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CICERO
ON INVENTION
BEST KIND OF ORATOR
TOPICS



Translated by
H. M. HUBBELL

CICERO

DE INVENTIONE

DE OPTIMO GENERE
ORATORUM

TOPICA
藏书章

WITH AN ENGLISH TRANSLATION BY

H. M. HUBBELL



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INTRODUCTION

THE treatise *de Inventione* is a youthful work of Cicero, which was probably written while he was studying the elements of oratory, and is in fact hardly more than an elaborate note-book in which he recorded the dictation of his teacher. To this he later added conventional introductions when he decided to publish. It is an immature work, stiff, didactic and formal, and shows, except in the introductions, no promise of the opulence of style and breadth of thought which were to characterize the rhetorical works of his later years. We are not surprised, then, that when he composed the *de Oratore* at the height of his career as an advocate, Cicero spoke slightly of the *de Inventione*, and in fact used language which might be interpreted to mean that the publication was an accident.^a

Of the date of composition we know nothing beyond Cicero's own statement (*v. note a*) that it was written when he was a boy or youth (*puer aut adolescentulus*)—two words which, vague in themselves, do not gain precision by being combined.

^a *de Orat.* I, 5. . . . quæ pueris aut adolescentulis nobis ex commentariolis nostris incohata ac rudia exciderunt, vix hac ætate digna et hoc usu sunt quem ex causis quas diximus tot tantisque consecuti sumus. "The incomplete work—merely a rough draft—which escaped from my note-books between boyhood and youth is hardly worthy of my age and of the experience that I have acquired from the many important cases in which I have appeared."

INTRODUCTION

Many attempts have been made to determine a more exact date, but none have met with general acceptance. The most that can be said is that it contains no reference to any event later than 91 B.C., though references to all earlier periods of Roman history are common. This does not prove that it was written before that date, but does suggest strongly that its composition cannot belong to a much later period. Cicero was fifteen years old in 91. If the *de Inventione* was published in 87, at the age of 19, he might well describe himself at that time as *puer aut adolescentulus*.

Equally elusive is the relationship of the *de Inventione* to the other rhetorical work of the same period which has come down to us in the Ciceronian corpus, but which is certainly by another hand. This work is dedicated to one Gaius Herennius, and because of the lack of certainty as to its authorship, is now generally referred to as *Auctor ad Herennium*. It is a complete treatise on rhetoric, whereas the *de Inventione* is unfinished. In the parts which they have in common, the two treatises have a high degree of similarity which necessitates the assumption of common origin. When one endeavours to make the relationship clearer, however, the problem becomes involved, and no definite agreement has been reached. No one, nowadays, attempts to prove that Cicero copied the *Auctor*, or served as his source. Parallels have been cited which indicate that each author copied the other, and the net result is that the arguments cancel out. They do prove, however, that both derive ultimately from Greek *τέχναι* or text-books of rhetoric, and probably from the same one, that this *τέχνη* was interpreted and adapted for Roman students by the teacher

INTRODUCTION

whom Cicero and the *Auctor* followed, and that in so doing they used a more or less uniform technical terminology in Latin which had become current in Rome.^a

The authorship of these Greek *τέχναι* cannot be determined, but it has been shown conclusively that the important part of the book, the doctrine of *constitutio causae*, or determination of the "issue", is derived with some modifications from Hermagoras of Temnos, a rhetorician of the second century B.C. who first formulated the principles. Hermagoras leaned heavily on Stoic logic, and Stoic ideas appear frequently in the *de Inventione*, but no Stoic is mentioned. On the other hand, there are frequent references to Peripatetics, and this fact suggests that Cicero's source combined Hermagorean and Peripatetic doctrine. Further than that one cannot go with confidence.

A modern text-book of rhetoric deals largely with style—choice of words, figures of speech, formation of sentences, arrangement of paragraphs—and has in view the practice of writing fully as much as of speaking. An ancient Rhetoric trained men entirely for speaking, and almost exclusively for speaking in the law court. It is a doctrine of controversy and debate. Furthermore, it is concerned with matter as well as with style. Invention, or the discovery of ideas and subject matter, was the first and perhaps the most important section of any formal treatise on rhetoric. In developing "invention" the authors are of necessity busied with the concepts and pro-

^a Both authors, for example, translate *στάσις* as *constitutio*, by no means the only way of rendering it, for Cicero in his later rhetorical works uses *status*.

