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HONOUR, JUSTICE AND CLEMENCY
Some Observations on Rhetorical Strategy in Cato's *Pro Rhodiensibus*

Résumé. — Le discours *Pro Rhodiensibus* (167) de Caton l'Ancien est connu dans l'histoire de la littérature latine pour avoir fait l'objet d'une polémique entre Aulu-Gelle et Tiron, l'affranchi et secrétaire de Cicéron. Tiron avait contesté le discours, jugeant la tactique de Caton imprudente et son argumentation malhonnête. Ainsi, Aulu-Gelle a intégré dans ses *Noctes Atticae* non seulement le texte de sept paragraphes du discours, mais aussi ses considérations élaborées sur l'attaque tironienne. Néanmoins, malgré cette défense ancienne et malgré l'éclairage historique et littéraire que donnent à lire les études modernes du *Pro Rhodiensibus* et de la polémique, des questions importantes restent posées sur la stratégie rhétorique qu'emploie Caton. Aussi cette contribution procède-t-elle à l'analyse et l'interprétation de la rhétorique catonienne en étudiant trois points essentiels : l'honneur, la justice et la clémence. En déterminant ces thèmes comme les motifs principaux de la stratégie rhétorique de Caton, nous pouvons non seulement révéler le fonctionnement persuasif du *Pro Rhodiensibus*, mais aussi éclaircir quelques points obscurs de la polémique ancienne.

One of the more substantial specimens of old Latin oratory is Cato's *Pro Rhodiensibus*, pronounced in the spring of 167 [1], just after the Third Macedonian war (171-168) came to an end with the defeat of King Perseus at the Battle of Pydna. The Rhodians had first sided with Rome but later on tried to negotiate between Rome and Macedonia, yet unfortunately their envoys arrived just after Perseus had been defeated and captured. Many senators were in favour of declaring war on Rhodes, but thanks to Cato's *Pro Rhodiensibus* open war was avoided, although the Rhodians were punished for their behaviour [2].

1. For the date of the oration, see *Marci Porci Catonis Oratio pro Rhodiensibus. Catone, L'oriente greco e gli imprenditori romani*, a cura di Gualtiero CALBOLI, (Edizioni e saggi universitari di filologia classica, 18), Bologna, Pàtron Editore, 1978, p. 3, n. 1.

2. For the historical background of the speech, see Sheila L. AGER, "Rhodes: The Rise and Fall of a Neutral Diplomat", *Historia: Zeitschrift für Alte Geschichte* 40/1 (1991), p. 10-41 (p. 29-37).

The reason why we have an unusual amount of material from this speech is that it was the object of a famous literary controversy in Antiquity. After being criticized by Cicero's freedman Tiro in a now lost letter to Q. Axius, Aulus Gellius defended Cato's speech for the Rhodians and included lengthy parts of the oration in his *Noctes Atticae*. After a systematic rehearsal of this ancient controversy and the modern scholarly opinions on it, we will be able to formulate several remaining questions especially concerning Cato's rhetorical strategy.

1. Cato, *Pro Rhodiensibus* [3]

163 *Scio solere plerisque hominibus rebus secundis atque prolixis atque prosperis animum excellere atque superbiam atque ferociam augescere atque crescere. Quod mihi nunc magnae curae est, quod haec res tam secunde processit, ne quid in consulendo aduorsi eueniat, quod nostras secundas res confutet, neue haec laetitia nimis luxuriose eueniat. Aduorsae res s<aep>e domant et docent, quid opus siet facto, secundae res laetitia transuorsum trudere solent a recte consulendo atque intellegendo. Quo maiore opere dico suadeoque, uti haec res aliquot dies proferatur, dum ex tanto gaudio in potestatem nostram redeamus.* **164** *Atque ego quidem arbitror Rodienses noluisse nos ita depugnare, uti depugnatum est, neque regem Persen uinci. Sed non Rodienses modo id noluere, sed multos populos atque multas nationes idem noluisse arbitror atque haut scio an partim eorum fuerint, qui non nostrae contumeliae causa id noluerint euenire: sed enim id metuere, si nemo esset homo, quem uereremur, quidquid luberet faceremus, ne sub solo imperio nostro in seruitute nostra essent. Libertatis suae causa in ea sententia fuisse arbitror. Atque Rodienses tamen Persen publice numquam adiuuere. Cogitate, quanto nos inter nos priuatim cautius facimus, nam unusquisque nostrum, si quis aduorsus rem suam quid fieri arbitrantur, summa ui contra nititur, ne aduorsus eam fiat; quod illi tamen perpessi.* **165** *Ea nunc derepente tanta beneficia ultro citroque, tantam amicitiam relinquemus? Quod illos dicimus uoluisse facere, id nos priores facere occupabimus?* **166** *Qui acerrime aduorsus eos dicit, ita dicit "hostes uoluisse fieri". Ecquis est tandem, qui uestrorum, quod ad sese attineat, aequum censeat poenas dare ob eam rem, quod arguatur male facere uoluisse? Nemo, opinor; nam ego, quod ad me attinet, nolim.* **167** *Quid nunc? Ecqua tandem lex est tam acerba, quae dicat: "si quis illud facere uoluerit, mille minus dimidium familiae multa esto; si quis plus quingenta iugere habere uoluerit, tanta poena esto; si quis maiorem pecuum numerum habere uoluerit, tantum damnas esto?" Atque nos omnia plura habere uolumus, et id nobis impune est.* **168** *Sed si honorem non aequum est haberi ob eam rem, quod bene facere uoluisse quis dicit neque fecit tamen, Rodiensibus n<unc> oberit,*

3. Text from G. Calboli, *Oratio pro Rhodiensibus*, *op. cit.* (n. 1), p. 253-260. Translation based on George A. Kennedy, *The Art of Rhetoric in the Roman World, 300 B.C. - A.D. 300* (A History of Rhetoric, vol. 2), Princeton, University Press, 1972, p. 46-47, but slightly adapted to fit G. Calboli's edition of the text.

quod non male fecerunt, sed quia uoluisse dicuntur facere? **169** *Rodiensis superbos esse aiunt id obiectantes quod mihi et liberis meis minime dici uelim. Sint sane superbi. Quid ad nos attinet? Idne irascimini, si quis superbior est quam nos?*

