



# Jus Corpus Law Journal

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## Relevance of Antony's funeral speech in Advocacy

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*Literature is inseparable from Law and the latter can't exist without the former. For an integral working legal system, the use of a regularized language is necessary. Law and literature both copy each other; we can surely trace their history and identify the common form of change over the period of time. Therefore Literature is like the oars which help the boat of law to row forward. The literature has great use in advocacy and its knowledge can help you stand out of the crowd. A good knowledge about tools of literature could prove to be a lifesaver in difficult situations apart from the knowledge you have. In advocacy, there comes a moment when all things are against you, everyone is against you, the situation is totally unfavourable and if we, at that adverse situation have the strongest will and determination then that adversity can be changed into prosperity. One classic example where, against all odds, a person changes adversity into prosperity is the funeral speech of Mark Antony from a play named "Julius Caesar" <sup>1</sup>written by William Shakespeare.*

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### INTRODUCTION

Julius Caesar was the great Roman general and statesman who was killed by a group of conspirators. He was one who fought and won many wars, captured many territories, was

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<sup>1</sup> William Shakespeare, Julius Caesar, 1600

well respected among the Romans, they loved him, and they praised him. But there was also a second thought prevailing among a group of people who thought that since Julius Caesar is becoming very popular and strong he might be a threat to the democracy of Rome and might overturn the republic of Rome. So, to put an end to this unending quest of gaining power the other group of people who disliked Julius Caesar went on to plan his murder and the main conspirator was Gaius Cassius Longinus. But due to the immense love and popularity that Julius Caesar had among the Romans, the task of conspirators became difficult and cumbersome.<sup>2</sup> So, to make this slaughter look like a legitimate act they approached Mark Brutus, here referred to as Brutus, who was the noblest person among the Romans. The same was reciprocated by Brutus too; he loved Romans and was an idealistic person in the real sense. Brutus loved Caesar and respected him a lot but he loved Romans more, as in the words of Brutus: "Not that I loved Caesar less, but that I loved Rome more."<sup>3</sup>

So, when Cassius approached Brutus and he made Brutus believe that if Caesar is not stopped he might be a threat to Rome & Romans and once Brutus believed this fact, in no less time he, along with Cassius and other conspirators executed the brutal murder of Julius Caesar. Brutus was such a good and wise man that he did not think of his personal gain at any stage during the whole planning but was only killing Caesar as he was misguided by Cassius and he believed that Caesar was perilous for Rome and Romans. After the killing of Caesar, Brutus addressed the Romans and contended that he did this for the Romans, for their welfare, he made the Romans believe that Julius Caesar was a suspected danger to Rome due to his increasing power. Romans were convinced that Caesar was a threat to their freedom and hence accepted the killing of Caesar. After the murder of The Great Julius Caesar, Mark allowed Antony (a friend of Julius Caesar) to give his funeral speech with two prerequisite conditions:

1. Mark Antony will give his speech only after Brutus.
2. Antony will not blame conspirators.

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<sup>2</sup> *Ibid*

<sup>3</sup> William Shakespeare, *Julius Caesar*, ACT 3 SC 2

## ANTONY'S POINT OF VIEW

He has the responsibility to prove that his friend Julius was not greedy and ambitious, but at the same time he cannot blame the conspirators otherwise he will be served to death instantly. Therefore, he has to save himself and make the conspirators believe that he is an ally to them. Since he is allowed to give a speech after Mark Brutus finishes, which creates one more hurdle that the mob would be dancing to the tune of conspirators and they would be in a state of mind that Julius Caesar was greedy and ambitious and his killing is a legitimate act done by an honourable and respected Brutus.

In such an adversarial condition and opposing situation, only the person composed of great willpower and determination has the capability to sail through that adverse condition and change it into a prosperous condition.<sup>4</sup> This speech given by Mark Antony has several lessons that a lawyer can conceive and apply into his pleadings and cases. The speech had beautiful use of rhetorical skills, the use of props (evidence), rebuttal, and the most important, the willpower and determination, as shown by Mark Antony's character, that a lawyer must have which will make him/her stand out from the crowd apart from his knowledge of the law.

## ANALYSIS OF MARK ANTONY'S SPEECH

The first thing to be noted is the salutation he used for the Romans, "Friends, Romans & countrymen, lend me your ears"<sup>5</sup> whereas Brutus referred to them as, "Romans, Countrymen, and Lovers"<sup>6</sup>. At one stance these two salutations might seem to have a similar impact on the mob, but once you analyse them deeply you get to know that Antony's salutation had the sense of request to the Romans to listen to the speech with utmost concentration. This salutation by Antony alone reflects one very important thing a lawyer must take note of, which is that a lawyer must try that the motive of his pleading and his presentation of the case must be visible to the judges; otherwise, all his efforts are in vain.

