

NOTES ON QUINTILIAN

These notes result from a seminar on Quintilian which I gave at Berkeley in the spring of 1989, and have benefited from discussion with students in the class, David Silverman, Shadi Bartsch, and Andrew Riggsby. Their individual contributions are noted when appropriate.

The standard from which consideration of the text of Quintilian must start is M. Winterbottom's excellent Oxford Classical Text (1970). In a monograph of the same year¹ Winterbottom explained the relations of the MSS. and justified many of the readings which he adopted in his text. There are two main witnesses to the text of Quintilian's *Institutio*, Ambrosianus E. 153 sup. (A) and Bernensis 351 (B), both of the ninth century. Some sections of text present special problems because of the loss of one or both of these witnesses. I start my notes with a section of text (Books 6–9) which largely presents a unified set of problems because of lacunae in B.² Here we are dependent on A, except for occasional readings of value in Bambergensis M.4.41, a tenth-century MS. which in other sections (where B is extant) is a mere descendant of B, and therefore usually of no value. But the correctors of this codex supplied readings from a MS. closely related to A, and it is from this source that lacunae in B (which antedated the Bambergensis) were supplied in the second half of the tenth century. These supplements in the Bambergensis are given by editors the siglum G (corrections in those sections of the Bambergensis which descend from B are called 'b', although their source is identical to G's, some relative of A). Winterbottom argued in his monograph that the readings in G and b descend from A while A was in the midst of being corrected by correctors called a. So G sometimes transmits the uncorrected reading of A, and sometimes agrees with a. Winterbottom therefore usually reported G only when it either gave a clue to A's uncorrected reading when that was no longer legible, or provided what he judged to be a good conjecture. I have argued from G's greater accuracy in transmitting Greek that G's basic descent is from A's own exemplar, but through exemplars which were thoroughly corrected to agree with A or a.³ I follow Winterbottom's practice of citing G only when it provides a reading which may have some value, but I have occasionally found more such readings than Winterbottom chose to record (see especially my note below on 8.6.57). I have not collated the MSS. myself, and my reports are based on Winterbottom's (using his conventions, for the most part), with some supplements from Halm's Teubner edition (Leipzig 1868–9).

The sorry state of the text transmitted in 6–9 where B's witness is missing can be estimated by comparing what we would have lost if B were not extant for the small

¹ 'Problems in Quintilian', *BICS Supplement* 25 (1970), henceforth cited as 'Problems'. I also cite occasionally, as Watt, W. S. Watt, 'Notes on Quintilian', *GB* 15 (1988), 139–60.

² The situation which I describe applies to 5.14.12–8.3.64 and 8.6.16–67 and 9.3.2–9.4.135 and 12.11.22–31: therefore to most of 6–9 and parts of 5 and 12. Within 6–9, both AB are extant in 8.3.64–8.6.17 and 8.6.67–9.3.2, and neither A nor B is extant in 9.4.135–47 (the end of 9), where we are dependent on G (described below).

³ 'A Problem in the Transmission of Quintilian's *Institutio Oratoria*', *CP* 75 (1980), 312–20. This article is henceforth cited as 'Transmission'.

section of 8 where we have its witness. To mention only a single type of error, omissions, within 8.3.67–8.6.15 (less than twenty-one OCT pages) A suffered twenty-nine short omissions,⁴ only a few of which had an apparent cause, and eight longer omissions, ranging in length from fifteen letters to five lines of OCT text. All but one of the longer omissions were caused by *saut du même au même*.⁵ The one exception, 8.5.21, *ossa sententiae gratia tenenda*, indicates A's descent from a two-column MS. containing around twenty-seven letters per line, just such a MS. as A itself is in its first eighty folios.⁶ The disturbing thing about the omissions is that many would doubtless have escaped attention, and some others would at least have been unrecoverable, if we did not have the witness of B available. And for most of 6–9 we do not have the witness of B available. No editor working with evidence such as survives for most of 6–9 will produce a text as good as can be achieved in some other books, but I offer the following notes where there does seem to be some advance that can be made. I start with the passage where my disagreements with Winterbottom's text are most numerous, and group passages together which engage related problems, even in violation of numerical sequence. Numbers in parentheses after citations refer to the lines of Winterbottom's edition.

6.3.100 (14–18 W)

Verbis quoque uti belle datur: ut Hispo, obicienti barbare crimina accusatori, 'mentis' inquit. Et Fulvius Propinquus, <litigatori de> legato interroganti an in tabulis quas proferebat chirographus esset, 'et uerus,' inquit, 'domine.'

Verbis *scripsi*: umis A: contumeliis *Badius*: iurgiis *Regius* obicienti barbare *scripsi*: obicientibus arbore A: obicienti acerba *ed. Camp.*: obicienti atrociora *Halm* mentis A: me (men *Radermacher*) ex te metiris *Buttmann*: metiris ex te *Schuetz* Propinquus *Gesner*: propincus A: propinqui *Schuetz* litigatori de legato *scripsi*: legato A: legatario *Winterbottom*: de legato *Schuetz*

The text which I have printed above differs from Winterbottom's and from Halm's in five readings listed in my apparatus.⁷ The latter part of Quintilian's Book 6 concerns ways of deflating an opponent by the use of humour. In section 99,

⁴ In order, they were omissions of *sed, et, sane, quam, ut aiunt, ex, et, nescire, Crescit oratio, in, in, in, nobilis et, ero, partem, admirationem, et recta, sententiae* (the last three because of *saut du même au même*), *et, et, non, ut, est, nos, pro, mira, nam, curiae*.

⁵ See 8.4.1 (twenty letters omitted), 8.4.3 (thirty-one), 8.4.4 (four lines), 8.4.6 (one and one half lines), 8.4.7 (one line), 8.5.5–6 (five lines), 8.5.10 (fifteen letters).

⁶ See plate 174 in E. Chatelain, *Paléographie des Classiques Latins* (Paris, 1894–1900), which shows thirty-three lines of two-column text, with lines in a column containing usually between twenty-two and thirty-two letters. According to Chatelain on this plate, folios 1–80 of A contain a two-column format, written by a single hand, and terminating at 4.3.6 *fides*. The rest of A (including the section with which we are concerned) is written by hands different from the first section in long lines across the page, usually thirty-one to thirty-three lines per page, but sometimes up to thirty-nine (see Chatelain, plate 175). The evidence suggests that the second part of A descends from a MS. which looked much like the first part of A. Since B is also written in a two-column format, the chances are good that even their common archetype had such a format. Therefore omissions which I below, in short-hand form, attribute to 'A's exemplar' are actually the product of a whole line of transmission, probably antedating the common source of AG (since the omissions and errors are shared by both codices).

⁷ Butler's Loeb (1921) and Cousin's Budé (1977) both print *Propinquus*, but share with Halm and Winterbottom a misinterpretation of the jokes as forms of insult. Cousin prints *Contumeliis, obicienti aspere*, '<Men ex te> metiris?', and *legatario*. Butler follows Halm in printing *Contumeliis, obicienti atrociora*, '*Me ex te metiris*,' and *legato*.

