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978-1-108-00965-2 - Aristotle: Rhetoric, Volume 1

Edited by Edward Meredith Cope and John Edwin Sandys

Excerpt

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ΑΡΙΣΤΟΤΕΛΟΥΣ

ΤΕΧΝΗΣ ΡΗΤΟΡΙΚΗΣ Α.

1 Ἡ ῥητορικὴ ἐστὶν ἀντίστροφος τῇ διαλεκτικῇ· ἀμ-

Bekker
P. 1354
quarto
edition
1831.
p. 1
octavo
edition
1873.

§ 1. Ἡ ῥητορικὴ ἐστὶν ἀντίστροφος τῇ διαλεκτικῇ is translated by Cicero, *ex altera parte respondere dialecticae*, Orat. XXXII 114. 'Vox a scena ducta videtur. Chori antistrophe strophae ad assem respondet, eiusque motus ita fit, ut posterior in prioris locum succedat...Significat ex altera parte respondere et quasi ex adverso oppositum esse; id quod etiam in antistrophen cadit.' Trendel. *El. Log. Arist.* § 14 p. 74: and to the same effect, *Comment. ad Arist. de Anima*, II 11 5 p. 408. 'ἀντίστροφον dicitur quod alius rei quasi partes agit eamque repraesentat;' Waitz, *Comm. ad Anal. Pr.* I 2, 25 a 6.

The term is borrowed from the manoeuvres of the chorus in the recitation of the choral odes. *Στροφή* denotes its movement in one direction, to which the *ἀντιστροφή*, the counter-movement, the wheeling in the opposite direction, exactly corresponds, the same movements being repeated. Müller, *Diss. Eumen.* p. 41. *Hist. Gr. Lit.* c. XIV § 4. Mure, *Hist. Gk. Lit.* Bk. III. c. 1 § 15. Hence it is extended to the words sung by the chorus during the latter of these evolutions, and signifies a set of verses precisely parallel or answering in all their details to the verses of the *στροφή*. And thus, when applied in its strict and proper sense, it denotes an exact correspondence in detail, as a fac-simile or counterpart.

Hence in Logic *ἀντιστρέφειν* is used to express terms and propositions which are *convertible*, and therefore identical in meaning, precisely similar in all respects. On the various senses of *ἀντιστρέφειν* and its derivatives in Logic, see Waitz, u. s. In this signification, however, *ἀντίστροφος* does not properly represent the relation actually subsisting between the two arts, the differences between them being too numerous to admit of its being described as an exact correspondence in detail; as I have already pointed out in the paraphrase (Intro. p. 134).

It also represents Rhetoric as an art, independent of, though analogous to, Dialectics, but not growing out of it, nor included under it. The word is of very frequent occurrence in Plato (*Gorgias*, *Republic*, *Philebus*, *Timaeus*, *Theaetetus*, *Leges*), who joins it indifferently with the genitive and dative; and he employs it in this latter sense; as likewise Isocrates, *περὶ ἀντιδ.* § 182; and Aristotle himself in several places; *Polit.* VI (IV) 5, 1292 b 7, *καὶ ἔστιν ἀντίστροφος* (corresponding)

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ΡΗΤΟΡΙΚΗΣ Α Ι § Ι.

φότεραι γὰρ περὶ τοιούτων τινῶν εἰσιν, ἃ κοινὰ

αὕτη ἐν ταῖς ὀλιγαρχίαις ὥσπερ ἡ τυραννὶς ἐν ταῖς μοναρχίαις. c. 6 ult. 1293 a 33. c. 10, 1295 a 18. de part. anim. II 17 ult. ἐν μὲν οὖν τοῦτοις τοῖς ζώοις ἡ γλῶττα τοιαύτη τὴν φύσιν ἐστίν, ὥσπερ ἀντιστρόφως ἔχουσα τῷ μυκτῆρι τῶν ἐλεφάντων.

Lastly, Waitz, u. s., points out a peculiar signification of it, 'res contraria alteri quam potestate aequiparat,' in de Gen. Anim. II 6, 743 b 28. τὸ ψυχρὸν συνίστησιν ἀντίστροφον (as a balance) τῇ θερμότητι τῇ περὶ τὴν καρδίαν τὸν ἐγκέφαλον. Trendelenburg, *Comm. ad de Anima* u. s., after defining ἀντιστρέφειν as above, adds, ἀντίστροφος ex eadem chori similitudine significat *ex altera parte respondere* (this is from Cicero, u. s.) Arist. Rhet. I 1; quod non significat, rhetoricam in dialecticae locum succedere (*i.e.* can be substituted for it, step into its place, as a convertible term), sed quasi ex adverso esse oppositam (stands over against it, as a corresponding opposite in a συστοιχία, two parallel rows of coordinate opposites, like the partners in a country dance). Quintilian, Inst. Orat. II 17, 42, *specie magis quam genere differunt*.

The term ἀντίστροφος therefore applied to the two arts, seems to represent them as two coordinate opposites, or opposites in the same row (see Spengel on the study of Rhetoric, Munich 1842, p. 21). They are sister arts, with general resemblances and specific differences; two species under one genus, proof: both modes of proof, both dealing with probable materials, but distinguished by the difference of the two instruments of proof employed: the one *concluding* by the formal syllogism, and by the regular induction, assumed complete; the other drawing its *inferences* by the abbreviated, imperfect, conversational enthymeme, never complete in *form*, and by the single example in the place of the general induction.

