

HANDBOOK OF
CLASSICAL RHETORIC
IN THE
HELLENISTIC PERIOD
330 B.C. - A.D. 400

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CHAPTER 4

INVENTION

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"Invention" (*inventio*, εὑρεσις) means "discovery". In rhetoric it designates the discovery of the resources for discursive persuasion latent in any given rhetorical problem. This process of discovery was extensively theorized by ancient rhetoricians. But rhetoric is in essence a practical discipline, and its precepts are tools to be applied in practice. The rhetor's students would not be judged by their ability to articulate a body of theory, but by their ability to compose and deliver speeches and declamations which satisfied the expectations of contemporary audiences. Theory did not exist for its own sake, but as a framework to give guidance in the acquisition and exercise of a particular set of skills. This chapter will therefore emphasize application; following the precedent of ancient handbooks it will use a hypothetical worked example to illustrate the processes and principles of invention in practice.

To identify a suitable theme for our illustration, we may turn to an incident crucial in ancient rhetoricians' perception of the history of their craft. In *Il.* 3:203–24 the Trojan elder Antenor recalls the embassy of Menelaus and Odysseus before the onset of hostilities, when the Greeks offered peace if the Trojans would return Helen; he contrasts the two envoys' rhetorical styles.¹ In the fourth century AD, Libanius composed declamations representing the speeches of Menelaus and Odysseus; an anonymous declamation of uncertain (but later) date replies to Menelaus in the person of Paris; and (striking evidence of the long life of the classical rhetorical tradition) the beginning of the fifteenth century yields a fragment of a reply to Odysseus

¹ On ancient perceptions of Homeric rhetoric, see L. Radermacher, *Artium Scriptores* (SB Vienna, 227.3; 1951), pp. 3–10; G. A. Kennedy, "The Ancient Dispute over Rhetoric in Homer", *AJP* 78 (1957), pp. 23–35; M. Heath, "Ἐπίδοσις-theory in Homeric Commentary", *Mnemosyne* 46 (1993), pp. 356–63.

in the person of Antenor composed by the Byzantine emperor Manuel II Palaeologus.² Drafting a complete reply for Antenor will offer a variety of perspectives on invention. So let this be our theme: "After the speeches of Menelaus and Odysseus, Antenor advises the Trojans not to concede the Greek demands".³

Our approach to the subject must be selective. Invention was theorized in many different ways over the centuries. Indeed, even contemporary rhetoricians might give conflicting accounts of it. Hermogenes, for example, rejects the concepts of class and mode which were conventional in the rhetorical teaching of his day; even so fundamental a principle as *stasis* could be dismissed as drivel (at the risk, admittedly, of incurring ridicule).⁴ This diversity precludes a single all-embracing synthesis; and an exhaustive catalogue of variants would vastly exceed the scope of the present chapter.⁵ I have chosen to focus primarily on theories of invention current in the Greek-speaking world from the middle of the second century AD onward—the period in which the treatment of *stasis*, a key tool in invention, achieved its most sophisticated form. No comprehensive synthesis, comparable to that of Quintilian, survives from this period; so my account will be a composite one, drawing eclectically on a number of different sources.⁶ The notes will provide pointers for readers who wish to explore related treatments from earlier periods.

² Lib. *Decl.* 3-4 (V, pp. 199-221, 228-86 Foerster); C. Bevegni, "Anonymi *Declaratio Pandis ad Senatum Trojanum*", *SIFC* 3 (1986), pp. 274-92; Manuel Palaeologus's fragment was first published by J. F. Boissonade, *Anecdota Graeca* (Paris 1830; repr. Hildesheim: Olms, 1962), II, pp. 308-309, and is reprinted in Foerster's edition of Libanius (V, pp. 226-27).

³ According to Lavy (1:1:1) Antenor "always" advocated the return of Helen; but when he does so in *Il.* 7:347-53 (in very changed circumstances from the time of the Greek embassy) Paris's reply (esp. 357-58) could be taken as evidence of his earlier support. The mythological material concerning Troy used in the rest of this chapter can be found most conveniently in Apollodoros (*Bibl.* 2:5:9, 2:6:4; *Epit.* 3-5); text and trans. J. G. Frazer (2 vols.; LCL; Cambridge, MA: Harvard University Press; London: Heinemann, 1921); cf. T. Gantz, *Early Greek Myth* (Baltimore: Johns Hopkins University Press, 1993), esp. pp. 400-402, 557-661.

⁴ On class and mode see nn. 22-23 below. For the rejection of *stasis*-theory in favour of unstructured improvisation by the third- or early fourth-century rhetor Phrynichus, and the ridicule it incurred, see Syrian. 2:3:23-5:14 Rabe; *Prolegomenon Sylloge* 364:14-367:12 Rabe; cf. D. M. Schenkeveld, "The Philosopher Aquila", *CQ* 41 (1991), pp. 493-94.

⁵ J. Martin, *Antike Rhetorik* (Munich: Beck, 1974) devotes 196 dense pages to invention; even so his account is not all-embracing, and its juxtaposition of Aristotelian, Hellenistic and late classical material lacks historical perspective.

⁶ I have drawn largely, but not exclusively, on Hermogenes *On Stasis*: text

There will be two stages in our discussion. First we shall consider the resources which the rhetorician could use in a preliminary analysis of his theme.⁷ We shall then attempt to produce an outline of the case as a whole, at the same time illustrating more selectively techniques for the detailed articulation of individual arguments. At this second stage we shall find that invention is inextricably linked with questions of arrangement, since the principles of invention are specific to the standard parts of a speech—prologue, narrative, argument and epilogue. Ancient handbooks on invention were often organized on this basis, for good practical reasons;⁸ we must follow their lead.

I. A PRELIMINARY ANALYSIS OF THE THEME

The basic components of any rhetorical situation are person and act;⁹ the analysis of our theme should start with these.

First among the persons of whom we must take account is our speaker, Antenor. He is a Trojan elder; he therefore brings into play a set of assumptions about old men.¹⁰ Long experience may have made him wise; it will certainly have made him cautious. This persona will strengthen our case, since the advocacy of a hard line carries more weight when advanced with the judicious caution of experience than it would in the mouth of a hot-headed youth. On the other hand, rhetorical techniques which a younger, more impetuous speaker could use without giving a bad impression must be avoided;

H. Rabe (Leipzig: Teubner, 1913); trans. and commentary M. Heath, *Hermogenes On Issues* (Oxford: Oxford University Press, 1995); [Hermogenes] *On Invention* (text in Rabe), together with the treatises of Apsines and the *Anonymus Seguerianus*: text L. Spengel and C. Hammer, *Rhetores Graeci*, I.2 (Leipzig: Teubner, 1894). Sopater's *Division of Questions* illustrates how the theoretical apparatus was used in practice: text in *RG*, VIII, pp. 2-385 Walz; commentary: D. C. Innes and M. Winterbottom, *Sopater's Rhetor* (BICS Sup., 48; London: ICS, 1988). The scholia to Demosthenes (much, though not all, of the material may derive from a commentary by the third-century rhetor Menander of Laodicea, more familiar in connection with epideictic oratory: n. 25) illustrate its use as an interpretative tool: text M. R. Dilts, *Scholía Demosthenica* (2 vols.; Leipzig: Teubner, 1983-86).

⁷ For this analytical phase (ὁρίσις) see Zeno *ap.* Sulp. Vict. 315:5-319:35 Halm; cf. *Prolegomenon Sylloge* 60:21-61:12, 69:1-6, 175:16-177:7, 199:25-202:8, [Augustine] 137:4-6 Halm.

⁸ E.g. [Hermogenes] *On Invention*, Apsines, and *Anonymus Seguerianus*. On the "contamination" of invention and disposition in Hellenistic rhetoric see J. Wisse, *Ethos and Pathos from Aristotle to Cicero* (Amsterdam: Hakkeri, 1989), pp. 77-78, 83-92.

⁹ Hermog. *Stas.* 29:7-31:18; Quint. *Inst.* 5:10:23.

¹⁰ Cf. Arist. *Rh.* 1389b13-90a24; Hor. *Ar.* 169-78.

for example, open invective might suggest a malicious and vindictive old man.

This point is important, since both the persons to whom Antenor is replying offer scope for invective. Menelaus, on his own admission, is a cuckold; closer inspection reveals that his family background is an unsavoury mess of incest and butchery. Odysseus is a lying bastard (that is to say, of doubtful parentage and notorious for tricks and false tales). These openings may be useful if approached obliquely; but the character of Antenor restrains us from exuberant exploitation of their potential.

Our speech is addressed to a Trojan audience. What state of mind are they in? Here we should clarify one feature of the assumed background to the debate. Homer does not specify the exact timing of the embassy; Libanius follows Herodotus (2:118) in supposing that the Greek army had already landed in Trojan territory when the embassy was sent. This way of proceeding might seem provocative and offensive to the Trojans; the fact can surely be turned to our advantage. But the Trojans will also be apprehensive in view of the size of the Greek army, and they will recollect that Troy has been sacked once before (by Heracles); so we must convince them that they are able to win the war. We must also convince them that there is something worth their fighting for; if they believe that the war would be fought simply to defend an adulterous relationship between Paris and Helen it will be harder to induce them to undertake its hardships and dangers.