Quintilian listed and exemplified the mechanism of pretended stupidity (*Subabsurda illa constant stulti simulatione: quae nisi fingantur stulta sunt*). Our passage follows in 100, starting in line 14 of Winterbottom's text:

The neat use of words is another option: as Hispo, when a prosecutor was making his charges in language marred by barbarisms, responded: 'You is lying'. And Fulvius Propinquus, to a litigator in a case concerning a legacy, when he asked whether among the documents which he was producing there was an 'autographer', responded, 'Yes, sir. And he's a genuine one'.

To start with the last sentence, *propincus* (codex A's spelling of *propinquus*) does not mean that Fulvius is a relative of his opponent, or, as Winterbottom interpreted, that he is a relative of the deceased;⁸ nor is it, as Halm thought, corrupt. Sir Ronald Syme has, one hopes, settled the matter in favour of Gesner's *Propinquus* by pointing out that *CIL* 2.5978, an inscription from Saetabis in Tarraconensis (Spain), lists one M. Fulvius Propinquus.⁹ To Tarraconensis also he assigns the orator Curiatius Maternus (the leading character in Tacitus' *Dialogus*) and the rhetor Fulvius Sparsus (often cited by Seneca the Elder): 'Hence further evidence to illustrate the educated class in Spanish cities.' Need I mention that Quintilian was also born in Tarraconensis (albeit in the hinterland)? Hispo is readily recognized by that name alone, but Fulvius needed a cognomen to distinguish him from other Fulvii, especially Sparsus.

For A's *legato*, Winterbottom prints *legatario*. *Legato* is unsatisfactory in a sequence where Quintilian has been careful to specify the role of the opponent which is responsible for the retorts: e.g. 90 *militi sine gladio decurrenti*, 93 *ingrato litigatori* and *dispensatori*, 94 *candidato*. Even if a legate might question Fulvius about the authenticity of documents, the wisdom of humiliating such a high official with a retort is not apparent (the person to whom Fulvius responds should be in the role of opponent, not judge). But *legato* is not merely the dative of *legatus*, it is also the ablative of *legatum*, 'legacy', and in cases of legacies the authenticity of documents was of prime importance: cf. 9.2.73 *ream tuebar quae subiecisse dicebatur mariti testamentum: et dicebantur chirographum marito expiranti heredes dedisse; et uerum erat*. *Legatarius* is the proper legal term for someone named in a will, but, though it is common in legal texts, Suetonius is the only ancient stylist to admit it into literary diction (*Galb.* 5).¹⁰ Still, that would not stop us from restoring it in Quintilian if it really provided the right sense. But it does not adequately define the setting for the joke, since not all legatees went to court over the will, and not all of those who did served as their own lawyers. Those who did are properly called litigators: Quint.

⁸ Both Hispo (Romanus Hispo of Tacitus *Ann.* 1.74; on the text there, see my 'Tacitus Auctus', *CP* 79 [1984], 314–26, pp. 319f.) and Fulvius are introduced as names we should recognize; therefore, though occasionally famous orators found themselves as defendants in prosecution or litigation, both, especially Fulvius, are more likely to be here *patroni* representing clients: for that is how most orators would have won their fame, and where they would have given most of their speeches. To put it another way, Quintilian identifies the speakers of jests either generically, or by their proper names (with generic designation restricted to their opponent). Since he has identified Fulvius by name, and not as an anonymous 'relative', we should expect *propincus* either to define which Fulvius is meant (which is admirably accomplished by taking it as a proper name) or to have some point for the joke. But in the latter function it is simply misdirection. The point of the joke is not that he has called a relative 'Sir' (*domine*), but the joke turns in some way on *uerus est*.

⁹ 'Names and Identities in Quintilian', *Acta Classica* 28 (1985), 39–46 (henceforth cited as Syme). Fulvius Propinquus is discussed in 40f. The inscription, in what *CIL* describes as *litteris optimis saeculi primi secundive* (hence contemporary with Quintilian), reads: 'M . FVLVIO | PROPINQVO . P . | ET . M . FVLVIO . | PRISCO . F . A . XIX | XIX | IVNIA . CROCALE | S . P . F . C . ' The inscriptions from Spain in *CIL* 2 gives seven instances of the cognomen *Propinquus* (plus two of *Propinqua*), and over sixty of the nomen *Fulvius* or *Fuluia*.

¹⁰ Outside of Suetonius and legal texts, the *TLL* knows it only in Tertullian.

2.21.16 *nam et litigator rusticus inlitteratusque de causa sua melius quam orator qui nesciet quid in lite sit*. Therefore I conjecture a scribal omission by *saut du même au même*. The mere change of *legato* to *litigatori* is also possible (if we suppose correction of *li(ti)gator* <*i*>*inter-* after haplographies), but sets up the joke less clearly.

The point of the retort is that the litigator is accused of a barbarism, the use of *chirographus* for *chirographum*. In Greek, the word is an adjective, whose neuter is used as a noun for 'autograph'. In Latin, only the noun is attested, always neuter, according to the *TLL*, except here and in *Gloss.* 4.34.56 (= *Abstrusa* CI 42, where it is glossed *cautio*)¹¹ and in *Lib. pontif.* p. 48.22, 102.4. One could also consider the mistake a solecism (that is, a mistake involving more than one word), if one conceded to Latin an adjectival use of the word. In Greek the adjective is of only two terminations, but in Latin it would have three (cf. by analogy *autographa*: e.g. Suet. *Aug.* 71.2 *autographa quadam epistula*). If it were an adjective, then in reference to a *tabula* we would need *cheiographa* (and I think that Quintilian was aware of this possibility when he specified that the litigator referred to *tabulae*).¹² But Fulvius, I am sure, believed that only *cheiographum* is good Latin, and his response *et uerus* is meant to point out the use of an incorrect gender by continuing the misuse. The proper response, if his opponent had used the correct *cheiographum*, would have been *et uerum* ('Yes. And a genuine one'); cf. *et uerum* quoted above at 9.2.73.¹³ I will have more to say on that later.

The category of this section therefore is of mocking an opponent's improper usage by continuing the usage in a clearer fashion. So in the preceding sentence, when codex A gives us Hispo's response as *mentis*, the word should not be emended. *Mentio* is attested by Prisc. 8.6.29 (2.396.14 K) in a list of verbs for which the *antiqui* (contrary to current usage) accepted both deponent and active forms.¹⁴ Hispo evidently regarded the active form as a barbarism, that is, an improper usage confined to a single word: cf. Quint. 1.5.5 *Interim uitium quod fit in singulis uerbis sit barbarismus*. Therefore the simplest remedy of the transmitted *obicientibus arbore* is a redivision (from the abbreviation *obicientib. arbore*) to *obicienti barbare*. It follows that for the transmitted *umis* we do not want *contumeliis* or such (for neither of the examples presents what would properly be described as *contumeliae*).¹⁵ My preferred suggestion is *uerbis*, which medieval scribes abbreviated *ūbis*.¹⁶ The error probably proceeded

¹¹ Actually, while Goetz prints *Chirographus* from the eight-century Codex Vaticanus 3321, and lists *cirografum* as the reading of the later codices bc, Lindsay, using the same codices, prints *Chirographum* and lists no variants. Lindsay also suggests *Tob.* 1.17 as the source of the lemma.