Rhetoric is afterwards described as παραφνές, μῦριον and ὁμοίωμα (*infra* c. II § 7). παραφνές and μῦριον both express in different ways the relation that Rhetoric bears to Dialectics as the off-shoot, branch, or part; a species or variety of the *general* art of probable reasoning: παραφνές as a subordinate shoot, growing out of the same root with the larger plant or tree,—a term so far corresponding with ἀντίστροφος, but differing from it in making Rhetoric *subordinate*. μῦριον reduces it to a still lower level in comparison with the other. ὁμοίωμα implies no more than a mere general resemblance.

In Sext. Empir. adv. Math. VII 6, occurs an explanation of ἀντίστροφος, quite in character with the ordinary Greek etymologies, ῥητορικὴν, ἧς ἀντίστροφον εἶναι τὴν διαλεκτικὴν, (not referring apparently to this passage, but most probably to the συναγωγὴ τεχνῶν) τουτέστιν ἰσόστροφον, διὰ τὸ περὶ τὴν αὐτὴν ὕλην στρέφεσθαι (*versari circa*), as Homer called Ulysses ἀντίθεον instead of ἰσόθεον. Alexander (*infr.*) gives the same explanation.

Bacon *Adv. of learning* Bk. II IX 3, has *antistrophe* for 'correspondence', "and it hath the same relation or *antistrophe* that the former hath."

The points of correspondence and difference between the two arts have been already fully explained in the Introduction, p. 90 foll.: I will here give a summary of them from Alexander's *Commentary on the*

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ΡΗΤΟΡΙΚΗΣ Α Ι § 1.

3

τρόπον τινὰ ἀπάντων ἐστὶ γνωρίζειν, καὶ οὐδεμιᾶς ἐπιστήμης ἀφωρισμένης. διὸ καὶ πάντες τρόπον

Torrics, p. 4. They are 1. that both of them are μὴ περὶ ἕν τι γένος ἀφωρισμένον; that is, that neither of them has any special subject-matter, like the sciences, but argues or perorates upon any thesis or subject whatsoever that can be presented to it. 2. τὸ δι' ἐνδόξων καὶ πιθανῶν, no proof or conclusion, or principle, that they employ is more than probable; exact demonstration and necessary conclusions are excluded from both alike; πίστις, belief, the result of mere persuasion, and not ἐπιστήμη, the infallible result of scientific demonstration, being the object aimed at. 3. μὴ δι' οἰκείων ἀρχῶν, they have no 'special, appropriate' first principles, such as those from which the special sciences are deduced; though they likewise appeal to the τὰ κοινὰ, the κοινὰ ἀρχαί, the ultimate axioms and principles common to all reasoning, which are above those of the special sciences, and from which the latter must be deduced. And, 4. they are ὁμοίως περὶ τὰ ἀντικείμενα ἀλλήλοις; they argue indifferently the opposite sides of the same question, and conclude the positive or negative of any proposition or problem; unlike science and demonstration, which can only arrive at one conclusion. Where the materials and the method are alike only probable, every question has, or may be made to appear to have, two sides, either of which may be maintained on probable principles; in Dialectics and Rhetoric no certainty is either attained or attainable. The chief points of difference between them are, that Dialectics deals practically as well as theoretically with every kind of problem or question that can be submitted to it; proceeds by question and answer, in the way of debate, and its discussions are of a more general or universal character; whereas the subjects of Rhetoric are practically, though not theoretically, almost absolutely limited to Politics; it follows a method of continuous narration or explanation (διεξοδικῶς), and deals in its conclusions rather with individual cases than with general principles or universal rules, maxims and axioms.

Alexander, in a preceding passage, gives the following very extraordinary account of the derivation and original meaning of ἀντίστροφος: τὸ γὰρ ἀντ. ἀντὶ τοῦ ἰσόστροφόν τε καὶ περὶ τὰ αὐτὰ στρεφομένην καὶ καταγυνομένην λέγει.

κοινὰ ἀπάντων] See *Introd.*, p. 87, and the *Paraphrase*, pp. 134—5.

ἀφωρισμένης] 'marked off, separated by a limit', from every thing else about it; and so 'definite, special' (§ 7). 1, 2, 1 περὶ τι γένος ἴδιον ἀφωρισμένον, opposed to περὶ τοῦ δοθέντος. *Polit.* I 13, 1260 b 1 ἀφωρισμένην τινὰ δουλείαν (a definite, limited, kind of slavery). *Ib.* IV (VI) 4, 1290 b 25 ἀποδιορίζειν. ἀφορίζεται (ἢ τῆς ψυχῆς δύναμις) πρὸς τὰς ἄλλας δυνάμεις τῷ ἔργῳ τούτῳ, "this capacity of the soul is marked off, separated, distinguished, from all the rest by this function," *de Anima* II 4, 9, 416 a 20. The preposition is similarly used in the compound ἀποβλέπειν, which is 'to look away, or off', from all surrounding objects, so as to fix the attention on one particular thing, or turn it in one particular direction. *Comp. Lat.* *definire*, *determinare*.

