

[QUINTILIAN]
THE MAJOR DECLAMATIONS

VOLUME II

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DECLAMATION 8

INTRODUCTION

A father of twins is accused of ill-treatment by his wife. Their children had both fallen ill, and all the doctors despaired of saving them—all except one, who promised he would save one child if he were allowed to vivisect the other in order to find a cure. Father consented: the son subjected to vivisection died, the other was cured. Mother blames Father for not involving her in the decision, and for not trying to find a treatment able to cure both sons.

A trial on a charge of ill-treatment, in itself, is a fiction conceived in the schools of declamation; Quintilian, however, regards it as the counterpart of a real-life procedure, intended to allow a wife to recover her dowry in cases of divorce.¹ The speaker in *DM 8*—Mother's advocate—offers his own interpretation of this connection between ill-treatment and divorce: a charge of ill-treatment is no doubt too trivial for a man who has killed his son; but this is the only legal proceeding available to a mother against her husband, when the very presence of children does not allow her to divorce (6.1–4).

The whole speech of the woman's advocate is built on a tragic doubt: since one of the twins was eventually cured,

¹ Quint. 7.4.11. See Stramaglia (1999b, 94–95n3) and Breij (2015, 60–70).

no one will ever know if the illness was actually incurable, as the majority of doctors had stated; indeed, since one of the twins died and the other survived, it will be impossible to tell whether they were even affected by the same disease (1.2). This calls into question the reliability of the doctors: both those who gave up hope of saving the twins, and the one who promised to find a cure by means of vivisection (3.3–4.4). Later in the speech, Mother's advocate will have an opportunity to question the validity of medical research in itself, especially when it aims at predicting an impending death rather than keeping hopes alive (9.3–10.5; also 21.1). After all, the speaker concludes, medicine can do very little to change what fate has decided for each mortal (9.4). The potential benefits and the legitimacy of vivisection in particular are obviously opposed by the speaker: this declamation seems to voice the criticism of the Empiric and Methodic medical schools against vivisection (e.g., 16.1–18.6), which we are informed about in Celsus' *De medicina* (pr.27ff.).² Additionally, to counter the claim that both twins may have been affected by the same illness and so were both doomed to die, the speaker engages in a discussion of the nature of twins: although their faces are indistinguishable, twin brothers have been allotted an individual character and a specific destiny (12.1–13.5).

A major task for the speaker will be to prove that, although Father and Mother have both lost a child, their condition is not comparable. Father trusted the doctors,

² See in detail L. Greco in Stramaglia (1999b, 4–9); Selinger (1999, 32–41); Guerrini (2003, 6ff.); cf. also Gibson (2013, 539–40).

agreed to have one son killed, and now takes pride in at least having saved one (2.1–2). Mother, however, could not settle for the death of a son to save the other (2.3) and now cannot be comforted by the survival of only one of them (3.1–2). What is worse, she was not informed of the therapy offered by the doctor, nor was she allowed any role in the decision (4.5–6); this leads to a lengthy discussion of what part mothers have, or should have, in the decisions affecting the life of their sons, in comparison with the role and authority of fathers (6.6–8.1).³

A crucial question raised in the speech on Mother's behalf is who decided which one of the twins should be vivisected. On the one hand, the speaker implies that Father made this choice, which is taken as a proof of his lack of affection for his children: he was able to choose which one to kill, because neither of them mattered to him (4.6–7). On the other hand, Father tries to hold the *doctor* responsible for the choice; but if the doctor could make a choice between the two patients, this would prove that their condition was not identical, so that the vivisection of one could not be a suitable course of action to save the other (19.4).

The facts are related in two narrations. In the first and shorter one, the speaker recalls the onset of the disease, the despair of most doctors, the proposal of vivisection, and the decision by the father (3.1–5.1). Mother is then quoted as explaining how she cured the surviving son with her maternal love: the son entrusted to her care was healed, and the same treatment should have been accorded the other (5.2–4). Later in the speech, the ad-

³ Cf. Bernstein (2013, 66–74).

vocate describes what happened in the room to which Mother was not admitted: a gruesome second-narration⁴ provides full details of the vivisection performed by the doctor with Father's consent and implies that the doctor aimed at furthering his medical knowledge more than at curing the ill youth (19.5–21.9); additionally, in the peroration, Mother is made to recall the care she gave to the remains of her son after the procedure (22.5).

The structure of the speech may be analyzed as follows:

- PROEM 1.1–2.6
- NARRATION (I) 3.1–5.4
- ARGUMENTATION
 - Confirmatio* 6.1–9.2
 - Refutatio* 9.3–19.4
- NARRATION (II) 19.5–21.9
- EPILOGUE 21.10–22.6

The needs of his argumentation lead the speaker into some inconsistency with the theme: there, the twins are said to be “infants”; yet in the speech they seem grown-up enough to have already traveled and served in the army (13.4), and each seems to be mature enough to be willing to die for his brother (8.2).

DM 8 is particularly close to *DM* 5, in terms of language and imagery; its author seems to know also *DM* 4 and 10. Judging by language, style, and use of rhythmical clausulae, *DM* 8 may be considered the most recent piece of the whole collection, dating to the middle or to the second half of the third century AD.⁵

⁴ *Epidiēgesis*: see Introduction to *DM* 5, n. 4.

⁵ See General Introduction, §4.

The declamation inspired a short twelfth-century poem, *De gemellis*, ascribed to Bernard Silvestris or his circle in Tours.⁶ A reply to *DM* 8 in Castilian was given by Gabriel Bocángel in his *Quintiliano respondido* (1647);⁷ another one, in Latin, is included in the collection of *Antilogiae* by Patarol.⁸

⁶ Now available, with English translation, in Wetherbee (2015, 247–55).

⁷ Ed. Dadson (2000, 2:867–87). See Fernández López (2018, 236–45).

⁸ (1743, 243–67). Full discussion in Martella (2015).

Gemini languentes

Gemini, quibus erat mater et pater, aegrotare coeperunt. Consulti medici dixerunt eundem esse languorem. Desperantibus reliquis promisit unus se alterum sanaturum, si alterius vitalia inspexisset. Permittente patre executi infantem et vitalia inspexit. Sanato uno accusatur pater ab uxore malae tractationis.

1. Quamvis, iudices, plurimum infelicissimae matris adversis miserationis abstulerit, quod ex duobus liberis pari desperatione languentibus alter evasit, et plerisque maximum dolorem prima fronte tractantibus videatur aviditas gaudiorum, ut modo ad totius orbitatis redacta patientiam iam non sit unius salute contenta, non possumus tamen affectibus vestris non hanc primam tristissimae calamitatis allegare mensuram, quae ex ipsa quoque solacii sui condi-

¹ See Introduction to the present declamation.

The sick twins

Twin brothers, whose mother and father were both alive, fell ill. Doctors were called in and said their illnesses were identical. The others offered no hope, but one said he would cure one of the two if he first inspected the vital organs of the other. With the father's permission, the doctor cut the infant¹ open and inspected the organs. The other twin was cured. The father is accused by the wife of ill-treatment.

(Speech on behalf of the mother)

1. Although, judges, a great deal of the sympathy for the misfortunes of this most unhappy mother has been removed by the fact that of her two children, both equally despaired of, one escaped, and although to so many who look only superficially at her extreme grief it seems to show greed for happiness that, after having come close to suffering complete bereavement, she is now not content with the survival of one, nevertheless we cannot but lay before your sympathetic consideration, first of all, the following way of gauging this grievous disaster, a way which takes its rise from the very circumstance that gives her

cione descendit: minus misera quereretur de marito, si sanari nec ille potuisset, pro quo est frater occisus; nunc infelix par non est dolori, nunc non invenit ulla solacia, ex
 2 quo sibi videtur filium perdidisse victurum. Super impatientiam tristissimae orbitatis increscit quod intellegit illum non sine sanitate fuisse languorem, nec persuaderi miserae potest perituro¹ laborasse fato, in quo inventum est quod sanaret alium. Captet licet crudelissimus senex parricidii immanitatem metu maiore protegere, non invenio unde colligi possit utrumque fuisse moriturum: ex duobus aegris non periit nisi qui occisus est.

2. Ante omnia igitur illud a vobis infelicissima mater petit, ne maximi sceleris ideo decrescat invidia, quia pati videtur et reus ex orbitate tantundem. Non perdidit filium, quisquis occidit. Explicat a dolore patrem quod sibi videtur fecisse rem maximam, et in locum iuvenis amissi
 3 substituit de vanitate solacium. Alia est, alia condicio matris, quae medico non credidit, apud quam saevissimae condicionis immanitas fidem non potuit impetrare temp-
 4 tandi. Pro utroque timuit, pro utroque speravit. Facinus est eum maioris pietatis videri, qui de morte filii potuit² alterius vel certa salute transigere. Sic debetis odisse patrem, tamquam duos occiderit, cuius non interfuit uter occideretur.

¹ -ri Watt² 25, sed vd. Sch. (coll. Petron. 119, v. 19)

² potuit 5 (corrob. Hdk.² 68-69): putavit codd.

² I.e., the survival of one son: she now realizes that the dead son was curable, for the other survives, and this is cause of grievance (DAR).

³ Clarified in the next words.

comfort:² the poor woman would have less to find fault with in her husband if the child for whose sake his brother was killed had proved incurable too. As it is, the unfortunate mother has not been able to bear her grief, she has found no comfort, ever since she came to think that she has lost a child who would have lived. (2) What makes her tragic loss the more intolerable is her realization that the illness was not incurable: the unfortunate woman cannot be convinced that the child was doomed to die, seeing that something was found in him able to cure his twin. Though the sadistic old man is seeking to cover over the enormity of his murder by conjuring up a greater fear,³ I see no way of inferring that both would have died: of the two sick children, the only one who died was the one who was killed.

2. First of all, then, a most unfortunate mother asks this of you, that the revulsion felt at the worst of all crimes should not be diminished simply because the accused is thought to be suffering just as much as she is from this bereavement. Someone who kills his son has not lost him. (2) It relieves the father from grief that he is convinced he has performed a great act: he has made vain pride a comforting substitute for the young man he has lost. (3) Quite, quite different is the position of the mother, who did not believe the doctor, who could not be brought to approve of an experiment on such barbarous terms. She feared for both her children, she hoped for both. (4) It is outrageous if more affection is attributed to a parent who found it in him to settle for the death of one son even to gain the assured survival of the other. You should hate the father as being the killer of both, for it made no difference to him which was killed.

5 Est tamen, sanctissimi iudices, quod de crudelissimo parricida queri possit non sola mater: adiecit humanis calamitatibus ipsam sanitatem, et morborum languorisque violentiam medicinae concessit. Filium occidit, si ipsi creditis, fortasse moriturum, et hominem, cuius caritas debuerat ipsa desperatione crevisse, in hoc solum impendit, ut tantundem superesset incerti. Non exonerat, iudices, immanitatem saevissimi patris quod hanc rationem³ credidit: de languente filio rem inauditam, rem facere crudellem unam rationem habet, si ipse sanetur.

3. O tristior indigniorque semper mensura calamitatum, magna felicitas! Huncine fecit exitum illa modo civitate tota conspicua mater, ille indiscretus ab utroque latere comitatus, ille gaudentium dulcis error oculorum? Quid mihi mortem nuntiatis unius? Perdidit misera geminos.

3 Passi sunt enim languorem miserrimi iuvenes sine dubio pariter unaque non fraternitate, non animae corporumque consortio, sed condicione fragilitatis humanae, qua sic extranei quoque duo languere potuissent; non negaverim terribilem, gravem, et parentibus utique metuendum, de cuius tamen adhuc—ut parcissime dixerim—remedio quaereretur. Quid refert an medici con-

³ hanc -nem (sc. esse) Håk.² 69: hac -ne codd.

⁴ But also for the human race in general.

⁵ He made the attention of doctors as dangerous as illnesses.

⁶ When one is used to a condition happier than normal, any misfortune will be all the harder to bear.

