

## NOTES

IV. II. 28, *secundo partis suae loco*. There seems to have been nothing in the schools of rhetoric which corresponded with the mock trials employed to-day for the training of law students. It would have needed little to adapt the *controversiae* to this more practical form, but it seems not to have been done. The declaimer dealt both with the case for the prosecution and that for the defence, as stated in section 29. But more than one declamation might be made on the same theme. The declamation which is described as being delivered *secundo loco* would appear to be, not a declamation for the defence, though this is conceivable, but rather a second speech in answer to the defence. The declaimer refutes the arguments which he alleges have been made by the defence, but that he may not miss the opportunity of practice in making a statement of facts, precludes his refutation with a statement of facts, inserted in the usual position immediately following the exordium. For the whole of this obscure passage *cp.* v. xiii. 50.

V. XIII. 49. An alternative interpretation is that certain depositions have been communicated to the prosecution by the defence and are used to supply material for *contradictiones* after discussion among the prosecutor's *advocati*.

V. XIII. 50. The reading is uncertain. Cod. Bern. reads *et \* \* et*; Cod. Bamb. *et et*; Cod. Ambr. *enaribus*. It is clear that something is lost. *propositionibus* is a harmless rather than a probable emendation. *propositionibus* and *contradictionibus* have been translated as datives. It would also be possible to treat them as ablatives: "meet our imaginary opponent's case both by statements and by objections."

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V. XIV. 1 *sqq.* I am indebted for this note to my colleague, Dr. A. Wolf, Reader in Logic and Ethics in the University of London.

- § 1. *ex consequentibus.* If S is M, it is P; S is not P; therefore S is not M (a Destructive syllogism). The argument is: [If Caesar's cause were not superior the gods would not support it;] the gods have supported Caesar's cause; therefore our cause is superior. The Major is omitted, thereby converting the syllogism into an enthymeme. The conclusion is stated, though it does *not* follow the premise, as it should do *formally*.
- § 2. *ex pugnantis.* The usual form would be: It would be inconsistent for S to be M and not also to be P; S is M; therefore S is also P. Quintilian's form of Minor and Conclusion is: S is not P; therefore S is not M. The argument is: [It would be inconsistent to hold that someone's death should be avenged and not also that his life should be restored, if possible;] you hold that his life was not worth restoring, even if possible; therefore you cannot hold that his death should be avenged. The Major is omitted.
- § 3. The argument is: [It would be inconsistent to hold that a man would commit a murder under unfavourable circumstances, and not to hold that he would do so under favourable circumstances;] but you know that he did not commit murder under favourable circumstances; therefore, you cannot hold that he did so under unfavourable circumstances.
- § 4. The original argument is: If a man is guilty of an illegality which others have committed with impunity, he should not be punished; S is guilty of such an illegality; therefore he should not be punished. The counter-argument (in the text) uses the same reason (*i.e.* the fact that the illegality in question has been frequently committed with impunity) to establish a contrary conclusion (*i.e.* that special punishment should be administered).
- § 5. The epicheireme is a syllogism in which either premise is supported by a reason. The reason is a premise of another syllogism, so that the reason taken together with the premise which it supports is really an enthymeme; *e.g.* M is P, because it is Q [and Q is P];

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- S is M, because it is R [and R is M]; therefore S is P.
- §§ 7-9. The argument is confused. It may be expressed thus: *Major*. [If the universe were not controlled by reason, something could be found better governed than it is.] *Reason*. Because things that are governed by reason are better governed than those which are not. *Minor*. But nothing is better administered than the universe. *Conclusion*. Therefore the universe is governed by reason. (The argument is at once an enthymeme (*ex consequentibus*) and an epicheireme.)
- § 10. The *Conclusion* here is *not* identical with the *Major*, it is only expressed in the same sentence: viz. *Major*. Whatever derives its motion from itself is immortal. *Minor and Conclusion*. The soul derives its motion from itself; therefore the soul is immortal.
- § 11. The proposition is doubtful because it is a hasty inference based on mere enumeration of instances.
- § 12. 1st Ex. The argument is: *Major*. That which is devoid of feeling is nothing to us. *Minor* (omitted). Death is a state devoid of feeling. *Reason*. Because a state of dissolution is a state devoid of feeling. Here we have an epicheireme with *Reason* substituted for *Minor*, and *Major* is misunderstood as in § 10 (*q.v.*).
- 2nd Ex. *Major* (omitted). If the universe were not animate, there would be something better. *Reason*. Because all animate things are better than inanimate. *Minor*. But there is nothing better than the universe. *Conclusion*. Therefore the universe is animate. The *Major* is really omitted as Quintilian suspects.
- § 13 (last sentence). What he calls the *Minor* is only its *Reason*.
- § 17. The argument is: *Major*. If in the midst of arms laws were not silent, then he who would await their sanction is certain to be the victim, etc. *Minor* (omitted). But he who awaits their sanction should not be the victim, etc. *Conclusion*. Therefore in the midst of arms laws are silent. Here we have an enthymeme *ex consequentibus*. There is still no *Reason* for either premise. The *Major* is the *Reason* for the *Conclusion*, which is a different matter.
- § 18. *Major* (omitted). If the Twelve Tables permit the killing of a man under certain circumstances, it cannot

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be maintained that a slayer must be killed whatever the circumstances. *Minor.* The Twelve Tables do permit the killing, etc. *Conclusion.* Therefore it cannot be maintained that a slayer, etc. Here also what is given is a *Reason* for the *Conclusion* (i.e. itself a premise) and not for the *Premise*.

- § 19. The Real argument is: *Major.* If it were wrong to kill robbers, etc., we should not be allowed escorts and swords. *Reason.* For escorts and swords are intended to enable us to fight robbers. *Minor.* But we are allowed escorts and swords. *Conclusion.* Therefore it is not wrong to kill robbers, etc.
- § 20. *Major.* If a man confesses, etc., he should be condemned. *Objection.* If a man confesses that he has killed someone who lay in wait for him he should not be condemned.
- § 21. The *Reason* is one of the premises for the proposition. If the other *Reason* be false, the proposition will be false, but the first *Reason* will still be true.
- § 23. The doctrine is false. If both premises are true, the conclusion, *if valid*, is true, while if both premises or either be false, the conclusion may still be true. *Cp.* Ar. An. Pr. ii. 2.
- § 25. *Enthymema ex consequentibus . . . ex pugnantis* See on § 10. Both these enthymemes omit the major premise.

VI. i. 20. Servium Sulpicium Messala is the reading of Scholl. The MSS. give Servius Sulpicius.

# END OF SAMPLE TEXT



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