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## QUINTILIAN

### III



THE INSTITUTIO ORATORIA OF  
QUINTILIAN

WITH AN ENGLISH TRANSLATION BY  
H. E. BUTLER, M.A.,  
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IN FOUR VOLUMES

III

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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 devinxerit. Nec immerito secunda quinque partium posita est, cum sine ea prior nihil valeat. Neque enim quanquam fuis omnibus membris statua sit, nisi collocetur, et si quam in corporibus nostris aliorumve animalium partem permutes et transferas,

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<sup>1</sup> *cp. vi. iv. l.* Invention, arrangement, style, memory, delivery.

# THE INSTITUTIO ORATÓRIA 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,<sup>1</sup> 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



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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,<sup>1</sup> 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, caque non omittam.

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

---

<sup>1</sup> dispositioni, *early editors*: divisioni, *MSS*.

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,<sup>1</sup> 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

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sequentia adnectens, dispositio utilis rerum ac  
2 partium in locos distributio. Sed meminerimus  
ipsam dispositionem plerumque utilitate mutari nec  
candem semper primam quaestionem ex utraque  
parte tractandam. Cuius rei, ut cetera exempla  
praeteream, Demosthenes quoque atque Aeschines  
possunt esse documento in iudicio Ctesiphontis  
diversum scuti ordinem, cum accusator a iure, quo  
videbatur potentior, coeperit, patronus omnia pacne  
ante ius posuerit, quibus iudicem quaestioni<sup>1</sup> 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 ne-  
cesse est ordinem esse diversum. Igitur, quid ipse  
sim secutus, quod partim praeceptis partim usur-  
patum ratione cognoveram, promam<sup>2</sup> 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 expo-  
nuntur, quae themata Graeci vocant, Cicero pro-

---

<sup>1</sup> *cp.* III. x. 4.

<sup>2</sup> *cp.* VI. iv. 8; IV. ii. 28.

<sup>3</sup> *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,<sup>1</sup> 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.<sup>2</sup> (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<sup>3</sup> translates by *propositions*.) When I

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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) constitutebam, 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; transco. 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.

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<sup>1</sup> I.e. a question as to facts. *co.* VII. ii.



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Si explorandum est, ubi controversia incipiat, et considerari debet, quid primam quaestionem faciat.<sup>1</sup>

9 Intentio simplex, *Occidit Saturninum Rabirius*; coniuncta, *Lege de sicariis commisit L. Varenius*. Nam *C. Varenus occidendum et Cn. Varenus vulnerandum et Salarium item occidendum curavit*.<sup>2</sup> Nam sic diversae propositiones crunt; 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 defensionis sit aversior. Interim tamen et hoc mutabitur, si leviora illa palam falsa crunt, gravissimi defensio difficilior,

<sup>1</sup> quid . . . faciat, *Happel*: quae . . . facit, *AG*.

<sup>2</sup> curavit, *Gesner*: ca . . . *A.*: cadit, *G.*: cavit, *2nd hand A.*

<sup>1</sup> *cp.* v. xi. 6.

<sup>2</sup> *cp.* v. xiii. 38.

<sup>3</sup> *cp.* III. vi. 1 *sq.*

<sup>4</sup> *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,"<sup>1</sup> 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."<sup>2</sup> 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*:<sup>3</sup> for instance the accused may deny one fact, justify another and plead technical grounds to show<sup>4</sup> 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



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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,<sup>1</sup> 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*

<sup>1</sup> 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.

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- 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 confictionibus, facti semper idem spectant; in

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<sup>1</sup> 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.

<sup>2</sup> *cp.* III. vi. 46. and vii.

<sup>3</sup> § 10.

<sup>4</sup> v. xii. 14.

<sup>5</sup> 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.<sup>1</sup> On the other hand, a question may turn on more laws than one, as in cases of ἀντινομία or contradictory laws.<sup>2</sup> 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<sup>3</sup> on the subject of *propositions* and on that of *arguments* in the section which I devoted to *proofs*,<sup>4</sup> 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;<sup>5</sup>

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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?"

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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 damnassee 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,<sup>1</sup> 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<sup>2</sup> voluntati tuae non paruerit; ut in alia omnia subiectus sit, non*

<sup>1</sup> protulerit, *Halm*: omitted by *MSS*.

<sup>2</sup> qui cuicunque, *W. Meyer*: quicunque, *MSS*.

<sup>1</sup> See IV. iv. 6.

<sup>2</sup> cp. III. 6, 8.



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- propter optionem; ut propter optionem, non propter talem optionem.*<sup>1</sup> 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,<sup>2</sup> 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 descendereim,  
 24 etiam in suasoriis. Ut deliberat Numa, an regnum offerentibus Romanis recipiat. Primum, id est genus, an regnandum, tum<sup>3</sup> an in civitate aliena, an Romae, an laturo 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-

<sup>1</sup> optionem . . . optionem, *Obrecht*: opinionem . . . opinionem, *MSS.*: ut propter optionem omitted by *MSS.*

<sup>2</sup> facere is followed by praecipere, which is expunged by *Meister* as a gloss.

<sup>3</sup> tum added by *Christ*.

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<sup>1</sup> 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.

<sup>2</sup> 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."<sup>1</sup> 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*,<sup>2</sup> 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



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- 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,<sup>1</sup> *ne viduam quidem*. Adhuc plus est,<sup>2</sup> *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

<sup>1</sup> esse . . . ultra est, *Spalding*: esse quaere aliquidem ultra sit, *AG*.

<sup>2</sup> est, *Halm*: si, *A*: se *G*.

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<sup>1</sup> 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.<sup>1</sup> 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

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veniamus. Fere enim communia generalia sunt. Commune est, *Tyrannum occidit*; proprium, *patrem<sup>1</sup> 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*; *euntes ad redemptionem eius legati obvium habuerunt patrem revertentem ab*  
30 *hostibus. Is legatis dixit: Sero ilis. Excusserunt illi patrem et aurum in sinu eius invenerunt*; *ipsi perseverarunt ire quo intenderant*; *invenerunt ducem crucifixum, 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<sup>2</sup> 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 defensionis praeccluduntur. In totum autem congregatio criminum accusantem adjuvat, separatio defendentem.

Solebam id, quod fieri et in argumentis dixi, in

<sup>1</sup> patrem, added by Halm.

<sup>2</sup> clam et, Regius: claret, AG.



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<sup>1</sup> as being done with arguments, namely, after first.

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tota facere materia, ut propositis extra quae nihil  
esset omnibus, deinde ceteris remotis, solum id  
32 superesset quod credi volebam, ut in praevari-  
cationum criminibus: *Ut absolvatur reus, aut innocentia  
ipsius fit aut interveniente aliqua potestate aut vi aut  
corrupto iudicio aut difficultate probationis aut praevari-  
catione. Nocentem fuisse confiteris, nulla potestas ob-  
stitit, 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 quid-  
quid dici potest, et velut reiectione facta ad op-  
timum 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,*



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- 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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<sup>1</sup> *pro Mil.* x. 29.

<sup>2</sup> 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."<sup>1</sup> 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,<sup>2</sup> 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



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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 perso-  
nam tuebimur, incipiendum erit. Et haec quidem  
de dividendo in universum praecipi possunt.
- 40 At quomodo inveniemus etiam illas occultiores  
quaestiones ? scilicet, quomodo sententias, verba, figu-  
ras, 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<sup>1</sup> in oculos incurrunt exquirendum  
putant.

Quod quo facilius appareat, unam de schola con-

<sup>1</sup> ultra ea quae, *M. Haupt, Mudvig* : vitare quae, *A* : vitare  
aquae, *G*.

<sup>1</sup> Or perhaps "glosses," i. e. the giving of a special aspect  
to the case by skilful representation of facts.

<sup>2</sup> § 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 38 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. 39 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*.

But how shall we discover those *questions* which 40 present abnormal difficulty? Just as we discover reflexions, words, figures or the appropriate *nuances* of style,<sup>1</sup> 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,<sup>2</sup> to accept nature for a guide. Many, however, in their passionate desire to 41 win a reputation for eloquence are content to produce showy passages which contribute nothing to the proof of their case, while others think that their enquiry need not proceed further than that which meets the eye.

To make my meaning clearer, I will cite a

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troversiam, non ita sane difficillimam aut novam,  
42 proponam in exemplum. *Qui reo proditiōis patri non  
adfuerit, exheres sit. Proditionis damnatus cum advocato  
exulet. Reo proditiōis 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 *lotum vindicat sibi.* Hic illi eloquentes quibusque nos  
circa lites raras sollicitiores ridiculi videmur, invadent  
personas favorabiles. Actio pro rustico contra di-  
sertum, pro viro forti contra imbellem, pro restituto-  
re 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  
30



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

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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 prodicionis 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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<sup>1</sup> Sc. in spite of his own eloquence.

<sup>2</sup> See IV. iv.



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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<sup>1</sup> 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*

<sup>1</sup> lex, *Halm*: lexeam, *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



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- est: potest aliquis non adfuisse et heres esse.
- 51 Transeat nunc idem ille, qui hoc<sup>1</sup> 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:<sup>2</sup> *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<sup>1</sup> universam domum periculo subiiceret. Haec prima quaestione
- 54 scripti et voluntatis continentur. Intendamus ultra animum videamusque, an aliquid inveniri praeterea possit. Quo id modo fiet? Sedulo imitor quae-

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<sup>1</sup> hoc, *added by Christ.*    <sup>2</sup> dici, *Christ: dicit, MSS.*

<sup>1</sup> *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,<sup>1</sup> 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 imperil his whole family. All these arguments are involved in the preliminary question as to the letter and the intention of the law. Let us pursue the matter 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

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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*<sup>1</sup> *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 verendum est, quia innocentem fuisse patrem fatetur.  
57 Dat aliud argumentum controversiae *Damnatus proditionis cum avvocato exulet*. Vix videtur posse fieri, ut poena filio in eodem patre, et si adfuerit et si non

<sup>1</sup> 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,

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adfuerit, constituta sit. Praeterea lex ad exules nulla pertinet. Non ergo credibile est de avvocato damnati scriptum; an possunt enim bona esse ulla  
58 exulis? Rusticus<sup>1</sup> 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 advocacy, et rusticum innocenti non adfuisse dicet. Illud protinus non indignum quod adnotetur, posse ex uno statu duas generales fieri quaestiones, an quisquis? an cuicumque?

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

<sup>1</sup> rusticus, *Regius*: scolastica, *AG*.

<sup>1</sup> III. vi. 1 *sqq.* The *basis* or main point on which the case turns is that of the intention of the law (*voluntas*).

<sup>2</sup> *i. e.* the father and the uneducated son.



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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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<sup>1</sup> *cp.* III. vi. 15, 43, 46, 51; VII. viii. 1.

<sup>2</sup> 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,<sup>1</sup> 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.<sup>2</sup> 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

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- 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 camus per singulas causarum iudicialium partes, quas ut persequi ad ultimam speciem, id est ad singulas lites controversiasque, non possum, ita de<sup>1</sup> 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<sup>2</sup> 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-

<sup>1</sup> de, *Regius* : in, *AG*.

<sup>1</sup> *I.e.* qualitative, *cp.* III. vi. 43.

<sup>2</sup> *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*.<sup>1</sup> 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*,<sup>2</sup> 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



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dentia regatur, an sit aliquando casurus; in definitis:  
an parricidium commiserit Roscius, an regnum ad-  
fectet 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<sup>1</sup> tanquam filius petebat  
5 bona, Figulus esset an Sosipater. Nam et substantia

<sup>1</sup> is qui, *Spalding*: si qui, *A*: si quis, *G*.

<sup>1</sup> *cv.* 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 is necessary, as in questions of personal identity, which may be illustrated by the action brought against the heirs of Urbinia,<sup>1</sup> where the question was whether the man who claimed the property as being the son of the deceased, was Figulus or Sospater. In this case the actual person was before the 5



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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<sup>1</sup> 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

<sup>1</sup> cum, *Halm* : et, *MSS*.

<sup>1</sup> *cp.* III. viii. 16.

<sup>2</sup> *cp.* III. viii. 56.



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habet, an homo perierit, aliquando duplicem, veneno  
an cruditate 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  
aliud fecisse dicit. Sed ne in alterum quidem trans-  
ferendi criminis una forma est. Interdum enim sub-  
stituatur 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 extraneam aut in ipsius qui  
periit<sup>1</sup> voluntatem. In quibus similis atque in  
ἀντικατηγορία 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 comparisonis 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

<sup>1</sup> periit, *Badius* : perit, *cod. Argentorat* : petit, *AG*.

<sup>1</sup> 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*.<sup>1</sup> 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



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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<sup>1</sup> an tristitia, labor an otium,<sup>2</sup> vigilia an quies.

<sup>1</sup> laetitia, *added by Philander.*

<sup>2</sup> labor an otium, *Regius: laborantium, MSS.*

## BOOK VII. II. 11-14

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



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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 discipulis 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



*portionem a se datam bibisset. Pater, acceptae potionis epota parte, dirit venenum sibi datum; filius quod reliquum erat exhausit: pater decessit, ille parricidii*  
 18 *reus est.* Manifestum, quis portionem 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 super-  
 vacuum 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 ἀντικα-  
 τηγορία; 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<sup>1</sup> 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

<sup>1</sup> et etiam, *Christ*: etiam et, *MSS*.



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nihil interest actionum, utrum simul de utroque  
21 pronuntietur an sententia de uno feratur.<sup>1</sup> Quo in  
genere semper prior debebit esse defensio, primum  
quia natura potior est salus nostra quam adversarii  
perniciēs, 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*,<sup>2</sup> super-  
vacuum 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 compo-  
nimus 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<sup>3</sup>  
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

<sup>1</sup> sententia . . feratur, *Regius*, *Zumpt*: etiamsi . . .  
fertur, *MSS*.

<sup>2</sup> at qui dicit . . . occidisti, *added by Regius*.

<sup>3</sup> etenim in posteriore crimine persona, *Halm*: est enim  
superior enim persona, *AG* (persona enim *A*).

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<sup>1</sup> The *pro Vareno* being lost, it is impossible to say to  
what this refers, and for the same reason *Halm's* con-  
jecture 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.<sup>1</sup> 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<sup>2</sup> did without indicting

<sup>1</sup> Roscius Amerinus, accused of parricide and defended by Cicero.



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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,<sup>1</sup> negligentia excipientium in quaestum notariorum corruptae minimam partem mei habent.

25 Est et alia duplex coniectura huic ἀντικατηγορία 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-

<sup>1</sup> 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, <sup>24</sup> 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 <sup>25</sup> 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



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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<sup>1</sup> venisse atque ibi agnosci; Pollio contra, servisse eum Pisauri dominis duobus, medicinam factitasse, manumissum alienae se familiae venali immiscuisse, a se rogantem,<sup>2</sup> 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 intue-  
28 endum ante omnia, qualis sit de quo agitur. Accusatoris autem est efficere ut, si quid obiecerit non

<sup>1</sup> Marrucinos, *Bonnell*: Marginos, *MSS*.

<sup>2</sup> a se rogantem, *A*: ac rogantem, arrogantem, *other MSS*.

---

<sup>1</sup> *cp.* IV. i. 11. and VII. ii. 4.

<sup>2</sup> 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<sup>1</sup> 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<sup>2</sup> 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 ostenderit.   
 29 *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.<sup>1</sup> 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<sup>1</sup> hac invidia opprimi posse. Alii a propositione accusatoris contraque eam<sup>2</sup> 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

<sup>1</sup> speraverint, *Gesner*: speravere, *MSS.*

<sup>2</sup> contraque eam, *Halm*: contra quam, *A*; contra qua, *G.*



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## QUINTILIAN

cadant ideoque saepe deprehensa sint, vel quod  
32 indignum<sup>1</sup> 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<sup>2</sup>  
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

<sup>1</sup> indignum, *Aldine ed.* : ingenuum, ingenium, *MSS.*

<sup>2</sup> *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<sup>1</sup> in anteactis argumentum, in quibus  
35 vinci quam tacere maluerit. Cetera, quae a per-  
sonis 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<sup>2</sup>  
ad quidquid faciendum causae valere videantur,  
casque quas in argumentum sumet augere; si minus,  
36 illuc conferenda est oratio, aut aliquas fortasse la-  
tentes 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

<sup>1</sup> unum, *Spalding*: vanum, *MSS.*

<sup>2</sup> ut, *added by Spalding.*

---

<sup>1</sup> 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.<sup>1</sup>

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



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aut levem aut ignotam reo dicet. Possunt autem esse aliquae interim ignotae, an heredem habuerit, an accusaturus fuerit eum, a quo dicitur<sup>1</sup> 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

<sup>1</sup> dicitur, *vulgo*: dicetur, *AG*.

# BOOK VII. II. 37-40

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



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- 41 crimen elevat, ita in coniectura premunt. Et persona quidem nescio an unquam, utique in <sup>v. r.</sup> e o 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 <sup>v. i.</sup> 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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<sup>1</sup> c. xiv. sqq.



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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<sup>1</sup> prosunt nostra

<sup>1</sup> et minus, *Regius*: aut minus magis, *MSS.*

<sup>1</sup> *cp.* v. x. 45.

<sup>2</sup> 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,<sup>1</sup> while concealment, fear and the like belong to subsequent time. To these must be added indications, which we have already discussed elsewhere,<sup>2</sup> 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 prorsum  
 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, infirmitiora in utrumque sint necesse dubia ;  
 tamen nostra saepe nobis nocent, ut in illa contro-  
 versia : *Interrogatus filius, ubi esset pater, dixit, Ubi-  
 que est, vivit ; ut 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<sup>1</sup> in omnes  
 aliquid ex his cadit. Nam furti, depositi, creditae

<sup>1</sup> 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



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pecuniae et a facultatibus argumenta veniunt, an fuerit, quod deponeretur, et a personis, an ullum deposuisse apud hunc, vel huic credidisse credibile sit, an petitozem 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 adiu-  
vabit 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 any one 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 proditiōis 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,<sup>1</sup> *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<sup>2</sup> 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,

<sup>1</sup> Proditionem, *added by Spalding.*

<sup>2</sup> aliqua quando, *Spalding: aliquando, AG.*

---

<sup>1</sup> 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.

<sup>2</sup> *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.



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## QUINTILIAN

quibus volunt, liberos, parentes, nutrices accommo-  
dant, nisi quod magis concesseris ea, quae non sint  
posita, desiderare quam adiicere.<sup>1</sup>

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 detra-  
hit fidem; multo scilicet magis res, prout ponuntur,<sup>2</sup>  
congruunt aut repugnant. Sed haec nisi in ipso  
complexu causarum non deprehenduntur. Quaeren-  
dum 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,

<sup>1</sup> adiicere, *Spalding*: dicere, *AG*.

<sup>2</sup> ponuntur, *added by Spalding*.

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<sup>1</sup> *i. e.* it is safer to ask the imaginary opponent "where  
is your evidence?" than to produce imaginary evidence  
ourselves.

<sup>2</sup> § 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.<sup>1</sup>

With regard to the method to be followed when we enquire into intention, I have said enough in dividing the subject into three questions,<sup>2</sup> 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 deposi-  
tum,<sup>1</sup> non est hoc adulterium.* Interim a qualitate ad  
2 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<sup>2</sup>*  
*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<sup>3</sup> nomine constat, de re dubium est, interim  
5 coniectura est: ut si quaeratur, quid sit deus. Nam  
qui neget deum esse spiritum omnibus partibus im-  
mixtum, non hoc dicat falsam esse divinae illius  
naturae appellationem, sicut Epicurus, qui humanam  
ei formam locumque inter mundos dedit? Namine  
6 uterque uno utitur; utrum sit in re, coniectat. In-  
terim qualitas tractatur, ut quid sit rhetorice, vis

<sup>1</sup> depositum, *Badius*: initiatio, *AG*: mutuatio, *cod. Mon.*

<sup>2</sup> uxorem verbis, *Spalding*: rem publicam verbis, *MSS.*

<sup>3</sup> sed . . . constat, *Halm*: et quod nomine constat, *MSS.*

"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 2  
*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. 3  
 As I have already said,<sup>1</sup> 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 4  
 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 5  
 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 em-  
 ploy conjecture to decide which of the two meanings  
 is consistent with fact. Sometimes again we have 6  
 recourse to quality, as in the question, "What is



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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<sup>1</sup> neganti aliquod esse nomen dicendum quod sit potius: tamen equi- 9 dem<sup>2</sup> tris habeo velut species. Nam interim con-

<sup>1</sup> enim, *added by Regius.*

<sup>2</sup> equidem, *Christ: eandem, AG.*

---

<sup>1</sup> 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 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,<sup>1</sup> who follows many authorities in saying that definition is concerned with identity and difference (since he who denies the applicability of one term must always produce another term which he regards as preferable), for my own part I consider that definition falls into three types, which I may perhaps call *species*. For at times it is convenient merely to



venit solum<sup>1</sup> 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<sup>2</sup> diversitas, ut qui idem sentiant, non iisdem verbis comprehendant: ut

<sup>1</sup> solum, *Zumpt*: suum, *AG*.

<sup>2</sup> finitionum, *Regius*: divisionum, *MSS*.



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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 litigatur. Opus est aliquando finitione obscurioribus et ignotioribus verbis ut, quid sit clarigatio, erectum citum;<sup>1</sup> interim notis nomine verbis,<sup>2</sup> quid sit penus, quid litus.

Quae varietas efficit, ut eam quidam coniecturae, quidam qualitati, quidam legitimis quaestionibus subiecerint. Quibusdam ne placuit quidem omnino subtilis haec et ad morem dialecticorum formata conclusio, ut in disputationibus potius arguta<sup>3</sup> 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 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 dixerò, *Homo est animal mortale rationale*, non potero, expositis tot corporis animique proprie-

<sup>1</sup> erectum citum, *Halm*: erectus citus, *A*: ercet ut, *G*.

<sup>2</sup> verbis, *early edd.*: videbis, *AG*.

<sup>3</sup> arguta, *Zumpt*: argumenta, *AG*.

---

<sup>1</sup> A formal demand for redress under threat of war.

<sup>2</sup> An undivided inheritance.

<sup>3</sup> Store of provisions.

<sup>4</sup> 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 some- 13 times required to explain rare or obscure words such as *clarigatio*<sup>1</sup> or *erctum citum*,<sup>2</sup> or again to explain familiar words such as *penus*<sup>3</sup> or *litus*.<sup>4</sup>

This variety in definition has caused some writers to include it under conjecture, others under quality and others again under legal questions. Some, on 14 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 15 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



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tatibus, latius oratione ducta, vel a dis eum vel a  
 16 mutis discernere? Quid quod nec uno modo defini-  
 tur 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].<sup>1</sup> ad certa se verba  
 adstringendi, idque faciendum in libris Ciceronis de  
 17 Oratore vetat M. Antonius. Nam est etiam pericu-  
 losum, cum, si uno verbo sit erratum, tota causa  
 cecidisse videamur; optinaque est media illa via,  
 qua utitur Cicero pro Caecina, ut res proponatur,  
 verba non periclitentur. *Etenim, recuperatores, non*  
*ea sola vis est quae ad corpus nostrum vitamque pervenit,*  
*sed etiam multo maior ea quae periculo mortis iniecto*  
*formidine animum perlerritum loco saepe et certo statu*  
 18 *demovel.* 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

<sup>1</sup> *Expunged by Halm.*

<sup>1</sup> *Pro Mur.* xxxv. 73.

<sup>2</sup> *II xxv.* 108 *s* *lq.*

<sup>3</sup> xv. 42.

<sup>4</sup> ix. iii. 7.



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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 applies. 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

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<sup>1</sup> 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*.<sup>1</sup> 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*<sup>1</sup> *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.]<sup>2</sup> 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 priorum 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-

<sup>1</sup> de sacro . . . aliquid, added by early editors.

<sup>2</sup> Falsa . . . proprium, expunged by Gesner.

<sup>1</sup> Conjecture is here used in the ordinary sense, not the technical.

<sup>2</sup> 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*.

<sup>3</sup> cp. iii. vi 25.



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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. Dicit 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:<sup>1</sup> 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.*

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<sup>1</sup> 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.<sup>1</sup> 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 antecedenti-  
 bus, 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 quo-  
 que 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 adolescen-  
 tibus 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 tumultu, quem exstruxe-*  
*rant, inscripserunt. Pater eius, a transmarina pere-*  
*grinatione 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*

<sup>1</sup> Top. xxiii. 88.

<sup>2</sup> v. x. 73.

<sup>3</sup> xv. 44.

<sup>4</sup> xv. 43.



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*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<sup>1</sup> 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-*

<sup>1</sup> absunt, Teuffel : sunt, MSS.

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<sup>1</sup> *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:<sup>1</sup> "Majesty resides in the dignity of the Roman power and the Roman people." The question however, is, whether that majesty has been



līi quaesitum est. Sed hic etiā<sup>1</sup>si<sup>1</sup> 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 tūm 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

, <sup>1</sup> etiamsi, *Christ*: etiam similis, *MSS*.

<sup>1</sup> No fragments of the *pro Cornelio* contain any trace of this.

<sup>2</sup> See III. vi. 31, *sqq.*      <sup>3</sup> See III. iv. 12 *sqq.*



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## QUINTILIAN

hoc statu: factum esse constat, quale sit factum quaeritur. Lis est omnis aut de praemio aut de poena aut de quantitate. Igitur<sup>1</sup> 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 militavit, 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<sup>2</sup> 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

<sup>1</sup> igitur, *early edd.*: agitur, *A*: egrum, *G*.

<sup>2</sup> sit par. Verum, *Regius*: sit pūsum, *MSS*:

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<sup>1</sup> 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.<sup>1</sup> 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 extraneo accusatore et legibus agente prodesse

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<sup>1</sup> i. e. from motives derived from facts lying outside the actual case.



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## QUINTILIAN ,

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 in-  
commoda vitantis melior quam commoda petentis  
11 est causa. Quibus similia etiam in vera rerum  
quaestione tractantur. Nam quae in scholis abdica-  
torum, haec in foro exheredatorum a parentibus et  
bona apud centumviros repetentium ratio est; quae  
illic malae tractationis, hic rei uxoriae, cum quaeri-  
tur 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 de-  
fendat, 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 ἀντίστροφος by the Greeks, while we style it defence by comparison.

Such are the methods by which we may 13



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se ipsa nec adhibitis auxiliis dabitur, proximum est in alium transferre crimen, si possumus. Ideoque etiam in hos, qui citra scriptum<sup>1</sup> 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 videretur,<sup>2</sup> 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 μεταστασιν 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.

<sup>1</sup> citra scriptum, *Christ*: etiam scriptum, *AG*.

<sup>2</sup> videretur, *Halm*: videntur, *AG*.

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<sup>1</sup> 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.



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## QUINTILIAN

Si omnia, quae supra scripta sunt, deerunt, videntum, 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 putavit, si, unquam posthac, et cetera.* In senatu vero et  
18 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;

---

<sup>1</sup> *cp.* III. vi. 23, 51, 53.

<sup>2</sup> *ποσότης* = quantity with reference to number; *πηλικότης* = quantity with reference to magnitude.

<sup>3</sup> *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*<sup>1</sup> comes into play. But when quantity is considered in reference to punishment or reward, it is determined by the quality of the act, and therefore in my opinion comes under the *qualitative basis*, as also does quantity which is used with reference to number by the Greeks, who distinguish between ποσότης and πηλικότης<sup>2</sup>: we, however, have only one name for the two.