¹² Lewis and Short take the litigator's side by telling us to understand *libellus* or *codex*. Fulvius and Quintilian would respond that no *libellus* or *codex* is at issue, but a *tabula*.

¹³ Note that *et uera* would not have been a proper response, since not *tabula* but *cheiographus/-um* is the noun understood. Fulvius' response indicates that he took *cheiographus* to be a misused noun, not an adjective out of consonance.

¹⁴ The active form is also noted by the *TLL* as a variant in Vulg. *Act.* 5.3. But there *mentire* should be just a scribal slip for *mentiri*, since Jerome would hardly have translated the deponent *ψεύσασθαι* with an active form, even if he believed it to be acceptable.

¹⁵ Butler in his Loeb and Winterbottom in his 'Problems' interpreted the insult in *et uerus* below to be an implication that his opponent's documents were fake. But that would be 'and mine are real'. There is no equivalent for 'mine' in the text (the joke could as easily be against himself, 'and a real one this time'), and Quintilian, who elsewhere supplies the information necessary to interpret a joke (as 90 *militi sine gladio decurrenti* and *de piscibus qui cum pridie ex parte adesi et uersati postera die positi essent*), would here be a poor joke-teller for omitting information essential to understand the punch line (Butler, who read *legato*, supposed that the legate 'had been suspected of forgery').

¹⁶ Cf. Quint. 7.3.2, where for *publicam* (which would have been abbreviated *pub.*) codex G has *p. ūb*; and the corrector of A has (over an erasure) its expansion as *p̄ uerbis*.

uerbis > *ueruis* > *ūuis* > *ūis*, the last being the abbreviation of *umis*. Because of the changed pronunciation of *u* to *v*, confusions of *b* and *v* are frequent, and here would have been aided by assimilation to the preceding *ver*-.¹⁷ The remaining corruptions would follow naturally by haplography and confusion of the mark for syllabic suspension with an *-m* stroke.

Those who find *uerbis* too general a term may prefer to read *uitiis* (supposing confusion of the minims of *iti* with *m*) or *uerbis quoque* <*uitiosis*> *uti* (supposing that the scribe's eye skipped from *uiti-* to *uti*). I do not myself believe *uerbis* too general, especially in a paragraph which started with examples of *factum stultum*, but, if I did, I would favour *uerbis quoque* <*ab*>*uti* ('the neat misuse of words'). But these all seem to be overstatements. Though *mentis* is itself a barbarism (or so Hispo thought), *et uerus* is not, but just an indication that a barbarism has been used. The joke is really about *correct* usage of words.

For this sentence, Winterbottom printed *contumeliis*, obelized *obicientibus arbore* (while accepting *obicienti* in the apparatus), and printed '<*me ex te*> *metiris*?' *inquit*. The last supplement is clearly wrong even on grounds of Latinity. The initial word in a question should be the word on which the question turns, all the more so when the initial word is a pronoun (since pronouns never begin a clause or word-group unless they are emphatic).¹⁸ So *me ex te metiris* or *men ex te metiris* should mean not, 'Do you measure me from yourself?' ('*Ex tene*', *inquit*, '*metiris*?'), but 'Is it I whom you are measuring from yourself?' There would be no wit in such a question, and repunctuating to a declarative sentence would not alter the problem of displaced emphasis or lack of wit.

6.3.94 (2-5 W)

Est gratus iocus qui minus exprobrat quam potest, ut idem dicenti candidato 'semper domum tuam colui', cum potest palam negare, 'credo', *inquit* ['et uerum'].

et uerum *a*: et uerum est *G*: *seclusi*

Winterbottom obelized *et uerum*, suggesting that something has fallen out, but Shackleton Bailey¹⁹ defended it (or Kiderlin's *ita ut uerum est*), claiming that the joke lay in the ambiguity of *uerum* ('as true' and 'as is right').²⁰ Whatever the joke, the

¹⁷ Cf. Quint. 7.2.8 *bibit* Gertz: *uiuit* A; 8.6.33 *et βιοιο* Heraeus: *etuo* eo A; *Ouidius*] *obidius* A; 9.2.37 *liuii* B: *libro* A; *iuuent* Liu. *iubent* A.

¹⁸ I refer to Wackernagel's law, in which unemphatic pronouns go into enclitic position (normally second in clause or word-group, though the presence of other enclitics or of proclitics can affect the apparent position). See J. Wackernagel, 'Ueber ein Gesetz der indogermanischen Wortstellung', *IF* 1 (1892), 333-436.

¹⁹ D. R. Shackleton Bailey, 'Notes on Quintilian', *HSCP* 87 (1983), 217-40 (henceforth cited as Shackleton Bailey). The note on *et uerum* is in 222.

²⁰ If there is ambiguity, I think it would be more likely to lie in the ambiguity of both *domum*, 'family' or 'house', and *colui*, 'cherished', 'courted', 'honoured', 'haunted', 'inhabited'. Our problem is that there are too many possible ways in which a simple *credo* could be considered funny. Afer could take the candidate (who is probably engaged in *salutatio* at Afer's home, seeking his support) to mean 'I stayed in your house forever', when he really meant 'I always honoured your family'. The *TLL* 3.1682.15 lists this passage under the meaning 'visitare', implying that Afer took the meaning to be 'I constantly visited your house'. Another opening is that, where the candidate might have said *colo* ('I have always honoured your family, and still do'), he actually has said *colui* ('In the past, I always honoured your family'): therefore the point of Afer's *credo* may be that he agrees with an implied 'no longer do' rather than the stated 'always did'; but cf. Ov. *Pont.* 2.3.73 *cum uestra domus teneris mihi semper ab annis / culta sit*. Coming from a persistent candidate, even a meaning 'I courted your house forever' would be properly deflated by an 'I believe it'. And even with no ambiguity, an 'I take your word for it'

simple 'I believe you' is spoiled by any addition. Brevity is the soul of wit, and adding 'And it is true' to *Credo* is like adding 'I beg you' after 'Take my wife, please.'²¹ In the preceding note I said that I would have more to say on Fulvius' response, *et uerus*. A response *et uerum* would be equally witty (though perhaps not as intelligible, through ambiguity), by correcting his opponent's misuse of *cheiographus* for *cheiographum*. I suggest that there was at 6.3.100 a marginal variant *et uerum*, which has mistakenly intruded into the text here in 6.3.94. For a slightly wider spaced intrusion of subsequent text compare 8.6.26 *et apud tragicos aegialeo*, which has intruded from 8.6.34 (where it probably constituted a single line in a two-column MS).²²

