

minus paeniteat; dimitto autem eos non tam contumeliose quam philosophum illum Hannibal, et eo fortasse plus habeo etiam negotii: sed tamen est eorum doctrina, quantum ego iudicare
 78 possum, perridicula: dividunt enim totam rem in duas partis, in causae controversiam et in quaestionis: causam appellant rem positam in disceptatione reorum et controversia; quaestionem autem rem positam in infinita dubitatione; de causa praecepta
 79 dant; de altera parte dicendi mirum silentium est. Deinde quinque faciunt quasi membra eloquentiae, invenire quid dicas, inventa disponere, deinde ornare verbis, post memoriae mandare, tum ad extremum agere ac pronuntiare; rem sane non reconditam; quis enim hoc non sua sponte viderit, neminem posse dicere, nisi et quid diceret et quibus verbis et quo ordine diceret haberet et ea meminisset? Atque haec ego non reprehendo, sed ante oculos posita esse dico, ut eas item quattuor, quinque, sexve
 80 partis vel etiam septem, quoniam aliter ab aliis digeruntur, in quas est ab his omnis oratio distributa: iubent enim exordiri ita, ut eum, qui audiat, benivolum nobis faciamus et docilem et

2. Post *Hannibal* lacuna xiv fere litterarum in *H*.

1. *paeniteat*: so *AH*, not (as Sorof) *poeniteat*: the connexion with *poena* is indirect, not direct: cp. Corssen, i². 370. Keller on Hor. Epod. ii. 8. So always the Bembine in Terence; and the Ambrosian in Plautus: cp. Ritschl, Proll. ad Trin. p. xcvi.

3. *doctrina*, 'system.'

4. *dividunt*: Introd. p. 60. Cp. de Inv. i. 6 (Hermagoras) 'oratoris materiam in causam et in quaestionem dividit.'

5. *controversia* here has the general meaning = *dubitatio* or *contentio*: (cp. Sandys on Or. 14. 45): *causa* is a poor translation of *ὑπόθεσις*, but *quaestio* answers pretty well to *θέσις*. For *quaestio* he afterwards (in Top. 20 and Part. Or. 18. 61) substitutes *propositum*, *quaestio* being then used in the wider sense. Cp. Causeret, p. 56. But in iii. 28. 109 it has already acquired the special force of a *causa ficta*, which is usual in Seneca.

6. *reorum*: cp. Cicero's definition in § 183.

9. *quinque quasi membra*: Introd. p. 56.

invenire: Cic. avoids the technical word *inventio* (εὑρεσις), except in his early treatise *de Inventione*.

11. *rem sane non reconditam*; the

accusative governed virtually by 'faciunt.' Cp. Madvig on de Fin. ii. 23. 75; Kühner on Tusc. i. 43. 102. Tacitus carries the usage further: cp. Nipperdey on Tac. Ann. i. 27. The nom. may be similarly used in apposition if the structure of the preceding clause admits of this case.

12. *viderit*: Roby, § 1485.

posse dicere = 'dicturum fuisse,' the sentence in oratio recta being 'nemo poterat dicere... nisi haberet.' Cp. Roby, § 1566, for the indicative forms of *possum* in conditional sentences.

15. *quattuor*, etc. Six subdivisions of a speech are laid down in the 'Rhetorica ad Herennium' (Introd. p. 57); four in the 'de Partitione Oratoria.' The seven were made up by some Stoic rhetoricians, whose terminology however varied; (cp. Volkmann, Rhetorik, p. 126): the most usually adopted seventh subdivision was the *digressio*, introduced before the *peroratio*.

