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THE RHETORIC OF ALCUIN & CHARLEMAGNE

*A Translation,
with an Introduction, the Latin Text,
and Notes, by*

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This Book is for Charlotte

Preface

THE *Rhetoric of Alcuin and Charlemagne* should appeal to several classes of readers and to various established interests of modern society. This statement does not mean that I regard my own part in the present book with self-centered approval. Although my translation and commentary are designed to make Alcuin's work easily accessible to American and English readers, I cannot lay claim to the title of specialist in the Latin language, and I have performed my task without assuming that what I have done is anything more than an expression of my own conception of the meaning of Alcuin's Latin text. But Alcuin's work itself I can recommend without personal predilection. It should appeal to those with a previous interest in Alcuin or in Charlemagne; and to those, as well, who recognize the importance of these two men as co-authors of the renaissance of the eighth and ninth centuries. It should appeal to those interested in the attempt of the Middle Ages to assimilate pagan learning to Christianity. It should appeal to those who have acquired, or wish to acquire, an insight into the nature of mediaeval education, and who seek to enrich their conception of the way in which Rhetoric, as one of the Seven Liberal Arts, served to coordinate the formal academic study of law, politics, and ethics. It should appeal to those who seek a modern synthesis in educational procedure, Alcuin's work being a reminder that knowledge in its humanistic branches may be imparted not so much in terms of arbitrarily separated disciplines as in terms of a method or activity which emphasizes the oneness of learning. It should appeal to those with a previous interest in the works of Cicero. It should appeal to modern students of the art practised by Cicero with a distinction hardly paralleled in history, and taught by him with an effect directly or indirectly acknowledged by every subsequent speaker, statesman, lawyer, politician, literary critic, and teacher. Finally, it should appeal to all modern teachers of public speaking who wish to put into the hands of students a good brief statement of rhetorical precepts designed by Cicero, and redesigned by Alcuin, for the undergraduate.

In the preparation of this book, many of my friends have lent assistance. I wish to thank all of them, and to mention by name those whose assistance has involved a sacrifice of their time and patience. Professor Hoyt H. Hudson, of Princeton University, read my manuscript in various stages, and made helpful comments from his knowledge of rhetorical theory. Professor Herbert A. Wichelns, of Cornell University, discussed with me on several occasions the technical concepts of Ciceronian rhetoric, offering advice, dissent, and encouragement. Professor Jeremiah S. Finch, of Princeton University, undertook at my request to examine at the British Museum Aromatari's chaotically bound *Autori del ben parlare*, and to answer in respect to it several questions which I could not otherwise have answered readily. Similar assistance was rendered by Professor Robert H. Ball, of Queens College, New York City, as a result of his inspection at the British Museum of Molther's edition of the *Rhetoric*. Mr. Raymond F. Howes, of Cornell University, gave me several times the benefit of criticisms which owed much of their value to his knowledge of rhetoric, and much to his experience as writer. The University Research Committee, of Princeton University, and particularly Dean Luther P. Eisenhart and Professor Gordon H. Gerould, exhibited a friendly interest in the publication of this book, and authorized the financial assistance which made publication possible. Professor Harry Caplan, of Cornell University, gave this book the patient, searching criticism of a gifted student of Latin and an acknowledged authority in the field of mediaeval rhetoric. Finally, Professor Lane Cooper, of Cornell University, has helped me in ways not easily covered by an expression of thanks. I shall content myself with the observation that students of ancient rhetoric are deeply indebted to his translations of Aristotle and Plato, while to me he has given additional benefits in the shape of encouragement and good counsel. Defects and errors in these pages are not, of course, attributable to him or to the others mentioned above.

A portion of Part V of my Introduction was taken from its present context, revised so as to stand alone, and read as a paper at the convention of the National Association of Teachers of Speech at Chicago in 1939. That paper was subsequently published, under the editorship of Professor Donald C. Bryant, of Washington University, in a pamphlet entitled *Papers in Rhetoric* (Saint

Louis, 1940). Restored to its original setting, it is here reprinted with the kind permission of Professor Bryant.

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Contents

Introduction

I. Subject and Purpose	3
II. Date of the <i>Rhetoric</i>	5
III. Its History in Manuscript and Book	8
IV. Its Sources	22
V. Its Educational Value	33

Text and Translation	65
----------------------	----

Notes	159
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Index	171
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*THE RHETORIC OF
ALCUIN AND CHARLEMAGNE*

Introduction

I. SUBJECT AND PURPOSE

DISPUTATIO de Rhetorica et de Virtutibus sapientissimi Regis Karli et Albini Magistri is the formal title of the work which we call *The Rhetoric of Alcuin and Charlemagne*, or Alcuin's *Rhetoric*. 'Disputatio' here means 'dialogue,' and the participants are in fact Charlemagne and Alcuin, talking respectively as eager pupil and learned tutor. Signaling his mastery of ancient sciences and arts, Alcuin assumed the Latin surname Albinus, to which, in recognition of his spiritual kinship with the poet Horace, he often prefixed the name Flaccus. Born in England about 735, the year of the Venerable Bede's death, Alcuin acquired at the cathedral school of York, under men who were Bede's pupils, the kind of learning which had made English scholars the envy of Europe during the preceding century. At the age of 47, distinguished now among his countrymen, he went to France on Charlemagne's personal invitation, and there became the most illustrious of the learned men assembled to rebuild in the new Carolingian empire the half-obliterated educational system of the earlier imperial epoch. Upon Alcuin's own part in this historic reconstruction, it is not our present purpose to dwell. 'The extent of his influence,' declares Stubbs,¹ 'is proved by his letters, and the success of his work by the literary history of the following century.' This verdict is widely accepted and here requires no elaboration. What we do, rather, is to present his dialogue on rhetoric and the virtues as a typical example of his work, and a standard whereby to measure the quality of his learning.

The Latin text of the *Rhetoric*, and the first English translation ever printed, constitute the body of the present volume. Except for a few changes, duly noted later, we use the text established by Halm for his collection of minor Latin works on

¹ W. Stubbs, "Alcuin," *A Dictionary of Christian Biography*.

rhetoric.² Finding discrepancies and carelessness in the early printed editions of the *Rhetoric*, Halm went back to three good manuscripts of the ninth and tenth centuries, from which he produced a text of undoubted merit. His work is subject to criticism on the ground that he availed himself of only a few of the accessible manuscripts. But this objection does not here apply with usual force, as will be shown later when we speak of his edition in connection with the bibliographical history of the *Rhetoric*. Convinced of the reliability of a given text, the translator proceeds to replace the original words with those chosen from equivalent regions of another vocabulary. Loss always attends this replacement, but there is solace in the reflection that greater loss might ensue if no attempt were made to surmount the barriers between two diverse modes of thought. Seeking to express an understanding of Alcuin's *Rhetoric*, or at least the difficulties antecedent to understanding, the present translation is made in the hope that it will prove of value to the growing number of students of the rhetorical tradition, who wish to survey the history of their subject more rapidly than would be possible if they worked throughout with the primary texts.

Before we proceed with our main task, we establish the date of the *Rhetoric*, give its bibliographical history, identify its sources more completely than has heretofore been done, comment upon the origin and influence of the doctrine it transmits, and show its potential value and its shortcomings. The discussion of these various subjects contributes to a full appreciation of the text and translation, and is the object of the introductory essay.

Perhaps a treatment of other introductory topics would better fit the tastes of some readers. A life of Alcuin, a description of his other works, an estimate of his place in the history of ideas, a study of his influence, the story of his amiable relations with Charlemagne—these subjects, too, would contribute to our appreciation of the *Rhetoric*. We omit them here, however, because they have been competently discussed elsewhere,³ and to reconsider

² C. Halm, *Rhetores Latini Minores*, Leipsic, 1863, pp. 523-50.

³ Numerous are the works exploring the life of Alcuin and his significance as writer, theologian, educator. Useful short biographies are by Stubbs (*A Dictionary of Christian Biography*), and M. Manitius (*Geschichte der Lateinischen Literatur des Mittelalters*, Munich, 1 [1911], 273-88). Mainly sound in biographical details, but antiquated as a commentary on his works, is the account by the Benedictine monks of the congregation of St. Maur (*Histoire Littéraire de la*

them would be to close our pages to matters more directly connected with the present undertaking.

II. DATE OF THE RHETORIC

Max Manitius, whose history of Latin literature during the Middle Ages gives a careful account of Alcuin and his works, assigns the *Rhetoric* to the year 796.⁴ A reconsideration of the date of the dialogue must begin with this recent and respected authority. Manitius establishes this date upon what seems at first glance to be convincing evidence. In a letter to Angilbert, son-in-law of Charlemagne and Abbot of Saint-Riquier, Alcuin writes: 'For intellectual diversion, I have played a bit with the elegance of rhetoric.'⁵ This letter concludes with the request that Angilbert furnish news of his welfare and journey.⁶ The first of these remarks makes it certain that the letter was written shortly after the composition of the *Rhetoric*; the second, that Angilbert was then traveling. The editors of Alcuin's *Epistolae*, from Mabillon to Wattenbach and Duemmler, place this letter in the year 796, knowing Angilbert to have been at that time on one of his journeys to Rome. Accepting this conclusion, Manitius dates the *Rhetoric* in the same year.

France, nouvelle édition Paris, 4 [1866]. 295-347). See also *Dictionary of National Biography* and *Nouvelle Biographie Générale*. Longer biographies are: C. J. B. Gaskoin, *Alcuin: His Life and His Work*, London, 1904; G. F. Browne, *Alcuin of York*, London, 1908; K. Werner, *Alcuin und sein Jahrhundert*, Paderborn, 1876; F. Lorenz, *The Life of Alcuin*, trans. by J. M. Slee, London, 1837. Various facets of Alcuin's influence are described by the following writers: F. Guizot, *Histoire de la Civilisation en France*, 12e. éd. Paris, 1872, 2. 175-208; J. B. Laforêt, *Alcuin Restaurateur des Sciences en Occident sous Charlemagne*, Louvain, 1851; F. Monnier, *Alcuin et Charlemagne*, 2e. éd. Paris, 1863; J. B. Mullinger, *The Schools of Charles the Great*, London, 1877; A. F. West, *Alcuin and the Rise of the Christian Schools*, New York, 1892; R. B. Page, *The Letters of Alcuin*, New York, 1909; F. Cabrol, "Alcuin," *Dictionnaire d'Archéologie Chrétienne et de Liturgie*; M. L. W. Laistner, *Thought and Letters in Western Europe A.D. 500 to 900*, New York, 1931, pp. 147-302.

⁴ *Geschichte der Lateinischen Literatur des Mittelalters*, 1. 283.

⁵ 'Paululum propter refectionem animi rethorica lusi lepiditate.' The letter in which this sentence occurs is given various numbers by the editors of Alcuin's *Epistolae*. E. Wattenbach and E. Duemmler, *Monumenta Alcuiniana*, Berlin, 1873, pp. 281-3, number it 54, and say that it is no. 46 in Canisius, 92 in Duchesne, and 21 in Froben. J.-P. Migne, *Patrologia Latina*, Paris, 180 (1863). 180, numbers it 25. Our quotations are from the text of Wattenbach and Duemmler.

⁶ 'Quid habeo plus scribere,' writes Alcuin here, 'quia omnia necessaria nosti? Iuxta oportunitatem portantis semper dirige mihi litteras; ut sciam de prosperitate tua et itinere tuo.'

But if the *Rhetoric* were written in 796, how can we explain Charlemagne's first speech of the dialogue? 'Since God has led you and brought you back, O revered Master Alcuin,' begins the king, 'I pray that a short time be allowed me in which to question you about the precepts of the art of rhetoric.' Evidence directly connected with the question of date, this speech indicates that the *Rhetoric* marked the resumption of Alcuin's work after one of his journeys, and was written, moreover, with his return still fresh in memory. At this point, we are reminded that he dwelt continuously in France from 782 to his death in 804, except for two visits to England, one in 786 and the other for the years between 790 and 793.⁷ If the *Rhetoric*, as Manitius says, were composed in 796, Charlemagne would not at that time have considered an event at least three years in the past to be a timely subject of comment.

This difficulty leads us to ask whether the editors of Alcuin's letters have correctly dated the one addressed to Angilbert. We find uncertainty here, the sources of which are revealed by a survey of the question.

Angilbert's biographers say that he made four journeys to Rome.⁸ In 792 and again in 794, Charlemagne sent him as ambassador to Pope Adrian. When Leo III in 795 succeeded Adrian and sent diplomatic assurances to his great northern neighbor, Charlemagne responded by sending Angilbert to Rome on a third mission, which fell in the year 796. Finally, in 800, when Charlemagne went to Rome to become Emperor, Angilbert accompanied him.

With Angilbert's third journey, Mabillon connected the date of the letter in question.⁹ That Alcuin does not refer to the first can be easily established, the editors recognizing that in 792 he was in England, a circumstance which does not accord with the general drift of the letter. Left with three dates to which Alcuin's reference may have been connected, Mabillon placed the letter against Angilbert's journey of 796, a conclusion endorsed by later editors with the reservation that the journeys of 794 and

⁷ See Manitius, *Geschichte der Lateinischen Literatur des Mittelalters*, 1. 273; also Gaskoin, *Alcuin*, pp. 57-8, 63, 65-8.

⁸ *Histoire Littéraire de la France*, 4. 415; also Migne, *Patrologia Latina*, 100. 179-81, 171-2; also Manitius, *Geschichte der Lateinischen Literatur des Mittelalters*, 1. 543-4.

⁹ Migne, *Patrologia Latina*, 100. 180.

800 were equal possibilities.¹⁰ Then Wattenbach and Duemmler eliminated the possibility that Alcuin alluded to Angilbert's last journey. They likewise assigned the letter to the year 796, but they construed one of its passages to mean that Alcuin had not yet received from Charlemagne, as later in that year he did receive, the gift of the monastery of St. Martin at Tours.¹¹

This survey of attempts to ascertain the correct date of the letter shows that Mabillon's verdict has not gained with the years a much greater degree of certainty than it originally had. Of Angilbert's four journeys, to but one of which the letter can refer, the first and last have been excluded from consideration. Never decisively answered is the question whether the letter belongs to 796 or to 794, in both of which years Angilbert traveled to Rome.

Hitherto ignored, the evidence afforded by Charlemagne's opening speech of the *Rhetoric* permits us to resolve the uncertainty. When the king alludes to the return of his revered tutor, we know that the dialogue was written soon after Alcuin ended his sojourn in England, unless we adopt the unreasonable view that Charlemagne's words are spoken at random and bear no connection with a real event. When Alcuin's letter, mentioning his recent concern with rhetoric, proceeds to ask for news of Angilbert's journey, we also know that Angilbert was at the time absent from France. The date of this absence is found, not only by ascertaining in what years Angilbert traveled to Rome, but also by inquiring which one of his various journeys immediately followed Alcuin's return to France. Guided by this inquiry, we see that the *Rhetoric* and the letter as well were written in 794. That year, we said above, marked the resumption in France of Alcuin's work after his lengthy second absence, the *Rhetoric* being by its own statement one of the first things he wrote upon his return. That year, moreover, found Angilbert upon his second

¹⁰ *Itinere tuo*, Romano scilicet. Angilbertus, dum Alcuinus in Galliam rediit, ter Romam profectus est, nempe annis 794, 796 et 800, ut supra diximus, quo ex iis anno data sit praesens epistola incertum est. Mabillonius illam recenset anno 796.' Migne, *Patrologia Latina*, 100. 180.

¹¹ In the letter, Alcuin says: 'Quia necdum in litore Iesus stetit, praecipiens, in dexteram navigii rete mitti.' Identifying the allusion to *John*, 21. 4-6, Wattenbach and Duemmler add: 'Ex eo intellegi potest, hanc epistolam scriptam esse ante tributam Alcuino ecclesiam S. Martini Turonensem.' *Monumenta Alcuiniana*, p. 281, notes 7, 8.

mission to Pope Adrian, a circumstance which accords with Alcuin's letter of inquiry.

As a date for the *Rhetoric* and the letter to Angilbert, the year 794 would therefore appear to have the support of the available evidence. We have seen that Alcuin could have written neither work in 792 or 800. Moreover, we have seen that 796, at best a conjectural date, would leave us with no alternative but to conclude that Charlemagne's opening speech in the *Rhetoric* is either a meaningless reference to Alcuin's return, or else a comment implying that an event three years in the past was still news. Finally, the year 787, a possible date for the *Rhetoric* in view of Alcuin's recent return from his first visit to England, is not a satisfactory date for the letter, Angilbert being at the time a student under Alcuin and an important official at Charlemagne's court.

III. ITS HISTORY IN MANUSCRIPT AND BOOK

Previous studies of the *Rhetoric* have not given a satisfactory catalogue of the manuscripts. In fact, the only author attempting to make a systematic list is Manitius, who designates seven, three of which are now at Munich and four at St. Gall.¹² To these must be added nineteen others, for a total of twenty-six. Thirteen manuscripts are from the ninth century, seven from the tenth, two from the thirteenth, and one from the fifteenth. Three listed in Montfaucon's eighteenth-century catalogue are undated. Indicative of the early popularity of the *Rhetoric*, the large number of well-preserved copies from the ninth and tenth centuries also suggests why manuscripts of later date are rare. With six at St. Gall, four at the Vatican, three each at Munich, Berlin, Valenciennes, two at Vienna, and one each at Oxford, Cambrai, Chartres, Brussels, and Wolfenbüttel, the manuscripts are widely distributed among the libraries of Europe, a fact which explains why no editor of the *Rhetoric* has seen and used more than three codices. The appended table gives a summary description of each of these twenty-six manuscripts, together with the titles of the catalogues in which fuller details are to be found.¹³ Successful in designating many manuscripts not previously listed together, this inventory is intended to be exhaustive, but it must be stated

¹² *Geschichte der Lateinischen Literatur des Mittelalters*, I. 283.

¹³ Location	Manuscript Number	Century	Former Number	Catalogue in which manuscript is listed
Munich	6407	9	Fris. 207	C. Halm, G. Thomas, G. Meyer, <i>Catalogus Codicum Latinorum Bibliothecae Regiae Monacen- sis</i> , Monachii, 1. 3 (1873), 2. 2 (1876). <i>Verzeichniss der Handschriften der Stiftsbibliothek von St. Gal- len</i> , Halle, 1875.
Munich	13084	9	Rat. civ. 84	
Munich	14377	10/11	Em. D 102	
St. Gall	64	9		
St. Gall	273	9		
St. Gall	276	9		
St. Gall	855	9		
St. Gall	820*	10		
St. Gall	62*	13		
Valenciennes	337	9	325	<i>Catalogue Général des Manu- scrits des Bibliothèques pub- liques de France</i> , Paris, 25 (1894,) 17 (1891), 11 (1890).
Valenciennes	404	9	386	
Valenciennes	405	9	387	
Cambrai	168*	9	163	
Chartres	77	10	57	
Vienna	2484	9	Philol. 340	<i>Tabulae Codicum Manu scrip- torum praeeter Graecos et Orien- tales in Bibliotheca Palatina Vindobonensi asservatorum</i> , Vin- dobonae, 1 (1864), 2 (1868). V. Rose, <i>Verzeichniss der Latei- nischen Handschriften</i> , Ber- lin, 1 (1893). (In <i>Die Hand- schriften Verzeichnisse der Königlichen Bibliothek zu Ber- lin</i> , 12).
Vienna	160	13	Univers. 232	
Berlin	138*	10	Phill. 1833	
Berlin	174*	10/11	Phill. 1786	
Berlin	176	10	Phill. 1780	
Wolfenbüttel	579	9	Helmst. 532	O. von Heinemann, <i>Die Hand- schriften der Herzoglichen Bib- liothek zu Wolfenbüttel</i> , Wolfen- büttel, 2 (1886).
Oxford: Bodley Junius 25	9		5137	H. Schenkl, <i>Bibliotheca Patrum Latinorum Britannica</i> , Vienna, 1 (1891) p. 56.
Brussels	1372	10	9581-95	J. van den Gheyn, <i>Catalogue des Manuscripts de la Bibliothèque Royale de Belgique</i> , Brussels, 2 (1902).
Vatican Reg- inensis		no date	1099	B. de Montfaucon, <i>Bibliotheca Bibliothecarum Manuscriptorum Nova</i> , Paris, 1739, pp. 37, 57.
Vatican Reg- inensis		no date	1933	
Vatican Reg- inensis		no date	1934	
Vatican: Vaticanus Urbinas lat. 308		15		C. Stornajolo, <i>Codices Urbina- tes Latini</i> , Rome, 1 (1902). (In <i>Bibliothecae Apostolicae Vati- canae Codices Manu Scripti Re- censiti</i>).

that further search would possibly add to the number catalogued here.

Bearing the name of king and scholar, and symbolizing a united effort in behalf of learning, the *Rhetoric* was destined to a long career in print. Under various titles the dialogue has received nine editions. It has not hitherto been published alone. Twice edited in company with the *Dialectic*, itself a dialogue between Alcuin and Charlemagne, and three times with the whole body of Alcuin's works, it has on four other occasions found a place in collections of Greek and Latin treatises on rhetoric. That no complete register of these editions has yet been made,¹⁴ defines in part our present task. We are also in part concerned with the quality of the editing. The manuscript origins of each printed text cannot here be fully explored, without needlessly extending the present study. Nor can we presume to pass final judgment upon the virtues and shortcomings of the several editors. But a glance at these questions is necessary, if only to indicate upon what authority the leading editions depend, and to what text a translator is most indebted.

Published by Menrad Molther at Haguenau and Paris in 1529, the *editio princeps* appears from its title to contain Alcuin's *Rhetoric* alone,¹⁵ but in fact embraces his *Dialectic* as well.

¹⁴ The *Histoire Littéraire de la France*, as newly edited in the year 1866, mentions (4. 317) four of the nine editions then in existence, mistakenly saying that that of 1529 contained the *Rhetoric* alone. Incomplete in the same or other ways are the bibliographical notices found in Froben's Preface to Alcuin's *Dialogus de Rhetorica et Virtutibus* (in Migne, *Patrologia Latina*, 101. 919-20), in W. Cave, *Scriptorum Ecclesiasticorum Historia Literaria a Christo Nato usque ad Saeculum xiv*, London, 1688, p. 497, in Halm, *Rhetores Latini Minores*, pp. v-vi, xiii, and in Manitius, *Geschichte der Lateinischen Literatur des Mittelalters*, I. 283.

¹⁵ *Caroli imperatoris illius Magni et D. Albi de rhetorica et virtutibus disputatio*, per Menradum Moltherum restituta. Haganoae: Secerius, 1529. 8vo. Identical in title and size, the Paris edition has the following imprint: Parisiis: Colinaeus, 1529.

Humanist and reformer, Molther (?1505-1558) was educated at Heidelberg, where he found friends and patrons in men who knew Erasmus. While a student, he edited Alcuin's *Questions on Genesis* and the *Rhetoric* from manuscripts in the monastery at Neuhausen. In these and other publications he displayed his interest in education and theology. Later he attached himself to the cause of reform in Württemberg, becoming friends with Johann Lachmann and Johann Brenz, both of whom were devoted to Luther's ideas. Molther assisted and later succeeded the ailing Lachmann as city preacher of Heilbronn, where he worked to reform church ritual and came to exercise great influence. See G. Bossert, "Molther," *Allgemeine Deutsche Biographie*, 52 (1906). 446-7. A briefer article

Molther's selection of a title, however, was not the result of careless or deliberate omission. Various manuscripts obliterate more or less completely the line between the *Rhetoric* and *Dialectic*, making the second an immediate continuation, if not an integral part, of the first. Particularly marked was this tendency during the tenth century, where two manuscripts make little or no attempt to preserve the distinction between the dialogues. On the authority of the tenth-century codex now called Brussels 1372, one critic remarked that Alcuin himself did not mean to separate one work from the other, but thought them a single dialogue on the divisions of logic, the *Rhetoric* being the first and the *Dialectic* the second conversation.¹⁶ Doubtful evidence of Alcuin's own intention, this manuscript merely reveals an editorial procedure not unlike Molther's. An even better parallel is afforded by the codex known as Chartres 77, the first sixty-three pages of which are from the tenth century and contain the *Rhetoric* and *Dialectic* under the title, 'Disputatio de rethorica et de virtutibus sapientissimi regis Karli et Albini Magistri.'¹⁷ Molther's edition was based, not upon Brussels 1372 or Chartres 77, but upon a Neuhäusen manuscript discovered by himself.¹⁸ I do not know whether this document still survives, but it presumably belongs to the tenth century and contains the two dialogues under the title of the first.

Exhibiting a family resemblance to Molther's work, the second edition embraces both dialogues, and even fails on first publication to acknowledge its true contents. The editor was Matthieu Galen, sometimes called Galenus, of Westcapelle, West Flanders, who taught theology and later became chancellor at the newly founded Catholic university of Douai.¹⁹ Under the imprint of

on Molther by the same author is found in *The New Schaff-Herzog Encyclopedia of Religious Knowledge*.

¹⁶ This opinion is expressed in an unsigned critical review of Halm's *Rhetores Latini Minores* in *Literarisches Centralblatt für Deutschland*, Leipsic, 1864, No. 24, p. 570.

¹⁷ As described in the *Catalogue Général des Manuscrits des Bibliothèques Publiques de France*, vol. 11, this manuscript appears to contain the *Rhetoric* alone. Scrutiny of the description reveals, however, that the *Dialectic* begins on page 36, following a table of terms used in the two works. The opening words on page 1 are Charlemagne's first speech of the *Rhetoric*, the closing words on page 60, Alcuin's last speech of the *Dialectic*.

¹⁸ See above, note 15.

¹⁹ E. de Seyn, *Dictionnaire des Écrivains Belges*, Bruges, 2 (1931). 850-2. Galen (?1528-1573) studied at Louvain, then taught at the university of Dillingen

Jacques Boscard, printer to the university, Galen published in 1563 his *Alcuini Rhetorica, ad Carolum Magnum*, a book whose existence we are now able to establish only by the authority of Dinaux and Duthilloeul.²⁰ In the next year, the same book was republished with the title, *Institutiones rhetoricae, et dialecticae*.²¹ Dinaux observes that Galen based his edition upon ancient manuscripts. Perhaps Brussels 1372 was used, or some other tenth-century manuscript in which the *Rhetoric* and *Dialectic* were not sharply distinguished.

The assumption that these two dialogues were virtually inseparable prevailed no longer when François Pithou published at Paris in 1599 his *Antiqui Rhetores Latini*.²² In this collection appeared Alcuin's *De arte rhetorica dialogus*, accompanied not

in Saar Basin. He was called in 1562 to Douai, where a university had just been established to counteract the spread of heresy in the Low Countries and to provide a rival to Louvain. Galen attended the Council of Trent, became chancellor of the university of Douai, and collected a large library of his own, a portion of which he had acquired at Dillingen. See H. Duthilloeul, *Bibliographie Douaisienne, ou Catalogue historique et raisonné des livres imprimés à Douai, depuis l'année 1563 jusqu'à nos jours*, Douai, 1 (1842). 12; also A. Dinaux, "Bibliographie Douaisienne," *Archives historiques et littéraires du nord de la France et du midi de la Belgique*, 4 (1834). 529-32.

²⁰ Dinaux, "Bibliographie Douaisienne," *Archives du nord*, 4. 536; Duthilloeul, *Bibliographie Douaisienne*, 1. 7.

²¹ *Politicae, imperiales et vere heroicae Institutiones rhetoricae, & dialecticae ab Albino quidem seu Alcuino conscriptae, & explanatae . . . editae a Matthaeo Galeno Vestcapellio*. Duaci: Boscardus, 1564. 8vo, 168 pp. See *Gesamtkatalog der Preussischen Bibliotheken*, Berlin, 3 (1933). 15; also Duthilloeul, *Bibliographie Douaisienne*, 2 (1854). 1-2.

²² *Antiqui Rhetores Latini*. Rutilius Lupus, Aquila Romanus, Iulius Rufinianus, de figuris sententiarum et elocutionis. Curii Fortunatiani Consulti Artis rhetoricae scholicae libri iii. Marii Victorini Expositio in libros Rhetor. Cicer. Sulpitii Victoris Institutiones oratoriae. Emporiorum Rhetor De ethopoeia ac loco communi. Eiusdem demonstrativae ac deliberativae materiae praecepta. Aurelii Augustini Principia rhetorices. Iulii Severiani Syntomata. Ruffinus De compositione et metris oratorum. Priscianus Caesariensis De praeexercitamentis rhetoricae. Aurel. Cassiodorus De arte rhetorica. Beda De tropis Sacrae Scripturae. Isidorus De arte rhetorica. Anonymus De locis rhetoricis. Albuini Alcuini De arte rhetorica dialogus. Omnia ex codd. manuscr. emendatiora vel auctiora ex bibliotheca Francisci Pithoei. . . . Parisiis: Drouart, 1599. 4vo. Alcuin's *Rhetoric* is on pp. 359-82.

Copies of this book sometimes omit *Antiqui Rhetores Latini* from the title. Some bear the imprint, Parisiis: Perier, 1599.

Pithou (1543-1621) studied at Bourges and Valence, went into voluntary exile to escape the persecution directed at Calvinists, and later returned to France and accepted Catholicism. An editor and scholar, he collaborated in some of his publications with his celebrated brother, Pierre. During his later life, he held several posts in the government. See *Nouvelle Biographie Générale*.

by his own or other works on dialectic, but by rhetorical treatises which like Alcuin's belong to the Latin tradition. Pithou rendered a distinct service when he brought together and suggested the unity among the scattered descendants of Ciceronian rhetoric. How accurately and from what source he established his text of Alcuin are questions incidental to that of the accuracy and resourcefulness of his edition as a whole. That he was not an infallible editor is demonstrated by his successors, Capperonnier and Halm, each of whom in turn felt obliged to revise, correct, and extend the original anthology. Particularly severe, Halm criticised Pithou for having neglected to profit by the manuscripts which supported his edition, and for having trusted conjecture to the point where his texts become careless and corrupt.²³ This general indictment Halm does not apply to Pithou's text of Alcuin's *Rhetoric*. Lacking positive knowledge of its sources, we suspect, however, that Pithou did not establish it upon anything more secure than a single manuscript, supplemented perhaps by one or both of the preceding editions.

Certainty replaces conjecture when the manuscript sources of the next edition of the *Rhetoric* are discussed. In 1617, Andrea Quercetanus, better known as André Duchesne, published the first book devoted exclusively to the whole body of Alcuin's works.²⁴ Containing of course the *De rethorica ac virtutibus dialogus*, Duchesne's edition also makes Alcuin the author of a preface and two chapters on grammar and rhetoric from what was assumed to be his once complete Epitome of the seven liberal arts.²⁵ In reality, Alcuin never wrote an Epitome of this sort, nor was he author of the preface and chapters in question. What

²³ Halm, *Rhetores Latini Minores*, p. v.

²⁴ B. Flacci Albini sive Alchwini Opera quae hactenus reperiri potuerunt: nonnulla auctius et emendatius, plerâque nunc primum ex codd. mss. ed. Accessere B. Paulini Aquileiensis patriarchae contra Felicem Urgel. episc. libri iii qui etiam nunc prodeunt. Omnia studio & diligentia Andreae Quercetani Furonensis. 3 parts. Lutetiae Parisiorum: Cramoisy, 1617. fol. The *Rhetoric* is in pt. 2, pp. 1319-54.

Duchesne (1584-1640), French historian, editor, and translator, studied at Loudun and Paris. Mainly interested in history and geography, he also published books on other subjects and produced some translations, among them a French version of Juvenal. He was named historian and geographer to the king after having attracted the attention of Cardinal Richelieu. See *Nouvelle Biographie Générale*.

²⁵ The extant sections of the Epitome are printed in Duchesne, *Albini Opera*, pt. 2, pp. 1245-56.

Duchesne did was to establish his text of the genuine *Rhetoric* upon the very manuscript which authorized him to ascribe the spurious pieces to Alcuin. Now called Berlin 176, but known to Duchesne as an 'ancient codex of Jac. Sirmondus,' this manuscript contains the preface and two chapters, introduced by the words, *Incipit liber Alcuini de vii. artibus*, prior to which are Alcuin's *Dialogus de rhetorica* and his *Dialectica*.²⁶ A tenth-century scribe, having copied the two dialogues, evidently began to reproduce the second book of the *Institutiones* of Cassiodorus, under the misapprehension that he was still dealing with Alcuin's works. At any rate, he attributed these sections of the *Institutiones* to Alcuin, an error which Duchesne repeated.²⁷ Used without appropriate safeguards, this manuscript is hardly a reliable authority for a text of the genuine *Rhetoric*. Duchesne protected himself in a measure if it is true that he referred, as Forben says he did, to the previous editions of the dialogue;²⁸ but these, originating in manuscripts which could not claim the greatest age and purity, were at best imperfect guides.

Thus far we have looked at the four earliest editions of the *Rhetoric*, each of which was printed at a French press and made chiefly available to French humanists. Of the first editors, Molther was the only one to have lived in central Europe, and his edition, as we have remarked, was printed on the western bank of the Rhine. It is a fitting symbol of Alcuin's devotion to France that his most popular work should first have achieved a public in the

²⁶ See Rose, *Verzeichniss der Lateinischen Handschriften*, 1. 391-3.

²⁷ Scholars soon recognized the similarity between Alcuin's incomplete Epitome and the parallel sections of the *Institutiones*, but for over a century the belief persisted that Alcuin had merely borrowed from his predecessor. As late as 1738, this view was adopted by the authors of the account of Alcuin in the *Histoire Littéraire de la France*, where we find an exhaustive survey of Duchesne's edition. See 4 (1866). 301-40, especially pp. 316, 336. Meanwhile, Johannes Garetius, editing the collected works of Cassiodorus, had denied these chapters to Alcuin and reattributed them to his own author. First published at Rouen in 1679, and reprinted at Venice in 1729, Garetius's edition appears again in Migne, *Patrologia Latina*, 69, 70 (1865), where (69. 433-4) Alcuin's supposed authorship of the Epitome is disproved. Froben accepted and reaffirmed the position of Garetius. See his Preface to Alcuin's *Opera Didascalica* in Migne, *Patrologia Latina*, 101. 847-8. Admirably equipped to pass judgment upon the bibliographical history of the *Institutiones*, R. A. B. Mynors has recently contributed to the discussion of Duchesne's error. See his *Cassiodori Senatoris Institutiones Edited from the Manuscripts*, Oxford, 1937, pp. xxi, li-lij.

²⁸ See Froben's Preface to Alcuin's *Dialogus de rhetorica et virtutibus* in Migne, *Patrologia Latina*, 101. 919-20.

place where he and Charlemagne had collaborated. But national considerations had as little to do with the editions of the *Rhetoric* as with Alcuin and his world. By its nature the dialogue was adapted to audiences which did not recognize territorial boundaries in the field of learning. Descended directly from Roman and Greek stock, it was destined to attract attention wherever a lively consciousness of the original sources of western European culture directed the aims of scholars. That this consciousness was pervasive and strong doubtless explains why the *Rhetoric* at length found editors in the Italian and German corners of what had once been the Carolingian Empire.

The edition least well-known to modern readers was made at Venice. Giuseppe degli Aromatari, scholar and physician of that city, published in 1643, and reprinted in 1644, a monumental collection of works on rhetoric, one of which was Alcuin's *De arte rhetorica dialogus*.²⁹ The extensiveness and rarity of this col-

²⁹ *Degli autori del ben parlare per secolari, e religiosi opere diverse. Intorno 1. Alla favella nobile d'Italia. 2. Al barbarismo, e solecismo, tropi, figure, & altre virtù e vitii del parlare. 3. Agli stili, & eloquenza. 4. Alla retorica. 5. All'eloquenza ecclesiastica.* [Ed. by Giuseppe degli Aromatari.] 5 parts, 19 vols. Venetia: Salicata, 1643. 4to. *Alcuvini sive Albini de arte rhetorica dialogus* is in pt. 4, vol. 2, pp. 91-122.

The nineteen volumes in this collection are distributed as follows: Part 1, containing treatises on the noble speech of Italy, has 6 vols.; Part 2, with works on barbarisms, solecisms, tropes, figures, and other virtues and faults of style, has 1 vol.; Part 3, devoted to style and eloquence, has 5 vols.; Part 4, a collection of works on rhetoric, has 6 vols.; Part 5, on ecclesiastical eloquence, has 1 vol. See *Biblioteca dell' Eloquenza Italiana di Monsignore Giusto Fontanini . . . con le Annotazioni del Signor Apostolo Zeno*, Venezia, 1753, I. 50-51.

The last four parts of the *Autori del ben parlare* were reprinted in 1644 as follows: *Operum Graecorum, Latinorum, et Italarum Rhetorum tomus primus (-octavus. De labore et virtute prolegomena Rhetorum Graecorum . . . operibus praeposita, Italice inscripta. Avvisi precedenti.)* 8 vols. Venetiis: Salicata, 1644. 4to. *Alcuvini sive Albini de arte rhetorica dialogus* is in vol. 4, pp. 91-122. For a discussion of the relation between the reprint and the original collection of 1643, see *Biblioteca dell' Eloquenza Italiana di Monsignore Giusto Fontanini*, I. 51.

Aromatari (1586-1660), distinguished Italian physician, practised his profession at Venice during the last fifty years of his life. Devoting his leisure to the enrichment of his library and to the study of philosophy, literature, and botany, he also carried on an extensive correspondence with foreign scholars, and took part in the literary controversies of his day. Under the pseudonym of Subasiano, he contributed treatises on Uncultivated Speech and Barbarisms to his own *Autori del ben parlare*, and published works on medicine and natural history. His theory concerning the generation of plants from seeds is said to have influenced his English contemporary, William Harvey. See *Nouvelle Biographie*

lection are possible reasons for the general failure to notice single items in the contents. The title used by Aromatari for Alcuin's dialogue obviously suggests that he did not avail himself of manuscripts which call the *Rhetoric* a *disputatio*,³⁰ but he was perhaps influenced in this and other respects by the editions of Pithou and Duchesne, rather than by independent authority. We should add, however, that a manuscript listed by Montfaucon as Vatican Reginensis 1099 contains Alcuin's *Rhetoric* with the very title adopted by Aromatari,³¹ and it is possible that this furnished him with a source of his text.

Aromatari's *Autori del ben parlare* was more than a hundred years old when Alcuin's *Rhetoric* again appeared, this time in a revised edition of Pithou's *Antiqui Rhetores Latini*. Typographical errors and unhappy conjectures upon the wording of the text had long since persuaded scholars of the inadequacy of Pithou's work, and with the passing of time the book had become increasingly hard to obtain. These reasons led Claude Capperonnier to undertake the burden of revision.³² Well grounded in Hebrew, Greek, Italian, and Spanish, Capperonnier was particularly devoted to Latin scholarship and had proved himself an able interpreter of Roman rhetoric. Not distinguished in its approach to textual problems, his edition in 1725 of Quintilian's *Institutio Oratoria* had nevertheless enhanced his reputation and revealed a profound understanding of ancient rhetorical termi-

Générale; also under *Subasiano* in the *British Museum General Catalogue of Printed Books*.

