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GENUS IUDICIALE IN THE PRACTICE AND THEORY  
OF HUNGARIAN LITERATURE IN THE 16<sup>TH</sup> AND 17<sup>TH</sup> CENTURY

The most important representative of the Renaissance literature in Hungarian language, author of two cycles of love poems, Bálint Balassi struggled with legal proceedings all his life: civil actions, proceedings at ecclesiastical courts as well as criminal trials. His father, one of the wealthiest magnates of Hungary had left chaotic legal affairs and property disputes behind. Later Balassi himself filed lawsuits against his uncle, the administrator of his estate. At the beginning of 1580s he was sued for debauchery and despotic behaviour by noblemen of Liptó county and citizens of Selmecebánya (today Banská Štiavnica, Slovakia) and Zólyom (today Zvolen, Slovakia). He captured the cattle of one of his neighbours, rescued his imprisoned servants, beat up the servitor of the Selmec mine-surveyor, who made the mistake of sitting down next to him in the Vihnye (today Vyhne, Slovakia) thermal bath, and attempted to rape the young widow of the Hodrusbánya (today Banská Hodruša, Slovakia) butcher in open daylight on a country road. At the Christmas of 1584 he married his first cousin and on the same day he arbitrarily captured the Sárospatak castle for a few hours, a royal property being in pawn of his brother-in-law. With this act he raised two new procedures against himself, both filed by his brother-in-law. At Esztergom archiepiscopal court he was charged with incest, and, for the capture of a royal castle, he was charged with high treason. In 1587, he was involved in proceedings at the Eger episcopal court as well, this time the issue was his wife's infidelity. Their marriage was invalidated in 1591. In 1592, Balassi sued his former lover, Anna Losonczi—who inspired his Anna and Júlia poems—possibly for defamation.<sup>1</sup> Many other Hungarian authors of the 16<sup>th</sup> and 17<sup>th</sup> centuries got into trouble and had to face court. Some even served sentences. They were charged with religious articles (Ferenc Dávid, Imre Újfalvi) or in political cases (Péter Bornemisza, Joannes Bocatius, Miklós Bethlen, and the Calvinist preachers sold into Spanish slavery in 1670's).

For these authors and their contemporaries, the famous ancient political and criminal suits served as a permanent basis of reflection and comparison. In connection to many other events of their lives as well, there are many references to antique, mythological and biblical figures in their literary work.<sup>2</sup> They observed the trials of their own time closely, and this naturally involved putting their contemporaries into the roles of the characters

<sup>1</sup> BÓNIS György, *Balassi Bálint szentszéki pereit* (Proceedings of Bálint Balassi at ecclesiastical courts), Irodalomtörténeti Közlemények, 1976, 671–676 (hereafter: BÓNIS 1976).

<sup>2</sup> KECSKEMÉTI Gábor, *Prédikáció, retorika, irodalomtörténet: A magyar nyelvű halotti beszéd a 17. században* (Preaching, rhetoric, literary history: Hungarian funeral oratory in the 17<sup>th</sup> century), Budapest, Universitas Könyvkiadó, 1998 (Historia Litteraria, 5) (hereafter: KECSKEMÉTI 1998), 198–209.

known from the history of antique forensic oratory. Their self-interpretation and description of others' character found new phraseology based on knowledge of texts and theories of *genus iudiciale*. An example is Joannes Bocatius, who wrote the story of his five-year imprisonment in Prague he suffered for supporting the opposition movement of István Bocskai. Interpreting his own role he often refers to the similarity of his fate to those of the fugitives of ancient Rome, especially Cicero and Ovid.<sup>3</sup> There are even cases in which the documentation of the trial itself shows that there was a conscious attempt to profit from antique associations and to influence the decision by appropriate allusions. In November 1583, the mayor of Zólyom city recapitulated the grievances of the citizens caused by Bálint Balassi for the assigned judge.<sup>4</sup> In an attempt to condemn Balassi, he artfully drew a parallel between Balassi and the famous plunderer Verres.<sup>5</sup>

Texts of antique trials referred to in these remarks are self-evident parts of the education of intellectuals in the 16<sup>th</sup> century. Theory and practice of *genus iudiciale* was part of the old Hungarian school education. Three factors ensured accurate knowledge: learning precepts from rhetoric compendia, reading and imitation of school authors, and rhetorical exercises.

*Precepts for genus iudiciale in rhetoric handbooks of the time*

Researchers of the history of rhetoric in Hungary have been interested in rhetoric handbooks compiled by Hungarian authors or printed in Hungary in the 16<sup>th</sup> and 17<sup>th</sup> centuries since the monograph by Imre Bán published in 1971. From the 16<sup>th</sup> and 17<sup>th</sup> centuries and the first decade of the 18<sup>th</sup> century,<sup>6</sup> 59 editions of 33 such compendia are known. Three works are in Greek, all the rest are in Latin. There is not a single Hungarian-language rhetoric compendium among them. Out of 59 editions only 11 were published for students of Hungarian Catholic schools, and none of these 11 editions had a Hungarian author: they are Jesuit school-books used everywhere in Europe, printed locally. One more handbook had a Jesuit origin, but in Hungary it was published for Calvinist schoolchildren in a town of Puritan orientation. The rest of the handbooks, 47 editions, fulfilled the needs of the schools of various Hungarian Protestant denomina-

<sup>3</sup> BOCATIUS János, *Öt év börtönben (1606–1610)* (Five years in prison), ed. CSONKA Ferenc, Budapest, Európa, 1985 (Bibliotheca Historica), see e.g. on p. 69.

<sup>4</sup> Latin original and Hungarian translation: ECKHARDT Sándor, *Új fejezetek Balassi Bálint viharos életéből* (New chapters from the boisterous life of Bálint Balassi), Budapest, Akadémiai, 1957 (Irodalomtörténeti Füzetek, 10), 51–53, 91–93.

<sup>5</sup> TÉGLÁSY Imre, *A ciceronianus viták magyarországi recepciójáról* (On Hungarian reception of Ciceronian debates; hereafter: TÉGLÁSY 1977), in: *Eszmei és poétikai kérdések a régi magyar prózairodalomban* (Ideological and poetical questions of old Hungarian prose literature), ed. HARGITTAY Emil, Budapest, ELTE, 1977 (Acta Iuvenum) (hereafter: HARGITTAY 1977), 73–91, 85.

<sup>6</sup> In research, 1711 is the traditional dividing line between two different eras. This is the year when the first encyclopaedia and bibliography of literary history was published in Hungary, so this year has a symbolic significance.

tions. Among these there is a balance between local variations of compendia used elsewhere in Europe (mainly in Germany) and original works of Hungarian authors.<sup>7</sup>

Most of these handbooks covered the usual theoretic knowledge of *genus iudiciale*, especially the doctrines on *status (constitutio)* and *argumenta inartificialia*.