18. *benivolum*, etc. Cp. Quintil. iv. 1. 5 'id fieri tribus maxime rebus inter auctores plurimos constat, si benevolum, attentum, docilem fecerimus:' so ad Her. i. 4. 6; de Inv. i. 15. 20. *A* has *benivolum*; both forms are well established for the time of Cicero; but *benivolus* and

attentum; deinde rem narrare, et ita ut veri similis narratio sit, ut aperta, ut brevis; post autem dividere causam aut proponere; nostra confirmare argumentis ac rationibus; deinde contraria refutare; tum autem alii conclusionem orationis et quasi perorationem conlocant, alii iubent, antequam peroretur, ornandi aut augendi causa digredi, deinde concludere ac perorare. Ne haec quidem reprehendo; sunt enim concinne distributa, sed tamen, 81 id quod necesse fuit hominibus expertibus veritatis, non perite: quae enim praecepta principiorum et narrationum esse voluerunt, 82 ea in totis orationibus sunt conservanda; nam ego mihi benivolum iudicem facilius facere possum, cum sum in cursu orationis, quam cum omnia sunt inaudita; docilem autem non cum polliceor me demonstraturum, sed tum, cum doceo et explano; attentum

8. *ab hominibus* K cum *B*.

malivolus have most authority in Plautus and Terence. Cp. Corssen, ii². 320. C. F. W. Müller, Cic. ii. 1. p. ix.

1. *narrare*, et ita, so *M*: 'and that in such a way.' KPAH omit *et*. Cp. [de Imp. Pomp. §§ 7, 10; Mur. 53; Dio. in Caec. 25; in Cat. i. 6; in Vers. v. 72 J. S. R.] pro Mil. 25, 67 'te enim iam appello, et ea voce ut me exaudire possis.' Kühner, ii. 458, n. 18.

veri similis, etc. 'Most writers following Isocrates, require of narrative three qualities: it must be *clear* (σαφής, lucida, perspicua, manifesta, aperta), *brief* (σύντομος, brevis), and *probable* (πιθανή, verisimilis, probabilis, credibilis); Volkmann, Rhet. p. 153; cp. ad Herenn. i. 9. 14; de Inv. i. 20. 28; Quintil. iv. 2. 31. Cp. below, § 326; and for Aristotle's criticism see the note there and Cope's edition of the Rhetoric, iii. p. 189.

2. *dividere*: cp. ad Her. i. 3. 4 'divisio est per quam aperimus quid conveniat [i.e. the facts admitted by both sides], quid in controversia sit, et per quam exponimus, quibus de rebus sumus dicturi;' and more fully in i. 10. 17 'Causarum divisio in duas partes distributa est, primum perorata narratione debemus aperire, quid nobis conveniat cum adversariis, et si ea, quae utilia nobis erunt convenient, quid in controversia nobis relinquatur [the *propositio*], deinde cum hoc fecerimus, distributione uti debemus; ea dividitur in duas partes, enumerationem et expositionem; enumerationem utemur, cum dicemus numero quot de rebus dicturi sumus—expositio est,

cum res quibus de rebus dicturi sumus, exponimus breviter et absolute.' The *divisio* therefore includes the *propositio*: but the latter part might be used alone: hence Cicero says, 'aut proponere;' *vel* would have given quite a different force. For 'proponere' we have 'causam ponere' in § 331. Cp. Volkmann, p. 173 ff.; Introd. p. 58.

3. *argumentis ac rationibus*, 'proofs and the arguments which establish them.'

4. *quasi perorationem*, apparently the first occurrence of this word, for which therefore Cic. seems to apologize, *quasi* indicating that the word is a tentative translation of *ἐπίλογος*: cp. Brut. 127 'exstat eius peroratio, qui epilogus dicitur,' and below, § 278. Quint. vi. 1. 55. Afterwards he uses it freely: e.g. Brut. 57. 209; Or. 35. 122: *peroro* however 'to finish speaking' is used earlier, as in the De Invent., and is quoted from the Twelve Tables.

6. *augendi*, 'expansion:' cp. de Inv. i. 51. 97 'Hermagoras digressionem deinde, tum postremam conclusionem ponit... ex qua conficiat aliquid confirmationis aut reprehensionis, non argumentando, sed augendo per quandam amplificationem... nobis non placuit hanc partium in numerum poni.'

7. *concinne*, 'neatly,' or 'symmetrically.' Hor. Ep. i. 11. 2.

8. *veritatis*, i. 157.

perite, 'with practical skill.'

10. *conservanda*, 'to be observed throughout.'