⁷ Probably an echo of Verg. *Aen.* 10.391–92, *simillima proles, / indiscreta suis gratisque parentibus error.*

⁸ Her special pleasure lay in having twins. Cf. 8.22.1.

(5) But there is a sense, most revered judges, in which it is not only for the mother⁴ to complain of a most cruel murderer: he has added to the list of human disasters even the act of curing, by handing over to the art of medicine the violence associated with diseases and illness.⁵ He killed a son who—if you believe his account—would perhaps have died anyway, sacrificing a human being who should have grown dearer to him just because he despaired of his life, merely so that exactly the same degree of uncertainty might remain. (6) It does nothing, judges, to mitigate the dreadful behavior of a barbarous father that he was convinced he was acting justifiably. To do something unprecedented, something cruel in the case of a sick son can only be justified if it is *he* who is then healed.

3. O great good fortune, always too sad and inadequate a measure of calamities!⁶ Is this what has become of that mother, just now so familiar a sight throughout the city, of those indistinguishable companions to left and right, of the sweet mistake made by the eyes that rejoiced to gaze on them?⁷ (2) Why do you bring me the news of the death of one son? The poor thing has lost *twins*.⁸

(3) Indeed, there is no doubt that those most unfortunate young men fell ill in the same way and at the same time not because they were brothers, not because they were bound together body and soul, but because of the frailty of our human condition, which could have made two strangers also fall sick just like that. I do not mean to deny that the illness was frightening, serious, and certainly to be feared by parents, but (to use extremely measured language) it was one for which a remedy was still to be sought. (4) What does it matter if the doctors, having said

5 senserint utrumque periturum, cum eundem dixerint esse languorem? Manifestum est de duobus non dixisse verum, quos de altero constat esse mentitos. Iam tamen, iudices, de tam perditā pronuntiatione non querimus, quod aegros, quos sibi videbantur explicare non posse, parentibus crediderunt; innocentior est simplicitas desperare, si remedia non noveris, et hanc ignorantiae malo probitatem, ut languorem quem nescias tantum neges posse sanari.

6 Maximi tamen virorum et quibus arti suae⁴ solvendo non sit humanitas, si sciebant hoc genus curationis et illud non indicare voluerunt. 4. Vultis ut⁵ illos mentitos breviter probem? Desperaverunt de languore, cuius remedium, si patri creditis, alius invenit.

2 Sive enim, iudices, vanissimus nescientium vidit hanc patris in periculo liberorum rigidam nimiamque patientiam et hominem in filiorum languore sollicitum de remedio generis humani, sive captavit ex hoc velut⁶ quandam artis imaginem⁷ imitari, quod sanare non poterat, et ignorantiae pudorem tegere magno temptavit incerto, sive, ut aliud videretur dixisse quam reliqui, verba desperationis incredibili vanitate variavit magnaue miseros parentes ambage suspendens tutissimum putavit promittere quod

⁴ arti suae *Obr. (firm. Pi.¹, Str.¹⁰ 115–16.89): artis suae codd.: gratias suas Watt² 25 ⁵ et V Φ ⁶ velut Sch.: vultu B V Φ* ⁷ om. B V γ, sed vd. Hdk.² 70*

⁹ I.e., they got it wrong. As one twin did survive, a remedy must have been possible—and the doctors should have kept searching for it. ¹⁰ If they *were* ignorant, they were right to confess ignorance; but if they *did* know vivisection would help

that the illnesses were identical, agreed that both boys would die? It is obvious they did not tell the truth about both, for it is established that they lied⁹ in the case of one. (5) But now, judges, I am not complaining of such a despairing pronouncement, or that they left to the parents the fate of children whose sickness they thought they could not cure; it is more forgivable to express frank despair if you do not know the remedy, and I prefer the principled confession of ignorance that makes you restrict yourself to calling an illness incurable, when you cannot identify it. (6) But¹⁰ they are the greatest of men, ones to whose art men of true humanity could not but be in debt, if they knew this type of cure and yet would not reveal it. 4. Do you want me to prove in a word that they did not tell the truth? They despaired in the case of an illness for which, if you believe the father, another found a remedy.

(2) Maybe, judges, this falsest of ignoramuses observed how unflinching and extreme was the stoicism shown by the father when his children were in danger, and how anxious he was, though it was his own sons who were ill, to find a remedy for mankind in general; or maybe he attempted to convey a certain air of professionalism by the very fact that he could not find a cure, trying to cover up the shame of his ignorance under a cloak of mystery;¹¹ or maybe, in order to look as if he was saying something different from the others, he produced a variation on a bulletin of despair by including an incredible fiction, and, keeping the wretched parents in high suspense, thought it safest to promise something that no one would have to try

and did not say so, then we as humane men are much in their debt. ¹¹ Cf. 8.15.6.

- 3 deberet nemo experiri: causas quidem se dixit ignorare
 4 morborum, sed salutem spondit unius, si licuisset alterum
 5 occidere, lacerare, perspicere. En cui pietas patris,
 6 cui credere sollicitudo debuerit: dixit se scire remedium,
 7 et⁸ nesciebat.
- 8 Vultis intellegere, iudices, nihil impatientia caritatis
 9 fecisse patrem? Non retulit ad matrem. Adacta est a morte
 10 filii vel sanitate discedere. Non propinquos consuluit, non
 11 amicos, sed sua tantum persuasione medicique contentus,
 12 quod nocentius est quam si ipse occidisset, alterutrum
 13 potuit eligere. Dicit nunc parricida quid fecerit illud,
 14 quod [etiam]⁹ de < tam >¹⁰ similibus,¹¹ tam paribus aegris
 15 in alterum desperatio illa praevaluit. Si medici non inter-
 16 fuit utrum occideret, constabit vivere utrumque potuisse;
 17 si interfuit, constabit non eundem fuisse languorem.
- 18 Qualis fuerit illa curatio, quid passus sit iuuenis in
 19 morte, qua¹² medicus parabatur, omnium adfectibus, om-
 20 nium cogitationibus liquere crediderim, ideoque parcim-
 21 us auribus matris. 5. Breviter tamen longae crudelitatis
 22 explicanda saevitia est: ex omnibus quae pertulit, levissi-
 23 mum fuit quod occisus est. Non est quod veniam tris-

⁸ et V: quod B Φ ⁹ del. Wint.⁵ 346 ¹⁰ add. Bur.

¹¹ del. Alm. necnon Scheff. 438-39 (ut plane sit de tam pari-
 bus) ¹² quam . . . -bat Obr., sed de in non iterato cf., e.g.,

Sen. Ep. 93.1 in epistula, qua . . . , Nep. Att. 18.1

¹² I.e., he thought that the parents would not take up the sug-
 gestion. Cf. 8.2.3 (*temptandi*), where *Mother* rejected it; also
 8.15.9. ¹³ *Hysteron proteron*: the killing is the result of the
 dissecting and examining, but is put first for emphasis.

out.¹² (3) Whatever the case, he said he did not know what
 had caused the illnesses, but promised the recovery of one
 twin if he were permitted to kill, dissect and examine¹³ the
 other. (4) You can see the kind of doctor an affectionate
 and anxious father had to trust: he said he knew a reme-
 dy—yet he did not.

(5) Do you want to see, judges, that the father did not
 act out of overmastering affection? He did not tell the
 mother. (6) She was compelled¹⁴ to absent herself from
 the death, or the cure, of her son.¹⁵ He did not consult
 relations or friends, but, content with his own conviction
 and that of the doctor, he proved (something more cul-
 pable than if he had killed the boy himself) capable of
 choosing between the two.¹⁶ (7) Let the murderer¹⁷ now
 explain to us how it came about that in the case of two
 patients <so> similar, so alike, the verdict "no hope" was
 passed on only one. If it made no difference to the doctor
 which he killed, it will follow that both could have lived; if
 it did matter, it will follow that it was not the same illness.

(8) What that cure was like, what the boy had to suffer
 in a death where¹⁸ a doctor was called in, is—I should
 think—obvious to anyone of feeling or imagination; so I
 shall spare the mother's ears. 5. All the same, the barbarity
 of the long scene of cruelty needs an explanation, however
 short: out of all he suffered, being killed was the easiest to
 bear. There is no reason why the horrific cure should be

¹⁴ Cf. also 8.19.6. ¹⁵ I.e., from the decision about it
 (DAR).

¹⁶ I.e., he was so insensitive as to be able to choose.
 Cf. 8.9.2. ¹⁷ = Father. ¹⁸ Amounting to "in the case

of a death, in relation to which . . ." Doctors are usually called in
 to secure the life of a patient, not his death.

tissimae curationis paret, quod videtur in alio fratre explicata promissio: an alterum medicus sanaverit, fortuna viderit; quod negari non potest, alterum medicus occidit.

- 2 Erumpit hoc loco mulier infelix et tota libertate proclamat: "Redde mihi," inquit, "marite, filium, quem tibi pariter medicoque commisi, recipe quem mihi credidisti.¹³ Hic est ille vester insanabilis, ille moriturus, hic quem
- 3 permiseras medico, si maluisset, occidere. Vides quid profecerint anxia vota pietatis, sollicitae preces. Dum iam frigidi pectoris calorem superpositis revocamus uberibus, dum rigentia¹⁴ membra continuis osculis et spiritu trepidae matris animamus, dum labentes oculi ad nostras exclamationes nostrosque planctus admissa¹⁵ paulatim luce laxantur, dum multa mentior, multa promitto et fratrem dico sanatum, respexit ad vitam, convaluit, evasit.
- 4 Non tamen iacto pietatem, non arrogo mihi prosperae curationis eventum. Quid hunc sanaverit, vis scire breviter? Quod potuit utrumque sanare."

6. Pudeat vos, o iura legesque, quod miserrimi sexus dolorem his clusistis¹⁶ angustiis. Ita maritum, quod occisus
- 2 est filius, malae tractationis uxor accusat? Perdiderunt legis huius auctoritatem quae ad illam¹⁷ uxurias querelas,

¹³ recipe—credidisti *h.l. habent* Exc. Mon. p. 366, 15 *Lehnert* (*vind. Reitz.*² 77): *post insanabilis codd.*

¹⁴ ri- *Wint.*⁷ 148: *fri- codd.*

¹⁵ admi- π (*ammi- σ, quod def. Leh.*¹ 442): *ami- cett.*

¹⁶ clu- σ: *elu- codd.*

¹⁷ -am *Plas.* 67.5 (*firm. Håk.*² 71): *-as codd.*

¹⁹ Compare the desperate efforts of another mother at 10.4.1.

²⁰ *Sc.*, her tender loving care. Cf. 8.21.6.

forgiven just because the promise has (it seems) been made good in the other brother. Whether the doctor healed the one is a question for fortune; what is undeniable is that the doctor killed the other.

(2) At this point the unhappy woman bursts out and proclaims with complete openness: "Husband, give me back the son I entrusted to you and the doctor between you; take back the one you entrusted to me. Here is your incurable, your doomed son, the one you would have let the doctor kill if he had preferred him. (3) You see what a loving parent's anxious vows, her distraught prayers could bring about. While I was summoning back the warmth to his already chill chest by laying my breasts upon it, while I was bringing life to his stiffening limbs by continual kisses and a frightened mother's breath,¹⁹ while in answer to my cries and my wails his drooping eyes were beginning to open again and gradually admit the light of day, while I was telling many a fib, making many a promise, and assuring him his brother had been cured—it was then that he turned his eyes toward life, grew stronger, came through. (4) But I make no boast of maternal devotion, or claim for myself the credit for a cure that proved successful. Do you want to know, in a word, what cured him? What could have cured both of them."²⁰

6. Ordinances and laws, you should be ashamed to have placed such tight constraints on the grievances of those unfortunate enough to be females! So a wife is to accuse her husband of *ill-treatment*, when her son has been killed? (2) The authority of this law has been destroyed by women who so often appeal to it over wives' grievances,

3 matrimoniorum solent deferre delicias; ego illam datam miseris tantum matribus puto. Potest autem¹⁸ ab iniquo coniuge explicare divortium, et contra maritales tuetur iniurias ut nolis praestare patientiam. Illa his¹⁹ succurrit, quas nefas est abire, discedere, quas in pessimi coniugii durum²⁰ perpetuumque complexum communium pignorum nexus artavit, quae malos maritos pariter et patres

4 nec relinquere nec ferre sufficiunt. Facinus est ideo evadere maritum, quia damnaretur si illa de²¹ minore dolore quereretur. Itaque²² impudenter facit, quod pro detracto matronae²³ cultu negatoque comitatu, fastiditis noctibus pulsataque facie, filium complorat occisum^p.