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



## QUINTILIAN

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 cum 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 ferè materia versari solent. Sed nonnunquam etiam rei totius hic summa constituta. An<sup>1</sup> 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  
<sup>1</sup> constituta. An, *Zumpt*: constitutam, *G*: constituta iam *A*.



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## QUINTILIAN

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, siue 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 gravior 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,



## QUINTILIAN

est ingenio loci, nec usquā 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<sup>1</sup> plerumque quaestiones praecurrere solent, sed<sup>2</sup> 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<sup>3</sup> detur, et cui accusare dementiae non permittatur.

<sup>1</sup> leges iuris, *Spalding*: iuris leges, *MSS*.

<sup>2</sup> sed, *Spalding*: et, *MSS*.

<sup>3</sup> non, *added by Obrecht*.

---

<sup>1</sup> The general sense of 25 and 26 is clear. These cases do not always come under the *status qualitat*: 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



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QUINTILIAN.

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<sup>1</sup> non abdicare; at pro filiis in utroque genere summissam et ad satisfaciendum compositam. A quo dissensus 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  
28 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  
29 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,

<sup>1</sup> pater non abdicare, *Spalding* : pater abdicare, *G.* : quam abdicare, *A.* : pater corrigere quam abdicare, *cod. Monac and early edd.*

<sup>1</sup> Literally *conditional*. The sense, however, is that the disinheritance is only conditional on the disobedience being continued.

<sup>2</sup> Book IX. See especially ix. ii. 65 sqq.

Disobedience in the case it is the father who is disobedient in the eyes of the complete and perfect be the case of the disobedience in the inheritance of the father's property, whereas in the case of a disobedient person not to do so is a pleading of the father's disobedience. I have the covert and the father of some of the and I have the something to be certainly to be a deal with the book. The wife is a part of the family; the part of the family arise either from something or from the future. The attack on the such a man will yet be that he has other hand.

# BOOK VII. IV. 27-30

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<sup>1</sup>; 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.<sup>2</sup> 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



## QUINTILIAN

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, debet 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 obliciat, absolutioni nonnunquam sufficit.

32 Sed alia quoque multa controversiarum genera in qualitatem cadunt. Iniuriarum; quanquam enim reus aliquando fecisse negat, plerumque tamen h  
 33 actio facto atque animo continetur. De accusatore constituendo, quae iudicia divinationes vocantur; in quo genere Cicero quidem, qui mandantibus sociis Verrem deferebat,<sup>1</sup> 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

<sup>1</sup> deferebat, *Halm*: defendebant, *AG.*: accusabat contra eos qui eum defendebant, *2nd hand of A and early edd.*

yet taken place and ...  
 father charged ...  
 prolonged ...  
 and then, and ...  
 and not ...  
 from ...  
 he proves ...  
 prove the charge ...  
 the ...  
 possibly ...  
 fence, for the ...  
 ment are ...  
 have this ...  
 always ...  
 asks for ...  
 which the ...  
 due to ...  
 alleged ...  
 There are ...  
 several ...  
 cases of ...  
 accused ...  
 pleading ...  
 tentation ...  
 appointment ...  
 division ...  
 dicting Verrem ...  
 adopts the ...  
 main part ...  
 redress of ...  
 trial would ...  
 the ...  
 sented ...  
 question ...



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## QUINTILIAN

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<sup>1</sup> maleficii, in quibus  
aut hoc quaeritur, an inscriptum<sup>1</sup> sit aut hoc, an  
maleficium sit, raro utrumque. Male gestae lega-  
tionis apud Graecos et veris causis frequens, ubi iuris  
loco quaeri solet, an omnino aliter agere quam man-  
datum sit liceat, et quousque sit legatus, quoniam aliae  
in nuntiando, aliae in renuntiando<sup>2</sup> sunt, ut in Heio,  
qui testimonium in Verrem dixerat post perlatam  
37 legationem. Plurimum tamen est in eo, quale sit fac-  
tum. Rei publicae laesae: hinc moventur quidem illae

<sup>1</sup> inscripti . . . inscriptum, *Caperonnier*: scripti . . .  
scriptum, *MSS.*

<sup>2</sup> 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

interests of the accused, the  
the accused and the interests  
the interests of the accused  
merely on the basis of the  
question is that of the  
ingenuity, and the  
the accused, but the  
only thing that the  
in itself a question of  
further question is  
and whether the  
repaid, or not.  
Was it in the  
the return of the  
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tendant, and  
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however,

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

<sup>2</sup> 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.



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## QUINTILIAN

adhuc possunt; nec omnes carum 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 eadem  
44 commiserit quaeritur. Illa quoque, quae ex numero

---

<sup>1</sup> *i. e.* Verginius mentioned in § 24.  
<sup>2</sup> § 16. <sup>3</sup> *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,<sup>1</sup> 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,<sup>2</sup> 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<sup>3</sup> 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



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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<sup>2</sup> 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<sup>1</sup> 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<sup>3</sup> contineretur. Cum ex praescriptione lis pendet, de ipsa re quaeri non est necesse. Ignominioso filius praescribit: de eo solo<sup>2</sup> iudicatio est, an liceat. Quotiens tamen poterimus, efficiendum est, ut de re quoque iudex bene sentiat; sic enim iuri nostro

<sup>1</sup> autem, *Spalding*: enim, *MSS.*

<sup>2</sup> solo, *Regius*: loco, *G*: colo, *A.*

---

<sup>1</sup> *i.e.* for his overthrow of the thirty tyrants; *cp.* III. vi. 26.

<sup>2</sup> *cp.* III. vi. 72.



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## QUINTILIAN

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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<sup>1</sup> *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.

<sup>2</sup> *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,<sup>1</sup> 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<sup>2</sup> "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



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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.<sup>1</sup> 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.

<sup>1</sup> antequam . . . esset, *Regius*: et haec . . . est, *MSS.*

of a law. Such questions  
some of the  
parties will be  
of the parties  
their opinions  
case. A man  
of his state  
sentences  
claim that they are  
The answer  
is furnished  
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The intent  
parties. On  
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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<sup>1</sup> tale genus controversiarum, in quo nullum argumentum est, quod ex lege ipsa peti possit, sed de eo tantum, de quo lis est, quaerendum est.<sup>2</sup> *Peregrinus, si murum ascenderit, capite puniatur.*

*Cum hostes murum ascendissent, peregrinus eos depulit;*  
7 *petitur ad supplicium.* Non crunt 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

<sup>1</sup> Secundum, *Christ*: quidam, *MSS.*

<sup>2</sup> 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.



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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 debet, ita, qui scriptum tuebitur, adiuvere 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

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<sup>1</sup> About 384 sesterces go to the pound of silver.



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## QUINTILIAN

standum sit, quae fuerit scribentis voluntas; tractatus omnes qualitatibus 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<sup>1</sup> utrinque contra scriptum dicitur et quaestio est de voluntate; in utraque id ambigitur, an utique illa<sup>2</sup> 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 qualitatibus, utra iustior sit petitio. Diversae quoque leges configunt<sup>4</sup> aut similes aut impares.<sup>2</sup> Diversae, quibus etiam

<sup>1</sup> obstat et, *Halm*: obstet, *MSS*.

<sup>2</sup> aut impares. Diversae, *Christ*: ut duae, *AG*.

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<sup>1</sup> See III. vi. 46.

<sup>2</sup> Both claiming the reward allotted by the law.

<sup>3</sup> 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.<sup>1</sup> For all writers of text-books are agreed that in such cases there are two *bases* involving the letter and the intention of the law respectively. This view is justified by the fact that, when one law contradicts another, both parties attack the letter and raise the question of intention, while the point in dispute, as regards each law, is whether we should be guided by it at all. But it is clear to everybody that one law cannot contradict another in principle (since if there were two different principles, one law would cancel the other), and that the laws in question are brought into collision purely by the accidents of chance.

When two laws clash, they may be of a similar nature, as for instance if we have to compare two cases in which a tyrannicide and a brave man are given the choice of their reward, both being granted the privilege of choosing whatever they desire. In such a case we compare the deserts of the claimants, the occasions of the respective acts and the nature of the rewards claimed. Or the same law may be in conflict with itself, as in the case where we have two brave men,<sup>2</sup> two tyrannicides<sup>2</sup> or two ravished women,<sup>3</sup> 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



citra adversam legem contradici possit, ut in hac controversia: *Magistratus ab arce ne discedat; vir fortis optet quod volet: impunitatem magistratus petit.*<sup>1</sup> Vel alia nulla obstante quaeri potest, vir fortis an, quidquid optarit, accipere debeat. Et in legem<sup>2</sup> 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*<sup>3</sup> *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

<sup>1</sup> 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.

<sup>2</sup> legem, added by Halm.

<sup>3</sup> ponatur; contra . . . gymnasio, added by Regius.



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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; liberti heredem sequantur. Liberti filium quidam fecit heredem: invicem petitur manus iniectio; et pater dicit sibi ius in filium esse, et patronus<sup>1</sup> negat ius patris illi fuisse, quia ipse in manu patroni fuerit.*

<sup>1</sup> dicit . . . et patronus, *added by Halm.*



# BOOK VII. VII. 6-9

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.



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<sup>1</sup> 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

<sup>1</sup> se verberanti marito uxor amatorium, *Victor* (p. 373, II.): severantia moritorium, *G*: se . . . rantis maritorium, *A*.

<sup>1</sup> See III. vi. 96.

<sup>2</sup> See III. vi. 43 sqq.



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## QUINTILIAN

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 sarò 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 *evexere Tarento non licet, oves evexit.* In his syllogismus et scripto nititur; nam satis cautum esse dicit. *Postulo, ut praecipitetur incesta; lex est; et rapta*

<sup>1</sup> See III. vi. 43, 61.

<sup>2</sup> 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 *sylogistic 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*.<sup>1</sup> 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."<sup>2</sup> 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



## QUINTILIAN

*optionem petit, et in ore lanæ 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 oribus*: ex eo, quod manifestum est, colligitur quod dubium est. Maioris pugnae est ex scripto ducere quod scriptum non est; an, quia hoc, et hoc.<sup>1</sup> *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.

<sup>1</sup> et hoc, added by 2nd hand of A.



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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 *Aiar*, Telamonius  
an Oilei filius. Verba quoque quaedam diversos  
3 intellectus habent, ut *cerno*. Quae ambiguitas pluri-  
mis modis accidit. Unde fere lites, praecipue ex  
testamentis, cum de libertate aut etiam de heredi-  
tate 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 quae-  
ritur, 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.<sup>1</sup> Sic apud

<sup>1</sup> locum . . . incultum, *added by Zumpt.*

---

<sup>1</sup> See or decide or separate.

<sup>2</sup> *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 2  
 noun applies to a number of things or persons (the  
 Greeks call this *homonymy*): for example, it is un-  
 certain 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*.<sup>1</sup> This ambiguity crops up in 3  
 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 inherit-  
 ance, or again, when the enquiry turns on the precise  
 nature of the bequest. There is another form of 4  
 ambiguity where a word has one meaning when  
 entire and another when divided, as, for example,  
*ingenua*, *armamentum* or *Corvinum*.<sup>2</sup> 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 con-  
 troversial themes, as, for example, in the notorious  
 case of the *αὐλητρὶς*, when the question is whether  
 it is a hall which has fallen down three times (*αὐλη*  
*τρὶς*) or a flute-player who fell down that is to be sold.  
 A third form of ambiguity is caused by the use of 5  
 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 culti-  
 vated place" (*in culto loco*) or "in an uncultivated  
 place" (*inculto loco*). Thus arises the Greek theme 6



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Graecos contendunt Λέων et Πανταλέον, cum scriptura dubia est, bona omnia Λέοντι an bona Πανταλέοντι relictæ 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*

<sup>1</sup> i. e. whether he wrote πάντα Λέοντι or Πανταλέοντι.

<sup>2</sup> 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."

<sup>3</sup> *Aen.* i. 477.

<sup>4</sup> "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.



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*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 audiui percussisse Demean* fiat *a Lachele 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*<sup>1</sup> *flentes illos depre-*  
 12 *hendimus*, detractio solvetur. Pluribus verbis emendandum, ubi est id, quod quo referatur dubium est, et ipsum<sup>2</sup> est ambiguum. *Heres meus dare illi damnas*

<sup>1</sup> Nos, *Badius* : Nunc, MSS. : Hunc, *Spalding*.

<sup>2</sup> ipsum, *later MSS.* : ipse est, *AG*.

<sup>1</sup> See § 11.

<sup>2</sup> I. vii. 3.

<sup>3</sup> Apparently a misquotation of Virg. *Aen.* v. 212, *pelago decurrit aperto*.

<sup>4</sup> 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<sup>1</sup> the words or altering their position, the third by some addition.<sup>1</sup> 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.<sup>2</sup> For example, *caelo decurrit aperio*<sup>3</sup> 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*.<sup>4</sup> 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 relictæ causa est ambiguitatis, ut in hoc, *Cato*. Aliud enim ostendit brevis secunda syllaba casu nominativo, aliud eadem syllaba producta casu dativo aut ablativo.<sup>1</sup> 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.

<sup>1</sup> aliud eadem . . . ablativo, *added by Regius.*

<sup>1</sup> *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."

<sup>2</sup> *sc.* of the adjective *catus*, shrewd.

property. . . .  
commits the . . .  
Fannius, I say, despite his lack of affection for  
father-in-law, but to his elder daughter), Fannius, I say, despite his lack of affection for  
elected to . . .  
affection for . . .  
the young man . . .  
himself . . .  
father-in-law . . .  
of ambiguity . . .  
written . . .  
Cato, for example . . .  
tive when . . .  
the date . . .  
There are also . . .  
which it is . . .  
Further, . . .  
arises or . . .  
cases that . . .  
far as the . . .  
it is equally . . .  
therefore . . .  
end . . .  
word in . . .  
this is . . .  
ambiguity . . .  
be, . . .  
most . . .  
most . . .  
person who . . .  
however . . .  
of my . . .  
method . . .  
present . . .



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## QUINTILIAN

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,<sup>1</sup> 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<sup>2</sup> 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

<sup>1</sup> After est AG read quae, which is expunged by Regius.

<sup>2</sup> iuris, Spalding: \* \* ocis, A.: iocis, G.

<sup>1</sup> III. vi. 54.

<sup>2</sup> See ch. viii. 1.

X. There is a certain cognation between these two statuses. In all these cases the meaning of a term is closely connected with the status. It was the same in the case of the law that in the case of the law one concerned with the law the law is a term of law analogical to the law same term. The law the law is a term of law regards the law identical with the law law. Consequently all these cases with the law in all cases with the document being gives rise to bases are really is not the law. Definite the actual content of the content of the law to the law the law the law are all the same. The law is a term of law. The law is a term of law. The law is a term of law.



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

2

3

4



## QUINTILIAN

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<sup>1</sup> universa in quaestiones ac locos diducenda<sup>2</sup> 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<sup>3</sup> forte satis erit dividendi peritus, qui controversiam in haec diduxerit,<sup>4</sup> 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

<sup>1</sup> tantum, *added by Halm.*

<sup>2</sup> diducenda, *Regius*: dicenda, *AG.*

<sup>3</sup> nisi, *Obrecht*: si, *MSS.*

<sup>4</sup> diduxerit, *Regius*: dixerit, *MSS.*

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<sup>1</sup> *cp. II. iv. 24; III. v. 8.*



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## QUINTILIAN

- 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<sup>1</sup>? 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 dahit. Quare plurima petamus a nobis et cum causis deliberemus cogite

<sup>1</sup> in re infinita, *Rollin*: in re finita quae materia in se finita, *G*: in re finitaque materia ars finita, *A*.

---

<sup>1</sup> *fecerit* and *struxerit* are both negatived by the preceding *non*. It is impossible to reproduce the conciseness of the original.



# BOOK VII. x. 7-10

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.<sup>1</sup> 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



## QUINTILIAN

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 uten-  
dum expositione continua, ubi partita, ubi ab initiis  
incipiendum, ubi more Homérico 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 praemuni-  
endae, quid iudicis animus accipere possit statim  
dictum, quo paulatim deducendus, singulis an uni-  
versis 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

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<sup>1</sup> cp. III. iii. 9.



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## QUINTILIAN

casus proeliorum, retinentis partes per castella  
tuenda custodiendasve urbes, petendos commeatus,  
obsidenda itinera, mari denique ac terra dividendis.  
14 Sed haec in oratione praestabit, cui omnia adfuerint,  
natura, doctrina, studium. Quare nemo expectet,  
ut alieno tantum labore sit disertus. Vigilandum,  
durandum,<sup>1</sup> 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 con-  
tinget, si et quid cuique conveniat viderimus et  
verba verbis applicarimus non pugnantia, sed quae  
invicem complectantur. Ita res non diversae dis-  
tantibus ex locis quasi invicem ignotae collidentur,  
sed aliqua societate cum prioribus ac sequentibus

<sup>1</sup> 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



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copulatae tenebuntur,<sup>1</sup> 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.

<sup>1</sup> copulatae tenebuntur, *Halm*: scopula tenebunt, *G*: se copula tenebunt, *A* (se 2nd hand).



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# 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



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peritus ille praeceptor ex omnibus optima et tradat  
ea demum in praesentia quae placet, remota re-  
futandi 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, iudici-  
alique 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



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rebus et verbis; in rebus intüendam inventionem,  
in verbis elocutionem, in utroque<sup>1</sup> collocationem,  
quae memoria conplecteretur, actio commendaret.  
7 Oratoris officium docendi, movendi, delectandi par-  
tibus 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 in-  
finitas, alias finitas quae personis, temporibus, locis  
continerentur. In omni porro materia tria esse  
quaerenda, an sit, quid sit, quale sit. His adicie-  
bamus demonstrativam laudem ac vituperationem con-  
stare. In ea quae ab ipso de quo diceremus, quae  
post eum acta essent, intuendum. Hoc opus trac-  
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

<sup>1</sup> utroque, *Halm*: utraque, *AG.*



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quibusdam intentionem modo statum facere, modo  
depulsionem;<sup>1</sup> 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,<sup>2</sup>  
de rerum fide, proprietate, qualitate; scripto, de  
verborum vi aut voluntate, in quibus vis tum causarum tum actionum inspicere 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<sup>3</sup> proposita confirmari, refutatione contra  
dicta dissolvi, peroratione<sup>4</sup> 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,<sup>5</sup> et in qua multa etiam sine  
doctrina praestare debeat per se ipsa natura, ut haec

<sup>1</sup> statum . . . depulsionem, *added by Happel, following Schütz.*

<sup>2</sup> facto, *added by Spalding.*

<sup>3</sup> doceri, probatione, *added by Meister.*

<sup>4</sup> contra dicta, *added by Halm*; dissolvi, peroratione, *added by Aldine edn.*

<sup>5</sup> 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



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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, ornatè 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 <sup>4</sup> 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 maximè docetur, hoc nullus nisi arte adsequi potest, hic studium plurimum adhibendum, hoc exercitatio petit, hoc

<sup>1</sup> After enim the MSS. give hoc which is deleted by Gesner.

<sup>1</sup> de Or. I. xxi. 94.

<sup>2</sup> Cic. Or. xiv. 44;



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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



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20 foedissima sint ipso formae labóre. Et cultus concessus atque magnificus addit hominibus, ut Gracco 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, perfectis 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.<sup>1</sup> Nam et quod recte dici potest circumimus amore verborum et quod satis dictum est

<sup>1</sup>, obumbrantur . . . strangulantur, *Spalding*: obumbrant . . . strangulant, *MSS.*



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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 amissus est.  
27 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

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<sup>1</sup> *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 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<sup>1</sup> long since laid down this rule in the clearest of language, that the worst fault in speaking is to adopt a style inconsistent with the idiom of ordinary speech and contrary to the common feeling of mankind. But nowadays our rhetoricians regard Cicero as lacking both polish and learning; we are far superior, for we look upon everything that is dictated by nature as beneath our notice, and seek not for the true ornaments of speech, but for meretricious finery, as though there were any real virtue in words save in their power to represent facts. And if we have to spend all our life in the laborious effort to discover words which will at once be brilliant, appropriate and lucid, and to arrange them with exact precision, we lose all the fruit of our studies. And yet we see the majority of modern speakers wasting their time over the discovery of single words and over the elaborate weighing and measurement of such words when once discovered. Even if the special aim of such a practice were always to secure the best words, such an ill-starred form of industry would be much to be deprecated, since it checks the natural current of our speech and extinguishes the warmth of imagination by the delay and loss of self-confidence which it occasions. For the orator who cannot



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 ver-  
borum suppellectilem compararit 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<sup>1</sup> res  
cum suis nominibus occurrent. Sed opus est studio  
praecedente et acquisita facultate et quasi reposita.  
Namque ista quaerendi, iudicandi, comparandi an-  
xietas, dum discimus, adhibenda est, non dum  
dicimus. Alioqui sicut, qui patrimonium non para-  
runt, 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<sup>2</sup> 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,

<sup>1</sup> ei qui fecerit, simul, *Halm*: hii quid fecerit sic, *G*: illi  
qui id fecerit sic, *A*. (illi qui id, 2nd hand).

<sup>2</sup> sequi, Sed, *Halm*: sequis, *G*: sequitur, *A*.



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cum optima sunt reperta, quaerunt aliquid quod sit magis antiquum, remotum, inopinatum, nec intelligunt iacere sensus in oratione, in qua verba laudantur. 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 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 *φράσις* 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 collocata, ut figurata. Sed ea, quae de ratione Latine atque emendate loquendi fuerunt dicenda, in libro primo, cum de grammaticae loqueremur, exsecuti sumus. Verum illic tantum ne vitiosa essent praecipimus; 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



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quibus loquendi ratio non desit, invenias quos curiose potius loqui dixeris quam Latine, quomodo et illa Attica anus Theophrastum, hominem alioqui disertissimum, adnotata unius adfectione verbi, hospitem dixit nec alio se id deprehendisse interrogata respondit, 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 alumnus 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 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,<sup>1</sup> etiamsi causae necessitas postulet, reformidant; ut ille, qui in actione *Ibericas herbas*, se solo nequicquam intelligente, dicebat, nisi irridens hanc vanitatem Cassius Severus *spartum* dicere eum velle indicasset. Nec video quare clarus orator *duratos muria pisces* nitidius esse crediderit

<sup>1</sup> in, *Regius*: sine, *MSS.*



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quam ipsum id quod vitabat.<sup>1</sup> 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 κατὰχρησις 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-

<sup>1</sup> vitabat, *Aldine ed.*: videbat, *MSS.*

<sup>1</sup> Probably *salsamenta*

<sup>2</sup> *Aen.* iv. 419.

<sup>3</sup> Presumably in the sense, "He spoke like one in bodily pain."



served in brine" a more elegant phrase than the word which he avoided.<sup>1</sup> 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 *ἀκυριότης*. As 4 examples I may cite the Virgilian,<sup>2</sup> "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."<sup>3</sup> 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.



## QUINTILIAN

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

---

<sup>1</sup> Lit. i. e. in the proper sense the sole of the foot and a thrush.

<sup>2</sup> Suet. Caes. 53.

<sup>3</sup> Ecl. vi. 5.

<sup>4</sup> Odes I. xii. 1, and III. vi. 36.



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- 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<sup>1</sup> 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 intelliguntur. 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*.<sup>2</sup> Quae vel vitanda apud iudicem ignarum significationum earum vel interpretanda sunt, sicut

<sup>1</sup> iam, *Halm*: etiam, *AG*.

<sup>2</sup> The meaning is not known and no satisfactory emendation has been made.

<sup>1</sup> *Georg.* i. 295 and *Aen.* xi. 681.

<sup>2</sup> *Sc.* ch. vi.

<sup>3</sup> See ix. ii. 64.

<sup>4</sup> 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<sup>1</sup> phrases, "sweet unfermented wine," or "with white teeth." But of this sort of propriety I shall have to speak elsewhere.<sup>2</sup> *Propriety* is also made to include the appropriate use of words in metaphor, while at times the salient characteristic of an individual comes to be attached to him as a *proper* name: thus Fabius was called "Cunctator," the Delayer, on account of the most remarkable of his many military virtues. Some, perhaps, may think that words which mean more than they actually say deserve mention in connexion with clearness, since they assist the understanding. I, however, prefer to place *emphasis*<sup>3</sup> among the ornaments of oratory, since it does not make a thing intelligible, but merely more intelligible. 11

Obscurity, on the other hand, results from the employment of obsolete words, as, for instance, if an author should search the records of the priests, the earliest treaties and the works of long-forgotten writers with the deliberate design of collecting words that no man living understands. For there are persons who seek to gain a reputation for erudition by such means as this, in order that they may be regarded as the sole depositories of certain forms of knowledge. Obscurity may also be produced by the use of words which are more familiar in certain districts than in others, or which are of a technical character, such as the wind called "Atabalus,"<sup>4</sup> 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 13



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<sup>1</sup> hyperbato finis eius differatur. Quibus adhuc peiores 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 audiui percussisse Demean,*

<sup>1</sup> transiectione vel ultra modum, *Spalding*: transiectio intra modum (domum *G.*), *AG.*

<sup>1</sup> Reference unknown.

<sup>2</sup> See VIII. vi. 62.

<sup>3</sup> *Aen.* i. 109. The awkwardness of the order cannot be brought out in English.

<sup>4</sup> *Georg.* iii. 79-83.

<sup>5</sup> See VII. ix. 10.



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## QUINTILIAN

sed illa quoque, quæ, 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<sup>1</sup> dicere nolunt ipsa<sup>2</sup>; 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 quæ 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

<sup>1</sup> eo quod, *Halm*: et quod or et quæ, *MSS*.

<sup>2</sup> ipsa; deinde, *Christ*: ipsam deinde, *MSS*.

---

<sup>1</sup> *i. e.* and not the man by the book!

<sup>2</sup> 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,<sup>1</sup> 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<sup>2</sup> that there was one, a teacher, who instructed his pupils to make all they said obscure, using the Greek word *σκοτίσων* ("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-



## QUINTILIAN

- 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*,<sup>1</sup> et, qui suos artus morsu lacerasset, 21 fingitur in scholis *supra se cubasse*. Ingeniosa haec et fortia et ex ancipiti diserta creduntur, pervasitque<sup>2</sup> 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 praestanda sit, diximus in praeceptis narrationis. Similis 23 autem ratio est in omnibus. Nam si neque pauciora quam oportet neque plura neque inordinata aut indistincta dixerimus, crunt dilucida et negligenter quoque audientibus aperta; quod et ipsum in consilio

<sup>1</sup> 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*.

<sup>2</sup> pervasitque, *Badius*: persuasitque, *MSS*.

---

<sup>1</sup> Like a wild beast devouring his prey.



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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<sup>1</sup> in causa Cicero Cornelii consecutus  
 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<sup>2</sup> adfert oculis  
 terroris aliquid, et fulmina ipsa non tam nos con-  
 funderent, si vis eorum tantum, non etiam ipse fulgor  
 6 timeretur. Recteque Cicero his ipsis, ad Brutum

<sup>1</sup> An, added by Spalding.

<sup>2</sup> ipsum, added by Christ.

<sup>1</sup> Now lost.

commends  
 other  
 judgment  
 enthusiastic  
 speaker  
 effective  
 of Corneliu  
 instructing  
 matio Latin  
 of his case  
 people to  
 acclamation  
 was the  
 the weight  
 our end  
 been great  
 his speech  
 every day  
 what they  
 from the  
 with a  
 which the  
 perfect  
 But that  
 the form  
 audience  
 and the  
 both ab  
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 something  
 less a  
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 was right



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## QUINTILIAN

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 ementitum 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 crunt? 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 certaue intervalla redigam meas arbores. Quid illo quincunce speciosius 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;

<sup>1</sup> *Rhet.* III. ii. 5.

