes we may even praise some action of our opponent, as Cicero does in his prosecution of Verres [6] when dealing with the charge in connexion with

crimen Apollonii Drepanitani: *Gaudeo etium, si quid ab eo abstulisti, et abs te nihil rectius factum esse dico.*
53 Interim augemus crimina, quae ex facili aut diluere possimus aut negare, quod est frequentius quam ut exemplum desideret. Interim hoc ipso fidem detrahimus illis, quod sint tam gravia, ut pro Roscio Cicero, cum immanitatem parricidii quanquam per se manifestam tamen etiam vi orationis exaggerat.
54 Ἀποσιώπησις, quam idem Cicero reticentiam, Celsus obticentiam, nonnulli interruptionem appellant, et ipsa ostendit aliquid adfectus vel irae, ut.

Quos ego—sed motos praestat componere fluctus;

vel sollicitudinis et quasi religionis: *An huius ille legis, quam Clodius a se inventam gloriatur, mentionem facere ausus esset vivo Milone, non dicam consule? de nostrum omnium—non audeo totum dicere;* cui simile
55 est in prooemio pro Ctesiphonte Demosthenis. Vel alio transeundi gratia: *Cominius autem—tametsi ignoscite mihi, iudices.* In quo est et illa (si tamen inter schemata numerari debet, cum aliis etiam pars

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[1] Roscius of Ameria was accused of parricide.

[2] See quotation in IX. i. 31.

[3] *Aen.* i. 135. Neptune rebukes the winds for raising a storm, but breaks off without actually saying what he would do to them.

[4] Now frequently inserted in *pro Mil.* xii. 33. But it is quite possible that the words formed part of the speech actually delivered, and do not belong to the existing speech, from the MSS. from which they are absent. The law proposed to give freedmen the right to vote in all thirty-five tribes and not as before in the four city-tribes only.

Apollonius of Drepanum: "Nay, it is a real pleasure to me to think that you took something from him, and I say that you never did a juster action in your life." At times we may exaggerate charges against 53
ourselves which we can easily refute or deny; this device is too common to require any illustration. At other times we may by this same method make the charges brought against us seem incredible just because of their gravity: thus Cicero in his defence of Roscius,[1] by the sheer force of his eloquence, exaggerates the horror of parricide, despite the fact that it requires no demonstration.

Aposiopesis, which Cicero[2] calls *reticentia,* Celsus 54
obticentia, and some *interruptio,* is used to indicate passion or anger, as in the line:[3]

"Whom I—
But better first these billows to assuage."

Or it may serve to give an impression of anxiety or scruple, as in the following:[4] "Would he have dared to mention this law of which Clodius boasts he was the author, while Milo was alive, I will not say was consul? For as regards all of us—I do not dare to complete the sentence." There is a similar instance in the exordium of Demosthenes' speech in defence of Ctesiphon.[5] Again it may be employed as a means 55
of transition, as, for example,[6] "Cominius, however—nay, pardon me, gentlemen." This last instance also involves *digression,* if indeed digression is to be counted among *figures,* since some authorities regard it as forming one of the parts of a speech.[7] For at

[5] § 3. Ἀλλ' ἐμοὶ μὲν—οὐ βούλομαι δὲ δυσχερὲς εἰπεῖν οὐδέν.
[6] From the *pro Cornelio.* [7] *cp.* IV. iii. 12.

causae videatur) digressio; abit enim causa in laudes Cn. Pompeii, idque fieri etiam sine ἀποσιωπήσει
56 potuit. Nam brevior illa, ut ait Cicero, a re digressio plurimis fit modis. Sed haec exempli gratia sufficient: *Tum C. Varenus, is qui a familia Anchariana occisus est; hoc, quaeso, iudices, diligenter attendite;* et pro Milone *Et aspexit me illis quidem oculis, quibus tum*
57 *solebat, cum omnibus omnia minabatur.* Est alia non quidem reticentia, quae sit imperfecti sermonis, sed tamen praecisa velut ante legitimum finem oratio: ut illud *Nimis urgeo, commoveri videtur adolescens;* et *Quid plura?*[1] *ipsum adolescentem dicere audistis.*

58 Imitatio morum alienorum, quae ἠθοποιία vel, ut alii malunt, μίμησις dicitur, iam inter leniores adfectus numerari potest; est enim posita fere in eludendo, sed versatur et in factis et in dictis. In factis, quod est ὑποτύπωσει vicinum; in dictis, quale est apud Terentium:

> *At ego nesciebam, quorsum tu ires. Parvula*
> *Hinc est abrepta, eduxit mater pro sua,*
> *Soror dicta est: cupio abducere, ut reddam suis.*

59 Sed nostrorum quoque dictorum factorumque similis imitatio est per relationem, nisi quod frequentius

[1] ne multa, *Cicero.*

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[1] From the passage quoted IX. i. 28.
[2] From the lost *pro Vareno.*
[3] XII. 33.
[4] *pro Lig.* III. 9.
[5] A free quotation from *Verr.* V. XLIV. 116.
[6] *Eun.* I. ii. 75.

this point the orator diverges to sing the praises of Gnaeus Pompeius, which he might have done without any recourse to *aposiopesis*. For as Cicero[1] says, 56
the shorter form of *digression* may be effected in a number of different ways. The following passages will, however, suffice as examples: "Then Gaius Varenus, that is, the Varenus who was killed by the slaves of Ancharius:—I beg you, gentlemen, to give careful attention to what I am about to say[2];" the second is from the pro Milone[3]: "Then he turned on me that glance, which it was his wont to assume, when he threatened all the world with every kind of violence." There is also another kind of figure, 57
which is not aposiopesis, since that involves leaving a sentence unfinished, but consists in bringing our words to a close before the natural point for their conclusion. The following is an example[4]: "I am pressing my point too far; the young man appears to be moved"; or[5] "Why should I say more? you heard the young man tell the story himself."

The imitation of other persons' characteristics, 58
which is styled *ἠθοποιΐα* or, as some prefer *μίμησις*, may be counted among the devices which serve to excite the gentler emotions. For it consists mainly in banter, though it may be concerned either with words or deeds. If concerned with the latter, it closely resembles *ὑποτύπωσις*, while the following passage from Terence[6] will illustrate it as applied to words: "I didn't see your drift. 'A little girl was stolen from this place; my mother brought her up as her own daughter. She was known as my sister. I want to get her away to restore her to her relations.'" We may, however, imitate our own 59
words and deeds in a similar fashion by relating some

asseverat quam eludit: *Dicebam habere eos actorem Q. Caecilium.* Sunt et illa iucunda et ad commendationem cum varietate tum etiam ipsa natura plurimum prosunt, quae simplicem quandam et non praeparatam ostendendo orationem minus nos
60 suspectos iudici faciunt. Hinc est quasi paenitentia dicti, ut pro Caelio *Sed quid ego ita gravem personam introduxi?* Et quibus utimur vulgo: *Imprudens incidi.* Vel cum quaerere nos, quid dicamus, fingimus: *Quid reliquum est?* et *Num quid omisi?* et cum ibidem invenire, ut ait Cicero: *Unum etiam mihi reliquum huiusmodi crimen est;* et *Aliud ex alio*
61 *succurrit mihi.* Unde etiam venusti transitus fiunt; non quia transitus ipse sit schema, ut Cicero, narrato Pisonis exemplo, qui anulum sibi cudi ab aurifice in tribunali suo iusserat, velut hoc in memoriam inductus adiecit: *Hic modo me commonuit Pisonis anulus, quod totum effluxerat. Quam multis istum putatis hominibus honestis de digitis anulos aureos abstulisse?* Et cum aliqua velut ignoramus: *Sed*

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[1] *Div. in Caec.* ii. 4. Cicero ironically suggested to the Sicilians that Caecilius should undertake their case. He was a bogus accuser put forward by Verres himself, whose quaestor he had been in Sicily.

[2] xv. 35.

[3] *Verr.* iv. xx. 43.

[4] *pro Cluent.* lxi. 169.

[5] *Verr.* iv. xxvi. 57.

[6] *Verr.* iv. iii. 5.

act or statement, though in such cases the speaker more frequently does so to assert his point than for the sake of banter, as, for example, in the following,[1] "I said that they had Quintus Caecilius to conduct the prosecution." There are other devices also which are agreeable in themselves and serve not a little to commend our case both by the introduction of variety and by their intrinsic naturalness, since by giving our speech an appearance of simplicity and spontaneity they make the judges more ready to accept our statements without suspicion. Thus we 60
may feign repentance for what we have said, as in the *pro Caelio*,[2] where Cicero says, "But why did I introduce so respectable a character?" Or we may use some common phrase, such as, "I didn't mean to say that."[3] Or we may pretend that we are searching for what we should say, as in the phrases, "What else is there?" or "Have I left anything out?" Or we may pretend to discover something suggested by the context, as when Cicero[4] says, "One more charge, too, of this sort still remains for me to deal with," or "One thing suggests another." Such 61
methods will also provide us with elegant transitions, although transition is not itself to be ranked among figures: for example, Cicero,[5] after telling the story of Piso, who ordered a goldsmith to make a ring before him in court, adds, as though this story had suggested it to him, "This ring of Piso's reminds me of something which had entirely slipped my memory. How many gold rings do you think Verres has stripped from the fingers of honourable men?" Or we may affect ignorance on certain points, as in the following passage[6]: "But who was the sculptor who made those statues? Who

earum rerum artificem, quem? quemnam? Recte
62 *admones, Polyclitum esse dicebant.* Quod quidem non in hoc tantum valet. Quibusdam enim, dum aliud agere videmur, aliud efficimus, sicut hic Cicero consequitur, ne, cum morbum in signis atque tabulis obiiciat Verri, ipse quoque earum rerum studiosus esse credatur. Et Demosthenes iurando per interfectos in Marathone et Salamine id agit, ut minore invidia cladis apud Chaeroneam acceptae
63 laboret. Faciunt illa quoque iucundam orationem, aliqua mentione habita differre et deponere apud memoriam iudicis et reposcere quae deposueris, et iterare[1] quaedam schemate aliquo, (non enim est ipsa per se iteratio schema) et excipere aliqua et dare actioni varios velut vultus. Gaudet enim res varietate, et sicut oculi diversarum aspectu rerum magis detinentur, ita semper animis praestat, in quod se velut novum intendant.

64 Est emphasis etiam inter figuras, cum ex aliquo dicto latens aliquid eruitur, ut apud Vergilium

> *Non licuit thalami expertem sine crimine vitam*
> *Degere more ferae?*

Quanquam enim de matrimonio queritur Dido,

iterare, *Halm*: sperare, *B*; separare *A* (*m.*2).

[1] *De Coron.* 263. He argued that defeat in such a cause could bring no shame. Athens would have been unworthy of the heroes of old had she not fought for freedom.

[2] *Aen.* iv. 550.

was he? Thank you for prompting me, you are right; they said it was Polyclitus." This device 62
may serve for other purposes as well. For there are means of this kind whereby we may achieve an end quite other than that at which we appear to be aiming, as, for example, Cicero does in the passage just quoted. For while he taunts Verres with a morbid passion for acquiring statues and pictures, he succeeds in creating the impression that he personally has no interest in such subjects. So, too, when Demosthenes[1] swears by those who fell at Marathon and Salamis, his object is to lessen the odium in which he was involved by the disaster at Chaeronea. We may further lend charm to our 63
speech by deferring the discussion of some points after just mentioning them, thus depositing them in the safe keeping of the judge's memory and afterwards reclaiming our deposit; or we may employ some figure to enable us to repeat certain points (for repetition is not in itself a figure) or may make especial mention of certain things and vary the aspect of our pleading. For eloquence delights in variety, and just as the eye is more strongly attracted by the sight of a number of different things, so oratory supplies a continuous series of novelties to rivet the attention of the mind.

Emphasis may be numbered among figures also, 64
when some hidden meaning is extracted from some phrase, as in the following passage from Virgil:

> "Might I not have lived,
> From wedlock free, a life without a stain,
> Happy as beasts are happy?"[2]

For although Dido complains of marriage, yet her

tamen huc erumpit eius adfectus, ut sine thalamis vitam non hominum putet, sed ferarum. Aliud apud Ovidium genus, apud quem Zmyrna nutrici amorem patris sic confitetur;

O, dixit, felicem coniuge matrem!

65 Huic vel confinis vel eadem est, qua nunc utimur plurimum. Iam enim ad id genus, quod et frequentissimum est et exspectari maxime credo, veniendum est, in quo per quandam suspicionem quod non dicimus accipi volumus, non utique contrarium, ut in εἰρωνείᾳ, sed aliud latens et auditori quasi inveniendum. Quod, ut supra ostendi, iam fere solum schema a nostris vocatur, et unde controversiae
66 figuratae dicuntur. Eius triplex usus est: unus si dicere palam parum tutum est, alter si non decet, tertius qui venustatis modo gratia adhibetur et ipsa novitate ac varietate magis, quam si relatio[1] sit recta, delectat.

67 Ex his, quod est primum, frequens in scholis est. Nam et pactiones deponentium imperium tyrannorum et post bellum civile senatus consulta finguntur et capitale est obiicere antcacta, ut, quod

[1] si relatio, *A* (si r *by 2nd hand*): si elatio, *B*.

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[1] *Met.* x. 422. [2] IX. i. 14.

passionate outburst shows that she regards life without wedlock as no life for man, but for the beasts of the field. A different kind of emphasis is found in Ovid, where Zmyrna confesses to her nurse her passion for her father in the following words:

"O mother, happy in thy spouse!"[1]

Similar, if not identical with this figure is another, 65
which is much in vogue at the present time. For I must now proceed to the discussion of a class of figure which is of the commonest occurrence and on which I think I shall be expected to make some comment. It is one whereby we excite some suspicion to indicate that our meaning is other than our words would seem to imply; but our meaning is not in this case contrary to that which we express, as is the case in *irony*, but rather a hidden meaning which is left to the hearer to discover. As I have already pointed out,[2] modern rhetoricians practically restrict the name of *figure* to this device, from the use of which *figured* controversial themes derive their name. This class of figure may be em- 66
ployed under three conditions: first, if it is unsafe to speak openly; secondly, if it is unseemly to speak openly; and thirdly, when it is employed solely with a view to the elegance of what we say, and gives greater pleasure by reason of the novelty and variety thus introduced than if our meaning had been expressed in straightforward language.

The first of the three is of common occurrence in 67
the schools, where we imagine conditions laid down by tyrants on abdication and decrees passed by the senate after a civil war, and it is a capital offence to accuse a person with what is past, what is not

in foro non expedit, illic nec liceat. Sed schematum condicio non eadem est. Quamlibet enim apertum, quod modo et aliter intelligi possit, in illos tyrannos bene dixeris, quia periculum tantum, non etiam offensa vitatur. Quod si ambiguitate sententiae possit eludi, nemo non illi furto favet.

68 Vera negotia nunquam adhuc habuerunt hanc silentii necessitatem; sed aliam huic similem, verum multo ad agendum difficiliorem, cum personae potentes obstant, sine quarum reprehensione teneri causa

69 non possit. Ideoque hoc parcius et circumspectius faciendum est, quia nihil interest, quomodo offendas, et aperta figura perdit hoc ipsum quod figura est. Ideoque a quibusdam tota res repudiatur, sive intelligatur sive non intelligatur. Sed licet modum adhibere; in primis, ne sint manifestae. Non erunt autem, si non ex verbis dubiis et quasi duplicibus petentur, quale est in suspecta nuru, *Duxi uxorem,*

70 *quae patri placuit;* aut, quod est multo ineptius,

expedient in the courts being actually prohibited in the schools. But the conditions governing the employment of figures differ in the two cases. For we may speak against the tyrants in question as openly as we please without loss of effect, provided always that what we say is susceptible of a different interpretation, since it is only danger to ourselves, and not offence to them, that we have to avoid. And if the danger can be avoided by any 68
ambiguity of expression, the speaker's cunning will meet with universal approbation. On the other hand, the actual business of the courts has never yet involved such necessity for silence, though at times they require something not unlike it, which is much more embarrassing for the speaker, as, for example, when he is hampered by the existence of powerful personages, whom he must censure if he is to prove his case. Consequently he must 69
proceed with greater wariness and circumspection; since the actual manner in which offence is given is a matter of indifference, and if a figure is perfectly obvious, it ceases to be a figure. Therefore such devices are absolutely repudiated by some authorities, whether the meaning of the figure be intelligible or not. But it is possible to employ such *figures* in moderation, the primary consideration being that they should not be too obvious. And this fault can be avoided, if the *figure* does not depend on the employment of words of doubtful or double meaning, such, for instance, as the words which occur in the theme of the suspected daughter-in-law[1]: "I married the wife who pleased my father." It is important, too, that the *figure* should 70

[1] *i. e.* suspected of an intrigue with her father-in-law.

compositionibus ambiguis, ut in illa controversia, in qua infamis amore filiae virginis pater raptam eam interrogat, a quo vitiata sit, *Quis te,* inquit,
71 *rapuit? Tu, pater, nescis?* Res ipsae perducant iudicem ad suspicionem, et amoliamur cetera, ut hoc solum supersit; in quo multum etiam adfectus iuvant et interrupta silentio dictio et cunctationes. Sic enim fiet, ut iudex quaerat illud nescio quid ipse, quod fortasse non crederet, si audiret, et ei,
72 quod a se inventum existimat, credat. Sed ne si optimae quidem sint, esse debent frequentes. Nam densitate ipsa figurae aperiuntur, nec offensae minus habent, sed auctoritatis; nec pudor videtur, quod non palam obiicias, sed diffidentia. In summa, sic maxime iudex credit figuris, si nos putat nolle
73 dicere. Equidem et in personas incidi tales et in rem quoque, quod est magis rarum, quae obtineri nisi hac arte non posset. Ream tuebar, quae subiecisse dicebatur mariti testamentum, et dicebantur chirographum marito exspiranti heredes
74 dedisse; et verum erat. Nam, quia per leges

[1] The sense of the words depends on the punctuation, according as we place a full-stop or a comma after *My father.*

[2] The bond was to the effect that they would make over the property to the wife; the existence of such a bond proved the wife innocent, since it was a virtual confirmation of the will, of which it showed the husband to have cognisance. But the bond was not valid in the eye of the law and such *tacita fideicommissa* were illegal, since the wife could not inherit; consequently the admission of the existence of the bond would have involved the loss of the inheritance, which on information being laid (cp. *delatores*) would have lapsed to the state. *Caput* is the civil status of the wife. With regard to *dicebantur*, the writing is careless, as it suggests that the statement was made by the prosecution, which was, of course, not the case.

not depend on ambiguous collocations of words (a trick which is far more foolish than the last); an example of this is to be found in the controversial theme, where a father, accused of a criminal passion for his unmarried daughter, asks her for the name of her ravisher. "Who dishonoured you?" he says. She replies: "My father, do you not know?"[1] 71
The facts themselves must be allowed to excite the suspicions of the judge, and we must clear away all other points, leaving nothing save what will suggest the truth. In doing this we shall find emotional appeals, hesitation and words broken by silences most effective. For thus the judge will be led to seek out the secret which he would not perhaps believe if he heard it openly stated, and to believe in that which he thinks he has found out for himself. But however excellent our *figures*, they must not be 72
too numerous. For overcrowding will make them obvious, and they will become ineffective without becoming inoffensive, while the fact that we make no open accusation will seem to be due not to modesty, but to lack of confidence in our own cause. In fact, we may sum up the position thus: our figures will have most effect upon the judge when he thinks that we use them with reluctance. I 73
myself have come across persons whom it was impossible to convince by other means: I have even come across a much rarer thing, namely, a case which could only be proved by recourse to such devices. I was defending a woman who was alleged to have forged her husband's will, and the heirs were stated to have given a bond[2] to the husband on his deathbed, which latter assertion was true. For since the wife could not legally be appointed 74

institui uxor non poterat heres, id fuerat actum, ut ad eam bona per hoc tacitum fideicommissum pervenirent. Et caput quidem tueri facile erat, si hoc diceremus palam, sed peribat hereditas. Ita ergo fuit nobis agendum, ut iudices illud intelligerent factum, delatores non possent apprehendere ut dictum; et contigit utrumque. Quod non inseruissem, veritus opinionem iactantiae, nisi probare voluissem in foro quoque esse his figuris locum.

75 Quaedam etiam, quae probare non possis, figura potius spargenda sunt. Haeret enim nonnunquam telum illud occultum, et hoc ipso, quod non apparet, eximi non potest; at si idem dicas palam, et defenditur et probandum est.

76 Cum autem obstat nobis personae reverentia, (quod secundum posuimus genus) tanto cautius dicendum est, quanto validius bonos inhibet pudor quam metus. Hic vero tegere nos iudex quod sciamus et verba vi quadam veritatis erumpentia credat coercere. Nam quanto magis[1] aut ipsi, in quos dicimus, aut iudices aut adsistentes oderint

[1] quanto magis, *Halm*: quo minus, *AB*

his heir, this procedure was adopted to enable the property to be transferred to her by a secret conveyance in trust. Now it was easy for me to secure the woman's acquittal, by openly mentioning the existence of the bond; but this would have involved her loss of the inheritance. I had, therefore, to plead in such a way that the judges should understand that the bond had actually been given, but that informers might be unable to avail themselves of any statement of mine to that effect. And I was successful in both my aims. The fear of seeming to boast my own skill would have deterred me from mentioning this case, but for the fact that I wished to demonstrate that there was room for the employment of these *figures* even in the courts. Some things, 75
again, which cannot be proved, may, on the other hand, be suggested by the employment of some *figure*. For at times such hidden shafts will stick, and the fact that they are not noticed will prevent their being drawn out, whereas if the same point were stated openly, it would be denied by our opponents and would have to be proved.

When, however, it is respect for some person that 76
hampers us (which I mentioned as the second condition[1] under which such *figures* may be used), all the greater caution is required because the sense of shame is a stronger deterrent to all good men than fear. In such cases the judge must be impressed with the fact that we are hiding what we know and keeping back the words which our natural impulse to speak out the truth would cause to burst from our lips. For those against whom we are speaking, together with the judges and our audience, would

[1] See § 66.

hanc maledicendi lasciviam, si velle nos credant?
77 Aut quid interest quomodo dicatur, cum et res et animus intelligitur? Quid dicendo denique proficimus, nisi ut palam sit facere nos quod ipsi sciamus non esse faciendum? Atqui praecipue prima, quibus praecipere coeperam, tempora hoc vitio laborarunt. Dicebant enim libenter tales controversias, quae difficultatis gratia placent, cum
78 sint multo faciliores. Nam rectum genus approbari nisi maximis viribus non potest; haec deverticula et anfractus suffugia sunt infirmitatis, ut qui cursu parum valent, flexu eludunt, cum haec, quae adfectatur, ratio sententiarum non procul a ratione iocandi abhorreat. Adiuvat etiam, quod auditor gaudet intelligere, et favet ingenio suo et alio
79 dicente se laudat. Itaque non solum, si persona obstaret rectae orationi, (quo in genere saepius modo quam figuris opus est) decurrebant ad schemata, sed faciebant illis locum etiam, ubi inutiles ac nefariae essent, ut si[1] pater, qui infamem in matrem filium secreto occidisset, reus malae

[1] si, *Regius*: is, *MSS.*

assuredly be all the more incensed by such toying with detraction, if they thought that we were inspired by deliberate malice. And what difference 77
does it make how we express ourselves, when both the facts and our feelings are clearly understood? And what good shall we do by expressing ourselves thus except to make it clear that we are doing what we ourselves know ought not to be done? And yet in the days when I first began to teach rhetoric, this failing was only too common. For declaimers selected by preference those themes which attracted them by their apparent difficulty, although as a matter of fact they were much easier than many others. For straightforward eloquence 78
requires the highest gifts to commend itself to the audience, while these circuitous and indirect methods are merely the refuge of weakness, for those who use them are like men who, being unable to escape from their pursuers by speed, do so by doubling, since this method of expression, which is so much affected, is really not far removed from jesting. Indeed it is positively assisted by the fact that the hearer takes pleasure in detecting the speaker's concealed meaning, applauds his own penetration and regards another man's eloquence as a compliment to himself. Consequently it was not 79
merely in cases where respect for persons prevented direct speaking (a circumstance which as a rule calls for caution rather than *figures*) that they would have recourse to *figurative* methods, but they made room for them even under circumstances where they were useless or morally inadmissible, as for example in a case where a father, who had secretly slain his son whom he suspected of incest with his mother,

tractationis iacularetur in uxorem obliquis sententiis.
80 Nam quid impurius, quam retinuisse talem? Quid porro tam contrarium quam eum, qui accusetur, quia summum nefas suspicatus de uxore videatur, confirmare id ipsa defensione, quod diluendum est? At si iudicum sumerent animum, scirent, quam eiusmodi actionem laturi non fuissent, multoque etiam minus, cum in parentes abominanda crimina spargerentur.

81 Et quatenus huc incidimus, paulo plus scholis demus. Nam et in his educatur orator, et in eo, quomodo declamatur, positum est etiam, quomodo agatur. Dicendum ergo de iis quoque, in quibus non asperas figuras, sed palam contrarias causae plerique fecerunt: *Tyrannidis adfectatae damnatus torqueatur, ut conscios indicet; accusator eius optet, quod volet. Patrem quidam damnavit,*[1] *optat, ne is*
82 *torqueatur; pater ei contra dicit.* Nemo se tenuit agens pro patre, quin figuras in filium faceret, tanquam illum conscium in tormentis nominaturus. Quo quid stultius? Nam cum hoc iudices intel-

[1] quidam damnavit, *B*: qui accusavit, *A*.

and was accused of ill-treating his wife, was made to bring indirect insinuations against his wife. But 80
what could be more discreditable to the accused than that he should have kept such a wife? What could be more damaging than that he who is accused because he appears to have harboured the darkest suspicions against his wife, should by his defence confirm the charge which he is required to refute? If such speakers had only placed themselves in the position of the judges, they would have realised how little disposed they would have been to put up with pleading on such lines, more especially in cases where the most abominable crimes were insinuated against parents.

However, since we have lighted on this topic, let 81
us devote a little more time to considering the practice of the schools. For it is in the schools that the orator is trained, and the methods adopted in pleading ultimately depend on the methods employed in declamation. I must therefore say something of those numerous cases in which *figures* have been employed which were not merely harsh, but actually contrary to the interests of the case. "A man condemned for attempting to establish himself as tyrant shall be tortured to make him reveal the names of his accomplices. The accuser shall choose what reward he pleases. A certain man has secured the condemnation of his father and demands as his reward that he should not be tortured. The father opposes his choice." Everyone who pleaded for the 82
father indulged in *figurative* insinuations against the son, on the assumption that the father would, when tortured, be likely to name him as one of his accomplices. But what could be more foolish? For as

lexerint, aut non torquebitur, cum ideo torqueri
83 velit, aut torto non credetur. At credibile est, hoc eum velle. Fortasse; dissimulet ergo, ut efficiat. Sed nobis (declamatoribus dico) quid proderit hoc intellexisse, nisi dixerimus? Ergo, si vere ageretur, similiter consilium illud latens prodidissemus? Quid? si neque utique verum est, et habere alias hic damnatus contradicendi causas potest, vel quod legem conservandam putet, vel quod nolit accusatori debere beneficium, vel (quod ego maxime sequerer) ut innocentem se esse in
84 tormentis pertendat? Quare ne illud quidem semper succurret sic dicentibus, *Patrocinium hoc voluit, qui controversiam finxit.* Fortasse enim noluit; sed esto, voluerit: continuone, si ille stulte cogitavit, nobis quoque stulte dicendum est? At ego in causis agendis frequenter non puto intuendum, quid
85 litigator velit. Est et ille in hoc genere frequens error, ut putent aliud quosdam dicere aliud velle, praecipue cum in themate est aliquem, ut sibi mori liceat, postulare, ut in illa controversia, *Qui aliquando fortiter fecerat et alio bello petierat, ut*

soon as the judges grasp their point, they will either refuse to put him to the torture in view of his motive for desiring to be tortured, or will refuse to believe any confession he may make under torture. But, it will be urged, it is possible that this was his 83
motive. May be. But he should then disguise his motive, in order that he may effect his purpose. But what will it profit us (and by *us* I mean the declaimers) to have realised this motive, unless we declare it as well? Well, then, if the case were being actually pleaded in the courts, should we have disclosed this secret motive in such a way? Again, if this is not the real motive, the condemned man may have other reasons for opposing his son; he may think that the law should be carried out or be unwilling to accept such a kindness from the hands of his accuser, or (and this is the line on which I personally should insist) he may intend to persist in declaring his innocence even under torture. Consequently the usual excuse advanced by such 84
declaimers to the effect that the inventor of the theme meant the defence to proceed on these lines, will not always serve their purpose. It is possible that this was not the inventor's wish. However, let us assume that it was. Are we then to speak like fools merely because he thought like a fool? Personally I hold that, even in actual cases, we should often disregard the wishes of the litigant. Further, 85
in such cases speakers fall into the frequent error of assuming that certain persons say one thing and mean another: this is more especially the case where it is assumed that a man asks permission to die. Take, for example, the following controversial theme. "A man who had shown himself a heroic soldier in

militia vacaret ex lege quod quinquagenarius esset, adversante filio ire in aciem coactus deseruit. Filius, qui fortiter eodem proelio fecerat, incolumitatem eius optat; contra dicit pater. "Non enim," inquiunt,
86 "mori vult, sed invidiam filio facere." Equidem rideo, quod illi sic timent tanquam ipsi morituri et in consilium suos metus ferunt, obliti tot exemplorum circa voluntariam mortem, causarum quoque, quas habet factus ex viro forti desertor.
87 Sed de una controversia loqui[1] supervacuum est. Ego in universum neque oratoris puto esse unquam praevaricari, neque litem intelligo, in qua pars utraque idem velit, neque tam stultum quemquam, qui, si vivere vult, mortem potius male petat quam
88 omnino non petat. Non tamen nego esse controversias huiusmodi figuratas, ut est illa, *Reus parricidii, quod fratrem occidisset, damnatum iri videbatur; pater pro testimonio dixit cum se iubente fecisse;*

[1] loqui, *B*: sequi contrarium, *A*.

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[1] The father does not wish to die, but merely to bring odium on his son, *i.e.* he is saying one thing and meaning another, for his real desire is to save his life. Consequently, despite their quarrel, both parties are aiming at the same thing, the saving of the father, while the father's plea is practically tantamount to collusion (*praevaricatio*) with his opponent.

the past, on the occasion of a subsequent war demanded exemption from service in accordance with the law, on the ground that he was fifty years of age, but exemption being refused owing to the opposition of his son, he deserted on being compelled to go into the fight. The son, who had borne himself like a hero in the same battle, asks for his father's pardon as a reward. The father opposes his choice." "Yes," they say, "that is due not to his desire to die, but to bring odium on his son." For my part, I laugh at the fears which they manifest 86
on his behalf, as though they were in peril of death themselves, and at the way in which they allow their terror to influence their line of pleading; for they forget how many precedents there are for suicide and how many reasons there may be why a hero turned deserter should wish for death. But it would 87
be waste of time to expatiate on one controversial theme. I would lay it down as a general rule that an orator should never put forward a plea that is tantamount to collusion, and I cannot imagine a lawsuit arising in which both parties have the same design, nor conceive that any man who wishes to live could be such a fool as to put forward an absurd plea for death, when he might refrain from pleading for it at all.[1] I do not, however, deny that there are con- 88
troversial themes of this kind where *figures* may legitimately be employed, as, for example, the following: "A man was accused of unnatural murder on the ground that he had killed his brother, and it seemed probable that he would be condemned. His father gave evidence in his defence, stating that the murder had been committed on his orders. The son was acquitted, but disinherited by the

absolutum abdicat. Nam neque in totum filio parcit nec, quod priore iudicio adfirmavit, mutare palam potest et, ut non durat ultra poenam abdicationis, ita abdicat tamen; et alioqui figura in patrem plus
89 facit, quam licet, in filium minus. Ut autem nemo contra id, quod vult, dicit, ita potest melius aliquid velle quam dicit, quo modo ille abdicatus, qui a patre, ut filium expositum et ab eo educatum solutis alimentis recipiat, postulat, revocari fortasse mavult,
90 non tamen quod petit non vult. Est latens et illa significatio qua, cum ius asperius petitur a iudice fit tamen spes aliqua clementiae, non palam, ne paciscamur, sed per quandam credibilem suspicionem, ut in multis controversiis, sed in hac quoque: *Raptor, nisi intra tricesimum diem et raptae patrem et suum exoraverit, pereat; qui exorato raptae patre suum non*
91 *exorat, agit cum eo dementiae.* Nam si promittat hic pater, lis tollitur; si nullam spem faciat, ut non demens, crudelis certe videatur et a se iudicem aver-

[1] The sense is quite uncertain. The simplest interpretation is perhaps that the father's action and the *figura* by which he defends himself show that his evidence in the previous trial was false. The son has been acquitted on the father's evidence, and the father by punishing him has put himself in a hopelessly false position.

father." For in this case he does not pardon his son entirely, but cannot openly withdraw the evidence that he gave in the first trial, and while he does not inflict any worse penalty than disinheritance, he does not shrink from that. Further, the employment of the *figure* tells more heavily against the father than is fair and less against the son.[1] But, while no one 89
ever speaks against the view which he wishes to prevail, he may wish something of greater importance than what he actually says. Thus the disinherited son who asks his father to take back another son whom he had exposed, and who had been brought up by himself, on payment for his maintenance, while he may prefer that he himself should be reinstated, may all the same be perfectly sincere in his demand on behalf of his brother. Again, a kind of tacit hint may be employed, which, 90
while demanding the utmost rigour of the law from the judges, suggests a loophole for clemency, not openly, for that would imply a pledge on our part, but by giving a plausible suspicion of our meaning. This device is employed in a number of controversial themes, among them the following. "A ravisher, unless within thirty days he secure pardon both from his own father and the father of the ravished girl, shall be put to death. A man who has succeeded in securing pardon from the father of the girl, but not from his own, accuses the latter of madness." Here if the father pledges himself to 91
pardon him, the dispute falls to the ground. If, on the other hand, he holds out no hope of pardon, though he will not necessarily be regarded as mad, he will certainly give the impression of cruelty and will prejudice the judge against him. Latro there-

tat. Latro igitur optime, *Occides ergo?—Si potero.*
Remissius et pro suo ingenio pater Gallio, *Dura,*
92 *anime, dura; here fortior fuisti.* Confinia sunt his celebrata apud Graecos schemata, per quae res asperas mollius significant. Nam Themistocles suasisse existimatur Atheniensibus, ut urbem apud deos deponerent, quia durum erat dicere, ut relinquerent. Et, qui Victorias aureas in usum belli conflari volebat, ita declinavit, victoriis utendum esse. Totum autem allegoriae simile est aliud dicere aliud intelligi velle.