163 I know that it is customary when circumstances are favorable and expansive and prospering for the spirits of most men to exult and for their pride and boldness to grow and enlarge. And this is a great concern of mine at present, since this matter has turned out so favorably, namely that there should be no mistake in deliberation which might check our good fortune and that this happiness should not turn out too unchecked. Adversity often disciplines and teaches what needs to be done, prosperity is apt to turn men aside from right deliberation and understanding. Thus all the more earnestly I say and advise that this matter should be put off for some days until we return from our excessive joy to control of ourselves. **164** For my part I do not think that the Rhodians wanted us to win the war as we won it, nor for King Perseus to be defeated. But the Rhodians were not the only ones who did not want us to win, but I believe that many peoples and many nations had the same hope, and probably among them there were some who were not motivated by a desire for our disgrace, but were afraid that we would do whatever we wished if there was no one whom we feared and that they might be under our sole rule in servitude to us. It was for the sake of their own liberty, I think, that they adhered to this opinion. Yet the Rhodians never publicly helped Perseus. Consider how much more careful we are in private affairs amongst ourselves. For each and every one of us, if he thinks something is being done against his own interest, strives with all his strength to prevent that adverse thing from happening; but the Rhodians endured this nevertheless. **165** These great advantages on both sides, this great friendship, shall we suddenly abandon? Shall we be the first to do what we charge them with wanting to have done? **166** He who speaks against them most strongly says, "They wished to become our enemies." Is there any one of you, I want to know, who, in a matter in which he himself is involved, thinks it right to be punished because he is accused of having *wished* to do wrong? No one, I think; for I would not in a matter which related to me. **167** What more? Is there, I want to know, any law so severe, which says "If anyone *wishes* to do such and such a thing, let the fine be a thousand sesterces provided that is less than half his estate; if any one *wishes* to have more than five hundred acres, let the penalty be so much; if any one *wishes* to have a greater number of sheep, let him be fined so much?" Yet we all *wish* to have more of all of these, and we go unpunished for it. **168** But if it is not right for honor to be given because someone says that he *wanted* to do right but did not, will we now be against the Rhodians because they did not do harm, but because they say that they wished to do harm? **169** They say that the Rhodians are insolent, charging what I would not at all want said of me and my children. Let them be insolent. What business of ours is it? Are you angry if someone is more insolent than we are?

2. Tiro's criticism and Aulus Gellius' defence

Tiro's criticism on *Pro Rhodiensibus* can be summarized as follows.

(1) Cato's speech starts (163) "ignorantly and absurdly" with a *principio nimis insolenti nimisque acri et obiurgatorio* (6, 3, 12). Tiro maintains that a *captatio beneuolentiae* would have been better (6, 3, 13).

(2) Cato's next part (164) is more a confession than a defence. Not only does it not excuse the Rhodians' behaviour, it acknowledges that their behaviour arose from self-interest (6, 3, 15).

(3) In 165 Cato uses a faulty argument. Of course it would be better to anticipate and to guard oneself in advance. Kill lest you are killed (6, 3, 26-29).

(4) Cato uses disingenuous and excessively audacious arguments, sophistries which do not agree with his character. He uses the sophistical ἐπαγωγή: by deceptive examples he tries to prove that no one who wishes to do wrong deserves to be punished, unless he actually accomplishes this desire (6, 3, 34-39). To boot, the examples from property law are ill chosen: they are of a different order than wanting to wage war upon the Roman people. Furthermore, rewards and punishments belong to different categories: the former should only be given once an act is fulfilled, in the case of the latter it is fair not to wait for injury first. All in all, it is folly not to go meet wickedness that is planned (6, 3, 40-42).

Gellius' answers can be summarized as follows.

(1) Cato argues as a senator recommending the best for public welfare, not as a lawyer pleading the cause of an accused. Different rules apply to *principia* in both genres. The fact that the common interest is at stake here already disposes the listeners favourably towards the supplier of such advice. Constructing a soothing introduction is a waste of time (6, 3, 17-21).

(2) Cato does not acknowledge that the Rhodians did not wish for the Roman people to be victorious, but only that he *thought* they did not. This is his own frank and conscientious opinion. After having in this way gained confidence in his candour, Cato then turns this 'concession' around by claiming that even though (he thought) they did not wish for the Romans to avail, the Rhodians nonetheless did not aid Perseus (6, 3, 22-25).

(3) Human life is not a gladiator fight. It is not necessary to commit an injury in order to avoid suffering one. In fact, this kind of conduct is alien to the clemency of the Roman people (*aberat a populi Romani mansuetudine*) (6, 3, 30-33).

(4) Tiro is not completely wrong, but Cato uses other arguments than a naked ἐπαγωγή. As he connects the interests of the Roman state with those of the Rhodians, his defence of them—using every kind of argument—is honourable. The examples are well chosen as what is forbidden cannot be lawfully done, but the wish to do it is not dishonourable. Cato then gradually connects these instances with the behaviour of the Rhodians which in fact is neither lawful nor the wish to do so (*quod neque facere neque uelle per sese honestum est*), but to mask the impropriety of the comparison he stresses that the cause of the Rhodians is either just or at least pardonable. Accordingly Cato wavers between saying that the Rhodians did not make war nor wished to, and admitting their guilty wish but asking for forgiveness (*ignoscentia*), which would show the greatness of the Roman people (*ostendit populi Romani magnitudinem*) (6, 3, 43-47).

Gellius also adds two elements that he does not explicitly present as responses to Tiro's criticism.

(5) Cato brilliantly counters the charge of arrogance (169) against the Rhodians by a moral apostrophe.

(6) Throughout the speech Cato uses every weapon and device of oratory (*omnia disciplinarum rhetoricarum arma atque subsidia*), but without showing these off. Gellius likens his rhetorical strategy to that of a doubtful battle, when troops are scattered, contesting each other in many places. Accordingly Cato uses many arguments, now commending the Rhodians as if they were of the highest merit, now asking for their pardon as if they were wrong, now recalling their friendship in the past, now pointing at the clemency and mercy of the Roman forefathers. While all this might have been said in a more orderly and euphonic style, it is a vigorous and vivid defence. It is therefore in general wrong of Tiro to single out the ἐπαγωγή as an unworthy sophistry for someone like Cato (6, 3, 52-54).