<sup>2</sup> In the introduction to this book, 19.

<sup>3</sup> *Quincunx*. The formation may be thus represented

. . .  
.  
.  
.  
.

wrote, "I have  
in my opinion  
likewise the  
should be  
B. I. says  
be bold and  
smoothness  
dyes, and  
is this, that  
vice and  
a vicious style  
with the name  
decadents  
who speak  
existence  
possess  
cultivation  
violets and  
in place of  
clusters  
truly dignified  
wed the  
but where  
save them  
sideration  
not! For my  
and at first  
than now  
straight  
viewed? But  
this form  
an equal  
tops of  
with the



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

But such ornament must, as I have already said,<sup>2</sup> 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 decadents accuse me of being an enemy to those who speak with grace and finish. I do not deny the existence of such a virtue, I merely deny that they possess it. Shall I regard a farm as a model of good 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*<sup>3</sup> 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 ad-  
stricta ilia, sed idem velocior. Pulcher aspectu est<sup>1</sup>  
athleta, cuius lacertos exercitatio expressit, idem  
11 certamini paratior. Nunquam vera species ab utili-  
tate dividitur.

Sed hoc quidem discernere modici iudicii est.  
Illud observatione dignius, quod hic ipse honestus  
ornatus materiae genere esse debebit<sup>2</sup> variatus.  
Atque, ut a prima divisione ordiar, non idem demon-  
strativis et deliberativis et iudicialibus causis con-  
veniet. Namque illud genus ostentationi compo-  
situm, 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 sentiis popolare, verbis nitidum,  
figuris iucundum, translationibus magnificum, compo-  
sitione elaboratum, velut institor quidam eloquentiae  
intuendum et paene pertractandum dahit. 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.

<sup>1</sup> est, *Halm* : sit, *MSS.*

<sup>2</sup> esse debebit, *Halm* : decidit, *AG.*



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## QUINTILIAN

Neque hoc eo pertinet, ut in his nullus sit ornatus, sed uti pressior et severior et minus confessus, praecipue materiae accommodatus. Nam et in suadendo sublimius aliquid senatus, concitatus 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 significant (quod *συνηνυμία* 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 un-studied 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 ipsó auditu áspera magis convenient. In uni-  
versum 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, túmidum 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.*

<sup>1</sup> Aen. viii. 641.

<sup>2</sup> Camillus originally means a "young boy."



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## QUINTILIAN

20 At Vergilii miramur illud,

*Saepe exiguus mus.*

Nam epitheton<sup>1</sup> proprium effecit, ne plus expectaremus, 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*.<sup>2</sup> Unde interim gratus fit iocis decor,<sup>3</sup> 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 Antonia*ster. 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

<sup>1</sup> Epitheton is followed by the words *exiguus aptum*, which are bracketed as a gloss by Christ.

<sup>2</sup> *coruscans*, W. Freund: *conificans*, MSS.

<sup>3</sup> *gratus fit iocis decor*, Christ: *grati idiotis de quo*, AG.

<sup>1</sup> *Georg.* i. 181.

<sup>2</sup> *A. P.* 139.

<sup>3</sup> *Fr.* 10.

<sup>4</sup> *pro Cael.* xv. 36.

<sup>5</sup> *pro Mur.* xi. 25. Our equivalent is "catch a weasel asleep."

<sup>6</sup> *pro Mil.* xxii. 60. *Rufio*, a slave name = red head.

<sup>7</sup> From the lost *pro Vareno*. "Erucius, Antonius' ape."

<sup>8</sup> A declamation turning on the law that sons must support their parents.



BOOK VIII. III. 20-23

On the other hand, we admire Virgil<sup>1</sup> when he 20  
says:

“Oft hath the tiny mouse,” etc.

For bere 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<sup>2</sup> 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,<sup>3</sup> 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,”<sup>4</sup> or where he speaks of “Flavius, who put out the eyes of crows,”<sup>5</sup> or, again, in the *pro Milone*,<sup>6</sup> cries, “Hi, there! Rufio!” and talks of “Erucius Antoniaster.”<sup>7</sup> 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.”<sup>8</sup> But such tricks do not always come off, especially in 23



## QUINTILIAN

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 usus, eoque ornamento acerrimi  
25 iudicii P. Vergilius unice est usus. *Olli* enim et *quianam* et *moerus*<sup>1</sup> et *pone* et *pellacia*<sup>2</sup> 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*<sup>3</sup> dicere? *oppido* quidem<sup>4</sup> usi sunt paulum tempore nostro superiores, vereor, ut iam nos ferat quisquam; certe *anlegerio*, cuius eadem significatio est, nemo nisi ambitiosus  
26 utetur. *Aerumnosum*<sup>5</sup> quid opus est? tanquam parum sit; si dicatur quid *horridum*. *Reor* tolerabile, *aulumo* tragicum, *prolem* dicere inusitatum est,<sup>6</sup> *prosapiam* insulsum. Quid multa? totus prope mutatus  
27 est sermo. Quaedam tamen adhuc vetera vetustate

<sup>1</sup> *moerus*, *O. Ribbeck*: *mus*, *AG*.

<sup>2</sup> *pellacia*, *Ribbeck*: *pollicerent or policent*, *MSS*.

<sup>3</sup> *quaiso*, *Gertz*: *quam*, *MSS*.

<sup>4</sup> *quidem*, *Halm*: *quam*, *MSS*.

<sup>5</sup> *aerumnosum*, *Zumpl*: *erumnas*, *AG*.

<sup>6</sup> *dicere inusitatum est*, *Halm*: *dicendi verum ei*, *AG*.

<sup>1</sup> Archaic for *illi*.

<sup>2</sup> Because.

<sup>3</sup> Archaic for *murus* (*Aen.* x. 24.).

<sup>4</sup> Behind.

<sup>5</sup> Deceitfulness (*Aen.* ii. 90).

<sup>6</sup> *quaeso* = pray, *oppido* = quite, exactly.



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## QUINTILIAN

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 ;<sup>1</sup>  
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<sup>2</sup> 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

<sup>1</sup> 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.

<sup>2</sup> eius, *Gesner*: rei, AG.

---

<sup>1</sup> Name, speak:

<sup>2</sup> *Catal.* ii.

<sup>3</sup> *Phil.* xi. vi. 14. A pun on the two meanings of *germanus*, brother and German.

<sup>4</sup> i. v. 70.



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

“ Britain’s Thucydides, whose mad Attic brain      28  
Loved word-amalgams like Corinthian bronze,  
First made a horrid blend of words from Gaul,  
‘Tau, al, min, sil and God knows how much else,  
Then mixed them in a potion for his brother!’ ”

This was a certain Cimber who killed his brother, 29  
a fact which Cicero recorded in the words, “ Cimber  
has killed his brother German.”<sup>3</sup>

The epigram against Sallust is scarcely less well  
known:

“ Crispus, you, too, Jugurtha’s fall who told,  
And filched such store of words from Cato old.”

It is a tiresome kind of affectation; any one can 30  
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,<sup>4</sup> 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 me-  
mini iuvenis admodum inter Pomponium ac Senecam  
etiam praefationibus esse tractatum, an *gradus elimi-*  
*nat* 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 *turil* ab Asinio *Fimbriatum* et *Figulatum*. Multa ex  
Gracco formata nova ac plurima a Verginio<sup>1</sup> Flavo,  
quorum dura quaedam admodum videntur, ut *queens*<sup>2</sup>  
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<sup>3</sup> mei prae-  
ceptores. *Favorem* et *urbanum* Cicero nova credit.  
Nam et in epistola ad Brutum *Eum*, inquit, *amorem*  
*et eum*, ut hoc verbo ular, *favorem in consilium advo-*

<sup>1</sup> Verginio, *Spalding*: Sergio, *MSS.*

<sup>2</sup> *queens*, *Halm*: quae ens, *MSS.*

<sup>3</sup> vetabant, *Halm*: dubitabant, *MSS. om. by A.*

<sup>1</sup> Sc. "moves his steps beyond the threshold."

<sup>2</sup> "banishes from his heart." <sup>3</sup> *De Nat. D. I. xxxiv. 95.*

<sup>4</sup> *ad Att. ix. x. 6.* "Desires to be a second Sulla."

<sup>5</sup> Metamorphosed into Figulus. Presumably refers to Clusinius Figulus, see *vii. ii. 26.*

<sup>6</sup> See *ii. xiv. 2.*



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## QUINTILIAN

- 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<sup>1</sup> 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 crunt, 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*

---

<sup>1</sup> This letter is lost: "I will call that love and that favour, if I may use the word, to be my counsellors."

<sup>2</sup> *ad Fam.* III. viii. 3. "You who are not merely wise, but, as we say nowadays, urbane."

<sup>3</sup> "When the sky grew white (at dawn)."

<sup>4</sup> *Part Or.* v. 16.

<sup>5</sup> *Ar. Rhet.* III. vii. 9.



*verbo utar, favorem in consilium advocabo*,<sup>1</sup> while to 35  
 Appius Pulcher he writes, *te hominem non solum sapi-  
 entem, verum etiam, ut nunc loquimur, urbanum*.<sup>2</sup> 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*.<sup>3</sup> Hor-  
 tensius 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<sup>4</sup> 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 un-  
 doubtedly 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.<sup>5</sup>

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 urbanè.  
 41 Tum, quo translationum<sup>1</sup> genere, quibus figuris, quolibus 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.

---

<sup>1</sup> translationum, *Halm*; translationem, *A*; translatione, *G*.



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## QUINTILIAN

Probabile autem Cicero id genus dicit, quod non nimis est comptum.<sup>1</sup> 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<sup>2</sup> 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<sup>3</sup> vitiis cedendum est) sive iunctura deformiter sonat, ut, si *cum hominibus notis loqui* nos dicimus, nisi hoc ipsum *hominibus* medium sit, in praefanda

<sup>1</sup> nimis est comptum, Cicero: nimis est dictum, AG.: plus minusve quam dicet (decet, edd.), codd. dclt.

<sup>2</sup> ab hoc initium, Halm: vel hoc initium, AG.: vel hoc vitium vulgo.

<sup>3</sup> iam, Spalding: etiam, AG.

---

<sup>1</sup> Part. Or., vi. 19.

<sup>2</sup> *ductare* might mean *ad libidinem abducere*. *patrare bellum* might mean *paedicare formosum*.



acceptable. An acceptable style is defined by Cicero<sup>1</sup> 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 *κακέμφοτον*, a term applied to the employment of language to which perverted usage has given an obscene meaning: take, for example, phrases such as *ductare exercitus* and *patrare bellum*,<sup>2</sup> 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



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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. Ali-  
 acque 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<sup>1</sup> latent  
 meliora putat*) et ex verbis, quae longissime ab ob-  
 scenitate absunt, occasionem turpitudinis rapere.  
 Siquidem Celsus κακέμφοτον apud Vergilium putat:

*Incipiunt agitata tumescere.*

Quod si recipias, nihil loqui tutum est.  
 48 Deformitati proximum est humilitatis vitium,  
 ταπείνωσις 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.

<sup>1</sup> i.e. pronouncing *cunnotis*.

<sup>2</sup> *intercapedo*, of which the last two syllables might give rise to unseemly laughter; *pedo* = "break wind."

<sup>3</sup> *Met.* i. 502.

<sup>4</sup> *Georg.* i. 357.

<sup>5</sup> From an unknown tragedian.



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- 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<sup>1</sup> 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 *παντολογία*, 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 crunt.
- 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

<sup>1</sup> debet, added by Halm.

---

<sup>1</sup> *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.

<sup>2</sup> 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,<sup>1</sup> "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.<sup>2</sup>

A worse fault is *ὁμοειδεια*, 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-



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- non animis solum sed etiam auribus est ingratis-  
 53 Vitanda etiam<sup>1</sup> 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 πλεονασμός vitium,  
 cum supervacuis verbis oratio oneratur: *Ego oculis*  
 54 *meis vidi*; sat est enim *vidi*. Emendavit hoc etiam  
 urbane in Hirtio Cicero, cui sapasim<sup>2</sup> cum decla-  
 mans *filium a matre decem mensibus in utero latum esse*  
 dixisset, *Quid? aliae*, inquit, *in perula*<sup>3</sup> *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 voca-  
 tur, 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

<sup>1</sup> etiam added by Christ.

<sup>2</sup> 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.

<sup>3</sup> perula, *Passerat*: penula, MSS.

---

<sup>1</sup> Fr. 62, *Hertz*.

<sup>2</sup> 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.

<sup>3</sup> *Aen. iv. 359.*



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nomen cadunt. Denique κακόζηλον vocatur, quid-  
 quid 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 im-  
 propriis, 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<sup>1</sup> 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  
 ανοικονόμητον, quod male figuratum, id ασχημάτιστον,  
 quod male collocatum, id κακοσύνθετον vocant. Sed  
 de dispositione diximus; de figuris et compositione  
 dicemus. Σαρδισμός quoque appellatur quaedam mixta  
 ex varia ratione linguarum oratio, ut si Atticis  
 Dorica, Ionica, Acolica etiam dicta confundas.

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

<sup>1</sup> 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,<sup>1</sup> 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



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60 Cui simile vitium est apud nos, si quis sublimia humilibus, vetera novis, poetica vulgaribus misceat. Id enim tale monstrum, quale Horatius in primâ 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<sup>1</sup> exprimendo, tertius, qui hæc nitidiora faciat, quod proprie dixeris cultum. Itaque ἐνάργεια, cuius in praeceptis narrationis feci mentionem, quia plus est evidentia vel, ut alii dicunt, repræsentatio 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,<sup>2</sup> quarum

<sup>1</sup> The plural *primi gradus* followed by *tertius* demands the addition of some other verb beside *exprimendo*. I have added *concupiendo et*.

<sup>2</sup> *secabo, Regius* : *locabo, AG.*

even *Acute* ~~and~~ ~~and~~

found ~~and~~ ~~and~~

criticism ~~and~~ ~~and~~

with ~~and~~ ~~and~~

being ~~and~~ ~~and~~

Horace ~~and~~ ~~and~~

*and* ~~and~~ ~~and~~

and ~~and~~ ~~and~~

different ~~and~~ ~~and~~

The ~~and~~ ~~and~~

is ~~and~~ ~~and~~

in ~~and~~ ~~and~~

say, ~~and~~ ~~and~~

and ~~and~~ ~~and~~

process ~~and~~ ~~and~~

ment ~~and~~ ~~and~~

that ~~and~~ ~~and~~

I ~~and~~ ~~and~~

illustration ~~and~~ ~~and~~

tion, ~~and~~ ~~and~~

the ~~and~~ ~~and~~

former ~~and~~ ~~and~~

gift ~~and~~ ~~and~~

we ~~and~~ ~~and~~

falls ~~and~~ ~~and~~

as ~~and~~ ~~and~~

and ~~and~~ ~~and~~

on ~~and~~ ~~and~~

narrated ~~and~~ ~~and~~

truth ~~and~~ ~~and~~

views ~~and~~ ~~and~~

representation



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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 congregantium 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*

---

<sup>1</sup> *Aen.* v. 426.

<sup>2</sup> v. xxxiii. 86.

<sup>3</sup> 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.”<sup>1</sup>

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,<sup>2</sup> 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,<sup>3</sup> 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,



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*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; ap-  
parebunt effusae per domus ac templa flammae et  
ruentium tectorum fragor et ex diversis clamoribus  
unus quidam sonus, aliorum fuga incerta, alii ex-  
tremo 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 dis-  
cursus 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



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feri 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 sequ-  
amur. 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 proba-  
tionis 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 ob-  
scurum sit aut ignotum. Debet enim, quod illus-  
trandae alterius rei gratia assumitur, ipsum esse

---

<sup>1</sup> *Aen.* iii. 29.

<sup>3</sup> *Aen.* ii. 355.

<sup>2</sup> *Aen.* vii. 518.

<sup>4</sup> *Aen.* iv. 254.



BOOK VIII. III. 70-73

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

“Chill shudderings shake my limbs  
And all my blood is curdled cold with fear;”<sup>1</sup>

or

“And trembling mothers clasped  
Their children to their breast.”<sup>2</sup>

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,”<sup>3</sup>

or

“Like the bird that flies<sup>4</sup>  
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 any-  
thing that is selected for the purpose of illuminating



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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 argu-  
mentis diximus, similitudinis genus ornat orationem  
facitque sublimem, floridam, iucundam, mirabilem.  
Nam quo quæque longius petita est, hoc plus  
75 adfert novitatis atque inexpectata magis est. Illa  
vulgaria videntur et utilia tantum ad conciliandam  
fidem : *Ut terram cultu, sic animum disciplinis meliorem  
uberioremque fieri, et Ut medici ab alienata morbis  
membra praecidant, ita turpes ac perniciosos, etiamsi  
nobis sanguine cohaereant, amputandos.* Iam sublimius  
illud pro Archia ; *Saxa atque solitudines voci re-  
spondent, bestiae saepe immanes cantu flectuntur atque*  
76 *consistunt* et cetera. Quod quidem genus a quibus-  
dam declamatoria maxime licentia corruptum est.  
Nam et falsis utuntur nec illa iis, quibus similia  
videri volunt, applicant. Quorum utrumque in his

---

<sup>1</sup> *Aen.* iv. 143.

<sup>2</sup> v. xi. 22.

<sup>3</sup> *Pro Arch.* viii. 19.



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est, quae in iuvene ubique cantari solébant, *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 praecelara 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*

<sup>1</sup> Aen. ii. 355.

<sup>2</sup> Georg. i. 512.

<sup>3</sup> 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,"<sup>1</sup>

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."<sup>2</sup>

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<sup>3</sup> 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 brevitās integra; sed ea minus praestat, quotiens nihil dicit, nisi quod necesse est (*βραχυλογία* vocant, quae reddetur inter schemata), est verō pulcherrima, cum plura paucis complectimur, quale Sallustii est, *Mithridates corpore ingenti, perinde armatus.* Hoc male imitantes sequitur obscuritas.

83 Vicina praedictae sed amphior virtus est *ἐμφασις*,

<sup>1</sup> *Pro Mur.* xvii. 36.

<sup>2</sup> Now lost.

law? There is a  
speech, but it is  
virtue of the  
for ornament, but  
ceded by some  
often of the  
reason with a  
tempests  
elections as  
their energy  
quantity  
burst with  
shorter and  
through the  
speech as  
like a man  
examples  
everyone

Such a  
placing a  
so with  
praise and  
but, on the  
deal with  
to say, the  
is about  
may be  
expresses  
Sallust's  
statue, and  
attempts to  
merely in  
A virtue  
is on a



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## QUINTILIAN

altiore 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

---

<sup>1</sup> *Od.* xi. 523.

<sup>2</sup> *Aen.* ii. 262.

<sup>3</sup> *Aen.* iii. 631.

<sup>4</sup> 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.

<sup>5</sup> ix. ii. 54; iii. 60.



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,<sup>1</sup> 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:<sup>2</sup>

“Descending by a rope let down,”

a phrase which in a similar manner indicates the height of the horse. The same poet,<sup>3</sup> 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*,<sup>4</sup> 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.<sup>5</sup> *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 pro-  
 prietatem 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 δεινότης in  
 exaggeranda indignitate et in ceteris altitudo quae-  
 dam, 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.

<sup>1</sup> 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 in these

there are many

style. For the

plenty of the

certain character

women, who

priety and

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copiousness

or language

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## QUINTILIAN

Utrique parti totidem modi, ex quibus praecipuos attingemus; reliqui similes crunt; 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 posaturi 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*

<sup>1</sup> xvi. 38.

<sup>2</sup> Verr. I. iii. 9.

of words. Each of these  
number of words  
particulars of the  
while all are  
I have been  
inventive  
concerning  
elevated  
IV. The first  
is to be  
describe a  
a man who  
himself  
may say that  
him, and the  
him. The  
provides  
freely, like  
to the  
and strong  
this be a  
somewhat  
an adulter  
woman a  
been her  
This sort of  
and made  
parison between  
these for  
Cicero does  
before  
not an  
miller of  
olive



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*,<sup>1</sup> 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:<sup>2</sup> "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 vincere civem Romanum, scelus verberare,*  
*prope parricidium necare: quid dicam in crucem tollere?*  
 Nam et, si tantum verberatus esset, uno gradu in-  
 creverat, ponendo etiam id esse *facinus*, quod erat  
 5 inferius; et, si tantum occisus esset, per plures  
 gradus ascenderat; cum vero dixerit, *prope parrici-*  
*dium 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

<sup>1</sup> *Verr.* v. lxvi. 170.

<sup>2</sup> *Aen.* vii. 649.



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## QUINTILIAN

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 incremen-  
tum 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 comparisonem, incrementum ex  
minoribus petit. Augendo enim, quod est infra,

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<sup>1</sup> *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<sup>1</sup> 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



## QUINTILIAN

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 metuant 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 here-  
dibus 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

---

<sup>1</sup> *Phil.* II. xxv. 63.  
<sup>2</sup> xi. 32.

<sup>3</sup> *Phil.* I. vii. 17.  
<sup>4</sup> *cp.* v. xiii. 24.



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## QUINTILIAN

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 ; quæ 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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<sup>1</sup> *Cat.* i. i. 3.

<sup>2</sup> *Phil.* ii. xxv. 63.



pare not merely whole with whole, but part with part, as in the following passage:<sup>1</sup> “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,<sup>2</sup> “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



## QUINTILIAN

tum ille vini in Hippiae nuptiis exhausserit, quod ferre et concoquere<sup>1</sup> 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,<sup>2</sup> qua colligerent

<sup>1</sup> concoquere, *Spalding* : conquerere, *B* : quod coquere, *A*.

<sup>2</sup> ratiocinatione, *Regius* : ratione, *MSS*.

<sup>1</sup> See III. vi. 43 sqq. VII. v. 2.

<sup>2</sup> *Aen.* i. 81.

<sup>2</sup> *Verr.* 5, 44, 177.



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## QUINTILIAN

audientes, quantum illud esset quod inferebatur, cui comparata haec viderentur humana atque usitata? Sic quoque <sup>s</sup><sub>ol</sub><sup>e</sup><sub>t</sub> 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

---

<sup>1</sup> *Il.* iii. 156.

<sup>2</sup> 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<sup>1</sup> 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<sup>2</sup> 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 Aiakis 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 lorica 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 cogitare. Est hoc simile illi, quod εμφασις dicitur; sed illa ex verbo, hoc ex re coniecturam facit tantoque plus valet, quanto res ipsa verbis est firmior.

<sup>1</sup> *Il.* vii. 219.    <sup>2</sup> *Il.* xvi. 140.    <sup>3</sup> *Aen.* iii. 659.

<sup>4</sup> *Aen.* v. 264.

<sup>5</sup> *Phil.* ii. 27.



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## QUINTILIAN

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, destructus 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 *συναθροισμὸν* vocant; sed illio 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

<sup>1</sup> *Pro Lig.* iii. 9.

<sup>3</sup> *Verr.* v. xlv. 118.

<sup>2</sup> "accumulation."

<sup>4</sup> *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:<sup>1</sup> "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*<sup>2</sup> 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.<sup>3</sup> "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<sup>4</sup> 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<sup>1</sup> hoc nomen in tropos, differenda est. Quos continuo subiungerem, nisi esset a ceteris separata ratio dicendi, [quae constat non propriis sed translatis].<sup>2</sup> 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*<sup>2</sup> 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

<sup>1</sup> excedit, B: excidit, A.

<sup>2</sup> Halm brackets quae . . . translatis as a gloss. The sense is unsatisfactory, but no satisfactory correction seems possible.

<sup>1</sup> See ch. vi.

employed to create an effect.  
But as the name is too general  
I must point out that  
I would point out that  
subject but the name is  
separate from the name  
employed to create an effect  
physical and the name is  
indulge a form of  
a form of the name is  
day, and the name is  
V. Words are  
they mean a  
frequently used  
of this word is  
of every day  
each we are  
accordance with  
and a form of  
so as to be  
dead, often  
that they are  
seems as if  
But modern  
mind, while  
such as are  
of our people  
carried out  
think that  
forms which  
in which  
Although  
under the  
and that is



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## QUINTILIAN

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 popolare quam bonitas*, interim ad personam, quale est Afri Domitii, *Princeps, qui vult omnia scire, necesse habet multa ignoscere*.<sup>4</sup> 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 comparisonem, infitiationem, similitudinem, admira-

<sup>1</sup> Cic. *pro Lig.* xii. 37.

<sup>2</sup> The premises of the enthymeme are simple, while those of the epichireme are supported by a reason. See v. xiv.

<sup>3</sup> *Sall. Jug.* 10.

<sup>4</sup> *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."<sup>1</sup> 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 <sup>4</sup> 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,<sup>2</sup> such as the following:<sup>3</sup> "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."<sup>4</sup>

There are some even who classify them under ten <sup>5</sup> 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



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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,

---

<sup>1</sup> Author unknown.

<sup>2</sup> Publil. Syr. Sent. 486.

<sup>3</sup> Aen. xii. 646.

<sup>4</sup> In his lost tragedy, the Medea.

<sup>5</sup> Pro Lig. xii. 38.



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## QUINTILIAN

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*

---

<sup>1</sup> 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!"

<sup>2</sup> *Pro Lig.* iv. 10.

<sup>3</sup> *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.<sup>1</sup> 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:<sup>2</sup> "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!"<sup>3</sup>

and "The virtuous youth preferred to risk his life



## QUINTILIAN

- 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

---

<sup>1</sup> Cic. *pro Mil.* iv. 9, cp. v. xi. 13.

<sup>2</sup> *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.



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## QUINTILIAN

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 sepelilote.* 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 indulxit.* 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?*

---

<sup>1</sup> The point is uncertain. Possibly, as Gesner suggests, the sons were accusing their mother.

<sup>2</sup> *sibi indulxit* would seem to mean his appointing S. his heir and then being kind enough to die so soon! But the point is uncertain. <sup>3</sup> Cic. *ad Att.* VIII. vii. 2.

<sup>4</sup> 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.

<sup>5</sup> 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."<sup>1</sup> 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!"<sup>2</sup> 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;"<sup>3</sup> or, "What of the fact that the poor wretch, though he could not speak, could not keep 19 silence?"<sup>4</sup> 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<sup>5</sup> and harlots a quarter?"



## QUINTILIAN

- Sed horum quidem generum et bonae dici possunt  
 20 et malae. Illae semper vitiosae ut à verbo: *Patres  
 conscripti, sic enim incipiendum est mihi, ut meminēritis  
 patrum.* Peius adhuc, quo magis falsum est et  
 longius peti- tum, contra candem 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<sup>1</sup>  
 iuvenis audivi, cum lecta in capite cuiusdam ossa  
 sententiae gratia tenenda matri dedisset: *Infeli-  
 cissima 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 ἀποκατέρησιν  
 simulasse dicitur: *Necte laqueum, habes, quod faucibus*

<sup>1</sup> actorem; *Spalding*: actorum, *A*: auctorem, *other MSS.*

<sup>1</sup> 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 two cases  
 equally well known  
 there are some who  
 those which have  
 following me  
 address you  
 owed to him  
 and far from  
 mentioned  
 "I have  
 another  
 all, where  
 false  
 a dis-  
 splinters  
 (which he  
 epigram  
 not yet  
 bones!"  
 devices of  
 sidered  
 their  
 semblance  
 from the  
 ruined  
 wrecked  
 neither  
 similar  
 to which  
 poisons  
 his teeth  
 such drink  
 theme of  
 pretended



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## QUINTILIAN

*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 audiui, *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

---

<sup>1</sup> 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,"<sup>1</sup> 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,<sup>1</sup> 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 argumen-  
tum; sit tantum in clausula nec<sup>2</sup> male pronuntietur.  
31 *Occidisti uxorem ipse adulter; non ferrem te, etiamsi  
repudiasses*, divisio est. *Vis scire, venenum esse amator-*  
*ium?* *Viveret homo, nisi illud bibisset*, argumentum est.