This has brought us to the last, and most problematic, person in our theme. Paris is a crucial element in the theme, since his bringing Helen to Troy has provoked the present crisis. His reputation is extremely unfavourable; we must try to counter the conventional prejudice against him. But it is not only the person of Paris which presents a challenge. Paris has to be handled carefully in respect also of act, the other basic component of the rhetorical situation; taken at face value, running off with another man's wife is despicable behaviour. But should we take these actions at face value? A hostile account of what happened, put about by Paris's enemies, ought not to be swallowed uncritically. At this point, therefore, it may be helpful to make a detour through the early stages of an ancient rhetorician's training, to see how it would have equipped him to bring critical scrutiny to bear on an opponent's version of events.

The first stage of the course in rhetoric was a series of preliminary

exercises (*ῥητορικὰ γυμνάσια*).¹¹ These introduced the student to certain basic concepts, and gave practice in handling piecemeal techniques which would subsequently be brought together in composing declarations and speeches. One of the earlier exercises in the programme was narration, which taught the student to present a clear, concise and plausible account of events. A little way further into the programme, the paired exercises of refutation (*ἀντισκευή*) and confirmation (*κατασκευή*) brought the student back to narrative, and taught him to take a critical view of it. According to Aphthonius a refutation should begin by discrediting those who tell the story; then the story itself is briefly recounted, and shown to suffer from one or more of a variety of flaws: it might be unclear, implausible, impossible, inconsistent, improper or inexpedient.¹²

How might we set about this exercise with reference to the story of Paris's abduction of Helen?¹³ Discrediting those who tell the story is easy. For the most part, it is poets who tell the story; they, certainly, are its source. But "poets tell many lies" (Sol. fr. 29). More particularly, the story is told by Homer and other Greek poets, who have a vested interest in giving their narrative an anti-Trojan bias.¹⁴ Since they are not objective witnesses, their story must be treated with caution.

Our next step is to consider the essential elements of the story. Three goddesses chose Paris to arbitrate a dispute between them; they then tried to bribe their chosen arbitrator; Paris, allowing his

¹¹ Modern discussions include G. A. Kennedy, *Greek Rhetoric under Christian Emperors* (Princeton: Princeton University Press, 1983), pp. 53–70; S. F. Bonner, *Education in Ancient Rome* (Berkeley: University of California Press, 1977), pp. 250–76; D. L. Clark, *Rhetoric in Greco-Roman Education* (New York: Columbia University Press, 1957), pp. 177–212; R. F. Hock and E. N. O'Neil, *The Chreia in Ancient Rhetoric* (Atlanta: Scholars Press, 1986), pp. 9–22; G. Anderson, *The Second Sophistic* (London: Routledge, 1993), pp. 47–53.

¹² Aphth. *Prog.* 10:9–19 Rabe; cf. [Hermog.] *Prog.* 11:1–20.

¹³ Note that none of the *ῥητορικὰ γυμνάσια* (with the exception of *ἡθρολογία*) required the student to adopt a specified individual point of view; so in this refutation, and in the encomium below, we are conducting a preliminary investigation into the material of our theme, and not yet attempting to adopt the persona of Antenor. There is therefore no problem of anachronism in the references to Homer and to subsequent events in the story of Troy. For an excellent example of the application of the techniques of refutation on a large scale see Dio Chrysostom's *Trojan Decourse*, which "proves" that the Greeks did not take Troy; Isocrates' *Encomium of Helen* is also relevant.

¹⁴ Homer was often perceived as a philhellene in ancient commentary (e.g. sch. BT II. 2:674–75); see N. J. Richardson, "Literary Criticism in the Exegetical Scholia to the *Iliad*", *CQ* 30 (1980), pp. 273–74; B. Hainsworth on II. 10:13–14.

judgment to be influenced by these bribes, found Helen a more attractive inducement than the offer of military or political success; his elopement with Helen was therefore a pay-off for his adjudication in favour of Aphrodite.

This story falls apart at every point. First, it presupposes that the gods are both corrupt (since they offered bribes) and foolish (since they chose as their arbitrator a man who is himself both corrupt and foolish); this is an extremely improper assumption. It cannot be conceded that the goddesses offered Paris bribes; nor that an arbitrator worthy of divine approval would have been open to bribery. Secondly, the adjudication in favour of Aphrodite makes it implausible to suppose that Paris was influenced by the alleged bribes. Hera promised mastery of all Asia—an offer which might well have appealed to a prince of Troy; Athene promised to make him invincible in battle—an offer which might have appealed to a young warrior; Aphrodite promised him a single mortal woman—but what inducement was that for a man who was already the lover of the goddess Oenone? Thirdly, Aphrodite was half-sister to Helen (daughter of Zeus and Leda); it is neither plausible nor proper to suppose that she would embroil her own sister in immorality and scandal. But it is entirely credible that she would have been offended by the relationship with Menelaus (a man polluted by his family's terrible history) and that she would have wished (with her father's approval) to sever that connection and bring about Helen's marriage to someone more worthy—someone whose virtue was so outstanding that he had been chosen to arbitrate between the goddesses. Taken in this way, the story is wholly consistent; the original version makes no sense at all.

So much for our refutation of the story of Paris. We may note that the student has learned a number of useful techniques in the course of this exercise. Most obviously, it offers practice in the critical analysis of narrative; this is an important skill in the handling of (in particular) judicial speeches, in which it is often necessary to cast doubt on the opponent's account of events. Secondly, the exercise accustoms the student to the handling of a prescribed formal structure, with a prologue, narrative and argument. The internal organization of the argument is determined by the order of events in the story. In fact, the student is offered two alternative models for organizing his material: Aphthonius illustrates refutation by telling the story as a whole and then giving the criticisms *en masse*; his confirmation

tells the same story piecemeal and defends each step of the story before moving on to the next.¹⁵ Thirdly, the exercise introduces the student to the use of topics (*τόποι*); these are not arguments but (literally) "places" where we can look for arguments. The topics of refutation are the criteria already stated—clarity, plausibility, possibility, consistency, propriety and expediency; each stage of the story can be tested to see whether it is faulty in respect of any of these qualities. We shall see in due course that the use of topics as a guide and stimulus to invention is a fundamental rhetorical technique.

In confirmation and refutation the student seeks to demonstrate a conclusion. But demonstration is only one of the key abilities that an aspiring orator must acquire; he also needs a mastery of amplification (*αὐξησις*), a term which designates the techniques used to increase the perceived importance of some fact that is taken as given.¹⁶ For example, a prosecutor may wish to show that the defendant is guilty of murder; but he will also wish to awaken and reinforce the jury's sense that murder is a terrible crime which deserves to be treated with the utmost severity. Amplification, too, was included in the programme of elementary exercises. In the exercise called common topic (*κοινός τόπος*), for example, the student was trained to elaborate on generalizations applicable to any instance of a given category; later on the student would be taught to incorporate common topics into the epilogue of speeches and declamations in order to incite the jury against the person just shown to be a murderer, adulterer, tyrant or whatever the case requires.

Another exercise in amplification was encomium (*ἐγκώμιον*), in which the student takes as given the good qualities attributed to a particular person and seeks to exhibit them in a way which will excite or increase the audience's admiration. The subject of encomium was not always a person; a place or an abstract quality such as courage might also be prescribed. But praise of a person was the standard form, and the topics of encomium were accordingly designed to provide a comprehensive basis for the assessment of personal attributes. This means that they have an application beyond the exercise of encomium itself; whenever an argument based on person is needed

¹⁵ For these two patterns see Arist. *Rh.* 1416b16–26; *Rh. Al.* 1438b14–29; Cic. *Inv.* 1:30; Alexander son of Numenius *ap. Anon. Seg.* 129–33.

¹⁶ Amplification: e.g. *Rhet. ad Her.* 2:47–49; Cic. *Inv.* 1:100–105, *Part.* 52–53; Quint. *Inst.* 8:4. Cf. Martin, *Antike Rhetorik*, pp. 153–58.

the topics of encomium can be used as a guide to invention. Different handbooks give somewhat different lists of encomiastic topics; but the range of variation is limited.¹⁷ Standard doctrine would include the subject's origin (nationality, citizenship, ancestry and parentage); birth (were there, for example, striking indications of divine favour?), nurture and education; chosen life-style (*ἐπιδησιαὶ*); achievements, illustrating qualities of soul (especially the cardinal virtues: piety, courage, justice and wisdom) and of body (beauty, strength) and the possession of external goods (friends, wealth, influence).

Encomium too has a simple formal structure. In refutation the topics are applied in a sequence determined by the order of events in the story; in encomium the topics follow a set order, framed by a prologue and epilogue. An additional element in this structure, placed before the epilogue, is a comparison (*σύγκρισις*) designed to enhance the amplification. Indeed, comparison is such an important technique for amplification that it formed an exercise in its own right; after practising encomium and its counterpart invective (*ψόγος*), the student would be required in comparison to amplify the excellence of one person by exhibiting his superiority to others who might be thought his equals, or his equality to some acknowledged paragon.¹⁸

In an encomium of Paris we might make his dubious reputation the basis for our prologue. We should take care not to offer an explicitly argued defence of Paris; encomium is an exercise in amplification, not in argumentation.¹⁹ But we might remark, in anticipation of our praise, that his qualities are so outstanding as to silence even the sustained malicious criticism to which he has been exposed.

