LATIN SERIES · VOLUME 84

On Invention

Cicero

De Inventione · Orator · Topica

On Invention

With the Orator and the Topics

---

with a word-for-word interlinear English translation

preserving the original word order



CANES NOBILES · MMXXVI

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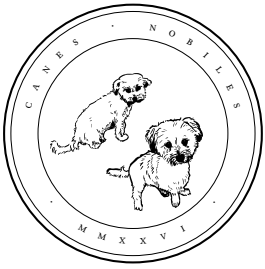

Volume 84 of the Canes Nobiles Latin interlinear texts

The Latin text follows Ströbel's Teubner text of De Inventione, of 1915,
and Wilkins' Oxford text of the Orator and Topica, in its issue of 1911

Set from the Perseus Digital Library's canonical Latin corpus, with corrections

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What Ströbel and Wilkins seclude is not printed, and a dagger marks
a word they obelize. Three asterisks stand where Cicero breaks
off a quotation or Wilkins marks a lacuna, a single one where
Ströbel marks one. Every chapter and English title is this press's.

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CICERO

De Inventione

On Invention

LIBER PRIMUS

I · WISDOM AND ELOQUENCE

Cicero has often asked whether eloquence has done men and states more good or harm. Wisdom without eloquence does little good, eloquence without wisdom much harm. Men once wandered like beasts until a wise and eloquent man gathered them into society; later clever speakers without wisdom seized the state, and good men withdrew into leisure. Eloquence must be pursued for the sake of the commonwealth, joined to wisdom.

Saepe et multum hoc mecum cogitavi, bonine an 1
often and much this with-myself I-have-pondered of-good-whether or
mali plus attulerit hominibus et civitatibus copia dicendi
of-ill more has-brought to-men and to-states abundance of-speaking
ac summum eloquentiae studium. Nam cum et nostrae
and the-highest of-eloquence pursuit for when both of-our
rei publicae detrimenta considero et maximarum civitatum
thing public the-losses I-consider and of-the-greatest states
veteres animo calamitates colligo, non minimam video per
the-old in-mind calamities I-gather not the-least I-see through
disertissimos homines invectam partem incommodorum; cum
most-eloquent men brought-in part of-the-misfortunes when
autem res ab nostra memoria propter vetustatem remotas
however things from our memory on-account-of antiquity removed
ex litterarum monumentis repetere instituo, multas urbes
from of-literature the-records to-recover I-undertake many cities
constitutas, plurima bella restincta, firmissimas societates,
founded very-many wars extinguished most-firm alliances
sanctissimas amicitias intellego cum animi ratione tum
most-holy friendships I-understand both by-the-mind's reason and
facilius eloquentia comparatas. Ac me quidem diu cogitantem
more-easily by-eloquence procured and me indeed long pondering

ratio ipsa in hanc potissimum sententiam ducit, ut
reason itself into this most-of-all opinion leads that
existimem sapientiam sine eloquentia parum prodesse
I-think wisdom without eloquence too-little to-profit
civitatibus, eloquentiam vero sine sapientia nimium obesse
states eloquence indeed without wisdom too-much to-harm
plerumque, prodesse numquam. Quare si quis omissis
generally to-profit never wherefore if anyone with-neglected
rectissimis atque honestissimis studiis rationis et officii
the-most-upright and most-honorable studies of-reason and of-duty
consumit omnem operam in exercitatione dicendi, is inutilis
spends all effort in the-exercise of-speaking he useless
sibi, perniciosus patriae civis alitur; qui vero ita sese
to-himself pernicious to-the-fatherland a-citizen is-reared who indeed so himself
armat eloquentia, ut non oppugnare commoda patriae, sed
arms with-eloquence that not to-attack the-advantages of-the-fatherland but
pro his propugnare possit, is mihi vir et suis et publicis
for them to-fight he-can he to-me a-man both to-his-own and to-public
rationibus utilissimus atque amicissimus civis fore videtur.
interests most-useful and most-friendly a-citizen to-be seems

2 Ac si volumus huius rei, quae vocatur eloquentia, sive
and if we-wish of-this thing which is-called eloquence whether
artis sive studii sive exercitationis cuiusdam sive facultatis
of-an-art or of-a-study or of-a-practice certain or of-a-faculty
ab natura profectae considerare principium, reperiemus id ex
from nature proceeding to-consider the-beginning we-shall-find it from
honestissimis causis natum atque optimis rationibus profectum.
most-honorable causes born and from-the-best reasons proceeded
Nam fuit quoddam tempus, cum in agris homines
for there-was a-certain time when in the-fields men
passim bestiarum modo vagabantur et sibi victu
here-and-there of-beasts in-the-manner wandered and for-themselves with-food

fero vitam propagabant nec ratione animi quicquam, sed
wild life prolonged nor by-reason of-mind anything but
pleraque viribus corporis administrabant, nondum divinae
most-things by-the-strength of-body managed not-yet of-divine
religionis, non humani officii ratio colebatur, nemo nuptias
religion not of-human duty the-principle was-cultivated no-one marriages
viderat legitimas, non certos quisquam aspexerat liberos, non,
had-seen lawful not certain anyone had-looked-upon children not
ius aequabile quid utilitatis haberet, acceperat. Ita propter
law equitable what of-advantage it-had had-learned so on-account-of
errorem atque inscientiam caeca ac temeraria dominatrix
error and ignorance blind and rash the-mistress
animi cupiditas ad se explendam viribus corporis
of-the-mind desire for itself being-satisfied the-strength of-body
abutebatur, perniciosissimis satellitibus. Quo tempore quidam
misused with-most-pernicious attendants at-which time a-certain
magnus videlicet vir et sapiens cognovit, quae materia esset
great evidently man and wise learned what material there-was
et quanta ad maximas res opportunitas in animis inesset
and how-great for the-greatest things opportunity in the-minds lay
hominum, si quis eam posset elicere et praecipiendo meliorem
of-men if anyone it could draw-out and by-instructing better
reddere; qui dispersos homines in agros et in tectis
render who scattered men into the-fields and in dwellings
silvestribus abditos ratione quadam conpulit unum in locum
sylvan hidden by-reason a-certain drove one into place
et congregavit et eos in unam quamque rem inducens utilem
and assembled and them into one each thing introducing useful
atque honestam primo propter insolentiam reclamantes,
and honorable at-first on-account-of strangeness protesting

deinde propter rationem atque orationem studiosius audientes
then on-account-of reason and speech more-eagerly listening
ex feris et inmanibus mites reddidit et mansuetos.
from wild and savage gentle rendered and tame
3 Ac mihi quidem hoc nec tacita videtur nec inops dicendi
and to-me indeed this neither silent seems nor poor of-speaking
sapientia perficere potuisse, ut homines a consuetudine
wisdom to-accomplish to-have-been-able that men from custom
subito converteret et ad diversas rationes vitae traduceret. Age
suddenly it-should-turn and to different ways of-life lead-across come
vero urbibus constitutis, ut fidem colere et iustitiam retinere
indeed with-cities founded that faith to-cultivate and justice to-keep
discerent et aliis parere sua voluntate consuescerent
they-should-learn and to-others to-obey by-their-own will grow-accustomed
ac non modo labores excipiendos communis commodi
and not only labors to-be-undergone of-the-common advantage
causa, sed etiam vitam amittendam existimarent, qui tandem
for-the-sake but even life to-be-lost should-think how pray
fieri potuit, nisi homines ea, quae ratione invenissent,
to-happen could-it unless men those-things which by-reason they-had-found
eloquentia persuadere potuissent? Profecto nemo nisi gravi
by-eloquence to-persuade had-been-able surely no-one unless by-weighty
ac suavi commotus oratione, cum viribus plurimum posset,
and sweet moved speech when by-strength very-much he-could
ad ius voluisset sine vi descendere, ut inter quos posset
to law would-have-wished without force to-descend that among whom he-could
excellere, cum iis se pateretur aequari et sua
excel with them himself he-should-allow to-be-made-equal and by-his-own
voluntate a iucundissima consuetudine recederet, quae
will from a-most-pleasant custom should-withdraw which
praesertim iam naturae vim optineret propter vetustatem.
especially already of-nature the-force held on-account-of its-age

Ac primo quidem sic et nata et progressa longius eloquentia
and at-first indeed thus both born and having-advanced further eloquence
videtur et item postea maximis in rebus pacis et belli cum
seems and likewise afterward the-greatest in affairs of-peace and of-war with
summis hominum utilitatibus esse versata; postquam vero
the-highest of-men advantages to-have-been engaged after indeed
commoditas quaedam, prava virtutis imitatrix, sine ratione
advantage a-certain depraved of-virtue the-imitatress without reason
officii dicendi copiam consecuta est, tum ingenio freta malitia
of-duty of-speaking abundance attained has then on-talent relying malice
pervertere urbes et vitas hominum labefactare assuevit.
to-overturn cities and the-lives of-men to-undermine grew-accustomed
Atque huius quoque exordium mali, quoniam principium 4
and of-this also the-beginning of-evil since the-principle
boni diximus, explicemus. Veri simillimum mihi videtur
of-good we-have-told let-us-unfold of-the-truth most-like to-me it-seems
quodam tempore neque in publicis rebus infantes et
at-a-certain time neither in public affairs speechless and
insipientes homines solitos esse versari nec vero ad
unwise men accustomed to-have-been to-be-engaged nor indeed to
privatas causas magnos ac disertos homines accedere, sed cum
private cases great and eloquent men to-approach but when
a summis viris maximae res administrarentur, arbitror alios
by the-highest men the-greatest affairs were-administered I-think others
fuisse non incallidos homines, qui ad parvas controversias
to-have-been not unclever men who to small controversies
privatorum accederent. Quibus in controversiis cum saepe a
of-private-men approached which in controversies when often for
mendacio contra verum stare homines consuescerent, dicendi
a-lie against the-truth to-stand men grew-accustomed of-speaking
assiduitas induit audaciam, ut necessario superiores illi
the-assiduity put-on audacity so-that necessarily the-superior those

propter iniurias civium resistere audacibus et opitulari suis
on-account-of the-wrongs of-citizens to-resist the-audacious and to-help his-own
quisque necessariis cogeretur. Itaque cum in dicendo saepe
each relatives was-compelled and-so when in speaking often
par, nonnumquam etiam superior visus esset is, qui omisso
equal sometimes even superior seemed had he who with-neglected
studio sapientiae nihil sibi praeter eloquentiam comparasset,
the-study of-wisdom nothing for-himself besides eloquence had-procured
fiebat, ut et multitudinis et suo iudicio dignus, qui
it-happened that both of-the-multitude and by-his-own judgment worthy who
rem publicam gereret, videretur. Hinc nimirum non
the-thing public should-conduct he-seemed hence no-wonder not
iniuria, cum ad gubernacula rei publicae temerarii atque
unjustly when to the-helm of-the-thing public rash and
audaces homines accesserant, maxima ac miserrima naufragia
audacious men had-come the-greatest and most-wretched shipwrecks
fiebant. Quibus rebus tantum odii atque invidiae suscepit
happened by-which things so-much of-hatred and of-odium incurred
eloquentia, ut homines ingeniosissimi, quasi ex aliqua turbida
eloquence that men most-talented as-if from some turbulent
tempestate in portum, sic ex seditiosa ac tumultuosa vita
storm into port so from a-seditious and tumultuous life
se in studium aliquod traderent quietum. Quare mihi
themselves into a-study some should-hand-over quiet wherefore to-me
videntur postea cetera studia recta atque honesta per otium
they-seem afterward the-other studies upright and honorable through leisure
concelebrata ab optimis enituisse, hoc vero a plerisque
much-frequented by the-best to-have-shone-forth this indeed by most
eorum desertum obsolevisse tempore, quo multo
of-them deserted to-have-become-obsolete at-a-time in-which much
vehementius erat retinendum et studiosius adaugendum.
more-vehemently it-was to-be-kept and more-eagerly to-be-increased

Nam quo indignius rem honestissimam et rectissimam 5
for the-more unworthily a-thing most-honorable and most-upright
violabat stultorum et improborum temeritas et audacia
violated of-the-foolish and of-the-wicked the-rashness and audacity
summo cum rei publicae detrimento, eo studiosius
the-highest with of-the-thing public loss the-more eagerly
et illis resistendum fuit et rei publicae consulendum.
both to-them to-be-resisted it-was and for-the-thing public to-be-provided
Quod nostrum illum non fugit Catonem neque Laelium
which our that not escaped Cato nor Laelius
neque eorum, ut vere dicam, discipulum Africanum neque
nor their so-that truly I-may-say pupil Africanus nor
Gracchos Africani nepotes: quibus in hominibus erat summa
the-Gracchi of-Africanus the-grandsons whom in men was the-highest
virtus et summa virtute amplificata auctoritas et, quae et
virtue and with-the-highest virtue increased authority and which both
his rebus ornamento et rei publicae praesidio esset,
to-these things for-an-ornament and to-the-thing public for-a-protection might-be
eloquentia. Quare meo quidem animo nihilo minus eloquentiae
eloquence wherefore in-my indeed mind by-nothing less for-eloquence
studendum est, etsi ea quidam et privatim et publice
to-be-studied is although it certain-men both privately and publicly
abutuntur; sed eo quidem vehementius, ne mali magno
abuse but by-that indeed more-vehemently lest the-bad great
cum detrimento bonorum et communi omnium pernicie
with loss of-the-good and with-the-common of-all ruin
plurimum possint, cum praesertim hoc sit unum, quod ad
very-much have-power since especially this be the-one-thing which to
omnes res et privatas et publicas maxime pertineat, hoc tuta,
all things both private and public most may-pertain by-this safe
hoc honesta, hoc inlustris, hoc eodem vita iucunda fiat.
by-this honorable by-this illustrious by-this same life pleasant may-become

Nam hinc ad rem publicam plurima commoda veniunt,
for hence to the-thing public very-many advantages come
si moderatrix omnium rerum praesto est sapientia; hinc ad
if the-moderatrix of-all things at-hand is wisdom hence to
ipsos, qui eam adepti sunt, laus, honos, dignitas confluit;
the-very-men who it attained have praise office dignity flows-together
hinc amicis quoque eorum certissimum et tutissimum
hence for-the-friends also of-them the-surest and safest
praesidium comparatur. Ac mihi quidem videntur homines, cum
protection is-procured and to-me indeed seem men though
multis rebus humiliores et infirmiores sint, hac re maxime
in-many things lower and weaker they-be in-this thing most
bestiis praestare, quod loqui possunt. Quare praeclarum mihi
beasts to-surpass that to-speak they-can wherefore a-splendid to-me
quiddam videtur adeptus is, qui, qua re homines bestiis
something seems to-have-attained be who in-what thing men beasts
praestent, ea in re hominibus ipsis antecellat. Hoc si forte
surpass that in thing men themselves excels this if perhaps
non natura modo neque exercitatione conficitur, verum etiam
not by-nature only nor by-exercise is-accomplished but also
artificio quodam comparatur, non alienum est videre, quae
by-art a-certain is-acquired not foreign it-is to-see what
dicant ii, qui quaedam eius rei praecepta nobis reliquerunt.
say those who certain of-that thing precepts to-us have-left
Sed antequam de praeceptis oratoriis dicimus, videtur
but before about the-precepts oratorical we-speak it-seems
dicendum de genere ipsius artis, de officio, de fine,
to-be-spoken about the-kind itself of-the-art about its-function about its-end
de materia, de partibus. Nam his rebus cognitis facilius
about its-material about its-parts for these things known more-easily

et expeditius animus unius cuiusque ipsam rationem ac
and more-readily the-mind of-one each the-very method and
viam artis considerare poterit.
way of-the-art to-consider will-be-able

II · THE ART AND ITS MATTER

Rhetoric is part of the science of the state; its function is to speak so as to persuade, its end to persuade by speech. Its matter is the three kinds of case named by Aristotle, demonstrative, deliberative, and judicial. Hermagoras, who adds the general question, misunderstands his own subject. The parts of the art are invention, arrangement, style, memory, and delivery, and invention comes first.

Civilis quaedam ratio est, quae multis et magnis ex 6
civil a-certain science there-is which many and great from
rebus constat. Eius quaedam magna et ampla pars est
things consists of-it a-certain great and ample part is
artificiosa eloquentia, quam rhetoricam vocant. Nam neque
artful eloquence which rhetoric they-call for neither
cum iis sentimus, qui civilem scientiam eloquentia non
with those do-we-agree who civil science of-eloquence not
putant indigere, et ab iis, qui eam putant omnem
think to-stand-in-need and from those who it think wholly
rhetoris vi et artificio contineri, magnopere dissentimus.
by-the-rhetor's force and art to-be-contained greatly we-dissent
Quare hanc oratoriam facultatem in eo genere ponemus, ut
wherefore this oratorical faculty in that kind we-shall-place that
eam civilis scientiae partem esse dicamus. Officium autem
it of-civil science a-part to-be we-say the-function however
eius facultatis videtur esse dicere adposite ad persuasionem;
of-this faculty seems to-be to-speak aptly for persuasion

finis persuadere dictione. Inter officium et finem hoc
the-end to-persuade by-speech between function and end this
interest, quod in officio, quid fieri, in fine, quid
differs that in the-function what to-be-done in the-end what
effici conveniat, consideratur. Ut medici officium dicimus
to-be-effected befits is-considered as of-a-doctor the-function we-say
esse curare ad sanandum apposite, finem sanare curatione,
to-be to-treat for healing aptly the-end to-heal by-treatment
item, oratoris quid officium et quid finem esse dicamus,
likewise of-an-orator what the-function and what the-end to-be we-say
intellegimus, cum id, quod facere debet, officium esse
we-understand when that which to-do he-ought the-function to-be
dicimus, illud, cuius causa facere debet, finem appellamus.
we-say that of-which for-the-sake to-do he-ought the-end we-call

7 Materiam artis eam dicimus, in qua omnis ars et ea
the-material of-the-art that we-call in which all the-art and that
facultas, quae conficitur ex arte, versatur. Ut si medicinae
faculty which is-produced from art is-engaged as if of-medicine
materiam dicamus morbos ac vulnera, quod in his omnis
the-material we-call diseases and wounds because in these all
medicina versetur, item, quibus in rebus versatur ars
medicine is-engaged likewise which in things is-engaged the-art
et facultas oratoria, eas res materiam artis rhetoricae
and faculty oratorical those things the-material of-the-art rhetorical
nominamus. Has autem res alii plures, alii pauciores
we-name these however things some more others fewer
existimarunt. Nam Gorgias Leontinus, antiquissimus fere rhetor,
have-thought for Gorgias of-Leontini the-most-ancient almost rhetor
omnibus de rebus oratorem optime posse dicere existimavit;
all about things the-orator very-well to-be-able to-speak thought
hic infinitam et inmensam huic artificio materiam subicere
he infinite and immense to-this art material to-subject

videtur. Aristoteles autem, qui huic arti plurima adiumenta
seems Aristotle however who to-this art very-many aids
atque ornamenta subministravit, tribus in generibus rerum
and ornaments supplied three in kinds of-things
versari rhetoris officium putavit, demonstrativo, deliberativo,
to-be-engaged the-rhetor's function thought demonstrative deliberative
iudiciali. Demonstrativum est, quod tribuitur in alicuius
judicial demonstrative is what is-assigned to of-some
certae personae laudem aut vituperationem; deliberativum,
definite person the-praise or censure deliberative
quod positum in disceptatione civili habet in se sententiae
what placed in debate civil has in itself of-opinion
dictionem; iudiciale, quod positum in iudicio habet in se
the-speaking judicial what placed in a-trial has in itself
accusationem et defensionem aut petitionem et recusationem.
accusation and defense or claim and refusal
Et, quemadmodum nostra quidem fert opinio, oratoris ars et
and as our indeed holds opinion the-orator's art and
facultas in hac materia tripertita versari existimanda est.
faculty in this material threefold to-be-engaged to-be-thought is
Nam Hermagoras quidem nec quid dicat attendere nec 8
for Hermagoras indeed neither what he-says to-attend nor
quid polliceatur intellegere videtur, qui oratoris materiam
what he-promises to-understand seems who of-the-orator the-material
in causam et in quaestionem dividat, causam esse dicat
into the-case and into the-question divides the-case to-be says
rem, quae habeat in se controversiam in dicendo positam
a-thing which has in itself a-controversy in speaking placed
cum personarum certarum interpositione; quam nos quoque
with of-persons definite the-interposition which we also
oratori dicimus esse adtributam (nam tres eas partes,
to-the-orator say to-be assigned for three those parts

quas ante diximus, subponimus, iudicialem, deliberativam,
which before we-said we-place-under the-judicial deliberative
demonstrativam). Quaestionem autem eam appellat, quae
demonstrative the-question however that he-calls which
habeat in se controversiam in dicendo positam sine certarum
has in itself a-controversy in speaking placed without of-definite
personarum interpositione, ad hunc modum: ecquid
persons interposition after this manner whether-anything
sit bonum praeter honestatem? Verine sint sensus? Quae
be good besides honor whether-true be the-senses what
sit mundi forma? Quae sit solis magnitudo? Quas
be of-the-world the-form what be of-the-sun the-size which
quaestiones procul ab oratoris officio remotas facile omnes
questions far from of-the-orator the-function removed easily all
intellegere existimamus; nam quibus in rebus summa ingenia
to-understand we-think for which in things the-highest talents
philosophorum plurimo cum labore consumpta intellegimus,
of-philosophers very-much with labor spent we-understand
eas sicut aliquas parvas res oratori adtribuere magna
them as-if some small things to-the-orator to-assign great
amentia videtur. Quodsi magnam in his Hermagoras habuisset
madness seems but-if great in these Hermagoras had-had
facultatem studio et disciplina comparatam, videretur fretus
capacity by-study and discipline acquired he-would-seem relying
sua scientia falsum quiddam constituisse de oratoris
on-his-own knowledge false something to-have-established about of-the-orator
artificio et non quid ars, sed quid ipse posset, exposuisse.
the-art and not what the-art but what he-himself could to-have-set-forth
Nunc vero ea vis est in homine, ut ei multo rhetoricam
now indeed that force is in the-man that from-him much rhetoric
citius quis ademerit, quam philosophiam concesserit: neque
sooner anyone would-take-away than philosophy would-concede nor

eo, quo eius ars, quam edidit, mihi mendosissime
by-that because his art which he-published to-me most-faultily
scripta videatur; nam satis in ea videtur ex antiquis artibus
written seems for enough in it he-seems from the-old arts
ingeniose et diligenter electas res collocasse et nonnihil
cleverly and diligently chosen matters to-have-arranged and something
ipse quoque novi protulisse; verum oratori minimum
himself also new to-have-brought-forward but for-the-orator least
est de arte loqui, quod hic fecit, multo maximum ex
is about the-art to-speak which this-man did by-much greatest from
arte dicere, quod eum minime potuisse omnes videmus.
the-art to-speak which him least to-have-been-able all we-see
Quare materia quidem nobis rhetoricae videtur artis ea, 9
wherefore the-material indeed to-us of-the-rhetorical seems art that
quam Aristoteli visam esse diximus; partes autem eae,
which to-Aristotle seen to-have-been we-said the-parts however those
quas plerique dixerunt, inventio, dispositio, elocutio, memoria,
which most said invention arrangement style memory
pronuntiatio. Inventio est excogitatio rerum verarum aut
delivery invention is the-devising of-things true or
veri similium, quae causam probabilem reddant; dispositio
of-truth like which the-case probable may-render arrangement
est rerum inventarum in ordinem distributio; elocutio est
is of-things found into order the-distribution style is
idoneorum verborum ad inventionem accommodatio; memoria
of-suitable words to the-invention the-accommodation memory
est firma animi rerum ac verborum ad inventionem
is the-firm of-the-mind of-things and of-words for the-invention
perceptio; pronuntiatio est ex rerum et verborum dignitate
perception delivery is from of-things and of-words the-dignity
vocis et corporis moderatio.
of-voice and of-body the-regulation

Nunc his rebus breviter constitutis eas rationes, quibus
now with-these things briefly established those reasonings by-which
ostendere possimus genus et finem et officium huius artis,
to-show we-may-be-able the-kind and the-end and the-function of-this art
aliud in tempus differemus; nam et multorum verborum
another to time we-shall-defer for both many words
indigent et non tanto opere ad artis descriptionem et
they-need and not so greatly to of-the-art the-description and
praecepta tradenda pertinent. Eum autem, qui artem
precepts being-handed-down they-pertain him however who an-art
rhetoricam scribat, de duabus reliquis rebus, materia artis
rhetorical writes about the-two remaining things the-material of-the-art
ac partibus, scribere oportere existimamus. Ac mihi quidem
and the-parts to-write to-behoove we-think and to-me indeed
videtur coniuncte agendum de materia ac partibus. Quare
it-seems jointly to-be-dealt about the-material and the-parts wherefore
inventio, quae princeps est omnium partium, potissimum
invention which first is of-all parts most-of-all
in omni causarum genere, qualis debeat esse, consideretur.
in every of-cases kind of-what-sort it-ought to-be let-it-be-considered

Every dispute turns on fact, name, kind, or procedure, and the issue is called conjectural, definitional, general, or transferential. Cicero rejects Hermagoras' division of the general issue into deliberative, demonstrative, juridical, and legal parts, since deliberation and demonstration are kinds of case; the general issue is juridical or legal. A case is simple or complex, and turns on reasoning or on a document. The question, the reason, the point to be judged, and the defense's strongest argument are then found, and the speech has six parts, of which the exordium comes first.

Omnis res, quae habet in se positam in dictione 10
every thing which has in itself placed in speaking
ac disceptatione aliquam controversiam, aut facti aut
and debate some controversy either of-fact or
nominis aut generis aut actionis continet quaestionem. Eam
of-name or of-kind or of-action contains a-question that
igitur quaestionem, ex qua causa nascitur, constitutionem
therefore question from which the-case arises the-issue
appellamus. Constitutio est prima conflictio causarum ex
we-call the-issue is the-first clash of-cases from
depulsione intentionis profecta, hoc modo: fecisti: non
the-repelling of-the-charge proceeding in-this manner you-did-it not
feci aut iure feci. Cum facti controversia est, quoniam
I-did-it or by-right I-did-it when of-fact the-controversy is since
coniecturis causa firmatur, constitutio coniecturalis appellatur.
by-conjectures the-case is-established the-issue conjectural is-called
Cum autem nominis, quia vis vocabuli definienda verbis
when however of-name because the-force of-the-word to-be-defined in-words
est, constitutio definitiva nominatur. Cum vero, qualis
is the-issue definitional is-named when indeed of-what-sort
res sit, quaeritur, quia et de vi et de genere
the-thing be is-asked because both about the-force and about the-kind

negotii controversia est, constitutio generalis vocatur. At
of-the-business the-controversy is the-issue general is-called but
cum causa ex eo pendet, quia non aut is agere videtur,
when the-case from this hangs that not either he to-act seems
quem oportet, aut non cum eo, quicum oportet, aut non
who ought or not with him with-whom he-ought or not
apud quos, quo tempore, qua lege, quo crimine,
before whom at-what time under-what law on-what charge
qua poena oportet, translativa dicitur constitutio, quia
with-what penalty it-behooves transferential is-called the-issue because
actio translationis et commutationis indigere videtur. Atque
the-action of-transfer and of-change to-need seems and
harum aliquam in omne causae genus incidere necesse est;
of-these some into every of-case kind to-fall necessary it-is
nam in quam rem non inciderit, in ea nihil esse poterit
for into whatever thing not it-has-fallen in it nothing to-be will-be-able
controversiae. Quare eam ne causam quidem convenit putari.
of-controversy wherefore it not a-case even it-befits to-be-thought
11 Ac facti quidem controversia in omnia tempora potest tribui.
and of-fact indeed a-controversy to all times can be-assigned
Nam quid factum sit, potest quaeri, hoc modo: occideritne
for what done has-been can be-asked in-this manner whether-killed
Aiacem Ulixes; et quid fiat, hoc modo: bonone animo
Ajax Ulysses and what is-being-done in-this manner whether-with-good mind
sint erga populum Romanum Fregellani; et quid futurum
they-be toward the-people Roman the-Fregellans and what going-to-be
sit, hoc modo: si Carthaginem reliquerimus incolumem,
be in-this manner if Carthage we-shall-have-left unharmed
num quid sit incommodi ad rem publicam perventurum.
whether any be of-harm to the-thing public going-to-come

Nominis est controversia, cum de facto convenit
of-name is the-controversy when about the-fact there-is-agreement
et quaeritur, id quod factum est quo nomine
and it-is-asked that which done has-been by-what name
appelletur. Quo in genere necesse est ideo nominis
it-should-be-called which in kind necessary it-is for-this-reason of-name
esse controversiam, quod de re ipsa non conveniat;
to-be a-controversy because about the-thing itself not they-agree
non quod de facto non constet, sed quod id, quod
not because about the-fact not it-is-established but because that which
factum sit, aliud alii videatur esse et idcirco alius
done has-been other to-others seems to-be and therefore one
alio nomine id appellet. Quare in eiusmodi generibus
by-another name it may-call wherefore in of-this-sort kinds
definienda res erit verbis et breviter describenda, ut,
to-be-defined the-thing will-be in-words and briefly to-be-described as
si quis sacrum ex privato subripuerit, utrum fur an
if anyone a-sacred-thing from a-private-place has-stolen whether a-thief or
sacrilegus sit iudicandus; nam id cum quaeritur, necesse
a-temple-robber be-be to-be-judged for that when it-is-asked necessary
erit definire utrumque, quid sit fur, quid sacrilegus, et
it-will-be to-define each what is a-thief what a-temple-robber and
sua descriptione ostendere alio nomine illam rem,
by-his-own description to-show by-another name that thing
de qua agitur, appellare oportere atque adversarii dicunt.
about which it-is-treated to-be-called it-behooves than the-adversaries say
Generis est controversia, cum et, quid factum sit, 12
of-kind is the-controversy when both what done has-been
convenit et, quo id factum nomine appellari oporteat,
there-is-agreement and by-what it done name to-be-called ought
constat et tamen, quantum et cuiusmodi et omnino
is-established and still how-great and of-what-sort and altogether

quale sit, quaeritur, hoc modo: iustum an iniustum,
of-what-kind it-be is-asked in-this manner just or unjust
utile an inutile, et omnia, in quibus, quale sit id, quod
useful or useless and all-things in which of-what-kind be that which
factum est, quaeritur sine ulla nominis controversia. Huic
done has-been is-asked without any of-name controversy to-this
generi Hermagoras partes quattuor subposuit, deliberativam,
kind Hermagoras parts four subjoined the-deliberative
demonstrativam, iuridicialem, negotialem. Quod eius, ut
demonstrative juridical legal which his as
nos putamus, non mediocre peccatum reprehendendum
we think not moderate error to-be-blamed
videtur, verum brevi, ne aut, si taciti praeterierimus, sine
seems but briefly lest either if silent we-shall-have-passed-over without
causa non secuti putemur aut, si diutius in
cause not to-have-followed(-him) we-may-be-thought or if longer on
hoc constiterimus, moram atque impedimentum reliquis
this we-shall-have-dwelt delay and hindrance to-the-remaining
praeceptis intulisse videamur. Si deliberatio et demonstratio
precepts to-have-brought we-may-seem if deliberation and demonstration
genera sunt causarum, non possunt recte partes alicuius
kinds are of-cases not they-can rightly the-parts of-some
generis causae putari; eadem enim res alii genus esse,
kind of-case be-thought the-same for thing to-one a-kind to-be
alii pars potest, eidem genus esse et pars non potest.
to-another a-part can to-the-same a-kind to-be and a-part not it-can
Deliberatio autem et demonstratio genera sunt causarum.
deliberation however and demonstration kinds are of-cases
Nam aut nullum causae genus est aut iudiciale solum aut
for either no of-case kind there-is or the-judicial alone or
et iudiciale et demonstrativum et deliberativum. Nullum
both the-judicial and the-demonstrative and the-deliberative none

dicere causae esse genus, cum causas esse multas dicat et in
to-say of-case to-be a-kind when cases to-be many he-says and for
eas praecepta det, amentia est; unum iudiciale autem solum
them precepts gives madness is one the-judicial however alone
esse qui potest, cum deliberatio et demonstratio neque ipsae
to-be how can-it when deliberation and demonstration neither themselves
similes inter se sint et ab iudiciali genere plurimum
like among themselves be and from the-judicial kind very-much
dissideant et suum quaeque finem habeat, quo referri
differ and its-own each end has to-which to-be-referred
debeat? Relinquitur ergo, ut omnia tria genera sint causarum.
it-ought it-remains therefore that all three kinds be of-cases
Quodsi generis causae partes non possunt recte putari, 13
but-if of-the-kind of-case the-parts not can rightly be-thought
multo minus recte partis causae partes putabuntur. Pars
much less rightly of-a-part of-a-case parts they-will-be-thought a-part
autem causae est constitutio omnis; non enim causa ad
however of-the-case is the-issue all not for the-case to
constitutionem, sed constitutio ad causam adcommodatur. At
the-issue but the-issue to the-case is-adapted but
demonstratio et deliberatio generis causae partes non possunt
demonstration and deliberation of-the-kind of-case parts not can
recte putari, quod ipsa sunt genera; multo igitur minus
rightly be-thought because themselves they-are kinds much therefore less
recte partis eius, quae hic dicitur, partes putabuntur.
rightly of-the-part of-that which here is-called parts they-will-be-thought
Deinde si constitutio et ipsa et pars eius quaelibet
next if the-issue both itself and part of-it any-you-please
intentionis depulsio est, quae intentionis depulsio non est,
of-the-charge a-repelling is what of-the-charge a-repelling not is
ea nec constitutio nec pars constitutionis est: deliberatio
that neither an-issue nor a-part of-an-issue is deliberation

et demonstratio neque constitutio nec pars constitutionis est.
and demonstration neither an-issue nor a-part of-an-issue is
Placet autem ipsi constitutionem intentionis esse depulsionem;
it-pleases however himself the-issue of-the-charge to-be a-repelling
placeat igitur oportet demonstrationem et deliberationem
let-it-please therefore it-behooves demonstration and deliberation
non esse constitutionem nec partem constitutionis. Atque
not to-be an-issue nor a-part of-an-issue and
hoc eodem urguebitur, sive constitutionem primam causae
by-this same he-will-be-pressed whether the-issue the-first of-the-case
accusatoris confirmationem dixerit sive defensoris primam
of-the-accuser's confirmation he-shall-have-called or of-the-defender's the-first
deprecationem; nam eum eadem omnia incommoda sequentur.
plea for him the-same all disadvantages will-follow

14 Deinde coniecturalis causa non potest simul ex eadem
next a-conjectural case not can at-the-same-time from the-same
parte eodem in genere et coniecturalis esse et definitiva.
side the-same in kind both conjectural be and definitional
Nec definitiva causa potest simul ex eadem parte
nor a-definitional case can at-the-same-time from the-same side
eodem in genere et definitiva esse et translativa. Et
the-same in kind both definitional be and transferential and
omnino nulla constitutio nec pars constitutionis potest
altogether no issue nor part of-an-issue can
simul et suam habere et alterius in se vim
at-the-same-time both its-own have and of-another in itself the-force
continere, ideo quod una quaeque ex se et ex sua
contain for-this-reason that one each from itself and from its-own
natura simpliciter consideratur, altera assumpta numerus
nature simply is-considered with-another taken-on the-number
constitutionum duplicatur, non vis constitutionis augetur.
of-the-issues is-doubled not the-force of-the-issue is-increased

At deliberativa causa simul ex eadem parte eodem
but a-deliberative case at-the-same-time from the-same side the-same
in genere et coniecturalem et generalem et definitivam et
in kind both a-conjectural and a-general and a-definitional and
translativam solet habere constitutionem et unam aliquam
a-transferential is-wont to-have issue and one some
et plures nonnumquam. Ergo ipsa neque constitutio est
and several sometimes therefore itself neither an-issue is
nec pars constitutionis. Idem in demonstratione solet usu
nor part of-an-issue the-same in demonstration is-wont in-use
venire. Genera igitur, ut ante diximus, haec causarum
to-come-about kinds therefore as before we-said these of-cases
putanda sunt, non partes alicuius constitutionis.
to-be-thought are not parts of-some issue
Haec ergo constitutio, quam generalem nominamus, partes
this therefore issue which general we-name parts
videtur nobis duas habere, iuridicialem et negotialem.
seems to-us two to-have the-juridical and the-legal
Iuridicialis est, in qua aequi et recti natura aut
juridical is in which of-the-equitable and of-the-right the-nature or
praemii aut poenae ratio quaeritur; negotialis, in qua, quid
of-reward or of-penalty the-reckoning is-sought legal in which what
iuris ex civili more et aequitate sit, consideratur; cui
of-right from civil custom and equity there-be is-considered over-which
diligentiae praeesse apud nos iure consulti existimantur.
care to-preside among us in-law skilled are-thought
Ac iuridicialis quidem ipsa in duas tribuitur partes, 15
and the-juridical indeed itself into two is-divided parts
absolutam et adsumptivam. Absoluta est, quae ipsa in se
the-absolute and the-assumptive absolute is that-which itself in itself
continet iuris et iniuriae quaestionem; adsumptiva, quae
contains of-right and of-wrong the-question assumptive that-which

ipsa ex se nihil dat firmi ad recusationem, foris
itself from itself nothing gives firm for the-defense from-outside
autem aliquid defensionis adsumit. Eius partes sunt quattuor,
however something of-defense takes-on of-it the-parts are four
concessio, remotio criminis, relatio criminis, conparatio.
admission shifting of-the-charge retort of-the-charge comparison
Concessio est, cum reus non id, quod factum est,
admission is when the-defendant not that which done has-been
defendit, sed ut ignoscatur, postulat. Haec in duas partes
defends but that it-be-pardoned asks this into two parts
dividitur, purgationem et deprecationem. Purgatio est, cum
is-divided exculpation and plea-for-pardon exculpation is when
factum conceditur, culpa removetur. Haec partes habet tres,
the-deed is-admitted the-guilt is-removed this parts has three
inprudentiam, casum, necessitatem. Deprecatio est, cum et
ignorance accident necessity plea-for-pardon is when both
peccasse et consulto peccasse reus se confitetur et
to-have-erred and deliberately to-have-erred the-defendant himself confesses and
tamen, ut ignoscatur, postulat; quod genus perraro potest
still that it-be-pardoned asks which kind very-rarely can
accidere. Remotio criminis est, cum id crimen, quod infertur,
happen shifting of-the-charge is when that charge which is-brought
ab se et ab sua culpa et potestate in alium reus
from himself and from his-own guilt and power onto another the-defendant
removere conatur. Id dupliciter fieri poterit, si aut causa
to-remove tries this in-two-ways to-be-done will-be-able if either the-cause
aut factum in alium transferetur. Causa transferetur, cum
or the-deed onto another shall-be-transferred the-cause shall-be-transferred when
aliena dicitur vi et potestate factum, factum autem,
by-another's it-is-said force and power done the-deed however
cum alius aut debuisse aut potuisse facere dicitur.
when another either to-have-been-obliged or to-have-been-able to-do is-said

Relatio criminis est, cum ideo iure factum dicitur,
retort of-the-charge is when for-this-reason by-right done it-is-said
quod aliquis ante iniuria lacessierit. Conparatio est, cum
because someone before by-wrong had-provoked comparison is when
aliud aliquid factum rectum aut utile contenditur, quod ut
other something done right or useful is-contended that that
fieret, illud, quod arguitur, dicitur esse commissum.
it-might-be-done that which is-charged is-said to-have-been committed
In quarta constitutione, quam translativam nominamus, 16
in the-fourth issue which transferential we-name
eius constitutionis est controversia, cum aut quem aut
of-this issue is the-controversy when either who or
quicum aut quomodo aut apud quos aut quo iure aut
with-whom or in-what-manner or before whom or by-what right or
quo tempore agere oporteat, quaeritur aut omnino aliquid
at-what time to-act it-behooves is-asked or at-all something
de commutatione aut infirmatione actionis agitur. Huius
about the-change or invalidation of-the-action is-treated of-this
constitutionis Hermagoras inventor esse existimatur, non
issue Hermagoras the-inventor to-be is-thought not
quo non usi sint ea veteres oratores saepe multi, sed
because not used have it the-old orators often many but
quia non animadverterunt artis scriptores eam superiores
because not noticed the-art's writers it the-earlier
nec rettulerunt in numerum constitutionum. Post autem
nor reported(-it) in the-number of-issues afterward however
ab hoc inventam multi reprehenderunt, quos non tam
by him found many blamed(-it) whom not so-much
inprudentia falli putamus (res enim perspicua est)
by-ignorance to-be-deceived we-think the-thing for evident is
quam invidia atque obtrectatione quadam inpediri.
as by-envy and disparagement a-certain to-be-hindered

Et constitutiones quidem et earum partes exposuimus,
and the-issues indeed and their parts we-have-set-forth
exempla autem cuiusque generis tum commodius exposituri
the-examples however of-each kind then more-conveniently going-to-set-forth
videamur, cum in unum quodque eorum argumentorum copiam
we-may-seem when for one each of-them of-arguments abundance
dabimus; nam argumentandi ratio dilucidior erit, cum et ad
we-shall-give for of-arguing the-method clearer will-be when both to
genus et ad exemplum causae statim poterit accommodari.
the-kind and to the-example of-the-case at-once it-will-be-able to-be-adapted
17 Constitutione causae reperta statim placet considerare, utrum
with-the-issue of-the-case found at-once it-pleases to-consider whether
causa sit simplex an iuncta; et si iuncta erit, utrum sit
the-case be simple or joined and if joined it-shall-be whether it-be
ex pluribus quaestionibus iuncta an ex aliqua conparatione.
from several questions joined or from some comparison
Simplex est, quae absolutam in se continet unam
simple is that-which an-absolute in itself contains one
quaestionem, hoc modo: Corinthiis bellum indicamus
question in-this manner on-the-Corinthians war do-we-declare
an non? Coniuncta ex pluribus quaestionibus, in qua
or not joined from several questions in which
plura quaeruntur, hoc pacto: utrum Carthago diruatur
several-things are-asked in-this way whether Carthage be-razed
an Carthaginiensibus reddatur an eo colonia deducatur.
or to-the-Carthaginians be-returned or there a-colony be-led
Ex conparatione, in qua per contentionem, utrum potius
from comparison in which by contention which rather
aut quid potissimum, quaeritur, ad hunc modum: utrum
or what most-of-all is-asked after this manner whether
exercitus in Macedoniam contra Philippum mittatur, qui
the-army into Macedonia against Philip be-sent which

sociis sit auxilio, an teneatur in Italia, ut quam maximae
to-the-allies be for-a-help or be-held in Italy that as greatest
contra Hannibalem copiae sint.
against Hannibal the-forces may-be
Deinde considerandum est, in ratione an in scripto sit
next to-be-considered it-is in reasoning or in writing be
controversia; nam scripti controversia est ea, quae ex
the-controversy for of-writing a-controversy is that which from
scriptionis genere nascitur. Eius autem genera, quae separata
of-the-writing the-kind arises of-it however the-kinds which separate
sunt a constitutionibus, quinque sunt. Nam tum verba
are from the-issues five are for then the-words
ipsa videntur cum sententia scriptoris dissidere, tum inter
themselves seem with the-intent of-the-writer to-disagree then among
se duae leges aut plures discrepare, tum id, quod
themselves two laws or more to-conflict then that which
scriptum est, duas aut plures res significare, tum ex eo,
written is two or more things to-signify then from that
quod scriptum est, aliud, quod non scriptum est, inveniri,
which written is something-else which not written is to-be-found
tum vis verbi quasi in definitiva constitutione, in quo
then the-force of-a-word as-it-were in definitional issue in what
posita sit, quaeri. Quare primum genus de scripto et
placed it-be to-be-asked wherefore the-first kind about letter and
sententia, secundum ex contrariis legibus, tertium ambiguum,
intent the-second from contrary laws the-third the-ambiguous
quartum ratiocinativum, quintum definitivum nominamus.
the-fourth the-reasoning-by-analogy the-fifth the-definitional we-name
Ratio est autem, cum omnis quaestio non in scriptione, 18
reasoning is however when the-whole question not in writing
sed in aliqua argumentatione consistit.
but in some argumentation consists

Ac tum, considerato genere causae, cum simplexne an
and then with-considered the-kind of-the-case when whether-simple or
iuncta sit intellexeris et scripti an rationis habeat
joined it-be you-shall-have-understood and of-writing or of-reasoning it-has
controversiam videris, deinceps erit videndum, quae
a-controversy you-shall-have-seen next it-will-be to-be-seen what
quaestio, quae ratio, quae iudicatio, quod firmamentum
the-question what the-reason what the-point-for-judgment what the-foundation
causae sit; quae omnia a constitutione proficiscantur oportet.
of-the-case be which all from the-issue to-proceed it-behooves
Quaestio est ea, quae ex conflictione causarum gignitur
the-question is that which from the-clash of-cases is-born
controversia, hoc modo: non iure fecisti; iure feci.
a-controversy in-this manner not by-right you-did-it by-right I-did-it
Causarum autem est conflictio, in qua constitutio constat. Ex
of-cases however is the-clash in which the-issue consists from
ea igitur nascitur controversia, quam quaestionem dicimus,
it therefore arises the-controversy which question we-call
haec: iurene fecerit? Ratio est ea, quae continet causam,
this whether-by-right he-did-it the-reason is that which contains the-case
quae si sublata sit, nihil in causa controversiae relinquatur,
which if removed it-be nothing in the-case of-controversy is-left
hoc modo, ut docendi causa in facili et pervulgato
in-this manner that of-teaching for-the-sake on an-easy and well-known
exemplo consistamus: Orestes si accusetur matricidii, nisi
example we-may-stand Orestes if he-be-accused of-matricide unless
hoc dicat iure feci; illa enim patrem meum occiderat, non
this he-say by-right I-did-it she for father my had-killed not
habet defensionem. Qua ratione sublata omnis controversia
he-has a-defense by-which reason removed all controversy
quoque sublata sit. Ergo eius causae ratio est, quod
also removed is therefore of-that case the-reason is that

illa Agamemnonem occiderit. Iudicatio est, quae ex
she Agamemnon killed the-point-for-judgment is that-which from
infirmatione rationis nascitur controversia. Nam sit ea
the-weakening of-the-reason arises the-controversy for let-there-be that
nobis exposita ratio, quam paulo ante exposuimus: illa enim
to-us set-forth reason which a-little before we-set-forth she for
meum, inquit, patrem occiderat: at non, inquiet adversarius,
my he-says father had-killed but not will-say the-adversary
abs te filio matrem necari oportuit; potuit enim sine tuo
by you the-son the-mother to-be-killed it-behooved for it-could without your
scelere illius factum puniri. Ex hac deductione rationis illa
crime her deed be-punished from this drawing-out of-the-reason that
summa nascitur controversia, quam iudicationem appellamus.
highest arises controversy which point-for-judgment we-call
Ea est huiusmodi: rectumne fuerit ab Oreste matrem occidi,
it is of-this-sort whether-right it-was by Orestes the-mother to-be-killed
cum illa Orestis patrem occidisset.
since she Orestes' father had-killed
Firmamentum est firmissima argumentatio defensoris et 19
the-foundation is the-firmest argumentation of-the-defender and
appositissima ad iudicationem: ut si velit Orestes
most-apt for the-point-for-judgment as if he-should-wish Orestes
dicere eiusmodi animum matris suae fuisse in patrem
to-say of-such-a-sort the-mind of-mother his to-have-been toward father
suum, in se ipsum ac sorores, in regnum, in
his toward himself himself and his-sisters toward the-kingdom toward
famam generis et familiae, ut ab ea poenas liberi
the-repute of-the-family and of-the-household that from her penalty children
sui potissimum petere debuerint. Et in ceteris quidem
her most-of-all to-seek ought and in the-other indeed
constitutionibus ad hunc modum iudicationes reperiuntur;
issues after this manner points-for-judgment are-found

in coniecturali autem constitutione, quia ratio non est —
in the-conjectural however issue because a-reason not there-is
factum enim non conceditur—, non potest ex deductione
the-deed for not is-admitted not can from the-drawing-out
rationis nasci iudicatio. Quare necesse est eandem
of-the-reason arise a-point-for-judgment wherefore necessary it-is the-same
esse quaestionem et iudicationem: factum est, non est
to-be the-question and the-point-for-judgment done it-was not it-was
factum, factumne sit? Quot autem in causa constitutiones
done whether-done it-was how-many however in the-case issues
aut earum partes erunt, totidem necesse erit quaestiones,
or of-them parts there-will-be so-many necessary it-will-be questions
rationes, iudicationes, firmamenta reperire.
reasons points-for-judgment foundations to-find
Tum his omnibus in causa repertis denique singulae
then with-these all in the-case found finally the-individual
partes totius causae considerandae sunt. Nam non ut quidque
parts of-the-whole case to-be-considered are for not as each-thing
dicendum primum est, ita primum animadvertendum videtur;
to-be-spoken first is so first to-be-attended-to it-seems
ideo quod illa, quae prima dicuntur, si vehementer
for-this-reason that those-things which first are-spoken if vehemently
velis congruere et cohaerere cum causa, ex iis ducas
you-wish to-agree and to-cohere with the-case from those you-should-draw
oportet, quae post dicenda sunt. Quare cum iudicatio
it-behooves which afterward to-be-spoken are wherefore when the-point-for-judgment
et ea, quae ad iudicationem oportet argumenta inveniri,
and those which for the-point-for-judgment ought arguments to-be-found
diligenter erunt artificio reperta, cura et cogitatione
diligently shall-have-been by-art found with-care and thought
pertractata, tum denique ordinandae sunt ceterae partes
handled-thoroughly then finally to-be-arranged are the-other parts

orationis. Eae partes sex esse omnino nobis videntur: exordium,
of-the-speech these parts six to-be altogether to-us seem the-exordium
narratio, partitio, confirmatio, reprehensio, conclusio.
the-narration the-partition the-confirmation the-refutation the-conclusion
Nunc quoniam exordium princeps debet esse, nos quoque
now since the-exordium first ought to-be we also
primum in rationem exordiendi praecepta dabimus.
first for the-method of-the-exordium precepts shall-give

IV · THE EXORDIUM

The exordium prepares the hearer to be well disposed, attentive, and receptive. Cases are honorable, astonishing (the hearers set against it), mean, doubtful, or obscure, and each needs its own opening, a direct introduction or, for hostile hearers, insinuation. Goodwill comes from our own person, our opponents', the judges', and the case; attention from showing the matter great, new, or incredible. The faults of an exordium are listed.

Exordium est oratio animum auditoris idonee comparans ad 20
the-exordium is speech the-mind of-the-hearer suitably preparing for
reliquam dictionem: quod eveniet, si eum benivolum, attentum,
the-remaining speaking which will-happen if him well-disposed attentive
docilem confecerit. Quare qui bene exordiri causam volet,
receptive it-shall-have-made wherefore he-who well to-open a-case will-wish
eum necesse est genus suae causae diligenter ante cognoscere.
him necessary it-is the-kind of-his case diligently before to-learn
Genera causarum quinque sunt: honestum, admirabile, humile,
the-kinds of-cases five are the-honorable the-astonishing the-mean
anceps, obscurum. Honestum causae genus est, cui statim
the-doubtful the-obscure the-honorable of-case kind is that-which at-once
sine oratione nostra favet auditoris animus; admirabile, a
without speech our favors the-hearer's mind the-astonishing from

quo est alienatus animus eorum, qui audituri sunt; humile,
which is estranged the-mind of-those who going-to-hear are the-mean
quod neglegitur ab auditore et non magno opere adtendendum
which is-neglected by the-hearer and not in-great measure to-be-attended-to
videtur; anceps, in quo aut iudicatio dubia est
seems the-doubtful in which either the-point-for-judgment doubtful is
aut causa et honestatis et turpitudinis particeps, ut et
or the-case both of-honor and of-baseness partaking so-that both
benivolentiam pariat et offensionem; obscurum, in quo
goodwill it-may-produce and offense the-obscure in which
aut tardi auditores sunt aut difficilioribus ad cognoscendum
either slow the-hearers are or by-more-difficult for understanding
negotiis causa est implicata. Quare cum tam diversa sint genera
matters the-case is entangled wherefore since so different be the-kinds
causarum, exordiri quoque dispari ratione in uno quoque
of-cases to-open also by-unequal method in one each
genere necesse est. Igitur exordium in duas partes dividitur, in
kind necessary it-is therefore the-exordium into two parts is-divided into
principium et insinuationem. Principium est oratio perspicue
the-introduction and the-insinuation the-introduction is speech clearly
et protinus perficiens auditorem benivolum aut docilem aut
and directly making the-hearer well-disposed or receptive or
attentum. Insinuatio est oratio quadam dissimulatione et
attentive the-insinuation is speech by-a-certain dissimulation and
circumitione obscure subiens auditoris animum.
circumlocution obscurely stealing-into of-the-hearer the-mind

21 In admirabili genere causae, si non omnino infesti auditores
in the-astonishing kind of-case if not altogether hostile the-hearers
erunt, principio benivolentiam conparare licebit. Sin
shall-be by-the-introduction goodwill to-procure it-will-be-allowed but-if
erunt vehementer abalienati, confugere necesse erit
they-shall-be vehemently estranged to-take-refuge necessary it-will-be

ad insinuationem. Nam ab iratis si perspicue pax et
to insinuation for from the-angry if clearly peace and
benivolentia petitur, non modo ea non invenitur, sed augetur
goodwill is-sought not only it not is-found but is-increased
atque inflammatur odium. In humili autem genere causae
and inflamed hatred in the-mean however kind of-case
contemptionis tollendae causa necesse est attentum efficere
of-contempt being-removed for-the-sake necessary it-is attentive to-make
auditorem. Anceps genus causae si dubiam iudicationem
the-hearer the-doubtful kind of-case if a-doubtful point-for-judgment
habebit, ab ipsa iudicatione exordiendum est. Sin autem
it-shall-have from the-very point-for-judgment to-be-opened it-is but-if however
partem turpitudinis, partem honestatis habebit, benivolentiam
part of-baseness part of-honor it-shall-have goodwill
captare oportebit, ut in genus honestum causa translata
to-seize it-will-behoove so-that into the-kind honorable the-case transferred
videatur. Cum autem erit honestum causae genus, vel
may-seem when however shall-be the-honorable of-case kind either
praeteriri principium poterit vel, si commodum fuerit,
be-passed-over the-introduction will-be-able or if convenient it-shall-be
aut a narratione incipiemus aut a lege aut ab aliqua
either from the-narration we-shall-begin or from a-law or from some
firmissima ratione nostrae dictionis; sin uti principio
most-firm reason of-our speaking but-if to-use an-introduction
placebit, benivolentiae partibus utendum est, ut id, quod
it-shall-please of-goodwill the-parts to-be-used is so-that that which
est, augeatur. In obscuro causae genere per principium
is be-increased in the-obscure of-case kind through the-introduction
dociles auditores efficere oportebit.
receptive the-hearers to-make it-will-behoove

Nunc quoniam quas res exordio conficere oporteat
now since what things by-the-exordium to-accomplish it-behooves
dictum est, reliquum est, ut ostendatur, quibus
said has-been the-remaining-thing is that it-be-shown by-what
quaeque rationibus res confici possit.
each methods thing to-be-accomplished can

22 Benivolentia quattuor ex locis comparatur: ab nostra, ab
goodwill four from places is-procured from our from
adversariorum, ab iudicum persona, a causa. Ab nostra,
the-adversaries' from the-judges' person from the-case from our
si de nostris factis et officiis sine arrogantia dicemus; si
if about our deeds and duties without arrogance we-shall-speak if
crimina inlata et aliquas minus honestas suspiciones iniectas
the-charges brought and some less honorable suspicions cast
diluemus; si, quae incommoda acciderint aut quae instent
we-shall-wash-away if what misfortunes have-happened or what press
difficultates, proferemus; si prece et obsecratione humili
difficulties we-shall-bring-forward if prayer and entreaty humble
ac supplici utemur. Ab adversariorum autem, si eos aut in
and suppliant we-shall-use from the-adversaries' however if them either into
odium aut in invidiam aut in contemptionem adducemus. In
hatred or into odium or into contempt we-shall-bring into
odium ducentur, si quod eorum spurce, superbe, crudeliter,
hatred they-will-be-led if anything of-them foully proudly cruelly
malitiose factum proferetur; in invidiam, si vis
maliciously done shall-be-brought-forward into odium if the-force
eorum, potentia, divitiae, cognatio proferentur atque
of-them power wealth kinship shall-be-brought-forward and
eorum usus arrogans et intolerabilis, ut his rebus magis
their use arrogant and intolerable so-that in-these things more
videantur quam causae suae confidere; in contemptionem
they-may-seem than in-the-cause their-own to-trust into contempt

adducentur, si eorum inertia, neglegentia, ignavia, desidiosum
they-will-be-brought if their sloth negligence cowardice slothful
studium et luxuriosum otium proferetur. Ab auditorum
pursuit and luxurious leisure shall-be-brought-forward from the-hearers'
persona benivolentia captabitur, si res ab iis fortiter, sapienter,
person goodwill will-be-seized if things by them bravely wisely
mansuete gestae proferentur, ut ne qua assentatio nimia
gently done shall-be-brought-forward so-that not any flattery excessive
significetur, si de iis quam honesta existimatio quantaque
be-signified if about them how honorable the-esteem and-how-great
eorum iudicii et auctoritatis exspectatio sit ostendetur; ab
of-their judgment and authority the-expectation be shall-be-shown from
rebus, si nostram causam laudando extollemus, adversariorum
the-things if our case by-praising we-shall-exalt the-adversaries'
causam per contemptionem deprimemus.
case through contempt we-shall-depress
Attentos autem faciemus, si demonstrabimus ea, 23
attentive however we-shall-make(-them) if we-shall-show those-things
quae dicturi erimus, magna, nova, incredibilia esse, aut
which going-to-say we-shall-be great new incredible to-be or
ad omnes aut ad eos, qui audient, aut ad aliquos inlustres
to all or to those who shall-hear or to some illustrious
homines aut ad deos inmortales aut ad summam rem
men or to the-gods immortal or to the-highest thing
publicam pertinere; et si pollicebimur nos brevi nostram
public to-pertain and if we-shall-promise ourselves briefly our
causam demonstraturos atque exponemus iudicationem aut
case going-to-show and we-shall-set-forth the-point-for-judgment or
iudicationes, si plures erunt. Dociles auditores faciemus,
points-for-judgment if several there-shall-be receptive the-hearers we-shall-make
si aperte et breviter summam causae exponemus, hoc est,
if openly and briefly the-sum of-the-case we-shall-set-forth that is

in quo consistat controversia. Nam et, cum docilem velis
in what consists the-controversy for both when receptive you-wish
facere, simul attentum facias oportet. Nam
to-make(-him) at-the-same-time attentive you-should-make(-him) it-behooves for
is est maxime docilis, qui attentissime est paratus audire.
he is most receptive who most-attentively is prepared to-hear
Nunc insinuationes quemadmodum tractari conveniat,
now insinuations how to-be-handled it-befits
deinceps dicendum videtur. Insinuatione igitur utendum est,
next to-be-said it-seems insinuation therefore to-be-used is
cum admirabile genus causae est, hoc est, ut ante diximus,
when the-astonishing kind of-case is that is as before we-said
cum animus auditoris infestus est. Id autem tribus ex
when the-mind of-the-hearer hostile is that however three from
causis fit maxime: si aut inest in ipsa causa quaedam
causes comes-about most if either there-is in the-very case a-certain
turpitudo aut ab iis, qui ante dixerunt, iam quiddam auditori
baseness or by those who before have-spoken already something to-the-hearer
persuasum videtur aut eo tempore locus dicendi datur,
persuaded seems or at-that time a-place of-speaking is-given
cum iam illi, quos audire oportet, defessi sunt audiendo.
when already those whom to-hear it-behooves wearied are by-hearing
Nam ex hac quoque re non minus quam ex primis
for from this also thing not less than from the-first
duabus in oratore nonnumquam animus auditoris offenditur.
two in the-orator sometimes the-mind of-the-hearer is-offended
24 Si causae turpitudo contrahit offensionem, aut pro eo
if of-the-case the-baseness draws offense either instead-of that
homine, in quo offenditur, alium hominem, qui diligitur,
man in whom offense-is-taken another man who is-loved
interponi oportet; aut pro re, in qua offenditur, aliam
to-be-interposed it-behooves or instead-of the-thing in which offense-is-taken another

rem, quae probatur; aut pro re hominem aut pro
thing which is-approved or instead-of a-thing a-man or instead-of
homine rem, ut ab eo, quod odit, ad id, quod diligit,
a-man a-thing so-that from that which it-hates to that which it-loves
auditoris animus traducatur; et dissimulare te id defensurum,
the-hearer's mind be-led-across and to-pretend you that going-to-defend
quod existimeris; deinde, cum iam mitior factus erit
which you-are-thought then when already milder become shall-have
auditor, ingredi pedetemptim in defensionem et dicere ea,
the-hearer to-advance step-by-step into the-defense and to-say those-things
quae indignentur adversarii, tibi quoque indigna videri;
at-which are-indignant the-adversaries to-you also unworthy to-seem
deinde, cum lenieris eum, qui audiet, demonstrare, nihil
then when you-shall-have-soothed him who shall-hear to-show none
eorum ad te pertinere et negare quicquam de adversariis esse
of-them to you to-pertain and to-deny anything about the-adversaries to-be
dicturum, neque hoc neque illud, ut neque aperte laedas
going-to-say neither this nor that so-that neither openly you-may-wound
eos, qui diliguntur, et tamen id obscure faciens, quoad possis,
those who are-loved and still that obscurely doing as-far-as you-can
alienes ab eis auditorum voluntatem; et aliquorum
you-may-estrange from them of-the-hearers the-goodwill and of-some-men
iudicium simili de re aut auctoritatem proferre
the-judgment a-like about matter or the-authority to-bring-forward
imitatione dignam; deinde eandem aut consimilem aut
of-imitation worthy then the-same or very-like or
maiorem aut minorem agi rem in praesenti demonstrare.
greater or lesser to-be-pleaded a-thing at present to-show
Sin oratio adversariorum fidem videbitur auditoribus fecisse — 25
but-if the-speech of-the-adversaries belief shall-seem with-the-hearers to-have-made
id quod ei, qui intellegit, quibus rebus fides fiat,
that which to-him who understands by-what things belief is-made

facile erit cognitu — oportet aut de eo, quod adversarii
easy will-be to-learn it-behooves either about that which the-adversaries
firmissimum sibi putarint et maxime ii, qui audient,
firmest for-themselves have-thought and most those who hear
probarint, primum te dicturum polliceri, aut ab adversarii
have-approved first you going-to-speak to-promise or from the-adversary's
dicto exordiri et ab eo potissimum, quod ille nuperrime
saying to-open and from that most-of-all which he most-recently
dixerit, aut dubitatione uti, quid primum dicas aut
said or doubt to-use what first you-should-say or
cui potissimum loco respondeas, cum admiratione. Nam
to-which most-of-all point you-should-reply with wonder for
auditor cum eum, quem adversarii perturbatum putat
the-hearer when him whom of-the-adversary thrown-into-confusion he-thinks
oratione, videt animo firmissimo contra dicere paratum,
by-the-speech he-sees with-mind most-firm against to-speak prepared
plerumque se potius temere assensisse quam illum sine
generally himself rather rashly to-have-assented than him without
causa confidere arbitratur. Sin auditoris studium defatigatio
cause to-be-confident thinks but-if the-hearer's zeal weariness
abalienavit a causa, te brevius, quam paratus fueris,
has-estranged from the-case you more-briefly than prepared you-shall-have-been
esse dicturum commodum est polliceri; non imitaturum
to-be going-to-speak convenient it-is to-promise not going-to-imitate
adversarium. Sin res dabit, non inutile est ab aliqua
the-adversary but-if the-matter shall-allow not useless it-is from some
re nova aut ridicula incipere aut ex tempore quae nata
thing new or laughable to-begin or from the-moment which born
sit, quod genus strepitu, acclamatione; aut iam parata, quae
has-been which kind by-din by-shouting or already prepared which
vel apologum vel fabulam vel aliquam contineat inrisionem;
either an-apologue or a-fable or some contains mockery

aut si rei dignitas adimet iocandi facultatem, aliquid
or if the-thing's dignity shall-take-away of-joking the-means something
triste, novum, horribile statim non incommodum est inicere.
sad new horrible at-once not inconvenient it-is to-throw-in
Nam, ut cibi satietas et fastidium aut subamara aliqua re
for as of-food satiety and loathing either by-a-bitterish some thing
relevatur aut dulci mitigatur, sic animus defessus audiendo
is-relieved or by-a-sweet is-softened so the-mind wearied by-hearing
aut admiratione integratur aut risu novatur.
either by-wonder is-renewed or by-laughter is-refreshed
Ac separatim quidem, quae de principio et de
and separately indeed what-things about the-introduction and about
insinuatione dicenda videbantur, haec fere sunt: nunc quiddam
the-insinuation to-be-said seemed these nearly are now something
brevi communiter de utroque praecipiendum videtur.
briefly jointly about each to-be-taught seems
Exordium sententiarum et gravitatis plurimum debet habere et
the-exordium of-thoughts and of-gravity very-much ought to-have and
omnino omnia, quae pertinent ad dignitatem, in se continere,
altogether all-things which pertain to dignity in itself to-contain
propterea quod id optime faciendum est, quod oratorem
for-this-reason that that best to-be-done is which the-orator
auditori maxime commendat; splendoris et festivitatis et
to-the-hearer most commends of-brilliance and of-festivity and
concinnitudinis minimum, propterea quod ex his suspicio
of-symmetry the-least for-this-reason that from these suspicion
quaedam apparationis atque artificiosae diligentiae nascitur,
a-certain of-preparation and of-artful diligence arises
quae maxime orationi fidem, oratori adimit auctoritatem.
which most from-the-speech belief from-the-orator takes-away authority

26 Vitia vero haec sunt certissima exordiorum, quae summo
faults indeed these are the-surest of-exordia which with-the-highest
opere vitare oportebit: vulgare, commune, commutabile,
effort to-avoid it-will-behoove the-common-place the-shared the-reversible
longum, separatum, translatum, contra praecepta. Vulgare
the-long the-detached the-transferred against precepts common-place
est, quod in plures causas potest accommodari, ut
is that-which to more cases can be-adapted so-that
convenire videatur. Commune, quod nihilo minus in
to-fit it-may-seem shared that-which nothing less for
hanc quam in contrariam partem causae potest convenire.
this than for the-opposite side of-the-case can fit
Commutabile, quod ab adversario potest leviter mutatum
reversible that-which by the-adversary can lightly changed
ex contraria parte dici. Longum est, quod pluribus verbis
from the-opposite side be-said long is that-which in-more words
aut sententiis ultra quam satis est producitur. Separatum,
or thoughts beyond than enough is is-drawn-out detached
quod non ex ipsa causa ductum est nec sicut aliquod
that-which not from the-very case drawn is nor as some
membrum adnexum orationi. Translatum est, quod aliud
limb attached to-the-speech transferred is that-which other-thing
conficit, quam causae genus postulat: ut si qui docilem
accomplishes than of-the-case the-kind demands as if anyone receptive
faciat auditorem, cum benivolentiam causa desideret, aut si
should-make the-hearer when goodwill the-case requires or if
principio utatur, cum insinuationem res postulet. Contra
an-introduction be-use when insinuation the-thing demands against
praecepta est, quod nihil eorum efficit, quorum causa
precepts is that-which none of-those accomplishes of-which for-the-sake
de exordiis praecepta traduntur; hoc est, quod eum, qui
about exordia precepts are-handed-down that is which him who

audit, neque benivolum neque attentum neque docilem efficit,
hears neither well-disposed nor attentive nor receptive makes
aut, quo nihil profecto peius est, ut contra sit, facit.
or than-which nothing surely worse is so-that the-opposite it-be makes
Ac de exordio quidem satis dictum est.
and about the-exordium indeed enough said has-been

V · NARRATION AND PARTITION

A narrative is an account of events that happened or might have happened; there are three kinds, and the one that sets out the case must be brief, clear, and plausible. Cicero gives rules for each quality and warns against a narrative that harms the case, is out of place, or is told against its interest. The partition shows where speakers agree and differ, and sets out what will be discussed with brevity, completeness, and few heads, never mixing a part with its kind.

Narratio est rerum gestarum aut ut gestarum expositio. 27
the-narration is of-things done or as-if done a-setting-forth
Narrationum genera tria sunt: unum genus est, in quo
of-narrations the-kinds three are one kind is in which
ipsa causa et omnis ratio controversiae continetur; alterum,
the-very case and the-whole reason of-the-controversy is-contained another
in quo digressio aliqua extra causam aut criminationis aut
in which a-digression some outside the-case either of-accusation or
similitudinis aut delectationis non alienae ab eo negotio,
of-comparison or of-entertainment not foreign to that business
quo de agitur, aut amplificationis causa interponitur.
which about it-is-treated or of-amplification for-the-sake is-inserted
Tertium genus est remotum a civilibus causis, quod
the-third kind is removed from civil cases which
delectationis causa non inutili cum exercitatione dicitur et
of-entertainment for-the-sake not useless with exercise is-spoken and

scribitur. Eius partes sunt duae, quarum altera in negotiis,
is-written of-it the-parts are two of-which the-one in affairs
altera in personis maxime versatur. Ea, quae in negotiorum
the-other in persons most is-engaged that which in of-affairs
expositione posita est, tres habet partes: fabulam, historiam,
the-setting-forth placed is three has parts fable history
argumentum. Fabula est, in qua nec verae nec veri similes
plot fable is in which neither true nor of-truth like
res continentur, cuiusmodi est: Angues ingentes alites, iuncti
things are-contained of-which-sort is serpents huge winged joined
iugo *** historia est gesta res, ab aetatis nostrae memoria
to-the-yoke (etc.) history is a-thing done from of-age our the-memory
remota; quod genus: Appius indixit Carthaginiensibus bellum.
removed which kind Appius declared on-the-Carthaginians war
Argumentum est ficta res, quae tamen fieri potuit.
plot is a-feigned thing which still to-happen could
Huiusmodi apud Terentium: Nam is postquam excessit ex
of-this-sort in Terence for he after he-left from
ephebis, *** illa autem narratio, quae versatur in personis,
the-ephebes (etc.) that however narration which is-engaged in persons
eiusmodi est, ut in ea simul cum rebus ipsis personarum
of-such-a-sort is that in it together with the-things themselves of-the-persons
sermones et animi perspici possint, hoc modo:
the-talk and minds to-be-seen-through can in-this manner

Venit ad me saepe clamans: Quid agis, Micio?
he-comes to me often shouting what are-you-doing Micio
Cur perdis adulescentem nobis? Cur amat?
why do-you-ruin the-young-man for-us why does-he-love

Cur potat? Cur tu his rebus sumptum suggeris,
why does-be-drink why you for-these things expense supply
Vestitu nimio indulges? Nimium ineptus es.
in-dress too-much you-indulge(-him) too foolish you-are
Nimium ipse est durus praeter aequumque et bonum.
too himself he-is harsh beyond both-fair and good

Hoc in genere narrationis multa debet inesse festivitas,
this in kind of-narration much ought to-be-present festivity
confecta ex rerum varietate, animorum dissimilitudine, gravitate,
made from of-things variety of-minds unlikeness gravity
lenitate, spe, metu, suspicione, desiderio, dissimulatione, errore,
mildness hope fear suspicion longing dissimulation error
misericordia, fortunae commutatione, insperato incommodo,
pity of-fortune change unexpected misfortune
subita laetitia, iucundo exitu rerum. Verum haec ex iis,
sudden joy pleasant outcome of-things but these-things from those
quae postea de elocutione praecipientur, ornamenta sumentur.
which afterward about style will-be-taught ornaments will-be-taken
Nunc de narratione ea, quae causae continet 28
now about the-narration those-things which of-the-case contains
expositionem, dicendum videtur. Oportet igitur eam tres
the-setting-forth to-be-said it-seems it-behooves therefore it three
habere res: ut brevis, ut aperta, ut probabilis sit. Brevis
to-have things that brief that clear that probable it-be brief
erit, si, unde necesse est, inde initium sumetur et
it-will-be if whence necessary it-is thence the-beginning shall-be-taken and
non ab ultimo repetetur, et si, cuius rei satis erit
not from the-farthest-point shall-be-sought and if of-which thing enough it-will-be
summam dixisse, eius partes non dicentur — nam saepe satis
the-sum to-have-said of-it the-parts not shall-be-said for often enough

est, quid factum sit, dicere, ut ne narres, quemadmodum
it-is what done has-been to-say so-that not you-narrate how
sit factum—, et si non longius, quam quo opus est, in
it-was done and if not further than to-what need is in
narrando procedetur, et si nullam in rem aliam transibitur;
narrating it-shall-be-proceeded and if no into thing other it-shall-be-passed
et si ita dicetur, ut nonnumquam ex eo, quod dictum
and if so it-shall-be-said that sometimes from that which said
est, id, quod non est dictum, intellegatur; et si non
has-been that which not has-been said may-be-understood and if not
modo id, quod obest, verum etiam id, quod nec obest nec
only that which harms but also that which neither harms nor
adiuvat, praeteribitur; et si semel unum quicque dicetur;
helps shall-be-passed-over and if once one each shall-be-said
et si non ab eo, quo in proxime desitum erit,
and if not from that which in most-recently left-off it-shall-have-been
deinceps incipietur. Ac multos imitatio brevitatis decipit, ut,
next it-shall-be-begun and many the-imitation of-brevity deceives that
cum se breves putent esse, longissimi sint; cum dent
when themselves brief they-think to-be most-long they-be when they-give
operam, ut res multas brevi dicant, non ut omnino
effort that things many briefly they-may-say not that at-all
paucas res dicant et non plures, quam necesse sit. Nam
few things they-may-say and not more than necessary be for
plerisque breviter videtur dicere, qui ita dicit: Accessi ad
to-most briefly he-seems to-speak who so speaks I-approached to
aedes. Puerum vocavi. Respondit. Quaesivi dominum. Domi
the-house the-slave I-called he-answered I-asked-for the-master at-home
negavit esse. Hic, tametsi tot res brevius non potuit
he-denied him-to-be this-man although so-many things more-briefly not could
dicere, tamen, quia satis fuit dixisse: domi negavit esse,
say still because enough it-was to-have-said at-home he-denied him-to-be

fit rerum multitudine longus. Quare hoc quoque in genere
becomes of-things by-the-number long wherefore this also in kind
vitanda est brevitatis imitatio et non minus rerum non
to-be-avoided is of-brevity the-imitation and not less of-things not
necessariarum quam verborum multitudine supersedendum est.
necessary than of-words with-the-multitude to-be-dispensed is
Aperta autem narratio poterit esse, si, ut quidque primum 29
clear however the-narration can be if as each-thing first
gestum erit, ita primum exponetur, et rerum ac
done shall-have-been so first it-shall-be-set-forth and of-things and
temporum ordo servabitur, ut ita narrentur, ut gestae
of-times the-order shall-be-kept so-that so they-be-narrated as done
res erunt aut ut potuisse geri videbuntur.
the-things shall-have-been or as to-have-been-able to-be-done they-shall-seem
Hic erit considerandum, ne quid perturbate, ne quid
here it-will-be to-be-considered lest anything confusedly lest anything
contorte dicatur, ne quam in aliam rem transeatur, ne
twistedly be-said lest any into other thing one-pass lest
ab ultimo repetatur, ne ad extremum prodeatur, ne
from the-farthest-point it-be-sought lest to the-extreme one-go-forward lest
quid, quod ad rem pertineat, praetereatur; et omnino,
anything which to the-matter pertains be-passed-over and altogether
quae praecepta de brevitate sunt, hoc quoque in genere
what precepts about brevity are this also in kind
sunt conservanda. Nam saepe res parum est intellecta
are to-be-kept for often a-thing too-little is understood
longitudine magis quam obscuritate narrationis. Ac verbis
by-the-length more than by-the-obscurity of-the-narration and words
quoque dilucidis utendum est; quo de genere dicendum
also clear to-be-used is which about kind to-be-spoken
est in praeceptis elocutionis. Probabilis erit narratio, si
is in the-precepts of-style probable will-be the-narration if

in ea videbuntur inesse ea, quae solent apparere
in it shall-seem to-be-present those-things which are-wont to-appear
in veritate; si personarum dignitates servabuntur; si causae
in truth if of-the-persons the-dignities shall-be-kept if the-causes
factorum exstabunt; si fuisse facultates faciundi videbuntur;
of-the-deeds shall-stand-out if to-have-been the-means of-doing shall-seem
si tempus idoneum, si spatii satis, si locus opportunus ad
if the-time suitable if of-room enough if the-place convenient for
eandem rem, qua de re narrabitur, fuisse ostendetur;
the-same thing which about thing it-shall-be-narrated to-have-been shall-be-shown
si res et ad eorum, qui agent, naturam et ad vulgi
if the-thing both to of-those who shall-act the-nature and to of-the-crowd
morem et ad eorum, qui audient, opinionem accommodabitur.
the-custom and to of-those who shall-hear the-opinion shall-be-adapted
Ac veri quidem similis ex his rationibus esse poterit:
and of-truth indeed like from these methods to-be it-will-be-able
30 illud autem praeterea considerare oportebit, ne, aut cum
that however besides to-consider it-will-behoove lest either when
obsit narratio aut cum nihil prosit, tamen interponatur;
it-harms the-narration or when nothing it-profits still it-be-inserted
aut non loco aut non, quemadmodum causa postulet,
or not in-its-place or not as the-case demands
narretur. Obest tum, cum ipsius rei gestae expositio
it-be-narrated it-harms then when itself of-the-thing done the-setting-forth
magnam excipit offensionem, quam argumentando et causam
great incurs offense which by-arguing and the-case
agendo leniri oportebit. Quod cum accidet, membratim
pleading to-be-softened it-will-behoove which when it-shall-happen piecemeal
oportebit partes rei gestae dispergere in causam et
it-will-behoove the-parts of-the-thing done to-scatter into the-case and
ad unam quamque confestim rationem accommodare, ut
to one each forthwith reasoning to-adapt so-that

vulneri praesto medicamentum sit et odium statim defensio
for-the-wound at-hand the-remedy be and the-hatred at-once the-defense
mitiget. Nihil prodest narratio tum, cum ab adversariis
may-soften nothing profits the-narration then when by the-adversaries
re exposita nostra nihil interest iterum aut alio
with-the-thing set-forth for-us nothing it-matters again or in-another
modo narrare; aut ab iis, qui audiunt, ita tenetur negotium,
way to-narrate or by those who hear so is-held the-business
ut nostra nihil intersit eos alio pacto docere. Quod cum
that for-us nothing it-matters them in-another way to-inform which when
accidit, omnino narratione supersedendum est. Non
it-has-happened altogether with-the-narration to-be-dispensed is not
loco dicitur, cum non in ea parte orationis conlocatur,
in-its-place it-is-spoken when not in that part of-the-speech it-is-placed
in qua res postulat; quo de genere agemus tum,
in which the-thing demands which about kind we-shall-treat then
cum de dispositione dicemus; nam hoc ad dispositionem
when about arrangement we-shall-speak for this to arrangement
pertinet. Non, quemadmodum causa postulat, narratur, cum
pertains not as the-case demands it-is-narrated when
aut id, quod adversario prodest, dilucide et ornate exponitur
either that which the-adversary profits clearly and ornately is-set-forth
aut id, quod ipsum adiuvat, obscure dicitur et neglegenter.
or that which himself helps obscurely is-said and negligently
Quare, ut hoc vitium vitetur, omnia torquenda sunt ad
wherefore that this fault be-avoided all-things to-be-twisted are to
commodum suae causae, contraria, quae praeteriri
the-advantage of-one's-own case the-contrary-things which to-be-passed-over
poterunt, praetereundo, quae dicenda erunt, leviter attingendo,
can by-passing-over which to-be-said shall-be lightly by-touching
sua diligenter et enodate narrando.
one's-own diligently and plainly by-narrating

Ac de narratione quidem satis dictum videtur; deinceps
and about the-narration indeed enough said seems-to-have-been next
ad partitionem transeamus.
to the-partition let-us-pass

31 Recte habita in causa partitio inlustrem et perspicuam
rightly handled in a-case the-partition illustrious and clear
totam efficit orationem. Partes eius sunt duae, quarum
the-whole makes speech the-parts of-it are two of-which
utraque magno opere ad aperiendam causam et constituendam
each in-great measure to opening the-case and establishing
pertinet controversiam. Una pars est, quae, quid cum
pertains the-controversy one part is that-which what with
adversariis conveniat et quid in controversia relinquatur,
the-adversaries is-agreed and what in controversy is-left
ostendit; ex qua certum quiddam destinatur auditori, in
shows from which definite something is-marked-out for-the-hearer in
quo animum debeat habere occupatum. Altera est, in qua
which the-mind he-ought to-have occupied the-other is in which
rerum earum, de quibus erimus dicturi, breviter expositio
of-things those about which we-shall-be going-to-speak briefly a-setting-forth
ponitur distributa; ex qua conficitur, ut certas animo res
is-placed distributed from which it-is-brought-about that definite in-mind things
teneat auditor, quibus dictis intellegat fore peroratum.
holds the-hearer which said he-may-understand it-will-be concluded
Nunc utroque genere partitionis quemadmodum conveniat uti,
now each kind of-partition how it-befits to-use
breviter dicendum videtur. Quae partitio, quid conveniat aut
briefly to-be-said seems which partition what is-agreed or
quid non conveniat, ostendit, haec debet illud, quod convenit,
what not is-agreed shows this ought that which is-agreed
inclinare ad suae causae commodum, hoc modo: interfectam
to-bend to its-own case's advantage in-this manner killed

matrem esse a filio convenit mihi cum adversariis. Item
the-mother to-have-been by the-son it-is-agreed to-me with the-adversaries likewise
contra: interfectum esse a Clytaemestra Agamemnonem
on-the-other-side killed to-have-been by Clytemnestra Agamemnon
convenit. Nam hic uterque et id posuit, quod conveniebat,
it-is-agreed for here each both that set-down which was-agreed
et tamen suae causae commodo consuluit. Deinde,
and still for-his-own case's advantage provided next
quid controversiae sit, ponendum est in iudicationis
what of-controversy there-be to-be-set-down is in the-point-for-judgment's
expositione; quae quemadmodum inveniretur, ante dictum est.
setting-forth which how it-might-be-found before said was
Quae partitio rerum distributam continet expositionem, haec 32
which partition of-things a-distributed contains setting-forth this
habere debet: brevitatem, absolutionem, paucitatem. Brevitas est,
to-have ought brevity completeness fewness brevity is
cum nisi necessarium nullum assumitur verbum. Haec in hoc
when unless necessary no is-taken word this in this
genere idcirco est utilis, quod rebus ipsis et partibus
kind for-this-reason is useful because by-the-things themselves and by-the-parts
causae, non verbis neque extraneis ornamentis animus auditoris
of-the-case not by-words nor by-extraneous ornaments the-mind of-the-hearer
tenendus est. Absolutio est, per quam omnia, quae incidunt
to-be-held is completeness is through which all which fall
in causam, genera, de quibus dicendum est, amplectimur
into the-case the-kinds about which to-be-spoken is we-embrace
in partitione, ne aut aliquod genus utile relinquatur aut sero
in the-partition lest either some kind useful be-left or late
extra partitionem, id quod vitiosissimum ac turpissimum
outside the-partition that which most-faulty and most-shameful
est, inferatur. Paucitas in partitione servatur, si genera ipsa
is be-brought-in fewness in the-partition is-kept if the-kinds themselves

rerum ponuntur neque permixtim cum partibus implicantur.
of-things are-set-down nor confusedly with the-parts are-entangled
Nam genus est, quod plures partes amplectitur, ut animal.
for a-kind is that-which several parts embraces as animal
Pars est, quae subest generi, ut equus. Sed saepe eadem
a-part is that-which falls-under the-kind as horse but often the-same
res alii genus, alii pars est. Nam homo animalis pars est,
thing to-one a-kind to-another a-part is for man of-animal a-part is
Thebani aut Troiani genus. Haec ideo diligentius inducitur
of-Thebans or of-Trojans a-kind this for-that-reason more-diligently is-brought-in
discriptio, ut aperta generum et partium ratione paucitas
distinction so-that with-clear of-kinds and of-parts the-reckoning the-fewness
generum in partitione servari possit. Nam qui ita partitur:
of-kinds in the-partition to-be-kept can for he-who so divides
ostendam propter cupiditatem et audaciam et avaritiam
I-shall-show on-account-of the-desire and audacity and avarice
adversariorum omnia incommoda ad rem publicam pervenisse,
of-the-adversaries all misfortunes to the-thing public to-have-come
is non intellexit in partitione exposito genere partem se
he not has-understood in the-partition with-the-kind set-forth a-part himself
generis admiscuisse. Nam genus est omnium nimirum libidinum
of-the-kind to-have-mixed-in for the-kind is of-all no-doubt lusts
cupiditas, eius autem generis sine dubio pars est avaritia.
desire of-that however kind without doubt a-part is avarice
33 Hoc igitur vitandum est, ne, cuius genus posueris,
this therefore to-be-avoided is lest of-what the-kind you-have-set-down
eius * sicuti aliquam diversam ac dissimilem partem
of-that (lacuna) as-if some different and unlike part
ponas in eadem partitione. Quodsi quod in genus plures
you-set-down in the-same partition but-if any into kind several
incident partes, id cum in prima causae partitione erit
shall-fall parts that when in the-first of-the-case partition it-shall-be

simpliciter expositum, distribuetur tempore commodissime,
simply set-forth will-be-distributed at-the-time most-conveniently
cum ad ipsum ventum erit explicandum in causae
when to itself come it-shall-have-been to-be-unfolded in of-the-case
dictione post partitionem. Atque illud quoque pertinet ad
the-speaking after the-partition and that also pertains to
paucitatem, ne aut plura, quam satis est, demonstraturos
fewness lest either more than enough is going-to-show
nos dicamus, hoc modo: ostendam adversarios, quod
ourselves we-say in-this manner I-shall-show the-adversaries what
arguamus, et potuisse facere et voluisse et fecisse;
we-charge both to-have-been-able to-do and to-have-wished and to-have-done
nam fecisse satis est ostendere: aut, cum in causa partitio
for to-have-done enough it-is to-show or when in the-case partition
nulla sit, cum simplex quiddam agatur, tamen utamur
none be when simple something is-treated still we-use
distributione, id quod perraro potest accidere.
distribution that which very-rarely can happen
Ac sunt alia quoque praecepta partitionum, quae ad hunc
and there-are other also precepts of-partitions which to this
usum oratorium non tanto opere pertineant, quae versantur
use oratorical not so greatly pertain which are-engaged
in philosophia, ex quibus haec ipsa transtulimus,
in philosophy from which these very-things we-have-transferred
quae convenire viderentur, quorum nihil in ceteris artibus
which to-fit seemed of-which nothing in the-other arts
inveniebamus.
we-found
Atque his de partitione praeceptis in omni dictione
and these about partition precepts in every speech
meminisse oportebit, ut et prima quaeque pars, ut exposita
to-remember it-will-behoove that both first each part as set-forth

est in partitione, sic ordine transigatur et omnibus explicatis
it-is in the-partition so in-order be-gone-through and with-all unfolded
peroratum sit, ut ne quid posterius praeter conclusionem
concluded it-be so-that not anything later besides the-conclusion
inferatur. Partitur apud Terentium breviter et commode
be-brought-in divides in Terence briefly and fittingly
senex in Andria, quae cognoscere libertum velit:
the-old-man in the-Andria what to-learn the-freedman he-wishes

Eo pacto et gnati vitam et consilium meum
in-this way both of-my-son the-life and plan my
cognosces et quid facere in hac re te velim.
you-will-learn and what to-do in this thing you I-wish

Itaque quemadmodum in partitione proposuit, ita narrat,
and-so as in the-partition he-proposed so he-narrates
primum nati vitam: Nam is postquam excessit ex ephebis
first of-his-son the-life for he after he-left from the-ephebes
∗∗∗; deinde suum consilium: Et nunc id operam do
(etc.) then his plan and now that effort I-give
∗∗∗ deinde quid Sosiam velit facere, id quod postremum
(etc.) then what Sosia he-wishes to-do that which last
posuit in partitione, postremum dicit: Nunc tuum est
he-set-down in the-partition last he-says now your is
officium ∗∗∗ quemadmodum igitur hic et ad primam
the-duty (etc.) as therefore this-man both to first
quamque partem primum accessit et omnibus absolutis
each part first approached and with-all completed
finem dicendi fecit, sic nobis placet et ad singulas partes
an-end of-speaking made so to-us it-pleases both to the-individual parts
accedere et omnibus absolutis perorare.
to-approach and with-all completed to-conclude

Nunc de confirmatione deinceps, ita ut ordo ipse postulat,
now about the-confirmation next so as the-order itself demands
praecipiendum videtur.
to-be-taught it-seems

VI · ATTRIBUTES OF PERSONS AND ACTIONS

Confirmation draws arguments from what belongs to persons and to actions. Persons have name, nature, manner of life, fortune, habit, feeling, interests, purposes, deeds, accidents, and speeches. Actions have four kinds of attribute: what is bound up with the act itself; what attends its performance, namely place, time, occasion, manner, and means; what is adjoined to it; and what follows from it.

Confirmatio est, per quam argumentando nostrae causae 34
the-confirmation is through which by-arguing to-our case
fidem et auctoritatem et firmamentum adiungit oratio. Huius
belief and authority and support adds the-speech of-this
partis certa sunt praecepta, quae in singula causarum
part fixed are the-precepts which into the-individual of-cases
genera dividentur. Verumtamen non incommodum videtur
kinds will-be-divided but-still not inconvenient it-seems
quandam silvam atque materiam universam ante permixtim
a-certain timber and material whole before indiscriminately
et confuse exponere omnium argumentationum, post autem
and confusedly to-set-forth of-all argumentations afterward however
tradere, quemadmodum unum quodque causae genus hinc
to-hand-down how one each of-case kind from-here
omnibus argumentandi rationibus tractis confirmari oporteat.
with-all of-arguing the-methods drawn to-be-confirmed ought

Omnes res argumentando confirmantur aut ex eo, quod
all things by-arguing are-confirmed either from that which
personis, aut ex eo, quod negotiis est adtributum. Ac personis
to-persons or from that which to-actions is assigned and to-persons
has res adtributas putamus: nomen, naturam, victum,
these things assigned we-think name nature manner-of-life
fortunam, habitum, affectionem, studia, consilia, facta, casus,
fortune habit feeling interests plans deeds accidents
orationes. Nomen est, quod uni cuique personae datur, quo
speeches name is what to-one each person is-given by-which
suo quaeque proprio et certo vocabulo appellatur. Naturam
its-own each proper and definite word is-called nature
ipsam definire difficile est; partes autem eius enumerare eas,
itself to-define difficult it-is the-parts however of-it to-enumerate those
quarum indigemus ad hanc praeceptionem, facilius est.
of-which we-need for this teaching easier is
35 Eae autem partim divino, partim mortali in genere versantur.
these however partly divine partly mortal in kind are-engaged
Mortalium autem pars in hominum, pars in bestiarum genere
of-mortals however part in of-men part in of-beasts the-kind
numerantur. Atque hominum genus et in sexu consideratur,
are-numbered and of-men the-kind both in sex is-considered
virile an muliebre sit, et in natione, patria, cognatione,
male or female it-be and in nation fatherland kinship
aetate. Natione, Graius an barbarus; patria, Atheniensis
age in-nation Greek or barbarian in-fatherland Athenian
an Lacedaemonius; cognatione, quibus maioribus, quibus
or Spartan in-kinship of-what ancestors of-what
consanguineis; aetate, puer an adulescens, natu grandior
blood-relatives in-age a-boy or a-young-man by-birth older
an senex. Praeterea commoda et incommoda considerantur
or an-old-man besides the-advantages and disadvantages are-considered

ab natura data animo aut corpori, hoc modo: valens an
by nature given to-the-mind or to-the-body in-this manner strong or
inbecillus, longus an brevis, formonsus an deformis, velox an
weak tall or short handsome or ugly swift or
tardus sit, acutus an hebetior, memor an obliviosus, comis
slow he-be sharp or rather-dull of-good-memory or forgetful courteous
an infacetus, pudens, patiens an contra; et omnino quae
or graceless modest patient or the-contrary and altogether what-things
a natura dantur animo et corpori considerabuntur. Nam
by nature are-given to-the-mind and to-the-body will-be-considered for
quae industria comparantur, ad habitum pertinent, de quo
what-things by-industry are-acquired to habit pertain about which
posterius est dicendum. In victu considerare oportet, apud
later it-is to-be-spoken in manner-of-life to-consider it-behooves with
quem et quo more et cuius arbitratu sit educatus, quos
whom and in-what manner and at-whose discretion he-has-been brought-up whom
habuerit artium liberalium magistros, quos vivendi praeceptores,
he-has-had of-the-arts liberal as-masters whom of-living as-teachers
quibus amicis utatur, quo in negotio, quaestu, artificio sit
what friends he-uses what in business trade craft he-be
occupatus, quo modo rem familiarem administret, qua
occupied in-what manner the-property familial he-manages of-what
consuetudine domestica sit. In fortuna quaeritur, servus sit
habit domestic he-be in fortune it-is-asked a-slave he-be
an liber, pecuniosus an tenuis, privatus an cum potestate:
or free rich or poor a-private-man or with power
si cum potestate, iure an iniuria; felix, clarus an contra;
if with power by-right or by-wrong fortunate illustrious or the-contrary
quales liberos habeat. Ac si de non vivo quaeretur, etiam
what-sort children he-has and if about one-not living it-shall-be-asked also
quali morte sit affectus, erit considerandum.
by-what-sort-of death he-has been-visited it-will-be to-be-considered

36 Habitum autem appellamus animi aut corporis constantem
habit however we-call of-mind or of-body a-constant
et absolutam aliqua in re perfectionem, ut virtutis aut artis
and absolute some in thing perfection as of-virtue or of-art
alicuius perceptionem aut quamvis scientiam et item corporis
some the-perception or any-you-please knowledge and likewise of-the-body
aliquam commoditatem non natura datam, sed studio et
some advantage not by-nature given but by-study and
industria partam. Affectio est animi aut corporis ex tempore
industry acquired feeling is of-mind or of-body from the-moment
aliqua de causa commutatio, ut laetitia, cupiditas, metus,
some for cause a-change as joy desire fear
molestia, morbus, debilitas et alia, quae in eodem genere
vexation disease weakness and other-things which in the-same kind
reperiuntur. Studium est autem animi assidua et vehementer
are-found interest is however of-the-mind a-constant and vehemently
ad aliquam rem adplicata magna cum voluptate occupatio, ut
to some thing applied great with pleasure occupation as
philosophiae, poëticae, geometricae, litterarum. Consilium est
of-philosophy of-poetry of-geometry of-letters a-plan is
aliquid faciendi aut non faciendi excogitata ratio. Facta autem
something of-doing or not of-doing a-devised method deeds however
et casus et orationes tribus ex temporibus considerabuntur:
and accidents and speeches three from times will-be-considered
quid fecerit quid ipsi acciderit quid dixerit; aut quid
what he-did what to-him-himself happened what he-said or what
faciat, quid ipsi accidat, quid dicat; aut quid facturus
he-does what to-him-himself happens what he-says or what going-to-do
sit, quid ipsi casurum sit, qua sit usurus oratione.
he-be what to-him-himself going-to-befall it-be what he-be going-to-use speech
Ac personis quidem haec videntur esse adtributa:
and to-persons indeed these-things seem to-be assigned

negotiis autem quae sunt adtributa, partim sunt 37
to-actions however the-things-which are assigned partly are
continentia cum ipso negotio, partim in gestione negotii
coherent with the-very action partly in the-performance of-the-action
considerantur, partim adiuncta negotio sunt, partim negotium
are-considered partly adjoined to-the-action are partly the-action
consequuntur.
follow
Continentia cum ipso negotio sunt ea, quae semper
coherent with the-very action are those-things which always
affixa esse videntur ad rem neque ab ea possunt separari. Ex
attached to-be seem to the-thing nor from it can be-separated of
his prima est brevis conplexio totius negotii, quae summam
these the-first is a-brief summary of-the-whole action which the-sum
continet facti, hoc modo: parentis occisio, patriae
contains of-the-deed in-this manner of-a-parent the-killing of-the-fatherland
proditio; deinde causa eius summae, per quam et quam
the-betrayal then the-cause of-that sum through which and which
ob rem et cuius rei causa factum sit, quaeritur;
on-account-of thing and of-what thing for-the-sake done it-has-been is-asked
deinde ante gestam rem quae facta sint continenter
then before done the-thing what-things done have-been continuously
usque ad ipsum negotium; deinde, in ipso gerendo
right up-to the-very action then in the-very being-performed
negotio quid actum sit; deinde, quid postea factum sit.
action what done was then what afterward done was
In gestione autem negotii, qui locus secundus erat de 38
in the-performance however of-the-action which place second was of
iis, quae negotiis adtributa sunt, quaeretur locus, tempus,
those which to-actions assigned are will-be-asked place time
modus, occasio, facultas. Locus consideratur, in quo res
manner occasion means place is-considered in which the-thing

gesta sit, ex opportunitate, quam videatur habuisse ad
done was from the-suitability which it-may-seem to-have-had for
negotium administrandum. Ea autem opportunitas quaeritur
the-action being-managed that however suitability is-sought
ex magnitudine, intervallo, longinquitate, propinquitate,
from the-size the-distance the-remoteness the-nearness
solitudine, celebritate, natura ipsius loci et vicinitatis
the-solitude the-frequentedness the-nature of-the-very place and of-the-neighborhood
et totius regionis; ex his etiam attributionibus: sacer
and of-the-whole region from these also attributes sacred
profanus, publicus anne privatus, alienus an ipsius, de quo
profane public or private another's or his-own about whom
agitur, locus sit aut fuerit.
it-is-treated the-place be or has-been

39 Tempus autem est — id quo nunc utimur, nam ipsum quidem
time however is that which now we-use for itself indeed
generaliter definire difficile est — pars quaedam aeternitatis
generally to-define difficult is a-part certain of-eternity
cum alicuius annui, menstrui, diurni nocturnive spatii certa
with of-some yearly monthly daily or-nightly space a-definite
significatione. In hoc et quae praeterierint, considerantur: et
marking in this both what-things have-passed are-considered and
eorum ipsorum, quae aut propter vetustatem obsoleverint
of-those very-things which either on-account-of age have-become-obsolete
aut incredibilia videantur, ut iam in fabularum numerum
or incredible seem so-that already in of-fables the-number
reponantur; et quae iam diu gesta et a memoria nostra
they-are-put-away and which already long-ago done and from memory our
remota tamen faciant fidem vere tradita esse, quia eorum
removed still create belief truly handed-down to-be because of-them
monumenta certa in litteris exstent; et quae nuper gesta
the-records sure in literature stand and which recently done

sint, quae scire plerique possint; et item quae instent in
were which to-know most can and likewise what-things press in
praesentia et cum maxime fiant; et quae consequantur, in
the-present and just-when most are-done and which follow in
quibus potest considerari, quid ocius et quid serius futurum
which it-can be-considered what sooner and what later going-to-be
sit. Et item communiter in tempore perspiciendo longinquitas
be and likewise in-common in time being-examined the-length
eius est consideranda. Nam saepe oportet commetiri cum
of-it is to-be-considered for often it-behooves to-measure with
tempore negotium et videre, potueritne aut magnitudo
the-time the-action and to-see whether-could either the-size
negotii aut multitudo rerum in eo transigi tempore.
of-the-action or the-number of-things in that be-transacted time
Occasio autem est pars temporis habens in se alicuius rei 40
occasion however is a-part of-time having in itself of-some thing
idoneam faciendi aut non faciendi opportunitatem. Quare cum
a-suitable of-doing or not of-doing opportunity wherefore from
tempore hoc differt: nam genere quidem utrumque idem esse
time this differs for in-kind indeed each the-same to-be
intellegitur, verum in tempore spatium quodam modo declaratur,
is-understood but in time the-space in-a-certain manner is-declared
quod in annis aut in anno aut in aliqua anni parte spectatur,
which in years or in a-year or in some of-the-year part is-regarded
in occasione ad spatium temporis faciendi quaedam opportunitas
in occasion to the-space of-time of-doing a-certain opportunity
intellegitur adiuncta. (Quare cum genere idem sit, fit
is-understood joined wherefore though in-kind the-same it-be it-becomes
aliud, quod parte quadam et specie, ut diximus, differat.) Haec
other because by-part a-certain and form as we-said it-differs this
distribuitur in tria genera: publicum, commune, singulare.
is-divided into three kinds public common particular

Publicum est, quod civitas universa aliqua de causa frequentat,
public is that-which the-state whole some for cause frequents
ut ludi, dies festus, bellum. Commune, quod accidit omnibus
as games a-day festal war common that-which happens to-all
eodem fere tempore, ut messis, vindemia, calor, frigus.
at-the-same nearly time as the-harvest the-vintage heat cold
Singulare autem est, quod aliqua de causa privatim alicui
particular however is that-which some for cause privately to-someone
solet accidere, ut nuptiae, sacrificium, funus, convivium, somnus.
is-wont to-happen as a-wedding a-sacrifice a-funeral a-banquet sleep
41 Modus autem est, in quo, quemadmodum et quo
manner however is in which how and with-what
animo factum sit, quaeritur. Eius partes sunt prudentia et
mind done it-was is-asked of-it the-parts are prudence and
inprudentia. Prudentiae ratio quaeritur ex iis, quae
imprudence of-prudence the-reckoning is-sought from those-things which
clam, palam, vi, persuasione fecerit. Inprudentia autem in
secretly openly by-force by-persuasion he-did imprudence however to
purgationem confertur, cuius partes sunt inscientia, casus,
exculpation is-referred of-which the-parts are ignorance accident
necessitas, et in affectionem animi, hoc est molestiam,
necessity and to feeling of-mind that is vexation
iracundiam, amorem et cetera, quae in simili genere
anger love and the-other-things which in a-like kind
versantur. Facultates sunt, aut quibus facilius fit aut
are-engaged means are either those-by-which more-easily it-is-done or
sine quibus aliquid confici non potest.
without which something be-accomplished not can
Adiunctum negotio autem id intellegitur, quod maius et
adjoined to-the-action however that is-understood which greater and
quod minus et quod aeque magnum et quod simile erit
which less and which equally great and which like will-be

ei negotio, quo de agitur, et quod contrarium et
to-that action which about it-is-treated and which contrary and
quod disparatum, et genus et pars et eventus. Maius et
which disparate and genus and part and outcome greater and
minus et aeque magnum ex vi et ex numero et
less and equally great from the-force and from the-number and
ex figura negotii, sicut ex statura corporis, consideratur.
from the-shape of-the-action as from the-stature of-the-body is-considered
Simile autem ex specie conparabili aut ex conferunda atque 42
like however from a-form comparable or from to-be-compared and
assimulanda natura iudicatur. Contrarium est, quod positum
to-be-likened nature is-judged contrary is that-which placed
in genere diverso ab eodem, cui contrarium dicitur,
in a-kind different from the-same to-which contrary it-is-called
plurimum distat, ut frigus calori, vitae mors. Disparatum
most stands-apart as cold to-heat to-life death disparate
autem est id, quod ab aliqua re praepositione negationis
however is that which from some thing by-a-prefix of-negation
separatur, hoc modo: sapere et non sapere. Genus est,
is-separated in-this manner to-be-wise and not to-be-wise genus is
quod partes aliquas amplectitur, ut cupiditas. Pars est,
that-which parts some embraces as desire part is
quae subest generi, ut amor, avaritia. Eventus est exitus
that-which falls-under the-genus as love avarice outcome is the-issue
alicuius negotii, in quo quaeri solet, quid ex quaque re
of-some action in which to-be-asked it-is-wont what from each thing
evenerit, eveniat, eventurum sit. Quare hoc in genere, ut
has-resulted results going-to-result be wherefore this in kind so-that
commode, quid eventurum sit, ante animo colligi possit,
conveniently what going-to-result be beforehand in-mind be-gathered can

quid quaque ex re soleat evenire, considerandum est, hoc
what each from thing is-wont to-result to-be-considered is in-this
modo: ex arrogantia odium, ex insolentia arrogantia.
manner from arrogance hatred from insolence arrogance
43 Quarta autem pars est ex iis rebus, quas negotiis dicebamus
the-fourth however part is of those things which to-actions we-said
esse adtributas, consecutio. In hac eae res quaeruntur, quae
to-be assigned the-consequence in this those things are-asked which
gestum negotium consequuntur: primum, quod factum est,
the-done action follow first what done has-been
quo id nomine appellari conveniat; deinde eius facti qui
by-what it name to-be-called befits then of-that deed who
sint principes et inventores, qui denique auctoritatis eius et
be the-originators and inventors who finally of-authority its and
inventionis comprobatores atque aemuli; deinde ecquae de
of-invention the-approvers and imitators then whether-any about
ea re aut eius rei sit lex, consuetudo, pactio, iudicium,
that thing or of-that thing there-be a-law custom compact judgment
scientia, artificium; deinde natura eius, evenire vulgo
knowledge art then the-nature of-it whether-to-happen commonly
soleat an insolenter et raro; postea homines id sua
is-wont or unusually and rarely afterward men it with-their
auctoritate comprobare an offendere in iis consueverint; et
authority to-approve or to-take-offense at them are-accustomed and
cetera, quae factum aliquid similiter confestim aut ex
the-other-things which a-deed something likewise forthwith or after
intervallo solent consequi. Deinde postremo adtendendum
an-interval are-wont to-follow then finally to-be-attended-to
est, num quae res ex iis rebus, quae positae sunt in
is whether any things from those things which placed are in

partibus honestatis aut utilitatis, consequantur; de quibus
the-parts of-honor or of-advantage follow about which
in deliberativo genere causae distinctius erit dicendum.
in the-deliberative kind of-case more-distinctly it-will-be to-be-spoken
Ac negotiis quidem fere res haec, quas commemoravimus,
and to-actions indeed nearly the-things these which we-have-mentioned
sunt adtributae.
are assigned

VII · NECESSARY AND PROBABLE ARGUMENT

Every argument is either necessary or probable. Necessary proof takes the form of the dilemma, the enumeration, or the simple inference. The probable is what usually happens, what is commonly believed, or what resembles these, and is divided into the sign, the credible, the precedent, and the comparable. These topics supply all argument; working an argument up and dividing it into parts is most pleasant, most necessary, most neglected by writers on the art, and hard to teach.

