BOOK III.

CHAPTER I.

Quintilian proposes to consider the various branches and precepts of oratory more fully than they are generally set forth in treatises on the art ; a part of his work more desirable for students than agreeable to them, § 1-4. Diversities of opinions and methods, 5-7. Various writers on the art; the Greeks, 8-15. Followers of Hermagoras, Apollodorus, Theodorus, 16-18. The Romans, 19-21. Quintilian will give his own opinion on matters as they occur, 22.

1. Since I have examined in the secona book what *oratory* is, and what is its *object;* since I have shown, as well as my abilities allowed, that it is an *art,,-** that it is *useful,* ‡· and that it is *a virtue ;+* and since I have put under its power every subject § on which it maybe necessary to speak, I shall now proceed to show whence it had its origin,1j of what parts it consists,¶ and how every department of it is to be contemplated" and treated ; for most of the writers of books on the art have stopped even short of these limits ;tt so that Apollodorus t J confined himself to judicial pleadings only.

2. Nor am I ignorant that those who are studious of oratory have desired to receive from me that part of my work, of which this book proceeds to treat, more anxiously than any other; a part which, though it will be the most difficult to myself, from the necessity of examining a vast diversity of opinions, wil- yet perhaps afford the least pleasure to my readers, since it

* B. ii. c. 17.
\+ B. ii. c. 16.
$ B. ii. c. 20.
§ B. ii. c. 21.

‖ By what authors and writers rhetoric has been invented and taught ; and what is its origin, whether art or nature. *Capperonier.*

¶ He alludes to the five parts, *invention, arrangement, language, memory, delivery.* Capperonier.

** *Invenienda.]* "Conceived of;" what idea we must form of each part ; and how we must produce matter with reference to it.

fit Intra qu!~m modum.] Gesner rightly observes that the preposition *intra* signifies that previous writers on rhetoric lead confined themselves within a less compass than that to which Quintilian had extended Lia work. Compare xi. 3, 8 ; 45. *Spalding.*

‡ See sect. 17.

admits merely of a dry exposition of rules. 3. In other parts I have endeavoured to introduce some little embellishment, not with the view of displaying my own ability, (since for that purpose a subject of more fertility might have been chosen,) but in order that, by that means, I might more successfully attract youth to the study of those matters which I thought necessary for their improvement ; if, possibly, being stimulated by some pleasure in the reading, they might more willingly learn those precepts of which I found that a bare and dry enumeration might be repulsive to their minds, and offend their ears, especially as they are grown so delicate. 4. It was with such a view that Lucretius * said he put the precepts of philosophy into verse ; for he uses, as is well known, the following simile

Ac veluti pueris abainthia tetra medentes
Qwum dare conantur, prius oral pocula circum
Aspirant mellis dutei,ltavoque liquore:

" And as physicians, when they attempt to give bitter worm. wood to children, first tinge the rim round the cup with the sweet and yellow liquid of honey," &c. , 5. But I fear that, this book may be thought to contain very little honey and a great deal of wormwood, and may be more serviceable for instruction than agreeable. I am afraid, too, that it may find the less favour, as it will contain precepts not newly **in**vented, for the most part, by me, but previously given by others ; and it may also meet *with* some who are of contrary opinions, and who will be ready to assail it: because most authors, though they have directed their steps to the **same** point, have made different roads towards it, and each has drawn his followers into his own. 6. Their adherents, moreover, approve whatever path they have pursued, and you will not easily alter prepossessions that have been inculcated into youth, for every one had rather have learned than learn.

7. But there is, as will appear in the progress of the book, an infinite diversity of opinions among authors ; as some have

* B. i. v. 934; iv. 11. In the first of these passages, however, we find *Sed,* and in the second *Nam,* -instead of *Ac,* and, instead of *aspirant, contingunt.* Such variations have led to the supposition that there were two editions of Lucretius's poem ; see Spalding's note, and the " Remarks" prefixed to my translation of Lucretius, p, vii. viii. Spalding observes that "aspirare mellis liquore" will be **equivalent tb** 'I odore et sapore mellis imbuore."

