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Giuseppe Dimatteo: *Audiatur et altera pars*. I discorsi doppi nelle *Declamationes minores* e in Calpurnio Flacco. Bologna: Pàtron 2019. 147 S. (Testi e manuali per l'insegnamento Universitario del Latino. Nuova Serie. 148.) 17 €.

A declamation typically is designed in such a way as to allow for arguing, not one, but two sides of an issue. The design is a function of the rhetorical art. An orator needed to understand a case from opposing points of view. It was a mark of professionalism for a speaker to be able to muster all the argumentative resources he could to deliver a compelling speech, no matter which side he found himself on. Given this standard element of declamation, it is surprising that the extant declamatory collections in Latin feature material for both sides of a case in an inconsistent manner. The *Minor Declamations* (DMin), among 145 extant declamations, have

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only three instances (263, 274, 331) where sections of the material are expressly devoted to the *pars altera*, the other side. The collection of Calpurnius Flaccus, too, shows lopsided numbers, such that of 53 declamations only the first nine contain a *pars altera*. It is this peculiarity that serves as the basis for the study by Giuseppe Dimatteo (hereafter 'D.'). The primary objective of the volume is to discover what reason(s) lie behind the peculiarity.

The volume is of modest size, appropriately so, since it is concerned with a minor anomaly within the declamatory corpora; and it further tightens its focus by forgoing investigation of the elder Seneca's declamatory compilation. Justification for the exclusion rests on the idea (p. 17) that instances in the elder Seneca where the same declaimer speaks on both sides of a declamation are rare, and that it can be difficult to establish whether quotations of speakers belonged to the same declamatory session. The latter is true, but the former is not.¹ Speaking on both sides of an issue, it is apparent, was entirely conventional in the declamatory world captured by the elder Seneca. If Seneca's work had been included, the study would be quite different, I imagine, with a broader range of conclusions. Nonetheless, the exclusion ultimately does not invalidate D.'s findings. A core value of the study is that it shows that the appearance of a *pars altera* section, in the DMin and Calp. Flacc., is not haphazard. There are reasons behind the apparent anomaly, and in the case of the DMin in particular, well-considered motives are at work. Since teaching, clearly, is one of the purposes of the DMin, it is not surprising to see D. on the lookout for pedagogical motives. But it bespeaks the thoughtfulness of the study that it remains open to multiple factors behind the appearances of a *pars altera*, and does not aim to prove a single, driving rationale. Furthermore, as I will highlight at the end of this review, the subject raised by D. is important for its broader implications regarding pedagogy and the communicative dynamics of declamation.

The volume consists of three chapters: 1. 'La *pars altera* nelle *Declamationes minores*'; 2. 'Un esempio di *pars altera*: Ps. Quint. *decl. min.* 331'; and 3. 'La *pars altera* negli Excerpta di Calpurnio Flacco'. Chapters 1 and 3 delve into cases of *pars altera* in the DMin and Calpurnius Flaccus, respectively. Chapter 2 is a deep-dive into DMin 331, and offers the full text, a translation, and commentary of the declamation. The change of format is suitable to the author's awareness of the multiplicity of potential motives behind the *pars altera*. And it is clear that the chapter here is connected with an ongoing project, of which D. is part, to provide a multi-volume commentary on the entirety of the *Minor Declamations*.²

Chapter 1 addresses DMin 263, 274, and 331 in succession. D. leads the reader step by step through each declamation, giving an overview of the declamatory scenario and helpfully identifying the argumentative 'status' of each case. The discussion is well organized, clear, and concise. In order to impart to the reader a sense

¹ A quick survey of just Book 1 of the elder Seneca sees that all the declamations contain a *pars altera* and all of them have at least one declaimer speaking on both sides.

² One volume has appeared: L. Pasetti et al., 'Le Declamazioni minori attribuite a Quintiliano (244–292) I', *Patron* 2019. In this volume, D. provides commentary on DMin 263 and 274, among others.

of the volume's subject and contents, I now summarize its analysis of DMin 263, 274, and 331.

DMin 263 is something of a brain teaser. A law provides that 'He shall be *ignominiosus* who thrice contradicted law proposals (*rogationes*) and lost'. The *thema* lays down the events of the present case: a man contradicted two proposals and lost. A third proposal comes round according to which *ignominia* shall be remitted for those so marked. The man again contradicts and again loses. He is branded *ignominiosus*.