Omnis autem argumentatio, quae ex iis locis, quos 44
every however argumentation which from those places which
commemoravimus, sumetur, aut probabilis aut necessaria
we-have-mentioned shall-be-taken either probable or necessary
debebit esse. Etenim, ut breviter describamus, argumentatio
will-be-obliged to-be for that briefly we-may-describe(-it) argumentation
videtur esse inventum aliquo ex genere rem aliquam aut
seems to-be a-device some from kind a-thing some either
probabiliter ostendens aut necessarie demonstrans.
probably showing or necessarily demonstrating
Necessarie demonstrantur ea, quae aliter ac dicuntur
necessarily are-demonstrated those-things which otherwise than they-are-said
nec fieri nec probari possunt, hoc modo: si peperit,
neither to-be-done nor to-be-proved can in-this manner if she-has-given-birth

cum viro concubuit. Hoc genus argumentandi, quod in
with a-man she-has-lain this kind of-arguing which in
necessaria demonstratione versatur, maxime tractatur in
necessary demonstration is-engaged most is-handled in
dicendo aut per complexionem aut per enumerationem
speaking either through dilemma or through enumeration
aut per simplicem conclusionem.
or through simple inference

45 Conplexio est, in qua, utrum concesseris, reprehenditur, ad
dilemma is in which whichever you-have-conceded is-refuted after
hunc modum: si inprobus est, cur uteris? Si probus, cur
this manner if wicked he-is why do-you-use(-him) if honest why
accusas? Enumeratio est, in qua pluribus rebus expositis
do-you-accuse(-him) enumeration is in which with-several things set-forth
et ceteris infirmatis una reliqua necessario confirmatur, hoc
and the-others weakened one remaining necessarily is-confirmed in-this
pacto: necesse est aut inimicitiarum causa ab hoc esse
way necessary it-is either of-enmities for-the-sake by this-man to-have-been
occisum aut metus aut spei aut alicuius amici gratia aut,
killed or of-fear or of-hope or of-some friend for-the-sake or
si horum nihil est, ab hoc non esse occisum; nam
if of-these nothing is by this-man not to-have-been killed for
sine causa maleficium susceptum non potest esse; si neque
without cause a-crime undertaken not can be if neither
inimicitiae fuerunt nec metus ullus nec spes alicuius commodi
enmities there-were nor fear any nor hope of-any advantage
neque ad amicum huius aliquem mors illius pertinebat:
nor to friend of-this-man any the-death of-that-man pertained
relinquitur igitur, ut ab hoc non sit occisus. Simplex autem
it-remains therefore that by this-man not he-was killed simple however
conclusio ex necessaria consecutione conficitur, hoc modo: si
inference from a-necessary sequence is-made in-this manner if

vos me istuc eo tempore fecisse dicitis, ego autem eo
you me that at-that time to-have-done say I however at-that
ipso tempore trans mare fui, relinquitur, ut id, quod dicitis,
very time across the-sea was it-remains that that which you-say
non modo non fecerim, sed ne potuerim quidem facere. Atque
not only not I-did but not I-could even do and
hoc diligenter oportebit videre, ne quo pacto genus hoc refelli
this diligently it-will-behoove to-see lest in-any way kind this be-refuted
possit, ut ne confirmatio modum in se argumentationis
can so-that not the-confirmation the-form in itself of-argumentation
habeat et quandam similitudinem necessariae conclusionis,
have and a-certain likeness of-necessary inference
verum ipsa argumentatio ex necessaria ratione consistat.
but itself the-argumentation from necessary reasoning consist
Probabile autem est id, quod fere solet fieri aut quod 46
probable however is that which generally is-wont to-happen or which
in opinione positum est aut quod habet in se ad haec
in opinion placed is or which has in itself to these
quandam similitudinem, sive id falsum est sive verum. In
a-certain likeness whether it false is or true in
eo genere, quod fere fieri solet, probabile huiusmodi
that kind which generally to-happen is-wont the-probable of-this-sort
est: si mater est, diligit filium; si avarus est, neglegit
is if a-mother she-is she-loves her-son if greedy he-is he-neglects
ius iurandum. In eo autem, quod in opinione positum
the-right sworn in that however which in opinion placed
est, huiusmodi sunt probabilia: impiis apud inferos
is of-this-sort are probables for-the-impious in the-lower-world
poenas esse praeparatas; eos, qui philosophiae dent operam,
punishments to-be prepared those who to-philosophy give effort
non arbitrari deos esse. Similitudo autem in contrariis et
not to-think gods to-be likeness however in contraries and

ex paribus et in iis rebus, quae sub eandem rationem
from equals and in those things which under the-same reasoning
cadunt, maxime spectatur. In contrariis, hoc modo: nam
fall most is-observed in contraries in-this manner for
si iis, qui inprudentes laeserunt, ignosci convenit, iis,
if to-those who unwittingly have-harmed to-be-pardoned it-befits to-those
qui necessario profuerunt, haberi gratiam non oportet.
who necessarily have-helped to-be-held thanks not it-behooves
47 Ex pari, sic: nam ut locus sine portu navibus esse non
from an-equal thus for as a-place without a-harbor for-ships to-be not
potest tutus, sic animus sine fide stabilis amicis non
can safe so the-mind without good-faith stable for-friends not
potest esse. In iis rebus, quae sub eandem rationem cadunt,
can be in those things which under the-same reasoning fall
hoc modo probabile consideratur: nam si Rhodiis turpe
in-this manner the-probable is-considered for if for-the-Rhodians shameful
non est portorium locare, ne Hermocreonti quidem turpe est
not it-is a-toll to-farm-out not for-Hermocreon even shameful it-is
conducere. Haec tum vera sunt, hoc pacto: quoniam
to-take-the-contract these-things sometimes true are in-this way since
cicatrix est, fuit vulnus; tum veri similia, hoc modo: si
a-scar there-is there-was a-wound sometimes of-truth like in-this manner if
multus erat in calceis pulvis, ex itinere eum venire oportebat.
much there-was on his-shoes dust from a-journey he to-come it-behooved
Omne autem — ut certas quasdam in partes tribuamus —
every however that definite certain into parts we-may-divide(-it)
probabile, quod sumitur ad argumentationem, aut signum
probable which is-taken for argumentation either a-sign
est aut credibile aut iudicatum aut comparabile.
is or credible or judged or comparable

Signum est, quod sub sensum aliquem cadit et quiddam 48
a-sign is what under sense some falls and something
significat, quod ex ipso profectum videtur, quod aut ante
signifies which from it-itself proceeded seems which either before
fuerit aut in ipso negotio aut post sit consecutum et
has-been or in the-very action or afterward has followed and
tamen indiget testimonii et gravioris confirmationis, ut cruor,
still needs testimony and weightier confirmation as blood
fuga, pallor, pulvis, et quae his sunt similia. Credibile
flight pallor dust and the-things-which to-these are like credible
est, quod sine ullo teste auditoris opinione firmatur, hoc
is what without any witness by-the-hearer's opinion is-confirmed in-this
modo: nemo est, qui non liberos suos incolumes et beatos
manner no-one is-there who not children his unharmed and happy
esse cupiat. Iudicatum est res assensione aut auctoritate
to-be desires judged is a-thing by-assent or by-authority
aut iudicio alicuius aut aliquorum conprobata. Id tribus in
or by-judgment of-someone or of-some approved this three in
generibus spectatur, religioso, communi, adprobato. Religiosum
kinds is-observed religious common approved religious
est, quod iurati legibus iudicarunt. Commune est, quod omnes
is what sworn by-the-laws they-have-judged common is what all
vulgo probarunt et secuti sunt, huiusmodi: ut maioribus
commonly have-approved and followed have of-this-sort that for-the-greater
natu assurgatur, ut supplicum misereatur. Adprobatum est,
by-birth one-rise that of-suppliants one-pity approved is
quod homines, cum dubium esset, quale haberi oporteret,
what men when doubtful it-was of-what-sort to-be-held it-behooved
sua constituerunt auctoritate: velut Gracchi patris factum
by-their-own have-established authority as of-Gracchus the-father the-deed

populus Romanus, qui eum eo quod insciente collega
the-people Roman which him by-this because with-unknowing colleague
in censura nonnihil gessit post censuram consulem fecit.
in the-censorship something he-did after the-censorship consul made
49 Conparabile autem est, quod in rebus diversis similem
comparable however is that-which in things different a-like
aliquam rationem continet. Eius partes sunt tres: imago,
some reasoning contains of-it the-parts are three image
conlatio, exemplum. Imago est oratio demonstrans corporum
comparison example image is speech showing of-bodies
aut naturarum similitudinem. Conlatio est oratio rem cum
or of-natures a-likeness comparison is speech a-thing with
re ex similitudine conferens. Exemplum est, quod
a-thing from likeness comparing example is that-which
rem auctoritate aut casu alicuius hominis aut negotii
a-thing by-the-authority or the-fortune of-some man or action
confirmat aut infirmat. Horum exempla et descriptiones in
confirms or weakens of-these the-examples and descriptions in
praeceptis elocutionis cognoscentur.
the-precepts of-style will-be-learned
Ac fons quidem confirmationis, ut facultas tulit, apertus
and the-source indeed of-confirmation as the-capacity allowed opened
est nec minus dilucide, quam rei natura ferebat,
has-been nor less clearly than of-the-thing the-nature allowed
demonstratus est; quemadmodum autem quaeque constitutio
shown has-been how however each issue
et pars constitutionis et omnis controversia, sive in
and part of-an-issue and every controversy whether in
ratione sive in scripto versabitur, tractari debeat et
reasoning or in writing shall-be-engaged to-be-handled ought and
quae in quamque argumentationes conveniant, singillatim in
what to each argumentations fit individually in

secundo libro de uno quoque genere dicemus. In praesentia
the-second book about one each kind we-shall-speak at present
tantummodo numeros et modos et partes argumentandi
only the-numbers and modes and parts of-arguing
confuse et permixtim dispersimus; post discripte et
confusedly and indiscriminately we-have-scattered afterward distinctly and
electe in genus quodque causae, quid cuique conveniat, ex
selectively into kind each of-case what to-each fits from
hac copia digeremus.
this abundance we-shall-arrange
Atque inveniri quidem omnis ex his locis argumentatio 50
and to-be-found indeed every from these places argumentation
poterit: inventam exornari et certas in partes distingui et
will-be-able found to-be-embellished and definite into parts to-be-divided both
suavissimum est et summe necessarium et ab artis scriptoribus
most-pleasant is and supremely necessary and by the-art's writers
maxime neglectum. Quare et de ea praeceptione nobis et in
most neglected wherefore both about that teaching by-us and in
hoc loco dicendum visum est, ut ad inventionem argumentandi
this place to-be-spoken seemed it-has that to the-invention of-arguing
ratio adiungeretur. Et magna cum cura et diligentia
the-method might-be-joined and great with care and diligence
locus hic omnis considerandus est, quod rei non solum
place this whole to-be-considered is because of-the-thing not only
magna utilitas est, sed praecipiendi quoque summa difficultas.
great usefulness is but of-teaching also the-highest difficulty

Argument proceeds by induction or by deduction. Induction wins assent to doubtful points through agreed ones, as in Aeschines' dialogue where Aspasia questions Xenophon and his wife; Socrates used it constantly. The points granted must be certain and like the one in dispute, and the hearer must not see where he is being led. If he is silent, concedes, or denies at the last step, the speaker concludes or brings another likeness, so the form has three parts: likeness, the point conceded, and conclusion. An example from the case of Epaminondas shows the method in court.

51 Omnis igitur argumentatio aut per inductionem tractanda
every therefore argumentation either through induction to-be-handled
est aut per ratiocinationem.
is or through deduction
Inductio est oratio, quae rebus non dubiis captat assensionem
induction is speech which by-things not doubtful seizes the-assent
eius, quicum instituta est; quibus assensionibus facit,
of-him with-whom it-has-been begun by-which assents it-brings-about
ut illi dubia quaedam res propter similitudinem earum
that to-him doubtful a-certain thing on-account-of likeness of-those
rerum, quibus assensit, probetur; velut apud Socraticum
things to-which he-has-assented be-approved as in the-Socratic
Aeschinen demonstrat Socrates cum Xenophontis uxore et
Aeschines shows Socrates with Xenophon's wife and
cum ipso Xenophonte Aspasiam locutam: dic mihi, quaeso,
with himself Xenophon Aspasia to-have-spoken tell me I-beg
Xenophontis uxor, si vicina tua melius habeat aurum, quam
of-Xenophon wife if neighbor your better have gold than
tu habes, utrum illudne an tuum malis? Illud, inquit,
you have whether hers or yours you-would-prefer hers she-says
quid, si vestem et ceterum ornatum muliebrem pretii
what if clothing and the-other adornment womanly of-price

maioris habeat, quam tu habes, tuumne an illius malis?
greater she-have than you have yours or hers would-you-prefer
Respondit: illius vero. Age sis, inquit, quid? Si virum
she-answered hers indeed come please she-says what if a-husband
illa meliorem habeat, quam tu habes, utrumne tuum virum
she better have than you have whether your husband
malis an illius? Hic mulier erubuit.
would-you-prefer or hers here the-woman blushed
Aspasia autem sermonem cum ipso Xenophonte instituit. 52
Aspasia however a-conversation with himself Xenophon began
Quaeso, inquit, Xenophon, si vicinus tuus equum meliorem
I-beg she-says Xenophon if neighbor your a-horse better
habeat, quam tuus est, tuumne equum malis an illius?
have than yours is your horse would-you-prefer or his
Illius, inquit, quid, si fundum meliorem habeat, quam tu
his he-says what if a-farm better he-have than you
habes, utrum tandem fundum habere malis? Illum, inquit,
have which pray farm to-have would-you-prefer that he-says
meliorem scilicet. Quid, si uxorem meliorem habeat, quam tu
the-better of-course what if a-wife better he-have than you
habes, utrum tuamne an illius malis? Atque hic Xenophon
have whether yours or his would-you-prefer and here Xenophon
quoque ipse tacuit. Post Aspasia: quoniam uterque vestrum,
also himself fell-silent afterward Aspasia since each of-you
inquit, id mihi solum non respondit, quod ego solum
she-says that to-me alone not has-answered which I alone
audire volueram, egomet dicam, quid uterque cogitet. Nam
to-hear had-wished I-myself shall-say what each thinks for
et tu, mulier, optumum virum vis habere et tu, Xenophon,
both you woman the-best husband wish to-have and you Xenophon
uxorem habere lectissimam maxime vis. Quare, nisi hoc
a-wife to-have most-choice most you-wish wherefore unless this

perfeceritis, ut neque vir melior neque femina
you-shall-have-accomplished that neither a-husband better nor a-woman
lectior in terris sit, profecto semper id, quod optumum
more-choice on earth be surely always that which best
putabitis esse, multo maxime requiretis. Hic cum rebus non
you-shall-think to-be by-much most-of-all you-will-miss here when to-things not
dubiis assensum est, factum est propter similitudinem,
doubtful assented it-has-been happened it-has on-account-of likeness
ut etiam illud, quod dubium videretur, si qui separatim
that even that which doubtful would-seem if anyone separately
quaereret, id pro certo propter rationem rogandi concederetur.
should-ask it as certain on-account-of the-method of-asking should-be-conceded
53 Hoc modo sermonis plurimum Socrates usus est, propterea
this manner of-conversation very-much Socrates used has on-this-account
quod nihil ipse afferre ad persuadendum volebat, sed ex
that nothing himself to-bring for persuading he-wished but from
eo, quod sibi ille dederat, quicum disputabat, aliquid
that which to-himself he had-granted with-whom he-was-disputing something
conficere malebat, quod ille ex eo, quod iam concessisset,
to-conclude he-preferred which he from that which already he-had-conceded
necessario adprobare deberet.
necessarily to-approve ought
Hoc in genere praecipiendum nobis videtur primum, ut
this in kind to-be-taught by-us it-seems first that
illud, quod inducimus per similitudinem, eiusmodi sit,
that which we-bring-in through likeness of-such-a-sort be
ut sit necesse concedere. Nam ex quo postulabimus nobis
that it-be necessary to-concede for from what we-shall-demand for-us
illud, quod dubium sit, concedi, dubium esse id ipsum non
that which doubtful be be-conceded doubtful to-be that itself not
oportebit. Deinde illud, cuius confirmandi causa fiet
it-will-behoove next that of-which being-confirmed for-the-sake shall-be-made

inductio, videndum est, ut simile iis rebus sit, quas res
the-induction to-be-seen is that like to-those things it-be which things
quasi non dubias ante induxerimus, nam aliquid ante
as-if not doubtful before we-shall-have-brought-in for something before
concessum nobis esse nihil proderit, si ei dissimile erit
conceded to-us to-be nothing will-profit if to-it unlike shall-be
id, cuius causa illud concedi primum voluerimus;
that of-which for-the-sake that to-be-conceded first we-shall-have-wished
deinde ne intellegat, quo spectent illae primae inductiones
then that-not be-understand where aim those first inductions
et ad quem sint exitum perventurae.
and to what they-be outcome going-to-come
Nam qui videt, si ei rei, quam primo rogetur, recte 54
for he-who sees if to-that thing which first he-is-asked rightly
assenserit, illam quoque rem, quae sibi displiceat, esse
he-shall-have-assented that also thing which to-himself displeases to-be
necessario concedendam, plerumque aut non respondendo aut
necessarily to-be-conceded generally either by-not answering or
male respondendo longius rogationem procedere non sinit;
by-badly answering further the-questioning to-proceed not allows
quare ratione rogationis inprudens ab eo, quod concessit,
wherefore by-the-method of-questioning unwitting from that which he-has-conceded
ad id, quod non vult concedere, deducendus est. Extremum
to that which not he-wishes to-concede to-be-led he-is the-last
autem aut taceatur oportet aut concedatur aut negetur. Si
however either be-silent-on it-behooves or be-conceded or be-denied if
negabitur, aut ostendenda similitudo est earum rerum,
it-shall-be-denied either to-be-shown the-likeness is of-those things
quae ante concessae sunt, aut alia utendum inductione. Si
which before conceded were or another is-to-be-used induction if
concedetur, concludenda est argumentatio. Si tacebitur,
it-shall-be-conceded to-be-concluded is the-argumentation if it-shall-be-silent-on

elicienda responsio est aut, quoniam taciturnitas imitatur
to-be-drawn-out the-answer is or since silence imitates
confessionem, pro eo, ac si concessum sit, concludere
confession for that as if conceded it-were to-conclude
oportebit argumentationem. Ita fit hoc genus argumentandi
it-will-behoove the-argumentation so becomes this kind of-arguing
tripertitum: prima pars ex similitudine constat una pluribusve;
threefold the-first part of likeness consists one or-several
altera ex eo, quod concedi volumus, cuius causa
the-second of that which to-be-conceded we-wish of-which for-the-sake
similitudines adhibitae sunt; tertia ex conclusione, quae aut
the-likenesses applied were the-third of the-conclusion which either
confirmat concessionem aut quid ex ea conficiatur ostendit.
confirms the-concession or what from it be-concluded shows
55 Sed quia non satis alicui videbitur dilucide demonstratum,
but because not enough to-someone will-seem clearly shown
nisi quid ex civili causarum genere exempli subiecerimus,
unless something from the-civil of-cases kind of-example we-shall-have-subjoined
videtur eiusmodi quoque utendum exemplo, non quo
it-seems of-that-sort also to-be-used an-example not because
praeceptio differat aut aliter hoc in sermone atque in dicendo
the-teaching differs or otherwise this in conversation and in speaking
sit utendum, sed ut eorum voluntati satis fiat, qui id, quod
be to-be-used but that their wish enough be-done who that which
aliquo in loco viderunt, alio in loco, nisi monstratum est,
some in place they-have-seen another in place unless shown it-has-been
nequeunt cognoscere. Ergo in hac causa, quae apud Graecos
cannot recognize therefore in this case which among the-Greeks
est pervagata, cum Epaminondas, Thebanorum imperator, *
is widespread when Epaminondas of-the-Thebans commander (lacuna)
quod ei, qui sibi ex lege praetor successerat,
because to-him who to-himself according-to the-law as-commander had-succeeded

exercitum non tradidit et, cum paucos ipse dies contra
the-army not he-handed-over and when few himself days against
legem exercitum tenuisset, Lacedaemonios funditus vicit,
the-law the-army he-had-held the-Spartans utterly conquered
poterit accusator argumentatione uti per inductionem, cum
will-be-able the-accuser argumentation to-use through induction when
scriptum legis contra sententiam defendat, ad hunc modum:
the-letter of-the-law against the-intent he-defends after this manner
si, iudices, id, quod Epaminondas ait legis scriptorem 56
if judges that which Epaminondas says the-law's writer
sensisse, adscribat ad legem et addat hanc exceptionem:
to-have-intended he-should-add to the-law and should-add this exception
extra quam si quis rei publicae causa exercitum
beyond than if anyone of-the-thing public for-the-sake the-army
non tradiderit, patiemini? Non opinor. Quid, si
not shall-have-handed-over will-you-allow(-it) not I-think what if
vosmet ipsi, quod a vestra religione et a sapientia
you yourselves which from your scruple and from wisdom
remotissimum est, istius honoris causa hanc eandem
most-remote is for-his honor's sake this same
exceptionem iniussu populi ad legem adscribi iubeatis,
exception without-the-order of-the-people to the-law to-be-added should-order
populus Thebanus id patieturne fieri? Profecto non
the-people Theban it whether-will-allow to-be-done surely not
patietur. Quod ergo adscribi ad legem nefas est, id sequi,
it-will-allow what therefore to-be-added to the-law impious is that to-follow
quasi adscriptum sit, rectum vobis videatur? Novi vestram
as-if added it-were right to-you should-it-seem I-know your
intellegentiam; non potest ita videri, iudices. Quodsi litteris
intelligence not it-can so seem judges but-if by-letters
corrigi neque ab illo neque a vobis scriptoris voluntas
to-be-corrected neither by him nor by you the-writer's will

potest, videte, ne multo indignius sit id re et iudicio
can see lest much more-unworthy it-be that in-fact and by-judgment
vestro mutari, quod ne verbo quidem commutari potest.
your to-be-changed which not by-a-word even to-be-changed can
Ac de inductione quidem satis in praesentia dictum
and about induction indeed enough at present said
videtur.
seems-to-have-been

IX · DEDUCTION: FIVE PARTS OR THREE

Deduction draws a probable conclusion from the matter itself. Some divide it into five parts, proposition, its proof, assumption, its proof, and conclusion; others into three, folding each proof into its premise. Cicero prefers the five, Aristotle's and Theophrastus', since some premises need a proof and evident ones do not, so the proof is a separate part.

57 Nunc deinceps ratiocinationis vim et naturam consideremus.
now next of-deduction the-force and nature let-us-consider
Ratiocinatio est oratio ex ipsa re probabile aliquid
deduction is speech from itself the-thing probable something
eliciens, quod expositum et per se cognitum sua se
drawing-out which set-forth and by itself known by-its-own itself
vi et ratione confirmet. Hoc de genere qui diligentius
force and reason may-confirm this about kind those-who more-diligently
considerandum putaverunt, cum idem in usu dicendi
to-be-considered thought though the-same in the-practice of-speaking
sequerentur, paululum in praecipiendi ratione dissenserunt.
they-followed a-little in of-teaching the-method disagreed
Nam partim quinque eius partes esse dixerunt, partim non
for some five of-it the-parts to-be said some not

plus quam in tres partes posse distribui putaverunt. Eorum
more than into three parts to-be-able to-be-divided thought their
controversiam non incommodum videtur cum utrorumque
controversy not inconvenient it-seems with of-both
ratione exponere. Nam et brevis est et non eiusmodi,
the-reasoning to-set-forth for both brief it-is and not of-such-a-sort
ut alteri prorsus nihil dicere putentur, et locus hic
that the-one-side at-all nothing to-say may-be-thought and the-place this
nobis in dicendo minime neglegendus videtur.
to-us in speaking least to-be-neglected seems
Qui putant in quinque tribui partes oportere, aiunt 58
those-who think into five to-be-divided parts it-behooves say
primum convenire exponere summam argumentationis, ad
first it-befits to-set-forth the-sum of-the-argumentation after
hunc modum: melius accurantur, quae consilio geruntur,
this manner better are-managed the-things-which by-plan are-conducted
quam quae sine consilio administrantur. Hanc primam
than those-which without plan are-administered this the-first
partem numerant; eam deinceps rationibus variis et quam
part they-count it next by-reasons various and as
copiosissimis verbis adprobari putant oportere, hoc modo:
most-copious words to-be-proved they-think it-behooves in-this manner
domus ea, quae ratione regitur, omnibus est instructior
a-house that which by-reason is-ruled with-all is better-equipped
rebus et apparatior, quam ea, quae temere et nullo consilio
things and better-furnished than that which rashly and with-no plan
administratur. Exercitus is, cui praepositus est sapiens
is-administered an-army that over-which set is a-wise
et callidus imperator, omnibus partibus commodius regitur,
and shrewd commander in-all parts more-conveniently is-ruled
quam is, qui stultitia et temeritate alicuius administratur.
than that which by-the-folly and rashness of-someone is-administered

Eadem navigii ratio est. Nam navis optime cursum
the-same of-a-ship the-reckoning is for the-ship best its-course
conficit ea, quae scientissimo gubernatore utitur.
completes that which a-most-knowing pilot uses
59 Cum propositio sit hoc pacto adprobata et duae partes
when the-proposition has-been in-this way proved and two parts
transierint ratiocinationis, tertia in parte aiunt, quod ostendere
have-passed of-the-deduction the-third in part they-say what to-show
velis, id ex vi propositionis oportere assumere, hoc pacto:
you-wish that from the-force of-the-proposition it-behooves to-assume in-this way
nihil autem omnium rerum melius, quam omnis mundus,
nothing however of-all things better than the-whole universe
administratur. Huius assumptionis quarto in loco aliam porro
is-administered of-this assumption the-fourth in place another further
inducunt adprobationem, hoc modo: nam et signorum
they-bring-in proof in-this manner for both of-the-stars
ortus et obitus definitum quendam ordinem servant et
the-risings and settings a-defined certain order keep and
annuae commutationes non modo quadam ex necessitudine
the-yearly changes not only a-certain from necessity
semper eodem modo fiunt, verum ad utilitates quoque
always in-the-same manner happen but to the-advantages also
rerum omnium sunt accommodatae, et diurnae nocturnaeque
of-things all are adapted and the-daily and-nightly
vicissitudines nulla in re umquam mutatae quicquam
alternations no in thing ever changed anything
nocuerunt; quae signo sunt omnia non mediocri quodam
have-harmed which-things a-sign are all by-no moderate certain
consilio naturam mundi administrari. Quinto inducunt
plan the-nature of-the-universe to-be-administered in-the-fifth they-bring-in
loco conplexionem eam, quae aut id infert solum, quod ex
place the-conclusion that which either that infers alone which from

omnibus partibus cogitur, hoc modo: consilio igitur mundus
all the-parts is-gathered in-this manner by-plan therefore the-universe
administratur; aut unum in locum cum conduxerit breviter
is-administered or one into place when it-has-brought briefly
propositionem et adsumptionem, adiungit, quid ex his
the-proposition and the-assumption adds what from these
conficiatur, ad hunc modum: quodsi melius geruntur ea,
be-concluded after this manner but-if better are-conducted those-things
quae consilio, quam quae sine consilio administrantur,
which by-plan than those-which without plan are-administered
nihil autem omnium rerum melius administratur, quam omnis
nothing however of-all things better is-administered than the-whole
mundus, consilio igitur mundus administratur. Quinquepertitam
universe by-plan therefore the-universe is-administered fivefold
igitur hoc pacto putant esse argumentationem.
therefore in-this way they-think to-be the-argumentation
Qui autem tripertitam putant esse, ii non aliter 60
those-who however threefold think it-to-be they not otherwise
tractari putant oportere argumentationem, sed partitionem
to-be-handled think to-behoove the-argumentation but the-partition
horum reprehendunt. Negant enim neque a propositione
of-these they-blame they-deny for either from the-proposition
neque ab adsumptione adprobationes earum separari
or from the-assumption the-proofs of-them to-be-separated
oportere, neque propositionem absolutam neque adsumptionem
to-behoove nor a-proposition absolute nor an-assumption
sibi perfectam videri, quae approbatione confirmata non
to-themselves perfect to-seem which by-proof confirmed not
sit. Quare quas illi duas partes numerent, propositionem et
be wherefore what they two parts count the-proposition and
adprobationem, sibi unam partem videri, propositionem;
the-proof to-themselves one part to-seem the-proposition

quae si adprobata non sit, propositio non sit argumentationis.
which if proved not it-be a-proposition not it-is of-the-argumentation
Item, quae ab illis adsumptio et adsumptionis adprobatio
likewise what by them the-assumption and of-the-assumption the-proof
dicatur, eandem sibi adsumptionem solam videri. Ita fit,
is-called the-same to-themselves the-assumption alone to-seem so it-happens
ut eadem ratione argumentatio tractata aliis tripertita, aliis
that by-the-same reasoning the-argumentation handled to-some threefold to-others
quinquepertita videatur. Quare evenit, ut res non tam
fivefold may-seem wherefore it-turns-out that the-matter not so-much
ad usum dicendi pertineat quam ad rationem praeceptionis.
to the-practice of-speaking pertains as to the-method of-teaching
61 Nobis autem commodior illa partitio videatur esse, quae
to-us however more-convenient that partition may-seem to-be which
in quinque partes tributa est, quam omnes ab Aristotele
into five parts divided is which all from Aristotle
et Theophrasto profecti maxime secuti sunt. Nam
and Theophrastus having-proceeded most followed have for
quemadmodum illud superius genus argumentandi, quod per
as that former kind of-arguing which through
inductionem sumitur, maxime Socrates et Socratici tractarunt,
induction is-taken most Socrates and the-Socratics handled
sic hoc, quod per ratiocinationem expolitur, summe est ab
so this which through deduction is-polished supremely has-been by
Aristotele et Theophrasto frequentatum, deinde a rhetoribus iis,
Aristotle and Theophrastus practiced then by the-rhetors those
qui elegantissimi atque artificiosissimi putati sunt. Quare autem
who most-refined and most-artful thought were wherefore however
nobis illa magis partitio probetur, dicendum videtur, ne temere
to-us that more partition be-approved to-be-said it-seems lest rashly

secuti putemur; et breviter dicendum, ne in huiusmodi
to-have-followed(-it) we-be-thought and briefly to-be-said lest in of-this-sort
rebus diutius, quam ratio praecipiendi postulat, commoremur.
things longer than the-method of-teaching demands we-dwell
Si quadam in argumentatione satis est uti propositione et non 62
if a-certain in argumentation enough it-is to-use the-proposition and not
oportet adiungere adprobationem propositionis, quadam autem
it-behooves to-add the-proof of-the-proposition a-certain however
in argumentatione infirma est propositio, nisi adiuncta sit
in argumentation weak is the-proposition unless added be
adprobatio, separatum est quiddam a propositione adprobatio.
the-proof separate is something from the-proposition the-proof
Quod enim et adiungi et separari ab aliquo potest, id
what for both to-be-added and to-be-separated from something can that
non potest idem esse, quod est id, ad quod adiungitur et
not can the-same be which is that to which it-is-added and
a quo separatur; est autem quaedam argumentatio, in qua
from which it-is-separated there-is however a-certain argumentation in which
propositio non indiget approbationis, et quaedam, in qua nihil
the-proposition not needs proof and a-certain in which nothing
valet sine approbatione, ut ostendemus. Separata igitur est
it-avails without proof as we-shall-show separate therefore is
a propositione approbatio. Ostendetur autem id, quod polliciti
from the-proposition the-proof will-be-shown however that which promised
sumus, hoc modo: quae propositio in se quiddam continet
we-have in-this manner which proposition in itself something contains
perspicuum et quod stare inter omnes necesse est, hanc
evident and which to-stand among all necessary it-is this
velle approbare et firmare nihil attinet. Ea est huiusmodi:
to-wish to-prove and to-confirm nothing it-matters it is of-this-sort

63 si, quo die ista caedes Romae facta est, ego Athenis eo die
if on-what day that slaughter at-Rome done was I at-Athens on-that day
fui, in caede interesse non potui. Hoc quia perspicue verum
was in the-slaughter to-take-part not I-could this because evidently true
est, nihil attinet approbari. Quare assumi statim oportet, hoc
it-is nothing it-matters to-be-proved wherefore to-be-assumed at-once it-behooves in-this
modo: fui autem Athenis eo die. Hoc si non constat, indiget
manner I-was however at-Athens on-that day this if not it-is-agreed it-needs
approbationis; qua inducta complexio consequitur. Est
proof with-which brought-in the-conclusion follows there-is
igitur quaedam propositio, quae non indiget approbatione. Nam
therefore a-certain proposition which not needs proof for
esse quidem quandam, quae indigeat, quid attinet ostendere,
to-be indeed a-certain which needs-it why does-it-matter to-show
quod cuivis facile perspicuum est? Quodsi ita est, ex hoc et
what to-anyone easily evident is but-if so it-is from this and
ex eo, quod proposueramus, hoc conficitur, separatum esse
from that which we-had-proposed this is-concluded separate to-be
quiddam a propositione approbationem. Sin autem ita est,
something from the-proposition the-proof but-if however so it-is
falsum est non esse plus quam tripertitam argumentationem.
false it-is not to-be more than threefold the-argumentation
64 Simili modo liquet alteram quoque approbationem separatam
in-like manner it-is-clear the-other also proof separate
esse ab assumptione. Si quadam in argumentatione satis est
to-be from the-assumption if a-certain in argumentation enough it-is
uti assumptione et non oportet adiungere approbationem
to-use the-assumption and not it-behooves to-add proof
assumptioni, quadam autem in argumentatione infirma est
to-the-assumption a-certain however in argumentation weak is
assumptio, nisi adiuncta sit approbatio, separatum quiddam
the-assumption unless added be proof separate something

est extra assumptionem approbatio. Est autem argumentatio
is outside the-assumption the-proof there-is however an-argumentation
quaedam, in qua assumptio non indiget approbationis,
certain in which the-assumption not needs proof
quaedam autem, in qua nihil valet sine approbatione, ut
certain however in which nothing it-avails without proof as
ostendemus. Separata igitur est ab adsumptione approbatio.
we-shall-show separate therefore is from the-assumption the-proof
Ostendemus autem, quod polliciti sumus, hoc modo: 65
we-shall-show however what promised we-have in-this manner
quae perspicuam omnibus veritatem continet assumptio,
which evident to-all truth contains the-assumption
nihil indiget approbationis. Ea est huiusmodi: si oportet
nothing needs proof it is of-this-sort if it-behooves
velle sapere, dare operam philosophiae convenit. Hic
to-wish to-be-wise to-give effort to-philosophy it-befits here
propositio indiget approbationis; non enim perspicua est
the-proposition needs proof not for evident it-is
neque constat inter omnes, propterea quod multi nihil
nor is-it-agreed among all on-this-account that many nothing
prodesse philosophiam, plerique etiam obesse arbitrantur;
to-profit philosophy most even to-harm think
assumptio perspicua; est enim haec: oportet autem velle
the-assumption evident is for this it-behooves however to-wish
sapere. Hoc quia ipsum ex se perspicitur et verum esse
to-be-wise this because itself from itself is-seen-through and true to-be
intellegitur, nihil attinet approbari. Quare statim concludenda
is-understood nothing it-matters to-be-proved wherefore at-once to-be-concluded
est argumentatio. Est ergo assumptio quaedam, quae
is the-argumentation there-is therefore an-assumption certain which
approbationis non indiget; nam quandam indigere perspicuum
proof not needs for a-certain-one to-need-it evident

est. Separata est igitur ab adsumptione approbatio. Falsum
is separate is therefore from the-assumption the-proof false
ergo est non esse plus quam tripertitam argumentationem.
therefore it-is not to-be more than threefold the-argumentation
66 Atque ex his illud iam perspicuum est, esse quandam
and from these that now evident is to-be a-certain
argumentationem, in qua neque propositio neque assumptio
argumentation in which neither the-proposition nor the-assumption
indigeat approbationis, huiusmodi, ut certum quiddam et
needs proof of-this-sort that definite something and
breve exempli causa ponamus: si summopere sapientia
brief of-example for-the-sake we-may-set-down if supremely wisdom
petenda est, summo opere stultitia vitanda est: summo
to-be-sought is in-the-highest effort folly to-be-avoided is in-the-highest
autem opere sapientia petenda est: summo igitur opere
however effort wisdom to-be-sought is in-the-highest therefore effort
stultitia vitanda est. Hic et propositio et assumptio
folly to-be-avoided is here both the-proposition and the-assumption
perspicua est; quare neutra quoque indiget approbatione. Ex
evident is wherefore neither also needs proof from
hisce omnibus illud perspicuum est approbationem tum
these all that evident is the-proof sometimes
adiungi, tum non adiungi. Ex quo cognoscitur neque in
to-be-added sometimes not to-be-added from which it-is-learned neither in
propositione neque in assumptione contineri approbationem,
the-proposition nor in the-assumption to-be-contained the-proof
sed utramque suo loco positam vim suam tamquam
but each in-its-own place placed force its-own as-if
certam et propriam obtinere. Quodsi ita est, commode partiti
definite and proper to-hold but-if so it-is conveniently divided
sunt illi, qui in quinque partes tribuerunt argumentationem.
have those who into five parts have-divided the-argumentation

The five parts are defined and set out in a full argument from a case at law. An argument may also stand in four parts or three when a proof is omitted. Some would drop an obvious conclusion, or let one part suffice; Cicero answers that every deduction must conclude, and that one part is the argument found, not its working out. The speaker should vary the form, lest it tire.

Quinque igitur partes sunt eius argumentationis, quae per 67
five therefore parts are of-that argumentation which through
ratiocinationem tractatur: propositio, per quam locus is
deduction is-handled the-proposition through which the-topic that
breviter exponitur, ex quo vis omnis oportet emanet
briefly is-set-forth from which the-force whole it-behooves should-flow
ratiocinationis; approbatio, per quam id, quod breviter
of-the-deduction the-proof through which that which briefly
expositum est, rationibus adfirmatum probabilius et apertius
set-forth has-been by-reasons affirmed more-probable and clearer
fit; assumptio, per quam id, quod ex propositione ad
becomes the-assumption through which that which from the-proposition for
ostendendum pertinet, assumitur; assumptionis approbatio, per
showing pertains is-assumed of-the-assumption the-proof through
quam id, quod assumptum est, rationibus firmatur; complexio,
which that which assumed has-been by-reasons is-confirmed the-conclusion
per quam id, quod conficitur ex omni argumentatione,
through which that which is-concluded from the-whole argumentation
breviter exponitur. Quae plurimas habet argumentatio partes,
briefly is-set-forth which the-most has argumentation parts
ea constat ex his quinque partibus; secunda est quadripertita;
it consists of these five parts the-second is fourfold
tertia tripertita; dein bipertita; quod in controversia est.
the-third threefold then twofold which in controversy is

68 De una quoque parte potest alicui videri posse consistere.
of one also part it-can to-someone seem to-be-able to-consist
Eorum igitur, quae constant, exempla ponemus, horum,
of-those therefore which are-agreed examples we-shall-set-down of-these
quae dubia sunt, rationes afferemus.
which doubtful are the-reasons we-shall-bring
Quinquepertita argumentatio est huiusmodi: omnes leges,
a-fivefold argumentation is of-this-sort all laws
iudices, ad commodum rei publicae referre oportet et
judges to the-advantage of-the-thing public to-refer it-behooves and
eas ex utilitate communi, non ex scriptione, quae in litteris
them from the-utility common not from the-writing which in letters
est, interpretari. Ea enim virtute et sapientia maiores
is to-interpret with-such for virtue and wisdom ancestors
nostri fuerunt, ut in legibus scribendis nihil sibi aliud
our were that in laws being-written nothing to-themselves else
nisi salutem atque utilitatem rei publicae proponerent.
except the-safety and advantage of-the-thing public they-proposed
Neque enim ipsi, quod obesset, scribere volebant, et, si
nor for they-themselves what would-harm to-write wished and if
scripsissent, cum esset intellectum, repudiatum iri legem
they-had-written since it-would-be understood rejected going-to-be the-law
intellegebant. Nemo enim leges legum causa salvas esse vult,
they-understood no-one for laws for-the-laws' sake safe to-be wishes
sed rei publicae, quod ex legibus omnes rem publicam
but for-the-thing public because by laws all the-thing public
optime putant administrari. Quam ob rem igitur leges
best think to-be-administered which on-account-of thing therefore laws
servari oportet, ad eam causam scripta omnia interpretari
to-be-kept it-behooves to that cause the-written-words all to-interpret
convenit: hoc est, quoniam rei publicae servimus, ex rei
it-befits that is since the-thing public we-serve from the-thing

publicae commodo atque utilitate interpretemur. Nam ut ex
public advantage and utility let-us-interpret for as from
medicina nihil oportet putare proficisci, nisi quod ad corporis
medicine nothing it-behooves to-think to-proceed except what to the-body's
utilitatem spectet, quoniam eius causa est instituta, sic
advantage looks since of-it for-the-sake it-is instituted so
a legibus nihil convenit arbitrari, nisi quod rei publicae
from the-laws nothing it-befits to-think except what the-thing public
conducat, proficisci, quoniam eius causa sunt comparatae.
profits to-proceed since of-it for-the-sake they-are procured
Ergo in hoc quoque iudicio desinite litteras legis 69
therefore in this also trial cease the-letters of-the-law
perscrutari et legem, ut aequum est, ex utilitate rei
to-scrutinize and the-law as fair is from the-advantage of-the-thing
publicae considerate. Quid magis utile fuit Thebanis
public consider what more useful was for-the-Thebans
quam Lacedaemonios opprimi? Cui magis Epaminondam,
than the-Spartans to-be-crushed for-what more Epaminondas
Thebanorum imperatorem, quam victoriae Thebanorum
the-Thebans' commander than for-the-victory of-the-Thebans
consulere decuit? Quid hunc tanta Thebanorum gloria,
to-provide befitted what this-man than-so-great of-the-Thebans glory
tam claro atque exornato tropaeo carius aut antiquius
than-so illustrious and adorned a-trophy dearer or more-important
habere convenit? Scripto videlicet legis omisso scriptoris
to-hold befitted with-the-letter of-course of-the-law neglected the-writer's
sententiam considerare debebat. At hoc quidem satis
intent to-consider he-ought but this indeed enough
consideratum est, nullam esse legem nisi rei publicae
considered has-been no to-be law unless of-the-thing public
causa scriptam. Summam igitur amentiam esse existimabat,
for-the-sake written utmost therefore madness to-be he-thought

quod scriptum esset rei publicae salutis causa, id
that-what written was of-the-thing public safety for-the-sake that
non ex rei publicae salute interpretari. Quodsi leges
not from the-thing public safety to-interpret but-if laws
omnes ad utilitatem rei publicae referri convenit,
all to the-advantage of-the-thing public to-be-referred it-befits
hic autem saluti rei publicae profuit, profecto non
this-man however the-safety of-the-thing public has-profited surely not
potest eodem facto et communibus fortunis consuluisse
he-can by-the-same deed both the-common fortunes to-have-provided-for
et legibus non optemperasse.
and the-laws not to-have-obeyed

70 Quattuor autem partibus constat argumentatio, cum aut
in-four however parts consists the-argumentation when either
proponimus aut assumimus sine approbatione. Id facere
we-propose or we-assume without proof this to-do
oportet, cum aut propositio ex se intellegitur aut assumptio
it-behooves when either the-proposition from itself is-understood or the-assumption
perspicua est et nullius approbationis indiget. Propositionis
evident is and no proof needs of-the-proposition
approbatione praeterita quattuor ex partibus argumentatio
with-the-proof passed-over four from parts the-argumentation
tractatur, ad hunc modum: iudices, qui ex lege iurati iudicatis,
is-handled after this manner judges who by law sworn judge
legibus optemperare debetis. Optemperare autem legibus non
to-the-laws to-obey you-ought to-obey however the-laws not
potestis, nisi id, quod scriptum est in lege, sequimini.
you-can unless that which written is in the-law you-follow
Quod enim certius legis scriptor testimonium voluntatis
what for surer the-law's writer testimony of-will
suae relinquere potuit, quam quod ipse magna cum
his to-leave could than what he-himself great with

cura atque diligentia scripsit? Quodsi litterae non exstarent,
care and diligence wrote but-if the-letters not existed
magnopere eas requireremus, ut ex iis scriptoris voluntas
greatly them we-would-seek that from them the-writer's will
cognosceretur; nec tamen Epaminondae permitteremus, ne si
might-be-learned nor still to-Epaminondas would-we-allow not if
extra iudicium quidem esset, ut is nobis sententiam legis
outside the-trial even he-were that he for-us the-intent of-the-law
interpretaretur, nedum nunc istum patiamur, cum praesto
should-interpret much-less now that-man we-should-suffer when at-hand
lex sit, non ex eo, quod apertissime scriptum est, sed
the-law is not from that which most-openly written is but
ex eo, quod suae causae convenit, scriptoris voluntatem
from that which his case suits the-writer's will
interpretari. Quodsi vos, iudices, legibus optemperare debetis
to-interpret but-if you judges to-the-laws to-obey ought
et id facere non potestis, nisi id, quod scriptum est in
and that to-do not can unless that which written is in
lege, sequamini, quin istum contra legem fecisse iudicatis?
the-law you-follow why-not that-man against the-law to-have-acted do-you-judge
Assumptionis autem approbatione praeterita quadripertita sic 71
of-the-assumption however with-the-proof passed-over fourfold thus
fiet argumentatio: qui saepenumero nos per fidem
will-be-made the-argumentation who often us through faith
fefellerunt, eorum orationi fidem habere non debemus. Si
have-deceived their to-speech faith to-give not we-ought if
quid enim perfidia illorum detrimenti acceperimus, nemo
any for by-the-treachery of-them loss we-shall-have-received no-one
erit praeter nosmet ipsos, quem iure accusare possimus.
will-be besides ourselves ourselves whom by-right to-accuse we-may-be-able
Ac primo quidem decipi incommodum est; iterum,
and at-first indeed to-be-deceived inconvenient is a-second-time

stultum; tertio, turpe. Carthaginienses autem persaepe
foolish a-third-time shameful the-Carthaginians however very-often
iam nos fefellerunt. Summa igitur amentia est in eorum
already us have-deceived utmost therefore madness is in their
fide spem habere, quorum perfidia totiens deceptus sis.
faith hope to-have by-whose treachery so-often deceived you-have-been
72 Utraque approbatione praeterita tripertita fit, hoc pacto:
with-both proof passed-over threefold it-becomes in-this way
aut metuamus Carthaginienses oportet, si incolumes eos
either we-fear the-Carthaginians it-behooves if unharmed them
reliquerimus, aut eorum urbem diruamus. At metuere quidem
we-shall-have-left or their city let-us-raze but to-fear indeed
non oportet. Restat igitur, ut urbem diruamus.
not it-behooves it-remains therefore that the-city we-raze
Sunt autem, qui putant nonnumquam posse complexione
there-are however those-who think sometimes to-be-able with-the-conclusion
supersederi, cum id perspicuum sit, quod conficiatur
to-be-dispensed(-with) when that evident be which is-concluded
ex ratiocinatione; quod si fiat, bipertitam quoque fieri
from the-deduction which if it-be-done twofold also to-become
argumentationem, hoc modo: si peperit, virgo non est:
the-argumentation in-this manner if she-has-given-birth a-virgin not she-is
peperit autem. Hic satis esse proponere et adsumere: quod
she-has-given-birth however here enough to-be to-propose and to-assume what
conficiatur quoniam perspicuum sit, complexionis rem non
is-concluded since evident it-be of-the-conclusion the-thing not
indigere. Nobis autem videtur et omnis ratiocinatio concludenda
to-need to-us however it-seems both every deduction to-be-concluded
esse et illud vitium, quod illis displicet, magnopere vitandum,
to-be and that fault which them displeases greatly to-be-avoided
ne, quod perspicuum sit, id in complexionem inferamus.
lest what evident be that into the-conclusion we-bring

Hoc autem fieri poterit, si complexionum genera 73
this however to-be-done will-be-able if of-conclusions the-kinds
intellegentur. Nam aut ita complectemur, ut in unum
shall-be-understood for either so we-shall-conclude that into one
conducamus propositionem et assumptionem, hoc modo:
we-bring-together the-proposition and the-assumption in-this manner
quodsi leges omnes ad utilitatem rei publicae referri
but-if laws all to the-advantage of-the-thing public to-be-referred
convenit, hic autem saluti rei publicae profuit,
it-befits this-man however the-safety of-the-thing public has-profited
profecto non potest eodem facto et saluti communi
surely not he-can by-the-same deed both the-safety common
consuluisse et legibus non optemperasse; aut ita, ut
to-have-provided-for and the-laws not to-have-obeyed or so that
ex contrario sententia conficiatur, hoc modo: summa
from the-contrary the-thought be-concluded in-this manner utmost
igitur amentia est in eorum fide spem habere, quorum
therefore madness is in their faith hope to-have by-whose
perfidia totiens deceptus sis; aut ita, ut id solum,
treachery so-often deceived you-have-been or so that that alone
quod conficitur, inferatur, ad hunc modum: urbem igitur
which is-concluded be-brought-in after this manner the-city therefore
diruamus; aut, ut id, quod eam rem, quae conficitur,
let-us-raze or that that which that thing which is-concluded
sequatur necesse est. Id est huiusmodi: si peperit, cum
follow necessary is that is of-this-sort if she-has-given-birth with
viro concubuit: peperit autem. Conficitur hoc: concubuit
a-man she-has-lain she-has-given-birth however it-is-concluded this she-has-lain
igitur cum viro. Hoc si nolis inferre et inferas id,
therefore with a-man this if you-be-unwilling to-bring-in and you-bring-in that

quod sequitur: fecit igitur incestum, et concluseris
which follows she-has-done therefore unchastity both you-will-have-concluded
argumentationem et perspicuam fugeris complexionem.
the-argumentation and the-evident you-will-have-avoided conclusion
74 Quare in longis argumentationibus ex conductionibus aut
wherefore in long argumentations from bringings-together or
ex contrario complecti oportet, in brevibus id solum, quod
from the-contrary to-conclude it-behooves in short that alone which
conficitur, exponere, in iis, in quibus exitus perspicuus
is-concluded to-set-forth in those in which the-outcome evident
est, consecutione uti.
is the-consequence to-use
Si qui autem ex una quoque parte putabunt constare
if any however of one also part shall-think to-consist
argumentationem, poterunt dicere saepe satis esse hoc
the-argumentation they-will-be-able to-say often enough to-be in-this
modo argumentationem facere: quoniam peperit, cum
manner an-argumentation to-make since she-has-given-birth with
viro concubuit; nam hoc nullius neque approbationis neque
a-man she-has-lain for this no neither proof nor
complexionis indigere. Sed nobis ambiguitate nominis videntur
conclusion to-need but to-us by-the-ambiguity of-the-word they-seem
errare. Nam argumentatio nomine uno res duas significat,
to-err for argumentation by-name one things two signifies
ideo quod et inventum aliquam in rem probabile aut
for-this-reason that both a-device some on thing probable or
necessarium argumentatio vocatur et eius inventi artificiosa
necessary argumentation is-called and of-that device the-artful
expolitio.
polishing

Cum igitur proferent aliquid huiusmodi: quoniam 75
when therefore they-shall-bring-forward something of-this-sort since
peperit, cum viro concubuit, inventum proferent,
she-has-given-birth with a-man she-has-lain a-device they-will-bring-forward
non expolitionem; nos autem de expolitionis partibus
not a-polishing we however about of-the-polishing the-parts
loquimur.
speak
Nihil igitur ad hanc rem ratio illa pertinebit; atque
nothing therefore to this matter reasoning that will-pertain and
hac distinctione alia quoque, quae videbuntur officere
by-this distinction other-things also which shall-seem to-hinder
huic partitioni, propulsabimus, si quis aut assumptionem
this partition we-shall-repel if anyone either the-assumption
aliquando tolli posse putet aut propositionem. Quae
sometimes to-be-removed to-be-able should-think or the-proposition which
si quid habet probabile aut necessarium, quoquo modo
if anything it-has probable or necessary in-any manner
commoveat auditorem necesse est. Quod si solum spectaretur
it-should-move the-hearer necessary it-is but if alone it-were-regarded
ac nihil, quo pacto tractaretur id, quod esset excogitatum,
and nothing in-what way it-were-handled that which had-been devised
referret, nequaquam tantum inter summos oratores et
it-mattered by-no-means so-much between the-highest orators and
mediocres interesse existimaretur.
mediocre to-differ it-would-be-thought
Variare autem orationem magnopere oportebit; nam omnibus 76
to-vary however the-speech greatly it-will-behoove for all
in rebus similitudo mater est satietatis. Id fieri poterit,
in things likeness the-mother is of-satiety this to-be-done will-be-able
si non similiter semper ingrediamur in argumentationem.
if not similarly always we-enter into the-argumentation

Nam primum omnium generibus ipsis distinguere convenit,
for first of-all by-the-kinds themselves to-distinguish it-befits
hoc est, tum inductione uti, tum ratiocinatione, deinde
that is sometimes induction to-use sometimes deduction then
in ipsa argumentatione non semper a propositione
in the-very argumentation not always from the-proposition
incipere nec semper quinque partibus abuti neque eadem
to-begin nor always the-five parts to-use-up nor in-the-same
partes ratione expolire, sed tum ab assumptione incipere,
the-parts method to-polish but sometimes from the-assumption to-begin
tum adprobatione alterutra, tum utraque, tum hoc,
sometimes with-proof one-or-the-other sometimes with-both sometimes with-this
tum illo genere conplexionis uti. Id ut perspiciatur,
sometimes with-that kind of-conclusion to-use that that it-may-be-seen-through
scribamus * in quolibet exemplo de iis, quae proposita
let-us-write (lacuna) in any-you-please example from those which proposed
sunt, quam facile factu sit, periclitari licet.
are how easy to-do it-be to-test it-is-allowed

77 Ac de partibus quidem argumentationis satis nobis dictum
and about the-parts indeed of-argumentation enough by-us said
videtur: illud autem volumus intellegi nos probe
seems-to-have-been that however we-wish to-be-understood us well
tenere aliis quoque rationibus tractari argumentationes
to-hold by-other also methods to-be-handled argumentations
in philosophia multis et obscuris, de quibus certum est
in philosophy many and obscure about which fixed is
artificium constitutum. Verum illa nobis abhorrere ab usu
the-art established but those to-us to-be-remote from the-practice
oratorio visa sunt. Quae pertinere autem ad dicendum
oratorical seemed have what-things to-pertain however to speaking
putamus, ea nos commodius quam ceteros adtendisse non
we-think those we more-conveniently than the-others to-have-attended-to not

affirmamus; perquisitius et diligentius conscripsisse pollicemur.
we-affirm more-searchingly and more-diligently to-have-written-up we-promise
Nunc, ut statuimus, proficisci ordine ad reliqua pergemus.
now as we-have-decided to-set-out in-order to the-rest we-shall-proceed

XI · REFUTATION

Refutation weakens or destroys the opponent's proof. An argument is refuted by denying a premise or the conclusion drawn, by showing the kind of argument faulty, or by setting an equal or stronger argument against it. Cicero shows how the credible, the sign, the comparable, and the precedent are each attacked, and how a dilemma, an enumeration, or a simple inference is faulty.

Reprehensio est, per quam argumentando adversariorum 78
the-refutation is through which by-arguing the-adversaries'
confirmatio diluitur aut elevatur. Haec fonte inventionis
confirmation is-washed-away or is-made-light this the-source of-invention
eodem utetur, quo utitur confirmatio, propterea quod, quibus
the-same will-use which uses the-confirmation on-this-account that what
ex locis aliqua res confirmari potest, isdem potest
from places some thing to-be-confirmed can from-the-same it-can
ex locis infirmari. Nihil enim considerandum est in his
from places to-be-weakened nothing for to-be-considered is in these
omnibus nisi id, quod personis aut negotiis adtributum est.
all except that which to-persons or to-actions assigned is
Quare inventionem et argumentationum expolitionem ex
wherefore the-invention and of-argumentations the-polishing from
illis, quae ante praecepta sunt, hanc quoque in partem
those-things which before taught have-been this also into part
orationis transferri oportebit. Verumtamen, ut quaedam
of-the-speech to-be-transferred it-will-behoove but-still that a-certain

praeceptio detur huius quoque partis, exponemus modos
teaching be-given of-this also part we-shall-set-forth the-modes
reprehensionis; quos qui observabunt, facilius ea,
of-refutation which those-who shall-observe more-easily those-things
quae contra dicentur, diluere aut infirmare poterunt.
which against shall-be-said to-wash-away or to-weaken will-be-able
79 Omnis argumentatio reprehenditur, si aut ex iis, quae sumpta
every argumentation is-refuted if either of those which taken
sunt, non conceditur aliquid unum plurave aut his
have-been not is-conceded something one or-several or with-these
concessis conplexio confici negatur, aut si genus ipsum
conceded the-conclusion to-be-drawn is-denied or if the-kind itself
argumentationis vitiosum ostenditur, aut si contra firmam
of-the-argumentation faulty is-shown or if against a-firm
argumentationem alia aeque firma aut firmior ponitur.
argumentation another equally firm or firmer is-set
Ex iis, quae sumuntur, aliquid non conceditur, cum aut
of those which are-taken something not is-conceded when either
id, quod credibile dicunt, negatur esse eiusmodi, aut, quod
that which credible they-call is-denied to-be of-such-a-sort or what
conparabile putant, dissimile ostenditur, aut iudicatum aliam in
comparable they-think unlike is-shown or the-thing-judged another into
partem traducitur, aut omnino iudicium inprobatur, aut, quod
side is-led-over or altogether the-judgment is-disapproved or what
signum esse adversarii dixerunt, id eiusmodi negatur esse, aut
a-sign to-be the-adversaries have-said that of-such-a-sort is-denied to-be or
si conprehensio aut una aut ex utraque parte reprehenditur,
if the-dilemma either in-one or from each side is-refuted
aut enumeratio falsa ostenditur, aut simplex conclusio falsi
or the-enumeration false is-shown or the-simple inference false
aliquid continere demonstratur. Nam omne, quod sumitur
something to-contain is-demonstrated for everything which is-taken

ad argumentandum sive pro probabili sive pro necessario,
for arguing whether as probable or as necessary
necesse est sumatur ex his locis, ut ante ostendimus.
necessary it-is it-be-taken from these places as before we-have-shown
Quod pro credibili sumptum erit, id infirmabitur, si 80
what as credible taken shall-have-been it will-be-weakened if
aut perspicue falsum erit, hoc modo: nemo est, quin
either evidently false it-shall-be in-this manner no-one is-there but
pecuniam quam sapientiam malit; aut ex contrario quoque
money than wisdom prefers or from the-contrary also
credibile aliquid habebit, hoc modo: quis est, qui non officii
credible something it-shall-have in-this manner who is-there who not of-duty
cupidior quam pecuniae sit? Aut erit omnino incredibile,
more-desirous than of-money is or it-shall-be altogether incredible
ut si aliquis, quem constet esse avarum, dicat alicuius
as if someone who it-is-agreed to-be greedy should-say of-some
mediocris officii causa se maximam pecuniam neglexisse,
moderate duty for-the-sake himself the-greatest money to-have-neglected
aut si, quod in quibusdam rebus aut hominibus accidit, id
or if what in certain things or men has-happened that
omnibus dicitur usu venire, hoc pacto: qui pauperes
to-all is-said in-practice to-befall in-this way those-who poor
sunt, iis antiquior officio pecunia est; qui locus
are to-them more-important than-duty money is that-which place
desertus est, in eo caedem factam esse oportet; in loco
deserted is in it the-murder done to-have-been it-must-be in a-place
celebri homo occidi qui potuit? Aut si id, quod raro
frequented a-man to-be-killed how could-be or if that which rarely
fit, fieri omnino negatur, ut Curio pro Fulvio: nemo
is-done to-be-done altogether is-denied as Curio for Fulvius no-one
potest uno aspectu neque praeteriens in amorem incidere.
can at-one glance nor passing-by into love fall

81 Quod autem pro signo sumetur, id ex isdem locis, quibus
what however as a-sign shall-be-taken that from the-same places by-which
confirmatur, infirmabitur. Nam in signo primum verum esse
it-is-confirmed will-be-weakened for in a-sign first true to-be
ostendi oportet; deinde esse eius rei signum proprium,
to-be-shown it-behooves then to-be of-that thing a-sign proper
qua de agitur, ut cruorem caedis; deinde factum esse,
which about it-is-treated as blood of-murder then done to-have-been
quod non oportuerit, aut non factum, quod oportuerit;
what not it-ought or not done what it-ought
postremo scisse eum, de quo quaeritur, eius rei legem
finally to-have-known him about whom it-is-asked of-that thing the-law
et consuetudinem. Nam eae res sunt signo adtributae; quas
and custom for those things are to-a-sign assigned which
diligentius aperiemus, cum separatim de ipsa coniecturali
more-diligently we-shall-open when separately about the-very conjectural
constitutione dicemus. Ergo horum unum quodque in
issue we-shall-speak therefore of-these one each in
reprehensione aut non esse signo aut parum magno esse aut a
the-refutation either not to-be a-sign or too-little great to-be or for
se potius quam ab adversariis stare aut omnino falso dici
itself rather than for the-adversaries to-stand or altogether falsely to-be-said
aut in aliam quoque suspicionem duci posse demonstrabitur.
or into another also suspicion to-be-led to-be-able will-be-demonstrated
82 Cum autem pro conparabili aliquid inducetur, quoniam
when however as comparable something shall-be-brought-in since
id per similitudinem maxime tractatur, in reprehendendo
it through likeness most is-handled in refuting
conveniet simile id negare esse, quod conferetur, ei,
it-will-befit like that to-deny to-be which shall-be-compared to-that
quicum conferetur. Id fieri poterit, si demonstrabitur
with-which it-shall-be-compared this to-be-done will-be-able if it-shall-be-demonstrated

diversum esse genere, natura, vi, magnitudine, tempore,
different to-be in-kind nature force size time
loco, persona, opinione; ac si, quo in numero illud, quod
place person opinion and if what in class that which
per similitudinem afferetur, et quo in loco hoc, cuius
through likeness shall-be-brought and what in place this of-which
causa afferetur, haberi conveniat, ostendetur. Deinde,
for-the-sake it-shall-be-brought to-be-held it-befits shall-be-shown then
quid res cum re differat, demonstrabimus: ex quo
what thing from thing differs we-shall-demonstrate from which
docebimus aliud de eo, quod comparabitur, et de eo,
we-shall-teach otherwise about that which shall-be-compared and about that
quicum comparabitur, existimare oportere. Huius facultatis
with-which it-shall-be-compared to-think to-behoove of-this capacity
maxime indigemus, cum ea ipsa argumentatio, quae per
most we-have-need when that very argumentation which through
inductionem tractatur, erit reprehendenda.
induction is-handled shall-be to-be-refuted
Sin iudicatum aliquod inferetur, quoniam id ex his
but-if a-judgment some shall-be-brought-in since it from these
locis maxime firmatur: laude eorum, qui iudicarunt;
places most is-confirmed from-the-praise of-those who have-judged
similitudine eius rei, qua de agitur, ad eam rem, qua
from-the-likeness of-that thing which about it-is-treated to that thing which
de iudicatum est; et commemorando non modo non
about judged it-has-been and by-recalling not only not
esse reprehensum iudicium, sed ab omnibus adprobatum;
to-have-been refuted the-judgment but by all approved
et demonstrando difficilius et maius fuisse ad iudicandum,
and by-demonstrating more-difficult and greater to-have-been for judging
quod afferatur, quam id, quod instet: ex contrariis locis,
what is-brought than that which presses from the-contrary places

si res aut vera aut veri similis permittet, infirmari
if the-thing either true or of-truth like shall-allow to-be-weakened
oportebit. Atque erit observandum diligenter, ne nihil ad
it-will-behoove and it-will-be to-be-observed diligently lest nothing to
id, quo de agatur, pertineat id, quod iudicatum sit; et
that which about it-is-pleaded pertain that which judged has-been and
videndum est, ne ea res proferatur, in qua sit offensum,
to-be-seen is lest that thing be-brought-forward in which there-be offended
ut de ipso, qui iudicarit, iudicium fieri videatur.
so-that about him-himself who has-judged a-judgment to-be-made may-seem
83 Oportet autem animadvertere, ne, cum aliter sint multa
it-behooves however to-notice lest when otherwise there-be many-things
iudicata, solitarium aliquid aut rarum iudicatum afferatur.
judged a-solitary something or rare judgment be-brought
Nam sic his rebus auctoritas iudicati maxime potest
for so by-these things the-authority of-a-judgment most can
infirmari. Atque ea quidem, quae quasi probabilia sumentur,
be-weakened and those indeed which as-if probable shall-be-taken
ad hunc modum temptari oportebit.
after this manner to-be-attacked it-will-behoove
Quae vero sicuti necessaria dicentur, ea si forte
what-things indeed as necessary shall-be-said those if perhaps
imitabuntur modo necessariam argumentationem neque erunt
they-shall-imitate merely necessary argumentation nor shall-be
eiusmodi, sic reprehendentur: primum conprehensio, quae,
of-such-a-sort thus will-be-refuted first the-dilemma which
utrum concesseris, debet tollere: si vera est, numquam
whichever you-have-conceded ought to-remove if true it-is never

reprehendetur; sin falsa, duobus modis, aut conversione aut
will-be-refuted but-if false in-two ways either by-conversion or
alterius partis infirmatione, hoc modo:
by-the-other part's weakening in-this manner

Nam si veretur, quid eum accuses, qui est probus?
for if he-feels-shame why him would-you-accuse who is honest
Sin inverecundum animi ingenium possidet,
but-if a-shameless of-mind nature he-possesses
quid autem eum accuses, qui id parvi auditum aestimet?
why however him would-you-accuse who that at-little heard values

Hic, sive vereri dixeris sive non vereri,
here whether to-feel-shame you-shall-have-said or not to-feel-shame
concedendum hoc putat, ut neges esse accusandum. Quod
to-be-conceded this he-thinks that you-deny him-to-be to-be-accused which
conversione sic reprehendetur: immo vero accusandus est.
by-conversion thus will-be-refuted nay indeed to-be-accused he-is
Nam si veretur, accuses; non enim parvi auditum
for if he-feels-shame you-should-accuse(-him) not for at-little heard
aestimabit. Sin inverecundum animi ingenium possidet,
he-will-value(-it) but-if a-shameless of-mind nature he-possesses
tamen accuses; non enim probus est.
still you-should-accuse(-him) not for honest he-is
Alterius autem partis infirmatione hoc modo reprehendetur: 84
by-the-other however part's weakening in-this manner it-will-be-refuted
verum si veretur, accusatione tua correctus ab errato
but if he-feels-shame by-accusation your corrected from his-error
recedet.
he-will-withdraw

Enumeratio vitiosa intellegitur, si aut praeteritum quiddam
an-enumeration faulty is-understood if either passed-over something
dicimus, quod velimus concedere, aut infirmum aliquid
we-say which we-may-wish to-concede or weak something
adnumeratum, quod aut contra dici possit aut causa non
counted which either against to-be-said can or a-cause not
sit, quare non honeste possimus concedere. Praeteritur
there-be why not honorably we-could concede is-passed-over
quiddam in eiusmodi enumerationibus: quoniam habes istum
something in of-this-sort enumerations since you-have that
equum, aut emeris oportet aut hereditate possideas
horse either you-have-bought(-it) it-must-be or by-inheritance you-possess(-it)
aut munere acceperis aut domi tibi natus sit aut,
or as-a-gift you-have-received(-it) or at-home for-you born it-be or
si eorum nihil est, subripueris necesse est: si neque
if of-these nothing is you-have-stolen(-it) necessary it-is if neither
emisti neque hereditate venit neque donatus est
you-bought(-it) nor by-inheritance did-it-come nor given was-it
neque domi natus est: necesse est ergo subripueris.
nor at-home born was-it necessary it-is therefore you-have-stolen(-it)
85 Hoc commode reprehenditur, si dici possit ex hostibus
this conveniently is-refuted if it-be-said can from the-enemy
equus esse captus, cuius praedae sectio non venierit;
the-horse to-have-been captured whose of-booty the-sale not has-been-sold
quo inlato infirmatur enumeratio, quoniam id sit inductum,
which brought-in is-weakened the-enumeration since that was brought-in
quod praeteritum sit in enumeratione. Altero autem modo
which passed-over was in the-enumeration in-the-other however way
reprehendetur, si aut contra aliquid dicetur, hoc est, si
it-will-be-refuted if either against something shall-be-said that is if
exempli causa, ut in eodem versemur, poterit ostendi
of-example for-the-sake that in the-same we-may-stay it-can-be shown

hereditate venisse, aut si illud extremum non erit turpe
by-inheritance to-have-come or if that last not shall-be shameful
concedere, ut si qui, cum dixerint adversarii: aut insidias
to-concede as if anyone when they-have-said the-adversaries either snares
facere voluisti aut amico morem gessisti aut cupiditate
to-make you-wished or to-a-friend a-favor you-did or by-desire
elatus es, amico se morem gessisse fateatur.
carried-away you-were to-a-friend himself a-favor to-have-done he-confess
Simplex autem conclusio reprehenditur, si hoc, quod sequitur, 86
the-simple however inference is-refuted if this which follows
non videatur necessario cum eo, quod antecessit, cohaerere.
not seem necessarily with that which preceded to-cohere
Nam hoc quidem: Si spiritum ducit, vivit, si dies est, lucet
for this indeed if breath he-draws he-lives if day it-is it-is-light
eiusmodi est, ut cum priore necessario posterius cohaerere
of-such-a-sort is that with the-former necessarily the-latter to-cohere
videatur. Hoc autem: si mater est, diligit, si aliquando
seems this however if a-mother she-is she-loves if once
peccavit, numquam corrigetur sic conveniet reprehendi,
he-erred never he-will-be-corrected thus it-will-befit to-be-refuted
ut demonstretur non necessario cum priore posterius
that it-be-demonstrated not necessarily with the-former the-latter
cohaerere. Hoc genus et cetera necessaria et omnino omnis
to-cohere this kind and the-other necessary-forms and altogether every
argumentatio et eius reprehensio maiorem quandam vim
argumentation and its refutation a-greater certain force
continet et latius patet, quam hic exponitur; sed eius
contains and more-widely extends than here is-set-forth but of-that
artificii cognitio eiusmodi est, ut non ad huius artis partem
art the-knowledge of-such-a-sort is that not to of-this art part
aliquam adiungi possit, sed ipsa separatim longi temporis
some to-be-joined it-can but itself separately of-long time

et magnae atque arduae cognitionis indigeat. Quare illa
and of-great and arduous study needs wherefore those-things
nobis alio tempore atque ad aliud institutum, si facultas
by-us at-another time and for another design if the-means
erit, explicabuntur; nunc his praeceptionibus rhetorum ad
shall-be will-be-unfolded now with-these precepts of-the-rhetors for
usum oratorium contentos nos esse oportebit. Cum igitur ex
the-use oratorical content ourselves to-be it-will-behoove when therefore of
iis, quae sumentur, aliquid non concedetur, sic infirmabitur.
those which shall-be-taken something not shall-be-conceded thus it-will-be-weakened

XII · FAULTY ARGUMENT

A conclusion may not follow even when the premises are granted, and the speaker must see whether something else has been inferred. An argument is faulty in itself when it is false, common, commonplace, trivial, far-fetched, badly defined, disputed, obvious, not granted, shameful, offensive, contrary, inconsistent, or adverse to the case, and faulty in use when it does not fit what is proposed. Last, a firm argument may be met by an equally firm one.

87 Cum autem his concessis conplexio ex his non
when however with-these conceded the-conclusion from these not
conficitur, haec erunt consideranda: num aliud conficiatur,
is-drawn these-things will-be to-be-considered whether one-thing be-concluded
aliud dicatur, hoc modo: si, cum aliquis dicat se
another be-said in-this manner if when someone says himself
profectum esse ad exercitum, contra eum quis velit hac
set-out to-have to the-army against him anyone should-wish this
uti argumentatione: si venisses ad exercitum, a tribunis
to-use argumentation if you-had-come to the-army by the-tribunes
militaribus visus esses; non es autem ab his visus:
military seen you-would-have-been not you-were however by them seen

non es igitur ad exercitum profectus. Hic cum concesseris
not you-did therefore to the-army set-out here when you-have-conceded
propositionem et assumptionem, conplexio est infirmanda.
the-proposition and the-assumption the-conclusion is to-be-weakened
Aliud enim, quam cogebatur, inlatum est. Ac nunc quidem, 88
other-thing for than was-compelled brought-in has-been and now indeed
quo facilius res cognosceretur, perspicuo et grandi vitio
that more-easily the-matter might-be-learned with-an-evident and gross fault
praeditum posuimus exemplum; sed saepe obscurius positum
endowed we-have-set-down an-example but often more-obscurely placed
vitium pro vero probatur, cum aut parum memineris, quid
a-fault for true is-approved when either too-little you-remember what
concesseris, aut ambiguum aliquid pro certo concesseris.
you-have-conceded or ambiguous something as certain you-have-conceded
Ambiguum si concesseris ex ea parte, quam ipse
an-ambiguity if you-have-conceded from that side which yourself
intellexeris, adversarius ad aliam partem per conplexionem
you-have-understood the-adversary to another side through the-conclusion
velit accommodare, demonstrare oportebit non ex eo,
should-wish to-adapt to-show it-will-behoove not from that
quod ipse concesseris, sed ex eo, quod ille sumpserit,
which yourself you-have-conceded but from that which he has-taken
confici conplexionem, ad hunc modum: si indigetis pecuniae,
to-be-drawn the-conclusion after this manner if you-need money
pecuniam non habetis; si pecuniam non habetis, pauperes
money not you-have if money not you-have poor
estis: indigetis autem pecuniae; mercaturae enim, ni ita
you-are you-need however money for-trade for unless so
esset, operam non daretis: pauperes igitur estis. Hoc sic
it-were effort not you-would-give poor therefore you-are this thus
reprehenditur: cum dicebas: si indigetis pecuniae, pecuniam
is-refuted when you-said if you-need money money

non habetis, hoc intellegebam: si propter inopiam in egestate
not you-have this I-understood if on-account-of poverty in want
estis, pecuniam non habetis, et idcirco concedebam; cum
you-are money not you-have and therefore I-conceded(-it) when
autem hoc sumebas: indigetis autem pecuniae, illud accipiebam:
however this you-took you-need however money that I-took-to-mean
vultis autem pecuniae plus habere. Ex quibus concessionibus
you-wish however of-money more to-have from which concessions
non conficitur hoc: pauperes igitur estis; conficeretur
not is-concluded this poor therefore you-are it-would-be-concluded
autem, si tibi primo quoque hoc concessissem, qui
however if to-you at-first also this I-had-conceded that-he-who
pecuniam maiorem vellet habere, eum pecuniam non habere.
money greater wished to-have him money not to-have
89 Saepe autem oblitum putant, quid concesseris, et idcirco
often however forgotten they-think what you-have-conceded and therefore
id, quod non conficitur, quasi conficiatur, in conclusionem
that which not is-concluded as-if it-were-concluded into the-conclusion
infertur, hoc modo: si ad illum hereditas veniebat, veri
is-brought in-this manner if to him the-inheritance was-coming of-truth
simile est ab illo necatum. Deinde hoc adprobant plurimis
like it-is by him slain then this they-prove with-very-many
verbis. Post adsumunt: ad illum autem hereditas veniebat.
words afterward they-assume to him however the-inheritance was-coming
Deinde infertur: ille igitur occidit; id quod ex iis,
then is-inferred he therefore killed that which from those
quae sumpserant, non conficitur. Quare observare diligenter
which they-had-taken not is-concluded wherefore to-observe diligently
oportet, et quid sumatur et quid ex his conficiatur.
it-behooves both what is-taken and what from these is-concluded

Ipsum autem genus argumentationis vitiosum his de causis
the-very however kind of-argumentation faulty these for reasons
ostendetur, si aut in ipso vitium erit aut non ad
will-be-shown if either in itself a-fault there-shall-be or not to
id, quod instituitur, accommodabitur. Atque in ipso vitium
that which is-undertaken it-shall-be-adapted and in itself a-fault
erit, si omnino totum falsum erit, si commune,
there-will-be if altogether wholly false it-shall-be if common
si vulgare, si leve, si remotum, si mala definitione, si
if commonplace if trivial if far-fetched if by-bad definition if
controversum, si perspicuum, si non concessum, si turpe,
controverted if obvious if not conceded if shameful
si offensum, si contrarium, si inconstans, si adversarium.
if offending if contrary if inconsistent if adverse
Falsum est, in quo perspicue mendacium est, hoc modo: non 90
false is in which evidently a-lie is in-this manner not
potest esse sapiens, qui pecuniam neglegit. Socrates autem
can be wise he-who money neglects Socrates however
pecuniam neglegebat: non igitur sapiens erat. Commune est,
money neglected not then wise he-was common is
quod nihilo magis ab adversariis quam a nobis facit, hoc
that-which nothing more for the-adversaries than for us acts in-this
modo: idcirco, iudices, quia veram causam habebam, brevi
manner for-this-reason judges because a-true case I-had briefly
peroravi. Vulgare est, quod in aliam quoque rem non
I-have-concluded commonplace is that-which to another also thing not
probabilem, si nunc concessum sit, transferri possit, ut
probable if now conceded it-be to-be-transferred can as
hoc: si causam veram non haberet, vobis se, iudices, non
this if a-case true not he-had to-you himself judges not
commisisset. Leve est, quod aut post tempus dicitur,
he-would-have-entrusted trivial is that-which either after the-time is-said

hoc modo: si in mentem venisset, non commisisset;
in-this manner if into mind it-had-come not he-would-have-committed(-it)
aut perspicue turpem rem levi tegere vult defensione,
or evidently a-shameful thing by-a-trivial to-cover wishes defense
hoc modo:
in-this manner

Cum te expetebant omnes florentissimo
when you sought all in-a-most-flourishing
regno, reliqui: nunc desertum ab omnibus
kingdom I-left now deserted by all
summo periclo sola ut restituam paro.
at-the-highest risk alone so-that I-may-restore(-you) I-prepare

91 Remotum est, quod ultra quam satis est petitur, huiusmodi:
far-fetched is that-which beyond than enough is is-sought of-this-sort
quodsi non P. Scipio Corneliam filiam Ti. Graccho
but-if not Publius Scipio Cornelia his-daughter to-Tiberius Gracchus
conlocasset atque ex ea duos Gracchos procreasset, tantae
had-given-in-marriage and from her two Gracchi had-begotten so-great
seditiones natae non essent; quare hoc incommodum Scipioni
seditions arisen not would-have wherefore this misfortune to-Scipio
adscribendum videtur. Huiusmodi est illa quoque conquestio:
to-be-ascribed it-seems of-this-sort is that also lament

Utinam ne in nemore Pelio securibus
would-that not in the-grove Pelian by-axes
caesae accidissent abiegnae ad terram trabes!
felled had-fallen the-fir to the-earth beams

Longius enim repetita est, quam res postulabat. Mala
further for sought it-is than the-matter demanded bad
definitio est, cum aut communia describit, hoc modo:
definition is when either common-things it-describes in-this manner
seditiosus est is, qui malus atque inutilis civis — nam hoc non
seditious is he who a-bad and useless citizen for this not
magis seditiosi quam ambitiosi, quam calumniatoris, quam
more of-the-seditious than of-the-ambitious than of-the-false-accuser than
alicuius hominis improbi vim describit—; aut falsum quiddam
of-some man wicked the-force describes or false something
dicit, hoc pacto: sapientia est pecuniae quaerendae intellegentia;
it-says in-this way wisdom is of-money being-acquired the-understanding
aut aliquid non grave nec magnum continens, sic: stultitia est
or something not weighty nor great containing thus folly is
inmensa gloriae cupiditas. Est haec quidem stultitia, sed ex parte
an-immense of-glory desire is this indeed folly but by part
quadam, non ex omni genere definita. Controversum est, in quo
a-certain not by the-whole kind defined controverted is in which
ad dubium demonstrandum dubia causa affertur, hoc modo:
for doubtful-thing proving a-doubtful reason is-brought in-this manner

Eho tu, di, quibus est potestas
ho you gods to-whom is the-power
motus superum atque inferum,
of-the-motion of-those-above and of-those-below
pacem inter sese conciliant, conferunt concordiam.
peace among themselves they-procure they-bring concord

Perspicuum est, de quo non est controversia: ut si quis, 92
obvious is about which not is controversy as if anyone
cum Orestem accuset, planum faciat ab eo matrem
when Orestes he-accuses plain should-make by him his-mother

esse occisam. Non concessum est, cum id, quod augetur,
to-have-been killed not conceded is when that which is-amplified
in controversia est, ut si quis, cum Ulixem accuset, in hoc
in controversy is as if anyone when Ulysses he-accuses on this
maxime commoretur: indignum esse ab homine ignavissimo
most should-dwell unworthy to-be by a-man most-cowardly
virum fortissimum Aiacem necatum. Turpe est, quod
a-man most-brave Ajax to-have-been-slain shameful is that-which
aut eo loco, in quo dicitur, aut eo homine, qui dicit,
either for-that place in which it-is-said or for-that man who says
aut eo tempore, quo dicitur, aut iis, qui audiunt, aut
or for-that time in-which it-is-said or for-those who hear or
ea re, qua de agitur, indignum propter inhonestam
for-that matter which about it-is-treated unworthy on-account-of the-dishonorable
rem videtur. Offensum est, quod eorum, qui audiunt,
thing seems offending is that-which of-those who hear
voluntatem laedit: ut, si quis apud equites Romanos cupidos
the-will wounds as if anyone before the-knights Roman eager
iudicandi Caepionis legem iudiciariam laudet.
for-judging Caepio's law judiciary should-praise

93 Contrarium est, quod contra dicitur atque ii, qui audiunt,
contrary is that-which contrary is-said to-what those who hear
fecerunt: ut si quis apud Alexandrum Macedonem dicens contra
have-done as if anyone before Alexander the-Macedonian speaking against
aliquem urbis expugnatorem diceret nihil esse crudelius quam
some of-a-city stormer should-say nothing to-be more-cruel than
urbes diruere, cum ipse Alexander Thebas diruisset. Inconstans
cities to-destroy when himself Alexander Thebes had-destroyed inconsistent
est, quod ab eodem de eadem re diverse dicitur: ut, si qui,
is that-which by the-same about the-same thing differently is-said as if anyone
cum dixerit, qui virtutem habeat, eum nullius rei ad bene
when he-has-said him-who virtue has him of-no thing for well

vivendum indigere, neget postea sine bona valetudine posse
living to-have-need should-deny afterward without good health to-be-able
bene vivi: aut, se amico adesse propter benivolentiam,
well to-be-lived or himself to-a-friend to-stand-by on-account-of goodwill
sperare autem aliquid commodi ad se perventurum.
to-hope however some advantage to himself going-to-come
Adversarium est, quod ipsi causae aliqua ex parte 94
adverse is that-which to-the-very case some from part
officit, ut si quis hostium vim et copias et felicitatem
does-harm as if anyone of-the-enemy the-force and forces and good-fortune
augeat, cum ad pugnandum milites adhortetur.
should-magnify when for fighting the-soldiers he-exhorts
Si non ad id, quod instituitur, accommodabitur aliqua
if not to that which is-undertaken shall-be-adapted some
pars argumentationis, horum aliquo in vitio reperietur:
part of-the-argumentation of-these some in fault it-will-be-found
si plura pollicitus pauciora demonstrabit; aut si, cum
if more having-promised fewer he-shall-show or if when
totum debebit ostendere, de parte aliqua loquatur,
the-whole he-shall-be-obliged to-show about part some he-speaks
hoc modo: Mulierum genus avarum est; nam Eriphyla
in-this manner of-women the-kind greedy is for Eriphyle
auro viri vitam vendidit; aut si non id, quod
for-gold of-her-husband the-life sold or if not that of-which
accusabitur, defendet, ut, si qui, cum ambitus accusabitur,
he-shall-be-accused he-shall-defend as if anyone when of-bribery he-shall-be-accused
manu se fortem esse defendet; aut ut Amphion apud
in-hand himself brave to-be shall-defend or as Amphion in
Euripidem, qui vituperata musica sapientiam laudat; aut si
Euripides who reviled with-music wisdom praises or if
res ex hominis vitio vituperabitur, ut, si qui doctrinam
a-thing from a-man's fault shall-be-reviled as if anyone learning

ex alicuius docti vitiis reprehendat; aut si qui, cum
from of-some learned-man the-vices should-blame or if anyone when
aliquem volet laudare, de felicitate eius, non de
someone he-shall-wish to-praise about the-good-fortune of-him not about
virtute dicat; aut si rem cum re ita comparabit, ut
the-virtue should-speak or if a-thing with a-thing so he-shall-compare that
alteram se non putet laudare, nisi alteram vituperarit;
the-one himself not he-think to-praise unless the-other he-has-reviled
aut si alteram ita laudet, ut alterius non faciat mentionem;
or if the-one so he-praise that of-the-other not he-make mention
95 aut si, cum de certa re quaeretur, de communi
or if when about a-definite matter it-shall-be-asked about a-general
instituetur oratio, ut, si quis, cum aliqui deliberent, bellum
shall-be-begun the-speech as if anyone when some deliberate war
gerant an non, pacem laudet omnino, non illud
whether-they-should-wage or not peace should-praise altogether not that
bellum inutile esse demonstret; aut si ratio alicuius rei
war useless to-be should-show or if the-reason of-some thing
reddetur falsa, hoc modo: pecunia bonum est, propterea
shall-be-given false in-this manner money a-good is on-this-account
quod ea maxime vitam beatam efficiat; aut infirma, ut Plautus:
that it most life happy makes or weak as Plautus

Amicum castigare ob meritam noxiam,
a-friend to-chastise for a-deserved fault
immune est facinus; verum in aetate utile
thankless is the-deed but in life useful
et conducibile; nam ego amicum hodie meum
and profitable for I a-friend today my
concastigabo pro commerita noxia;
shall-chastise for a-deserved fault

aut eadem, hoc modo: malum est avaritia; multos enim
or the-same in-this manner an-evil is avarice many for
magnis incommodis affecit pecuniae cupiditas; aut parum
with-great misfortunes has-afflicted of-money the-desire or too-little
idonea, hoc modo: maximum bonum est amicitia; plurimae
suitable in-this manner the-greatest good is friendship very-many
enim delectationes sunt in amicitia.
for delights are in friendship
Quartus modus erat reprehensionis, per quem contra 96
the-fourth mode was of-refutation through which against
firmam argumentationem aeque firma aut firmior ponitur.
a-firm argumentation an-equally firm or firmer is-set
Hoc genus in deliberationibus maxime versabitur, cum
this kind in deliberations most will-be-engaged when
aliquid, quod contra dicatur, aequum esse concedimus, sed
something which against is-said fair to-be we-concede but
id, quod nos defendimus, necessarium esse demonstramus;
that which we defend necessary to-be we-demonstrate
aut cum id, quod illi defendant, utile esse fateamur, quod
or when that which they defend useful to-be we-confess what
nos dicamus, honestum esse demonstremus.
we say honorable to-be we-demonstrate
Ac de reprehensione haec existimavimus esse dicenda.
and about refutation these-things we-have-thought to-be to-be-said

Cicero sets aside Hermagoras' digression. The peroration has three parts: the enumeration, the indignation, and the lament. The enumeration gathers the arguments briefly and should be varied. Indignation stirs hatred or offense, and Cicero lists fifteen of its topics; the lament seeks the hearers' pity through sixteen. Book I ends here, and the rest is left for the second.

97 Hermagoras digressionem deinde, tum postremam conclusionem
Hermagoras the-digression then next last the-conclusion
ponit. In hac autem digressione ille putat oportere quandam
places in this however digression he thinks it-behooves a-certain
inferri orationem a causa atque a iudicatione
to-be-brought-in speech from the-case and from the-point-for-judgment
ipsa remotam, quae aut sui laudem aut adversarii
itself removed which either of-himself praise or of-the-adversary
vituperationem contineat aut in aliam causam deducat, ex
censure contains or into another case leads-away from
qua conficiat aliquid confirmationis aut reprehensionis, non
which it-may-draw something of-confirmation or of-refutation not
argumentando, sed augendo per quandam amplificationem.
by-arguing but by-heightening through a-certain amplification
Hanc si qui partem putabit esse orationis, sequatur
this if anyone part shall-think to-be of-the-speech let-him-follow
licebit. Nobis autem non placuit in numerum reponi,
it-will-be-allowed to-us however not it-has-pleased in the-number to-be-placed
quod de causa digredi nisi per locum communem
because from the-case to-digress except through a-place common
displicet: quo de genere posterius est dicendum. Laudes
displeases which about kind later it-is to-be-spoken praises

autem et vituperationes non separatim placet tractari, sed
however and censures not separately it-pleases to-be-handled but
in ipsis argumentationibus esse inplicatas.
in the-very argumentations to-be entwined
Nunc de conclusione dicemus.
now about the-conclusion we-shall-speak
Conclusio est exitus et determinatio totius orationis. 98
the-conclusion is the-outcome and ending of-the-whole speech
Haec habet partes tres: enumerationem, indignationem,
this has parts three enumeration indignation
conquestionem.
lament
Enumeratio est, per quam res disperse et diffuse dictae
enumeration is through which things scatteredly and diffusely said
unum in locum coguntur et reminiscendi causa unum
one into place are-gathered and of-remembering for-the-sake one
sub aspectum subiciuntur. Haec si semper eodem modo
under view are-placed this if always in-the-same manner
tractabitur, perspicue ab omnibus artificio quodam tractari
it-shall-be-handled evidently by all by-art a-certain to-be-handled
intellegetur; sin varie fiet, et hanc suspicionem et
will-be-understood but-if variously it-shall-be-done both this suspicion and
satietatem vitare poterit. Quare tum oportebit ita facere,
satiety to-avoid it-will-be-able wherefore sometimes it-will-behoove so to-do
ut plerique faciunt propter facilitatem, singillatim unam
as most do on-account-of the-ease individually one
quamque rem adtingere et ita omnes transire breviter
each thing to-touch and so all to-go-through briefly
argumentationes; tum autem, id quod difficilius est,
the-argumentations sometimes however that which more-difficult is
dicere, quas partes exposueris in partitione, de quibus te
to-say what parts you-have-set-forth in the-partition about which you

pollicitus sis dicturum, et reducere in memoriam, quibus
promised have going-to-speak and to-bring-back into memory by-what
rationibus unam quamque partem confirmaris; tum ab
reasons one each part you-have-confirmed sometimes of
iis, qui audiunt, quaerere, quid sit, quod sibi velle
those who hear to-ask what there-be which to-themselves to-wish
debeant demonstrari, hoc modo: illud docuimus, illud planum
they-ought to-be-shown in-this manner that we-have-taught that plain
fecimus. Ita simul et in memoriam redibit auditor
we-have-made so at-the-same-time both into memory will-return the-hearer
et putabit nihil esse praeterea, quod debeat desiderare.
and will-think nothing to-be besides which he-ought to-miss

99 Atque in his generibus, ut ante dictum est, tum
and in these kinds as before said has-been sometimes
tuas argumentationes transire separatim, tum, id quod
your argumentations to-go-through separately sometimes that which
artificiosius est, cum tuis contrarias coniungere; et cum tuam
more-artful is with yours the-contrary-ones to-join and when your
dixeris argumentationem, tum, contra eam quod adferretur,
you-have-stated argumentation then against it what was-brought
quemadmodum dilueris, ostendere. Ita per brevem
how you-washed-it-away to-show so through a-brief
conparationem auditoris memoria et de confirmatione et
comparison the-hearer's memory both about the-confirmation and
de reprehensione redintegrabitur. Atque haec aliis actionis
about the-refutation will-be-renewed and these by-other of-delivery
quoque modis variare oportebit. Nam tum ex tua
also modes to-vary it-will-behoove for sometimes from your-own
persona enumerare possis, ut, quid et quo quidque loco
person to-enumerate you-may-be-able so-that what and in-what each place
dixeris, admoneas; tum vero personam aut rem aliquam
you-have-said you-remind sometimes indeed a-person or thing some

inducere et enumerationem ei totam attribuere. Personam
to-introduce and the-enumeration to-it whole to-assign a-person
hoc modo: nam si legis scriptor exsistat et quaerat sic id
in-this manner for if the-law's writer should-appear and should-ask thus that
a vobis, quid dubitetis: quid possitis dicere, cum vobis hoc et
of you what do-you-doubt what can-you say when to-you this and
hoc sit demonstratum? Atque hic, item ut in nostra persona,
this has-been shown and here likewise as in our-own person
licebit alias singillatim transire omnes argumentationes,
it-will-be-allowed sometimes individually to-go-through all argumentations
alias ad partitionis singula genera referre, alias ab
sometimes to of-the-partition the-individual kinds to-refer sometimes of
auditore, quid desideret, quaerere, alias haec facere per
the-hearer what he-misses to-ask sometimes these-things to-do through
comparationem suarum et contrariarum argumentationum.
comparison of-one's-own and of-the-contrary argumentations
Res autem inducetur, si alicui rei huiusmodi, legi, loco, 100
a-thing however will-be-introduced if to-some thing of-this-sort to-a-law to-a-place
urbi, monumento oratio attribuetur per enumerationem, hoc
to-a-city to-a-monument speech shall-be-assigned through enumeration in-this
modo: quid? Si leges loqui possent, nonne haec apud vos
manner what if the-laws to-speak could surely these-things before you
quererentur: quidnam amplius desideratis, iudices, cum vobis hoc
would-complain what-pray more do-you-want judges when to-you this
et hoc planum factum sit? In hoc quoque genere omnibus
and this plain made has-been in this also kind all
isdem modis uti licebit. Commune autem praeceptum hoc
the-same modes to-use it-will-be-allowed common however a-precept this
datur ad enumerationem, ut ex una quaque argumentatione,
is-given for enumeration that from one each argumentation
quoniam tota iterum dici non potest, id eligatur, quod
since whole again to-be-said not it-can that be-chosen which

erit gravissimum, et unum quidque quam brevissime
shall-be weightiest and one each as most-briefly
transeatur, ut memoria, non oratio renovata videatur.
be-gone-through so-that the-memory not the-speech renewed may-seem
Indignatio est oratio, per quam conficitur, ut in
indignation is speech through which it-is-brought-about that against
aliquem hominem magnum odium aut in rem gravis
some man great hatred or against a-thing heavy
offensio concitetur. In hoc genere illud primum intellegi
offense be-roused in this kind that first to-be-understood
volumus, posse omnibus ex locis iis, quos in confirmandi
we-wish to-be-able all from places those which in of-confirming
praeceptione posuimus, tractari indignationem. Nam ex
the-teaching we-have-set-down to-be-handled indignation for from
iis rebus, quae personis aut quae negotiis sunt attributae,
those things which to-persons or which to-actions are assigned
quaevis amplificationes et indignationes nasci possunt,
any-you-please amplifications and indignations to-arise can
sed tamen ea, quae separatim de indignatione praecipi
but still those-things which separately about indignation to-be-taught
possunt, consideremus.
can let-us-consider

101 Primus locus sumitur ab auctoritate, cum commemoramus,
the-first topic is-taken from authority when we-recall
quantae curae res ea fuerit iis, quorum auctoritas
of-how-great concern the-matter that has-been to-those whose authority
gravissima debeat esse: diis inmortalibus, qui locus
weightiest ought to-be to-the-gods immortal which topic
sumetur ex sortibus, ex oraculis, vatibus, ostentis, prodigiis,
will-be-taken from lots from oracles prophets portents prodigies
responsis, similibus rebus; item maioribus nostris, regibus,
answers like things likewise to-ancestors our kings

civitatibus, gentibus, hominibus sapientissimis, senatui, populo,
states nations men most-wise the-senate the-people
legum scriptoribus. Secundus locus est, per quem, illa res
the-laws' writers the-second topic is through which that thing
ad quos pertineat, cum amplificatione per indignationem
to whom it-pertains with amplification through indignation
ostenditur, aut ad omnes aut ad maiorem partem, quod
is-shown either to all or to the-greater part which
atrocissimum est; aut ad superiores, quales sunt ii, quorum
most-atrocious is or to superiors such-as are those whose
ex auctoritate indignatio sumitur, quod indignissimum est;
from authority the-indignation is-taken which most-unworthy is
aut ad pares animo, fortuna, corpore, quod iniquissimum
or to equals in-mind fortune body which most-unjust
est; aut ad inferiores, quod superbissimum est. Tertius
is or to inferiors which most-arrogant is the-third
locus est, per quem quaerimus, quidnam sit eventurum, si
topic is through which we-ask what be going-to-result if
idem ceteri faciant; et simul ostendimus, huic
the-same-thing the-others should-do and at-the-same-time we-show to-this-man
si concessum sit, multos aemulos eiusdem audaciae futuros;
if allowed it-be many imitators of-the-same audacity going-to-be
ex quo, quid mali sit eventurum, demonstrabimus. Quartus 102
from which what of-evil be going-to-result we-shall-show the-fourth
locus est, per quem demonstramus multos alacres exspectare,
topic is through which we-show many eager to-await
quid statuatur, ut ex eo, quod uni concessum sit,
what be-decided so-that from that which to-one conceded be
sibi quoque tali de re quid liceat, intellegere
for-themselves also such about matter what be-allowed to-understand
possint. Quintus locus est, per quem ostendimus ceteras
they-may-be-able the-fifth topic is through which we-show the-other

res perperam constitutas intellecta veritate commutatas
things wrongly decided with-understood the-truth changed
corrigi posse; hanc esse rem, quae si sit semel iudicata,
to-be-corrected to-be-able this to-be the-thing which if it-be once judged
neque alio commutari iudicio neque ulla potestate
neither by-another to-be-changed judgment nor by-any power
corrigi possit. Sextus locus est, per quem consulto et de
to-be-corrected can the-sixth topic is through which deliberately and on
industria factum demonstratur et illud adiungitur, voluntario
purpose done it-is-shown and that is-added to-a-voluntary
maleficio veniam dari non oportere, inprudentiae concedi
crime pardon to-be-given not to-behoove to-ignorance to-be-conceded
nonnumquam convenire. Septimus locus est, per quem
sometimes to-befit the-seventh topic is through which
indignamur, quod taetrum, crudele, nefarium, tyrannicum
we-are-indignant because foul cruel wicked tyrannical
factum esse dicamus per vim manum opulentiam; quae
done to-have-been we-say through force hand wealth which
res ab legibus et ab aequabili iure remotissima sit.
thing from the-laws and from equal right most-remote is
103 Octavus locus est, per quem demonstramus non vulgare
the-eighth topic is through which we-show not common
neque factitatum esse ne ab audacissimis quidem
nor practiced to-have-been not by most-audacious even
hominibus id maleficium, de quo agatur; atque id
men that crime about which it-is-pleaded and it
a feris quoque hominibus et a barbaris gentibus et
from wild also men and from barbarian nations and
inmanibus bestiis esse remotum. Haec erunt, quae in
savage beasts to-be removed these-things will-be which against
parentes, liberos, coniuges, consanguineos, supplices crudeliter
parents children wives blood-relatives suppliants cruelly

facta dicentur, et deinceps si qua proferantur in maiores
done shall-be-said and next if any be-brought-forward against the-greater
natu, in hospites, in vicinos, in amicos, in eos,
by-birth against guests against neighbors against friends against those
quibuscum vitam egeris, in eos, apud quos educatus
with-whom life you-have-spent against those among whom brought-up
sis, in eos, ab quibus eruditus, in mortuos, in
you-have-been against those by whom educated against the-dead against
miseros et misericordia dignos, in homines claros, nobiles
the-wretched and of-pity worthy against men illustrious noble
et honore usos, in eos, qui neque laedere alium nec
and with-office having-enjoyed against those who neither to-harm another nor
se defendere potuerunt, ut in pueros, senes, mulieres;
themselves to-defend could as against boys old-men women
quibus ex omnibus acriter excitata indignatio summum in
which from all keenly roused indignation the-highest against
eum, qui violarit horum aliquid, odium commovere poterit.
him who has-violated of-these any hatred to-arouse will-be-able

Nonus locus est, per quem cum aliis peccatis, quae constat 104
the-ninth topic is through which with other offenses which it-is-agreed
esse peccata, hoc quo de quaestio est, conparatur, et ita
to-be offenses this which about the-question is is-compared and so
per contentionem, quanto atrocius et indignius sit illud,
through contrast how-much more-atrocious and more-unworthy be that
de quo agitur, ostenditur. Decimus locus est, per quem
about which it-is-treated is-shown the-tenth topic is through which
omnia, quae in negotio gerundo acta sunt quaeque post
all-things which in the-action being-performed done were and-which after
negotium consecuta sunt, cum unius cuiusque indignatione
the-action followed have with of-one each indignation
et criminatione colligimus et rem verbis quam maxime
and accusation we-gather and the-thing in-words as most

ante oculos eius, apud quem dicitur, ponimus, ut id, quod
before the-eyes of-him before whom it-is-spoken we-place so-that that which
indignum est, proinde illi videatur indignum, ac si ipse
unworthy is just-so to-him may-seem unworthy as if he-himself
interfuerit ac praesens viderit. Undecimus locus est, per
had-been-present and present had-seen the-eleventh topic is through
quem ostendimus ab eo factum, a quo minime oportuerit,
which we-show by him done by whom least it-ought
et a quo, si alius faceret, prohiberi convenerit.
and by whom if another should-do-it to-be-prevented it-would-have-befitted
Duodecimus locus est, per quem indignamur, quod nobis
the-twelfth topic is through which we-are-indignant that to-us
hoc primis acciderit neque alicui umquam usu venerit.
this first has-happened nor to-anyone ever in-practice has-come
105 Tertius decimus locus est, si cum iniuria contumelia iuncta
the-third tenth topic is if with the-injury insult joined
demonstratur, per quem locum in superbiam et arrogantiam
is-shown through which topic against pride and arrogance
odium concitatur. Quartus decimus locus est, per quem
hatred is-roused the-fourth tenth topic is through which
petimus ab iis, qui audiunt, ut ad suas res nostras iniurias
we-ask of those who hear that to their-own things our injuries
referant; si ad pueros pertinebit, de liberis suis cogitent; si ad
they-refer if to boys it-shall-pertain about children their they-may-think if to
mulieres, de uxoribus; si ad senes, de patribus aut parentibus.
women about wives if to old-men about fathers or parents
Quintus decimus locus est, per quem dicimus inimicis quoque
the-fifth tenth topic is through which we-say to-enemies also
et hostibus ea, quae nobis acciderint, indigna videri solere.
and foes those-things which to-us have-happened unworthy to-seem to-be-wont
Et indignatio quidem his fere de locis gravissime sumetur.
and indignation indeed these mostly from topics most-weightily will-be-taken

Conquestio est oratio auditorum misericordiam captans. In hac 106
the-lament is speech of-the-hearers pity seizing in this
primum animum auditoris mitem et misericordem conficere
first the-mind of-the-hearer gentle and pitiful to-make
oportet, quo facilius conquestione commoveri possit. Id
it-behooves by-which more-easily by-the-lament to-be-moved it-may-be-able this
locis communibus efficere oportebit, per quos fortunae
by-places common to-accomplish it-will-behoove through which of-fortune
vis in omnes et hominum infirmitas ostenditur; qua
the-force over all and of-men the-weakness is-shown with-which
oratione habita graviter et sententiose maxime demittitur
speech held weightily and sententiously most is-lowered
animus hominum et ad misericordiam conparatur, cum in
the-mind of-men and for pity is-prepared when in
alieno malo suam infirmitatem considerabit.
another's evil its-own weakness it-shall-consider
Deinde primus locus est misericordiae, per quem, quibus 107
then the-first topic is of-pity through which what
in bonis fuerint et nunc quibus in malis sint, ostenditur.
in goods they-have-been and now what in evils they-be is-shown
Secundus, qui in tempora tribuitur, per quem, quibus
the-second which into times is-divided through which what
in malis fuerint et sint et futuri sint, demonstratur.
in evils they-have-been and are and going-to-be be is-shown
Tertius, per quem unum quodque deploratur incommodum,
the-third through which one each is-deplored misfortune
ut in morte filii pueritiae delectatio, amor, spes, solatium,
as in the-death of-a-son of-boyhood the-delight love hope solace
educatio et, si qua simili in genere quolibet de incommodo
upbringing and if any a-like in kind any-you-please about misfortune
per conquestionem dici poterunt. Quartus, per quem
through lament to-be-said shall-be-able the-fourth through which

res turpes et humiles et inliberales proferentur et
things shameful and low and illiberal shall-be-brought-forward and
indigna aetate, genere, fortuna pristina, honore, beneficiis,
unworthy of-age family fortune former office favors
quae passi perpessurive sint. Quintus, per quem omnia
which suffered or-going-to-suffer they-be the-fifth through which all
ante oculos singillatim incommoda ponuntur, ut videatur is,
before the-eyes individually misfortunes are-placed so-that may-seem he
qui audit, videre et re quoque ipsa, quasi assit,
who hears to-see and by-the-thing also itself as-if he-were-present
non verbis solum ad misericordiam ducatur.
not by-words only to pity be-led
108 Sextus, per quem praeter spem in miseriis demonstratur
the-sixth through which beyond hope in miseries he-is-shown
esse, et, cum aliquid exspectaret, non modo id non adeptus
to-be and when something he-expected not only that not attained
esse, sed in summas miserias incidisse. Septimus, per
to-have but into the-greatest miseries to-have-fallen the-seventh through
quem ad ipsos, qui audiunt, convertimus et petimus, ut
which to the-very-ones who hear we-turn and ask that
de suis liberis aut parentibus aut aliquo, qui illis carus
about their children or parents or someone who to-them dear
debeat esse, nos cum videant, recordentur. Octavus, per
ought to-be us when they-see they-recall the-eighth through
quem aliquid dicitur esse factum, quod non oportuerit,
which something is-said to-have-been done which not it-ought
aut non factum, quod oportuerit, hoc modo: non affui,
or not done which it-ought in-this manner not I-was-present
non vidi, non postremam vocem eius audivi, non extremum
not I-saw not the-last voice his I-heard not the-last
spiritum eius excepi. Item: inimicorum in manibus mortuus
breath his I-caught likewise of-enemies in the-hands dead

est, hostili in terra turpiter iacuit insepultus, a feris diu
he-is hostile in land shamefully he-lay unburied by beasts long
vexatus, communi quoque honore in morte caruit.
harassed common even honor in death he-lacked
Nonus, per quem oratio ad mutas et expertes animi res 109
the-ninth through which speech to dumb and devoid-of mind things
referetur, ut si ad equum, domum, vestem sermonem alicuius
will-be-referred as if to a-horse a-house a-garment the-talk of-someone
accommodes, quibus animus eorum, qui audiunt et aliquem
you-adapt by-which the-mind of-those who hear and someone
dilexerunt, vehementer commovetur. Decimus, per quem
have-loved vehemently is-moved the-tenth through which
inopia, infirmitas, solitudo demonstratur. Undecimus, per
need weakness loneliness is-shown the-eleventh through
quem liberorum aut parentum aut sui corporis sepeliundi
which of-children or of-parents or of-one's-own body to-be-buried
aut alicuius eiusmodi rei commendatio fit. Duodecimus,
or of-some of-this-sort thing a-commending is-made the-twelfth
per quem disiunctio deploratur ab aliquo, cum diducaris
through which separation is-deplored from someone when you-are-parted
ab eo, quicum libentissime vixeris, ut a parente filio, a
from him with-whom most-gladly you-have-lived as from a-parent a-son from
fratre familiari. Tertius decimus, per quem cum indignatione
a-brother an-intimate the-third tenth through which with indignation
conquerimur, quod ab iis, a quibus minime conveniat, male
we-lament that by those by whom least it-befits badly
tractemur, propinquis, amicis, quibus benigne fecerimus, quos
we-are-treated relatives friends to-whom kindly we-have-done whom
adiutores fore putarimus, aut a quibus indignum, servis,
helpers to-be we-had-thought or by whom unworthy-it-is slaves
libertis, clientibus, supplicibus. Quartus decimus, qui per
freedmen clients suppliants the-fourth tenth which through

obsecrationem sumitur; in quo orantur modo illi, qui audiunt,
entreaty is-taken in which are-begged in-manner those who hear
humili et supplici oratione, ut misereantur. Quintus decimus,
with-humble and suppliant speech that they-may-pity the-fifth tenth
per quem non nostras, sed eorum, qui cari nobis debent esse,
through which not our but of-those who dear to-us ought to-be
fortunas conqueri nos demonstramus. Sextus decimus, per
the-fortunes to-lament ourselves we-show the-sixth tenth through
quem animum nostrum in alios misericordem esse ostendimus
which mind our toward others pitiful to-be we-show
et tamen amplum et excelsum et patientem incommodorum
and still ample and lofty and enduring of-misfortunes
esse et futurum esse, si quid acciderit, demonstramus.
to-be and going-to-be to-be if anything shall-have-happened we-show
Nam saepe virtus et magnificentia, in quo gravitas et
for often virtue and magnificence in which gravity and
auctoritas est, plus proficit ad misericordiam commovendam
authority is more profits for pity being-moved
quam humilitas et obsecratio. Commotis autem animis
than humility and entreaty with-moved however minds
diutius in conquestione morari non oportebit. Quemadmodum
longer in lament to-dwell not it-will-behoove as
enim dixit rhetor Apollonius, lacrima nihil citius arescit.
for said the-rhetor Apollonius than-a-tear nothing more-quickly dries
Sed quoniam satis, ut videmur, de omnibus orationis
but since enough as we-seem about all of-the-speech
partibus diximus et huius voluminis magnitudo longius
parts we-have-spoken and of-this volume the-size further
processit, quae sequuntur deinceps, in secundo libro
has-gone what-things follow next in the-second book
dicemus.
we-shall-speak

LIBER SECUNDUS

I · THE PAINTER OF CROTON

When the people of Croton wished to adorn their temple of Juno, Zeuxis asked to see their most beautiful maidens and chose five as models for his Helen. So Cicero has gathered the best from many writers on rhetoric. Aristotle collected the earlier arts, and Isocrates' school produced its own; the two lines later mingled. Cicero offers his precepts with diffidence, as one still inquiring.