93 Quaesitum etiam est, quomodo responderi contra figuras oporteret. Et quidam semper ex diverso aperiendas putaverunt, sicut latentia vitia rescinduntur. Idque sane frequentissime faciendum est; aliter enim dilui obiecta non possunt, utique cum quaestio in eo consistit, quod figurae petunt. At cum maledicta sunt tantum, et non intelligere
94 interim bonae conscientiae est. Atque etiam si fuerint crebriores figurae quam ut dissimulari possint, postulandum est, ut nescio quid illud,

[1] *Si potero* is ambiguous. It might mean "If I have the heart to do so." Here lies the loophole for clemency to which Quintilian has referred.
[2] Unknown.

fore showed admirable skill when he made the son say, "You will kill me then?" and the father reply, "Yes, if I can."[1] The elder Gallio treats the theme with greater tenderness, as was natural to a man of his disposition. He makes the father say, "Be firm, my heart, be firm. Yesterday you were made of sterner stuff." Akin to this are those *figures* of 92
which the Greeks are so fond, by means of which they give gentle expression to unpleasing facts. Themistocles, for example, is believed to have urged the Athenians to commit their city to the protection of heaven, because to urge them to abandon it would have been too brutal an expression. Again the statesman[2] who advised that certain golden images of Victory should be melted down as a contribution to the war funds, modified his words by saying that they should make a proper use of their victories. But all such devices which consist in saying one thing, while intending something else to be understood, have a strong resemblance to *allegory*.

It has also been asked how *figures* may best be 93
met. Some hold that they should always be exposed by the antagonist, just as hidden ulcers are laid open by the surgeon. It is true that this is often the right course, being the only means of refuting the charges which have been brought against us, and this is more especially the case when the question turns on the very point at which the *figures* are directed. But when the *figures* are merely employed as vehicles of abuse, it will sometimes even be wisest to show that we have a clear conscience by ignoring them. Nay, even if too 94
many figures have been used to permit us to take such a course, we may ask our opponents, if they

quod adversarii obliquis sententiis significare voluerint, si fiducia sit, obiiciant palam, aut certe non exigant ut, quod ipsi non audent dicere, id iudi-
95 ces non modo intelligant, sed etiam credant. Utilis aliquando etiam dissimulatio est, ut in eo (nota enim fabula est), qui, cum esset contra eum dictum, *Iura per patris*[1] *tui cineres*, paratum se esse respondit, et iudex condicione usus est, clamante multum advocato schemata de rerum natura tolli, ut protinus etiam praeceptum sit, eiusmodi figuris utendum temere non esse.

96 Tertium est genus, in quo sola melius dicendi petitur occasio; ideoque id Cicero non putat esse positum in contentione. Tale est illud, quo idem utitur in Clodium: *Quibus iste, qui omnia sacrificia nosset, facile ab se deos placari posse arbitrabatur.*
97 Ironia quoque in hoc genere materiae frequentissima est. Sed eruditissimum longe, si per aliam rem

[1] patris, *Seneca* (Contr. 7), *Sueton.* : patroni, *MSS.*

have any confidence in the righteousness of their cause, to give frank and open expression to the charges which they have attempted to suggest by indirect hints, or at any rate to refrain from asking the judges not merely to understand, but even to believe things which they themselves are afraid to state in so many words. It may even at times be 95
found useful to pretend to misunderstand them; for which we may compare the well-known story of the man who, when his opponent cried, "Swear by the ashes of your father,"[1] replied that he was ready to do so, whereupon the judge accepted the proposal, much to the indignation of the advocate, who protested that this would make the use of *figures* absolutely impossible; we may therefore lay it down as a general rule that such *figures* should only be used with the utmost caution.

There remains the third class of figure designed 96
merely to enhance the elegance of our style, for which reason Cicero expresses the opinion that such *figures* are independent of the subject in dispute. As an illustration I may quote the *figure* which he uses in his speech[2] against Clodius: "By these means he, being familiar with all our holy rites, thought that he might easily succeed in appeasing the gods." *Irony* also is frequently employed in 97
this connexion. But by far the most artistic device

[1] See v. vi. 1. An oath might be taken by one of the parties as an alternative to evidence. In court such an oath might be taken only on the proposal of the defendant. The taking of such a proffered oath meant victory for the swearer.

[2] Lost. An allusion presumably to the occasion when Clodius was found disguised as a woman at the mysteries of the Bona Dea.

alia indicetur, ut adversus tyrannum, qui sub pacto abolitionis dominationem deposuerat, agit competitor, *Mihi in te dicere non licet, tu in me dic et potes;*
98 *nuper te volui occidere.* Frequens illud est nec magnopere captandum, quod petitur a iureiurando, ut pro exheredato, *Ita mihi contingat herede filio mori.* Nam et in totum iurare, nisi ubi necesse est, gravi viro parum convenit, et est a Seneca dictum eleganter, non patronorum hoc esse, sed testium. Nec meretur fidem qui sententiolae gratia iurat, nisi si potest
99 tam bene quam Demosthenes, ut supra dixi. Levissimum autem longe genus ex verbo, etiamsi est apud Ciceronem in Clodiam, *Praeserlim quam omnes amicam omnium potius quam cuiusquam inimicam putaverunt.*
100 Comparationem equidem video figuram quoque[1] esse, cum sit interim probationis, interim etiam causae genus, et sit talis eius forma, qualis est pro

[1] quoque, *Halm*: non, *MSS.*

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[1] An example of this theme is preserved in the elder Seneca, Excerpt. controv. 5, 8. One candidate is permitted to speak against another. A tyrant has abdicated on condition of an amnesty and that any one who charged him with having been a tyrant should be liable to capital punishment. The ex-tyrant stands for a magistracy. The rival candidate speaks against him. The irony is in the last sentence.

[2] By this wish he expresses his disapproval of such acts as the disinheritance of a son.

[3] § 62.

[4] *pro Cael.* xiii. 32. The "word" is *amica*, which means either "mistress" or "friend."

[5] See v. xi. 32 (where for *heredem* read *heredi* with MSS.) "The man to whom the usufruct of a house has been left will not restore it in the interests of the heir if it collapses: just as he would not replace a slave if he should die."

is to indicate one thing by allusion to another; take the case where a rival candidate speaks against an ex-tyrant who had abdicated on condition of his receiving an amnesty[1]: "I am not permitted to speak against you. Do you speak against me, as you may. But a little while ago I wished to kill you." Another common device is to introduce an 98
oath, like the speaker who, in defending a disinherited man, cried, "So may I die leaving a son to be my heir."[2] But this is not a *figure* which is much to be recommended, for as a rule the introduction of an oath, unless it is absolutely necessary, is scarcely becoming to a self-respecting man. Seneca made a neat comment to this effect when he said that oaths were for the witness and not for the advocate. Again, the advocate who drags in an oath merely for the sake of some trivial rhetorical effect, does not deserve much credit, unless he can do this with the masterly effect achieved by Demosthenes, which I mentioned above.[3] But by far the most trivial form 99
of *figure* is that which turns on a single word, although we find such a figure directed against Clodia by Cicero[4]: "Especially when everybody thought her the friend of all men rather than the enemy of any."

I note that *comparison* is also regarded as a *figure*, 100
although at times it is a form of proof,[5] and at others the whole case may turn upon it,[6] while its form may be illustrated by the following passage from

[6] *E.g.* when the accused admits that he is guilty of a crime, but seeks to show that his wrongdoing was the cause of greater good.

Murena, *Vigilas tu de nocte, ut tuis consultoribus respondeas, ille, ut eo, quo contendit,*[1] *mature cum exercitu perveniat; te gallorum illum buccinarum cantus exsus-*
101 *citat* et cetera. Nescio an orationis potius quam sententiae sit. Id enim solum mutatur, quod non universa universis, sed singula singulis opponuntur. Et Celsus tamen et non negligens auctor Visellius in hac eam parte posuerunt, Rutilius quidem Lupus in utroque genere, idque *ἀντίθετον* vocat.

102 Praeter illa vero, quae Cicero inter lumina posuit sententiarum, multa alia et idem Rutilius Gorgian secutus, non illum Leontinum, sed alium sui temporis, cuius quattuor libros in unum suum transtulit, et Celsus, videlicet Rutilio accedens, posuerunt
103 schemata: consummationem, quam Graecus *διαλλάγην* vocat, cum plura argumenta ad unum effectum deducuntur; consequens, ille *ἐπακολούθησιν*, de quo nos in argumentis diximus; collectionem, qui apud illum est *συλλογισμός*· minas, id est *κατάπληξιν*· exhortationem, *παραινετικόν*. Quorum nihil non rectum est, nisi cum aliquam ex iis, de quibus locuti
104 sumus, figuram accipit. Praeter haec Celsus excludere, asseverare, detrectare, excitare iudicem, proverbiis uti, et versibus et ioco et invidia et invocatione intendere crimen (quod est *δείνωσις*),

[1] intendit, *MSS. of Cicero.*

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[1] *pro Muren.* ix. 22.

[2] *διαλλαγή* is corrupt, but the correct term has not yet been discovered. *MSS.* ΔΙΑΜΑΤΗΝ, ΔΙΑΜΑΡΗΝ, etc.

[3] See v. xiv. 1.

[4] The meaning of *detrectare* is uncertain It may mean "refuse to deal with some topic," or simply "detract."

the *pro Murena*[1]: "You pass wakeful nights that you may be able to reply to your clients; he that he and his army may arrive betimes at their destination. You are roused by cockcrow, he by the bugle's reveillé," and so on. I am not sure, how- 101
ever, whether it is so much a *figure of thought* as of *speech*. For the only difference lies in the fact that universals are not contrasted with universals, but particulars with particulars. Celsus, however, and that careful writer Visellius regard it as a *figure of thought*, while Rutilius Lupus regards it as belonging to both, and calls it *antithesis*.

To the *figures* placed by Cicero among the orna- 102
ments of thought Rutilius (following the views of Gorgias, a contemporary, whose four books he transferred to his own work, and who is not to be confused with Georgias of Leontini) and Celsus (who follows Rutilius) would add a number of others, such as: *concentration*, which the Greek calls 103
διαλλαγή,[2] a term employed when a number of different arguments are used to establish one point: *consequence*, which Gorgias calls ἐπακολούθησις, and which I have already discussed under the head of argument[3]: *inference*, which Gorgias terms συλλογισμός: *threats*, that is, κατάπληξις: *exhortation*, or παραινετικόν. But all of these are perfectly straightforward methods of speaking, unless combined with some one of the *figures* which I have discussed above. Besides these, Celsus considers 104
the following to be *figures*: exclusion, asseveration, refusal,[4] excitement of the judge, the use of proverbs, the employment of quotations from poetry, jests, invidious remarks or invocation to intensify a charge (which is identical with δείνωσις) flattery,

adulari, ignoscere, fastidire, admonere, satisfacere,
105 precari, corripere, figuras putat. Partitionem quoque et propositionem et divisionem et rerum duarum cognationem, quod est, ut idem valeant quae videntur esse diversa, ut non is demum sit veneficus, qui vitam abstulit data potione, sed etiam qui mentem;
106 quod est in parte finitionis. Rutilius sive Gorgias, *ἀναγκαῖον*, *ἀνάμνησιν*, *ἀνθυποφοράν*, *ἀντίῤῥησιν*, *παραύξησιν*, *προέκθεσιν*, quod est dicere quid fieri oportuerit, deinde quid factum sit; *ἐναντιότητα*, unde sint enthymemata *κατ' ἐναντίωσιν*,[1] *μετάληψιν* etiam, quo statu Hermagoras utitur. Visellius, quanquam paucissimas faciat figuras, *ἐνθύμημα* tamen, quod commentum vocat, et, rationem appellans, *ἐπιχείρημα* inter eas habet. Quod quidem recipit quodammodo et Celsus; nam consequens an epichirema sit dubitat.
107 Visellius adiicit et sententiam. Invenio, qui aggregent his *διασκευάς*, *ἀπαγορεύσεις*, *παραδιηγήσεις*. Sed ut haec non sunt schemata, sic alia vel sint forsitan ac nos fugerint vel etiam nova fieri adhuc possint, eiusdem tamen naturae cuius sunt ea de quibus dictum est.

[1] *κατ' ἐναντίωσιν*, *Kayser*: KATAITIACIV, *A*: KATAIKTIACIN, *B*.

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[1] See IX. iii. 90. For enthymemes *κατ' ἐναντίωσιν*, see V. xiv. 2, and note on *ex pugnantibus*, Vol. II. p. 524.

[2] See III. vi. 46. The term is not used here in the same sense as in VIII. vi. 37, but rather = *translatio*, see III. vi. 23. Lit. *translatio* means "transference of the charge": the sense is virtually the same as that of *exceptio* (a plea made by defendant in bar of plaintiff's action). "Competence" is perhaps the least unsatisfactory rendering.

[3] See note on V. xiv. 5, Vol. II. p. 524.

[4] Apparently some form of exaggeration.

pardon, disdain, admonition, apology, entreaty and rebuke. He even includes partition, proposition, 105
division and affinity between two separate things, by which latter he means that two things apparently different signify the same: for example, not only the man who murders another by administering a deadly draught is to be regarded as a poisoner, but also the man who deprives another of his wits by giving him some drug, a point which depends on *definition*. To these Rutilius or 106
Gorgias add *ἀναγκαῖον*, that is, the representation of the necessity of a thing, *ἀνάμνησις* or reminding, *ἀνθυποφορά*, that is, replying to anticipated objections, *ἀντίῤῥησις* or refutation, *παραύξησις* or amplification, *προέκθεσις*, which means pointing out what ought to have been done, and then what actually has been done, *ἐναντιότης*, or arguments from opposites[1] (whence we get *enthymemes* styled *κατ' ἐναντίωσιν*), and even *μετάληψις*, which Hermagoras considers a *basis*.[2] Visellius, although he makes the number of *figures* but small, includes among them the *enthymeme*, which he calls *commentum*, and the *epicheireme*, which he calls *ratio*.[3] This view is also partially accepted by Celsus, who is in doubt whether *consequence* is not to be identified with the *epicheireme*. Visellius also adds 107
general reflexions to the list. I find others who would add to these *διασκευή*,[4] or enhancement, *ἀπαγορεύσις*, or prohibition, and *παραδιήγησις*, or incidental narrative. But though these are not figures, there may be others which have slipped my notice, or are yet to be invented: still, they will be of the same nature as those of which I have spoken above.

III. Verborum vero figurae et mutatae sunt semper et, utcunque valuit consuetudo, mutantur. Itaque, si antiquum sermonem nostro comparemus, paene iam quidquid loquimur figura est, ut *hac re invidere*, non ut veteres et Cicero praecipue, *hanc rem*, et *incumbere illi*, non *in illum*, et *plenum vino* non *vini*, et *huic* non *hunc adulari* iam dicitur et mille
2 alia; utinamque non peiora vincant. Verum schemata λέξεως duorum sunt generum: alterum loquendi rationem vocant, alterum maxime collocatione exquisitum est. Quorum tametsi utrumque convenit orationi, tamen possis illud grammaticum hoc rhetoricum magis dicere.

Prius fit iisdem generibus quibus vitia. Esset enim orationis schema vitium, si non peteretur, sed
3 accideret. Verum auctoritate, vetustate, consuetudine plerumque defenditur, saepe etiam ratione quadam. Ideoque, cum sit a simplici rectoque loquendi genere deflexa, virtus est, si habet probabile aliquid, quod sequatur. Una tamen in re maxime utilis, ut cotidiani ac semper eodem modo formati sermonis fastidium levet et nos a vulgari dicendi
4 genere defendat. Quodsi quis parce et, cum res poscet, utetur, velut asperso quodam condimento iucundior erit; at qui nimium adfectaverit, ipsam

[1] These grammatical figures would not be styled "figures of speech" in English. "Figures of language" would perhaps be more comprehensive, but "figures of speech" is the translation and direct descendant of the original Greek σχήματα λέξεως and has therefore been used throughout.

III. *Figures of speech* have always been liable to change and are continually in process of change in accordance with the variations of usage. Consequently when we compare the language of our ancestors with our own, we find that practically everything we say nowadays is *figurative*. For example, we say *invidere hac re* for to "grudge a thing," instead of *hanc rem*, which was the idiom of all the ancients, more especially Cicero, and *incumbere illi* (to lean upon him) for *incumbere in illum*, *plenum vino* (full of wine) for *plenum vini*, and *huic adulari* (to flatter him) for *hunc adulari*. I might quote a thousand other examples, and only wish I could say that the changes were not often changes for the worse. But 2
to proceed, *figures of speech* fall into two main classes. One is defined as the form of language, while the other is mainly to be sought in the arrangement of words. Both are equally applicable in oratory, but we may style the former rather more grammatical and the latter more rhetorical.[1]

The former originates from the same sources as errors of language. For every *figure* of this kind would be an error, if it were accidental and not deliberate. But as a rule such *figures* are defended by 3
authority, age and usage, and not infrequently by some reason as well. Consequently, although they involve a divergence from direct and simple language, they are to be regarded as excellences, provided always that they have some praiseworthy precedent to follow. They have one special merit, that they relieve the tedium of everyday stereotyped speech and save us from commonplace language. If a speaker 4
use them sparingly and only as occasion demands, they will serve as a seasoning to his style and

illam gratiam varietatis amittet. Quanquam sunt quaedam figurae ita receptae, ut paene iam hoc ipsum nomen effugerint; quae etiamsi fuerint cre-
5 briores, consuetas aures minus ferient. Nam secretae et extra vulgarem usum positae ideoque magis notabiles,[1] ut novitate aurem excitant, ita copia satiant, et se non obvias fuisse dicenti sed conquisitas et ex omnibus latebris extractas congestasque declarant.

6 Fiunt ergo et circa genus figurae in nominibus; nam et *oculis capti talpae* et *timidi damae* dicuntur a Vergilio; sed subest ratio, quia sexus uterque altero significatur, tamque mares esse talpas damasque quam feminas certum est; et in verbis, ut
7 *fabricatus est gladium* et *inimicum poenitus es.* Quod mirum minus est, quia in natura verborum est et quae facimus patiendi modo saepe dicere, ut *arbitror, suspicor,* et contra faciendi quae patimur, ut *vapulo;* ideoque frequens permutatio est et pleraque utroque modo efferuntur: *luxuriatur, luxuriat; fluctuatur, fluc-*
8 *tuat; adsentior, adsentio.* Est figura et in numero,

[1] notabiles, *Lochmann*: nobiles, *MSS.*

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[1] *Georg.* i. 183.
[2] *Ecl.* viii. 28.
[3] Cic. *pro Rab Post.* iii. 7. "He made a sword."
[4] *pro Mil.* xiii. 33. "You punished an enemy."

increase its attractions. If, on the other hand, he strains after them overmuch, he will lose that very charm of variety which they confer. Some figures, however, are so generally accepted that they have almost ceased to be regarded as figures: consequently however frequently they may be used, they will make less impression on the ear, just because it has become habituated to them. For abnormal *figures* 5 lying outside the range of common speech, while they are for that very reason more striking, and stimulate the ear by their novelty, prove cloying if used too lavishly, and make it quite clear that they did not present themselves naturally to the speaker, but were hunted out by him, dragged from obscure corners and artificially piled together.

Figures, then, may be found in connexion with the 6 gender of nouns; for we find *oculis capti talpae*[1] (blind moles) and *timidi damae*[2] (timid deer) in Virgil; but there is good reason for this, since in these cases both sexes are covered by a word of one gender, and there is no doubt that there are male moles and deer as well as female. *Figures* may also affect verbs: for example, we find such phrases as *fabricatus est gladium*[3] or *inimicum poenitus es.*[4] This is the less 7 surprising, since the nature of verbs is such that we often express the active by the passive form, as in the case of *arbitror* (think) and *suspicor* (suspect), and the passive by the active, as in the case of *vapulo* (am beaten). Consequently the interchange of the two forms is of common occurrence, and in many cases either form can be used: for example, we may say *luxuriatur* or *luxuriat* (luxuriate), *fluctuatur* or *fluctuat* (fluctuate), *adsentior* or *adsentio* (agree). *Figures* also occur in connexion with number, as 8

vel cum singulari pluralis subiungitur, *Gladio pugnacissima gens Romani* (*gens* enim ex multis), vel ex diverso,

Qui[1] *non risere parentes,*
Nec deus hunc mensa dea nec dignata cubili est;

9 Ex illis enim, *qui non risere,* hic quem non dignata. In satura est

Et nostrum istud vivere triste
Aspexi,

cum infinito verbo sit usus pro appellatione; nostram enim vitam vult intelligi. Utimur et verbo pro participio,

Magnum dat ferre talentum,

tanquam *ferendum,* et participio pro verbo, *Volo datum.*

10 Interim etiam dubitari potest, cui vitio simile sit schema: ut in hoc

Virtus est vitium fugere:

aut enim partes orationis mutat ex illo *Virtus est*

[1] qui, *Politianus*: cui, *MSS. of Quintilian and Virgil.*

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[1] *Ecl.* iv. 62. "Those that have never smiled on their parents, neither does any god honour him by admitting him to his feats nor goddess deem him worthy of her bed." Although there can be no doubt as to the correctness of Politian's emendation in the passage as quoted here, it is against all MSS. authority, both of Virgil and Quintilian, and it is still frequently held that Virgil wrote *cui.*

when the plural follows the singular, as in the phrase *gladio pugnacissima gens Romani* (the Romans are a nation that fight fiercely with the sword); for *gens* is a singular noun indicating multitude. Or the singular may follow the plural, as in the following instance,

qui non risere parentes
nec deus hunc mensa dea nec dignata cubili est,[1]

where "he whom no goddess deems," etc., is included among "those who have never smiled," etc. In a 9
satire again we read,

nostrum istud vivere triste[2] *aspexi,*

where the infinitive is used as a noun: for the poet by *nostrum vivere* means *nostram vitam.* We also at times use the verb for the participle, as in the phrase,

magnum dat ferre talentum,[3]

where *ferre* is used for *ferendum,* or the participle may be used for the verb, as in the phrase *volo datum* (I wish to give).

At times, again, there may be some doubt as 10
to the precise error which a figure resembles. Take, for example, the phrase

virtus est vitium fugere,[4]

where the writer has either changed the parts of speech (making his phrase a variant for *virtus est*

[2] *Pers.* i. 9. "I look at our dreary way of living."
[3] *Aen.* v. 248. "He gives him a great talent-weight to carry."
[4] Hor. *Ep.* I. i. 41. "'Tis a virtue to shun vice."

fuga vitiorum, aut casus ex illo *Virtutis est vitium fugere;* multo tamen hoc utroque excitatius. Iunguntur interim schemata: *Sthenelus sciens pugnae;*
11 est enim *scitus Sthenelus*[1] *pugnandi.* Transferuntur et tempora: *Timarchides negat esse ei periculum a securi,* (praesens enim pro praeterito positum est) et status:

Hoc Ithacus velit;

et, ne morer, per omnia genera per quae fit soloecismus.

12 Haec quoque est, quam ἑτεροίωσιν vocant, cui non dissimilis ἐξαλλαγὴ dicitur, ut apud Sallustium *Neque ea res falsum me habuit* et *Duci probare.* Ex quibus fere praeter novitatem brevitas etiam peti solet. Unde eo usque processum est, ut *non paeniturum* pro non acturo paenitentiam et *visuros* ad videndum
13 missos idem auctor dixerit. Quae ille quidem fecerit schemata, an idem vocari possint, videndum, quia recepta sint. Nam receptis etiam vulgo auctore contenti sumus: ut nunc evaluit *rebus agentibus,* quod Pollio in Labieno damnat, et *contumeliam fecit,* quod

[1] scitus Sthenelus, *vulgo*: sciusticus, *B*: scius . . . . cus, *A*: scieus scitus, *cod. Monac.*: suus scenalus, *cod. Argentor.*

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[1] Hor. *Od.* I. xv. 24. "Sthenelus skilled in fight."

[2] *Verr.* v. xliv. 116. "Timarchides denies that he is in any danger from the axe of the executioner."

[3] *Aen.* ii. 104. "So wills the Ithacan." On Quintilian's view *velit* here = *vult.* But in point of fact this is untrue, since in the context it clearly means "would wish."

fuga vitiorum), or the cases (in which case it will be a variant for *virtutis est vitium fugere*); but whichever be the case, the *figure* is far more vigorous than either. At times *figures* are joined, as in *Sthenelus sciens pugnàe*,[1] which is substituted for *Sthenelus scitus pugnandi*. Tenses too are interchangeable. For 11
example, *Timarchides negat esse ei periculum a securi*[2] the present *negat* is substituted for the past. Or one mood may be used for another, as in the phrase, *hoc Ithacus velit*.[3] In fact, to cut a long matter short, there is a *figure* corresponding to every form of solecism.

There is also a *figure* styled ἑτεροίωσις (i.e. alteration of the normal idiom), which bears a strong 12
resemblance to ἐξαλλαγή. For example, we find in Sallust phrases such as *neque ea res falsum me habuit*[4] and *duci probare*.[5] Such *figures* as a rule aim not merely at novelty, but at conciseness as well. Hence we get further developments, such as *non paeniturum* for "not intending to repent," and *visuros* for "sent to see," both found in the same author. These may have been figures when Sallust made 13
them; but it is a question whether they can now be so considered, since they have met with such general acceptance. For we are in the habit of accepting common parlance as sufficient authority where current phrases are concerned: for example, *rebus agentibus* in the sense of *while this was going on*, which Pollio rebukes Labienus[6] for using, has become an accredited idiom, as has *contumeliam fecit*, which, as is

[4] *Jug.* x. 1. "Nor did this deceive me."
[5] From a lost work. Without the context the meaning is uncertain.
[6] See IV. i. 11; I. v. 8.

a Cicerone reprehendi notum est; *adfici* enim *con-*
14 *tumelia* dicebant. Alia commendatio vetustatis, cuius amator unice Vergilius fuit:

> *Vel cum se pavidum contra mea iurgia iactat.*—[1]
> *Progeniem sed enim Troiano a sanguine duci*
> *Audierat.*

Quorum similia apud veteres tragicos comicosque sunt
15 plurima. Illud et in consuetudine remansit *enimvero*. His amplius apud eundem:

> *Nam quis te iuvenum confidentissime,*

quo sermonis initium fit. Et

> *Tam magis illa tremens et tristibus effera flammis,*
> *Quam magis effuso crudescunt sanguine pugnae.*

Quod est versum ex illo: *Quam magis aerumna urget,*
16 *tam magis ad malefaciendum viget.* Pleni talibus antiqui

[1] fingit, *MSS. of Virgil.*

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[1] *Phil.* III. ix. 22. Quintilian appears *prima facie* to regard the phrase as meaning "to suffer insult." But in Plautus and Terence it means to "inflict an insult," and Quintilian probably quotes the phrase in this sense. He should, however, have said *adficere*, not *adfici*, to make his meaning clear.

[2] *Aen.* xi. 444. The figure consists in the use of *vel cum* to introduce an independent sentence. "Even when he claims to tremble at my taunts."

[3] *Aen.* i. 19.

> "But she had heard that even now a race
> Was springing from the blood of fallen Troy."

Quintilian refers to the archaic *sed enim*.

[4] *Georg.* iv. 445. "For who bade thee, of youths most bold." The figure consists in the opening of a speech with *nam*, or perhaps rather in saying *nam quis* for *quisnam*.

well known, is stigmatised by Cicero[1]: for in his day they said *adfici contumelia.* Figures may also be 14
commended by their antiquity, for which Virgil had such a special passion. Compare his

vel cum se pavidum contra mea iurgia iactat[2]

or

progeniem sed enim Troiano a sanguine duci
audierat.[3]

Numerous instances of the same kind might be cited from the old tragic and comic poets. One word of 15
this type has remained in common use, namely *enimvero.* I might further quote from the same author

nam quis te iuvenum confidentissime,[4]

words which form the beginning of a speech: or

tam magis illa tremens et tristibus effera flammis,
quam magis effuso crudescunt sanguine pugnae.[5]

There the sentence inverts the natural order which may be illustrated by *quam magis aerumna urget, tam magis ad malefaciendum viget.*[6]

Old writers are full of such usages. At the 16

[5] *Aen.* vii. 787.

"The more the strife with bloodshed rages wild,
The more it quivers and with baleful fire
Glows fiercer."

[6] The source of the quotation is unknown. "The more calamity oppresses him, the greater his vigour for evil doing."

sunt; initio Eunuchi Terentius *Quid igitur faciam?* inquit. Alius: *ain*[1] *tandem leno?* Catullus in Epithalamio,

Dum innupta manet, dum cara suis est,

17 cum prius *dum* significet *quoad,* sequens *usque eo.* Ex Graeco vero translata vel Sallustii plurima, quale est, *Vulgus amat fieri,* vel Horatii, nam id maxime probat,

Nec ciceris, nec longae invidit avenae,

vel Vergilii,

Tyrrhenum navigat aequor.

18 Et iam vulgatum actis quoque, *Saucius pectus.* Ex eadem parte figurarum priore dicto[2] et adiectio est, quae videri potest supervacua, sed non sine gratia est:

Nam neque Parnasi vobis iuga, nam neque Pindi;

[1] alius: ain, *Halm*: alius in, *AG*: allusit, *some late MSS.*
[2] priore dicto *is meaningless* and *the sense of* ex eadem parte *is obscure* (*?=Graecisms*).

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[1] *Eun.* I. i. 1. "What shall I do then?"
[2] The poet is unknown. "Do you agree then, you pimp?" The figure in this and the preceding instance lies in the idiomatic use of *igitur* and *tandem.*
[3] Cat. lxii. 45. "While she remains unwed, so long is she dear to her own." Such is Quintilian's interpretation. The line, however, runs *sic virgo, dum intacta* (MSS. of Catullus), *etc.*, and is most naturally interpreted: "Even so (*i.e.* like to a perfect blossom) is the maiden, while she remains unblemished and dear to her own."

beginning of the *Eunuchus*[1] of Terence we have *quid igitur faciam*, while another comic poet says *ain tandem leno?*[2] Catullus in his *Epithalamium* writes:

dum innupta manet, dum cara suis est,[3]

where the first *dum* means *while*, and the second means *so long*. Sallust, on the other hand, borrows 17
a number of idioms from the Greek, such as *vulgus amat fieri*[4]: the same is true of Horace, who strongly approves of the practice. Compare his

nec ciceris nec longae invidit avenae.[5]

Virgil[6] does the same in phrases such as

Tyrrhenum navigat aequor

or *saucius pectus* ("wounded at heart"), an idiom which has now become familiar in the public gazette. Under the same class of figure falls that of 18
addition, which, although the words added may be strictly superfluous, may still be far from inelegant. Take, for example,

nam neque Parnasi vobis iuga, nam neque Pindi,[7]

[4] "Such things as the people love to see done." Not found in Sallust's extant works. But cp. *Jug.* 34: *ira amat fieri.*

[5] *Sat.* II. vi. 83. "Nor grudged him vetches nor the long-eared oat." The gen. of respect is regarded as a Graecism.

[6] *Aen.* i. 67. "He sails the Tyrrhene deep." The internal acc. after the intrans. *navigat* is treated as a Graecism, as is acc. of part concerned after *saucius.*

[7] *Ecl.* x. 11: "For neither did Parnassus slope, nor yet/ The slopes of Pindus make delay for you."

potest enim deesse alterum *nam*. Et apud Horatium illud,

Fabriciumque,
Hunc et intonsis[1] *Curium capillis.*

Et detractiones, quae in complexu sermonis aut vitium habent aut figuram;

Accede ad ignem, iam calesces plus satis.

19 *Plus* enim *quam satis* est. Nam de altera [quae] detractione pluribus dicendum[2] est.

Utimur vulgo et comparativis pro absolutis, ut cum se quis *infirmiorem* esse dicet; duo inter se comparativa committimus: *Si te, Catilina, comprehendi, si interfici iussero, credo, erit verendum mihi, ne non potius hoc omnes boni serius a me quam quisquam crude-*
20 *lius factum esse dicat.* Sunt et illa non similia soloecismo quidem, sed tamen numerum mutantia, quae et tropis adsignari solent, ut de uno pluraliter dicamus:

Sed nos immensum spatiis confecimus aequor;

[1] incomptis, *MSS. of Horace.*
[2] quae *bracketed by Halm*: dicendum, *Regius*: adiiciendum, *MSS.*

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[1] Hor. *Od.* I. xii. 40. "And Fabricius, him and Cato with locks unshorn."
[2] Ter. *Eun.* I. ii. 5. "Draw near the fire and you shall be more than warm enough."
[3] The sense is obscure. The words are either an interpolation or illustrative matter has been lost.

where the second *nam* might be omitted. And we find in Horace,[1]

Fabriciumque,
hunc et intonsis Curium capillis.