added their own discoveries to what was previously rude and ¡mperfect, and then others, that they might seem to produce something themselves, have even altered what was right. 8. The first writer who, after those that the poets have mentioned, touched at all upon oratory, is said to have been Empedocles,* and the most ancient composers of rules on the art were Corax and Tisias,+ natives of Sicily ; to whom succeeded a native of the same island, Gorgias the Leontine, who, as is said, was it pupil of Empedocles. 9. Gorgias, through the advantage of a very long life, (for. he lived a hundred and nine years,) flourished as a contemporary with many rhetoricians ; and was thus a rival of those whom I have just named, and survived even the age of Socrates. 10. At the same period with him lived Thrasymachus of Chalcedon, Prodicus of Ceos, Prota. goras of Abdera, (from whom Euathlus is said to have learned the art of oratory, on which he published a treatise, for ton thousand denarii,+) Hippias of Elis, and Alcidamus of Eltea, whom Plato calls Palamedes ; 11. There was also Antiphon, (who was the first that wrote speeches § and who, besides, composed a book of rules on rhetoric, and was thought to have pleaded his own cause on a trial 7vith great ability,) Polycrates, by whom I have saidil that a speech was written against Socrates, and Theodorus of Byzantium, one of those whom. Platoli calls *Xoyoaulaa?o,,* '` artificers in words." 12. Of these, the first that treated general subjects were Protagoras, Gorgias, Prodicus, and Thrasymachus. Cicero, in his Brutus,** says that no composition, having any rhetorical embellishment, was written before the time of Pericles, but that some pieces of his were in circulation. For my part, I find nothing

• *Movisse aliqua circa rhetoricen Empedocles dicitwr.]* 'Ep7rfBOKMa i 'ApuarorbXtlc *orlai 1rpwrov* prlroptKily KEKCvrlKavat. Sextus Empir. p. 370 of Fabricius's edition, who observes that Quintilian uses the same kind of expression as Aristotle. The book of Aristotle, from which the phrase was taken, called Sophistes, is now lost ; Diog. Laert. viii. 57. See Spalding's note.

t See ii. 17, 7.

$ £312 10s., the denarius being valued at 7zd.

§ He was the first that wrote speeches, and sold them to accused persons, or persons going to law, to use as their own, as is related by Ammianus Marcellinus, xxx. 4. *Spalding. 9. v.*

‖ **See** ii. 17, 4.

¶ Phxdr. p. 266 E.

** C. 7.

answerable to the fame of such eloquence as his,* and am therefore the less surprised that some should think that nothing was written by Pericles, but that the writings, which were circulated under his name, were written by others.

13. To these succeeded many other rhetoricians, but the most famous of the pupils of Gorgias was Isocratos ; though authors, indeed, are not agreed as to who was his master ; I, however, trust to Aristotle t on that point. 14. From this time different roads, as it were, began to be formed ; for the disciples of Isocrates were eminent in every department of learning ; and, when he was grown old, (he lived to complete his ninety-eighth year,) Aristotle began to teach the art of oratory in his afternoon lessons,* frequently parodying, as is said, the well-known verse from the tragedy of Philoctetes, thus

A'.aXpov c&waav, Kai 'IaoEpdrrly bas, Xiyutv,§

It is disgraceful to be silent, and to allow Isocrates to speak." A treatise on the art of oratory was published by each of them;

* **See** xii. 2, 42 ; 10, 49; where Quintilian positively asserts that **no** writings of Pericles were extant in his time; and Ruhnken, in his Hist. Crit. Or. Gr. p. 38, brings plenty of authorities to support that assertion, though Cicero (Brut. c. 7, and de Orat. ii. 22) seems to have had greater faith in the genuineness of the writings circulated under the name of Pericles. Could the genuine writings of Pericles have been lost between the age of Cicero and that of Quintilian? I think not. See, on this doubtful subject, Fabr. Biblioth. ed. Harlea vol. I p. 746. *Spalding.*

t Aristotle must have expressly stated this in some part of his writings, but we find no such passage in any of those left to us. Many of his books are lost, however; as the Theodectea ; see ii 15, 10. Dionysius Halicarnassensis (Tom. ii. p. 94) says that not only Gorgias wag a preceptor of Isocrates, but also Prodicus of Ceos, and Tisias of Syracuse, and mentions, as an opinion of some, that he was instructed by Theramenes. See Pseudo-Plutarch, p. 836 F., and Suidas under Isocrates. *Spalding.*

+ See Aul. Gell. xx. 5, who says that what Aristotle taught on rhetoric was among his *exoterica,* instructions which he used to give in the evening, when his audience was less select than in the morning.