Crotoniatae quondam, cum florerent omnibus copiis et in 1
the-Crotoniates once when they-flourished in-all resources and in
Italia cum primis beati numerarentur, templum Iunonis,
Italy among the-first fortunate were-counted the-temple of-Juno
quod religiosissime colebant, egregiis picturis locupletare
which most-religiously they-worshiped with-outstanding paintings to-enrich
voluerunt. Itaque Heracleoten Zeuxin, qui tum longe ceteris
wished and-so of-Heraclea Zeuxis who then far the-other
excellere pictoribus existimabatur, magno pretio conductum
to-surpass painters was-thought at-a-great price hired
adhibuerunt. Is et ceteras conplures tabulas pinxit, quarum
they-employed he both other very-many panels painted of-which
nonnulla pars usque ad nostram memoriam propter
some part right up-to our memory on-account-of
fani religionem remansit, et, ut excellentem muliebris
of-the-shrine the-sanctity has-remained and that the-excellent of-womanly
formae pulchritudinem muta in se imago contineret, Helenae
form beauty a-dumb in itself image might-contain of-Helen
pingere simulacrum velle dixit; quod Crotoniatae, qui eum
to-paint an-image to-wish he-said which the-Crotoniates who him
muliebri in corpore pingendo plurimum aliis praestare saepe
a-womanly in body being-painted very-much others to-surpass often

accepissent, libenter audierunt. Putaverunt enim, si, quo in
had-heard gladly heard they-thought for if what in
genere plurimum posset, in eo magno opere elaborasset,
kind very-much he-could in it in-great measure he-had-labored
egregium sibi opus illo in fano relicturum.
an-outstanding for-themselves work that in shrine going-to-leave
2 Neque tum eos illa opinio fefellit. Nam Zeuxis ilico
nor then them that opinion deceived for Zeuxis on-the-spot
quaesivit ab iis, quasnam virgines formosas haberent. Illi
asked of them what maidens beautiful they-had they
autem statim hominem deduxerunt in palaestram atque ei
however at-once the-man led-off into the-wrestling-school and to-him
pueros ostenderunt multos, magna praeditos dignitate. Etenim
boys showed many with-great endowed dignity for
quodam tempore Crotoniatae multum omnibus corporum
at-a-certain time the-Crotoniates much all of-bodies
viribus et dignitatibus antisteterunt atque honestissimas ex
in-strength and dignities excelled and most-honorable from
gymnico certamine victorias domum cum laude maxima
the-gymnastic contest victories home with praise greatest
rettulerunt. Cum puerorum igitur formas et corpora magno
brought-back when of-the-boys therefore the-forms and bodies with-great
hic opere miraretur: Horum, inquiunt illi, sorores sunt apud
this-man effort wondered-at of-these say they the-sisters are among
nos virgines. Quare, qua sint illae dignitate, potes ex his
us maidens wherefore of-what they-be those dignity you-can from these
suspicari. Praebete igitur mihi, quaeso, inquit, ex istis virginibus
to-conjecture provide therefore for-me I-beg he-says of those maidens
formonsissimas, dum pingo id, quod pollicitus sum vobis, ut
the-most-beautiful while I-paint that which promised I-have to-you that
mutum in simulacrum ex animali exemplo veritas transferatur.
a-dumb into image from a-living model the-truth be-transferred

Tum Crotoniatae publico de consilio virgines unum in locum 3
then the-Crotoniates public by counsel the-maidens one into place
conduxerunt et pictori quam vellet eligendi potestatem
brought-together and to-the-painter whom he-might-wish of-choosing the-power
dederunt. Ille autem quinque delegit; quarum nomina multi
gave he however five chose of-whom the-names many
poëtae memoriae prodiderunt, quod eius essent iudicio
poets to-memory have-handed-down because by-his they-had-been judgment
probatae, qui pulchritudinis habere verissimum iudicium
approved who of-beauty to-have the-truest judgment
debuisset. Neque enim putavit omnia, quae quaereret ad
was-bound nor for he-thought all which he-sought for
venustatem, uno se in corpore reperire posse ideo,
loveliness in-one himself in body to-find to-be-able for-this-reason
quod nihil simplici in genere omnibus ex partibus perfectum
that nothing a-single in kind all in parts perfect
natura expolivit. Itaque, tamquam ceteris non sit habitura
nature has-polished and-so as-if for-the-others not she-be going-to-have
quod largiatur, si uni cuncta concesserit, aliud alii
what to-bestow if on-one all-things she-has-granted one-thing to-another
commodi aliquo adiuncto incommodo muneratur.
of-advantage with-some added disadvantage she-bestows
Quod quoniam nobis quoque voluntatis accidit, ut artem 4
which since to-us also of-will it-has-befallen that an-art
dicendi perscriberemus, non unum aliquod proposuimus
of-speaking we-should-write-out not one some we-set-up
exemplum, cuius omnes partes, quocumque essent in genere,
model of-which all the-parts in-whatever they-were in kind
exprimendae nobis necessarie viderentur; sed omnibus unum
to-be-expressed by-us necessarily might-seem but with-all one
in locum coactis scriptoribus, quod quisque commodissime
into place gathered writers what each most-conveniently

praecipere videbatur, excerpsimus et ex variis ingeniis
to-teach seemed we-excerpted and from various talents
excellentissima quaeque libavimus. Ex iis enim, qui nomine
the-most-excellent each we-have-culled of those for who of-name
et memoria digni sunt, nec nihil optime nec omnia
and memory worthy are neither nothing very-well nor all-things
praeclarissime quisquam dicere nobis videbatur. Quapropter
most-splendidly anyone to-say to-us seemed wherefore
stultitia visa est aut a bene inventis alicuius recedere,
folly seemed it-has either from well found-things of-someone to-withdraw
si quo in vitio eius offenderemur, aut ad vitia eius
if any in fault of-his we-took-offense or to the-faults of-him
quoque accedere, cuius aliquo bene praecepto duceremur.
also to-go-over by-whose some good precept we-were-led
5 Quodsi in ceteris quoque studiis a multis eligere homines
but-if in other also studies from many to-choose men
commodissimum quodque quam sese uni alicui certe vellent
the-most-convenient each than themselves to-one some surely should-wish
addicere, minus in arrogantia offenderent; non tanto opere in
to-bind less in arrogance they-would-offend not so greatly in
vitiis perseverarent; aliquanto levius ex inscientia laborarent.
faults they-would-persist somewhat more-lightly from ignorance they-would-labor
Ac si par in nobis huius artis atque in illo picturae scientia
and if equal in us of-this art as in him of-painting the-knowledge
fuisset, fortasse magis hoc in suo genere opus nostrum
had-been perhaps more this in its-own kind work our
quam illius in suo pictura nobilis eniteret. Ex maiore
than his in its-own painting renowned would-shine-forth from a-greater
enim copia nobis quam illi fuit exemplorum eligendi
for abundance for-us than for-him there-was of-models of-choosing
potestas. Ille una ex urbe et ex eo numero virginum, quae
the-power he one from city and from that number of-maidens which

tum erant, eligere potuit; nobis omnium, quicumque fuerunt
then were to-choose could for-us of-all whoever have-been
ab ultimo principio huius praeceptionis usque ad hoc tempus,
from the-farthest beginning of-this teaching right to this time
expositis copiis, quodcumque placeret, eligendi potestas fuit.
with-set-forth resources whatever pleased of-choosing the-power there-was
Ac veteres quidem scriptores artis usque a principe 6
and the-old indeed writers of-the-art right from the-first
illo atque inventore Tisia repetitos unum in locum
that and inventor Tisias sought-out one into place
conduxit Aristoteles et nominatim cuiusque praecepta
brought-together Aristotle and by-name of-each the-precepts
magna conquisita cura perspicue conscripsit atque enodata
with-great sought-out care clearly wrote-up and unraveled
diligenter exposuit; ac tantum inventoribus ipsis suavitate
diligently set-forth and so-much the-inventors themselves by-the-charm
et brevitate dicendi praestitit, ut nemo illorum praecepta
and brevity of-speaking surpassed that no-one their precepts
ex ipsorum libris cognoscat, sed omnes, qui quod illi
from their-own books learns but all who what they
praecipiant velint intellegere, ad hunc quasi ad quendam
teach wish to-understand to this-man as-if to a-certain
multo commodiorem explicatorem revertantur.
much more-convenient expounder return
Atque hic quidem ipse et sese ipsum nobis et eos, 7
and this-man indeed himself both himself himself to-us and those
qui ante fuerunt, in medio posuit, ut ceteros et se
who before have-been into the-middle placed that the-others and himself
ipsum per se cognosceremus; ab hoc autem qui
himself through himself we-might-learn from this-man however who
profecti sunt, quamquam in maximis philosophiae partibus
set-out have although in the-greatest of-philosophy parts

operae plurimum consumpserunt, sicuti ipse, cuius instituta
of-effort very-much they-spent as he-himself whose institutions
sequebantur, fecerat, tamen permulta nobis praecepta dicendi
they-followed had-done still very-many to-us precepts of-speaking
reliquerunt. Atque alii quoque alio ex fonte praeceptores
they-left and others also another from source teachers
dicendi emanaverunt, qui item permultum ad dicendum,
of-speaking have-flowed-forth who likewise very-much for speaking
si quid ars proficit, opitulati sunt. Nam fuit tempore
if anything art profits helped have for there-was at-the-time
eodem, quo Aristoteles, magnus et nobilis rhetor Isocrates;
the-same at-which Aristotle a-great and noble rhetor Isocrates
8 cuius ipsius quam constet esse artem non invenimus.
whose own what it-be-agreed to-be an-art not we-find
Discipulorum autem atque eorum, qui protinus ab hac
of-the-pupils however and of-those who directly from this
sunt disciplina profecti, multa de arte praecepta reperimus.
have school set-out many about the-art precepts we-find
Ex his duabus diversis sicuti familiis, quarum altera cum
from these two different as-it-were families of-which the-one since
versaretur in philosophia, nonnullam rhetoricae quoque artis
it-was-engaged in philosophy some of-the-rhetorical also art
sibi curam assumebat, altera vero omnis in dicendi erat
for-itself care took-up the-other indeed wholly in of-speaking was
studio et praeceptione occupata, unum quoddam est
the-study and teaching occupied one a-certain has-been
conflatum genus a posterioribus, qui ab utrisque ea,
fused kind by the-later-men who from both those-things
quae commode dici videbantur, in suas artes contulerunt;
which conveniently to-be-said seemed into their arts brought
quos ipsos simul atque illos superiores nos nobis omnes,
whom themselves together with those earlier we to-ourselves all

quoad facultas tulit, proposuimus et ex nostro quoque
as-far-as the-means allowed have-set-before and from our-own also
nonnihil in commune contulimus.
something into the-common have-brought
Quodsi ea, quae in his libris exponuntur, tanto opere 9
but-if those-things which in these books are-set-forth so greatly
eligenda fuerunt, quanto studio electa sunt, profecto
to-be-chosen were as-much zeal chosen they-have-been surely
neque nos neque alios industriae nostrae paenitebit. Sin
neither us nor others of-industry our it-will-repent but-if
autem temere aliquid alicuius praeterisse aut non satis
however rashly something of-someone to-have-passed-over or not enough
eleganter secuti videbimur, docti ab aliquo facile
elegantly to-have-followed we-shall-seem taught by someone easily
et libenter sententiam commutabimus. Non enim parum
and gladly our-opinion we-shall-change not for too-little
cognosse, sed in parum cognito stulte et diu perseverasse
to-have-learned but in too-little learned foolishly and long to-have-persisted
turpe est, propterea quod alterum communi hominum
shameful is on-this-account that the-one to-the-common of-men
infirmitati, alterum singulari cuiusque vitio est adtributum.
weakness the-other to-the-particular of-each fault is assigned
Quare nos quidem sine ulla affirmatione simul 10
wherefore we indeed without any affirmation at-the-same-time
quaerentes dubitanter unum quicque dicemus, ne, dum
inquiring doubtingly one each shall-say lest while
parvulum consequamur, ut satis haec commode perscripsisse
a-little-thing we-attain that enough these-things conveniently to-have-written-out
videamur, illud amittamus, quod maximum est, ut ne cui rei
we-may-seem that we-lose which greatest is that not to-any thing
temere atque arroganter assenserimus. Verum hoc quidem nos
rashly and arrogantly we-have-assented but this indeed we

et in hoc tempore et in omni vita studiose, quoad facultas
both at this time and in all life zealously as-far-as the-means
feret, consequemur: nunc autem, ne longius oratio progressa
shall-allow shall-attain now however lest further the-speech proceeded
videatur, de reliquis, quae praecipienda videntur esse, dicemus.
may-seem about the-rest which to-be-taught seem to-be we-shall-speak

II · CAUSES AND THE CONJECTURAL ISSUE

Book I covered the art's kind, function, end, matter, and parts; this book gives the topics for confirming and refuting in each kind of case, beginning with the judicial. The conjectural issue is illustrated by a murder at an inn: the innkeeper kills a sleeping traveler with his companion's sword, and the companion is arrested with it bloody. Conjecture comes from motive, person, and deed; motive is impulse or reasoned design, and the accuser shows that passion drove the deed.

11 Igitur primus liber, exposito genere huius artis et officio
therefore the-first book with-set-forth the-kind of-this art and function
et fine et materia et partibus, genera controversiarum
and end and material and parts the-kinds of-controversies
et inventiones et constitutiones continebat, deinde partes
and inventions and issues contained then the-parts
orationis et in eas omnes omnia praecepta. Quare cum
of-the-speech and for them all all precepts wherefore since
in eo ceteris de rebus distinctius dictum sit, disperse
in it the-other about things more-distinctly said it-has-been scatteredly
autem de confirmatione et de reprehensione, nunc certos
however about confirmation and about refutation now definite
confirmandi et reprehendendi in singula causarum genera
of-confirming and of-refuting for the-individual of-cases kinds
locos tradendos arbitramur. Et quia, quo pacto tractari
topics to-be-handed-down we-think and because in-what way to-be-handled

conveniret argumentationes, in libro primo non indiligenter
it-befitted argumentations in the-book first not undiligently
expositum est, hic tantum ipsa inventa unam quamque
set-forth has-been here only the-very inventions one each
in rem exponentur simpliciter sine ulla exornatione, ut
for thing will-be-set-forth simply without any embellishment so-that
ex hoc inventa ipsa, ex superiore autem expolitio
from this the-inventions themselves from the-former however the-polishing
inventorum petatur. Quare haec, quae nunc praecipientur,
of-the-inventions be-sought wherefore these-things which now will-be-taught
ad confirmationis et reprehensionis partes referre oportebit.
to of-confirmation and of-refutation the-parts to-refer it-will-behoove
Omnis et demonstrativa et deliberativa et iudicialis causa 12
every both demonstrative and deliberative and judicial case
necesse est in aliquo eorum, quae ante exposita sunt,
necessary it-is in some of-those which before set-forth have-been
constitutionis genere uno pluribusve versetur. Hoc quamquam
of-issue kind one or-several be-engaged this although
ita est, tamen cum communiter quaedam de omnibus
so it-is still since in-common certain-things about all
praecipi possint, separatim quoque aliae sunt cuiusque generis
to-be-taught can separately also other are of-each kind
diversae praeceptiones. Aliud enim laus, aliud vituperatio, aliud
different teachings one-thing for praise another censure another
sententiae dictio, aliud accusatio aut recusatio conficere debet.
of-opinion the-speaking another accusation or defense to-accomplish ought
In iudiciis, quid aequum sit, quaeritur, in demonstrationibus,
in trials what fair be is-asked in demonstrations
quid honestum, in deliberationibus, ut nos arbitramur, quid
what honorable in deliberations as we think what

honestum sit et quid utile. Nam ceteri utilitatis modo finem
honorable be and what useful for the-others of-utility only the-end
in suadendo et in dissuadendo exponi oportere arbitrati sunt.
in persuading and in dissuading to-be-set-forth to-behoove thought have
13 Quorum igitur generum fines et exitus diversi sunt, eorum
of-which therefore kinds the-ends and outcomes different are of-them
praecepta eadem esse non possunt. Neque nunc hoc dicimus,
the-precepts the-same to-be not can nor now this do-we-say
non easdem incidere constitutiones, verumtamen oratio quaedam
not the-same to-fall issues but-still speech a-certain
ex ipso fine et ex genere causae nascitur, quae pertineat
from the-very end and from the-kind of-case arises which pertains
ad vitae alicuius demonstrationem aut ad sententiae dictionem.
to of-life of-some the-demonstration or to of-opinion the-speaking
Quare nunc in iudiciali genere causarum et praeceptorum
wherefore now in the-judicial kind of-cases and of-precepts
versabimur, ex quo pleraque in cetera quoque causarum
we-shall-be-engaged from which most into the-other also of-cases
genera simili implicata controversia nulla cum difficultate
kinds with-like entangled controversy no with difficulty
transferuntur; post autem separatim de reliquis dicemus.
are-transferred afterward however separately about the-rest we-shall-speak
14 Nunc ab coniecturali constitutione proficiscamur; cuius
now from the-conjectural issue let-us-set-out of-which
exemplum sit hoc expositum: in itinere quidam
the-example let-be this set-forth on a-journey a-certain-man
proficiscentem ad mercatum quendam et secum aliquantum
setting-out to a-market a-certain-man and with-himself some
nummorum ferentem est comitatus. Cum hoc, ut fere
of-coins carrying has accompanied with this-man as generally
fit, in via sermonem contulit; ex quo factum est, ut
happens on the-road conversation he-joined from which done it-was that

illud iter familiarius facere vellent. Quare cum in eandem
that journey more-familiarly to-make they-wished wherefore when into the-same
tabernam devertissent, simul cenare et in eodem loco
inn they-had-turned-in together to-dine and in the-same place
somnum capere voluerunt. Cenati discubuerunt ibidem.
sleep to-take they-wished having-dined they-lay-down in-the-same-place
Copo autem — nam ita dicitur post inventum, cum
the-innkeeper however for so it-is-said afterward found-out when
in alio maleficio deprehensus est — cum illum alterum,
in another crime caught he-was when that other
videlicet qui nummos haberet, animum advertisset, noctu
of-course who coins had the-mind he-had-turned by-night
postquam illos artius iam ut ex lassitudine dormire
after them more-soundly now as from weariness to-sleep
sensit, accessit et alterius eorum, qui sine nummis erat,
he-perceived approached and of-the-other of-them who without coins was
gladium propter adpositum e vagina eduxit et illum
the-sword near placed from the-sheath drew and that
alterium occidit, nummos abstulit, gladium cruentum in
other killed the-coins took-away the-sword bloody into
vaginam recondidit, ipse se in suum lectum recepit. Ille
the-sheath put-back himself himself into his-own bed betook he
autem, cuius gladio occisio erat facta, multo ante lucem
however with-whose sword the-killing had-been done long before daylight
surrexit, comitem illum suum inclamavit semel et saepius.
rose his-companion that his called-to once and more-often
Illum somno inpeditum non respondere existimavit; ipse 15
him by-sleep hindered not to-answer he-thought himself
gladium et cetera, quae secum adtulerat, sustulit, solus
the-sword and the-other-things which with-himself he-had-brought took-up alone
profectus est. Copo non multum post conclamat hominem
set-out has the-innkeeper not much later cries-out the-man

esse occisum et cum quibusdam devorsoribus illum, qui
to-have-been killed and with certain lodgers him who
ante exierat, consequitur in itinere. Hominem conprehendit,
before had-gone-out overtakes on the-road the-man he-seizes
gladium eius e vagina educit, reperit cruentum. Homo in
the-sword his from the-sheath he-draws he-finds(-it) bloody the-man into
urbem ab illis deducitur ac reus fit. In hac intentio
the-city by them is-led-off and a-defendant is-made in this the-charge
est criminis: occidisti. Depulsio: non occidi. Ex quibus
is of-the-crime you-killed(-him) the-repelling not I-killed(-him) from which
constitutio est eadem quae iudicatio: occideritne?
the-issue is the-same as the-point-for-judgment whether-he-killed(-him)

16 Nunc exponemus locos, quorum pars aliqua in omnem
now we-shall-set-forth the-topics of-which part some into every
coniecturalem incidit controversiam. Hoc autem et in horum
conjectural falls controversy this however both in of-these
locorum expositione et in ceterorum oportebit attendere,
topics the-setting-forth and in of-the-others it-will-behoove to-attend
non omnes in omnem causam convenire. Nam ut omne
not all into every case to-fit for as every
nomen ex aliquibus, non ex omnibus litteris scribitur, sic
name from some not from all letters is-written so
omnem in causam non omnis argumentorum copia, sed
every into case not the-whole of-arguments abundance but
eorum necessario pars aliqua conveniet. Omnis igitur ex
of-them necessarily part some will-fit every therefore from
causa, ex persona, ex facto ipso coniectura capienda est.
the-cause from the-person from the-deed itself conjecture to-be-taken is

17 Causa tribuitur in inpulsionem et in ratiocinationem.
the-cause is-divided into impulse and into reasoning
Inpulsio est, quae sine cogitatione per quandam
impulse is that-which without thought through a-certain

affectionem animi facere aliquid hortatur, ut amor, iracundia,
feeling of-mind to-do something urges as love anger
aegritudo, vinolentia et omnino omnia, in quibus animus ita
grief drunkenness and altogether all-things in which the-mind so
videtur affectus fuisse, ut rem perspicere cum consilio
seems affected to-have-been that the-thing to-see-through with counsel
et cura non potuerit et id, quod fecit, impetu quodam
and care not it-could and that which it-did by-an-impulse certain
animi potius quam cogitatione fecerit.
of-mind rather than by-thought it-did
Ratiocinatio est autem diligens et considerata faciendi aliquid 18
reasoning is however a-diligent and considered of-doing something
aut non faciendi excogitatio. Ea dicitur interfuisse tum,
or not doing devising it is-said to-have-been-present then
cum aliquid certa de causa vitasse aut secutus esse
when something a-definite for reason to-have-avoided or followed to-have
animus videbitur: si amicitiae quid causa factum dicetur,
the-mind shall-seem if of-friendship something for-the-sake done shall-be-said
si inimici ulciscendi, si metus, si gloriae, si pecuniae,
if of-an-enemy being-avenged if of-fear if of-glory if of-money
si denique, ut omnia generatim amplectamur, alicuius
if finally that all-things by-class we-may-embrace of-some
retinendi, augendi adipiscendive commodi aut contra
being-kept being-increased or-being-acquired advantage or on-the-contrary
reiciundi, deminuendi devitandive incommodi causa. Nam
being-rejected being-diminished or-being-avoided disadvantage for-the-sake for
in horum genus alterutrum illa quoque incident, in
into of-these the-kind one-or-the-other those also will-fall in
quibus aut incommodi aliquid maioris adipiscendi commodi
which either of-disadvantage something of-greater being-acquired advantage
causa aut maioris vitandi incommodi suscipitur aut
for-the-sake or of-greater being-avoided disadvantage is-undertaken or

aliquod commodum maioris adipiscendi commodi aut maioris
some advantage of-greater being-acquired advantage or of-greater
vitandi incommodi praeteritur.
being-avoided disadvantage is-passed-over

19 Hic locus sicut aliquod fundamentum est huius constitutionis.
this topic as some foundation is of-this issue
Nam nihil factum esse cuiquam probatur, nisi aliquid,
for nothing done to-have-been to-anyone is-proved unless something
quare factum sit, ostenditur. Ergo accusator, cum inpulsione
why done it-was is-shown therefore the-accuser when by-impulse
aliquid factum esse dicet, illum impetum et quandam
something done to-have-been he-shall-say that impulse and a-certain
commotionem animi affectionemque verbis et sententiis
commotion of-mind and-feeling with-words and thoughts
amplificare debebit et ostendere, quanta vis sit amoris,
to-amplify he-will-be-obliged and to-show how-great the-force be of-love
quanta animi perturbatio ex iracundia fiat aut ex aliqua
how-great of-mind the-disturbance from anger comes or from some
causa earum, qua inpulsum aliquem id fecisse dicet. Hic
cause of-them by-which impelled someone that to-have-done he-shall-say here
et exemplorum commemoratione, qui simili inpulsu aliquid
both of-examples by-the-recounting who by-like impulse something
commiserint, et similitudinum conlatione et ipsius animi
have-committed and of-likenesses by-the-comparison and of-the-very mind
affectionis explicatione curandum est, ut non mirum videatur, si
of-feeling by-the-unfolding to-be-cared-for it-is that not strange it-seem if
quod ad facinus tali perturbatione commotus animus accesserit.
any to crime by-such disturbance moved the-mind has-come

When the accuser claims a deed was done by design, he shows what advantage was sought or disadvantage avoided, as the defendant believed it, and magnifies it; he shows that no one else had a cause, or that others lacked the power, means, or will. The defender denies or lessens the impulse and argues that the advantage was none, small, or greater for others. Conjecture is also drawn from the person: name, nature, manner of life, fortune, habit, feeling, interests, and plan.

Cum autem non inpulsione, verum ratiocinatione aliquem 20
when however not by-impulse but by-reasoning someone
commisisse quid dicet, quid commodi sit secutus
to-have-committed something he-shall-say what of-advantage he-has followed
aut quid incommodi fugerit, demonstrabit et id augebit,
or what of-disadvantage he-has-fled he-will-show and that he-will-increase
quam maxime poterit, ut, quod eius fieri possit,
as most he-shall-be-able so-that as-far-as of-it to-be-done can
idonea quam maxime causa ad peccandum hortata
a-suitable as most a-cause to wrongdoing to-have-urged
videatur. Si gloriae causa, quantam gloriam consecuturam
may-seem if of-glory for-the-sake how-great glory going-to-follow
existimarit; item si dominationis, si pecuniae, si amicitiae,
he-thought likewise if of-mastery if of-money if of-friendship
si inimicitiarum, et omnino quicquid erit, quod causae
if of-enmities and altogether whatever it-shall-be that of-cause
fuisse dicet, id summe augere debebit.
to-have-been he-shall-say that supremely to-increase he-will-be-obliged
Et hoc eum magno opere considerare oportebit, non quid 21
and this him in-great measure to-consider it-will-behoove not what
in veritate modo, verum etiam vehementius, quid in opinione
in truth only but even more-vehemently what in the-opinion
eius, quem arguet, fuerit. Nihil enim refert non fuisse
of-him whom he-shall-accuse has-been nothing for it-matters not to-have-been

aut non esse aliquid commodi aut incommodi, si ostendi
or not to-be something of-advantage or of-disadvantage if to-be-shown
potest ei visum esse, qui arguatur. Nam opinio dupliciter
it-can to-him seemed to-have who is-accused for opinion in-two-ways
fallit homines, cum aut res alio modo est, ac
deceives men when either the-thing in-another manner is than
putatur, aut non is eventus est, quem arbitrati sunt.
is-thought or not that the-outcome is which supposed they-have
Res alio modo est tum, cum aut id, quod bonum
the-thing in-another manner is then when either that which good
est, malum putant, aut contra, quod malum est, bonum,
is bad they-think or on-the-contrary what bad is good
aut, quod nec malum est nec bonum, malum aut bonum,
or what neither bad is nor good bad or good
aut, quod malum aut bonum est, nec malum nec bonum.
or what bad or good is neither bad nor good

22 Hoc intellectu si qui negabit esse ullam pecuniam
this understood if anyone shall-deny to-be any money
fratris aut amici vita aut denique officio antiquiorem
than-a-brother's or a-friend's life or finally than-duty more-important
aut suaviorem, non hoc erit accusatori negandum. Nam in
or sweeter not this will-be for-the-accuser to-be-denied for on
eum culpa et summum odium transferetur, qui id, quod
him guilt and the-highest hatred will-be-transferred who that which
tam vere et pie dicetur, negabit. Verum illud dicendum
so truly and piously shall-be-said shall-deny but that to-be-said
est, illi ita non esse visum;
is to-him so not to-have seemed

23 quod sumi oportet ex iis, quae ad personam pertinent,
which to-be-taken it-behooves from those which to the-person pertain
de quo post dicendum est. Eventus autem tum fallit,
about which afterward to-be-spoken is the-outcome however then deceives

cum aliter accidit, atque ii, qui arguuntur, arbitrati esse
when otherwise it-happens than those who are-accused supposed to-have
dicuntur: ut, si qui dicatur alium occidisse ac voluerit,
are-said as if anyone be-said another to-have-killed than he-wished
quod aut similitudine aut suspicione aut demonstratione falsa
because either by-likeness or by-suspicion or by-demonstration false
deceptus sit; aut eum necasse, cuius testamento non sit
deceived he-was or him to-have-slain in-whose will not he-be
heres, quod eo testamento se heredem arbitratus sit.
the-heir because in-that will himself heir thought he-has
Non enim ex eventu cogitationem spectari oportere, sed
not for from the-outcome the-intention to-be-viewed to-behoove but
qua cogitatione animus et spe ad maleficium profectus
with-what intention the-mind and hope to crime set-out
sit, considerare; quo animo quid quisque faciat, non
may-have to-consider with-what mind what each does not
quo casu utatur, ad rem pertinere.
what chance he-meets to the-matter to-pertain
Hoc autem loco caput illud erit accusatoris, si demonstrare 24
in-this however place the-head that will-be of-the-accuser if to-show
poterit alii nemini causam fuisse faciendi;
he-shall-be-able for-another for-no-one a-cause to-have-been of-doing(-it)
secundarium, si tantam aut tam idoneam nemini. Sin
second if so-great or so suitable for-no-one but-if
fuisse aliis quoque causa faciendi videbitur, aut potestas
to-have-been for-others also a-cause of-doing(-it) shall-seem either the-power
defuisse aliis demonstranda est aut facultas aut
to-have-been-lacking to-others to-be-shown is or the-means or
voluntas. Potestas, si aut nescisse aut non adfuisse
the-will the-power if either not-to-have-known or not to-have-been-present
aut conficere aliquid non potuisse dicentur. Facultas, si
or to-accomplish something not to-have-been-able they-shall-be-said the-means if

ratio, adiutores, adiumenta ceteraque, quae ad rem
the-method helpers aids and-the-other-things which to the-matter
pertinebunt, defuisse alicui demonstrabuntur. Voluntas,
shall-pertain to-have-been-lacking to-someone shall-be-shown the-will
si animus a talibus factis vacuus et integer esse dicetur.
if the-mind from such deeds empty and untouched to-be shall-be-said
Postremo, quas ad defensionem rationes reo dabimus,
finally what for defense reasons to-the-defendant we-shall-give
iis accusator ad alios ex culpa eximendos abutetur. Verum id
those the-accuser for others from guilt being-freed will-use but that
brevi faciendum est et in unum multa sunt conducenda,
briefly to-be-done is and into one many-things are to-be-brought-together
ut ne alterius defendendi causa hunc accusare, sed
so-that not of-another being-defended for-the-sake this-man to-accuse but
huius accusandi causa defendere alterum videatur.
of-this-man being-accused for-the-sake to-defend the-other he-may-seem
25 Atque accusatori quidem haec fere sunt consideranda:
and for-the-accuser indeed these-things nearly are to-be-considered
defensor autem ex contrario primum inpulsionem aut
the-defender however on-the contrary first the-impulse either
nullam fuisse dicet aut, si fuisse concedet, extenuabit
none to-have-been will-say or if to-have-been he-shall-concede will-make-light
et parvulam quandam fuisse demonstrabit aut non ex ea
and very-small a-certain to-have-been will-show or not from it
solere huiusmodi facta nasci docebit. Quo erit in loco
to-be-wont of-this-sort deeds to-arise will-teach which it-will-be in place
demonstrandum, quae vis et natura sit eius affectionis,
to-be-shown what the-force and nature be of-that feeling
qua inpulsus aliquid reus commisisse dicetur; in quo
by-which impelled something the-defendant to-have-committed shall-be-said in which
et exempla et similitudines erunt proferundae et ipsa
both examples and likenesses will-be to-be-brought-forward and the-very

diligenter natura eius affectionis quam lenissime quietissima
diligently nature of-that feeling as most-gently the-quietest
ab parte explicanda, ut et res ipsa a facto crudeli
from side to-be-unfolded so-that both the-thing itself from a-deed cruel
et turbulento ad quoddam mitius et tranquillius traducatur
and turbulent to a-certain milder and calmer be-led-across
et oratio tamen ad animum eius, qui audiet, et ad
and the-speech still to the-mind of-him who shall-hear and to
animi quendam intumum sensum accommodetur.
of-the-mind a-certain innermost feeling be-adapted
Ratiocinationis autem suspiciones infirmabit, si aut 26
of-reasoning however the-suspicions he-will-weaken if either
commodum nullum esse aut parvum aut aliis maius esse
advantage none to-be or small or for-others greater to-be
aut nihilo sibi maius quam aliis aut incommodum
or by-nothing for-himself greater than for-others or the-disadvantage
sibi maius quam commodum dicet, ut nequaquam
for-himself greater than the-advantage he-shall-say so-that by-no-means
fuerit illius commodi, quod expetitum dicatur, magnitudo
was of-that advantage which sought is-said the-size
aut cum eo incommodo, quod acciderit, aut cum illo
either with that disadvantage which happened or with that
periculo, quod subeatur, comparanda;
danger which is-undergone to-be-compared
qui omnes loci similiter in incommodi quoque vitatione 27
which all topics similarly in of-disadvantage also the-avoiding
tractabuntur. Sin accusator dixerit eum id esse secutum,
will-be-handled but-if the-accuser shall-have-said him that to-have followed
quod ei visum sit commodum, aut id fugisse, quod
which to-him seemed has advantageous or that to-have-fled which
putarit esse incommodum, quamquam in falsa fuerit opinione,
he-thought to-be disadvantageous although in a-false he-was opinion

demonstrandum erit defensori neminem tantae esse
to-be-shown it-will-be by-the-defender no-one of-such-great to-be
stultitiae, qui tali in re possit veritatem ignorare. Quodsi
folly who such in thing could the-truth not-know but-if
hoc concedatur, illud non concessum iri: ne dubitasse
this be-conceded that not conceded going-to-be not to-have-doubted
quidem, quid eius iuris esset, et id, quod falsum fuerit,
even what of-it of-right there-was and that which false was
sine ulla dubitatione pro vero probasse; quia si dubitarit,
without any doubt for true to-have-approved because if he-had-doubted
summae fuisse amentiae dubia spe inpulsum certum
of-the-highest to-have-been madness with-doubtful hope impelled certain
in periculum se committere.
into danger himself to-commit

28 Quemadmodum autem accusator, cum ab aliis culpam
as however the-accuser when from others guilt
demovebit, defensoris locis utetur, sic iis locis, qui
he-shall-remove of-the-defender the-topics will-use so those topics which
accusatori dati sunt, utetur reus, cum in alios ab
to-the-accuser given have-been will-use the-defendant when onto others from
se crimen volet transferre.
himself the-charge he-shall-wish to-transfer

Ex persona autem coniectura capietur, si eae res, quae personis
from the-person however conjecture will-be-taken if those things which to-persons
adtributae sunt, diligenter considerabuntur, quas omnes in primo
assigned are diligently shall-be-considered which all in the-first
libro exposuimus. Nam et de nomine nonnumquam aliquid
book we-have-set-forth for both about the-name sometimes something
suspicionis nascitur — nomen autem cum dicimus, cognomen
of-suspicion arises the-name however when we-say the-cognomen
quoque intellegatur oportet; de hominis enim certo et
also be-understood it-behooves about of-a-man for the-definite and

proprio vocabulo agitur—, ut si dicamus idcirco aliquem
proper word it-is-treated as if we-should-say for-that-reason someone
Caldum vocari, quod temerario et repentino consilio sit;
Caldus to-be-called because of-rash and sudden counsel he-is
aut si ea re hominibus Graecis inperitis verba dederit, 29
or if by-that thing on-men Greek inexperienced a-trick he-has-played
quod Clodius aut Caecilius aut Mutius vocaretur. Et de
because Clodius or Caecilius or Mutius he-was-called and from
natura licet aliquantum ducere suspicionis. Omnia enim
nature it-is-allowed somewhat to-draw of-suspicion all-things for
haec, vir an mulier, huius an illius civitatis sit, quibus sit
these man or woman of-this or of-that state he-be of-what he-be
maioribus, quibus consanguineis, qua aetate, quo animo,
ancestors of-what blood-relatives of-what age of-what mind
quo corpore, quae naturae sunt adtributa, ad aliquam
of-what body which to-nature are assigned to some
coniecturam faciendam pertinebunt. Et ex victu multae
conjecture being-made will-pertain and from manner-of-life many
trahuntur suspiciones, cum, quemadmodum et apud quos et a
are-drawn suspicions when how and among whom and by
quibus educatus et eruditus sit, quaeritur, et quibuscum
whom brought-up and educated he-has-been it-is-asked and with-whom
vivat, qua ratione vitae, quo more domestico vivat.
he-lives by-what method of-life by-what custom domestic he-lives
Et ex fortuna saepe argumentatio nascitur, cum servus 30
and from fortune often argumentation arises when slave
an liber, pecuniosus an pauper, nobilis an ignobilis, felix
or free rich or poor noble or ignoble fortunate
an infelix, privatus an in potestate sit aut fuerit
or unfortunate a-private-man or in power he-be or has-been
aut futurus sit, consideratur; aut denique aliquid eorum
or going-to-be be is-considered or finally something of-those

quaeritur, quae fortunae esse adtributa intelleguntur. Habitus
is-asked which to-fortune to-be assigned are-understood habit
autem quoniam in aliqua perfecta et constanti animi aut
however since in some perfect and constant of-mind or
corporis absolutione consistit, quo in genere est virtus,
of-body completeness consists which in kind is virtue
scientia et quae contraria sunt, res ipsa causa posita
knowledge and what-things contrary are the-thing itself the-case being-placed
docebit, ecquid hic quoque locus suspicionis ostendat.
will-teach whether-any this also topic of-suspicion shows
Nam affectionis quidem ratio perspicuam solet prae se
for of-feeling indeed the-reckoning an-evident is-wont before itself
gerere coniecturam, ut amor, iracundia, molestia, propterea
to-bear conjecture as love anger vexation on-this-account
quod et ipsorum vis intellegitur et, quae res harum
that both of-them-themselves the-force is-understood and what thing of-these
aliquam rem consequatur, facile est cognitu.
some thing follow easy is to-learn

31 Studium autem quod est adsidua et vehementer aliquam ad rem
interest however which is a-constant and vehemently some to thing
adplicata magna cum voluptate occupatio, facile ex eo ducetur
applied great with pleasure occupation easily from it will-be-drawn
argumentatio ea, quam res ipsa desiderabit in causa. Item ex
argumentation that which the-thing itself shall-require in the-case likewise from
consilio sumetur aliquid suspicionis; nam consilium est aliquid
plan will-be-taken something of-suspicion for a-plan is something
faciendi non faciendive excogitata ratio. Iam facta et casus
of-doing not or-of-doing a-devised method next deeds and accidents
et orationes, quae sunt omnia, ut in confirmationis praeceptis
and speeches which are all as in of-confirmation the-precepts

dictum est, in tria tempora distributa, facile erit videre,
said has-been into three times distributed easy it-will-be to-see
ecquid afferant ad confirmandam coniecturam suspicionis.
whether-anything they-bring for confirming the-conjecture of-suspicion

IV · THE DEFENDANT'S LIFE AND THE DEED

The accuser uses everything attributed to the person to discredit the defendant, or, if his past is clean, says he hid his vices. The defender praises his honest life, above all in the matter charged, or excuses its stains, or says only the charge is on trial. Suspicion is then drawn from the deed: what is bound up with it, place, time, occasion, means, what is adjoined, and what follows.

Ac personis quidem res hae sunt adtributae, ex quibus 32
and to-persons indeed things these are assigned from which
omnibus unum in locum coactis accusatoris erit inprobatione
all one into place gathered for-the-accuser it-will-be the-disapproval
hominis uti. Nam causa facti parum firmitudinis habet,
of-the-man to-use for the-cause of-the-deed too-little of-firmness has
nisi animus eius, qui insimulatur, in eam suspicionem
unless the-mind of-him who is-charged into that suspicion
adducitur, uti a tali culpa non videatur abhorruisse. Ut
is-brought so-that from such guilt not he-may-seem to-have-shrunk as
enim animum alicuius inprobare nihil attinet, cum causa, quare
for the-mind of-someone to-disapprove nothing it-matters when a-cause why
peccaret, non intercessit, sic causam peccati intercedere leve
he-should-err not has-intervened so a-cause of-error to-intervene trivial
est, si animus nulli minus honestae rationi affinis ostenditur.
is if the-mind to-no less honorable course akin is-shown
Quare vitam eius, quem arguit, ex ante factis accusator
wherefore the-life of-him whom he-accuses from before things-done the-accuser

inprobare debebit et ostendere, si quo in pari ante peccato
to-disapprove will-be-obliged and to-show if any in equal before offense
convictus sit; si id non poterit, si quam in similem
convicted he-has-been if that not he-shall-be-able if any into like
ante suspicionem venerit, ac maxime, si fieri poterit,
before suspicion he-has-come and most if to-be-done it-shall-be-able
simili quo in genere eiusdemmodi causa aliqua commotum
a-like any in kind of-the-same-sort by-a-cause some moved
peccasse aut in aeque magna re aut in maiore aut in
to-have-erred or in an-equally great matter or in a-greater or in
minore, ut si qui, quem pecunia dicat inductum fecisse,
a-lesser as if anyone whom by-money he-says led to-have-done-it
possit demonstrare aliqua in re eius aliquod factum avarum.
can show some in thing his some deed greedy
33 Item in omni causa naturam aut victum aut studium aut
likewise in every case the-nature or manner-of-life or interest or
fortunam aut aliquid eorum, quae personis adtributa sunt, ad
fortune or something of-those which to-persons assigned are to
eam causam, qua commotum peccasse dicet, adiungere
that cause by-which moved to-have-erred he-shall-say to-join
atque ex dispari quoque genere culparum, si ex pari
and from an-unequal also kind of-faults if from an-equal
sumendi facultas non erit, inprobare animum adversarii
of-taking the-means not shall-be to-disapprove the-mind of-the-adversary
oportebit: si avaritia inductum arguas fecisse et avarum
it-will-behoove if by-avarice led you-charge to-have-done-it and greedy
eum, quem accuses, demonstrare non possis, aliis adfinem
him whom you-accuse to-show not you-can to-other akin
vitiis esse doceas, et ex ea re non esse mirandum,
vices to-be you-should-teach and from that thing not to-be to-be-wondered-at
qui in illa re turpis aut cupidus aut petulans fuerit,
that-he-who in that thing shameful or covetous or wanton has-been

hac quoque in re eum deliquisse. Quantum enim de
this also in thing him to-have-done-wrong how-much for from
honestate et auctoritate eius, qui arguitur, detractum est,
the-honor and authority of-him who is-accused taken-away has-been
tantundem de facultate totius est defensionis deminutum.
just-so-much from the-means of-the-whole is defense diminished
Si nulli affinis poterit vitio reus ante admisso demonstrari, 34
if to-no akin shall-be-able vice the-defendant before committed to-be-shown
locus inducetur ille, per quem hortandi iudices erunt, ut
the-topic will-be-brought-in that through which to-be-urged the-judges will-be that
veterem famam hominis nihil ad rem putent pertinere.
the-old reputation of-the-man nothing to the-matter they-think to-pertain
Nam eum ante celasse, nunc manifesto teneri; quare non
for him before to-have-concealed now openly to-be-held wherefore not
oportere hanc rem ex superiore vita spectari, sed superiorem
to-behoove this matter from the-earlier life to-be-viewed but the-earlier
vitam ex hac re inprobari, et aut potestatem ante peccandi
life from this matter to-be-disapproved and either the-power before of-erring
non fuisse aut causam; aut, si haec dici non poterunt,
not to-have-been or the-cause or if these-things to-be-said not shall-be-able
dicendum erit illud extremum, non esse mirum, si nunc
to-be-said it-will-be that last not to-be strange if now
primum deliquerit: nam necesse esse eum, qui velit peccare,
first he-has-erred for necessary to-be him who wishes to-err
aliquando primum delinquere. Sin vita ante acta ignorabitur,
sometime first to-err but-if the-life before lived shall-be-unknown
hoc loco praeterito et, cur praetereatur, demonstrato
with-this topic passed-over and why it-be-passed-over shown
argumentis accusationem statim confirmare oportebit.
by-arguments the-accusation at-once to-confirm it-will-behoove

35 Defensor autem primum, si poterit, debebit vitam eius,
the-defender however first if he-shall-be-able will-be-obliged the-life of-him
qui insimulabitur, quam honestissimam demonstrare. Id faciet,
who shall-be-charged as most-honorable to-show this he-will-do
si ostendet aliqua eius nota et communia officia; quod genus
if he-shall-show some of-his known and common duties of-which kind
in parentes, cognatos, amicos, affines, necessarios; etiam
toward parents relatives friends kinsmen connections also
quae magis rara et eximia sunt, si ab eo cum magno
what-things more rare and outstanding are if by him with great
aliquid labore aut periculo aut utraque re, cum necesse non
some labor or danger or each thing when necessary not
esset, officii causa aut in rem publicam aut in parentes
it-was of-duty for-the-sake either for the-thing public or for parents
aut in aliquos eorum, qui modo expositi sunt, factum esse
or for some of-those who just-now set-forth were done to-have-been
dicet; denique si nihil deliquisse, nulla cupiditate inpeditum
he-shall-say finally if nothing he-has-done-wrong by-no desire hindered
ab officio recessisse. Quod eo confirmatius erit, si, cum
from duty withdrawn which by-that more-confirmed will-be if when
potestas inpune aliquid faciendi minus honeste fuisse
the-power with-impunity something of-doing less honorably to-have-been
dicetur, voluntas a faciendo demonstrabitur afuisse.
shall-be-said the-will from doing shall-be-shown to-have-been-absent

36 Hoc autem ipsum genus erit eo firmius, si eo ipso in
this however very kind will-be by-that firmer if in-that very in
genere, quo arguetur, integer ante fuisse demonstrabitur:
kind in-which he-shall-be-accused blameless before to-have-been he-shall-be-shown
ut si, cum avaritiae causa fecisse arguatur, minime omni
as if when of-avarice for-the-sake to-have-done-it he-be-accused least all
in vita pecuniae cupidus fuisse doceatur. Hic illa magna
in life of-money desirous to-have-been it-be-shown here that great

cum gravitate inducetur indignatio, iuncta conquestioni,
with gravity will-be-brought-in indignation joined to-lament
per quam miserum facinus esse et indignum demonstrabitur,
through which wretched the-crime to-be and unworthy will-be-shown
cum animus in vita fuerit omni a vitiis remotissimus, eam
when the-mind in life has-been whole from vices most-remote that
causam putare, quae homines audaces in fraudem rapere soleat,
cause to-think which men audacious into fraud to-hurry is-wont
castissimum quoque hominem ad peccandum potuisse
the-chastest also man to erring to-have-been-able
inpellere; aut: iniquum esse et optimo cuique perniciosissimum
to-drive or unjust to-be and for-the-best each most-pernicious
non vitam honeste actam tali in tempore quam plurimum
not a-life honorably led such at time as very-much
prodesse, sed subita ex criminatione, quae confingi quamvis
to-profit but sudden from accusation which be-fabricated however
false possit, non ex ante acta vita, quae neque ad tempus
falsely can not from the-before led life which neither for the-occasion
fingi neque ullo modo mutari possit, facere iudicium.
be-fabricated nor in-any manner be-changed can to-make a-judgment
Sin autem in ante acta vita aliquae turpitudines erunt: 37
but-if however in the-before led life some disgraces shall-be
aut falso venisse in eam existimationem dicetur ex
either falsely to-have-come into that reputation it-shall-be-said from
aliquorum invidia aut obtrectatione aut falsa opinione; aut
of-some envy or disparagement or false opinion or
inprudentiae, necessitudini, persuasioni, adulescentiae aut
to-ignorance necessity persuasion youth or
alicui non malitiosae animi affectioni attribuentur; aut
to-some not malicious of-mind feeling they-shall-be-assigned or
dissimili in genere vitiorum *, ut animus non omnino
an-unlike in kind of-vices (lacuna) so-that the-mind not altogether

integer, sed ab tali culpa remotus esse videatur. At si
blameless but from such guilt removed to-be may-seem but if
nullo modo vitae turpitudo aut infamia leniri poterit
in-no manner of-life the-disgrace or infamy to-be-softened shall-be-able
oratione, negare oportebit de vita eius et de moribus
by-speech to-deny it-will-behoove about the-life of-him and about the-character
quaeri, sed de eo crimine, quo de arguatur; quare ante
to-be-asked but about that charge which about he-be-accused wherefore before
factis omissis illud, quod instet, id agi oportere.
with-things-done omitted that which presses that to-be-pleaded to-behoove

38 Ex facto autem ipso suspiciones ducentur, si totius
from the-deed however itself suspicions will-be-drawn if of-the-whole
administratio negotii ex omnibus partibus pertemptabitur;
the-management of-the-action from all parts shall-be-tested
atque eae suspiciones partim ex negotio separatim, partim
and those suspicions partly from the-action separately partly
communiter ex personis atque ex negotio proficiscentur.
in-common from the-persons and from the-action will-proceed
Ex negotio duci poterunt, si eas res, quae negotiis
from the-action to-be-drawn they-will-be-able if those things which to-actions
adtributae sunt, diligenter considerabimus. Ex iis igitur in
assigned are diligently we-shall-consider of these therefore into
hanc constitutionem convenire videntur genera earum omnia,
this issue to-fit seem the-kinds of-them all
partes generum pleraeque.
the-parts of-the-kinds most

39 Videre igitur primum oportebit, quae sint continentia cum
to-see therefore first it-will-behoove what be coherent with
ipso negotio, hoc est, quae ab re separari non possint.
the-very action that is what from the-thing to-be-separated not can
Quo in loco satis erit diligenter considerasse, quid sit ante
which in place enough it-will-be diligently to-have-considered what was before

rem factum, ex quo spes perficiundi nata et faciundi
the-thing done from which the-hope of-accomplishing born and of-doing
facultas quaesita videatur; quid in ipsa re gerenda, quid
the-means sought may-seem what in the-very thing being-done what
postea consecutum sit. Deinde ipsius est negotii gestio
afterward followed has then of-the-very is of-the-action the-performance
pertractanda. Nam hoc genus earum rerum, quae negotio
to-be-handled-thoroughly for this kind of-those things which to-the-action
sunt adtributae, secundo in loco nobis est expositum.
are assigned the-second in place by-us has-been set-forth
Hoc ergo in genere spectabitur locus, tempus, occasio, facultas; 40
this therefore in kind will-be-regarded place time occasion means
quorum unius cuiusque vis diligenter in confirmationis
of-which one each the-force diligently in of-confirmation
praeceptis explicata est. Quare, ne aut hic non admonuisse
the-precepts unfolded has-been wherefore lest either here not to-have-reminded
aut ne eadem iterum dixisse videamur, breviter iniciemus,
or lest the-same again to-have-said we-may-seem briefly we-shall-throw-in
quid quaque in parte considerari oporteat. In loco igitur
what each in part to-be-considered it-behooves in place therefore
opportunitas, in tempore longinquitas, in occasione commoditas
the-suitability in time the-length in occasion the-convenience
ad faciendum idonea, in facultate copia et potestas earum
for doing suitable in means the-supply and power of-those
rerum, propter quas aliquid facilius fit aut quibus sine
things on-account-of which something more-easily is-done or which without
omnino confici non potest, consideranda est.
at-all to-be-accomplished not can to-be-considered is
Deinde videndum est, quid adiunctum sit negotio, hoc 41
then to-be-seen is what adjoined be to-the-action that
est, quid maius, quid minus, quid aeque magnum sit,
is what greater what less what equally great be

quid simile; ex quibus coniectura quaedam ducitur, si,
what like from which conjecture a-certain is-drawn if
quemadmodum res maiores, minores, aeque magnae, similes
how things greater lesser equally great like
agi soleant, diligenter considerabitur. Quo in genere
to-be-done are-wont diligently shall-be-considered which in kind
eventus quoque videndus erit, hoc est, quid ex quaque
the-outcome also to-be-seen will-be that is what from each
re soleat evenire, magno opere considerandum est, ut
thing is-wont to-result in-great measure to-be-considered is as
metus, laetitia, titubatio, audacia.
fear joy faltering audacity

42 Quarta autem pars rebus erat ex iis, quas negotiis
the-fourth however part of-the-things was of those which to-actions
dicebamus esse adtributas, consecutio. In ea quaeruntur
we-said to-be assigned the-consequence in it are-asked
ea, quae gestum negotium confestim aut intervallo
those-things which the-done action forthwith or after-an-interval
consequuntur. In quo videbimus, ecqua consuetudo sit,
follow in which we-shall-see whether-any custom there-be
ecqua lex, ecqua pactio, ecquod eius rei artificium aut
whether-any law whether-any compact whether-any of-that thing art or
usus aut exercitatio, hominum aut adprobatio aut offensio;
use or practice of-men or approval or offense
ex quibus nonnumquam elicitur aliquid suspicionis.
from which sometimes is-drawn-out something of-suspicion
Sunt autem aliae suspiciones, quae communiter et ex
there-are however other suspicions which in-common both from
negotiorum et ex personarum adtributionibus sumuntur.
of-actions and from of-persons the-attributes are-taken
Nam et ex fortuna et ex natura et ex victu,
for both from fortune and from nature and from manner-of-life

studio, factis, casu, orationibus, consilio et ex habitu
interest deeds accident speeches plan and from habit
animi aut corporis pleraque pertinent ad easdem res, quae
of-mind or of-body most pertain to the-same things which
rem credibilem aut incredibilem facere possunt et cum
a-thing credible or incredible to-make can and with
facti suspicione iunguntur.
of-the-deed the-suspicion are-joined
Maxime enim quaerere oportet in hac constitutione, primum 43
most for to-ask it-behooves in this issue first
potueritne aliquid fieri; deinde ecquo ab alio potuerit;
whether-could something be-done then whether-any by other it-could
deinde facultas, de qua ante diximus; deinde utrum id
then the-means about which before we-spoke then whether that
facinus sit, quod paenitere fuerit necesse, quod spem celandi
crime be which to-repent it-was necessary which hope of-concealing
non haberet; deinde necessitudo, in qua necesse fuerit id aut
not would-have then the-necessity in which necessary it-was that either
fieri aut ita fieri, quaeritur. Quorum pars ad consilium
to-be-done or so to-be-done is-asked of-which part to the-plan
pertinet, quod personis adtributum est, ut in ea causa, quam
pertains which to-persons assigned is as in that case which
exposuimus: ante rem, quod in itinere se tam familiariter
we-have-set-forth before the-thing that on the-journey himself so familiarly
adplicaverit, quod sermonis causam quaesierit, quod simul
attached that of-conversation an-occasion he-sought that together
deverterit, deinde cenarit. In re nox, somnus. Post rem,
he-turned-in then dined in the-thing night sleep after the-thing
quod solus exierit, quod illum tam familiarem tam aequo
that alone he-went-out that that so familiar so with-calm
animo reliquerit, quod cruentum gladium habuerit.
mind he-left that a-bloody sword he-had

The speaker must consider whether the plan seems careful or rash, and weigh every part of the deed; examinations, testimony, and rumors are argued from the same topics. Some arguments belong to one case only, others pass into many cases; these are the common topics, which amplify what is certain or argue a doubtful point on both sides, and should be used sparingly, once the case is proved. The accuser has fixed topics to magnify the crime and to refuse pity to the wicked, the defender to expose a false charge and to win pity, and the rest are argued on either side.

44 Rursum, utrum videatur diligenter ratio faciendi esse
again whether it-may-seem diligently the-method of-doing to-have-been
habita et excogitata, an ita temere, ut non veri simile
held and devised or so rashly that not of-truth like
sit quemquam tam temere ad maleficium accessisse. In
it-be anyone so rashly to crime to-have-gone in
quo quaeritur, num quo alio modo commodius potuerit
which it-is-asked whether in-any other way more-conveniently it-could
fieri vel a fortuna administrari. Nam saepe, si pecuniae,
be-done or by fortune be-managed for often if of-money
adiumenta, adiutores desint, facultas fuisse faciundi non
aids helpers be-lacking the-means to-have-been of-doing not
videtur. Hoc modo si diligenter attendamus, apta inter
seems in-this manner if diligently we-attend fitted among
se esse intellegimus haec, quae negotiis, et illa, quae
themselves to-be we-understand these which to-actions and those which
personis sunt adtributa.
to-persons are assigned
Hic non facile est neque necessarium est distinguere, ut in
here not easy it-is nor necessary is to-distinguish as in
superioribus partibus, quo pacto quicque accusatorem et
the-earlier parts in-what way each-thing the-accuser and

quomodo defensorem tractare oporteat. Non est necessarium,
how the-defender to-handle it-behooves not it-is necessary
propterea quod causa posita, quid in quamque conveniat,
on-this-account that with-the-case placed what into each fits
res ipsa docebit eos, qui non omnia hic se inventuros
the-thing itself will-teach those who not all-things here themselves going-to-find
putabunt, si modo quandam in commune mediocrem
shall-think if only a-certain into the-common moderate
intellegentiam conferent; non facile autem, quod et infinitum
intelligence they-shall-bring not easy however because both infinite
est tot de rebus utramque in partem singillatim de
it-is so-many about things each to side individually about
una quaque explicare et alias aliter haec in utramque
one each to-unfold and sometimes otherwise these-things to each
partem causae solent convenire.
side of-the-case are-wont to-fit
Quare considerare haec, quae exposuimus, oportebit. 45
wherefore to-consider these-things which we-have-set-forth it-will-behoove
Facilius autem ad inventionem animus incidet, si gesti
more-easily however upon invention the-mind will-fall if of-the-done
negotii et suam et adversarii narrationem saepe et
action both its-own and the-adversary's narration often and
diligenter pertractabit et, quod quaeque pars suspicionis
diligently it-shall-handle-thoroughly and what each part of-suspicion
habebit, eliciens considerabit, quare, quo consilio, qua
shall-have drawing-out it-shall-consider why with-what plan with-what
spe perficiundi quicque factum sit; hoc cur modo potius
hope of-accomplishing each-thing done was this why in-manner rather
quam illo; cur ab hoc potius quam ab illo; cur nullo
than in-that why by this-man rather than by that-man why with-no
adiutore aut cur hoc; cur nemo sit conscius aut cur sit
helper or why with-this why no-one be privy or why there-be

aut cur hic sit; cur hoc ante factum sit; cur hoc in ipso
or why this-one be why this before done was why this in the-very
negotio, cur hoc post negotium, an factum de industria
action why this after the-action whether done on purpose
an rem ipsam consecutum sit; constetne oratio aut cum
or the-thing itself followed has whether-agrees the-speech either with
re aut ipsa secum; hoc huiusne rei sit signum an
the-thing or itself with-itself this whether-of-this thing be a-sign or
illius, an et huius et illius et utrius potius; quid factum
of-that or both of-this and of-that and of-which rather what done
sit, quod non oportuerit, aut non factum, quod oportuerit.
was which not it-ought or not done which it-ought
46 Cum animus hac intentione omnes totius negotii
when the-mind with-this attention all of-the-whole action
partes considerabit, tum illi ipsi in medium coacervati
the-parts shall-consider then those very into the-middle heaped
loci procedent, de quibus ante dictum est; et tum
topics will-come-forth about which before said has-been and then
ex singulis, tum ex coniunctis argumenta certa nascentur,
from individual then from joined arguments sure will-arise
quorum argumentorum pars probabili, pars necessario in
of-which arguments part the-probable part the-necessary in
genere versabitur. Accedunt autem saepe ad coniecturam
kind will-be-engaged come however often to conjecture
quaestiones, testimonia, rumores, quae contra omnia uterque
examinations testimonies rumors which against all each
simili via praeceptorum torquere ad suae causae commodum
by-a-like way of-precepts to-twist to of-his-own case the-advantage
debebit. Nam et ex quaestione suspiciones et ex
will-be-obliged for both from examination suspicions and from

testimonio et ex rumore aliquo pari ratione ut ex
testimony and from rumor some by-equal method as from
causa et ex persona et ex facto duci oportebit.
the-cause and from the-person and from the-deed to-be-drawn it-will-behoove
Quare nobis et ii videntur errare, qui hoc genus suspicionum 47
wherefore to-us both those seem to-err who this kind of-suspicions
artificii non putant indigere, et ii, qui aliter hoc de genere
of-art not think to-need and those who otherwise this about kind
ac de omni coniectura praecipiundum putant. Omnis enim
than about all conjecture to-be-taught think all for
iisdem ex locis coniectura sumenda est. Nam et eius, qui in
the-same from places conjecture to-be-taken is for both of-him who in
quaestione aliquid dixerit, et eius, qui in testimonio, et ipsius
examination something has-said and of-him who in testimony and itself
rumoris causa et veritas ex iisdem adtributionibus reperietur.
of-the-rumor the-cause and truth from the-same attributes will-be-found
Omni autem in causa pars argumentorum est adiuncta ei
every however in case part of-the-arguments is attached to-that
causae solum, quae dicitur, et ex ipsa ita ducta, ut ab ea
case alone which is-spoken and from it-itself so drawn that from it
separatim in omnes eiusdem generis causas transferri non
separately into all of-the-same kind cases to-be-transferred not
satis commode possit; pars autem est pervagatior et aut in
enough conveniently it-can part however is more-widespread and either to
omnes eiusdem generis aut in plerasque causas adcommodata.
all of-the-same kind or to most cases adapted
Haec ergo argumenta, quae transferri in multas causas 48
these therefore arguments which to-be-transferred into many cases
possunt, locos communes nominamus. Nam locus communis
can places common we-name for a-place common
aut certae rei quandam continet amplificationem, ut si quis
either of-a-definite thing a-certain contains amplification as if anyone

hoc velit ostendere, eum, qui parentem necarit, maximo
this should-wish to-show him who a-parent has-slain of-the-greatest
supplicio esse dignum; quo loco nisi perorata causa non
punishment to-be worthy which place unless with-concluded the-case not
est utendum; aut dubiae, quae ex contrario quoque habeat
is to-be-used or of-a-doubtful which from the-contrary also may-have
probabiles rationes argumentandi, ut suspicionibus credi
probable reasons of-arguing as to-suspicions to-be-believed
oportere, et contra, suspicionibus credi non oportere.
to-behoove and on-the-other-side to-suspicions to-be-believed not to-behoove
Ac pars locorum communium per indignationem aut per
and part of-places common through indignation or through
conquestionem inducitur, de quibus ante dictum est,
lament is-brought-in about which before said has-been
pars per aliquam probabilem utraque ex parte rationem.
part through some probable each from side reasoning
49 Distinguitur autem oratio atque inlustratur maxime raro
is-distinguished however the-speech and illuminated most rarely
inducendis locis communibus et aliquo loco iam
by-being-brought-in places common and with-some place already
certioribus illis argumentis confirmato. Nam tum conceditur
by-surer those arguments confirmed for then it-is-allowed
commune quiddam dicere, cum diligenter aliqui proprius
common something to-say when diligently some proper
causae locus tractatus est et auditoris animus aut
of-the-case topic handled has-been and of-the-hearer the-mind either
renovatur ad ea, quae restant, aut omnibus iam dictis
is-renewed for those-things which remain or with-all already said
exsuscitatur. Omnia autem ornamenta elocutionis, in quibus
is-roused all however the-ornaments of-style in which
et suavitatis et gravitatis plurimum consistit, et omnia,
both of-charm and of-gravity very-much consists and all-things

quae in inventione rerum et sententiarum aliquid habent
which in the-invention of-things and of-thoughts something have
dignitatis, in communes locos conferuntur.
of-dignity into common places are-brought
Quare non, ut causarum, sic oratorum quoque multorum 50
wherefore not as of-cases so of-orators also of-many
communes loci sunt. Nam nisi ab iis, qui multa in
common the-places are for unless by those who much in
exercitatione magnam sibi verborum et sententiarum
exercise great for-themselves of-words and of-thoughts
copiam conparaverint, tractari non poterunt ornate et
an-abundance have-procured to-be-handled not they-will-be-able ornately and
graviter, quemadmodum natura ipsorum desiderat.
weightily as the-nature of-them-themselves requires
Atque hoc sit nobis dictum communiter de omni genere
and this let-be by-us said in-common about every kind
locorum communium; nunc exponemus, in coniecturalem
of-places common now we-shall-set-forth into the-conjectural
constitutionem qui loci communes incidere soleant:
issue what places common to-fall are-wont
suspicionibus credi oportere et non oportere; rumoribus
to-suspicions to-be-believed to-behoove and not to-behoove to-rumors
credi oportere et non oportere; testibus credi
to-be-believed to-behoove and not to-behoove to-witnesses to-be-believed
oportere et non oportere; quaestionibus credi oportere
to-behoove and not to-behoove to-examinations to-be-believed to-behoove
et non oportere; vitam ante actam spectari oportere et
and not to-behoove the-life before led to-be-regarded to-behoove and
non oportere; eiusdem esse, qui in illa re peccarit, et
not to-behoove of-the-same to-be one-who in that thing has-erred and
hoc quoque admisisse et non esse eiusdem; causam
this also to-have-committed and not to-be of-the-same the-cause

maxime spectari oportere et non oportere. Atque hi
most to-be-regarded to-behoove and not to-behoove and these
quidem et si qui eiusmodi ex proprio argumento communes
indeed and if any of-this-sort from a-proper argument common
loci nascentur, in contrarias partes diducuntur.
places shall-arise into contrary sides are-drawn-apart
51 Certus autem locus est accusatoris, per quem auget
fixed however the-topic is of-the-accuser through which he-increases
facti atrocitatem, et alter, per quem negat malorum
of-the-deed the-atrocity and another through which he-denies the-wicked
misereri oportere: defensoris, per quem calumnia
to-pity to-behoove of-the-defender through which the-false-charge
accusatorum cum indignatione ostenditur et per quem cum
of-the-accusers with indignation is-shown and through which with
conquestione misericordia captatur. Hi et ceteri loci omnes
lament pity is-seized these and the-other places all
communes ex iisdem praeceptis sumuntur, quibus ceterae
common from the-same precepts are-taken from-which the-other
argumentationes; sed illae tenuius et subtilius et acutius
argumentations but those more-finely and more-subtly and more-sharply
tractantur, hi autem gravius et ornatius et cum verbis
are-handled these however more-weightily and more-ornately and both with-words
tum etiam sententiis excellentibus. In illis enim finis est,
and also with-thoughts excellent in those for the-end is
ut id, quod dicitur, verum esse videatur, in his, tametsi
that that which is-said true to-be may-seem in these although
hoc quoque videri oportet, tamen finis est amplitudo.
this also to-seem it-behooves still the-end is amplitude
Nunc ad aliam constitutionem transeamus.
now to another issue let-us-pass

When the dispute is over a name, the issue is definitional: Gaius Flaminius, carrying a land law against the senate's will, was led down from the platform by his father, who was charged with treason. Each side defines the term briefly and refutes the other's definition. When the action itself is challenged, the issue is transferential; it arises chiefly before the praetor, as when a man sued for cutting off a knight's hand seeks an exception.

Cum est nominis controversia, quia vis vocabuli 52
when there-is of-name a-controversy because the-force of-the-word
definienda verbis est, constitutio definitiva dicitur. Eius
to-be-defined in-words is the-issue definitional is-called of-that
generis exemplo nobis posita sit haec causa: C. Flaminius,
kind as-an-example for-us set-down let-be this case Gaius Flaminius
is qui consul rem male gessit bello Punico secundo, cum
he who as-consul the-thing badly managed in-the-war Punic second when
tribunus plebis esset, invito senatu et omnino contra
tribune of-the-plebs he-was with-unwilling the-senate and altogether against
voluntatem omnium optimatium per seditionem ad populum
the-will of-all the-optimates through sedition to the-people
legem agrariam ferebat. Hunc pater suus concilium plebis
a-law agrarian was-carrying him father his an-assembly of-the-plebs
habentem de templo deduxit; arcessitur maiestatis. Intentio
holding from the-platform led-down he-is-summoned of-treason the-charge
est: maiestatem minuisti, quod tribunum plebis de templo
is the-majesty you-diminished because a-tribune of-the-plebs from the-platform
deduxisti. Depulsio est: non minui maiestatem. Quaestio est:
you-led-down the-repelling is not I-diminished the-majesty the-question is
maiestatemne minuerit? Ratio: in filium enim quam habebam
whether-the-majesty he-diminished the-reason over the-son for which I-had
potestatem, ea sum usus. Rationis infirmatio: at enim,
power with-that I-have used of-the-reason the-weakening but indeed

qui patria potestate, hoc est privata quadam, tribuniciam
he-who by-paternal power that is private a-certain the-tribunician
potestatem, hoc est populi potestatem, infirmat, minuit is
power that is of-the-people the-power weakens diminishes he
maiestatem. Iudicatio est: minuatne is maiestatem,
the-majesty the-point-for-judgment is whether-diminishes he the-majesty
qui in tribuniciam potestatem patria potestate utatur? Ad
who against the-tribunician power by-paternal power uses for
hanc iudicationem argumentationes omnes afferre oportebit.
this point-for-judgment the-argumentations all to-bring it-will-behoove
53 Ac ne qui forte arbitretur nos non intellegere aliam quoque
and lest anyone perhaps think us not to-understand another also
incidere constitutionem in hanc causam, eam nos partem
to-fall issue into this case that we part
solam sumimus, in quam praecepta nobis danda sunt.
alone take for which precepts by-us to-be-given are
Omnibus autem partibus hoc in libro explicatis quivis omni
with-all however the-parts this in book unfolded anyone every
in causa, si diligenter adtendet, omnes videbit constitutiones
in case if diligently he-shall-attend all will-see the-issues
et earum partes et controversias, si quae forte in eas
and their parts and controversies if any perhaps into them
incident; nam de omnibus praescribemus.
shall-fall for about all we-shall-prescribe
Primus ergo accusatoris locus est eius nominis, cuius de
the-first therefore of-the-accuser topic is of-that name of-which about
vi quaeritur, brevis et aperta et ex opinione hominum
the-force it-is-asked a-brief and clear and from the-opinion of-men
definitio, hoc modo: Maiestatem minuere est de dignitate aut
definition in-this manner the-majesty to-diminish is from the-dignity or
amplitudine aut potestate populi aut eorum, quibus populus
greatness or power of-the-people or of-those to-whom the-people

potestatem dedit, aliquid derogare. Hoc sic breviter expositum
power has-given something to-take-away this thus briefly set-forth
pluribus verbis est et rationibus confirmandum et ita esse,
in-more words is and reasons to-be-confirmed and so to-be
ut descripseris, ostendendum. Postea ad id, quod definieris,
as you-have-described to-be-shown afterward to that which you-have-defined
factum eius, qui accusabitur, adiungere oportebit et ex eo,
the-deed of-him who shall-be-accused to-join it-will-behoove and from that
quod ostenderis esse, verbi causa maiestatem minuere, docere
which you-have-shown to-be of-word for-the-sake the-majesty to-diminish to-teach
adversarium maiestatem minuisse et hunc totum locum
the-adversary the-majesty to-have-diminished and this whole place
communi loco confirmare, per quem ipsius facti atrocitas
with-a-common place to-confirm through which itself of-the-deed the-atrocity
aut indignitas aut omnino culpa cum indignatione augeatur.
or unworthiness or altogether guilt with indignation be-increased
Post erit infirmanda adversariorum descriptio. Ea autem 54
afterward will-be to-be-weakened the-adversaries' description it however
infirmabitur, si falsa demonstrabitur. Hoc ex opinione
will-be-weakened if false it-shall-be-shown this from the-opinion
hominum sumetur, cum, quemadmodum et quibus in rebus
of-men will-be-taken when how and what in things
homines in consuetudine scribendi aut sermocinandi eo verbo
men in the-custom of-writing or of-conversing that word
uti soleant, considerabitur. Item infirmabitur, si turpis aut
to-use are-wont shall-be-considered likewise it-will-be-weakened if shameful or
inutilis esse eius descriptionis adprobatio et, quae incommoda
useless to-be of-that description the-approval and what disadvantages
consecutura sint eo concesso, ostendetur — id autem ex
going-to-follow be with-it conceded shall-be-shown that however from
honestatis et ex utilitatis partibus sumetur, de quibus in
of-honor and from of-utility the-parts will-be-taken about which in

deliberationis praeceptis exponemus — et si cum definitione
of-deliberation the-precepts we-shall-set-forth and if with definition
nostra adversariorum definitionem conferemus et nostram
our the-adversaries' definition we-shall-compare and ours
veram, honestam, utilem esse demonstrabimus, illorum contra.
true honorable useful to-be we-shall-show theirs the-contrary
55 Quaeremus autem res aut maiore aut minore aut pari
we-shall-seek however things either in-a-greater or in-a-lesser or an-equal
in negotio similes, ex quibus affirmetur nostra descriptio.
in affair like from which be-affirmed our description
Iam si res plures erunt definiendae: ut, si quaeratur,
now if things several shall-be to-be-defined as if it-be-asked
fur sit an sacrilegus, qui vasa ex privato sacra
a-thief whether-he-be or a-temple-robber he-who vessels from a-private-place sacred
subripuerit, erit utendum pluribus definitionibus; deinde
has-stolen it-will-be to-be-used several definitions then
simili ratione causa tractanda. Locus autem communis in
by-like method the-case to-be-handled the-place however common against
eius malitiam, qui non modo rerum, verum etiam verborum
his malice who not only of-things but also of-words
potestatem sibi arrogare conatus et faciat, quod velit,
the-power to-himself to-claim has-tried both should-do what he-wishes
et id, quod fecerit, quo velit nomine appellet.
and that which he-has-done by-what he-wishes name should-call
Deinde defensoris primus locus est item nominis brevis
then of-the-defender the-first topic is likewise of-the-name a-brief
et aperta et ex opinione hominum descriptio, hoc
and clear and from the-opinion of-men description in-this
modo: Maiestatem minuere est aliquid de re publica,
manner the-majesty to-diminish is something of the-thing public

cum potestatem non habeas, administrare. Deinde huius
when power not you-have to-administer then of-this
confirmatio; postea sui facti ab illa definitione separatio.
the-confirmation afterward of-his-own deed from that definition the-separation
Deinde locus communis, per quem facti utilitas aut 56
then the-place common through which of-the-deed the-utility or
honestas adaugetur. Deinde sequitur adversariorum definitionis
honor is-increased then follows of-the-adversaries' definition
reprehensio, quae iisdem ex locis omnibus, quos accusatori
the-refutation which the-same from topics all which for-the-accuser
praescripsimus, conficitur; et cetera post eadem praeter
we-have-prescribed is-made and the-other-things afterward the-same except
communem locum inducentur. Locus autem communis
the-common place will-be-brought-in the-place however common
erit defensoris is, per quem indignabitur accusatorem
will-be of-the-defender that through which he-will-be-indignant the-accuser
sui periculi causa non res solum convertere, verum
of-his-own danger for-the-sake not things only to-turn but
etiam verba commutare conari. Nam illi quidem communes
also words to-change to-try for those indeed common
loci, aut qui calumniae accusatorum demonstrandae aut
places either which of-the-false-charge of-the-accusers being-shown or
misericordiae captandae aut facti indignandi aut a
of-pity being-seized or of-the-deed being-resented or from
misericordia deterrendi causa sumuntur, ex periculi
pity of-deterring for-the-sake are-taken from of-the-danger
magnitudine, non ex causae genere ducuntur. Quare non
the-greatness not from of-the-case the-kind are-drawn wherefore not
in omnem causam, sed in omne causae genus incidunt.
into every case but into every of-case kind they-fall

Eorum mentionem in coniecturali constitutione fecimus,
of-them mention in the-conjectural issue we-have-made
inductione autem, cum causa postulabit, utemur.
with-the-bringing-in however when the-case shall-demand we-shall-use
57 Cum autem actio translationis aut commutationis indigere
when however the-action of-transfer or of-change to-need
videtur, quod non aut is agit, quem oportet, aut cum
seems because not either he acts who ought or with
eo, quicum oportet, aut apud quos, qua lege, qua
him with-whom he-ought or before whom under-what law with-what
poena, quo crimine, quo tempore oportet, constitutio
penalty on-what charge at-what time it-behooves the-issue
translativa appellatur. Eius nobis exempla permulta opus
transferential is-called of-it for-us examples very-many need
sint, si singula translationum genera quaeramus; sed quia
would-be if the-individual of-transfers kinds we-should-seek but because
ratio praeceptorum similis est, exemplorum multitudine
the-method of-the-precepts like is of-examples with-the-multitude
supersedendum est. Atque in nostra quidem consuetudine
to-be-dispensed is and in our indeed custom
multis de causis fit, ut rarius incidant translationes.
many for reasons it-happens that more-rarely fall transfers
Nam et praetoris exceptionibus multae excluduntur actiones
for both by-the-praetor's exceptions many are-excluded actions
et ita ius civile habemus constitutum, ut causa cadat
and so the-law civil we-have established that the-case should-lose
is, qui non quemadmodum oportet egerit.
he who not as he-ought has-pleaded
58 Quare in iure plerumque versantur. Ibi enim et
wherefore in the-preliminary-hearing mostly they-are-engaged there for both
exceptiones postulantur et agendi potestas datur et omnis
exceptions are-demanded and of-pleading the-power is-given and the-whole

conceptio privatorum iudiciorum constituitur. In ipsis autem
formulation of-private trials is-established in the-very however
iudiciis rarius incidunt et tamen, si quando incidunt,
trials more-rarely they-fall and still if ever they-fall
eiusmodi sunt, ut per se minus habeant firmitudinis,
of-such-a-sort they-are that by themselves less they-have of-firmness
confirmentur autem assumpta alia aliqua constitutione: ut
they-are-confirmed however with-assumed other some issue as
in quodam iudicio, cum veneficii cuiusdam nomen esset
in a-certain trial when of-poisoning of-a-certain-man the-name had-been
delatum et, quia parricidii causa subscripta esset, extra
indicted and because of-parricide the-cause subscribed had-been out-of
ordinem esset acceptum, in accusatione autem alia quaedam
order it-had-been accepted in the-accusation however other certain
crimina testibus et argumentis confirmarentur, parricidii
charges by-witnesses and arguments were-confirmed of-parricide
autem mentio solum facta esset, defensor in hoc ipso
however mention only made had-been the-defender on this very-point
multum oportet et diu consistat: cum de nece parentis
much ought and long dwell since about the-killing of-a-parent
nihil demonstratum esset, indignum facinus esse ea poena
nothing shown had-been an-unworthy deed to-be with-that penalty
afficere reum, qua parricidae afficiuntur; id autem, si
to-visit the-defendant with-which parricides are-visited that however if
damnaretur, fieri necesse esse, quoniam et id causae
he-were-condemned to-be-done necessary to-be since both that of-the-case
subscriptum et ea re nomen extra ordinem sit acceptum.
subscribed and for-that reason the-name out-of order was accepted
Ea igitur poena si affici reum non oporteat, 59
with-that therefore penalty if to-be-visited the-defendant not it-behooves
damnari quoque non oportere, quoniam ea poena
to-be-condemned also not to-behoove since that penalty

damnationem necessario consequatur. Hic defensor poenae
condemnation necessarily follows here the-defender of-the-penalty
commutationem ex translativo genere inducendo totam
the-change from the-transferential kind by-bringing-in the-whole
infirmabit accusationem. Verumtamen ceteris quoque
will-weaken accusation but-still by-the-other also
criminibus defendendis coniecturali constitutione translationem
charges being-defended by-the-conjectural issue the-transfer
confirmabit.
he-will-confirm
Exemplum autem translationis in causa positum nobis
the-example however of-transfer in a-case placed for-us
sit huiusmodi: cum ad vim faciendam quidam armati
let-be of-this-sort when for violence being-done certain-men armed
venissent, armati contra praesto fuerunt et cuidam equiti
had-come armed-men opposed at-hand were and of-a-certain knight
Romano quidam ex armatis resistenti gladio manum
Roman a-certain-one of the-armed resisting with-a-sword the-hand
praecidit. Agit is, cui manus praecisa est, iniuriarum.
cut-off brings-action he whose hand cut-off was for-injuries
Postulat is, quicum agitur, a praetore exceptionem: extra
demands he with-whom it-is-pleaded from the-praetor an-exception except
quam in reum capitis praeiudicium fiat.
than against a-defendant of-a-capital-charge prejudgment be-made
60 Hic is, qui agit, iudicium purum postulat; ille, quicum
here he who brings-action a-trial simple demands he with-whom
agitur, exceptionem addi ait oportere. Quaestio est:
it-is-pleaded an-exception to-be-added says to-behoove the-question is
excipiundum sit an non. Ratio: non enim oportet in
whether-to-be-excepted it-be or not the-reason not for it-behooves in
recuperatorio iudicio eius maleficii, de quo inter sicarios
a-recuperatory trial of-that crime about which among the-assassins

quaeritur, praeiudicium fieri. Infirmatio rationis: eiusmodi
inquiry-is-made a-prejudgment to-be-made the-weakening of-the-reason of-such-a-sort
sunt iniuriae, ut de iis indignum sit non primo
are the-injuries that about them unworthy it-be not at-the-first
quoque tempore iudicari. Iudicatio: atrocitas iniuriarum
any time to-be-judged the-point-for-judgment the-atrocity of-the-injuries
satisne causae sit, quare, dum de ea iudicatur, de
whether-enough of-cause it-be why while about it it-is-judged about
aliquo maiore maleficio, de quo iudicium conparatum sit,
some greater crime about which a-trial prepared has-been
praeiudicetur? Atque exemplum quidem hoc est. In omni
it-be-prejudged and the-example indeed this is in every
autem causa ab utroque quaeri oportebit, a quo et per
however case by each to-be-asked it-will-behoove by whom and through
quos et quo modo et quo tempore aut agi aut
whom and in-what manner and at-what time either to-be-pleaded or
iudicari aut quid statui de ea re conveniat.
to-be-judged or what to-be-decided about that matter befits
Id ex partibus iuris, de quibus post dicendum est, 61
this from the-parts of-law about which afterward to-be-spoken is
sumi oportebit et ratiocinari, quid in similibus rebus
to-be-taken it-will-behoove and to-reason what in like things
fieri soleat, et videre, utrum malitia aliud agatur, aliud
to-be-done is-wont and to-see whether by-malice one-thing is-treated another
simuletur, an stultitia, an necessitudine, quod alio modo
pretended or by-folly or by-necessity because in-another way
agere non possit, an occasione agendi sic sit iudicium aut
to-plead not he-can or by-the-occasion of-pleading so be the-trial or
actio constituta, an recte sine ulla re eiusmodi res
action established or rightly without any thing of-that-sort the-matter
agatur. Locus autem communis contra eum, qui translationem
be-pleaded the-place however common against him who transfer

inducet: fugere iudicium ac poenam, quia causae diffidat. A
shall-bring-in to-flee trial and penalty because in-the-case he-distrusts from
translatione autem: omnium fore perturbationem, si non ita
transfer however of-all-things going-to-be confusion if not so
res agantur et in iudicium veniant, quo pacto oporteat;
matters be-pleaded and into trial come in-what way it-behooves
hoc est, si aut cum eo agatur, quocum non oporteat, aut
this is if either with him it-be-pleaded with-whom not it-behooves or
alia poena, alio crimine, alio tempore; atque hanc
with-another penalty another charge another time and this
rationem ad perturbationem iudiciorum omnium pertinere.
reasoning to the-confusion of-trials all to-pertain
Tres igitur haec constitutiones, quae partes non habent, ad
three therefore these issues which parts not have after
hunc modum tractabuntur. Nunc generalem constitutionem
this manner will-be-handled now the-general issue
et partes eius consideremus.
and the-parts of-it let-us-consider

VII · THE LEGAL ISSUE

When the deed and its name are granted and its nature is in question, the issue is general: legal or juridical. The legal issue turns on civil law, as when a ward made heir dies under age, and his kin and his father's substitute heirs dispute the estate. Law springs from nature (religion, duty, gratitude, revenge, reverence, and truth), custom (agreement, equity, and precedent), and statute.

62 Cum et facto et facti nomine concesso neque ulla
when both with-the-deed and with-the-deed's name conceded and-not any
actionis inlata controversia vis et natura et genus ipsius
of-action brought controversy the-force and nature and kind of-the-very

negotii quaeritur, constitutionem generalem appellamus. Huius
action is-asked the-issue general we-call of-this
primas esse partes duas nobis videri diximus, negotialem
the-first to-be parts two to-us to-seem we-said the-legal
et iuridicialem.
and the-juridical
Negotialis est, quae in ipso negotio iuris civilis habet
legal is that-which in the-very action of-civil law has
implicatam controversiam. Ea est huiusmodi: quidam
entangled controversy it is of-this-sort a-certain-man
pupillum heredem fecit; pupillus autem ante mortuus est,
a-ward heir made the-ward however before died has
quam in suam tutelam venit. De hereditate ea, quae pupillo
than into his-own guardianship he-came about the-inheritance that which to-the-ward
venit, inter eos, qui patris pupilli heredes secundi sunt, et
came between those who of-the-father of-the-ward the-heirs second are and
inter adgnatos pupilli controversia est. Possessio heredum
between the-agnates of-the-ward controversy there-is the-possession of-the-heirs
secundorum est. Intentio est adgnatorum: nostra pecunia est,
second is the-charge is of-the-agnates our the-money is
de qua is, cuius adgnati sumus, testatus non est. Depulsio
about which he whose agnates we-are made-a-will not has the-repelling
est: immo nostra, qui heredes testamento patris sumus.
is nay ours who heirs by-the-will of-the-father are
Quaestio est: utrorum sit? Ratio: pater enim et sibi
the-question is of-which-party it-be the-reason the-father for both for-himself
et filio testamentum scripsit, dum is pupillus esset.
and for-his-son a-will wrote while he a-ward was
Quare, quae filii fuerunt, testamento patris nostra
wherefore what-things the-son's were by-the-will of-the-father ours
fiant necesse est. Infirmatio rationis: immo pater sibi
become necessary it-is the-weakening of-the-reason nay the-father for-himself

scripsit et secundum heredem non filio, sed sibi iussit
wrote and as-second heir not for-his-son but for-himself ordered
esse. Quare, praeterquam quod ipsius fuit, testamento illius
to-be wherefore except what his-own was by-the-will of-him
vestrum esse non potest. Iudicatio: possitne quisquam
yours to-be not can the-point-for-judgment whether-can anyone
de filii pupilli re testari; an heredes secundi ipsius
about of-a-son ward the-property make-a-will or the-heirs second himself
patrisfamilias, non filii quoque eius pupilli heredes sint?
of-the-father-of-the-family not of-the-son also his ward heirs be
63 Atque hoc non alienum est, quod ad multa pertineat, ne
and this not foreign is which to many-things pertains lest
aut nusquam aut usquequaque dicatur, hic admonere. Sunt
either nowhere or everywhere it-be-said here to-remind there-are
causae, quae plures habent rationes in simplici constitutione;
cases which several have reasons in a-simple issue
quod fit, cum id, quod factum est aut quod defenditur,
which happens when that which done has-been or which is-defended
pluribus de causis rectum aut probabile videri potest, ut
several for causes right or probable to-seem can as
in hac ipsa causa. Subponatur enim ab heredibus haec
in this very case let-there-be-supposed for by the-heirs this
ratio: unius enim pecuniae plures dissimilibus de causis
reason of-one for money several unlike for reasons
heredes esse non possunt, nec umquam factum est, ut
heirs to-be not can nor ever done has-been that
eiusdem pecuniae alius testamento, alius lege heres esset,
of-the-same money one by-will another by-law heir be
infirmatio haec erit: non est una pecunia, propterea quod
the-weakening this will-be not it-is one money on-this-account that
altera pupilli iam erat adventicia, cuius heres non illo in
the-other of-the-ward already was acquired of-which as-heir not that in

testamento quisquam scriptus erat, si quid pupillo accidisset;
will anyone written was if anything to-the-ward should-happen
et de altera patris etiamnunc mortui voluntas plurimum
and about the-other the-father's even-now dead will very-much
valebat, quae iam mortuo pupillo suis heredibus concedebat.
prevailed which already with-dead the-ward to-his heirs granted(-it)
Iudicatio est: unane pecunia fuerit; aut, si hac 64
the-point-for-judgment is whether-one money it-was or if this
erunt usi infirmatione: posse plures esse unius heredes
they-shall-have used weakening to-be-able several to-be of-one heirs
pecuniae dissimilibus de causis et de eo ipso esse
money unlike for reasons and about that very-point to-be
controversiam, iudicatio nascitur: possintne eiusdem
controversy the-point-for-judgment arises whether-can of-the-same
pecuniae plures dissimilibus generibus heredes esse? Ergo una
money several by-unlike kinds heirs be therefore one
in constitutione intellectum est, quomodo et rationes et
in issue understood it-has-been how both reasons and
rationum infirmationes et propterea iudicationes plures fiant.
of-reasons weakenings and on-this-account points-for-judgment several arise
Nunc huius generis praecepta videamus. Utrisque aut etiam 65
now of-this kind the-precepts let-us-see by-both or even
omnibus, si plures ambigent, ius ex quibus rebus constet,
by-all if more shall-dispute the-law from what things it-consists
considerandum est. Initium ergo eius ab natura ductum
to-be-considered is the-beginning therefore of-it from nature drawn
videtur; quaedam autem ex utilitatis ratione aut perspicua
seems certain-things however from of-utility reason either evident
nobis aut obscura in consuetudinem venisse; post autem
to-us or obscure into custom to-have-come afterward however
adprobata quaedam a consuetudine aut vero utilia visa legibus
approved certain-things by custom or indeed useful seen by-laws

esse firmata; ac naturae quidem ius esse, quod nobis
to-have-been confirmed and of-nature indeed law to-be that-which to-us
non opinio, sed quaedam innata vis adferat, ut religionem,
not opinion but a-certain innate force brings as religion
pietatem, gratiam, vindicationem, observantiam, veritatem.
piety gratitude avenging observance truth

66 Religionem eam, quae in metu et caerimonia deorum sit,
religion that which in fear and worship of-the-gods is
appellant; pietatem, quae erga patriam aut parentes aut
they-call piety which toward the-fatherland or parents or
alios sanguine coniunctos officium conservare moneat; gratiam,
others by-blood joined duty to-keep warns gratitude
quae in memoria et remuneratione officiorum et honoris et
which in the-memory and requiting of-services and of-honor and
amicitiarum observantiam teneat; vindicationem, per quam
of-friendships observance holds avenging through which
vim et contumeliam defendendo aut ulciscendo propulsamus
force and insult by-defending or by-avenging we-drive-off
a nobis et nostris, qui nobis cari esse debent, et per
from ourselves and our-own who to-us dear to-be ought and through
quam peccata punimur; observantiam, per quam aetate aut
which offenses we-punish observance through which in-age or
sapientia aut honore aut aliqua dignitate antecedentes veremur
wisdom or office or some dignity those-surpassing we-revere
et colimus; veritatem, per quam damus operam, ne quid
and cultivate truth through which we-give effort that-not anything
aliter, quam confirmaverimus, fiat aut factum aut futurum sit.
otherwise than we-have-affirmed be-done or done or going-to-be be

67 Ac naturae quidem iura minus ipsa quaeruntur ad hanc
and of-nature indeed the-rights less themselves are-sought for this
controversiam, quod neque in hoc civili iure versantur et
controversy because neither in this civil law they-are-engaged and

a vulgari intellegentia remotiora sunt; ad similitudinem vero
from common understanding more-remote are for likeness indeed
aliquam aut ad rem amplificandam saepe sunt inferenda.
some or for a-thing being-amplified often they-are to-be-brought-in
Consuetudine autem ius esse putatur id, quod voluntate
by-custom however law to-be is-thought that which by-the-will
omnium sine lege vetustas comprobarit. In ea autem
of-all without law antiquity has-approved in it however
quaedam sunt iura ipsa iam certa propter vetustatem.
certain are rights themselves already fixed on-account-of antiquity
Quo in genere et alia sunt multa et eorum multo maxima
which in kind both other are many and of-them by-much the-greatest
pars, quae praetores edicere consuerunt. Quaedam autem
part which praetors to-proclaim are-accustomed certain however
genera iuris iam certa consuetudine facta sunt;
kinds of-law already fixed by-custom made are
quod genus pactum, par, iudicatum. Pactum est, quod inter 68
which kind compact equity judgment compact is what among
quos convenit ita iustum putatur, ut iure praestare dicatur;
whom it-is-agreed so just is-thought that by-right to-be-binding it-be-said
par, quod in omnes aequabile est; iudicatum, de quo iam
equity what toward all equal is judgment about which already
ante sententia alicuius aut aliquorum constitutum est.
before by-the-sentence of-someone or of-some established it-has-been
Iam iura legitima ex legibus cognosci oportebit. His ergo
next rights statutory from the-laws to-be-learned it-will-behoove these therefore
ex partibus iuris, quod cuique aut ex ipsa re aut ex
from parts of-law what for-each either from itself the-thing or from
simili aut maiore minoreve nasci videbitur, attendere atque
a-like or greater or-lesser to-arise shall-seem to-attend and
elicere pertemptando unam quamque iuris partem oportebit.
to-draw-out by-testing one each of-law part it-will-behoove

Locorum autem communium quoniam, ut ante dictum est,
of-places however common since as before said has-been
duo genera sunt, quorum alterum dubiae rei, alterum
two kinds there-are of-which the-one of-a-doubtful thing the-other
certae continet amplificationem, quid ipsa causa det et
of-a-definite contains amplification what itself the-case gives and
quid augeri per communem locum possit et oporteat,
what to-be-increased through a-common place can and ought
considerabitur. Nam certi, qui in omnes incidant, loci
will-be-considered for fixed which into all may-fall places
praescribi non possunt; in plerisque fortasse ab auctoritate
to-be-prescribed not can in most perhaps from the-authority
iuris consultorum et contra auctoritatem dici oportebit.
of-law of-the-skilled and against authority to-be-spoken it-will-behoove
Adtendendum est autem et in hac et in omnibus, num
to-be-attended-to is however both in this and in all whether
quos locos communes praeter eos, quos nos exponimus, ipsa
any places common besides those which we set-forth itself
res ostendat.
the-thing shows
Nunc iuridiciale genus et partes consideremus.
now the-juridical kind and parts let-us-consider

The juridical issue asks what is right and wrong and what deserves reward or punishment. It is absolute when the deed carries the question of right in itself, as with the Thebans' lasting bronze trophy, and assumptive, in four parts, when it needs outside support. The first part, comparison, defends a deed by the greater good it served, as when a surrounded commander gave up his arms and baggage to save his soldiers.