Turning to his origin, we will point out that he was a prince of Troy, a city founded by gods. He was descended from Zeus through his ancestor Dardanus; and his father Priam had raised Troy from the depths of misfortune after its sack by Heracles and had made it

¹⁷ This summary draws on Aphth. *Prog.* 21:20–22:11; [Hermog.] *Prog.* 15:18–17:4; Men.Rh. 420:10–31 Spengel; cf. Quint. *Inst.* 5:10:23–31. Hermog. *Stat.* 46:8–24 illustrates the use of the topics of encomium in judicial argument about motive. See further T. C. Burgess, *Epidictic Literature* (Chicago Studies in Classical Philology, 3; Chicago: University of Chicago Press, 1902), pp. 119–27; D. A. Russell and N. G. Wilson, *Menander Rhetor* (Oxford: Oxford University Press, 1981), pp. xxv–xxix.

¹⁸ Aphth. *Prog.* 31:6–32; [Hermog.] *Prog.* 18:15–20:5. Cf. Men.Rh. 372:21–25, 377:2–9 etc.

¹⁹ For the contrast between encomium and apologia see Theon *Prog.* 112:8–13 Spengel (quoting Isocr. *Helen* [10] 14). Cf. Nicol. *Prog.* 53:6–19 Felten; Quint. *Inst.* 3:7:6.

the head of an empire so powerful that it could withstand the united efforts of all Greece for ten years. Anyone who doubts the nobility of his birth need only look at his brother Hector, whose piety and martial prowess are conceded even by Homer, though he (as a Greek poet) was a hostile witness and prone to slander Trojans.

As to his birth, we will not wish to give weight to the omen which prompted his parents to expose him as an infant; we will try instead to turn its sequel to our advantage. We could say that, although his parents took fright over a dream which his mother had in the stress of pregnancy, nevertheless divine providence took care of him, ensuring that he was suckled by a she-bear. A shepherd, seeing in this miracle a sign of the gods' favour, was moved by piety and compassion to take up the child and rear him as his own.

There can be no doubt that this pious and compassionate foster-father would have taken pains to teach the child his own reverence for the gods and for justice. Moreover, although Paris did not enjoy the advantage of being reared in an imperial court like his brothers, he triumphed over adversity and gave ever clearer proofs of his innate qualities as he grew to maturity. His courage and strength were shown when he routed a band of cattle-raiders. The name Alexander ("defender") was given to honour this victory; thus he became by right of battle what he was by right of birth—an honoured leader and protector of his people. In the end the status accorded to him by popular acclaim was recognized at court as well. Paris proved himself in competition against his brothers; they had trained in athletics all their lives but he, relying on innate excellence alone, outdid all of them in the games. In this way he was acknowledged as the king's son.

Turning to his physical person, everyone concedes that he surpassed other men in beauty—beauty radiant enough to win the love of a goddess. But he was not an effeminate weakling; raised in country ways, he proved himself as a fighter and as an athlete he was victorious over the strongest and swiftest of his peers.

Physical strength was combined with strength of character. Hector paid tribute to his bravery when he said, "No one in all fairness could belittle your success in battle, as you are a brave fighter" (*Il.* 6:521–22)—and Hector said this when he was angry with his brother, and might well have tried to belittle his qualities. Events confirmed Hector's words: it was Paris who avenged his brother's death, killing the strongest and bravest of the Greeks. Divine testimony concurs.

When a dispute arose between the three goddesses Paris was chosen to judge between them. Zeus would not have entrusted his own wife's honour to the judgment of someone dishonest or foolish; so this appointment provides compelling testimony to Paris's wisdom and integrity. So does the way in which he discharged the commission. Faced with such a task an ordinary person would have been overwhelmed with terror and confusion; Paris calmly made a true judgment without fear or favour. Each of the goddesses is due primacy of honour in her own sphere: Hera is the most regal, Athene is the most martial; but Paris was charged with awarding the prize to the most beautiful, and this is what he did.

To whom, then, should we compare Paris? Achilles, too, was beautiful—indeed, he boasted of his beauty (*Il.* 21:108); he was also a great warrior. But Paris was the greater: he never put on girl's clothes to evade military service, as Achilles did; nor did Achilles display self-control and wisdom such that he was chosen to judge divine disputes. And on the field of battle, it was Paris who prevailed.

So we should pay no attention to the voice of malice and envy, but recognize and strive to emulate the virtues of Paris, whose excellence we have only begun to describe. I could tell you too how leading a small fleet of fugitives he captured the flourishing city of Sidon, and how . . .—but the subject is inexhaustible, and space is limited. We should now return to our main theme, and proceed further with its preliminary analysis.

First, then, to which class (εἶδος) should we assign it? The question is ambiguous. In one sense "class" may refer to the familiar classification of rhetorical themes according to their context and function as judicial, deliberative or epideictic.²⁰ In this sense, the theme is clearly deliberative; it is addressed to the Trojans taking counsel about their future actions with respect to Helen. However, the need to defend Paris against the accusation that he has eloped with Menelaus's wife gives the theme a quasi-judicial element as well; we shall consider the implications of this more closely in due course.

Another, less familiar, sense of "class" in ancient rhetoric categorized themes according to the dominant means of persuasion. A speaker typically wishes to persuade his audience that something is the case; to this end, rational argument may be employed. However, rhetorical persuasion looks for more than an abstract assent; some

²⁰ E.g. Arist. *Rh.* 1358a36–b8; *Rhet. ad Her.* 1:2; Cic. *Inu.* 1:7; Quint. *Inst.* 3:4.

action is expected of the audience (even if it is only the casting of a vote). If the speaker wishes to incite his audience to an active response, he may seek to arouse their emotions. But the audience is more likely to be receptive to rational or emotional appeal if they regard the speaker with confidence and goodwill; to this end, the projection of an attractive and trustworthy character will be useful. So we have three basic means of persuasion: argument, emotion and character.²¹

The extent to which we draw on each of these will depend on the nature of the case, and a different balance between them will imply a different approach to invention. It may therefore be helpful to distinguish themes of the "practical" (πραγματικόν) class, which invite a treatment oriented primarily towards objective facts and therefore dependent largely on the resource of argument, from themes which invite a treatment based primarily on character or on emotion.²²

The situation premised in our theme has some scope for emotive rhetoric, firing the Trojan sense of indignation at the presence of a hostile army in their territory; but it would be out of keeping with the character of our speaker to rely too heavily on emotional appeal. On the other hand, although the speaker's character will add weight to his advocacy of war, that is no more than a subsidiary to the speech's main persuasive effort. Reasoned argument is needed if we are to refute the charge against Paris, and to show that the war can be won and that fighting the war will best serve Trojan interests. So our theme is of the practical class; it will emphasize rational argument, making moderate and restrained use of emotional appeal.

A further principle of classification is mode (τρόπος). Mode categorizes themes according to the opportunities and difficulties they present to the speaker in managing the relationship with his audience. Ideally one would wish to speak to a theme that is honourable, weighty, plausible and readily intelligible; in other modes, where the subject

²¹ On the three means of persuasion see Arist. *Rh.* 1356a1–20; D.H. *Lys.* 19 (30:21–31:2 Usener-Radermacher); Quint. *Inst.* 5:8:3; *Anon.* *Seg.* 198; Minucianus 340:6–7 Spengel-Hammer. A binary classification (as practical or emotional) is found in Cic. *Brut.* 89; Quint. *Inst.* 6:1:1; *Anon.* *Seg.* 203; *RG*, IV, p. 417:12–26 Walz. On the orator's three tasks: Cic. *De or.* 2:115, *Brut.* 185; Quint. *Inst.* 3:5:2. Cf. W. W. Fortenbaugh, "Benevolentiam conciliare and animos permovere", *Rhetorica* 6 (1988), pp. 259–73; Wisse, *Ethos and Pathos*.

²² Class is variously treated by Zeno *ap. Sulp.* Vict. 316:3–22; Syrian. 2:42:11–43:23; *RG*, IV, pp. 182:8–183:14, 190:12–18; VII, p. 165:17–24; Fortunatianus 88–89 Halm. Hermog. *Stat.* 34:16–35:14 rejects this concept of class and that of mode (n. 23) on the implausible grounds that it has implications only for the style of the composition.

has a discreditable aspect or is in some respect trivial or paradoxical or hard to follow, additional care must be taken (especially at the beginning of the speech) to make the audience sympathetic and attentive.²³

In our present theme we have a distinguished speaker defending a person and act of questionable repute; the mode is therefore ambiguous (ἀμφίδοξον). Theory suggests that we will need to work harder, in the prologue especially, to secure the audience's goodwill in this mode; and we must introduce the creditable part of the theme before its discreditable aspects.²⁴

By far the most important step in the analysis is to identify the *stasis* or issue (στάσις, *constitutio*, *status*) of the theme. This would not be necessary in preparing an epideictic speech. The correct treatment of epideictic themes can be grasped quite easily; there is a limited range of social occasions which may call for a formal honorific address, and the basic pattern of encomium can be adapted readily to suit each type of occasion.²⁵ But forensic and deliberative oratory are more complex. Superficially similar situations may have an utterly different underlying logical structure; for example, an accusation of murder in which the facts are contested will need to be handled in a very different way from an accusation of murder countered by a claim of justification. The theory of *stasis* seeks to classify themes according to the underlying nature of the dispute.

