

sails ill safety ; and, as amplification forms the greatest part of a peroration, we may use language and thoughts of the greatest magnificence and elegance. It is then that we may shake the theatre, when we come to that with which the old tragedies and comedies were concluded, *Plaudite*, Give us your applause."

53. But in other parts we must work upon the feelings, as occasion for working on any of them may present itself, for matters of a horrible or lamentable nature should never be related without exciting in the mind of the judges a feeling in conformity with them ; and when we discuss the quality of any act, a remark addressed to the feelings may lie aptly subjoined to the proof of each particular point. 54. And when we plead a complicated cause, consisting, it may be said, of several causes, we shall be under the necessity of using, as it were, several perorations ; as Cicero has done in his pleading against Verres : for he has lamented over Philodamus,* over the captains of the vessels,- over the tortures of the Roman citizens,* and over several other of that praetor's victims. 55. Sonic call these *p.so:zoi icixoyoi*, by which they mean *parts of a divided peroration*; but to me they seem not so much parts as species of perorations ; for the very terms *Egrl.oyos* and *peroratio* show, clearly enough, that the conclusion of a speech is implied.

CHAPTER II.

Necessity of studying how to work on the minds of the judges, § 1, 2.

This department of oratory requires great ability, 3-7. Of *iraOoc* and *iyOos*, 8- 24. If we would move others, we must feel moved ourselves, 25-28. Of presorting images to the imagination of our hearers, 29-35. Pupils should be exercised in this in the schools, 36.

1. BUT though the peroration is a principal part of judicial causes. and is chiefly concerned with the feelings, and though I have of necessity, therefore, said something of the feelings

* In Verr. i. 30.
+ V. 45, 4(i).
\$ V. 53, 68.

in treating of it, yet I could not bring the whole of that subject under one head, nor indeed should I have been justified in doing so. A duty of the orator, accordingly, still remains to be considered, which is of the greatest efficacy in securing his success, and is of far more difficulty than any of those already noticed, I mean that of influencing the minds of the judges, and of moulding and transforming them, as it were, to that disposition which we wish them to assume. 2. With regard to this point, I have touched on a few particulars, such as the subject called forth, but so as rather to show what ought to be done than how we may be able to effect it. The nature of the whole subject must now be considered more deeply.

Throughout the whole of any cause, as I remarked,* there is room for addresses to the feelings. The nature of the feelings is varied, and not to be treated cursorily ; nor does the whole art of oratory present any subject that requires greater study. 3. As to other matters, moderate and limited powers of mind, if they be but aided by learning and practice, may invigorate them. and bring them to some fruit ; certainly there are, and always have been, no small number of pleaders, who could find out, with sufficient skill, whatever would be of service to establish proofs ; and such men I do not despise, though I consider that their ability extends no farther than to the communication of instruction to the judge ; and, to say what I think, I look upon them as fit only to explain causes to eloquent pleaders ; but such as can seize the attention of the judge, and lead him to whatever frame of mind he desires, forcing him to weep or feel angry as their words influence him, are but rarely to be found. 4. But it is this power that is supreme in causes ; it is this that makes eloquence effective.* As to arguments, they generally arise out of the cause, and are more numerous on the side that has the greater justice ; so that he who gains his cause by force of arguments, will only have the satisfaction of knowing that his advocate

* C. 1, sect. 51.

Quo dicto fevdum et irascendum cset.] *Dicto*, as Spalding observes, cannot be correct. He would either alter it into *dicente*, or consider the whole phrase as a gloss. I should prefer the alteration.

\$ The text is *huec eloquentiam, reyunt*, but can hardly be sound. a, the singular *hop* immediately precedes. The state of the text in many parts of this chapter is very unsatisfactory.

did not fail him. 5. But when violence is to be offered to the minds of the judges, and their thoughts are to be drawn away from the contemplation of truth, then it is that the peculiar duty of the orator is required. This the contending parties cannot teach; this cannot be put into written instructions. Proofs in our favour, it is true, may make the judge think our cause the better, but impressions on his feelings make him wish it to be the better, and what he wishes he also believes. 6. For when judges begin to feel indignant, to favour, to hate, to pity, they fancy that their own cause is concerned; find, as lovers are not competent judges of beauty, because passion overpowers the sense of sight, so a judge, when led away by his feelings, loses the faculty of discerning truth; he is hurried along as it were by a flood, and yields to the force of a torrent. 7. What effect arguments and witnesses have produced, it is only the final decision that proves; but the judge, when his feelings are touched by the orator, shows, while he is still sitting and hearing, what his inclination is. When the tear, which is the great object in most perorations, swells forth, is not the sentence plainly pronounced" To this end, then, let the orator direct his efforts; this is his work, this his labour;* without this everything else is bare and meagre, weak and unattractive; so true is it, that the life and soul of eloquence is shown in the effect produced on the feelings.

8. Of feelings, as we are taught by the old writers, there are two kinds; one, which the Greeks included under the term *-ccdo;* which we translate rightly and literally by the word "passion;" the other, to which they give the appellation *ndo;* for which, as I consider, the Roman language has no equivalent term; it is rendered, however, by *mores*, "manners;" whence that part of philosophy, which the Greeks call *ηθολογία*, is called *in.oralis*, "moral." 9. But when I consider the nature of the thing, it appears to me that it is not so much *mores* in general that is meant, as a certain *1)roprietas morum*, or "propriety of manners;" for under the word *mores* is comprehended every habitude of the mind. The more cautious writers, therefore, have chosen rather to express the sense than to interpret the words, and have designated the one class of feelings as the more *violent*, the other as the more *gentle* and *calm*;

* *Hoe opus, hie labor eat.* Virg. . u, vi. 128.

under *ccdo;* they have included the stronger passions, under *ido;* the gentler, saying that the former are adapted to command, the latter to persuade, the former to disturb, the latter to conciliate. 10. Some of the very learned* add 'that the effect of the *redo;* is but transitory; but while I admit that this is more generally the case, I consider that there are some subjects which require a permanent strain of *rddo;* to run through the whole of them. Addresses however to the milder feelings require not less art and practice, though they do not call for so much energy and vehemence; and they enter into the majority of causes, or rather, in some sense,] into all; 11. for as nothing is treated by the orator that may not be referred either to *rcOo;* or *71Go;,+* whatever is said concerning *honour* or *udrantage*, concerning things *that may be done or may not be done*, is very properly included under the term *ethic*. Some think that *commendation* and *palliation* are the peculiar duties of the *ndo;*, and I do not deny that they fall under that head, but I do not allow that they are its only object. 12. I would also add that *zcaOo;* and *ido;* are sometimes of the same nature, the one in a greater and the other in a less degree, as *lore*, for instance, will be *'ddo;*, and *friendship epos*, and sometimes of a different nature, as *-rdOo;* in a peroration, will excite the judges, and *jOo;* soothe them.

But I must develop more precisely the force of the term *7)Oo;*, as it seems not to be sufficiently intimated by the word itself. 13. The *7)Oo;*, of which we form a conception, and which we desire to find in speakers, is recommended, above all, by goodness, being not only mild and placid, but for the most part pleasing and polite, and amiable and attractive to the hearers; and the greatest merit in the expression of it, is, that it should seem to flow from the nature of the things and

" *Ad, jici,unt quidar p critomna ir6Ooc tenlpurale csse.]* The strangeness of the word *p waornun* induces Spalding to suspect that the words stood originally thus: *eldjiciuntl gaidam perpetuunt 8OOC, aaeoc tempo-ralc esse.*

t Secundum quen 'em iutcllctetuL] This is the same as our French phrase *cit un seas.* Cappel'ouier.

§ *Nam quo n ieisi ex jlllo et hoc loco nihil ab oratore tractetur.]* I interpret these words according to the notion of Capperonier. What ever cannot be placed under the head of *7rddas*, may be placed under that of *ilOnc*. Spalding, with Regius, would refer *illo* and *hoc* to the following words, *honestas* and *utilize*, but *this mode is so forced* that I cannot concur with him.

persons with which we are concerned, so that the moral character of the speaker may clearly appear, and be recognized as it were, in his discourse. 14. This kind of *propositio* ought especially to prevail between persons closely connected, as often as they endure anything from each other, or grant pardon, or satisfaction, or offer admonition, all which should be free from anger, or dislike. But the *propositio* of a father towards his son, of a guardian towards his ward, of a husband towards his wife, (all of whom manifest affection for those with whom they are offended, and throw blame upon them by no other means than showing that they love them,) is very different from that which is shown by an old man towards a young one from whom he has received an insult, or from that of a man of rank towards an inferior who has been disrespectful to him, (for the man of rank may only be provoked, the old man must also be concerned.) 15. Of the same character, though less affecting to the feelings, are *solicitationes pro forgiveness*, or *allogia pro the amours of youth*. Sometimes, too, a little gentle raillery of another person's health may have its source in the *ridiculus*, though it does not proceed from such a source only. But what more peculiarly belongs to it is *simulation of some virtue, of making satisfaction to oneself*, and *eipriveia in ceteris questionibus*, which means something different from that which it expresses. 16. Hence also springs that stronger appeal to the feelings, adapted to draw the dislike of the judge on an overbearing adversary, when, by feigning submission to him, we imply a quiet censure on his presumption; for the very fact that we yield to him, proves him to be arrogant and insupportable; and orators who are fond of invective, or affect liberty of speech, are not aware how much more effective it is thus to throw odium on an opponent than to reproach him, since that kind of treatment renders him disliked, while reproach would bring dislike on ourselves. 17. The feeling arising from our love and regard for our friends and relatives is, we may say, of an intermediate character, being stronger than *ridiculus* and weaker than *simulatio*;

It is not without significance, too, that we call those exer-

* While the objects of their love make no proper return for it. - little below we must for *illic*, as Spalding observes, read *illc*.