Iuridicialis est, in qua aequi et iniqui natura et praemii 69
juridical is in which of-the-fair and of-the-unfair the-nature and of-reward
aut poenae ratio quaeritur. Huius partes sunt duae,
or of-penalty the-reckoning is-sought of-this the-parts are two
quarum alteram absolutam, adsumptivam alteram nominamus.
of-which the-one absolute assumptive the-other we-name
Absoluta est, quae ipsa in se, non ut negotialis implicite
absolute is that-which itself in itself not as the-legal implicitly
et abscondite, sed patentius et expeditius recti et non
and hiddenly but more-openly and more-readily of-right and not
recti quaestionem continet. Ea est huiuscemodi: cum
of-right the-question contains it is of-this-sort when
Thebani Lacedaemonios bello superavissent et fere mos
the-Thebans the-Spartans in-war had-overcome and generally the-custom
esset Graiis, cum inter se bellum gessissent, ut
was for-the-Greeks when among themselves war they-had-waged that
ii, qui vicissent, tropaeum aliquod in finibus statuerent
those who had-conquered a-trophy some on the-borders should-set-up
victoriae modo in praesentiam declarandae causa, non ut
of-victory merely at the-present being-declared for-the-sake not that
in perpetuum belli memoria maneret, aëneum statuerunt
for ever of-the-war the-memory should-remain a-bronze they-set-up
tropaeum. Accusantur apud Amphictyonas. Intentio est:
trophy they-are-accused before the-Amphictyons the-charge is

70 non oportuit. Depulsio est: oportuit. Quaestio est: oportueritne?
not it-ought the-repelling is it-ought the-question is whether-it-ought
Ratio est: eam enim ex bello gloriam virtute peperimus,
the-reason is that for from the-war glory by-valor we-won
ut eius aeterna insignia posteris nostris relinquere vellemus.
that of-it everlasting tokens to-posterity our to-leave we-wished
Infirmatio est: at tamen aeternum inimicitiarum monumentum
the-weakening is but still an-everlasting of-enmities monument
Graios de Graiis statuere non oportet. Iudicatio est:
Greeks over Greeks to-set-up not it-behooves the-point-for-judgment is
cum summae virtutis concelebrandae causa Graii de Graiis
when of-the-highest valor being-celebrated for-the-sake Greeks over Greeks
aeternum inimicitiarum monumentum statuerunt, rectene
an-everlasting of-enmities monument set-up whether-rightly
an contra fecerint? Hanc ideo rationem subiecimus, ut
or contrary they-did this for-that-reason reason we-have-subjoined that
hoc causae genus ipsum, de quo agimus, cognosceretur.
this of-case kind itself about which we-treat might-be-learned
Nam si eam subposuissemus, qua fortasse usi sunt: non
for if that we-had-substituted which perhaps used they-have not
enim iuste neque pie bellum gessistis, in relationem
for justly nor piously war did-you-wage into retort
criminis delaberemur, de qua post loquemur. Utrumque
of-the-charge we-would-slide about which later we-shall-speak both
autem causae genus in hanc causam incidere perspicuum
however of-case kind into this case to-fall evident
est. In hanc argumentationes ex isdem locis sumendae sunt
is into this the-argumentations from the-same topics to-be-taken are
atque in causam negotialem, qua de ante dictum est.
as into the-case legal which about before said has-been

Locos autem communes et ex causa ipsa, si quid inerit 71
places however common both from the-case itself if anything shall-be-in-it
indignationis aut conquestionis, et ex iuris utilitate et
of-indignation or of-lament and from of-law the-utility and
natura multos et graves sumere licebit et oportebit,
nature many and weighty to-take it-will-be-allowed and it-will-behoove
si causae dignitas videbitur postulare.
if of-the-case the-dignity shall-seem to-demand
Nunc adsumptivam partem iuridicialis consideremus.
now the-assumptive part of-the-juridical let-us-consider
Adsumptiva igitur tum dicitur, cum ipsum ex se factum
assumptive therefore then is-called when itself from itself the-deed
probari non potest, aliquo autem foris adiuncto
to-be-proved not can by-some however from-outside added
argumento defenditur. Eius partes sunt quattuor: comparatio,
argument is-defended of-it the-parts are four comparison
relatio criminis, remotio criminis, concessio.
retort of-the-charge shifting of-the-charge admission
Comparatio est, cum aliquid factum, quod ipsum non sit 72
comparison is when something done which itself not is
probandum, ex eo, cuius id causa factum est, defenditur.
to-be-approved from that of-which it for-the-sake done was is-defended
Ea est huiusmodi: quidam imperator, cum ab hostibus
it is of-this-sort a-certain commander when by the-enemy
circumsederetur neque effugere ullo modo posset, depectus
he-was-surrounded nor to-escape in-any way could made-a-compact
est cum iis, ut arma et inpedimenta relinqueret, milites
has with them that the-arms and baggage he-should-leave the-soldiers
educeret; itaque fecit; armis et inpedimentis amissis
lead-out and-so he-did with-the-arms and baggage lost
praeter spem milites conservavit.
beyond hope the-soldiers he-preserved

73 Accusatur maiestatis. Incurrit huc definitio. Sed nos hunc locum,
he-is-accused of-treason runs-in here definition but we this topic
de quo agimus, consideremus. Intentio est: non oportuit arma
about which we-treat let-us-consider the-charge is not it-ought the-arms
et inpedimenta relinquere. Depulsio est: oportuit. Quaestio est:
and baggage to-leave the-repelling is it-ought the-question is
oportueritne? Ratio est: milites enim omnes perissent.
whether-it-ought the-reason is the-soldiers for all would-have-perished
Infirmatio est aut coniecturalis: non perissent; aut altera
the-weakening is either conjectural not they-would-have-perished or another
coniecturalis: non ideo fecisti; aut haec comparativa,
conjectural not for-that-reason you-did-it or this comparative
cuius nunc indigemus: at enim satius fuit amittere milites
which now we-need but indeed better it-was to-lose the-soldiers
quam arma et inpedimenta concedere hostibus. Ex quo
than the-arms and baggage to-yield to-the-enemy from which
iudicatio nascitur: cum omnes perituri milites
the-point-for-judgment arises when all going-to-perish the-soldiers
essent, nisi ad hanc pactionem venissent, utrum satius fuerit
were unless to this compact they-had-come whether better it-was
amittere milites, an ad hanc condicionem venire?
to-lose the-soldiers or to this condition to-come

74 Hoc causae genus ex suis locis tractari oportebit et
this of-case kind from its-own topics to-be-handled it-will-behoove and
adhibere ceterarum quoque constitutionum rationem atque
to-apply of-the-other also issues the-method and
praecepta; ac maxime coniecturis faciendis infirmare illud,
precepts and most by-conjectures being-made to-weaken that
quod cum eo, quod crimini dabitur, ii, qui accusabuntur,
which with that which as-a-charge shall-be-given those who shall-be-accused
comparabunt. Id fiet, si aut id, quod dicent defensores
shall-compare this will-be-done if either that which shall-say the-defenders

futurum fuisse, nisi id factum esset, de quo facto iudicium,
going-to-be to-have-been unless that done had-been about which deed a-trial
futurum fuisse negabitur; aut si alia ratione et aliam
going-to-be to-have-been shall-be-denied or if by-another method and another
ob causam, ac dicet se reus fecisse, demonstrabitur
for cause than shall-say himself the-defendant to-have-done-it shall-be-shown
esse factum. Eius rei confirmatio et item contraria de
to-be done of-this thing the-confirmation and likewise the-contrary from
parte infirmatio ex coniecturali constitutione sumetur. Sin
side the-weakening from the-conjectural issue will-be-taken but-if
autem certo nomine maleficii vocabitur in iudicium,
however by-a-definite name of-crime he-shall-be-summoned into trial
sicut in hac causa — nam maiestatis arcessitur—, definitione
as in this case for of-treason he-is-summoned by-definition
et praeceptis definitionis uti oportebit. Atque haec
and the-precepts of-definition to-use it-will-behoove and these-things
quidem plerumque in hoc genere accidunt, ut et coniectura
indeed generally in this kind happen that both conjecture
et definitione utendum sit. Sin aliud quoque aliquod genus
and definition to-be-used it-be but-if another also some kind
incidet, eius generis praecepta licebit huc pari ratione
shall-fall-in of-that kind the-precepts it-will-be-allowed here by-equal method
transferre. Nam accusatori maxime est in hoc elaborandum,
to-transfer for for-the-accuser most it-is in this to-be-labored
ut id ipsum factum, propter quod sibi reus
that that very deed on-account-of which to-himself the-defendant
concedi putet oportere, quam plurimis infirmet rationibus.
to-be-conceded thinks to-behoove as with-very-many he-weaken reasons
Quod facile est, si quam plurimis constitutionibus aggredietur 75
which easy is if as with-very-many issues he-shall-attack
id inprobare. Ipsa autem comparatio separata a ceteris
that to-disapprove the-very however comparison separated from the-other

generibus controversiarum sic ex sua vi considerabitur, si
kinds of-controversies thus from its-own force will-be-considered if
illud, quod comparabitur, aut non honestum aut non utile
that which shall-be-compared either not honorable or not useful
aut non necessarium fuisse aut non tantopere utile aut non
or not necessary to-have-been or not so-greatly useful or not
tantopere honestum aut non tantopere necessarium fuisse
so-greatly honorable or not so-greatly necessary to-have-been
demonstrabitur. Deinde oportet accusatorem illud, quod
shall-be-shown then it-behooves the-accuser that which
ipse arguat, ab eo, quod defensor conparat, separare. Id
he-himself charges from that which the-defender compares to-separate this
autem faciet, si demonstrabit non ita fieri solere neque
however he-will-do if he-shall-show not so to-be-done to-be-wont nor
oportere neque esse rationem, quare hoc propter hoc fiat,
to-behoove nor to-be a-reason why this on-account-of this be-done
ut propter salutem militum ea, quae salutis causa
that on-account-of the-safety of-the-soldiers those-things which of-safety for-the-sake
comparata sunt, hostibus tradantur. Postea comparare oportet
procured were to-the-enemy be-handed-over afterward to-compare it-behooves
cum beneficio maleficium et omnino id, quod arguitur,
with the-benefit the-crime and altogether that which is-charged
cum eo, quod factum ab defensore laudatur aut faciendum
with that which done by the-defender is-praised or to-be-done
fuisse demonstratur, contendere et hoc extenuando maleficii
to-have-been is-shown to-contrast and this by-making-light the-crime's
magnitudinem simul adaugere. Id fieri poterit, si
greatness at-the-same-time to-increase this to-be-done will-be-able if
demonstrabitur honestius, utilius, magis necessarium fuisse
it-shall-be-shown more-honorable more-useful more necessary to-have-been
illud, quod vitarit reus, quam illud, quod fecerit.
that which avoided the-defendant than that which he-did

Honesti autem et utilis et necessarii vis et natura 76
of-the-honorable however and of-the-useful and of-the-necessary the-force and nature
in deliberationis praeceptis cognoscetur. Deinde oportebit ipsam
in of-deliberation the-precepts will-be-learned then it-will-behoove the-very
illam comparativam iudicationem exponere tamquam causam
that comparative point-for-judgment to-set-forth as-if a-case
deliberativam et de ea ex deliberationis praeceptis dicere. Sit
deliberative and about it from of-deliberation the-precepts to-speak let-be
enim haec iudicatio, quam ante exposuimus: cum omnes
for this point-for-judgment which before we-set-forth when all
perituri milites essent, nisi ad hanc pactionem venissent,
going-to-perish the-soldiers were unless to this compact they-had-come
utrum satius fuerit perire milites, an ad hanc pactionem
whether better it-was to-perish the-soldiers or to this compact
venire? Hoc ex locis deliberationis, quasi aliquam in
to-come this from the-topics of-deliberation as-if some into
consultationem res veniat, tractari oportebit. Defensor
consultation the-matter should-come to-be-handled it-will-behoove the-defender
autem, quibus in locis ab accusatore aliae constitutiones erunt
however which in places by the-accuser other issues shall-be
inductae, in iis ipse quoque ex isdem constitutionibus
brought-in in those himself also from the-same issues
defensionem comparabit; ceteros autem omnes locos, qui ad
a-defense will-prepare the-other however all topics which to
ipsam comparationem pertinebunt, ex contrario tractabit.
the-very comparison shall-pertain from the-contrary he-will-handle
Loci communes autem erunt: accusatoris in eum, qui, 77
places common however will-be of-the-accuser against him who
cum de facto turpi aliquo aut inutili aut utroque fateatur,
when about a-deed shameful some or useless or both he-confess
quaerat tamen aliquam defensionem; defensoris est, nullum
he-seek still some defense of-the-defender it-is no

factum inutile neque turpe neque item utile neque honestum
deed useless nor shameful nor likewise useful nor honorable
putari oportere, nisi, quo animo, quo tempore, qua
to-be-thought to-behoove unless with-what mind at-what time what
de causa factum sit, intellegatur; qui locus ita communis
for cause done it-be be-understood which place so common
est, ut bene tractatus in hac causa magno ad persuadendum
is that well handled in this case of-great for persuading
momento futurus sit; et alter locus, per quem magna
moment going-to-be it-be and another place through which great
cum amplificatione beneficii magnitudo ex utilitate aut
with amplification of-the-benefit the-greatness from the-utility or
honestate aut facti necessitudine demonstratur; et tertius,
honor or of-the-deed the-necessity is-shown and a-third
per quem res expressa verbis ante oculos eorum, qui
through which the-thing expressed in-words before the-eyes of-those who
audiunt, ponitur, ut ipsi se quoque idem facturos
hear is-placed so-that they themselves also the-same going-to-do
fuisse arbitrentur, si sibi illa res atque ea faciendi
to-have-been may-think if to-them that thing and that of-doing
causa per idem tempus accidisset.
cause at the-same time had-happened

The defendant may confess the deed and claim he was driven to it by the other's crime, as Horatius killed his sister for mourning an enemy. The accuser argues that the victim should have been brought to trial, that law and courts exist for this, and that if each punishes as he pleases there will be no courts at all. The defender magnifies the victim's guilt and shows the wrong so plain and so intolerable that a trial was needless.

Relatio criminis est, cum reus id, quod arguitur, 78
retort of-the-charge is when the-defendant that which is-charged
confessus alterius se inductum peccato iure fecisse
having-confessed by-another's himself induced offense by-right to-have-done-it
demonstrat. Ea est huiusmodi: Horatius occisis tribus
shows it is of-this-sort Horatius with-killed three
Curiatiis et duobus amissis fratribus domum se victor
Curiatii and two lost brothers home himself victor
recepit. Is animadvertit sororem suam de fratrum morte
betook he noticed sister his about her-brothers' death
non laborantem, sponsi autem nomen appellantem
not troubled of-her-betrothed however the-name calling
identidem Curiatii cum gemitu et lamentatione.
again-and-again of-Curiatius with groaning and lamentation
Indigne passus virginem occidit. Accusatur. Intentio est: 79
unworthily having-taken(-it) the-maiden he-killed he-is-accused the-charge is
iniuria sororem occidisti. Depulsio est: iure occidi. Quaestio
by-wrong your-sister you-killed the-repelling is by-right I-killed(-her) the-question
est: iurene occiderit? Ratio est: illa enim hostium
is whether-by-right he-killed(-her) the-reason is she for of-the-enemy
mortem lugebat, fratrum neglegebat; me et populum
the-death mourned of-her-brothers neglected me and the-people
Romanum vicisse moleste ferebat. Infirmatio est: tamen
Roman to-have-conquered grievously bore the-weakening is still

a fratre indamnatam necari non oportuit. Ex quo
by her-brother uncondemned to-be-slain not it-behooved from which
iudicatio fit: cum Horatia fratrum mortem neglegeret,
the-point-for-judgment arises when Horatia of-her-brothers the-death neglected
hostium lugeret, fratris et populi Romani victoria non
of-the-enemy mourned of-her-brother and of-the-people Roman in-the-victory not
gauderet, oportueritne eam a fratre indamnatam necari?
rejoiced whether-it-behooved her by her-brother uncondemned to-be-slain
Hoc in genere causae primum, si quid ex ceteris dabitur
this in kind of-case first if anything from the-other shall-be-given
constitutionibus, sumi oportebit, sicuti in comparatione
issues to-be-taken it-will-behoove as in comparison
praeceptum est; postea, si qua facultas erit, per aliquam
taught it-has-been afterward if any means shall-be through some
constitutionem illum, in quem crimen transferetur, defendere;
issue him on whom the-charge shall-be-shifted to-defend
deinde, levius esse illud, quod in alterum peccatum reus
then lighter to-be that which upon another offense the-defendant
transferat, quam quod ipse susceperit; postea translationis
shifts than what he-himself has-undertaken afterward of-transfer
partibus uti et ostendere, a quo et per quos et quo
the-parts to-use and to-show by whom and through whom and in-what
modo et quo tempore aut agi aut iudicari aut
manner and at-what time either to-be-pleaded or to-be-judged or
statui de ea re convenerit; ac simul ostendere
to-be-decided about that matter it-would-have-befitted and at-the-same-time to-show
non oportuisse ante supplicium quam iudicium interponere.
not to-have-behooved before punishment than trial to-interpose
80 Tum leges quoque et iudicia demonstranda sunt, per
then the-laws also and the-courts to-be-shown are through
quae potuerit id peccatum, quod sponte sua reus
which could that offense which by-will his-own the-defendant

poenitus sit, moribus et iudicio vindicari. Deinde negare
punished has by-custom and by-trial be-avenged then to-deny
audire oportere id, quod in eum criminis conferatur, de
to-hear it-behooves that which against him of-the-charge is-brought about
quo is ipse, qui conferat,
which he himself who brings(-it)
iudicium fieri noluerit, et id, quod iudicatum non 81
a-trial to-be-made has-been-unwilling and that which judged not
sit, pro infecto habere oportere; postea inpudentiam
has-been as not-done to-hold to-behoove afterward the-impudence
demonstrare eorum, qui eum nunc apud iudices accusent, quem
to-show of-those who him now before the-judges accuse whom
sine iudicibus ipsi condemnarint, et de eo iudicium
without judges they-themselves have-condemned and about him a-trial
faciant, de quo iam ipsi supplicium sumpserint;
make about whom already they-themselves punishment have-exacted
postea perturbationem iudicii futuram et iudices longius,
afterward a-confusion of-the-court going-to-be and the-judges further
quam potestatem habeant, progressuros, si simul et de
than power they-have going-to-proceed if at-the-same-time both about
reo et de eo, quem reus arguat, iudicarint;
the-defendant and about him whom the-defendant charges they-shall-have-judged
deinde, si hoc constitutum sit, ut peccata homines peccatis
then if this established be that offenses men with-offenses
et iniurias iniuriis ulciscantur, quantum incommodorum
and injuries with-injuries avenge how-many disadvantages
consequatur; ac si idem facere ipse, qui nunc accusat,
follow and if the-same to-do he-himself who now accuses
voluisset, ne hoc quidem ipso quicquam opus fuisse iudicio;
had-wished not this even very any need to-have-been of-a-trial

82 si vero ceteri quoque idem faciant, omnino iudicium nullum
if indeed the-others also the-same do at-all trial none
futurum. Postea demonstrabitur, ne si iudicio quidem illa
going-to-be afterward it-will-be-shown not if by-trial even she
damnata esset, in quam id crimen ab reo conferatur,
condemned had-been against whom that charge by the-defendant is-brought
potuisse hunc ipsum de illa supplicium sumere; quare
to-have-been-able this-man himself on her punishment to-exact wherefore
esse indignum eum, qui ne de damnata quidem poenas
to-be unworthy him who not on-a condemned-one even penalty
sumere ipse potuisset, de ea supplicium sumpsisse, quae ne
to-exact himself could-have on her punishment to-have-exacted who not
adducta quidem sit in iudicium. Deinde postulabit, ut
brought even has-been into trial then he-will-demand that
legem, qua lege fecerit, proferat. Deinde quemadmodum
the-law by-what law he-acted he-bring-forward then as
in comparatione praecipiebamus, ut illud, quod compararetur,
in comparison we-taught that that which was-compared
extenuaretur ab accusatore quam maxime, sic in hoc genere
be-made-light by the-accuser as most so in this kind
oportebit illius culpam, in quem crimen transferatur,
it-will-behoove of-that-one the-guilt against whom the-charge is-shifted
cum huius maleficio, qui se iure fecisse dicat,
with of-this-man the-crime who himself by-right to-have-done-it says
comparare. Postea demonstrandum est non esse illud
to-compare afterward to-be-shown is not to-be that
eiusmodi, ut ob id hoc fieri convenerit. Extrema
of-such-a-sort that on-account-of it this to-be-done befitted the-last
est, ut in comparatione, assumptio iudicationis et de
is as in comparison the-assumption of-the-point-for-judgment and about
ea per amplificationem ex deliberationis praeceptis dictio.
it through amplification from of-deliberation the-precepts the-speaking

Defensor autem, quae per alias constitutiones inducentur, 83
the-defender however what-things through other issues shall-be-brought-in
ex iis locis, qui traditi sunt, infirmabit; ipsam autem
from those topics which handed-down have-been will-weaken the-very however
relationem comprobabit, primum augendo eius, in quem
retort he-will-approve first by-increasing of-him against whom
referet crimen, culpam et audaciam et quam maxime
he-shall-refer the-charge the-guilt and audacity and as most
per indignationem, si res feret, iuncta conquestione
through indignation if the-thing shall-allow joined with-lament
ante oculos ponendo; postea levius demonstrando se
before the-eyes by-placing afterward more-lightly by-showing himself
poenitum, quam sit illius promeritum, et suum supplicium
punished than was his deserving and his-own punishment
cum illius iniuria conferendo. Deinde oportebit eos
with of-that-one's injury by-comparing then it-will-behoove those
locos, qui ita erunt ab accusatore tractati, ut refelli et
topics which so shall-be by the-accuser handled that to-be-refuted and
contrariam in partem converti possint, quo in genere sunt
the-contrary into side to-be-turned they-can which in kind are
tres extremi, contrariis rationibus infirmare.
the-three last by-contrary reasons to-weaken
Illa autem acerrima accusatorum criminatio, per quam 84
that however sharpest of-the-accusers charge through which
perturbationem fore omnium iudiciorum demonstrant, si
the-confusion going-to-be of-all courts they-show if
de indamnato supplicii sumendi potestas data sit,
about an-uncondemned-man of-punishment being-exacted the-power given be
levabitur, primum si eiusmodi demonstrabitur iniuria, ut
will-be-lightened first if of-such-a-sort shall-be-shown the-injury that
non modo viro bono, verum omnino homini libero videatur
not only for-a-man good but altogether for-a-man free it-may-seem

non fuisse toleranda; deinde ita perspicua, ut ne ab ipso
not to-have-been to-be-borne then so evident that not by himself
quidem, qui fecisset, in dubium vocaretur; deinde eiusmodi,
even who had-done-it into doubt it-was-called then of-such-a-sort
ut in eam is maxime debuerit animum advertere, qui animum
that to it he most ought the-mind to-turn who the-mind
advertit; ut non tam rectum, non tam fuerit honestum
turned so-that not so right not so it-was honorable
in iudicium illam rem pervenire, quam eo modo atque
into court that thing to-come as in-that manner and
ab eo vindicari, quo modo et ab quo sit vindicata;
by him to-be-avenged in-which manner and by whom it-has-been avenged
85 postea sic rem fuisse apertam, ut iudicium de ea
afterward so the-thing to-have-been open that a-trial about that
re fieri nihil adtinuerit. Atque hic demonstrandum
thing to-be-made nothing mattered and here to-be-shown
est rationibus et similibus rebus permultas ita atroces et
is by-reasons and like things very-many so atrocious and
perspicuas res esse, ut de his non modo non necesse sit,
evident things to-be that about them not only not necessary it-be
sed ne utile quidem, quam mox iudicium fiat, exspectare.
but not useful even how soon a-trial be-made to-wait
Locus communis accusatoris in eum, qui, cum id, quod
the-place common of-the-accuser against him who when that which
arguitur, negare non possit, tamen aliquid sibi spei
is-charged to-deny not he-can still something for-himself of-hope
conparet ex iudiciorum perturbatione. Atque hic utilitatis
procures from of-courts the-confusion and here of-the-usefulness
iudiciorum demonstratio et de eo conquestio, qui supplicium
of-courts the-showing and about him the-lament who punishment
dederit indamnatus; in eius autem, qui sumpserit,
has-suffered uncondemned against of-him however who has-exacted(-it)

audaciam et crudelitatem indignatio. Ab defensore, in eius,
the-audacity and cruelty indignation by the-defender against of-him
quem ultus sit, audaciam cum sui conquestione; rem
whom avenged he-has the-audacity with of-himself lament the-thing
non ex nomine ipsius negotii, sed ex consilio eius, qui
not from the-name of-the-very action but from the-plan of-him who
fecerit, et causa et tempore considerari oportere; quid mali
it-did and the-cause and the-time to-be-considered to-behoove what of-evil
futurum sit aut ex iniuria aut scelere alicuius, nisi tanta et
going-to-be it-be either from the-injury or the-crime of-someone unless so-great and
tam perspicua audacia ab eo, ad cuius famam aut ad parentes
so evident audacity by him to whose repute or to parents
aut ad liberos pertineret aut ad aliquam rem, quam caram
or to children it-pertained or to some thing which dear
esse omnibus aut necesse est aut oportet esse, vindicata.
to-be to-all either necessary is or ought to-be avenged(-be)

X · SHIFTING THE BLAME

The defendant may lay the blame on another person or thing, as Rhodian envoys who did not set out because the quaestor withheld their expenses. The accuser defends the one blamed, or argues that each must answer for his own duty. Or the defendant may deny the act was his to answer for, as the youth who held the pig at the Samnite treaty, and must show it lay outside his office.

Remotio criminis est, cum eius intentio facti, quod ab 86
shifting of-the-charge is when of-that the-charge of-the-deed which by
adversario infertur, in alium aut in aliud demovetur.
the-adversary is-brought onto another or onto something-else is-removed

87 Id fit bipertito; nam tum causa, tum res ipsa
this is-done in-two-ways for sometimes the-cause sometimes the-thing itself
removetur. Causae remotioni hoc nobis exemplo sit: Rhodii
is-removed of-the-cause for-the-shifting this for-us as-example let-be the-Rhodians
quosdam legarunt Athenas. Legatis quaestores sumptum,
certain-men sent-as-envoys to-Athens to-the-envoys the-quaestors the-expense
quem oportebat dari, non dederunt. Legati profecti non
which it-behooved to-be-given not gave the-envoys set-out not
sunt. Accusantur. Intentio est: proficisci oportuit. Depulsio est:
did they-are-accused the-charge is to-set-out it-behooved the-repelling is
non oportuit. Quaestio est: oportueritne? Ratio est: sumptus
not it-behooved the-question is whether-it-behooved the-reason is the-expense
enim, qui de publico dari solet, is ab quaestore non
for which from public-funds to-be-given is-wont that by the-quaestor not
est datus. Infirmatio est: vos tamen id, quod publice vobis
was given the-weakening is you still that which publicly to-you
erat negotii datum, conficere oportebat. Iudicatio est:
was of-business given to-accomplish it-behooved the-point-for-judgment is
cum iis, qui legati erant, sumptus, qui debebatur de
when to-those who envoys were the-expense which was-owed from
publico, non daretur, oportueritne eos conficere nihilo minus
public-funds not was-given whether-it-behooved them to-accomplish nothing less
legationem? Hoc in genere primum sicut in ceteris, si quid
the-embassy this in kind first as in the-others if anything
aut ex coniecturali aut ex alia constitutione sumi possit,
either from the-conjectural or from another issue to-be-taken can
videri oportebit. Deinde pleraque et ex comparatione et ex
to-be-seen it-will-behoove then most-things both from comparison and from
relatione criminis in hanc quoque causam convenire poterunt.
retort of-the-charge into this also case to-fit will-be-able

Accusator autem illum, cuius culpa id factum reus 88
the-accuser however him by-whose fault that done the-defendant
dicet, primum defendet, si poterit; sin minus poterit,
shall-say first will-defend if he-shall-be-able but-if less he-shall-be-able
negabit ad hoc iudicium illius, sed huius, quem ipse
he-will-deny to this trial his but of-this-man whom he-himself
accuset, culpam pertinere. Postea dicet suo quemque
accuses the-fault to-pertain afterward he-will-say for-his-own each
officio consulere oportere; nec, si ille peccasset, hunc
duty to-provide to-behoove nor if he had-erred this-man
oportuisse peccare; deinde, si ille deliquerit, separatim
to-have-been-obliged to-err then if he has-done-wrong separately
illum sicut hunc accusari oportere et non cum huius
him as this-man to-be-accused to-behoove and not with this-man's
defensione coniungi illius accusationem.
defense to-be-joined his accusation
Defensor autem cum cetera, si qua ex aliis incident
the-defender however when the-other-things if any from other shall-fall
constitutionibus, pertractarit, de ipsa remotione sic
issues he-shall-have-handled about the-very removal thus
argumentabitur:
will-argue
primum, cuius acciderit culpa, demonstrabit; deinde, cum 89
first by-whose it-happened fault he-will-show then when
id aliena culpa accidisset, ostendet se aut non
that by-another's fault had-happened he-will-show himself either not
potuisse aut non debuisse id facere, quod accusator
to-have-been-able or not to-have-been-obliged that to-do which the-accuser
dicat oportuisse; quid potuerit, ex utilitatis partibus, in
says to-have-behooved what he-could-have from of-utility the-parts in
quibus est necessitudinis vis implicata, quid debuerit,
which is of-necessity the-force entangled what he-ought

ex honestate considerabitur. De utroque distinctius in
from honor will-be-considered about each more-distinctly in
deliberativo genere dicetur. Deinde omnia facta esse
the-deliberative kind it-will-be-said then all-things to-have-been done
ab reo, quae in ipsius fuerint potestate;
by the-defendant which in his-own were power
90 quod minus, quam convenerit, factum sit, culpa
that-which less than befitted done was through-the-fault
id alterius accidisse. Deinde alterius culpa exponenda
that of-another to-have-happened then of-the-other by-the-fault being-set-forth
demonstrandum est, quantum voluntatis et studii fuerit
to-be-shown is how-much of-will and zeal there-was
in ipso, et id signis confirmandum huiusmodi: ex cetera
in himself and that by-signs to-be-confirmed of-this-sort from the-rest-of
diligentia, ex ante factis aut dictis; atque hoc ipsi utile
diligence from before deeds or words and this for-himself useful
fuisse facere, inutile autem non facere, et cum cetera
to-have-been to-do useless however not to-do and with the-rest-of
vita fuisse hoc magis consentaneum, quam quod propter
life to-have-been this more consistent than that on-account-of
alterius culpam non fecerit. Si autem non in hominem
another's fault not he-did if however not onto a-man
certum, sed in rem aliquam causa demovebitur, ut in hac
definite but onto thing some the-cause shall-be-removed as in this
eadem re, si quaestor mortuus esset et idcirco legatis
same matter if the-quaestor dead had-been and therefore to-the-envoys
pecunia data non esset, accusatione alterius et culpae
money given not had-been with-the-accusation of-another and the-fault's
depulsione dempta ceteris similiter uti locis oportebit et
repelling removed the-other similarly to-use topics it-will-behoove and

ex concessionis partibus, quae convenient, assumere; de
from of-admission the-parts what-things shall-fit to-assume about
quibus nobis dicendum erit.
which by-us to-be-spoken it-will-be
Loci autem communes idem utrisque fere, qui in 91
places however common the-same for-both nearly which in
superioribus assumptivis, incident; hi tamen certissime:
the-earlier assumptive-issues shall-fall these still most-surely
accusatoris, facti indignatio; defensoris, cum in alio culpa
of-the-accuser of-the-deed the-indignation of-the-defender since in another the-fault
sit, in ipso non sit, supplicio se affici non oportere.
is in himself not is with-punishment himself to-be-visited not to-behoove
Ipsius autem rei fit remotio, cum id, quod datur
itself however of-the-thing is-made the-shifting when that which is-given
crimini, negat neque ad se neque ad officium suum
as-a-charge denies neither to himself nor to duty his
reus pertinuisse; nec, si quid in eo sit delictum, sibi
the-defendant to-have-pertained nor if anything in it be done-wrong to-himself
adtribui oportere. Id causae genus est huiusmodi: in eo
to-be-assigned to-behoove this of-case kind is of-this-sort in that
foedere, quod factum est quondam cum Samnitibus, quidam
treaty which made was once with the-Samnites a-certain
adulescens nobilis porcum sustinuit iussu imperatoris.
young-man noble the-pig held by-the-order of-the-commander
Foedere autem ab senatu inprobato et imperatore
with-the-treaty however by the-senate disapproved and the-commander
Samnitibus dedito quidam in senatu eum quoque dicit,
to-the-Samnites surrendered a-certain-man in the-senate him also says
qui porcum tenuerit, dedi oportere.
who the-pig held to-be-surrendered to-behoove

92 Intentio est: dedi oportet. Depulsio est: non oportet.
the-charge is to-be-surrendered it-behooves the-repelling is not it-behooves
Quaestio est: oporteatne? Ratio est: non enim meum fuit
the-question is whether-it-behooves the-reason is not for my was
officium nec mea potestas, cum et id aetatis et privatus
the-duty nor my the-power since both that of-age and a-private-man
essem et esset summa cum auctoritate et potestate imperator,
I-was and there-was the-highest with authority and power the-commander
qui videret, ut satis honestum foedus feriretur. Infirmatio est:
who should-see that enough honorable a-treaty be-struck the-weakening is
at enim quoniam particeps tu factus es in turpissimo foedere
but indeed since a-partner you made were in a-most-shameful treaty
summae religionis, dedi te convenit. Iudicatio
of-the-highest religious-sanction to-be-surrendered you it-befits the-point-for-judgment
est: cum is, qui potestatis nihil habuerit, iussu imperatoris
is when he who of-power nothing had by-the-order of-the-commander
in foedere et in tanta religione interfuerit, dedendusne
at the-treaty and at so-great a-sanction was-present whether-to-be-surrendered
sit hostibus necne? Hoc genus causae cum superiore hoc
he-be to-the-enemy or-not this kind of-case from the-former in-this
differt, quod in illo concedit se reus oportuisse
differs that in that concedes himself the-defendant to-have-been-obliged
facere id, quod fieri dicat accusator oportuisse, sed alicui
to-do that which to-be-done says the-accuser to-have-behooved but to-some
rei aut homini causam attribuit, quae voluntati suae fuerit
thing or man the-cause he-assigns which to-will his was
inpedimento, sine concessionis partibus; nam earum maior
for-a-hindrance without of-admission the-parts for of-them greater
quaedam vis est, quod paulo post intellegetur.
a-certain force is which a-little later will-be-understood

In hoc autem non accusare alterum nec culpam in alium 93
in this however not to-accuse another nor the-fault onto another
transferre debet, sed demonstrare eam rem nihil ad se
to-transfer he-ought but to-show that thing nothing to himself
nec ad potestatem neque ad officium suum pertinuisse
nor to power nor to duty his to-have-pertained
aut pertinere. Atque in hoc genere hoc accidit novi, quod
or to-pertain and in this kind this happens new that
accusator quoque saepe ex remotione criminationem conficit,
the-accuser also often from removal an-accusation makes
ut si quis eum accuset, qui, cum praetor esset, in
as if anyone him should-accuse who when praetor he-was to
expeditionem ad arma populum vocarit, cum consules essent.
an-expedition to arms the-people called when consuls there-were
Nam ut in superiore exemplo reus ab suo officio et
for as in the-former example the-defendant from his-own duty and
a potestate factum demovebat, sic in hoc ab eius officio
from power the-deed removed so in this from of-him duty
ac potestate, qui accusatur, ipse accusator factum removendo
and power who is-accused himself the-accuser the-deed by-removing
hac ipsa ratione confirmat accusationem. In hac ab utroque
by-this very reasoning confirms the-accusation in this by each
ex omnibus honestatis et ex omnibus utilitatis partibus,
from all of-honor and from all of-utility the-parts
exemplis, signis, ratiocinando, quid cuiusque officii, iuris,
by-examples by-signs by-reasoning what of-each of-duty of-right
potestatis sit, quaeri oportebit et fueritne ei, quo de
of-power be to-be-asked it-will-behoove and whether-was to-him whom about
agetur, id iuris, officii, potestatis attributum necne.
it-shall-be-pleaded that of-right of-duty of-power assigned or-not

Locos autem communes ex ipsa re, si quid indignationis
places however common from itself the-thing if anything of-indignation
aut conquestionis habebit, sumi oportebit.
or of-lament it-shall-have to-be-taken it-will-behoove

XI · EXCUSE: IGNORANCE, ACCIDENT, AND NECESSITY

In confession and avoidance the defendant asks pardon rather than defending the act. His excuse is ignorance, as of a law against sacrificing a calf to Diana; accident, as when a flood kept a contractor from his victims; or necessity, as when a storm drove a beaked ship into Rhodes, whose law confiscates such ships. The accuser calls the deed avoidable; the defender pleads his intention.

94 Concessio est, per quam non factum ipsum probatur ab
admission is through which not the-deed itself is-approved by
reo, sed ut ignoscatur, id petitur. Cuius partes sunt
the-defendant but that it-be-pardoned that is-sought of-which the-parts are
duae: purgatio et deprecatio. Purgatio est, per quam eius,
two exculpation and plea-for-pardon exculpation is through which of-him
qui accusatur, non factum ipsum, sed voluntas defenditur.
who is-accused not the-deed itself but the-intention is-defended
Ea habet partes tres: inprudentiam, casum, necessitudinem.
it has parts three ignorance accident necessity
95 Inprudentia est, cum scisse aliquid is, qui arguitur,
ignorance is when to-have-known something he who is-accused
negatur; ut apud quosdam lex erat: ne quis Dianae
is-denied as among certain-people the-law was that-not anyone to-Diana
vitulum immolaret. Nautae quidam, cum adversa tempestate in
a-calf should-sacrifice sailors certain when by-adverse storm on
alto iactarentur, voverunt, si eo portu, quem conspiciebant,
the-deep they-were-tossed vowed if that harbor which they-saw

potiti essent, ei deo, qui ibi esset, se vitulum
reached they-should-have to-that god who there was themselves a-calf
immolaturos. Casu erat in eo portu fanum Dianae eius,
going-to-sacrifice by-chance there-was in that harbor a-shrine of-Diana of-her
cui vitulum immolare non licebat. Inprudentes legis,
to-whom a-calf to-sacrifice not it-was-allowed ignorant of-the-law
cum exissent, vitulum immolaverunt. Accusantur. Intentio
when they-had-landed a-calf they-sacrificed they-are-accused the-charge
est: vitulum immolastis ei deo, cui non licebat.
is a-calf you-sacrificed to-that god to-whom not it-was-allowed
Depulsio est in concessione posita. Ratio est: nescivi
the-repelling is in admission placed the-reason is I-did-not-know
non licere. Infirmatio est: tamen, quoniam fecisti, quod
not to-be-allowed the-weakening is still since you-did what
non licebat ex lege, supplicio dignus es. Iudicatio
not was-allowed by the-law of-punishment worthy you-are the-point-for-judgment
est: cum id fecerit, quod non oportuerit, et id non
is when that he-has-done which not it-behooved and that not
oportere nescierit, sitne supplicio dignus?
to-behoove he-did-not-know whether-be-he of-punishment worthy
Casus autem inferetur in concessionem, cum demonstratur 96
accident however will-be-brought into admission when it-is-shown
aliqua fortunae vis voluntati obstitisse, ut in hac:
some of-fortune force to-the-intention to-have-stood-in-the-way as in this
cum Lacedaemoniis lex esset, ut, hostias nisi ad sacrificium
when among-the-Spartans a-law was that victims unless for sacrifice
quoddam redemptor praebuisset, capital esset, hostias is,
a-certain the-contractor had-supplied capital it-should-be the-victims he
qui redemerat, cum sacrificii dies instaret, in urbem
who had-contracted when of-the-sacrifice the-day pressed into the-city
ex agro coepit agere. Tum subito magnis commotis
from the-country began to-drive then suddenly with-great stirred

tempestatibus fluvius Eurotas, is qui praeter Lacedaemonem
storms the-river Eurotas that which past Lacedaemon
fluit, ita magnus et vehemens factus est, ut ea traduci
flows so great and violent become has that by-it to-be-led-across
victimae nullo modo possent.
the-victims in-no way could

97 Redemptor suae voluntatis ostendendae causa hostias
the-contractor of-his-own intention of-being-shown for-the-sake the-victims
constituit omnes in litore, ut, qui trans flumen essent,
placed all on the-bank so-that those-who across the-river were
videre possent. Cum omnes studio eius subitam fluminis
to-see could when all to-the-zeal his the-sudden of-the-river
magnitudinem scirent fuisse inpedimento, tamen quidam
size knew to-have-been for-a-hindrance still certain-men
capitis arcesserunt. Intentio est: hostiae, quas debuisti
on-a-capital-charge summoned(-him) the-charge is the-victims which you-owed
ad sacrificium, praesto non fuerunt. Depulsio concessio.
for the-sacrifice at-hand not were the-repelling admission
Ratio: flumen enim subito accrevit et ea re traduci
the-reason the-river for suddenly rose and for-that reason to-be-led-across
non potuerunt. Infirmatio: tamen, quoniam, quod lex iubet,
not they-could the-weakening still since what the-law orders
factum non est, supplicio dignus es. Iudicatio
done not has-been of-punishment worthy you-are the-point-for-judgment
est: cum in ea re contra legem redemptor fecerit, qua in
is when in that thing against the-law the-contractor has-acted which in
re studio eius subita fluminis obstiterit magnitudo,
thing to-the-zeal his the-sudden of-the-river has-stood-in-the-way size
supplicio dignusne sit?
of-punishment whether-worthy he-be

Necessitudo autem infertur, cum vi quadam reus id, 98
necessity however is-brought-in when by-force a-certain the-defendant that
quod fecerit, fecisse defenditur, hoc modo: lex est apud
which he-did to-have-done is-defended in-this manner a-law there-is among
Rhodios, ut, si qua rostrata in portu navis deprehensa
the-Rhodians that if any beaked in the-harbor ship caught
sit, publicetur. Cum magna in alto tempestas esset, vis
be it-be-confiscated when great on the-deep a-storm was the-force
ventorum invitis nautis in Rhodiorum portum navem
of-the-winds with-unwilling the-sailors into of-the-Rhodians the-harbor the-ship
coëgit. Quaestor navem populi vocat, navis dominus negat
drove the-quaestor the-ship of-the-people calls the-ship's owner denies
oportere publicari. Intentio est: rostrata navis in portu
it-behooves to-be-confiscated the-charge is a-beaked ship in the-harbor
deprehensa est. Depulsio concessio. Ratio: vi et
caught has-been the-repelling admission the-reason by-force and
necessario sumus in portum coacti. Infirmatio est: navem ex
necessarily we-were into the-harbor driven the-weakening is the-ship by
lege tamen populi esse oportet. Iudicatio est: cum
the-law still of-the-people to-be it-behooves the-point-for-judgment is when
rostratam navem in portu deprehensam lex publicarit
a-beaked ship in the-harbor caught the-law has-confiscated
cumque haec navis invitis nautis vi tempestatis
and-when this ship with-unwilling the-sailors by-the-force of-the-storm
in portum coniecta sit, oporteatne eam publicari?
into the-harbor thrown has-been whether-it-behooves it to-be-confiscated
Horum trium generum idcirco in unum locum contulimus 99
of-these three kinds for-this-reason into one place we-have-brought
exempla, quod similis in ea praeceptio argumentorum
the-examples because a-like in them teaching of-arguments
traditur. Nam in his omnibus primum, si quid res
is-handed-down for in these all first if any the-thing

ipsa dabit facultatis, coniecturam induci ab accusatore
itself shall-give opportunity conjecture to-be-brought-in by the-accuser
oportebit, ut id, quod voluntate factum negabitur, consulto
it-will-behoove so-that that which by-intention done shall-be-denied deliberately
factum suspicione aliqua demonstretur; deinde inducere
done by-suspicion some be-shown then to-bring-in
definitionem necessitudinis aut casus aut inprudentiae
a-definition of-necessity or of-accident or of-ignorance
et exempla ad eam definitionem adiungere, in quibus
and examples to that definition to-join in which
inprudentia fuisse videatur aut casus aut necessitudo,
ignorance to-have-been may-seem or accident or necessity
et ab his id, quod reus inferat, separare, id est
and from these that which the-defendant brings-in to-separate that is
ostendere dissimile, quod non ignorabile, non fortuitum, non
to-show unlike because not unknowable not fortuitous not
necessarium fuerit; postea demonstrare potuisse vitari:
necessary it-was afterward to-show to-have-been-able to-be-avoided
hac ratione provideri potuisse, si hoc aut illud fecisset,
by-this method to-be-foreseen to-have-been-able if this or that he-had-done
aut, nisi fecisset, praecaveri; et definitionibus ostendere
or unless he-had-done to-be-guarded-against and by-definitions to-show
non hanc inprudentiam aut casum aut necessitudinem, sed
not this ignorance or accident or necessity but
inertiam, neglegentiam, fatuitatem nominari oportere.
sloth negligence folly to-be-named to-behoove
100 Ac si qua necessitudo turpitudinem videbitur habere, oportebit
and if any necessity disgrace shall-seem to-have it-will-behoove
per locorum communium inplicationem redarguentem
through of-places common the-entwining refuting
demonstrare quidvis perpeti, mori denique satius fuisse
to-show anything to-endure to-die finally better to-have-been

quam eiusmodi necessitudini optemperare. Atque tum ex iis
than of-such-a-sort to-necessity to-submit and then from those
locis, de quibus in negotiali parte dictum est, iuris et
topics about which in the-legal part said has-been of-law and
aequitatis naturam oportebit quaerere et quasi in absoluta
of-equity the-nature it-will-behoove to-seek and as-if in the-absolute
iuridiciali per se hoc ipsum ab rebus omnibus separatim
juridical by itself this very-thing from things all separately
considerare. Atque hoc in loco, si facultas erit, exemplis
to-consider and this in place if opportunity there-shall-be examples
uti oportebit, quibus in simili excusatione non sit
to-use it-will-behoove to-whom in a-like excuse not it-has-been
ignotum, et contentione, magis illis ignoscendum fuisse,
pardoned and by-contrast more to-them to-be-pardoned to-have-been
et deliberationis partibus, turpe aut inutile esse concedi
and of-deliberation by-the-parts shameful or useless to-be to-be-conceded
eam rem, quae ab adversario commissa sit: permagnum
that thing which by the-adversary committed has-been very-great
esse et magno futurum detrimento, si ea res ab iis, qui
to-be and of-great going-to-be harm if that thing by those who
potestatem habent vindicandi, neglecta sit.
the-power have of-avenging neglected be
Defensor autem conversis omnibus his partibus poterit uti; 101
the-defender however with-turned all these parts will-be-able to-use
maxime autem in voluntate defendenda commorabitur et in ea
most however on the-intention being-defended he-will-dwell and on that
re adaugenda, quae voluntati fuerit inpedimento; et se
thing being-increased which to-the-intention has-been for-a-hindrance and himself
plus, quam fecerit, facere non potuisse; et in omnibus
more than he-has-done to-do not to-have-been-able and in all
rebus voluntatem spectari oportere; et se convinci non
things the-intention to-be-regarded to-behoove and himself to-be-convicted not

posse, quod absit a culpa; suo nomine communem
to-be-able because he-is-free from guilt in-his-own name the-common
hominum infirmitatem posse damnari. Deinde nihil esse
of-men weakness to-be-able to-be-condemned then nothing to-be
indignius quam eum, qui culpa careat, supplicio non carere.
more-unworthy than him who of-guilt is-free of-punishment not to-be-free
Loci autem communes: accusatoris in confessionem, et
places however common of-the-accuser against the-confession and
quanta potestas peccandi relinquatur, si semel institutum sit,
how-great a-license for-erring be-left if once established it-be
ut non de facto, sed de facti causa quaeratur;
that not about the-deed but about of-the-deed the-cause it-be-asked
102 defensoris conquestio est calamitatis eius, quae non culpa,
of-the-defender the-lament is of-the-calamity that which not by-fault
sed vi maiore quadam acciderit, et de fortunae potestate
but by-force greater a-certain has-happened and about of-fortune the-power
et hominum infirmitate et, uti suum animum, non eventum
and of-men the-weakness and that his intention not the-outcome
considerent. In quibus omnibus conquestionem suarum
they-consider in which all lament of-their-own
aerumnarum et crudelitatis adversariorum indignationem
hardships and of-the-cruelty of-the-adversaries indignation
inesse oportebit.
to-be-present it-will-behoove
Ac neminem mirari conveniet, si aut in his aut in aliis
and no-one to-wonder will-befit if either in these or in other
exemplis scripti quoque controversiam adiunctam videbit.
examples of-the-writing also a-controversy joined he-shall-see
Quo de genere post erit nobis separatim dicendum,
which about kind later it-will-be for-us separately to-be-spoken
propterea quod quaedam genera causarum simpliciter ex
on-this-account that certain kinds of-cases simply from

sua vi considerantur, quaedam autem sibi aliud
their-own force are-considered certain however to-themselves another
quoque aliquod controversiae genus assumunt.
also some of-controversy kind take-on
Quare omnibus cognitis non erit difficile in unam quamque 103
wherefore with-all learned not it-will-be difficult into one each
causam transferre, quod ex eo quoque genere conveniet;
case to-transfer what from that also kind shall-fit
ut in his exemplis concessionis inest omnibus scripti
as in these examples of-admission there-is-in all of-the-writing
controversia, ea quae ex scripto et sententia nominatur; sed,
a-controversy that which from letter and intent is-named but
quia de concessione loquebamur, in eam praecepta dedimus,
because about admission we-were-speaking for it precepts we-gave
alio autem loco de scripto et de sententia dicemus.
in-another however place about letter and about intent we-shall-speak
Nunc in alteram concessionis partem considerationem iam
now to the-other of-admission part consideration now
intendemus.
we-shall-direct

In a plea for mercy the defendant asks pardon without defense, which a court rarely grants but the senate or a council may. He recalls his services and his family's and promises to be better; the opponent magnifies his misdeeds. Questions of reward are then treated: the service, the man, the reward asked, and the means of the state.

104 Deprecatio est, in qua non defensio facti, sed ignoscendi
plea-for-pardon is in which not a-defense of-the-deed but of-pardoning
postulatio continetur. Hoc genus vix in iudicio probari
a-request is-contained this kind scarcely in court to-be-approved
potest, ideo quod concesso peccato difficile est ab eo,
can for-this-reason that with-conceded the-offense difficult it-is from him
qui peccatorum vindex esse debet, ut ignoscat, impetrare.
who of-offenses the-avenger to-be ought that he-pardon to-obtain
Quare parte eius generis, cum causam non in eo
wherefore with-part of-that kind when the-case not in it
constitueris, uti licebit; ut si pro aliquo claro aut
you-have-established to-use it-will-be-allowed as if for some illustrious or
forti viro, cuius in rem publicam multa sunt beneficia,
brave man whose toward the-thing public many are the-services
diceres, posses, cum videaris non uti deprecatione,
you-were-speaking you-could while you-may-seem not to-use the-plea-for-pardon
uti tamen, ad hunc modum: quodsi, iudices, hic
to-use(-it) still after this manner but-if judges this-man
pro suis beneficiis, pro suo studio, quod in vos semper
for his services for his zeal which toward you always
habuit, tali suo tempore multorum suorum recte factorum
he-has-had at-such-a his time of-many his right deeds
causa uni delicto ut ignosceretis postularet, tamen
for-the-sake for-one offense that you-should-pardon should-ask still

dignum vestra mansuetudine, dignum virtute huius
worthy of-your clemency worthy of-the-virtue of-this-man
esset, iudices, a vobis hanc rem hoc postulante
it-would-be judges from you this thing with-this-man asking
impetrari. Deinde augere beneficia licebit et iudices
to-be-obtained then to-increase the-services it-will-be-allowed and the-judges
per locum communem ad ignoscendi voluntatem ducere.
through a-place common to of-pardoning the-will to-lead
Quare hoc genus quamquam in iudiciis non versatur 105
wherefore this kind although in trials not it-is-engaged
nisi quadam ex parte, tamen, quia et pars haec ipsa
except a-certain from part still because both part this itself
inducenda nonnumquam est et in senatu aut in consilio
to-be-brought-in sometimes is and in the-senate or in council
saepe omni in genere tractanda, in id quoque praecepta
often every in kind to-be-handled for it also precepts
ponemus. Nam in senatu de Syphace diu deliberatum
we-shall-set-down for in the-senate about Syphax long deliberated
est, et de Q. Numitorio Pullo apud L. Opimium
it-was and about Quintus Numitorius Pullus before Lucius Opimius
et eius consilium diu dictum est, et magis in hoc quidem
and his council long spoken it-was and more in this indeed
ignoscendi quam cognoscendi postulatio valuit. Nam semper
of-pardoning than of-inquiring the-request prevailed for always
animo bono se in populum Romanum fuisse non
with-mind good himself toward the-people Roman to-have-been not
tam facile probabat, cum coniecturali constitutione uteretur,
so easily he-proved when the-conjectural issue he-used
quam ut propter posterius beneficium sibi ignosceretur,
as that on-account-of a-later service to-him it-should-be-pardoned
cum deprecationis partes adiungeret.
when of-the-plea-for-pardon the-parts he-joined

106 Oportebit igitur eum, qui sibi ut ignoscatur, postulabit,
it-will-behoove therefore him who for-himself that it-be-pardoned shall-ask
commemorare, si qua sua poterit beneficia et, si poterit,
to-recount if any his he-shall-be-able services and if he-shall-be-able
ostendere ea maiora esse quam haec, quae deliquerit,
to-show them greater to-be than these which he-has-offended
ut plus ab eo boni quam mali profectum esse
so-that more from him of-good than of-evil proceeded to-have-been
videatur; deinde maiorum suorum beneficia, si qua exstabunt,
may-seem then of-ancestors his the-services if any shall-stand-out
proferre; deinde ostendere non odio neque crudelitate
to-bring-forward then to-show not from-hatred nor from-cruelty
fecisse, quod fecerit, sed aut stultitia aut inpulsu
to-have-done what he-did but either from-folly or from-the-impulse
alicuius aut aliqua honesta aut probabili causa; postea
of-someone or from-some honorable or probable cause afterward
polliceri et confirmare se et hoc peccato doctum et
to-promise and to-affirm himself both by-this offense taught and
beneficio eorum, qui sibi ignoverint, confirmatum omni
by-the-kindness of-those who him shall-have-pardoned strengthened for-all
tempore a tali ratione afuturum; deinde spem ostendere
time from such conduct going-to-keep-away then hope to-show
aliquo se in loco magno iis, qui sibi concesserint, usui
in-some himself in place of-great to-those who him shall-have-pardoned of-use
futurum; postea, si facultas erit, se aut consanguineum
going-to-be afterward if opportunity there-shall-be himself either a-blood-relative
* aut iam a maioribus inprimis amicum esse et
(lacuna) or already from the-ancestors especially a-friend to-be and
amplitudinem suae voluntatis, nobilitatem generis, eorum, qui
the-greatness of-his goodwill the-nobility of-family of-those who
se salvum velint, dignitatem ostendere, et cetera ea,
him safe wish the-dignity to-show and the-other those-things

quae personis ad honestatem et amplitudinem sunt adtributa,
which to-persons for honor and greatness are assigned
cum conquestione, sine arrogantia, in se esse, ut honore
with lament without arrogance in himself to-be so-that of-honor
potius aliquo quam ullo supplicio dignus esse videatur; deinde
rather some than of-any punishment worthy to-be he-may-seem then
ceteros proferre, quibus maiora delicta concessa sint.
others to-bring-forward to-whom greater offenses pardoned have-been
Ac multum proficiet, si se misericordem in potestate, 107
and much it-will-profit if himself merciful in power
propensum ad ignoscendum fuisse ostendet. Atque ipsum
inclined to pardoning to-have-been he-shall-show and itself
illud peccatum erit extenuandum, ut quam minimum
that offense will-be to-be-made-light so-that as least
obfuisse videatur, et aut turpe aut inutile demonstrandum
to-have-harmed it-may-seem and either shameful or useless to-be-shown
tali de homine supplicium sumere.
such-a about man punishment to-exact
Deinde locis communibus misericordiam captare oportebit 108
then by-places common pity to-seize it-will-behoove
ex iis praeceptis, quae in primo libro sunt exposita.
from those precepts which in the-first book are set-forth
Adversarius autem malefacta augebit: nihil imprudenter,
the-adversary however the-misdeeds will-increase nothing unwittingly
sed omnia ex crudelitate et malitia facta dicet; ipsum
but all-things from cruelty and malice done he-will-say himself
inmisericordem, superbum fuisse; et, si poterit, ostendet
merciless proud to-have-been and if he-shall-be-able he-will-show
semper inimicum fuisse et amicum fieri nullo modo
always an-enemy to-have-been and a-friend to-become in-no way
posse. Si beneficia proferet, aut aliqua de causa facta,
to-be-able if services he-shall-bring-forward either some for cause done

non propter benivolentiam demonstrabit, aut postea odium
not on-account-of goodwill he-will-show or afterward hatred
esse acre susceptum, aut illa omnia maleficiis esse
to-have-been bitter taken-up or those all by-misdeeds to-have-been
deleta, aut leviora beneficia quam maleficia, aut, cum beneficiis
wiped-out or lighter the-services than the-misdeeds or when for-services
honos habitus sit, pro maleficio poenam sumi oportere.
honor paid has-been for the-misdeed penalty to-be-exacted to-behoove
109 Deinde turpe esse aut inutile ignosci. Deinde, de quo ut
then shameful to-be or useless to-be-pardoned then about whom that
potestas esset saepe optarint, in eum * ob
power there-might-be often they-have-wished on him (lacuna) on-account-of
potestatem non uti summam esse stultitiam; cogitare
the-power not to-use the-highest to-be folly to-reflect
oportere, quem animum in eum et quod odium habuerint.
to-behoove what mind toward him and what hatred they-have-had
Locus autem communis erit indignatio maleficii et
the-place however common will-be indignation at-the-misdeed and
alter eorum misereri oportere, qui propter fortunam, non
another those to-be-pitied to-behoove who on-account-of fortune not
propter malitiam in miseriis sint.
on-account-of malice in miseries be
Quoniam ergo in generali constitutione tamdiu propter
since therefore in the-general issue so-long on-account-of
eius partium multitudinem commoramur, ne forte varietate
its parts' multitude we-dwell lest perhaps by-the-variety
et dissimilitudine rerum diductus alicuius animus in
and unlikeness of-things drawn-apart someone's mind into
quendam errorem deferatur, quid etiam nobis ex eo genere
a-certain error be-carried-off what also for-us from that kind
restet et quare restet, admonendum videtur.
remain and why it-remain to-be-pointed-out it-seems

Iuridicialem causam esse dicebamus, in qua aequi et
a-juridical case to-be we-were-saying in which of-the-fair and
iniqui natura et praemii aut poenae ratio quaereretur.
of-the-unfair the-nature and of-reward or of-penalty the-reckoning was-sought
Eas causas, in quibus de aequo et iniquo quaeritur, 110
those cases in which about fair and unfair it-is-asked
exposuimus. Restat nunc, ut de praemio et de poena
we-have-set-forth it-remains now that about reward and about penalty
explicemus. Sunt enim multae causae, quae ex praemii
we-unfold there-are for many cases which of of-reward
alicuius petitione constant. Nam et apud iudices de praemio
of-some a-claim consist for both before judges about the-reward
saepe accusatorum quaeritur et a senatu aut a consilio
often of-accusers it-is-asked and from the-senate or from a-council
aliquod praemium saepe petitur. Ac neminem conveniet
some reward often is-sought and no-one will-befit
arbitrari nos, cum aliquod exemplum ponamus, quod in
to-think us when some example we-set-down which in
senatu agatur, ab iudiciali genere exemplorum recedere.
the-senate is-treated from the-judicial kind of-examples to-withdraw
Quicquid enim de homine probando aut inprobando
whatever for about a-man being-approved or being-disapproved
dicitur, cum ad eam dictionem sententiarum quoque ratio
is-said since to that speaking of-opinions also the-method
accommodetur, id non, si per sententiae dictionem agitur,
is-adapted that not if through of-opinion the-speaking it-is-treated
deliberativum est; sed, quia de homine statuitur, iudiciale est
deliberative is but because about a-man it-is-decided judicial is
habendum. Omnino autem qui diligenter omnium causarum
to-be-held altogether however he-who diligently of-all cases
vim et naturam cognoverit, genere et prima conformatione
the-force and nature has-learned in-kind and first conformation

eas intelleget dissidere, ceteris autem partibus aptas inter
them will-understand to-differ in-the-other however parts fitted among
se omnes et aliam in alia implicatam videbit.
themselves all and one in another entangled he-will-see

111 Nunc de praemiis consideremus. L. Licinius Crassus
now about rewards let-us-consider Lucius Licinius Crassus
consul quosdam in citeriore Gallia nullo inlustri neque certo
as-consul certain-men in Hither Gaul with-no illustrious nor definite
duce neque eo nomine neque numero praeditos, uti
leader nor with-that name nor number endowed that
digni essent, qui hostes populi Romani esse dicerentur,
worthy they-should-be who enemies of-the-people Roman to-be be-called
qui tamen excursionibus et latrociniis infestam provinciam
who still by-raids and brigandage hostile the-province
redderent, consectatus est et confecit. Romam redit:
rendered pursued has and finished-off to-Rome he-returns
triumphum ab senatu postulat. Hic et in deprecatione nihil
a-triumph from the-senate he-demands here as in the-plea-for-pardon nothing
ad nos attinet rationibus et infirmationibus rationum
to us does-it-matter by-reasons and weakenings of-reasons
subponendis ad iudicationem pervenire, propterea quod,
being-supplied to the-point-for-judgment to-come on-this-account that
nisi alia quoque incidet constitutio aut pars constitutionis,
unless another also shall-fall-in issue or part of-an-issue
simplex erit iudicatio et in quaestione ipsa continebitur:
simple will-be the-point-for-judgment and in the-question itself will-be-contained
in deprecatione, huiusmodi: oporteatne poena affici?
in the-plea-for-pardon of-this-sort whether-it-behooves with-penalty to-be-visited
In hac, huiusmodi: oporteatne dari praemium?
in this of-this-sort whether-it-behooves to-be-given a-reward

Nunc ad praemii quaestionem appositos locos exponemus. 112
now for of-reward the-question apt topics we-shall-set-forth
Ratio igitur praemii quattuor est in partes distributa:
the-reckoning therefore of-reward four is into parts distributed
in beneficia, in hominem, in praemii genus, in facultates.
into the-services into the-man into of-reward the-kind into the-means
Beneficia ex sua vi, ex tempore, ex animo eius, qui fecit,
services from their-own force from the-time from the-mind of-him who did
ex casu considerantur. Ex sua vi quaerentur hoc modo:
from chance are-considered from their-own force will-be-asked in-this manner
magna an parva, facilia an difficilia, singularia sint an vulgaria,
great or small easy or difficult unique they-be or common
vera an falsa quadam exornatione honestentur; ex tempore
true or false by-a-certain embellishment be-dignified from the-time
autem, si tum, cum indigeremus, cum ceteri non possent aut
however if then when we-needed when the-others not could or
nollent opitulari, si tum, cum spes deseruisset; ex animo,
were-unwilling to-help if then when hope had-deserted from the-mind
si non sui commodi causa, si eo consilio fecit omnia,
if not of-his-own advantage for-the-sake if with-that plan he-did all-things
ut hoc conficere posset; ex casu, si non fortuna, sed industria
that this to-accomplish he-could from chance if not by-fortune but by-industry
factum videbitur aut si industriae fortuna obstitisse.
done it-shall-seem or if to-industry fortune to-have-stood-in-the-way
In hominem autem, quibus rationibus vixerit, quid sumptus 113
into the-man however by-what methods he-has-lived what of-expense
in eam rem aut laboris insumpserit; ecquid aliquando
on that thing or of-labor he-has-spent whether-anything ever
tale fecerit; num alieni laboris aut deorum bonitatis
such he-has-done whether of-another's labor or of-the-gods' goodness
praemium sibi postulet; num aliquando ipse talem ob
the-reward for-himself he-demands whether ever himself such for

causam aliquem praemio affici negarit oportere; aut num
cause anyone with-reward to-be-visited he-denied to-behoove or whether
iam satis pro eo, quod fecerit, honos habitus sit; aut
already enough for that which he-has-done honor paid has-been or
num necesse fuerit ei facere id, quod fecerit; aut num
whether necessary it-was for-him to-do that which he-did or whether
eiusmodi sit factum, ut, nisi fecisset, supplicio dignus
of-such-a-sort be the-deed that unless he-had-done-it of-punishment worthy
esset, non, quia fecerit, praemio; aut num ante tempus
he-would-be not because he-did-it of-reward or whether before time
praemium petat et spem incertam certo venditet pretio; aut
the-reward he-seeks and a-hope uncertain for-a-sure sells price or
num, quod supplicium aliquod vitet, eo praemium
whether because punishment some he-avoids for-that-reason the-reward
postulet, uti de se praeiudicium factum esse videatur.
he-demands so-that about himself a-prejudgment made to-have-been may-seem
In praemii autem genere, quid et quantum et quamobrem
in of-reward however the-kind what and how-much and on-account-of-what
postuletur et quo et quanto quaeque res praemio digna
is-demanded and of-what and how-great each thing of-reward worthy
sit, considerabitur; deinde, apud maiores quibus hominibus
be will-be-considered then among the-ancestors to-what men
et quibus de causis talis honos habitus sit, quaeretur;
and what for causes such honor paid has-been will-be-asked
114 deinde, ne is honos nimium pervulgetur. Atque hic eius,
then lest that honor too-much be-made-common and here of-him
qui contra aliquem praemium postulantem dicet, locus
who against someone a-reward demanding shall-speak the-place
erit communis: praemia virtutis et officii sancta et casta
will-be common the-rewards of-virtue and of-duty holy and chaste
esse oportere neque ea aut cum inprobis communicari aut
to-be to-behoove nor them either with the-wicked to-be-shared or

in mediocribus hominibus pervulgari; et alter: minus
among mediocre men to-be-made-common and another less
homines virtutis cupidos fore virtutis praemio pervulgato;
men of-virtue desirous going-to-be with-virtue's reward made-common
quae enim rara et ardua sint, ea experiendo pulchra
what-things for rare and arduous are those by-trying beautiful
et iucunda hominibus videri; et tertius: si exsistant, qui
and pleasant to-men to-seem and a-third if there-be who
apud maiores nostros ob egregiam virtutem tali honore
among ancestors our for outstanding virtue with-such honor
dignati sunt, nonne de sua gloria, cum pari praemio
deemed-worthy were surely from their glory when with-equal reward
tales homines affici videant, delibari putent? Et
such men to-be-visited they-see to-be-diminished they-would-think and
eorum enumeratio et cum iis, quos contra dicas, comparatio.
of-those the-enumeration and with those whom against you-speak the-comparison
Eius autem, qui praemium petet, facti sui amplificatio,
of-him however who a-reward shall-seek of-the-deed his-own the-amplification
eorum, qui praemio affecti sunt, cum suis factis contentio.
of-those who with-reward visited were with his-own deeds the-contrast
Deinde ceteros a virtutis studio repulsum iri, si ipse 115
then the-others from of-virtue the-pursuit repelled going-to-be if himself
praemio non sit affectus.
with-reward not be visited
Facultates autem considerantur, cum aliquod pecuniarium
the-means however are-considered when some monetary
praemium postulatur; in quo, utrum copiane sit agri,
reward is-demanded in which whether abundance there-be of-land
vectigalium, pecuniae an penuria, consideratur. Loci communes:
of-revenues of-money or scarcity is-considered places common
facultates augere, non minuere oportere; et, inpudentem esse,
the-means to-increase not to-diminish to-behoove and shameless to-be

qui pro beneficio non gratiam, verum mercedem postulet;
him-who for a-service not gratitude but pay demands
contra autem de pecunia ratiocinari sordidum esse,
on-the-other-hand however about money to-reckon mean to-be
cum de gratia referunda deliberetur; et, se pretium
when about gratitude being-returned it-is-deliberated and himself a-price
non pro facto, sed honorem ita, ut factitatum sit, pro
not for the-deed but honor so as practiced it-has-been for
beneficio postulare.
a-service to-demand
Ac de constitutionibus quidem satis dictum est: nunc
and about the-issues indeed enough said has-been now
de iis controversiis, quae in scripto versantur, dicendum
about those controversies which in writing are-engaged to-be-spoken
videtur.
it-seems

XIII · AMBIGUITY

Disputes over documents arise from ambiguity, from letter and intent, from conflicting laws, from analogy, and from definition. In ambiguity the speaker shows that the passage, read with its context, is not ambiguous, or that the writer's meaning is plain from his other words and from the matter, and how the writer would have expressed the meaning his opponent claims.

116 In scripto versatur controversia, cum ex scriptionis ratione
in writing is-engaged controversy when from of-the-writing the-method
aliquid dubii nascitur. Id fit ex ambiguo, ex scripto
something of-doubt arises it happens from ambiguity from letter

et sententia, ex contrariis legibus, ex ratiocinatione, ex
and intent from contrary laws from analogy from
definitione.
definition
Ex ambiguo autem nascitur controversia, cum, quid senserit
from ambiguity however arises controversy when what intended
scriptor, obscurum est, quod scriptum duas pluresve res
the-writer obscure is because what-is-written two or-more things
significat, ad hunc modum: paterfamilias, cum filium
signifies after this manner a-father-of-a-family when his-son
heredem faceret, vasorum argenteorum centum pondo
heir he-was-making of-vessels silver a-hundred pounds
uxori suae sic legavit: heres meus uxori meae vasorum
to-wife his thus bequeathed heir my to-wife my of-vessels
argenteorum pondo centum, quae volet, dato. Post
silver pounds a-hundred which she-shall-wish let-him-give after
mortem eius vasa magnifica et pretiose caelata petit a filio
the-death his vessels magnificent and expensively engraved seeks from her-son
mater. Ille se, quae ipse vellet, debere dicit. Primum,
the-mother he himself what he-himself should-wish to-owe says first
si fieri poterit, demonstrandum est non esse ambigue
if to-be-done it-shall-be-able to-be-shown is not to-be ambiguously
scriptum, propterea quod omnes in consuetudine sermonis
written on-this-account that all in the-custom of-speech
sic uti solent eo verbo uno pluribusve in eam sententiam,
thus to-use are-wont that word in-one or-several in that sense
in quam is, qui dicet, accipiendum esse demonstrabit.
in which he who shall-speak to-be-taken to-be shall-show
Deinde ex superiore et ex inferiore scriptura docendum id, 117
then from the-preceding and from the-following writing to-be-shown that
quod quaeratur, fieri perspicuum. Quare si ipsa separatim
which be-asked to-become evident wherefore if themselves separately

ex se verba considerentur, omnia aut pleraque ambigua
from themselves the-words be-considered all or most ambiguous
visum iri; quae autem ex omni considerata scriptura
seen going-to-be which however from the-whole considered writing
perspicua fiant, haec ambigua non oportere existimare.
evident become these ambiguous not to-behoove to-think
Deinde, qua in sententia scriptor fuerit, ex ceteris eius
then what in intent the-writer was from the-other his
scriptis et ex factis, dictis, animo atque vita eius sumi
writings and from deeds words mind and life his to-be-taken
oportebit et eam ipsam scripturam, in qua inerit
it-will-behoove and that very writing in which shall-be-present
illud ambiguum, de quo quaeretur, totam omnibus ex
that ambiguity about which it-shall-be-asked whole all from
partibus pertemptare, si quid aut ad id appositum sit,
parts to-test if anything either to that applied be
quod nos interpretemur, aut ei, quod adversarius intellegat,
which we interpret or to-that which the-adversary understands
adversetur. Nam facile, quid veri simile sit eum voluisse,
be-opposed for easily what of-truth like be him to-have-wished
qui scripsit, ex omni scriptura et ex persona scriptoris
who wrote from the-whole writing and from the-person of-the-writer
atque iis rebus, quae personis attributae sunt, considerabitur.
and those things which to-persons assigned are will-be-considered
118 Deinde erit demonstrandum, si quid ex re ipsa
then it-will-be to-be-shown if any from the-thing itself
dabitur facultatis, id, quod adversarius intellegat, multo
shall-be-given opportunity that which the-adversary understands much
minus commode fieri posse, quam id, quod nos accipimus,
less conveniently to-be-done to-be-able than that which we take
quod illius rei neque administratio neque exitus ullus exstet;
because of-that thing neither management nor outcome any exists

nos quod dicamus, facile et commode transigi posse;
we what we-say easily and conveniently to-be-transacted to-be-able
ut in hac lege — nihil enim prohibet fictam exempli
as in this law nothing for forbids a-feigned-one of-example
loco ponere, quo facilius res intellegatur—: meretrix
in-place to-set-down by-which more-easily the-matter may-be-understood a-harlot
coronam auream ne habeto; si habuerit, publica
a-crown golden not let-her-have if she-shall-have-had(-it) public-property
esto, contra eum, qui meretricem publicari dicat ex lege
let-it-be against him who the-harlot to-be-confiscated says by the-law
oportere, possit dici neque administrationem esse ullam
to-behoove it-can be-said neither management to-be any
publicae meretricis neque exitum legis in meretrice
of-a-confiscated harlot nor outcome of-the-law in a-harlot
publicanda, at in auro publicando et administrationem et
being-confiscated but in the-gold being-confiscated both management and
exitum facilem esse et incommodi nihil inesse.
outcome easy to-be and of-disadvantage nothing to-be-in-it
Ac diligenter illud quoque adtendere oportebit, num illo 119
and diligently that also to-attend-to it-will-behoove whether with-that
probato, quod adversarius intellegat, res utilior aut
proved which the-adversary understands a-thing more-useful or
honestior aut magis necessaria ab scriptore neglecta videatur.
more-honorable or more necessary by the-writer neglected may-seem
Id fiet, si id, quod nos demonstrabimus, honestum aut
this will-be-done if that which we shall-show honorable or
utile aut necessarium demonstrabimus, et si id, quod ab
useful or necessary we-shall-show and if that which by
adversariis dicetur, minime eiusmodi esse dicemus. Deinde
the-adversaries shall-be-said least of-such-a-sort to-be we-shall-say then
si in lege erit ex ambiguo controversia, dare operam
if in a-law there-shall-be from ambiguity controversy to-give effort

oportebit, ut de eo, quod adversarius intellegat, alia in
it-will-behoove that about that which the-adversary understands another in
re lege cautum esse doceatur.
matter by-law provided to-have-been be-shown
120 Permultum autem proficiet illud demonstrare, quemadmodum
very-much however it-will-profit that to-show how
scripsisset, si id, quod adversarius accipiat, fieri aut
he-would-have-written if that which the-adversary takes to-be-done or
intellegi voluisset, ut in hac causa, in qua de vasis
to-be-understood he-had-wished as in this case in which about the-vessels
argenteis quaeritur, possit mulier dicere nihil adtinuisse
silver it-is-asked could the-woman say nothing to-have-mattered
adscribi quae volet, si heredis voluntati permitteret. Eo
to-be-added which she-shall-wish if to-the-heir's will he-were-leaving(-it) with-that
enim non adscripto nihil esse dubitationis, quin heres, quae
for not added nothing to-be of-doubt that the-heir what
ipse vellet, daret. Amentiae igitur fuisse, cum heredi
he-himself should-wish would-give of-madness therefore to-have-been when for-the-heir
vellet cavere, id adscribere, quo non adscripto nihilominus
he-wished to-provide that to-add which not added nevertheless
heredi caveretur. Quare hoc genere magnopere talibus
for-the-heir it-would-be-provided wherefore this kind greatly such
in causis uti oportebit: hoc modo scripsisset, isto verbo
in cases to-use it-will-behoove in-this manner he-would-have-written that word
usus non esset, non isto loco verbum istud conlocasset.
used not he-would-have not in-that place word that he-would-have-placed
Nam ex his sententia scriptoris maxime perspicitur. Deinde
for from these the-intent of-the-writer most is-seen-through then
quo tempore scriptum sit, quaerendum est, ut, quid eum
at-what time written it-was to-be-asked is so-that what him
voluisse in eiusmodi tempore veri simile sit, intellegatur.
to-have-wished at of-such-a-sort time of-truth like it-be may-be-understood

Post ex deliberationis partibus, quid utilius et quid
afterward from of-deliberation the-parts what more-useful and what
honestius et illi ad scribendum et his ad conprobandum
more-honorable both for-him for writing and for-these for approving
sit, demonstrandum; et ex his, si quid amplificationis
be to-be-shown and from these if any of-amplification
dabitur, communibus utrimque locis uti oportebit.
shall-be-given common on-both-sides places to-use it-will-behoove

XIV · LETTER AGAINST INTENT

When one side rests on the words and the other on the writer's intent, that intent is either one he always held or one fitted to the occasion. The defender of the letter praises the writer, reads out the text, and asks whether the opponent denies it; he argues that exceptions would have been stated, that judges must obey the law, and that once the text is left no law will stand.

Ex scripto et sententia controversia consistit, cum alter 121
from letter and intent controversy arises when the-one
verbis ipsis, quae scripta sunt, utitur, alter ad id, quod
the-words themselves which written are uses the-other to that which
scriptorem sensisse dicet, omnem adiungit dictionem.
the-writer to-have-intended he-shall-say the-whole joins speaking
Scriptoris autem sententia ab eo, qui sententia se 122
of-the-writer however the-intent by him who by-intent himself
defendet, tum semper ad idem spectare et idem velle
shall-defend sometimes always to the-same to-look and the-same to-wish
demonstrabitur; tum ex facto aut ex eventu aliquo ad
will-be-shown sometimes from a-deed or from an-outcome some to
tempus id, quod instituit, accommodabitur. Semper ad idem
the-occasion that which he-instituted will-be-adapted always to the-same

spectare, hoc modo: paterfamilias cum liberorum haberet
to-look in-this manner a-father-of-a-family when of-children he-had
nihil, uxorem autem haberet, in testamento ita scripsit:
none a-wife however he-had in his-will thus wrote
si mihi filius genitur unus pluresve, is mihi heres esto.
if to-me a-son is-born one or-more he for-me heir let-him-be
Deinde quae assolent. Postea: si filius ante moritur, quam
then what-things are-usual afterward if the-son before dies than
in tutelam suam venerit, tum mihi, * dicet, heres
into guardianship his-own he-has-come then for-me (lacuna) he-will-say heir
esto. Filius natus non est. Ambigunt adgnati cum eo, qui
let-him-be a-son born not was the-agnates dispute with him who
est heres, si filius ante, quam in tutelam veniat, mortuus sit.
is heir if a-son before than into guardianship he-come dead be
123 In hoc genere non potest hoc dici, ad tempus et ad
in this kind not can this be-said to the-occasion and to
eventum aliquem sententiam scriptoris oportere accommodari,
an-outcome some the-intent of-the-writer to-behoove to-be-adapted
propterea quod ea sola esse demonstratur, qua fretus ille,
on-this-account that it alone to-be is-shown on-which relying he
qui contra scriptum dicit, suam esse hereditatem defendit.
who against the-writing speaks his-own to-be the-inheritance defends
Aliud autem genus est eorum, qui sententiam inducunt, in
another however kind is of-those who intent bring-in in
quo non simplex voluntas scriptoris ostenditur, quae in omne
which not a-simple will of-the-writer is-shown which for all
tempus et in omne factum idem valeat, sed ex quodam
time and for every deed the-same may-hold but from a-certain
facto aut eventu ad tempus interpretanda dicitur. Ea partibus
deed or outcome to the-occasion to-be-interpreted it-is-said it by-the-parts
iuridicialis assumptivae maxime sustinetur. Nam tum
of-the-juridical assumptive most is-sustained for sometimes

inducitur comparatio, ut in eo, qui, cum lex aperiri
is-brought-in comparison as in him who when the-law to-be-opened
portas noctu vetaret, aperuit quodam in bello et auxilia
the-gates by-night forbade opened(-them) a-certain in war and auxiliaries
quaedam in oppidum recepit, ne ab hostibus opprimerentur,
certain into the-town received lest by the-enemy they-be-crushed
si foris essent, quod prope muros hostes castra haberent;
if outside they-were because near the-walls the-enemy a-camp had
tum relatio criminis, ut in eo milite, qui, cum communis
sometimes retort of-the-charge as in that soldier who when the-common
lex omnium hominem occidere vetaret, tribunum militum, qui
law of-all a-man to-kill forbade a-tribune of-the-soldiers who
vim sibi afferre conaretur, occidit; tum remotio criminis,
violence on-him to-bring tried killed sometimes shifting of-the-charge
ut in eo, qui, cum lex, quibus diebus in legationem
as in him who when the-law on-what days on an-embassy
proficisceretur, praestituerat, quia sumptum quaestor non dedit,
he-should-set-out had-prescribed because the-expense the-quaestor not gave
profectus non est; tum concessio per purgationem et per
set-out not did sometimes admission through exculpation and through
inprudentiam, ut in vituli immolatione, et per vim, ut in
ignorance as in the-calf's sacrifice and through force as in
nave rostrata, et per casum, ut in Eurotae magnitudine.
the-ship beaked and through accident as in the-Eurotas' size
Quare aut ita sententia inducetur, ut unum quiddam 124
wherefore either so intent will-be-brought-in that one certain-thing
voluisse scriptor demonstretur, aut sic, ut in eiusmodi
to-have-wished the-writer be-shown or so that in of-such-a-sort
re et tempore hoc voluisse doceatur.
thing and time this to-have-wished he-be-shown

125 Ergo is, qui scriptum defendet, his locis plerumque omnibus,
therefore he who the-writing shall-defend these topics mostly all
maiore autem parte semper poterit uti: primum
with-the-greater however part always will-be-able to-use first
scriptoris conlaudatione et loco communi, nihil eos,
with-the-writer's praise and with-a-place common nothing those
qui iudicent, nisi id, quod scriptum, spectare oportere; et hoc
who judge except that which is-written to-regard to-behoove and this
eo magis, si legitimum scriptum proferetur, id est aut
the more if a-statutory writing shall-be-brought-forward that is either
lex ipsa aut aliquid ex lege; postea, quod vehementissimum
the-law itself or something from the-law afterward what most-vehement
est, facti aut intentionis adversariorum cum ipso scripto
is of-the-deed or intention of-the-adversaries with the-very writing
contentione, quid scriptum sit, quid factum, quid iuratus
the-contrast what written be what done what sworn
iudex; quem locum multis modis variare oportebit, tum
the-judge which place in-many ways to-vary it-will-behoove sometimes
ipsum secum admirantem, quidnam contra dici possit,
himself with-himself wondering what against to-be-said can
tum ad iudicis officium revertentem et ab eo quaerentem,
sometimes to the-judge's duty returning and of him asking
quid praeterea audire aut exspectare debeat; tum ipsum
what besides to-hear or to-expect he-ought sometimes the-very
adversarium quasi in testis loco producendo, hoc est
adversary as-if in a-witness's place by-producing that is
interrogando, utrum scriptumne neget esse eo modo, an ab
by-questioning whether the-writing he-denies to-be in-that manner or by
se contra factum esse aut contra contendi neget;
himself against(-it) done to-have-been or against(-it) to-be-contended he-denies

utrum negare ausus sit, se dicere desiturum. Si neutrum 126
whichever to-deny dared he-have himself to-speak going-to-cease if neither
neget et contra tamen dicat: nihil esse quo hominem
he-deny and against(-it) still speaks nothing to-be than-which a-man
inpudentiorem quisquam se visurum arbitretur. In hoc ita
more-impudent anyone himself going-to-see should-think in this so
commorari conveniet, quasi nihil praeterea dicendum sit et
to-dwell it-will-befit as-if nothing besides to-be-said were and
quasi contra dici nihil possit, saepe id, quod scriptum est,
as-if against to-be-said nothing could often that which written is
recitando, saepe cum scripto factum adversarii confligendo
by-reading-out often with the-writing the-deed of-the-adversary by-clashing
atque interdum acriter ad iudicem ipsum revertendo. Quo
and sometimes sharply to the-judge himself by-returning which
in loco iudici demonstrandum est, quid iuratus sit, quid
in place to-the-judge to-be-shown is what sworn he-be what
sequi debeat: duabus de causis iudicem dubitare oportere,
to-follow he-ought two for reasons the-judge to-doubt to-behoove
si aut scriptum sit obscure aut neget aliquid adversarius;
if either written it-be obscurely or deny something the-adversary
cum et scriptum aperte sit et adversarius omnia confiteatur, 127
when both written clearly it-be and the-adversary all-things confess
tum iudicem legi parere, non interpretari legem oportere.
then the-judge to-the-law to-obey not to-interpret the-law to-behoove
Hoc loco confirmato tum diluere ea, quae contra
with-this topic confirmed then to-wash-away those-things which against
dici poterunt, oportebit. Contra autem dicetur, si aut
to-be-said will-be-able it-will-behoove against however it-will-be-said if either
prorsus aliud sensisse scriptor et scripsisse aliud
altogether another-thing to-have-intended the-writer and to-have-written another
demonstrabitur, ut in illa de testamento, quam posuimus,
shall-be-shown as in that about the-will which we-set-down

controversia, aut causa assumptiva inferetur, quamobrem
controversy or a-cause assumptive shall-be-brought-in why
scripto non potuerit aut non oportuerit optemperari.
to-the-writing not it-could or not it-behooved to-be-obeyed
128 Si aliud sensisse scriptor, aliud scripsisse dicetur,
if another-thing to-have-intended the-writer another to-have-written shall-be-said
is, qui scripto utetur, haec dicet: non oportere de eius
he who the-writing shall-use these-things will-say not to-behoove about his
voluntate nos argumentari, qui, ne id facere possemus,
will us to-argue who that-not that to-do we-might-be-able
indicium nobis reliquerit suae voluntatis; multa incommoda
a-token to-us has-left of-his will many disadvantages
consequi, si instituatur, ut ab scripto recedatur. Nam
to-follow if it-be-established that from the-writing it-be-withdrawn for
et eos, qui aliquid scribant, non existimaturos id, quod
both those who anything write not going-to-think that which
scripserint, ratum futurum, et eos, qui iudicent, certum,
they-have-written valid going-to-be and those who judge sure
quod sequantur, nihil habituros, si semel ab scripto recedere
what to-follow nothing going-to-have if once from the-writing to-withdraw
consueverint. Quodsi voluntas scriptoris conservanda
they-shall-have-grown-accustomed but-if the-will of-the-writer to-be-preserved
sit, se, non adversarios, a voluntate eius stare. Nam multo
be himself not the-adversaries by the-will of-him to-stand for much
propius accedere ad scriptoris voluntatem eum, qui ex ipsius
nearer to-come to the-writer's will him who from his-own
eam litteris interpretetur, quam illum, qui sententiam scriptoris
it letters interprets than him who the-intent of-the-writer
non ex ipsius scripto spectet, quod ille suae voluntatis quasi
not from his-own writing regards which he of-his will as-if
imaginem reliquerit, sed domesticis suspicionibus perscrutetur.
an-image has-left but by-private suspicions scrutinizes

Sin causam afferet is, qui a sententia stabit, primum erit 129
but-if a-cause shall-bring he who by the-intent shall-stand first it-will-be
contra dicendum: quam absurdum non negare contra legem
against to-be-said how absurd not to-deny against the-law
fecisse, sed, quare fecerit, causam aliquam invenire; deinde
to-have-acted but why he-did-it a-cause some to-find then
conversa esse omnia: ante solitos esse accusatores iudicibus
reversed to-be all-things before accustomed to-have-been accusers the-judges
persuadere, adfinem esse alicuius culpae eum, qui accusaretur,
to-persuade an-accomplice to-be of-some guilt him who was-accused
causam proferre, quae eum ad peccandum impulisset; —
a-cause to-bring-forward which him to wrongdoing had-driven
nunc ipsum reum causam afferre, quare deliquerit. Deinde 130
now himself the-defendant a-cause to-bring why he-did-wrong then
hanc inducere partitionem, cuius in singulas partes multae
this to-bring-in partition of-which into individual parts many
convenient argumentationes: primum, nulla in lege ullam
will-fit argumentations first no in law any
causam contra scriptum accipi convenire; deinde, si in
cause against the-writing to-be-accepted to-befit then if in
ceteris legibus conveniat, hanc esse eiusmodi legem, ut in
the-other laws it-befit this to-be of-such-a-sort a-law that in
ea non oporteat; postremo, si in hac quoque lege oporteat,
it not it-behoove finally if in this also law it-behoove
hanc quidem causam accipi minime oportere.
this indeed cause to-be-accepted least to-behoove
Prima pars his fere locis confirmabitur: scriptori neque
the-first part by-these mostly topics will-be-confirmed to-the-writer neither
ingenium neque operam neque ullam facultatem defuisse,
talent nor effort nor any means to-have-been-lacking
quo minus aperte posset perscribere id, quod cogitaret;
by-which less openly he-could write-out that which he-had-in-mind

non fuisse ei grave nec difficile eam causam excipere,
not to-have-been for-him heavy nor difficult that cause to-except
quam adversarii proferant, si quicquam excipiendum putasset:
which the-adversaries bring-forward if anything to-be-excepted he-had-thought
131 consuesse eos, qui leges scribant, exceptionibus uti.
to-have-been-accustomed those who laws write exceptions to-use
Deinde oportet recitare leges cum exceptionibus scriptas et
then it-behooves to-read-out laws with exceptions written and
maxime videre, ecquae in ea ipsa lege, qua de agatur,
most to-see whether-any in that very law which about it-is-pleaded
sit exceptio aliquo in capite aut apud eundem legis
be an-exception some in clause or with the-same of-the-law
scriptorem, quo magis probetur eum fuisse excepturum,
writer by-which the-more it-be-proved him to-have-been going-to-except
si quid excipiendum putaret; et ostendere causam accipere
if anything to-be-excepted he-thought and to-show a-cause to-accept
nihil aliud esse nisi legem tollere, ideo quod, cum
nothing else to-be than the-law to-remove for-this-reason that when
semel causa consideretur, nihil attineat eam ex lege
once the-cause is-considered nothing it-matters it from the-law
considerare, quippe quae in lege scripta non sit. Quod
to-consider inasmuch-as which in the-law written not is but
si sit institutum, omnibus dari causam et potestatem
if it-be established to-all to-be-given a-cause and power
peccandi, cum intellexerint vos ex ingenio eius, qui
of-wrongdoing when they-shall-have-understood you from the-disposition of-him who
contra legem fecerit, non ex lege, in quam iurati sitis,
against the-law has-acted not from the-law to which sworn you-are
rem iudicare; deinde et ipsis iudicibus iudicandi et
the-matter to-judge then both for-the-very judges of-judging and
ceteris civibus vivendi rationes perturbatum iri,
for-the-other citizens of-living the-methods thrown-into-confusion going-to-be

si semel ab legibus recessum sit; nam et iudices 132
if once from the-laws withdrawn it-has-been for both the-judges
neque, quid sequantur, habituros, si ab eo, quod scriptum
neither what to-follow going-to-have if from that which written
sit, recedant, neque, quo pacto aliis probare possint,
is they-withdraw nor in-what way to-others to-prove they-could
quod contra legem iudicarint; et ceteros cives, quid agant,
what against the-law they-have-judged and the-other citizens what to-do
ignoraturos, si ex suo quisque consilio et ex ea ratione,
going-to-be-ignorant if from his-own each counsel and from that reasoning
quae in mentem aut in libidinem venerit, non ex communi
which into mind or into lust has-come not from the-common
praescripto civitatis unam quamque rem administrabit; postea
prescription of-the-state one each thing shall-manage afterward
quaerere ab iudicibus ipsis, quare in alienis detineantur
to-ask of the-judges themselves why in others' they-are-detained
negotiis; cur rei publicae munere impediantur, quo setius
affairs why of-the-thing public by-the-duty they-are-hindered by-which less
suis rebus et commodis servire possint; cur in certa verba
their-own affairs and advantages to-serve they-can why to fixed words
iurent; cur certo tempore conveniant, cur certo discedant,
they-swear why at-a-fixed time they-assemble why at-a-fixed they-depart
nihil quisquam afferat causae, quo minus frequenter operam
nothing anyone brings of-cause by-which less frequently effort
rei publicae det, nisi quae causa in lege excepta sit;
to-the-thing public be-give except what cause in the-law excepted be
an se legibus obstrictos in tantis molestiis esse aequum
whether themselves by-the-laws bound in so-great troubles to-be fair
censeant, adversarios nostros leges neglegere concedant;
they-think the-adversaries our the-laws to-neglect they-concede

133 deinde item quaerere ab iudicibus, si eius rei, propter quam
then likewise to-ask of the-judges if of-that thing on-account-of which
se reus contra legem fecisse dicat, exceptionem
himself the-defendant against the-law to-have-acted says an-exception
ipse in lege adscribat, passurine sint; hoc, quod
he-himself to the-law should-add whether-going-to-allow they-would-be this which
faciat, indignius et inpudentius esse, quam si adscribat;
he-does more-unworthy and more-impudent to-be than if he-should-add
age porro, quid? Si ipsi vellent iudices adscribere,
come further what if they-themselves should-wish the-judges to-add
passurusne sit populus? Atque hoc esse indignius,
whether-going-to-allow would-be the-people and this to-be more-unworthy
quam rem verbo et litteris mutare non possint, eam re
which thing in-word and letters to-change not they-can that in-fact
ipsa et iudicio maximo commutare; deinde indignum esse
itself and by-a-judgment greatest to-change then unworthy to-be
de lege aliquid derogari aut legem abrogari aut aliqua
from a-law something to-be-taken-away or a-law to-be-repealed or some
ex parte commutari, cum populo cognoscendi et probandi
in part to-be-changed when for-the-people of-learning and of-approving
aut inprobandi potestas nulla fiat; hoc ipsis iudicibus
or of-disapproving power none is-made this for-the-very judges
invidiosissimum futurum; non hunc locum esse neque hoc
most-odious going-to-be not this the-place to-be nor this
tempus legum corrigendarum; apud populum haec et per
the-time of-laws being-corrected before the-people these-things and through
populum agi convenire; quodsi nunc id agant, velle se
the-people to-be-done to-befit but-if now that they-do to-wish themselves
scire, qui lator sit, qui sint accepturi; se factiones
to-know who the-proposer be who be going-to-accept themselves the-factions
videre et dissuadere velle; quodsi haec cum summe inutilia
to-see and to-dissuade to-wish but-if these-things both supremely useless

tum multo turpissima sint, legem, cuicuimodi sit, in praesentia
and by-much most-shameful be the-law of-whatever-sort it-be at present
conservari ab iudicibus, post, si displiceat, a populo corrigi
to-be-preserved by the-judges afterward if it-displease by the-people to-be-corrected
convenire; deinde, si scriptum non exstaret, magnopere
to-befit then if the-writing not existed greatly
quaereremus neque isti, ne si extra periculum quidem
we-would-seek(-it) nor to-that-man not if outside danger even
esset, crederemus; nunc cum scriptum sit, amentiam esse eius,
he-were we-would-believe now when written it-is madness to-be of-him
qui peccarit, potius quam legis ipsius verba cognoscere.
who has-done-wrong rather than of-the-law itself the-words to-learn
His et huiusmodi rationibus ostenditur causam extra 134
by-these and of-this-sort reasons it-is-shown a-cause outside
scriptum accipi non oportere.
the-writing to-be-accepted not to-behoove

XV · LETTER AND INTENT ANSWERED

The defender of the letter shows that, even if other laws admit an excuse, this law, on the gravest matters and drawn with care, admits none, and that this excuse is no valid one; he turns against the defendant the topics of comparison, shifting, and retort. The defender of intent sets out the equity of his act and his motive, argues that no law intends anything useless or unjust, that the writer would have approved the deed, and that he made judges to interpret his will, not to read out his words, leaving plain exceptions unwritten.