§ See Cicero de Orat. iii. 35; Tusc. i. 4 ; Orat. c. 19. Bentley, Menage, and others have corrected Kai'IaoKpdrily into *'IaoKpdrip a'* for the sake of the metre. Hermann, Opuse. v. iii. p. 1i9, supposes, with Bentley, that the verse is from the Philoctetes of Eurip,'des. Diogenes Laertius (v. 3) says that the verse was applied, not to Isocrates, but to Xenocrates.

but, Aristotle made his to consist of several books. At the same time lived Theodectes, of whose work I have already spoken. 15. Theophrastus, also, a disciple of Aristotle, wrote very' carefully on rhetoric ; and since that time the philosophers, especially the leaders of the Stoics and Peripatetics, have paid even greater attention to the subject than the rhetoricians. 16. Hermagoras then made, as it were, a way for himself, which most orators have followed ; but Athenoeus" appears to have been most nearly his equal and rival. Afterwards Apollonius Molon, Areus,t C ecilius, and Dionysius of Halicarnassus, wrote much upon the art. 17. But the two that attracted most attention to themselves were Apollodorus of Pergamus, who was the teacher of Caesar Augustus at Apollonia, and Theodorus of Gadara, who preferred to be called a native of Rhodes, and whose lectures Tiberius Ciesar, when he retired into that island, is said to have constantly attended. 18. These two rhetoricians taught different systems, and their followers were thence called Apollodoreans and Theoloreans.+ after the manner of those who devote themselves to certain sects in philosophy. But the doctrines of Apollodorus you may learn best from his disciples, of whom the most exact in delivering them in Latin was Caius Valgius,§ in Greek ,ktticus.11 Of Apollodorus himself the only work on the art seems to have been that addressed to Matins ;IT for the epistle ritten to Domitius** does not acknowledge the other books attributed to him. The writings of Theodorus were more numerous ; and there are some now living who have seen his disciple Hermagoras.

19. The first among the Romans, as far as I know, that

* See ii. 15.23

1 **See** i. 15, 36.

47 See ii. 11, 2.

§ Caius Valgius Rufus, a grammarian and rhetorician in the time of Augustus, to whom he inscribed a book on herbs, Plin. H. N. **xxv. 2.** Whether the learned have rightly, or too curiously, distinguished him from Titus Valgius Rufas, the poet, the friend of Horace and Tibullus. I leave for the consideration of others. *Spalding.* See c. 3, sect. 17.

‖ Probably the Dionysius Atticus mentioned by Strabo, xiii. p. 635.

¶ I suppose that this is the Matins mentioned by Pliny, H. N. xii. 6, by whom he is called *Divi Augusti amicus. Burmann.*

* I consider that this is the Domitius Marsus, the elegant poet and prose writer in the time of Augustus ; he is mentioned by Quintilian %gain, vi. *3. Spalding.*

composed anything on this subject, was Marcus Cato they Censor;* after whom Marcus Antonius t made some attempt in it; it is the only writing that is extant of his, and is in quite an unfinished state. Less celebrated writers followed, whose names, if occasion shall anywhere require, I will not forbear to mention. 20. But Marcus Tullius Cicero threw the greatest light, not only on eloquence itself, but also on its precepts, giving the only model of excellence among us in speaking and in teaching the art of speaking ; after whom it would be most becoming to be silent, if he himself bad not said that his books, on rhetoric$ escaped from his hands when he was very young, and if he had not intentionally. omitted, in his Dialogues on Oratory, those minor points on which most learners require instruction. 21. Coruificius ‖ wrote much on the same subject ; Stertinius something considerable ; and Gallio¶ the father a little. But Celsus** and Laenas,++ who preceded Gallio, and Virginius,§§ Pliny,111 and Tutilius [ill our own age, have written on the art with greater accuracy.

* See ii. 15, 1.

i See Cicero,de Orat. i. 47, 48.

$ See note on ii. 15, 6.

§ See De Orat. i. 6 ; 36 ; ii. 3 ; Epist. ad Div. i. 9.

‖ Probably the Quintus Cornificius to whom Cicero writes, Epist. ad Div. xii. 17, 18, 23.

¶ This rhetorician is not mentioned by any other writer, unless he be the Maximus Stertinius noticed by Senecca, Controv. ix. *Spalding.*

** He is noticed again by Quintilian, ix. 2, 91, from which passage, compared with Sen. Controv. p. 159, ed. Bip.. it clearly appears that he was the same,person to whom Seneca the father often alludes, and calls Junius Gallio, and who adopted the son of that Seneca, the eldest brother of the philosopher. He was the friend of Ovid (Senec. Suss. iii. p. 25), whose epistle from Pontus, iv. 11, is perhaps addressed to him. *Spalding.*

~+ See ii. 15, 22.

See x. 7, 32 ; xi. 3, 183. In the latter passage he is called Laenas Popilius. I find no mention of him in any author besides Quintilian. *Spalding.*

§§ Mentioned by Tacitus, Ann. xv. 71 : *Virginius studia juvenum eloquentid fovebat ; also* by Quintilian iii. 6, 44; iv. 1, 23; vii. 4, 24 ; *xi. 3, 26. Spalding.*

‖‖ The author of the Natural History, who wrote three books on tha education of an orator *ab incunabulis;* Plin. Ep. iii, 5, 5. .