+ *Illicui eal., ris.*] The heat which others exhibit in blaming or accusing those whom we have undertaken to defend. *L'ohpcc.* 110.

cises of the schools *ridiculus*, in which we are accustomed to represent the characters of the rustic, the superstitious, the avaricious, the timid, agreeably to the thesis proposed for discussion. For as *ridiculus* are manners, we, in imitating manners, adapt our speech to them.

18. All this species of eloquence, however, requires the speaker to be a man of good character, and of pleasing manners. The virtues which he ought to praise, if possible, in his client, he should possess, or be thought to possess, himself. Thus he will be a great support to the causes that he undertakes, to which he will bring credit by his own excellent qualities. But he who, while he speaks, is thought a bad man, must certainly speak ineffectively; for he will not be thought to speak sincerely; if he did, his *ridiculus*, or character, would appear. 19. With a view to credibility, accordingly, the style of speaking in this kind of oratory should be calm and mild; it requires, at least, nothing of vehemence, elevation, or sublimity; to speak with propriety, in a pleasing manner, and an air of probability, is sufficient for it; and the middling sort of eloquence is therefore most suitable.

20. What the Greeks call *adoc*, and we, very properly, *aijectus*, is quite different from that which is referred to the *jdoy*: and that I may mark, as exactly as I can, the diversity between them, I would say that the one is similar to comedy, the other to tragedy. This kind of eloquence is almost wholly engaged in exciting anger, hatred, fear, envy, or pity; and from what sources its topics are to be drawn is manifest to all, and has been mentioned by me in speaking of the exordium and peroration. 21. Fear, however, I wish to be understood in two senses, that which we feel ourselves, and that which we cause to others; and I would observe that there are two sorts of *intelligit*, "dislike," one that makes *invidum*, "envious," and another that makes *invidiosum*, "disliked." § The first is applied to persons, the second to things; and it is with this that eloquence has the greater difficulty; for though some

* All the texts have *desideret*, but we must read, as Rollin says, *desiderat*.

† *Proxi»u;*] That is *proxime ad veritatem, qui m verissime fieri potest*. Spalding.

11. iv. c. 1, and b, v. c. 1. *Spalding.*
Alltera intiducin, alter(la invidiosion fcurit.) "Il y a deux sortes de laudatio, celle que l'on re-seut et celle que l'on excite." Gedoyn.

things are detestable in themselves, as *parricide*, *naurder*, *poisonin*(J, others require to be made to appear so. `22. Such representation is made, either by showing that what we have suffered is more grievous than evils ordinarily considered great ; as in then; lines of Vir "il,*

*O felix una ante alias Priamela virgo,
Hostileni ad tumulum Trojce sub mcenibus altis
Jiessa mori !*

O happy thou above all other maids,
Daughter of Priam, doom'd to (lie before
Thy enemy's tomb, beneath the lofty walls
Of Troy

(for how wretched was the lot of Audrotnachc, if that of Polyxena, compared with hers, was happy !) 23. or by magnifying some injury that we have received, so as to make even injuries that are far less appear intolerable ; as, *If you had struck me, you would have been inexcusable ; but you wounded me.* But these points I shall consider with more attention, when I come to speak of amplification. In the mean time, I shall content myself with observing that the object of the pathetic is not only that those things may appear grievous and lamentable, which in reality are so, but also that those which are generally regarded as inconsiderable, may seem intolerable ; as when we say that there is more injury in a verbal insult than in a blow, or that there is more punishment in dishonour than in death. 24. For such is the power of eloquence, that it not only impels the judge to that to which he is led by the nature of the matter before him, but excites feelings which are not suggested by it, or strengthens such as are suggested. This is what the Greeks call *dsfvweris*, language adding force to things unbecoming, cruel, detestable ; in which excellence, more than in any other, Demosthenes showed his extraordinary power.

25. If I thought it sufficient merely to adhere to the precepts that have been delivered, I should do enough for this part of my work by omitting nothing that I have read or learned, that is at all reasonable, on the subject ; but it is my intention to open the deepest recesses of the topic on which we have entered, and to set forth what I have acquired, not from any teacher, but from my own experience, and under the

* ,En. iii. 321.

guidance of nature herself. 20. The chief requisite, then, for moving the feelings of others, is, as far as I can judge, that we ourselves be moved ; for the assumption of grief; and anger, and indignation, will be often ridiculous, if we adapt merely our words and looks, and not our minds, to those passions. For what else is the reason that mourners, when their grief is fresh at least, are heard to utter exclamations of the greatest expressiveness, and that anger sometimes produces eloquence even in the ignorant, but that there are strong sensations in them, and sincerity of feeling ? 27. In delivering, therefore, whatever we wish to appear like truth, let us assimilate ourselves to the feelings of those who are truly affected, and let our language proceed from such a temper of mind as we would wish to excite it) the judge. Will he grieve, let me ask, who shall hear me, that speak for the purpose of moving him, expressing myself without concern ? Will he be angry, if the orator who seeks to excise him to anger, and to force him to it, shows no like feeling ? Will he shed tears at the words of one who pleads with dry eyes ? 28. Such results are impossible. We are not burned without fire, or wet without moisture ; nor does one thing give to another the colour which it has not itself. Our first object must be, therefore, that what we wish to impress the judge may impress ourselves, and that we may be touched ourselves before we begin to touch others.

29. But by what means, it may be asked, shall we be affected, since our feelings are not in our own power ? I will attempt to say something also on this point. What the Greeks call *gavrcwlar* we call *visiones*; images by which the representations of absent objects are so distinctly represented to the mind, that we seem to see them with our eyes, and to have them before us. 30. Whoever shall best conceive such images, will have the greatest power in moving the feelings. A man of such lively imagination some call *Fv~avrabfwros*, being one who can vividly represent to himself things, voices, actions, with the exactness of reality; and this faculty may readily be acquired by ourselves if we desire it. When, for example, while the mind is unoccupied, and we are indulging in chimerical hopes, and dreams, as of men awake, the images of which I ant speaking beset us so closely, that we seem to be on a journey, on a voyage, in a battle, to be haranguing

assemblies of people, to dispose of wealth which we do not possess, and not to be thinking but acting, shall we not turn this lawless power of our minds to our advantage? 31. I make a complaint that a man has been murdered; shall I not bring before my eyes everything that is likely to have happened when the murder occurred? Shall not the assassin suddenly sally forth? Shall not the other tremble, cry out, supplicate, or flee? Shall I not behold the one striking, the other falling? Shall not the blood, and paleness, and last gasp of the expiring victim, present itself fully to my mental view? (3%). Hence will result that *Acieyncc*, which is called by Cicero *illustration* and *evidentness*, which seems not so much to narrate as to exhibit; and our feelings will be moved not less strongly than if we were actually present at the affairs of which we are speaking. Are not the following descriptions to be numbered among representations of this nature?

*Excussi manibus radii, revolutaque pensa : **
The shuttle from her hands was shaken forth,
And all the web unravelled.

33. *-Levique patens in pectore vulnus:+*
The gaping wound
In his smooth breast.

And that of the horse at the funeral of Pallas,

positis insynibus — +
His trappings laid aside — -

Has not the same poet also conceived with the deepest feeling the idea of a man's dying moments, when he says

Et dulces moriens reminiscitur Argos, §
And on his dearest Argos thinks in death!

14. Where there is occasion for moving compassion, too, we must endeavour to believe, and to feel convinced, that the evils of which we complain have actually happened to ourselves. We must imagine ourselves to be those very persons for whom we lament as having suffered grievous, undeserved, and pitiable treatment; we must not plead their cause as that of another,

* Virg. En. ix. 476.
* IEn. xi. 40.
+ In. xi. 99.
§ Xn. x. 781.

but must endeavour to feel for a time their sufferings; and thus we shall say for them what we should in similar circumstances say for ourselves. 35. I have often seen actors, both in tragedy and comedy, when they laid aside their mask after going through some distressing scene, quit the theatre weeping; and if the mere delivery of what is written by another can add such force to fictitious feelings, what effect ought we to produce, when we should feel what we express, and may be moved at the condition of those who are on their trial?

36. In the schools, also, it would be proper for learners to feel moved with the subjects on which they speak, and imagine that they are real, especially as we discuss matters there more frequently as parties concerned than as advocates. We assume the character of an orphan, of a person that has been shipwrecked, or one that is in danger of losing his life; but to what purpose is it to assume their characters, if we do not adopt their feelings? This art I thought should not be concealed from the reader, the art by which I myself (whatever is or was my real power) conceive that I have attained at least some reputation for ability; and I have often been so affected, that not only tears, but paleness, arid sorrow, similar to real sorrow, have betrayed my emotions

CHAPTER, III.