The most influential contributor to *stasis*-theory in the early Hellenistic period was Hermagoras of Temnos.²⁶ Hermagoras distinguished between logical and legal disputes; the latter, turning on the interpretation of a law, will, contract or other document with legal force, fall outside the scope of the system. *Stasis* applies only to logical

²³ For various treatments of mode see Cic. *Inu.* 1:20–21; *Rhet. ad Her.* 1:5; Quint. *Inst.* 4:1:40–41; Zeno *ap.* Sulp. *Vict.* 316:23–317:31; *RG*, IV, pp. 188:6–189:29; [Augustine] 147:18–151:4 (= Hermagoras fr. 23a); Fortunatianus 109:2–10 (using the term *σχημα*).

²⁴ See Cic. *Inu.* 1:21; *Rhet. ad Her.* 1:6; Quint. *Inst.* 4:1:41; Sulp. *Vict.* 317:7–14.

²⁵ Examples of model adaptations can be found in the treatises on epideictic attributed to Menander of Laodicea; text, trans. and commentary in Russell Wilson, *Menander Rhetor*.

²⁶ D. Matthes, "Hermagoras von Temnos", *Lustrum* 3 (1958), pp. 58–214; fragments D. Matthes (Leipzig: Teubner, 1962). The roots of the theory are much older: see *Rh. AL* 1427a23–30; Arist. *Rh.* 1373b38–4a17, 1417b21–27 (with Quint. *Inst.* 3:6:49); cf. W. N. Thompson, "Stasis in Aristotle's *Rhetoric*", *Quarterly Journal of Speech* 58 (1972), pp. 134–41 = K. V. Erickson (ed.), *Aristotle: The Classical Heritage of Rhetoric* (Metuchen: Scarecrow Press, 1974), pp. 266–77.

disputes—that is, to those concerned with aspects of the facts. These disputes might be concerned with the fact itself (the *stasis* of conjecture: did this man cause his colleague's death?), or with the categorization of acknowledged facts (definition: is it murder if one knowingly subjects an unstable colleague to a degree of stress sufficient to induce his suicide?), or with their evaluation (quality: was it justifiable to induce the colleague's suicide in the given circumstances?). Alternatively (a controversial addition to the system) the defence might contest the procedural validity of the prosecution.²⁷

For Hermagoras *stasis* was one key component in a more elaborate diagnostic apparatus.²⁸ Take the case of Orestes. He is charged with matricide and claims justification; so the question (ζήτημα) arises, whether Orestes was justified in killing his mother. The *stasis* of the case is therefore quality; the facts and their categorization are agreed, but the two parties contest their evaluation. We must next ask the grounds on which the defence claims justification (the αἴτιον); in this case, it is the fact that Orestes' mother had killed his father. The prosecution, while accepting that this was a crime which deserved to be punished, denies that it warranted matricide; Clytaemnestra deserved to die, but it was not for her son to kill her. So it is now possible to define with precision the point to be decided by the jury (the κρίνόμενον): was the fact that Clytaemnestra had killed his father sufficient to justify Orestes in killing his own mother? Knowing the point on which the dispute will be decided we can try to identify the crucial line of argument (the συνέχον) for the defence, and the two parties can set to work to confirm or undermine that crucial argument.

This elaborate apparatus was not free of internal tensions and practical problems, and it subsequently underwent a complex evolution.²⁹ By the second century AD its main terms had been redeployed; now a charge (αἴτιον: Orestes killed his mother) is countered by the

²⁷ For this innovation and its critics see Cic. *Inu.* 1:16; Quint. *Inst.* 3:6:60.

²⁸ This account is based on Cic. *Inu.* 1:18–19; cf. Quint. *Inst.* 3:6:56–61. Not all scholars accept that Cicero gives an accurate account of Hermagoras's theory; for discussion see M. Heath, "The Substructure of *Stasis*-theory from Hermagoras to Hermogenes", *CQ* 44 (1994), pp. 114–29, esp. 115–21.

²⁹ On the subsequent history of Hermagoras's diagnostic model see Heath, "Substructure". For a variety of theories of *stasis* see *Rhet. ad Her.* 1:18–27, 2:2–26; Cic. *Inu.* 1:10–19, 2:12–end, *De or.* 1:139–40, 2:104–13, *Part.* 98–108, *Top.* 93–96; Quint. *Inst.* 3:6 (with J. Adamietz *ad loc.*), 7:2–10. Cf. R. Nadeau, "Classical Systems of Stases in Greek: Hermagoras to Hermogenes", *GRBS* 2 (1959), pp. 53–71; E. Holtsmark, "Quintilian on Status: A Progymnasma", *Hermes* 96 (1968), pp. 356–68.

crucial argument of the defence (συνέχον: the killing was justified because she had killed his father); and these give rise to the point for adjudication (κρινόμενον: was the killing justified?). This simplified system was of little practical use; Hermogenes tacitly abandons it. By way of compensation, theorists had by now developed detailed and extremely sophisticated analyses of the most effective strategy for handling each kind of dispute. The division (διαιρέσις) of a *stasis* into its constituent heads of argument (κεφάλαια) provided the speaker with a ready-made outline of his case.³⁰ The division defines an appropriately ordered series of steps which the speaker may follow in developing his argument; the speaker's task is to give the argument concrete form by relating its abstractly formulated heads to the particular circumstances of the case in hand.

The overall articulation of *stasis*-theory had also changed by this date. The distinction between logical and legal disputes had been absorbed into the system; this, together with the promotion of what had previously been subdivisions of the *stasis* of quality, created the thirteen-*stasis* system which enjoyed canonical status in later antiquity. In this system, a dispute may be concerned with fact, definition or quality. Qualitative disputes may be logical (turning on the evaluation of facts) or legal (turning on the interpretation of a document). Logical disputes may be concerned with the evaluation of past or future actions. If they are concerned with past actions, the dispute is juridical. In these cases it may be maintained that the act in question was legitimate *per se*; or, conceding its *prima facie* illegitimacy, it may be argued that it was justifiable, or at least excusable, in the given circumstances—because of its beneficial consequences, because the victim deserved it, because a third party was responsible, or because of other mitigating factors. Logical disputes concerned with the evaluation of future actions are practical (a *stasis* which corresponds roughly to the deliberative class). Legal disputes may turn on a conflict between the literal meaning of a document and its spirit; on the extension of a document's application to cases which it does not explicitly cover; on a conflict between two laws; or on an ambi-

³⁰ It is important to note that the same term may designate both a head and a *stasis*; e.g. ἀντίληψις (asserting that an act is legitimate *per se*) is the decisive head in the division of the *stasis* to which it gives its name, but also plays a supporting role in several other *stases*. The division of each *stasis* is a different selection and arrangement of items drawn from a limited pool of possible arguments.

guity in the construction of a single law. Finally, the defence may contest the validity of the proceedings. Thus we have the thirteen-*stasis* system: conjecture (στοχασμός); definition (ὅρος); counterplea (ἀντίληψις); the four kinds of counterposition (ἀντίθεσις)—that is, counterstatement (ἀντίστασις), counteraccusation (ἀντέγκλημα), transference (μετάστασις), and mitigation (συγγνώμη); the practical *stasis* (πράγματις); the four legal *stases*—that is, letter and intent (ῥητὸν καὶ διάνοιαν), assimilation (συλλογισμός), conflict of law (ἀντινομία), and ambiguity (ἀμφιβολία); objection (μετάληψις). Each of these was furnished with a division indicating the most effective strategy for that kind of dispute.³¹

Our present theme is concerned with whether or not the Trojans should return Helen; so it seeks to make a qualitative assessment of a future act and falls under the practical *stasis*. This will give us a key to the handling of the argument at the next level of analysis.

II. MAPPING OUT THE CASE

A. Prologue

The prologue's primary function is to establish the desired relationship with one's audience; this is generally held to entail rendering them attentive, receptive and well-disposed.³² To this end the speaker may exploit favourable aspects of the theme, or seek to disarm unfavourable ones. There are generally held to be four topics from which appropriate material may be derived: the speaker, the opponent, the audience, and the subject-matter. Where the speaker is an advocate (as we have seen, Antenor must function in part as an advocate for Paris) both the speaker and the person on whose behalf he speaks may provide material for the prologue. The prologue is usually conceived in our period as composed of a number of distinct

³¹ Details of Hermogenes' divisions are given in Heath, *Hermogenes*; for brief expositions of *stasis*-theory in this period see D. A. Russell, *Greek Declamation* (Cambridge: Cambridge University Press, 1983), pp. 40–73; Kennedy, *Greek Rhetoric*, pp. 73–86; for a more extensive collection of material see L. Calboli Montefusco, *La dottrina degli status nella retorica greca e romana* (Hildesheim: Olms-Weidmann, 1986).

