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Quintilian, born in Spain about A.D. 35, became a widely known and highly successful teacher of rhetoric in Rome. *The Orator's Education* (*Institutio Oratoria*), a comprehensive training program in twelve books, draws on his own rich experience. It is a work of enduring importance, not only for its insights on oratory, but for the picture it gives of education and social attitudes in the Roman world.

Quintilian offers both general and specific advice. He supplies guidelines for proper schooling (beginning with the young boy); analyzes the structure of speeches; recommends devices that will engage listeners and appeal to their emotions; reviews a wide range of Greek and Latin authors of use to the orator; and counsels on memory, delivery, and gestures.

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QUINTILIAN

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# QUINTILIAN

## THE ORATOR'S EDUCATION

BOOKS 11-12

EDITED AND TRANSLATED BY  
DONALD A. RUSSELL



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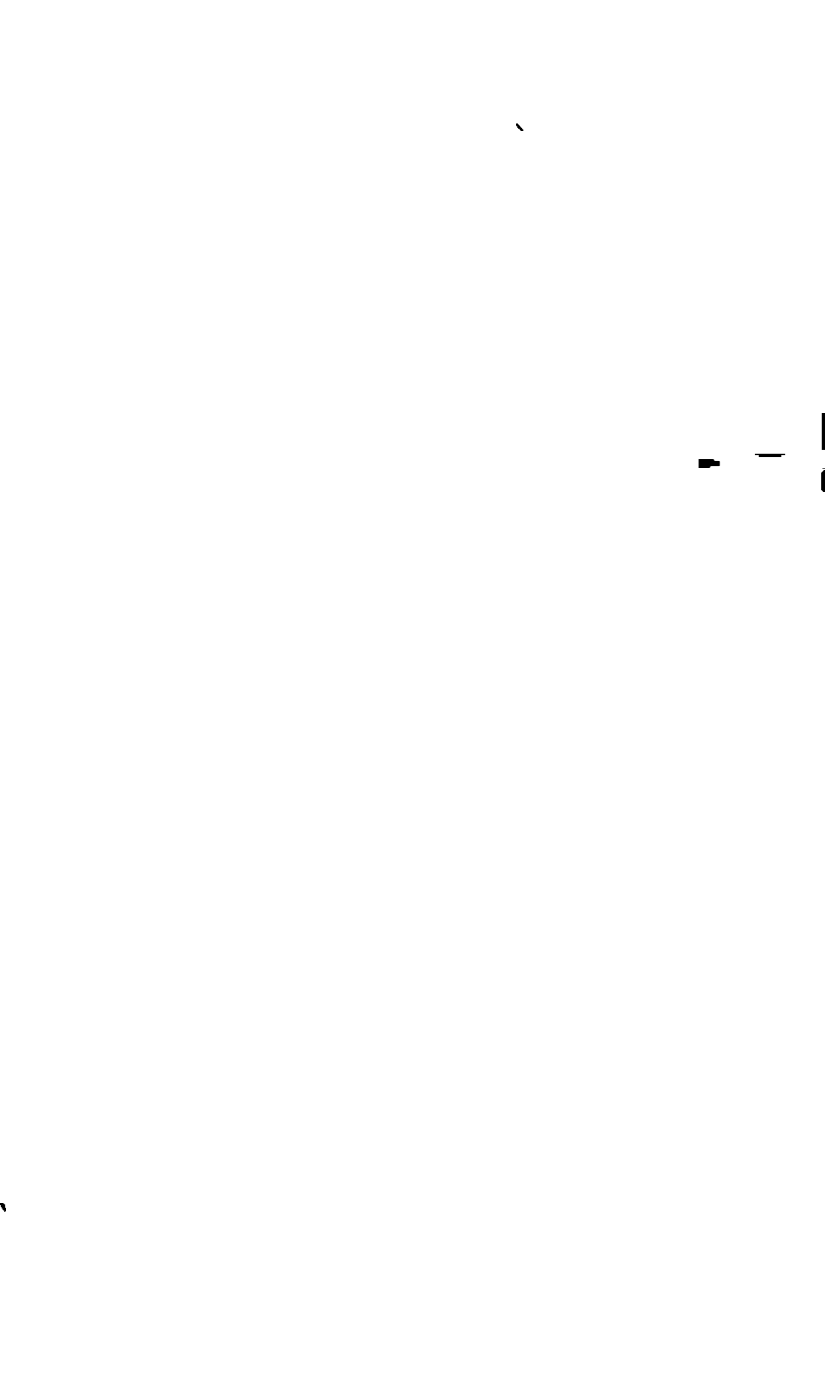
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INSTITUTIO ORATORIA  
THE ORATOR'S EDUCATION

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## ABBREVIATIONS

A general Bibliography is in Volume One. Abbreviations used for journals are generally those given in the Oxford Classical Dictionary.

- Anon. Seg. Anonymus Seguierianus, ed. M. Dilts and G. A. Kennedy, in *Two Rhetorical Treatises from the Roman Empire*. Leiden, 1997.
- ANRW *Aufstieg und Niedergang der römischen Welt*, ed. W. Haase and H. Temporini. Berlin, 1974–.
- AP G. A. Kennedy, *The Art of Persuasion in Greece*. London, 1963.
- ARRW G. A. Kennedy, *Art of Rhetoric in the Roman World*. Princeton, 1972.
- AS *Artium Scriptores*, ed. L. Radermacher. Vienna, 1951.
- CA D. A. Russell, *Criticism in Antiquity*. London, 1981 (ed. 2, 1995).
- CHLC *The Cambridge History of Literary Criticism*, vol. 1, *Classical Criticism*, ed. G. A. Kennedy. Cambridge, 1989.
- CRHP *Handbook of Classical Rhetoric in the Hellenistic Period 330 BC–AD 400*, ed. S. E. Porter. Leiden, 1997.
- F Gr Hist F. Jacoby, *Fragmente der griechischen Historiker*.

## ABBREVIATIONS AND SIGLA

- FOR** H. Meyer, *Oratorum Romanorum Fragmenta*, ed. 2. 1842.
- FPL** *Fragmenta Poetarum Latinorum*, ed. W. Morel. Leipzig, 1927 (1963).
- GD** D. A. Russell, *Greek Declamation*. Cambridge, 1983.
- GL** *Grammatici Latini*, ed. H. Keil, 7 vols. Leipzig, 1855–1880.
- HRR** *Historicorum Romanorum Reliquiae*, ed. H. Peter. Leipzig, 1906.
- Lampe** G. W. H. Lampe, *A Patristic Greek Lexicon*. Oxford, 1961.
- Lausberg** H. Lausberg, *Handbook of Literary Rhetoric*, ed. and trans. D. E. Orton and R. Dean Anderson. Leiden, 1998.
- LCL** Loeb Classical Library.
- L–H–S** Leumann–Hofmann–Szantyr, *Lateinische Grammatik (Handbuch der Altertumswissenschaft 2.2.2)*. Munich, 1965.
- OCD<sup>3</sup>** *Oxford Classical Dictionary*, ed. 3, edd. S. Hornblower and A. Spawforth. Oxford, 1996.
- OLD** *Oxford Latin Dictionary*, ed. P. G. W. Glare. Oxford, 1968–1982.
- ORF** *Oratorum Romanorum Fragmenta liberae rei publicae*, ed. H. Malcovati. Ed. 2, Turin, 1955.
- PMG** *Poetae Melici Graeci*, ed. D. L. Page, Oxford, 1962.
- QHAR** *Quintiliano: historia y actualidad de la retórica*, edd. T. Abaladejo, E. del Rio, J. A. Caballero. Calahorra, 1998.

## ABBREVIATIONS AND SIGLA

- RAC** *Reallexikon für Antike und Christentum*. Stuttgart, 1941–.
- RD** S. F. Bonner, *Roman Declamation*. Liverpool, 1949.
- RE** G. Wissowa, etc., *Paulys Realenzyklopädie der klassischen Altertumswissenschaft*, 1893–1980.
- RLM** *Rhetores Latini Minores*, ed. C. Halm. Leipzig, 1863.
- ROL** *Remains of Old Latin*, ed. E. H. Warmington, 4 vols. LCL, 1935–1940.
- RP** R. Syme, *Roman Papers*, 7 vols. Oxford, 1979–1988.
- Spengel *Rhetores Graeci*, ed. L. Spengel, 3 vols. Leipzig, 1853–1856.
- Spengel–Hammer *Rhetores Graeci* 1.2, ed. L. Spengel and C. Hammer. Leipzig, 1894.
- SVF** *Stoicorum Veterum Fragmenta*, ed. H. von Arnim, 1905 (reprint Stuttgart, 1964).
- VPH** [Plutarch] *De vita et poesi Homeri*, ed. J. F. Kindstrand, 1990. Commentary: M. Hillgruber, 1994–1999.
- Walz *Rhetores Graeci*, ed. C. Walz, 1832–1836 (reprint Osnabruck, 1968).

## SIGLA

- A** Ambrosianus E 153 sup.
- a** Its contemporary corrections
- B** Bernensis 351
- Bg** The older part of Bambergensis M.4.14

## ABBREVIATIONS AND SIGLA

<i>b</i>	Its corrections
<i>G</i>	The later part of Bambergensis M.4.14
<i>N</i>	Parisinus lat. 18527
<i>J</i>	Cantabrigiensis Ioannensis 91
<i>E</i>	Parisinus lat. 14146 (Breviarium of Stephen of Rouen)
<i>D</i>	Parisinus lat. 7719
<i>K</i>	Parisinus lat. 7720 (corrected by Petrarch)
<i>H</i>	Harleianus 2664
<i>T</i>	Turicensis 288 (corrected (= <i>t</i> ) by Ekkehard IV of St. Gall, c. 1050)
<i>X</i>	Parisinus lat. 7696
<i>Y</i>	Parisinus lat. 7231
<i>recc.</i>	One or more of the later MSS listed in Winterbottom (1970), v–vii
<i>edd.</i>	One or more of the editions listed under (a) in the Bibliography, in Volume I.
Regius	R. Regius, in ed. Ven. 1493, or in <i>Ducenta problemata in totidem Institutionis Oratoriae Quintiliani depravationes</i> (1492)
D.A.R.	Suggestions by the present editor
M.W.	Suggestions made in discussion with the editor by M. Winterbottom. See also <i>More Problems in Quintilian</i> , <i>BICS</i> 44 (2000) 167–177

# BOOK ELEVEN





## INTRODUCTION

This book consists of three separate monographs. The first formally concludes the section on *elocutio*, by dealing with the difficult (and almost untranslatable) concept of *decorum* (τὸ πρέπον); the second and third cover the remaining two of the five parts (or “canons”) of Rhetoric, namely Memory and Delivery. Τὸ πρέπον (11.1) was discussed by Aristotle (*Rhetoric* 3. 1404b4, 1408a10) as a proportionality of language to subject. In this sense, the term, though strictly a desirable quality of *diction* (in Theophrastus, one of the four “virtues”), does, as C. O. Brink (*Horace on Poetry: Prolegomena to the Literary Epistles*, Cambridge 1963, 229ff.) observes, bring content and expression together (see 11.1.7, where Quintilian recognizes the link with Invention). The concept obviously has an ethical dimension, hardly separable from its aesthetic or rhetorical side; appropriateness to context involves appropriateness to speaker. The best general ancient discussions of this complex idea are Cicero’s: not only *De oratore* 1.144, 3.37, 3.210–212 and *Orator* 70, 82, but also *De finibus* 3.14ff., and especially *De officiis* 1.93–99 (with A. R. Dyck ad loc.). M. Pohlenz’ discussion (*Nachrichten der Gesellschaft der Wissenschaften zu Göttingen* 1933, 53–92 = *Kleine Schriften* 1. 100–139) remains valuable. Quintilian’s account, in keeping with the moral tendencies of his teaching

## INTRODUCTION

and his ideal of the orator as *vir bonus* and not simply a technician, is extraordinarily full, and strongly oriented towards practical needs. He begins (11.1.1–5) by discussing Cicero's treatment in his oratorical works. Next (6–7) he briefly shows that the different parts of a speech have different requirements of "aptness." There follows (8–15) a passage in which, while admitting that "that which is becoming" (*quod decet*) and "that which is expedient" (*quod expedit*) may be different, Quintilian argues that they usually coincide, and that anyway the honourable course is always "becoming," whatever concessions may be made to particular circumstances. In 15–28 he discusses the problem of how to praise oneself, an area in which Cicero has been seen to be at fault; we have a good discussion of this, which complements Quintilian, in Plutarch, *Moralia* 539A–547F: see also Quintilian's pupil Pliny, *Epist.* 1.8. Propriety in delivery (29–30) claims attention next; then propriety in the sense of appropriateness to the person (a) of the speaker (31–41), (b) of the client, the judge, and others present (42). Appropriateness to circumstances is a separate head (43–56), and we have a short account (57–59) of the requirement of appropriateness to opponents. But a third of the whole chapter (60–93) is devoted to difficult cases of various kinds, with (as usual) abundant examples from Cicero.

11.2, Quintilian's treatise on memory, is to be compared with *Ad Herennium* 3.28–40, Cicero, *De oratore* 2.350–360, Cassius Longinus, *Ars rhetorica* 197–206 Spengel–Hammer; Fortunatianus (*RLM* 128–130 Halm) summarizes Quintilian. Memory training goes back to early times: a text usually dated c. 400 BC (*Dissoi Logoi*) recommends tricks like thinking of "gold" (*chrysos*) and "a

## INTRODUCTION

horse” (*hippos*) if you want to remember the name Chryseippus. Quintilian is clearly sceptical about the value of *memoria technica*, with its elaborate system of visual images, in comparison with practice and development of the natural memory; but he devotes a good deal of space to it all the same (17–26), before proceeding (27–50) to more practical considerations. He is also a valuable source for the history of the “art” (11–16). See in general Yates (1966) and H. Blum (1969). Lausberg §§ 1083–1090 gives a brief account.

In 11.3, Quintilian turns to delivery. Aristotle (*Rhetoric* 3. 1404a13) observes that this is a matter of nature rather than of art, though Thrasymachus had written about it in discussing emotion. Theophrastus, Aristotle’s successor, did write on the subject (frs. 712–713 Fortenbaugh), and so did Demetrius of Phalerum (frs. 162–169 Wehrli). Cicero treats it in *De oratore* 3.213–227 and *Orator* 55–60. There is a short Greek account in Cassius Longinus (*Ars rhetorica* 194–197 Spengel–Hammer), who stresses the deceptive power of *hypokrisis* (the Greek term for *actio*), the need to observe real emotions, and what can be learned from actors. There is a detailed commentary on part of our chapter in U. Maier-Eichhorn (1989), with interesting illustrations of the hand gestures. Some good illustrations, and also information about the acting gestures represented in medieval manuscripts of Terence, which somewhat resemble those described by Quintilian, may be found in G. S. Andrete, *Gestures and Acclamations in Ancient Rome* (Baltimore and London, 1999), esp. 34–73. See also E. Fantham in *Phoenix* 36 (1982) 243–263, and, in general, J. Bremmer and H. Roodenburg (1991), esp. ch. 2 (by F. Graf). An older (still classic) survey is in Sittl (1890).

## INTRODUCTION

Quintilian's account is much the fullest we have from classical times (Fortunatianus, 130–134 Halm, is much briefer and mainly follows Quintilian) and was naturally very influential in Renaissance theory and practice (see General Introduction in Vol. I).

The chapter is very long, but very orderly in its construction:

- 1–13 Introduction: importance of the subject, relative value of nature and art.
- 14 Division of the subject: voice (15–65), gesture (65–136).
- 15–16 Nature of the voice.
- 17–29 Its use and training.
- 30 Delivery (like *elocutio*) must be correct, lucid, ornate, and appropriate.
- 31–32 Correctness.
- 33–39 Lucidity.
- 40–60 *Ornatus*.
- 61–65 Appropriateness.
- 65–68 Transition to “gestures”: general considerations.
- 69–71 Gestures with the head.
- 72–81 Face.
- 82–84 Neck, shoulders, arms.
- 85–121 Hands.
- 122–124 Body.
- 124–136 Feet.

(This order—from top to bottom—is that recommended by rhetors also for description (*ecphrasis*) of men or animals: Aphthonius, *Progymnasmata* 37, 9 Rabe.)

137–149 Dress: how to wear the toga.

## INTRODUCTION

- 150–153 Importance of circumstances.
- 153–174 Discussion of delivery appropriate to the various parts of the speech. (For the structure of this part in detail, see translation.)
- 174–184 Further general remarks.

## LIBER UNDECIMUS

### 1

- 1 Parata, sicut superiore libro continetur, facultate scribendi cogitandique et ex tempore etiam, cum res poscet, orandi, proxima est cura ut dicamus apte, quam virtutem quartam elocutionis Cicero demonstrat, quaeque est meo quidem
- 2 iudicio maxime necessaria. Nam cum sit ornatus orationis varius et multiplex conveniatque alius alii, nisi fuerit accommodatus rebus atque personis non modo non inlustrabit eam, sed etiam destruet et vim rerum in contrarium vertet. Quid enim prodest esse verba et Latina et significantia et nitida, figuris etiam numerisque elaborata, nisi cum iis in quae iudicem duci formarique volumus consentiant:
- 3 si genus sublime dicendi parvis in causis, pressum limatumque grandibus, laetum tristibus, lene asperis, minax supplicibus, summissum concitatis, trux atque violentum iucundis adhibeamus?—ut monilibus et margaritis

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<sup>1</sup> *De oratore* 3.37.

# BOOK ELEVEN

## CHAPTER 1

### *Appropriateness*

When we have acquired the capacity to write, to prepare a speech beforehand in the mind, and also, when necessary, to improvise (as explained in the last book), our next concern is to speak “appropriately.” Cicero<sup>1</sup> expounds this as the fourth virtue of Elocution; in my personal judgement it is the most essential. Oratorical Ornament is in fact varied and manifold, requiring different forms for different contexts; consequently, unless it is adapted both to circumstances and to persons, it will not only fail to lend distinction to the oratory, but will ruin it and make the facts work against us. What is the use of words which are good Latin, meaningful, elegant, and even embellished with Figures and Rhythm, unless they accord with the views towards which we wish the judge to be guided and influenced? What use is it to apply a lofty style to trivial Causes, a concise and refined one to momentous ones; a cheerful manner to gloomy themes, a smooth one to harsh; a threatening tone when we plead for mercy, a submissive one where energy is needed, and a brutal and violent one when what the subject demands is charm? On the same principle, men would be disfigured by necklaces, pearls,



ac veste longa, quae sunt ornamenta feminarum, de-  
 formantur viri, nec habitus triumphalis, quo nihil excogitari  
 potest augustius, feminas deceat.

4 Hunc locum Cicero breviter in tertio de Oratore libro  
 perstringit, neque tamen videri potest quicquam omisisse  
 dicendo 'non omni causae neque auditori neque personae  
 neque tempori congruere orationis unum genus': nec fere  
 pluribus in Oratore eadem. Sed illic L. Crassus, cum apud  
 5 summos oratores hominesque eruditissimos dicat, satis  
 habet partem hanc velut notare inter agnoscentis, et hic  
 Cicero adloquens Brutum testatur esse haec ei nota ideo-  
 que brevius a se dici, quamquam sit fusus locus tracte-  
 turque a philosophis latius. Nos institutionem professi non  
 solum scientibus ista sed etiam discentibus tradimus, ideo-  
 que paulo pluribus verbis debet haberi venia.

6 Quare notum sit nobis ante omnia quid conciliando do-  
 cendo movendo iudici conveniat, quid quaque parte ora-  
 tionis petamus. Ita nec vetera aut tralata aut ficta verba  
 in incipiendo, narrando, argumentando continuabimus,<sup>1</sup>  
 neque decurrentis contexto nitore circumitus ubi dividen-  
 da erit causa et in partis suas digerenda, neque humile  
 atque cotidianum sermonis genus et compositione ipsa  
 dissolutum epilogis dabimus, nec iocis lacrimas, ubi opus  
 7 erit miseratione, siccabimus. Nam ornatus omnis non tam

<sup>1</sup> D.A.R. after Spalding: tractabimus B

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<sup>2</sup> For this imagery, compare Lucian, *On writing history* 10; Gleason (1995) 114. <sup>3</sup> Very splendid embroidered robe and tunic: royal or godlike costume. Q. politely alludes to Domitian's triumphs (in 83 and 89).

<sup>4</sup> 3.210ff. <sup>5</sup> 69ff.

and long dresses, for these are the ornaments of women,<sup>2</sup> and the costume of the triumphant general<sup>3</sup> (than which nothing more august can be conceived) would be inappropriate for a woman.

Cicero touches on this subject in the third book of *De oratore*,<sup>4</sup> briefly but without seeming to have left out any essential feature: "A single style of oratory," he says, "is not suited to every Cause, every audience, every speaker, or every occasion." He says the same in the *Orator*,<sup>5</sup> almost as concisely. But in the first passage, Lucius Crassus, speaking in the presence of men who were great orators and very learned, finds it enough simply to hint at this subject, as it were, because they all know it; in the second, Cicero, addressing Brutus, acknowledges that his addressee knows all about these things, and accordingly says he is himself treating it more briefly, though it is an extensive topic and is discussed at greater length by philosophers. My professed subject is a system of education, and I address myself not only to those who know these things but also to learners; a somewhat longer discussion should therefore be pardoned.

We must first of all know what is appropriate for winning over, instructing, and emotionally affecting the judge, and what our object is in the different parts of a speech. We shall for example not make repeated use of archaic, metaphorical, or coined words in Prooemium, Narrative, or Argument, nor of runs of beautifully polished periods where the Cause has to be divided and set out under its various heads; nor again shall we employ low or colloquial language, without rhythmical structure, in the Epilogue—nor, finally, try to dry tears with a joke, when what is wanted is compassion. All Ornament depends not so much

sua quam rei cui adhibetur condicione constat, nec plus refert quid dicas quam quo loco. Sed totum hoc apte dicere non elocutionis tantum genere constat, sed est cum inventione commune. Nam si tantum habent etiam verba momentum, quanto res ipsae magis! Quarum quae esset observatio suis locis subinde subiecimus.

- 8 Illud est diligentius docendum, eum demum dicere apte qui non solum quid expediat sed etiam quid deceat inspexerit. Nec me fugit plerumque haec esse coniuncta: nam quod decet fere prodest, neque alio magis animi iudicum conciliari aut, si res in contrarium tulit, alienari solent.
- 9 Aliquando tamen et haec dissentiunt: quotiens autem pugnabunt, ipsam utilitatem vincet quod decet. Nam quis nescit nihil magis profuturum ad absolutionem Socrati fuisse quam si esset usus illo iudiciali genere defensionis et oratione summissa conciliasset iudicum animos sibi
- 10 crimenque ipsum sollicitate redarguisset? Verum id eum minime decebat, ideoque sic egit ut qui poenam suam honoribus summis esset aestimaturus. Maluit enim vir sapientissimus quod superesset ex vita sibi perire quam quod praeterisset. Et quando ab hominibus sui temporis parum intellegebatur, posterorum se iudiciis reservavit, brevi detrimento iam ultimae senectutis aevum saeculorum omnium consecutus. Itaque quamvis Lysias, qui tum
- 11 in dicendo praestantissimus habebatur, defensionem illi

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<sup>6</sup> Socrates' disdain for rhetorical defence and his apparent arrogance (*μεγαληγορία*) are standard features of the tradition: e.g. Xenophon, *Apology* 1.1.

<sup>7</sup> In Plato's *Apology* (36B–37A) Socrates is made to end by saying "If I am supposed to assess my penalty in accordance with my deserts, I assess it as free board in the Prytaneum [the official resi-

## BOOK 11.1

on its own qualities as on those of the subject to which it is applied; what you say is no more important than where you say it. Indeed, all this question of appropriateness of speech is not solely a matter of Elocution, but shares ground with Invention; if even words can make such a crucial difference, how much more can the content do so! I have added recommendations about this from time to time in the relevant places.

A point to be particularly emphasized in teaching is that no one can speak “appropriately” unless he sees not only what is expedient but also what is becoming. I am aware, of course, that the two generally go together. What is becoming is generally useful, and there is nothing more likely to win over the judges’ minds or, if things have gone the wrong way, to alienate them. But the two sometimes conflict. When they do, expediency must give way to propriety. Everyone knows that nothing would have contributed more to Socrates’ acquittal than if he had used the ordinary forensic methods of defence, conciliated his judges by a humble tone, and taken trouble to refute the actual charge.<sup>6</sup> But that would have been unbecoming for him; he therefore conducted his case as a man who intended to assess his own penalty as some great mark of distinction.<sup>7</sup> That supremely wise man preferred to lose the rest of his life rather than his past. Misunderstood by the men of his own day, he reserved himself for the judgement of posterity, and at the small cost of the very last years of his old age made sure of all the ages to come. Thus, although Lysias, who was regarded as the leading orator of the time, offered

dence of the presiding members of the council].” Cicero quotes this, *De oratore* 1.232, and Q. has it from him.

scriptam optulisset, uti ea noluit, cum bonam quidem sed parum sibi convenientem iudicavisset. Quo vel solo patet non persuadendi sed bene dicendi finem in oratore servandum, cum interim persuadere deforme sit. Non fuit hoc utile absolutioni, sed, quod est maius, homini fuit.

- 12 Et nos secundum communem potius loquendi consuetudinem quam ipsam veritatis regulam divisione hac utimur, ut ab eo quod deceat utilitatem separemus: nisi forte prior ille Africanus, qui patria cedere quam cum tribuno plebis humillimo contendere de innocentia sua maluit,
- 13 inutiliter sibi videtur consuluisse, aut P. Rutilius, vel cum illo paene Socratico genere defensionis est usus, vel cum revocante eum [P.]<sup>2</sup> Sulla manere in exilio maluit, quid sibi maxime conduceret nesciebat. Hi vero parva illa quae abiectissimus quisque animus utilia credit, si cum virtute conferantur, despicienda iudicaverunt, ideoque perpetua saeculorum admiratione celebrantur. Neque nos simus
- 14 tam humiles ut quae laudamus inutilia credamus. Sed hoc qualecumque discrimen raro admodum eveniet: ceterum idem fere, ut dixi, in omni genere causarum et proderit et decebit.

<sup>2</sup> *del. Winterbottom: L. Gertz*

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<sup>8</sup> See 2.15.30. A speech purporting to be by Lysias survived: Giannantoni (1990) 1 c 134–137 gives the evidence.

<sup>9</sup> P. Cornelius Scipio Africanus was alleged to have had corrupt dealings with Antiochus and to have embezzled public funds in 190 BC, and was later attacked in the Senate for this. His brother Lucius was put on trial, and he himself evaded trial by voluntary exile (184 BC). Details are obscure: main sources are Livy 38.50–60, Valerius Maximus 3.7.1.

him a written defence, he refused to use it, thinking it good but not suitable for him.<sup>8</sup> This instance alone shows that the end the orator must keep in view is not to persuade but to speak well, for persuading can sometimes be dishonourable. His action did nothing for his acquittal but, more importantly, it did much for him as a human being.

In drawing a distinction between the Expedient and the Becoming, I too am following the common usage of language rather than the strict rule of truth. Or are we to think that the elder Africanus failed to see what was to his advantage, when he preferred to leave the country rather than wrangle about his innocence with some wretched tribune of the plebs?<sup>9</sup> Or that Publius Rutilius did not know what was in his own interests when he chose his almost Socratic form of defence, or again when he preferred to remain in exile despite Sulla's invitation to him to return?<sup>10</sup> These men regarded the little things which every small mind believes to be expedient as contemptible in comparison with virtue. They are rewarded for this by the undying admiration of posterity. So let us too not be so small-minded as to regard the deeds we praise as inexpedient. However, very rarely will this conflict, such as it is, come our way. In general, as I said, the Expedient and the Becoming will be identical in every type of Cause.

<sup>10</sup> The Stoic P. Rutilius Rufus, accused of embezzlement in 92 BC, went into exile: Cicero, *De oratore* 1.231 says that his defence "imitated" Socrates. He spent his exile in Smyrna, and wrote his memoirs; in 84–83 BC Sulla suggested that he might return. See 5.2.4; *ORF* pp. 168–171.

Est autem quod omnes et semper et ubique deceat, facere ac dicere honeste, contraque neminem umquam ullo in loco turpiter. Minora vero quaeque sunt ex mediis plerumque sunt talia ut aliis sint concedenda, aliis non sint, aut pro persona tempore loco causa magis ac minus vel excusanda<sup>3</sup> debeant videri vel reprehendenda. Cum dicamus autem de rebus aut alienis aut nostris, dividenda ratio est eorum, dum sciamus pleraque neutro loco convenire.

15

16

17

In primis igitur omnis sui vitiosa iactatio est, eloquentiae tamen in oratore praecipue, adfertque audientibus non fastidium modo sed plerumque etiam odium. Habet enim mens nostra natura sublime quiddam et erectum et inpatiens superioris: ideoque abiectos aut summittentes se libenter adlevamus, quia hoc facere tamquam maiores videmur, et quotiens discessit aemulatio, succedit humanitas. At qui se supra modum extollit, premere ac despiciere creditur nec tam se maiorem quam minores ceteros facere. Inde invident humiliores (hoc vitium est eorum qui nec cedere volunt nec possunt contendere), rident superiores, improbant boni. Plerumque vero deprendas adrogantium falsam de se opinionem, sed in veris quoque sufficit conscientia.

<sup>3</sup> *edd.*: excusata B

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<sup>11</sup> I.e. the Expedient or the Becoming. This is the common view; but Spalding takes the passage quite differently: he thinks it means that we have to draw a distinction between the advocate's concerns and the client's, but realize that there are many things that are not suitable to be said on behalf of either.

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What is always and in all circumstances becoming for everyone is to act and speak in an honourable way; conversely, it is never becoming for anyone ever to act or speak dishonourably in any circumstances. However, smaller matters and matters which are morally indifferent are generally such that some people may be allowed them and others not, or such that they should be thought more or less excusable or reprehensible according to the person, time, place, or motive involved. But since we speak of things which concern persons—ourselves or others—the distinction has to be made, so long as we realize that many things do not fall under either heading.<sup>11</sup>

### *Self-praise*

First of all, then, any boasting about oneself is wrong, but an orator's boasting of his own eloquence is especially wrong. It not only bores the hearers but generally also disgusts them. The human mind has a certain natural loftiness and pride that does not find it easy to bear a superior; consequently, we gladly help the humble and submissive to their feet, because we feel this shows our superiority, and whenever rivalry has vanished, humanity steps in. On the other hand, anyone who rates himself too highly is thought to be oppressive and contemptuous, and to be diminishing others rather than increasing his own stature. Those who are beneath him are therefore jealous (jealousy is the vice of people who will not give way but cannot compete), while his superiors laugh, and good men disapprove. You will generally find the opinion which the arrogant have of themselves to be unfounded; but even when the good qualities are real, it is enough to know that you have them.



## QUINTILIAN

Reprehensus est in hac parte non mediocriter Cicero, quamquam is quidem rerum a se gestarum maior quam  
 18 eloquentiae fuit in orationibus utique iactator. Et plerumque illud quoque non sine aliqua ratione fecit: aut enim tuebatur eos quibus erat adiutoribus usus in opprimenda coniuratione, aut respondebat invidiae, cui tamen non fuit par, servatae patriae poenam passus exilium: ut illorum quae egerat in consulatu frequens commemoratio possit  
 19 videri non gloriae magis quam defensionis data. Eloquentiam quidem, cum plenissimam diversae partis advocatis concederet, sibi numquam in agendo inmodice adrogavit. Illius sunt enim 'si, iudices, ingeni mei, quod sentio quam sit exiguum,' et 'quod ingenio minus possum, subsidium  
 20 mihi diligentia comparavi.' Quin etiam contra Q. Caecilium de accusatore in Verrem constituendo, quamvis multum esset in hoc quoque momenti, uter ad agendum magis idoneus veniret, dicendi tamen facultatem magis illi detraxit quam adrogavit sibi, seque non consecutum sed  
 21 omnia fecisse ut posset eam consequi dixit. In epistulis aliquando familiariter apud amicos, nonnumquam in dialogis, aliena tamen persona, verum de eloquentia sua dicit. Et aperte tamen gloriari nescio an sit magis tolerabile vel ipsa vitii huius simplicitate quam illa iactatione perversa, si abundans opibus pauperem se et nobilis obscurum et potens infirmum et disertus imperitum plane et infantem

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<sup>12</sup> Contrast Plutarch, *Comparison of Demosthenes and Cicero* 2, who speaks severely of Cicero's praise of his own works.

<sup>13</sup> *Pro Archia* 1.      <sup>14</sup> *Pro Quinctio* 4.      <sup>15</sup> *Divinatio in Q. Caecilium* 40.      <sup>16</sup> Compare, e.g., Quintus Cicero's praise of his brother's poetry in *De legibus* 1.1–2; *Orator*, where Cicero speaks in his own person, is not innocent of self-praise.

Cicero has been seriously criticized on this count, though in fact, at least in his speeches, he was more inclined to boast of his political achievements than of his oratory.<sup>12</sup> Yet he often had some justification for this also, because he was either defending persons who had assisted him in putting down the Catilinarian conspiracy, or responding to envy (which indeed was too strong for him, and he went into exile for having saved his country), so that the frequent mention of the actions of his consulship can be thought of less as boasting than as self-defence. At any rate, in pleading a case, he never made unreasonable claims for his own eloquence, though he would make handsome admissions of the eloquence of the opposing advocates. It is he who said "Any talent I have, judges, and I know how slight it is,"<sup>13</sup> and "Lacking the talent, I have helped myself by my industry."<sup>14</sup> Indeed, in the speech against Quintus Caecilius, on the selection of the prosecutor of Verres, though the question which was the more capable pleader was indeed of great importance, he did more to detract from his opponent's claim to eloquence than to press his own, and declared not that he had succeeded in making himself an orator, but that he had done his best to be in a position to do so.<sup>15</sup> Sometimes in the familiar tones of his letters to friends, and on occasion in his dialogues (but always in the person of others), he does speak the truth about his own eloquence.<sup>16</sup> Perhaps however it is actually more tolerable to boast openly, accepting the sheer naïveté of this failing, than to do so with that inverted vanity with which a rich man claims to be poor, an aristocrat obscure, a man of power weak, and a skilled orator incompetent and inarticulate. The most pretentious kind of

22 vocet. Ambitiosissimum gloriandi genus est <se><sup>4</sup> etiam deridere. Ab aliis ergo laudemur: nam ipsos, ut Demosthenes ait, erubescere etiam cum ab aliis laudabimur decet.

Neque hoc dico, non aliquando de rebus a se gestis oratori esse dicendum, sicut eidem Demostheni pro Ctesiphonte: quod tamen ita emendavit ut necessitatem id faciendi ostenderet, invidiamque omnem in eum regereret  
 23 qui hoc se coegisset. Et M. Tullius saepe dicit de oppressa coniuratione Catilinae, sed modo id virtuti senatus, modo providentiae deorum immortalium adsignat. Plerumque  
 24 contra inimicos atque obtrectatores plus vindicat sibi: erant enim illa tuenda cum obicerentur. In carminibus utinam pepercisset, quae non desierunt carpere maligni:

cedant arma togae, concedat laurea linguae

et

o fortunatam natam me consule Romam!

et Iovem illum a quo in concilium deorum advocatur, et Minervam quae artes eum edocuit: quae sibi ille secutus quaedam Graecorum exempla permiserat.

25 Verum eloquentiae ut indecora iactatio, ita nonnum-

<sup>4</sup> *add. Shackleton Bailey*

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<sup>17</sup> *On the Crown* 128: no person who had had a proper upbringing (*paideia*) would proclaim this about himself, but would rather blush if others spoke of it.

<sup>18</sup> *Ibid.* 4.

<sup>19</sup> Frs. 16–17 Morel (8, 12 Courtney (1993)), from *De consulatu suo*. See 9.4.41.

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boasting is to make fun even <of oneself>. Let us therefore leave it to others to praise us. As Demosthenes says, “it becomes us to blush, even when we are praised by others.”<sup>17</sup>

I am not saying that an orator ought not sometimes to speak about his own achievements, as Demosthenes (to quote him again) does in his speech for Ctesiphon. There however he put matters right by showing that he had been driven to this, and throwing all the odium back on to the man who had forced him into it.<sup>18</sup> Likewise, Cicero often speaks of the suppression of Catiline’s conspiracy; but he sometimes ascribes it to the courage of the senate, and sometimes to the providence of the immortal gods. It is when opposing his enemies and detractors that he commonly makes greater claims for himself, because he had to defend his policies when they were brought up against him. One can only wish he had been more sparing in his poems, which his enemies have never tired of criticizing:

Let arms to toga yield, laurels to words,

and

O happy Rome, born in my consulship!<sup>19</sup>

and the mention of Jupiter as summoning him to the council of the gods and Minerva as having taught him her arts. He allowed himself this in imitation of certain Greek models.<sup>20</sup>

But while it is unseemly to boast of one’s eloquence, it is

<sup>20</sup> Perhaps (see Courtney (1993), p. 151; A. S. Pease on Cicero, *De divinatione* 1.49) the dream of Hannibal, recorded by the Greek historian Silenus of Caleacte, in which Hannibal, at Saguntum, sees himself summoned to a council of the gods.

quam concedenda fiducia est. Nam quis repretat haec: 'Quid putem? Contemptumne me? Non video nec in vita nec in gratia nec in rebus gestis nec in hac mea mediocritate ingenii quid despiciere possit Antonius': et paulo post apertius: 'An decertare mecum voluit contentione dicendi? Hoc quidem est beneficium. Quid enim plenius, quid uberius quam mihi et pro me et contra Antonium dicere?'

27 Adrogantes et illi qui se iudicasse de causa nec aliter adfuturos fuisse proponunt. Nam et inviti iudices audiunt praesumentem partes suas, nec hoc oratori contingere inter adversarios quod Pythagorae inter discipulos contigit potest: 'ipse dixit.' Sed istud magis minusve vitiosum est 28 pro personis dicentium: defenditur enim aliquatenus aetate dignitate auctoritate: quae tamen vix in ullo tanta fuerint ut non hoc adfirmationis genus temperandum sit aliqua moderatione, sicut omnia in quibus patronus argumentum ex se ipso petet. Quid fuisset tumidius si accipiendum criminis loco negasset Cicero equitis Romani esse filium, se defendente? At ille fecit hoc etiam favorable coniungendo cum iudicibus dignitatem suam: 'equis Romani autem esse filium criminis loco poni ab accusatoribus neque his iudicantibus oportuit nec defendentibus nobis.'

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21 Cicero, *Philippics* 2.2.

22 In Greek ἀντὸς ἕφα: Cicero, *De natura deorum* 1.10, Diogenes Laertius 8.46. The saying became proverbial.

23 Cicero himself was the son of a Roman *equus* (knight).

24 *Pro Caelio* 4.

sometimes permissible to show confidence in it. No one could find fault with the following passage: "What am I to think? That I am despised? I see nothing in my life, in my popularity, in my past deeds, in such modest talents as I possess, for Antony to have reason to despise me."<sup>21</sup> A little later he puts it more openly: "Did he want to challenge me to a contest of eloquence? That is indeed generous of him. What ampler or richer theme could I find than a defence of myself and an attack on Antony?"

There is arrogance also in those who begin by declaring that they have made up their minds about the Cause, and would not otherwise have undertaken it. Judges are reluctant to listen to a person who usurps their role, and an orator cannot expect from his opponents the respect which Pythagoras got from his pupils—"Himself has spoken."<sup>22</sup> But how serious this fault is depends on the personalities of the speakers. It can be justified to a certain extent by age, position, and authority; but hardly anyone is likely to possess these advantages to the point that he no longer needs to temper assertions of this kind with some degree of moderation—as has to be done in all cases in which an advocate bases an argument on himself. What would have been more presumptuous than for Cicero to have said that it was not a crime for a man to be the son of a Roman *eques*, when he himself was appearing for the defence?<sup>23</sup> But he managed to turn even this to good account, by associating his own rank with that of the judges. "To be the son of a Roman *eques* should never have been put forward as a charge by the prosecution before this court, or with me appearing for the defendant."<sup>24</sup>

- 29 Impudens tumultuosa iracunda actio omnibus indecora, sed, ut quisque aetate dignitate usu praecedit, magis in ea reprehendus. Videas autem rixatores quosdam neque iudicum reverentia neque agendi more ac modo contineri, quo ipso mentis habitu manifestum sit tam in suscipiendis quam in agendis causis nihil pensi habere. Profert enim mores plerumque oratio et animi secreta detegit: nec sine causa Graeci prodiderunt ut vivat quemque etiam dicere. Humiliora illa vitia: summissa adulatio, adfectata scurrilitas, in rebus ac verbis parum modestis ac pudicis vilis pudor, in omni negotio neglecta auctoritas. Quae fere accidunt eis qui nimium aut blandi esse aut ridiculi volunt.
- 31 Ipsum etiam eloquentiae genus alios aliud decet; nam neque tam plenum et erectum et audax et praecultum senibus convenerit quam pressum et mite et limatum et quale intellegi vult Cicero cum dicit orationem suam coepisse canescere, sicut vestibis quoque non purpura
- 32 coccoque fulgentibus illa aetas satis apta sit: in iuvenibus etiam uberiora paulo et paene periclitantia feruntur, at in isdem siccum et sollicitum et contractum dicendi propositum plerumque adfectatione ipsa severitatis invisum est, quando etiam morum senilis auctoritas<sup>5</sup> inmatura in

<sup>5</sup> austeritas *Cornelissen, Kiderlin*

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<sup>25</sup> A sentiment attributed to Socrates (John of Sicily, scholia on Hermogenes, *Rhetores Graeci* 6. 395 Walz): called a proverb by Seneca (*talis . . . oratio qualis vita*, *Epist.* 114.1), and found in Menander (fr. 143 Kock) and Terence (*Heauton Timoroumenos* 384). For some of its later history, see M. H. Abrams, *The Mirror and the Lamp* (1953) 229–241.

<sup>26</sup> Cicero, *Brutus* 8.

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### *Propriety in delivery*

An impudent, disorderly, or angry style of delivery is unseemly in any speaker, but it becomes more reprehensible in proportion to the speaker's age, status, and experience. One can find persistent brawlers who are restrained neither by respect for the judges nor by the manners and conventions of advocacy, and whose very attitude of mind makes it all too plain that they are as reckless in undertaking a case as they are in pleading it. Speech indeed is very commonly an index of character, and reveals the secrets of the heart. There is good ground for the Greek saying that a man speaks as he lives.<sup>25</sup> There are meaner vices too: grovelling flattery, an affectation of buffoonery, disregard for modesty in regard to unseemly or indecent things or words, and disdain for authority in every kind of business. These are generally found in people who are unduly anxious either to ingratiate themselves or to raise a laugh.

### *Styles and persons*

Different styles of eloquence too are appropriate to different people. A full, proud, bold, highly ornate manner suits old men less well than a restrained, mild, refined style, such as Cicero means when he says that his own style is beginning "to have grey hairs."<sup>26</sup> It is the same too with clothes: old age does not go well with the brilliance of purple and scarlet. In the young, a somewhat richer, almost risk-taking manner is acceptable, whereas a dry, anxious, compressed style appears unpleasing because of the way in which it affects severity; for even the moral authority that we associate with age is thought precocious in the young. A



- 33 adolescentibus creditur. Simpliciora militaris decent. Philosophiam ex professo, ut quidam faciunt, ostentantibus parum decori sunt plerique orationis ornatus maximeque ex adfectibus, quos illi vitia dicunt. Verba quoque exquisitiora et compositio numerosa tali proposito diversa. Non enim solum illa laetiora, qualia a Cicerone dicuntur ‘saxa atque solitudines voci respondent,’ sed etiam illa, quamquam plena sanguinis, ‘vos enim iam, Albani tumuli atque luci, vos, inquam, inploro atque testor, vosque Albanorum obrutae arae, sacrorum populi Romani sociae et aequales’
- 34 non convenient barbae illi atque tristitiae. At vir civilis vereque sapiens, qui se non otiosis disputationibus sed administrationi rei publicae dederit, a qua longissime isti qui philosophi vocantur recesserunt, omnia quae ad efficiendum oratione quod proposuerit valent libenter adhibebit, cum prius quid honestum sit efficere in animo suo constituerit.
- 35 Est quod principes deceat, aliis non concesseris. Imperatorum ac triumphalium separata est aliqua ex parte ratio eloquentiae, sicut Pompeius abunde disertus rerum suarum narrator, et hic qui bello civili se interfecit Cato<sup>6</sup> eloquens senator fuit.
- 36 Idem dictum saepe in alio liberum, in alio furiosum, in alio superbum est. Verba adversus Agamemnonem a

<sup>6</sup> hic . . . Cato *perhaps interpolated* (Shackleton Bailey)

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<sup>27</sup> Similar arguments on philosophical style are given by Seneca, *Epist.* 40.    <sup>28</sup> *Pro Archia* 19.    <sup>29</sup> *Pro Milone* 85.

<sup>30</sup> Cicero, *Pro lege Manilia* 42 speaks of Pompey’s *dignitas imperatoria* as an orator: see *ORF* pp. 358–367.

<sup>31</sup> For the younger Cato’s oratory, see *ORF* pp. 404–415; but

simpler manner is proper for military men. For those who make a deliberate display of philosophy (as some do), most Ornaments of speech are unsuitable, especially those which are based on emotions, for the philosophers regard these as vices. Choice vocabulary and rhythmical Composition are likewise inconsistent with this profession.<sup>27</sup> And luxuriant passages like Cicero's "Rocks and deserts respond to the voice,"<sup>28</sup> or even something more full-blooded, like "Ye hills and groves of Alba, it is you, I say, whom I beg and beseech—and you too, fallen altars of the Albans, allies and contemporaries of the sacred rites of Rome,"<sup>29</sup> would not go well with those beards and long faces. But the good citizen and true Wise Man, who has devoted himself not to leisurely debates but to the management of the state, from which these so-called "philosophers" have completely withdrawn, will be happy to use anything which is effective in achieving the objects of his speech, once he has established in his own mind what it is honourable to achieve.

Some things are becoming for rulers, which one would not allow in others. The eloquence of generals and triumphant conquerors is to some extent a thing apart; thus Pompey<sup>30</sup> was a very eloquent narrator of his own deeds, and the Cato who committed suicide in the civil war was an eloquent senator.<sup>31</sup>

The same remark is often frank for one speaker, mad for another, arrogant for a third. Thersites' words against

he is not an apt illustration of "triumphant generals," nor indeed is the elder Cato (whom Shackleton Bailey (1983) thinks must have been intended in the original text, which, he holds, has been displaced by an interpolation).

Thersite habita ridentur: da illa Diòmedi aliive cui pari, magnum animum ferre prae se videbuntur. 'Ego te' inquit 'consulem putem' L. Crassus Philippo 'cum tu me non putes senatorem?': vox honestissimae libertatis, non tamen  
 38 ferres quemcumque dicentem. Negat se magni facere aliquis poetarum utrum Caesar ater an albus homo sit: insania; verte, ut idem Caesar de illo dixerit, adrogantia est. Maior in personis observatio est apud tragicos comicosque: multis enim utuntur et variis. Eadem et eorum qui orationes aliis scribebant fuit ratio et declamantium est: non enim semper ut advocati, sed plerumque ut litigatores dicimus.

39 Verum etiam in iis causis quibus advocamur eadem differentia diligenter est custodienda. Utimur enim fictione personarum et velut ore alieno loquimur, dandique sunt iis quibus vocem accommodamus sui mores. Aliter enim P. Clodius, aliter Appius Caecus, aliter Caecilianus ille, aliter  
 40 Terentianus pater fingitur. Quid asperius lictore Verris: 'ut adeas, tantum dabis'? quid fortius illo cuius inter ipsa verberum supplicia una vox audiebatur: 'civis Romanus sum'? Quam dignae Milonis in peroratione ipsa<sup>7</sup> voces eo viro qui

<sup>7</sup> dignae <illae> . . . [ipsa] M.W.

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<sup>32</sup> *Iliad* 2.225–242, the speech in which the agitator Thersites reproaches Agamemnon for his excessive share of the spoils and his insults to Achilles.

<sup>33</sup> See on 8.3.89.

<sup>34</sup> Catullus 93.2.

<sup>35</sup> I.e. Greek speech-writers, like Lysias or Isaeus.

<sup>36</sup> See Cicero, *Pro Caelio* 33–34 (with R. G. Austin ad loc.).

<sup>37</sup> *Ibid.* 36–38 (Caecilius fr. 224 Warmington = *ROL* 1. 546; Terence, *Adelphoe* 120–121).

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Agamemnon<sup>32</sup> are ridiculed; but give them to Diomedes or someone of that rank, and they will seem signs of greatness of mind. "Shall I regard you as consul," said Crassus to Philippus, "when you do not regard me as a senator?"<sup>33</sup> These are words of honourable frankness, but one would not tolerate them from everybody. One of the poets says he does not much care "whether Caesar is a black man or a white":<sup>34</sup> sheer madness, but turn it round, so that Caesar has said this of the poet, and it is arrogance. Tragic and comic poets pay greater attention to characters, because they use many different ones. The same was true of those who wrote speeches for others,<sup>35</sup> and is true of declaimers today, since in declamation we do not always speak as advocates, but very commonly as litigants.

However, even in Causes in which we do appear as advocates, the same differentiation must be carefully observed. This is because we use imaginary persons and speak as it were with other men's lips, and so have to provide the appropriate personalities for those to whom we lend our voice. Publius Clodius and Appius Caecus are imagined very differently,<sup>36</sup> as are the father in Caecilius and the father in Terence.<sup>37</sup> What can be more brutal than the words of Verres' lictor, "To see him, you will pay *so much*"?<sup>38</sup> What can be braver than those of the man who was being flogged but was only heard to exclaim "I am a Roman citizen"?<sup>39</sup> Or take the words given to Milo in Cicero's peroration:<sup>40</sup> how worthy they are of the man who

<sup>38</sup> Cicero, *In Verrem* 5.118.

<sup>39</sup> *Ibid.* 162.

<sup>40</sup> *Pro Milone* 93–94.

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41 pro re publica seditiosum civem totiens compescuisset  
quique insidias virtute superasset! Denique non modo  
quot in causa totidem in prosopopoeia sunt varietates, sed  
hoc etiam plures, quod in his puerorum, feminarum, po-  
pulorum, mutarum etiam rerum adsimulamus adfectus,  
quibus omnibus debetur suus decor.

42 Eadem in iis pro quibus agemus observanda sunt: aliter  
enim pro alio saepe dicendum est, ut quisque honestus  
humilis invidiosus favorabilis erit, adiecta propositorum  
quoque et ante actae vitae differentia.

Lucundissima vero in oratore humanitas facilitas mode-  
ratio benivolentia. Sed illa quoque diversa bonum virum  
decent: malos odisse, publica vice commoveri, ultum ire  
scelera et iniurias, et omnia, ut initio dixi, honesta.

43 Nec tantum quis et pro quo sed etiam apud quem dicas  
interest: facit enim et fortuna discrimen et potestas, nec  
eadem apud principem, magistratum, senatorem, priva-  
tum, tantum liberum ratio est, nec eodem sono publica  
44 iudicia et arbitrorum disceptationes aguntur. Nam ut  
orantem pro capite sollicitudo deceat et cura et omnes ad

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<sup>41</sup> 11.1.14.

<sup>42</sup> Compare 4.1.72, 5.13.6, 5.10.115, 7.7.10.

had so often restrained a subversive citizen for the good of the state and triumphed over treachery by courage! In short, it is not only that there are just as many varieties of Prosopopoeia as there are of Causes: there are more, because in Prosopopoeia we simulate the emotions of children, women, nations, and even things which cannot speak, and they are all entitled to their appropriate character.

We need to observe the same caution with reference to our clients: we often have to speak differently on behalf of different people, according to whether they are distinguished or humble, unpopular or liked, and also to take account of differences in their attitude and their previous life.

In the orator himself, the most attractive qualities are humanity, approachability, moderation, and kindness. There are also some very different characteristics which become a good man: hatred of the wicked, emotional involvement in the public interest, readiness to punish crime and injury, and, as I said at the beginning,<sup>41</sup> everything that is honourable.

### *Appropriateness to circumstances*

But “who?” and “for whom?” are not the only questions that matter; there is also “before what judge?”<sup>42</sup> Fortune and power both make a difference; different methods apply before the emperor, a magistrate, a senator, a private citizen, or a mere free man, and one does not plead in the same tone in the public courts as in a private arbitration. If one were speaking for the defence on a capital charge, anxiety, concern, and all the mechanisms of amplification

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amplificandam orationem quasi machinae, ita in parvis rebus iudiciisque vana sint eadem, rideaturque merito qui apud disceptatorem de re levissima sedens dicturus utatur illa Ciceronis confessione, non modo se animo commoveri, 45 sed etiam corpore ipso perhorrescere. Quis vero nesciat quanto aliud dicendi genus poscat gravitas senatoria, aliud aura popularis? cum etiam singulis iudicantibus non idem apud gravis viros quod leviores, non idem apud eruditum quod militem ac rusticum deceat, sitque nonnumquam summittenda et contrahenda oratio, ne iudex eam vel intellegere vel capere non possit.

46 Tempus quoque ac locus egent observatione propria: nam et tempus tum triste tum laetum, tum liberum tum angustum est, atque ad haec omnia componendus orator: 47 et loco publico privato, celebri an secreto, aliena civitate an tua, in castris denique an foro dicas interest plurimum, ac suam quidque formam et proprium quendam modum eloquentiae poscit: cum etiam in ceteris actibus vitae non idem in foro, curia, campo, theatro, domi facere conveniat, et pleraque, quae natura non sunt reprehendenda atque adeo interim sunt necessaria, alibi quam mos permiserit turpia habeantur.

48 Illud iam diximus, quanto plus nitoris et cultus demonstrativae materiae, ut ad delectationem audientium compositae, quam quae sunt in actu et contentione sua-

<sup>43</sup> *Divinatio in Q. Caecilium* 41.

<sup>44</sup> I.e. the Campus Martius, an area for entertainment and exercise, but also the scene of ceremonial speeches, as at public funerals.

<sup>45</sup> 8.3.11.

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would be appropriate; in minor matters and minor cases, on the other hand, these things would be pointless, and there would be well-deserved ridicule for anyone who, speaking from his seat before an arbitrator, and on a matter of no consequence, were to make use of Cicero's famous admission that he was "not only deeply moved in his heart, but physically distressed and shuddering."<sup>43</sup> Again, everyone knows how different are the styles demanded, on the one hand, by the gravity of the senate and, on the other, by the volatility of popular assemblies. Even with individual judges, the same style does not suit the grave and the frivolous, nor again the learned and the military man or the uneducated countryman, and we need sometimes to lower the level of our speech and make it more concise, so that the judge cannot fail to understand it or to take it in.

Time and location also need special consideration. The time may be sad or happy, ample or limited, and the orator must be prepared for all these possibilities. The location too makes a difference—is it public or private, crowded or secluded, in your own city or another, in camp or in the forum?—and each circumstance demands its own forms and a certain special mode of eloquence. After all, if we consider the other activities of life, it is not always appropriate to do the same things in the forum, in the senate house, on the Campus,<sup>44</sup> in the theatre, and at home. Many activities not in themselves reprehensible, and indeed sometimes necessary, are thought disgraceful if done elsewhere than where custom allows.

I have already observed<sup>45</sup> how much more elegance and ornament is allowed by epideictic subjects because they are designed for the entertainment of an audience, than by deliberative or forensic subjects which are based



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49 soriae iudicialesque permittant. Hoc adhuc adiciendum,  
 aliquas etiam quae sunt egregiae dicendi virtutes quo  
 minus deceant effici condicione causarum. An quisquam  
 tulerit reum in discrimine capitis, praecipueque si apud  
 victorem et principem pro se ipse dicat, frequenti trala-  
 tione, fictis aut repetitis ex vetustate verbis, compositione  
 quae sit maxime a vulgari usu remota, decurrentibus peri-  
 hodiis, quam laetissimis locis sententiisque dicentem? Non  
 perdant haec omnia necessarium periclitanti sollicitudinis  
 50 colorem petendumque etiam innocentibus misericordiae  
 auxilium? Moveaturne quisquam eius fortuna quem tumi-  
 dum ac sui iactantem et ambitiosum institorem eloquen-  
 tia in ancipiti sorte videat? Non immo oderit reum verba  
 aucupantem et anxium de fama ingenii et cui esse diserto  
 51 vacet? Quod mire M. Caelius in defensione causae, qua  
 reus de vi fuit, comprehendisse videtur mihi: 'ne cui vestrum  
 atque etiam omnium qui ad rem agendam adsunt meus aut  
 vultus molestior aut vox inmoderator aliqua<sup>8</sup> aut denique,  
 52 quod minimum est, iactantior gestus fuisse videatur.' At-  
 qui sunt quaedam actiones in satisfactione, deprecatione,  
 confessione positae: sententiolisne flendum erit? epiphonemata  
 aut enthymemata exorabunt? non quidquid meris  
 53 adicietur adfectibus omnis eorum diluet viris, et misera-  
 tionem securitate laxabit? Age, si de morte filii sui vel in-

<sup>8</sup> aliquando Watt 1982 (i.e. 'undue violence sometimes in my voice')

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<sup>46</sup> In his speech in the case in which Cicero defended him: ORF p. 485.

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on action and conflict. To this must be added the point that even some admirable features of speech are rendered less becoming by the circumstances of Causes. Would anyone have patience with a defendant on a capital charge, especially if he was pleading his own case before a conqueror and a ruler, if he were to indulge in frequent metaphors, novel or archaic words, Composition widely diverging from normal usage, periods that run too smoothly, and luxuriant commonplaces and *sententiae*? Would not all this ruin both the tone of anxiety essential to a man in such peril, and the plea for mercy on which even the innocent must rely? Would anyone be moved by the plight of a man whom he perceived as a puffed-up self-advertiser, ostentatiously marketing his eloquence when his fate was in the balance? Would he not rather be disgusted by a defendant who was hunting for fine words, anxious for his intellectual reputation, and having time to spare to be eloquent? Marcus Caelius,<sup>46</sup> defending himself on the charge of violence, seems to me to have understood this remarkably well: "I hope none of you—or any of those who have come to see this business done—will find too much offensiveness in my expression, undue violence in some word I utter, or indeed, trifling as this is, flamboyance in my gestures." Again, some cases involve apology, pleas for mercy, confession: are we to weep in sound-bites? Will Epiphonemata or Enthymemata soften the heart? Will not any embellishment of the bare emotions destroy all their force, and dispel compassion by the lack of concern which it shows? Suppose a father has to speak of his son's death,<sup>47</sup>

<sup>47</sup> It is natural to recall Q.'s emotional account of his own bereavements (6 *Prooem.*)

iuria, quae morte sit gravior, dicendum patri fuerit, aut in narrando gratiam illam expositionis quae continget ex sermone puro atque dilucido quaeret, breviter ac significanter ordinem rei protulisse contentus, aut argumenta diducet in digitos et propositionum ac partitionum captabit leporem et, ut plerumque in hoc genere moris est, intentione omni remissa loquetur? Quo fugerit interim dolor ille? Ubi lacrimae substiterint? Unde se in medium tam secura observatio artium miserit? Non ab exordio usque ad ultimam vocem continuus quidam gemitus et idem tristitiae vultus servabitur, si quidem volet dolorem suum etiam in audientis transfundere? Quem si usquam remiserit, in animum iudicantium non reducet. Quod praecipue declamantibus (neque enim me paenitet ad hoc quoque opus meum et curam susceptorum semel adolescentium respicere) custodiendum est, quo plures in schola finguntur adfectus, quos non ut advocati sed ut passi subimus: cum etiam hoc genus simulari litium soleat, cum ius mortis a senatu quidam vel ob aliquam magnam infelicitatem vel etiam paenitentiam petunt: in quibus non solum cantare, quod vitium pervasit, aut lascivire, sed ne argumentari quidem nisi mixtis, et quidem ita ut ipsa probatione magis emineant, adfectibus decet. Nam qui intermittere in agendo dolorem potest, videtur posse etiam deponere.

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Nescio tamen an huius de quo loquimur decoris custodia maxime circa eos contra quos dicimus examinanda sit. Nam sine dubio in omnibus statim accusationibus hoc

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<sup>48</sup> I.e. rape or seduction, or perhaps sexual abuse by a tyrant, as in Libanius, *Declamations* 42; compare Calpurnius Flaccus, *Declamations* 39.

<sup>49</sup> See on 7.4.39.

or an injury worse than death,<sup>48</sup> will he, in his Narrative, aim for that grace of exposition which comes from pure and pellucid language, and be content with setting out the facts in order in a concise and telling way? Will he count his Arguments on his fingers, seek elegant Propositions and Partitions, and (as usual in such contexts) speak without any sense of stress? Where will his grief have gone in the meantime? Where will his tears have been stayed? How does this unemotional observance of textbook rules come to obtrude itself? If he really wants to pass his sorrow on to the audience, will he not keep up a continuous lamentation and maintain an unvaried face of woe, from his Prooemium right through to his closing words? If he ever lets up in his grief, he will never put it back in his hearers' minds. This is a point which declaimers in particular must watch constantly (I have no compunction about referring to my work in this field, or to my care for young students once they were given into my charge) because many emotions play a part in school fictions, and we feel them not as advocates but as victims. We even imagine cases where persons request from the senate the right to die,<sup>49</sup> because of some great unhappiness or even remorse; in these cases, it is unseemly not only to chant your words (a pervasive fault nowadays) or indulge in frivolities, but even to argue logically, unless an emotional appeal is combined with the Argument in such a way that it is actually more prominent than the Proof itself. A man who can break off his grief while he pleads his case is thought capable of laying it aside altogether.

But I suspect that it is in relation to our opponents that the preservation of the propriety of which we are speaking needs most attention. Unquestionably, the immediate

agendum est, ne ad eas libenter descendisse videamur. Ideoque mihi illud Cassi Severi non mediocriter displicet: ‘di boni, vivo, et, quo me vivere iuvet, Asprenatem reum video.’ Non enim iusta ex causa vel necessaria videri potest postulasse eum, sed quadam accusandi voluptate.

58 Praeter hoc tamen, quod est commune, propriam moderationem quaedam causae desiderant. Quapropter et qui curationem bonorum patris postulabit doleat eius valetudine, et quamlibet gravia filio pater obiecturus miserri-  
mam sibi ostendat esse hanc ipsam necessitatem, nec hoc  
59 paucis modo verbis sed toto colore actionis, ut id eum non dicere modo sed etiam vere dicere appareat. Nec causanti pupillo sic tutor irascatur umquam ut non remaneant amoris vestigia et sacra quaedam patris eius memoria. Iam quo modo contra abdicantem patrem, querentem uxorem agi causam oporteret in libro, ut arbitror, septimo dixi. Quando etiam ipsos loqui, quando etiam advocati voce uti deceat quartus liber, in quo prohoemii praecepta sunt, continet.

60 Esse et in verbis quod deceat aut turpe sit nemini dubium est. Unum iam igitur huic loco, quod est sane sum-

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<sup>50</sup> *FOR* p. 549. See on 6.1.43, 10.1.22.

<sup>51</sup> I.e. the mental incapacity which is the ground for applying for a trustee.

<sup>52</sup> 7.4.24.

<sup>53</sup> 4.1.45–46.

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point to make in any accusation is to show that we did not want to undertake it. I therefore strongly disapprove of the remark of Cassius Severus: "Thank heaven, I am still alive; and, to make me glad to be alive, I see Asprenas on trial."<sup>50</sup> After this, it is impossible to suppose that he had any just or necessary reason for having brought the man to trial; one can only think he took some sort of pleasure in prosecuting him.

But apart from this point, which applies generally, there are some Causes which demand a special kind of moderation. Thus a man who calls for the appointment of a trustee for his father's property must show grief at his father's illness;<sup>51</sup> and, however grave the charges that a father is going to bring against his son, he must demonstrate that the necessity of doing so is very wretched for him, and he must show this not only in a few words but by the whole tone of his speech, so that it is evident that he is not only saying this but saying it sincerely. Again, a guardian must not be so angry with a ward who brings an action against him as to leave no room for traces of affection and for respect for the memory of the ward's father. I spoke (I think in Book Seven)<sup>52</sup> of how to conduct a case against a father who disowns his son or a wife who complains of ill-treatment. Book Four, which includes rules for the Prooemium, deals with the question of when the parties should speak for themselves and when an advocate should speak for them.<sup>53</sup>

### *Some difficult problems*

No one doubts that propriety and offensiveness are also features of *words*. So only one further point, though it

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- mae difficultatis, adiciendum videtur, quibus modis ea quae sunt natura parum speciosa, quaeque non dicere si utrumlibet esset liberum maluissemus, non tamen sint indecora dicentibus. Quid asperiores habere frontem potest aut quid aures hominum magis respuunt quam cum est filio filiive advocatis in matrem perorandum? Aliquando tamen necesse est, ut in causa Cluenti Habiti, sed non semper illa via qua contra Sasiam Cicero usus est, non quia non ille optime, sed quia plurimum refert qua in re et quo modo laedat. Itaque illa, cum filii caput palam impugnaret, fortiter fuit repellenda: duo tamen, quae sola supererant, divine Cicero servavit, primum ne oblivisceretur reverentiae quae parentibus debetur, deinde ut repetitis altius causis diligentissime ostenderet quam id quod erat in matrem dicturus non oporteret modo fieri sed etiam necesse esset. Primaque haec expositio fuit, quamquam ad praesentem quaestionem nihil pertinebat: adeo in causa difficili atque perplexa nihil prius intuendum credidit quam quid deceret. Fecit itaque nomen parentis non filio invidiosum sed ipsi in quam dicebatur.
- 64 Potest tamen aliquando mater et in re levioere aut minus infeste contra filium stare: tum lenior atque summissior decebit oratio. Nam et satisfaciendo aut nostram minuemus invidiam aut etiam in diversum eam transferemus, et, si graviter dolere filium palam fuerit, credetur abesse ab eo

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<sup>54</sup> *Pro Cluentio* 12–16.

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is admittedly a very difficult one, needs to be addressed here: how can things which are naturally unattractive, and which we should have preferred not to mention had there been a free choice, still be spoken of without breach of decorum? What can have a more repugnant appearance, or produce more antipathy in an audience, than for a son, or his advocates, to have to deliver a peroration against his mother? Yet this must sometimes be done, as in the case of Cluentius Habitus, but not always in the way that Cicero chose to attack Sasia;<sup>54</sup> I say this not because he did not do it very well, but because what makes most difference is what the injury is, and how it is inflicted. Sasia had to be repelled with strong methods, because she sought openly to destroy her son. But there were just two angles left which Cicero, with his superhuman skill, was able to address successfully: first, not to forget the reverence due to parents; secondly, after going right back into the motives, to show with great thoroughness that it was not only right but essential that his coming attack on the mother should be made. This explanation was given first, although it had no relevance to the immediate Question: so important did Cicero think it that, in a difficult and complicated case, the very first thing to consider was what was becoming. He therefore made the prejudice aroused by the word “mother” fall not on the son but on the woman against whom his speech was directed.

It may sometimes happen however that a mother opposes a son over a less serious matter, and with less hostility. In that case, a gentler and more restrained tone will be appropriate. We should (1) minimize the prejudice against us, or even shift it on to the other side, by making an apology, and (2), if the son’s deep distress is obvious, cause him



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65 culpam fietque ultro miserabilis. Avertere quoque in alios crimen decet, ut fraude aliquorum concita credatur, et omnia nos passuros, nihil aspere dicturos testandum, ut etiam si non possumus conviciari<sup>9</sup> nolle videamur. Etiam, si quid obiciendum erit, officium est patroni ut id filio invito sed fide cogente facere credatur: ita poterit uterque laudari.

66 Quod de matre dixi, de utroque parente accipiendum est: nam inter patres etiam filiosque, cum intervenisset emancipatio, litigatum scio. In aliis quoque propinquitatibus custodiendum est ut inviti et necessario et parce iudicemur dixisse, magis autem aut minus ut cuique personae debetur reverentia. Eadem pro libertis adversus patronos observantia. Et ut semel plura complectar, numquam decebit sic adversus tales agere personas quo modo contra nos agi ab hominibus condicionis eiusdem iniquo animo tulissemus.

67 Praestatur hoc aliquando etiam dignationibus, ut libertatis nostrae ratio reddatur, ne quis nos aut petulantes in laedendis eis aut etiam ambitiosos putet. Itaque Cicero, quamquam erat in Cottam gravissime dicturus neque aliter agi P. Oppi causa poterat, longa tamen praefatione  
68 excusavit officii sui necessitatem. Aliquando etiam inferio-

<sup>9</sup> <non> conviciari *edd.*

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<sup>55</sup> Or, reading <non> conviciari, "even if it is impossible for us not to attack her." <sup>56</sup> I.e. if the son has been freed from the father's *potestas* (no one *in potestate* could own or acquire property, or inherit); an example from Q.'s period is that of the son of Regulus who was emancipated so that he could inherit from his mother (Pliny, *Epist.* 4.2). See in general Crook (1967) 107–111.

to be held blameless and become an object of pity in his own right. It is quite proper also to shift the blame on to others, and suggest that the mother's action was instigated by their dishonesty. We must testify also that we will put up with anything, and say nothing harsh, so that, even if it is in fact impossible for us to attack her,<sup>55</sup> we still give the impression that it is our *choice* not to do so. Indeed, if a charge has to be made, the advocate's business is to see that this is believed to be done against the son's wishes, but because of the demands of his own professional integrity.

What I have said about a mother should be taken as applying to both parents, for litigation between fathers and sons does, I know, take place, if there has been an act of emancipation.<sup>56</sup> With other family relationships, too, we must take care to be thought reluctant to speak, and to do so only out of necessity, and with forbearance—though this applies in varying degrees, according to the respect due to particular individuals. Pleading for a freedman against his patron requires the same restraint. In fact, if I may cover the various cases with a single formula, it can never be becoming to plead against such persons in a way which we should have resented if it had been adopted against ourselves by an opponent in the same relationship.

It is sometimes also a courtesy to persons of high rank to give some justification for freedom of speech, so as to avoid being considered insolent in attacking them, or perhaps even as seeking publicity. Thus Cicero intended to speak very strongly against Cotta (there was no other way of pleading Publius Oppius' Cause), but he devoted a long prefatory passage to excusing the necessity under which

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ribus praecipueque adolescentulis parcere aut videri decet. Utitur hac moderatione Cicero pro Caelio contra Atratinum, ut eum non inimice corripere sed paene patrie monere videatur: nam et nobilis et iuvenis et non iniusto dolore venerat ad accusandum.

Sed in his quidem, in quibus vel iudici vel etiam adsistentibus ratio nostrae moderationis probari debet, minor est labor: illic plus difficultatis ubi ipsos contra quos dicimus veremur offendere. Duae simul huius modi personae  
 69 Ciceroni pro Murena dicenti obstiterunt, M. Catonis Servique Sulpici. Quam decenter tamen Sulpicio, cum omnes concessisset virtutes, scientiam petendi consulatus ademit! Quid enim aliud esset quo se victum homo nobilis et iuris antistes magis ferret? Ut vero rationem defensionis suae reddidit, cum se studuisse petitioni Sulpici contra honorem Murenae, non idem debere accusationi contra caput diceret! Quam molli autem articulo tractavit Catonem!  
 70 Cuius naturam summe admiratus non ipsius vitio sed Stoicae sectae quibusdam in rebus factam duriores videri volebat, ut inter eos non forensem contentionem sed studiosam disputationem crederes incidisse. Haec est profecto ratio et (<quod est><sup>10</sup> certissimum praeceptorum genus) illius viri observatio, ut, cum aliquid detrahere salva gratia velis, concedas alia omnia: in hoc solo vel minus peritum  
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<sup>10</sup> *add. D.A.R.*

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<sup>57</sup> Cicero, *Fr. orat.* III 9 Schoell (Crawford (1994) p. 29).

<sup>58</sup> Caelius had prosecuted Atratinus' father: see R. G. Austin, *Pro Caelio* (1952) 152–155.

<sup>59</sup> *Pro Murena* 15–24.

<sup>60</sup> *Ibid.* 60–66.

his duty had placed him.<sup>57</sup> Sometimes, again, it becomes us to spare (or to seem to spare) our inferiors, and especially the very young. Cicero illustrates this moderation in his treatment of Atratinus in *Pro Caelio*, where he seems not to be attacking him as an enemy but admonishing him almost like a father. Atratinus was of noble birth and young, and had a perfectly good grievance to justify the prosecution.<sup>58</sup>

The task is comparatively easy when it is to the judge or indeed to the audience that we have to give proof of our moderation. It is more difficult when we are fearful of offending our opponents. Cicero in defending Murena had two such persons opposed to him at the same time, Marcus Cato and Servius Sulpicius. And yet how appropriately, after granting Sulpicius every virtue, does he proceed to deny him the understanding of how to run for the consulship!<sup>59</sup> What else could make it easier for an aristocrat and a leading lawyer to admit defeat? And how skilfully did Cicero give his reasons for defending his client, when he said that, while he supported Sulpicius' candidature against Murena's political advancement, he did not therefore feel obliged to uphold an accusation which threatened his life and status! And with what a delicate touch did he handle Cato! He had the highest regard for Cato's character, and wanted it to appear that its new hardness in some respects was the fault not of Cato himself but of the Stoic school; you might think you had lighted on a learned disputation between them, not an argument in court!<sup>60</sup> So the principle, and Cicero's own practice (<which is> the surest kind of rule), is that if you want to disparage a man in some respect, and yet keep his good will, you should grant him everything else, and then say that there is just one thing in

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72 quam in ceteris (adiecta, si potuerit fieri, etiam causa cur id ita sit) vel paulo pertinaciorum vel credulum vel iratum vel inpulsum ab aliis. Hoc enim commune remedium est, ut<sup>11</sup> tota actione aequaliter appareat non honor modo eius sed etiam caritas. Praeterea causa sit nobis iusta sic dicendi,<sup>12</sup> neque id moderate tantum faciamus sed etiam necessario.