³⁰ Ninth-century manuscripts usually call the work *Disputatio de rhetorica*, etc., or less frequently *De rhetorica*. Only one (Vienna 2484) calls it *dialogus*. In the tenth century and later, *Dialogus de rhetorica* and *De rhetorica* are the usual titles.

³¹ See note 13 above.

³² See the Preface of the revised edition ultimately published in his name, the precise title of which is given below, note 34.

Claude Capperonnier (1671-1744) rose from humble circumstances to become one of the foremost classical scholars of his day in France. After an apprenticeship as teacher of Greek and Latin at Abbeville and Montreuil-sur-Mer, he took up permanent residence in Paris, supporting himself in various ways until 1722, when he was named Regius Professor of Greek in the Collège de France. He is said to have taught Bossuet Greek in the very year of that prelate's death, and to have refused to leave his unremunerative early occupations in Paris for a secure position as professor of Greek at the university of Basel. His nephew, Jean, joined him in 1732, eventually becoming his successor in the chair of Greek at the Collège de France. See *Nouvelle Biographie Générale*; also *Biographie Universelle, Ancienne et Moderne*.

nology.³³ With this indispensable background, Capperonnier began the task of revising and annotating Pithou's collection. At the time of his death in 1744, he had dealt successively with the first twelve treatises in the volume, the last five, among which is Alcuin's dialogue, being as yet untouched. Into the hands of Philip Range, professor of Logic and Metaphysics at the university of Strasbourg, descended Capperonnier's unfinished task, with the understanding that Range was to complete and publish the work. Preserving Capperonnier's notes, and adding many of his own, Range systematically reviewed everything previously done and was about to proceed upon the last five treatises, when he also died. Less than four months thereafter, the book was published, with no annotations or corrections beyond those already mentioned. Claude's nephew, Jean Capperonnier, saw the volume through the press. In deference to the man who had first conceived and started it, Jean published the book under his uncle's name, attaching a Preface which acknowledged the assistance of Range and recounted the adversities of the whole enterprise.³⁴ It is to be regretted that Capperonnier and Range lost the opportunity of making Alcuin's *Rhetoric* something beyond a mere reprint of Pithou's earlier edition. True, their concern would have been primarily for the origin of Alcuin's ideas, rather than for the sources and readings of the text. But these two problems are here interdependent, not mutually exclusive. Had a well-informed critic like Capperonnier been permitted to exploit his undoubted knowledge of Alcuin's debt to Cicero, the textual

³³ For acknowledgment of the value of Capperonnier's work on Quintilian, see J. S. Watson, *Quintilian's Institutes of Oratory*, 2 vols. London, 1 (1882). 212-14, and *passim*.

³⁴ See *Antiqui Rhetores Latini e Francisci Pithoei Bibliotheca olim editi*. Recognovit, emendavit, notis auxit Claudius Capperonnerius Mon-Desiderianus, in Sacra Facultate Parisiensi Licentiatius, et Regius Graecarum Literarum Professor. Argentorati: Bauerus, 1756. 4to. The book is made up as follows: The Preface to Pithou's original edition, and Jean Capperonnier's Preface, follow the title page and table of contents. Next comes a seven-page Latin biography of Claude Capperonnier, after which are printed, in about the order fixed by Pithou, the texts of the various treatises on rhetoric, each with copious annotations, Capperonnier's notes being initialed, and Range's unsigned. Between pp. 358-409 are the five treatises which the editors did not annotate. *Alcuini sive Albini De arte rhetorica dialogus* appears on pp. 390-409, following which is *Martiani Capellae De rhetorica liber*, a work not included in Pithou's earlier edition, but published here from the text and with the marginal notes of the celebrated Hugo Grotius's 1599 edition of Capella's *Satyricon*.

problems connected with the dialogue would possibly not have remained in obscurity for the following century.

The man to have profited by the learning which Capperonnier would have been able to bestow upon the *Rhetoric* is Froben Forster, usually called Froben, whose collected edition of Alcuin's works, published at Ratisbon in 1777, contains the *Dialogus de rhetorica et virtutibus*,³⁵ its text at last established upon something resembling a suitable manuscript basis. In his Preface to the dialogue, Froben mentions the previous editions of Molther, Galen, Pithou, and Duchesne, remarking that he himself had access to the earliest one of these, variant readings from which he later introduces into his text. Then the Preface acknowledges that his basic textual authorities are manuscripts from the library at Freising, and from St. Emmeran and the State Gymnasium at Ratisbon, the very three, indeed, which Halm was to use under their modern Munich numbers.³⁶ Had Froben perceived the relation between Alcuin's *Rhetoric* and Cicero's *De Inventione*, as he would have been able to do if Capperonnier had lived to complete his annotations, he would have found in the text of Cicero a necessary standard by which to decide what manuscript readings ought to be preferred, and what rejected. Being unaware of this relation, he resorted to conjecture, with the result, as Halm later

³⁵ *Beati Flacci Albini seu Alcuini Opera post primam editionem a D. Andrea Quercetano curata, de novo collecta, multis locis emendata, et opusculis primum repertis plurimum aucta, variisque modis illustrata, cura ac studio Frobenii, S. R. I. Principis et Abbatis ad S. Emmeramum Ratisbonae. 2 vols. Ratisbonae: Englerth, 1777. fol. The Dialogus de rhetorica et virtutibus is in vol. 2, pp. 313-33.*

Froben Forster (1709-1791), German philosopher and ecclesiastic, studied at Freising and Ingolstadt, entering at the age of nineteen the Benedictine Order at Ratisbon. He became a priest in 1733, and that year began to teach philosophy at the monastery of St. Emmeran in Ratisbon. So brilliant was his instruction that he was appointed professor of philosophy at the university of Salzburg, where he taught from 1744 to 1747. Returning thereafter to the scene of his earlier labors, he was successively appointed prior, librarian, and prince-abbot of St. Emmeran, which he made a center of learning and good works. He published works on philosophy and edited the Scriptures, bringing his career to a close with an impressive and as yet unsuperseded edition of Alcuin's complete works. See *Allgemeine Deutsche Biographie*, 7. 163-4; also *Nouvelle Biographie Générale*, and *Biographie Universelle*.

³⁶ Halm's text of the *Rhetoric* stems from three manuscripts now at Munich, numbered 6407, 13084, and 14377. See his *Rhetores Latini Minores*, pp. xiii, 524. For descriptions of these manuscripts, see under their numbers in *Catalogus Codicum Latinorum Bibliothecae Regiae Monacensis*. Formerly these three manuscripts were respectively Frising. 207, Rat. civ. 84, and Emmeram. D. 102.

complains, that many of the authentic readings in the three manuscripts were neglected altogether, or relegated to marginal notes.³⁷ We must remember, however, that Froben's edition of the *Rhetoric* is part of a vast undertaking, a fact which explains, perhaps even excuses, its shortcomings. If this praise be faint, it should also be recalled that he was the first editor of the dialogue to be credited with seeking a manifold authority for his text.

Three-quarters of a century elapsed before an attempt was made to improve upon Froben's version of the *Rhetoric*. We should record, however, that in 1851 and 1863 his text was reprinted at Paris, each time in connection with a reissue of his collected edition of Alcuin's works. Wishing to provide the clergy with an inexpensive but complete store of Latin patristic writings, Jacques-Paul Migne, tireless French ecclesiastic, published during the middle years of the nineteenth century a set of two hundred and twenty-two volumes, collectively entitled the *Patrologia Latina*. His general procedure being to include the best previous edition of a given author's works, he retained upon his title pages the names of the favored editors, and added his own name underneath. Thus it happened that the two volumes allotted to Alcuin contain in effect a reprint of Froben's edition,³⁸ augmented by new items, especially letters, which had been brought to light since his day. Not to be regarded as an independent edition, the text of the *Rhetoric* in the *Patrologia Latina* is of considerable interest when we reflect that it, unlike Froben's original version, can be found in any large library of Europe or America.

³⁷ Halm, *Rhetores Latini Minores*, p. xiii.

³⁸ *B. Flacci Albini seu Alcuini . . . Opera Omnia juxta editionem Frobenii, . . . novissime ad prelum revocata et variis monumentis aucta*. Accurante J.-P. Migne. 2 vols. Parisiis: Migne, 1851. 4to. The second imprint reads: Parisiis: Migne, 1863. See Migne, *Patrologia Latina*, vols. 100, 101. The *Dialogus de rhetorica et virtutibus* is in vol. 101, pp. 919-46.

Migne (1800-1875), ecclesiastical writer and editor, was educated for the priesthood. He taught for a time at the Collège de Châteaudun, and was made curé of Puiseaux in 1825. Establishing himself in 1833 at Paris, he founded a journal, *l'Univers religieux*, to which he contributed many articles. When he at length conceived the notion of editing a series of books for the clergy, he acquired a printing press at Petit-Montrouge, where he published between 1840 and 1856 seven immense collections of ecclesiastical writings, totaling more than eight hundred volumes, four hundred and seventy-three of which are devoted to the *Patrologia Graeca* and the *Patrologia Latina*. See *La Grande Encyclopédie*.

In 1863, the date of Migne's second reprint of Alcuin's works, there appeared at Leipsic Karl von Halm's *Rhetores Latini Minores*, a volume devoted in large part to the rhetorical treatises already published by Pithou and Capperonnier.³⁹ This new edition sought to establish upon authoritative manuscripts the various individual texts of the original collection, and to add equally well-prepared items belonging to the same tradition. Moreover, it was minutely concerned with the particular classical sources from which these rhetoricians had derived their ideas. Separately pursued, either of these objectives would have been productive of beneficial results, since the textual problems had never been adequately solved, and Capperonnier's notes had not extended over the entire range of the collection. But the greatest benefits resulted when the two objectives were simultaneously applied to the work in which we are immediately interested. Armed with the knowledge that Alcuin's *Rhetoric* is in the main a tissue of excerpts from Cicero's *De Inventione* and Julius Victor's *Ars Rhetorica*, Halm was able, as we suggested above, to test the validity of manuscript readings against the parallel readings in the two sources, thus evolving a text which did not rest upon the doubtful support of conjecture at points where the manuscripts diverged. True, he neglected, without apparent reason, to avail himself of more than three manuscripts of the *Rhetoric*, a number hardly adequate in view of the many enumerated above. Striving

³⁹ For the convenience of readers who wish to have in one place the scattered previous references to Halm's edition, we give the following particulars, some of which have not been mentioned before: *Rhetores Latini Minores*. Ex codicibus maximam partem primum adhibitibus emendabat C. Halm. Lipsiae: Teubnerus, 1863. 8to. *Disputatio de rhetorica et de virtutibus sapientissimi Regis Karli et Albini Magistri* appears on pp. 523-50. To Pithou's original collection, Capperonnier had added Martianus Capella's *De rhetorica liber*, making a total of eighteen treatises in the volume. In turn Halm added seven. In the Preface (pp. v-vi) Halm discusses the manuscript authority upon which he bases his edition, adding later (p. xiii) a paragraph about the text of Alcuin's *Rhetoric*. Consult also p. 524, and see above, note 36.

Karl Felix von Halm (1809-1882), German philologist and critic, studied at Munich, becoming there in 1834 a professor of philology. Later he served in the same capacity at Speyer and Hadamar. In 1849 he was named director of the Gymnasium of Maximilian at Munich, holding later a professorship at the university, and the office of chief librarian in the Königl. Bibliothek. One of the compilers of the catalogue of manuscripts in that library (see above, note 13), he also edited several classical authors, his work with Cicero and Quintilian being especially noteworthy. See *Allgemeine Deutsche Biographie*, 49. 723-31; also *La Grande Encyclopédie*.

to show the subversive influence of this neglect, one of his critics unfortunately chooses illustrations from Brussels 1372, which we have had occasion to mention before.⁴⁰ This tenth-century manuscript is of more recent date than at least two of those used by Halm, a fact which the critic freely acknowledges. What he should have as freely acknowledged, however, is that the Brussels readings which he prefers to Halm's are in the main either unimportant variations or apparent corruptions. Halm remains unscathed after this attack, particularly in respect to the critic's implied belief that an arbitrary separation of the *Rhetoric* and *Dialectic* does violence to Alcuin's original intention. Our inclination to acquit Halm should not blind us to the truth that a careful edition of the *Rhetoric* from all available manuscripts would be a desirable event. It is safe to say, however, that the future editor will find several of Alcuin's other treatises in greater need of attention. Meanwhile, the reader introduced to Alcuin through Halm's text of the *Rhetoric* may rest assured that the readings encountered have an authority measured not by the great width of the manuscript foundations but by the soundness of the editor's tactical approach.

No text of the *Rhetoric* having been published since Halm's, our bibliographical history comes now to an end. From the various details given in the course of the survey, a few may be selected for final emphasis. Seven of the nine editions are attempts to establish the wording of the dialogue upon the authority of manuscripts, only Capperonnier and Migne having depended upon texts previously in print. Yet the best estimate would seem to be that these seven editions represent a total of but eight manuscripts, the same three of which were used by Froben and Halm, while Molther, Galen, Pithou, Duchesne, and Aromatari may be presumed with varying degrees of certainty to have depended each upon one. We see, therefore, that no single printed version is derived from an impressive array of primary authorities, and that the aggregate texts represent less than a third of the twenty-six manuscripts listed in our inventory. Nevertheless, Halm's edition may be said to have real merit, for the reasons already stated. The work of the other editors is no better than their fortuitous conjectures, on the one hand, or their single

⁴⁰ See above, p. 11. The critic in question wrote anonymously in the *Literarisches Centralblatt für Deutschland*, Leipzig, 1864, No. 24, p. 570.

manuscript authority, on the other. On a reader's awareness of these central facts depends his willingness to respect the validity of the Latin text printed later in this book, and his subsequent disposition to credit the translation itself. Apart from this main objective, which may excuse what would otherwise appear to be an unjustifiably long discussion, we have sought to suggest some minor points of interest. We have noticed, for example, in what ways the title of the *Rhetoric* has been changed, only Molther and Halm, at the terminal dates of its history in print, having preferred *Disputatio* to *Dialogus*, a preference which has the approval of the oldest manuscripts. We have also glanced at the qualifications of the editors, whose diverse affiliations in national and religious spheres contrast significantly with the unity of their interest in the work of an earlier scholar. Moreover, we have remarked that Alcuin's rhetorical doctrine is largely borrowed. Since this fact had to be mentioned in its proper relation to the textual history of the dialogue, and now needs to receive a more extended analysis, it may well serve to conclude this part of our inquiry and to introduce the next.

IV. ITS SOURCES

The *Rhetoric* being a texture of excerpts from Cicero's *De Inventione* and Julius Victor's *Ars Rhetorica*, we may proceed to define the nature and extent of Alcuin's debt to each source, inquiring whether he borrowed more largely from one than the other, whether he used both books simultaneously or in sequence, and whether the borrowings consist in a direct copying of whole passages, or in an appropriation of substance disguised by the devices of paraphrase and verbal echo. These questions may be answered, and other peripheral questions disposed of, by confining our remarks to three main propositions, each of which concerns the actual sources of the *Rhetoric*, and to some extent the opinions encountered when one reads the scholarly writings upon this subject. First, we shall emphasize that the sources of the dialogue have generally received a misleading analysis at the hands of Alcuin's biographers and critics. Secondly, we shall accept, as the point of departure of our inquiry, the investigations made by Halm in connection with his edition of the dialogue, explaining his conclusions and acknowledging the reliability of

his work. Thirdly, we shall show Halm's research to be in some respects deficient, noticing at this point what revisions and extensions need be made in the interest of an exact description of Alcuin's indebtedness to Cicero and Victor, and adding a fragment of evidence to indicate a possible but extremely slight use by Alcuin of the rhetorical treatises of Cassiodorus and Isidore.

The first of these propositions will not concern us at any great length. We have in fact already seen that the editors of the *Rhetoric*, who might reasonably be expected to contribute to a knowledge of its sources, left the question untouched until 1863, when Halm's text was published. A similar attitude prevailed before this date among Alcuin's biographers, who by silence implied that the dialogue possessed considerable originality, or by explicit statement asserted its resemblance to unspecified writings of the ancient Latin rhetoricians.⁴¹ More recent opinions have rarely been anything but misstatements, surprisingly devoid of an awareness of Halm's careful study.⁴² Characterized by a readi-

⁴¹ In 1738, for example, the authors of the account of Alcuin in the *Histoire Littéraire de la France* made no mention of the sources of the genuine *Rhetoric*. A hundred years later, Lorenz (*The Life of Alcuin*, trans. by Slee, p. 27) committed himself only to saying that Alcuin's rhetorical doctrines 'are taken from the Romans.' Laforêt in 1851 spoke of the *Rhetoric* in the terms one bestows upon an original work. See his *Alcuin Restaurateur des Sciences*, pp. 59-62. Without altogether avoiding the same attitude, Monnier recognized (1863) in the *Rhetoric* the pervasive, but not the specific, influence of Cicero. See his *Alcuin et Charlemagne*, pp. 98-106.

⁴² Thirteen years after the publication of Halm's text, Werner said that Alcuin's *Rhetoric* is an adaptation of Cassiodorus's *De Rhetorica*. See his *Alcuin und sein Jahrhundert*, pp. 25-6. A year later, Mullinger (*The Schools of Charles the Great*, pp. 83-4), observing that 'Aristotle and Cicero . . . are the Alpha and Omega of Alcuin's tractate,' calls the *Rhetoric* nevertheless a 'meagre compend,' devoid of the felicity of the pages of *Orator* or *De Oratore*,—a judgment more sweeping than informative. The *Rhetoric*, says West (*Alcuin and the Rise of the Christian Schools*, p. 104), is based on 'rhetorical writings of Cicero . . . rehandled by Alcuin, and always with loss and injury to his originals. The hand of Isidore is likewise visible in places, and contributes to the general deterioration.' In 1904, Gaskoin (*Alcuin*, pp. 195-6), remarking that the *Rhetoric* is a 'meagre reproduction of the Ciceronian treatises, occasionally obscured by second-hand reminiscences of Aristotle,' adds in a note that Alcuin assumes 'the learner will use the *De Inventione*, but Cassiodorus is his main authority.' In 1909, Page (*The Letters of Alcuin*, pp. 84-6) observes that whole sentences and paragraphs of the *Rhetoric* are copied from Isidore, and that Alcuin cites this author as freely as he does Cicero's *De Inventione*. Manitius appears to be alone in having taken seriously the annotations in Halm's edition, to which he wholly defers upon the subject of the sources of the *Rhetoric*. See his *Geschichte der Lateinischen Literatur*, I. 283.

ness to assign the substance of the *Rhetoric* now to Cassiodorus, now to Isidore, and now to Cicero, while being unmindful that the two former authors left works upon this subject meager indeed compared to Alcuin's, and that Cicero was a remarkably versatile theorist, with rhetorical treatises of several degrees of maturity, breadth, and penetration,—characterized by such inconsistencies, and unmindful of such distinctions, these critical opinions upon the sources of Alcuin's dialogue are so frequently encountered that they must be mentioned, and so casual that they must be dismissed.

Passing now to the second phase of our inquiry, we shall briefly state what Halm conceived to be the proper relation between the *Rhetoric* and its sources. Observing in his Preface that Alcuin depends only upon Cicero's *De Inventione* and Julius Victor's *Ars Rhetorica*,⁴³ Halm proceeds in the footnotes to his text systematically to verify this interpretation, crediting no passage to any other rhetorical treatise, except in one place where he assigns the Ciceronian definition of Memory directly to *De Oratore*,⁴⁴ without recording as he should have done that it came to Alcuin from the pages of Victor. It is difficult, short of statistical terms, to convey the full meaning of Halm's annotations. His text of the dialogue runs to 983 printed lines, 554 of which he identifies with passages in the two sources, thus showing nearly three-fifths, or sixty per cent, of Alcuin's subject matter to be borrowed doctrine. Construed to reveal the distribution of these borrowings, Halm's notes indicate that Alcuin's debt to Cicero is almost five times as great as that to Victor.

The extent to which these results are to be corrected and supplemented becomes our next subject of inquiry. To one who compares the *Rhetoric* with its two main sources, it is apparent that Halm's annotations do not measure the full magnitude of Alcuin's indebtedness. Again expressing results in statistical terms, we may say that, of the 983 lines of text, 755 are to be credited to

⁴³ See *Rhetores Latini Minores*, p. xiii. Halm's words are: Non nititur autem Albini compilatio nisi duobus veterum scriptis, Ciceronis libris de inventione et Iulii Victoris rhetorica aut eius rhetoris arte, ex quo Victor, qui nihil proprii habet, capita de reliquis oratoris officii partibus descripsit. Ex uno tamen loco Victoris, brevi capite 19 de dispositione (cf. Alb. c.36 nostrae edit.), conicias non alium auctorem Albino ob oculos fuisse quam ipsum Victorem.

⁴⁴ See *Rhetores Latini Minores*, p. 545. 36ff., which Halm credits to *De Oratore*, I. 5. 18, not indicating that Victor, *Ars Rhetorica*, ch. 23, has the same passage and is obviously Alcuin's source. See below, Text, ll. 1072-6, and Notes.

Cicero and Victor, this number encompassing well-nigh four-fifths, or eighty per cent, of the dialogue. The 201 lines thus added to Halm's total figure mainly owe their origin to *De Inventione*, only 47 having a source in Victor's *Ars Rhetorica*. Nevertheless, it should be recorded that Alcuin depended upon Cicero four times as much as upon Victor, this proportion being more exact than that implied by Halm's annotations. We must acknowledge, moreover, that the *Rhetoric* exhibits evidence of having been slightly influenced by the similar works of Cassiodorus and Isidore, a circumstance overlooked by Halm. When Alcuin early in the dialogue remarks that the word 'rhetoric' is derived from the Greek ἀπὸ τοῦ ῥητορεύειν, he borrows this commonplace etymology from Cassiodorus and Isidore, not from Cicero and Victor. In *De Inventione* (1. 5. 7-9), Cicero speaks of the three types of oratory, then of the five conventional parts of rhetoric; but Alcuin, under the influence of Cassiodorus and Isidore, reverses this order.⁴⁵ In no other place is it easy to detect that Alcuin appropriated rhetorical doctrine from these two authors, whose works on rhetoric, as we observed before, are so much more abbreviated than his. Having now determined the extent to which the *Rhetoric* depends upon each of four sources, we may conclude this part of our inquiry with the remark that the residue of apparently original subject matter in the dialogue is given over to Alcuin's versified Preface, to several biblical illustrations of doctrine, to a short disquisition upon the function of the accuser, defendant, witnesses, and judge in cases at law, to a specimen of sophistical discourse, to a concluding homily, or epideictic oration, in praise of Christian virtues, and to such apparatus as Charlemagne's interrogations and comments.

Up to this point, the analysis of Halm's annotations has revealed that he conceived the *Rhetoric* to be an adaptation of Cicero's *De Inventione* and Victor's *Ars Rhetorica*, our main criticism having been that he overlooked a considerable body of evidence capable of strengthening this thesis and extending its implications. A probable cause of this oversight was his failure to study Alcuin's editorial procedure, which must be understood

⁴⁵ For the evidence upon which the statements in this paragraph are based, the reader is referred to the notes at the end of the translation, where Halm's annotations are properly distinguished from those showing what additional sections of the *Rhetoric* are to be identified with passages in *De Inventione*, the *Ars Rhetorica*, and the treatises of Cassiodorus and Isidore.

for its bearing upon the problem of documenting individual passages and knowing the true character of the work. Readers familiar with Cicero and Victor do not need to be reminded that the two works used by Alcuin are much longer than his own dialogue. What methods of abridgment he followed, and what is the nature of the resemblances between his work and the two sources, are questions now arising for consideration.

De Inventione, written when Cicero was a youth,⁴⁰ sets out as if to encompass the five parts of the conventional system of rhetoric, presumably in a treatise having several main divisions or books, but was brought to an end, and placed in circulation, as a dissertation in two books upon the subject of rhetorical invention. Having devoted Book 1 to a preliminary survey of the terms to be used in his system, and to a full analysis of the six parts of an oration, Cicero makes Book 2 an appendix on Proof and Refutation, reviewing many of the definitions previously given in the first Book, and furnishing illustrations of each kind of Position created by the tactics of plaintiff and defendant in legal cases. In an effort to abridge within eighteen pages the entire contents of these two Books, Alcuin adopts a fairly uniform procedure. In general, he treats Cicero's text with reverence, borrowing whole passages almost verbatim, and seeking to preserve the integrity of Cicero's phraseology; but the desire to condense this source led him to piece together within consecutive paragraphs sentences widely separated in Cicero's treatise. Where Cicero has in Book 1 a definition of a given term, and in Book 2 a second definition with illustrations and comment, Alcuin is prone to combine the two passages, creating a mosaic of sentences from each section of *De Inventione*. Thus he will employ Cicero's definition in Book 1, and the relevant illustration in Book 2. Thus he will draw half of a definition from Book 1, the other half from Book 2, or will discuss a given cluster of terms by applying to some Cicero's earlier, to others his later definitions. Thus also Alcuin will join a sentence lifted from one paragraph of Book 1 to sentences from earlier or later paragraphs of the same Book. At one point, not annotated by Halm, Alcuin has in ten consecutive lines a para-

⁴⁰ In *De Oratore*, 1. 2. 5, Cicero speaks in apologetic vein of *De Inventione* as having been a product of youth and inexperience.

phrase of several different paragraphs of Book 1.⁴⁷ At another, defining and subdividing controversies arising upon the texts of laws, Alcuin draws his definition from Book 1, his illustrations from Book 2, Halm's notes failing to identify the composite origin of the passage.⁴⁸ To Book 1 Halm assigns Alcuin's exposition of Proof Derived from Persons, not showing that in reality our author here borrows now from Book 1, now from Book 2.⁴⁹ Halm's notes reveal that Alcuin's discussion of the General Position assumed by controversies in matters pertaining unconditionally to right and justice comes from Book 2, but in reality it is made up of passages from both Books.⁵⁰ To Book 2 Halm credits Alcuin's definition and illustration of the Comparison, another subdivision of the General Position, but here again the passage is made up of the definition in Book 1 and the illustration in Book 2.⁵¹ Let us give a final example of Alcuin's method in using *De Inventione*. His single consecutive definition of the Prayer for Pardon, another subdivision of the General Position, comes partly from Book 1, and partly from Book 2,

⁴⁷ See *Rhetores Latini Minores*, p. 539. 2-11, where Alcuin uses the following paragraphs in *De Inventione*: 1. 28. 43; 1. 29. 45; 1. 26. 38; 1. 30. 48. See also below, Text, ll. 693-704, and Notes.

⁴⁸ See *Rhetores Latini Minores*, p. 528. 18-9, where Alcuin borrows verbatim from *De Inventione*, 1. 12. 17. Halm does not annotate these two lines; but he does correctly show that in the next lines Alcuin borrows from Book 2. See also below, Text, ll. 169-214, and Notes.

⁴⁹ See *Rhetores Latini Minores*, p. 537. 5-38. Halm does not annotate lines 5-11; lines 13-38 he assigns to *De Inventione*, 1. 24. 35ff. The composite origin of these thirty-four lines is shown in the following table:

Lines 5-7	equal <i>De Inv.</i>	1. 24. 34.	See below, Text, ll. 594-8, and Notes.
" 9-10	"	" 2. 9. 28.	" " " " 601-3 " "
" 13-19	"	" 1. 24. 35.	" " " " 606-14 " "
" 20-36	"	" 2. 9. 29-31.	" " " " 614-34 " "
" 36-8	"	" 1. 25. 36.	" " " " 634-8 " "

⁵⁰ See *Rhetores Latini Minores*, p. 530. 10-23. Assigned by Halm to *De Inventione*, 2. 23. 69, this passage is in reality of composite origin. Alcuin here defines *iuridicialis* and *absoluta*, two technical phases of the General Position, that is to say, the *constitutio generalis*. Then he illustrates *absoluta*. His definition of *iuridicialis*, his definition of *absoluta*, and his illustration of this latter term, are respectively found in *De Inventione*, 2. 23. 69; 1. 11. 15; 2. 23. 69-70. See below, Text, ll. 256-72, and Notes.

⁵¹ See *Rhetores Latini Minores*, p. 530. 26-34. Identified by Halm with *De Inventione*, 2. 24. 72, these lines are again of composite origin. Alcuin's definition of the Comparison is taken from *De Inventione*, 1. 11. 15, his illustration, *Ibid.*, 2. 24. 72-3. See below, Text, ll. 277-88, and Notes.

Halm's notes at this point showing a less composite procedure.⁵² In the six passages to which we have referred, and in others scattered throughout his analysis of Invention and of the Virtues, Alcuin's text is very close to Cicero's, the reader's only problem being to find at what particular place in the source the sentences originate. At times, however, Alcuin treats Cicero's words with less fidelity, as when in discussing the topics by which indignation and pity are aroused, he resorts to a free paraphrase of Cicero's longer analysis;⁵³ but this and a few other similar instances may fairly be regarded as exceptional.

Julius Victor, a rhetorician of the fourth century A.D., wrote his *Ars Rhetorica* as a treatise upon the entire system of Latin Rhetoric, the text of his work in Halm's *Rhetores Latini Minores* being three times as long as Alcuin's dialogue. Himself imbued with the desire to revive this system, Alcuin found *De Inventione* useful only so far as Invention was concerned, and upon Victor he was forced to rely for the doctrine of Arrangement, Style, Memory, and Delivery. To the subjects of Arrangement and Memory, Victor and Alcuin devote little attention, their respective sections on Style and Delivery being better places in which to study Alcuin's methods of abridging Victor's text. Condensing within 57 lines the 99 lines devoted by Victor to Style, and within 66 lines the 263 given by Victor to Delivery, Alcuin varies his editorial procedure all the way from verbatim quotation to the freest kind of paraphrase. His section on Style is very close to Victor's text, the reader being able without difficulty to identify a large number of sentences lifted intact from the source. In his treatment of Delivery, however, Alcuin paraphrases freely, now working into twenty consecutive lines the fragments of sentences from two pages of Victor, and again condensing within six lines ideas and words selected from scattered points on three pages.⁵⁴ The only objections that can be made to Halm's annotations in these sections of Alcuin's dialogue are that, apart from his not having shown the full extent of Alcuin's reliance upon Victor,

⁵² See *Rhetores Latini Minores*, p. 533. 5-9. Halm assigns lines 7-9 to *De Inventione*, 2. 34. 104. But lines 5-6 are found by Alcuin *Ibid.*, 1. 11. 15. See below, Text, ll. 389-93, and Notes.

⁵³ For this passage, see below, Text, ll. 888-933, and Notes.

⁵⁴ The reader will find in the notes at the end of the translation a detailed study of the parallelism between Victor's and Alcuin's sections on Style and Delivery. See below, Text, ll. 995-1069, 1092-1175, and Notes.

he does not distinguish between one sort of abridgment and the other, nor does he point out how preponderantly Ciceronian is Alcuin's doctrine.

This last objection deserves some comment. If we take the trouble to compare Alcuin's discussion of Style and Delivery with corresponding sections of *De Oratore* and *Orator*, we find not only the expected doctrinal resemblances, but also a close verbal parallelism, Alcuin having borrowed from Victor a large number of sentences stamped with the balanced genius of Cicero. At the beginning of his treatment of Style, Alcuin replies to a question of Charlemagne by remarking upon the merits of words used singly and in combination. If this answer seems to recapture the cadences of a good period of Latin prose, it is because the speaker's words, lifted almost verbatim from Victor, were in turn taken by Victor from the pages of *De Oratore*.⁵⁵ Alcuin's entire treatment of Style has the same ultimate origin, 49 of the 57 lines devoted to this subject being recognizable fragments of Cicero's dialogue.⁵⁶ The sonorous sentences with which Alcuin concludes this section of his treatise may have seemed to him worthy of perpetuation, because they appeared to represent Victor at his best; but Victor was here drawing upon a passage in *Orator*, and the sentences were largely Cicero's.⁵⁷ In his brief passage on Memory, Alcuin quotes Cicero, borrowing here from Victor, who had quoted the same lines.⁵⁸ Alcuin's subsequent definition of Delivery is a paraphrase of that given by Cicero in *De Inventione*, or a paraphrase of Victor's who here follows *De Inventione* verbatim.⁵⁹ Without quoting exact words, Victor attributes to Cicero a remark upon the superlative importance of good delivery, and Alcuin credits Cicero with the same phrases.⁶⁰ Later, he quotes

⁵⁵ For convenience in citing resemblances between Alcuin and Victor, we use the page and line numbers given to their texts in Halm's *Rhetores Latini Minores*. For the resemblance just referred to, compare pp. 544. 29-545. 8 to pp. 431. 25-432. 6. Then compare both passages with *De Oratore*, 3. 37. 149-50; 3. 38. 155; 3. 39. 157-8; 3. 41. 163. See also below, Text, ll. 1013-35, and Notes.

⁵⁶ See below, Text, ll. 995-1069, and Notes.

⁵⁷ Compare Alcuin, p. 545. 28-35 with Victor, p. 439. 8-9, 13-17 and with *Orator*, 21. 70-1. See also below, Text, ll. 1059-69, and Notes.

⁵⁸ Compare Alcuin, p. 545. 37-546. 2 with Victor, p. 440. 12-5 and with *De Oratore*, 1. 5. 18. See also below, Text, ll. 1072-6, and Notes.

⁵⁹ Compare Alcuin, p. 546. 11-3 with Victor, p. 440. 31-2 and with *De Inventione*, 1. 7. 9. See also below, Text, ll. 1092-3, and Notes.

⁶⁰ Compare Alcuin, p. 546. 13-6 with Victor, p. 440. 33-441. 3 and with *De Oratore*, 3. 56. 213. See also below, Text, ll. 1093-7, and Notes.

Cicero upon the subject of decorum, this quotation being from *De Oratore*, and having come to Alcuin from the pages of Victor.⁶¹ As to the value of training in delivery, Victor quotes two different passages from *De Oratore*, acknowledging the author but not the source; Alcuin patches these quotations into a single sentence, without any acknowledgment.⁶² 'I confess, O venerable Master,' remarks Charlemagne, commenting upon proper bodily control, 'that to me these requirements appear at first glance to be very pleasant and just and moderate. But as I look at them and come to understand them, I see that they postulate constant exercise and daily practice, and that they cannot be perfectly fulfilled except by unremitting thought and close study. I believe, however, that without requirements like these, a field of knowledge is not worthy of attention.' Charlemagne's last words in this quotation bear no acknowledgment of a Ciceronian origin, yet when Alcuin saw them in Victor, he must have noticed that they were a direct quotation from Cicero.⁶³ The last part of Alcuin's discussion of Delivery is a progressively freer paraphrase of Victor, and the influence of Cicero is harder to detect, if we look only for grammatical similarities; but underlying the words are close doctrinal resemblances to *De Oratore*,⁶⁴ with a few clear echoes of Quintilian's *Institutio Oratoria*.⁶⁵ We may say, therefore, that the *Rhetoric* is thoroughly Ciceronian, Invention being represented by the doctrine which Alcuin himself borrowed from the youthful Cicero's *De Inventione*, and the sections on Arrangement, Style, Memory, and Delivery being composed less systematically of fragments from the mature Cicero's *De Oratore* and *Orator*, seen by Alcuin through the abridgments of Julius Victor.

The question whether Alcuin's *Rhetoric* deserves serious consideration as a skillful and mainly accurate summary of Cicero-

⁶¹ Compare Alcuin, p. 546. 37 with Victor, p. 442. 18-9 and with *De Oratore*, I. 29. 132. See also below, Text, II. 1124-5, and Notes.

⁶² Compare Alcuin, p. 547. 7-9 with Victor, p. 443. 25-8 and with *De Oratore*, I. 32. 147; I. 4. 15. See also below, Text, II. 1135-7, and Notes.

⁶³ Compare Alcuin, p. 547. 6-7 with Victor, p. 443. 21-5. See below, Text, II. 1133-4, and Notes.

⁶⁴ Compare Alcuin, p. 547. 18-28 with Victor, pp. 444-7 and with *De Oratore*, I. 34. 156; I. 32. 147; 3. 56. 214-6; I. 5. 17-8. See also below, Text, II. 1149-62, and Notes.

⁶⁵ Compare Alcuin, p. 547. 13 with Victor, p. 445. 14-5 and with Quint., I. 2. 18; 12. 5. 1-4. Compare also Alcuin, p. 547. 14-5 with Victor, p. 445. 6-7 and with Quint., I. 2. 22. See also below, Text, II. 1079-80, 1093-7, 1101-16, 1119-24, 1125-8, 1140-8, and Notes.

nian doctrine remains thus far unanswered, being, however, the query which should culminate, and be the guiding purpose of, any attempt at annotation. Our approach to this problem would not be objective if we did not at the outset admit Alcuin's major limitations. His abridgment of Cicero's fluent writings upon Style and Delivery succeeds only in suggesting a rich body of classical theory. His short paragraphs on Disposition and Memory could hardly be acknowledged adequate, although Cicero himself did not greatly emphasize these subjects, and did not expend upon the second the effort and ingenuity which give the *Rhetorica ad Herennium*, for example, an important position in the history of artificial systems of memorization. But Invention is Alcuin's main theme, as it generally was in Latin writings on rhetoric, and to this section of the dialogue we should turn if we would form a sound judgment of the success of his epitome. Even here we notice weaknesses. Greek in ultimate origins, Cicero's doctrine of the Positions assumed by controversies is a truly characteristic feature of his system. That Alcuin did not fully understand the ramifications of this doctrine is shown by his treatment of the Procedural Position, which he defines badly and illustrates with a case used in *De Inventione* to illustrate something quite different.⁶⁶ Nor did Alcuin perceive the full connection between the subject of Rhetoric and that of the Virtues. The title of his treatise mentions both words, as if in his mind the concept of rhetoric were not inclusive of *De Inventione's* concluding chapters on the ethical objectives of controversy, and when he later begins to discuss Prudence, Justice, Temperance, and Courage, it is clear that he does not relate these qualities to rhetorical invention, and perceive their bearing upon the method of persuasive discourse. To Cicero, an analysis of the Virtues was important because a speaker, having of necessity to use one of the three general types of speeches, must consider the moral pattern of each. Thus the political speaker, dealing with what Aristotle called the Ex-

⁶⁶ A controversy assumes the Procedural Position when, in answer to a plaintiff's charge, the defendant replies that the accusation is made by the wrong person, or at the wrong time, or in the wrong tribunal, or under the wrong statute. See *De Inventione*, 1. 11. 16, where Cicero attributes the invention of this Position to Hermagoras. See also *Ibid.*, 2. 19. 57-61, where Cicero defines and illustrates it. In his analysis of the Procedural Position, Alcuin uses an illustration which is not applicable, and which Cicero had used in another connection. Compare his words below, Text, ll. 150-7, with *De Inventione*, 1. 11. 16-8.

pedient, and what Cicero called the Expedient and Moral, would have to be aware of the popular views of these qualities. Thus the forensic speaker argues a particular case within a framework of popular and legal conceptions of Justice, a branch of Morals. Thus also the demonstrative, or epideictic, speaker levies praise or blame upon men and institutions, always with an eye to the public conception of the Honorable and the Ethical.⁶⁷ With these principles to guide him, Cicero's analysis of the four virtues in *De Inventione* has an intimate connection with everything previously designed to aid rhetorical inventiveness. To Alcuin, however, the subject of the Virtues does not appear to have a similar connection, the theme being introduced, not at the conclusion of the treatment of Invention, as the authority of Cicero would have dictated, but after the analysis of Delivery, where it bears no ostensible relation to the first division of rhetoric.