More than the half of the rhetoric handbook of Imre Pécseli Király (*Isagoges rhetoricae libri duo*)<sup>8</sup> details invention, and this naturally includes description of *genus iudiciale* and *constitutiones*. Many other school-books contain the Ciceronian, four-fold classification of status, but Pécseli's tract follows *Rhetorica ad Herennium* in classification and terminology. Explaining *status iuridicialis*, he cites two political examples of his time from the rhetoric compendium of Schollius, the first one defends, while the second condemns the riot of Belgian orders against Spanish rule.<sup>9</sup>

Ludwig Philipp Piscator, invited from the Herborn academy to the school of Gyulafehérvár, the seat of the Transylvanian prince (today Alba Iulia, Rumania), published his *Rudimenta rhetoricae* for the first time in 1635. This booklet, following the rhetorical theory of Ramus, contains the explanation of tropes and figures only. In 1639 Piscator published his second handbook, supplementing Ramus' rhetoric with traditional Ciceronian oratory consisting of five parts (*Rudimenta oratoriae*).<sup>10</sup> The latter, in the section explaining invention, defines the *scopus* of *genus iudiciale*, details *constitutiones* and the *loci* of oratorical genres. It is worthy of note that Piscator's poetics published in 1642 (*Artis poeticae praecepta*) mentions rhetorical terms as well. It divides poetry into *exegeticum* and *dramaticum* (the basis of this division is that in the former the author adds his own commentaries, while in the latter only the characters speak). The subdivisions of these classes match oratorical genres. Controversies (*controversiae*) and lawsuits (*lites*) are classified as *iudiciale*.<sup>11</sup>

<sup>7</sup> It should be added that in the studied period (exactly between 1650 and 1684) 6 editions of 8 works in homiletics were also published in Hungary. All of these were produced for the Calvinist Church in Hungary and Transylvania. Among them there is at least one bilingual, Latin–Hungarian work.

<sup>8</sup> PÉCESELI KIRÁLY Imre, *Isagoges rhetoricae libri duo* (Oppenheim, 1612; Nuremberg, 1639<sup>3</sup>). Modern edition of the dedication and the preface: Pécseli Király Imre, *Miskolczi Csulyak István és Nyéki Vörös Mátyás versei* (Poems of Imre Pécseli Király, István Miskolczi Csulyak and Mátyás Nyéki Vörös), eds. JENEI Ferenc et al., Budapest, Akadémiai, 1962 (Régi Magyar Költők Tára: XVII. század, 2), 261–265.

<sup>9</sup> BÁN Imre, *Irodalomelméleti kézikönyvek Magyarországon a XVI–XVIII. században* (Poetic and rhetoric handbooks in Hungary in 16<sup>th</sup>–17<sup>th</sup> centuries), Budapest, Akadémiai, 1971 (Irodalomtörténeti Füzetek, 72) (hereafter: BÁN 1971a), 17. One of the main sources of Pécseli Király was the textbook *Praxis rhetorica sive scholae et exercitationes eloquentiae* by Hebraist professor of theology of Marburg, Johannes Schollius, who had died in 1606. His work's first edition in Frankfurt, 1607, was already posthumous. A new edition appeared in Lübeck in 1612. His *Praxis logica, sive scholae et exercitationes dialecticae* was published in Frankfurt in 1610.

<sup>10</sup> Ludovicus Philippus PISCATOR, *Rudimenta rhetoricae* (Gyulafehérvár, 1635, 1636–1643<sup>2</sup>, 1644<sup>3</sup>, 1649; Váradi, 1649<sup>3</sup>; Debrecen, 1662–1675<sup>4</sup>, 1703<sup>4</sup>); Ludovicus Philippus PISCATOR, *Rudimenta oratoriae* (Gyulafehérvár, 1639, 1645; Váradi, 1649; Debrecen, 1662–1675, 1703).

<sup>11</sup> BÁN 1971a, *op. cit.*, 33.

Andreas Graff compiled a quite interesting, unique school-book (*Lex mihi ars: Studium eloquentiae absolutum*, 1643) in Lőcse (today Levoča, Slovakia).<sup>12</sup> Rhetorical instructions are outlined on three different levels of knowledge. The first level is for beginners (*elementale*), and it divides eloquence into two *species*: rhetoric and oratory. According to the Ramean epistemology, rhetoric has two components: elocution and delivery (explaining the latter, the handbook of Omer Talon is cited). However, oratory does not include all five parts of the Ciceronian rhetorical system as it is usual in other contemporary syncretic handbooks. It details just the precepts for invention and disposition. However, these parts describe the traditional rhetorical precepts, not the components of Ramean dialectics with the same name. Concerning *investigatio*, the procedure of invention, a reminder is printed after discussion of methods *ex generibus causarum*: modes of operation can be obtained *ex facultatibus* as well. In the case of *genus iudiciale* this method enables the whole systematic knowledge taught at faculties of law to be applied to a rhetorical situation. While the five conventional *argumenta inartificialia* (*leges, testes, pacta, tormenta, iusiurandum*) are listed in connection to *genus iudiciale*, *argumenta inartificialia* belonging to *genus deliberativum* are different. The list includes *dicta, sententiae* and *testimonia*.

A teacher at the Sárospatak school, Mihály Buzinkai published handbooks on both rhetoric and oratory (*Institutionum rhetoricarum libri duo*, 1658; *Institutiones oratoriae*, 1659).<sup>13</sup> Though in his oratory he discusses *genus demonstrativum* most extensively, *status* are elaborated as well. Five genres of oratory are said to belong to *genus iudiciale*: invectives, objurgation, expostulation, exprobration, and deprecation.

### *Reading textbook authors and genus iudiciale*

Schools of the 16<sup>th</sup> and 17<sup>th</sup> centuries stressed reading, commenting and imitating texts of some antique Latin authors even more than memorising precepts from rhetoric compendia. Recent trends in the research of the European rhetoric tradition demonstrate that the examination of grammatical, rhetorical, poetic and logic handbooks and registering their precepts is not enough to throw light on positions of everyday and literary communications. Literary practice relied much more heavily on imitation of school authors chosen as patterns than on abstract prescriptions in the textbooks.<sup>14</sup>

<sup>12</sup> Andreas GRAFF, *Lex mihi ars: Studium eloquentiae absolutum*, Lőcse, 1643.