Of the power of exciting laughter in an audience, § 1. There was little of it in Demosthenes; perhaps a superabundance of it in Cicero, 2-5. Causes of laughter not sufficiently explained, 6, 7. *Is of* great effect, 8-10. Depends far more on nature and favourable circumstances than on art, 11-13. *No* instructions given in exciting laughter, 14-16. Various names for jocularity or wit, 17-21. Depends partly on matter, partly on words; subjects of it, 22-24. Laughter may be excited by some act, or look, or gesture, 25-27. What is becoming to the orator, 28-32. What to be avoided by him, 33-35. *Topics* for jesting, and modes of it, 36-46. Ambiguity in words, 47-56. The best jests are taken from things, not from words; of similarity, 57-62. Of dissimilarity, 63, 64. From all forms of argument arise occasions for jesting, 65, 66. Jest in the form of tropes and figures, 67-70. *Of* jocular refutation, 71-78. Of eluding a charge; of pretended confession, 79-81. Some kinds of jests are beneath an orator, 82, 83. Of deceiving expectation, 84-87. Of jocular imitation, 88. *Of* attributing thoughts to ourselves or others; and of irony, 89-92. The least offensive jokes are the best, 93-95. Quotations from poets, *proverbs*, and anecdotes, 96-98. Apparent absurdities, 99, 100. Domitius Marsus confounds politeness with humour, 101-107. *His* distinctions, 108-112.

1. VERY different from this is the talent which, by exciting laughter in the judge, dispels melancholy affections, diverting his mind from too intense application to the subject before it, recruiting at times its powers, and reviving it after disgust and fatigue.

2. How difficult it is to succeed in that way, even the two greatest of all orators, the one the prince of Greek and the other of Latin eloquence, afford us sufficient proof. Most think that the faculty was altogether wanting to Demosthenes,* and moderation in the management of it to Cicero. Domitius Marsus, certainly, cannot be thought to have been unwilling to cultivate it, as his jests, though very few, and by no means correspondent to his other excellences, plainly show that jocu-

* Gesner observes that Cicero, *Orat. c. 26*, in noticing the general opinion that Demosthenes wanted humour, says that he had much *urbanitas*; and that Plutarch in his *Life of Demosthenes* mentions some of his jests. Caperonier refers to Longinus, *c. 34*, who says that when Demosthenes attempted to be facetious he only raised a laugh at his own expense. Spalding remarks that the judgment of Dionysius Halicarnassensis, *Τρεπι Ο, j o a 9. dew 6 r >) ros, c. 54*, agrees with the common opinion.

larity was not disliked by him, but that it had not been liberally bestowed on him by nature. 3. But as for our own countryman, he was regarded, not only when not, engaged in pleading, but even in his public speeches, as too much an affecter of pleasantry. To myself, whether I judge rightly in that respect, or whether I err through immoderate admiration for our great master of eloquence, there appears to have been an extraordinary vein of delicate wit in him. 4. For in his common conversation, in disputes, and in examining witnesses, he uttered more jokes than any other orator; the dull jests in his orations against Verres * he attributed to others, repeating them as a part of his evidence: and the more vulgar they are, the more probable is it that they were not of his invention, but had been circulated among the people. 5. I could wish, too, that his freedman Tiresias, or whoever it was that published the three books of his jests, had been more sparing as to their number, and had used greater judgment in selecting than industry in gathering; for he would then have been less exposed to calumniators, who, however, as in regard to all the productions of his genius, can more easily discover what may be taken away than what may be added.

6. But what causes the chief difficulty in respect to jesting is, that a saying adapted to excite laughter is generally based on false reasoning, and has always something low in it; it is often purposely sunk into buffoonery; it is never honourable to him who is the subject of it; while the judgments of the hearers with regard to it will be various, as a thing which is estimated, not by any certain reasoning, but by some impulse, I know not whether inexplicable, of the mind. 7. Certainly I think that it has not been sufficiently explained by any one, though many have attempted explanations, whence laughter proceeds, which is excited, not only by actions or words, but sometimes even by a touch of the body. Besides, it is not by one kind of jests only that it is produced: for not merely witty and agreeable acts or sayings, but what is said or done foolishly, angrily, fearfully, are equally the objects of laughter; and thus the origin of it is doubtful, as *laughter is* not far from

* See *i. 46*.

The text has *hoc semper humile*. Burmann says that we should read, *ad hoc saepe*. I think him right in both alterations. Spalding refuses to adopt *sape*.

derision.⁴ 8. Cicero has said t that it *has its seat in some deformity or offensiveness*, and if this is made to appear in others, the result is called raillery, but if what we say recoils on ourselves, it is but folly.

Though laughter may appear, however, a light thing, as it is often excited by buffoons, mimics, and even fools, yet it has power perhaps inure despotic than any thing else, such aE~ can by no means be resisted. 9. It bursts forth in people even against their will, and extorts a confession of its influence not only from the face and the voice, but shakes the whole frame with its vehemence. It often changes, too, as I said,+ the tendency of the greatest affairs, as it very frequently dissipates both hatred and anger. 10. Of this the young Tarentines afford an instance, who, having spoken, at a banquet, with great freedom about king Pyrrhus, and being called before him to account for their conduct, when the fact could neither be denied nor justified, saved themselves by a fortunate laugh and jest; for one of them said, *Ah! if our flagon had not failed us, zee should have murdered you;* and by this pleasantry the whole odium of the charge was dispelled.

11. But though I should not venture to say that this talent, whatever it is, is certainly independent of art, (for it may be cultivated by observation, and rules relating to it have been composed both by Greek and Latin writers,) yet I may fairly assert that it chiefly depends on *nature* and *opportunity*.

12. *Nature*, moreover, has influence in it, not only so far that one mail is more acute and ready than another in inventing jokes, (for such facility may certainly be increased by study,) but that there is in certain persons a peculiar grace in their manner and look, so that the same things that they say, would, if another were to say them, appear less happy. 13. As to *opportunity*, and circumstances, they have such effect, that not only unlearned persons, but even peasants, when favoured by them, make witty repartees to such as are first to address them ; for all facetiousness appears to greater advantage in

s A derisu non procul a best ris us. He that seeks to excite laughter is in danger of incurring derision.

† De Orat. ii. 59.

§ *Ut di.ri.*] I cannot point out the place where this remark is made. The interpreters pass the words in silence ; Gedoyne has very wisely omitted them. Did Quintilian merely fancy that lie had made such an observation somewhere? See v. 11, 26. *Spalding.*

reply than in attack.* 14. It adds to the difficulty, that, there is no exercise in this department, nor any instructors in it. It is true that at convivial meetings, and in the familiar intercourse of life, many jesters are to be met ; but their number arises from the circumstance that men improve in jesting by daily practice ; the wit that suits the orator is rare, and is not cultivated on its own account, but sent for practice to the school of the world. 15. Yet there would be no objection to subjects being invented for this exercise, so that fictitious causes might be pleaded with a mixture of, jesting, or particular theses might be proposed to youth exclusively for such practice. 16. Even those very pleasantries, which are and are called *jokes,*' and in which we are accustomed to indulge on certain days of festal licence,+ might, if they were produced with some degree of method, or if some serious matter were mingled with them, prove of considerable advantage to the orator ; but now they are merely the diversion of youth, or of people amusing themselves.

17. In reference to the subject of which we are treating, we commonly use several words to express the same thing ; but, if we consider them separately, each will be found to have its own peculiar signification. The term *urbanity* ¶ is applied to it, by which is meant, I observe, a style of speaking which exhibits in the choice of words, in tone, and in manner, a certain taste of the city, and a tincture of erudition derived from conversation with the learned ; something, in a word, of which rusticity is the reverse. 18. That that is *graceful*,§ which is expressed with grace and agreeableness, is evident. *Salt* ¶¶ we understand in common conversation only as something to make us laugh ; but this notion is not founded in nature ; though certainly whatever is to make us laugh must be *salt*. Cicero^{x1} says that *everything salt is in the taste of the Attics,*

* So Cicero de Orat. ii. 56, sub fin.

† Dicta *swat ac vocantur.*] Spalding suspects the integrity of these words, but suggests no satisfactory emendation. The text of this chapter is evidently corrupt in many passages.

§ As the Bacchanalia and Saturnalia, at which wits contended in uttering jokes for prizes. *Turnebus*

Urbanitas.

¶ *Venustutn.*

¶¶ *Salauna.*

~* Orat. c. 26.

but not because the Attics were most of all people inclined to laughter ; and when Catullus * says of a woman, There is not a grain of salt in her whole body, he does not mean that there is nothing in her body to excite laughter. 19. That therefore will be salt which is not insipid ; and salt will be a natural seasoning of language, which is perceived by a secret taste, as food is tasted by the palate, and which enlivens discourse and keeps it from becoming wearisome. As salt, too, mixed with food rather liberally, but not so as to be in excess, gives it a certain peculiar relish, so salt in language has a certain charm, which creates in us a thirst, as it were, for hearing more. 20. Nor do I conceive that the facetum is confined solely to that which excites laughter ; for, if such were the case, Horace + would not have said that the facetum in poetry had been granted by nature to Virgil." I think it rather a term for grace and a certain polished elegance ; and it is in this sense that Cicero in his letters § quotes these words of Brutus : *Nec illi pedes faceti ac deliciis ingredienti molles,* " Graceful indeed are her feet, and move gently and with delicacy as she walks;" an expression similar to that of Horace, *Molle atque facetum Virgilio.* 21. Jest we understand as something contrary to that which is serious ; for to feign, to intimidate, and to promise, are sometimes modes of jesting. *Dicacitas* ¶ is doubtless derived from *dico*, and is common to every species of jesting, but it properly signifies language that attacks a person in order to raise a laugh against him. Thus they say that Demosthenes was *urbanus*, " witty," but deny that he was *dicax*, " gifted with the faculty of humorous raillery."

