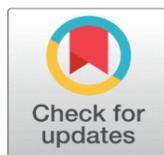


# RHETORIC IN SILENCE! THE COURT IS IN SESSION BY VIJAY TENDULKAR

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## ABSTRACT

Man has studied and praised rhetoric since the early days of the written word. The Mesopotamians and Ancient Egyptians both valued the ability to speak with eloquence and wisdom. However, it wasn't until the rise of Greek democracy that rhetoric became a high art that was studied and developed systematically.

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## 1. INTRODUCTION

Man has studied and praised rhetoric since the early days of the written word. The Mesopotamians and Ancient Egyptians both valued the ability to speak with eloquence and wisdom. However, it wasn't until the rise of Greek democracy that rhetoric became a high art that was studied and developed systematically.

### 1.1. RHETORIC IN ANCIENT GREECE: THE SOPHISTS

Many historians credit the ancient city-state of Athens as the birthplace of classical rhetoric. Because Athenian democracy marshaled every free male into politics, every Athenian man had to be ready to stand in the Assembly and speak to persuade his countrymen to vote for or against a particular piece of legislation. A man's success and influence in ancient Athens depended on his rhetorical ability. Consequently, small schools dedicated to teaching rhetoric began to form. The first of these schools began in the 5th century B.C. among an itinerant group of teachers called the Sophists.

The Sophists would travel from polis to polis teaching young men in public spaces how to speak and debate. The most famous of the Sophists schools were led by Gorgias and Isocrates. Because rhetoric and public speaking were essential for success in political life, students were willing to pay Sophist teachers great sums of money in exchange for tutoring. A typical Sophist curriculum consisted of analyzing poetry, defining parts of speech, and instruction on argumentation styles. They taught their students how to make a weak argument stronger and a strong argument weak.

Sophists prided themselves on their ability to win any debate on any subject even if they had no prior knowledge of the topic through the use of confusing analogies, flowery metaphors, and clever wordplay. In short, the Sophists focused on style and presentation even at the expense of truth.

The negative connotation that we have with the word “sophist” today began in ancient Greece. For the ancient Greeks, a “sophist” was a man who manipulated the truth for financial gain. It had such a pejorative meaning that Socrates was executed by the Athenians on the charge of being a Sophist. Both Plato and Aristotle condemned Sophists for relying solely on emotion to persuade an audience and for their disregard for truth. Despite criticism from their contemporaries, the Sophists had a huge influence on developing the study and teaching of rhetoric.

#### Rhetoric in Ancient Greece: Aristotle and The Art of Rhetoric

While the great philosopher Aristotle criticized the Sophists’ misuse of rhetoric, he did see it as a useful tool in helping audiences see and understand truth. In his treatise, *The Art of Rhetoric*, Aristotle established a system of understanding and teaching rhetoric.

In *The Art of Rhetoric*, Aristotle defines rhetoric as “the faculty of observing in any given case the available means of persuasion.” While Aristotle favored persuasion through reason alone, he recognized that at times an audience would not be sophisticated enough to follow arguments based solely on scientific and logical principles. In those instances, persuasive language and techniques were necessary for truth to be taught. Moreover, rhetoric armed a man with the necessary weapons to refute demagogues and those who used rhetoric for evil purposes. According to Aristotle, sometimes you had to fight fire with fire.

After establishing the need for rhetorical knowledge, Aristotle sets forth his system for effectively applying rhetoric:

- Three Means of Persuasion (logos, pathos, and ethos)
- Three Genres of Rhetoric (deliberative, forensic, and epideictic)
- Rhetorical topics
- Parts of speech
- Effective use of style

*The Art of Rhetoric* had a tremendous influence on the development of the study of rhetoric for the next 2,000 years. Roman rhetoricians Cicero and Quintilian frequently referred to Aristotle’s work, and universities required students to study *The Art of Rhetoric* during the 18th and 19th centuries.

## 2. RHETORIC IN ANCIENT ROME: CICERO

Rhetoric was slow to develop in ancient Rome, but it started to flourish when that empire conquered Greece and began to be influenced by its traditions. While ancient Romans incorporated many of the rhetorical elements established by the Greeks, they diverged from the Grecian tradition in many ways. For example, orators and writers in ancient Rome depended more on stylistic flourishes, riveting stories, and compelling metaphors and less on logical reasoning than their ancient Greek counterparts.

The first master rhetorician Rome produced was the great statesman Cicero. During his career he wrote several treatises on the subject including *On Invention*, *On Oration*, and *Topics*. His writings on rhetoric guided schools on the subject well into Renaissance.

Cicero’s approach to rhetoric emphasized the importance of a liberal education. According to Cicero, to be persuasive a man needed knowledge in history, politics, art, literature, ethics, law, and medicine. By being liberally educated, a man would be able to connect with any audience he addressed.

### 3. RHETORIC IN ANCIENT ROME: QUINTILIAN

The second Roman to leave his mark on the study of rhetoric was Quintilian. After honing his rhetorical skills for years in the Roman courts, Quintilian opened a public school of rhetoric. There he developed a study system that took a student through different stages of intense rhetorical training. In 95 AD, Quintilian immortalized his rhetorical education system in a twelve-volume textbook entitled *Institutio Oratoria*.