Having admitted that Alcuin's abridgment of Cicero's doctrine of Invention has weaknesses, we turn now to the more congenial task of recognizing its praiseworthy features. These are apparent when we consider, first, that Alcuin adheres to the essential outline of *De Inventione*, recapturing its emphasis upon the philosophical approach to rhetoric and upon exactitude in the use of terms, categories, distinctions, and minor refinements; and, secondly, that the Ciceronian system, beneath confusing elaborations in structure, and an apparently tiresome and unfruitful insistence upon a forgotten terminology, makes an outstanding contribution to the solution of intellectual problems in the field of debate. These two assertions, and especially the latter, will occupy us in the next section of the Introduction.

Meanwhile, as we conclude our discussion of the sources of the *Rhetoric*, it seems appropriate to dismiss an extensive inquiry into Alcuin's reasons for having published under his own name a work composed largely of excerpts from Cicero and Victor. Such a practice is the inevitable occupation of an age seeking to restore an abandoned standard of learning and to recapture half-obliterated arts. It would be historically naive to imply that the restorative function of scholarship has no importance in the advancement of knowledge. But the charge of plagiarism against Alcuin is particularly empty in view of his own statement that the *Rhetoric* owed much to previous writings. He willingly acknowledged

⁶⁷ See *De Inventione*, 1. 5. 7; 2. 51. 156.

his general indebtedness, remarking early in the treatise that he would depend upon the authority of the ancients.⁶⁸ At most he may be reproved only for having neglected to particularize his sources. Even here, his procedure is not open to thoughtless rebuke. Perhaps he felt that the name of Victor would add no particular authority to his work, while to publish an acknowledged abridgment of *De Inventione* would be to limit himself necessarily to the first part of rhetoric, at a time when he wished to cover the whole subject. Perhaps he thought that a treatise on rhetoric, labeled as mainly an abridgment of Cicero, would call unfavorable attention to the pagan origins of the work, and thus antagonize the audience which he hoped to reach. Perhaps he suspected that his readers lacked the incentive to study *De Inventione* and other ancient works, but could be beguiled into the task through the lively devices of dialogue, with the respected figure of Charlemagne to add prestige and interest to the composition. Whatever his motives (the scholar who is also an educator will appreciate their possible diversity), we should remember that Alcuin's *Rhetoric* is a work of popularization, the ultimate value of which can be determined by an attempt to understand the tradition which it perpetuates.

V. ITS EDUCATIONAL VALUE

We are now prepared to raise the question whether the *Rhetoric* has a basic educational significance, particularly in the sections where Alcuin, as we shall incidentally see, reproduces without serious curtailment the method of *De Inventione*. The value of this method may be explained by a definition of its fundamental objectives, a description of its constituent parts and terms, a discussion of its probable origins, and a brief comment upon its recent history. To these subjects we next give our attention.

Having remarked in the *Phaedrus* that the speaker's task, in common with the philosopher's, is to comprehend within a single idea various scattered particulars, and to separate a complex idea into parts where the natural joints are, Socrates proceeds to assign these intellectual habits to the philosopher's art, dialectic.⁶⁹ In other words, Socrates stipulates that dialectic is the rightful

⁶⁸ His words are: 'Pandam penes auctoritatem veterum.' See below, Text, I. 33.

⁶⁹ *Phaedrus*, 265-6.

custodian of analysis and synthesis, and that rhetoric must perforce be content to define its own uniqueness in terms of other requirements of the art of discourse. Had rhetoricians accepted this Socratic dictum, Cicero's *De Inventione* could never have been written. Analysis and synthesis would have remained outside of the field of rhetoric. Invention, which actually became in Latin rhetoric the theory of these two intellectual activities as displayed by political, legal, and epideictic speakers, would have disappeared from the terminology of oratory. But the rhetoricians did not keep to the line which Socrates had drawn. They did not agree that the art of persuasive discourse could afford to do without its own methods of dividing and unifying thought. True, they sought these methods wherever they could seek assistance: in common sense, in science, and particularly in the full-grown Socratic art, dialectic. But they adapted what they found, and made it their own. We see this process of adaptation at work in *De Inventione*, the primary significance of which is that it represents the fruit of efforts to give rhetorical invention a dialectical, or philosophical, method, with specific emphasis upon synthesis and analysis. When Cicero, in one of the three major topical divisions of his treatise, speaks of the six parts of an oration, he is in reality dealing with the method by which scattered particulars, already discovered by analysis, may be placed into an organic whole. The analytical method itself is the subject of the other two topical divisions, where we encounter on the one hand the treatment of Demonstrative, Deliberative, and Forensic types of speeches, and on the other the doctrine of the Positions of argument.

It is possible, however, to define more exactly the significance of *De Inventione*. Compared with Greek treatises like Aristotle's *Rhetoric* and the *Rhetorica ad Alexandrum*, Cicero's youthful work has nothing particularly new to offer in respect to the theory of the parts of a speech or the theory of the types of speeches. To these subjects, which embrace within themselves what we may call the entire traditional method of synthesis and analysis in rhetoric, Cicero devotes considerable attention, not striving for novelty and originality, but seeking rather to digest and rearrange the best precepts of the remarkable Aristotelian epoch. But only half of *De Inventione* is given over to this traditional method; the other half presents a system of analysis and synthesis which had more recently appeared in rhetorical theory. Already named

by us the doctrine of the Positions of argument, this system was given its first full treatment in Latin by *De Inventione* and by the *Rhetorica ad Herennium*, a book of unknown authorship written, as was Cicero's youthful work, between 91 and 81 B.C. This is not the place in which to raise the disputed question of the temporal order of these works, nor is it within our province to comment except incidentally upon the relations between them. Presumably having at least one source in common, *De Inventione* and the *Rhetorica ad Herennium* present analogous views of the doctrine of Positions, and to this mark of kinship we must turn if we would understand the peculiar significance placed upon the two works by the historian of rhetoric. Our present task is to explain this doctrine as it appears in *De Inventione*. We might add that it is impossible to assign a value to this section of Cicero's treatise without being reminded that Alcuin's *Rhetoric*, a mainly faithful abridgment of the doctrine, shares in the values possessed by its source.

A scheme for the analysis and synthesis of any subject confronting the speaker, the doctrine of Positions proceeds upon two basic assumptions. The first is that controversies in the political forum, the court of law, and the ceremonial assembly—in short, all the controversies with which speakers deal,—are to be classified into one of two fundamental categories, each of which has its appropriate subdivisions. Secondly, it is assumed that a speaker, provided with a sound theoretical knowledge of these categories, may supply himself with arguments in a given dispute by relating his particular subject to its proper class, and by examining the subject in terms of the known characteristics of that class. Just as the student of biology, having studied the variety of organisms in nature, and having come to perceive the general classes and particular species of organic structure, knows what to say about a particular specimen when he has related it to its type and kind, so the speaker, equipped as it were with a comprehensive knowledge of the natural history of controversy, finds what to say by being able to perceive in the structure of a given dispute the persistent pattern of one of the few general types.

The two fundamental categories into which controversies fall are in *De Inventione* the understructure of the doctrine of Positions. Let us for a moment consider how Cicero distinguished one category from the other. Perhaps his intention can best be ex-

plained by suggesting that this distinction parallels our accepted distinction between Common Law and Statute Law. Common Law is usually defined as the general or ordinary law of a community, characteristically unwritten, which receives its ultimate authority from custom, usage, and precedent. Statute Law, on the other hand, is a body of rules and ordinances, framed by legislative authority and committed to writing. In Latin, the Common Law is the *lex non scripta*, Statute Law being the *scriptum legis*, or simply *scriptum*. Although Cicero does not explain himself in these precise terms, he does articulate his distinction by saying that all controversies embody either a dispute *in dictione*, *in disceptatione*, *in ratione*, or a dispute *in scripto*.⁷⁰ When he differentiates the dispute *in ratione* from that *in scripto* (*controversia in ratione* stands out among its synonyms as the characteristic term for the first type), he leads us to believe that the former involves a question of principles accepted but unwritten, while the latter turns upon conflicting interpretations of a written text. Like many others in *De Inventione*, this distinction reflects a strongly legal bias, which should be accepted merely as a natural consequence of the Roman rhetoricians' interest in the law, and not taken to imply that the ramifications of the doctrine of Positions, or even this first prop, were meant to apply solely to forensic questions. Indeed, we shall have occasion later to remark that Cicero openly disavowed any such limitation of his theory of invention.

Paralleling the distinction between these two types of controversy is a set of terms upon which rests the superstructure of Cicero's doctrine of Positions. He explicitly says that disputes upon the construction of general but unwritten principles contain—to use his own Latin term—a *constitutio*.⁷¹ This word we translate as *Position*, and use as a general name for the whole system. To the category of disputes upon the nature of written texts, he does not assign a cognate term, saying merely that this class is distinct from the other.⁷² Accepting a suggestion from his *Topics*,

⁷⁰ See *De Inventione*, I. 8. 10; I. 12. 17-8; 2. 39. 115.

⁷¹ *De Inventione*, I. 8. 10.

⁷² *De Inventione*, I. 12. 17. At this point, Cicero's words are: *Deinde considerandum est, in ratione an in scripto sit controversia. Nam scripti controversia est ea, quae ex scriptonis genere nascitur. Eius autem genera, quae separata sunt a constitutionibus, quinque sunt.* (Italics mine) The text quoted here is by G. Friedrich (*M. Tullii Ciceronis Opera Rhetorica*, Leipsic, 1893, vol. 1.).

we may assign to these disputes the name *Quasi-Position*, in recognition of the later tendency of Cicero and others to bring this class within the scope of the concept which unifies the whole Latin theory of rhetorical invention.⁷³ Within the class of controversies having a Position properly so called, Cicero discusses the Position of Fact, of Name, of Genus, and of Procedure, the first and third of which receive extended treatment.⁷⁴ The class having what we term a *Quasi-Position* holds five species of disputes.⁷⁵ The first arises when one party depends for support upon the literal interpretation of a text, and the other party upon the spirit or intention. The second, when one party depends upon one law, the other upon a conflicting law. The third, when an ambiguous phrase in a law or text is construed in two different ways by the two disputants. The fourth, when a given phrase in a law furnishes support for two conflicting inferences. The fifth, when a given phrase can be defined in two different ways.

Alcuin's *Rhetoric*, we should pause to observe, presents a theory of Positions compounded of terms from the earlier and the later Latin authorities. At the outset, Alcuin classifies all rhetorical disputes under two categories, one of which holds controversies having what he calls the *status rationales*, and the other, those having the *status legales*.⁷⁶ The first peculiarity to be observed in this distinction is that he uses the term *status* instead of *constitutio*, thereby adhering to the nomenclature of Cicero's later works and of Quintilian's *Institutio Oratoria*, rather than to that of *De Inventione*.⁷⁷ The second peculiarity is that Alcuin's two categories, exactly parallel to those just identified in *De Inventione*, appear nevertheless under the labels adopted by later authorities, notably Quintilian, who does not use Cicero's distinction between

⁷³ Cicero's *Topics*, written some forty years after *De Inventione*, contains a discussion of both major classes of disputes, the first class being said to contain a *status* (the later term for *constitutio*), and the second class, *quasi status novi*. See *Topics*, 25. 95. The *Rhetorica ad Herennium* is the earliest Latin work to recognize that all rhetorical disputes belong under the concept of *constitutio* (see I. 11. 18-24), and this idea was gradually accepted, being given ultimately the approval of Quintilian. See *Institutio Oratoria*, 3. 6. 66-7, 86-91.

⁷⁴ See *De Inventione*, I. 8-12. Cicero devotes the major portion of Book 2 to the analysis and illustration of these four Positions, with primary emphasis upon the Position of Fact and of Genus.

⁷⁵ *De Inventione*, I. 13. 17; 2. 40-51.

⁷⁶ See below, Text, II. 119-21.

⁷⁷ See above, note 73. The *Rhetorica ad Herennium* also uses the term *constitutio* rather than *status*.

the Position and Quasi-Position, but links both sorts of disputes to the concept of *status*. Alcuin's procedure is easily explained. In Victor's *Ars Rhetorica* he found the later manifestations of the theory of Positions, in *De Inventione* the earlier, and he combined the two without regard for the nice points of difference. We should perhaps notice a third peculiarity in Alcuin's theory of Positions. As he proceeds with his discussion, he abandons the word *status* for *constitutio*, thus appearing at last to settle upon the authority of the young Cicero; but when he mentions the disputes *in ratione* and those *in scripto*, he calls the latter *constitutio legalis*, whereas Cicero put them outside the pale of the true Positions.⁷⁸ These minor incongruities are mentioned, not to call into question the soundness of Alcuin's interpretation, but to show rather that his divergencies are of little importance.

Before we penetrate further into the recesses of the theory of Positions, it is desirable to dwell momentarily upon the concept of *constitutio* and *status*, since these terms lie at the heart of the Latin scheme of rhetorical analysis. The English language does not have exactly equivalent terms for them, our words 'constitution' and 'status' being etymologically but not semantically their direct descendants. English rhetoricians have been inclined to think, with John Stuart Mill, that 'Invention, though it can be cultivated, cannot be reduced to rule; there is no science which will enable a man to bethink himself of that which will suit his purpose.'⁷⁹ As a result, the Latin science of invention, which was designed to do what Mill asserts to be impossible, is not a customary part of English works on rhetoric, although, as we shall presently see, an attempt has of late been made to devise for modern speakers analytical tactics not dissimilar to those recommended by Cicero. Lacking words which connote for us what *constitutio* and *status* meant to the Romans, the English translators of Cicero and Quintilian have had perforce to convert the terms into this or that English expression, and been dissatisfied with the results.⁸⁰ Our choice of the word 'Position' does not imply that other translations are inferior, or that ours promises to be satisfactory to every one.

⁷⁸ See above, note 72; also below, Text, ll. 167-8.

⁷⁹ J. S. Mill, *A System of Logic*, bk. 3, ch. 1, sec. 2.

⁸⁰ For representative examples of the translation of these terms, see C. D. Yonge, *The Orations of Marcus Tullius Cicero*, London, 4 (1894). 248, 514; Watson, *Quintilian's Institutes of Oratory*, 1. 188; H. E. Butler, *The Institutio Oratoria of Quintilian*, London, 1 (1921). 407.

We propose it as a legitimate alternative to other renderings, and wish to dwell briefly upon the reasons for this preference. *Constitutio* and *status* descend respectively from the words *statuo* and *sisto*, meaning *stand*. Since we need an English equivalent which focuses attention upon the place where debaters rest a given case, we could do far worse than to translate these terms as the Stand of the argument. We are also close to the acquired meaning of the Latin terms when we recognize that combatants in argument, as in fencing or wrestling, assume mutually related Postures or Attitudes, the bearing of the man who attacks being inevitably determined by that of the man on the defensive. The Attitude or Posture of a combatant would be rendered into Latin as *status*, a term applied primarily to physical, and by extension to intellectual contests. But Stand, Attitude, and Posture do not ordinarily refer in English to argumentative tactics. This fact leads us to suggest that Position is the word we want. We do speak of the position taken by parties to a dispute, implying that the contestants choose ground upon which to argue, or localities where their arguments stand. Now, if we were to survey all possible grounds in argument, drawing maps of all localities visited by disputants, and then were to identify resemblances and differences among all the separate grounds and localities, we would ultimately succeed in reducing controversies to a small number of fixed positions, one of which would inevitably be occupied in any argumentative clash. The system thus created inductively would resemble the Latin doctrine of *constitutio* and *status*, and would serve as a guide in the rapid analysis of a debatable question, would serve, even, to predict the course of a dispute or the history of a political or social cause. Once we attach these meanings to our native word 'position,' it serves as an equivalent of the Latin terms, and we can be sure that the translation is reasonably satisfactory.⁸¹

A brief glance at the superstructure of the theory of Positions and Quasi-Positions as interpreted by Cicero's *De Inventione* will serve to clarify the opinions just stated. Throughout Cicero's discussion of the nine categories which comprise this superstructure, the principle is the same, the Position or Quasi-Position taking its name from the locality where its proofs are found, and the locality

⁸¹ A helpful discussion of this problem is found in C. Causeret, *Étude sur la Langue de la Rhétorique et de la Critique Littéraire dans Cicéron*, Paris, 1886, pp. 28, 62-4.

being divided and subdivided in accordance with its general and particular contours.

In cases at law, the Position or Quasi-Position is identified after the defendant has entered an Answer under the Complaint submitted by the plaintiff. Calling the Complaint the *intentio criminis*, and the Answer the *depulsio*, Cicero indicates that from them emerges the *quaestio*, or Issue, in which the Position or its cognate can be located.⁸² If for example a man is indicted for murder, and pleads innocence, the resultant question or issue is whether or not the man committed this crime, and the essential controversy is this question of fact, which represents the crux of the dispute. Eye-witness testimony and confessions are rare in such cases, and are considered moreover as proofs outside the realm of artistic prediction.⁸³ Hence, the discovery of proofs like these is a matter not formally within the province of the art of invention, which must confine itself rather to the task of exploring localities whose argumentative resources do not depend upon chance. In the present example, we would call the locality the area of circumstantial evidence, where inferences based upon motive and opportunity could always be discovered. Cicero calls it the Conjectural Position, the specific regions of which embrace conceptual types of Persons and Attributes of Persons, Deeds and Attributes of Deeds.⁸⁴ Suppose the man who pleads innocence has a reputation for being cruel and greedy, and was found beside the body of the slain man, a bloody sword in his hand. Aware of these circumstances, the plaintiff argues that known facts subsequent to the deed prove the defendant's guilt, and his personal traits offer corroborative evidence. The defendant may refute these conjectures by showing that he was the first to arrive at the scene of the crime, and withdrew the sword in order to render what assistance he could; also that greed and cruelty are attributed to him by the malice of enemies.

⁸² *De Inventione*, 1. 8. 10; 1. 13. 18-9; 2. 4. 15.

⁸³ Aristotle's distinction between the modes of persuasion belonging strictly to the art of rhetorical invention and those which exist already in the testimony of eye-witnesses and in written documents and need only to be used, not invented (see his *Rhetoric*, 1355^b 35ff.), is frequently encountered in Latin rhetoric. In *De Inventione*, 2. 14. 46-7, *Partitiones Oratoriae*, 2. 6, and *De Oratore*, 2. 27. 116, are found Cicero's views of this distinction. Quintilian, *Institutio Oratoria*, 5. 1. 1-3, complains that most rhetoricians accepted it and hence did little with non-artistic proofs.

⁸⁴ *De Inventione*, 1. 8. 10; 2. 4-16.

Now, when a man has been indicted for sacrilege, and pleads guilty to robbery (a lesser crime in Roman law), the fact, which consists, say, in his having removed precious ornaments from a temple, is not in dispute, but the question is whether one definition or the other should be applied to the fact. Here proofs are found in the locality of definition, and the Position, according to Cicero, is Definitive.⁸⁵

Again, when a man has been indicted for murder, and pleads innocence on the grounds of extreme or sufficient provocation, the fact itself is not in dispute, but the essence of the fact and of the provocation is. The essence of anything being its nature, its kind, its quality, and these terms being descriptive of the locality in which the speaker must search for his materials, Cicero calls this the Generic or General Position, and gives it a large number of specific regions.⁸⁶

When the defendant pleads that the indictment has been made by the wrong plaintiff, or before the wrong court, or at the wrong time, or in the wrong manner, the issue is in the technical question of procedure, and the Position, for want of an exact English equivalent of Cicero's term *translativa*, may be called the Procedural. Proof in such cases, he says, involves a knowledge of legal precedents and conventions, which he does not analyze to any extent.⁸⁷

We shall not dwell further upon the five types of Quasi-Position, beyond saying that each has its special locality in which arguments are sought, just as the four Positions have theirs.⁸⁸

What is true of cases at law is of course true of political controversies and questions of praise or blame, the theory of Positions being applicable to the whole range of rhetorical disputes.⁸⁹ The

⁸⁵ *De Inventione*, I. 8. 10; 2. 17-8.

⁸⁶ *De Inventione*, I. 8. 10; 2. 21-39.

⁸⁷ *De Inventione*, I. 8. 10; 2. 19-20.

⁸⁸ See *De Inventione*, I. 13. 17; 2. 40-51.

⁸⁹ Causeret, *Étude sur la Langue de la Rhétorique*, pp. 59-62, expresses the belief that the theory of Positions applies only to Forensic, not to Deliberative and Demonstrative oratory. But this view is not in accord with express statements in *De Inventione*, the *Rhetorica ad Herennium*, the *Partitiones Oratoriae*, Cicero's *Topics*, and Quintilian's *Institutio Oratoria*.

In *De Inventione*, 2. 4. 12, Cicero remarks: *Omnis et demonstrativa et deliberativa et iudicialis causa necesse est in aliquo eorum, quae ante exposita sunt, constitutionis genere, uno pluribusve, versetur.* Later (2. 51. 155) he adds: *Nunc expositis iis argumentationibus, quae in iudiciale causarum genus adcommo-dantur, deinceps in deliberativum genus et demonstrativum argumentandi locos*

debatable propositions dealt with in political oratory are the result of a preliminary conflict of opinion, less formalized, but not less distinct, than a Complaint and Answer in the courts. As the main issue between the parties, one of whom takes the affirmative view, the other the negative, the political proposition may rest in one or more of the nine localities of dispute. The issue of fact past in the courts becomes the issue of future fact in the forum, and the Position of this dispute is that of Conjecture. Likewise, the issue of name arises in political debate when one side contends, for example, that a given government should be recognized because it falls within the scope of the definition of a legal government, while the other side takes the opposite view, the resulting Position being Definitive. A question of policy rests in the Generic Position by virtue of a dispute upon the nature, kind, or quality of a proposed action. Perhaps the only Position which could be held to belong primarily to legal cases is the Procedural, but even this locality would be visited by the political speaker, as when, for

et praecepta dabimus, non quo non in aliqua constitutione omnis semper causa versetur, sed quia proprii tamen harum causarum quidam loci sunt, non a constitutione separati, sed ad fines horum generum adcommodati.

Speaking of proof and refutation in deliberative oratory, the *Rhetorica ad Herennium*, 3. 4. 8, says: In dicendo confirmatione et confutatione utemur, nostris locis, quos ante ostendimus, confirmandis, contrariis confutandis. Argumentationis artificiose tractandae ratio de secundo libro petetur. Since the Second Book, to which reference is here made, contains a discussion of the theory of Positions in forensic oratory, we may assume that this theory is intended to apply to political speaking, too.

In the *Partitiones Oratoriae*, 9. 33, Cicero expressly applies the theory of Positions to all rhetorical controversies, saying: Quoniam igitur omne, quod in controversiam venit, id aut sit necne sit aut quid sit aut quale sit quaeritur, in primo coniectura valet, in altero definitio, in tertio ratio.

Cicero's *Topics*, 25. 92-3, offers the same testimony, as follows: Harum causarum propria argumenta ex iis sumpta locis, quos exposuimus, in praeceptis oratoriis explicata sunt. Refutatio autem accusationis, in qua est depulsio criminis, quoniam Graece *στάσις* dicitur, appelletur Latine status; in quo primum insistit quasi ad repugnandum congressa defensio. Atque in deliberationibus etiam et laudationibus idem existunt status.

So also Quintilian's *Institutio Oratoria*, 3. 6. 1: Quanquam id nonnulli ad iudiciales tantum pertinere materias putaverunt, quorum inscitiam, cum omnia tria genera fuero exsecutus, res ipsa deprehendet. See also *Ibid.*, 3. 6. 80-3.

From these statements it is clear that the theory of Positions is a system of invention applicable generally to the three types of oratory. But why, then, one might ask, did these writers illustrate and discuss the theory almost exclusively in terms of forensic causes? The answer to this is suggested in the *Rhetorica ad Herennium*, 2. 1. 1, where the author says that invention is the most difficult subject in rhetoric, and invention in forensic oratory the most difficult part of invention.

example, he condemned a treaty by arguing that it was negotiated by the wrong authority, or offered improperly for ratification. It is also possible to find political debates illustrating all of Cicero's Quasi-Positions. We do not need to discuss the specific application of his theory to Demonstrative oratory, enough having been said to suggest that this kind, like the others, grows out of a complex situation in which charges and countercharges upon the subject in question have interacted to produce a controversy upon the facts in a man's life, or the definition or quality of those facts, or the interpretation of written texts connected with his claims to a favorable or unfavorable reputation.

De Inventione is so organized that the doctrine of Positions and Quasi-Positions falls under the heading of Proof and Refutation, a decisive indication that Cicero considers his system of analysis to be the procedure of invention in these two movements of the speech. But we must also recognize, as Cicero does, that analysis bears a relation to synthesis, and that the intellectual technique which provides the scattered particulars of proof is capable also of providing the central conception which unites these particulars within itself. Hence, the doctrine of Positions, hitherto discussed mainly in terms of its analytical function, must now be considered as a method of synthesis, and a method, moreover, which has relevance particularly to the Division, the conventional third part of the speech. Looking for a moment at Cicero's thought upon this important question, we may say that he assumes synthesis to be in fact an inverted analysis; in other words, the ultimate fusion of particulars into an organic whole is the speaker's destination in a journey in the opposite direction along the route already traveled during the search for the natural divisions and parts of thought. As we have seen, the first stage in this journey leads through the Complaint and Answer to the Issue and Position. The second stage might be described as a progression from the Position through the Complaint and Answer to the unifying concept, the *indicatio*.

Like the Issue and the Position, the *indicatio* arises from the examination of the defendant's Answer in the light of the plaintiff's Complaint, and may hence be called the Point to be Judged.⁹⁰ But

⁹⁰ For Cicero's explanation of this and the other terms used in this paragraph, see *De Inventione*, 1. 13. 18-9. Their use is illustrated repeatedly in Book 2, for example, in 4. 15 and 17. 52. A set of similar terms is explained in the *Rhetorica ad Herennium*, 1. 16. 26-7.

instead of considering only the Complaint and Answer, as was done in fixing the Position of the controversy and setting up the problem of analysis, the speaker now has to broaden the scope of his inquiry and take into account what can be alleged in support of the Complaint and Answer. Thus the *depulsio*, or original Answer of the defendant, and the *intentio*, or original Complaint, become in the procedure of synthesis terms broad enough to refer to the entire argumentative briefs of the respective parties. Cicero's word *ratio* names the defendant's brief, or his main lines of proof, while *infirmatio rationis* names the plaintiff's brief, and the two terms suggest the inevitable connection between the thrust of one combatant and the parry of the other. From the impact of these two sets of arguments emerges the *iudicatio* which is in a strictly legal sense, as we said above, the Point to be Judged when both parties have been heard, and in a rhetorical sense, the underlying conception of the speeches made during the summation before the judge or jury. Every detail and scattered particular in the defendant's speech, and in the plaintiff's as well, will march to the command of, and find unity in, this main conception. Accordingly, the Point to be Judged becomes, as Cicero expressly says, an element in the Division of speeches.⁹¹

Having defined the objective of *De Inventione* in terms of the procedures of analysis and synthesis, and discussed the theory of Positions as a method contrived to render effective and purposeful the speaker's search for, and use of, ideas, we have located *pari passu* the primary educational significance of Latin rhetoric, and of all works which, like Alcuin's, fall within this tradition. Additional insight into the scope and value of this theory can be gained by glancing successively at its probable antecedents and recent manifestations. As found in Cicero's early work and in the *Rhetorica ad Herennium*, it is a distinctive contribution to rhetorical theory, but a contribution which consists in the adaptation of a method already in use among philosophers. Without these antecedents, the valuable work of Cicero and his unidentified contemporary might have been impossible, but the need for a theoretical procedure of invention in the field of debate would have remained as a challenge

⁹¹ *De Inventione*, I. 22. 31. An explanation of the Point to be Judged and of the Position involved in the dispute may also be an element in the Introduction of a speech. See *De Inventione*, I. 16. 23.

to man's ingenuity, and would doubtless have produced at some time or other the kind of thing devised by Greek and Latin authors.

Our discussion of the origins of the theory of Positions will carry out the implications of a remark made by Quintilian in the *Institutio Oratoria*, where a chapter is devoted to previous writings upon the *status* of controversies. Speaking of the moot question of the number of Positions, he observes that Aristotle named ten categories or predicates, to one of which every possible dispute appears to have some reference, and to the first four of which rhetorical disputes are connected.⁹² Of immediate interest to us is the fact that Quintilian does not hesitate to acknowledge the bearing of the rhetorical theory of Positions upon the similar technique in dialectic, and particularly upon the system described in Aristotle's *Topics*. What we shall say in explanation of Quintilian's remark is therefore an exploration of the relations of dialectic and rhetoric, and an account of the influence of the one upon the other.

As complementary arts of argument and rival theories of education, dialectic and rhetoric were of respectable antiquity when Aristotle made each the subject of an unusual book. It is evident at once that for centuries before the time when these arts could possibly have been reduced to systems, both had been practised by men having occasion to participate in popular deliberations or learned discussions. The accumulated experience of generations gradually separated eccentric from typical practices, and established a consciousness of fixed forms and laws. Emerging at that point as what we can call arts, dialectic and rhetoric began their formal history, the circumstances of which are commonplaces in the history of Greek thought and need not occupy us in detail. From the familiar story a few facts may be selected for emphasis. Within the decade between 470 and 460 B.C., dialectic and rhetoric began to assume the character of arts. A practical educator named Corax, of Syracuse, is usually supposed to have been the author of the first methodical work on rhetoric, while to the philosopher Zeno, of Elea, is assigned credit for having invented the art of dialectic.⁹³ The contrast between the occupations of these men symbolizes the difference between the two arts. Rhetoric became the method of practical, dialectic of theoretical, dispute. By

⁹² *Institutio Oratoria*, 3. 6. 23-4.

⁹³ R. C. Jebb, *The Attic Orators*, London, 1876, I. xxxviii-ix, cxx-i.

the very fact that method in intellectual combat cannot be taught *in vacuo*, but only in the course of actual practice with subjects upon which arguments are possible, it followed that both arts claimed as their prerogative the function of acquainting young men, not only with a basic habit of procedure, but also with the necessary information with which that procedure was conversant. In other words, if we call dialectic and rhetoric the methods by which ideas may be made to prevail and to influence the course of cultural and political history, then the ideas themselves are by extension the very things which the study of the method ultimately imparts. Thus aspiring students of rhetoric were taught how to win the consent of audiences upon subjects appertaining to law, politics, and morals, a training in these practical sciences being the necessary concomitant of a mastery of the art of persuasion. The students of dialectic were also taught the art of winning conviction, but they, with the philosopher's scorn of the practical and temporary, exercised their talents upon the ultimate principles of science and conduct, thereby acquiring through the method of argument a fund of philosophical knowledge. It is a commonplace in Latin rhetoric that there are two fundamental types of debatable subjects, the Definite and Indefinite, the first of which is connected with persons, times, events—in a word, with particulars,—while the second deals with timeless subjects, with universals.⁹⁴ Cicero's *De Inventione* rejects the belief of Hermagoras that both sorts of disputes belong to rhetoric, and asserts rather that the Indefinite Question is the property of philosophy, or dialectic. When Cicero states that his assertion rests upon the authority of Aristotle's *Rhetoric*, he reinforces the conclusion that, while both dialectic and rhetoric were regarded among the Greeks as the methods of dealing with questions under dispute and investigation, and could both claim to encompass within themselves the same intellectual habits, the two had at times diverged into rival systems of education upon the issue of the kind of content an education should have. This divergence is clearly reflected in Plato's dialogues, where Socrates, the apostle of dialectic as the method of education, and of virtue and knowledge as the end, punctures none too gently the inflated reputations of such rhetoricians as Gorgias and Prota-

⁹⁴ See *De Inventione*, 1. 6. 8; *De Oratore*, 1. 31. 138; *Partitiones Oratoriae*, 18. 61; Cicero, *Topics*, 21. 79-80; Quintilian, *Institutio Oratoria*, 3. 5. 5-18.

goras, and exposes to ridicule the elaborate pretensions of the rhetorical method of the times.⁹⁵

If Gorgias and Protagoras uphold the theory that rhetoric is the *ars artium* of the educational process, and Plato makes the same claims for dialectic, Aristotle may be said to suggest the logical synthesis of these conflicting views. Writing impartially and profoundly upon both arts, he emphasized the fresh doctrine that rhetoric shares upon equal terms with dialectic the procedure of analysis and synthesis, and is a complementary but also an independent art of composition. 'Rhetoric,' he observes in the opening sentence of his treatise upon this art, 'is the counterpart of Dialectic.'⁹⁶ When this remark was made, his *Topics* had already been written, and he doubtless wished, at the outset of the new work, to remind his readers of its relations with the book on dialectic. Referring specifically to the *Topics* in eight different passages of the *Rhetoric*, and postulating elsewhere in the latter work a knowledge of the former, he creates the distinct impression that the two arts have within definite areas a similarity of method and function. When we turn to the *Topics*, this impression is strengthened, and we emerge at length with a consistent theory of their relations, and a sense of the direction in which we must look if further relations are to be explored, what Aristotle actually says being not more important than what he suggests. Our purpose will be now to combine his explicit and implicit assumptions, and to formulate his essential position. Then we shall be able to see that the theory of Positions in Latin rhetoric is the outcome of Aristotle's insistence upon the joint application of rhetoric and dialectic to the invention of demonstrative proof by a predetermined method.

In the final analysis, Aristotle's view would appear to be that dialectic is the art of invention in disputes upon alternative beliefs

⁹⁵ The conflict between rhetorician and dialectician is the background of many of Plato's dialogues, *Protagoras*, *Gorgias*, and *Phaedrus* in particular. See especially *Phaedrus*, 265-6. A good digest of Plato's views towards rhetoric is found in E. L. Hunt, "Plato and Aristotle on Rhetoric and Rhetoricians," *Studies in Rhetoric and Public Speaking in Honor of James Albert Winans*, New York, 1925, pp. 18-42. See also W. S. Howell, "Nathaniel Carpenter's Place in the Controversy between Dialectic and Rhetoric," *Speech Monographs*, 1 (1934). 26-8.

⁹⁶ This and subsequent quotations are from the translation by W. R. Roberts in *The Works of Aristotle*, translated into English under the editorship of W. D. Ross, Oxford, 11 (1924). Quotations from Aristotle's *Topics* are from the translation by W. A. Pickard-Cambridge in vol. 1 (1928) of the same series.

before audiences so constituted by training and temperament as to respond to an appeal to reason alone, while rhetoric is the art of invention in disputes upon alternative policies or actions before audiences which respond when their emotions and moral sentiments, as well as their reason, are brought into harmonious relation.

According to these definitions, the two arts are alike in being a procedure of invention, a method of analysis and synthesis, a technique of inquiry, research, and discovery. Aristotle is explicit upon this point. In the *Rhetoric* he observes that they are not bound up with any definite class of subject, are not in themselves the science of the subject they discuss, but are faculties for providing arguments.⁹⁷ Sharpening this resemblance, his own words indicate that rhetoric and dialectic are 'practical faculties,' not 'sciences,' deal 'simply with words and forms of reasoning,' are devoted, alone among the arts, to drawing 'opposite conclusions impartially.'⁹⁸ Of both arts all men make use, 'for to a certain extent all men attempt to discuss statements and to maintain them, to defend themselves and to attack others.'⁹⁹ In these passages, Aristotle emphasizes that dialectic and rhetoric are not sciences but arts, not forms of knowledge but forms of power. Moreover, both are forms of power over words, reasonings, arguments; both are capacities for verbal attack and defense, faculties for making a disputable point yield equally its affirmative and negative contentions. Now his formal definitions of these two arts serve to clarify and describe the precise configurations of this power. The function of rhetoric, he says, 'is not simply to succeed in persuading, but rather to discover the means of coming as near such success as the circumstances of each particular case allow. . . . Rhetoric may be defined as the faculty of observing in any given case the available means of persuasion.'¹⁰⁰ Dialectic is 'a line of inquiry whereby we shall be able to reason from opinions that are generally accepted about every problem propounded to us, and also shall ourselves, when standing up to an argument, avoid saying anything that will obstruct us. . . . The possession of a plan of inquiry will enable us more easily to argue about the subject proposed. . . . Dialectic is a process of criticism wherein lies the path to the

⁹⁷ 1355^b7-9; 1359^b11-8; 1356^a31-3.

⁹⁹ *Rhetoric*, 1354^a3-5.

⁹⁸ 1359^b13-4, 17; 1355^a35-7.

¹⁰⁰ *Rhetoric*, 1355^b10-1, 25-6.

principles of all inquiries.¹⁰¹ Underlining still further the similarity between the dialectical and rhetorical faculty, Aristotle adds:

'We shall be in perfect possession of the way to proceed [in dialectic] when we are in a position like that which we occupy in regard to rhetoric and medicine and faculties of that kind: this means the doing of that which we choose with the materials that are available. For it is not every method that the rhetorician will employ to persuade, or the doctor to heal: still, if he omits none of the available means, we shall say that his grasp of the science is adequate.'¹⁰²

Aristotle indicates not only that rhetoric and dialectic are related faculties of invention, but also that within a definite area the objects with which these faculties deal are identical. Rhetoric must invent the means of persuasion available in any given case. Now persuasion is clearly the state of mind of a person who has been induced to take action. 'Political speaking,' observes Aristotle, 'urges us either to do or not to do something. . . . The political orator aims at establishing the expediency or the harmfulness of a proposed course of action.'¹⁰³ Forensic speaking is designed to prompt the act of decision,¹⁰⁴ and the subsequent acts implied by that decision. Even the eulogy does not seek mere intellectual acceptance. 'To praise a man,' Aristotle says, 'is in one respect akin to urging a course of action . . . whenever you want to praise any one, think what you would urge people to do; and when you want to urge the doing of anything, think what you would praise a man for having done.'¹⁰⁵ The inducements to action are threefold, he remarks.¹⁰⁶ Important are the emotional inducements brought to bear upon the audience, whose judgments when they are 'pleased and friendly' are not the same as when they are 'pained and hostile.' Also important are moral inducements—the sense on the part of the audience that the speaker is a good man, worthy of credence. The third set of inducements to action is the hearer's willingness to believe that the speaker's point is proved or demonstrated. It is in respect to this last state of mind that the process of persuasion identifies itself with the method of logical argument, on Aristotle's assumption that 'we are most fully persuaded when we consider a thing

¹⁰¹ *Topics*, 100^a18-21; 101^a29-30; 101^b4.