The crux of the matter is whether the accused is covered by the new law, which would free him from *ignominia*. The *pars prior* belongs to the accuser, the *pars altera* to the defendant. D. explains that, for the two sides, whether the accused is covered by the new law or not comes down to an understanding of the sequence of events. According to the accuser, the sequence is as follows: (1) the defendant contradicted the proposal and lost; (2) the law was passed; (3) the defendant became *ignominiosus*. Since the defendant's *ignominia* came about after the passage of the law, he finds himself outside its purview. On the other side, the defendant's argument is that the new law does in fact apply to him: he became *ignominiosus* at the same time as his rejection of the proposed law failed; after this, the new law came into effect.

D. sees that the two *partes*, *prior* and *altera*, do not operate in isolation. The idea proves key for D. throughout the volume: where there are *partes prior* and *altera*, the two sides are engaged with each other. They interact. In DMin 263, the *pars altera* responds to what the *pars prior* has said. The defendant goes so far as to correct the way the accuser has represented his opponent's side of the case.¹ The motives for the inclusion of a *pars altera* in 263 are didactic. Behind the articulation of the two *partes* is an inherent lesson for students: be sure to listen to your opponent; by doing so, you might be able to identify argumentative weaknesses.

For DMin 274, D. similarly argues that the 'Master' (the anonymous rhetor behind the collection of the DMin) composed the *pars altera* on the framework of the *pars prior*. The *pars altera* engages with the *pars prior*. The premise of DMin 274 tells that a tyrant was struck by lightning in the forum. The event pits two contradictory laws against each other, cited in the premise: (1) 'Wherever someone is struck by lightning, he shall be buried on the spot.' (2) 'The corpse of a tyrant shall be cast outside the city walls.' The issue is whether the tyrant should be buried in the forum. The status of the case, as D. notes, is one of *leges contrariae*, laws at variance with each other. What follows on both sides is a comparison of the laws (*comparatio legum*). The *pars altera* argues that the tyrant should be buried in the forum, not so as to honor him, but as a matter of religious observance. The religious law should prevail.

For insight into the kinds of argumentation relevant to the case, and how the two sides stack up against each other, D. fittingly draws on Quint., *Inst.* 7.7, where Quintilian addresses cases of *leges contrariae* and categorizes them. In some instances the two laws at variance bear equal weight; at other times, the laws are

¹ A textual problem at 263.11 complicates D.'s argument: <Non> *idem tempus est ignominiae meae et receptae rogationis*.

unequal (*leges impares*). D. sees DMin 274 as a clear instance of *leges impares*. Many exceptions can be found for the law ‘someone struck by lightning shall be buried where he was hit’; the only potential exception to the law ‘cast out the tyrant’s corpse’ is the present case. The connection drawn between DMin 274 and Quintilian is apt and persuasive. Likely this indeed would be Quintilian’s view of 274 and how it should be handled. But it is not obvious, to this reviewer at least, that one side of the argument is necessarily weaker. The *pars altera* claims exception to the law based on religion; the second law bears more weight. If the goal is persuasion, it is not the number of arguments but their weight that matters. At any rate, the connection to Quint., *Inst.* 7 shows that the *pars altera*, because of a perception of its inherent weakness, could be seen as the more difficult side to argue. The Master’s inclusion of it, therefore, would be based on pedagogical considerations; it was there for the benefit of advanced students.

The declamations for the two *partes* of DMin 331 are about equal in size, and they are tightly engaged. As with 263 and 274, the *pars altera* of DMin 331 responds to the *pars prior*. But a significant difference here, according to D., is that the interactive dynamic can also work in the other direction: in 331, the *pars prior* is made to react to the *pars altera*, as seen in how the *pars prior* offers up numerous responses (*subiectiones*) to its opponents’ objections.

The premise cites two laws: (1) ‘A person who fails to convict a man in a capital case shall himself suffer capital punishment.’ (2) ‘A person thrice condemned for *iniuria* shall suffer capital punishment.’ The following scenario is laid out. A man twice condemned for *iniuria* is accused a third time and is acquitted. The man acquitted alleges that his unsuccessful attacker brought a capital case against him, failed, and should be punished accordingly.