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<sup>4</sup> *Ibid*

<sup>5</sup> William Shakespeare, *The Tragedy of Julius Caesar*, ACT 3 SC 2

<sup>6</sup> *Ibid*

Another special feature of the speech was that he gave his speech in the form of verses whereas Brutus gave his speech in the prose form.<sup>7</sup> So it is obvious that the speech of Antony will be more elaborative and longer than Brutus' speech. Let's talk a little bit about the crowd Antony was facing while delivering his speech, they worshipped Caesar, they admired him, they loved him but once he was murdered and Brutus addressed the mob then they were convinced with the facts that Brutus presented before them all and thought Caesar as the one taking away their independence and rights, as a result of which they immediately shifted their loyalty. This is evidence of the fickle-minded nature of the Romans which helped Antony by making his job of convincing them all a bit easier.

### USE OF RHETORICAL SKILL

Rhetorical skills have been given preference in this play as many characters have used rhetoric as their means to manipulate people such as Caesar's wife has been persuading Caesar not to go out and stay at home; Cassius was able to persuade Mark Brutus to join the conspiracy; Brutus was able to persuade Romans and at last, Antony persuaded the Romans. Antony in a true sense used rhetoric to the fullest and was able to change the mindset of the Romans, the people who thought that Julius was dangerous for their freedom and rights were convinced that Caesar was an honourable man and was brutally murdered with evil intent.<sup>8</sup>

Weaning is the process when the mom introduces the child to an adult diet and slowly withdraws the supply of her milk to the child. No doubt that this is one of the most difficult jobs to do and it can be said that Antony performed a task with similar difficulty with his speech, to disconnect the Romans from the facts given by Brutus and give them the input he wanted to give that too in such conditions that a small mistake will lead to Antony's lynching. And he did it so well that the crowd who believed that Caesar was wrong & Brutus right, goes on to believe the opposite.<sup>9</sup>

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<sup>7</sup> SparkNotes Editors, 'Julius Caesar Study Guide' (*Spark Notes*, 2005)  
<<https://www.sparknotes.com/writinghelp/citing/>> accessed 20 October 2021

<sup>8</sup> *Ibid*

<sup>9</sup> *Ibid*

If we associate this to advocacy, when one advocate has presented and contended their appeal before the judge, the opposing advocate has to do the task of weaning the judge from the facts presented by the opposite party and connecting him to the facts & arguments presented by him. Facts & evidence is present with both the parties in a suit but despite that, the party which goes on to present them in a coherent manner is able to get a favorable verdict. The same was the case with Antony, he knew that Brutus was wrong and Caesar was not an ambitious man but he could not spell it out anyway because it could cost him his life. Hence, he went on to deliver his speech in a beautiful way that leads to achieving his aim.

### **USE OF REBUTTAL**

The rebuttal is the statement that opposes or denies any other statement of fact. An advocate must have the skill to rebut i.e., he must know how to deny the truth of something, especially by presenting arguments that disprove it. Antony had the main job to prove that all allegations against Caesar were invalid and he was not a greedy person. The most useful tool for this job was a rebuttal of the allegations on Julius Caesar and he used it to the best of his abilities. One mistake committed by Brutus was that he was not present there when Antony started his speech. Brutus must have been present there when Antony was giving his speech but being an ideologist, visionary, consumed with his own sense of superiority; he could not value the orating skills Antony.

The first rebuttal used by Antony was to deny that Caesar was ambitious. He presented Romans with a fact that Caesar has refused the crown thrice if he would have been ambitious he would have accepted the crown without hesitation but he didn't want Romans' Freedom to be demolished.<sup>10</sup> Another Rebuttal that was used by Antony was to deny the allegation that Caesar was greedy.<sup>11</sup> He said that at the time when the Captives were released, Caesar bargained a good amount of ransom for the release and that ransom was deposited to the

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<sup>10</sup> I thrice presented him a kingly crown, which he did thrice refuse, William Shakespeare, Julius Caesar, and ACT 3 SC 2

<sup>11</sup> *Ibid*

treasury of the Roman Empire so that the wealth of the Roman Empire could increase.<sup>12</sup> Additionally, he also rebuts the statement that Caesar didn't care for the Romans. Antony said that "When that the poor have cried, Caesar hath wept". Coming to the use of Rebuttal in advocacy, it is one of the most important literary skills used by advocates while representing any matter. The basis of the advocacy lies in the use of rebuttal. When one party presents his/her case, the obligation lies on the other party to oppose the facts that were presented earlier which is a rebuttal.<sup>13</sup>

Another notable feature of the speech of Mark Antony was the use of emotions; he used emotions to flare up the mind of Romans. He said "You all did love him once, not without cause.....What cause withholds you, then, to mourn for him?"<sup>14</sup> Which instantly made Romans realise their fault but Antony cunning did not stop at that, he went on and said, "My heart is in the coffin there with Caesar, And I must pause till it comes back to me." And started weeping which made Romans emotional and they started believing in what he was stating. Human nature leads us to sympathise with the fall of great personalities which was used by Antony to his advantage. He compared the Great Julius Caesar to the dead body lying down with several wounds on it which pierced the heart of the Romans. The fall of Caesar, the pathetic condition of Caesar, the misery he faced, and the way the crumbled body of Caesar was lying blazed the mind of the Romans to such an unimaginable extent.<sup>15</sup>

## USE OF EVIDENCE AND PROPS

Antony used each and every piece of evidence that was available to him very precisely. Let's take up a few of them:

