SPEECH TO THE AUSTRALIAN LAWYERS PHIL-HELLENIC ASSOCIATION

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Introduction

My topic tonight comes from a quotation by the Greek philosopher Pythagoras, "Do not say a little in many words, but a great deal in few". When given such a topic, one cannot help but think that people may desire his speech to be brief.

I am reminded of the story of the newly admitted Trappist monk. As you may know, the Trappists are supposed to maintain silence. After the first year of silence, the new monk was allowed to speak and he requested an extra blanket. At the end of his second year of silence he asked for an-extra candle. At the end of his third year, he asked to leave the order. The Prior said he was not surprised, "You've just made constant demands ever since you came here", he said. Obviously in the Prior's eyes, the monk spoke too much.

Although I was a professional advocate and public speaker, in private, I am a retiring person. I find that one learns a whole lot more by letting other people do the talking. It may be that this was what Pythagoras had in mind, though we shall see, shortly, that there are three possible interpretations of his saying.

I will endeavour tonight to cover four matters, (1) a little bit about Pythagoras, (2) what did Pythagoras mean by the saying quoted, (3) a discussion of the possible interpretations and (4) an examination of the relevance of his words to the modem lawyer?

(1) Pythagoras

We best know Pythagoras for the theorem in geometry that bears his name. Shortly stated, the square on the hypotenuse of a right angled triangle is equal to the squares on the other two sides. There is another version of the theorem. An Indian Chief had

three squaws whom he placed in three tepees, one with an hippopotamus hide carpet, one with a bear hide and one with a buffalo hide. The squaw in the first tepee had twins, the others one child each. So as far as children were concerned, the squaw on the hippopotamus was equal to the squaws on the other two hides.

However, in addition to being a mathematician, he was the founder of a religious movement called Pythagoreanism. This secret religious society was similar to the earlier Orphic cult. The Pythagorean order was governed by strict rules of conduct, for example they were cautioned:

- .To abstain from beans;
- .Not to pick up what has fallen; .
- Not to eat from a whole loaf;
- And not to walk on highways.[1]

Not much else is known about Pythagoras, and the little we do know is derivative, for none of his writings survived. Most of what we have comes from Joannes Stobaeus who lived in the 5th Century AD and who recorded some of Pythagoras' sayings in writing primarily for the benefit of his son, Septimus.

Despite the paucity of surviving material, the twentieth century philosopher and mathematician (Lord) Bertrand Russell proposed in his *History of Western Philosophy* that Pythagoras's influence on Plato and others was so great that he ought. to be considered the most influential of all western philosophers. The works of other philosophers and poets demonstrate that his injunction against the eating of beans was certainly influential: the poet Callimachus wrote "Keep your hands from beans, a painful food;/ As Pythagoras enjoined, I too urge"[2] and Empodocles concurred: "Wretches, utter wretches, keep your hands from beans".[3]

(2) What does the quote mean?

As none of Pythagoras's writings survived, we do not know where the present quotation comes from, and it is impossible to give it much context. The quote in full

reads: "It is better wither to be silent, or to say things of more value than silence. Sooner throw a pearl at hazard then an idle or useless word; and do not say a little in many words, but a great deal in a few".

The quote is commonly interpreted in three ways, and all interpretations find support in Pythagoras's life and teachings.

The first and most obvious interpretation is that it is best to be brief, concise and precise. Pythagoras's followers, the Pythagoreans, observed a rule of silence called *echemythia,* which, if broken was

[1] Bertrand Russell, *A History of Western Philosophy,* Chapter 3.
[2] Callimachus Fragment 553, quoted in Jonathan Barnes, *Early Greek Philiosophy.* Second edition, London: Oxford, 2001, p. 165.
[3] Quoted in Barnes, p. 166.

punishable by death. The rationale for the rule lay in the Pythagoreans' belief that man's words were usually careless and misrepresented him, so that when someone was in doubt as to what he should say, the best policy was to remain silent.

The second common interpretation of the quote is unrelated to notions of brevity, and is also more obscure. The Pythagoreans believed that it was better to learn none of the truth about mathematics, God and the universe at all than to learn a little without learning all.[4] This may have been what Pythagoras was talking about.

The third common interpretation of Pythagoras's quote is that it is better to know a lot about one thing than a little about many things.

One final point should be made about Pythagoras's philosophy on teaching which may provide us with some insight into why the quote carries multiple possible meanings. The Pythagoreans were divided into an inner circle of 'mathematicians', and an outer circle of 'listeners'. The inner circle learned the more detailed version of the knowledge Pythagoras was teaching, while the outer circle only heard the summary headings of Pythagoras's writings, without an exact exposition. Those in the outer circle were not taught the inner secrets, but were instead taught laws of behaviour and morality in the form of brief, cryptic sayings with" hidden meanings. It is possible that this quote is one such saying.

(3) Discussion

There is a lot of wisdom in the first interpretation that it is best to be brief, concise and precise. How often do we hear a speech and at the end of it realize that the speaker's message could be summarized in two sentences.

However, it must be realised that the saying is not universally true. Take Abraham Lincoln's Gettysburg Address, the one which famously commences, "Four score and seven years ago, our fathers brought forth on this continent. A new nation etc….". It is well remembered for its poetical style. Had it just commenced, "This country has now been in existence for 87 years", it would long ago have been forgotten.

There are a number of situations too where it is necessary that a person be allowed to tell his or her own story at length, complete with repetitions and irrelevancies.