<sup>13</sup> BUZINKAI Mihály, *Institutionum rhetoricarum libri duo*, Sárospatak, 1658; Lőcse, 1687, 1691, 1703; BUZINKAI Mihály, *Institutiones oratoriae*, Sárospatak, 1659; Lőcse, 1690, 1703.

<sup>14</sup> Peter BAYLEY, *French Pulpit Oratory 1598–1650: A Study in Themes and Styles, with a Descriptive Catalogue of Printed Texts*, Cambridge etc., Cambridge University Press, 1980, 69–70; John W. O'MALLEY, *Content and Rhetorical Forms in Sixteenth-Century Treatises on Preaching*, in: *Renaissance Eloquence: Studies in the Theory and Practice of Renaissance Rhetoric*, ed. James Jerome MURPHY, Berkeley etc., University of California Press, 1983, 238–252; reprinted in: John W. O'MALLEY, *Religious Culture in the Sixteenth Century Preaching, Rhetoric, Spirituality, and Reform*, Aldershot, Variorum Reprints, 1993 (Collected Studies, 404), no. III.; TARNAI Andor, "A magyar nyelvet írni kezdik": Irodalmi gondolkodás a középkori

From our sources we can conclude that the traditional three steps of teaching Latin had different roles in 16<sup>th</sup> century teaching. Instead of explaining the precepts (*praecepta*) of grammar, poetics and rhetoric, the two more advanced steps, reading and commenting texts (*exercitatio, analysis*) and imitating them (*imitatio, genesis*) seems to have prevailed.

How these levels built on each other is shown by the teaching instruction for the son of palatine György Thurzó, Imre (1589–1621) for his studies in 1614–15, in Biccse (today Bytčica, part of Žilina, Slovakia). His praeceptor, Jeremias Spiegel (1588–1637) of Thuringian origin, who earned magister degree at Wittenberg university, expressed, that his teaching of rhetoric would largely be based on Cicero's orations. He considered theoretical introduction of rules appropriate only "Si Canonum et regularum Exempla in Cicerone [...] continuo ostendantur" and "integrae Epistolae aut Orationes Ciceronianae ita resolvantur, ut in ijs artificium Rhetoricum appareat". This must be complemented with practising live speech: "interdum Ciceronis [...] Orationes, adhibita conveniente actione et vocis gestuumque decore, legantur."<sup>15</sup>

Since the publication of a big volume of old Hungarian translations of textbook authors in 1993, it has been well-known that some antique Greek and Latin classical works were used widely in Hungarian and Transylvanian schools in the late 16<sup>th</sup> and all of the 17<sup>th</sup> century.<sup>16</sup> The number of the classics taught at school gradually decreased by the end of the 16<sup>th</sup> century,<sup>17</sup> but a few standard authors remained. The role of Cicero as stylistic authority of *aurea latinitas* seems to be incontestable. Translating his orations from the original to the vernacular and reverse, collecting phrases, creating similar orations with these excerpts were well-known and highly appreciated exercises.

*Manuale rhetoricum*, written by Silesian-born Jesuit Georgius Worpitz and printed in 1709 in Nagyszombat (today Trnava, Slovakia), raised the question whether or not Cicero had been a "perfectus orator". After all, he lost some of his trials. The answer is affirmative: Cicero did everything to achieve favourable judgement, but the orator cannot

*Magyarországon* (Literary thinking in Hungary of the Middle Ages), Budapest, Akadémiai, 1984 (Irodalomtudomány és Kritika), 73; Ruth MORSE, *Truth and Convention in the Middle Ages: Rhetoric, Representation, and Reality*, Cambridge, Cambridge University Press, 1991; H. Leith SPENCER, *English Preaching in the Late Middle Ages*, Oxford etc., Clarendon Press, 1993; Dilwyn KNOX, *Order, Reason and Oratory: Rhetoric in Protestant Latin Schools*, in: *Renaissance Rhetoric*, ed. Peter MACK, Basingstoke etc., Macmillan etc., 1994 (Warwick Studies in the European Humanities) (hereafter: MACK 1994a), 63–80; Kees MEERHOFF, *The Significance of Philip Melanchthon's Rhetoric in the Renaissance*, in: MACK 1994a, *op. cit.*, 46–62; Suzanne REYNOLDS, *Medieval Reading: Grammar, Rhetoric, and the Classical Text*, Cambridge etc., Cambridge University Press, 1996 (Cambridge Studies in Medieval Literature, 27).

<sup>15</sup> *A Thurzó család és a wittenbergi egyetem: Dokumentumok és a rektor Thurzó Imre írásai 1602–1624* (Thurzó family and the university of Wittenberg: Documents and the writings of the rector Imre Thurzó), ed. HERNER János, Szeged, Oktatástörténeti Munkaközösség, 1989 (Fontes Rerum Scholasticarum, 1), 275. Cf. BALASSA Brunó, *Thurzó Imre retorikai dolgozatai* (Rhetorical exercises of Imre Thurzó), Budapest, 1929, 2.

<sup>16</sup> *Római szerzők 17. századi magyar fordításai* (Seventeenth-century translations of Roman authors), ed. KECSKEMÉTI Gábor, Budapest, Balassi Kiadó, 1993 (Régi Magyar Próza Emlékek, 10) (hereafter: KECSKEMÉTI 1993).

<sup>17</sup> KECSKEMÉTI 1993, *op. cit.*, 577–584.

bend the will of the audience as he pleases. In accordance with this statement, in 16–17<sup>th</sup> centuries Cicero is invariably the most important author of textbook-material related to *genus iudiciale*.<sup>18</sup>

The school regulations of Besztercebánya (today Banská Bystrica, Slovakia) from 1574 are the work of Abraham Schremmel who was born in Strassburg and educated in the Ciceronian school of Sturm. He prescribed studying *Pro Archia poeta* and *Pro Sex. Roscio Amerino*, “aut aliae”.<sup>19</sup> According to the regulations of the Lőcse school in 1589, the elder students must read orations of Cicero and Demosthenes or Isocrates.<sup>20</sup> The Pomeranian-born Simon Fischer, teacher of the Kolozsvár (today Cluj, Rumania) Unitarian school, mentions in his *Dialectices praecepta* from 1599 that he explained Cicero’s *Pro Milone* to his students besides precepts of rhetoric and logic.<sup>21</sup> In the same year, István Miskolci Csulyak studied the same oration at the Sárospatak school.<sup>22</sup> More examples could be cited *ad libitum*.