5 Sileo adhuc illa, per quae parricidii crevit immanitas; occisum filium obicio.²⁴ Puta²⁵ luxuriosum, perditum, nocentem; fingite hoc patrem ira, indignatione fecisse. Quantum facinus sit filium occidere, nemo magis fatetur quam qui vult videri se²⁶ illud fecisse pro filio.

¹⁸ puto. potest autem Reitz.³ 67 (autem fere = enim, cf. H.-Sz. 490-91 et Håk.² 71): puto potestatem codd.

¹⁹ illa his Wint.⁹: illis codd.: <illa> illis vel illis <lex> Sh. B.² 200, cf. Sh. B.⁴ 199 ²⁰ dir- B V δ, sed vd. Håk.² 70-71

²¹ illa de Wint.⁵ 346: de illo codd. ²² itane Sch., sed cf. e.g. 10.9.2 ²³ -nae 5 (genet.: cf. Håk.³ 129-30, qui et -nali coni.): -na codd. (frustra def. Pi.² 480): -na ante impudenter transp. Wint.⁵ 346, post facit Bur. ²⁴ gravius dist. Wint.⁹

²⁵ -ate 5, sed cf. e.g. 8.9.6 ²⁶ del. Leh., sed vd. Håk.

²¹ Cf. 19.5.2. ²² The law of *mala tractatio* is needed by wives with children. For divorce is there to enable (childless) wives to deal with bad husbands; but *mothers* need a different sort of help, because they cannot just go away as divorcees can.

over the frivolous trifles of married life.²¹ Personally, I think that it was meant to apply only to *mothers* in a sad plight. (3) Indeed, divorce can²² free a woman from an unjust husband: refusal to go on suffering guards a wife against injuries inflicted by her spouse. That law²³ comes to the aid of women who are forbidden to leave, to depart, women whom the ties of children in common have locked into the harsh and unending embrace of a bad marriage, who can neither leave nor put up with bad husbands who are at the same time bad fathers. (4) It is outrageous for this husband to be let off the hook precisely because he would be convicted if his wife were going to court over a smaller grievance.²⁴ Is she then acting impudently in complaining of a son being killed, rather than of the loss of a matron's trousseau or the denying of attendants or the disdaining of night pleasures or a blow in the face?

(5) I do not speak yet of what aggravated the horror of the murder; I accuse him of killing his son.²⁵ Suppose him lecherous, a rake, a criminal; imagine the father acted out of anger, out of wrath.²⁶ How great a crime it is to kill a son is confessed by no one more than someone who wishes it to be thought that he did it for the sake of another son.

²³ Viz., on *mala tractatio*.

²⁴ The husband would have been convicted for *mala tractatio* had he been responsible for one of the minor offenses listed above; it would be absurd if, by that same law, he could not be condemned for having committed something more serious, i.e., killing his son. See also 19.5.2. ²⁵ Pure and simple, with (for the moment) no aggravating circumstances.

²⁶ I.e., that would be better than to do it for the reason he did.

- 6 Ecquid,²⁷ iudices, vel ex hoc totus animus mariti, tota tristissimae coniugis calamitas perspicitur potest, quod se negat matri communium liberorum debere rationem?
- 7 Placet ergo, mortales, ut de hominibus, in quos plus ex harum sanguine, ex harum transit anima, non habeant partem nisi tantum doloris? Solos ergo communicabit misera planetus, et ab omnibus consiliis quibus ordinatur iuventa, vita disponitur, extranea vilitate seposita circa maiores tantum lacrimarumque consortium orbitate iungetur.²⁸ 7. Si mehercules fas est aestimare utri plus parenti debeatur ex liberis, non improbe totam potestatem sibi vindicabit adfectus qui decem mensibus ante vestram incipit diligere notitiam, et, cum vos patres gaudium primum faciat oculorum, ante sunt conscientia matres. Facinus est ideo tantum illis minus licere, quia minus facere sufficiunt.
- 2 Vos estis, qui crescentes adhuc in peregrinationes, quiam adultos in castra magnorum²⁹ parentum³⁰ vanitate dimittitis. Erubescitis desideriis tamquam infirmitate, et, unde velocissimus transitus est in rigorem, liberos vultis amare patientia.³¹ Quam multa ideo tantum de filiis facitis,

²⁷ ecquid ζ : haec quid B V δ : et quid γ β

²⁸ -etur ζ : -entur (-un- J) *codd.*

²⁹ magna cum *Kuy.*, sed *genetivos iuxta positos nec conexos* (magnorum | parentum) *item praebet e.g. 17.19.7*

³⁰ imperatorum *Watt*³ 51

³¹ pote- *Bur.*

²⁷ Sc., than from the fathers: a variation on the prevalent opinion that both parents transmit their blood to the child (cf., e.g., *Ov. Fast.* 1.471; *Stat. Silv.* 3.3.119-21).

²⁸ Whereas this seems to be conceded to *fathers* (cf. 8.7.5).

(6) Judges, cannot the whole attitude of the husband, the whole plight of his grieving wife be discerned precisely from this, that he says he is not accountable to the mother for the children they have in common? (7) Is it then your judgment, humankind, that, except in grief, women have no part of those beings into whom more passes over from *their* blood, from *their* soul?²⁷ Shall then a poor woman take a share only in laments, and, excluded, like a worthless outsider, from all the discussions about the regulation of her son's youthful years and the planning of his life,²⁸ will she be regarded as a partner only when a child is lost, when sorrows and tears unite both parents? 7. If, by heaven, it is proper to calculate to which parent children owe more, absolute precedence will rightly be claimed by the affection that begins to feel love ten months before you²⁹ make their acquaintance: while *you* are made fathers only by the first joyous glimpse of the child, *they* are mothers before that in their inmost thoughts. It is scandalous that less should be allowed them just because they are able to do less.

(2) It is you who in the foolish pride of parenthood send off your sons on foreign trips while they are still growing up, and, when they *are* adults, dispatch them to do military service under the *grandees*.³⁰ You blush at the idea of missing them in their absence, as though that were a weakness, and your wish is to make love of your children an endurance test: a short step, indeed, away from being harsh. How many things you do with your children just

²⁹ Sc., you fathers (so too in 8.7.2), who do not get to know your child till he is born.

³⁰ Cf. 3.5.1.

- 3 quia licet! Et frequentius potestatis vestrae iactatione tamquam aliquo gravitatis genere delinquitis. Non habet orbitas vestrae lacrimas: super arduos rogos tenetis inconcussam rigidamque faciem, itis obviam consolationibus, et, quod omnem modum feritatis excedit, captatis in magna calamitate laudari. Quicquam ergo erit quod de communibus pignoribus non pari mente, pari patientia,³² vel, si necessitas postulet, pari rigore faciatis?
- 5 Mali tantum patris interest ut matri minus liceat. Sane cedat vobis circa regendas communium pignorum mentes sexus infirmior: vos mores, vos vitae genus, vos matrimonia ceterosque actus vestra persuasione firmetis; numquid arrogans consortium, numquid impotens societas est liberos communes esse languentes? Si quis immo pudor est, cede nunc tota potestate matri, illius sit in aegri toro proximus locus, haec adhibeat fomenta, porrigat cibos. Si quid impatientia, si quid flagrantium viscerum poscit infirmitas, mater neget, mater indulgeat. Illas quas immodicus ardor discutit vestes haec super fatigatos reponat artus, illas iactatas toto lectulo manus <haec>³³ sedulo contineat affectu.
8. Frustra captas videri ultionem³⁴ magnae³⁵ caritatis ab

³² pa- Håk.² 71-72: impa- codd.

³³ add. Reitz.² 40 (corrob. Str.³)

³⁴ ultionem codd. (an <vel> ul-²): velut timore Håk.

³⁵ maternae Håk., sed vd. Str.³

³¹ For your steadfast firmness.

³² Sc., as this deplorably insensitive father.

³³ Sc., than a father who can act so arbitrarily.

because you have the power! (3) And all too often you act improperly to show off your power, as if that made you look important. Losing a child does not make you weep: over the burning pyre your expression remains unshaken and rigid, you snub those who try to comfort you, and, most inhuman of all, you look for praise³¹ at a time of great misfortune. (4) In short, will there be anything that you fathers would not do, in regard to the children you share, in the same frame of mind, with the same self-control, and, if need be, with the same harshness?³²

(5) It is in the interests only of a wicked father that a mother should have less power.³³ Certainly the weaker sex should give way to you in the exercise of control over the children you have in common: *your* views should dictate their behavior, their manner of life, their marriages and their other activities; but is it an abuse of your partnership, a sign of your union being stretched too far, if your children are held in common when they are ill? (6) No, if you have any sense of shame, you should yield the mother full power at such a time: *she* should have the place nearest the bed of the sick child, *she* should apply the cold compresses, offer the food. (7) If intolerable pain, if a failure of inflamed organs causes demands, it is for the mother to deny, for the mother to grant. If his bedclothes are disordered by the heat of fevers, it is for her to rearrange them over weary limbs; if his hands are flung all over the bed, it is <for her> to put them back under the covers with ever-vigilant love. 8. It is in vain that you seek to be thought to have banished your wife from any role in the children's

omni curae ratione seposuisse.³⁶ cum circa curationes liberorum non consentiunt parentes, curationis est culpa, non matris.

- 2 Quid, quod filium occidit innocentem, cui nihil obicere, nihil poterat irasci? Filium—si ipsi creditis—pro fratre mori paratum, cuius suprema ferre non poterat?
- 3 Novum, iudices, et incognitum rebus humanis audite facinus: iam parricidium pietas, caritas et impatientia orbitatis admittit! Malo odium, querelas, execrationes, quam ut
- 4 quis liberos affectu, quo servantur, occidat. Quid refert an per hoc alterius filii anima redimatur? Si parricidium fas est ullas accipere causas, filius propter se tantum debet occidi.
- 5 Adicite, iudices, immanitati, quod occidit aegrum. Omnibus equidem mortalibus maiorem crediderim de languore venire reverentiam, et illorum quoque, quos inter supplicia pereuntis avido spectamus assensu, iuxta valetudines tamen morborumque violentiam quodam innocentiae favore miseremur. In carceribus et in illa profunda nocte poenarum, religiosius ille anhelus pectoris pallor inspicitur; non sic confundunt obvios gravibus catenis

³⁶ -suisse scripti (de clausula heroa q.d. vd. Str.¹³ 57.131); -situs codd.

³⁴ Father claims that he excluded Mother from any decision in the "cure" for fear she could halt his project by appealing to a court (seeking "revenge"), out of love for both sons.

³⁵ It is a cure that should not be tried (like vivisection in the present case).

³⁶ See Introduction to the present declamation.

cure to forestall a revenge prompted by her huge love:³⁴ when parents do not agree about the cure of their children, that is the fault of the cure,³⁵ not of the mother.

(2) What of the fact that he killed an innocent son, whom he had no possible reason to reproach or feel angry with?—a son who, if you credit his own account, was ready to die for a brother³⁶ whose last moments he could not bear to witness. (3) Judges, I must tell you of a crime novel and unparalleled in human history: now a sense of duty, affection, and inability to bear bereavement allow parricide!³⁷ I prefer hatred, complaints, curses, rather than that someone should kill children out of the same sentiments as those which normally prompt us to keep them alive. (4) What difference does it make that the life of a second son is saved by these means? If it is right for any motive to justify parricide, a son should be killed for his own sake alone.