73 Diversum ab hoc, sed facilius, cum hominum aut alioqui turpium aut nobis inuisorum quaedam facta laudanda sunt: decet enim rem ipsam probare in qualicumque persona. Dixit Cicero pro Gabinio et P. Vatinius, inimicissimis antea sibi hominibus et in quos orationes etiam scripserat, verum et iusta sic faciendi <causa non defuit et dicere potuit><sup>13</sup> non se de ingenii fama sed de fide esse sollicitum.

74 Difficilior ei ratio in iudicio Cluentiano fuit, cum Scamandrum necesse haberet dicere nocentem, cuius egerat causam. Verum id elegantissime cum eorum a quibus ad se perductus esset precibus, tum etiam adulescentia sua excusat, detracturus alioqui plurimum auctoritatis sibi, incausa praesertim suspecta, si eum se esse qui temere nocentis reos susciperet fateretur.

75 Apud iudicem vero qui aut erit inimicus alioqui aut

<sup>11</sup> *Becher*: nisi G: si *Regius*      <sup>12</sup> *recc.*: sit dicendi G.: [sit] detrahendi (or <male> dicendi) *D.A.R.*

<sup>13</sup> *suppl. D.A.R., e.g.*: ut iusta sic faciendi <esset ratio> *Radermacher, after Halm and Schenkl* ('so that he had a good reason for so doing')

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<sup>61</sup> Cicero attacked Gabinius in *De provinciis consularibus* (58 BC), but was induced by Pompey to defend him in 54 (*Fr. orat. D II Schoell*).

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which he is either less skilful than in other things—giving a reason, if possible, why this is so—or else a trifle obstinate, or too trusting, or angry, or under the influence of others. The general remedy, of course, is to make not only respect for him but also affection equally apparent throughout the speech. We must also have a good reason for adopting this tone, and then do so not only with moderation, but because it is necessary.

There is a different, but easier, problem when we have to praise some actions of persons who are otherwise disreputable or hateful to us. Whatever the character of the person, it is becoming to approve the action. Cicero defended Gabinius<sup>61</sup> and Publius Vatinius,<sup>62</sup> formerly his bitter enemies, against whom he had even written speeches; but <he had a> good <reason> for doing so, <and he could say> that he was concerned for his duty to his clients and not for his reputation as a speaker. He had a more difficult problem in the trial of Cluentius, because he had to proclaim the guilt of Scamander, whose Cause he had previously pleaded.<sup>63</sup> But he excuses this very elegantly by stressing both the pressure he had been put under by those who had made him do it, and his own youth at the time; otherwise, he would have seriously damaged his authority, especially in such a dubious case, if he had admitted to being the sort of advocate who would lightly take on the defence of a guilty man.

When we are appearing before a judge who is in any

<sup>62</sup> See *Fr. orat.* XVII Schoell, Crawford (1994) pp. 301–310. Cicero's volte-face was due to Caesar (*Ad fam.* 1.9.19). The text of our passage is defective; the suggested supplement is only one possibility.

<sup>63</sup> *Pro Cluentio* 49–55.

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- propter aliquod commodum a causa quam nos suscepimus aversus, ut persuadendi ardua est ratio, ita dicendi expeditissima: fiducia enim iustitiae eius et nostrae causae nihil nos timere simulabimus. Ipse erit gloria in flandus, ut tanto clarior eius futura sit fides ac religio in pronuntiando
- 76 quanto minus vel offensae vel utilitati suae indulserit. Hoc et apud eos a quibus appellatum erit, si forte ad eosdem remitteremur: adicienda ratio vel necessitatis alicuius, si id causa concedit, vel erroris vel suspicionis. Tutissimum ergo paenitentiae confessio et satisfactio culpaе, perducendusque omni modo iudex ad irae pudorem.
- 77 Accidit etiam nonnumquam ut ea de causa de qua pronuntiavit cognoscat iterum. Tum illud quidem commune: apud alium nos iudicem disputaturos de illius sententia non fuisse, neque enim emendari ab alio quam ipso fas esse: ceterum ex causa, ut quaeque permittet, aut ignorata quaedam aut defuisse testes aut, quod timidissime et si nihil aliud plane fuerit dicendum est, patronos non suffecisse succurret. Etiam si apud alios iudices agetur, ut in
- 78 secunda adsertione aut in centumviralibus iudiciis duplicibus, parte victa decentius erit, quotiens contigerit, servare iudicium pudorem: de qua re latius probationum loco dictum est.

Potest evenire ut in aliis reprehendenda sint quae ipsi

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<sup>64</sup> See on 5.2.1.

<sup>65</sup> 5.2.

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case hostile, or else unfavourably disposed to the case we have undertaken because of some personal interest, the technique of persuasion may be difficult, but the technique of speaking is quite straightforward: we shall simply pretend that we have confidence in his justice and in our Cause, and so have no fears. His vanity must be given a boost, by pointing out that his reputation for integrity and scrupulous decisions will be enhanced by his not indulging prejudice or personal interest. This applies also if we are referred back to judges from whose decision we have appealed: we should explain ourselves on grounds either of necessity (if the Cause admits this) or of some mistake or suspicion. The safest course therefore will be to admit regret, apologize for the fault, and try by every means to make the judge ashamed of his anger.

It sometimes happens also that a judge has to try a second time a case on which he has previously given judgement. The general procedure then is to say that we would not have disputed his judgement before another judge, because he himself is the only person who could properly correct it. In particular cases, however, as circumstances allow, it will occur to us to point out that some facts had been unknown, some witnesses missing, or the advocates incompetent (this last is to be said with great diffidence and only if there is absolutely no alternative). Again, if we have to plead before fresh judges (as in a second trial in a claim for freedom, or in cases involving two panels in the centumviral court),<sup>64</sup> and if we lose at the first hearing, the proper thing is to spare the blushes of the original judges whenever that can be done. I have dealt with this at length in the context of Proofs.<sup>65</sup>

Circumstances may require us to censure in others



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79 fecerimus, ut obicit Tubero Ligario quod in Africa fuerit et ambitus quidam damnati recuperandae dignitatis gratia reos eiusdem criminis detulerunt, ut in scholis luxuriantem patrem luxuriosus ipse iuuenis accusat. Id quo modo decenter fieri possit equidem non inuenio nisi aliquid reperitur quod intersit, persona aetas tempus causa locus

80 animus. Tubero iuuenem se patri haesisse, illum a senatu missum non ad bellum sed ad frumentum coemendum ait, ut primum licuerit a partibus recessisse:<sup>14</sup> Ligarium et perseverasse et non pro Cn. Pompeio, inter quem et Caesarem dignitatis fuerit contentio, cum salvam uterque rem publicam vellet, sed pro Iuba atque Afris inimicissimis populo Romano stetisse.

81 Ceterum vel facillimum est ibi alienam culpam incusare ubi fateris tuam: verum id iam indicis est, non actoris. Quod si nulla contingit excusatio, sola colorem habet paenitentia. Potest enim videri satis emendatus qui in odium

82 eorum in quibus erraverat ipse conversus est. Sunt enim casus quidam qui hoc natura ipsa rei non indecens faciant, ut cum pater ex <meretrice natum, quod duxerit><sup>15</sup> mere-

<sup>14</sup> recessisse <se> *Kiderlin*

<sup>15</sup> *suppl. edd.*

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<sup>66</sup> See 10.1.22; *ORF* p. 528.

<sup>67</sup> Under the *lex Iulia de ambitu*, a convicted offender who convicts another has his status restored, but does not recover the fine he has himself paid: *Digest* 48.14.1. The law was a dead letter under the principate, but (as so often) Q. has the classic age of Cicero in mind (see *Pro Cluentio* 98).

<sup>68</sup> This would be paradoxical; *luxuria* (dissolute life) could indeed be a ground of *abdicatio*; but (*Declamationes minores* 346)

things we have done ourselves. For example, Tubero charges Ligarius with having been in Africa;<sup>66</sup> persons condemned for electoral bribery have denounced others for the same offence in order to recover their own status;<sup>67</sup> and, in the schools, a dissolute youth accuses his father of dissolute behaviour.<sup>68</sup> I do not see how this can be done in a decorous fashion unless we can find some distinguishing feature—character, age, occasion, motive, place, frame of mind. Tubero says that he went as a young man accompanying his father, who had been sent by the senate not to make war but to buy corn, and abandoned their side as soon as he could,<sup>69</sup> whereas Ligarius stayed there, and took the side not of Pompey (whose struggle against Caesar was for personal status, because both of them wished to preserve the state) but of Juba and the Africans, the bitter enemies of the Roman people.

It is anyway very easy to denounce somebody else's fault at the same time as you confess your own; but that is what an informer does, not an advocate. If there is no excuse available, only repentance has any plausibility, since a man who has come to be disgusted with his own previous errors may be regarded as sufficiently reformed. There are in fact circumstances which, in the nature of the case, make this not unbecoming: for example, when a father disowns a son <whom he had by a prostitute, because the son

the declaimers often assumed a law according to which the only action that a son could bring against a father was for madness (*dementia*).

<sup>69</sup> If Kiderlin's <*se*> is added, it is the son, not the father, who is said to have abandoned the Pompeian party.

- tricem in matrimonium, abdicat: scholastica materia, sed non <quae in foro non><sup>16</sup> possit accidere. Hic igitur multa non deformiter dicet: vel quod omnium sit votum parentum ut honestiores quam sint ipsi liberos habeant (nam et, si filia nata, meretrix eam mater pudicam esse voluisset), vel quod humilior ipse fuerit (licuit enim huic<sup>17</sup> ducere),  
 83 vel quod non habuerit patrem qui moneret: quin eo minus id faciendum filio fuisse, ne renovaret domus pudorem et exprobraret patri nuptias, matri prioris vitae necessitatem, ne denique legem quandam suis quoque [sum]<sup>18</sup> liberis daret. Credibilis erit etiam propria quaedam in illa meretrice turpitudine, quam nunc hic pater ferre non possit. Alia praetereo: neque enim nunc declamamus, sed ostendimus nonnumquam posse dicentem ipsis incommodis bene uti.
- 84 Illic maior aestus ubi quis pudenda queritur, ut stuprum, praecipue in maribus, aut os profanatum. Non dico si loquatur ipse: nam quid aliud ei quam gemitus aut fletus et execratio vitae conveniat, ut iudex intellegat potius dolorem illum quam audiat? Sed patrono quoque per similes adfectus eundum erit, quia hoc iniuriae genus  
 85 verecundius est <fateri><sup>19</sup> passis quam ausis. Mollienda est in plerisque aliquo colore asperitas orationis, ut Cicero de

<sup>16</sup> *suppl. Spalding*

<sup>17</sup> *licuit enim huic Spalding: licet enim hoc G*

<sup>18</sup> *del. Gertz: rursum Halm: perhaps sequendam ('to be followed')* D.A.R.

<sup>19</sup> *add. Halm*

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<sup>70</sup> See *Declamationes minores* 330, Calpurnius Flaccus 37, for scenarios in which father and son are both dissolute livers (*luxuriosi*) and quarrel over their mistresses.

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has now married > a prostitute;<sup>70</sup> this is a theme from the schools, but it is not <one that might not occur in court>. There are many things the father can say here with perfect decency: that it is the prayer of all parents to have children better than themselves (if a daughter had been born, her prostitute mother would have wanted her to be chaste); that he himself was of humble status (it was allowable in him to marry a prostitute); that he had no father to advise him; that the son was all the more obliged not to take this step, so as not to revive the family scandal, reproach his father with *his* marriage, or his mother with the necessities of *her* former life, or indeed set a pattern for his own children also to follow. A plausible touch may also be found in some specially disgraceful feature of this particular prostitute, which the father cannot now tolerate. I pass over other possibilities: I am not composing a declamation now, but only showing that a speaker can sometimes turn even drawbacks to his advantage.

The embarrassment is greater when someone complains of a shameful act like rape (especially male rape) or oral sexual abuse. I do not mean cases where the victim himself speaks: for what could he appropriately do but groan and weep and curse life, so that the judge understands his distress rather than is told what it is? But the victim's advocate too will have to go through a similar range of emotions, because <the admission of> such wrongs is more embarrassing to the victim than to the criminal. The harshness of one's language here needs in many cases to be softened by some special gloss, as Cicero does in his speech on

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proscriptorum liberis fecit. Quid enim crudelius quam homines honestis parentibus ac maioribus natos a re publica summoveri? Itaque durum id esse summus ille tractandorum animorum artifex confitetur, sed ita legibus Sullae cohaerere statum civitatis adfirmat ut iis solutis stare ipsa non possit. Consecutus itaque est ut aliquid eorum quoque causa videretur facere contra quos diceret.

- 86 Illud etiam in iocis monui, quam turpis esset fortunae insectatio, et ne in totos ordines aut gentes aut populos petulantia incurreret. Sed interim fides patrocini cogit quaedam de universo genere aliquorum hominum dicere, libertinorum vel militum vel publicanorum vel similiter  
87 aliorum. In quibus omnibus commune remedium est ut ea quae laedunt non libenter tractare videaris, nec in omnia impetum facias sed in id quod expugnandum est, et reprehensa aliqua<sup>20</sup> laude compenses. [si] Cupidos <milites><sup>21</sup>  
88 dicas: sed non mirum, quod periculorum ac sanguinis maiora sibi deberi praemia putent; eosdem petulantes: sed hoc fieri quod bellis magis quam paci consuerint. Libertinis detrahenda est auctoritas: licet iis testimonium reddere  
89 industriae per quam exierint de servitute. Quod ad nationes exteras pertinet, Cicero varie: detracturus Graecis testibus fidem, doctrinam his concedit ac litteras seque eius gentis amatorem esse profitetur; Sardos contemnit, Allo-

<sup>20</sup> *Halm*: alia *G*: *del. Winterbottom*

<sup>21</sup> [si] *del. M.W.*: <milites> *add. edd.*

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<sup>71</sup> *Fr. orat. XI* Schoell (= pp. 201–207 Crawford). Sulla had debarred from public office the children of persons proscribed under his regime; Cicero in 63 BC resisted an attempt to reverse this

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the children of the proscribed.<sup>71</sup> What could be more cruel than that the offspring of honourable parents and ancestors should be banned from public life? For this reason, that great master of the manipulation of minds admits that this is hard, but says that the constitution is so closely bound up with the laws of Sulla that it could not survive their repeal. He thus succeeded in seeming to do something to help even those against whom he was speaking.

I pointed out in dealing with jokes<sup>72</sup> how mean it is to attack people's fortune, and that we ought not to extend insults to whole classes, nations, or peoples. Sometimes, however, the advocate's duty forces him to say something about a class of people as a whole: freedmen, soldiers, tax farmers, or other similar groups. In all these cases, the general remedy is to appear unwilling to touch offensive topics, not to attack everything indiscriminately, but only the real target, and to balance blame by giving some praise. Suppose you say <soldiers> are greedy: add that it is no wonder, because they think they are owed greater rewards for incurring danger and bloodshed; if you say they are insolent, add that this is because they are more used to war than to peace. Suppose we have to disparage the influence of freedmen: we can give them credit for the efforts which brought them out of slavery. As to foreign nations, Cicero's practice varies. If he is to discredit Greek witnesses, he grants them learning and literature, and says he is a lover of Greece.<sup>73</sup> Sardinians on the other hand he despises,<sup>74</sup> the Allobroges he attacks as the enemies of

rule, on the ground that they might be a danger to the state as magistrates. <sup>72</sup> 6.3.28.

<sup>73</sup> See *Pro Flacco* 62.

<sup>74</sup> See *Pro Scauro* 30.

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brogas ut hostis insectatur: quorum nihil tunc cum diceretur parum aptum aut remotum a cura decoris fuit.

90 Verborum etiam moderatione detrahi solet si qua est rei invidia: si asperum dicas nimium severum, iniustum persuasione labi, pertinacem ultra modum tenacem esse propositi: plerumque vero<sup>22</sup> ipsos coneris ratione vincere, quod est mollissimum.

91 Indecorum est super haec omne nimium, ideoque etiam quod natura rei satis aptum est, nisi modo quoque temperatur, gratiam perdit. Cuius rei observatio iudicio magis quodam sentiri quam praeceptis tradi potest: quantum satis sit et quantum recipiant aures non habet certam mensuram<sup>23</sup> et quasi pondus, quia <ut> in cibus [his]<sup>24</sup> alia alios<sup>25</sup> magis complent.

92 Adiciendum etiam breviter videtur quo fiat ut dicendi virtutes diversissimae non solum suos amatores habeant sed ab eisdem saepe laudentur. Nam Cicero quodam loco scribit id esse optimum quod, cum<sup>26</sup> facile credideris consequi imitatione, non possis, alio vero non id egisse ut ita diceret quo modo se quilibet posse confideret, sed quo  
93 modo nemo. Quae possunt<sup>27</sup> pugnare inter se videri, verum utrumque, ac merito, laudatur: causarum enim modo distat, quia simplicitas illa et velut securitas inadfectatae

<sup>22</sup> *Winterbottom*: velut G

<sup>23</sup> habet certam mensuram

*Winterbottom after recc.*: haberet remansuram G

<sup>24</sup> ut in cibus *Regius*: in cybus his G

<sup>25</sup> *D.A.R.*: aliis G

<sup>26</sup> *Gertz*: non G

<sup>27</sup> Quae possunt *Winterbottom*: quod potem G: quod potest *edd.*

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<sup>75</sup> See *Pro Fonteio* 21, 26.

<sup>76</sup> *Orator* 76 (on the restrained style).

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Rome.<sup>75</sup> None of these remarks, at the time it was made, was inappropriate or showed disregard for propriety.

Again, objectionable aspects of the subject are often toned down by using moderate words: you can say a brutal character is “too severe,” an unjust man is “misled by prejudice,” an obstinate man “sticks too much to his own standards.” Very often, however, you should try to be more reasonable than the other side: this is certainly the gentlest way.

In addition to all this, anything which goes too far is a breach of decorum: and this is why even what is naturally suitable enough to the situation loses its appeal if it is not also measured and restrained. Observance of this principle is more a matter of instinctive judgement than of teachable rules; how much is enough and how much the hearer will accept cannot be precisely calculated and weighed, as it were; as with food, people vary in the amount they can tolerate of various things.

I feel I should add a brief explanation of how it comes about that very different rhetorical virtues not only have their devotees but are often praised by the same persons. Cicero writes in one place<sup>76</sup> that the best writing is what you think you can easily imitate but find that you cannot, and in another<sup>77</sup> that his aim was not to speak in a way that everyone felt confident of achieving, but in one that no one did. These statements may seem to contradict each other. But they are both rightly praised. The difference lies in the type of Cause. The simplicity and apparent casualness of

<sup>77</sup> Ibid. 97 (on the grand and emotional style). Q. reconciles the two statements by saying that they relate to different types of Cause.



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orationis mire tenuis causas decet, maioribus illud admirabile dicendi genus magis convenit. In utroque eminent Cicero: ex quibus alterum imperiti se posse consequi credent, neutrum qui intellegunt.

### 2

- 1 Memoriam quidam naturae modo esse munus existimaverunt, estque in ea non dubie plurimum, sed ipsa excolendo sicut alia omnia augetur: et totus de quo diximus adhuc inanis est labor nisi ceterae partes hoc velut spiritu continentur. Nam et omnis disciplina memoria constat, frustra que docemur si quidquid audimus praeterfluat, et exemplorum, legum, responsorum, dictorum denique factorumque velut quasdam copias, quibus abundare quasque in promptu semper habere debet orator, eadem illa vis praesentat: neque inmerito thesaurus hic eloquentiae dicitur.
- 2 Sed non firme tantum continere verum etiam cito percipere multa acturos oportet, nec quae scripseris modo iterata lectione complecti, sed in cogitatis quoque rerum ac verborum contextum sequi, et quae sint ab adversa parte dicta meminisse, nec utique eo quo dicta sunt ordine refutare sed opportunis locis ponere. Quin extemporalis oratio non alio mihi videtur mentis vigore constare. Nam dum
- 3

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<sup>1</sup> Compare Plato, *Phaedrus* 276d3; Chrysippus, *SVF* 2.56 (*μνήμη θησαυρισμὸς οὐσα φαντασιῶν*, "memory being a treasury of impressions"); Cicero, *De oratore* 1.18 (*thesauro rerum omnium*, "a treasury of everything").

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unaffected language suits cases of minor importance extremely well, whereas the style we all wonder at fits the more momentous ones better. Cicero excels in both. The inexperienced will think they can master one of them; the understanding know that they can do neither.

### CHAPTER 2

#### *Memory*

Some have regarded Memory as simply a gift of Nature, and no doubt it does depend mostly on this. But like everything else, it is improved by cultivation. All the effort I have described up to now is futile unless the other parts are held together, as it were, by this animating principle. All learning depends on memory, and teaching is in vain if everything we hear slips away. It is this capacity too that makes available to us the reserves of examples, laws, rulings, sayings, and facts which the orator must possess in abundance and have always at his finger-tips. It is with good reason that it has been called the Treasury of Eloquence.<sup>1</sup>

But when you are going to plead you must not only hold many things firmly in mind, but apprehend them quickly. It is not enough to keep hold of what you have written by reading it over and over again; you must also follow the chain of facts and words contained in what you have thought out, remember everything that has been said by the other side, and refute it, not necessarily in the order in which it was said, but arranging it as is most advantageous. Even impromptu eloquence rests, it seems to me, on this same power of the mind. While we are saying one thing,

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alia dicimus, quae dicturi sumus intuenda sunt: ita cum semper cogitatio ultra eat, id quod est longius quaerit, quidquid autem repperit quodam modo apud memoriam deponit, quod illa quasi media quaedam manus acceptum ab inventione tradit elocutioni.

- 4 Non arbitror autem mihi in hoc inmorandum, quid sit quod memoriam faciat, quamquam plerique inprimi quaedam vestigia animo, velut in ceris anulorum signa serventur, existimant. Neque ero tam credulus ut †quam habitu tardiolem firmiolemque memoriam fieri et actem quoque
- 5 ad animum pertinere.<sup>†1</sup> Magis admirari naturam subit, tot res vetustas tanto ex intervallo repetitas reddere se et offerre, nec tantum requirentibus sed sponte interim, nec
- 6 vigilantibus sed etiam quiete compositis: eo magis quod illa quoque animalia quae carere intellectu videntur meminere et agnoscunt et quamlibet longo itinere deducta ad adsuetas sibi sedes revertuntur. Quid? non haec varietas mira est, excidere proxima, vetera inhaerere, hesternorum
- 7 inmemores acta pueritiae recordari? Quid quod quaedam requisita se occultant et eadem forte succurrunt, nec manet semper memoria, sed aliquando etiam redit? Nesciretur tamen quanta vis esset eius, quanta divi-

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<sup>1</sup> No convincing reconstruction is available. See note on page 342

<sup>2</sup> Plato, *Theaetetus* 191c–195a. Cicero rejects this model in *Tusculanae Disputationes* 1.60–61, a passage Q. certainly had in mind here.

<sup>3</sup> See text note.

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we have to be looking to what we are to say next, and so, as thought is always going on ahead, it is always seeking something further away, and whatever it finds it commits to the care of Memory, which thus acts as a sort of intermediary, and hands on to Elocution what it receives from Invention.

I do not think I need to dwell on the question of what produces Memory. Many hold, however, that certain traces are impressed upon the mind, in the way that the mark of a signet persists in the wax.<sup>2</sup> Nor shall I be so credulous as <to believe that> the memory which <I know> becomes slower and more secure as a result of habit . . . the mind also.<sup>3</sup> My inclination is rather to wonder at nature, that so many old facts, revived after so long, present themselves to us once again, not only when we call them up, but sometimes spontaneously, and not only when we are awake but also when we are quietly resting. And I marvel all the more because even those animals which seem to lack understanding nevertheless remember, recognize, and return to their accustomed homes, however far they have been taken from them. Again, is it not an extraordinary contrast that recent events slip out of our minds while older ones remain, and we forget what happened yesterday but remember events of our boyhood? Think too of the way in which some things hide themselves away when we try to recall them, and then come to mind quite by chance! Or the way in which Memory does not always remain with us, but sometimes goes and then comes back! Yet we should never have known how great is its power and its

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- 8 nitas illa, nisi [in]<sup>2</sup> hoc lumen orandi extulisset. Non enim rerum modo sed etiam verborum ordinem praestat, nec ea pauca contextit sed durat prope in infinitum, et in longissimis actionibus prius audiendi patientia quam memoriae
- 9 fides deficit. Quod et ipsum argumentum est subesse artem aliquam iuvarique ratione naturam, cum idem [indocti]<sup>3</sup> facere illud indocti inexercitati non possimus. Quamquam invenio apud Platonem obstare memoriae usum litterarum, videlicet quoniam illa quae scriptis reposuimus velut custodire desinimus et ipsa securitate dimitimus.
- 10 Nec dubium est quin plurimum in hac parte valeat mentis intentio et velut acies luminum a prospectu rerum quas intuetur non aversa; unde accidit ut quae per plures dies scribimus ediscenda sint, cogitatio res<sup>4</sup> ipsa contineat.
- 11 Artem autem memoriae primus ostendisse dicitur Simonides Cius.<sup>5</sup> Vulgata fabula est: cum pugili coronato carmen, quale componi victoribus solet, mercede pacta scripsisset, abnegatam ei pecuniae partem quod more poetis frequentissimo degressus in laudes Castoris ac Pollucis exierat: quapropter partem ab iis petere quorum fac-

<sup>2</sup> in *del. Obrecht*: orandi <vim> *Regius* ('brought the force of oratory forth into this light')

<sup>3</sup> *del. Winterbottom*: docti *recc.*

<sup>4</sup> cogitatio res *Gertz*: cogitaciones G      <sup>5</sup> *Gertz*: cuius G

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<sup>4</sup> I.e. the divinity of memory is shown by her raising up the great light of eloquence for us: compare Lucretius 3.1, on the "divine" achievement of Epicurus: *tam clarum extollere lumen qui primus potuisti* ("you who were the first who could raise up so bright a light"). <sup>5</sup> *Phaedrus* 275A.

<sup>6</sup> See D. A. Campbell in *LCL Greek Lyric* III, pp. 373–378.

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divinity, had it not raised the light of eloquence on high.<sup>4</sup> For it is Memory that ensures not only the order of our thoughts but that of our words too, nor does it simply string a few words together, but continues unimpaired almost infinitely; even in the longest pleadings the patience of the audience flags sooner than the speaker's trusty memory. This is itself an argument that there is some art underlying it, and that nature is assisted by reason, because we cannot do this without teaching and practice. I find in Plato,<sup>5</sup> however, that the use of letters is a hindrance to Memory, presumably because we cease to keep hold of what we have committed to writing, and allow it to escape since we feel so sure of it. There is no doubt that the most important factor in Memory is mental concentration, a sharp eye, as it were, never diverted from the object of its gaze. This is why what we spend several days writing out has to be learned by heart, whereas the process of mental preparation automatically retains its contents.

### *The "Art" of Memory*

The first person to have made public an Art of Memory is said to have been Simonides of Ceos.<sup>6</sup> The story is well known. He had composed a victory ode of the customary kind for a boxer who had won the crown. The price had been agreed, but part of it was withheld because Simonides, following the common poetical practice, had digressed into an encomium of Castor and Pollux.<sup>7</sup> He was told to ask for the balance of his fee from those whose

<sup>7</sup> A natural theme in the circumstances, given that Pollux (Polydeuces) was the great boxer.

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ta celebrasset iuebatur. Et persolverunt, ut traditum est:  
12 nam cum esset grande convivium in honorem eiusdem  
victoriae atque adhibitus ei cenae Simonides, nuntio est  
excitus, quod eum duo iuvenes equis advecti desiderare  
maiores in modum dicebantur. Et illos quidem non inven-  
13 nit, fuisse tamen gratos erga se deos exitu comperit. Nam  
vix eo ultra limen egresso triclinium illud supra convivas  
corrui, atque ita confudit ut non ora modo oppressorum  
sed membra etiam omnia requirentes ad sepulturam propin-  
qui nulla nota possent discernere. Tum Simonides dicitur  
14 memor ordinis quo quisque discubuerat corpora suis  
reddidisse. Est autem magna inter auctores dissensio,  
Glaucione Carystio an Leocrati an Agatharcho an Scopae  
scriptum sit id carmen, et Pharsali fuerit haec domus, ut  
ipse quodam loco significare Simonides videtur utque  
Apollodorus et Eratosthenes et Euphorion et Larissaeus  
Eurypylus tradiderunt, an Crannone, ut Apollas <et> Cal-  
limachus,<sup>6</sup> quem secutus Cicero hanc famam latius fudit.  
15 Scopam nobilem Thessalum perisse in eo convivio constat,  
adicitur sororis eius filius, putant et ortos plerosque

<sup>6</sup> <et> Callimachus *Bentley*: Callimachus *Schneider*

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<sup>8</sup> Cicero, *De oratore* 2.351–353. Q. here gives an unusual display of grammatical learning. Glaucus of Carystus was a Euboean victor (Demosthenes, *On the Crown* 319). Leocrates may be the fifth-century Athenian general who dedicated a statue to Hermes (*Anthologia Palatina* 6.144, a poem said to be by Simonides). Agatharchus was an Olympic victor in 536. The Scopadae were the ruling family of Crannon. Apollodorus of Athens (*FGrHist* 244 F 67), Eratosthenes of Cyrene (*FGrHist* 241 F 34) and Euphorion of Chalcis (see 10.1.56) are great figures of Alexan-

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deeds he had celebrated. And, according to the story, they did indeed pay. A great banquet was held to honour the victory and Simonides was invited, but he was called out of the room by a message that two young men on horseback were said to be asking for him urgently. There were no young men to be found, but he realized from what happened next that the gods were grateful to him. For scarcely had he left the building, when the dining hall collapsed on to the heads of the diners, and so crushed them that the relatives who looked for the bodies for burial could not identify their faces or even their limbs by any marks. Then, it is said, Simonides, who remembered the order in which they had all been sitting, restored the bodies to their respective families. There is however great disagreement among our authorities whether the poem was written for Glaucus of Carystus, Leocrates, Agatharchus, or Scopas, and whether the house was at Pharsalus (as Simonides himself seems to indicate in one passage, and as Apollodorus, Eratosthenes, Euphorion, and Eurypylus of Larissa all say) or at Crannon, as according to Apollas <and> Callimachus, whom Cicero followed when he popularized the story.<sup>8</sup> It is agreed that the Thessalian nobleman Scopas perished at the banquet, his sister's son is also mentioned, and (it is thought) several descendants of an

drian scholarship. Eurypylus of Larissa is unknown. It is Q. who tells us that Simonides' poem set the scene at Crannon (see D. L. Page, *Poetae Melici Graeci* 509–510). The reference to Callimachus is to *Aitia* fr. 64 Pfeiffer (but note that D. A. Campbell, loc. cit., prefers the reading *Callimachus*, making Apollas a “Callimachean”). Apollas or Apelles of Pontus (*FrGrHist* 226 F 6) wrote on Delphi, and apparently on other antiquarian topics.



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16 ab alio Scopa qui maior aetate fuerit. Quamquam mihi totum de Tyndaridis fabulosum videtur, neque omnino huius rei meminit umquam poeta ipse, profecto non taciturus de tanta sua gloria.

17 Ex hoc Simonidis facto notatum videtur iuvari memoriam signatis animo sedibus, idque credet suo quisque experimento. Nam cum in loca aliqua post tempus reversi sumus, non ipsa agnoscimus tantum sed etiam quae in iis fecerimus reminiscimur, personaeque subeunt, nonnumquam tacitae quoque cogitationes in mentem revertuntur.

18 Nata est igitur, ut in plerisque, ars ab experimento. Loca discunt<sup>7</sup> quam maxime spatiosa, multa varietate signata, domum forte magnam et in multos diductam recessus. In ea quidquid notabile est animo diligenter adfigunt, ut sine cunctatione ac mora partis eius omnis cogitatio possit percurrere. Et primus hic labor est, non haerere in occurso: plus enim quam firma debet esse memoria quae aliam  
19 memoriam adiuvet. Tum quae scripserunt vel cogitatione complectuntur aliquo signo quo moneantur notant, quod esse vel ex re tota potest, ut de navigatione, militia, vel ex verbo aliquo: nam etiam excidentibus unius admonitione verbi in memoriam reponuntur.

20 Sit autem signum navigationis ut ancora, militiae ut aliquid ex armis. Haec ita digerunt: primum sensum vestibulo quasi adsignant, secundum (puta) atrio, tum in pluvia circumeunt, nec cubiculis modo aut exhedris, sed status etiam similibusque per ordinem committunt. Hoc facto,

<sup>7</sup> ediscunt *Murgia*: deligunt *Spalding*

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<sup>9</sup> Compare Aristotle, *Metaphysics* A1, 981a1–12.

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elder Scopas. However, I regard the whole episode of the Tyndarids as mythical, and the poet himself nowhere mentions it, though he would surely not have kept silent on an affair so glorious to himself.

This exploit of Simonides seems to have led to the observation that memory can be assisted if localities are impressed upon the mind. Everyone will believe this from his own experience. When we return to a certain place after an interval, we not only recognize it but remember what we did there, persons are recalled, and sometimes even unspoken thoughts come back to mind. So, as usual, Art was born of Experience.<sup>9</sup> Students learn Sites (*loca*) which are as extensive as possible and are marked by a variety of objects, perhaps a large house divided into many separate areas. They carefully fix in their mind everything there which is notable, so that their thoughts can run over all the parts of it without any hesitation or delay. The first task is to make sure that it all comes to mind without any hold-up, because a memory which is to help another memory has to be something more than secure. The next stage is to mark what they have written or are mentally preparing with some sign which will jog their memory. This may be based on the subject as a whole (on navigation or warfare, for example) or on a word, because even people who lose the thread of what they are saying can have their memory put back on track by the cue of a single word.

Let us suppose a symbol of navigation, such as an anchor, or of warfare, such as a weapon. Then this is how they arrange it. They place the first idea, as it were, in the vestibule, the second, let us say, in the atrium, and then they go round the open areas, assigning ideas systematically not only to bedrooms and bays, but to statues and the like. This

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cum est repetenda memoria, incipiunt ab initio loca haec recensere, et quod cuique crediderunt reposcunt, ut eorum imagine admonentur. Ita, quamlibet multa sint quorum meminisse oporteat, fiunt singula †necaeta quodam coria onerant†<sup>8</sup> coniungentes prioribus consequentia solo ediscendi labore.

21 Quod de domo dixi, et in operibus publicis et in itinere longo et urbium ambitu et picturis fieri potest. Etiam fingere sibi has regiones<sup>9</sup> licet.

Opus est ergo locis quae vel finguntur vel sumuntur, et imaginibus vel simulacris, quae utique fingenda sunt. Imagines voco quibus ea quae ediscenda sunt notamus, ut, quo modo Cicero dicit, locis pro cera, simulacris pro litteris  
 22 utamur. Illud quoque ad verbum ponere optimum fuerit: 'locis est utendum multis, inlustribus, explicatis, modicis intervallis: imaginibus autem agentibus, acribus, insignitis, quae occurrere celeriterque percutere animum possint.' Quo magis miror quo modo Metrodorus in XII signis per quae sol meat trecenos et sexagenos invenerit locos. Vanitas nimirum fuit atque iactatio circa memoriam suam potius arte quam natura glorientis.

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<sup>8</sup> *An unsolved corruption: I have translated conexa (recc.) quodam corio (choro recc., edd.), ne errent (recc.: nec errant Bonnell, nec onerant Winterbottom, i.e. 'and are not a burden to those who try to connect . . .')*      <sup>9</sup> *Winterbottom: imagines G*

<sup>10</sup> See text note. I take *corio* to mean something like a shell or outer skin (*OLD* s.v. 3); but reconstruction is very uncertain, and editors usually prefer the other emendation *choro*, which makes the things to be remembered partners in a dance; 9.4.129 is adduced for comparison, but not helpfully. The image remains obscure.

done, when they have to revive the memory, they begin to go over these Sites from the beginning, calling in whatever they deposited with each of them, as the images remind them. Thus, however many things have to be remembered, they become a single item, held together as it were by a sort of outer shell,<sup>10</sup> so that speakers do not make mistakes (?) by trying to connect what follows with what goes before by the sole effort of learning by heart.

What I said about a house can be done also with public buildings, a long road, a town perambulation, or pictures. One can even invent these settings for oneself.

So one needs (1) Sites, which may be invented or taken from reality, (2) Images or Symbols, which we must of course invent. By Images I mean the aids we use to mark what we have to learn by heart; as Cicero says,<sup>11</sup> we use the Sites as our wax tablet, the Symbols as our letters. It may be best to quote him verbatim: "The Sites we adopt should be numerous, well lit, clearly defined, and at moderate intervals; the Images effective, sharp, distinctive, and such as can come to mind and make a quick impression." This makes me wonder all the more how Metrodorus<sup>12</sup> found 360 Sites in the twelve Signs of the Zodiac. No doubt this was vanity and ostentation in a man who, where memory was concerned, took more pride in his art than in his natural powers.

<sup>11</sup> *De oratore* 2.358.

<sup>12</sup> Of Scepsis, Academic philosopher (Cicero, op. cit. 360; also *Tusculanae Disputationes* 1.59). His system involved memorizing 30 places in each of the 12 signs of the Zodiac, i.e. one for each degree.

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23 Equidem haec ad quaedam prodesse non negaverim, ut si rerum nomina multa per ordinem audita reddenda sint. Namque in iis quae didicerunt locis ponunt res illas: mensam, ut hoc utar, in vestibulo et pulpitum<sup>10</sup> in atrio et  
 24 sic cetera, deinde relegentes inveniunt ubi posuerunt. Et forsitan hoc sunt adiuti qui auctione dimissa quid cuique vendidissent testibus argentariorum tabulis reddiderunt, quod praestitisse Q. Hortensium dicunt. Minus idem proderit in ediscendis quae orationis perpetuae erunt: nam et sensus non eandem imaginem quam res habent, cum alterum fingendum sit; et horum tamen utcumque commonet locus, sicut sermonis alicuius habiti: verborum contextus  
 25 eadem arte quo modo comprehendetur? Mitto quod quaedam nullis simulacris significari possunt, ut certe coniunctiones. Habeamus enim sane, ut qui notis scribunt, certas imagines omnium et loca scilicet infinita, per quae verba quot sunt in quinque contra Verrem secundae actionis libris explicentur, meminerimus etiam omnium quasi depositorum: nonne impediri quoque dicendi cursum necesse  
 26 est duplici memoriae cura? Nam quo modo poterunt copulata fluere si propter singula verba ad singulas formas respiciendum erit? Qua re et Charmadas et Scepsius de quo modo dixi Metrodorus, quos Cicero dicit usos hac exercitatione, sibi habeant sua: nos simpliciora tradamus.

<sup>10</sup> *Bonnell*: populum G

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<sup>13</sup> Compare Seneca, *Controversiae* 1 *praef.* 19. Hortensius' memory was famous (Cicero, *Brutus* 301).

<sup>14</sup> See 11.2.22; *De oratore* 2.360, 1.84–93, *Tusculanae Disputationes* 1.59; Pliny, *Nat. Hist.* 7.89 also regards Charmadas as one specially gifted with natural memory.

I do not wish to deny that these processes are useful for some purposes, for example if we have to recall many names of things in the same order as we have heard them. Our experts then set them in the Sites they have learned: a table (for example) in the vestibule, a platform in the atrium, and so on; then, retracing their steps, they find them where they have put them. This may well have been an aid to those who, at the end of a sale, repeated what they had sold to each buyer, precisely as the cashiers' records testified. Quintus Hortensius is said to have performed this feat.<sup>13</sup> But the technique will be less useful for learning by heart what is to be a continuous speech. For on the one hand, *ideas* do not have the same images as objects, since we always have to invent a separate sign for them, but a Site may none the less somehow remind us of them, as it may of a conversation held there; on the other hand, how can a *verbal structure* be grasped by this art? I say nothing of the fact that there are some words which cannot be represented by any Symbols, for example Conjunctions. For suppose that, like shorthand writers, we have definite Images for all these things and (of course) infinite Sites for them—enough to have room for all the words in the five books of the second pleading against Verres!—and suppose we remember them all, as if they were safe in the bank: will not the run of our speech actually be held up by this double effort of memorizing? How can we produce a continuous flow of words if we have to refer to a distinct Symbol for every individual word? So Charmadas<sup>14</sup> and Metrodorus of Scepsis, whom I mentioned just now, both of whom Cicero tells us made use of this sort of training, may be left to their own devices. Let our business be to give some simpler advice.

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27 Si longior complectenda memoria fuerit oratio, proderit per partes ediscere (laborat enim maxime onere); sed hae partes non sint perexiguæ, alioqui rursus multae erunt et eam dstringent atque concident. Nec utique certum imperaverim modum, sed maxime ut quisque finietur locus, ni forte tam numerosus ut ipse quoque dividi debeat.

28 Dandi sunt certi quidam termini, ut contextum verborum, qui est difficillimus, continua et crebra meditatio, partis deinceps ipsas repetitus ordo coniungat. Non est inutile iis quae difficilius haereant aliquas adponere notas, quarum recordatio commoneat et quasi excitet memoriam:

29 nemo enim erit<sup>11</sup> tam infelix ut quod cuique loco signum destinaverit nesciat. At si erit tardus ad hoc, eo quoque adhuc remedio utatur, ut ipsae notae (hoc enim est ex illa arte non inutile) aptentur ad eos qui excidunt sensus, ancora, ut supra proposui, si de nave dicendum est, spiculum si de proelio. Multum enim signa faciunt, et ex alia memoria venit alia, ut cum tralatus anulus vel alligatus commoneat nos cur id fecerimus. Haec magis adhuc adstringunt qui memoriam ab aliquo simili transferunt ad id quod continendum est: ut in nominibus, si Fabius forte sit tenendus, referamus ad illum Cunctatorem, qui excidere non potest, aut ad aliquem amicum qui idem vocetur.

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<sup>11</sup> *D.A.R. after Kiderlin: fere G*

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<sup>15</sup> The Punic War general who checked Hannibal and saved Rome by "delaying."

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### *Practical advice*

If a longish speech has to be held in the memory, it will be best to learn it section by section (memory suffers most by being overburdened), but these sections should not be too small, or there will be a lot of them, and they will distract and fragment the memory. I do not want to lay down a definite length, but, if possible, the sections should coincide with the ends of topics, unless a topic is so complex that it needs to be subdivided. Some well-defined stopping points should be established, so that the sequence of the words (which is the most difficult thing) is assured by continuous and frequent revision, and the sequence of the parts by the repeated recall of the order. If some things do not stick easily in the mind, it is quite useful to attach some marks to them, the recall of which will warn and jog the memory. No one surely will be so ill-endowed as not to remember what Symbol he has assigned to any given passage. But if a student is slow at this, let him use the further device (which is quite a useful contribution of the Art of Memory!) of suiting his marks to the ideas which he is liable to forget—an anchor, as I suggested, if he has to speak about a ship, or a javelin if it is about a battle. Symbols are very effective, and one memory leads to another—just as a ring put on a different finger or tied with a thread reminds us why we did these things. These Symbols acquire even more binding force when people transfer memory from some similar object to the item which has to be remembered. Take names for example: if we have to remember the name Fabius, let us think of the famous Cunctator,<sup>15</sup> whom we cannot possibly forget, or of some personal friend of the same name. This is easier with names like



31 Quod est facilius in Apris et in Ursis et Nasone aut Crispo, ut id memoriae adfigatur unde sunt nomina. Origo quoque aliquando declinatorum tenendi magis causa est, ut in Cicerone, Verrio, Aurelio. Sed hoc miserim.<sup>12</sup>

32 Illud neminem non iuvabit, isdem quibus scripserit ceris ediscere. Sequitur enim vestigiis quibusdam memoriam et velut oculis intuetur non paginas modo sed versus prope ipsos, estque cum dicit similis legenti. Iam vero si litura aut adiectio aliqua atque mutatio interveniat, signa sunt quaedam quae intuentes deerrare non possumus.

33 Haec<sup>13</sup> ratio, ut est illi de qua primum locutus sum arti non dissimilis, ita, si quid me experimenta docuerunt, et expeditior et potentior.

Ediscere tacite (nam id quoque est quaesitum) erat optimum si non subirent velut otiosum animum plerumque aliae cogitationes, propter quas excitandus est voce, ut duplici motu iuvetur memoria dicendi et audiendi. Sed haec vox sit modica et magis murmur.

34 Qui autem legente alio ediscit in parte tardatur, quod acrior est oculorum quam aurium sensus, in parte iuvari potest, quod, cum semel aut bis audierit, continuo illi memoriam suam experiri licet et cum legente contendere. Nam et alioqui id maxime faciendum est, ut nos subinde

<sup>12</sup> *Halm*: misceri *G*: miseri *F* (i.e. such puns (haec *Zumpt* for hoc) are characteristic of a poor mind. Cf. 8 prooem. 28, 9.4.112)

<sup>13</sup> *Gallaeus*: est *G*

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<sup>16</sup> Boar, Bear, Nosy, Curly.

<sup>17</sup> *Cicer*, "chickpea"; *verres*, "boar"; Aurelius from *auris*, "ear" (?) (the only known ancient etymology (Maltby 1990, 67) however relates the name, in the form *Auseli*us, to *sol*, "sun").

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Aper, Ursus, Naso, or Crispus,<sup>16</sup> where we can fix in our memory the origin of the name. Origin is also sometimes a means of remembering derived names better, such as Cicero, Verrius, or Aurelius.<sup>17</sup> But I prefer to pass over this.

Something that every student will find useful is to learn by heart from the same tablets on which he wrote the speech. He thus pursues his memory along a trail, as it were, and sees in his mind's eye not only the pages but almost the actual lines: and so, when he speaks, he is almost in the position of a person reading aloud. And if we come to an erasure or some addition and alteration, these are a sort of signal, the sight of which prevents us from going wrong. This system, while it bears some resemblance to the Art which I began by describing, is, if my experience has taught me anything, both quicker and more effective.

Learning by heart silently—this again is something which has been discussed—would be ideal, were it not that other thoughts often invade the unoccupied mind, which therefore needs to be kept on the alert by the voice, so that memory can be assisted by the double activity of speaking and listening. But the voice should be subdued, more of a mumble.

Learning by heart from someone else reading aloud is in part a slower process, because the eyes are quicker than the ears, and in part possibly easier, because, when we have heard a passage once or twice, we can test our memory instantly and compete with the reader. It is important in any case to test ourselves from time to time, because

35 temptemus, quia continua lectio et quae magis et quae minus haerent aequaliter transit. In experiendo teneasne et maior intentio est et nihil supervacui temporis perit quo etiam quae tenemus repeti solent: ita sola quae exciderunt retractantur, ut crebra iteratione firmentur, quamquam solent hoc ipso maxime haerere, quod exciderunt. Illud ediscendo scribendoque commune est, utrique plurimum conferre bonam valetudinem, digestum cibum, animum cogitationibus aliis liberum.

36 Verum et in iis quae scripsimus complectendis multum valent et in iis quae cogitamus continendis prope solae, excepta quae potentissima est exercitatione, divisio et compositio. Nam qui recte diviserit, numquam poterit in  
37 rerum ordine errare: certa sunt enim non solum in digerendis quaestionibus sed etiam in exequendis, si modo recte dicimus, prima ac secunda et deinceps, cohaeretque omnis rerum copulatio, ut ei nihil neque subtrahi sine  
38 manifesto intellectu neque inseri possit. An vero Scaevola in lusu duodecim scriptorum, cum prior calculum promississet essetque victus, dum rus tendit repetito totius certaminis ordine, quo dato errasset recordatus, rediit ad eum quocum luserat, isque ita factum esse confessus est: minus idem ordo valebit in oratione, praesertim totus nostro arbitrio constitutus, cum tantum ille valeat alternus?

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<sup>18</sup> A game with dice and pieces to be moved, at which Scaevola was adept (Cicero, *De oratore* 1.217). See R. G. Austin, *Greece and Rome* 4 (1934) 24–34, 76–82; *RE* XIII. 1979–1985; R. P. M. Green, *Works of Ausonius* (1991) 332 (on *Professores* 1.25).

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continuous reading passes at the same speed over passages which stick in the mind and those which do not. In testing whether you retain something, you employ greater concentration without wasting the extra time usually spent on going over also what is already known. On this method, only the forgotten parts are revised, with a view to fixing them by frequent repetition—though the mere fact that we forgot them often makes them stick particularly well. Learning by heart and writing have in common that both are greatly assisted by good health, good digestion, and a mind free of other distractions.

But it is Division and Composition which are important factors in memorizing what we have written, and almost uniquely important factors (apart of course from practice, which is the most potent of all) in helping to retain what we compose mentally. The man who has got his Division right will never be able to make mistakes in the order of his ideas. This is because what comes first, second, and so on, not only in the original layout of the Questions but in their development, provides fixed points (if, of course, our speech follows the straightforward order), and the entire structure thus hangs together so that nothing can be removed or inserted without this becoming obvious. Scaevola, who had been playing Twelve Rows,<sup>18</sup> and had been beaten despite having made the first move, went over the whole course of the game on his way to his country estate, remembered where he had gone wrong, and returned to his opponent, who admitted that that was what had happened! How then can order be any less important in a speech, where it is wholly determined by our own decision, when it is so important in a game where you only make one decision in two?

- 39 Etiam quae bene composita erunt memoriam serie sua ducent: nam sicut facilius versus ediscimus quam prorsam orationem, ita prorsae vineta quam dissoluta. Sic contigit ut etiam quae ex tempore videbantur effusa ad verbum repetita reddantur. Quod meae quoque memoriae mediocritatem sequebatur, si quando interventus aliquorum qui hunc honorem mererentur iterare declamationis partem coegisset. Nec est mendacio locus, salvis qui interfuerunt.
- 40 Si quis tamen unam maximamque a me artem memoriae quaerat, exercitatio est et labor: multa ediscere, multa cogitare, et si fieri potest cotidie, potentissimum est: nihil aequae vel augetur cura vel negligentia intercidit.
- 41 Quare et pueri statim, ut praecepi, quam plurima ediscant, et quaecumque aetas operam iuvandae studio memoriae dabit devoret initio taedium illud et scripta et lecta saepius revolvendi et quasi eundem cibum remandendi. Quod ipsum hoc fieri potest levius si pauca primum et quae odium non adferant coeperimus ediscere, tum cotidie adicere singulos versus, quorum accessio labori sensum incrementi non adferat, in summam ad infinitum usque perveniat, et poetica prius, tum oratorum, novissime etiam solutiora numeris et magis ab usu dicendi remota, qualia sunt iuris consultorum. Difficiliora enim debent esse quae exercent
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<sup>19</sup> 1.1.36, 2.7.1.

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Furthermore, good Composition will guide Memory by means of its own patterns. As it is easier to learn verse by heart than prose, so it is easier to learn rhythmical prose than non-rhythmical. This has made it possible even for passages which seemed to be the outpourings of improvisation to be repeated verbatim. Even my own limited powers of memory could achieve this, if I was ever forced to repeat part of a declamation by the late arrival of persons who had a claim to this courtesy. (There is no room for me to lie about this, because some of those who were present are still living.)

However, if I am asked what is the one great art of Memory, the answer is “practice and effort”: the most important thing is to learn a lot by heart and think a lot out without writing, if possible every day. No other faculty is so much developed by practice or so much impaired by neglect. And so not only should children (as I recommended)<sup>19</sup> learn as much as possible by heart from the beginning, but students of any age who are concerned to improve their memory by study should be willing to swallow the initially wearisome business of repeating over and over again what they have written or read, and as it were chewing over the same old food. This can be less burdensome if we start by learning a few things at a time, those which do not bore us, and then put the amount up by a line a day, an addition which will not produce any sense of increased work, but will ultimately lead to powers of memory that know no limits. Poetry should be learned first, then oratory, and finally passages which are without rhythmical structure and more remote from oratorical speech, such as the prose of the lawyers. The tasks set for exercise need to be more difficult, so as to make the final object of the exer-

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quo sit levius ipsum illud in quod exercent, ut athletae ponderibus plumbeis adsuefaciunt manus, quibus vacuis et nudis in certamine utendum est.

Non omittam etiam, quod cotidianis experimentis deprenditur, minime fidelem esse paulo tardioribus ingeniis recentem memoriam.

43 Mirum dictu est, nec in promptu ratio, quantum nox interposita adferat firmitatis, sive requiescit labor ille, cuius sibi ipsa fatigatio obstabat, sive maturatur atque concoquitur, quae firmissima eius pars est, recordatio; quae statim referri non poterant, contexuntur postera die, confirmatque memoriam idem illud tempus quod esse in causa solet oblivionis. Etiam illa praevelox fere cito effluit, et, velut  
44 praesenti officio functa nihil in posterum debeat, tamquam dimissa discedit. Nec est mirum magis haerere animo quae diutius adfixa sint.

Ex hac ingeniorum diversitate nata dubitatio est, ad verbum sit ediscendum dicturis, an vim modo rerum atque ordinem complecti satis sit: de quo sine dubio non potest  
45 in universum pronuntiari. Nam si memoria suffragatur, tempus non defuit,<sup>14</sup> nulla me velim syllaba effugiat (alioqui etiam scribere sit supervacuum): idque praecipue a pueris optinendum atque in hanc consuetudinem memoria exercitatione redigenda, ne nobis discamus ignoscere. Ideoque et admoneri et ad libellum respicere vitiosum,

<sup>14</sup> deficit *or* defuerit *M.W.*

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<sup>20</sup> Weights (*ἀλτήρες*, lit. "jumpers") were used both to help jumping and more generally in exercises to strengthen arms and hands; Philostratus, *Gymnasticus* 55.

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cise easier—on the same principle that athletes accustom their hands to leaden weights, though they will be bare and empty when they come to use them in the actual contest.<sup>20</sup>

I must not omit the fact, revealed by our daily experience, that slower minds have a less reliable memory for recent events.

It is amazing to see—and there is no ready explanation for this—how a single intervening night can firm up the memory, either because the actual effort of remembering, the fatigue of which was self-defeating, is now removed, or because recollection (which is the most enduring part of memory) matures and ripens. Anyway, things which could not at first be recalled fall into place the following day, and the hours which are generally responsible for our forgetting in this case strengthen memory. Again, your very quick memory soon melts away; present duty done, as it were, and with no future obligations, it takes its leave and is off. It is not surprising, of course, that things which took longer to fix themselves in the mind have more chance of sticking.

This diversity of natural ability has given rise to a doubt whether, before making a speech, one should learn it by heart word for word, or whether it is enough simply to grasp the essentials of the facts and their order. Of course, no universal rule can be laid down. If Memory supports me, and time has not been lacking, I should prefer not to let a single syllable escape me (on any other view, writing would be superfluous too). This accuracy must particularly be insisted on from childhood, and the memory disciplined then by exercise to get accustomed to it, so that we do not learn to find excuses for ourselves. This is why to be prompted or to look at the book is a fault, because it autho-



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46 quod libertatem negligentiae facit; nec quisquam se parum tenere iudicat quod ne sibi excidat non timet. Inde interruptus actionis impetus et resistens ac salebrosa oratio: et qui dicit ediscenti similis etiam omnem bene scriptorum gratiam perdit, vel hoc ipso quod scripsisse se confitetur.

47 Memoria autem facit etiam prompti ingeni famam, ut illa quae dicimus non domo attulisse sed ibi protinus sumpsisse videamur, quod et oratori et ipsi causae plurimum confert: nam et magis miratur et minus timet iudex quae non putat adversus se praeparata.

Idque in actionibus inter praecipua servandum est, ut quaedam etiam quae optime vinximus velut soluta enuntiemus, et cogitantibus nonnumquam et dubitantibus similes quaerere videamur quae attulimus.

48 Ergo quid sit optimum neminem fugit. Si vero aut memoria natura durior erit aut non suffragabitur tempus, etiam inutile erit ad omnia se verba alligare, cum oblivio unius eorum cuiuslibet aut deformem haesitationem aut etiam silentium inducat,<sup>15</sup> tutiusque multo comprehensis animo rebus ipsis libertatem sibi eloquendi relinquere.

49 Nam et invitus perdit quisque id quod elegerat verbum, nec facile reponit aliud dum id quod scripserat quaerit. Sed ne hoc quidem infirmae memoriae remedium est nisi in iis qui sibi facultatem aliquam dicendi ex tempore paraverunt. Quod si cui utrumque defuerit, huic omittere omnino totum actionum laborem, ac si quid in litteris valet ad

<sup>15</sup> *recc.*: indicat *B*

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rizes carelessness; everyone thinks he has mastered something thoroughly if he has no fear of forgetting it. The consequence of these bad habits is an interruption in the swing of the delivery, and a halting and jerky style. A man who speaks as though he has learnt his speech by heart loses also all the charm of good writing, because he confesses by his manner that he has written it.

On the other hand, Memory also gives a reputation for quickness of wit, so that we are believed to have made the speech up on the spot, instead of bringing it ready made from home; and this impression is very valuable both to the orator and to the Cause, because the judge admires more, and fears less, things which he does not suspect of having been prepared in advance to outwit him.

Another very important point to observe in pleadings is to deliver even some of our best rhythmical passages as though they were non-rhythmical, and sometimes to give the impression of searching for phrases which in fact we had ready, as though we were thinking things out and hesitating.

So everyone can see what the ideal is. If however your memory is naturally dull, or if time is not available, it will be useless to tie yourself down to every word, since forgetting just one word will bring on shameful hesitation or even reduce you to silence. It is much safer to get a good grasp of the bare facts and then leave yourself freedom in expressing them. Everyone is reluctant to waste a word he had chosen, and finds it difficult to put another in its place while he is hunting for what he had written. Yet even this remedy for a weak memory is available only to people who have acquired some facility for extempore speaking. For anyone who lacks both of these powers, my advice will be

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scribendum potius suadebo convertere: sed haec rara infelicitas erit.

- 50 Ceterum quantum natura studioque valeat memoria vel Themistocles testis, quem unum intra annum optime locutum esse Persice constat, vel Mithridates, cui duas et viginti linguas, quot nationibus imperabat, traditur notas fuisse, vel Crassus ille dives, qui cum Asiae praeesset quinque Graeci sermonis differentias sic tenuit ut qua quisque apud eum lingua postulasset eadem ius sibi redditum ferret, vel Cyrus, quem omnium militum tenuisse creditum
- 51 est nomina: quin semel auditos quamlibet multos versus protinus dicitur reddidisse Theodectes. Dicebantur etiam nunc esse qui facerent, sed mihi numquam ut ipse interesset contigit: habenda tamen fides est vel in hoc, ut qui crediderit et speret.

### 3

- 1 Pronuntiatio a plerisque actio dicitur, sed prius nomen a voce, sequens a gestu videtur accipere. Namque actionem Cicero alias 'quasi sermonem,' alias 'eloquentiam quandam corporis' dicit. Idem tamen duas eius partis facit,

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<sup>21</sup> See Thucydides 1.138.1; Nepos, *Themistocles* 2.10; Plutarch, *Themistocles* 29.5; Valerius Maximus 8.7 ext. 15. These accounts vary a good deal.

<sup>22</sup> Compare, e.g., Aulus Gellius 17.17, Valerius Maximus 8.7 ext. 16. Cleopatra is also said to have needed no interpreters (Plutarch, *Antony* 27.3–4). It is interesting that Q. regards these linguistic achievements as a function of memory.

<sup>23</sup> Compare Valerius Maximus 8.7.6. The five dialects will be Attic, Ionic, Doric, Aeolic, and the "common dialect" (κοινή).

## BOOK 11.3

to give up pleading altogether, and, if he has any literary talent, turn it to writing. But this poverty of talent will be uncommon.

How much aptitude and application can do for memory is proved by Themistocles, who is known to have spoken excellent Persian within one year;<sup>21</sup> by Mithridates<sup>22</sup> who is said to have known twenty-two languages, as many as the nations over whom he ruled; by Crassus the Rich, who, as governor of Asia, had such mastery of the five dialects of Greek that he would give judgement in whatever language the case had been put forward;<sup>23</sup> and by Cyrus, who is believed to have known the names of all his soldiers.<sup>24</sup> Theodectes<sup>25</sup> too is said to have repeated off the cuff any number of verses which he had heard once. There were said to be people in our own time who could do this, but I never had the good fortune to witness it. We ought to believe it, however, simply because believing it gives us hope.

## CHAPTER 3

### *Delivery*

*Pronuntiatio* is called *actio* by many people. It seems to have acquired the first name from its voice-element, the second from its element of gesture. Cicero<sup>1</sup> in one passage calls *actio* a “sort of language,” and in another “a kind of el-

<sup>24</sup> Valerius Maximus 8.7 ext. 16. Xenophon’s Cyrus also makes a point of addressing subordinates by name: e.g. *Cyropaedia* 2.2.28, 4.1.3. <sup>25</sup> See on 2.15.10, and compare Cicero, *Tusculanae Disputationes* 1.59. Theodectes may well have been an innovator in *memoria technica*: Blum (1969) 88–91.

<sup>1</sup> *De oratore* 3.222, *Orator* 55.

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quae sunt eadem pronuntiationis, vocem atque motum: quapropter utraque appellatione indifferenter uti licet.

2 Habet autem res ipsa miram quandam in orationibus vim ac potestatem: neque enim tam refert qualia sint quae intra nosmet ipsos composuimus quam quo modo efferantur: nam ita quisque ut audit movetur. Quare neque probatio ulla, quae modo venit ab oratore, tam firma est ut non perdat vires suas nisi adiuvatur adseveratione dicentis, <et><sup>1</sup> adfectus omnes languescant necesse est, nisi voce, 3 vultu, totius prope habitu corporis inardescunt. Nam cum haec omnia fecerimus, felices tamen si nostrum illum ignem iudex conceperit, nedum eum supini securique moveamus ac non et ipse nostra oscitatione solvatur.

4 Documento sunt vel scaenici actores, qui et optimis poetarum tantum adiciunt gratiae ut nos infinito<sup>2</sup> magis eadem illa audita quam lecta delectent, et vilissimis etiam quibusdam impetrant aures, ut quibus nullus est in bibliothecis locus sit etiam frequens in theatri. Quod si in rebus 5 quas fictas esse scimus et inanes tantum pronuntiatio potest ut iram lacrimas sollicitudinem adferat, quanto plus valeat necesse est ubi et credimus? Equidem vel medio-crem orationem commendatam viribus actionis adfirmarim plus habituram esse momenti quam optimam eadem 6 illa destitutam: si quidem et Demosthenes, quid esset in toto dicendi opere primum interrogatus, pronuntiationi

<sup>1</sup> *add. edd.*

<sup>2</sup> *recc.*: infinite B

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<sup>2</sup> I.e. no "technical," as opposed to "nontechnical," proof: see 5.1. <sup>3</sup> Compare Cicero, *De oratore* 3.213, *Brutus* 142, *Orator* 56, [Plutarch], *Lives of the Ten Orators* 845B, Longinus, *Art of rhetoric* 195.5–9 Spengel–Hammer.

oquence of the body." None the less, he divides *actio* into two elements, voice and movement, and these are also the elements of *pronuntiatio*. So we are free to use both names indifferently.

The thing itself has an extraordinary force and power in oratory. Indeed, it matters less what sort of things we have composed within ourselves than how we utter them, because people are affected according to what they hear. So there is no Proof—at least no Proof depending on the orator<sup>2</sup>—which is so secure that it does not lose its force unless it is assisted by the assurance of the speaker. Again, all emotions inevitably languish, unless they are kindled into flame by voice, face, and the bearing of virtually the whole body. Even when we have done all this, we shall be lucky if the judge catches our fire; if we sit back and take no trouble, of course, we cannot possibly move him, or stop *our* drowsiness from making *him* lose interest.

Stage actors demonstrate this. They add so much charm to the greatest poets that their productions give us infinitely more pleasure when heard than when read, and at the same time they secure an audience even for some of the poorest, so that authors for whom the libraries have no room may often find a place on the stage. And if Delivery has this power to produce anger, tears, or anxiety over matters which we know to be fictitious and unreal, how much more powerful must it be when we really believe! I have no hesitation in saying that even a mediocre speech, made attractive by the power of Delivery, will carry more weight than the best speech deprived of this help. After all, when Demosthenes<sup>3</sup> was asked what was the most important thing in the whole business of oratory, he gave the prize to

- 7 palmam dedit, eidemque secundum ac tertium locum, donec ab eo quaeri desineret, ut eam videri posset non prae-  
cipuam sed solam iudicasse (ideoque ipse tam diligenter  
apud Andronicum hypocriten studuit ut admirantibus eius  
orationem Rhodiis non inmerito Aeschines dixisse videatur: 'quid si ipsum audissetis?') et M. Cicero unam in di-  
8 cendo actionem dominari putat. Hac Cn. Lentulum plus opinionis consecutum quam eloquentia tradit, eadem C. Gracchum in deflenda fratris nece totius populi Romani lacrimas concitasse, Antonium et Crassum multum valuisse, plurimum vero Q. Hortensium. Cuius rei fides est, quod eius scripta tantum infra famam sunt, qua diu princeps orator, aliquando aemulus Ciceronis existimatus est, novissime, quoad vixit, secundus, ut appareat placuisse aliquid eo dicente quod legentes non invenimus. Et hercule cum valeant multum verba per se et vox propriam vim adiciat rebus et gestus motusque significet aliquid, profecto perfectum quiddam fieri cum omnia coierunt necesse est.
- 9
- 10 Sunt tamen qui rudem illam et qualem impetus cuiusque animi tulit actionem iudicent fortiolem et solam viris dignam, sed non alii fere quam qui etiam in dicendo curam

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4 So [Plutarch], *ibid.* 845A. Plutarch, *Demosthenes* 7 makes Satyrus the actor in question (Satyrus was a comic actor, Andronicus a tragic).

5 Compare Cicero, *De oratore* 3.213. Pliny, *Epist.* 2.3, gives Aeschines' alleged words: τί δέ, εἰ αὐτοῦ τοῦ θηρίου ἠκούσατε; "What if you had heard the beast himself?" The "great speech" is *On the Crown*.

6 *Brutus* 234; this Cn. Lentulus is the consul of 72 BC: *ORF* p. 337.

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Delivery, and he gave it the second and the third place too, until they stopped asking; we must therefore suppose that he thought of it not just as the first faculty needed, but as the only one. (This is why he himself studied with such diligence under the actor Andronicus,<sup>4</sup> that, when the Rhodians admired the written version of his great speech, Aeschines is thought to have said (and very justifiably) “If only you had heard him in person!”)<sup>5</sup> Likewise Cicero: he too thinks that Delivery has a unique dominance in oratory. He tells us that Gnaeus Lentulus got more reputation from this than from his eloquence,<sup>6</sup> that Gaius Gracchus moved the whole Roman people to tears by this means, when he wept for his brother’s death,<sup>7</sup> and that Antonius and Crassus were very strong in this way, but Quintus Hortensius strongest of all.<sup>8</sup> This is supported by the fact that Hortensius’ written works are far from justifying the reputation which caused him to be long regarded as the leading orator, then for a time as Cicero’s rival, and finally, for the rest of his life, as second only to Cicero. There must obviously have been some attractions in his speaking which we do not find when we read him. Indeed, since words are very powerful by themselves, and the voice adds its own contribution to the content, and gestures and movements have a meaning, then, when they all come together, the result must be perfection.

However, there are those who think that raw delivery, such as is produced by the impulse of a person’s feelings, is stronger, and is in fact the only kind worthy of a real man. These are in general the same people who habitually dis-

<sup>7</sup> *De oratore* 3.214.      <sup>8</sup> *Brutus* 141, 158, 303. Cicero’s best tribute to Hortensius is in *Brutus* 319–328.



- et artem et nitorem et quidquid studio paratur ut adfectata et parum naturalia solent improbare, vel qui verborum atque ipsius etiam soni rusticitate, ut L. Cottam dicit Cice-  
 11 ro fecisse, imitationem antiquitatis adfectant. Verum illi persuasione sua fruuntur, qui hominibus ut sint oratores satis putant nasci: nostro labori dent veniam, qui nihil credimus esse perfectum nisi ubi natura cura iuветur. In hoc  
 12 igitur non contumaciter consentio, primas partis esse naturae. Nam certe bene pronuntiare non poterit cui aut in scriptis memoria aut in iis quae subito dicenda erunt facilitas prompta defuerit, nec si inemendabilia oris incommoda obstabunt. Corporis etiam potest esse aliqua tanta de-  
 13 formitas ut nulla arte vincatur. Sed ne vox quidem nisi libera vitiis<sup>3</sup> actionem habere optimam potest. Bona enim firmaque ut volumus uti licet: mala vel inbecilla et inhihet multa, ut insurgere exclamare, et aliqua cogit, ut intermittere<sup>4</sup> et deflectere et rasas fauces ac latus fatigatum deformi cantico reficere. Sed nos de eo nunc loquamur cui non frustra praecipitur.
- 14 Cum sit autem omnis actio, ut dixi, in duas divisa partis, vocem gestumque, quorum alter oculos, altera aures movet, per quos duos sensus omnis ad animum penetrat adfectus, prius est de voce dicere, cui etiam gestus accommodatur.

<sup>3</sup> nisi libera vitiis *Winterbottom*: nisi liberalis *B*: exilis *b*

<sup>4</sup> summittere *B* ('lower')

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<sup>9</sup> *De oratore* 3.42, *Brutus* 137; this L. Aurelius Cotta was tribune in 103 BC.

approve of care, art, polish, and any product of study in oratory, as being affected and unnatural, or who claim to imitate antiquity by a rustic vocabulary or even pronunciation, as Cicero says Lucius Cotta did.<sup>9</sup> Well, let them keep their opinion that to be born is enough to make a man an orator; but I hope they will pardon the efforts of those of us who think that nothing comes to perfection unless nature is assisted by art.<sup>10</sup> Still, as regards Delivery, I am not obstinate: I agree that nature has the main part. Certainly, no one can have a good Delivery who lacks either the power to memorize his written text or a ready facility for speaking impromptu, or who has an incurable speech defect. Some physical deformities also may be beyond the power of art to overcome. Indeed, unless the voice is free of defect, it cannot produce the best Delivery. A good firm voice can be used as we please; a poor or weak one inhibits many effects (for example, a crescendo or a loud cry) and forces us to do things like breaking off, lowering the pitch, or refreshing a hoarse throat or weary lungs by some hideous sing-song. But let us now speak about the person on whom advice is not wasted.

Delivery, taken as a whole, is divided, as I said, into two parts, voice and gesture. One appeals to the eye, the other to the ear, the two senses by which all emotion penetrates to the mind. We must first speak about voice, to which gesture also has to conform.

<sup>10</sup> Compare “Longinus” 2.1: *μία τέχνη πρὸς αὐτὸ τὸ πεφυκέναι*, “the only art to ensure <sublimity> is to be born to it”; *ibid.* 36.4 *ἢ γὰρ ἀλληλουχία τούτων ἴσως γένοιτ’ ἂν τὸ τέλειον*, “The cooperation of these (*sc.* art and nature) may well produce perfection.”

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In ea prima observatio est qualem habeas, secunda quo modo utaris.

15 Natura vocis spectatur quantitate et qualitate. Quantitas simplicior: in summam enim grandis aut exigua est, sed inter has extremitates mediae sunt species et ab ima ad summam ac retro sunt multi gradus. Qualitas magis varia. Nam est et candida et fusca, et plena et exilis, et levis et aspera, et contracta et fusa, et dura et flexibilis, et clara et  
 16 optusa. Spiritus etiam longior breviorque. Nec causas cur quidque eorum accidat persequi proposito operi necessarium est—eorumne sit differentia in quibus aura illa concipitur, an eorum per quae velut organa meat: ipsi propria natura, an prout movetur: lateris pectorisve firmitas an capitis etiam plus adiuvet. Nam opus est omnibus, sicut non oris modo suavitate sed narium quoque, per quas quod superest vocis egeritur, dulcis sit<sup>5</sup> [tamen]<sup>6</sup> non exprobrans<sup>7</sup> sonus.

17 Utendi voce multiplex ratio. Nam praeter illam differentiam quae est tripertita, acutae gravis flexae, tum intensae tum remissae, tum elatis tum inferioribus modis opus  
 18 est, spatiis quoque lentioribus aut citatioribus. Sed his ipsis media interiacent multa, et ut facies, quamquam ex paucissimis constat, infinitam habet differentiam, ita vox, etsi paucas quae nominari possint continet species, propria

<sup>5</sup> *Halm*: esse *B*: esse tamen <debet> *recc*.