Hungarian booksellers imported European editions of Ciceronian orations regularly.<sup>23</sup> These works can be found in almost all Hungarian book inventories produced in 16–18<sup>th</sup> centuries, but their local editions were not printed till the middle of 17<sup>th</sup> century. In 1652, ten selected orations of Cicero were published for Gyulafehérvár school, including four forensic orations.<sup>24</sup> This edition was a reprint of a former one, which the Elzevier printing-house had published in 1626 “in usum scholarum Hollandiae et Westfrisiae, ex decreto... Ordinum ejusdem provinciae”. At the same time, it is quite interesting that the second oldest book printed in Hungary—in 1473 in the Buda manufactory of Andreas Hess—already included a text of interest regarding *genus iudiciale*. It was *Apologia Socratis* of Xenophon in the Latin translation of Leonardo Bruni (this was the *editio princeps* of this work). This early edition might have been produced for the Pozsony

<sup>18</sup> Thorough knowledge of Cicero in Hungarian intellectual elite did not mean, of course, similar appreciation in public audience. The XXXV. point in *Axiomata concionandi* of Abraham Scultetus warns the preacher against speaking of antique persons or events, because most people in his audience do not even know who Cicero was. Cf. Abraham SCULTETUS, *Axiomata concionandi practica*, edita studio et operâ M. Christiani KYFERTI Goldbergensis Silesii, Várad, 1650.

<sup>19</sup> FINÁCZY Ernő, *A renaissancekori nevelés története: Vezérfonal egyetemi előadásokhoz* (History of Renaissance pedagogy: Enchiridion of university lectures), Budapest, 1919; reprinted: Budapest, Könyv-értékesítő Vállalat, 1986 (Tudománytár), 238; MÉSZÁROS István, *XVI. századi városi iskoláink és a “studia humanitatis”* (Sixteenth-century town schools in Hungary and “studia humanitatis”), Budapest, Akadémiai, 1981 (Humanizmus és Reformáció, 11) (hereafter: MÉSZÁROS 1981b), 172.

<sup>20</sup> MÉSZÁROS 1981b, *op. cit.*, 88, 97, 186.

<sup>21</sup> *Régi magyarországi nyomtatványok* (Old Hungarian printed materials), I–III, Budapest, Akadémiai Kiadó, 1971–2000 (hereafter: RMNy), no. 859.

<sup>22</sup> MÉSZÁROS 1981b, *op. cit.*, 122.

<sup>23</sup> MÉSZÁROS István, *A tankönyvkiadás története Magyarországon* (History of school-book editions in Hungary), Budapest, Tankönyvkiadó, 1989, 17–18.

<sup>24</sup> RMNy 2416. The forensic orations are: *Pro Archia poeta*, *Pro Q. Ligario*, *Pro rege Deiotaro*, *Pro T. Annio Milone*.

(today Bratislava, Slovakia) university founded in 1467.<sup>25</sup> However, this text never became widely-known, standard textbook in Hungary.

### *Oratorical school exercises and genus iudiciale*

Teaching did not finish with analysis. The main goal was developing the ability of writing similar orations—active imitation. *Methodus eloquentiae* of the Strassburg academy professor Melchior Junius (1545–1604) discussed methodical questions of teaching Ciceronian imitation. He presented ten levels of improving oratorical ability. Among others, he suggested exercises in dispute: students may, for example, defend Verres, or promote Catilina.<sup>26</sup> At the Strassburg academy, court trials were actually performed putting Ciceronian orations into original context. They gave speeches of the opposing parties and of the judge. In the 1590s and 1600s, collections of oratorical exercises at the Strassburg school were published in a row. These include speeches of several Hungarian students too. For example, in 1588 there was a court trial based on the narration of Livius (XL,8–15), in the case of Demetrius, son of King Philippus. The charge was intention of murder. Péter Révay spoke in defence of the suspected heir. In December 1589, another trial was staged, in the case of Murena, accused with bribery. At the beginning, Révay summed up the charge for the judges, then a student from Austria recited the original Ciceronian oration. After several additional speeches, Révay spoke again, summarising the opposing opinions.<sup>27</sup>

Such oratorical exercises were common in Hungarian schools too. In April 1651, Tobias Stephani, a Moravian-born schoolmaster, staged a trial at the Selmecebánya school. They discussed the biblical case of Susannah and the elders.<sup>28</sup> Forensic orations accusing the elders and demonstrative speeches praising Susannah and blaming the elders were given.

It is a usual form of school declamations to plead for and against the same thing.<sup>29</sup> An outstanding example of *disputatio in utramque partem* is a collection edited by Tübingen jurist Thomas Lansius. This was published several times after 1613 (*Consultatio de principatu inter provincias Europae*). European nations are praised and condemned in op-

<sup>25</sup> RMNy 1; BASILIUS MAGNUS, *A költők olvasásáról (De legendis poetis)* – XENOPHÓN, *Socrates védőbeszéde (Apologia Socratis)*: Hess András budai műhelyének humanista könyvecskéje (1473) (Humanist booklet of the Buda printing-house of Andreas Hess), ed. SOLTÉSZ Zoltánné, Budapest, Magyar Helikon, 1978.

<sup>26</sup> ECKHARDT Sándor, *Magyar szónokképzés a XVI. századi Strasszburgban* (Hungarian orators trained at Strassburg in the 16<sup>th</sup> century), Budapest, MTA, 1944 (hereafter: ECKHARDT 1944), 8.

<sup>27</sup> ECKHARDT 1944, *op. cit.*, 5, 6, 11–12.

<sup>28</sup> RMNy 2399.

<sup>29</sup> Thomas O. SLOANE, *Rhetorical Education and Two-Sided Argument*, in: *Renaissance-Rhetorik – Renaissance Rhetoric*, Hrsg. Heinrich Franz PLETT, Berlin etc., de Gruyter, 1993, 163–178.

posing orations. The aim was practice of invention of *genus demonstrativum*.<sup>30</sup> Methods of teaching *genus iudiciale* are the same.

For the sake of practice, even deceptive, ridiculous or absurd themes were allowed by Junius.<sup>31</sup> Collections including such themes can be found even in books about *genus iudiciale*. *Paradossi*<sup>32</sup> of Ortensio Landi (c. 1512–1553) defends and praises, among others, ugliness, ignorance, blindness, stupidity, drunkenness, loss of honour, etc. The book was intended to serve lawyers, so that they can defend cases not taken on by anyone else. Besides this pragmatic aim, it seemed to be necessary to add another benefit: arguing for these opinions helps to unveil the real truth that arguments of the orations obviously contradict.

Another work of Landi, *Cicero relegatus et Cicero revocatus*, was written in dramatic form and supposedly it was performed by students of Toruń school in Poland in 1543. According to the plot, the disfavoured Cicero is cited before the court, and he is sent to exile. However, serious difficulties arise in carrying out the decision. Cicero should have been sent to a country where he has no supporters. He had many in France, England, and Poland. In the end he is relegated into Scythia.<sup>33</sup> Although Hungarian humanist scholars often talked about the Scythian origin of the Hungarian people, and used Scythian as a synonym for Hungarian, we have no reason to think that Scythia means Hungary in Landi's work. There, too, lived, as we have seen, many supporters of Cicero.