It is clear that even after Tiro's criticism and the defence by Gellius (which both make interesting points) [4] several questions remain. Three matters have already been dealt with. The first is a literary-historical question, i.e. "What was the influence of Ciceronian oratorical theory and Cicero's polemic with the neo-Atticists (who took Cato as a model) on Tiro's criticism?" [5] The second is a stylistic question, i.e. "Is Gellius'

4. Cp. G. A. KENNEDY, *The Art of Rhetoric*, *op. cit.* (n. 3), p. 48.

5. See "I motivi della conservazione dei frammenti pervenuti: Tirone, Cicerone e i Neoatticisti", in G. CALBOLI, *Oratio pro Rhodiensibus*, *op. cit.* (n. 1), p. 40-98. See

claim true—and if so, in what way—that Cato knew and used the *disciplinae rhetoricae*, and how much influence from Greek rhetoric can we presume in his oratorical practice?" [6] The third, finally, is a historical question, i.e. "What were Cato's motives for his defence of the Rhodians?" [7]

However, another line of questioning remains, viz. the matter of Cato's rhetorical strategy or the rhetorical functionality of the text. Indeed, it seems that for all the attention for the literary background, stylistic technique and historical context, the basic question "Is Cato's *Pro Rhodiensibus* persuasive and if so, in what way?" has been neglected. The only study which comes close to an analysis of such rhetorical strategy is A. E. Astin (1978). Although A. E. Astin discusses his summary of Cato's arguments (p. 275-278) from the perspective of "Cato's real reasons for opposing military action against Rhodes" (p. 278), he nevertheless touches upon rhetorical strategy when stating:

> The arguments advanced by Cato […] were employed because he believed they would carry weight with many senators; and though he could have misjudged details, it is most unlikely that his judgement was seriously at fault about the types of argument which were likely to be effective [8].

Astin then discusses as the most striking feature of the speech its 'moral' character [9], yet still evaluates this rhetorical choice in view of the historical and political reality of the time [10], concluding:

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already G. Calboli, "Cicerone, Catone e i neoatticisti", in A. Michel - R. Verdiere (eds), *Ciceroniana. Hommages à K. Kumaniecki*, Leiden, Brill, 1975, p. 51-103.

6. Cf. G. A. Kennedy (*The Art of Rhetoric*, *op. cit.* [n. 3], p. 50-60), who advocates a moderate stance on the Greek influence on Cato's oratory (although, to my feeling, the argument on p. 51 goes to far—besides, it is contradicted by G. Calboli, *Oratio pro Rhodiensibus*, *op. cit.* [n. 1], p. 91), with a good summary of the scholarly debate on the subject (p. 53, n. 60). See also "Orator", in Alan E. Astin, *Cato the Censor*, Oxford, University Press, 1978, p. 131-156; G. Calboli, *Oratio pro Rhodiensibus*, *op. cit.* (n. 1), p. 231, n. 7; p. 231-234 and Wilfried Stroh, *Die Macht der Rede. Eine kleine Geschichte der Rhetorik im alten Griechenland und Rom*, Berlin, Ullstein, 2009, p. 276-277. A. E. Astin (*Cato the Censor*, *op. cit.* [n. 6], p. 269, n. 8) duly warns against interpreting "Cato's attitude, either in general or in respect of particular episodes" as "influenced by a particular conception of his attitude towards Greek culture".

7. See A. E. Astin, *Cato the Censor*, *op. cit.* (n. 6), p. 273, n. 17 for an overview.

8. A. E. Astin, *Cato the Censor*, *op. cit.* (n. 6), p. 279.

9. A. E. Astin, *Cato the Censor*, *op. cit.* (n. 6), p. 279.

10. See the conclusion of the abovementioned quote "The arguments […] effective": "Thus the arguments of the speech are at least a useful indication of the kinds of considerations which senators were likely to take into account in reaching decisions about foreign affairs" (A. E. Astin, *Cato the Censor*, *op. cit.* (n. 6), p. 279-281).

> These arguments [...] were expected to carry weight, and their nature and variety show that the Senate, though unquestionably it often did take account of arguments of calculated expediency, did not habitually reach its decisions on that basis alone but was readily influenced by 'moral', legalistic and emotional considerations [11].

A. E. Astin is correct to identify morality, legality and emotion as the three prime elements of Cato's rhetorical strategy. Accordingly, the following pages will deal with the way in which Cato uses them as a means of persuasion towards his audience.

3. Honour

A first matter of rhetorical strategy is the question of Cato's rather particular *principium*. As we have seen, Gellius defends Cato's lack of a *captatio beneuolentiae* by pointing out that Cato's speech belongs to the *genus deliberatiuum* instead of the *genus iudiciale*, and that such a *captatio beneuolentiae* is not proper in the former type of oratory. G. Calboli (1978) has already explained Tiro's literary motivation in this instance: obviously he was well aware of the difference between both *genera*, but obscured the difference between both genres in order to deny the relevance of Cato's speech as a model for judicial oratory [12]. However, from a rhetorical perspective it is still an open question why Cato did not use a *captatio beneuolentiae*. For one, oratorical theory does not prohibit this technique outside of the *genus iudiciale* [13]. And more importantly, it is clear that such a rhetorical choice could have been wise in Cato's case. Indeed, his audience of Roman senators were far from kindly disposed towards his cause [14].

So what is the rhetorical strategy behind Cato's *principium* that does come across as rather *insolens*, *acre* and *obiurgatorium*? For indeed, Cato is rather sharp for his audience, and one is surprised to see G. A. Kennedy (1972) finding "little of his usual moral indignation" in this speech [15]. On

11. A. E. Astin, *Cato the Censor*, *op. cit.* (n. 6), p. 281.

12. G. Calboli, *Oratio pro Rhodiensibus*, *op. cit.* (n. 1), p. 81-82 and 84-85.

13. See e.g. Ar., *Rhet.*, 3, 14, which states that, if needed, deliberative oratory borrows its *exordia* from the forensic genre. However, it does seem that in later theory (e.g., *Rhetorica ad Herennium*) the aspect of *iudicem beneuolum parare* was mainly appropriate in the *genus anceps*, *admirabile* and *honestum*, which are subforms of the *genus iudiciale* (cf. Heinrich Lausberg, *Handbuch der literarischen Rhetorik. Eine Grundlegung der Literaturwissenschaft*, Stuttgart, Franz Steiner, 1990³), §273 and §64).