*Institutio Oratoria* covers all aspects of the art of rhetoric. While Quintilian focuses primarily on the technical aspects of effective rhetoric, he also spends a considerable amount of time setting forth a curriculum he believes should serve as the foundation of every man's education. In fact, Quintilian's rhetorical education ideally begins as soon as a baby is born. For example, he counsels parents to find their sons nurses that are articulate and well-versed in philosophy.

Quintilian devotes much of his treatise to fleshing out and explaining the **Five Canons of Rhetoric**. First seen in Cicero's *De Inventione*, the Five Canons provide a guide on creating a powerful speech. The Five Canons are:

- **inventio** (invention): The process of developing and refining your arguments.
- **dispositio** (arrangement): The process of arranging and organizing your arguments for maximum impact.
- **elocutio** (style): The process of determining how you present your arguments using figures of speech and other rhetorical techniques.
- **memoria** (memory): The process of learning and memorizing your speech so you can deliver it without the use of notes. Memory-work not only consisted of memorizing the words of a specific speech, but also storing up famous quotes, literary references, and other facts that could be used in impromptu speeches.
- **actio** (delivery): The process of practicing how you deliver your speech using gestures, pronunciation, and tone of voice.

### 4. RHETORIC IN MEDIEVAL TIMES AND THE RENAISSANCE

During the Middle Ages, rhetoric shifted from political to religious discourse. Instead of being a tool to lead the state, rhetoric was seen as a means to save souls. Church Fathers, like St. Augustine, explored how they could use the "pagan" art of rhetoric to better spread the gospel to the unconverted and preach to the believers.

During the latter part of the Medieval period, universities began forming in France, Italy, and England where students took classes on grammar, logic, and rhetoric. Medieval students poured over texts written by Aristotle to learn rhetorical theory and spent hours repeating rote exercises in Greek and Latin to improve their rhetorical skill. Despite the emphasis on a rhetorical education, however, Medieval thinkers and writers made few new contributions to the study of rhetoric.

Like the arts and sciences, the study of rhetoric experienced a re-birth during the Renaissance period. Texts by Cicero and Quintilian were rediscovered and utilized in courses of study; for example, Quintilian's *De Inventione* quickly became a standard rhetoric textbook at European universities. Renaissance scholars began producing new treatises and

books on rhetoric, many of them emphasizing applying rhetorical skill in one's own vernacular as opposed to Latin or ancient Greek.

### 5. RHETORIC IN THE MODERN DAY

The rejuvenation of rhetoric continued through the Enlightenment. As democratic ideals spread throughout Europe and the American colonies, rhetoric shifted back from religious to political discourse. Political philosophers and revolutionaries used rhetoric as a weapon in their campaign to spread liberty and freedom.

#### 5.1. RHETORIC IN SILENCE! THE COURT IS IN SESSION

The art of rhetoric is concerned with persuading someone to your point of view even if your point of view has nothing to do with truth. Every work of literature is an attempt at persuasion. The work- be it a novel or a play- is nothing but the

use of compendium of rhetoric. When two characters interact they try nothing but convince the other to his or her viewpoint by denying the narrativity of their narrative and marshaling their version as truth and nothing but truth. This compulsive insistence on truth and nothing but truth is the hallmark of legal domain. The moment the characters in *Silence! the Court is in Session* shift to staging a mock court, the whispers about Benare are immediately are disguised as truth and nothing but truth.

**Pathos:** In Aristotelian terms, pathos means use of emotional appeal as a rhetorical device. The very idea of appeal to emotion, instead of reason, smacks of deceptive approach. In *Silence! the Court is in Session* the characters decide to stage a play that shows the proceeding of a court for the benefit of a local, Samant who does not know anything about court proceeding and he is supposed to act in the play about President Jonson in the evening. In the absence of Leela Banare, the characters decide to make her the accused at the suggestion of Sukhatme because in his views “when there’s a woman in the dock, the case does have different complexion.” (*Silence! the Court is in Session*, 22) Mrs Kashikar readily agrees to the name of Miss Leela Banare. By introducing an unmarried girl/woman as a accused in mock play, they very insidiously introduced the first element of pathos as a woman and at that an unmarried woman is the emotional object of male gaze in Indian patriarchal society. A woman in patriarchal society shall bear the burden of morality of the society and hence it is her responsibility to safeguard all conceivable moral boundaries of her society by her behavior. A woman as an accused draws attention not to the crime committed but to her own sex. The crime is not important; the woman whom transgresses the social limits is focus of attention.

Kashikar who shall be the judge introduces second point of pathos by insisting that the charge should have social significance to which all subscribe. It introduces another dimension to already emotion issue, as the woman, in male dominated society, is the guardian of social morality, not a guardian of criminality. Therefore, if a woman commits some vice-a crime against society-she is seen in more glaring light and right object of male derision. Such a woman can be gazed at without inviting any reprimand. The characters huddle together to decide about the charge that should smack of social/ moral infringement.