### *Absence of actual forensic oratory*

Bálint Balassi was one of the best-educated intellectuals at the end of the 16<sup>th</sup> century: he was conversant in Humanist rhetoric and literature. We have the actual copy of the encyclopaedia of Raphael Volaterranus that was the child Balassi's textbook.<sup>34</sup> His close

<sup>30</sup> TURÓCZI-TROSTLER József, *Magyar irodalom – világirodalom: Tanulmányok* (Hungarian literature – world literature: Studies), I–II, Budapest, Akadémiai, 1961, II, 53–54; BÁN 1971a, *op. cit.*, 17; TARNAI Andor, *A consultatio Magyarországon: A politikai nevelés irodalmi formáinak és stílusának történetéhez* (Consultatio in Hungary: To the history of literary forms and style of political training), *Irodalomtörténeti Közlemények*, 1986, 637–656, 637–638.

<sup>31</sup> ECKHARDT 1944, *op. cit.*, 9.

<sup>32</sup> The work, published many times in Italian language after 1540 and translated into French for the first time in 1554, has attracted the attention of some researchers recently. French translation of Charles Estienne has been edited in Switzerland: Ortensio LANDI, *Paradoxes*, trad. Charles ESTIENNE (1561), ed. Trevor PEACH, Genève, Droz, 1998 (Textes littéraires française, 498), while the supposedly oldest Italian edition of 1543 has been reprinted in Italy: Ortensio LANDI, *Paradossi* (Lione, 1543), presentazione di Eugenio CANONE, Pisa etc., Istituti Editoriali e Poligrafici Internazionali, 1999 (Bruniana e Campanelliana: Supplementi: Testi, 1). The English translation of Anthony Mundy in 1593 was based on the French one; cf. Wilbur Samuel HOWELL, *Logic and Rhetoric in England 1500–1700*, Princeton N. J., Princeton University Press, 1956 (hereafter: HOWELL 1956), 335–336.

<sup>33</sup> TÉGLÁSY 1977, *op. cit.*, in: HARGITTAY 1977, *op. cit.*, 81.

<sup>34</sup> ECKHARDT Sándor, *Balassi-tanulmányok* (Studies on Balassi), ed. KOMLOVSZKI Tibor, Budapest, Akadémiai, 1972 (*Irodalomtörténeti Könyvtár*, 27), 149.



friend and follower, poet János Rimay related Balassi's Humanist literacy in his foreword to a planned edition of Balassi's poems.<sup>35</sup> An anonymous author in the collection of epitaphs (*Epitaphia*) printed in 1595, in his Latin epigram (*Querimonia Pannoniae*) lamented the death of Balassi. He too, stressed Balassi's outstanding knowledge. Besides studying Homer, Hesiod, Aristotle and Ptolemy, Balassi "Doctiloqui necnon numeros Demostenis; addit Pervigil et praecox verbosa tonitrua Tulli".<sup>36</sup>

Despite his Humanist erudition including rhetoric precepts and Ciceronian orations, Balassi never displayed his skill in forensic oratory in his extended trials. He did not have the opportunity to do so. Hungarian jurisdiction of the 16<sup>th</sup> and 17<sup>th</sup> centuries was influenced basically by the Chamber Court of German imperial orders fashioned in Worms in 1495, operating in Speyer from 1527, and by its adjective law, called Kame-ralprozeß, that was applied by local courts everywhere in the provinces of the German Empire.<sup>37</sup> According to these rules, a legal process is a demanding professional pursuit. The proceedings went mostly in written form. The court itself did not hear witnesses; minutes were recorded by commissioners. There was no verbal battle of legal positions. The parties repeatedly exchanged written explanations noted on legal documents (allegations). There was no solemn oration of indictment or plea *coram* the court. The case was judged without personal hearing of parties, just founded on briefing of the case. Only professional legal practitioners took part in the decision-making. There was no non-professional jury that could have been influenced by oratorical means. There was no opportunity for actual forensic oratory in 16–17<sup>th</sup> century Hungarian jurisdiction.<sup>38</sup>

Notwithstanding, efforts for demonstrating *constitutiones* following the precepts of *genus iudiciale* can be seen in legal documents, though these steps of invention are not followed by procedures of disposition and elocution as in a forensic oration. Documents

<sup>35</sup> RIMAY János *Összes művei* (The complete works of János Rimay), ed. ECKHARDT Sándor, Budapest, Akadémiai, 1955 (hereafter: RIMAY 1590–1631/1955), 40.

<sup>36</sup> RIMAY 1590–1631/1955, *op. cit.*, 41.

<sup>37</sup> RUSZOLY József, *Európa jogtörténete: Az "újabb magánjogtörténet" Közép- és Nyugat-Európában* (History of European jurisprudence: Modern civil law in Central and Western Europe), Budapest, Püski, 1997 (A József Attila Tudományegyetem Jogtörténeti Tanszékének Tansegédletei, 8) (hereafter: RUSZOLY 1997), 95–101.

<sup>38</sup> CSIZMADIA Andor, KOVÁCS Kálmán, ASZTALOS László, *Magyar állam- és jogtörténet* (History of Hungarian state and jurisprudence), ed. CSIZMADIA Andor, Budapest, Tankönyvkiadó, 1978, 1991<sup>5</sup>; HAJDU Lajos, *Büntett és büntetés Magyarországon a XVIII. század utolsó harmadában* (Crime and punishment in Hungary at the end of the 18<sup>th</sup> century), Budapest, Magvető, 1985 (Nemzet és Emlékezet); KÁLLAY István, *Városi bíráskodás Magyarországon 1686–1848* (Town jurisdiction in Hungary), Budapest, Osiris, 1996 (Jogtörténet). In contrast with jurisdiction, codification of law demanded, of course, orations in the course of legislation. These speeches belong to *genus deliberativum*. This time they are not treated. Civil actions of the lower orders and some criminal trials of plebeians proceeded in verbal lawsuits. In these cases, rhetorical shaping was excluded from verbal communication because of the blanks of the education of people concerned. This is why the verbal trial of Imre Újfalvi in 1612 is of special interest. He was a Calvinist preacher deprived of his office and so he got into the legal state of a peasant. In these circumstances, he had to face the accusation of bishop Lukács Hodászi in a verbal process. Abridgements of indictment and plea are recorded in minutes of his trial: KESERŰ Bálint, *Az Újfalvi-per jegyzőkönyve* (Minutes of the trial of Újfalvi), Acta Historiae Litterarum Hungaricarum (Szeged), 10–11 (1971), 53–58.