<sup>6</sup> *del. Winterbottom*

<sup>7</sup> exprobratus *Murgia*, exprobrandus *M.W.*

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<sup>11</sup> See Aristotle, *De anima* 2.11. 422b28–31 for a similar list of “opposites” in voice-quality.      <sup>12</sup> See on 1.5.22–24.

## BOOK 11.3

### *Quality and use of voice*

The first consideration is the nature of a person's voice, the second its use.

(1) The nature of the voice is seen in terms of volume and quality. Volume is simpler: in brief, the voice is either strong or weak, though there are intermediate kinds between these extremes, and many degrees between the top and the bottom of this scale. Quality is more complex. A voice may be clear or husky, full or thin, smooth or harsh, limited or rich, hard or flexible, resonant or dull.<sup>11</sup> The breathing too may be longer or shorter. It is not necessary for our present purpose to investigate the causes of all these variations—whether the difference lies in the part of the body where the breath is formed, or in the pipes, as it were, through which it passes; whether the voice has a nature of its own or just reacts to movements; and whether strength of lungs or chest or even head does more to help it. All in fact are needed, and not only a sweet oral tone: the sound produced by the nose, through which the residue of the voice is expelled, should also be agreeable and not grating.

(2) The use of the voice has many aspects. Apart from the threefold division into Acute, Grave and Circumflex,<sup>12</sup> we also need intonations which are from time to time intense or relaxed, higher or lower, and in slower or in quicker time. Between these extremes themselves there are many intermediate stages; just as the face, though made up of very few features, possesses infinite variety, so it is with the voice: there are few varieties to which we can give a name, yet every individual has his own special voice,

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cuique est, et non haec minus auribus quam oculis illa dinoscitur.

- 19 Augentur autem sicut omnium, ita vocis quoque bona cura, negligentia vel inscitia<sup>8</sup> minuuntur. Sed cura non eadem oratoribus quae phonascis convenit, tamen multa sunt utrisque communia: firmitas corporis, ne ad spadonum et mulierum et aegrorum exilitatem vox nostra tenuetur, quod ambulatio, unctio, veneris abstinencia, facilis
- 20 ciborum digestio, id est frugalitas, praestat; praeterea ut sint fauces integrae, id est molles ac leves, quarum vitio et frangitur et obscuratur et exasperatur et scinditur vox. Nam ut tibiae eodem spiritu accepto alium clusis alium apertis foraminibus, alium non satis purgatae alium quassae sonum reddunt, ita<sup>9</sup> fauces tumentes strangulant vocem, optusae obscurant, rasae exasperant, convulsae
- 21 fractis sunt organis similes. Finditur etiam spiritus obiectu aliquo, sicut lapillo tenues aquae, quarum cursus<sup>10</sup> etiam si ultra paulum coit, aliquid tamen cavi relinquit post id ipsum quod offenderat. Umor quoque vocem ut nimius impedit, ita consumptus destituit. Nam fatigatio, ut corpora, non ad praesens modo tempus sed etiam in futurum adficit.
- 22 Sed ut communiter et phonascis et oratoribus necessaria est exercitatio, qua omnia convalescunt, ita curae non

<sup>8</sup> vel inscitia J: vel scitia B: *del. b*      <sup>9</sup> b: item B

<sup>10</sup> *Spalding*: spiritus B: impetus *Winterbottom*

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<sup>13</sup> For the use of the *phonascus* (see 2.8.15) to check and correct speech, compare Suetonius, *Augustus* 84, *Nero* 25. Q. here indicates that this teacher must also set an example.

and this distinctiveness is as obvious to the ear as the distinctiveness of the face is to the eye.

The good qualities of the voice, as of everything else, are improved by training and impaired by neglect or lack of knowledge. But the proper regime for the orator is not that of the voice-trainer,<sup>13</sup> though these two professions have many needs in common: first, a robust physique, to save the voice from dwindling to the feeble shrillness of eunuchs, women, and invalids (this can be assured by walking, rubbing with oil, sexual abstinence, and easy digestion—in other words, a frugal life);<sup>14</sup> and secondly, a healthy throat—that is to say a soft and smooth one—for any defect here produces a voice which is broken, muffled, harsh, or cracked. This is because, just as pipes produce various sounds from the same volume of breath, according to whether the apertures are closed or open or the instrument clogged or cracked, so also a swollen throat stifles the voice, a blocked throat muffles it, inflammation makes it hoarse, and strain can disrupt it like a broken set of pipes. The breath may also be divided by some obstacle, as a little stream is by a stone, where the current may indeed reunite a little further on, but leaves an empty space in the rear of the obstacle itself. Excess of moisture impedes the voice; total loss of moisture destroys it. Fatigue affects the voice (as it does the body in general) not only at the moment of exertion, but also later on.

Thus exercise, which gives everything strength, is necessary for voice-trainers and for orators alike; but they need different kinds of regime. A man who is occupied

<sup>14</sup> Compare the advice on the healthy man's regime given by Celsus, *De medicina* 1.1.

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- idem genus est. Nam neque certa tempora ad spatiandum dari possunt tot civilibus officiis occupato, nec praeparare ab imis sonis vocem ad summos nec semper a contentione condere licet, cum pluribus iudiciis saepe dicendum sit.
- 23 Ne ciborum quidem est eadem observatio: non enim tam molli teneraque voce quam forti ac durabili opus est, cum illi omnes etiam altissimos sonos leniant cantu oris, nobis pleraque aspere sint concitateque dicenda et vigilandae noctes et fuligo lucubrationum bibenda et in sudata veste
- 24 durandum. Quare vocem deliciis non molliamus, nec inbuatur ea consuetudine quam desideratura sit, sed exercitatio eius talis sit qualis usus, nec silentio subsidat, sed firmetur consuetudine, qua difficultas omnis levatur.
- 25 Ediscere autem quo exercearis erit optimum (nam ex tempore dicentis avocatur a cura vocis ille qui ex rebus ipsis concipitur adfectus), et ediscere quam maxime varia, quae et clamorem et disputationem et sermonem et flexus
- 26 habeant, ut simul in omnia paremur. Hoc satis est. Alioqui nitida illa et curata vox insolitum laborem recusabit, ut adsueta gymnasiis et oleo corpora, quamlibet sint in suis certaminibus speciosa atque robusta, si militare iter facemque et vigiliis imperes, deficient et quaerant unctores
- 27 suos nudumque sudorem. Illa quidem in hoc opere praecipitur quis ferat, vitandos soles atque ventos et nubila etiam ac siccitates? Ita, si dicendum in sole aut ventoso umido cali-

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<sup>15</sup> Compare Cicero, *De oratore* 1.251.

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with many public duties cannot allot fixed times for going for a walk, or tune his voice through the whole scale from bottom to top or always protect it from strain, because he often has to speak in several trials.<sup>15</sup> Even the dietary rules are different. What we need is not so much a flexible and delicate voice as a strong and durable one; the voice-trainer softens all sounds, even the highest, by his vocal modulation, whereas we often have to speak in harsh, agitated tones, spend wakeful nights, imbibe the soot of midnight lamps, and persevere when our clothes are soaked in sweat. So let us not soften our voice by coddling, nor accustom it to habits which it is going to miss; let its exercise be like its real use; let it not fade away in silence, but be strengthened by habit, by which all difficulties are made easy.

The best thing will be to learn practice passages by heart (because, in extempore speaking, emotional involvement in the actual content is a distraction from the care of the voice) and to learn passages which are as varied as possible, involving shouting, arguing, talking normally, and using the inflexions of the voice, so that we can be prepared for all contingencies by a single exercise. This is enough. If you go further, your beautiful, overtrained voice will refuse any unusual exertion, just as people whose bodies are accustomed to the gymnasias and the oil-treatments, however handsome and strong they are in their specialized sport, would soon give up and ask for their masseurs and a chance to sweat naked, if you ordered them to march with the troops, carry a full pack, and do guard duties. It would surely be intolerable if, in a work like this, I recommended avoiding exposure to sun and wind, and even cloudy or dry weather. Are we to abandon our clients if we have to speak



do die fuerit, reos deseremus? Nam crudum quidem aut saturum aut ebrium aut eiecto modo vomitu, quae cavenda quidam monent, <vel><sup>11</sup> declamare neminem qui sit mentis compos puto.

28 Illud non sine causa est ab omnibus praeceptum, ut parcatur maxime voci in illo a pueritia in adulescentiam transitu, quia naturaliter impeditur, non, ut arbitror, propter calorem, quod quidam putaverunt (nam est maior alias), sed propter umorem potius: nam hoc aetas illa turgescit. Itaque nares etiam ac pectus eo tempore tument, 29 atque omnia velut germinant eoque sunt tenera et iniuriae obnoxia.

Sed, ut ad propositum redeam, iam confirmatae constitutaeque voci genus exercitationis optimum duco quod est operi simillimum, dicere cotidie sicut agimus. Namque hoc modo non vox tantum confirmatur et latus, sed etiam corporis decens et accommodatus orationi motus componitur.

30 Non alia est autem ratio pronuntiationis quam ipsius orationis. Nam ut illa emendata dilucida ornata apta esse debet, ita haec quoque. Emendata erit, id est vitio carebit, si fuerit os facile explanatum iucundum urbanum, id est in quo nulla neque rusticitas neque peregrinitas resonet.

<sup>11</sup> *add. M.W.*

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<sup>16</sup> Aristotle discusses the voice change in boys at puberty, *Historia animalium* 5. 544b24, 7. 581a15, *De generatione animalium* 776b15, 788a1. Let us recall that Q.'s pupils were mostly adolescents, between 13 and 18.

<sup>17</sup> The "virtues" of oratorical speech have been discussed in this order in 8.1–11.1.

on a sunny, windy, wet, or warm day? As for the warning which some think necessary, not to speak if you have indigestion or have over-eaten or are drunk or have just vomited—no sane person surely would <so much as> declaim in such a condition!

On the other hand, there is good reason for the advice, universally given, to spare the voice as much as possible in the transition from boyhood to adolescence, because at that stage it has natural difficulties—not, I fancy, because of heat, as some have thought (there is more heat at other periods), but rather because of the moisture which swells up at that age. Nostrils and chest therefore swell at this time; everything is burgeoning, as it were, and so is tender and liable to damage.<sup>16</sup>

#### *Four features of good Delivery*

But, to return to our main purpose, the kind of exercise I think best for the voice, once it has strengthened and settled down, is that which is most like real work, namely to speak every day in the way we do in court. In this way, not only are the voice and lungs strengthened, but we acquire decorous bodily movements suited to our style of speaking.

Not that there is any difference between the principles of Delivery and those of oratorical speech itself. Speech must be correct, lucid, ornate, and appropriate,<sup>17</sup> and so too must Delivery. (1) This will be correct, that is to say free of fault, if (a) the accent is easy, clear, pleasant, and of the city—that is, free from any trace of rusticity or foreign-

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- 31 Non enim sine causa dicitur barbarum Graecumve: nam sonis homines ut aera tinnitu dinoscimus. Ita fiet illud quod Ennius probat cum dicit 'suaviloquenti ore' Cethegum fuisse, non quod Cicero in iis reprehendit quos ait latrare, non agere. Sunt enim multa vitia, de quibus dixi cum in quadam primi libri parte puerorum ora formare, oportuni-  
 32 ratur in ea aetate facere illorum mentionem in qua emendari possunt. Itemque si ipsa vox primum fuerit, ut sic dicam, sana, id est nullum eorum de quibus modo retuli patietur incommodum, deinde non subsurda rudis inmanis dura rigida rauca<sup>12</sup> praepinguis, aut tenuis inanis acerba pusilla mollis effeminata, spiritus nec brevis nec parum durabilis nec in receptu difficilis.
- 33 Dilucida vero erit pronuntiatio primum si verba tota exierint, quorum pars devorari, pars destitui solet, plerisque extremas syllabas non perferentibus dum priorum sono indulgent. Ut est autem necessaria verborum explanatio, ita omnis inputare et velut adnumerare litteras molestum et odiosum: nam et vocales frequentissime coeunt et consonantium quaedam insequente vocali dissimulantur. Utriusque exemplum posuimus: 'multum ille et terris.'
- 34 Vitatur etiam duriorum inter se congressus, unde 'pellexit'
- 35

<sup>12</sup> *Wilson*: vana *B*: rava or vasta *Burman*

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<sup>18</sup> The noun understood with *barbarum* and *Graecum* is *os*. There is no other evidence for this as a proverb or common saying, but it is probably Greek in origin and applies originally to Greek pronunciation: the Greeks divided all mankind into "Greek" and "barbarian" (Cicero, *De republica* 1.58).

<sup>19</sup> Ennius, *Annales* 304–305 Vahlen = 300 Warmington (*ROL* 2. 112) = 304–308 Skutsch: from Cicero, *Brutus* 58.

### BOOK 11.3

ness. (There is good ground for the common description of an accent as “barbarian or Greek,”<sup>18</sup> since we distinguish men by their voices as we do bronze by its ring.) This is how to achieve the quality Ennius approves when he says that Cethegus had a “sweet-speaking mouth,”<sup>19</sup> and avoid what Cicero criticizes in those who, he says, “don’t plead, but bark.”<sup>20</sup> (There are in fact many faults, which I spoke of in the part of Book One in which I dealt with forming the speech of children,<sup>21</sup> because I thought it better to mention them in connection with an age when they could still be put right.) Again (b) correctness is achieved if the voice itself is, first, healthy (as one might say), that is to say without any of the defects I have mentioned; and, secondly, if it is not, on the one hand, dull, ill-formed, coarse, hard, stiff, hoarse, or thick, or, on the other hand, thin, empty, grating, feeble, soft, or effeminate, and if the breath is not short, hard to sustain, or difficult to recover.

(2) Delivery will be lucid, if (a) in the first place, the words are pronounced in full, not (as so often) partly swallowed or clipped; many people fail to carry through the final syllables because they over-emphasize the earlier ones. However, though words must be pronounced in full, it is tiresome and offensive to put a value on every letter and, as it were, make a separate item of it. For one thing, vowels often coalesce and some consonants are suppressed when a vowel follows. My previous example, *multum ille et terris*,<sup>22</sup> illustrates both points. Combinations of harder consonants are also avoided: hence *pellexit*,

<sup>20</sup> Cicero, loc. cit.

<sup>21</sup> 1.11.

<sup>22</sup> *Aeneid* 1.3 (*multum ille et*); compare 9.4.40.

et 'collegit' et quae alio loco dicta sunt. Ideoque laudatur in Catulo suavis appellatio litterarum. Secundum est ut sit oratio distincta, id est, qui dicit et incipiat ubi oportet et desinat. Observandum etiam quo loco sustinendus et quasi suspendendus sermo sit, quod Graeci ὑποδιαστολήν vel ὑποστιγμήν vocant, quo deponendus. Suspenditur 'arma virumque cano,' quia illud 'virum' ad sequentia pertinet, ut sit 'virum Troiae qui primus ab oris,' et hic iterum. Nam etiam si aliud est unde venit quam quo venit, non distinguendum tamen, quia utrumque eodem verbo continetur 'venit.' Tertio 'Italiam,' quia interiectio est 'fato profugus' et continuum sermonem, qui faciebat 'Italiam Lavinaque,' dividit. Ob eandemque causam quarto 'profugus,' deinde 'Lavinaque venit litora,' ubi iam erit distinctio, quia inde alius incipit sensus. Sed in ipsis etiam distinctionibus tempus alias brevius, alias longius dabitur: interest enim sermonem finiant an sensum. Itaque illam distinctionem 'litora' protinus altero spiritus initio insequar; cum illuc venero: 'atque altae moenia Romae,' deponam et morabor et novum rursus exordium faciam.

Sunt aliquando et sine respiratione quaedam morae etiam in perihodis. Ut enim illa 'in coetu vero populi Ro-

<sup>23</sup> Compare 1.5.69 (?); 9.4.37–38 (?).

<sup>24</sup> *Brutus* 259.

<sup>25</sup> The learned and cultivated consul of 102 BC: see *De oratore* 2.28, 151; *Pro Archia* 6; *ORF* pp. 218–220.

<sup>26</sup> Q. treats these terms as equivalent, but Greek usage applies ὑποδιαστολή to individual words, ὑποστιγμή to phrases or commata (LSJ ss.vv.).

<sup>27</sup> Q. now bases his lesson on *Aeneid* 1.1–3.

<sup>28</sup> *Aeneid* 1.7, followed (as Q. says) by a fresh start: *Musa, mihi causas memora . . .* ("Muse, relate to me the causes . . .").

*collegit*, and the others mentioned elsewhere.<sup>23</sup> It is in this connection that Cicero<sup>24</sup> praises Catulus<sup>25</sup> for his “sweet pronunciation of letters.” (b) Secondly, speech must be distinct, that is to say the speaker must begin and stop at the right place. We must also note where our speech should be held up and as it were left in the air (the Greeks call this *hypodiastolē* or *hypostigmē*),<sup>26</sup> and where it should be brought to rest. *Arma virumque cano* (“Arms and the man I sing”)<sup>27</sup> is left in the air, because *virum* belongs to what follows, giving us *virum Troiae qui primus ab oris* (“the man who first from the shores of Troy”), after which there is another suspension; for, although where he came from and where he arrived are two different things, yet we do not need punctuation here, because both are covered by the same verb, *venit* (“came”). There is a third pause at *Italiam*, because *fato profugus* (“exiled by fate”) is parenthetical and interrupts the continuity of *Italiam Lavinaque*. For the same reason, there is a fourth pause at *profugus*, after which comes *Lavinaque venit litora* (“and came to Lavinian shores”), where we do at last need punctuation, because a new sentence begins from this point. Even when there is punctuation, the time we give to it may be shorter or longer, according to whether it marks the end of a phrase or of a thought. Thus I shall take a new breath immediately after the punctuation at *litora*, but when I come to *atque altae moenia Romae* (“and the walls of lofty Rome”),<sup>28</sup> I shall pause and wait and make a fresh beginning.

Pauses sometimes occur, even in periods, without a new breath. The sentence beginning *in coetu vero populi*

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mani, negotium publicum gerens, magister equitum' et cetera multa membra habent (sensus enim sunt alii atque alii) sed unam circumductionem: ita paulum morandum in his intervallis, non interrompendus est contextus. Et e contrario spiritum interim recipere sine intellectu morae necesse est, quo loco quasi surripiendus est: alioqui si in-scite recipiatur, non minus adferat obscuritatis quam vitiosa distinctio. Virtus autem distinguendi fortasse sit parva, sine qua tamen esse nulla alia in agendo potest.

40 Ornata est pronuntiatio cui suffragatur vox facilis magna beata flexibilis firma dulcis durabilis clara pura, secans aëra et auribus sedens (est enim quaedam ad auditum accommodata non magnitudine sed proprietate), ad hoc velut tractabilis, utique habens omnes in se qui desiderantur sinus intentionesque et toto, ut aiunt, organo instructa, cui aderit lateris firmitas, spiritus cum spatio pertinax, tum labori non facile cessurus.

41 Neque gravissimus autem [in musica]<sup>13</sup> sonus nec acutissimus orationibus convenit: nam et hic parum clarus nimiumque plenus nullum adferre animis motum potest, et ille praetenuis et inmodicae claritatis cum est ultra verum, tum neque pronuntiatione flecti neque diutius ferre  
42 intentionem potest. Nam vox, ut nervi, quo remissior hoc gravior et plenior, quo tensior hoc tenuis et acuta magis

<sup>13</sup> *del. Winterbottom*

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<sup>29</sup> Cicero, *Philippics* 2.63 (compare, e.g., 5.10.99, 8.4.8): "in the assembly of the Roman people, doing public business, as Master of the Horse."

<sup>30</sup> Gesner explained that Q. has in mind a hydraulic organ, the

*Romani, negotium publicum gerens, magister equitum*,<sup>29</sup> and so on, has many Cola (there are a number of thoughts, one after another) but only one Period; so it is a case for short pauses between these phrases, not for breaking up the structure of the whole. Conversely, it is sometimes necessary to recover breath without a perceptible pause, in which case it has to be snatched surreptitiously, because if we regain our breath awkwardly, this produces just as much obscurity as faulty punctuation. Virtue of punctuation is perhaps a small thing; but without it there can be no other virtue in a pleading.

(3) Delivery is “ornate” when it is supported by a voice which is fluent, strong, rich, flexible, firm, sweet, durable, clear, pure, cutting through the air and settling in the ear (there is a type of voice well adapted to being heard not because of its volume but because of its special quality), and also, as it were, manageable, having of course all the necessary inflexions and tensions, and being equipped, as they say, with “all the stops.”<sup>30</sup> There must also be strength in the lungs, and breath that both holds out well and will not easily give way to fatigue.

Neither the deepest nor the highest notes [in music] suit oratory. The lowest notes are indistinct and too full, and cannot impart any emotion to the mind; on the other hand, the very thin and exaggeratedly clear are both beyond the normal range and incapable of variation in Delivery or of bearing strain very long. The voice is indeed like the strings of an instrument: the slacker it is, the deeper and fuller it is; the tighter it is, the thinner and shriller it is.

invention of Ctesibius (described by Vitruvius 10.13), and this complicated instrument was familiar in Q.’s time.



est. Sic ima vim non habet, summa rumpi periclitatur. Mediis ergo utendum sonis, hique tum augenda intentione excitandi, tum summittenda sunt temperandi.

43 Nam prima est observatio recte pronuntiandi aequalitas, ne sermo subsultet inparibus spatiis ac sonis, miscens longa brevibus, gravia acutis, elata summissis, et inaequalitate horum omnium sicut pedum claudicet. Secunda varietas: [quod solum est pronuntiatio]<sup>14</sup> ac ne quis pugnare inter se putet aequalitatem et varietatem, cum illi virtuti contrarium vitium sit inaequalitas, huic quae dicitur *μονοείδεια*, quasi quidam unus aspectus. Ars porro variandi cum gratiam praebet ac renovat aures, tum dicentem ipsa laboris mutatione reficit, ut standi ambulandi sedendi iacendi vices sunt nihilque eorum pati unum diu possumus.

45 Illud vero maximum (sed id paulo post tractabimus), quod secundum rationem rerum de quibus dicimus animorumque habitus conformanda vox est, ne ab oratione discordet. Vitemus igitur illam quae Graece *μονοτονία* vocatur, una quaedam spiritus ac soni intentio, non solum ne dicamus omnia clamose, quod insanum est, aut intra loquendi modum, quod motu caret, aut summisso murmure, quo etiam debilitatur omnis intentio, sed ut in isdem partibus isdemque adfectibus sint tamen quaedam non ita

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<sup>14</sup> *del. M.W.*: qua salem habet pronuntiatio *Shackleton Bailey* ('in which Delivery has its wit')

<sup>31</sup> 11.3.61.

Thus at the bottom of the scale it has no force, while at the top it is in danger of cracking. It is therefore the intermediate sounds that must be used, and these must be raised when the tension is to be increased, and lowered when it is to be relaxed.

The first rule of correct Delivery is evenness. Speech must not be jerky, with irregular intervals and sounds, making a confusion of long and short, grave and acute, high and low; nor must it limp along, owing to the unevenness of all these elements—the “feet,” as it were, on which it walks. The second requirement is variety [and this in fact is all there is to Delivery]. One should not think that evenness and variety are incompatible; the vice corresponding to the virtue of evenness is unevenness, the vice corresponding to variety is *monoeideia*, a “uniform appearance,” as it were. Moreover, the art of variation both gives pleasure and refreshment to the audience and revives the speaker by giving him a change of work—just as standing, walking, sitting, and lying down are things we do by turns, and we cannot bear to do any one of them for a long time.

The most important point (but I will deal with it a little later)<sup>31</sup> is that the voice must be adapted to the nature of the subject of which we are speaking and of the feelings involved, so as not to be out of harmony with our words. We should therefore avoid what the Greeks call *monotonia*, a single uniform tension of breath and voice. I do not merely mean that we should avoid saying everything at the top of our voice (that would be sheer lunacy) or saying everything in a conversational tone (this has no emotional impact) or always mumbling (which loses the tension altogether): I mean that within single passages of the same emotional tone there should nevertheless be some modulations of

magnae vocis declinationes, prout aut verborum dignitas aut sententiarum natura aut depositio aut inceptio aut transitus postulabit: ut qui singulis pinxerunt coloribus, alia tamen eminentiora alia reductiora fecerunt, sine quo ne membris quidem suas lineas dedissent.

- 47 Proponamus enim nobis illud Ciceronis in oratione nobilissima pro Milone principium: nonne ad singulas paene distinctiones quamvis in eadem facie tamen quasi vultus mutandus est? 'Etsi vereor, iudices, ne turpe sit pro fortissimo viro dicere incipientem timere': etiam si est toto proposito contractum atque summissum, quia et exordium est et solliciti exordium, tamen fuerit<sup>15</sup> necesse est aliquid plenius et erectius cum<sup>16</sup> dicit 'pro fortissimo viro' quam cum
- 48 'etsi vereor' et 'turpe sit' et 'timere.' Iam secunda respiratio increseat oportet et naturali quodam conatu, quo minus pavide dicimus quae secuntur, et quod magnitudo animi Milonis ostenditur: 'minimeque deceat, cum Titus Annius ipse magis de rei publicae salute quam de sua perturbetur.' Deinde quasi obiurgatio sui est: 'me ad eius causam parem
- 49 animi magnitudinem adferre non posse.' Tum invidiosiora: 'tamen haec novi iudicii nova forma terret oculos.' Illa vero iam paene apertis, ut aiunt, tibiis: 'qui, quocumque inciderunt, consuetudinem fori et pristinum morem iudiciorum requirunt.' Nam sequens latum etiam atque fustum est: 'non enim corona consessus vester cinctus est, ut so-
- 50

<sup>15</sup> sonet *M.W.*: sonuerit *D.A.R.*

<sup>16</sup> *T*: dum *B*: sufocat *b*

voice, not great, but such as are required by the dignity of the words, the nature of the thoughts, the ends, the beginnings, and the transitions. Artists who painted in a single colour nevertheless made some things stand out more than others, since otherwise they could not even have given proper outlines to the limbs of their figures.

Let us take as an example the beginning of Cicero's splendid *Pro Milone*.<sup>32</sup> Is it not clear that, at almost every stop, the *face* (as it were) stays the same, but its *expression* has to change? "Although I fear (*etsi vereor*), members of the jury (*iudices*), that it is discreditable (*ne turpe sit*), when beginning to speak on behalf of a very brave man (*pro fortissimo viro*), to feel afraid (*timēre*)." Although the general tone of the passage is restrained and subdued (it is after all a Prooemium, and the Prooemium of a speaker conscious of his difficulties), nevertheless there must have been a fuller and prouder tone when he says *pro fortissimo viro* than when he says *turpe sit* or *timere*. The second breath has now to be stronger, both because of the natural effort which makes us speak the following words less timidly, and because Milo's courage is now to be shown: "and that it is very unbecoming, when Titus Annius is more troubled for the state's security than for his own . . ." Then comes a sort of self-reproach: "that I should be unable to offer courage equal to his to serve his Cause." And then something more hard-hitting: "Nevertheless, the unprecedented appearance of this unprecedented court strikes terror into my eyes." And now he opens practically every stop of his instrument: ". . . my eyes, which, wherever they fall, look in vain for the ordinary ways of the forum and the ancient procedures of our courts." What follows is positively ample and diffuse: "Your sitting is not, as it used to

51 lebat.' Quod notavi ut appareret non solum in membris  
causae sed etiam in articulis esse aliquam pronuntiandi  
varietatem, sine qua nihil neque maius neque minus est.

Vox autem ultra vires urgenda non est: nam et suffoca-  
tur<sup>17</sup> saepe et maiore nisu minus clara est et interim elisa  
52 in illum sonum erumpit cui Graeci nomen a gallorum  
inmatureo cantu dederunt. Nec volubilitate nimia confun-  
denda quae dicimus, qua et distinctio perit et adfectus,  
et nonnumquam etiam verba aliqua sui parte fraudantur.  
Cui contrarium est vitium nimiae tarditatis: nam et dif-  
ficultatem inveniendi fatetur et segnitia solvit animos, et,  
in quo est aliquid, temporibus praefinitis aquam perdit.  
Promptum sit os, non praeceps; moderatum, non lentum.

53 Spiritus quoque nec crebro receptus concidat senten-  
tiam nec eo usque trahatur donec deficiat. Nam et defor-  
mis est consumpti illius sonus et respiratio sub aqua diu  
pressi similis et receptus longior et non oportunus, ut qui  
fiat non ubi volumus sed ubi necesse est. Quare longiorem  
dicturis perihodon colligendus est spiritus, ita tamen ut id  
neque diu neque cum sono faciamus, neque omnino ut  
manifestum sit: reliquis partibus optime inter iuncturas

<sup>17</sup> *edd.*: suffocat *B*: sufocat *b*

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<sup>33</sup> *Q.* also has in mind the rest of the passage: "we are not sur-  
rounded by the usual throng; the guards you see in front of all the  
temples, though they are placed there to prevent violence, cannot  
fail to inspire some terror in the speaker . . ."

<sup>34</sup> Probably *κοκκυσμός* (a high-pitched note, see *LSJ* s.v.)  
rather than *κρωγμός* ("crowing") or *κλωγμός* ("clucking"). See  
also Juvenal 3.91.

<sup>35</sup> Speakers were commonly timed by the water clock (clepsy-

be, surrounded by a ring of spectators . . . ”<sup>33</sup> I note all this, in order to make it clear that some variety of delivery is found not only in the longer units of the speech but also in the smaller ones, because without this nothing would seem either more or less important than anything else.

The voice must not be forced beyond its strength. On the one hand, it often chokes, and the increased effort simply makes it less clear; on the other, it sometimes breaks and emerges as the noise to which the Greeks give a name derived from the immature crowing of a cock.<sup>34</sup> We must beware too of confusing what we say by excessive volubility, which destroys both distinctness of phrasing and emotional effect, and sometimes even slurs over parts of words. The contrary vice is undue slowness; this is a confession of difficulty in Invention, destroys attention by its sluggishness, and (a not unimportant consideration) wastes water when we have been given a time limit.<sup>35</sup> Speech should be ready, it should not come tumbling out; it should be controlled, not sluggish.

As to breathing, we should not take a new breath so often that we break up the sense, nor yet hold our breath till it fails us, because the sound of the breath being expelled is unpleasant, the breathing becomes like that of a man who has been held under water for a while, and the fresh intake is long and ill-timed, since it happens when it must and not when we choose. So, when about to deliver a lengthy period, we should collect our breath, but not take a long time over it, do it noisily, or make it in any way obvious; at other points, the best plan will be to recover breath at the

dra) both in Greek and in Roman courts. See A. N. Sherwin-White on Pliny, *Epist.* 2.11.14.

54 sermonis revocabitur. Exercendus autem est ut sit quam longissimus: quod Demosthenes ut efficeret scandens in adversum continuabat quam posset plurimos versus. Idem quo facilius verba ore libero exprimeret, calculos lingua volvens dicere domi solebat.

55 Est interim et longus et plenus et clarus satis spiritus, non tamen firmæ intentionis ideoque tremulus, ut corpora quæ aspectu integra nervis parum sustinentur. Id βρασμόν<sup>18</sup> Graeci vocant. Sunt qui spiritum cum stridore per raritatem dentium non recipiunt sed resorbent. Sunt qui crebro anhelitu et introrsum etiam clare sonante imitentur iumenta onere et iugo laborantia: quod adfectant quoque, tamquam inventionis copia urgeantur maiorque vis eloquentiæ ingruat quam quæ emitti faucibus possit. Est aliis concursus oris et cum verbis suis conluctatio. Iam tussire et expuere crebro et ab imo pulmone pituitam <velut><sup>19</sup> trochleis adducere et oris umore proximos spargere et maiorem partem spiritus in loquendo per nares effundere, etiam si non utique vocis sunt vitia, quia tamen propter vocem accidunt potissimum huic loco subiciantur.

57 Sed quodcumque ex his vitium magis tulerim quam, quo nunc maxime laboratur in causis omnibus scholisque, cantandi, quod inutilius sit an foedius nescio. Quid enim

<sup>18</sup> Butler: βραμον B

<sup>19</sup> add. Spalding

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<sup>36</sup> See Cicero, *De oratore* 1.261 (*uno spiritu*, "with one breath"); Plutarch, *Demosthenes* 11.1–2 (λόγους ἢ στίχους, "speeches or lines of verse"). <sup>37</sup> "Shaking" or "shivering."

<sup>38</sup> Such complaints are common: Tacitus, *Dialogus* 26, Seneca, *Suasoriae* 2.10, Seneca, *Epist.* 114.1, Pliny, *Epist.* 2.14.12, 2.16.

natural breaks between phrases. We must however train our breathing to last as long as possible. For this purpose Demosthenes<sup>36</sup> used to recite as many lines as he could without pausing while walking uphill. He also used to roll pebbles under his tongue when practising at home, in order to improve his articulation.

The breath may sometimes be long, full, and clear, but still not held firmly enough, and therefore tremulous—like bodies which look healthy but lack muscle. The Greeks call this *brasmos*.<sup>37</sup> Some people do not so much take in breath as suck it in with a hiss through the gaps in their teeth. There are others whose frequent panting and noisy internal wheezing remind one of overloaded draught animals straining under the load and the yoke. They actually do this deliberately, to suggest that they are overwhelmed by the richness of their Invention and that there is a greater head of eloquence developing within them than can find its way out through the throat. With others, the mouth will not open, and they wrestle with their words. As for coughing and spitting frequently, hawking up phlegm from the bottom of the lungs with a rattle like a windlass, sprinkling everyone around you with the moisture of your mouth, and letting out most of your breath through the nose while you are speaking—these are not of course faults of the voice, but they are *due to* the voice, so that this is perhaps the best place to mention them.

Yet all these faults are tolerable compared with the sing-song manner which is the chief problem in every Cause and every school nowadays<sup>38</sup>—and whether it is more useless than disgusting I do not know! What is less



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minus oratori convenit quam modulatio scaenica et non-  
 numquam ebriorum aut comisantium licentiae similis?  
 58 Quid vero movendis adfectibus contrarium magis quam,  
 cum dolendum irascendum indignandum commiseran-  
 dum sit, non solum ab his adfectibus, in quos inducendus  
 est iudex, recedere, sed ipsam fori sanctitatem ludorum tar-  
 larium<sup>20</sup> licentia solvere? Nam Cicero illos ex Lycia<sup>21</sup> et  
 Caria rhetoras paene cantare in epilogis dixit: nos etiam  
 59 cantandi severiorem paulo modum excessimus. Quis-  
 quamne, non dico de homicidio sacrilegio parricidio, sed  
 de calculis certe atque rationibus, quisquam denique, ut  
 semel finiam, in lite <non><sup>22</sup> cantat? Quod si omnino reci-  
 piendum est, nihil causae est cur non illam vocis modula-  
 tionem fidibus ac tibiis, immo mehercule, quod est huic  
 60 deformitati propius, cymbalis adiuvemus. Facimus tamen  
 hoc libenter: nam nec cuiquam sunt iniucunda quae can-  
 tant ipsi, et laboris in hoc quam in agendo minus est. Et  
 sunt quidam qui secundum alia vitae vitia etiam hac  
 ubique audiendi quod aures mulceat voluptate ducantur.  
 Quid ergo? non et Cicero dicit esse aliquem in oratione  
 ‘cantum obscuriorem’ et hoc quodam naturali initio venit?

<sup>20</sup> *Winterbottom*: talarium B

<sup>21</sup> Phrygia *Cic. Orator* 57

<sup>22</sup> *add. F. Jones, Class. Quart.* 38 (1988) 568

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<sup>39</sup> Whether *ludus talarius* is a gambling house (from *talus*, “knucklebone,” used as dice; so Dyck on Cicero, *De officiis* 1.50) or a place where long-skirted dancers perform (*talus* = ankle: so *OLD* s.v., and Shackleton Bailey on *Ad Atticum* 1.16.3), it is evidently a noisy place, and that is Q.’s point. Fronto (2.119 Haines = 157 van den Hout<sup>2</sup>) makes it clear that its castanets and cymbals

becoming to an orator than a theatrical recitative which sometimes sounds like the excesses of a drunken orgy or a riotous party? What can be more counterproductive in emotional appeals than if, when what is called for is sorrow, anger, outrage, or pity, the speaker not only distances himself from these emotions (which he should be implanting in the judge's mind), but destroys the very dignity of the court by a sort of naughty song and dance act?<sup>39</sup> Cicero<sup>40</sup> said that those "Lycian and Carian rhetors *almost* sang in their epilogues"—but we have gone beyond the limits of any reasonably restrained style of singing! Does anyone who has to deal—I will not say with homicide or sacrilege or parricide, but with figures and accounts, in a word with any case at law—*<not>* sing? If this is held to be at all acceptable, there is no reason why we should not accompany the voice with the lyre, the pipes, or indeed—and this would be more suitable for such atrocities—the cymbals?<sup>41</sup> Yet we do it readily enough, because no one dislikes the sound of his own singing, and singing is less hard work than making a proper speech. There are some people, too, who, as well as the other vices of their life, are slaves to the pleasure of listening to sounds that soothe their ears wherever they are. "But does not even Cicero say that there is a sort of 'muffled song' in oratory?"<sup>42</sup> And does not this have a

were a public nuisance: a censor closes the places down, because he cannot help dancing to the beat himself as he passes by.

<sup>40</sup> *Orator* 57 (but *e Phrygia et Caria*, presumably misremembered by Q.). <sup>41</sup> Perhaps (see above) with reference to the *ludus talarius*; but cymbals belong also to the eunuch priests of Cybele, and so suggest the *effeminacy* of the oratory which Q. deplores. <sup>42</sup> *Orator* 57. See below, § 172.

Ostendam non multo post ubi et quatenus recipiendus sit hic flexus et cantus quidem, sed, quod plerique intellegere nolunt, obscurior.

- 61      Iam enim tempus est dicendi quae sit apta pronuntiatio: quae certe ea est quae iis de quibus dicimus accommodatur. Quod quidem maxima ex parte praestant ipsi motus animorum, sonatque vox ut feritur: sed cum sint alii veri adfectus, alii ficti et imitati, veri naturaliter erumpunt, ut dolentium irascentium indignantium, sed carent arte
- 62      ideoque sunt disciplina et ratione formandi. Contra qui effinguntur imitatione, artem habent; sed hi carent natura, ideoque in iis primum est bene adfici et concipere imagines rerum et tamquam veris moveri. Sic velut media vox, quem habitum a nostris acceperit, hunc iudicum animis dabit: est enim mentis index ac totidem quot illa mutationes habet. Itaque laetis in rebus plena et simplex et ipsa quodam modo hilaris fluit; at in certamine erecta totis viribus et velut omnibus nervis intenditur. Atrox in ira et aspera ac densa et respiratione crebra: neque enim potest esse longus spiritus cum immoderate effunditur. Paulum in invidia facienda lentior, quia non fere ad hanc nisi inferiores confugiunt; at in blandiendo fatendo satisfaciendo ro-
- 64      gando lenis et summissa. Suadentium et monentium et pollicentium et consolantium gravis: in metu et verecundia contracta, adhortationibus fortis, disputationibus te-

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<sup>43</sup> Compare 6.2.25–36.

natural origin?" I shall shortly explain where and to what extent we should accept this variation of pitch, which is indeed a "song," but must be (and this is what most people do not want to understand) "muffled."

(4) It is now time to explain what *appropriate* Delivery is. It is, of course, Delivery adapted to the subject on which we are speaking. This is mainly ensured by our actual feelings; the voice sounds as its strings are struck. But some emotions are real, others pretended or imitated. Real emotions burst out naturally—sorrow, anger, outrage, for example—but they lack art, and have therefore to be disciplined by training and method. Emotions contrived by imitation, on the other hand, involve art, but they have no basis in nature, so that the first thing for us to do is to be genuinely affected, form a picture of the situation, and let ourselves be moved by it as though it was real.<sup>43</sup> The voice, acting as intermediary, will then convey to the judges' minds the attitude it has acquired from ours. It is in fact the indicator of the mind and has all the mind's variations. So, given a happy theme, the voice flows full, unaffected, and with a sort of cheerfulness of its own. In a contentious situation, on the other hand, it is roused in all its strength and strains every nerve. In anger, it is fierce, harsh, and concentrated, with frequent pauses for breath, because the breath cannot be held for long periods when it is expelled with undue violence. In creating animosity, the voice becomes somewhat more hesitant, because only inferiors commonly have recourse to such tactics. In flattery, confession, apology, or request, it is gentle and subdued. Persuasion, warning, promises, and consolations demand a deep voice; fear and shame a restrained one; exhortation needs a strong voice, debate a precise one, compassion one

res, miseratione flexa et flebilis et cōsulto quasi obscurior;  
 at in egressionibus fusa et securae claritatis, in expositione  
 ac sermonibus recta et inter acutum sonum et gravem  
 65 media. Attollitur autem concitatis adfectibus, compositis  
 descendit, pro utriusque rei modo altius vel inferius.

Quid autem quisque in dicendo postulet locus paulum  
 differam, ut de gestu prius dicam, qui et ipse voci consentit  
 et animo cum ea simul paret. Is quantum habeat in oratore  
 momenti satis vel ex eo patet, quod pleraque etiam citra  
 66 verba significat. Quippe non manus solum sed nutus etiam  
 declarant nostram voluntatem, et in mutis pro sermone  
 sunt, et saltatio frequenter sine voce intellegitur atque  
 adficit, et ex vultu ingressuque perspicitur habitus animo-  
 rum, et animalium quoque sermone carentium ira laetitia  
 adulatio et oculis et quibusdam aliis corporis signis de-  
 67 prenditur. Nec mirum si ista, quae tamen in aliquo posita  
 sunt motu, tantum in animis valent, cum pictura, tacens  
 opus et habitus semper eiusdem, sic in intimos penetret  
 adfectus ut ipsam vim dicendi nonnumquam superare vi-  
 deatur. Contra si gestus ac vultus ab oratione dissentiat,  
 tristia dicamus hilares, adfirmemus aliqua renuentes, non  
 auctoritas modo verbis sed etiam fides desit.

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<sup>44</sup> To 11.3.149–184.

that is flexible, tearful, and deliberately half-muffled. In Digressions, the voice spreads itself with confident resonance, in Narrative or conversation it is natural and pitched midway between high and low. It is raised when emotions run high, dropped when they are calmer, and pitched higher or lower according to the level of these two kinds of feeling.

### *Gesture*

I postpone for the moment,<sup>44</sup> however, the question of what is required for particular oratorical contexts, in order to speak first of Gesture, which itself conforms to the voice and joins it in obeying the mind. The importance of Gesture for an orator is evident from the simple fact that it can often convey meaning even without the help of words. Not only hands but nods show our intentions; for the dumb, indeed, these take the place of language. A dance too is often understood and emotionally effective without the voice; mental attitudes can be inferred from the face or the walk; and even dumb animals reveal their anger, joy, or wish to please by their eyes or some other bodily signal. Nor is it surprising that these things, which do after all involve some movement, should have such power over the mind, when a picture, a silent work of art in an unvarying attitude, can penetrate our innermost feelings to such an extent that it seems sometimes to be more powerful than speech itself. On the other hand, if Gesture and facial expression were out of tune with speech, and we looked cheerful when what we were saying was sad, or shook our heads when asserting something, our words would lack not only authority but credibility.

68 Decor quoque a gestu atque motu venit. Ideoque Demosthenes grande quoddam intuens speculum componere actionem solebat: adeo, quamvis fulgor ille sinistras imagines reddat, suis demum oculis credidit quod efficeret.

Praecipuum vero in actione sicut in corpore ipso caput est, cum ad illum de quo dixi decorem, tum etiam ad significationem. Decoris illa sunt, ut sit primo rectum et secundum naturam: nam et deiecto humilitas et supino adrogantia et in latus inclinato languor et praeduro ac rigente barbaria quaedam mentis ostenditur. Tum accipiat aptos ex ipsa actione motus, ut cum gestu concordet et 70 manibus ac lateribus obsequatur: aspectus enim semper eodem vertitur quo gestus, exceptis quae aut damnare [aut concedere]<sup>23</sup> aut a nobis remove oportebit, ut idem illud vultu videamur aversari, manu repellere:

di talem avertite pestem;

haud equidem tali me dignor honore.

71 Significat vero plurimis modis. Nam praeter adnuendi renuendi confirmandique motus, sunt et verecundiae et dubitationis et admirationis et indignationis noti et communes omnibus. Solo tamen eo facere gestum scaenici

<sup>23</sup> *del. Spalding*

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<sup>45</sup> Plutarch, *Demosthenes* 11.2, Apuleius, *Apologia* 15.

<sup>46</sup> *Aeneid* 3.620 *di talem terris avertite pestem*, 4.265 *di talem avertite casum*.

<sup>47</sup> *Aeneid* 1.335.

Seemliness also comes from Gesture and movement. This is why Demosthenes used to plan his performance in front of a big mirror;<sup>45</sup> despite the fact that the bright surface reverses the image, he had complete trust in his own eyes' ability to tell him what effect he was making.

### *The head*

It is the head which occupies the chief place in Delivery (as it does in the body itself); both as regards the seemliness of which I have just spoken and as regards meaning. (1) For seemliness, it must first be upright and natural. If lowered, it indicates humility; if thrown back, arrogance; if inclined to one side, languor; if held stiff and rigid, a certain brutality of mind. Secondly, it should derive appropriate movements from the pleading itself, keeping time with the Gesture, and following the movement of hands and sides. The eyes of course are *always* turned in the direction of the Gesture, except when we have to reject, [concede,] or distance ourselves from some point: in this case, we seem simultaneously to turn our face away from something and to push it away with our hands:

O gods, avert such plague!<sup>46</sup>

or

I do not think that I deserve such honour.<sup>47</sup>

(2) The head conveys meaning in many different ways. Apart from the movements of assent, denial, and agreement, there are others, well-known and universally used, which express modesty, doubt, surprise, and indignation. However, teachers of acting too think it is wrong to use



quoque doctores vitiosum putaverunt. Etiam frequens eius nutus non caret vitio: adeo iactare id et comas excutientem rotare fanaticum est.

- 72 Dominatur autem maxime vultus. Hoc supplices, hoc minaces, hoc blandi, hoc tristes, hoc hilares, hoc erecti, hoc summissi sumus: <ex><sup>24</sup> hoc pendent homines, hunc intuentur, hic spectatur etiam antequam dicimus: hoc quosdam amamus, hoc odimus, hoc plurima intellegimus,
- 73 hic est saepe pro omnibus verbis. Itaque in iis quae ad scaenam componuntur fabulis artifices pronuntiandi a personis quoque adfectus mutantur, ut sit Aërope<sup>25</sup> in tragoedia tristis, atrox Medea, attonitus Ajax, truculentus
- 74 Hercules. In comoediis vero praeter aliam observationem, qua servi lenones parasi rustici milites meretriculae ancillae, senes austeri ac mites, iuvenes severi ac luxuriosi, matronae puellae inter se discernuntur, pater ille, cuius praecipuae partes sunt, quia interim concitatus interim lenis est, altero erecto altero composito est supercilio, atque id ostendere maxime latus actoribus moris est quod cum iis

<sup>24</sup> *add. Winterbottom: <ab> Florilegium Gallicum (Par. lat. 17903)*

<sup>25</sup> *Merope Lange: Niobe Petrarch*

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<sup>48</sup> I.e. worshippers in ecstatic cults, which involved violent movement and head-tossing. See E. R. Dodds, *The Greeks and the Irrational* 273, for this feature of maenadism; in Latin literature, note Catullus 63.23, Ovid, *Metamorphoses* 3.726, Tacitus, *Annales* 11.31 (Messalina). *Digest* 21.1.8 discusses the question whether a slave who behaves like this can be regarded as *insanus*.

nothing but the head for gesturing. Nodding the head frequently is also a fault: tossing it about and shaking out the hair is for fanatics.<sup>48</sup>

### *The face*

But the face is sovereign. It is this that makes us humble, threatening, flattering, sad, cheerful, proud, or submissive; men hang on this; men fix their gaze on this; this is watched even before we start to speak; this makes us love some people and hate others; this makes us understand many things; this often replaces words altogether. Therefore in plays composed for the stage, artists in delivery borrow extra emotion from the masks. Thus in tragedy, Aerope is sad, Medea fierce, Ajax mad, Hercules truculent.<sup>49</sup> In comedy, on the other hand—quite apart from the features regularly used to distinguish slaves, pimps, parasites, farmers, soldiers, prostitutes, maidservants, old men (stern or mild), young men (moral or loose-living), married ladies, and young girls—the father who has the principal role has one eyebrow raised and the other not, because he is sometimes angry and sometimes calm, and the actors regularly turn towards the audience that side of the mask

<sup>49</sup> Aerope is the wife of Atreus, seduced by Thyestes. Merope, daughter of Cypselus, was the subject of a play of Euripides in which she appeared mourning very excessively for the supposed death of her son: there is thus some ground for Lange's emendation, as there is also for Petrarch's Niobe, also famous for her mourning for her children. For such characterizations, see Horace, *Ars Poetica* 122–123 (Medea, Ino, Ixion, Io, Orestes). Ajax' madness is the theme of Sophocles' *Ajax*.

quas agunt partibus congruat.

- 75 Sed in ipso vultu plurimum valent oculi, per quos maxime animus elucet,<sup>26</sup> ut citra motum quoque et hilaritate enitescant et tristitiae quoddam nubilum ducant. Quin etiam lacrimas iis natura mentis indices dedit, quae aut erumpunt dolore aut laetitia manant. Motu vero intenti, remissi, superbi, torvi, mites, asperi fiunt: quae ut actus
- 76 poposcerit fingentur. Rigidi vero et exerti<sup>27</sup> aut languidi et torpentes aut stupentes aut lascivi et mobiles et natantes et quadam voluptate suffusi aut limi et, ut sic dicam, venerii aut poscentes aliquid pollicentesve numquam esse debent. Nam opertos compressosve eos in dicendo quis nisi plane rudis aut stultus habeat?

- 77 Et ad haec omnia exprimenda in palpebris etiam et in
- 78 genis est quoddam deserviens iis ministerium. Multum et superciliis agitur; nam et oculos formant aliquatenus et fronti imperant: his contrahitur attollitur remittitur, ut una res in ea plus valeat, sanguis ille qui mentis habitu movetur, et, cum infirmam verecundia cutem accipit, effunditur in ruborem: cum metu refugit, abit omnis et pallore frigescit: temperatus medium quoddam serenum efficit. Vitium
- 79 in superciliis si aut inmota sunt omnino aut nimium mobilia aut inaequalitate, ut modo de persona comica dixeram, dissident aut contra id quod dicimus finguntur: ira enim

<sup>26</sup> *D.A.R.*: animus emanat *b*: anima se manat *B*: animus eminet  
*Spalding*      <sup>27</sup> *Spalding*: extenti *B*

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<sup>50</sup> Such masks are seen in reliefs: M. Bieber, *History of the Greek and Roman Theater* (Princeton, 1961) figs. 335–337. Q. may be thinking especially of Demea in Terence's *Adelphoe*,

### BOOK 11.3

which suits the particular part they are playing.<sup>50</sup>

In the face itself, the most important feature is the eyes. The mind shines through especially in these. Even unmoved they can sparkle with happiness or be clouded over with grief. Nature has given them tears as well, as an indicator of feelings; and these either burst out in grief or flow for joy. And when the eyes do move, they become intent, relaxed, proud, fierce, gentle, or harsh; these qualities should be assumed as the pleading demands. They must never be fixed, popping out, languishing, sleepy, stupefied, lascivious, shifty, swimming, voluptuous, looking askance, or (if I may say so) sexy, or, finally, asking or promising favours. Of course, no one but a boor or a fool would keep his eyes closed or half-closed as he speaks.

To help them express all these feelings, the eyes have a kind of ancillary service provided by the eyelids and the cheeks. Much also is done by the eyebrows, because these to a certain extent shape the eyes and command the forehead, which they serve to contract, raise, or relax; in fact the only thing which has more influence over it than the brows is the blood which responds to our mental state; this breaks out in blushes when it finds the skin sensitive to shame, disappears altogether in an icy pallor when fear puts it to flight, and maintains a serene equilibrium when in its normal condition. It is a fault in the eyebrows either to be completely immobile or to be too mobile, or again (compare what I said just now about the comic mask)<sup>51</sup> to be at odds with each other, or to be made to contradict what we are saying. They signal anger if they are con-

whose attitudes change radically in the course of the play (855–881). <sup>51</sup> 11.3.74.

## QUINTILIAN

contractis, tristitia deductis, hilaritâs remissis ostenditur. Adnuendi quoque et renuendi ratione demittuntur aut adlevantur.

80 Naribus labrisque non fere quicquam decenter ostendimus, tametsi derisus contemptus fastidium significari solet. Nam et 'corrugare nares,' ut Horatius ait, et inflare et movere et digito inquietare et impulsio subito spiritu excutere et diducere saepius et plana manu resupinare indecorum est, cum emunctio etiam frequentior non sine causa reprehendatur.

81 Labra et porriguntur male et scinduntur et adstringuntur et diducuntur et dentes nudant et in latus ac paene ad aurem trahuntur et velut quodam fastidio replicantur et pendent et vocem tantum altera parte dimittunt. Lambere quoque ea et mordere deforme est, cum etiam in efficiendis verbis modicus eorum esse debeat motus: ore enim magis quam labris loquendum est.

82 Cervicem rectam oportet esse, non rigidam aut supinam. Collum diversa quidem sed pari deformitate et contrahitur et tenditur, sed tenso subest et labor tenuaturque vox ac fatigatur, adfixum pectori mentum minus claram et quasi latiore presso gutture facit.

83 Umerorum raro decens adlevatio atque contractio est: breviatur enim cervix et gestum quendam humilem atque

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<sup>52</sup> *Epist.* 1.5.23.

tracted, sadness if they are lowered, and happiness if they are relaxed. They are also moved up and down to express agreement or disagreement.

As for the nose and lips, there is hardly anything that we can decently display by their means, though derision, contempt, and disgust are the feelings they usually signify. It is certainly unseemly to “wrinkle the nostrils,” as Horace puts it,<sup>52</sup> or to inflate or twitch them, scratch them with the finger, blow through them with a sudden snort, repeatedly open them wide, or push them up with the flat of the hand; even wiping your nose too often is very properly reprovèd.

As for the lips, pushing them forward, half-opening them, pursing them, opening them wide, baring the teeth, stretching the lips sideways and almost as far as the ear, curling them in scorn, letting them droop, or allowing words to come out of one side of the mouth—all these are bad. Licking or biting them is also an ugly habit, because they ought not to move very much even when forming words. We should speak with the mouth rather than with the lips.

### *Neck, shoulders, arms*

The nape of the neck must be straight, not stiff or bent back. As for the front of the neck, contracting it and stretching it are both equally ugly movements, though in different ways; stretching also causes strain, and the voice is weakened and fatigued, while if the chin is pressed on to the chest, it makes the pronunciation less distinct and, as it were, broader, because of the pressure on the throat.

Rarely is it becoming to shrug or hunch the shoulders, because this shortens the neck and produces a Gesture

servilem et quasi fraudulentum facit, quo<sup>28</sup> se in habitum adulationis admirationis metus fingunt.

84 Bracchii moderata proiectio, remissis umeris atque explicantibus se in proferenda manu digitis, continuos et decurrentis locos maxime decet. At cum speciosius quid uberiusque dicendum est, ut illud 'saxa atque solitudines voci respondent,' expatiatur in latus et ipsa quodam modo se cum gestu fundit oratio.

85 Manus vero, sine quibus trunca esset actio ac debilis, vix dici potest quot motus habeant, cum paene ipsam verborum copiam persequantur. Nam ceterae partes loquentem adiuvant, hae, prope est ut dicam, ipsae locuntur. An  
86 non his poscimus pollicemur, vocamus dimittimus, minamur supplicamus, abominamur timemus, interrogamus negamus, gaudium tristitiam dubitationem confessionem paenitentiam modum copiam numerum tempus ostendimus?<sup>29</sup> non eaedem concitant inhihent [supplicant] probant admirantur verecundantur? non in demonstrandis locis atque personis adverbiorum atque pronominum optinent vicem?—ut in tanta per omnis gentes nationesque linguae diversitate hic mihi omnium hominum communis sermo videatur.

<sup>28</sup> *Spalding*: cum B

<sup>29</sup> *om. Julius Victor 442, 28 Halm = 98, 25 Giomini—Celentano*

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<sup>53</sup> See Cicero, *De oratore* 3.220.

<sup>54</sup> "Rocks and deserts respond to the voice": *Pro Archia* 19.

of humiliation and servility, suggesting hypocrisy, because people use it when they are pretending to flatter, admire, or fear.

A moderate extension of the arm,<sup>53</sup> with the shoulders relaxed and the fingers spreading out as the hand is advanced, is a very becoming Gesture for continuous passages that run smoothly. When we have to say something which is particularly impressive and rich—like *saxa atque solitudines voci respondent*<sup>54</sup>—the arm sweeps out to the side and the language somehow expands with the Gesture.

### *Hands*

As for the hands, without which the Delivery would be crippled and enfeebled, it is almost impossible to say how many movements they possess, for these almost match the entire stock of words. Other parts of the body assist the speaker: the hands, I might almost say, speak for themselves. Do we not use them to demand and promise, summon and dismiss, threaten and beg, show horror and fear, inquire and deny, and also to indicate joy, sadness, doubt, confession, remorse, or again size, quantity, number,<sup>55</sup> and time? Do they not excite, restrain, approve, admire, display shame? Do they not serve instead of adverbs and pronouns when we need to point out places or persons? Amid all the linguistic diversity of the peoples and nations of the world, this, it seems to me, is the common language of the human race.

<sup>55</sup> For the conventional counting gestures see below, § 94 and § 117, and note on 1.10.35.



88 Et hi quidem de quibus sum locutus cum ipsis vocibus naturaliter exeunt gestus: alii sunt qui res imitatione significant, ut si aegrum temptantis venas medici similitudine aut citharoedum formatis ad modum percutientis nervos manibus ostendas, quod est genus quam longissime in actione fugiendum. Abesse enim plurimum a saltatore debet orator, ut sit gestus ad sensus magis quam ad verba accommodatus, quod etiam histrionibus paulo gravioribus facere moris fuit. Ergo ut ad se manum referre cum de se ipso loquatur et in eum quem demonstret intendere et aliqua his similia permiserim, ita non effingere status quosdam et quidquid dicet ostendere.

90 Neque id in manibus solum sed in omni gestu ac voce servandum est. Non enim aut in illa perihodo 'stetit soleatus praetor populi Romani' inclinatio incumbentis in mulierculam Verris effingenda est, aut in illa 'caedebatur in medio foro Messanae' motus laterum qualis esse ad verbera solet torquendus aut vox qualis dolori exprimitur eruenda, cum mihi comoedi quoque pessime facere videantur quod, etiam si iuvenem agant, cum tamen in expositione aut senis sermo, ut in Hydriae prologo, aut mulieris, ut in Georgo, incidit, tremula vel effeminata voce pronuntiant: adeo in illis quoque est aliqua vitiosa imitatio quorum ars omnis constat imitatione.

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<sup>56</sup> I.e. a pantomime performer, whose dancing portrays action.

<sup>57</sup> Cicero, *In Verrem* 5.86.      <sup>58</sup> Ibid. 162.

<sup>59</sup> A fragment of this play of Menander (*Hydria*, fr. 401 Koerte) just might be a part of the speech Q. has in mind.

<sup>60</sup> A substantial part of this play of Menander (*Georgos*) survives, including part of the opening monologue (1-88), but there is nothing there to illustrate Q.'s point.

*Gestures which mimic action*

The Gestures of which I have been speaking all appear to be natural concomitants of *words*. There are others however which express *things* by mimicry. For example, you can suggest a sick man by imitating a doctor feeling the pulse, or a lyre-player by shaping your hands as if you were striking the strings. You should refrain altogether from such things in pleading. An orator has to be very different from a dancer;<sup>56</sup> he must adapt his Gesture to his sense more than to his words—which indeed was the practice of the more serious actors too. I would readily let him move his hand towards himself when he speaks about himself, or towards a person whom he wishes to point out, and a few things like that; but I do not approve of his miming attitudes and making a visual display of whatever he says.

This caution applies not only to the hands, but to the whole range of Gesture and voice. If you are reading the period “There in his slippers stood the praetor of the Roman people,”<sup>57</sup> you should not mime Verres leaning on his lady-friend; nor, in “He was beaten in the middle of the square at Messana,”<sup>58</sup> should you squirm as though you were being given a flogging, or drag out of yourself the sort of cry that is extorted by pain. It seems to me that comic actors also make a bad mistake when, though playing a young man, they nevertheless have, in a Narrative, to report the words of an old man (as in the prologue of the *The Water Pot*)<sup>59</sup> or a woman (as in the *The Farmer*),<sup>60</sup> and accordingly pronounce these sections in a trembling and womanish voice. Thus one sort of faulty imitation can be found even in those whose whole art consists of imitation!

- 92 Est autem gestus ille maxime cōm̄munis, quo medius digitus in pollicem contrahitur explicitis tribus, et principiis utilis cum leni in utramque partem motu modice prolatus, simul capite atque umeris sensim ad id quo manus feratur obsecundantibus, et in narrando certus,<sup>30</sup> sed tum paulo productior, et in exprobrando et coarguendo acer atque instans: longius enim partibus iis et liberius exeritur.
- 93 Vitiose vero idem sinistrum quasi umerum petens in latus agi solet, quamquam adhuc peius aliqui transversum brachium proferunt et cubito pronuntiant.

Duo quoque medii sub pollicem veniunt, et est hic adhuc priore gestus instantior, principio et narrationi non commodatus.

- 94 At cum tres contracti pollice premuntur, tum digitus ille quo usum optime Crassum Cicero dicit explicari solet. Is in exprobrando et indicando (unde ei nomen est) valet, [et]<sup>31</sup> adlevata ac spectante umerum manu paulum inclinatus adfirmat, versus in terram et quasi pronus urget, et aliquando pro numero est.

- 95 Idem summo articulo utrimque leviter adpresso, duobus modice curvatis, minus tamen minimo, aptus ad disputandum est.

<sup>30</sup> gratus *M.W.*, aptus *D.A.R.* (*cf.* §95)

<sup>31</sup> *del. Becher*

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<sup>61</sup> *De oratore* 2.188.

<sup>62</sup> I.e. index finger (*indice . . . digito*, Horace, *Sermones* 2.8.16).

*Hand Gestures in more detail*

(1) The commonest Gesture consists of bending the middle finger against the thumb and extending the other three. This is useful (a) in the Prooemium, the hand being moved slightly forwards with a gentle movement to either side, and the head and shoulders gradually following the direction of the hand. It is also (b) an assured Gesture in the Narrative, but then it should extend somewhat further forward, and (c) a Gesture of energy and insistence in reproaches and refutations, because here the hand is extended further and more freely. On the other hand, it is wrong for this movement to be directed (as it often is) sideways, as though aiming at the left shoulder; even worse, some people hold the arm out across the body and make their statement with their elbow.

(2) The two middle fingers can also be turned under the thumb; this is an even more insistent Gesture than the last, and is not suitable for Prooemium or Narrative.

(3) When three fingers are doubled under the thumb, the finger which Cicero<sup>61</sup> says Crassus used so well is extended. This finger is important in reproach and in pointing things out (which is why it has its name).<sup>62</sup> Turned slightly downwards, with the whole hand raised and turned towards the shoulder, it expresses strong statement; pointed down towards the ground, facing downwards, as it were, it insists on a point. Sometimes also it indicates number.

(4) Again, if the top joint of this finger is gripped lightly on both sides, and the two last fingers are slightly curved (the little finger rather less so), the Gesture is appropriate in arguing a point.

## QUINTILIAN

Acrius tamen argumentari videntur qui medium articulum potius tenent, tanto contractioribus ultimis digitis quanto priores descenderunt.

- 96 Est et ille verecundae orationi aptissimus, quo, quatuor primis leviter in summum coeuntibus digitis, non procul ab ore aut pectore fertur ad nos manus et deinde prona  
97 ac paulum prolata laxatur. Hoc modo coepisse Demosthenen credo in illo pro Ctesiphonte timido summissoque principio, sic formatam Ciceronis manum cum diceret: 'si, iudices, ingeni mei, quod sentio quam sit exiguum.'

Eadem aliquatenus liberius deorsum spectantibus digitis colligitur in nos et fusius paulo in diversum resolvitur, ut quodam modo sermonem ipsum proferre videatur.

- 98 Binos interim digitos distinguimus, sed non inserto pollice, paulum tamen inferioribus intra spectantibus, sed ne illis quidem tensis qui supra sunt.

- 99 Interim extremi palmam circa ima pollicis premunt, ipse prioribus ad medios articulos iungitur, interim quartus oblique reponitur, interim quattuor remissis magis quam tensis, pollice intus inclinato, habilem demonstrando in latus aut distinguendis quae dicimus manum

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<sup>63</sup> *On the Crown* 3-4.

<sup>64</sup> *Pro Archia* 1.

(5) Those who prefer to hold the middle joint, and contract the two last fingers more, to match the lower position of the thumb and the middle finger, give the impression of a sharper level of debate.

(6) A Gesture particularly well adapted to an expression of modesty consists in bringing the thumb and the first three fingers gently together to a point, and moving the hand towards the body in the region of the mouth or chest, then letting it fall, palm downwards and slightly brought forward. This, I fancy, was the Gesture with which Demosthenes began the timid and subdued Prooemium of his defence of Ctesiphon;<sup>63</sup> this is surely how Cicero held his hand when he said "If, members of the jury, there is any talent in me—and I know how little it is."<sup>64</sup>

(7) The hand may also be drawn towards the body, with the fingers pointing down a little more freely, and then opened more widely to face the opposite way, so that it seems to be somehow delivering our actual words.

(8) Sometimes, we separate the first two fingers from the others, not however inserting the thumb between them, but with the fourth and little fingers turned slightly inwards, and the other two also not fully extended.

(9) Sometimes again the two last fingers press on the palm around the base of the thumb, while the thumb itself is pressed against the middle joints of the two first fingers.

(10) Sometimes the fourth finger is bent back to the side.

(11) Sometimes, by relaxing rather than extending all four fingers, and letting the thumb incline inwards, we produce a hand which is useful for pointing to one side or marking breaks in what we are saying; the hand moves

facimus, cum supina in sinistrum latus, prona in alterum fertur.

100 Sunt et illi breves gestus, cum manus leviter pandata, qualis faventium<sup>32</sup> est, parvis intervallis et subadsentientibus umeris movetur, maxime apta parce et quasi timide loquentibus.

Est admirationi conveniens ille gestus, quo manus modice supinata ac per singulos a minimo collecta digitos redeunte flexu simul explicatur atque convertitur.

101 Nec uno modo interrogantes gestum componimus, plerumque tamen vertentes manum, utcumque composita est.

Pollici proximus digitus medium qua dexter est unguem pollicis summo suo iungens, remissis ceteris, est et adprobantibus et narrantibus et distinguentibus decorus.

102 Cui non dissimilis, sed complicitis tribus digitis, quo nunc Graeci plurimum utuntur, etiam utraque manu, quotiens enthymemata sua gestu corrutundant velut caesim.

Manus lentior promittit et adsentatur, citatior hortatur, interim laudat.

Est et ille urgentis orationem gestus, vulgaris magis

<sup>32</sup> *recc.*: fovementium B: vovementium *edd.* ('making a vow'): fomentium b

<sup>65</sup> Or "at short intervals." Obscure: the commonly accepted emendation *vovementium*, "of persons making a vow," is unlikely because the normal gesture for this would be to raise the arms towards heaven. <sup>66</sup> I.e. middle, fourth, and little fingers.

<sup>67</sup> I.e. κατὰ κόμματα. Compare Juvenal 6.449, who cautions against having a wife who "hurls a curving Enthymeme in spinning sentence."

palm-upwards towards the left, palm-down towards the right.

There are other small Gestures too.

(12) Hand slightly curved (as though expressing support), and moved short distances<sup>65</sup> to the accompaniment of a small shoulder movement, is a Gesture which is particularly appropriate for the restrained speaker who wishes to give an impression of timidity.

(13) Surprise is well suited by the Gesture in which the hand is turned slightly upwards, closed by bringing the fingers in to it, one by one, starting with the little finger, and then opened again all at once with a reverse movement, and finally turned over.

(14) For asking questions, there is more than one Gesture available, but the common one is to turn the hand towards the person being questioned; the fingers may be positioned in any way you choose.

(15) If the first finger touches the middle of the right-hand edge of the thumbnail with its tip, the other fingers being relaxed, we have a Gesture wholly appropriate to approval or narrative or marking a distinction.

(16) Not dissimilar, but with the three fingers<sup>66</sup> bent, is something which the Greeks employ a great deal nowadays, even using both hands, when they shape their rounded Enthymemes with a Gesture, marking every phrase.<sup>67</sup>

(17) A slower hand movement expresses promise or agreement, a quicker one is for exhortation or sometimes for praise.

(18) There is also a Gesture of insistence, which belongs to everyday use rather than to art, consisting in alter-



quam ex arte, qui contrahit alterno`celerique motu et explicat manum.

103 Est et illa cava et rara et supra umeri altitudinem elata cum quodam motu velut hortatrix manus; a peregrinis scholis tamen prope recepta tremula scaenica est.

Digitos cum summi coierunt ad os referre cur quibusdam displicuerit nescio: nam id et leviter<sup>33</sup> admirantes et interim subita indignatione <et><sup>34</sup> velut pavescentes et deprecantes facimus.

104 Quin compressam etiam manum in paenitentia vel ira pectori admovemus, ubi vox vel inter dentes expressa non dedecet: 'Quid nunc agam?' 'Quid facias?'

Averso pollice demonstrare aliquid receptum magis puto quam oratori decorum.

105 Sed cum omnis motus sex partes habeat, septimus sit ille qui in se redit orbis, vitiosa est una circumversio: reliqui ante et pone<sup>35</sup> et dextra laevaue et sursum et deorsum aliquid ostendunt. (In posteriora gestus non derigitur: interim tamen velut reici solet.)

106 Optime autem manus a sinistra parte incipit, in dextra deponitur, sed ut ponere, non ut ferire videatur: quam-

<sup>33</sup> K: leniter B: lenites b

<sup>34</sup> add. Winterbottom

<sup>35</sup> et pone D.A.R.: nos B

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<sup>68</sup> Others punctuate strongly after *recepta*, not after *manus*: "a hand for encouragement, as it were, an import from foreign schools, but almost accepted. As for the hand that trembles, that belongs on the stage."

<sup>69</sup> For those "six" movements see Cicero, *Timaeus* 48, which has *ante et pone* (for Plato's (43B) εἷς τε τὸ πρόσθε καὶ ὀπίσθην). If I am right to read *et pone* in Q. also, he explains in the following

nately closing and opening the hand with a rapid movement.

(19) There is also the cupped hand, with fingers widely spread, raised above shoulder level, waved around a little, and meant to convey encouragement.

(20) The trembling hand, an import from foreign schools, but now almost accepted, really belongs on the stage.<sup>68</sup>

(21) I am not sure why some people have disapproved of raising the fingers, with the tips brought together, towards the mouth. In fact we do this (a) when we are slightly surprised, (b) sometimes in a sudden burst of indignation, (c) when we pretend to be frightened or to be making an entreaty.

(22) We can also clench the hand and draw it close to the chest in remorse or anger: in these circumstances there is nothing wrong in an exclamation forced out between the teeth: "What am I to do now?" "What would you do?"

(23) Pointing out something with the thumb turned back I regard as accepted rather than really appropriate for an orator.

Of the six kinds of motion,<sup>69</sup> to which circular movement may be added as a seventh, it is *only* this circular form which is bad, while the others—forward <and backward>, right and left, up and down—all have a significance. (Gesture is never *directed* to the back of the speaker, but it is sometimes, as it were, thrown backwards.)

It is best for the hand to begin its movement on the left and end it on the right, but in such a way that it seems to be

sentence the very limited sense in which a gesture can be said to turn "backwards."

## QUINTILIAN

quam et in fine<sup>36</sup> interim cadit, ut cito tamen redeat, et nonnumquam resilit vel negantibus nobis vel admirantibus.<sup>37</sup>

- Hic veteres artifices illud recte adiecerunt, ut manus cum sensu et inciperet et deponeretur: alioqui enim aut ante vocem erit gestus aut post vocem, quod est utrumque  
 107 deforme. In illo lapsi nimia subtilitate sunt, quod interval-  
 lum motus tria verba esse voluerunt, quod neque obser-  
 vatur nec fieri potest; sed illi quasi mensuram tarditatis  
 celeritatisque aliquam esse voluerunt—neque inmerito—  
 ne aut diu otiosa esset manus aut, quod multi faciunt,  
 actionem continuo motu concideret.
- 108 Aliud est quod et fit frequentius et magis fallit. Sunt  
 quaedam latentes sermonis percussiones et quasi aliqui  
 pedes ad quos plurimorum gestus cadit, ut sit unus motus  
 ‘novum crimen,’ alter ‘C. Caesar,’ tertius ‘et ante hanc  
 diem,’ quartus ‘non auditum,’ deinde ‘propinquus meus’ et  
 109 ‘ad te’ et ‘Q. Tubero’ et ‘detulit.’ Unde id quoque fluit vi-  
 tium, ut iuvenes cum scribunt, gestu praemodulati cogita-  
 tionem, sic componant quo modo casura manus est. Inde  
 et illud vitium, ut gestus, qui in fine dexter esse debet, in si-  
 110 nistrum frequenter desinat. Melius illud, cum sint in ser-  
 mone omnia brevia quaedam membra ad quae, si necesse  
 sit, recipere spiritum liceat, ad haec gestum disponere. Ut

<sup>36</sup> in fine *del. Winterbottom*  
*bottom* ('when we affirm'): admirmantibus B

<sup>37</sup> adfirmantibus *Winter-*

<sup>70</sup> *Pro Ligario* 1.