Parallel passages, in which this same characteristic of Rhetoric and

I—2

τινὰ μετέχουσιν ἀμφοῖν· πάντες γὰρ μέχρι τινὸς καὶ ἐξετάζειν καὶ ὑπέχειν λόγον, καὶ ἀπολογεῖσθαι καὶ
 2 κατηγορεῖν ἐγχειροῦσιν. τῶν μὲν οὖν πολλῶν οἱ μὲν εἰκῆ ταῦτα δρῶσιν, οἱ δὲ διὰ συνήθειαν ἀπὸ ἕξεως. ἐπεὶ δ' ἀμφοτέρως ἐνδέχεται, δῆλον ὅτι εἴη ἂν αὐτὰ καὶ ὁδοποιεῖν· δι' ὃ γὰρ ἐπιτυγχάνουσιν οἱ

Dialectics is noticed, are cited in the Introd. p. 75. See also Quintilian, II 21, 16—19, on the province of the orator.

ἐξετάζειν...λόγον] Note 1, Introd. p. 135. ἡ διαλεκτικὴ ἐξεταστικὴ, Top. A 2, 101 b 3.

§ 2. *συνήθειαν*] ‘habituation, familiarity, practice’, acquired by *association* (prop. that of living or herding together). Top. A 14, 105 b 27 τῆ δὲ τῆς ἀπαγωγῆς συνηθεία πειρατέον γνωρίζω ἐκάστην αὐτῶν (τῶν προτάσεων). See also on I 10, 18. This *συνήθεια* is derived from the constant operation or activity, the *ἐνέργειαι*, of the developed and acquired and settled *ἕξις*, or mental state (*ἕξις* from *ἔχειν*, ‘to be in such and such a state or condition’, τὸ πῶς ἔχειν): by the constant exercise of the *ἕξις*, or established confirmed habit, and its *ἐνέργειαι*, is produced by association that familiarity, or habituation, or practice, which secures success even to the empirical unartistic use of Dialectics or Rhetoric.

εἰκῆ ταῦτα δρῶν is the use of them antecedent to practice, and without previously acquired familiarity: ἀπὸ ταυτομάτου, by a mere spontaneous impulse, and therefore ‘at random.’

‘Est autem dialectica,’ says John of Salisbury, *Metalogicus*, II 4, ‘ut Augustino placet, bene disputandi scientia: quod quidem ita accipiendum est ut vis habeatur in verbis; ne scilicet dialectici credantur, quos casus iuvat artis beneficio destitutos.’

αὐτὰ] Rhetoric and its processes.

ὁδοποιεῖν] ‘to make a way’; to trace a path to be followed, which will lead you without unnecessary deviations to the place at which you wish to arrive. *ὁδός* therefore, in this metaphorical usage, is not merely *a* way, but *the* way, the *best* way; the way which will lead you most surely and expeditiously to the end proposed. Hence it denotes a regular, systematic, or scientific method; the best and easiest way of attaining the end desired in any intellectual pursuit or branch of study. And thus it is that the simple *ὁδός*, as well as the compound *μέθοδος*, come to denote a scientific or systematic procedure in the pursuit of truth as a philosophical ‘method’, or in any art or study. Hence we find *ὁδῶ διηρησθαι*, Plat. Phaedr. 263 B, of a systematic methodical scientific division; and Rep. VII 533 D: *καθ' ὁδόν*, in the same sense, Rep. IV 435 A, and Crat. 425 B. In Aristotle, de gen. et corr. I 8, 2 *ὁδῶ δὲ μάλιστα περὶ πάντων...διωρίκασι Λεύκιππος καὶ Δημόκριτος*. de part. Anim. I 4, 9 *πῶς μὲν οὖν ἀποδέχασθαι δεῖ τὴν περὶ φύσεως μέθοδον, καὶ τίνα τρόπον γένοιτ' ἂν ἡ θεωρία περὶ αὐτῶν ὁδῶ καὶ ῥῆστα...* Anal. Pr. I 30 init., *ἡ μὲν οὖν ὁδός κατὰ πάντων ἡ αὐτὴ καὶ περὶ φιλοσοφίαν καὶ περὶ τέχνην ὅπου αὐοῦν καὶ μάθημα*. Top. B 2, 109 b 14 *ὁδῶ γὰρ μᾶλλον καὶ ἐν ἐλάττωσιν ἡ σκέψις*. Eth. Nic. I, 2 ἀπὸ τῶν ἀρχῶν ἡ ἐπὶ

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ΡΗΤΟΡΙΚΗΣ Α 1 § 3.