Similarly, words are omitted, a device which may be either a blemish or a *figure,* according to the context. The following is an example:

accede ad ignem, iam calesces plus satis[2];

for the full phrase would be *plus quam satis.* There is, however, another form of omission which requires treatment at greater length.[3]

We frequently use the comparative for the 19
positive, as, for example, when a man speaks of himself as being *infirmior* (rather indisposed). Sometimes we join two comparatives, as in the following passage[4]: *si te, Catilina, comprehendi, si interfici iussero, credo erit verendum mihi, ne non potius hoc omnes boni serius a me quam quisquam crudelius factum esse dicat.* There are also *figures* like the 20
following, which, though far from being solecisms, alter the number and are also usually included among *tropes.* We may speak of a single thing in the plural, as in the following instance[5]:

"But we have travelled o'er a boundless space;"

[4] *Cat.* I. ii. 5. "If I were to give orders that you should be apprehended and put to death, I think I should have reason to fear that all good citizens would regard my action as too tardy rather than that anyone would assert that it was too cruel."

[5] *Georg.* ii. 541.

et de pluribus singulariter,

Haud secus ac patriis acer Romanus in armis.

21 Specie diversa sed genere eadem et haec sunt,

Neve tibi ad solem vergant vineta cadentem.—
Ne mihi tum molles sub divo carpere somnos,
Neu dorso nemoris libeat iacuisse per herbas,

non enim nescio cui alii prius nec postea sibi uni, sed omnibus praecipit. Et de nobis loquimur tanquam
22 de aliis: *Dicit Servius, negat Tullius.* Et nostra persona utimur pro aliena, et alios pro aliis fingimus. Utriusque rei exemplum pro Caecina. Pisonem, adversae partis advocatum, adloquens Cicero dicit, *Restituisse te dixti; nego me ex edicto praetoris restitutum esse;* verum enim est illud; *restituisse* se[1] Aebutius dixit, Caecina *nego me ex edicto praetoris restitutum esse;*
23 et ipsum *dixti,* excussa syllaba, figura in verbo. Illa

[1] se *added by Halm.*

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[1] *Georg.* iii. 346.
[2] *Georg.* ii. 298.
[3] *Georg.* iii. 435.
[4] i. e. *I, Cicero, deny it.* Halm suggests that the passage comes from an unpublished portion of his speech in defence of Murena. *cp. Pro Mur.* xxvii. 57.
[5] *pro Caec.* xxix. 82.

Or we may speak of the plural in the singular, as in the following case[1]:

"Like the fierce Roman in his country's arms."

There are others which belong to a different 21
species, but the same genus, such as

"Nor let thy vineyards slope toward the west,"[2]

or

"In that hour
Be it not mine beneath the open sky
To court soft sleep nor on the forest ridge
Amid the grass to lie."[3]

For in the first of these passages he is not advising some other person, nor exhorting himself in the second, his advice in both passages being meant for all. Sometimes, again, we speak of ourselves as though we were referring to others, as in phrases like, "Servius asserts, Tullius denies it."[4] At 22
other times we speak in the first person instead of in another, or substitute one person for another. Both devices are employed together in the *pro Caecina*, where Cicero, addressing Piso, the counsel for the prosecution, says, "You asserted that you reinstated me: I deny that you did so in accordance with the praetor's edict."[5] The actual truth is that it was Aebutius who asserted that he had reinstated the defendant, and Caecina who denied that he had been restored in accordance with the praetor's edict. We may note also a further *figure of speech* in the contracted *dixti*, which has dropped one of its syllables. The following also may be 23

quoque ex eodem genere possunt videri: unum quod interpositionem vel interclusionem dicimus, Graeci παρένθεσιν, παρέμπτωσιν vocant, dum continuationi sermonis medius aliqui sensus intervenit: *Ego cum te* (*mecum enim saepissime loquitur*) *patriae reddidissem;*

24 cui adiiciunt hyperbaton, quod inter tropos esse noluerunt; alterum, quod est ei figurae sententiarum, quae ἀποστροφὴ dicitur, simile, sed non sensum mutat, verum formam eloquendi:

Decios, Marios magnosque Camillos,
Scipiadas duros bello et te, maxime Caesar.

25 Acutius adhuc in Polydoro,

Fas omne abrumpit, Polydorum obtruncat et auro
Vi potitur. Quid non mortalia pectora cogis
Auri sacra fames?

Hoc, qui tam parva momenta nominibus discreverunt, μετάβασιν vocant, quam et aliter fieri putant:

Quid loquor? aut ubi sum?

26 Coniunxit autem παρένθεσιν et ἀποστροφὴν Vergilius illo loco,

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[1] *pro Mil.* xxxiv. 94. "When I had restored you—for he often enters into conversation with me—to your country."
[2] See VIII. vi. 67.
[3] See IX. ii. 38.
[4] *Georg.* ii. 169. (Rhoades' translation).
[5] *Aen.* iii. 55.
[6] *Aen.* iv. 595.
[7] *Aen.* viii. 642.

regarded as belonging to the same *genus*. The first is called *interpositio* or *interclusio* by us, and *parenthesis* or *paremptosis* by the Greeks, and consists in the interruption of the continuous flow of our language by the insertion of some remark. The following is an example: *ego cum te* (*mecum enim saepissime loquitur*) *patriae reddidissem*.[1] To this they add 24
hyperbaton,[2] which they refuse to include among *tropes*. A second *figure* of this kind is one closely resembling the *figure of thought* known as *apostrophe*,[3] but differing in this respect, that it changes the form of the language and not the sense. The following will illustrate my meaning:

"The Decii too,
The Marii and Camilli, names of might,
The Scipios, stubborn warriors, aye, and thee,
Great Caesar."[4]

There is a still more striking example in the passage 25
describing the death of Polydorus[5]:

"All faith he brake and Polydorus slew
Seizing his gold by force. Curst greed of gold,
To what wilt thou not drive the hearts of men?"

Those terminologists who delight in subtle distinctions call the last figure μετάβασις (transition), and hold that it may be employed in yet another way, as in Dido's

"What do I say? Where am I?"[6]

Virgil has combined *apostrophe* and *parenthesis* in 26
the well-known passage:[7]

Haud procul inde citae Mettum in diversa quadrigae
Distulerant, (at tu dictis Albane maneres!)
Raptabatque viri mendacis viscera Tullus.

27 Haec schemata aut his similia, quae erunt per mutationem, adiectionem, detractionem, ordinem, et convertunt in se auditorem nec languere patiuntur subinde aliqua notabili figura excitatum, et habent quandam ex illa vitii similitudine gratiam, ut in cibis interim acor ipse iucundus est. Quod continget, si neque supra modum multae fuerint nec eiusdem generis aut iunctae aut frequentes, quia satietatem ut varietas earum, ita raritas effugit.

28 Illud est acrius genus, quod non tantum in ratione positum est loquendi, sed ipsis sensibus cum gratiam tum etiam vires accommodat. E quibus primum sit, quod fit adiectione. Plura sunt genera; nam et verba geminantur, vel amplificandi gratia, ut *Occidi, occidi, non Sp. Maelium;* alterum est enim quod indicat, alterum quod adfirmat; vel miserandi, ut

A Corydon, Corydon.

29 Quae eadem figura nonnunquam per ironiam ad elevandum convertitur. Similis geminationis post aliquam interiectionem repetitio est, sed paulo etiam vehementior: *Bona, miserum me! (consumptis enim*

[1] Cic. *pro Mil.* xxvii. 72. [2] *Ecl.* ii. 69.

"Next Mettus the swift cars asunder tore,
(Better, false Alban, hadst thou kept thy troth !)
And Tullus dragged the traitors' mangled limbs . . ."

These figures and the like, which consist in change, 27
addition, omission, and the order of words, serve to attract the attention of the audience and do not allow it to flag, rousing it from time to time by some specially striking figure, while they derive something of their charm from their very resemblance to blemishes, just as a trace of bitterness in food will sometimes tickle the palate. But this result will only be obtained if figures are not excessive in number nor all of the same type or combined or closely packed, since economy in their use, no less than variety, will prevent the hearer being surfeited.

There is a more striking class of figure, which does 28
not merely depend on the form of the language for its effect, but lends both charm and force to the thought as well. The first figure of this class which calls for notice is that which is produced by *addition*. Of this there are various kinds. Words, for instance, may be doubled with a view to amplification, as in "I have slain, I have slain, not Spurius Maelius" [1] (where the first *I have slain* states what has been done, while the second emphasises it), or to excite pity, as in

"Ah ! Corydon, Corydon." [2]

The same figure may also sometimes be employed 29
ironically, with a view to disparagement. Similar to such doubling of words is repetition following a *parenthesis*, but the effect is stronger. "I have seen the property alas ! (for though all my tears are shed,

lacrimis tamen infixus haeret animo dolor) *bona, inquam, Cn. Pompeii acerbissimae voci subiecta praeconis.—Vivis et vivis non ad deponendam, sed ad confirmandam*
30 *audaciam.* Et ab iisdem verbis plura acriter et instanter incipiunt: *Nihilne te nocturnum praesidium Palatii, nihil urbis vigiliae, nihil timor populi, nihil consensus bonorum omnium, nihil hic munitissimus habendi senatus locus, nihil horum ora vultusque moverunt?* et in iisdem desinunt: *Quis eos postulavit? Appius.*
31 *Quis produxit? Appius.* Quanquam hoc exemplum ad aliud quoque schema pertinet, cuius et initia inter se et fines iidem sunt, *quis* et *quis*, *Appius* et *Appius.* Quale est: *Qui sunt, qui foedera saepe ruperunt? Carthaginienses. Qui sunt, qui crudelissime bellum gesserunt? Carthaginienses. Qui sunt, qui Italiam deformarunt? Carthaginienses. Qui sunt, qui sibi*
32 *ignosci postulant? Carthaginienses.* Etiam in contrapositis vel comparativis solet respondere primorum verborum alterna repetitio, quod modo huius esse loci potius dixi: *Vigilas tu de nocte, ut tuis consultatoribus respondeas; ille, ut eo quo intendit mature cum exercitu perveniat. Te gallorum, illum buccinarum*

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[1] *Phil.* II. xxvi. 64.
[2] *Cat.* I. ii. 4.
[3] Cic. *Cat.* I. i. 1.
[4] *pro. Mil.* xxii. 59.
[5] Auct. *ad Herenn.*, iv. 14.
[6] IX. ii. 100. The passage is from *pro Murena*, ix. 22.

my grief still clings to me deep-rooted in my heart), the property, I say, of Gnaeus Pompeius put up for sale by the cruel voice of the public crier."[1] "You still live, and live not to abate your audacity, but to increase it."[2] Again, a number of clauses may begin 30
with the same word for the sake of force and emphasis. "Were you unmoved by the guard set each night upon the Palatine, unmoved by the patrolling of the city, unmoved by the terror of the people, unmoved by the unanimity of all good citizens, unmoved by the choice of so strongly fortified a spot for the assembly of the senate, unmoved by the looks and faces of those here present to-day?"[3] Or they may end with the same words. "Who demanded them? Appius. Who produced them? Appius."[4] This last instance, however, comes under 31
the head of another figure as well, where both opening and concluding words are identical, since the sentences open with "who" and end with "Appius." Here is another example. "Who are they who have so often broken treaties? The Carthaginians. Who are they who have waged war with such atrocious cruelty? The Carthaginians. Who are they who have laid Italy waste? The Carthaginians. Who are they who pray for pardon? The Carthaginians."[5] Again, in antitheses and com- 32
parisons the first words of alternate phrases are frequently repeated to produce correspondence, which was my reason for saying a little while back[6] that this device came under the present topic rather than that which I was then discussing. "You pass wakeful nights that you may be able to reply to your clients; he that he and his army may arrive betimes at their destination. You are roused by

cantus exsuscitat. Tu actionem instituis; ille aciem instruit. Tu caves, ne consultores tui, ille, ne urbes aut
33 *castra capiantur.* Sed hac gratia non fuit contentus orator, vertit in contrarium eandem figuram: *Ille tenet et scit, ut hostium copiae, tu, ut aquae pluviae arceantur. Ille exercitatus in propagandis finibus, tu in*
34 *regendis.* Possunt media quoque respondere vel primis, ut

Te nemus Angitiae, vitrea te Fucinus unda;

vel ultimis ut *Haec navis onusta praeda Siciliensi, cum et ipsa esset ex praeda.* Nec quisquam dubitabit. idem fieri posse iteratis utrinque mediis. Respondent primis et ultima: *Multi et graves dolores inventi*
35 *parentibus et propinquis multi.* Est et illud repetendi genus, quod simul[1] proposita iterat et dividit:

Iphitus et Pelias mecum, quorum Iphitus aevo
Iam gravior, Pelias et vulnere tardus Ulixi.

Ἐπάνοδος dicitur Graece, nostri regressionem vocant.
36 Nec solum in eodem sensu, sed etiam in diverso eadem verba contra sumuntur: *Principum dignitas*

[1] simul, *Spalding*: semel, *MSS.*

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[1] *Aen.* vii. 759:

"Thee did Angitia's grove bewail,
Thee too the glassy waves o' the Fucine lake."

The correspondence is to be found in *te* (coming first in one and second in the other clause).

[2] *Verr.* v. xvii. 44.

[3] *Verr.* v. xlv. 119.

[4] *Aen.* ii. 435.

cockcrow, he by the bugle's reveillé. You draw up your legal pleas, he sets the battle in array. You are on the watch that your clients be not taken at a disadvantage, he that cities or camps be not so taken." But the orator is not content with pro- 33
ducing this effect, but proceeds to reverse the figure. "He knows and understands how to keep off the forces of the enemy, you how to keep off the rain-water; he is skilled to extend boundaries, you to delimit them." A similar correspondence may be 34
produced between the middle and the opening of a sentence, as in the line:

te nemus Angitiae, vitrea te Fucinus unda.[1]

Or the middle may correspond to the end, as in the following sentence: "This ship, laden with the spoil of Sicily, while it was itself a portion of the spoil."[2] Nor will it be questioned that a like effect may be produced by the repetition of the middle of both clauses. Again, the end may correspond with the beginning. "Many grievous afflictions were devised for parents and for kinsfolk many."[3] There is also 35
another form of repetition which simultaneously reiterates things that have already been said, and draws distinctions between them.

"Iphitus too with me and Pelias came,
Iphitus bowed with age and Pelias
Slow-limping with the wound Ulysses gave."[4]

This is styled ἐπάνοδος by the Greeks and *regression* by Roman writers. Nor are words only repeated to 36
reaffirm the same meaning, but the repetition may serve to mark a contrast, as in the following sentence.

erat paene par, non par fortasse eorum qui sequebantur. Interim variatur casibus haec et generibus retractatio: *Magnus est dicendi labor, magna res* et cetera; et apud Rutilium longa περιόδῳ, sed haec initia sententarium sunt: *Pater hic tuus? patrem nunc*
37 *appellas? patris tui filius es?* Fit casibus modo hoc schema, quod πολύπτωτον vocant. Constat aliis etiam modis, ut pro Cluentio: *Quod autem tempus veneni dandi? illo die? illa frequentia? Per quem porro datum? unde sumptum? quae porro interceptio*
38 *poculi? cur non de integro autem datum?* Hanc rerum, coniunctam diversitatem Caecilius μεταβολὴν vocat, qualis est pro Cluentio locus in Oppianicum: *Illum tabulas publicas Larini censorias corrupisse decuriones universi iudicaverunt, cum illo nemo rationem, nemo rem ullam contrahebat, nemo illum ex tam multis cognatis et adfinibus tutorem unquam liberis suis scripsit,* et
39 deinceps adhuc multa. Ut haec in unum congeruntur, ita contra illa dispersa sunt, quae a Cicerone dissipata dici puto:

Hic segetes, illic veniunt felicius uvae,
Arborei fetus alibi,

40 et deinceps. Illa vero apud Ciceronem mira figura-

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[1] *pro Lig.* vi. 19.
[2] *pro Muren.* xiii. 29.
[3] *Rutil.* i. x. "Is this your father? Do you still call him father? Are you your father's son?"
[4] lx. 167. "But what was the time chosen for giving the poison? Was it on that day? Amid such a crowd? And who was selected to administer it? Where was it got? How was the cup intercepted? Why was it not given a second time?"

"The reputation of the leaders was approximately equal, but that of their followers perhaps not so equal."[1] At times the cases and genders of the words repeated may be varied, as in "Great is the toil of speaking, and great the task, etc."; [2] a similar instance is found in Rutilius, but in a long period. I therefore merely cite the beginnings of the clauses. *Pater hic tuus? patrem nunc appellas? patris tui filius es?*[3] This figure may also be effected solely by 37
change of cases, a proceeding which the Greeks call πολύπτωτον. It may also be produced in other ways, as in the *pro Cluentio*:[4] *Quod autem tempus veneni dandi? illo die? illa frequentia? per quem porro datum? unde sumptum? quae porro interceptio poculi? cur non de integro autem datum?* The combination of different 38
details is called μεταβολή by Caecilius, and may be exemplified by the following passage directed against Oppianicus in the *pro Cluentio*:[5] "The local senate were unanimously of opinion that he had falsified the public registers at Larinum; no one would have any business dealings or make any contract with him, no one out of all his numerous relations and kinsfolk ever appointed him as guardian to his children," with much more to the same effect. In this case the 39
details are massed together, but they may equally be distributed or *dissipated*, as I think Cicero says. For example:

"Here corn, there grapes, elsewhere the growth
of trees
More freely rises,"[6]

with the remainder of the passage. A wonderful 40

[5] xiv. 41. [6] *Georg.* i. 54.

rum mixtura deprehenditur, in qua et primum verbum [1] longo post intervallo redditum est ultimum et media primis et mediis ultima congruunt: *Vestrum iam hic factum reprehenditur, patres conscripti, non meum; ac pulcherrimum quidem factum, verum, ut dixi,*
41 *non meum, sed vestrum.* Hanc frequentiorem repetitionem πλοκὴν vocant, quae fit ex permixtis figuris, ut supra dixi, utque se habet epistola ad Brutum, *Ego cum in gratiam redierim cum Appio Claudio, et*
42 *redierim per Cn. Pompeium, ego ergo cum redierim.* Et in iisdem sententiis crebrioribus mutata declinationibus iteratione verborum: ut apud Persium,

Usque adeone
Scire tuum nihil est, nisi te scire hoc sciat alter?

Et apud Ciceronem, *Neque enim poterant iudicio et*
43 *hi damnari, qui iudicabant.* Sed sensus quoque toti, quemadmodum coeperunt, desinunt: *Venit ex Asia. Hoc ipsum quam novum! Tribunus plebis venit ex Asia.* In eadem tamen periodo et verbum primum ultimum [2] refertur, tertium iam sermone, adiectum est enim *Verumtamen venit.* Interim sententia quidem repetitur, sed non eodem [3] verborum ordine: *Quid Cleomenes facere potuit? Non enim possum quemquam insimulare falso. Quid, inquam, magno opere potuit*

[1] primum verbum, *Halm*: primo verbo, *MSS.*
[2] primum ultimum, *suggested by Halm*: ultimum primum, *MSS.*
[3] sed non eodem, *added by Meister.*

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[1] From the lost speech against Q. Metellus.
[2] Now lost. [3] i. 26. The translation is Watson's.
[4] Origin unknown. [5] From the lost *in Q. Metellum.*

mixture of figures may be found in Cicero[1] in the following passage, where the first word is repeated last after a long interval, while the middle corresponds with the beginning, and the concluding words with the middle. "Yours is the work which we find here, conscript fathers, not mine, a fine piece of work too, but, as I have said, not mine, but yours." This frequent repetition, which, as I have said, is 41
produced by a mixture of figures, is called πλοκή by the Greeks: a letter of Cicero[2] to Brutus will provide a further example. "When I had made my peace with Appius Claudius and made it through the agency of Gnaeus Pompeius, when then I had made my peace," etc. The like effect may be produced 42
in the same sentence by repeating the same words in different forms, as in Persius:

> "Is then to know in thee
> Nothing unless another know thou knowest?"[3]

and in Cicero,[4] where he says, "For it was impossible for the judges as well to be condemned by their own judgement." Whole sentences again end 43
with the phrase with which they began. Take an example. "He came from Asia. What a strange thing! A tribune of the people came from Asia."[5] Nay, the first word of this same period is actually repeated at its close, thus making its third appearance: for to the words just quoted the orator adds, "Still for all that he came." Sometimes a whole clause is repeated, although the order of the words is altered, as, for example, *Quid Cleomenes facere potuit? non enim possum quemquam insimulare falso, quid, inquam,*

44 *Cleomenes facere?*[1] Prioris etiam sententiae verbum ultimum ac sequentis primum[2] frequenter est idem, quo quidem schemate utuntur poetae saepius:

Pierides, vos haec facietis maxima Gallo,
Gallo, cuius amor tantum mihi crescit in horas.

Sed ne oratores quidem raro: *Hic tamen vivit; vivit?*
45 *immo vero etiam in senatum venit.* Aliquando, sicut in geminatione verborum diximus, initia quoque et clausulae sententiarum aliis, sed non alio tendentibus verbis inter se consonant. Initia hoc modo: *Dediderim periculis omnibus, obtulerim insidiis, obiecerim invidiae.* Rursus clausulae ibidem statim, *Vos enim statuistis, vos sententiam dixistis, vos iudicavistis.* Hoc alii *συνωνυμίαν*, alii disiunctionem vocant, utrumque, etiamsi est diversum, recte; nam est nominum idem significantium separatio. Congregantur quoque verba idem significantia. *Quae cum ita sint, Catilina, perge quo coepisti; egredere aliquando ex urbe, patent*
46 *portae, proficiscere.* Et in eundem alio libro: *Abiit, excessit, erupit, evasit.* Hoc Caecilio *πλεοναστικὸς*

[1] *The text is as given by the best MSS. of Cicero. The best MSS. of Quintilian, however, read* facere Cleomenes potuit.
[2] primum *added by Badius.*

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[1] *Verr.* v. xli. 107. "What could Cleomenes have done? For I cannot accuse any one falsely. What, I say, could Cleomenes have done to any good effect?"
[2] *Ecl.* x. 72.
[3] *Cat.* I. i. 2.
[4] § 30.
[5] From the lost *in Q. Metellum.*
[6] I. v. 10.

magno opere potuit Cleomenes facere?[1] The first word 44
of one clause is also frequently the same as the last
of the preceding, a figure common in poetry.

> "And ye,
> Pierian Muses, shall enhance their worth
> For Gallus; Gallus, he for whom each hour
> My love burns stronger."[2]

But it is not uncommon even in the orators. For example: "Yet this man lives. Lives? Why he even came into the senate house."[3] Sometimes, as I 45
remarked[4] in connexion with the doubling of words, the beginnings and the conclusions of sentences are made to correspond by the use of other words with the same meaning. Here is an example of correspondence between the beginnings: "I would have faced every kind of danger; I would have exposed myself to treacherous attacks; I would have delivered myself over to public hatred."[5] An example of the correspondence of conclusions is provided by another passage in the same speech which follows close on that just cited: "For you have decided; you have passed sentence; you have given judgment." Some call this *synonymy*, others *disjunction:* both terms, despite their difference, are correct. For the words are differentiated, but their meaning is identical. Sometimes, again, words of the same meaning are grouped together. For instance, "Since this is so, Catiline, proceed on the path which you have entered; depart from the city, it is high time. The gates are open, get you forth."[6]

Or take this example from another book of the 46
orations against Catiline, "He departed, he went

videtur, id est, abundans super necessitatem oratio, sicut illa *Vidi oculos ante ipse meos.* In illo enim *vidi* inest *ipse.* Verum id, ut alio quoque loco dixi, cum supervacua oneratur adiectione, vitium est, cum auget aut manifestat sententiam sicut hic, virtus. *Vidi, ipse, ante oculos,* totidem sunt adfectus.

47 Cur tamen haec proprie nomine tali notarit, non video. Nam et geminatio et repetitio et qualiscunque adiectio πλεονασμὸς videri potest. Nec verba modo, sed sensus quoque idem facientes acervantur: *Perturbatio istum mentis et quaedam scelerum offusa caligo et ardentes furiarum faces excitarunt.*

48 Congeruntur et diversa: *Mulier, tyranni saeva crudelitas, patris amor, ira praeceps, temeritatis dementia.* Et apud Ovidium:

Sed grave Nereidum numen, sed corniger Ammon,
Sed quae visceribus veniebat belua ponti
Exsaturanda meis.

49 Inveni, qui et hoc πλοκὴν[1] vocaret: cui non adsen-

[1] *After πλοκὴν G followed by late MSS. continues:* usque deducit et apud nostrum etiam tragicum. Iove propagatus est ut perhibent Tantalus (*see sect.* 57) per me et investigata, etc.

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[1] II. i. 1.
[2] *Aen.* xii. 638.
[3] VIII. iii. 53.
[4] From the lost *in Pisonem.*
[5] Probably from a declamation.
[6] *Met.* v. 17.

hence; he burst forth, he was gone."[1] This is regarded as a case of *pleonasm* by Caecilius, that is to say, as language fuller than is absolutely required, like the phrase:

"Myself before my very eyes I saw":[2]

for "myself" is already implied by "I saw." But when such language is overweighted by some purely superfluous addition, it is, as I have also pointed out elsewhere,[3] a fault; whereas when, as in this case, it serves to make the sense stronger and more obvious, it is a merit. "I saw," "myself," "before my very eyes," are so many appeals to the emotion. I cannot 47
therefore see why Caecilius should have stigmatised these words by such a name, since the doubling and repetition of words and all forms of addition may likewise be regarded as *pleonasms*. And it is not merely words that are thus grouped together. The same device may be applied to thoughts of similar content. "The wild confusion of his thoughts, the thick darkness shed upon his soul by his crimes and the burning torches of the furies all drove him on."[4]

Words of different meaning may likewise be 48
grouped together, as for instance, "The woman, the savage cruelty of the tyrant, love for his father, anger beyond control, the madness of blind daring";[5] or again, as in the following passage from Ovid,[6]

"But the dread Nereids' power,
But hornèd Ammon, but that wild sea-beast
To feed upon my vitals that must come."

I have found some who call this also by the name 49
of πλοκή: but I do not agree, as only one figure is

tior, cum sit unius figurae, mixta quoque et idem et diversum significantia, quod et ipsum διαλλαγὴν vocant. *Quaero ab inimicis, sintne haec investigata, comperta,*[1] *patefacta, sublata, deleta, exstincta per me. Investigata, comperta, patefacta* aliud ostendunt; *sublata, deleta, exstincta* sunt inter se similia, sed
50 non etiam prioribus. Et hoc autem exemplum et superius aliam quoque efficiunt figuram, quae, quia coniunctionibus caret, dissolutio vocatur, apta, cum quid instantius dicimus; nam et singula inculcantur et quasi plura fiunt. Ideoque utimur hac figura non in singulis modo verbis, sed sententiis etiam, ut Cicero dicit contra contionem Metelli: *Qui indicabantur, eos vocari, custodiri, ad senatum adduci iussi; in senatum sunt introducti,* et totus hic locus talis est. Hoc genus et βραχυλογίαν vocant, quae potest esse copulata dissolutio. Contrarium illud[2] est schema, quod coniunctionibus abundat. Illud ἀσύνδετον, hoc
51 πολυσύνδετον dicitur. Sed hoc est vel iisdem saepius repetitis, ut

[1] *Before* patefacta *MSS. give* idē *or* id est, *which, if* patefacta *be correct, must be deleted. Alternatively Halm deletes* id est patefacta *as a gloss, also expunging* deleta.

[2] illud, *Halm*: ut, *AG.*

involved. We may also find a mixture of words, some identical and others different in meaning; of this figure, which the Greeks style διαλλαγή, the following will provide an example: "I ask my enemies whether these plots were investigated, discovered and laid bare, overthrown, crushed and destroyed by me."[1] In this sentence "investigated," "discovered" and "laid bare" are different in meaning, while "overthrown," "crushed" and "destroyed" are similar in meaning to each other, but different from the three previous. But both the 50
last example and the last but one involve a different *figure* as well, which, owing to the absence of connecting particles, is called *dissolution* (*asyndeton*), and is useful when we are speaking with special vigour: for it at once impresses the details on the mind and makes them seem more numerous than they really are. Consequently, we apply this *figure* not merely to single words, but to whole sentences, as, for instance, is done by Cicero in his reply[2] to the speech which Metellus made to the public assembly: "I ordered those against whom information was laid, to be summoned, guarded, brought before the senate: they were led into the senate," while the rest of the passage is constructed on similar lines. This kind of *figure* is also called *brachylogy*, which may be regarded as detachment without loss of connexion. The opposite of this figure of *asyndeton* is *polysyndeton*, which is characterised by the number of connecting particles employed. In this figure we may repeat the same connecting 51
particle a number of times, as in the following instance:

[1] From the lost speech *in Q. Metellum*.
[2] Only a few fragments remain.

Tectumque laremque
Armaque Amyclaeumque canem Cressamque pharetram ;

52 vel diversis: *Arma virumque—Multum ille et terris—*
53 *Multa quoque.* Adverbia quoque et pronomina variantur, *Hic illum vidi iuvenem,—Bis senos cui nostra dies,—Hic mihi responsum primus dedit ille petenti.* Sed utrumque horum acervatio est,[1] tantum iuncta
54 aut dissoluta. Omnibus scriptores sua nomina dederunt, sed varia et ut cuique fingenti placuit. Fons quidem unus, quia acriora facit et instantiora quae dicimus et vim quandam prae se ferentia velut saepius erumpentis adfectus.

Gradatio, quae dicitur κλῖμαξ, apertiorem habet artem et magis adfectatam ideoque esse rarior
55 debet. Est autem ipsa quoque adiectionis; repetit enim quae dicta sunt et, priusquam ad aliud descendat, in prioribus resistit. Eius exemplum ex Graeco notissimo transferatur: *Non enim dixi quidem sed non*[2] *scripsi, nec scripsi quidem*[2] *sed non obii legationem, nec*[2] *obii quidem legationem*[2] *sed non persuasi*
56 *Thebanis.* Sint tamen tradita et Latina: *Africano virtutem industria, virtus gloriam, gloria aemulos comparavit.* Et Calvi: *Non ergo magis pecuniarum repe-*

[1] est, *Spalding*: et, *MSS.*
[2] *Omitted by MSS.*

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[1] *Georg.* iii. 344.
[2] *Aen.* i. 1. *sqq.*
[3] *Ecl.* i. 43. "Here I beheld that youth
For whom each year twelve days my altars smoke,
He first gave answer to my supplication."
[4] Demosth. *de Cor.* 179.
[5] Auct. *ad Herenn.* iv. 25.

"His house and home and arms
And Amyclean hound and Cretan quiver";[1]

or they may be different, as in the case of *arma* 52
virumque followed by *multum ille et terris* and *multa quoque.*[2] Adverbs and pronouns also may be varied, 53
as in the following instance:[3] *Hic illum vidi iuvenem* followed by *bis senos cui nostra dies* and *hic mihi responsum primus dedit ille petenti.* But both these cases involve the massing together of words and phrases either in *asyndeton* or *polysyndeton.* Writers 54
have given special names to all the different forms, but the names vary with the caprice of the inventor. The origin of these *figures* is one and the same, namely that they make our utterances more vigorous and emphatic and produce an impression of vehemence such as might spring from repeated outbursts of emotion.

Gradation, which the Greeks call *climax,* necessitates a more obvious and less natural application of art and should therefore be more sparingly employed. Moreover, it involves *addition,* since it repeats what 55
has already been said and, before passing to a new point, dwells on those which precede. I will translate a very famous instance from the Greek.[4] "I did not say this, without making a formal proposal to that effect, I did not make that proposal without undertaking the embassy, nor undertake the embassy without persuading the Thebans." There are, how- 56
ever, examples of the same thing in Latin authors. "It was the energy of Africanus that gave him his peculiar excellence, his excellence that gave him glory, his glory that gave him rivals."[5] Calvus again writes, "Consequently this means the abolition

tundarum quam maiestatis, neque maiestatis magis quam Plautiae legis, neque Plautiae legis magis quam ambitus, neque ambitus magis quam omnium legum iudicia perier-
57 *unt.*[1] Invenitur apud poetas quoque, ut apud Homerum de sceptro, quod a Iove ad Agamemnonem usque deducit, et apud nostrum etiam tragicum:

> *Iove propagatus est, ut perhibent, Tantalus,*
> *Ex Tantalo ortus Pelops, ex Pelope autem satus*
> *Atreus, qui nostrum porro propagat genus.*

58 At quae per detractionem fiunt figurae, brevitatis novitatisque maxime gratiam petunt; quarum una est ea, quam libro proximo in figuras ex συνεκδοχῇ distuli, cum subtractum verbum aliquod satis ex ceteris intelligitur: ut Caelius in Antonium, *Stupere gaudio Graecus:* simul enim auditur *coepit.* Cicero ad Brutum: *Sermo nullus scilicet nisi de te; quid enim potius? Tum Flavius, Cras, inquit, tabellarii, et ego*
59 *ibidem has inter cenam exaravi.* Cui similia sunt illa meo quidem iudicio, in quibus verba decenter pudoris gratia subtrahuntur:

> *Novimus et qui te, transversa tuentibus hircis,*
> *Et quo, sed faciles Nymphae risere, sacello.*

[1] iudicia perierunt, *Aquila Romanus*: est, *MSS.*

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[1] *Il.* ii. 101.
[2] Unknown.
[3] VIII. vi. 21.
[4] "The Greek was struck dumb with joy."
[5] Lost. "No talk except of you. What better? Then Flavius says, 'Couriers to-morrow,' and I scribbled these lines at his house during dinner."
[6] *Ecl.* iii. 8.

of trials for treason no less than for extortion, for offences covered by the Plautian law no less than for treason, for bribery no less than for those offences, and for all breaches of every law no less than for bribery," etc. It is also to be found in poets, 57
as in the passage in Homer[1] describing the sceptre which he traces from the hands of Jupiter down to those of Agamemnon, and in the following from one of our own tragedians:[2]

"From Jove, so runs the tale, was Tantalus sprung,
From Tantalus Pelops, and of Pelops' seed
Sprang Atreus, who is sire of all our line."