¹⁰³ *Rhetoric*, 1358^b7-8, 21-2.

¹⁰⁵ *Rhetoric*, 1367^b36; 1368^a6-8.

¹⁰² *Topics*, 101^b5-10.

¹⁰⁴ *Rhetoric*, 1358^b1-7, 26-7.

¹⁰⁶ *Rhetoric*, 1356^a1-25.

to have been demonstrated.¹⁰⁷ While rhetoric, sharing its complete function with no other art,¹⁰⁸ invents these three means of persuasion, dialectic manipulates only that means which has to do with the securing of belief. Dialectic invents the objects wherewith to reason about any given proposition, and aims at the intellectual acceptance of a conclusion by the hearer. 'Reasoning is an argument in which, certain things being laid down, something other than these necessarily comes about through them.'¹⁰⁹ The things laid down by the dialectician are opinions generally accepted;¹¹⁰ using them, he establishes a series of conclusions as the basis of his grand final conclusion, which calls, not for action in any immediate sense, but for acceptance, or belief, upon the grounds offered in the course of the argument.

Thus rhetoric and dialectic overlap in the region where each has to be a method by which are sought the purely demonstrative or logical inducements. Here the two arts are identical, the syllogism and induction of dialectic being exactly paralleled by the enthymeme and example of rhetoric.¹¹¹ It is this common region to which Aristotle refers when he calls rhetoric 'the counterpart of dialectic,' 'a branch of dialectic and similar to it,' 'an offshoot of dialectic,' and a practice which like dialectic depends upon the science of logic, the parent discipline of the two arts of argumentation.¹¹²

In the definitions with which we described Aristotle's basic attitude towards rhetoric and dialectic, the two arts appeared to have not only the points of resemblance just discussed, but also fixed lines of difference. These we shall briefly consider. First of all, however, it is necessary to say that our definitions do not recognize what is popularly thought to be the foremost difference, namely, that dialectic proceeds by question and answer, whereas rhetoric is the art of the long continuous speech. This distinction does not appear to be very important. Not only does it refer to the external appearance rather than to the fundamental objectives and methods of discourse, but also it is not even a constant external difference. The conversational interchanges between dialecticians are not of fixed length, those of Socrates and his opponents in the Platonic dialogues varying all the way from a few words to long continuous discourses, while speeches properly so called may

¹⁰⁷ *Rhetoric*, 1355^a5-6.

¹⁰⁹ *Topics*, 100^a25.

¹¹¹ *Rhetoric*, 1356^b1-18.

¹⁰⁸ *Rhetoric*, 1355^b25-7.

¹¹⁰ *Topics*, 100^a30.

¹¹² *Rhetoric*, 1354^a1; 1356^a30-1, 25-6; 1359^b10.

frequently involve question and answer as a technique of presentation, and may even become a frank dialogue between speaker and audience.

A more fundamental difference, which is stated in our definitions, is that dialectic surveys scientific and learned questions, and rhetoric, practical questions of policy. We have already noticed the existence of this distinction in Latin rhetoric, where various authors speak of the Indefinite and Definite questions, and Cicero assigns the first sort to dialectic. Cicero was right in maintaining that Aristotle authorizes this classification of subjects. To Aristotle, however, the distinction was a way of describing two general tendencies. Thus he says that, while dialectic and rhetoric are of equal universality of application,¹¹³ the first deals mainly in practice with the assumptions of the various sciences,¹¹⁴ and the second, with 'such matters as we deliberate upon without arts or systems to guide us.'¹¹⁵ Perhaps the best evidence of Aristotle's endorsement of the distinction is afforded by a comparison of subjects used as illustrations in the *Topics* and *Rhetoric*. The dialectician is habitually occupied with questions like these: 'Ought one rather to obey one's parents or the laws, if they disagree?' 'Is the knowledge of opposites the same or not?' 'Is the universe eternal or not?'¹¹⁶ Meanwhile, the orator discusses in the political assembly the questions of 'ways and means, war and peace, national defence, imports and exports, and legislation';¹¹⁷ and in the courts, whether a crime has been committed, whether it did harm, whether it was justified, whether it is as serious as has been alleged.¹¹⁸

A second difference between dialectic and rhetoric is in respect to the invention of moral and emotional inducements to action, where rhetoric has exclusive jurisdiction. Aristotle's *Topics* does not consider the emotions of the audience or the moral character of the disputant as factors in dialectical invention; yet in the *Rhetoric*, these inducements are emphasized, not to the point of admitting, as did various rhetoricians of Aristotle's day, that the whole province of rhetoric is emotional appeal,¹¹⁹ but to the extent of recognizing that the average man does not always act out the consequences of his belief, and is often willing, without logical

¹¹³ *Rhetoric*, 1355^b7-9.

¹¹⁵ *Rhetoric*, 1357^a1-3.

¹¹⁷ *Rhetoric*, 1359^b20-3.

¹¹⁹ *Rhetoric*, 1354^a13-9; 1356^a15-8.

¹¹⁴ *Topics*, 101^a34ff.

¹¹⁶ *Topics*, 105^b21-6.

¹¹⁸ *Rhetoric*, 1417^b21-7.

grounds, to behave in the right way if his emotions and moral sentiments are aroused.

Closely allied to these two differences is the insistence, obvious to the reader of Aristotle's *Rhetoric*, that this art is the method of dealing with the popular audience. 'It is possible,' he says, 'to form syllogisms and draw conclusions from the results of previous syllogisms.'¹²⁰ Without reminding us, as he might well have done, that this procedure was a commonplace in dialectical reasoning, and could be illustrated in a hundred places in Plato's dialogues, he excludes it from rhetoric, on the ground that such reasonings are 'hard to follow owing to their length,' and that rhetoric assumes 'an audience of untrained thinkers.'¹²¹ Earlier he observes: 'The duty of rhetoric is to deal with such matters . . . in the hearing of persons who cannot take in at a glance a complicated argument, or follow a long chain of reasoning.'¹²² Although he does say in the *Topics* that 'in dialectics, syllogism should be employed in reasoning against dialecticians rather than against the crowd: induction, on the other hand, is most useful against the crowd,'¹²³ yet there is no convincing internal evidence that the treatise as a whole is intended to share with the *Rhetoric* a concern for the method of popular appeal, or for the analysis of the average audience. For the philosopher-kings of Plato's republic, dialectic, as the art of manipulating belief, might have been deemed by Aristotle a sufficient art of leadership. But practical statesmen, he implies, must master an art of leadership which recognizes that the decisions of men are compounded of passion and moral sentiments as well as of beliefs. Hence his emphasis upon dialectic and rhetoric, the one applicable to the learned audience, the other, to the people. Hence also his insistence that rhetoric is not simply a branch of dialectic, but an offshoot of ethical studies, a member of the ethical part of politics.¹²⁴

Considered, therefore, as a theoretical exposition of the method of invention in the field of demonstrative proof, where the reasoner seeks to establish a given belief upon its logical grounds, any work on dialectic, and Aristotle's *Topics* in particular, would bear a close relation to a work on rhetoric, at the point where the orator is forced to employ the logical means of persuasion. The question

¹²⁰ *Rhetoric*, 1357^a7-8.

¹²² 1357^a1-4.

¹²⁴ *Rhetoric*, 1356^a25-7; 1359^b9-11.

¹²¹ *Rhetoric*, 1357^a11-3.

¹²³ 157^a19-20. See also 105^a16-19.

whether one system of invention would suffice for both arts in the region where they overlap could be approached in either of two ways. First, the system created and used by dialecticians could be assumed to have validity in rhetoric, but not to require a special rhetorical interpretation. Upon this assumption a rhetorician would devote his attention to the problem of discussing in general terms the three rhetorical means of persuasion, but would bestow only occasional glances upon the specific dialectical method suited to the discovery of logical proof. The alternative procedure would be to preserve in a work on rhetoric the emphasis upon the non-logical means of persuasion, and to create in the field where rhetoric assumes the burden of positive demonstration a system of invention analogous to that used by dialectic. Speaking in general terms, we may say that Aristotle's *Rhetoric* embodies the first of these approaches, Cicero's *De Inventione*, the second. A description of the system of invention in Aristotle's *Topics*, and an analysis of what he says in the *Rhetoric* upon the categories into which rhetorical controversies fall, show that he believes rhetoric and dialectic to have an interchangeable system of invention in respect to demonstrative proof. With Aristotle, however, this belief is developed only by implication, and the dialectical method is not openly restated in rhetorical terms. What Cicero does is to utilize to the fullest extent this implication, his theory of Positions being the rhetorical counterpart of the dialectical system of invention.

With Aristotle's *Topics* in mind, let us reduce to its few leading principles the inventional method of dialectic. All propositions encountered in philosophical disputes, says Aristotle, belong to one of four families or groups, each of which expresses one of the four possible relations between a given subject and its predicate.¹²⁵ Thus, the Proposition of Genus contains a term which stands for a thing, and a predicate which places that thing in a category of things alike in essence but different in detail. The Proposition of Definition contains a term which stands for a thing, and a predicate signifying that thing's essence. The Proposition of Property has a term which stands for a thing, and a predicate which, not indicative of the thing's essence, does specify a quality or attribute belonging solely to that thing and convertible with it. The Proposition of Accident embodies a term which

¹²⁵ *Topics*, I.4-5.

stands for a thing, and a predicate specifying a quality or attribute that now belongs, and now does not belong, to that thing.

Now, any study of the way in which terms enter into combination to form propositions presupposes knowledge of the relations between those terms and the objects for which they stand. If a modern analogy be permitted, we might say that, just as a study of compounds in chemistry presupposes a knowledge of elements, so does any generalization upon the combination of terms in a proposition take for granted the existence of generalizations concerning the nature of terms and objects. This consideration may help to explain why Aristotle goes on in the *Topics* to list his famous ten categories, which, unlike the four previously mentioned, are not fundamental classes into which dialectical propositions fall, but are rather classes into which terms and names fall, when verbal symbols are studied in relation to real objects, or existences. These ten categories are: Essence, Quantity, Quality, Relation, Place, Time, Position, State, Activity, Passivity.¹²⁶ If we were to inquire what might be the sum of all that a name could tell us about its object, we would find that sum to be co-extensive with the range of possibilities expressed by these classes.

It would be unsafe to insist that the difference between a proposition and a term explains the full difference between Aristotle's four categories and the subsequent ten, or is the only assumption from which the full difference may be inferred. Without entering the historic controversy upon these questions,¹²⁷ we shall content ourselves with the observation that, while Aristotle mentions these two sets of categories in the *Topics*, and indicates their co-ordinate jurisdiction, nevertheless he actually uses the four categories of propositions as the divisions under which the theory of dialectical invention will be written, the ten categories being introduced to reveal how ultimate distinctions in the field of logic and metaphysics underlie and reinforce the less numerous distinctions in the method of argument. Thus in Book 2 and 3 of the *Topics*, he analyzes the method of invention for the Proposition of Accident; in Book 4, the method for the Proposition of Genus; in Book 5, the method for the Proposition of Property; and in Book

¹²⁶ *Topics*, 103^b21-3. See also *Categories*, 1^b25ff.

¹²⁷ For a discussion of Aristotle's ten classes, see Mill, *System of Logic*, bk. 1, ch. 3, and G. Grote, *Aristotle*, ed. by A. Bain and G. Robertson, London, 1 (1872). 93-154.

6 and 7, the method for the Proposition of Definition. In his careful digest of the *Topics*, Grote suggests that Aristotle's progression through these divisions is a progression from the easiest to the hardest propositions encountered in dispute, and he shows how Aristotle's statements confirm this view.¹²⁸ Under each of the divisions is created an analytical or inventional pattern, the precise details of which are neither rigidly integrated with the patterns constructed for the other divisions, nor converted into the less flexible general formula devised by Cicero when in his own *Topics* he put together his recollections of Aristotelian dialectic. We shall not describe the structure of these patterns, our purpose being only to show that the characteristic features of Aristotle's *Topics* are its basic theory of the four classes of propositions, and its subsequent exploration of the argumentative resources of each class.

A noteworthy fact about Aristotle's *Rhetoric* is that it not only examines in philosophical outline the method of inventing emotional and ethical proof, but it also implies the existence, in the field of logical proof, of an inventional method founded upon a conception analogous to that just identified in the *Topics*. As we have seen, the basis of the theory of dialectical invention is a theory of the classes of propositions. Now in the *Rhetoric* we find evidence that rhetorical invention, where belief is the object and argument the means, presupposes a theory of the various kinds of propositions with which speakers deal. Early in the treatise, Aristotle observes: 'A litigant has clearly nothing to do but to show that the alleged fact is so or is not so, that it has or has not happened.'¹²⁹ Implicit in this statement is the assumption that the question of fact is perhaps the only important general class of questions in forensic oratory. Later, Aristotle increases the number of general classes when, speaking of the ways of dispelling prejudice, he recommends the possibility of meeting 'any of the issues' directly, to the end that the speaker deny the alleged fact, or say that he has done no harm, or none to the opponent, or not as much as the opponent says, or that he has done the opponent no injustice, or not much, or that he has done nothing disgraceful, or nothing disgraceful enough to matter.¹³⁰ In this passage, Aristotle gives an informal list of the various kinds of

¹²⁸ Aristotle, I. 411.

¹³⁰ *Rhetoric*, 1416^b-10.

¹²⁹ *Rhetoric*, 1354^a26-8.

Positions taken in legal argument; a list suggestive and descriptive rather than analytical and exhaustive, but one, nevertheless, in which types of controversy are blocked out. To deny the alleged fact, for example, is to give the case one direction; to admit the fact, but deny its harmful import, or raise questions about the amount of harm done, is to give the case other directions. 'These,' adds Aristotle, 'are the sort of questions on which the dispute hinges.' Still later, he avows that controversies are limited to four general categories, and we see here a maturing resemblance between the classification of rhetorical disputes and the theory of four dialectical propositions as stated in the *Topics*. Significantly enough, this remark appears in connection with his discussion of the speech movement called Proof, or, in other words, at the moment when a system of rhetorical invention would need to provide arguments capable of establishing belief, and would thus bear its strongest resemblance to the dialectical system. Aristotle's words are:

'The duty of the Arguments is to attempt demonstrative proofs. These proofs must bear directly upon the question in dispute, which must fall under one of four heads. (1) If you maintain that the act *was not committed*, your main task in court is to prove this. (2) If you maintain that the act *did no harm*, prove this. If you maintain that (3) the act was *less* than is alleged, or (4) *justified*, prove these facts, just as you would prove the act not to have been committed if you were maintaining that.'¹²¹ Indicated here as general classes of rhetorical disputes are the questions of fact, of quality, of degree, and of justification, types which proceed from the sort of thinking previously applied by Aristotle to dialectic. It must be confessed that these rhetorical categories are limited to forensic disputes. He speaks later, and less categorically, of Proof in ceremonial and political questions.¹²² It should also be noticed that he does not utilize the four categories as fundamental divisions of the theory of invention in legal oratory, preferring merely to suggest in a kind of aside the existence of fixed patterns of controversy. Despite his tendency to restrict the theory of rhetorical disputes, there can be little doubt that at this point in the *Rhetoric* he looks back to the system of

¹²¹ *Rhetoric*, 1417^b20-8. The italics and numbers in this quotation are as given in Roberts's translation.

¹²² *Rhetoric*, 1417^b30ff.

dialectical invention, and suggests its general adaptability to public speaking, taking for granted the student's ability to restate for himself the philosophical method in terms of the orator's needs.

At the same time, Aristotle's suggestive classification of forensic disputes anticipates the elaborate and precise Latin doctrine of Positions. 'As to persuasion by argument,' remarks Baldwin, 'Aristotle begins with a mere hint of that determination of the main issue and character of the case which was afterward elaborated into the classified doctrine of the *στάσις* (*status*).'¹³³ While Baldwin clearly recognizes that the theory of Positions has antecedents in Aristotle's *Rhetoric*, he does not suggest the equally deserving point that in Aristotle's *Topics* still earlier antecedents are to be found. In support of this view, let us for a moment consider the system of Positions in *De Inventione* in the light of Aristotle's casual classification of forensic disputes, and also in the light of his system of dialectical invention. It is first to be noticed that Cicero founds his system upon the theory of a fixed number of rhetorical disputes, thus recalling the theory of types of controversies mentioned in Aristotle's *Rhetoric*, and the theory of types of dialectical propositions mentioned in the *Topics*. The second thing we notice is that where Cicero has four Positions properly so called, Aristotle's *Rhetoric* also has four (but in respect to legal disputes only), and the *Topics*, the same number. Thirdly, we are struck at once by the resemblances among the names assigned to these categories. As we have seen, Cicero names them the Conjectural, the Definitive, the Generic or General, and the Procedural Positions. Aristotle's *Rhetoric* does not name them, but its first is analogous to Cicero's first, its second and fourth to Cicero's third, and its third to Cicero's second, where an attempt is made to argue that the crime is less than is alleged, or, in other words, has a weaker name and penalty. Aristotle's *Topics*, we remember, explicitly names the four dialectical categories as that of Accident, of Property, of Genus, and of Definition, the last two being parallel with two of Cicero's Positions. Finally, we observe that in *De Inventione* each main Position has its particular inventional pattern, a fact which finds no extensive counterpart in Aristotle's *Rhetoric*, but a very precise counterpart in the *Topics*.

¹³³ C. S. Baldwin, *Ancient Rhetoric and Poetic*, New York, 1924, p. 36.

These resemblances between Cicero's *De Inventione* and Aristotle's *Topics* are to be explained, as we have emphasized, by the recognition that both dialectic and rhetoric must provide a machinery for the discovery of logical proof. On the other hand, differences between the two arts account for minor differences in their respective systems of invention. Preoccupied with the assumptions of the scientist, the generalizations of the moralist, the conclusions of the metaphysician, and the standards of the literary critic, dialectic would not need a machinery of invention for the questions of Fact or of Procedure or for those allocated by Cicero to the five Quasi-Positions, since the answers to these questions are particulars, not universals. Nor would rhetoric need to provide for the analysis of questions of Accident and Property, on the ground that these rarely appear except as technical questions in philosophy. Then, too, the system of invention for questions of Genus and Definition in dialectic would be subject to inevitable modification when applied to rhetoric, the popular audience being less critical than the learned, and rhetorical invention being therefore less rigorous.

Woven into the texture of these differences between *De Inventione* and the *Topics* are differences introduced by intermediate writings. Hermagoras, who flourished in the decade before Cicero's birth, was a rhetorician with dialectical leanings and philosophical interests. Often called the third founder of the art of rhetoric, Gorgias and Aristotle being by the same tradition the other two,¹³⁴ Hermagoras is frequently cited in *De Inventione*, where he is acknowledged the inventor of the Procedural Position, and is said to have written upon the others.¹³⁵ Quintilian's *Institutio Oratoria* has many allusions to him, one of which mentions that he 'carved out a path of his own,'¹³⁶ and another, that some believed him the first writer to apply the word *status* to rhetorical theory.¹³⁷ Other rhetoricians of the period between Aristotle and Cicero contributed to the precise formulation of the doctrine of Positions. Apart from the ones named by Quintilian,¹³⁸ there is the man who exerted considerable influence upon the author of the *Rhetorica ad Herennium*.¹³⁹ We need not dwell upon the

¹³⁴ A. S. Wilkins, *M. Tullii Ciceronis De Oratore Libri Tres*, Oxford, (1879). 44.

¹³⁵ I. 11. 16; I. 6. 8; I. 9. 12-5.

¹³⁷ 3. 6. 3.

¹³⁶ 3. 1. 16. Butler's translation.

¹³⁸ *Institutio Oratoria*, 3. 1. 14-9.

¹³⁹ As the author acknowledges in I. 11. 18. In some texts, notably that in D.

various contributions of these writers; but it is safe to say that the doctrine of Positions was represented by a considerable body of writings when Cicero and the author of the *Rhetorica ad Herennium* began to formulate what ultimately became the standard versions of the dialectical approach to rhetorical invention.

Now that its objectives have been defined, its constituent terms explained, and its origins traced, Cicero's theory of Positions in the sometimes disparaged *De Inventione*¹⁴⁰ appears as a significant contribution in the history of thought, while Alcuin's *Rhetoric*, with its emphasis upon the Ciceronian method, answers the question whether this contribution had within itself the vitality to survive. Those still unconvinced of the value of an artificial system of invention might argue at this point that analysis and synthesis can be reduced to rule only in an age which emphasizes the virtues of conformity above originality, and ignores the inductive sciences and the experimental method. To such objections, we might answer that a system of invention similar in fundamental respects to that of Cicero's *De Inventione* and Aristotle's *Topics* is still being found useful as a device for cultivating a student's power of analysis and discovery.¹⁴¹ It is true that this system does not survive within the scope of a modern art analogous to ancient dialectic, or within the framework of our restricted popular conception of rhetoric. Dialectic in the classical and mediaeval sense has vanished from the curriculum of the modern university,¹⁴² and rhetoric, as the word is commonly used, has been narrowed to include of its former procedures only that of style. But the things for which these terms once stood survive today under such names as argumentation and public speaking, the theoretical treatment of which is concerned with the means of convincing and persuading audiences, and with the methodical

Nisard, *Oeuvres Complètes de Cicéron*, Paris, 1 (1875), the author is made to say: *noster doctor Hermes tres putavit esse*. In other texts (e.g. that in R. Klotz, *M. Tullii Ciceronis Scripta quae manserunt omnia*, Leipsic, 1868, pt. 1, vol. 1), the proper name is bracketed. The text by Friedrich omits the proper name altogether, as present-day texts do in general.

¹⁴⁰ The mature Cicero disparaged it as a youthful performance (see *De Oratore*, 1. 2. 5), but never renounced the theory of Positions.

¹⁴¹ For a good recent discussion of the general utility of systems of invention in the arts, see H. H. Hudson, "Can We Modernize the Theory of Invention?" *The Quarterly Journal of Speech Education*, 7 (1921). 325-34.

¹⁴² Upon this point, see E. L. Hunt, "Dialectic—A Neglected Method of Argument," *The Quarterly Journal of Speech Education*, 7 (1921). 221-32.

development of the speaker's power over the symbols that influence collective attitudes. Within such modern arts the procedures of analysis and synthesis still depend upon a systematic routine, the assumption being that controversies have relatively few typical patterns, the configurations of which are subject to description.

An insight into the nature of this modern routine can be gained by recognizing that it teaches young speakers and writers to resolve argumentative subjects into propositions, which are then to be classified under one of various available categories, each class having its own predetermined plan of analysis. Authorities upon this routine have gradually evolved a fairly uniform set of categories and analytical plans. A full history of their efforts being outside the scope of this study, we shall content ourselves with a survey of a few representative opinions. In 1913, Pelsma and Gough, writing simultaneous articles in the same publication, suggested that, since any proposition under debate usually postulates a suggested remedy to an alleged evil, the affirmative lines of proof may be found by considering whether the evil actually exists, and whether the proposed remedy will correct it, while negative lines may be found in denying the existence or seriousness of the evil, or in proving that the remedy is insufficient.¹⁴³ These suggestions were specifically applied by Gough to what he called the Proposition of Policy. Three years later, Shaw proposed a wider range of categories for propositions, and a larger system of analytical plans. 'We can classify all debating propositions,' he says, 'under four heads, as follows: Propositions of Classification, Propositions of Cause and Effect, Propositions of Comparison, and Propositions of Policy.'¹⁴⁴ He adds that 'all propositions under any one of these types will contain the same hypothetical issues.' Proceeding to give the methods by which the hypothetical issues in each kind of case could be discovered, Shaw brings his article to a close with the observation that one of his students, taught to use the system, had exclaimed, 'This scheme is so fundamental, I wonder that it has not been used before.' The fact that Shaw apparently allowed this remark to pass unchallenged may be taken as evidence that his system was

¹⁴³ See J. R. Pelsma, "A Difficult Problem for the Debater: The Special Issues," and H. B. Gough, "Formulas for the Special Issues," *The Public Speaking Review*, 3 (Nov. 1913). 1-4, 5-8.

¹⁴⁴ W. C. Shaw, "Systematic Analysis of Debating Problems," *The Quarterly Journal of Public Speaking*, 2 (1916). 345-6.

the result of his own efforts, or at any rate that he did not depend upon a specific classical source. In 1922, when he published his *The Art of Debate*, he adhered to a different plan of classification, saying that all propositions were of Fact or of Policy, but the analytical methods for each were not less carefully elaborated than were the four plans in his earlier article. More recent works on argumentation endorse the twofold classification proposed by Shaw,¹⁴⁵ and sometimes add a third, the question of Quality.¹⁴⁶ It is generally true that wherever the classification appears we may expect to find an excellent theoretical plan for the investigation of issues within each type of dispute. Such ready-made patterns, and the assumptions which underlie them, are modern counterparts of the system created by Aristotle and Cicero, and are designed, like their prototypes, to provide wise originality, and to give purpose and fruitfulness to the search for materials of proof. Teachers are quick to see the value of these plans of analysis, a fact which perhaps helps to explain why Alcuin, the foremost educator and teacher of the eighth century, should have undertaken to popularize *De Inventione*.

Alcuin's preponderant emphasis upon the method of invention serves to explain why this discussion of the educational significance of the *Rhetoric* has been mainly concerned with the first part of the Ciceronian system, and particularly with the doctrine of Positions. The best commentary on Alcuin's grasp of this method is provided by his own words, to which the reader is now referred. But as we bring this Introduction to a close, and turn our attention to the dialogue between Alcuin and Charlemagne, we should not forget that a rhetorical theory derived from Roman and Greek precepts has a twofold educational function. The first function, which we have just discussed, assumes rhetoric to be a method of procedure, and seeks to place at the disposal of a student the tools of oratorical power. The second function, a kind of by-product, recognizes that intellectual method can only be studied in relation to the intellectual content with which it deals, and that rhetoric tends inevitably to provide instruction in the subjects towards which its methods are habitually adjusted. Hence, Alcuin's *Rhetoric*, like the similar treatises of Cicero and

¹⁴⁵ See J. A. Winans and W. E. Utterback, *Argumentation*, New York, 1930, pp. 35-52. See also C. A. Fritz, *The Method of Argument*, New York, 1931, pp. 57-9.

¹⁴⁶ See R. H. Wagner, *Handbook of Argumentation*, New York, 1936, p. 15.

Aristotle, carries an educational importance, not only in respect to its treatment of method, but also in respect to its incidental value as a work on politics, law, and morals.

At several points Alcuin's *Rhetoric* stresses its political value to Charlemagne and to statesmen and rulers in general. The versified Preface suggests that the work will aid him 'who well would know the custom of the State,' political or civil usage, practice, and will being the sphere to which the Latin words literally refer.¹⁴⁷ Charlemagne's first speech of the dialogue links rhetoric with his own daily occupations as ruler, and reaffirms the doctrine that the art of discourse is essentially the art of the public question.¹⁴⁸ Somewhat later, Charlemagne takes occasion to emphasize his belief in the immediate utility of this art to the political leader confronted with such duties as his own.¹⁴⁹ The task of making men well-disposed, attentive, and compliant, he says at another point,¹⁵⁰ is a subject worthy of our best study, and this observation, which in a wide sense is a practical definition of the objectives of statesmanship, is used to urge Alcuin to begin an analysis of the function of the Introduction of speeches.

As a rudimentary science of law, Alcuin's *Rhetoric* also possesses a value superimposed upon the value of its inventional method. We cannot read the outlines of the legal cases borrowed by Alcuin from Cicero without being reminded that the art of rhetoric verges into a knowledge of law. And when Charlemagne asks his teacher to explain the functions and official regalia of judge, plaintiff, defendant, and witnesses, we see behind the question and its answer the plain recognition of the impingement of rhetoric upon the art of judicial administration, and upon the science of the jurist.¹⁵¹ Speaking of the course of training in the schools of Italy during the later Middle Ages, Rashdall observes that 'rhetoric was considered to include not merely instruction in the art of persuasion and of literary composition but at least a preliminary initiation into the science of positive law.'¹⁵² 'At least some rudiments of law,' he says, once again with Italy in mind, 'were everywhere taught in the "schools of the Liberal

¹⁴⁷ See below, Text, ll. 1-2.

¹⁴⁸ See below, Text, ll. 65-70.

¹⁴⁹ See below, Text, ll. 402-10, 433-63. See also Laforet, *Alcuin Rhetoricae*

de Rhetorica, pp. 6-12.

¹⁵⁰ See below, Text, ll. 402-10, 433-63. See also Laforet, *Alcuin Rhetoricae*

de Rhetorica, pp. 6-12.

¹⁴⁸ See below, Text, ll. 12-7.

¹⁵² See below, Text, ll. 479-81.

Arts" and by the masters of these arts. The old division of rhetoric into the three branches, "demonstrative," "deliberative," and "judicial," allowed the introduction of law-studies under the last-mentioned category without requiring the addition of a new art to the sacred Seven.¹⁵³ The readers of Alcuin's *Rhetoric* will see why Rashdall's statements may also be held to apply to rhetorical instruction of the Carolingian period. In an admirable recent study of the impact of classical rhetoric upon the mediaeval theory of preaching, Professor Caplan gives us an incidental description of the consequences produced by the legal implications of a rhetorical treatise like Alcuin's. He says:

"In the tradition of Alcuin and others that rhetoric is fundamentally a juridical art, concerned with speaking well in civil questions, there arose a group of works like the *Ecclesiastica rhetorica* of the second half of the twelfth century, virtually a forensic rhetoric for canon law, and professedly developed in accordance with rhetorical doctrine. Also in this tradition, and maintaining the alliance of rhetoric and law in the schools, there grew up from Carolingian times well into the later period a huge mass of tracts, *Artes dictaminis*, devoted to letter-writing and legal administration. These were designed to prepare students for positions in the ecclesiastical and state chanceries; the *artes* assumed the name of rhetoric, and the teachers often called themselves "rhetors."¹⁵⁴

It remains for us now to consider the significance of Alcuin's *Rhetoric* as a treatise on morals. We have already pointed out that Alcuin did not consider the subject of the Virtues to be organically connected with the method of rhetorical Invention—that he, unlike Cicero, failed to attach to the first part of rhetoric the discussion of Prudence, Justice, Courage, and Temperance.¹⁵⁵ How, then, does he establish the connection between rhetoric and moral philosophy? Charlemagne himself supplies the answer. As the dialogue draws to a close, the five main divisions of rhetoric having already been given their due attention, Alcuin remarks that Temperance is a virtue in speaking as in walking; and after Charlemagne has given this truth a more general application, his

¹⁵³ *Universities in the Middle Ages*, I. 102.

¹⁵⁴ Harry Caplan, "Classical Rhetoric and the Mediaeval Theory of Preaching," *Classical Philology*, 28 (April 1933). 74-5.

¹⁵⁵ See above, pp. 31-2.

teacher suggests that the Virtues would offer a fruitful subject of discussion, were the dialogue not so nearly finished. In reply, Charlemagne cordially dismisses the objection, remarking that if regular practice in discourse be an indispensable part of the speaker's education, then speaking upon the Virtues would be the best possible way to satisfy the requirement.¹⁵⁶ Thereupon Alcuin proceeds to define and explain the four pagan virtues, giving them afterwards a Christian interpretation, and attempting at the end to reconcile the central idea of pagan philosophy and that of Christianity. What interests us chiefly at this juncture is that Alcuin introduces the subject of moral philosophy as that with which rhetorical method ought above all to be conversant, the Virtues being as it were the speaker's main theme, not a mere device applicable to rhetorical themes in general. This emphasis is strong, clear, unmistakable. Here we see that classical rhetoric is being viewed in terms of its potential relations to the science of theology and the art of preaching. Perhaps Rabanus, distinguished pupil of Alcuin, was influenced by this very belief of his master when he later wrote:

'Rhetoric, by which I understand the art of speaking well in civil questions, which seems to belong to mundane science, still is not extraneous to ecclesiastical discipline, for skill in this art is useful to the preacher for fluent and proper teaching, as well as for apt and elegant writing, and for delivering a sermon. He does well who learns it fully, and so fits himself to preach God's word.'¹⁵⁷

¹⁵⁶ See below, Text, ll. 1180-93.

¹⁵⁷ *De Clericorum Instructione*, 3. 19: *De Rhetorica* (ed. A. Knoepfler [Munich, 1900], pp. 225-6). I have borrowed this quotation from Professor Caplan's above-mentioned article, pp. 81-2. See above, note 154.

TEXT AND TRANSLATION

Disputatio de Rhetorica et de Virtutibus Sapientissimi Regis Karli et Albinus Magistri

*Qui rogo civiles cupiat cognoscere mores,
Haec praecepta legat, quae liber iste tenet.
Scripserat haec inter curas rex Karulus aulae
Albinusque simul: hic dedit, ille probat.
Unum opus amborum, dispar sed causa duorum:
Ille pater mundi, hic habitator inops.
Neu temnas modico lector pro corpore librum:
Corpore praemodico mel tibi portat apis.*

KARLUS REX ET ALBINUS MAGISTER

10 I. Quia te, venerande magister Albine, Deus adduxit
et reduxit, quaeso ut liceat mihi te de rhetoricae rationis
praeceptis parumper interrogare; nam te olim memini dix-
isse, totam eius artis vim in civilibus versari quaestionibus.
15 Sed ut optime nosti propter occupationes regni et curas
palatii in huiusmodi quaestionibus assidue nos versari
solere, et ridiculum videtur eius artis nescisse praecepta,
cuius cotidie occupatione involvi necesse est. Verum ex quo
mihi paucis tuis responsionibus ianuas rhetoricae artis vel
20 dialecticae subtilitatis claustra partim aperuisti, valde mihi
in eas rationes fecisti intentum, maxime quia me in cellaria
arithmeticae disciplinae pridie sagaciter induxisti vel as-
trologiae splendore inluminasti.

25 ALBINUS. Deus te, domine mi rex Karle, omni sapien-
tiae lumine inluminavit et scientiae claritate ornavit, ut non
solum magistrorum ingenia prompte subsequi, sed etiam in

The Dialogue
Of the Most Wise King Charles and
the Master Alcuin
Concerning Rhetoric and the Virtues

*Who well would know the custom of the State,
Let him, I urge, spell lessons from this book
Penned by King Charles in giving his full praise
Midst royal cares to words which Alcuin wrote.
One equal work of two who were unequal—
Earth's Sire was one, the other, servant poor.
And, you who read, scorn not a book so small—
To you brings honey the small-bodied bee.*

CHARLEMAGNE AND THE MASTER ALCUIN.

I. CHARLEMAGNE. Since God has led you and brought you back, O revered Master Alcuin, I pray that a short time be allowed me in which to question you about the precepts of the art of rhetoric; for I remember you once said that the strength of this art lay wholly in dealing with public questions. As you very well know, in the course of the duties of government and the cares of State, we are constantly wont to be busy with questions of this kind; and it seems absurd not to know the rules of an art when the necessity of using it confronts us daily. To the extent that you have partly opened for me by your few previous remarks the portals of the rhetorical art and the gates of dialectical subtlety, you have made me very eager for these disciplines, and more especially so because the other day you wisely conducted me into the store-house of the arithmetical science, and revealed also to me the splendor of astronomy.

ALCUIN. God has crowned you with the light of all wisdom, my Lord King Charles, and has distinguished you with a reputation for knowledge, so that you are able not only to imitate prompt-

multis velociter praecurrere possis, et licet flammivomo tuae sapientiae lumini scintilla ingenioli mei nil addere possit, tamen ne me aliqui inoboedientem notent, tuis promptulus respondeo interrogationibus, et utinam tam sagaciter quam oboedienter.

30 2. KARLUS. Primum mihi, magister, huius artis vel studii initium pande.

ALBINUS. Pandam penes auctoritatem veterum. Nam fuit, ut fertur, quoddam tempus, cum in agris homines passim bestiarum more vagabantur, nec ratione animi quicquam, sed pleraque viribus corporis administrabant. Non-
dum divinae religionis, non humani officii ratio colebatur, sed caeca et temeraria dominatrix cupiditas ad se explendam corporis viribus abutebatur. Quo tempore quidam, magnus
videlicet vir et sapiens, cognovit quae materia et quanta ad
maximas res oportunitas animis inesset hominum, si quis
eam posset elicere et praeciando eam meliorem reddere:
qui dispersos homines in agris et in tectis silvestribus abditos
ratione quadam compulit in unum locum et congregavit et
eos in unam quamque rem inducens utilem atque honestam
primo propter insolentiam reclamantes, deinde propter rationem atque orationem studiosius audientes ex feris et
inmanibus mites reddidit ac mansuetos. Ac mihi quidem
videtur, domine mi rex, hoc nec tacita nec inops dicendi
sapientia perficere potuisse, ut homines a consuetudine
subito converteret et ad diversas rationes vitae traduceret.

3. KARLUS. Unde dicta est rhetorica?

ALBINUS. Ἀπὸ τοῦ ῥητορεύειν, id est copia locutionis.

KARLUS. Ad quem finem spectat?

ALBINUS. Ad bene dicendi scientiam.

KARLUS. In quibus versatur rebus?

ALBINUS. In civilibus, id est doctis quaestionibus, quae naturali animi ingenio concipi possunt. Nam sicut naturale est omnibus se tueri et alium ferire, etiam si armis et exercitatione non didicerint, ita naturale fere est omnibus alios

ly the abilities of the masters, but quickly to surpass them in a great many; but even though the spark of my feeble intellect may be able to add no light to the flame-bursting torch of your wisdom, still I shall respond promptly to your questions lest I be thought disobedient; and would that I might respond as wisely as compliantly.

2. CHARLEMAGNE. First of all then, O Master, make known to me the origin of this art or study.

ALCUIN. I shall explain the view of the ancients. For there was once a time, as it is said, when mankind wandered here and there over the plains very much as do wild beasts, and men did nothing through the reasoning power of the mind, but everything by sheer brute strength. The duty of revering God and of respecting humanity was not yet heeded; and Passion, that blind and rash tyrant, wasted the strength of men's bodies in the mad pursuit of his own satisfactions. At that time a man undeniably great and wise indeed discovered what latent genius—how great a capacity for the highest things—was in the human soul if only some one could draw it forth, and by nurturing perfect it; and by force of reason he collected men into one place from being scattered as they were over the plains, and hidden in dwellings in the forests; and he assembled them together, and led them into each useful and honorable pursuit; they, at first protesting against the strangeness of it, yet finally with eagerness listening because of his reason and eloquence, were made gentle and mild from being savage and brutal. And it seems certain to me, my Lord King, that a mute wisdom, or a wisdom endowed but weakly with the gift of speech, would not have been able suddenly to turn men against their previous habits, and bring them to the diverse pursuits of civilized life.