¶¶ Mentioned by Martial, v. 57, 6. Some suppose, from Plin. Ep. vi *32,* that Quintilian married his daughter. Spalding concum with Gedoyn in supposing that we should read, in that passage -f' Pliny, *Quintiano* instead of *Qi intiliano.*

There are also at this very time eminent writers on the same subject, who, if they had embraced every part of it, would have relieved me from my present task ; but I forbear to mention the names of living authors ; the due time for honouring them will arive ; for their merits will live in the memory of posterity, to whom the influence of envy will not reach.

22. Yet, after so many great writers, I shall not hesitate to advance, on certain points, my own opinions ; for I have not attached myself to any particular sect, as if I were affected with any spirit of superstition ; and, as I bring together the observations of many authors, liberty must be allowed my readers to choose from them what they please ; being myself content, wherever there is no room for showing ability, to deserve the praise due to carefulness.

CHAPTER II.

Of the origin of oratory, § 1, 2. Nature and art, 3. *Objection* to Cicero's notion, 4.

1. THE question, *what is the origin of oratory*, need not detain us long ; for who can doubt that men, as soon as they were produced, received language from *nature* herself, the parent of all things, (which was at least the commencement of oratory,) and that *utility* brought improvement to it, and *method* and *exercise* perfection? 2. Nor do I see why some should think that accuracy in speaking had its rise from the circumstance that those, who were brought into any danger by accusation, set themselves to speak with more than ordinary care for the purpose of defending themselves.* This, even if i more honourable cause, is not necessarily the first ; especially is accusation goes before defence ; unless any person would ay that a sword was forged by one who prepared steel for his 'wn defence earlier than by one who designed it for the lestruction of another.

It was therefore *nature* that gave origin to speech ; and ***bservation*** that gave origin to art ; for as, in regard to medi

* **I have** not found in any writer an express assertion to this effect. *oalding.*

cine, when people saw that some things were wholesome and others unwholesome, they established an art by observing their different properties, so, with respect to speaking, when they found some things useful and others useless, they marked them for imitation or avoidance ; other people added other things to the list according to their nature; these observations were confirmed by experience ; and every one then taught what he knew. 4. Cicero,* indeed, has attributed the origin of eloquence to founders of cities and to legislators ; in whom there certainly must have been some power of speaking ; but why he should regard this as the very origin of oratory, I do not see ; as there are nations at this day without any fixed settlements, without cities, and without laws, and yet men who are born among them discharge the duties of ambassadors, make accusations and defences, . and think that one person speaks better than another.

CHAPTER III.

Divisions of the art of oratory, § 1- 3. Various opinions respecting them, 4, 5. Cicero's not always the same, 6, 7. Opinions of some Greek writers, 8, 9. Of the order of the division or parts, 10. Whether they should be called parts, or works, or elements, 11.

1. THE whole *art of oratory*, as the most and greatest writers have taught, consists of five parts, *invention, arrangement, expression, memory*, and *delivery* or *action;* for the last is designated by either of these terms. But every speech, by which any purpose is expressed, must of necessity consist of both *matter* and *words; 2.* and, if it is short, and included in one sentence, it may perhaps call for no further consideration ; but a speech of greater length requires attention to a greater number of particulars ; for it is not only of consequence what we say, and how we say it, but also where we say it ; there is need therefore also for *arrangement.* But we cannot say everything that our subject demands, nor everything in its proper place, without the assistance of *memory*, which *will* accordingly constitute a fourth part. 3. And *a delivery* which is unbecoming either as to voice or gesture, vitiates, and

* De Orat. i. 8.

almost renders ineffectual, all those other requisites o eloquence ; and to delivery therefore must necessarily be assigned the fifth place.