5

τε διὰ συνήθειαν καὶ οἱ ἀπὸ ταύτομάτου, τὴν αἰτίαν
θεωρεῖν ἐνδέχεται, τὸ δὲ τοιοῦτον ἤδη πάντες ἂν
3 ὁμολογήσαιεν τέχνης ἔργον εἶναι. νῦν μὲν οὖν οἱ τὰς
τέχνας τῶν λόγων συντιθέντες ὀλίγον πεπορίκασιν
αὐτῆς μόριον· αἱ γὰρ πίστεις ἐντεχνόν ἐστι μόνον, τὰ
δ' ἄλλα προσθῆκαι, οἷ δὲ περὶ μὲν ἐνθυμημάτων οὐδὲν
λέγουσιν, ὅπερ ἐστὶ σῶμα τῆς πίστεως, περὶ δὲ

τὰς ἀρχὰς ἢ ὁδός. Dionysius, de Comp. Verb. c. 25, has ἡ ῥητορικὴ ὁδός for the more usual μέθοδος: and again ὁδῶ, de Comp. Verb. c. 4 sub fin. From this usage of the Greek word the Latins seem to have borrowed the *via* or *via et ratione*, which frequently occurs in precisely the same sense. See Cicero de Fin. III 5, 18, IV 4, 10; Orat. III 10, XXXIII 116; de Orat. I 25, 113. Quint. II 17, 41 *esse certe viam atque ordinem in bene dicendo nemo dubitaverit*; and x 7, 6 *via dicere*.

The verb ὁδοποιεῖν is found in the same sense, Met. A 3, 984 a 18. προϊόντων δ' οὕτως, αὐτὸ τὸ πρᾶγμα ὁδοποίησεν αὐτοῖς καὶ συνηγάκασε ζητεῖν, and Rhet. III 12, 3 (according to MS A^c and some others); and the substantive ὁδοποιήσις, III 14, 1.

προοδοποιεῖν, which occurs several times in Aristotle (as Rhet. II 2, 10, II 13, 7, III 12, 3, Prob. XXX 1, 954 b 12, de part. Anim. II 4, §§ 4, 5, 6, III 9, 8, de gen. anim. IV 4, 9, περὶ Μαντικῆς, I 11. Polit. II 9, 1270 a 4, IV (VII) 17, 1336 a 32, and V (VIII) 3, 1338 a 35 πρὸ ὁδοῦ), has a meaning slightly differing from the preceding. The metaphor is now taken from the office of pioneers, who precede an advancing army, and prepare, clear, or 'pave the way' for them.

δι' ὁ...τὴν αἰτίαν] τὴν αἰτίαν is here grammatically the antecedent to ὁ, the cause, αἰτία, being in the relative pronoun expressed as an abstract notion ('the cause, which *thing*') in the *neuter*. A similar change from feminine to neuter, in antecedent and relative, occurs in de Anima I 3, 407 a 4 τὴν γὰρ τοῦ παντὸς (ψυχὴν) τοιαύτην εἶναι βούλεται οἷον ποτ' ἐστὶν ὁ καλούμενος νοῦς, Pol. II 2 init. καὶ δι' ἣν αἰτίαν φησὶ δεῖν νομοθετηθῆσαι... οὐ φαίνεται συμβαίνειν ἐκ τῶν λόγων, and in Eur. Iph. T. 900 (Herm.) ἡ δ' αἰτία τίς ἀνθ' ὅτου κτείνει πόσων; where ὅτου must be understood as neuter: see Hermann on v. 1038.

§ 3 seq. To the same effect III 14, 8 δεῖ δὲ μὴ λανθάνειν ὅτι πάντα ἔξω τοῦ λόγου τὰ τοιαῦτα πρὸς φαῦλον γὰρ ἀκροατὴν καὶ τὰ ἔξω τοῦ πράγματος ἀκούοντα, ἐπεὶ ἂν μὴ τοιοῦτος ἦ, οὐθέν δεῖ προοιμίον—as the vehicle for appeals to the feelings and other indirect proofs addressed to the judges personally, which were usually introduced into the προοίμιον.

πίστεις] *rhetorical*, not demonstrative, proofs; modes of *belief*, of things *probable*; all the materials and arguments of Rhetoric being probable merely, none of them certain. See Introd. p. 136 note.

προσθῆκαι...σῶμα τῆς πίστεως] All kinds of *indirect* proof are secondary, subordinate, non-essential, mere 'adjuncts' or 'appendages', like dress or ornaments to the body: 'the body' being the actual, logical, direct and substantial proof of the case. What is here called 'the body', meaning

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6

ΡΗΤΟΡΙΚΗΣ Α Ι § 4.

τῶν ἔξω τοῦ πράγματος τὰ πλείστα πραγματεύ-
ονται διαβολή γάρ καὶ ἔλεος καὶ ὀργή καὶ τὰ

the substance as opposed to accidents, we usually represent by 'the soul' in this same relation; the body in its turn now standing for the accidents and non-essentials of a thing. So the Scholiast on Hermogenes, Proleg. (quoted by Ernesti, *Lexicon Technologiae Graecae* p. 110, Art. ἐνθύμημα) οἱ παλαιοὶ ὥσπερ τι ζῶον τὸν λόγον ὑπέθεντο ἐκ σώματός τε συνεστηκότα καὶ ψυχῆς· ψυχὴν μὲν καλοῦντες τὰ ἐνθυμήματα καὶ τὴν δύναμιν τὴν διὰ τῶν κεφαλαίων συνισταμένην· σῶμα δὲ τὴν φράσιν καὶ τὸ ἔξωθεν κάλλος, ὃ ποιεῖν εἰώθασιν αἱ ιδέαι. And Cicero, Orat. XIV 44 *nam et invenire et iudicare quid dicas magna illa quidem sunt et tamquam animi instar in corpore.*