<sup>71</sup> Compare Aristotle's account of the dramatic poet compos-  
 ing: τοῖς σχήμασι συνεργαζόμενον, "working out (his plot) with  
 gestures," *Poetics* 1455a29.

putting something down gently, not striking a blow. Sometimes however it is lowered at the end, but only to go back quickly; and sometimes it springs back, to express either denial or surprise.

The old experts on this subject rightly added at this point that the hand movement should begin and end with the sense, for otherwise the Gesture will either anticipate the voice or lag behind it, and in either case the result is unsightly. But their excessive subtlety led them into the mistake of recommending an interval of three words between movements; this is not observed, and is impracticable. The fact is that they wanted (very properly) to have some sort of measure of slowness and speed, so that the hand should not rest idle for long or fragment the delivery by continual movement, as is the practice of many speakers..

There is another mistake too, both commoner and easier to overlook. Language possesses certain hidden stresses, one might say metrical feet, and the Gestures of many speakers coincide with these: e.g. *novum crimen* ("new charge")—one movement; *Gai Caesar*, a second; *et ante hanc diem* ("previous to this day"), a third; *non auditum* ("unheard of"), a fourth; then *propinquus meus* ("my relation"), then *ad te* ("before you"), then *Quintus Tubero*, then *detulit* ("brought").<sup>70</sup> From this flows another fault: when students are writing something and articulating their thoughts by rehearsing the Gestures, they tend to compose their sentences to fit the way in which the hand is to fall.<sup>71</sup> This gives rise to yet another mistake: the Gesture, which ought to end on the right, often ends on the left. It is better therefore, in view of the fact that there are short units in all speech, where we can draw breath if we need to, to arrange the Gesture to fit these. For instance, *novum*

puta: 'novum crimen C. Caesar' habet per se finem quen-  
dam suum, quia sequitur coniunctio: deinde 'et ante hanc  
diem non auditum' satis circumscriptum est: ad haec com-  
modanda manus est. Idque dum erit prima et composita  
111 actio: at ubi eam calor concitaverit, etiam gestus cum ipsa  
orationis celeritate crebrescet.

Aliis locis citata, aliis pressa conveniet pronuntiatio: illa  
transcurrimus congerimus festinamus, hac instamus incul-  
camus infigimus. Plus autem adfectus habent lentiora,  
ideoque Roscius citatior, Aesopus gravior fuit quod ille  
112 comoedias, hic tragoedias egit. Eadem motus quoque ob-  
servatio est. Itaque in fabulis iuvenum senum militum  
matronarum gravior incessus<sup>38</sup> est, servi ancillulae para-  
siti piscatores citatius moventur.

Tolli autem manum artifices supra oculos, demitti infra  
pectus vetant: adeo a capite eam petere aut ad imum ven-  
113 trem deducere vitiosum habetur. In sinistrum intra ume-  
rum promovetur, ultra non decet. Sed cum aversantes in  
laevam partem velut propellemus manum, sinister umerus  
proferendus, ut cum capite ad dextram ferente<sup>39</sup> consen-  
tiant.

114 Manus sinistra numquam sola gestum recte facit: dex-  
trae se frequenter accommodat, sive in digitos argumenta  
digerimus sive aversis in sinistrum palmis abominamur

<sup>38</sup> *Winterbottom*: ingessus *b*: ingressus *B*

<sup>39</sup> *vergente Watt* 1982

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<sup>72</sup> Roscius did also act in tragedy (Cicero, *De oratore* 3.102).  
He and his contemporary Aesopus were the most famous of all  
Roman actors. <sup>73</sup> Compare Plautus, *Poenulus* 522–525 (and  
the whole scene); *Rudens* 290–305 (fishermen).

*crimen*, *Gai Caesar* has a sort of end of its own, because a conjunction follows; and then *et ante hanc diem non auditum* is clearly marked off. It is to *these* divisions that the hand movements should be adapted. This applies to the earlier and calmer part of a speech; when the temperature goes up, Gesture too will become more frequent as the Delivery becomes faster.

Some passages are better suited by a quick Delivery, some by a restrained one. We use the former to pass rapidly over things, to pile up details, and to hurry on; the latter to insist, to emphasize, and to drive points home. A slower Delivery is more emotive; hence Roscius, because he acted in comedy, was quicker, and Aesopus the tragic actor more sedate.<sup>72</sup> The same applies also to movements. In plays, young men, old men, soldiers, and married ladies advance sedately; slaves, slave girls, parasites, and fishermen move with more speed.<sup>73</sup>

The experts also tell us never to raise our hand above eye-level, or lower it below the chest; so it is indeed wrong to have to pull your hand down from above your head, or to lower it to the bottom of your belly! It may be moved to the left as far as the shoulder; anything beyond that is unseemly. But when we thrust the hand out to the left to show aversion to something, the left shoulder should be brought forward, so as to coincide with a movement of the head towards the right.

The left hand never rightly makes a Gesture on its own,<sup>74</sup> but it often lends support to the right, if we are either (1) telling off arguments on our fingers, or (2) turn-

<sup>74</sup> The left hand was barely available for gesture, so long as it had to hold up the fold of the toga (11.3.141).

115 sive obicimus adversis<sup>40</sup> sive in latus utramque disten-  
dimus sive satisficientes aut supplicantes (diversi autem  
sunt hi gestus) summittimus sive adorantes attollimus sive  
aliqua demonstratione aut invocatione protendimus: 'vos  
Albani tumuli atque luci,' aut Gracchanum illud: 'Quo me  
116 miser conferam? In Capitolium? At fratris sanguine ma-  
det.<sup>41</sup> An domum?' Plus enim adfectus in his iunctae ex-  
hibent manus, in rebus parvis mitibus tristibus breves,  
magnis laetis atrocibus exertiores.

117 Vitia quoque earum subicienda sunt, quae quidem  
accidere etiam exercitatis actoribus solent. Nam gestum  
poculum poscentis aut verbera minantis aut numerum  
118 quingentorum flexo pollice efficientis, quae sunt a quibus-  
dam scriptoribus notata, ne in rusticis quidem vidi. At ut  
bracchio exerto introspectiatur latus, ut manum alius ultra  
sinum proferre non audeat, alius in quantum patet longi-  
tudo protendat, aut ad tectum erigat, aut repetito ultra  
laevum umerum gestu ita in tergum flagellet ut consistere  
post eum parum tutum sit, aut sinistrum ducat orbem, aut  
temere sparsa manu in proximos offendat, aut cubitum

<sup>40</sup> D.A.R.: adversas B      <sup>41</sup> At fratris sanguine madet *recc.*,  
*from Cic. De oratore* 3.214: ad fratris sanguinem B

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<sup>75</sup> Cicero, *Pro Milone* 85.      <sup>76</sup> From C. Gracchus' speech  
in the last days of his life (121 BC), quoted by Cicero, *De oratore*  
3.214: *ORF* p. 196.      <sup>77</sup> I.e. presumably by forming it into the  
shape  $\Gamma$ , the Greek numeral for 5. The right thumb so bent signi-  
fied 500. See above, § 86.

<sup>78</sup> Compare *Letter Journal of George Canning 1793–1795* (ed.  
P. Jupp, Camden Society, 1991), 60 (House of Commons, 31 Jan.  
1794): "People about me are apprehensive of some mischief from

ing our palms away to the left to express horror, or (3) making an objection by thrusting them forward, or (4) stretching both hands out sideways, or (5) lowering them in apology or supplication (but note that these are distinct Gestures), or finally (6) raising them in prayer or stretching them out to point to something or in an invocation: "Ye hills and groves of Alba"<sup>75</sup> or Gracchus' "Where shall I turn in my misery? To the Capitol? <It is soaked in> my brother's blood. To my house?"<sup>76</sup> and so on. The use of the two hands together produces more emotion in such passages; when the subject is unimportant, unthreatening, or sad, they are held close to the body; with grander themes, or when joy or outrage is called for, they are thrust further forward.

I must mention here faults of hand gestures into which even experienced pleaders often fall. The Gesture of demanding a cup, threatening a flogging, or indicating the number 500 by crooking the thumb,<sup>77</sup> all of which are mentioned by some writers, I have never seen, even in uneducated speakers. But I know some things that do often happen: an arm is exposed and we catch a glimpse of the speaker's side; a man dares not stick his hand out beyond the fold of his toga; another stretches his arm out to its full length, raises it towards the roof, or swings it back and forth over his left shoulder, raining down blows to the rear, so that it is dangerous to be standing behind him;<sup>78</sup> another makes a leftwards sweep, waves his hand around at random and hits his neighbours, or else flaps both elbows

me. Lord Bayham I did once hit a plaguy hard blow on the shoulder—Pitt . . . sidled a little out of the way, and Dundas was obliged to bob to save his wig from confusion."



119 utrumque in diversum latus ventilet, saepe scio evenire. Solet esse et pigra et trepida et secanti similis †interim etiam uncis digitis aut a capite deiciatur aut eadem manu supinata in superiora iactetur†.<sup>42</sup>

120 Fit et ille <gestus><sup>43</sup> qui, inclinato in umerum dextrum capite, bracchio ab aure protenso, manum infesto pollice extendit: qui quidem maxime placet iis qui se dicere sublata manu iactant. Adicias licet eos qui sententias vibrantis digitis iaculantur aut manu sublata denuntiant aut, quod per se interim recipiendum est, quotiens aliquid ipsis placuit in unguis eriguntur, sed vitiosum id faciunt aut digito quantum plurimum possunt erecto aut etiam duobus, aut utraque manu ad modum aliquid portantium composita.

121 His accedunt vitia non naturae sed trepidationis: cum ore concurrente rixari; si memoria fefellerit aut cogitatio non suffragetur, quasi faucibus aliquid obstiterit insonare; in adversum tergere nares, obambulare sermone imperfecto, resistere subito et laudem silentio poscere. Quae omnia persequi prope infinitum est: sua enim cuique sunt vitia.

122 Pectus ac venter ne proiciantur observandum: pandant enim posteriora et est odiosa omnis supinitas.

<sup>42</sup> *I translate* interim etiam <ut aut (*Halm*)> uncis digitis [aut] a capite deiciatur aut [eadem manu *del. M.W. after Buttman*] supinata in superiora iactetur <sup>43</sup> ille <gestus> *Halm*: ille habitus qui esse in statuis pacificator solet ille *b* ('the attitude which is commonly a peacemaking one in statues')

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<sup>79</sup> Very uncertain: see text note. <sup>80</sup> *Infesto pollice* suggests the "thumbs down" given to the doomed gladiator; but here it is part of a neutral gesture, as in Apuleius, *Metamorphoses* 2.21 (Thelyphron's oratorical technique here should be studied in the light of Q.'s precepts). <sup>81</sup> See 2.12.9.

against his two sides. And then there is the sluggish or timid hand, and the hand that moves as though it were slicing something, or that sometimes either swoops down from head level with the fingers hooked, or shoots upwards with the palm uppermost.<sup>79</sup>

Another <Gesture> consists in inclining the head towards the right shoulder, stretching out the arm level with the ear, and extending the hand with the thumb down;<sup>80</sup> this is particularly in favour with people who like to boast of speaking “with hand raised.”<sup>81</sup> We may add those who brandish their flashing phrases on their fingers, or utter denunciations “with hand raised,” or (and this is sometimes acceptable in principle) rise on tiptoe whenever they have said something they are pleased with. This however becomes a fault if they raise one, or even two, fingers, as high as they can, or bring both hands together like people carrying something.

There are also faults not of nature but of nervousness: struggling with a mouth that refuses to open; making a rumbling noise, as if something is stuck in your throat, if your memory has failed or your thoughts will not come to mind; wiping your nose without turning aside to do so; walking up and down in mid-sentence; stopping suddenly and pausing for applause. It would be an endless task to list all these things. Every individual has his own faults.

### *Gestures of the body*

Take care not to thrust the chest or stomach forward. This arches the back, and all bending backwards is unsightly.

Latera cum gestu consentiant: `facit enim aliquid et totius corporis motus, adeo ut Cicero plus illo agi quam manibus ipsis putet. Ita enim dicit in Oratore: ‘nullae argutiae digitorum, non ad numerum articulus cadens, trunco magis toto se ipse moderans et virili laterum flexione.’

123 Femur ferire, quod Athenis primus fecisse creditur Cleon, et usitatum est et indignantes decet et excitat auditorem. Idque in Calidio Cicero desiderat: ‘non frons’ inquit ‘percussa, non femur.’ Quamquam, si licet, de fronte dissentio: nam etiam complodere manus scaenicum est [pectus caedere].<sup>44</sup> Illud quoque raro decebit, cava manu summis digitis pectus adpetere si quando nosmet ipsos adloquemur cohortantes obiurgantes miserantes: quod si quando fiet, togam quoque inde removeri non dedecebit.

124

In pedibus observantur status et incessus. Prolato dextro stare et eandem manum ac pedem proferre deforme est. In dextrum incumbere interim datur, sed aequo pectore, qui tamen comicus magis quam oratorius gestus est. Male etiam in sinistram pedem insistentium dexter aut tollitur aut summis digitis suspenditur. Varicare supra mo-

125

<sup>44</sup> *del. Winterbottom*

82 59.

<sup>83</sup> Plutarch, *Nicias* 8 says that Cleon was the first to “shout in a public speech, pull his clothes apart, strike his thigh, and run around while he was speaking.” On his oratory see also Thucydides 3.36, Cicero, *Brutus* 28.

<sup>84</sup> *Brutus* 278: see 10.1.23.

<sup>85</sup> For the importance of the manner of walking, see Bremmer and Roodenburg (1991) 16–23, Gleason (1994) 60–63. Aristotle’s

The side must be in tune with the Gesture, for the movement of the whole body is important, so much so that Cicero says that more is done by this than by the hands themselves. This is what he says in the *Orator*:<sup>82</sup> “No twiddling of the fingers, no marking the rhythm with the finger joint; he controls himself more by the pose of his whole body and the manly flexing of the side.” Slapping the thigh, which Cleon<sup>83</sup> is supposed to have been the first to do at Athens, is common practice; it is quite proper for an indignant speaker, and it stimulates the audience. Cicero<sup>84</sup> notes the lack of it in Calidius: “no striking of the forehead or the thigh.” With regard to the forehead, I beg to differ; for even to clap your hands [beat your breast] is theatrical. Only rarely will it be proper to touch the breast with the tips of the fingers, hand hollowed, when for example we exhort, reproach, or commiserate with ourselves. In these circumstances, it will not be improper either to draw the toga back from the chest.

### *Feet*

As to the feet, both stance and walk require attention.<sup>85</sup> It is unsightly to stand with the right foot in front, and to put the same hand and foot forward together. It may be sometimes acceptable to put the weight on the right foot, but only if you hold your chest level; even so, this is a Gesture of comedy rather than of oratory. Again, when you put your weight on the left foot, it is bad to raise the right, or keep it poised on tiptoe. Holding the feet too far apart is “high-minded man” (*μεγαλόψυχος*) sets the pattern: slow movements, deep voice, sedate speech (*Nicomachean Ethics* 1125a34).

## QUINTILIAN

dum et in stando deforme est et accedente motu prope  
obscenum. Prokursio oportuna brevis moderata [rara]<sup>45</sup>  
126 conveniet: iam et ambulatio quaedam propter inmodicas  
laudationum moras, quamquam Cicero rarum incessum  
neque ita longum probat. Discursare vero et, quod Domi-  
tius Afer de Sura Manlio dixit, 'satagere' ineptissimum:  
127 urbaneque Flavus Verginius interrogavit de quodam suo  
antisophiste quot milia passum declamasset. Praecipi et  
illud scio, ne ambulantes avertamur a iudicibus, sed sint  
obliqui pedes ad consilium nobis respicientibus. Id fieri iu-  
diciis privatis non potest, verum et breviora sunt spatia nec  
aversi diu sumus. Interim tamen recedere sensim datur.  
128 Quidam et resiliunt, quod est plane ridiculum. Pedis sup-  
plosio ut loco est oportuna, ut ait Cicero, in contentionibus  
aut incipiendis aut finiendis, ita crebra et inepti est homi-  
nis et desinit iudicem in se convertere. Est et illa indecora  
in dextrum ac laevum latus vacillatio alternis pedibus insis-  
tentium. Longissime fugienda mollis actio, qualem in Titio  
Cicero dicit fuisse, unde etiam saltationis quoddam genus  
129 Titius sit appellatum. Reprehendenda et illa frequens et  
concitata in utramque partem nutatio, quam in Curione  
patre inrisit et Iulius, quaerens quis in luntre loqueretur, et  
Sicinius: nam cum adsidente collega, qui erat propter vale-

<sup>45</sup> *del. M.W.*

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<sup>86</sup> *Orator* 59.      <sup>87</sup> See 6.3.54.      <sup>88</sup> See on 3.1.21. Q.  
here implies that Verginius also counted as a *sophistes*, i.e. a  
declaimer and teacher of rhetoric.      <sup>89</sup> I.e. where there is a  
single judge, and cases may even be heard in a private house.

<sup>90</sup> *De oratore* 3.220.

<sup>91</sup> Cicero, *Brutus* 225.

<sup>92</sup> All this is from *Brutus* 216–217. The elder C. Scribonius

unsightly if you are standing still, and almost indecent if combined with movement. A step forward is quite in order, so long as it is opportune, short, and well controlled. So is a certain amount of walking up and down if there are unreasonable delays occasioned by applause, though Cicero<sup>86</sup> approves of walking about only on rare occasions and not for long. As for running up and down, and what Domitius Afer called Manlius Sura's "over-acting,"<sup>87</sup> it is totally foolish. Verginius Flavus<sup>88</sup> wittily asked a rival sophist "how many miles he had declaimed." I know we are also advised not to turn our backs on the judges as we walk, but to move at an angle and keep our eyes on the panel. This is impossible in private trials,<sup>89</sup> but the distances are less there, and we do not have to turn our backs for long. Sometimes however it is permissible to step back gradually. Some people *jump* back: this is simply ridiculous. Stamping the foot can be opportune on occasion, as Cicero says,<sup>90</sup> at the beginning or end of a passage of aggressive argument, but if it is done often it shows the speaker to be a fool, and ceases to attract the judge's attention. Swaying to right and left and shifting the weight from one foot to another is another indecorous performance. Above all, one should avoid effeminate movements, such as Cicero ascribes to Titius<sup>91</sup>—which is how a type of dance came to be called a Titius. Another reprehensible practice is that of rapidly and frequently rocking to and fro; the elder Curio<sup>92</sup> was ridiculed for this, both by Julius, who asked "who was that man talking on a boat?" and by Sicinius; for, when Curio had been

Curio, consul 76 BC, was an opponent of Cicero; C. Julius Caesar Strabo, aedile 90 BC, was killed by Marius' supporters in 87 BC; Cn. Sicinius was *tribunus plebis* in 76 BC.

tudinem et deligatus et plurimis medicamentis delibutus, multum se Curio ex more iactasset, 'numquam,' inquit, 'Octavi, collegae tuo gratiam referes, qui nisi fuisset, hodie te istic muscae comedissent.'

- 130 Iactantur et umeri, quod vitium Demosthenes ita dicitur emendasse ut, cum in angusto quodam pulpito stans diceret, hasta umero dependens immineret, ut, si calore dicendi vitare id excidisset, offensione illa commoneretur. Ambulantem loqui ita demum oportet si in causis publicis, in quibus multi sunt iudices, quod dicimus quasi
- 131 singulis inculcare peculiariter velimus. Illud non ferendum, quod quidam reiecta in umerum toga, cum dextra sinum usque lumbos reduxerunt, sinistra gestum facientes spatiantur et fabulantur, cum etiam laevam restringere prolata longius dextra sit odiosum. Unde moneor ut ne id quidem transeam, ineptissime fieri cum inter moras laudationum aut in aurem alicuius locuntur aut cum sodalibus iocantur aut nonnumquam ad librarios suos ita respiciunt ut sportulam dictare videantur.
- 132 Inclinari ad iudicem cum doceas, utique si id de quo loquaris sit obscurius, decet. Incumbere advocato adversis subselliis sedenti iam contumeliosum. Reclinari etiam ad suos et manibus sustineri, nisi plane iusta fatigatio est, delicatum: sicut palam moneri excidentis aut legere: namque
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<sup>93</sup> See [Plutarch], *Lives of the Ten Orators* 844E.

<sup>94</sup> Slaves would be carrying books or making notes for the advocate; the suggestion is that money is also offered to an applauding audience (see Pliny, *Epist.* 2.14.4 on hired audiences in the courts: "Presents are offered in the basilica as openly as at dinner parties; they move from one trial to the next for the same reward").

throwing himself about in his usual style while his colleague Octavius sat beside him, bandaged and smothered in medicaments because of his illness, Sicinius said “Octavius, you can never be thankful enough to your colleague; if *he* hadn’t been here, the flies would have eaten you today.”

Moving the shoulders about is another fault. Demosthenes<sup>93</sup> is said to have cured himself of this by standing to speak on a narrow platform, with a spear suspended above his shoulder, so that if in the heat of his speech he forgot to avoid this, he would be warned by a prick from the spear. Walking about while speaking is only justified if, in public Causes, in which there are many judges, we want to impress our arguments specially on certain individuals. Some speakers throw the toga back over the shoulder, having drawn the fold of it down to the hips with the right hand, and then walk about and chatter while gesturing with the left hand: this is intolerable. It is objectionable even to draw your left hand in when you reach out further with your right. And this reminds me not to forget to mention how very foolish it is, in the intervals for applause, to whisper into someone’s ear or joke with friends or turn to your clerks from time to time, so as to look as if you were giving instructions for a gratuity to be handed out.<sup>94</sup>

It is quite proper to lean towards the judge when giving him the facts of the case, especially if what you are saying is in any way obscure. On the other hand, to lean over the advocate sitting on the opposite bench is insulting. Leaning back towards your friends and letting them support you in their arms is an affectation, unless you have good reason to be tired. The same goes for being openly prompted when something slips your mind, and for reading from a text. All



in his omnibus et vis illa dicendi solvitur et frigescit adfectus et iudex parum sibi praestari reverentiae credit. Transire in diversa subsellia parum verecundum est: nam et Cassius Severus urbane adversus hoc facientem lineas poposcit, et si aliquando concitate itur, numquam non frigide reditur.

- 134 Multum ex iis quae praecepimus mutari necesse est ab iis qui dicunt apud tribunalia: nam et vultus erectior, ut eum apud quem dicitur spectet, et gestus ut ad eundem tendens elatior sit necesse est, et alia quae occurrere etiam me tacente omnibus possunt. Itemque ab iis qui sedentes agent: nam et fere fit hoc in rebus minoribus, et idem impetus actionis esse non possunt,<sup>46</sup> et quaedam vitia fiunt
- 135 necessaria. Nam et dexter pes a laeva iudicis sedenti proferendus est, et ex altera parte multi gestus necesse est in sinistrum eant, ut ad iudicem spectent. Equidem plerisque et ad singulas clausulas sententiarum video adsurgentis et nonnullos subinde aliquid etiam spatiantis, quod an deceat ipsi viderint: cum id faciunt, non sedentes agunt.
- 136 Bibere aut etiam esse inter agendum, quod multis moris fuit et est quibusdam, ab oratore meo procul absit. Nam si quis aliter dicendi onera perferre non possit, non ita

<sup>46</sup> possit *Winterbottom*

<sup>95</sup> See on 10.1.116.

<sup>96</sup> Like the ropes which separated seats or blocks of seats in the theatre: Ovid, *Amores* 3.2.19, *Ars Amatoria* 1.139.

<sup>97</sup> I.e. where the judge (a magistrate, or perhaps the emperor) is seated on a dais, not on a bench level with the court.

these things impair the force of the speech, cool the emotion, and make the judge feel that he is not being treated with sufficient respect. To cross over to the opposite benches is bad manners: Cassius Severus<sup>95</sup> wittily asked for ropes to be put in place<sup>96</sup> to protect him against an opponent who did this; and anyway, though the outward move may sometimes look energetic, the return journey is invariably a disaster.

Much of this advice will need to be modified by those who appear before tribunals.<sup>97</sup> Here, the face must be held more erect, so as to look towards the presiding judge, and Gestures must be higher up, again for his benefit. There are other differences which will occur to everyone without my mentioning them. Again, my general advice does not wholly apply to pleaders who speak from their seats;<sup>98</sup> this is common in minor cases, it allows no scope for vehemence in Delivery, and some faults are unavoidable. If you are sitting on the left of the judge, you *must* put your right foot forward,<sup>99</sup> while if you are on his other side many Gestures must be made towards the left, so that they are directed to the judge. I note that many people rise to their feet at the close of every sentence, and that some even take frequent little walks; it is for them to decide whether this is appropriate. When they do this, anyway, they are no longer speaking from their seat.

As for taking drink or food in the course of a speech—which many used to do, and some still do—may this be far from my orator's thoughts! If a man cannot sustain the burden of speaking without this, it is not such an unhappy fate

<sup>98</sup> See 11.1.44.

<sup>99</sup> Against the rule given above, § 124.

miserum est non agere potiusque multo quam et operis et hominum contemptum fateri.

- 137 Cultus non est proprius oratoris aliquis, sed magis in oratore conspicitur. Quare sit, ut in omnibus honestis debet esse, splendidus et virilis: nam et toga et calceus et capillus tam nimia cura quam neglegentia sunt reprehendenda. Est aliquid in amictu quod ipsum aliquatenus temporum condicione mutatum est: nam veteribus nulli sinus, perquam breves post illos fuerunt. Itaque etiam gestu necesse est usos esse in principiis eos alio quorum bracchium, sicut Graecorum, veste continebatur: sed nos de praesentibus loquimur. Cui lati clavi ius non erit, ita cingatur ut tunicae prioribus oris infra genua paulum, posterioribus ad medios poplites usque perveniant: nam infra mulierum est, supra centurionum. Ut purpurae recte descendant levis cura est, notatur interim neglegentia. Latum habentium clavum modus est ut sit paulum cinctis summissior.
- 138
- 139

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<sup>100</sup> Wearing the toga properly demanded care and skill. It was a large piece of woollen material, roughly semicircular, with a width of up to 5.5 metres and a depth of about 1.75 metres. It was first thrown over the left shoulder, so that about 1.5 metres hung down in front and about twice as much behind. This longer portion was then carried round under the right arm and then diagonally across the chest (like a *balteus*, "belt") and over the left shoulder again. A section of this portion hanging in front formed the *sinus* ("fold"), and was held up by the left arm. The original length hanging in front from the left shoulder was now *below* the rest. A portion of it was then pulled up from above and allowed to hang over the edge of the *balteus*: it was now called the *umbo* ("boss"), and was the last part to be adjusted. Q. advises that this should be big enough to balance the part of the toga that hung

to stop pleading altogether; that would be far preferable to displaying your contempt for your work and for society.

### *Dress*

As for dress, there is no special form for the orator, but his is noticed more. As with all men of standing, it should be distinguished and masculine. Toga,<sup>100</sup> shoes, and hair invite criticism both for too much care and for not enough. There are some features of dress which have themselves changed somewhat with the changing times. The ancients wore no *sinus* ("fold"), and their successors very short ones. Accordingly, as their arms (according to Greek custom) were kept within their clothes, they must have used different Gestures from ours in the Prooemium. But I am speaking of present conditions. A speaker who is not entitled to the Broad Stripe<sup>101</sup> should gird his tunic in such a way that its front edge falls a little below the knee, and the back edge reaches to the middle of the calf. Anything lower is for women; anything higher is for centurions. It is not difficult to make purple stripes hang properly; carelessness in this sometimes attracts criticism. The rule for wearers of the Broad Stripe is that it should be a little lower than the girt tunic would be.

from the left shoulder, and so help to keep it in place. See in general OCD<sup>3</sup>, s.v. toga. Statues (e.g. the Barberini Togatus, illustrated in J. Boardman, *Oxford History of Classical Art*, fig. 238) show what it looked like.

<sup>101</sup> A broad purple stripe on the *tunica* (which was then worn without a girdle) was a privilege of senators and their sons.

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- Ipsam togam rutundam esse et apte caesam velim, aliter enim multis modis fiet enormis. Pars eius prior mediis cruribus optime terminatur, posterior eadem portione  
 140 altius qua cinctura. Sinus decentissimus si aliquo supra imam tunicam<sup>47</sup> fuerit, numquam certe sit inferior. Ille qui sub umero dextro ad sinistrum oblique ducitur velut balteus nec strangulet nec fluat. Pars togae quae postea imponitur sit inferior: nam ita et sedet melius et continetur. Subducenda etiam pars aliqua tunicae, ne ad lacertum in actu redeat: tum sinus iniciendus umero, cuius extremam  
 141 oram reiecisse non dedecet. Operiri autem umerum cum toto iugulo non oportet, alioqui amictus fiet angustus et dignitatem quae est in latitudine pectoris perdet. Sinistrum bracchium eo usque adlevandum est ut quasi normalem illum angulum faciat, super quod ora ex toga duplex aequaliter sedeat.
- 142 Manus non impleatur anulis, praecipue medios articulos non transeuntibus: cuius erit habitus optimus adlevato pollice et digitis leviter inflexis, nisi si libellum tenebit—quod non utique captandum est: videtur enim fateri memoriae diffidentiam et ad multos gestus est impedimento.
- 143 Togam veteres ad calceos usque demittebant, ut Graeci pallium: idque ut fiat, qui de gestu scripserunt circa tempora illa, Plotius Nigidiusque, praecipiunt. Quo magis

<sup>47</sup> *Spalding*: togam B

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<sup>102</sup> I.e. the left hand, which supports the *sinus* and will be in full view. Note that it can be used to hold a book.

<sup>103</sup> I.e. the *himation*, a rectangular piece of cloth used as an outer garment: see *OCD*<sup>3</sup>, s.v. dress.

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I should like the toga itself to be round, and well cut to fit; otherwise there are many ways in which it will be unshapely. It is best if the front reaches to the middle of the shin, while the back is higher, to correspond with the girdle of the tunic. The fold (*sinus*) is most becoming if it falls a little above the bottom of the tunic; it should certainly never be below it. The fold which passes obliquely across the body like a belt, under the right shoulder and over the left, must be neither too tight nor too loose. The part of the toga which is arranged last should fall lower; it sits better like that, and is held in place better. A part of the tunic should also be drawn back, so that it does not fall down on to the upper arm in the course of the pleading; the fold should then be thrown over the shoulder, and it is not unbecoming to turn back the edge of it. However, the shoulder and the whole throat should not be covered, or the dress will be tight and lose the dignity which a broad chest can give. The left arm should be raised just so far as to form a right angle, and over it the double edge produced by the toga should fall evenly.

The hand<sup>102</sup> should not be loaded with rings, especially any which do not go over the middle joint. The best position for the hand is with the thumb raised and the fingers slightly flexed, unless holding a book. (This is in any case not something you should choose to do, because it suggests lack of confidence in your memory, and it is a hindrance to a great many Gestures.)

The ancients used to let the toga fall right down to the heels, like the Greek pallium;<sup>103</sup> and this is recommended by Plotius and Nigidius, who wrote on Gesture at that

miror Plini Secundi docti hominis et in hoc utique libro paene etiam nimium curiosi persuasionem, qui solitum id facere Ciceronem velandorum varicum gratia tradit, cum hoc amictus genus in statusis eorum quoque qui post Ciceronem fuerunt appareat.

144 Palliolum, sicut fascias quibus crura vestiuntur et focalia et aurium ligamenta, sola excusare potest valetudo.

Sed haec amictus observatio dum incipimus: procedente vero actu, iam paene ab initio narrationis, sinus ab umero recte velut sponte delabitur, et cum ad argumenta ac locos ventum est reicere a sinistro togam, deicere etiam, 145 si haereat, sinum convenit.<sup>48</sup> Laeva a faucibus ac summo pectore abducere licet: ardent enim iam omnia. Et ut vox vehementior ac magis varia est, sic amictus quoque habet 146 actum quendam velut proeliantem. Itaque ut laevam involvere toga et incingi paene furiosum est, sinum vero in dextrum umerum ab imo reicere solutum ac delicatum (fiuntque adhuc peius aliqua), ita cur laxiorem sinum sinistro bracchio non subiciamus? Habet enim acre quiddam atque expeditum et calori concitationique non inhabile.

147 Cum vero magna pars est exhausta orationis, utique adflante fortuna, paene omnia decent, sudor ipse et fatigatio et neglegentior amictus et soluta ac velut labens

<sup>48</sup> M.W.: conveniet B

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<sup>104</sup> For Plotius Gallus, see on 2.4.42. P. Nigidius Figulus (praetor 58 BC) was a scholar and antiquarian: our passage (= fr. LXV Swoboda) is the only evidence we have for a work on gesture.

<sup>105</sup> Presumably the three long books called *Studiosus* (Pliny, *Epist.* 3.5) in which the elder Pliny traced the education of the

period.<sup>104</sup> I am therefore all the more surprised at a statement by Plinius Secundus, a man of real learning and in this book<sup>105</sup> at any rate precise to a fault. He says that Cicero used to wear his toga like this to conceal his varicose veins, although the fashion is to be seen also in statues of persons who lived after Cicero's time.

The short cloak, like leg-bandages, scarves, and ear-protectors, is only excusable by illness.

This close attention to dress applies only at the beginning of a speech. As it proceeds, almost by the beginning of the Narrative, it is quite proper for the fold to slip, apparently accidentally, off the shoulder; and when we come to Arguments and Commonplaces, it is quite proper to throw the toga back from the left shoulder, and even to let the fold down, if it tends to stay up. You can pull the toga away from the throat and the upper chest with the left hand, for everything is now hotting up. And just as the voice becomes more vehement and varied in tone, so the clothing gets into battle mode, as it were. Of course, wrapping your left hand in your toga and tying it round you is almost insane, and throwing back the fold from its bottom on to the right shoulder is foppish and effeminate, and indeed there are yet worse things than these; but why should we not tuck the looser part of the fold under the left arm? There is a keenness and readiness for action about this, not ill-adapted to the heat and excitement.

And when the great part of the speech is over, at least if fortune smiles upon us, almost anything goes—sweat, fatigue, disordered clothing, toga loose and falling off all

orator "from the cradle" (compare 3.1.21). Q. implies that some of his other works (the *Natural History* perhaps?) were less accurate.



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148 undique toga. Quo magis miror hanc quoque succurrisse  
 Plinio curam, ut ita sudario frontem sicari iuberet ne  
 comae turbarentur, quas componi post paulum, sicuti dig-  
 num erat, graviter et severe vetuit. Mihi vero illae quoque  
 149 turbatae prae se ferre aliquid adfectus et ipsa oblivione  
 curae huius commendari videntur. At si incipientibus aut  
 paulum progressis decidat toga, non reponere eam prorsus  
 negligentis aut pigri aut quo modo debeat amiciri nescien-  
 tis est.

Haec sunt vel inlustramenta pronuntiationis vel vitia,  
 150 quibus propositis multa cogitare debet orator. Primum  
 quis, apud quos, quibus praesentibus sit acturus (nam ut  
 dicere alia aliis et apud alios magis concessum est, sic  
 etiam facere; neque eadem in voce gestu incessu apud  
 principem senatum populum magistratus, privato publico  
 iudicio, postulatione actione, similiter decent: quam dif-  
 ferentiam subicere sibi quisque qui animum intenderit  
 151 potest): tunc qua de re dicat et quid velit efficere.<sup>49</sup> Rei  
 quadruplex observatio est: una in tota causa (sunt enim  
 tristes hilares, sollicitae securae, grandes pusillae, ut vix  
 umquam ita sollicitari partibus earum debeamus ut non et  
 152 summae meminerimus): altera quae est in differentia par-  
 tium, ut in prohoemio narratione argumentatione epilogo:

<sup>49</sup> efficere quid velit *B*, *transp.* *Winterbottom*

round. This makes me all the more surprised that Pliny thought it worth while to recommend drying the forehead with a towel in such a way as not to disturb the hair—although a little later he very properly, and with much gravity and sternness, forbids us to arrange it. Personally, I think that dishevelled hair has some emotional impact, and wins approval just because trouble seems to have been forgotten. However, if the toga falls down early in the speech, or after only a little while, failure to rearrange it is a sign of carelessness, laziness, or ignorance of how clothes should be worn.

*Delivery depends on circumstances and the type  
of Cause*

Such are the successes or failures of Delivery. Having grasped what these are, there remain many points which the orator must think of. (1) Who he is, whose court it is, and who is present. Permissible forms of behaviour, as of speaking, vary with speaker and audience. The same features of voice, Gesture, and walk are not equally appropriate to speaking before the emperor, the senate, the people, and the magistrates, in a private and in a public trial, in an application for a hearing and in an actual pleading. Anyone who sets his mind to it will be able to suggest the differences. (2) What is his subject, and what he wants to effect. As to subject, there are four considerations. (a) The nature of the Cause as a whole. It may be sad or amusing, alarming or unthreatening, important or trivial, so that we can hardly ever be preoccupied with any one part without also remembering the whole. (b) The difference of the parts—Prooemium, Narrative, Argumentation, Epilogue. (c) The

tertia in sententiis ipsis, in quibus secundum res et adfectus variantur omnia: quarta in verbis, quorum ut est vitiosa si effingere omnia velimus imitatio, ita quibusdam nisi sua natura redditur vis omnis aufertur.

153 Igitur in laudationibus, nisi si funebres erunt, gratiarum actione, exhortatione, similibus laeta et magnifica et sublimis est actio. Funebres contiones, consolationes, plerumque causae reorum tristes atque summissae. In senatu conservanda auctoritas, apud populum dignitas, in privatis modus.

De partibus causae et sententiis verbisque, quae sunt multiplicia, pluribus dicendum.

154 Tria autem praestare debet pronuntiatio, ut conciliet persuadeat moveat, quibus natura cohaeret ut etiam delectet.

155 Conciliatio fere aut commendatione morum, qui nescio quo modo ex voce etiam atque actione perlucent, aut orationis suavitate constat, persuadendi vis adfirmatione, quae interim plus ipsis probationibus valet. ‘An ista,’ inquit Calidio Cicero, ‘si vera essent, sic a te dicerentur?’ et: ‘tan-

<sup>106</sup> Q. uses for Delivery the basic classifications that apply to oratory as a whole: the three *officia oratoris* and (in §§ 161–174) the five “parts” of a speech. Compare also 11.3.30. Note that Q. does not come to his promised discussion of the parts of a speech till § 161.

<sup>107</sup> *Fr. orat.* VI. 4 Schoell (*Brutus* 278); Crawford (1994) p. 151.

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thoughts themselves, in which everything varies according to circumstances and emotions. (d) The words: while it is a mistake to try to represent everything by means of Gesture, some words lose their force altogether if their nature is not duly brought out.

### *(a) Different kinds of Causes*

Thus (a) in Encomia (funeral orations excepted) and in speeches of thanks, exhortation, and the like, the Delivery is rich, splendid, and lofty. In funeral addresses, consolations, and in general the defence of accused persons, it is melancholy and subdued. In the senate, the tone must be authoritative; in addressing the people, dignified; in private cases, restrained.

We shall have to go into more detail concerning (b) the parts of a Cause, (c) the thoughts, and (d) the words, all of which present complex problems.

### *The three main objects of Delivery*

Delivery however has to effect three objects: it must conciliate, persuade, and move.<sup>106</sup> That it should also give pleasure is a natural corollary of this.

(1) The power to conciliate comes generally either from acceptability of character (which shines through somehow also in the voice and the Delivery) or from charm of style.

(2) The power to persuade comes from confident assertion, which is sometimes more effective than the Proofs themselves. "If all this were true," says Cicero<sup>107</sup> to Calidius, "would you have said it like that?"—and again,

tum abest ut inflammares nostros animos: somnum isto loco vix tenebamus.' Fiducia igitur appareat et constantia, utique si auctoritas subest.

156 Movendi autem ratio aut in repraesentandis est aut imitandis adfectibus.

Ergo cum iudex in privatis aut praeco in publicis dicere de causa iusserit, leniter est consurgendum: tum in componenda toga vel, si necesse erit, etiam ex integro inicienda, dumtaxat in iudiciis (apud principem enim et magistratus et tribunalia non licebit) paulum est commorandum, ut et amictus sit decentior et protinus aliquid spatii ad cogitandum. Etiam cum ad iudicem nos converterimus et consultus praetor permiserit dicere, non protinus est erumpendum, sed danda brevis cogitationi mora: mire enim auditurum dicturi cura delectat et iudex se ipse componit. Hoc praecipit Homerus Ulixis exemplo, quem stetit oculis in terram defixis inmotoque sceptro priusquam illam eloquentiae procellam effunderet dicit. In hac cunctatione sunt quaedam non indecentes, ut appellant scaenici, morae: caput mulcere, manum intueri, infringere articulos, simulare conatum, suspiratione sollicitudinem fateri, aut quod quemque magis decet, et ea diutius si iudex nondum intendet animum. Status sit rectus, aequi et

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158  
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<sup>108</sup> *Iliad* 3.216–224, a passage regularly cited (with *Iliad* 1.249) to illustrate the “three styles” (see 12.10.64). Ulysses’ eloquence is “like a winter blizzard.”

“Far from your setting us on fire, we could scarcely stay awake through that passage.” So let your confidence and firmness be apparent, at least if you have the authority to back them.

(3) The power to move rests on realizing or imitating emotions.

*General advice on deportment when about  
to speak*

Accordingly, when the judge in private cases, or the court usher in public ones, calls upon us to speak on our Cause, we must get up without hurrying, and then spend a little time arranging the toga or, if need be, putting it on afresh—in the public courts, I mean, because this will not be allowed before the emperor, a magistrate, or a tribunal—so as both to make our dress more decent and to give ourselves a little time to think. Even when we turn to the judge and ask and receive the praetor’s permission to speak, we must not burst out immediately, but allow a brief pause for reflection. Care in the speaker is very agreeable to the listener; and besides, the judge can settle himself down. Homer recommends this by the example of Ulysses,<sup>108</sup> whom he describes as standing with his eyes fixed on the ground and not moving his staff, before pouring forth his “blizzard” of eloquence. In this period of delay, some “stop-gaps,” as the actors say, are not inappropriate: stroking the head, looking at the hand, cracking the fingers, pretending to summon up our energies, confessing nervousness by a sigh, or doing whatever suits our particular character; and this can go on for some time if the judge is not yet paying attention. The stance should be upright,

diducti paulum pedes, vel procedens minimo momento sinister: genua recta, sic tamen ut non extendantur: umeri remissi, vultus severus, non maestus nec stupens nec languidus: brachia a latere modice remota, manus sinistra qualem supra demonstravi, dextra, cum iam incipiendum erit, paulum prolata ultra sinum gestu quam modestissimo, velut spectans quando incipiendum sit. Vitiosa enim sunt illa, intueri lacunaria, perfricare faciem et quasi improbam facere, tendere confidentia vultum aut quo sit magis torvus superciliis adstringere, capillos a fronte contra naturam retro agere, ut sit horror ille terribilis: tum, id quod Graeci frequentissime faciunt, crebro digitorum labrorumque motu commentari, clare excreare, pedem alterum longe proferre, partem togae sinistra tenere, stare diductum vel rigidum vel supinum vel incurvum vel umeris, ut luctaturi solent, ad occipitium ductis.

Prohoemio frequentissime lenis convenit pronuntiatio: nihil enim est ad conciliandum gratius verecundia, non tamen semper: neque enim uno modo dicuntur exordia, ut docui. Plerumque tamen et vox temperata et gestus modestus et sedens umero toga et laterum lenis in utramque partem motus, eodem spectantibus oculis, decēbit.

Narratio magis prolatam manum, amictum reciden-

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109 11.3.142.

110 4.1.40.

feet balanced and somewhat apart, or with the left foot very slightly in front; knees straight, but not strained; shoulders relaxed, expression stern but not sad or blank or languid; arms slightly away from the side; left hand as described above;<sup>109</sup> right hand, when the time to begin approaches, slightly advanced beyond the fold of the toga, with a modest gesture, as though waiting for the moment to start. Mistakes include looking at the ceiling; wiping the blushes off your face and making it look shameless; thrusting your whole face forward with assurance; bending your brows to look fiercer; pushing your hair back from the forehead unnaturally, so as to produce that terrible bristling look. It is a mistake also to do what the Greeks so often do, namely to prepare for the speech with all sorts of movements of fingers and lips; or again to clear your throat loudly; or to put one foot well in front of the other, or hold a part of your toga in your left hand; or to stand with feet apart, stiffly, leaning back, bent forward, or with shoulders hunched up to the back of the head, like a wrestler about to engage.

*(b) The various parts of the speech*

(1) For the Prooemium, an even delivery is most often best (nothing beats modesty for earning goodwill) but not always, because (as I explained)<sup>110</sup> Prooemia are not all of the same kind. Generally, however, a quiet voice, modest Gestures, the toga firmly on the shoulder, and a gentle movement of the body to right and left, with a corresponding movement of the eyes, will prove appropriate.

(2) The Narrative will most often require the hand more extended, the clothes tending to slip off, Gestures



tem, gestum distinctum, vocem sermoni proximam et tantum acriorem, sonum simplicem frequentissime postulat—in his dumtaxat: ‘Q. enim Ligarius, cum esset in Africa nulla belli suspicio,’ et ‘A. Cluentius Habitus pater huiusce.’ Aliud in eadem poscent adfectus, vel concitati: ‘nubit genero socrus,’ vel flebiles: ‘constituitur in foro Laodiceae spectaculum acerbum et miserum toti Asiae provinciae.’

163 Maxime varia et multiplex actio est probationum: nam et proponere partiri interrogare sermoni sunt proxima, et contradictionem sumere: nam ea quoque diversa propositio est. Sed haec tamen aliquando inridentes, aliquando imitantes pronuntiamus.

164 Argumentatio plerumque agilior et acrior et instantior consentientem orationi postulat etiam gestum, id est fortem celeritatem. [Instandum quibusdam in partibus et densanda oratio.]<sup>50</sup>

Egressiones fere lenes; et dulces et remissae, raptus Proserpinae, Siciliae descriptio, Cn. Pompei laus: neque est mirum minus habere contentionis ea quae sunt extra  
165 quaestionem. Mollior nonnumquam cum reprehensione diversae partis imitatio: ‘videbar videre alios intrantis, alios autem exeuntis, quosdam ex vino vacillantis,’ ubi non dissi-

<sup>50</sup> *del. D.A.R.*: instandum <enim> M.W.

<sup>111</sup> *Pro Ligario* 2.

<sup>112</sup> *Pro Cluentio* 11.

<sup>113</sup> *Ibid.* 14.      <sup>114</sup> *In Verrem* 1.76.

<sup>115</sup> I.e. the reply to an argument which the opponent has put forward, including a quotation or parody of his words: compare *Declamationes minores* 338, and above, 5.13.28.

sharply distinguished, voice conversational, only a little sharper, and a natural tone—at least in passages like “For Quintus Ligarius, since there was no hint of war in Africa”<sup>111</sup> and “Aulus Cluentius Habitus, this man’s father.”<sup>112</sup> Emotional aspects of the Narrative will require a different approach, whether the emotion is indignation (as in “The mother-in-law marries the son-in-law”)<sup>113</sup> or pathos (“There in the marketplace of Laodicea was set up a spectacle grievous and unhappy for the whole province of Asia”).<sup>114</sup>

(3) It is in the Proofs that Delivery becomes particularly varied and complex. Proposition, Partition, and Interrogation have much in common with conversation, and so has taking up a Contradiction,<sup>115</sup> which is only a Proposition, though on the other side. (This indeed we sometimes deliver in a mocking tone, and sometimes mimicking our opponent.)

(4) The more active, energetic, and urgent Argumentation demands Gesture also that is appropriate to its style, that is to say a vigorous rapidity. [In some parts, we have to be insistent, and our style concentrated.]

(5) Digressions are generally smooth, pleasing, and relaxed: Rape of Proserpine, Description of Sicily, encomium of Pompey.<sup>116</sup> (It is not surprising that matters unconnected with the question at issue should have a less combative tone.) A more effeminate manner may sometimes be right for the critical portrayal of an adversary: “I seemed to see some coming in, some going out, some stag-

<sup>116</sup> *In Verrem* 4.106, 2.2; *Fr. orat.* VII 47 Schoell (Crawford (1994) p. 128): see also 9.2.55.

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dens a voce permittitur gestus quoque, in utramque partem tenera quaedam, sed intra manus tamen et sine motu laterum, tralatio.

- 166 Accendendi iudicis plures sunt gradus. Summus ille et quo nullus est in oratore acutior: 'suscepto bello, Caesar, gesto iam etiam ex parte magna' (praedixit enim: 'quantum potero voce contendam ut populus hoc Romanus exaudiat'). Paulum inferior et habens aliquid iam iucunditatis: 'quid enim tuus ille, Tubero, in acie Pharsalica gladius agebat?'  
 167 Plenius adhuc et lentius ideoque dulcius: 'in coetu vero populi Romani, negotium publicum gerens': producenda omnia trahendaeque tum vocales aperiendaeque sunt fauces. Plenior tamen haec canali fluunt: 'vos, Albani tumuli atque luci.' Iam cantici quiddam habent sensimque resupina sunt: 'saxa atque solitudines voci respondent.'  
 168 Tales sunt illae inclinationes vocis quas invicem Demosthenes atque Aeschines exprobrant, non ideo improbandae: cum enim uterque alteri obiciat, palam est utrumque fecisse. Nam neque ille per Marathonis et Plataearum et Salaminis propugnatores recto sono iuravit, nec ille Thebas sermone deflevit.  
 169 Est his diversa vox et paene extra organum, cui Graeci

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<sup>117</sup> *Fr. orat.* VI. 1 Schoell (Crawford (1994) p. 150).

<sup>118</sup> Before coming to the Epilogue, Q. diverges from his scheme to include emotional passages in any context.

<sup>119</sup> *Pro Ligario* 6–7.      <sup>120</sup> *Ibid.* 9.      <sup>121</sup> *Philippics* 2.63.

<sup>122</sup> *Pro Milone* 85.      <sup>123</sup> *Pro Archia* 19.

<sup>124</sup> Demosthenes, *On the Crown* 291 ("raising his voice, exulting and screaming"), Aeschines, *Against Ctesiphon* 210 ("Why the tears? What's the shouting? What's this tone of voice?").

<sup>125</sup> *On the Crown* 208. See on 9.2.62.

gering from drink.”<sup>117</sup> Here one is allowed a Gesture to match the voice, a gentle movement from side to side, but only of the hands, not the hips.

(6) There are several levels of tone with which the judge can be aroused.<sup>118</sup> (a) The highest—the most penetrating available to an orator—is to be heard in “When the war was begun, Caesar, indeed when it was almost done.” (Note that he prefaced this with “I will strain my voice to its limits, so that the Roman people can hear.”)<sup>119</sup> (b) Slightly lower, already with some touch of charm: “What was that sword of yours doing, Tubero, on the field of Pharsalus?”<sup>120</sup> (c) Fuller, slower, and so easier on the ear: “In an assembly of the Roman people, performing his official functions.”<sup>121</sup> Everything is to be drawn out, the vowels lengthened, and the throat opened. (d) The stream flows fuller still in: “Ye hills and groves of Alba.”<sup>122</sup> (e) There is something of a chanting effect in the gradual fall of “Rocks and deserts respond to the voice.”<sup>123</sup> These are the sort of modulations of the voice which Demosthenes and Aeschines denounce in each other,<sup>124</sup> but they are not to be rejected on that account, because it is obvious, since each blames the other, that they both used them! Demosthenes surely did not use a normal range of voice to swear by the champions of Marathon and Plataea and Salamis;<sup>125</sup> nor did Aeschinés weep for Thebes in a conversational tone.<sup>126</sup>

There is a totally different sound, almost beyond the normal range of the instrument, which the Greeks call

<sup>126</sup> *Against Ctesiphon* 133: “Thebes, Thebes, our neighbour city . . .”

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nomen amaritudinis dederunt, supra<sup>51</sup> modum ac paene naturam vocis humanae acerba: 'quin compescitis vocem istam, indicem stultitiae, testem paucitatis?' Sed id quod excedere modum dixi in illa parte prima est: 'quin compescitis.'

- 170 Epilogus, si enumerationem rerum habet, desiderat quandam concisorum continuationem: si ad concitandos iudices est accommodatus, aliquid ex iis quae supra dixi: si placandos, inclinatum quandam lenitatem: si misericordia commovendos, flexum vocis et flebilem suavitatem, qua praecipue franguntur animi quaeque est maxime naturalis: nam etiam orbos viduasque videas in ipsis funeribus canoro quodam modo proclamantis. Hic etiam fusca illa vox, qualem Cicero fuisse in Antonio dicit, mire faciet: habet enim in se quod imitamur.<sup>52</sup> Duplex est tamen miseratio, altera cum invidia, qualis modo dicta de damnatione Philodami, altera cum deprecatione demissior. Quare, etiam si est in illis quoque cantus obscurior: 'in coetu vero populi Romani' (non enim haec rixantis modo dixit) et 'vos Albani tumuli' (neque enim quasi inclamaret aut testaretur locutus est), tamen infinito magis illa flexa et circumducta sunt: 'me miserum, me infelicem' et 'quid respondebo liberis meis?' et 'revocare tu me in patriam potuisti, Milo, per hos: ego te in eadem patria per eosdem retinere non potero?' et
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- 172

<sup>51</sup> *edd.*: super B

<sup>52</sup> imitemur *edd.*

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<sup>127</sup> It is not known what Greek word Q. has in mind: perhaps *πικρία* or *πικρότης*.

<sup>128</sup> Cicero, *Pro Rabirio perduellionis reo* 18.

<sup>129</sup> *Brutus* 141 (but with *subrauca* for Q.'s *fusca*).

<sup>130</sup> See 11.3.162.

“bitterness,”<sup>127</sup> an extraordinary harshness almost beyond the scope of the human voice: “Why do you not restrain these cries, the proof of your folly, the witness to your small numbers?”<sup>128</sup> (The extraordinary harshness of which I spoke is in the first words, *Quin compescitis.*)

(7) The Epilogue, if it contains a recapitulation of the facts, requires a series of short phrases; if it is designed to move the judges, it needs some of the features mentioned above; if to placate them, a quiet, low-pitched delivery; if to excite pity, inflections of voice and a tearful sweetness, which is both most likely to touch the heart and also very natural: you find bereaved parents and widows lamenting in a kind of singing tone at the actual funeral. In this context a “husky” voice, such as Cicero<sup>129</sup> says Antonius had, will do wonders, since it possesses the very quality we are trying to imitate. However, there are two kinds of appeals to pity, one involving indignation (as in the passage just quoted on the condemnation of Philodamus),<sup>130</sup> and one combined with an appeal and thus more subdued. Thus, although there is something of the “muffled song” also in “In the assembly of the Roman people”<sup>131</sup> (Cicero did not deliver these words in a brawling tone) and in “Ye hills of Alba”<sup>132</sup> (for he did not speak here as though he was appealing to the hills for help or asking them to bear witness), there are other passages which have infinitely more inflexion and modulation: “O miserable, unhappy me!” “What shall I reply to my children?” and “You had the power, Milo, to restore me to my country, with these men’s help: can I not keep you in that same country with these same

<sup>131</sup> *Philippics* 2.63.

<sup>132</sup> *Pro Milone* 85.

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cum bona C. Rabiri nummo<sup>53</sup> sestertio addicit: 'o meum miserum acerbumque praeconium.'

173 Illa quoque mire facit in peroratione velut deficientis dolore et fatigatione confessio, ut pro eodem Milone: 'sed finis sit, neque enim prae lacrimis iam loqui possum': quae similem verbis habere debent etiam pronuntiationem.

174 Possunt videri alia quoque huius partis atque officii: reos excitare, pueros attollere, propinquos producere, vestes laniare; sed suo loco dicta sunt.

Et quia in partibus causae talis est varietas, satis apparet accommodandam sententiis ipsis pronuntiationem, sicut ostendimus, sed verbis quoque, quod novissime dixeram, non semper, sed aliquando. An non haec<sup>54</sup> 'misellus' et 'pauperculus' summissa atque contracta, 'fortis' et 'vehemens' et 'latro' erecta et concitata voce dicendum est? Accedit enim vis et proprietates rebus tali adstipulatione, quae nisi adsit aliud vox, aliud animus ostendat. Quid quod eadem verba mutata pronuntiatione indicant adfirmant exprobrant negant mirantur indignantur interrogant irident elevant? Aliter enim dicitur

tu mihi quodcumque hoc regni

<sup>53</sup> Bentley: uno B

<sup>54</sup> Cf. 1.4.8: hoc Spalding

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<sup>133</sup> These three quotations (in a changed order) are from *Pro Milone* 102.      <sup>134</sup> *Pro Rabirio Postumo* 45.

<sup>135</sup> 105.      <sup>136</sup> 6.1.30–35.

<sup>137</sup> For this division of the topic, see § 153. In discussing the "parts of speech" Q. has incidentally illustrated the relationship between Delivery and Thought.

<sup>138</sup> Diminutives: "poor little fellow," "little pauper."

<sup>139</sup> "Strong," "vehement," "brigand."

men's help?"<sup>133</sup>—and again, when he is describing how Rabirius' property was knocked down for a sestertius: "Alas for my sad, bitter auctioneer's work!"<sup>134</sup>

A confession of being overcome by grief and fatigue is also wonderfully effective in an Epilogue, as in *Pro Milone* again:<sup>135</sup> "Let this be the end; I can no longer speak for tears." This passage must be given a Delivery corresponding to the words.

It may be thought that there are other matters that belong to this part and to this function of an orator: calling forward the defendant, lifting up his children, leading forward his relatives, tearing one's clothes; but these have been discussed in their proper place.<sup>136</sup>

### (c) *Thoughts and (d) Words*

Such being the variety required by the different parts of the Cause, it is clear enough that Delivery must be adapted to the thoughts themselves, as I have shown, but also to the words, as I said just now<sup>137</sup>—not always, however, but sometimes. Surely *misellus* and *pauperculus*<sup>138</sup> need to be uttered in a low, subdued voice, *fortis*, *vehemens*, and *latro*<sup>139</sup> in a lively, vigorous one? This kind of congruence lends additional force and appropriateness to the subject, and without it the voice and the mind will be making different statements. Again, if the Delivery is changed, the same words can suggest, affirm, reproach, deny, wonder, show indignation, ask a question, mock, or disparage! Consider the difference between:

*Tu mihi quodcumque hoc regni*



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et

cantando tu illum?

et

tuae ille Aeneas?

et

meque timoris  
argue tu, Drance,

et ne morer, intra se quisque vel hoc vel aliud quod volet  
per omnis adfectus verset: verum esse quod dicimus sciet.

- 177 Unum iam his adiciendum est: cum praecipue in ac-  
tione spectetur decorum, saepe aliud alios decere. Est  
enim latens quaedam in hoc ratio et inenarrabilis, et ut  
178 id neque sine arte esse neque totum arte tradi potest. In  
quibusdam virtutes non habent gratiam, in quibusdam  
vitia ipsa delectant. Maximos actores comoediarum, De-  
metrium et Stratoclea, placere diversis virtutibus vidimus.  
Sed illud minus mirum, quod alter deos et iuvenes et bo-

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<sup>140</sup> Vergil, *Aeneid* 1.78, *Eclogues* 3.24, *Aeneid* 1.617, 11.383–384. In the first passage, Aeolus addresses Juno deferentially—“You gave me this kingdom, such as it is”—and further *tu* clauses follow. The second example is contemptuous: “You beat *him* at singing!” In the third, Dido addresses Aeneas in wonder and surprise: “Are *you* the Aeneas . . . ?” The last is ironical and contemptuous: Turnus is saying: “Convict *me* of cowardice, Drances, *you* . . .” (when we know what a hero you are!).

<sup>141</sup> Cicero, *De oratore* 1.132. Note that Q. here returns to *de-*

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and

Cantando *tu* illum

and

*Tune* ille Aeneas

and

meque timoris  
argue *tu*, Drance.<sup>140</sup>

In short, if the reader will take *tu* or any other word he chooses and, in his own mind, run it through the whole range of emotions, he will realize the truth of what I am saying.

There is just one thing still to add to all this: It is true that the main consideration in Delivery is what is becoming, but it is often the case that different things become different speakers. There is a hidden and inexplicable principle behind this and, though it has been truly said that “the main thing in art is that what one does should be becoming,”<sup>141</sup> this is something which is neither attainable without art nor wholly communicable by art. In some people, excellences have no charms; in some, their very faults are delightful. We have seen those great comic actors, Demetrius and Sŕatocles,<sup>142</sup> give pleasure by very different qualities. This is the less surprising, because one of them was very good at acting gods, young men, good

*corum*, the subject of 11.1: probably conscious “ring composition.”

<sup>142</sup> Juvenal 3.99 mentions these two together; we know nothing more about them.

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nos patres servosque et matronas et graves anus optime,  
 alter acres senes, callidos servos, parasitos, lenones et omnia  
 179 quoque Demetri iucundior, illius acrior erat; adnotandae  
 magis proprietates, quae transferri non poterant. Manus  
 iactare et dulces exclamationes theatri causa producere et  
 ingrediendo ventum concipere veste et nonnumquam dex-  
 tro latere facere gestus, quod neminem alium, Demetrium  
 180 decuit (namque in haec omnia statura et mira specie ad-  
 iuvabatur): illum cursus et agilitas et vel parum conveniens  
 personae risus, quem non ignarus rationis populo dabat, et  
 contracta etiam cervicula. Quidquid horum alter fecisset,  
 foedissimum videretur. Quare norit se quisque, nec tan-  
 tum ex communibus praeceptis sed etiam ex natura sua  
 181 capiat consilium formandae actionis. Neque illud tamen  
 est nefas, ut aliquem vel omnia vel plura deceant.

Huius quoque loci clausula sit eadem necesse est quae  
 ceterorum est, regnare maxime modum: non enim comoe-  
 dum esse, sed oratorem volo. Quare neque in gestu perse-  
 quemur omnis argutias nec in loquendo distinctionibus  
 182 temporibus adfectionibus moleste utemur. Ut si sit in scae-  
 na dicendum:

quid igitur faciam? non eam ne nunc quidem,  
 cum arcessor ultro? an potius ita me comparem,  
 non perpeti meretricum contumelias?

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<sup>143</sup> An allusion to the Delphic maxim *Γνώθι σεαυτόν*, "Know yourself."

<sup>144</sup> Terence, *Eunuchus* 46–48.

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fathers and good slaves, married ladies, and respectable old women; the other did better with angry old men, shifty slaves, parasites, pimps, and all the livelier characters. Their natural gifts in fact differed. Demetrius had the pleasanter voice, Stratocles the more penetrating. Even more noteworthy were the peculiar, and non-transferable, features of each. The hand-waving, the lovely long cries meant for the audience, the way of catching the wind in his clothes as he came on, the occasional expressive movement of his right side—all this became Demetrius, and no one else; his height and his good looks helped him in it all. What became Stratocles, on the other hand, was his speed and agility, his laugh (not always in keeping with the character, but a conscious concession to the audience), and even his hunched-up neck. If the other had done any of these things, it would have seemed a disgusting performance. So let everyone “know himself,”<sup>143</sup> and take counsel in forming his Delivery not only from general rules, but from his own nature. Not that there is anything fundamentally wrong in a man’s finding everything, or at least most things, appropriate for him to do.

The conclusion of this discussion must be the same as that of all the others: moderation rules. I do not want my pupil to be a comic actor, but an orator. We shall not therefore pursue all the refinements of Gesture, nor shall we be pedantic about punctuation, timing, or emotional tone in speaking. Suppose one had to say the following lines on the stage:

So what shall I do? Not go, not even now  
when I am sent for? Or, rather, steel myself  
not to put up with insults from these harlots?<sup>144</sup>

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- Hic enim dubitationis moras, vocis flexus, varias manus, diversos nutus actor adhibebit. Aliud oratio sapit nec vult nimium esse condita: actione enim constat, non imitatione. Quare non inmerito reprehenditur pronuntiatio vultuosa et gesticulationibus molesta et vocis mutationibus resultans. Nec inutiliter ex Graecis veteres transtulerunt, quod ab iis sumptum Laenas Popilius posuit, esse hanc †mocosam†<sup>55</sup> actionem.
- 184 Optime igitur idem qui omnia Cicero praeceperat quae supra ex Oratore posui: quibus similia in Bruto de M. Antonio dicit. Sed iam recepta est actio paulo agitatior et exigitur et quibusdam partibus convenit, ita tamen temperanda ne, dum actoris captamus elegantiam, perdamus viri boni et gravis auctoritatem.

<sup>55</sup> inotiosam *recc.*: negotiosam *Halm*

### BOOK 11.3

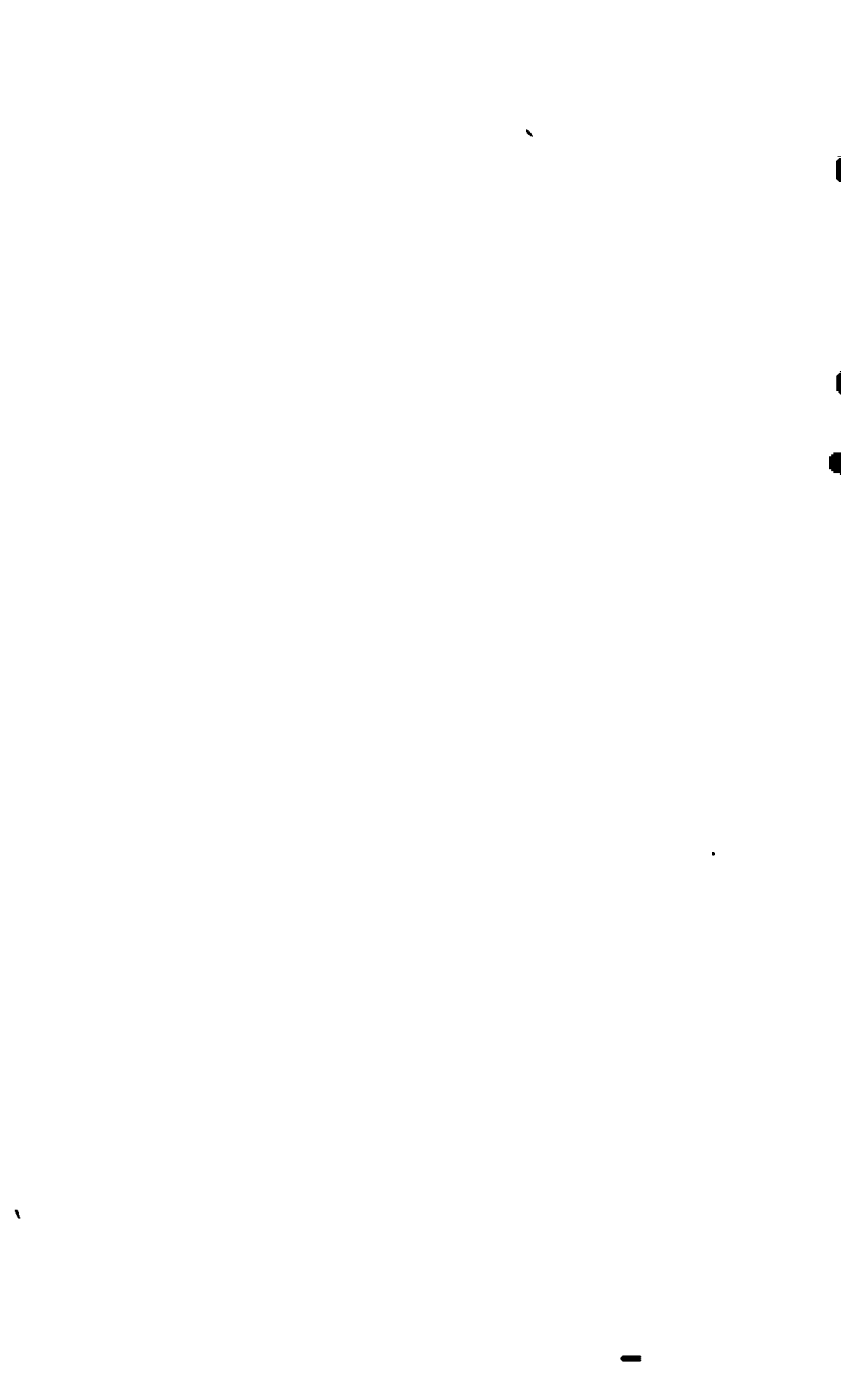
Here, the actor will introduce pauses for hesitation, inflections of voice, various hand-gestures, and different movements of the head. Oratory has a different flavour: it does not wish to be too highly spiced, because it is a real activity, not an imitation. There is therefore every reason to object to a Delivery that pulls faces, irritates by its gesticulations, or jumps from one tone of voice to another. It was a useful borrowing that our old writers took from the Greek, and Popilius Laenas from them, to call this sort of pleading *mocosa*.<sup>145</sup>

Cicero, as in all things, gives the best advice on this: I quoted above from the *Orator*, and there are similar remarks about Marcus Antonius in the *Brutus*.<sup>146</sup> Nowadays, however, a somewhat more agitated style of Delivery is regarded as acceptable, and is indeed appropriate in some contexts; but it needs to be under control, lest, in our eagerness to pursue the elegance of the performer, we lose the authority of the good and grave man.<sup>147</sup>

<sup>145</sup> For Laenas, see 10.7.32. *Mocosam* remains mysterious. If the word is right, it seems to be a hybrid of Greek μῶκος (“sneer” or “insulting joke”: Simplicius, *Comm. on Epictetus’ Enchiridion* 301, 17 Hadot) and the Latin ending *-osus*. But “sneering” is not the sense required. The plausible emendations *inotiosam* and *negotiosam* both translate Greek ἄσυχολος, and mean “fussy” or “busy.”

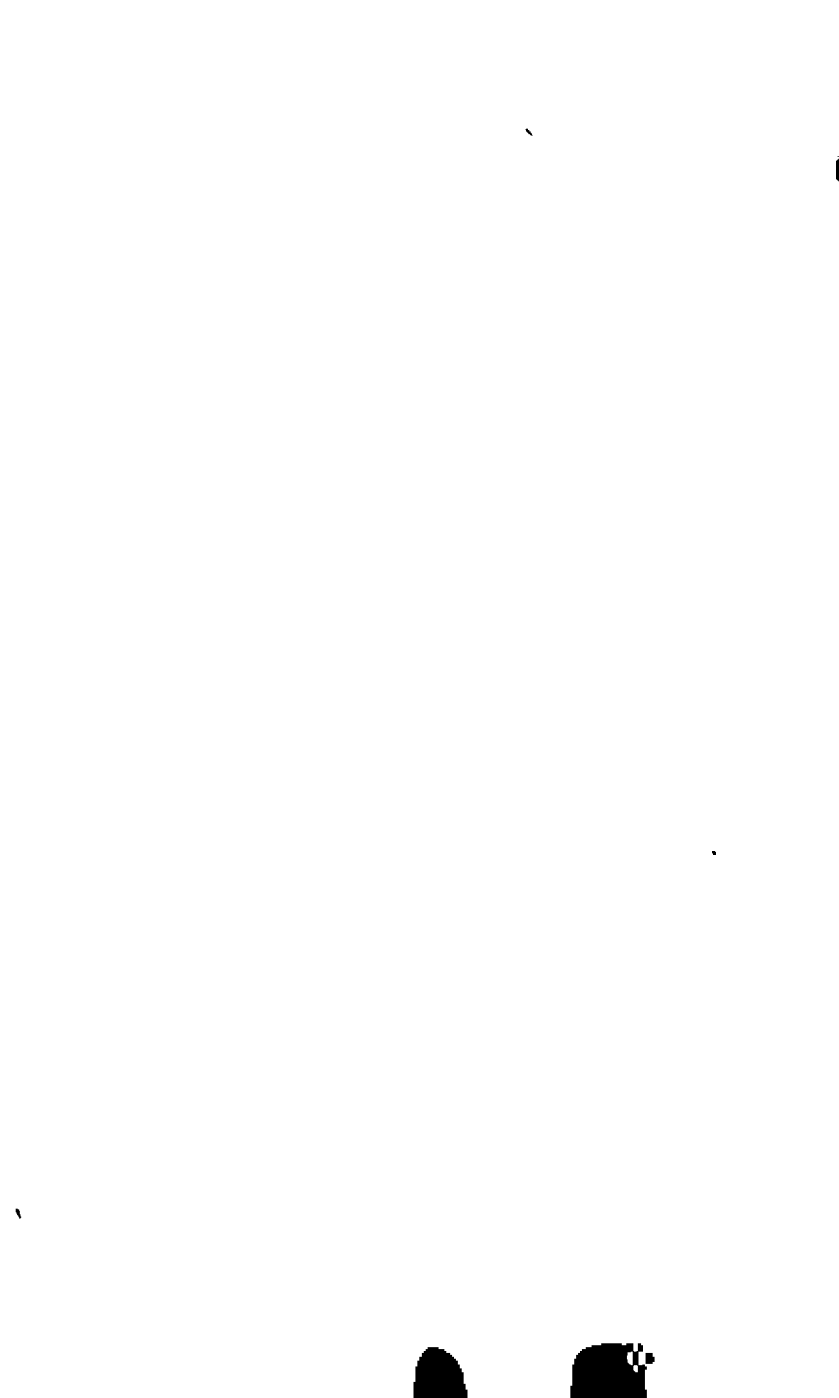
<sup>146</sup> 141.