4. Nor are some writers, among whom is Albutius,* to be be' regarded, who admit only the first three parts, because *memory,* they say, and *delivery,* (on which we shall give directions in the proper place,t) come from nature, not from art. Thracymachus,* however, was of the same opinion as far as concerns *delivery*. 5. *To* these some have added a sixth Part, by subjoining *judgment* to invention, as it is our first business *to invent,* and then *to judge*. For my part, I do not consider that lie who has not judged has invented ; for a person is not said to have *invented* contradictory or foolish arguments, or such as are of equal value to himself and his adversary, but *not to have avoided* them. 6. Cicero, indeed, in his *Rhetorica,§* has included judgment under invention ; but, to me, judgment appears to be so mingled with the first three parts (for there can neither be *arrangement* nor *expression* without it), that I think even delivery greatly indebted to it. 7. This I would the more boldly affirm, as Cicero, in his *Partitiones Oratorice,11* arrives at the same five divisions of which I have just spoken ; for, after first dividing oratory into tw'- *parts, invention and expression,* he has put matter and arrange ment under invention, and words and delivery under expression, and has then made memory a fifth part, having a common influence on all the rest, and being, as it were, the guardian of them. He also says, in his books *de Oratore,1i* that eloquence consists of five divisions ; and the opinions expressed in these

* Albutius No-rariensis came to Rome in the reign of Augustus, and was received into the friendship of Plancus. He opened a school at Rome, and taught rhetoric. Seneca mentions him in his Declama tions and Controversies. *Turnebus.*

t B. xi. c. 2 and 3.

$ Compare iii. 1, 10. He might have said this in the rEXvq *pn ropuc* jwhich Suidas attributes to him. There was more than cue book of his extant, as appears from Cicero Orat. c. 52. *Spalding.*

§ The books *De Inventione.* The particular passage, however, to which Quintilian refers, is not to be found in what is now extant of them.

‖ C. i. sect. 3.

¶ The text has in *Oratore,* but, **an** Gesner has observed, there is no passage to that *effect* in the *Orator.* The division into five parts will be found in the De Orstore, i. 31.

books, as they were written at a later period, may be regarded **as more settled.**

8. Those authors appear to **me** to have been not less desirous* to introduce something new, who have added *order* after having previously specified arrangement,t as if arrangement were anything else than the disposition of things in the best possible order. Dion+ has specified only invention and arrangement, but has made each of them of two kinds, relating to matter and to words ; so that expression may be included under invention, and delivery under arrangement ; to which parts a fifth, memory, must be added. The followers of Theodorus, for the most part,' distinguish invention into two sorts,, referring ***to matter*** and *expression ;* and then add the three other parts. 9. Hermagoras puts judgment, division, order, and whatever relates to expression, under *economy,* which, being a Greek term, taken from the care of domestic affairs, and used in reference to this subject metaphorically, has no Latin equivalent.

10. There is also a question about the following point, namely, that, in settling the order of the parts, some have put *memory* after *invention,* some after *arrangement.* To me the fourth place seems most suitable for it; for we must not only retain in mind what we have imagined, in order to arrange it, and what we have arranged in order to express it, but we must also commit to memory what we have comprised in words ; since it is in the memory that everything that enters into the composition of a speech is deposited.

11. There have been also many writers inclined to think that these divisions should riot be called parts of the art of oratory but *duties* of the orator, as it is the business of the orator to invent, arrange, express, *et cetera. 12.* But if we coincide in this opinion, we shall leave nothing to art ; for to speak well is the *duty* of the orator, yet skill in speaking well constitutes the *art of* oratory ; or, as others express their notions, it is the duty of the orator to persuade, yet the power of persuading lies in his art. Thus *to invent* arguments and

* Not leas than those who are mentioned in sect. 5 as having intro. duced a sixth part.

+ *Dispositio.*

t Supposed by Turnebus and Spalding to be Dion Chrysostom.

arrange them are the duties of the orator ; *yet invention* and *arrangement* may be thought peculiar parts of the art of oratory.

1.3. It is a point, too, about which many have disputed, whether these are *parts of the art of oratory or works* of it, or (as Athenaeus * thinks) *elements* of it, which the Greeks call *6roiyEia.* But no one can properly call them *elements;* for in that case Obey will be merely first principles, as water, or fire, or matter, or indivisible atoms, are called the elements of the world ; nor can they justly be named *works,* as they are not performed by others, but perform something themselves. 4. They are therefore *parts ;* for as oratory consists of them, and as a whole consists of parts, it is impossible that those things of which the whole is composed can be anything else but parts of that whole. Those who have called them *works, ap-*pear to me to have been moved by this consideration, that they did not like, in making the other division of oratory, **to** adopt the same term ; for the *parts* of oratory, they said, were the *panegyrical,* the *deliberative,* and the *judicial. 15.* But if these are parts, they are parts of the matter rather than the art ; for in each of them is included the whole of oratory ; since no one of them can dispense with invention, arrangement, expression, memory, and delivery. Some, therefore, have thought it better to say that there are *three kinds* of oratory ; but those whom Cicero t has followed have given the most reasonable opinion, namely, that there are *three kinds of subjects for oratory.*

CHAPTER IV.