Secunda pars est, in qua est ostendendum, si in ceteris legibus 135
the-second part is in which it-is to-be-shown if in other laws
oporteat, in hac non oportere. Hoc demonstrabitur, si lex
it-behoove in this not to-behoove this will-be-shown if the-law

aut ad res maximas, utilissimas, honestissimas, religiosissimas
either to things greatest most-useful most-honorable most-sacred
videbitur pertinere; aut inutile aut turpe aut nefas esse tali
shall-seem to-pertain or useless or shameful or impious to-be such
in re non diligentissime legi optemperare; aut ita lex
in thing not most-diligently the-law to-obey or so the-law
diligenter perscripta demonstrabitur, ita cautum una quaque
diligently written-out shall-be-shown so provided one each
de re, ita, quod oportuerit, exceptum, ut minime conveniat
about thing so what it-behooved excepted that least it-befit
quicquam in tam diligenti scriptura praeteritum arbitrari.
anything in so diligent a-writing passed-over to-think
Tertius est locus ei, qui pro scripto dicet, maxime
the-third is the-topic for-him who for the-writing shall-speak most
necessarius, per quem oportet ostendat, si conveniat causam
necessary through which it-behooves he-show if it-befit a-cause
contra scriptum accipi, eam tamen minime oportere, quae
against the-writing to-be-accepted that still least to-behoove which
ab adversariis afferatur.
by the-adversaries is-brought

136 Qui locus idcirco est huic necessarius, quod semper
which topic for-this-reason is for-this-man necessary because always
is, qui contra scriptum dicet, aequitatis aliquid afferat
he who against the-writing shall-speak of-equity something bring
oportet. Nam summa inpudentia sit eum, qui contra
it-behooves for the-utmost impudence it-would-be that-he who against
quam scriptum sit aliquid probare velit, non aequitatis
than written it-be something to-prove wishes not of-equity
praesidio id facere conari. Si quid igitur ex hac ipsa
with-the-protection that to-do should-try if anything therefore from this very-thing
accusator derogat, omnibus partibus iustius et probabilius
the-accuser takes-away in-all parts more-justly and more-probably

accusare videatur. Nam superior oratio hoc omnis faciebat,
to-accuse he-may-seem for the-former speech this whole was-doing
ut, iudices etiamsi nollent, necesse esset; haec autem,
that the-judges even-if they-were-unwilling necessary it-should-be this however
etiamsi necesse non esset, ut vellent contra iudicare.
even-if necessary not it-were that they-should-wish against(-him) to-judge
Id autem fiet, si, quibus ex locis culpa demonstrabitur 137
this however will-be-done if which from topics guilt shall-be-shown
esse in eo, qui comparatione aut remotione aut relatione
to-be in him who by-comparison or by-shifting or by-retort
criminis aut concessionis partibus se defendet — de
of-the-charge or of-admission by-the-parts himself shall-defend about
quibus ante, ut potuimus, diligenter perscripsimus—, si de
which before as we-could diligently we-have-written-out if of
iis locis, quae res postulabit, ad causam adversariorum
those topics which the-matter shall-demand for the-case of-the-adversaries
inprobandam transferemus; aut causae et rationes afferentur,
being-disapproved we-shall-transfer or causes and reasons shall-be-brought
quare et quo consilio ita sit in lege aut in testamento
why and with-what plan so it-be in the-law or in the-will
scriptum, ut sententia quoque et voluntate scriptoris, non
written so-that by-the-intent also and by-the-will of-the-writer not
ipsa solum scriptura causa confirmata esse videatur; aut
itself only by-the-writing the-case confirmed to-be may-seem or
aliis quoque constitutionibus factum coarguetur.
by-other also issues the-deed shall-be-refuted
Contra scriptum autem qui dicet, primum inducet 138
against the-writing however he-who shall-speak first will-bring-in
eum locum, per quem aequitas causae demonstretur; aut
that topic through which the-equity of-the-case be-shown or
ostendet, quo animo, quo consilio, qua de causa fecerit;
will-show with-what mind with-what plan what for cause he-did-it

et, quamcumque causam assumet, assumptionis partibus
and whatever cause he-shall-assume of-the-assumption by-the-parts
se defendet, de quibus ante dictum est. Atque in
himself he-will-defend about which before said has-been and in
hoc loco cum diutius commoratus sui facti rationem
this topic when longer having-dwelt of-his-own deed the-reason
et aequitatem causae exornaverit, tum ex his locis
and the-equity of-the-case he-shall-have-embellished then from these topics
fere contra adversarios dicet oportere causas accipi.
mostly against the-adversaries he-will-say to-behoove causes to-be-accepted
Demonstrabit nullam esse legem, quae aliquam rem inutilem
he-will-show no to-be law which some thing useless
aut iniquam fieri velit; omnia supplicia, quae ab legibus
or unjust to-be-done wishes all punishments which from the-laws
proficiscantur, culpae ac malitiae vindicandae
proceed of-guilt and of-malice being-avenged
139 causa constituta esse; scriptorem ipsum, si exsistat,
for-the-sake established to-be the-writer himself if he-should-appear
factum hoc probaturum et idem ipsum, si ei talis res
the-deed this going-to-approve and the-same himself if to-him such a-thing
accidisset, facturum fuisse; ea re legis scriptorem
had-happened going-to-do to-have-been for-that reason the-law's writer
certo ex ordine iudices certa aetate praeditos constituisse,
a-fixed from order judges with-a-fixed age endowed to-have-established
ut essent, non qui scriptum suum recitarent, quod
that they-should-be not men-who writing his should-read-out which
quivis puer facere posset, sed qui cogitatione assequi possent
any boy to-do could but who by-thought to-attain could
et voluntatem interpretari; deinde illum scriptorem, si scripta
and the-will to-interpret then that writer if writings
sua stultis hominibus et barbaris iudicibus committeret,
his to-foolish men and barbarous judges he-were-entrusting

omnia summa diligentia perscripturum fuisse; nunc
all-things with-the-highest diligence going-to-write-out to-have-been now
vero, quod intellegeret, quales viri res iudicaturi essent,
indeed because he-understood what-sort men the-matters going-to-judge were
idcirco eum, quae perspicua videret esse, non adscripsisse:
therefore him what-things evident he-saw to-be not to-have-added
neque enim vos scripti sui recitatores, sed voluntatis 140
nor for you of-writing his readers-out but of-will
interpretes fore putavit; postea quaerere ab adversariis:
interpreters going-to-be he-thought afterward to-ask of the-adversaries
quid, si hoc fecissem? Quid, si hoc accidisset? Eorum
what if this I-had-done what if this had-happened of-these
aliquid, in quibus aut causa sit honestissima aut necessitudo
something in which either the-cause be most-honorable or the-necessity
certissima: tamenne accusaretis? Atqui lex nusquam excepit;
most-certain still would-you-accuse and-yet the-law nowhere excepted(-it)
non ergo omnia scriptis, sed quaedam, quae perspicua
not therefore all-things by-writings but certain-things which evident
sint, tacitis exceptionibus caveri; deinde nullam rem
are by-tacit exceptions to-be-provided-for then no thing
neque legibus neque scriptura ulla, denique ne in sermone
either by-laws or by-writing any finally not in conversation
quidem cotidiano atque imperiis domesticis recte posse
even daily and commands domestic rightly to-be-able
administrari, si unus quisque velit verba spectare et
to-be-administered if each one should-wish the-words to-regard and
non ad voluntatem eius, qui ea verba habuerit,
not to the-will of-him who those words has-used
accedere; deinde ex utilitatis et honestatis partibus ostendere, 141
to-go then from of-utility and of-honor the-parts to-show
quam inutile aut quam turpe sit id, quod adversarii dicant
how useless or how shameful be that which the-adversaries say

fieri oportuisse aut oportere, et id, quod nos fecerimus
to-be-done to-have-behooved or to-behoove and that which we have-done
aut postulemus, quam utile aut quam honestum sit; deinde
or demand how useful or how honorable be then
leges nobis caras esse non propter litteras, quae tenues et
laws to-us dear to-be not on-account-of the-letters which slender and
obscurae notae sint voluntatis, sed propter earum rerum,
obscure signs are of-the-will but on-account-of of-those things
quibus de scriptum est, utilitatem et eorum, qui scripserint,
which about written it-is the-utility and of-those who have-written
sapientiam et diligentiam; postea, quid sit lex, describere,
the-wisdom and diligence afterward what be a-law to-describe
ut ea videatur in sententiis, non in verbis consistere; et
so-that it may-seem in thoughts not in words to-consist and
iudex is videatur legi optemperare, qui sententiam eius,
the-judge he may-seem the-law to-obey who the-intent of-it
non qui scripturam sequatur; deinde, quam indignum sit
not who the-writing follows then how unworthy it-be
eodem affici supplicio eum, qui propter aliquod scelus
with-the-same to-be-visited punishment him who on-account-of some crime
et audaciam contra leges fecerit, et eum, qui honesta
and audacity against the-laws has-acted and him who for-an-honorable
aut necessaria de causa non ab sententia, sed ab litteris
or necessary for cause not from the-intent but from the-letters
legis recesserit; atque his et huiusmodi rationibus et
of-the-law has-withdrawn and by-these and of-this-sort reasons both
accipi causam et in hac lege accipi et eam causam,
to-be-accepted a-cause and in this law to-be-accepted and that cause
quam ipse afferat, oportere accipi demonstrabit.
which he-himself brings to-behoove to-be-accepted he-will-show

Et quemadmodum ei dicebamus, qui ab scripto diceret, 142
and as to-him we-were-saying who from the-writing should-speak
hoc fore utilissimum, si quid de aequitate ea, quae
this going-to-be most-useful if anything from the-equity that which
cum adversario staret, derogasset, sic huic, qui contra
with the-adversary stood he-had-taken-away so to-this-man who against
scriptum dicet, plurimum proderit, ex ipsa scriptura
the-writing shall-speak very-much it-will-profit from the-very writing
aliquid ad suam causam convertere aut ambigue aliquid
something to his-own case to-turn or ambiguously something
scriptum ostendere; deinde ex illo ambiguo eam partem,
written to-show then from that ambiguity that part
quae sibi prosit, defendere aut verbi definitionem inducere
which him profits to-defend or of-a-word a-definition to-bring-in
et illius verbi vim, quo urgeri videatur, ad suae
and of-that word the-force by-which he-be-pressed may-seem to of-his-own
causae commodum traducere aut ex scripto non scriptum
case the-advantage to-lead-over or from the-written not written
aliquid inducere per ratiocinationem, de qua post dicemus.
something to-bring-in through analogy about which later we-shall-speak
Quacumque autem in re, quamvis leviter probabili, scripto 143
whatever however in thing however lightly probable by-the-writing
ipso se defenderit, cum aequitate causa abundabit,
itself himself he-shall-have-defended when in-equity the-case shall-abound
necessario multum proficiet, ideo quod, si id, quo
necessarily much he-will-profit for-this-reason that if that on-which
nititur adversariorum causa, subduxerit, omnem eius
relies of-the-adversaries the-case he-shall-have-withdrawn all its
illam vim et acrimoniam lenierit ac diluerit.
that force and sharpness he-will-have-softened and he-will-have-washed-away

Loci autem communes ceteris ex assumptionis partibus
places however common the-other from of-the-assumption the-parts
in utramque partem convenient. Praeterea autem eius,
to each side will-fit besides however of-him
qui a scripto dicet: leges ex se, non ex eius,
who from the-writing shall-speak laws from themselves not from of-him
qui contra commiserit, utilitate spectari oportere et
who against(-them) has-committed the-advantage to-be-regarded to-behoove and
legibus antiquius haberi nihil oportere. Contra scriptum:
than-the-laws more-important to-be-held nothing to-behoove against the-writing
leges in consilio scriptoris et utilitate communi, non
laws in the-plan of-the-writer and in-the-advantage common not
in verbis consistere; quam indignum sit aequitatem litteris
in words to-consist how unworthy it-be equity by-letters
urgeri, quae voluntate eius, qui scripserit, defendatur.
to-be-pressed which by-the-will of-him who wrote is-defended

XVI · CONFLICTING LAWS, ANALOGY, AND DEFINITION

When laws conflict, the speaker weighs which concerns the greater matter, which is newer, which commands rather than permits, and which carries the penalty. Analogy reasons from what a law states to a case it does not state. Definition in a document turns on the meaning of a word, as in the case of a ship abandoned in a storm.

144 Ex contrariis autem legibus controversia nascitur, cum inter
from contrary however laws controversy arises when among
se duae videntur leges aut plures discrepare, hoc modo:
themselves two seem laws or more to-conflict in-this manner
lex: qui tyrannum occiderit, olympionicarum praemia
the-law he-who a-tyrant shall-have-killed of-Olympic-victors the-rewards

capito et quam volet sibi rem a magistratu
let-him-take and what he-shall-wish for-himself thing from the-magistrate
deposcito et magistratus ei concedito. Et altera lex:
let-him-demand and the-magistrate to-him let-him-grant and the-other law
tyranno occiso quinque eius proximos cognatione magistratus
with-a-tyrant killed five his nearest in-kinship the-magistrate
necato. Alexandrum, qui apud Pheraeos in Thessalia
let-him-slay Alexander who among the-Pheraeans in Thessaly
tyrannidem occuparat, uxor sua, cui Thebe nomen fuit,
tyranny had-seized wife his whose Thebe the-name was
noctu, cum simul cubaret, occidit. Haec filium suum, quem ex
by-night when together she-was-lying killed she son her whom by
tyranno habebat, sibi in praemii loco deposcit. Sunt qui
the-tyrant she-had for-herself in of-reward the-place demands there-are those-who
ex lege occidi puerum dicant oportere. Res in iudicio est.
by the-law to-be-killed the-boy say to-behoove the-matter in court is
In hoc genere utramque in partem idem loci atque eadem
in this kind each into side the-same topics and the-same
praecepta convenient, ideo quod uterque suam legem
precepts will-fit for-this-reason that each his-own law
confirmare, contrariam infirmare debebit.
to-confirm the-contrary to-weaken will-be-obliged
Primum igitur leges oportet contendere considerando, utra 145
first therefore the-laws it-behooves to-contrast by-considering which
lex ad maiores, hoc est ad utiliores, ad honestiores ac magis
law to greater that is to more-useful to more-honorable and more
necessarias res pertineat; ex quo conficitur, ut, si leges
necessary things pertains from which it-is-concluded that if laws
duae aut si plures erunt, quotquot erunt, conservari
two or if more there-shall-be however-many there-shall-be to-be-preserved
non possint, quia discrepent inter se, sed ea maxime
not they-can because they-conflict among themselves but that most

conservanda putetur, quae ad maximas res pertinere videatur;
to-be-preserved be-thought which to the-greatest things to-pertain seems
deinde, utra lex posterius lata sit; nam postrema quaeque
then which law later carried was for the-last each
gravissima est; deinde, utra lex iubeat aliquid, utra permittat;
weightiest is then which law orders something which permits
nam id, quod imperatur, necessarium, illud, quod permittitur,
for that which is-commanded necessary that which is-permitted
voluntarium est; deinde, in utra lege, si non optemperatum sit,
voluntary is then in which law if not obeyed it-be
146 poena adiciatur aut in utra maior poena statuatur; nam maxime
a-penalty be-added or in which a-greater penalty be-established for most
conservanda est ea, quae diligentissime sancta est; deinde, utra
to-be-preserved is that which most-diligently sanctioned is then which
lex iubeat, utra vetet; nam saepe ea, quae vetat, quasi exceptione
law orders which forbids for often that which forbids as-if by-exception
quadam corrigere videatur illam, quae iubet; deinde, utra lex
a-certain to-correct seems that which orders then which law
de genere omni, utra de parte quadam; utra communiter
about the-kind whole which about part a-certain which in-common
in plures, utra in aliquam certam rem scripta videatur; nam
for more which for some definite thing written seems for
quae in partem aliquam et quae in certam quandam rem
what for part some and what for definite a-certain thing
scripta est, propius ad causam accedere videtur et ad iudicium
written is nearer to the-case to-come seems and to the-judgment
magis pertinere; deinde, ex lege utrum statim fieri
more to-pertain then from the-law whether at-once to-be-done
necesse sit, utrum habeat aliquam moram et sustentationem;
necessary it-be whether it-have some delay and postponement

nam id, quod statim faciendum sit, perfici prius 147
for that which at-once to-be-done is to-be-accomplished first
oportet; deinde operam dare, ut sua lex ipso scripto
it-behooves then effort to-give that his-own law on-the-very writing
videatur niti, contraria autem aut per ambiguum aut per
may-seem to-rest the-contrary however either through ambiguity or through
ratiocinationem aut per definitionem induci, cum sanctius
analogy or through definition be-brought-in since more-sacred
et firmius id videatur esse, quod apertius scriptum sit;
and firmer that seems to-be which more-openly written is
deinde suae legis ad scriptum ipsum sententiam quoque
then of-his-own law to the-writing itself the-intent also
adiungere, contrariam legem item ad aliam sententiam
to-join the-contrary law likewise to another intent
transducere, ut, si fieri poterit, ne discrepare quidem
to-lead-over so-that if to-be-done it-shall-be-able not to-conflict even
videantur inter se; postremo facere, si causa facultatem
they-may-seem among themselves finally to-bring-about if the-case opportunity
dabit, ut nostra ratione utraque lex conservari videatur,
shall-give that by-our reasoning each law to-be-preserved may-seem
adversariorum ratione altera sit necessario neglegenda.
by-the-adversaries' reasoning the-one be necessarily to-be-neglected
Locos autem communes et, quos ipsa causa det, videre
places however common both which itself the-case gives to-see
oportebit et ex utilitatis et ex honestatis amplissimis
it-will-behoove and from of-utility and from of-honor the-most-ample
partibus sumere demonstrantem per amplificationem, ad
parts to-take showing through amplification to
utram potius legem accedere oporteat.
which rather law to-go-over it-behooves

148 Ex ratiocinatione nascitur controversia, cum ex eo, quod
from analogy arises controversy when from that which
uspiam est, ad id, quod nusquam scriptum est, venitur,
anywhere is to that which nowhere written is one-comes
hoc pacto: lex: si furiosus est, agnatum gentiliumque
in-this way the-law if insane he-is of-the-agnates and-of-the-clansmen
in eo pecuniaque eius potestas esto. Et lex: paterfamilias
over him and-over-money his power let-be and the-law a-father-of-a-family
uti super familia pecuniaque sua legassit, ita ius
as about household and-money his shall-have-bequeathed so the-right
esto. Et lex: si paterfamilias intestato moritur, familia
let-be and the-law if a-father-of-a-family intestate dies the-household
pecuniaque eius agnatum gentiliumque esto.
and-money his of-the-agnates and-of-the-clansmen let-be

149 Quidam iudicatus est parentem occidisse et statim, quod
a-certain-man judged was his-parent to-have-killed and at-once because
effugiendi potestas non fuit, ligneae soleae in pedes inditae
of-escaping the-power not there-was wooden sandals on his-feet put
sunt; os autem obvolutum est folliculo et praeligatum;
were the-mouth however wrapped was in-a-small-bag and bound-up
deinde est in carcerem deductus, ut ibi esset
then he-was into prison led that there he-might-be
tantisper, dum culleus, in quem coniectus in profluentem
so-long while the-sack into which thrown into a-flowing-stream
deferretur, compararetur. Interea quidam eius familiares in
he-might-be-carried should-be-prepared meanwhile certain his intimates into
carcerem tabulas afferunt et testes adducunt; heredes, quos
the-prison tablets bring and witnesses bring-in heirs whom
ipse iubet, scribunt; tabulae obsignantur. De illo post
he-himself orders they-write the-tablets are-sealed on him afterward
supplicium sumitur. Inter eos, qui heredes in tabulis scripti
punishment is-exacted between those who heirs in the-tablets written

sunt, et inter agnatos de hereditate controversia est. Hic
are and between the-agnates about the-inheritance controversy there-is here
certa lex, quae testamenti faciendi iis, qui in eo loco
a-definite law which of-a-will being-made from-those who in that place
sint, adimat potestatem, nulla profertur. Ex ceteris
be may-take-away the-power none is-brought-forward from the-other
legibus et quae hunc ipsum supplicio eiusmodi afficiunt
laws both which this himself with-punishment of-such-a-sort visit
et quae ad testamenti faciendi potestatem pertinent, per
and which to of-a-will being-made the-power pertain through
ratiocinationem veniundum est ad eiusmodi rationem, ut
analogy to-be-come it-is to of-such-a-sort a-reckoning that
quaeratur, habueritne testamenti faciendi potestatem.
it-be-asked whether-he-had of-a-will being-made the-power
Locos autem communes in hoc genere argumentandi hos et 150
places however common in this kind of-arguing these and
huiusmodi quosdam esse arbitramur: primum eius scripti,
of-this-sort certain to-be we-think first of-that writing
quod proferas, laudationem et confirmationem; deinde eius
which you-bring-forward praise and confirmation then of-that
rei, qua de quaeratur, cum eo, de quo constet, collationem
thing which about it-is-asked with that about which it-is-agreed a-comparison
eiusmodi, ut id, de quo quaeritur, ei, de quo constet,
of-such-a-sort that that about which it-is-asked to-that about which it-is-agreed
simile esse videatur; postea admirationem per contentionem,
like to-be may-seem afterward wonder through contrast
qui fieri possit, ut qui hoc aequum esse concedat, illud
how to-be-done it-can that he-who this fair to-be concedes that
neget, quod aut aequius aut eodem sit in genere; deinde
he-should-deny which either more-fair or in-the-same be in kind then

idcirco de hac re nihil esse scriptum, quod, cum de
for-this-reason about this matter nothing to-be written because since about
illa esset scriptum, de hac is, qui scribebat, dubitaturum
that it-was written about this he who was-writing going-to-doubt
151 neminem arbitratus sit; postea multis in legibus multa
no-one thought has afterward many in laws many-things
praeterita esse, quae idcirco praeterita nemo arbitretur, quod
passed-over to-be which for-that-reason passed-over no-one thinks because
ex ceteris, de quibus scriptum sit, intellegi possint; deinde
from the-others about which written it-is to-be-understood they-can then
aequitas rei demonstranda est, ut in iuridiciali absoluta.
the-equity of-the-thing to-be-shown is as in the-juridical absolute
Contra autem qui dicet, similitudinem infirmare
on-the-other-side however he-who shall-speak the-likeness to-weaken
debebit; quod faciet, si demonstrabit illud, quod conferatur,
will-be-obliged which he-will-do if he-shall-show that which is-compared
diversum esse genere, natura, vi, magnitudine, tempore,
different to-be in-kind nature force size time
loco, persona, opinione; si, quo in numero illud, quod
place person opinion if what in class that which
per similitudinem afferetur, et quo in loco illud, cuius
through likeness shall-be-brought and what in place that of-which
causa afferetur, haberi conveniat, ostendetur; deinde,
for-the-sake it-shall-be-brought to-be-held it-befits shall-be-shown then
quid res cum re differat, demonstrabitur, ut non idem
what thing from thing differs shall-be-shown so-that not the-same
videatur de utraque existimari oportere.
may-seem about each to-be-thought to-behoove
152 Ac, si ipse quoque poterit ratiocinationibus uti, isdem
and if he-himself also shall-be-able analogies to-use with-the-same
rationibus, quibus ante praedictum est, utetur;
reasons with-which before foretold it-has-been he-will-use(-them)

si non poterit, negabit oportere quicquam, nisi quod
if not he-shall-be-able he-will-deny to-behoove anything except what
scriptum sit, considerare; multas de similibus rebus et
written be to-consider many about like things and
in unam quamque rem tamen singulas esse leges; omnia
for one each thing still single to-be laws all-things
posse inter se vel similia vel dissimilia demonstrari.
to-be-able among themselves either like or unlike to-be-shown
Loci communes: a ratiocinatione, oportere coniectura ex
places common from analogy to-behoove by-conjecture from
eo, quod scriptum sit, ad id, quod non sit scriptum,
that which written is to that which not is written
pervenire; et neminem posse omnes res per scripturam
to-arrive and no-one to-be-able all things through writing
amplecti, sed eum commodissime scribere, qui curet, ut
to-embrace but him most-conveniently to-write who takes-care that
quaedam ex quibusdam intellegantur;
certain-things from certain-things be-understood
contra ratiocinationem huiusmodi: coniecturam divinationem 153
against analogy of-this-sort conjecture divination
esse et stulti scriptoris esse non posse omnibus de
to-be and of-a-foolish writer to-be not to-be-able all about
rebus cavere, quibus velit.
things to-provide for-which he-wishes
Definitio est, cum in scripto verbum aliquod est positum,
definition is when in the-writing word some is placed
cuius de vi quaeritur, hoc modo: lex: qui in
of-whose about the-force it-is-asked in-this manner the-law those-who in
adversa tempestate navem reliquerint, omnia amittunto; eorum
an-adverse storm the-ship shall-have-left all-things let-them-lose theirs
navis et onera sunto, qui in nave remanserint. Duo quidam,
the-ship and cargo let-be who in the-ship shall-have-remained two certain-men

cum iam in alto navigarent, et cum eorum alterius navis,
when already on the-deep they-were-sailing and when of-them of-the-one the-ship
alterius onus esset, naufragum quendam natantem et manus
of-the-other the-cargo was a-shipwrecked a-certain-man swimming and his-hands
ad se tendentem animum adverterunt; misericordia commoti
to them stretching the-mind turned by-pity moved
navem ad eum adplicarunt, hominem ad se sustulerunt.
the-ship to him they-brought-alongside the-man to themselves they-took-up
154 Postea aliquanto ipsos quoque tempestas vehementius iactare
afterward somewhat them also the-storm more-violently to-toss
coepit, usque adeo, ut dominus navis, cum idem gubernator
began right so-far that the-master of-the-ship since the-same the-pilot
esset, in scapham confugeret et inde funiculo, qui a
he-was into the-skiff took-refuge and thence by-the-small-rope which from
puppi religatus scapham adnexam trahebat, navi, quod posset,
the-stern tied the-skiff attached was-towing the-ship as-far-as he-could
moderaretur, ille autem, cuius merces erant, in gladium in navi
he-steered he however whose the-wares were on his-sword in the-ship
ibidem incumberet. Hic ille naufragus ad gubernaculum
in-the-same-place fell here that shipwrecked-man to the-helm
accessit et navi, quod potuit, est opitulatus. Sedatis autem
went and the-ship as-much-as he-could has helped with-calmed however
fluctibus et tempestate iam commutata navis in portum
the-waves and with-the-storm already changed the-ship into the-harbor
pervehitur. Ille autem, qui in gladium incubuerat, leviter
is-carried he however who on his-sword had-fallen slightly
saucius facile ex vulnere est recreatus. Navem cum onere
wounded easily from the-wound was restored the-ship with the-cargo
horum trium suam quisque esse dicit. Hic omnes scripto
of-these three his-own each to-be says here all by-the-writing
ad causam accedunt et ex nominis vi nascitur controversia.
to the-case come and from the-name's force arises the-controversy

Nam et relinquere navem et remanere in navi, denique
for both to-leave the-ship and to-remain in the-ship finally
navis ipsa quid sit, definitionibus quaeretur. Isdem autem
the-ship itself what it-be by-definitions will-be-asked from-the-same however
ex locis omnibus, quibus definitiva constitutio, tractabitur.
from topics all from-which the-definitional issue will-be-handled

XVII · DELIBERATIVE SPEECH: THE HONORABLE

Cicero turns to deliberative and demonstrative speech; the end of deliberation is honor and advantage. Things to be sought are honorable, advantageous, or both. Virtue has four parts, defined in turn: prudence, justice, fortitude, and temperance, with their sub-parts and the right founded on nature, custom, and law. Beside each virtue stands a vice to shun, as audacity beside confidence.

Nunc expositis iis argumentationibus, quae in iudiciale 155
now with-set-forth those argumentations which to the-judicial
causarum genus adcommodantur, deinceps in deliberativum
of-cases kind are-adapted next for the-deliberative
genus et demonstrativum argumentandi locos et praecepta
kind and the-demonstrative of-arguing topics and precepts
dabimus, non quo non in aliqua constitutione omnis semper
we-shall-give not because not in some issue every always
causa versetur, sed quia proprii tamen harum causarum
case is-engaged but because proper still of-these cases
quidam loci sunt, non a constitutione separati, sed ad
certain topics are not from the-issue separated but to
fines horum generum accommodati.
the-ends of-these kinds adapted

156 Nam placet in iudiciali genere finem esse aequitatem, hoc est
for it-pleases in the-judicial kind the-end to-be equity that is
partem quandam honestatis. In deliberativo autem Aristoteli
a-part certain of-honor in the-deliberative however to-Aristotle
placet utilitatem, nobis et honestatem et utilitatem,
it-pleases utility to-us both honor and utility
in demonstrativo honestatem. Quare in quoque genere
in the-demonstrative honor wherefore in each kind
causae quaedam argumentationes communiter ac similiter
of-case certain argumentations in-common and similarly
tractabuntur, quaedam separatius ad finem, quo referri
will-be-handled certain more-separately to the-end to-which to-be-referred
omnem orationem oportet, adiungentur. Atque unius cuiusque
every speech it-behooves will-be-joined and of-one each
constitutionis exemplum subponere non gravaremur, nisi
issue an-example to-subjoin not we-would-be-reluctant unless
illud videremus, quemadmodum res obscurae dicendo fierent
that we-saw as things obscure by-speaking become
apertiores, sic res apertas obscuriores fieri oratione.
clearer so things clear more-obscure to-become by-speech
Nunc ad deliberationis praecepta pergamus.
now to of-deliberation the-precepts let-us-proceed

157 Rerum expetendarum tria genera sunt; par autem numerus
of-things to-be-sought three kinds there-are equal however the-number
vitandarum ex contraria parte. Nam est quiddam,
of-things-to-be-avoided from the-contrary side for there-is something
quod sua vi nos adliciat ad sese, non emolumento
which by-its-own force us draws to itself not by-profit
captans aliquo, sed trahens sua dignitate, quod genus
catching some but drawing by-its-own dignity which kind
virtus, scientia, veritas. Est aliud autem non propter suam
virtue knowledge truth there-is another however not on-account-of its-own

vim et naturam, sed propter fructum atque utilitatem
force and nature but on-account-of the-fruit and utility
petendum; quod genus pecunia est. Est porro quiddam ex
to-be-sought which kind money is there-is further something from
horum partibus iunctum, quod et sua vi et dignitate
of-these the-parts joined which both by-its-own force and dignity
nos inlectos ducit et prae se quandam gerit utilitatem,
us allured leads and before itself a-certain bears utility
quo magis expetatur, ut amicitia, bona existimatio.
by-which the-more it-may-be-sought as friendship good reputation
Atque ex his horum contraria facile tacentibus nobis 158
and from these of-these the-contraries easily with-silent us
intellegentur. Sed ut expeditius ratio tradatur,
will-be-understood but that more-readily the-method may-be-handed-down
ea, quae posuimus, brevi nominabuntur. Nam, in primo
those-things which we-have-set-down briefly will-be-named for in the-first
genere quae sunt, honesta appellabuntur; quae autem in
kind what-things are honorable will-be-called what however in
secundo, utilia. Haec autem tertia, quia partem honestatis
the-second useful these however third because a-part of-honor
continent et quia maior est vis honestatis, iuncta esse
they-contain and because greater is the-force of-honor joined to-be
omnino et duplici genere intelleguntur, sed in meliorem
altogether and of-a-double kind are-understood but to the-better
partem vocabuli conferantur et honesta nominentur. Ex
part of-the-word let-them-be-assigned and honorable be-named from
his illud conficitur, ut petendarum rerum partes sint
these that is-concluded that to-be-sought of-things the-parts be
honestas et utilitas, vitandarum turpitudo et inutilitas.
honor and utility of-things-to-be-avoided baseness and uselessness
His igitur duabus rebus res duae grandes sunt adtributae,
to-these therefore two things things two great are assigned

necessitudo et affectio; quarum altera ex vi, altera ex
necessity and condition of-which the-one from force the-other from
re et personis consideratur. De utraque post apertius
the-thing and persons is-considered about each later more-openly
perscribemus; nunc honestatis rationes primum explicemus.
we-shall-write-out now of-honor the-reckonings first let-us-unfold
159 Quod aut totum aut aliqua ex parte propter se petitur,
what either wholly or some in part on-account-of itself is-sought
honestum nominabimus. Quare, cum eius duae partes sint,
honorable we-shall-name wherefore since of-it two parts there-be
quarum altera simplex, altera iuncta sit, simplicem prius
of-which the-one simple the-other joined be the-simple first
consideremus. Est igitur in eo genere omnes res una vi
let-us-consider there-is therefore in that kind all things with-one force
atque uno nomine amplexa virtus. Nam virtus est animi
and one name having-embraced virtue for virtue is of-the-mind
habitus naturae modo atque rationi consentaneus.
a-habit of-nature in-the-manner and with-reason consistent
Quamobrem omnibus eius partibus cognitis tota vis erit
wherefore with-all its parts learned the-whole force will-be
simplicis honestatis considerata. Habet igitur partes quattuor:
of-simple honor considered it-has therefore parts four
prudentiam, iustitiam, fortitudinem, temperantiam.
prudence justice fortitude temperance
160 Prudentia est rerum bonarum et malarum neutrarumque
prudence is of-things good and bad and-of-neither
scientia. Partes eius: memoria, intellegentia, providentia.
knowledge the-parts of-it memory intelligence foresight
Memoria est, per quam animus repetit illa, quae fuerunt;
memory is through which the-mind recovers those-things which have-been

intellegentia, per quam ea perspicit, quae sunt; providentia,
intelligence through which those it-sees-through which are foresight
per quam futurum aliquid videtur ante quam factum est.
through which going-to-be something is-seen before than done it-is
Iustitia est habitus animi communi utilitate conservata
justice is a-habit of-the-mind with-the-common utility preserved
suam cuique tribuens dignitatem. Eius initium est ab
its-own to-each assigning dignity of-it the-beginning is from
natura profectum; deinde quaedam in consuetudinem ex
nature proceeded then certain-things into custom from
utilitatis ratione venerunt; postea res et ab natura profectas
of-utility reason came afterward things both from nature proceeded
et ab consuetudine probatas legum metus et religio sanxit.
and by custom approved the-laws' fear and religion sanctioned
Naturae ius est, quod non opinio genuit, sed quaedam 161
of-nature law is what not opinion has-begotten but a-certain
in natura vis insevit, ut religionem, pietatem, gratiam,
in nature force has-implanted as religion piety gratitude
vindicationem, observantiam, veritatem. Religio est, quae
avenging observance truth religion is that-which
superioris cuiusdam naturae, quam divinam vocant, curam
of-a-higher certain nature which divine they-call care
caerimoniamque affert; pietas, per quam sanguine coniunctis
and-worship brings piety through which by-blood to-those-joined
patriaeque benivolum officium et diligens tribuitur cultus;
and-to-the-fatherland a-kindly duty and diligent is-assigned observance
gratia, in qua amicitiarum et officiorum alterius memoria et
gratitude in which of-friendships and of-services of-another the-memory and
remunerandi voluntas continetur; vindicatio, per quam vis aut
of-requiting the-will is-contained avenging through which force or
iniuria et omnino omne, quod obfuturum est, defendendo aut
injury and altogether all which going-to-harm is by-defending or

ulciscendo propulsatur; observantia, per quam homines aliqua
by-avenging is-driven-off observance through which men in-some
dignitate antecedentes cultu quodam et honore dignantur;
dignity surpassing by-respect a-certain and honor are-deemed-worthy
162 veritas, per quam inmutata ea, quae sunt aut fuerunt
truth through which unchanged those-things which are or have-been
aut futura sunt, dicuntur. Consuetudine ius est, quod aut
or going-to-be are are-said by-custom law is what either
leviter a natura tractum aluit et maius fecit usus, ut
lightly from nature drawn has-nourished and greater has-made practice as
religionem, aut si quid eorum, quae ante diximus, ab natura
religion or if anything of-those which before we-said from nature
profectum maius factum propter consuetudinem videmus,
proceeded greater made on-account-of custom we-see
aut quod in morem vetustas vulgi adprobatione perduxit;
or which into custom antiquity by-the-crowd's approval has-brought
quod genus pactum est, par, iudicatum. Pactum est, quod
which kind compact is equity judgment compact is what
inter aliquos convenit; par, quod in omnes aequabile est;
among some is-agreed equity what toward all equal is
iudicatum, de quo alicuius aut aliquorum iam sententiis
judgment about which by-someone's or some-men's already sentences
constitutum est. Lege ius est, quod in eo scripto, quod
established it-has-been by-law law is what in that writing which
populo expositum est, ut observet, continetur.
to-the-people set-forth is that it-may-observe(-it) is-contained
163 Fortitudo est considerata periculorum susceptio et laborum
fortitude is a-considered of-dangers undertaking and of-labors
perpessio. Eius partes magnificentia, fidentia, patientia,
enduring the-parts of-it magnificence confidence patience
perseverantia. Magnificentia est rerum magnarum et
perseverance magnificence is of-things great and

excelsarum cum animi ampla quadam et splendida
lofty with of-mind ample a-certain and splendid
propositione cogitatio atque administratio; fidentia est,
intention thinking and administering confidence is
per quam magnis et honestis in rebus multum ipse
through which in-great and honorable in things much itself
animus in se fiduciae certa cum spe conlocavit; patientia
the-mind in itself of-trust with-sure with hope has-placed patience
est honestatis aut utilitatis causa rerum arduarum ac
is of-honor or of-utility for-the-sake of-things arduous and
difficilium voluntaria ac diuturna perpessio; perseverantia est
difficult a-voluntary and long-lasting enduring perseverance is
in ratione bene considerata stabilis et perpetua permansio.
in reasoning well considered a-stable and perpetual remaining
Temperantia est rationis in libidinem atque in alios non rectos 164
temperance is of-reason over lust and over other not right
impetus animi firma et moderata dominatio. Eius partes
impulses of-the-mind a-firm and moderate mastery the-parts of-it
continentia, clementia, modestia. Continentia est, per quam
continence clemency modesty continence is through which
cupiditas consilii gubernatione regitur; clementia, per quam
desire by-counsel's steering is-ruled clemency through which
animi temere in odium alicuius * iniectionis concitati
minds rashly into hatred of-someone (lacuna) of-attack roused
comitate retinentur; modestia, per quam pudor honesti
by-courtesy are-held-back modesty through which shame of-the-honorable
curam et stabilem comparat auctoritatem. Atque haec omnia
care and stable procures authority and these all
propter se solum, ut nihil adiungatur emolumenti,
on-account-of themselves alone so-that nothing be-added of-profit

petenda sunt. Quod ut demonstretur, neque ad hoc nostrum
to-be-sought are which that it-be-shown neither to this our
institutum pertinet et a brevitate praecipiendi remotum est.
design pertains and from the-brevity of-teaching remote is
165 Propter se autem vitanda sunt non ea modo, quae
on-account-of themselves however to-be-avoided are not those only which
his contraria sunt, ut fortitudini ignavia et iustitiae iniustitia,
to-these contrary are as to-fortitude cowardice and to-justice injustice
verum etiam illa, quae propinqua videntur et finitima esse,
but also those which near seem and bordering to-be
absunt autem longissume; quod genus fidentiae contrarium est
are-distant however most-far which kind to-confidence contrary is
diffidentia et ea re vitium est; audacia non contrarium,
diffidence and for-that reason a-vice is audacity not contrary
sed appositum est ac propinquum et tamen vitium est. Sic
but set-beside is and near and still a-vice it-is so
uni cuique virtuti finitimum vitium reperietur, aut certo
to-one each virtue a-bordering vice will-be-found either by-a-definite
iam nomine appellatum, ut audacia, quae fidentiae, pertinacia,
already name called as audacity which to-confidence obstinacy
quae perseverantiae finitima est, superstitio, quae religioni
which to-perseverance bordering is superstition which to-religion
propinqua est, aut sine ullo certo nomine. Quae omnia item
near is or without any definite name which all likewise
uti contraria rerum bonarum in rebus vitandis reponentur.
as the-contraries of-things good among things to-be-avoided will-be-placed
Ac de eo quidem genere honestatis, quod omni ex parte
and about that indeed kind of-honor which every from part
propter se petitur, satis dictum est.
on-account-of itself is-sought enough said has-been

Some honorable things also bring advantage, as glory, rank, greatness, and friendship. Advantage lies in the body or in external goods, and its parts are safety and power. The speaker must also weigh necessity, simple or with a condition attached, which touches honor, safety, and convenience, and circumstance, which changes how things are judged. Praise and blame look to mind, body, and external things, and to how a man used them. Invention is now complete; the rest is left for later books.

Nunc de eo, in quo utilitas quoque adiungitur, quod tamen 166
now about that in which utility also is-joined which still
honestum vocamus, dicendum videtur. Sunt igitur multa,
honorable we-call to-be-spoken it-seems there-are therefore many-things
quae nos cum dignitate tum quoque fructu suo ducunt;
which us both by-dignity and also by-fruit their-own lead
quo in genere est gloria, dignitas, amplitudo, amicitia.
which in kind is glory dignity greatness friendship
Gloria est frequens de aliquo fama cum laude; dignitas est
glory is frequent about someone repute with praise dignity is
alicuius honesta et cultu et honore et verecundia digna
of-someone an-honorable and of-respect and of-honor and of-reverence worthy
auctoritas; amplitudo potentiae aut maiestatis aut aliquarum
authority greatness of-power or of-majesty or of-some
copiarum magna abundantia; amicitia voluntas erga aliquem
resources a-great abundance friendship goodwill toward someone
rerum bonarum illius ipsius causa, quem diligit, cum
of-things good of-that-one himself for-the-sake whom one-loves with
eius pari voluntate.
his equal goodwill
Hic, quia de civilibus causis loquimur, fructus ad amicitiam 167
here because about civil cases we-speak fruits to friendship
adiungimus, ut eorum quoque causa petenda videatur,
we-join so-that of-them also for-the-sake to-be-sought it-may-seem

ne forte, qui nos de omni amicitia dicere existimant,
lest perhaps those-who us about every friendship to-speak think
reprehendere incipiant. Quamquam sunt qui propter
to-blame may-begin although there-are those-who on-account-of
utilitatem modo petendam putant amicitiam; sunt qui
utility only to-be-sought think friendship there-are those-who
propter se solum; sunt qui propter se et utilitatem.
on-account-of itself alone there-are those-who on-account-of itself and utility
Quorum quid verissime constituatur, alius locus erit
of-which what most-truly be-established another place will-be
considerandi. Nunc hoc sic ad usum oratorium relinquatur,
of-considering now this so for the-use oratorical let-it-be-left
utramque propter rem amicitiam esse expetendam.
each on-account-of thing friendship to-be to-be-sought
168 Amicitiarum autem ratio, quoniam partim sunt
of-friendships however the-reckoning since partly they-are
religionibus iunctae, partim non sunt, et quia partim veteres
by-sanctions joined partly not they-are and because partly old
sunt, partim novae, partim ab illorum, partim ab nostro
they-are partly new partly from their partly from our
beneficio profectae, partim utiliores, partim minus utiles, ex
service proceeded partly more-useful partly less useful from
causarum dignitatibus, ex temporum opportunitatibus, ex
of-the-causes the-dignities from of-the-times the-opportunities from
officiis, ex religionibus, ex vetustatibus habebitur.
duties from sanctions from the-length-of-standing will-be-held
Utilitas autem aut in corpore posita est aut in extrariis
utility however either in the-body placed is or in external
rebus; quarum tamen rerum multo maxima pars ad corporis
things of-which still things by-much the-greatest part to of-the-body
commodum revertitur, ut in re publica quaedam sunt,
the-advantage returns as in the-thing public certain-things there-are

quae, ut sic dicam, ad corpus pertinent civitatis, ut agri,
which as thus I-may-say to the-body pertain of-the-state as lands
portus, pecunia, classis, nautae, milites, socii, quibus rebus
harbors money a-fleet sailors soldiers allies by-which things
incolumitatem ac libertatem retinent civitates, aliae vero,
safety and liberty keep the-states others indeed
quae iam quiddam magis amplum et minus necessarium
which already something more ample and less necessary
conficiunt, ut urbis egregia exornatio atque amplitudo,
accomplish as of-the-city the-outstanding adornment and greatness
ut quaedam excellens pecuniae magnitudo, amicitiarum ac
as a-certain excellent of-money greatness of-friendships and
societatum multitudo.
of-alliances a-multitude

Quibus rebus non illud solum conficitur, ut salvae 169
by-which things not that only is-brought-about that safe
et incolumes, verum etiam, ut amplae atque potentes
and unharmed but also that ample and powerful
sint civitates. Quare utilitatis duae partes videntur esse,
be the-states wherefore of-utility two parts seem to-be
incolumitas et potentia. Incolumitas est salutis rata atque
safety and power safety is of-well-being a-fixed and
integra conservatio; potentia est ad sua conservanda et
whole preservation power is for one's-own-things being-preserved and
alterius adtenuanda idonearum rerum facultas. Atque in iis
of-another's being-weakened of-suitable things the-means and in those
omnibus, quae ante dicta sunt, quid fieri et quid facile
all which before said have-been what to-be-done and what easily
fieri possit, oportet considerare. Facile id dicemus, quod
to-be-done can it-behooves to-consider easy that we-shall-call which
sine magno aut sine ullo labore, sumptu, molestia quam
without great or without any labor expense trouble as

brevissimo tempore confici potest; posse autem fieri,
shortest time to-be-accomplished can possible however to-be-done
quod, quamquam laboris, sumptus, molestiae, longinquitatis
what although of-labor expense trouble length
indiget atque omnes aut plurimas aut maximas causas habet
it-needs and all or most or greatest causes has
difficultatis, tamen his susceptis difficultatibus confieri
of-difficulty still with-these undertaken difficulties to-be-accomplished
atque ad exitum perduci potest.
and to completion to-be-brought can
170 Quoniam ergo de honestate et de utilitate diximus, nunc
since therefore about honor and about utility we-have-spoken now
restat, ut de iis rebus, quas his adtributas esse dicebamus,
it-remains that about those things which to-these assigned to-be we-said
necessitudine et affectione, perscribamus. Puto igitur esse
necessity and condition we-write-out I-think therefore to-be
hanc necessitudinem, cui nulla vi resisti potest, quo ea
this necessity which by-no force to-be-resisted can by-which it
setius id, quod facere potest, perficiat, quae neque mutari
less that which to-do it-can should-accomplish which neither to-be-changed
neque leniri potest. Huiusmodi necessitudines cum in
nor to-be-softened can of-this-sort necessities when into
dicendi rationes incident, recte necessitudines appellabuntur;
of-speaking the-methods they-shall-fall rightly necessities will-be-called
171 sin aliquae res accident difficiles, in illa superiore, possitne
but-if some things shall-befall difficult in that former whether-can-it
fieri, quaestione considerabimus. Atque etiam hoc mihi videor
be-done question we-shall-consider and also this to-me I-seem
videre, esse quasdam cum adiunctione necessitudines,
to-see there-to-be certain with addition necessities
quasdam simplices et absolutas. Nam aliter dicere solemus:
certain simple and absolute for otherwise to-say we-are-wont

necesse est Casilinenses se dedere Hannibali; aliter
necessary it-is the-Casilinates themselves to-surrender to-Hannibal otherwise
autem: necesse est Casilinum venire in Hannibalis potestatem.
however necessary it-is Casilinum to-come into Hannibal's power
Illic, in superiore, adiunctio est haec: nisi si malunt fame
there in the-former an-addition there-is this unless if they-prefer by-hunger
perire; si enim id malunt, non est necesse; hoc inferius non
to-perish if for that they-prefer not it-is necessary this latter not
item, propterea quod, sive velint Casilinenses se dedere
likewise on-this-account that whether they-wish the-Casilinates themselves to-surrender
sive famem perpeti atque ita perire, necesse est Casilinum
or hunger to-endure and so to-perish necessary it-is Casilinum
venire in Hannibalis potestatem. Quid igitur haec perficere
to-come into Hannibal's power what therefore this to-accomplish
potest necessitudinis distributio? Prope dicam plurimum, cum
can of-necessity the-distribution nearly I-may-say very-much when
locus necessitudinis videbitur incurrere. Nam cum simplex erit
the-topic of-necessity shall-seem to-run-in for when simple shall-be
necessitudo, nihil erit quod multa dicamus, cum eam
the-necessity nothing will-be-there that many-things we-may-say since it
nulla ratione lenire possimus; cum autem ita necesse erit, si
in-no way soften we-can when however so necessary it-shall-be if
aliquid effugere aut adipisci velimus, tum adiunctio illa quid
something to-escape or to-attain we-wish then addition that what
habeat utilitatis aut quid honestatis, erit considerandum.
it-may-have of-utility or what of-honor will-be to-be-considered
Nam si velis attendere, ita tamen, ut id quaeras, quod 172
for if you-wish to-attend so still that that you-seek which
conveniat ad usum civitatis, reperias nullam esse rem,
befits for the-use of-the-state you-would-find no to-be thing
quam facere necesse sit, nisi propter aliquam causam, quam
which to-do necessary it-be except on-account-of some cause which

adiunctionem nominamus; pariter autem esse multas res, ad
addition we-name equally however to-be many things to
quas similis adiunctio non accedit; quod genus homines necesse
which a-like addition not comes which kind men necessary
est interire, sine adiunctione; ut cibo utantur, non necesse est
it-is to-perish without addition that food they-use not necessary it-is
nisi cum illa exceptione extra quam si nolint fame perire.
except with that exception except than if they-be-unwilling by-hunger to-perish
173 Ergo, ut dico, illud, quod adiungitur, semper, cuiusmodi sit,
therefore as I-say that which is-added always of-what-sort it-be
erit considerandum. Nam omni tempore id pertinebit, ut
will-be to-be-considered for at-every time it will-pertain that
hoc modo exponenda necessitudo sit: necesse est, si honeste
in-this manner to-be-set-forth necessity be necessary it-is if honorably
volumus vivere; necesse est, si incolumes volumus esse; necesse
we-wish to-live necessary it-is if unharmed we-wish to-be necessary
est, si sine incommodo volumus vivere. Ac summa quidem
it-is if without disadvantage we-wish to-live and the-highest indeed
necessitudo videtur esse honestatis; huic proxima incolumitatis;
necessity seems to-be of-honor to-this next of-safety
174 tertia ac levissima commoditatis; quae cum his numquam
third and lightest of-advantage which with these never
poterit duabus contendere. Hasce autem inter se saepe
will-be-able the-two to-contend these however among themselves often
necesse est comparari, ut, quamquam praestet honestas
necessary it-is to-be-compared so-that although surpass honor
incolumitati, tamen, utri potissimum consulendum sit,
safety still for-which most-of-all to-be-provided be
deliberetur. Cuius rei certum quoddam praescriptum videtur
be-deliberated of-which thing fixed a-certain prescription seems
in perpetuum dari posse. Nam, qua in re fieri
for ever to-be-given to-be-able for which in thing to-be-done

poterit, ut, cum incolumitati consuluerimus, quod sit
it-shall-be-able that when for-safety we-shall-have-provided what be
in praesentia de honestate delibatum, virtute aliquando et
at present from honor taken-away by-virtue sometime and
industria recuperetur, incolumitatis ratio videbitur habenda;
industry be-recovered of-safety the-reckoning will-seem to-be-held
cum autem id non poterit, honestatis. Ita in huiusmodi
when however that not it-shall-be-able of-honor so in of-this-sort
quoque re, cum incolumitati videbimur consulere, vere
also thing when for-safety we-shall-seem to-provide truly
poterimus dicere nos honestatis rationem habere, quoniam
we-shall-be-able to-say ourselves of-honor the-reckoning to-hold since
sine incolumitate eam nullo tempore possumus adipisci. Qua
without safety it at-no time we-can attain which
in re vel concedere alteri vel ad condicionem alterius
in thing either to-yield to-another or to the-terms of-another
descendere vel in praesentia quiescere atque aliud tempus
to-descend or at present to-be-quiet and another time
exspectare oportebit, modo illud adtendatur, dignane
to-await it-will-behoove only that be-attended-to whether-worthy
causa videatur ea, quae ad utilitatem pertinebit, quare de
cause may-seem that which to utility shall-pertain why from
magnificentia aut de honestate quiddam derogetur.
magnificence or from honor something be-taken-away
Atque in hoc loco mihi caput illud videtur esse, ut quaeramus, 175
and in this place to-me the-head that seems to-be that we-ask
quid sit illud, quod si adipisci aut effugere velimus, aliqua
what be that which if to-attain or to-escape we-wish some
res nobis sit necessaria, hoc est, quae sit adiunctio, ut
thing for-us be necessary that is what be the-addition so-that

proinde, uti quaeque res erit, elaboremus et gravissimam
accordingly as each thing shall-be we-may-labor and the-weightiest
quamque causam vehementissime necessariam iudicemus.
each cause most-vehemently necessary we-may-judge
176 Affectio est quaedam ex tempore aut ex negotiorum
condition is a-certain from the-time or from of-affairs
eventu aut administratione aut hominum studio commutatio
the-outcome or management or of-men the-zeal change
rerum, ut non tales, quales ante habitae sint aut
of-things so-that not such as before held they-have-been or
plerumque haberi soleant, habendae videantur esse; ut
generally to-be-held they-are-wont to-be-held they-may-seem to-be as
ad hostes transire turpe videatur esse, at non illo
to the-enemy to-go-over shameful may-seem to-be but not with-that
animo, quo Ulixes transiit; et pecuniam in mare deicere
mind with-which Ulysses went-over and money into the-sea to-throw
inutile, at non eo consilio, quo Aristippus fecit.
useless but not with-that plan with-which Aristippus did
Sunt igitur res quaedam ex tempore et ex consilio, non
there-are therefore things certain from the-time and from the-plan not
ex sua natura considerandae; quibus in omnibus, quid
from their-own nature to-be-considered which in all what
tempora petant, quid personis dignum sit, considerandum
the-times seek what for-the-persons worthy be to-be-considered
est et non quid, sed quo quidque animo, quicum, quo
is and not what but with-what each-thing mind with-whom at-what
tempore, quamdiu fiat, attendendum est. His ex partibus
time how-long it-be-done to-be-attended-to is these from parts
ad sententiam dicendam locos sumi oportere arbitramur.
for opinion being-spoken topics to-be-taken to-behoove we-think

Laudes autem et vituperationes ex iis locis sumentur, qui 177
praises however and censures from those topics will-be-taken which
loci personis sunt adtributi, de quibus ante dictum est.
topics to-persons are assigned about which before said it-has-been
Sin distributius tractare qui volet, partiatur in animum
but-if more-distributively to-handle anyone shall-wish let-him-divide into mind
et corpus et extraneas res licebit. Animi virtus,
and body and external things it-will-be-allowed of-the-mind virtue
cuius de partibus paulo ante dictum est; corporis
whose about parts a-little before said it-has-been of-the-body
valetudo, dignitas, vires, velocitas; extraneae honos, pecunia,
health dignity strength speed the-external office money
adfinitas, genus, amici, patria, potentia, cetera, quae
kinship family friends fatherland power the-other-things which
simili esse in genere intellegentur.
in-a-like to-be in kind shall-be-understood
Atque in his id, quod in omnia, valere oportebit; contraria 178
and in these that which to all to-be-valid it-will-behoove the-contraries
quoque, quae et qualia sint, intellegentur. Videre autem in
also what and of-what-sort they-be will-be-understood to-see however in
laudando et in vituperando oportebit non tam, quae in
praising and in censuring it-will-behoove not so-much what-things in
corpore aut in extraneis rebus habuerit is, de quo agetur,
body or in external things he-had he about whom it-shall-be-pleaded
quam quo pacto his rebus usus sit. Nam fortunam
as in-what way these things used he-has for fortune
quidem et laudare stultitia et vituperare superbia est,
indeed both to-praise folly and to-censure arrogance is
animi autem et laus honesta et vituperatio vehemens est.
of-the-mind however both praise honorable and censure vehement is

Nunc quoniam omne in causae genus argumentandi ratio
now since every into of-case kind of-arguing the-method
tradita est, de inventione, prima ac maxima parte
handed-down has-been about invention the-first and greatest part
rhetoricae, satis dictum videtur. Quare, quoniam et
of-rhetoric enough said seems-to-have-been wherefore since both
una pars ad exitum hoc ac superiore libro perducta est
one part to completion in-this and in-the-former book brought has-been
et hic liber non parum continet litterarum, quae restant,
and this book not too-little contains of-writing what-things remain
in reliquis dicemus.
in the-remaining-books we-shall-speak

CICERO

Orator

The Orator

ORATOR

I · THE IDEAL ORATOR

Cicero long doubted whether it was harder to refuse Brutus again or to do what he asked: to judge which kind of eloquence is best and what the perfect orator is like. The masters of every art have never deterred others, and second place is honorable. He will portray an orator such as perhaps never existed, as Phidias worked from an image of beauty in his mind, the form Plato calls an idea.

Utrum difficilius aut maius esset negare tibi saepius idem 1
whether more-difficult or greater it-were to-refuse you rather-often the-same
roganti an efficere id quod rogares diu multumque, Brute,
asking or to-accomplish that which you-asked long and-much Brutus
dubitavi. Nam et negare ei quem unice diligerem cuique
I-have-doubted for both to-refuse him whom uniquely I-loved and-to-whom
me carissimum esse sentirem, praesertim et iusta petenti
me most-dear to-be I-felt especially both just-things seeking
et praeclara cupienti, durum admodum mihi videbatur,
and splendid-things desiring harsh very to-me it-seemed
et suscipere tantam rem, quantam non modo facultate
and to-undertake so-great a-thing as not only by-ability
consequi difficile esset sed etiam cogitatione complecti, vix
to-attain difficult it-were but even by-thought to-embrace scarcely
arbitrabar esse eius qui vereretur reprehensionem doctorum
I-thought to-be of-him who should-fear the-censure of-the-learned
atque prudentium.
and wise

Quid enim est maius quam, cum tanta sit inter oratores 2
what for is greater than when so-great be among orators
bonos dissimilitudo, iudicare quae sit optima species et quasi
good the-unlikeness to-judge what be the-best form and as-it-were

figura dicendi? Quod quoniam me saepius rogas, aggrediar
figure of-speaking which since me rather-often you-ask I-shall-attempt
non tam perficiendi spe quam experiendi voluntate; malo
not so-much of-accomplishing by-hope as of-trying by-the-wish I-prefer
enim, cum studio tuo sim obsecutus, desiderari a te
for when to-zeal your I-have complied to-be-missed by you
prudentiam meam quam, si id non fecerim, benevolentiam.
wisdom my than if it not I-should-have-done goodwill
3 Quaeris igitur idque iam saepius quod eloquentiae genus
you-ask therefore and-that already rather-often what of-eloquence kind
probem maxime et quale mihi videatur illud, quo nihil
I-approve most and of-what-sort to-me may-seem that to-which nothing
addi possit, quod ego summum et perfectissimum iudicem.
be-added can which I highest and most-perfect judge
In quo vereor ne, si id quod vis effecero
in which I-fear lest if that which you-wish I-shall-have-accomplished
eumque oratorem quem quaeris expressero, tardem studia
and-that orator whom you-seek I-shall-have-portrayed I-slow the-zeal
multorum, qui desperatione debilitati experiri id nolent
of-many who by-despair weakened to-try that will-be-unwilling
quod se assequi posse diffidant.
which themselves to-attain to-be-able they-distrust
4 Sed par est omnis omnia experiri, qui res magnas et
but right it-is all all-things to-try who things great and
magno opere expetendas concupiverunt. Quod si quem
in-great measure to-be-sought have-desired but if anyone
aut natura sua illa praestantis ingeni vis forte deficiet
either nature his that of-outstanding talent the-force perhaps shall-fail
aut minus instructus erit magnarum artium disciplinis,
or less equipped shall-be of-great arts with-the-disciplines
teneat tamen eum cursum quem poterit; prima enim
let-him-hold still that course which he-shall-be-able the-first-places for

sequentem honestum est in secundis tertiisque consistere.
following honorable it-is in the-second and-third to-stop
Nam in poetis non Homero soli locus est, ut de
for among poets not for-Homer alone place there-is that about
Graecis loquar, aut Archilocho aut Sophocli aut Pindaro,
the-Greeks I-may-speak or for-Archilochus or for-Sophocles or for-Pindar
sed horum vel secundis vel etiam infra secundos;
but for-their either seconds or even below the-seconds
nec vero Aristotelem in philosophia deterruit a scribendo 5
nor indeed Aristotle in philosophy deterred from writing
amplitudo Platonis, nec ipse Aristoteles admirabili quadam
the-greatness of-Plato nor himself Aristotle by-admirable a-certain
scientia et copia ceterorum studia restinxit. Nec solum ab
knowledge and abundance of-the-others the-zeal extinguished nor only from
optimis studiis excellentes viri deterriti non sunt, sed ne
the-best pursuits excellent men deterred not have-been but not
opifices quidem se ab artibus suis removerunt, qui aut
craftsmen even themselves from arts their have-removed who either
Ialysi, quem Rhodi vidimus, non potuerunt aut Coae
of-the-Ialysus which at-Rhodes we-saw not could or of-the-Coan
Veneris pulchritudinem imitari, nec simulacro Iovis Olympii
Venus the-beauty imitate nor by-the-image of-Jupiter Olympian
aut doryphori statua deterriti reliqui minus experti sunt
or by-the-spear-bearer's statue deterred the-rest less tried have
quid efficere aut quo progredi possent; quorum tanta
what to-accomplish or to-where to-advance they-could of-whom so-great
multitudo fuit, tanta in suo cuiusque genere laus, ut,
the-multitude was so-great in its-own of-each kind the-praise that
cum summa miraremur, inferiora tamen probaremus.
while the-highest we-admired the-lesser still we-approved

6 In oratoribus vero, Graecis quidem, admirabile est
among orators indeed Greek indeed admirable it-is
quantum inter omnis unus excellat; ac tamen, cum esset
how-much among all one excels and still when there-was
Demosthenes, multi oratores magni et clari fuerunt et
Demosthenes many orators great and illustrious were and
antea fuerant nec postea defecerunt. Qua re non est
before had-been nor afterward have-failed by-which thing not is-there
cur eorum qui se studio eloquentiae dediderunt spes
why of-those who themselves to-the-study of-eloquence have-given the-hope
infringatur aut languescat industria; nam neque illud ipsum
be-broken or languish industry for neither that itself
quod est optimum desperandum est et in praestantibus
which is best to-be-despaired-of is and in outstanding
rebus magna sunt ea quae sunt optimis proxima.
things great are those-things which are to-the-best next
7 Atque ego in summo oratore fingendo talem informabo
and I in the-highest orator being-fashioned such shall-form
qualis fortasse nemo fuit. Non enim quaero quis fuerit,
of-what-sort perhaps no-one has-been not for I-ask who has-been
sed quid sit illud, quo nihil esse possit praestantius,
but what be that than-which nothing to-be can more-excellent
quod in perpetuitate dicendi non saepe atque haud scio
which in a-continuous-stretch of-speaking not often and not I-know
an numquam, in aliqua autem parte eluceat aliquando,
whether never in some however part shines-out sometimes
idem apud alios densius, apud alios fortasse rarius.
the-same among some more-densely among others perhaps more-rarely
8 Sed ego sic statuo, nihil esse in ullo genere tam pulchrum,
but I thus decide nothing to-be in any kind so beautiful
quo non pulchrius id sit unde illud ut ex ore aliquo
than-which not more-beautiful that be from-which that as from a-face some

quasi imago exprimatur; quod neque oculis neque auribus
as-it-were an-image is-copied which neither by-eyes nor by-ears
neque ullo sensu percipi potest, cogitatione tantum et
nor by-any sense to-be-perceived can by-thought only and
mente complectimur. Itaque et Phidiae simulacris, quibus
mind we-embrace and-so both than-Phidias' statues than-which
nihil in illo genere perfectius videmus, et eis picturis
nothing in that kind more-perfect we-see and than-those paintings
quas nominavi cogitare tamen possumus pulchriora;
which I-have-named to-think still we-can more-beautiful-things
nec vero ille artifex cum faceret Iovis formam aut 9
nor indeed that artist when he-was-making of-Jupiter the-form or
Minervae, contemplabatur aliquem e quo similitudinem
of-Minerva was-contemplating anyone from whom a-likeness
duceret, sed ipsius in mente insidebat species pulchritudinis
he-might-draw but his-own in mind sat a-form of-beauty
eximia quaedam, quam intuens in eaque defixus ad illius
exceptional a-certain which gazing-on on and-it fixed to its
similitudinem artem et manum dirigebat. Ut igitur in
likeness his-art and hand he-directed as therefore in
formis et figuris est aliquid perfectum et excellens, cuius
shapes and figures there-is something perfect and excellent of-which
ad cogitatam speciem imitando referuntur eaque sub oculos
to imagined form by-imitating are-referred and-it under the-eyes
ipsa cadit, sic perfectae eloquentiae speciem animo videmus,
itself falls so of-perfect eloquence the-form in-mind we-see
effigiem auribus quaerimus.
the-copy with-the-ears we-seek
Has rerum formas appellat ἰδέας ille non intellegendi 10
these of-things forms calls ideas that-man not of-understanding
solum sed etiam dicendi gravissimus auctor et magister
only but also of-speaking the-weightiest authority and master

Plato, easque gigni negat et ait semper esse ac ratione
Plato and-them to-be-born he-denies and says always to-be and by-reason
et intellegentia contineri; cetera nasci occidere fluere labi
and intelligence to-be-contained the-rest to-be-born to-perish to-flow to-slip
nec diutius esse uno et eodem statu. Quicquid est igitur
nor longer to-be in-one and the-same state whatever is therefore
de quo ratione et via disputetur, id est ad ultimam
about which by-reason and method it-is-debated that is to the-ultimate
sui generis formam speciemque redigendum.
of-its kind form and-figure to-be-reduced

II · PHILOSOPHY AND THE ORATOR

Cicero admits that his approach comes from philosophy, not rhetoric; he owes his oratory to the Academy rather than to the rhetoricians' workshops. No one can be eloquent without philosophy, which supplies knowledge of nature, of life, of duty, and of virtue; Plato's Socrates says Pericles excelled because he had heard Anaxagoras. Antonius said he had seen many fluent men but no eloquent one.

11 Ac video hanc primam ingressionem meam non ex
and I-see this first entrance my not from
oratoriis disputationibus ductam sed e media philosophia
oratorical disputations drawn but from the-middle-of philosophy
repetitam, et eam quidem cum antiquam tum subobscuram
sought-back and it indeed both ancient and somewhat-obscure
aut reprehensionis aliquid aut certe admirationis habituram.
either of-censure something or surely of-wonder going-to-have
Nam aut mirabuntur quid haec pertineant ad ea quae
for either they-will-wonder what these-things pertain to those which
quaerimus — quibus satis faciet res ipsa cognita, ut
we-seek whom enough will-do the-thing itself known so-that

non sine causa alte repetita videatur — aut reprehendent,
not without cause from-far sought-back it-may-seem or they-will-censure
quod inusitatas vias indagemus, tritas relinquamus.
that unusual ways we-track-down beaten-ones we-leave
Ego autem et me saepe nova videri dicere intellego, 12
I however both myself often new-things to-seem to-say understand
cum pervetera dicam sed inaudita plerisque, et fateor me
when very-old-things I-say but unheard to-most and I-confess myself
oratorem, si modo sim aut etiam quicumque sim, non ex
an-orator if only I-be or even whatever I-be not from
rhetorum officinis sed ex Academiae spatiis exstitisse;
the-rhetors' workshops but from the-Academy's walks to-have-come-forth
illa enim sunt curricula multiplicium variorumque sermonum,
those for are the-courses of-manifold and-varied conversations
in quibus Platonis primum sunt impressa vestigia. Sed
in which Plato's first are impressed the-footsteps but
et huius et aliorum philosophorum disputationibus et
both by-his and by-other philosophers' disputations both
exagitatus maxime orator est et adiutus; omnis enim
harried most the-orator is and helped all for
ubertas et quasi silva dicendi ducta ab illis est nec
abundance and as-it-were timber of-speaking drawn from them is nor
satis tamen instructa ad forensis causas, quas, ut illi ipsi
enough still equipped for forensic cases which as they themselves
dicere solebant, agrestioribus Musis reliquerunt.
to-say were-wont to-the-rustic Muses they-left
Sic eloquentia haec forensis spreta a philosophis et repudiata 13
thus eloquence this forensic spurned by philosophers and rejected
multis quidem illa adiumentis magnisque caruit, sed tamen
many indeed it aids and-great was-deprived but still
ornata verbis atque sententiis iactationem habuit in
adorned with-words and thoughts acclaim had among

populo nec paucorum iudicium reprehensionemque pertimuit:
the-people nor of-the-few the-judgment and-censure dreaded
ita et doctis eloquentia popularis et disertis elegans
so both for-the-learned eloquence popular and for-the-eloquent refined
doctrina defuit.
learning was-lacking

14 Positum sit igitur in primis, quod post magis
set-down let-it-be therefore among the-first-things what later more
intellegetur, sine philosophia non posse effici quem
will-be-understood without philosophy not to-be-able to-be-produced whom
quaerimus eloquentem, non ut in ea tamen omnia sint, sed
we-seek the-eloquent-man not that in it still all-things be but
ut sic adiuvet ut palaestra histrionem; parva enim
that so it-help as the-wrestling-school the-actor small-things for
magnis saepe rectissime conferuntur. Nam nec latius
with-great often most-rightly are-compared for neither more-widely
atque copiosius de magnis variisque rebus sine philosophia
and more-copiously about great and-various things without philosophy
potest quisquam dicere; —
can anyone speak

15 si quidem etiam in Phaedro Platonis hoc Periclem
if indeed even in the-Phaedrus of-Plato this Pericles
praestitisse ceteris dicit oratoribus Socrates, quod is
to-have-surpassed the-other says orators Socrates that he
Anaxagorae physici fuerit auditor; a quo censet
of-Anaxagoras the-natural-philosopher had-been a-hearer from whom he-thinks
eum, cum alia praeclara quaedam et magnifica didicisse
him both other splendid-things certain and magnificent to-have-learned
tum uberem et fecundum fuisse gnarumque, quod
and abundant and fertile to-have-been and-knowing what
est eloquentiae maximum, quibus orationis modis quaeque
is of-eloquence greatest by-what of-speech modes each

animorum partes pellerentur; quod idem de Demosthene
of-minds parts are-driven which same-thing about Demosthenes
existimari potest, cuius ex epistulis intellegi licet
to-be-thought can of-whom from letters to-be-understood it-is-allowed
quam frequens fuerit Platonis auditor; — nec vero sine
how frequent he-was of-Plato a-hearer nor indeed without
philosophorum disciplina genus et speciem cuiusque rei
of-philosophers the-discipline the-genus and species of-each thing
cernere neque eam definiendo explicare nec tribuere in partis
to-discern nor it by-defining to-unfold nor to-divide into parts
possumus nec iudicare quae vera quae falsa sint neque
we-can nor to-judge what-things true what false be nor
cernere consequentia, repugnantia videre, ambigua distinguere.
to-discern consequences contradictions to-see ambiguities to-distinguish
Quid dicam de natura rerum, cuius cognitio magnam 16
what shall-I-say about the-nature of-things whose knowledge great
orationi suppeditat copiam, de vita, de officiis, de virtute,
to-speech supplies abundance about life about duties about virtue
de moribus? Satisne sine multa earum ipsarum rerum
about character enough without much of-these very things
disciplina aut dici aut intellegi potest?
discipline either to-be-said or to-be-understood can-it
Ad has tot tantasque res adhibenda sunt ornamenta 17
to these so-many and-so-great things to-be-applied are ornaments
innumerabilia; quae sola tum quidem tradebantur ab eis
countless which alone then indeed were-handed-down by those
qui dicendi numerabantur magistri; quo fit ut veram
who of-speaking were-counted masters by-which it-happens that true
illam et absolutam eloquentiam nemo consequatur, quod
that and absolute eloquence no-one attains because

alia intellegendi alia dicendi disciplina est et ab aliis
one of-understanding another of-speaking the-discipline is and from some
rerum ab aliis verborum doctrina quaeritur.
of-things from others of-words the-learning is-sought

18 Itaque M. Antonius, cui vel primas eloquentiae patrum
and-so Marcus Antonius to-whom even the-first-place of-eloquence of-fathers
nostrorum tribuebat aetas, vir natura peracutus et prudens,
our assigned the-age a-man by-nature very-sharp and prudent
in eo libro quem unum reliquit disertos ait se vidisse
in that book which alone he-left eloquent-men says himself to-have-seen
multos, eloquentem omnino neminem. Insidebat videlicet in
many an-eloquent-man at-all none sat of-course in
eius mente species eloquentiae, quam cernebat animo, re
his mind a-form of-eloquence which he-discerned in-mind in-the-thing
ipsa non videbat. Vir autem acerrimo ingenio — sic enim
itself not he-saw a-man however with-sharpest talent so for
fuit — multa et in se et in aliis desiderans neminem
he-was many-things both in himself and in others missing no-one
plane qui recte appellari eloquens posset videbat; quod si
plainly who rightly to-be-called eloquent could he-saw but if
ille nec se nec L. Crassum eloquentem putavit, habuit
he neither himself nor Lucius Crassus eloquent thought he-had
profecto comprehensam animo quandam formam eloquentiae,
surely grasped in-mind a-certain form of-eloquence
cui quoniam nihil deerat, eos quibus aliquid aut plura
to-which since nothing was-lacking those to-whom something or more-things
deerant in eam formam non poterat includere.
were-lacking into that form not he-could include

19 Investigemus hunc igitur, Brute, si possumus, quem
let-us-track-down this-man therefore Brutus if we-can whom
numquam vidit Antonius aut qui omnino nullus umquam
never saw Antonius or who at-all none ever

fuit; quem si imitari atque exprimere non possumus, quod
has-been whom if to-imitate and to-portray not we-can which
idem ille vix deo concessum esse dicebat, at qualis
the-same he scarcely to-a-god granted to-be said but of-what-sort
esse debeat poterimus fortasse dicere.
to-be he-ought we-shall-be-able perhaps to-say

III · THE THREE STYLES AND THE ATTICISTS

There are three styles, the grand, the plain, and a middle one between them, and few have mastered all three. The audience's judgment has always governed oratory, and the Asian peoples took a rich, fat style. Those who call only the plain style Attic forget Pericles and Demosthenes, whose speech for Ctesiphon moves through every style. Thucydides, admired by some, is no model for the courts.

Tria sunt omnino genera dicendi, quibus in singulis quidam 20
three are altogether kinds of-speaking which in individual certain-men
floruerunt, peraeque autem, id quod volumus, perpauci in
have-flourished equally however that which we-wish very-few in
omnibus. Nam et grandiloqui, ut ita dicam, fuerunt
all for both the-grand-speakers as thus I-may-say there-have-been
cum ampla et sententiarum gravitate et maiestate verborum,
with ample both of-thoughts gravity and majesty of-words
vehementes varii, copiosi graves, ad permovendos et
vehement varied copious weighty for moving and
convertendos animos instructi et parati — quod ipsum alii
turning minds equipped and prepared which very-thing some
aspera tristi horrida oratione neque perfecta atque conclusa
by-harsh gloomy rough speech nor polished and rounded
consequebantur, alii levi et structa et terminata—, et
attained others by-smooth and constructed and bounded and

contra tenues acuti, omnia docentes et dilucidiora, non
on-the-other-side the-plain sharp all-things teaching and clearer not
ampliora facientes, subtili quadam et pressa oratione limati;
more-ample making by-a-subtle certain and compressed speech refined
in eodemque genere alii callidi, sed impoliti et consulto
in and-the-same kind some clever but unpolished and deliberately
rudium similes et imperitorum, alii in eadem ieiunitate
of-the-untaught like and of-the-unskilled others in the-same leanness
concinniores, id est faceti, florentes etiam et leviter ornati.
neater that is witty florid even and lightly adorned

21 Est autem quidam interiectus inter hos medius et quasi
there-is however a-certain-one set-between between these a-middle and as-it-were
temperatus nec acumine posteriorum nec fulmine utens
tempered neither the-sharpness of-the-latter nor the-thunderbolt using
superiorum, vicinus amborum, in neutro excellens, utriusque
of-the-former neighbor of-both in neither excelling of-each
particeps vel utriusque, si verum quaerimus, potius expers;
partaking or of-each if the-truth we-seek rather devoid
isque uno tenore, ut aiunt, in dicendo fluit nihil adferens
and-he with-one tenor as they-say in speaking flows nothing bringing
praeter facilitatem et aequabilitatem aut addit aliquos ut
besides ease and evenness or he-adds some as
in corona toros omnemque orationem ornamentis modicis
in a-garland knots and-the-whole speech with-ornaments moderate
verborum sententiarumque distinguit.
of-words and-of-thoughts he-distinguishes

22 Horum singulorum generum quicumque vim in singulis
of-these individual kinds whoever the-force in each
consecuti sunt, magnum in oratoribus nomen habuerunt. Sed
attained have a-great among orators name have-had but
quaerendum est satisne id quod volumus effecerint.
to-be-asked it-is whether-enough that which we-wish they-have-accomplished

Videmus enim fuisse quosdam qui idem ornate et graviter,
we-see for to-have-been certain-men who the-same ornately and weightily
idem versute et subtiliter dicerent. Atque utinam in
the-same craftily and subtly would-speak and would-that among
Latinis talis oratoris simulacrum reperire possemus! Esset
the-Latins of-such an-orator an-image to-find we-could it-would-be
egregium non quaerere externa, domesticis esse contentos.
excellent not to-seek foreign-things with-domestic to-be content
Sed ego idem, qui in illo sermone nostro qui est expositus 23
but I the-same who in that conversation our which is set-forth
in Bruto multum tribuerim Latinis, vel ut hortarer
in the-Brutus much have-attributed to-the-Latins either that I-might-encourage
alios vel quod amarem meos, recordor longe omnibus unum
others or because I-loved my-own recall far to-all one-man
me anteferre Demosthenem, quem velim accommodare ad
myself to-prefer Demosthenes whom I-would-wish to-adapt to
eam quam sentiam eloquentiam, non ad eam quam in aliquo
that which I-feel eloquence not to that which in someone
ipse cognoverim. Hoc nec gravior exstitit quisquam nec
I-myself have-known than-this-man neither weightier stood-forth anyone nor
callidior nec temperatior. Itaque nobis monendi sunt ei quorum
shrewder nor more-tempered and-so by-us to-be-warned are those whose
sermo imperitus increbruit, qui aut dici se desiderant
talk ignorant has-spread who either to-be-called themselves desire
Atticos aut ipsi Attice volunt dicere, ut mirentur hunc
Attic or themselves in-Attic-style wish to-speak that they-may-admire this-man
maxime, quo ne Athenas quidem ipsas magis credo fuisse
most than-whom not Athens even itself more I-believe to-have-been
Atticas; quid enim sit Atticum discant eloquentiamque
Attic what for be Attic let-them-learn and-eloquence
ipsius viribus, non imbecillitate sua metiantur.
by-his strength not by-weakness their-own let-them-measure

24 Nunc enim tantum quisque laudat quantum se posse
now for only-so-much each praises as-much-as himself to-be-able
sperat imitari. Sed tamen eos studio optimo iudicio minus
he-hopes to-imitate but still those with-zeal best with-judgment less
firmo praeditos docere quae sit propria laus Atticorum non
firm endowed to-teach what be the-proper praise of-the-Attics not
alienum puto.
foreign I-think
Semper oratorum eloquentiae moderatrix fuit auditorum
always of-orators of-eloquence the-moderatrix has-been the-hearers'
prudentia. Omnes enim qui probari volunt voluntatem
prudence all for who to-be-approved wish the-will
eorum qui audiunt intuentur ad eamque et ad eorum
of-those who hear regard to and-it and to their
arbitrium et nutum totos se fingunt et accommodant.
judgment and nod wholly themselves they-mold and adapt
25 Itaque Caria et Phrygia et Mysia, quod minime politae
and-so Caria and Phrygia and Mysia because least polished
minimeque elegantes sunt, asciverunt aptum suis auribus
and-least refined they-are have-adopted fit for-their ears
opimum quoddam et tamquam adipatae dictionis genus,
a-rich certain and as-it-were of-fattened diction kind
quod eorum vicini non ita lato interiecto mari
which their neighbors not so wide set-between with-the-sea
Rhodii numquam probaverunt, Athenienses vero funditus
the-Rhodians never approved the-Athenians indeed utterly
repudiaverunt; quorum semper fuit prudens sincerumque
rejected of-whom always was prudent and-sound
iudicium, nihil ut possent nisi incorruptum audire et
the-judgment nothing so-that they-could except uncorrupted to-hear and

elegans. Eorum religioni cum serviret orator, nullum
refined to-their scruple when he-was-serving the-orator no
verbum insolens, nullum odiosum ponere audebat.
word unusual none offensive to-set-down dared
Itaque hic, quem praestitisse diximus ceteris, in illa pro 26
and-so this-man who to-have-surpassed we-said the-others in that for
Ctesiphonte oratione longe optima summissius a primo,
Ctesiphon speech by-far the-best more-quietly from the-beginning
deinde, dum de legibus disputat, pressius, post sensim
then while about the-laws he-argues more-compactly afterward gradually
incendens iudices, ut vidit ardentis, in reliquis exsultavit
inflaming the-judges when he-saw them-burning in the-rest he-exulted
audacius. Ac tamen in hoc ipso diligenter examinante
more-boldly and still in this very-man diligently weighing
verborum omnium pondera reprehendit Aeschines quaedam
of-words all the-weights censures Aeschines certain-ones
et exagitat inludensque dura odiosa intolerabilia esse dicit;
and harries and-mocking harsh offensive intolerable to-be says
quin etiam quaerit ab ipso, cum quidem eum beluam
nay even he-asks of himself when indeed him a-beast
appellat, utrum illa verba an portenta sint; ut Aeschini
he-calls whether those words or monstrosities be so-that to-Aeschines
ne Demosthenes quidem videatur Attice dicere.
not Demosthenes even may-seem in-Attic-style to-speak
Facile est enim verbum aliquod ardens, ut ita dicam, 27
easy it-is for word some burning as thus I-may-say
notare idque restinctis iam animorum incendiis inridere.
to-mark and-it with-quenched already of-minds the-fires to-mock
Itaque se purgans iocatur Demosthenes: negat in eo
and-so himself clearing jokes Demosthenes he-denies on it
positas esse fortunas Graeciae, hocine an illo verbo usus
placed to-be the-fortunes of-Greece whether-this or that word used

sit, hucine an illuc manum porrexerit. Quonam igitur
he-has whether-hither or thither his-hand he-has-stretched how therefore
modo audiretur Mysus aut Phryx Athenis, cum etiam
in-manner would-be-heard a-Mysian or a-Phrygian at-Athens when even
Demosthenes exagitetur ut putidus? Cum vero inclinata
Demosthenes is-harried as affected when indeed with-a-modulated
ululantique voce more Asiatico canere coepisset, quis
and-wailing voice in-the-manner Asiatic to-chant he-had-begun who
eum ferret aut potius quis non iuberet auferri?
him would-bear or rather who not would-order to-be-carried-off

28 Ad Atticorum igitur auris teretes et religiosas qui
to of-the-Attics therefore ears polished and scrupulous those-who
se accommodant, ei sunt existimandi Attice dicere.
themselves adapt they are to-be-thought in-Attic-style to-speak
Quorum genera plura sunt; hi unum modo quale sit
of-whom the-kinds more are these one only of-what-sort it-be
suspicantur. Putant enim qui horride inculteque dicat,
suspect they-think for he-who roughly and-uncouthly speaks
modo id eleganter enucleateque faciat, eum solum Attice
provided that elegantly and-precisely he-does him alone in-Attic-style
dicere. Errant, quod solum; quod Attice, non falluntur.
to-speak they-err in-that alone in-that Attic not they-are-deceived

29 Istorum enim iudicio, si solum illud est Atticum, ne Pericles
by-their for judgment if alone that is Attic not Pericles
quidem dixit Attice, cui primae sine controversia
even spoke in-Attic-style to-whom the-first-place without controversy
deferebantur; qui si tenui genere uteretur, numquam ab
was-granted who if the-plain kind he-had-used never by
Aristophane poeta fulgere tonare permiscere Graeciam
Aristophanes the-poet to-lighten to-thunder to-throw-into-confusion Greece
dictus esset. Dicat igitur Attice venustissimus
said he-would-have-been let-speak therefore in-Attic-style most-charming

ille scriptor ac politissimus Lysias — quis enim id possit
that writer and most-polished Lysias who for that could
negare?—, dum intellegamus hoc esse Atticum in Lysia,
to-deny provided-that we-understand this to-be Attic in Lysias
non quod tenuis sit atque inornatus, sed quod nihil habeat
not that plain he-is and unadorned but that nothing he-has
insolens aut ineptum; ornate vero et graviter et copiose
unusual or inept ornately indeed and weightily and copiously
dicere aut Atticorum sit aut ne sit Aeschines neve
to-speak either of-the-Attics let-it-be or not let-be Aeschines nor
Demosthenes Atticus.
Demosthenes an-Attic
Ecce autem aliqui se Thucydidios esse profitentur: 30
behold however some themselves Thucydideans to-be profess
novum quoddam imperitorum et inauditum genus. Nam
a-new certain of-the-unskilled and unheard-of kind for
qui Lysiam sequuntur, causidicum quendam sequuntur
those-who Lysias follow an-advocate a-certain follow
non illum quidem amplum atque grandem, subtilem et
not him indeed ample and grand subtle and
elegantem tamen et qui in forensibus causis possit praeclare
elegant still and who in forensic cases could splendidly
consistere. Thucydides autem res gestas et bella narrat et
stand-firm Thucydides however things done and wars narrates and
proelia, graviter sane et probe, sed nihil ab eo transferri
battles weightily indeed and well but nothing from him to-be-transferred
potest ad forensem usum et publicum. Ipsae illae contiones
can to forensic use and public very those speeches
ita multas habent obscuras abditasque sententias vix ut
so many have obscure and-hidden thoughts scarcely that
intellegantur; quod est in oratione civili vitium vel maximum.
they-are-understood which is in speech civil a-fault even the-greatest

31 Quae est autem in hominibus tanta perversitas, ut inventis
what is however in men so-great perversity that with-found
frugibus glande vescantur? An victus hominum Atheniensium
crops on-acorns they-feed or the-diet of-men of-the-Athenians
beneficio excoli potuit, oratio non potuit? Quis porro
by-the-favor to-be-refined could speech not could who further
umquam Graecorum rhetorum a Thucydide quicquam duxit?
ever of-the-Greek rhetors from Thucydides anything drew
'At laudatus est ab omnibus.' Fateor; sed ita ut rerum
but praised he-was by all I-confess but so as of-things
explicator prudens severus gravis; non ut in iudiciis versaret
the-expounder prudent severe weighty not that in courts he-should-handle
causas, sed ut in historiis bella narraret; itaque numquam est
cases but that in histories wars he-should-narrate and-so never has
numeratus orator, nec vero, si historiam non scripsisset, nomen
he-been-counted an-orator nor indeed if history not he-had-written the-name
eius exstaret, cum praesertim fuisset honoratus et nobilis.
his would-stand-out though especially he-had-been honored and noble
32 Huius tamen nemo neque verborum neque sententiarum
of-this-man still no-one neither of-words nor of-thoughts
gravitatem imitatur, sed cum mutila quaedam et hiantia locuti
the-gravity imitates but when maimed certain-things and gaping spoken
sunt, quae vel sine magistro facere potuerunt, germanos
they-have which even without a-master to-do they-could genuine
se putant esse Thucydidas. Nactus sum etiam qui
themselves they-think to-be Thucydides found I-have even one-who
Xenophontis similem esse se cuperet, cuius sermo est ille
to-Xenophon like to-be himself desired whose speech is that
quidem melle dulcior, sed a forensi strepitu remotissimus.
indeed than-honey sweeter but from the-forensic din most-remote

Cicero returns to the orator he means to sketch. He wrote at Brutus' urging, though reluctant, soon after his Cato; the best form is hard to state when tastes differ. Display oratory allows symmetry and rhythm freely, as Thrasymachus, Gorgias, and Isocrates practiced it; Socrates foretold Isocrates' greatness. But that is the orator's nursery, and Cicero now turns to the battle line.

Referamus nos igitur ad eum quem volumus incohandum 33
let-us-take-back ourselves therefore to him whom we-wish to-be-begun
et ea demum eloquentia informandum quam in nullo
and with-that at-last eloquence to-be-formed which in no-one
cognovit Antonius. Magnum opus omnino et arduum, Brute,
knew Antonius a-great work altogether and arduous Brutus
conamur; sed nihil difficile amanti puto. Amo autem et
we-attempt but nothing difficult for-one-who-loves I-think I-love however and
semper amavi ingenium studia mores tuos. Incendor porro
always have-loved the-talent studies character your I-am-fired further
cotidie magis non desiderio solum, quo quidem conficior,
daily more not by-longing only by-which indeed I-am-consumed
congressus nostros, consuetudinem victus, doctissimos
meetings our intercourse of-life most-learned
sermones requirens tuos, sed etiam incredibili fama virtutum
conversations missing your but also by-the-incredible fame of-virtues
admirabilium, quae specie dispares prudentia coniunguntur.
admirable which in-appearance unlike by-prudence are-joined
Quid enim tam distans quam a severitate comitas? Quis 34
what for so distant as from severity courtesy who
tamen umquam te aut sanctior est habitus aut
still ever than-you either more-upright has-been held or
dulcior? Quid tam difficile quam in plurimorum controversiis
sweeter what so difficult as in of-very-many controversies

diiudicandis ab omnibus diligi? Consequeris tamen ut eos
being-decided by all to-be-loved you-attain still that those
ipsos quos contra statuas aequos placatosque dimittas. Itaque
very-men whom against you-decide fair and-appeased you-dismiss and-so
efficis ut, cum gratiae causa nihil facias, omnia tamen
you-bring-about that though of-favor for-the-sake nothing you-do all-things still
sint grata quae facis. Ergo omnibus ex terris una Gallia
are welcome which you-do therefore all from lands alone Gaul
communi non ardet incendio; in qua frueris ipse te, cum
in-the-common not burns conflagration in which you-enjoy yourself yourself while
in Italiae luce cognosceris versarisque in optimorum civium
in of-Italy the-light you-are-known and-are-engaged among of-the-best citizens
vel flore vel robore. Iam quantum illud est, quod in
either the-flower or the-strength now how-great that is that in
maximis occupationibus numquam intermittis studia doctrinae,
the-greatest occupations never you-interrupt the-studies of-learning
semper aut ipse scribis aliquid aut me vocas ad scribendum!
always either yourself you-write something or me you-call to writing
35 Itaque hoc sum adgressus statim Catone absoluto — quem
and-so this I-have attempted at-once with-the-Cato finished which
ipsum numquam attigissem tempora timens inimica virtuti,
itself never I-would-have-touched the-times fearing hostile to-virtue
nisi tibi hortanti et illius memoriam mihi caram excitanti
unless to-you urging and his memory to-me dear rousing
non parere nefas esse duxissem—, sed testificor me a te
not to-obey impious to-be I-had-thought but I-testify myself by you
rogatum et recusantem haec scribere esse ausum. Volo
asked and refusing these-things to-write to-have dared I-wish
enim mihi tecum commune esse crimen, ut, si sustinere
for for-me with-you common to-be the-charge so-that if to-sustain
tantam quaestionem non potuero, iniusti oneris
so-great a-question not I-shall-have-been-able of-the-unjust burden

impositi tua culpa sit, mea recepti; in quo tamen iudici
imposed yours the-fault be mine of-accepting-it in which still of-judgment
nostri errorem laus tibi dati muneris compensabit.
our the-error the-praise to-you of-the-given gift will-compensate
Sed in omni re difficillimum est formam, qui χαρακτὴρ 36
but in every thing most-difficult it-is the-form which character
Graece dicitur, exponere optimi, quod aliud aliis videtur
in-Greek is-called to-set-forth of-the-best because one-thing to-some seems
optimum. Ennio delector, ait quispiam, quod non discedit
best by-Ennius I-am-delighted says someone because not he-departs
a communi more verborum; Pacuvio, inquit alius: omnes
from the-common usage of-words by-Pacuvius says another all
apud hunc ornati elaboratique sunt versus, multo apud alterum
with this-one adorned and-elaborated are the-verses much with the-other
neglegentius; fac alium Accio; varia enim sunt iudicia,
more-negligently suppose another by-Accius various for are the-judgments
ut in Graecis, nec facilis explicatio quae forma maxime
as among the-Greeks nor easy the-explanation which form most
excellat. In picturis alios horrida inculta, abdita et opaca,
excels in paintings some the-rough uncultivated hidden and shadowy
contra alios nitida laeta conlustrata delectant. Quid est
on-the-other-side others the-bright cheerful illuminated delight what is-there
quo praescriptum aliquod aut formulam exprimas, cum in
by-which prescription any or formula you-may-express when in
suo quidque genere praestet et genera plura sint? Hac ego
its-own each kind excels and kinds more be by-this I
religione non sum ab hoc conatu repulsus existimavique
scruple not have-been from this attempt driven-back and-I-thought
in omnibus rebus esse aliquid optimum, etiam si lateret,
in all things to-be something best even if it-lay-hidden
idque ab eo posse qui eius rei gnarus esset iudicari.
and-it by him to-be-able who of-that thing knowing should-be to-be-judged

37 Sed quoniam plura sunt orationum genera eaque diversa
but since more are of-speeches the-kinds and-they different
neque in unam formam cadunt omnia, laudationum et
nor into one form fall the-whole of-eulogies and
historiarum et talium suasionum, qualem Isocrates fecit
of-histories and of-such persuasions as Isocrates made
Panegyricum multique alii qui sunt nominati sophistae,
the-Panegyric and-many others who are named sophists
reliquarumque scriptionum formam, quae absunt a forensi
and-of-the-other writings the-form which are-distant from forensic
contentione eiusque totius generis quod Graece ἐπιδεικτικὸν
contention and-of-that whole kind which in-Greek epideiktikon
nominatur, quia quasi ad inspiciendum delectationis causa
is-named because as-it-were for viewing of-delight for-the-sake
comparatum est, non complectar hoc tempore; non quo
prepared it-is not I-shall-embrace at-this time not because
neglegenda sit; est enim illa quasi nutrix eius oratoris quem
to-be-neglected it-be it-is for that as-it-were the-nurse of-that orator whom
informare volumus et de quo molimur aliquid exquisitius
to-form we-wish and about whom we-labor something more-exquisitely
dicere. Ab hac et verborum copia alitur et eorum
to-say by this both of-words the-abundance is-nourished and their
constructio et numerus liberiore quadam fruitur licentia.
construction and rhythm a-freer certain enjoys license
38 Datur etiam venia concinnitati sententiarum et arguti
is-given also pardon to-the-symmetry of-thoughts and clever
certique et circumscripti verborum ambitus conceduntur, de
and-fixed and rounded of-words periods are-conceded on
industriaque non ex insidiis sed aperte ac palam elaboratur,
and-purpose not from ambush but openly and publicly it-is-labored
ut verba verbis quasi demensa et paria respondeant, ut
that words to-words as-if measured and equal may-answer that

crebro conferantur pugnantia comparenturque contraria et ut
frequently be-set-side-by-side opposites and-be-compared contraries and that
pariter extrema terminentur eundemque referant in cadendo
equally the-ends be-bounded and-the-same bring-back in falling
sonum; quae in veritate causarum et rarius multo
sound which-things in the-reality of-cases both more-rarely by-much
facimus et certe occultius. In Panathenaico autem Isocrates
we-do and surely more-hiddenly in the-Panathenaic however Isocrates
ea se studiose consectatum fatetur; non enim ad
those-things himself eagerly to-have-pursued confesses not for for
iudiciorum certamen, sed ad voluptatem aurium scripserat.
of-courts the-contest but for the-pleasure of-ears he-had-written
Haec tractasse Thrasymachum Calchedonium primum 39
these-things to-have-handled Thrasymachus of-Chalcedon first
et Leontinum ferunt Gorgiam, Theodorum inde Byzantium
and of-Leontini they-say Gorgias Theodorus then of-Byzantium
multosque alios, quos λογοδαιδάλους appellat in Phaedro
and-many others whom logodaidalous calls in the-Phaedrus
Socrates; quorum satis arguta multa, sed ut modo
Socrates of-whom enough clever many-things but as just-now
primumque nascentia minuta et versiculorum similia
and-first being-born small and of-little-verses like
quaedam nimiumque depicta. Quo magis sunt Herodotus
certain-things and-too-much painted by-which the-more are Herodotus
Thucydidesque mirabiles; quorum aetas cum in eorum tempora
and-Thucydides admirable whose age though into their times
quos nominavi incidisset, longissime tamen ipsi a
whom I-have-named had-fallen most-far still they-themselves from
talibus deliciis vel potius ineptiis afuerunt. Alter enim sine
such delights or rather follies were-distant the-one for without
ullis salebris quasi sedatus amnis fluit, alter incitatior fertur
any roughnesses as-it-were a-calm river flows the-other more-swiftly is-borne

et de bellicis rebus canit etiam quodam modo bellicum;
and about warlike things he-sounds even in-a-certain manner the-war-note
primisque ab his, ut ait Theophrastus, historia commota est,
and-first by these as says Theophrastus history roused was
ut auderet uberius quam superiores et ornatius dicere.
that it-dared more-richly than the-earlier-ones and more-ornately to-speak
40 Horum aetati successit Isocrates, qui praeter ceteros eiusdem
of-these to-the-age succeeded Isocrates who beyond the-others of-the-same
generis laudatur semper a nobis, non numquam, Brute, leniter
kind is-praised always by us not never Brutus gently
et erudite repugnante te; sed concedas mihi fortasse, si
and learnedly with-opposing you but you-may-concede to-me perhaps if
quid in eo laudem cognoveris. Nam cum concisus ei
what in him I-praise you-shall-have-learned for when cut-short to-him
Thrasymachus minutis numeris videretur et Gorgias, qui tamen
Thrasymachus with-minute rhythms seemed and Gorgias who still
primi traduntur arte quadam verba iunxisse, Theodorus autem
first are-reported by-art a-certain words to-have-joined Theodorus however
praefractior nec satis, ut ita dicam, rotundus, primus instituit
more-abrupt nor enough as thus I-may-say rounded first he-undertook
dilatare verbis et mollioribus numeris explere sententias; in
to-expand with-words and with-softer rhythms to-fill-out thoughts in
quo cum doceret eos qui partim in dicendo partim in scribendo
which when he-taught those who partly in speaking partly in writing
principes exstiterunt, domus eius officina habita eloquentiae est.
leaders stood-forth house his the-workshop held of-eloquence was
41 Itaque ut ego, cum a nostro Catone laudabar, vel reprehendi
and-so as I when by our Cato I-was-praised even to-be-censured
me a ceteris facile patiebar, sic Isocrates videtur testimonio
myself by the-others easily I-allowed so Isocrates seems by-the-testimony
Platonis aliorum iudicia debere contemnere. Est enim, ut
of-Plato of-others the-judgments ought to-despise he-is for as

scis, quasi in extrema pagina Phaedri his ipsis verbis
you-know as-it-were on the-last page of-the-Phaedrus with-these very words
loquens Socrates: Adulescens etiam nunc, o Phaedre, Isocrates
speaking Socrates a-young-man still now O Phaedrus Isocrates
est, sed quid de illo augurer libet dicere. Quid tandem?
is but what about him I-prophesy I-wish to-say what pray
inquit ille. Maiore mihi ingenio videtur esse quam ut cum
says he with-greater to-me talent he-seems to-be than that with
orationibus Lysiae comparetur, praeterea ad virtutem maior
the-speeches of-Lysias he-be-compared besides for virtue a-greater
indoles; ut minime mirum futurum sit si, cum aetate
nature so-that least strange going-to-be it-be if when in-age
processerit, aut in hoc orationum genere cui nunc
he-shall-have-advanced either in this of-speeches kind to-which now
studet tantum quantum pueris reliquis praestet omnibus
he-applies-himself as-much as boys the-rest he-surpasses all
qui umquam orationes attigerunt aut, si contentus his non
who ever speeches have-touched or if content with-these not
fuerit, divino aliquo animi motu maiora concupiscat;
he-shall-have-been by-divine some of-mind impulse greater-things he-may-desire
inest enim natura philosophia in huius viri mente quaedam.
there-is for by-nature philosophy in this man's mind a-certain
Haec de adulescente Socrates auguratur. At ea de 42
these-things about the-young-man Socrates prophesies but those about
seniore scribit Plato et scribit aequalis et quidem
the-older-man writes Plato and writes a-contemporary and indeed
exagitator omnium rhetorum hunc miratur unum; me
harrier of-all rhetors this-man he-admires alone me
autem qui Isocratem non diligunt una cum Socrate et
however who Isocrates not love together with Socrates and
cum Platone errare patiantur. Dulce igitur orationis genus
with Plato to-err let-them-allow sweet therefore of-speech the-kind

et solutum et fluens, sententiis argutum, verbis sonans est
and loose and flowing in-thoughts clever in-words sounding is
in illo epidictico genere quod diximus proprium sophistarum,
in that epideictic kind which we-called proper of-the-sophists
pompae quam pugnae aptius, gymnasiis et palaestrae
for-procession than for-battle more-fit to-the-gymnasia and wrestling-school
dicatum, spretum et pulsum foro. Sed quod educata
dedicated spurned and driven from-the-forum but because brought-up
huius nutrimentis eloquentia ipsa se postea colorat et
on-its nourishment eloquence itself itself afterward colors and
roborat, non alienum fuit de oratoris quasi incunabulis
strengthens not foreign it-was about of-the-orator as-it-were the-cradle
dicere. Verum haec ludorum atque pompae; nos autem
to-speak but these-things of-games and of-procession we however
iam in aciem dimicationemque veniamus.
now into the-battle-line and-the-fighting let-us-come

V · INVENTION AND ARRANGEMENT

The orator must consider what to say, in what order, and how. Invention and judgment are briefly treated: every dispute asks whether a thing is, what it is, and of what sort, and the perfect orator will raise a particular case to the general question. He will weigh his arguments, keep to his strongest, and arrange them so that the firmest stand first and last.

43 Quoniam tria videnda sunt oratori: quid dicat et
since three-things to-be-seen are for-the-orator what he-says and
quo quidque loco et quo modo, dicendum omnino est
in-what each-thing place and in-what manner to-be-said altogether it-is
quid sit optimum in singulis, sed aliquanto secus atque in
what be best in each but somewhat otherwise than in

tradenda arte dici solet. Nulla praecepta ponemus,
being-handed-down an-art to-be-said it-is-wont no precepts we-shall-set-down
neque enim id suscepimus, sed excellentis eloquentiae
nor for that have-we-undertaken but of-excellent eloquence
speciem et formam adumbrabimus; nec quibus rebus ea
the-appearance and form we-shall-sketch nor by-what things it
paretur exponemus, sed qualis nobis esse videatur.
be-procured we-shall-set-forth but of-what-sort to-us to-be it-may-seem
Ac duo breviter prima; sunt enim non tam insignia ad 44
and the-two briefly first are for not so distinctive for
maximam laudem quam necessaria et tamen cum multis
the-greatest praise as necessary and still with many
paene communia.
almost common
Nam et invenire et iudicare quid dicas magna illa
for both to-find and to-judge what you-should-say great those
quidem sunt et tamquam animi instar in corpore, sed
indeed are and as-if of-the-mind the-equivalent in the-body but
propria magis prudentiae quam eloquentiae: qua tamen in causa
proper more of-prudence than of-eloquence which still in case
est vacua prudentia? Noverit igitur hic quidem orator, quem
is devoid-of prudence let-him-know therefore this indeed orator whom
summum esse volumus, argumentorum et rationum locos.
highest to-be we-wish of-arguments and of-reasons the-topics
Nam quoniam, quicquid est quod in controversia aut in 45
for since whatever is which in controversy or in
contentione versetur, in eo aut sitne aut quid sit
contention is-engaged in it either whether-it-is or what it-is
aut quale sit quaeritur: — sitne, signis; quid sit,
or of-what-sort it-is is-asked whether-it-is by-signs what it-is
definitionibus; quale sit, recti pravique partibus; quibus
by-definitions of-what-sort it-is of-right and-of-wrong by-the-parts which

ut uti possit orator, non ille vulgaris sed hic excellens,
that to-use can the-orator not that common-one but this excellent
a propriis personis et temporibus semper, si potest,
from proper persons and times always if he-can
avocet controversiam; latius enim de genere quam
let-him-call-away the-controversy more-widely for about the-kind than
de parte disceptare licet, ut quod in universo sit
about the-part to-debate it-is-allowed so-that what in the-universal be
probatum id in parte sit probari necesse; —
proved that in the-part be to-be-proved necessary
46 haec igitur quaestio a propriis personis et temporibus ad
this therefore question from proper persons and times to
universi generis rationem traducta appellatur θέσις. In hac
of-the-universal kind the-reasoning led-across is-called thesis in this
Aristoteles adulescentis non ad philosophorum morem tenuiter
Aristotle young-men not after of-philosophers the-manner thinly
disserendi, sed ad copiam rhetorum in utramque partem,
of-discoursing but after the-abundance of-rhetors on each side
ut ornatius et uberius dici posset, exercuit; idemque
that more-ornately and more-richly to-be-spoken it-could trained and-the-same
locos — sic enim appellat — quasi argumentorum notas
the-topics so for he-calls(-them) as-if of-arguments the-marks
tradidit unde omnis in utramque partem traheretur oratio.
handed-down whence every to each side might-be-drawn speech
47 Faciet igitur hic noster — non enim declamatorem aliquem
will-make therefore this our not for a-declaimer some
de ludo aut rabulam de foro, sed doctissimum
from the-school or a-brawler from the-forum but the-most-learned
et perfectissimum quaerimus—, ut, quoniam loci certi
and most-perfect we-seek that since topics fixed
traduntur, percurrat omnis, utatur aptis, generatim dicat;
are-handed-down he-run-through all use the-fitting by-classes speak

ex quo emanent etiam qui communes appellantur
from which flow also those-which common are-called
loci. Nec vero utetur imprudenter hac copia, sed omnia
places nor indeed will-he-use imprudently this abundance but all-things
expendet et seliget; non enim semper nec in omnibus
he-will-weigh and select not for always nor in all
causis ex isdem locis eadem argumentorum momenta sunt.
cases from the-same topics the-same of-arguments weights are
Iudicium igitur adhibebit nec inveniet solum quid dicat 48
judgment therefore he-will-apply nor will-he-find only what he-should-say
sed etiam expendet. Nihil enim est feracius ingeniis, eis
but also weigh nothing for is more-fertile than-talents those
praesertim quae disciplinis exculta sunt. Sed ut segetes
especially which by-disciplines cultivated are but as crops
fecundae et uberes non solum fruges verum herbas etiam
fertile and rich not only fruits but weeds also
effundunt inimicissimas frugibus, sic interdum ex illis locis
pour-forth most-hostile to-the-fruits so sometimes from those topics
aut levia quaedam aut causis aliena aut non utilia gignuntur.
either light certain-things or to-cases foreign or not useful are-begotten
Quorum ab oratoris iudicio dilectus nisi magnus adhibebitur, 49
of-which by the-orator's judgment a-choice unless great shall-be-applied
quonam modo ille in bonis haerebit et habitabit suis
in-what-pray manner he in the-good-things will-stick and dwell his-own
aut molliet dura aut occultabit quae dilui non
or soften hard-things or hide what-things to-be-washed-away not
poterunt atque omnino opprimet, si licebit, aut abducet
shall-be-able and altogether crush if it-shall-be-allowed or lead-away
animos aut aliud adferet, quod oppositum probabilius
the-minds or another-thing bring which set-against more-probable
sit quam illud quod obstabit?
be than that which shall-stand-in-the-way

50 Iam vero ea quae invenerit qua diligentia
now indeed those-things which he-shall-have-found with-what diligence
conlocabit? Quoniam id secundum erat de tribus. Vestibula
will-he-place since that second was of the-three vestibules
nimirum honesta aditusque ad causam faciet inlustris;
doubtless honorable and-approaches to the-case he-will-make illustrious
cumque animos prima adgressione occupaverit, †infirmabit
and-when the-minds by-the-first attack he-shall-have-seized he-will-weaken
excludetque contraria; de firmissimis alia prima ponet
and-shut-out the-contrary-things of the-firmest some first he-will-place
alia postrema inculcabitque leviora.
some last and-will-wedge-in the-lighter

VI · DELIVERY: VOICE AND FACE

Brutus asked not about invention but about style. How a thing is said lies in delivery and in expression. Delivery, a kind of eloquence of the body, has made the ineloquent effective and the eloquent ineffective. The voice has three accents, circumflex, acute, and grave, and even speech carries a hidden song; the face, the eyes, and the bearing must suit the matter.

