

Recent scholarship has examined the interaction between the pseudo-Quintilianic *Major Declamations* (hereafter *DM*), other literary genres, and contemporary thought and practice (van Mal-Maeder 2007, Krapinger 2005, etc.). These fully-elaborated declamations employ the setting of an imaginary courtroom while presenting exercises in situational ethics (Breij 2009, Winterbottom 1982). Many declamations are “figured” arguments, in which the speaker’s persuasive goal is different from his stated objective (Breij 2006, Russell 1983). The request for permission to commit suicide (*prosangelia*) is the typical example of “figured” argument. The speaker of a *prosangelia* does not actually wish to die, but rather hopes to arouse pity for himself and hatred of his opponent (e.g., *RG* 8.306.28-307.3). This paper argues that *DM 7 (Tormenta Pauperis)*, in which a poor man asks to be tortured in order to substantiate his accusation that a rich man murdered his son, should also be read as a “figured” argument. This interpretation is supported by (i) the declamation’s contradiction of both rhetorical and juristic thinking on evidence extracted through torture and (ii) its thematic affinities with the *prosangeliai*.

The poor man repeatedly claims in *DM 7* that no free man can lie under torture, a contention necessary to his case. By contrast, the ancient rhetorical handbooks provide the advocate with tools for discrediting testimony extracted by means of torture (e.g., *Rhet. Her.* 2.10, *RLM* 332.2). *Dig.* 48.18 (*de quaestionibus*) catalogues a series of circumstances in which the magistrate should be suspicious of evidence extracted under torture. *Minor Declamations* 269, 338, and others demonstrate how to develop the case against the credibility of torture (Dingel 1988). Such evidence suggests that contemporary audiences would be skeptical of the claims made in *DM 7* for torture’s efficacy and transparency.

The speaker of *DM 7* resembles the speaker of a *prosangelia* in that he performs helplessness and vulnerability in order to arouse pity for himself and *invidia* for his opponent. The *prosangeliai* feature comparable claims of *aporia*, apparent failures to serve the speaker’s own best interests, and evocations of *invidia*. Quintilian’s exasperation with what he perceives as the stupidity of employing a “figured” request for torture (*Inst.* 9.2.81-84) provides a further indication that *DM 7* represents what must have been a typical exercise in constructing “figured” declamation (though few direct parallels are extant).

The paper’s conclusion briefly locates *DM 7* in the historical context of its likely period of composition, the late second and early third centuries CE, a period in which the torture of free Roman citizens had become more common (Harries 1999, Garnsey 1970). If taken literally, the declamation’s argument presents a paradox: a speaker uses persuasive language in order to argue that language is in fact less persuasive than the spectacle of his own bodily suffering. By exposing as fallacious its speaker’s claims that torture produces indisputable truth, the declamation challenges its audience to reexamine the rationale for implementing torture in the real-world courtroom.