3. CHARLEMAGNE. From what did rhetoric get its name?

ALCUIN. Ἀπὸ τοῦ ῥητορεύειν, that is, a fluency of discourse.

CHARLEMAGNE. To what end does it look?

ALCUIN. To the art of speaking well.

CHARLEMAGNE. In what affairs is it concerned?

ALCUIN. In public questions, that is, in questions adaptable to the ends of art, as can be inferred from the natural disposition of the mind; for just as it is natural for all people, even though they are not skilled in the exercise of arms, to defend themselves and attack others, so it is equally natural for all to accuse others and

accusare et se ipsos purgare, etiam si exercitatione non didicerint. Sed utilius et promptius utuntur oratione, qui disciplinis instruuntur et usu exercentur; nam omnibus naturale est loqui, at tamen multum excellit alios qui per grammaticam loquitur.

KARLUS. Bene dicis, magister, etiam omnis vita nostra disciplinis proficit et usu valet, quapropter huius rhetoricae disciplinae regulas pande nobis: iam cotidiana occupationum necessitas cogit nos exerceri in illis: et primum quot sint illius artis partes dic.

4. ALBINUS. Artis rhetoricae partes quinque sunt: inventio, dispositio, elocutio, memoria, pronuntiatio. Inventio est excogitatio rerum verarum aut verisimilium, quae causam probabilem reddant: dispositio est rerum inventarum in ordinem distributio: elocutio est idoneorum verborum ad inventionem accommodatio: memoria est firma animi rerum ac verborum ad inventionem perceptio: pronuntiatio est ex rerum et verborum dignitate vocis et corporis moderatio. Primum est enim invenire quod dicas, dein quod inveneris disponere, tum quod disposueris verbis explicare, quarto quod inveneris et disposueris et oratione vestieris memoria comprehendere, ultimum ac summum quod memoria comprehenderis pronuntiare.

5. KARLUS. Si rhetorica in causis et quaestionibus civilibus versatur, necesse est, ut mihi videtur, causas ipsas certa habere genera, quae voluissem scire exemplisque mihi monstrari.

ALBINUS. Ars rhetorica in tribus versatur generibus, id est demonstrativo, deliberativo et iudiciali. Demonstrativum genus, quod tribuitur in alicuius certae personae laudem vel vituperationem, ut in Genesi de Abel et Cain legitur: Respexit dominus ad Abel et ad munera eius, ad Cain autem et munera eius non respexit. Deliberativum est in suasionem et dissuasionem, ut in Regum legitur, quomodo Achitophel suavit David citius perdere, et quomodo Chusai dissuasit consilium eius, ut regem salvaret. Iudiciale est,

to justify themselves, even though they are not skilled in such an exercise. But they use speech the more profitably, and the more readily, who are instructed in its precepts and skilled in its practice; for even though it is natural for all to speak, yet he who speaks according to the principles of grammar greatly excels the others.

CHARLEMAGNE. You speak well, O Master. In truth, as you say, a knowledge of precepts confers profit upon our whole life, and a practice of them imparts skill. Point out to us, therefore, the precepts of this art of rhetoric—even now, the daily necessities of our office compel us to be practiced in them. And first of all, tell us how many divisions of this art there are.

4. ALCUIN. There are five parts of the art of rhetoric: Invention, Arrangement, Style, Memory, Delivery. Invention is the devising of subject matter, either true or apparently true, which makes a case convincing. Arrangement is the distributing in proper order of subject matter thus invented. Style is the ability to adapt appropriate words to subject matter provided by the faculty of invention. Memory is an unalterable mental recollection of subject matter and words found in the course of invention. Delivery is the regulating of the voice and body according to the dignity of thought and word. The first thing, indeed, is to invent what you may say; the second, to arrange what you may have invented; the third, to express in words what you have arranged; the fourth, to fix in the memory what you have invented and arranged and clothed in words; and the last and highest, to deliver what you have fixed in the memory.

5. CHARLEMAGNE. If rhetoric is concerned with legal cases and public questions, then, it seems to me, these cases and questions must themselves have certain classes; and I wish to know about them, and to have them explained to me in examples.

ALCUIN. The art of rhetoric deals with three kinds of questions, that is, with the Demonstrative, Deliberative, and Judicial. The Demonstrative is the kind devoted to the praise or blame of some particular person, as in Genesis one reads concerning Abel and Cain: 'And the Lord had respect unto Abel and to his offering: but unto Cain and to his offering he had not respect.' The Deliberative is the kind devoted to persuasion and dissuasion, as one reads in the book of Kings how Ahithophel offered the counsel that David should be killed at once, and how Hushai opposed that counsel in order that he might save the king. The Judicial is the kind

in quo est accusatio et defensio, ut in actibus legimus Apostolorum, quomodo Iudaei cum Tertullo quodam oratore Paulum accusabant apud Felicem praesidem, et quomodo Paulus se defendebat apud eundem praesidem. Nam in iudiciis saepius quid aequum sit quaeritur, in demonstratione quid honestum sit intellegitur, in deliberatione quid honestum et utile sit consideratur.

6. KARLUS. Quot habet causa circumstantias?

105 ALBINUS. Plenaria causa septem habet circumstantias, personam, factum, tempus, locum, modum, occasionem, facultatem. In persona quaeritur quis fecerit, in facto quid fecerit, in tempore quando fecerit, in loco ubi factum sit, in modo quomodo fieri potuisset, in occasione cur facere 110 voluisset, in facultate, si ei subpeditaret potestas faciendi; per has enim et confirmari potest causa et infirmari. Frustra enim quaeris in controversiis quid factum sit, si persona facientis deerit: et iterum personam frustra ostendis, si factum non aderit personae. Item tali in tempore vel tali 115 in loco talis res fieri non potuit, item non eo modo fieri potuit, ut asseris, nec ideo facere voluit, nec talis homo talem habuit potestatem, ut hoc facere potuisset.

7. KARLUS. Loci controversiarum quot sunt?

120 ALBINUS. Loci controversiarum, quos rhetores status causarum appellant, id est, ubi quaestio consistit et primum non convenerit inter partes, sunt rationales aut legales.

KARLUS. Quot sunt rationales?

125 ALBINUS. Quattuor, id est facti aut nominis aut qualitatis aut translationis.

KARLUS. Singulorum exempla profer.

ALBINUS. Prima est facti ipsius controversia, ut est: 'fecisti, non feci'; et haec prima controversia, quae in facto constat, dicitur coniecturalis constitutio, quia coniecturis

in which there is accusation and defense, as in the Acts of the Apostles we read how the Jews through a certain orator, Tertullus, accused Paul before Felix, the governor, and how Paul defended himself before the same governor. For in judicial oratory what is just is more often inquired into; in demonstrative oratory, what is honorable; and in deliberative oratory, what is honorable and expedient.

6. CHARLEMAGNE. The legal case has how many components?

ALCUIN. A complete legal case has seven components: the person, the thing done, the time, the place, the manner, the motive, and the ability or capacity. With respect to the person, you ask: *who* has done it? With respect to the thing done, *what* did he do? With respect to the time, *when* did he do it? With respect to the place, *where* was it done? With respect to manner, *how* might it have been done? With respect to motive, *why* had he wished to do it? With respect to ability, *whether* his capacity for doing it sufficed? Through these circumstances, indeed, the case can be proved or disproved. In controversies you inquire in vain into what may have been done, if the person of the alleged doer is left out of consideration; and again in vain you expose a person if what was done will prove not to be that person's act. Likewise you inquire in vain, if at such a time or in such a place an act of such a kind could not possibly have been committed, or if it could not possibly have been done in such a way as you allege, or if the accused did not have such a motive as you allege, or if that sort of man did not have the sort of ability that would have enabled him to do it.

7. CHARLEMAGNE. How many localities of dispute are there?

ALCUIN. The localities of controversies, which the rhetoricians call the Positions of Argument (that is, the place where the question stands as a result of the preliminary disagreement between the parties) are in general reason and common law or in statute law and texts.

CHARLEMAGNE. How many are there in general reason?

ALCUIN. Four, that is, the Position of Fact, or of Name, or of the Quality of the act, or of Procedure.

CHARLEMAGNE. Mention examples of each.

ALCUIN. The first is a dispute upon the fact itself; for example, 'you did it'—'I did not do it'; and this first kind of dispute, which rests in the fact, is called the Conjectural Position, because

- exploranda res est, si fecisset an non. Aut cum de facto
130 convenit inter litigatores, tum saepe nominis controversiam
introducunt, quia accusator augere crimen ex nomine nititur
et defensor minuere: ut si quis sacrum ex privato sub-
ripuerit, utrum fur sit nominandus an sacrilegus. Defensor
135 vult furem esse, quia fur quadruplum solvat, accusator
sacrilegum, quia sacrilegus capite plectitur: et haec con-
stitutio definitiva dicitur, quia quid sit fur et quid sacrilegus
definiendum ratione et videndum, in cuius definitionem
cadat qui sacrum de privato loco subripuit. Si vero inter
140 accusatorem et defensorem convenit de facto et de nomine
facti, tum quaerenda est aestimatio facti, id est quale sit
factum, iustum an iniustum, utile an inutile: et haec con-
stitutio generalis dicitur, cuius exemplum est: Quidam dux
Romanus cum obsideretur ab inimicis nec ullo modo evadere
145 potuisset, pactus est cum hostibus ut arma daret; armis
vero datis salvum eduxit exercitum: accusatur a quibusdam
reus esse maiestatis. Hic de facto et de facti nomine con-
venit inter ambas partes, sed quale sit factum quaeritur
hoc modo, utrum satius esset amittere milites an ad hanc
150 conditionem turpissimam venire: cuius constitutionis plures
sunt partes, de quibus post dicemus. In quarta constitutione,
quam translative nominamus, quaeritur, an facere rem
debeat qui fecit, aut eo tempore, vel eo modo, vel in eo
loco, aut cum illis cum quibus fecit: ut si Orestes accusetur
155 Clytaemnestram matrem suam occidisse: non iuste filium
occidisse matrem, licet illa occidisset Agamemnonem patrem
suum regem Graecorum. Hic quaeri debet per translationem,
si iuste fecisset an non.

by conjectures this fact must be investigated, in order to determine whether or not the person concerned would have done it. When there is agreement among the litigants upon the fact, then they often introduce a dispute upon the name, because the plaintiff strives to magnify the act by the name he gives it, and the defendant by the same means to minimize it; as, for example, if some one has stolen a privately-owned sacred object, the question arises whether he ought to be called a thief or a sacrilegist. The defendant wishes to be called a thief because a thief is fined an amount four times the value of the thing stolen; and the plaintiff wishes him to be punished for sacrilege because a sacrilegist is beheaded. And this is called the *Definitive Position*, because what a thief is, and what a sacrilegist, must be defined according to the principles derived from general reason or common law, and it must be observed under what definition he falls who has stolen a privately-owned sacred vessel. If, now, there is agreement between plaintiff and defendant upon the fact and the name of the fact, then the valuation of the fact ought to be inquired into, that is, what sort of fact it is, just or unjust, beneficial or harmful. And this is called the *General Position*, an example of which is the following: A certain Roman general, completely surrounded by the enemy, and in no way able to elude them, made an agreement with them that he lay down his arms; and, having done so, he led away his soldiers in safety. By certain people it is charged that he was guilty of treason. As to the fact itself and the name of the fact, there is agreement between the two parties; but the quality of the fact is inquired into by asking whether it was preferable to lose the army or to come to those highly dishonorable terms. Of this *Position* there are many subdivisions which we shall speak about later. In the fourth *Position*, which we call the *Procedural*, one investigates whether he who made the charge ought to make it either at that particular time, or in that way, or in that place, or in the company of those with whom he made it; as, for instance, if Orestes is charged with having killed his mother Clytemnestra, the accusation could be supported by arguing that it is not just for a son to have killed his mother, even though she had killed his own father Agamemnon, king of the Greeks. Whether he acted justly or not ought to be investigated in the region where transferences of indictments are considered.

8. KARLUS. Statu causae invento quomodo tunc status ipse considerandus est?

160 ALBINUS. Constitutione causae reperta statim placet considerare, utrum quaestio causae simplex sit an iuncta. Simplex est, quae unam in se continet quaestionem, hoc modo: Corinthiis bellum indicamus an non? Coniuncta est quaestio, quae ex pluribus quaestionibus constat, hoc pacto:

165 utrum Carthago diruatur, an Carthaginensibus reddatur, an eo colonia deducatur.

9. KARLUS. Sed legales nunc constitutiones exemplis confirma.

170 ALBINUS. Considerandum est, sicut iam dixi, in ratione an in scripto sit controversia. Nam scripti controversia est ea, quae ex scripta lege nascitur, hoc modo: Lex: 'qui in adversa tempestate navem reliquerint, omnia amittant, et eorum sint onera et navis qui remanserint in ea.' Duo quidam cum in alto navigarent, cum alterius navis et alterius

175 onus esset, naufragum quendam natantem misericordia moti sustulerunt in navem. Postea [cum] aliquanto plus ipsos quoque tempestas vehementius iactare coepit, usque adeo, ut dominus navis, cum idem gubernator esset, in scapham confugeret, quae religata navi cohaerebat (et inde quantum

180 potuit navi opitulabatur), ille autem, cuius merces erant, in gladium ibidem in navi occumberet; naufragus vero ad gubernacula accessit, navem regebat. Sedata tempestate navis in portum pervehitur. Ille, qui in gladium incubuerat, leviter saucius ex vulnere recreatus est. Navem cum onere

185 horum trium iuxta scriptam legem quisque suam dixit. Et hic ex scripto quaestio nascitur, cuius sit navis, definitionibus adhibitis, quid sit relinquere navem et quid sit remanere in navi. Item ambiguitas saepe in scripta lege facit quaestionem, hoc modo: Meretrix coronam ne habeat; si habeat, publice-

190 tur. Hic ambiguitas in scripto est, an meretrix vel corona

8. CHARLEMAGNE. Having discovered the Position of a particular dispute, in what manner, then, ought the Position itself to be considered?

ALCUIN. After the Position of a dispute has been located, then it is proper at once to consider whether the Issue involved in the cause is a simple one, or complex. It is simple if it contains in itself but one issue; for example: 'Shall we declare war against the Corinthians or not?' It is complex if it consists of various issues; for example: 'Shall Carthage be destroyed, or shall it be restored to the Carthaginians, or shall a colony be established there?'

9. CHARLEMAGNE. But now explain by means of examples those Positions found in laws and texts.

ALCUIN. We ought to consider, as I have just now said, whether a dispute involves general reason and common law or statute law and texts. Now a dispute upon statutes and texts is one springing from written law; and it comes about in this way: There is a law which says: 'Whoever shall have deserted their ship in a severe tempest shall lose everything, and the vessel and cargo shall be their property who shall remain on board.' A certain two men who were sailing on the open sea, with the ship the property of one and the cargo the property of the other, were moved by pity to take into their vessel a man who had been shipwrecked and was being tossed about on the waters. Soon after, the tempest began to beat upon them so much the more violently and to such a degree that the owner of the ship, who was also the pilot, attached a small boat to the larger vessel and embarked in it, and from there he gave as much aid as he could to the ship. Meanwhile, the owner of the cargo attempted to kill himself by falling upon his sword; whereupon the castaway took the helm and directed the vessel. The tempest having subsided, the ship was sailed into port. The man who had fallen upon his sword, being only slightly injured, recovered from his wound. Each of the three said that, in consequence of the written law, the ship with the cargo was his. And this issue comes from the written law after definitions have been given about what a 'ship' is, what 'deserting it' means, and what is meant by 'remaining in it.' Likewise, an ambiguity in the written law often creates an issue, as in the following case: 'A courtesan shall not have a crown; if she does have one, confiscation shall take place.' Here the ambiguity consists in the question whether the law means that the courtesan or the crown is to be confiscated. An issue

publicanda sit. Ex contrariis quoque saepe legibus nascitur quaestio, dum de una re alia lex aliter cavet, aliter et altera. Lex: 'qui tyrannum occiderit, rem quam volet praemii loco a magistratu roget, et accipiet.' Altera: 'tyranno occiso
 195 quinque quoque eius proximos cognatione magistratus occidito.' Alexandrum, qui in Thessalia tyrannidem occupaverat, Thebe uxor sua noctu occidit. Haec filium suum, quem ex tyranno habebat, sibi in praemii loco deposcit. Sunt qui ex lege occidi puerum dicant oportere: sunt qui dicant oportere
 200 reddi matri praemii loco. Res in iudicio est. Et hic considerandum est, quae lex ad maiorem utilitatem pertineat, et quae prius esset scripta, et quos quaeque habuisset legislatores. Ex scripto et sententia controversia consistit, cum alter verbis ipsis quae scripta sunt utitur, alter ad id, quod
 205 scriptorem sensisse dicet, omnem adiungit dictionem, ut: lex aperire noctu portas vetat. Quidam aperit et amicos in oppidum accipit, ne ab hostibus opprimerentur, si foris mansissent. Accusator solam intendit litteram, defensor sententiam: scriptorem legis pro inimicis claudi, non pro amicis
 210 iussisse portas oppidi. Fiunt per ratiocinationem vel definitionem legis quaestiones, dum alia ratione alter scriptum interpretari nititur, alia alter, vel si diverso modo scriptoris sententiam conantur definire; et eiusmodi, ut dixi, ex scripto fiunt quaestiones.

215 10. KARLUS. Perspecto controversiae loco secundum quod dixisti, an in ratione sit vel in scripto, quo tunc animus ferendus est?

ALBINUS. Videndum est quae quaestio, quae ratio, quae iudicatio et quod firmamentum causae sit.

220 KARLUS. De his singulis dic.

often arises from conflicting laws, too, when one law provides for a contingency in one way, and another in another way. For example, one law says: 'Whoever kills a tyrant may ask of the magistrate whatever he wishes as his reward, and he shall receive it.' And another law says: 'When a tyrant has been killed, the magistrate shall also kill his five nearest of kin.' Alexander who in Thessalia held sway as a despot was killed one night by Thebe, his wife. She demanded for herself as a reward her own son whom she had had by the tyrant. There were some citizens who said that according to law the boy ought to be killed; and others asserted that he ought to be given to his mother as her reward. The case came before the court. And the questions concerning which law is conducive to the greater good, and which law was made first, and what law was written by what lawmakers ought to be considered. Again, a controversy arises over what is called the letter and spirit of a law when one party uses the very words that are set down in the law, and the other directs his whole argument towards what he asserts the author of the law intended. For example, a law prohibits the city-gates from being opened at night. A certain man opens them, and admits friends into the town so that they would not remain abroad and be captured by the enemy. The plaintiff attends only to the letter of the law, the defendant to the spirit. In other words, the defendant asserts the author of the law to have intended the gates of the city to be closed against enemies, not against friends. Issues arise through deductive interpretations of a law when one person endeavors to place upon it one construction and another, another. Issues also arise through the definition of the law when the two disputants attempt to define in different ways the sense of the law. In the ways I have just mentioned, then, are made the issues involving statute laws and texts.

10. CHARLEMAGNE. The locality of any dispute having been found to be either in general reason and common law or in statute laws and texts, as you have just said, towards what, now, should we turn our attention?

ALCUIN. We must next ascertain what the Issue of the dispute is, what the Main Line of Defensive Reasoning will be, what will then remain as the Point to be Judged, and what will have to be the Foundation of the Defensive Argument.

CHARLEMAGNE. Speak of these one by one.

ALBINUS. Quaestio est constitutio, in qua causae dis-
ceptatio constat, hoc modo: 'non iure fecisti, iure
feci': ratio est, qua utitur reus, quare iure fecisset, ut
Orestes si accusaretur matricidii, non habet defensionem,
225 nisi hoc dicat: iure feci; illa enim patrem meum occiderat:
iudicatio est ex ratione deducta summa huiusmodi: rec-
tumne fuerit ab Oreste matrem occidi, cum illa Orestis
patrem occiderit. Firmamentum est firmissima argumentatio
defensoris, ut si velit Orestes dicere eiusmodi animum matris
230 suae fuisse in patrem suum, in se ipsum, in regnum et in
omne genus suum, ut ab ea poenas liberi sui potissimum
expetere debuissent.

II. KARLUS. De generali constitutione prius dixisti,
quod plures partes haberet: illas rogo ut pandas mihi, magis-
235 ter, exemplisque confirmes per singulas, me tacente et
probante.

ALBINUS. Faciam; illa enim controversia, quae quaerit
quale illud factum sit, quod reo obicitur, constitutio gener-
alis vocatur, et habet partes duas, iuridicalem et negotialem.
240 Negotialis est, in qua quid iuris sit ex civili more et aequi-
tate consideratur, cui diligentiae praesunt iudices, et habet
in se implicatam controversiam civilis iuris, hoc modo:
Quidam dum filium non habuit, pupillum sibi fecit heredem.
Sed pupillus ante mortuus est, quam hereditas in eius
245 venisset potestatem. Fit controversia a secundis heredibus
patris: nostra est possessio. Intentio est propinquorum pu-
pilli: 'nostra est pecunia, de qua testatus non est propinquus
noster': depulsio est: 'immo nostra, qui heredes testamento
patris sumus': quaestio est, *utrorum sit*: ratio: 'pupillo
250 enim pater testamentum scripsit, quare quae eius sunt, nostra
fiant necesse est': infirmatio rationis: 'immo pater sibi

ALCUIN. The Issue is the Position, and the Position is that locality in which stands the main conflict in the dispute, this conflict being illustrated as follows: 'You have not acted justly', 'I have acted justly.' The Main Line of Defensive Reasoning is that general line of argument which the defendant uses to show why he acted justly: and so Orestes, if he is charged with matricide, has no main line of defense unless he says: 'I have acted justly, for she murdered my father.' The Point to be Judged is drawn from the Main Line of Defensive Reasoning in this way: Was it or was it not right for Orestes to have killed his mother after she had murdered his father? The Foundation of the Defensive Argument is the strongest argument the defense has, the argument that Orestes would use, for example, if he were to say that the disposition of his mother towards his father, towards himself, towards the kingdom, and towards all his kin, had been such that her own children above all others ought to have the right to punish her.

II. CHARLEMAGNE. A while ago you mentioned the General Position, which, you said, might have many parts. I pray, O Master, that you now explain them throughout, and clarify each by examples, while I listen and approve.

ALCUIN. Let me do so. The dispute demanding an inquiry into what sort of fact it is that is charged against the defendant, is said to be a dispute having a General Position; and it has two parts, one called the Juridical, and the other, the Practical. The part called Practical is that in which we consider what may be right and just according to civil law and equity, the latter being the domain ruled by the judges. Moreover, this part is one which contains in itself complicated questions of civil law. To illustrate: Since a certain man did not have a son of his own, he made an orphan his heir. The orphan died, however, before the inheritance came into his possession. A lawsuit is started when the residuary legatees of the father take possession of the property. The Complaint presented by the relatives of the orphan is: 'It is our estate for which our near relative did not provide by will.' The Answer of the residuary legatees is: 'On the contrary, it is the property of us who according to the will of the father are now the heirs.' The Issue is: To which one of the two parties does the property belong? The Main Line of Defensive Reasoning is: 'The father's will is also the will of this minor, and hence by the father's will it is necessary that what belongs to the minor must now be ours.' The Main Line of Affirma-

scripsit secundum heredem, non pupillo: quare testamento illius vestra esse non potest hereditas'; iudicatio: possitne quisquam de filii pupilli re testari; an heredes secundi ipsius patris familias, non filii quoque eius pupilli heredes sint.

- 255 12. Iuridicialis est, in qua aequi et iniqui et praemii aut poenae ratio quaeritur. Huius partes sunt duae, absoluta et adsumptiva: absoluta, quae in se continet iuris et iniuriae quaestionem, hoc modo: Cum Thebani Lacedaemonios bello
260 superavissent et fere mos esset Graeis, cum inter se bellum gessissent, ut ii qui vicissent tropheum aliquod in finibus statuerent, victoriae modo in praesentiam declarandae causa, non ut in perpetuum belli memoria maneret, aeneum statuerunt tropheum. Accusantur apud commune Graeciae concilium. Intentio est 'non oportuit': depulsio est 'oportuit': quaestio est 'oportueritne': ratio est: 'eam enim ex bello gloriam virtute peperimus: ut eius aeterna insignia posteris nostris relinquerentur, statuimus tropheum': infirmatio est: 'at tamen aeternum inimicitarum monumentum Graeos de
270 Graeis statuere non oportet': iudicatio est: cum summae virtutis celebrandae causa Graei de Graeis aeternum inimicitarum monumentum statuerunt, recte an non fecerint? Adsumptiva est, cum ipsum factum probari non potest, sed aliquo foris adsumpto argumento defenditur. Cuius partes
275 sunt quattuor, comparatio, relatio criminis, remotio criminis, concessio.

13. Comparatio est, cum aliud aliquod factum rectum aut utile contenditur, quod ut fieret, illud quod arguitur dicitur esse commissum, ut in illo exemplo, quod paulo ante
280 posuimus. Cum dux Romanus ab hostibus obsideretur, nec ullo pacto evadere potuit nisi pacaret ut hostibus arma daret: armis datis milites conservavit, sed post accusatur maiestatis. Intentio est 'non oportuit arma relinquare': depulsio est oportuit: quaestio est 'oportueritne': ratio est: 'milites enim

tive Reasoning is: 'On the contrary, the father appointed residuary heirs for himself, not for the orphan; wherefore the property cannot by his will be yours.' The Point to be Judged is whether any one can make a will concerning the property of an adopted son, or whether the residuary legatees of the head of the family rather than the kin of the orphan are the true heirs of the orphan.

12. The Juridical Question is that in which the principle of justice and injustice, or reward and punishment, is investigated. There are two divisions of this, the Unconditional and the Conditional. The Unconditional Question is that which in itself contains the issue of justice and injustice. To illustrate: It was a common custom among the Greeks, after they had been waging war on one another, for the victors to erect on their frontier some monument, not for the purpose of establishing a perpetual memorial of war, but only for the purpose of preserving for the time being a memory of triumph. After the Thebans had conquered the Spartans in war, they erected a bronze monument. And they were accused before the General Council of Greece. The Complaint is: 'Thebes ought not to have done this.' The Answer is: 'She ought.' The Issue is whether she ought to have done this. The Main Line of Defensive Reasoning is: 'From the war we gained renown by our valor, and we have set up a monument so that an eternal memorial of that glory may remain unto our posterity.' The Main Line of Affirmative Reasoning is: 'Even so, Greeks ought not to erect a perpetual memorial of their enmity to Greeks.' The Point to be Judged is: When Greeks, to celebrate their great valor, erect an eternal memorial of their enmity to Greeks, have they acted justly or not? The Conditional Question arises when the fact cannot be proved just or unjust by itself, but is defended by some argument taken from extraneous matters. There are four phases of this Conditional Question: Comparison, Recrimination, Evasion, Open Acknowledgment.

13. A Comparison takes place when it is said that the crime under dispute was committed so that some other fact which is held to be good and useful might result, as in the example I gave a while ago. A Roman general was surrounded by enemies, and could not by any means escape them unless he agreed to surrender his arms; so, having surrendered them, he saved his army. But afterwards he is accused of treason. The Complaint is: 'It was not necessary to surrender the arms.' The Answer is that it was necessary. The Issue is: 'Was it necessary or not?' The Main Line of De-

285 omnes perissent, si hoc non fecissem': infirmatio est 'non
 ideo fecisti.' Ex quibus iudicatio est, perissentne, et ideone
 fecisset. Comparatio, an melius esset ad hanc turpissimam
 conditionem venire, vel milites perire. Relatio criminis est,
 290 cum reus id quod arguitur confessus alterius se inductum
 peccato iure fecisse demonstrat. Ea est huiusmodi. Horatius
 occisis tribus Curiatiis et duobus amissis fratribus domum
 se victor recepit. Is animadvertit sororem suam de fratrum
 morte non laborantem, sponsi autem nomen appellan-
 tem identidem Curiati cum gemitu et lamentatione. Indigne
 295 passus virginem occidit; accusatur. Intentio est: 'iniuria
 sororem occidisti': depulsio 'iure occidi': quaestio est
 'iurene occiderit': ratio est: 'illa enim hostium mortem
 lugebat, fratrum neglegebat, me et populum Romanum
 vicisse moleste ferebat': infirmatio est: 'tamen a fratre in-
 300 damnatam sororem necari non oportuit.' Ex quo iudicatio
 fit: cum Horatia fratrum mortem neglegeret, hostium
 lugeret, fratris et publicae rei victoria non gauderet, opor-
 tueritne eam a fratre indamnatam occidi?

14. Remotio criminis est, cum eius intentio facti, quod
 305 ab adversario infertur, in alium aut in aliud crimen de-
 movetur. Id fit bipertito; nam tum causa, tum res ipsa
 removetur; causae remotionis hoc nobis exemplo sit: Rhodii
 quosdam legarunt Athenas: legatis quaestores sumptum,
 quem oportebat dari, non dederant: legati profecti non sunt,
 310 accusantur. Intentio 'proficisci oportuit': depulsio est 'non
 oportuit': quaestio est 'oportueritne': ratio est: 'sumptus

fensive Reasoning is: 'The soldiers would all have perished if I had not done this.' The Main Line of Affirmative Reasoning is: 'You did not surrender them for that reason.' From these things the Point to be Judged is, whether the soldiers would have perished, and for what motive did he surrender them. The Comparison here arises by considering whether it were better to accept the highly disgraceful surrender, or to let the soldiers perish. A Recrimination occurs when the defendant, having admitted the offense which he is charged with, points out that he acted justly in what he did, being instigated by a crime of another against him. Here is an example: After Horatius had killed the three Curiatii, and lost his two brothers in the conflict, he himself returned home in triumph. He noticed that his sister did not grieve at the death of her brothers, but that she did utter with sobs and tears the name of one of the Curiatii who had been betrothed to her. Outraged at this, Horatius killed the maiden. He is brought to trial. The Complaint is: 'You wrongfully killed your sister.' The Answer is: 'I killed her rightfully.' The Issue is: 'Did he kill her rightfully or not?' The Main Line of Defensive Reasoning is: 'She mourned the death of enemies, and was indifferent to the death of her brothers; and she grieved that myself and the Roman people had been victorious.' The Main Line of Affirmative Reasoning is: 'Nevertheless, it is not right that a sister who has not been legally convicted should be put to death by her brother.' From this emerges the following Point to be Judged: When Horatia did not heed the death of her brothers, but mourned the death of enemies, and did not rejoice at the victory of her brothers and the Republic, ought she to have been killed by her brother without a legal condemnation?

14. What is known as Evasion occurs when the formal Complaint made by the plaintiff is diverted by the defendant towards some other person, or towards some other antecedent fact. This shifting of the Complaint may be accomplished in two ways. Sometimes the motive, and sometimes the deed itself, is shifted. Let the following serve us as an example of shifting the motive. The people of Rhodes appointed certain ambassadors to Athens. The quaestors did not supply these ambassadors with the funds which ought to have been given them, and so the ambassadors did not go. They are brought to trial. The Complaint is: 'They were legally obliged to go.' The Answer is: 'They were not.' The Issue is: 'Were they legally obliged to go, or not?' The Main Line of Defensive

- enim, qui de publico dari solet, his ab quaestore non est datus': infirmatio est: 'vos tamen id, quod publici vobis erat negotii datum, conficere oportebat': iudicatio est: 'cum his, qui legati erant, sumptus qui debebatur ex publico non daretur, oportueritne eos conficere nilominus legationem. Ipsius autem rei fit remotio, cum id, quod datur crimini, negat neque ad se neque ad officium suum reus pertinuisse, nec si quod in eo sit delictum, sibi adtribui oportere. Id causae genus est huiusmodi: In eo foedere, quod factum est quondam cum Samnitibus, quidam adulescens nobilis porcum sustinuit iussu imperatoris, foedere autem ab senatu improbato et imperatore Samnitibus dedito, quidam in senatu eum quoque dicit, qui porcum tenuerit, dedi oportere. Intentio est, dedi oportere: depulsio est 'non oportet': quaestio est 'oporteatne': ratio 'non enim meum fuit officium nec mea potestas, cum id aetatis non habui et privatus essem, et summa cum auctoritate et potestate imperator mandavit, qui videret ut satis honestum foedus feriretur.' Infirmatio est: 'At enim, quoniam particeps tu factus es in turpissimo foedere summae relegionis, dedi te convenit.' Iudicatio est: cum is, qui potestatis nil habuerit, iussu imperatoris in foedere et in tanta religione interfuerit, dedendus sit hostibus necne. Hoc genus causae cum superiore differt, quod in illo concedit se reus oportuisse facere id quod fieri dicat accusator oportuisse, sed alicui rei aut homini eam causam attribuit, quae voluntati suae fuerit impedimento: in hoc autem non accusare alterum nec culpam in alium transferre debet, sed monstrare eam rem nihil ad se nec ad suam potestatem neque ad officium suum pertinuisse aut pertinere.

Reasoning is: 'The quaestor failed to give them the funds ordinarily supplied on such occasions from the public treasury.' The Main Line of Affirmative Reasoning is: 'Nevertheless you were obliged to perform the public functions which had been given you to do.' The Point to be Judged is: 'When duly appointed ambassadors are not given funds ordinarily supplied to such officers from the public treasury, are they in any way bound to fulfil their duties as ambassadors?' The shifting of the deed itself to some other person or fact may be accomplished, however, if the accused person denies that what is attributed to him as a crime appertained either to him or to his official duty, and declares that, if there is any criminal transgression in the act, it ought not to be ascribed to him. This kind of cause is illustrated by the following: In the course of solemnizing that treaty which was once made with the Samnites, a certain young man of noble birth held a pig for the sacrifice at the command of the general. When some time afterwards the treaty was rejected by the Senate, and the general delivered over to the Samnites, some member of the Senate declared that he who had held the pig ought to be given up, too. The Complaint is: 'He ought to be given up.' The Answer is: 'He ought not.' The Issue is: 'Should he be given up?' The Main Line of Defensive Reasoning is: 'The act was neither within my duty nor my power, since I was not of age and was only a private citizen, and since the general, a person with the greatest authority and power, who ought to have seen to it that a duly honorable treaty should be made, commanded it.' The Main Line of Affirmative Reasoning is: 'Since you were made an accomplice in a most shameful treaty, consecrated by the highest religious observances, you ought to be given up.' The Point to be Judged is: 'When he who has no independent authority shall by the order of the general have shared in the making of a treaty and in the performing of such high religious ceremonies, should he be given over to the enemy?' This kind of case differs from the preceding because in the former the accused admits that he ought to have done what the plaintiff declares he should have done, but he attributes the *motive* for his not doing it to some circumstance or person that was a hindrance to his own will, whereas in the latter case, he must not accuse another or transfer the blame to another, but rather show that the *deed* does not now, and never did, have reference to himself or to his own authority or to his own official position.

15. Concessio est, per quam non factum ipsum probatur ab reo, sed ut ignoscatur id petitur: cuius partes sunt duae, purgatio et deprecatio. Purgatio est, per quam eius qui accusatur non factum ipsum, sed voluntas defenditur: ea
345 habet partes tres, imprudentiam, casum, necessitudinem. Imprudentia est, cum scisse aliquid is, qui arguitur, negatur, ut: Apud quosdam lex erat, ne quis Dianae vitulum immolaret: nautae quidam cum adversa tempestate in alto iactarentur, voverunt, si eo portu, quem conspiciebant, potiti
350 essent, ei deo, qui ibi esset, se vitulum immolatu-
ros. Casu erat in eo portu fanum Dianae eius, cui vitulum immolare non licebat. Imprudentes legis cum exissent, vitulum immolaverunt; accusantur. Intentio est: 'vitulum immolastis ei deo, cui non licebat: depulsio est in concessione deposita:
355 ratio est 'nescivi non licere': infirmatio est: 'tamen, quoniam fecisti quod non licebat ex lege, supplicio dignus es.' Iudicatio est: cum id fecerit, quod non oportuerit, et id non oportere nescierit, sitne supplicio dignus? Casus autem infertur in concessionem, cum demonstratur aliqua fortunae vis
360 voluntati obstitisse, ut in hac re: Cum Lacedaemoniis lex esset, ut hostias nisi ad sacrificium quoddam redemptor prae-
buisset, capitale esset, hostias is qui redemerat, cum sacrificii dies instaret, in urbem ex agro coepit agere, cum subito magnis commotus tempestatibus fluvius Eurotas, is
365 qui praeter Lacedaemoniam fluit, ita magnus et vehemens factus est, ut eo traduci victimae nullo modo possent. Redemptor suae voluntatis ostendendae causa hostias constituit omnes in litore, ut qui trans flumen essent videre possent. Cum omnes studio eius subitam fluminis magnitudinem scirent fuisse impedimento, tamen eum quidam
370 capitis arcesserunt. Intentio est: 'hostiae, quas debuisti, ad

15. The Open Acknowledgment takes place when the defendant does not justify the act, but rather asks that he be pardoned for having done it. There are two kinds of Open Acknowledgment, the Denial of Intent and the Prayer for Pardon. The Denial of Intent is where the intent of him who is accused, and not his act itself, is made the subject of the defense; and this has three aspects, Ignorance, Chance, Necessity. Denial of Intent through Ignorance occurs when he who is indicted denies that he understood something or other. And an example of this is as follows: In a certain state there was a law that no one should sacrifice a calf to Diana. Some sailors, who during a terrible tempest were being pitched about on the sea, vowed that if they could reach a port which they had just sighted, they would sacrifice a calf to the deity who there presided. It happened that in that port was a temple of Diana to whom the sacrifice of a calf was not permitted. Ignorant of the law, the sailors sacrificed a calf when they had landed. They are brought to trial. The Complaint is: 'You sacrificed a calf to a deity to whom such a sacrifice was not allowed.' The Answer consists in an Open Acknowledgment. The Main Line of Defensive Reasoning is: 'We did not know that such a sacrifice was forbidden.' The Main Line of Affirmative Reasoning is: 'Still, since you have done what is not permitted by law, you are deserving of punishment.' The Point to be Judged is: When he who does something that he should not have done is unaware of the illegality of his act, is he or is he not deserving of punishment? In cases of Open Acknowledgment, the Denial of Intent through Chance is introduced when the force of circumstances is shown to have thwarted the will; as in the following: It was a law among the Spartans that if the official agent did not furnish victims for a certain sacrifice, he was to be put to death. When the day of that sacrifice was at hand, the man who had contracted to furnish the victims began to drive them from the country into the city. But the river Eurotas that flows near Sparta, and that recently had been raised by great storms, suddenly became so swollen and violent that in no way could the victims be brought across. The official agent, to show his good will, arranged the victims along the shore so that those who were across the river could see them. Although every one knew that the sudden rise of the river had prevented the agent from doing what he obviously wanted to do, yet some charged him with having committed a capital crime. The Complaint is: 'The

sacrificium praesto non fuerunt': depulsio concessio: ratio
 'flumen enim subito accrevit et ea re traduci non potuerunt':
 infirmatio 'tamen quoniam, quod lex iubet, factum non est,
 375 supplicio dignus es': iudicatio est: cum in ea re contra legem
 redemptor aliquid fecerit, qua in re studio eius subita
 fluminis obstiterit magnitudo, supplicio dignusne sit. Neces-
 situdo autem infertur, cum vi quadam reus id quod fecerit
 fecisse defenditur, hoc modo. Lex est apud Rhodios, ut, si
 380 qua rostrata navis in portu deprehensa sit, publicetur. Cum
 magna in alto tempestas esset, vis ventorum invitis nautis
 in Rhodiorum portum navem coegit; quaestor navem populi
 vocat; navis dominus negat oportere publicari. Intentio est:
 'rostrata navis in portu deprehensa est': depulsio concessio:
 385 ratio 'vi et necessitate sumus in portum coacti': infirmatio
 est: 'navem ex lege tamen populi esse oportet.' Iudicatio est:
 cum rostratam navem in portu deprehensam lex publicaverit,
 cumque haec navis invitis nautis vi tempestatis in portum
 coniecta sit, oporteatne eam publicari? Deprecatio est, cum
 390 et peccasse et consulto peccasse reus se confitetur, et tamen
 ut ignoscatur postulat, quod genus perraro potest accidere,
 in quo non defensio facti, sed ignoscendi postulatio conti-
 netur. Hoc genus vix in iudicio probari potest, ideo quod
 concesso peccato difficile est ab eo, qui peccatorum vindex
 395 esse debet, ut ignoscat impetrare.