As regards the figures produced by omission, they 58
rely for their charm in the main on conciseness and novelty. There is one of these which I mentioned in the last book[3] with reference to *synecdoche*, and postponed discussing until such time as I came to deal with *figures*: it occurs when the word omitted may be clearly gathered from the context: an example may be found in Caelius' denunciation of Antony: *stupere gaudio Graecus*:[4] for we must clearly supply *coepit*. Or take the following passage from a letter of Cicero[5] to Brutus: *Sermo nullus scilicet nisi de te: quid enim potius? tum Flavius, cras, inquit, tabellarii, et ego ibidem has inter cenum exaravi.* Of a 59
similar kind, at any rate in my opinion, are those passages in which words are decently omitted to spare our modesty.

"You—while the goats looked goatish—we know who,
And in what chapel—(but the kind Nymphs laughed)."[6]

60 Hanc quidam aposiopesin putant, frustra. Nam illa quid taceat incertum est aut certe longiore sermone explicandum, hic unum verbum et manifestum quidem desideratur; quod si aposiopesis est, nihil non, in quo deest aliquid, idem appellabitur.
61 Ego ne[1] illud quidem aposiopesin semper voco, in quo res quaecunque relinquitur intelligenda, ut ea quae in epistolis Cicero: *Data Lupercalibus, quo die Antonius Caesari;* non enim obticuit sed[2] lusit, quia nihil aliud intelligi poterat quam hoc, *diadema*
62 *imposuit.* Altera est per detractionem figura, de qua modo dictum, cui coniunctiones eximuntur. Tertia, quae dicitur ἐπεζευγμένον, in qua unum ad verbum plures sententiae referuntur, quarum unaquaeque desideraret illud, si sola poneretur. Id accidit aut praeposito verbo, ad quod reliqua respiciant: *Vicit pudorem libido, timorem audacia, rationem amentia;* aut illato, quo plura cluduntur: *Neque enim is es, Catilina, ut te aut pudor unquam a turpitudine aut metus a periculo aut ratio a furore*
63 *revocaverit.* Medium quoque potest esse, quod et prioribus et sequentibus sufficiat. Iungit autem et diversos sexus, ut cum marem feminamque *filios*

[1] ego ne, *Spalding*: nego, *AG.*
[2] sed *added by Halm.*

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[1] Lost. The sense is, "Despatched on the day on which Antony offered Caesar the crown."
[2] § 50.
[3] *Pro Cluent.* vi. 15. "Lust conquered shame, boldness fear, madness reason."

Some regard this as an *aposiopesis,* but wrongly. 60
For in *aposiopesis* it is either uncertain or at least
requires an explanation of some length to show what
is suppressed, whereas in the present case only one
word, and that of an obvious character, is missing.
If this, then, is an *aposiopesis,* all omissions will have
a claim to the title. I would not even allow the 61
name of *aposiopesis* to all cases where what is omitted
is left to be understood, as for example the follow-
ing phrase from Cicero's letters,[1] *Data Lupercalibus*
quo die Antonius Caesari: for there, there is no real
suppression: the omission is merely playful, for there
is but one way of completing the sentence, namely
with the words *diadema imposuit.* Another figure 62
produced by omission is that of which I have just
spoken,[2] when the connecting particles are omitted.
A third is the figure known as ἐπεζευγμένον, in which
a number of clauses are all completed by the same
verb, which would be required by each singly if they
stood alone. In such cases the verb to which the
rest of the sentence refers may come first, as in the
following instance: *Vicit pudorem libido, timorem*
audacia, rationem amentia.[3] Or it may come last,
closing a number of clauses, as in the following:[4]
Neque enim is es, Catilina, ut te aut pudor unquam a
turpitudine aut metus a periculo aut ratio a furore revo-
caverit. The verb may even be placed in the middle 63
so as to serve both what precedes and what follows.
The same figure may join different sexes, as for
example when we speak of a male and female child
under the comprehensive term of "sons"; or it may

[4] *Cat.* I. ix. 22. "For you are not the man, Catiline, to be deterred from vile acts by shame, from peril by fear, or from madness by reason."

64 dicimus, et singularia pluralibus miscet. Sed haec adeo sunt vulgaria, ut sibi artem figurarum adserere non possint. Illud plane figura est, qua diversa sermonis forma coniungitur:

Sociis tunc, arma capessant,
Edico, et dira bellum cum gente gerendum.

Quamvis enim pars *bello* posterior participio insistat, utrique convenit illud *edico*. Non utique detractionis gratia factam coniunctionem συνοικείωσιν vocant, quae duas res diversas colligat:

Tam deest avaro, quod habet, quam quod non habet.

65 Huic diversam volunt esse distinctionem, cui dant nomen παραδιαστολήν, qua similia discernuntur[1]: *Cum te pro astuto sapientem appelles, pro confidente fortem, pro illiberali diligentem.* Quod totum pendet ex finitione, ideoque an figura sit dubito. Cui contraria est ea, qua fit ex vicino transitus ad diversa ut similia: *Brevis esse laboro, Obscurus fio,* et quae sequuntur.

[1] qua similia discernuntur, *Regius:* quia simili discernunt, *AG.*

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[1] *Aen.* iii. 234; *participio* = gerundive (*gerendum*).
[2] *Syrus* 486 (Ribbeck).
[3] *Rutil.* i. 4.
[4] Hor. *A.P.* 25.

interchange singular and plural. But these devices 64
are so common that they can scarcely lay claim to involve the art essential to *figures*. On the other hand it is quite obviously a *figure*, when two different constructions are combined as in the following case:

Sociis tunc arma capessant
Edico et dira bellum cum gente gerendum.[1]

(I bid my comrades straight to seize their arms
And war be waged against a savage race.)

For although the portion of the sentence following *bellum* ends with a participle, both clauses of the sentence are correctly governed by *edico*. Another form of connexion, which does not necessarily involve omission, is called συνοικείωσις, because it connects two different things, for example:

"The miser lacks
That which he has no less than what he has not."[2]

To this figure is opposed *distinction*, which they call 65
παραδιαστολή, by which we distinguish between similar things, as in this sentence:[3] "When you call yourself wise instead of astute, brave instead of rash, economical instead of mean." But this is entirely dependent on definition, and therefore I have my doubts whether it can be called a figure. Its opposite occurs when we pass at a bound from one thing to something different, as though from like to like; for example:

"I labour to be brief, I turn obscure,"[4]

with what follows.

66 Tertium est genus figurarum, quod aut similitudine aliqua vocum aut paribus aut contrariis convertit in se aures et animos excitat. Hinc est παρονομασία, quae dicitur adnominatio. Ea non uno modo fieri solet: ex vicinia quadam praedicti nominis ducta casibus declinat, ut Domitius Afer pro Cloatilla, *Mulier omnium rerum imperita, in omnibus rebus infelix;* 67 et cum verbo idem verbum plus significans subiungitur: *Quando homo hostis, homo.* Quibus exemplis sum in aliud usus, sed in uno ἔμφασις est et [1] geminatio. Παρονομασίᾳ contrarium est, quod eodem verbo quasi falsum arguitur: *Quae lex privatis hominibus* 68 *esse lex non videbatur.* Cui confinis est ἀντανάκλασις, eiusdem verbi contraria significatio. Cum Proculeius quereretur de filio, quod is mortem suam *exspectaret,* et ille dixisset, *se vero non exspectare: Immo,* inquit, *rogo exspectes.* Non ex eodem sed ex vicino diversum [2] accipitur, cum *supplicio* adficiendum dicas, 69 quem *supplicatione* dignum iudicaris. Aliter quoque voces aut eaedem diversa in significatione ponuntur aut productione tantum vel correptione mutatae;

[1] ἔμφασις est et, *E. Wölfflin*: CPACIC est, *A*: fassis, falsis, fallis, *other MSS.*

[2] vicino diversum, *Schütz*: diverso vicinum, *MSS.*

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[1] "A woman unskilled in everything and in everything unhappy."

[2] The meaning is obscure. As punctuated, the sense is "since he is a man, the man is an enemy," *i. e.* the utterance of some misanthrope. Or a question-mark may be placed after *homo* and the meaning will be "since he is a man, can he be an enemy?"

[3] *In Pis.* xiii. 20.

There is a third class of *figures* which attracts the 66
ear of the audience and excites their attention by some resemblance, equality or contrast of words. To this class belongs *paronomasia*, which we call *adnominatio*. This may be effected in different ways. It may depend on the resemblance of one word to another which has preceded, although the words are in different cases. Take the following passage from Domitius Afer's defence of Cloatilla: *Mulier omnium rerum imperita, in omnibus rebus infelix*.[1] Or the same 67
word may be repeated with greater meaning, as *quando homo, hostis homo*.[2] But although I have used these examples to illustrate something quite different, one of them involves both *emphasis* and *reiteration*. The opposite of *paronomasia* occurs when one word is proved to be false by repetition; for instance, "This law did not seem to be a law to private individuals."[3] Akin to this is that syled ἀνταπόκλασις, where the 68
same word is used in two different meanings. When Proculeius reproached his son with waiting for his death, and the son replied that he was not waiting for it, the former retorted, *Well then, I ask you to wait for it*. Sometimes such difference in meaning is obtained not by using the same word, but one like it, as for example by saying that a man whom you think *dignus supplicatione* (worthy of supplication) is *supplicio adficiendus*.[4] There are also other ways in 69
which the same words may be used in different senses or altered by the lengthening or shortening of

[4] In old Latin *supplicium* was used as equivalent to *supplicatio*, and this use survives in Livy and Sallust. But in Augustan and post-Augustan language the normal meaning of *supplicium* was "punishment," and the natural translation would be "worthy of punishment."

quod etiam in iocis frigidum equidem tradi inter praecepta miror, eorumque exempla vitandi potius
70 quam imitandi gratia pono: *Amari iucundum est, si curetur, ne quid insit amari. Avium dulcedo ad avium ducit;* et apud Ovidium ludentem:

Cur ego non dicam, Furia, te furiam?

71 Cornificius hanc traductionem vocat, videlicet alterius intellectus ad alterum. Sed elegantius, quod est positum in distinguenda rei proprietate: *Hanc rei publicae pestem paulisper reprimi, non in perpetuum comprimi posse.* Et quae praepositionibus in contrarium mutantur: *Non emissus ex urbe, sed immissus in urbem esse videatur.* Melius atque acrius, quod cum figura iucundum est tum etiam sensu valet:
72 *Emit morte immortalitatem.* Illa leviora: *Non Pisonum sed pistorum* et *Ex oratore arator.* Pessimum vero: *Ne patres conscripti videantur circumscripti;—Raro evenit sed vehementer venit.* Sed[1] contingit, ut aliqui sensus vehemens et acer venustatem aliquam non
73 eadem ex voce[2] non dissona accipiat. Et cur me

[1] sed, *Halm*: sic, *MSS.* [2] voce, *added by Christ.*

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[1] Auct. *ad Herenn.* iv. 14: "It is pleasant to be loved, but we must take care that there is no bitterness in that love."

[2] "Birds' sweet song leads us into pathless places."

[3] Probably from a collection of epigrams: "Furia, why should I not call you a fury?"

[4] *Cat.* i. xii. 30.

[5] *Cat.* i. 11. 27: "He would seem not so much to have been sent out from, but to have been launched against the city."

[6] "By his death he purchased undying fame."

[7] "Not of the Pisos, but of the bakers."

a syllable: this is a poor trick even when employed in jest, and I am surprised that it should be included in the text-books: the instances which I quote are therefore given as examples for avoidance, not for imitation. Here they are: *Amari iucundum est, si* 70
curetur ne quid insit amari,[1] and *Avium dulcedo ad avium ducit;*[2] and again this jest from Ovid,[3]

Cur ego non dicam, Furia, te furiam?

Cornificius calls this *traductio,* that is the trans- 71
ference of the meaning of one word to another. It has, however, greater elegance when it is employed to distinguish the exact meanings of things, as in the following example: "This curse to the state could be repressed for a time, but not suppressed for ever;"[4] the same is true when the meaning of verbs is reversed by a change in the preposition with which they are compounded: for example, *Non emissus ex urbe, sed immissus in urbem esse videatur.*[5] The effect is better still and more emphatic when our pleasure is derived both from the figurative form and the excellence of the sense, as in the following instance: *emit morte immortalitatem.*[6] A more trivial effect is produced by 72
the following: *Non Pisonum, sed pistorum,*[7] and *Ex oratore arator,*[8] while phrases such as *Ne patres conscripti videantur circumscripti,*[9] or *raro evenit, sed vehementer venit,*[10] are the worst of all. It does, however, sometimes happen that a bold and vigorous conception may derive a certain charm from the contrast between two words not dissimilar in sound. I do 73

[8] *Phil.* III. ix. 22: "Orator turned ploughman."
[9] Auct. *ad Herenn.* iv. 22. "That the conscript fathers be not cheated."
[10] Meaning uncertain.

prohibeat pudor uti domestico exemplo? Pater meus contra eum, qui se legationi immoriturum dixerat, deinde vix paucis diebus insumptis re infecta redierat, *Non exigo, ut immoriaris legationi; immorare.* Nam et valet sensus ipse et in verbis tantum distantibus iucunde consonat vox, praesertim non captata, sed velut oblata, cum altero suo sit
74 usus, alterum ab adversario acceperit. Magnae veteribus curae fuit gratiam dicendi et paribus et contrariis acquirere. Gorgias in hoc immodicus, copiosus aetate utique prima Isocrates fuit. Delectatus est his etiam M. Tullius, verum et modum adhibuit non ingratae, nisi copia redundet, voluptati et rem alioqui levem sententiarum pondere implevit. Nam per se frigida et inanis adfectatio, cum in acres incidit sensus, innatam gratiam [1] videtur habere non arcessitam.

75 Similium fere quadruplex ratio est. Nam est primum, quotiens verbum verbo aut non dissimile valde quaeritur, ut

Puppesque tuae pubesque tuorum;

et *Sic in hac calamitosa fama quasi in aliqua perniciosissima flamma,* et *Non enim tam spes laudanda quam*

[1] innatam, *2nd hand of A.*: innata, *AG.*: gratiam *added by Meister.*

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[1] "I do not demand that you should die on your embassy; only stay there!"

[2] *Aen.* i. 399. "Your ships and the flower of your young warriors."

[3] *Pro Cluent.* i. 4. "In the midst of this disastrous defamation, which may be compared to a disastrous conflagration."

not know that there is any reason why modesty should prevent me from illustrating this point from my own family. My father, in the course of a declamation against a man who had said he would die on his embassy and then returned after a few days' absence without accomplishing anything, said, *non exigo ut immoriaris legationi: immorare.*[1] For the sense is forcible and the sound of the two words, which are so very different in meaning, is pleasant, more especially since the assonance is not far fetched, but presents itself quite naturally, one word being of the speaker's own selection, while the other is supplied by his opponent. The old orators were at 74
great pains to achieve elegance in the use of words similar or opposite in sound. Gorgias carried the practice to an extravagant pitch, while Isocrates, at any rate in his early days, was much addicted to it. Even Cicero delighted in it, but showed some restraint in the employment of a device which is not unattractive save when carried to excess, and, further, by the weight of his thought lent dignity to what would otherwise have been mere trivialities. For in itself this artifice is a flat and foolish affectation, but when it goes hand in hand with vigour of thought, it gives the impression of natural charm, which the speaker has not had to go far to find.

There are some four different forms of play upon 75
verbal resemblances. The first occurs when we select some word which is not very unlike another, as in the line of Virgil

vuppesque tuae pubesque tuorum,[2]

or, *sic in hac calamitosa fama quasi in aliqua perniciosissima flamma,*[3] and *non enim tam spes laudanda quam*

res est, aut certe par et extremis syllabis consonans:
76 *Non verbis, sed armis.* Et hoc quoque, quotiens in sententias acres incidit, pulchrum est: *Quantum possis, in eo semper experire, ut prosis.* Hoc est πάρισον, ut plerisque placuit. Theo Stoicus πάρισον existimat,
77 quod sit e membris non dissimilibus. Secundum, ut clausula similiter cadat, syllabis iisdem in ultimam partem collatis: ὁμοιοτέλευτον vocant [1] similem duarum sententiarum vel plurium finem: *Non modo ad salutem eius exstinguendam, sed etiam gloriam per tales viros infringendam.* Ex quibus fere fiunt, non tamen ut semper utique ultimis consonent, quae τρίκωλα dicuntur: *Vicit pudorem libido, timorem audacia, rationem amentia.* Sed in quaternas quoque ac plures haec ratio ire sententias potest. Fit etiam singulis verbis: *Hecuba hoc dolet, pudet, piget;* et *Abiit, ex-*
78 *cessit, erupit, evasit.* Tertium est, quod in eosdem casus cadit, ὁμοιόπτωτον dicitur. Sed neque, quod finem habet similem, utique in eundem venit finem ὁμοιόπτωτον, quia ὁμοιόπτωτον est tantum casu simile, etiamsi dissimilia sint quae declinentur; nec tantum in fine deprehenditur, sed respondentibus [2] vel

[1] vocant, *added by Capperonnier.*
[2] respondentibus, *Halm*: respondent, *AG.*

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[1] From Cic. *de Republica.* "For it is performance rather than promise that claims our praise."
[2] *Rutil.* ii. xii. "Not with words, but with arms."
[3] "Always try in such cases to make your efforts as useful as possible."
[4] *Pro Mil.* ii. 5. "Not merely to destroy his personal security, but even to blacken his name by means of such ruffians."
[5] See § 62.

res est.[1] Or at any rate the words selected will be of equal length and will have similar terminations, as in *non verbis, sed armis.*[2] A good effect may also 76
be produced by an artifice such as the following, so long as the thought which it expresses be vigorous: *quantum possis, in eo semper experire ut prosis.*[3] The name commonly applied to this is *πάρισον*, though the Stoic Theon thinks that in cases of *πάρισον* the correspondence between the clauses must be exact. The second form occurs when clauses 77
conclude alike, the same syllables being placed at the end of each; this correspondence in the ending of two or more sentences is called *homoeoteleuton.* Here is an example: *Non modo ad salutem eius exstinguendam sed etiam gloriam per tales viros infringendam.*[4] This figure is usually, though not invariably, found in the groups of three clauses, styled *τρίκωλα*, of which the following may be cited as an illustration: *vicit pudorem libido, timorem audacia, rationem amentia.*[5] But the device may be applied to four clauses or more. The effect may even be produced by single words; for example, *Hecuba hoc dolet, pudet, piget,*[6] or *abiit, excessit, erupit, evasit.*[7] In the third form the 78
correspondence is produced by the use of similar cases; it is known as *ὁμοιόπτωτον.* But this name, though it implies a certain similarity, does not necessarily involve identity in termination, since it means no more than similarity of case, irrespective of the fact that words may be differently declined, and does not always occur at the end of a sentence; the correspondence may occur at the beginning, middle or

[6] From an unknown tragedian. "This fills Hecuba with grief, shame and loathing."

[7] See § 46.

primis inter se vel mediis vel extremis vel etiam permutatis his, ut media primis et summa mediis accommodentur, et quocunque modo accommodari
79 potest. Neque enim semper paribus syllabis constat, ut est apud Afrum, *Amisso nuper infelicis aulae si non*[1] *praesidio inter pericula tamen solacio inter adversa.* Eius fere videntur optima, in quibus initia sententiarum et fines, consentiunt, ut hic *praesidio solacio, pericula adversa,*[2] paene[3] ut similia sint verbis et
80 paribus cadant et eodem modo desinant. Etiam ut sint, quod est quartum, membris aequalibus, quod ἰσόκωλον dicitur: *Si, quantum in agro locisque desertis audacia potest, tantum in foro atque iudiciis impudentia valeret* ἰσόκωλον est et ὁμοιόπτωτον habet; *non minus nunc in causa cederet Aulus Caecina Sexti Aebutii impudentiae, quam tum in vi facienda cessit audaciae,* ἰσόκωλον, ὁμοιόπτωτον, ὁμοιοτέλευτον. Accedit et ex illa figura gratia, qua nomina dixi mutatis casibus repeti: *Non minus cederet quam cessit.* At hoc[4]

[1] infelicis aulae si non, *an early emendation*: infelicis auleis non, *MSS.* *Halm conjectures* infelicibus ausis non modo p.i.p., sed etiam solacio i.a.

[2] pericula adversa, *inserted by G. Laubmann.*

[3] paene ut, *ed. Ald*: pedem et, *MSS.*

[4] at hoc, *Halm*: ad huc, *AG.*

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[1] The sense of *infelicis aulae* is uncertain. See Crit. note. "This unhappy court having lost, if not all that might protect it in the hour of peril, at any rate all that might console it in moments of adversity."

[2] Cic. *pro Caec.* i. 1. "If shamelessness carried as much weight in the forum and the law courts as daring carries in the country and in lonely places, Aulus Caecina would now yield no less to the shamelessness of Sextus Aebutius in the present case than he yielded to his audacity in the use of violence."

end of clauses, or may be varied so that the middle of one clause corresponds with the beginning of another and the end with the middle: in fact, any arrangement of correspondences is permissible. Nor 79
need the words which correspond consist of the same number of syllables. For example, we find the following sentence in Domitius Afer: *Amisso nuper infelicis aulae,*[1] *si non praesidio inter pericula, tamen solacio inter adversa.* The best form of this figure is that in which the beginnings and ends of the clauses correspond (as in this case *praesidio* corresponds with *solacio* and *pericula* with *adversa*), in such a way that there is a close resemblance between the words, while cadence and termination are virtually identical. It is also desirable that the clauses should 80
be of equal length, although as a matter of fact this forms the fourth *figure* of this class, and is known as ἰσόκωλον. The following will serve as an example, being both ἰσόκωλον and ὁμοιόπτωτον: *Si, quantum in agro locisque desertis audacia potest, tantum in foro atque iudiciis impudentia valeret;* continuing, it combines ἰσόκωλον, ὁμοιόπτωτον, and ὁμοιοτέλευτον:—*non minus nunc in causa cederet Aulus Caecina Sexti Aebutii impudentiae, quam tum in vi facienda cessit audaciae.*[2] This passage derives an additional elegance from the figure which I mentioned above[3] as consisting in the repetition of words with an alteration of case, tense, mood, etc., to be found in this instance in the words *non minus cederet quam cessit.* The following, on the other

[3] §§ 36, 66. It must be remembered that *casus* can be applied to verbs as well as nouns.

ὁμοιοτέλευτον et παρονομασία est: *Neminem alteri posse dare in matrimonium, nisi penes quem sit patrimonium.*[1]

81 Contrapositum autem vel, ut quidam vocant, contentio (*ἀντίθετον* dicitur) non uno fit modo. Nam et fit, si singula singulis opponuntur, ut in eo quod modo dixi, *Vicit pudorem libido, timorem audacia,* et bina binis: *Non nostri ingenii, vestri auxilii est,* et sententiae sententiis: *Dominetur in contionibus, iaceat*
82 *in iudiciis.* Cui commodissime subiungitur et ea species, quam distinctionem diximus: *Odit populus Romanus privatam luxuriam, publicam magnificentiam diligit;* et, quae sunt simili casu, dissimili sententia in ultimo locata: *Ut quod in tempore mali fuit, nihil*
83 *obsit, quod in causa boni fuit, prosit.* Nec semper contrapositum subiungitur, ut in hoc, *Est igitur, haec iudices, non scripta sed nata lex,* verum, sicut Cicero dicit, de singulis rebus propositis refertur ad singula, ut in eo quod sequitur, *Quam non didicimus, accepimus, legimus, verum ex natura ipsa arripuimus, hausimus, ex-*
84 *pressimus.* Nec semper, quod adversum est, contra-

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[1] "That no one may bestow the hand of a woman on another in matrimony unless he be the possessor of a patrimony."

[2] See § 62.

[3] *pro Cluent.* i. 4. "This is beyond my power; it is your support that is required."

[4] *pro Cluent.* ii. 5. See ix. ii. 51.

[5] *pro Muren.* xxxvi. 76. "The Roman people hates private luxury, but loves public magnificence." *Cp.* § 65.

[6] *pro Cluent.* xxix. 80. "So that what was unfortunate in the occasion may prove no obstacle, while what was fortunate in the case may prove a positive advantage."

hand, combines *homoeoteleuton* and *paronomasia: Neminem alteri posse dare in matrimonium, nisi penes quem sit patrimonium.*[1]

Antithesis, which Roman writers call either *contra-* 81
positum or *contentio,* may be effected in more than one way. Single words may be contrasted with single, as in the passage recently quoted, *Vicit pudorem libido, timorem audacia,*[2] or the contrast may be between pairs of words, as in *non nostri ingenii, vestri auxilii est,*[3] or sentence may be contrasted with sentence, as in *dominetur in contionibus, iaceat in iudiciis.*[4] Next to 82
this another form may appropriately be placed, namely that which we have styled *distinction* and of which the following is an example: *Odit populus Romanus privatam luxuriam, publicam magnificentiam diligit.*[5] The same is true of the figure by which words of similar termination, but of different meaning are placed at the end of corresponding clauses, as in *ut quod in tempore mali fuit, nihil obsit, quod in causa boni fuit, prosit.*[6] Nor is the contrasted 83
phrase always placed immediately after that to which it is opposed, as it is in the following instance: *est igitur haec, iudices, non scripta, sed nata lex*:[7] but, as Cicero[8] says, we may have correspondence between subsequent particulars and others previously mentioned, as in the passage which immediately follows that just quoted: *quam non didicimus, accepimus, legimus, verum ex natura ipsa arripuimus, hausimus, expressimus.* Again the con- 84

[7] *pro Mil.* iv. 10. "This law then, gentlemen, was not written, but born. It is a law which we have not learned, received from others or read, but which we have derived, absorbed and copied from nature itself."

[8] See IX. i. 34.

ponitur, quale est apud Rutilium, *Nobis primis dii immortales fruges dederunt; nos, quod soli accepimus,*
85 *in omnes terras distribuimus.* Fit etiam adsumpta illa figura, qua verba declinata repetuntur, quod ἀντιμεταβολὴ dicitur: *Non, ut edam, vivo, sed, ut vivam, edo.* Et quod apud Ciceronem conversum ita est, ut, cum mutationem casus habeat, etiam similiter desinat: *Ut et sine invidia culpa plectatur et sine culpa*
86 *invidia ponatur.* Et eodem cluditur verbo: ut quod dicit de Sex. Roscio, *Etenim, cum artifex eiusmodi est, ut solus videatur dignus qui in scena, spectetur, tum vir eiusmodi est, ut solus dignus esse videatur, qui eo non accedat.* Est et in nominibus ex diverso collocatis sua gratia: *Si Consul Antonius, Brutus hostis; si conservator rei publicae Brutus, hostis Antonius.*

87 Olim plura de figuris quam necesse erat, et adhuc erunt, qui putent esse figuram: *Incredibile est, quod dico, sed verum;* ἀνθυποφορὰν vocant; et *Aliquis hoc semel tulit, nemo*[1] *bis, ego ter,* διέξοδον; et *Longius*

[1] nemo, *Badius*: nego, *MSS.*

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[1] *Rutil.* ii. 16. "To us first of men the immortal gods gave corn, while we have distributed that which we alone have received to all the peoples of the earth."

[2] *pro Cluent.* ii. 5. "That though there is no prejudice, guilt is punished, and if there is no guilt, prejudice is laid aside."

[3] *pro Quintio* xxv. 78. "For while he is an artist of such talent as to seem the only actor on the stage worth looking at, he is also a man of such character as to seem the only man worthy of being exempted from appearing on the stage."

[4] *Phil.* iv. iii. 8. "If Antony is consul, Brutus is an enemy: if Brutus is the saviour of the state, Antony is an enemy.

[5] "What I say is incredible, but true." ἀνθυποφορὰ = answer to imaginary objection.

trast is not always expressed antithetically, as is shown by the following passage from Rutilius: *nobis primis dii immortales fruges dederunt, nos, quod soli accepimus, in omnes terras distribuimus.*[1] Anti- 85
thesis may also be effected by employing that *figure,* known as *ἀντιμεταβολή,* by which words are repeated in different cases, tenses, moods, etc., as for instance when we say, *non ut edam, vivo, sed ut vivam, edo* (I do not live to eat, but eat to live). There is an instance of this in Cicero,[2] where he has managed, while changing the case, to secure similarity of termination: *ut et sine invidia culpa plectatur et sine culpa invidia ponatur.* Again the clauses may end with 86
the same word, as when Cicero says of Sextus Roscius: *etenim cum artifex eiusmodi est ut solus videatur dignus qui in scena spectetur, tum vir eiusmodi est ut solus dignus esse videatur qui eo non accedat.*[3] There is also a special elegance which may be secured by placing names in antithesis, as in the following instance, *Si consul Antonius, Brutus hostis; si conservator rei publicae Brutus, hostis Antonius.*[4]

I have already said more than was necessary on the 87
subject of *figures.* But there will still be some who think that the following (which they call *ἀνθυποφορὰ*) is a *figure: Incredibile est, quod dico, sed verum*:[5] they say the same of *Aliquis hoc semel tulit, nemo bis, ego ter*[6] (which they style *διέξοδος*), and of *Longius evectus sum, sed redeo ad propositum,*[7] which they call

[6] "Some have endured this once, while no one has endured it twice, but I have endured it thrice." *διέξοδος* = going through in detail.

[7] "I have made a long digression, but now return to the point." *ἄφοδος* strictly = departure, referring to the *digression,* rather than the *return to the point.*

88 *evectus sum sed redeo ad propositum, ἄφοδον.* Quaedam verborum figurae paulum figuris sententiarum declinantur, ut dubitatio. Nam cum est in re, priori parti adsignanda est, cum in verbo, sequenti; *Sive*
89 *me malitiam sive stultitiam dicere oportet.* Item correctionis eadem ratio est; nam quod illic dubitat, hic emendat. Etiam in personae fictione accidere quidam idem putaverunt, ut in verbis esset haec figura: *Crudelitatis mater est avaritia,* et apud Sallustium in Ciceronem *O Romule Arpinas,* et apud Menandrum *Oedipus Thriasius.* Haec omnia copiosius sunt exsecuti, qui non ut partem operis transcurrerunt, sed proprie libros huic operi dedicaverunt, sicut Caecilius, Dionysius, Rutilius, Cornificius, Visellius aliique non pauci; sed non minor erit
90 eorum, qui vivunt, gloria. Ut fateor autem verborum quoque figuras posse plures reperiri a quibusdam, ita iis, quae ab auctoribus claris traduntur, meliores non adsentior. Nam in primis M. Tullius multas in tertio De Oratore libro posuit, quas in Oratore postea scripto transeundo videtur ipse damnasse; quarum pars est, quae sententiarum potius quam verborum sit: ut imminutio, improvisum, imago, sibi ipsi responsio, digressio, permissio, contrarium (hoc enim puto, quod dicitur *ἐναντιότης*),

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[1] *Auct. ad Herenn.* IV. xxix. 40.

[2] An allusion to some inhabitant of the Athenian village of Thria.

[3] See IX. i. 26.

[4] See IX. i. 37.

[5] See IX. ii. 25.

ἄφοδος. There are some *figures of speech* which differ 88
little from *figures of thought*, as for example that of
hesitation. For when we hesitate over a thing, it
belongs to the former class, whereas when we hesi-
tate over a word, it must be assigned to the latter,
as for instance if we say, "I do not know whether to
call this wickedness or folly."[1] The same consider- 89
ation applies to correction. For correction emends,
where hesitation expresses a doubt. Some have
even held that it applies to personification as well;
they think, for example, that *Avarice is the mother of
cruelty*, Sallust's *O Romulus of Arpinum* in his speech
against Cicero, and the *Thriasian Oedipus*[2] of Men-
ander are *figures of speech*. All these points have
been discussed in full detail by those who have not
given this subject merely incidental treatment as a
portion of a larger theme, but have devoted whole
books to the discussion of the topic: I allude to
writers such as Caecilius, Dionysius, Rutilius, Corni-
ficius, Visellius and not a few others, although there
are living authors who will be no less famous than
they. Now though I am ready to admit that more 90
figures of speech may perhaps be discovered by certain
writers, I cannot agree that such figures are better
than those which have been laid down by high
authorities. Above all I would point out that
Cicero has included a number of figures in the third
book of the *de Oratore*,[3] which in his later work, the
Orator,[4] he has omitted, thereby seeming to indicate
that he condemned them. Some of these are *figures
of thought* rather than *of speech*, such as meiosis, the
introduction of the unexpected, imagery, answering
our own questions, digression, permission,[5] argu-
ments drawn from opposites (for I suppose that by

91 sumpta ex adverso probatio. Quaedam omnino non sunt figurae, sicut ordo, dinumeratio, circumscriptio, sive hoc nomine significatur comprehensa breviter sententia sive finitio; nam et hoc Cornificius atque Rutilius schema λέξεως putant. Verborum autem concinna transgressio, id est hyperbaton, quod Caecilius quoque putat schema, a nobis est inter
92 tropos[1] posita. Et mutatio, si[2] ea est, quam Rutilius ἀλλοίωσιν vocat, dissimilitudinem ostendit hominum, rerum, factorum; quae si latius fiat, figura non est, si angustius, in ἀντίθετον cadet; si vero haec appellatio significat ὑπαλλαγήν, satis de ea
93 dictum est. Quod vero schema est ad propositum subiecta ratio, quod Rutilius αἰτιολογίαν vocat? nam de illo dubitari possit, an schema sit distributis subiecta ratio, quod apud eundem primo loco positum
94 est. Προσαπόδοσιν dicit, quae, ut maxime, servetur sane in pluribus propositis, quia aut singulis statim ratio subiiciatur, ut est apud C. Antonium, *Sed neque accusatorem eum metuo, quod sum innocens; neque competitorem vereor, quod sum Antonius; neque consulem*
95 *spero, quod est Cicero;* aut positis duobus vel tribus eodem ordine singulis continua reddatur, quale apud

[1] tropos, *added by Burmann.* [2] si, *Halm*: etsi, *MSS.*

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[1] See IX. i. 33. *sqq.* If *contrarium* is what Quintilian supposes, its sense must be approximate to that given above. Cp. *Auct. ad Herenn.* iv. 25. *contrarium est quod ex diversis rebus duabus alteram altera breviter et facile confirmat.* But it is possible that Cicero meant *antithesis.*

[2] *Immutatio* in Cicero (IX. i. 35) seems to mean *metonymy* or *hypallage* (see *Orator*, xxvii. 92): The ἀλλοίωσις of Rutilius (ii. 2) is however "*differentiation.*"

[3] VIII. 6. 23.