Bartsch suggested that *uerum* conceals *erum*. It is an interesting suggestion, but unlikely. Although the combination *et uerum* is an attested part of Quintilian's diction, he never uses *erus*. Cicero used it twice (*Off.* 2.24 and *Rep.* 1.64, the latter in a reference to usage of the ancients), but never in a speech or letter, and only in the meaning 'master of slaves'. Although the article in the *TLL* does not contain a complete list of occurrences, its selection indicates that the word is predominantly poetic, especially in the meaning 'master of a house'. It is true that we have here a quotation of Domitius Afer, and we cannot be sure what his choice of diction would be. But when *dominus* would make a neater play on *domus*, motivation seems lacking for a switch to *erus*. A text, '*credo*', *inquit*. '*et erum*,' would mean, 'I believe you. And its master too', or 'I suppose that you even honoured its master', and would imply that Afer teasingly misconstrued the candidate's *domum* to mean literally the house, and not the household. But such misconstruction of one's opponent might more readily be classified under the category *dicta aliter intellegendi* (6.3.84). It at any rate is not well described as *minus exprobrat quam potest*. The same objection applies to any attempt to get Afer to say that the candidate *domum coluit* as if he were its master. That would be '*credo*', *inquit*. '*uelut erus*.' The pun on *coluit* would be funny, but would not well fit Quintilian's description of the category. It usually happens when a phrase becomes misplaced that scholars prefer to try to change the words to make sense, rather than excise. Medieval scribes did the same, and many intrusions survive only in a form adapted to their new contexts.

Discussion of misplaced emphasis in the standard text of 6.3.100 prompts discussion of two other passages of 6.3, which would benefit from repunctuation.

(implying that the candidate's assertion is the only way that Afer would know) would work (we would probably say in English, 'I will have to take your word for it'). It should be kept in mind that Quintilian has introduced this retort under the category of 'blaming less than one could', not under the category of ambiguity (*amphibolia*), which is covered in 6.3.46–56, or of misinterpreting someone else's words, which, as Riggsby points out, is covered in 6.3.84–7.

²¹ Riggsby compares 6.3.45 *Sed acutior est illa atque uelocior in urbanitate breuitas*.

²² For other examples of this sort of intrusion over distances, see my 'Lucilius, Fragment 3 (Marx)', *TAPA* 101 (1970), 379–86, p. 382; see also Winterbottom in *BICS* 21 (1974), 29. In 6.3.94, the two passages would be separated in A's immediate exemplar by a single page, if that exemplar contained here the same amount of text as A did in the page published as plate 174 by Chatelain (1.5.5 [11 W] *tractandum erit* to 1.5.12 [20 W] *nam Cicero Cano*). But the mistake is probably still earlier than that (since it is shared by G). Possibly a single column of A's exemplar corresponded to a single page of an earlier majuscule codex, and the marginal variant showed through a hole or missing corner of that codex, or was copied when a scribe mistakenly turned two pages at once. The intrusion at 8.6.26 also suggests turning two pages at once, but there the folio (two pages) would have contained the equivalent of about six more lines of OCT text (which is within the range of scribal variation in the same codex). But it is usually impossible to determine how such intrusions occur; it suffices to point out that they actually do occur. Winterbottom in his review of Cousin's edition (*Gnomon* 52 [1980], p. 786) points out that codex H (a *codex descriptus*) has repeated at 9.2.54 a line which occurs two sections before.

6.3.72 (1–5 W)

Refutatio cum sit in negando redarguendo defendendo eleuando, ridicule negauit Manius Curius; nam cum eius accusator in sipario omnibus locis aut nudum eum in neruo aut ab amicis redemptum ex alea pinxisset, 'ergo ego' inquit 'numquam uici?'

Winterbottom (but not Butler's Loeb) prints Manius' retort as a statement. Shackleton Bailey (222) evidently punctuates after *ergo*, interpreting 'So what? I never won.' He then went on to accuse Quintilian of 'woolgathering', since this is not an example of *negando* (Curius admits that he gambled) but *eleuando*. But the emphasis in the quotation is not on *numquam*, but *ego*, which seems to indicate a question:²³ 'So was I never the winner?' That is, Manius denies the claim that he was a gambler by ridiculing it (*ridicule* above):²⁴ he would not have always lost. It is not impossible to take the sentence as a sarcastic declaration or exclamation, 'So I was never the winner', but that seems both less witty and less effective as a *negatio*.

6.3.90 (5–6 W)

Alienam finxit Iuba, qui querenti quod ab equo suo esset adpersus, 'Quid tu' inquit 'me? Hippocentaurum putas?'

'Quid tu' inquit 'me? Hippocentaurum putas?'] *sic distinxi*: 'Quid? tu' inquit 'me Hippocentaurum putas?' *edd.*

'What do you think I am? A Centaur?' With the standard punctuation, I am unable to understand the emphasis on *tu*.²⁵ With my punctuation, *tu*, *inquit*, and *me* are all enclitic, with *Quid* and *Hippocentaurum* emphatic; you understand *putas* with *Quid tu me*, and *tu me* with *Hippocentaurum putas*. Where English style reserves all ellipses for the final question, Latin is fond of the *apo koinou* construction, in which words are divided between two parallel structures. Clark seemed to suppose a similar distribution in his punctuation of Cic. *Phil.* 5.12 *Sed quaeso, Calene, quid tu? Seruitutem pacem uocas?* ('But I ask you, Calenus: "What do you call peace? Slavery?"). But there *tu* is emphatic ('you' rather than 'I').

6.3.78 (1–4 W)

Transtulit crimen Cassius Seuerus; nam cum obiurgaretur a praetore quod aduocati eius L. Vario Epicuro, Caesaris amico, conuicium fecissent, 'nescio' inquit 'qui conuiciati sunt, sed puto Stoicos fuisse.'

Vario—, Syme: uareo A: Varo *t edd.* Epicuro *scripsi*: epicurio A sunt sed *scripsi*: sint et A

²³ *Ergo* often introduces a question: cf. e.g. Quint. 9.2.83; *TLL* 5.2.764.32–66. Cicero frequently used *ergo* to introduce double, contrasting questions in a construction which the *TLL* calls *argumentatio ex contrariis*. This follows the pattern of *Phil.* 2.30 (*Ergo ego sceleratus appellor a te... ille... a te honoris causa nominatur?*) where the emphases are on the contrasting *ego* and *ille*. In 6.3.72 we have essentially the first part of such a double question with the second part understood: 'Did I never win, (my opponent always win)?' In such a construction, *ergo* is proclitic, increasing the emphasis on the following *ego*.

²⁴ Note the expanded meaning which Quintilian gives to adverbs. Here *ridicule* means 'by means of ridicule', just as in 6.3.100 *barbare* meant 'in language marred by barbarisms'.

²⁵ 'What? Are you the one who thinks I am a Centaur?' I suppose that that is barely possible, but only barely. I see no basis for an interpretation 'you too', or 'you (rather than some third person)', while 'you (rather than I)' seems pointless. The point should be not 'You think I am a Centaur, while I do not', but, 'You think I am a Centaur, while I actually am a man riding a horse, and not responsible for what the horse does.' So *Hippocentaurum* not *tu* should be emphatic.