Whether there are three sorts of oratory, or more, § 1-3. Quintilian adheres to the old opinion that there are but three; his reasons, 4-8. Opinions of Anaximenes, Plato, Isocrates, 9-11. Quintilian's own method, 12-15. He does not assign particular subjects to each kind, 16.

1. BUT it is a question whether there are three or more. Certainly almost all writers, at least those of the highest authority among the ancients, have acquiesced in this tripartite distinction, following the opinion of Aristotle, who merely call's

" IL 15, 23. t De Orat. i. 31 ; Top. c. 24.

the deliberative by another name, *concionalis,** "suitable for addresses to public assemblies." 2: But a feeble attempt was made at that time by some of the Greek writers; an attempt which has since been noticed by Cicero in his books *De Oratore,t* and is now almost forced upon us by the greatest author + of our own day, to make it appear that there are not only more kinds, but kinds almost innumerable. 3. Indeed, if we distinguish *praising* and *blaming in* the third part of oratory, in what kind of oratory shall we be said to employ ourselves when we *complain, console, appease, excite, alarm, encourage, direct, explain obscure expressions, narrate, entreat, offer thanks, congratulate, reproach, attack, describe, command, retract, express wishes or opinions,* and speak in a thousand other ways ? 4. So that if I adhere to the opinion of the ancients, I must, as it were, ask pardon for doing so, and must inquire by what considerations they were induced to confine a subject of such extent and variety within such narrow limits? 1' Those who say that the ancients were in error, suppose that they were led into it by the circumstance that they saw in their time orators exerting themselves for the most part in these three kinds only ; for *laudatory* and *vituperative* speeches were then written ; it was customary to pronounce funeral orations ; and a vast deal of labour was bestowed on *deliberative* and *judicial* eloquence ; so that the writers of books on the art included in them the kinds of eloquence most in use as the only kinds. 6. But those who defend the ancients, make three sorts of *hearers;* one, who assemble only to be gratified; a second, to listen to counsel; and a third, to form a judgment on the points in debate. For myself, while I am searching for all sorts of arguments in support of these various opinions, it occurs to me that we might make only two kinds of oratory, on this consideration, that all the business of an orator lies in causes either *judicial* or *extrajudicial.* 7. Of matters in which decision is sought from the opinion of a judge, the nature is self-evident; those which are not referred to a judge, have respect either to the past or to the future ; the past we either praise or blame ; and about the future we deliberate. 8. We may

" *Llrlμnyopuc6v.* Arist. Rhet. i. 1, 10 ; iii 14, 11.
t Ii. 10.
$ Turnebus and Spalding suppose that Pliny the Elder is meant See c. i. sect. 21. All the other commentators are silent.

also add, that all subjects oil which an orator has to speak are either certain or doubtful ; the certain he praises or blames, according to the opinion which he forms of them ; of the doubtful, some are left free for ourselves to choose bow to decide on them, and concerning these there must be deliberation; some are left to the judgment of others, and concerning these there must be litigation.

9. Anaximenes admitted only the general divisions of *judicial* and *deliberative,* but said that there were seven species ; those, namely, *of exhorting* and *dissuading,* of *praising* and *blaming, of accusing* and *defending,* and *of examining,* which he calls the *exetastic* sort ; but it is easy to see that the first two *of* these species belong to the *deliberative* kind of oratory, the two following to the *epideictic,* and the last three to the *judicial.* *10.* I pass over Protagoras, who thinks that the only parts of oratory are those of *interrogating, replying, commanding,* and *intreating,* which he calls *suxwXit.* Plato, in his Sophistes,* has added to the *judicial* and *deliberative* a third kind which he calls *m'ooco,carX,2rrxov,* and which we may allow ourselves to call the *sermocinatory* sort, which is distinct from the oratory of the forum, aid suited to private discussions, and of which the nature is the same as that of dialectics or logic. 11. Isocratest thought that *praise* and *blame* have a place in every kind *of* oratory.

To me it has appeared safest to follow the majority of writers ; and so reason seems to direct. 12. There is, then, as I said, one kind *of* oratory in which praise and blame are included, but which is called, from the better part of its office, the *panegyrical;* others, however, term it the *demonstrative or epideictic.* (Both names are thought to be derived from the Greeks, who apply to those kinds the epithets *eyxwaiaorixbv* and *e'r, stxrtxov.* 13. But the word *riribuxrixbv* seems to me to have the signification, not so much *of demonstration* as of *ostentation,* and to differ very much from the term *iyxwaas arixov ;* for though it includes in it the laudatory kind of oratory, it does not consist in that kind alone. 14. Would any one deny that *panegyrical* speeches are of the *epideictic* kind ? Yet they take the *suasory* form, and generally speak of the interests Af Greece. So that there are, indeed, three kinds of oratory ;