[4] ii. 19.

[5] Opening of Book I.

contrarium[1] he means what is elsewhere styled ἐναντιότης), and proof borrowed from an opponent. There are some again which are not figures at all, 91
such as arrangement, distinction by headings, and circumscription, whether this latter term be intended to signify the concise expression of thought or definition, which is actually regarded by Cornificius and Rutilius as a *figure of speech.* With regard to the elegant transposition of words, that is, *hyperbaton,* which Caecilius also thinks is a *figure,* I have included it among *tropes.* As for *mutation*[2] of the 92
kind which Rutilius calls ἀλλοίωσις, its function is to point out the differences between men, things and deeds: if it is used on an extended scale, it is not a *figure,* if on a narrower scale, it is mere *antithesis,* while if it is intended to mean *hypallage,* enough has already been said on the subject.[3] Again what sort of a 93
figure is this *addition of a reason for what is advanced,* which Rutilius calls αἰτιολογία?[4] It may also be doubted whether the *assignment of a reason for each distinct statement,* with which Rutilius[5] opens his discussion of figures, is really a figure. He calls it 94
προσαπόδοσις and states[6] that strictly it applies to a number of propositions, since the reason is either attached to each proposition separately, as in the following passage from Gaius Antonius:[7] "But I do not fear him as an accuser, for I am innocent; I do not dread him as a rival candidate, for I am Antonius; I do not expect to see him consul, for he is Cicero"; or, after two or three propositions have 95
been stated, the reasons for them may be given continuously in the same order, as for example in the

[6] The subj. *servetur* seems to indicate indirect speech.
[7] Elected consul with Cicero for 63 B.C.

Brutum de dictatura Cn. Pompeii, *Praestat enim nemini imperare quam alicui servire; sine illo enim vivere*
96 *honeste licet, cum hoc vivendi nulla condicio est.* Sed et uni rei multiplex ratio subiungitur, ut apud Vergilium,

> *Sive inde occultas vires et pabula terrae*
> *Pinguia concipiunt, sive illis omne per ignem*
> *Excoquitur vitium*—et totus locus;
> *Seu plures calor ille vias,—Seu durat magis.*

97 Relationem quid accipi velit, non liquet mihi. Nam si *ἀνάκλασιν* aut *ἐπάνοδον* aut *ἀντιμεταβολὴν* dicit, de omnibus locuti sumus. Sed quidquid id est, neque hoc neque superiora in Oratore repetit. Sola est in eo libro posita pariter inter figuras verborum exclamatio, quam sententiae potius puto (adfectus
98 enim est), de[1] ceteris omnibus consentio. Adiicit his Caecilius *περίφρασιν*, de qua dixi; Cornificius interrogationem, ratiocinationem, subiectionem, transitionem, occultationem, praeterea sententiam, membrum, articulos, interpretationem, conclusionem. Quorum priora alterius generis sunt sche-
99 mata, sequentia schemata omnino non sunt. Item Rutilius praeter ea, quae apud alios quoque sunt, *παρομολογίαν*, *ἀναγκαῖον*, *ἠθοποιΐαν*, *δικαιολογίαν*, *πρό-*

[1] de, *Halm*: et, *MSS.*

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[1] *Georg.* i. 86. Rhoades' translation.
[2] VIII. vi 23.
[3] IX. iii. 35.
[4] IX. iii. 85.
[5] VIII. vi. 59.
[6] For interpretations of all these terms except *occultatio*, see *Auct. ad Herenn.* iv. 15, 16, 17, 19, 23, 26, 28, 30, *subjectio* is the suggesting of an argument that might be used by an opponent; *articulus* a clause consisting of one word. *interpretatio* the explanation of one word by subsequent use of a synonym.

words that Brutus uses of Gnaeus Pompeius: "For it is better to rule no man than to be the slave to any man: since one may live with honour without ruling, whereas life is no life for the slave." But a 96
number of reasons may also be assigned for one statement, as in the lines of Virgil:[1]

"Whether that earth therefrom some hidden strength
And fattening food derives, or that the fire
Bakes every blemish out, etc.
Or that the heat unlocks new passages. . . .
Or that it hardens more, etc."

As to what Cicero means by *reference*, I am in the 97
dark: if he means ἀνάκλασις[2] or ἐπάνοδος[3] or ἀντιμεταβολή,[4] I have already discussed them. But whatever its meaning may be, he does not mention it in the Orator any more than the other terms I have just mentioned. The only figure of speech mentioned in that work, which I should prefer to regard as a figure of thought owing to its emotional character, is *exclamation*. I agree with him about all the rest. To these Caecilius adds *periphrasis*, of which I have 98
already spoken,[5] while Cornificius[6] adds interrogation, reasoning, suggestion, transition, concealment, and further, sentence, clause, isolated words, interpretation and conclusion. Of these the first (down to and including concealment) are *figures of thought*, while the remainder are not *figures* at all. Rutilius 99
also in addition to the figures found in other authors adds, παρομολογία,[7] ἀναγκαῖον,[8] ἠθοποιία,[9]

[7] The advancement of some stronger argument after the concession of some other point to our adversary.

[8] See IX. ii. 106.

[9] See IX. ii. 58.

λῆψιν, χαρακτηρισμόν, βραχυλογίαν, παρασιώπησιν, παῤῥησίαν, de quibus idem dico. Nam eos quidem auctores, qui nullum prope finem fecerunt exquirendis nominibus, praeteribo, qui etiam, quae sunt argumentorum, figuris ascripserunt.

100 Ego illud de iis etiam, quae vere sunt, adiiciam breviter, sicut ornent orationem opportune positae, ita ineptissisimas esse, cum immodice petantur. Sunt qui neglecto rerum pondere et viribus sententiarum, si vel inania verba in hos modos depravarunt, summos se iudicent artifices ideoque non desinant eas nectere, quas sine substantia sectari tam est ridiculum quam quaerere habitum ge-

101 stumque sine corpore. Sed ne eae quidem, quae recte fiunt, densandae sunt nimis; nam et vultus mutatio oculorumque coniectus multum in actu valet; sed si quis ducere os exquisitis modis et frontis ac luminum inconstantia trepidare non desinat, rideatur. Et oratio[1] habet rectam quandam velut faciem, quae ut stupere immobili rigore non debebit, ita saepius in ea, quam natura dedit,

102 specie continenda est. Sciendum vero in primis, quid quisque in orando postulet locus, quid persona, quid tempus; maior enim pars harum figurarum posita est in delectatione. Ubi vero atrocitate,

[1] oratio, *Regius*: orator, *MSS.*

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[1] The statement of the justice of our cause in the briefest possible form.

[2] See IX. ii. 16.

[3] Description of character or manners.

[4] See IX. iii. 50.

[5] The statement that we refrain from saying something, though making it perfectly clear what it is.

δικαιολογία,[1] πρόληψις,[2] χαρακτηρισμός,[3] βραχυλογία,[4] παρασιώπησις,[5] παῤῥησία,[6] of which I say the same. I will pass by those authors who set no limit to their craze for inventing technical terms and even include among *figures* what really comes under the head of arguments.

With regard to genuine *figures*, I would briefly 100
add that, while, suitably placed, they are a real ornament to style they become perfectly fatuous when sought after overmuch. There are some who pay no consideration to the weight of their matter or the force of their thoughts and think themselves supreme artists, if only they succeed in forcing even the emptiest of words into *figurative* form, with the result that they are never tired of stringing *figures* together, despite the fact that it is as ridiculous to hunt for *figures* without reference to the matter as it is to discuss dress and gesture without reference to the body. But even perfectly 101
correct *figures* must not be packed too closely together. Changes of facial expression and glances of the eyes are most effective in pleading, but if the orator never ceases to distort his face with affected grimaces or to wag his head and roll his eyes, he becomes a laughing-stock. So too oratory possesses a natural mien, which while it is far from demanding a stolid and immovable rigidity should as far as possible restrict itself to the expression with which it is endowed by nature. But it is of the first importance that we 102
should know what are the requirements of time, place and character on each occasion of speaking. For the majority of these figures aim at delighting the hearer. But when terror, hatred and pity are the

[6] Freedom of speech.

invidia, miseratione pugnandum est, quis ferat contrapositis et pariter cadentibus et consimilibus irascentem, flentem, rogantem? cum in his rebus cura verborum deroget adfectibus fidem, et ubicunque ars ostentatur, veritas abesse videatur.

IV. De compositione non equidem post M. Tullium scribere auderem (cui nescio an ulla pars operis huius sit magis elaborata), nisi et eiusdem aetatis homines scriptis ad ipsum etiam litteris reprehendere id collocandi genus ausi fuissent, et post eum plures multa ad eandem rem
2 pertinentia memoriae tradidissent. Itaque accedam in plerisque Ciceroni atque in iis ero, quae indubitata sunt, brevior, in quibusdam paulum fortasse dissentiam. Nam etiam cum iudicium meum ostendero, suum tamen legentibus relinquam.
3 Neque ignoro quosdam esse, qui curam omnem compositionis excludant, atque illum horridum sermonem, ut forte fluxerit, modo magis naturalem, modo etiam magis virilem esse contendant. Qui si id demum naturale esse dicunt, quod natura primum ortum est et quale ante cultum fuit, tota
4 haec ars orandi subvertitur. Neque enim locuti sunt ad hanc regulam et diligentiam primi homines,

[1] *Compositio* in its widest sense means "artistic structure." But in much of what follows it virtually = "rhythm."

weapons called for in the fray, who will endure the orator who expresses his anger, his sorrow or his entreaties in neat antitheses, balanced cadences and exact correspondences? Too much care for our words under such circumstances weakens the impression of emotional sincerity, and wherever the orator displays his art unveiled, the hearer says, "The truth is not in him."

IV. I should not venture to speak of artistic structure [1] after what Cicero has said upon the subject (for there is I think no topic to which he has devoted such elaborate discussion) but for the fact that his own contemporaries ventured to traverse his theories on this subject even in letters which they addressed to him, while a number of later writers have left on record numerous observations on the same topic. Accordingly on a large number of 2
questions I shall be found in agreement with Cicero and shall deal more briefly with those points which admit of no dispute, while there will be certain subjects on which I shall express a certain amount of disagreement. For, though I intend to make my own views clear, I shall leave my readers free to hold their own opinion.

I am well aware that there are certain writers 3
who would absolutely bar all study of artistic structure and contend that language as it chances to present itself in the rough is more natural and even more manly. If by this they mean that only that is natural which originated with nature and has never received any subsequent cultivation, there is an end to the whole art of oratory. For the first 4
men did not speak with the care demanded by that art nor in accordance with the rules that it lays

nec prooemiis praeparare, docere expositione, argumentis probare, adfectibus commovere scierunt. Ergo his omnibus, non sola compositione caruerunt; quorum si fieri nihil melius licebat, ne domibus quidem casas aut vestibus pellium tegmina aut
5 urbibus montes ac silvas mutari oportuit. Quae porro ars statim fuit? quid non cultu mitescit? cur vites coercemus manu? cur eas fodimus? rubos arvis excidimus, terra et hos generat; mansuefacimus animalia, indomita nascuntur. Verum id est maxime naturale, quod fieri natura optime pa-
6 titur. Fortius vero qui incompositum potest esse quam vinctum et bene collocatum? Neque, si parvi pedes vim detrahunt rebus, ut Sotadeorum et Galliamborum et quorundam in oratione simili paene licentia lascivientium, compositionis est
7 iudicandum. Ceterum quanto vehementior fluminum cursus est prono alveo ac nullas moras obiiciente quam inter obstantia saxa fractis aquis ac reluctantibus, tanto, quae connexa est et totis viribus fluit, fragosa atque interrupta melior oratio. Cur ergo vires ipsa specie solvi putent, quando

down. They knew nothing of introducing their case by means of an exordium, of instructing the jury by a statement of facts, of proving by argument or of arousing the emotions. They lacked all these qualifications as completely as they lacked all knowledge of the theory of artistic structure. But if they were to be forbidden all progress in this respect, they ought equally to have been forbidden to exchange their huts for houses, their cloaks of skin for civilised raiment and their mountains and forests for cities. What art was ever born full- 5
grown? What does not ripen with cultivation? Why do we train the vine? Why dig it? We clear the fields of brambles, and they too are natural products of the soil. We tame animals, and yet they are born wild. No, that which is most natural is that which nature permits to be done to the greatest perfection. How can a style which lacks orderly 6
structure be stronger than one that is welded together and artistically arranged? It must not be regarded as the fault of the study of structure that the employment of feet consisting of short syllables such as characterise the Sotadean and Galliambic metres and certain prose rhythms closely resembling them in wildness, weakens the force of our matter. Just as 7
river-currents are more violent when they run along a sloping bed, that presents no obstacles to check their course, than when their waters are broken and baffled by rocks that obstruct the channel, so a style which flows in a continuous stream with all the full development of its force is better than one which is rough and broken. Why then should it be thought that polish is inevitably prejudicial to vigour, when the truth is that nothing can attain its full strength

res nec ulla sine arte satis valeat et comitetur
8 semper artem decor? An non eam, quae missa optime est, hastam speciosissime contortam ferri videmus, et arcu dirigentium tela quo certior manus, hoc est habitus ipse formosior? Iam in certamine armorum atque in omni palaestra quid satis recte cavetur ac petitur, cui non artifex motus
9 et certi quidam pedes adsint? Quare mihi compositione velut amentis quibusdam nervisve intendi et concitari sententiae videntur. Ideoque eruditissimo cuique persuasum est, valere eam plurimum non ad delectationem modo sed ad motum quoque
10 animorum, primum quia nihil intrare potest in adfectus, quod in aure velut quodam vestibulo statim offendit; deinde quod natura ducimur ad modos. Neque enim aliter eveniret, ut illi quoque organorum soni, quanquam verba non exprimunt, in alios tamen atque alios motus ducerent auditorem.
11 In certaminibus sacris non eadem ratione concitant animos ac remittunt, non eosdem modos adhibent, cum bellicum est canendum et cum posito genu supplicandum est; nec idem signorum concentus est procedente ad proelium exercitu, idem receptui
12 carmen. Pythagoreis certe moris fuit, et cum evigilassent, animos ad lyram excitare, quo essent ad agendum erectiores, et cum somnum peterent,

without the assistance of art, and that art is always productive of beauty? Is it not the fact that grace 8
always goes with the highest skill in throwing the spear, and that the truer the archer's aim, the more comely is his attitude? Again in fencing and all the contests of the wrestling school, what one of all the tricks of attack and defence is there, that does not require movements and firmness of foot such as can only be acquired by art? Consequently in my 9
opinion artistic structure gives force and direction to our thoughts just as the throwing-thong and the bowstring do to the spear and the arrow. And for this reason all the best scholars are convinced that the study of structure is of the utmost value, not merely for charming the ear, but for stirring the soul. For in the first place nothing can pene- 10
trate to the emotions that stumbles at the portals of the ear, and secondly man is naturally attracted by harmonious sounds. Otherwise it would not be the case that musical instruments, in spite of the fact that their sounds are inarticulate, still succeed in exciting a variety of different emotions in the hearer. In the sacred games different methods are employed 11
to excite and calm the soul, different melodies are required for the war-song and the entreaty sung by the suppliant on bended knee, while the war-note of the trumpet that leads the army forth to battle has no resemblance to the call that sounds the retreat. It was the undoubted custom of the Pytha- 12
goreans, when they woke from slumber, to rouse their souls with the music of the lyre, that they might be more alert for action, and before they retired to rest, to soothe their minds by melodies from the same instrument, in order that all restless-

ad eandem prius lenire mentes, ut, si quid fuisset
13 turbidiorum cogitationum, componerent. Quodsi numeris ac modis inest quaedam tacita vis, in oratione ea vehementissima, quantumque interest, sensus idem quibus verbis efferatur, tantum, verba eadem qua compositione vel in textu iungantur vel in fine claudantur; nam quaedam et sententiis parva et elocutione modica virtus haec sola com-
14 mendat. Denique quod cuique visum erit vehementer, dulciter, speciose dictum, solvat et turbet: abierit omnis vis, iucunditas, decor. Solvit quaedam sua in Oratore Cicero: *Neque me divitiae movent, quibus omnes Africanos et Laelios multi venalicii mercatoresque superarunt. Immuta paululum ut sit 'multi superarunt mercatores venaliciique,'* et insequentes deinceps periodos; quas si ad illum modum turbes,
15 velut fracta aut transversa tela proieceris. Idem corrigit quae a Graccho composita durius putat. Illum decet; nos hac sumus probatione contenti, quod in scribendo, quae se nobis solutiora obtulerunt, componimus. Quid enim attinet eorum exempla quaerere, quae sibi quisque experiri potest? Illud notasse satis habeo, quo pulchriora et sensu et elocutione dissolveris, hoc orationem magis

[1] *Or.* 70, 232. "Nor do riches move me, in which many a merchant and slave-dealer has surpassed all such great men as Africanus and Laelius."

ness of thought might be lulled to orderly repose. But if there is such secret power in rhythm and 13
melody alone, this power is found at its strongest in eloquence, and, however important the selection of words for the expression of our thoughts, the structural art which welds them together in the body of a period or rounds them off at the close, has at least an equal claim to importance. For there are some things which, despite triviality of thought and mediocrity of language, may achieve distinction in virtue of this excellence alone. In 14
fact, if we break up and disarrange any sentence that may have struck us as vigorous, charming or elegant, we shall find that all its force, attraction and grace have disappeared. Cicero in his *Orator* breaks up some of his own utterances in this way: "*Neque me divitiae movent, quibus omnes Africanos et Laelios multi venalicii mercatoresque superarunt.* Change the order but a little so that it will run *multi superarunt mercatores venaliciique*," [1] and so on. Disarrange these periods in such a manner, and you will find that the shafts you have hurled are broken or wide of the mark. Cicero also corrects passages in the 15
speeches of Gracchus where the structure appears to him to be harsh. For Cicero this is becoming enough, but we may content ourselves with testing our own power of welding together in artistic form the disconnected words and phrases which present themselves to us. For why should we seek elsewhere for examples of faults which we may all of us find in our own work? One point, however, it is enough simply to notice—that the more beautiful in thought and language the sentence which you deprive of such structural cohesion, the more hideous will

deformem fore, quia negligentia collocationis ipsa
16 verborum luce deprehenditur. Itaque ut confiteor, paene ultimam oratoribus artem compositionis, quae quidem[1] perfecta sit, contigisse, ita illis quoque priscis habitam inter curas, in quantum adhuc profecerant, puto. Neque enim mihi quamlibet magnus auctor Cicero persuaserit, Lysian, Herodotum, Thucydiden parum studiosos eius fuisse.
17 Genus fortasse sint secuti non idem, quod Demosthenes aut Plato, quanquam et ii ipsi inter se dissimiles fuerunt. Nam neque illud in Lysia dicendi textum tenue atque rasum laetioribus numeris corrumpendum erat; perdidisset enim gratiam, quae in eo maxima est, simplicis atque inadfectati coloris, perdidisset fidem quoque. Nam scribebat aliis, non ipse dicebat, ut oportuerit esse illa rudibus et incompositis similia; quod ipsum
18 compositio est. Et historiae, quae currere debet ac ferri, minus convenissent insistentes clausulae et debita actionibus respiratio et cludendi inchoandique sententias ratio. In contionibus quidem etiam similiter cadentia quaedam et contraposita deprehendas. In Herodoto vero cum omnia (ut ego quidem sentio) leniter fluunt, tum ipsa διάλεκτος

[1] quae quidem, *Spalding*: qua de, *AG*.

be the effect upon the style, for the very brilliance of the words at once exposes the carelessness of their arrangement. Accordingly, although I admit 16
that artistic structure, at any rate in perfection, was the last accomplishment to be attained by oratory, I still hold that even primitive orators regarded it as one of the objects of their study, as far at least as the rudeness of their attainments permitted. For even Cicero for all his greatness will never persuade me that Lysias, Herodotus and Thucydides were careless in this respect. They 17
may not perhaps have pursued the same ideals as Demosthenes and Plato, and even these latter differed in their methods. For it would never have done to spoil the fine and delicate texture of Lysias by the introduction of richer rhythms, since he would thus have lost all that surpassing grace which he derives from his simple and unaffected tone, while he would also have sacrificed the impression of sincerity which he now creates. For it must be remembered that he wrote his speeches for others to deliver, so that it was right that they should suggest a lack of form and artistic structure: indeed his success in producing this effect actually shows his mastery of structure. Again history, which should 18
move with speed and impetuosity, would have been ill-suited by the halts imposed by the rounding off of the period, by the pauses for breath inevitable in oratory, and the elaborate methods of opening sentences and bringing them to a close. It is however true that in the speeches inserted by historians we may note something in the way of balanced cadences and antitheses. As regards Herodotus, while his flow, in my opinion, is always gentle, his

habet eam iucunditatem, ut latentes etiam in se[1]
19 numeros complexa videatur. Sed de propositorum diversitate post paulum. Nunc, quae prius iis, qui recte componere volent, discenda sint.

Est igitur ante omnia oratio alia vincta atque contexta, soluta alia, qualis in sermone et epistolis, nisi cum aliquid supra naturam suam tractant, ut de
20 philosophia, de re publica, similibus. Quod non eo dico, quia non illud quoque solutum habeat suos quosdam et forsitan difficiliores etiam pedes; neque enim aut hiare semper vocalibus aut destitui temporibus volunt sermo atque epistola; sed non fluunt nec cohaerent nec verba verbis trahunt, ut potius laxiora
21 in his vincula quam nulla sint. Nonnunquam in causis quoque minoribus decet eadem simplicitas quae non nullis, sed aliis utitur numeris, dissimulatque eos et tantum communit occultius.

22 At illa connexa series tres habet formas: incisa quae *κόμματα* dicuntur, membra quae *κῶλα*, *περίοδον*, quae est vel ambitus vel circumductum vel continuatio vel conclusio. In omni porro compositione tria sunt genera necessaria: ordo, iunctura, numerus.

[1] in se numeros, *Obrecht*: innumeros, *AG*.

[1] See § 122; *comma*, *colon*, *period*, now applied to stops, originally referred to varying lengths of clauses or sentences.

dialect has such a sweetness of its own that it even seems to contain a certain rhythmical power hidden within itself. However I shall speak of the different 19
ideals a little later: my immediate task is to teach the student elementary rules which are essential if correctness of structure is to be attained.

There are then in the first place two kinds of style: the one is closely welded and woven together, while the other is of a looser texture such as is found in dialogues and letters, except when they deal with some subject above their natural level, such as philosophy, politics or the like. In saying 20
this, I do not mean to deny that even this looser texture has its own peculiar rhythms which are perhaps the most difficult of all to analyse. For dialogues and letters do not demand continual *hiatus* between vowels or absence of rhythm, but on the other hand they have not the flow or the compactness of other styles, nor does one word lead up so inexorably to another, the structural cohesion being loose rather than non-existent. Again in 21
legal cases of minor importance a similar simplicity will be found to be most becoming, a simplicity, that is to say, that does not dispense with rhythm altogether, but uses rhythms of a different kind, conceals them and employs a certain secrecy in their construction.

But the more closely welded style is composed of 22
three elements: the *comma*, or as we call it *incisum*, the *colon*, or in Latin *membrum*, and the *period*,[1] which Roman writers call *ambitus*, *circumductum*, *continuatio* or *conclusio*. Further, in all artistic structure there are three necessary qualities, *order*, *connexion* and *rhythm*.

23 Primum igitur de ordine. Eius observatio in verbis est singulis et contextis. Singula sunt, quae ἀσύνδετα diximus. In his cavendum, ne decrescat oratio, et fortiori subiungatur aliquid infirmius, ut sacrilego fur, aut latroni petulans. Augeri enim debent sententiae et insurgere, ut optime Cicero, *Tu,* inquit, *istis faucibus, istis lateribus, ista gladiatoria totius corporis firmitate.* Aliud enim maius alii supervenit. At si coepisset a toto corpore, non bene ad latera faucesque descenderet. Est et alius naturalis ordo, ut *viros ac feminas, diem ac noctem, ortum et*
24 *occasum* dicas potius quam retrorsum. Quaedam ordine permutato fiunt supervacua, ut *fratres gemini;* nam si *gemini* praecesserint, *fratres* addere non est necesse. Illa nimia quorundam fuit observatio, ut vocabula verbis, verba rursus adverbiis, nomina appositis et pronominibus essent priora; nam fit
25 contra quoque frequenter non indecore. Nec non et illud nimiae superstitionis, uti quaeque sint

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[1] *Phil.* II. XXV. 63.

Of these we will first discuss *order*, which must be considered in connexion with words taken both singly and in conjunction. Words taken singly are known as *asyndeta* (unconnected). In dealing with them we must take care that our style does not diminish in force through the fact that a weaker word is made to follow a stronger: as, for example, if after calling a man a despoiler of temples we were to speak of him as a thief, or after styling him a highwayman were to dub him an insolent fellow. For sentences should rise and grow in force: of this an excellent example is provided by Cicero,[1] where he says, "You, with that throat, those lungs, that strength, that would do credit to a prizefighter, in every limb of your body"; for there each phrase is followed by one stronger than the last, whereas, if he had begun by referring to his whole body, he could scarcely have gone on to speak of his lungs and throat without an anticlimax. There is also another species of order which may be entitled natural, as for example when we speak of "men and women," "day and night," "rising and setting," in preference to the reverse order. In some cases a change in the order will make a word superfluous: for example, we write *fratres gemini* rather than *gemini fratres* (twin-brothers), since if *gemini* came first, there would be no necessity to add *fratres*. The rule which some have sought to enforce that nouns should precede verbs, and verbs adverbs, while epithets and pronouns should follow their substantives, is a mere extravagance, since the reverse order is often adopted with excellent effect. Another piece of extravagant pedantry is to insist that the first place should always be occupied by what is first

23 24 25

tempore, ea facere etiam ordine priora, non quin frequenter sit hoc melius, sed quia interim plus valent ante gesta, ideoque levioribus superponenda sunt.
26 Verbo sensum eludere multo, si compositio patiatur, optimum est; in verbis enim sermonis vis est. Si id asperum erit, cedet haec ratio numeris, ut fit apud summos Graecos Latinosque oratores frequentissime. Sine dubio erit omne, quod non eludet, hyperbaton, sed[1] ipsum hoc inter tropos vel figuras, quae sunt
27 virtutes, receptum est. Non enim ad pedes verba dimensa sunt, ideoque ex loco transferuntur in locum, ut iungantur, quo congruunt maxime, sicut in structura saxorum rudium etiam ipsa enormitas invenit, cui applicari et in quo possit insistere. Felicissimus tamen sermo est, cui et rectus ordo et apta iunctura et cum his numerus opportune cadens contigit.
28 Quaedam vero transgressiones et longae sunt nimis, ut superioribus diximus libris, et interim etiam compositione vitiosae, quae in hoc ipsum petuntur, ut exultent atque lasciviant, quales illae Maecenatis, *Sole et aurora rubent plurima. Inter se*[2] *sacra movit aqua fraxinos. Ne exequias quidem unus inter miserrimos viderem meas.* Quod inter haec pessimum est,

[1] sed, *Spalding*: et, *A*: est, *G*.
[2] se added by *Halm*.

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[1] See VIII. vi. 62 sqq.
[2] Only, apparently, in VIII. ii. 14.
[3] "They grow red in the sunlight and the fullness of dawn." The meaning is uncertain, *plurima* might be neut. nom. plural.
[4] "The sacred stream ran through the ash-grove."

in order of time: such an order is no doubt often the best, but merely because previous events are often the most important and should consequently be placed before matters of more trivial import. If the demands 26
of artistic structure permit, it is far best to end the sentence with a verb: for it is in verbs that the real strength of language resides. But if it results in harshness of sound, this principle must give way before the demands of rhythm, as is frequently the case in the best authors of Rome and Greece. Of course, in every case where a verb does not end the sentence, we shall have an *hyperbaton*,[1] but *hyperbaton* is an admitted *trope* or *figure*, and therefore is to be regarded as an adornment. For words are not cut 27
to suit metrical feet, and are therefore transferred from place to place to form the most suitable combinations, just as in the case of unhewn stones their very irregularity is the means of suggesting what other stones they will best fit and what will supply them with the surest resting-place. On the other hand, the happiest effects of language are produced when it is found possible to employ the natural order, apt connexion and appropriate rhythm. Some 28
transpositions are too long, as I have pointed out in previous books,[2] while at times they involve faulty structure, although some writers actually aim at this vicious type of transposition, in order to create an appearance of freedom and license, as in the following phrases from Maecenas, *sole et aurora rubent plurima*;[3] *inter se sacra movit aqua fraxinos*;[4] *ne exequias quidem unus inter miserrimos viderem meas*.[5] The worst feature in these examples, is that he plays pranks

[5] "May I never, alone amidst the most miserable of men, behold my own funeral rites."

29 quia in re tristi ludit compositio. Saepe tamen est vehemens aliquis sensus in verbo, quod si in media parte sententiae latet, transire intentionem et obscurari circumiacentibus solet, in clausula positum adsignatur auditori et infigitur, quale illud est Ciceronis, *Ut tibi necesse esset in conspectu populi Romani*
30 *vomere postridie.* Transfer hoc ultimum: minus valebit. Nam totius ductus hic est quasi mucro, ut per se foeda vomendi necessitas iam nihil ultra exspectantibus hanc quoque adiiceret deformitatem,
31 ut cibus teneri non posset postridie. Solebat Afer Domitius traiicere in clausulas verba tantum asperandae compositionis gratia et maxime in prooemiis, ut pro Cloatilla, *Gratias agam continuo,* et pro Laelia, *Eis utrisque apud te iudicem periclitatur Laelia.* Adeo refugit teneram delicatamque modulandi voluptatem, ut currentibus per se numeris quod eos inhiberet
32 obiiceret. Amphiboliam quoque fieri vitiosa locatione verborum, nemo est qui nesciat. Haec arbitror, ut

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[1] *Phil.* II. XXV. 63. "That you were compelled to vomit the next day in the presence of the Roman people."

[2] "I will thank you at once."

[3] "Owing to both of these circumstances Laelia runs the risk of being condemned with you for judge."

with his structure while dealing with a sad theme. It is, however, not infrequently possible to give 29
special significance to a word by placing it at the close of the sentence and thereby stamping and impressing it on the mind of the hearer, whereas if it were placed in the middle of the sentence, it would remain unnoticed, escape the attention and be obscured by its surroundings; the following passage from Cicero will illustrate what I mean: *ut tibi necesse esset in conspectu populi Romani vomere postridie.*[1] Transfer the last word to some other position 30
and the effect will be decreased. For the whole passage is made to converge to a point at the end; the disgraceful circumstance of his being forced to vomit has been mentioned and the audience expect nothing more, when the orator adds yet a further revolting feature of the case, namely that he was still unable to retain his food the day after the carouse. Domitius Afer was in the habit of trans- 31
ferring words at the cadence of the sentence solely for the purpose of harshening his rhythm, more especially in his *exordia*, as, for example, in his defence of Cloatilla, where he says *gratias agam continuo*,[2] and in his defence of Laelia, where he says, *eis utrisque apud te iudicem periclitatur Laelia.*[3] To such an extent did he avoid the voluptuous effect of soft and delicate rhythm, that he actually interposed obstacles to break the natural harmonics of his language. There is a further drawback result- 32
ing from the faulty arrangement of words, with which we are all familiar, namely, that it leads to ambiguity. The above remarks will, I think, suffice as a brief summary of the points which require notice in connexion with order. If the order is

in brevi, de ordine fuisse dicenda; qui si vitiosus est, licet et vincta[1] sit et apte cadens oratio, tamen merito incomposita dicatur.

Iunctura sequitur. Est in verbis, incisis, membris, periodis; omnia namque ista et virtutes et vitia in
33 complexu habent. Atque, ut ordinem sequar, primum sunt quae imperitis quoque ad reprehensionem notabilia videntur, id est, quae, commissis inter se verbis duobus, ex ultima prioris ac prima sequentis syllaba deforme aliquod nomen efficiunt. Tum vocalium concursus; quod cum accidit, hiat et intersistit et quasi laborat oratio. Pessime longae, quae easdem inter se litteras committunt, sonabunt. Praecipuus tamen erit hiatus earum, quae cavo aut
34 patulo maxime ore efferuntur. *E* planior littera est, *i* angustior est, ideoque obscurius in his vitium. Minus peccabit, qui longis breves subiiciet, et adhuc, qui praeponet longae brevem. Minima est in duabus brevibus offensio. Atque cum aliae subiunguntur aliis, proinde asperiores aut leniores[2] erunt prout
35 oris habitu simili aut diverso pronuntiabuntur. Non tamen id ut crimen ingens expavescendum est, ac nescio negligentia in hoc an sollicitudo sit peior.

[1] vincta sit et, *Obrecht*: vincat ac sit, *AG*.
[2] aut leniores *added by Christ*.

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[1] See § 22. [2] *cp.* VIII. iii. 45. [3] *i.e.* A, O, U.

faulty, our language will be deservedly liable to the charge of lacking artistic construction, however compact and rhythmical it may be.