22. But what belongs properly to the subject of which we are treating is that which excites laughter; and thus all discussion on the topic is entitled by the Greeks *refi yexofou*. Its primary division is the same as that of every other kind of speech, as it must lie either in things or in words. 23. The application of it is very simple ; for we try either to make others the subject of laughter, or ourselves, or something that is

* Epigr. in Quintiam et Leshiam.

t Insulaum..

§ Sat. i. 10, 44.

§ Not extant.

¶ Jorus.

¶ Jocularly ; jocular attacks on individuals.

foreign to both. What proceeds from others we either blame, or refute, or make light of, or rebut, or elude. As to what concerns ourselves, we speak of it with something of ridicule, and, to adopt a word of Cicero's,* utter *subabsurda*, " apparent absurdities;" for the same things that, if they fell from us unawares, would be silly, are thought, if we express them with dissimulation, extremely humorous.† 24. The third-kind, as Cicero also remarks, consists in deceiving expectation, in taking words in a sense different from that in which the speaker uses them, and in allusions to other things, which affect neither ourselves nor others, and which I therefore call intermediate or neutral.

25. In the second place, we either do, or say, things intended to excite a laugh. Laughter may be raised by some act of humour, with a mixture, sometimes, of gravity, as Marcus Caelius* the praetor, when the consul Isauricus broke his curule chair, had another fixed with straps, as the consul was said to have been once beaten with a strap by his father ; sometimes without due regard to decency, as in the story of Calius's box,§ which is becoming neither to an orator nor to any man of proper character. 26. The same may be said of looks and gestures to provoke laughter, from which there may certainly be some amusement, and so much the more when they do not seem to aim at raising a laugh ; for nothing is more silly than what is offered as witty. Gravity, however, adds much to the force of jests, and the very circumstance that he who utters a joke does not laugh, makes others laugh ; yet sometimes a humorous look, and cast of countenance, and

* De Orat. ii. 71.

See a similar remark on solecisms and figures, i. 5, 53.

§ The disputes of Caelius with Isauricus, the son, were famous. What the ancients have said of them has been judiciously brought together by Freinsheimius in his supplement to Livy. This practical joke is related, as far as I know, by no other author besides Quintilian ; though the breaking of the chair of Caelius by Isauricus, when he was flattering the people with the hopes of an abolition of debts, is mentioned by Dio Cassius, lib. xlii. The affair took place during the life of Isauricus's father, who died at the age of ninety, about six years afterwards. Spalding.

§ See Cie. pro Ciel. c. 25-29. But to find the indecency of the joke we shall in vain inspect either Cicero or his commentators. That Quintilian should speak with such severity of Cicero I cannot but wonder. Spalding.

gesture, may be assumed, provided that certain bounds be observed.

27. What is said in jest, moreover, is either gay and cheerful, as most of the jokes of A.ulus Galba ;[†] or malicious, as those of the late Junius Bassus ;‡ or bitter, as those of Cassius Severus ;* or inoffensive, as those of Domitius Afer. But it makes a great difference *where* we indulge in jests. At entertainments, and in common conversation, a more free kind of speech is allowed to the humbler class of mankind, amusing discourse to all. 28. To offend we should always be unwilling; and the inclination *to lose a friend* rather than a joke should be far from us. In the very battles of the forum I should wish it to be in my power to use mild words, though it is allowed to speak against our opponents with contumely and bitterness, as it is permitted us to accuse openly, and to seek the life of another according to law ; but in the forum, as in other places, to insult another's misfortune is thought inhuman, either because the insulted party may be free from blame, or because similar misfortune may fall on him who offers the insult. A speaker is first of all to consider, therefore, *what his own character is ; in what sort of cause he is to speak ; before whom ; against whom ; and what he should say.* 29. Distortion of features and gesture, such as is the object of laughter in buffoons, is by no means suited to an orator. Scurrilous jests, too, mid such as are used in low comedy, are utterly unbecoming his character. As for indecency, it should be so entirely banished from his language, that there should not be the slightest possible allusion to it ; and if it should be imputable, on any occasion, to his adversary, it is not in jest that lie should reproach him with it. 30. Though I should wish an orator, moreover, to speak with wit, I should certainly not wish him to seem to affect wit ; and he must not therefore speak facetiously as often as lie can, but must rather lose a joke occasionally, than lower his dignity. 31. No one will endure a prosecutor jesting in a cause of a horrible, or a defendant in one of a piti-

* He is mentioned by Quintilian several times in this chapter, and nowhere else. I can say nothing certain as to who he was. *I paldbtg.* Whether he was the G;dba mentioned by Juvenal, v. 4, by Martial, i. 42, x. 20, and by Plutarch, vol. ii p. 700 A., it is vain to conjecture.

‡ Of him as little is known. His name occurs three times in this chapter ; see sect. 57, 74. See also vi. 3, 27.

§ vi. 1, 43; v. 10, 79.

able, nature. There are some judges also of too grave a disposition to yield willingly to laughter. It will sometimes occur, too, that reflections which we make on our adversary may apply to the judge, or even to our own client. 32. Some orators have been found indeed, who would not lose a jest that might recoil even on themselves ; as was the case with Sulpicius Longus,* who, though he was himself an ugly man, remarked that a person, against whom he appeared on a trial for his right to freedom,± *had not even the face of a free man;* when Domitius Afer, in reply to him, said, *On your conscience, Longus, do you think that he who has an ugly face cannot be a free man ?*

33. We must take care, also, that what we say of this sort may not appear petulant, insulting, unsuitable to the place and time, or premeditated and brought from our study. As to jests on the unfortunate, they are, as I said above, unfeeling. Some persons, too, are of such established authority, and such known respectability, that insolence in addressing them could not but hurt ourselves. 34. Regarding our friends a remark has already been made ; and it concerns the good sense, not merely of an orator, but of every reasonable being, not to assail* in this way one whom it is dangerous to offend, lest bitter enmity, or humiliating satisfaction, be the consequence. Raillery is also indulged injudiciously that applies to many ; if, for example, whole nations, or orders, or conditions, or professions, be attacked by it. Whatever a good man says, he will say with dignity and decency ; for the price of a laugh is too high, if it is raised at the expense of propriety.

35. Whence laughter may be fairly excited, and from what topics it is generally drawn, it is very difficult to say ; for if we would go through all the species of subjects for it, we

* Of him I have nothing to say. No one of that name mentioned by other writers was contemporary with Domitius Afer. *S'paldiny.*

† *Judicio liberali.*] In which the point to be tried is whether the party is to be a slave or free ; it is otherwise called *causa liberalis*, or *assertio*. See v. 2, 1. *Capperonier.*

§ *No lacessat.*] I read *te* before *lacessat* with Capperonier and most other editors. Spalding omits the *sae*, giving the passage, after Badius Asceasius, this interpretation : *lacessat cum, quern periculosu.m sit in'dere lwc modo sie, &c.* " The orator must jest with him, whom it is dangerous to offend, in such a way, that," &c. *Lacesserc.* he adds, is less than *lwdu*ç.

should find no end, and should labour in vain. 36. For the topics from which *jests* may be elicited, are not less numerous than those from which what we call *thoughts* may be derived,* nor are they of a different nature, since in jocularities also there is *invention* and *expression*, and a display of the force of eloquence, as consisting partly in the choice of *words*, and partly in the use of *figures* of speech. 37. But I may say in general that laughter is educed either from *corporeal peculiarities* in him against whom we speak, or from his *state of mind*, as collected from his actions and words, or from *exterior circumstances* relating to him ; for under these three heads fall all kinds of animadversion, which, if applied severely, is of a serious, if lightly, of a ludicrous character. Such subjects for jests are either *pointed out to the eye*, or *related in words*, or *indicated by some happy remark*. 38. But an opportunity rarely offers of bringing them before the eye, as Lucius Julius did, who having said to Helvius Mancianus, when he was repeatedly clamouring against him, *I will now show what you are like*, and Mancianus persisting, and asking him to show him what he was like, he pointed with his finger to the figure of a Gaul painted on a Cimbrian shield, which Mancianus acknowledged exactly to resemble ; there were shops round the forum, and the shield was hung over one of them as a sign.

39. To relate a jocular story is eminently ingenious, and suitable to an orator ; as Cicero in his speech for Cluentius* tells a story about Cepasius and Fabricius, and Marcus Caelius that of the contention of Decimus Silvanus and his colleague when they were hastening into their province. But in all such recitals elegance and grace of statement is necessary, and what the orator adds of his own should be the most humorous part of it. 40. So the retirement of Fabricius from the court is thus set off by Cicero : *When Cepasius, therefore, thought that he was speaking with the utmost skill,*

* See b. viii. c. 5; also Cicero de Orat. ii. 61.

t Cicero de Orat. ii. 66.

t C. 21.