The charge against Cassius Severus is that his supporters had insulted a friend of Caesar. Cassius responded, 'Somebody has insulted Epicurus, but I think that it was the Stoics.'²⁶ Syme identifies the person in question with the poet Lucius Varius Rufus, friend of Vergil, Horace, Maecenas, and Augustus. He therefore (as seems to be common) takes the MS.'s *Epicurio* as not a name but a description: 'Lucius Varius, an Epicurean, a friend of Caesar'. This blunts the joke, which works best taken as a pun on the name Epicurus. That is, if Cassius had said, 'Somebody has insulted Varius, but I think that it was the Stoics', only those in the audience who knew that Varius was Epicurean would get the joke, and that very slowly, if at all. For the other problem is that it would not be unreasonable for it to be true that Stoics had insulted an Epicurean, or, since Stoics tended to be vocal members of the opposition, had insulted a friend of Caesar, and so it would not have been immediately obvious that Cassius was joking. Quintilian believed it to be the essence of wit that what is said not be true (see 6.3.89). To claim that the Stoics had insulted a man named 'Epicurus' is a nice absurdity, immediately recognizable as a pun.

To read *Epicurio* as a descriptive adjective also produces an awkwardness in the appositions to *Vario*, which are both too numerous without a connective,²⁷ and spoken in two different voices: Varius would be called *Epicurio* on the authority of Quintilian, but *Caesaris amico* on the authority of the praetor (who would not have bothered mentioning that Varius was an Epicurean).²⁸ Therefore *Epicurio* should be taken as the man's cognomen, which requires a shift to the form attested for the cognomen, *Epicuro*.²⁹ Though Syme implies that the *tria nomina* are normally used only when citizenship is at issue (the practice of Book 10 of Pliny's *Letters*), Quintilian uses the *tria nomina* when necessary to understand a pun: 6.3.56 *ut pro Caecina Cicero in testem Sex. Clodium Phormionem: 'nec minus niger' inquit 'nec minus confidens quam est ille Terentianus Phormio.'* Here the *Pro Caecina* (27) is extant, and we can see what Cicero said: *Sex. Clodius cui cognomen est Phormio, nec minus niger nec minus confidens quam ille Terentianus est Phormio.*³⁰

For all this, Syme is right that *Vario* is the correct expansion of the transmitted *uareo*. It is not just that it is closer to the scribal reading, but *Varius* is a nomen (as

²⁶ In my reading, the contrasting, emphatic words are *nescioqui* and *Stoicos*, not *nescio* and *puto*, which hardly fits the category of *transtulit crimen*.

²⁷ Butler translates: 'An Epicurean and a friend of Caesar.' But there is no 'and'.

²⁸ In the charge of the praetor, *Caesaris* is the emphatic word, and so must start the word group. That is, the praetor would not say that Varius was an *Epicurean* friend of Caesar (as if Epicureanism rendered him sacrosanct), but that he was 'Caesar's friend' (therefore not to be insulted). But it is very doubtful that a descriptive *Epicurio* could be uttered in Quintilian's voice within a *quod* clause with the subjunctive (which implies that the contents represent the words of the praetor). It follows that *Epicur(i)o* must be part of the man's name, and not a descriptive adjective.

²⁹ Winterbottom evidently construed *Epicurio* as a cognomen, to judge by the listing in his index, *L. Varus Epicurius*. But the form in *-ius* should belong to a *nomen* at best. Cousin (Paris, 1977) prints *L. Varo Epicurio* but translates 'L. Varius Epicurius'. His 'Varius' must be a slip, since in the notes he claims that 'Lucius Varus Epicurius' was 'parent de Quintilius', that is, of Publius Quintilius Varus. To be a member of Varus' immediate family, one should be a Quintilius. *Epicurus* is attested as a cognomen in four inscriptions from Rome (CIL 6.16493 M. Cosconius Epicurus, 21104 = 9.4821, 6.20839 M. Iunius Epicurus, 25376 L. Rasinus Epicurus), and one from Africa (CIL 8.344 L. Caelius Epicurus), to ignore examples where it is clearly a slave's name.

³⁰ The banker Sex. Clodius Phormio who was a witness against Caecina is presumably different from the henchman of Publius Clodius, Sex. Cloelius, whose name is often miswritten or misedited as Clodius: on the spelling of the latter's name, see D. R. Shackleton Bailey, 'Sex. Clodius-Sex. Cloelius', *CQ* N.S. 10 [1960], 41f. Shackleton Bailey suggests that the cognomen of Cloelius was Siculus: see *Cicero's Letters to Atticus*, i (Cambridge, 1965), p. 376 on *Athenione*.

in Lucius Varius Rufus) while *Varus* is properly a cognomen (as in Publius Quinctilius Varus). The error *Epicurio* for *Epicuro* would result from perseveration after *Lucio Vario*.

As for my *sunt sed*, it is in the interests of making Cassius Severus and Quintilian tell a joke properly. Lewis and Short claim that *nescioquis* usually does not affect the mood of the following verb, thereby implying that it sometimes does. But the punch line of a joke requires clarity of expression, and what the manuscript gives us looks as if it says: “‘I do not know’”, he said, “‘who insulted him, and I think that it was the Stoics.’”³¹ Now suppose that an early MS. had *conuiciatiisset*, that is *conuiciati sunt sed*. First *set* could become *et* by haplography, then *sunt* might be changed to *sint* by a scribe who was confused by the interposition of *inquit* in the middle of *nescioqui*, and believed that he needed a subjunctive for an indirect question.³² With *sint*, there is no motivation for a corruption of *sed* to *et*, and the punch line takes an effort to interpret. With *sunt sed* we have a text which not only gives the right sense, but does so clearly and forcefully.

To return to the identification of Epicurus, he probably belonged to the generation after L. Varius the poet. The main dates in the life of the latter Varius are around 44–43 B.C., when Syme, following A. S. Hollis,³³ believes he composed his *De morte*; 37 B.C. for the journey to Brundisium, in which he participated (Hor. S. 1.5.40); 29 B.C. for his composition of a tragedy Thyestes for the games celebrating Octavian's victory at Actium; his editing of the *Aeneid* after Vergil's death in the fall of 19: in short, the poet Varius was a contemporary of Vergil, whose *floruit* was between 44 and 18 B.C. He was probably dead by 14, when Horace (*Ep.* 2.1.247) joined his name with Vergil's. The dates for Cassius Severus are probably A.D. 12, when he was the first victim of the extended use of the *lex maiestatis* under Augustus because of defamation of *uiros feminasque illustres* (Tac. *Ann.* 1.72, Dio 56.27); 24, when his

³¹ See Butler's Loeb: 'I do not know who they were who insulted him, I suppose they were Stoics.' Butler conveniently omits a translation of *et*.