16. Ecce habes de locis quaestionum et de statu causarum
 et de partibus institutionum, quae omnia cotidiano usu
 natura pandente agnoscis.

victims that you were pledged to bring to the sacrifice were not brought.' The Answer is the Open Acknowledgment. The Main Line of Defensive Reasoning is: 'The river suddenly rose, and because of that the victims could not be brought across.' The Main Line of Affirmative Reasoning is: 'Nevertheless, since that which the law enjoins was not done, you are deserving of punishment.' The Point to be Judged is: When an official agent shall have done something contrary to law in a situation where the sudden rise of the river thwarted his good intentions, is he or is he not deserving of punishment? In the Open Acknowledgment, the Denial of Intent through Necessity is introduced when the defendant shows that he only did what was done under the stress of an irresistible compulsion. To illustrate: There is a law among the Rhodians that if any vessel armed with a metal-shod ram at the prow is discovered in their port, it shall be confiscated. During a great storm on the sea the strength of the winds forced such a ship against the will of its crew into the port of the Rhodians. The quaestor claims the ship for the people; but the ship's master declares that it should not be confiscated. The Complaint is: 'A ship armed with a ram has been found in port.' The Answer is the Open Acknowledgment. The Main Line of Defensive Reasoning is: 'We were driven into the port by sheer force of necessity.' The Main Line of Affirmative Reasoning is: 'Still, according to the law, the ship ought to be the people's.' The Point to be Judged is: When the law provides for the confiscation of any beaked ship found in a port, and when such a ship, against the will of her crew, is driven by the strength of the wind into that port, should that ship be confiscated or not? The Prayer for Pardon is used when the accused person admits that he committed the crime, and committed it with deliberate intent, yet asks that it be condoned. This kind of procedure, in which is contained, not a defense of the act, but a plea for forgiveness, can rarely occur. In fact, it can scarcely sustain a case in a court of justice, because, once the crime is admitted, it is difficult to get the court to pardon what it is pledged to punish.

16. Now you are acquainted with the localities of Issues, the Positions of Argument, and the ramifications of these general principles, all of which you may come to understand by developing your natural talent in daily practice.

KARLUS. Agnoscam, si naturarum conditor me adiuva-
400 verit, et tamen habeo quod adhuc a te quaeram.

ALBINUS. Quaere quod placeat, pergam quo me ducis.

KARLUS. Quot personae solent in iudiciis esse?

ALBINUS. Quattuor: accusator causae, defensor causae,
testes, iudex.

405 KARLUS. Quo quisque utitur officio?

ALBINUS. Iudex aequitate, testes veritate, accusator in-
tentione ad amplificandam causam, defensor extenuatione
ad minuendam causam, nisi forte in laude vel praemii peti-
tione sit causa posita: tunc converso ordine accusatori
410 extenuatione et defensori amplificatione utendum est.

17. KARLUS. Quot modis fit amplificatio vel extenuatio
causae?

ALBINUS. Duobus: ex impulsione vel ratiocinatione.
Impulsio est, quae sine cogitatione per quandam affectionem
415 animi facere aliquid hortatur, ut amor, iracundia, aegritudo,
vinolentia, et omnino omnia, in quibus animus ita videtur
affectus fuisse, ut rem perspicere cum consilio et cura non
potuerit, et id quod fecit impetu quodam animi potius quam
cogitatione fecerit. Ratiocinatio est diligens et considerata
420 faciendi aliquid aut non faciendi excogitatio. Ea dicitur
interfuisse tum, cum faciendi aliquid aut non faciendi certa
de causa vitasse aut secutus esse animus videbitur, si amici-
tiae quid causa factum dicitur, si inimici ulciscendi, si metus,
si gloriae, si pecuniae, denique ut omnia generatim amplecta-
425 mur, alicuius retinendi, augendi adipiscendive commodi, aut
contra reiciundi, diminuendi devitandive incommodi causa.

18. KARLUS. Qualiter accusator vel defensor impulsione
seu ratiocinatione uti debet?

ALBINUS. Ergo accusator, cum impulsione aliquid fac-
430 tum esse dicet, illum impetum et quandam commotionem
animi affectionemque verbis et sententiis amplificare debet

CHARLEMAGNE. I may come to understand them if the Giver of natural gifts has granted me the necessary aid. But at this point I still have something to ask you.

ALCUIN. You may ask what may please you. I shall proceed whither you lead me.

CHARLEMAGNE. How many parties are customarily present in the courts of law?

ALCUIN. Four: the plaintiff, the defendant, the witnesses, and the judge.

CHARLEMAGNE. What official duty does each discharge?

ALCUIN. The judge is in possession of the domain of justice, the witnesses, the domain of truth. The plaintiff uses overstatement for the purpose of amplifying the subject, and the defendant understatement in order to minimize it, unless perchance the dispute concerns praise or a demand for reward, in which case the order is reversed, and understatement is used by the plaintiff, overstatement by the defendant.

17. CHARLEMAGNE. In how many ways is the overstatement or understatement of a subject produced?

ALCUIN. In two ways: from Impulse or from Premeditation. Impulse is that which forces a man to do something, not as a result of reflection, but as a result of a certain passion of the mind, such as love, anger, grief, intoxication, and indeed everything by which the mind seems to have been so affected that it cannot view a thing with deliberation and care, but rather does whatever it does with a certain frenzy of spirit, not with cool thought. Premeditation is a careful and well-considered reflection upon doing or not doing something. And it is said to have been at work when the mind seems to have avoided or to have chosen doing or not doing something as a result of well-defined motives—when it is said, for example, that a thing was done for the sake of friendship, or for the punishing of an enemy, or on account of fear, glory, or money; or finally (that we may bring all of these things together under general terms), for the sake of retaining a certain advantage or increasing it or reaching it, or, contrarily, for the sake of getting rid of any disadvantage or lessening or avoiding it.

18. CHARLEMAGNE. How ought the plaintiff and defendant to make use of considerations applying to Impulse and Premeditation?

ALCUIN. When the plaintiff says that something has been done as the result of Impulse, he ought in his words and opinions to

- et ostendere, quanta vis sit amoris, quanta animi perturbatio ex iracundia fiat aut ex aliqua causa earum, qua impulsus aliquem id fecisse dicet, ut non mirum videatur, si quod ad
435 facinus tali perturbatione commotus animus accesserit, et exemplis confirmare ante actis, qui simili impulsu aliquid simile commiserunt. Cum autem non impulsione, verum ratiocinatione aliquem commisisse quid dicet, quid commodi sit secutus aut quid incommodi fugerit, demonstrabit et id
440 augebit quam maxime, ut: si gloriae causa, quantam gloriam consecuturam existimarit; item si dominationis, si pecuniae, si amicitiae, si inimicitiarum, et omnino quicquid erit, quod causae prodesse dicet, id summe augere debebit. Defensor autem ex contrario primum impulsione aut nullam fuisse
445 dicet, aut si fuisse concedet, extenuabit et parvulam quandam fuisse demonstrabit, aut non ex ea solere huiusmodi facta nasci docebit. Ratiocinationis autem suspiciones infirmabit, si aut commodum nullum fuisse aut parvum aut aliis maius esse, aut nihilo sibi maius quam aliis: aut incommodum sibi
450 maius quam commodum dicet, ut nequaquam fuerit illius commodi, quod expetitur dicatur, magnitudo aut cum eo incommodo, quod acciderit, aut cum illo periculo, quod subeatur, comparandum. Qui omnes loci similiter in incommodi quoque vitiatione tractabuntur.
- 455 19. KARLUS. Quia personas causarum dixisti, dic, obsecro, loca singularum.

ALBINUS. Dicam, licet hoc non tantum ad artis praecepta pertineat, quantum ad officii decorem. Iudex in tribunali, causa in medio ante eum ad laudem vel ad poenam

amplify the violence and, as it were, the agitation and passion of spirit that caused the deed. And he ought to show how great is the strength of love, how profound the disturbance in an angered mind, or in a mind troubled by any of those passions which are alleged to have constituted the Impulse; and he ought to do this in such a way that it will not seem strange for the mind of a man disturbed by these tumults to have leaped onward to envisage, and then to direct the crime; and he ought to show by previous examples how others acting under similar impulses have done similar deeds. But when the plaintiff says that some one did thus and so not by Impulse but by Premeditation, then he will point out what advantage the culprit has sought or what disadvantage avoided, and he will amplify this as much as possible. If the deed was done for the sake of glory, the plaintiff will point out how much glory would have accrued to the culprit. Likewise, if it was done for power, or money, or friendship, or enmity, or for any other advantage that can be held to have produced the crime, let that motive be amplified to the utmost. The defendant, on the contrary, will attempt first to say that there was no Impulse at all, or if he must admit that there was, will minimize it, and show how insignificant it was, or he will point out that from such an Impulse a deed of this kind is not likely to result. And he will weaken the suspicions growing out of a charge of Premeditation if he will say that there was no advantage in doing the deed, or little advantage, or more to others than to himself, or no more to himself than to others; or that the disadvantage to himself was so much greater than the advantage, that the greatness of the benefit he is said to have sought can in no way be compared to the disadvantage which would befall him, or to the danger which would follow. These very topics will be used in a similar way when Premeditation is said to consist in a scheme to avoid some disadvantage.

19. CHARLEMAGNE. Since you have mentioned the persons involved in legal disputes, I wish you would describe the place of each in the court.

ALCUIN. I shall touch upon that, although it does not so much appertain to the precepts of rhetoric as to the rules governing official conduct. The judge sits in the judgment-seat, and before him in the middle of the court is argued the claim for reward or for punishment; as, perchance, a claim for reward involving the defense of the State, or a claim for punishment involving treason to

460 posita, ut forte patriae defensio vel proditio: accusator ad
sinistram causae et defensor ad dextram, testes retro.

KARLUS. An insignia sua singulae ex illis habent?

ALBINUS. Habent. Iudex sceptro aequitatis armandus
est, accusator pugione malitiae, defensor clypeo pietatis,
465 testes tuba veritatis.

KARLUS. Etiam his omnibus causae adiacentibus circum-
stantiis repertis, quid tunc quaerendum est, magister?

ALBINUS. Quid nisi singulae totius causae partes?

KARLUS. Quae vel quot illae sint, audire desidero.

470 ALBINUS. Sex enim sunt partes, per quas ab oratore or-
dinanda est oratio causae: exordium, narratio, partitio, con-
firmatio, reprehensio, conclusio.

20. KARLUS. Quid est exordium?

ALBINUS. Oratio animum auditoris idonee comparans
475 ad reliquam dictionem.

KARLUS. Quomodo hoc efficitur?

ALBINUS. Primo ut benivolum, attentum, docilem effi-
cias auditorem.

KARLUS. Ut mihi videtur, hoc summe curandum est, ut
480 benivolum, attentum, docilem efficiatur auditor: sed quonam
modo hoc idem effici possit, velim scire.

ALBINUS. Quattuor ex locis benivolentia comparatur,
ab nostra, ab adversariorum, ab iudicum persona, a causa.
Ab nostra, si de nostris factis et officiis sine arrogantia
485 dicemus, si crimina inlata et aliquas minus honestas suspi-
ciones iniectas diluamus, si quae incommoda acciderint aut
quae instent difficultates proferemus, si prece et obsecratione
humili ac supplici utemur. Ab adversariorum autem, si eos
aut in odium aut in invidiam aut in contemptum adducemus.

it. The plaintiff is on the left, the defendant on the right, and the witnesses in the rear.

CHARLEMAGNE. Does each have his own mark of distinction?

ALCUIN. Yes. The judge must be armed with the sceptre of justice, the plaintiff with the dagger of ill-will, the defendant with the shield of piety, and the witnesses with the trumpet of truth.

CHARLEMAGNE. Since all the attendant details of disputes have been made clear, O Master, what next should be the subject of our inquiry?

ALCUIN. What, indeed, unless the particular parts of the entire speech?

CHARLEMAGNE. I should like to hear what they are, and how many.

ALCUIN. There are six parts into which the speaker ought to arrange a speech made upon a particular subject: the Introduction, the Narration, the Division, the Proof, the Refutation, the Conclusion.

20. CHARLEMAGNE. What is the Introduction?

ALCUIN. The words designed to prepare properly the minds of the hearers for the rest of the speech.

CHARLEMAGNE. How is this done?

ALCUIN. Above all, these words are planned in such a way as to cause the listener to be well-disposed, and attentive, and compliant.

CHARLEMAGNE. It seems to me that making the hearer well-disposed, and attentive, and compliant is a task worthy of our best study. But I should like to know where the means of doing it can be found.

ALCUIN. A friendly disposition towards the speaker is created by topics drawn from four localities—from considerations respecting ourselves, our adversaries, the person of the judges, and the nature of the dispute. We create a friendly disposition from considerations respecting ourselves, if we speak without presumption about our own deeds and services; if we minify the charge brought against us and all dishonorable suspicions that have been aroused; if we dilate upon the inconveniences that have resulted or the difficulties that are imminent; if we use prayer, and are modest and obliging in our requests. From considerations respecting our adversaries we create a friendly disposition towards ourselves if we make the opponents objects of odium or jealousy or contempt.

490 In odium ducentur si quod eorum spurce, superbe, crudeliter,
malitiose factum proferetur: in invidiam si vis eorum, poten-
tia, divitiae, cognatio, pecuniae proferentur, atque eorum
usus arrogans et intolerabilis, ut his rebus magis videantur
quam causae suae confidere: in contemptum adducentur, si
495 eorum inertia, neglegentia, ignavia, desidiosum studium et
luxuriosum otium proferetur. Ab auditorum persona beniv-
olentia captabitur, si res ab iis fortiter, sapienter, mansuete
gestae proferentur, ut nequaquam assentatio nimia signifi-
cetur, si de iis quam honesta existimatio quantaque eorum
500 iudicii et auctoritatis expectatio sit ostenditur: a rebus, si
nostram causam laudando extollemus, aliorum causam per
contemptum deprimemus. Attentos autem faciemus, si
demonstrabimus ea, quae dicturi erimus, magna, nova,
incredibilia esse, aut ad omnes aut ad eos qui audiant aut ad
505 aliquos illustres homines aut ad deos immortales aut ad
summam rei publicae pertinere et si pollicebimur nos brevi
nostram causam demonstraturos, atque exponemus iudica-
tionem aut iudicationes, si plures erunt. Dociles auditores
faciemus, si aperte ac breviter summam causae exponemus,
510 hoc est, in quo consistat controversia. Sed qui bene exordiri
volet, primo necesse est ut suae causae genus diligenter
agnoscat.

21. KARLUS. Quot sunt causarum genera?

ALBINUS. Quinque: honestum, admirabile, humile, an-
515 cepts, obscurum. Honestum causae genus est, cui statim sine
oratione nostra favet auditoris animus: admirabile, a quo
est alienatus animus eorum qui audituri sunt: humile, quod
neglegitur ab auditore et non magnopere attendendum vide-
tur: anceps, in quo aut iudicatio dubia est, aut causa et
520 honestatis et turpitudinis particeps, ut benivolentiam pariat
et offensionem: obscurum, in quo aut tardi auditores sunt

They will be made odious if any act of theirs is revealed as base, arrogant, cruel, or malicious. They will be made objects of jealousy if their influence is revealed, or their power or their costly possessions or their family connections or their money, and if it is pointed out that their use of these good things is at once so arrogant and presumptuous that they seem to depend more upon them than upon the merit of their case. They will be made contemptible, if their idleness, their indifference, their indolence are made known, or their sterile pursuits and wanton inactivity. Friendly disposition will be obtained from considerations respecting the person of the hearers if their behavior is described as courageous, wise, gentle—but in no sense should praise verge into flattery. It should be shown, moreover, how honorable is their reputation, and how great the popular trust in their discernment and competency. Friendly disposition will be obtained from the dispute if we by praising ennoble our own side, and by applying the means of arousing contempt, abase the other side. We shall make our hearers attentive if we indicate that those things which we are about to mention are important or novel or incredible, or are of great interest to every one, or to those who are listening, or to some brilliant men, or to the immortal gods, or to every citizen of the State, and if we promise that we shall be brief when proving our case; and if we clearly explain what is the Point to be Judged (or Points to be Judged, if there are more than one). We shall make our hearers compliant if we frankly and briefly reveal the most important part of our case, that is to say, the Position in which the dispute rests. Above all, he who wishes to compose a good Introduction ought first to understand perfectly the nature of his own cause.

21. CHARLEMAGNE. How many different kinds of causes are there?

ALCUIN. Five: the Honorable, the Unusual, the Shameful, the Dubious, the Obscure. The Honorable cause is that towards which, before we have uttered a word, the mind of the hearer is favorably disposed. The Unusual cause is that from which the minds of those about to listen have been alienated. The Shameful cause is that which is disdained by the hearer, and seems not likely to hold any interest for him. The Dubious cause is that where either the Point to be Judged is uncertain, or the dispute itself partakes both of honor and shame, so that it produces both friendly disposition and disfavor. The Obscure is that cause which the listeners are

aut difficilioribus ad cognoscendum negotiis causa est implicata.

KARLUS. An semper perspicue exordiri debet orator?

525 ALBINUS. Aliquando perspicue, aliquando per circuiti-
onem. Perspicua oratio est, cui mox animus auditoris favet,
ut in honesto genere causae est: illa vero, quae per circuiti-
onem fit, clam subit animum auditoris, ut in humili, an-
cipiti vel obscuro causae genere faciendum est. Sed hoc scien-
530 dum est, quod exordium sententiarum et gravitatis pluri-
mum debet habere et omnino omnia quae ad dignitatem
pertinent, ostentationis vero et concinnitudinis minimum,
propterea quod ex his suspicio quaedam artificiosae dili-
gentiae nascitur, quae maxime orationi fidem et oratori
535 adimit auctoritatem.

22. KARLUS. Ecce habeo quo modo exordiri debeat
causa, nunc narrationis textum expone.

ALBINUS. Narratio est rerum gestarum aut ut gestarum
expositio, quae tria debet habere, id est ut brevis, ut aperta,
540 ut probabilis sit. Brevis erit, si unde necesse est, inde initium
sumat, et non ab ultimo repetetur, et si cuius rei satis erit
summam dixisse, eius partes non dicentur; nam saepe satis
est quid factum sit dicere, ut ne narres quemadmodum sit
factum: et si non longius quam opus est in narrando pro-
545 cedetur, et si nullam in rem aliam transiet oratio, et si ita
dicetur, ut nonnumquam ex eo quod dictum sit, id quod
non sit dictum intellegatur, et si non modo id quod obest,
verum etiam id quod nec obest nec adiuvat praeteribitur; et
non minus rerum non necessariarum quam verborum multi-
550 tudine supersedendum est. Aperta autem narratio poterit
esse, si ut quidque primum gestum erit, ita primum expone-
tur, et rerum ac temporum ordo servabitur, ut ita narrentur
res, ut gestae erunt aut ut potuisse geri videbantur. Hic erit
considerandum, ne quid perturbate, ne quid contorte dicatur,
555 ne quam in aliam rem transeatur. Probabilis erit narratio, si

slow to understand, or which comes out of a dispute entangled in problems rather difficult of comprehension.

CHARLEMAGNE. Should the speaker always begin directly?

ALCUIN. At one time directly, at another time indirectly. A Direct Introduction is used in the dispute towards which the mind of the hearer is favorably disposed, as when our side can be called Honorable. The Indirect Introduction, or that made in a round-about way, is designed to gain access to the mind of a listener while he remains unaware of such a design, and this procedure should be used when our side can be described as Shameful, or Dubious, or Obscure. But above all it should never be forgotten that an Introduction ought to bespeak the utmost purpose and seriousness—in a word, every trait of honesty,—and ought never to have parade and a self-conscious beauty. Display and manufactured elegance produce in the listener a suspicion that the style is counterfeit, and this misgiving diminishes his confidence in the speech and limits the influence of the speaker.

22. CHARLEMAGNE. Now I see how a speech should be introduced. Please explain next the structure of the Narration.

ALCUIN. The Narration is a story of events which have or could have taken place. This movement of the speech should possess three qualities, to wit, brevity, clarity, probability. Brevity is assured if the Narration has a beginning which corresponds to the real origin, rather than to the most distant antecedents, of the events in question; and if not every detail of the story is told on an occasion when the recital of the main events is enough. Indeed, it often suffices to tell what has been done, and to omit altogether how it was done. Brevity is also assured if the time spent in narrating the events is no longer than such events require; and if the story does not ramble off into other matters; and if it is so delivered that what has been said suggests what has not been said; and if it omits not only what is hurtful, but also what is neither hurtful nor profitable; and if an excess of words no less than a mass of details is carefully shunned. Clarity in the Narration is achieved if what happened first is explained first, and if the order of episodes in the story is determined by the order of real events and times, and if the story is told in such fashion that the events appear to be real or probable. Care should be taken to exclude intricacy and confusion from the story, and to avoid digression. Probability is gained in the Narration, if the qualities which are

in ea videbuntur inesse quae solent apparere in veritate, si personarum dignitates servabuntur, si causae factorum exstabunt, si fuisse facultates faciundi videbuntur, si tempus idoneum, si spatii satis, si locus opportunus ad eandem rem, quade re narrabitur, fuisse ostendetur, si res et ad eorum qui agent naturam et ad vulgi rumorem et ad eorum qui audient opinionem accommodabitur.

23. KARLUS. Ordo deposcit ut de partitione dicas.

565 ALBINUS. Dicam. Partitio est rerum ad causam ipsam pertinentium divisio, quae recte habita perspicuam et inlustrem totam orationem efficit. Quae duas habet partes: una pars est, quae quid cum adversariis conveniat et quid in controversia relinquatur ostendit, ex qua certum quiddam destinatur auditori, in quo animum debeat habere occupatum: altera est, in qua rerum earum, de quibus erimus dicturi, 570 breviter expositio ponitur distributa, ex qua conficitur, ut certas animo res teneat auditor; nam et haec pars habere debet brevitatem, absolutionem, paucitatem. Brevitas est, cum nisi necessarium nullum assumitur verbum: absolutio 575 est, per quam omnia quae incidunt in causam genera, de quibus dicendum est, amplectimur in partitione: paucitas est, quae eas res tantum ponit in partitione, quae necessarie sunt dicendae iterum, et ne plura quam satis est demonstraturos nos dicamus, hoc modo: 'ostendam adversarios quod 580 arguamus et potuisse facere et voluisse et fecisse,' cum fecisse satis est ostendere.

24. KARLUS. Nunc ad confirmationis praecepta te verte, magister, quae maxime omnibus reor necessaria, ut suam quisque sciat confirmare causam, et licet hoc voluntarie

usually observed in real occurrences are also to be observed in the story; if the protagonists in the narrative are not characterized in such a way as to violate the hearer's sense of propriety; if the causes of the events are made plain; if he who in the story appears to have done a deed seems to possess the power to do it; if the time assigned to the deed in the story seems to be suitable and sufficient for that deed, and the place a likely place for the event described; and if the whole story, indeed, is adapted at one and the same time to the known characteristics of those who act in it, and to common report, and to the sentiments of those who listen to it.

23. CHARLEMAGNE. The order demands that you speak next about the Division.

ALCUIN. So I shall. The Division is the movement of the speech in which the natural parts of the dispute itself are explained. And this, when correctly done, makes the whole speech clear and intelligible. The Division has two parts. One is devoted to showing upon what issues there is agreement between the two parties, and upon what there still remains a dispute. By means of these explanations a well-settled point is designated as that upon which the listener should have his attention fixed. The other part of the Division embraces a rapid survey and an ordering of those subjects which are to make up the rest of the speech. This forecast, this prospectus should enable the listener to retain in his mind the predetermined substance of the speech. This second part of the Division should reduce the speech to main points which are brief in statement, comprehensive in scope, and few in number. By points brief in statement we mean those in which is used not a single word beyond the limits of necessity; by points comprehensive in scope we mean those which bring within the Division of the speech all the general headings into which the subject under discussion has been made to fall. By points few in number we mean those which place in the Division as many propositions as we may call essential, and no more than we may call sufficient, in respect to the proof of the issue in question. For example, let us not promise in the Division to prove that the adversaries were able to do the deed under dispute, and that they wished to do it, and that they did it, if a promise to prove merely that they did it is the only point we need.

24. CHARLEMAGNE. Pray turn now to the rules of Proof, O Master, for I believe that they are particularly necessary everywhere in the speech if a speaker is to know how to support his side

585 faciat, tamen non satis digne nisi praeceptis et usu agi potest.

ALBINUS. Ita est, domine mi rex, ut dicis. Nam omnes argumentationes ad confirmationum tendunt rationes: sed tam grandis est argumentorum silva, ut vix sub brevitate huius dialogi nostri aliquid aperiri possit.

590 KARLUS. Tamen stringe paucis plura; nam saepe una clave multae thesaurorum gazae aperiuntur.

ALBINUS. Faciam prout possum. Confirmatio est argumentatio, qua tuae causae fidem et auctoritatem comparas, quae duobus modis fit, id est ex personis aut ex negotiis. Et
595 personis quidem has res adtributas putamus, nomen, naturam, victum, fortunam, habitum, affectionem, studia, consilia, facta, casus, orationes; nam ex his singulis argumenta possunt fieri, prout se commoditas causae affert.

25. KARLUS. Etsi brevitati studeas, tamen haec plenius
600 desidero.

ALBINUS. Ex nomine fit argumentum hoc modo, ut si dicamus idcirco aliquem Caldum vocari, quod sit temerario et repentino consilio, ut sacrae scripturae quoque utamur exemplo. Nam Esau de fratre suo Jacob dicit: recte vocatur
605 nomen eius Jacob, id est subplantator: en altera vice subplantavit me. In natura sexus, natio, patria, cognatio, aetas consideratur: in sexu vir an mulier: in natione Graecus an barbarus: in patria Atheniensis an Romanus: in cognatione, quibus maioribus, quibus consanguineis sit: in aetate puer
610 an adulescens, natu grandior an senex. Item saepe ex com-

of a dispute. It happens sometimes, of course, that he may prove his point by sheer strength of will, but in general he is not able to proceed in a wholly suitable way unless he is guided by rules and by previous practice.

ALCUIN. It is as you say, my Lord King. All informal attempts to adduce proof in support of anything impinge upon the formal science of proof. But so vast is this forest of logical principles that only a little ground can be covered within the narrow limits of our present dialogue.

CHARLEMAGNE. Nevertheless, you may make a great deal clear in a few words. The many riches of a treasure-chamber are often made visible by one key.

ALCUIN. I shall do what I can. Proof is the adducing of arguments in such a way as to lend trustworthiness and strength to your side of the dispute. Proof may be established in two ways,—from the persons or from the events involved in the case. In adducing Proof from the persons involved in a case, we consider that any person has the following characteristics or traits: *a name, an hereditary disposition, a way of living, a state of fortune of some kind, an habitual bent, an emotional proclivity, a moral propensity, a rational purpose*, and, finally, things which he has *done*, things which have *happened* to him, and things which he has *said*. From these separate traits, arguments can be framed, each trait being used to the degree that it conveys an advantage to the particular case.

25. CHARLEMAGNE. Though you may wish to be brief, I should like to have these characteristics more fully explained.

ALCUIN. Proof is established from a person's *name* by saying, for example, that since the man involved in the case is rash and hasty in counsel, he is therefore rightly surnamed Hothead. We may also use an example from the Sacred Scriptures. Thus Esau said of his brother Jacob: 'Is not he rightly named Jacob (that is to say, a supplanter)? for he hath supplanted me these two times.' With respect to the *hereditary disposition* of the person involved, sex and nationality and native land and family and period of life are all to be considered. The person's sex, of course, is either male or female; his nationality, Greek or barbarian; his native land, Athens or Rome. When we consider his family, we ask from what ancestors he is descended, and who are his relatives. His period of life is that of a boy, or a youth, or a middle-aged man, or an old

modis vel incommodis naturae coniectura sumenda est hoc modo: valens an inbecillis, longus an brevis, formosus an deformis, velox an tardus, acutus an hebes, memor an obliviosus, dolosus an simplex. Et ex victu multae trahuntur suspiciones, cum quemadmodum et apud quos et a quibus educatus sit et eruditus quaeritur, et quibuscum vivat et qua ratione vitae et quo more domestico vivat. Et ex fortuna saepe argumentatio nascitur, cum servus an liber, pecuniosus an pauper, nobilis an ignobilis, felix an infelix, privatus an in potestate sit aut fuerit aut futurus sit consideratur, aut denique aliquid eorum quaeritur, quae fortunae esse adtributa intelleguntur. Habitus autem in aliqua perfecta et constanti animi aut corporis absolutione consistit, quo in genere est virtus, scientia et quae contraria sunt: res ipsa et causa posita docebit, ecquid hic quoque locus suspicionis ostendat. Nam affectionis quidem ratio perspicuam solet prae se gerere coniecturam, ut amor, iracundia, molestia, propterea quod et ipsorum vis intellegitur, et quae res harum aliquam rem consequantur faciles cognitu sunt.

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Studium autem quoniam est assidua et vehemens aliqua ad rem adplicata magna cum voluptate occupatio, facile ex eo ducitur argumentatio, prout res ipsa in causa desiderabit. Item ex consilio sumitur aliquid suspicionis; nam consilium est aliquid faciundi non faciundive excogitata ratio. Facta autem et casus et orationes tribus ex temporibus considerabuntur: quid fecerit aut quid ipsi acciderit aut quid dixerit, et quid faciat, quid ipsi accadat, quid dicat, aut quid factururus, quid ipsi casurum sit, qua sit usus oratione. Ex quibus

man. Supplementing the inferences derived from these aspects of a person's hereditary disposition, we should frequently be able to construct arguments from his native virtues and defects,—for example, from his strength or weakness, his tallness or shortness, his beauty or ugliness, his speed or sloth, his cleverness or stupidity, his keenness or dulness of memory, his guilefulness or simplicity. From a person's *way of living* many inferences can be made, by discovering, for example, in what manner and among whom and by whom he has been reared and instructed, and with whom and by what plan of life and in what domestic pattern of life he lives. Since a person always has a *state of fortune of some kind*, arguments may be built upon it. Here we consider whether the person involved in the case is or has been or will be a slave or a freeman, rich or poor, well-known or unknown, happy or unhappy, a private citizen or a public official. Here, in sum, we investigate all things known to be attributes of fortune. A person's *habitual bent* is reflected in some finished and invariable perfection of his mind or body, and in this category we should investigate his virtue and knowledge, or his vice and ignorance. The crime itself in which he is involved, or the Position of the dispute in which he participates, will show what arguments this category may supply. Above all, the consideration of a person's *emotional proclivity* can yield obvious arguments—his inclination, that is to say, towards love, or anger, or disgust. The power, the impulsiveness, of feelings like these is well-known, and it is easy for any one to recognize what actions are caused by each. Since a *moral propensity* means a constant and sustained leaning towards something,—a leaning intensified by a great sense of pleasure,—it follows that this trait provides an easy clue to the discovery of the kind of arguments demanded by the subject under dispute. Likewise, various arguments are to be derived from the *rational purpose* of a man involved in the case, this purpose being his deliberate intention to do or not to do something. Things which a person has *done*, things which have *happened* to him, and things which he has *said*, will be investigated with reference to three different times: what he has done, what has happened to him, or what he has said; what he is doing, what is happening to him, or what he is saying; and what he is about to do, what is about to happen to him, or what he is about to say. These various lines of investigation should easily reveal what grounds of mistrust are

640 facile erit videndum, quid afferant ad confirmandam con-
iecturam suspicionis.

26. KARLUS. Sunt haec loca accusatori seu defensori communia?

ALBINUS. Fiunt secundum utriusque causae commodum.

KARLUS. Quo modo?

645 ALBINUS. Nam accusator eius vitam ante actam, quem
arguit, vel protervā eius naturam seu studia malitiosa vel
mores improbos vel facta cruenta improbare debebit et osten-
dere, si potuerit, si in quo pari ante peccato convictus sit, et
quam turpis aut cupidus aut petulans aut cruentus esset, ut
650 mirandum non sit talem hominem ad tale facinus proruisse.
Quantum enim de honestate et auctoritate eius qui arguitur
detractum erit, tantum erit de facultate totius eius defen-
sionis inminutum. Si nullo ante acto peccato reus infamari
poterit, hortandi sunt iudices, non veterem famam hominis,
655 sed novum facinus esse iudicandum. Nam ante celatum esse
qualis esset, nunc autem manifestum esse: quare hanc rem
ex superiori vita non debere considerari, sed superiorem
vitam ex hac turpitudine improbari.

660 KARLUS. Si haec omnia accusator reo ingerit, quis locus
defensionis relinquitur ei?

ALBINUS. Relinquitur defensionis idoneus locus; saepe
enim uno protegente scuto multa nocentis repelluntur spicula.
Defensor primo, si potuerit, debebit eius vitam honestissi-
mam, fidelissimam demonstrare, aut in rem publicam aut in
665 parentes, cognatos, amicos, et eius bene gesta fideliter ac
fortiter si quae sunt proferenda; et miserum esse tam in-
signia bona tam parvo reatu obscurari. Nec hoc ipsum aliqua

available for the proof of the case which rests upon conjectural argument.

26. CHARLEMAGNE. To what extent is it possible for the plaintiff and defendant alike to investigate the localities in which dwell arguments of the kind just discussed?

ALCUIN. These localities are investigated with an eye to the advantage which the resources of each will give to either disputant.

CHARLEMAGNE. In what manner are these resources used?

ALCUIN. Well, the plaintiff ought to discredit the life of the accused prior to the crime under dispute, or dwell upon his shameful lineage, or his immoral propensities, or his bent for habitual wickedness, or the cruelty of the things he has done. The plaintiff ought also to show, if he can, that the defendant has previously been convicted of a similar crime, and how dishonorable he has been, or how covetous, or how ill-humored, or how inhuman. Proof of these accusations will make it seem altogether plausible that a man of this cast would be the very one to embroil himself in such a crime. The extent to which the plaintiff can detract from the honor and authority of the defendant is indeed the precise extent to which the effectiveness of the entire defense will be diminished. If the defendant cannot be discredited by the exposure of his other earlier misdeeds and faults, then the judges should be urged to render their judgment, not on the former reputation of this man, but on his present crime. The plaintiff may argue in this connection that the defendant has thus far been able to conceal his true character, but now shows himself to be what he really is; and therefore, that the present crime should not be considered in the light of his past life, but that on the contrary his past life acquires discredit from the present crime.

CHARLEMAGNE. If the plaintiff is able to make all these thrusts against the accused, what resources are left for an adequate defense?

ALCUIN. An adequate domain is left for the defendant's case, just as one protecting shield repels a volley of destructive arrows. The defendant should first show, if he can, that his life has been most honorable and most steadfast towards the State, or towards his parents, relatives, and friends; and that his deeds, if they must be mentioned at all, are to be praised for having been done well and faithfully and bravely; and that it is a sorry spectacle indeed if such marks of good conduct are erased by so insignificant an

cupiditate vel malitia seu infidelitate perpetrasset, sed casu
et ignorantia aut alterius suggestionem fecisset, nullumque
670 patriae profectibus vel pietati parentum vel dignitati morum
studere velle, si quolibet parvo vel levi reatu priora bona
adnullanda sunt. Et hoc optimis viris esse perniciosum, ut
malitiosus quilibet bonos insimulare audeat. Sin autem in
675 ante acta vita aliquae turpitudines erunt, has eum aut impru-
dentiae necessitudine aut adulescentiae persuasionem perpe-
trasse, aut aliquorum invidia fictas aut falsa opinione inlatas
esse dicendum erit. Si vero nullo modo vitae turpitudine aut
infamia leniri potest oratione, negare oportebit de vita eius
et de moribus quaerere, sed de uno crimine, de quo arguatur,
680 quare ante actis omissis illud quod instat agi oportere.

27. KARLUS. Dixisti quod alia argumenta a personis,
alia a negotiis; haec enim a personis sunt, quae modo dixisti:
sed superest ut a negotiis dicas, et primum quid negotium
nomines dicito.

685 ALBINUS. Negotium est ipsum factum, in quo inter
accusatorem et defensorem controversia est. Cum vero ex
negotiis argumenta sumenda erunt, tria considerata sunt:
primo, quid sit ante rem, quid in re, quid post rem, ut in
facto cauponis ante rem fuit, quod in itinere illi duo famil-
690 iariter ibant, quod simul diverterent in hospitium et simul
cenarent: in re nox, somnium, occisio: post rem, quod solus
ierit, quod socium reliquerit, quod cruentum gladium
habuerit. Est quoque quartum, quod ad negotium pertinet, id
est, quae lex sit eius rei vel qui sint auctores eius vel quo id

accusation. Or he should show that the deed was done not as the result of covetousness or malice or disloyalty, but rather by accident or in ignorance or at the instigation of another; and that no one will wish to strive for public reforms, or for the improvement of the sense of devotion towards parents, or for an intensification of the feeling of moral propriety, if at any place whatever his former good works are to be nullified by a small or minor crime; and that it is dangerous indeed to good men if the first bad man who comes along dares to prefer charges against them. If, however, there are disgraceful acts in a man's life prior to the crime under dispute, then he should urge that he committed them in unavoidable ignorance or as the result of the counsels of youth, or that false reports of them have been scattered about by the envy of some or by the lies of others. But if words are powerless to moderate the fact of a man's previous dishonor and ill-fame, then he should say that the issue does not concern his past life and conduct, but does concern only the crime of which he stands accused. And thus having excluded the previous acts, he should devote himself to that under dispute.