Quintilian describes the views of some of those who thus rigorously limit the province of Rhetoric as an *art*—αἱ πίστεις ἐντεχνύον ἐστι μόνον—to the employment of the 'enthymeme', the rhetorical representative of the logical and demonstrative 'syllogism'; with the exclusion of all that is, strictly speaking, 'beside the subject or real issue', all that is beside the facts of the case and the direct proof of them; all indirect proof, namely, from the assumed character of the speaker himself, or appeals to the feelings of the judges or audience, and also all ornaments and graces of style and delivery. Aristotle here assumes this to be theoretically the only true and proper method, though he by no means consistently adheres to it in his actual treatment of the subject. Quintilian's description is as follows, though, as the reasons for the exclusion of these indirect proofs are somewhat different from those assigned by Aristotle, he probably does not refer immediately to him: *Fuerunt et clari quidem oratores quibus solum videretur oratoris officium docere. Namque et affectus duplici ratione excludendos putabant: primum quia vitium esset omnis animi perturbatio; deinde quia iudicem a veritate depelli misericordia vel ira similibusque non oporteret: et voluptatem audientium petere, quum vincendi tantum gratia diceretur, non modo agenti supervacuuum sed vix etiam viro dignum arbitrabantur.* Inst. Orat. V. Prooem. 1.

On the general question of appeals to the feelings, Quint. II 17, 26 seq.: and on the prevailing practice, Isocr. *περὶ ἀντιδ.* § 321.

πραγματεύεσθαι is well explained by Bonitz on *Metaph.* A 6, 987 a 30. 'πραγματεύεσθαι περὶ τι, vel περὶ τινος is dicitur ab Aristotele, qui in investiganda et cognoscenda aliqua re via ac ratione procedit; itaque coniunctum legitur cum verbis διαλέγεσθαι, ζητεῖν, θεωρεῖν'. The primary sense of doing business, or occupying oneself about anything, passes into the more limited or special signification of an *intellectual* pursuit, and thence of 'a special study', 'a systematic treatment of a particular subject of investigation, or practice' (as in this present case, of Rhetoric, comp. § 10). *πραγματεία*, like *μέθοδος*, *τέχνη*, *ἐπιστήμη*, *φιλοσοφία*, and many other words, is used to express not only the intellectual process of investigation, but also the resulting science, art, treatise, or written work, or part of such work. See on this point, *Introd.* p. 17, note 2. Also, on the general meaning of the term, Waitz on *Anal. Post.* II 13, 96 b 15. Trendel. *de Anima* p. 199. *Elem. Log. Arist.* § 58, p. 135.

§ 4. *διαβολή* γὰρ *διαβάλλειν* 'to sunder or set at variance', and so

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ΡΗΤΟΡΙΚΗΣ Α Ι § 5.

7

τοιαῦτα πάθη τῆς ψυχῆς οὐ περὶ τοῦ πράγματός
 ἐστὶν ἀλλὰ πρὸς τὸν δικαστήν. ὥστ' εἰ περὶ πάσας
 ἦν τὰς κρίσεις καθάπερ ἐν ἐνίαις γε νῦν ἐστὶ τῶν
 πόλεων καὶ μάλιστα ταῖς εὐνομουμέναις, οὐδὲν ἂν
 5 εἶχον ὅ τι λέγωσιν ἅπαντες· γὰρ οἱ μὲν οἴονται
 δεῖν οὕτω τοὺς νόμους ἀγορεύειν, οἱ δὲ καὶ χρώνται
 καὶ κωλύουσιν ἔξω τοῦ πράγματος λέγειν, καθάπερ
 καὶ ἐν Ἀρείῳ πάγῳ, ὀρθῶς τοῦτο νομίζοντες· οὐ

‘to make hostile, to engender a mutual dislike between two parties’, in its technical application to Rhetoric, of which it is a potent instrument; and with its opposite ἀπολύεσθαι ‘to absolve oneself, clear away from oneself ill-feeling and suspicion’, forms one of the principal topics of the προοίμιον (see *Intro.* pp. 343, 4). It denotes the exciting of suspicion and ill-will in the minds of the judges or audience, in order to prejudice them against the opponent with whom you are in controversy: and is therefore improperly classed with the πάθη or emotions such as ἔλεος and ὄργη. This has been already noticed by Victorius and Muretus: the latter says, ‘*διαβολὴ non est πάθος, sed pertinet ad iudicem ponendum ἐν πάθει.*’

Top. Δ 5, 126 a 31. [διάβολον] τὸν δυνάμενον διαβάλλειν καὶ ἐχθροὺς ποιεῖν τοὺς φίλους. These words, which seem to be a mere gloss upon διάβολον in the text of the Topics, occur apparently in one MS only, marked u by Waitz, and inserted by him in the critical notes of his edition, Vol. II p. 144. Bekker altogether omits to notice them. Though of no authority they will equally well answer the purpose for which they are here employed, of helping, namely, to define the meaning of διαβολή.

On πάθος and πάθη, see *Intro.* pp. 113—118.