14. Cf. Gell., 6, 3, 7.

15. G. A. Kennedy, *The Art of Rhetoric*, *op. cit.* (n. 3), p. 47-48, while Michael von Albrecht (*Meister römischer Prosa von Cato bis Apuleius: Interpretationen*, Heidelberg, 1971, p. 29) speaks of "die allzu moralische Haltung Catos". Similarly, I

the contrary, Cato's morally invective tone pervades the preserved fragments of the speech, not only the *principium*. Cato calls the senators complacent (163), as opportunist as the Rhodians (164), outside of the law (166-167), greedy (167), and to top it all, *superbi* (169), a word which has a strong negative connotation in Roman history, as E. Courtney sharply points out [16]. Now this rhetorical strategy is not problematical *in se*; indeed we need not doubt that Cato had the moral authority [17] to develop such a line of argument of reproaching Roman behaviour towards the Rhodians. The question that remains is how such a pervasive moral reproach can be rhetorically functional. In other words: how did Cato think he could win his case by choosing this strategy over, for instance, a *captatio beneuolentiae*?

As mentioned, past scholarship has looked at this question of the functionality of the invective tone in terms of its literary background. A. D. Leeman (1963), for instance, picks up on Gellius' suggestion that *Pro Rhodiensibus* has to be interpreted as a speech in the *genus deliberatiuum*, and accordingly points out that in Hellenistic oratorical theory this *genus* was supposed to treat matters of *utilitas*, comprising two elements: one of *honestum* ("Is it honourable to declare war on the Rhodians?") and one of *tutum* ("Is it wise to declare war on the Rhodians for our safety?") [18]. A. D. Leeman's hypothesis then is that there is clear influence of Hellenistic rhetoric in *Pro Rhodiensibus*, and that while Cato only treats the *utilitas - honestum* in the preserved fragments, the unpreserved paragraphs will have dealt with the *utilitas - tutum* [19]. M. von Albrecht (1971) can follow A. D. Leeman's line of reasoning, but is not really convinced that this is evidence of Greek rhetoric in Cato. In his mind, such a structural division between *honestum* and *tutum* is more likely to be inspired by common sense [20]. Besides, in his mind the Rhodians did not pose that much

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cannot agree with L. Labruna: "Il Tuscolano iniziò con il blandire gli avversari esaltando la vittoria ottenuta in Oriente e sottolineando il clima di euforia che questa aveva causato" (Luigi LABRUNA, "Astronomi e storici: due leggi 'immaginarie' nella 'Pro Rhodiensibus' di Catone?", in *Studi in onore di Arnaldo Biscardi*, 3, Milano, Istituto Editoriale Cisalpino, La Goliardica, 1982, p. 119-131 [p. 121]).

16. E. COURTNEY, *Archaic Latin Prose* (American Classical Studies, 42), Atlanta, American Philological Association, 1999, p. 85.

17. Cp. M. VON ALBRECHT, *Meister römischer Prosa*, *op. cit.* (n. 15), p. 28.

18. Anton D. LEEMAN, Orationis Ratio. *The Stylistic Theories and Practice of the Roman Orators, Historians and Philosophers*, 2 vols., Amsterdam, 1963, vol. 1, p. 44-49.

19. See also G. CALBOLI, *Oratio pro Rhodiensibus*, *op. cit.* (n. 1), p. 234-235, for his evaluation of A. D. Leeman's discussion.

20. M. VON ALBRECHT, *Meister römischer Prosa*, *op. cit.* (n. 15), p. 24-37; seconded by A. E. ASTIN, *Cato the Censor*, *op. cit.* (n. 6), p. 152.

of a threat, so that the *utilitas-tutum* would not have been as important [21]. Instead he rather follows Gellius' point that Cato's argumentation is mixed in nature and follows several argumentative lines, all of which aim to prove that the Rhodians have a just, or at least, understandable point [22].

Both these theses, however, neglect the rhetorical dimension of Cato's moral reproach, i.e. how it was supposed to convince the audience. Obviously A. D. Leeman is quite right to point out that Cato only treats the *utilitas - honestum* aspect here, but at the same time it is unlikely that he would have spoken about *utilitas - tutum* in other parts, at least at length. Indeed, it is true that one can easily object against Cato's cause with public safety in mind, as Tiro did (Gell., 6, 3, 26-29). In fact, the *periculum* involved in Cato's proposed course of action was clearly the main weak point of his argument. Surely Cato, who was never shy about calling for hard military action, will have realised that in this particular case it was best to stay away from the topic of *utilitas - tutum* and public safety. Therefore—as one will see time and again in the best of the ancient rhetorical tradition—Cato had to look for a rhetorical strategy that not only allowed him to avoid the weak point in his case, but also to actively obscure it [23]. And this is where the moral invective comes in.

By sharply reproaching the senators from his opening sentence onwards and continuously repeating and rephrasing his disapproval of their moral behaviour, Cato not only avoids speaking about the *periculum* of the Rhodian case, instead focussing on the aspect of *honestum*, but also aims at an element of surprise. Indeed, he probably tried to shock his audience deliberately with his moral invective, so that they would momentarily forget their concerns about safety and concentrate on morality. And while this strategy might not make him popular or his audience *beneuolus*, it still allowed Cato to develop a clear logic: if we Romans are complacent, greedy and proud, then the decision to attack Rhodes might be motivated by these emotions as well [24]. And even if the audience did not immediately follow Cato in this logic, they were at least not thinking about the counter-

21. M. VON ALBRECHT, *Meister römischer Prosa*, *op. cit.* (n. 15), p. 29.

22. M. VON ALBRECHT, *Meister römischer Prosa*, *op. cit.* (n. 15), p. 29. See also G. CALBOLI, *Oratio pro Rhodiensibus*, *op. cit.* (n. 1), p. 235-239 for his evaluation of M. von Albrecht's discussion.

23. To quote only one, notorious example, we can refer to Cicero's tactic of quite outrageous lies in his *Pro Caelio* (see Wilfried STROH, *Taxis und Taktik. Die advokatische Dispositionskunst in Ciceros Gerichtsreden,* Stuttgart, Teubner, 1975, p. 252-264).

24. For the moral 'scheme' used by Cato (*uitium* > *ingenium malum* > *ambitio* > *auaritia* and *luxus*) and later taken over by Sallust, see D. C. EARL, *The Political Thought of Sallust*, Cambridge, University Press, 1961.

argument that not reacting against Rhodes is just too risky from a public safety standpoint.