of Balassi show his accurate legal preparation as well as how he was inventing and employing appropriate *status*. His opinion on the procedure in his case of incestuous marriage is elucidated in a private letter in February 1585.<sup>39</sup> Before legal references, he cites biblical places: the Old Testament law does not forbid marriage of cousins, as it is acknowledged in writings of Protestant exegetes. From the history of 16<sup>th</sup> century Hungarian Protestant legal cogitation there are remarks indicating the primacy of biblical law over secular law, but this argument was obviously unacceptable for the Catholic archiepiscopal court, which judged according to canon law.<sup>40</sup> However, one more opportunity for arguing with this *status ex contrariis legibus* is taken in the same letter. Detailed arguments of legal nature are not limited to effectual Hungarian law or the common law compendium of István Werbőczy. These are preceded by a reference to a Justinianian article: though “it has no power in Hungary”, it does allow marriage of cousins. Following with Hungarian law, Balassi admits that he has violated it, but he will not beg for mercy. This sentence demonstrates Balassi’s pride: after all, according to *Rhetorica ad Herennium*, not even the *status* of deprecation is appropriate in a trial, and Balassi’s position is much more radical than that. The rest of the letter considers possible legal consequences.

These observations imply that in determining his legal positions Balassi was supported from two sources: accurate knowledge of doctrines of *status* in *genus iudiciale*, and good knowledge of effectual Hungarian law. To become effective in his litigation, he didn’t need to be sensationalist speaker, master of the Ciceronian rhetorical structure and stylistics. He needed to be able to understand and interpret professional lawyers. Using the English terminology of the history of law, the difference can be expressed with one single word: he needed the proficiency of a solicitor and not of a barrister.<sup>41</sup> Balassi himself recognised this. In July 1577 he informed his uncle that he had bought an abridgement of Hungarian common law: “I have acquired a book of decrees and a black case for it. I will peruse it with not less diligence than the works of Cicero.”<sup>42</sup>

The best way to show this situation may be using a framework similar to the one constructed by Georg Braungart concerning German court and political oratory.<sup>43</sup> He showed that there are differences between rhetoric taught at schools and pragmatic procedures demanded by court oratory. He placed rhetorical activity into the context of court ceremonies. The expression “zwei konkurrierende Textmodelle” expresses the essence of his views.<sup>44</sup> This means the difference between the erudite rhetoric taught at

<sup>39</sup> BALASSI Bálint *Összes művei* (The complete works of Bálint Balassi), ed. ECKHARDT Sándor, I–II, Budapest, Akadémiai, 1951–1955 (hereafter: BALASSI 1577–1594/1951–1955), I, 336–339.

<sup>40</sup> BÓNIS 1976, *op. cit.*, 672.

<sup>41</sup> RUSZOLY 1997, *op. cit.*, 178.

<sup>42</sup> BALASSI 1577–1594/1951–1955, *op. cit.*, 311.

<sup>43</sup> Georg BRAUNGART, *Hofberedsamkeit: Studien zur Praxis höfisch-politischer Rede im deutschen Territorialabsolutismus*, Tübingen, Niemeyer, 1988 (Studien zur deutschen Literatur, 96).

<sup>44</sup> Georg BRAUNGART, *Praxis und poiesis: Zwei konkurrierende Textmodelle im 17. Jahrhundert*, in: *Rhetorik zwischen den Wissenschaften: Geschichte, System, Praxis als Probleme des “Historischen Wörterbuchs der Rhetorik”*, Hrsg. Gert UEDING, Tübingen, Niemeyer, 1991 (Rhetorik-Forschungen, 1), 87–98.

schools (*poiesis*) and the actual oratory at a court (*praxis*). In other words, there is a difference between systematic treatise and pragmatic casuistry. (Rhetoric) system is contrasted with (formulary) method.

There are a large number of references from 16–17<sup>th</sup> century authors from all around Europe expressing similar perceptions: there is no opportunity for actual forensic oratory, there is no space for its complex rhetoric structure, and, therefore, teaching it at schools have become needless and dispensable. Justus Lipsius, in his lectures *De ratione dicendi* given in Jena, in 1573, discussed only two genres, *genus demonstrativum* and *deliberativum*, because forensic oratory “nostra aetate repudiatum a iudiciis”.<sup>45</sup> Perhaps the most pragmatic rhetoric handbook published in Hungary in the 17<sup>th</sup> century was the work of Michael Radau, rector of Braunsberg (Braniewo, Poland) Jesuit college. *Orator extemporaneus* was published under the name of Georgius Beckher in Hungary just like the first European edition had been. This work did not treat *genus iudiciale* either. After explaining general precepts of invention and disposition, the content, rich in examples, is organised by common rhetorical occasions. Most of these occasions belong to *genus demonstrativum*, and slightly fewer to *deliberativum* (*De orationibus sponsalitiis, nuptialibus, epithalamicis, munerum oblatoriis, funebribus, natalitibus, salutatoriis et valedictoriis, gratulatoriis, gratiarum actoria, petitoriis, commendatoriis et exhortatoriis, De electione officialium ac magistratum, De modo ferendi votum seu consultationem, De legationibus*). After a three hundred page exposition of these, there are three more pages called appendix. It states that about *genus iudiciale* “nihil dicere attinet”, and advises consulting Aristotle as a theoretical author and Ciceronian orations as ideals of practice.<sup>46</sup> Another Jesuit handbook, the anonymous *Manuductio ad eloquentiam* (printed in Nagyszombat in 1709), confines its fifth tractate—which includes genre classification—to orations “tam in genere exornativo, quam deliberativo”.<sup>47</sup>

### *Genus iudiciale and other genres of literature*

Disregarding forensic oratory by these theoreticians should not be esteemed as the triumph of pragmatism. Other theoreticians—as we have seen, the majority—did preserve precepts of this genre, and they did not do this just out of respect for the traditions: their decision opened up new possibilities of application. Knowledge of *genus iudiciale* was utilised by all 16–17<sup>th</sup> century literature. There was no opportunity for application of forensic oratory, still, theoretical reflections originally intended for legal cases were

<sup>45</sup> Stefan FISCH, *Johann Matthäus Meyfarts Edition der “Oratoria Institutio” des Justus Lipsius*, Germanisch-romanische Monatsschrift, N. F. 31 (1981), 357–361.

<sup>46</sup> Georgius BECKHER [Michael RADAU S. J.], *Orator extemporaneus*, Várad, 1656.