<sup>1</sup> adferent lumen clavus et purpurae, B (adferunt, Spalding).

<sup>2</sup> clausula nec male, Halm: clausula et male, B: clausulae calce, A.

our language is not  
but of a certain  
and polished  
Further, the  
unity, but  
A people may  
to a dress that  
patches can  
fore, altho  
out with a  
rather to be  
the smile that  
they are in  
uniform of  
the light of  
secure about  
produces an  
to win the  
and to the  
surface. The  
who den  
regarding  
are trivial  
will so en  
impossible  
such persons  
if it were  
being that  
period and  
your wife  
should have  
Here we  
that a love  
be living



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## QUINTILIAN

Nec multas plerique sententias dicunt, sed omnia  
32 tanquam sententias. Huic quibusdā contrarium  
studium, qui fugiunt ac reformidant omnem hanc  
in dicendo voluptatem, nihil probantes nisi plānum  
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 Dēmosthenēs, quae  
ante eum nemo. Quomodo potest probare Cice-  
ronem, 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, vetērem  
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  
3 et sensuum et compositionis. Quare mihi videntur errasse, qui non alios crediderunt tropos, quam in quibus verbum pro verbo poneretur. Neque illud



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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 *μεταφορά* 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<sup>1</sup> 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 borum praestabit, quod transferetur, improprium erit. Necessitate rustici *gemma* in vitibus (quid enim dicerent aliud?), et *sitire segetes* et *fructus laborare*; necessitate nos *durum hominem* aut *asperum*; non enim proprium erat, quod daremus his  
7 adfectibus, nomen. Iam *incensum ira* et *inflammatum*

<sup>1</sup> 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 un-  
consciously 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 unpleas-  
ing. 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 pro-  
duce 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*



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*cupiditate et lapsum errore significandi gratia; nihil enim bonum 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, coque 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 *adlitrari* solitum  
10 *refert. Inanima pro aliis generis eiusdem sumuntur, ut:*

*Classique immittit habenas;*

<sup>1</sup> *Pro Mil.* xiii. 34, 35.

<sup>2</sup> *Virg. Georg.* iii. 1

<sup>3</sup> Probably from Ennius.

<sup>4</sup> *Liv.* xxxviii. liv.

<sup>5</sup> *Aen.* vi. 1.



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aut pro rebus animalibus inanima,

*Ferron an<sup>1</sup> fato moerus Argivom occidit?*

aut contra:

*Sedet<sup>2</sup> 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 pelebatur? 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<sup>3</sup>: 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

<sup>1</sup> ferron, *Bücheler*: ferro, *MSS.*: an, *B*: non, *A*.

<sup>2</sup> stupet, *MSS. of Virgil*.

<sup>3</sup> species, added by Daniel.

<sup>1</sup> From an unknown tragedian.

<sup>2</sup> *Aen.* ii. 307.

<sup>3</sup> *Aen.* viii. 728.

<sup>4</sup> *Pro Lig.* iii. 9. See viii. iv. 27.

<sup>5</sup> *Aen.* ix. 773.

or inanimate

"Did he

or an

"The

Latin

he

But

produced

almost

are given

"

or in the

he

Tubero,

Pharsalica

point

times the

"

For

venom

metaphor

species,

to rational

reverse

finally

parts to

boys

species

given the

While



or inanimate may be substituted for animate, as in

“Did the Argive bulwark fall by sword or fate?”<sup>1</sup>

or animate for inanimate, as in the following lines:

“The shepherd sits unknowing on the height  
Listening the roar from some far mountain  
brow.”<sup>2</sup>

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,”<sup>3</sup>

or in the passage of Cicero,<sup>4</sup> 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?” Some-  
times the effect is doubled, as in Virgil’s.

“And with venom arm the steel.”<sup>5</sup>

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



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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 signi-  
ficans, 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.*

<sup>1</sup> See VIII. iii. 48.

<sup>2</sup> In *Cat.* I. v. 12.

<sup>3</sup> *De Or.* III. xli. 164.

<sup>4</sup> From Furius, an old epic poet of the second century  
(not Furius Bibaculus), *cp.* Hor. *S.* II. v. 11.



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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*,<sup>1</sup> 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<sup>2</sup> 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 *puppin* pro navi nec *abietem* pro tabellis; et rursus, ut pro gladio *ferrum*, ita non pro equo *quadrupedem*. Maxime autem in orando valebit

<sup>1</sup> Per aera nare, *Halm* following *Burmann*: sperae sanare, *G.*: pennis remigare, *A.*

<sup>2</sup> aliquanto etiam, *Regius*: aliquando pentiam, *AG*: paene etiam *Obrecht*.

---

<sup>1</sup> *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 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 Dædalus.<sup>1</sup> 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. place

\* | place

What I have said above applies perhaps with even 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 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



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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,<sup>1</sup> sed, ut ait Cicero, hypallagen rhetores dicunt. Haec inventas ab

<sup>1</sup> *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."

---

<sup>1</sup> This letter is lost.

<sup>2</sup> *Aen.* i. 142. A false explanation of the historic infinitive 'ax involving the omission of some such word as *coeperunt*. <sup>3</sup> *Ed.* ii. 66. <sup>4</sup> *Orat.* xxvii. 93.



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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*;

---

<sup>1</sup> *Aen.* i. 177.

<sup>2</sup> *A. P.* 63.

<sup>3</sup> *Aen.* ii. 311.



the inventor, or a possession by substituting the name of the possessor. Virgil, for example, writes:<sup>1</sup>

“Ceres by water spoiled,”

and Horace :

“Neptune admitted to the land  
Protects the fleets from blasts of Aquilo.”<sup>2</sup>

If, however, the process is reversed, the effect is harsh. But it is important to enquire to what extent *tropes* of this kind should be employed by the orator. For though we often hear “Vulcan” used for fire and to say *vario Marte pugnatum est* for “they fought with varying success” is elegant and idiomatic, while *Venus* is a more decent expression than *coitus*, it would be too bold for the severe style demanded in the courts to speak of *Liber* and *Ceres* when we mean bread and wine. Again, while usage permits us to substitute that which contains for that which is contained, as in phrases such as “civilised cities,” or “a cup was drunk to the lees,” or “a happy age,” the converse procedure would rarely be ventured on by any save a poet: take, for example, the phrase:

“Ucalegon burns next.”<sup>3</sup>

It is, however, perhaps more permissible to describe what is possessed by reference to its possessor, as, for example, to say of a man whose estate is being squandered, “the man is being eaten up.” Of this form there are innumerable species. For example, we say “sixty thousand men were slain by Hannibal at Cannae,” and speak of “Virgil” when we mean “Virgil’s poems”; again, we say that supplies have



*venisse commeatus, qui adferantur; sacrilegium de-*  
*prehensum, non sacrilegum; armorum scientiam*  
 27 *habere, non artis.* Illud quoque et poetis et oratori-  
 bus frequens, quo id, quod efficit, ex eo, quod  
 efficitur, ostendimus. Nam et carminum auctores,

*Pallida mors aëquo 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<sup>1</sup>; et cum *aurata tecta aurea*,  
 pusillum a vero discedo, quia non est nisi<sup>2</sup> pars *aura-*  
*tura*. 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;*

<sup>1</sup> immuto, *early edd.*: multa, *MSS.*

<sup>2</sup> nisi added by *Badius*.

<sup>1</sup> Hor. *Od.* I. iv. 13.

<sup>2</sup> *Aen.* vi. 275

<sup>3</sup> The son of Tydeus = Diomedes, the son of Peleus =  
 Achilles. "

<sup>4</sup> *Aen.* i. 65.



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et ex factis, quibus persona signatur,

*Thalamo quae fixa reliquit  
Impius.*

30 Oratoribus etiamsi rarus eius rei, nonnullus tamen usus est. Nam ut *Tydidem* et *Pelidem* non dixerint, ita dixerint *impios* et *parricidas*; *eversorem* quoque *Carthagini* 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 *mugilus*

32 et *sibilus* et *murmur* inde venerunt. Deinde, tanquam consummata<sup>1</sup> 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*

<sup>1</sup> consummata, *Badius*: consumpta, *MSS.*

---

<sup>1</sup> *Aen.* iv. 495. This third example does not correspond with the twofold division given by *utroque* and may be spurious.

<sup>2</sup> *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.

<sup>3</sup> *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."<sup>1</sup>

This form of *trope* is rare in oratory, but is occasionally employed, For although an orator would not say "Tydides" or "Pelides," he will speak of certain definite persons as "the impious parricides," while I should have no hesitation in speaking of Scipio as "the destroyer of Carthage and Numantia," or of Cicero as "the prince of Roman orators." Cicero himself, at any rate, availed himself of this licence, as, for example, in the following case: "Your faults are not many, said the old praeceptor to the hero,"<sup>2</sup> where neither name is given, though both are clearly understood.

On the other hand, *onomatopoea*, that is to say, the creation of a word, although regarded with the highest approbation by the Greeks, is scarcely permissible to a Roman. It is true that many words were created in this way by the original founders of the language, who adapted them to suit the sensation which they expressed. For instance, *mugitus*, lowing, *sibilus*, a hiss, and *murmur* owe their origin to this practice. But to-day we consider that all has been done that can be done in this line, and do not venture on fresh creations, in spite of the fact that many of the words thus formed in antiquity are daily becoming obsolete. Indeed, we scarcely permit ourselves to use new derivatives, so they are called, which are formed in various ways from words in common use, such as *Sullaturit*,<sup>3</sup> "he wishes to be a second Sulla," or *proscripturit*, "he wishes to have



## [REDACTED]

a. preterite: *estaba*  
 deo-poste: *estaba*  
 laudat: *estaba*

There is no way to  
correct the  $\Delta$  of the  $\Delta$  term  
term is not available  
available to the  
actual term or

# Aiken

On the 12th of April 1964

## References

The following are the names of the persons who have been appointed to the various positions in the various departments of the Government of the State of New York, for the year 1900.

Flasks are not to be used for more than one sample.

and cables, etc.

made, and the



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# QUINTILIAN

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<sup>1</sup> et rarissimus et improbissimus, Graecis tamen frequentior, qui Centaurum qui Χείρων est Ἡσσοῖα et insulas οἰκείας θοὰς<sup>2</sup> 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<sup>3</sup> 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,<sup>4</sup> 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

<sup>1</sup> *I have added hic nisi in comoediis, cp. 39 below.*

<sup>2</sup> Centaurum, *Regius*: scient aurum, *AG.*: Ἡσσοῦα, *Meister*: hoccona, *AG.*: insulas oxias thoas, *cod. Par.* 7530: insulam ΕΜΨΙΑCΘOAC, *AG.*

<sup>3</sup> et in quod transfertur, *Halm*: et in quo transfertur, *cod. Par. 7530*: *om. AG.*

<sup>4</sup> nihil enim . . . nisi, *Regius*: innisi . . . nihil, *AG*.

<sup>1</sup> χείρων and ἥσσων both mean inferior.

<sup>2</sup> *cp. Od. xv. 298.* *Θόος* is used elsewhere to express sharpness. <sup>3</sup> *Verres* = boar; *Catus* = wise.

\* In the sense of *to repeat*.

instances of the quality of being a thing, and the quality of being a thing as meaning that the actions of the thing are such as to be for a reason, and the quality of being a thing as meaning that the quality of being a thing is such as to be for a reason.

[illegible]



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 *Ἡσσών*<sup>1</sup> and substitute the epithet *θοαί* (swift) for *ὄξεια*<sup>2</sup> in referring to sharp-pointed islands. But who would endure a Roman if he called Verres *sus*<sup>3</sup> 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*<sup>4</sup> 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*,



## QUINTILIAN

- 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 abominandum, o deformem libidinem*.<sup>1</sup> 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<sup>1</sup> 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<sup>2</sup> uni apposita ne verum quidem decuerint. Sunt autem, quibus non videatur hic omnino tropus, quia nihil vertat. Nec

<sup>1</sup> iudices, vulgo: iungas, MSS. in quaestionibus *is clearly corrupt.*

<sup>2</sup> quocunque . . . vero, Spalding: quoque . . . verba, MSS.

<sup>1</sup> Georg. III. 364.

<sup>2</sup> Cic. in Cat. I. x. 25.

<sup>3</sup> Pro Mil. xx. 53.

<sup>4</sup> Aen. vi. 276 and 275. Here the addition is *metonymy*, *turpis* and *tristis* both substituting *effect* in place of *cause*: cp. § 27.

<sup>5</sup> 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 error  
frequency and  
that the  
applied  
when the  
wine  
unless it  
point  
instance  
hidden  
when it  
great  
epithet  
of something  
gracefully  
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style is  
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employed  
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## QUINTILIAN

est semper,<sup>1</sup> sed id quod est<sup>2</sup> appositum, si a proprio diviseris, per se significat et facit antonomasiam. Nam si dicas, *Ille qui Numantiam et Carthaginem evertit*, antonomasia est; si adieceris *Scipio*, appositum. Non potest ergo esse seiunctum.<sup>3</sup>

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.*

<sup>1</sup> nec, *Spalding*: necesse, *MSS.*

<sup>2</sup> sed id quod est, *cod. Paris 7530*: sed cum id est *AG.*

<sup>3</sup> seiunctum, *Christ*: iunctum, *MSS.*

<sup>1</sup> *Hor. Od. i. xiv. l.*

<sup>2</sup> *Georg. II. 541.*

<sup>2</sup> *Lucr. IV. l.*

<sup>4</sup> *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*,<sup>44</sup> 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.<sup>1</sup>  
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:<sup>2</sup> 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."<sup>3</sup>

On the other hand, in the *Bucolics*<sup>4</sup> 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<sup>1</sup> loco præter 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<sup>2</sup> unus aut nox interposita saepe et perturbat omnia et totam opinionem parva nonnunquam commutat aura rumoris.*
- 50 Nam id quoque in primis est custodiendum<sup>3</sup> ut, quo

<sup>1</sup> From an unknown speech.

<sup>2</sup> *Pro Mil.* ii, 5.

<sup>3</sup> *Pro Mur.* xvii. 35.

For is the name of a  
proper name, and the  
literal meaning of the  
note the same as the  
Virgilian name of the  
allegory, but the name  
there is not the same  
allegory, but the name  
passage of the name  
of is the same as the  
destroying the name  
he himself is the name  
of the name of the  
"I always thought  
and therefore the name  
waters of the name  
the name of the name  
cal meeting the name  
their addition to the  
allegory, but the name  
element is the name  
the meaning of the  
literally the name  
duced by the name  
and therefore the name  
strait, and the name  
conducting the name  
edding, and the name  
election of the name  
of one of the name  
often the name  
branch of the name  
branch of the name  
the principle of the name



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## QUINTILIAN

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 offendent tamen. Est enim grata in eloquendo novitas et emutatio, et magis inopinata delectant. Ideoque iam in his amissimus modum et gratiam rei nimia captatione consumpsimus. Est in exemplis allegoria, si  
 52 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 lerant

<sup>1</sup> 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!"

<sup>2</sup> *Ecl.* iii. 104; the solution is lost.

<sup>3</sup> 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*.

mixt of metaphorical language  
 beginning with a metaphorical  
 falling back on the literal  
 indirectly expressing the  
 is often used to express  
 conversational style  
 phrases of this kind  
 "to attack the enemy"  
 them all together  
 attention to the  
 in ordinary conversation  
 delight in the use of  
 to the world of letters  
 charm of language  
 we have a tendency to  
 involve a metaphorical  
 for there are  
 the "Dionysius"  
 favorite of the Greeks  
 is to be regarded as  
 in my opinion  
 the fact that  
 are used in the  
 following

"Sic ut  
 in  
 T."

Even in the  
 speaks of  
 for a long time  
 and a N.  
 know the  
 known as



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,"<sup>1</sup> 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<sup>2</sup> 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<sup>3</sup> 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<sup>1</sup> si quis interpretetur, intelligas.  
54 In eo vero genere, quo contraria ostenduntur,  
ironia est; illusionem vocant. Quae aut pronuntia-  
tione 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 adsimu-  
latione<sup>2</sup> detrudere et vituperationis laudare con-  
cessum 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<sup>3</sup>, verbis  
urbanitatis<sup>4</sup> gratia aut quaedam contrariis signifi-  
cimus aliud textum spectaco et enumeravimus.<sup>5</sup> Haec  
si quis ignorat, quibus Graeci nominibus appellent,

<sup>1</sup> nam et cetera, *Christ*: non et cetera, *AG*.  
adsimulatione, *Spalding*: autem simulatione, *AG*.  
mollioribus, *Werlhof*: melioribus, *MSS*.

<sup>2</sup> urbanitatis, *Gsner*: aut bonae rei, *MSS*.

<sup>5</sup> I have printed the reading of *A*; from which the others differ but little.

<sup>1</sup> Cic. *Pro Cluent.* xxxiii. 91.

<sup>2</sup> *cp.* § 20.

<sup>3</sup> From the lost speech in *Clodium et Curionem*.

<sup>4</sup> 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 not to be taken  
after all, and so on.  
them.

On the other hand  
the meaning of  
words, and so on.  
rhetorical, and so on.  
the subject of the  
action of the  
For if we take  
the words of  
tion of the  
says, in the  
important  
but about the  
in an  
noble  
prose  
series of  
Verres, the  
this

As an example  
the following  
have been  
we may see  
of what  
demonstrates  
known  
modest  
salvation  
disgrace  
or we may  
the conclusion



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## QUINTILIAN

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 μυκτηρισμός, 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:

---

<sup>1</sup> Presumably from the Histories.

<sup>2</sup> *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.<sup>1</sup> 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 Hypèrbaton quoque, id est verbi transgressionem, quoniam frequenter ratio compositionis<sup>1</sup> et decór poscit, non immerito inter virtutes habemus. Fit enim frequentissimè 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 permutatio; neque alio ceris Platonis inventa sunt quattuor illa verba, quibus in illo pulcherrimo operum in Piraeum se descendisse significat, plurimis modis

65 scripta, quam<sup>2</sup> quod eum quoque maxime numerosum<sup>3</sup> facere experiretur. Verum id cum in duobus verbis fit, ἀναστροφὴ dicitur, reversio quaedam:

<sup>1</sup> compositionis, *Daniel*: comparisonis, *MSS.*

<sup>2</sup> quam, inserted by *Regius*.

<sup>3</sup> The sentence can hardly be correct as it stands in the *MSS.* I have inserted *numerosum* as being the simplest improvement available.

<sup>1</sup> At the beginning of the *Republic*. κατέβην χθὲς εἰς Πειραιᾶ.

in such cases & a case and a  
For a Latin word  
brevis, but a case  
a periphrasis is a case  
though it is a case  
of the nature of a  
phrase & a case  
when it is a case  
for whatever reason  
A case is a case  
word, is a case  
sentence is a case  
sequence is a case  
For our purpose  
or disjunctive  
their case is a case  
as they are a case  
band of case is a case  
to be a case  
being a case  
these words are a case  
how a case is a case  
more a case is a case  
are a case is a case  
it is a case is a case  
by a case is a case  
the reason is a case  
in the case is a case  
down to the case  
of a case is a case  
that he is a case  
possible is a case  
fined to a case  
is, a case



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## QUINTILIAN

qualia sunt vulgo; *mecum, secum*, apud oratores et historicos *quibus de rebus*. At cum decoris gratia traicitur<sup>1</sup> 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<sup>2</sup> 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;*

<sup>1</sup> traicitur, *Spalding*: trahitur, *AG*.  
<sup>2</sup> decens veri, *Spalding*: decensuris, *G*: demensuris, *A* (2nd hand).

<sup>1</sup> Cic. *pro Cluent.* i. 1.

<sup>2</sup> *Georg.* iii. 381.

<sup>3</sup> *VIII.* ii. 14.

<sup>4</sup> *Phil.* II. xxv. 63.

<sup>5</sup> *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*.<sup>1</sup> ("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*<sup>2</sup>  
("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.<sup>3</sup>

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,<sup>4</sup> "He vomited and filled his lap and the whole tribunal with fragments of food, or when Virgil speaks of

"Twin rocks that threaten heaven."<sup>5</sup>



# QUINTILIAN.

aut res per similitudinem attollimus,

*Credas innare revulsas Cycladas;*

69 aut per comparisonem, 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 videtur in libro, quem inscripsit

*ὑμνος.* Is namque Herculis impetum adversus Mero-

pas, 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

<sup>1</sup> *Aen.* viii. 691.

<sup>2</sup> *Aen.* vii. 808.

<sup>3</sup> *Aen.* v. 319.

<sup>4</sup> *Phil.* ii. xxvii. 67.

<sup>5</sup> A lost work.

Again we may say, as in the place

That Cicero

Or we may prefer a comparison

or by the sea

or by the sea

Exquisitam

New York

Or we may employ again, not in addition of the Author

vorax, ever

heaven, have

in such eye

I indeed

Hymn when he

upon the island of Coo

fire, which the latter power, the

Cicero has



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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 *Charybdis* 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

<sup>1</sup> v. lvi. 145.

<sup>2</sup> *Ecl.* iii. 103. Describing a flock of starved sheep.

<sup>3</sup> Unknown.



passage from the Verrines:<sup>1</sup> "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<sup>2</sup>

"Scarce cling they to their bones,"  
or the lines from a humorous work<sup>3</sup> 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...



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## BOOK IX



## LIBER IX

- I. Cum sit proximo libro de tropis dictum, sequitur pertinens ad figuras, quae σχήματα Graece vocantur, <sup>2</sup> 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 <sup>3</sup> 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 ὀνοματοποιίαν clari quoque auctores figuras verborum potius quam tropos dixerint.
- <sup>4</sup> Quo magis signanda est utriusque rei differentia. Est igitur tropos sermo a naturali et principali signi-

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<sup>1</sup> See IX. ii. 44.

<sup>2</sup> VIII. vi. 59 *sqq.*, 62, 31 respectively.



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## QUINTILIAN

- fictione 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 μεταφορά, μετωνυμία, ἀντωνομασία, μεταλήψει, συνεκδοχή, καταχρήσει, ἀλλήγορία, plerumque ὑπερβολή; namque et rebus fit et verbis. Ὀνοματοποιία fictio est nominis; ergo hoc quoque pro aliis ponitur, quibus usuri fuimus, si illud non fingeremus.
- 6 Περὶφρασις etiamsi frequenter et id ipsum, in cuius locum adsumitur, nomen complecti solet, utitur tamen pluribus pro uno. Ἐπίθετον, 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

<sup>1</sup> See VIII. vi.

<sup>2</sup> VIII. vi. 29 and 46.

<sup>3</sup> 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 word for another is placed among *tropes*, as for example in the case of *metaphor*, *metonymy*, *antonomasia*, *metalepsis*, *synecdochè*, *catachresis*, *allegory*<sup>1</sup> and, as a rule, *hyperbole*, which may, of course, be concerned either with words or things. *Onomalopoea* is the creation of a word and therefore involves substitution for the words which we should use but for such creation. Again although *periphrasis* often includes the actual word whose place it supplies, it still uses a number of words in place of one. The *epithet* as a rule involves an element of *antonomasia*<sup>2</sup> and consequently becomes a *trope* on account of this affinity. *Hyperbaton* is a change of order and for this reason many exclude it from *tropes*. None the less it transfers a word or part of a word from its own place to another. None of these can be called *figures*. For a *figure* does not necessarily involve any alteration either of the order or the strict sense of words. As regards *irony*, I shall show elsewhere<sup>3</sup> 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 effecti-  
 bus; ut statum coniecturalem an infitiale an facti  
 an de substantia nominemus, nihil interest, dum  
 9 idem quaeri sciamus. Optimum ergo in his sequi  
 maxime recepta et rem ipsam, quocunque appella-  
 bitur modo, intelligere. Illud tamen<sup>1</sup> 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

<sup>1</sup> See III. vi. 15, 39. <sup>2</sup> i. e. figure.



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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 termina-  
 vit, qui id solum putaverit schema, quo aliud simu-  
 latur 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

<sup>1</sup> Frequentative forms of *curro* (run) and *lego* (read).

<sup>2</sup> 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*<sup>1</sup> 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.<sup>2</sup> 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



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- mutatio sensus quoque verteret, omnes figuras in verbis esse dixerunt; illi, quia verba rebus accom-  
modarentur, omnes in sensibus. Quārūm utraque  
16 manifesta cavillatio est. Nam ut eadem dici solent  
aliter, manetque sensus elocutione mutata, et figura  
sententiae plures habere verborum figuras potest.  
Illā 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, consensus est  
duas eius esse partes, διαβολάς, 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  
perfecto 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.

---

<sup>1</sup> Cic. Verr. I. xxx. 77. *iam iam* is a figure, as being a reduplication, and *liberum* as being a contraction.

<sup>2</sup> 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."



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- 19 Ut vero natura prius est concipere animo res quam  
énuntiare, 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



## QUINTILIAN

multas quam sint a quibusdam constitutae. Neque enim me movent nomina illa, quae fingerè 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 admittère 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



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## QUINTILIAN

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 máximi 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 brevitās 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 debet; propositioque, quid sis dicturus, et ab eo quod est dictum seiunctio, et reditus ad proposi-*

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<sup>1</sup> The two works are the *Orator* (xxxix. 134 sqq.)—see sect. 36 and the *de Oratore* III. lii. 201, which is here quoted.