To better understand the rhetorical functioning of such a strategy, we might relate its psychostylistic effect, so to say, to that of another literary form, namely the diatribe [25]. This 'presentational style' was first developed by Bion of Borysthenes (c. 335-c. 245 BC) and his student Teles (mid-third cent. BC), both of the Cynic school, who typically combined and underlined their ethical teaching with an ascetic way of life. Now, when viewed from a purely formal perspective, Cato's speech does resemble the trademark style of the διατριβή at more than one point. Indeed, his use of short paratactic sentences, simple language, antithesis, rhetorical questions, dialogical elements, his polemic and ironic tone, comparisons from everyday life and his tendency of opposing against luxury are all textbook elements of the diatribe [26]. Of course, we cannot claim here that Cato was influenced by the diatribe at this point. Even if it is not entirely impossible that he was in some way or another influenced by Greek philosophy [27], this comparison between the rhetorical strategy of *Pro Rhodiensibus* and the style of the diatribe, can better serve as an indication that moral invectives can be as persuasive and, in general, as rhetorically functional as the *captatio beneuolentia*. In this way, we might perhaps by-pass the somewhat sterile discussion of how much Greek influence is at the backdrop in Cato's *Pro Rhodiensibus*, instead explaining a characterizing factor of it from a purely rhetorical perspective.

A final matter that remains in this section of 'Honour' is Tiro's criticism that in *Pro Rhodiensibus* Cato uses sophistries that do not fit a man of his stature (cf. *supra* Tiro [4]). This critique, which specifically pertains Cato's use of the ἐπαγωγή, seems to have inspired someone like

25. I thank my good friend and colleague Jeroen Lauwers for drawing my attention to the diatribe.

26. Cp. Karl-Heinz UTHEMANN - Herwig GÖRGEMANNS, "Diatribe", in *Brill's New Pauly*, Antiquity volumes edited by Hubert CANCIK and Helmuth SCHNEIDER, Brill, 2010.

27. He was bound to come in contact with Greek philosophy during his trips to Sicily (204 BC) and Greece (191 BC), and of course in Rome. Besides Cato is also alleged to have encountered Pythagorean doctrines in South Italy (Cic., *Cato*, 39) which might have had an influence on his work (cf. M. VON ALBRECHT, *A History of Roman Literature from Livius Andronicus to Boethius* [Mnemosyne, S. 165], Leyden - New York - Cologne, E. J. Brill, 1997, p. 390). For general information on Cato's contact with Greek rhetoric and philosophy, see, e.g., "Cato and the Greeks", in A. E. ASTIN, *Cato the Censor*, *op. cit.* (n. 6), p. 157-181 and G. A. KENNEDY, *The Art of Rhetoric*, *op. cit.* (n. 3), p. 51-55.

G. A. Kennedy, for instance, to stress the overall 'sophistic' [28] character of the speech. Besides the ἐπαγωγή, G. A. Kennedy is probably also thinking about Tiro's objection (2). Now, it is clear that Gellius' answer to this point is just hair-splitting. Calboli tries to defend it by attributing much value to *arbitror* (as meaning 'in *my own* opinion') and interpreting it as a logical sequence [29], yet it is clear this is impossible because even Gellius further on admits that Cato argues both as if the Rhodians had wanted to declare war upon the Romans and had not wanted the same thing (*Atque interim neque fecisse Rhodienses bellum neque facere uoluisse dicit* [...] *interdum tamen, quasi deliquisse eos concedat, ignosci postulat*).

More importantly we again notice that the element of rhetorical functionality is rather neglected here. In this sense, I would like to point out that Cato's argumentation serves a clear and legitimate rhetorical strategy, which Gellius cannot put his finger on and Tiro probably maliciously remains silent about. In fact, it is a technique often used by Cicero, but already present in the Attic orators. Craig (1985) analyses its structure as follows: that (*a*) one's client's case satisfies the strict legal requirements for judgement in his favour, and that (*b*) even if one's client's case failed to satisfy these requirements, judgement should still be in his favour [30]. Granted that Cato does not use the argument as orderly and as explicitly as Cicero, for instance, he clearly follows the same logic. Besides, Gellius even seems to describe something quite similar in (6), without however identifying it was a markedly Ciceronian device. Indeed, even if he does not realise that Tiro's criticism is inspired by his Ciceronian sympathies, he would probably not have neglected to draw attention to this technique, which is found more than sixty times in his Cicero's speeches, one of which, i.e. *Pro Archia*, is even completely structured according to this principle [31]. Again, we must warn that such an observation does not necessarily mean that Cato might have looked at the Greek oratorical tradition or theory for this element, but that what is an apparent technique in the oration

28. G. A. KENNEDY, *The Art of Rhetoric*, *op. cit.* (n. 3), p. 48: "Cato is, if anything, sophistic".

29. G. CALBOLI, *Oratio pro Rhodiensibus*, *op. cit.* (n. 1), p. 284-285. Elsewhere G. Calboli also hypothesizes that Gellius misunderstood Tiro's criticism as Tiro seems to use specific (Ciceronian) rhetorical terminology (p. 83-84).

30. Christopher P. CRAIG, "The Structural Pedigree of Cicero's Speeches *Pro Archia*, *Pro Milone* and *Pro Quinctio*", *Classical Philology* 80 (1985), p. 136. This structure accordingly explains the rhetorical function of the high number of concessive expressions G. Calboli analyses in the speech (G. CALBOLI, *Oratio pro Rhodiensibus*, *op. cit.* [n. 1], p. 226).

31. Cf. Chr. P. CRAIG, "The Structural Pedigree", *op. cit.* (n. 30), p. 137, n. 4.

Pro Rhodiensibus, subsequently discredited by Tiro, can be functionally explained as an element of rhetorical strategy.

4. Justice

A second matter of rhetorical strategy that remains poorly discussed after Tiro's critique and Gellius' reply is the matter of the examples used in the ἐπαγωγή (4). At this point, even Gellius appears ready to admit that Cato's comparison between the Rhodians' case and the matters from proprietary law is improper [32]. And in fact, from a purely logical standpoint there is a fundamental difference between one nation wanting to see another perish, and an individual person coveting more land. Still, rhetoric is never about being right, but about being proven right, so again the question of rhetorical functionality comes to the fore. How could Cato have thought this argument was the best way for him to persuade the senators of his cause?

One possible answer has to do with Cato's ἦθος. In the foregoing, we have already pointed out that Cato speaks with great moral authority and indeed, the image of Cato as a moral beacon for the *ciuitas Romana* is a familiar one. Similarly, but traditionally much less stressed than Cato the moralist (or Cato the farmer), Cato also enjoyed great legal authority. Classical *loci* such as Nep., *Cato*, 3; Liv., 39, 40 and Quint., 12, 3, 9 all present him as either *peritus* (Nepos) or *peritissimus* (Livy and Quintilian) in matters of the law [33]. In this way, it is feasible that Cato uses his reference to proprietary law more as an *argumentum ex auctoritate* than as a sound legal argumentation. For, since he was arguing in front of an audience who quite possibly were inclined to grant him as much legal as moral authority, Cato could confide in his *auctoritas iudicialis* and subsequently argue that there was no *iusta causa* for war against the Rhodians.