§ Some editors read *Caius Laelius*, " who," says Burmann, " was questor in Sicily, and went away secretly into his province, in order to anticipate his colleague, with whom he had had a dispute as to which of them should have the province of Syracuse or Libyæum ; as is shown, with reference to this passage, by Pighius Ann. ad A.L.C. 699."

p Pro Cluent. c. 21.

and had drawn forth those solemn words from the innermost stores of his art, Look on the old age of Caius Fabricius, when, I say, he had, to embellish his speech, repeated the word *look* several times, he himself looked, but Fabricius had gone off from his seat with his head hanging down, and what he adds besides, (for the passage is well known,) when there is nothing in reality told but *that Fabricius left the court*. 41. Caelius also has invented every circumstance of his narrative most happily, and especially the last : *How he, in following, crossed over, whether in a ship, or a fisherman's boat, nobody knew; but the Sicilians, a lively and jocular sort of people, said that he took his seat on a dolphin, and sailed across like another Arion*.

42. Cicero* thinks that humour is shown in recital, and jocularities in smart attacks or defences. Domitius Afer showed extraordinary wit in narration ; and many stories of this kind are to be found in his speeches ; but books of his shorter witticisms have also been published. 43. Raillery may also be displayed not in mere shooting of words, as it were, and short efforts of wit, but in longer portions of a pleading, as that which Cicero relates of Crassus against Brutus in his second book *De Oratore*,† and in some other passages.‡ 44. When Brutus, in accusing Cneius Plancus, had shown, by the mouths of two readers, that Lucius Crassus, the advocate of Plancus, had recommended, in his speech on the colony of Narbonne, measures contrary to those which he had proposed in speaking on the Servilian law, Crassus on his part called up three readers, to whom he gave the Dialogues of Brutus's father to read, and as one of those dialogues contained a discourse held on his estate at *Privernum*, another on that at *Alba*, and another on that at *Tibur*, he asked Brutus *where all those lands were*. But Brutus had sold them all, and, for having made away with his father's estates, was considered to have dishonoured himself. Similar gratification from narrative attends on the repetition of apologies, and sometimes on historical anecdotes.

45. But the *brevity* observed in jocular sayings has some-

* Orat. c. 26.

† C. 55.

§ The commentators refer to Pro Cluent. a. 51. Whether the story is told in any other passage of the extant *works of Cicero*, I really cannot say. *Spalding*.

thing more of point and liveliness. It may be employed in two ways, in *attack* or in *reply*; and the nature of the two is in a great degree the same; for nothing can be said in Aggression that may not also be said in retort. 46. Yet there are some points that seem to belong more peculiarly to reply. What is said in attack, those who are heated with anger* often utter; what is said in rejoinder, is generally produced in a dispute, or in examining witnesses. But as there are innumerable topics from which jokes may be drawn, I must repeat that they are not all suitable for the orator. 47. In the first place, those obscure jokes do not become him, which depend on *double meanings*, and are captious as the jests of an Atellan farce; † nor such as are uttered by the lowest class of people, and which out of ambiguity produce obloquy; nor even such as sometimes fell from Cicero, though not in his pleadings, as when he said, for instance, on occasion of a candidate for office, who was reported to be the son of a cook, soliciting a vote from another person in his presence, *Ego quoque tibi favebo.*+ 48. Not that all words which have two meanings are to be excluded from our speech, but because they rarely have a good effect unless when they are well supported by the matter. Of which sort § there is not only a joke of Cicero, almost scurrilous, on Isauricus, the same that I mentioned above, || *I wonder what is the reason that your father, the most steady of men, left us a son of so varied a character¶ as yourself,* 49. but another excellent jest of his, of the same nature, uttered when the accuser of Milo advanced in proof of an ambush having been laid for Clodius, that *Milo had turned aside to Bovillæ before the ninth hour, to wait till*

* *Ird concitati.*] Spalding justly doubts the genuineness of these words, but proposes no emendation that satisfies even himself.

† *Atellanæ more captent.*] The *Atellanæ fabule* were a species of farce or low comedy, having their name from Atella, a town of the Osci, where they had their origin. Livy, vii. 2.

The jest cannot be translated. It consists in the play on *quoque* for *toque*. "I also will support you," or, "I, O cook, will support you." The ancients wrote *coquus* with a *q* instead of a *c*, as appears from Donatus on Ter. Adolph. iii. 3, 69.

Spalding very properly reads *Quale* for *Quare*.

|| Sect. 25.

¶ *Ivarium.*] Philander and Gesner rightly understand this word in the sense of *maculosum 4 plagis*, "spotted with stripes." Spalding.

Clodius should leave his villa, and asked several times *when Clodius was killed*, Cicero replied, *Late*; a repartee which is alone sufficient to prevent this sort of jests from being wholly rejected. 50. Nor do ambiguous words only signify more things than one, but even things of the most opposite nature; as Nero said of a dishonest slave, *That no one was more trusted in his house; that nothing was shut or sealed up from him.**

51. Such ambiguity may be carried so far as to be even enigmatical; as in the jest of Cicero on Pletorius, the accuser of Fonteius, † *whose mother, he said, had had a school while she was alive, and masters after she was dead*; the truth was, that women of bad character were said to have frequented her house while she was alive, and that her goods were sold after her death; so that *school* is here used metaphorically, and *masters* ambiguously. §

52. This kind of jest often falls into *inetalepsis*; § as Fabius Maximus, †† remarking on the smallness of the presents which were given by Augustus to his friends, said that his *congiaria* were *heutinaria, congiarium* signifying both a gratuity and a measure, and the word *heminarium* being employed to show the littleness of the gratuities. ¶ 53. This sort of jest is as poor as is the play upon names, by adding, taking away, or altering letters; as I have seen, for instance, a man named *Acisculus* called *Pacisculus*,** because of some bargain that he had made;

‡ Cicero de Orat. ii. 61. But the words *Nulli plus apud se fidei haberi*, which spoil the joke, are not given by Cicero.

† A great part of the speech which Cicero delivered in defence of Marcus Fonteius is lost; and among the lost passages is that to which Quintilian alludes. Spalding.

+ The word *magistri*, "masters," as appears from several passages in Cicero's letters, was a term applied to those who had the charge of property sold for debt under the praetor's edict.

§ A figure by which the consequent is put for that which precedes. See viii. G, 37.

|| He was consul A.U.C. 743; Tacit. Ann. i. 5. Some epistles of Ovid from Poutus are addressed to him. Spalding.

¶ The word *congiarium* is from *congius*, a liquid measure containing nearly six pints English, which, when wine or oil was distributed on certain occasions among the people, was the quantity usually given to each person. Liv. xxv. v. The *hemina* or *cotyla*, was the twelfth part of the *congius*, about half a pint English.

** From *paciscor*, to make a bargain.

another named *Placidus* called *Acidus* for the sourness of his temper ; and Tullius, because he was a thief, called *Tollius*.^{*} 54. But pleasantries of this nature succeed better in allusions to things than to names, Thus Domitius Afer very happily said of Manlius Sura, who, while he was pleading, darted to and fro, leaped up, tossed about his hands, and let fall and re-adjusted his toga, *Non agere sed satagere*, that "he was not merely *doing* business in the pleading, but *over-doing* it." The employment of the word *satagere* is a very good joke in itself, though there was no resemblance to any other word. 55. Such jests are made by adding or taking away an aspirate, or by joining two words together ; modes in general equally poor, but sometimes passable. Similar, too, is the nature of all jokes that are made upon names ; many of which are repeated, as the conceits of others, by Cicero against Verres ; in one place, that, as he was called *Verres*, he was destined *verrere mania*, " to sweep away everything ;" in another, that being *Verres*, " a boar-pig," *he had been more troublesome to Hercules, whose temple he had pillaged, than the boar of Erymanthus*;[§] in another, that *he was a bad Sacerdos who had left so vicious a Verres*; because Verres had been the successor of Sacerdos.[§] 56. Fortune, however, sometimes affords an opportunity of indulging happily in a jest of this kind ; as Cicero, in his speech for Coecina, II remarked upon a witness named Sextus Clodius Phormio, that *he was not less black, or less bold, than the Phormio of Terence*.

57. But jests which are derived from *peculiarities in things* are more spirited and elegant. *Resemblances* are most conducive to the production of them, especially if the allusion be to something meaner and of less consideration ; a sort of pleasantry to which the ancients were attached, who called Len-

- From *tollo*, to take away.

Spalding observes that the reader will in vain seek for this witticism in the pleadings against Verres, though something of a similar nature occurs, ii. 21, and iv. 24, 25; that Quintilian may have learned it from some other quarter, and have imagined that he had seen it in Cicero; and that the allusion is to the second person singular of the future indicative of the verb *verro*.

§ In Verr. iv. 43.