οὐ περὶ τοῦ πράγματος δικαστήν] Appeals to the feelings are ἔξω τοῦ πράγματος: they are ‘beside the proper subject, the real question, the direct issue’, which is the fact and the proof of it; and ‘directed to the judge’, intended to bias and pervert his judgment, to incline him to our side in the contest, and so to have the effect of a secondary or indirect kind of proof of the justice of our case.

ὥστ' εἰ περὶ πάσας—λέγωσιν] Similarly in *Rhet.* III 1, 4, it is said of the ornaments of style, and declamation in general, as of appeals to the feelings here, that they are only allowed to be employed διὰ τὴν μοχθηρίαν τῶν πολιτειῶν; in *well-governed* states they would not be permitted at all.

§ 5. οἱ μὲν...οἱ δέ] ‘either...or’. The one only *think* that the laws ought to be so framed, hold the opinion as a theory; the others, as the Court of Areopagus, actually (καί, also, besides the mere theory) carry it into practice, καὶ χρώνται.

ἐν Ἀρείῳ πάγῳ] Heindorf ad *Theaet.* § 76. Lycurgus c. Leocr. §§ 12, 13, quoted by Gaisford, καὶ ταῦτα κάλλιστον ἔχοντες τῶν Ἑλλήνων παράδειγμα τὸ ἐν Ἀρείῳ πάγῳ συνέβριον, ὃ τοσοῦτον διαφέρει τῶν ἄλλων δικαστηρίων, ὥστε

Cambridge University Press

978-1-108-00965-2 - Aristotle: Rhetoric, Volume 1

Edited by Edward Meredith Cope and John Edwin Sandys

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ΠΗΤΟΡΙΚΗΣ Α 1 § 5.

γὰρ δεῖ τὸν δικαστὴν διαστρέφειν εἰς ὀργὴν προά-

καὶ παρ' αὐτοῖς ὁμολογεῖσθαι τοῖς ἀλισκομένοις δικαίαν ποιείσθαι τὴν κρίσιν. πρὸς ὃ δεῖ καὶ ὑμᾶς ἀποβλέποντας μὴ ἐπιτρέπειν τοῖς ἕξω τοῦ πράγματος λέγουσιν' κ.τ.λ.

Lucian, *Hermotimus*, c. 64, has something similar about the practice of this court, ἀλλὰ κατὰ τοὺς Ἄρεσπαγίτας αὐτὸ ποιῶντα' οἱ ἐν νυκτὶ καὶ σκότῳ δικάζουσιν, ὡς μὴ εἰς τοὺς λέγοντας ἀλλ' εἰς τὰ λεγόμενα ἀποβλέποιεν. (Lucian ed. Hemsterh. I p. 805), and again, *Anacharsis s. de Gymn.* c. 10, (Vol. II p. 898) οἱ δὲ (δικαζόμενοι) ἕς τ' ἂν μὲν περὶ τοῦ πράγματος λέγων ἀνέχεται ἢ βουλὴ καθ' ἡσυχίαν ἀκούουσα· ἦν δὲ τις ἢ φροῖμιον εἶπη πρὸ τοῦ λόγου, ὡς εὐνοστέρους ἀπεργάσαιο αὐτούς, ἢ οἰκτον. ἢ δεινώσιν ἕξωθεν ἐπάγου τῷ πράγματι, οἷα πολλὰ ῥητόρων παῖδες ἐπὶ τοὺς δικαστὰς μηχανῶνται, παρελθὼν ὁ κήρυξ κατεσιώπησεν εὐθύς, οὐκ ἔων ληρεῖν πρὸς τὴν βουλήν κ.τ.λ. There are several allusions to the same in Quintilian, II 16, 4, VI 1, 7, X 1, 107, XII 10, 26. Spalding in his note on the first of these passages calls attention to—what indeed is sufficiently apparent on the face of the statements—Quintilian's carelessness in extending to all the law-courts of Athens, a practice actually prevailing at the most only in one of them; in spite of the direct evidence to the contrary in the extant orations of the Athenian orators, and the story of Hyperides and Phryne which he himself tells in II 15, 9.

διαστρέφειν] to warp, or distort, to wrest out of the straight ('right') line or proper direction, to pervert or 'deprave' the judgment. The same metaphor is repeated in *στρεβλόν*. The metaphor which compares wrong, the deviation from the 'right' line or path, to the crooked or twisted, the divergence from the straight, and represents wrong judgment as the warping of the moral rule, occurs in various languages; *σκολιός*, and *ὄρθός*, *εὐθύνει δὲ δικασ σκολιάς*, Solon ap. Dem. de F. L. p. 423, *σκολιάς ἰδοῖς πατῶν*, Pind. Pyth. II 156, Pl. Theaet. 173 A &c. &c. So *ἐλικτός*, Eur. Androm. 448 *ἐλικτὰ κούδεν ὑγιᾶ ἀλλὰ πᾶν περίξ φρονούντες*. So Plato of the good and bad horse in the human chariot, Phaedr. 253 D, *ὁ μὲν...τό τε εἶδος ὄρθός...ὁ δ' αὖ σκολιάς κ.τ.λ.*

So also *rectum* and *pravum* or *varum* or *curvum*, right and wrong (wrung or twisted out of shape, distorted, similarly *intortus tort*, Fr. (*tortum*), *torto*, Ital. Compare Lucretius, IV 516, *denique ut in fabrica, si prava est fabrica prima Normaque si fallax rectis regionibus exit*,—*Omnia mendose fieri*, &c. Cic. Acad. Pr. II 11, 33, *interesse oportet, ut inter rectum et pravum, sic inter verum et falsum*. Hor. Ep. II 2, 44, *curvo dignoscere rectum*, ('virtutem distinguere a vitio'. Orelli). Pers. Sat. III 52, *haud tibi inexpertum curvos deprendere mores*. IV 11, *rectum discernis ubi inter curva subit, vel cum fullit pede regula varo*. V 38, *apposita intortos extendit regula mores*.