³² I do not know whether the sequence *nescio inquit quis* (with the meaning 'someone') is elsewhere attested, nor is the one attestation of *nescio quis inquit* known to me secure (Curt. 9.2.31; see below). But *inquit* often behaves like an enclitic, occupying the second position in a word group. It is characteristic of enclitics that they can interrupt the normal connections of words: e.g. cf. Sen. *Clem.* 1.9.10 'quo', *inquit*, 'hoc animo facis,' where the status of both *inquit* and *hoc* as enclitics permits the interruption of *quo animo*. In competition with other enclitics, *inquit* more often falls into third position in the grouping, but it sometimes (as in the example just cited) takes precedence over other enclitics: for examples of *inquit* in second position (often immediately following proclitics or preceding other enclitics) see *TLL* 7.1.1788.7–70, to which many other examples could be added. I suppose that, in *nescioquis*, *nescio* is probably proclitic. Plautus separated *nescio quis* with the intensifying *pol* or *edepol*: *Aul.* 71 *nescio pol quae illunc hominem intemperiae tenent* ('Surely **some** madness or other has got hold of him'): *Ep.* 61 *nescio edepol quid [tu] timidi's, trepidas, Epidice* ('Surely you are in a fright and flurry over **something**. Epidicus'). Since enclisis is a natural part of ordinary speech, it may be that such separation of *nescio quis* has a colloquial flavour, suited to the telling of a joke. Therefore I do not choose to conjecture a transposition to *nescio qui inquit*, though an easy explanation could be provided for corruption of such a reading to *nescio inquit qui* (*saut du même au même* would result in omission of *inquit*, which might then be reinserted by a corrector after the apparent first word of the quotation). A similar process may have occurred at Curt. 9.2.31 (a citation for which I am indebted to the services of the *TLL*, which checked entries of *nescio quis* down to the time of Apuleius): where the later MSS. have *nescio quid inquit*, the earliest and best codex, P, is alleged by H. Bardon in his Budé edition (Paris, 1948) to have *nescio quit*, and its corrector *nescio inquit quit* (that is, *nescio inquit quid*). But since the *inquit* is presented as written *in rasura*, it may be that P's original reading was *nescio quid inquit*. Much depends on the size of the erasure: a short erasure would imply an original *nescio inquit* (a *saut* from *nescio inquit quid*).

³³ *CQ* 27 (1977), 187ff.

original banishment to Crete was made even worse because he did not desist from defamation, and he *consenuit* on Seriphus (Tac. *Ann.* 4.21; that the change of exile took place at this time is implied, but not directly stated); a death in the twenty-fifth year of his exile in 32 according to Jerome: therefore probably in 36 if he was exiled in 12 and was twenty-five years (inclusively) in exile (Jerome possibly confused the year of his exile with Ovid's in 8).³⁴ If he was no more than 46 in 24 (the literal, but not the necessary meaning of *consenuit*), he was born no earlier than the late 20s B.C. A possible objection to so late a date of birth is his prosecution of L. Nonius Asprenas, a friend of Augustus (Suet. *Aug.* 56.3, Quint. 10.1.22, 11.1.57, Plin. *N.H.* 35.164). This is correctly connected with the prosecution of a friend of Augustus mentioned by Dio 55.4.3 (without specification of the accused or accuser). Although this reference immediately follows Dio's discussion of events of 9 B.C., E. Klebs is right³⁵ to deny that any date can be extracted from it, since it occurs in a digression on Augustus' democratic ways (Augustus is claimed not to have held the prosecution against the prosecutor). The *terminus ante quem* for the prosecution is A.D. 5 (the death of Asinius Pollio, who defended Asprenas).³⁶ Whatever the year of his birth, Cassius Severus belongs to the generation after the poet Varius. The incident in question probably happened close to A.D. 12, since the charge against his 'advocates' sounds like a charge of *maiestas* (insulting a friend of Augustus), and Tacitus tells us that the events leading to the exile of Severus were the first use of that law against *dicta*, not *facta*. Unless the supposed insult was posthumous, Epicurus should belong to the next generation after the poet Varius.

My own suspicion is that L. Varius Epicurus is a son or other descendant of the poet, who might have named his son Epicurus in honour of his philosophical idol. But it must be conceded that, if Varius was a noble, there is no clear precedent at this early date for a noble Roman's bestowing on a son a Greek cognomen which was not traditional in the family.³⁷ Publius Vergilius Maro had a Greek cognomen, but was of humble birth. Acquired extra cognomina, such as Spinther, could be passed on in noble families. Although M. Antonius Zeno (who might seem at first glance to be the Stoic counterpart of Epicurus) rose to be consul in A.D. 148 (*PIR*² A 883), he was probably a descendent of the M. Antonius Zeno who was a priest in Laodicea (*PIR*² A 882), and so was from a Greek family which acquired Roman citizenship.

³⁴ R. A. Bauman, *Impietas in Principem* (Munich, 1974), pp. 29–31, takes the opposite tack, placing the exile in 8 because it was a time of turmoil. The difference of four years is hardly critical for our purposes, but experience has taught me to distrust Jerome when it comes to dating. The date of 8 is suspicious precisely because it is a good date to guess if you had no other evidence. Since the organization of Jerome's work was based on dates, he was not permitted not to guess when he had no information. Although it would also be possible that Jerome is right in placing the death in 32, but wrong in making the exile last twenty-five years, it is more likely that a twenty-five year exile was the sole information that Jerome had, since Jerome's usual source, Suetonius (for Cassius Severus, the lost *De Oratoribus*), generally does not provide specific dates in his extant works. ³⁵ *PIR*¹ vol. 1, p. 165 (on Asinius Pollio).

³⁶ Quint. 10.1.22. Asprenas was consul in A.D. 6, proconsul of Africa in 14, and reappears again in A.D. 20 speaking in the Senate in Tac. *Ann.* 3.18.

³⁷ See Heikki Solin, 'Beitraege zur Kenntnis der griechischen Personennamen in Rom', *Commentationes Humanarum Litterarum* 48 (1971), especially 138–45 for evidence of Greek cognomina among the nobility. Our evidence that the cognomen of the poet Varius was Rufus is limited to a marginal note in an early Beneventan codex, Paris. Lat. 7530, dated by its calendar and paschal tables to 779–97. No extant ancient writer mentions his cognomen, and it is conceivable that Varius, because of his Epicurean interest, could have acquired an extra cognomen Epicurus (or Epicurius), and as a L. Varius Rufus Epicurus could have passed the cognomen on with no violation of tradition.

Ordinarily we would expect someone named L. Varius Epicurus to be (or be a descendant of) either a former slave named Epicurus, who adopted the name L. Varius Epicurus when freed by L. Varius, or a Greek named Epicurus who adopted the *tria nomina* upon acquiring Roman citizenship. Neither fits very well our current conditions, where Epicurus belongs to a category of *amici Augusti* and presumably also to a category of *uiri illustres* who were insulted by Severus or his friends. As Vergil attests, one does not have to be from a noble family to be an *amicus Augusti*, but an otherwise unknown freedman of Lucius Varius is not a likely candidate to be a *uir illustris*. A son or other descendant of the famous poet and known friend of Augustus could easily be both.