D. does a particularly fine job of seeing how the material of the two *partes*, and their interactive engagement, is informed by the status of the declamation. DMin 331 belongs to the *status legalis* of a particular type: *ratiocinatio*, as explained by Quint. *Inst.* 7.8.1–7.¹ Within *ratiocinatio*, 331 falls into a rare sub-class of cases for which no law of reference exists at all. The case must be handled using analogy, by a kind of extrapolation from written law. The status would render the declamation especially challenging for students. From these considerations of status, D. justifiably teases out a sophisticated method in the Master’s procedure and in what he offered to students by presenting both *partes*. The Master’s concerns, again, are largely pedagogical. DMin 331 makes available two levels of study. First, students can see both sides of the case and how they operate together. And, second, at a more advanced level, students can see how the entire case is contained in one side: this is made possible by virtue of the fact that, in its fullness, each side has a degree of autonomy. It is clear that because of its complexity, DMin 331 is to D. the most interesting of the declamations containing a *pars altera*. Accordingly, he devotes to it a full text and commentary in Chapter 2. The commentary also serves as a useful support and reference for the arguments made with regard to DMin 331 in Chapter 1.

¹ In order to strengthen his case, D. might have used Quint.’s descriptions (*Inst.* 7.1.4f; 7.1.23f; 7.1.55f) of how to think through what arguments pertain to each side. Quint. here shows a kind of interactive, back-and-forth thinking between the two sides of a case.

Chapter 3 turns to the collection of Calpurnius Flaccus. Again it is a minority of declamations that include a *pars altera*, only 9 of 53. Further bolstering a sense of purpose behind the phenomenon, these all appear together at the beginning of the collection. Even so, as D. readily admits, the potential for enlightening analysis is constrained by a paucity of material. The *partes alterae* in *Decl.* 1, 3, 5, and 8 are barely there, amounting to one or two sentences in each; and in *Decl.* 9, the *pars altera* is too exiguous and textually corrupt to warrant discussion. Nonetheless, there are interactive links («agganci») that D. finds between the two sides of the Calpurnian declamations. The most interesting case is *Decl.* 3, the so-called *Miles Marianus*, a thema appearing also in *Major Declamations* 3. Here D. is able to argue that, as in *Decl. Min* 331, the interaction flows also in the opposite direction: the *pars prior* responds to the *pars altera*.

The stimulating conclusion that D. draws from his analysis is that *Decl.* 1–8 consisted of pairs of countermatched speeches («discorsi doppi», p. 123) that were highly interactive. Such was the organization, that is, *before* the collection was subject to excerpting. D.'s idea is that the process of excerpting has obscured some basic interactive principles motivating the original speeches. But, given the current state of the collection, how do we know? Questions regarding the organization and origins of Calp.'s collection persistently intrude, demonstrating how integral such questions are to interpretations of content. The questions are undeniably difficult. But progress may be possible by following up on an observation by D., who rightly states (p. 95) that, as regards its organization, no other extant declamatory collection is so similar to Calpurnius Flaccus' as the *Excerpta* of the elder Seneca. This angle, if pursued, could pay off. It is promising that the excerptor of Seneca greatly simplified the compilation, doing so precisely by sorting declamatory quotations into two groups, *pars prior* and *pars altera*.

D.'s study, in touching on a seemingly minor anomaly of some Latin declamatory collections, has the salutary effect of calling attention to the communicative complexity of declamation – a topic of great consequence whose interest stretches well beyond declamation. Accordingly, the issues addressed by D.'s volume in its focus on the *pars altera* readily lend themselves to other, more broadly ranging definitions, for example, as concerning 'rhetorical teaching methods' or 'dialogic principles in declamation.' 'Teaching' and 'dialogue' – no trivial subjects. What D.'s study points up is that a declamatory speech is not simply an exhibition of eloquence; it is an interactive exchange between parties. And this exchange utilized complex methods. The sophistication of the methods should not surprise. For, once the topic of dialogic exchange enters the investigative picture, it is not declamation alone that is our subject. The interpersonal communication of the declamatory halls would draw on methods utilized outside declamation. Consequently, while communicative exchange in declamation is a topic not limited to declamation, study of the latter could reveal methods of interpersonal communication in antiquity.

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