'Crooked' for perverse, immoral, wrong, is very common in the earlier writers of our own language. Deut. xxxii 5, a perverse and crooked generation. Ps. cxxv 5, Prov. ii 15, whose ways are crooked, and they froward in their paths. Ep. ad Phil. ii 15, and in many other places and authors. For examples of the latter, see Richardson's Dict. Art. 'crooked'.

Very different to this are the principles laid down by the author of

Cambridge University Press

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ΡΗΤΟΡΙΚΗΣ Α 1 § 5.

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γοντας ἢ φθόνον ἢ ἔλεον· ὅμοιον γὰρ κὰν εἴ τις, ᾧ p. 2.

the 'Ρητορικὴ πρὸς Ἀλέξανδρον as a guide to the practice of the rhetorician, c. 36 (37) § 4. *χρὴ δὲ καὶ τοὺς δικαστὰς ἐπαίνῳ θεραπεύσαι, ὡς δικασταὶ δίκαιοι καὶ δεινοὶ εἰσιν. συμπαραληπτέον δὲ καὶ τὰς ἐλαττώσεις, εἴ που τῶν ἀντιδίκων καταδεεστέρας ἔχει πρὸς τὸ λέγειν ἢ πράττειν ἢ ἄλλο τι πρὸς τὸν ἀγῶνα.* The judges are to be flattered, and the opponent represented in the darkest colours, whether his alleged defects have or have not any bearing upon the matter at issue. *πρὸς δὲ τοῦτοις ἐμβλητέον τό τε δίκαιον καὶ τὸ νόμιμον καὶ τὸ συμφέρον καὶ τὰ τοῦτοις ἀκόλουθα;* which is the exact contradictory of the course prescribed by Aristotle in § 6 as alike fair and in accordance with the true principles of the art.

προάγοντας εἰς] Comp. III 14, 7, and note.

κὰν εἴ τις...ποιήσῃε] The process by which ἄν in this and similar forms of expression—ὡς ἄν εἰ, ὥσπερ ἄν εἰ, καθάπερ ἄν εἰ, οἴονπερ ἄν εἰ, and the like—has lost its force, become inactive, (*consopitum*, 'gone to sleep', Buttm.) in the sentence, is explained by Buttmann in his note on Dem. Mid. § 15, p. 530. The conditional ἄν belongs to some verb in the apodosis, originally expressed, afterwards left to be understood, as in the clause before us. The expression at full length would be, *κὰν, εἴ τις ποιήσῃε, ποιήσῃε*, 'as one would do, if he were to do'. Still, though the particle has lost its direct and active force in this sentence, some latent notion of conditionality always remains, even when the verb which ἄν supposes cannot actually be supplied. This is the case in such phrases as *φοβούμενος ὥσπερ ἄν εἰ παῖς*, Pl. Gorg. 479 A 'fearing as a child would': Ar. *parva naturalia περὶ μαντικῆς* I 2, 2 ὅσων ὥσπερ ἄν εἰ λάλος ἢ φύσις ἐστίν, 'whose natural habit is, as it might be (ἄν), talkative'; de Anima I 5, 5, 409 b 27, ὥσπερ ἄν εἰ τὴν ψυχὴν τὰ πράγματα τιθέντες. In such cases the ἄν is retained by habit and association, when the sense no longer requires it. The phrase accordingly is not found in the earlier forms of the language, and does not become common till the time of Plato and Aristotle, with whom, the latter especially, it is very frequent. The association required time before it was established as a fixed habit. I believe that it does not occur in Thucydides, and that it makes its first appearance in Xenophon; that is, in the forms above given; for as an unnecessary appendage to a participle, or in cases *analogous*, ἄν is thus used by earlier writers. See Hermann on Soph. Phil. 491, and Jelf, *Gr. Gr.* § 430, 1, for some instances [Kühner's *Ausführliche Grammatik* § 398 p. 209 sq. s.].