7.1.28 (9–13 W)

Non dissimile huic est et illud praeceptum, ut a communibus ad propria ueniamus: fere enim communia generalia sunt. Commune est: ‘tyrannum occidit’; <<proprium est: ‘tyrannum senior occidit,’>> mulier occidit, uxor occidit.’

commune est 1434: communem (vel communē) AG: commune P occidit (prim.) t: occidi AG proprium est... senior occidit *exempli gratia scripsi*: proprium tamen tyrannum occidit aG: om. A uxor occidit AG: uxor a

Winterbottom printed *Commune*: ‘tyrannum occidit’, *proprium*: ‘†tamen† tyrannum occidit’, ‘mulier occidit’, ‘uxor occidit’. In the apparatus he made no mention of A’s omission, and called *tamen* frigid if referred to *proprium*; he suggested that it conceals an adjective qualifying *tyrannum*, such as Gertz’s *talem*. *Tamen* is unnecessary, and cannot be shown to belong to the style of Quintilian, who normally sets up his oppositions in asyndeton. But it has focused attention for a missing qualifier on the wrong position.³⁸ What is needed is not an adjective modifying *tyrannum*, but a nominative noun to vary with *mulier* and *uxor*, preferably one which, like *mulier*, is also applicable to *uxor*. And the position from which this nominative fell out would not be before *tyrannum*, but after it, since *tyrannum* stands in a separate colon as the shared object of all that follows. Halm recognized that the relevant parallel was 7.4.21 (*nam et multum interest, tyrannum iuuenis occiderit an senex, uir an femina, alienus an coniunctus*), but he evidently failed to understand that it establishes Quintilian’s categories of *propria* as age, sex, and relationship (as well as showing that the omitted word in 7.1.28 should fall between *tyrannum* and *occidit*): *uxor* corresponds to *coniunctus*, *mulier* to *femina*, and we need right after *tyrannum* an equivalent for *senex*, but preferably not *senex* itself (since the other two shared terms lack such lexical identity).³⁹ My first thought was *annosus*, whose omission would result from a double *saut du même au même* in an environment *tyrannūannos’ occidit*. The scribe would

³⁸ The notable substitutions for *tamen* include *amens* Radermacher, *amentem* Hunt, *talem* Gertz, *patrem* Halm, *amicus* Kennedy, *iuuenis* Gemoll. I am indebted to the researches of David Silverman for collecting these citations. The conjectures of J. M. Hunt and G. Kennedy were made in their reviews of Winterbottom, *CP* 67 (1972), 56–9 and *JRS* 61 (1971), 309 respectively. Kennedy did not specify the position in which he would insert *amicus*, but offered it as an alternative to Radermacher’s *amens*, to which he objected as not producing a climax. The position at the beginning of the sentence is an acceptable position of emphasis, but the parallel at 7.4.21 cited below suggests that Quintilian would prefer to emphasize the subjects by positioning them in front of the verb: the repetition of *occidit* with *mulier* and *uxor* serves to give to each repetition the weight of a colon, with each subject (including the one which has fallen out from our MSS.) starting each respective colon (the position of emphasis).

³⁹ *Senex* is otherwise acceptable and certainly possible, since it can describe not only an old man, but an old woman.

have skipped from *ann* to *ann* and from *os* to *oc*, producing *tyrannoccidit*, which, being pronounced virtually identically with *tyrannum occidit*, would be so written. Unfortunately, despite the claim of Lewis and Short that the word is a favourite of post-Augustan prose writers, the word is not only not attested in Quintilian, but does not even seem to be found as a direct description of a human being in Silver Latin prose.⁴⁰ *Senior* would meet the requirement of belonging to Quintilian's diction,⁴¹ and has the advantage of sexual ambiguity, so that it could easily be applied to a *mulier* and *uxor*, without either precluding the sex or revealing it prematurely. On the last score, *anus* fails (though it might also have easily fallen out after *tyrannum*), and so does *uetula*. Gemoll's *iuiuenis*, though incorrectly positioned, deserves some comment.⁴² The word denotes someone in the prime of life, of the normal age for military or other public service. Normally someone who killed a tyrant might be expected to be a man in the prime of life who had no special relationship with the tyrant (therefore, *iuiuenis*, *uir*, *alienus*). Quintilian has shaped the *propria* so that they define (as the topics for declamation are wont to do) something quite unusual. Therefore the tyrannicide should be someone not only not male, and not unconnected with the tyrant, but also not in the prime of life. That the person should be an *adolescens* or a young *puella* seems excluded (if all the descriptions are meant to apply to a single tyrannicide)⁴³ by the use of the term *mulier*, which would be less applicable than

⁴⁰ Silverman points out that many of the occurrences in prose before the fourth century refer to a tree or plant: Sen. *Ep. Mor.* 86.20, Plin. *N.H.* 16.130 and 24.2, Columella 6.28. There are two other occurrences in Pliny, 4.89 (*gens...annoso degit aevo* of the lifespan of the Hyperboreans) and 23.40 *aliud minus annosum*; Apuleius uses it of a goat (*Met.* 7.11 *hircum annosum*). Aug. *Conf.* 1.7.11 in *aliquo annosiore* does have the requisite sense and application to a person. Augustine (who uses also the positive and superlative in *C.D.* 21.11 and 8.15) here uses a true comparative, but a reading *annosior* or *aliquis annosior* in Quint. 7.1.28 would have equal chance with *annosus* of omission after *tyrannum* and would have the advantage of greater sexual ambiguity (*annosus* would have to be interpreted as 'an aged person', with masculine standing for either sex, if it refers to the same person as *mulier* and *uxor*). See below.

⁴¹ 3.1.14, 5.6.6, 12.6.4. The first of these (*eoque iam seniore*) refers to Isocrates when he was 98. The use of *senior* as a noun is frequent, as Apuleius *Met.* 2.27 *ille senior*, Cic. *Off.* 1.122 *aliaque sunt iuuenum, alia seniorum*.

⁴² The conjecture of W. Gemoll was made in his review of Meister's 1886–7 Teubner edition: *Wochenschrift für klassische Philologie* 37 (1887), 1138. It was based on comparison of 7.4.21, which Gemoll knew from Halm.