### 1. Will

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<sup>12</sup> "He hath brought many captives home to Rome, Whose ransoms did the general coffers fill" William Shakespeare, The Tragedy of Julius Caesar, ACT 3 SC 2

<sup>13</sup> *Ibid*

<sup>14</sup> You all did love him once, not without cause. What cause withholds you, then, to mourn for him? , William Shakespeare, Julius Caesar, ACT 3 SC 2

<sup>15</sup> *Ibid*

Caesar's Will was used by Antony to poison and incite the Romans against the conspirators. He fuelled the curiosity of Romans. He repeatedly said that if I read the will wonders will occur but in the reality, he only said this so that he would provoke the minds of the Romans and make them eager to know the will. Mark Antony repeated denial of reading the will made the Romans inquisitive about the same.

## **2. Dead Body of Caesar**

Caesar's body was circularly covered by Romans as directed by Antony and after that he one by one goes on to describe each & every wound on the body of Caesar. He specifically pointed out the biggest wound on the dead body of Caesar and said that this big wound is made by the honourable man Mark Brutus, who was so close to the heart of Caesar.

## **3. Mantle**

Antony used his cunningness and his manipulative skills when he removes the mantle from the body of Caesar and the mantle is torn from various places. This mantle was very close to the heart of Julius Caesar and he used to put on the mantle on the auspicious occasion, the same mantle which was used on auspicious occasions is on Caesar dead body which made Romans realise their mistake and accept that the murder of Caesar was a noble deed. In advocacy, an advocate must use his evidence with precision and accuracy as used by Antony. An advocate must know the limits of his pieces of evidence as to when the evidence will fail and when the evidence can turn the tables.

## **USE OF LITERATURE IN INDIAN JUDICIARY**

In the Indian scenario we have seen few of the eminent judicial personalities playing the strings of literature in law. Justice V.R. Krishna Iyer is one of such Legal personalities; in the case of *Maru Ram v. Union of India*,<sup>16</sup> he beautifully described the suffering of live convicts. He also quoted Oscar Wilde that broken hearts cannot break the stone walls of the prison.<sup>17</sup> Another judgement where literature was used is the famous case of *Aruna Ramchandra*

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<sup>16</sup> *Maru Ram v Union of India* 1980 AIR 2147

<sup>17</sup> *Ibid*

Shanbaug vs Union of India & Ors<sup>18</sup> Justice Katju quoted a Hindi Sher by Guljar “Marte hain aarzo mein marneki, Maut aati hai par nahin aati.” The next instance is from the judgement of *Pebam Ningol Mikoi Devi vs State Of Manipur And Ors*<sup>19</sup> where an innocent man was in unlawful custody. The judges, in this case, highlighted the significance of liberty using Shakespeare's writing.<sup>20</sup>

The last case to mention is the landmark judgement of *Navtej Singh Johar and Ors vs Union of India*<sup>21</sup> where while decriminalising Section 377 of IPC CJI Deepak Mishra quoted a quote from different thinkers and philosopher. The quotes that were used are, “I am what I am, so take me as I am” which is a quote by German Thinker.<sup>22</sup> This judgment also quoted Arthur Schopenhauer, “No one can escape from their individuality”, moreover John Stuart Mill's quote was used, “But society has now fairly got the better of individuality, and the danger which threatens human nature is not the excess, but the deficiency of personal impulses and preferences.”

## CONCLUSION

Mark Antony's Speech is a source of great learning for an advocate, learnings such as the use of rebuttal, use of rhetorical skills, use of emotions, use of evidence, power of reasoning, the art of manipulation & art of persuasion are highlighted. The way he presented and used each and every piece of evidence was beyond excellence, he did not leave any evidence unused be it the mantle, the wound, or the will. Antony was a mastermind and knew when to reveal his cards. Firstly, he made great emphasis on the will of Caesar saying that if I read the will wonder will happen, so the Romans would be curious to know what was written in the will, but in reality, he was never going to read the will. He just used the will to ignite the curiosity of Romans toward the will.

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<sup>18</sup> *Aruna Ramchandra Shanbaug v Union of India & Ors* (2011) 4 SCC 454

<sup>19</sup> *Pebam Ningol Mikoi Devi v State of Manipur & Ors* (2010) 9 SCC 618

<sup>20</sup> *Ibid*

<sup>21</sup> *Navtej Singh Johar & Ors v Union of India* 2018 SCC OnLine SC 10

<sup>22</sup> *Ibid*



Secondly, during his entire speech he repeatedly used the phrase that “Brutus is an honourable man” but in reality, his motive was to prove that Brutus is the main person liable for the death of Caesar and also he used this phrase repeatedly as an Irony because he can’t directly blame the conspirators. So if we look at this speech in brief we see that how well Antony managed everything, from the very beginning till the end, whether the restrictions that were placed upon him, or the tone of the Romans, or the responsibility he had, Antony managed it all very easily. This speech if dealt with in a correct manner gives much insight on how a lawyer must present himself, how he should keep himself calm during critical situations, how the use of evidence is necessary, how rebuttal should be used, and at last the oratory skills that must be used during pleadings or hearings in court.