§ In Verr. i. 46.

p C. 10.

tulus *Spinther*,^{*} and Scipio *Serapion*.^t 58. But such jests are taken not only from human beings, but from other animals ; thus, when I was young, Junius Bassus, a man of extraordinary jocularity, was called *a white ass*;^{*} and Sarmentus,[§] or Puhlius Blessus, called Junius, a black man, 'lean and crook-backed, *an iron clasp*.¹¹ This mode of exciting laughter is now very common. 59. Such comparisons are sometimes made undisguisedly, and sometimes insinuated in the way of inference. Of the former sort is the remark of Augustus, who, when a soldier was timidly holding out a memorial to him, said, *Do not shrink back, as if you were offering a piece of money to an elephant*. 60. Jokes sometimes rest on some fanciful comparison : as that which Vatinius made, when, being on his trial, and Calvus pleading against him, he wiped his forehead with a white handkerchief, and the accuser made the circumstance the subject of a reflection on him, *Although I lie under an accusation*, returned Vatinius, *I eat white bread* A 161. An application of one thing to another, from some similarity between them, is still more ingenious ; as when we adapt, as it were, to one purpose, that which is intended for another. This may very well be called an *imagination*; as, for instance, when, at one of Cusar's triumphs, models in ivory of the towns which he had taken were carried in procession, and, a few days after, at a triumph of Fabius Maximus, models in wood of those which Fabius had taken were exhibited, Chrysippustt observed

* From his resemblance to an inferior actor of that name. Val. Max. ix. 14, 4.

j- Because he resembled *a victimarius*, or dealer in animals for sacrifice, of that name. Val. Max. ix. 14, 3.

§ Asinus *alLus*.] Burmann supposes that he was called Asinus from some resemblance that he bore to an ass in some part of his person, and *albus* from his complexion.

§ We are made acquainted with Sarmentus by Horace, Sat. i. 5. That lie was a favourite of Augustus, appears from Plutarch, vol ii p. 943. In Horace he has a certain advantage over the adversary with whom he is made to contend. See also Juvenal. v. 3 and his Scholiast. *Spalding*.

¶ From his bent figure.

¶ If I eat white bread, why may I not wipe my face with a white handkerchief ? If I use one white thing, why may I not use another ? We should remember, as Turnebus observes, that persons under accusation generally wore a dark dress.

** Caesar's lieutenant-general in Spain ; consul A.v.c. 709. *Spalding*. ft Burmana seems to be right in supposing that this was Chrysippus

that Fabius's wooden models were the cases of Caesar's ivory ones. That was something similar which Pedo 'c said of a *m.irmillo*, who was pursuing a *retarius*, but did not strike him, *lie wishes to take him alive.* 62. Similitude is united with ambiguity; as Aulus Galba said to a player at ball who was standing to catch the ball very much at his ease, *You stand as you were one of Casar's candidates;*' fur in the weird "stand" there is *ambiguity*; the "ease" is *similar* in both cases. This it is sufficient to have noticed. 63. But there is very frequently a mixture of different kinds of pleasantry; and that indeed is the best which is the most varied.

A like use may be made of things that are *dissimilar*. A Roman knight, to whom, as he was drinking at the public games,+ Augustus had sent an attendant with the message, *If I wish to dine, I retire to my house,* replied, *You, Augustus, are not afraid of losing your place.* 64. From *contraries* § there are many kinds of jokes. It was not the same sort of jest with which Augustus addressed an officer whom he dismissed with dishonour, and who tried several times to move him with entreaties, saying, *What shall I tell my father?* " *Tell him,* said the emperor, *that I have displeased you,* as that with which Galba 1T replied to a person who asked him for the loan of a Vettius, the freedman of Cyrus, and an architect, as he appears to have been in Gaul, and was perhaps in the retinue of Caesar. See Cicero ad Div. vii. 14; ad Att. xiv. 9. *Spalding.*

* I have no doubt that this was the poet Caius Pedo Albinovanus, who is casually mentioned, x. 1, 90. *Spalding.*

± *Sic petis tanquam Cwsaris candidates.]* There is an ambiguity in the Latin *petis*, for which I have given "stand." *Cwsaris candidates* means a candidate for office recommended by the emperor, and consequently sure of being elected.

I After the time of Augustus this practice became common enough; and, when the people were detained whole days at the spectacles, a certain sum of money was allowed by the emperor to each order, to buy wine to drink in the theatre; see the coin mentators on Martial, i. 12, 27, who refer to this passage of Quintilian. *Spalding.*

§ When the reply is contrary to what might have been expected from the question.

¶ See Macrob. Sat. ii. 4, whence we learn that the officer was Ilerennius, a young man of immoral character. *Spalding.*

¶ Whether this be the same Galba that is mentioned in sect. 62, I think is very uncertain, as he lived, it appears, in a *cwnaculum*, or garret, a habitation for the poorer classes. Perhaps we should understand Caius Galba, the brother of the emperor, who, after wasting his property, is said to have left the city. Suet. Galb. c. 3. *Burmman,*

cloak, *I cannot lend it you, for I am going to stay at home,* the fact being that the rain was pouring through the roof into his garret. I will add a third, though respect for its author prevents me from giving his name, *You are more libidinibus than any eunuch;* where doubtless expectation is deceived by something contrary to that was looked for. Of similar origin, though different from any of the preceding, is the observation of Marcus Vestinius, when lie was told that some nasty fellow was dead, *He will then at length,* said he, *cease to stink.** 65. But I should overload my book with examples, and make it similar to such as are composed to excite laughter, **if I should** go through all the sorts of jests uttered by the ancients.

From all modes of argument, there is the same facility for extracting jokes. Thus Augustus, in speaking of two actors in pantomime, who vied with each other in gesticulation, employed *definition*, calling the one *a dancer*, and the other an *interrupter of dancing.* 66. Galba used *distinction*, when he replied to one who asked him for his cloak, *You cannot have it, for, if it does not rain, you will not want it, and, if it does rain, I shall wear it myself.* From *genus, species, peculiarities, differences, connexions,* § *adjuncts, consequents, antecedents, contrarieties, causes, effects, comparisons of things equal, greater, and less,* similar matter for jesting is extracted. 67. It is found, too, in all the figures of speech. Are not many jokes made *xa8' v-. /3oXily*, by the aid of hyperbole? Cicero gives us one example, in reference to a very tall man, that *he had struck his head against the arch of Fabius;* § and another is afforded in what Oppius said of the family of the Lentuli, of which the children were invariably shorter than their parents, that *** would by propagation come to nothing.* 68. As for *irony*, is it not in itself, when employed very

" lie was of course, says Burmann, a dirty fellow, that offended other people's noses.

¶ *Ate-ma saltatore[n] di.rit, alterum interpellatorem.]* The one, says Spalding, was such a dancer as he ought to have been; the other a mere spoiler of dancing. But we do not see the point of the joke.

Perhaps *interpellatorem* is corrupt.

+ *Jugatis.]* See v. 10, 85.

§ Cicero de Orat. ii. 66. But the joke is there attributed to Crassus. Nor is it quite the same in form, for Memmius is said by Crassus merely to have stooped his head as he went under the arch of Fabius. Spalding supposes that Quintilian was misled by his imagination. The arch of Fabius was so called from having been built by Fabius Allobrochus.

gravely, a species of joking ? Domitius Afer used it very happily, when he said to Didius Gallus, who had made great solicitations for a province, and, after obtaining it, complained as if he were forced to accept it. *Well, do something for the sake of the commonwealth.** Cicero, too, employed it very sportively, on a report of the death of Vatinius, for which the authority was said to be far from certain, *In the meantime,* said he, *I will enjoy the interest.t* 69. Cicero used also to say, *allegorically,* of Marcus Caelius, who was better at accusing than defending, *that he had a good right-hand, but a had left.** Julius used the *antonomasia,* when he said *Ferrum Accium Nwvium incidisse. §*

70. Jocularly also admits all *figures of thought*, called by the Greeks *αἰνῶν; cara dravoias*, under which some have ranked the various species of jests ; for we *ask questions*, and *express doubt*, and *affirm*, and *threaten*, and *wish* ; and we make some remarks as if *in compassion*, and others *with anger*. But everything is jocular that is evidently pretended.

71. To laugh at foolish remarks is very easy ; for they are ridiculous in themselves ; but some addition of our own increases the wit. Titus Maximus foolishly asked Carpathius as he was going out of the theatre, *Whether he had seen the play;* when Carpathius made the question appear more ridiculous by replying, *No, for I was playing at ball in the orchestra.*

72. *Refutation* admits of jesting either in the form of *denial*, *retort*, *defence*, or *extenuation*. Manius Curius made a good repartee *by way of denial*; for when his accuser had had him painted on a curtain, *!I everywhere either stripped and in prison in consequence of gambling, or being redeemed by*

* Having obtained the province, by solicitation, for your own sake, govern it for the sake of your country.

t The report may not be true, but I will enjoy the hope that it may not be false. If the capital on which interest is paid me, be but imaginary, I may still make the most of the interest.