<sup>2</sup> *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*.<sup>1</sup>

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.<sup>2</sup> 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



## QUINTILIAN

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 irrepat 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 con-  
ciliandos vel maxime, saepe autem etiam ad commovendos ;  
31 personarum ficta inductio vel gravissimum lumen augendi ;  
descriptio, erroris inductio, ad hilaritatem impulsio, ante-  
occupatio ; tum duo illa, quae maxime movent, similitudo  
et exemplum ; digestio, interpellatio, contentio, reticentia,  
32 commendatio. Vox quaedam libera atque etiam effrena-  
tior augendi causa ; iracundia, obiurgatio, promissio ;*



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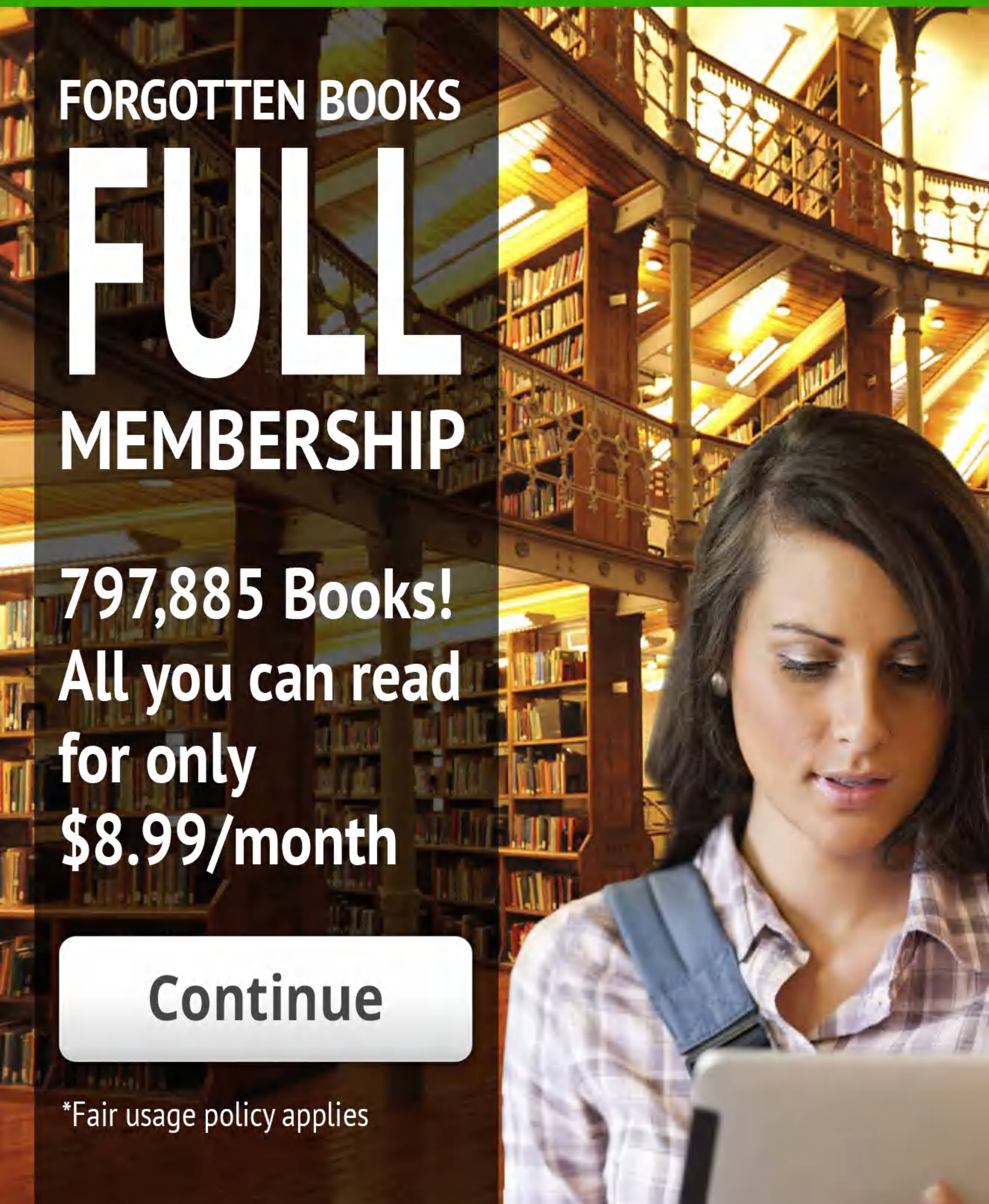
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deprecatio, obsecratio, declinatio brevis a proposito, non  
 ut superior illa digressio, purgatio, conciliatio, laesio,  
 33 optatio atque execratio. His fere luminibus illustrent  
 orationem sententiae. Orationis autem ipsius tanquam  
 armorum 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 cre-  
 bra 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,

---

<sup>1</sup> 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 ἐπεξεργασμένον 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.<sup>1</sup> 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-

---

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.



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*et exclamatio et imminutio; et quod in multis casibus  
ponitur et quod de singulis rebus propositis ductum re-  
fertur 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  
illuminant.*

Eadem sunt in Oratore plurima non omnia tamen  
et paulo magis distincta, quia post orationis et sen-  
tentiarum figuras tertium quendam subiecit locum  
ad alias, ut ipse ait, quasi virtutes dicendi perti-  
37 nentem: *Et reliqua, ex collocatione verborum quae su-  
muntur 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 excellent. Eadem ratio est horum quae sunt orationis  
lumina et quodam modo insignia, cum aut duplicantur  
iteranturque verba aut leviter<sup>1</sup> commutata ponuntur, aut  
ab eodem verbo ducitur saepius oratio aut in idem con-*

<sup>1</sup> leviter Gesner, <sup>1</sup>Ernesti: breviter, MSS.

<sup>1</sup> Perhaps=metonymy. <sup>2</sup> xxxix. 134 sqq.



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## QUINTILIAN

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-  
 tionis, aut cum eiusdem nominis casus saepius commu-  
 40 tantur. 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 note-  
 tur 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

---

<sup>1</sup> *adiungitur* apparently refers to the same figure described  
 in Herodian (*Rh. Gr.* iii. 99) as ἐπίστυξις, 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<sup>1</sup> 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



QUINTILIAN

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 simili-  
tudines ; ut utatur exemplis ; ut aliud alii tribuens dis-  
pertiat ; 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 oplet, 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



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## QUINTILIAN

*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 *ἐμφασιν*, 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, execratione? 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, remove a se, in alium traicere, 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<sup>1</sup> 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

<sup>1</sup> quanquam, *Spalding*: quam cum, *A*: cum, *B*.

<sup>1</sup> *Aen.* i. 369.



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## QUINTILIAN

adsumitur, sed instandi, *Quid enim tuus ille, Tubero, dstrictus 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. Fidiculanus 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?*

<sup>1</sup> *pro. Lig. iii. 9 and in Cat. i. 1.*

<sup>2</sup> *pro Cluent. xxxvii. 103.*

<sup>3</sup> *Med. 451.*

<sup>4</sup> *Aen. ii. 69.*

<sup>5</sup> *Aen. i. 48.*



whenever it is employed not to get information, but to emphasise our point, as in the following examples :<sup>1</sup>  
 “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 Fidiculanus Falcula, I ask you, brought to justice?”<sup>2</sup>  
 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 :<sup>3</sup>

“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 :<sup>4</sup>

“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?”<sup>5</sup>



## QUINTILIAN

et admirationi :

*Quid non mortalia pectora 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 vapu-  
lasset, *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

---

<sup>1</sup> *Aen.* iii. 56.

<sup>2</sup> *Eun.* i. i. 1.

<sup>3</sup> *Aen.* iv. 592.

<sup>4</sup> *Ecl.* iii. 17 and 21.



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## QUINTILIAN

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 expectare 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,

<sup>1</sup> vi. iii. 68.

<sup>2</sup> iii. 7.

<sup>3</sup> 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."

<sup>4</sup> Orat. lxvii. 223.

<sup>5</sup> 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.<sup>1</sup> 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*,<sup>2</sup> 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."<sup>3</sup> 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."<sup>4</sup> 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?"<sup>5</sup> There are other forms of question as well, some concise, some developed at greater length, some dealing with one thing only, others with several.

*Anticipation*, or, as the Greeks call it, *πρόληψις*, whereby we forestall objections, is of extraordinary value in pleading; it is frequently employed in all parts of a speech, but is especially useful in the *exordium*. However, it forms a genus in itself, and 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 eveclus*; frequentissima praeparatio, cum pluribus verbis, vel quare facturi quid simus vel quare fecerimus, dici solet. Verborum quoque vis ac proprietas confirmatur vel praesumptione: *Quoniam illa non poena, sed prohibitio sceleris fuit*; aut reprehensione: *Cives, inquam, si hoc eos nomine appellari fas est*.

18 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 verum nescio. Negem fuisse infamiam*

19 *iudicii corrupti?* et cetera. Hoc etiam in praeteritum valet; nam et dubitasse nos fingimus.

20

A quo schemate non procul abest illa, quae dicitur

<sup>1</sup> *Div. in Caec. i. 1.*

<sup>2</sup> From a lost work of Cicero.

<sup>3</sup> *pro Mur. xxxvii. 80.*

<sup>4</sup> Chs. i. and ix.

<sup>5</sup> *pro Cluent. i. 4.*



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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 iudi-  
 cibus quasi deliberamus, quod est frequentissimum:  
*Quid suadetis?* et *Vos interrogo, et Quid tandem fieri*  
*oportuit?* et Cato, *Cedo, si vos in eo loco essetis, quid*  
*aliud fecissetis?* Et alibi: *Communem rem agi putalote*  
 22 *ac vos huic rei praepositos esse.* Sed nonnunquam  
 communicantes aliquid inexpectatum 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 expectationem gravissi-  
 morum fecimus, ad aliquid quod sit leve aut nullo  
 modo criminis 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



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."<sup>1</sup> 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



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dicamus inexpectatum 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 *παρρησίαν*. Quid enim minus figuratum quam vera libertas?

<sup>1</sup> pro Mil. xviii! 47.

<sup>2</sup> pro Muren. vi. 14.

<sup>3</sup> in Cat. i. 2.

<sup>4</sup> Phil. ii. xxvi. 64.

<sup>5</sup> Unknown.

<sup>6</sup> The author of Auct. ad Herennium, iv. 36.

Pollio, *Nunquam*

Pollio, *Nunquam*

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28 Sed frequenter sub hac facie latet adulatio.<sup>1</sup> 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*  
29 *potest. In illa vero sententia, Quid autem aliud egi-*  
*mus, Tuberò, 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 existi-  
mat) laterum, fictiones personarum, quae προσωπο-  
ποιται dicuntur.<sup>2</sup> 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 intro-  
ducimus, 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 populi-  
que vocem accipiunt. Ac sunt quidam, qui has demum  
προσωποποιίας dicant, in quibus et corpora et verba  
fingimus; sermones hominum adsimulatos dicere  
διαλόγους malunt, quod Latinorum quidam dixerunt

<sup>1</sup> iii. 7.

<sup>2</sup> iv. 10. We = the Pompeian party. He = Caesar.

<sup>3</sup> *Orat.* xxv. 85.

<sup>4</sup> 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,"<sup>1</sup> 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?"<sup>2</sup> he succeeds with admirable art in repre-  
senting 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<sup>3</sup> de-  
mands 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 con-  
viction 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<sup>4</sup> translate



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- 32 sermocinationem. Ego iam recepto more utrumque eodem modo appellavi. Nam certe sermo fingi non potest, ut non personae sermo fingatur.<sup>1</sup> 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

<sup>1</sup> in *Cat.* i. xi. 27.

<sup>2</sup> in *Cat.* i. vii. 18.

<sup>3</sup> The speech being lost, the allusion in *bis—dedit* is unintelligible.

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- 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 *παρωδή*, quod nomen ductum a canticis ad aliorum similitudinem modulatis abusive etiam in versificationis ac sermonum imitatione 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 saturâ 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 *προσωποποιᾶ* accedit illa, quae est orationis per detractionem; detractum est enim, quis diceret. Vertitur interim *προσωποποιᾶ* 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.*

<sup>1</sup> *Aen.* iv. 174.

<sup>2</sup> *Mem.* ii. 1.

<sup>3</sup> *Aen.* ii. 29. The words represent what some Trojan said after the departure of the Greeks.

<sup>4</sup> i. 9. These words represent the argument of envoys sent out by Romulus to neighbouring cities.

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it imitates a document produced by the opposing party. For a will had been read out by the prosecution, in the following form: "Let Publius Novanius Gallio, to whom as my benefactor I will and owe all that is good, as a testimony to the great affection which he has borne me (then follow other details) be my heir." In this case the *figure* borders on *parody*, a name drawn from songs sung in imitation of others, but employed by an abuse of language to designate imitation in verse or prose. Again, we often personify the abstract, as Virgil<sup>1</sup> does with Fame, or as Xenophon<sup>2</sup> records that Prodicus did with Virtue and Pleasure, or as Ennius does when, in one of his satires, he represents Life and Death contending with one another. We may also introduce some imaginary person without identifying him, as we do in the phrases, "At this point some one will interpose," or, "Some one will say." Or speech may be inserted without any mention of the speaker, as in the line :<sup>3</sup>

"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<sup>4</sup>: "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."



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- 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 Danaïs Troianam excindere gentem  
Aulide iuravi—.*

Quod fit et multis et variis figuris, cum aut aliud expectasse 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

<sup>1</sup> *pro Lig.* iii. 9.

<sup>2</sup> *pro Mil.* xxxi. 85.

<sup>3</sup> *Verr.* v. lxiii. 163. Laws protecting the person of a Roman citizen, and disregarded by Verres.

<sup>4</sup> *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.

<sup>5</sup> *de Or.* iii. liii. 202.

<sup>6</sup> *viii.* iii. 61 *sqq.*

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- verbis, ut cerni potius videatur quam audiri: *Ipsē 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 Milōne, quae facturū fuerit Clodius, si praeturam invasisset. Sed haec quidem translatio temporum, quae proprie μεταστάσις dicitur, ἐν διατυπώσει<sup>1</sup> veracundior apud priores fuit. Praeponēbant 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 motū quodam imaginantur, ut et Seneca<sup>2</sup> 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<sup>3</sup> virtuti adsignatur a quibusdam; alii τοπογραφίαν dicunt.

*Εἰρωνείαν* inveni qui dissimulationem vocaret; quo

<sup>1</sup> ἐν διατυπώσει, vulgo: indiatyposi, B: incliatibosi, A.

<sup>2</sup> ut et Seneca, vulgo: ut Seneca, cod. Bamb.: ut, cod. Bern.: et, A.

<sup>3</sup> eidem, Regius: eiusdem, B: huic, A (2nd hand): virtuti; A: virtutis, B.

<sup>1</sup> Verr. v. lxii 161.

<sup>2</sup> Ch. 32.

<sup>3</sup> Not found in extant works of Cicero.

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 letter, but



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."<sup>1</sup> 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,<sup>2</sup> 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<sup>3</sup>: "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 holder, 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



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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 ironiā, 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<sup>1</sup> et tota interim causae conformatio; cum etiam vita universa ironiam habere videatur, qualis est visa Socratis; nam ideo dictus, εἰρων, 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 ἀντίφρασις vocant: *Non agam tecum iure summo, non*

<sup>1</sup> sermoni et voci, *Ha'm*: sermonis et ioci, *AB*.



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dicam,<sup>1</sup> quod forsitan obtinerem<sup>1</sup>; 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. Εἰρωεΐα 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

<sup>1</sup> debeam forsitan obtinere, MSS. of Cicero.

<sup>1</sup> Verr. v. ii. 4.

<sup>2</sup> Phil. II. xxv. 62.

<sup>3</sup> pro Cael. xxii. 53.

<sup>4</sup> pro Cluent. lx. 166.

<sup>5</sup> Aen. iv. 381. Dido to Aeneas. She continues by praying for his destruction.

<sup>6</sup> 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.

<sup>7</sup> 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" <sup>1</sup>; or again, "Why should I mention his decrees, his acts of plunder, his acquisition, whether by cession or by force, of certain inheritances?" <sup>2</sup> 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." <sup>3</sup> Such kinds of 48 irony may even be sustained at times through whole sections of our argument, as, for instance, where Cicero <sup>4</sup> 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 <sup>5</sup>

"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, <sup>6</sup>

"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!" <sup>7</sup>

Further, this device of saying the opposite of what 50



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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 corruptum.  
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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<sup>1</sup> *Aen.* iv. 379. Dido mocks the excuse of Aeneas that he had received the direct command of heaven to leave Carthage.

<sup>2</sup> *pro Lig.* i. 2.

<sup>3</sup> *Verr.* v. xlv. 117.

<sup>4</sup> *pro Cluent.* ii. 5.

<sup>5</sup> *pro Cluent.* xxiii. 63.

<sup>6</sup> *Verr.* iv. xvii. 37. *i. e.* Apollonius deserved it.



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crimen Apollonii Drepanitani: *Gaudeo etiam, 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.<sup>1</sup>
- 54 Ἀποσιώπησις, quam idem Cicero reticentiam, Celsus obticentiam, nonnulli interruptionem appellant, et ipsa ostendit aliquid adfectus vel irae, ut.

*Quos ego—sed motos praealat componere fluctus;*

- vel sollicitudinis et quasi religionis: *An huius illé 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

<sup>1</sup> Roscius of Ameria was accused of parricide.

<sup>2</sup> See quotation in IX. i. 31.

<sup>3</sup> *Aen.* i. 135. Neptune rebukes the winds for raising a storm, but breaks off without actually saying what he would do to them.

<sup>4</sup> 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.



Apollōnius 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,<sup>1</sup> by the sheer force of his eloquence, exaggerates the horror of parricide, despite the fact that it requires no demonstration.

*Aposiopesis*, which Cicero<sup>2</sup> calls *reticentia*, Celsus 54 *obticentia*, and some *interruptio*, is used to indicate passion or anger, as in the line:<sup>3</sup>

"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:<sup>4</sup> "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.<sup>5</sup> Again it may be employed as a means 55 of transition, as, for example,<sup>6</sup> "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.<sup>7</sup> For at

<sup>1</sup> § 3. 'ΑΛΛ' ἐμοὶ μὲν—ὅν βούλομαι δὲ δυσχερὲς εἰπεῖν οὐδέν.

<sup>2</sup> From the *pro Cornelio*.

<sup>7</sup> *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 asperit 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?*<sup>1</sup> 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 ὑποτυπώσεως 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

<sup>1</sup> ne multa, Cicero.

<sup>1</sup> From the passage quoted ix. i. 28.

<sup>2</sup> From the lost *pro Varena*.

<sup>3</sup> xii. 33.

<sup>4</sup> *pro Lig.* iii. 9.

<sup>5</sup> A free quotation from *Verr.* v. xlv. 116.

<sup>6</sup> *Eun.* i. ii. 75.

this part of the  
Gnaeus Pompeius  
eat any more of  
the of the of the  
number of of the  
will, however  
Varenus to the  
slaves of the  
careful attention  
second in the  
on the part of  
when he was  
of violence  
which is a  
a sentence  
words to a  
confronted  
pressing on  
to be made  
heard to  
The  
which is  
may be  
excite the  
in the  
which is  
close  
passage from  
to which  
was  
up as he  
sister  
relation  
words



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asseverat quam eludit: *Dicebam habere eos actorem*  
*Q. Caecilium.* Sunt et illa iucunda et ad commenda-  
tionem 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*

<sup>1</sup> *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.

<sup>2</sup> xv. 35.

<sup>4</sup> *pro Cluent. lxi. 169.*

<sup>6</sup> *Verr. IV. iii. 5.*

<sup>3</sup> *Verr. IV. xx. 43.*

<sup>5</sup> *Verr. IV. xxvi. 57.*



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,<sup>1</sup> "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*,<sup>2</sup> 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."<sup>3</sup> 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<sup>4</sup> 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,<sup>5</sup> 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<sup>6</sup>: "But who was the sculptor who made those statues? Who



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- 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<sup>1</sup> 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?*

Quaerquam enim de matrimonio queritur Dido,

iterare, *Halm*: sperare, *B*: separare *A* (m.2).

<sup>1</sup> *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.

<sup>2</sup> *Aen.* iv. 550.

was held. Then, if they  
 right; they are not  
 may seem to be  
 are really of the  
 an end of the  
 to be always  
 passage just as  
 with a man of  
 pictures, he is not  
 that he perceives  
 So, too, when the  
 fell at Marathon  
 the object of the  
 at Chaeronea  
 speech to be  
 after just as  
 in the old  
 words refer  
 some figures  
 (for repetition  
 especial  
 aspect of the  
 in variety  
 attracted to  
 things, as  
 novelties  
 English  
 when some  
 phrase, and

For all



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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 expectari maxime credo, veniendum est, in quo per quandam suspicionem quod non dicimus accipi volumus, non utique contrarium, ut in *εἰρωνεία*, sed aliud latens et auditori quasi invenien-  
dum. 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<sup>1</sup> 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 obijcere anteacta, ut, quod

<sup>1</sup> si relatio, *A* (si *r* by 2nd hand): si elatio, *B*.

<sup>1</sup> *Mat.* x. 422.

<sup>2</sup> *ix.* i. 14.



# BOOK IX. II. 64-67

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!”<sup>1</sup>

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,<sup>2</sup> 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



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in foro non expedit, illio 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 crunt 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,

416



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compositionibus ambiguis, ut in illa controversia, in qua infamis amore filiae virginis pater raptam eam interrogat, a quo vitata 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 tuchar, quae subiecisse dicebatur mariti testamentum, et dicebantur chirographum marito exspiranti heredes 74 dedisse; et verum erat. Nam, quia per leges

<sup>1</sup> The sense of the words depends on the punctuation, according as we place a full-stop or a comma after *My father*.

<sup>2</sup> 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?"<sup>1</sup> 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<sup>2</sup> 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 inse-  
ruissem, 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<sup>1</sup> aut ipsi, in quos dicimus, aut iudices aut adsistentes odèrint

<sup>1</sup> quanto magis, *Halm*: quo minus, *AB*

his hereditas  
property to be  
verance to  
the woman's  
existence of the  
hereditas  
in such a way  
the hereditas  
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ment of a  
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own skill  
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with the fact  
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to speak  
our lips  
together



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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 hacc, 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<sup>1</sup> pater, qui infamem  
 in matrem filium secreto occidiisset, reus malae

<sup>1</sup> si, *Regius*: is, *MSS.*

assumed to be a...  
 with...  
 inspired by...  
 does it make...  
 the fact...  
 And what...  
 selves...  
 doing what...  
 And yet...  
 rhetoric...  
 declaim...  
 which...  
 although...  
 then many...  
 requires...  
 the...  
 method...  
 who...  
 escape...  
 doubling...  
 is so...  
 just...  
 fact...  
 the...  
 penance...  
 a...  
 more...  
 direct...  
 for...  
 have...  
 room...  
 were...  
 in a...  
 son...



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,



## QUINTILIAN

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,<sup>1</sup> 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-*

<sup>1</sup> quidam damnavit, B: qui accusavit, A.

and was vainly  
bring about  
what could be  
that he should  
be more de  
because he  
suspicion  
confirm the charge  
If such  
positively  
little hope  
pleading  
where the  
against the  
Hence  
us de  
practice of  
the orator  
pleading  
in decla  
of the  
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contrary  
denied  
shall be  
his  
reward  
condemnation  
reward that  
oppress  
father  
son, on  
tortured  
pleas



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## QUINTILIAN 1

legerint, 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 jury  
 refuse to believe  
 motive for the  
 believe a man  
 But it will be  
 motive. My  
 motive, to the  
 But what will  
 the declaration  
 we do not know  
 were being a  
 have done  
 Again if the  
 man may have  
 he may be  
 or be one  
 hands of the  
 I personally  
 in declaring  
 Consequently  
 declaration in  
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 will not be  
 that this  
 us assume that  
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 sonally I  
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 assuming  
 most as the  
 it is a  
 Take in  
 "A man who



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



## QUINTILIAN

*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," inquit, 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<sup>1</sup> 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;*

<sup>1</sup> loqui, *B*: sequi contrarium, *A*.

---

<sup>1</sup> 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 post-war  
demanded  
with the law  
of age, but  
opposition  
petted to  
himself like  
father's part  
his child  
his desire  
For my part  
on his last  
themselves  
terror to  
forget how  
and how  
turned  
be waste  
theme. I  
orator should  
mount to  
arising  
not even  
he such a  
death, who  
all! I don't  
trovanti  
legitimately  
following  
murderer  
and it  
His father  
that the  
The son



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## QUINTILIAN

*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<sup>1</sup> 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<sup>1</sup> 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-

<sup>1</sup> 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's figure

entirely, but

that he is not

inflict any more

not share the

the figure of

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previously, he

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another man

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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.<sup>1</sup> 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 re-  
linquerent. 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 rescind-  
untur. 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;

<sup>1</sup> *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.

<sup>2</sup> Unknown.

fore showed  
say, "I have  
"Yes, I have  
with greater  
his deplorable  
my heart to  
sterner stuff  
which the  
they give  
Themistocles  
the Athenians  
of heaven,  
have been  
statement  
of Victor  
to the war  
they should  
But all  
thing, with  
stood, but  
It has  
met. So  
exposed by  
are laid  
this is  
of refusing  
against  
when the  
the figure  
merely  
times  
conscience  
many figures  
such a



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## QUINTILIAN

quod adversarii obliquis sententiis significare voluerint, si fiducia sit, obiiciant palam, aut certe non exigant ut, quod ipsi non audent dicere, id iudices 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<sup>1</sup> 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

<sup>1</sup> patris, *Seneca* (Contr. 7), *Sueton.* : patroni, *MSS.*

have any...  
cause, to...  
charges with...  
indirect...  
the judges...  
believe...  
state in...  
found...  
which...  
man who...  
the acts of...  
ready to...  
proposed...  
who...  
figure...  
it down...  
only be...  
Then...  
merely...  
which...  
figure...  
As an...  
uses in...  
means...  
thought...  
the...  
this...  
<sup>1</sup> See...  
parties...  
each...  
The...  
swayed...  
<sup>1</sup> Let...  
Clodius...  
of the...



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,"<sup>1</sup> 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<sup>2</sup> 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

<sup>1</sup> 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.

<sup>2</sup> Lost. An allusion presumably to the occasion when Clodius was found disguised as a woman at the mysteries of the Bona Dea.



# QUINTILIAN

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, *Praesertim quam omnes amicam omnium potius quam cuiusquam inimicam putaverunt.*  
100 Comparationem equidem video figuram quoque<sup>1</sup> esse, cum sit interim probationis, interim etiam causae genus, et sit talis eius forma, qualis est pro

<sup>1</sup> quoque, *Halm* : non, *MSS.*

1 An example of this theme is preserved in the elder Seneca, Excerpt. controu. 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.

<sup>2</sup> By this wish he expresses his disapproval of such acts as the disinheriting of a son.

• § 62.

\* *pro Cael.* xiii. 32. The "word" is *amica*, which means either "mistress" or "friend."

<sup>5</sup> 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 that the  
the case where a witness  
extrajudicial statement  
receiving an offer to  
speak against the defendant  
you may find it difficult to  
you." Another witness, on  
oath, like the one who has  
herited a reputation for  
to be my brother. The  
is much to be said for  
introduction of a witness  
Determan, who is a witness  
man. Some of the  
effect when the witness  
witness and the witness  
advocate who is a witness  
of some of the witnesses  
much of the  
inately of the  
mentioned a witness  
of the  
although the witness  
Clodia for the witness  
thought the witness  
enemy of the

I note that the witness  
although the witness  
the witness  
may be

1. Explain the  
concept of  
the



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- Murena, *Vigilas tu de nocte, ut tuis consultoribus respondeas, ille, ut eo, quo contendit,*<sup>1</sup> *mature cum exercitu perveniat; te gallorum illum buccinarum cantus exsuscitat 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 Cicerō inter lūmina 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 ἐπακολουθήσιν; 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 δεινώσις),

<sup>1</sup> intendit, MSS. of Cicero.

<sup>1</sup> pro Muren. ix. 22.

<sup>2</sup> διαλλάγή is corrupt, but the correct term has not yet been discovered. MSS. ΔΙΑΜΑΘΗΝ, ΔΙΑΜΑΦΗΝ, etc.

<sup>3</sup> See v. xiv. 1.

<sup>4</sup> The meaning of *detrectare* is uncertain. It may mean "refuse to deal with some topic," or simply "detract."



the *pro Murena*<sup>1</sup>: "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*,<sup>2</sup> 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<sup>3</sup>: *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,<sup>4</sup> 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,



## QUINTILIAN

- 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 viden-  
 tur 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, ἀνθυποφορὰν, ἀντίρρῃσιν, παρ-  
 αύξησιν, προέκθεσιν, quod est dicere quid fieri oportuerit,  
 deinde quid factum sit; ἐναντιότητα, unde sint  
 enthymemata κατ' ἐναντίωσιν,<sup>1</sup> μετάληψιν etiam, quo  
 statu Hermagoras utitur. Visellius, quanquam pau-  
 cissimas faciat figuras, ἐνθύμημα tamen, quod com-  
 mentum 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 aggre-  
 gent his διασκευὰς, ἀπαγορεύσεις, παραδηγήσεις. 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.