<sup>147</sup> Q. thus prepares the transition to the next book, which is to be about the finished orator.



## BOOK TWELVE





## INTRODUCTION

This book has been carefully edited and commented on by R. G. Austin (1948). Quintilian claims it as the most difficult and original part of his work; its purpose is to exhibit the ideal of the consummate orator. It remains however somewhat puzzling and scrappy: on the structure, see C. J. Classen, *Museum Helveticum* 22 (1965) 181–190.

12.1 deals with the moral issues raised by the concept of “the good man skilled in speaking.” Only a virtuous man can be an orator in the real sense of the word (1–13). It is true that Demosthenes and Cicero lacked perfect virtue, but their actions and their deaths show the virtue in them (14–22). A bad man, however skilled a speaker, cannot be a real orator; our ideal demands a man of genuine authority and virtue (23–32). Yet, of course, the true orator will in some circumstances deceive or tell lies, but without losing his integrity (33–45).

Virtue is a matter both of nature and of teaching; so in 12.2 Quintilian relevantly takes up the need for the orator to study philosophy, at least in some depth (2.1–9). This applies to all three branches of philosophy: logic (10–14), ethics (15–20), physics (20–21). The great orators—Pericles, Demosthenes, Cicero—are examples to follow (22–23). No allegiance to any particular school is required (23–28), though Quintilian clearly implies that some form of

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Stoicism is recommended. Examples rather than precepts, however, and particularly the examples found in Roman history, are the best source of the independence and courage which the orator needs.

He also needs a knowledge of law (12.3). It was the Roman tradition (see Crook (1995) 40–41) to keep legal expertise and advocacy apart. (When Cicero (*Topica* 51) reports the saying *non ius: ad Ciceronem*—“It’s not a question of law; give it to Cicero”—he identifies his part as pleading the case on factual and moral grounds, not on the interpretation of law.) *Iuris prudentes* were a separate group, many very distinguished. This was still true in Quintilian’s time, but he expects his ideal orator to do better, and to have at least sufficient legal knowledge not to be at a loss when difficult points arise; after all, Cicero himself actually planned to write on legal topics (3.1–10). The chapter ends (3.11–12) with a warning against treating either law or philosophy as a “refuge for idleness”; eloquence is a higher and more demanding pursuit than either.

12.4 is a very brief reminder of the importance of history: this too was a Ciceronian point (*De oratore* 2.51–64, with Leeman–Pinkster ad loc., esp. 249–252).

12.5 concludes this section on the orator’s equipment (*instrumenta*) by speaking of the personal qualities he needs; courage is most important (1–4), but natural endowment of physique and voice counts for a lot, as with Quintilian’s contemporary Trachalus (5–6).

The next four chapters (12.6–12.9) give a general view of the orator’s career: when he should begin (12.6); how he should choose his cases, and whether he should accept fees (12.7); how he should receive his client’s instructions

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(12.8); and how he should behave in court (12.9). Quintilian's pupil Pliny (*Epist.* 6.29) discusses some of these matters in a similar spirit.

12.10 is unexpected: it remains, says Quintilian, to speak *de genere orationis* (12.10.1). *Oratio* here is, according to Quintilian, the "work," as distinct from the "workman" (whose qualifications and tools we have discussed) and the "craft" or "art," which has been the subject of the whole *Institutio* (see General Introduction in Vol. I). We have therefore, in this place, a discussion of types of style of the kind more usually found in the context of *elocutio* (as in Demetrius, *On style* and in *Ad Herennium*). It is an important and difficult chapter.

First, having explained his procedure, Quintilian draws an analogy between types of *oratio* and types of sculpture (1–2). This leads him to a historical sketch of the development of painting and sculpture (3–9). On this see J. J. Pollitt, *The Ancient View of Greek Art* (1974) 81–84. Quintilian and Cicero (*Brutus* 70) appear to have a common source in this, and their account is different from that in Pliny (*Nat. Hist.* 34–36). In particular, Greek sculpture culminates in Phidias (as it does for Quintilian's contemporary, Dio of Prusa, in his *Olympic Oration* (*Or.* 12)).

The development of oratory comes next (10–15), and Quintilian carries the story down as far as Cicero. This has led him to the concepts of "Asianism" and "Atticism," because these terms were of concern to Cicero (12–15); he therefore proceeds to enlarge on this division (16–26), mentioning also the intermediate Rhodian school (18). Few topics in this area have been more widely discussed than this, ever since Wilamowitz's article in *Hermes* 1900, 1–52 (reprinted in Stark (1968) 350–401), which remains a

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classic statement of the problems. The most important ancient texts are: Cicero, *Brutus* 51, 325; *Orator* 27, 212, 230–231; Dionysius of Halicarnassus, *Ancient orators*, preface (LCL 1. 4–14); Tacitus, *Dialogus* 18. The terms themselves, like all polemical slogans, are vague and hard to pin down. It would appear that “Asian” is a pejorative description of types of Hellenistic Greek writing which featured much wordplay, emotional excess, strong rhythm, and short rather than periodic sentences: i.e. styles which seemed to lack classical restraint. The reaction—“Atticism”—has been thought to be mainly Roman in origin: Cicero’s “Atticist” opponents were Calvus and Brutus, Latin stylistic innovators; and Dionysius (op. cit.) attributes the passing of “Asianic” excesses to the beneficial influence of Roman taste. Greek “Atticism”—in the sense of a conscious return to the vocabulary and syntax of the classical period—developed gradually, and was not yet at its height in Quintilian’s time. The whole movement is a reflection of a general return to classical values and supposed simplicity, originating in late Hellenistic times, and displayed in the visual arts as well as in literature. For recent discussions, see M. Winterbottom in *OCD*<sup>3</sup>, s.v. Asianism and Atticism; Kennedy, *ARRW* 97–100; J. Wisse in *Greek Literary Theory after Aristotle*, ed. J. G. J. Abbenes and others (Amsterdam, 1995) 64–82.

Quintilian’s view of this controversy is determined by his zeal for Cicero. This lies behind his eloquent defence of Demosthenes (23–26) as truly “Attic.” It is also in his mind throughout the following section (27–39), in which he emphasizes the phonetic differences between Greek and Latin, and argues that the peculiar Attic “charm” (*gratia*, χάρις) cannot be reproduced in Latin. The Romans

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have different strengths: force and weight and abundance (36)—all Ciceronian qualities.

In what follows (40–48) Quintilian again pursues a *via media*. He opposes those who think that the only natural eloquence is that which is indistinguishable from everyday speech; oratory also is “natural,” because its weapons are given us by nature. Hence (45) there is no harm in conceding some indulgence to modern fashions—but not too much: we should have our hair cut, but not elaborately dressed (47). The fashionable *sententiae* (48) have their uses.

A further polemic follows (49–57), against some (unnamed) persons who make a sharp difference between speeches composed in writing and those which are created in delivery. Ideally, Quintilian insists, the orator should speak with the same precision as he writes; but this is not always possible, and the attitude of the audience must always be watched. The context of this polemic is obscure to us; its essence however goes back to the fourth century BC (see N. O’Sullivan, *Alcidamas, Aristophanes, and the Beginnings of Greek Stylistic Theory* (Hermes Einzelschriften 60), 1992, 42–62).

12.10.58 makes a fresh start: a second tripartite division is introduced, the famous “three styles”—the “slight,” the “grand,” and the “flowery” or “intermediate.” The history of this classification remains disputed, but it probably goes back to Theophrastus, and one of the most vivid accounts of it is in *Ad Herennium* 4.11–17 (see Caplan ad loc.), not apparently used by Quintilian, though other parts of the same book seem to be familiar to him as “Cornificius.” Other important texts are Dionysius of Halicarnassus, *Demosthenes* 1–3 (1. 239–252 LCL), and certain passages

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of Cicero (*Orator* 97ff., *Brutus* 40). The full treatment of “characters” of style in Demetrius uses *four* styles, really two opposing pairs: grand and forceful on the one hand, plain and elegant on the other. Later rhetors, such as Hermogenes, multiply the types, in a way that Quintilian might perhaps approve (see 12.10.66–68; Wooten (1987) expounds Hermogenes; Rutherford (1998) 10–18 gives the background). For a brief account of ancient stylistic theories in general, see Russell (1981) 137–147; Lausberg §§ 1078–1080.

In 12.10.58–65, Quintilian associates the various styles with the three functions of conciliating, informing, and exciting the audience. He also repeats the theory (found in a number of other texts, including Cicero) that Homer can be shown to have known about the three styles, and to have seen that the grand manner exemplified by Odysseus was the highest achievement. But Quintilian is not satisfied with the tripartite scheme; there are many intermediate “notes,” as it were (66–68), and all are necessary in their place for the orator (69–72). What is more important is to be serviceable (72); and this means that indulgence in decadent or meretricious style is a worse mistake than any other (73–76: a fine piece of Quintilianic invective). Finally (77–80) the true orator will command all this range of style with ease; his training will ensure that he does it with judgement, never confusing the good qualities at which he aims with the “adjacent” faults into which lesser men so often fall. The “middle way” is best; both extremes are faulty.

The final chapter (12.11) is not only the conclusion of this book, but an epilogue to the whole work. Its nominal subject is the time and conditions of the orator’s retire-

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ment (1–7), but the bulk of the chapter (8–31) is devoted to a final appeal to the reader to believe that the ambitious plan of study which the *Institutio* has set out is, despite appearances, fully achievable: “majesty of speech” (30) is the gods’ best gift to humanity; let us put all our effort into making use of it. The closing sentences recall the ideals set out in the Prooemium of the whole work.



## LIBER DUODECIMUS

### PROHOEMIUM

- 1 Ventum est ad partem operis destinati longe gravissimam: cuius equidem onus si tantum opinione prima concipere potuissem quanto me premi ferens sentio, maturius consulissem vires meas. Sed initio pudor omittendi quae promiseram tenuit, mox, quamquam per singulas prope partis labor cresceret, ne perderem quae iam effecta erant per omnes difficultates animo me sustentavi.
- 2 Quare nunc quoque, licet maior quam umquam moles premat, tamen prospicienti finem mihi constitutum est vel deficere potius quam desperare. Fefellit autem quod initium a parvis ceperamus: mox velut aura sollicitante provecti longius, dum tamen nota illa et plerisque artium scriptoribus tractata praecipimus nec adhuc a litore procul videbamus et multos circa velut isdem se ventis credere
- 3 ausos habebamus: iam cum eloquendi rationem novissime repertam paucissimisque temptatam ingressi sumus, rarus

## BOOK TWELVE

### PROOEMIUM

I have now arrived at much the hardest part of the task I set myself. Indeed, if I had realized, when I first contemplated it, the weight of the load with which, now that I am carrying it, I feel crushed, I should have thought sooner about what my strength could bear. But, in the beginning, the shame of not fulfilling my promise held me to my work, and later, although the labour became more and more arduous at almost every stage, I kept myself going through all the difficulties by will power, for fear of wasting what had already been done.

And so, even now, though the burden that oppresses me is greater than ever, the end is in sight, and I am resolved to fail in the attempt sooner than despair. What deceived me was that I had started with such small matters; later, tempted as it were by a favourable wind, I sailed ahead; but so long as I was merely imparting well-known doctrine which many technical writers had handled, I still did not feel far from land, and I had many companions who had ventured, as it were, to trust themselves to the same winds. Then, when I entered upon the theory of Elocution, the last area to be discovered and the least commonly handled, those who had strayed so far from harbour

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qui tam procul a portu recessisset reperiatur; postquam vero nobis ille quem instituebamus orator, a dicendi magistris dimissus, aut suo iam impetu fertur aut maiora sibi auxilia ex ipsis sapientiae penetralibus petit, quam in altum  
4 simus ablati sentire coepimus. Nunc 'caelum undique et undique pontus.' Unum modo in illa inmensa vastitate cernere videmur M. Tullium, qui tamen ipse, quamvis tanta atque ita instructa nave hoc mare ingressus, contrahit vela inhihetque remos et de ipso demum genere dicendi quo sit usurus perfectus orator satis habet dicere. At nostra temeritas etiam mores ei conabitur dare et adsignabit officia. Ita nec antecedentem consequi possumus et longius eundum est ut res feret. Probabilis tamen cupiditas honestorum, et velut tutioris audentiae est temptare quibus paratior venia est.

### 1

1 Sit ergo nobis orator quem constituimus is qui a M. Catone finitur vir bonus dicendi peritus, verum, id quod et ille posuit prius et ipsa natura potius ac maius est, utique vir bonus: id non eo tantum quod, si vis illa dicendi malitiam instruxerit, nihil sit publicis privatisque rebus perniciosius eloquentia, nosque ipsi, qui pro virili parte conferre ali-

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<sup>1</sup> Vergil, *Aeneid* 3.193.

<sup>2</sup> Compare "Longinus" 1.2: Caecilius, whatever his faults, deserves praise for his aim and his enthusiasm.

<sup>1</sup> Compare 1 *prooem.* 9, Cicero, *De oratore* 2.85. The saying is attributed to Cato (the Censor) also by Seneca, *Controversiae* 1 *praef.* 9.

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proved to be few and far between. And finally, now that the orator I was educating has been dismissed by his teachers and is either proceeding under his own power or seeking greater assistance from the innermost shrine of philosophy, I begin to feel how far I have been swept out to sea. Now I have

sky all around, and all around the deep.<sup>1</sup>

Only one man can I see in all the boundless waste of waters, Marcus Tullius, and even he, though he entered this sea with such a great and finely equipped ship, shortens sail and checks his stroke, content to speak merely about the type of style which his ideal orator is to use. But I, in my rashness, will seek to give him also moral principles, and assign him duties. Thus I have no predecessor to follow, but must go on and on as the subject leads. However, honourable ambition is a worthy thing, and it is (as it were) the safer sort of valour to attempt something for which people are readier to make allowances.<sup>2</sup>

## CHAPTER 1

### *The Good Man Skilled in Speaking*

So let the orator whom we are setting up be, as Cato defines him, "a good man skilled in speaking":<sup>1</sup> but—and Cato put this first, and it is intrinsically more significant and important—let him at all events be "a good man." This is not just because, if the power of eloquence proves to have put weapons into the hands of evil, there would be nothing more ruinous for public or for private life; and I myself, who have done my utmost to make some contribu-

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- quid ad facultatem dicendi conati sumus, pessime mereamur de rebus humanis si latroni comparamus haec arma, non militi. Quid de nobis loquor? Rerum ipsa natura, in eo quod praecipue indulgisse homini videtur quoque nos a ceteris animalibus separasse, non parens sed noverca fuerit si facultatem dicendi sociam scelerum, adversam innocentiae, hostem veritatis invenit. Mutos enim nasci et egere omni ratione satius fuisset quam providentiae munera in mutuam perniciem convertere.
- 3 Longius tendit hoc iudicium meum. Neque enim tantum id dico, eum qui sit orator virum bonum esse oportere, sed ne futurum quidem oratorem nisi virum bonum. Nam certe neque intellegentiam concesseris iis qui proposita honestorum ac turpium via peiorem sequi malent, neque prudentiam, cum in gravissimas frequenter legum, semper vero malae conscientiae, poenas a semet ipsis in-
- 4 proviso rerum exitu induantur. Quod si neminem malum esse nisi stultum eundem non modo a sapientibus dicitur sed vulgo quoque semper est creditum, certe non fiet umquam stultus<sup>1</sup> orator. Adde quod ne studio quidem operis pulcherrimi vacare mens nisi omnibus vitiis libera potest: primum quod in eodem pectore nullum est honestorum

<sup>1</sup> malus Gertz, Kiderlin

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<sup>2</sup> I.e. by allowing us *logos*, which is both *ratio* and *oratio*, "reason" and "speech." See, e.g., Cicero, *De inventione* 1.2.

<sup>3</sup> Compare Cicero, *De republica* 3.1.1, Philo, *On the posterity of Cain* 162, Pliny, *Nat. Hist.* 7.1; Otto (1890), s.v. *noverca*.

<sup>4</sup> Compare Strabo's (Stoic, perhaps Posidonian) argument (1.2.5) that a poet must be a good man before he becomes a poet,

tion to oratory, would serve humanity very badly, if what I am doing is to provide these arms not for the soldier, but for the brigand. But why speak of myself? Nature herself, in that very respect in which she seems to have specially favoured the human race and marked us off from all other animals,<sup>2</sup> will have proved not a mother to us but a step-mother<sup>3</sup> if she devised the faculty of speech to be the accomplice of crime, the opponent of innocence, and the enemy of truth. It would have been better for us to be born dumb and devoid of reason than to pervert the gifts of providence for our mutual destruction.

But this view of mine has further implications. I am not only saying that the orator must be a good man, but that *no one* can be an orator *unless* he is a good man.<sup>4</sup> One could surely not concede intelligence to people who are offered the paths of virtue and of vice and then choose the worse—nor indeed prudence either, because, owing to the uncertain outcome of events, they often become exposed by their own doing to the heaviest penalties of the law, and *always* to those of a bad conscience. If it is not only a philosophers' saying, but has always been a common belief, that "no one is bad unless he is also a fool," it will surely be true that a fool will never be an orator.<sup>5</sup> Moreover, the mind is never at liberty even to study this noble art unless it is free of all vices: first, because virtue and vice cannot co-

because poetry is not like carpentry, but is an imitation of life which cannot be done without experience of life and wisdom.

<sup>5</sup> This tortuous argument seems to run, as Austin (ad loc.) puts it: "We see therefore that the bad man is generally believed to be stupid also; at any rate a stupid man will not make an orator (and therefore a bad man obviously cannot)."

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turpiumque consortium, et cogitare òptima simul ac deterrima non magis est unius animi quam eiusdem hominis  
5 bonum esse ac malum: tum illa quoque ex causa, quod mentem tantae rei intentam vacare omnibus aliis, etiam culpa carentibus, curis oportet. Ita demum enim libera ac tota, nulla distringente atque alio ducente causa, spectabit  
6 id solum ad quod accingitur. Quod si agrorum nimia cura et sollicitior rei familiaris diligentia et venandi voluptas et dati spectaculis dies multum studiis auferunt (huic enim rei perit tempus quodcumque alteri datur), quid putamus facturas cupiditatem avaritiam invidiam, quarum inpotentissimae cogitationes somnos etiam ipsos et illa per quietem visa perturbent?

7 Nihil est enim tam occupatum, tam multiforme, tot ac tam variis adfectibus concisum atque laceratum quam mala mens. Nam et cum insidiatur, spe curis labore distringitur, et, etiam cum sceleris compos fuit, sollicitudine, paenitentia, poenarum omnium expectatione torquetur. Quis inter haec litteris aut ulli bonae arti locus? Non hercule magis quam frugibus in terra sentibus ac rubis occupata.

8 Age, non ad perferendos studiorum labores necessaria frugalitas? Quid ergo ex libidine ac luxuria spei? Non praecipue acuit ad cupiditatem litterarum amor laudis? Num igitur malis esse laudem curae putamus? Iam hoc quis non videt, maximam partem orationis in tractatu aequi bonique consistere? Dicitne de his secundum debitam rerum dignitatem malus atque iniquus?

9 Denique, ut maximam partem quaestionis eximam, de-

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<sup>6</sup> See *OLD* s.v. *ars* 6, for this specialized (Ciceronian) use of *bonae artes*.

exist in the same breast, and a single mind can no more harbour the best thoughts and the worst than the same man can be both good and bad; and secondly, because a mind concentrating on such a great subject needs to be free from all other distractions, even blameless ones. Only then, free and undivided, with no cause to distract it or lead it astray, will it turn its whole attention to the task for which it is girding itself. If excessive care for a landed estate, undue anxiety about family property, a passion for hunting, or days spent in the theatres take much time from study (and time spent on *anything* else is time lost to study!), what are we to think will be the effect of desire, avarice, and envy, rampant thoughts of which disturb even our slumbers and our dreams?

Nothing is so preoccupied, so many-faceted, so mauled and torn apart by so many different emotions, as an evil mind. When it is plotting something, it is tormented with hope, cares, and labour; even when it has attained its criminal ends, it is racked by anxiety, remorse, and the expectation of all kinds of punishments. What room is there amid all this for literature or any cultural activity?<sup>6</sup> No more, to be sure, than there is room for a good crop where the land is given over to thorns and brambles.

And is not a frugal life essential for enduring the labours of study? So what hope is there in lust and luxury? Is not love of renown a specially strong stimulus to a passion for literature? Are we then to think that the wicked care for renown? Is it not now obvious to all that the most important element in oratory is the handling of the equitable and the good? Will a bad and unfair man speak about these things as the dignity of the subject requires?

And finally—to leave the biggest part of the question



mus, id quod nullo modo fieri potest, idem ingenii studii doctrinae pessimo atque optimo viro: uter melior dicetur orator? Nimirum qui homo quoque melior. Non igitur umquam malus idem homo et perfectus orator. Non enim perfectum est quicquam quo melius est aliud.

Sed, ne more Socraticorum nobismet ipsi responsum finxisse videamur, sit aliquis adeo contra veritatem opstinatus ut audeat dicere eodem ingenio studio doctrina praeditum nihilo deteriore futurum oratorem malum virum quam bonum: convincamus huius quoque amenitiam. Nam hoc certe nemo dubitabit, omnem orationem id agere ut iudici quae proposita fuerint vera et honesta videantur. Utrum igitur hoc facilius bonus vir persuadebit an malus? Bonus quidem et<sup>2</sup> dicet saepius vera atque honesta. Sed etiam si quando aliquo ductus officio (quod accidere, ut mox docebimus, potest) falso aliqua<sup>3</sup> adfirmare conabitur, maiore cum fide necesse est audiatur. At malis hominibus ex contemptu opinionis et ignorantia recti nonnumquam excidit ipsa simulatio: inde inmodeste proponunt, sine pudore adfirmant. Sequitur in iis quae certum est effici non posse deformis pertinacia et inritus labor: nam sicut in vita, ita in causis quoque spes improbas habent; frequenter autem accidit ut iis etiam vera dicentibus fides desit videaturque talis advocatus malae causae argumentum.

14 Nunc de iis dicendum est quae mihi quasi conspira-

<sup>2</sup> *ei Watt 1988*

<sup>3</sup> *D.A.R. : haec B*

## BOOK 12.1

out of account—let us assume (though it can never happen) that a very bad man and a very good man both have the same amount of talent, industry, and learning: which of the two is to be called the better orator? Of course it will be the one who is also the better man. So a man can never be both a perfect orator and a bad man, because nothing is perfect if there is something else better.

However, as I do not want to seem to have been inventing answers to my own questions, like the Socratics, let us imagine a man so obstinately opposed to the truth as to dare to affirm that, given the same talent, study, and learning, a bad man will be no worse an orator than a good: let us convince even this person's madness. No one surely will doubt that the aim of all oratory is to make its propositions appear true and honourable to the judge. Which then will find it easier to be convincing, the good man or the bad? The good man of course will also *say* true and honourable things more often; but even if some particular duty leads him (and this can happen, as I shall show later) to attempt to make some false statements, he is still bound to be believed more than the other man. Bad men, on the other hand, because they despise opinion and have no idea of what is right, sometimes even forget to keep up the pretence, and so state their case without any modesty, and make their assertions without shame. The consequence is unseemly pertinacity and vain effort spent on points which it is certain can never be made good. They cherish unethical hopes in their Causes just as much as in their lives. It often happens, too, that even when they tell the truth they are not believed, and the appearance of such an advocate is thought to show that the Cause is a bad one.

I must now deal with what seems a general conspiracy

- tione quadam vulgi reclamari videntur: 'Orator ergo Demosthenes non fuit? atqui malum virum accepimus. Non Cicero? atqui huius quoque mores multi reppererunt.' Quid agam? Magna responsi invidia subeunda est: mitigandae sunt prius aures. Mihi enim nec Demosthenes tam gravi morum dignus videtur invidia ut omnia quae in eum ab inimicis congesta sunt credam, cum et pulcherrima eius in re publica consilia et finem vitae clarum legam, nec M. Tullio defuisse video in ulla parte civis optimi voluntatem. Testimonio est actus nobilissime consulatus, integerrime provincia administrata et repudiatus vigintiviratus, et civilibus bellis, quae in aetatem eius gravissima inciderunt, neque spe neque metu declinatus animus quo minus optimis se partibus, id est rei publicae, iungeret. Parum fortis videtur quibusdam, quibus optime respondit ipse non se timidum in suscipiendis sed in providendis periculis: quod probavit morte quoque ipsa, quam praestantissimo suscipit animo.
- 18 Quod si defuit his viris summa virtus, sic quaerentibus an oratores fuerint respondebo quo modo Stoici, si interrogentur an sapiens Zenon, an Cleanthes, an Chrysippus ipse, respondeant, magnos quidem illos ac venerabiles, non tamen id quod natura hominis summum habet conse-

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<sup>7</sup> Compare Plutarch, *Comparison of Demosthenes and Cicero* 3, *Demosthenes* 29–30: Demosthenes behaved dishonestly in writing speeches for his opponents, took bribes from Persia, and was involved in the Harpalus scandal; but he made a brave end.

<sup>8</sup> Cilicia 51–50 BC.

<sup>9</sup> Caesar offered him a place on this land-commission for Campania in 59 BC.

of protest against this view. "Was not Demosthenes an orator? But we understand he was a bad man. Was not Cicero? Many have found fault with *his* morals too." Well now, what am I to do? I shall have to put up with a lot of prejudice because of my answer; so I must first conciliate my audience. I do not think Demosthenes merits such grave aspersions on his character that I am bound to believe all the charges which are heaped upon him by his enemies; I read also of his noble public policies and his glorious end.<sup>7</sup> Nor do I think Cicero in any way lacked the right attitudes of a good citizen. For evidence, I cite his magnificent consulship, his honourable administration of his province,<sup>8</sup> his refusal of a place on the Commission of Twenty,<sup>9</sup> and the fact that, in the dreadful civil wars which fell within his lifetime, neither hope nor fear deterred him from supporting the right side, that is to say the Republic. Some think him cowardly: he replied to this charge very well himself, by saying that he was "not a timid person when confronting peril, but timid in foreseeing it."<sup>10</sup> He proved his point again by his death itself, which he bore with outstanding courage.<sup>11</sup>

If these two lacked perfect virtue, I can still answer those who question whether they were orators by the argument the Stoics would use to answer anyone who asked them whether Zeno, Cleanthes, or Chrysippus himself was a Wise Man: they would say that they were great men, and to be venerated, but had not attained to the highest perfec-

<sup>10</sup> Compare *Ad familiares* 6.21.1.

<sup>11</sup> Note the *suasoriae* on Cicero in Seneca, *Suasoriae* 6–7, and the anthology of accounts of his death, *ibid.* 6.14–27.

19 cutos. Nam et Pythagoras non sapientem se, ut qui ante eum fuerunt, sed studiosum sapientiae vocari voluit. Ego tamen secundum communem loquendi consuetudinem saepe dixi dicamque perfectum oratorem esse Ciceronem, ut amicos et bonos viros et prudentissimos dicimus vulgo, quorum nihil nisi perfecte sapienti datur: sed cum proprie et ad legem ipsam veritatis loquendum erit, eum quaeram

20 oratorem quem et ille quaerebat. Quamquam enim stetit ipsum in fastigio eloquentiae fateor, ac vix quid adici potuerit invenio, fortasse inventurus quid adhuc abscisurum putem fuisse (nam et fere sic docti iudicaverunt plurimum in eo virtutum, nonnihil fuisse vitiorum, et se ipse multa ex illa iuvenili abundantia coercuisse testatur): tamen, quando nec sapientis sibi nomen minime sui contemptor adseruit et melius dicere certe data longiore vita et tempore ad componendum securiore potuisset, non maligne crediderim defuisse ei summam illam ad quam

21 nemo propius accessit. Et licebat, si aliter sentirem, fortius id liberiusque defendere. An vero M. Antonius neminem a se visum eloquentem, quod tanto minus erat, professus est, ipse etiam M. Tullius quaerit adhuc eum et tantum

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<sup>12</sup> Compare Plutarch, *On the contradictions of the Stoics* 1048E: "Chrysippus does not say that he himself is *σπουδαῖος* (good), or any of his pupils or teachers."

<sup>13</sup> See, e.g., Cicero, *Tusculanae Disputationes* 5.9, Guthrie (1962) l. 204. In Pythagoras' view, God alone is wise.

<sup>14</sup> *Brutus* 36, *Orator* 107.

<sup>15</sup> Q. thus implicitly rejects the view (set out in Tacitus, *Dialogus* 36–40, and hinted at in "Longinus" 44.2) that bad and dangerous times are good for oratory.

tion of human nature.<sup>12</sup> Even Pythagoras, after all, did not choose to be called a “wise man” (like his predecessors) but a “lover of wisdom.”<sup>13</sup> For my part, I have often said, and shall continue to say, that in the ordinary sense of the words Cicero was a perfect orator—just as we ordinarily speak of our friends as good and truly prudent men, though this is not strictly true of anyone but the perfect sage. On the other hand, if I have to speak strictly and in accordance with rigorous standards of truth, I shall go on looking for the true orator whom Cicero also was looking for. I admit of course that Cicero himself had climbed the topmost peak of eloquence, and I can scarcely find anything which could be added to his qualities—though I might perhaps find something that I think he would have gone on to prune away, because scholars have generally judged that he possessed many virtues and some faults, and he himself bears witness to having restrained much of his youthful exuberance.<sup>14</sup> Nevertheless, since, though he was the last person to disparage himself, he never claimed to be “wise,” and since he could certainly have spoken better if he had been granted a longer life and a more secure period<sup>15</sup> in which to write, it is perhaps not ungenerous in me to believe that he failed to achieve that perfection which nobody came closer to achieving. If my feelings about him had been different, I could have argued for this position with more boldness and freedom. Marcus Antonius declared he had never seen a “competent speaker” (and this is a good deal less than an “orator”);<sup>16</sup> Cicero himself is still looking for his orator, and only imag-

<sup>16</sup> Cicero, *De oratore* 1.94, 3.189; compare *Orator* 15, and above, 8 *prooem.* 13.

22 imaginatur ac fingit: ego non audeam dicere aliquid in hac quae superest aeternitate inveniri posse eo quod fuerit perfectius? Transeo illos qui Ciceroni ac Demostheni ne in eloquentia quidem satis tribuunt: quamquam neque ipsi Ciceroni Demosthenes videatur satis esse perfectus, quem dormire interim dicit, nec Cicero Bruto Calvoque, qui certe compositionem illius etiam apud ipsum reprendunt, nec Asinio utrique, qui vitia orationis eius etiam inimice pluribus locis insecuntur.

23 Concedamus sane, quod minime natura patitur, reperi-  
tum esse aliquem malum virum summe disertum, nihilo  
tamen minus oratorem eum negabo. Nam nec omnibus  
24 qui fuerint manu prompti viri fortis nomen concesserim,  
quia sine virtute intellegi non potest fortitudo. An ei qui ad  
defendendas causas advocatur non est opus fide quam  
neque cupiditas corrumpat nec gratia avertat nec metus  
frangat: sed proditorem transfugam praevaricatorem do-  
nabimus oratoris illo sacro nomine? Quod si mediocribus  
etiam patronis convenit haec quae vulgo dicitur bonitas,  
25 cur non orator ille, qui nondum fuit sed potest esse, tam sit  
moribus quam dicendi virtute perfectus? Non enim foren-  
sem quandam instituimus operam nec mercennariam vo-  
cem neque, ut asperioribus verbis parcamus, non inutilem  
sane litium advocatum, quem denique causidicum vulgo  
vocant, sed virum cum ingenii natura praestantem, tum

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<sup>17</sup> *Orator* 104.

<sup>18</sup> Plutarch, *Cicero* 24, referring to a lost letter (*Fr. epist.* IX A. 3 Watt): see above, 10.1.24.

<sup>19</sup> See on 9.4.1; Tacitus, *Dialogus* 18.      <sup>20</sup> I.e. Pollio (con-  
sul 40 BC) and his son Gallus, who wrote a "comparison of his

ining and inventing him; so shall I not have the courage to say that, in the eternity of time to come, there may possibly be found something more perfect than anything which went before? I pass over people who do not give enough credit even for eloquence to Cicero and Demosthenes, although it is true that Cicero himself finds imperfections in Demosthenes,<sup>17</sup> and says he sometimes “nods,”<sup>18</sup> and Cicero himself does not seem perfect either to Brutus and Calvus<sup>19</sup> (who criticize his Composition to his face) or to the two Asinii,<sup>20</sup> who make really hostile attacks on the faults of his style in various places.

Anyway, let us grant—though it is wholly against nature—that some bad man has been found who is supremely eloquent. I shall nevertheless deny that he is an orator. By the same token, I shall not allow everyone who is ready with his hands to be a brave man, because courage cannot be conceived apart from virtue. If a man who is called upon to defend a Cause needs (as he surely does) a loyalty which greed cannot corrupt, influence affect, or fear break down, are we to give the sacred name of orator to a traitor, a deserter, or a colluder? If the quality which is commonly called goodness is thought right even for mediocre advocates, why should not the ideal orator, who has never existed but may exist some day, be perfect in character as well as in oratory? The man I am educating is no law-court hack or hired voice, nor even (let us avoid hard words) a serviceable case advocate, what is commonly called a *causidicus*,<sup>21</sup> but a man of outstanding natural talent who has acquired a profound knowledge of many

father with Cicero,” strongly criticizing the latter. Tacitus, *Dialogus* loc. cit. <sup>21</sup> See Cicero, *De oratore* 1.202.



- vero tot pulcherrimas artis penitus mente complexum, datum tandem rebus humanis, qualem nulla antea vetustas cognoverit, singularem perfectumque undique, optima  
 26 sentientem optimeque dicentem. In hoc quota pars erit quod aut innocentis tuebitur aut improborum scelera compescet aut in pecuniariis quaestionibus veritati contra calumniam aderit? Summus ille quidem in his quoque operibus fuerit, sed maioribus clarius elucebit, cum regenda senatus consilia et popularis error ad meliora ducendus.  
 27 An non talem quendam videtur finxisse Vergilius, quem in seditione vulgi iam faces et saxa iaculantis moderatorem dedit?

tum pietate gravem ac meritis si forte virum quem conspexere, silent arrectisque auribus adstant.

Habemus igitur ante omnia virum bonum: post hoc adiciet dicendi peritum:

ille regit dictis animos et pectora mulcet.

- 28 Quid? non in bellis quoque idem ille vir quem instituimus, si sit ad proelium miles cohortandus, ex mediis sapientiae praeceptis orationem trahet? Nam quo modo pugnam ineuntibus tot simul metus laboris, dolorum, postremo mortis ipsius exciderint, nisi in eorum locum pietas et fortitudo et honesti praesens imago successerit?  
 29 Quae certe melius persuadebit aliis qui prius persuaserit sibi. Prodit enim se, quamlibet custodiatur, simulatio, nec umquam tanta fuerit loquendi facultas ut non titubet aut<sup>4</sup> haereat

<sup>4</sup> *Winterbottom*: ad B

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<sup>22</sup> Vergil, *Aeneid* 1.151–153.

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valuable arts, a man vouchsafed at long last to humanity, such as history has never known, unique, perfect in every way, noble in thought and noble in speech. It will be a small fraction of this man's achievement that he will protect the innocent, repress the crimes of the wicked, and defend truth against calumny in financial disputes. Of course he will be supreme in this field too, but it is in greater things that his glory will shine more brightly, when he has to guide the counsels of the senate or lead an erring people into better ways. It was surely some such man as this whom Vergil imagined, and whom he shows taking control when the rioting crowd hurls torches and stones:

Then if they chance to see a man  
whose deeds and virtues have authority,  
silent they stand, and with attentive ears.<sup>22</sup>

Here then we have first and foremost a good man; the poet will then go on to say that he is an able speaker:

He rules their minds with speech, and soothes their  
passions.

In wartime too, if the troops have to be exhorted before battle, will not the man whom I am educating draw eloquence from doctrines that are at the heart of philosophy? How can men going into battle banish from their minds all the fears of toil, pain, and ultimately death itself that they feel in that one moment, unless duty, courage, and a vivid awareness of honour step in to take their place? And surely the best man to persuade others of this will be the man who has previously persuaded himself. Insincere protestations always betray themselves, however carefully they are kept up, and there has probably never been a tongue so fluent as

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- 30 quotiens ab animo verba dissentiunt. Vir autem malus aliud dicat necesse est quam sentit: bonos numquam honestus sermo deficiet, numquam rerum optimarum (nam idem etiam prudentes erunt) inventio: quae etiam si lenociniis destituta sit, satis tamen natura sua ornatur, nec quicquam non diserte quod honeste dicitur.
- 31 Quare iuventus, immo omnis aetas (neque enim rectae voluntati serum est tempus ullum), totis mentibus huc tendamus, in haec elaboremus: forsitan et consummare contingat. Nam si natura non prohibet et esse virum bonum et esse dicendi peritum, cur non aliquis etiam unus utrumque consequi possit? Cur autem non se quisque speret fore illum aliquem?
- 32 Ad quod si vires ingenii non suffecerint, tamen ad quem usque modum processerimus meliores erimus ex utroque. Hoc certe procul eximatur animo, rem pulcherrimam eloquentiam cum vitiis mentis posse misceri. Facultas dicendi, si in malos incidit, et ipsa iudicanda est malum: peiores enim illos facit quibus contingit.
- 33 Videor mihi audire quosdam (neque enim deerunt umquam qui disertis esse quam boni malint) illa dicentis: 'Quid ergo tantum est artis in eloquentia? Cur tu de coloribus et difficilium causarum defensione, nonnihil etiam de confessione locutus es, nisi aliquando vis ac facultas dicendi expugnat ipsam veritatem? Bonus enim vir non agit nisi

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<sup>23</sup> See 4.2.68–74, 11.1.76.

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not to stumble or hesitate whenever the words are at odds with the speaker's real feelings. Now the bad man is bound to speak otherwise than he feels, while good men will never lack for honourable words or an Invention that provides honourable matter (for they are not only good but clever); and even if their matter lacks artificial charms, its own nature will be ornament enough, and everything that is said honourably is also said eloquently. So let our young people—or rather let all of us, of any age, for it is never too late to make good resolutions—strive for this and work towards it with all our powers; maybe we shall even have the good fortune to get there. If Nature does not prohibit the existence of a good man and the existence of a skilled speaker, why should not one person achieve both goals? And why should not everyone hope that he might be that person? And if our talents are not sufficient, we shall still better ourselves in both ways in so far as we make progress. At least let us banish from our minds the idea that the glorious thing that is eloquence can be combined with vicious attitudes of mind. If the power of speech is found in bad men, it too must be judged a bad thing; for it makes the bad men who possess it worse than they were.

### *The moral dilemma: speaking for a bad cause*

I think I hear some people (there will always be those who would rather be eloquent than good) saying something like this: “So what is all this art in eloquence? Why have you told us about Colours and the defence of difficult Causes, and even about Confession of Guilt,<sup>23</sup> unless force and readiness of speech sometimes triumph over truth itself? A good man only pleads good Causes, and truth itself

bonas causas, eas porro etiam sine doctrina satis per se  
tuetur veritas ipsa.<sup>7</sup>

34 Quibus ego, cum de meo primum opere respondero,  
etiam pro boni viri officio, si quando eum ad defensionem  
nocentium ratio duxerit, satisfaciam. Pertractare enim quo  
modo aut pro falsis aut etiam pro iniustis aliquando dicatur  
non est inutile, vel propter hoc solum, ut ea facilius et de-  
prendamus et refellamus, quem ad modum remedia me-  
35 lius adhibebit cui nota quae nocent fuerint. Neque enim  
Academici, cum in utramque disserunt partem, non se-  
cundum alteram vivunt, nec Carneades ille, qui Romae au-  
diente Censorio Catone non minoribus viribus contra ius-  
titiam dicitur disseruisse quam pridie pro iustitia dixerat,  
iniustus ipse vir fuit. Verum et virtus quid sit adversa ei  
malitia detegit, et aequitas fit ex iniqui contemplatione  
manifestior, et plurima contrariis probantur: debent ergo  
oratori sic esse adversariorum nota consilia ut hostium im-  
peratori.

36 Verum et illud, quod prima propositione durum vide-  
tur, potest adferre ratio, ut vir bonus in defensione causae  
velit auferre aliquando iudici veritatem. Quod si quis a me  
proponi mirabitur (quamquam non est haec mea proprie  
sententia, sed eorum quos gravissimos sapientiae magis-

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<sup>24</sup> Lord Birkett (1961), especially 97–109, has many remarks which echo Q.'s discussions of this perennial set of problems.

<sup>25</sup> Carneades, with the Stoic Diogenes and the Peripatetic Critolaus, came on an embassy from Athens in 155 BC; the occasion gave a stimulus to philosophy among the Romans. Q.'s story probably comes from Cicero's *De republica* 3.6 (= Lactantius, *Divinae Institutiones* 5.14). See also K. Nickau, *Peripateticorum*

is defence enough for them without the help of learning.”

In answering these people in the first instance in relation to my own work, I shall be satisfying them also as regards the duty of a good man, who may sometimes have reason to undertake the defence of the guilty.<sup>24</sup> It is not useless to consider how one may on occasion speak for a falsehood or even for an injustice, if only because this enables us to detect and refute such things more easily, just as the person who knows what things are harmful will be better at applying remedies for them. After all, the Academics argue both sides of a question, but live according to one side only, and the great Carneades, who is said to have spoken at Rome in the presence of the censor Cato just as vigorously against justice as he had spoken in defence of justice the day before, was a perfectly just man.<sup>25</sup> In fact, what virtue is is revealed by its opposite, vice; equity is better understood by looking at its opposite; and in general most things are shown to be good by comparison with their contraries. The orator therefore must know his adversaries' plans as the general does the enemy's.

However—hard as this seems when it is first stated—rational consideration may also lead a good man, in his defence of his Cause, occasionally to want to cheat the judge of the truth. If anyone is surprised at my saying this (though it is not my own idea, but comes from persons whom antiquity regarded as authoritative philosophers),<sup>26</sup>

*Consuetudo* in S. Döpp (ed.), *Antike Rhetorik und ihre Rezeption* (Stuttgart, 1999) 15–28.

<sup>26</sup> See 2.17.26. Q. echoes Cicero, *De officiis* 2.51 (*nisi idem placeret gravissimo Stoicorum Panaetio*, “if it were not that the most weighty of the Stoics, Panaetius, held the same view”).

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37 tros aetas vetus credidit), sic iudicet, pleraque esse quae non tam factis quam causis eorum vel honesta fiant vel turpia. Nam si hominem occidere saepe virtus, liberos necare nonnumquam pulcherrimum est, asperiora quaedam adhuc dictu si communis utilitas exegerit facere conceditur: ne hoc quidem nudum est intuendum, qualem causam vir bonus, sed etiam quare et qua mente defendat.

38 Ac primum concedant mihi omnes oportet, quod Stoicorum quoque asperrimi confitentur, facturum aliquando bonum virum ut mendacium dicat, et quidem nonnumquam levioribus causis, ut in pueris aegrotantibus utilitatis eorum gratia multa fingimus, multa non facturi promittimus, nedum si ab homine occidendo grassator avertendus sit aut hostis pro salute patriae fallendus: ut hoc, quod alias in servis quoque reprehendum est, sit alias in ipso sapiente laudandum. Id si constiterit, multa iam video posse evenire propter quae orator bene suscipiat tale causae genus  
39  
40 quale remota ratione honesta non recepisset. Nec hoc dico (quia severiores sequi placet leges) pro patre fratre amico periclitantibus, tametsi non mediocris haesitatio est hinc iustitiae proposita imagine, inde pietatis. Nihil dubii relinquamus. Sit aliquis insidiatus tyranno atque ob id reus: utrumne salvum eum nolet is qui a nobis finitur orator? An, si tuendum susceperit, non tam falsis defendet

<sup>27</sup> Like Brutus (Vergil, *Aeneid* 6.820–823) or Manlius Torquatus (Livy 8.7).

<sup>28</sup> *SVF* 3 p. 148: the wise man will sometimes use falsehood without assenting to it—in war against his adversaries, or because he foresees benefit from it, and in many affairs of life.

let him bear in mind that there are many actions which are made honourable or the reverse not so much because of what was done as because of the motive. If it is often a virtuous act to kill a man, if it is sometimes a very fine action to put one's own children to death,<sup>27</sup> and if deeds which make an even harsher story can be excused on grounds of public interest, then neither must we concentrate on the bare question of what sort of Cause the good man is to defend, but consider also why and with what intention he does it.

First of all, everyone must grant me what even the sternest of the Stoics admit, namely that the good man will go so far as to tell a lie on occasion,<sup>28</sup> and sometimes even for quite trivial reasons: with sick children, for example, we pretend many things for their good and promise to do many things which we are not going to do; even more justifiably, we lie to stop an assassin from killing a man, and deceive an enemy to save the country. Thus lying, which in some circumstances is blameworthy even in slaves, in others is praiseworthy in the Wise Man himself. If this is agreed, I can see many situations in which an orator might properly undertake a type of Cause which he would not have accepted if there had been no honourable reason for doing so. I am not talking about the defence of a father or a brother or a friend who is at risk—I am resolved to follow stricter rules—although in these cases there can be ample ground for hesitation, because justice is seen to be on one side and loyalty on the other. Let us leave no doubt about the problem. Suppose a man has conspired against a tyrant and is on trial for this. Will the orator, as defined by us, be against the man's being acquitted? Will he not, if he undertakes the defence, use falsehoods just as much as an advo-



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- 41 quam qui apud iudices malam causam tuetur? Quid si  
 quaedam bene facta damnaturus est iudex nisi ea non esse  
 facta convicerimus: non vel hoc modo servabit orator non  
 innocentem modo sed etiam laudabilem civem? Quid si  
 quaedam iusta natura, sed condicione temporum inutilia  
 civitati sciemus: nonne utemur arte dicendi bona quidem,  
 42 sed malis artibus simili? Ad hoc nemo dubitabit quin, si  
 nocentes mutari in bonam mentem aliquo modo possint,  
 sicut posse conceditur, salvos esse eos magis e re publica  
 sit quam puniri. Si liqueat igitur oratori futurum bonum  
 43 virum cui vera obicientur, non id aget ut salvus sit? Da  
 nunc ut crimine manifesto prematur dux bonus et sine quo  
 vincere hostem civitas non possit: nonne ei communis  
 utilitas oratorem advocabit? Certe Fabricius Cornelium  
 Rufinum, et alioqui malum civem et sibi inimicum, tamen,  
 quia utilem sciebat ducem, imminente bello palam consu-  
 lem suffragio suo fecit, atque id mirantibus quibusdam  
 respondit, a cive se spoliari malle quam ab hoste venire. Ita  
 hic si fuisset orator, non defendisset eundem Rufinum vel  
 44 manifesti peculatus reum? Multa dici possunt similia, sed  
 vel unum ex iis quodlibet sufficit. Non enim hoc agimus, ut  
 istud illi quem formamus viro saepe sit faciendum, sed ut,  
 si talis coegerit ratio, sit tamen vera finitio oratorem esse

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<sup>29</sup> See Cicero, *De oratore* 2.268, Aulus Gellius 4.8.8. Rufinus was consul in 290 and 277 BC; in 290, he had a triumph over the Samnites, but it is not clear whether this story applies to this or to the war with Pyrrhus.

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cate who is defending a bad Cause in court? Again, suppose a judge is set to condemn some actions which were rightly done, unless we can convince him that they never were done: will not the orator use even this means to preserve a citizen who is not only innocent but praiseworthy? Or suppose we know that certain acts, though naturally just, are against the public interest in the present circumstances: shall we not use a skill in speaking which is indeed honourable, but which looks like dishonest practice? Further, no one is going to doubt that, if the guilty parties can somehow be converted to a right way of thinking (and it is conceded that this is possible), it is more in the public interest that they should be acquitted than that they should be punished. So if it is clear to the orator that a man against whom true charges are brought will become a good man, will he not work to secure his acquittal? Next, imagine that a good general, someone without whom the state cannot defeat its enemies, is labouring under a manifestly true charge: will not the common good call our orator to his side? Fabricius anyway openly used his vote to have Cornelius Rufinus, who was a bad citizen and also his personal enemy, elected consul, because he knew he was a competent commander, and war was imminent.<sup>29</sup> When people said they were surprised, Fabricius replied that he would rather be robbed by a fellow citizen than sold into slavery by the enemy. So, if he had been an orator, would he not have defended this Rufinus on a charge of peculation, however plain the facts were? Many similar instances could be given, but any one of them is enough to make the point. I am not arguing that the orator I am shaping will often have to do this, only that, if some such reason compels him to do so, the definition of an orator as "a good man

virum bonum dicendi peritum.

- 45 Praecipere vero ac discere quo modo etiam probatione difficilia tractentur necessarium est. Nam frequenter etiam optimae causae similes sunt malis, et innocens reus multis veri similibus premitur, quo fit ut eadem actionis ratione defendendus sit qua si nocens esset. Iam innumeralia sunt bonis causis malisque communia, testes litterae suspiciones opiniones. Non aliter autem veri similia quam vera et confirmantur et refelluntur. Quapropter ut res feret flectetur oratio, manente honesta voluntate.

2

- 1 Quando igitur orator est vir bonus, is autem citra virtutem intellegi non potest, virtus, etiam si quosdam impetus ex natura sumit, tamen perficienda doctrina est: mores ante omnia oratori studiis erunt excolendi atque omnis honesti iustique disciplina pertractanda, sine qua nemo nec vir bo-
- 2 nus esse nec dicendi peritus potest—nisi forte accedemus iis qui natura constare mores et nihil adiuvari disciplina putant, scilicet ut ea quidem quae manu fiunt atque eorum etiam contemptissima confiteantur egere doctoribus, virtutem vero, qua nihil homini quo ad deos immortalis propius accederet datum est, obviam inlaboratam tantum quia nati simus habeamus. Abstinent erit qui id ipsum quid

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<sup>30</sup> Q. means that the advice on “technical” and “nontechnical” proofs (in Book Five) should be adapted as necessary to “difficult” cases. <sup>1</sup> Q. here accepts the view that virtue has a natural origin in our impulses, but needs teaching or stimulus: compare Cicero, *De fnibus* 5.43, Seneca, *Epistles* 108.8. He rejects the more extreme position that Nature by itself is enough.

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skilled in speaking" still holds good.

It is necessary however to teach and to learn how to handle difficult cases also from the point of view of Proof.<sup>30</sup> Even the best Causes often look like bad ones, and an innocent defendant may be overwhelmed by many plausible charges. In that case, he has to be defended by the same line of pleading as if he was guilty. Moreover, there are countless features common to both good and bad Causes: witnesses, documents, suspicions, opinions. The probable is confirmed or refuted in the same way as the true. The speech therefore may be bent to suit the needs of the case, so long as our intentions are honourable.

## CHAPTER 2

### *Rhetoric and Philosophy*

So, since the orator is a good man, and the concept of a good man is unintelligible apart from virtue, and since virtue, though it derives some impulses from nature, has none the less to be perfected by teaching, the orator must above all else develop his moral character by study, and undergo a thorough training in the honourable and the just, because without this no one can be either a good man or a skilled speaker. The alternative is to join forces with those who think that moral character is formed by nature and cannot be improved by training. This amounts to admitting that manual work, even the most despised form of it, needs teachers, whereas virtue—the gift which more than anything else was given us to bring us closer to the immortal gods—comes our way without the slightest effort just because we are born.<sup>1</sup> Can a man be abstinent without know-

3 sit abstinentia ignoret? Et fortis, qui metus doloris mortis  
 superstitionis nulla ratione purgaverit? Et iustus qui aequi  
 bonique tractatum, qui leges quaeque natura sunt omni-  
 bus datae quaeque propriae populis et gentibus consti-  
 tutae, numquam eruditore aliquo sermone tractarit? O  
 quam istud parvum putant<sup>1</sup> quibus tam facile videtur!

4 Sed hoc transeo, de quo neminem qui litteras vel pri-  
 mis, ut aiunt, labris degustarit dubitaturum puto. Ad illud  
 sequens praevertar, ne dicendi quidem satis peritum fore  
 qui non et naturae vim omnem penitus perspexerit et mo-  
 5 res praeceptis ac ratione formarit. Neque enim frustra in  
 tertio de Oratore libro L. Crassus cuncta quae de aequo  
 iusto vero bono deque iis quae sunt contra posita dicantur  
 propria esse oratoris adfirmat, ac philosophos, cum ea di-  
 cendi viribus tuentur, uti rhetorum armis, non suis. Idem  
 tamen confitetur ea iam esse a philosophia petenda, vide-  
 licet quia magis haec illi videtur in possessione earum  
 6 rerum fuisse. Hinc etiam illud est quod Cicero pluribus et  
 libris et epistulis testatur, dicendi facultatem ex intimis sa-  
 pientiae fontibus fluere, ideoque aliquamdiu praeceptores  
 eosdem fuisse morum atque dicendi.

Quapropter haec exhortatio mea non eo pertinet, ut  
 esse oratorem philosophum velim, quando non alia vitae  
 secta longius a civilibus officiis atque ab omni munere ora-

<sup>1</sup> *Spalding*: parum putant *B*: parum reputant *Radermacher*

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<sup>2</sup> Q., as he says below, is in harmony with Cicero (e.g. *De oratore* 3.52–81, 107; *Orator* 11; *Ad familiares* 15.4.16); he also agrees with the rhetor Theon (2.59 Spengel), who complains that modern orators dispense with philosophy and the loftiness of mind that it brings.

ing what abstinence is? Or brave without having purged away by reason the terrors of pain, death, and superstition? Or just, if he has never taken part in some educated discussion of the equitable and the good, and of laws—both the universal laws which nature gives and those which are peculiar to peoples and nations? How trivial they must think all this, if they think it all so easy!

But I pass over this: nobody who has even the tiniest taste (as they say) of literature will feel any doubts about it. I shall turn instead to a second point, namely that no one will even be skilled enough in speaking who has not got a profound understanding of all the workings of nature and has not formed his character by precept and principle.<sup>2</sup> It is not for nothing that Lucius Crassus, in the third book of *De oratore*, asserts that everything that is said about equity, justice, truth, goodness, and their opposites is the proper study of the orator, and that the philosophers, when they use their powers of speaking to defend these principles, are using the rhetoricians' weapons, not their own. But he also admits that one has to turn to philosophy for these things now, because he thinks that philosophy has taken possession of them more effectively. This too is why Cicero, in several books and letters, bears witness that the power of speech flows from the innermost fountains of wisdom, and that the teachers of morals and of eloquence were therefore for a long time the same people.

Hence this exhortation of mine does not mean that I want the orator to be a philosopher, for no other way of life is more remote from the duties of a citizen and the task of

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- 7 toris recessit. Nam quis philosophorum aut in iudiciis frequens aut clarus in contionibus fuit? Quis denique in ipsa quam maxime plerique praecipiant rei publicae administratione versatus est? Atqui ego illum quem instituo Romanum quendam velim esse sapientem, qui non secretis disputationibus sed rerum experimentis atque operibus
- 8 vere civilem virum exhibeat. Sed quia deserta ab iis qui se ad eloquentiam contulerunt studia sapientiae non iam in actu suo atque in hac fori luce versantur, sed in porticus et gymnasia primum, mox in conventus scholarum recesserunt, id quod est oratori necessarium nec a dicendi praeceptoribus traditur ab iis petere nimirum necesse est apud quos remansit: evolvendi penitus auctores qui de virtute praecipiant, ut oratoris vita cum scientia divinarum rerum
- 9 sit humanarumque coniuncta. Quae ipsae quanto maiores ac pulchriores viderentur si illas ii docerent qui etiam eloqui praestantissime possent! Utinamque sit tempus umquam quo perfectus aliquis qualem optamus orator hanc artem superbo nomine et vitiiis quorundam bona eius corrumpentium invisam vindicet sibi ac velut rebus repetitis in corpus eloquentiae adducat.
- 10 Quae quidem cum sit in tris divisa partis, naturalem moralem rationalem, qua tandem non est cum oratoris opere coniuncta?

Nam ut ordinem retro agamus, de ultima illa, quae tota versatur in verbis, nemo dubitaverit, si et proprietates vo-

<sup>3</sup> For a (Platonist) rebuttal of this complaint see Plutarch, *Against Colotes* 1126A–E (LCL *Moralia* 14.302–306).

<sup>4</sup> A common definition accepted by Stoics: Cicero, *De officiis* 2.5 (with Dyck ad loc.), Seneca, *Epistulae* 90.3.

<sup>5</sup> A division attributed to Plato (Cicero, *Academica* 1.19).

an orator generally. What philosopher has ever been seen much in the courts or distinguished himself in public assemblies? What philosopher has ever been active in the government of the state, the very subject on which so many of them give so much advice?<sup>3</sup> All the same, I should like the orator I am training to be a sort of Roman Wise Man, able to play the part of the real statesman not in private seminars but in the experience and activity of real life. But philosophy has been abandoned by those who have turned to oratory; it is no longer active in its proper field and in the broad light of the forum, but has withdrawn, first to porticoes and gymnasia, and then to school lecture rooms. So the teaching which is essential to the orator, but is not provided by teachers of rhetoric, must necessarily be sought from those in whose possession it has remained. Authors who give instruction on virtue must be studied in depth, so that the orator's life can be enriched by the "science of things human and divine."<sup>4</sup> But how much greater and more splendid would these things seem if they were taught by those who were also able to give distinguished expression to them! May the time come when some perfect orator, such as we pray for, claims for himself this art, which is now hated for the arrogance of its name and the vices of some who are ruining its property, and restores our stolen goods, as it were, to be once again incorporated in rhetoric!

Philosophy is divided into three: Physics, Ethics, and Logic.<sup>5</sup> In which of these is it not closely bound up with the orator's work? Let us take them in reverse order.

(1) No one will have any doubts about the last of the three, which is entirely concerned with words, if we agree that it is also orators' business to know the properties of



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- cis cuiusque nosse et ambigua aperire et perplexa discernere et de falsis iudicare et colligere ac resolvere quae velis
- 11 oratorum est: quamquam ea non tam est minute atque concise in actionibus utendum quam in disputationibus, quia non docere modo sed movere etiam ac delectare audientis debet orator, ad quod impetu quoque ac viribus et decore est opus, ut vis amnium maior est altis ripis
- 12 multoque gurgitis tractu fluentium quam tenuis aquae et obiectu lapillorum resultantis. Et ut palaestrici doctores illos quos numeros vocant non idcirco discentibus tradunt ut iis omnibus ii qui didicerint in ipso luctandi certamine utantur (plus enim pondere et firmitate et spiritu agitur), sed ut subsit copia illa, ex qua unum aut alterum cuius se
- 13 occasio dederit efficiant: ita haec pars dialectica, sive illam dicere malimus disputatricem, ut est utilis saepe et finitionibus et comprehensionibus et separandis quae sunt differentia et resolvenda ambiguitate, distinguendo dividendo inliciendo implicando, ita, si totum sibi vindicaverit in foro certamen, obstabit melioribus et sectas ad tenuitatem
- 14 suam vires ipsa subtilitate consumet. Itaque reperias quosdam in disputando mire callidos, cum ab illa cavillatione discesserint, non magis sufficere in aliquo graviore actu quam parva quaedam animalia quae in angustis mobilia campo deprehenduntur.
- 15 Iam quidem pars illa moralis, quae dicitur ethice, certe tota oratori est accommodata. Nam in tanta causarum, sicut superioribus libris diximus, varietate, cum alia coniec-

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<sup>6</sup> For this range of metaphor, see 9.4.7, 10.1.78.

<sup>7</sup> I.e. "tricks" or "holds" or "throws"; Austin cites Seneca, *De beneficiis* 7.1.4.      <sup>8</sup> What animals? Q. is vague.

every word, clear up ambiguities, unravel perplexities, judge falsehoods, and produce whatever inferences and refutations we wish. We do not however have to use logic in pleadings with the same minute attention to detail as in scholarly debate, because the orator's duty is not only to instruct but to move and delight the audience, and for this he also needs energy, strength, and grace: the force of a river flowing between high banks with a great sweep of water is greater than that of a shallow-stream that bubbles over the pebbles in its path.<sup>6</sup> And just as wrestling instructors do not teach their pupils the various "numbers,"<sup>7</sup> as they are called, in order that the pupils should use them all in the actual fight (for weight and strength and breath count for more), but so that they have a stock of "numbers" from which they can apply one or two, as occasion offers, so likewise this subject of "dialectic" (or "disputation" if we prefer that name)—useful as it often is for definitions, classifications, separation of different things, resolving ambiguities, making distinctions and divisions, laying traps and tying an opponent up in knots—will, if it claims the whole forensic battle for itself, obstruct better qualities, pare down the strength of the speech to match its own limited powers, and destroy it just by its subtle refinements. Thus you can find great experts in disputation, who, once parted from their sophistries, are quite as incompetent in any more serious field as certain little animals that are nimble enough in a confined space but easily caught in the open.<sup>8</sup>

(2) Moral philosophy, or Ethics as it is called, is surely wholly appropriate to the orator. As I have shown in previous books,<sup>9</sup> there is a huge variety of Causes. We have

<sup>9</sup> Especially in Books Three and Seven.

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tura quaerantur, alia finitionibus concludantur, alia iure summoveantur vel transferantur, alia colligantur vel ipsa inter se concurrant vel in diversum ambiguitate ducantur, nulla fere dici potest cuius non parte in aliqua tractatus aequi ac boni reperiatur, plerasque vero esse quis nescit quae  
 16 totae in sola qualitate consistant? In consiliis vero quae ratio suadendi est ab honesti quaestione seposita? Quin illa etiam pars tertia, quae laudandi ac vituperandi officii  
 17 continetur, nonne<sup>2</sup> in tractatu recti pravique versatur? An de iustitia fortitudine abstinentia temperantia pietate non plurima dicet orator? Sed ille vir bonus, qui haec non vobis tantum sibi nota atque nominibus aurium tenus in usum linguae perceperit sed [qui]<sup>3</sup> virtutes ipsas mente complexus ita sentiet, nec in cogitando laborabit et<sup>4</sup> quod sciet vere dicet.

18 Cum sit autem omnis generalis quaestio speciali potentior, quia universo pars utique continetur, non utique accedit parti quod universum est, profecto nemo dubitabit generales quaestiones in illo maxime studiorum more versari.<sup>5</sup> Iam vero cum sint multa propriis brevibusque comprehensionibus finienda, unde etiam status causarum dicitur finitivus, nonne ad id quoque instrui ab his, qui plus in hoc studii dederunt, oportet? Quid? non quaestio iuris omnis aut verborum proprietate aut aequi disputatione aut voluntatis coniectura continetur? Quorum pars ad rationalem,  
 20 pars ad moralem tractatum redundat. Ergo natura

<sup>2</sup> See Winterbottom, 'Problems' p. 210: nempe B: semper Hunt 1972    <sup>3</sup> del. D.A.R.    <sup>4</sup> recc.: sed B

<sup>5</sup> Winterbottom: versatas B

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<sup>10</sup> See 3.5.

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Issues of Conjecture, conclusions reached by Definition, cases dismissed on legal grounds, questions of Competence, cases based on Inference, Contrary Laws, or Ambiguities; there is hardly one of these which does not at some point or other involve the discussion of equity and goodness; and everybody knows that the majority of Causes rest entirely on Quality. Again, in Deliberation, what principle of persuasion is there which does not depend on the question of what is honourable? Is not the third branch of oratory also, which consists of praise and blame, always concerned with right and wrong? Will not the orator have a great deal to say about Justice, Courage, Abstinence, Temperance, and Piety? But the good man, who does not merely know these things by word and name, and has not simply heard them with his ears in order to repeat them with his tongue, but has really embraced the virtues themselves in his mind and come to have virtuous sentiments—*he* will not have any problem in ordering his thoughts, and will speak out frankly what he knows.

But—bearing in mind that all General Questions<sup>10</sup> have wider validity than special ones (because the part is necessarily contained in the whole, but the whole is not necessarily implied in the part)—nobody surely is going to doubt that General Questions particularly depend on this type of study. And as there are many points which have to be determined by exact and concise definition (hence the type of Issue called Definition), ought not the orator to be taught this too by those who have studied the subject more deeply? Again, do not all questions of law rest either on the correct sense of words or on a point of Equity or on a Conjecture about intention? Part of this set of problems overflows into Logic, and part into Ethics. All oratory

permixta est omnibus istis oratio, quae quidem oratio est vere. Nam ignara quidem huiusce doctrinae loquacitas erret necesse est, ut quae vel nullos vel falsos duces habeat.

Pars vero naturalis, cum est ad exercitationem dicendi tanto ceteris uberior quanto maiore spiritu de divinis rebus quam humanis eloquendum est, tum illam etiam moralem, sine qua nulla esse, ut docuimus, oratio potest, totam complectitur. Nam si regitur providentia mundus, 21 administranda certe bonis viris erit res publica: si divina nostris animis origo, tendendum ad virtutem nec voluptatibus terreni corporis serviendum. An haec non frequenter tractabit orator? Iam de auguriis, responsis, religione denique omni, de quibus maxima saepe in senatu consilia versata sunt, non erit ei disserendum, si quidem, ut nobis placet, futurus est vir civilis idem? Quae denique intellegi saltem potest eloquentia hominis optima nescientis?

22 Haec si rationi manifesta non essent, exemplis tamen crederemus, si quidem et Periclem, cuius eloquentiae, etiam si nulla ad nos monumenta venerunt, vim tamen quandam incredibilem cum historici tum etiam liberrium hominum genus, comici veteres tradunt, Anaxagorae physici constat auditorem fuisse, et Demosthenen, princi-

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<sup>11</sup> A common philosophical view, put by Q. in Stoic terms, reminiscent of Cicero's *Somnium Scipionis* (e.g. 29). Compare also Theon, 2. 123–128 Spengel, where a *thesis* concerning the obligation of the wise man to govern is juxtaposed with a *thesis* on providence.

<sup>12</sup> Eupolis (see Pliny, *Epistulae* 1.20.17) and Aristophanes (*Acharnians* 530): see also 12.10.65.

<sup>13</sup> See 10.1.82, 12.10.24: Cicero, *De oratore* 3.138, *Brutus* 44.

therefore—all that can truly be so called—is naturally involved with all these matters. Mere loquaciousness, unsupported by knowledge of this branch of learning, is sure to go astray, for it has either no guides to follow or false ones.

(3) Natural Philosophy has more to offer for the practice of oratory than the others, in as much as a loftier inspiration is needed for speaking of divine than of human subjects; moreover, it embraces also the whole area of moral philosophy, without which, as I have shown, oratory cannot exist at all. This is because, if the world is governed by Providence, it follows that good men must take part in managing public affairs; and if our souls have a divine origin, it follows that we have an obligation to strive for virtue and not be the slaves of the pleasures of our earthly body.<sup>11</sup> Will not the orator often handle these themes? And what about auguries, oracles, and religion in general, which have often given rise to important debates in the senate—will he not have to discuss these, if he is to be, as we intend, a statesman as well? And finally, how can we even conceive of Eloquence as existing in a man who is ignorant of the highest things?

If this had not been obvious on theoretical grounds, we could still have believed it on the evidence of examples. For instance, Pericles, the incredible force of whose eloquence (though no specimens of it have come down to us) is attested not only by historians but by that free-spoken race, the poets of Old Comedy,<sup>12</sup> is known to have been a pupil of the natural philosopher Anaxagoras;<sup>13</sup> while Demosthenes, the greatest of all the orators of Greece, is

pem omnium Graeciae oratorum, dedisse operam Platoni.  
 23 Nam M. Tullius non tantum se debere scholis rhetorum  
 quantum Academiae spatiis frequenter ipse testatus est:  
 neque se tanta umquam in eo fudisset<sup>6</sup> ubertas si ingenium  
 suum consaepto fori, non ipsius rerum naturae finibus ter-  
 minasset.

Verum ex hoc alia mihi quaestio exoritur, quae secta  
 conferre plurimum eloquentiae possit—quamquam ea  
 24 non inter multas potest esse contentio; nam in primis nos  
 Epicurus a se ipse dimittit, qui fugere omnem disciplinam  
 navigatione quam velocissima iubet: neque vero Aristip-  
 pus, summum in voluptate corporis bonum ponens, ad  
 hunc nos laborem adhortetur. Pyrrhon quidem quas in hoc  
 opere habere partis potest, cui iudices esse apud quos ver-  
 ba faciat, et reum pro quo loquatur, et senatum in quo sit  
 25 dicenda sententia non liquebit? Academiam quidam utilis-  
 simam credunt, quod mos in utramque partem disserendi  
 ad exercitationem forensium causarum proxime accedat.  
 Adiciunt loco probationis quod ea praestantissimos in

<sup>6</sup> *recc.*: fuisset B

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<sup>14</sup> A widespread but unlikely story; see below 12.10.24; Cicero, *Brutus* 121, *De oratore* 1.89, Plutarch, *Demosthenes* 5; Tacitus, *Dialogus* 32.5. A Byzantine commentary on Aristotle's *Rhetoric* adds the story that Plato expelled Demosthenes from his class, because he could see he was only a "word hunter," *θηρολέκτης*: Riginos (1976) 134–135. <sup>15</sup> Cicero, *Orator* 12: compare Tacitus, *Dialogus* 32. <sup>16</sup> Fr. 163 Usener: Epicurus meant that the would-be philosopher should have nothing to do with the standard education in music, grammar, rhetoric, or mathematics. <sup>17</sup> Aristippus fr. 181 Mannebach (see Cicero, *Academica priora* 2.139 and *De oratore* 3.62).

known to have made himself a pupil of Plato.<sup>14</sup> As for Marcus Tullius, he often testified that he owed a greater debt to the walks of the Academy than to the schools of the rhetoricians;<sup>15</sup> nor would such abundant richness have developed in him if he had made the edge of the Forum, rather than the frontiers of Nature, the limit within which his genius was to be exercised.

*Which philosophical school is most useful?*

This leads me to another question, namely which school of philosophy can contribute most to eloquence. There cannot be many competitors. In the first place, Epicurus dismisses us from his school at once, because his orders are to “sail away from education as fast as you can.”<sup>16</sup> Nor should we get much encouragement for our efforts from Aristippus, who places the highest good in physical pleasure.<sup>17</sup> And what part can Pyrrho<sup>18</sup> play in our work? He will have no clear view about the existence of the judges before whom he is to appear, the defendant whose advocate he is, and the senate in which he has to give an opinion! Some think that the Academy is the most useful, because its habit of arguing both sides of the question is closest to the practice of forensic Causes.<sup>19</sup> They add, by way of confirmation, that this is the school which

<sup>18</sup> The founder of the Sceptic School, who himself wrote nothing; his doctrines were well known from the first century BC, thanks to the work of Aenesidemus of Cnossos.

<sup>19</sup> Cicero also approved of the Academy (i.e. the more “sceptical” school of Carneades) and the Peripatetics for these reasons: *De oratore* 3.67–68, 80.



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eloquentia viros ediderit. Peripatetici studio quoque se quodam oratorio iactant: nam thesis dicere exercitationis gratia fere est ab iis institutum. Stoici, sicut copiam nitoremque eloquentiae fere praeceptoribus suis defuisse concedant necesse est, ita nullos aut probare acrius aut  
 26 concludere subtilius contendunt. Sed haec inter ipsos, qui velut sacramento rogati vel etiam superstitione constricti nefas ducunt a suscepta semel persuasione discedere: ora-  
 27 tori vero nihil est necesse in cuiusquam iurare leges. Maius enim opus atque praestantius ad quod ipse tendit et cuius est velut candidatus, si quidem est futurus cum vitae tum etiam eloquentiae laude perfectus. Quare in exemplum bene dicendi facundissimum quemque proponet sibi ad imitandum, moribus vero formandis quam honestissima praecepta rectissimamque ad virtutem viam deliget. Exer-  
 28 citatione quidem utetur omni, sed tamen erit plurimus in maximis quibusque ac natura pulcherrimis. Nam quae potest materia reperiri ad graviter copioseque dicendum magis abundans quam de virtute, de re publica, de providentia, de origine animorum, de amicitia? Haec sunt quibus mens pariter atque oratio insurgant: quae vere bona, quid mitiget metus, coerceat cupiditates, eximat nos opinionibus vulgi animumque caelestem <cognatis sideribus admoveat>.<sup>7</sup>

<sup>7</sup> *suppl. Winterbottom, after Stroux*

<sup>20</sup> See Cicero, *Orator* 46.