§ The sword was held in the right hand, to attack ; the shield in the left, to defend. *Turnebus.*

§ A passage which we must leave in despair ; for it cannot be amended without the help of some better manuscript. *Burmann.* How the words are to be taken, so as to make a joke, it is impossible to conjecture.

|| We must suppose, says Gesner, that the curtain was divided into compartments, and that some scene of his life was represented in each compartment.

his friends, *Was I, then,* he replied, *never successful ?* 73. *Retort* we use sometimes undisguisedly, as Cicero in reply to Vibius Curius, who was telling falsehood concerning his age, said, *Then, when we declaimed in the schools together, you were wdt born ;* sometimes with feigned assent, as the same orator said to Fabia, Dolabella's wife, who observed that she was thirty years old, *No doubt, for I have heard you say so these twenty years.* 74. Sometimes in place of what you deny, something more cutting is happily substituted : as Junius Bassus, when Doruitia, the wife* of Passienus, complained that he had said, as a charge of meanness against her, that *she used to sell old shoes,* replied, *No, indeed, I never said any such, thing ; I said that you used to buy them.* A defence a Roman knight made with some humour, replying to Augustus, who reproached him with having eaten up his patrimony, *I thought it was my own.*

75. Of *extenuation* there are two modes ; a person may make light of another's claims to indulgence, or of some boast that he utters. Thus Caius Caesar* said to Pomponius, who was showing a wound which lie had received in his mouth in the sedition of Sulpicius, and which lie boasted that he had received in fighting for Cwsar, *When you, are fleeing, never look back.* Or it may extenuate some fault imputed to us, as Cicero said to those who reproached him with having at sixty years of age married Publilia § a virgin, *To-morrow she will be a woman.* 76. Some call this kind of jest *consequent*, and similar to that of Cicero when he said that *Curio*, who always began his pleadings with an excuse for his age, *would find his exordium every day more easy,* because the reply seems naturally to follow and attach itself to the remark. 77. But one kind of extenuation is a suggestion of *a reason*, such as Cicero gave to Vatiuius, who, having the gout, but wishing to appear improved in health, said that he could walk two miles a-day, *The days, rGloined Cicero, are very long.* Augustus made a similar answer to the people of Tarraco, who told him that a palm-tree had grown on his altar in their city : *It shows,* said he,

* See c. 1, sect. 50.

+ *Vcniam.*] The genuineness of this word is very doubtful. Spalding would read *aut vanam quis alius jactantiam minuat, &c.*

§ Caius Julius Cwsar Strabo, cousin to the dictator's father. *Turnebus.*

Whom he married after he divorced Terentia. Ad Att. xii. 32.

how often you make afire on it. 78. Cassius Severus transferred* a charge from himself to others ; for when he was reproached by the praetor that his advocates had insulted Lucius Varus an Epicurean, a friend of Caesar, he replied, *I do not know what sort of characters committed the insult, but suppose that they must have been Stoics.*

Of *rebutting* a jest there are many ways ; the most happy is that which is aided by some resemblance in the words, as Trachalus, when Suellius said to him, *If this is so, you go into exile,* replied, *And if it is not so, you return into exile.* 70. Cassius Severus, when a person made it a charge against him that Proculcius had forbidden him his house, *eluded* the charge by replying, *Do I ever then go to Proculcius's house ?* Thus one jest is eluded by another; as the Emperor Augustus, when the Gauls had made him a present of a collar of a hundred pounds weight, and Dolabella had said in jest, though with some solicitude as to the event of the jest, *Distinguish me. General, with the honour of the collar,* replied, *I had rather distinguish you with the honour of a civic crown ;* 80. and one falsehood may also be eluded by another ; as when a person said in the hearing of Galba that *he had bought in Sicily for one victoriatu*s* a lamprey five feet long,* Galba rejoined that *it was not at all surprising, as they grew so long there that the fishermen used them for ropes.* 81. Opposed to the negative is the pretence of *confession*, which also has much wit. Thus Domitius Afer, when he was pleading against a freedman of Claudius Caesar, and a person of the same condition as the party against whom he was pleading called out from the opposite side of the court, *Do you then always speak against the freedmen, of Cwsar ?* replied, *Always, and yet, by Hercules, I produce no effect.*§ Similar to confession is *not to deny* what is alleged, though it be evidently false, and though opportunity For an excellent answer be suggested by it ; as Catulus, when Philippus said to him, *Why do you bark?* replied, *Because*

* *Transtulit.*] See on *travslatio*, or " exception," iii. 6, 23.

t Which was made of oak leaves.

A small coin, the half of a denarius, about 34d. of our money. It was so called from having a figure of victory stamped on it.

It is known from Tacitus, Suetonius, and Dio Cassius, how much Claudius was under the government of his freedmen. Hence the 6)lduess of Domitius Afer's remark is the more commendable. *Spalding.*

*I see a thief.** 82. To joke upon one's self, is, I may say, the part only of a buffoon, and is by no means allowable in an orator. It may be done in as many ways as we joke upon others ; therefore, though it be too common, I pass it over. 83. Whatever, moreover, is expressed scurrilously or passionately, is, though it may raise a laugh, unworthy of a man of respectability. Thus I know a man who said to an inferior person, that had addressed him with too little respect, *I will inflict a blow on your head, and bring an action against you for hurting my hand by the hardness of your head.*t At such a saying it is doubtful whether the hearers ought to laugh or feel indignation.

84. There remains to be noticed the kind of joke that consists in *deceiving expectation*,+ or taking the words of another in a sense different from that in which he uses them ; and of all sorts of jests these may be said to be the happiest. But an unexpected turn may be adopted even by one who attacks ; such as that of which Cicero gives an example *What is wanting to this man except fortune and virtue?* Or as that of Domitius Afer : *For pleading causes he is a man excellently apparelled.*§ Or it may be used in anticipating the answer of another person. Thus Cieero,|| on hearing a false report of the death of Vatinius, asked his freedman Ovinus, *Is all well ?* and, when he said *All is well,* rejoined, *lie is then dead ?* 85. Great laughter attends on *simulation* and *dissimulation*, which may b, thought similar and almost the same, but *simulation* is the act of one who pretends to feel a certain persuasion in his mind ; *dissimulation* that of one who feigns not to understand another's meaning. Domitius Afer used simulation, when, on some persons reiterating at a trial that *Celsina knew the facts,* (who was a woman of some influence,) he asked, *Who is he ?* wishing to make it appear that he thought Celsina a man. 86. Cicero used dissimulation when a ivitness, named Sextus Annalis, had given testimony against a person whom he was defending, and the prosecutor several

Cicero de Orat. ii. 54.

f I interpret this jest according to the conception of Burmaun.

§ See ix. 2, 22; Cicero de Orat. ii. 70.

Optdme vestiLua.] *Vest it a.* instead of *exercitatus*, *versatus*, or *paratus* Turnebus.

¶ Comp. sect. 038.

times pressed him, crying, Tell us, Marcus Cicero, whether you can say anything of Sextus Annalis ; Cicero immediately began to recite from the sixth book of the Annals of Emiius,*

Quis potis ingentis easas evolvere belli ?
Who can the cause of this great war disclose °

87. For this kind of jest ambiguity doubtless affords the most frequent opportunity ; as it did to Cascellius,t 'who, when a person consulting him said, I wish, to divide my ship,+ rejoined, You will lose it then. But the thoughts are often sent in another direction, by a remark being turned off from something of greater to something of less consequence ; as when the person who was asked what he thought of a man caught in adultery, replied that he was slow.§ 88. (Of a similar nature is that which is said in such a manner as to convey a suspicion of the meaning ; as in an example to be found in Cicero.¶¶ When a man was lamenting that his wife had hung herself on a fig-tree, I beg you, said another to him, to give sue a slip of that tree, that I may plant it ; for the meaning, though not expressed, is very well understood.. 89. Indeed all facetiousness lies in expressing things with some deviation from the natural and genuine sense of the words employed ;¶¶ and this is wholly done by misrepresenting our own or other people's thoughts, or by stating something that cannot be. 90. Juba* misrepresented the thought of another, when lie said to a man that complained of having been bespattered- by his horse, What ! do you think me a Hippocen.taur ? -f-N Caius Cassius misrepresented his own, when he said to a soldier hurrying to the field without his sword, Ah ! comrade, you will use your

" Dic, said the prosecutor, de Sexto Annali : Cicero repeated a verse de Sexto Annali, or de Sexto Lnnii Annalium libro. It was probably the first verse of the book ; or, if not, one with which his hearers were well acquainted. Virgil has an imitation of it, lEn. ix. 528.

+ Cascellius Auius, the famous lawyer mentioned by for. Epist. ad Pis. 371.

¶ Meaning, to divide or share the freight of it with some other person.

Cicero de Orat. ii. 68.

¶ De Orat. ii. 69.

¶¶ Aliter quam at rectum verumque.] So in sect. 6 he says ridiculum dictum plerumque falsum est.

* Juba the historian, whom Julius C2esar led in triumph, and Augustus restored to his kingdom.

+t The person who complained seems to have said, " You have oespatterAd me," when the spattering had proceeded from the horse.

Fist well;* and Galba did the same when some fish, vrhich had been partly eaten the day before, were putt upon the table with their other side uppermost : Let us make haste, to eat, said he, for there are people under the table supping upon the same dish. Of the same sort is the jest of Cicero on Curius, which I have just mentioned,1' for if was impossible that he should not have been born when he was declaiming. 91. There is a certain misrepresentation, too, that has its origin in irony, of which Caius Coosar+ gives us an example; fcr when a witness said that his groin had been wounded by the accused person, and it was easy to show why he had wished to wound that part of his body rather than any other, Ca sar preferred to say, What, could he do, when you had a helmet and a coat of mail 92. But the best of all simulation is that which is directed against one who simulates, such as that which was employed in the following instance by Domitius Afer : He had by him a will which had been made some time, and a mail whom he had taken into his friendship since the date of it, hoping to gain something if he should alter it. told him a story of his own invention, for the purpose of asking him whether lie should advise an old chief centurion,¶¶ who had already made his will, to make another,¶¶ By no means do so, said Domitius, for you will offend hint.