<sup>47</sup> *Manuductio ad eloquentiam seu Via facilis ad assequendam juxta praecepta Soarii, artem rhetoricam ex classicis auctoribus desumpta et ad usum eorum, qui oratoriam hanc scientiam, seu profanam, seu sacram profitentur accommodata. Nuper Utini in lucem edita. Nunc vero recusa*, Nagyszombat, 1709 (hereafter: *Manuductio* 1709).

utilised by a much broader circle of literature and scholarly work. This more general, wider effect can be shown following the classification of *status* in *Rhetorica ad Herennium*. We will see that certain thematic groups and rhetorical-poetical classes of the old Hungarian literature were essentially and consistently structured by the logic of argumentation of certain *status* in every essential piece.

### *Status legitima and religious literature*

Melanchthon pointed out in his *Elementa rhetorices* that only “a kind of effigy” of *genus iudiciale* remained at courts. Cases were managed by lawyers who followed the rules of “their own profession”. Yet, Melanchthon felt it was necessary to present the precepts of *genus iudiciale*, “partly to judge orations of someone else, partly to prepare the youth for ecclesiastical pursuits. After all, ecclesiastical controversies are similar to legal contests. There are laws to interpret, contradictions to resolve, i.e. seemingly confronting opinions. Ambiguous issues are explained, and the law as well as facts are debated in search for an apt consideration of facts.” Accordingly, *genus iudiciale* becomes the methodical foundation of religious hermeneutics and the rhetorical base of different religious genres. It is quite apparent from these initiatory sentences—and later it is expounded at the appropriate point of rhetoric—that Melanchthon accepted the threefold classification of *status* by the *Rhetorica ad Herennium*.<sup>48</sup> Notwithstanding, it is clear, too, that besides *coniecturalis* (debate on facts) and *iuridicialis* (debate on the consideration of facts), Melanchthon considered *status legitima* (debate on law) the most important. Obviously, he did not mean the interpretation of secular law, but the explanation of divine law through the methods of invention in exegesis.

Doctrines of *status legitima* had a considerable effect on the techniques of invention and argumentation in exegesis and on preaching practice (which is similar in many ways). Definition of *status legitima* by the *Rhetorica ad Herennium* befits the majority of denominational controversies: “in scripto aut e scripto aliquid controversiae nascitur” (I,11,19). (Of course, I mean determining dominance and not exclusiveness: we should take the effects of the two other *constitutiones* into account as well. Moreover, *genus iudiciale*, though influences the invention in exegesis, does not rule the whole rhetoric structure of a sermon. As I pointed out elsewhere, rhetoric analysis of invention, disposition and elocution in Protestant pulpit oratory had shown primary influence of *genus didascalicum*, introduced by Melanchthon, and of *genus deliberativum*.<sup>49</sup>)

One of the conditions discussed in religious literature in accord with the rules of *status legitima* has been described by a contemporary researcher, so I have little to add. Kathy Eden expounded that biblical hermeneutics had augmented and renewed considerably the

<sup>48</sup> Edition consulted: Philippus MELANCHTHON, *Elementorum rhetorices libri duo, recens recogniti ab autore. His adiectae sunt epistolae contrariae* PICI et HERMOLAI BARBARI, *una cum dispositione. Accessit demum index et rerum et verborum locupletissimus*, Wittenberg, 1589, 28–56.

<sup>49</sup> KECSKEMÉTI 1998, *op. cit.*, 64–87.

*constitutio scripti et voluntatis* of antique rhetoric theory. An interpreter has another choice than that of Paul, who preferred spirit to the letter, and uncovered the intention of a text as opposed to literal interpretation. He can create a new synthesis of *propria* and *translata (figurata)* signification by allowing that spiritual meaning can manifest in both.<sup>50</sup>

Melanchthon himself called the attention to *status ex contrariis legibus*. Its importance is evident, for example, in comparing the Old Testament commandments with those of the New Testament. However, Protestantism profited more than that from contradictions between biblical commands and Catholic doctrines. Since one of these legislators, the divine power inspiring the Bible is in possession of apodeictical truth, according to Protestant interpretation, throwing light on these contradictions itself settles the issues.

Religious controversies according to *status ex ambiguo* are common.

However, I am going to emphasise the *status* of *translatio*. Popular Protestant communication as a whole can be interpreted as an appeal to a new competent forum. Their aim is to win the broadest possible audience, not professional theologians. They attempt to explain all doctrines authentically, undistorted, without oversimplification yet avoiding unnecessary complexities. Truth in theology should be revealed by the steps dictated by common sense considering everyday matters. Later the Puritans repeatedly refer to their belief in the experience of the simple, uneducated, intelligent person.<sup>51</sup>

#### *Status iuridicialis and political literature*

Just as invention of religious communication was determined by several types of *status legitima*, secular manipulative genres, propagandistic works, consultative and glorifying political orations, leaflets, and pamphlets were determined by *status iuridicialis*. Not only by that—after all, arguments debating facts and examining legal references are obviously parts of these works too. Nevertheless, supporting examples are abundant. It is no point to cite these here.

#### *Lack of status coniecturalis as epistemological fact*

Some conceptions of connecting popular communication with scientific truth excited interest throughout the early modern Europe. They were developed mainly by Bacon and Descartes. Wilbur Samuel Howell called these theories “new rhetoric”. He summarised

<sup>50</sup> Kathy EDEN, *The Rhetorical Tradition and Augustinian Hermeneutics in De doctrina christiana*, *Rhetorica*, 8 (1990), 45–63.

<sup>51</sup> Richard Foster JONES, *Ancients and Moderns: A Study of the Rise of the Scientific Movement in Seventeenth-Century England*, New York, Dover Publ., 1936, 1961<sup>2</sup>, 1982<sup>3</sup> (Washington University Studies), XI; KECSKEMÉTI 1998, *op. cit.*, 130.

these principles in four,<sup>52</sup> and later in six<sup>53</sup> points. According to one of these, while traditional rhetoric confined itself to artistic arguments, the “new rhetoric” applies non-artistic ones, which in the old rhetoric were only mentioned to be ignored.<sup>54</sup>

*Argumenta inartificialia* traditionally belong to *genus iudiciale*. They are needed to discuss *status coniecturalis*. If Howell was right then exponents of the new communication theories found an appropriate tool for their new epistemological aims in the same rhetorical fields that provided a large part of the theoretical background of the old communication, the one that tried to persuade the audience by making them believe something.