Aristotle seems to be the earliest writer who assumed the license of joining *κὰν εἰ* with the subjunctive mood, as in Pol. II 1 init. *κὰν εἰ τυγχάνωσιν*, c. 2, ὥσπερ ἄν εἰ σταθμῆς πλείον ἐλκύσῃ, and III 8 *κὰν εἰ συμβαίηη*, also Poet. I 5, *κὰν εἴ τινες ἕτεραι τυγχάνωσιν*. *Κὰν εἰ μή τῳ δοκῇ* is the MSS reading in Plat. Rep. IX 579 D, and defended by Schneider (not. ad loc.); but rejected by Ast, Bek., Stallb. and the Zurich Editors who substitute *δοκεῖ*. I subjoin a few examples of the usage in its various forms. Soph. Aj. 1078 *δοκεῖν πεσεῖν ἄν κὰν* (it might be even) *ἀπὸ σμικροῦ κακοῦ*. Xenophon, Symp. II 20, IX 4, Cyrop. I 3, 1, Memor. III 6, 4 and 10, 12. Plato, Apol. 23 B, Phaed. 72 C, 109 C, and elsewhere, Men. 97 B, Gorg. 479 A, Rep. VI 493 A, Isocr. Paneg. §§ 69, 148, Aristotle in addition to

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ΡΗΤΟΡΙΚΗΣ Α 1 § 6.

μέλλει χρῆσθαι κανόνι, τοῦτον ποιήσῃε στρεβλόν.
 6 ἔτι δὲ φανερόν ὅτι τοῦ μὲν ἀμφισβητοῦντος οὐδὲν
 ἔστιν ἔξω τοῦ δεῖξαι τὸ πρᾶγμα ὅτι ἔστιν ἢ οὐκ
 ἔστιν ἢ γέγονεν ἢ οὐ γέγονεν· εἰ δὲ μέγα ἢ μικρόν
 ἢ δίκαιον ἢ ἀδίκον, ὅσα μὴ ὁ νομοθέτης διώρικεν,
 αὐτὸν δὴ πού τὸν δικαστὴν δεῖ γινώσκειν καὶ οὐ
 7 μαθάνειν παρὰ τῶν ἀμφισβητούντων. μάλιστα μὲν
 οὖν προσήκει τοὺς ὀρθῶς κειμένους νόμους, ὅσα
 ἐνδέχεται, πάντα διορίζειν αὐτούς, καὶ ὅτι ἐλάχιστα
 καταλείπειν ἐπὶ τοῖς κρίνουσι, πρῶτον μὲν ὅτι ἕνα

those already quoted, Rhet. II 20, 4, ὡσπερ ἂν εἴ τις, Eth. N. v 7, 1132, II. 1b. v 12, 1137, 2; VI 13 sub. fin., 1145, 2 and 10; VII 8, 1150, 16, κἂν εἰ ῥέπουσι, Pol. III 6 (sub init.) κἂν εἰ πλείους, and several more: Hist. Anim. IV 2, 16, IV 11, 11, VIII 2, 10, de part. Anim. IV 5, 26, de Gen. Anim. III 9, 7. In Aristotle it has become habitual. The analogous use of ἂν with the participle is exemplified by Pol. II 2, 1261 b 4 ὡσπερ ἂν ἄλλοι γερόμενοι; and Theophrastus, Hist. Plant. I 5, 1, ὡς ἂν καθόλου λέγοντας, and I 6, 6, ὡς ἂν κατὰ λόγον, where ἂν may be considered as redundant. [Vahlen, *Beiträge zu Ar. Poet.* I p. 35—37; Eucken, *de Ar. dicendi ratione* I p. 61—64. s.]

§ 6. On the 'legal issues', *στάσεις*, ἀμφισβητήσεις, which, as Victorius remarks, are here tacitly referred to, see Introd. p. 397, Appendix E to Bk. III.

§ 7. κειμένους νόμους] κείσθαι and some of its compounds are often convertible with the passive of τίθεμαι. κείσθαι itself 'to be placed, fixed, established' = τίθεσθαι; συγκείσθαι 'to be put together or composed' = συντίθεσθαι; διακείσθαι 'to be disposed' = διατίθεσθαι; ὑποκείσθαι (as I 2 13) 'to be assumed' = ὑποτίθεσθαι or ὑπολαμβάνεσθαι.

[κείμαι is constantly borrowed as a perfect passive to τίθημι, while τέθειμαι is almost invariably used as a deponent perfect. Thus the usage of the perfect in the best writers would be: ὁ νομοθέτης τέθεικε τὸν νόμον. ἢ πόλις τέθειται τὸν νόμον· ὁ νόμος κείται (Dem. Or. 46 § 12 note). *infra* chap. 15 § 23 τοῖς νόμοις, ἂν μὴ ὀρθῶς κείμενοι ὧσιν ἄλλ' ἐξαμάρτων οἱ τιθέμενοι, Plato Leg. p. 793 B (νόμων) τῶν ἐν γράμμασι τεθέντων τε καὶ κειμένων καὶ τῶν ἔτι τεθησομένων. See also Cobet's *variae lectiones* p. 311. s.]

τοῖς κρίνουσι, κρίσεις, τοὺς κρίνοντας] On the different senses of κρίνειν and κριτής as applied to the different branches of Rhetoric, see Introd. p. 137 note 1: and on the necessary imperfections of laws in their application to particular cases, the consequent introduction of ἐπιείκεια to modify them and adapt them to the circumstances of the case, and Plato's opinion, on the authority of laws, see p. 138 note 1.

ἐπὶ τοῖς κρίνουσι] ἐπὶ resting, and so depending, upon; hence *penes*, in the power of, at the discretion of. § 8 ἐπὶ τοῖς κριταῖς καταλείπειν.

This primary, literal, and physical sense of ἐπί, (in this application of it,