SOME REMARKS ON THE DATE OF THE
RHETORICA AD HERENNIUM*)

BY

L. C. WINKEL

Some years ago, A. E. Douglas attempted to prove that the
Rhetorica ad Herennium had not been written about 85 B.C., but
thirty years later 1). Although his thesis has been met with some
approval 2), it was mainly criticized 3). Thus the theory of its
earlier date is still prevailing. Besides, following J. Brzoska 4) and
with reference to Quintilianus 5), Cornificius' authorship is also
being defended once more 6).

Without presuming to give an opinion on Douglas' arguments
or on those of his opponents, I shall try and investigate if there is
not yet another indication which might give some support to the
theory of a later date. In doing so, I shall make particular use of
one of the passages devoted to imprudentia 7).

Both in De Inventione by Cicero and in the Rhetorica ad Heren-
nium imprudentia is discussed, and both times within the framework
of the στάσεις in the criminal trial, which may be outlined as
follows 8):

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1) A. E. Douglas, Clausulae in the Rhetorica ad Herennium as evidence of
its date, Class. Quart. 10 (1960), 65-78.

2) P. L. Schmidt, Rhetorik ad Herennium, Kleine Pauly, IV (1972), 1415.

3) G. Kennedy, The Art of Rhetoric in the Roman World (Princeton 1972),
113, n. 14; 135, n. 45; G. Calboli, Cornifici Rhetorica ad C. Herennium
(Bologna 1969), 12-17.

4) J. Brzoska, Cornificius, RE, IV (1901), 1605-1623.

5) Quintilianus, Inst. Orat. 3, 1, 8 ff.; see also Kennedy, op. cit., 112.

6) G. Calboli, op. cit., 3-11.

7) Not discussed in J. Adamietz, Ciceros De Inventione und die Rhetorik
ad Herennium (Marburg 1960).

8) Omitting στάσεις that are not important in this context.
In the discussion of *imprudentia* as a possible means of defence against the charge and coming within the category of *purgatio* (i.e., justification) a marked difference is to be noticed. While Cicero strictly keeps to the above outline and consequently leaves out an assessment of the substance of the defence \(^9\)), the author of the *Rhetorica ad Herennium* indulges in an interesting expatiation here, which—according to H. Coing \(^10\)—betrays a strong Aristotelian influence. The passage in question runs as follows \(^11\):

> Si autem imprudentia reus se pecasse dicet, primum quaeretur utrum potuerit scire an non potuerit; deinde utrum data sit opera ut sciretur an non; deinde utrum casu nescierit an culpa. Nam qui se propter vinum aut amorem aut iracundiam fugisse rationem dicet, is animi vitio videbitur nescisse, non imprudentia; quare non imprudentia se defendit, sed culpa contaminabit.

In my opinion \(^12\)), Aristotle’s parallel passage is to be found in the third book of the *Nicomachean Ethics* (\(1110\ b\ 25-30\)) and runs:

\(^9\) Cicero, *De inv. 2*, 31, 95.


\(^11\) *Rhet. ad Her. 2*, 24.

\(^12\) After the completion of this article Mr. J. A. R. Kemper (Univ. of Amsterdam) called my attention to C. Peters, *De rationibus inter artem rhetoricae quarti et primi saeculi intercedentibus* (Diss. Kiel 1907), where the two passages are already brought into relation (pp. 12-15).