³² On the prologue: Cic. *Inu.* 1:20–26; *Rhet. ad Her.* 1:6–8; Quint. *Inst.* 4:1; *Anon. Seg.* 1–39; Aps. *Rh.* 217:2–242:11; [Hermog.] *Inu.* 93:4–108:17.

units, or proems, each based on a different topic or a different application of a topic. Some rhetoricians set a limit at three proems, although this was not universally accepted.³³

In the present case the subject-matter offers a weighty opening: we are concerned with war and peace, and hence with the security of the homeland. Our earlier comments on the theme's ambiguous mode indicate that we will wish to highlight Antenor himself in order to stake a claim on the audience's attention; Paris should be kept in the background until we are ready to mount an explicit defence of his conduct. We noted also that the ambiguous theme puts a premium on winning the audience's goodwill; our opponents' shortcomings are worthy of consideration in this connection, since odium raised against them may contribute to goodwill towards us.³⁴ Odysseus's eloquence is a source of suspicion, and the mismatch between the Greeks' conciliatory words and the aggression apparent in their behaviour (sending an army first, envoys second) may fuel a hostile response. But we must bear in mind Antenor's character, and avoid launching an overt attack on the opposition; any criticism should be "figured" (ἐξηγητομένους)—that is, conveyed obliquely under the guise of saying something else.³⁵

Having identified promising topics for the prologue, we must find a way to articulate them in more detail. One approach is to generate each proem from a simple underlying scheme: a proposition (πρότασις) is advanced together with a supporting argument (κατὰσκευή), and a conclusion (συμπέρασμα) is derived from them.³⁶ Since the prologue's function is to manage our relationship with the audience, the conclusion is in effect a cue to guide the audience's response to what they are going to hear.³⁷ Thus the three topics we have identified could be worked out along these lines:

³³ See the conflicting views in the scholia to D. 18:8, 12 (27a-d, 31b-c, 43a); [D.H.] *Rh.* 368:4-6 Usener-Radermacher; Men.Rh. 369:13-16.

³⁴ Cic. *Inv.* 1:22; *Rhet. ad Her.* 1:8.

[D.H.] *Rh.* 295-385, with K. Schöpsdau, "Untersuchungen zur Anlage und Entstehung der beiden Pseudodionysianischen Traktate *περί ἐξηγητομένων*", *RLM* 118 (1975), pp. 83-123. Cf. J. Penndorff, "De sermone figurato quaestio rhetorica", *Leipziger Studien zur klassischen Philologie* 20 (1902), pp. 169-94.

³⁶ This three-colon analysis is common in the scholia to Demosthenes (e.g. 24:5 [18a]) and Aeschines (e.g. 1:3 [8, 9 and 13 Dills]).

³⁷ Hence the term ἀξίωσις (also ἀρόδοσις) is used for συμπέρασμα in [Hermog.] *Inv.* 106:15-108:17 (cf. *RG*, VII, pp. 68:18-70:9). In this scheme the proem can be completed, when a pangeyric effect is sought, by a fourth colon (βάσις), which

[1st proem, based on subject] The question we are discussing is one of the utmost importance (πρότασις): the security of our homeland is at stake (κατὰσκευή). So (συμπέρασμα) we should not give way to anger if anything that the Greeks have said or done seems offensive, but deliberate calmly and carefully whether to accede to their request and return Helen.

[2nd proem, based on speaker] I have some claim to know what I am talking about (πρότασις), since I have lived a long time and know about peace and war from experience (κατὰσκευή). I would therefore ask you (συμπέρασμα) to pay attention to what I say, however much I fall short of my guests in eloquence.

[3rd proem, based on opponents] Odysseus's reputation as a speaker has gone before him; but Menelaus is especially to be congratulated for his eloquence (πρότασις)—no one else could have persuaded me that the arrival of a foreign army in our territory was not a hostile act (κατὰσκευή). We must therefore (συμπέρασμα) examine what has been said with great care, seeking what is in the best interests of our country, with due regard to the demands of justice and honour.

We may note in passing that a brief προκατασκευή has been included at the end of the final topic, foreshadowing what will prove to be the main heads of argument.³⁸

B. Narrative

After the prologue in the standard structure of a speech comes narrative.³⁹ But do we need to narrate? Most ancient rhetoricians agreed that the narrative was not needed in all cases,⁴⁰ indeed, the only

cites the underlying facts of the theme as the grounds of the ἀξίωσις; thus the first proem below might end: "... So (ἀξίωσις) we should not give way to anger if anything that the Greeks have said or done seems offensive, but deliberate calmly and carefully whether to accede to their request and return Helen, whom (βάσις) they claim Paris has stolen from her lawful husband".

³⁸ On the προκατασκευή (also πρόθεσις, *propositio*): *Anon. Sg.* 161-68; [Hermog.] *Inv.* 126:16-131:24; Quint. *Inst.* 4:4:1. Normally it would come after the narrative, but the position is variable.

³⁹ On the narrative: Cic. *Inv.* 1:27-30; *Rhet. ad Her.* 1:12-16; Quint. *Inst.* 4:2; *Anon. Sg.* 40-142; *Aps. Rh.* 249:15-260:16; [Hermog.] *Inv.* 119:20-125:21.

⁴⁰ Arist. *Rh.* 1416b16-17b20; Cic. *Inv.* 1:30, *De or.* 2:330; *Aps. Rh.* 250:12-16; *Anon. Sg.* 113-20; Quint. *Inst.* 4:2:4-8.

indispensable part of a speech is argument.⁴¹ Some held that narrative was unnecessary in deliberative oratory, since the facts would be known to the audience in advance.⁴² This can hardly be regarded as a universal rule; and we must remember that our theme has a quasi-judicial aspect (defending Paris's behaviour) as well as a deliberative one. In Libanius's declamation Menelaus does narrate, as does Paris in the anonymous reply. But Menelaus and Paris were direct participants in the events; in our theme Antenor is in no better position to know the facts than are most of his audience, and facts generally known to the audience do not need to be narrated. So the present case does conform to the principle that narrative is dispensable in a deliberative speech.

C. *Argument*

It is in the argument that *stasis*-theory proves its worth. As we have seen, the division of each *stasis* into heads provides an outline strategy for handling a dispute of that kind. The practical *stasis* is divided according to the heads of purpose (τελικά κεφάλαια). These are a checklist of the criteria by which an action can be assessed. There were various versions of this list; a basic one would have us ask whether the action proposed is legal, just, advantageous, feasible and honourable.⁴³ But we should not apply this list mechanically. A division is not to be seen as a rigid prescription; it offers a framework to guide and stimulate invention, but the speaker must also exercise judgment in selecting the heads relevant to the particular theme in hand.⁴⁴ In our present theme, for example, there is no question of law (or of its unwritten counterpart, custom) at issue; but justice, advantage, feasibility and honour will all feature.

The head of justice is necessary if we are to have any effective response to the main thrust of our opponents' argument. If Helen was and is Menelaus's legitimate wife, justice would demand acquiescence in the Greek request for her return; the refusal of this request

⁴¹ Quint. *Inst.* 5 praef. 5. *Anon. Sg.* 26-36, 113-28, criticizes the school of Apollodorus for its insistence on rigid adherence to the standard structure of a speech (cf. *Sen. Com.* 2:1:36).

⁴² [D.H.] *Rh.* 369:20-24; cf. *Arist. Rh.* 1417b12-20; Quint. *Inst.* 3:8:10-11.

⁴³ Hermog. *Stat.* 76:3-79:16; *Aps. Rh.* 291:3-296:12; [D.H.] *Rh.* 370:20-371:1.

⁴⁴ On the exercise of judgment see Hermog. *Stat.* 30:3-9, 44:1-20, 78:10-21; [D.H.] *Rh.* 363:11-20; Quint. *Inst.* 2:13:2; and cf. n. 51.

would be a manifest injustice. It is here, therefore, that the quasi-judicial aspect of the theme comes into play; nested within the practical *stasis* there will be a subordinate juridical *stasis* determined by the defence which we elect to offer on Paris's behalf.⁴⁵ In Libanius the ambassadors anticipate two distinct lines of juridical argument. One is a counterplea (ἀντίληψις): Paris might claim that it was legitimate to plunder Menelaus, who was an enemy (*Decl.* 3:18-22). As theory requires,⁴⁶ Menelaus counters this argument with an objection (μετάληψις), a head which concedes the general principle but maintains that the circumstances of the act in question remove it from that principle's scope. Here it is the manner of Paris's plundering of Menelaus which explodes the defence; to accept and betray hospitality is not a proper way of prosecuting enmity. The second defence, anticipated by Odysseus, is a counteraccusation (ἀντιέγκλημα): the Greeks began the sequence of abductions with Europa and Medea (*Decl.* 4:20-35). Our earlier examination of the story of Paris suggests a more radical line of defence: we shall deny the truth of the Greek account of what happened. The dispute will then be one of fact, and the *stasis* conjecture.⁴⁷

A model argumentative strategy for handling conjectural cases can be found in the division set out by theorists like Hermogenes.⁴⁸ The defence may begin by protesting against the validity of the proceedings (παρηγορητικόν). This is a skirmishing tactic, designed only to sow doubts in the jury's mind; if there were substantive grounds for a formal challenge to proceedings they would have to be argued out in detail and the case would be treated under a different *stasis*, μετόληψις. The argument proper begins with an examination of the witnesses (ἐλέγχων ἀπάτησις); if there are witnesses (or other forms of

⁴⁵ Hermog. *Stat.* 77:3-5; *RG*, VII, pp. 781:8-782:18.