(5) Add, judges, to the enormity of the offense that he killed a *sick* man. Personally I incline to think that all mortals deserve greater respect if they are sick: even when we look on with eager approval at the deaths of men being executed, yet we pity them, with the sort of favor accorded to innocence, if they are in ill health and suffering serious disease. (6) In prison cells, in that profound night where punishment is exacted, the pallor of a man gasping for breath is treated with more respect. Those who meet with convicts are not so disconcerted by necks clanking with

³⁷ Parricide is here the killing of a child. Father committed it in order to save at least one son, and so to avoid complete bereavement. Cf. 8.14.2.

colla stridentia et diutino squalore concreta facies ut ille, quem ad singulos conatus gressusque labentem vix trahit impellitque longus ordo vincitorum, et inter tot destinatos totque perituros omnium tamen in se retorquet oculos unus aeger. 9. Quid ais? Tu illum, quem nunc nefas est castigare, reprehendere, cuius auribus parcere debuerunt saeviora verba, quem,³⁷ si quid negares, videreris occidere, ferro, vulneribus aggredieris? Non potest hinc tibi venire defensio, ut hoc sis pro alterius salute commentus. Inter duos liberos pari desperatione languentes da bonum patrem: non praeponderabit alterutrum,³⁸ non eliget, sed, ut incertum orbitatis evadat, ipse morietur.

- 3 Temptat hoc loco, iudices, crudelissimus senex excusationem temeritatis suae de medicorum trahere consensu: "Desperaverant" inquit "de duobus." Sepono paulisper immanitatem patris, qui credidit: [et]³⁹ de arrogantissimae persuasionis hominibus queri [de]⁴⁰ totius generis humani nomine volo. Quam multas artes, misera mortalium sollicitudo, fecisti! Fato vivimus, languemus, convalescimus, morimur. Medicina, quid praestas, nisi ut iuxta te nemo desperet? Dicturum me putas: "Non credo renuntianti-

³⁷ quem β: om. cett. ³⁸ dist. Reitz.² 68: post -rabit vulg.
³⁹ del. Wint.⁷ 148 coll. 8.16.1 ⁴⁰ del. Gron. (firm. Håk.)

³⁸ Cf. 16.8.6-7.

³⁹ "[T]he repeated use of the connective *-que* evocatively mimes the sick man's stumbling gait" (Schwennicke [2018, 500]).

⁴⁰ Contrast 8.4.6. ⁴¹ Cf. 10.4.1.

⁴² *Artes* here hints at "arts" (such as medicine) as well as "tricks" (like the cruel procedure devised by this doctor).

⁴³ Cf. Petron. 42.5. All that medicine can offer is hope, since

heavy chains and faces crusted³⁸ with long-accumulated filth as by a man who stumbles at every attempt to take a step forward, and can scarcely be dragged or³⁹ pushed forward by the long line of the chain gang; and among so many who are doomed, so many who will die, one sick man nevertheless draws the attention of all. 9. What do you have to say? Do you assail with knife wounds someone whom it is in his condition wrong to chide or find fault with, someone whose ears should have been spared from overharsh words, someone whom, if you denied him anything, you might seem to be killing? (2) You cannot plead in your defense that you devised this to save the life of the other. When two children are suffering equally desperate illnesses, suppose their father to be a decent man: he will not come down either way, he will not choose, but to avoid the uncertainty attending his bereavement he will die himself.⁴⁰

(3) At this point, judges, our elderly nonpareil of cruelty attempts to find an excuse for his own recklessness by appealing to the agreement of the doctors: "They had despaired of both," he says.⁴¹ I put aside for the moment the barbarity of a father who believed this: I wish, in the name of the entire human race, to complain of men so arrogant in their convictions. (4) Wretched anxiety of mortals, how many arts⁴² have you contrived! It is according to *fate* that we live, fall ill, recover, die. Medicine, what have you to offer except that no one should despair when you are on the case?⁴³ (5) Do you think I am going to say: "I do not

everything is governed by fate; so the doctors should not have despaired of the sick twins, but helped the parents by keeping hope alive.

bus, non accedo, cum deserunt relinquuntque languentes"? Ego vero medicis non credo sperantibus. Aspicite maiorem partem generis humani et, si me interrogos, illam robustiorem, illam adhuc in prima rerum naturae veritate⁴¹ viventem: nullos⁴² artis huius novit antistites, nec minus tamen bellorum vulneribus morborumque medetur incursibus; non disputationum vanitate sollerti, sed experimentis et, invicem per similes dissimilesque casus observatione ducente, tradita ratione succurrit. Non medicina sanat, sed quicquid videtur sanasse medicina est.

10. Quo vultis animo feram quod ars, quantum dicitis, inventa pro vita, <sic,>⁴³ si dis placet,⁴⁴ auctoritatem famamque⁴⁵ captat ut longe ventura suprema prospiciat, ut adesse fata denuntiet quae nec timentur, et maxima⁴⁶ scientiae pars esse coepit sanare non posse? Quisquamne ab homine qui adhuc loquitur, spirat, intellegit, sic recedit quemadmodum relinquitur exanime corpus, et ibi finem vitae putabit, ubicumque scientiae substiterit infirmitas? Si fragilitatem mortalitatis incertosque velimus aestimare casus, tantundem periculi habet omnis aeger. Iniquissimum est desperationes vocari, quotiens remedium medicina non invenit, et angustias sive artis seu mentis humanae ad invidiam referre fatorum. Nihil magis interesse omnium puto, quam ut spes pro homine tam longa quam

⁴¹ viriditate *Alm.* (*prob. Watt*³ 51) ⁴² -los 5: -lus (-lum S) *codd.* ⁴³ *add. Wint.*⁷ 148: <tantam> *Hine ibid.*

⁴⁴ dis placet V: displicet B Φ* ⁴⁵ fam- *Watt*² 26: form-*codd.* ⁴⁶ -ma 5: -me *vel* -mae *codd.*, *unde* <cum> -me *Hdk.*

⁴⁴ "[T]he idea is that nature ceased to be truly nature when it was corrupted by man" (*Watt* [1991, 51]). ⁴⁵ Doctors.

believe in their verdicts of despair, I do not go along with them when they give up hope and abandon sick patients"? In fact, I don't believe them even when they hope. (6) Look at the greater part of mankind, and—if you ask me—the stronger part, those still living in the true primeval state of nature:⁴⁴ they know no high priests of this art, yet they can heal wounds caused by war and counter the onset of disease; they bring succor along traditional lines, not by the futile ingenuity of theoretical disputes but by experiment and the observation that leads such men alternately through cases similar and dissimilar. (7) It is not medicine that cures; rather, everything that is seen to have cured in the past is medicine.

10. How do you want me to feel about the fact that an art which was, as you⁴⁵ assert, invented to preserve life is (heaven help us!) looking for authority and repute <by> claiming to foresee deaths well in advance, to announce that ends are at hand when they are not even feared, and that the greatest part of the science is coming to be its inability to cure? (2) Does anyone, when he sees a man still talking, breathing, understanding, go away as though it is a lifeless corpse that he is abandoning? Will he think the end of life comes at any point where feeble science is brought to a halt? If we care to bear in mind the vulnerability of mortal men and their uncertain fortunes, every sick man is in exactly the same danger. (3) It is quite wrong for cries of "no hope" to be raised every time medicine cannot find a remedy, and for the limitations of art or the human mind to be ascribed to the malevolence of fate. I think nothing is more in the interests of everyone than that hope for a man should last as long

4 vita sit. Unde putatis inventos tardos funerum apparatus,
unde quod exequias planctibus, plangore⁴⁷ magnoque
semper inquietamus ululatu, quam quod facinus videretur
5 vitam post conclamata suprema redeuntis. Plerique con-
valuerunt neglegentiae bono, quosdam explicuit quicquid
alios fortassis occideret; hos indulgentiae temeritas, illos
adiuivit desperationis audacia.

11. Detur⁴⁸ fortassis huic arti perspicere morbos, pro-
futura meditari: sed unde sciret quantum intra⁴⁹ viscera
latentesque pectoris sinus unicuique animae natura con-
cesserit, quam proprietatem spiritus, quam corpus acce-
2 perit? Non tam variae mortalibus formae, nec in vultibus
nostris sedet tanta diversitas, quanta latet in ipsis dissimi-
litudino vitalibus. Inenarrabile, indeprehensibile est quic-
quid nos elementorum varia compago formavit, et, prout
in nos plura seu rariora de terrenis seminibus caelestibus-
que coierunt, ita vel duramur tacita ratione vel solvimur.
3 An desperantibus credi debuerit, vos aestimabit; qui
negarunt aegros posse sanari, nec in hoc probaverunt qui
evasit, nec in illo quem non languor occidit.

4 Iustus mehercule haberet mulier causas querelarum, si

⁴⁷ pl- B V δ (vind. Beck.² 79.4): cl- γ β (def. Dess.¹ 80)

⁴⁸ dat- Φ

⁴⁹ intra W (vind. Wint.⁷ 148): inter codd.

⁴⁶ A reference to the ritual of *conclamatio*: after the funeral wake, the relatives would direct repeated cries at the deceased, to awaken them from a possible apparent death before proceeding to bury them. Cf. *Decl. min.* 246.4; Pasetti (2014, 21–22).

as life. (4) How do you think it came about that preparations for funerals are so slow, that we always disturb the proceedings with breast-beating, wailing and shrieking⁴⁶ It is because it was thought outrageous to believe so easily even⁴⁷ in a death. We have in fact often seen people returning to life after their last rites had been performed. (5) Many have recovered thanks to being neglected, some have been saved by what might perhaps kill others; some have been helped by reckless indulgence, others by the boldness born of despair.

11. Maybe it is granted to this art to see deep into illnesses, to think out what will treat them effectively:⁴⁸ yet how could it know the length of life nature has conceded to each individual within the guts and the secret recesses of the breast, what particular feature a spirit, what a body has been given? (2) Shapes are not so various in mortals, nor is such diversity imprinted on our faces, as the difference that lies hidden in the vital organs themselves. Beyond description, beyond detection is the form, whatever it may be, that we have been given by the various structuring of our elements, and, in so far as more or fewer earthly and heavenly seeds have come together to construct us, so we are mysteriously made to endure or to break up. (3) As to whether the doctors who offered no hope should have been believed, *you* will judge; those who said the patients could not be cured proved their point neither in the case of the boy who escaped, nor in the case of the other who was not killed by *illness*.

(4) The woman would indeed have good reason for her

⁴⁷ Death being apparently so final a thing.

⁴⁸ Cf. 8.16.2.

nova incognitaque ratione vel utrumque servasses. Numquam ex magno venit affectu incredibilia vel profutura temptasse, et, in re quae plus de incerto habet, temeritas
 5 experimenti solam probat desperationis audaciam. Quid refert cuius sit condicionis aeger, quantum adhuc spei, quantum videatur habere de vita? Sacrosancti sint parentum metus. Dii non sinant ut ex liberis vilior incipiat esse
 6 periturus. Medici desperaverunt: quid istud ad patrem? Spera tu, iube⁵⁰ sperare matrem, tuis potius affectibus, tuis crede votis. Et hoc de parricidii facilitate est:⁵¹ circa filiorum languorem ad desperantes potius accedere. Fidem habes hominibus, quos mentiri alius affirmat, contra
 8 quos iterum credis uni?⁵² Pessime mehercule⁵³ de tua feritate sentirem, si in quacumque filii curatione non adhiberes propinquos, non interrogares amicos, non respiceres ad matris animum. Non hanc primam impatientiam,
 9 non hunc consulis timorem? De nullo filio minus debet soli sibi permittere pater, quam qui videtur utique⁵⁴ moriturus.