The second interpretation is that it is better to know nothing about a subject than just a little. At first sight this sounds nonsense. However, there is a corresponding English proverb that "A little knowledge is a dangerous thing." There are many examples in life where people have suffered because a person thinks they know how to do something, but their knowledge is so limited that they fail to effect it.

[4] Manly Hall, *The Secret Teachings of All Ages.*

The third interpretation that it is better to know a lot about some discrete matter than a little about a lot of matters is problematical. My experience is that there is a need for both specialists and generalists in all fields. If one has an unexplained pain it is sensible to consult a General Practitioner. If he or she diagnoses a possible heart problem, then it is sensible to consult a specialist cardiologist.

(4) The relevance of each interpretation to the modern legal practitioner

I am now going briefly to examine the relevance of each of the three interpretations of the quotation to the modem legal practitioner. One might be forgiven for saying it is easy to see the relevance that a warning to avoid unnecessary verbiage has to a lawyer.

(i) Interpretation One: Brevity and Clarity

Justice Heydon of the High Court has recently published on "Aspects of Rhetoric in Forensic Advocacy Over the Past 50 Years"[5]. His Honour dedicates a section of this work to an examination of rhetorical techniques which are not useful. The first unhelpful technique he identifies is "artificial, ostentatious, over-elaborate speech"- "the opposite of speaking to the point".[6] While he acknowledges that sometimes this may "work", "its effectiveness is rare":

"It conveys the impression that the advocate who employs it is a mountebank. Its windiness and glibness -its failure to mesh precisely with the issues -cause it to bear on its face a badge of irrationality. To employ it is to confess that it is only employed because the legal and factual circumstances are such as to make it impossible to achieve the desired result by rational advocacy."[7]7

This certainly gives voice to the view that it is better to say a great deal in a few words than a little in many words.

Justice Heydon's point causes one to think of another point in favour of brevity and simplicity in court room advocacy: efficiency. Efficiency is seen as a cornerstone of justice: it is the key rationale for modem case management systems. (So long as it does not come at the cost of quality of justice).

The appreciation of brevity in law is not limited to the art of the legal practitioner: it is also desired of the judge. The 17th Chief Judge in Equity, Hon Malcolm McLelland more than any other judge in the history of the NSW Supreme Court produced judgments which were brief, concise and to the point. However, if you were to ask him, he would tell you that this was only achieved after a good deal of time and effort. It is usually far more time consuming to produce a concise statement than a verbose one.

[5] In Justin Gleeson and Ruth Higgins's *Rediscovering Rhetoric: Law, Language, and the Practice of Persuasion* (2008).
[6] P. 222.
[7] PP. 222-223.

Again there are exceptions. Sometimes a proposition that an advocate has to put is, at first blush, likely to arouse hostile feelings. Thus suppose that one needed to support

the proposition that the expulsion of kanaka labourers from Queensland at the turn of the 20th Century was appropriate. You may find that some portion of the audience would feel that you were racist. However, you would be less likely to get this reaction if you led up to it by focusing on the conditions in Australia after the 1890 depression, the plight of poor Australian workers in Queensland, and the exploitation of the kanakas by capitalists (I am not necessarily saying that any of those statements are historically true).

It is difficult to relate the second interpretation, that it is better to know nothing about a subject than a little, to the law, except when considering unrepresented litigants. Many of these people have found some proposition on the internet which seems to support their case and use it without any understanding of the overall picture. It would be better if such people had never investigated the law at all.

The third interpretation is that it is better to know a lot about one thing than a little about many things. It is easy to see the relevance of this to the modem practitioner: in the age of the big law firm, specialisation is rife. Having completed their initial rotations, some lawyers practice in the one area their entire lives.

There are obvious advantages to specialisation such as this. First, it means that practitioners can develop advanced technical knowledge and a high level of competence in a particular area of law. Indeed, the increasingly technical and complex nature of many areas of law can mandate that those who practice in them limit themselves to the one area. Further, extensive hard practice in the one area means a practitioner is likely to be familiar with, or have a feel for, which arguments are likely to succeed.

However, even in specialised areas of law, knowing only your field may not be sufficient, as areas of law often overlap. For example, knowing routine family law may not be enough because often the problems will interface with property law and constitutional law. Unless one has a good overview, problems will occur. It would seem then that the Pythagoreans' belief that it is better to know everything about one thing than a little about many things may not hold true for lawyers -at least, not

absolutely. Modem legal practitioners need core skills and a base general knowledge, as well as any specialised knowledge which may be required by their particular job.

This third interpretation can be applied particularly to the Bar. Barristers in the course of their practices learn a lot about many fields of endeavour. To illustrate, when briefed in an enquiry about new FM broadcast licences, I learnt how the professionals construct a program of rock music for radio broadcast. Apart from entertaining others at social functions, this is useless knowledge except, of course, for radio broadcasters.

When farewelling Justice James Wood, Ian Harrison, then President of the Bar quoted these words of Wood J uttered extra judicially,

> "Experts are people who know much about a little and continue to learn more about less until they know everything about nothing. Barristers know a little about a lot, learning less about more until they know nothing about almost everything. Judges begin knowing everything, but end up knowing nothing. This is caused by barristers and experts."

I will leave that thought with you.

Conclusion

Do not say little in many words, but a great deal in few.

I wonder whether I have fulfilled the prophecy of saying little in many words. I will leave that to you to judge.

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