First, in the passage *nemo, opinor; nam ego, quod ad me attinet, nolim* (166) which precedes his legal argument Cato seems to explicitly remind his audience of his authority in the matter by stressing his own person (*opinor* [34] - *ego* - *me* - *nolim*). After establishing his authority in this way, Cato then develops an argumentation which is quite acceptable in legal context, viz. he compares the matter with some 'precedents'. Now the reason why his audience is inclined to believe him is, as said, his great

32. G. Calboli (*Oratio pro Rhodiensibus*, *op. cit.* [n. 1], p. 86-88) points to Ciceronian passages against ἐπαγωγή and similar strategies; again stressing Tiro's disapproval as thinking from Ciceronian norms.

33. See also Plut., *Cat. Ma.*, 1, 5.

34. On the individual aspect of *opinio* versus the collective bearing of *sententia*, see G. Calboli, *Oratio pro Rhodiensibus*, *op. cit.* (n. 1), p. 294.

authority in legal matters, which counted *a fortiori* in this particular case, because Cato took care to cite precedents from a legal area he could boast much knowledge of, i.e. proprietary law [35]. Surely, if there was one domain in which his audience would not argue with the old farmer, it was in matters of property. Yet unbeknownst to his audience, Cato manages to maximize the potential of his authoritative legal knowledge. Indeed, through the connection of proprietary law with international conflict law (for want of a better term), a connection no ancient audience or judge would argue with, and through the easy, subsequent link between the matter of the *iusta causa* and the general morality of Roman behaviour towards the Rhodians, Cato succeeds in using the authority he had in a very specific legal domain to support his whole case [36].

In this way, we can reach the preliminary conclusion of pointing out how much Cato's rhetorical strategy owes to the clever use of his ἦθος. First, as the epitome of Roman virtue, Cato knew he would be a believable critic of his peers' behaviour, and even if such a critique still came across as harsh or irritating, it had the strategical advantage of diverting attention from the weak point of his case (*utilitas* - *tutum*). Second, with his firmly established reputation of a legal expert, Cato could speak with authority on the matter of the *bellum iustum*. In both cases, his argumentation may be incorrect from a purely logical point of view (and Cato might even have realised this), he knew or at least expected his audience to follow this argumentation on the authority he could boast in both fields.

5. Clemency

A final (minor) point about Cato's rhetorical strategy is his plea for *clementia* in this speech. Indeed, Gellius, Livy and Appian all stress Cato's appeal to *clementia* or *mansuetudo* [37]. Therefore, some scholars have seen something of a paradox in Cato's insistence on *clementia* in *Pro*

35. On these laws specifically, see G. Calboli, *Oratio pro Rhodiensibus*, *op. cit.* (n. 1), p. 306-311 and L. Labruna, "Astronomi e storici: due leggi 'immaginarie'", *op. cit.* (n. 15).

36. L. Labruna, "Astronomi e storici: due leggi 'immaginarie'", *op. cit.* (n. 15), esp. p. 122-123, also argues for the importance of Cato's legal arguments for his cause.

37. Gell., 6, 3, 18, 33 and 52. Liv., 45, 25: *plurimum causam eorum* [i.e. *Rhodiorum*] *adiuuit M. Porcius Cato, qui, asper ingenio, tum lenem mitemque senatorem egit* and App., *Pun.*, 65: εἰσὶ γὰρ οἳ καὶ τόδε νομίζουσιν, αὐτὸν ἐς Ῥωμαίων σωφρονισμὸν ἐθελῆσαι γείτονα καὶ ἀντίπαλον αὐτοῖς φόβον ἐς ἀεὶ καταλιπεῖν, ἵνα μή ποτε ἐξυβρίσειαν ἐν μεγέθει τύχης καὶ ἀμεριμνία. καὶ τόδε οὕτω φρονῆσαι τὸν Σκιπίωνα οὐ πολὺ ὕστερον ἐξεῖπε τοῖς Ῥωμαίοις Κάτων, ἐπιπλήττων παρωξυμμένοις κατὰ Ῥόδου.

Rhodiensibus, while he would argue for the total destruction of Carthage with almost completely the same arguments [38]. It has, for instance, prompted A. D. Leeman, reasoning from the perspective of Cato's personal-political motives in his speeches, to develop the far-fetched theory that in 167 (with regards to Rhodes) Cato believed in the balance of power, while in 150 (with regards to Carthage) he had converted to the doctrine of direct rule [39]. And recently, even an eminent expert of Latin rhetoric such as W. Stroh was struck with Cato's '*ungewöhnliche* Humanität' in *Pro Rhodiensibus* and exclaims "wie human und staatsmännisch ist der Inhalt!" [40]

Again there is a rhetorically functional explanation for the presence of *clementia* in Cato's speech, which has perhaps never really been interpreted in this way, as popular belief tends to doubt whether *clementia* actually played a part in contemporary moral and political considerations. We have seen how relative the notion is even with later rulers such as Caesar or Augustus who will explicitly claim it in their self-presentation. Nevertheless, in a study of some early fragments, including *Pro Rhodiensibus*, H. Haffter (1967) has shown that Virgil's *parcere subiectis et debellare superbos* is not a moral anachronism [41], and that accordingly clemency was indeed already considered a virtue in the second century BC.

So first of all, even if one would want to read Cato's insistence on *clementia* in function of his biography, he can still remain in character as the defender of the *mores maiorum*. More importantly, however, we need to realise the full rhetorical implications of Haffter's research. It means that the idea of *mansuetudo* was part of the moral horizon of Cato's audience, which accordingly turns it into a possible *locus* for rhetorical persuasion. Obviously, it is naïve to suppose that what Cato argues for in a particular speech necessarily represents his own opinion. Regardless of what Cato as a person or Cato as a politician thought of it, it is clear that appealing to the *mansuetudo maiorum* (Gell., 6, 3, 52) is rhetorically functional in this

38. Cf. F. E. Adcock, "Delenda est Carthago", *Cambridge Historical Journal* 8/3 (1946), p. 117-128 (p. 124) and M. von Albrecht, *Meister römischer Prosa*, *op. cit.* (n. 15), p. 29. See Cato, *frg.* 198 M: *Carthaginienses nobis iam hostes sunt; nam qui omnia parat contra me, ut quo tempore uelit bellum possit inferre, hic iam mihi hostis est, tametsi nondum armis gerat* (quoted from A. D. Leeman, Orationis Ratio, *op. cit.* [n. 18], vol. 1, p. 47). Nevertheless A. E. Astin, *Cato the Censor*, *op. cit.* (n. 6), p. 128, n. 72 sees a "fundamental distinction" between both fragments.