12. "Fratres" inquit "et gemini erant, ideoque credibile est illis eundem fuisse languorem." Rogo, quis in ullo mor-

⁵⁰ <tu> spera, tu iube W: spera tu, <tu> iube Wint.⁷ 148

⁵¹ *dist. Gr.-Mer.* ⁵² *dist. Håk.*² 72

⁵³ *pessime mehercule vel sim. S (def. Håk.)*² 72; *adde Cic. Phil. 14.18*: praesertim si me hercule *codd.*

⁵⁴ *utrique (ut soli sibi opponatur) Håk.*² 72

⁴⁹ I.e., to the doctors who predicted death. Instead, a good father should have consulted friends, relatives (8.4.6), and especially his wife (8.7.6-7). Compare the attitude of another father at 10.4.1.

charge even if you had saved both of them by a new and untried treatment. Great affection never leads to trying out far-fetched methods even if they prove successful, and in a case so full of imponderables a risky experiment proves nothing but the audacity of the desperate. (5) What difference does it make what the condition of the sick youth was, how much hope, how much life he seemed still to have? The fears of parents should be sacred. God forbid that of two children the one on the verge of death should begin to be less valued! (6) The doctors had no hope: what is that to a father? *You* must hope, tell the mother to hope, trust rather in *your* feelings, *your* prayers. (7) This too is a sign of readiness to commit parricide: to prefer to turn to the no-hopers when your sons are ill.⁴⁹ Do you then trust people whom another asserts to be liars, then turn round and believe in that single individual? (8) I should think very poorly of your barbarity if, whatever cure was in question for your son, you did not summon relations, did not ask the opinion of friends, did not pay regard to the views of the mother. Do you not first consult *her* passionate emotion, *her* fear? (9) A father should allow himself the sole say least of all where a son looks as if he is going to die in any case.⁵⁰

12. "They were brothers, and twins at that," he says, "and so it is likely enough that they had the same illness." I ask you, who would tolerate such a combination of igno-

⁵⁰ If a son seems to be going to die in any case, a father has less reason than ever for trusting the question to his own sole judgment (DAR).

- 2 talium ferat ignorantiam pariter et adfirmationem? Quis-
quis nescit quod genus languoris sit, non potest scire an
idem sit. Nihil, iudices, in rebus humanis voluit esse re-
rum natura tam simile, quod non aliqua proprietate secer-
neret. Quid refert an ex isdem prima illa duorum cor-
porum animorumque compago seminibus oriatur? Sibi
quisque firmatur,⁵⁵ sibi quisque componitur, et duo plu-
resve fratres nascuntur fato singulorum. Hanc ipsam in-
differentiam, quam mirantur occursum, stupent civitatis
oculi, parentum tamen agnitio dinoscit, separat notitia
nutricum, et, fallentibus notis, est rursus quod faciat ipsa
similitudo dissimile. In plerisque, quamvis sit indiscreta
facies, invenitur tamen alius oris sonus, habitus, incessus,
seu,⁵⁶ ut ipsa⁵⁷ consentiant, diversa mens, contrarii mores
et vitae genera rixantia.
- 5 Quid, quod non eandem esse naturam geminorum probat
etiam fortuna dissimilis? Hunc pressit paupertate per-
petua, illum insperatis opibus excoluit; huius⁵⁸ per titulos,
honores, illius per ignobiles obscurasque sordes totam
duxit aetatem. Simile est quicquid accipiunt ex homine
gemini, dissimile quicquid ex fato. Nec enim tam pariter
in lucem de maternis exiluere visceribus, ut illos eadem
origo signaverit. 13. Quantum putas interfuisse temporis,

⁵⁵ for- π, sed vd. Håk.

⁵⁶ seu Dess.² (firm. Håk.² 72-73): sed codd.

⁵⁷ ita δ: ista W necnon Franc.

⁵⁸ huius scripsi, cf. supra hunc . . . illum (nisi chasticæ h.l. illius, mox huius malis): illius codd.

⁵¹ Sc., for both twins.

⁵² Cf. Quint. 10.2.10.

rance and assertiveness in any mortal being? (2) A person who cannot identify an illness cannot know if it is the same.⁵¹ Nature, judges, wished nothing in the realm of humanity to be so alike that it did not mark it off by some special feature.⁵² (3) What matter if that original combination of two minds and two bodies takes its rise from the same seeds? Every one is built up individually, is formed individually, for two or more brothers are born with separate destinies. (4) Their very likeness may make those who meet them marvel, it may astound the eyes of the city; but their parents can tell them apart, nurses who know them well can distinguish them, and, for all the misleading features they have in common, there is nevertheless something that their very similarity makes different. In most cases, though the face is indistinguishable, yet there can be discerned a different tone of voice, bearing, walk, or, even if those are similar, a different mentality, a contrasting character, a manner of life at variance.

(5) What then of the fact that different fortunes too show that twins do not have the same nature? Fate oppresses this one with continual poverty, that one it favors with unexpected riches; throughout life it bears one along in a succession of titles and public offices, the other amid the undistinguished obscurity of low degree. (6) What twins get from man is similar, what they get from fate is dissimilar. The truth is that they did not spring from their mothers' wombs at the same time, so that the same origin could set its seal on them.⁵³ 13. How much time do you

⁵³ I.e., so that they could have the same horoscope (= disposition of the stars at their birth), and thereby the same destiny (cf. Introduction to DM 4).

dum primum uteri pondus egeritur, dum parumper exonerata vitalia altero rursus homine laxantur? Breve fortassis exiguumque videatur immortalibus oculis, sed, si terrena mente perspicere velis orbis huius vastitatem, scies multum esse, quod inter duas transcurrat animas. Volvitur super nos haec caeli siderumque compago et,⁵⁹ praecipiti per proclive decursu totius diei noctisque brevitatem⁶⁰ emensus, orientis occidentisque cursus diversis siderum <intervallis>⁶¹ in primo statim ortu rotato se rursus axe consequitur. Hoc tu parvum⁶² credis esse spatium,⁶³ quod diversis pariter rebus impletur? Quantum inter illa transcurrentis horae momenta nascitur, perit! Igitur quando umquam peregrinati sunt una, militavere pariter? Quid non diducti⁶⁴ separatique fecerunt? Quando illos languor, quando suprema iunxerunt? Et quandoque sit necesse est <aeger>⁶⁵ alter ex geminis,⁶⁶ quod pariter languerunt non sic accidit quomodo fratribus, sed quomodo duobus. Non eodem fato languere geminos quemadmodum vultis brevius probem, quam quod nec uterque occisus est nec uterque sanatus?

⁵⁹ <sol> post et add. *5* (i. a. B. Asc.²), post decursu *Franc.*

⁶⁰ -tem *Sch.*: -te *codd.* ⁶¹ -sis s. <intervallis> *Hüb.*: -si s. *codd.*: -sorum s. *5* ⁶² -rvum *5*: -rum *codd.*

⁶³ (parum . . .) -tū *Wint.*⁹ ⁶⁴ ded- V Φ

⁶⁵ *suppl. Håk.*³ 130 ⁶⁶ *dist. Obr. (et vd. Håk.*³ 130)

⁵⁴ Every day the sun completes its revolution around the earth, while all the heavenly bodies follow their own courses; the rotation of the celestial axis then makes it possible for the sun to "catch up" in time to start its course anew by the new day, though the distances between the planets have meanwhile changed. These crucial astronomical movements take place every single

think elapsed between the ejection from the womb of its first burden and the point when the vital organs, after a period of relief, opened again to bring forth a second human being? It may seem short and tiny in the eyes of the gods, but if you care to gaze at the vastness of this globe from an earthling's perspective, you will realize that there is a considerable gap between the birth of the two souls. (2) Above us this framework of heaven and stars rolls on, and the course from east to west measures out in its headlong descent the short period of a complete day and night; then, just where the new dawn is at its very crack, that course catches itself up despite the now different <distances> between the planets, thanks to the renewed rotation of the celestial axis.⁵⁴ (3) Do you think it is a small time that is filled with so many different things at once? How much is born and perishes between those moments of the passing hour! (4) As a result, when have they ever gone abroad together, gone to war alongside each other? What have they not done apart and separate?⁵⁵ When did illness, when did death join them together? (5) Sooner or later, it must be that one of two twins falls <ill>: their sickening together did not happen to them as brothers, but as two persons. When a couple of twins are ill, it is *not* because they share the same fate—how should I prove this more briefly than by reminding you that the two of them were neither both killed, nor both cured?

instant, so it is no wonder that the horoscopes of two twins may change dramatically from each other in the interval between their births, short as it may seem. Cf. Favorin. fr. 27.26 Amato; August. *De civ. D.* 5.2-3.

⁵⁵ See Introduction to the present declamation.

6 Sed fingamus hoc esse verum, quod desperaverunt
 medici; relinque nobis, pater, innocentiam calamitatis.
 Salva solacia sint de liberis, quos tibi videris non per-
 didisse nisi fato.⁶⁷ Quis ex parentibus nescit in hanc⁶⁸ se
 7 mortalitatis procreare legem?⁶⁹ Sed indigni exitus supra
 orbitatem sunt. Ideo magis flemus illos quos bella rapue-
 8 runt, hausit incendium, naufragia merserunt. Fortius fer-
 ras inter adsidentium manus, inter suorum officia laben-
 tes, cum se invicem oscula, cum se satiavere sermones,
 cum data⁷⁰ suprema mandata sunt, et se scit pietas omnia
 fecisse pro vita. Igitur verum dixerim: illos mori credimus,
 hos perire.

14. Non invenio quemadmodum excusationem pater
 de consensu possit accipere medicorum. Hoc est quod
 omnem comparationem feritatis excedit: filium pater
 propter hominem occidit,⁷¹ quem non putavit posse san-
 2 nari. Quod tu monstri portentique genus es? Habes par-
 ricidii patientiam, non habes orbitatis; ita demum potes
 3 ferre filii mortem, si facinus adieceris. Tu occidis quia
 desperavere medici? Quererer mehercules si reliquisses,
 4 si quid de continuatione curae sollicitudo laxasset. Nihil
 ergo plus facies quam illi, qui nunc plures circumeunt
 fortassis aegros, quos distrahit,⁷² quos advocat alia curatio?

⁶⁷ nisi ex f. V. ⁶⁸ hanc V (def. Håk.² 73): hac B Φ

⁶⁹ -em B V (def. Håk.² 73): -e Φ ⁷⁰ del. Leh., sed vd.
 Håk.² 73 ⁷¹ -dit h.l. habet β (def. Håk. coll. 8.19.3): ante
 propter π: post sanari 5: om. B V γ δ

⁷² distrahit A (-ait V), cf. ThL V.1.1542.17ss.: detrahit cett.

⁵⁶ Lawyer and client (cf. 1.1.3 with n. 6).

(6) But let us pretend that the doctors were right to despair; leave *us*,⁵⁶ father, our innocence in this catastrophe. Let our comfort remain unaffected, regarding children that—in your opinion—you have only lost by fate. What parent does not know that he begets children subject to the law that men must die? (7) But undeserved deaths⁵⁷ are worse than bereavements. That is why we grieve more bitterly for those whom war has taken from us, fire engulfed, shipwreck drowned. (8) You can bear it more bravely when people slip away in the arms of their carers, with the household doing its duties, when there has been kissing enough, talk enough, when the final instructions have been given, and dutifulness knows it has done everything to keep them alive. That is why it is true to say that these people die, those others perish.

14. I do not see how the father can look for an excuse to the agreement of the doctors. What goes beyond any comparable instance of barbarity is this: a father killed his son for the sake of another human being he thought could not be cured. (2) What kind of prodigious monstrosity are you? You can tolerate killing a child, but not losing one; you can only bear your son's death if you add a crime to it. (3) You kill because doctors despaired? Heavens, I should be accusing you if you had *neglected* him, if you had in your stressful situation been in some way remiss in persevering with a treatment. (4) Do you intend, then, to do no better than doctors who perhaps at this moment have many patients to visit on their rounds, who are diverted and called away by another case? At least entrust your sons

⁵⁷ I.e., violent or premature deaths, as opposed to ordinary natural ones.

5 Filios saltem committe vel matri; de fortuna queratur, diis
faciat invidiam. Mulieri, quae ferre non potest quod vide-
ris desperasse, numquam ex hoc rationem reddas, quod
occideris.