⁴⁶ Hermog. *Stat.* 48:10-14.

⁴⁷ Strictly, the *stasis* is the species of conjecture known as incident conjecture (ἐκτίκτων στοιχείου), on which see Hermog. *Stat.* 56:24-57:11. The innocent gloss which the defence will place on Paris's behaviour rests on factual claims concerning the status of Helen which the other party would dispute; so a subsidiary conjectural question arises at this point. In a properly judicial theme this incident conjectural question would need to be argued out as well, since our "jury" is well-disposed and the opposition will not have a chance to dispute the claims, we can perhaps safely pass it over.

⁴⁸ Hermog. *Stat.* 43:16-53:13; cf. Zeno *ap. Sulp. Vict.* 325:19-327:7. For less developed treatments of conjecture cf. *Cic. Inv.* 2:14-51; *Rhet. ad Her.* 2:3-12; Quint. *Inst.* 7:2:27-50.

non-technical proof)⁴⁹ the defence will have to undermine their credit; if there are not, their absence can be exploited to cast doubt on the accusation. Then, to determine the intrinsic likelihood of the alleged crime, the defendant's motive (βούλησις) and capacity (δύναμις) are examined. The prosecution will also analyse the sequence of events (τὰ ἀρ' ἀρχῆς ἄχρι τέλους), trying to show how the undisputed facts in the case cohere with and uphold the disputed claim that the defendant committed the alleged crime. The defendant (applying, perhaps, the skills practised in refutation) will try to rebut this analysis and pick holes in the prosecution's construction of events. He also has a series of arguments concerning the undisputed facts which have been adduced as signs of his guilt: he will maintain that they are innocent in themselves (a counterplea, or ἀντίληψις, to which as we have seen the prosecution will respond with an objection, or μεράληψις); that they are open to an explanation which does not imply the alleged crime (a transposition of cause, μεράθειςις τῆς αἰτίας); and that so far from implying it they point in quite the other direction—had he been guilty, he would certainly not have drawn suspicion on himself by acting in that way (a persuasive defence, πιθανὴ ἀπολογία). Once the argument has been completed, the speaker will take the qualities of the individuals involved in the case and consider them in general terms (common quality, or κοινὴ ποιότης), using common topics to stir up helpful emotions such as indignation or (for the defence) pity; this is part of the epilogue, or at least leads into it.⁵⁰

Again, we must exercise judgment in applying the division. Not all of the heads are relevant to the defence of Paris. There is no doubt that he had the capacity to run away with Helen. Moreover, none of the overt and agreed facts would have been different had he done so; so we cannot use a persuasive defence to invert the signs of guilt alleged by the prosecution and make them into signs of the defendant's innocence. Hermogenes suggests a weaker substitute, in which it is argued that the facts are "not convertible": if he were guilty he would have done this, but his doing this does not entail his guilt. But the substitution would not greatly strengthen our case. Common quality,

⁴⁹ For the contrast between technical and non-technical proofs (ἐπὶ τεχνικοῖς καὶ ἀτεχνικοῖς, often rendered "artificial" and "inartificial") see (e.g.) *Arist. Rh.* 1355b35–40; *Quint. Inst.* 5.1; *Anon. Sg.* 188–91; *Aps. Rh.* 260.18–261.15.

⁵⁰ For the theoretical debate on this point see *RG, IV*, pp. 536.23–537.10, 542.19–21; *VII*, pp. 442.11–443.14, 446.20–448.4.

which is (or is interwoven with) the epilogue, is also superfluous in what is only one part of a larger argument.

The order, as well as the selection, of heads needs to be considered. Theory seeks to formulate in the division the natural order—that is, the way of conducting the arguments that is best in principle; but it is recognized that the constraints of a particular situation will sometimes make a departure from the norm advantageous in practice.⁵¹ It is particularly relevant to note here that a variety of opinion existed about the proper position of the counterplea. Hermogenes' order allows the defence to approach a climactic assertion by way of an effectively controlled escalation: the acts in question are not illegal; they have an innocent explanation; indeed they refute the allegation based on them. But some rhetoricians thought it better to place the counterplea after the transposition of cause, since it might seem provocative to claim the freedom to perform allegedly incriminating acts before it has been shown that they are susceptible to an innocent explanation.⁵² In the present case this view has some force; the acknowledged facts are on the face of it so scandalous as to demand careful preparatory treatment.

But our argument under the head of justice is still only an abstract template; we have yet to see how it can be given concrete form. The use of topics to guide invention was introduced earlier; this technique will now help us to begin putting flesh on our case. At this stage we only need a very basic list of topics, the elements of circumstance (περίστατικά): person, act, time, place, manner and cause.⁵³ Thus the παραρηγορικόν, which claims that the Greeks are acting unjustly in bringing their accusation against Paris, can be stated in terms of person: the Greeks are acting both as accusers and as jury, which is unjust. Time, too, is relevant: the Greeks, who have

⁵¹ On natural order (τάξις) and artificial order, or economy (οἰκονομία), see *Rhet. ad Her.* 3.16–17; *Cic. De or.* 2.307–309; *Quint. Inst.* 3.3.8, 7.10.11–13; *Zeno ap. Sulp. Vict.* 320.9–20.

⁵² For this dispute see *RG, IV*, pp. 313.20–314.13, 373.29–374.10; *V*, pp. 121.24–122.12; *VII*, pp. 257.16–22, 299.20–301.5, 315.10–19; *Zeno ap. Sulp. Vict.* 325.27, 326.30–32) places counterplea first, but says that it is not always used.

⁵³ For circumstance in general see *Quint. Inst.* 5.10.32–52, cf. 3.5.17–18; [Augustine] 141.8–142.14 (= Hermagoras fr. 7); *Hermog. Stat.* 42.22–43.3, 45.20–46.3, 47.9–11. For this application see [Hermog.] *Inw.* 140.10–147.15 (we will return to the larger context of this passage below: n. 66); cf. (e.g.) *RG, IV*, p. 316.2–23, *V*, pp. 123.6–124.10, correcting Hermogenes' less comprehensive account of the possible grounds for a παραρηγορικόν (*Stat.* 44.1–11).

already put an army in the field and delivered an ultimatum without allowing Paris's defence to be heard, have prejudged the case. The demand for witnesses (*ἐλέγχων ἀναιτήσις*) can be argued out in terms of cause, act and person. The testimony of witnesses is needed because it provides a vital safeguard against malicious accusation and miscarriages of justice; in this case, above all, witnesses are needed to support the accusation in view of the seriousness of the charge and the unblemished record of the person accused. Since Menelaus has produced no witnesses we have only the accuser's assertions about what actually happened, and this is not enough; so we have to make our own assessment of the plausibility of the charge. This brings us to motive (*βούλησις*), which draws primarily on person: Paris's manifold virtues make crime abhorrent to him. Our encomium will provide material here; we might mention, for example, the innate virtue he inherits from his father Priam, the influence of his upbringing and the testimony to his integrity and good sense given by the gods in choosing him as judge. But act, manner, time, place and cause all reinforce the claim: it is impossible to believe that a person of Paris's good character committed a crime so unprincipled, in such a treacherous and underhand manner, above all when he was a guest in Menelaus's house. And what was the incitement which allegedly caused him to do this? A mortal woman: yet Paris had been the partner of a goddess. We may draw on our earlier sketch of a refutation of the story of Paris to undo the sequence of events (*τὰ ἀπ' ἀρχῆς ἄχρι τέλους*) alleged by the Greeks, and also to show that Paris's bringing Helen to Troy has an innocent explanation (*μετάθεσις τῆς αἰτίας*): when Aphrodite promised Helen to Paris she was acting in accordance with the will of Zeus, who wished to secure another marriage for his daughter (a display of tactful reluctance to explain why Zeus found fault with her existing husband will convey our opinion of Menelaus without descending to overt invective). The ἀντίληψις follows: Paris has done nothing wrong in bringing Helen to Troy. This argument is based on the person of Zeus: as Helen's father Zeus had the authority to give his daughter to anyone he chose.⁵⁴

Having established the justice of our position, we move on to the other heads. The order in which we use them is for us to determine. The division of conjecture, as of most other *stasis*, establishes a natural

⁵⁴ For the father's right see D. 41:4; Men. *Epit.* 655–60; pap. Didot I; *Rhet. ad Her.* 2:38.

order for the heads through which the argument is to be pursued; but the order of the heads of purpose in the practical *stasis* is more fluid.⁵⁵ In the present case, justice and feasibility are basic to our case; until it has been shown that justice does not require acquiescence in the Greek demands, and that it is possible to win the war that will ensue on a rejection of those demands, there is little to be gained from considering other points. So the next head after justice will be feasibility: can the war be won?

At least four of the elements of circumstance bring to light considerations which make a Trojan victory likely. Our vindication of Paris permits an argument based on cause: the Greeks do not have justice on their side; the Trojans, fighting to defend their homeland and justice, will be well-motivated and confident of divine support. That the Trojans are fighting to defend their homeland permits an argument from place: the Trojans will always have a secure refuge; the Greeks must endure the privations of a prolonged siege in a precarious and uncomfortable encampment. The effect of this on their morale is important, in view of the argument from person: the Greeks are a reluctant army, compelled to go to war by oath; they are therefore poorly motivated. An argument based on time supports our case: they have come to Troy after the fiasco of their landing in Mysia; this is not a promising start to their campaign.