39. A. D. Leeman, Orationis Ratio, *op. cit.* (n. 18), vol. 1, p. 47.

40. W. Stroh, *Die Macht der Rede*, *op. cit.* (n. 6), p. 275 and 276 (my italics).

41. "Politisches Denken im Alten Rom", in Heinz Haffter, *Römische Politik und römische Politiker: Aufsätze und Vorträge*, Heidelberg, Carl Winter - Universitätsverlag, 1967, p. 39-61.

case, just as the complete opposite might be functional in the case of Carthage. An interpretation such as the aforementioned one by A. D. Leeman ignores a fundamental faculty of rhetorical speaking, i.e. being able to adapt one's argument to the *utilitas* of one's cause.

Accordingly, we can go even further than M. von Albrecht does in his interpretation of the case at hand:

> His plea for clemency and his use of the reproach of *superbia* against the Romans may be read as early evidence of a humane policy, but also as the utterance of someone who knew how to turn every occasion to advantage. [...] How little Cato was afraid of contradictions, so long as arguments were tactically useful at the moment, is shown by the single fact that the later champion of Carthage's destruction here took the opposite position [42].

Indeed, Cato's *Pro Rhodiensibus* is *not* evidence of a humane policy, it is evidence of an orator making an argument for clemency for his party, most definitely doing so out of rhetorical considerations, regardless of his own motivations. In this way, the emotional argument of *clementia*—emotion playing a large part in ancient oratorical persuasion—can be firmly confirmed as the third rhetorical strategy of Cato's *Pro Rhodiensibus*.

6. Conclusion

This paper has tried to reduce some of the observations on *Pro Rhodiensibus* previously discussed in literary, stylistic or historical contexts to matters of rhetorical functionality, hoping that such an approach has proven more insightful for Cato's actual oratorical practice. Of course one should be careful of over-interpretation when dealing with the general strategy of a fragmentarily preserved speech. Nevertheless, as Astin indicates [43], it is unlikely that Gellius would have passed over any of the truly prominent arguments in Cato's defence, so it appears we can interpret the general rhetorical strategy of the speech with some certainty, even if we can only read it in fragmentary version.

In this way, we have analysed three main rhetorical strategies in Cato's *Pro Rhodiensibus*: honour, justice and clemency. First, rather than linking it to the complicated issue of Greek oratory in early Roman rhetoric, we have interpreted the *principium acre* as a rhetorical strategy to obscure a weak position and stress a strong one. Second, we have shown that Cato's

42. M. VON ALBRECHT, *A History of Roman Literature*, *op. cit.* (n. 27), p. 392-393.

43. A. E. ASTIN, *Cato the Censor*, *op. cit.* (n. 6), p. 278 (even if he seems to contradict this on p. 137).

legal argument, which Tiro and Gellius both analyse as 'faulty', is also part of a rhetorical strategy, and should be judged not by its logical force, but by its rhetorical credibility in the context of the orator's ἦθος. Finally, we have identified Cato's insistence on *clementia* neither as a political paradox nor as a personal contradiction, but as an emotional argument, which is always second to rhetorical functionality.

7. Addendum: Cato, *Pro Rhodiensibus* and Liv., 45, 22-24

Having analysed these three elements as the main rhetorical strategies in our speech it is quite interesting to see that the same three return in one of Livy's speeches which was most likely modelled on, or at least inspired by Cato's *Pro Rhodiensibus*. Indeed, in Liv., 45, 22-24, where Livy evokes a speech delivered by one of the Rhodians in defence of their cause, we see the same elements of honour, justice and clemency returning as the rhetorical cornerstones of the Rhodian oration.

In a first passage Livy first argues in the same way as Cato 165 and then alludes clearly to the idea of *bellum iustum*. Moreover, he does so in a sharp rhetorical question which seems to disregard the *beneuolentia* of the audience, immediately reminding one of Cato's *principium acre* and its moral invective.

> *Et Macedonas Illyriosque liberos esse, ut audimus, iubetis, cum seruierint, antequam uobiscum bellarent – nec cuiusquam fortunae inuidemus, immo agnoscimus clementiam populi Romani – ; Rhodios, qui nihil aliud quam quieuerunt hoc bello, hostes ex sociis facturi estis? Certe iidem uos estis Romani, qui ideo felicia bella uestra esse, quia iusta sint, prae uobis fertis, nec tam exitu eorum, quod uincatis, quam principiis, quod numquam sine causa suscipiatis, gloriamini*. (Liv., 45, 22.) [44]
>
> According to what we hear, you are ordaining that the Macedonians and Illyrians shall be free peoples, though before they went to war with you they were in servitude—not that we envy any one's good fortunes, on the contrary we recognise the clemency of Rome—but the Rhodians simply remained quiet, and are you going to convert friends into enemies by this proposed war? Surely you are the same Romans who make it your boast that your wars are successful because they are just, and pride yourselves not so much upon bringing them to a close as victors as upon never beginning them without just cause.

44. Text from *Livy. With an English Translation. In Fourteen Volumes. XIII: Books XLIII-XLV*, translated by Alfred C. SCHLESINGER, London - Cambridge MA, Heinemann - Harvard University Press, 1951). Translation from *Titus Livius. The History of Rome. Vol. VI*, ed. Ernest RHYS, transl. Rev. Canon ROBERTS [Everyman's Library], London - New York, J. M. Dent and Sons - E. P. Dutton and Co., 1912).

Further on in the oration, the Rhodian speaker employs a *praeoccupatio*, which is in essence the same as Cato's argument of both pleading as if the Rhodians are not guilty and are guilty (cf. *supra* Gellius [5]). In comparison to the first fragment cited (cf. *sine causa*) and other passages where the Rhodian speaker presents his cause as if Rhodes has not done anything wrong [45], he now argues as if some wrong was indeed done [46]. The way in which he tries to mitigate this wrong by claiming a difference between state actions and those of individuals, also reminds one of Cato's opposition between *publice* and *priuatim* in 164.