<sup>21</sup> Compare 6 *prooem.* 13.

<sup>22</sup> For this Stoic and Platonic idea, see F. Cumont, *Lux Perpetua* (Paris, 1949) 142–188; A.-J. Festugière, *La Révélation d'Hermès Trismégiste*, 3 (1953) 27–32. The use of it in Cicero's *Somnium Scipionis* (15) will have been familiar to Q., while Sen-

has produced the most distinguished men of eloquence. The Peripatetics also boast of some rhetorical activity; the practice of delivering “theses” as an exercise was mainly instituted by them.<sup>20</sup> The Stoics, though they have to confess that their teachers lacked any fullness or elegance of oratory, maintain that these teachers have no superiors for acuteness of proof and subtlety of inference. But these rival claims are between philosophers themselves—that is to say, between people who feel bound by a sort of oath of allegiance, or even constrained by superstitious scruples, to think it wicked to depart from a conviction they have once adopted. The orator on the other hand has no need to swear allegiance to anyone’s laws. It is a greater and nobler office at which he aims and for which he is in a sense a candidate,<sup>21</sup> if indeed he is to attain perfection by the merits both of his life and of his eloquence. Thus, as a model of oratory, he will pick the most eloquent for imitation, but for forming his character he will choose the noblest possible precepts and the most direct road to virtue. He will use all sorts of exercise, but devote himself primarily to whatever is highest and naturally finest. And what subject can be found richer in material for weighty and copious eloquence than Virtue, the State, Providence, the Origin of the Soul, or Friendship? Here are themes to elevate mind and language alike: “What things are truly good?” “What can calm fear, restrain desire, free us from common misconceptions, and <bring> the heaven-born soul <into contact with its starry kindred>?”<sup>22</sup>

eca, *Suasoriae* 6.6 makes rhetorical use of the concept. Stroux rightly saw (see text note) that this phrase belongs here, and not in § 30.

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29 Neque ea solum quae talibus disciplinis continentur,  
 sed magis etiam quae sunt tradita antiquitus dicta ac facta  
 praeclare et nosse et animo semper agitare conveniet.  
 30 Quae profecto nusquam plura maioraque quam in nostrae  
 civitatis monumentis reperientur. An fortitudinem, iusti-  
 tiam, fidem, continentiam, frugalitatem, contemptum do-  
 loris ac mortis melius alii docebunt quam Fabricii, Curii,  
 Reguli, Decii, Mucii aliique innumerabiles? Quantum  
 enim Graeci praeceptis valent, tantum Romani, quod est  
 maius, exemplis. [tantum quod non cognatis ide rebus  
 31 admoveri]<sup>8</sup> <Igitur><sup>9</sup> qui non modo proximum tempus  
 lucemque praesentem intueri satis credat, sed omnem  
 posteritatis memoriam spatium vitae honestae et curricu-  
 lum laudis existimet, hinc mihi ille iustitiae haustus bibat,  
 hinc sumptam libertatem in causis atque consiliis praestet.  
 Neque erit perfectus orator nisi qui honeste dicere et sciet  
 et audebit.

3

1 Iuris quoque civilis necessaria huic viro scientia est et mo-  
 rum ac religionum eius rei publicae quam capesset. Nam  
 qualis esse suasor in consiliis publicis privatisve poterit tot  
 rerum quibus praecipue civitas continetur ignarus? Quo  
 autem modo patronum se causarum non falso dixerit qui  
 quod est in causis potentissimum sit ab altero petiturus,

<sup>8</sup> *del. Austin, after Stroux*

<sup>9</sup> *add. Winterbottom*

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<sup>23</sup> This list (for details see Index of Proper Names) is con-  
 ventional: compare especially Vergil, *Aeneid* 6.823–844, Juvenal  
 2.153–157.

## BOOK 12.3

But it is not only the content of such studies as these which we should know and constantly turn over in our minds; even more important are the records of the notable sayings and actions of the past. Nowhere is there a larger or more striking supply of these than in the history of our own country. Could there be any better teachers of courage, justice, loyalty, self-control, frugality, or contempt for pain and death than men like Fabricius, Curius, Regulus, Decius, Mucius, and countless others?<sup>23</sup> Rome is as strong in examples as Greece is in precepts; and examples are more important. So if anyone thinks it not enough to fix his eyes solely on the immediate past and the present day, but holds that the whole memory of future ages forms the field of the good life and the course where honour's race is to be run, let him (I say) drink deep draughts of justice from this source, let him find here the liberty he is to display in his Causes and in the counsel he gives. No one can be a perfect orator who does not both understand the language of honour and have the courage to use it.

### CHAPTER 3

#### *The need for knowledge of law*

A knowledge of civil law and of the customs and religious observances of the state in which he is to operate is also essential for our orator. What sort of an adviser in public or private counsels can he be if he is ignorant of so many things on which society is chiefly based? How can he honestly call himself an advocate for Causes if he has to call upon someone else for what is the most important element

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- paene non dissimilis iis qui poetarum scripta pronuntiant?
- 2 Nam quodam modo mandata perferet, et ea quae sibi a iudice credi postulaturus est aliena fide dicet, et ipse litigantium auxiliator egebit auxilio. Quod ut fieri nonnumquam minore incommodo possit cum domi praecepta et composita et sicut cetera quae in causa sunt in discendo cognita ad iudicem perfert: quid fiet in iis quaestionibus quae subito inter ipsas actiones nasci solent? Non deformiter respectet et inter subsellia minores advocatos interroget? Potest autem satis diligenter accipere quae tum audiet cum dicenda sunt, aut fortiter adfirmare aut ingenue pro suis dicere? Possit in actionibus: quid fiet in altercatione, ubi occurrendum continuo nec libera ad discendum mora est? Quid si forte peritus iuris ille non aderit? Quid si quis non satis in ea re doctus falsum aliquid subiecerit? Hoc enim est maximum ignorantiae malum, quod credit eum scire qui moneat.
- 4 Neque ego sum nostri moris ignarus oblitusve eorum qui velut ad arculas sedent et tela agentibus subministrant, neque idem Graecos quoque nescio factitasse, unde nomen his pragmaticorum datum est: sed loquor de oratore, qui non clamorem modo suum causis, sed omnia quae profutura sunt debet. Itaque eum nec inutilem si ad horam
- 5

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<sup>1</sup> Poets often gave readings themselves, but there were also performances by professional readers; Tacitus, *Dialogus* 13 tells of a public reading of Vergil at which the poet himself was in the audience.

<sup>2</sup> See 6.4.7.

<sup>3</sup> See 6.4.

<sup>4</sup> See 3.6.59, Cicero, *De oratore* 1.198, 253; Crook (1995) 41.

in them? He will be almost like those people who give readings from the poets!<sup>1</sup> In fact, in a sense, he will just be a transmitter of instructions, relying on the good faith of others for things which he will ask the judge to believe. The litigants' aid will need aid himself. Sometimes, to be sure, this can be done with little inconvenience, when what he passes on to the judge has been anticipated and worked up at home and, like other elements of the Cause, mastered when he was briefed; but what will happen when he is confronted by the problems which often arise suddenly in the course of the pleading? Will he not look a fool if he turns round and asks junior advocates who are in court?<sup>2</sup> Can he grasp points thoroughly enough when he only hears them at the time when he has to make them in his speech? Can he assert them with confidence, or speak with sincerity as though they were his own? In his formal speech perhaps he can; but what will happen in the Altercation,<sup>3</sup> when he has to make an immediate response and is given no time to learn? And suppose his legal adviser is not there, or some person with no competence in the subject gives him wrong advice? The worst thing about ignorance is that it believes that the adviser knows the answer.

I am of course aware of Roman practice, and I have not forgotten the people who, as it were, preside over the armoury and issue arms to the pleader. I know the Greeks regularly did the same; hence the Greek name *pragmatici*<sup>4</sup> for these people. But I am speaking of an orator who owes his Causes not only the sound of his voice, but anything else that can advance them. I should not like him to be use-

forte constiterit neque in testationibus faciendis esse imperitum velim. Quis enim potius praeparabit ea quae, cum aget, esse in causa velit? Nisi forte imperatorem quis idoneum credit in proeliis quidem strenuum et fortem et omnium quae pugna poscit artificem, sed neque dilectus agere nec copias contrahere atque instruere nec prospicere commeatus nec locum capere castris scientem: prius  
 6 est enim certe parare bella quam gerere. Atqui simillimus huic sit advocatus si plura quae ad vincendum valent alius reliquerit, cum praesertim hoc quod est maxime necessarium nec tam sit arduum quam procul intuentibus fortasse videatur.

Namque omne ius, quod est certum, aut scripto aut moribus constat, dubium aequitatis regula examinandum  
 7 est. Quae scripta sunt aut posita in more civitatis nullam habent difficultatem—cognitionis sunt enim, non inventionis: at quae consultorum responsis explicantur aut in verborum interpretatione sunt posita aut in recti pravique discrimine. Vim cuiusque vocis intellegere aut commune prudentium est aut proprium oratoris, aequitas optimo  
 8 cuique notissima. Nos porro et bonum virum et prudentem in primis oratorem putamus, qui, cum se ad id quod est optimum natura derexerit, non magnopere commove-

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<sup>5</sup> Probably (as Gesner suggested) a technical expression for appearance in the preliminary proceedings *in iure*, at which the advocate would not normally be present; if he *is* present (Q. says), he should know what is going on.

<sup>6</sup> Translation uncertain. Editors generally take *prudentium* as "jurisprudents." If this is right, the sense must be "common to jurisprudents *and* orators, or peculiar to orators"; but in view of *prudentem* below, which probably means "sensible," this is dif-

less if he happens to appear “on the hour,”<sup>5</sup> or to be unskilled in preparing witness-statements. Who better could prepare the material which he wants to be included in the Cause when he comes to plead it? You might as well think that a man is a good general who is brave and energetic in battle, a master of all the skills required in the fight, but ignorant of levying troops, mustering and equipping forces, providing for supplies, and selecting a camp-site; after all, wars have to be prepared before they are waged. Yet that is just what an advocate would be like, if he left most of the elements of victory to others, especially as this most essential stage is not as difficult as it may seem to outside observers.

Every certain point of law depends either on a written text or on custom; doubtful points need to be examined by the standard of Equity. What is written or based on the custom of the state presents no problem. These things call for knowledge, not Invention. On the other hand, points explained in the responses of legal consultants rest either on the interpretation of words or on the distinction between right and wrong. To understand the meaning of each word is either common ground to sensible men,<sup>6</sup> or peculiar to the orator; Equity is perfectly familiar to all good men. Now I regard the orator as above all both a good man and a sensible one, who, having turned his mind to what is good by nature, will not be greatly disconcerted if a

difficult, and the view that any reasonable man thinks about the meanings of words seems to fit the context. (The alternative is to take *prudenter* also as “jurisprudenter”; Q. then says that the orator, being himself learned in the law, can disagree with his fellow experts on equal terms.)



- bitur si quis ab eo consultus dissentièt, cum ipsis illis diversas inter se opiniones tueri concessum sit. Sed etiam si nosse quid quisque senserit volet, lectionis opus est, qua  
 9 nihil est in studiis minus laboriosum. Quod si plerique desperata facultate agendi ad discendum ius declinaverunt, quam id scire facile est oratori quod discunt qui sua quoque confessione oratores esse non possunt! Verum et M. Cato cum in dicendo praestantissimus, tum iuris idem fuit peritissimus, et Scaevolae Servioque Sulpicio concessa est  
 10 etiam facundiae virtus, et M. Tullius non modo inter agendum numquam est destitutus scientia iuris, sed etiam componere aliqua de eo coeperat, ut appareat posse oratorem non discendo tantum iuri vacare sed etiam docendo.
- 11 Verum ea quae de moribus excolendis studioque iuris praecipimus ne quis eo credat reprehendenda quod multos cognovimus qui, taedio laboris quem ferre tendentibus ad eloquentiam necesse est, confugerint ad haec deverticula desidia: quorum alii se ad album ac rubricas transtulerunt et formularii vel, ut Cicero ait, legulei quidam esse maluerunt, tamquam utiliora eligentes ea quorum solam  
 12 facilitatem sequebantur: alii pigritiae adrogantioris, qui, subito fronte conficta inmissaque barba, veluti despexissent oratoria praecepta paulum aliquid sederunt in scholis

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<sup>7</sup> See Cicero, *Pro Murena* 29 and above 8.3.79.

<sup>8</sup> See Cicero, *De oratore* 1.171.

<sup>9</sup> *Brutus* 145.

<sup>10</sup> *Ibid.* 152–155.

<sup>11</sup> In *De oratore* 1.190, Cicero makes Crassus undertake such a work. This passage is generally taken to imply an intention of Cicero's own, and Aulus Gellius (1.22.7) indeed quotes from Cicero's *De iure civili in artem redigendo*.

consultant disagrees with him—after all, consultants are allowed to have different opinions among themselves. But if he also wants to know what they all think, what he needs is reading, and this is the least laborious kind of study. And if many who have despaired of acquiring the capacity to plead have turned instead to learning the law, how easy it must be for an orator to learn something that is learned by people who, on their own admission, cannot become orators!<sup>7</sup> Yet Marcus Cato was both a great orator and a very expert lawyer,<sup>8</sup> while Scaevola<sup>9</sup> and Servius Sulpicius<sup>10</sup> are allowed to be eloquent as well as expert in the law. And Cicero not only never found himself at a loss for legal knowledge when he was conducting a case, but actually began to write on the subject,<sup>11</sup> thereby proving that an orator can find time not only to learn the law but to teach it.

But I should not like my advice about the development of moral attitudes and the study of law to be open to criticism on the ground that we know many people who became tired of the inevitable labours of the would-be orator, and fled to these pursuits as a safe haven for their idleness. Some of these went over to the praetor's *album* and the Rubrics,<sup>12</sup> and chose to be "formularists" or "legal hacks," as Cicero<sup>13</sup> calls them, claiming superior usefulness for a choice of study which they really wanted only because it was easy. Others, whose slothfulness had more arrogance in it, suddenly put on a solemn face and let their beards grow. As though disdainful of the precepts of rhetoric, they took their seats for a time in the philosophers' lec-

<sup>12</sup> The *album* contained the *formulae* of the law, and the titles (*rubricae*) were written in red.

<sup>13</sup> *De oratore* 1.236.

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philosophorum ut deinde in publico tristes, domi dissoluti captarent auctoritatem contemptu ceterorum: philosophia enim simulari potest, eloquentia non potest.

### 4

- 1 In primis vero abundare debet orator exemplorum copia cum veterum tum etiam novorum, adeo ut non ea modo quae conscripta sunt historiis aut sermonibus velut per manus tradita quaeque cotidie aguntur debeat nosse, verum ne ea quidem quae sunt a clarioribus poetis ficta
- 2 neglegere. Nam illa quidem priora aut testimoniorum aut etiam iudicatorum optinent locum, sed haec quoque aut vetustatis fide tuta sunt aut ab hominibus magnis praeceptorum loco ficta creduntur. Sciat ergo quam plurima: unde etiam senibus auctoritas maior est, quod plura nosse et vidisse creduntur (quod Homerus frequentissime testatur). Sed non est expectanda ultima aetas, cum studia praestent ut, quantum ad cognitionem pertinet rerum, etiam praeteritis saeculis vixisse videamur.

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<sup>14</sup> Compare 12.2.9. Despite his acceptance of Cicero's view that philosophy is important to the orator, Q. despises some of its practitioners as charlatans; note also 1 *prooem.* 15. Domitian's expulsion of philosophers in 94 may be partly responsible for these and similar attacks in Flavian literature, but one should not exaggerate this: see Austin (1948) xiv–xvi, Courtney (1980) 120–121 (on Juvenal 2). Beards, not commonly worn in middle life at this period, were a mark of the philosopher: Horace, *Sermones* 2.3.35, Seneca, *Epistulae* 48.7, Epictetus 2.3, 4.8.

ture rooms, so that later on, dour in public and dissolute at home, they could claim authority by despising everybody else. Philosophy can be counterfeited; eloquence cannot.<sup>14</sup>

## CHAPTER 4

*Knowledge of history*

Above all, the orator should be supplied with plenty of examples, both ancient and modern; indeed, he ought not only to know things which are recorded in histories or handed down by word of mouth, or which happen every day; he should not neglect the fictions of the great poets either. For while historical examples can take the place of evidence or even legal precedents, those from the poets also are either sanctioned by the guarantee of antiquity or believed to have been invented by great men as moral lessons. So let the orator know as many such things as possible. This is what gives old men more authority: they are believed to know more and to have seen more, as Homer often testifies.<sup>1</sup> But we need not wait until the last stage of life, since, so far as knowledge of facts is concerned, study can make us seem to have lived in bygone ages too.

<sup>1</sup> Q. is thinking of Nestor and of Achilles' tutor Phoenix in the *Iliad*, or Mentor in the *Odyssey*.

- 1 Haec sunt quae me redditurum promiseram instrumenta, non artis, ut quidam putaverunt, sed ipsius oratoris: haec arma habere ad manum, horum scientia debet esse succinctus, accedente verborum figurarumque facili copia et inventionis ratione et disponendi usu et memoriae firmitate et actionis gratia. Sed plurimum ex his valet animi praestantia quam nec metus frangat nec adclamatio terreat nec audientium auctoritas ultra debitam reverentiam tardet.
- 2 Nam ut abominanda sunt contraria his vitia confidentiae temeritatis improbitatis adrogantiae, ita citra constantiam fiduciam fortitudinem nihil artes, nihil studium, nihil profectus ipse profuerit, ut si des arma timidis et inbellibus. Invitus mehercules dico, quoniam et aliter accipi potest, ipsam verecundiam, vitium quidem sed amabile et quae virtutes facillime generet, esse interim adversam,<sup>1</sup> multisque in causa fuisse ut bona ingenii studiique in lucem non prolata situ quodam secreti consumerentur. Sciat autem, si quis haec forte minus adhuc peritus distinguendi vim cuiusque verbi leget, non probitatem a me reprimi, sed verecundiam, quae est timor quidam reducens animum ab iis quae facienda sunt: inde confusio et coepti paenitentia et subitum silentium. Quis porro dubitet vitiis
- 3

<sup>1</sup> *edd.*: inter adversa B

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<sup>1</sup> See 1 *prooem.* 22, 2.21–24. Q. means the matters discussed in 12.1–4.

<sup>2</sup> See Plutarch, *On bashfulness* (*Moralia* 528C–536D, trans. Russell (1993) 226–238).

BOOK 12.5

CHAPTER 5

*Other "tools" of the orator; the importance  
of character*

These are the "tools" which I promised to explain,<sup>1</sup> tools not of the art, as some have thought, but of the orator himself; these are the weapons he needs to have at hand, this is the knowledge with which he needs to be armed, in addition, of course, to a facility with words and Figures, an understanding of Invention, practice in Disposition, a good Memory, and charm of Delivery. But the most important of all these is that greatness of personality which fear cannot break, disapproval cannot dismay, and the authority of the audience has no power to inhibit more than proper respect for them requires. For although the vices opposed to these good qualities—over-confidence, rashness, rudeness, arrogance—are all to be detested, yet no art, no study, no progress even will be of any use without firmness, confidence, and courage. You might as well serve out arms to the cowardly and unwarlike. I say it with real reluctance (for it may be misunderstood), but even shyness—a vice, but an amiable one, and one that can easily produce virtues—is sometimes damaging,<sup>2</sup> and has in many cases caused gifts of talent and learning never to come to light, but to moulder away in secret. However—in case some of my readers are not yet proficient in distinguishing the senses of particular words—let me make it clear that I am not criticizing modest behaviour, but shyness, which is a sort of fear inhibiting the mind from doing what it ought to do; this results in confusion, regret that one ever started, and sudden silence. And who can hesitate to count as a vice

- adscribere adfectum propter quem facere honeste pudet?
- 4 Neque ego rursus nolo eum qui sit dicturus et sollicitum surgere et colore mutari et periculum intellegere, quae si non acciderent, etiam simulanda erant; sed intellectus hic sit operis, non metus, moveamurque, non concidamus. Optima est autem emendatio verecundiae fiducia et quamlibet inbecilla frons magna conscientia sustinetur.
- 5 Sunt et naturalia, ut supra dixi, quae tamen et cura iuvantur instrumenta, vox latus decor: quae quidem tantum valent ut frequenter famam ingeni faciant. Habuit oratores aetas nostra copiosiores, sed cum diceret eminere inter aequalis Trachalus videbatur: ea corporis sublimitas erat, is ardor oculorum, frontis auctoritas, gestus praestantia, vox quidem non, ut Cicero desiderat, paene tragoedorum, sed super omnis quos ego quidem audierim tragoedorum.
- 6 Certe cum in basilica Iulia diceret primo tribunali, quattuor autem iudicia, ut moris est, cogerentur atque omnia clamoribus fremerent, et auditum eum et intellectum et, quod agentibus ceteris contumeliosissimum fuit, laudatum quoque ex quattuor tribunalibus memini. Sed hoc votum est et rara felicitas: quae si non adsit, sane sufficiat ab iis quibus quis dicit audiri.

Talis esse debet orator, haec scire.

<sup>3</sup> See 1 *proem.* 27, 12.5.1.

<sup>4</sup> See 10.1.119.

<sup>5</sup> *De oratore* 1.128.

<sup>6</sup> The Centumviral Court met in the Basilica Julia at the west end of the Forum. The four panels of the Court occupied different parts of the building. Description in Pliny, *Epist.* 6.32. See General Index, s.v. Courts of Law.

an emotion which makes us ashamed to do the right thing? On the other hand, I am quite happy that a speaker should feel anxious when he rises, change colour, and be aware of the risks he runs; indeed, if these symptoms did not occur, we should actually have had to simulate them. But this should be a proper awareness of the task ahead, not fear of it; let us be troubled, but not break down. The best remedy for shyness is self-confidence; however fragile our assurance, it is supported by the consciousness of our own worth.

There are also, as I said above,<sup>3</sup> natural tools, which are nevertheless capable of being improved by care: voice, lungs, good looks. These are so important that they often give rise to a reputation for talent. Our generation has had more fluent orators than Trachalus,<sup>4</sup> but when he was speaking, he seemed to tower above his contemporaries. This was the effect of his height, the fire of his eye, the authority of his bearing, the impressiveness of his gestures, and the voice that was not “almost a tragic actor’s” (as Cicero recommends)<sup>5</sup> but better than any tragic actor I ever heard. I well remember, when he was speaking in the Basilica Julia before Tribunal One,<sup>6</sup> and (as is customary) four juries were being empanelled and there was total uproar everywhere, he could nevertheless be heard and understood and (a thing particularly galling to the other pleaders) actually applauded in all four Tribunals. Here we have something to pray for, and a rare blessing; if it is not vouchsafed him, a speaker should be content to be heard by those he is addressing!

This is the kind of person the orator should be, and these are the things which he should know.



- 1 Agendi autem initium sine dubio secundum vires cuiusque sumendum est. Neque ego annos definiam, cum Demosthenen puerum admodum actiones pupillares habuisse manifestum sit, Calvus Caesar Pollio multum ante quaestoriam omnes aetatem gravissima iudicia susceperint, praetextatos egisse quosdam sit traditum, Caesar Augustus duodecim natus annos aviam pro rostris laudaverit.
- 2 Modus mihi videtur quidam tenendus, ut neque praeproperè destringatur inmatura frons et quidquid est illud adhuc acerbum proferatur (nam inde et contemptus operis innascitur et fundamenta iaciuntur impudentiae et, quod
- 3 est ubique perniciosissimum, praevenit vires fiducia), nec rursus differendum est tirocinium in senectutem: nam cotidie metus crescit maiusque fit semper quod ausuri sumus, et dum deliberamus quando incipiendum sit incipere iam serum est. Quare fructum studiorum viridem et adhuc dulcem promi decet, dum et venia et spes est et paratus favor et audere non dedecet, et si quid desit operi supplet

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<sup>1</sup> I.e. when he spoke against Aphobus and Onetor, 363–362 BC, aged about 22. Compare *Against Midias* 78.

<sup>2</sup> Tacitus (*Dialogus* 34.7) has Crassus prosecuting Carbo at 18 (see Cicero, *Brutus* 159), Pollio prosecuting Cato at 21, and Calvus prosecuting Vatinius at much the same age: see *ORF* pp. 240, 518, 494. The minimum age for the quaestorship was 25.

<sup>3</sup> I.e. before taking the *toga virilis* (at age 14 to 17).

<sup>4</sup> In 51 BC. Compare Suetonius, *Augustus* 8 (“in his twelfth year”); but Nicolaus of Damascus (*F Gr Hist* 90 F 127) says he was only nine. The “rostra,” a platform from which speakers addressed the people, took its name from the “beaks” (*rostra*) of captured ships, which were displayed there.

## CHAPTER 6

*When should the orator's career begin?*

The moment at which to begin a career must of course be chosen with regard to the individual's abilities. I shall not specify any particular age. It is well known that Demosthenes pleaded against his guardians when he was still quite a boy,<sup>1</sup> and that Calvus, Caesar, and Pollio all undertook important cases before they were old enough to hold the quaestorship;<sup>2</sup> others are said to have pleaded as *praetextati*,<sup>3</sup> and Augustus gave the funeral eulogy for his grandmother from the rostra at the age of twelve.<sup>4</sup> I think we should aim at a happy mean. On the one hand, the leaf must not be hastily stripped before its time, nor whatever acid matter is still in it put out as fodder,<sup>5</sup> because this is how contempt for the profession arises, the foundations of impudence are laid, and (worst of all, wherever it occurs) confidence comes to outstrip capacity. On the other hand, it is wrong to postpone the apprenticeship till old age, because fear grows day by day, the task we are to embark upon gets bigger and bigger, and, while we are debating when to begin, it is already too late to do so. It is right, therefore, to bring out the fruit of our education while it is still fresh and sweet, while there is still indulgence and hope, while a friendly reception is assured, boldness is not unbecoming, youth makes up for deficiencies in the work,

<sup>5</sup> A striking agricultural metaphor. For the use of leaves for fodder, see, e.g., Columella 6.3: they may be used for cattle from July to the beginning of November, so long as they are "ripened" by rain or dew.

aetas, et si qua sunt dicta iuveniliter pro indole accipiuntur,  
 4 ut totus ille Ciceronis pro Sexto Roscio locus: 'quid enim  
 tam commune quam spiritus vivis, terra mortuis, mare  
 fluctuantibus, litus eiectis?' Quae cum sex et viginti natus  
 annos summis audientium clamoribus dixerit, defervisse<sup>1</sup>  
 tempore et annis liquata iam senior idem fatetur. Et her-  
 cule quantumlibet secreta studia contulerint, est tamen  
 proprius quidam fori profectus, alia lux, alia veri discrimi-  
 nis facies, plusque, si separet, usus sine doctrina quam ci-  
 5 tra usum doctrina valeat. Ideoque nonnulli senes in schola  
 facti stupent novitate cum in iudicia venerunt, et omnia  
 suis exercitationibus similia desiderant. At illic et iudex  
 tacet et adversarius obstrepit et nihil temere dictum perit,  
 et si quid tibi ipse sumas probandum est, et laboratam  
 congestamque dierum ac noctium studio actionem aqua  
 deficit, et omissa magna semper flandi tumore in quibus-  
 dam causis loquendum est, quod illi disertis minime sciunt.  
 6 Itaque nonnullos reperias qui sibi eloquentiores videantur  
 quam ut causas agant.

Ceterum illum quem iuvenem tenerisque adhuc viri-  
 bus nitentem in forum deduximus et incipere quam  
 maxime facili ac favorabili causa velim, ferarum ut catuli

<sup>1</sup> <nondum> defervisse *Kiderlin* (cf. *Cic. Orator* 107)

<sup>6</sup> 72, criticized by Cicero himself in *Orator* 107 (a passage to which Q.'s "simmered down" alludes, though he does not quote it exactly). <sup>7</sup> Compare 10.5.17, Seneca, *Controversiae* 9 *praef.* 3-4.

<sup>8</sup> See on 11.3.52. <sup>9</sup> Buttman (Spalding vol. iv, p. xvi) had second thoughts, and accepted the interpretation *nitentem* (from *nitor*, not *niteo*); the young man *relies* on his still immature powers. So also Watson and Calcante.

and juvenile extravagance is taken as a mark of talent. Consider all that passage from Cicero's *Pro Sexto Roscio*.<sup>6</sup> "What is so universally available as air to the living, earth to the dead, the sea to the storm-tossed, the shore to the shipwrecked?" He was twenty-six when he delivered this, amid loud applause from the audience; in his later years he admits that these extravagances had "simmered down" in the course of time and been clarified by years of keeping. Indeed, however much private study has contributed, there is still a proficiency which only the forum can give; the light is different, the aspect of real danger is different. If you *must* separate the two, practice without theory would be more valuable than theory without practice. This is why some, who have grown old in school, are baffled by the new experience when they come into court, and want everything to be like their exercises.<sup>7</sup> But in court the judge sits silent, the opponent bellows at them, no rash word escapes notice, all assumptions have to be proved, and the speech that has been laboriously put together in long days and nights of study is cut short by the water clock.<sup>8</sup> In some Causes, indeed, you have to drop the swelling style and its continual mighty blasts, and simply talk; and those well-trained persons just do not know how. This is why one finds people who think themselves too eloquent to plead a Cause!

Anyway, I should like the man whom we have taken down to the forum as a youth, and in the glow<sup>9</sup> of his still immature strength, to begin with as easy and favourable a Cause as possible (just as the young of wild animals are fed

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molliore praeda saginantur, et non utique ab hoc initio continuare operam et ingenio adhuc alendo callum inducere, sed iam scientem quid sit pugna et in quam rem studendum sit refici atque renovari. Sic et tirocinii metum dum facilius est audere transierit, nec audendi facilitatem usque ad contemptum operis adduxerit. Usus est hac ratione M. Tullius, et, cum iam clarum meruisset inter patronos qui tum erant nomen, in Asiam navigavit seque et aliis sine dubio eloquentiae ac sapientiae magistris, sed praecipue tamen Apollonio Moloni, quem Romae quoque audierat, Rhodi rursus formandum ac velut recoquendum dedit. Tum dignum operae pretium venit cum inter se congruunt praecepta et experimenta.

### 7

- 1 Cum satis in omne certamen virium fecerit, prima ei cura in suscipiendis causis erit: in quibus defendere quidem reos profecto quam facere vir bonus malet, non tamen ita nomen ipsum accusatoris horrebit ut nullo neque publico neque privato duci possit officio ut aliquem ad reddendam rationem vitae vocet. Nam et leges ipsae nihil valeant nisi actoris idonea voce munitae, et si poenas scelerum expectere fas non est prope est ut scelera ipsa permissa sint, et
- 2 licentiam malis dari certe contra bonos est. Quare neque

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<sup>10</sup> Compare *Brutus* 314ff. For Apollonius Molon, see on 3.1.16.

<sup>1</sup> Compare Cicero, *De officiis* 2.50.

first on more tender prey). I should also not want him necessarily to be employed continually thereafter (so hardening a talent still needing to be fostered), but rather to be rested and refreshed, with his new knowledge of what the battle really is and what the object of his studies is. In this way, he will get over the terrors of his apprenticeship while he still finds boldness comparatively easy, but will not carry this easy boldness so far as to despise his work. This was Cicero's method: having already won a reputation among the advocates of the day, he sailed to Asia and put himself in the hands (no doubt) of other masters of rhetoric and philosophy, but in particular, at Rhodes, of Apollonius Molon, whom he had heard also at Rome;<sup>10</sup> he wanted to be reshaped and as it were recast. It is only when precept and experience come together that a fitting return results from our efforts.

## CHAPTER 7

*Choice of Causes*

When he has acquired strength enough for any conflict, the orator's first care should be the choice of Causes to be undertaken. A good man will of course prefer to defend rather than to prosecute, but he will not have such a horror of the very word "accuser"<sup>1</sup> that he cannot be persuaded by public or private duty to call a person to account for his actions in life. The laws themselves would be powerless if they were not protected by competent prosecutors; if it is wrong to demand the punishment of crime, we are close to sanctioning crime itself; and to give licence to bad men is of course contrary to the interests of the good. My orator

sociorum querelas nec amici vel propinqui necem nec erupturas in rem publicam conspirationes inultas patietur orator, non poenae nocentium cupidus sed emendandi vitia corrigendique mores; nam qui ratione traduci ad  
 3 meliora non possunt, solo metu continentur. Itaque ut accusatoriam vitam vivere et ad deferendos reos praemio duci proximum latrocinio est, ita pestem intestinam propulsare cum propugnatoribus patriae comparandum, ideoque principes in re publica viri non detrectaverunt hanc officii partem creditique sunt etiam clari iuvenes opsidem rei publicae dare malorum civium accusationem, quia nec odisse improbos nec simultates provocare nisi ex  
 4 fiducia bonae mentis videbantur: idque cum ab Hortensio Lucullis Sulpicio Cicerone Caesare, plurimis aliis, tum ab utroque Catone factum est, quorum alter appellatus est sapiens, alter nisi creditur fuisse vix scio cui reliquerit huius nominis locum.

Neque defendet omnis orator idem, portumque illum eloquentiae suae salutarem non etiam piratis patefaciet,  
 5 duceturque in advocationem maxime causa. Quoniam ta-

<sup>2</sup> Compare Tacitus, *Dialogus* 34, Apuleius, *Apologia* 66.

<sup>3</sup> At 18, he spoke for the province of Africa, apparently in the prosecution of a governor: *ORF* p. 314, Cicero, *De oratore* 3.228.

<sup>4</sup> The two brothers prosecuted C. Servilius, a family enemy: *ORF* p. 308, Plutarch, *Lucullus* 1.2.

<sup>5</sup> P. Sulpicius Rufus prosecuted Norbanus in 95 BC; Cicero, *De oratore* 2.89, *De officiis* 2.49; *ORF* p. 280.

<sup>6</sup> He prosecuted Verres in 70 BC, aged 36; he regarded himself as a youthful prosecutor, *De officiis* 2.50.

<sup>7</sup> C. Julius Caesar Strabo prosecuted T. Albucius in 103 BC, aged about 27: *ORF* p. 273. C. Julius Caesar, the future dictator,

therefore will not let complaints of allies, the murder of a friend or relative, or conspiracies that threaten the state go unavenged; this is not because he is eager to punish the guilty but because he is anxious to correct vice and reform morals. People who cannot be led into better ways by reason can only be restrained by fear. So, though living a life of prosecutions and being induced by reward to bring defendants to trial is something very like choosing a career as a brigand, on the other hand the expulsion of someone who is the ruin of your country is comparable to fighting in the front line in its defence. Leading statesmen have therefore not refused this field of duty, and young men of distinction have been held to give a pledge to society in the form of the prosecution of bad citizens, because such hatred of evil men and willingness to incur hostility could only come, it would seem, from confidence in their own rectitude.<sup>2</sup> Hortensius,<sup>3</sup> the Luculli,<sup>4</sup> Sulpicius,<sup>5</sup> Cicero,<sup>6</sup> Caesar,<sup>7</sup> and many others did this—even the two Catos,<sup>8</sup> one of whom was called the Wise, and as for the other—well, if he is not to be thought wise, I can hardly imagine to whom he can have surrendered the name!

Our orator, on the other hand, will not defend everyone; he will not open up the safe haven of his eloquence to pirates, and he will be induced to act as advocate mainly by the merits of the Cause. However, since one man cannot

prosecuted Dolabella in 77 BC, aged 22: *ORF* p. 386. Q. may mean either of these.

<sup>8</sup> Evidence is lacking. Nepos (*Cato* 2.2) says that the elder Cato “composed speeches from his youth.” The first known prosecution by the younger Cato (of L. Murena) was in 63, when he was about 32 (*ORF* p. 407).



- men omnis qui non improbe litigabunt, quae bona<sup>1</sup> certe pars est, sustinere non potest unus, aliquid et commendantium personis dabit et ipsorum qui iudicio decernent, ut optimi cuiusque voluntate moveatur: namque hos et
- 6 amicissimos habebit vir bonus. Summovendum vero est utrumque ambitus genus vel potentibus contra humiles venditandi operam suam vel illud etiam iactantius minores utique contra dignitatem attollendi: non enim fortuna causas vel iustas vel improbas facit. Neque vero pudor obstat quo minus susceptam cum melior videretur litem, cognita inter discendum iniquitate, dimittat, cum prius litigatori
- 7 dixerit verum. Nam et in hoc maximum, si aequi iudices sumus, beneficium est, ut non fallamus vana spe litigantem (neque est dignus opera patroni qui non utitur consilio) et certe non convenit ei quem oratorem esse volumus iniusta tueri scientem. Nam si ex illis quas supra diximus causis falsum tuebitur, erit tamen honestum quod ipse faciet.
- 8 Gratisne ei semper agendum sit tractari potest. Quod ex prima statim fronte diiudicare imprudentium est. Nam quis ignorat quin id longe sit honestissimum ac liberalibus disciplinis et illo quem exigimus animo dignissimum non

<sup>1</sup> quae bona *Shackleton Bailey*: quorum *B* (quorum certe bona pars *edd.*)

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<sup>9</sup> Birkett (1961) 102–103 discusses a famous case which illustrates this: the defence by Charles Phillips of a Swiss man-servant accused of murdering Lord William Russell (1840) and admitting his guilt.

<sup>10</sup> 12.1.36.

undertake the cases of all honest litigants (who are surely the majority), he will give some weight to the character of the people who recommended the Cause to him, and some to that of the litigants themselves, meaning always to be responsive to the wishes of the best men; for, as he is a good man himself, these will also be his closest friends. There are two types of ostentation that he must reject: one consists in advertising his services to the powerful against the weak, the other (which is even more pretentious) in always supporting the lesser folk against the great. Status does not make a Cause either just or unjust. Nor should he feel embarrassed about throwing up a case which he had undertaken when it appeared sound, if he discovers its unjustness in the course of getting it up—though of course he must first come clean with the client.<sup>9</sup> I say this because (1) if we are fair judges in this, we confer the greatest benefit by not deceiving a litigant with false hopes (a litigant who refuses to take advice does not even deserve the services of an advocate); (2) the person whom we want as an orator ought not to be defending a Cause which he knows to be unjust (if he defends a wrong cause for one of the reasons given above,<sup>10</sup> his own conduct will of course be irreproachable).

It is a question whether he should always give his services for nothing.<sup>11</sup> It is unwise to give an answer to this off the cuff. We all know that far the most honourable course, and the one which is most worthy of a liberal education and of the attitude of mind we expect, is not to sell one's labour

<sup>11</sup> The *lex Cincia* (204 BC) actually forbade fees; but it was not effective, and by Q.'s time fees were normal, but were limited by law. See Crook (1967) 90–91, and especially (1995) 129–131.

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vendere operam nec elevare tanti beneficii auctoritatem, cum pleraque hoc ipso possint videri vilia, quod pretium  
 9 habent? Caecis hoc, ut aiunt, satis clarum est, nec quisquam qui sufficientia sibi (modica autem haec sunt) possidebit hunc quaestum sine crimine sordium fecerit.

At si res familiaris amplius aliquid ad usus necessarios exiget, secundum omnium sapientium leges patietur sibi gratiam referri, cum et Socrati conlatum sit ad victum et Zenon Cleanthes Chrysippus mercedes a discipulis acceptaverint. Neque enim video quae iustior acquirendi ratio  
 10 quam ex honestissimo labore et ab iis de quibus optime merueris<sup>2</sup> quique, si nihil invicem praestent, indigni fuerint defensione. Quod quidem non iustum modo sed necessarium etiam est, cum haec ipsa opera tempusque omne alienis negotiis datum facultatem aliter acquirendi  
 11 recidant. Sed tum quoque tenendus est modus, ac plurimum refert et a quo accipiat et quantum et quo usque. Paciscendi quidem ille piraticus mos et imponentium periculis pretia procul abominanda negotiatio etiam a medio-criter improbis aberit, cum praesertim bonos homines bonasque causas tuenti non sit metuendus ingratus. Quid si futurus? Malo tamen ille peccet.

<sup>2</sup> *D.A.R.*: meruerint *B*: me *b*

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<sup>12</sup> Otto (1890), s.v. *caecus*, cites Livy 32.34.3, Menander fr. 111 Kroll.

<sup>13</sup> Socrates disapproved of payment for teaching, but was willing to accept help from friends: Xenophon, *Oeconomicus* 2.8. Diogenes Laertius (2.20) reports a hostile comment of Aristoxenus (fr. 59 Wehrli), generally taken as meaning that Socrates lent money out and lived on the interest.

or cheapen the prestige of such a beneficial service, because most things seem to be cheapened just by having a price set on them. This is plain enough to a blind man, as they say,<sup>12</sup> and no one who has a sufficiency (and I mean a quite modest amount) can make this a source of income without being thought shabby.

On the other hand, if a man's domestic means require supplementing for some necessary purpose, he will only be following the precedent of all the philosophers if he allows himself to be rewarded: money was collected to support Socrates,<sup>13</sup> and Zeno, Cleanthes, and Chrysippus<sup>14</sup> took fees from pupils. Indeed I see no more proper way of making money than by accepting payment for an honourable duty from persons you have served well and who would not have deserved to be defended if they gave nothing in return. Indeed, this is not only just but necessary, because the work itself, and all the time spent on the affairs of others, curtails the opportunity for making money in other ways. But even so, there are limits to be observed. The most important point is: from whom do we accept money, how much, and for how long? The truly piratical practice of bargaining, and the abominable deals which involve putting a price on risk, are things with which even persons whose standards of honesty are low should have nothing to do, especially as an advocate who defends good men and good Causes has no reason to fear an ungrateful client. And suppose he does turn out ungrateful: I still prefer that it should be he who is in the wrong!

<sup>14</sup> This passage (= *SVF* 1. 14, 1. 467, 2. 4) is not supported by other evidence, except as regards Cleanthes (*SVF* 1. 468).

12 Nihil ergo acquirere volet orator ultra quam satis erit, ac ne pauper quidem tamquam mercedem accipiet, sed mutua benivolentia utetur, cum sciet se tanto plus praestitisse: non enim, quia venire hoc beneficium non oportet, oportet perire: denique ut gratus sit ad eum magis pertinet qui debet.

8

1 Proxima discendae causae ratio, quod est orationis fundamentum. Neque enim quisquam tam ingenio tenui reperietur qui, cum omnia quae sunt in causa diligenter  
 2 cognoverit, ad docendum certe iudicem non sufficiat. Sed eius rei paucissimis cura est. Nam ut taceam de neglegentibus, quorum nihil refert ubi litium cardo vertatur dum sint quae vel extra causam ex personis aut communi tractatu locorum occasionem clamandi largiantur: aliquos et ambitio pervertit, qui partim tamquam occupati semperque aliud habentes quod ante agendum sit pridie ad se venire litigatorem aut eodem matutino iubent, nonnumquam etiam inter ipsa subsellia didicisse se gloriantur, partim  
 3 iactantia ingenii, ut res cito accepisse videantur, tenere se et intellegere prius paene quam audiant mentiti, cum

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<sup>1</sup> The Irish barrister J. P. Curran (1750–1817) boasted that he did not “peruse his brief” if he was for the defence, “because, you know, I could pick up the facts from the opposite counsel’s statement” (*The Percy Anecdotes*, ed. J. Timbs, p. 15).

The orator then will not seek to make more money than he needs; even if he is poor, he will not take it as a fee, but work on a basis of mutual kindnesses, knowing that it is he who has conferred far the greater benefit. It does not follow that, because this benefit ought not to be sold, it ought to be wasted. And finally, gratitude is primarily the business of the debtor.

## CHAPTER 8

*How to get up a Cause*

Next comes the method of getting up a Cause, which is the foundation of the orator's work. There can be no one whose abilities are so slight that, if he has thoroughly grasped all the facts in the Cause, he is not adequately equipped at least to give the judge the necessary information. But very few people take trouble to be thoroughly briefed. I say nothing of careless folk who have no interest in finding what the dispute turns on, so long as there are points (no matter how irrelevant to the Cause), arising out of the personalities or the development of some commonplace, which present them with a chance to sound off. There are some too whose heads are turned by ambition. One group of these, who claim to be busy and always to have something to do which must take priority, tell their clients to come and see them the day before, or even on the morning of the trial—indeed they sometimes boast of having received instructions in court!<sup>1</sup> Others, in order to advertise their abilities by seeming to have taken in the facts quickly, pretend that they grasp and understand them almost before they have heard them; then, having reeled off

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multa et diserte summisque clamoribus quae neque ad iudicem neque ad litigatorem pertineant decantaverunt, bene sudantes beneque comitati per forum reducuntur.

4 Ne illas quidem tulerim delicias eorum qui doceri amicos suos iubent, quamquam minus mali est si illi saltem recte discant recteque doceant. Sed quis discet tam bene quam patronus? Quo modo autem sequester ille et media litium manus et quidam interpret inpendet aequo animo laborem in alienas actiones, cum dicturis tanti suae non sint?

5 Pessimae vero consuetudinis libellis esse contentum, quos componit aut litigator, qui confugit ad patronum quia liti ipse non sufficit, aut aliquis ex eo genere advocatorum qui se non posse agere confitentur, deinde faciunt id quod est in agendo difficillimum. Nam qui iudicare quid dicendum quid dissimulandum quid declinandum mutandum fingendum etiam sit potest, cur non sit orator, quando,  
6 quod difficilius est, oratorem facit? Hi porro non tantum nocerent si omnia scriberent uti gesta sunt; nunc consilium et colores adiciunt et aliqua peiora veris, quae plerique cum acceperunt inmutare nefas habent, et velut themata in scholis posita custodiunt: deinde deprenduntur, et causam quam discere ex suis litigatoribus noluerunt ex adversariis discunt.

a long and eloquent speech to great applause (though it has no relevance either for the judge or for the client), they are escorted home through the forum, bathed in sweat and with their admirers all around them.

I have no patience either with the fastidious airs of those who order their friends to take instructions, though there is less harm in this if the friends learn the facts properly and pass them on properly. But who can get up the Cause as well as the advocate himself? How will the go-between, the litigation middleman and interpreter, as it were, have the patience to expend effort on other men's pleadings, when the speaker himself does not think his own worth the trouble?

It is extremely bad practice to be content with written statements, whether composed by the litigant (who has had recourse to a counsel just because he is not competent to conduct the case himself) or by one of that type of advocates who admit that they are incapable of pleading, but then proceed to undertake the most difficult part of that operation. If a man is able to decide what is to be said, what concealed, what avoided, changed, or even made up, why should he not be the orator himself, seeing that he is doing something far harder, namely making another person an orator? Moreover, these people would not do so much harm if they wrote down everything just as it happened. As it is, however, they add motives and "colours" and points which are more damaging than the truth. Most advocates, when presented with this material, think it wrong to make changes, but keep closely to it, as though it was a theme set in school; and then they are caught out, and learn from their opponents the Cause which they were not prepared to learn from their clients.



- 7 Liberum igitur demus ante omnia iis quorum negotium erit tempus ac locum, exhortemurque ultro ut omnia quamlibet verbose et unde volent repetita <dato> tempore<sup>1</sup> exponant: non enim tam obest audire supervacua
- 8 quam ignorare necessaria. Frequenter autem et vulnus et remedium in iis orator inveniet quae litigatori in neutram partem habere momentum videbantur. Nec tanta sit acturo memoriae fiducia ut subscribere audita pigeat. Nec semel audisse sit satis: cogendus eadem iterum ac saepius dicere litigator, non solum quia effugere aliqua prima expositione potuerunt, praesertim hominem, quod saepe evenit, imperitum, sed etiam ut sciamus an eadem dicat.
- 9 Plurimi enim mentiuntur, et tamquam non doceant causam sed agant non ut cum patrono sed ut cum iudice loquantur. Quapropter numquam satis credendum est, sed
- 10 agitandus omnibus modis et turbandus et evocandus. Nam ut medicis non apparentia modo vitia curanda sunt, sed etiam invenienda quae latent, saepe ipsis ea qui sanandi sunt occultantibus, ita advocatus plura quam ostenduntur aspiciat.

Nam cum satis in audiendo patientiae inpenderit, in aliam rursus ei personam transeundum est, agendusque adversarius, proponendum quidquid omnino excogitari contra potest, quidquid recipit in eius modi disceptatione

11 natura. Interrogandus quam infestissime ac premendus: nam dum omnia quaerimus, aliquando ad verum ubi minime expectavimus pervenimus.

<sup>1</sup> repetita <dato> tempore *D.A.R.*, after *Radermacher*: repetito tempore *B*: repetito ex tempore *b*: repetita [tempore] *Becher*

So let us above all put ample time and place at the disposal of the parties to the affair, and positively encourage them to tell their story as fully as they like, and go back as far as they want, giving them time to do so. It is less harmful to listen to irrelevances than to be ignorant of essentials. The orator will often discover both damage and the remedy for the damage in facts which the litigant believed to have no importance one way or another. The person who has to plead should not trust his memory so completely as not to take the trouble to write down what he hears, nor should he be satisfied with hearing it once: the litigant should be made to repeat his statement twice or even more, not only because some points may have escaped him in his first statement (especially if, as often happens, he is inexperienced), but so that we can know whether he keeps to the same story. Most litigants lie, and talk as if they were pleading the case, not giving instructions, and addressing the judge, not briefing their advocate. We must therefore never quite believe the client, but test him in every way, and try to confuse him and draw him out. Just as doctors have not only to cure the diseases that present themselves but to discover hidden ones, which the patients themselves often conceal, so too the advocate must look for more than is disclosed to him.

Thus when he has devoted enough patience to listening, he must change his role again and act the part of the adversary, putting forward every conceivable objection and every consideration which the nature of the case makes possible in a discussion of this kind. The client must be subjected to a thoroughly hostile examination, and pressed hard. By looking for everything, we sometimes arrive at the truth where we least expected to find it.

In summa optimus est in discendo patronus incredulus: promittit<sup>2</sup> enim litigator omnia, testem populum, paratissimas consignationes, ipsum denique adversarium quaedam  
 12 non negaturum. Ideoque opus est intueri omne litis instrumentum: quod videre non est satis, perlegendum erit. Nam frequentissime aut non sunt omnino quae promittebantur, aut minus continent, aut cum alio aliquo nocituro permixta sunt, aut nimia sunt et fidem hoc ipso detractura,  
 13 quod non habent modum. Denique linum ruptum aut turbatam ceram aut sine agnitore signa frequenter invenies: quae nisi domi excusseris, in foro inopinata decipient, plusque nocebunt destituta quam non promissa nocuisent.

Multa etiam quae litigator nihil ad causam pertinere crediderit patronus eruet, modo per omnis quos tradimus  
 14 argumentorum locos eat. Quos ut circumspectare in agendo et adtemptare singulos minime convenit propter quas diximus causas, ita in discendo rimari necessarium est quae personae, quae tempora loca instituta instrumenta cetera, ex quibus non tantum illud quod est artificiale probationis genus colligi possit, sed qui metuendi testes, quo modo sint refellendi. Nam plurimum refert invidia reus an odio an contemptu laboret, quorum fere pars prima superiores, proxima pares, tertia humiliores premit.

<sup>2</sup> promittet *b*

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<sup>2</sup> Precautions against forgery were prescribed by law: tablets must be fastened together with three cords, and the cords then sealed. Any irregularity would invalidate a will. (See *Digest* 28.1.22.)

To sum up, the advocate best at getting up the case is the sceptic. The client makes all sorts of promises: the public will be his witness, he has the sealed documents absolutely ready, even his opponent will not deny this and that. One must therefore examine every document in the case; it is not enough to see it, it will have to be read through. Very often, the promised documents either do not exist or contain less than was claimed, or include some potentially damaging fact, or say too much and lose credibility because of this. You will often find broken threads, wax tampered with, and seals not validated by a witness;<sup>2</sup> and unless you have gone into all this in private, it will trip you up unexpectedly in court, and the abandonment of the document will do more harm than if it had never been promised.

An advocate will also unearth many points which the litigant thought irrelevant to the Cause, if he goes systematically through all the Topics of Argument which we teach.<sup>3</sup> It is of course, for reasons already mentioned,<sup>4</sup> undesirable to review and test these one by one in the course of the pleading; but in getting up the case it is essential to ferret out the characters, times, places, background, documents, and in general everything from which one can not only derive one's technical proofs but also discover which witnesses are to be feared and how they are to be refuted. It makes a great difference whether a defendant has to contend with envy, with hatred, or with contempt; generally speaking envy attacks superiors, hatred equals, and contempt inferiors.

<sup>3</sup> See 5.10.20, Cicero, *Topica* 7.

<sup>4</sup> See 5.10.122.

- 15 Sic causam perscrutatus, propositis ante oculos omnibus quae prosint noceantve, tertiam deinceps personam induat iudicis, fingatque apud se agi causam, et quod ipsum movisset de eadem re pronuntiaturum id potentissimum apud quemcumque agetur existimet. Sic eum raro fallerit eventus, aut culpa iudicis erit.

9

- 1 Quae sint in agendo servanda toto fere opere executi sumus, pauca tamen propria huius loci, quae non tam dicendi arte quam officii agentis continentur, attingam.

- 2 Ante omnia ne, quod plerisque accidit, ab utilitate eum causae praesentis cupido laudis abducat. Nam ut gerentibus bella non semper exercitus per plana et amoena ducendus est, sed adeundi plerumque asperi colles, expugnandae civitates quamlibet praecisis impositae rupibus aut operum mole difficiles, ita oratio gaudebit quidem occasione laetius decurrendi et aequo congressa campo totas vires populariter explicabit: at si iuris anfractus aut eruendae veritatis latebras adire cogetur, non obequitabit nec illis vibrantibus concitatisque sententiis velut missilibus

Having thus examined the Cause thoroughly, and clearly envisaged all the potentially helpful or damaging points, the orator must then take on a third role, that of the judge, and imagine that the Cause is being pleaded before him. Let him then conclude that whatever would have influenced him if he had had to make a decision on the matter will also be the decisive point for any judge in whose court the case is heard. If he does this, the outcome will rarely surprise him; if it does, it will be the judge's fault.

## CHAPTER 9

*The actual speech*

The principles to be observed in speaking in court have been the subject of almost the whole of this work. I shall however touch here on a few matters which belong in our present context, and which are based on the pleader's duties rather than on the art of speaking.

Above all, he should never, as so many do, let his desire for praise distract him from the practical needs of the Cause he has in hand. It is not always the lot of generals in a war to lead their armies through level, pleasant country; rugged hills often have to be climbed, cities stormed even if they are perched on the top of sheer cliffs or made impregnable by massive fortifications. Similarly, oratory will enjoy its opportunities of sweeping freely along and deploying its whole strength with popular approval in an open field of battle; but if it is forced to enter the defiles of the law or the dark places from which truth must be unearthed, it will not ride up to challenge the foe or launch its favourite missiles, those quivering, quick *sententiae*; it will

- utetur, sed operibus et cuniculis et insidiis et occultis artibus rem geret. Quae omnia non dum fiunt laudantur, sed cum facta sunt, unde etiam cupidissimis opinionis plus fructus venit. Nam cum illa dicendi vitiosa iactatio inter plausores suos detonuit, resurgit verae virtutis fortior fama, nec iudices a quo sint moti dissimulant, et doctis creditur, nec est orationis vera laus nisi cum finita est.
- 5 Veteribus quidem etiam dissimulare eloquentiam fuit moris, idque M. Antonius praecipit, quo plus dicentibus fidei minusque suspectae advocatorum insidiae forent. Sed illa dissimulari quae tum erat potuit: nondum enim tantum dicendi lumen<sup>1</sup> accesserat ut etiam per obstantia erumperet. Quare artes quidem et consilia lateant et quidquid si deprenditur perit. Hactenus eloquentia secretum
- 6 habet. Verborum quidem dilectus, gravitas sententiarum, figurarum elegantia aut non sunt aut apparent: sed vel propter hoc ipsum ostentanda non sunt, quod apparent, ac, si unum sit ex duobus eligendum, causa potius laudetur quam patronus. Finem tamen hunc praestabit orator, ut videatur optimam causam optime egisse: illud certum erit, neminem peius agere quam qui displicente causa placet:
- 7 necesse est enim extra causam sit quod placet. Nec illo fastidio laborabit orator non agendi causas minores, tamquam infra eum sint aut detractura sit opinioni minus

<sup>1</sup> flumen *Cornelissen* ('flood'): fulmen *Passerat* ('thunderbolt')

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<sup>1</sup> Sense uncertain, but compare 12.10.72. Others translate "the well-trained (or well-briefed) speakers are believed."

<sup>2</sup> Cicero, *De oratore* 2.4: above 2.17.6.

fight its war with siege works, mines, ambushes, and secret skills. These things are never praised while they are being done, but only afterwards; and thus even the most ambitious for renown will find greater reward here. For when the thunders of these perverse displays of oratory have died away to the sound of the preconcerted applause, the renown of real virtue rises stronger still; the judges do not conceal what it was that moved them, well-informed critics are believed;<sup>1</sup> there is no true praise for a speech till after it is finished.

The ancients indeed had the habit of actually concealing eloquence, and Marcus Antonius advises this,<sup>2</sup> as a means of increasing the speaker's credibility and reducing suspicions of advocates' trickery. The eloquence of those days no doubt could be concealed, for there was not as yet that brilliance of oratory that can break through any form of cover. So artifices and stratagems, and anything that cannot survive discovery, should be kept hidden. But this is all the secrecy that eloquence can enjoy. Choice of words, profundity of reflections (*sententiae*), and elegance of Figures do not exist if they are not visible. But the very fact that they are so visible itself means that they do not have to be put on show, and, if a choice between the two were necessary, it would be better for the Cause to be praised than the advocate. The orator's achievement, however, will be to be held to have pleaded a very good Cause very well. Certainly, no one can plead worse than the speaker who wins approval when his Cause does not, for the approval must then be based on what is extraneous to the Cause. Nor should the orator be so fastidious as to decline less important Causes, as though they were beneath him, or as if a less grand subject would detract from his



liberalis materia. Nam et suscipiendi ratio iustissima est officium, et optandum etiam ut amici quam minimas lites habeant, et abunde dixit bene quisquis rei satisfecit.

- 8 At quidam, etiam si forte susceperunt negotia paulo ad dicendum tenuiora, extrinsecus adductis ea rebus circumlinunt, ac si defecerunt alia, conviciis implent vacua causarum, si contigit,<sup>2</sup> veris, si minus, fictis, modo sit materia ingenii mereaturque clamorem dum dicitur. Quod ego adeo longe puto ab oratore perfecto ut eum ne vera quidem obiecturum nisi id causa exiget credam. Ea est enim
- 9 prorsus 'canina,' ut ait Appius, 'eloquentia,' cognituram male dicendi subire: quod facientibus etiam male audiendi praesumenda patientia est. Nam et in ipsos fit impetus frequenter qui egerunt, et certe petulantiam patroni litigator luit. Sed haec minora sunt ipso illo vitio animi quod
- 10 maledicus a malefico non distat nisi occasione. Turpis voluptas et inhumana et nulli audientium bono grata a litigatoribus quidem frequenter exigitur, qui ultionem malunt quam defensionem; sed neque alia multa ad arbitrium eorum facienda sunt: hoc quidem quis hominum liberi modo sanguinis sustineat, petulans esse ad alterius arbitrium?
- 11 Atqui etiam in advocatos partis adversae libenter nonnulli invehuntur: quod, nisi si forte meruerunt, et inhumanum est respectu communium officiorum, et cum ipsi qui

<sup>2</sup> contingit *recc.*

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<sup>3</sup> From Sallust, *Historiae* 4, fr. 54 Maurenbrecher. Appius is assumed to be Appius Claudius Caecus, the consul of 307 and 296 BC, dictator 280 BC.

reputation. After all, the best justification for taking up a case is obligation, and one must also pray that one's friends' law suits are as little threatening as possible; moreover, anyone who does justice to his subject has spoken more than satisfactorily.

Yet some people, even if the cases they have taken up happen to offer slight scope for eloquence, add colour to them by bringing in things foreign to the case, and, if all else fails, fill up the gaps in the Cause with abuse, true if possible, but false if necessary, provided only that there is matter to exercise their ingenuity and win applause during the speech. This seems to me so unworthy of the finished orator that I do not believe he would even make justified attacks unless his Cause made it necessary. It is indeed "dog's eloquence," as Appius says,<sup>3</sup> to be a proxy for delivering a abuse, and anyone who agrees to do this must be prepared also to bear abuse himself, because attacks are often made on the speakers, and the litigant is sure to pay for his advocate's rudeness. But these disadvantages are less serious than the underlying fault of character, because the only difference between an evil speaker and an evil doer is opportunity. Litigants who would rather be avenged than defended often demand this base and inhuman gratification, which no decent man in the audience welcomes. There are of course many other ways in which the client's wishes should not be decisive; as for this, how can anyone who has free blood in his veins bear to be rude at the whim of another?

Yet some people readily abuse even the other side's advocates. Unless it happens to be deserved, this is both inhuman from the standpoint of professional solidarity and useless to the speaker himself (because he thereby

12 dicit inutile (nam idem iuris responsuris datur) tum causae  
 contrarium, quia plane adversarii fiunt et inimici, et quan-  
 tulumcumque eis virium est contumelia augetur. Super  
 omnia perit illa quae plurimum oratori et auctoritatis et  
 fidei adfert modestia si a viro bono in rabulam latrato-  
 remque convertitur, compositus non ad animum iudicis  
 sed ad stomachum litigatoris.

13 Frequenter etiam species libertatis deducere ad teme-  
 ritatem solet, non causis modo sed ipsis quoque qui dix-  
 erunt periculosam; nec inmerito Pericles solebat optare ne  
 quod sibi verbum in mentem veniret quo populus offende-  
 retur. Sed quod ille de populo, id ego de omnibus sentio  
 qui tantundem possunt nocere. Nam quae fortia dum  
 dicuntur videbantur, stulta cum laeserunt vocantur.

14 Nunc, quia varium fere propositum agentium fuit et  
 quorundam cura tarditatis, quorundam facilitas temerita-  
 tis crimine laboravit, quem credam fore in hoc oratoris  
 15 modum tradere non alienum videtur. Adferet ad dicen-  
 dum curae semper quantum plurimum poterit: neque  
 enim hoc solum negligentis sed mali et in suscepta causa  
 perfidi ac proditoris est, peius agere quam possit. Ideoque  
 ne suscipiendae quidem sunt causae plures quam quibus  
 16 suffecturum se sciat. Dicit scripta quam res patietur pluri-  
 ma, et, ut Demosthenes ait, si continget, et sculpta.<sup>3</sup> Sed  
 hoc aut primae actiones aut quae in publicis iudiciis post

<sup>3</sup> scalpta *Cousin* ('carved')

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<sup>4</sup> Compare Plutarch, *Pericles* 8.6, *Rules for Politicians* 8 = *Moralia* 803F (trans. Russell (1993) p. 149).

<sup>5</sup> Source unknown, and we do not know what Greek word is represented (ἐξεσμένα or γεγλυμμένα?).

gives the same right to those who are to reply). It is also damaging to the Cause, since adversaries become outright enemies as well, and any little strength they have is magnified in consequence of the insult. Above all, if an orator suddenly changes from a good man into a snarling ranter, and adapts himself not to the judge's feelings but to his client's spite, it destroys all that restraint which, more than anything else, gives him authority and credibility.

Often too the attractions of free speech lure people into a rashness which endangers not only the Cause but the speakers themselves. Pericles<sup>4</sup> was quite justified in praying that no word might come into his head that might offend the people. And what he felt about "the people," I feel about all who have the same power to do harm. What seemed brave as it was said is called foolish when it has done the damage.

Advocates have had different approaches: the carefulness of some has exposed them to the charge of slowness, and the facility of others to that of haste. It seems relevant therefore that I should say what I think will be the right balance in this regard. The orator will always devote as much care to his speech as he can. To do less well than he could would mark him out as not only careless but dishonest, and a perfidious traitor to the Cause he has undertaken. For this reason, it is also wrong for him to undertake more Causes than he knows he can manage. He will deliver, as far as the circumstances allow, just what he has written and, as Demosthenes says, also "sculpted,"<sup>5</sup> if that proves possible. This can be done in first hearings or in hearings granted in public courts after a few days' adjourn-

interiectos dies dantur permiserint: at cum protinus respondendum est, omnia parari non possunt, adeo ut paulo minus promptis etiam noceat scripsisse, si alia ex diverso  
 17 quam opinati fuerint occurrerint. Inviti enim recedunt a praeparatis et tota actione respiciunt requiruntque num aliquid ex illis intervelli atque ex tempore dicendis inseri possit: quod si fiat non cohaeret, nec commissuris modo, ut in opere male iuncto, hiantibus sed ipsa coloris inaequalitate detegitur. Ita nec liber est impetus nec cura contexta,  
 18 et utrumque alteri obstat: illa enim quae scripta sunt retinent animum, non secuntur. Itaque in iis actionibus omni, ut agricolae dicunt, pede standum est.

19 Nam cum in propositione ac refutatione causa consistat, quae nostrae partis sunt scripta esse possunt: quae etiam responsurum adversarium certum est (est enim aliquando certum) pari cura refelluntur. Ad alia unum paratum adferre possumus, ut causam bene noverimus, alterum ibi sumere, ut dicentem adversarium diligenter  
 20 audiamus. Licet tamen praecogitare plura et animum ad omnis casus componere, idque est tutius stilo, quo facilius et omittitur cogitatio et transfertur. Sed sive in respondendo fuerit subito dicendum, sive quae alia ita exegerit ratio, non oppressum se ac deprensus credet orator cui discipli-

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<sup>6</sup> I.e. spread the weight, so as to be well-balanced and not depend too much on one resource (Otto (1890) s.v. *pes* 3).

ment; but when we have to reply immediately, it is impossible to have everything ready, and in fact it can even be a disadvantage for the less quick-witted to have written their speech out, if the other side produces something quite different from what they expected. This is because they are reluctant to depart from their prepared text, and keep harking back to it throughout their pleading, wondering whether any part of it can be picked out and inserted in what they have to improvise. If this is done, it does not cohere with the rest, and is revealed not only by the gaping joins (as in any piece of work which is badly put together) but by the unevenness of tone. Consequently, their improvisation is cramped, and their prepared work not integrated with the whole, so that the two elements obstruct each other, because the written version impedes thought rather than going along with it. In such pleadings we must, as countrymen say, "stand on all our feet."<sup>6</sup>

Since a Cause always involves both putting forward and refuting arguments, it is possible to have the arguments on our own side written out: similar preparation can also produce a refutation of points which the opponent is certain to make (for you *can* sometimes be certain). With regard to other contingencies, there is one resource that we can bring with us (namely good knowledge of the Cause) and one that we can acquire on the spot by listening carefully to our opponent's speech. However, you can think out the greater part in advance, and prepare your mind for any eventuality; and this is a safer procedure than writing, because a line of thought is more easily dropped or shifted around. But whether it is in reply, or for some other compelling reason, that we have to speak on the spur of the moment, an orator on whom theory, study, and exercise have

na et studium et exercitatio dederit vires etiam facilitatis:  
 21 quem armatum semper ac velut in procinctu stantem non  
 magis umquam in causis oratio quam in rebus cotidianis ac  
 domesticis sermo deficiet, nec se umquam propter hoc  
 oneri subtrahet, modo sit causae discendae tempus: nam  
 cetera semper sciet.

10

- 1 Superest ut dicam de genere orationis. Hic erat propositus a nobis in divisione prima locus tertius: nam ita promiseram, me de arte, de artifice, de opere dicturum. Cum sit autem rhetorices atque oratoris opus oratio pluresque eius formae, sicut ostendam, in omnibus iis et ars est et artifex, plurimum tamen invicem differunt: nec solum specie, ut signum signo et tabula tabulae et actio actioni, sed genere ipso, ut Graecis Tuscanicae statuae, ut Asianus eloquens
- 2 Attico. Suos autem haec operum genera quae dico ut auctores sic etiam amatores habent, atque ideo nondum est perfectus orator ac nescio an ars ulla, non solum quia aliud in alio magis eminet, sed quod non una omnibus forma placuit, partim condicione vel temporum vel locorum, partim iudicio cuiusque atque proposito.

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<sup>1</sup> *Genus orationis* and *genus dicendi* are both conventionally translated by "style," but this can be misleading. Greek equivalents for what is meant in this chapter are *charactēr* and *idea*, the "mark" or "shape" which characterizes writing or speaking of a certain kind. See General Introduction in vol. I.

<sup>2</sup> See 2.14.15.      <sup>3</sup> I.e. works in a style associated with the Etruscans, but in fact resembling archaic Greek statuary (Vitruvius 4.6.6, Pliny, *Nat. Hist.* 35.158).

also conferred the power of ready speech will never find himself trapped or caught off his guard. He is always armed and (as it were) in battle order, and his oratory will no more fail him in a Cause than his power of speech in daily domestic matters. He will never shirk the burden on this account, so long as he has time to get up the Cause; for he will always have everything else at his command.

## CHAPTER 10

*Style*

It remains to discuss Style.<sup>1</sup> This was to be the third subject proposed in my original division; for I promised to speak of (1) the art, (2) the artist, (3) the product.<sup>2</sup> Now since Style is the product both of rhetoric and of the orator, and since there are (as I shall show) several forms of it, both the art and the artist are involved in all these, though they are all very different from one another, not only individually (as one statue differs from another, or one painting from another, or one pleading from another) but also generically, as Tuscanic<sup>3</sup> statues differ from Greek or the Asianic<sup>4</sup> speaker from the Attic. Now these different kinds of work of which I am speaking have each their own masters and indeed their own admirers; and the reason why the perfect orator does not yet exist (and why perhaps no art exists in perfection) is not only that different qualities predominate in different individuals, but that no single form has pleased everybody, partly because of the conditions of particular times or places, and partly because of the tastes and aims of each person.

<sup>4</sup> See 12.10.16–17.



- 3 Primi quorum quidem opera non vetustatis modo gratia visenda sint clari pictores fuisse dicuntur Polygnotus atque Aglaophon, quorum simplex color tam sui studiosos adhuc habet ut illa prope rudia ac velut futurae mox artis primordia maximis qui post eos extiterunt auctoribus praeferant, proprio quodam intellegendi, ut mea opinio est, ambitu.
- 4 Post Zeuxis atque Parrhasius non multum aetate distantes circa Peloponnesia ambo tempora (nam cum Parrhasio sermo Socratis apud Xenophontem invenitur) plurimum arti addiderunt. Quorum prior luminum umbrarumque invenisse rationem, secundus examinasse
- 5 subtilius lineas traditur. Nam Zeuxis plus membris corporis dedit, id amplius aut augustius ratus atque, ut existimant, Homerum secutus, cui validissima quaeque forma etiam in feminis placet. Ille vero ita circumscrispsit omnia ut eum legum latorem vocent, quia deorum atque heroum effigies, quales ab eo sunt traditae, ceteri tamquam ita necesse sit secuntur. Floruit autem circa Philippum et usque
- 6 ad successores Alexandri pictura praecipue, sed diversis virtutibus. Nam cura Protogenes, ratione Pamphilus ac

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<sup>5</sup> Probably Polygnotus' father. Polygnotus himself (fl. 475–450 BC) produced great narrative paintings at Athens and Delphi; he was admired by Aristotle (*Poetics* 1450a) and generally regarded as the first great painter of Greece.

<sup>6</sup> Of Heraclea; his most famous works were his Helen (Cicero, *De inventione* 2.1–3) and his Centaurs.

<sup>7</sup> Of Ephesus. Zeuxis' rival.

<sup>8</sup> *Memorabilia* 3.10.1.

*Sculpture and painting*

The first great painters whose works are worth looking at for other reasons than their antiquity are said to have been Polygnotus and Aglaophon.<sup>5</sup> Their simple colour still has its admirers, enthusiastic enough to prefer these rude objects, the beginnings, as it were, of the future art, to the greatest of the later masters. I take this to be a pretentious claim to superior understanding.

The biggest contribution was subsequently made by Zeuxis<sup>6</sup> and Parrhasius,<sup>7</sup> who were roughly contemporaries, both flourishing about the time of the Peloponnesian War (a conversation between Socrates and Parrhasius may be found in Xenophon).<sup>8</sup> The former is said to have discovered the principle of light and shade, the latter to have introduced new precision in the treatment of line. Zeuxis gave more fullness to the limbs, thinking that this contributed to dignity and grandeur; in this (so it is thought) he was following Homer, who favours strength even in female beauty.<sup>9</sup> Parrhasius, on the other hand, was so definitive in every respect that they call him “the lawgiver,” because the rest follow the representations of gods and heroes which he laid down, as though they had no other choice. Painting flourished particularly in the time of Philip and down to the successors of Alexander, but with a variety of qualities. Protogenes<sup>10</sup> excelled in accuracy, Pamphilus<sup>11</sup> and

<sup>9</sup> See e.g. *Odyssey* 13.289 *καλῆ τε μεγάλη τε*, “beautiful and tall.”

<sup>10</sup> Of Caunus, a rival of Apelles.

<sup>11</sup> Of Amphipolis, teacher of Apelles.