The name ‘non-artistic evidence’ is an umbrella term for material with diverse origin and varied classifications in the rhetorical handbooks.<sup>55</sup>

Though Howell’s term is imprecise, his criterion is clear: it asserts that traditional *loci* (artistic evidences) seem to have had no value for exponents of the “new rhetoric”. They proposed substituting them with ones provided by various branches of science using scientific methods. For this, the internal system of non-artistic evidence should have gone through the corresponding transformation: arguments based on authority were to be replaced by empirical, descriptive ones coming from observation and deductive reasoning.

As I commented elsewhere,<sup>56</sup> this epoch-marking role attributed to *argumenta inartificialia* is difficult to interpret in the context of religious communication. I’d like to add now that the change that Howell considered significant can hardly be detected in 16–17<sup>th</sup> century secular literature in Hungary. Concerning internal restructuring of *argumenta inartificialia*, we can only mention the activity of a few Baconian philosophers, first of all of Johannes Bayer, and only one single rhetorical theoretician, Andreas Graff. He reflected this change by adding methods *ex facultatibus* to the system of investigation in his rhetoric. In our case, however, just the absence of the change noticed by Howell creates an opportunity to introduce another typology. As we have seen, in many genres and some thematic groups of old Hungarian literature there is a keen interest in the invention of legal references concerning the facts and in possible argumentation about their legiti-

<sup>52</sup> HOWELL 1956, *op. cit.*, 375–388.

<sup>53</sup> Wilbur Samuel HOWELL, *Eighteenth-Century British Logic and Rhetoric*, Princeton N. J., Princeton University Press, 1971 (hereafter: HOWELL 1971), 441–447.

<sup>54</sup> HOWELL 1971, *op. cit.*, 442–443.

<sup>55</sup> According to the Aristotelian rhetoric, *argumentationes inartificiales* can be divided into five types: *leges, testes, pacta, tormenta, iusiurandum*. There are three kinds of them, under the name of *loci externi*, in the rhetoric of Pécseli Király: *testimonia, auctoritates, exempla*. In his section on *genus iudiciale*, Andreas Graff details the five kinds of antique origin, while in the section on *genus deliberativum*, he mentions three: *dicta, sententiae, testimonia*. Following the order of Quintilian, there are six kinds of *argumentum extrinsecum* in the handbook of Soarez: *praejudicia, fama, tormenta, tabulae, jusjurandum, testes*. In an adaptation of the rhetoric of Soarez printed in Nagyszombat (*Manuductio* 1709), there are two main groups of *loci extrinseci*. In the chapter *De testimonio divino* there are sections *de oraculis, vaticiniis, auspiciis, auguriis*, and *de sacerdotum, haruspicum, conjectorum responsis*, while sections of the chapter *De testimonio humano* are *de exemplo et proverbii, de legibus et testibus, de pactis, tabulis, signis, quaestionibus*, and *de iurejurando, praejudiciis, et fama*.

<sup>56</sup> KECSKEMÉTI 1998, *op. cit.*, 44–46.

macy. There are no signs, however, of an interest in the facts themselves: no one seems to be interested in whether facts are real or fictitious; no one seems to realise that traditional devices of interpretation tend to obscure the real circumstances instead of uncovering them. There is no intention to minimise this possibility.

This general disinterest, however, creates wonderful conditions for a few Hungarian intellectuals of the 17<sup>th</sup> century who most consciously investigate literature and how it represents power. Some of them recognise that general indifference to *status coniecturalis* gives the opportunity for a more skilled speaker to gain new ground for manipulation.

From recent Hungarian research we can take it granted that a restricted circle keeping up with contemporary European literary and philosophical trends did become aware of the distinction between *fama* and *gloria*. Their source, however, was not the Baconian–Cartesian epistemological framework: their interest was kindled by observations on publicity and public opinion in Italian and French political theory.<sup>57</sup>

Detaching *fama* from the notion of the generally acknowledged absolute value of things and actions and their inherent conclusive power, and noticing that opinions can be shaped, influenced, and manipulated, naturally shook one of the *probationes inartificiales* and moved it from the realm of objectivity into the area of artistic operations controlled by rhetorical means. Crisis of *fama* devalues two other non-artistic evidences: those of *testis* and *iusiurandum*, the latter warranting truth of the former. Anyhow, the weight of verbal evidences considered in *status coniecturalis* is questioned. Using modern terminology, we can say that the verbal nature of fact was recognised. The depth of crisis is shown by the fact that this change concerns all three non-artistic evidences of *genus deliberativum* mentioned in Graff's rhetoric. Conversely, new ground opened up for non-artistic evidences among of artistic ones. The first sign of this change I know of can be found in an adaptation of the rhetoric of Soarez printed in 1709 in Nagyszombat.<sup>58</sup> All of *argumentationes inartificiales* is presented in the second tract as the seventeenth *locus* of *amplificatio periodorum*, together with *similitudo*, *dissimilitudo*, *contraria* and others. This is a company of bad reputation. It is impossible to sink any deeper.

If we have no reflections from the author himself, or external data on the relationship of his words to his thoughts, it is almost impossible to separate the communication of a manipulated author from that of a manipulating one. This methodical problem makes the analysis of the process of devaluation of non-artistic evidences in actual literary activity very difficult.

I think, the case is much more complex than what Howell's narrative suggests. He says that the attention turns from *argumentationes artificiales* towards *inartificiales*, from encumbering words of authorities, which suppress independent thinking, towards

<sup>57</sup> BENE Sándor, *Theatrum politicum: Nyilvánosság, közvélemény és irodalom a kora újkorban* (Early modern publicity, public opinion, and literature), Debrecen, Kossuth Egyetemi Kiadó, 1999 (Csokonai Universitatis Könyvtár: Bibliotheca Studiorum Litterarium, 19).

<sup>58</sup> *Manuductio* 1709.

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the things themselves. For a long time to come, we find no reflection on non-artistic evidences from a broader audience, while a small circle sees and utilises their partially verbal, artistic nature and manipulative possibilities.

The opposition between the educated man and the uneducated public posed an ethical problem for Montaigne: “le sage doit au dedans retirer son ame de la presse, et la tenir en liberté et puissance de juger librement des choses : mais quant au dehors, qu’il doit suivre entierement les façons et formes receuës.”<sup>59</sup> His 17<sup>th</sup> century descendants used public pretence for controlling “ames, où [la coustume] ne trouve pas tant de resistance”<sup>60</sup> as well.

<sup>59</sup> I, 23; Michel de MONTAIGNE, *Les Essais*, édition conforme au texte de l’exemplaire de Bordeaux par Pierre VILLEY, Paris, Quadrige–Presses Universitaires de France, 1988, I–III (hereafter: MONTAIGNE 1988), I, 118.

<sup>60</sup> MONTAIGNE 1988, *op. cit.*, I, 111.