The next point for consideration is connexion, that is to say connexion between words, *commata*, *cola* and periods.[1] For all these have merits and defects which turn on the way in which they are linked together. I will follow the natural order 33
and will begin by pointing out that there are some blemishes so obvious that even the uneducated regard them as worthy of censure; I refer to occasions when two consecutive words form some unseemly expression by the coalescence of the last syllable of the first word and the first of the second.[2] Again, there are occasions when vowels clash. When this happens, the language is broken by gaps and interstices and seems to labour. The most unpleasing effects of sound will be produced by the juxtaposition of the same long vowels, while the worst *hiatus* occurs between vowels which are pronounced hollow- or open-mouthed.[3] *E* has a 34
flatter, *i* a narrower sound, and consequently such blemishes are less noticeable where they are concerned. It is a less serious fault to place short vowels after long, a statement which applies even more strongly to placing short vowels before long. But the least unsatisfactory combination is that of two short vowels. And in all conjunctions of vowels, the resulting sound will be proportionately soft or harsh according as they resemble or differ from each other in the method of utterance. On the other 35
hand, *hiatus* is not to be regarded as so very terrible a crime: in fact I do not know which is the worse fault in this connexion, carelessness or a pedantic

Inhibeat enim necesse est hic metus impetum dicendi et a potioribus avertat. Quare ut negligentiae passim [1] hoc pati, ita humilitatis ubique perhorrescere, nimiosque non immerito in hac cura putant omnes Isocraten secutos praecipueque Theopompum.
36 At Demosthenes et Cicero modice respexerunt ad hanc partem. Nam et coeuntes litterae, quae συναλοιφαὶ dicuntur, etiam leviorem faciunt orationem, quam si omnia verba suo fine cludantur, et nonnunquam hiulca etiam decent faciuntque ampliora quaedam: ut *Pulchra oratione ista iacta te* [2] cum longae per se et velut opimae syllabae aliquid etiam medii temporis inter vocales, quasi intersistatur,
37 adsumunt. Qua de re utar Ciceronis potissimum verbis. *Habet,* inquit, *ille tanquam hiatus et concursus vocalium molle quiddam, et quod indicet non ingratam negligentiam de re hominis magis quam de verbis laborantis.*

Ceterum consonantes quoque, earumque praecipue quae sunt asperiores, in commissura verborum rixantur, ut si *s* ultima cum *x* proxima confligat, quarum tristior etiam, si binae collidantur, stridor
38 est, ut *Ars studiorum.* Quae fuit causa et Servio, ut

[1] passim, *Christ*: pars, *MSS.*
[2] oratione ista iacta te, *Halm*: oratione acta oratio iactate, *G*: oratione acta oratio actate, *A*.

[1] "Boast yourself of that fine speech of yours."
[2] *Or.* xxiii. 77.

solicitude for correctness. For anxiety on this score is bound to check the flow of our language and to divert us from more important considerations. Therefore while it is a sign of carelessness to admit *hiatus* here, there and everywhere, it is a symptom of grovelling timidity to be continually in terror of it, and there is good reason for the view that all the followers of Isocrates and more especially Theopompus pay accessive attention to the avoidance of this defect. On the other hand Demosthenes and Cicero 36
show a sense of proportion in the way in which they face the problem. For the coalescence of two letters, known as *συναλοιφή*, may make our language run more smoothly than if every word closed with its own vowel, while sometimes *hiatus* may even prove becoming and create an impression of grandeur, as in the following case, *pulchra oratione ista iacta te.*[1] For syllables which are naturally long and rich in sound gain something from the time which intervenes between two vowels, as though there were a perceptible pause. I cannot do better than quote 37
the words of Cicero[2] on this subject. *Hiatus,* he says, *and the meeting of vowels produce a certain softness of effect, such as to suggest a not unpleasing carelessness on the part of the orator, as though he were more anxious about his matter than his words.*

But consonants also are liable to conflict at the juncture of words, more especially those letters which are comparatively harsh in sound; as for instance when the final *s* of one word clashes with *x* at the opening of the next. Still more unpleasing is the hissing sound produced by the collision between a pair of these consonants, as in the phrase *ars studiorum.* This was the reason why Servius, as he 38

dixit,[1] subtrahendae *s* litterae, quotiens ultima esset aliaque consonante susciperetur; quod reprehendit Luranius, Messala defendit. Nam neque Lucilium putat uti eadem ultima, cum dicit *Aeserninus fuit* et *dignus locoque*, et Cicero in Oratore plures antiquorum
39 tradit sic locutos. Inde *belligerare, pomeridiem*, et illa Censorii Catonis *Diee hanc*, aeque *m* littera in *e* mollita. Quae in veteribus libris reperta mutare imperiti solent, et dum librariorum insectari volunt
40 inscientiam, suam confitentur. Atqui eadem illa littera, quotiens ultima est et vocalem verbi sequentis ita contingit, ut in eam transire possit, etiamsi scribitur, tamen parum exprimitur, ut *Multum ille* et *Quantum erat*, adeo ut paene cuiusdam novae litterae sonum reddat. Neque enim eximitur, sed obscuratur et tantum in hoc aliqua inter duas vocales velut nota
41 est, ne ipsae coeant. Videndum etiam, ne syllabae verbi prioris ultimae et primae sequentis sint eaedem; quod[2] ne quis praecipi miretur, Ciceroni in epistolis

[1] dixit, *Lachmann*: dixi, *MSS.*

[2] syllabae . . . quod, *Halm*: syllaba verba prioris ultima et prima sequentes idē (id ÷, *G*), nec quod, *AG*.

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[1] From the Fourth Book of the Satires. Servius and Luranius cannot be identified.

[2] *Or.* xlviii. 161.

[3] *i.e.* for *belligerares*, *postmeridiem* and *diem hanc*.

[4] "A very probable account is that *-m* was reduced through the lips not being closed to pronounce it. If, instead of closing the lips all that were done were to drop the uvula,

himself has observed, dropped the final *s*, whenever the next word began with a consonant, a practice for which Luranius takes him to task, while Messala defends him. For he thinks that Lucilius[1] did not pronounce the final *s* in phrases such as, *Aeserninus fuit* and *dignus locoque*, while Cicero in his *Orator*[2] records that this was the practice with many of the ancients. Hence we get forms such as *belligerare* and 39
pomeridiem, to which the *diee hanc*[3] of Cato the Censor, where the final *m* is softened into an *e*, presents an analogy. Unlearned readers are apt to alter such forms when they come across them in old books, and in their desire to decry the ignorance of the scribes convict themselves of the same fault. On the other 40
hand, whenever this same letter *m* comes at the end of a word and is brought into contact with the opening vowel of the next word in such a manner as to render coalescence possible, it is, although written, so faintly pronounced (*e.g.* in phrases such as *multum ille* and *quantum erat*) that it may almost be regarded as producing the sound of a new letter.[4] For it is not elided, but merely obscured, and may be considered as a symbol occurring between two vowels simply to prevent their coalescence. Care must also be 41
taken that the last syllables of one word are not identical with the opening syllables of the next. In case any of my readers should wonder that I think it worth while to lay down such a rule, I may point out that Cicero makes such a slip in his Letters, in

a nasal sound would be given to the following initial vowel, so that *finem onerat* would be pronounced *fineweonerat* with a nasalized *o*." Lindsay, *Lat. Langu.* p. 62. It is this sound which Quintilian describes as almost the sound of a new letter.

excidit, *Res mihi invisae*[1] *visae sunt, Brute,* et in carmine,

O fortunatam natam me Consule Romam.

42 Etiam monosyllaba, si plura sunt, male continuabuntur, quia necesse est compositio multis clausulis concisa subsultet. Ideoque etiam brevium verborum ac nominum vitanda continuatio et ex diverso quoque longorum; adfert enim quandam dicendi tarditatem. Illa quoque vitia sunt eiusdem loci, si cadentia similiter et similiter desinentia et eodem modo decli-
43 nata multa iunguntur. Ne verba quidem verbis aut nomina nominibus similiaque his continuari decet, cum virtutes etiam ipsae taedium pariant nisi gratia varietatis adiutae.

44 Membrorum incisorumque iunctura non ea modo est observanda quae verborum, quanquam et in his extrema ac prima coeunt, sed plurimum refert compositionis, quae quibus anteponas. Nam et *vomens frustis esculentis gremium suum et totum tribunal implevit* * * *[2] et contra (nam frequentius utar iisdem diversarum quoque rerum exemplis, quo sint magis familiaria) *Saxa atque solitudines voci respondent,*

[1] invisae *added by Regius.*

[2] *Something has obviously been lost. Halm suggests* "recte se habet, eum maius sit quod tribunal implevit," see transl.

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[1] The letter is lost. "The situation seemed hateful to me, Brutus."

[2] See XI. i. 24. "O happy Rome, born in my consulship."

[3] *Phil.* II. xxv. 63. "By his vomiting he filled his lap and the whole judgement seat with fragments of undigested food."

the sentence *res mihi invisae visae sunt, Brute,*[1] and in the following line of verse,

O fortunatam natam me consule Romam.[2]

Again it is a blemish to have too many mono- 42
syllables in succession, since the inevitable result is that, owing to the frequency of the pauses, the rhythm degenerates into a series of jerks. For the same reason we must avoid placing a number of short verbs and nouns in succession; the converse also is true as regards long syllables, since their accumulation makes our rhythm drag. It is a fault of the same class to end a number of successive sentences with similar cadences, terminations and inflexions. It is likewise inartistic to accumulate 43
long series of verbs, nouns or other parts of speech, since even merits produce tedium unless they have the saving grace of variety.

The principles by which the connexion of words 44
is guided are not sufficient in the case of *commata* and *cola,* though even here beginnings and ends should harmonise; but our structural effect will very largely depend on the relative order of these two types of clause. For in the following instance[3] *vomens frustis esculentis gremium suum et totum tribunal implevit* [the order is satisfactory, since the fact of his having filled the whole judgement seat with his vomiting is the more important of the two]. On the other hand (for I shall repeat the same illustrations for different purposes to make them more familiar) in the following passage,[4] *saxa atque solitudines voci respondent, bestiae*

[4] *pro Arch.* viii. 19. "Rocks and solitude answer to the human voice and wild beasts are often pacified and brought to a halt by the influence of music."

bestiae saepe immanes cantu flectuntur atque consistunt magis insurgebat, si verteretur; nam plus est saxa quam bestias commoveri, vicit tamen compositionis decor. Sed transeamus ad numeros.

45 Omnis structura ac dimensio et copulatio vocum constat aut numeris (numeros ῥυθμοὺς accipi volo) aut μέτροις id est dimensione quadam. Quod, etiamsi constat utrumque pedibus, habet tamen non simpli-
46 cem differentiam. Nam primum[1] numeri spatio temporum constant, metra etiam ordine, ideoque alterum esse quantitatis videtur, alterum qualitatis.
47 Ῥυθμὸς est aut par ut dactylicus, una enim syllaba longa par est duabus[2] brevibus (est quidem vis eadem et aliis pedibus, sed nomen illud tenet; longam esse duorum temporum, brevem unius, etiam pueri sciunt) aut sescuplex ut paeonicus: is est ex longa et tribus brevibus, aut ex tribus brevibus[3] et longa, vel alio quoquo modo ut tempora tria ad duo relata sescuplum faciant; aut duplex, ut iambus (nam est ex brevi et
48 longa) quique est ei contrarius. Sunt hi et metrici pedes, sed hoc interest, quod rhythmo indifferens, dactylicusne ille priores habeat breves an sequentes;

[1] primum, *Christ*: plurimum, *AG.*
[2] longa *and* duabus, added by *Halm following Rollin.*
[3] aut ex tribus brevibus, *added by Halm.*

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[1] For purely rhythmical purposes the term dactyl is arbitrarily used by the rhetoricians to include anapaests as well. See below.

saepe immanes cantu flectuntur atque consistunt, the gradation would be improved, if it were reversed: for it is a greater miracle to move rocks than wild beasts: but the claims of structural grace have carried the day. However, let us pass to the consideration of *rhythm.*

All combination, arrangement and connexion of 45
words involves either rhythms (which we call *numeri*), or metres, that is, a certain measure. Now though both rhythm and metre consist of feet, they differ in more than one respect. For in the first place rhythm 46
consists of certain lengths of time, while metre is determined by the order in which these lengths are arranged. Consequently the one seems to be concerned with quantity and the other with quality. Rhythm may depend on equal balance, as in the case 47
of *dactylic* rhythm, where one long syllable balances two short, (there are it is true other feet of which this statement is equally true, but the title of dactylic has been currently applied to all,[1] while even boys are well aware that a long syllable is equivalent to two beats and a short to one) or it may consist of feet in which one portion is half as long again as the other, as is the case with *paeanic* rhythm (a *paean* being composed of one long followed by three shorts, three shorts followed by one long or with any other arrangement preserving the proportion of three beats to two) or finally one part of the foot may be twice the length of the other, as in the case of the *iambus,* which is composed of a short followed by a long, or of the *choreus* consisting of a long followed by a short. These feet are also employed by metre, but 48
with this difference, that in rhythm it does not matter whether the two shorts of the *dactyl* precede or

tempus enim solum metitur, ut a sublatione ad positionem idem spatii sit. Proinde alia dimensio est versuum; pro dactylico poni non poterit anapaestus aut spondeus, nec paean eadem ratione
49 brevibus incipiet ac desinet. Neque solum alium pro alio pedem metrorum ratio non recipit, sed ne dactylum quidem aut forte spondeum alterum pro altero. Itaque si quinque continuos dactylos, ut sunt in illo

Panditur interea domus omnipotentis Olympi

50 confundas, solveris versum. Sunt et illa discrimina, quod rhythmis libera spatia, metris finita sunt, et his certae clausulae, illi, quomodo coeperant, currunt usque ad *μεταβολήν*, id est transitum ad aliud rhythmi genus, et quod metrum in verbis modo, rhythmus
51 etiam in corporis motu est. Inania quoque tempora rhythmi facilius accipient, quanquam haec et in metris accidunt. Maior tamen illic licentia est, ubi tempora etiam [animo][1] metiuntur et pedum et digitorum ictu, et intervalla signant quibusdam notis atque aestimant, quot breves illud spatium habeat; inde *τετράσημοι*, *πεντάσημοι* deinceps longiores fiunt percussiones; nam *σημεῖον* tempus est unum.
52 In compositione orationis certior et magis omni-

[1] *Bracketed by Christ.*

[1] *Aen.* x. 1. "Meanwhile Olympus' halls omnipotent / Are wide unbarred."
[2] *i. e.* in the musical sense.
[3] *i. e.* in music.

follow the long; for rhythm merely takes into account the measurement of the time, that is to say, it insists on the time taken from its rise to its fall being the same. The measure of verse on the other hand is quite different; the *anapaest* (∪ ∪ –) or *spondee* (– –) cannot be substituted at will for the *dactyl*, nor is it a matter of indifference whether the *paean* begins or ends with short syllables. Further, the 49
laws of metre not merely refuse the substitution of one foot for another, but will not even admit the arbitrary substitution of any *dactyl* or *spondee* for any other *dactyl* or *spondee*. For example, in the line

Panditur interea domus omnipotentis Olympi[1]

the alteration of the order of the *dactyls* would destroy the verse. There are also the following 50
differences, that rhythm has unlimited space over which it may range, whereas the spaces of metre are confined, and that, whereas metre has certain definite cadences, rhythm may run on as it commenced until it reaches the point of μεταβολή, or transition to another type of rhythm: further, metre is concerned with words alone, while rhythm extends also to the motion of the body. Again rhythm more readily 51
admits of *rests*[2] although they are found in metre as well. Greater license is, however, admitted when the time is measured by the beat of the feet or fingers,[3] and the intervals are distinguished by certain symbols indicating the number of shorts contained within a given space: hence we speak of four or five time (τετράσημοι or πεντάσημοι) and others longer still, the Greek σημεῖον indicating a single beat.

In prose the rhythm should be more definite and 52

bus aperta servari debet dimensio. Est igitur in pedibus et metricis quidem pedibus, qui[1] adeo reperiuntur in oratione, ut in ea frequenter non sentientibus nobis omnium generum excidant versus; et contra nihil non, quod est prosa scriptum, redigi possit in quaedam versiculorum genera vel in membra,
53 sicut[2] in molestos incidimus grammaticos, quorum fuerunt, qui velut[3] lyricorum quorundam carmina in varias mensuras coegerunt. At Cicero frequentissime dicit totum hoc constare numeris, ideoque reprehenditur a quibusdam, tanquam orationem ad
54 rhythmos adliget. Nam sunt numeri rhythmi, ut et ipse constituit, et secuti eum Vergilius, cum dicit

Numeros memini, si verba tenerem,

et Horatius

Numerisque fertur
Lege solutis.

55 Invadunt ergo hanc inter ceteras vocem: *Neque enim Demosthenis fulmina tantopere vibratura* dicit, *nisi numeris contorta ferrentur.* In quo si hoc sentit *rhythmis contorta,* dissentio. Nam rhythmi, ut dixi, neque finem habent certum nec ullam in contextu

[1] qui *added by Halm.*
[2] sicut, *Spalding*: sint at (ad, *G*), *AG.*
[3] quorum *an early correction of* quam, *MSS.* velut *added by Burmann.*

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[1] See *Or.* xx. 67, *sqq.*
[2] *Ecl.* ix. 45. "I have the numbers, could I but find the words." In this case the nearest translation of *numeri* would be "tune." But, strictly speaking, it refers to the rhythm of the tune.

obvious to all. Consequently, it depends on feet, by which I mean metrical feet, which occur in oratory to such an extent that we often let slip verses of every kind without being conscious of the fact, while everything written in prose can be shown by analysis to consist of short lines of verse of certain kinds or sections of the same. For example, I have 53
come across tiresome grammarians who attempted to force prose into definite metres, as though it were a species of lyric poetry. Cicero.[1] indeed, frequently asserts that the whole art of prose-structure consists in rhythm and is consequently censured by some critics on the ground that he would fetter our style by the laws of rhythm. For these *numeri*, 54
as he himself expressly asserts, are identical with rhythm, and he is followed in this by Virgil, who writes,

Numeros memini, si verba tenerem[2]

and Horace, who says,

Numerisque fertur
Lege solutis.[3]

Among others they attack Cicero's[4] statement that 55
the *thunderbolts of Demosthenes would not have such force but for the rhythm with which they are whirled and sped upon their way.* If by *rhythmis contorta* he really means what his critics assert, I do not agree with him. For rhythms have, as I have said, no fixed limit or variety of structure, but run on with the

[3] *Odes*. iv. ii. 11. "And sweeps along in numbers free from laws."

[4] *Or.* lxx. 234.

varietatem, sed qua coeperunt sublatione ac positione, ad finem usque decurrunt; oratio non descendet
56 ad crepitum digitorum et pedum. Quod[1] Cicero optime videt ac testatur frequenter se quod numerosum sit quaerere, ut magis non ἄῤῥυθμον, quod esset inscitum atque agreste, quam ἔνρυθμον, quod poeticum est, esse compositionem velit; sicut etiam quos palaestritas esse nolumus, tamen esse nolumus
57 eos qui dicuntur ἀπάλαιστοι. Verum ea quae efficitur e pedibus apta[2] conclusio nomen aliquod desiderat. Quid sit igitur potius quam numerus, sed oratorius numerus, ut enthymema rhetoricus syllogismus? Ego certe, ne in calumniam cadam, qua ne M. quidem Tullius caruit, posco hoc mihi, ut, cum de compositionis dixero numero[3] et ubicunque iam dixi, oratorium dicere intelligar.

58 Collocatio autem verba iam probata et electa et velut adsignata sibi debet connectere; nam vel dure inter se commissa potiora sunt inutilibus. Tamen et eligere quaedam, dum ex iis quae idem significent atque idem valeant, permiserim, et adiicere dum non otiosa, et detrahere dum non necessaria, et figuris mutare casus atque numeros, quorum varietas

[1] et pedum. Quod, *Christ*: et quae, *AG.*
[2] apta, *Spalding*: aqua, *AG.*
[3] de compositionis . . numero, *Halm*: pro composito numero, *MSS.* (numerum, *A.*).

[1] See v. xiv. 24.

same rise and fall till they reach their end, and the style of oratory will not stoop to be measured by the beat of the foot or the fingers. This fact is 56
clearly understood by Cicero, who frequently shows that the sense in which he desires that prose should be rhythmical is rather that it should not lack rhythm, a deficiency which would stamp the author as a man of no taste or refinement, than that it should be tied by definite rhythmical laws, like poetry; just as, although we may not wish certain persons to be professional gymnasts, we still do not wish them to be absolutely ignorant of the art of gymnastics. But the 57
rounding of the period to an appropriate close which is produced by the combination of feet requires some name; and what name is there more suitable than rhythm, that is to say, the rhythm of oratory, just as the *enthymeme*[1] is the syllogism of oratory? For my own part, to avoid incurring the calumny, from which even Cicero was not free, I ask my reader, whenever I speak of the rhythm of artistic structure (as I have done on every occasion), to understand that I refer to the rhythm of oratory, not of verse.

It is the task of collocation to link together the 58
words which have been selected, approved and handed over to its custody. For even harsh connexions are better than those which are absolutely valueless. None the less I should allow the orator to select certain words for their euphony, provided always that their force and meaning are the same as those of the alternative words. He may also be permitted to add words, provided they are not superfluous, and to omit them, provided they are not essential to the sense, while he may employ figures to alter case and number, since such variety is attractive in itself,

frequenter gratia compositionis adscita etiam suo
59 nomine solet esse iucunda. Etiam ubi aliud ratio, aliud consuetudo poscet, utrum volet, sumat compositio, *vitavisse* vel *vitasse, deprehendere* vel *deprendere.* Coitus etiam syllabarum non negabo, et quidquid sententiis aut elocutioni non nocebit.
60 Praecipuum tamen in hoc opus est, scire quod quoque loco verborum maxime quadret. Atque is optime componet, qui hoc non[1] solum componendi gratia facit.

Ratio vero pedum in oratione est multo quam in versu difficilior: primum quod versus paucis continetur, oratio longiores habet saepe circuitus; deinde quod versus semper similis sibi est et una ratione decurrit, orationis compositio, nisi varia est, et offendet similitudine et in adfectatione deprehenditur.
61 Et in omni quidem corpore totoque (ut ita dixerim) tractu numerus insertus est; neque enim loqui possumus nisi syllabis brevibus ac longis, ex quibus pedes fiunt. Magis tamen et desideratur in clausulis et apparet, primum quia sensus omnis habet suum finem poscitque naturale intervallum, quo a sequentis initio dividatur, deinde quod aures continuam vocem secutae ductaeque velut prono decurrentis orationis flumine tum magis iudicant, cum ille impetus stetit

[1] non *added by Rollin.*

quite apart from the fact that it is frequently adopted for the sake of the rhythm. Again if reason 59
demand one form and usage another, the claims of rhythm will decide our choice between the two, *e.g.* between *vitavisse* and *vitasse* or between *deprehendere* and *deprendere*. Further I do not object to the coalescence of syllables or anything that does no injury either to sense or style. The most important 60
task, however, is to know what word is best fitted to any given place. And the most accomplished artist will be the man who does not arrange his words solely with a view to rhythmic effect.

On the other hand the management of feet is far more difficult in prose than in verse, first because there are but few feet in a single line of verse which is far shorter than the lengthy periods of prose; secondly because each line of verse is always uniform and its movement is determined by a single definite scheme, whereas the structure of prose must be varied if it is to avoid giving offence by its monotony and standing convicted of affectation. Rhythm 61
pervades the whole body of prose through all its extent. For we cannot speak without employing the long and short syllables of which feet are composed. Its presence is, however, most necessary and most apparent at the conclusion of the period, firstly because every group of connected thoughts has its natural limit and demands a reasonable interval to divide it from the commencement of what is to follow: secondly because the ear, after following the unbroken flow of the voice and being carried along down the stream of oratory, finds its best opportunity of forming a sound judgement on what it has heard, when the rush of words comes to a halt and gives it

62 et intuendi tempus dedit. Non igitur durum sit neque abruptum, quo animi velut respirant ac reficiuntur. Haec est sedes orationis, hoc auditor exspectat, hic laus omnis declamantium.[1] Proximam clausulis diligentiam postulant initia; nam et
63 in haec intentus auditor est. Sed eorum facilior ratio est, non enim cohaerent aliis nec[2] praecedentibus serviunt; exordium sumunt cum clausula cum praecedentibus cohaereat: quamlibet sit enim composita ipsa,[3] gratiam perdet, si ad eam rupta via venerimus. Namque eo fit, ut, cum[4] Demosthenis severa videatur compositio, τοῖς θεοῖς εὔχομαι πᾶσι καὶ πάσαις; et illa (quae ab uno, quod sciam, Bruto minus probatur, ceteris placet) κἂν μήπω βάλλῃ μηδὲ
64 τοξεύῃ, Ciceronem carpant in his, *Familiaris coeperat esse balneatori*, et non minus dura *archipiratae*. Nam *balneatori* et *archipiratae* idem finis est qui πᾶσι καὶ πάσαις et qui μηδὲ τοξεύῃ, sed priora sunt severiora.
65 Est in eo quoque nonnihil, quod hic singulis verbis bini pedes continentur, quod etiam in carminibus est praemolle; nec solum ubi quinae, ut in his, syllabae nectuntur, *Fortissima Tyndaridarum*, sed etiam quaternae, cum versus cluditur *Appennino* et

[1] declamantium, *Halm*: declamat, *AG*.
[2] nec, *Regius*: sed, *MSS*.
[3] *The text gives Halm's suggested correction of AG* sumunt cum ea quamlibet sit enim composita.
[4] namque eo fit ut cum, *Halm*, *Spalding*: nam quo cum fit ut, *AG*.

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[1] *De Cor.* 1. "I pray to all gods and goddesses."
[2] *Phil.* iii. 17. "Even though he neither shoots at me nor strikes me as yet."
[3] *Pro Cael.* xxvi. 62. "He had begun to be intimate with the bathkeeper."

time for consideration. Consequently all harshness 62
and abruptness must be avoided at this point, where
the mind takes breath and recovers its energy. It
is there that style has its citadel, it is this point that
excites the eager expectation of the audience, it is
from this that the declaimer wins all his glory.
Next to the conclusion of the period, it is the
beginning which claims the most care: for the
audience have their attention fixed on this as well.
But the opening of the sentence presents less diffi- 63
culty, since it is independent and is not the slave of
what has preceded. It merely takes what has pre-
ceded as a starting point, whereas the conclusion
coheres with what has preceded, and however care-
fully constructed, its elegance will be wasted, if the
path which leads up to it be interrupted. Hence it
is that although the rhythmical structure adopted by
Demosthenes in the passage τοῖς θεοῖς εὔχομαι πᾶσι καὶ
πάσαις[1] and again in another passage (approved by
all, I think, except Brutus) κἂν μήπω βάλλῃ μηδὲ
τοξεύῃ[2] is regarded as severely correct, Cicero is 64
criticised for passages such as *familiaris coeperat esse
balneatori*[3] and for the not less unpleasing *archipiratae.*[4]
For although *balneatori* and *archipiratae* give exactly
the same cadence as πᾶσι καὶ πάσαις and μηδὲ τοξεύῃ,
the former are more severely correct. There is also 65
something in the fact that in the passages from
Cicero two feet are contained in one word, a
practice which even in verse produces an unduly
effeminate effect, and that not merely when the line
ends with a five-syllable word as in *fortissima
Tyndaridarum,*[5] but also in four-syllable endings such

[4] *Verr.* v. xxvii. 70.
[5] *Hor. Sat.* I. i. 100.

66 *armamentis* et *Oreione*. Quare hoc quoque vitandum est, ne plurium syllabarum verbis utamur in fine.

Mediis quoque non ea modo cura sit, ut inter se cohaereant, sed ne pigra, ne longa sint, ne, quod nunc maxime vitium est, brevium contextu resultent ac sonum reddant paene puerilium crepitaculorum.
67 Nam ut initia clausulaeque plurimum momenti habent, quotiens incipit sensus aut desinit, sic in mediis quoque sunt quidam conatus iique leviter insistunt. Currentium pes, etiamsi non moratur, tamen vestigium facit. Itaque non modo membra atque incisa bene incipere atque cludi decet, sed etiam in iis, quae non dubie contexta sunt nec respiratione utuntur, illi
68 velut occulti gradus sint.[1] Quis enim dubitet, unum sensum in hoc et unum spiritum esse? *Animadverti, iudices, omnem accusatoris orationem in duas divisam esse partes;* tamen et duo prima verba et tria proxima et deinceps duo rursus ac tria suos quasi numeros habent et spiritum sustinemus, sicut apud rhythmi-
69 cos aestimantur. Hae particulae prout sunt graves, acres, lentae, celeres, remissae, exultantes, proinde id, quod ex illis conficitur, aut severum aut luxuriosum
70 aut quadratum aut solutum erit. Quaedam etiam

[1] velut, *Halm*: vel, *MSS.*: sint *added by Halm.*

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[1] *Pers.* i. 95.
[2] *Ov. Met.* xi. 456.
[3] *Aen.* iii. 517.
[4] *pro Cluent.* i. 1. "I note, gentlemen, that the speech for the prosecution falls sharply into two divisions."

as *Appennino*,[1] *armamentis*[2] *and Oreione*.[3] Consequently 66
we must also avoid ending our periods with words containing too many syllables.

With regard to the middle portions of our periods we must take care not merely that they possess internal cohesion, but also that the rhythm is neither sluggish nor long, and above all that we do not fall into the now fashionable fault of placing a number of short syllables together with the result that we produce an effect not unlike the sound of a child's rattle. For while the beginnings and conclusions of 67
periods, where the sense begins or ends, are the most important, it is none the less the fact that the middle portion may involve some special efforts which necessitate slight pauses. Remember that the feet of a runner, even though they do not linger where they fall, still leave a footprint. Consequently not only must *commata* and *cola* begin and end becomingly, but even in parts which are absolutely continuous without a breathing space, there must be such almost imperceptible pauses. Who, for example, 68
can doubt that there is but one thought in the following passage and that it should be pronounced without a halt for breath? *Animadverti, iudices, omnem accusatoris orationem in duas diuisam esse partes.*[4] Still the groups formed by the first two words, the next three, and then again by the next two and three, have each their own special rhythms and cause a slight check in our breathing: at least such is the opinion of specialists in rhythm. And just in proportion as 69
these small segments of the period are grave or vigorous, slow or rapid, languid or the reverse, so will the periods which they go to form be severe or luxuriant, compact or loose. Again, the conclusions 70

clausulae sunt claudae atque pendentes, si relinquantur, sed sequentibus suscipi ac sustineri solent, eoque facto vitium, quod erat in fine, continuatione emendatur.[1] *Non vult populus Romanus obsoletis criminibus accusari Verrem* durum, si desinas; sed cum sit[2] continuatum iis quae sequuntur, quanquam natura ipsa divisa sunt, *Nova postulat, inaudita de-*
71 *siderat,* salvus est cursus. *Ut adeas, tantum dabis* male cluderet, nam et trimetri versus pars ultima est; excipit *Ut cibum vestitumque intro ferre liceat, tantum;* praeceps adhuc firmatur ac sustinetur ultimo *Nemo recusabat.*

72 Versum in oratione fieri multo foedissimum est totum, sed etiam in parte deforme, utique si pars posterior in clausula deprehendatur aut rursus prior in ingressu. Namque idem contra saepe etiam decet, quia et claudit interim optime prima pars versus, dum intra paucas syllabas, praecipue senarii
73 atque octonarii. *In Africa fuisse* initium senarii est, primum pro Q. Ligario caput claudit; *Esse videatur,* iam nimis frequens, octonarium inchoat; talia sunt Demosthenis, πᾶσι καὶ πάσαις et πᾶσιν ὑμῖν, et totum paene principium. Et ultima versuum initio con-
74 veniunt orationis: *Etsi vereor, iudices,* et *Animadverti, iudices.* Sed initia initiis non conveniunt, ut T. Livius

[1] emendatur, *Meister*: mendat, *AG.*
[2] sit, *Halm*: est, *MSS.*

[1] *Verr.* v. xliv. 117. "The Roman people does not wish Verres to be accused of obsolete crimes: no, it is new and unheard-of crimes that it demands and desires."

[2] *Verr.* v. xliv. 118. "To see him, you will pay so much, and so much to bring in food and clothing. No one refused."