INTRODUCTION

cedure of the court-room. A rhetoric thus becomes a "Practical Pleader's Guide." Hence much of the *de Inventione* reads like a law book.

"Invention" was the first of five parts in a rhetorical treatise. It was followed by chapters on Arrangement, Expression or Style, Memory and Delivery. Cicero intended to write a complete Rhetoric, but only the section on Invention was finished. This accounts for the title *de Inventione* which has clung to it for centuries, though the original title *Rhetorici Libri* gave a better indication of the original plan of the work.

A brief outline of the *de Inventione* follows :

Book I

1. General introduction: defence of eloquence, §§ 1-5.

2. The function, end, materials and divisions of eloquence, §§ 5-9.

3. *a.* The four issues, *coniecturalis*, *definitiva*, *generalis*, *translativa* defined, §§ 10-16.

b. The case may be simple or complex, § 17.

c. Cases arising out of a written document, §§ 17-18.

d. Further analysis of the *constitutiones*, §§ 18-19.

4. The parts of an oration :

a. Exordium, §§ 20-26.

b. Narrative, §§ 27-30.

c. Partition, §§ 31-33.

d. Confirmation, §§ 34-77.

e. Refutation, §§ 78-96.

f. Digression, §§ 97.

g. Peroration, §§ 98-109.

5. Conclusion, § 109.

INTRODUCTION

Book II

1. Introduction: eclectic nature of this book, §§ 1-10.

2. Subject matter of Book II: the arguments appropriate to each "issue" and to each kind of speech, §§ 11-13.

3. Forensic speeches (*genus iudiciale*).

(Under each heading a similar plan of presentation is followed: brief statement of the facts in a typical case; the charge, answer and point of decision; the arguments available for the prosecution and defence; the "common topics.")

a. Cases involving general reasoning:

Issue of fact (*constitutio coniecturalis*), §§ 14-51.

Issue of definition (*constitutio definitiva*), §§ 52-56.

Issue of competence (*constitutio translativa*), §§ 57-61.

Issue of quality (*constitutio generalis*), §§ 62-115.

b. Cases involving interpretation of a document:

Ambiguity, §§ 116-120.

Letter and intent, §§ 121-143.

Conflict of laws, §§ 144-147.

Reasoning by analogy, §§ 148-153.

Definition, §§ 153-154.

4. Political speeches (*genus deliberativum*), §§ 155-176.

5. Epideictic speeches (*genus demonstrativum*), §§ 176-177.

6. Conclusion, § 178.

INTRODUCTION

The war has made it impossible to examine the manuscripts in preparation for this edition. I have therefore been compelled to rely on the testimony of Weidner, Ströbel and others, particularly of Ströbel, who gives in his edition (Teubner, Leipzig, 1915) the fullest *apparatus criticus*. As my text is essentially that of Ströbel, I have cited manuscript readings only where I differ from him, or in the few instances where a variant seemed likely to interest the reader.

The manuscripts used in the apparatus with their sigla, following the scheme of Ströbel, are :