Melanthius, facilitate Antiphilus, concipiendis visionibus quas *φαντασίας* vocant Theon Samius, ingenio et gratia, quam in se ipse maxime iactat, Apelles est praestantissimus. Euphranorem admirandum facit quod et ceteris optimis studiis inter praecipuos et pingendi fingendique idem mirus artifex fuit.

- 7 Similis in statuis differentia. Nam duriora et Tuscanicis proxima Callon atque Hegesias, iam minus rigida Calamis, molliora adhuc supra dictis Myron fecit. Diligentia ac decor in Polyclito supra ceteros, cui quamquam a plerisque tribuitur palma, tamen, ne nihil detrahatur, deesse pondus  
8 putant. Nam ut humanae formae decorem addiderit supra verum, ita non explevisse deorum auctoritatem videtur. Quin aetatem quoque graviorem dicitur refugisse, nihil ausus ultra levis genas.

At quae Polyclito defuerunt, Phidiae atque Alcameni

<sup>12</sup> Pupil of Pamphilus and author of a treatise on painting.

<sup>13</sup> Of Alexandria, a rival of Apelles, noted for genre painting and caricature. <sup>14</sup> Painted "The Madness of Orestes" and is said to have ordered a trumpet to be sounded when he unveiled his picture of a hoplite in battle (Aelian, *Historical Miscellany* 2.44, p. 119 Wilson, LCL). <sup>15</sup> See 6.2.29.

<sup>16</sup> Of Colophon, court painter of Philip and Alexander: his Venus Anadyomene and his Calumny were particularly famous.

<sup>17</sup> Of Corinth, a rather earlier artist, placed here in the list to make a transition to sculpture. By his "other pursuits" Q. probably means his theoretical works on colour and proportion (Pliny, *Nat. Hist.* 35.129). <sup>18</sup> Or Calon: of Aegina, c. 500 BC.

<sup>19</sup> Athenian, regarded as a typical archaic sculptor by Lucian (*The Rhetoricians' Teacher* 9).

<sup>20</sup> Of Athens. Taken by Dionysius of Halicarnassus (*Isocrates* 3) as the sculptural equivalent of the orator Lysias.

Melanthius<sup>12</sup> in method, Antiphilus<sup>13</sup> in facility, Theon<sup>14</sup> of Samos in the vivid imaginative concepts called *phantasiai*,<sup>15</sup> and Apelles<sup>16</sup> in natural talent and in grace, which was his special pride. Euphranor<sup>17</sup> earns admiration for his combination of excellence in other cultural pursuits with marvellous skills in painting and sculpture.

There are similar differences in statuary. The work of Callon<sup>18</sup> and Hegesias<sup>19</sup> was stiff, very like the Tuscanic work, that of Calamis<sup>20</sup> less so, and Myron's<sup>21</sup> more fluid than any of these. Polyclitus<sup>22</sup> had more craftsmanship and grace than the rest; most critics award him the palm, but, in order to find some fault in him, judge that he lacks "weight," because, while he gave the human form a beauty transcending the reality, he seems not to have given adequate expression to the authority of the gods. He is said also to have avoided portraying the mature adult, never venturing beyond smooth cheeks.<sup>23</sup>

What Polyclitus lacked, Phidias<sup>24</sup> and Alcamenes<sup>25</sup> are

<sup>21</sup> Of Eleutherae, famous for his Discobolus, and in general for the lifelike qualities of his sculpture.

<sup>22</sup> Of Argos, flourished c. 450–420 BC, famous for his Doryphorus, known to us from many copies. The criticism of his treatment of the gods is like what was often said of Homer: he makes his men gods, and his gods human ("Longinus" 9.7, with Russell ad loc.).

<sup>23</sup> His Diadumenus was a young adolescent, and this is the sort of work which Q. means.

<sup>24</sup> Athenian, died soon after 432 BC. Dio Chrysostom's *Olympicus*, written not long after Q.'s book, praises Phidias' Zeus and introduces him in person as defending his art (*Oration* 12.49–83).

<sup>25</sup> Pupil of Phidias.

9 dantur. Phidias tamen dis quam hominibus effingendis<sup>1</sup> melior artifex creditur, in ebore vero longe citra aemulum vel si nihil nisi Minervam Athenis aut Olympium in Elide Iovem fecisset, cuius pulchritudo adiecisse aliquid etiam receptae religioni videtur, adeo maiestas operis deum aequavit. Ad veritatem Lysippum ac Praxitelen accessisse optime adfirmant: nam Demetrius tamquam nimius in ea reprehenditur, et fuit similitudinis quam pulchritudinis amantior.

10 In oratione vero si species intueri velis, totidem paene reperias ingeniorum quot corporum formas.

Sed fuere quaedam genera dicendi condicione temporum horridiora, alioqui magnam iam ingenii vim prae se ferentia. Hinc sint Laelii, Africani, Catones etiam Gracchique, quos tu licet Polygnotos vel Callonas appelles.  
11 Mediam illam formam teneant L. Crassus <et><sup>2</sup> Q. Hortensius. Tum deinde efflorescat non multum inter se distantium tempore oratorum ingens proventus. Hic vim Caesaris, indolem Caeli, subtilitatem Calidi, diligentiam Pollionis, dignitatem Messalae, sanctitatem Calvi, gravita-

<sup>1</sup> Duker: efficiendis B

<sup>2</sup> add. G. S. Korzeniewski

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<sup>26</sup> Of Sicyon. <sup>27</sup> Of Athens. His "Cnidian Aphrodite" was judged by some the finest statue in the world.

<sup>28</sup> Of Alopec: Lucian, *Lover of lies* (*Philopseudes*) 18, describes in detail his unflattering portrayal of the Corinthian general Pellichus. <sup>29</sup> Laelius is the consul of 140 BC, patron of Terence, and pupil of Stoic philosophers (see Cicero, *Brutus* 82, 295: *ORF* pp. 115–122). Africanus is more probably the younger Scipio (*ORF* n. 21) than the elder (*ORF* n. 4). "Cato" is certainly

allowed to have possessed. Phidias is thought more skilful at representing gods than men; in ivory he would be far and away without a rival, even if he had produced nothing but the Athena at Athens and the Olympian Zeus at Elis, the beauty of which is said to have added something to the traditional religious concept of the god, so perfectly did the majesty of the work match its divine original. Lysippus<sup>26</sup> and Praxiteles<sup>27</sup> are said to have achieved the best approximation to reality; Demetrius<sup>28</sup> is criticized for carrying realism too far, for he was more concerned with likeness than with beauty.

### *How oratory developed*

Looking now at the varieties of oratory, we can find almost as many sorts of talent as of physical appearance.

There were some types which lacked polish because of the conditions of the times, but otherwise already showed great force of genius. In this class let us reckon orators like Laelius, Africanus, the elder Cato and the Gracchi;<sup>29</sup> you can call them the Polygnotuses and Callons. Let Lucius Crassus<sup>30</sup> and Quintus Hortensius represent the middle category. Then let the great crop of orators who were more or less contemporaries blossom before our eyes. Here we shall find Caesar's vigour, Caelius' talents, Calidius' subtlety, Pollio's accuracy, Messala's dignity, Calvus' scrupu-

the Censor. The Latin plurals (apart from *Gracchi*, which covers both brothers) are "generalizing." <sup>30</sup> Consul 95 BC, one of the greatest orators of his day, a character in Cicero's *De oratore*, where (1.154–155) he is represented as describing his rhetorical education. See on 1.11.18. *ORF* pp. 237–259.

tem Bruti, acumen Sulpici, acerbitatem Cassi reperiemus: in iis etiam quos ipsi vidimus copiam Senecae, vires Africani, maturitatem Afri, iucunditatem Crispi, sonum Trachali, elegantiam Secundi.

- 12 At M. Tullium non illum habemus Euphranorem circa pluris artium species praestantem, sed in omnibus quae in quoque laudantur eminentissimum. Quem tamen et suorum homines temporum incessere audebant ut tumidiorem et Asianum et redundantem et in repetitionibus nimium et in salibus aliquando frigidum et in compositione fractum, exultantem ac paene, quod procul absit, viro
- 13 molliorem: postea vero quam triumvirali proscriptione consumptus est, passim qui oderant, qui invidebant, qui aemulabantur, adulatores etiam praesentis potentiae non responsurum invaserunt. Ille tamen qui ieiunus a quibusdam et aridus habetur non aliter ab ipsis inimicis male audire quam nimis floribus et ingenii affluentia potuit. Falsum utrumque: sit tamen illa mentiendi propior occasio.
- 14 Praecipue vero presserunt eum qui videri Atticorum imitatores concupierant. Haec manus quasi quibusdam sacris initiata ut alienigenam et parum superstitiosum devinctumque illis legibus insequeretur: unde nunc quoque
- 15 aridi et exsuci et exsanguis. Hi sunt enim qui suae inbecil-

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<sup>31</sup> On all these, see 10.1.110–117. For the emphasis on the concentration of oratory in the Ciceronian period, compare Seneca, *Controversiae* 1 *praef.* 6, Velleius Paterculus 1.17.3.

<sup>32</sup> 10.1.125–131.    <sup>33</sup> 10.1.118.    <sup>34</sup> *Ibid.*

<sup>35</sup> 10.1.119.    <sup>36</sup> 12.5.5.    <sup>37</sup> 10.3.12.

<sup>38</sup> Compare Tacitus, *Dialogus* 18. For these criticisms, see A. D. Leeman (1963) 142–144; Kennedy, *ARRW* 241–246.

lousness, Brutus' gravity, Sulpicius' acumen, and Cassius' bite.<sup>31</sup> Among those we have seen ourselves, there is Seneca's<sup>32</sup> abundance, Africanus'<sup>33</sup> strength, Afer's<sup>34</sup> mellowness, Crispus'<sup>35</sup> charm, Trachalus'<sup>36</sup> voice production, and Secundus'<sup>37</sup> elegance.

But in Cicero we have one who is not just a Euphranor, distinguished in several branches of art, but a man supreme in everything for which anyone wins praise. And yet his own contemporaries had the hardihood to attack him as bombastic, Asianic, redundant, repetitive, sometimes unsuccessful in his humour, and undisciplined, extravagant, and (heaven forbid!) almost effeminate in his Composition.<sup>38</sup> And, when he lost his life in the triumviral proscriptions, everyone who hated, envied, or competed with him, or even who sought to flatter the powers of the day,<sup>39</sup> fell upon the man who could no longer answer back. Yet this man, who is now thought by some to be jejune and dry, could be abused by his own enemies only as being too florid in style and having too abundant a talent. Both charges are false; but let us agree that there is more justification for the second falsehood. It was those who wanted to be thought imitators of the Attic writers who were particularly hard on him. Like a clique of initiates in some sort of mystery, this group attacked him as an outsider and an unbeliever, and refusing to be bound by their rules. So too, for the same reasons, do the dry, desiccated, anaemic speakers of our own day. These are the people

<sup>39</sup> Q. is probably thinking of Pollio. But Augustus himself, who condemned extreme mannerisms, whether "Asian" or "Attic" (Suetonius, *Augustus* 86), is recorded as calling Cicero "an eloquent and patriotic man" (Plutarch, *Cicero* 49.5).



litati sanitatis appellationem, quae est maxime contraria, optendant: qui quia clariorem vim eloquentiae velut solem ferre non possunt, umbra magni nominis delitescunt. Quibus quia multa et pluribus locis Cicero ipse respondit, tutior mihi de hoc disserendi brevitatis erit.

- 16 Et antiqua quidem illa divisio inter Atticos atque Asianos fuit, cum hi pressi et integri, contra inflati illi et inanes haberentur, in his nihil superflueret, illis iudicium maxime ac modus deesset. Quod quidam, quorum et Santra est, hoc putant accidisse, quod paulatim sermone Graeco in proximas Asiae civitates influente nondum satis periti loquendi facundiam concupierint, ideoque ea quae proprie signari poterant circumitu coeperint enuntiare ac deinde
- 17 in eo perseverarint. Mihi autem orationis differentiam fecisse et dicentium et audientium naturae videntur, quod Attici limati quidam et emuncti nihil inane aut redundans ferebant, Asiana gens tumidior alioqui atque iactantior
- 18 vaniore etiam dicendi gloria inflata est. Tertium mox qui haec dividebant adiecerunt genus Rhodium, quod velut medium esse atque ex utroque mixtum volunt: neque enim Attice pressi neque Asiane sunt abundantes, ut aliquid
- 19 habere videantur gentis, aliquid auctoris. Aeschines enim,

<sup>40</sup> I.e. "Attic."

<sup>41</sup> Grammarian and tragic poet of the Ciceronian age, cited as a source by Suetonius, *De grammaticis* 14.4 (see Kaster ad loc.).

<sup>42</sup> See Cicero, *Orator* 25, *Brutus* 51. Cicero himself had attended Rhodian schools. Dionysius of Halicarnassus (*Dinarchus* 8) lists Rhodian orators who unsuccessfully tried to capture the Attic charms of Hyperides. He calls them "dry" (ἀρχμηροί), not at all Q.'s judgement (§ 19).

who package their weakness as “good health,” which is the very opposite of it, and who hide in the shadow of a great name<sup>40</sup> because they cannot stand the brilliant sun of a higher eloquence. As Cicero himself answers them fully in many passages, I can safely treat the matter quite briefly.

*Atticists and Asianists*

This distinction between “Attic” and “Asiatic” orators was an ancient one. The former were held to be concise and sound, the latter inflated and hollow. In the former there was nothing superfluous, the latter were especially lacking in judgement and restraint. Some, including Santra,<sup>41</sup> think that this happened because, as Greek gradually extended its range into the neighbouring cities of Asia, people who had not yet secured sufficient command of the language acquired a passion for eloquence, and so began to express by Periphrases what could have been said directly, and then continued in the same vein. I prefer to think that the stylistic difference is due to the character both of the orators and of their audiences. The polished and refined Athenians could not bear emptiness and redundancy, while the Asiatics, who are in other respects a more bombastic and boastful race, were more vainglorious also in their oratory. Later, the critics who made this classification added a third style, the Rhodian,<sup>42</sup> conceived as coming between the other two and as a mixture of both. Such writers possess neither Attic conciseness nor Asiatic abundance, but seem to have a style derived partly from their nation, partly from their founder. This was Aes-

qui hunc exilio delegerat locum, intulit eo studia Athenarum, quae, velut sata quaedam caelo terraque degenerant, saporem illum Atticum peregrino miscuerunt. Lenti ergo quidam ac remissi, non sine pondere tamen, neque fontibus puris neque torrentibus turbidis sed lenibus stagnis similes habentur.

- 20 Nemo igitur dubitaverit longe esse optimum genus Atticorum. In quo ut est aliquid inter ipsos commune, id est iudicium acre tersumque, ita ingeniorum plurimae  
 21 formae. Quapropter mihi falli multum videntur qui solos esse Atticos credunt tenuis et lucidos et significantis et<sup>3</sup> quadam eloquentiae frugalitate contentos ac semper manum intra pallium continentis. Nam quis erit hic Atticus? Sit Lysias; hunc enim amplectuntur amatores istius nominis modum:<sup>4</sup> non igitur iam usque ad Coccum<sup>5</sup> et Andociden  
 22 remitemur. Interrogare tamen velim an Isocrates Attice dixerit: nihil enim tam est Lysiae diversum. Negabunt: at eius schola principes oratorum dedit. Quaeratur similis aliquid: Hyperides Atticus? 'Certe.' At plus indul-

<sup>3</sup> *recc.*: sed *B*

<sup>4</sup> *del. Döpp*

<sup>5</sup> *Critian D. C. Innes*

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<sup>43</sup> After the failure of his prosecution of Ctesiphon, Aeschines fled first to Alexandria, then to Rhodes, where he taught rhetoric. See also 11.3.7.

<sup>44</sup> Again the river/stream metaphor, here with a third element. Compare 9.4.7, 10.1.25, 10.1.78, 12.10.25.

<sup>45</sup> Compare Aeschines, *Against Timarchus* 25.

<sup>46</sup> We know (from the Suda) of a pupil of Isocrates so called,

chines,<sup>43</sup> who had chosen this as his place of exile and imported Athenian literary studies, the Attic flavour of which was then diluted by foreign elements, much as some plants degenerate because of climate or soil. They therefore seem rather slow and relaxed, but not without gravity: not a pure spring, nor yet a raging torrent, just a quiet pond.<sup>44</sup>

No one need have any doubt that the Attic manner is far and away the best. But, while the Attic writers have a characteristic in common—namely, penetrating and sophisticated judgement—they include many different kinds of talent. It seems to me a great mistake to regard as “Attic” only the lightweight, lucid, expressive writers who are content with a certain frugality of eloquence and always keep their hands inside their cloaks.<sup>45</sup> Who will be “Attic” in this sense? Lysias, presumably (for he is the model which devotees of this title embrace): so we shall not be asked to go back as far as Coccus<sup>46</sup> and Andocides. But I should like to ask them whether Isocrates spoke in the Attic style, because nothing can be more different from Lysias. They will say he did not. Yet his school produced leading orators. Let us look for something closer. Is Hyperides “Attic”?<sup>47</sup> “Of course.” Yet he gave freer rein to mere charm. I pass over

but not of any orator of the name who could be more “primitive” than Lysias and comparable to the naturally talented, but untrained, Andocides. The text is therefore suspect: D. C. Innes suggests *Critiam*, comparing Dionysius of Halicarnassus, *Lysias* 2 (1.22 Usher, LCL), where Critias and Andocides represent the current Attic of which Lysias was the perfect model. Compare also Philostratus, *Lives of the Sophists* 1.16 (p. 50 Wright, LCL).

<sup>47</sup> Compare 10.1.77.

sit voluptati. Transeo plurimos, Lycurgum, Aristogitona et  
 his priores Isaeum, Antiphonta: quos ut omnes<sup>6</sup> inter se  
 23 genere similes, <ita><sup>7</sup> differentis dixeris specie. Quid ille  
 cuius modo fecimus mentionem Aeschines? nonne his  
 latior et audentior et excelsior? Quid denique Demosthe-  
 nes? non cunctos illos tenues et circumspectos vi sublimate  
 impetu cultu compositione superavit? non insurgit  
 locis? non figuris gaudet? non translationibus nitet? non ora-  
 24 tione ficta dat tacentibus vocem? non illud ius iurandum  
 per caesos in Marathone ac Salamine propugnatores rei  
 publicae satis manifesto docet praeceptorem eius Plato-  
 nem fuisse? Quem ipsum num Asianum appellabimus ple-  
 rumque instinctis divino spiritu vatibus comparandum?  
 Quid Periclea? similemne credemus Lysiacae gracilitati  
 quem fulminibus et caelesti fragori comparant comici dum  
 25 illi conviciantur? Quid est igitur cur in iis demum qui tenui  
 venula per calculos fluunt Atticum saporem putent, ibi de-  
 mum thymum redolere dicant? Quos ego existimo si quod  
 in iis finibus uberius invenerint solum fertilioremve sege-  
 tem negaturos Atticam esse quod plus quam acceperit

<sup>6</sup> *Halm*: homines B

<sup>7</sup> *add.* Watt 1993

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<sup>48</sup> His only surviving speech, *Against Leocrates* (LCL *Minor Attic Orators* 2. 7–133), is a harsh prosecution, notable for its many quotations from poetry.

<sup>49</sup> Adversary of Demosthenes: see [Demosthenes], *Orations* 25 and 26, and Dionysius of Halicarnassus, *Demosthenes* 57.

<sup>50</sup> Extant speeches are concerned with property law and inheritance: Dionysius (*Isaeus* 20, LCL *Minor Attic Orators* 1. 228–230) regards him as a significant figure in the development of oratory towards the perfection of Demosthenes.

many others—Lycurgus,<sup>48</sup> Aristogiton,<sup>49</sup> and their predecessors Isaeus<sup>50</sup> and Antiphon;<sup>51</sup> these all have a certain generic resemblance, but they may be said to be of different species. And what about Aeschines, whom I mentioned just now? Is not he ampler, bolder, loftier than they? And finally, what of Demosthenes? Did he not surpass all those plain, cautious men in force, sublimity, energy, polish, and Composition? Does he not rise to the heights in set commonplaces, revel in Figures, sparkle with metaphors, and lend an imaginary voice to things that cannot speak?<sup>52</sup> Does not his famous oath “by those champions of the city who fell at Marathon and Salamis”<sup>53</sup> prove plainly enough that Plato was his teacher?<sup>54</sup> And are we to call Plato himself “Asian”—the man who is often to be compared with inspired poets?<sup>55</sup> And what about Pericles? Are we to think that his oratory was at all like Lysias’ slender grace, when the comic poets, in attacking him, compare him to the lightning and thunder of heaven?<sup>56</sup> So why is it that they say it is only in those whose little stream of eloquence babbles over pebbles that the true Attic flavour, the true scent of thyme is to be found?<sup>57</sup> I really think that if they discovered a richer soil or a more fertile field within the bounds of Attica, they would deny that it was Attic, on

<sup>51</sup> The earliest of the Attic orators (died 411 BC).

<sup>52</sup> I.e. by using Prosopopoeia: see, e.g., *Olynthiacs* (*Or.* 1) 1.2, *On the mismanaged embassy* (*Or.* 19) 81, 119.

<sup>53</sup> *On the Crown* 208: compare 9.2.62, 11.3.168.

<sup>54</sup> See 12.2.22.      <sup>55</sup> See 10.1.81.      <sup>56</sup> See 12.2.22.

<sup>57</sup> Dionysius of Halicarnassus, *Demosthenes* 5 (LCL *Minor Latin Orators* 1. 254) (= *Letter to Pompeius* 2) speaks of Plato’s plainer style as giving off “a sweet breeze, as from the most fragrant of meadows.”

26 seminis reddat (quia hanc eius terrae fidem Menander eludit). Ita nunc si quis ad eas Demosthenis virtutes quas ille summus orator habuit etiam eam<sup>8</sup> quae defuisse ei sive ipsius natura seu lege civitatis videtur<sup>9</sup> adiecerit, ut adfectus concitatus moveat, audiam dicentem ‘non fecit hoc Demosthenes’? Et si quid numeris exierit aptius (fortasse non possit, sed tamen si quid exierit), non erit Atticum? Melius de hoc nomine sentiant, credantque Attice dicere esse optime dicere.

27 Atque in hac tamen opinione perseverantis Graecos magis tulerim: Latina mihi facundia, ut inventionem dispositionem consilio, ceteris huius generis artibus, similis Graecae ac prorsus discipula eius videtur, ita circa rationem eloquendi vix habere imitationis locum. Namque est ipsis statim sonis durior, quando et iucundissimas ex Graecis litteras non habemus (vocalem alteram, alteram consonantem, quibus nullae apud eos dulcius spirant: quas mutuari solemus quotiens illorum nominibus utimur; 28 quod cum contingit, nescio quo modo velut hilarior protinus renidet oratio, ut in ‘zephyris’ et ‘zopyris’: quae si nostris litteris scribantur, surdum quiddam et barbarum efficient) et velut in locum earum succedunt tristes et

<sup>8</sup> etiam eam *Kiderlin*: tamen *B*

<sup>9</sup> *Gertz*: videntur *B*

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<sup>58</sup> Menander, *Georgos* (*The Farmer*) 35–39 Sandbach: “I don’t believe there’s any more righteous land to farm; it bears myrtle, good ivy, lots of flowers; and anything else one sows, it gives back duly and honestly—not more, just the exact amount.”

<sup>59</sup> I.e. the supposed law forbidding emotional appeals: see 2.16.4, 6.1.7, 10.1.107.

<sup>60</sup> So Cicero, *Brutus* 219, *De optimo genere oratorum* 13.

the ground that it produced more seed than was sown in it: you remember Menander's joke about the "honesty" of the soil.<sup>58</sup> And so, if some speaker adds to Demosthenes' virtues also the quality which that supreme orator is believed to have lacked (whether because of his own nature, or because of the law of Athens),<sup>59</sup> namely the power of moving emotions more strongly, shall I hear someone say "Demosthenes never did this"? And if a better rhythmical effect is produced (an impossibility perhaps, but suppose it does happen), will not this be "Attic"? They should think better of the name, and believe that to speak in the "Attic" way means to speak in the best way.<sup>60</sup>

### *Latin and Greek*

All the same, I should find adherence to this opinion easier to accept in the Greek: Latin eloquence—though it is very close to Greek, and indeed its pupil, in Invention, Disposition, Planning, and similar skills—scarcely has scope to imitate Greek in the principles of Elocution. For one thing, it is harsher in its actual sounds, because we lack the two most pleasing of the Greek letters,<sup>61</sup> one vowel and one consonant, the sweetest sounds in their language. We borrow these when we use Greek words, and when this happens, the language at once seems to brighten up and smile, as in words like *zephyrus* and *zopyrus*. If these words are written in our letters,<sup>62</sup> they produce only a dull barbarous sound. In the places of these two letters,

<sup>61</sup> *v* and *ζ* (*upsilon*, *zeta*, which Q. takes to be pronounced *ü* and *z*, not, as was already common in his day, *i* and *s*).

<sup>62</sup> As *Sephurum* and *Sopurus* presumably.



- 29 horridae, quibus Graecia caret. Nam et illa quae est sexta nostrarum paene non humana voce, vel omnino non voce potius, inter discrimina dentium efflanda est: quae etiam cum vocalem proxima accipit quassa quodam modo, utique quotiens aliquam consonantium frangit, ut in hoc ipso ‘frangit,’ multo fit horridior; Aeolicae quoque litterae, qua ‘servum’ ‘cervum’que dicimus, etiam si forma a nobis
- 30 repudiata est, vis tamen nos ipsa persequitur. Duras et illa syllabas facit quae ad coniungendas demum subiectas sibi vocalis est utilis, alias supervacua: ‘equos’ hac [et aecum]<sup>10</sup> scribimus, cum etiam ipsae hae vocales duae efficiant sonum qualis apud Graecos nullus est ideoque scribi illorum
- 31 litteris non potest. Quid quod pleraque nos illa quasi mugiente<sup>11</sup> littera cludimus, in quam nullum Graece verbum cadit? At illi ny iucundam et in fine praecipue quasi tin-nientem illius loco ponunt, quae est apud nos rarissima in
- 32 clausulis. Quid quod syllabae nostrae in B litteram et D innituntur adeo aspere ut plerique non antiquissimorum quidem sed tamen veterum mollire temptaverint, non solum ‘aversa’ pro ‘abversis’ dicendo, sed et in praepositione B litterae absonam et ipsam s subiciendo?

<sup>10</sup> *del. Winterbottom*

<sup>11</sup> mugiente <M> *Halm*

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<sup>63</sup> The sixth place in the alphabet is occupied, in Greek, by Q.’s admired zeta; the sixth place in Latin belongs to the “horrid” *f*. The twentieth letter in Greek is upsilon, again admired; in Latin it is *v* (a consonantal sound like our *w*). Q. assumes that Greek  $\phi$  = aspirated *p*, though in fact by his time it was commonly pronounced like the Latin *f*, as is clear from transliterations from Latin. See below, 12.10.57.

<sup>64</sup> Compare 1.4.11.

we have instead two grim and uncouth ones, which Greek lacks.<sup>63</sup> The sixth letter of our alphabet has to be blown out through the teeth, and the voice is hardly human, or rather not a voice at all. Even when it is followed by a vowel, it is somehow jagged, and when it fractures (*frangit*) a consonant,<sup>64</sup> as it does in the word *frangit* itself, it is more uncouth still. As for the Aeolic letter,<sup>65</sup> the sound of which we have in *servum* and *cervum*, we have rejected its written form, but its force is still with us. Syllables are made harsh also by the letter<sup>66</sup> which is useful only for linking vowels following it, but otherwise superfluous: we use it to write *equos* (“horse”) [and *aecum*], and these two vowels then produce a sound which does not exist in Greek and cannot be written in Greek letters. Again, we often end words with the “mooring” letter,<sup>67</sup> with which no Greek word ends. In its place they put the pleasing letter *nu*, which makes a ringing sound, especially at the end of a word, and which is very rare in this position in our language. Again, our syllables based on *b* and *d* produce such a harsh effect that many older writers (though not the very oldest) have tried to soften it not only by saying *aversa* (“turned away”) for *abversa*, but by adding the equally discordant letter *s* to the *b* of the preposition *ab*.<sup>68</sup>

<sup>65</sup> The Greek digamma, *F*, absent from Attic and Ionic alphabets, had a sound like *w*.      <sup>66</sup> *q*.      <sup>67</sup> *m*.

<sup>68</sup> Compare Cicero, *Orator* 158 (on *ab*, *abs*). *Q.* gives no illustration of “softened” *d*, unless a sentence has fallen out. Priscian and other grammarians instance *arvenae* for *advenae* (“incomers”), and we have *arvorsum* for *adversum* (“against”) in *Senatusconsultum de Bacchanalibus* (186 BC): Lindsay (1893) 576; Sihler (1995) § 151.

33 Sed accentus quoque cum rigore quodam, tum simili-  
 tudine ipsa minus suaves habemus, quia ultima syllaba nec  
 acuta umquam excitatur nec flexa circumducitur, sed in  
 gravem vel duas gravis cadit semper. Itaque tanto est ser-  
 mo Graecus Latino iucundior ut nostri poetae, quotiens  
 dulce carmen esse voluerunt, illorum id nominibus exor-  
 34 nent. His illa potentiora, quod res plurimae carent appella-  
 tionibus, ut eas necesse sit transferre aut circumire: etiam  
 in iis quae denominata sunt summa paupertas in eadem  
 nos frequentissime revolvit: at illis non verborum modo  
 sed linguarum etiam inter se differentium copia est.

35 Quare qui a Latinis exigit illam gratiam sermonis Atti-  
 ci, det mihi in loquendo eandem iucunditatem et parem  
 copiam. Quod si negatum est, sententias aptabimus iis  
 vocibus quas habemus, nec rerum nimiam tenuitatem, ut  
 non dicam pinguioribus, fortioribus certe verbis miscebi-  
 36 mus, ne virtus utraque pereat ipsa confusione: nam quo  
 minus adiuvat sermo, rerum inventionem pugnandum est.  
 Sensus sublimes varietate eruantur: permovendi omnes  
 adfectus erunt, oratio translationum nitore inluminanda.  
 Non possumus esse tam graciles, simul fortiores: subtili-  
 tate vincimur, valeamus pondere: proprietas penes illos est  
 37 certior, copia vincamus. Ingenia Graecorum etiam minora  
 suos portus habent, nos plerumque maioribus velis move-  
 mur: validior spiritus nostros sinus tendat. Non tamen alto  
 semper feremur: nam et litora interim sequenda sunt. Illis  
 facilis per quaelibet vada accessus, ego aliquid, non multo  
 tamen, altius in quo mea cumba non sidat inveniam.

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<sup>69</sup> I.e. unaccented syllables. See on 1.5.22-31.

<sup>70</sup> For the perceived "poverty" of Latin, compare Lucretius 1.832, Seneca, *Epist.* 57.1.

Our accentuation also is less attractive, on account both of its rigidity and of its very regularity, because the last syllable is never acute or circumflex, but words always end with one or two grave accents.<sup>69</sup> Greek is therefore so much more agreeable than Latin that our poets adorn their verse with Greek names whenever they have wanted to achieve a dulcet effect. More importantly, many things have no names in Latin, and Metaphor or Periphrasis is essential; and even when things do have names, our great poverty<sup>70</sup> drives us back to re-use the same ones again and again. The Greeks, on the other hand, have not only abundance of words, but abundance of different dialects.

So anyone who expects from Latin the famous grace of Attic Greek must let me have the same attractiveness of language, and equal abundance. If this is denied us, we must adapt our thoughts to the words we have, and not combine a slight subject with words that are too strong (I will not say "too rich") for it, lest delicacy and strength are both lost by the mixture. The less help we get from the language, the more we have to fight our battles with Invention. Let us unearth lofty and varied thoughts; we shall need to stir every emotion, and illuminate our style by the brilliance of our Metaphors. We cannot have their slender grace; let us excel them in strength. They beat us at subtlety; let us prevail by weight. They have a surer means of being precise; let us outdo them in fullness. Even the minor talents among the Greeks have their own safe harbour. We generally carry more sail; so let a stronger wind fill our canvas. Not that we shall always stand out to sea, for sometimes one has to hug the shore. They can go into any shallow water; I have to find a deeper (but not much deeper) channel where my boat will not run aground. If the Greeks

38 Neque enim, si tenuiora haec ac pressiora Graeci melius, in eoque vincimur solo et ideo in comoediis non contendimus, prorsus tamen omittenda pars haec orationis, sed exigenda ut optime possumus: possumus autem rerum et modo et iudicio esse similes, verborum gratia, quam in  
 39 ipsis non habemus, extrinsecus condienda est. An non in privatis et acutus et distinctus et non supra<sup>12</sup> modum elatus M. Tullius? non in M. Calidio insignis haec virtus? non Scipio, Laelius, Cato [in loquendo]<sup>13</sup> velut Attici Romanorum fuerunt? Cui porro non satis est quo nihil esse melius potest?

40 Adhuc quidam nullam esse naturalem putant eloquentiam nisi quae sit cotidiano sermoni simillima, quo cum amicis coniugibus liberis servis loquamur, contento promere animi voluntatem nihilque arcessiti et elaborati requirente: quidquid huc sit adiectum, id esse adfectionis et ambitosae in loquendo iactantiae, remotum a veritate fictumque ipsorum gratia verborum, quibus solum natura  
 41 sit officium attributum servire sensibus: sicut athletarum corpora, etiam si validiora fiant exercitatione et lege quadam ciborum, non tamen esse naturalia atque ab illa specie quae sit concessa hominibus abhorrere. Quid enim, inquit, attinet circumitu res ostendere et translationibus, id est aut pluribus aut alienis verbis, cum sua cuique sint

<sup>12</sup> *edd.*: super *B*

<sup>13</sup> *del. M.W.*: in eloquendo *edd.*

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<sup>71</sup> See 10.1.99.

<sup>72</sup> See 10.1.23, 12.10.11.

<sup>73</sup> See 12.10.11.

do the slighter and more restrained things better, and if this is the only area in which we are inferior (and therefore cannot compete with them in comedy),<sup>71</sup> it does not follow that we should give up this kind of speech, but only that we should develop it as well as we can. What we can do is match them in due management and judgement of material; charm of words, which Latin vocabulary itself cannot give us, must come from some extraneous seasoning. Is not Cicero acute, precise, and not too lofty in his private speeches? Is not this quality a notable one in Marcus Calidius?<sup>72</sup> Were not Scipio, Laelius, and Cato<sup>73</sup> the Roman equivalent of the Attic orators [in their speech]? And, finally, who is not content with something that cannot be bettered?

*"Natural" eloquence*

Again, there are some who say that no eloquence is natural unless it is exactly like the everyday speech which we use to talk to our friends, wives, children, and slaves, and which is content to express our purpose without seeking anything studied or elaborate. Anything over and above this, they maintain, is a mark of affectation and pretentious linguistic ostentation, remote from reality and contrived solely for the sake of the words, whose sole natural function (they say) is to be the servants of thought. In the same way (they argue) athletes' bodies, though strengthened by exercise and certain dietary rules, are unnatural and abnormal by the standards of physical appearance granted to the human species. What is the use (they continue) of expressing a thing by Periphrasis or Metaphor—that is, either by more words or by words which belong elsewhere—

42 adsignata nomina? Denique antiquissimum quemque maxime secundum naturam dixisse contendunt: mox poetis similiores extitisse, etiam si parcius, simili tamen ratione facta<sup>14</sup> et inpropria <pro><sup>15</sup> virtute ducentis.

Qua in disputatione nonnihil veri est, ideoque non tam procul quam fit a quibusdam recedendum a propriis atque  
 43 communibus. Si quis tamen, ut in loco dixi compositionis, ad necessaria, quibus nihil minus est, aliquid melius adiecerit, non erit hac calumnia reprehendus. Nam mihi aliam quandam videtur habere naturam sermo vulgaris, aliam viri eloquentis oratio: cui si res modo indicare satis esset, nihil ultra verborum proprietatem elaboraret: sed cum debeat delectare, movere, in plurimas animum audientis species inpellere, utetur his quoque adiutoriis quae  
 44 sunt ab eadem nobis concessa natura: nam et lacertos exercitatione constringere et augere vires et colorem trahere naturale est. Ideoque in omnibus gentibus alius alio facundior habetur et loquendo dulcis magis (quod si non eveniret, omnes pares essent), et idem homines aliter de re alia locuntur et servant personarum discrimina. Ita, quo quisque plus efficit dicendo, hoc magis secundum naturam eloquentiae dicit.

45 Quapropter ne illis quidem nimium repugno qui dandum putant nonnihil esse temporibus atque auribus niti-

<sup>14</sup> *Stroux*: falsa B

<sup>15</sup> *add. Stroux*

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<sup>74</sup> Compare 9.4.3.

when all things have been given names of their own? Finally, they argue that the speech of all the oldest orators was the closest to Nature, but that later speakers arose who were more like poets, and—though more cautiously—regarded invented or metaphorical words as a positive virtue.

There is some truth in this argument, and we should therefore take care not to depart as far as some people do from literal and normal usage. However (as I said in connection with Composition)<sup>74</sup> a man ought not to be taken to task in this way for having improved on the necessary minimum. Ordinary speech, it seems to me, has a different nature from the formal language of the man of eloquence. If all the latter had to do was to indicate facts, he would not make an effort to go beyond the correct uses of words; but as his duty is to please and to move and to induce various feelings in his hearers, he will also use those additional aids which we also owe to Nature. It is quite natural, after all, to use exercise to harden your arms, increase your strength, and improve your complexion. This is why, in every nation, some are thought more eloquent and more attractive speakers than others—if this were not so, everyone would be equal!—and why the same people speak in different ways about different things, and observe distinctions between persons. Thus the more effective a man's speech, the more conformable it is to the nature of eloquence.

*Concessions to the age we live in*

For these reasons, I am not even very strongly opposed to people who think that some concessions should be made to the times and to a taste which demands something more



dius aliquid atque perfectius<sup>16</sup> postulantis. Itaque non solum ad priores Catone Gracchisque, sed ne ad hos quidem ipsos oratorem alligandum puto. Atque id fecisse M. Tullium video, ut cum omnia utilitati, tum partem quandam delectationi daret, cum et suam se rem agere diceret, ageret autem maxime litigatoris: nam hoc ipso proderat,  
 46 quod placebat. Ad cuius voluptates nihil equidem quod addi possit invenio, nisi ut sensus nos quidem dicamus pluris: nempe<sup>17</sup> enim fieri potest salva tractatione causae et dicentis<sup>18</sup> auctoritate, si non crebra haec lumina et continua fuerint et invicem offererint.

47 Sed me hactenus cedentem nemo insequatur ultra; do tempori ne hirta toga sit, non ut serica, ne intonsum caput, non in gradus atque anulos comptum: cum eo quod, si non ad luxuriam ac libidinem referas, eadem speciosiora  
 48 quoque sint quae honestiora. Ceterum hoc, quod vulgo sententias vocamus, quod veteribus praecipueque Graecis in usu non fuit (apud Ciceronem enim invenio), dum rem contineant et copia non redundant et ad victoriam spectent quis utile neget? Feriunt animum et uno ictu frequenter inpellunt et ipsa brevitate magis haerent et delectatione persuadent.

<sup>16</sup> D.A.R.: affectibus G: adfectatius *edd.*

<sup>17</sup> *Becher*: neque G

<sup>18</sup> D.A.R.: dicendi G

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<sup>75</sup> Compare Seneca, *Epist.* 114.13, on archaists who find Gracchus too modern, and go back to "Appius and Coruncanus."

<sup>76</sup> *Sensus* here seems to be synonymous with *sententia*, i.e. epigrammatically expressed thought.

<sup>77</sup> Seneca, *Epist.* 114.14 expresses the same two extremes by

polished and better finished. I therefore do not believe in tying an orator down to the predecessors of Cato and the Gracchi,<sup>75</sup> or even to Cato and the Gracchi themselves. And I observe that Cicero, while putting the whole weight on the practical needs of the case, also allowed entertainment a part, since he used to say he was doing his own business at the same time, while of course he was principally doing his client's. The pleasure he gave was itself of practical use. For my part, I do not see what can be added to his attractions, except for us to develop more ingenious thoughts.<sup>76</sup> This can certainly be done, without damaging the management of the Cause or the authority of the speaker, so long as these highlights are not too frequent and continuous or cancel one another out.

So far I am ready to give way; but let no one press me to go further. I concede to fashion that my toga should not be hairy, but not that it should be made of silk, and that my hair should be trimmed, not that it should be made up into tiers and ringlets.<sup>77</sup> Besides, unless your standards are luxury and lust, the right things are also the most beautiful. But as for what we commonly call *sententiae*, which the ancients, and particularly the early Greeks, did not use (I do find them in Cicero), who can deny them usefulness, so long as they have substance, are not over-abundant, and contribute to winning the case? They strike the mind, they often knock it over by a single stroke,<sup>78</sup> their very brevity makes them more memorable, and the pleasure they give makes them more persuasive.

saying that "one man plucks his leg-hair, the other not even his armpits." <sup>78</sup> Compare what "Longinus" says of strikingly "sublime" passages, 1.4.

49 At sunt qui haec excitiora lumina, etiam si dicere permittant, a componendis tamen orationibus excludenda arbitrentur. Quocirca mihi ne hic quidem locus intactus est omissendus: nam plurimi eruditorum aliam esse dicendi rationem, aliam scribendi putaverunt, ideoque in agendo clarissimos quosdam nihil posteritati mansurisque mox literis reliquisse, ut Periclem, ut Demaden: rursus alios ad componendum optimos actionibus idoneos non fuisse, ut  
 50 Isocraten; praeterea in agendo plus impetus<sup>19</sup> plerumque et petitas vel paulo licentius voluptates <convenire><sup>20</sup> (commovendos enim esse ducendosque animos imperitorum): at quod libris dedicatum in exemplum edatur et tersum ac limatum et ad legem ac regulam compositum esse oportere, quia veniat in manus doctorum et iudices artis  
 51 habeat artifices. Quin illi subtiles, ut sibi ac multis persuaserunt, magistri παράδειγμα dicendo, ἐνθύμημα scribendo esse aptius tradiderunt. Mihi unum atque idem videtur bene dicere ac bene scribere, neque aliud esse oratio scripta quam monumentum actionis habitae; itaque nullas non,<sup>21</sup> ut opinor, debet habere virtutes—<virtutes><sup>22</sup> dico, non vitia: nam imperitis placere aliquando quae vitiosa sint  
 52 scio. Quo different igitur? Quod si mihi des consilium iudicum sapientium, perquam multa recidam ex orationibus

<sup>19</sup> plus impetum <valere> *Halm*      <sup>20</sup> *add. Gertz*

<sup>21</sup> nullas non *recc.*: non illas modo *G*

<sup>22</sup> *add. Buttman*

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<sup>79</sup> Compare Cicero, *Brutus* 36. Some sayings of this opponent of Demosthenes survive (LCL *Minor Attic Orators* 2. 329–359), and he was a favourite character with the declaimers (Kohl (1915) 228–246).

*Written and spoken speeches*

Some people think that these more animated highlights, though permissible in the speech as spoken, should be excluded from the written text. I must therefore not pass over this point either without discussing it. The fact is that most scholars have held that the principles of speaking are different from those of writing, and that this is why some very eloquent speakers have left nothing for posterity, and nothing to add to the enduring literary heritage of the future (such were Pericles and Demades),<sup>79</sup> while on the other hand some—for example Isocrates—were excellent composers in writing, but unfitted for actual pleading. They argue also that in pleading there is as a rule scope for greater energy and even a somewhat more uninhibited search for pleasing effects, because we have to stimulate and convince an uneducated audience; on the other hand, what is committed to a book and published as a model has to be polished, filed, and composed rhythmically in accordance with rules and standards, because it comes into the hands of scholars and is judged by fellow practitioners of the art. These subtle teachers (as they have persuaded themselves and others that they are) have pronounced that the Example is more suited to the spoken word, and the Enthymeme to the written. In my view, however, speaking well and writing well are one and the same thing, and a written speech is nothing but the record of a spoken pleading. There ought therefore to be no virtues which it does not possess—<virtues> I say, not vices, because I know uneducated audiences sometimes take pleasure in vices! What then will the difference be? If you give me a jury of wise men, I will cut out a lot not only from Cicero's

- non Ciceronis modo sed etiam eius qui est strictior multo, Demosthenis. Neque enim adfectus omnino movendi erunt nec aures delectatione mulcendae, cum etiam prohoemia supervacua esse apud talis Aristoteles existimet; non enim trahentur his illi sapientes: proprie et significanter rem indicare, probationes colligere satis est. Cum vero iudex datur<sup>23</sup> aut populus aut ex populo laturique sententiam indocti saepius atque interim rustici, omnia quae ad optinendum quod intendimus prodesse credemus adhibenda sunt, eaque et cum dicimus promenda et cum scribimus ostendenda sunt, si modo ideo scribimus ut doceamus quo modo dici oporteat. An Demosthenes male sic egisset ut scripsit, aut Cicero? Aut eos praestantissimos oratores alia re quam scriptis cognoscimus? Melius egerunt igitur an peius? Nam si peius, sic potius oportuit dici ut scripserunt, si melius, sic potius oportuit scribi ut dixerunt.
- 55 Quid ergo? semper sic aget orator ut scribet? Si licebit, semper. Sed erunt quae impediunt brevitate tempora a iudice data: multum ex eo quod potuit dici recidetur, editio habebit omnia. Quaedam secundum naturam iudicantium dicta sunt: non ita posteris tradentur, ne videantur propositi fuisse, non temporis. Nam id quoque plurimum refert, quo modo audire iudex velit, atque eius vultus saepe ipse rector est dicentis, ut Cicero praecipit. Ideoque instan-

<sup>23</sup> M. W.: detur G

<sup>80</sup> *Rhetoric* 3. 1415b7. Compare 4.1.72.

<sup>81</sup> See 6.4.19. Compare perhaps Cicero, *De oratore* 3.2.21, *Orator* 60.

speeches, but even from that much more concise orator, Demosthenes. For there would be no need at all then to excite emotions or gratify the ear (Aristotle<sup>80</sup> thinks that even Prooemia are unnecessary with such a jury) because those wise men will not be attracted by these things. It is enough to state the facts with precision and point, and to assemble the proofs. But when the judge assigned to us is the people, or some persons drawn from the people, and those who are to pronounce the verdict are (as often happens) unlearned, and (as sometimes happens) uneducated countrymen, we must bring into play every device that we think will help to secure our aims, and both exhibit these in our speech and put them on show in our written version, if indeed the purpose of writing is to teach the right way of speaking. Would Demosthenes have done badly to plead his cases as he wrote them? Would Cicero? Have we any way of knowing the greatness of these orators otherwise than by their writings? Did they then plead better than they wrote, or worse? If worse, then they should have spoken as they wrote; if better, they should have written as they spoke.

So is the orator always to speak as he writes? Yes, always, if he can. "But the time allotted by the judge will be too short to let him do this." Then a lot of what could have been said will be cut out, and the published version will give everything. Again, some things may have been said because of the characteristics of the judges; these will not be passed on to posterity, lest they should be believed to reflect the orator's principles rather than the requirements of the moment. The judge's attitude to what he hears is also very important—indeed, as Cicero advises us, his face is often itself the speaker's guide.<sup>81</sup> You must therefore press

dum iis quae placere intellexeris, resiliendum ab iis quae non recipiuntur. Sermo ipse qui facillime iudicem doceat aptandus; nec id mirum sit, cum etiam testium personis  
 57 aliqua mutentur. Prudenter enim qui, cum interrogasset rusticum testem an Amphionem nosset, negante eo detraxit adspirationem breviavitque secundam eius nominis syllabam, et ille eum sic optime norat. Huius modi casus efficient ut aliquando dicatur aliter quam scribitur, cum dicere quo modo scribendum est non licet.

58 Altera est divisio, quae in tris partis et ipsa discedit, qua discerni posse etiam recta dicendi genera inter se videntur. Namque unum subtile, quod ἰσχνόν vocant, alteram grande atque robustum, quod ἀδρόν dicunt, constituunt, tertium alii medium ex duobus, alii floridum (namque id  
 59 ἀνθηρόν appellant) addiderunt. Quorum tamen ea fere ratio est, ut primum docendi, secundum movendi, tertium illud, utrocumque est nomine, delectandi sive, ut alii dicunt, conciliandi praestare videatur officium, in docendo autem acumen, in conciliando lenitas, in movendo vis exigi videatur. Itaque illo subtili praecipue ratio narrandi <probandi>que<sup>24</sup> consistet, estque id etiam detractis ceteris

<sup>24</sup> *add. recc.*

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<sup>82</sup> The name becomes recognizable to the witness once aspiration is suppressed and the second syllable shortened, in accordance with Latin accentual rules. The story implies that φ was still aspirated *p*, not a sound like Latin *f*: see Biville (1990) 2. 158.

<sup>83</sup> I.e. like the Attic/Asiatic/Rhodian tripartite division in 12.10.16–19.

<sup>84</sup> These Greek terms mean “slim” and “stout,” qualities of human physique.      <sup>85</sup> Compare Cicero, *Orator* 69.

points which you see are to his liking, and retreat smartly from those which are not well received. The actual form of words must be suited to giving him information as painlessly as possible. This advice should not cause surprise, seeing that some changes are also made to suit the characters of witnesses. It was a shrewd move by the man who had asked an uneducated witness if he knew Amphion, and was answered "No," to repeat the name without the aspirate and shortening the second syllable: whereupon the witness knew him perfectly well!<sup>82</sup> Such situations will mean that the spoken version will sometimes be different from the written, namely when it is impossible to speak in the way that you would have to write.

### *The Three Styles*

There is another division—also<sup>83</sup> into three parts—by which distinctions can be made even between correct styles of speaking. One style is defined as plain (*ischnon*, the Greeks call it), a second as grand and robust (Greek *hadron*),<sup>84</sup> and to these has been added a third, called by some "intermediate," and by others "flowery" (for the Greeks call it *anthēron*). The guiding principle,<sup>85</sup> more or less, is that the first supplies the function of giving information, the second that of appealing to the emotions, and the third, whatever name it is given, that of pleasing or, as others say, conciliating. Now incisiveness seems to be required for giving information, smoothness for conciliating, and force for rousing emotion. It is therefore on the plain style that Narrative <and Proofs> in particular will be based, and this style, even in the absence of other virtues,



60 virtutibus suo genere plenum. Medius hic modus et trala-  
 tionibus crebrior et figuris erit iucundior, egressionibus  
 amoenus, compositione aptus, sententiis dulcis, lenior  
 tamquam amnis et lucidus quidem sed virentibus utrim-  
 61 que ripis inumbratus. At ille qui saxa devolvat et 'pontem  
 indignetur' et ripas sibi faciat multus et torrens iudicem  
 vel nitentem contra feret, cogetque ire qua rapiet. Hic orator  
 et defunctos excitabit ut Appium Caecum, apud hunc  
 et patria ipsa exclamabit, aliquandoque <dicentem><sup>25</sup> [Ci-  
 ceronem in oratione contra Catilinam in senatu]<sup>26</sup> adlo-  
 62 quetur. Hic et amplificationibus extollet orationem et in  
 supralationem<sup>27</sup> quoque erigetur: 'quae Charybdis tam vorax?'  
 et 'Oceanus medius fidius ipse': nota sunt enim etiam  
 studiosis haec lumina. Hic deos ipsos in congressum prope  
 suum sermonemque deducet: 'vos enim Albani tumuli  
 atque luci, vos, inquam, Albanorum obrutae arae, sacro-  
 rum populi Romani sociae et aequales.' Hic iram, hic mise-  
 ricordiam inspirabit: hoc dicente iudex pallebit<sup>28</sup> et flebit  
 et per omnis adfectus tractus<sup>29</sup> huc atque illuc sequetur  
 nec doceri desiderabit.

63 Quare si ex tribus his generibus necessario sit eligen-  
 dum unum, quis dubitet hoc praeferre omnibus, et validis-  
 simum alioqui et maximis quibusque causis accommo-

<sup>25</sup> *add. Kiderlin*

<sup>26</sup> *del. Winterbottom after Spalding*

<sup>27</sup> *Winterbottom: superlationem G*

<sup>28</sup> *Stroux: appellavit G*

<sup>29</sup> *Madvig: tractatus G: raptus Stroux*

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<sup>86</sup> *Aeneid* 8.728. For the imagery see 2.12.22 and passages  
 quoted ad loc.

is sufficient in itself within its own sphere. The middle manner is richer in Metaphors and rendered more pleasing by Figures. With the prettiness of its digressions, its well-structured Composition, and its seductive *sententiae*, it is like a gentle river, clear but shaded by green banks on either side. The third style—the river that can roll rocks along, “scorn the bridge,”<sup>86</sup> and create its own banks—will carry the judge away with its mighty torrent however much he resists; it will force him to go wherever it takes him. An orator like this will even raise the dead, for instance Appius Caecus;<sup>87</sup> in him, his country will cry out loud, or on occasion address <the speaker> personally.<sup>88</sup> He will raise the tone of his speech by Amplifications, and rise to Hyperbole: “What Charybdis was so greedy?” “Ocean himself . . .” (even students know these famous passages).<sup>89</sup> He will almost bring the gods down from heaven to meet and talk with him: “Ye hills and groves of Alba, ye ruined altars of the Albans, allies and contemporaries of the shrines of the Roman people.”<sup>90</sup> He will inspire anger and pity. When he speaks, the judge will turn pale, weep, let himself be dragged through the whole range of emotions; he will follow the speaker, now in one direction, now in another, and never feel the need of being given the facts.

Thus if it proved necessary to choose *one* of these three types, who would hesitate to prefer this one, which in any case is the most powerful and the best suited to the most

<sup>87</sup> In Cicero, *Pro Caelio* 23, a famous Prosopopoeia.

<sup>88</sup> In Cicero, *In Catilinam* 1.27 (the interpolator of *Ciceronem* . . . *senatu* correctly identified the passage).

<sup>89</sup> Cicero, *Philippics* 2.67.

<sup>90</sup> *Pro Milone* 81.

64 datissimum? Nam et Homerus brevem quidem cum iucunditate et propriam (id enim est non deerrare verbis) et carentem supervacuis eloquentiam Menelao dedit, quae sunt virtutes generis illius primi, et ex ore Nestoris dixit dulciorem melle profluere sermonem, qua certe delectatione nihil fingi maius potest: sed summam expressurus in Ulixæ facundiam et magnitudinem illi vocis et vim orationis nivibus <hibernis><sup>30</sup> copia [verborum]<sup>31</sup> atque  
 65 impetu parem tribuit. Cum hoc igitur nemo mortalium contendet, hunc ut deum homines intuebuntur. Hanc vim et celeritatem in Pericle miratur Eupolis, hanc fulminibus Aristophanes comparat, haec est vere dicendi facultas.

66 Sed neque his tribus quasi formis inclusa eloquentia est. Nam ut inter gracile validumque tertium aliquid constitutum est, ita horum intervalla sunt atque inter haec ipsa  
 67 mixtum quiddam ex duobus medium est, quoniam et subtili plenius aliquid atque subtilius et vehementi remissius atque vehementius invenitur, ut illud lene aut ascendit ad fortiora aut ad tenuiora summittitur. Ac sic prope innumerae species reperiuntur, quae utique aliquo momento inter se differant: sicut quattuor ventos generaliter a totidem mundi cardinibus accepimus flare, cum interim pluri-  
 mi medii et eorum varia nomina et quidam etiam regio-

<sup>30</sup> *add. rec.*

<sup>31</sup> *del. Eussner*

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<sup>91</sup> *Iliad* 3.213–215 and 1.249 (Nestor). See Radermacher, *AS* pp. 6–9 (giving the main parallels, notably *Brutus* 40, *VPH* 172 (see Hillgruber ad loc.), *Prolegomenon Sylloge* p. 22 Rabe). “Not straying in speech” is Homer’s οὐδ’ ἀφάρματοεπής. See also Seneca, *Epist.* 40.2.

important Causes? Homer<sup>91</sup> gave Menelaus an eloquence which is concise, pleasing and precise (this is what he means by “not straying in speech”) and without any superfluities: these are the virtues of the first type. From Nestor’s lips, he tells us, flowed speech sweeter than honey; we can conceive no greater pleasure. But when he comes to express the supreme eloquence, in Ulysses, he gives him a mighty voice, and a force of speech “like a <winter> blizzard” in its volume and violence. So “no mortal will contend” with him, and “men will look upon him as a god.” This is the force and speed that Eupolis<sup>92</sup> admires in Pericles and Aristophanes<sup>93</sup> likens to the thunderbolt. This is in truth the power of speech.

But eloquence is not limited to these three patterns, as we may call them. Just as a third type was inserted between the slender and the strong, so also there are intervals between the three, and in these intervals is found a style which is a blend of those on either side. Thus we find something fuller or plainer than the plain, more relaxed or more vehement than the vehement, while the smooth style may either rise to greater strength or decline towards the slighter extreme. So an almost infinite number of species can be found, all differing from one another in some respect. So also with the winds: we learn that, in general terms, there are four, blowing from the four cardinal points, but really there are many in between, which have their own names and are in some cases peculiar to certain

<sup>92</sup> Fr. 94 Kock = 102 Kassel–Austin.

<sup>93</sup> *Acharnians* 530 (compare 12.10.24).

- 68 num ac fluminum proprii deprehenduntur. Eademque musicis ratio est, qui cum in cithara quinque constituerunt sonos, plurima deinde varietate complent spatia illa nervorum, atque his quos interposuerant inserunt alios, ut pauci illi transitus multos gradus habeant.
- 69 Plures igitur etiam eloquentiae facies, sed stultissimum quaerere ad quam se recturus sit orator, cum omnis species, quae modo recta est, habeat usum, atque id ipsum non sit oratoris quod vulgo genus dicendi vocant: utetur enim, ut res exiget, omnibus, nec pro causa modo sed pro
- 70 partibus causae. Nam ut non eodem modo pro reo capit is et in certamine hereditatis et de interdictis ac sponsionibus et de certa credita dicet, sententiarum quoque in senatu et contionum et privatorum consiliorum servabit discrimina, multa ex differentia personarum locorum temporumque mutabit: ita in eadem oratione <aliter concitabit>,<sup>32</sup> aliter conciliabit, non ex isdem haustibus iram et misericordiam petet, alias ad docendum, alias ad movendum
- 71 adhibebit artis. Non unus color prohoemii narrationis

<sup>32</sup> *suppl. Halm*

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<sup>94</sup> Systems of eight or twelve winds are attested: the "Tower of the Winds" at Athens has eight sides and eight figures. Examples of localized winds are: Circius, Hellespontius, Atabulus, Iapyx, Sciron, Crageus (Seneca, *Nat. Quaest.* 5.17.5; for Atabulus, see Q. 8.2.13). <sup>95</sup> I follow Boeckh (*ap. Buttman ad loc.*) and J. F. Mountford (*ap. Austin ad loc.*). Q.'s five notes are those called, in the Aristoxenian Greater Perfect System, Proslambanomenos, Hypatē Mesōn, Mesē, Nētē Diezeugmenōn, Nētē Hyperbolaiōn. Those used to "fill up" are the intermediate notes of the diatonic genus, those then "inserted" are the notes of the chromatic and

areas or rivers.<sup>94</sup> The same principle holds for the musicians: having first established five notes on the lyre, they then fill up the intervals between the strings with a variety of notes, proceeding then to insert yet others in between these, so that the original few intervals come to have many subdivisions.<sup>95</sup>

Eloquence thus takes many forms; but it is very foolish to ask which of them the orator should take as his standard. Every variety which is correct has its use, and what is commonly called a "style" (*genus dicendi*) is not something that *belongs* to the orator. He will use *all* "styles," as circumstances demand, and as required not only by the Cause as a whole but by its various parts. Of course he will not use the same manner in a defence on a capital charge as in an inheritance case or one about interdicts, forfeitures,<sup>96</sup> or loans; again, he will preserve the distinction between speeches in the Senate, addresses to the people, and private consultations. He will make many changes of tone, to accord with differences of persons, places, and circumstances. In the course of the one and the same speech, therefore, he will use one style <to arouse and another> to conciliate, he will not go to the same source for anger as for pity, and he will draw on different skills for imparting information and for arousing emotion. He will not keep to one tone in Prooemium, Narrative, Arguments, Digres-

enharmonic genus. The analogy with styles does not extend to detail: Q.'s model would simply result in a lengthy list of *ideai* like that later developed by Hermogenes and other second-century rhetoricians.

<sup>96</sup> Compare 7.5.3. A *sponsio* was the payment down by a litigant of a sum to be forfeited if his statement was proved false.

argumentorum egressionis perorationis servabitur. Dicit idem graviter severe acriter vehementer concitate copiose amare, idem comiter remisse subtiliter blande leniter [dulciter]<sup>33</sup> breviter urbane, non ubique similis sed ubique  
 72 par sibi. Sic fiet cum id propter quod maxime repertus est usus orationis, ut dicat utiliter et ad efficiendum quod intendit potenter, tum laudem quoque, nec doctorum modo sed etiam vulgi, consequatur.

73 Falluntur enim plurimum qui vitiosum et corruptum dicendi genus, quod aut verborum licentia exultat aut puerilibus sententiolis lascivit aut inmodico tumore turgescit aut inanibus locis bacchatur aut casuris si leviter excutiantur flosculis nitet aut praecipitia pro sublimibus habet aut specie libertatis insanit, magis existimant populare atque  
 74 plausibile. Quod quidem placere multis nec infitior nec miror: est enim iucunda res<sup>34</sup> ac favorabilis qualiscumque eloquentia, et ducit animos naturali voluptate vox omnis, neque aliunde illi per fora atque aggerem circuli. Quo minus mirum est quod nulli non agentium parata vulgi corona est. Ubi vero quid exquisitius dictum accidit auribus  
 75 imperitorum, qualecumque id est, quod modo se ipsi posse desperent, habet admirationem, neque inmerito: nam ne illud quidem facile est. Sed evanescent haec atque emoriuntur comparatione meliorum, ut 'lana tincta fuco'

<sup>33</sup> *del. Christ*      <sup>34</sup> *iucunda res Winterbottom: iocundiores G: iucunda auribus Halm ('pleasing to the ears')*

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<sup>97</sup> A part of the old wall of Rome (attributed to Servius Tullius and Tarquin), in Q.'s time a promenade, frequented by mountebanks and fortunetellers (see Juvenal 6.588) and apparently by anyone who wanted an audience.

sion, and Peroration. He will speak gravely, severely, pun-  
 gently, vehemently, energetically, copiously, bitterly, or  
 again affably, quietly, simply, flatteringly, gently, [sweetly],  
 briefly, wittily. He will not always be the same, but he will  
 nowhere fall below his own standard. He will thus both  
 achieve the principal purpose of oratory—to make a useful  
 speech, effective for the purpose in hand—and win the  
 praise not only of scholars but of ordinary folk.

*A warning and an exhortation*

People make a great mistake in thinking that popularity  
 and applause are better earned by a faulty and decadent  
 style, one which revels in verbal licence, plays around with  
 puerile conceits, swells with unrestrained bombast, raves  
 with meaningless generalities, blossoms with flowers that  
 will fall as soon as touched, confuses the hazardous with  
 the sublime, and justifies its madness as freedom of  
 speech. That many people like this sort of thing I do not  
 deny; nor am I surprised. Any sort of eloquence is a pleas-  
 ant thing and wins favour. Any voice beguiles the mind, for  
 the pleasure is a natural one: that is why we see those  
 groups of listeners in the forum or on the Old Wall.<sup>97</sup> No  
 wonder no pleader fails to find a ready-made popular audi-  
 ence! And when some choicer phrase falls on uneducated  
 ears, whatever it is, so long as the audience feel it to be be-  
 yond their own powers, it is admired—and not without  
 reason, for even this amount of success is not easy. But all  
 this fades into nothingness by comparison with better  
 things, just as “woolwith orchella dyed” seems fine if there



76 citra purpuras placet, 'at si contuleris eam Lacaenae, conspectu melioris obruatur,' ut Ovidius ait. Si vero iudicium his corruptis acrius adhibeas ut fucinis sulphura, iam illum quo fefellerant exuant mentitum colorem et quadam vix enarrabili foeditate pallescant. Lucent igitur haec citra solem [et]<sup>35</sup> ut quaedam exigua animalia igniculi videntur in tenebris. Denique mala multi probant, nemo improbat bona.

77 Neque vero omnia ista de quibus locuti sumus orator optime tantum sed etiam facillime faciet. Neque enim vim summam dicendi et os admiratione dignum infelix usque ad ultimum sollicitudo persequitur nec oratorem macerat et coquit aegre verba vertentem et perpendendis coag-  
78 mentandisque eis intabescentem. Nitidus ille et sublimis et locuples circumfluentibus undique eloquentiae copiis imperat: desinit enim in adversa niti qui pervenit in sum-  
79 mum. Scandenti circa ima labor est, ceterum quantum processeris, mollior clivus ac laetius solum. Et si haec quoque iam lenius supina perseverantibus studiis evaseris, inde fructus inlaborati offerunt sese et omnia sponte proveniunt: quae tamen cotidie nisi decerpantur arescunt.

<sup>35</sup> *del. Halm*

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<sup>98</sup> Ovid fr. 7 Lenz = 5 Morel = 5 Courtney (1993). Housman (*Classical Review* 49 (1935) 147 = *Classical Papers* 3. 1246) suggested that *lana tincta fuco* was also a quotation from these hendecasyllables. I have punctuated accordingly. Compare 6.2.28, which seems to come from the same context. "Laconian" purple was second only to Tyrian: see Nisbet–Hubbard on Horace, *Odes* 2.18.7. *Fucus* (orchella, a vegetable dye) was a cheap additive used to replace or mix with expensive dyestuffs.

is no purple in sight, but “if you put it near Laconian dyes,” as Ovid says, “the sight of better things eclipses it.”<sup>98</sup> If however you bring a keener judgement to bear on these decadent products, like sulphur to test dyestuffs,<sup>99</sup> they lose the false colour by which they had taken you in, and pale into indescribable ugliness. So these things shine when there is no sun, like certain little insects that look like sparks of fire in the dark.<sup>100</sup> In a word: many approve bad things, nobody disapproves of the good.

Our ideal orator will not only be able to do all the things we have spoken of very well, but also very easily. The supreme power of eloquence, the voice that deserves our admiration, is not dogged to the end by nagging anxieties, nor do these “soak and cook”<sup>101</sup> the real orator by making him juggle laboriously with words and waste away with the effort of weighing them and fitting them into their places. Brilliant, sublime, and richly endowed, he is lord of all the resources of eloquence which lap around him. The man who has reached the top no longer has an uphill struggle. The hard work in the climb is at the bottom; the further you go, the easier the gradient and the richer the soil. And if, by perseverance, you rise above even these gentler slopes, the fruits offer themselves without effort, and all things come forth unbidden—though unless they are harvested daily, they wither away. But plenty should be

<sup>99</sup> Pliny, *Nat. Hist.* 35.198 explains that sulphur turns *fucus* black.

<sup>100</sup> On fireflies (*cicindela*, Greek *lampyris*) see M. Davies and J. Kathirithamby, *Greek Insects* (London, 1986) 158.

<sup>101</sup> For the metaphor, see Plautus, *Trinummus* 225, Seneca, *Epist.* 70.4.

80 Sed et copia habeat modum, sine quo nihil nec laudabile nec salutare est, et nitor ille cultum virilem et inventio iudicium. Sic erunt magna non nimia, sublimia non abrupta, fortia non temeraria, severa non tristia, gravia non tarda, laeta non luxuriosa, iucunda non dissoluta, grandia non tumida. Similis in ceteris ratio est ac tutissima fere per medium via, quia utriusque ultimum vitium est.

11

- 1 His dicendi virtutibus usus orator in iudiciis consiliis contionibus senatu, in omni denique officio boni civis, finem quoque dignum et optimo viro et opere sanctissimo faciet, non quia prodesse umquam satis sit et illa mente atque illa facultate praedito non optandum operis pulcherrimi quam longissimum tempus, sed quia decet hoc quo-
- 2 que prospicere, ne quid peius quam fecerit faciat. Neque enim scientia modo constat orator, quae augetur annis, sed voce latere firmitate: quibus fractis aut inminutis aetate seu valetudine cavendum ne quid in oratore summo desideretur, ne intersistat fatigatus, ne quae dicet parum audiri sentiat, ne se quaerat priorem. Vidi ego longe omnium
- 3 quos mihi cognoscere contigit summum oratorem Domitium Afrum valde senem cotidie aliquid ex ea quam

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<sup>102</sup> Compare (e.g.) Pliny, *Epist.* 9.26.5 for a similar list of contrasting, but easily confused, virtues and vices of style. For the general principle, see *Ad Herennium* 4.15, with Caplan's note.

<sup>1</sup> Or "has become inaudible."

<sup>2</sup> See 5.7.7, 10.1.118.

controlled by moderation (without which nothing is praiseworthy or beneficial), brilliance by manly elegance, and Invention by good judgement. The result will be greatness, not excess; sublimity, not hazardous extravagance; boldness, not rashness; severity, not grimness; gravity, not heaviness; abundance, not luxuriance; pleasure, not abandon; grandeur, not turgidity.<sup>102</sup> And so with all the rest: the safest route is down the middle, because both extremes are faults.

## CHAPTER 11

*Retirement*

Having practised these excellences of speaking in courts, councils, assemblies, and Senate, in fact in all the duties of a good citizen, our orator will also bring his career to an end in a manner worthy of a good man and of this most revered of professions, not because one can ever have enough of doing good, or because a man endowed with this degree of intellect and capacity should not pray to have as long a time as possible for his glorious work, but because he ought also to take precautions against performing worse than he has performed in the past. The orator depends not only on his knowledge, which increases with the years, but on his voice, lungs, and stamina. If these are broken or impaired by age or illness, he must take care not to fall short of the standards expected of a great orator, to become halting in his speech through fatigue, to realize that his words are no longer listened to,<sup>1</sup> or to look in vain for his former self. I saw Domitius Afer,<sup>2</sup> far the greatest orator it has been my privilege to know, in his late old age, daily losing

meruerat auctoritate perdentem, cum agente illo quem principem fuisse quondam fori non erat dubium alii, quod indignum videatur, riderent, alii erubescerent: quae occasio [illo]<sup>1</sup> fuit dicendi malle eum deficere quam desinere.

4 Neque erant illa qualiacumque mala, sed minora.

Quare antequam in has aetatis veniat insidias, receptui canet et in portum integra nave perveniet. Neque enim minores eum cum id fecerit studiorum fructus prosequentur: aut ille monumenta rerum posteris aut, ut L. Crassus in libris Ciceronis destinat, iura quaerentibus reddet aut eloquentiae componet artem aut pulcherrimis vitae prae-

5 ceptis dignum os dabit. Frequentabunt vero eius domum optimi iuvenes more veterum et vere dicendi viam velut ex oraculo petent. Hos ille formabit quasi eloquentiae parens, et ut vetus gubernator litora et portus et quae tempestatum signa, quid secundis flatibus quid adversis ratio poscat docebit, non humanitatis solum communi ductus officio, sed amore quodam operis: nemo enim minui velit

6 id in quo maximus fuit. Quid porro est honestius quam docere quod optime scias? Sic ad se Caelium deductum a patre Cicero profitetur, sic Pansam, Hirtium, Dolabellam

7 more<sup>2</sup> praeceptoris exercuit cotidie dicens audiensque. Ac

<sup>1</sup> *del. Obrecht: illi recc.: Iulio <Africano> Stroux*

<sup>2</sup> *recc.: morem G*

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<sup>3</sup> Text unsure: Stroux' conjecture introduces Julius Africanus (for whom see 8.5.15, 10.1.118, 12.10.11) as the author of this witicism. <sup>4</sup> A history or memoirs of his own career.

<sup>5</sup> *De oratore* 1.190, 199.

<sup>6</sup> *Pro Caelio* 9.

<sup>7</sup> See Cicero, *Ad familiares* 9.16.7, 9.18.1 (Hirtius and Dolabella in 46 BC), *Ad Atticum* 14.12.2, 14.20.4 (spring 44 BC).

something of the authority he had earned; shameful as it may seem, when this once acknowledged king of the courts was pleading, some would laugh and some would blush; which gave an opportunity for the remark that “he would rather give in than give up.”<sup>3</sup> Yet his efforts, such as they were, were not bad, only less good than before.

So, before he is ambushed by age, the orator should sound the retreat; he should make for harbour while his ship is still sound. This done, the fruits of his studies will remain with him undiminished. He will either write a record for posterity<sup>4</sup> or (as Lucius Crassus plans in Cicero’s book)<sup>5</sup> offer legal advice to inquirers, compose a treatise on oratory, or give fitting expression to the noblest precepts of morality. Promising young men will frequent his house, as in the old days, and learn the road to true oratory from him as from an oracle. The father of eloquence will educate them, and, like a veteran pilot, teach them the coasts and the harbours and the signs of the weather, what reason prescribes when the wind is fair and what when it is contrary. His motive will be not only the common duty of humanity, but a love of the work, for no one likes to see the field diminished in which he was once supreme. And what occupation is more honourable than teaching what you know best? Cicero tells us that Caelius was brought to him by his father for this purpose;<sup>6</sup> and similarly he himself trained Pansa, Hirtius, and Dolabella, just like a teacher, declaiming and hearing them declaim every day.<sup>7</sup> Perhaps

Suetonius, *De rhetoribus* 1.3 says that Cicero declaimed in Latin with *the consuls* Hirtius and Pansa, i.e. in 43 BC, and called them “big boys” (*grandes praetextatos*). See also Seneca, *Controversiae* 1 *praef.* 11.

nescio an eum tum beatissimum credi oporteat fore cum iam secretus et consecratus, liber invidia, procul contentionibus famam in tuto conlocarit et sentiet vivus eam quae post fata praestari magis solet venerationem et quid apud posteros futurus sit videbit.

