

Hermagoras is commonly cited as the originator of the rhetorical *schema* known as the seven circumstances (Solmsen, 1941, 173; Robertson, 1946, 8-9; Leff, 1983, 28-29; Copeland, 1991, 67; Braet, 1999, 425; Ballif & Moran, 2005, 189). In this paper I shall show that the seven circumstances, as they appear in Hermagoras - witnessed by Augustine, (*quis, quid, quando, ubi, cur, quem ad modum, quibus adminiculis*) were actually previously listed by Aristotle in book three of his *Nicomachean Ethics* (1111a.3-5; τίς τε δὴ καὶ τί καὶ περὶ τί ἢ ἐν τίνι πράττει, ἐνίοτε δὲ καὶ τίνι, οἷον ὀργάνω, καὶ ἕνεκα τίνος, οἷον σωτηρίας, καὶ πᾶς). Aristotle's presentation of the seven circumstances is written in the style of an originator lacking the precise terminology incumbent upon later writers (e.g., Hermagoras coins the phrase *περίστασιν*, which Latin writers translate into *circumstantiae*); nonetheless, the list of seven circumstances are parallel to Aristotle's.

The opacity of Aristotle's Greek in the larger passage has misled scholarly interpretations of this section of the *Nicomachean Ethics*. Referring generally to Aristotle's extant works, Rackham, the translator of the Loeb edition, writes in his introduction, "The transitional passages, summing up what has been said or outlining what is to come are often inaccurate, and some of the cross references are hard to trace." Indeed, the larger passage from which the seven circumstances may be found, *Nicomachean Ethics* 1110b.31-1111a.21, is no exception, as it is riddled with vague constructions comprised of prepositions combined with particles and relative, demonstrative, and indefinite pronouns. As Rackham's comment above anticipates, a single phrase, ἐν οἷς καὶ περὶ ἃ ἢ πᾶσι, has eluded meaning for previous commentators and translators alike (no commentator or translator has hereto identified this passage as the original *locus* for the seven circumstances). The phrase, with some modification in form, appears in three places 1] ἐν οἷς καὶ περὶ ἃ ἢ πᾶσι (1110b.34, the introduction), 2] περὶ τί ἢ ἐν τίνι πράττει (1111a.4, within the list of circumstances; specifically as circumstances 3 and 4: the "where" and "when"), 3] ἐν οἷς ἢ πᾶσι (1111a.16, 18, the conclusion). Correctly understanding these phrases illuminates the whole passage and makes the list of circumstances, as they occur in 1111a.3-5, more readily identifiable.

Overall, this paper explains this passage in Aristotle (1110.b33-1111a.19) and demonstrates why existing translations require revision. Concluding, I briefly note how locating the seven circumstances within Aristotle's *N.E.* is a relevant exercise (beyond correcting a repeated historical inaccuracy) as it may revise certain modern assertions regarding Cicero's methodological departure from Hermagoras in the *De Inventione* with respect to status theory (cf. Braet; Leff; and Solmsen). Namely, Cicero's use of the circumstances in a procedural role as evidenced in *De Inventione* 1.21.29 and 1.24.34 mirrors Aristotle's presentation of the *schema* in his *N.E.* (as I explain the passage), and ultimately is a paradigm shift from Hermagoras's employment of the circumstances in a definitional role.