6 Quis hanc, iudices, impudentiam ferat? Temptat pater
ut et huic rei credatis, quod desperaverunt⁷³ omnes et
7 quod speravit⁷⁴ unus. Nostrae quidem querelae sufficit
non convenisse medicis, et, cum inventus sit qui contra
sensum desperantium genus aliquod sanitatis adferret, fas
erat, iudices, ut adhuc inveniretur alius qui laetiora, uti-
8 liora promitteret. Hoc nunc me queri putatis, quod in re,
de qua credere nec omnibus debuisset, accessit uni? Non
interest an supersit remedium quod temptare non debeas,
et ubi tantundem periculi spes⁷⁵ quantum desperatio ha-
9 bet, melior exitus est qui facit miseros innocentes. Quid
invidiam prioribus medicis paramus? Nemo magis despe-
rat quam qui se negat nosse languorem.

15. Quid ais, pater? Ita tecum quisquam sic audet
agere de duobus filiis tamquam de duobus aegris?⁷⁶ Tu ex
2 geminis alterum occidendum dabis? Non ferrem si sepa-
rare expositurus auderes, si contentus esses educaturus

⁷³ -rint B V A

⁷⁴ -arit *Gand.* 321

⁷⁵ spes *Gr.-Mer.* (*firm. Håk.*² 74, *Håk.*): *speres codd.*

⁷⁶ *servis Håk.*³ 130-31, *sed vd. Bur.*

⁵⁸ Your wife does not forgive you for giving up hope of curing both twins; still less could she forgive you for killing one of them.

⁵⁹ If innocence is to be preserved, so uncertain a remedy should be excluded a priori (AS).

to their mother; let her complain of fortune, curse the gods. (5) To a woman who cannot bear it that you, as it seems, despaired, you could never justify yourself by saying that you killed.⁵⁸

(6) Who, judges, would tolerate such impudence? The father tries to make you believe even this, that all lost hope and one retained it. (7) It is enough for our charge that the doctors did not agree; when one was found who, against the opinion of those who held out no hope, offered some kind of cure, the right course, judges, was to go on looking for someone who could suggest a happier and more practical solution. (8) Do you think my present complaint is that, in a matter concerning which he should not even have believed a unanimous opinion, he went along with just one doctor? No, it makes no difference whether there is still a remedy available if it is one that you ought not to try out: when hope involves as much danger as despair does, the better way out of the problem is one that makes the unhappy innocent.⁵⁹ (9) Why do we reproach the earlier doctors?⁶⁰ No one has less hope than someone who says he does not recognize the illness.

15. What do you say, father? Does then anyone dare to discuss two sons with you as though they were two patients?⁶¹ Of two twins, will you give one to be killed? (2) I should not put up with it if you had the temerity to make a choice between them as candidates for being exposed, if you were content to raise one or the other as your son; I

⁶⁰ For having no hope; in fact (see the next sentence) the doctor who advised vivisection had as little hope as they.

⁶¹ I.e., just two ordinary sick persons, not related to each other or to you.

alterutrum; non ferrem a piratis captum filium alterius
 3 vicaria servitute redimentem. Tu de orbitate facies vices,
 et casum singulorum per utrumque diffundes? Parrici-
 dium vocarem si, promittente medico quod sanaret unum,
 posses eligere periturum. Paene crudelius est geminos
 dividere quam perdere.

4 En scientia cui debeat credi! Negat se scire causas lan-
 guoris, deinde promittit quicquid licere non deberet nec
 5 intelligentibus. "Occidam," inquit, "deinde sanabo." Mem-
 ineris, pater, in hac condicione prius esse, ut occidas.
 Non est tanta pietas servare filium, quantum facinus occi-
 6 dere. Tu nunc hoc putas profundae artis esse secretum?
 Verba tantum desperationis involvit, et homo cautissimae
 vanitatis captat illam novissimam circumire veritatem.⁷⁷
 7 Vides quanta promissum suum experimentumque caligine
 medicus involverit: numquam constabit an fuerit languore
 8 moriturus aeger, qui aliter occiditur. "Non novi" inquit
 "languoris genus." Post hanc vocem mehercule non de-
 beres committere aegros, etiamsi vellet⁷⁸ experiri potionis
 9 haustus, ciborum fomentorumque novitates. "Nescio," in-
 quit, "sed si permiseris alterius aperire vitalia, pectus ef-
 fringere, remedium fortassis inveniam." Iam excusatus es,
 medice, matri: sperasti ne tibi crederetur.

⁷⁷ veri- *Häk.*: brevi- *codd.*

⁷⁸ -et *5*: -ent *codd.*

⁶² This doctor prescribes a treatment that should not be per-
 mitted even to one who, unlike him, is confident of its efficacy.

⁶³ Literally, "now": i.e., in the light of all this, with an ironic
 nuance.

⁶⁴ = that he could not cure them both. Cf. 8.4.2.

should not put up with you ransoming a son in the hands
 of pirates by sending the other twin to be a slave in his
 place. Will you play fast and loose with the loss of children,
 spreading the fate of one between both? (3) I should call
 it parricide, if the doctor promised a cure for one and you
 were able to choose the one to die. It is almost more cruel
 to part twins than to destroy them.

(4) Here indeed we have a science worthy of confi-
 dence! He says he does not know the causes of the illness,
 then he prescribes things that not even people under-
 standing those causes should be allowed to do.⁶² (5) "I will
 kill," he says, "then I will cure." Remember, father, that
 the first stage of this arrangement is that you kill. It is not
 so great an act of fatherly affection to save a son as it is a
 crime to kill one. (6) Do you really⁶³ regard this as a secret
 of a deep art? All he is doing is camouflaging his verdict
 of despair: this master of cautious deceit is trying to avoid
 revealing the ultimate truth.⁶⁴ (7) You see in what dark
 words the doctor wrapped his promise and his experi-
 ment: it will never be established if the sick man was going
 to die of his illness, for here he is, killed in a different way.
 (8) "I do not know" he says "the kind of illness." After this
 avowal you should not, by heaven, have entrusted him
 with sick men, even if he wanted to⁶⁵ test the correct dose
 of a potion, or novel diets and compresses. (9) "I do not
 know," he says, "but if you let me lay bare the vital organs
 of one of them, break open his chest, I shall possibly find
 the remedy." You are excused by now, doctor, in the moth-
 er's eyes: you hoped you would not be believed.⁶⁶

⁶⁵ Sc., no more than to.

⁶⁶ Cf. 8.4.2

16. Differo paulisper quod de fratribus, quod de geminis, quod pater hoc facit⁷⁹ non consentiente matre, publico potius mortalitatis contendo nomine non debere genus istud curationis admitti. Peractum est velut de genere humano, si nobis pro salute aegri opus est morte hominis alterius, et paene⁸⁰ ratio sanitatis intercidit, si
 2 consumit medicina tantundem. Ego quemquam dicentem feram: "Ut inveniam valetudinis causas, date mihi corpus aliud, alia vitalia; occidam, deinde salutaria quaeram, profutura meditabor"? Ita non facilius est nosse languorem?
 3 Quae haec est impudentia crudelissimae vilitatis? Aegrum placuit occidere, ut inveniretur cur non debuisset occidi!
 4 Nullum, sanctissimi iudices, natura morborum genus solis visceribus abscondit, et quicquid causas valetudinis de vitalibus trahit, in corpus emanat. Inde pallor, inde macies, quod ad interiorem dolorem superposita consentiunt. Non invenio cur hominem vulneribus exquiras, cum⁸¹ remedia quoque vitalibus per corpus immittas, et in latentem meatus <per>⁸² haec, quibus tegimur, medicina descendat. Cur ergo non eadem ratione languor admittit
 6 intellectum qua sanitatem? Prodit abditos profundosque morbos aut citatior clausi sanguinis cursus aut crebrior anhelitus laborantis animae. Crede de his ante omnia sensibus, oculis tuis, et ipsos, de quibus agitur, modo singulos, modo pariter interroga, cui potissimum parti grave tacitae

⁷⁹ fec. Gr-Mer., sed cf. e.g. 8.15.1

⁸⁰ plane Håk. ⁸¹ cum Sch. (firm. Håk.² 74): cur codd.

⁸² add. 5

⁶⁷ Cf. 8.15.3.

⁶⁸ The particular case of the twins is envisaged here.

16. For the moment I pass over the point that the father is doing this to sons, to *twins*,⁶⁷ without the mother's consent. Rather, in the name of all men in general, I assert that this type of cure should not be countenanced. We may as well say goodbye to the human race, if to save a sick man we need the death of another human being; the rationale of curing is virtually annihilated, if medicine destroys as many as it heals! (2) Shall I tolerate someone saying: "So that I can find the causes of an illness, give me another body, other vital organs; I will kill, then I will look for ways to heal, I will think out what will help"? Can one then not get to know an illness more easily than that? (3) What is this impudence on the part of a contemptible sadist? He thought it proper to kill a sick man to find out why he ought not to have been killed!

(4) Most respected judges, nature hides away no type of disease in the inward parts alone: anything that derives causes of disease from the vital organs spreads on to the surface of the body. Pallor and wasting away are the result of the outer parts being in sympathy with the internal pain. (5) I see no reason why you should have to pry into a man by cutting him open, for remedies too can be passed into the vitals through the body, as medicine descends into the hidden passages <through> the parts that cover us. Why then can illness not admit understanding in the same way as it admits cure? (6) Hidden and deep-seated diseases are betrayed by swifter flow of the blood within the body or more frequent gasps of the troubled breath. On these matters you should put your trust primarily in the senses, in your own eyes, and interrogate the patients in question—sometimes individually, sometimes together,⁶⁸—as to where in particular the oppressive weight of the hidden

7 pestis pondus insederit, unde prorumpat in gemitus
consciis dolor. Medicus, qui per haec non potest invenire
languorem, non invenit nec remedium.

17. Quodsi⁸³ aliquid laniatus⁸⁴ medicinae⁸⁵ potest praestare⁸⁶ rationis, sufficit quod, aliquando iam facta exanimis⁸⁷ hominis inspectione, ad totius intellectum naturae medicina profecit. Quid adlaturus huic aegrotto es⁸⁸ quod non tot saeculorum, tot languentium experimenta deprehenderit? Vis tu potius hac audacia, qua secreta languoris exquiris, remedia temptare? Brevior via sanitatis humanae, propior nostrae salutis utilitas est. Si viscerum nimius ardor stricta circa se membra duravit, adhibe remedia laxantia. Si fluitat nimis aeger humoribus, praesto sint per quae pressis clusisque venis in novas vires corpus arescat. 2 Si parum prodest abstinentia, rursus ciborum qualitate foveatur. Si spiritus receptis premitur alimentis, ad puriores meatus ieiunio fameque tenuetur. Contigit tibi magna experimentorum materia, medice: aegri duo et languor idem. Non est opus ut expectes quando se per⁸⁹ unius hominis patientiam explicet profuturorum magna

⁸³ quod si π: quid si cett., at vd. Sh. B.¹ 76

⁸⁴ laniatus scripsi (vel subst. abstract., cf. 12.27.1; vel partic. vi subst., cf. 8.17.9): sanato codd. (frustra def. Hdk.² 74-76): <ex> laniato Reitz.² 64: <ex> secto Wint.⁷ 148-49

⁸⁵ -nae (dat.) Sch.: -na codd.

⁸⁶ laniatu . . . praestari olim ego, invitis numeris

⁸⁷ exanimis Hdk.² 74-76: ex unius codd.: [ex] unius Reitz.² 64, Ellis 336

⁸⁸ es Cron. (ut vid.): est B V Φ*

⁸⁹ se per 5 (corrob. Bur., Hdk.² 76): super codd.

⁶⁹ Sc., by cutting up another's body.

bane has settled, where the pain they are aware of is coming from, that makes them groan aloud. (7) The doctor who is unable to identify an illness by such indications doesn't find its remedy either.