<sup>1</sup> κατ' ἐναντίωσιν, *Kayser*: ΚΑΤΑΙΤΙΑCΙΝ, *A*: ΚΑΤΑΙΚΤΙΑCΙΝ, *B*.

<sup>1</sup> See IX. iii. 90. For enthymemes κατ' ἐναντίωσιν, see V. xiv. 2, and note on *ex pugnantis*, Vol. II. p. 524.

<sup>2</sup> 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.

<sup>3</sup> See note on V. xiv. 5, Vol. II. p. 524.

<sup>4</sup> Apparently some form of exaggeration.



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## QUINTILIAN

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

---

<sup>1</sup> 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.<sup>1</sup>

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



## QUINTILIAN

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,<sup>1</sup> ut novitate aurem excitant, ita copia satiant, et se non obvias fuisse dicenti sed conquistas 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*, *suspikor*, et contra faciendi quae patimur, ut *vapulo*; ideoque frequens permutatio est et pleraque utroque modo efferuntur: *luxuriatur, luxuriat*; *fluctuatur, fluctuat*; *adsentior, adsentio*. Est figura et in numero,  
 8

<sup>1</sup> notabiles, *Lochmann*: nobiles, *MSS*.

---

<sup>1</sup> *Georg.* i. 183

<sup>2</sup> *Ecl.* viii. 28.

<sup>3</sup> *Cic. pro Rab Post.* iii. 7. "He made a sword."

<sup>4</sup> *pro Mil.* xiii. 33. "You punished an enemy."



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## QUINTILIAN

vel cum singulari pluralis subiungitur, *Gladio pugna-  
cissima gens Romani* (*gens* enim ex multis), vel ex  
diverso,

*Qui<sup>1</sup> 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*

<sup>1</sup> qui, *Politianus*: cui, *MSS. of Quintilian and Virgil.*

---

<sup>1</sup> *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,*<sup>1</sup>

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*<sup>2</sup> *asperi,*

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,*<sup>3</sup>

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,*<sup>4</sup>

where the writer has either changed the parts of speech (making his phrase a variant for *virtus est*

<sup>2</sup> *Pers.* i. 9. "I look at our dreary way of living."

<sup>3</sup> *Aen.* v. 248. "He gives him a great talent-weight to carry."

<sup>4</sup> *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<sup>1</sup> 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 solocismus.*

12 Haec quoque est, quam ἑτεροίωσιν vocant, cui non dissimilis ἐξαλλαγή dicitur, ut apud Sallustium *Neque ea res falsum me habuit et Duci probare..* Ex quibus fere praeter novitatem brevitatis etiam peti solet. Unde eo usque processum est, ut *non paenitendum* 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

<sup>1</sup> scitus Sthenelus, *vulgo*: scinsticus, *B*: sciens . . . . cus, *A*: scieus scitus, *cod. Monac.*: suus scenalus, *cod. Argentor.*

<sup>1</sup> Hor. *Od.* i. xv. 24. "Sthenelus skilled in fight."

<sup>2</sup> *Verr.* v. xlv. 116. "Timarchides denies that he is in any danger from the axe of the executioner."

<sup>3</sup> *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."



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## QUINTILIAN

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.—<sup>1</sup>*  
*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 verum ex illo: *Quam magis aerumna urget,*  
16 *tam magis ad malefaciendum viget.* Pleni talibus antiqui

<sup>1</sup> fingit, MSS. of Virgil.

---

<sup>1</sup> 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.

<sup>2</sup> Aen. xi. 408. The figure consists in the use of *vel cum* to introduce an independent sentence. "Even when he claims to tremble at my taunts."

<sup>3</sup> 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*.

<sup>4</sup> 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*.



BOOK IX. III. 13-16

well known, is stigmatised by Cicero<sup>1</sup>: 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*<sup>2</sup>

or

*progeniem sed enim Troiano a sanguine duci  
audierat.*<sup>3</sup>

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,*<sup>4</sup>

words which form the beginning of a speech: or

*tam magis illa tremens et tristibus effera flammis,  
quam magis effuso crudescunt sanguine pugnae.*<sup>5</sup>

There the sentence inverts the natural order which may be illustrated by *quam magis aerumna urget, tam magis ad malefaciendum viget.*<sup>6</sup>

Old writers are full of such usages. At the 16

<sup>5</sup> *Aen.* vii. 787.

“The more the strife with bloodshed rages wild,  
The more it quivers and with baleful fire  
Glows fiercer.”

<sup>6</sup> The source of the quotation is unknown. “The more calamity oppresses him, the greater his vigour for evil doing.”



## QUINTILIAN

sunt; initio Eunuchi Terentius *Quid igitur faciam?* inquit. Alius: *ain*<sup>1</sup> *tandem leno?* Catullus in Epithalamio,

*Dum innupta manet, dum cara suis est,*

17 cum prius *dum* significet *quoad*, sequens *usque eo*. Ex Gracco 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<sup>2</sup> et adiectio est, quae videri potest supervacua, sed non sine gratia est:

*Nam neque Parnasi vobis iuga, nam neque Pindi;*

<sup>1</sup> alius: *ain*, *Halm*: alius in, *AG*: allusit, some late MSS.

<sup>2</sup> priore dicto is meaningless and the sense of ex eadem parte is obscure (?=Graecisms).

<sup>1</sup> *Eun.* I. i. 1. "What shall I do then?"

<sup>2</sup> 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*.

<sup>3</sup> *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."



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## QUINTILIAN

potest enim deesse alterum *nam*. Et apud Horatium illud,

*Fabriciumque,  
Hunc et intonsis<sup>1</sup> 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<sup>2</sup> 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 crudelius, 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;*

<sup>1</sup> *incomptis, MSS. of Horace.*

<sup>2</sup> *quae bracketed by Halm: dicendum, Regius: adiiciendum, MSS.*

---

<sup>1</sup> Hor. *Od.* i. xii. 40. "And Fabricius, him and Cato with locks unshorn."

<sup>2</sup> Ter. *Eun.* i. ii. 5. "Draw near the fire and you shall be more than warm enough."

<sup>3</sup> 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,<sup>1</sup>

*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*<sup>2</sup>;

for the full phrase would be *plus quam satis*. There is, however, another form of omission which requires treatment at greater length.<sup>3</sup>

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<sup>4</sup>: *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<sup>5</sup>:

“But we have travelled o’er a boundless space;”

<sup>4</sup> *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.”

<sup>5</sup> *Georg.* ii. 541.



## QUINTILIAN

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*<sup>1</sup> Aebutius

dixit, Caecina *nego me ex edicto praetoris restitutum esse;*

23 et ipsum *dixti*, excussa syllaba, figura in verbo. Illa

<sup>1</sup> *se added by Halm.*

---

<sup>1</sup> *Georg.* iii. 346.

<sup>2</sup> *Georg.* ii. 298.

<sup>3</sup> *Georg.* iii. 435.

<sup>4</sup> 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.

<sup>5</sup> *pro Caec.* xxix. 82.



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## QUINTILIAN

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, μετάβασις vocant, quam et aliter fieri putant :

*Quid loquor ? aut ubi sum ?*

26 Coniunxit autem παρένθεσιν et ἀποστροφὴν Vergilius illo loco,

---

<sup>1</sup> *pro Mil.* xxxiv. 94. “When I had restored you<sup>1</sup>—for he often enters into conversation with me—to your country.”

<sup>2</sup> See *VIII.* vi. 67.

<sup>3</sup> See *IX.* ii. 38.

<sup>4</sup> *Georg.* ii. 169. (Rhoades' translation).

<sup>5</sup> *Aen.* iii. 55.

<sup>6</sup> *Aen.* iv. 595.

<sup>7</sup> *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*.<sup>1</sup> To this they add 24 *hyperbaton*,<sup>2</sup> which they refuse to include among *tropes*. A second *figure* of this kind is one closely resembling the *figure of thought* known as *apostrophe*,<sup>3</sup> 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.”<sup>4</sup>

There is a still more striking example in the passage 25 describing the death of Polydorus<sup>5</sup>:

“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?”<sup>6</sup>

Virgil has combined *apostrophe* and *parenthesis* in 26 the well-known passage:<sup>7</sup>



## QUINTILIAN

*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 crunt per mutationem, adiectionem, detractionem, ordinem, et convertunt in se auditorem nec languere patiuntur subinde aliqua notabili figura excitatum, et habent quandam ex illa vitii similitudinē 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*

---

<sup>1</sup> Cic. *pro Mil.* xxvii. 72. . . .

<sup>2</sup> *Ecl.* ii. 69.



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## QUINTILIAN

*lacrimis lamen 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 contrapōitis 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*

<sup>1</sup> Phil. II. xxvi. 64.

<sup>2</sup> Cat. I. ii. 4.

<sup>3</sup> Cic. Cat. I. i. 1.

<sup>4</sup> pro. Mil. xxii. 59.

<sup>5</sup> Auct. ad Herenn., iv. 14.

<sup>6</sup> 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."<sup>1</sup> "You still live, and live not to abate your audacity, but to increase it."<sup>2</sup> 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?"<sup>3</sup> Or they may end with the same words. "Who demanded them? Appius. Who produced them? Appius."<sup>4</sup> 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."<sup>5</sup> 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<sup>6</sup> 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



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*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. Respon-*  
 35 *dent primis et ultima: Multi et graves dolores inventi parentibus et propinquis multi. Est et illud repetendi genus, quod simul<sup>1</sup> proposita iterat et dividit:*

*Iphitus et Pelias mecum, quorum Iphitus aevo  
 iam gravior, Pelias et vulnere tardus Ulixi.*

<sup>1</sup>Επάνοδος dicitur Græcè, nostri regressionem vocant.  
 36 *Nec solum in eodem sensu, sed etiam in diverso eadem verba contra sumuntur: Principum dignitas*

<sup>1</sup> simul, *Spalding*: semel, *MSS.*

---

<sup>1</sup> *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).

<sup>2</sup> *Verr.* v. xvii. 44.

<sup>3</sup> *Verr.* v. xlv. 119.

<sup>4</sup> *Aen.* ii. 435.



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*erat paene par, non par fortasse eorum qui sequebantur.*  
 Interim variatur casibus haec et generibus retrac-  
 tatio: *Magnus est dicendi labor, magna res et cetera;*  
 et apud Rutilium longa περιόδω, 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 μεταβολήν 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 conge-  
 runtur, 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-

<sup>1</sup> pro Lig. vi. 19.

<sup>2</sup> pro Muren. xiii. 29.

<sup>3</sup> Rutil. i. x. "Is this your father? Do you still call him father? Are you your father's son?"

<sup>4</sup> 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.”<sup>1</sup> 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.”;<sup>2</sup> 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?*<sup>3</sup> 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*:<sup>4</sup> *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*:<sup>5</sup> “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,”<sup>6</sup>

with the remainder of the passage. A wonderful 40

<sup>1</sup> xiv. 41.

<sup>2</sup> *Georg.* i. 54.



rum mixtura deprehenditur, in qua et primum  
verbum<sup>1</sup> 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 repeti-  
tionem *πλοκὴν* vocant, quæ 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 declinationi-  
bus 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<sup>2</sup> refertur, tertium iam sermone, adiectum  
est enim *Verumtamen venit.* Interim sententia quidem  
repetitur, sed non eodem<sup>3</sup> verborum ordine: *Quid*  
*Cleomenes facere potuit? Non enim possum quemquam*  
*insimulare falso.* *Quid, inquam, magno opere potuit*

<sup>1</sup> primum verbum, *Halm*: primo verbo, *MSS.*

<sup>2</sup> primum ultimum, *suggested by Halm*: ultimum primum,  
*MSS.*

<sup>3</sup> sed non eodem, *added by Meister.*

<sup>1</sup> From the lost speech against Q. Metellus.

<sup>2</sup> Now lost.

<sup>3</sup> i. 26. The translation is Watson's.

<sup>4</sup> Origin unknown.

<sup>5</sup> From the lost in Q. Metellum.



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## QUINTILIAN

44 *Cleomenes facere?*<sup>1</sup> Prioris etiam sententiae verbum ultimum ac sequentis primum<sup>2</sup> 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 *inmo 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 πλεονασμὸς

<sup>1</sup> The text is as given by the best MSS. of Cicero. The best MSS. of Quintilian, however, read *facere Cleomenes potuit.*

<sup>2</sup> primum added by Badius.

---

<sup>1</sup> *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?"

<sup>2</sup> *Ecl. x. 72.*

<sup>3</sup> *Cat. I. i. 2.*

<sup>4</sup> § 30.

<sup>5</sup> From the lost in *Q. Metellum.*

<sup>6</sup> *I. v. 10.*



BOOK IX. III. 43-46

*magno opere potuit Cleomenes facere?*<sup>1</sup> 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.”<sup>2</sup>

But it is not uncommon even in the orators. For  
example: “Yet this man lives. Lives? Why he  
even came into the senate house.”<sup>3</sup> Sometimes, as I 45  
remarked in connexion with the doubling of words,<sup>4</sup>  
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 corre-  
spondence 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.”<sup>5</sup> 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.”<sup>6</sup>

Or take this example from another book of the 46  
orations against Catiline, “He departed, he went



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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*<sup>1</sup> vocaret: cui non adsen-

<sup>1</sup> 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.

<sup>1</sup> II. i. 1.

<sup>2</sup> Aen. xii. 638.

<sup>3</sup> VIII. iii. 53.

<sup>4</sup> From the lost in *Pisonem*.

<sup>5</sup> Probably from a declamation.

<sup>6</sup> Met. v. 17.



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## QUINTILIAN

tior, cum sit unius figurae, mixta quoque et idem et diversum significantia, quod et ipsum διαλλαγὴν vocant. *Quaero ab inimicis, sintne haec investigata, comperta,<sup>1</sup> patefacta, sublata, deleta, extincta per me. Investigata, comperta, patefacta aliud ostendunt; sublata, deleta, extincta 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 βραχυλογία vocant, quae potest esse copulata dissolutio. Contrarium illud<sup>2</sup> est schema, quod coniunctionibus abundat. Illud ἀσύνδετον, hoc*  
51 *πολυσύνδετον dicitur. Sed hoc est vel iisdem saepius repetitis, ut*

<sup>1</sup> 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.

<sup>2</sup> 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."<sup>1</sup> 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<sup>2</sup> 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:

<sup>1</sup> From the lost speech in *Q. Metellum*.

<sup>2</sup> Only a few fragments remain.



# QUINTILIAN

*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 borum acervatio est,<sup>1</sup> tantum iuncta  
54 aut dissoluta. Omnibus scriptores sua nomina dede-  
runt, 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 κλίμαξ, apertiore habet  
artem et magis adfectatam ideoque esse rarior  
55 debet. Est autem ipsa quoque adiectionis; repetit  
enim quae dicta sunt et, priusquam ad aliud descen-  
dat, in prioribus resistit. Eius exemplum ex  
Gracco notissimo transferatur: *Non enim dixi quidem*  
*sed non<sup>2</sup> scripsi, nec scripsi quidem<sup>2</sup> sed non obii lega-*  
*tionem, nec<sup>2</sup> obii quidem legationem<sup>2</sup> sed non persuasi*  
56 *Thebanis.* Sint tamen tradita et Latina: *Africano*  
*virtutem industria, virtus gloriam, gloria aemulos compa-*  
*ravit.* Et Calvi: *Non ergo magis pecuniarum repe-*

<sup>1</sup> est, Spalding: et, MSS.

<sup>2</sup> Omitted by MSS.

<sup>1</sup> Georg. iii. 344.

<sup>2</sup> Aen. i. 1. sqq.

<sup>3</sup> Ecl. i. 43. "Here I beheld that youth  
For whom each year twelve days my altars smoke,  
He first gave answer to my supplication."

<sup>4</sup> Demosth. de Cor. 179.

<sup>5</sup> Auct. ad Herenn. iv. 25.

or they may be followed . . .  
ritu . . .  
quoque! . . .  
as in the following . . .  
followed by the same . . .  
response . . .  
cases involve . . .  
phrases either . . .  
have given . . .  
but the names are . . .  
The origin of . . .  
namely that . . .  
and euphony . . .  
such as . . .  
emotion.  
Gradatio . . .  
tates a . . .  
art and . . .  
Moreover . . .  
has already . . .  
point, . . .  
late a . . .  
did not . . .  
to that . . .  
understanding . . .  
without . . .  
ever, . . .  
"It was . . .  
particular . . .  
glory, . . .  
again . . .



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## QUINTILIAN

*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.*<sup>1</sup> 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.*

<sup>1</sup> iudicia perierunt, *Aquila Romanus*: est, *MSS.*

---

<sup>1</sup> *Il.* ii. 101.

<sup>2</sup> Unknown.

<sup>3</sup> *VIII.* vi. 21.

<sup>4</sup> "The Greek was struck dumb with joy."

<sup>5</sup> Lost. "No talk except of you. What better? Then Flavius says, 'Couriers to-morrow,' and I scribbled these lines at his house during dinner."

<sup>6</sup> *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<sup>1</sup> 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:<sup>2</sup>

"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<sup>3</sup> 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*:<sup>4</sup> for we must clearly supply *coepit*. Or take the following passage from a letter of Cicero<sup>5</sup> to Brutus: *Sermo nullus scilicet nisi de te: quid enim potius? tum Flavius, cras, inquit, tabellarii, et ego ibidem has inter cenam 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)."<sup>6</sup>



## QUINTILIAN

- 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 aposiôpesis est, nihil non, in quo deest aliquid, idem appellabitur.
- 61 Ego ne<sup>1</sup> 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<sup>2</sup> 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 ἐπεξεργμένον, 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*

<sup>1</sup> ego ne, *Spalding*: nego, *AG*.

<sup>2</sup> sed added by *Halm*.

---

<sup>1</sup> Lost. The sense is, "Despatched on the day on which Antony offered Caesar the crown."

<sup>2</sup> § 50.

<sup>3</sup> *Pro Cluent. vi. 15*. "Lust conquered shame, boldness fear, madness reason."



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## QUINTILIAN

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 παραδιστολήν, qua similia discernuntur<sup>1</sup>: *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.

<sup>1</sup> qua similia discernuntur, *Regius*: quia simili discernunt, *AG.*

---

<sup>1</sup> *Aen.* iii. 234; participio = gerundive (*gerendum*).

<sup>2</sup> *Syrus* 486 (Ribbeck).

<sup>3</sup> *Rutil.* i. 4.

<sup>4</sup> *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.*<sup>1</sup>

(I bid my comrades straight to seize their arms  
And war be waged against a savage race.)

For although the portion of the sentence following *bellum* ends with a participle, both clauses of the sentence are correctly governed by *edico*. Another form of connexion, which does not necessarily involve omission, is called *συννοικείωσις*, because it connects two different things, for example:

“The miser lacks  
That which he has no less than what he has not.”<sup>2</sup>

To this figure is opposed *distinction*, which they call 65 *παρδιαστολή*, by which we distinguish between similar things, as in this sentence:<sup>3</sup> “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,”<sup>4</sup>

with what follows.



## QUINTILIAN

- 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 <sup>1</sup> geminatio. Παρονομασία 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 *expectaret*, et ille dixisset, *se vero non expectare*: *Immo*, inquit, *rogo expectes*. Non ex eodem sed ex vicino diversum <sup>2</sup> accipitur, cum *supplicio* adficiendum dicas,
- 69 quem *supplicatione* dignum iudicaris. Aliter quoque voces aut eadem diversa in significatione ponuntur aut productione tantum vel correptione mutatae;

<sup>1</sup> ἔμφασις est et, *E. Wölfflin*: CPACIC est, *A*: fassis, falsis, fallis, *other MSS*.

<sup>2</sup> vicino diversum, *Schütz*: diverso vicinum, *MSS*.

---

<sup>1</sup> "A woman unskilled in everything and in everything unhappy."

<sup>2</sup> 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?"

<sup>3</sup> *In Pis. xiii. 20.*



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## QUINTILIAN

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 al-  
terius 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 con-  
trarium 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<sup>1</sup> contingit, ut aliqui  
sensus vehemens et acer venustatem aliquam non  
73 eadem ex voce<sup>2</sup> non dissona accipiat. Et cur me

<sup>1</sup> sed, *Halm*: sic, *MSS.*

<sup>2</sup> voce, *added by Christ.*

---

<sup>1</sup> *Auct. ad Herenn. iv. 14*: "It is pleasant to be loved, but we must take care that there is no bitterness in that love."

<sup>2</sup> "Birds' sweet song leads us into pathless places."

<sup>3</sup> Probably from a collection of epigrams: "Furia, why should I not call you a fury?"

<sup>4</sup> *Cat. I. xii. 30.*

<sup>5</sup> *Cat. I. 11. 27*: "He would seem not so much to have been sent out from, but to have been launched against the city."

<sup>6</sup> "By his death he purchased undying fame."

<sup>7</sup> "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 curetur ne quid insit amari*,<sup>1</sup> and *Avium dulcedo ad avium ducit*; <sup>2</sup> and again this jest from Ovid,<sup>3</sup>

*Cur ego non dicam, Furia, te furiam?*

Cornificius calls this *transductio*, that is the transference of the meaning of one word to another. It has, however, greater elegance when it is employed to distinguish the exact meanings of things, as in the following example: "This curse to the state could be repressed for a time, but not suppressed for ever;" <sup>4</sup> 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*.<sup>5</sup> 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*.<sup>6</sup> A more trivial effect is produced by the following: *Non Pisonum, sed pistorum*,<sup>7</sup> and *Ex oratore arator*,<sup>8</sup> while phrases such as *Ne patres conscripti videantur circumscripti*,<sup>9</sup> or *raro evenit, sed vehementer venit*,<sup>10</sup> 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

<sup>1</sup> *Phil.* III. ix. 22: "Orator turned ploughman."

<sup>2</sup> *Auct. ad Herenn.* iv. 22. "That the conscript fathers be not cheated."

<sup>10</sup> Meaning uncertain.



## QUINTILIAN

- 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<sup>1</sup> videtur habere non arcessitam.
- 75 Similium fere quadruplex ratio est. Nam est primum, quotiens verbum verbo aut non dissimile valde quaeritur, ut

*Puppaeque tuae pubesque tuorum;*

*et Sic in hac calamitosa fama quasi in aliqua perniciosissima flamma, et Non enim tam spes laudanda quam*

<sup>1</sup> innatam, 2<sup>nd</sup> hand of A.: innata, AG.: gratiam added by Meister.

---

<sup>1</sup> "I do not demand that you should die on your embassy; only stay there!"

<sup>2</sup> Aen. i. 399. "Your ships and the flower of your young warriors."

<sup>3</sup> Pro Cluent. i. 4. "In the midst of this disastrous defamation, which may be compared to a disastrous conflagration."



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## QUINTILIAN

*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<sup>1</sup> similem dua-  
 rum 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<sup>2</sup> vel

<sup>1</sup> vocant, added by Capperonnier.

<sup>2</sup> respondentibus, *Halm*: respondent, *AG*.

---

<sup>1</sup> From Cic. *de Republica*. "For it is performance rather than promise that claims our praise."

<sup>2</sup> *Rutil.* ii. xii. "Not with words, but with arms."

<sup>3</sup> "Always try in such cases to make your efforts as useful as possible."

<sup>4</sup> *Pro Mil.* ii. 5. "Not merely to destroy his personal security, but even to blacken his name by means of such ruffians."

<sup>5</sup> See § 62.



*res est.*<sup>1</sup> Or at any rate the words selected will be of equal length and will have similar terminations, as in *non verbis, sed armis.*<sup>2</sup> 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.*<sup>3</sup> 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 extinguendam sed etiam gloriam per tales viros infringendam.*<sup>4</sup> 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.*<sup>5</sup> 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,*<sup>6</sup> or *abiit, excessit, erupit, evasit.*<sup>7</sup> 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

<sup>1</sup> From an unknown tragedian. "This fills Hecuba with grief, shame and loathing."

<sup>7</sup> See § 46.







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## QUINTILIAN

ὁμοιοτέλευτον et παρονομασία est : *Neminem alteri posse dare in matrimonium, nisi penes quem sit patrimonium.*

- 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-

<sup>1</sup> "That no one may bestow the hand of a woman on another in matrimony unless he be the possessor of a patrimony."

<sup>2</sup> See § 62.

<sup>3</sup> *pro Cluent.* i. 4. "This is beyond my power; it is your support that is required."

<sup>4</sup> *pro Cluent.* ii. 5. See *IX.* ii. 51.

<sup>5</sup> *pro Muren.* xxxvi. 76. "The Roman people hates private luxury, but loves public magnificence." *Cp.* § 65.

<sup>6</sup> *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.*<sup>1</sup>

*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*,<sup>2</sup> or the contrast may be between pairs of words, as in *non nostri ingenii, vestri auxilii est*,<sup>3</sup> or sentence may be contrasted with sentence, as in *dominetur in contionibus, iaceat in iudiciis*.<sup>4</sup> 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*.<sup>5</sup> 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*.<sup>6</sup> 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*:<sup>7</sup> but, as Cicero<sup>8</sup> 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

<sup>7</sup> *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."

<sup>8</sup> See IX. i. 34.



## QUINTILIAN

- ponitur, quale est apud Rutilium, *Nobis primis dñi  
immortales fruges dederunt; nos, quod soli accepimus,*  
85 *in omnes terras distribuimus.* Fit etiam adsumpta  
illa figura, qua verba declinata repetuntur, quod  
*ἀντιμεταβολή* 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<sup>1</sup> bis, ego ter, διέξοδον*; et *Longius*

<sup>1</sup> nemo, *Badius*: nego, *MSS.*

<sup>1</sup> *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."

<sup>2</sup> *pro Cluent. ii. 5.* "That though there is no prejudice, guilt is punished, and if there is no guilt, prejudice is laid aside."

<sup>3</sup> *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."

<sup>4</sup> *Phil. rv. iii. 8.* "If Antony is consul, Brutus is an enemy: if Brutus is the saviour of the state, Antony is an enemy."

<sup>5</sup> "What I say is incredible, but true." *ἀνθυποφορὰ* = answer to imaginary objection.

trust is a common one  
shown by the  
and the  
and the  
these are  
known as  
in different  
when we  
not the  
stage of  
while the  
minutiae  
in this place  
the same  
Pompey  
our digni  
some digni  
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I have  
subject  
think that  
is a figure  
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for the  
and, and  
it is  
these  
I have  
point  
and, and



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## QUINTILIAN

88 *evectus sum sed redeo ad propositum, ἀφοδov.* 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 alique 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 damnassee; 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),

<sup>1</sup> *Auct. ad Herenn.* iv. xxix. 40.

<sup>2</sup> An allusion to some inhabitant of the Athenian village of Thria.

<sup>3</sup> See ix. i. 26.

<sup>4</sup> See ix. i. 37.

<sup>5</sup> See ix. ii. 25.

de hoc. Tunc enim  
littera non est  
hesitatio. Nam  
belong to the  
tate over a  
as for the  
call the  
ation of  
where  
even held  
they think  
crucially  
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portion of a  
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fictus. V  
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than  
author  
Cicero  
book of  
Orator  
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of  
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ments



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." <sup>1</sup> 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* <sup>2</sup> 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*,<sup>3</sup> which in his later work, the  
*Orator*,<sup>4</sup> 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,<sup>5</sup> argu-  
 ments drawn from opposites (for I suppose that by



## QUINTILIAN

- 91 sumptā 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<sup>1</sup> posita. Et mutatio, si<sup>2</sup> 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 competitorum vereor, quod sum Antonius; neque consulem*
- 95 *spero, quod est Cicero*; aut positis duobus vel tribus eodem ordine singulis continua reddatur, quale apud

<sup>1</sup> tropos, added by Burmann.      <sup>2</sup> si, Halm: etsi, MSS.