Feasibility has here been handled directly; that is, this head will take the form of an assertion of the feasibility of resistance, together with supporting arguments based on a variety of circumstances. A common alternative technique is to use a hypothetical objection as a point of departure. A counterposition (*ἀντίθεσις*), which here means an argument attributed to the opposition, will introduce the head; the speaker's own contentions are then set out as a solution (*λύσις*) to the opponent's objection.⁵⁶

In the present case, the head of advantage could well arise as an *ἀντίθεσις*; although the war can be won, it is not in the Trojan interest

⁵⁵ Different rhetoricians took different views on the best ordering principle (e.g. whether it is better to proceed from a stronger head to a weaker one or *vice versa*: *RG*, VII, p. 613:16–24; cf. Quint. *Inst.* 5:12:14).

⁵⁶ *ἀντίθεσις* and *λύσις*: *Aps. Rh.* 260:18–279:17. [Hermog.] *Inv.* 133:24–136:19 uses the terms *ὑποπόσις* and *ἀνθυποπόσις*; but the latter term is applied to a form of objection, midway between *ἀντίθεσις* and *ἀντιπῆξις* (n. 67), in scholia on D. 1:14 (105c), 2:9 (64c), 3:34 (154b), 5:24 (37), 20:3 (14b) etc. This is a good example of the instability of rhetoric's technical terminology.

to fight over a woman; the cost of compromise is negligible, and is far from counterbalancing the disadvantages of war. Here we must consider the different forms of λόγος available to us. The principal ones are ἔνστασις and ἀντιπαράστασις.⁵⁷ These are, respectively, an outright rejection of the opposing position, and a qualified acceptance combined with an attempt to show that the desired consequences do not follow; the two arguments can be combined, in either order. The use of ἀντιπαράστασις may seem problematic in the present context. Advantage is so much the basic point at issue in deliberative argument⁵⁸ that it goes against the grain to concede, even hypothetically, that the course of action we are proposing is disadvantageous. If we are to consider doing this a powerful counterweight is necessary. Another of the heads of purpose might suffice, since one head may appear as a solution to another. So honour provides a promising basis for the ἀντιπαράστασις; it would certainly be shameful to give way to threats of force when justice does not demand it. We will say, then, that even if it is true that the disadvantages of war outweigh the cost of acquiescence, it would be shameful to surrender. The ἔνστασις will follow. To show that fighting the war is not disadvantageous we will have to argue that acquiescence in the Greek demands would risk graver consequences than the hardships entailed by war. One point to consider is the impact which a dishonourable display of weakness would have on the allies: they would lose confidence in the Trojans, and Troy's empire would begin to dissolve.

There is a third kind of λόγος, the "forcible" argument (βίαιον).⁵⁹ In this the opponent's point is turned back on itself, its apparent strength being exploited to our advantage. Here the disproportion to which the objector draws attention between the hardships of war and the triviality of its cause shows that the alleged cause is no more than a pretext; the Greeks are not so foolish as to embark on a war for no better reason than this. The very fact that this is not a sufficient reason for fighting a war proves that the Greeks have some other aim in threatening to start it; they are using the pretext of a just war

⁵⁷ [Hermog.] *Inu.* 136:20–138:13; Hermog. *Stat.* 48:14–49:6, 76:17–77:2; Sopater *RG*, VIII, pp. 163:28–164:2, with a different terminology, *Aps. Rh.* 268:21–269:2.

⁵⁸ Arist. *Rh.* 1358b20–29; *Rhet. ad Her.* 3:3; Cic. *De or.* 2:334; Quint. *Inst.* 3:4:14.

⁵⁹ [Hermog.] *Inu.* 138:15–140:8; cf. the λόγος κατὰ περιτομήν in *Aps. Rh.* 269:17–270:3; Sopater *RG*, VIII, p. 132:7–8. The technique is associated especially with Demosthenes: see scholia on D. 1:21 (140c–d), 19:134 (291a), 21:103 (352), 21:114 (401).

in the hope of intimidating the Trojans into a concession that will undermine the confidence of their allies and weaken their empire. Surrender would on this account be dangerous as well as disgraceful.

Having mapped out the overall structure of the argument we must consider its articulation at a more detailed level. The three-colon scheme which we used in the prologue also has an application in the argument. In the *Rhetorica ad Herennium*, drawing on an earlier Hellenistic Greek source, the form of rhetorical argument known as epicheireme (ἐπιχειρήμα)⁶⁰ is conceived as an elaboration of an underlying scheme comprising a premise (*propositio* or *expositio*), a supporting reason (*ratio*), and a conclusion drawn from the combination of the two (*complexio*). For example: Odysseus had a motive to kill Ajax (*propositio*): for he wanted to remove an enemy, whom he feared (*ratio*); so Odysseus, wanting to remove this threat, had a motive to kill Ajax (*complexio*).⁶¹ This pattern corresponds to the first of Quintilian's three patterns for the epicheireme. Quintilian's second pattern is a close variant; the *complexio* is not in this instance identical to the *propositio*, but it is effectively equivalent to it. For example: death means nothing to us; for what has been dissolved lacks sense; and what lacks sense means nothing to us.⁶²

In mapping out the argument we proceeded from the abstract division of the *stasis* to a more concrete formulation in terms of the elements of circumstance. In doing this we were converting the underlying heads into potential epicheiremes. The ἀντίληψις which

⁶⁰ Rhetorical terminology in this area is extremely inconsistent (Quint. *Inst.* 5:10:1–7 illustrates the problem). The technical terms ἐπιχειρήμα and ἐνθύμημα are applied in a bewildering variety of ways in different sources; a full survey of the variants would be lengthy and unilluminating. Cf. Martin, *Antike Rhetorik*, pp. 102–106; W. Kroll, *Das Epicheirema* (SB Vienna, 216:2, 1936); F. Solmsen, "The Aristotelian Tradition in Ancient Rhetoric", *AJP* 62 (1941), pp. 35–50, 169–90, esp. 169–78.

⁶¹ *Rhet. ad Her.* 2:27–30 (cf. 2:2 for the Greek term). In this illustration the author is working out the head of motive for a declamation theme (a case of conjecture) in which Odysseus is found next to Ajax's corpse holding a bloody sword and is charged with his murder: cf. *Rhet. ad Her.* 1:18, 1:27; Cic. *Inu.* 1:11, 1:92; Quint. *Inst.* 4:2:13–14.

⁶² Quint. *Inst.* 5:14:10–11. The third pattern (living organisms are superior to inanimate objects; nothing is superior to the world; so the world is a living organism) is more like a syllogism, and corresponds to the model of the epicheireme in Cic. *Inu.* 1:57–61; but Quintilian notes (5:14:12) that it could be reformulated in accordance with the first pattern (the world is a living organism; for living organisms are superior to inanimate objects, and nothing is superior to the world; so the world is a living organism). Matthes, "Hermagoras", pp. 204–207 implausibly tries to assimilate the models found in *Rhetorica ad Herennium* and Cicero *De Inventione*.

concluded the quasi-judicial defence of Paris will provide a simple illustration: Paris has done nothing wrong in bringing Helen to Troy (*propositio*); for Zeus undoubtedly had the authority to give his daughter to anyone he chose (*ratio*); so Paris is blameless (*complexio*).

But these bare bones of an argument must be fleshed out further if they are to be placed before an audience with any hope of holding their attention and gaining their assent; a greater degree of elaboration is required. So the full structure of the epicheireme in the *Rhetorica ad Herennium* comprises five parts: the *ratio* is supported by additional considerations adduced to corroborate it (*rationis confirmatio*); this in turn is subjected to enrichment and embellishment (*exornatio*).⁶³ Thus the *ratio* which establishes Odysseus's motive for killing Ajax—that he wished to remove an enemy—can be corroborated by reference to Odysseus's acute perception of the threat which Ajax posed to him, and by his proven readiness (as in the case of Palamedes) to take ruthless action to dispose of his enemies; this is the *rationis confirmatio*. The *exornatio* gives examples (avarice, the lust for power and so on) to illustrate the general principle that people are induced to commit crimes by the advantage they hope to gain; it makes a comparison between the upright and heroic Ajax and the devious and cowardly Odysseus to highlight the nature of their enmity (*σύγκρισις*, as we noted earlier, is a technique of amplification practised in the rhetorician's elementary training); and it concludes with imagery drawn from the behaviour of wild animals. None of these embellishments offer proof of Odysseus's motive in strictly logical terms; but they help to make the speaker's point more vivid and compelling.

This model can be applied to our ἀντίληψις. Paris has done nothing wrong in bringing Helen to Troy, for Zeus undoubtedly had the authority to give his daughter to anyone he chose; this is a right which any father may exercise over his daughter. If even human fathers have this right, the rights of the father of gods and men cannot be any less. Suppose that the god at Delphi were to order someone to divorce his wife and allow her to remarry; would anyone claim that the oracle should be ignored, or that the new husband should be prosecuted for receiving the god's gift? So Paris is blameless, and the accusation against him cannot be sustained.