51 Atque in primis duabus dicendi partibus qualis esset
and in the-first two of-speaking parts of-what-sort he-should-be
summatim breviterque descripsimus. Sed, ut ante dictum
summarily and-briefly we-have-described but as before said
est, in his partibus, etsi graves atque magnae sunt,
has-been in these parts although weighty and great they-are
minus et artis est et laboris; cum autem et quid
less both of-art is-there and of-labor when however both what
et quo loco dicat invenerit, illud est longe
and in-what place he-should-say he-shall-have-found that is by-far

maximum, videre quonam modo; scitum est enim, quod
the-greatest to-see in-what manner shrewd it-is for what
Carneades noster dicere solebat, Clitomachum eadem
Carneades our to-say was-wont Clitomachus the-same-things
dicere, Charmadam autem eodem etiam modo dicere. Quod
to-say Charmadas however in-the-same also manner to-say but
si in philosophia tantum interest quem ad modum dicas,
if in philosophy so-much it-matters in-what to manner you-speak
ubi res spectatur, non verba penduntur, quid tandem
where the-matter is-regarded not words are-weighed what pray
in causis existimandum est quibus totis moderatur oratio?
in cases to-be-thought is which wholly governs the-speech
Quod quidem ego, Brute, ex tuis litteris sentiebam, non te 52
which indeed I Brutus from your letters perceived not you
id sciscitari, qualem ego in inveniendo et in conlocando
that to-inquire of-what-sort I in finding and in arranging
summum esse oratorem vellem, sed id mihi quaerere videbare,
the-highest to-be orator should-wish but that to-me to-seek you-seemed
quod genus ipsius orationis optimum iudicarem: rem
what kind of-the-very speech best I-should-judge a-thing
difficilem, di immortales, atque omnium difficillimam. Nam
difficult gods immortal and of-all most-difficult for
cum est oratio mollis et tenera et ita flexibilis ut sequatur
since is speech soft and tender and so pliant that it-follows
quocumque torqueas, tum et naturae variae et voluntates
wherever you-twist(-it) then both natures various and wills
multum inter se distantia effecerunt genera dicendi:
much among themselves differing have-produced kinds of-speaking
flumen aliis verborum volubilitasque cordi est, qui ponunt in 53
a-flood to-some of-words and-fluency at-heart is who place in
orationis celeritate eloquentiam; distincta alios et interpuncta
of-speech swiftness eloquence distinct others and punctuated

intervalla, morae respirationesque delectant: quid potest esse
intervals pauses and-breathing-spaces delight what can be
tam diversum? Tamen est in utroque aliquid excellens.
so different still there-is in each something excellent
Elaborant alii in lenitate et aequabilitate et puro quasi
labor some in smoothness and evenness and in-a-pure as-it-were
quodam et candido genere dicendi; ecce aliqui duritatem
certain and bright kind of-speaking behold some a-harshness
et severitatem quandam in verbis et orationis quasi
and severity a-certain in words and of-speech as-it-were
maestitiam sequuntur; quodque paulo ante divisimus, ut
a-gloom pursue and-what a-little before we-divided that
alii graves alii tenues alii temperati vellent videri, quot
some weighty some plain some tempered wished to-seem as-many-as
orationum genera esse diximus totidem oratorum reperiuntur.
of-speeches kinds to-be we-said so-many of-orators are-found
54 Et quoniam coepi iam cumulatius hoc munus augere
and since I-have-begun already more-abundantly this gift to-increase
quam a te postulatum est — tibi enim tantum de orationis
than by you demanded it-was to-you for only about of-speech
genere quaerenti respondi etiam breviter de inveniendo
the-kind asking I-answered also briefly about finding
et conlocando—, ne nunc quidem solum de orationis
and arranging not now even only about of-speech
modo dicam sed etiam de actionis: ita praetermissa
the-manner I-shall-speak but also about of-delivery so passed-over
pars nulla erit, quando quidem de memoria nihil est hoc
part none will-be since indeed about memory nothing is in-this
loco dicendum, quae communis est multarum artium.
place to-be-said which common is of-many arts

Quo modo autem dicatur, id est in duobus, in agendo 55
in-what manner however it-is-spoken that is in two in delivering
et in eloquendo. Est enim actio quasi corporis quaedam
and in expressing is for delivery as-it-were of-the-body a-certain
eloquentia, cum constet e voce atque motu. Vocis
eloquence since it-consists of voice and movement of-the-voice
mutationes totidem sunt quot animorum, qui maxime voce
the-changes so-many are as of-the-minds which most by-voice
commoventur. Itaque ille perfectus, quem iam dudum nostra
are-moved and-so that perfect-one whom now long-since our
indicat oratio, utcumque se adfectum videri et animum
shows speech however himself affected to-seem and the-mind
audientis moveri volet, ita certum vocis admovebit
of-the-hearer to-be-moved he-shall-wish so definite of-voice he-will-apply
sonum; de quo plura dicerem, si hoc praecipiendi tempus
a-sound about which more-things I-would-say if this of-teaching the-time
esset aut si tu hoc quaereres. Dicerem etiam de gestu,
were or if you this asked I-would-speak also about gesture
cum quo iunctus est vultus; quibus omnibus dici vix
with which joined is the-face by-which all to-be-said scarcely
potest quantum intersit quem ad modum utatur orator.
can how-much it-matters in-what to manner uses-them the-orator
Nam et infantes actionis dignitate eloquentiae saepe fructum 56
for both the-speechless by-delivery's dignity of-eloquence often the-fruit
tulerunt et diserti deformitate agendi multi infantes putati
have-borne and the-eloquent by-the-ugliness of-delivering many speechless thought
sunt; ut iam non sine causa Demosthenes tribuerit et
have-been so-that now not without cause Demosthenes assigned both
primas et secundas et tertias actioni; si enim eloquentia nulla
the-first and the-second and the-third to-delivery if for eloquence none
sine hac, haec autem sine eloquentia tanta est, certe plurimum
without this this however without eloquence so-great is surely very-much

in dicendo potest. Volet igitur ille qui eloquentiae principatum
in speaking it-can will-wish therefore he who of-eloquence the-primacy
petet et contenta voce atrociter dicere et summissa leniter
shall-seek both with-strained voice fiercely to-speak and with-lowered gently
et inclinata videri gravis et inflexa miserabilis;
and with-sunk to-seem weighty and with-inflected pitiable
57 mira est enim quaedam natura vocis, cuius quidem
wonderful is for a-certain nature of-the-voice of-which indeed
e tribus omnino sonis, inflexo acuto gravi, tanta sit et
from three altogether sounds inflected sharp grave so-great is and
tam suavis varietas perfecta in cantibus. Est autem etiam
so sweet variety perfected in songs there-is however also
in dicendo quidam cantus obscurior, non hic e Phrygia
in speaking a-certain song more-obscure not this from Phrygia
et Caria rhetorum epilogus paene canticum, sed ille quem
and Caria of-the-rhetors the-epilogue almost a-chant but that which
significat Demosthenes et Aeschines, cum alter alteri
signifies Demosthenes and Aeschines when the-one to-the-other
obicit vocis flexiones; dicit plorare etiam Demosthenes
casts-up of-the-voice inflections he-says to-weep even Demosthenes
istum quem saepe dicat voce dulci et clara fuisse.
that-man whom often he-says with-voice sweet and clear to-have-been
58 In quo illud etiam notandum mihi videtur ad studium
in which that also to-be-noted to-me seems for the-pursuit
persequendae suavitatis in vocibus: ipsa enim natura, quasi
to-be-pursued of-sweetness in sounds herself for nature as-if
modularetur hominum orationem, in omni verbo posuit
she-were-modulating of-men the-speech in every word has-placed
acutam vocem nec una plus nec a postrema syllaba citra
a-sharp sound nor one more nor from the-last syllable beyond

tertiam; quo magis naturam ducem ad aurium voluptatem
the-third by-which the-more nature as-guide to of-ears the-pleasure
sequatur industria.
may-follow industry
Ac vocis quidem bonitas optanda est; non est enim in 59
and of-voice indeed goodness to-be-wished is not it-is for in
nobis, sed tractatio atque usus in nobis. Ergo ille princeps
us but the-handling and use in us therefore that leader
variabit et mutabit: omnis sonorum tum intendens tum
will-vary and change all of-sounds now raising now
remittens persequetur gradus. Idemque motu sic utetur,
lowering he-will-go-through the-steps and-the-same movement so will-use
nihil ut supersit. In gestu status erectus et celsus; rarus
nothing that be-superfluous in gesture a-stance erect and lofty rare
incessus nec ita longus; excursio moderata eaque rara;
walking nor so long a-dash moderate and-that rare
nulla mollitia cervicum, nullae argutiae digitorum, non ad
no softness of-the-neck no fussiness of-the-fingers not to
numerum articulus cadens; trunco magis toto se ipse
the-beat the-joint falling with-the-trunk rather whole himself he-himself
moderans et virili laterum flexione, bracchii proiectione
controlling and by-a-manly of-the-sides bending of-the-arm by-thrusting
in contentionibus, contractione in remissis.
in contentions by-drawing-back in relaxed-passages
Vultus vero, qui secundum vocem plurimum potest, quantam 60
the-face indeed which after the-voice very-much can how-great
adferet tum dignitatem tum venustatem! In quo cum
it-will-bring both dignity and charm in which when
effeceris ne quid ineptum sit aut vultuosum,
you-have-brought-about that-not anything inept be or grimacing
tum oculorum est quaedam magna moderatio. Nam ut
then of-the-eyes is a-certain great control for as

imago est animi vultus, sic indices oculi; quorum et
the-image is of-the-mind the-face so the-indicators the-eyes of-which both
hilaritatis et vicissim tristitiae modum res ipsae de
of-cheerfulness and in-turn of-sadness the-measure the-things themselves about
quibus agetur temperabunt.
which it-shall-be-pleaded will-temper

VII · THE ORATOR SET APART

The orator is named from eloquence, which belongs to him alone. Philosophers speak to the learned and calm the mind; sophists seek display; historians narrate ornately; poets, whose rhythm orators now share, have greater license in coining and joining words. The eloquent man speaks in the forum to prove, to delight, and to move, and each duty has its style: the plain to prove, the middle to delight, the vehement to move.

61 Sed iam illius perfecti oratoris et summae eloquentiae
but now of-that perfect orator and of-the-highest eloquence
species exprimenda est. Quem hoc uno excellere, cetera
the-form to-be-portrayed is whom in-this one-thing to-excel the-rest
in eo latere indicat nomen ipsum; non enim inventor
in him to-lie-hidden shows the-name itself not for inventor
aut compositor aut actor qui haec complexus est omnia,
or arranger or performer who these-things embraced has all
sed et Graece ab eloquendo ῥήτωρ et Latine eloquens
but both in-Greek from speaking-out rhetor and in-Latin eloquent
dictus est; ceterarum enim rerum quae sunt in oratore
called he-is of-the-other for things which are in the-orator
partem aliquam sibi quisque vindicat, dicendi autem, id
part some for-himself each claims of-speaking however that
est eloquendi, maxima vis soli huic conceditur.
is of-speaking-out the-greatest force alone to-this-one is-conceded

Quamquam enim et philosophi quidam ornate locuti 62
although for both philosophers certain ornately spoken
sunt — si quidem et Theophrastus a divinitate loquendi
have if indeed both Theophrastus from the-divinity of-speaking
nomen invenit et Aristoteles Isocratem ipsum lacessivit et
his-name found and Aristotle Isocrates himself provoked and
Xenophontis voce Musas quasi locutas ferunt et longe
with-Xenophon's voice the-Muses as-if to-have-spoken they-say and far
omnium quicumque scripserunt aut locuti sunt exstitit et
of-all whoever have-written or spoken have stood-forth both
suavitate et gravitate princeps Plato—, tamen horum oratio
in-sweetness and in-gravity the-first Plato still of-these the-speech
neque nervos neque aculeos oratorios ac forensis habet.
neither the-sinews nor the-stings oratorical and forensic has
Loquuntur cum doctis, quorum sedare animos malunt quam 63
they-speak with the-learned whose to-calm minds they-prefer than
incitare, et de rebus placatis ac minime turbulentis docendi
to-rouse and about things settled and least turbulent of-teaching
causa non capiendi loquuntur, ut in eo ipso, quod
for-the-sake not of-captivating they-speak so-that in that itself that
delectationem aliquam dicendo aucupentur, plus non nullis
delight some by-speaking they-hunt more not to-none
quam necesse sit facere videantur. Ergo ab hoc genere non
than necessary be to-do they-may-seem therefore from this kind not
difficile est hanc eloquentiam, de qua nunc agitur, secernere.
difficult it-is this eloquence about which now is-treated to-separate
Mollis est enim oratio philosophorum et umbratilis nec 64
soft is for the-speech of-philosophers and shady neither
sententiis nec verbis instructa popularibus nec vincta numeris,
with-thoughts nor with-words equipped popular nor bound by-rhythms
sed soluta liberius; nihil iratum habet, nihil invidum, nihil
but loosed more-freely nothing angry it-has nothing envious nothing

atrox, nihil miserabile, nihil astutum; casta, verecunda, virgo
fierce nothing piteous nothing cunning chaste modest a-maiden
incorrupta quodam modo. Itaque sermo potius quam oratio
unspoiled in-a-certain manner and-so conversation rather than oratory
dicitur. Quamquam enim omnis locutio oratio est, tamen
it-is-called although for every utterance speech is still
unius oratoris locutio hoc proprio signata nomine est.
of-the-one orator the-utterance with-this proper marked name is
65 Sophistarum, de quibus supra dixi, magis distinguenda
of-the-sophists about whom above I-spoke more to-be-distinguished
similitudo videtur, qui omnes eosdem volunt flores quos adhibet
the-likeness seems who all the-same wish flowers which applies
orator in causis persequi. Sed hoc differunt quod, cum sit
the-orator in cases to-pursue but in-this they-differ that since it-be
his propositum non perturbare animos, sed placare potius
for-them proposed not to-disturb minds but to-calm rather
nec tam persuadere quam delectare, et apertius id faciunt
nor so-much to-persuade as to-delight and more-openly it they-do
quam nos et crebrius, concinnas magis sententias exquirunt
than we and more-frequently neat more thoughts they-seek-out
quam probabilis, a re saepe discedunt, intexunt
than probable from the-matter often they-depart they-weave-in
fabulas, verba altius transferunt eaque ita disponunt ut
tales words more-loftily they-transfer and-them so arrange as
pictores varietatem colorum, paria paribus referunt, adversa
painters a-variety of-colors equals with-equals they-match opposites
contrariis, saepissimeque similiter extrema definiunt.
with-contraries and-very-often similarly the-ends they-bound
66 Huic generi historia finitima est, in qua et narratur
to-this kind history bordering is in which both it-is-narrated
ornate et regio saepe aut pugna describitur; interponuntur
ornately and a-region often or a-battle is-described are-inserted

etiam contiones et hortationes, sed in his tracta quaedam
also speeches and exhortations but in these drawn-out a-certain
et fluens expetitur, non haec contorta et acris oratio.
and flowing is-sought not this twisted and sharp speech
Ab his non multo secus quam a poetis haec eloquentia
from these not much otherwise than from the-poets this eloquence
quam quaerimus sevocanda est. Nam etiam poetae
which we-seek to-be-called-apart is for even the-poets
quaestionem attulerunt, quidnam esset illud quo ipsi
a-question have-brought what-pray it-be that by-which they-themselves
differrent ab oratoribus: numero maxime videbantur antea
differ from orators by-rhythm most they-seemed formerly
et versu, nunc apud oratores iam ipse numerus increbruit.
and by-verse now among orators already itself rhythm has-spread
Quicquid est enim quod sub aurium mensuram aliquam cadit, 67
whatever is for which under of-the-ears measure some falls
etiam si abest a versu — nam id quidem orationis est
even if it-is-distant from verse for that indeed of-speech is
vitium — numerus vocatur, qui Graece ῥυθμὸς dicitur. Itaque
a-fault rhythm is-called which in-Greek rhythmos is-called and-so
video visum esse non nullis Platonis et Democriti locutionem,
I-see seemed to-have not to-none of-Plato and of-Democritus the-utterance
etsi absit a versu, tamen quod incitatius feratur
although it-be-distant from verse still because more-swiftly it-is-borne
et clarissimis verborum luminibus utatur, potius poema
and the-most-brilliant of-words lights uses rather a-poem
putandum quam comicorum poetarum; apud quos, nisi quod
to-be-thought than of-the-comic poets among whom except that
versiculi sunt, nihil est aliud cotidiani dissimile sermonis. Nec
little-verses they-are nothing is else daily unlike of-speech nor

tamen id est poetae maximum, etsi est eo laudabilior
still that is of-a-poet the-greatest-thing although he-is by-that more-praiseworthy
quod virtutes oratoris persequitur, cum versu sit astrictior.
that the-virtues of-the-orator he-pursues when by-verse he-be more-bound
68 Ego autem, etiam si quorundam grandis et ornata vox est
I however even if of-certain-ones grand and ornate the-voice is
poetarum, tamen in ea cum licentiam statuo maiorem esse quam
of-poets still in it both license I-decide greater to-be than
in nobis faciendorum iungendorumque verborum, tum etiam
in us of-making and-joining words and also
non nulli eorum voluntati vocibus magis quam rebus inserviunt;
not none of-them to-will to-sounds more than to-things are-subservient
nec vero, si quid est unum inter eos simile — id autem est
nor indeed if anything is one among them like that however is
iudicium electioque verborum—, propterea ceterarum rerum
judgment and-choice of-words therefore of-the-other things
dissimilitudo intellegi non potest; sed id nec dubium est
the-unlikeness to-be-understood not can but that neither doubtful is
et, si quid habet quaestionis, hoc tamen ipsum ad id quod
and if anything it-has of-question this still itself for that which
propositum est non est necessarium. Seiunctus igitur orator a
proposed is not is necessary separated therefore the-orator from
philosophorum eloquentia, a sophistarum, ab historicorum,
the-philosophers' eloquence from the-sophists' from the-historians'
a poetarum explicandus est nobis qualis futurus sit.
from the-poets' to-be-unfolded is by-us of-what-sort going-to-be he-be
69 Erit igitur eloquens — hunc enim auctore Antonio
he-will-be therefore eloquent this-man for with-sponsor Antonius
quaerimus — is qui in foro causisque civilibus ita dicet,
we-seek he who in the-forum and-cases civil so shall-speak
ut probet, ut delectet, ut flectat. Probare necessitatis
that he-may-prove that he-may-delight that he-may-sway to-prove of-necessity

est, delectare suavitatis, flectere victoriae: nam id unum
is to-delight of-sweetness to-sway of-victory for that one-thing
ex omnibus ad obtinendas causas potest plurimum. Sed
of all for winning cases can most but
quot officia oratoris, tot sunt genera dicendi: subtile
as-many duties of-the-orator so-many are kinds of-speaking the-plain
in probando, modicum in delectando, vehemens in flectendo;
in proving the-middle in delighting the-vehement in swaying
in quo uno vis omnis oratoris est.
in which one the-force all of-the-orator is

VIII · PROPRIETY AND THE PLAIN STYLE

The orator must judge what suits each case, the hardest thing to see in life as in speech, which the Greeks call prepon; what befits differs from what is obligatory. A painter veiled Agamemnon's head at Iphigenia's sacrifice because his grief could not be painted. The plain style, which some call alone Attic, imitates conversation, is free of rhythm, careful in its negligence, pure, and clear.

Magni igitur iudici, summae etiam facultatis esse debebit 70
of-great therefore judgment of-the-highest also capacity to-be will-be-obliged
moderator ille et quasi temperator huius tripertitae varietatis;
the-regulator that and as-it-were the-temperer of-this threefold variety
nam et iudicabit quid cuique opus sit et poterit
for both he-will-judge what to-each need be and he-will-be-able
quocumque modo postulabit causa dicere. Sed est eloquentiae
in-whatever manner shall-demand the-case to-speak but is of-eloquence
sicut reliquarum rerum fundamentum sapientia. Ut enim in
as of-the-other things the-foundation wisdom as for in
vita sic in oratione nihil est difficilius quam quid deceat
life so in speech nothing is more-difficult than what befits

videre. πρέπον appellant hoc Graeci, nos dicamus sane
to-see prepon call this the-Greeks we let-us-call by-all-means
decorum; de quo praeclare et multa praecipiuntur et
decorum about which splendidly and many-things are-taught and
res est cognitione dignissima; huius ignoratione non modo
the-thing is of-learning most-worthy of-this by-ignorance not only
in vita sed saepissime et in poematis et in oratione peccatur.
in life but very-often both in poems and in speech one-errs
71 Est autem quid deceat oratori videndum non in sententiis
is however what befits by-the-orator to-be-seen not in thoughts
solum sed etiam in verbis. Non enim omnis fortuna, non
only but also in words not for every fortune not
omnis honos, non omnis auctoritas, non omnis aetas nec vero
every office not every authority not every age nor indeed
locus aut tempus aut auditor omnis eodem aut verborum
place or time or hearer all in-the-same or of-words
genere tractandus est aut sententiarum semperque in omni
kind to-be-handled is or of-thoughts and-always in every
parte orationis ut vitae quid deceat est considerandum; quod
part of-speech as of-life what befits is to-be-considered which
et in re de qua agitur positum est et in personis
both in the-matter about which it-is-treated placed is and in the-persons
et eorum qui dicunt et eorum qui audiunt.
both of-those who speak and of-those who hear
72 Itaque hunc locum longe et late patentem philosophi solent
and-so this topic far and wide extending philosophers are-wont
in officiis tractare — non cum de recto ipso disputant, nam
in duties to-handle not when about the-right itself they-argue for
id quidem unum est—, grammatici in poetis, eloquentes in
that indeed one is the-grammarians in poets the-eloquent in
omni et genere et parte causarum. Quam enim indecorum
every both kind and part of-cases how for unseemly

est, de stillicidiis cum apud unum iudicem dicas,
it-is about drippings-of-eaves when before one judge you-speak
amplissimis verbis et locis uti communibus, de maiestate
with-the-most-ample words and places to-use common about the-majesty
populi Romani summisse et subtiliter! Hic genere toto,
of-the-people Roman humbly and plainly here in-kind whole
at persona alii peccant aut sua aut iudicum aut etiam
but in-person others err either their-own or the-judges' or even
adversariorum, nec re solum sed saepe verbo; etsi
the-adversaries' nor in-matter only but often in-word although
sine re nulla vis verbi est, tamen eadem res saepe
without the-matter no force of-a-word is still the-same thing often
aut probatur aut reicitur alio atque alio elata verbo.
either is-approved or rejected by-one and another expressed word
In omnibusque rebus videndum est quatenus; etsi enim suus 73
in and-all things to-be-seen is how-far although for its-own
cuique modus est, tamen magis offendit nimium quam parum;
to-each measure is still more offends too-much than too-little
in quo Apelles pictores quoque eos peccare dicebat qui non
in which Apelles painters also those to-err said who not
sentirent quid esset satis. Magnus est locus hic, Brute, quod
perceived what were enough great is topic this Brutus which
te non fugit, et magnum volumen aliud desiderat; sed ad
you not escapes and great volume another requires but for
id quod agitur illud satis. Cum hoc decere — quod semper
that which is-treated that enough when this to-befit which always
usurpamus in omnibus dictis et factis, minimis et maximis —
we-use in all words and deeds smallest and greatest
cum hoc, inquam, decere dicimus, illud non decere, et id
when this I-say to-befit we-say that not to-befit and it

usquequaque quantum sit appareat in alioque ponatur
everywhere how-much it-be it-appears in and-another-thing it-is-placed
aliudque totum sit, utrum decere an oportere dicas; —
and-another wholly it-is whether to-befit or to-behoove you-say
74 oportere enim perfectionem declarat offici, quo et semper
to-behoove for the-perfection declares of-duty which both always
utendum est et omnibus, decere quasi aptum esse
to-be-used is and by-all to-befit as-it-were apt to-be
consentaneumque tempori et personae; quod cum in factis
and-consistent with-the-time and the-person which both in deeds
saepissime tum in dictis valet, in vultu denique et gestu et
very-often and in words holds-good in the-face finally and gesture and
incessu, contraque item dedecere; quod si poeta fugit ut
gait and-on-the-contrary likewise to-be-unseemly which if a-poet flees as
maximum vitium, qui peccat etiam, cum probi orationem
the-greatest fault who errs also when of-a-good-man speech
adfingit improbo stultove sapientis; si denique pictor ille
he-ascribes to-a-wicked-man or-to-a-fool of-a-wise-man if finally painter that
vidit, cum in immolanda Iphigenia tristis Calchas esset, tristior
saw when in being-sacrificed Iphigenia sad Calchas was sadder
Ulixes, maereret Menelaus, obvolvendum caput Agamemnonis
Ulysses grieved Menelaus to-be-veiled the-head of-Agamemnon
esse, quoniam summum illum luctum penicillo non posset
to-be since the-highest that grief with-the-brush not he-could
imitari; si denique histrio quid deceat quaerit, quid faciendum
imitate if finally an-actor what befits seeks what to-be-done
oratori putemus? — Sed cum hoc tantum sit, quid in
by-the-orator should-we-think but since this so-great be what in
causis earumque quasi membris faciat orator viderit: illud
cases and-their as-it-were limbs should-do the-orator let-him-see that

quidem perspicuum est, non modo partis orationis sed
indeed evident is not only the-parts of-speech but
etiam causas totas alias alia forma dicendi esse tractandas.
even cases whole some by-other form of-speaking to-be to-be-handled
Sequitur ut cuiusque generis nota quaeratur et formula: 75
it-follows that of-each kind the-mark be-sought and formula
magnum opus et arduum, ut saepe iam diximus; sed
a-great work and arduous as often already we-have-said but
ingredientibus considerandum fuit quid ageremus, nunc
for-those-entering to-be-considered it-was what we-were-doing now
quidem iam quocumque feremur danda nimirum vela
indeed already wherever we-shall-be-borne to-be-given doubtless the-sails
sunt. Ac primum informandus est ille nobis quem solum
are and first to-be-formed is that-one by-us whom alone
quidem vocant Atticum.
indeed they-call Attic
Summissus est et humilis, consuetudinem imitans, ab 76
subdued he-is and humble usage imitating from
indisertis re plus quam opinione differens. Itaque eum
the-ineloquent in-reality more than in-opinion differing and-so him
qui audiunt, quamvis ipsi infantes sint, tamen illo
who hear however-much themselves speechless they-be still in-that
modo confidunt se posse dicere. Nam orationis subtilitas
manner are-confident themselves to-be-able to-speak for of-speech the-plainness
imitabilis illa quidem videtur esse existimanti, sed nihil est
imitable that indeed seems to-be to-one-judging but nothing is
experienti minus. Etsi enim non plurimi sanguinis est,
to-one-trying less although for not of-very-much blood he-is
habeat tamen sucum aliquem oportet, ut, etiam si illis
he-should-have still sap some it-behooves so-that even if those
maximis viribus careat, sit, ut ita dicam, integra valetudine.
greatest strengths he-lack he-be as thus I-may-say of-whole health

77 Primum igitur eum tamquam e vinculis numerorum
first therefore him as-it-were from the-chains of-rhythms
eximamus. Sunt enim quidam, ut scis, oratorii numeri, de
let-us-free there-are for certain as you-know oratorical rhythms about
quibus mox agemus, observandi ratione quadam, sed alio in
which soon we-shall-treat to-be-observed by-method a-certain but another in
genere orationis, in hoc omnino relinquendi. Solutum quiddam
kind of-speech in this altogether to-be-left loose something
sit nec vagum tamen, ut ingredi libere, non ut licenter
let-it-be nor vagrant still so-that to-walk freely not so-that licentiously
videatur errare. Verba etiam verbis quasi coagmentare neglegat.
he-may-seem to-wander words also to-words as-if to-cement let-him-neglect
Habet enim ille tamquam hiatus et concursus vocalium
has for that as-it-were a-gap and clash of-vowels
molle quiddam et quod indicet non ingratam neglegentiam
soft something and which may-show not unpleasant negligence
de re hominis magis quam de verbis laborantis.
about the-matter of-a-man more than about words laboring
78 Sed erit videndum de reliquis, cum haec duo ei
but it-will-be to-be-seen about the-rest since these two to-him
liberiora fuerint, circuitus conglutinatioque verborum. Illa
freer shall-have-been the-period and-cementing of-words those
enim ipsa contracta et minuta non neglegenter tractanda
for very short and small not negligently to-be-handled
sunt, sed quaedam etiam neglegentia est diligens. Nam
are but a-certain even negligence is diligent for
ut mulieres esse dicuntur non nullae inornatae, quasi
as women to-be are-said not none unadorned as-if
id ipsum deceat, sic haec subtilis oratio etiam incompta
that itself befit so this plain speech even unkempt
delectat; fit enim quiddam in utroque, quo sit
delights there-is-made for something in each by-which it-may-be

venustius, sed non ut appareat. Tum removebitur omnis
more-charming but not so-that it-appear then will-be-removed every
insignis ornatus quasi margaritarum, ne calamistri quidem
conspicuous ornament as-if of-pearls not curling-irons even
adhibebuntur; fucati vero medicamenta candoris et ruboris
will-be-applied painted indeed cosmetics of-whiteness and of-redness
omnia repellentur; elegantia modo et munditia remanebit.
all will-be-repelled elegance only and neatness will-remain
Sermo purus erit et Latinus, dilucide planeque dicetur, 79
the-speech pure will-be and Latin clearly and-plainly it-will-be-spoken
quid deceat circumspicietur; unum aberit, quod quartum
what befits will-be-looked-around-for one-thing will-be-absent which fourth
numerat Theophrastus in orationis laudibus: ornatum
counts Theophrastus among of-speech the-praises the-ornamentation
illud, suave et adfluens. Acutae crebraeque sententiae
that sweet and flowing sharp and-frequent thoughts
ponentur et nescio unde ex abdito erutae; ac —
will-be-set-down and I-know-not whence from a-hidden-place dug-up and
quod in hoc oratore dominabitur — verecundus erit usus
what in this orator will-dominate modest will-be the-use
oratoriae quasi supellectilis.
of-oratorical as-it-were furniture
Supellex est enim quodam modo nostra, quae est in 80
furniture it-is for in-a-certain manner our which is in
ornamentis, alia rerum alia verborum. Ornatus autem
ornaments partly of-things partly of-words the-ornamentation however
verborum duplex: unus simplicium alter conlocatorum.
of-words double one of-simple the-other of-placed-words
Simplex probatur in propriis usitatisque verbis, quod aut
the-simple is-approved in proper and-customary words which either
optime sonat aut rem maxime explanat; in alienis aut
best sounds or the-thing most explains in alien or

translatum et factum aliunde ut mutuo, aut factum ab
transferred and made from-elsewhere as by-borrowing or made by
ipso ac novum aut priscum et inusitatum; sed etiam inusitata
himself and new or old and unusual but even unusual
ac prisca sunt in propriis, nisi quod raro utimur.
and old are among proper-words except that rarely we-use(-them)
81 Conlocata autem verba habent ornatum, si aliquid
placed however words have ornamentation if any
concinnitatis efficiunt, quod verbis mutatis non maneat
of-symmetry they-produce which with-words changed not would-remain
manente sententia; nam sententiarum ornamenta quae
with-remaining the-thought for of-thoughts the-ornaments which
permanent, etiam si verba mutaveris, sunt illa quidem
remain even if the-words you-shall-have-changed are those indeed
permulta, sed quae emineant pauciora.
very-many but which stand-out fewer
Ergo ille tenuis orator, modo sit elegans, nec in faciendis
therefore that plain orator provided he-be elegant neither in making
verbis erit audax et in transferendis verecundus et parcus
words will-be bold and in transferring modest and sparing
et in priscis in reliquisque ornamentis et verborum et
and in old in and-the-other ornaments both of-words and
sententiarum demissior; ea translatione fortasse crebrior, qua
of-thoughts more-subdued that metaphor perhaps more-frequent which
frequentissime sermo omnis utitur non modo urbanorum,
very-often speech all uses not only of-city-folk
sed etiam rusticorum: si quidem est eorum gemmare vitis,
but also of-country-folk if indeed it-is theirs to-bud the-vines
sitire agros, laetas esse segetes, luxuriosa frumenta.
to-thirst the-fields joyful to-be the-crops luxuriant the-grain

The plain orator uses modest metaphor and figures of speech sparingly, avoiding the studied symmetries, personification, the raising of the dead, and heaped periods. His delivery is restrained. He will use wit, both humor and raillery, but not too often, not obscenely, and not against misfortune or friends. Lysias and Hyperides were witty; Demosthenes less so, though none was more urbane.

Nihil horum parum audacter, sed aut simile est illi unde 82
nothing of-these too-little boldly but either like it-is to-that whence
transferas, aut si res suum nullum habet nomen, docendi
you-transfer(-it) or if the-thing its-own no has name of-teaching
causa sumptum, non ludendi videtur. Hoc ornamento liberius
for-the-sake taken not of-playing it-seems this ornament more-freely
paulo quam ceteris utetur hic summissus, nec tam licenter
a-little than the-others will-use this subdued-speaker nor so licentiously
tamen quam si genere dicendi uteretur amplissimo; itaque
still as if the-kind of-speaking he-were-using most-ample and-so
illud indecorum, quod quale sit ex decoro debet intellegi,
that unseemliness which of-what-sort it-is from the-seemly ought to-be-understood
hic quoque apparet, cum verbum aliquod altius transfertur
here also appears when word some more-loftily is-transferred
idque in oratione humili ponitur quod idem in alia deceret.
and-it in speech humble is-placed which same in another would-befit
Illam autem concinnitatem, quae verborum conlocationem 83
that however symmetry which of-words the-placing
inluminat eis luminibus quae Graeci quasi aliquos gestus
illuminates with-those lights which the-Greeks as-it-were some gestures
orationis σχήματα appellant, quod idem verbum ab eis etiam
of-speech schemata call which same word by them also
in sententiarum ornamenta transfertur, adhibet hic quidem
to of-thoughts the-ornaments is-transferred applies this indeed

subtilis, quem nisi quod solum ceteroqui recte quidam
plain-speaker whom except that alone otherwise rightly certain-men
vocant Atticum, sed paulo parcius; nam sic ut in epularum
call Attic but a-little more-sparingly for thus as in of-banquets
apparatu a magnificentia recedens non se parcum solum
the-preparation from magnificence withdrawing not himself sparing only
sed etiam elegantem videri volet, et eliget quibus utatur;
but also elegant to-seem he-will-wish and he-will-choose which he-may-use
84 sunt enim pleraque apta huius ipsius oratoris de quo loquor
there-are for most fitted of-this very orator about whom I-speak
parsimoniae. Nam illa de quibus ante dixi huic acuto
to-the-thrift for those about which before I-spoke for-this sharp-one
fugienda sunt: paria paribus relata et similiter conclusa
to-be-shunned are equals with-equals matched and similarly closed
eodemque pacto cadentia et immutatione litterae quasi
and-in-the-same way falling and by-change of-a-letter as-if
quaesitae venustates, ne elaborata concinnitas et quoddam
sought-out charms lest an-elaborated symmetry and a-certain
aucupium delectationis manifesto deprehensum appareat;
hunting of-delight openly caught may-appear
85 itemque si quae verborum iterationes contentionem aliquam
and-likewise if any of-words repetitions contention some
et clamorem requirent, erunt ab hac summissione orationis
and shouting shall-require they-will-be from this subduedness of-speech
alienae; ceteris promiscue poterit uti, continuationem
foreign the-others indiscriminately he-will-be-able to-use the-continuity
verborum modo relaxet et dividat utaturque verbis quam
of-words only let-him-relax and divide and-let-him-use words as
usitatissimis, translationibus quam mollissimis; etiam illa
most-customary metaphors as most-gentle also those
sententiarum lumina adsumet, quae non erunt vehementer
of-thoughts lights he-will-take-on which not shall-be vehemently

inlustria. Non faciet rem publicam loquentem nec ab
brilliant not he-will-make the-thing public speaking nor from
inferis mortuos excitabit nec acervatim multa frequentans
the-lower-world the-dead he-will-rouse nor in-heaps many-things crowding
una complexione devinciet. Valentiorum haec laterum sunt nec
in-one period he-will-bind of-stronger these lungs are nor
ab hoc, quem informamus, aut exspectanda aut postulanda;
from this-one whom we-are-forming either to-be-expected or to-be-demanded
erit enim ut voce sic etiam oratione suppressior.
he-will-be for as in-voice so also in-speech more-subdued
Sed pleraque ex illis convenient etiam huic tenuitati, 86
but most from those will-fit also to-this plainness
quamquam isdem ornamentis utetur horridius; talem
although with-the-same ornaments he-will-use more-roughly such
enim inducimus. Accedet actio non tragica nec scaenae,
for we-bring-in there-will-be-added a-delivery not tragic nor of-the-stage
sed modica iactatione corporis, vultu tamen multa
but with-moderate movement of-the-body by-the-face still much
conficiens; non hoc quo dicuntur os ducere, sed illo
accomplishing not this by-which they-are-said the-mouth to-draw but that
quo significant ingenue quo sensu quidque pronuntient.
by-which they-signify ingenuously in-what sense each-thing they-pronounce
Huic generi orationis aspergentur etiam sales, qui in dicendo 87
on-this kind of-speech will-be-sprinkled also salts which in speaking
nimium quantum valent; quorum duo genera sunt, unum
exceedingly much avail of-which two kinds there-are one
facetiarum, alterum dicacitatis. Utetur utroque; sed altero
of-humor the-other of-raillery he-will-use each but the-one
in narrando aliquid venuste, altero in iaciendo mittendoque
in narrating something charmingly the-other in throwing and-launching
ridiculo, cuius genera plura sunt; sed nunc aliud agimus.
the-ridiculous of-which the-kinds more are but now another-thing we-are-doing

88 Illud admonemus tamen ridiculo sic usurum oratorem ut
that we-advise still the-ridiculous so going-to-use the-orator that
nec nimis frequenti ne scurrile sit, nec subobsceno ne
neither too frequent lest buffoonish it-be nor somewhat-obscene lest
mimicum, nec petulanti ne improbum, nec in calamitatem
mimic nor wanton lest wicked nor against calamity
ne inhumanum, nec in facinus ne odii locum risus
lest inhuman nor against crime lest of-hatred the-place laughter
occupet, neque aut sua persona aut iudicum aut tempore
seize nor either to-his-own person or to-the-judges' or to-the-time
alienum. Haec enim ad illud indecorum referuntur.
foreign these-things for to that unseemliness are-referred
89 Vitabit etiam quaesita nec ex tempore ficta, sed domo
he-will-avoid also sought-out nor from the-moment invented but from-home
adlata, quae plerumque sunt frigida. Parcet et amicitiis et
brought which mostly are frigid he-will-spare both friendships and
dignitatibus, vitabit insanabilis contumelias, tantum modo
dignities he-will-avoid incurable insults only merely
adversarios figet nec eos tamen semper nec omnis nec
the-adversaries he-will-pierce nor them still always nor all nor
omni modo. Quibus exceptis sic utetur sale et facetiis,
in-every manner with-which excepted so he-will-use salt and wit
ut ego ex istis novis Atticis talem cognoverim neminem,
that I from those new Atticists such have-known no-one
cum id certe sit vel maxime Atticum.
though that surely be even most Attic
90 Hanc ego iudico formam summissi oratoris, sed magni tamen
this I judge the-form of-the-subdued orator but great still
et germani Attici; quoniam quicquid est salsum aut salubre
and genuine Attic since whatever is salty or wholesome
in oratione, id proprium Atticorum est. E quibus tamen non
in speech that proper of-the-Attics is of whom still not

omnes faceti: Lysias satis et Hyperides, Demades praeter
all witty Lysias enough and Hyperides Demades beyond
ceteros fertur, Demosthenes minus habetur; quo quidem
the-others is-reported Demosthenes less is-held than-whom indeed
mihi nihil videtur urbanius, sed non tam dicax fuit quam
to-me nothing seems more-urbane but not so caustic he-was as
facetus; est autem illud acrioris ingeni, hoc maioris artis.
witty is however that of-a-sharper talent this of-greater art

X · THE MIDDLE AND THE GRAND STYLES

The middle style is fuller and sweeter than the plain, and Demetrius of Phalerum excelled in it; it uses metaphor, metonymy, allegory, and every figure, takes in the florid manner of the sophists, and suits philosophical argument and common topics. The grand style is copious, weighty, and ornate, and moves the minds of peoples. The plain speaker never falls, the middle one cannot fall far, but the grand speaker who can do nothing else seems mad among the sane.

Uberius est aliud aliquantoque robustius quam hoc humile 91
richer is another and-somewhat more-robust than this humble-style
de quo dictum est, summissius autem quam illud de
about which said it-has-been more-subdued however than that about
quo iam dicetur amplissimum. Hoc in genere nervorum vel
which now will-be-said most-ample this in kind of-sinews even
minimum, suavitatis autem est vel plurimum. Est enim
the-least of-sweetness however there-is even the-most it-is for
plenius quam hoc enucleatum, quam autem illud ornatum
fuller than this precise-style than however that ornate
copiosumque summissius.
and-copious more-subdued

92 Huic omnia dicendi ornamenta conveniunt plurimumque est
to-this all of-speaking ornaments fit and-very-much there-is
in hac orationis forma suavitatis. In qua multi floruerunt apud
in this of-speech form of-sweetness in which many have-flourished among
Graecos, sed Phalereus Demetrius meo iudicio praestitit ceteris,
the-Greeks but of-Phalerum Demetrius in-my judgment surpassed the-others
cuius oratio cum sedate placideque liquitur, tum inlustrant
whose speech both calmly and-placidly flows and illuminate
eam quasi stellae quaedam translata verba atque immutata.
it as-if stars certain transferred words and changed
Translata dico, ut saepe iam, quae per similitudinem ab
transferred I-call as often already those-which through likeness from
alia re aut suavitatis aut inopiae causa transferuntur;
another thing either of-sweetness or of-want for-the-sake are-transferred
immutata, in quibus pro verbo proprio subicitur aliud
changed in which instead-of the-word proper is-substituted another
quod idem significet sumptum ex re aliqua consequenti.
which the-same may-signify taken from a-thing some consequent
93 Quod quamquam transferendo fit, tamen alio modo
which although by-transferring it-is-done still in-another manner
transtulit cum dixit Ennius arce et urbe orba sum,
transferred when said Ennius of-citadel and of-city bereft I-am
alio modo horridam Africam terribili tremere tumultu:
in-another manner bristling Africa with-terrible to-tremble tumult
hanc ὑπαλλαγήν rhetores, quia quasi summutantur verba
this hypallage the-rhetors because as-it-were are-substituted words
pro verbis, μετωνυμίαν grammatici vocant, quod nomina
for words metonymy the-grammarians call because names
transferuntur; Aristoteles autem translationi et haec ipsa
are-transferred Aristotle however to-metaphor both these very-things
subiungit et abusionem, quam κατάχρησιν vocat, ut cum
subjoins and the-misuse which catachresis he-calls as when

minutum dicimus animum pro parvo; et abutimur verbis
small we-say a-mind for little and we-misuse words
propinquis, si opus est vel quod delectat vel quod decet.
neighboring if need there-is either because it-delights or because it-befits
Iam cum fluxerunt continuo plures translationes, alia 94
next when have-flowed continuously several metaphors another
plane fit oratio; itaque genus hoc Graeci appellant
plainly becomes speech and-so kind this the-Greeks call
ἀλληγορίαν: nomine recte, genere melius ille qui ista omnia
allegory by-name rightly by-kind better he who those all-things
translationes vocat. Haec frequentat Phalereus maxime
metaphors calls these-things frequents the-Phalerean most
suntque dulcissima; et quamquam translatio est apud eum
and-they-are most-sweet and although metaphor is with him
multa, tamen immutationes nusquam crebriores.
much still changes nowhere more-frequent
In idem genus orationis — loquor enim de illa modica 95
into the-same kind of-speech I-speak for about that moderate
ac temperata — verborum cadunt lumina omnia, multa
and tempered of-words fall the-lights all many
etiam sententiarum; latae eruditaeque disputationes ab eodem
also of-thoughts broad and-learned disputations by the-same
explicabuntur et loci communes sine contentione dicentur.
will-be-unfolded and places common without strain will-be-spoken
Quid multa? E philosophorum scholis tales fere evadunt;
why many-words from of-philosophers the-schools such generally come-out
et nisi coram erit comparatus ille fortior, per se
and unless face-to-face shall-be compared that stronger by himself
hic quem dico probabitur.
this-one whom I-mean will-be-approved

96 Est enim quoddam etiam insigne et florens orationis
there-is for a-certain also distinctive and florid of-speech
pictum et expolitum genus, in quo omnes verborum, omnes
painted and polished kind in which all of-words all
sententiarum inligantur lepores. Hoc totum e sophistarum
of-thoughts are-entwined graces this whole from of-the-sophists
fontibus defluxit in forum, sed spretum a subtilibus,
the-springs has-flowed-down into the-forum but spurned by the-plain
repulsum a gravibus in ea de qua loquor mediocritate
repulsed by the-weighty in that about which I-speak middle-style
consedit.
it-has-settled

97 Tertius est ille amplus copiosus, gravis ornatus, in
the-third is that ample copious weighty ornate in
quo profecto vis maxima est. Hic est enim, cuius
which surely the-force greatest is this-one is for whose
ornatum dicendi et copiam admiratae gentes eloquentiam
ornament of-speaking and abundance having-admired the-nations eloquence
in civitatibus plurimum valere passae sunt, sed hanc
in states very-much to-prevail allowed have but this
eloquentiam, quae cursu magno sonituque ferretur, quam
eloquence which with-course great and-sound might-be-borne which
suspicerent omnes, quam admirarentur, quam se adsequi
might-look-up-to all which might-admire which themselves to-attain
posse diffiderent. Huius eloquentiae est tractare animos,
to-be-able might-distrust of-this eloquence it-is to-handle minds
huius omni modo permovere. Haec modo perfringit, modo
of-this in-every manner to-move this now breaks-through now
inrepit in sensus; inserit novas opiniones, evellit insitas.
creeps into the-senses plants new opinions tears-out implanted-ones

Sed multum interest inter hoc dicendi genus et superiora. 98
but much it-matters between this of-speaking kind and the-earlier-ones
Qui in illo subtili et acuto elaboravit ut callide arguteque
he-who in that plain and sharp has-labored that shrewdly and-cleverly
diceret, nec quicquam altius cogitavit, hoc uno perfecto
he-might-speak nor anything higher has-thought with-this one perfected
magnus orator est, et si non maximus; minimeque in
a-great orator is and if not the-greatest and-least on
lubrico versabitur et, si semel constiterit, numquam
slippery-ground he-will-be-engaged and if once he-has-stood-firm never
cadet. Medius ille autem, quem modicum et temperatum
he-will-fall the-middle that however whom moderate and tempered
voco, si modo suum illud satis instruxerit, non extimescet
I-call if only his-own that enough he-shall-have-equipped not he-will-dread
ancipites dicendi incertosque casus; etiam si quando minus
the-doubtful of-speaking and-uncertain chances even if sometime less
succedet, ut saepe fit, magnum tamen periculum non
it-shall-succeed as often happens great still danger not
adibit: alte enim cadere non potest.
he-will-approach from-high for to-fall not he-can
At vero hic noster, quem principem ponimus, gravis acer 99
but indeed this our-man whom first we-place weighty sharp
ardens, si ad hoc unum est natus aut in hoc solo
burning if for this one he-is born or in this alone
se exercuit aut huic generi studuit uni nec suam
himself has-exercised or to-this kind applied-himself alone nor his
copiam cum illis duobus generibus temperavit, maxime
abundance with those two kinds has-tempered most
est contemnendus. Ille enim summissus, quod acute et
is to-be-despised that for subdued-one because sharply and
veteratorie dicit, sapiens iam, medius suavis, hic autem
craftily he-speaks wise already the-middle sweet this-one however

copiosissimus, si nihil aliud est, vix satis sanus videri solet.
most-copious if nothing else he-is scarcely enough sane to-seem is-wont
Qui enim nihil potest tranquille, nihil leniter, nihil partite
he-who for nothing can calmly nothing gently nothing in-parts
definite distincte facete dicere, praesertim cum causae partim
definitely distinctly wittily say especially since cases partly
totae sint eo modo partim aliqua ex parte tractandae si
whole are in-that manner partly some from part to-be-handled if
is non praeparatis auribus inflammare rem coepit, furere
he not with-prepared ears to-inflame the-matter has-begun to-rage
apud sanos et quasi inter sobrios bacchari vinulentus videtur.
among the-sane and as-if among the-sober to-revel drunk he-seems

XI · CICERO'S OWN SPEECHES

The eloquent man, never yet seen but held in the mind like Plato's form, can speak of small things simply, of great things weightily, and of the middle temperately. Cicero has tried each: plain for Caecina, middle for the Manilian law, grand for Rabirius, varied in the Verrines and for Cluentius. Even Demosthenes, master of every style, does not always fill Cicero's ears. He returns to the kind, not the man.

100 Tenemus igitur, Brute, quem quaerimus, sed animo; nam manu
we-hold therefore Brutus whom we-seek but in-mind for in-hand
si prehendissem, ne ipse quidem sua tanta eloquentia mihi
if I-had-grasped(-him) not himself even with-his so-great eloquence me
persuasisset ut se dimitterem. Sed inventus profecto est ille
would-have-persuaded that him I-should-let-go but found surely is that
eloquens, quem numquam vidit Antonius. Quis est igitur is?
eloquent-one whom never saw Antonius who is therefore he
Complectar brevi, disseram pluribus. Is est enim eloquens,
I-shall-embrace briefly I-shall-discourse more-at-length he is for eloquent

qui et humilia subtiliter et alta graviter et mediocria
who both humble-things plainly and lofty weightily and middle-things
temperate potest dicere. Nemo is, inquies, umquam fuit.
temperately can say no-one such you-will-say ever has-been
Ne fuerit. Ego enim quid desiderem, non quid viderim 101
not let-him-have-been I for what I-long-for not what I-have-seen
disputo redeoque ad illam Platonis de qua dixeram rei
discuss and-I-return to that of-Plato about which I-had-spoken of-the-thing
formam et speciem, quam etsi non cernimus, tamen
form and appearance which although not we-discern still
animo tenere possumus. Non enim eloquentem quaero neque
in-mind to-hold we-can not for an-eloquent-man I-seek nor
quicquam mortale et caducum, sed illud ipsum, cuius qui
anything mortal and perishable but that itself of-which he-who
sit compos, sit eloquens; quod nihil est aliud nisi eloquentia
be possessed be eloquent which nothing is else than eloquence
ipsa, quam nullis nisi mentis oculis videre possumus. Is erit
itself which with-no except of-the-mind eyes to-see we-can be will-be
igitur eloquens, ut idem illud iteremus, qui poterit parva
therefore eloquent that the-same that we-may-repeat who will-be-able small-things
summisse, modica temperate, magna graviter dicere.
subduedly moderate-things temperately great-things weightily to-say
Tota mihi causa pro Caecina de verbis interdicti fuit: 102
whole for-me the-case for Caecina about the-words of-the-interdict was
res involutas definiendo explicavimus, ius civile laudavimus,
things involved by-defining we-unfolded the-law civil we-praised
verba ambigua distinximus. Fuit ornandus in Manilia lege
words ambiguous we-distinguished there-was to-be-honored in the-Manilian law
Pompeius: temperata oratione ornandi copiam persecuti
Pompey with-tempered speech of-honoring the-abundance pursued

sumus. Ius omne retinendae maiestatis Rabiri causa
we-have the-right whole of-preserving majesty in-Rabirius' case
continebatur: ergo in ea omni genere amplificationis exarsimus.
was-contained therefore in it in-every kind of-amplification we-blazed
103 At haec interdum temperanda et varianda sunt. Quod
but these-things sometimes to-be-tempered and to-be-varied are what
igitur in accusationis septem libris non reperitur genus?
therefore in of-the-accusation the-seven books not is-found kind
Quod in Habiti? Quod in Corneli? Quod in plurimis nostris
what in Habitus' what in Cornelius' what in very-many our
defensionibus? Quae exempla selegissem, nisi vel nota esse
defenses which examples I-would-have-selected unless either known to-be
arbitrarer vel ipsi possent legere qui quaererent. Nulla est
I-thought or themselves they-could read who were-seeking none is
enim ullo in genere laus cuius in nostris orationibus non sit
for any in kind praise of-which in our speeches not there-be
aliqua si non perfectio, at conatus tamen atque adumbratio.
some if not perfection at-least attempt still and sketch
104 Non adsequimur; at quid sequi deceat videmus. Nec enim
not we-attain but what to-follow befits we-see nor for
nunc de nobis, sed de re dicimus; in quo tantum
now about ourselves but about the-thing we-speak in which so-far
abest ut nostra miremur, et usque eo difficiles ac
it-is-distant that our-own-things we-admire and right so-far difficult and
morosi sumus, ut nobis non satis faciat ipse Demosthenes; qui
peevish we-are that us not enough does himself Demosthenes who
quamquam unus eminet inter omnis in omni genere dicendi,
although alone stands-out among all in every kind of-speaking
tamen non semper implet auris meas; ita sunt avidae et
still not always fills ears my so they-are greedy and
capaces et saepe aliquid immensum infinitumque desiderant.
capacious and often something immense and-infinite they-long-for

Sed tamen, quoniam et hunc tu oratorem cum eius 105
but still since both this-one you orator with his
studiosissimo Pammene, cum esses Athenis, totum
most-devoted Pammenes when you-were at-Athens wholly
diligentissime cognovisti nec eum dimittis e manibus
most-diligently have-learned nor him do-you-let-go from your-hands
et tamen nostra etiam lectitas, vides profecto illum
and still our-things also you-read-repeatedly you-see surely him
multa perficere, nos multa conari, illum posse, nos
many-things to-accomplish us many-things to-attempt him to-be-able us
velle quocumque modo causa postulet dicere. Nam ille
to-wish in-whatever manner the-case may-demand to-speak for he
magnus et successit ipse magnis et maximos oratores
great-one both succeeded himself to-great-ones and the-greatest orators
habuit aequalis; nos minus. Magnum fecissemus, si
had as-contemporaries we less great-thing we-would-have-done if
quidem potuissemus quo contendimus pervenire in ea
indeed we-had-been-able to-where we-strive to-arrive in that
urbe in qua, ut ait Antonius, auditus eloquens nemo erat.
city in which as says Antonius heard eloquent-man no-one was
Atqui si Antonio Crassus eloquens visus non est aut sibi 106
and-yet if to-Antonius Crassus eloquent seemed not is or to-himself
ipse, numquam Cotta visus esset, numquam Sulpicius,
himself never Cotta seemed would-have never Sulpicius
numquam Hortensius; nihil enim ample Cotta, nihil leniter
never Hortensius nothing for amply Cotta nothing gently
Sulpicius, non multa graviter Hortensius; superiores magis
Sulpicius not many-things weightily Hortensius the-earlier-ones more
ad omne genus apti, Crassum dico et Antonium. Ieiunas
to every kind fit Crassus I-mean and Antonius hungry
igitur huius multiplicis et aequabiliter in omnia genera
therefore of-this manifold and evenly into all kinds

fusae orationis auris civitatis accepimus, easque nos primi,
poured speech the-ears of-the-state we-received and-them we first
quicumque eramus et quantulumcumque dicebamus, ad
whoever we-were and however-little we-said to
huius generis audiendi incredibilia studia convertimus.
of-this kind of-hearing incredible zeal turned

107 Quantis illa clamoribus adulescentuli diximus, quae
with-how-great those shoutings as-a-very-young-man we-said which
nequaquam satis defervisse post aliquanto sentire coepimus:
by-no-means enough to-have-cooled-down after somewhat to-feel we-began
Quid enim tam commune quam spiritus vivis, terra mortuis,
what for so common as breath for-the-living earth for-the-dead
mare fluctuantibus, litus eiectis? Ita vivunt, dum possunt,
the-sea for-the-tossed the-shore for-the-cast-ashore so they-live while they-can
ut ducere animam de caelo non queant; ita moriuntur ut
that to-draw breath from the-sky not they-can so they-die that
eorum ossa terram non tangant; ita iactantur fluctibus ut
their bones the-earth not touch so they-are-tossed by-waves that
numquam adluantur; ita postremo eiciuntur ut ne ad saxa
never they-be-washed so finally they-are-cast-ashore that not on rocks
quidem mortui conquiescant, et quae sequuntur; sunt enim
even dead they-may-rest and what-things follow they-are for
omnia sic ut adulescentis non tam re et maturitate
all so as of-a-young-man not so-much for-substance and maturity
quam spe et exspectatione laudati. Ab hac etiam indole iam
as for-hope and expectation praised from this also nature already
illa matura: uxor generi, noverca filii, filiae paelex.
that mature a-wife of-her-son-in-law a-stepmother of-her-son of-her-daughter a-rival

108 Nec vero hic erat unus ardor in nobis ut hoc modo omnia
nor indeed this was the-one ardor in us that in-this manner all-things
diceremus. Ipsa enim illa iuvenilis redundantia multa habet
we-should-say that-very for that youthful exuberance many-things has

attenuata, quaedam etiam paulo hilariora, ut pro Habito, pro
attenuated certain even a-little more-cheerful as for Habitus for
Cornelio compluresque aliae. Nemo enim orator tam multa
Cornelius and-several others no for orator so many-things
ne in Graeco quidem otio scripsit quam multa sunt
not in Greek even leisure has-written as many-things are
nostra, eaque hanc ipsam habent quam probo varietatem.
ours and-they this very have which I-approve variety
An ego Homero, Ennio, reliquis poetis et maxime 109
or I to-Homer to-Ennius to-the-other poets and most
tragicis concederem ut ne omnibus locis eadem contentione
to-the-tragic should-I-concede that not in-all places the-same intensity
uterentur crebroque mutarent, non numquam etiam ad
they-should-use and-often change not never even to
cotidianum genus sermonis accederent: ipse numquam ab
the-daily kind of-speech approach myself never from
illa acerrima contentione discederem? Sed quid poetas divino
that sharpest intensity should-I-depart but why poets of-divine
ingenio profero? Histriones eos vidimus quibus nihil
talent do-I-bring-forward actors those we-have-seen than-whom nothing
posset in suo genere esse praestantius, qui non solum in
could in their-own kind be more-excellent who not only in
dissimillimis personis satis faciebant, cum tamen in suis
most-unlike roles enough did when still in their-own
versarentur, sed et comoedum in tragoediis et tragoedum
they-were-engaged but both a-comic-actor in tragedies and a-tragic-actor
in comoediis admodum placere vidimus: ego non elaborem?
in comedies very-much to-please we-have-seen should-I not labor
Cum dico me, te, Brute, dico; nam in me quidem iam pridem 110
when I-say me you Brutus I-mean for in me indeed already long-ago
effectum est quod futurum fuit; tu autem eodem modo
brought-about is what going-to-be it-was you however in-the-same manner

omnis causas ages? Aut aliquod causarum genus repudiabis?
all cases will-you-plead or some of-cases kind will-you-reject
Aut in isdem causis perpetuum et eundem spiritum sine ulla
or in the-same cases a-continuous and the-same breath without any
commutatione obtinebis? Demosthenes quidem, cuius nuper
change will-you-hold Demosthenes indeed of-whom recently
inter imagines tuas ac tuorum, quod eum credo amares,
among the-images your and of-your-family because him I-believe you-loved
cum ad te in Tusculanum venissem, imaginem ex aere vidi,
when to you at the-Tusculan I-had-come the-image of bronze I-saw
nil Lysiae subtilitate cedit, nihil argutiis et acumine
nothing to-Lysias in-plainness yields nothing in-cleverness and sharpness
Hyperidi, nil levitate Aeschini et splendore verborum.
to-Hyperides nothing in-smoothness to-Aeschines and splendor of-words

111 Multae sunt eius totae orationes subtiles, ut contra Leptinem;
many are his whole speeches plain as against Leptines
multae totae graves, ut quaedam Philippicae; multae variae,
many whole weighty as certain Philippics many varied
ut contra Aeschinem falsae legationis, ut contra eundem
as against Aeschines of-the-false embassy as against the-same
pro causa Ctesiphontis. Iam illud medium quotiens vult
for the-case of-Ctesiphon now that middle-style as-often-as he-wishes
arripit et a gravissimo discedens eo potissimum delabitur.
he-seizes and from the-weightiest departing to-it most-of-all he-glides
Clamores tamen tum movet et tum in dicendo plurimum
shoutings still then he-moves and then in speaking very-much
efficit, cum gravitatis locis utitur.
he-accomplishes when of-gravity the-places he-uses

112 Sed ab hoc parumper abeamus, quando quidem de genere,
but from this-one for-a-little let-us-go-away since indeed about the-kind
non de homine quaerimus: rei potius, id est eloquentiae
not about the-man we-inquire of-the-thing rather that is of-eloquence

vim et naturam explicemus. Illud tamen quod iam ante
the-force and nature let-us-unfold that still which already before
diximus meminerimus, nihil nos praecipiendi causa esse
we-said let-us-remember nothing we of-teaching for-the-sake to-be
dicturos atque ita potius acturos ut existimatores videamur
going-to-say and so rather going-to-act that judges we-may-seem
loqui, non magistri. In quo tamen longius saepe progredimur,
to-speak not masters in which still further often we-advance
quod videmus non te haec solum esse lecturum, qui ea
because we-see not you these-things alone to-be going-to-read who them
multo quam nos qui quasi docere videmur habeas notiora,
much than we who as-if to-teach seem have better-known
sed hunc librum etiam si minus nostra commendatione,
but this book even if less by-our commendation
tuo tamen nomine divulgari necesse est.
by-your still name to-be-spread-abroad necessary it-is

XII · LEARNING FOR THE ORATOR

The perfect orator must know dialectic, eloquence's neighbor, which Zeno likened to a fist and eloquence to an open hand. He must define and divide, and know the commonplaces of philosophy on religion, death, duty, virtue, and the passions, natural philosophy as Pericles did, civil law, and history, since not to know what happened before one was born is to remain a child. Then he comes to cases.

Esse igitur perfecte eloquentis puto non eam tantum 113
to-be therefore of-the-perfectly eloquent-man I-think not that only
facultatem habere quae sit eius propria, fuse lateque
faculty to-have which be his proper diffusely and-widely
dicendi, sed etiam vicinam eius ac finitimam dialecticorum
of-speaking but also neighboring to-it and bordering of-the-dialecticians

scientiam adsumere. Quamquam aliud videtur oratio esse
the-knowledge to-take-on although one-thing seems oratory to-be
aliud disputatio, nec idem loqui esse quod dicere, ac tamen
another disputation nor the-same to-talk to-be as to-speak and still
utrumque in disserendo est: disputandi ratio et loquendi
each in discoursing is of-disputing the-method and of-talking
dialecticorum sit, oratorum autem dicendi et ornandi.
of-the-dialecticians let-be of-the-orators however of-speaking and of-ornamenting
Zeno quidem ille, a quo disciplina Stoicorum est, manu
Zeno indeed that from whom the-school of-the-Stoics is with-his-hand
demonstrare solebat quid inter has artis interesset; nam
to-show was-wont what between these arts differed for
cum compresserat digitos pugnumque fecerat, dialecticam
when he-had-closed his-fingers and-a-fist had-made dialectic
aiebat eius modi esse; cum autem deduxerat et manum
he-said of-that kind to-be when however he-had-drawn-out and his-hand
dilataverat; palmae illius similem eloquentiam esse dicebat.
had-spread of-the-palm that like eloquence to-be he-said
114 Atque etiam ante hunc Aristoteles principio artis
and also before this-man Aristotle at-the-beginning of-the-art
rhetoricae dicit illam artem quasi ex altera parte respondere
of-rhetoric says that art as-it-were from the-other side to-answer
dialecticae, ut hoc videlicet differant inter se quod haec
to-dialectic that this of-course they-differ among themselves that this
ratio dicendi latior sit, illa loquendi contractior. Volo igitur
method of-speaking wider be that of-talking more-compressed I-wish therefore
huic summo omnem quae ad dicendum trahi possit loquendi
to-this highest-one all which to speaking be-drawn can of-talking
rationem esse notam; quae quidem res, quod te his artibus
the-method to-be known which indeed thing as you in-these arts
eruditum minime fallit, duplicem habuit docendi viam. Nam
learned least escapes a-double has-had of-teaching way for

et ipse Aristoteles tradidit praecepta plurima disserendi et
both himself Aristotle handed-down precepts very-many of-discoursing and
postea qui dialectici dicuntur spinosiora multa pepererunt.
afterward those-who dialecticians are-called thornier many-things have-begotten
Ego eum censeo qui eloquentiae laude ducatur non esse 115
I him think who of-eloquence by-the-praise is-led not to-be
earum rerum omnino rudem, sed vel illa antiqua vel
of-these things altogether untaught but either in-that ancient or
hac Chrysippi disciplina institutum. Noverit primum vim,
in-this Chrysippus' discipline trained let-him-know first the-force
naturam, genera verborum et simplicium et copulatorum;
nature kinds of-words both simple and coupled
deinde quot modis quidque dicatur; qua ratione verum
then in-how-many ways each-thing is-said by-what method true
falsumne sit iudicetur; quid efficiatur e quoque, quid
or-false it-be is-judged what follows from each what
cuique consequens sit quidve contrarium; cumque ambigue
to-each consequent be or-what contrary and-when ambiguously
multa dicantur, quo modo quidque eorum dividi
many-things are-said in-what manner each of-them to-be-divided
explanarique oporteat. Haec tenenda sunt oratori — saepe
and-explained it-behooves these-things to-be-held are by-the-orator often
enim occurrunt—, sed quia sua sponte squalidiora sunt,
for they-occur but because of-their-own accord rather-rough they-are
adhibendus erit in his explicandis quidam orationis nitor.
to-be-applied it-will-be in these being-unfolded a-certain of-speech luster
Et quoniam in omnibus quae ratione docentur et via 116
and since in all-things which by-reason are-taught and method
primum constituendum est quid quidque sit — nisi enim inter
first to-be-established it-is what each-thing be unless for among
eos qui disceptant convenit quid sit illud quod ambigitur,
those who debate it-is-agreed what be that which is-disputed

nec recte disseri umquam nec ad exitum perveniri
neither rightly to-be-discoursed ever nor to the-end to-be-arrived
potest—, explicanda est saepe verbis mens nostra de quaque
can to-be-unfolded is often in-words the-mind our about each
re atque involuta rei notitia definiendo aperienda est,
thing and the-involved of-the-thing notion by-defining to-be-opened is
si quidem est definitio oratio, quae quid sit id de quo
if indeed is definition speech which what be that about which
agitur ostendit quam brevissime; tum, ut scis, explicato
it-is-treated shows as briefly-as-possible then as you-know with-unfolded
genere cuiusque rei videndum est quae sint eius generis
the-genus of-each thing to-be-seen is what be of-that genus
sive formae sive partes, ut in eas tribuatur omnis oratio.
whether forms or parts so-that into them be-divided all speech
117 Erit igitur haec facultas in eo quem volumus esse
there-will-be therefore this faculty in him whom we-wish to-be
eloquentem, ut definire rem possit nec id faciat tam
eloquent that to-define the-thing he-can nor that he-do so
presse et anguste quam in illis eruditissimis disputationibus
compactly and narrowly as in those most-learned disputations
fieri solet, sed cum explanatius tum etiam uberius
to-be-done it-is-wont but both more-explicitly and also more-richly
et ad commune iudicium popularemque intellegentiam
and to common judgment and-popular understanding
accommodatius; idemque etiam, cum res postulabit, genus
more-fitly and-the-same also when the-thing shall-demand the-genus
universum in species certas, ut nulla neque praetermittatur
universal into species definite so-that none neither be-passed-over
neque redundet, partietur ac dividet. Quando autem id
nor be-superfluous he-will-divide and will-separate when however that

faciat aut quo modo, nihil ad hoc tempus, quoniam,
he-should-do or in-what manner nothing to this time since
ut supra dixi, iudicem esse me, non doctorem volo.
as above I-said a-judge to-be myself not a-teacher I-wish
Nec vero a dialecticis modo sit instructus et habeat 118
nor indeed by dialecticians only let-him-be equipped and let-him-have
omnis philosophiae notos ac tractatos locos. Nihil enim
of-all philosophy the-known and handled topics nothing for
de religione, nihil de morte, nihil de pietate, nihil de
about religion nothing about death nothing about piety nothing about
caritate patriae, nihil de bonis rebus aut malis, nihil
love of-the-fatherland nothing about good things or bad nothing
de virtutibus aut vitiis, nihil de officio, nihil de dolore,
about virtues or vices nothing about duty nothing about pain
nihil de voluptate, nihil de perturbationibus animi
nothing about pleasure nothing about the-disturbances of-the-mind
et erroribus, quae saepe cadunt in causas et ieiunius
and errors which often fall into cases and too-meagerly
aguntur, nihil, inquam, sine ea scientia quam dixi
are-handled nothing I-say without that knowledge which I-mentioned
graviter ample copiose dici et explicari potest.
weightily amply copiously to-be-said and to-be-unfolded can
De materia loquor orationis etiam nunc, non de ipso 119
about the-material I-speak of-speech still now not about the-very
genere dicendi. Volo enim prius habeat orator rem de
kind of-speaking I-wish for first let-have the-orator a-thing about
qua dicat, dignam auribus eruditis, quam cogitet quibus
which to-speak worthy of-ears learned than he-consider with-what
verbis quidque dicat; quem etiam, quo grandior sit
words each-thing he-should-say whom also by-which grander he-may-be
et quodam modo excelsior, ut de Pericle dixi supra, ne
and in-a-certain manner more-lofty as about Pericles I-said above not

physicorum quidem esse ignarum volo. Omnia profecto,
of-the-natural-philosophers even to-be ignorant I-wish all-things surely
cum se a caelestibus rebus referet ad humanas,
when himself from heavenly things he-shall-take-back to human
excelsius magnificentiusque et dicet et sentiet.
more-loftily and-more-magnificently both he-will-say and will-feel
120 Cum illa divina cognoverit, nolo ignoret ne haec
when those divine-things he-shall-have-learned I-do-not-wish he-be-ignorant-of not these
quidem humana. Ius civile teneat, quo egent causae forenses
even human-things the-law civil let-him-hold which need cases forensic
cotidie. Quid est enim turpius quam legitimarum et civilium
daily what is for more-shameful than of-statutory and civil
controversiarum patrocinia suscipere, cum sis legum et civilis
controversies the-advocacies to-undertake when you-be of-laws and of-civil
iuris ignarus? Cognoscat etiam rerum gestarum et memoriae
law ignorant let-him-learn also of-things done and of-memory
veteris ordinem, maxime scilicet nostrae civitatis, sed etiam
old the-order most of-course of-our state but also
imperiosorum populorum et regum inlustrium; quem laborem
of-commanding peoples and of-kings illustrious which labor
nobis Attici nostri levavit labor, qui conservatis notatisque
for-us of-Atticus our has-lightened the-labor who with-preserved and-marked
temporibus, nihil cum inlustre praetermitteret, annorum
times nothing when illustrious he-passed-over of-years
septingentorum memoriam uno libro conligavit. Nescire autem
seven-hundred the-memory in-one book bound-together not-to-know however
quid ante quam natus sis acciderit, id est semper esse
what before than born you-were happened that is always to-be
puerum. Quid enim est aetas hominis, nisi ea memoria rerum
a-boy what for is the-age of-a-man unless by-the memory of-things
veterum cum superiorum aetate contexitur? Commemoratio
old with of-earlier-men the-age it-is-woven-together the-recalling

autem antiquitatis exemplorumque prolatio summa cum
however of-antiquity and-of-examples the-bringing-forward the-highest with
delectatione et auctoritatem orationi adfert et fidem.
delight both authority to-the-speech brings and credibility
Sic igitur instructus veniet ad causas, quarum habebit 121
thus therefore equipped he-will-come to cases of-which he-will-have
genera primum ipsa cognita. Erit enim ei perspectum
the-kinds first themselves learned it-will-be for to-him seen-through
nihil ambigi posse in quo non aut res controversiam
nothing to-be-disputed to-be-able in which not either the-thing controversy
faciat aut verba: res aut de vero aut de recto aut de
makes or the-words the-thing either about the-true or about the-right or about
nomine, verba aut de ambiguo aut de contrario. Nam si
the-name the-words or about the-ambiguous or about the-contrary for if
quando aliud in sententia videtur esse aliud in verbis, genus est
ever one-thing in the-intent seems to-be another in the-words a-kind it-is
quoddam ambigui quod ex praeterito verbo fieri solet, in quo
a-certain of-ambiguity which from a-passed-over word to-arise is-wont in which
quod est ambiguorum proprium res duas significari videmus.
what is of-ambiguities proper things two to-be-signified we-see
Cum tam pauca sint genera causarum, etiam argumentorum 122
since so few be the-kinds of-cases also of-arguments
praecepta pauca sunt. Traditi sunt e quibus ea
the-precepts few are handed-down have-been from which they
ducantur duplices loci: uni e rebus ipsis, alteri
may-be-drawn double topics the-one from the-things themselves the-other
adsumpti. Tractatio igitur rerum efficit admirabilem
assumed the-handling therefore of-the-things produces admirable
orationem; nam ipsae quidem res in perfacili cognitione
speech for themselves indeed the-things in very-easy knowledge
versantur. Quid enim iam sequitur, quod quidem artis sit, nisi
are-engaged what for now follows which indeed of-art be except

ordiri orationem, in quo aut concilietur auditor aut erigatur
to-begin the-speech in which either be-won the-hearer or be-roused
aut paret se ad discendum; rem breviter exponere et
or prepare himself for learning the-matter briefly to-set-forth both
probabiliter et aperte, ut quid agatur intellegi possit;
probably and clearly so-that what is-treated to-be-understood can
sua confirmare, adversaria evertere, eaque efficere non
one's-own to-confirm the-opposing to-overturn and-those to-do not
perturbate, sed singulis argumentationibus ita concludendis,
confusedly but with-individual argumentations so being-concluded
ut efficiatur quod sit consequens eis quae sumentur
that it-be-brought-about what be consequent to-those which shall-be-taken
ad quamque rem confirmandam; post omnia peroratione
for each thing being-confirmed after all with-a-peroration
inflammantem restinguentemve concludere? Has partis quem
inflaming or-quenching to-conclude these parts in-what
ad modum tractet singulas difficile dictu est hoc loco;
to manner he-should-handle individually difficult to-say is in-this place
nec enim semper tractantur uno modo.
nor for always are-they-handled in-one manner

The orator must suit his style to each part of the speech and to each case. His finest ornaments are the general question, which the Greeks call the thesis, and amplification. Two things make eloquence admirable: the gentle portrayal of character and the vehement arousal of emotion. Cicero used emotion often, silencing Hortensius, Catiline, and the elder Curio, and in perorations of pity, and would cite Demosthenes' speech on the crown.

Quoniam autem non quem doceam quaero, sed quem probem, 123
since however not whom I-may-teach I-seek but whom I-may-approve
probabo primum eum qui quid deceat viderit. Haec enim
I-shall-approve first him who what befits shall-have-seen this for
sapientia maxime adhibenda eloquenti est, ut sit temporum
wisdom most to-be-applied by-the-eloquent is that he-be of-times
personarumque moderator. Nam nec semper nec apud
and-of-persons the-regulator for neither always nor before
omnis nec contra omnis nec pro omnibus nec cum omnibus
all nor against all nor for all nor with all
eodem modo dicendum arbitror. Is erit ergo eloquens qui
in-the-same manner to-be-spoken I-think he will-be therefore eloquent who
ad id quodcumque decebit poterit accommodare orationem.
to that whatever shall-befit shall-be-able to-fit his-speech
Quod cum statuerit, tum ut quidque erit dicendum ita
which when he-shall-have-decided then as each-thing shall-be to-be-said so
dicet, nec satura ieiune nec grandia minute nec item
he-will-say neither rich-things meagerly nor grand-things pettily nor likewise
contra, sed erit rebus ipsis par et aequalis oratio.
the-reverse but will-be to-the-things themselves equal and level the-speech
Principia verecunda, nondum elatis incensa verbis, sed 124
the-openings modest not-yet with-lofty kindled words but
acuta sententiis vel ad offensionem adversarii vel ad
sharp with-thoughts either to the-offending of-the-adversary or to

commendationem sui. Narrationes credibiles nec historico
the-commending of-himself the-narrations credible not in-historical
sed prope cotidiano sermone explicatae dilucide. Dein si
but nearly in-daily speech unfolded clearly then if
tenuis causa est, tum etiam argumentandi tenue filum et
slight the-case is then also of-arguing the-slight thread both
in docendo et in refellendo, idque ita tenebitur, ut quanta
in teaching and in refuting and-it so will-be-held that as-great-as
ad rem tanta ad orationem fiat accessio.
to the-matter so-great to the-speech be-made the-addition
125 Cum vero causa ea inciderit in qua vis eloquentiae
when indeed a-case such shall-have-occurred in which the-force of-eloquence
possit expromi, tum se latius fundet orator, tum
can be-brought-out then himself more-widely will-pour the-orator then
reget et flectet animos et sic adficiet ut volet,
he-will-rule and will-sway minds and so will-affect-them as he-shall-wish
id est ut causae natura et ratio temporis postulabit.
that is as of-the-case the-nature and the-reckoning of-the-time shall-demand
Sed erit duplex eius omnis ornatus ille admirabilis,
but will-be double of-it all ornamentation that admirable
propter quem ascendit in tantum honorem eloquentia.
on-account-of which has-risen to so-great honor eloquence
Nam cum omnis pars orationis esse debet laudabilis, sic ut
for though every part of-speech to-be ought praiseworthy so that
verbum nullum nisi aut grave aut elegans excidat, tum sunt
word none unless either weighty or elegant fall-out then are
maxime luminosae et quasi actuosae partes duae: quarum
most luminous and as-it-were active parts two of-which
alteram in universi generis quaestione pono, quam, ut
the-one in of-the-universal kind the-question I-place which as

supra dixi, Graeci appellant θέσιν, alteram in augendis
above I-said the-Greeks call thesis the-other in the-increasing
amplificandisque rebus, quae ab isdem αὔξησις est nominata.
and-amplifying of-things which by the-same auxesis is named
Quae etsi aequabiliter toto corpore orationis fusa 126
which although evenly through-the-whole body of-the-speech poured
esse debet, tamen in communibus locis maxime excellet; qui
to-be it-ought still in common places most will-excel which
communes sunt appellati eo quod videntur multarum idem
common are called by-this that they-seem of-many the-same
esse causarum, sed proprii singularum esse debebunt.
to-be cases but proper of-individual-ones to-be they-will-be-obliged
At vero illa pars orationis, quae est de genere universo,
but indeed that part of-speech which is about the-kind universal
totas causas saepe continet. Quicquid est enim illud in quo
whole cases often contains whatever is for that in which
quasi certamen est controversiae, quod Graece κρινόμενον
as-it-were the-contest is of-the-controversy which in-Greek krinomenon
dicitur, id ita dici placet, ut traducatur ad perpetuam
is-called that so to-be-spoken it-pleases that it-be-carried-over to a-perpetual
quaestionem atque uti de universo genere dicatur, nisi
question and that about the-universal kind it-be-spoken unless
cum de vero ambigitur, quod quaeri coniectura solet.
when about the-true it-is-disputed which to-be-sought by-conjecture is-wont
Dicetur autem non Peripateticorum more — est enim 127
it-will-be-spoken however not in-the-Peripatetics' manner is for
illorum exercitatio elegans iam inde ab Aristotele constituta—,
their an-exercise elegant already thence from Aristotle established
sed aliquanto nervosius et ita de re communia dicentur,
but somewhat more-sinewy and so about the-matter common-things will-be-spoken
ut et pro reis multa leniter dicantur et in adversarios
that both for the-accused many-things gently be-spoken and against the-adversaries

aspere. Augendis vero rebus et contra abiciendis nihil est
harshly being-increased indeed things and on-the-contrary being-cast-down nothing is
quod non perficere possit oratio; quod inter media argumenta
which not to-accomplish can speech which among middle arguments
faciendum est quotiescumque dabitur vel amplificandi vel
to-be-done is whenever shall-be-given either of-amplifying or
minuendi locus, et paene infinite in perorando.
of-diminishing a-place and almost infinitely in perorating

128 Duo restant enim, quae bene tractata ab oratore
two-things remain for which well handled by the-orator
admirabilem eloquentiam faciunt. Quorum alterum est, quod
admirable eloquence make of-which the-one is what
Graeci ἠθικὸν vocant, ad naturas et ad mores et ad
the-Greeks ethikon call to natures and to manners and to
omnem vitae consuetudinem accommodatum; alterum, quod
every of-life custom fitted the-other which
idem παθητικὸν nominant, quo perturbantur animi et
the-same pathetikon name by-which are-disturbed minds and
concitantur, in quo uno regnat oratio. Illud superius come
are-roused in which one reigns oratory that former courteous
iucundum, ad benevolentiam conciliandam paratum; hoc
pleasant for goodwill winning ready this
vehemens incensum incitatum, quo causae eripiuntur:
vehement kindled roused by-which cases are-snatched-away
quod cum rapide fertur, sustineri nullo pacto potest.
which when swiftly it-is-borne to-be-withstood by-no means can

129 Quo genere nos mediocres aut multo etiam minus, sed magno
which kind we middling or much even less but great
semper usi impetu saepe adversarios de statu omni
always having-used impetus often the-adversaries from their-footing whole
deiecimus. Nobis pro familiari reo summus orator non
have-thrown to-us for an-intimate defendant the-highest orator not

respondit Hortensius; a nobis homo audacissimus Catilina in
replied Hortensius by us a-man most-audacious Catiline in
senatu accusatus obmutuit; nobis privata in causa magna et
the-senate accused fell-dumb to-us a-private in case great and
gravi cum coepisset Curio pater respondere, subito adsedit,
weighty when had-begun Curio the-father to-reply suddenly he-sat-down
cum sibi venenis ereptam memoriam diceret.
when for-himself by-poisons snatched-away his-memory he-said
Quid ego de miserationibus loquar? Quibus eo 130
why I about appeals-to-pity should-speak which on-this-account
sum usus pluribus quod, etiam si plures dicebamus,
I-have used more because even if several-of-us were-speaking
perorationem mihi tamen omnes relinquebant; in quo ut
the-peroration to-me still all left in which that
viderer excellere non ingenio sed dolore adsequebar. Quae
I-might-seem to-excel not by-talent but by-grief I-attained which
qualiacumque in me sunt — me ipsum paenitet quanta
whatsoever in me are me myself it-repents how-great
sint—, sed apparent in orationibus, etsi carent libri
they-be but they-appear in the-speeches although lack the-books
spiritu illo, propter quem maiora eadem illa cum
the-breath that on-account-of which greater the-same-things those when
aguntur quam cum leguntur videri solent.
they-are-pleaded than when they-are-read to-seem are-wont
Nec vero miseratione solum mens iudicum permovenda 131
nor indeed by-pity only the-mind of-the-judges to-be-moved
est — qua nos ita dolenter uti solemus ut puerum
is which we so grievingly to-use are-wont that a-boy
infantem in manibus perorantes tenuerimus, ut alia in
infant in our-hands perorating we-have-held that another in
causa excitato reo nobili, sublato etiam filio parvo,
case with-roused the-defendant noble lifted-up also his-son little

plangore et lamentatione complerimus forum—, sed est
with-wailing and lamentation we-filled the-forum but it-is
faciendum etiam ut irascatur iudex mitigetur, invideat
to-be-done also that be-angry the-judge be-soothed envy
faveat, contemnat admiretur, oderit diligat, cupiat fastidiat,
favor despise admire hate love desire loathe
speret metuat, laetetur doleat; qua in varietate duriorum
hope fear rejoice grieve which in variety of-harsher-ones
accusatio suppeditabit exempla, mitiorum defensiones meae.
the-accusation will-supply examples of-milder-ones the-defenses my
132 Nullo enim modo animus audientis aut incitari aut leniri
by-no for manner the-mind of-the-hearer either to-be-roused or to-be-soothed
potest, qui modus a me non temptatus sit, — dicerem
can which manner by me not tried be I-would-say
perfectum, si ita iudicarem, nec in veritate crimen arrogantiae
perfected if so I-judged nor in truth the-charge of-arrogance
extimescerem; sed, ut supra dixi, nulla me ingeni sed magna
I-would-dread but as above I-said no me of-talent but a-great
vis animi inflammat, ut me ipse non teneam; nec umquam
force of-mind inflames so-that me myself not I-hold nor ever
is qui audiret incenderetur, nisi ardens ad eum perveniret
he who heard would-be-kindled unless burning to him arrived
oratio. Uterer exemplis domesticis, nisi ea legisses, uterer
the-speech I-would-use examples domestic unless them you-had-read I-would-use
alienis vel Latinis, si ulla reperirem, vel Graecis, si deceret. Sed
foreign either Latin if any I-found or Greek if it-befitted but
Crassi perpauca sunt nec ea iudiciorum, nihil Antoni, nihil
of-Crassus very-few are nor those of-trials nothing of-Antonius nothing
Cottae, nihil Sulpici; dicebat melius quam scripsit Hortensius.
of-Cotta nothing of-Sulpicius spoke better than wrote Hortensius

Verum haec vis, quam quaerimus, quanta sit suspicemur, 133
but this force which we-seek how-great it-be let-us-surmise
quoniam exemplum non habemus, aut si exempla sequimur,
since an-example not we-have or if examples we-follow
a Demosthene sumamus et quidem perpetuae dictionis ex
from Demosthenes let-us-take-them and indeed of-continuous delivery from
eo loco unde in Ctesiphontis iudicio de suis factis, consiliis,
that place where in of-Ctesiphon the-trial about his-own deeds counsels
meritis in rem publicam adgressus est dicere. Ea profecto
services toward the-thing public undertook be-has to-speak that surely
oratio in eam formam quae est insita in mentibus nostris
speech into that form which is implanted in minds our
includi sic potest, ut maior eloquentia ne requiratur quidem.
to-be-enclosed so can that greater eloquence not be-required even

XIV · FIGURES, AND A DEFENSE OF WRITING ON RHETORIC

Cicero lists the figures of words and of thought, from repetition and antithesis to irony, impersonation, and digression. Before word order and rhythm, he answers those who think teaching rhetoric unworthy of a man the senate has so honored: law is taught with honor, eloquence deserves no less, he has never hidden his study, and with his public career fallen he turns to letters.

Sed iam forma restat et χαρακτὴρ ille qui dicitur; qui qualis 134
but now the-form remains and character that which is-called which of-what-sort
esse debeat ex his quae supra dicta sunt intellegi
to-be it-ought from these-things which above said have-been to-be-understood
potest. Nam et singulorum verborum et conlocatorum
can for both of-single words and of-placed-ones
lumina attigimus; quibus sic abundabit, ut verbum ex
the-lights we-have-touched with-which so he-will-abound that word from

ore nullum nisi aut elegans aut grave exeat, ex omnique
his-mouth none unless either elegant or weighty go-out from and-every
genere frequentissimae translationes erunt, quod eae propter
kind very-frequent metaphors will-be because they on-account-of
similitudinem transferunt animos et referunt ac movent huc
likeness carry-over minds and carry-back and move hither
et illuc, qui motus cogitationis celeriter agitatus per se ipse
and thither which motion of-thought swiftly driven by itself itself
delectat. Et reliqua ex conlocatione verborum quae sumuntur
delights and the-rest from the-placing of-words which are-taken
quasi lumina magnum adferunt ornatum orationi; sunt enim
as-it-were lights great bring ornament to-speech they-are for
similia illis quae in amplo ornatu scaenae aut fori
like to-those which in ample adornment of-the-stage or of-the-forum
appellantur insignia, non quia sola ornent, sed quod excellant.
are-called insignia not because alone they-adorn but because they-stand-out
135 Eadem ratio est horum quae sunt orationis lumina et
the-same method is of-these which are of-speech lights and
quodam modo insignia: cum aut duplicantur iteranturque
in-a-certain manner insignia when either are-doubled and-repeated
verba aut leviter commutata ponuntur, aut ab eodem
words or slightly changed are-placed or from the-same
verbo ducitur saepius oratio aut in idem conicitur
word is-drawn more-often the-speech or into the-same is-thrown
aut utrumque, aut adiungitur idem iteratum aut idem
or each or is-joined the-same repeated or the-same
ad extremum refertur aut continenter unum verbum
to the-end is-brought-back or continuously one word
non in eadem sententia ponitur; aut cum similiter vel
not in the-same sense is-placed or when similarly either
cadunt verba vel desinunt; aut cum sunt contrariis relata
fall words or end or when are with-contraries matched

contraria; aut cum gradatim sursum versus reditur; aut cum
contraries or when by-steps upward toward one-returns or when
demptis coniunctionibus dissolute plura dicuntur; aut
with-removed conjunctions loosely several-things are-said or
cum aliquid praetereuntes cur id faciamus ostendimus; aut
when something passing-over why that we-do we-show or
cum corrigimus nosmet ipsos quasi reprehendentes; aut si
when we-correct ourselves ourselves as-if reproving or if
est aliqua exclamatio vel admirationis vel questionis; aut
there-is some exclamation either of-wonder or of-complaint or
cum eiusdem nominis casus saepius commutantur.
when of-the-same noun the-cases more-often are-changed
Sed sententiarum ornamenta maiora sunt; quibus quia 136
but of-thoughts the-ornaments greater are which because
frequentissime Demosthenes utitur, sunt qui putent
very-often Demosthenes uses there-are who think
idcirco eius eloquentiam maxime esse laudabilem. Et
for-that-reason his eloquence most to-be praiseworthy and
vero nullus fere ab eo locus sine quadam conformatione
indeed no almost by him passage without a-certain shaping
sententiae dicitur; nec quicquam est aliud dicere nisi omnis
of-the-thought is-spoken nor anything is else to-speak than all
aut certe plerasque aliqua specie inluminare sententias: quas
or certainly most in-some form to-illuminate thoughts which
cum tu optime, Brute, teneas, quid attinet nominibus
since you excellently Brutus hold what does-it-matter names
uti aut exemplis? Tantum modo notetur locus.
to-use or examples only merely let-be-marked the-topic
Sic igitur dicet ille, quem expetimus, ut verset saepe 137
thus therefore will-speak he whom we-seek that he-turn-over often
multis modis eadem et una in re haereat in eademque
in-many ways the-same-things and one on thing dwell in and-the-same

commoretur sententia; saepe etiam ut extenuet aliquid, saepe
linger thought often also that he-diminish something often
ut inrideat; ut declinet a proposito deflectatque sententiam;
that he-mock that he-turn-aside from the-proposition and-bend the-thought
ut proponat quid dicturus sit; ut, cum transegerit iam
that he-set-forth what going-to-say he-be that when he-shall-have-finished already
aliquid, definiat; ut se ipse revocet; ut quod dixit iteret;
something he-define that himself himself he-call-back that what he-said he-repeat
ut argumentum ratione concludat; ut interrogando urgeat;
that an-argument by-reasoning he-conclude that by-questioning he-press
ut rursus quasi ad interrogata sibi ipse respondeat; ut
that again as-if to things-asked to-himself himself he-reply that
contra ac dicat accipi et sentiri velit; ut addubitet
contrary to-what he-says to-be-taken and to-be-felt he-wish that he-doubt
ecquid potius aut quo modo dicat; ut dividat in partis;
whether-anything rather or in-what manner he-say that he-divide into parts
ut aliquid relinquat ac neglegat; ut ante praemuniat; ut in
that something he-leave and neglect that beforehand he-fortify that in
eo ipso in quo reprehendatur culpam in adversarium conferat;
that very in which he-is-reproved the-blame on his-adversary he-throw
138 ut saepe cum eis qui audiunt, non numquam etiam cum
that often with those who hear not never even with
adversario quasi deliberet; ut hominum sermones moresque
the-adversary as-if he-deliberate that of-men the-talk and-manners
describat; ut muta quaedam loquentia inducat; ut ab
he-describe that mute certain-things speaking he-bring-in that from
eo quod agitur avertat animos; ut saepe in hilaritatem
that which is-treated he-turn minds that often into cheerfulness
risumve convertat; ut ante occupet quod videatur opponi;
or-laughter he-turn that beforehand he-seize what may-seem to-be-opposed
ut comparet similitudines; ut utatur exemplis; ut aliud
that he-compare likenesses that he-use examples that one-thing

alii tribuens dispertiat; ut interpellatorem coerceat; ut
to-another assigning he-distribute that the-interrupter he-restrain that
aliquid reticere se dicat; ut denuntiet quid caveant;
something to-keep-silent himself he-say that he-warn what they-should-beware
ut liberius quid audeat; ut irascatur etiam, ut obiurget
that more-freely something he-dare that he-be-angry even that he-rebuke
aliquando; ut deprecetur, ut supplicet, ut medeatur; ut
sometimes that he-plead that he-beseech that he-heal that
a proposito declinet aliquantum; ut optet, ut exsecretur;
from the-proposition he-turn-aside somewhat that he-wish that he-curse
ut fiat eis apud quos dicet familiaris.
that he-become to-those before whom he-shall-speak intimate
Atque alias etiam dicendi quasi virtutes sequetur: brevitatem, 139
and other also of-speaking as-it-were excellences he-will-pursue brevity
si res petet; saepe etiam rem dicendo subiciet
if the-matter shall-require often also the-thing by-speaking he-will-place-under
oculis; saepe supra feret quam fieri possit; significatio
the-eyes often beyond he-will-carry than to-happen can the-meaning
saepe erit maior quam oratio; saepe hilaritas, saepe vitae
often will-be greater than the-speech often cheerfulness often of-life
naturarumque imitatio. Hoc in genere — nam quasi silvam
and-of-natures imitation this in kind for as-it-were a-forest
vides — omnis eluceat oportet eloquentiae magnitudo.
you-see all shine-forth it-behooves of-eloquence the-greatness
Sed haec nisi conlocata et quasi structa et nexa verbis 140
but these-things unless placed and as-it-were built and bound in-words
ad eam laudem quam volumus aspirare non possunt. De quo
to that praise which we-wish to-aspire not can about which
cum mihi deinceps viderem esse dicendum, etsi movebant
since to-me next I-saw it-to-be to-be-spoken although moved
iam me illa quae supra dixeram tamen eis quae
already me those-things which above I-had-said still by-those which

sequuntur perturbabar magis. Occurrebat enim posse reperiri
follow I-was-disturbed more it-occurred for to-be-able to-be-found
non invidos solum, quibus referta sunt omnia, sed fautores
not the-envious only with-whom filled are all-things but supporters
etiam laudum mearum, qui non censerent eius viri esse,
also of-praises my who not would-think of-that man it-to-be
de cuius meritis senatus tanta iudicia fecisset comprobante
about whose services the-senate such judgments had-made with-approving
populo Romano quanta de nullo, de artificio dicendi litteris
the-people Roman as about no-one about the-craft of-speaking to-letters
tam multa mandare. Quibus si nihil aliud responderem
so many-things to-commit to-whom if nothing else I-replied
nisi me M. Bruto negare roganti noluisse, iusta
than I to-Marcus Brutus to-refuse asking not-to-have-wished just
esset excusatio, cum et amicissimo et praestantissimo viro
would-be the-excuse since both a-most-friendly and most-excellent man
et recta et honesta petenti satis facere voluissem.
and right and honorable-things seeking enough to-do I-had-wished
141 Sed si profiterer — quod utinam possem! — me studiosis
but if I-professed which would-that I-could I to-the-studious
dicendi praecepta et quasi vias quae ad eloquentiam ferrent
of-speaking precepts and as-it-were roads which to eloquence might-lead
traditurum, quis tandem id iustus rerum existimator
going-to-hand-down who pray that just of-things judge
reprehenderet? Nam quis umquam dubitavit quin in
would-reprove for who ever doubted that in
re publica nostra primas eloquentia tenuerit semper
the-thing public our the-first-place eloquence has-held always
urbanis pacatisque rebus, secundas iuris scientia? Cum in
in-urban and-peaceful times the-second of-law the-knowledge since in
altera gratiae, gloriae, praesidi plurimum esset, in altera
the-one of-favor of-glory of-protection very-much there-was in the-other

praescriptionum cautionumque praeceptio, quae quidem ipsa
of-formulas and-of-cautions the-instruction which indeed itself
auxilium ab eloquentia saepe peteret, ea vero repugnante
help from eloquence often sought with-it indeed resisting
vix suas regiones finisque defenderet.
scarcely its regions and-boundaries defended
Cur igitur ius civile docere semper pulchrum fuit 142
why therefore the-law civil to-teach always fine has-been
hominumque clarissimorum discipulis floruerunt domus: ad
and-of-men most-illustrious with-pupils have-flourished houses for
dicendum si quis acuat aut adiuvet in eo iuventutem,
speaking if anyone sharpen or help in that the-youth
vituperetur? Nam si vitiosum est dicere ornate, pellatur
should-he-be-blamed for if faulty it-is to-speak ornately let-be-driven
omnino e civitate eloquentia; sin ea non modo eos ornat
altogether from the-state eloquence but-if it not only those adorns
penes quos est, sed etiam iuvat universam rem publicam,
with whom it-is but also helps the-whole thing public
cur aut discere turpe est quod scire honestum est aut
why either to-learn shameful is-it what to-know honorable is or
quod posse pulcherrimum est id non gloriosum est docere?
what to-be-able most-fine is that not glorious is-it to-teach
'At alterum factitatum est, alterum novum.' Fateor; sed 143
but the-one practiced has-been the-other new I-confess but
utriusque rei causa est. Alteros enim respondentes audire
of-each thing a-cause there-is the-ones for answering to-hear
sat erat, ut ei qui docerent nullum sibi ad eam
enough it-was so-that they who taught no for-themselves for that
rem tempus ipsi seponerent, sed eodem tempore et
thing time themselves set-apart but at-the-same time both
discentibus satis facerent et consulentibus; alteri, cum
the-learners enough they-did and the-consulters the-others since

domesticum tempus in cognoscendis componendisque causis,
the-home time in learning and-composing cases
forense in agendis, reliquum in sese ipsis reficiendis
the-forensic in pleading the-rest in themselves themselves refreshing
omne consumerent, quem habebant instituendi aut docendi
all spent what had-they of-instructing or of-teaching
locum? Atque haud scio an plerique nostrorum oratorum
place and hardly I-know whether most of-our orators
ingenio plus valuerint quam doctrina; itaque illi dicere
by-talent more availed than by-learning and-so they to-speak
melius quam praecipere, nos contra fortasse possumus.
better than to-teach we on-the-contrary perhaps can
144 'At dignitatem docere non habet.' Certe, si quasi in
but dignity to-teach not has certainly if as-it-were in
ludo; sed si monendo, si cohortando, si percontando, si
school but if by-advising if by-exhorting if by-questioning if
communicando, si interdum etiam una legendo, audiendo,
by-sharing if sometimes even together by-reading by-hearing
nescio cum docendo etiam aliquid aliquando possis meliores
I-know-not when by-teaching even somewhat sometime you-can better
facere, cur nolis? An quibus verbis sacrorum alienatio
make why would-you-not-wish or with-what words of-sacred-rites the-alienation
fiat docere honestum est: quibus ipsa sacra retineri
is-made to-teach honorable is-it with-which the-very rites to-be-retained
defendique possint non honestum est?
and-defended can not honorable is-it
145 'At ius profitentur etiam qui nesciunt; eloquentiam autem
but law profess even those-who know-not eloquence however
illi ipsi qui consecuti sunt tamen ea se valere
those very who attained have still in-it themselves to-be-strong
dissimulant.' Propterea quod prudentia hominibus grata est,
dissemble for-this-reason that prudence to-men pleasing is

lingua suspecta. Num igitur aut latere eloquentia
the-tongue suspect surely-not therefore either to-lie-hidden eloquence
potest aut id quod dissimulat effugit aut est periculum
can or that which it-dissembles does-it-escape or is-there danger
ne quis putet in magna arte et gloriosa turpe esse docere
lest anyone think in a-great art and glorious shameful to-be to-teach
alios id quod ipsi fuerit honestissimum discere?
others that which to-oneself has-been most-honorable to-learn
Ac fortasse ceteri tectiores; ego semper me didicisse 146
and perhaps the-others more-covert I always myself to-have-learned
prae me tuli. Qui enim possem, cum afuissem domo
before me have-borne how for could-I when I-had-been-away from-home
adulescens et horum studiorum causa maria transissem et
a-young-man and of-these studies for-the-sake seas had-crossed and
doctissimis hominibus referta domus esset et aliquae fortasse
with-most-learned men filled my-house was and some perhaps
inessent in sermone nostro doctrinarum notae cumque
were-in in conversation our of-learning marks and-when
vulgo scripta nostra legerentur, dissimulare me didicisse?
commonly writings our were-read to-dissemble myself to-have-learned
Quid probarem nisi quod parum fortasse profeceram?
what would-I-prove except that too-little perhaps I-had-advanced
Quod cum ita sit, tamen ea quae supra dicta sunt
which since so it-be still those-things which above said have-been
plus in disputando quam ea de quibus dicendum est
more in discussing than those about which to-be-spoken is
dignitatis habuerunt.
of-dignity have-had
De verbis enim componendis et de syllabis prope modum 147
about words for being-composed and about syllables nearly in-manner
dinumerandis et dimetiendis loquemur; quae etiam si sunt,
being-counted and being-measured we-shall-speak which even if they-are

sicuti mihi videntur, necessaria, tamen fiunt magnificentius
as to-me they-seem necessary still are-done more-magnificently
quam docentur. Est id omnino verum, at proprie in
than they-are-taught it-is that altogether true but properly in
hoc dicitur. Nam omnium magnarum artium sicut arborum
this it-is-said for of-all great arts as of-trees
altitudo nos delectat, radices stirpesque non item; sed esse
the-height us delights the-roots and-stocks not likewise but to-be
illa sine his non potest. Me autem sive pervulgatissimus
those without these not can me however whether most-commonplace
ille versus, qui vetat

artem pudere proloqui quam factites,
an-art to-be-ashamed to-declare which you-practice

dissimulare non sinit qui delecter, sive tuum studium
to-dissemble not allows that I-delight or your zeal
a me hoc volumen expressit, tamen eis quos aliquid
from me this volume has-wrung still to-those whom something
reprehensuros suspicabar respondendum fuit.
going-to-reprove I-suspected to-be-replied it-was
148 Quod si ea quae dixi non ita essent, quis tamen
but if those-things which I-said not so were who still
se tam durum agrestemque praeberet qui hanc mihi non
himself so harsh and-boorish would-show who this to-me not
daret veniam, ut cum meae forenses artes et actiones
would-give pardon that since my forensic arts and actions
publicae concidissent, non me aut desidiae, quod facere
public had-fallen not myself either to-sloth which to-do
non possum, aut maestitiae, cui resisto, potius quam
not I-can or to-gloom which I-resist rather than

litteris dederem? Quae quidem me antea in iudicia atque
to-letters I-should-give which indeed me formerly into the-courts and
in curiam deducebant, nunc oblectant domi; nec vero
into the-senate-house led-down now delight at-home nor indeed
talibus modo rebus qualis hic liber continet, sed multo
with-such only things as this book contains but with-much
etiam gravioribus et maioribus; quae si erunt perfectae,
even weightier and greater which if they-shall-be finished
profecto maximis rebus forensibus nostris inclusae litterae
surely to-the-greatest things forensic our enclosed the-letters
respondebunt. Sed ad institutam disputationem revertamur.
will-answer but to the-undertaken discussion let-us-return

XV · ARRANGEMENT OF WORDS AND EUPHONY

Words are arranged so that their ends and beginnings join smoothly, so that they form a balanced shape, and so that the period falls rhythmically. Latin joins clashing vowels, where Greek writers may keep them apart; usage contracts words and names for euphony, as Bellius for Duellius, says nobiscum to avoid an ugly clash, and spells by the ear, to which Cicero himself yielded on aspirates.