<sup>1</sup> 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*.

<sup>2</sup> *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."

<sup>3</sup> viii. 6. 23.

<sup>4</sup> ii. 19.

<sup>5</sup> Opening of Book I.

contrary to the  
contrary, i. e. the  
There are many  
such as the  
circumscriptio  
to signify the  
definition, i. e.  
and Rutilius  
the definition  
have, which is  
included in the  
kind with the  
point out the  
decide that the  
figure is a  
if it is not  
been said  
figure is a  
which Rutilius  
defined as  
distinct from  
casualty of the  
proposition  
number of  
attached to  
following  
not fear  
not dread  
And the  
is Cicero  
been stated  
timorously

• The  
• The



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## QUINTILIAN

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  
 Pinguii 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 ἀντιμεταβολήν, 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<sup>1</sup> ceteris omnibus consentio. Adicit his Caecilius περίφρασιν, de qua dixi; Cornificius interrogationem, ratiocinationem, subiectionem, transitionem, occultationem, praeterea sententiam, membrum, articulos, interpretationem, conclusionem. Quorum priora alterius generis sunt schemata, sequentia schemata omnino non sunt. Item  
 99 Rutilius praeter ea, quae apud alios quoque sunt, παρομολογίαν, ἀναγκαῖον, ἡθοποιίαν, δικαιολογίαν, πρό-

<sup>1</sup> de, *Halm*: et, *MSS.*

<sup>1</sup> *Georg.* i. 86. Rhoades' translation.

<sup>2</sup> *viii.* vi. 23.

<sup>3</sup> *ix.* iii. 35.

<sup>4</sup> *ix.* iii. 85.

<sup>5</sup> *viii.* vi. 59.

<sup>6</sup> 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 are used  
 it is better to use  
 any other word  
 ruling, and the  
 number of words  
 ment as well.

“What is

the

And the

And the

Or the

Or the

As to the first, it is  
 dark, and the  
 dark, and the  
 ever in the  
 the Orator, and  
 just mention of  
 in that way, and  
 figure of the  
 is called a  
 To these Orators  
 already applied  
 reasoning, and  
 further, and  
 tation and  
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 while the  
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The  
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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: <sup>1</sup>

"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* <sup>2</sup> or *ἐπάνοδος* <sup>3</sup> or *ἀντιμεταβολή*,<sup>4</sup> 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,<sup>5</sup> while Cornificius<sup>6</sup> 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*,<sup>7</sup> *ἀναγκάιον*,<sup>8</sup> *ἡθοποιία*,<sup>9</sup>

<sup>7</sup> The advancement of some stronger argument after the concession of some other point to our adversary.

<sup>8</sup> See IX. ii. 106.

<sup>9</sup> See IX. ii. 58.



# QUINTILIAN

ληψιν, χαρακτηρισμόν, βραχυλογίαν, παρασιώπησιν, παρῤῥησίαν, 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 orationem opportune positae,  
ita ineptissimas esse, cum immodice petantur.  
Sunt qui neglecto rerum pondere et viribus sen-  
tentiarum, si vel inania verba in hos modos depra-  
varunt, 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<sup>1</sup> habet rectam quan-  
dam velut faciem, quae ut stupere immobili rigore  
non debeat, ita saepius in ea, quam natura dedit,  
102 specie continenda est. Sciendum vero in primis,  
quid quisque in orando postulet locus, quid per-  
sona, quid tempus; maior enim pars harum figura-  
rum posita est in delectatione. Ubi vero atrocitate,

<sup>1</sup> oratio, *Regius* : orator, *MSS.*

<sup>1</sup> The statement of the justice of our cause in the briefest possible form.

<sup>2</sup> See IX. ii. 16.

<sup>3</sup> Description of character or manners.

<sup>4</sup> See IX. iii. 50.

<sup>5</sup> The statement that we refrain from saying something, though making it perfectly clear what it is.

I will give you  
 their case, the  
 include among  
 head of any  
 With regard to  
 add that, when  
 comment to the  
 when speaking  
 who pay  
 matter of the  
 then when  
 forcing them  
 form, with  
 striking  
 is as much  
 to the matter  
 without  
 correct  
 Charges  
 are most of  
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## QUINTILIAN

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 ubique 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 candem 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 contendunt. Qui  
4 si id demum naturale esse dicunt, quod natura primum ortum est et quale ante cultum fuit, tota haec ars orandi subvertitur. Neque enim locuti sunt ad hanc regulam et diligentiam primi homines,

---

<sup>1</sup> *Composito* 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<sup>1</sup> 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



## QUINTILIAN

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 coërcemus manu? cur eas fodimus? rubos arvis excidimus, terra et hos generat; mansuefacimus animalia, indomita nascuntur. Verum id est maxime naturale, quod fieri natura optime patitur.  
6 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 fuit, fragosa atque interrupta melior oratio. Cur ergo vires ipsa specie solvi putent, quando  
508

donec the  
case by the  
jury by a  
of the  
qualified to  
ledge of the  
they were to  
respect the  
to exchange  
skin for a  
forests of  
ground? I  
Why do we  
the fields of  
ducts of the  
are born  
that which  
perfectly  
structure of  
and action  
as the fact  
next of the  
character of  
and certain  
wildness, the  
river-courses  
sloping to  
course that  
by rolling  
flows in a  
ment of the  
and the  
polish is  
truth is the



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## QUINTILIAN

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 com-  
positione velut amentis quibusdam nervisve intendi  
et concitari sententiae videntur. Ideoque erudi-  
tissimo cuique persuasum est, valere eam plurimum  
non ad delectationem modo sed ad motum quoque  
10 animorum, primum quia nihil intrare potest in adfec-  
tus, quod in aure velut quodam vestibulo statim  
offendit; deinde quod natura ducimur ad modos.  
Neque enim aliter eveniret, ut illi quoque orga-  
norum 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-



## QUINTILIAN

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 vehe-  
menter, dulciter, speciose dictum, solvat et turbet:  
abierit omnis vis, iucunditas, decor. Solvit quae-  
dam sua in Oratore Cicero: *Neque me divitiae movent,*  
*quibus omnes Africanos et Laelios multi venalicii merca-*  
*toresque 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 obtuler-  
unt, componimus. Quid enim attinet eorum ex-  
empla quaerere, quae sibi quisque experiri potest?  
Illud notasse satis habeo, quo pulchriora et sensu  
et elocutione dissolveris, hoc orationem magis

---

<sup>1</sup> 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."



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## QUINTILIAN

deformem fore, quia negligentia collocationis ipsa  
16 verborum luce deprehenditur. Itaque ut confiteor,  
paene ultimam oratoribus artem compositionis, quae  
quidem<sup>1</sup> perfecta sit, contigisse, ita illis quoque  
priscis habitam inter curas, in quantum adhuc  
profecerant, puto. Neque enim mihi quamlibet  
magnus auctor Cicero persuaserit, Lysian, Herodo-  
tum, Thucydiden parum studiosos eius fuisse.  
17 Genus fortasse sint secuti non idem, quod Demo-  
sthenes 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 incho-  
andique 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

<sup>1</sup> 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<sup>1</sup>  
 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 vineta atque con-  
 texta, 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 difficiliore etiam pedes; neque  
 enim aut biare semper vocalibus aut destitui tempori-  
 bus 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, dissimu-  
 latque 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 continu-  
 atio vel conclusio. In omni porro compositione tria  
 sunt genera necessaria: ordo, iunctura, numerus.

<sup>1</sup> in se numeros, *Obrecht*: innumeros, *AG*.

<sup>1</sup> See § 122; *comma*, *colon*, *period*, now applied to stops,  
 originally referred to varying lengths of clauses or sentences.



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- 23 . Primum igitur de ordine. Eius observatio in verbis est singulis et contextis. Singula sunt, quae ἀσύνδετα diximus.<sup>1</sup> 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 adverbiiis, nomina appositis et pronomiibus essent priora; nam fit
- 25 contra quoque frequenter non indecore. Nec non et illud nimiae superstitionis, uti quaeque sint

---

<sup>1</sup> *Phil. II. xxv. 63.*



Of these we will first discuss *order*, which must be 23 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,<sup>1</sup> 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 24 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 25 piece of extravagant pedantry is to insist that the first place should always be occupied by what is first



## QUINTILIAN

- 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 cludere 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 cludet, hyperbaton, sed<sup>1</sup> 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 transgressionem 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<sup>2</sup> sacra movit aqua fraxinos. Ne exequias quidem unus inter miserri- mos viderem meas.* Quod inter haec pessimum est,

<sup>1</sup> sed, *Spalding*: et, *A*: est, *G*.

<sup>2</sup> se added by *Halm*.

<sup>1</sup> See VIII. vi. 62 sqq.

<sup>2</sup> Only, apparently, in VIII. ii. 14:

<sup>3</sup> "They grow red in the sunlight and the fullness of dawn." The meaning is uncertain, *plurima* might be neut.; nom. plural.

<sup>4</sup> "The sacred stream ran through the ash-grove."



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## QUINTILIAN

29 quia in re tristi ludit compositio. Saepe tamen est  
vehemens aliquis sensus in verbo, quod si in média  
parte sententiae latet, transire intentionem et obscu-  
rari circumiacentibus solet, in clausula positum  
adsignatur auditori et infigitur, quale illud est Cice-  
ronis, *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  
expectantibus hanc quoque adiiceret deformitatem,  
31 ut cibus teneri non posset postridie. Solebāt Afer  
Domitius traicere in clausulas verba tantum asper-  
andae 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 inhi-  
beret  
32 obiiceret. Amphiboliam quoque fieri vitiosa locatione  
verborum, nemo est qui nesciat. Haec arbitror, ut

---

<sup>1</sup> *Phil.* II. xxv. 63. "That you were compelled to vomit the next day in the presence of the Roman people."

<sup>2</sup> "I will thank you at once."

<sup>3</sup> "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 postriedie*.<sup>1</sup> 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*,<sup>2</sup> and in his defence of Laelia, where he says, *eis utrisque apud te iudicem periclitatur Laelia*.<sup>3</sup> To such an extent did he avoid the voluptuous effect of soft and delicate rhythm, that he actually interposed obstacles to break the natural harmonies of his language. There is a further drawback 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<sup>1</sup> 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<sup>2</sup> 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.

<sup>1</sup> vincta sit et, *Obricht* : vincat ac sit, *AG*.

<sup>2</sup> aut leniores *added by Christ*.

<sup>1</sup> See § 22.

<sup>2</sup> *cp.* VIII. iii. 45.

<sup>3</sup> *i.e.* A, O, U.



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## QUINTILIAN

Inhibeat enim necesse est hic metus impetum dicendi et a potioribus avertat. Quare ut negligentiae passim<sup>1</sup> 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 leviolem faciunt orationem, quam si omnia verba suo fine cludantur, et nonnunquam hiulca etiam decent faciuntque ampliora quaedam: ut *Pulchra oratione ista iacta te*<sup>2</sup> 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 configat, quarum tristior etiam, si binae collidantur, stridor 38 est, ut *Ars studiorum*. Quae fuit causa et Servio, ut

<sup>1</sup> passim, *Christ*: pars, *MSS*.

<sup>2</sup> oratione ista iacta te, *Halm*: oratione acta oratio iactate, *G*: oratione acta oratio actate, *A*.

---

<sup>1</sup> "Boast yourself of that fine speech of yours."

<sup>2</sup> *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*.<sup>1</sup> 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<sup>2</sup> 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



## QUINTILIAN

dixit,<sup>1</sup> subtrahendae s litterae, quotiens ultima esset aliaque consonante susci-peretur; quod reprehendit Luranius; Messala defendit. Nam neque Lucilium putat uti eadem ultima, cum dicit *Aeserninus fuil* et *dignus locoque*, et Cicero in Oratore plures antiquorum  
 39 tradit sic locutos. Inde *belligerare, pomeridiam*, et illa Censorii Catonis *Dice hanc*, aequae *m* litterae 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 *Mullum 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 eadem; quod<sup>2</sup> ne quis praecipi miretur, Ciceroni in epistolis

<sup>1</sup> dixit, *Lachmann*: dixi, *MSS*.

<sup>2</sup> syllabae . . . quod, *Halm*: syllaba verba prioris ultima et prima sequentes idē (id ÷, *G*), nec quod, *AG*.

---

<sup>1</sup> From the Fourth Book of the Satires. Servius and Luranius cannot be identified.

<sup>2</sup> *Or.* xlviii. 161.

<sup>3</sup> i.e. for *belligerare*s, *postmeridiam* and *diem hanc*.

<sup>4</sup> "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 was done were to drop the uvula,



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## QUINTILIAN

excidit, *Res mihi invisae<sup>1</sup> 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 declinata multa iunguntur. Ne verba quidem verbis aut nomina nominibus similiaque his continuari decet, cum virtutes etiam ipsae taedium pariant nisi gratia varietatis adiutae.
- 43
- 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 \* \* \**<sup>2</sup> et contra (nam frequentius utar iisdem diversarum quoque rerum exemplis, quo sint magis familiaria) *Saxa atque solitudines voci respondent,*

<sup>1</sup> invisae added by Regius.

<sup>2</sup> Something has obviously been lost. Halm suggests "recte se habet, cum maius sit quod tribunal implevit," see transl.

---

<sup>1</sup> The letter is lost. "The situation seemed hateful to me, Brutus."

<sup>2</sup> See XL i. 24. "O happy Rome, born in my consulship."

<sup>3</sup> 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,<sup>1</sup> and in the following line of verse,

*O fortunatam natam me consule Romam.*<sup>2</sup>

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<sup>3</sup> *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,<sup>4</sup> *saxa atque solitudines voci respondent, bestiae*

<sup>1</sup> *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."



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*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<sup>1</sup> vocum  
constat aut numeris (numeros *ῥυθμὸς* accipi volo) aut  
*μέτροις* id est dimensione quadam. Quod, etiamsi  
constat utrumque pedibus, habet tamen non simpli-  
46 cem differentiam. Nam primum<sup>1</sup> 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<sup>2</sup> 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<sup>3</sup> et longa, vel alio quo-  
quo 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;

<sup>1</sup> primum, *Christ*: plurimum, *AG*.

<sup>2</sup> longa and duabus, added by *Halm* following *Rollin*.

<sup>3</sup> aut ex tribus brevibus, added by *Halm*.

<sup>1</sup> For purely rhythmical purposes the term dactyl is arbitrarily used by the rhetoricians to include anapaests as well. See below.

*bestiae saepe immanes cantu flectuntur atque consistunt*  
gradually and they are  
for it is a great thing  
beasts: it is a great thing  
carried the...  
condition...  
All...  
words...  
or...  
both...  
more than...  
consists of...  
determined...  
arranged...  
called...  
Rhythm...  
of...  
two short...  
this...  
dactylic...  
boys are...  
to be...  
feet in...  
other...  
being...  
three...  
arranged...  
to two...  
the...  
which...  
of the...  
short...  
with...  
which...



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## QUINTILIAN.

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 paeon 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 rhythmigenus, et quod metrum in verbis modo, rhythmus  
51 etiam in corporis motu est. Inania quoque tempora rhythmici facilius accipient, quanquam haec et in metris accidunt. Maior tamen illic licentia est, ubi tempora etiam [animo]<sup>1</sup> 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 *σημείον* tempus est unum.

52 In compositione orationis certior et magis omni-

<sup>1</sup> *Bracketed by Christ.*

<sup>1</sup> *Aen. x. 1.* "Meanwhile Olympus' halls omnipotent / Are wide unbarred."

<sup>2</sup> *i. e.* in the musical sense.

<sup>3</sup> *i. e.* in music.

follow the ...  
account for ...  
it is ...  
being the ...  
hand ...  
(--)  
is it a ...  
begins ...  
laws of ...  
one ...  
arbitrary ...  
other ...

For ...

the alter ...  
destroy ...  
difference ...  
which it ...  
confined ...  
cadence ...  
it ...  
another ...  
with ...  
motion ...  
admits ...  
well. ...  
the time ...  
fingers ...  
certain ...  
contained ...  
four or ...  
longer ...  
In ...



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 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*<sup>1</sup>

the alteration of the order of the *dactyls* would destroy the verse. There are also the following differences, that rhythm has unlimited space over which it may range, whereas the spaces of metre are confined, and that, whereas metre has certain definite cadences, rhythm may run on as it commenced until it reaches the point of *μεταβολή*, or transition to another type of rhythm: further, metre is concerned with words alone, while rhythm extends also to the motion of the body. Again rhythm more readily admits of *rests*<sup>2</sup> 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,<sup>3</sup> 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 *σημείον* indicating a single beat.

In prose the rhythm should be more definite and



bus aperta: servari debet dimensio. Est igitur in pedibus et metricis quidem pedibus, qui<sup>1</sup> 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, sicut<sup>2</sup> in molestos incidimus grammaticos, quorum fuerunt, qui velut<sup>3</sup> lyricorum quorundam carmina in varias mensuras coegerunt. At Cicero frequentissime dicit totum hoc constare numeris, ideoque reprehenditur a quibusdam, tanquam orationem ad rhythmos adliget. Nam sunt numeri rhythmici, ut et ipse constituit, et secuti eum Vergilius, cum dicit

*Numeros memini, si verba tenerem,*

et Horatius

*Numerisque fertur  
Lege solutis.*

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 rhythmici, ut dixi, neque finem habent certum nec ullam in contextu

<sup>1</sup> qui added by Halm.

<sup>2</sup> sicut, Spalding: sint at (ad, G), AG.

<sup>3</sup> quorum, an early correction of quam, MSS. velut added by Burmann.

<sup>1</sup> See Or. xx. 67, sqq.

<sup>2</sup> 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  
by which the  
oratory is  
verses are  
fact, which  
by analysis  
kind of  
come from  
for a  
species of  
asserts that  
in rhythm  
critics of  
style by  
as he  
rhythmical  
writing

and Horatius

Among  
the  
five  
and  
means  
him  
limit  
from  
On



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## QUINTILIAN

varietatem, sed qua coeperunt sublatione ac positione; ad finem usque decurrunt; oratio non descendet  
 56 ad crepitum digitorum et pedum. Quod<sup>1</sup> Cicero optime videt ac testatur frequenter se quod numerosum sit quaerere, ut magis non ἀρρυθμον, 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<sup>2</sup> 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<sup>3</sup> 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 significant atque idem valeant, permiserim, et adicere dum non otiosa, et detrahare dum non necessaria, et figuris mutare casus atque numeros, quorum varietas

<sup>1</sup> et pedum. Quod, *Christ*: et quae, *AG*.

<sup>2</sup> apta, *Spalding*: aqua, *AG*.

<sup>3</sup> de compositionis . . . numero, *Halm*: pro composito numero, *MSS.* (numerus, *A*.).

<sup>1</sup> See v. xiv. 24.

same use as the  
 style of the  
 the best of  
 clearly  
 that the  
 be the  
 a de  
 of no  
 by de  
 although  
 fessio  
 abso  
 round  
 is pro  
 name; and  
 rhythm  
 the  
 own part  
 even  
 speak  
 done  
 to the  
 It is  
 word  
 over  
 better  
 Near  
 certain  
 their  
 the  
 to add  
 to omit  
 sense,  
 number



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*<sup>1</sup> 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 com-  
 positio, *vitavisse* vel *vitasse*, *deprehendere* vel *de-*  
*prehendere*. Coitus etiam syllabarum non negabo, et  
 quidquid sententiis aut elocutioni non nocebit.  
 60 Praecipuum tamen in hoc opus est, scire quod quo-  
 que loco verborum maxime quadret. Atque is  
 optime componet, qui hoc non<sup>1</sup> solum componendi  
 gratia facit.

Ratio vero pedum in oratione est multo quam in  
 versu difficilior: primum quod 'versus' paucis con-  
 tinetur, 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 adfectione deprehenditur.  
 61 Et in omni quidem corpore totoque (ut ita dixerim)  
 tractu numerus insertus est; neque enim loqui pos-  
 sumus 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

<sup>1</sup> non added by Rollin.

quite a different  
 for the same  
 demand for  
 rhythm of the  
 e.g. believe  
 hindered from  
 the end of the  
 injury of the  
 task, but  
 any given word  
 will be found  
 singly with a  
 On the other  
 more difficult  
 there are many  
 is far from  
 secondly, the  
 and its nature  
 scheme of the  
 varied at the  
 and thus the  
 periods of the  
 extent of the  
 long and  
 Its presence  
 apparent at  
 because even  
 natural  
 divide it  
 follow the  
 under the  
 down the  
 of form  
 when the



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## QUINTILIAN

62 et intuendi tempus dedit. Non igitur durum sit neque abruptum, quo animi velut respirant ac reficiuntur. Haec est sedes orationis, hoc auditor expectat, hic laus omnis declamantium.<sup>1</sup> Proximam clausulis diligentiam postulant initia; nam et  
63 in haec intentus auditor est. Sed eorum facilior ratio est, non enim cohaerent aliis nec<sup>2</sup> praecedentibus serviunt; exordium sumunt cum clausula cum praecedentibus cohaereat: quamlibet sit enim composita ipsa,<sup>3</sup> gratiam perdet, si ad eam rupta via venerimus. Namque eo fit, ut, cum<sup>4</sup> Demosthenis severa videatur compositio, τοῖς θεοῖς εὐχόμεαι 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

<sup>1</sup> declamantium, *Halm*: declamat, *AG*.

<sup>2</sup> nec, *Regius*: sed, *MSS*.

<sup>3</sup> The text gives *Halm*'s suggested correction of *AG* sumunt cum ea quamlibet sit enim composita.

<sup>4</sup> namque eo fit ut cum, *Halm*, *Spalding*: nam quo cum fit ut, *AG*.

<sup>1</sup> *De Cor.* 1. "I pray to all gods and goddesses."

<sup>2</sup> *Phil.* iii. 17. "Even though he neither shoots at me nor strikes me as yet."

<sup>3</sup> *Pro Cael.* xxvi. 62. "He had begun to be intimate with the bathkeeper."

time for one to  
and some time  
the most  
is there that  
excites the  
from this  
Next to the  
beginning  
audience have  
But the  
only, it is  
what has  
ceded to  
coheres with  
fully con  
path which  
is that  
Demosthenes  
strangely  
all, I  
role of  
criticism  
balneatori  
For a  
the same  
the future  
something  
Cicero  
practice  
effeminate  
ends with  
Tyndaridarum



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 εὐχομαι πᾶσι καὶ  
πάσαις<sup>1</sup> and again in another passage (approved by  
all, I think, except Brutus) κἂν μήπω βάλλῃ μηδὲ  
τοξεύῃ<sup>2</sup> is regarded as severely correct, Cicero is 64  
criticised for passages such as *familiaris coeperat esse  
balneatori*<sup>3</sup> and for the not less unpleasing *archipiratae*.<sup>4</sup>  
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*,<sup>5</sup> but also in four-syllable endings such

<sup>1</sup> Verr. v. xxvii. 70.

<sup>2</sup> Hor. Sat. i. i. 100.



66 *armamentis et Orcione.* 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.<sup>1</sup> 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

<sup>1</sup> velut, *Halm*: vel, *MSS.*: sint added by *Halm*.

<sup>1</sup> *Pers.* i. 95.

<sup>2</sup> *Ov. Met.* xi. 456.

<sup>3</sup> *Aen.* iii. 517.

<sup>4</sup> *pro Cluent.* i. 1. "I note, gentlemen, that the speech for the prosecution falls sharply into two divisions."



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- clausulae sunt claudae atque pendentes, si relinquuntur, sed sequentibus suscipi ac sustineri solent, eoque facto vitium, quod erat in fine, continuatione emendatur.<sup>1</sup> *Non vult populus Romanus obsoletis criminibus accusari Verrem* durum, si desinas; sed cum sit<sup>2</sup> continuatum iis quae sequuntur, quanquam natura ipsa divisa sunt, *Nova postulat, inaudita desiderat*, salvus est cursus. *Ut adeas, tantum dabis* male cluderet, nam et trimetri versus pars ultima est; excipit *Ut cibum vestitumque introferre liceat, tantum*; praeceptum 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 pacne principium. Et ultima versuum initio con-
- 74 veniunt orationis: *Etsi vereor, iudices*, et *Animadverti, iudices*. Sed initia initiis non conveniunt, ut T. Livius

<sup>1</sup> emendatur, *Meister*: mendat, *AG*.

<sup>2</sup> sit, *Halm*: est, *MSS*.

<sup>1</sup> *Verr.* v. xlv. 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."

<sup>2</sup> *Verr.* v. xlv. 118. "To see him, you will pay so much, and so much to bring in food and clothing. No one refused."

<sup>3</sup> 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*,<sup>1</sup> although the words are separate in meaning, the rhythmical effect is preserved. *Ut adeas, tantum dabis* would be a bad conclusion, for it forms the last portion of an iambic trimeter: but it is followed by *ut cibum vestitumque introferre liceat, tantum*:<sup>2</sup> the rhythm is still abrupt but is strengthened and supported by the last phrase of all, *nemo recusabat*.

The appearance of a complete verse in prose has a most uncouth effect, but even a portion of a verse is ugly, especially if the last half of a verse occurs in the cadence of a period or the first half at the beginning. The reverse order may on the other hand often be positively pleasing, since at times the first half of a verse will make an excellent conclusion, provided that it does not cover more than a few syllables. This is especially the case with the *senarius* or *octonarius*.<sup>3</sup> *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.<sup>4</sup> The ends of verses are also excellently suited to the beginning of a period: *etsi vereor*, 74

<sup>4</sup> *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<sup>1</sup> promisce dicere licet, sex enim pedes,  
tres percussiones habet. Peius cludit finis hexa-  
metri, ut Brutus in epistolis: *Neque illi malunt habere*  
*tutores aut defensores, quoniam causam*<sup>2</sup> *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 *ἐμπυθμον*, quale apud Sallustium, *Falso*  
*queritur de natura sua*. Quamvis enim vineta sit,  
tamen soluta videri debet oratio. Atqui Plato,  
diligentissimus compositionis, in Timaeo prima statim

<sup>1</sup> senarium, added by Christ.

<sup>2</sup> quoniam causam sciunt, *Halm*: quam consciunt, *G*:  
quamquam sciunt, *A*: quam constituunt, *codd.* *Monac.*  
*Argentor.*

<sup>1</sup> *pro Mil. i. 1.* } Both quotations give the end of an

<sup>2</sup> *pro Cluent. i. 1.* } iambic trimeter.

<sup>3</sup> 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.

<sup>4</sup> *pro Lig. i. 1, pro Cluent. i. 4.*

<sup>5</sup> "They ask for no guardians or defenders since they  
know that the cause has won the approval of Cato."