17. Anyway, supposing that butchery *can* provide medicine with some basis of method, the art surely has made sufficient progress toward understanding the overall nature of man once it has inspected, now and then, a *dead* person. What in fact will you bring to this sick man⁶⁹ that has not been found out through the experience of countless patients⁷⁰ over countless years? (2) Will you not rather test out *remedies*⁷¹ with the same boldness with which you propose to pry into the secrets of an illness? There is a shorter route to human health, a way of curing us that is closer at hand. (3) If excessive heat in the bowels has hardened organs by knotting them up, administer laxatives. If the sick person is unduly awash with humors, make available means to compress and close the veins, so that the body can dry out and acquire new strength. (4) If abstinence does not do the trick, then try coddling the patient with appetizing food. If the breathing is affected after taking nourishment, let the patient be made thinner by fasting and hunger to clear the passages. (5) Doctor, you have come upon a wealth of material for your experiments: two sick patients, and the same illness. There is no need to wait for a great variety of potential remedies to unfold itself as a single man suffers; you can try out

⁷⁰ I.e., the experience doctors have drawn from the observation of individual cases.

⁷¹ To be found on the principles described in 8.17.2-4, as opposed to vivisection.

6 diversitas; potes experiri pariter eadem, consentanea, diversa, pugnantia. Nulla ratio est vulnerum, sanguinis, supremorum. Quemadmodum sanari debeat alius aeger, scire non possis nisi ex homine sanato.

7 Quid, quod, etiam ut idem sit valetudinis genus, necesse est tamen duorum corporum diversitate varietur? Numquam in alienis visceribus invenias totum quod de
8 altero quaeras, et alius languor est <si>⁹⁰ alius aeger. Cur maximum nefas alterius filii salute defendis? Homo, in quo sola quaeritur causa languoris, propter medicum occiditur.

9 Adice quod nec deprehendi ex laniato⁹¹ potest ullius causa languoris. 18. Quicquid nos in vitia morborum a naturali sanitate commutat, facit aut nimii sanguinis pondus exaestuans aut superfluens calor aut ultra naturalem modum humor exundans aut spiritus per tacitos meatus
2 non solita laxitate discurrens. Quid horum, si vitalia ferro vulneribusque resecentur, salvum potest esse languentibus, cum compressi spiritus laborem protinus ille reserati pectoris meatus emittat, sanguis isdem pariter deprehendatur egrediaturque vulneribus? An fas putatis ut suam
3 servent viscera nudata faciem, ut nihil perdat ex priore natura illud pectoris vitaeque secretum, cum admisit oculos? Plurimum in nobis etiam timore mutatur. Quantum aufert⁹² sollicitudo, gaudium, dolor et aliquis subitus

⁹⁰ *add. Wiles 69* ⁹¹ *laniato Reitz.² 64.3 (cf. ad 8.17.1): sanato codd. (frustra def. Håk.): secto Str.³ (-cato Watt² 26)*

⁹² *aufert V. off- B δ: aff- γ β*

⁷² Because there are two patients.

⁷³ Denying the possibility raised at 8.17.1.

simultaneously⁷² treatments that are the same and compatible with each other, or unlike and conflicting. (6) There is no justification for using wounds, blood, deaths. You can only know how another sick person ought to be cured by looking at someone who *has* been cured.

(7) What then of the fact that, even if it is the same kind of illness, there must be variation arising from the differences between two bodies? You'd never find in the internal organs of one person all that you are looking for with regard to another: <if> the patient is different, the illness is different. (8) Why do you try to defend an extreme crime by adducing the cure of the other son? When a man is investigated only to discover the cause of an illness, it is for the satisfaction of the doctor that he is being killed.

(9) Besides, there is no illness⁷³ whose cause can be detected from the butchering of a body. 18. Any change from the health natural to us into the disorder of disease is the result either of a seething mass of excess blood, or of undue heat, or of moisture overflowing its natural limit, or of breath not traveling through its secret passages with its normal freedom. (2) Which of these processes can be preserved if the sick man's vital organs come under the knife? The passage made by the opening up of the chest instantly allows the escape of the labored breath that had been confined within, and blood comes out through those same gashes the instant it is revealed. Or do you think it possible for the inward parts to retain their appearance once they are exposed, for the secret life of the breast to lose nothing of its former nature when it has let eyes in to see it? (3) Fear, too, causes extreme alterations in us. How much is taken away by anxiety, joy, grief, or any sudden

- 4 adfectus! Quotiens, dum ad curationem praeparatur aeger, dum componitur ad sua remedia corpus, medentium manus anima destituit! Iam vero ad singulos ictus et longissimas vulnerum moras quantum ex toto homine convertitur clamore, gemitu! Necessè est omnis perire, quibus continetur vita, causas, quotiens ipsa vita consumitur, et, cum homine qui propter intellectum languoris occiditur, ipse quoque paulatim languor emoritur. Differ saltem, pater, hanc crudelitatem; quicquid ex filio facis, facies ex cadavere. Si potest deprehendi languor, dum occidit, facilius, cum occiderit.
- 7 Interrogare mehercules hoc loco libet, utrumne perituum pater an medicus elegerit. Negavit⁹³ sua interesse quem occideret. Hoc,⁹⁴ si et alter perisset, probaverat utrumque fuisse perituum; cum convaluerit, probat utrumque victuum. Ad saevissimam curationem⁹⁵ potuit aegrum facilius mehercules explicare, si esset unicus pater. Sufficit⁹⁶ ergo comparare, decernere? Non iterum ille tibi pretiosior, ille melior incipiet esse victuro?⁹⁷ 19. Ubi est impatientia,⁹⁸ qua vix⁹⁹ dimittitur cadaver in rogos, qua corpus exanime detinetur amplexu? Dii immortales, quam

⁹³ <uterque> n. *Hdk.*: <ille> n. *Russ.*³ (*hic mox recepto*)

⁹⁴ *hic Wint.*⁹ ⁹⁵ at -ma -ne *Sch.*

⁹⁶ -is *Hdk.* ⁹⁷ sufficit—victuro *dist. Hdk.*

⁹⁸ *impa-5: pa-codd.*

⁹⁹ *vixit V Φ*

⁷⁴ Cf. 8.19.8.

⁷⁵ Father, probably (cf. 8.18.9); the speaker will later state that Father was in fact able to choose, thanks to his lack of affection for his children.

emotion! (4) How often, while a sick man is being made ready for treatment, while his body is being prepared for the remedy appropriate to it, does the patient's breath escape the healers' hands! Or, to be sure, how much of the whole frame is altered by the screams and groans uttered at every cut, at the long-drawn-out incisions!⁷⁴ (5) Everything that serves to keep life going must perish whenever life itself is destroyed, and, as well as the man who is being killed to throw light on his illness, the illness itself too dies a gradual death. (6) At least delay this cruel process, father! Anything you do with your son you will be able to do with his dead body. If an illness can be identified while it is in the process of killing, identification will be easier when it has killed.

(7) I should dearly like to ask at this point whether it was the father or the doctor who chose who was to die. (8) He⁷⁵ said it made no difference to him whom he was to kill. If the other too had died, he would have proved thereby that both would have died; since one got better, he proves that both would have survived. (9) Heavens, he could more easily have exposed a sick man to a horrendous treatment if he had been the father of one son only.⁷⁶ Is he in a position, then, to compare, to decide? Will not that one in turn become more precious, become better in your paternal eyes, than the one who will live? 19. Where is the overwhelming love that makes one hardly able to allow the corpse to be taken off to the pyre, so that he goes on embracing the dead body? (2) Immortal gods, how savage,

⁷⁶ If he had had only one child, he would not have had to choose and would have found it easier to use harsh measures to try to cure his son (DAR).

saeva, quam crudelis est ipsa cunctatio! Dum deliberas,
 dum unumquemque detrectas, parricidium in utroque
 3 consummas.¹⁰⁰ Duorum vilitate fit ut ex fratribus possit
 alteruter occidi. Numquam, iudices, res tam horribilis
 inauditaque¹⁰¹ feritatis admissa est: filium pater propter
 4 eum occidit, quem etiam ipsum poterat occidere! Trans-
 fert, iudices, reus in medicum electionis invidiam: "Ille"
 inquit "aestimavit, ille decrevit." Ergo manifestum est non
 parem fuisse languorem: ex duobus aegris plus habuit
 spei, propter quem debuit alter occidi.

5 Recede paulisper, mulier infelix: filii tui nobis refe-
 renda curatio est. Felices aegri qui languore moriuntur,
 qui supremos anhelitus inter suorum amplexus, inter suo-
 6 rum adloquia posuerunt! Ut erat iuvenis primo ipso com-
 parationis incerto, mox electione cruciatus, abacta est a
 perituro prima mater, et modo sedula ministeria servorum
 repente mutata sunt in mortis officia. Detrahuntur tre-
 mentibus velamenta membrum et, ut grassaturas manus
 totum corpus admitteret, nudatur miserabilis ac deflenda
 7 macies. Toto deinde tenditur toro, et ad immobilem rigi-
 damque patientiam per omnia lectuli spatia duraturus
 exponitur. Accipit carnifex ille telum, non quo dextera stam-
 tim totum vulnus imprimeret, sed quo¹⁰² leviter paula-

¹⁰⁰ -mmas B. Asc.¹ *lvi r.* (cf. 11.11.4, Curt 6.10.14): -mis *codd.*
 (errat ThLL IV.617.50-51)

¹⁰¹ inauditaque M D² P: tam inaudita E: mandatque S:
 inaudita *cett.*: <et> inau- Sh. B.² 201 ¹⁰² quo Wint.⁷ 149
 (*qui et quod dex- . . . quod lev- coni.*): quod *codd.*

⁷⁷ Cf. 8.4.7.

⁷⁸ I.e., from court.

how inhuman is the very delay! While you ponder, while
 you reject each in turn, you are completing your murder
 in the case of both. (3) It is because of your low valuation
 of both that either of the brothers can be killed. Never,
 judges, has an act of such horrific and unheard of cruelty
 been perpetrated: a father kills one for the sake of the
 other, whom he might have killed as well! (4) The accused,
 judges, is seeking to shift the invidious choice to the doc-
 tor: "He," he says, "weighed the issue, he decided." So⁷⁷ it
 is obvious that the illness was not identical: in the case of
 two sick men more hope was entertained for the one for
 whose sake the other had to be killed.

(5) Withdraw⁷⁸ for a while, unhappy woman: I have to
 describe your son's "cure." Happy the patients who die
 from illness, who succeed in gasping their last amid the
 embraces of their family, amid their comforting words! (6)
 As for that youth, tortured as he was first by the very sus-
 pense of the comparison, then by the choice, before any-
 thing else the mother was driven away from the doomed
 man;⁷⁹ right after, the solicitous services of the slaves were
 abruptly changed into preparations for death. The clothes
 are stripped from the trembling limbs, and, so that the
 whole body should lie open⁸⁰ to the hands that will attack
 it, the emaciated frame is stripped naked, pitiful and lam-
 entable. (7) Then he is stretched the full length of the bed,
 and put on display all over it to hold out against what he
 had to suffer unmoving and stiff. The dreaded executioner
 takes up his weapon, not to make the whole incision at
 once with a single stroke, but by light and gradual cuts to

⁷⁹ Cf. 8.4.6.

⁸⁰ Cf. 8.19.8, *patienter admitte.*

8 timque discindens¹⁰³ animam in confinio mortis ac vitae librato dolore suspenderet. Haec exhortatio,¹⁰⁴ hoc fuit perituri iuvenis adloquium: "Fortiter dura, patienter admitte; sanabitur frater. Non est quod exanimeris metu, dolore deficias. Cave viscera exclamazione ne lasses, anhelitu gemituque concutias, ne remedium pereat alienum."

9 Passus est miser discurrentem per omnia reserati pectoris improbum vagae¹⁰⁵ artis errorem. 20. Contentum fuisse medicum toto¹⁰⁶ homine discentem primo putatis aspectu? Egesta saepe vitalia, pertractata, diducta¹⁰⁷ sunt; fecerunt manus plura quam ferrum. Stat iuxta medicum pater apertis visceribus inhians; stillantem animae sedem cruentis manibus agitantem ne festinet hortatur, iubet altius diligentiusque scrutari, interrogat, dubitat, contendit, adfirmat et accipit de filii morte rationem.