[3] senarius = iambic trimeter. octonarius here = trochaic tetrameter, *not* iambic tetrameter.

of clauses sometimes seem to halt or hang, if they are regarded apart from their context, but are usually caught up and supported by what follows, so that what seemed a faulty cadence is corrected by the continuation. *Non vult populus Romanus obsoletis criminibus accusari Verrem* would be harsh in rhythm, if the sentence ended there; but when it is continued with what follows, *nova postulat, inaudita desiderat*,[1] although the words are separate in meaning, the rhythmical effect is preserved. *Ut adeas, tantum* 71
dabis would be a bad conclusion, for it forms the last portion of an iambic trimeter: but it is followed by *ut cibum vestitumque introferre liceat, tantum:*[2] the rhythm is still abrupt but is strengthened and supported by the last phrase of all, *nemo recusabat.*

The appearance of a complete verse in prose has 72
a most uncouth effect, but even a portion of a verse is ugly, especially if the last half of a verse occurs in the cadence of a period or the first half at the beginning. The reverse order may on the other hand often be positively pleasing, since at times the first half of a verse will make an excellent conclusion, provided that it does not cover more than a few syllables. This is especially the case with the 73
senarius or *octonarius.*[3] *In Africa fuisse* is the opening of a *senarius* and closes the first clause of the *pro Ligario: esse videatur,* with which we are now only too familiar as a conclusion, is the beginning of an *octonarius.* Similar effects are to be found in Demosthenes, as for example πᾶσι καὶ πάσαις and πᾶσιν ὑμῖν and throughout almost the whole exordium of that speech.[4] The ends of verses are also excellently suited to the beginning of a period: *etsi vereor,* 74

[1] *De Cor.* I.

hexametri exordio coepit: *Facturusne operae pretium sim* (nam ita edidit, estque melius, quam quo modo
75 emendatur), nec clausulae clausulis, ut Cicero, *Quo me vertam, nescio,* qui trimetri finis est. Trimetrum et senarium[1] promisce dicere licet, sex enim pedes, tres percussiones habet. Peius cludit finis hexametri, ut Brutus in epistolis: *Neque illi malunt habere tutores aut defensores, quoniam causam*[2] *sciunt placuisse*
76 *Catoni.* Illi minus sunt notabiles, quia hoc genus sermoni proximum est. Itaque et versus hi fere excidunt, quos Brutus ipso componendi durius studio saepissime facit, non raro Asinius, sed etiam Cicero nonnunquam, ut in principio statim orationis in Lucium Pisonem: *Pro di immortales, qui hic nunc*
77 *illuxit dies?* Non minore autem cura vitandum est quidquid est ἔνρυθμον, quale apud Sallustium, *Falso queritur de natura sua.* Quamvis enim vincta sit, tamen soluta videri debet oratio. Atqui Plato, diligentissimus compositionis, in Timaeo prima statim

[1] senarium, *added by Christ.*
[2] quoniam causam sciunt, *Halm*: quam consciunt, *G*: quamquam sciunt, *A*: quam constituunt, *codd. Monac. Argentor.*

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[1] *pro Mil.* i. 1. } Both quotations give the end of an
[2] *pro Cluent.* i. 1. } iambic trimeter.

[3] MSS. of Livy read *sim operae pretium*: there is evidence to show that this may be due to corruption rather than to correction such as Quintilian describes.

[4] *pro Lig.* i. 1, *pro Cluent.* i. 4.

[5] "They ask for no guardians or defenders since they know that the cause has won the approval of Cato."

[6] An iambic trimeter. "Immortal gods, what day is this has dawned?"

iudices,[1] for example and *animadverti, iudices.*[2] But the opening feet of a verse are not suited to the opening phrases of prose: Livy provides an example of this in his preface, which begins with the first half of a *hexameter,* '*Facturusne operae pretium sim:*' for these are the words as he wrote them, and they are better so than as they have been corrected.[3] Again, the cadence of a verse is not suitable to the 75
cadence of a period: compare the phrase of Cicero, *Quo me vertam, nescio,*[4] which is the end of a *trimeter.* It matters not whether we speak of a *trimeter* or of a *senarius,* since the line has six feet and three beats. The end of a *hexameter* forms a yet worse conclusion; compare the following passage from the letters of Brutus: *neque illi malunt habere tutores aut defensores, quoniam causam sciunt placuisse Catoni.*[5] *Iambic* endings 76
are less noticeable, because that metre is near akin to prose. Consequently such lines often slip from us unawares: they are specially common in Brutus as a result of his passion for severity of style; they are not infrequent in Asinius, and are sometimes even found in Cicero, as for example at the very beginning of his speech against Lucius Piso: *Pro di immortales, qui hic nunc illuxit dies?*[6] Equal care must 77
however be taken to avoid any phrase of a definitely metrical character, such as the following passage from Sallust: *Falso queritur de natura sua.*[7] For although the language of prose is bound by certain laws, it should appear to be free. None the less Plato, despite the care which he devotes to his rhythm, has not succeeded in avoiding this fault at

[7] *Jug.* I. "The human race complains of its own nature without reason." Last five feet of iambic trimeter!

78 parte vitare ista non potuit. Nam et initium hexametri statim invenias, et Anacreontion protinus colon efficias, et si velis trimetron, et quod duobus pedibus et parte πενθημιμερὲς a Graecis dicitur, et haec omnia in tribus versibus;[1] et Thucydidi ὑπὲρ ἥμισυ Κᾶρες ἐφάνησαν ex mollissimo rhythmorum genere excidit.

79 Sed quia omnem compositionem[2] oratoriam constare pedibus[3] dixi, aliqua de his quoque; quorum nomina quia varia traduntur, constituendum est, quo quemque appellemus. Equidem Ciceronem sequar, (nam is eminentissimos Graecorum est secutus) excepto quod pes mihi tris syllabas non videtur excedere, quanquam ille paeane dochmioque, quorum prior in quattuor, secundus in quinque excurrit,

80 utatur. Nec tamen ipse dissimulat, quibusdam numeros vìderi non pedes; neque immerito; quidquid est enim supra tris syllabas, id est ex pluribus pedibus. Ergo cum constent quattuor pedes binis, octo ternis, spondeum longis duabus, pyrrhichium, quem alii pariambum vocant, brevibus, iambum brevi longaque, huic contrarium e longa et brevi choreum,

81 non ut alii trochaeum nominemus. Ex iis vero, qui

[1] versibus, *Daniel*: verbis, *MSS.*
[2] compositionem, *added by Spalding.*
[3] pedibus, *added by ed. Camp.*

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[1] The phrase is εἷς, δυό, τρεῖς, ὁ δὲ δὴ τέταρτος ἡμῶν, ὦ φίλε. εἷς, δυό, τρεῖς give the opening of a hexameter, ὁ δὲ δὴ τέταρτος ἡμῶν the Anacreontic, δυό . . . φίλε the Iambic trimeter and εἷς . . . δὴ the πενθημιμερές.

[2] I, 8. Quintilian probably treats this as Sotadean or reminiscent of Sotadean rhythm.

[3] *Or.* ch. lxiv. 7.

[4] For *paean* see § 96. The two varieties with which Quintilian is concerned are – ∪ ∪ ∪ and ∪ ∪ ∪ –.

the very opening of the Timaeus,[1] where we are met 78
at the very outset with the opening of a *hexameter*, which is followed by a *colon* which can be scanned as an Anacreontic, or if you like, as a trimeter, while it is also possible to form what the Greeks call a πενθημιμερὲς (that is a portion of the hexameter composed of two feet and a part of a third): and all these instances occur within the space of three lines. Again Thucydides has allowed to slip from his pen a phrase of the most effeminate rhythm in ὑπὲρ ἥμισυ Κᾶρες ἐφάνησαν.[2]

But, having stated that all prose rhythm consists 79
of feet, I must say something on these as well. Different names are given to these feet, and it is necessary to determine what we shall call each of them. For my part I propose to follow Cicero[3] (for he himself followed the most eminent Greek authorities), with this exception, that in my opinion a foot is never more than three syllables long, whereas Cicero includes the *paean*[4] and the *dochmiac* (⏑ – – ⏑ –), of which the former has four and the latter as many as five syllables. He does not, how- 80
ever, conceal the fact that some regard these as rhythms rather than feet: and they are right in so doing, since whatever is longer than three syllables involves more than one foot. Since then there are four feet which consist of two syllables, and eight composed of three, I shall call them by the following names: two long syllables make a *spondee;* the *pyrrhic* or *pariambus,* as some call it, is composed of two shorts; the *iambus* of a short followed by a long; its opposite, that is a long followed by a short, is a *choreus,* for I prefer that term to the name of *trochee* which is given it by others. Of 81

ternas syllabas habent, dactylum longa duabusque brevibus, huic temporibus parem, sed retro actum appellari constat anapaeston. Media inter longas brevis faciet amphimacrum, sed frequentius eius nomen est creticus; longa inter breves, amphi-
82 brachyn huic contrarium. Duabus[1] longis brevem sequentibus bacchius, totidem longis brevem[2] praecedentibus palimbacchius erit. Tres breves trochaeum, quem tribrachyn dici volunt, qui choreo trochaei nomen imponunt; totidem longae molossum
83 efficient. Horum pedum nullus non in orationem venit, sed quo quique sunt temporibus pleniores longisque syllabis magis stabiles, hoc graviorem faciunt orationem, breves celerem ac mobilem. Utrumque locis utile; nam et illud, ubi opus est velocitate, tardum et segne, et hoc, ubi pondus exigi-
84 tur, praeceps ac resultans merito damnetur. Sit in hoc quoque aliquid fortasse momenti, quod et longis longiores et brevibus sunt breviores syllabae, ut, quamvis neque plus duobus temporibus neque uno minus habere videantur, ideoque in metris omnes breves longaeque inter se ipsae[3] sint pares, lateat tamen nescio quid quod[4] supersit aut desit. Nam versuum propria condicio est, ideoque in his quaedam
85 etiam communes. Veritas vero quia patitur aeque brevem esse vel longam vocalem, cum est sola, quam

[1] amphibrachyn . . . duabus, *Spalding*: brachios huic (hinc, *G*) ausis, *AG*.
[2] sequentibus . . . brevem, *added by L. Valla*.
[3] ipsae, *Spalding*: obsessae, *AG*.
[4] quid quod, *Spalding*: quidquid, *AG*.

trisyllabic feet the *dactyl* consists of a long followed by two shorts, while its opposite, which has the same time-length, is called an *anapaest.* A short between two longs makes an *amphimacer,* although it is more often called a *cretic,* while a long between two shorts produces its opposite, the *amphibrachys.* Two long syllables following a short make a *bacchius,* 82 whereas, if the long syllables come first the foot is called a *palimbacchius.* Three shorts make a *trochee,* although those who give that name to the *choreus* call it a *tribrach:* three longs make a *molossus.* Every 83 one of these feet is employed in prose, but those which take a greater time to utter and derive a certain stability from the length of their syllables produce a weightier style, short syllables being best adapted for a nimble and rapid style. Both types are useful in their proper place: for weight and slowness are rightly condemned in passages where speed is required, as are jerkiness and excessive speed in passages which call for weight. It may 84 also be important to remark that there are degrees of length in long syllables and of shortness in short. Consequently, although syllables may be thought never to involve more than two time-beats or less than one, and although for that reason in metre all shorts and all longs are regarded as equal to other shorts and longs, they none the less possess some undefinable and secret quality, which makes some seem longer and others shorter than the normal. Verse, on the other hand, has its own peculiar features, and consequently some syllables may be either long or short. Indeed, since strict law 85 allows a vowel to be long or short, as the case may be, when it stands alone, no less than when one or

cum eam consonantes una pluresve praecedunt, certe in dimensione pedum syllaba, quae est brevis, insequente alia vel longa[1] vel brevi, quae tamen duas primas consonantes habeat, fit longa, ut

Agrestem tenui musam :

86 nam *A* brevis, *gres* brevis, faciet tamen longam priorem; dat igitur illi aliquid ex suo tempore. Quo modo, nisi habet plus quam quae brevissima, qualis ipsa esset detractis consonantibus? Nunc unum tempus accommodat priori et unum accipit a sequente; ita duae natura breves positione sunt temporum quattuor.

87 Miror autem in hac opinione doctissimos homines fuisse, ut alios pedes ita eligerent aliosque damnarent, quasi ullus esset, quem non sit necesse in oratione deprehendi. Licet igitur paeana sequatur Ephorus, inventum a Thrasymacho, probatum ab Aristotele, dactylumque ut temperatos brevibus ac longis, fugiat

88 spondeum et[2] trochaeum, alterius tarditate nimia,[3] alterius celeritate damnata, herous, qui est idem dactylus, Aristoteli amplior, iambus humilior[4] videatur, trochaeum ut nimis currentem damnet eique

[1] vel longa, *added by Christ.*
[2] spondeum et, *added by ed. Camp.*
[3] nimia, *Halm*: etenim, *AG.*
[4] humilior, *P. Victorius, Pithoeus*: humanior, *MSS.*

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[1] *Ecl.* i. 2. But Virgil wrote *silvestrem.*

[2] This theory involves the allotment of a time-value to consonants: *gres* gives the time-value of *gr* to *a*, and itself borrows an equivalent time-value from *st.* This view is more explicitly expressed by the fifth-century grammarian Pompeius (112. 26K), who allots the value of half a time-

more consonants precede it, there can be no doubt, when it comes to the measuring of feet, that a short syllable, followed by another which is either long or short, but is preceded by two consonants, is lengthened, as for example in the phrase *agrestem tenui musam.*[1] For both *a* and *gres* are short, but 86
the latter lengthens the former, thereby transferring to it something of its own time-length. But how can it do this, unless it possesses greater length than is the portion of the shortest syllables, to which it would itself belong if the consonants *st* were removed? As it is, it lends one time-length to the preceding syllable, and subtracts one from that which follows.[2] Thus two syllables which are naturally short have their time-value doubled by position.

I am, however, surprised that scholars of the 87
highest learning should have held the view that some feet should be specially selected and others condemned for the purposes of prose, as if there were any foot which must not inevitably be found in prose. Ephorus may express a preference for the *paean* (which was discovered by Thrasymachus and approved by Aristotle) and for the *dactyl* also, on the ground that both these feet provide a happy mixture of long and short; and may avoid the *spondee* and the *trochee,* condemning the one as too 88
slow and the other as too rapid; Aristotle[3] may regard the *heroic* foot, which is another name for the *dactyl,* as too dignified and the *iambus* as too commonplace, and may damn the *trochee* as too

length to each consonant. Therefore to *ă* (= one time-length) are added the two half time-lengths represented by *gr* (see Lindsay, *Lat. Language,* p. 129).

[3] *Rhet.* iii. 8.

cordacis nomen imponat, eademque dicant Theodectes ac Theophrastus, similia post eos Halicarnasseus
89 Dionysius: irrumpent etiam ad invitos, nec semper illis heroo aut paeane suo, quem, quia versum raro facit, maxime laudant, uti licebit. Ut sint tamen aliis alii crebriores, non verba facient, quae neque augeri nec minui nec sicuti toni[1] modulatione produci aut corripi possint, sed transmutatio et collocatio.
90 Plerique enim ex commissuris eorum vel divisione fiunt pedes; quo fit ut iisdem verbis alii atque alii versus fiant, ut memini quendam non ignobilem poetam talem exarasse:[2]

Astra tenet caelum, mare classes, area messem.

Hic retrorsum fit sotadeus; itemque e sotadeo retro trimetros:

Caput exeruit mobile pinus repetita.

91 Miscendi ergo sunt, curandumque, ut sint plures qui placent, et circumfusi bonis deteriores lateant. Nec vero in litteris syllabisque natura mutatur, sed refert, quae cum quaque optime coeat. Plurimum igitur

[1] toni, *added by Christ.*
[2] talem exarasse, *Halm*: tatelarasse, *G*: taliter lusisse, *A.* (iter lus *by corrector*).

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[1] "The heaven holds the stars, the sea the fleets, and the threshing-floor the harvest." *messem area, classes mare, caelum tenet astra* is identical in scansion with the Sotadean which follows, save that it opens with a *spondee* instead of an *anapaest.*

[2] The sense is uncertain. It appears to refer to a pine beam or trunk floating half-submerged. "The pine-beam caught afresh put forth its nimble head."

hasty and dub it the *cancan;* Theodectes and Theophrastus may agree with him, and a later critic, Dionysius of Halicarnassus, may adopt a similar view; but for all they say, these feet will force 89
themselves upon them against their will, and it will not always be possible for them to employ the *dactyl* or their beloved *paean,* which they select for special praise because it so rarely forms part of a verse-rhythm. It is not, however, the words which cause some feet to be of more common occurrence than others; for the words cannot be increased or diminished in bulk, nor yet can they, like the notes in music, be made short or long at will; everything depends on transposition and arrangement. For a 90
large proportion of feet are formed by the connexion or separation of words, which is the reason why several different verses can be made out of the same words: for example, I remember that a poet of no small distinction writing the following line:

Astra tenet caelum, mare classes, area messem,[1]

a line which, if the order of the words be reversed, becomes a Sotadean; again, the following Sotadean, if reversed, reads as an *iambic trimeter:*

caput exeruit mobile pinus repetita.[2]

Feet therefore should be mixed, while care must be 91
taken that the majority are of a pleasing character, and that the inferior feet are lost in the surrounding crowd of their superior kindred. The nature of letters and syllables cannot be changed, but their adaptability to each other is a consideration of no small importance. Long syllables, as I have said,

auctoritatis, ut dixi, et ponderis habent longae, celeritatis breves; quae si miscentur quibusdam
92 longis, currunt, si continuantur, exultant. Acres, quae ex brevibus ad longas insurgunt; leniores, quae a longis in breves descendunt. Optime incipitur a longis, recte aliquando a brevibus, ut *Novum crimen;*[1] lenius a duabus, ut *Animadverti iudices;*[2] sed hoc pro Cluentio recte, quia initium eius partitioni simile est,
93 quae celeritate gaudet. Clausula quoque e longis firmissima est; sed venit et in breves, quamvis habeatur indifferens ultima. Neque enim ego ignoro, in fine pro longa accipi brevem, quia videtur aliquid vacantis temporis ex eo, quod insequitur, accedere; aures tamen consulens meas, intelligo multum referre, verene longa sit, quae cludit, an pro longa. Neque enim tam plenum est *Dicere incipi-*
94 *entem timere,*[3] quam illud *Ausus est confiteri.* Atqui si nihil refert, brevis an longa sit ultima, idem pes erit; verum nescio quo modo sedebit hoc, illud subsistet. Quo moti quidam longae ultimae tria tempora

[1] *pro Lig.* i. 1.

[2] *pro Cluent.* i. 1. The speech begins: "I note, gentlemen of the jury, that the whole speech of the accuser falls into two parts, of which one," etc. It is this which is described as "similar to partition." *lenius a duabus* Capperonnier for *levibus* (AG).

[3] *pro Mil.* i. 1. "To show fear when beginning to speak."

carry the greater dignity and weight, while short syllables create an impression of speed: if the latter are intermixed with a few long syllables, their gait will be a run, but a gallop if they are continuous. When a short syllable is followed by a long the effect 92
is one of vigorous ascent, while a long followed by a short produces a gentler impression and suggests descent. It is therefore best to begin with long syllables, though at times it may be correct to begin with short, as in the phrase *novum crimen:*[1] a gentler effect is created, if we commence with two shorts, as in the phrase *animadverti iudices:* but this opening, which comes from the *pro Cluentio*, is perfectly correct, since that speech begins with something similar to partition, which requires speed.[2] Similarly 93
the conclusion of a sentence is stronger when long syllables preponderate, but it may also be formed of short syllables, although the quantity of the final syllable is regarded as indifferent. I am aware that a concluding short syllable is usually regarded as equivalent to a long, because the time-length which it lacks appears to be supplied from that which follows. But when I consult my own ears I find that it makes a great difference whether the final syllable is really long or only treated as the equivalent of a long. For there is not the same fullness of rhythm in *dicere incipientem timere*[3] as there is in *ausus est confiteri.*[1] But if it makes no difference 94
whether the final syllable be long or short, the concluding feet in these two instances must be identical: and yet somehow or other one gives the impression of sitting down and the other of a simple halt. This fact has led some critics to allow three time-beats for a final long syllable, adding the extra

dederunt, ut illud tempus, quod brevis ex loco[1] accipit, huic quoque accederet. Nec solum refert, quis pes claudat, sed claudentem[2] quis antecedat.
95 Retrorsum autem neque plus tribus, iique, si non ternas syllabas habebunt, repetendi erunt (absit enim[3] poetica observatio), neque minus duobus; alioqui pes erit, non numerus. Potest tamen vel unus esse dichoreus, si unus est, qui constat e duobus
96 choreis. Itemque paean, qui est ex choreo et pyrrhichio, quem aptum initiis putant, vel contra, qui est e tribus brevibus et longa, cui clausulam adsignant; de quibus fere duobus scriptores huius artis loquuntur. Alii omnes, in[4] quocunque sit loco longa,[5] temporum quod ad rationem pertinet, paeanas
97 appellant. Est et dochmius, qui fit ex bacchio et iambo vel ex iambo et cretico, stabilis in clausulis et severus. Spondeus quoque, quo plurimum est Demosthenes usus, non eodem modo semper se[6] habet. Optime praecedet eum creticus, ut in hoc, *De qua ego nihil dicam, nisi depellendi criminis causa.* Non nihil[7] est, quod supra dixi multum referre, unone verbo sint duo pedes comprehensi an uterque liber.

[1] loco, *Spaldingi*: longo, *AG*.
[2] quis pes claudat sed claudentem quis, *Halm*: quis clandātem quis, *G*: quis claudat et quis, *A*.
[3] absit enim, *Christ*: sit tam, *AG*.
[4] in, *Halm*: ut, *MSS*.
[5] longa, *added by Halm*.
[6] non eodem modo . . . se, *Halm*: neodem . . . per se, *AG*.
[7] causa non nihil, *Halm*: causam nihil, *AG*.

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[1] *pro Cael.* xiii. 31. "Concerning which I will say nothing except for the purpose of refuting the charge."

time-length which a short syllable derives from its position at the end of a sentence to the long syllable as well. And it not merely makes a difference with what foot a sentence ends, but the penultimate foot is also of importance. It is not, however, 95
necessary to go back further than three feet, and only that if the feet contain less than three syllables, for we must avoid the exactitude of verse: on the other hand, we must not go back less than two: otherwise we shall be dealing with a foot and not with rhythm. But in this connexion the *dichoreus* may be regarded as one foot, if indeed a foot consisting of two *chorei* can be considered as a single foot. The same is true of the *paean* composed of the 96
choreus and a *pyrrhic*, a foot which is regarded as specially suitable to the beginning of a sentence, or of the other *paean*, formed of three shorts followed by a long, to which the conclusion is specially dedicated. It is of these two forms that writers on rhythm generally speak. Some, however, call all feet containing three short syllables and a long by the name of *paean*, irrespective of the position of the long syllable, and merely taking into account the total number of time-lengths that it contains. The 97
dochmiac, again, which consists of a *bacchius* and an *iambus*, or of an *iambus* and a *cretic*, forms a solid and severe conclusion. The *spondee*, so frequently employed in this position by Demosthenes, is used with varying effect. It is most impressive when preceded by a *cretic*, as in the following instance: *De qua ego nihil dicam, nisi depellendi criminis causa.*[1] Again there is a point, of the importance of which I spoke above, namely that it makes a considerable difference whether two feet are contained in a single word

Sic enim fit forte *Criminis causa;* molle *Archipiratae,* mollius, si tribrachys praecedat, *facilitates, temeritates.*
98 Est enim quoddam ipsa divisione verborum latens tempus, ut in pentametri medio spondeo, qui nisi alterius verbi fine, alterius initio constat, versum non efficit. Potest, etiamsi minus bene, praeponi anapaestos: *Muliere non solum nobili, verum etiam nota.*
99 Cum anapaestus et creticus, iambus quoque, qui est utroque syllaba minor (praecedet enim tres longas brevis), sed et spondeus iambo recte praeponitur: [*iisdem in*][1] *armis fui.* Cum spondeus, et bacchius, sic
100 enim fiet ultimus dochmius: *In armis fui.* Ex iis quae supra probavi apparet molosson quoque clausulae convenire, dum habeat ex quocunque pede ante se brevem: *Illud scimus ubicunque sunt, esse pro*
101 *nobis.* Minus gravis erit spondeus, praecedentibus palimbacchio et pyrrhichio, ut *Iudicii Iuniani,*[2] et adhuc peius priore paeane, ut *Brute, dubitavi;* nisi potius hoc esse volumus dactylum et bacchium.

[1] *Bracketed by Regius.*

[2] praecedentibus et, *G*: praecedenti . . . *A*. *I have added* palimbacchio.

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[1] See § 64.

[2] *pro Cael.* xiii. 31. "A woman, not only of noble birth, but even notorious."

[3] *pro Lig.* iii. 9. "I was in arms."

[4] The text is clearly corrupt as it stands, since the first syllable of *Iuniani* is long. Further, if *iudici* be read with the best texts of Cicero, there is no *pyrrhic* (⏑⏑) in the phrase, which is identical in rhythm with *ausus est confiteri,* praised just above. If *iudicii* is read the final *spondee* might be said to be preceded by a *pyrrhic* and a *palimbacchius* (i. e. *iud/ici/ī Iūnī/ānī*). The fact that the termination of both words is the same would account for the disappearance of

or whether they are both detached. Thus *criminis causa* makes a strong and *archipiratae*[1] a weak ending, while the weakness is still further increased if the first foot be a *tribrach*, as for instance in words like *facilitates* or *temeritates*. For the mere fact that 98
words are separated from each other involves an imperceptible length of time: for instance, the *spondee* forming the middle foot of a *pentameter* must consist of the last syllable of one word and the first of another, otherwise the verse is no verse at all. It is permissible, though less satisfactory, for the *spondee* to be preceded by an *anapaest*: e.g. *muliere non solum nobili, verum etiam nota*.[2] And it may also, in 99
addition to the *anapaest* and *cretic*, be preceded by the *iambus*, which is a syllable less in length than both of them, thus making one short syllable precede three long. But it is also perfectly correct to place a *spondee* before an *iambus*, as in *armis fui*, or it may be preceded by a *bacchius* instead of a *spondee*, e.g. *in armis fui*,[3] thereby making the last foot a *dochmiac*. From this it follows that the *molossus* also 100
is adapted for use in the conclusion provided that it be preceded by a short syllable, though it does not matter to what foot the latter belongs: e.g. *illud scimus, ubicunque sunt, esse pro nobis*. The effect of 101
the *spondee* is less weighty, if it be preceded by a *palimbacchius* and *pyrrhic*, as in *iudicii Iuniani*.[4] Still worse is the rhythm when the *spondee* is preceded by a *paean*, as in *Brute, dubitavi*,[5] although this phrase may, if we prefer, be regarded as consisting

one of them. The corruption may easily lie deeper still. But as the words quoted come from an actual speech of Cicero, the error is not likely to lie in the quotation. *pro Cluent.* i. 1.

[5] *Or.* i. 1. "I hesitated, Brutus."

Duo spondei non fere se iungi patiuntur, quae in versu quoque notabilis[1] clausula est, nisi cum id fieri potest ex tribus quasi membris: *Cur de perfugis nostris copias comparat is contra nos?* una
102 syllaba, duabus, una. Ne dactylus quidem spondeo bene praeponitur, quia finem versus damnamus in fine orationis. Bacchius et claudit et sibi iungitur: *Venenum timeres;* vel choreum et spondeum ante se amat: *Vt venenum timeres.* Contrarius quoque qui est, cludet, nisi si ultimam syllabam longam esse volumus, optimeque habebit ante se molosson: *Civis Romanus sum;* aut bacchium, *Quod hic potest, nos*
103 *possemus.* Sed verius erit claudere choreum praecedente spondeo, nam hic potius est numerus, *Nos possemus* et *Romanus sum.* Claudet et dichoreus, id est idem pes sibi ipse iungetur, quo Asiani sunt usi plurimum; cuius exemplum Cicero ponit, *Patris*
104 *dictum sapiens temeritas filii comprobavit.* Accipiet ante se choreus et pyrrhichium: *Omnes prope cives virtute, gloria, dignitate superabat.* Cludet et dactylus, nisi eum observatio ultimae creticum facit: *Muliercula nixus in litore.* Habebit ante se bene creticum et

[1] notabilis, *early edd.*: nobis, *AG.*

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[1] "Why does he collect forces against us from our deserters?" L. Crassus quoted in *Or.* lxvi. 223.

[2] *pro Cael.* xiv. 33. "That you should fear poison."

[3] *Verr.* v. lxii. 162.

[4] *pro Lig.* iv. 10.

[5] *Orat.* lxiii. 214. "The wise temerity of the son confirmed the statement of the father."

[6] *pro Cael.* xiv. 34. "He surpassed almost all other citizens in virtue, glory and honour."

of a *dactyl* and a *bacchius*. As a rule, endings composed of two *spondees*, a termination which causes comment even in a verse, are to be deprecated, unless the phrase is composed of three separate members, as in *cur de perfugis nostris copias comparat is contra nos?*[1] where we have a word of two syllables preceded and followed by a monosyllable. Even the 102
dactyl ought not to precede a final *spondee*, since we condemn verse-endings at the period's close. The *bacchius* is employed at the conclusion, sometimes in conjunction with itself as in *venenum timeres*,[2] while it is also effective when a *choreus* and *spondee* are placed before it as in *ut venenum timeres*. Its opposite, the *palimbacchius*, is also employed as a conclusion (unless, of course, we insist that the last syllable of a sentence is always long), and is best preceded by a *molossus*, as in *civis Romanus sum*,[3] or by a *bacchius*, as in *quod hic potest, nos possemus*.[4] It would, however, 103
be truer to say that in such cases the conclusion consists of a *choreus* preceded by a *spondee*, for the rhythm is concentrated in *nos possemus* and *Romanus sum*. The *dichoreus*, which is the repetition of one and the same foot, may also form the conclusion, and was much beloved by the Asiatic school: Cicero illustrates it by *Patris dictum sapiens temeritas filii comprobavit*.[5] The 104
choreus may also be preceded by a *pyrrhic*, as in *omnes prope cives virtute, gloria, dignitate superabat*.[6] The *dactyl* also may come at the close, unless indeed it be held that, when it forms the final foot, it is transformed into a *cretic*: e.g. *mulierecula nixus in litore*.[7] The effect will be good if it is preceded by a *cretic* or an *iambus*, but unsatisfactory if it is preceded by a

[7] *Verr.* v. xxxiii. 86. "Leaning on a worthless woman on the shore."

105 iambum, spondeum male, peius choreum. Cludit amphibrachys: *Q. Ligarium in Africa fuisse,* si non eum malumus esse bacchium. Non optimus est trochaeus, si ulla est ultima brevis, quod certe sit necesse est; alioqui quomodo claudet, qui placet plerisque, dichoreus? Illa observatione ex trochaeo
106 fit anapaestus. Idem trochaeus praecedente longa fit paean, quale est *Si potero* et *Dixit hoc Cicero, Obstat invidia.* Sed hunc initiis dederunt. Cludet et pyrrhichius choreo praecedente, nam sic paean est. Sed omnes hi, qui in breves excidunt, minus erunt stabiles, nec alibi fere satis apti, quam ubi cursus orationis exigitur et clausulis non intersistitur.
107 Creticus et initiis optimus: *Quod precatus a diis immortalibus sum,* et clausulis: *In conspectu populi Romani vomere postridie.* Apparet vero, quam bene eum praecedant vel anapaestos vel ille, qui videtur fini aptior, paean. Sed et se ipse sequitur: *Servare quam plurimos.* Sic melius quam choreo praecedente, *Quis non turpe duceret?* si ultima brevis pro longa sit;
108 sed fingamus sic, *Non turpe duceres.* Sed hic est illud

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[1] *pro Lig.* i. 1.

[2] It must be remembered that for Quintilian a *trochee* is the same as a *tribrach* (∪∪∪). See § 82.

[3] As he has in the preceding clause stated that this form of *paean* is regarded as specially adapted to the opening of a sentence, it cannot be supposed that he commends this employment of the *pyrrhic.* He mentions it only to illustrate another method of forming the *paean* (e.g. *multa bene*) by two words, the first a *choreus*, the second a *pyrrhic.* His view about the employment of this form of *paean* is that it is sometimes used at the end, but that such a position is not advisable.

[4] *pro Muren.* i. 1.

[5] *Phil.* II. xxv. 63.

spondee, and worse still if by a *choreus*. The *amphi-* 105
brachys may close the cadence, as in *Q. Ligarium in Africa fuisse*,[1] although in that case some will prefer to call it a *bacchius*. The *trochee*[2] is one of the less good endings, if any final syllable is to be regarded as short, as it undoubtedly must be. Otherwise how can we end with the *dichoreus*, so dear to many orators? Of course, if it be insisted that the final syllable is long, the *trochee* becomes an *anapaest*. If 106
preceded by a long syllable, the *trochee* becomes a *paean*, as is the case with phrases such as *si potero*, or *dixit hoc Cicero*, or *obstat invidia*. But this form of *paean* is specially allotted to the beginnings of sentences. The *pyrrhic* may close a sentence if preceded by a *choreus*, thereby forming a *paean*.[3] But all these feet which end in short syllables will lack the stability required for the cadence, and should as a rule only be employed in cases where speed is required and there is no marked pause at the ends of the sentences. The *cretic* is excellent, 107
both at the beginning (e.g. *quod precatus a diis immortalibus sum*[4]) and at the close (e.g. *in conspectu populi Romani vomere postridie*).[5] The last example makes it clear what a good effect is produced when it is preceded by an *anapaest* or by that form of *paean* which is regarded as best suited to the end of a sentence. But the *cretic* may be preceded by a *cretic*, as in *servare quam plurimos*.[6] It is better thus than when it is preceded by a *choreus*, as in *quis non turpe duceret?*[7] assuming that we treat the final short syllable as long. However, for the sake of argument, let us substitute *duceres* for *duceret*. Here, however, 108

[6] *pro Lig.* xii. 38. [7] *Phil.* II. xxv. 63.

inane, quod dixi: paulum enim morae damus inter ultimum ac proximum verbum et *turpe* illud intervallo quodam producimus; alioqui sit exultantissimum et trimetri finis: *Quis non turpe duceret?* Sicut illud *Ore excipere liceret,* si iungas, lascivi carminis est; sed interpunctis quibusdam et tribus quasi initiis fit
109 plenum auctoritatis. Nec ego, cum praecedentes pedes posui, legem dedi ne alii essent, sed quid fere accideret et quid in praesentia videretur optimum, ostendi. Non[1] quidem optime est sibi iunctus anapaestos, ut qui sit pentametri finis, vel rhythmos qui nomen ab eo traxit: *Nam ubi libido dominatur, innocentiae leve praesidium est;* nam synaloephe facit, ut
110 duae ultimae syllabae pro una sonent. Melior fiet praecedente spondeo vel bacchio, ut si idem mutes *leve innocentiae praesidium est.* Non me capit (ut a magnis viris dissentiam) paean, qui est ex tribus brevibus et longa. Nam est et ipse una plus brevi anapaestos *facilitas* et *agilitas.* Quid[2] ita placuerit is, non video, nisi quod illum fere probaverunt, quibus loquendi magis quam orandi studium fuit.
111 Nam et ante se brevibus gaudet pyrrhichio vel

[1] non, *added by Spalding.*
[2] quid, *Halm*: quidquid, *AG.*

[1] § 51.
[2] *Verr.* v. xlv. 118. The licentious metre is Sotadean.
[3] Crassus in Cic. *Or.* lxv. 219. "For where lust holds sway, there is but small protection for innocence."

we get the *rest* of which I spoke:[1] for we make a short pause between the last word and the last but one, thus slightly lengthening the final syllable of *turpe;* otherwise *quis non turpe duceret?* will give us a jerky rhythm resembling the end of an *iambic trimeter.* So, too, if you pronounce *ore excipere liceret*[2] without a pause, you will reproduce the rhythm of a licentious metre, whereas if triply punctuated and thus provided with what are practically three separate beginnings, the phrase is full of dignity. In specifying the feet above-mentioned, I 109
do not mean to lay it down as an absolute law that no others can be used, but merely wish to indicate the usual practice and the principles that are best suited for present needs. I may add that two consecutive *anapaests* should be avoided, since they form the conclusion of a *pentameter* or reproduce the rhythm of the *anapaestic* metre, as in the passage, *nam ubi libido dominatur, innocentiae leve praesidium est,*[3] where elision makes the last two syllables sound as one. The *anapaest* should preferably be preceded by a 110
spondee or a *bacchius,* as, for instance, if you alter the order of words in the passage just quoted to *leve innocentiae praesidium est.* Personally, although I know that in this I am in disagreement with great writers, I am not attracted by the *paean* consisting of three shorts followed by a long: for it is no more than an *anapaest* with the addition of another short syllable (e.g. *facilitas, agilitas*). Why it should have been so popular, I cannot see, unless it be that those who gave it their approval were students of the language of common life rather than of oratory. It is preferably preceded by short syllables, such 111
as are provided by the *pyrrhic* or the *choreus* (e.g.

choreo, *mea facilitas, nostra facilitas;* ac praecedente spondeo tamen plane finis est trimetri, cum sit per se quoque. Ei contrarius principiis merito laudatur, nam et primam stabilem et tres celeres habet. Tamen hoc quoque meliores alios puto.