<sup>6</sup> An iambic trimeter. "Immortal gods, what day is this  
has dawned?"

indicated for the first time  
the opening of the  
opening of the  
of the  
half of a  
for the  
are better  
Again, the  
evidence of a  
Quo  
It is often  
a  
The end of  
compare the  
Brutus  
quodammodo  
are less  
to pose  
us  
as a result of  
are not  
even found  
beginning  
immediately  
however  
metrical  
from  
although  
laws, it  
Plato, de  
rhythmic

1 J.  
with



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## QUINTILIAN

- 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;<sup>1</sup> et Thucydidi *ὑπὲρ ἡμῶν Κᾶρες ἐφάνησαν* ex mollissimo rhythmorum genere excidit.
- 79 Sed quia omnem compositionem<sup>2</sup> oratoriam constare pedibus<sup>3</sup> 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 paean dochmioque, quorum prior in quattuor, secundus in quinque excurrit,
- 80 utatur. Nec tamen ipse dissimulat, quibusdam numeros videri 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 longaue, huic contrarium e longa et brevi choreum,
- 81 non ut alii trochaeum nominemus. Ex iis vero, qui

<sup>1</sup> versibus, *Daniel* : verbis, *MSS.*

<sup>2</sup> compositionem, *added by Spalding.*

<sup>3</sup> pedibus, *added by ed. Camp.*

---

<sup>1</sup> The phrase is *εἷς, δύο, τρεῖς, ὁ δὲ δὴ τέταρτος ἡμῶν, ὃ φίλε*. *εἷς, δύο, τρεῖς* give the opening of a hexameter, *ὁ δὲ δὴ τέταρτος ἡμῶν* the Anacreontic, *δύο . . . φίλε* the Iambic trimeter and *εἷς . . . δὴ* the *πενθημιμερὲς*.

<sup>2</sup> 1, 8. Quintilian probably treats this as Sotadean or reminiscent of Sotadean rhythm.

<sup>3</sup> *Or. ch. lxiv. 7.*

<sup>4</sup> For *paean* see § 96. The two varieties with which Quintilian is concerned are — ∪ ∪ ∪ and ∪ ∪ ∪ —.



the very opening of the *Timaeus*,<sup>1</sup> 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 ἡμῶν*  
*Κᾶρες ἐφάνησαν*.<sup>2</sup>

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<sup>3</sup>  
(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*<sup>4</sup> 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



## QUINTILIAN

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<sup>1</sup> longis brevem  
sequentibus bacchius, totidem longis brevem<sup>2</sup> prae-  
cedentibus palimbacchius erit. Tres breves trocha-  
eum, quem tribrachyn dici volunt, qui choreo  
trochaei nomen imponunt; totidem longae molosson  
83 efficient. Horum pedum nullus non in orationem  
venit, sed quo quique sunt temporibus pleniores  
longisque syllabis magis stabiles, hoc graviores  
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, praeceptum 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<sup>3</sup> sint pares, lateat  
tamen nescio quid quod<sup>4</sup> supersit aut desit. Nam ver-  
sum propria condicio est, ideoque in his quaedam  
85 etiam communes. Veritas vero quia patitur aequae  
brevem esse vel longam vocalem, cum est sola, quam

<sup>1</sup> amphibrachyn . . . duabus, *Spalding*: brachios huic (hinc, *G*) ausis, *AG*.

<sup>2</sup> sequentibus . . . brevem, *added by L. Valla*.

<sup>3</sup> ipsae, *Spalding*: obsessae, *AG*.

<sup>4</sup> quid quod, *Spalding*: quidquid, *AG*.

syllables . . .  
by two . . .  
same . . .  
between . . .  
it is . . .  
two . . .  
Two . . .  
where . . .  
called a . . .  
although . . .  
call it . . .  
one of . . .  
which . . .  
certain . . .  
produce . . .  
adapted . . .  
are . . .  
shown . . .  
speed . . .  
speed . . .  
also . . .  
of length . . .  
Consequently . . .  
never . . .  
than . . .  
shorts . . .  
shorts . . .  
undoubtedly . . .  
seem . . .  
Verse . . .  
features . . .  
either . . .  
allows . . .  
be, when . . .



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## QUINTILIAN

cum eam consonantes una pluresve praecedunt, certe in dimensione pedum syllaba, quae est brevis, insequente alia vel longa<sup>1</sup> vel brevi, quae tamen duas primas consonantes habeat, fit longa, ut

*Agreslem tenui musam :*

- 86 nam *A* brevis, *gr* 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 pacana sequatur Ephorus, inventum a Thrasymacho, probatum ab Aristotele, dactylumque ut temperatos brevibus ac longis, fugiat
- 88 spondeum et<sup>2</sup> trochaeum, alterius tarditate nimia,<sup>3</sup> alterius celeritate damnata, herous, qui est idem dactylus, Aristoteli amplior, iambus humilior<sup>4</sup> videatur, trochaeum ut nimis currentem damnet eique

<sup>1</sup> vel longa, added by Christ.

<sup>2</sup> spondeum et, added by ed. Camp.

<sup>3</sup> nimia, Halm: etenim, AG.

<sup>4</sup> humilior, P. Victorius, Pithoeus: humanior, MSS.

<sup>1</sup> *Enl.* i. 2. But Virgil wrote *silvestrem*.

<sup>2</sup> This theory involves the allotment of a time-value to consonants: *gr* 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-

most common  
when it is  
syllable. It is  
or it is not a  
longest.

the latter is  
to it a time-value  
can it be  
than is  
which it  
were not  
to the  
that which  
naturally  
position.

I am, I  
highest  
feet  
demanded  
any foot  
poet. I  
poet  
appears  
the  
mixture of  
slow and  
regard  
the  
consonants

length  
are  
Lindley



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*.<sup>1</sup> For both *a* and *gres* are short, but 88 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.<sup>2</sup> 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 Thrasy-machus and approved by Aristotle) and for the *dactyl* also, on the ground that both these feet provide a happy mixture of long and short; and may avoid the *spondee* and the *trochee*, condemning the one as too 88 slow and the other as too rapid; Aristotle<sup>3</sup> 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  $\tilde{a}$  (= one time-length) are added the two half time-lengths represented by *gr* (see Lindsay, *Lat. Language*, p. 129).

<sup>3</sup> *Rhet.* iii. 8.



## QUINTILIAN

- cordacis nomen imponat, eademque dicant Theodectes ac Theophrastus, similia post eos Halicarnasseus
- 89 Dionysius: irrumpent etiam ad invitos, nec semper illis beroo 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<sup>1</sup> modulatione produci aut corripipi 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:<sup>2</sup>

*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

<sup>1</sup> toni, added by Christ.

<sup>2</sup> talem exarasse, *Halm*: tatelarasse, *G*: taliter lusisse, *A*. (iter lus by corrector).

<sup>1</sup> "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*.

<sup>2</sup> 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 ill-considered  
phrases, and the like.  
Dionysius, however, is  
viewed, but the  
then, and the  
not the same  
or the same  
prior to the  
rhythm, and the  
some of the  
others, the  
distant, and the  
in a number  
depend on  
large proportion  
or some of the  
sister, and the  
words, and the  
small, and the

and the  
before, and  
if reversed, and

Feet, and the  
taken, and the  
and the  
cross, and the  
letters, and the  
adapted, and the  
small, and the



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## QUINTILIAN

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*;  
lenius a duabus, ut *Animadverti iudices*; 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*, 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

---

<sup>1</sup> *pro Lig.* i. 1.

<sup>2</sup> *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* Cap-peronnier for *levibus* (AG).

<sup>3</sup> *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*:<sup>1</sup> 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.<sup>2</sup> 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*<sup>3</sup> as there is in *ausus est confiteri*.<sup>1</sup> 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



## QUINTILIAN

- dederunt, ut illud tempus, quod brevis ex loco<sup>1</sup> accipit, huic quoque accederet. Nec solum refert, quis pes claudat, sed claudentem<sup>2</sup> quis antecedit.
- 95 Retrorsum autem neque plus tribus, iique, si non ternas syllabas habebunt, repetendi crunt (absit enim<sup>3</sup> poetica observatio), neque minus duobus; alioqui pes crit, non numerus. Potest tamen vel unus esse dichoreus, si unus est, qui constat e duobus
- 96 choreis. Itemque paeon, 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<sup>4</sup> quocunque sit loco longa,<sup>5</sup> 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<sup>6</sup> habet. Optime praecedet eum creticus, ut in hoc, *De qua ego nihil dicam, nisi depellendi criminis causa.* Non nihil<sup>7</sup> est, quod supra dixi multum referre, unone verbo sint duo pedes comprehensi an uterque liber.

<sup>1</sup> loco, *Spalding*: longo, *AG*.

<sup>2</sup> quis pes claudat sed claudentem quis, *Halm*: quis claudātem quis, *G*: quis claudat et quis, *A*.

<sup>3</sup> absit enim, *Christ*: sit tam, *AG*.

<sup>4</sup> in, *Halm*: ut, *MSS*.

<sup>5</sup> longa, *added by Halm*.

<sup>6</sup> non eodem modo . . . se, *Halm*: neodem . . . per, se, *AG*.

<sup>7</sup> causā non nihil, *Halm*: causam nihil, *AG*.

---

<sup>1</sup> *pro Cael.* xiii. 31. "Concerning which I will say nothing except for the purpose of refuting the charge."

time-length . . .  
 position of the . . .  
 as well . . .  
 what . . .  
 foot is . . .  
 necessary to . . .  
 only the . . .  
 for we . . .  
 other . . .  
 otherwise . . .  
 with . . .  
 may be . . .  
 ing of . . .  
 The same . . .  
 demand . . .  
 specially . . .  
 of the . . .  
 by a . . .  
 dedicated . . .  
 rhythm . . .  
 felt . . .  
 the name . . .  
 the long . . .  
 total . . .  
 de . . .  
 in . . .  
 severe . . .  
 played . . .  
 varying . . .  
 by a . . .  
 natural . . .  
 is a . . .  
 namely . . .  
 whether . . .



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- 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 ana-  
paestos: *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*]<sup>1</sup> *armis fui*. Cum spondeus, et bacchius, sic
- 100 enim fiet ultimus dochmius: *In armis fui*. Ex iis  
quae supra probavi apparet molosson quoque clau-  
sulae convenire, dum habeat ex quocunque pede  
ante se brevem: *Illud scimus ubicunque sunt, esse pro*
- 101 *nobis*. Minus gravis erit spondeus, praecedenti-  
bus palimbacchio et pyrrhichio, ut *Iudicii Iuniani*,<sup>2</sup>  
et adhuc peius priore paeane, ut *Brute, dubitavi*;  
nisi potius hoc esse volumus dactylum et bacchium.

<sup>1</sup> Bracketed by Regius.

<sup>2</sup> praecedentibus et, G: praecedenti . . . A. I have added palimbacchio.

<sup>1</sup> See § 64.

<sup>2</sup> *pro Cael.* xiii. 31. "A woman, not only of noble birth, but even notorious."

<sup>3</sup> *pro Lig.* iii. 9. "I was in arms."

<sup>4</sup> 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 (uu) 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/i Iūnī/ānī*). The fact that the termination of both words is the same would account for the disappearance of

or whether it is  
cum est: it is  
ing, note the  
the fact that  
like the  
words are  
imperfectly  
spoken or  
consist of  
of an  
It is  
spondee  
non  
addition  
the  
both of  
cede three  
place a  
it may be  
e.g. a  
dochmius  
is adapted  
be preceded  
matter to  
simon, etc.  
the  
palimbacchius  
worse is  
by a  
phrase may

one of  
But is  
Cicero  
Cicero



or whether they are both detached. Thus *criminis causa* makes a strong and *archipiratae*<sup>1</sup> 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 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*.<sup>2</sup> And it may also, in addition to the *anapaest* and *cretic*, be preceded by the *iambus*, which is a syllable less in length than both of them, thus making one short syllable precede three long. But it is also perfectly correct to place a *spondee* before an *iambus*, as in *armis fui*, or it may be preceded by a *bacchius* instead of a *spondee*, e.g. in *armis fui*,<sup>3</sup> thereby making the last foot a *dochmiac*. From this it follows that the *molossus* also is adapted for use in the conclusion provided that it be preceded by a short syllable, though it does not matter to what foot the latter belongs: e.g. *illud scimus, ubicunque sunt, esse pro nobis*. The effect of the *spondee* is less weighty, if it be preceded by a *palimbacchius* and *pyrrhic*, as in *iudicii Iuniani*.<sup>4</sup> Still worse is the rhythm when the *spondee* is preceded by a *paeon*, as in *Brute, dubitavi*,<sup>5</sup> 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.* <sup>1</sup> *Or. i. 1.* "I hesitated, Brutus."

98

99

100

101



Duo spondei non fere se iungi patiuntur, quae in versu quoque notabilis<sup>1</sup> clausula est, nisi cum id fieri potest ex tribus quasi membris: *Cur de perfugis nostris copias comparat is contra nos?*<sup>2</sup> 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*. Claudet et dactylus, nisi eum observatio ultimae creticum facit: *Muliercula nixus in litore*. Habebit ante se bene creticum et

<sup>1</sup> notabilis, *early edd.*: nobis, *AG.*

<sup>1</sup> "Why does he collect forces against us from our deserters?" L. Crassus quoted in *Or.* lxvi. 223.

<sup>2</sup> *pro Cael.* xiv. 33. "That you should fear poison."

<sup>3</sup> *Verr.* v. lxii. 162.

<sup>4</sup> *pro Lig.* iv. 10.

<sup>5</sup> *Orat.* lxiii. 214 "The wise temerity of the son confirmed the statement of the father."

<sup>6</sup> *pro Cael.* xiv. 34. "He surpassed almost all other citizens in virtue, glory and honour."



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## QUINTILIAN

- 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 cludet, qui placet  
plerisque, dichoreus? Illa observatione ex trochaeo  
106 fit anapaestus. Idem trochaeus praecedente longa  
fit paeon, quale est *Si potero et Dixit hoc Cicero, Obstat  
invidia*. Sed hunc initiis dederunt. Cludet et  
pyrrhichius choreo praecedente, nam sic paeon 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, paeon. 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

---

<sup>1</sup> *pro Lig. i. l.*

<sup>2</sup> It must be remembered that for Quintilian a *trochee* is the same as a *tribrach* (— — —). See § 82.

<sup>3</sup> As he has in the preceding clause stated that this form of *paeon* 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 *paeon* (e.g. *multa bene*) by two words, the first a *choreus*, the second a *pyrrhic*. His view about the employment of this form of *paeon* is that it is sometimes used at the end, but that such a position is not advisable.

<sup>4</sup> *pro Muren. i. l.*

<sup>5</sup> *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*,<sup>1</sup> although in that case some will prefer  
to call it a *bacchius*. The *trochee*<sup>2</sup> 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  
*paeon*, as is the case with phrases such as *si potero*, or  
*dirit hoc Cicero*, or *obstat invidia*. But this form of  
*paeon* is specially allotted to the beginnings of  
sentences. The *pyrrhic* may close a sentence if  
preceded by a *choreus*, thereby forming a *paeon*.<sup>3</sup>  
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 im-*  
*mortalibus sum*<sup>4</sup>) and at the close (e.g. *in conspectu*  
*populi Romani vomere postridie*).<sup>5</sup> The last example  
makes it clear what a good effect is produced when  
it is preceded by an *anapaest* or by that form of *paeon*  
which is regarded as best suited to the end of a  
sentence. But the *cretic* may be preceded by a  
*cretic*, as in *servare quam plurimos*.<sup>6</sup> It is better thus  
than when it is preceded by a *choreus*, as in *quis non*  
*turpe duceret*?<sup>7</sup> assuming that we treat the final short  
syllable as long. However, for the sake of argument,  
let us substitute *duces* for *duceret*. Here, however, 108

<sup>6</sup> *pro Lig. xii. 38.*

<sup>7</sup> *Phil. II. xxv. 63.*



## QUINTILIAN

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 <sup>1</sup> 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) paeon, qui est ex tribus brevibus et longa. Nam est et ipse una plus brevi anapaestos *facilitas* et *agilitas*. Quid <sup>2</sup> 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

<sup>1</sup> non, added by Spalding.

<sup>2</sup> quid, Halm: quidquid, AG.

---

<sup>1</sup> § 51.

<sup>2</sup> Verr. v. xlv. 118. The licentious metre is Sotadean.

<sup>3</sup> Crassus in Cic. Or. lxxv. 219. "For where lust holds sway, there is but small protection for innocence."



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## QUINTILIAN

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, struct 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<sup>1</sup> non sint in compositione deprehensi, sicut poema nemo dubitaverit impetu<sup>2</sup> quodam initio fusum et aurium mensura et similiter decurrentium spatiorum observatione esse generatum, mox in co 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,

<sup>1</sup> numeri non, *Regius*: fecerint, *MSS*.

<sup>2</sup> impetu, *Halm*: peritu, *AG*.

---

<sup>1</sup> 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 tessellated pavement with intricate inlay."



# BOOK IX. IV. 111-115

*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*.<sup>1</sup> 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



## QUINTILIAN

ut versum facientes totum illum decursum non sex  
vel quinque partes, ex quibus constat versus, aspi-  
ciunt. 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  
sentiant et parum expleta desiderant et fragosis  
offenduntur et levibus mulcentur et contortis exci-  
tantur 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 sen-  
tentiae? Num praescriptum eius rei ullum est?  
Occasionibus utendum et cum re praesenti deliber-  
118 andum est. Iam<sup>1</sup> vero spatia ipsa, quae in hac  
quidem parte plurimum valent, quod possunt nisi

<sup>1</sup> est iam, *Halm*: etiam, *MSS*.

<sup>1</sup> *Enn. Ann. 213.*

generally the same  
part in the  
whole and the  
six or seven  
For poetry  
it, a fact  
Faunus  
structure  
held by  
The best  
appreciated  
is often  
excited by  
stability  
rejects  
It is for the  
thorough  
structure  
from it. The  
boy and the  
if the case  
be a good  
But is it  
what the  
It is often  
is in de  
agency of  
A figure of  
give any  
cases  
be guided  
stances  
which are  
cerned, which



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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? *Ne-*  
*minem 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*<sup>1</sup> *esse melius. Cur non satis sit, sermonem*  
*vulgi fuisse, (compositio enim patiebatur) ignorabo;*  
*sed ut audio hoc, animus accipit plenum sine hac*  
120 *geminazione non esse. Ad sensum igitur referenda*  
*sunt. Et si qui non*<sup>2</sup> *satis forte, quid seuerum, 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*

<sup>1</sup> sentiam tamen, *Halm*: sententiam, *A(?)G*: sent am, *later MSS.*

<sup>2</sup> Et si qui non, *Halm*: necquis, *AG.*

---

<sup>1</sup> *Verr. i. i. l.* "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.*<sup>1</sup> 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<sup>1</sup> 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 excogitalam.* 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<sup>2</sup>  
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,

<sup>1</sup> numeris, *Regius*: membris, *AG.*

<sup>2</sup> mutila, *Christ*: mixta, *MSS.*: multa, *Diomedes.*

<sup>1</sup> *Or.* lxvii. 223. See ix. ii. 15.

<sup>2</sup> 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?"

<sup>3</sup> *Orat.* lxi. 204.

<sup>4</sup> *Verr.* v. xlv. 118. "There stood the jailer, the praetor's executioner."

<sup>5</sup> *Or.* lxvi. 222. Cicero says *hexameters*, not *senarii*.

preterea...  
merely as a...  
may also be...  
derat...  
But a...  
the...  
Diximus...  
hand, is the...  
rhythmic...  
tailed...  
example...  
is a...  
as the...  
body. He...  
point...  
when the...  
regard...  
and...  
The...  
Cicero...  
one...  
in a...  
other...  
number...  
period...  
number...  
even...  
be...  
the...  
that...  
pressed...



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## QUINTILIAN

ut intelligi possit, non immodica, ut memoria con-  
tineri. 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  
127 numeros adhiberi oporteat et cum dicente aeque  
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<sup>1</sup> 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 con-  
textumque desiderat. Namque omnia eius membra

<sup>1</sup> poscitur, *Regius*: poscit, *A.*: possit, *G.*

<sup>1</sup> *Verr.* iv. xlviii. 106.

not be too  
slow, but  
the more  
of it the  
force, and  
of course  
our right  
formed by  
expressed  
to share the  
other hand  
narrative  
by com-  
expressing  
designed  
the last  
passage  
of the  
and the  
style is  
cases, when  
anxiety, or  
own, and  
should be  
expressed  
the pro-  
of the  
the last  
but the  
line, the  
we will  
History  
right  
history



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<sup>1</sup> 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<sup>1</sup> 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 concitatus, alia sublimius, alia pugnacius, alia

131 ornatus, 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<sup>2</sup> 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

<sup>1</sup> atque illac *added by Spalding.*

<sup>2</sup> gaudere, *Spalding*: laudere, *AG.*

<sup>1</sup> See t. 121.

<sup>2</sup> "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."



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## QUINTILIAN

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 quo-  
 que 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. Argu-  
 menta acria et citata pedibus quoque ad hanc naturam  
 commodatis utentur, non tamen<sup>1</sup> 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.<sup>2</sup> Illa sublimia  
 spatiosas clarasque voces habentia<sup>3</sup> amant ampli-  
 tudinem dactyli quoque ac paeanis, etiamsi maiore  
 ex parte syllabis brevibus, temporibus tamen satis  
 pleni. Aspera contra iambis maxime concitantur,

<sup>1</sup> non tamen, *ed. Ven*: nondum, *MSS*.

<sup>2</sup> habent, *Halm*: habentia, *G*.

<sup>3</sup> habentia, *Christ*: habent, *MSS*.

<sup>1</sup> *Trochee* (u u u).

judges to -  
 at times are  
 modest and  
 energetic -  
 alternately  
 best of all  
 And now  
 each of these  
 Cicero's  
 pro Milone  
 The narrative  
 what I mean  
 and the other  
 possible to be  
 portions of an  
 of language  
 upon to see  
 other fine  
 audience of  
 lack which can  
 my personal  
 should be  
 Arguing  
 energy and  
 to these  
 rapidity of  
 trochee  
 consisting  
 though  
 Lady  
 young men  
 the same  
 content  
 deficient



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*,<sup>1</sup> 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 *paeon*, 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  
frequentiore quasi pulsum habent, quae res lenitati  
contraria est, sed etiam quod omnibus pedibus insur-  
gunt 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<sup>1</sup> composi-  
tionem, 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 con-  
citandus est iudex aut aliqua indignatione com-  
plendus) 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<sup>2</sup> sua quaedam tempora  
et ad signandos<sup>3</sup> pedes non minus saltationi quam  
modulationibus adhibetur musica ratio numerorum.  
Quid? non vox et gestus accommodatur naturae

<sup>1</sup> superbiorem, *Spalding*: superiorem, *G*.

<sup>2</sup> motui sunt *Spalding*: motus, *G*.

<sup>3</sup> signandos, *Halm*: signos, *G*.

violence of the  
best of the  
more of the  
with the  
it was the  
felt the  
swell from  
superior to  
short of  
permanence  
how to be  
Celsus  
mildness of the  
effect of the  
should not be  
and for the  
from the  
be so great  
considered  
But to be  
remains the  
our de-  
the end of  
where we  
indignation  
in argu-  
language  
fluent in  
sublimity  
motion of  
rhythm  
mimes the  
than the  
and gains



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## QUINTILIAN

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<sup>1</sup> maxime continetur:

*En impero Argis, scepra mi liquit Pelops.*

At ille cômicus aequè senarius, quem trochaicum vocant, pluribus trochaeis, quí tribrachi<sup>2</sup> 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

<sup>1</sup> quibus, added by Spalding.

<sup>2</sup> trochaeis . . tribrachi, Spalding: choreis . . trochaei, MSS.

<sup>1</sup> From an unknown tragedian. "Lo, I am lord at Argos, where to me! Pelops the sceptre left."

<sup>2</sup> 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? The reason for this is that the emphasis is placed upon the syllable which is the most gentle of all, and is violent in its flow. The result is a harsh and violent rhythm of trochees and iambes.

But the number of syllables in the foot is not the same.

But the number of syllables in the foot is not the same. It is the same in the trochee and the iamb, but different in the pyrrhic and the tribrach.

as for example . . .

and the same . . .

Violent and even in its attack its attack is . . .

Quintilian

As a general rule upon the violent rhythm in so many cases when it is the same the same rhythm can be . . .

the same rhythm can be . . .

the same rhythm can be . . .



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, sceptrum mi liquit Pelops.*<sup>1</sup>

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?*<sup>2</sup>

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?*<sup>3</sup>

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

<sup>1</sup> *Cat.* xxix. 1. "Who save a lecherous gambling glutton can endure to gaze on such a sight as this?"



## QUINTILIAN

143 continua et in eosdem semper pedes ire. Nam et  
 versificandi genus est unam legem omnibus sermoni-  
 bus dare; et id cum manifestae adfectionis est  
 (cuius rei maxime cavenda suspicio est), tum etiam  
 taedium ex similitudine ac satietatem creat; quoque  
 est dulcius, magis perdit amittit que<sup>1</sup> et fidem et ad-  
 feotus motusque omnes, qui est in hac cura deprehen-  
 sus. 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 facili-  
 tatem. Non tamen mirahor Latinos magis indulsisse  
 compositioni quam Atticos, cum minus<sup>2</sup> in verbis  
 146 habeant severitatis<sup>3</sup> et gratiae; nec vitium duxerim,  
 si Cicero a Demosthene paulum in hac parte descivit.

<sup>1</sup> amittit que, *Regius*: atque, *MSS.*

<sup>2</sup> cum minus, *G. Meyer*: quominus; *G*: quamvis, quamvis  
 minus, *later MSS.*

<sup>3</sup> severitatis, *Spalding*: veritatis, *G*: varietatis, *Regius.*

---

<sup>1</sup> Transpositions. See VIII. vi. 62.



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## QUINTILIAN

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 accessiti et coacti esse videantur.



BOOK IX. IV. 146-147

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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- Domitius Afer, VIII. v. 4 and 16; IX. ii. 20; IX. iii. 66, 79; IX. iv. 31. Famous orator of the reign of Tiberius.
- Ephorus, IX. iv. 87. Famous Greek historian (fourth century B.C.): wrote a history of Greece from the earliest times to 341 B.C.
- Fabrilus, VII. ii. 38. Famous general, victorious over Samnites and Lucanians, 282 B.C.
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- Gorgias (i), IX. iii. 74. Sophist and rhetorician of Leontini, latter half of fifth century B.C.
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- Hermagoras, VII. iv. 4; IX. ii. 106. Famous rhetorician of the Rhodian school, contemporary with Cicero.
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- Rullus, VIII. iv. 28. As tribune, proposed an agrarian law in 63 B.C.
- Rutillius, IX. ii. 102 and 106; IX. iii. 84, 89 sqq. 99. Rhetorician of the reign of Augustus, translated the works of Gorgias of Athens (q.v.).
- Scaevola, Q. (i), VII. ix. 12. Consul 117 B.C.
- Scaevola (ii), VII. vi. 9. Famous jurist. Consul 95 B.C.
- Scaurus, VII. ii. 10. Praetor 56, Propraetor in Sardinia 55 B.C. Accused



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of extortion in his province, he was defended by Cicero and acquitted.  
Sisenna, VIII. iii. 35. Historian and man of letters with a passion for rare words : elder contemporary of Cicero.

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Theopompus, IX. iv. 35. Famous Greek historian of the latter half of fourth century B.C.

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Vatinius, IX. ii. 25. Turbulent politician of the worst character : opponent of Cicero : accused of bribery by Calvus, 54 B.C.

Verginius Flavus, VII. iv. 24 and 40; VIII. iii. 33. Famous rhetorician, flourished under Nero.

Vibius Crispus, VIII. v. 15 and 17. Orator contemporary with Quintilian : notorious as an informer.

Zoilus, IX. i. 14. Grammarian and rhetorician : fourth or third century B.C., date uncertain.



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