Conlocabuntur igitur verba, aut ut inter se quam 149
will-be-placed therefore words either so-that among themselves as
aptissime cohaereant extrema cum primis eaque sint quam
most-fitly they-may-cohere the-last-parts with the-first and-these be as
suavissimis vocibus, aut ut forma ipsa concinnitasque
with-most-sweet sounds or so-that the-form itself and-symmetry
verborum conficiat orbem suum, aut ut comprehensio
of-the-words may-complete its-own circle or so-that the-period
numerose et apte cadat. Atque illud primum videamus
rhythmically and fitly may-fall and that first let-us-see

quale sit, quod vel maxime desiderat diligentiam, ut
of-what-sort it-be which even most requires diligence that
fiat quasi structura quaedam nec tamen fiat
there-be-made as-it-were a-structure certain nor still be-made
operose; nam esset cum infinitus tum puerilis labor;
laboriously for it-would-be both infinite and childish labor
quod apud Lucilium scite exagitat in Albucio Scaevola:
which in Lucilius cleverly mocks in Albucius Scaevola

quam lepide lexis compostae ut tesserulae omnes
how charmingly the-phrases arranged like little-tiles all
arte pavimento atque emblemate vermiculato!
with-art in-a-pavement and in-an-inlay worm-wrought

150 Nolo haec tam minuta constructio appareat; sed tamen
I-do-not-wish this so minute construction appear but still
stilus exercitatus efficiet facile formulam componendi. Nam
the-pen practiced will-produce easily the-formula of-composing for
ut in legendo oculus sic animus in dicendo prospiciet quid
as in reading the-eye so the-mind in speaking will-look-ahead what
sequatur, ne extremorum verborum cum insequentibus primis
may-follow lest of-the-last words with the-following first-ones
concursus aut hiulcas voces efficiat aut asperas. Quamvis
the-clash either gaping sounds produce or harsh however-much
enim suaves gravesque sententiae tamen, si incondite positis
for sweet and-weighty the-thoughts still if crudely with-placed
verbis efferuntur, offendent auris, quarum est iudicium
words they-are-uttered they-will-offend the-ears of-which is the-judgment
superbissimum. Quod quidem Latina lingua sic observat,
most-proud which indeed the-Latin tongue so observes
nemo ut tam rusticus sit qui vocalis nolit coniungere.
no-one that so rustic be who vowels would-be-unwilling to-join

In quo quidam etiam Theopompum reprehendunt, quod 151
in which certain-men even Theopompus reprove because
eas litteras tanto opere fugerit, etsi idem magister eius
those letters so greatly he-shunned although the-same master his
Isocrates fecerat; at non Thucydides, ne ille quidem haud
Isocrates had-done but not Thucydides not that-one even not
paulo maior scriptor Plato nec solum in eis sermonibus qui
a-little greater writer Plato nor only in those talks which
διάλογοι dicuntur, ubi etiam de industria id faciendum fuit
dialogues are-called where even on purpose it to-be-done was
sed in populari oratione, qua mos est Athenis laudari
but in the-popular speech in-which the-custom is at-Athens to-be-praised
in contione eos qui sint in proeliis interfecti; quae sic
in the-assembly those who be in battles killed which so
probata est, ut eam quotannis, ut scis, illo die recitari
approved is that it yearly as you-know on-that day to-be-recited
necesse sit. In ea est crebra ista vocalium concursio, quam
necessary be in it is frequent that of-vowels clashing which
magna ex parte ut vitiosam fugit Demosthenes.
great from part as faulty shunned Demosthenes
Sed Graeci viderint; nobis ne si cupiamus quidem distrahere 152
but the-Greeks let-them-see to-us not if we-should-wish even to-split
voces conceditur. Indicant orationes illae ipsae horridulae
sounds it-is-granted show speeches those very rough

Catonis, indicant omnes poetae praeter eos qui, ut versum
of-Cato show all the-poets except those who so-that a-verse
facerent, saepe hiabant, ut Naevius:
they-might-make often gaped as Naevius

vos, qui accolitis Histrum fluvium atque algidam
you who dwell-by the-Hister river and the-cold

et ibidem:
and in-the-same-place

quam numquam vobis Grai atque barbari.
which never to-you the-Greeks and barbarians

At Ennius saepe
but Ennius often

Scipio invicte,
Scipio unconquered

et semel quidem nos:
and once indeed we

hoc motu radiantis etesiae in vada ponti.
this with-motion of-the-radiant etesian-wind on the-shallows of-the-sea

153 Hoc idem nostri saepius non tulissent, quod Graeci
this same our-men more-often not would-have-borne which the-Greeks
laudare etiam solent. Sed quid ego vocalis? Sine vocalibus
to-praise even are-wont but why I vowels without vowels
saepe brevitatis causa contrahebant, ut ita dicerent:
often of-brevity for-the-sake they-contracted so-that thus they-said

multi' modis, in vas' argenteis, palmi' crinibus, tecti' fractis.
multi' modis in vas' argenteis palmi' crinibus tecti' fractis
Quid vero licentius quam quod hominum etiam nomina
what indeed more-licentious than that of-men even the-names
contrahebant, quo essent aptiora? Nam ut duellum
they-contracted that they-might-be more-apt for as duellum
bellum, duis bis, sic Duellium eum qui Poenos classe
bellum duis bis so Duellius him who the-Carthaginians with-a-fleet
devicit Bellium nominaverunt, cum superiores appellati
defeated Bellius they-named though the-earlier-ones called
essent semper Duellii. Quin etiam verba saepe contrahuntur
had-been always Duellii nay even words often are-contracted
non usus causa sed aurium. Quo modo enim vester
not of-usage for-the-sake but of-the-ears in-what manner for your
Axilla Ala factus est nisi fuga litterae vastioris? Quam
Axilla Ala made is-he except by-the-flight of-a-letter more-uncouth which
litteram etiam e maxillis et taxillis et paxillo et vexillo
letter also from maxillis and taxillis and paxillo and vexillo
consuetudo elegans Latini sermonis evellit.
the-usage elegant of-the-Latin speech has-plucked-out
Libenter etiam copulando verba iungebant, ut sodes pro si 154
gladly also by-coupling words they-joined as sodes for si
audes, sis pro si vis. Iam in uno capsis tria verba sunt. Ain
audes sis for si vis now in one capsis three words there-are ain
pro aisne, nequire pro non quire, malle pro magis velle, nolle
for aisne nequire for non quire malle for magis velle nolle
pro non velle, dein etiam saepe et exin pro deinde et pro
for non velle dein also often and exin for deinde and for
exinde dicimus. Quid, illud non olet unde sit, quod dicitur
exinde we-say what that not smells whence it-be which is-said
cum illis, cum autem nobis non dicitur, sed nobiscum?
cum illis cum however nobis not is-said but nobiscum

Quia si ita diceretur, obscaenius concurrerent litterae, ut
because if so it-were-said more-obscenely would-clash the-letters as
etiam modo, nisi autem interposuissem, concurrissent. Ex
even now unless autem I-had-interposed they-would-have-clashed from
eo est mecum et tecum, non cum me et cum te, ut
that is mecum and tecum not cum me and cum te that
esset simile illis nobiscum atque vobiscum.
it-might-be like to-those nobiscum and vobiscum
155 Atque etiam a quibusdam sero iam emendatur antiquitas,
and also by some late now is-emended antiquity
qui haec reprehendunt. Nam pro deum atque hominum
who these-things reprove for for deum and of-men
fidem deorum aiunt. Ita credo hoc illi nesciebant: an
the-faith deorum they-say so I-suppose this they did-not-know or
dabat hanc consuetudo licentiam? Itaque idem poeta qui
gave this usage license and-so the-same poet who
inusitatius contraxerat:
more-unusually had-contracted

patris mei meum factum pudet
of-father my meum factum it-shames

pro meorum factorum, et
for meorum factorum and

texitur, exitium examen rapit
is-woven exitium a-swarm snatches

pro exitiorum, non dicit liberum, ut plerique loquimur, cum
for exitiorum not he-says liberum as most-of-us speak when
cupidos liberum aut in liberum loco dicimus, sed ut isti
cupidos liberum or in liberum loco we-say but as those-men
volunt:
wish

neque tuom umquam in gremium extollas liberorum
nor thy ever into the-lap mayst-thou-raise liberorum
ex te genus,
from thee the-race

et idem:
and the-same

namque Aesculapi liberorum.
for of-Aesculapius liberorum

At ille alter in Chryse non solum:
but that other in the-Chryses not only

cives, antiqui amici maiorum meum,
citizens ancient friends of-ancestors meum

quod erat usitatum, sed durius etiam:
which was customary but more-harshly also

consilium socii, augurium atque extum interpretes;
consilium partners augurium and extum interpreters

idemque pergit:
and-the-same goes-on

postquam prodigium horriferum, portentum pavos;
after prodigium horriferum portentum terrors

quae non sane sunt in omnibus neutris usitata. Nec enim
which not indeed are in all neuters customary nor for
dixerim tam libenter armum iudicium, — etsi est apud
would-I-say so gladly armum iudicium although it-is in
eundem:
the-same

nihilne ad te de iudicio armum accidit? —
nothing-whether to you about the-judgment armum has-happened

quam centuriam fabrum et procum, ut censoriae tabulae
as centuriam fabrum and procum as the-censorial tablets
loquuntur, audeo dicere, non fabrorum aut procorum; planeque
speak I-dare to-say not fabrorum or procorum and-plainly
duorum virorum iudicium aut trium virorum capitalium aut
duorum virorum iudicium or trium virorum capitalium or
decem virorum stlitibus iudicandis dico numquam.
decem virorum stlitibus iudicandis I-say never

Et quid dixit Accius? 156
and what said Accius

Video sepulcra duo duorum corporum;
I-see tombs two duorum bodies

idemque
and-the-same

mulier una duum virum.
a-woman one duum virum

Quid verum sit intellego; sed alias ita loquor ut
what true be I-understand but at-other-times so I-speak as
concessum est, ut hoc pro deum dico vel pro deorum,
granted is as this pro deum I-say or pro deorum
alias ut necesse est, cum trium virum, non virorum,
at-other-times as necessary it-is when trium virum not virorum
et sestertium nummum, non sestertiorum nummorum, quod
and sestertium nummum not sestertiorum nummorum because
in his consuetudo varia non est.
in these usage varied not is
Quid quod sic loqui, nosse, iudicasse vetant, novisse iubent 157
what that thus to-say nosse iudicasse they-forbid novisse they-order
et iudicavisse? Quasi vero nesciamus in hoc genere et
and iudicavisse as-if indeed we-did-not-know in this kind both

plenum verbum recte dici et imminutum usitate. Itaque
the-full word rightly to-be-said and the-shortened customarily and-so
utrumque Terentius:
each Terentius

eho tu, cognatum tuom non noras?
ho you kinsman your not noras

Post idem
afterward the-same

Stilponem inquam noveras.
Stilpo I-say noveras

Sient plenum est, sint imminutum; licet utare utroque.
sient full is sint shortened you-may use each
Ergo ibidem:
therefore in-the-same-place

quae quam sint cara post carendo intellegunt,
which how sint dear afterward by-lacking they-understand
quamque attinendi magni dominatus sient.
and-how of-holding great the-dominions sient

Nec vero reprehenderim
nor indeed would-I-reprove

scripsere alii rem
scripsere others the-matter

et scripserunt esse verius sentio, sed consuetudini auribus
and scripserunt to-be more-correct I-feel but to-usage to-the-ears
indulgenti libenter obsequor.
indulgent gladly I-yield

Isdem campus habet
isdem the-plain holds

inquit Ennius; et in templis: eidem probavit; at isdem erat
says Ennius and in templis eidem probavit but isdem was
verius, nec tamen eisdem ut opimius; male sonabat isdem:
more-correct nor still eisdem as opimius badly sounded isdem
impetratum est a consuetudine ut peccare suavitatis
obtained it-was from usage that to-err of-sweetness
causa liceret. Et posmeridianas quadrigas quam
for-the-sake might-be-allowed and posmeridianas quadrigas than
postmeridianas quadriiugas libentius dixerim et me hercule
postmeridianas quadriiugas more-gladly I-would-say and me hercule
quam me hercules. Non scire quidem barbarum iam videtur,
than me hercules non scire indeed barbarous now seems
nescire dulcius. Ipsum meridiem cur non medidiem?
nescire sweeter itself meridiem why not medidiem
Credo, quod erat insuavius. †Una praepositio est af, quae 158
I-believe because it-was more-unpleasant one preposition is af which
nunc tantum in accepti tabulis manet ac ne his quidem
now only in of-receipt the-account-books remains and not in-these even
omnium, in reliquo sermone mutata est; nam amovit dicimus
of-all in the-rest speech changed it-is for amovit we-say
et abegit et abstulit, ut iam nescias a'ne verum sit
and abegit and abstulit so-that now you-may-not-know a-whether correct be
an ab an abs. Quid si etiam abfugit turpe visum est et abfer
or ab or abs what if even abfugit ugly seemed it-is and abfer

noluerunt, aufugit et aufer maluerunt? Quae praepositio praeter
they-would-not aufugit and aufer they-preferred which preposition besides
haec duo verba nullo alio in verbo reperietur. Noti erant et navi
these two words in-no other in word will-be-found known were both navi
et nari, quibus cum in praeponi oporteret, dulcius visum est
and nari to-which when in to-be-prefixed it-behooved sweeter it-seemed it-was
ignotos, ignavos, ignaros dicere quam ut veritas postulabat. Ex
ignotos ignavos ignaros to-say than as truth demanded ex
usu dicunt et e re publica, quod in altero vocalis excipiebat, in
usu they-say and e re publica because in the-one a-vowel followed in
altero esset asperitas, nisi litteram sustulisses, ut exegit,
the-other there-would-be harshness unless the-letter you-had-removed as exegit
edixit; refecit, rettulit, reddidit: adiuncti verbi prima littera
edixit refecit rettulit reddidit of-the-joined word the-first letter
praepositionem commutavit, ut subegit, summovit, sustulit.
the-preposition has-changed as subegit summovit sustulit

159 Quid in verbis iunctis? Quam scite insipientem non insapientem,
what in words joined how cleverly insipientem not insapientem
iniquum non inaequum, tricipitem non tricapitem, concisum
iniquum not inaequum tricipitem not tricapitem concisum
non concaesum! Ex quo quidam pertisum etiam volunt, quod
not concaesum from which certain-men pertisum even wish which
eadem consuetudo non probavit. Quid vero hoc elegantius,
the-same usage not has-approved what indeed than-this more-elegant
quod non fit natura, sed quodam instituto? Indoctus
which not is-done by-nature but by-a-certain convention indoctus
dicimus brevi prima littera, insanus producta, inhumanus
we-say with-short the-first letter insanus lengthened inhumanus
brevi, infelix longa. Et, ne multis, quibus in verbis eae
with-short infelix long and not with-many which in words those
primae litterae sunt quae in sapiente atque felice, producte
first letters are which in sapiente and felice lengthened

dicitur, in ceteris omnibus breviter; itemque composuit,
it-is-said in the-other all shortly and-likewise composuit
consuevit, concrepuit, confecit. Consule veritatem: reprehendet;
consuevit concrepuit confecit consult the-truth it-will-reprove
refer ad auris: probabunt. Quaere cur ita sit: dicent
refer to the-ears they-will-approve ask why so it-be they-will-say
iuvare. Voluptati autem aurium morigerari debet oratio.
it-pleases to-the-pleasure however of-the-ears to-humor ought speech
Quin ego ipse, cum scirem ita maiores locutos esse, ut 160
nay I myself when I-knew so the-ancestors spoken to-have that
nusquam nisi in vocali aspiratione uterentur, loquebar sic,
nowhere except with a-vowel the-aspirate they-used I-spoke so
ut pulcros, Cetegos, triumpos, Cartaginem dicerem; aliquando,
that pulcros Cetegos triumpos Cartaginem I-said at-length
idque sero, convicio aurium cum extorta mihi veritas esset,
and-that late by-the-outcry of-the-ears when wrested from-me the-truth had-been
usum loquendi populo concessi, scientiam mihi reservavi.
the-usage of-speaking to-the-people I-conceded the-knowledge for-myself I-reserved
Orcivios tamen et Matones, Otones, Caepiones, sepulcra,
Orcivios still and Matones Otones Caepiones sepulcra
coronas, lacrimas dicimus, quia per aurium iudicium
coronas lacrimas we-say because through of-the-ears the-judgment
licet. Burrum semper Ennius, numquam Pyrrhum;
it-is-allowed Burrum always Ennius never Pyrrhum

vi patefecerunt Bruges,
by-force opened Bruges

non Phryges, ipsius antiqui declarant libri. Nec enim
not Phryges of-himself the-ancient declare books nor for
Graecam litteram adhibebant, nunc autem etiam duas, et
the-Greek letter they-applied now however even two and

cum Phrygum et Phrygibus dicendum esset, absurdum erat
when Phrygum and Phrygibus to-be-said it-was absurd it-was
aut etiam in barbaris casibus Graecam litteram adhibere aut
either even in barbarian cases the-Greek letter to-apply or
recto casu solum Graece loqui; tamen et Phryges
in-the-nominative case alone in-Greek to-speak still both Phryges
et Pyrrhum aurium causa dicimus.
and Pyrrhum of-the-ears for-the-sake we-say

161 Quin etiam, quod iam subrusticum videtur, olim autem
nay even which now rather-rustic seems formerly however
politius, eorum verborum, quorum eaedem erant postremae
more-polished of-those words of-which the-same were the-last
duae litterae, quae sunt in optimus, postremam litteram
two letters which are in optimus the-last letter
detrahebant, nisi vocalis insequebatur. Ita non erat ea offensio in
they-took-away unless a-vowel followed so not was that offense in
versibus quam nunc fugiunt poetae novi. Sic enim loquebamur:
verses which now shun the-poets new thus for we-spoke

qui est omnibu' princeps
who is omnibu' chief

non omnibus princeps, et:
not omnibus princeps and

vita illa dignu' locoque
of-life that dignu' and-of-place

non dignus. Quod si indocta consuetudo tam est artifex
not dignus but if untaught usage so is an-artificer
suavitatis, quid ab ipsa tandem arte et doctrina postulari
of-sweetness what from itself pray art and learning to-be-demanded
putamus?
do-we-think

XVI · SOUND, SYMMETRY, AND THE DEFENSE OF RHYTHM

The ear judges sound and rhythm. Words should be well chosen for sound, the familiar Latin preferred to splendid Greek. Symmetry, invented by Gorgias, produces rhythm of itself, as in the Milo speech and the Verrines. Some object that rhythm is a snare in the courts and that the ancients lacked it, but Aristotle, Theophrastus, and the ear of every theater approve it.

Haec dixi brevius quam si hac de re una 162
these-things I-have-said more-briefly than if this about thing alone
disputarem — est enim locus hic late patens de natura
I-were-discussing is for topic this widely extending about the-nature
usuque verborum — longius autem quam instituta ratio
and-use of-words at-greater-length however than the-undertaken plan
postulabat.
demanded
Sed quia rerum verborumque iudicium in prudentia est,
but because of-things and-of-words the-judgment in prudence is
vocum autem et numerorum aures sunt iudices, et quod
of-sounds however and of-rhythms the-ears are judges and because
illa ad intellegentiam referuntur, haec ad voluptatem, in illis
those to understanding are-referred these to pleasure in those
ratio invenit, in his sensus artem. Aut enim neglegenda
reason has-found in these sense the-art either for to-be-neglected

fuit nobis voluntas aurium, quibus probari nitebamur, aut
was by-us the-wish of-the-ears by-which to-be-approved we-strove or
ars eius conciliandae reperienda.
the-art of-it being-won to-be-found

163 Duae sunt igitur res quae permulceant auris, sonus et
two are therefore things which may-soothe the-ears sound and
numerus. De numero mox, nunc de sono quaerimus. Verba,
rhythm about rhythm soon now about sound we-inquire words
ut supra diximus, legenda sunt potissimum bene sonantia, sed
as above we-said to-be-chosen are most-of-all well sounding but
ea non ut poetae exquisita ad sonum, sed sumpta de medio.
those not as of-poets sought-out for sound but taken from the-middle

Qua pontus Helles, †supera Tmolum ac Tauricos†:
where the-sea of-Helle supera Tmolus and Taurian

locorum splendidis nominibus inluminatus est versus, sed
of-places with-splendid names lit-up is the-verse but
proximus inquinatus insuavissima littera:
the-next sullied with-most-unpleasant letter

finis frugifera et efferta arva Asiae tenet.
the-boundary fruit-bearing and crammed the-fields of-Asia holds

164 Qua re bonitate potius nostrorum verborum utamur
by-which thing with-the-goodness rather of-our words let-us-use
quam splendore Graecorum, nisi forte sic loqui paenitet:
than with-the-splendor of-the-Greeks unless perhaps thus to-speak repents

qua tempestate Helenam Paris
in-which season Helen Paris

et quae sequuntur. Immo vero ista sequamur asperitatemque
and what-things follow nay indeed those let-us-follow and-harshness
fugiamus:
let-us-shun

habeo istanc ego perterricrepam
I-have that I terror-rattling

itemque:
and-likewise

versutiloquas malitias.
craft-speaking malices

Nec solum componentur verba ratione, sed etiam finientur,
nor only will-be-composed words by-method but also will-be-ended
quoniam id iudicium esse alterum aurium diximus. Et
since that judgment to-be the-other of-the-ears we-said and
finiuntur aut ipsa compositione et quasi sua sponte,
are-ended either by-the-very composition and as-it-were by-its-own accord
aut quodam genere verborum, in quibus ipsis concinnitas
or by-a-certain kind of-words in which themselves symmetry
inest; quae sive casus habent in exitu similis sive paribus
is-in which either cases have in the-ending alike or with-equals
paria redduntur sive opponuntur contraria, suapte natura
equals are-matched or are-opposed contraries by-their-own nature
numerosa sunt, etiam si nihil est factum de industria.
rhythmic are even if nothing is done on purpose
In huius concinnitatis consectatione Gorgiam fuisse 165
in of-this symmetry the-pursuit Gorgias to-have-been
principem accepimus; quo de genere illa nostra sunt in
the-first we-have-received which of kind those our-things are in

Miloniana: Est enim, iudices, haec non scripta, sed nata lex,
the-Milo-speech it-is for judges this not written but born law
quam non didicimus, accepimus, legimus, verum ex natura
which not we-learned received read but from nature
ipsa arripuimus, hausimus, expressimus, ad quam non docti,
itself snatched drank pressed-out for which not taught
sed facti, non instituti, sed imbuti sumus. Haec enim
but made not instructed but imbued we-are these-things for
talia sunt, ut, quia referuntur eo quo debent referri,
such are that because they-are-referred thither where they-ought to-be-referred
intellegamus non quaesitum esse numerum, sed secutum.
we-understand not sought to-be the-rhythm but followed
166 Quod fit item in contrariis referendis, ut illa sunt
which happens likewise in contraries being-matched as those-things are
quibus non modo numerosa oratio sed etiam versus efficitur:
by-which not only rhythmic speech but also verse is-produced

eam quam nihil accusas damnas —
her whom for-nothing you-accuse you-condemn

condemnas dixisset qui versum effugere vellet—,
condemnas would-have-said who verse to-escape wished

bene quam meritam esse autumas
well whom deserving to-be you-say
male merere? Id quod scis prodest nihil;
ill to-deserve that which you-know helps nothing
id quod nescis obest?
that which you-know-not harms

Versum efficit ipsa relatio contrariorum. Idem esset
verse produces the-very matching of-contraries the-same would-be
in oratione numerosum: quod scis nihil prodest; quod
in speech rhythmic what you-know nothing helps what
nescis multum obest. Semper haec, quae Graeci ἀντίθετα
you-know-not much harms always these-things which the-Greeks antitheta
nominant, cum contrariis opponuntur contraria, numerum
name when to-contraries are-opposed contraries rhythm
oratorium necessitate ipsa efficiunt etiam sine industria.
oratorical by-necessity itself produce even without design
Hoc genere antiqui iam ante Isocratem delectabantur et 167
in-this kind the-ancients already before Isocrates were-delighted and
maxime Gorgias, cuius in oratione plerumque efficit numerum
most Gorgias whose in speech mostly produces rhythm
ipsa concinnitas. Nos etiam in hoc genere frequentes,
the-very symmetry we also in this kind frequent
ut illa sunt in quarto accusationis: Conferte hanc
as those-things are in the-fourth of-the-accusation compare this
pacem cum illo bello, huius praetoris adventum cum illius
peace with that war of-this praetor the-arrival with of-that
imperatoris victoria, huius cohortem impuram cum illius
commander the-victory of-this-one the-retinue impure with that-one's
exercitu invicto, huius libidines cum illius continentia:
army unconquered of-this-one the-lusts with that-one's continence
ab illo qui cepit conditas, ab hoc qui constitutas accepit
by that-one who took founded by this-one who established received
captas dicetis Syracusas.
captured you-will-say Syracuse
Ergo et hi numeri sint cogniti et genus illud tertium 168
therefore both these rhythms let-be known and the-kind that third
explicetur quale sit, numerosae et aptae orationis. Quod
let-be-unfolded of-what-sort it-be of-rhythmic and fitted speech which

qui non sentiunt, quas auris habeant aut quid in
those-who not perceive what ears they-have or what in
his hominis simile sit nescio. Meae quidem et perfecto
them of-a-man like be I-know-not mine indeed both in-a-perfect
completoque verborum ambitu gaudent et curta sentiunt
and-complete of-words circuit rejoice and curtailed-things perceive
nec amant redundantia. Quid dico meas? Contiones saepe
nor love redundant-things why do-I-say mine assemblies often
exclamare vidi, cum apte verba cecidissent. Id enim
to-shout-out I-have-seen when fitly the-words had-fallen that for
exspectant aures, ut verbis conligetur sententia. 'Non erat
expect the-ears that by-words be-bound the-thought not was
hoc apud antiquos.' Et quidem nihil aliud fere non erat;
this among the-ancients and indeed nothing else almost not was
nam et verba eligebant et sententias gravis et suavis
for both words they-chose and thoughts weighty and sweet
reperiebant, sed eas aut vinciebant aut explebant parum.
they-found but them either they-bound or they-filled-out too-little
169 'Hoc me ipsum delectat' inquiunt. Quid si antiquissima illa
this me myself delights they-say what if most-ancient that
pictura paucorum colorum magis quam haec iam perfecta
painting of-few colors more than this now perfected
delectet, illa nobis sit credo repetenda, haec scilicet
delight that by-us be I-suppose to-be-sought-again this of-course
repudianda! Nominibus veterum gloriantur. Habet autem ut
to-be-rejected in-the-names of-the-old-ones they-glory has however as
in aetatibus auctoritatem senectus, sic in exemplis antiquitas,
in ages authority old-age so in examples antiquity
quae quidem apud me ipsum valet plurimum. Nec ego id
which indeed with me myself avails very-much nor I that
quod deest antiquitati flagito potius quam laudo quod est;
which is-lacking to-antiquity demand rather than praise what there-is

praesertim cum maiora iudicem quae sunt quam illa quae
especially since greater I-judge those-which are than those which
desunt. Plus est enim in verbis et in sententiis boni, quibus
are-lacking more is for in words and in thoughts of-good in-which
illi excellunt, quam in conclusione sententiarum, quam non
they excel than in the-rounding-off of-thoughts which not
habent. Post inventa conclusio est, qua credo usuros
they-have afterward invented the-rounding-off was which I-believe going-to-use
veteres illos fuisse, si iam nota atque usurpata res esset;
the-old those to-have-been if already known and practiced the-thing were
qua inventa omnis usos magnos oratores videmus.
which having-been-invented all to-have-used great orators we-see
Sed habet nomen invidiam, cum in oratione iudiciali et 170
but has the-name odium when in speech judicial and
forensi numerus inesse dicitur. Nimis enim insidiarum ad
forensic rhythm to-be-in is-said too-much for of-snares for
capiendas auris adhiberi videtur, si etiam in dicendo numeri
catching the-ears to-be-applied it-seems if even in speaking rhythms
ab oratore quaeruntur. Hoc freti isti et ipsi infracta et
by the-orator are-sought on-this relying those-men both themselves broken and
amputata loquuntur et eos vituperant qui apta et finita
lopped-off-things speak and those blame who fitted and finished-things
pronuntiant; si inanibus verbis levibusque sententiis, iure;
utter if with-empty words and-light thoughts rightly
sin probae res, lecta verba, quid est cur claudere aut
but-if sound the-things chosen the-words what is-there why to-limp or
insistere orationem malint quam cum sententia pariter
to-halt their-speech they-would-prefer than with the-thought equally
excurrere? Hic enim invidiosus numerus nihil adfert aliud nisi
to-run-out this for odious rhythm nothing brings else than
ut sit apte verbis comprehensa sententia; quod fit etiam ab
that be fitly in-words embraced the-thought which is-done even by

antiquis, sed plerumque casu saepe natura; et quae valde
the-ancients but mostly by-chance often by-nature and what-things greatly
laudantur apud illos, ea fere quia sunt conclusa laudantur.
are-praised among them those generally because they-are rounded-off are-praised
171 Et apud Graecos quidem iam anni prope quadringenti sunt
and among the-Greeks indeed now years nearly four-hundred are
cum hoc probatur; nos nuper agnovimus. Ergo Ennio
since this is-approved we recently have-recognized therefore to-Ennius
licuit vetera contemnenti dicere:
it-was-allowed the-old-things scorning to-say

versibus, quos olim Fauni vatesque canebant,
in-verses which once the-Fauns and-seers sang

mihi de antiquis eodem modo non licebit? Praesertim
to-me about the-ancients in-the-same manner not will-it-be-allowed especially
cum dicturus non sim ante hunc, ut ille, nec quae
since going-to-say not I-be before this-one as he nor what-things
sequuntur: Nos ausi reserare; — legi enim audivique
follow we having-dared to-unbar I-have-read for and-heard
non nullos, quorum prope modum absolute concluderetur oratio.
not none whose nearly in-manner perfectly was-rounded-off the-speech
Quod qui non possunt, non est eis satis non contemni,
which those-who not can not is to-them enough not to-be-scorned
laudari etiam volunt. Ego autem illos ipsos laudo idque
to-be-praised even they-wish I however those very praise and-that
merito, quorum se isti imitatores esse dicunt, etsi in
deservedly of-whom themselves those-men imitators to-be say although in
eis aliquid desidero, hos vero minime, qui nihil illorum nisi
them something I-miss these indeed least who nothing of-those except
vitium sequuntur, cum a bonis absint longissime.
the-fault follow when from the-good-things they-are-distant farthest

Quod si auris tam inhumanas tamque agrestis habent, 172
but if ears so inhuman and-so boorish they-have
ne doctissimorum quidem virorum eos movebit auctoritas?
not of-the-most-learned even men them will-move the-authority
Omitto Isocratem discipulosque eius Ephorum et Naucratem,
I-pass-over Isocrates and-pupils his Ephorus and Naucrates
quamquam orationis faciendae et ornandae auctores
although of-speech being-made and being-adorned teachers
locupletissimi summi ipsi oratores esse debebant. Sed quis
most-rich highest themselves orators to-be they-ought but who
omnium doctior, quis acutior, quis in rebus vel inveniendis
of-all more-learned who more-acute who in things either being-found
vel iudicandis acrior Aristotele fuit? Quis porro Isocrati est
or being-judged sharper than-Aristotle was who moreover Isocrates has
adversatus infensius? Is igitur versum in oratione vetat esse,
opposed more-hostilely he therefore verse in speech forbids to-be
numerum iubet. Eius auditor Theodectes in primis, ut
rhythm orders his hearer Theodectes among the-first as
Aristoteles saepe significat, politus scriptor atque artifex hoc
Aristotle often indicates a-polished writer and artificer this
idem et sentit et praecipit; Theophrastus vero eisdem
same both feels and teaches Theophrastus indeed on-the-same
de rebus etiam accuratius. Quis ergo istos ferat, qui
about things even more-exactly who therefore those-men could-bear who
hos auctores non probent? Nisi omnino haec esse ab
these authorities not approve unless altogether these-things to-be by
eis praecepta nesciunt.
them taught they-know-not
Quod si ita est — nec vero aliter existimo — quid, ipsi 173
but if so it-is nor indeed otherwise do-I-think what themselves
suis sensibus non moventur? Nihilne eis inane videtur,
by-their-own senses not are-they-moved nothing-then to-them empty seems

nihil inconditum, nihil curtum, nihil claudicans, nihil
nothing disordered nothing curtailed nothing limping nothing
redundans? In versu quidem theatra tota exclamant, si fuit
redundant in verse indeed the-theaters whole cry-out if there-was
una syllaba aut brevior aut longior; nec vero multitudo pedes
one syllable either shorter or longer nor indeed the-multitude feet
novit nec ullos numeros tenet nec illud quod offendit aut curat
knows nor any rhythms holds nor that which offends either cares-for
aut in quo offendit intellegit; et tamen omnium longitudinum
or in what it-offends understands and still of-all lengths
et brevitatum in sonis sicut acutarum graviumque vocum
and shortnesses in sounds as of-high and-low voices
iudicium ipsa natura in auribus nostris conlocavit.
the-judgment herself nature in ears our has-placed

XVII · THE ORIGIN AND NATURE OF RHYTHM

Cicero treats prose rhythm by origin, cause, nature, and use. Thrasymachus and Gorgias invented it before Isocrates refined it. Its cause is the ear, which naturally expects completed periods. Its nature raises many questions: whether prose has rhythm at all, which rhythms, and how rhythm differs from composition and figure. That prose has rhythm the senses show.

174 Visne igitur, Brute, totum hunc locum accuratius etiam
do-you-wish therefore Brutus whole this topic more-exactly even
explicemus quam illi ipsi, qui et haec et alia nobis
that-we-unfold than those very who both these-things and other-things to-us
tradiderunt, an his contenti esse quae ab illis dicta
have-handed-down or with-these content to-be which by them said
sunt possumus? Sed quid quaero velisne, cum litteris
have-been can-we but why do-I-ask whether-you-wish since from-letters

tuis eruditissime scriptis te id vel maxime velle perspexerim?
your most-learnedly written you that even most to-wish I-have-perceived
Primum ergo origo, deinde causa, post natura, tum ad
first therefore the-origin then the-cause after the-nature then at
extremum usus ipse explicetur orationis aptae atque numerosae.
the-end the-use itself let-be-unfolded of-speech fitted and rhythmic
Nam qui Isocratem maxime mirantur, hoc in eius
for those-who Isocrates most admire this among his
summis laudibus ferunt, quod verbis solutis numeros primum
highest praises they-bring that to-words loosed rhythms first
adiunxerit. Cum enim videret oratores cum severitate audiri,
he-joined since for he-saw orators with severity to-be-heard
poetas autem cum voluptate, tum dicitur numeros secutus,
poets however with pleasure then he-is-said rhythms to-have-followed
quibus etiam in oratione uteretur, cum iucunditatis causa
which even in speech he-might-use both of-pleasantness for-the-sake
tum ut varietas occurreret satietati.
and that variety might-meet satiety
Quod ab eis vere quadam ex parte, non totum dicitur. 175
which by them truly certain in part not wholly is-said
Nam neminem in eo genere scientius versatum Isocrate
for no-one in that kind more-knowingly engaged than-Isocrates
confitendum est, sed princeps inveniendi fuit Thrasymachus,
to-be-confessed is but first of-discovering was Thrasymachus
cuius omnia nimis etiam exstant scripta numerose. Nam, ut
whose all-things too-much even survive written rhythmically for as
paulo ante dixi, paria paribus adiuncta et similiter definita
a-little before I-said equals to-equals joined and similarly ended
itemque contrariis relata contraria, quae sua sponte, etiam
and-likewise with-contraries matched contraries which of-their-own accord even
si id non agas, cadunt plerumque numerose, Gorgias primum
if that not you-aim-at fall mostly rhythmically Gorgias first

invenit, sed eis est usus intemperatius. Id autem est genus, ut
discovered but them has used more-immoderately that however is the-kind as
ante dictum est, ex tribus partibus conlocationis alterum.
before said it-has-been of three parts of-arrangement the-second
176 Horum uterque Isocratem aetate praecurrit, ut eos ille
of-these each Isocrates in-age preceded so-that them he
moderatione, non inventione vicerit. Est enim, ut in
by-moderation not by-discovery surpassed he-is for as in
transferendis faciendisque verbis tranquillior sic in ipsis
transferring and-making words calmer so in the-very
numeris sedatior. Gorgias autem avidior est generis eius
rhythms more-restrained Gorgias however more-greedy is of-kind that
et his festivitatibus — sic enim ipse censet — insolentius
and these festivities thus for himself he-judges more-excessively
abutitur; quas Isocrates tamen, cum audivisset adulescens in
misuses which Isocrates still when he-had-heard as-a-young-man in
Thessalia senem iam Gorgiam, moderatius temperavit. Quin
Thessaly an-old-man already Gorgias more-moderately tempered nay
etiam se ipse tantum quantum aetate procedebat — prope
even himself himself as-much as in-age he-advanced nearly
enim centum confecit annos — relaxabat a nimia necessitate
for a-hundred he-completed years he-relaxed from too-great constraint
numerorum, quod declarat in eo libro quem ad Philippum
of-rhythms which he-declares in that book which to Philip
Macedonem scripsit, cum iam admodum esset senex; in quo
of-Macedon he-wrote when already very he-was old in which
dicit sese minus iam servire numeris quam solitus esset.
he-says himself less now to-be-slave to-rhythms than wont he-had-been
Ita non modo superiores sed etiam se ipse correxerat.
thus not only the-earlier-ones but even himself himself he-had-corrected

Quoniam igitur habemus aptae orationis eos principes 177
since therefore we-have of-fitted speech those leaders
auctoresque quos diximus et origo inventa est, causa
and-authors whom we-have-named and the-origin found is the-cause
quaeratur. Quae sic aperta est, ut mirer veteres non
let-be-sought which so plain is that I-wonder the-old-ones not
esse commotos, praesertim cum, ut fit, fortuito
to-have-been stirred especially since as happens by-chance
saepe aliquid concluse apteque dicerent. Quod cum animos
often something roundedly and-fitly they-said which when the-minds
hominum aurisque pepulisset, ut intellegi posset id
of-men and-ears had-struck so-that to-be-understood it-could that
quod casus effudisset cecidisse iucunde, notandum certe
which chance had-poured-out to-have-fallen pleasantly to-be-marked certainly
genus atque ipsi sibi imitandi fuerunt. Ipsae enim
the-kind and themselves for-themselves to-be-imitated were the-very for
aures vel animus aurium nuntio naturalem quandam
ears or the-mind of-the-ears by-the-messenger natural a-certain
in se continet vocum omnium mensionem.
within itself contains of-sounds all measurement
Itaque et longiora et breviora iudicat et perfecta ac 178
and-so both longer-things and shorter it-judges and complete and
moderata semper exspectat; mutila sentit quaedam et
moderate always expects mutilated-things it-perceives certain and
quasi decurtata, quibus tamquam debito fraudetur offenditur,
as-it-were docked by-which as-if of-its-due it-be-cheated it-is-offended
productiora alia et quasi immoderatius excurrentia, quae
more-prolonged others and as-it-were more-immoderately running-out which
magis etiam aspernantur aures; quod cum in plerisque tum
more even spurn the-ears because both in most-things and
in hoc genere nimium quod est offendit vehementius quam
in this kind too-much what is offends more-vehemently than

id quod videtur parum. Ut igitur poeticae versus inventus
that which seems too-little as therefore for-poetry the-verse found
est terminatione aurium, observatione prudentium, sic in
was by-the-boundary of-the-ears by-the-observation of-the-prudent so in
oratione animadversum est, multo illud quidem serius,
speech noticed it-has-been much that indeed later
sed eadem natura admonente, esse quosdam certos cursus
but by-the-same nature advising to-be certain fixed courses
conclusionesque verborum.
and-closings of-words

179 Quoniam igitur causam quoque ostendimus, naturam nunc —
since therefore the-cause also we-have-shown the-nature now
id enim erat tertium — si placet explicemus; quae disputatio
that for was third if it-pleases let-us-unfold which discussion
non huius instituti sermonis est, sed artis intimae. Quaeri
not of-this undertaken conversation is but of-art innermost to-be-asked
enim potest, qui sit orationis numerus et ubi sit positus et
for it-can what be of-speech the-rhythm and where it-be placed and
natus ex quo, et is unusne sit an duo an plures quaque
born from what and it one-whether be or two or more and-by-what
ratione componatur et ad quam rem et quando et quo
method it-be-composed and for what thing and when and in-what
loco et quem ad modum adhibitus aliquid voluptatis adferat.
place and in-what to manner applied some pleasure it-may-bring

180 Sed ut in plerisque rebus sic in hac duplex est considerandi
but as in most things so in this-one double is of-considering
via quarum altera est longior, brevior altera, eadem etiam
the-way of-which the-one is longer shorter the-other the-same also
planior. Est autem longioris prima illa quaestio sitne
plainer is however of-the-longer first that question whether-is
omnino ulla numerosa oratio; quibusdam enim non videtur,
altogether any rhythmic speech to-certain-men for not it-seems

quia nihil insit in ea certi ut in versibus, et quod
because nothing be-in in it fixed as in verses and because
ipsi, qui adfirment esse eos numeros, rationem cur sint
themselves who assert to-be those rhythms the-reason why they-be
non queant reddere. Deinde, si sit numerus in oratione,
not can render then if there-be rhythm in speech
qualis sit aut quales, et e poeticisne numeris an ex
of-what-sort it-be or of-what-sorts and from poetic-whether rhythms or from
alio genere quodam et, si e poeticis, quis eorum sit aut
another kind some and if from poetic which of-them it-be or
qui; namque aliis unus modo aliis plures aliis omnes
which-ones for to-some one only to-others more to-others all
idem videntur. Deinde, quicumque sunt sive unus sive
the-same seem then whichever they-are whether one or
plures, communesne sint omni generi orationis — quoniam
more common-whether they-be to-every kind of-speech since
aliud genus est narrandi aliud persuadendi aliud docendi —
another kind is of-narrating another of-persuading another of-teaching
an dispares numeri cuique orationis generi accommodentur;
or unequal rhythms to-each of-speech kind be-fitted
si communes, qui sint; si dispares, quid intersit, et
if common which they-be if unequal what the-difference-be and
cur non aeque in oratione atque in versu numerus appareat.
why not equally in speech as in verse rhythm appears
Deinde, quod dicitur in oratione numerosum, id utrum 181
then what is-called in speech rhythmic that whether
numero solum efficiatur, an etiam vel compositione quadam
by-rhythm alone be-produced or also either by-arrangement some
vel genere verborum; an sit suum cuiusque, ut numerus
or by-the-kind of-words or be its-own to-each so-that rhythm
intervallis, compositio vocibus, genus ipsum verborum quasi
by-intervals arrangement by-sounds the-kind itself of-words as-it-were

quadam forma et lumine orationis appareat, sitque omnium
by-a-certain form and light of-speech appear and-be of-all
fons compositio ex eaque et numerus efficiatur et
the-source arrangement from and-it both rhythm be-produced and
ea quae dicuntur orationis quasi formae et lumina,
those-things which are-called of-speech as-it-were forms and lights
quae, ut dixi, Graeci vocant σχήματα.
which as I-said the-Greeks call schemata

182 At non est unum nec idem quod voce iucundum est et
but not is one nor the-same what in-sound pleasant is and
quod moderatione absolutum et quod inluminatum genere
what by-moderation complete and what illuminated by-the-kind
verborum; quamquam id quidem finitimum est numero, quia
of-words although that indeed bordering is on-rhythm because
per se plerumque perfectum est; compositio autem ab utroque
by itself mostly complete it-is arrangement however from each
differt, quae tota servit gravitati vocum aut suavitati. Haec
differs which wholly serves gravity of-sounds or sweetness these
igitur fere sunt in quibus rei natura quaerenda sit.
therefore generally are in which of-the-thing the-nature to-be-sought be

183 Esse ergo in oratione numerum quendam non est difficile
to-be therefore in speech rhythm a-certain not is difficult
cognoscere. Iudicat enim sensus; in quo est iniquum quod
to-recognize judges for the-sense in which it-is unfair what
accidit non agnoscere, si cur id accidat reperire nequeamus.
happens not to-recognize if why it happens to-find we-be-unable
Neque enim ipse versus ratione est cognitus, sed natura atque
nor for itself verse by-reason is learned but by-nature and
sensu, quem dimensa ratio docuit quid accideret. Ita notatio
sense which having-measured reason taught what happened thus the-noting
naturae et animadversio peperit artem. Sed in versibus res
of-nature and observation begot art but in verses the-thing

est apertior, quamquam etiam a modis quibusdam cantu
is more-open although also from measures certain with-song
remoto soluta esse videtur oratio maximeque id in optimo
removed loosed to-be seems speech and-most that in the-best
quoque eorum poetarum qui λυρικοὶ a Graecis nominantur,
each of-those poets who lyrikoi by the-Greeks are-named
quos cum cantu spoliaveris, nuda paene remanet oratio.
whom when of-song you-have-stripped bare almost remains speech
Quorum similia sunt quaedam etiam apud nostros, velut 184
of-which like are certain-things also among our-poets for-instance
illa in Thyeste:
those in the-Thyestes

quemnam te esse dicam? Qui tarda in senecta
whom-then thee to-be shall-I-say who slow in old-age

et quae sequuntur; quae, nisi cum tibicen accessit,
and what-things follow which unless when the-flute-player has-joined
orationis sunt solutae simillima. At comicorum senarii
to-speech are loosed most-like but of-the-comic-poets the-senarii
propter similitudinem sermonis sic saepe sunt abiecti, ut
on-account-of likeness to-conversation so often are cast-down that
non numquam vix in eis numerus et versus intellegi
not never scarcely in them rhythm and verse to-be-understood
possit. Quo est ad inveniendum difficilior in oratione
can whereby is to finding more-difficult in speech
numerus quam in versibus.
rhythm than in verses
Omnino duo sunt quae condiant orationem, verborum 185
altogether two-things there-are which season speech of-words
numerorumque iucunditas. In verbis inest quasi materia
and-of-rhythms pleasantness in words is-in as-it-were material

quaedam, in numero autem expolitio. Sed ut ceteris in
a-certain in rhythm however polish but as other in
rebus necessitatis inventa antiquiora sunt quam voluptatis.
things of-necessity the-discoveries older are than of-pleasure
186 Nam quod et facilius est et magis necessarium, id semper ante
for what both easier is and more necessary that always before
cognoscitur — ita translata aut facta aut coniuncta verba facile
is-learned so transferred or made or joined words easily
sunt cognita, quia sumebantur e consuetudine cotidianoque
were known because they-were-taken from usage and-daily
sermone. Numerus autem non domo depromebatur neque
conversation rhythm however not from-home was-drawn nor
habebat aliquam necessitudinem aut cognationem cum
did-it-have any necessity or kinship with
oratione. Itaque serius aliquanto notatus et cognitus quasi
speech and-so later somewhat noted and known as-if
quandam palaestram et extrema liniamenta orationi attulit.
a-certain wrestling-school and the-last outlines to-speech it-brought

XVIII · WHICH FEET SUIT PROSE

The feet of prose are the feet of verse. Iambs and dactyls fall easily into verse and so must not run continuously. Ephorus favored the paean and the dactyl, Aristotle the paean, which suits prose best because it is the foot least suited to verse. Cicero holds that prose should mix all feet, avoiding verse while not lacking rhythm, and rhythm matters most at the close, though it runs through the whole period.

187 Quod si et angusta quaedam atque concisa et alia est
but if both narrow a-certain and concise and another is
dilatata et fusa oratio, necesse est id non litterarum
spread and diffuse speech necessary it-is that not of-the-letters

accidere natura, sed intervallorum longorum et brevium
to-happen by-the-nature but of-intervals long and short
varietate; quibus implicata atque permixta oratio quoniam
by-the-variety by-which entwined and mixed speech since
tum stabilis est tum volubilis, necesse est eius modi vi
now stable is now rolling necessary it-is of-that kind by-a-force
naturam numeri contineri. Nam circuitus ille, quem saepe
the-nature of-rhythm to-be-contained for the-period that which often
iam diximus, incitatior numero ipso fertur et labitur,
already we-have-mentioned more-swiftly by-rhythm itself is-borne and glides
quoad perveniat ad finem et insistat. Perspicuum est igitur
until it-arrive at the-end and halt evident is therefore
numeris astrictam orationem esse debere, carere versibus.
by-rhythms bound speech to-be to-be-obliged to-be-without verses
Sed hi numeri poeticine sint an ex alio genere quodam 188
but these rhythms poetic-whether they-be or from another kind some
deinceps est videndum. Nullus est igitur numerus extra poeticos,
next is to-be-seen none is therefore rhythm outside the-poetic
propterea quod definita sunt genera numerorum. Nam omnis
for-this-reason that defined are the-kinds of-rhythms for every-one
talis est, ut unus sit e tribus. Pes enim, qui adhibetur ad
such is that one it-be of three the-foot for which is-applied to
numeros, partitur in tria, ut necesse sit partem pedis aut
rhythms is-divided into three so-that necessary it-be the-part of-the-foot either
aequalem esse alteri parti aut altero tanto aut sesqui esse
equal to-be to-the-other part or by-a-second as-much or half-as-much to-be
maiorem. Ita fit aequalis dactylus, duplex iambus, sesquiplex
greater so becomes equal the-dactyl double the-iamb one-and-a-half
paean; qui pedes in orationem non cadere qui possunt?
the-paean which feet into speech not to-fall how can-they
Quibus ordine locatis quod efficitur numerosum sit necesse est.
with-which in-order placed what is-produced rhythmic be necessary it-is

189 Sed quaeritur quo numero aut quibus potissimum sit
but it-is-asked which rhythm or which most-of-all be
utendum. Incidere vero omnis in orationem etiam ex
to-be-used to-fall-in indeed all into speech even from
hoc intellegi potest, quod versus saepe in oratione per
this to-be-understood can that verses often in speech through
imprudentiam dicimus. Est id vehementer vitiosum, sed non
inadvertence we-speak it-is that vehemently faulty but not
attendimus neque exaudimus nosmet ipsos; senarios vero et
we-attend nor do-we-hear ourselves ourselves senarii indeed and
Hipponacteos effugere vix possumus; magnam enim partem
Hipponacteans to-escape scarcely we-can in-great for part
ex iambis nostra constat oratio. Sed tamen eos versus facile
of iambs our consists speech but still those verses easily
agnoscit auditor; sunt enim usitatissimi; inculcamus autem
recognizes the-hearer they-are for most-customary we-stuff-in however
per imprudentiam saepe etiam minus usitatos, sed tamen
through inadvertence often even less customary-ones but still
versus: vitiosum genus et longa animi provisione fugiendum.
verse a-faulty kind and with-long of-mind foresight to-be-shunned
190 Elegit ex multis Isocrati libris triginta fortasse versus
picked-out from many of-Isocrates' books thirty perhaps verses
Hieronymus Peripateticus in primis nobilis, plerosque senarios,
Hieronymus the-Peripatetic among the-first renowned most senarii
sed etiam anapaestos; quo quid potest esse turpius? Etsi
but also anapaests than-which what can be more-disgraceful although
in legendo fecit malitiose; prima enim syllaba dempta
in reading he-did-it maliciously with-the-first for syllable removed
ex primo verbo sententiae postremum ad verbum primam
from the-first word of-the-sentence the-last to word the-first
rursus syllabam adiunxit insequentis sententiae; ita factus est
again syllable he-joined of-the-following sentence so made is

anapaestus is qui Aristophaneus nominatur; quod ne accidat
the-anapaest that which Aristophanean is-named which lest it-happen
observari nec potest nec necesse est. Sed tamen hic corrector
to-be-watched neither can nor necessary is but still this corrector
in eo ipso loco quo reprehendit, ut a me animum adversum
in that very place where he-reproves as by me attention turned
est studiose inquirente in eum, immittit imprudens ipse
has-been zealously inquiring against him lets-fly unawares himself
senarium. Sit igitur hoc cognitum in solutis etiam verbis
a-senarius let-be therefore this known in loose even words
inesse numeros eosdemque esse oratorios qui sint poetici.
to-be-in rhythms and-the-same to-be oratorical which be poetic
Sequitur ergo ut qui maxime cadant in orationem aptam 191
it-follows therefore that which most fall into speech fitted
numeri videndum sit. Sunt enim qui iambicum putent,
rhythms to-be-seen be there-are for those-who the-iambic think
quod sit orationis simillimus, qua de causa fieri ut
because it-be to-speech most-like which for reason to-happen that
is potissimum propter similitudinem veritatis adhibeatur
it most-of-all on-account-of the-likeness of-truth be-applied
in fabulis, quod ille dactylicus numerus hexametrorum
in plays because that dactylic rhythm of-hexameters
magniloquentiae sit accommodatior. Ephorus autem, levis ipse
to-grandiloquence be more-suited Ephorus however light himself
orator et profectus ex optima disciplina, paeana sequitur aut
an-orator and having-set-out from the-best training the-paean follows or
dactylum, fugit autem spondeum et trochaeum. Quod enim
the-dactyl shuns however the-spondee and the-trochee because for
paean habebat tris brevis, dactylus autem duas, brevitate et
the-paean had three shorts the-dactyl however two by-the-brevity and
celeritate syllabarum labi putat verba proclivius contraque
speed of-the-syllables to-glide he-thinks the-words more-easily and-on-the-contrary

accidere in spondeo et trochaeo; quorum quod alter e longis
to-happen in the-spondee and the-trochee of-which because the-one of longs
constet alter e brevibus, fieri alteram nimis incitatam
consists the-other of shorts to-become the-one too roused
alteram nimis tardam orationem, neutram temperatam.
the-other too slow speech neither tempered
192 Sed et illi priores errant et Ephorus in culpa est. Nam
but both those earlier-ones err and Ephorus at fault is for
et qui paeana praetereunt, non vident mollissimum a
both those-who the-paean pass-over not see the-softest by
sese numerum eundemque amplissimum praeteriri. Quod
themselves rhythm and-the-same most-ample to-be-passed-over which
longe Aristoteli videtur secus, qui iudicat heroum numerum
far to-Aristotle seems otherwise who judges the-heroic rhythm
grandiorem quam desideret soluta oratio, iambum autem
grander than requires loose speech the-iamb however
nimis e vulgari esse sermone. Ita neque humilem et
too-much from common to-be conversation so neither humble and
abiectam orationem nec nimis altam et exaggeratam probat,
low speech nor too lofty and heaped-up he-approves
plenam tamen eam vult esse gravitatis, ut eos qui
full still it he-wishes to-be of-gravity so-that those who
audient ad maiorem admirationem possit traducere.
shall-hear to greater admiration it-may-be-able to-carry-across
193 Trochaeum autem, qui est eodem spatio quo choreus,
the-trochee however which is of-the-same length as the-choree
cordacem appellat, quia contractio et brevitas dignitatem
cordax he-calls because contraction and brevity dignity
non habeat. Ita paeana probat eoque ait uti omnis,
not has so the-paean he-approves and-it he-says to-use all
sed ipsos non sentire cum utantur; esse autem tertium
but themselves not to-perceive when they-use to-be however a-third

ac medium inter illos, et ita natos eos pedes esse, ut
and middle between those and so born those feet to-be that
in eis singulis modus insit aut sesquiplex aut duplex
in them each the-measure be-in either one-and-a-half or double
aut par. Itaque illi de quibus ante dixi tantum modo
or equal and-so those about whom before I-spoke only merely
commoditatis habuerunt rationem, nullam dignitatis.
of-convenience had a-reckoning none of-dignity
Iambus enim et dactylus in versum cadunt maxime itaque ut 194
the-iamb for and the-dactyl into verse fall most and-so as
versum fugimus in oratione, sic hi sunt evitandi continuati
verse we-shun in speech so these are to-be-avoided continuous
pedes; aliud enim quiddam est oratio nec quicquam inimicius
feet another for something is speech nor anything more-hostile
quam illa versibus; paean autem minime est aptus ad
than those-things to-verses the-paean however least is fitted for
versum, quo libentius eum recepit oratio. Ephorus vero
verse by-which more-gladly it has-received speech Ephorus indeed
ne spondeum quidem, quem fugit, intellegit esse aequalem
not the-spondee even which he-shuns understands to-be equal
dactylo, quem probat. Syllabis enim metiendos pedes, non
to-the-dactyl which he-approves by-syllables for to-be-measured feet not
intervallis existimat; quod idem facit in trochaeo, qui
by-intervals he-thinks which same he-does in the-trochee which
temporibus et intervallis est par iambo, sed eo vitiosus in
in-times and intervals is equal to-the-iamb but by-that faulty in
oratione, si ponatur extremus, quod verba melius in syllabas
speech if it-be-placed last because words better into syllables
longiores cadunt. Atque haec, quae sunt apud Aristotelem,
longer fall and these-things which are in Aristotle
eadem a Theophrasto Theodecteque de paeane dicuntur.
the-same by Theophrastus and-Theodectes about the-paean are-said

195 Ego autem sentio omnis in oratione esse quasi permixtos et
I however feel all in speech to-be as-it-were mixed and
confusos pedes, nec enim effugere possemus animadversionem,
confused feet nor for to-escape could-we notice
si semper isdem uteremur, quia nec numerosa esse, ut
if always the-same we-used because neither rhythmic to-be like
poema, neque extra numerum, ut sermo vulgi, esse
a-poem nor outside rhythm like the-conversation of-the-crowd to-be
debet oratio — alterum nimis est vinctum, ut de industria
ought speech the-one too-much is bound so-that on purpose
factum appareat, alterum nimis dissolutum, ut pervagatum
made it-appear the-other too-much dissolved so-that common
ac vulgare videatur; ut ab altero non delectere, alterum
and vulgar it-seem so-that by the-one not you-be-delighted the-other
oderis—;
you-hate

196 sit igitur, ut supra dixi, permixta et temperata numeris
let-it-be therefore as above I-said mixed and tempered with-rhythms
nec dissoluta nec tota numerosa, paeane maxime,
neither dissolved nor wholly rhythmic with-the-paean most
quoniam optimus auctor ita censet, sed reliquis etiam
since the-best authority so judges but with-the-rest also
numeris, quos ille praeterit, temperata.
rhythms which he passes-over tempered
Quos autem numeros cum quibus tamquam purpuram
which however rhythms with which as-it-were purple
misceri oporteat nunc dicendum est atque etiam quibus
to-be-mixed it-behooves now to-be-said is and also to-which
orationis generibus sint quique accommodatissimi. Iambus
of-speech kinds they-be and-which most-suited the-iamb

enim frequentissimus est in eis quae demisso atque humili
for most-frequent is in those which in-subdued and humble
sermone dicuntur;
speech are-spoken
paean autem in amplioribus, in utroque dactylus. Itaque in 197
the-paean however in the-ampler in each the-dactyl and-so in
varia et perpetua oratione hi sunt inter se miscendi et
varied and continuous speech these are among themselves to-be-mixed and
temperandi. Sic minime animadvertetur delectationis aucupium
to-be-tempered so least will-be-noticed of-delight the-hunting
et quadrandae orationis industria; quae latebit eo magis, si
and of-squaring speech the-industry which will-lie-hidden the more if
et verborum et sententiarum ponderibus utemur. Nam qui
both of-words and of-thoughts the-weights we-shall-use for those-who
audiunt haec duo animadvertunt et iucunda sibi
hear these two-things notice and pleasant to-themselves
censent, verba dico et sententias, eaque dum animis attentis
think-them words I-mean and thoughts and-them while with-minds attentive
admirantes excipiunt, fugit eos et praetervolat numerus; qui
admiring they-receive escapes them and flies-past the-rhythm which
tamen si abesset, illa ipsa delectarent minus.
still if it-were-absent those very-things would-delight less
Nec vero is cursus est numerorum — orationis dico, nam est 198
nor indeed that the-course is of-rhythms of-speech I-mean for it-is
longe aliter in versibus—, nihil ut fiat extra modum; nam
far otherwise in verses nothing that be-done outside measure for
id quidem esset poema; sed omnis nec claudicans nec quasi
that indeed would-be a-poem but all-speech neither limping nor as-it-were
fluctuans sed aequabiliter constanterque ingrediens numerosa
fluctuating but evenly and-steadily walking rhythmic
habetur oratio. Atque id in dicendo numerosum putatur, non
is-held speech and that in speaking rhythmic is-thought not

quod totum constat e numeris, sed quod ad numeros proxime
because wholly it-consists of rhythms but because to rhythms most-nearly
accedit; quo etiam difficilius est oratione uti quam versibus,
it-approaches by-which also more-difficult it-is speech to-use than verses
quod in illis certa quaedam et definita lex est, quam sequi
because in those certain a-certain and defined law is which to-follow
sit necesse; in dicendo autem nihil est propositum, nisi ut
be necessary in speaking however nothing is set-forth except that
ne immoderata aut angusta aut dissoluta aut fluens sit oratio.
not immoderate or narrow or dissolved or flowing be the-speech
Itaque non sunt in ea tamquam tibicini percussionum
and-so not are in it as-if for-the-flute-player of-beats
modi, sed universa comprehensio et species orationis clausa
measures but the-universal period and form of-the-speech closed
et terminata est, quod voluptate aurium iudicatur.
and bounded is which by-the-pleasure of-the-ears is-judged

199 Solet autem quaeri totone in ambitu verborum numeri
is-wont however to-be-asked whether-in-the-whole in the-circuit of-words rhythms
tenendi sint an in primis partibus atque in extremis; plerique
to-be-held be or in the-first parts and in the-last most
enim censent cadere tantum numerose oportere terminarique
for think to-fall only rhythmically it-behooves and-to-be-ended
sententiam. Est autem, ut id maxime deceat, non ut solum;
the-sentence it-is however so-that that most befit not so-that alone
ponendus est enim ille ambitus, non abiciendus. Qua re
to-be-placed is for that circuit not to-be-thrown-away by-which thing
cum aures extremum semper exspectent in eoque acquiescant,
since the-ears the-end always expect in and-it rest
id vacare numero non oportet, sed ad hunc exitum iam a
that to-be-empty of-rhythm not it-behooves but to this close already from

principio ferri debet verborum illa comprehensio et tota
the-beginning to-be-borne ought of-words that period and wholly
a capite ita fluere, ut ad extremum veniens ipsa consistat.
from the-head so to-flow that to the-end coming itself it-may-halt

XIX · THE USE OF THE PERIOD

Rhythm comes with practice; the mind foresees the close as it frames the thought. Ornament lies in the choice of words and in their placement. Display oratory may be periodic throughout, but in the courts the period is used sparingly, for praise, for dignified narration, and for amplification, and the speaker turns to phrases and clauses lest rhythm rouse suspicion.

Id autem bona disciplina exercitatis, qui et multa 200
that however by-good training for-those-exercised who both many-things
scripserint et quaecumque etiam sine scripto dicent
have-written and whatever-things even without writing they-will-say
similia scriptorum effecerint, non erit difficillimum. Ante
like to-written-things have-made not will-be most-difficult before
enim circumscribitur mente sententia confestimque verba
for is-outlined in-the-mind the-thought and-at-once the-words
concurrunt, quae mens eadem, qua nihil est celerius,
run-together which the-mind the-same than-which nothing is swifter
statim dimittit, ut suo quodque loco respondeant;
at-once dispatches so-that in-its-own each place they-may-answer
quorum discriptus ordo alias alia terminatione
of-which the-arranged order at-one-time with-one ending
concluditur. Atque omnia illa et prima et media verba
is-closed and all those both the-first and the-middle words
spectare debent ad ultimum.
to-look ought to the-last

201 Interdum enim cursus est in oratione incitatior, interdum
sometimes for the-course is in speech more-rapid sometimes
moderata ingressio, ut iam a principio videndum sit
a-moderate gait so-that already from the-beginning to-be-seen be
quem ad modum velis venire ad extremum. Nec in numeris
in-what to manner you-wish to-come to the-end nor in rhythms
magis quam in reliquis ornamentis orationis, eadem
more than in the-other ornaments of-speech the-same-things
cum faciamus quae poetae, effugimus tamen in oratione
though we-do which the-poets we-escape still in speech
poematis similitudinem. Est enim in utroque et materia
of-a-poem the-likeness there-is for in each both material
et tractatio: materia in verbis, tractatio in conlocatione
and treatment the-material in the-words the-treatment in-the placing
verborum. Ternae autem sunt utriusque partes: verborum
of-the-words three however are of-each the-parts of-words
translatum, novum, priscum — nam de propriis nihil hoc
the-transferred the-new the-old for about proper-words nothing in-this
loco dicimus—; conlocationis autem eae quas diximus,
place we-say of-arrangement however those which we-have-named
compositio, concinnitas, numerus.
composition symmetry rhythm

202 Sed in utroque frequentiores sunt et liberiores poetae; nam
but in each more-frequent are and freer the-poets for
et transferunt verba cum crebrius tum etiam audacius et
both they-transfer words both more-often and also more-boldly and
priscis libentius utuntur et liberius novis. Quod idem fit
old-ones more-gladly they-use and more-freely new-ones which same happens
in numeris, in quibus quasi necessitati parere coguntur.
in rhythms in which as-it-were to-necessity to-obey they-are-compelled
Sed tamen haec nec nimis esse diversa neque nullo
but still these-things neither too-much to-be different nor in-no

modo coniuncta intellegi licet. Ita fit ut non
manner joined to-be-understood it-is-allowed so it-happens that not
item in oratione ut in versu numerus exstet idque quod
likewise in speech as in verse rhythm stands-out and-that which
numerosum in oratione dicitur non semper numero fiat, sed
rhythmic in speech is-called not always by-rhythm be-made but
non numquam aut concinnitate aut constructione verborum.
not never either by-symmetry or by-the-construction of-words
Ita si numerus orationis quaeritur qui sit, omnis est, sed alius 203
so if the-rhythm of-speech is-asked which it-be all it-is but one
alio melior atque aptior; si locus, in omni parte verborum;
than-another better and more-fitted if the-place in every part of-the-words
si unde ortus sit, ex aurium voluptate; si componendorum
if whence arisen it-be from of-the-ears the-pleasure if of-composing-them
ratio, dicetur alio loco, quia pertinet ad usum, quae
the-method will-be-spoken in-another place because it-pertains to the-use which
pars quarta et extrema nobis in dividendo fuit; si ad quam
part fourth and last for-us in dividing was if for what
rem adhibeatur, ad delectationem; si quando, semper; si quo
thing it-be-applied for delight if when always if in-what
loco, in tota continuatione verborum; si quae res efficiat
place in the-whole continuity of-words if what thing produce
voluptatem, eadem quae in versibus, quorum modum notat
pleasure the-same which in verses whose measure marks
ars, sed aures ipsae tacito eum sensu sine arte definiunt.
art but the-ears themselves by-a-silent it sense without art define
Satis multa de natura; sequitur usus, de quo est accuratius 204
enough many-things about the-nature follows the-use about which is more-exactly
disputandum. In quo quaesitum est in totone circuitu
to-be-discussed in which asked it-has-been in the-whole-whether period
illo orationis, quem Graeci περίοδον, nos tum ambitum,
that of-speech which the-Greeks periodos we now ambitus

tum circuitum, tum comprehensionem aut continuationem
now circuitus now comprehensio or continuatio
aut circumscriptionem dicimus, an in principiis solum an in
or circumscriptio call or in the-beginnings only or in
extremis an in utraque parte numerus tenendus sit; deinde cum
the-ends or in each part rhythm to-be-held be then since
aliud videatur esse numerus aliud numerosum, quid intersit.
one-thing seems to-be rhythm another the-rhythmic what the-difference-be
205 Tum autem in omnibusne numeris aequaliter particulas deceat
then however in all-whether rhythms equally the-clauses befit
incidere an facere alias breviores alias longiores, idque quando
to-cut or to-make some shorter others longer and-that when
aut cur; quibusque partibus, pluribusne an singulis, imparibus
or why and-in-which parts more-whether or single unequal
an aequalibus, et quando aut istis aut illis sit utendum;
or equal and when either these or those be to-be-used
quaeque inter se aptissime conlocentur et quo modo,
and-which among themselves most-fitly be-placed and in-what manner
an omnino nulla sit in eo genere distinctio; quodque ad
or altogether none be in this kind distinction and-what to
rem maxime pertinet, qua ratione numerosa fiat oratio.
the-matter most pertains by-what method rhythmic be-made speech
206 Explicandum etiam est unde orta sit forma verborum
to-be-unfolded also is whence arisen be the-form of-words
dicendumque quantos circuitus facere deceat deque
and-to-be-said how-great periods to-make it-befits and-about
eorum particulis et tamquam incisionibus disserendum est
their clauses and as-it-were incisions to-be-discussed is
quaerendumque utrum una species et longitudo sit earum
and-to-be-asked whether one form and length be of-them
anne plures et, si plures, quo loco aut quando quoque
or several and if several in-what place or when and-what

genere uti oporteat. Postremo totius generis utilitas
kind to-use it-behooves finally of-the-whole kind the-usefulness
explicanda est, quae quidem patet latius; non ad unam
to-be-unfolded is which indeed extends more-widely not to one
enim rem aliquam, sed ad pluris accommodatur.
for thing some but to several it-is-fitted
Ac licet non ad singula respondentem de universo 207
and it-is-allowed not to individual-points answering about the-universal
genere sic dicere, ut etiam singulis satis responsum
kind so to-speak that also to-the-individual-ones enough answered
esse videatur. Remotis igitur reliquis generibus unum
to-have-been it-may-seem with-removed therefore the-other kinds one
selegimus hoc, quod in causis foroque versatur, de quo
we-have-chosen this which in cases and-the-forum is-engaged about which
diceremus. Ergo in aliis, id est in historia et in eo
we-might-speak therefore in the-others that is in history and in that
quod appellamus ἐπιδεικτικόν, placet omnia dici Isocrateo
which we-call epideiktikon it-pleases all-things to-be-spoken in-Isocrates'
Theopompeoque more illa circumscriptione ambituque, ut
and-Theopompus' manner by-that circumscription and-period so-that
tamquam in orbe inclusa currat oratio, quoad insistat in
as-if in a-circle enclosed may-run the-speech until it-halt in
singulis perfectis absolutisque sententiis.
individual perfect and-complete sentences
Itaque postea quam est nata haec vel circumscriptio vel 208
and-so after that is born this either circumscriptio or
comprehensio vel continuatio vel ambitus, si ita licet
comprehensio or continuatio or ambitus if so it-is-allowed
dicere, nemo, qui aliquo esset in numero, scripsit orationem
to-say no-one who any was in number wrote a-speech
generis eius quod esset ad delectationem comparatum
of-the-kind that which was for delight prepared

remotumque a iudiciis forensique certamine, quin redigeret
and-removed from the-courts and-forensic contest but-that he-reduced
omnis fere in quadrum numerumque sententias. Nam cum
all almost into the-square and-rhythm sentences for when
is est auditor qui non vereatur ne compositae orationis
he is the-hearer who not fears lest of-composed speech
insidiis sua fides attemptetur, gratiam quoque habet
by-the-snares his credence be-tried gratitude also he-has
oratori voluptati aurium servienti.
to-the-orator to-the-pleasure of-the-ears subservient

209 Genus autem hoc orationis neque totum adsumendum est
the-kind however this of-speech neither wholly to-be-taken-up is
ad causas forensis neque omnino repudiandum, si enim
for cases forensic nor altogether to-be-rejected if for
semper utare, cum satietatem adfert tum quale sit
always you-use-it both satiety it-brings and of-what-sort it-be
etiam ab imperitis agnoscitur; detrahit praeterea actionis
even by the-unskilled is-recognized it-removes besides of-the-delivery
dolorem, aufert humanum sensum auditoris, tollit funditus
the-pain takes-away the-human feeling of-the-hearer removes utterly
veritatem et fidem. Sed quoniam adhibenda non numquam
truth and credibility but since to-be-applied not never
est, primum videndum est quo loco, deinde quam diu
it-is first to-be-seen is in-what place then how long
retinenda sit, tum quot modis commutanda.
to-be-retained it-be then in-how-many ways to-be-changed

210 Adhibenda est igitur numerosa oratio, si aut laudandum
to-be-applied is therefore rhythmic speech if either to-be-praised
est aliquid ornatius, ut nos in accusationis secundo de
is something more-ornately as we in of-the-accusation the-second about
Siciliae laude diximus, ut in senatu de consulatu meo,
Sicily's praise said as in the-senate about the-consulship my

aut exponenda narratio, quae plus dignitatis desiderat quam
or to-be-set-forth a-narration which more of-dignity requires than
doloris, ut in quarto accusationis de Hennensi Cerere, de
of-pain as in the-fourth of-the-accusation about the-Hennan Ceres about
Segestana Diana, de Syracusarum situ diximus. Saepe etiam
the-Segestan Diana about of-Syracuse the-site we-spoke often also
in amplificanda re concessu omnium funditur numerose
in amplifying a-matter by-the-consent of-all is-poured rhythmically
et volubiliter oratio. Id nos fortasse non perfecimus, conati
and fluently the-speech that we perhaps not have-accomplished tried
quidem saepissime sumus; quod plurimis locis perorationes
indeed very-often we-have which in-very-many places perorations
nostrae voluisse nos atque animo contendisse declarant.
our to-have-wished us and in-mind to-have-striven declare
Id autem tum valet cum is qui audit ab oratore iam
that however then avails when he who hears by the-orator already
obsessus est ac tenetur. Non enim id agit ut insidietur
besieged is and is-held not for that he-aims-at that he-lie-in-wait
et observet, sed iam favet processumque vult dicendique
and watch but already he-favors and-progress wishes and-of-speaking
vim admirans non anquirit quid reprehendat.
the-force admiring not seeks what he-may-reprove
Haec autem forma retinenda non diu est, nec dico in 211
this however form to-be-retained not long is nor do-I-mean in
peroratione, quam ipsam includit, sed in orationis reliquis
the-peroration which itself it-encloses but in of-speech the-other
partibus. Nam cum sis eis locis usus quibus ostendi
parts for when you-have those places used in-which I-have-shown
licere, transferenda tota dictio est ad illa quae nescio
it-to-be-permitted to-be-transferred whole the-diction is to those which I-know-not
cur, cum Graeci κόμματα et κῶλα nominent, nos non recte
why though the-Greeks kommata and kola name we not rightly

incisa et membra dicamus. Neque enim esse possunt rebus
incisa and membra we-call nor for to-be can for-things
ignotis nota nomina, sed cum verba aut suavitatis aut
unknown known names but since words either of-sweetness or
inopiae causa transferre soleamus, in omnibus hoc fit
of-want for-the-sake to-transfer we-are-wont in all this happens
artibus, ut, cum id appellandum sit quod propter rerum
arts that when that to-be-named be which on-account-of of-the-things
ignorationem ipsarum nullum habuerit ante nomen, necessitas
the-ignorance themselves no had before name necessity
cogat aut novum facere verbum aut a simili mutuari.
compel either a-new to-make word or from a-like-thing to-borrow

XX · THE CLAUSULAE

Periods end in many ways. The double trochee, favored in Asia, roused an assembly when the tribune Carbo used it, but must not be used too often; the cretic, the paean, and even the spondee close well. Rhythm also comes from the order of words and from symmetry. Phrases and clauses, as in Crassus' speech and Cicero's own, strike hardest in real cases.

212 Quo autem pacto deceat incise membratimve dici iam
in-what however way it-befits in-phrases or-in-clauses to-be-spoken soon
videbimus; nunc quot modis mutentur comprehensiones
we-shall-see now in-how-many ways be-varied periods
conclusionesque dicendum est. Fluit omnino numerus a
and-closings to-be-said is flows altogether rhythm from
primo tum incitatius brevitate pedum, tum proceritate
the-first now more-swiftly by-the-brevity of-feet now by-length
tardius. Cursum contentiones magis requirunt, expositiones
more-slowly speed contentions more require expositions

rerum tarditatem. Insistit autem ambitus modis pluribus,
of-things slowness halts however the-period in-ways several
e quibus unum est secuta Asia maxime, qui dichoreus
of which one has followed Asia most which dichoree
vocatur, cum duo extremi chorei sunt, id est e singulis
is-called when the-two last chorees are that is of single
longis et brevibus. Explanandum est enim, quod ab aliis
longs and shorts to-be-explained is for that by some
eidem pedes aliis vocabulis nominantur.
the-same feet with-other names are-named
Dichoreus non est ille quidem sua sponte vitiosus in 213
the-dichoree not is it indeed of-its-own accord faulty in
clausulis, sed in orationis numero nihil est tam vitiosum quam
closes but in of-speech rhythm nothing is so faulty as
si semper est idem. Cadit autem per se ille ipse praeclare,
if always it-is the-same falls however by itself that very splendidly
quo etiam satietas formidanda est magis. Me stante C. Carbo
by-which also satiety to-be-dreaded is the-more me standing Gaius Carbo
C. F. tribunus plebis in contione dixit his verbis: O Marce
of-Gaius son tribune of-the-plebs in the-assembly spoke these words O Marcus
Druse, patrem appello — haec quidem duo binis pedibus
Drusus the-father I-address these indeed two in-twofold feet
incisim; dein membratim: Tu dicere solebas sacram esse rem
in-phrases then in-clauses you to-say were-wont sacred to-be the-thing
publicam—; haec item membra ternis; post ambitus:
public these likewise clauses in-threefold afterward the-period
quicumque eam violavissent, ab omnibus esse ei poenas 214
whoever it had-violated by all to-have-been to-it penalties
persolutas; — dichoreus; nihil enim ad rem, extrema illa
paid a-dichoree nothing for to the-matter whether-the-last that
longa sit an brevis; deinde: Patris dictum sapiens temeritas
long be or short then of-the-father the-saying wise the-rashness

fili comprobavit — hoc dichoreo tantus clamor contionis
of-the-son has-proved by-this dichoree such-great shouting of-the-assembly
excitatus est, ut admirabile esset. Quaero nonne id numerus
roused was that wonderful it-was I-ask surely that the-rhythm
effecerit? Verborum ordinem immuta, fac sic: Comprobavit
brought-about of-the-words the-order change make-it thus has-proved
fili temeritas, iam nihil erit, etsi temeritas ex tribus
of-the-son the-rashness now nothing it-will-be although temeritas from three
brevibus et longa est, quem Aristoteles ut optimum probat,
shorts and a-long is which Aristotle as the-best approves
a quo dissentio. 'At eadem verba, eadem sententia.'
from whom I-dissent but the-same words the-same thought
215 Animo istuc satis est, auribus non satis. Sed id crebrius
for-the-mind that enough is for-the-ears not enough but that more-often
fieri non oportet; primum enim numerus agnoscitur,
to-be-done not it-behooves first for the-rhythm is-recognized
deinde satiat, postea cognita facilitate contemnitur.
then it-sates afterward with-known its-facility it-is-despised
Sed sunt clausulae plures, quae numerose et iucunde
but there-are closes several which rhythmically and pleasantly
cadant. Nam et creticus, qui est e longa et brevi et
may-fall for both the-cretic which is of a-long and a-short and
longa, et eius aequalis paean, qui spatio par est, syllaba
a-long and its equal the-paean which in-length equal is by-a-syllable
longior, quam commodissime putatur in solutam orationem
longer as most-conveniently is-thought into loose speech
inligari, cum sit duplex. Nam aut e longa est et tribus
to-be-bound-in since it-be double for either of a-long it-is and three
brevibus, qui numerus in primo viget, iacet in extremo,
shorts which rhythm in the-first-place thrives lies-down in the-last

aut e totidem brevibus et longa, quem optime cadere
or of as-many shorts and a-long which best to-fall
censent veteres; ego non plane reicio, sed alios antepono.
think the-old-ones I not plainly reject but others I-prefer
Ne spondeus quidem funditus est repudiandus, etsi, quod est e 216
not the-spondee even utterly is to-be-rejected although because it-is of
longis duabus, hebetior videtur et tardior; habet tamen stabilem
longs two duller it-seems and slower it-has still a-stable
quendam et non expertem dignitatis gradum, in incisionibus
certain and not lacking dignity step in incisions
vero multo magis et in membris; paucitatem enim pedum
indeed much more and in clauses the-fewness for of-feet
gravitate sua et tarditate compensat. Sed hos cum in clausulis
by-the-gravity its and slowness it-compensates but these when in closes
pedes nomino, non loquor de uno pede extremo: adiungo,
feet I-name not I-speak about one foot the-last I-add
quod minimum sit, proximum superiorem, saepe etiam tertium.
which least be the-next before often also the-third
Ne iambus quidem, qui est e brevi et longa, aut par 217
not the-iamb even which is of a-short and a-long or the-equal
choreo qui habet tris brevis trochaeus, sed spatio par, non
to-the-choree which has three shorts the-trochee but in-length equal not
syllabis, aut etiam dactylus, qui est e longa et duabus brevibus,
in-syllables or even the-dactyl which is of a-long and two shorts
si est proximus a postremo, parum volubiliter pervenit ad
if it-is next from the-last too-little fluently arrives at
extremum, si est extremus choreus aut spondeus; numquam
the-end if is last a-choree or a-spondee never
enim interest uter sit eorum in pede extremo. Sed idem hi
for it-matters which be of-them in the-foot last but the-same these
tres pedes male concludunt, si quis eorum in extremo locatus
three feet badly close if any of-them in the-last-place placed

est, nisi cum pro cretico postremus est dactylus; nihil
is unless when instead-of the-cretic last is the-dactyl nothing
enim interest dactylus sit extremus an creticus, quia postrema
for it-matters dactyl be last or cretic because the-last
syllaba brevis an longa sit ne in versu quidem refert.
syllable short or long be not in verse even it-matters
218 Qua re etiam paeana qui dixit aptiorem, in quo esset longa
by-which thing also the-paean who said fitter in which were long
postrema, vidit parum, quoniam nihil ad rem est, postrema
the-last saw too-little since nothing to the-matter it-is the-last
quam longa sit. Iam paean, quod pluris habeat syllabas quam
how long it-be now the-paean because more has syllables than
tris, numerus a quibusdam, non pes habetur. Est quidem,
three a-rhythm by some not a-foot is-held it-is indeed
ut inter omnis constat antiquos, Aristotelem, Theophrastum,
as among all agree the-ancients Aristotle Theophrastus
Theodectem, Ephorum, unus aptissimus orationi vel orienti
Theodectes Ephorus one most-fitted to-speech either beginning
vel mediae; putant illi etiam cadenti, quo loco mihi
or middle they-think they even for-ending in-which place to-me
videtur aptior creticus. Dochmius autem e quinque syllabis,
seems fitter the-cretic the-dochmius however of five syllables
brevi, duabus longis, brevi, longa, ut est hoc: Amicos tenes,
short two longs short long as is this amicos tenes
quovis loco aptus est, dum semel ponatur: iteratus aut
in-whatever place fitted is provided once it-be-placed repeated or
continuatus numerum apertum et nimis insignem facit.
continued a-rhythm open and too conspicuous it-makes
219 His igitur tot commutationibus tamque variis si utemur,
these therefore so-many changes and-so varied if we-shall-use
nec deprehendetur manifesto quid a nobis de industria fiat
neither will-be-detected openly what by us on purpose is-done

et occurretur satietati. Et quia non numero solum numerosa
and it-will-be-met satiety and because not by-rhythm only rhythmic
oratio sed et compositione fit et genere, quod ante dictum
speech but also by-composition is-made and by-the-kind which before said
est, concinnitatis — compositione potest intellegi, cum ita
has-been of-symmetry by-composition can be-understood when so
structa verba sunt, ut numerus non quaesitus sed ipse secutus
built words are that the-rhythm not sought but itself followed
esse videatur, ut apud Crassum: Nam ubi libido dominatur,
to-have seem as in Crassus for where lust dominates
innocentiae leve praesidium est; ordo enim verborum efficit
of-innocence light the-defense is the-order for of-the-words produces
numerum sine ulla aperta oratoris industria—; itaque
the-rhythm without any open of-the-orator industry and-so
si quae veteres illi, Herodotum dico et Thucydidem
if any-things the-ancient those Herodotus I-mean and Thucydides
totamque eam aetatem, apte numeroseque dixerunt, ea non
and-the-whole that age fitly and-rhythmically said those not
numero quaesito, sed verborum conlocatione ceciderunt.
with-rhythm sought but of-words by-the-placing fell
Formae vero quaedam sunt orationis, in quibus ea concinnitas 220
forms indeed certain are of-speech in which such symmetry
est ut sequatur numerus necessario. Nam cum aut par
is that follows rhythm necessarily for when either an-equal
pari refertur aut contrarium contrario opponitur aut
to-an-equal is-matched or a-contrary to-a-contrary is-opposed or
quae similiter cadunt verba verbis comparantur, quidquid
which similarly fall words to-words are-compared whatever
ita concluditur, plerumque fit ut numerose cadat,
so is-closed mostly it-happens that rhythmically it-fall
quo de genere cum exemplis supra diximus; ut haec
which about kind with examples above we-have-spoken so-that this

quoque copia facultatem adferat non semper eodem modo
also abundance the-faculty may-bring not always in-the-same manner
desinendi. Nec tamen haec ita sunt arta et astricta, ut
of-ending nor still these-things so are tight and bound that
ea, cum velimus, laxare nequeamus. Multum interest utrum
them when we-wish to-loosen we-cannot much it-matters whether
numerosa sit, id est similis numerorum, an plane e numeris
rhythmic be that is like rhythms or plainly of rhythms
constet oratio; alterum si fit, intolerabile vitium est,
consist speech the-one if it-is-done an-intolerable fault is
alterum nisi fit, dissipata et inculta et fluens est oratio.
the-other unless it-is-done dispersed and unkempt and flowing is speech
221 Sed quoniam non modo non frequenter verum etiam raro
but since not only not frequently but even rarely
in veris causis aut forensibus circumscripte numeroseque
in real cases or forensic in-periods and-rhythmically
dicendum est, sequi videtur, ut videamus quae sint illa quae
to-be-spoken is to-follow it-seems that we-see what be those which
supra dixi incisa, quae membra. Haec enim in veris causis
above I-mentioned incisa what membra these for in real cases
maximam partem orationis obtinent. Constat enim ille ambitus
the-greatest part of-speech hold consists for that period
et plena comprehensio e quattuor fere partibus, quae membra
and full comprehension of four generally parts which membra
dicimus, ut et auris impleat et neque brevior sit quam
we-call so-that both the-ears it-may-fill and neither shorter be than
satis sit neque longior. Quamquam utrumque non numquam
enough be nor longer although each not never
vel potius saepe accidit, ut aut citius insistendum sit aut
or rather often happens that either sooner to-be-halted be or
longius procedendum, ne brevitas defrudasse auris videatur
further to-be-proceeded lest brevity to-have-cheated the-ears seem

neve longitudo obtudisse. Sed habeo mediocritatis rationem;
or length to-have-dulled but I-have of-the-mean the-reckoning
nec enim loquor de versu et est liberior aliquanto oratio.
nor for do-I-speak about verse and is freer somewhat speech
His igitur singulis versibus quasi nodi apparent continuationis, 222
these therefore single verses as-it-were knots appear of-continuity
quos in ambitu coniungimus. Sin membratim volumus dicere,
which in the-period we-join but-if in-clauses we-wish to-speak
insistimus atque, cum opus est, ab isto cursu invidioso
we-halt and when need is from that course odious
facile nos et saepe diiungimus. Sed nihil tam debet esse
easily ourselves and often we-separate but nothing so ought to-be
numerosum quam hoc, quod minime apparet et valet plurimum.
rhythmic as this which least appears and avails most
Ex hoc genere illud est Crassi: Missos faciant patronos;
of this kind that is Crassus' sent let-them-make the-advocates
ipsi prodeant; — nisi intervallo dixisset ipsi prodeant,
themselves let-them-come-forward unless with-an-interval he-had-said ipsi prodeant
sensisset profecto se fudisse senarium; omnino
he-would-have-perceived surely himself to-have-poured-out a-senarius altogether
melius caderet prodeant ipsi; sed de genere nunc disputo; —
better would-fall prodeant ipsi but about the-kind now I-discuss
cur clandestinis consiliis nos oppugnant? Cur de perfugis 223
why by-secret counsels us do-they-attack why from deserters
nostris copias comparant contra nos? Prima sunt illa duo,
our forces do-they-gather against us the-first are those two
quae κόμματα Graeci vocant, nos incisa dicimus; deinde
which kommata the-Greeks call we incisa call then
tertium κῶλον illi, nos membrum; sequitur non longa — ex
the-third kolon they we membrum there-follows not long of
duobus enim versibus, id est membris, perfecta comprehensio
two for verses that is members perfected the-period

est et in spondeos cadit; et Crassus quidem sic plerumque
is and into spondees it-falls and Crassus indeed so mostly
dicebat, idque ipse genus dicendi maxime probo. Sed
spoke and-that myself kind of-speaking most approve but
quae incisim aut membratim efferuntur, ea vel aptissime
what-things in-phrases or in-clauses are-uttered those even most-fitly
cadere debent, ut est apud me: Domus tibi deerat? At
to-fall ought as is with me a-house to-you was-lacking but
habebas. Pecunia superabat? At egebas;
you-had money was-abounding but you-were-in-want
224 haec incise dicta sunt quattuor; at membratim quae
these in-phrases spoken are four but in-clauses those-which
sequuntur duo: Incurristi amens in columnas, in alienos
follow two you-ran mad into columns into others'
insanus insanisti. Deinde omnia tamquam crepidine quadam
insane you-raved then all as-if by-a-base a-certain
comprehensione longiore sustinentur: Depressam, caecam,
by-a-period longer are-supported depressed blind
iacentem domum pluris quam te et quam fortunas tuas
lying-low a-house more than yourself and than fortunes your
aestimasti. Dichoreo finitur. At spondeis proximum illud.
you-valued with-a-dichoree it-is-ended but with-spondees the-next that
Nam in his, quibus ut pugiunculis uti oportet, brevitas
for in these with-which as with-little-daggers to-use it-behooves brevity
faciet ipsa liberiores pedes; saepe enim singulis utendum
will-make itself freer the-feet often for single to-be-used
est, plerumque binis, et utrisque addi pedis pars potest,
is mostly in-pairs and to-each to-be-added of-a-foot a-part can
non fere ternis amplius.
not generally in-threes more

Incisim autem et membratim tractata oratio in veris causis 225
in-phrases however and in-clauses handled speech in real cases
plurimum valet, maximeque eis locis, cum aut arguas aut
very-much avails and-most in-those places when either you-argue or
refellas, ut nos in Corneliana secunda: O callidos homines,
refute as we in the-Cornelian second O clever men
o rem excogitatam, o ingenia metuenda! Membratim adhuc;
O thing devised O talents to-be-feared in-clauses so-far
deinde caesim: Diximus, rursus membratim: Testis dare
then in-phrases we-have-spoken again in-clauses witnesses to-give
volumus. Extrema sequitur comprehensio, sed ex duobus
we-wish the-last follows a-period but of two
membris, qua non potest esse brevior: Quem, quaeso,
members than-which not can be shorter whom I-ask
nostrum fefellit ita vos esse facturos?
of-us has-it-escaped so you to-be going-to-do
Nec ullum genus est dicendi aut melius aut fortius quam 226
nor any kind is of-speaking either better or stronger than
binis aut ternis ferire verbis, non numquam singulis, paulo
in-twos or in-threes to-strike with-words not never with-single-ones a-little
alias pluribus, inter quae variis clausulis interponit
at-other-times with-more among which with-varied closes inserts
se raro numerosa comprehensio; quam perverse fugiens
itself rarely the-rhythmic period which perversely shunning
Hegesias, dum ille quoque imitari Lysiam vult alterum paene
Hegesias while he also to-imitate Lysias wishes a-second almost
Demosthenem, saltat incidens particulas. Et is quidem non
Demosthenes he-dances cutting-up little-clauses and he indeed not
minus sententiis peccat quam verbis, ut non quaerat quem
less in-thoughts errs than in-words so-that not he-need-seek whom
appellet ineptum qui illum cognoverit. Sed ego illa Crassi
he-may-call silly who him has-known but I those of-Crassus

et nostra posui, ut qui vellet auribus ipsis quid
and ours have-set-down so-that who might-wish by-the-ears themselves what
numerosum etiam in minimis particulis orationis esset iudicaret.
rhythmic even in the-smallest clauses of-speech were might-judge
Et quoniam plura de numerosa oratione diximus quam
and since more-things about rhythmic speech we-have-said than
quisquam ante nos, nunc de eius generis utilitate dicemus.
anyone before us now about of-its kind the-usefulness we-shall-speak

XXI · CONCLUSION

Rhythm adds force to well-chosen thoughts and words, as training gives grace to an athlete's movements. Those who say it weakens a speech have failed to master it; those who pursue it badly fall into faults: Caelius transposing words, Asian padding, and Hegesias' broken rhythms. Disarrange a period of Cicero's and it falls flat; rearrange a loose sentence of Gracchus' and it becomes rhythmic. Order without thought is madness; thought without order is speechlessness. Cicero has given Brutus his judgment, which Brutus may follow or reject; he offers it as probable, not certain.

227 Nihil enim est aliud, Brute, quod quidem tu minime
nothing for is else Brutus which indeed you least
omnium ignoras, pulchre et oratorie dicere nisi
of-all are-ignorant-of finely and oratorically to-speak than
optimis sententiis verbisque lectissimis dicere. Et
with-the-best thoughts and-words most-choice to-speak and
nec sententia ulla est quae fructum oratori ferat,
neither thought any is which fruit to-the-orator may-bear
nisi apte exposita atque absolute, nec verborum
unless fitly set-out and completely nor of-words
lumen apparet nisi diligenter conlocatorum, et horum
the-light appears unless diligently placed and of-these

utrumque numerus inlustrat; numerus autem — saepe
each rhythm illuminates rhythm however often
enim hoc testandum est — non modo non poetice
for this to-be-attested is not only not poetically
vinctus verum etiam fugiens illum eique omnium
bound but even shunning that and-to-it of-all
dissimillimus; non quin idem sint numeri non modo
most-unlike not that the-same be the-rhythms not only
oratorum et poetarum verum omnino loquentium,
of-orators and of-poets but altogether of-those-speaking
denique etiam sonantium omnium quae metiri
finally even of-things-sounding all which to-measure
auribus possumus, sed ordo pedum facit, ut id
by-the-ears we-can but the-order of-the-feet makes that that
quod pronuntiatur aut orationis aut poematis simile
which is-uttered either to-speech or to-a-poem like
videatur.
may-seem
Hanc igitur, sive compositionem sive perfectionem 228
this therefore whether composition or perfection
sive numerum vocari placet, adhibere necesse est, si
or rhythm to-be-called it-pleases to-apply necessary it-is if
ornate velis dicere, non solum, quod ait Aristoteles
ornately you-wish to-speak not only as says Aristotle
et Theophrastus, ne infinite feratur ut flumen
and Theophrastus lest endlessly be-borne like a-river
oratio, quae non aut spiritu pronuntiantis aut
speech which not either by-the-breath of-the-speaker or
interductu librari, sed numero coacta debet insistere,
by-the-stop-mark of-the-copyist but by-rhythm compelled ought to-halt
verum etiam quod multo maiorem habent apta
but also because much greater have fitted-things

vim quam soluta. Ut enim athletas nec multo
force than loose-things as for athletes nor much
secus gladiatores videmus nihil nec vitando facere
otherwise gladiators we-see nothing either in-avoiding to-do
caute nec petendo vehementer, in quo non motus
cautiously or in-attacking vehemently in which not movement
hic habeat palaestram quandam, ut quicquid in
this have a-wrestling-school certain so-that whatever in
his rebus fiat utiliter ad pugnam idem ad
these things be-done usefully for the-fight the-same for
aspectum etiam sit venustum, sic orator nec plagam
the-sight also be graceful so the-orator neither a-blow
gravem facit, nisi petitio fuit apta, nec satis tecte
heavy makes unless the-thrust was fitted nor enough coveredly
declinat impetum, nisi etiam in cedendo quid deceat
turns-aside an-attack unless also in yielding what befits
intellegit.
he-understands

229 Itaque qualis eorum motus quos ἀπαλαίστρους
and-so of-what-sort of-those the-movement whom apalaistrous
Graeci vocant, talis horum mihi videtur oratio qui
the-Greeks call such of-these to-me seems the-speech who
non claudunt numeris sententias, tantumque abest
not close with-rhythms thoughts and-so-far it-is-distant
ut — quod ei qui hoc aut magistrorum inopia
that as those who this either of-teachers by-want
aut ingeni tarditate aut laboris fuga non sunt
or of-talent by-slowness or of-labor by-flight not have
adsecuti solent dicere — enervetur oratio compositione
attained are-wont to-say be-unnerved speech by-composition
verborum, ut aliter in ea nec impetus ullus
of-words that otherwise in it neither attack any

nec vis esse possit. Sed magnam exercitationem
nor force to-be can but great exercise
res flagitat, ne quid eorum qui genus hoc
the-thing demands lest anything of-those who kind this
secuti non tenuerunt simile faciamus, ne aut verba
have-followed not have-held like we-do lest either words
traiciamus aperte, quo melius aut cadat aut volvatur
we-transpose openly so-that better either it-may-fall or may-roll
oratio;
the-speech
quod se L. Caelius Antipater in prooemio belli Punici 230
which himself Lucius Caelius Antipater in the-preface of-the-war Punic
nisi necessario facturum negat. O virum simplicem
unless necessarily going-to-do denies O man simple
qui nos nihil celet, sapientem qui serviendum
who from-us nothing hides wise who to-be-served
necessitati putet! Sed hic omnino rudis; nobis
to-necessity thinks but this-man altogether untaught to-us
autem in scribendo atque in dicendo necessitatis
however in writing and in speaking of-necessity
excusatio non probatur; nihil est enim necesse et,
the-excuse not is-approved nothing is for necessary and
si quid esset, id necesse tamen non erat confiteri.
if anything were that necessary still not was to-confess
Et hic quidem, qui hanc a Laelio, ad quem
and this-man indeed who this from Laelius to whom
scripsit, cui se purgat, veniam petit, et utitur
he-wrote to-whom himself he-excuses pardon seeks and uses
ea traiectione verborum et nihilo tamen aptius
that transposition of-words and by-nothing still more-fitly
explet concluditque sententias. Apud alios autem et
fills-out and-closes thoughts among others however and

Asiaticos maxime numero servientes inculcata reperias
Asiatics most to-rhythm subservient stuffed-in you-may-find
inania quaedam verba quasi complementa numerorum.
empty certain words as-it-were complements of-rhythms
Sunt etiam qui illo vitio, quod ab Hegesia
there-are also those-who by-that fault which from Hegesias
maxime fluxit, infringendis concidendisque numeris
most flowed in-breaking and-cutting-up rhythms
in quoddam genus abiectum incidant versiculorum
into a-certain kind low fall of-little-verses
simillimum.
most-like
231 Tertium est, in quo fuerunt fratres illi Asiaticorum
the-third is in which were brothers those of-the-Asiatic
rhetorum principes Hierocles et Menecles minime
rhetors the-leaders Hierocles and Menecles least
mea sententia contemnendi. Etsi enim a forma
in-my opinion to-be-despised although for from the-form
veritatis et ab Atticorum regula absunt, tamen
of-truth and from of-the-Attics the-rule they-are-distant still
hoc vitium compensant vel facultate vel copia.
this fault they-compensate either by-facility or by-abundance
Sed apud eos varietas non erat, quod omnia fere
but among them variety not was because all almost
concludebantur uno modo. Quae vitia qui fugerit,
were-closed in-one manner which faults he-who shall-have-shunned
ut neque verbum ita traiciat ut id de industria
so-that neither a-word so he-transpose that it on purpose
factum intellegatur, neque inferciens verba quasi
done be-understood nor stuffing-in words as-it-were
rimas expleat, nec minutos numeros sequens concidat
cracks he-fill nor minute rhythms following he-cut-up

delumbetque sententias, nec sine ulla commutatione
and-emasculate thoughts nor without any change
in eodem semper versetur genere numerorum, is
in the-same always be-engaged kind of-rhythms he
omnia fere vitia vitaverit. Nam de laudibus
all almost faults will-have-avoided for about the-merits
multa diximus, quibus sunt illa perspicue vitia
many-things we-have-said to-which are those plainly faults
contraria.
contrary
Quantum autem sit apte dicere, experiri licet, si 232
how-much however it-be fitly to-speak to-test it-is-allowed if
aut compositi oratoris bene structam conlocationem
either of-a-composed orator well built the-placing
dissolvas permutatione verborum; — corrumpatur enim
you-dissolve by-the-transposition of-words would-be-spoiled for
tota res, ut haec nostra in Corneliana et deinceps
the-whole thing as these our-words in the-Cornelian and in-turn
omnia: Neque me divitiae movent, quibus omnis Africanos
all nor me riches move in-which all Africani
et Laelios multi venalicii mercatoresque superarunt:
and Laelii many slave-dealers and-traders have-surpassed
immuta paululum, ut sit multi superarunt mercatores
change-it a-little so-that it-be multi superarunt mercatores
venaliciique, perierit tota res; et quae sequuntur:
venaliciique would-perish the-whole thing and what-things follow
Neque vestis aut caelatum aurum et argentum, quo
nor clothing or chased gold and silver in-which
nostros veteres Marcellos Maximosque multi eunuchi
our old Marcelli and-Maximi many eunuchs
e Syria Aegyptoque vicerunt; verba permuta sic,
from Syria and-Egypt have-surpassed the-words change so

ut sit vicerunt eunuchi e Syria Aegyptoque: adde
that it-be vicerunt eunuchi e Syria Aegyptoque add
tertium: Neque vero ornamenta ista villarum, quibus
the-third nor indeed the-ornaments those of-villas in-which
L. Paullum et L. Mummium, qui rebus his
Lucius Paullus and Lucius Mummius who with-things these
urbem Italiamque omnem referserunt, ab aliquo video
the-city and-Italy whole filled by some-one I-see
perfacile Deliaco aut Syro potuisse superari;
very-easily Delian or Syrian to-have-been-able to-be-surpassed
fac ita: potuisse superari ab aliquo Syro aut
make-it so potuisse superari ab aliquo Syro aut
Deliaco;
Deliaco
233 videsne, ut ordine verborum paululum commutato,
do-you-see how with-the-order of-the-words a-little changed
isdem tamen verbis stante sententia, ad nihilum
with-the-same still words with-standing the-thought to nothing
omnia recidant, cum sint ex aptis dissoluta?
all-things fall-back since they-are from fitted dissolved
Aut si alicuius inconditi arripias dissipatam aliquam
or if of-someone unpolished you-seize scattered some
sententiam eamque ordine verborum paululum
thought and-it with-the-order of-the-words a-little
commutato in quadrum redigas, efficiatur aptum
changed into the-square you-reduce there-is-produced fitted
illud, quod fuerit antea diffluens ac solutum. Age
that which was before flowing and loose come
sume de Gracchi apud censores illud: Abesse non
take from Gracchus before the-censors that abesse non
potest quin eiusdem hominis sit probos improbare
potest quin eiusdem hominis sit probos improbare

qui improbos probet; quanto aptius, si ita dixisset:
qui improbos probet how-much more-fitly if so he-had-said
Quin eiusdem hominis sit qui improbos probet probos
quin eiusdem hominis sit qui improbos probet probos
improbare!
improbare
Hoc modo dicere nemo umquam noluit nemoque 234
in-this manner to-speak no-one ever was-unwilling and-no-one
potuit quin dixerit; qui autem aliter dixerunt, hoc
was-able but-that he-spoke who however otherwise spoke this
adsequi non potuerunt. Ita facti sunt repente Attici;
to-attain not were-able so made are suddenly Attics
quasi vero Trallianus fuerit Demosthenes! Cuius non
as-if indeed Trallian was Demosthenes whose not
tam vibrarent fulmina illa, nisi numeris contorta
so would-quiver thunderbolts those unless by-rhythms twisted
ferrentur. Sed si quem magis delectant soluta,
they-were-borne but if anyone more delight loose-things
sequatur ea sane, modo sic ut, si quis Phidiae
let-him-follow them by-all-means only so that if anyone of-Phidias
clipeum dissolverit, conlocationis universam speciem
the-shield should-dissolve of-the-arrangement the-whole beauty
sustulerit, non singulorum operum venustatem; ut in
he-would-remove not of-the-single works the-charm as in
Thucydide orbem modo orationis desidero, ornamenta
Thucydides the-circle only of-speech I-miss the-ornaments
comparent.
are-present
Isti autem cum dissolvunt orationem, in qua nec 235
those-men however when they-dissolve a-speech in which neither
res nec verbum ullum est nisi abiectum, non
thing nor word any is unless low not

clipeum, sed, ut in proverbio est — etsi humilius
a-shield but as in the-proverb is although more-humbly
dictum est—, scopas mihi videntur dissolvere. Atque
said it-is brooms to-me they-seem to-dissolve and
ut plane genus hoc, quod ego laudo, contempsisse
so-that plainly kind this which I praise to-have-scorned
videantur, aut scribant aliquid vel Isocrateo more
they-may-seem either let-them-write something either in-Isocrates' manner
vel quo Aeschines aut Demosthenes utitur, tum illos
or which Aeschines or Demosthenes uses then them
existimabo non desperatione reformidavisse genus hoc,
I-shall-think not from-despair to-have-dreaded kind this
sed iudicio refugisse; aut reperiam ipse eadem
but by-judgment to-have-fled-from or I-shall-find myself on-the-same
condicione qui uti velit, ut aut dicat aut scribat
condition who to-use wishes that either he-speak or write
utra voles lingua eo genere quo illi volunt;
in-whichever you-wish language in-that kind which they wish
facilius est enim apta dissolvere quam dissipata
easier it-is for fitted-things to-dissolve than scattered-things
conectere.
to-connect

236 Res se autem sic habet, ut brevissime dicam quod
the-thing itself however thus holds that most-briefly I-may-say what
sentio: composite et apte sine sententiis dicere insania
I-feel composedly and fitly without thoughts to-speak madness
est, sententiose autem sine verborum et ordine et
is sententiously however without of-words both order and
modo infantia, sed eius modi tamen infantia, ut
measure speechlessness but of-that kind still speechlessness that
ea qui utantur non stulti homines haberi possint,
it who use not foolish men to-be-held can

etiam plerumque prudentes; quo qui est contentus
even mostly prudent with-which who is content
utatur. Eloquens vero, qui non approbationes
let-him-use-it the-eloquent-man indeed who not approvals
solum sed admirationes, clamores, plausus, si liceat,
only but admirations shouts applause if it-be-allowed
movere debet, omnibus oportet ita rebus excellat, ut
to-move ought in-all it-behooves so things be-excel that
ei turpe sit quicquam aut exspectari aut audiri
to-him shameful it-be anything either to-be-expected or to-be-heard
libentius.
more-gladly

Habes meum de oratore, Brute, iudicium; quod aut 237
you-have my about the-orator Brutus judgment which either
sequere, si probaveris, aut tuo stabis,
you-will-follow if you-shall-have-approved or by-your-own you-will-stand
si aliud quoddam est tuum. In quo neque pugnabo
if another some is yours in which neither will-I-fight
tecum neque hoc meum, de quo tanto opere
with-you nor this my about which so greatly
hoc libro adseveravi, umquam adfirmabo esse verius
in-this book I-have-asserted ever I-will-affirm to-be truer
quam tuum. Potest enim non solum aliud mihi
than yours can for not only one-thing to-me
ac tibi, sed mihimet ipsi aliud alias videri.
and to-you but to-me myself one-thing at-another-time seem
Nec in hac modo re quae ad vulgi adsensum
nor in this only matter which to of-the-crowd the-assent
spectet et ad aurium voluptatem, quae duo
looks and to of-the-ears the-pleasure which two-things
sunt ad iudicandum levissima, sed ne in maximis
are for judging most-trivial but not in the-greatest

quidem rebus quicquam adhuc inveni firmius,
even things anything yet I-have-found firmer
quod tenerem aut quo iudicium meum derigerem,
which I-might-hold or by-which judgment my I-might-direct
quam id quodcumque mihi quam simillimum veri
than that whatever to-me as most-like truth
videretur, cum ipsum illud verum tamen in occulto
seemed since very that truth still in hiding
lateret.
lay

238 Tu autem velim, si tibi ea quae disputata sunt
you however I-would-wish if to-you those-things which discussed are
minus probabuntur, ut aut maius opus institutum putes
less shall-be-approved that either a-greater work undertaken you-think
quam effici potuerit, aut, dum tibi roganti voluerim
than accomplished could-be or while to-you asking I-wished
obsequi, verecundia negandi scribendi me impudentiam
to-comply from-shame of-refusing of-writing myself the-impudence
suscepisse.
to-have-undertaken

CICERO

Topica

The Topics

TOPICA

I · FOR TREBATIUS

In Cicero's library at Tusculum, Trebatius found Aristotle's Topics and asked to have them explained. A rhetorician knew nothing of them, and Trebatius found the books too obscure. Cicero long delayed, then on his voyage to Greece, passing Velia, where Trebatius had his estate, wrote this book from memory, without books, and sent it to him.