⁶³ The *rationis confirmatio* is essential (but from another point of view can be seen as part of the *ratio*: cf. Quint. *Inst.* 5.14:7–8); the *exornatio* and *complexio* can be omitted: *Rhet. ad Her.* 2.30.

In this illustration the *exornatio* is based on an argument from lesser (human) to greater (divine), and on a hypothetical example.⁶⁴ In finding corroborative arguments and embellishing them a richer store of topics than we used in determining the outline of our argument will be helpful; in the *exornatio*, in particular, topics involving comparison are important.⁶⁵ A later theorist, whose model we followed earlier in converting heads into potential epicheiremes using the elements of circumstance, makes the comparative topics a distinguishing feature in the next stage of his multi-layered approach to the evolution of arguments. The abstract head yields an epicheireme through the application of the elements of circumstance; to the epicheireme is added a development (ἐργασία) which makes use of a comparison, an example, or an argument from the lesser, the greater, the equal or the opposite; the whole complex is then rounded off with an enthymeme (ἐνθύμημα), a pointed expression designed to highlight the thrust of the comparison.⁶⁶

We do not have space to demonstrate how every part of our argument could be worked out on this model, but we may return briefly to the head of feasibility as a final illustration. There is one further technical point to consider first. A speaker must always be alert to points which run contrary to his case (ἀντιτίκτοντα) and take care to disarm them.⁶⁷ Our preliminary analysis identified two points likely to make the Trojan audience anxious about the prospect of war, both of which constitute potential weaknesses in our argument for the likelihood of a Trojan victory. One is the knowledge that Troy has been sacked once before; the sense of vulnerability to which this gives rise might be disarmed by drawing a contrast between past and present. The other concern is the immense size of the Greek army; they outnumber the Trojans by more than ten to one (*Il.* 2.119–30). The Trojan allies offset this numerical superiority in some measure

⁶⁴ On arguments καθ' ὑπόθεσιν see Quint. *Inst.* 5.10:95–99; Aps. *Rh.* 273:18–274:20; Ruf. *Rh.* 405:12–14, 405:28–406:5 Spengel-Hammer.

⁶⁵ For fuller lists of topics see (e.g.) Arist. *Rh.* 2:23; Cic. *Ino.* 1:34–49, *De or.* 2:153–73, *Top.*; Quint. *Inst.* 5:10:20–99; *Anon.* *Seg.* 169–81; Minuc. 343–51. Cf. Martin, *Antike Rhetorik*, pp. 107–19. For συγκριτικοί τόποι see scholia on D. 24:112 (222), 24:204 (371b–c); Sopater *RG*, VIII, p. 88:13; cf. Quint. *Inst.* 5:10:86.

⁶⁶ [Hermog.] *Ino.* 140:9–148:15 (epicheireme), 148:16–150:15 (ἐργασία); 150:16–154:8 (enthymeme); cf. n. 53 above. For the varied usage of the term ἐνθύμημα (n. 60) see e.g. *Anon.* *Seg.* 157–59.

⁶⁷ Aps. *Rh.* 224:8–226:14, 238:4–14, 240:12–20, 246:6–12, 251:3–9; scholia on D. 1:14 (105c), 2:1 (1c) etc.

(*Il.* 2:130–33), and they must therefore be given a prominent place. But it is always good if a strong point in the opposing position can be turned against itself, as happens in the “forcible” species of solution. Thucydides’ remarks on the logistical problems involved in maintaining such a large army in the field suggest a way to achieve this inversion (*Th.* 1:11; cf. *Hdt.* 7:49).

We decided earlier that, since feasibility was to come after our rebuttal of the charge against Paris, the argument from cause would be the basis for the first of the *epicheiremes* under this head: the Trojans can win the war because they have justice on their side and their enemies do not. This proposition is established by the fact that the Greeks have attacked on a false pretext; by contrast, the Trojans will be fighting in defence of their homeland. An argument from the opposite can be used for embellishment here, helping incidentally to disarm one of the ἀντιρροιαί: when Laomedon cheated his benefactors, the city was sacked by Heracles; now that Troy is ruled by Priam, a just and pious king, under whom the city enjoys divine favour (as the gift of Helen to Paris shows), it can look to the gods for protection. The city’s history proves that injustice does not prosper: so the Trojans can face an unjust enemy with confidence.

We proceed to place: the Trojans can win the war because it will be fought on their home ground. In confirmation we could remind the audience that the city is protected by the Palladium. A comparison of the prospects for the defenders, always in reach of a secure refuge, and for the invaders, facing years of hardship in a precarious and uncomfortable encampment, might provide suitable embellishment (cf. *A. Ag.* 555–66; *E. Tr.* 386–93).

Next, person: the Trojans can win the war because they face a poorly motivated enemy. The proof is that they undertook the war reluctantly, because they were compelled by oath. A particularly pointed example is to hand to enrich the argument: Odysseus, whose speech has no doubt stressed the hopelessness of the Trojan cause, pretended to be mad in an attempt to avoid service; his actions are a better measure of his confidence than are his words. An enemy reluctant to embark on the war will be eager to abandon it once they experience its fruitless hardships.

At this point, however, the worry concerning the size of the Greek army must be faced. The size of the Greek army does not make them invincible: the Trojans have allies to offset their superiority (a catalogue, drawing on *Il.* 2:816–77, may help to add impressiveness

ness; so many troops cannot be supported in the field for very long. In deploying force on such a scale the Greek commanders are gambling on a quick, decisive victory; they know, perhaps, that the morale of their reluctant army is too fragile to sustain the hardships of a prolonged campaign. But we have already seen that a quick victory is not within their grasp, provided that the defenders are resolute. In any case, the size of the enemy army is not the decisive factor, so much as its quality. Heracles was able to capture Troy with only a small force: he had a just cause, as the Greeks do not; and he was a renowned sacker of cities (he took Orchomenus, Oechalia, Elis, Pylos and Sparta) as Troy’s present enemies are not.

The final *epicheireme* under the head of feasibility supports that last observation. This is an argument from time: the Trojans can have confidence in their ability to win the war because the Greeks have already suffered defeat: they were repulsed in their invasion of Mysia. An argument from the lesser to the greater immediately springs to mind: the Mysians are just one contingent among the Trojan allies (*Il.* 2:858); if the Greeks cannot beat a single contingent of the Trojan army, how can they beat the whole?

D. *Epilogue*

The chief functions of the epilogue are to recapitulate the main points of our argument and to incite the emotional response which will finally carry the audience along with us.⁶⁸

The recapitulation in the present case will come round in the end to the last point we made in the head of advantage, which deduced a covert and hostile intention on the part of the Greeks from the inadequacy of their overt *casus belli*. This Greek duplicity is at one with the hypocrisy of opening negotiations when their army is already in the field; here we have a good basis on which to build indignation against our opponents. Further examples of Greek treachery would help to show that this behaviour is consistent with their whole character; Jason’s visit to Colchis might be mentioned, and we could invite our audience to reflect on the fact that the Greeks are led by sons of Atreus. We will amplify our condemnation of the Greeks’ behaviour in the manner of a common topic; but, as always,

⁶⁸ On the epilogue: Cic. *Inu.* 1:98–109; *Rhet. ad Her.* 2:47–50; Quint. *Inst.* 6:1–2;

we must remember the dignity and restraint which our persona demands, and be measured in our condemnation.

The epilogue will also contain a call to action, drawing once more on the heads of purpose. The appeal which we have already made to honour could be developed further: the Trojans should act in a manner worthy of their glorious past, and defend their rights and their honour. As for the Greeks, if they are serious when they invoke justice, then they themselves should act justly. The *παροργισμὸν* which began the defence of Paris points the way here: instead of prejudging the case the Greeks should withdraw and submit their claim to arbitration. We will of course be careful to propose an arbitrator who is neutral, in the sense of being non-belligerent, but who can be trusted to favour the Trojans. The obvious candidate, in view of his uncommon respect for the rights of host and guest (which the Greeks claim to have been violated), is the Thracian king Polymestor.

III. CONCLUSION

If we were to return to the argument and continue the process of elaboration through the whole case the task of invention would be complete. But we would still be very far from having produced a finished declamation. We have been content up to now to state and elaborate our arguments without any pretence at stylistic polish; the apology which one ancient writer on invention offered for the manner in which his examples were expressed is apposite: "Do not worry about the baldness of the style: since my aim has been the primarily didactic one of technical exposition, I have stripped away the power of discourse, presenting the ideas naked for greater clarity".⁶⁹ Philostratus (*VS* 604) tells us that the second-century rhetor Phoenix of Thessaly, although skilled in invention, composed in a disjointed style, lacking rhythm; in his compositions the facts were set out with no suit of verbal clothes to cover their nakedness, and for this reason he was thought better suited to teaching beginners. The polishing of students' style was work for the most advanced teachers; expression was, in fact, the most advanced and demanding element of rhetorical study.⁷⁰ But that is another story.

⁶⁹ [Hermog.] *Inu.* 94:22-95:1.

⁷⁰ Hermog. *Stat.* 35:10-12; cf. Quint. *Inst.* 8 praef. 13-14.

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