112 Totus vero hic locus non ideo tractatur a nobis, ut oratio, quae ferri debet ac fluere, dimetiendis pedibus ac perpendendis syllabis consenescat; nam id cum
113 miseri, tum in minimis occupati est, neque enim, qui se totum in hac cura consumpserit, potioribus vacabit, si quidem relicto rerum pondere ac nitore contempto *tesserulas,* ut ait Lucilius, struet et *vermiculate inter se lexis* committet. Nonne ergo refrigeretur sic calor et impetus pereat, ut equorum cursum delicati minutis
114 passibus frangunt? Quasi vero numeri[1] non sint in compositione deprehensi, sicut poema nemo dubitaverit impetu[2] quodam initio fusum et aurium mensura et similiter decurrentium spatiorum observatione esse generatum, mox in eo repertos pedes. Satis igitur in hoc nos componet multa scribendi exercitatio, ut
115 ex tempore etiam similia fundamus. Neque vero tam sint intuendi pedes quam universa comprehensio,

[1] numeri non, *Regius*: fecerint, *MSS.*
[2] impetu, *Halm*: peritu, *AG.*

[1] In *Or.* xliv. 149, the lines are actually quoted "quam lepide lexeis compostae ut tesserulae omnes | arte pavimento atque emblemate vermiculato." "How neatly his phrases are put together, like a cunningly tesselated pavement with intricate inlay."

mea facilitas, nostra facilitas); on the other hand, if it be preceded by a *spondee,* we have the conclusion of an *iambic trimeter,* as indeed we have in the *paean* considered alone. The opposite form of *paean* is deservedly commended as an opening: for the first syllable gives it stability and the next three speed. None the less I think that there are other feet which are better suited for this purpose than even this *paean.*

My purpose in discussing this topic at length is 112
not to lead the orator to enfeeble his style by pedantic measurement of feet and weighing of syllables: for oratory should possess a vigorous flow, and such solicitude is worthy only of a wretched pedant, absorbed in trivial detail: since 113
the man who exhausts himself by such painful diligence will have no time for more important considerations; for he will disregard the weight of his subject matter, despise true beauty of style and, as Lucilius says, will construct a *tesselated pavement of phrases nicely dovetailed together in intricate patterns.*[1] The inevitable result will be that his passions will cool and his energy be wasted, just as our dandies destroy their horses' capacity for speed by training them to shorten their paces. Prose-structure, of 114
course, existed before rhythms were discovered in it, just as poetry was originally the outcome of a natural impulse and was created by the instinctive feeling of the ear for quantity and the observation of time and rhythm, while the discovery of feet came later. Consequently assiduous practice in writing will be sufficient to enable us to produce similar rhythmical effects when speaking extempore. Further it is not so 115
important for us to consider the actual feet as the

ut versum facientes totum illum decursum non sex vel quinque partes, ex quibus constat versus, aspiciunt. Ante enim carmen ortum est quam observatio
116 carminis, ideoque illud *Fauni vatesque canebant.* Ergo quem in poemate locum habet versificatio, eum in oratione compositio.

Optime autem de illa iudicant aures, quae plena sentiunt et parum expleta desiderant et fragosis offenduntur et levibus mulcentur et contortis excitantur et stabilia probant, clauda deprehendunt, redundantia ac nimia fastidiunt. Ideoque docti rationem componendi intelligunt, etiam indocti vo-
117 luptatem. Quaedam vero tradi arte non possunt. Mutandus est casus, si durius is, quo coeperamus, feratur. Num, in quem transeamus ex quo, praecipi potest? Figura laboranti compositioni variata saepe succurrit. Quae? cum orationis, tum etiam sententiae? Num praescriptum eius rei ullum est? Occasionibus utendum et cum re praesenti deliber-
118 andum est. Iam[1] vero spatia ipsa, quae in hac quidem parte plurimum valent, quod possunt nisi

[1] est iam, *Halm*: etiam, *MSS.*

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[1] Enn. *Ann.* 213.

general rhythmical effect of the period, just as the poet in writing a verse considers the metre as a whole, and does not concentrate his attention on the six or five individual feet that constitute the verse. For poetry originated before the laws which govern it, a fact which explains Ennius' statement [1] that *Fauns and prophets sang.* Therefore rhythmical 116
structure will hold the same place in prose that is held by versification in poetry.

The best judge as to rhythm is the ear, which appreciates fullness of rhythm or feels the lack of it, is offended by harshness, soothed by smooth and excited by impetuous movement, and approves stability, while it detects limping measures and rejects those that are excessive and extravagant. It is for this reason that those who have received a thorough training understand the theory of artistic structure, while even the untrained derive pleasure from it. There are some points, it is true, which are 117
beyond the power of art to inculcate. For example if the case, tense or mood with which we have begun, produces a harsh rhythm, it must be changed. But is it possible to lay down any definite rule as to what the change of case, tense or mood should be? It is often possible to help out the rhythm when it is in difficulties by introducing variety through the agency of a *figure.* But what is this *figure* to be? A *figure of speech* or a *figure of thought?* Can we give any general ruling on the subject? In such cases opportunism is our only salvation, and we must be guided by consideration of the special circumstances. Further with regard to the time-lengths, 118
which are of such importance where rhythm is concerned, what standard is there by which they can be

aurium habere iudicium? Cur alia paucioribus verbis satis plena vel nimium, alia pluribus brevia et abscisa sunt? Cur in circumductionibus, etiam cum sensus
119 finitus est, aliquid tamen loci vacare videatur? *Neminem vestrum ignorare arbitror, iudices, hunc per hosce dies sermonem vulgi atque hanc opinionem populi Romani fuisse.* Cur *hosce* potius quam *hos?* Neque enim erat asperum. Rationem fortasse non reddam, sentiam tamen[1] esse melius. Cur non satis sit, *sermonem vulgi fuisse,* (compositio enim patiebatur) ignorabo; sed ut audio hoc, animus accipit plenum sine hac
120 geminatione non esse. Ad sensum igitur referenda sunt. Et si qui non[2] satis forte, quid severum, quid iucundum sit, intelligent, facient quidem natura duce melius quam arte; sed naturae ipsi ars inerit.
121 Illud prorsus oratoris, scire ubi quoque genere compositionis sit utendum. Ea duplex observatio est: altera, quae ad pedes refertur; altera, quae ad comprehensiones, quae efficiuntur ex pedibus.
122 Ac de his prius. Dicimus igitur esse incisa, membra, circuitus. Incisum (quantum mea fert opinio) erit sensus non expleto numero conclusus, plerisque pars

[1] sentiam tamen, *Halm*: sententiam, *A*(?)*C*: sent am, *later MSS.*

[2] Et si qui non, *Halm*: necquis, *AG.*

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[1] *Verr.* I. i. 1. "I think that none of you, gentlemen, are ignorant that during these days such has been the talk of the common folk and such the opinion of the Roman people."

regulated save that of the ear? Why do some sentences produce a full rhythmical effect, although the words which they contain are few, whereas others containing a greater number are abrupt and short in rhythm? Why again in periods do we get an impression of incompleteness, despite the fact that the sense is complete? Consider the following 119
example: *neminem vestrum ignorare arbitror, iudices, hunc per hosce dies sermonem vulgi atque hanc opinionem populi Romani fuisse.*[1] Why is *hosce* preferable to *hos,* although the latter presents no harshness? I am not sure that I can give the reason, but none the less I feel that *hosce* is better. Why is it not enough to say *sermonem vulgi fuisse,* which would have satisfied the bare demands of rhythm? I cannot tell, and yet my ear tells me that the rhythm would have lacked fullness without the reduplication of the phrase. The 120
answer is that in such cases we must rely on feeling. It is possible to have an inadequate understanding of what it is precisely that makes for severity or charm, but yet to produce the required effect better by taking nature for our guide in place of art: none the less there will always be some principle of art underlying the promptings of nature.

It is, however, the special duty of the orator to 121
realise when to employ the different kinds of rhythm. There are two points which call for consideration if he is to do this with success. The one is concerned with feet, the other with the general rhythm of the period which is produced by their combination. I will deal with the latter first. We speak of *commata, cola* and periods. 122
A *comma,* in my opinion, may be defined as the expression of a thought lacking rhythmical com-

membri. Tale est enim, quo Cicero utitur: *Domus tibi deerat? at habebas. Pecunia superabat? at egebas.* Fiunt autem etiam singulis verbis incisa; *Diximus,*
123 *testes dare volumus;* incisum est *diximus.* Membrum autem est sensus numeris[1] conclusus, sed a toto corpore abruptus et per se nihil efficiens. *O callidos homines* perfectum est, sed remotum a ceteris vim non habet, ut per se manus et pes et caput: et *O rem excogitatam.* Quando ergo incipit corpus esse? cum venit extrema conclusio: *Quem, quaeso, nostrum fefellit, id vos ita esse facturos?* quam Cicero brevissimam putat. Itaque fere incisa et membra mutila[2]
124 sunt et conclusionem utique desiderant. Periodo plurima nomina dat Cicero, *ambitum, circuitum, comprehensionem, continuationem, circumscriptionem.* Genera eius duo sunt, alterum simplex, cum sensus unus longiore ambitu circumducitur, alterum, quod constat membris et incisis, quae plures sensus habent: *Aderat ianitor carceris, carnifex praetoris,* reliqua.
125 Habet periodus membra minimum duo. Medius numerus videntur quattuor, sed recipit frequenter et plura. Modus eius a Cicerone aut quattuor senariis versibus aut ipsius spiritus modo terminatur. Praestare debet ut sensum concludat; sit aperta,

[1] numeris, *Regius*: membris, *AG.*
[2] mutila, *Christ*: mixta, *MSS.*: multa, *Diomedes.*

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[1] *Or.* lxvii. 223. See IX. ii. 15.
[2] From the lost *pro Cornelio.* "O the cunning of those men! O what careful forethought! I ask you did one of us fail to note that such would be your action?"
[3] *Orat.* lxi. 204.
[4] *Verr.* v. xlv. 118. "There stood the jailer, the praetor's executioner."
[5] *Or.* lxvi. 222. Cicero says *hexameters,* not *senarii.*

pleteness; on the other hand, most writers regard it merely as a portion of the *colon*. As an example I may cite the following from Cicero: *Domus tibi deerat? at habebas: pecunia superabat? at egebas.*[1] But a *comma* may also consist of a single word, as in the following instance where *diximus* is a *comma*: *Diximus, testes dare volumus.* A *colon*, on the other 123
hand, is the expression of a thought which is rhythmically complete, but is meaningless if detached from the whole body of the sentence. For example *O callidos homines*[2] is complete in itself, but is useless if removed from the rest of the sentence, as the hand, foot or head if separated from the body. He goes on, *O rem excogitatam.* At what point do the members begin to form a body? Only when the conclusion is added: *quem, quaeso, nostrum fefellit, id vos ita esse facturos?* a sentence which Cicero regards as unusually concise. Thus as a rule *commata* and *cola* are fragmentary and require a conclusion. The period is given a number of different names by 124
Cicero,[3] who calls it *ambitus, circuitus, comprehensio, continuatio* and *circumscriptio.* It has two forms. The one is simple, and consists of one thought expressed in a number of words, duly rounded to a close. The other consists of *commata* and *cola*, comprising a number of different thoughts: for example, *aderat ianitor carceris, carnifex praetoris*[4] and the rest. The 125
period must have at least two *cola*. The average number would appear to be *four*, but it often contains even more. According to Cicero,[5] its length should be restricted to the equivalent of four *senarii* or to the compass of a single breath. It is further essential that it should complete the thought which it expresses. It must be clear and intelligible and must

ut intelligi possit, non immodica, ut memoria contineri. Membrum longius iusto tardum; brevius
126 in stabile est. Ubicunque acriter erit, instanter, pugnaciter dicendum, membratim caesimque dicemus, nam hoc in oratione plurimum valet; adeoque rebus accommodanda compositio, ut asperis asperos etiam numeros adhiberi oporteat et cum dicente aeque
127 audientem inhorrescere. Membratim plerumque narrabimus, aut ipsas periodos maioribus intervallis et velut laxioribus nodis resolvemus, exceptis quae non docendi gratia, sed ornandi narrantur, ut in Verrem Proserpinae raptus. Haec enim lenis et
128 fluens contextus decet. Periodos apta prooemiis maiorum causarum, ubi sollicitudine, commendatione, miseratione res eget, item communibus locis et in omni amplificatione; sed poscitur[1] tum austera, si accuses, tum fusa, si laudes. Multum et in epilogis
129 pollet. Totum autem hoc adhibendum est, quod sit amplius compositionis genus, cum iudex non solum rem tenet, sed etiam captus est oratione et se credit actori et voluptate iam ducitur. Historia non tam finitos numeros quam orbem quendam contextumque desiderat. Namque omnia eius membra

[1] poscitur, *Regius*: poscit, *A.*: possit, *G.*

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[1] *Verr.* IV. xlviii. 106.

not be too long to be carried in the memory. A *colon*, if too long, makes the sentence drag, while on the other hand, if it be too short it gives an impression of instability. Wherever it is essential to speak with 126
force, energy and pugnacity, we shall make free use of *commata* and *cola*, since this is most effective, and our rhythmical structure must be so closely conformed to our matter, that violent themes should be expressed in violent rhythms to enable the audience to share the horror felt by the speaker. On the 127
other hand we shall employ *cola* by preference when narrating facts, or relax the texture of our periods by considerable pauses and looser connexions, always excepting those passages in which narration is designed for decorative effect and not merely for the instruction of the audience, as for example the passage in the Verrines where Cicero[1] tells the story of the Rape of Proserpine: for in such cases a smooth and flowing texture is required. The full periodic 128
style is well adapted to the *exordium* of important cases, where the theme requires the orator to express anxiety, admiration or pity: the same is true of *commonplaces* and all kinds of *amplification*. But it should be severe when we are prosecuting and expansive in panegyric. It is also most effective in the *peroration*. But we must only employ this form 129
of rhythmical structure in its full development, when the judge has not merely got a grasp of the matter, but has been charmed by our style, surrendered himself to the pleader and is ready to be led whither we will, by the delight which he experiences. History does not so much demand full, rounded rhythms as a certain continuity of motion and connexion of style. For all its *cola* are closely linked

connexa sunt et, quoniam lubrica est, hac atque illac[1] fluit, ut homines, qui manibus invicem apprehensis gradum firmant, continent et continentur.
130 Demonstrativum genus omne fusiores habet liberioresque numeros; iudiciale et contionale, ut materia varium est, sic etiam ipsa collocatione verborum.

Ubi iam nobis pars ex duabus, quas modo fecimus, secunda tractanda est. Nam quis dubitat alia lenius, alia concitatius, alia sublimius, alia pugnacius, alia
131 ornatius, alia gracilius esse dicenda; gravibus, sublimibus, ornatis longas magis syllabas convenire? ita ut lenia spatium, sublimia et ornata claritatem quoque vocalium poscant; his contraria magis gaudere[2] brevibus, argumenta, partitiones, iocos et quidquid
132 est sermoni magis simile. Itaque componemus prooemium varie atque ut sensus eius postulabit. Neque enim accesserim Celso, qui unam quandam huic parti formam dedit, et optimam compositionem esse prooemii, ut est apud Asinium, dixit, *Si, Caesar, ex omnibus mortalibus, qui sunt ac fuerunt, posset huic causae disceptator legi, non quisquam te potius optandus*
133 *nobis fuit.* Non quia negem hoc bene esse compositum, sed quia legem hanc esse componendi in omnibus principiis recusem. Nam iudicis animus

[1] atque illac *added by Spalding.*
[2] gaudere, *Spalding*; laudere, *AG.*

[1] See t. 121.
[2] "If, Caesar, one man of all that are or have ever been could be chosen to try this case, there is none whom we could have preferred to you."

together, while the fluidity of its style gives it great variety of movement; we may compare its motion to that of men, who link hands to steady their steps, and lend each other mutual support. The *demon-* 130
strative type of oratory requires freer and more expansive rhythms, while *forensic* and *deliberative* oratory will vary the arrangement of their words in conformity with the variety of their themes.

I must now turn to discuss the first of the two points which I mentioned above.[1] No one will deny that some portions of our speech require a gentle flow of language, while others demand speed, sublimity, pugnacity, ornateness or simplicity, as the case may be, or that long syllables are best 131
adapted to express dignity, sublimity and ornateness. That is to say, while the gentler form of utterance requires length of vowel sounds, sublime and ornate language demands sonority as well. On the other hand, passages of an opposite character, such as those in which we argue, distinguish, jest or use language approximating to colloquial speech, are better served by short syllables. Consequently in the *exordium* 132
we shall vary our structure to suit the thought. For I cannot agree with Celsus, when he would impose a single stereotyped form upon the *exordium* and asserts that the best example of the structure required for this purpose is to be found in Asinius: e. g., *si, Caesar, ex omnibus mortalibus, qui sunt ac fuerunt, posset huic causae disceptator legi, non quisquam te potius optandus nobis fuit.*[2] I do not for a moment 133
deny that the structure of this passage is excellent, but I refuse to admit that the form of rhythmical structure which it exemplifies should be forced on all *exordia*. For there are various ways in which the

varie praeparatur: tum miserabiles esse volumus, tum modesti tum acres, tum graves, tum blandi, tum flectere, tum ad diligentiam hortari. Haec ut sunt diversa natura, ita dissimilem componendi quoque rationem desiderant. An similibus Cicero usus est numeris in exordio pro Milone, pro Cluentio,
134 pro Ligario? Narratio fere tardiores atque, ut sic dixerim, modestiores desiderat pedes ex omnibus maxime mixtos. Nam et verbis, ut saepius pressa est, ita interim insurgit; sed docere et infigere animis res semper cupit, quod minime festinantium opus est. Ac mihi videtur tota narratio constare
135 longioribus membris, brevioribus periodis. Argumenta acria et citata pedibus quoque ad hanc naturam commodatis utentur, non tamen[1] ita ut trochaeis quoque celeria quidem, sed sine viribus sint, verum iis, qui sint brevibus longisque mixti, non tamen
136 plures longas quam breves habent.[2] Illa sublimia spatiosas clarasque voces habentia[3] amant amplitudinem dactyli quoque ac paeanis, etiamsi maiore ex parte syllabis brevibus, temporibus tamen satis pleni. Aspera contra iambis maxime concitantur,

[1] non tamen, *ed. Ven*: nondum, *MSS.*
[2] habent, *Halm*: habentia, *G.*
[3] habentia, *Christ*: habent, *MSS.*

[1] *Trochee* (∪ ∪ ∪).

judge's mind may be prepared for what is to come: at times we appeal for pity, at others take up a modest attitude, while we may assume an air of energy or dignity, flatter our audience, attempt to alter their opinions and exhort them to give us their best attention, according as the situation may demand. And as all these methods are different by nature, so each requires a different rhythmical treatment. Did Cicero employ similar rhythms in his *exordia* to the *pro Milone*, the *pro Cluentio* and the *pro Ligario*? The *statement of fact* as a rule requires slower and 134
what I may be allowed to call more modest feet; and the different kinds of feet should, as far as possible, be intermixed. For while the style of this portion of our speech is generally marked by restraint of language, there are occasions when it is called upon to soar to greater heights, although on the other hand its aim will at all times be to instruct the audience and impress the facts upon their minds, a task which must not be carried out in a hurry. Indeed my personal opinion is that the *statement of fact* should be composed of long *cola* and short *periods*. Arguments, inasmuch as they are characterised by 135
energy and speed, will employ the feet best adapted to these qualities. They will not however acquire rapidity at the expense of force by employing *trochees*,[1] but will rather make use of those feet which consist of a mixture of long and short syllables, though the long should not outnumber the short. Lofty passages, which employ long and sonorous 136
vowels, are specially well served by the amplitude of the *dactyl* and the *paean*, feet which, although they contain a majority of short syllables, are yet not deficient in time-length. On the other hand, where

non solum quod sunt e duabus modo syllabis eoque frequentiorem quasi pulsum habent, quae res lenitati contraria est, sed etiam quod omnibus pedibus insurgunt et e brevibus in longas nituntur et crescunt, ideoque meliores choreis, qui ab longis in breves
137 cadunt. Summissa, qualia in epilogis sunt, lentas et ipsa, sed minus exclamantes exigunt.

Vult esse Celsus aliquam et superbiorem[1] compositionem, quam equidem si scirem, non docerem; sed sit necesse est tarda et supina, verum nisi ex verbis atque sententiis. Per se si id quaeritur, satis odiosa esse non poterit.

138 Denique, ut semel finiam, sic fere componendum quomodo pronuntiandum erit. An non in prooemiis plerumque summissi, (nisi cum in accusatione concitandus est iudex aut aliqua indignatione complendus) in narratione pleni atque expressi, in argumentis citati atque ipso etiam motu celeres sumus, in locis ac descriptionibus fusi ac fluentes,
139 in epilogis plerumque deiecti et infracti? Atqui corporis quoque motui sunt[2] sua quaedam tempora et ad signandos[3] pedes non minus saltationi quam modulationibus adhibetur musica ratio numerorum. Quid? non vox et gestus accommodatur naturae

[1] superbiorem, *Spalding*: superiorem, *G.*
[2] motui sunt *Spalding*: motus, *G.*
[3] signandos, *Halm*: signos, *G.*

violence is required, the requisite energy will be best secured by the employment of the *iambus*, not merely because that foot contains but two syllables, with the result that its beat is more frequent, making it unsuited to gentle language, but also because every foot gives the effect of an ascent, as they climb and swell from short to long, a fact which renders them superior to the *choreus*, which sinks from long to short. Subdued passages, such as occur in the 137
peroration, also require slow syllables, which must, however, be less sonorous.

Celsus insists that there is a special form of rhythmical structure which produces a particularly stately effect: I do not know to what he refers and, if I did, should not teach it, since it must inevitably be slow and flat, that is to say unless this quality is derived from the words and thoughts expressed. If it is to be sought for its own sake, independent of such considerations, I cannot sufficiently condemn it.

But, to bring this discussion to a close, I would 138
remark that our rhythm must be designed to suit our delivery. Is not our tone subdued as a rule in the *exordium*, except of course in cases of accusation where we have to rouse the judge or fill him with indignation, full and clear in the *statement of* fact, in argument impetuous and rapid not merely in our language, but in our motions as well, expansive and fluent in *commonplaces* and descriptions and, as a rule, submissive and downcast in the *peroration*? But the 139
motions of the body also have their own appropriate rhythms, while the musical theory of rhythm determines the value of metrical feet no less for dancing than for tunes. Again, do we not adapt our voice and gesture to the nature of the themes on which

ipsarum, de quibus dicimus, rerum? Quo minus id mirere in pedibus orationis, cum debeant sublimia ingredi, lenia duci, acria currere, delicata fluere.
140 Itaque tragoediae, ubi necesse est, adfectamus etiam tumorem ex spondeis atque iambis quibus[1] maxime continetur:

En impero Argis, sceptra mi liquit Pelops.

At ille comicus aeque senarius, quem trochaicum vocant, pluribus trochaeis, qui tribrachi[2] ab aliis
141 dicuntur, pyrrhichiisque decurrit; sed quantum accipit celeritatis, tantum gravitatis amittit:

Quid igitur faciam? non eam ne nunc quidem?

Aspera vero et maledica, ut dixi, etiam in carmine iambis grassantur:

Quis hoc potest videre, quis potest pati,
Nisi impudicus et vorax et aleo?

142 In universum autem, si sit necesse, duram potius atque asperam compositionem malim esse quam effeminatam et enervem, qualis apud multos et cotidie magis lascivissimis syntonorum modis saltat. Ac ne tam bona quidem ulla erit, ut debeat esse

[1] quibus, *added by Spalding.*
[2] trochaeis . . tribrachi, *Spalding*: choreis . . trochaei, *MSS.*

---

[1] From an unknown tragedian. "Lo, I am lord at Argos, where to me | Pelops the sceptre left."
[2] *Ter. Eun.* I. i. 1. "What shall I do then? Not go even now?" The *pyrrhic* never forms a separate foot, but does form part of the *anapaest, tribrach* and *dactyl* and it is in this connexion that it is mentioned by Quintilian.

we are speaking? There is, therefore, all the less reason for wonder that the same is true of the feet employed in prose, since it is natural that what is sublime should have a stately stride, that what is gentle should seem to be led along, that what is violent should seem to run and what is tender to flow. Consequently, where necessary, we must 140
borrow the pompous effect produced by the *spondees* and *iambi* which compose the greater portion of the rhythms of tragedy, as in the line,

En, impero Argis, sceptra mi liquit Pelops.[1]

But the comic senarius, styled *trochaic*, contains a number of *pyrrhics* and *trochees*, which others call *tribrachs*, but loses in dignity what it gains in speed, 141
as for example in the line,

quid igitur faciam? non eam, ne nunc quidem?[2]

Violent and abusive language, on the other hand, even in verse, as I have said, employs the *iambic* for its attack: *e.g.*,

Quis hoc potest videre, quis potest pati,
nisi impudicus et vorax et aleo?[3]

As a general rule, however, if the choice were forced 142
upon me, I should prefer my rhythm to be harsh and violent rather than nerveless and effeminate, as it is in so many writers, more especially in our own day, when it trips along in wanton measures that suggest the accompaniment of castanets. Nor will any rhythm ever be so admirable that it ought to be

[3] *Cat.* xxix. 1. "Who save a lecherous gambling glutton can endure to gaze on such a sight as this?"

143 continua et in eosdem semper pedes ire. Nam et versificandi genus est unam legem omnibus sermonibus dare; et id cum manifestae adfectationis est (cuius rei maxime cavenda suspicio est), tum etiam taedium ex similitudine ac satietatem creat; quoque est dulcius, magis perdit amittit que[1] et fidem et adfectus motusque omnes, qui est in hac cura deprehensus. Nec potest ei credere aut propter eum dolere et
144 irasci iudex, cui putat hoc vacare. Ideoque interim quaedam quasi solvenda de industria sunt; et quidem illa maximi laboris, ne laborata videantur. Sed neque longioribus, quam oportet, hyperbatis compositioni serviamus ne, quae eius rei gratia fecerimus, propter eam fecisse videamur; et certe nullum aptum atque
145 idoneum verbum permutemus gratia levitatis. Neque enim ullum erit tam difficile, quod non commode inseri possit, nisi quod in evitandis eiusmodi verbis non decorem compositionis quaerimus, sed facilitatem. Non tamen mirabor Latinos magis indulsisse compositioni quam Atticos, cum minus[2] in verbis
146 habeant severitatis[3] et gratiae; nec vitium duxerim, si Cicero a Demosthene paulum in hac parte descivit.

[1] amittit que, *Regius*: atque, *MSS.*
[2] cum minus, *G. Meyer*: quominus, *G*: quamvis, quamvis minus, *later MSS.*
[3] severitatis, *Spalding*: veritatis, *G*: varietatis, *Regius.*

[1] Transpositions. See VIII. vi. 62.

continued with the same recurrence of feet. For we 143
shall really be indulging in a species of versification
if we seek to lay down one law for all varieties of
speech: further, to do so would lay us open to the
charge of the most obvious affectation, a fault of
which we should avoid even the smallest suspicion,
while we should also weary and cloy our audience by
the resulting monotony; the sweeter the rhythm,
the sooner the orator who is detected in a studied
adherence to its employment, will cease to carry
conviction or to stir the passions and emotions. The
judge will refuse to believe him or to allow him to
excite his compassion or his anger, if he thinks that
he has leisure for this species of refinement. It will 144
therefore be desirable from time to time that in
certain passages the rhythm should be deliberately
dissolved: this is a task of no small difficulty, if the
appearance of effort is to be avoided. In so doing
we must not come to the assistance of the rhythm
by introducing *hyperbata*[1] of extravagant length, for
fear that we should betray the purpose of our action:
and we should certainly never in our search for
smoothness abandon for another any word that is
apt and appropriate to our theme. As a matter of 145
fact no word will be so intractable as to baffle all our
attempts to find it a suitable position; but it must
be remembered that when we avoid such words, we
do so not to enhance the charm of our rhythm, but
to evade a difficulty. I am not, however, surprised
that Latin writers have paid more attention to
rhythmical structure than the Athenians, since Latin
words possess less correctness and charm. Nor again 146
do I account it a fault in Cicero that, in this respect,
he diverged to some extent from the practice of

Sed quae sit differentia nostri Graecique sermonis, explicabit summus liber.

Compositio (nam finem imponere egresso destinatum modum volumini festino) debet esse honesta,
147 iucunda, varia. Eius tres partes: ordo, coniunctio, numerus. Ratio in adiectione, detractione, mutatione; usus pro natura rerum, quas dicimus: cura ita magna, ut sentiendi atque eloquendi prior sit; dissimulatio curae praecipua, ut numeri sponte fluxisse, non arcessiti et coacti esse videantur.

Demosthenes. However, my final book will explain the nature of the difference between our language and that of Greece.

But I must bring this book to a conclusion without more delay, since it has already exceeded the limits designed for it. To sum up then, artistic structure must be decorous, pleasing and varied. It consists 147
of three parts, order, connexion and rhythm. The method of its achievement lies in addition, subtraction and alteration of words. Its practice will depend upon the nature of our theme. The care which it demands is great, but, still, less than that demanded by expression and thought. Above all it is necessary to conceal the care expended upon it so that our rhythms may seem to possess a spontaneous flow, not to have been the result of elaborate search or compulsion.

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(Only those names are included which seem to require some explanation: a complete index will be contained in Vol. IV.)

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Africanus, Julius, VIII. v. 15. Orator of the reign of Nero.

Antonius, M. (i), VII. iii. 16. Great orator, earlier contemporary of Cicero.

Antonius, M. (ii), VII. iii. 18. The triumvir.

Antonius, Gaius, IX. iii. 94. Cicero's colleague in the consulship.

Apollodorus, IX. i. 12. Distinguished rhetorician from Pergamus of the Augustan age.

Appius Pulcher, VIII. iii. 35. Cicero's predecessor as governor of Cilicia: the whole of Bk. III. of the *Epistolae ad Familiares* is addressed to him.

Asinius, see Pollio.

Bostar, VII. ii. 10. A man of Punic origin alleged to have been murdered by Scaurus in Sardinia.

Brutus, M., IX. iii. 95; IX. iv. 75 *sq.* Orator of the Attic school: murderer of Julius Caesar.

Caecilius, VIII. iii. 35; IX. i. 12; IX. iii. 38, 46, 89, 91, 98. Sicilian rhetorician who taught at Rome in the reign of Augustus.

Caecilius, Q., VII. ii. 2. Sought to accuse Verres, whose quaestor he had been, with a view to securing his acquittal by collusion.

Caelius, IX. ii. 59. Younger contemporary of Cicero, distinguished as an orator.

Calvus, IX. ii. 25; IX. iii. 56. Younger contemporary of Cicero, poet and orator of the Attic school.

Cassius Severus, VIII. ii. 2; VIII. iii. 89. Orator of the reign of Augustus.

Cato the censor, VIII. iii. 29; VIII. v. 33; VIII. vi. 9; IX. ii. 21; IX. iv. 39. The famous opponent of Carthage; one of the most distinguished writers and orators of his day (234–149 B.C.).

Cato Uticensis, VIII. ii. 9; IX. iv. 75. Contemporary of Cicero and among the most ardent opponents of Caesar.

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Cornelius, VIII. iii. 3. Defended by Cicero on a charge of *lese-majesté*.

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Isocrates, IX. iii. 74; IX. iv. 35. Famous Athenian orator, founder of the science and technique of Greek rhetoric (436–338 B.C.).

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Proculus, C. Artorius, IX. i 2. A. grammarian of unknown date.
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Scaevola (ii), VII. vi. 9. Famous jurist. Consul 95 B.C.
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Zoilus, IX. i. 14. Grammarian and rhetorician: fourth or third century B.C., date uncertain.

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