> *"Quid igitur? nihilne factum neque dictum est in ciuitate uestra, Rhodii, quod nolletis, quo merito offenderetur populus Romanus?" Hinc iam non, quod factum est, sum defensurus – non adeo insanio –, sed publicam causam a priuatorum culpa segregaturus. Nulla est ciuitas, quae non et improbos ciues aliquando et imperitam multitudinem semper habeat.* (Liv., 45, 23.)
>
> Some one may say, "What then? Has nothing been done or said in your City which you disapproved of and which was such as to give just offence to the people of Rome?" I am not here now to defend what has been done—I am not so mad—but I shall draw a distinction between the cause of the State as a whole and the guilty conduct of individual citizens. There is no State which does not at some time possess bad citizens and at all times an ignorant populace.

In the next paragraph, we then read an argument by the Rhodian speaker which reminds one clearly of both Cato's ἐπαγωγή (i.e. "illegal wishes are not punishable") and his insistence on common sense and the legal aspect of such actions.

> *Voluntatis nostrae tacitae uelut litem aestimari uestris inter uos sermonibus audio, patres conscripti: fauisse nos regi et illum uincere maluisse; ideo bello persequendos esse credunt alii; alii uestrum uoluisse quidem nos hoc, non tamen ob id bello persequendos esse; neque moribus neque legibus ullius ciuitatis ita comparatum esse, ut, si qui uelit inimicum perire, si nihil fecerit, quo id fiat, capitis damnetur.* (Liv., 45, 24.)
>
> I hear, senators, that you are discussing the amount of the fine which is to be imposed upon us for our unspoken wishes. It is alleged that our sympathies were with the king and that we should have preferred to see him victorious, so, some of you think we ought to be punished by war, others hold that while that was our wish we ought not on that account to be punished. In no State has it been laid down either by traditional usage or by

45. Liv., 45, 23: *Neque fecimus igitur quicquam tamquam hostes, neque bonorum sociorum defuimus officio*.

46. See also Liv., 45, 23: *Non praeteribo id, quod grauissimum est in hoc bello crimen ciuitatis nostrae: legatos eodem tempore et ad uos et ad Persea de pace misimus*.

positive enactment that whoever wishes the destruction of an enemy, but does nothing to bring it about, shall still suffer capital punishment.

Finally, the oration ends in a clear appeal to the senators' clemency, where the Rhodians are presented as humble supplicants:

> [...] *non enim de bello deliberatis, patres conscripti, quod inferre potestis, gerere non potestis, cum nemo Rhodiorum arma aduersus uos sit laturus. Si perseuerabitis in ira, tempus a uobis petemus, quo hanc funestam legationem domum referamus; omnia libera capita, quidquid Rhodiorum uirorum feminarum est, cum omni pecunia nostra naues conscendemus ac relictis penatibus publicis priuatisque Romam ueniemus et omni auro et argento, quidquid publici, quidquid priuati est, in comitio, in uestibulo curiae uestrae cumulato, corpora nostra coniugumque ac liberorum uestrae potestati permittemus, hic passuri, quodcumque patiendum erit; procul ab oculis nostris urbs nostra diripiatur, incendatur. Hostis Rhodios esse Romani iudicare possunt, facere non possunt; est enim et nostrum aliquod de nobis iudicium, quo numquam iudicabimus nos uestros hostis, nec quicquam hostile, etiam si omnia patiemur, faciemus*. (Liv., 45, 24.)
>
> The question before you is not one of war; you can commence one, but you cannot continue it, since not a single Rhodian is going to bear arms against you. If you persist in nursing your wrath against us we shall ask for time to carry the tidings of this fatal embassy home. All of us every free person, every man and woman in Rhodes, will go on board our ships with all the money we possess, and bidding farewell to our national and our household gods, we shall come to Rome. All the gold and silver belonging to the State, all that individual citizens possess, will be placed in a heap on the Comitium, on the threshold of your senate-house, and we shall deliver up ourselves, our wives and children to you, prepared to suffer whatever may be in store for us. Far removed from our eyes, let our city be plundered and burnt. The Romans have it in their power to judge the Rhodians to be public enemies, we too can pass some judgment on ourselves; we shall never judge ourselves to be your enemies, nor will we commit a single hostile act, even if we have to suffer everything that you can inflict upon us.

Since Cato's *Pro Rhodiensibus* was published both in the *Origines* and as a separate publication, and as it was quite famous in the contemporary literary field, this parallelism (together with some other minor allusions [47]) will not come as a surprise and indicates at the same time the intertextual

47. I.e. to the Rhodian *superbia* in Liv., 45, 23: *Superbiam, uerborum praesertim, iracundi oderunt, prudentes inrident, utique si inferioris aduersus superiorem est; capitali poena nemo umquam dignam iudicauit. Id enimuero periculum erat, ne Romanos Rhodii contemnerent. Etiam deos aliqui uerbis ferocioribus increpant, nec ideo quemquam fulmine ictum audimus*. This particular parallelism has already been noted by *Caton. Les origines*. Fragments, texte établi, trad. et commenté par Martine CHASSIGNET (Collection des Universités de France. Série latine), Paris, "Les Belles Lettres", 1986, p. 47.

connection between both speeches and the rhetorical importance of their motifs. Still, we need to be cautious with such a claim, as Cato's speech is perhaps not the only source for Livy's speech, seeing that the actual historical Rhodian speaker, called Astymedes, also published his speech to the Senate. Still, it is less likely that Livy will have used much material from it, as this now lost document was judged unconvincing and offensive in Antiquity [48].

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48. . Polyb., 30, 4, 11-12: ἐξέβαλε γὰρ ἔγγραπτον μετὰ ταῦτα ποιήσας τὴν σύνταξιν τῆς δικαιολογίας, ἣ τοῖς πλείστοις τῶν ἀναλαμβανόντων εἰς τὰς χεῖρας ἄτοπος ἐφαίνετο καὶ τελέως ἀπίθανος. Συνεστήσατο γὰρ τὴν δικαιολογίαν οὐ μόνον ἐκ τῶν τῆς πατρίδος δικαίων, ἔτι δὲ μᾶλλον ἐκ τῆς τῶν ἄλλων κατηγορίας. See also G. A. KENNEDY, *The Art of Rhetoric*, *op. cit.* (n. 3), p. 59-60.