

77 XIX. Erras, Catule, inquit Antonius: nam egomet in multos iam Phormiones incidi. Quis enim est istorum Graecorum, qui quemquam nostrum quidquam intellegere arbitretur? Ac mihi quidem non ita molesti sunt; facile omnes perpetior et perfero. Nam aut aliquid afferunt, quod mihi non displiceat, aut efficiunt, ut me non didicisse minus poeniteat. Dimitto autem eos non tam contumeliose quam philosophum illum Hannibal, et eo fortasse plus habeo etiam negotii; sed tamen est eorum doctrina, 78 quantum ego iudicare possum, perridicula. Dividunt enim totam rem in duas partes, in causae controversiam, et in quaestionis. Causam appellant, rem positam in disceptatione reorum et controversia; quaestionem autem, rem positam in infinita dubitatione. De causa praecepta dant; de altera parte 79 dicendi mirum silentium est. Denique quinque faciunt quasi membra eloquentiae, invenire quid dicas, inventa disponere, deinde ornare verbis, post memoriae mandare, tum ad extremum agere ac pronuntiare: rem sane non reconditam. Quis enim hoc non sua sponte viderit, neminem posse dicere, nisi et quid diceret, et quibus verbis, et quo ordine diceret, haberet, et ea meminisset? Atque haec ego non reprehendo, sed ante oculos posita esse dico, ut eas item quatuor, quinque, sexve partes, vel etiam septem, quoniam aliter ab aliis digeruntur, in quas est 80 ab his omnis oratio distributa. Iubent enim exordiri ita, ut eum, qui audiat, benevolum nobis faciamus, et

77 XIX. "You are mistaken, Catulus," answered Antonius, "for I myself ere now have fallen in with many a Phormio. Is there in fact a man among those Greeks who would credit one of us with understanding anything? Not that they worry me so much; I gladly suffer and bear with them all. For they either contribute to my amusement, or contrive to soften my regret at not having been a student. And I send them on their ways less contemptuously than Hannibal sent his philosopher, and for that reason perhaps I have even more trouble with them; their theory however, so far as I can judge, is utterly 78 ludicrous. For they divide the whole subject into two branches—the discussion of concrete and of abstract problems. By the concrete they mean a question in debate and dispute between litigants, by the abstract something involved in boundless uncertainty. For the treatment of the concrete they lay down rules; as to the other branch of 79 oratory their silence is remarkable. After that they set forth a sort of fivefold division of rhetoric, to choose what to say, to marshal the chosen material, next to express it elegantly, then to commit it to memory, and in the end actually to deliver it—assuredly no mysterious progress. For who would not instinctively realize that no one can make a speech without having settled what to say, and in what terms and sequence, and without remembering all this? And without complaining of this classification I say it is one that is obvious, as also are those four, five, six or even seven subdivisions (for different authorities adopt different analyses) into which these people 80 distribute every speech. For they bid us open in such a way as to win the goodwill of the listener and

Some rules of rhetoric superfluous or misleading.



docilem et attentum, deinde rem narrare et ita, ut verisimilis narratio sit, ut aperta, ut brevis; post autem dividere causam, aut proponere; nostra confirmare argumentis ac rationibus; deinde contraria refutare: tum autem alii conclusionem orationis, et quasi perorationem collocant, alii iubent, antequam peroretur, ornandi aut augendi causa, digredi deinde  
 81 concludere ac perorare. Ne haec quidem reprehendo: sunt enim concinne distributa; sed tamen, id quod necesse fuit hominibus expertibus veritatis, non perite. Quae enim praecepta principiorum et narrationum esse voluerunt, ea in totis orationibus  
 82 sunt conservanda. Nam ego mihi benevolum iudicem facilius facere possum cum sum in cursu orationis, quam cum omnia sunt inaudita; docilem autem, non cum polliceor me demonstraturum, sed tum, cum doceo et explano: attentum vero, tota actione, non prima de-  
 83 nuntiatione efficere possumus. Iam vero narrationem quod iubent verisimilem esse et apertam, et brevem, recte nos admonent; quod haec narrationis magis putant esse propria quam totius orationis, valde mihi videntur errare: omninoque in hoc omnis est error, quod existimant, artificium esse hoc quoddam non dissimile ceterorum, cuiusmodi de ipso iure civili hesterno die Crassus componi posse dicebat: ut genera rerum primum exponerentur, in quo vitium est, si genus ullum praetermittatur; deinde singulorum partes generum, in quo et deesse aliquam

make him receptive and attentive; then in stating the case to make our statement plausible, lucid and brief; after that to dissect or define the matter in hand, establishing our own propositions by evidence and reasonings before disproving those of the other side: some masters place next the summing-up of the address and the so-called peroration, while others require, before such peroration, a digression for the sake of effect or amplification, to be followed by  
 81 the summing-up and the close. I find no fault with even this distribution, for it is neat, though unscientific, as was sure to happen with teachers unversed in practical advocacy. For the rules which they have sought to restrict to the openings and the statements of cases ought to be observed in all  
 82 speeches. Thus I can more readily win an arbitrator's goodwill as my address proceeds than before a word of it has been heard, and I make him receptive, not when I am promising proof, but when I am instructing him and making all plain; moreover we can secure his attention by our argument as a  
 83 whole, not by our opening allegations. Then again, in requiring the statement of the case to be plausible, lucid and brief, they advise us well; but, in deeming these qualities more appropriate to such statement than to the address as a whole, I think they are greatly mistaken; and undoubtedly their blunder arises solely from their idea that this oratory is a kind of art, just like the other arts, such as Crassus said yesterday could be constructed on the model of the common law itself, so that the general kinds of subject-matter must first be set out, the omission of any kind being an error, next the particular species of each kind, wherein too little or too much of any