CODICES MUTILI

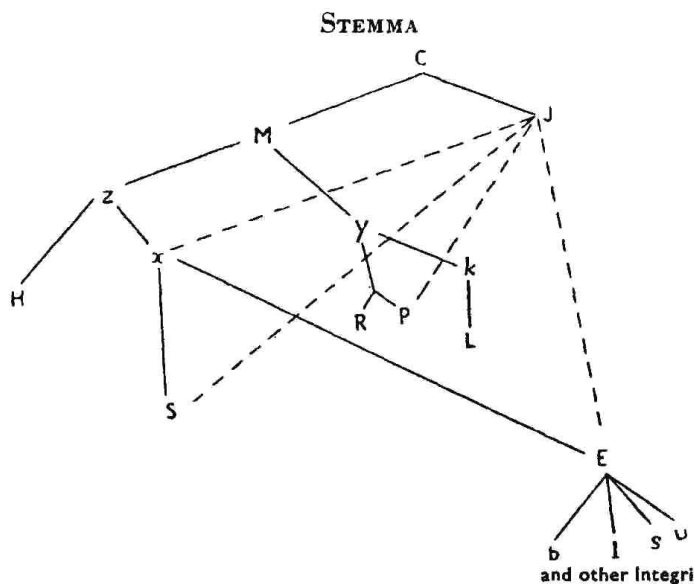
- H. Codex Herbipolitanus Mp. m. f. 3.
- P. Codex Parisinus 7774 A.
- S. Codex Sangallensis 820.
- L. Codex Leidensis Vossianus LXX.
- R. Codex Corbeiensis (Petropolitanus) F vel. 8 auct. class. Latin.
- M. the consensus of H P S L R or of H P.

CODICES INTEGRI

- b. Codex Bambergensis 423 MV 8.
- l. Codex Leidensis Gronovianus 22.
- s. Codex Sangallensis Vadianus 313.
- u. Codex Urbinas 1144.
- v₂. Codex Vaticanus 1698.
- v₇. Codex Vaticanus 3236.
- J. all or most of the Codices Integri.
- i. some of the Codices Integri.
- C. consensus of M and J.

INTRODUCTION

ω_1 . editions of Omnibonus (1470), Manutius (1540) Lambinus (1566), Ernesti (1774), Schütz (1804), Lindemann (1828).



This stemma represents approximately the relation of the manuscripts as worked out by Ströbel. Of a complete MS. (earlier than the ninth century) two copies were made, M and J. The original and both copies are now lost. M was mutilated by the loss of several leaves (from I, 62 *quod enim* to I, 76 *hoc est. tum inductione*, and from II, 170 *huius modi necessitudines* to II, 174 *expectare oportebit* are missing), and from this mutilated copy H S P R L are ultimately derived. Both P and S show signs of having been

INTRODUCTION

corrected from a manuscript of the J class. E is another descendant of M with the lacunae filled from J. It is now lost, but from it were derived the great mass of complete MSS., of which I cite b, l, d, s, u, v₂, v₇.

In general the M recension is more reliable than J, but not sufficiently superior to justify an editor in following it exclusively.

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TEXT

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Emilio Costa, *Cicerone giureconsulto*, 2 vols. Bologna, 1927.

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^a This list is supplementary to the bibliography of Ströbel, but includes a few of the works there mentioned which may be useful to the reader.

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- II. *De Inventione. De Optimo Genere Oratorum. Topica*
- III. *De Oratore, Books I–II*
- IV. *De Oratore, Book III. De Fato. Paradoxa Stoicorum. De Partitione Oratoria*
- V. *Brutus. Orator*

ORATIONS. 10 VOLUMES

- VI. *Pro Quinctio. Pro Roscio Amerino. Pro Roscio Comoedo. De Lege Agraria Contra Rullum*
- VII. *The Verrine Orations I: In Q. Caecilium. In C. Verrem Actio I. In C. Verrem Actio II, Books I–II*
- VIII. *The Verrine Orations II: In C. Verrem Actio II, Books III–V*

LIST OF CICERO'S WORKS

- IX. De Imperio Cn. Pompei (Pro Lege Manilia).
Pro Caecina. Pro Cluentio. Pro Rabirio
Perduellionis Reo
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Reditum ad Quirites. De Domo Sua. De
Haruspicum Responsis. Pro Cn. Plancio
- XII. Pro Sestio. In Vatinius
- XIII. Pro Caelio. De Provinciis Consularibus.
Pro Balbo
- XIV. Pro Milone. In Pisonem. Pro Scauro. Pro
Fonteio. Pro Rabirio Postumo. Pro
Marcello. Pro Ligario. Pro Rege Deiotaro
- XV. Philippics

PHILOSOPHICAL TREATISES. 6 VOLUMES

- XVI. De Re Publica. De Legibus
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- XXI. De Officiis