8        Conscius sum mihi, quantum mediocritate valui, quaeque antea scierim quaeque operis huiusce gratia potuerim inquirere candide me atque simpliciter in notitiam eorum, si qui forte cognoscere voluissent, protulisse. Atque id viro bono satis est, docuisse quod scierit.

9        Vereor tamen ne aut magna nimium videar exigere, qui eundem virum bonum esse et dicendi peritum velim, aut multa, qui tot artibus in pueritia discendis morum quoque praecepta et scientiam iuris civilis praeter ea quae de eloquentia tradebantur adiecerim, quique haec operi nostro necessaria esse crediderint velut moram rei perhorrescant  
10        et desperent ante experimentum. Qui primum renuntient sibi quanta sit humani ingenii vis, quam potens efficiendi quae velit, cum maria transire, siderum cursus numerosque cognoscere, mundum ipsum paene dimetiri minores sed difficiliores artes potuerint. Tum cogitent quantam rem petant quamque nullus sit hoc proposito praemio la-

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<sup>8</sup> I.e. the number of stars in the various constellations: compare Vergil, *Georgics* 1.137 *navita tum stellis numeros et nomina fecit* ("the sailor then gave groupings and names to the stars"), with Mynors ad loc.

indeed one ought to regard this as the happiest time in an orator's life, when, retired and greatly revered, free from envy and far from strife, he has safely secured his reputation, is conscious in his own lifetime of a veneration that commonly comes only after death, and can see what he will mean to future ages.

*Conclusion: the ambitious plan is feasible*

I now feel that, so far as my modest powers have allowed, I have set out frankly and simply, for the benefit of any who wished to learn, everything that I knew beforehand and everything that I could discover in the researches I undertook for this book. It is enough for a good man to have taught what he knows.

I fear however that the demands I make may seem either too great—inasmuch as I want the good man and the skilled speaker to be united in one person—or too many, inasmuch as I have added to all the skills to be learned in boyhood a knowledge of ethics and civil law, over and above the traditional teaching of eloquence. I fear therefore that those who have been convinced that these things are necessary to our work may be horrified by the delay they entail, and give up hope before they have tried out my plan. I should like them, first, to remind themselves how great is the power of the human mind, and how capable it is of achieving its ends; they should remember that lesser, though more difficult, arts than oratory have contrived to cross the seas, know the courses and groupings of the stars,<sup>8</sup> and almost measure the whole universe. Secondly, I should like them to reflect on the importance of their goal, and realize that, with such a reward in view,



## QUINTILIAN

11 bor recusandus. Quod si mente concederint, huic quoque  
 parti<sup>3</sup> facilius accedent, ut ipsum iter neque inperivium  
 neque saltem durum putent. Nam id quod prius quodque  
 maius est, ut boni viri simus, voluntate maxime constat:  
 12 quam qui vera fide induerit, facile eas idem quae virtutem  
 docent artis accipiet. Neque enim aut tam perplexa aut  
 tam numerosa sunt quae praecipiantur<sup>4</sup> ut non paucorum  
 admodum annorum intentione discantur. Longam enim<sup>5</sup>  
 facit operam quod repugnamus: brevis est institutio vitae  
 honestae beataeque, si credas; natura enim nos ad mentem  
 optimam genuit, adeoque discere meliora volentibus  
 13 promptum est ut vere intuenti mirum sit illud magis,  
 malos esse tam multos. Nam ut aqua piscibus, ut sicca ter-  
 renis, circumfusus nobis spiritus volucris convenit, ita  
 certe facilius esse oportebat secundum naturam quam  
 contra eam vivere.

Cetera vero, etiam si aetatem nostram non spatio  
 senectutis sed tempore adulescentiae metiamur, abunde  
 multos ad discendum annos habent: omnia enim breviora  
 14 reddet ordo et ratio et modus. Sed culpa est in praecep-  
 toribus prima, qui libenter detinent quos occupaverunt,  
 partim cupiditate diutius exigendi mercedulas, partim am-  
 bitione, quo difficilius <videatur esse><sup>6</sup> quod pollicentur,  
 partim etiam inscientia tradendi vel negligentia: proxima  
 in nobis, qui morari in eo quod novimus quam discere  
 15 quae nondum scimus melius putamus. Nam ut de nostris

<sup>3</sup> arti *Austin* ('skill')

<sup>4</sup> *Buttmann*: praemuntur G: imprimuntur *Watt* 1988

<sup>5</sup> *recc.*: in eam G      <sup>6</sup> *add. Halm*

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<sup>9</sup> I.e. it is as natural for us to live reasonably and virtuously (a

no effort should be unacceptable. If they grasp this, they will find it easier also to accept that the road itself is not impassable or even hard. For the first and chief requirement—namely, that we shall be “good men”—is mainly a matter of will. Anyone who genuinely forms the will for this will easily take in the arts which teach virtue. The recommendations are not so complex or so numerous that they cannot be learned in a very few years’ concentrated study. It is our own reluctance that makes the task long; the principles of an honourable and happy life are quickly learned, if only we have confidence. Nature created us to have the right attitudes, and it is so easy, if we have the will, to learn the better course that, looking at it realistically, the surprising thing is rather that the wicked are so numerous. After all, as water is the proper element for fish, dry land for the creatures of earth, and the surrounding air for all things that fly, so it ought to be easier for us too to live according to Nature rather than against her will.<sup>9</sup>

As for the other subjects, we have more than enough years in which to learn them, even if we think of our lives not as extending to old age but as limited to the time of our youth. Order, system, and method will shorten everything. The main fault lies with teachers, who like to hold back pupils they have got in their clutches, partly from the desire to draw their fees longer, partly out of ostentation, to make their subject seem harder, and partly also through the unskilfulness or negligence of their teaching. The next worst fault is our own, because we think it better to stay with what we know than learn what we do not yet know. For ex-

Stoic view) as for the various animals to live in their natural habitats.

- potissimum studiis dicam, quid attinet tam multis annis quam in more est plurimorum (ut de iis a quibus magna in hoc pars aetatis absumitur taceam) declamitare in schola et tantum laboris in rebus falsis consumere, cum satis sit modico tempore imaginem veri discriminis et dicendi leges comperisse? Quod non eo dico quia sit umquam omittenda dicendi exercitatio, sed quia non in una sit eius specie consenesendum. <Ius civile><sup>7</sup> cognoscere et praecepta vivendi perdiscere et in foro nos experiri potuimus dum scholastici sumus. Discendi ratio talis ut non multos <poscat><sup>8</sup> annos: quaelibet enim ex iis partibus quarum habui mentionem in paucos libros contrahi solet, adeo non est infinito spatio ad traditionem opus. Reliqua est <exercitatio><sup>9</sup> quae vires cito facit, cum fecit tuetur. Rerum cognitio cotidie crescit; et tamen quam multorum ad eam librorum necessaria lectio est, quibus aut rerum exempla ab historicis aut dicendi ab oratoribus petuntur, philosophorum quoque consultorumque opiniones, si utilia velimus legere, non, quod <ne fieri><sup>10</sup> quidem potest, omnia.
- 18 Sed breve nobis tempus nos fecimus: quantulum enim studiis partimur? Alias hcras vanus salutandi labor, alias datum fabulis otium, alias spectacula, alias convivia trahunt. Adice tot genera ludendi et insanam corporis curam, peregrinationes, rura, calculorum anxiam sollicitudinem,

<sup>7</sup> *add. Kiderlin*

<sup>8</sup> *add. Halm*

<sup>9</sup> *add. Halm*

<sup>10</sup> *Suppl. Halm*

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<sup>10</sup> The words lacking in the text must cover some of Q.'s ancillary subjects: law seems the most relevant.

ample, to concentrate on my own subject, what is the point of spending as many years as is currently the general practice—I say nothing of those who spend most of their lives like this!—declaiming in school, and expending so much effort on fictions, when it would be sufficient to spend a relatively short time in getting a picture of real disputes and mastering the rules of speaking? I do not say this because one should ever give up practice in speaking, but because it is wrong to let oneself grow old doing just the one sort of exercise. We could have learned <civil law>, <sup>10</sup> mastered the rules of life, and had experience of the forum, all while we were still students. Systematic learning is such that it does not require many years; any one of the subjects I have mentioned is commonly compressed into a few books, and there is certainly no need for infinite time in which to teach it. The rest is <practice>, which develops strength quickly and protects it when developed. Our practical knowledge increases by the day; yet think how many books we must read to advance it—books in which we look for models of action from the historians and of speech from the orators, not to speak of the views of philosophers and lawyers—if we choose only to read what is useful, and do not attempt the impossible task of reading everything! Nevertheless, it is we ourselves who have cut short our time; for what fraction of it do we give to our studies? Some hours are wasted in the futile labour of courtesy calls,<sup>11</sup> others in leisure given to gossip, others at the theatres, others at dinner. Add the many different kinds of amusement, the obsessive care for the body, travel, visits to the country, anxious calculation of ac-

<sup>11</sup> The morning visit (*salutatio*) to the influential patron.

- invitamenta libidinum [et vinum]<sup>11</sup> et fractis<sup>12</sup> omni genere voluptatum animis ne ea quidem tempora idonea quae supersunt. Quae si omnia studiis inpenderentur, iam nobis longa aetas et abunde satis ad discendum spatii videretur vel diurna tantum computantibus tempora, ut nihil noctes, quarum bona pars omni somno longior est, adiuverent. Nunc computamus annos non quibus studuimus sed quibus viximus. Nec vero si geometrae <et musici><sup>13</sup> et grammatici ceterarumque artium professores omnem suam vitam, quamlibet longa fuerit, in singulis artibus consumpserunt, sequitur ut pluris quasdam vitas ad plura discenda desideremus. Neque enim illi didicerunt haec usque in senectutem, sed ea sola didicisse contenti fuerunt ac tot annos non in percipiendo exhausserunt <sed in praecipiendo>.<sup>14</sup>
- 21 Ceterum, ut de Homero taceam, in quo nullius non artis aut opera perfecta aut certe non dubia vestigia reperiuntur, ut Elium Hippiam transeam, qui non liberalium modo disciplinarum prae se scientiam tulit, sed vestem et anulum crepidasque quae omnia manu sua fecerat in usu habuit, atque ita se praeparavit ne cuius alterius ope egeret: inlusisse tot <malis> quot<sup>15</sup> summa senectus habet universae Graeciae credimus Gorgian, qui quaerere auditores de quo quisque vellet iubebat. Quae tandem ars digna
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<sup>11</sup> *del. Meister*

<sup>12</sup> *Winterbottom: flagitiis G*

<sup>13</sup> *suppl. Halm*

<sup>14</sup> *suppl. Halm*

<sup>15</sup> <malis> quot *Bonnell: quod G*

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<sup>12</sup> I.e. life to be enjoyed: compare 8.3.86.

<sup>13</sup> See especially *VPH*: Q. praises Homer's rhetoric in some detail, 10.1.46; Plato's *Ion* ironically praises his strategic skills.

counts, temptations to lust, [and wine]—and the fact that, when the mind has been sapped by all these pleasures, even what time is left is no use to us! Yet if our time were wholly spent on study, we should find we had a long enough life and plenty of scope for learning, taking only the daylight hours into account, and without asking assistance from the nights, most of which are too long to spend entirely in sleep. As things are, we count not our years of study, but our years of “life.”<sup>12</sup> Indeed, even if mathematicians, <musicians>, and grammarians, and the professors of all the other arts, have spent their whole lives on their specialities, it does not follow that we need several lives in order to learn several skills. Even they did not go on learning these things till their old age, but were content to learn nothing else, and spent all those years not in acquiring understanding <but in giving instruction>.

However, to say nothing of Homer,<sup>13</sup> in whom we find either the perfect achievement or at least clear traces of every art, and to pass over Hippias of Elis<sup>14</sup> (who not only claimed knowledge of liberal studies but wore clothes, ring, and shoes which he had made with his own hands, and so made himself independent of the work of others), we accept the universal Greek tradition that Gorgias, who challenged his audiences to put any question to him they wished,<sup>15</sup> made light of all the ills of extreme old age. And what art, worthy of literary expression, was unknown to

<sup>14</sup> See especially Plato, *Hippias Maior* 368B–D; Cicero, *De oratore* 3.127.

<sup>15</sup> See 2.2.21: Plato, *Gorgias* 447C, Cicero, *De oratore* 3.129, Philostratus, *Lives of the Sophists* 1.1.

litteris Platoni defuit? Quot saeculis Aristoteles didicit ut non solum quae ad philosophos atque oratores pertinent scientia complecteretur, sed animalium satorumque naturas omnis perquireret? Illis haec invenienda fuerunt, nobis cognoscenda sunt. Tot nos praeceptoribus, tot exemplis instruxit antiquitas, ut possit videri nulla sorte nascendi aetas felicior quam nostra, cui docendae priores elaborarunt.

23 M. igitur Cato, idem summus imperator, idem sapiens, idem orator, idem historiae conditor, idem iuris, idem rerum rusticarum peritissimus fuit; inter tot operas militiae, tantas domi contentiones rudi saeculo litteras Graecas aetate iam declinata didicit, ut esset hominibus documento

24 ea quoque percipi posse quae senes concupissent. Quam multa, paene omnia tradidit Varro! Quod instrumentum dicendi M. Tullio defuit? Quid plura? cum etiam Cornelius Celsus, mediocri vir ingenio, non solum de his omnibus conscripserit artibus, sed amplius rei militaris et rusticae et medicinae praecepta reliquerit, dignus vel ipso proposito ut eum scisse omnia illa credamus.

25 'At perficere tantum opus arduum, et nemo perfecit.' Ante omnia sufficit ad exhortationem studiorum capere id rerum naturam, nec quidquid non est factum ne fieri quidem posse, cum omnia quae magna sunt atque admirabilia

26 tempus aliquod quo primum efficerentur habuissent: nam et poesis ab Homero et Vergilio tantum fastigium accepit et eloquentia a Demosthene atque Cicerone; denique quidquid est optimum ante non fuerat. Verum etiam si qui summa desperet (quod cur faciat cui ingenium valetudo

<sup>16</sup> Cicero, *De senectute* 3 and 26; Plutarch, *Cato Maior* 2.

<sup>17</sup> See 10.1.95.

<sup>18</sup> See on 2.15.22.

Plato? How many centuries did Aristotle study in order not only to embrace all the concerns of philosophers and orators, but to investigate all the natural kinds of animals and plants? And these men had to discover these things, while we only have to learn about them! Antiquity has supplied us with all these teachers and models, so that one might well think that there is no age better to be born in than ours, for whose instruction previous ages have worked so hard. Marcus Cato was a great general, a wise man, an orator, a historian, an expert lawyer and agriculturist; and despite all his military labours and political struggles at home, in a rude and uncultivated age, he learnt Greek in his declining years,<sup>16</sup> to prove to mankind that even old men can learn what they have set their hearts on. How wide, how nearly universal was the knowledge that Varro<sup>17</sup> has handed down! What resources for oratory did Cicero not command? Need I say more? Even Cornelius Celsus,<sup>18</sup> a man of very ordinary ability, not only wrote about all these arts, but also left books of instruction on tactics, agriculture, and medicine: his plan alone justifies us in believing that he knew all these things!

“But it is difficult to complete such a vast assignment, and in fact no one ever has.” Well, first of all, it is sufficient encouragement to study to know that nature makes our goal possible, and that it does not follow that, because something never has been done, it never can be done; after all, all great and wonderful things had a beginning at some point in time. Poetry reached its great heights with Homer and Vergil, oratory with Demosthenes and Cicero; in a word, excellence is always something which had not been there before. But, even if a man despairs of the ideal (and why should he despair, if he has talent, health, means, and



27 facultas praeceptores non deerunt?), tamen est, ut Cicero ait, pulchrum in secundis tertiisque consistere. Neque enim si quis Achillis gloriam in rebus bellicis consequi non potest, Aiakis aut Diomedis laudem aspernabitur, nec qui Homeri non fuerunt <aemuli, non fuerunt Tyrtaei>. <sup>16</sup> Quin immo si hanc cogitationem homines habuissent, ut nemo se meliorem fore eo qui optimus fuisset arbitraretur, ii ipsi qui sunt optimi non fuissent, nec post Lucretium ac Macrum Vergilius nec post Crassum et Hortensium Cicero, sed nec illi qui post eos fuerunt.

28 Verum ut transeundi spes non sit, magna tamen est dignitas subsequendi. An Pollio et Messala, qui iam Cicerone arcem tenente eloquentiae agere coeperunt, parum in vita dignitatis habuerunt, parum ad posteros gloriae tradiderunt? Alioqui pessime de rebus humanis perductae in summum artes mererentur, si quod optimum, <idem ultimum> <sup>17</sup> fuisset. Adde quod magnos modica quoque eloquentia parit fructus, ac si quis haec studia utilitate sola metiatur, paene illi perfectae par est. Neque erat difficile vel veteribus vel novis exemplis palam facere non aliunde maiores opes honores amicitias, laudem praesentem futuram <sup>18</sup> hominibus contigisse, nisi indignum litteris esset ab opere pulcherrimo, cuius tractatus atque ipsa possessio plenissimam studiis gratiam refert, hanc minorem exigere

<sup>16</sup> *suppl. D.A.R. after a and Radernacher*

<sup>17</sup> *suppl. Buttman*

<sup>18</sup> *futuram <gloriam> Radernacher*

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<sup>19</sup> *Orator 4.*

<sup>20</sup> Compare 10.1.56. The reading is doubtful; if it is right, Q. links Homer and Tyrtaeus as poets of war, as does Horace, *Ars Poetica* 401–402.

teachers?), nevertheless, as Cicero says,<sup>19</sup> it is good to be placed in the second or the third rank. If a soldier cannot attain Achilles' glory in war, he will not despise the reputation of an Ajax or a Diomedes, nor did those who could not <rival> Homer <fail to rival> Tyrtaeus.<sup>20</sup> Indeed, if men had thought that no one should expect to be better than the best so far, there would have been no Vergil to follow Lucretius and Macer,<sup>21</sup> no Cicero to follow Crassus and Hortensius,<sup>22</sup> let alone their later successors.

But if there is no hope of surpassing the great, there is still great honour in following them. Did Pollio and Messala, who began their careers when Cicero occupied the commanding heights of eloquence, fail to win honour enough in their lifetime or fame with posterity?<sup>23</sup> The perfection of the arts would have done mankind a bad service if the best <was also the last>. Add that even moderate eloquence bears abundant fruit, and, if these studies are measured only by their utility, is nearly as good as the perfect form would be.<sup>24</sup> It would be easy enough to produce ancient or modern examples to show that there is no other source from which men have won more wealth, honours, friendships, and present and future praise. At the same time, it would be quite wrong to demand these lesser rewards from this noble work, the practice and mere possession of which repays the student over and over again. To do

<sup>21</sup> See 10.1.87.

<sup>22</sup> See on 12.10.11.

<sup>23</sup> See 10.1.113.

<sup>24</sup> Compare Horace, *Ars Poetica* 369–372.

mercedem, more eorum qui a se non virtutes sed voluptatem quae fit ex virtutibus peti dicunt.

30 Ipsam igitur orandi maiestatem, qua nihil di immortales melius homini dederunt et qua remota muta sunt omnia et luce praesenti ac memoria posteritatis carent, toto animo petamus, nitamurque semper ad optima, quod facientes aut evademus in summum aut certe multos infra nos videbimus.

31 Haec erant, Marce<sup>19</sup> Vitori, quibus praecepta dicendi pro virili parte adiuvari posse per nos videbantur, quorum cognitio studiosis iuvenibus si non magnam utilitatem adferet, at certe, quod magis petimus, bonam voluntatem.

<sup>19</sup> See on 1 *proem.* 6

so would be to adopt the principles of the people who say that their goal in life is not virtue but the pleasure that comes from virtue.<sup>25</sup>

Let us therefore put our whole heart into seeking that majesty of oratory, the best gift of the gods to man, without which all things are dumb and robbed of present splendour and future remembrance; and let us always strive for the best, because in so doing we shall either reach the summit or at least look down on many below us.

This then, Marcus Vitorius, is the best contribution I think I can personally make to the teaching of oratory; the knowledge of it, even if it fails to give the young student much practical help, will at least—and this is more important to me—give him good intentions.

<sup>25</sup> Perhaps the hedonist school of Aristippus (see 12.2.24).

#### Note on 11.2.4

(1) *Spalding, followed in principle by most later editors, proposed: qui habitu tardiolem firmiolemque memoria fieri <videam>, artem quoque audeam impertire, 'seeing as I do that memory becomes slower and more retentive because of habit, I shall not be so credulous as to venture to assign an art also to it.' This hardly makes sense of 'I shall not be so credulous,' and contradicts the statement in §9 that art does make a contribution to memory.*

(2) *Q. appears to have in mind Cicero, Tusc. Disp. 1.57–61, where Cicero criticizes both the anamnesis theory of Plato's Meno, and the common 'wax tablet' model of memory. Q's inprimi . . . animo echoes Cic. 61, and magis admirari naturam subit recalls Cic. 59, where the anamnesis theory is dismissed. Compare also the refutation of the anamnesis idea in Tertullian, De anima 24.*

(3) *Assuming that Q.'s 'disbelief' is likely to apply to the very controversial anamnesis theory, D.A.R. suggests, e.g., neque ero tam credulus ut, cum sciam habitu tardiolem firmiolemque memoria fieri, ante quoque <nos natos putem> ad animum pervenire, 'I shall not be so credulous, when I know that memory becomes slower or firmer as a result of habit, as to think that it arrives in the mind even before we are born.'*

(4) *Assuming that the wax-tablet model is still being criticized, M.W. suggests, e.g., neque ero tam credulus ut putem attritu tardiolem infirmiolemque memoria fieri et tactum quoque (cf. 11.3.14) ad animum penetrare, 'I shall not be so credulous as to believe that memory becomes slower and less secure by being worn away, and that touch also penetrates to the mind.'*

*But all reconstructions are very speculative.*

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- Zopyrus of Clazomenae: 3.6.3

## RHETORICAL AND GRAMMATICAL TERMS

Asterisk (\*) means: see also General Index. Italics for citations denote a particularly important reference.

- Abdicatio** (apokēryxis): “disowning” a son; a common theme in declamation, based on Greek law, but not irrelevant to Roman practice: 3.6.77, 99; 4.2.95; 7.1.15; 7.2.17; 7.4.11, 24, 27–31
- Ablativus**: ablative (case): 1.4.26; 1.5.59; 7.9.10
- Absolutus**: positive (of adjectives, as opposed to comparative or superlative): 9.3.10; *absoluta qualitas* as type of defence (= antilēpsis, the claim that the act was good): 7.4.4 (Lausberg §176)
- Abundantia**: “abundance”: as a feature of style: 8.3.40; 12.10.18; of words defining a feature of pleonasm: 9.3.46; as a stylistic fault connected with *cacozēlia*: 8.3.56–57
- Abusio** (\**catachrēsis*): use of a word in default of a proper term; distinguished from metaphor: 8.2.6; 8.6.34–36; 9.2.35 (*abusivē*); 10.1.12 (Lausberg §§562, 577)
- Accentus**: \**“Accent”* (*prosōdia*): 1.5.22–31; 12.10.33 (differences between Greek and Latin accentuation)
- Accidentia**: “accidents” (*symbebēkota*): 3.6.36; 4.2.130; 5.10.23; 8.3.70
- Acclamatio**: “applause,” in definition of *epiphonēma*: 8.5.11
- Accusatio**: “accusation”; contrasted with defence: 3.2.2; 3.4.9; 3.8.55; easier than defence: 5.13.2–3; in Issue of Conjecture: 7.2.9–11
- Accusatio mutua**: “mutual accusation” (*antikātēgoria*): 3.10.4; 7.1.3; 7.2.9, 23; 11.1.57 (Lausberg §153)
- Accusativus**: accusative (case): 7.9.10
- Acer**: “sharp,” “keen”; applied to various features of language; of genus *dicendi*: 2.8.4; of figures: 9.3.28; of *sententia*: 4.1.64; 9.3.72; 9.4.69; of gesture: 11.3.92; of letters: 1.11.4; of syllables: 9.4.92

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- Acerbitas, acerbus:** "harsh," "strident"; of Lucilius: 10.1.94; of Cassius Severus: 10.1.117; of iambic poetry: 10.1.96; of a type of voice: 11.3.169
- Acervatio:** "accumulation," Figure: 9.3.53
- Actio:** pleading: e.g. 2.10.4; 12.10.51; pronuntiatio (*see* \*Delivery, \*Gestures): 3.3.1; 6.4.2; 11.3.1; prima, secunda: 4.1.4; 12.9.16; legal action: maiestatis: 5.10.39; mandati: 7.4.35; poenaria: 4.3.9; 7.2.20
- Activa ars (praktikē):** 2.18.5; 3.5.11; opposed to spectativa (theorētikē)
- Actor:** "pleader," esp. "prosecutor": 4.2.6; 7.6.2; 7.1.10; 7.1.38
- Acuo, acutus:** "acute," of syllables: 1.5.24; 12.10.33
- Ad aliquid:** "in relation to something," "relative" (pros ti): one of the Aristotelian categories, important in Theory of Issues: 1.6.13; 3.5.23, 36–37, 57
- Adfectatio:** "affectation": 1.6.40; 4.1.77; 8.3.56; *see also* Cacozelia
- Adfectus:** "emotion" (pathos or pathos and ethos) (concitati/mites adfectus): 5 *praef.* 1; 6.1.1.; 6.2.8–9; 10.1.48 (Lausberg §257)
- Adfirmatio:** "assertion": 5.12.12; 11.1.28; 11.3.154
- Adgressio (epicheirēma):** 5.10.4, 10; 5.14.27
- Adhaerens tempus:** *see* 5.10.46
- Adianoēton:** a form of double entendre: 8.2.20–21
- Adiectio:** "addition" (opp. to "subtraction" or "change"), in words and phrases: 1.5.6, 14, 38, 40; in figures: 9.3.18, 27, 55
- Adiunctio:** "parenthetical addition of a predicate of several cola": a zeugma: 9.1.33 (from Cicero) (Lausberg §743)
- Admirabile genus causarum:** "paradoxical cause" (paradoxon): 4.1.40–41 (Lausberg §64.3)
- Adnominatio:** "play on words" (paronomasia): 9.3.66 (Lausberg §§637–639)
- Adoxon:** "low" (humile), of one of the types of cause: 4.1.40 (Lausberg §64.4)
- Adsumptio:** second part of an epicheirēma (proslēpsis): 5.14.5–13, 20–21
- Adsumptiva defensio:** defence of an action on ground of circumstances external to it (kat' antithesin): 7.4.7–12; *see also* Qualitas (Lausberg §§177–195)
- Adverbium:** "adverb": 1.4.19, 29; 1.5.48, 50; 9.3.53; 9.4.24; 11.3.87 (hands in gesture fulfil the function of adverbs)
- Aenigma:** "enigma," obscure allegory: 6.3.54; 8.6.14, 52–53

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- Aeolica littera (digamma): 1.4.8; 1.7.26; 8.3.59; 12.10.29
- Aequalitas: evenness or consistency of style, as a virtue of literature: 10.1.54
- Aequitas: "equity," and argumentation from the "spirit" of a document: 4.3.11; 5.10.72, 118; 6.5.5; 7.1.63; 7.10.12; 12.1.8; 12.2.19; 12.3.6-7
- Aitiologia: "reason attached to a proposition," a Figure described by Rutilius: 9.3.93
- Aitium ex aitio: "cause from cause": 3.11.6
- Allegoria: \**"Allegory"* as a Trope: 8.6.44-59; see also 9.2.46, 92 (Lausberg §§895-901)
- Alloiōsis: "differentiation," a Figure in Rutilius: 9.3.92 (*see* Lausberg, p. 714)
- Allogos tribē: "irrational knack," contrasted with systematic skill or knowledge: 10.7.11
- Altercatio: \**"Altercation,"* "debate": 6.3.46; 6.4; 10.1.35; 12.3.3
- Amaritudo, amarus: "bitterness," "bitter": 8.3.89; 10.1.117 (sales); 11.3.169 (voice)
- Ambiguitas: \**"Ambiguity"* (amphibolia): 5.10.106; 6.3.47, 62; 7.9.1-15; 8.2.16; 9.4.32 (Lausberg §222)
- Ambitus: "period" (periodos): 9.4.22, 124 (where other synonyms are given)
- Amphibolia: *see* Ambiguitas
- Amphibrachys: metrical foot  
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- Amphidoxon: "ambivalent," a Type of Cause: 4.1.40
- Amphimacron: metrical foot  
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- Amplificatio: \**"Amplification,"* "exaggeration" (auxēsis): 4.3.15; 6.1.52; 6.2; 8.4.1; 10.1.49
- "An sit": "whether it is," question asked in the Issue of Conjecture: 3.5.6; 3.6.36, 44, 48-51, 56, 69, 71, 80; 3.10.5; 3.11.2; 5.10.53-54; 8 *prooem.* 8
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- Anapaestus: metrical foot  
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- Anaskeuē: "refutation" or "disproof," as an exercise: 2.4.18
- Anastrophē: reversal of normal order of two words: 1.5.40; 8.6.65
- Anoikonomēton: "faulty disposition," a failure of Ornatus: 8.3.59
- Antanaklasis: Figure of speech, involving the repetition of a word with changed meaning: 9.3.68, 97 (Lausberg §663; anaklasis)
- Antapodosis: completion of a

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- simile by the parallel statement of its subject (*restitutio contraria*): 8.3.77–81 (Lausberg §847)
- Antenklēma: “counteraccusation”: 7.4.8–9
- Anteoccupatio: figure mentioned by Cicero: 9.1.31, 34
- Anthēros: “flowery,” description of the “middle style” (*floridus*): 12.10.58
- Anthypophora: Figure mentioned by Rutilius: 9.2.106; illustrated by “what I say is unbelievable but true”: 9.3.87
- Antikatēgoria: “mutual accusation”: 3.10.4; 7.2.9–11, 18–27 (Lausberg §153)
- Antilēpsis: *see* Absolutus
- Antimetabolē: Figure, illustrated by “I do not live to eat, but eat to live”: 9.3.85, 97
- Antinomia: conflict of laws: 3.6.46; 7.1.15; 7.7.1–10
- Antiphrasis: calling something by the name of its opposite, a type of Allegory and Irony: 8.6.57; 9.2.47
- Antiquitas: “age,” “Antiquity,” “archaic quality,” as a *topos* in eulogy: 3.7.8; archaic words to be used with caution: 2.5.21–23; 8 *prooem.* 31; *see also* 11.3.10; one of the criteria by which words are characterized: 1.6.1, 39–41; words now thought archaic were new once: 8.3.34
- Antistasis: defence in the Issue of Quality which consists in showing that the outcome would have been worse if the alleged crime had not been committed (*comparativum genus*): 3.6.23, 90; 7.4.3, 12 (Lausberg §181)
- Antithesis: *see* Adsumptiva defensio
- Antitheton: Antithesis as a Figure: 9.2.101; 9.3.81, 92 (Lausberg §787)
- Antonomasia: as a Trope: 8.6.29, 43; 9.1.6 (Lausberg §580)
- Apex: mark placed over long vowels: 1.4.10; 1.7.2
- Apheleia: “simplicity” as a quality of style: 8.3.87
- Aphodos: return from digression, as a Figure: 9.3.87
- Apodeixis: “evident” proof; imperfect *epichirēme*, or the confirmatory part of an *epichireme*: 5.10.7
- Apologus: “fable”: 6.3.44
- Aposiōpēsis: as a Figure (“breaking off short”): 8.3.85; 9.1.31; 9.2.54
- Apostrophē: as Figure, “turning away,” to address some person or thing other than the formal addressee: 4.1.63–70; 4.2.103–107; 9.2.38–39; 9.3.24–25 (Lausberg §762)
- Appellatio: substantive: 1.4.19; *see* Vocabulum
- Appositum: (*epitheton*): 8.2.10;

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- 8.6.40; "comparative argument": 5.10.87
- Aptus**: "apt," "appropriate"; as an intrinsic quality of a text: 1.5.1; 8 *prooem.* 26, 31; 8.1.1; 9.4.27, 128; 12.10.60; "appropriate" with reference to the speaker, the situation, the audience: 3.8.50, 61, 68; 6.5.11; 8.3.18, 30, 43; 10.1.8. *See* Decor, decorum
- Arcessita (verba)**: words that are "sought after," *recherché*: 8 *prooem.* 23; 9.4.147; 10.1.78
- Argumentatio**: \*"Argumentation," covers induction and deduction: 5.11.2 (Cicero); distinguished from *argumenta*: 4.2.79; synonym of *probatio* denoting the whole of the "proof" part of a speech: 2.5.8; 11.1.6; 11.3.152
- Argumentum**: \*"Argument," a general term for all proof, e.g. 4.1.60; general term for all logical proofs (*enthymeme* etc.): 5.10. Probable but untrue narrative, as in comedy: 2.4.2; plot of play or other work of art: 5.10.9; 10.1.100
- Ars, artifex, opus**: "art, artist, product," a division of Q.'s whole subject: 2.14.5; 12.10.1; *see* General Introduction, vol. 1
- Articulus**: "article" as part of speech: 1.4.19
- Artificialis (entechnos)**: "technical," of proofs depending on rhetorical technique, not on external factors: 5.1.1; 5.8-11; 6.4.4
- Aschēmatiston**: "badly figured," a failure of *Ornatus*: 8.3.59
- Asperitas**: "harshness," quality of sounds, style, or general tone of speech: 1.5.42; 2.5.8; 4.1.25; 10.2.25; 11.1.85
- Asteismos**: "urbanity," "wit": 8.6.57
- Asyndeton**: as *Figure*: 9.3.50-54; 9.4.23 (Lausberg §709)
- Atechnos**: "nontechnical," of proofs depending on factors external to the technique of rhetoric (*inartificialis*): 5.1-7
- Attentus**: "attentive": *Prooemium* must assure audience's attention: 4.1.5, 33-39, 41-42, 48, 51
- Auctoritas**: authoritative opinion used as a method of proof (*krisis*): 5.11.36-44 (Lausberg §426); as criterion of correct speech: 1.6.1-2, 42
- Augere**: "to amplify, exaggerate," opposed to *minuere* or *elevare*: e.g. 4.1.15; 8.4.1-29; 8.6.67; *see* *Amplificatio*
- Aversio**: *see* *Apostrophe*
- Bacchius**: metrical foot  $\bar{\cup} - -$ : 9.4.82, 102
- Barbarismus**: \*"Barbarism," error in the form of a word: 1.5.5-33

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- Brachylogia: "conciseness,"  
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- Brevitas: \*"Brevity" as a quality  
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- Cacozelia: \*"Affectation": 2.3.9;  
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- Caesim: "broken up into  
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- Caput generale: "general head,"  
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- Casus: "case," "inflection":  
1.5.61; 1.6.22; 2.17.10; 7.9.13;  
8.3.20; 9.3.78
- \*Catachrēsis: *see* Abusio
- Causa (1) "cause": the case ac-  
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- Choreus: metrical foot – ̄  
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- Chria (chreia): elementary exer-  
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- Circumscriptio: Figure in  
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- Circumstantia: "circumstance"  
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- \*Communicatio: Figure in which the speaker “consults” opponent or judge: 9.1.30; 9.2.20–25 (Lausberg §779)
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- Confirmatio: “confirmation” of fact or argument (kataskeuē); as exercise: 2.4.18; *see also* 3.9.6; 5 *prooem.* 2; 5.10 *passim*; 5.13.1; 8 *prooem.* 11
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- form of Amplification: 8.4.3, 26–27 (Lausberg §406)
- Congregatio: “aggregation”; recapitulation (anakephalaiōsis): 6.1.1; aggregation of weak arguments (cumulative effect): 5.7.1, 18; 5.12.4–5; grouping together of arguments, opposed to treating each separately: 7.1.31
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- Consensus: agreement of the educated, as a criterion for linguistic usage: 1.6.45
- Consequens: “consequence”: 5.10; 5.14; 6.3.66; 7.3.28–29; *see* Epakolouthēsis
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- Consonans: “consonant”: 1.4.6; 1.7.9; 12.10.27–29
- Constitutio: Issue: 3.6.2; *see* Status
- Consuetudo: ordinary \*Usage: 2.13.11; 9.3.15; 9.4.59; 11.1.12; one of the criteria of linguistic correctness: 1.5.5, 63; 1.6.1–3, 16, 18, 43–45; 1.7.30
- Consummatio (diallagē): Figure, according to Celsus: 9.2.103; *see also* 9.3.49
- Contentio: “conflict,” e.g. 11.1.48; = antithesis as a Figure: 9.2.2; 9.3.81
- Continens: “Core” of a case (synechon): 3.6.104; 3.11
- Continuatio: period: 9.4.22, 124
- Contradictio: “objection”: 3.8.27; 4.2.29; 5.13.36–50 (how to handle opponents’ objection); 7.1.38; 7.3.20; 11.3.163 (in relation to delivery)
- Contrapositum: as a Figure (antithesis): 9.3.81–86; 9.4.18 (Lausberg §787)
- Contrarius: (1) “contrary laws” (in Conflict of Laws): 3.6.43, 46, 61, 66, 88; 7.7; 7.10.1–3; 8 *prooem.* 10; (2) in proof: contrarium as a source of proof: 5.10.73; 7.3.30; 12.1; as counterexample: 5.11.5–7, 13–14, 31–32, 35; = enthymēma: 5.10.2; 5.14.4; 8.5.9; (3) as a source of the ridiculous: 6.3.64; 6.3.81; (4) as Figure: 9.1.34; 9.3.90

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- Controversia:** dispute giving rise to a Cause, e.g. 3.6; 3.11; 7.1–3 *passim*; exercise (declamation) with a forensic subject, opposed to *Suasoria* (see \*Declamation) *passim*
- Conversio:** Figure of speech (antimetabolē): 9.1.33; 9.3.31; recasting Latin texts as an exercise: 10.4–8
- Convinctio:** conjunction (syndesmos): 1.4.18
- Correctio:** “self-correction” as a Figure: 9.1.35; 9.3.89
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- Dactylus:** metrical foot – ◡ ◡ ◡ : 9.4.46–49, 81, 87–89, 101–102, 104
- Dativus:** dative (case): 1.4.26; 1.7.18; 7.9.13
- Declamatio, declamator:** e.g. 2.10.2, 4; 9.2.32; see \*Declamation
- Declinatio:** inflection of a word, e.g. 1.4.13; “derivation”: 2.15.14; 8.3.32
- Decor, decorum:** “seemliness,” “propriety,” “appropriateness,” in general: 11.1.1–93; in relation to linguistic form: 1.5.63; 5.12.6; 9.4.7; in relation to subject: e.g. 8.3.11–14; 10.2.22; in delivery: 11.3.68–69; contrasted with “expediency”: e.g. 5.11.16; 11.1.8–14
- Deinōsis:** quality of style, adding force to outrage: 6.2.24; 8.3.88; 9.2.104
- Delectare:** “to delight”; one of the tasks of the orator (the others being “to inform” and “to move”): 3.5.2; 8 *proem.* 7; 10.1.119; 12.2.11; 12.10.43; in Epideictic: 3.4.6; 11.1.48; in forensic and deliberative oratory: 4.1.57; 4.2.46; 5.14.29; 8.3.5; 10.2.27; specially related to the “middle” style: 12.10.59
- Deliberatio:** “deliberation,” deliberative form of oratory: 3.8; see also 2.1.2; 2.4.25; 3.4.15; 11.1.48
- Demonstrativum, demonstratio:** “epideictic form of oratory” (epideiktikon): 3.7
- Deprecatio:** “plea for mercy,” last resort of defence: 5.13.5; 7.4.17–20; 11.1.52
- Derivatio:** “derivation,” in words: 1.6.38; 3.7.25; 8.3.31–33
- Descriptio:** “description” (ecphrasis): 4.3.12; 9.2.44; 9.4.138 (composition); 11.3.164 (delivery)
- Detractio:** omission of a letter or a syllable as the source of barbarism: 1.5.6, 10–16, 19; as a source of solecism: 1.5.38, 40; as a method of etymology: 1.6.32; an ambiguity solved by detractio: 7.9.11; as a Figure of speech: 9.3.18–19, 27

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- Dialecticē:** “dialectic,” a concentrated form of rhetoric (*oratio concisa*): 2.17.42; 2.20.7; 2.21.13; subordinate to rhetoric: 1.10.37; 2.4.41; 2.17.14; 12.2.10–14
- Diallagē:** *see* Consummatio
- Dianoia:** “Thought,” as in Figures of Thought, distinguished from Figures of Speech: 9.1.17
- Diatypōsis:** “vivid presentation”: 9.2.41 (Lausberg §§810, 814)
- Dichoreus:** metrical foot  
– ◡ – ◡ : 9.4.95, 103, 105
- Diexodos:** Figure, illustrated by “someone endured this once, no one twice, I three times”: 9.3.87
- Digamma:** *see* Aeolica littera
- Digressio:** \* “Digression,” may be regarded as belonging with *Ornatus* or as a part of speech: 9.2.55; as a part of speech: 4.3.1–17; as an element of *Ornatus*: 4.2.19; 9.1.28, 35; 9.3.90; *see also* Egressio
- Dikaiologia:** Figure in Rutilius, a brief exposition of the justice of one’s cause: 9.3.99
- Dikaiologikos:** in some theorists, a general category of Issue covering everything except Issue of Denial (i.e. Conjecture): status iuridicialis: 3.6.33
- Disertus:** “eloquent,” “educated” as opposed to “uneducated” or “rustic”: 7.1.42–54
- Disiunctio:** Figure of Speech (*Synonymia*): 9.3.45 (Lausberg §§739–742)
- Dispositio:** “disposition,” the second main head of Rhetoric: 3.3.1–15; 7.1.1–63; 10.1.50, 53–54
- Dissimulatio:** “dissimulation,” concealing reality: 6.3.85; 9.1.29; 9.2.14; 9.4.147; as irony: 9.2.44
- Dissolutio:** (*asyndeton*) 9.1.34; 9.3.50–54
- Distinctio:** (*paradiastolē*) 9.3.65 (Lausberg §805); form of antithesis: 9.3.81; pause or punctuation: 11.3.35–39
- Distributio:** as a Figure (not explained) 9.1.30; 9.2.2 (Lausberg §§671, 675)
- Divisio:** “division” (*diairesis*); as fault of pronunciation: 1.5.6, 17; division of words: 7.9.4; 8.6.66; 9.4.98; of material, e.g.: 2.6.1, 3; 5.10.63; 7.1; 8.5.30; 11.2.36, 38
- Docere:** “to inform,” “to instruct,” one of the three functions of the orator besides stirring feelings and giving pleasure, and often contrasted with these, e.g. 2.12.6; 3.5.1; 4.1.57; 4.2.21, 111; 5.13.59; 9.4.127; 12.10.59–65
- Dochmius:** metrical foot, e.g. ◡ – – ◡ – : 9.4.79–80, 95–97, 99

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- Doctrina: "learning acquired from teaching," necessary for true oratory: 1.10.1; 2.12.8; 7.10.14; 12.1.9–10; 12.2.20; shapes natural ability: 2.8.3, 8; 12.2.1; but less important than nature: 2.19; is supplemented by training and practice: 5.10.124–125; 10.3.16; 12.6.4
- Dubitatio: "doubt," \*"hesitation," as a Figure: 9.1.30, 35; 9.2.19; 9.3.88 (Lausberg §§776–779)
- Ductus: shape of letters: 1.1.25; "movement" of a passage: 9.4.30; "pattern" of events: 4.2.53 (parekbasis)
- Dynamis: "power" (potestas, vis); rhetoric defined as dynamis: 2.15.3
- Effeminatus: "effeminate," of style or comparison: 2.5.10; 8 *proem.* 20; 9.4.142
- Egressio, egressus: "digression": 3.9.4; 4.3.12; 11.3.64, 164; *see also* Digressio, Excessus, Excursus, Excursio
- Eikōn: simile: 5.11.24
- Ekbasis: "outcome": 5.10.86
- Electio: selection of appropriate words (eklogē): 1.12.4; 9.4.58; 10.1.4, 6; 10.7.14; 12.9.6 (dilectus verborum)
- Elevatio: "disparagement," "minimization": 9.2.50; *see also* 6.3.75
- Ellipsis: \*"Ellipse": 1.5.40 (as solecism); 8.3.50; 8.6.21; 9.2.37
- Elocutio: \*"Elocution," i.e. diction: the third main part of rhetoric: 8–11.1 passim; discussion of the word: 8 *proem.* 13–16
- Emblema: "insertion" (e.g. of a commonplace): 2.4.27
- Emendatio: "self-correction" or "self-reproof"; as Figure: 9.2.17; correction of speech or exercise: 2.4.10–14; 10.4.2
- \*Emphasis: as Trope: use of a word in a pregnant sense: 8.2.11; 8.3.83–86; as a Figure: 9.2.64–99
- Enantiotes: "opposition," Figure in Rutilius (contrarium): 9.2.106; 9.3.90
- Enargeia: "vividness," "visualization"; *see* Evidentia
- Endoxon: "prestigious" as type of Cause: 4.1.10
- Enrhythmos: "entirely rhythmical": the speech should neither be nonrhythmical nor enrhythmos: 9.4.56; 77
- Entechnos: "technical" (artificialis), as type of Proof, opposed to Atechnos: 5.1.1
- Enthymēma: "rhetorical syllogism": 1.10.38; 5.14; 8.5.9; 9.4.57; 11.3.102; 12.10.51
- Enumeratio: "enumeration," "recapitulation"; in Epilogue: 6.1.1–8; 11.3.170; in conclusion of Epicheireme: 5.14.11
- Epagōgē: *see* Inductio

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- Epakolouthēsis: Figure, according to Rutilius and Celsus (*see* Consequens): 9.2.103
- Epanalēpsis: "repetition" of word or phrase, tautology: as Figure: 8.3.51
- Epanodos: "return," as a Figure involving repetition of a word: 9.3.35, 97
- Epexergasia: "elaboration": 8.3.88
- Epezeugmenon: Figure (= Zeugma): 9.3.62–65
- Epicheirēma: a type of argument: 5.10.2–7; 5.14.5–23; as Figure in Visellius and Celsus: 9.2.107
- Epicoenum: "common" (of nouns of common gender): 1.4.24
- Epideiktikon: *see* Demonstrativum
- Epidiēgēsis: additional narrative: 4.2.128
- Epilogus: \*"Epilogue" (peroratio); in general: 4.1.28; 4.2.75, 114–115; 4.3.11; 6.1.1–55; style: 9.4.128, 131, 138; 11.1.6; in school declamation: 7.2.56; Delivery: 11.3.58, 152, 170–174; emotional epilogué not in Attic oratory: 10.1.107; in Homer: 10.1.50
- \*Epiphōnēma: final sentence that clinches an argument or narrative: 8.5.11; 11.1.52
- Episynaloiphē: slurring of syllables: 1.5.17
- Epitaphios: funeral speech: 3.4.5; *see also* 3.7.2; 11.3.153
- Epitheton: \*"Epithet"; as Trope: 8.6.29, 40–43; means of clarity: 8.2.10
- \*Ethopoiia: representation of character, as Figure of Thought: 9.2.58–63; *see also* 9.3.99
- Ethos: "character" opposed to "pathos"; regarded as a gentler and more stable emotional state: 6.2.8–19
- Etymologia: \*"Etymology"; as criterion of correctness: 1.6.1, 28–38; use in definition: 5.10.55; 7.3.25
- Evidentia: visualization (visio) or vivid description (enargeia); in Narrative: 4.2.63–65; as means of conveying emotion: 6.2.32–33; 8.3.61–71; figure of thought: 9.2.40
- Exallagē: grammatical Figure, i.e. a departure from normal usage (*see* Heteroiosis): 9.3.12–17 (Lausberg §509)
- Exceptio: "exception," Hermagoras' term for "Spirit" in cases involving "Letter and Spirit" of Law (hypexairesis): 3.6.61
- Excessus (*see* Egressio): 3.9.4; 4.3.5
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- Excusatio: "excuse," a defence based on ignorance, necessity, or good intention: 7.4.14–15
- Execratiō: "curse," emotional  
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- Exemplum: "example" (paradeigma), as a means of Proof: 5.11.1–44, *see also* 2.4.20; 4.1.69; 5.13.23–24; 8.3.72–81; 9.1.31; in sense of model for imitation: 10.2.1–28
- Exercitatio (*see also* Natura, Doctrina): practice (meletē), e.g. 2.17.5, 42; 5.10.119–125; 7.1.40; 10.7.8; 12.9.20
- Exhortatio: "exhortation": 5.11.10; 10.1.47; as Figure: 9.2.103
- Exhortativus status: "Issue of Exhortation" in Athenaeus' status system (protreptikē stasis): 3.6.47
- Exitus: "outcome," a topic of Argument (ekbasis): 5.10.86
- Exordium: "prologue," the first part of a speech (\*Prooemium, principium): 4.1.1–79; *see also* 3.8.8; 9.4.128–133; 11.3.48, 161
- Explanatio inlustris: "clear explanation," a Figure in Cicero: 9.1.27
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- Fabella, of Aesop's \*Fables: 1.9.2
- Fabula: type of fictitious narrative (found e.g. in tragedy): 2.4.2; fable told to children: 1.9.2
- Facetus: "witty": 6.3.4, 19–20 (not necessarily raising a laugh); 6.3.42 (distinguished from dicax)
- Facilitas: "facility": 10.1.1–4, 111; 10.2.12; 12.5.1; *see* Hexis
- Fictio: "invention," "making up," "coining"; of words: 1.5.3, 70–71; 8.3.24; 8.6.31–33; of personifications (proso-popoeia): 9.2.29–37; of situations, as in declamation: 2.1.9; 2.4.41; 2.10.4; 3.8.55; 7.3.20 (invented objection)
- Figura: *see* \*Figures
- Finitio: "definition," the type of Issue which hangs on the question whether an action falls under the class defined by the law: 3.6.1–103
- Firmamentum: \*"Core" of a case (continens): 3.11.1, 9, 12, 18–19
- Floridus: "flowery" (anthēros), a description of the Middle Style: 2.5.18; 12.10.58

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- Frigidus:** "cold," and therefore "unsuccessful," "a failure," esp. of attempted wit: 5.10.31; 6.3.53; 9.3.69; 10.2.17; 12.10.12; *see* 6.1.37 (frigus)
- Galliambi:** metre regarded as effeminate or orgiastic in tone: 9.4.6
- Geminatio:** "duplication," "doubling" of words or phrases: a Figure: 9.1.33; 9.3.28–29; 9.4.119
- Genesis:** term used by some rhetors for conjecture: 3.6.52
- Genitivus:** genitive (case): 1.5.62–63; 1.6.14
- Gestus:** \*"Gesture": 11.3; *see also* 1.5.36; 1.12.14; 4.5.24; 6.3.26, 29, 107 (humour); 10.22–26; 11.1–19
- Glossa:** "gloss," a rare or dialect word, or its interpretation: 1.1.35
- Glossēma:** "rare word": 1.8.15
- Gnōmē:** *see* Sententia: 8.5.3
- Gracilis:** "slight," of style, qualifying the genus subtitle: 12.10.66
- Gradatio:** *see* Climax
- Hadron:** "stout," a description of the grand style: 12.10.58
- Hendecasyllabi:** eleven-syllable lines of the form --- ◡ ◡ – ◡ – ◡ – – : 1.8.6
- Herous (versus):** dactylic hexameter: 1.5.28; 9.4.88–89
- Heteroiōsis:** grammatical Figure, resembles Exallagē: 9.3.12–17
- Hexameter:** 9.4.74–75, 78
- Hexis:** "assured condition," "stable capacity" (firma facilitas): 10.1.1, 59; 10.5.1
- Hiatus:** gap left between closing vowel of one word and opening vowel of the next: 9.4.33–37; *see* 8.6.62; 9.4.20
- Historia:** (1) \*History: 3.8.67–70; 9.4.16–18; 10.1.31–34, 129; 10.5.15; 12.3; (2) background knowledge of historical, mythical, geographical or scientific facts: 1.2.14; 1.4.4; 1.8.18
- Homoeideia:** monotony of style: 8.3.52
- Homoeoptōton:** Figure, consisting of clauses ending in words of similar inflection: 9.3.78–80 (Lausberg §§729–731)
- Homoeoteleuton:** Figure, consisting of clauses with similar-sounding endings: 9.3.77, 80; 9.4.12 (Lausberg §§725–728)
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- Hyperbolē: a Trope: 8.4.29; 8.6.67–76; 9.1.5; in humour: 6.3.67
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- Iōtacismus:** fault of pronunciation: 1.5.32
- Ironia:** \**"Irony"* (*illusio*, *dissimulatio*): 8.6.54–56; 9.2.44–53; *see also* 6.2.15; 6.3.68, 91; 9.1.3, 7; 9.2.65, 97
- Ischnos:** *"thin," "slight"* of style: 12.10.58
- Ischnotēs:** fault of pronunciation: 1.5.32
- Isocolon:** sentence structure in which the cola are of equal number of syllables: 9.3.80 (*Lausberg* §§719–754)
- Iteratio:** *"tautology"*: 4.2.43; 8.3.50; 9.2.63; 9.3.34–42
- Iudicatio:** basic Question which determines the Issue, the \**"Point for decision"* (*krinomenon*): 3.6.104; 3.11.1, 4, 18; 7.3.36; 7.5.3
- Iudicialis causa:** forensic (judicial) cause, e.g. 3.3.14–15; 3.4; 3.8.58–70; 3.10
- Iunctura:** *"linkage"* in word arrangement (composition): 9.4.32–44; 9.4.101–109
- Iuridicalis status:** Issue of *"legality"* or *"justification"* in various types of Theory of Issue: 3.6.32–33, 45–46, 47; 3.8.6–7; 7.5
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- Kataskeuē:** *"establishment"* or *"confirmation"* of a fact or story; as a type of rhetorical exercise: 2.4.18; *see* *Anaskeuē*
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- Rationale genus: class of Issues based on reasoning, opp. to “legal” Issues: 3.6.54–61, 66–79; 7.2–4
- Rectus casus: nominative: 1.4.13; 1.5.61
- Redditio (antapodosis): in simile: *see* 8.3.77
- Refutatio: \* “Refutation” as fourth part of speech: 3.9.5; 5.13; *see also* 6.3.72–83
- Relatio: “relation”; as Figure in Cicero: 9.1.35; 9.2.59; 9.3.97; “narrative”: 2.7.4; 9.2.59; “reference” as a means of amplification: 8.4.21–26; “statement of causes,” used humorously (causarum relatio): 6.3.77
- Remotio: “argument by elimination”: 5.10.66–70
- Repetitio: repetition of words: 8.3.88; 9.1.33; 9.3.28–47 (Figure); repetition of facts in epilogue: 6.1.1–2
- Repraesentatio: “vivid portrayal”: 6.2.29–31; 11.3.156; *see* 8.3.61 and Evidentia
- Reprehensio: as Figure, a form of self-criticism: 9.1.34; 9.2.18
- Responsio sibi ipsi: “answering oneself,” Figure: 9.1.35; 9.2.14; 9.3.90
- Restructio: “refutation” (anaskeuē): 10.5.12
- Reticentia: *see* Aposiōpēsis
- Reversio: *see* Anastrophē: 8.6.65
- Rhēton kai dianoiā: “Letter and Spirit” (scriptum et voluntas); a type of legal Issue: 3.6; 7.5.5–7.6.12
- Rhetoricus: “rhetorical,” of a type of Figures contrasted with merely “grammatical” ones: 9.3.2
- Rumor: “rumour,” as “nontechnical” proof: 5.3
- Sal, salsus: “wit,” “witty”: 6.3.18–19, 101; 10.1.94, 107, 117; 12.10.12
- Sanus: “sane,” “correct,” of style: 10.1.44
- Sardismos: mixture of dialects: 8.3.59–60
- Sarkasmos: type of allegory: 8.6.57
- Schēma: *see* \*Figures
- Schēmatismos: 1.8.14
- Scriptum et voluntas: *see* Rhēton kai dianoiā
- Sedes: Topics of Argument: 5.10.20; 5.12.17
- Senarius: verse of six iambic feet; standard in comedy: 9.4.140; period should not exceed four senarii (?) in length: 9.4.125
- Sensus: real meaning: e.g.



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- 8.6.44; = *sententia*, e.g.  
 12.10.46; "sentence," e.g.  
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- Sententia*: meanings discussed:  
 8.5.1–8 ("real opinion," "closing epigram," "gnōmē"); generally "epigrammatic or striking remark," specially characteristic of "modern" writing: *see* 1.8.9; 1.9.3; 2.11.3; 2.12.7; 3.8.65; 6.3.36; 7.1.44; 9.2.107; 9.3.76; as Figure: 9.3.98; 10.1.50, 52, 60, 61, 68, 90, 130; 12.9.3; 12.10.48, 60
- Sermo*: language: e.g. 1.1.4–5; 1.6.3; 2.16.16; 8.3.81; 9.3.3; phrase or sentence: 8.3.50; 8.5.13; 8.6.1; 9.2.57; conversation (opp. oratory): e.g. 2.15.26 (dialogues); 10.1.73
- Sermocinatio*: fictitious dialogue (type of *Prosopopoeia*)  
 9.2.32
- Sermocinatrix*: as a translation of *Prosomilētikē*: 3.4.10
- Severus*, of style: 9.4.63–64, 120; 12.10.80
- Significatio*: *see* *Emphasis*: 9.2.3
- Signum*: "sign" (*sēmeion*); as type of proof: 5.9.1–6; 5.10.11; 7.2.13; in art of memory: 11.2.19, 29, 30
- Similitudo*, simile: "likeness"; type of exemplum: 5.11.1–2, 22–29; as *Trope*: 8.3.72–81; 8.6.8, 49; 9.1.31; 9.2.2
- Simulatio*: "pretence," e.g. 5.13.9–10, 22; 6.3.85 (in humour); 9.2.26–29 (in Figures)
- Soloecismus*: \*"*Solecism*": 1.5.5, 16, 34, 37, 41, 46; 1.6.18; 9.3.10, 20
- Soluta oratio*: "unrhythmical" prose, as opposed to rhythmic: 8.5.27; 9.4.19–20, 69; 11.2.39–41 (less easy to remember)
- Sordidus*: "low" of style or words: 2.12.7; 8.3.17, 21; *see* 4.2.36; 10.1.9
- \**Sotadeus*: type of verse, considered effeminate or indecent: 1.8.6; 9.4.6, 9, 108
- Spatium*: "space" in theory of metre and rhythm: 1.5.18; 11.3.40, 43, 48–50
- Spiritus*: (1) the role of breathing in delivery: 11.3.16, 20–21, 32, 38–40, 45, 53–56, 63, 80 (relation between breath and period-length); (2) "enthusiasm": essential to great oratory: 5.13.56; 12.10.37; only possible in front of a large audience: 1.2.29; in suitable surroundings: 10.3.22; and when talking about certain subjects: 12.2.20; characteristic of poetry: 10.1.27
- Spondeus*: "spondee," metrical foot – – : 9.4.80, 97, 101; *see* 1.10.32
- Status*: (1) \**Issue* (*see also* *Constitutio*) (*stasis*): 3.6.1–103; 7.1.4; how to find it in nonforensic genres: 3.7.28;

## RHETORICAL AND GRAMMATICAL TERMS

- 3.8.45; organization of various Issues: 7.2–9; (2) Mood of verb: 1.5.41
- Stilus:** writing instrument: 1.1.27; use of writing: 1.9; 2.4; 10.3–5
- Suasoria:** deliberative speech, or exercise: 2.1.2; 2.4.24–25; 3.5.8; 3.8.1–70; 3.8.58; *see also* 8.3.14; 11.3.64
- Sublatio:** upward beat in rhythm (*arsis*): 9.4.48, 55
- Sublimitas:** “loftiness,” “sublimity”: 1.8.5; 8.3.60, 74–75; 8.6.11; 10.1.27, 68, 119; 11.1.3; 12.10.73, 80
- Subtilitas, subtilis:** “plain,” “elegantly simple,” of style: 10.1.78; 10.5.2; 12.2.13; 12.10.58–59
- Suggestio:** answering a self-posed question (*Figure*): 9.2.15
- Sustentatio:** Celsus’ name for a *Figure*: 9.2.22–23
- Syllaba:** “syllable”: 1.1.26, 30; 9.4.85; 12.10.32–33
- Syllogismos:** “syllogism” (opp. *enthymeme*): 1.10.38; 3.6.15; 5.10.3, 6; 5.14.1, 14, 24–26; 9.4.57; as an Issue: 3.6.43, 77, 88, 103; 5.10.6; 7.8.1–7; 7.10.1; *see also* *Ratiocinatio*
- Synairesis:** synonym of *Episynaloephē*: 1.5.17
- Synaloephē:** running two syllables together: 9.4.109
- Synathroismos:** “accumulation,” as a *Figure*: 8.4.27
- Syndesmos:** “conjunction”: 1.4.18
- Synecdochē:** as *Trope*: 8.6.19–22; 9.1.5; 9.3.58
- Synechon:** \**“Core”* of a case (*continens*): 3.11.1
- Synoikeiōsis:** *Figure*, which “connects two very different things”: 9.3.64
- Synonymia:** “synonymy,” i.e. existence of several terms of the same thing: 8.3.16; *see* \**Synonyms*
- Syntelikē stasis:** Athenaeus’ term for Issue of Conjecture: 3.6.47
- Syntomos:** “concise”: 4.2.42
- Tautologia:** “tautology”: 4.2.43; 8.3.50; *see* *Epanalepsis*, *Perissologia*
- Tekmēriōn:** necessary sign (*sēmeion*): 5.9.3
- Tempus:** \**“tense”*: 1.5.47; 9.1.11; 9.3.11; time occupied by a syllable, “time” in metre: 9.4.20, 36, 46–57, 81–86, 93–95; as topic of argument: 7.2.25, 44–45; 12.8.4; *see* \**Time*
- Tenor:** accent: 1.5.22; 10.7.6
- Testis, testimonia:** “witness” (*evidentia*): 5.7; *see also* 12.10.56–57; commonplace on value of witnesses: 2.1.11; 2.4.27; 3.5.10; 5.13.57
- Thema:** subject set for declamation: 2.10.5–6; 4.2.28, 90; 7.1.4; 7.2.54; 12.8.6

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- Thesis: treatment of a general topic; as exercise: 2.1.9; 2.4.24–25; in general, opp. to Hypothesis: 3.5.5–16
- Topographia: description of a place: 9.2.44
- Traductio: Figure (in Celsus) involving a play on words: 9.3.71
- Traiectio (hyperbaton): 8.2.14; *see* 9.1.29; 9.2.3; *see* Transgressio
- Transgressio: hyperbaton (q.v.): as Trope: 8.6.62–67; as Figure: 9.1.34; 9.3.91. *See also* 9.4.26–31
- Translatio, translativus, transfero: (1) (\*metaphor): 1.5.71; 8.6.1–3; 8.6.4, 8; 8.6.38; 9.1.4; (2) transference of blame to others: 5.13.2–9; (3) metalēpsis as Issue, i.e. demurrer or objection to proceedings: 3.6.46, 66, 69, 83–84; (4) \*Translation: e.g. 11.3.183
- Transmutatio: of letters in barbarism: 1.5.6, 12–13; of words in solecism: 1.5.39–40; of words, in order to generate a (metrical) foot: 9.4.89
- Transumptio (metalēpsis): as Trope: 8.6.37; as Issue: 3.6.46
- Tribrachys: metrical foot  $\bar{\cup} \cup \cup$  : 9.4.82
- Tricola: group of three cola forming a unified structure: 2.25.23; 10.7.11
- Trochaeus: “trochee,” metrical foot –  $\cup$  : 9.4.80, 82, 87–88, 97, 105–106, 135, 140; Q. calls –  $\cup$  a choreus
- Tropus: “Trope”: definition and distinction from Figure: 8.6; 9.1; *see also* 4.1.70; 6.3.66
- Tumor, tumidus: “swelling,” “turgidity,” of style (opp. true grandeur or sublimity): 2.10.7; 9.4.140; 10.2.16; 12.10.12, 73
- \*Urbanitas, urbanus: “urbane,” “witty”: 6.3.3, 8, 17–21, 102–112; *see also* 4.1.49; 5.7.26; 10.1.115, 117; 11.3.30
- Utilitas: “expediency” contrasted with “moral right” (honestum): 3.8.1–3; 11.1.8–14
- Venustas, venustus, venus: “charm,” “humor”: 6.3.18; *see also* 5.13.48; 9.2.66; 9.3.72; 10.1.100
- Verbum: (1) verb: 1.4.27–29; 1.5.2; (2) “word” contrasted with res (“thing”): 8<sup>o</sup> prooem. 18–33; (3) “word” opp. to “real meaning”: 3.6.87; 7.5.4
- Verisimilis: “probable”: 2.17.39; 4.2.31–35; 6.2.27; 12.1.45
- Versificatio: “versification”: 9.2.35; *see* 10.1.89
- Versus: line of writing: 10.3.32; 10.7.11; verse: 1.4.3; 9.4.48–49, 52, 60, 72–78; use in humorous context (parody): 6.3.96–97

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- Vetustas:** “antiquity,” criterion of correctness: 1.5.5; 1.6.1; *see* *Auctoritas*
- Virilis:** “masculine,” of style: 2.5.9; 5.12.18; 8.3.6; 9.4.3; 11.3.137; 12.10.79
- Virtus:** \**“Virtue”*; is rhetoric a virtue?: 2.20; “virtues” of Narrative, “virtues” of style: 4.2.61; of any positive feature or quality of style, e.g. 8.3.53; 8.6.67, 76, 81
- Visio:** \**“Vividness,”* “visualization” (*phantasia*): 6.2.29, 32; 8.3.88; 12.10.6; *see also* *Evidentia*
- Vocabulum:** noun denoting a physical object, *opp.* *appellatio*: 1.4.20–21; noun: 9.4.24
- Vocalis:** “vowel”: 1.7.14
- Vocalitas:** “euphony”: 1.5.4
- Voluntas:** *see* *Scriptum*: 3.6; 7.5
- Zētēmata:** *see* *Quaestio*

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Morel = *Fragmenta Poetarum Latinorum*, ed. W. Morel, Stuttgart 1963. Schoell = F. Schoell, *M. Tulli Ciceronis orationum deperditarum fragmenta*, Leipzig 1917. For other abbreviations see list on pp. ix–xi.

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| <p>Accius<br/> <i>Philoctetes</i>:<br/>           ROL fr. 569: 5.10.84</p> <p>Aeschines<br/> <i>In Ctesiphontem</i>: 7.1.2<br/>           133: 11.3.168<br/>           206: 3.6.3; 5.13.42; 6.1.20<br/>           210: 11.3.168</p> <p>Aeschines of Sphettus<br/>           fr. 31 Dittmar: 5.11.27–29</p> <p>Anaximenes<br/>           fr. 9 AS: 3.4.9</p> <p>Antonius (Hybrida), C.<br/>           FOR p. 395 (see ORF<br/>           pp. 368, 371): 9.3.94</p> <p>Apollodorus (ed. R. Granatelli)<br/>           F 5: 3.6.35<br/>           F 5(b): 7.2.20<br/>           F 7: 4.2.31<br/>           T 2: 3.1.17</p> <p>Aratus<br/> <i>Phaenomena</i>:<br/>           1: 10.1.46</p> <p>Archedemus of Tarsus<br/>           SVF (3.263), fr. 11: 3.6.31, 33</p> <p>Aristippus (ed. E. Mannebach,<br/>           Leiden 1961)<br/>           fr. 181: 12.2.24</p> | <p>Ariston (ed. F. Wehrli, <i>Die Schule des Aristoteles</i>)<br/>           fr. 1: 2.15.19</p> <p>Aristophanes<br/> <i>Clouds</i> 966 seq., <i>Frogs</i> 729:<br/>           1.10.18<br/> <i>Acharnians</i> 530–531:<br/>           12.10.24, 65</p> <p>Aristotle<br/> <i>Categories</i>:<br/>           1b25 seq.: 3.6.23 seq.<br/> <i>Grylus</i>:<br/>           fr. 69 Rose: 2.17.14<br/> <i>Rhetoric</i>:<br/>           1355b25: 2.15.16<br/>           1355b35: 5.1.1<br/>           1356a13: 5.12.9<br/>           1356a30: 2.17.14<br/>           1358b2: 3.7.1<br/>           1358b6: 2.21.23<br/>           1367a33: 3.7.25<br/>           1367b7: 3.7.23<br/>           1373b38 seq.: 3.6.49<br/>           1377b seq.: 5.10.17<br/>           1404b11: 8.3.6<br/>           1408b3: 8.3.37<br/>           1408b32–33: 9.4.88<br/>           1409a2: 9.4.87</p> |
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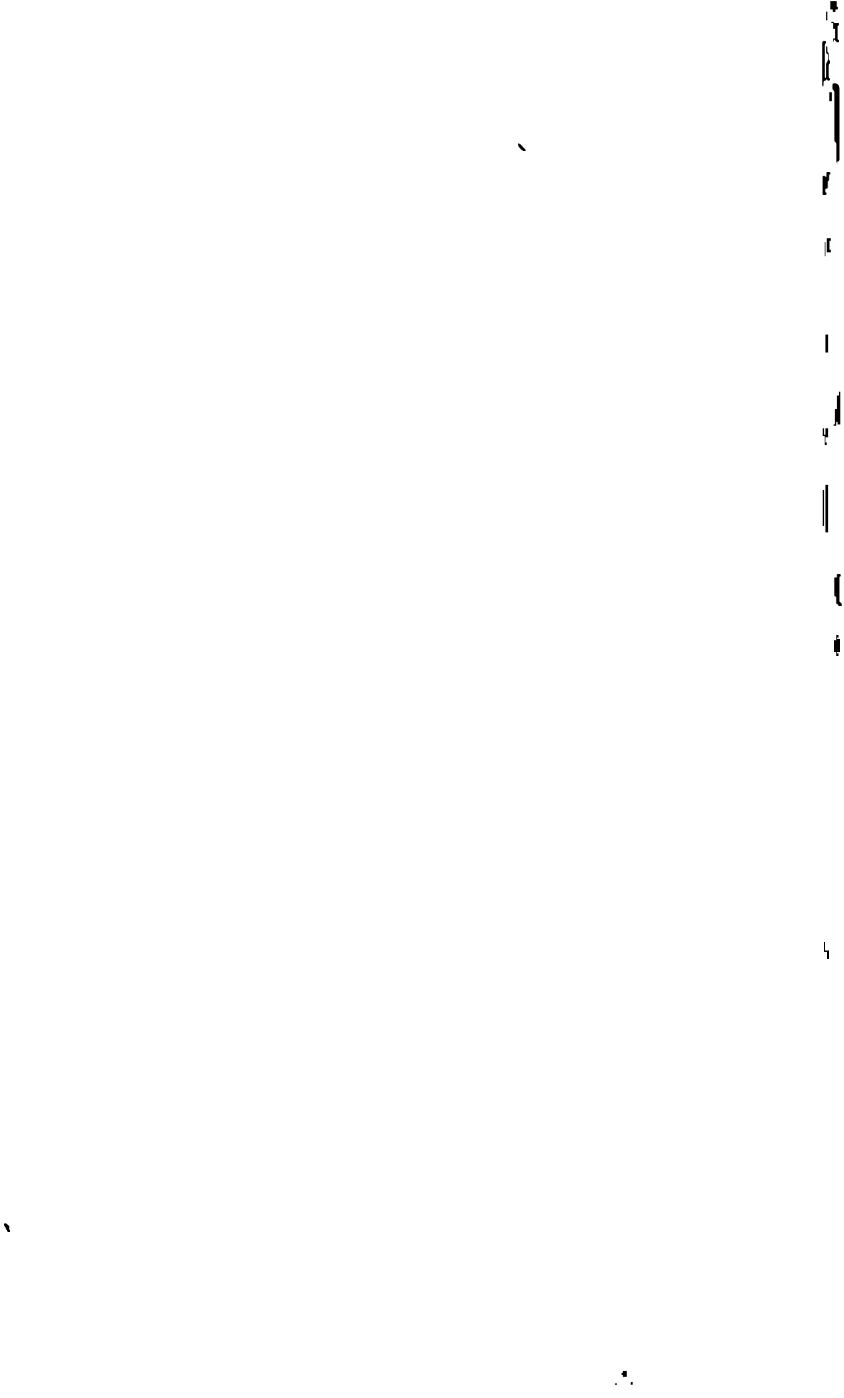
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