27. CHARLEMAGNE. You said that the materials of proof are derived from the persons or events involved in the case. Since you have just described the argumentative resources of the first category, it now remains for you to speak about proofs derived from the events in the case. And, pray, first tell what you mean by 'events in the case.'

ALCUIN. The events in the case are the very events under dispute between plaintiff and defendant. Three things should be considered in exploring the argumentative possibilities of these events. First, what took place before the crime; secondly, what took place during the crime; and thirdly, what took place after the crime. These three considerations are illustrated by the case which concerned an innkeeper. Before any crime was committed, two men were going on a journey together in a friendly way, and lodged together at an inn, and dined in each other's company. The events connected with the crime during the period when it was committed were: Night, sleep, murder. After the crime was committed, the following things happened: One man went on alone, leaving his companion, and having in his possession a bloody sword. There is also a fourth consideration that has reference to the events in the case, and it is fulfilled by asking what law applies to the crime,

695 nomine quod factum est appellari debeat. Ante enim rem
 causa facti considerata est, id est, an spe lucri vel causa
 inimicitarum vel metus vel amici occiderit hominem; nam
 frustra hominem occidere velle incredibile est. Omnino in
 700 gestione rei locus, tempus, occasio, modus, facultas consid-
 erari solet, id est, in quo loco vel in quo tempore vel per
 quem modum vel qua occasione aut facultate occiderit hom-
 inem, quaerendum est. Post gestam rem considerabuntur
 signa quaedam gestae rei, ut cruor caedis signum est et fuga
 reatus saepe signum solet esse.

705 28. KARLUS. Commemorasti locos argumentorum et
 confirmationum, sed ipsa argumentatio, ut reor, nequaquam
 uniformis esse potest.

ALBINUS. Non uniformis, sed omnis argumentatio,
 quae ex his locis quos commemoravimus conficitur, aut
 710 probabilis aut necessaria debet esse. Necessaria sunt quae
 aliter fieri non possunt, ut 'si peperit, concubuit cum viro.'
 Haec vero per complexionem seu per enumerationem vel
 simplicem conclusionem fiunt: per complexionem, in qua
 utrum concesseris reprehenditur ad hunc modum: 'si in-
 715 probus est, cur tueris? si probus, cur accusas?' Per enumera-
 tionem, in qua pluribus rebus inductis una necessario con-
 firmatur, hoc pacto: 'necesse aut inimicitarum causa ab
 hoc esse hunc occisum aut metus aut spei aut alicuius amici
 causa, et si horum nihil est, relinquitur ab hoc non esse
 720 occisum; nam frustra homo occidi non potest.' Per sim-
 plicem conclusionem hoc modo: 'si vos me istuc eo tempore

and who wrote that law, and what name should be given to the crime that has been done. When we explore what took place before the crime was committed, we ought especially to look for the motive, and in this locality we ask whether the accused killed his victim in expectation of profit, or in the desire for vengeance, or because of fear, or because a friend wished the victim slain. The motive of a crime is of importance because people do not believe that a man would wish to kill another without cause. When we explore what took place during the crime, we customarily study above all the place, the time, the opportunity, the manner, and the capacity. In other words, we seek to inquire in what place, or at what time, or in what manner, or with what opportunity, or by what power or capacity, the accused may have killed his victim. When we view what took place after the crime, we should look for every available sign that points to the guilt of the accused, remembering as we do that blood on his person is a sign of murder, and flight the usual sign of guilt.

28. CHARLEMAGNE. You have mentioned the localities of arguments and proofs; but the very process of argument cannot, as I understand, be in any sense a uniform process.

ALCUIN. Nor is it uniform. Nevertheless, every argument drawn from the localities which I have mentioned constitutes proof that can be called either Probable or Necessary. Necessary Proofs are those which cannot possibly be used to support any conclusion but one, as: 'If she has had a child, then she has had intercourse with a man.' And such proofs appear in the form of Dilemmas, or Disjunctive Syllogisms, or Simple Inferences. They appear as a Dilemma when either of the two possible replies which you may make can be used against you, as when your opponent says: 'If he is an evil fellow, why do you defend him? If good, why do you accuse him?' Necessary Proofs appear as Disjunctive Syllogisms when all possible assumptions upon the problem in question are openly stated, and one of these is then shown to be the only tenable assumption, as when it is said: 'This defendant must necessarily have killed his victim in a desire for vengeance or because of fear or in expectation of profit or because he acted on behalf of some friend of his. If the defendant acted for none of these reasons, it follows that he is not the man who committed this murder, for one man does not kill another without any motive whatever.' Necessary Proofs appear as Simple Inferences in the

dicitis fecisse, ego eo tempore trans mare fui; ideo id quod vos dicitis, non modo non feci, sed ne potui quidem facere.'

725 KARLUS. Haec, ut intellego, omnino necessaria sunt, sed et, ut video, diligenter videndum, ne quo pacto hoc genus argumentationis refelli possit.

ALBINUS. Est, ut intellegis.

29. KARLUS. Haec argumenta quae dixisti necessaria
730 sunt: iam probabilia quoque dic.

ALBINUS. Probabilia sunt, quae fere fieri solent, ut 'si mater est, diligit filium: si avarus est, negligit ius iurandum.'

KARLUS. Num probabilia semper vera sunt?

ALBINUS. Alia vera in opinione, alia in similitudine:
735 in opinione, ut 'inferna esse sub terra': similitudo in contrariis et in paribus spectatur.

KARLUS. Quomodo in contrariis et in paribus?

ALBINUS. In contrariis hoc modo: 'nam si his, qui
740 imprudenter laeserunt, ignosci convenit, illis, qui necessario profuerunt, haberi gratiam non oportet.' Ex pari sic: 'nam ut locus sine portu navibus esse non potest tutus, sic animus sine fide stabilis amicis non potest esse'.

KARLUS. An omnis argumentatio ex his tantum locis confirmatur, ornatur et consideratur?

745 ALBINUS. Sunt quoque argumentationes, quae per inductionem vel ratiocinationem tractantur, sed hae magis ad philosophos pertinent.

KARLUS. Dic tamen de illis.

following way: 'I was on the other side of the sea at the very time when, according to your express accusation, I committed this crime here. Therefore I did not do what you say, and moreover I could not possibly have done it.'

CHARLEMAGNE. I recognize that proofs like these are necessary ones, beyond all doubt. But yet I also notice that the greatest care must be taken if this kind of argument is not to be vulnerable to counterattack.

ALCUIN. That is true.

29. CHARLEMAGNE. This, then, is the sort of thing which you have called Necessary Proof. Now tell me what Probable Proof is.

ALCUIN. Proofs are Probable when they reflect what commonly happens and what customarily takes place, as: 'If she is a mother, then she loves her son,'; or, 'If he is a miser, then he does not keep his word.'

CHARLEMAGNE. I should like to ask why Probable Proofs are ever considered genuine.

ALCUIN. Some are considered genuine because they rest upon beliefs accepted by public opinion, and others, because they are analogous to what is generally accepted. For example, a belief accepted by public opinion is that 'The infernal regions are under the earth.' Beliefs analogous to those generally accepted are brought to light by investigating opposites and parallels.

CHARLEMAGNE. Investigating opposites and parallels in what way?

ALCUIN. By investigating opposites as follows: 'If it is right for us to pardon those who have in ignorance done us harm, then it is also right that we withhold gratitude from those who through no design of their own do us a service.' By investigating parallels thus: 'Just as a coast without a port cannot be safe for ships, so a man without loyalty cannot be steadfast towards his friends.'

CHARLEMAGNE. But can it be possible that we visit only these few localities in building and embellishing and examining any argument whatever?

ALCUIN. We should also understand that the process of argument is carried on either by Induction or by Deduction, but these types belong rather more to the art of the dialectician than to that of the orator.

CHARLEMAGNE. Nevertheless, tell me about them.

30. ALBINUS. Inductio est oratio, quae per certas res
750 quaedam incerta probat et nolentem ducit in assensio-
nem.

KARLUS. Hoc mirum videtur, si facere potest, ut nolens
consentiat.

ALBINUS. Audies et forte exemplo credis. Nam philos-
755 ophus quidam cum Xenophonte quodam et eius uxore iniit
disputationem, et primum cum uxore sermonem instituit.
'Dic mihi, quaeso, Xenophontis uxor, si vicina tua melius
habeat aurum, quam tu habes, utrum illudne an tuum malis?
Illud, inquit. Quid si vestem et ceterum ornatum muliebrem
760 pretii maioris habeat, quam tu habes, tuumne an illius malis?
Respondit, illius vero. Age, inquit, quid si virum meliorem
habeat, quam tu habes, utrumne tuum virum malis an
illius?' Hic mulier erubuit. Philosophus autem sermonem
cum Xenophonte instituit. 'Quaeso, inquit, Xenophon, si
765 vicinus tuus equum meliorem habeat, quam tuus est, tuumne
equum malis an illius? Illius, inquit. Quid, si fundum
meliorem habeat, quam tu habes, utrum tandem fundum
habere malis? Illum, inquit, meliorem scilicet. Quid, si
uxorem meliorem habeat, quam tu habes, utram malis?'
770 Atque hic Xenophon quoque ipse tacuit. Post philosophus:
'Quoniam uterque vestrum, inquit, id mihi solum non re-
spondit, quod ego solum audire volueram, egomet dicam
quid uterque cogitet. Nam et tu, mulier, optimum virum
vis habere, et tu, Xenophon, uxorem lectissimam maxime
775 vis. Quare, nisi hoc perfeceritis, ut neque vir melior neque
femina lectior in terris sit, profecto semper id, quod opti-
mum putabitis esse, maxime requiretis, ut et tu maritus sis
quam optimae, et haec quam optimo viro nupta sit.' Hic
rebus non dubiis dubia probavit propter similitudinem in-
780 ductionis. Quod si quis separatim quaereret, forte non
concederetur.

30. ALCUIN. Induction is a process of argument designed to force an unwilling opponent to assent to our proposition, the method being to use truths not open to question to prove conclusions more open to question.

CHARLEMAGNE. It seems incredible that Induction can force an unwilling opponent to accept our case.

ALCUIN. You shall hear a concrete example and then perhaps you will believe it possible. There was once a philosopher who conducted a disputation with a certain Xenophon and his wife, and began by questioning the latter: 'Tell me, I beg of you, O wife of Xenophon, if your neighbor had finer gold than you have, would you prefer her gold or your own?' 'Hers,' she replied. 'What if she had clothing and other ornaments of greater worth than yours, would you prefer yours or hers?' She responded, 'Hers, indeed.' 'Come, then,' said the questioner, 'What if she had a better husband than you have? Would you then prefer your husband or hers?' At this Xenophon's wife blushed. The philosopher then began to question Xenophon. 'I ask you, O Xenophon,' he said, 'If your neighbor had a better horse than you have, would you prefer your horse or his?' 'His,' Xenophon answered. 'What if he had more productive land than you have, which would you prefer to possess?' 'Undoubtedly the more productive,' he said. 'What if he had a better wife than you have? Would you prefer her?' To this question Xenophon also made no answer. Then the philosopher said: 'Since you both fail to give me the one answer that I wished to hear above all, I myself shall tell what each of you has in mind. You, O woman, wish to have the best husband, and you, O Xenophon, desire beyond all else the choicest wife. Therefore, if you, Xenophon, do not succeed in making yourself the most excellent man in the world, and if this woman fails to make herself the most perfect wife, then each one of you will continue to prefer a more nearly perfect mate; you, Xenophon, will wish yourself the husband of a woman perfect beyond the perfection of your present wife, and she will wish herself the wife of a man perfect beyond your present perfection.' Thus by making use of premises not open to question, the philosopher has established a conclusion which previously would have been disputed. And he has done this by means of inductive resemblances. If he had asked questions which bore no resemblance to the conclusion intended, the final proposition would perhaps not have been conceded.

KARLUS. Iste philosophus non fuit evangelicus.

ALBINUS. Non fuit evangelicus, sed rhetoricus.

KARLUS. Cur credimus ei?

785 ALBINUS. Ille secutus est suam artem.

KARLUS. Quid ad haec? sequamur et nos nostram?

ALBINUS. Sequere quae velis, sequar te sequentem.

KARLUS. Qualis debet esse illa inductio?

ALBINUS. Similis semper ei rei, cuius causa induci-
790 tur.

KARLUS. An lucida vel obscura?

ALBINUS. Videndum est diligenti cura, ut non intellegat
adversarius, quo spectent illae primae inductiones et ad
quem finem sint perventurae; nam qui videt, aut tacendo
795 aut negando non sinit longius ire interrogationem.

KARLUS. Si negat?

ALBINUS. Ostendenda est similitudo earum, quae ante
concessae sunt.

KARLUS. Si tacet?

800 ALBINUS. Iam elicienda est responsio aut, quia taci-
turnitas imitatur confessionem, concludenda est argumen-
tatio, sicut in concessis.

31. KARLUS. Quomodo per ratiocinationem confir-
manda est argumentatio?

805 ALBINUS. Illa enim fit propositione, adprobatione, ad-
sumptione et conclusionem.

KARLUS. Planiora haec exemplo quolibet fac.

ALBINUS. Propositio est, ut: 'melius accurantur quae
consilio geruntur quam quae sine consilio administrantur.'
810 Adprobatio est: 'domus ea, quae ratione et consilio regitur,
omnibus rebus est instructor quam ea, quae sine ratione
et consilio administratur.' Adsumptio est: 'Nil autem om-

CHARLEMAGNE. This philosopher was not a Christian.

ALCUIN. Not a Christian, but nevertheless a good rhetorician.

CHARLEMAGNE. Why do we consider him an authority?

ALCUIN. He followed the principles of his art.

CHARLEMAGNE. What follows next in our discussion? May we ourselves follow on in pursuit of the principles of our art of rhetoric?

ALCUIN. Whatever you wish to follow, may I also follow in following you.

CHARLEMAGNE. What qualities should Induction have?

ALCUIN. An inductive conclusion ought always to resemble those earlier conclusions which are established as the groundwork of the argument.

CHARLEMAGNE. Should this resemblance be obvious or implicit?

ALCUIN. We should exercise great care to see that the adversary does not suspect the direction in which his first admissions look, and the end at which they are eventually to arrive. For he who suspects the aim of the admissions will by silence or denial refuse to permit the questioning to proceed further.

CHARLEMAGNE. What if he takes refuge in denial?

ALCUIN. The resemblances between the admissions already made and the statements now denied should be pointed out.

CHARLEMAGNE. And what if he takes refuge in silence?

ALCUIN. A reply of some sort ought to be elicited. Or, since silence means consent, the argument can be brought to a close just as if he had made an admission.

31. CHARLEMAGNE. In what way is an argument conducted when it takes the form of Deduction?

ALCUIN. Deduction has four movements: The Major Premise; the Proof of the Major Premise; the Minor Premise; the Conclusion.

CHARLEMAGNE. I pray that you make this statement clearer, using examples wherever you can.

ALCUIN. A Major Premise may be illustrated as follows: 'All things which are truly well governed are regulated by a conscious plan rather than by mere accident.' Now comes the Proof of this Major Premise: 'When a household is managed by plan and foresight, it is governed much better in every respect than is a household abandoned to chance and hazard.' Next is the Minor Premise:

nium melius quam omnis mundus administratur.' Hic altera probatio inducitur: 'nam signorum ortus et occasus et
 815 annuae frugum, temporum et dierum mutationes satis mirabili ordine et certa vicissitudine disponuntur, quae signa sunt magno consilio mundum regi.' Tum spectata conclusio proferenda est hoc modo: 'quodsi melius geruntur ea, quae consilio quam quae sine consilio administrantur,
 820 nil autem omnium rerum melius administratur quam totus mundus, consilio igitur mundus administratur.' Hoc argumentum adversus eos valet, qui dicunt mundum casu agi, non consilio regi.

KARLUS. Quid stultius est quam hoc putari?

825 ALBINUS. Stultus stulta aestimat, cui tamen iuxta Salomonem respondendum est, ne sibi sapiens videatur.

32. KARLUS. Recolo te, magister, inter orationis partes reprehensionem nominasse, sed tantam confirmationum seriem audiui, ut vix videatur reprehensori aliquis locus
 830 relictus, quo possit infirmare confirmatam his argumentis causam.

ALBINUS. Relinquitur ei locus infirmandi, sed non nos de ea debemus laborare: paene omnis causa in se ipsa habet loca confirmandi et loca reprehendendi.

835 KARLUS. Suspensus sum tamen, quid de ea velis dicere.

ALBINUS. Dicam, et breviter dicam. Reprehensio est, per quam argumentando adversariorum confirmatio aut infirmatur aut tollitur. Haec autem isdem ex locis sumitur, quibus et confirmatio, quia omnis res paene unde confirmari
 840 potest, inde et infirmari potest; quod sic evenit, si aut falsum est unde conponitur confirmatio, hoc modo: 'non potest sapiens esse, qui pecuniam neglexerit'—multi sapientes

'Nothing is as well governed as the universe.' Then we introduce the Proof of this Minor Premise: 'The rising and setting of the heavenly bodies, the growing and ripening of the fruits of the earth, the alternation of seasons and days, are arranged in a wondrous order and limited to a fixed cycle of change; and these all are signs that the universe is governed with great wisdom.' Finally, the Conclusion is revealed, and it ought to be set forth as follows: 'Since these things which are truly well governed submit to the authority of a conscious plan rather than to the anarchy of chance; and since nothing whatever is so truly well governed as the universe; therefore, the universe is regulated by a conscious plan.' This argument tells heavily against those who contend that the universe flounders along by accident, and is not ruled by a deliberate design.

CHARLEMAGNE. What is more foolish than to give credence to such a contention?

ALCUIN. A fool gives credence to foolish things. But we ought to answer him as if he were the equal of Solomon, lest he appear wise to himself.

32. CHARLEMAGNE. I recall, O Master, that you mentioned Refutation among the parts of the oration. But truly I have just been listening to such an abundant analysis of Proofs that almost no materials seem to be left to an opponent, and no means by which he can undermine a case supported by the arguments you have named.

ALCUIN. To the opponent is left the subject of Refutation, but we should not be discouraged about him; for nearly every case has in itself the materials and localities of Proof and of Refutation as well.

CHARLEMAGNE. Nevertheless, I am in doubt as to what you may wish to say of Refutation.

ALCUIN. I shall speak and speak briefly. Refutation may be defined as the argumentative process by which the Proof of an adversary is either weakened or counteracted. The materials of Refutation are drawn from the very localities which hold Proof, since it is generally true that any conclusion can be supported from the resources of the region wherein it can also be disproved. Thus an argument is subject to attack if its proof is selected from material that is false or counterfeit, as is the case with the following assertion: 'He who ignores wealth cannot be wise.' Here it is

pecuniam neglexerunt:— aut commune, quod nihilo minus
ab adversariis potest dici hoc modo: 'idcirco, iudices, quia
845 veram causam habebam, breviter peroravi': aut leve est:
'si in mentem non venisset, non commisisset': aut remotum
et longius incipit quam satis est: 'Si Scipio Tiberio Graccho
filiam suam Corneliam non dedisset, haec seditio a filiis
eorum in populo non accidisset: quare Scipioni hoc malum
850 deputandum est.' Aut offensum est, id est quod eorum qui
audiunt laedit voluntatem, ut si forte ante avarum accuses
pecuniae amorem: aut adversarium, id est quod tuae causae
officit, ut si, cum milites tuos hortari debeas, copias hostium
et fortitudinem laudes. Item complexio reprehenditur, si
855 converti potest hoc modo: 'nam si veretur, non est ac-
cusandus, quia probus est: si vero non veretur, scit se in-
nocentem esse, et ideo non est accusandus.' Hic vereri eum
sive non vereri dicas, hoc putat concedendum, ut neges
accusandum esse: quod conversione sic reprehenditur:
860 'immo accusandus est, si veretur, testatus se innocentem
non esse: si vero non veretur, probus non est ac ideo ac-
cusandus est.' Item enumeratio reprehenditur, si praeteritur
quiddam in enumeratione, hoc modo: 'quia habes equum
istum, aut emisti eum aut hereditate tibi evenit aut munere
865 datus est tibi aut, si horum nihil est, subriperis eum necesse
est.' Quod hoc modo reprehenditur, si dici potest ex hostibus
esse captum. His et aliis multis modis reprehendi possunt
argumentationes, qui summo studio cavendi sunt oratori
magis quam mihi propter brevitatem explanandi.

obvious, of course, that many wise men have ignored wealth. An argument is also subject to attack if its material is common, that is, if nothing less than it can be said by our opponents, as: 'Because I had a sound argument, O Judges, I have therefore argued briefly throughout.' A like vulnerability appears if the material is trivial; for example, 'If it had not come into his mind, he would not have done it.' Argumentative material that reaches back into the remote past and begins at an earlier point than is necessary, has a kindred deficiency; as, 'If Scipio had not given his daughter Cornelia in marriage to Tiberius Gracchus, this conspiracy by the sons of that pair would not have been perpetrated against the people. And therefore this evil ought to be charged to Scipio.' Another weakness besets proof when its material gives offense, that is, when it hurts the feelings of those who listen, as perchance if you assail a miser in the presence of a miserly judge. Another weakness occurs if the material is antagonistic to your subject and damages it, as when you praise the numerical strength and bravery of the enemy in an attempt to encourage your own soldiers. Moreover, you refute a Dilemma if you are able to propose a Counterdilemma, thus: 'If the defendant appears terrified, then he is a man of integrity, and hence should not be accused; if he in fact does not appear terrified, then he knows that he is innocent, and therefore should not be accused.' Now whether you assert that the defendant does, or does not, appear terrified, the conclusion (that you do not believe in prosecuting him) is held to have been proved. But this Dilemma may be refuted by means of a Counterdilemma, as follows: 'If the defendant appears terrified, then his terror proves his guilt, and hence he should be prosecuted; if he does not appear terrified, then he is not a man of integrity, and hence he should be prosecuted.' Likewise, a Disjunctive Syllogism may be refuted if the enumeration of possibilities is not exhaustive, as in the following argument: 'Since you have that horse, you must either have purchased it, or acquired it by inheritance, or received it as a gift. If you possess it for none of these reasons, you must then have stolen it.' This argument may be refuted if you can show that the horse was captured from the enemy. Arguments are susceptible to refutation in these and many other ways, all of which the speaker must take into account with a far greater diligence than that which the demands of brevity have permitted me to use in explaining them.

870. 33. KARLUS. Restat conclusio sola, quam sex partium orationis posuisti extremam, de qua ordo postulat ut dicas.

ALBINUS. Conclusio est exitus et determinatio totius causae.

KARLUS. Quot habet partes?

875 ALBINUS. Tres: enumerationem, indignationem, conquestionem.

KARLUS. Enumeratio conclusionis quae est?

880 ALBINUS. Enumeratio conclusionis est, per quam res dispersae in unum locum coguntur et reminiscendi causa unum sub aspectum simul subiciuntur, hoc modo: 'quidnam amplius desideratis, o iudices, cum vobis hoc et hoc dixi, hoc et hoc vobis planum feci?'

KARLUS. Quid efficit indignatio?

885 ALBINUS. Odium in adversarium vel offensionem in eius causam.

KARLUS. Hoc maxime velim scire, quomodo id effici possit.

890 ALBINUS. Eius praecepta plurima sunt talia, si demonstramus illam rem, quam adversarius defendit, diis immortalibus, sapientissimis homnibus, senatui, populo indignam videri; item si demonstramus adversarii alia facta crudelia, iniusta, avara, inhonesta, contumacia; item si transactam eius vitam moresque inprobamus; item quid mali sit futurum, si non puniatur; item voluntario maleficio
895 vel inconsueto veniam non debere dari; item si superbiam vel arrogantiam eius ostendimus; item ut de se ipse iudex cogitet vel de suis caris, si quid tale eis accidisset: item multos alacres expectare, quid statuatur de hac re, ut ex eo quod huic concessum sit, sibi quoque tali de re quid
900 liceat intellegere possint. Item indignamur taetrum, crudele, nefarium, tyrannicum scelus non ulcisci, quod remotum sit

33. CHARLEMAGNE. The Conclusion alone remains to be considered, which you placed last of the six parts of the oration. And the order demands that you speak now of it.

ALCUIN. The Conclusion is the end and destination of the whole undertaking.

CHARLEMAGNE. How many functions does it have?

ALCUIN. Three: that of summarizing, that of arousing indignation, and that of voicing a lament.

CHARLEMAGNE. What do you mean by 'summarizing' in a Conclusion?

ALCUIN. A Summary is that movement of the Conclusion which aims to collect in one place the points previously discussed as separate items, and to bring them as it were within the compass of a single glance, in order that they shall be remembered. Here is an example: 'What more do you wish for, O Judges, now that I have said such and such to you, and to you have made such and such clear?'

CHARLEMAGNE. What arouses indignation?

ALCUIN. An antipathy towards the opponent, or a dislike of his subject.

CHARLEMAGNE. I should particularly like to know how this can be accomplished.

ALCUIN. In respect to this there are a very great many rules. One bids us to show that the subject upheld by our opponent appears to be degrading in the eyes of the immortal gods, the wisest men, the Senate, the people. A second bids us prove that other actions of our opponent are cruel, unjust, miserly, dishonest, insolent. Another, that we condemn his past life and habits. Another, that we show what evil will befall if he is not punished. Another, that indulgence should not be extended to a wilful or unusual crime. Another, that we point out our opponent's pride or arrogance. Another, that we demonstrate what would have happened if a crime like this should have been perpetrated upon those near and dear to the listeners, our object being to make the judge consider the crime in relation to himself and his loved ones. Another rule advises that we point to the large number of those who eagerly watch the verdict in this case, so that they can estimate by our present leniency how far we would be lenient towards them if they committed a similar crime. Another bids us reveal how indignant we are that an unspeakable, bloodthirsty, wicked, tyrannical crime is

ab omni lege et aequitate, tale factum non vindicari. Item
in eos, qui neque laedere alium nec se defendere potuerunt,
crudeliter facta dicemus, ut in pueros, mulieres, senes,
905 infirmos; item in peregrinos, in hospites, in vicinos, in
amicos atrocia gesta. Item ut iudex videat, si ipse interfuerit
ac praesens viderit. Item si ostendi potest ab eo factum,
a quo minime oportuerit, et a quo, si alius fecerit, prohiberi
conveniret. His et aliis plurimis modis, prout se causa, locus
910 et tempus et persona affert, indignationem aut offensionem
in adversariis concitare debes.

34. KARLUS. Bene intellego de eiusmodi oratione posse
animos audientium ad indignationem instigari.

ALBINUS. Nam, ut dixi, ex his argumentationibus, quae
915 ex personis aut ex negotiis veniunt, amplificationes et in-
dignationes nasci possunt.

KARLUS. Possunt, ut certum teneo: sed quid sit con-
questio et quid efficiat et quomodo sit perficienda edicito.

ALBINUS. Conquestio est oratio auditorum misericor-
diam captans. In hac primum auditoris mitem et
920 misericordem conficere oportet, quae multis modis fit, ut
quae commoda perdiderit et in quibus incommodis sit, ut
in morte filii amor, spes, solacium, educatio, item quanta
bona fecisset ei, qui tanta mala fecisset sibi; item quam
925 turpes res et inliberales adversarius profert; item quam
miserum vobis videretur, o iudices, si adfuissetis; item,
dum bona speravi, venerunt mihi mala. Item inopia, in-
firmitas, infelicitas conqueritur, item disiunctio amici, pa-

not punished, and that such a deed, at variance with all law and justice, is not avenged. Another suggests that we call those deeds cruel which are perpetrated against those who cannot injure others or defend themselves, and in this class are crimes against children, women, old men, invalids. Likewise atrocious are crimes against strangers, guests, neighbors, friends. Another rule is that we describe the crime so that the judge may see it as if he himself had been present, and had witnessed it in person. Another rule bids us to show, if possible, that the crime was committed by the last person in the world who should have done it and by the very one who should have been first to prevent another from doing it. In these and a great many other ways we should arouse an antipathy towards the opponent and a dislike of his subject, according as the subject, the place, the time, and the person give us the opportunity.

34. CHARLEMAGNE. I well understand how utterances of this kind are able to inspire an antipathy in the minds of an audience.

ALCUIN. As in the process of amplification, so in that of arousing antipathy, the necessary materials can be produced, as I have said, from each of the arguments found by considering the persons and the events involved in the case.

CHARLEMAGNE. You are right beyond any doubt. But explain next what you mean by the third function of the Conclusion, that of voicing a lament, and then show what means are used to voice it, and in what way it ought to be done.

ALCUIN. To voice a lament is to speak in such a way as to move the hearers to sympathy. In speech of this sort, the prime necessity is to render the spirit of the hearer mellow and warmhearted. This object may be accomplished in many ways. One way is to show what benefits we may have lost, and with what misfortunes we are now beset. In the death of a son, for example, we lose the love, the hope, the consolation which a child bestows upon us, and we also lose our pleasure in watching over his education. Another way is to show what great good we would have done our opponent, what great injury he would have done us. Another way is to indicate how shameful and ungenerous are the accusations voiced by our opponent. Another way is to declare: 'How piteous it would have seemed to you, O Judges, if you had been present,' or 'When I had reason to expect good fortune, calamity came to me instead.' Another way is to deplore our poverty, our physical disabilities, our unhappiness. Still another, to express sorrow that our friends,

rentis, filii, fratris, uxoris et suavium personarum; item
930 quod male tractetur ab eis, a quibus non conveniat, amicis,
servis; item quam misericors essem in illum. Nam gravitas
sermonis et auctoritas plus proficit saepe ad misericordiam
quam humilitas et obsecratio. Sed nunc habes de prima et
maxima parte rhetoricae artis, id est inventione: iam
935 transeamus ad alias partes.

35. KARLUS. Transeamus, sed primum dic, quid sit
sophistica locutio?

ALBINUS. Si me alius quis de scola palatii tui inter-
rogasset, forsitan ostendissem ei.

940 KARLUS. Cur alteri et non mihi? an invides me scire?

ALBINUS. Non invideo, sed parco et honoro.

KARLUS. Non video honorem mihi esse, dum interro-
gata negas.

ALBINUS. Licet mihi interrogare te?

945 KARLUS. Cur non? nam interrogare sapienter est docere:
et si alter sit qui interrogat, alter qui docet, ex uno tamen,
hoc est sapientiae fonte, utrisque sensus procedit.

ALBINUS. Etiam procedit, et si alter est qui interrogat,
alter qui respondet: tunc tu quidem non es idem qui inter-

950 rogas, quod ego qui respondeo.

KARLUS. Nequaquam idem.

ALBINUS. Quid tu?

KARLUS. Ego homo.

ALBINUS. Vides quomodo potes me concludere.

955 KARLUS. Quomodo?

ALBINUS. Si dicis, si non idem ego et tu, et ego homo,
consequens est ut et tu homo non sis.

KARLUS. Consequens.

ALBINUS. Sed quot syllabas habet homo?

our parents, our sons, our brothers, our wife, our agreeable friends have been torn from us. Another is to show what harm has been done us by our friends, by our servants, or by any one whom an action of this kind does not befit. Another way is to reveal our feelings of sympathy towards others. Indeed, the self-esteem and self-respect which are shown by the words we utter more often dispose others to sympathy than do words spoken in the spirit of self-humiliation and self-abasement. But now you have a knowledge of the first and most important part of the art of rhetoric, that is, the part called Invention; so now let us go on to the other parts.

35. CHARLEMAGNE. Let us do so. But first tell me what Sophistical Discourse is.

ALCUIN. If some other member of the school here at your palace had asked me this question, perhaps I should have been ready to answer it for him.

CHARLEMAGNE. Why for others and not for me? Or do you begrudge my knowing it?

ALCUIN. I do not wish to hinder, but rather to spare and honor you.

CHARLEMAGNE. I do not see what honor you do me when you refuse to answer my questions.

ALCUIN. May I then adopt the role of cross-examiner?

CHARLEMAGNE. Why not? To question wisely is to instruct. And if one asks questions, and the other teaches, nevertheless from one source alone flow the ideas of both, and that source is the fount of wisdom.

ALCUIN. That is true. Now, if one of us is he who questions and the other, he who replies, then it follows that you who question are not the same one as I who reply.

CHARLEMAGNE. In no sense the same.

ALCUIN. What are you?

CHARLEMAGNE. I am a mortal.

ALCUIN. You see now how you can get the better of me?

CHARLEMAGNE. How?

ALCUIN. If you get another to agree that you and he are not the same, and get him also to agree that you are a mortal, then he is forced to admit that he is not a mortal.

CHARLEMAGNE. The admission follows.

ALCUIN. But how many syllables has *mortal*?

- 960 KARLUS. Duas.
ALBINUS. Numquid tu duae syllabae es?
KARLUS. Nequaquam, sed quorsum ista?
ALBINUS. Ut sophisticam intellegas versutiam et videas
quomodo concludi potes.
- 965 KARLUS. Video et intellego ex prioribus concessis, dum
concessi, ut et ego homo essem, et homo duae syllabae sunt,
concludi me posse, ut ego hae duae syllabae sim. Et miror,
quam latenter induxisti me prius ut concluderem te, quod
homo non esses, post et me ipsum, quod duae syllabae
970 essem.
36. Memini te, magister, post inventionem posuisse
dispositionem, in qua praecepisti inventas res oratorem ordi-
nate distribuere. Si haec quoque aliqua habeat praecepta,
pande mihi.
- 975 ALBINUS. Non multa per se habet haec pars ad se solam
pertinentia praecepta, quae non inveniantur in inventionis
praeceptis vel elocutionis. Nam et haec rebus et verbis max-
ime prodest et ornamentum fidemque argumentationibus
praestat et laudem orationi tribuit, cum omnia enim non so-
lum ordine, sed etiam momento quodam atque iudicio dispen-
980 sanda et componenda sunt, prout praesens ratio utilitatis aut
decoris aut necessitatis exegerit. Sed quod ad verborum dis-
positionem pertinet, satis plene docetur, cum de elocutione
tractatur: de rerum vero dispositione per singula membra
985 orationis in inventionis praeceptis traditum est.
37. KARLUS. Iam nunc nos ordo disputationis ad elo-
cutionis deduxit inquisitionem, quae magnam causae adfert
venustatem et rhetori dignitatem: nec te ab huius tam facile
excusas responsis, quam in dispositionis te praeceptis
990 eruisti.
- ALBINUS. Non me excuso, sed tuas, domine mi rex,

CHARLEMAGNE. Two.

ALCUIN. Then you are two syllables?

CHARLEMAGNE. By no means. But to what end do you ask that?

ALCUIN. That you may understand the guile of the sophist, and perceive how you can be outwitted.

CHARLEMAGNE. I perceive now, and understand as well, what my previous admissions imply. When I admit that I am a mortal and that *mortal* is two syllables, then I am forced to admit that I am these two syllables. I am surprised indeed to see how artfully you led me on so that at first I got the better of you by making you admit that you are not a mortal, and then you outwitted me by forcing me to say that I am two syllables.

36. I call to mind, O Master, that after Invention you placed Arrangement, in which the speaker is taught how to arrange in proper order what materials he has discovered. If Arrangement has other precepts, pray point them out to me.

ALCUIN. This part of rhetoric does not have many rules peculiar to itself. In fact, its rules may be found among the precepts of Invention and Style. Every detail of a speech should be disposed and arranged, not only in respect to its proper order, but also in respect to its significance and its authority; and the process of arrangement is conducted as immediate estimates of usefulness, decorum, and necessity may have required. Hence, this part of rhetoric confers the greatest of benefits upon the substance and the words of a speech, giving distinction and credibility to arguments, and lending excellence to language. But the principles which govern the arranging of words are set forth with due completeness when we handle the whole subject of Style. And as for the knack of arranging the substance and distributing persuasive materials among the particular parts of the speech, this has been revealed in our discussion of the precepts of Invention.

37. CHARLEMAGNE. The plan of our dialogue now leads us to an examination of Style, the principles of which are designed to bestow great charm upon the speaker's subject and great authority upon the speaker himself. And you are not going to be as readily excused from a discussion of this topic as you were when you answered my question in respect to the precepts of Arrangement.

ALCUIN. My Lord King, I do not seek to excuse myself, but

licet tardo pede, non tamen tarda voluntate sequar interrogationes.

KARLUS. Primo qualis esse debeat elocutio aperi.

995 ALBINUS. Facunda debet esse et aperta.

KARLUS. Quomodo aperta?

ALBINUS. Aperta erit, si uteris significantibus, et propriis verbis et usitatis sine ambiguo, non nimis procul ductis translationibus nec interposito hyperbato.

1000 KARLUS. Quomodo facunda?

ALBINUS. Facunda erit, si grammaticae regulas servat et auctoritate veterum fulcitur.

KARLUS. Qualiter ad auctoritatem priscorum potest oratio nostra pervenire?

1005 ALBINUS. Legendi sunt auctorum libri eorumque benedicta memoriae mandanda: quorum sermone adsueti facti qui erunt, ne cupientes quidem poterunt loqui nisi ornate. Neque tamen utendum erit verbis priscis, quibus iam consuetudo nostra non utitur, nisi raro ornandi causa et parce, 1010 sed tamen usitatis plus ornatur eloquentia.

KARLUS. An magis ornatur in singulis verbis vel in coniunctione verborum eloquentia?

ALBINUS. Utrumque: nam et in singulis verbis et in coniunctione verborum decus orationis constat.

1015 KARLUS. Si in utrisque constat, de utrisque dic.

ALBINUS. In singulis verbis duo sunt, quae orationem inlustrant, aut si sit proprium verbum aut translatum. In propriis illa laus est, ut abiecta et inconsueta fugiamus, electis et inlustribus utamur, in quibus plenum quiddam et 1020 consonans inesse videatur; in quo consuetudo etiam bene loquendi valet plurimum. In translatis late patet ornatus,

you. I may seem indeed to follow your questions with a slow foot, but I shall not follow them with a reluctant will.

CHARLEMAGNE. First, then, pray open the subject as to what quality Style should have.

ALCUIN. Style should be eloquent and open.

CHARLEMAGNE. How is it made open?

ALCUIN. It will be open if you avoid ambiguity and employ words which are concrete, specific, familiar; and if you do not indulge in far-fetched metaphors, nor allow too drastic a transposition of words when hyperbaton is used.

CHARLEMAGNE. How is Style made eloquent?

ALCUIN. It will be eloquent if it observes the rules of grammar, and is supported by the authority of the ancients.