Maiores nos res scribere ingressos, C. Trebati, et 1
greater us things to-write having-entered-upon Gaius Trebatius and
his libris, quos brevi tempore satis multos edidimus,
than-these books which in-brief time enough many we-have-published
digniores e cursu ipso revocavit voluntas tua. Cum enim
worthier from the-course itself has-called-back wish your when for
mecum in Tusculano esses et in bibliotheca separatim
with-me at the-Tusculan you-were and in the-library separately
uterque nostrum ad suum studium libellos quos vellet
each of-us for his-own study the-little-books which he-wished
evolveret, incidisti in Aristotelis Topica quaedam, quae sunt
was-unrolling you-came-upon on of-Aristotle Topics certain which are
ab illo pluribus libris explicata. Qua inscriptione commotus
by him in-several books unfolded by-which title stirred
continuo a me librorum eorum sententiam requisisti;
at-once from me of-those books the-meaning you-asked
quam cum tibi exposuissem, disciplinam inveniendorum 2
which when to-you I-had-set-forth a-discipline of-finding
argumentorum, ut sine ullo errore ad ea ratione et via
arguments so-that without any error to them by-method and road
perveniremus, ab Aristotele inventam illis libris contineri,
we-might-arrive by Aristotle discovered in-those books to-be-contained

verecunde tu quidem ut omnia, sed tamen facile ut cernerem
modestly you indeed as all-things but still easily so-that I-discerned
te ardere studio, mecum ut tibi illa traderem egisti.
you to-burn with-zeal with-me that to-you those-things I-should-hand-down you-pleaded
Cum autem ego te non tam vitandi laboris mei causa
when however I you not so-much of-avoiding labor my for-the-sake
quam quia tua id interesse arbitrarer, vel ut eos per te
as because to-you it to-matter I-thought either that them through you
ipse legeres vel ut totam rationem a doctissimo quodam
yourself might-read or that the-whole method from a-most-learned certain
rhetore acciperes, hortatus essem, utrumque, ut ex te
rhetor you-might-receive urged I-had each as from you
audiebam, es expertus. Sed a libris te obscuritas reiecit;
I-heard you-have tried but from the-books you the-obscurity repelled
3 rhetor autem ille magnus haec, ut opinor, Aristotelia se
the-rhetor however that great these-things as I-think Aristotelian himself
ignorare respondit. Quod quidem minime sum admiratus
not-to-know answered which indeed least I-have wondered
eum philosophum rhetori non esse cognitum, qui ab ipsis
that philosopher to-a-rhetor not to-be known who by the-very
philosophis praeter admodum paucos ignoretur; quibus eo
philosophers except very few is-unknown to-whom by-that
minus ignoscendum est, quod non modo rebus eis quae ab
less to-be-pardoned is because not only by-the-things those which by
illo dictae et inventae sunt adlici debuerunt, sed dicendi
him said and discovered are to-be-attracted they-ought but of-speaking
quoque incredibili quadam cum copia tum etiam suavitate.
also by-the-incredible certain both abundance and also sweetness
4 Non potui igitur tibi saepius hoc roganti et tamen verenti
not I-could therefore to-you more-often this asking and still fearing
ne mihi gravis esses — facile enim id cernebam — debere
lest to-me burdensome you-be easily for that I-discerned to-owe

diutius, ne ipsi iuris interpreti fieri videretur iniuria.
longer lest to-the-very of-law interpreter to-be-done it-might-seem an-injury
Etenim cum tu mihi meisque multa saepe scripsisses,
for since you to-me and-to-mine many-things often had-written
veritus sum ne, si ego gravarer, aut ingratum id aut
feared I-have lest if I were-reluctant either ungrateful that or
superbum videretur. Sed dum fuimus una, tu optimus es
arrogant it-might-seem but while we-were together you the-best are
testis quam fuerim occupatus;
witness how I-was busy
ut autem a te discessi in Graeciam proficiscens, cum 5
when however from you I-departed to Greece setting-out since
opera mea nec res publica nec amici uterentur nec
the-work my neither the-thing public nor friends used nor
honeste inter arma versari possem, ne si tuto quidem
honorably among arms to-be-engaged I-could not if safely even
mihi id liceret, ut veni Veliam tuaque et tuos
to-me that it-were-allowed when I-came to-Velia and-your-property and your-family
vidi, admonitus huius aeris alieni nolui deesse ne
saw reminded of-this debt owed I-was-unwilling to-fail not
tacitae quidem flagitationi tuae. Itaque haec, cum mecum
silent even demand your and-so these-things since with-me
libros non haberem, memoria repetita in ipsa navigatione
books not I-had from-memory recalled on the-very voyage
conscripsi tibique ex itinere misi, ut mea diligentia
I-wrote and-to-you from the-journey sent that by-my diligence
mandatorum tuorum te quoque, etsi admonitore non eges,
of-commissions your you also though of-a-reminder not you-need
ad memoriam nostrarum rerum excitarem. Sed iam tempus
to the-memory of-our affairs I-might-rouse but now time
est ad id quod instituimus accedere.
it-is to that which we-have-undertaken to-approach

Every method of reasoning has two parts, invention and judgment. Aristotle founded both; the Stoics developed judgment, which they call dialectic, and neglected invention, the art of topics. Cicero begins with invention. A topic is the seat of an argument, and an argument a reason that gives belief to a doubtful matter. Some topics lie in the subject itself, others are drawn from outside.

6 Cum omnis ratio diligens disserendi duas habeat partis,
since every method careful of-discoursing two has parts
unam inveniendi alteram iudicandi, utriusque princeps, ut
one of-finding the-other of-judging of-each the-founder as
mihi quidem videtur, Aristoteles fuit. Stoici autem in altera
to-me indeed it-seems Aristotle was the-Stoics however in the-other
elaboraverunt; iudicandi enim vias diligenter persecuti
have-labored of-judging for the-roads diligently pursued
sunt ea scientia quam διαλεκτικὴν appellant, inveniendi
they-have by-that science which dialektike they-call of-finding
artem quae τοπικὴ dicitur, quae et ad usum potior erat
the-art which topike is-called which both for use preferable was
et ordine naturae certe prior, totam reliquerunt.
and in-the-order of-nature certainly prior wholly they-have-left

7 Nos autem, quoniam in utraque summa utilitas est et
we however since in each the-highest usefulness is and
utramque, si erit otium, persequi cogitamus, ab ea
each if there-shall-be leisure to-pursue we-intend from that
quae prior est ordiemur. Ut igitur earum rerum quae
which prior is we-shall-begin as therefore of-those things which
absconditae sunt demonstrato et notato loco facilis inventio
hidden are with-shown and marked place easy the-finding
est, sic, cum pervestigare argumentum aliquod volumus,
is so when to-track-down argument some we-wish

locos nosse debemus; sic enim appellatae ab Aristotele
the-places to-know we-ought so for called by Aristotle
sunt eae quasi sedes, e quibus argumenta promuntur.
are those as-it-were seats from which arguments are-drawn
Itaque licet definire locum esse argumenti sedem, 8
and-so it-is-allowed to-define a-place to-be of-an-argument the-seat
argumentum autem rationem, quae rei dubiae faciat
an-argument however a-reasoning which to-a-thing doubtful may-make
fidem. Sed ex his locis in quibus argumenta inclusa sunt,
credence but of these places in which arguments enclosed are
alii in eo ipso de quo agitur haerent, alii adsumuntur
some in that very about which it-is-treated inhere others are-taken-on
extrinsecus. In ipso tum ex toto, tum ex partibus eius,
from-outside in itself now from the-whole now from the-parts of-it
tum ex nota, tum ex eis rebus quae quodam modo
now from the-mark now from those things which in-a-certain manner
adfectae sunt ad id de quo quaeritur. Extrinsecus autem
related are to that about which it-is-asked from-outside however
ea ducuntur quae absunt longeque disiuncta sunt.
those are-drawn which are-absent and-far disjoined are

Cicero illustrates each intrinsic topic with an example from civil law: definition, enumeration of parts, etymology, words of the same root, genus, species, likeness, difference, contraries, and adjuncts. A woman left all the silver also receives the coined money; a usufruct of a collapsed house need not be restored; use, not consumption, was bequeathed.

9 Sed ad id totum de quo disseritur tum definitio adhibetur,
but to that whole about which it-is-discussed then definition is-applied
quae quasi involutum evolvit id de quo quaeritur; eius
which as-it-were the-wrapped unrolls that about which it-is-asked of-that
argumenti talis est formula: Ius civile est aequitas constituta
argument such is the-formula law civil is equity established
eis qui eiusdem civitatis sunt ad res suas obtinendas;
for-those who of-the-same state are for things their-own being-secured
eius autem aequitatis utilis cognitio est; utilis ergo est
of-that however equity useful the-knowledge is useful therefore is
iuris civilis scientia; —
of-law civil the-science

10 tum partium enumeratio, quae tractatur hoc modo: Si neque
then of-the-parts the-enumeration which is-handled in-this manner if neither
censu nec vindicta nec testamento liber factus est,
by-the-census nor by-the-rod nor by-will free made he-has-been
non est liber; neque ulla est earum rerum; non est igitur
not he-is free nor any is of-those things not he-is therefore
liber; — tum notatio, cum ex verbi vi argumentum
free then the-notation when from of-the-word the-force argument
aliquod elicitur hoc modo: Cum lex assiduo vindicem
some is-elicited in-this manner since the-law for-the-assiduus a-surety

assiduum esse iubeat, locupletem iubet locupleti; is est
assiduus to-be orders a-rich-man it-orders for-a-rich-man he is
enim assiduus, ut ait L. Aelius, appellatus ab aere dando.
for assiduus as says Lucius Aelius called from money giving
Ducuntur etiam argumenta ex eis rebus quae quodam 11
are-drawn also arguments from those things which in-a-certain
modo adfectae sunt ad id de quo quaeritur. Sed hoc
manner related are to that about which it-is-asked but this
genus in pluris partis distributum est. Nam alia coniugata
kind into several parts divided is for some conjugates
appellamus, alia ex genere, alia ex forma, alia ex
we-call others from the-genus others from the-species others from
similitudine, alia ex differentia, alia ex contrario, alia ex
likeness others from difference others from the-contrary others from
adiunctis, alia ex antecedentibus, alia ex consequentibus,
adjuncts others from antecedents others from consequents
alia ex repugnantibus, alia ex causis, alia ex effectis,
others from incompatibles others from causes others from effects
alia ex comparatione maiorum aut parium aut minorum.
others from comparison of-greater or of-equal or of-lesser-things
Coniugata dicuntur quae sunt ex verbis generis eiusdem. 12
conjugates are-called which are from words of-kind the-same
Eiusdem autem generis verba sunt quae orta ab uno
of-the-same however kind words are which arisen from one
varie commutantur, ut sapiens sapienter sapientia. Haec
variously are-changed as sapiens sapienter sapientia this
verborum coniugatio συζυγία dicitur, ex qua huius modi est
of-words conjugation syzygia is-called from which of-this kind is
argumentum: Si compascuus ager est, ius est compascere.
the-argument if common-pasture the-field is right it-is to-pasture-in-common

13 A genere sic ducitur: Quoniam argentum omne mulieri
from the-genus thus it-is-drawn since silver all to-the-woman
legatum est, non potest ea pecunia quae numerata domi
bequeathed is not can that money which counted at-home
relicta est non esse legata; forma enim a genere, quoad
left is not to-be bequeathed the-species for from the-genus as-long-as
suum nomen retinet, numquam seiungitur, numerata autem
its-own name it-keeps never is-separated counted however
pecunia nomen argenti retinet; legata igitur videtur.
money the-name of-silver keeps bequeathed therefore it-seems

14 A forma generis, quam interdum, quo planius accipiatur,
from the-species of-the-genus which sometimes that more-plainly it-be-understood
partem licet nominare hoc modo: Si ita Fabiae pecunia
part it-is-allowed to-name in-this manner if thus to-Fabia money
legata est a viro, si ei viro materfamilias esset; si
bequeathed is by her-husband if to-that husband mother-of-the-family she-were if
ea in manum non convenerat, nihil debetur. Genus enim
she into his-hand not had-come nothing is-owed the-genus for
est uxor; eius duae formae: una matrumfamilias, altera
is wife of-it two species one of-mothers-of-families the-other
earum, quae tantum modo uxores habentur. Qua in parte
of-those who only merely wives are-held which in part
cum fuerit Fabia, legatum non videtur.
since was Fabia bequeathed-to-her not it-seems

15 A similitudine hoc modo: Si aedes eae corruerunt vitiumve
from likeness in-this manner if the-house that has-collapsed or-a-defect
faciunt quarum usus fructus legatus est, heres restituere
has of-which the-use the-enjoyment bequeathed is the-heir to-restore
non debet nec reficere, non magis quam servum restituere,
not ought nor to-rebuild no more than a-slave to-restore
si is cuius usus fructus legatus esset deperisset.
if he of-whom the-use the-enjoyment bequeathed had-been had-died

A differentia: Non, si uxori vir legavit argentum 16
from difference not if to-his-wife a-husband has-bequeathed silver
omne quod suum esset, idcirco quae in nominibus fuerunt
all which his-own was therefore which in debts were
legata sunt. Multum enim differt in arcane positum
bequeathed are much for it-differs in the-strongbox-whether placed
sit argentum an in tabulis.
be the-silver or in the-account-books

Ex contrario autem sic: Non debet ea mulier cui vir 17
from the-contrary however thus not ought that woman to-whom her-husband
bonorum suorum usum fructum legavit cellis vinariis
of-goods his the-use the-enjoyment bequeathed with-cellars of-wine
et oleariis plenis relictis, putare id ad se pertinere. Usus
and of-oil full left to-think that to herself to-pertain the-use
enim, non abusus, legatus est.
for not the-using-up bequeathed is

Ab adiunctis: Si ea mulier testamentum fecit quae se 18
from adjuncts if that woman a-will made who herself
capite numquam deminuit, non videtur ex edicto
in-civil-status never diminished not it-seems from the-edict
praetoris secundum eas tabulas possessio dari. Adiungitur
of-the-praetor according-to those tablets possession to-be-given it-is-added
enim, ut secundum servorum, secundum exsulum, secundum
for that according-to of-slaves according-to of-exiles according-to
puerorum tabulas possessio videatur ex edicto dari.
of-boys tablets possession may-seem from the-edict to-be-given

The remaining intrinsic topics are illustrated in turn: antecedents, consequents, and incompatibles, as in cases of divorce and of bequests to a widow; efficient causes, as with a common wall; effects, as when a wife comes under her husband's power; and comparison of greater, lesser, and equal, as when the two-year rule for land is extended to houses.

19 Ab antecedentibus autem et consequentibus et repugnantibus
from antecedents however and consequents and incompatibles
hoc modo; ab antecedentibus: Si viri culpa factum
in-this manner from antecedents if by-the-husband's fault brought-about
est divortium, etsi mulier nuntium remisit, tamen pro
is a-divorce although the-wife notice sent still for
liberis manere nihil oportet.
the-children to-remain nothing it-behooves

20 A consequentibus: Si mulier, cum fuisset nupta cum eo
from consequents if a-woman when she-had-been married with him
quicum conubium non esset, nuntium remisit; quoniam
with-whom right-of-marriage not there-was notice sent since
qui nati sunt patrem non sequuntur, pro liberis manere
those-who born are the-father not follow for the-children to-remain
nihil oportet.
nothing it-behooves

21 A repugnantibus: Si paterfamilias uxori ancillarum
from incompatibles if a-father-of-the-family to-his-wife of-the-maidservants
usum fructum legavit a filio neque a secundo herede
the-use the-enjoyment bequeathed from his-son nor from the-second heir
legavit, mortuo filio mulier usum fructum non amittet.
he-bequeathed with-dead the-son the-woman the-use the-enjoyment not will-lose
Quod enim semel testamento alicui datum est, id ab eo
what for once by-will to-anyone given is that from him

invito cui datum est auferri non potest. Repugnat
unwilling to-whom given it-is to-be-taken-away not can it-is-incompatible
enim recte accipere et invitum reddere.
for rightly to-receive and unwilling to-give-back

Ab efficientibus rebus hoc modo: Omnibus est ius 22
from efficient things in-this manner for-all is the-right
parietem directum ad parietem communem adiungere vel
a-wall straight to a-wall common to-join either
solidum vel fornicatum. Sed qui in pariete communi
solid or arched but he-who in a-wall common
demoliendo damni infecti promiserit, non debebit praestare,
demolishing for-damage threatened has-given-security not ought to-make-good
quod fornix viti fecerit. Non enim eius vitio qui demolitus
what the-arch of-fault has-done not for by-his fault who demolished
est damnum factum est, sed eius operis vitio quod ita
has damage done has-been but by-that work's fault which so
aedificatum est, ut suspendi non posset.
built is that to-be-held-up not it-could

Ab effectis rebus hoc modo: Cum mulier viro in manum 23
from effected things in-this manner when a-woman to-her-husband into his-hand
convenit, omnia quae mulieris fuerunt viri fiunt dotis
comes all-things which the-woman's were the-husband's become of-dowry
nomine. Ex comparatione autem omnia valent quae sunt huius
by-the-name from comparison however all-things avail which are of-this
modi: Quod in re maiore valet valeat in minore, ut si in
kind what in a-matter greater avails let-it-avail in a-lesser as if in
urbe fines non reguntur, nec aqua in urbe arceatur. Item
the-city boundaries not are-regulated nor water in the-city may-be-kept-off likewise
contra: Quod in minore valet, valeat in maiore. Licet idem
conversely what in a-lesser avails let-it-avail in a-greater it-is-allowed the-same
exemplum convertere. Item: Quod in re pari valet, valeat in
example to-turn-around likewise what in a-matter equal avails let-it-avail in

hac quae par est; ut: Quoniam usus auctoritas fundi biennium
this-one which equal is as since the-use the-warranty of-land two-years
est, sit etiam aedium. At in lege aedes non appellantur
is let-it-be also of-houses but in the-law houses not are-named
et sunt ceterarum rerum omnium quarum annuus est usus.
and they-are of-the-other things all of-which yearly is the-use
Valeat aequitas, quae paribus in causis paria iura desiderat.
let-prevail equity which equal in cases equal rights requires

V · AUTHORITY; DEFINITION AND PARTITION

Arguments from outside rest chiefly on authority, as a jurist's ruling on the space around a house. Cicero now treats each topic more fully. Definition is of things that exist and things understood; definitions may be by partition or by division. One proceeds from what is shared to what is proper, as in the definition of an inheritance. Partition lists members; division, species.

24 Quae autem adsumuntur extrinsecus, ea maxime ex
which however are-taken-on from-outside those most from
auctoritate ducuntur. Itaque Graeci talis argumentationes
authority are-drawn and-so the-Greeks such argumentations
ἀτέχνους vocant, id est artis expertis, ut si ita respondeas:
atechnous call that is of-art devoid as if thus you-should-answer
Quoniam P. Scaevola id solum esse ambitus aedium
since Publius Scaevola that alone to-be the-ambitus of-a-house
dixerit, quod parietis communis tegendi causa tectum
said which of-the-wall common for-covering for-the-sake a-roof
proiceretur, ex quo tecto in eius aedis qui protexisset
was-projected from which roof into of-him the-house who had-roofed
aqua deflueret, id tibi ius videri.
water flowed-down that to-you law to-seem

His igitur locis qui sunt expositi ad omne argumentum 25
by-these therefore places which are set-forth for every argument
reperiendum tamquam elementis quibusdam significatio et
being-found as-if by-elements certain indication and
demonstratio datur. Utrum igitur hactenus satis est? Tibi
demonstration is-given whether therefore thus-far enough is-it to-you
quidem tam acuto et tam occupato puto. Sed quoniam
indeed so acute and so busy I-think but since
avidum hominem ad has discendi epulas recepi, sic
a-greedy man to these of-learning feasts I-have-received so
accipiam, ut reliquiarum sit potius aliquid quam te
I-shall-entertain-you that of-leftovers there-be rather something than you
hinc patiar non satiatum discedere.
hence I-allow not sated to-depart
Quando ergo unus quisque eorum locorum quos exposui 26
since therefore each one of-those places which I-have-set-forth
sua quaedam habet membra, ea quam subtilissime
its-own certain has members those as most-precisely
persequamur, et primum de ipsa definitione dicatur.
let-us-pursue and first about itself definition let-it-be-spoken
Definitio est oratio, quae id quod definitur explicat quid
definition is speech which that which is-defined unfolds what
sit. Definitionum autem duo genera prima: unum earum
it-be of-definitions however two kinds first one of-those
rerum quae sunt, alterum earum quae intelleguntur.
things which are the-other of-those which are-understood
Esse ea dico quae cerni tangique possunt, ut fundum 27
to-be those I-say which to-be-seen and-touched can as a-farm
aedes, parietem stillicidium, mancipium pecudem, supellectilem
a-house a-wall eaves-drip a-slave a-beast furniture
penus et cetera; quo ex genere quaedam interdum vobis
provisions and the-rest which from kind certain-things sometimes by-you

definienda sunt. Non esse rursus ea dico quae
to-be-defined are not to-be on-the-other-hand those I-say which
tangi demonstrarive non possunt, cerni tamen animo
to-be-touched or-shown not can to-be-seen still by-the-mind
atque intellegi possunt, ut si usus capionem, si tutelam,
and to-be-understood can as if of-use the-taking if guardianship
si gentem, si agnationem definias, quarum rerum nullum
if the-clan if agnation you-define of-which things no
subest corpus, est tamen quaedam conformatio insignita
underlies body there-is still a-certain shaping marked
et impressa intellegentia, quam notionem voco. Ea saepe
and impressed on-the-understanding which a-notion I-call that often
in argumentando definitione explicanda est.
in arguing by-definition to-be-unfolded is

28 Atque etiam definitiones aliae sunt partitionum aliae divisionum;
and also definitions some are of-partitions others of-divisions
partitionum, cum res ea quae proposita est quasi in
of-partitions when the-thing that which proposed is as-it-were into
membra discerpitur, ut si quis ius civile dicat id esse quod
limbs is-torn-apart as if anyone the-law civil should-say that to-be which
in legibus, senatus consultis, rebus iudicatis, iuris peritorum
in laws of-the-senate decrees things adjudged in-law of-the-skilled
auctoritate, edictis magistratuum, more, aequitate consistat.
the-authority edicts of-magistrates custom equity consists
Divisionum autem definitio formas omnis complectitur quae
of-divisions however the-definition the-species all embraces which
sub eo genere sunt quod definitur hoc modo: Abalienatio
under that genus are which is-defined in-this manner alienation
est eius rei quae mancipi est aut traditio alteri nexu aut
is of-that thing which mancipi is either transfer to-another by-nexum or
in iure cessio inter quos ea iure civili fieri possunt. Sunt
in law cession between whom it by-law civil to-be-done can there-are

etiam alia genera definitionum, sed ad huius libri institutum illa
also other kinds of-definitions but to of-this book the-plan they
nihil pertinent; tantum est dicendum qui sit definitionis modus.
nothing pertain only it-is to-be-said what be of-definition the-method
Sic igitur veteres praecipiunt: cum sumpseris ea quae sint 29
thus therefore the-ancients teach when you-have-taken those-things which be
ei rei quam definire velis cum aliis communia, usque eo
to-that thing which to-define you-wish with others common so far
persequi, dum proprium efficiatur, quod nullam in aliam rem
to-pursue until the-proper be-produced which none into other thing
transferri possit. Ut haec: Hereditas est pecunia. Commune
to-be-transferred can as this inheritance is property common
adhuc; multa enim genera pecuniae. Adde quod sequitur: quae
still many for kinds of-property add what follows which
morte alicuius ad quempiam pervenit. Nondum est definitio;
by-the-death of-someone to someone has-come not-yet it-is a-definition
multis enim modis sine hereditate teneri pecuniae mortuorum
in-many for ways without inheritance to-be-held the-properties of-the-dead
possunt. Unum adde verbum: iure; iam a communitate res
can one add word by-law now from community the-thing
diiuncta videbitur, ut sit explicata definitio sic: Hereditas
disjoined will-seem so-that be unfolded the-definition thus inheritance
est pecunia quae morte alicuius ad quempiam pervenit
is property which by-the-death of-someone to someone has-come
iure. Nondum est satis; adde: nec ea aut legata testamento
by-law not-yet it-is enough add nor it either bequeathed by-will
aut possessione retenta; confectum est. Itemque: Gentiles sunt
or by-possession retained accomplished it-is and-likewise clansmen are
inter se qui eodem nomine sunt. Non est satis. Qui
among themselves who by-the-same name are not it-is enough who
ab ingenuis oriundi sunt. Ne id quidem satis est. Quorum
from freeborn sprung are not that even enough is of-whose

maiorum nemo servitutem servivit. Abest etiam nunc. Qui
ancestors no-one slavery served it-is-lacking even now who
capite non sunt deminuti. Hoc fortasse satis est. Nihil enim
in-civil-status not are diminished this perhaps enough is nothing for
video Scaevolam pontificem ad hanc definitionem addidisse.
I-see Scaevola the-pontiff to this definition to-have-added
Atque haec ratio valet in utroque genere definitionum, sive
and this method avails in each kind of-definitions whether
id quod est, sive id quod intellegitur definiendum est.
that which is or that which is-understood to-be-defined is
30 Partitionum et divisionum genus quale esset ostendimus,
of-partitions and of-divisions the-kind of-what-sort it-was we-have-shown
sed quid inter se differant planius dicendum est. In
but what among themselves they-differ more-plainly to-be-said is in
partitione quasi membra sunt, ut corporis caput umeri
partition as-it-were limbs there-are as of-the-body the-head the-shoulders
manus latera crura pedes et cetera; in divisione formae, quas
the-hands the-sides the-legs the-feet and the-rest in division forms which
Graeci εἴδη vocant, nostri, si qui haec forte tractant,
the-Greeks eide call our-men if any these-things perhaps treat
species appellant, non pessime id quidem sed inutiliter ad
species call not most-badly that indeed but uselessly for
mutandos casus in dicendo. Nolim enim, ne si Latine
changing cases in speaking I-would-not-wish for not if in-Latin
quidem dici possit, specierum et speciebus dicere; et
even it-be-said could specierum and speciebus to-say and
saepe his casibus utendum est; at formis et formarum
often these cases to-be-used is but formis and formarum
velim. Cum autem utroque verbo idem significetur,
I-would-wish since however by-each word the-same is-signified
commoditatem in dicendo non arbitror neglegendam.
convenience in speaking not I-think to-be-neglected

Genus and species are defined. Orators and poets often define by metaphor, and so did the jurist Aquilius, calling the shore the place where the waves play. Partition may pass over a part where the parts are without limit; division may omit no species. Etymology argues from the origin of a word, as in the debate of Servius and Scaevola over postliminium and Mancinus' surrender. Conjugates and the argument from genus are illustrated by rainwater.

Genus et formam definiunt hoc modo: Genus est notio ad 31
genus and species they-define in-this manner genus is a-notion to
pluris differentias pertinens; forma est notio cuius differentia
several differences pertaining species is a-notion whose difference
ad caput generis et quasi fontem referri potest.
to the-head of-the-genus and as-it-were the-source to-be-referred can
Notionem appello quod Graeci tum ἔννοιαν tum πρόληψιν. Ea
a-notion I-call what the-Greeks now ennoia now prolepsis it
est insita et animo praecepta cuiusque cognitio enodationis
is implanted and in-the-mind preconceived of-each-thing a-knowledge of-unfolding
indigens. Formae sunt eae in quas genus sine ullius
in-need species are those into which the-genus without of-any
praetermissione dividitur; ut si quis ius in legem morem
omission is-divided as if anyone law into statute custom
aequitatem dividat. Formas qui putat idem esse quod
equity should-divide species he-who thinks the-same to-be as
partis, confundit artem et similitudine quadam conturbatus
parts confounds the-art and by-likeness a-certain confused
non satis acute quae sunt secernenda distinguit.
not enough acutely what-things are to-be-separated distinguishes
Saepe etiam definiunt et oratores et poetae per 32
often also define both orators and poets through
translationem verbi ex similitudine cum aliqua suavitate.
metaphor of-a-word from likeness with some charm

Sed ego a vestris exemplis nisi necessario non recedam.
but I from your examples unless necessarily not shall-depart
Solebat igitur Aquilius conlega et familiaris meus, cum de
was-wont therefore Aquilius colleague and intimate my when about
litoribus ageretur, quae omnia publica esse vultis, quaerentibus
shores it-was-pleaded which all public to-be you-wish asking
eis quos ad id pertinebat, quid esset litus, ita definire, qua
those whom to it it-pertained what was the-shore so to-define where
fluctus eluderet; hoc est, quasi qui adulescentiam florem
the-wave might-play this is as-if one-who youth the-flower
aetatis, senectutem occasum vitae velit definire; translatione
of-age old-age the-sunset of-life should-wish to-define a-metaphor
enim utens discedebat a verbis propriis rerum ac suis.
for using he-departed from words proper to-the-things and their-own
Quod ad definitiones attinet, hactenus; reliqua videamus.
as-far-as to definitions pertains thus-far the-rest let-us-see
33 Partitione tum sic utendum est, nullam ut partem relinquas;
partition then so to-be-used is no that part you-leave
ut, si partiri velis tutelas, inscienter facias, si ullam
as if to-divide you-wish guardianships ignorantly you-would-do if any
praetermittas. At si stipulationum aut iudiciorum formulas
you-should-pass-over but if of-stipulations or of-trials the-formulas
partiare, non est vitiosum in re infinita praetermittere aliquid.
you-divide not it-is faulty in a-thing infinite to-pass-over something
Quod idem in divisione vitiosum est. Formarum enim certus
which same in division faulty is of-species for fixed
est numerus quae cuique generi subiciantur; partium distributio
is the-number which to-each genus are-subjoined of-parts the-distribution
saepe est infinitior, tamquam rivorum a fonte diductio.
often is more-infinite as of-streams from a-spring the-drawing-off

Itaque in oratoriis artibus quaestionis genere proposito, 34
and-so in oratorical arts of-the-question with-the-kind proposed
quot eius formae sint, subiungitur absolute. At cum de
how-many of-it the-species be is-subjoined completely but when about
ornamentis verborum sententiarumve praecipitur, quae vocant
the-ornaments of-words or-of-thoughts it-is-taught which they-call
σχήματα, non fit idem. Res est enim infinitior; ut
schemata not is-done the-same the-thing is for more-infinite so-that
ex hoc quoque intellegatur quid velimus inter partitionem
from this also it-be-understood what we-mean between partition
et divisionem interesse. Quamquam enim vocabula prope
and division to-be-the-difference although for the-words nearly
idem valere videbantur, tamen quia res differebant,
the-same to-mean seemed still because the-things differed
nomina rerum distare voluerunt.
the-names of-the-things to-be-distinct they-wished
Multa etiam ex notatione sumuntur. Ea est autem, cum ex 35
many-things also from notation are-taken it is however when from
vi nominis argumentum elicitur; quam Graeci ἐτυμολογίαν
the-force of-the-name an-argument is-elicited which the-Greeks etymologia
appellant, id est verbum ex verbo veriloquium; nos autem
call that is word from word true-speaking we however
novitatem verbi non satis apti fugientes genus hoc notationem
the-novelty of-a-word not enough apt shunning kind this notation
appellamus, quia sunt verba rerum notae. Itaque hoc quidem
call because are words of-things marks and-so this indeed
Aristoteles σύμβολον appellat, quod Latine est nota. Sed cum
Aristotle symbolon calls which in-Latin is nota but when
intellegitur quid significetur, minus laborandum est de nomine.
it-is-understood what be-meant less to-be-labored is about the-name

36 Multa igitur in disputando notatione eliciuntur ex verbo,
many-things therefore in disputing by-notation are-elicited from the-word
ut cum quaeritur postliminium quid sit — non dico
as when it-is-asked postliminium what it-be not I-mean
quae sint postlimini; nam id caderet in divisionem, quae
what-things be of-postliminium for that would-fall into division which
talis est: Postliminio redeunt haec: homo navis mulus
such is by-postliminium return these-things a-man a-ship a-mule
clitellarius equus equa quae frenos recipere solet—; sed
pack-bearing a-horse a-mare which bridles to-receive is-wont but
cum ipsius postlimini vis quaeritur et verbum ipsum
when itself of-postliminium the-force is-asked and the-word itself
notatur; in quo Servius noster, ut opinor, nihil putat esse
is-noted in which Servius our as I-think nothing thinks to-be
notandum nisi post, et liminium illud productionem esse
to-be-noted except post and liminium that an-extension to-be
verbi vult, ut in finitimo legitimo aeditimo non plus
of-the-word he-holds as in finitimo legitimo aeditimo not more
inesse timum quam in meditullio tullium;
to-be-in timum than in meditullio tullium

37 Scaevola autem P. F. iunctum putat esse verbum, ut
Scaevola however of-Publius son joined thinks to-be the-word so-that
sit in eo et post et limen; ut, quae a nobis alienata,
be in it both post and limen so-that what-things from us alienated
cum ad hostem pervenerint, ex suo tamquam limine
when to the-enemy they-have-come from their-own as-it-were threshold
exierint, hinc ea cum redierint post ad idem limen,
they-have-gone-out hence they when they-have-returned afterward to the-same threshold
postliminio redisse videantur. Quo genere etiam Mancini
by-postliminium to-have-returned may-seem in-which kind also Mancinus'
causa defendi potest, postliminio redisse; deditum non
case to-be-defended can by-postliminium to-have-returned surrendered not

esse, quoniam non sit receptus; nam neque deditionem
to-be since not he-was received for neither surrender
neque donationem sine acceptione intellegi posse.
nor gift without acceptance to-be-understood can
Sequitur is locus, qui constat ex eis rebus quae quodam 38
follows that topic which consists of those things which in-a-certain
modo adfectae sunt ad id de quo ambigitur; quem modo
manner related are to that about which it-is-disputed which just-now
dixi in plures partes distributum. Cuius est primus locus ex
I-said into several parts distributed of-which is the-first topic from
coniugatione, quam συζυγίαν vocant, finitimus notationi, de
conjugation which syzygia they-call bordering on-notation about
qua modo dictum est; ut, si aquam pluviam eam modo
which just-now said it-has-been as if water rain that only
intellegeremus quam imbri conlectam videremus, veniret
we-understood which by-the-shower collected we-saw would-come
Mucius, qui, quia coniugata verba essent pluvia et pluendo,
Mucius who because conjugate words were pluvia and pluendo
diceret omnem aquam oportere arceri quae pluendo crevisset.
would-say all water to-be-obliged to-be-kept-off which by-raining had-increased
Cum autem a genere ducetur argumentum, non erit 39
when however from the-genus will-be-drawn an-argument not it-will-be
necesse id usque a capite arcessere. Saepe etiam citra
necessary it right from the-head to-fetch often even on-this-side
licet, dum modo supra sit quod sumitur, quam id ad
it-is-allowed provided only above be what is-taken than that for
quod sumitur; ut aqua pluvia ultimo genere ea est quae
which it-is-taken as water rain in-the-ultimate genus that is which
de caelo veniens crescit imbri, sed propiore, in quo quasi
from the-sky coming increases by-shower but in-a-nearer in which as-it-were
ius arcendi continetur, nocens: eius generis formae
the-right of-keeping-off is-contained harmful of-that genus the-species

loci vitio et manu nocens, quarum altera iubetur ab
by-the-place's fault and by-hand harmful of-which the-one is-ordered by
arbitro coerceri altera non iubetur.
the-arbitrator to-be-restrained the-other not is-ordered

VII · LIKENESS, DIFFERENCE, AND CONTRARIES

An argument from the genus is handled by enumerating its parts, as with the ways fraud is done. Likeness includes induction, comparison of single cases, and examples, as in Crassus' Curian case; invented examples belong to orators. Difference follows likeness. Contraries are of several kinds: opposites in the same genus, privatives, relative terms, and negatives. Adjuncts serve chiefly in conjectural cases, which ask what is, what happened, what will be, or what can happen at all.

40 Commode etiam tractatur haec argumentatio quae ex genere
conveniently also is-handled this argumentation which from the-genus
sumitur, cum ex toto partis persequare hoc modo:
is-taken when from the-whole the-parts you-pursue in-this manner
Si dolus malus est, cum aliud agitur aliud simulatur,
if fraud evil is when one-thing is-done another is-pretended
enumerare licet quibus id modis fiat, deinde in
to-enumerate it-is-allowed in-which that ways it-be-done then into
eorum aliquem id quod arguas dolo malo factum includere;
of-them some-one that which you-charge by-fraud evil done to-enclose
quod genus argumenti in primis firmum videri solet.
which kind of-argument among the-first firm to-seem is-wont
41 Similitudo sequitur, quae late patet, sed oratoribus et
likeness follows which widely extends but for-orators and
philosophis magis quam vobis. Etsi enim omnes loci sunt
philosophers more than for-you although for all topics are
omnium disputationum ad argumenta suppeditanda, tamen
of-all disputations for arguments being-supplied still

aliis disputationibus abundantius occurrunt aliis angustius.
in-some disputations more-abundantly they-occur in-others more-narrowly
Itaque genera tibi nota sint; ubi autem eis utare,
and-so the-kinds to-you known let-be when however them you-should-use
quaestiones ipsae te admonebunt.
the-questions themselves you will-advise
Sunt enim similitudines quae ex pluribus conlationibus 42
there-are for likenesses which from several comparisons
perveniunt quo volunt hoc modo: Si tutor fidem
arrive where they-wish in-this manner if a-guardian good-faith
praestare debet, si socius, si cui mandaris, si qui
to-show ought if a-partner if one-to-whom you-have-entrusted if one-who
fiduciam acceperit, debet etiam procurator. Haec ex pluribus
a-trust has-received ought also an-agent this from several
perveniens quo vult appellatur inductio, quae Graece ἐπαγωγὴ
arriving where it-wishes is-called induction which in-Greek epagoge
nominatur, qua plurimum est usus in sermonibus Socrates.
is-named which very-much has used in conversations Socrates
Alterum similitudinis genus conlatione sumitur, cum una 43
the-other of-likeness kind by-comparison is-taken when one
res uni, par pari comparatur hoc modo: Quem
thing to-one an-equal to-an-equal is-compared in-this manner in-what
ad modum, si in urbe de finibus controversia est, quia
to manner if in the-city about boundaries a-controversy is because
fines magis agrorum videntur esse quam urbis, finibus
boundaries more of-fields seem to-be than of-the-city for-boundaries
regendis adigere arbitrum non possis, sic, si aqua pluvia
being-regulated to-bring an-arbitrator not you-could so if water rain
in urbe nocet, quoniam res tota magis agrorum est,
in the-city harms since the-thing whole more of-fields is
aquae pluviae arcendae adigere arbitrum non possis.
for-water rain being-kept-off to-bring an-arbitrator not you-could

44 Ex eodem similitudinis loco etiam exempla sumuntur,
from the-same of-likeness topic also examples are-taken
ut Crassus in causa Curiana exemplis plurimis usus est,
as Crassus in the-case Curian examples very-many used has
qui testamento sic heredes instituisset, ut si filius natus
(one-)who by-will thus heirs had-appointed that if a-son born
esset in decem mensibus isque mortuus prius quam in
were within ten months and-he dead before than into
suam tutelam venisset, hereditatem obtinuissent. Quae
his-own guardianship he-had-come the-inheritance they-would-have-held which
commemoratio exemplorum valuit, eaque vos in respondendo
recalling of-examples prevailed and-it you in answering
uti multum soletis.
to-use much are-wont

45 Ficta enim exempla similitudinis habent vim; sed ea oratoria
invented for examples of-likeness have the-force but they oratorical
magis sunt quam vestra; quamquam uti etiam vos soletis,
more are than yours although to-use also you are-wont
sed hoc modo: Finge mancipio aliquem dedisse id quod
but in-this manner suppose by-mancipation someone to-have-given that which
mancipio dari non potest. Num idcirco id eius factum
by-mancipation to-be-given not can surely-not therefore it his made
est qui accepit? Aut num is qui mancipio dedit ob
has-it-been who received or surely-not he who by-mancipation gave for
eam rem se ulla re obligavit? In hoc genere oratoribus et
that thing himself by-any thing has-bound in this kind to-orators and
philosophis concessum est, ut muta etiam loquantur, ut
philosophers granted it-is that mute-things even speak that
mortui ab inferis excitentur, ut aliquid quod fieri nullo
the-dead from the-lower-world be-roused that something which to-be-done in-no
modo possit augendae rei gratia dicatur aut minuendae,
manner can of-increasing a-thing for-the-sake be-said or of-diminishing

quae ὑπερβολὴ dicitur, multa alia mirabilia. Sed latior est
which hyperbole is-called many other wonders but wider is
campus illorum. Eisdem tamen ex locis, ut ante dixi, et
the-field theirs the-same still from topics as before I-said both
maximis et minimis quaestionibus argumenta ducuntur.
for-the-greatest and for-the-smallest questions arguments are-drawn
Sequitur similitudinem differentia rei maxime contraria 46
follows likeness the-difference of-a-thing most contrary
superiori; sed est eiusdem dissimile et simile invenire.
to-the-former but it-is of-the-same the-unlike and the-like to-find
Eius generis haec sunt: Non, quem ad modum quod
of-that kind these-things are not in-what to manner what
mulieri debeas, recte ipsi mulieri sine tutore auctore
to-a-woman you-owe rightly herself to-the-woman without guardian as-sponsor
solvas, item, quod pupillo aut pupillae debeas, recte
you-may-pay likewise what to-a-ward or to-a-female-ward you-owe rightly
possis eodem modo solvere.
you-can in-the-same manner pay
Deinceps locus est qui e contrario dicitur. Contrariorum 47
next the-topic is which from the-contrary is-called of-contraries
autem genera plura; unum eorum quae in eodem genere
however the-kinds several one of-those which in the-same genus
plurimum differunt, ut sapientia stultitia. Eodem autem genere
most differ as wisdom folly in-the-same however genus
dicuntur quibus propositis occurrunt tamquam e regione
are-said with-which proposed meet as-if from the-opposite-side
quaedam contraria, ut celeritati tarditas, non debilitas. Ex
certain contraries as to-speed slowness not weakness from
quibus contrariis argumenta talia existunt: Si stultitiam fugimus,
which contraries arguments such arise if folly we-shun

sapientiam sequamur et bonitatem si malitiam. Haec quae
wisdom let-us-follow and goodness if malice these-things which
ex eodem genere contraria sunt appellantur adversa.
from the-same genus contrary are are-called adverse

48 Sunt enim alia contraria, quae privantia licet appellemus
there-are for other contraries which privatives it-is-allowed we-may-call
Latine, Graeci appellant στερητικά. Praeposito enim 'in'
in-Latin the-Greeks call steretika with-prefixed for in
privatur verbum ea vi, quam haberet si 'in' praepositum
is-deprived the-word of-that force which it-would-have if in prefixed
non fuisset, dignitas indignitas, humanitas inhumanitas, et
not had-been dignity indignity humanity inhumanity and
cetera generis eiusdem, quorum tractatio est eadem quae
the-rest of-kind the-same of-which the-handling is the-same as
superiorum quae adversa dixi.
of-the-former which adverse I-called

49 Nam alia quoque sunt contrariorum genera, velut ea
for other also are of-contraries kinds as those
quae cum aliquo conferuntur, ut duplum simplum, multa
which with something are-compared as double single many
pauca, longum breve, maius minus. Sunt etiam illa valde
few long short greater lesser there-are also those very
contraria quae appellantur negantia; ea ἀποφατικὰ Graece,
contrary which are-called negatives those apophatika in-Greek
contraria aientibus: Si hoc est, illud non est. Quid enim
contrary to-affirmatives if this is that not is what for
opus exemplo est? Tantum intellegatur, in argumento
need of-an-example is-there only let-it-be-understood in an-argument
quaerendo contrariis omnibus contraria non convenire.
being-sought to-contraries all contraries not to-fit

Ab adiunctis autem posui equidem exemplum paulo ante, 50
from adjuncts however I-set-down indeed an-example a-little before
multa adiungi, quae suscipienda essent si statuissemus
many-things to-be-added which to-be-undertaken would-be if we-had-decided
ex edicto secundum eas tabulas possessionem dari, quas
from the-edict according-to those tablets possession to-be-given which
is instituisset cui testamenti factio nulla esset. Sed
he had-made to-whom of-a-will the-making none was but
locus hic magis ad coniecturales causas, quae versantur in
topic this more for conjectural cases which are-engaged in
iudiciis, valet, cum quaeritur quid aut sit aut evenerit aut
trials avails when it-is-asked what either be or happened or
futurum sit aut quid omnino fieri possit.
going-to-be be or what at-all to-happen can

VIII · CIRCUMSTANCES AND THE DIALECTICAL MODES

Adjuncts ask what came before, with, and after the deed; Gallus said such matters belonged to Cicero, not to law. Consequents, antecedents, and incompatibles are the dialecticians' topic, handled in three modes of conclusion. From the third comes the rhetoricians' enthymeme, the argument from contraries, as in the verses quoted. Other modes rest on disjunction.

Ac loci quidem ipsius forma talis est. Admonet autem 51
and of-the-topic indeed itself the-form such is advises however
hic locus, ut quaeratur quid ante rem, quid cum re,
this topic that it-be-asked what before the-thing what with the-thing
quid post rem evenerit. 'Nihil hoc ad ius; ad Ciceronem,'
what after the-thing happened nothing this to law to Cicero
inquiebat Gallus noster, si quis ad eum quid tale rettulerat,
used-to-say Gallus our if anyone to him anything such had-referred

ut de facto quaereretur. Tu tamen patiere nullum a me
so-that about a-fact it-was-asked you still will-allow no from me
artis institutae locum praeteriri; ne, si nihil nisi quod
of-the-art undertaken topic to-be-passed-over lest if nothing except what
ad te pertineat scribendum putabis, nimium te amare
to you pertains to-be-written you-shall-think too-much yourself to-love
videare. Est igitur magna ex parte locus hic oratorius non
you-seem is therefore great from part topic this oratorical not
modo non iuris consultorum, sed ne philosophorum quidem.
only not of-law of-the-skilled but not of-the-philosophers even
52 Ante rem enim quaeruntur quae talia sunt: apparatus
before the-thing for are-sought what-things such are preparations
conloquia locus constitutum convivium; cum re autem:
conversations place appointment banquet with the-thing however
pedum crepitus, corporum umbrae et si quid eius modi;
of-feet the-noise of-bodies the-shadows and if anything of-that kind
at post rem: pallor rubor titubatio, si qua alia signa
but after the-thing pallor blush stumbling if any other signs
conturbationis et conscientiae, praeterea restinctus ignis, gladius
of-confusion and of-guilty-knowledge besides a-quenched fire a-sword
cruentus ceteraque quae suspicionem facti possunt movere.
bloody and-the-rest which suspicion of-the-deed can move
53 Deinceps est locus dialecticorum proprius ex consequentibus
next is the-topic of-the-dialecticians proper from consequents
et antecedentibus et repugnantibus. Nam coniuncta, de
and antecedents and incompatibles for adjuncts about
quibus paulo ante dictum est, non semper eveniunt;
which a-little before said it-has-been not always occur
consequentia autem semper. Ea enim dico consequentia quae
consequents however always those for I-call consequents which
rem necessario consequuntur; itemque et antecedentia
the-thing necessarily follow and-likewise both antecedents

et repugnantia. Quidquid enim sequitur quamque rem,
and incompatibles whatever for follows each thing
id cohaeret cum re necessario; et quidquid repugnat,
that coheres with the-thing necessarily and whatever is-incompatible
id eius modi est ut cohaerere numquam possit. Cum
that of-that kind is that to-cohere never it-can since
tripertito igitur distribuatur locus hic, in consecutionem
threefold therefore be-distributed topic this into consequence
antecessionem repugnantiam, reperiendi argumenti locus
antecedence incompatibility of-finding an-argument the-topic
simplex est, tractandi triplex. Nam quid interest, cum hoc
simple is of-handling threefold for what it-matters when this
sumpseris, pecuniam numeratam mulieri deberi cui
you-have-taken money counted to-the-woman to-be-owed to-whom
sit argentum omne legatum, utrum hoc modo concludas
be silver all bequeathed whether in-this manner you-close
argumentum: Si pecunia signata argentum est, legata est
the-argument if money stamped silver is bequeathed it-is
mulieri. Est autem pecunia signata argentum. Legata igitur
to-the-woman is however money stamped silver bequeathed therefore
est; an illo modo: Si numerata pecunia non est legata, non
it-is or in-that manner if counted money not is bequeathed not
est numerata pecunia argentum. Est autem numerata pecunia
is counted money silver is however counted money
argentum; legata igitur est; an illo modo: Non et legatum
silver bequeathed therefore it-is or in-that manner not both bequeathed
argentum est et non est legata numerata pecunia. Legatum
silver is and not is bequeathed counted money bequeathed
autem argentum est; legata igitur numerata pecunia est?
however silver is bequeathed therefore counted money is

54 Appellant autem dialectici eam conclusionem argumenti,
call however the-dialecticians that conclusion of-an-argument
in qua, cum primum adsumpseris, consequitur id quod
in which when the-first you-have-assumed follows that which
adnexum est primum conclusionis modum; cum id quod
joined is the-first of-conclusion mode when that which
adnexum est negaris, ut id quoque cui fuerit
joined is you-have-denied so-that that also to-which it-was
adnexum negandum sit, secundus is appellatur concludendi
joined to-be-denied be the-second it is-called of-concluding
modus; cum autem aliqua coniuncta negaris et ex eis
mode when however certain conjoined-things you-have-denied and from them
unum aut plura sumpseris, ut quod relinquitur tollendum
one or more you-have-taken so-that what remains to-be-removed
sit, is tertius appellatur conclusionis modus.
be it the-third is-called of-conclusion mode

55 Ex hoc illa rhetorum ex contrariis conclusa, quae ipsi
from this those of-the-rhetors from contraries concluded which they-themselves
ἐνθυμήματα appellant; non quod omnis sententia proprio
enthymemata call not that every thought by-the-proper
nomine ἐνθύμημα non dicatur, sed, ut Homerus propter
name enthymema not be-called but as Homer on-account-of
excellentiam commune poetarum nomen efficit apud Graecos
excellence the-common of-poets name makes among the-Greeks
suum, sic, cum omnis sententia ἐνθύμημα dicatur, quia
his-own so although every thought enthymema be-called because

videtur ea quae ex contrariis conficitur acutissima, sola
it-seems that which from contraries is-made most-acute it-alone
proprie nomen commune possedit. Eius generis haec sunt:
properly the-name common has-possessed of-that kind these-things are

hoc metuere, alterum in metu non ponere!
this to-fear the-other in fear not to-place
Eam quam nihil accusas damnas,
her whom for-nothing you-accuse you-condemn
bene quam meritam esse autumas
well whom deserving to-be you-say
male merere? Id quod scis prodest nihil;
ill to-deserve that which you-know helps nothing
id quod nescis obest?
that which you-know-not harms

Hoc disserendi genus attingit omnino vestras quoque in 56
this of-discoursing kind touches altogether your also in
respondendo disputationes, sed philosophorum magis, quibus
answering disputations but of-philosophers more for-whom
est cum oratoribus illa ex repugnantibus sententiis communis
is with orators that from incompatible thoughts common
conclusio quae a dialecticis tertius modus, a rhetoribus
conclusion which by the-dialecticians the-third mode by the-rhetors
ἐνθύμημα dicitur. Reliqui dialecticorum modi plures sunt,
enthymema is-called the-other of-the-dialecticians modes more are
qui ex disiunctionibus constant: Aut hoc aut illud; hoc
which of disjunctions consist either this or that this
autem; non igitur illud. Itemque: Aut hoc aut illud; non
however not therefore that and-likewise either this or that not

autem hoc; illud igitur. Quae conclusiones idcirco ratae sunt
however this that therefore which conclusions therefore valid are
quod in disiunctione plus uno verum esse non potest.
because in a-disjunction more than-one true to-be not can

IX · CAUSES, EFFECTS, AND COMPARISON

Further dialectical modes are named. Causes are efficient or necessary conditions; some act of necessity, others by will, passion, habit, nature, art, or chance, and a necessary condition must not be mistaken for a cause. Effects show causes. Comparison weighs number, kind, power, and relation, and equals are compared by equality. The intrinsic topics are complete.

57 Atque ex eis conclusionibus quas supra scripsi prior
and of those conclusions which above I-wrote the-former
quartus posterior quintus a dialecticis modus appellatur.
the-fourth the-latter the-fifth by the-dialecticians mode is-called
Deinde addunt coniunctionum negantiam sic: Non et hoc
then they-add of-conjunctions the-denial thus not both this
et illud; hoc autem; non igitur illud. Hic modus est
and that this however not therefore that this mode is
sextus. Septimus autem: Non et hoc et illud; non autem
the-sixth the-seventh however not both this and that not however
hoc; illud igitur. Ex eis modis conclusiones innumerabiles
this that therefore from those modes conclusions innumerable
nascuntur, in quo est tota fere διαλεκτική. Sed ne hae
are-born in which is the-whole almost dialectike but not these
quidem quas exposui ad hanc institutionem necessariae.
even which I-have-set-forth for this instruction necessary

Proximus est locus rerum efficientium, quae causae appellantur; 58
next is the-topic of-things effecting which causes are-called
deinde rerum effectarum ab efficientibus causis. Harum exempla,
then of-things effected by effecting causes of-these the-examples
ut reliquorum locorum, paulo ante posui equidem ex iure
as of-the-other topics a-little before I-set-down indeed from law
civili; sed haec patent latius. Causarum genera duo sunt;
civil but these-things extend more-widely of-causes the-kinds two are
unum, quod vi sua id quod sub eam vim subiectum est
one which by-force its-own that which under that force subjected is
certe efficit, ut: Ignis accendit; alterum, quod naturam efficiendi
certainly effects as fire kindles the-other which the-nature of-effecting
non habet sed sine quo effici non possit, ut si quis aes
not has but without which to-be-effected not it-could as if anyone the-bronze
statuae causam velit dicere, quod sine eo non possit effici.
of-a-statue the-cause should-wish to-call because without it not it-could be-effected
Huius generis causarum, sine quo non efficitur, alia sunt 59
of-this kind of-causes without which not it-is-effected some are
quieta, nihil agentia, stolida quodam modo, ut locus tempus
quiet nothing doing inert in-a-certain manner as place time
materia ferramenta et cetera generis eiusdem; alia autem
material tools and the-rest of-kind the-same others however
praecursionem quandam adhibent ad efficiendum et quaedam
a-preparation certain apply to effecting and certain-things
adferunt per se adiuvantia, etsi non necessaria, ut: Amori
bring by themselves helping although not necessary as for-love
congressio causam attulerat, amor flagitio. Ex hoc genere
the-meeting the-cause had-brought love for-the-crime from this kind
causarum ex aeternitate pendentium fatum a Stoicis nectitur.
of-causes from eternity hanging fate by the-Stoics is-woven
Atque ut earum causarum sine quibus effici non potest
and as of-those causes without which to-be-effected not it-can

genera divisi, sic etiam efficientium dividi possunt. Sunt
the-kinds I-have-divided so also of-effecting-ones to-be-divided can there-are
enim aliae causae quae plane efficiant nulla re adiuvante,
for some causes which plainly effect with-no thing helping
aliae quae adiuvari velint, ut: Sapientia efficit sapientis sola
others which to-be-helped wish as wisdom makes wise-men alone
per se; beatos efficiat necne sola per sese quaestio est.
by itself happy whether-it-make or-not alone by itself the-question is
60 Qua re cum in disputationem incidet causa efficiens
by-which thing when into a-disputation shall-fall a-cause effecting
aliquid necessario, sine dubitatione licebit quod efficitur
something necessarily without doubt it-will-be-allowed what is-effected
ab ea causa concludere. Cum autem erit talis causa, ut
by that cause to-conclude when however shall-be such a-cause that
in ea non sit efficiendi necessitas, necessaria conclusio non
in it not be of-effecting necessity necessary conclusion not
sequitur. Atque illud quidem genus causarum quod habet
follows and that indeed kind of-causes which has
vim efficiendi necessariam errorem adferre non fere solet;
a-force of-effecting necessary error to-bring not generally is-wont
hoc autem sine quo non efficitur saepe conturbat. Non
this however without which not it-is-effected often confuses not
enim, si sine parentibus filii esse non possunt, propterea
for if without parents children to-be not can therefore
in parentibus causa fuit gignendi necessaria.
in the-parents the-cause was of-begetting necessary

Hoc igitur sine quo non fit, ab eo in quo certe 61
this therefore without which not it-happens from that in which certainly
fit diligenter est separandum. Illud enim est tamquam
it-happens diligently is to-be-separated that for is as-it-were

utinam ne in nemore Pelio —
would-that not in the-grove Pelian

Nisi enim 'accidissent abiegnae ad terram trabes,' Argo illa
unless for had-fallen of-fir to the-earth beams the-Argo that
facta non esset, nec tamen fuit in his trabibus efficiendi
made not would-have-been nor still was in these beams of-effecting
vis necessaria. At cum in Aiacis navim crispisulcans igneum
force necessary but when into Ajax's ship crack-furrowing fiery
fulmen iniectum est, inflammatur navis necessario.
a-thunderbolt thrown was is-set-afire the-ship necessarily
Atque etiam est causarum dissimilitudo, quod aliae sunt, 62
and also there-is of-causes an-unlikeness that some are
ut sine ulla appetitione animi, sine voluntate, sine
such-that without any appetite of-mind without will without
opinione suum quasi opus efficiant, vel ut omne intereat
opinion their-own as-it-were work they-effect or as every-thing perish
quod ortum sit; aliae autem aut voluntate efficiunt aut
which arisen has others however either by-will effect or
perturbatione animi aut habitu aut natura aut arte aut casu:
by-disturbance of-mind or by-habit or by-nature or by-art or by-chance
voluntate, ut tu, cum hunc libellum legis; perturbatione, ut si
by-will as you when this little-book you-read by-disturbance as if
quis eventum horum temporum timeat; habitu, ut qui facile
anyone the-outcome of-these times fear by-habit as one-who easily
et cito irascitur; natura, ut vitium in dies crescat; arte, ut bene
and quickly grows-angry by-nature as vice in days grows by-art as well

pingat; casu, ut prospere naviget. Nihil horum sine causa
he-paint by-chance as prosperously he-sail nothing of-these without cause
nec quidquam omnino; sed huius modi causae non necessariae.
nor anything at-all but of-this kind causes not necessary
63 Omnium autem causarum in aliis inest constantia, in aliis
of-all however causes in some is-in constancy in others
non inest. In natura et arte constantia est, in ceteris
not is-in in nature and art constancy is in the-rest
nulla. Sed tamen earum causarum quae non sunt constantes
none but still of-those causes which not are constant
aliae sunt perspicuae, aliae latent. Perspicuae sunt quae
some are evident others lie-hidden evident are those-which
appetitionem animi iudiciumque tangunt; latent quae
the-appetite of-the-mind and-judgment touch lie-hidden those-which
subiectae sunt fortunae. Cum enim nihil sine causa fiat,
subjected are to-fortune since for nothing without cause happens
hoc ipsum est fortunae eventus; obscura causa et latenter
this very is of-fortune the-outcome by-an-obscure cause and hiddenly
efficitur. Etiam ea quae fiunt partim sunt ignorata
it-is-effected also those-things which happen partly are unwitting
partim voluntaria; ignorata, quae necessitate effecta sunt;
partly voluntary unwitting those-which by-necessity effected are
voluntaria, quae consilio.
voluntary those-which by-design
64 Nam iacere telum voluntatis est, ferire quem nolueris
for to-throw a-weapon of-the-will is to-strike whom you-did-not-wish
fortunae. Ex quo aries subicitur ille in vestris actionibus:
of-fortune from which the-ram is-put-forward that in your actions
si telum manu fugit magis quam iecit. Cadunt
if the-weapon from-the-hand fled rather than he-threw-it fall
etiam in ignorationem atque imprudentiam perturbationes
also into ignorance and inadvertence the-disturbances

animi; quae quamquam sunt voluntariae — obiurgatione
of-the-mind which although they-are voluntary by-rebuke
enim et admonitione deiciuntur — tamen habent tantos
for and admonition they-are-cast-down still they-have such
motus, ut ea quae voluntaria sunt aut necessaria interdum
motions that those which voluntary are either necessary sometimes
aut certe ignorata videantur.
or certainly unwitting may-seem
Toto igitur loco causarum explicato, ex earum 65
with-the-whole therefore topic of-causes unfolded from their
differentia in magnis quidem causis vel oratorum vel
difference in great indeed cases either of-orators or
philosophorum magna argumentorum suppetit copia; in
of-philosophers great of-arguments is-at-hand abundance in
vestris autem si non uberior, at fortasse subtilior. Privata
yours however if not richer at-least perhaps more-subtle private
enim iudicia maximarum quidem rerum in iuris consultorum
for trials of-the-greatest indeed matters in of-law of-the-skilled
mihi videntur esse prudentia. Nam et adsunt multum et
to-me seem to-be the-prudence for both they-assist much and
adhibentur in consilia et patronis diligentibus ad eorum
are-called-in into councils and to-advocates diligent to their
prudentiam confugientibus hastas ministrant.
prudence to-those-fleeing spears they-supply
In omnibus igitur eis iudiciis, in quibus ex fide bona est 66
in all therefore those trials in which from faith good is
additum, ubi etiam ut inter bonos bene agier oportet in
added where also that among good-men well to-be-dealt it-behooves in
primisque in arbitrio rei uxoriae, in quo est quod
and-the-first in the-arbitration of-the-property wifely in which is what
eius aequius melius, parati eis esse debent. Illi dolum
of-it fairer better ready for-them to-be ought they fraud

malum, illi fidem bonam, illi aequum bonum, illi quid
evil they faith good they the-fair good they what
socium socio, quid eum qui negotia aliena curasset
a-partner to-a-partner what he who the-affairs of-another had-managed
ei cuius ea negotia fuissent, quid eum qui mandasset,
to-him whose those affairs had-been what he who had-commissioned
eumve cui mandatum esset, alterum alteri praestare
or-he to-whom commissioned it-had-been the-one to-the-other to-make-good
oporteret, quid virum uxori, quid uxorem viro
ought what the-husband to-the-wife what the-wife to-the-husband
tradiderunt. Licebit igitur diligenter argumentorum
have-handed-down it-will-be-allowed therefore diligently of-arguments
cognitis locis non modo oratoribus et philosophis, sed iuris
with-learned places not only for-orators and philosophers but of-law
etiam peritis copiose de consultationibus suis disputare.
also for-the-skilled copiously about consultations their to-discourse
67 Coniunctus huic causarum loco ille locus est qui efficitur
joined to-this of-causes topic that topic is which is-produced
ex causis. Ut enim causa quid sit effectum indicat, sic
from causes as for the-cause what it-be the-effect shows so
quod effectum est quae fuerit causa demonstrat. Hic locus
what effected is what was the-cause demonstrates this topic
suppeditare solet oratoribus et poetis, saepe etiam philosophis,
to-supply is-wont to-orators and to-poets often also to-philosophers
sed eis qui ornate et copiose loqui possunt, mirabilem
but to-those who ornately and copiously to-speak can a-wonderful
copiam dicendi, cum denuntiant quid ex quaque re sit
abundance of-speaking when they-announce what from each thing be
futurum. Causarum enim cognitio cognitionem eventorum facit.
going-to-be of-causes for the-knowledge the-knowledge of-outcomes makes

Reliquus est comparationis locus, cuius genus et exemplum 68
remaining is of-comparison the-topic whose kind and example
supra positum est ut ceterorum; nunc explicanda tractatio
above set-down is as of-the-others now to-be-unfolded the-handling
est. Comparantur igitur ea quae aut maiora aut minora
is are-compared therefore those-things which either greater or lesser
aut paria dicuntur; in quibus spectantur haec: numerus
or equal are-called in which are-regarded these-things number
species vis, quaedam etiam ad res aliquas adfectio.
species force certain also to things some relation
Numero sic comparabuntur, plura bona ut paucioribus 69
by-number thus will-be-compared more goods so-that to-fewer
bonis anteponantur, pauciora mala malis pluribus, diuturniora
goods be-preferred fewer evils to-evils more more-lasting
bona brevioribus, longe et late pervagata angustis, ex
goods to-briefer far and wide spread to-narrow-ones from
quibus plura bona propagentur quaeque plures imitentur et
which more goods be-propagated and-which more imitate and
faciant. Specie autem comparantur, ut anteponantur quae
do by-species however they-are-compared so-that be-preferred those-which
propter se expetenda sunt eis quae propter aliud et
for themselves to-be-sought are to-those which for-the-sake-of another and
ut innata atque insita adsumptis atque adventiciis, integra
that innate and implanted to-assumed and adventitious whole
contaminatis, iucunda minus iucundis, honesta ipsis etiam
to-contaminated pleasant to-less pleasant honorable to-the-very even
utilibus, proclivia laboriosis, necessaria non necessariis, sua
useful easy to-laborious necessary to-not necessary one's-own
alienis, rara vulgaribus, desiderabilia eis quibus facile
to-another's rare to-common desirable to-those which easily
carere possis, perfecta incohatis, tota partibus, ratione
to-be-without you-can perfect to-begun whole to-parts reason

utentia rationis expertibus, voluntaria necessariis, animata
using of-reason to-those-devoid voluntary to-necessary animate
inanimis, naturalia non naturalibus, artificiosa non artificiosis.
to-inanimate natural to-not natural artful to-not artful
70 Vis autem in comparatione sic cernitur: efficiens causa gravior
force however in comparison thus is-discerned an-effecting cause weightier
quam non efficiens; quae se ipsis contenta sunt
than a-not effecting-one those-which themselves with-themselves content are
meliora quam quae egent aliis; quae in nostra quam
better than those-which need others those-which in our-own than
quae in aliorum potestate sunt; stabilia incertis; quae
those-which in others' power are stable-things to-uncertain those-which
eripi non possunt eis quae possunt. Adfectio autem
to-be-snatched-away not can to-those which can relation however
ad res aliquas est huius modi: principum commoda maiora
to things some is of-this kind of-leaders the-advantages greater
quam reliquorum; itemque quae iucundiora, quae pluribus
than of-the-rest and-likewise those-which more-pleasant those-which by-more
probata, quae ab optimo quoque laudata. Atque ut haec in
approved those-which by the-best each praised and as these-things in
comparatione meliora, sic deteriora quae eis sunt contraria.
comparison better so worse those-which to-them are contrary
71 Parium autem comparatio nec elationem habet nec
of-equals however the-comparison neither raising has nor
summissionem; est enim aequalis. Multa autem sunt quae
lowering it-is for equal many however are which
aequalitate ipsa comparantur; quae ita fere concluduntur:
by-equality itself are-compared which thus generally are-concluded
Si consilio iuvare cives et auxilio aequa in laude ponendum
if by-counsel to-help citizens and by-aid equal in praise to-be-placed
est, pari gloria debent esse ei qui consulunt et ei
is in-equal glory ought to-be those who counsel and those

qui defendunt; at quod primum, est; quod sequitur igitur.
who defend but what first is-so what follows therefore
Perfecta est omnis argumentorum inveniendorum praeceptio,
perfected is all of-arguments being-found the-instruction
ut, cum profectus sis a definitione, a partitione,
so-that when set-out you-have from definition from partition
a notatione, a coniugatis, a genere, a formis, a
from notation from conjugates from genus from species from
similitudine, a differentia, a contrariis, ab adiunctis,
likeness from difference from contraries from adjuncts
a consequentibus, ab antecedentibus, a repugnantibus,
from consequents from antecedents from incompatibles
a causis, ab effectis, a comparatione maiorum minorum
from causes from effects from comparison of-greater of-lesser
parium, nulla praeterea sedes argumenti quaerenda sit.
of-equal no besides seat of-argument to-be-sought be

X · TESTIMONY

Arguments from outside rest on testimony, which draws its weight from nature or circumstance: virtue, talent, wealth, age, skill, experience, necessity, and chance. Torture, passion, childhood, sleep, and drunkenness can reveal the truth, as with Staienus overheard through a wall. Divine testimony comes from oracles and signs; human from the reputation of virtue.

Sed quoniam ita a principio divisimus, ut alios locos 72
but since so from the-beginning we-divided that some topics
diceremus in eo ipso de quo ambigitur haerere, de quibus
we-said in that very about which it-is-disputed to-inhere about which
satis est dictum, alios adsumi extrinsecus, de eis pauca
enough has-been said others to-be-taken-on from-outside about them a-few-things

dicamus, etsi ea nihil omnino ad vestras disputationes
let-us-say although they nothing at-all to your disputations
pertinent; sed tamen totam rem efficiamus, quandoquidem
pertain but still the-whole matter let-us-complete since-indeed
coepimus. Neque enim tu is es quem nihil nisi ius civile
we-have-begun nor for you he are whom nothing except the-law civil
delectet, et quoniam haec ita ad te scribuntur, ut etiam
delights and since these-things so to you are-written that also
in aliorum manus sint ventura, detur opera, ut quam
into of-others the-hands they-be going-to-come let-be-given effort that as
plurimum eis quos recta studia delectant prodesse possimus.
very-much to-those whom right studies delight to-be-of-use we-may-be-able
73 Haec ergo argumentatio, quae dicitur artis expers, in
this therefore argumentation which is-called of-art devoid in
testimonio posita est. Testimonium autem nunc dicimus
testimony placed is testimony however now we-call
omne quod ab aliqua re externa sumitur ad faciendam
everything which from some thing external is-taken for producing
fidem. Persona autem non qualiscumque est testimoni pondus
credence a-person however not whatever-sort is of-testimony weight
habet; ad fidem enim faciendam auctoritas quaeritur; sed
has for credence for producing authority is-sought but
auctoritatem aut natura aut tempus adfert. Naturae auctoritas
authority either nature or circumstance brings of-nature the-authority
in virtute inest maxima; in tempore autem multa sunt
in virtue is-in the-greatest in circumstance however many-things are
quae adferant auctoritatem: ingenium opes aetas ars usus
which bring authority talent wealth age art experience
necessitas, concursio etiam non numquam rerum fortuitarum.
necessity the-concurrence also not never of-things fortuitous
Nam et ingeniosos et opulentos et aetatis spatio probatos
for both the-talented and the-wealthy and by-age's span approved

dignos quibus credatur putant; non recte fortasse, sed
worthy to-whom it-be-believed they-think not rightly perhaps but
vulgi opinio mutari vix potest ad eamque omnia
of-the-crowd the-opinion to-be-changed scarcely can to and-it all-things
dirigunt et qui iudicant et qui existimant. Qui enim rebus
they-direct both who judge and who appraise those-who for in-things
his quas dixi excellunt, ipsa virtute videntur excellere.
these which I-mentioned excel by-very virtue seem to-excel
Sed reliquis quoque rebus quas modo enumeravi quamquam 74
but by-the-other also things which just-now I-enumerated although
in his nulla species virtutis est, tamen interdum confirmatur
in these no appearance of-virtue is still sometimes is-strengthened
fides, si aut ars quaedam adhibetur — magna est enim vis
credence if either art some is-applied great is for the-force
ad persuadendum scientiae — aut usus; plerumque enim
for persuading of-knowledge or experience mostly for
creditur eis qui experti sunt. Facit etiam necessitas
credence-is-given to-those who experienced have makes also necessity
fidem, quae tum a corporibus tum ab animis nascitur.
credence which now from bodies now from minds is-born
Nam et verberibus tormentis igni fatigati quae dicunt
for both by-lashes tortures fire wearied what-things they-say
ea videtur veritas ipsa dicere, et quae perturbationibus
those seems truth itself to-say and those-which by-disturbances
animi, dolore cupiditate iracundia metu, quia necessitatis
of-the-mind by-pain desire anger fear because of-necessity
vim habent, adferunt auctoritatem et fidem.
the-force they-have bring authority and credence
Cuius generis etiam illa sunt ex quibus verum non 75
of-which kind also those-things are from which the-truth not
numquam invenitur, pueritia somnus imprudentia vinolentia
never is-found boyhood sleep inadvertence drunkenness

insania. Nam et parvi saepe indicaverunt aliquid, quo
madness for both little-ones often have-revealed something to-what
id pertineret ignari, et per somnum vinum insaniam
that might-pertain unaware and through sleep wine madness
multa saepe patefacta sunt. Multi etiam in res
many-things often brought-to-light have-been many also into matters
odiosas imprudenter inciderunt, ut Staieno nuper accidit, qui
odious unwittingly have-fallen as to-Staienus recently happened who
ea locutus est bonis viris subauscultantibus pariete
those-things spoken has with-good men listening-secretly with-a-wall
interposito, quibus patefactis in iudiciumque prolatis ille
interposed with-which brought-to-light in and-court brought he
rei capitalis iure damnatus est.
of-a-charge capital rightly condemned was

76 Concursio autem fortuitorum talis est, ut si interventum
the-concurrence however of-fortuitous-things such is as if one-came-upon
est casu, cum aut ageretur aliquid quod proferendum
it-was by-chance when either was-done something which to-be-brought-out
non esset, aut diceretur. In hoc genere etiam illa est in
not was or was-said in this kind also that is upon
Palamedem coniecta suspicionum proditionis multitudo; quod
Palamedes heaped of-suspicions of-treason the-multitude which
genus refutare interdum veritas vix potest. Huius etiam est
kind to-refute sometimes truth scarcely can of-this also is
generis fama vulgi, quoddam multitudinis testimonium.
kind the-report of-the-crowd a-certain of-the-multitude testimony
Quae autem virtute fidem faciunt ea bipertita sunt; ex
those-which however by-virtue credence produce those twofold are of
quibus alterum natura valet alterum industria. Deorum enim
which the-one by-nature avails the-other by-industry of-the-gods for
virtus natura excellit, hominum autem industria.
the-virtue by-nature excels of-men however by-industry

Divina haec fere sunt testimonia: primum orationis — oracula 77
divine these generally are testimonies first of-speech oracles
enim ex eo ipso appellata sunt, quod inest his deorum
for from that very named are that is-in them of-the-gods
oratio—; deinde rerum, in quibus insunt quasi quaedam opera
the-speech then of-things in which are-in as-it-were certain works
divina: primum ipse mundus eiusque omnis ordo et ornatus;
divine first itself the-world and-its whole order and adornment
deinceps aerii volatus avium atque cantus; deinde eiusdem
next aerial flights of-birds and songs then of-the-same
aeris sonitus et ardores multarumque rerum in terra portenta
air the-sounds and blazes and-of-many things on earth the-portents
atque etiam per exta inventa praesensio; a dormientibus
and also through entrails found the-foreknowledge by sleepers
quoque multa significata visis. Quibus ex locis sumi
also many-things signified in-visions which from topics to-be-taken
interdum solent ad fidem faciendam testimonia deorum.
sometimes are-wont for credence producing the-testimonies of-the-gods
In homine virtutis opinio valet plurimum. Opinio est 78
in a-man of-virtue the-opinion avails most opinion is
autem non modo eos virtutem habere qui habeant, sed
however not only those virtue to-have who have but
eos etiam qui habere videantur. Itaque quos ingenio,
those also who to-have seem and-so those-whom with-talent
quos studio, quos doctrina praeditos vident quorumque
whom with-zeal whom with-learning endowed they-see and-whose
vitam constantem et probatam, ut Catonis Laeli Scipionis
life constant and approved as of-Cato of-Laelius of-Scipio
aliorumque plurium, rentur eos esse qualis se ipsi
and-of-others many they-think them to-be such-as themselves themselves
velint; nec solum eos censent esse talis qui in honoribus
would-wish nor only those do-they-judge to-be such who in the-offices

populi reque publica versantur, sed et oratores et
of-the-people and-the-thing public are-engaged but also orators and
philosophos et poetas et historicos, ex quorum et dictis
philosophers and poets and historians from whose both sayings
et scriptis saepe auctoritas petitur ad faciendam fidem.
and writings often authority is-sought for producing credence

XI · KINDS OF QUESTION

Questions are infinite, the thesis, or definite, the case. Questions are of knowledge or of action. Questions of knowledge ask whether a thing is, what it is, or of what sort; what it is calls for notion, property, division, and description; of what sort is asked simply or by comparison. Questions of action concern duty or the arousing and calming of emotion.

79 Expositis omnibus argumentandi locis illud primum
set-forth all of-arguing topics that first
intellegendum est nec ullam esse disputationem in qua
to-be-understood is neither any to-be disputation in which
non aliquis locus incurrat, nec fere omnis locos incidere
not some topic occurs nor nearly all topics to-fall
in omnem quaestionem et quibusdam quaestionibus alios
into every question and for-certain questions some
quibusdam alios esse aptiores locos. Quaestionum duo
for-certain others to-be more-fitted topics of-questions two
genera: alterum infinitum, definitum alterum. Definitum est
kinds the-one infinite definite the-other definite is
quod ὑπόθεσιν Graeci, nos causam; infinitum quod θέσιν
what hypothesis the-Greeks we a-case infinite what thesis
illi appellant, nos propositum possumus nominare.
they call we a-proposition can name

Causa certis personis locis temporibus actionibus negotiis 80
a-case by-definite persons places times actions business
cernitur aut in omnibus aut in plerisque eorum, propositum
is-discerned either in all or in most of-them a-proposition
autem aut in aliquo eorum aut in pluribus nec tamen
however either in some-one of-them or in several nor still
in maximis. Itaque propositum pars est causae. Sed omnis
in the-greatest and-so a-proposition part is of-a-case but every
quaestio earum aliqua de re est quibus causae continentur,
question of-them some about thing is by-which cases are-contained
aut una aut pluribus aut non numquam omnibus.
either one or more or not never all
Quaestionum autem 'quacumque de re' sunt duo genera: 81
of-questions however whatever about thing are two kinds
unum cognitionis alterum actionis.
one of-knowledge the-other of-action
Cognitionis sunt eae quarum est finis scientia, ut si 82
of-knowledge are those of-which is the-end knowledge as if
quaeratur a naturane ius profectum sit an ab aliqua
it-be-asked from nature-whether right set-out be or from some
quasi condicione hominum et pactione. Actionis autem
as-it-were agreement of-men and covenant of-action however
huius modi exempla sunt: Sitne sapientis ad rem
of-this kind examples are whether-it-be the-wise-man's to the-thing
publicam accedere. Cognitionis quaestiones tripertitae sunt;
public to-approach of-knowledge the-questions threefold are
aut sitne aut quid sit aut quale sit quaeritur. Horum
either whether-it-be or what it-be or of-what-sort it-be is-asked of-these
primum coniectura, secundum definitione, tertium iuris
the-first by-conjecture the-second by-definition the-third of-right
et iniuriae distinctione explicatur. Coniecturae ratio in
and of-wrong by-the-distinction is-unfolded of-conjecture the-method into

quattuor partes distributa est, quarum una est cum quaeritur
four parts distributed is of-which one is when it-is-asked
sitne aliquid; altera unde ortum sit; tertia quae id
whether-there-be something the-second whence arisen it-be the-third what it
causa effecerit; quarta in qua de commutatione rei
cause effected the-fourth in which about the-change of-a-thing
quaeritur. Sitne sic: ecquidnam sit honestum, ecquid
it-is-asked whether-it-be thus whether-anything be honorable whether-anything
aequum re vera; an haec tantum in opinione. Unde
fair in-thing true or these-things only in opinion whence
autem sit ortum: ut cum quaeritur, natura an doctrina possit
however it-be arisen as when it-is-asked by-nature or by-teaching can
effici virtus. Causa autem efficiens sic quaeritur, quibus
be-produced virtue the-cause however effecting thus is-asked by-what
rebus eloquentia efficiatur. De commutatione sic: possitne
things eloquence is-produced about change thus whether-can
eloquentia commutatione aliqua converti in infantiam.
eloquence by-change some to-be-turned into speechlessness

83 Cum autem quid sit quaeritur, notio explicanda est et
when however what it-be is-asked the-notion to-be-unfolded is and
proprietas et divisio et partitio. Haec enim sunt definitioni
the-property and the-division and the-partition these for are to-definition
attributa; additur etiam descriptio, quam χαρακτῆρα Graeci
assigned is-added also description which character the-Greeks
vocant. Notio sic quaeritur: sitne id aequum quod
call the-notion thus is-asked whether-it-be that fair which
ei qui plus potest utile est. Proprietas sic: in hominemne
to-him who more can useful is the-property thus to man-whether
solum cadat an etiam in beluas aegritudo. Divisio et
only falls or also to beasts distress division and
eodem pacto partitio: triane genera bonorum sint.
in-the-same way partition three-whether kinds of-goods be

Descriptio, qualis sit avarus, qualis adsentator ceteraque
description of-what-sort be the-miser of-what-sort the-flatterer and-the-rest
eiusdem generis, in quibus et natura et vita describitur.
of-the-same kind in which both the-nature and the-life is-described
Cum autem quaeritur quale quid sit, aut simpliciter 84
when however it-is-asked of-what-sort something be either simply
quaeritur aut comparate simpliciter: Expetendane sit gloria;
it-is-asked or comparatively simply whether-to-be-sought be glory
comparate: Praeponendane sit divitiis gloria. Simplicium tria
comparatively whether-to-be-preferred be to-riches glory of-simple-ones three
genera sunt: de expetendo fugiendoque, de aequo et
kinds are about seeking and-shunning about the-fair and
iniquo, de honesto et turpi. Comparationum autem duo:
the-unfair about the-honorable and the-base of-comparisons however two
unum de eodem et alio, alterum de maiore et minore.
one about the-same and different the-other about greater and lesser
De expetendo et fugiendo huius modi: Si expetendae
about seeking and shunning of-this kind if to-be-sought
divitiae, si fugienda paupertas. De aequo et iniquo:
riches if to-be-shunned poverty about the-fair and the-unfair
Aequumne sit ulcisci a quocumque iniuriam acceperis.
whether-fair it-be to-avenge from whomever a-wrong you-have-received
De honesto et turpi: Honestumne sit pro patria mori?
about the-honorable and the-base whether-honorable it-be for the-fatherland to-die
Ex altero autem genere, quod erat bipertitum, unum est 85
from the-other however kind which was twofold one is
de eodem et alio: Quid intersit inter amicum et
about the-same and different what the-difference-be between a-friend and
adsentatorem, regem et tyrannum; alterum de maiore et
a-flatterer a-king and a-tyrant the-other about greater and

minore, ut si quaeratur eloquentiane pluris sit an iuris
lesser as if it-be-asked eloquence-whether more be-worth or of-law
civilis scientia. De cognitionis quaestionibus hactenus.
civil the-science about of-knowledge questions thus-far
86 Actionis reliquae sunt, quarum duo genera: unum ad
of-action the-remaining are of-which two kinds one to
officium, alterum ad motum animi vel gignendum vel
duty the-other to the-motion of-the-mind either arousing or
sedandum planeve tollendum. Ad officium sic, ut cum quaeritur
calming or-plainly removing to duty thus as when it-is-asked
suscipiendine sint liberi. Ad movendos animos cohortationes
whether-to-be-begotten be children for moving minds exhortations
ad defendendam rem publicam, ad laudem, ad gloriam;
for defending the-thing public for praise for glory
quo ex genere sunt querellae incitationes miserationesque
which from kind are complaints incitements and-appeals-to-pity
flebiles; rursusque oratio tum iracundiam restinguens, tum
tearful and-again speech now anger quenching now
metum eripiens, tum exsultantem laetitiam comprimens,
fear removing now exulting joy repressing
tum aegritudinem abstergens. Haec cum in propositi
now distress wiping-away these when in of-the-proposition
quaestionibus genera sint, eadem in causas transferuntur.
questions the-kinds be the-same into cases are-transferred

Cicero assigns topics to each kind of question: causes and effects to conjecture, definition to what a thing is, comparison and the goods of mind and body to quality, equity to justice. The three kinds of case have their ends. The defense takes its stand in the status, conjectural, definitional, or juridical, which arises in deliberation and praise as well as in the courts, and the point at issue rests on its supports and on the law.

Loci autem qui ad quasque quaestiones accommodati sint 87
the-topics however which to each questions fitted be
deinceps est videndum. Omnes illi quidem ad plerasque, sed alii
next is to-be-seen all those indeed to most but some
ad alias, ut dixi, aptiores. Ad coniecturam igitur maxime apta
to others as I-said more-fitted to conjecture therefore most fitted
quae ex causis, quae ex effectis, quae ex coniunctis
those-which from causes those-which from effects those-which from conjoined-things
sumi possunt. Ad definitionem autem pertinet ratio et
to-be-taken can to definition however pertains the-method and
scientia definiendi. Atque huic generi finitimum est illud
science of-defining and to-this kind bordering is that
quod appellari de eodem et de altero diximus, quod genus
which to-be-called about the-same and about the-other we-said which kind
forma quaedam definitionis est; si enim quaeratur idemne
a-species certain of-definition is if for it-be-asked the-same-whether
sit pertinacia et perseverantia, definitionibus iudicandum est.
be obstinacy and perseverance by-definitions to-be-judged it-is
Loci autem convenient in eius generis quaestionem 88
the-topics however will-fit into of-that kind a-question
consequentis antecedentis repugnantis; adiuncti etiam eis
of-consequent antecedent incompatible joined also to-those
qui sumuntur ex causis et effectis. Nam si hanc rem illa
which are-taken from causes and effects for if this thing that

sequitur, hanc autem non sequitur, aut si huic rei illa antecedit,
follows this however not follows or if this thing that precedes
huic non antecedit; aut si huic rei repugnat, illi non
this not precedes or if this thing is-incompatible-with that not
repugnat; aut si huius rei haec, illius alia causa est; aut
is-incompatible-with or if of-this thing this of-that another cause is or
si ex alio hoc, ex alio illud effectum est: ex quovis horum
if from one this from another that effected is from any-one of-these
id de quo quaeritur idemne an aliud sit inveniri potest.
that about which it-is-asked the-same-whether or other it-be to-be-found can

89 Ad tertium genus quaestionis, in quo quale sit
to the-third kind of-question in which of-what-sort it-be
quaeritur, in comparationem ea cadunt quae paulo ante in
is-asked into the-comparison those fall which a-little before in
comparationis loco enumerata sunt. In illud autem genus in
of-comparison the-topic enumerated are into that however kind in
quo de expetendo fugiendoque quaeritur adhibentur ea quae
which about seeking and-shunning it-is-asked are-applied those which
sunt aut animi aut corporis aut externa vel commoda vel
are either of-the-mind or of-the-body or external either advantages or
incommoda. Itemque cum de honesto turpique quaeritur,
disadvantages and-likewise when about the-honorable and-base it-is-asked
ad animi bona aut mala omnis oratio dirigenda est.
to of-the-mind the-goods or evils all speech to-be-directed is

90 Cum autem de aequo et iniquo disseritur, aequitatis loci
when however about the-fair and the-unfair it-is-discoursed of-equity the-topics
conligentur. Hi cernuntur bipertito, et natura et instituto.
will-be-gathered these are-discerned in-two-ways both by-nature and by-institution
Natura partes habet duas, tributionem sui cuique et
nature parts has two the-assigning of-his-own to-each and
ulciscendi ius. Institutio autem aequitatis tripertita est;
of-avenging the-right the-institution however of-equity threefold is

una pars legitima est, altera conveniens, tertia moris
one part legal is the-second agreed the-third by-custom's
vetustate firmata. De proposito satis multa, deinceps de
age confirmed about the-proposition enough many-things next about
causa pauciora dicenda sunt. Pleraque enim sunt ei cum
the-case fewer to-be-said are most for are to-it with
proposito communia.
the-proposition common
Tria sunt genera causarum: iudici deliberationis laudationis. 91
three are the-kinds of-cases of-judgment of-deliberation of-praise
Quarum fines ipsi declarant quibus utendum locis sit.
of-which the-ends themselves declare which to-be-used topics be
Nam iudici finis est ius, ex quo etiam nomen. Iuris
for of-judgment the-end is right from which also the-name of-right
autem partes tum expositae, cum aequitatis. Deliberandi finis
however the-parts then were-set-forth when of-equity of-deliberating the-end
utilitas, cuius eae partes quae modo expositae. Laudationis
advantage whose those the-parts which just-now were-set-forth of-praise
finis honestas, de qua item est ante dictum.
the-end honor about which likewise it-is before said
Sed definitae quaestiones a suis quaeque locis 92
but definite questions from their-own each topics
quasi propriis instruuntur, *** quae in accusationem
as-it-were proper are-equipped (lacuna) which into accusation
defensionemque partitae; in quibus exsistunt haec genera, ut
and-defense divided in which arise these kinds that
accusator personam arguat facti, defensor aliquid opponat
the-accuser a-person charge with-a-deed the-defender something oppose
de tribus: aut non esse factum aut, si sit factum, aliud
of three either not to-be done or if it-be done another
eius facti nomen esse aut iure esse factum. Itaque aut
its deed's name to-be or by-right to-be done and-so either

infitialis aut coniecturalis prima appelletur, definitiva altera,
denying or conjectural the-first let-be-called definitive the-second
tertia, quamvis molestum nomen hoc sit, iuridicialis vocetur.
the-third although troublesome name this be juridical let-it-be-called
Harum causarum propria argumenta ex eis sumpta locis
of-these cases the-proper arguments from those taken topics
quos exposuimus in praeceptis oratoriis explicata sunt.
which we-have-set-forth in precepts oratorical unfolded are
93 Refutatio autem accusationis, in qua est depulsio criminis,
the-refutation however of-the-accusation in which is the-repelling of-the-charge
quoniam Graece στάσις dicitur, appelletur Latine status; in quo
since in-Greek stasis it-is-called let-it-be-called in-Latin status on which
primum insistit quasi ad repugnandum congressa defensio.
first takes-its-stand as-it-were for resisting having-engaged the-defense
Atque in deliberationibus etiam et laudationibus idem
and in deliberations also and praises the-same
exsistunt status. Nam et negantur saepe ea futura
arise the-status for both are-denied often those-things going-to-be
quae ab aliquo in sententia dicta sunt fore, si aut
which by someone in his-motion said are to-be-going-to-be if either
omnino fieri non possint aut sine summa difficultate non
at-all to-happen not they-can or without the-highest difficulty not
possint; in qua argumentatione status coniecturalis exsistit;
they-can in which argumentation the-status conjectural arises
94 aut cum aliquid de utilitate honestate aequitate disseritur
or when something about advantage honor equity is-discoursed
deque eis rebus quae his sunt contrariae incurrunt
and-about those things which to-these are contrary occur
status aut iuris aut nominis; quod idem contingit in
the-status either of-right or of-name which same happens in
laudationibus. Nam aut negari potest id factum esse
praises for either to-be-denied can that done to-have-been

quod laudetur, aut non eo nomine adficiendum quo
which is-praised or not by-that name to-be-honored with-which
laudator adfecerit, aut omnino non esse laudabile quod non
the-praiser has-honored-it or at-all not to-be praiseworthy what not
recte, non iure factum sit. Quibus omnibus generibus usus
rightly not lawfully done was which all kinds used
est nimis impudenter Caesar contra Catonem meum.
has too shamelessly Caesar against Cato my
Sed quae ex statu contentio efficitur, eam Graeci 95
but which from the-status the-contention is-produced it the-Greeks
κρινόμενον vocant, mihi placet id, quoniam quidem ad te
krinomenon call to-me it-pleases that since indeed to you
scribo, qua de re agitur vocari. Quibus autem hoc
I-write what about matter is-treated to-be-called by-which however this
qua de re agitur continetur, ea continentia vocentur,
what about matter is-treated is-contained those continentia let-be-called
quasi firmamenta defensionis, quibus sublatis defensio nulla
as-it-were the-props of-the-defense with-which removed the-defense none
sit. Sed quoniam lege firmius in controversiis disceptandis
be but since than-law firmer in controversies being-debated
esse nihil debet, danda est opera ut legem adiutricem et
to-be nothing ought to-be-given is effort that the-law as-helper and
testem adhibeamus. In qua re alii quasi status exsistunt
witness we-apply in which thing other as-it-were status arise
novi, sed appellentur legitimae disceptationes.
new but let-them-be-called legal disputes

Disputes over law arise from ambiguity, from letter against intent, and from conflicting laws, in wills and contracts as in statutes. The topics also serve the parts of a speech: the exordium, the narration, the proof, and the peroration. Cicero has given more than Trebatius asked, like a generous seller who adds fittings to a house beyond what the sale requires.

96 Tum enim defenditur non id legem dicere quod adversarius
then for it-is-maintained not that the-law to-say which the-adversary
velit, sed aliud. Id autem contingit, cum scriptum
wishes but another-thing that however happens when the-writing
ambiguum est, ut duae sententiae differentes accipi
ambiguous is so-that two meanings differing to-be-taken
possint. Tum opponitur scripto voluntas scriptoris, ut
can then is-opposed to-the-writing the-intention of-the-writer so-that
quaeratur verbane plus an sententia valere debeant. Tum
it-be-asked the-words-whether more or the-meaning to-prevail ought then
legi lex contraria adfertur. Ista sunt tria genera quae
to-a-law a-law contrary is-brought these are three kinds which
controversiam in omni scripto facere possint: ambiguum,
controversy in every writing to-make can ambiguity
discrepantia scripti et voluntatis, scripta contraria. Iam hoc
the-discrepancy of-writing and of-intention writings contrary now this
perspicuum est, non magis in legibus quam in testamentis,
evident is not more in laws than in wills
in stipulationibus, in reliquis rebus quae ex scripto aguntur,
in stipulations in the-other things which from writing are-pleaded
posse controversias easdem exsistere. Horum tractationes in
to-be-able controversies the-same to-arise of-these the-handlings in
aliis libris explicantur.
other books are-unfolded

Nec solum perpetuae actiones sed etiam partes orationis 97
nor only whole pleadings but also the-parts of-speech
isdem locis adiuvantur, partim propriis partim communibus;
by-the-same topics are-helped partly by-proper partly by-common
ut in principiis, quibus ut benevoli, ut dociles, ut attenti
as in openings by-which that well-disposed that teachable that attentive
sint qui audiant, efficiendum est propriis locis; itemque
be those-who hear to-be-brought-about is by-proper topics and-likewise
narrationes ut ad suos fines spectent, id est ut planae
narrations that to their-own ends they-look that is that plain
sint, ut breves, ut evidentes, ut credibiles, ut moderatae,
they-be that brief that evident that credible that moderate
ut cum dignitate. Quae quamquam in tota oratione
that with dignity which-qualities although in the-whole speech
esse debent, magis tamen sunt propria narrandi.
to-be ought more still are proper of-narrating
Quae autem sequitur narrationem fides, ea persuadendo 98
which however follows the-narration proof it by-persuading
quoniam efficitur, qui ad persuadendum loci maxime valeant
since is-produced which for persuading topics most avail
dictum est in eis in quibus de omni ratione
said it-has-been in those in which about the-whole method
dicendi. Peroratio autem et alia quaedam habet et maxime
of-speaking the-peroration however both other certain-things has and most
amplificationem, cuius effectus hic debet esse, ut aut
amplification whose effect this ought to-be that either
perturbentur animi aut tranquillentur et, si ita adfecti iam
be-disturbed minds or be-calmed and if so affected already
ante sint, ut aut augeat eorum motus aut sedet oratio.
before they-be that either it-increase their motions or calm-them the-speech

99 Huic generi, in quo et misericordia et iracundia et odium
for-this kind in which both pity and anger and hatred
et invidia et ceterae animi adfectiones perturbantur,
and envy and the-other of-the-mind affections are-stirred
praecepta suppeditantur aliis libris, quos poteris mecum
precepts are-supplied in-other books which you-will-be-able with-me
legere cum voles. Ad id autem quod te velle senseram,
to-read when you-shall-wish to that however which you to-wish I-had-perceived
cumulate satis factum esse debet voluntati tuae.
abundantly satisfaction made to-be ought to-the-wish your
100 Nam ne praeterirem aliquid quod ad argumentum in omni
for lest I-should-pass-over anything which to argument in every
ratione reperiendum pertineret, plura quam a te desiderata
method being-found pertained more than by you desired
erant sum complexus fecique quod saepe liberales
had-been I-have embraced and-I-have-done what often generous
venditores solent, ut, cum aedes fundumve vendiderint
sellers are-wont that when a-house or-a-farm they-have-sold
rutis caesis receptis, concedant tamen aliquid emptori
with-what-is-dug and-cut reserved they-grant still something to-the-buyer
quod ornandi causa apte et loco positum esse videatur;
which of-adorning for-the-sake fitly and in-its-place set to-be may-seem
sic tibi nos ad id quod quasi mancipio dare debuimus
so to-you we to that which as-it-were by-mancipation to-give we-owed
ornamenta quaedam voluimus non debita accedere.
ornaments certain have-wished not owed to-be-added