* Fd. Steph. p. 222.
} See ii. 15, 4.

but in each of them part is devoted tQ~tlle *subject-matter,* and part to *display.* But perhaps our countrymen, when they call a particular kind *demonstrative,* do not borrow the name from the Greeks, but are simply led by the consideration that praise and blame *demonstrate* what the exact nature of anything is.) 15. The second kind is *the deliberative,* and the third the *judicial.* Other species will fall under these *genera,* not will there be found any one species in which we shall not have either *to praise* or *to blame, to persuade* or *to dissuade, to enforce* a charge or *to repel* one ; while to *conciliate,* to *state facts,* to *inform,* to *exaggerate,* to *extenuate,* and to *influence the judgment of the audience by* exciting or allaying the passions, are com mon to every sort of oratory.

10. 1 could not agree even with those, who, adopting, as I think, a division rather easy and specious than true, consider that the matter of panegy rical eloquence concerns what is *honourable,* that of deliberative what is *expedient,* and that of judicial what is *just;* for all are supported, to a certain extent, by aid one from another ; since in panegyric *justice* and expediency are considered, and in deliberations *honour;* and you will rarely find a judicial pleading into some part of which something of what I have just mentioned does not enter.

CHAPTER V.

Division into things and words : other divisions, 1-3. Questions concerning what is written and what is not written, 4. Definito and indefinite questions, 5-7. Species of indefinite ones, 8-11. Questions on general subjects not useless, 12-16. Definition of a cause, 17, 18.

1. BUT every speech consists at once of that which **is expressed,** and of that which expresses, that is, of *matter* and *words.* Ability in speaking is produced *by nature, art,* and *practice;* to which some add a fourth requisite, namely *imitation;* which I include under art. 2. There are also three objects which an orator must accomplish, to *inform,* to *move,* to *please ; for* this is a clearer partition than that of those who divide the whole of oratory into what concerns *things* and *passions;* since both these will not always find a place in the subjects

of which we shall have to treat. Some subjects are altogether unconnected with the pathetic, which, though it cannot make room for itself everywhere, yet, wherever it forces an entrance, produces a most powerful effect.

3. The most eminent authors are of opinion that there are some things in pleading that require proof, and others that do not require it; and I agree with them. Some, however, as Celsus, think that an orator will not speak on any subject unless there be some question about it ; but the majority of authors, as well as the general division of oratory into three kinds, are opposed to him ; unless we say that to praise what is acknowledged to be honourable, and to blame what is admitted to be dishonourable, is no part of an orator's business.

4. All writers admit, however, that questions depend on what *is written* or what is *not written.* Questions about something written concern *legality ;* those about something not written concern *fact.* Hermagoras, and those who follow him, call the former kind *legal* questions, the latter *rational* questions, using the terms *vow,xdv* and *Xoyixov.* 5. Those who make all questions relate to *things* and *words* are of the same opinion.

It is also agreed that questions are either *indefinite* or *definite.* The indefinite are those which, without regard to persons, time, place, and other such circumstances, are argued *for* or *against.* This sort of questions the Greeks call *Bins* Cicero * *propositions;* others *general questions relating to civil affiairs ;* others *questions suitable for philosophical discussion ;* while Athenaeus makes them *parts of the cause* to be decided. G. Cicerot distinguishes them into questions relating to *knowledge* and to *action;* so that "Is the world governed by divine providence"' will be a question of *knowledge, "* Ought we to take part in the management of public affairs ?" a question of *action.* The former kind he subdivides into three species, " whether a thing is," "what it is," and "of what nature it is ;" for all these points may be unknown; the latter kind into two, "how we should obtain the thing in question," and " how we should use it."

7. Definite questions embrace particular *circumstances, persons, times,* and other things ; they are called by the Greeks *J9(oditm; :* by our countrymen, *causes.* In these the whole

• See. ii. 1, 9.
Topic. c. 21; Partit. Orat. c. 18.

it_quiry seems to be about things aiYd persons. 8. The *indefinite* is always the more comprehensive; for from it cpmes the *definite. To* make this plainer by an example, the question -- whether a man should marry"* is indefinite ; the question -- whether Cato should marry" is definite, and may accordingly become the subject of a suasory speech. But even those which have no allusion to particular persons are generally referred to something; for " ought we to take a share in the government of our country?" is an abstract question, but -- ought we to take a share in the government of it under a tyranny ?" has reference to something definite. 9. Yet here also there lies concealed, as it were, a person ; for the word *tyranny* doubles the question, and there is a tacit consideration of *time* and *quality;* yet you cannot properly call the question *a cause.*