CHARLEMAGNE. How can our speech attain the authority which that of the ancients had?

ALCUIN. Their books ought to be read, and their words well impressed upon our memory. Whoever has fashioned his style upon theirs cannot consciously express himself in a manner devoid of refinement. Nevertheless, we should not employ antique words that our present usage does not recognize. Of course we may avail ourselves of such words if we do so only now and then, and exercise due thrift in the matter, and omit them except where they are decorative. But true eloquence finds current words more suited to her ends.

CHARLEMAGNE. Is speech more likely to achieve adornment in respect to the separate words of our language, or in respect to words in combination?

ALCUIN. Both are important. That is to say, the adornment of speech depends upon words used severally, and also upon words joined together.

CHARLEMAGNE. If adornment has these two aspects, speak then of both.

ALCUIN. Two kinds of single words add luster to the speech. One kind consists of literal terms; the other, of figurative terms. Excellence is achieved in the use of literal terms when we avoid those which are debased and obsolete, and select those which, being choice and clear, seem to possess the quality of fulness and agreement. The fixed habit of speaking well has the greatest possible influence upon our ability to choose such words. Adornment is attainable everywhere in the realm of figurative terms, which owe

quem genuit necessitas, inopia coacta et angustiis, post autem delectatio et iocunditas celebravit. Nam ut vestis frigoris repellendi causa reperta primo, post adhiberi coepta
 1025 est ad ornatum etiam corporis et dignitatem, sic verbis translatio instituta est inopiae causa, deinde frequentata est delectationis et ornatus. Nam gemmare vites, luxuriare messem, fluctuare segetes etiam rustici dicunt; quod enim declarari vix verbo proprio potest, id translato inlustratur.
 1030 Ea tamen transferri oportet quae clariorem faciunt rem, ut est horrescit mare et fervet aestu pelagus. Nonnumquam etiam brevitatis translatione conficitur, ut telum manu fugit; imprudentia enim teli missi propriis verbis exprimi brevius non posset, et quoniam summa haec laus est verbi translati,
 1035 ut sensum aperiat.

KARLUS. An undecumque licet ducere translationes?

ALBINUS. Nequaquam, sed tantum de honestis rebus. Nam summopere fugienda est omnis turpitudine earum rerum, ad quas eorum animos qui audiunt trahet similitudo, ut
 1040 dictum est 'morte Africani castratam rem publicam' et 'stercus curiae': in utroque deformis cogitatio similitudinis. Item non sit maior translatio, quam res postulet, ut 'tempestas litis,' aut contra minor, ut 'aer tonat, ceu dormiens stertit.' Est quoque pulchra translatio per metonymiam, cum res
 1045 per auctorem rei significatur, ut pro bello Martem et pro frugibus Cererem: aut cum virtutes et vitia pro ipsis, in quibus sunt, appellamus, ut 'in quam domum luxuries inrupit et avaritia penetravit.' Est et synechdochica translatio pulchra, cum ex parte totum aut ex toto partem significamus,

their origin to man's need of a language, and to the sterility and poverty of his early speech. More recently, however, his delight and pleasure in the use of figures have given them prestige. As clothing was first devised to protect him from the cold, and in course of time became an ornament of his person and a symbol of his rank, so figurative language was first used to satisfy a need, and later was given new popularity by the pleasure it provided, and by the ornamental effect it produced. Indeed, even farmers speak of 'the fingers' of a vine, 'bumper crops,' and 'waving fields.' Often a figurative term will on the instant clarify the meaning which a parallel literal term is powerless to convey. Nevertheless, ideas expressed figuratively should always be ideas which achieve greater clarity by that means, as is true when we say that 'the sea bristles up, and the waves hotly boil.' Sometimes, too, the figurative term is a means of attaining brevity, as in the expression, 'The spear escaped from his hand.' Here, indeed, literal terms could not possibly convey as briefly the idea that the spear was launched without conscious aim. Thus in general the greatest virtue of figurative terms is that they lay bare the thought.

CHARLEMAGNE. Is it permissible to draw figures from any materials whatever?

ALCUIN. Not at all. We should draw them preponderantly from appropriate materials. Indeed, we should rigidly avoid debasing the subject to which our metaphor calls the attention of our listeners. It has been said, for example, that 'the death of Africanus castrated the State,' and that someone was 'the dung of the Senate'; but in each of these figures, the mere thought of the resemblance is unpleasant. Moreover, a metaphor should not have a grandeur that ill befits its subject—we should not speak of 'the tempest of the dispute.' Nor on the other hand should we use a metaphor beneath the dignity of the subject, as we do when we say that 'the air roars like a man snoring in his sleep.' In addition to the metaphor, metonymy is a beautiful figure, and it consists in naming an object after that which produces it, as when, instead of 'war,' we say 'Mars,' and instead of 'fruits,' 'Ceres.' The same figure is produced when we name virtues or vices instead of naming the persons who possess them. Thus we declare that 'into this home Extravagance has forced its way, and Avarice has penetrated.' Synecdoche is also a beautiful figure. It is used when we designate a whole by its part

1050 ut pro tota domu tecta dicamus aut pro undis mare.

38. KARLUS. Qualis oportet verborum esse coniunctio?

ALBINUS. Decens et conposita et concompacta, ut ne sit
hiulca vocalibus, ut 'placida aura adest': nec aspera conso-
nantibus, ut multum ille luget: nec ab ultima syllaba prioris
1055 verbi sequens verbum incipiat, ut prima mater: ne prima
cum ultima efficiat obscenitatem, ut numerum numquam
intellexi. Cavendum quoque est ne inania verba non rei
agendae, sed structurae tantummodo implendae causa pro-
ferantur, et, ut ad summum veniamus, sicut reliquarum
1060 rerum fundamentum est sapientia, ita et in eloquentia
quoque; ut enim in vita, ita et in oratione nil clarius est
quam omnia sapienter fieri. Quapropter oratori summopere
praevidendum est, quid sibi deceat et suae conveniat causae,
non in sentiendi solum, sed etiam in verbis; non enim omnis
1065 fortuna, non omnis honos, non omnis auctoritas, non omnis
aetas, nec vero locus aut tempus aut auditor omnis eodem
aut verborum genere tractandus est aut sententiarum, sem-
perque in omni parte orationis, ut vitae, quid deceat consid-
erandum.

1070 39. KARLUS. Quid dicis de nobilissima, ut reor, rhe-
toricae parte, memoria?

ALBINUS. Quid aliud nisi quod Marcus Tullius dicit?
quod thesaurus est omnium rerum memoria, quae nisi cus-
tos cogitatis inventisque rebus et verbis adhibeatur, intel-
1075 legimus omnia, etiamsi praeclara fuerint, in oratore
peritura.

KARLUS. Suntne aliqua eius praecepta, quomodo vel
illa optinenda sit vel augenda?

ALBINUS. Non habemus eius alia praecepta, nisi edis-
1080 cendi exercitationem et scribendi usum et cogitandi studium
et ebrietate cavenda, quae omnibus bonis studiis maxime

or the part by its whole. Thus in place of the whole 'house' we may say, 'roof,' or in place of the 'billows,' the 'sea.'

38. CHARLEMAGNE. Now tell me what should be the characteristics of words as they appear in combinations.

ALCUIN. The arrangement of words should be fitting and orderly and compact, so that no hiatus may occur on account of vowels, as in 'Placida aura adest,' and no friction among consonants, as in 'Multum ille luget'; and so that the last syllable of a previous word does not begin the following word, as in 'Prima mater;' and so that a preceding syllable, pronounced in conjunction with a later one, does not produce an impropriety, as in 'Numerum numquam intellexi.' We should also avoid using empty words—those which are introduced not to contribute to the advancement of the subject, but merely to give a semblance of finish to the structure. Coming now to the most important observation, we say that, just as wisdom is the foundation of everything else, so it is the true foundation of eloquence. As in life, so in speech, nothing is more praiseworthy than to do everything wisely. Therefore, the speaker should train himself to have above all an understanding of what befits himself and his subject, a sense of decorum in his choice of ideas and of words. He should not express himself in identical thoughts and phrases when he speaks to the different degrees of fortune, rank, prestige, age; his style should not be insensitive to the adaptations suggested by the place and time of his speech, and by the audience he faces; in every part of his speech, as in every minute of life, he should let his sense of decorum be his guide.

39. CHARLEMAGNE. What, now, are you to say about Memory, which I deem to be the noblest part of rhetoric?

ALCUIN. What indeed unless I repeat the words of Marcus Tullius that 'Memory is the storehouse of all our experiences, and if it cannot be trained to be the treasury of our thoughts and reflections, if it cannot be used to hold our subject, our very words, then we know that even the most eminent of the speaker's other talents will come to nothing.'

CHARLEMAGNE. Are there not other precepts which tell us how it can be preserved and strengthened?

ALCUIN. We do not have other injunctions upon this subject, except exercise in memorizing, practice in writing, and application to studious activity. We should of course avoid drunkenness, which

nocet, quae non solum corpori aufert sanitatem, sed etiam menti adimit integritatem.

1085 KARLUS. Sufficiunt haec praecepta, si quis idoneus est ad haec implenda; nam ut video tam ardua sunt sensu quam rara verbis.

ALBINUS. Etiam ardua et utilia.

40. KARLUS. Sed ordo meae interrogationis postulat, ut tua responsio ad pronuntiationem procedat, quam quin-
1090 tam partem artis rhetoricae esse in principio nostrae disputationis memini te dixisse, magister.

ALBINUS. Pronuntiatio est verborum dignitas vocis sensibus accommodatio et corporis moderatio. Haec enim in tantum excellit, ut etiam secundum sententiam maximi
1095 Tullii indocta oratio laudem tamen consequatur, si optime proferatur, et quamvis expolita, si indecenter pronuntietur, contemptum inrisionemque mereatur, nisi forte tibi, domine mi rex, aliter videatur.

KARLUS. Mihi nequaquam aliter, sed huius quoque partium praecepta sequenda vel vitia cavenda velim ut dicas.
1100

ALBINUS. Primo exerceri debet vocis et spiritus moderatio et corporis et linguae motus, quae non tam artis sunt quam laboris. Vitia quoque si quae sunt oris, diligenti cura sunt emendanda: ne verba sint inflata vel anhelata vel in
1105 faucibus frendentia nec oris inanitate resonantia, non aspera frendentibus dentibus, non hiantibus labris prolata, sed pressim et aequabiliter et leniter et clare pronuntiata, ut suis quaeque litterae sonis enuntientur, et unumquodque verbum legitimo accentu decoretur, nec immoderato clamore vocif-
1110 eretur, vel ostentationis causa frangatur oratio, verum pro locis, rebus, personis, causis et temporibus dispensanda est.

does the greatest possible injury to all scholarly pursuits, undermining the health of the body, and also weakening the integrity of the mind.

CHARLEMAGNE. These teachings suffice for the person capable of carrying them out. For as I see it, this advice is as exacting in its import as it is sparing in words.

ALCUIN. It is exacting and useful as well.

40. CHARLEMAGNE. But the order of my questions requires that your next replies be concerned with Delivery, which, according to my recollections, O Master, was said by you at the outset of our dialogue to be the fifth division of the art of rhetoric.

ALCUIN. Delivery may be defined as the attaining of excellence in words, the adapting of voice to meaning, and the disciplining of the body. This power surpasses the other powers of the speaker to such a degree that, in the opinion of the peerless Tully, a speech devoid of skill may nevertheless achieve merit by virtue of a speaker's excellence in Delivery, while on the other hand a speech excellent beyond description may meet contempt and mockery if it is pronounced inappropriately—unless you chance to think otherwise, my Lord King.

CHARLEMAGNE. By no means. But I should like to have you indicate what precepts should be followed and what faults avoided in the field of Delivery.

ALCUIN. First of all, the speaker should undergo exercises designed to teach him how to control his voice and breath, and how to manage body and tongue. These abilities are gained not so much by formal artistic means as by practice. Moreover, all defects of speech should be corrected with studious attention. Words should not be pronounced with an inhalation of breath, or with an excessive quantity of breath; nor should they be ground out of the throat, or allowed to resound in the mouth; nor should they be made harsh by the gnashing of the teeth, or uttered by lips lax and open. Rather, let them be pronounced with moderation, uniformity, smoothness, and clarity, so that all the letters are given their proper sounds, and every word is marked with its true accent. The speech itself should not be delivered in an excessively loud tone, neither should it be ostentatiously subdued. The whole manner of delivery should be fashioned to accord with the nature of the place where the speech is made, with the materials available to the speaker, with the persons concerned in the case, with the speaker's subject, and

Nam alia simplicitate narranda sunt, alia auctoritate suadenda, alia cum indignatione depromenda, alia miseratione flectenda, ut semper vox et oratio suae causae conveniat.

1115 Haec te praecepta ad pronuntiationis laudem deducunt, et tibi honestatem et tuae causae fidem efficient.

41. KARLUS. Quid est quod paulo ante corporis moderationem dixisti esse servandam?

ALBINUS. Dixi, quia necessarie observandum est, ut
1120 recta sit facies, ne labra detorqueantur, ne inmodicus hiatus rictus distendat, ne supinus vultus, ne defecti in terram oculi, ne inclinata cervix, neque elata aut depressa supercilia. Infinitum enim in his quoque rebus momentum est, quia nihil potest placere, quod non decet, et, ut ait Marcus Tullius,
1125 caput artis est decere quod facis. Labra lambere vel mordere deforme est, cum etiam in efficiendis verbis modicus esse debeat eorum motus: ore enim magis quam labris loquendum est.

42. KARLUS. Haec, venerande magister, iocunda esse et
1130 honesta fateor mihiq[ue] multum placabilia: sed, ut video et intellego, iugem exercitationem et cotidianum usum postulant, et ad plenam consummationem nisi continua meditatione et instanti exercitatione non possunt pervenire, sine qua nullam disciplinam inlustrem esse puto.

1135 ALBINUS. Ita est, domine mi rex, ut dicis; nam exercitatio ingenium et naturam saepe vincit, et usus omnium magistrorum praecepta superabit. Quamobrem inventio et dispositio et elocutio et memoria et pronuntiatio usu acri et exercitatione intentissima convalescant; naturae enim vicem
1140 paene obtinet consuetudo. Nam in arte qualibet exercitata consuetudo confidentiam constantiamque procreat, sine qua nil ars proficit. Quid enim timidis arma? Amet laudem iuvenis, magnumque esse sciat multis tacentibus solum audiri;

with the particular occasion. Some materials, to be sure, should be delivered in the vein of simple narrative, others in the vein of authoritative advice, and still others in the vein of indignation, or of pity, if the voice and the delivery are to befit a particular kind of subject. These, then, are the precepts which lead you towards excellence in Delivery, and which lend distinction to yourself and credibility to your subject.

41. CHARLEMAGNE. Why did you say not long ago that the management of the speaker's body should receive attention?

ALCUIN. I said what I did because the speaker must necessarily take heed that he directly faces his audience, that his lips are not distorted, that his jaws are not excessively distended, that his countenance is not inexpressive, that his eyes are not fastened upon the floor, that his neck is not inclined to one side, and that his eyebrows are neither raised nor lowered. To these rules, indeed, we should attach the greatest importance, because what is unbecoming can give no pleasure; as Marcus Tullius says, 'The cardinal precept of art is that the sense of propriety must regulate the activity of the artist.' Now, to lick or bite the lips is to commit an impropriety, for even when they are in the act of forming words, their movement is normally slight, speech being a function of the whole mouth rather than of the lips.

42. CHARLEMAGNE. I confess, O venerable Master, that to me these requirements appear at first glance to be very pleasant and just and moderate. But as I look at them and come to understand them, I see that they postulate constant exercise and daily practice, and that they cannot be perfectly fulfilled except by unremitting thought and close study. I believe, however, that without requirements like these, a field of knowledge is not worthy of attention.

ALCUIN. It is as you say, my Lord King. Training usually modifies natural inclinations and native tendencies, and practice counts for more than the precepts of all the teachers. Therefore, Invention and Arrangement and Style and Memory and Delivery are subject to improvement if we use these faculties intelligently, and practice them assiduously, the habits thus acquired being an almost complete substitute for natural endowment. In any art whatever, the habits taught by practice breed confidence and reliability, and without these qualities art will not be of any avail. Why indeed should weapons be given to the timid? Let the young man love praise, and let him understand that merely to be heard

nam licet ipsa vitium sit ambitio, frequenter tamen causa virtutum est. Discat ab adolescentia non reformidare ante multos loqui, ut eum nec metus frangat nec ultra modum reverentia retardet, ut, dum omnibus oratoris sit opibus instructus, animi quoque praestantia et oris fiducia illi non desit.

43. KARLUS. Quapropter, ut mihi videtur, illis sermocinandi ratio, qui causis civilibus et negotiis saecularibus interesse aestimandi sunt, mox a pueritia multo studio habenda est vocis quoque et verborum exercitatio, ut ab ineunte aetate adsuescat vocis fiducia et verborum copia et decenti corporis motu, ut sine formidine faciat in publicis quaestionibus, quod cum consuetudine gessit in privatis.

ALBINUS. Vere intellegis et optime prosequeris. Nam ut in castris miles, sic in domo orator debet erudiri, ut quod solus exercuerat, inter multos facere non formidet.

KARLUS. Iam quoque necesse esse video, ut domesticus usus cavere incipiat, quod publicus conventus detrahere possit. Nec enim inhonestis verbis inter suos uti debet qui honestis inter alienos loqui desiderat, cum in omni parte vitae honestas pernecessaria est, maxime in sermonibus, quia fere cuiusque mores sermo probat, nisi tibi, magister, aliud videatur.

ALBINUS. Mihi vero de hac re nil aliud videri potest, ac ideo consuetudinaria sermocinatione verba sint lecta, honesta, lucida, simplicia, plano ore, vultu quieto, facie composita, sine inmoderato cachinno, clamore nullo prolata. Nam bonus modus est in loquendo, tamquam in ambulando, clementer ire, sine saltu, sine mora, quatenus omnia medii moderaminis temperantia fulgeant, quae est una de quattuor virtutibus, de quibus ceterae quasi radicibus procedant virtutes, in quibus animae est nobilitas, vitae dignitas, morum honestas, laus disciplinae.

KARLUS. Intellego philosophicum illud proverbium non solum moribus, sed etiam verbis esse necessarium.

by an attentive throng is an important accomplishment; for even if ambition is a fault in itself, it frequently is the cause of right action. Let him be taught from early youth not to dread the thought of speaking to an audience, our purpose being to protect him from the fear and excessive modesty which may later become a handicap to him, and to train him in such a way that when he has learned all the various powers of the orator, he may not lack firmness of mind and assurance of voice.

43. CHARLEMAGNE. From what you say, it seems to me that a theory of discussion, and exercises in voice and diction, should be pursued with great care from the very early years of their lives by all those who are to be judged worthy of participating in civil and secular affairs. A confident voice, a fluent speech, and a body trained to respond properly would by such exercises become the habitual traits of the very young; and later they would not dread to do in public what they had done as a matter of routine in private.

ALCUIN. You correctly understand and admirably extend my meaning. Just as the soldier is trained at the military camps, so the speaker is trained at home, that he may not fear to do among many what he has practiced by himself.

CHARLEMAGNE. I also see how necessary it is that training at home should begin to anticipate what public life will later require. Indeed, he who wishes to speak with credit among strangers should not use discreditable speech in his own family. Necessary in every activity of life, integrity is of the greatest importance in discourse, because a man's speech completely reveals his character—unless it seems otherwise to you, O Master.

ALCUIN. No other view of the subject seems possible to me. In a man's ordinary speech the words should be well-chosen, reputable, clear, and simple; and should be pronounced with undistorted mouth, a tranquil expression, a calm face, and without unseemly jeers or undue loudness of tone. The right method is to speak as we walk—to move calmly, without haste and without delay—until the time when every trait reflects the temperance of moderate control. Temperance, indeed, is one of the four virtues, from which as from roots grow various other virtues, among them being elevation of mind, propriety of life, integrity of character, and superiority of training.

CHARLEMAGNE. I perceive that the philosophical axiom should be applied not only to our general conduct but also to our speech.

ALBINUS. Quodnam?

KARLUS. Ne quid nimis.

1180 ALBINUS. Est et vere est in omni re necessarium, quia quidquid modum excedit, in vitio est. Ideo virtutes in medio sunt positae, de quibus tuae venerandae auctoritati plura dicere potuissem, si non disputatio nostra ad finem festinaret, et si non superfluum videretur tecum de virtutibus
1185 agere, quem virtutum non tantum scientia, sed etiam ornat efficientia.

44. KARLUS. Non tamen te, magister, prius dimittam calamum responsionis claudere, quam mihi nomina et partes quattuor virtutum exponas, quas radices aliarum esse
1190 virtutum dixisti. Paulo ante inter nos constitit, sermocinationis exercitationem esse necessariam: in quo melius est habendum sermonis studium quam in virtutum excellentia, quae utrumque et scribentibus et legentibus multum prodesse valet?

ALBINUS. Prodest, ut dicis, domine mi rex, sed inter
1195 utrumque coartor; nam succinta brevitatis pauca postulat et res ardua plura desiderat.

KARLUS. Tempera te in utrumque, ne aut prolixitas fastidium aut brevitatis ignorantiam generet.

ALBINUS. Primo sciendum est, quod quaedam res tam
1200 clarae et tam nobiles sunt, ut non propter aliud emolumentum expetendae sint, sed propter suam solummodo dignitatem amandae sunt et exsequendae.

KARLUS. Has ipsas res magnopere velim cognoscere.

ALBINUS. Hae sunt: virtus, scientia, veritas, amor
1205 bonus.

KARLUS. Numquid non has christiana relegio adprime laudat?

ALBINUS. Laudat et colit.

KARLUS. Quid philosophis cum his?

1210 ALBINUS. Has intellexerunt in natura humana et summo studio coluerunt.

ALCUIN. What axiom, pray?

CHARLEMAGNE. 'Nothing to excess.'

ALCUIN. It does apply to our speech and to the whole range of our behavior, for any act is imperfect which does not conform to the mean. Hence the virtues are placed between the extremes. At your respected command I should have been able to make various observations upon the subject of the virtues, if our dialogue were not in its last stages, and if the discussion of this subject appeared to have any bearing for you, who are distinguished at one and the same time by your knowledge and your practice of the principles of good conduct.

44. CHARLEMAGNE. Nevertheless, O Master, before I can permit you to throw down your pen, you should explain to me the names and purposes of those four virtues which you have called the roots of other virtues. A while ago we agreed that it is necessary for a speaker to have regular practice in discourse. Now if we ought to have practice of this kind, what subject is better than that of the superiority of the virtues, each one of which has the power to confer the greatest possible benefit upon our writing and reading?

ALCUIN. As you say, it is of great benefit, my Lord King, but I am caught in a dilemma. Brevity demands a few short remarks, and this difficult subject requires a great many.

CHARLEMAGNE. Then keep to the middle course, lest too many words cause weariness, and too few, ignorance.

ALCUIN. It must first be observed that certain things are so illustrious and noble that they should be sought and loved and followed, not because of some advantage which accrues as a result, but rather because of the inherent excellence of the things themselves.

CHARLEMAGNE. I should like above all else to know what these things are.

ALCUIN. They are virtue, knowledge, truth, love of good.

CHARLEMAGNE. Does not the Christian religion chiefly celebrate these things?

ALCUIN. It celebrates and respects them.

CHARLEMAGNE. What attitude did the philosophers have towards these things?

ALCUIN. They perceived these things in human nature, and cultivated them with the greatest devotion.

KARLUS. Quid tunc distat inter philosophum talem et christianos?

ALBINUS. Fides et baptismus.

1215 KARLUS. Prosequere tamen philosophicas definitiones de virtutibus et primum dic, quae sit ipsa virtus.

ALBINUS. Virtus est animi habitus, naturae decus, vitae ratio, morum nobilitas.

KARLUS. Quot habet partes?

1220 ALBINUS. Quattuor: prudentiam, iustitiam, fortitudinem, temperantiam.

45. KARLUS. Quae est prudentia?

ALBINUS. Rerum et naturarum scientia.

KARLUS. Quot habet partes?

1225 ALBINUS. Tres: memoriam, intellegentiam, providentiam.

KARLUS. Harum quoque definitiones dicito.

ALBINUS. Memoria est, per quam animus repetit illa quae fuerunt: intellegentia, per quam ea perspicit quae sunt:
1230 providentia, per quam futurum aliquid praevidetur ante quam fiat.

KARLUS. Iustitiae rationem expone.

ALBINUS. Iustitia est habitus animi unicuique rei propriam tribuens dignitatem: in hac divinitatis cultus et humanitatis iura et aequitas totius vitae conservatur.
1235

KARLUS. Eius quoque partes pande.

ALBINUS. Partim illa est ex naturae iure, partim ex consuetudinis usu.

KARLUS. Quomodo ex naturae iure?

1240 ALBINUS. Quia partes illius quaedam naturae vis inserit, ut reigionem, pietatem, gratiam, vindicationem, observantiam, veritatem.

KARLUS. De his singulis lucidius aperi.

ALBINUS. Relegio est, quae superioris cuiusdam naturae,
1245 quam divinam vocant, curam ceremoniamque affert: pietas, per quam sanguine coniunctis patriaeque benivolis officium et diligens tribuitur cultus: gratia, in qua amicitiarum et officiorum alterius memoria et remunerandi voluntas continetur: vindicatio, per quam vis aut iniuria et omnino omne

CHARLEMAGNE. Then what is the difference between these philosophers and the Christians?

ALCUIN. Faith and baptism.

CHARLEMAGNE. Nevertheless, I want you to give the philosophical definitions of the virtues, and to tell me first what virtue itself is.

ALCUIN. Virtue is perfection of mind, dignity of character, reasonableness of life, excellence of habits.

CHARLEMAGNE. How many aspects does it have?

ALCUIN. Four: Prudence, Justice, Courage, Temperance.

45. CHARLEMAGNE. What is Prudence?

ALCUIN. Prudence is the knowledge of things and of natures.

CHARLEMAGNE. How many divisions does it have?

ALCUIN. Three: Memory, Intelligence, Foresight.

CHARLEMAGNE. Pray give me the definition of these terms.

ALCUIN. Memory is the faculty by which the mind recalls what has been; Intelligence, the faculty by which the mind perceives what is; Foresight, the faculty by which the mind envisages what is to be.

CHARLEMAGNE. Explain now the concept of Justice.

ALCUIN. Justice is a disposition of the mind to render to each what is his due. The worship of God, the laws of humanity, and the principle of equity in all of life, are preserved in this virtue.

CHARLEMAGNE. Please point out now the aspects of Justice.

ALCUIN. The disposition to be just finds its source partly in the authority of nature, partly in the authority of accepted conventions.

CHARLEMAGNE. In what manner is Justice guaranteed by the authority of nature?

ALCUIN. It is guaranteed by nature because a natural potency implants within us such attributes of Justice as Religion, Duty, Gratitude, Retribution, Respect, Truthfulness.

CHARLEMAGNE. Would you clearly explain each of these attributes?

ALCUIN. Religion is what causes men to give homage and the ceremony of worship to any supreme being whom they call divine. Duty is the sense of obligation and of unwavering respect which we have towards those who are joined to us by ties of blood, or who have rendered great service to our country. Gratitude is the recollection of our friendship and of our obligations towards another, and the desire to repay him. Retribution is our defense or our

1250 quod offuturum est defendendo aut ulciscendo propulsatur .
observantia, per quam homines aliqua dignitate antecedentes
cultu quodam et honore dignantur: veritas, per quam ea
quae sunt aut ante fuerunt aut futura sunt dicuntur.

KARLUS. Quomodo ex consuetudinis usu iustitia ser-
1255 vatur?

ALBINUS. Ex pacto, pari, iudicato et lege.

KARLUS. Plus quaero et de his quoque.

ALBINUS. Pactum est, quod inter aliquos convenit: par
in omnes aequabile est: iudicatum, quod alicuius magni viri
1260 aut aliquorum sententiis constitutum est: lex est omni pop-
ulo scriptum ius, quid cavere vel quid observare debeat.

46. KARLUS. Nunc fortitudinem cum suis partibus ut
depromas flagito.

ALBINUS. Fortitudo est magno animo periculorum et
1265 laborum perpressio: eius partes sunt magnificentia, fidentia,
patientia, perseverantia.

KARLUS. Harum rationes patefac.

ALBINUS. Magnificentia est rerum magnarum et ex-
celsarum cum animi ampla quadam et splendida proposi-
1270 tione cogitatio atque administratio: fidentia est, per quam
magnis et honestis in rebus multum animus in se fiduciae
certa cum spe conlocavit: patientia est honestatis aut utilitatis
causa rerum arduarum aut difficilium voluntaria ac diuturna
perpressio: perseverantia est in ratione bene considerata
1275 stabilis et perpetua permansio.

KARLUS. Restat tibi de temperantia dicere, a qua orta
est nobis de virtutibus inquisitio, cuius proprietatem et par-
tium illius audire expecto.

ALBINUS. Temperantia est rationabilis in libidinem
1280 atque in alios non rectos impetus animi firma et moderata
dominatio: eius partes sunt continentia, clementia, modestia.
Continentia est, per quam omnis mala cupiditas magna con-
silio gubernatione regitur et deprimitur: clementia est, per
quam iniuriae et odia miti animo retinentur: modestia est,

retaliation against violence, or injury, or anything which would be able to do us harm. Respect is the deference and veneration shown to men distinguished by some mark of excellence. Truthfulness is the disposition to represent in speech things as they are, or have been, or will be.

CHARLEMAGNE. In what manner is Justice guaranteed by the authority of accepted conventions?

ALCUIN. Justice is guaranteed by such customary instruments as Contracts, Equity, Judicial Decisions, and Law.

CHARLEMAGNE. I wish that you would speak of these instruments in greater detail.

ALCUIN. A Contract is an agreement between two or more persons. Equity is designed to ensure equality among all. Judicial Decisions are a body of opinions rendered by one man or by several men of distinction. Law is a system of rights, prescribed for all the people, stipulating what they ought to beware of or to observe.

46. CHARLEMAGNE. Now I entreat you to consider Courage and its special attributes.

ALCUIN. Courage is the capacity to endure danger and hardship with an undaunted spirit. Its attributes are High-Mindedness, Confidence, Forbearance, Perseverance.

CHARLEMAGNE. Point out the definitions of these qualities.

ALCUIN. High-Mindedness is the capacity to conceive and to carry out lofty and splendid designs with a spirit animated by generous and noble impulses. Confidence is the ability of the mind to believe infallibly in itself in the conduct of enterprises of great pith and moment. Forbearance is the power of freely enduring a prolonged and hard and painful trial in order to achieve honor or advantage. Perseverance is the faculty which keeps us steadfast and constant upon a course directed by our best judgment.

CHARLEMAGNE. It remains for you to speak of Temperance, which prompted us to undertake this discussion of the virtues, and I hope now to hear you describe its properties.

ALCUIN. Temperance may be defined as the firm and moderate rule by the reason of our desires and the other wayward passions of our souls. Its attributes are Restraint, Clemency, Moderation. Restraint is the disposition to place every evil impulse under the direction and control of reason. Clemency is the power used by a forgiving spirit to hold in check its hatred and its sense of injury.

1285 per quam totius vitae modus seu animi seu in corporis
motibus ubique honesti cura servatur.

47. KARLUS. Honor eximius est coram hominibus
haec servanti et laus apud deum. Sed miror nos christianos,
si illi philosophi has virtutes ob illarum tantum dignitatem
1290 vel laudem vitae servaverunt, cur nos ab his in multis devio
errore declinamus, cum haec nunc in fide et caritate obser-
vantibus aeternae gloriae ab ipsa veritate, Christo Iesu,
praemia pollicentur.

ALBINUS. Plus miserandi quam mirandi sumus, quia
1295 plurimi ex nostris sunt, quos nec terror poenarum nec gloria
praemiorum ad virtutum dignitatem revocat.

KARLUS. Agnosco et sine lacrimis non dico multos esse
tales, attamen rogo, ut quam breviter possis edisseras, quo-
modo hae excellentes virtutes in nostra relegione christiana
1300 intellegendae atque observandae sint.

ALBINUS. Nonne tibi videtur sapientia esse, qua Deus
secundum modulum humanae mentis intellegitur et timetur
et futurum eius creditur iudicium?

KARLUS. Intellego et assentio nihil hac sapientia excel-
1305 lentius, et in Iob recolo scriptum: ecce hominis sapientia
pietas, et quid pietas, nisi dei cultus? qui Graece dicitur
θεοσέβεια.

ALBINUS. Bene intellegis et vere, sed quid tibi iustitia
videtur esse nisi caritas Dei eiusque mandatorum obser-
1310 vatio?

KARLUS. Et hoc agnosco, nihil hac iustitia iustius, immo
nullam aliam esse nisi istam.

ALBINUS. Numquid non fortitudinem esse cernis, qua
hostis antiquus vincitur et adversa mundi tolerantur?

1315 KARLUS. Cerno equidem nec aliquid has victoria lauda-
bilius aestimo.

Moderation is the capacity created by a love of goodness to protect the due limits of our entire mode of life, and to preserve a just measure in all the movements of our soul and body.

47. CHARLEMAGNE. The protecting and fostering of this love of goodness is a distinguished honor in the eyes of men, and a noble deed in the eyes of God. If those philosophers cultivated the virtues merely because such an activity lent great prestige and honor to their lives, then I am astonished that we Christians should turn away from the virtuous life and fall into many grievous errors when we are promised by Jesus Christ who is Truth itself that our faithful and loving devotion to good conduct will bring a reward of eternal glory.

ALCUIN. We ought to feel pity rather than astonishment that so very many of us cannot be made to acknowledge the inherent worth of a virtuous life, either by the fear of punishment or the hope of reward.

CHARLEMAGNE. That I admit, and I acknowledge in all sorrow that there are many such men. I entreat you, however, to explain, as briefly as may be, how these excellent virtues should be understood and regarded in our Christian religion.

ALCUIN. Does it not seem to you that he has Prudence who comes to know God, so far as the limitations of the human mind permit; and who comes to fear Him and to believe in His future judgment?

CHARLEMAGNE. I understand you, and I grant that nothing is more lofty than this kind of Prudence. As I recall, it is written in the Book of Job, 'Behold, the prudence of man is devotion.' And what is devotion, if not the worship of God, which in Greek is called *'θεοσέβεια'*?

ALCUIN. Your discernment is altogether excellent. Now, what in your opinion do we mean by the word 'Justice,' if we do not mean a man who loves God and keeps His commandments?

CHARLEMAGNE. I see at once that no other meaning more properly belongs to the word—indeed, it means nothing else but that.

ALCUIN. Do you not see as well that the word 'Courage' describes the man who conquers his 'ancient enemy' and bears the trials of this world?

CHARLEMAGNE. I see it indeed, and esteem nothing more praiseworthy than victory in such a cause.

ALBINUS. An temperantia non est, quae libidinem re-frenat, avaritiam reprimit, omnes animi inpetus sedat et temperat?

1320 KARLUS. Est et vere est et valde necessaria omni homini, sed adhuc quaero: ad quem finem harum observatio virtutum spectat?

ALBINUS. Ut diligatur Deus et proximus, an aliud aestimas?

1325 KARLUS. Nil equidem aliud, sed quam breve auditu est, tam factu difficile et arduum.

ALBINUS. Quid facilius est quam amare species pul-chras, dulces saporos, sonos suaves, odores fragrantos, tactus iocundos, honores et felicitates saeculi? Haecine amare
1330 facile est animae, quae velut volatilis umbra recedunt, et Deum non amare, qui est aeterna pulchritudo, aeterna dulcedo, aeterna suavitas, aeterna fragrantia, aeterna iocunditas, perpetuus honor, indeficiens felicitas? maxime cum divinae scripturae nil aliud nobiscum agant, nisi ut diligamus
1335 Deum et dominum nostrum ex toto corde et ex tota anima et ex tota mente, et proximum nostrum tamquam nosmet ipsos. Nam promissum habemus ab illo, qui fallere ignorat. Iugum, inquit, meum suave est et onus meum leve. Lahoriosior est enim huius mundi amor quam Christi; quod enim
1340 in illo anima quaerit, non invenit, id est felicitatem et aeternitatem, quoniam haec infima pulchritudo transit et recedit, vel amantem deserit vel ab amante deseritur: teneat igitur anima ordinem suum.

KARLUS. Quis est ordo animae?

1345 ALBINUS. Ut diligat quod superius est, id est Deum, et regat quod inferius est, id est corpus, et socias animas dilectione nutriet et foveat; his enim sacrificiis purgata atque exonerata anima ab hac laboriosa vita et aerumnosa revolabit ad quietem et intrabit in gaudium domini sui.

1350 KARLUS. Magnum quendam virum et vere beatum praedicas, o magister.

ALBINUS. Magnum te faciat Deus et vere beatum, domine mi rex, et in hac virtutum quadriga, de qua paulo

ALCUIN. And is not 'Temperance' the distinctive trait of him who governs his lust and controls his greed and calms and moderates all the passions of his soul?

CHARLEMAGNE. Yes, it is, and to do these things is essential for all men. But what object, may I now ask, is to be gained by adhering to these virtues?

ALCUIN. The object is to love God and our neighbor. Or do you think otherwise?

CHARLEMAGNE. Indeed, no; but how brief to hear, yet how difficult and lofty to do!

ALCUIN. What is easier than to love forms beauteous to the sight, tastes agreeable to the palate, sounds melodious to the ear, odors fragrant to the nostrils, objects pleasant to the touch, and all the honors and amenities of a lifetime? But it is easy for our soul to cherish these things, which disappear like unsubstantial shadows, and not love God, who is eternal beauty and enduring sweetness and unending pleasure and lasting fragrance and unceasing joy and permanent honor and unfailing happiness—particularly since the Sacred Scriptures require only that we love God and our Lord with our whole heart and our whole soul and our whole mind, and that we love our neighbor as ourself? Indeed, we have His promise who knows not how to deceive. 'For my yoke,' He says, 'is easy, and my burden is light.' To love the things of this world is more difficult than to love Christ; for what the soul longs for in this world is happiness and permanence, and these it does not find, because every good thing here below recedes and disappears, and forsakes him who loves it, or is forsaken by him who loves it. And then only may the soul re-establish its own due order.

CHARLEMAGNE. What is the due order of the soul?

ALCUIN. That it love what is higher, that is, God; that it rule what is lower, that is, the body; and that by its love it nourish and assist its fellow creatures. For the soul, cleansed and exonerated by these devotions, will fly back from this troubled and wretched life to eternal peace, and will enter into the joy of the Lord.

CHARLEMAGNE. You are now speaking in praise of some truly great and blessed man, O Master.

ALCUIN. May God make you great and truly blessed, my Lord King, and may He grant that this evil generation mount to the summit of the heavenly kingdom, propelled by the twin wings of