99. But the most agreeable of all such pleasantries, are such as are good-natured, and, so to speak, easy of digestion ; such as that which the same orator once addressed to an ungrateful client, who avoided recognition from him one day in the forum ; he sent this message to him by an attendant Are you not obliged to me for not having seen you ? Or as that which he addressed to his steward, who, when he was unable to give all account of the money in his hands, remarked several

* He pretended to think that the soldier had left his sword behind him intentionally, and was going to fight with his fists. Turnebus.

t Sect. 73.

§ The same, I suppose, that is mentioned in sect. 75. Spalding.

¶ Quintilian doubtless saw more wit in this supposition than we can see.

¶¶ Perhaps there was a good deal of talk about the wills of that class of men at that time. Spalding.

¶¶ Odiuarc suprema judicicia.] This phrase is often used for testari by the lawyers. The substantive, however, is very frequently omitted. Spalding.

times, " I have eaten no bread, and I drink water;" *Sparrow*, said Domitius, *return what you ought to return*. * These kinds of jokes they call jokes applicable to character. 94. It is a pleasing sort of jest, too, that lays less to the charge of another than might be laid ; thus when a candidate for office applied to Domitius Afer for his vote, saying, " I have always respected your family," Domitius, when he might have -boldly denied the assertion, said, *I believe you, and it is true*. It is some times amusing to speak of one's self.+ That, too, which, if said regarding a person in his absence, would be ill-natured, is, when uttered as an attack upon him to his face, a mere subject for laughter. 95. Such was the remark of Augustus, when a soldier was requesting something unreasonable of him, and Marcianus, whom lie suspected of intending to ask of him something unjust, carne up at the time : *I trill no more do what you ask, comrade*, said he to the soldier, *than I will do that which Marcianus is going to ask*. 96. Verses also, aptly quoted, have given great effect to witticisms, whether introduced entire and just as they are, (a thing so easy, that Ovid has composed a book against bad poets in verses taken from the Tetrastichs of Macer,*) and this mode of citation is the more agreeable if it be seasoned with something of ambiguity, as in Cicero's remark upon Marcius,§ a man of much cunning and artifice, when he was suspected of unfair dealing in a cause,

Nisi quu Ulixes rate evasit Laertius,||
Unless Ulysses, old Laertes' son,
Had in his ship escap'd ;

97. or with some little change in the words ; as when Cicero jested on a senator, who, having been always thought extremely foolish, was, after inheriting an estate, called upon first to give his vote in the senate, saying,

* *Passer, redde quod debes.*] The commentators give no satisfactory explanation of *Passer*. Gebhardt's comment on it is mere trifling. Spalding admits that he can find nothing among the ancient writers to illustrate it, though he retains it in his text. It is certainly better to read *pascere*, " Eat, and give a proper account of your money," with Obrecht and Francius.

t I wonder that no example is given. *Spalding*.

Of these tetrastichs of A rnilius Macer nothing is left. See Broul:husius ad 'ribuliuin, ii. 6, 1.

It is uncertain whether this name be genuine.
/ A verse from some unknown tragedy.

Cujus hwreditas cat quernm vocant sapientiam,

Th' estate of whom is that which they call wisdom,

putting *hcereditas*, "estate," for *facilitas*, "faculty;" or by inventing verses similar to some well-known verses, which is called a parody. 98. Or proverbs may be aptly applied, as a person said to a man of bad character who had fallen down, and asked to be helped up, *Let some one take you up who does not know you.*'

To take a jest from history shows learning; as Cicero did, on the trial of Verres ; for when he was examining a witness, Hortensius observed, " I do not understand these enigma' ,A;" *But you ought*, replied Cicero, *as you have a Sphinx at home*; for he had received from Verres a brazen Sphinx of great value.

99. As to *apparent absurdities*,} they consist in an imitation of foolish sayings, and would, if they were not affected, be foolish; as that of the man who, when the people expressed their wonder that he had bought a low candlestick, said to them, *It will serve me for breakfast*. * *But* some that are very like absurdities, and that seem to be said without any reason at all, are extremely pointed ; as when the slave of Dolabella was asked whether his master had advertised a sale of his property, lie replied, *He has sold his house*. § 100. Persons taken by surprise sometimes get rid of their embarrassment by a jest. Thus when an advocate asked a witness who said that he had been wounded by the person on trial, " whether he had a scar to show," and the witness showed a large one on his groin, *He ought*, observed the advocate, *to have aimed at your side*-11 It is also possible to use insulting expressions happily; as Hispo, when his accuser twice imputed heinous crimes to him, replied,

* Compare Hor. Epist. i. 17, 62.

+ See sect. 43.

† *Pransorium erit.*] *Prandia*. similar to our breakfasts, required smaller apparatus than were used for dinner. *Spalding*. A low candlestick diffuses but little light, and is consequently of small use at night; the man said, therefore, that it would serve for breakfast, when, indeed, as it would be daylight, no lamp would be required. *Tumebus*.

§ By this reply he signified that his master was reduced to sell everything ; for the house which a person inhabits will be the last thing that he will sell. *Tumebus*.

|| My client ought to have aimed at your side, and at a mortal part, and you would then have been prevented from giving evidence against him)n the presev t occasion. *Leaner*.

You lie. And Fulvius, when Legatus, who asked him whether a will, which he produced, had a signature, replied, *And a true one, master.'*

101. These are the most usual sources, that I have either found indicated by others, or discovered for myself, from which jests may be derived ; but I must repeat, that there are as many subjects for facetiousness as for gravity ; all which persons, places, occasions, and chances, which are almost infinite, suggest to us. 102. I have therefore touched upon these points that I might not seem to neglect them ; and what I have said on the practice and manner of jesting was, though unsatisfactory, nevertheless necessary.

To these Domitius Marsus, who wrote a very carefully studied treatise on *Urbanitas*, "urbanity," adds some examples of sayings that are not laughable, but admissible even into the gravest speeches; they are elegantly expressed, and rendered agreeable by a certain peculiar kind of wit; they are indeed *urbana*, "urbane," or "polished," but have nothing to do with the ridiculous. 103. Nor was his work intended to treat of laughter, but of *urbanitas*, which, he says, is peculiar to our city, and was not at all understood till a late period, after it became common for the term *urbs*, though the proper name was not added, to be taken as signifying Rome.

104. He thus defines it : + " *Urbanitas* is a certain power of thought, comprised in a concise form of expression, and adapted to please and excite mankind, with reference to every variety of feeling, being especially fitted either to repel or to attack, as circumstances or persons may render necessary." But this definition, if we take from it the particular of conciseness, may be considered as embracing all the excellences of language ; for, if it concerns things and persons, to say what property applies to each of them is the part of consummate eloquence ; and why he made it a necessary condition that it should be concise, I do not know.

105. But, in the same book, a little farther on, he defines another kind of *urbanitas*. peculiar to narrative, (which has

^a In these two repartees no wit is to be discovered ; the text is probably corrupt or defective ; " but," says Spalding, " I had rather abstain from attempting emendation than pretend to see in the thickest darkness."

^t Comp. sect. 35, 36.

[§] See Quintilian's own definition, Beet. 17. Gesner.

been displayed, he says, in many speakers,) in the following manner, adhering, as he states, to the opinion of Cato

A man of *urbanites* will be one from whom many good sayings and repartees shall have proceeded, and who, in common conversation, at meetings, at entertainments, in assemblies of the people, and, in short, everywhere, speaks with humour and propriety. Whatever orator shall deliver himself in this way, laughter will follow." 106. But if we receive these definitions, whatever is said well, will also have the character of *urbanitas*. To a writer who proposed such specifications, it was natural to make such a division of *urbane* sayings as to call some *serious*, some *jocose*, and others *intermediate* ; for this division applies to all properly expressed thoughts. 107. But to me, even some sayings that are jocose, appear not to be expressed with sufficient *urbanitas*, which, in my judgment, is a character of oratory *in which there is nothing incongruous, nothing coarse, unpolished, nothing barbarous to be discovered, either in the thoughts, or the words, or the pronunciation, or the gestures* ; so that it is not to be looked for so much in words considered singly, as in the whole complexion of a speech ; like Atticism among the Greeks, which was a delicacy of taste peculiar to the city of Athens.

108. Yet that I may not do injustice to the judgment of Marsus, who was a very learned man, I will add that he distinguishes *urbanitas*, as applied to *serious* sayings, into the *commendatory*, the *reproachful*, and the *intermediate*. Of the commendatory he gives an example from Cicero, in his speech for Ligarius, when he says to Cæsar, *Thou who art wont to forget nothing but injuries.* 109. Of the reproachful he gives as an instance what Cicero wrote to Atticus concerning Pompey and Cæsar : *I have one whom I can avoid; one whom I can follow, I have not.* of the intermediate, which he calls *apothymia*, he cites as a specimen these other words of Cicero :+ *that death could never be either grievous to a brave man, or premature to a man who has attained the consulship, or calamitous to a wise man.* All these passages are very happily expressed ; but why they should be peculiarly dis-

*C.12.

^t Ad Att. viii. 7, . with which Quintilian's words do not exactly correspond. Comp. Plutarch, vol. ii. p. 205 ; Macrob. Saturn. ii. 3. ; see also viii. 5, 18. Spalding.

^t In Cotil. iv. 2.