Those questions which I call *indefinite* are also called *general;* and, if this be a proper term, *definite* questions will also be *special.* But in every special question is included the general, as being antecedent. 10. In judicial causes, too, I know not whether whatever comes under the question of *quality* is not general : Milo *killed* Clodius : *He was in the right to kill a Tier-in-wait :* does not this question arise, *Whether it be right to kill a Tier-in-wait ?* In *conjectural* matters, also, are not these questions general,+ *was hatred, or covetousness, the cause of the crime? Ought we to trust to evidence extracted by torture ? Ought greater credit to be given to witnesses or to arguments ? As* to *definitions,* it is certain that everything comprehended in them is expressed generally.

11. Some think that those questions which are limited to particular persons and causes may sometimes be called *theses,* if only put in a different way ; so that, when *Orestes is ac' cused,* it is a cause, but when it is inquired *whether Orestes was justly acquitted,* it is a thesis ; of which sort also is the question *whether Cato was right in giving Marcia to Hortensius ?* These writers distinguish *a thesis* from *a cause by*

• 11. 4, 24, 25.

t The principal question and *status* in conjectural causes, or those concerning matters of fact, can scarcely contain anything general, but the particular arguments, which are brought to support it, are *commonly* treated Lke thus;-s, or general questions. *Turnebus.*

saying that a thesis has respect to what is *theoretical,* a cause to what is *(..tually done;* since, in regard to a thesis, we dispute only with a view to abstract truth, in a cause we consider some particular act.

12. Some, however, think that the consideration of general questions is useless to an orator, as it is of no profit for it to be proved, they say, that *we ought to marry,* or that *we should take part in the government o/' the state, if* we are hindered from doing so by age or ill-health. But we cannot make the same objection to all questions of the kind ; as, for example, to these : *whether virtue is the chief good,* and *whether the world is governed by divine providence. 13.* Moreover, in inquiries that relate to an individual, though it is not enough to consider the general question, yet we cannot arrive at the decision of the particular point without discussing the general question first. For how will Cato consider *whether he himself ought to marry,* unless it be first settled *whether men ought to marry at all ?* Or how will it be inquired *whether Cato ought to marry Marcia,* if it be not previously decided *whether Cato ought to take a wife ? 14.* Yet there are books in circulation under the name of Hermagoras, which support the opinion that I am opposing ; whether it be that the title is fictitious, or whether it were another Hermagoras that wrote them ; for how can they be the productions of the same Hermagoras who wrote so much and so admirably on this art, when, as is evident, even from Cicero's first book on rhetoric,* he divided the subject-matter of oratory into *theses* and *causes ?* a division which Cicero himself condemns, contending that the *thesis is* no concern of the orator's, and referring this kind of question wholly to the philosophers. 15 But Cicero has relieved me from all shame at differing with him, as lie not only censurest those books himself, but also, in his *Orator.*+ in the books which lie wrote *De Oratore,*§ and in his *Topica,*11 directs us to abstract the discussion from particular persons and occasions, *because we can speak more fully on what is genera& than what is special, and because whatever is proved uni-*

* De Invent. i. 6. Compare Quint. ii. 21, 21.
See Quint. ii. 15, 6.
$ C. 14.
§ III. 30.

versally must also be proved particularly. 16. As to the *state of* the question, it is the sane with regard to every kind of thesis as with regard to causes. To this is added that there are some questions that concern matters absolutely, and others that refer to something particular; of the former kind is *whether a man ought to marry ;* of the latter, *whether an old man ought to marry;* of the former kind, is *whether a man be brave ;* of the latter, *whether he be braver than another man.*

17. Apollodorus, to adopt the translation of his disciple Valgius,* defines *a cause* thus : *The cause is the matter having regard in all its parts to the question;* or, *the cause is the matter of which the question is the object.* He then gives this definition of the *matter : The matter is the combination of persons, places, times, motives, means, incidents, acts, instruments, sayings, things written and not written. 18.* For my part, I here understand by the *cause* what the Greeks call *b-; 60e6ic,* by the *matter* what they term *sre~i6Ta61c.* But some writers have defined the *cause* itself in the same way as, Apollodorus defines the *matter.* Isocrates says that a cause is *a definite question relating to civil affairs,* or *a disputed point between a definite number of persons.* Cicerot speaks of it in these words *A cause is determined by reference to certain persons, places, times, actions, and events, depending for decision either on alt or the majority of them.*

* See iii 1, 18.
Tow. cL 2i, i&it.