As Miss Banare enters, Ponkshe announces that she stand arrested “on suspicion of crime of an extremely grave nature”. Still the reader/audience does not know the specificities of crime. After some gap, Kashikar declares, “Prisoner Miss Benare, under section 302 of

Indian Penal Code you are accused of the crime of infanticide”. (24) A young unmarried woman who is charged with infanticide is the most emotional entity. The simple conclusion that one would arrive in such a scenario would be that the young unmarried woman has killed her own illegitimate infant. No one would think that she has killed someone else’s infant in a road accident. A charge of infanticide by a young woman adds one more colorful dimension to the story-the dimension of illicit sexual relation that resulted in unwanted pregnancy that led to inevitable infanticide to avoid social stigma. However, the cat is out of bag, and the male dominated society finds a fit example of risible interest and gaze and social gossip. Now the society can indulge in its suppressed sexuality in guise of discussing the activities of sexual transgressor for the benefit of the society. Miss Benare rightly objects to this charge. She says that she can as well be charged with “snatching public property” (29). No one agrees to it and Mrs Kashikar finds nothing wrong in the charge of infanticide. There is no sexual overtone in the charge of snatching public property. The characters’ malafide intentions are brought to light by the suggestion of alternative charge by Miss Benare herself. They forget that the ostensible purpose of the play before the play is to introduce local Samant to court proceedings and the real play about President Jonson in about atom bomb, not about a woman. However, by staging a play about an unmarried young woman who murdered an infant they put all possible components of pathos about which logical thinking is impeded by male chauvinism. Samant, a local immediately sees the similarity between the charge and some real life incident that took place in his village. Sukhatme sees it as “a first class charge’ (26) and ‘a really thundering charge’ (26) Sukhatme begins the court proceedings by appeal to pathos by invoking the sanctity of motherhood—“Motherhood is a sacred thing” (30) When Benare raises the question about his knowledge of sanctity of Motherhood (30) she is silenced by the court. However, the proceedings begin with the litany of motherhood. “Motherhood is pure. Moreover, there is a great –er –a great nobility in our concept of motherhood. We have acknowledged woman as the mother of mankind. Our culture enjoins us to perpetual worship of her....’Woman is a wife for a moment, but a mother for ever’ ”(30) This litany finally silences any chance of logical thinking/ argument. After forcing the logos to go to sleep, Sukhatme begins building the façade of logos on infrastructure of pathos.

**Logos:** It simply means appeal to logic. The first witness is identified as world famous scientist who swears on Oxford English Dictionary. As a scientist, he is supposed to be objective and precise. The prosecution counsel, by calling the scientist makes an indirect appeal to authority which is a logical fallacy. This logical fallacy of appeal to authority is made twice in the course of prosecution/persecution. The second example occurs when Kashikar as witness speaks on the authority of “famous leader Nanasaheb Shinde” (68) who happens to be the chairman of Education Society which runs the school wherein Leela Benare teaches. The world famous scientist right from the beginning is far from objectivity and precision. When the counsel for prosecution asks the scientist about the marital status of Miss Benare, he implies more than replies by his answer “to the public eye, she is unmarried.” (32) Instead being logical, the scientist falls into the second logical fallacy—Ad Hominem—that is extensively used in this play. This logical fallacy simply means attacking the person, not addressing the problem. By his insinuation, the scientist began the process of character assassination of Leela Benare, which is not a issue before the court. Third witness Rokde claims to have seen Leela Banere in the house of professor Damle one evening. Nothing more. Now it is the turn of Sukhatme who turns ‘evening’ to ‘night falling’ as the word ‘night’ connotes more than the evening. In his witness, Samant tells how he hears some female voice crying from behind the closed doors of Pof. Damle and drawing on another logical fallacy—non sequitor—it is surmised that the female voice should be of Leela Benare.

Ponkshe admits that she saw the lady carrying the insect poison Tik 20 and with the help of another logical fallacy—confusing association with causation—it is safely presumed that insect poison was meant to kill some human being.

**Ethos:** It is appeal to ethics. The Judea-Christian legal system depends on the maintenance of the uniformity of social fabric. When some crime is committed the fabric of the society is threatened and the objective of legal system is to save this fabric by punishing the culprit. Punishment is not important in itself. The maintenance of social fabric is. In the summing by the prosecution counsel and in the judgment, the ethos dominates. In the words of prosecution counsel “The accused is public enemy number one.” (71) “If such socially destructive tendencies” are allowed to flourish then “this country and its culture will be totally destroyed” (71) In the eye of prosecution counsel, the crime of unwed motherhood is more heinous than the crime of infanticide. Still more horrifying is the decision to bring up the child born out of wedlock. It would destroy the institution of marriage and allow the “immorality to flourish”(71). The accused should be awarded “greatest and severest punishment”. In his final judgment, the court allow Benare to live “But the child in (her) womb shall be destroyed.” Because giving birth to a child out of wedlock is more destructive to society than infanticide, the original charge.