3 At mulier infelix, clusis advoluta foribus cruentumque secretum toto corpore effringens, velut super busta tumulosque clamabat: "Audi, miserime iuvenis, si quis adhuc tibi superest sensus, exaudi: non permisit hoc mater, crede orbitati meae, crede lacrimis; nec frater hac vellet ratione sanari." Inter haec reficiebatur miser haustibus, detinebatur adloquii, comprimebatur residuus cruor, cludebantur aperta vitalia. Nemo unquam tam nova pertulit commenta saevitiae: tamquam sanaretur occisus est. Ite nunc

¹⁰³ descen- Φ, *sed vd. Hdk.*² 77 ¹⁰⁴ exortatio E (exho- S), *def. Hdk.*² 77-78: exoratio (exho- S) *cett.*

¹⁰⁵ vanae Sch., *sed vd. Beck.*² 77-78

¹⁰⁶ <de> *vel* <ex> toto *Wint.*⁷ 149, *sed vd. Tr.-B.* 139

¹⁰⁷ did- π (*cf.* 8.22.5): red- O: ded- *cett.*

⁸¹ Cf. 8.18.4.

⁸² Cf. 8.21.1.

regulate the pain and keep the patient's breath on the borderline between life and death. (8) This was his exhortation, these were the words he addressed to the doomed youth: "Endure bravely, let me enter you patiently: your brother will be cured. You need not be terrified, or faint from pain. Make sure you do not tire your organs by crying out, do not shake them by gasps and groans;⁸¹ otherwise another's remedy may come to nothing."

(9) The wretched youth endured, as it roamed through every part of his gaping breast, the reckless wandering of a fumbling skill.⁸² 20. Do you suppose that a doctor intent on his inquiries all over the body was satisfied with a first glimpse? The vital organs were often drawn forth, handled, separated; hands did more than scalpel. (2) Next to the doctor stands the father, transfixed at the sight of the exposed guts; as the doctor scours the dripping abode of life with bloody hands, he urges him not to hurry, tells him to make his examination deeper and more careful, asks questions, raises doubts, argues, makes assertions—is instructed in the rationale for his son's death.

(3) But the wretched mother, prostrate at the closed doors and trying with all her might to break a way in to the bloody secret, cried as though over the pyre, the tomb: "Hear me, most unfortunate youth, if you have any sensation left, listen: your mother did not sanction this, believe me as I lose you, believe me as I weep; not even your brother would want to be cured by this method." (4) Meanwhile the poor boy was being revived with drinks, kept going by comforting words; the remaining blood was staunched, the exposed vitals were closed up again. No one ever endured such novel devices of savagery: he was killed as if he were being cured. (5) Go on now, ask whether

et quaerite an potuerit medico sanante vivere, qui tamdiu vixit dum occiditur.

21. Vos tunc¹⁰⁸ putatis illius tantum languoris medicum quaesisse causas? Quaesivit quicquid nesciebat, et usus occasione rarissima in omnem voluit proficere novitatem.
2. Dii immortales, quantum infelix iuvenis animae, quantum sanguinis, quantum habuit ex vita, qui pertulit ordinem longissimae curationis! Vix, aegre¹⁰⁹ misero licuit mori, vix a cruciatibus suis anima dimissa est. Inventum putatis esse
- 3 languorem? Inventum est illum potuisse sanari. Agedum commento tuo, senex, superbus exulta; habes quod liberis, quod parentibus, quod imputare saeculo possis: fecisti medicum parricida¹¹⁰ meliorem.
5. Libet mehercules intueri par illud: <illinc>¹¹¹ aegrum videtis hominem, qualem non salutare medentium manus, non ars inventa pro vita, sed diri ferarum rabidique morsus et animalium fames satiata destituit; hinc alium, in novas vires recensque robur reddito vigore surgentem.
- 6 Vultis scire, iudices, unde venerit tanta diversitas? Illum
- 7 pater curavit, hunc mater. "Quantum" inquit "misera pertuli laborem, dum tam magnam foveo tristitiam! Non fuit mihi rixa cum morbis nec cum repugnantis valetudinis
- 8 rigore contentio. Totus in lacrimas maeroremque resolutionis oderat lucem; respuebat cibos, fastidiebat haustus, et

¹⁰⁸ nunc B ¹⁰⁹ -ρο π A, sed vd. Beck.² 78-79 et Str.³

¹¹⁰ -dio Sch., sed vd. Str.³

¹¹¹ suppl. Bur. (cf. §6 illum... hunc)

⁸³ The speaker invites the audience to form a visual reconstruction (*diatyposis*).

⁸⁴ Cf. 8.5.3-4.

he could have survived if the doctor had been *curing* him: you see how long he lived while he was being killed!

21. Do you think that on that occasion the doctor looked only for the causes of the illness in question? He looked for everything he did not know: taking advantage of this quite unique opportunity, he was anxious to make progress toward any new piece of knowledge. (2) Immortal gods, how much breath the unhappy youth must have had, how much blood, how much life, if he could withstand the successive stages of so extended a "cure"! Scarcely, only with great difficulty, was the poor boy allowed to die, scarcely was his soul released from its torments. (3) Do you think the illness was discovered? What was discovered was that he could have been cured. (4) Go ahead, old man, exult in pride over your discovery; you have something to claim credit for with children, with parents, with a whole generation: by killing your son you made a doctor better!

(5) Heavens, I am of a mind to survey⁸³ the pair of them: <on the one hand> you see a sick man, looking not like one given up for lost by the healing hands of doctors, by the art that was designed to preserve life, but like one left over from the dreadful bites of rabid beasts and the sated hunger of animals; on the other, a man with restored vigor, rising to new strength and fresh energy. (6) Do you want to learn, judges, the source of such a difference? The one his father cured, the other his mother.⁸⁴ (7) "What pains I took," she says, "trying to comfort a son in such deep sorrow! My struggle was not with diseases; I did not have to battle with an obstinate illness. (8) Wholly given over to tears and depression, he loathed the light of day; he rejected food, he was disgusted by drinks; he was in

vitam parricidii pudore fugiebat. In omni proclamatione gemituque frater, ille diebus ac noctibus cogitationes, ille torquebat oculos." De quibus tu aegris, impotentissima¹¹² medicina, mentita es!¹¹³ Non fuit, non fuit solo languore periturus, quem non potuit nec mors fratris occidere.

- 10 "Quid igitur," inquit miserrima feminarum, "saevisime senex, ex hac recordatione tristissimae orbitatis ad hos vultus faciemque converteris?" Sine dubio filius est et post gravissimas denuntiationes redditus vitae, 22. sed ignoscat natura,¹¹⁴ pietas: non est solacium matri unus ex geminis. Felicior ille dolor est, quo¹¹⁵ transigi saltem cum oculis potest; <hic>¹¹⁶ renovatur, accenditur, et in his vultibus illum cotidie putat videre pereuntem. Sed et ipse gaudio redditae vitae laetitiaque non fruitor, nec se credere potest caritate praelatum, quem medicus elegit.
- 3 Sentit infelix cuius orbitatis unicus sit, quibus lacrimis perfundantur oscula, quam magnis profundisque suspiriis concutiat ampexus. Misera verecundia sanitatis ingratae: pretium¹¹⁷ sibi videtur fratris occisi.

¹¹² impotentissima π (*def. Håk.*² 78): in potentissima potissima S: impotissima (pot- O) cett.

¹¹³ exclam. dist. Str.³

¹¹⁴ -rae π M E, sed *od. Håk.*² 27-28

¹¹⁵ quo Sh. B.¹ 77: qui *codd.*

¹¹⁶ *add. Bur.* ¹¹⁷ *praemium Russ.*³

⁸⁵ He blamed himself for his father's killing of his brother.

⁸⁶ Literally, "have you, overconfident medicine, lied about"—sc., when claiming that the twins were doomed to die: the surviving youth was in fact able to endure both the illness and the remorse for being alive at his brother's expense; it is implied that the other too was strong enough to live.

flight from life out of shame at the parricide.⁸⁵ All his shouts and groans were of his brother: day and night, it was he that tormented his thoughts, he that tormented his eyes." (9) *What patients has this overconfident doctor lied about!*⁸⁶ He was not, no, he was not, going to die just from illness: not even the death of his brother could kill him.

(10) "Why then," the most wretched of all mothers says, "cruellest old man, do you put the memory of this grievous loss behind you, and turn to this⁸⁷ face here, this countenance here?" A son, it is true, has been brought back to life, and after the direst prognoses; 22. but let natural affection pardon her.⁸⁸ one of a pair is no comfort to a mother. (2) Happier is the pain that at least lets one have done with one's eyes;⁸⁹ <this> pain gets renewed and inflamed: every day, in the face of the one, she thinks she sees the other dying. But even this twin does not reap the fruits of the joy and happiness of a life restored to him: he cannot believe that he was preferred out of affection, when it was the doctor who chose him.⁹⁰ (3) The unfortunate man feels the full extent of the bereavement which has made him an only child, is aware with what tears his mother's kisses are mingled, with what deep sighs she is wracked when she embraces him. He feels, poor wretch, ashamed of a cure he did not welcome: he thinks himself the reward for the killing of his brother.

⁸⁷ Sc., your surviving son's; he is taken to be present in court.

⁸⁸ I.e., for not being consoled by the survival of at least one son.

⁸⁹ I.e., a pain not renewed by seeing the surviving twin.

⁹⁰ Cf. n. 75. Here it is implied that the doctor chose, not the father.

- 4 Convertitur hoc loco, iudices, mulier infelix et velut ad
 quandam praesentiam amissi iuvenis "Sive" inquit "tan-
 dem securitate mortis explicitus in aliquo¹¹⁸ sedis aeternae
 nemore¹¹⁹ requiescis, sive exclusus ac vagus [et]¹²⁰ inter
 fabulosa supplicia, metuendus adhuc laceratione, per stu-
 pentes horrentesque manes umbra discurrens, audi miser-
 5 rimae matris iniquissimam complorationem. Non quidem
 licuit mihi in illud cubiculum, conditorium¹²¹ tuae mortis,
 intrumpere, nec supra carissima membra prostratae meis
 vulnera tua tegere visceribus; quod solum tamen potui,
 corpus quod medicus, quod reliquerat pater, hoc sinu mi-
 sera collegi ac vacuum pectus frigidis abiectisque visceri-
 bus rursus implevi, sparsos artus amplexibus iunxi, mem-
 bra diducta composui et de tristi terribilique facie tandem
 6 aegri cadaver imitata sum. Hoc est tamen, quod de tris-
 tissima orbitate praecipue ferre non possum: propter fra-
 trem videris occisus, nec tamen umquam constare poterit
 an tu sanaveris fratrem."

¹¹⁸ al- <angulo> (mox pudore recepto) *Axel.*, *Sh. B.* 201

¹¹⁹ nemore *Bur.* coll. *Verg. Aen.* 6.638-39, 703-4: pudore
codd.

¹²⁰ delevi (et om. V)

¹²¹ cub- -rium (*subst.*) 5 (*def. Bur.*): -rum (-rium O²) cub-
codd., unde -rium (*adject.*) cub- *Tos.* 143 (et *vd. Str.*³): -rium
 [cub-] *Sch.*: [-rum] cub- *Leh.*

(4) At this point, judges, the unhappy woman turns, and as though speaking to her lost son in person says: "Whether, at last freed by death, the banisher of care, you are at peace in some grove of the eternal realm, or whether, shut out from there and condemned to wander among fabled punishments, still an object of fear for your mutilations, you range, a shade yourself, through ranks of ghosts that recoil from you in amazement: listen to the most bitter complaint of your all-wretched mother. (5) True, I could not burst into that room, your dead body's funeral chamber, or, prostrate on your darling limbs, cover your gashes with my own flesh; but the only thing I could, I did: in my wretchedness, I brought together in the fold of this dress what the doctor and the father had left behind, and replenished your empty breast with the organs they had discarded, now grown cold. I made the scattered members embrace each other, put the limbs together again, and out of that grievous and ghastly spectacle finally contrived the semblance of the sick youth's corpse. (6) But one part of my tragic loss I find especially impossible to bear: you were killed, it seems, for your brother's sake, but no one will ever be sure if it was you who cured your brother."