⁴³ Silverman points to the pattern of 7.1.24, where Quintilian illustrates descending from the genus to the last species by a *suasoria* where Numa deliberates whether he should accept the kingship if the Romans offer it. The genus is *an regnandum*, the species are successively *an in ciuitate aliena*, *an Romae*, *an laturo sint Romani talem regem*. *Roma* is the *ciuitas aliena* further specified, while *talem regem* gives a different type of specification applied to the same case. In 7.1.28 the introducing clause, *ut a communibus ad propria ueniamus*, suggests a gradual movement from *commune* to increasing *propria* in the same case at issue. If we could be sure that such a progression was strict and consistent, we would prefer *tyrannum <femina> occidit* (a female, married woman, his wife), though that would produce different categories of *propria* from 7.4.21. But *femina* and *mulier* are usually mere equivalents for each other, and the progression in the *suasoria* of Numa (introduced by *a genere ad extremam speciem descenderem*, which similarly implies a progression) is strict in only two of its three parts. In a broad sense, *mulier* is a type of older person, since the term would not be used of a very young person (though it does not serve to distinguish between *iuiuenis* and *senex*). In 7.4.21 the implied topic of the declamation would go: 'There is a law that whoever kills a tyrant can claim a certain reward. Each of two different individuals kills a tyrant, and both claim the same reward. Which is more worthy?' Old age, female sex, and close relationship to the tyrant all render the act more exceptional and more worthy of merit, and they are arranged in proper, climatic order of increasing merit. Since I doubt that any special merit attaches to a tyrannicide for being a *mulier* rather than a *virgo*, a progression *femina*, *mulier*, *uxor*, by making *mulier* a word of status rather than sex, fails to satisfy.

femina to a very young woman. Therefore, whatever the missing word, it should describe the tyrannicide as old.

As for *tamen*, the function which it serves is one of punctuation: in a sequence *commune est* (or *communē* or *communem*) *tyrannum occidi*<t> *proprium tyrannum occidit mulier*, *proprium* looks as if it may be modifying one or the other of the accusatives *tyrannum*. We have the advantage of punctuation to make the structure clear. The Romans did not rely on punctuation, and often used postpositive conjunctions or other enclitics to mark clearly the beginnings of clauses or word groups when they had reason to fear ambiguity. *Tamen* in this function becomes in Late Antiquity sometimes virtually meaningless. See Leumann–Hoffmann–Szantyr 2.496, and compare *Latin Anthology* 99.3 R *quod tamen iligni violarit terga caballi*, where *tamen* has no meaning and is hence often emended away:⁴⁴ but its function is to mark *quod* as starting a new sentence. The need for clarification of the division in 7.1.28 is real, but the enclitic which Quintilian would use is *est* (which alone fully prevents taking *proprium* with the second *tyrannum*): cf. 7.1.24 *Vltima species est an optare possit alienam uxorem. Generale est an quidquid optarit accipere debeat*. This suggests that A's *communem* should be corrected to *commune est* (*communē* or *communest*, as it would be pronounced, and, in some traditions, spelled). Winterbottom noted that, despite Halm's report of the MSS. as reading *communē*, A actually has *communem* spelled out. He therefore took it to be a mere assimilation to the case of the following *tyrannum*. This made sense if a's testimony, supplying A's omission with *proprium tamen tyrannum occidit*, could be trusted: omission of the verb 'to be' in the second half of the contrast would be consistent with omission in the first half, and vice versa. But now it is time to look at the quality of a's reading.

The agreement of G with a in the supplement does not render its evidential value secure, even if, as I believe, G descends basically from A's exemplar. G's descent was through one or more exemplars which were thoroughly corrected to agree with A after correction. And it is also possible (even, I would think, likely)⁴⁵ that a transmits a correction which was so written (as a marginal or interlinear supplement) in A's exemplar (and perhaps in many preceding exemplars in the line of transmission). Whoever made the correction not only inserted *proprium tamen tyrannum occidit* before *mulier*, but marked the *occidit* after *uxor* for deletion. The text after the original correction therefore read *commune est* (or *communē* or *communem*), *tyrannum occidi*<t>, *proprium tamen*, *tyrannum occidit mulier*, *occidit uxor*. Any reasonably bright corrector could tell that a *proprium* was needed to balance *commune* (the preceding *ut a communibus ad propria ueniamus* guaranteed that). And it is also secure that there was a *saut du même au même* from *occidi*<t> to *occidit*. But the immediate context could not tell a corrector what subject was meant with the first *occidit* among the *propria*, and the corrector would not have imagined that the subject immediately preceded *occidit*, since his concept of the omission was that it arose from a *saut* from

⁴⁴ E.g. *sacra* Riese, *tantum* Timpanaro (the latter printed by Shackleton Bailey).

⁴⁵ The main reason for suspecting that the correction is a transmitted one is that the act of conjectural correction would be easier if the errors *communem* and *occidi* had not already occurred. Marginal and interlinear corrections are often transmitted as such from codex to codex. Possibly the failure of Winterbottom to note A's omission may indicate that the supplement was made by the first hand, which would suggest that the supplement was transmitted. For an example of a conjectural correction transmitted differently to A and G, see my explanation of 5.14.21 in 'Transmission' 313. To the explanations there offered may be added the possibility that the common source of AG had *nisut* (a corruption of the correct *nisi et*), and that above this was superscribed a conjectural correction *cum eius*: this produced in 'a' a text *cum eius* (over an erasure), but in G a conflation *niş cum eius ut*.

tyrannum occidit to *tyrannum occidit*.⁴⁶ Three mistakes give him away as operating purely from conjecture, with no authority: first, the *tamen*, which is good Late Latin style, but not Quintilian's; second, the failure to produce any word which could not readily be generated by conjecture from the immediate context (*tyrannum occidit* comes from the corrector's concept of the origin of the error, and is partly wrong; the missing word for 'old person' was not discovered); third, the deletion of the final *occidit*, destroying the tricolon. That Quintilian would have given three separate examples of *propria* is assured, not only by the parallel at 7.4.21, but by both of the preceding examples of movement from genus to species: 7.1.24 (15 W) *Primum, id est genus, an regnandum, <tum> an in civitate aliena, an Romae, an laturi sint Romani talem regem*, and (19 W) *Generale est an quidquid optarit accipere debeat; deinde, an ex privato, an nuptias, an maritum habentis*. These examples are all highly elliptical, and it could be argued from them that we should have in 7.1.28 simply *proprium est 'senior occidit'*, with *tyrannum* only understood from the preceding example given for *commune* (as *regnandum* is understood with *in ciuitate aliena*, and *accipere debeat* understood with *ex privato* and what follows). The parallel at 7.4.21 argues the other way around, and I regard *tyrannum* as probable, but not certain. With *tyrannum* in, the omission would span thirty-two letters, twenty-four without the word (less with abbreviation): either is compatible with a theory that the *saut* was aided by the omitted words' occupying exactly a single line of a two-column exemplar. I have reflected the uncertainties by adopting a convention of using double angle brackets to indicate an *exempli gratia* supplement. *Proprium est* is reasonably secure, and *occidit* virtually certain. I have explained my reasons for preferring *senior* as the missing word for 'old person'. Since *senex* is also used without distinction of sex, it cannot be excluded. My original conjecture *annosus* falls, because the one advantage that it had, that it might easily have been omitted between *tyrannum* and *occidit*, proves to be non-existent: no word has fallen out after *tyrannum*; a whole line has fallen out after *tyrannum occidit*, taking with it whatever had been written between occurrences of *occidit*.

7.3.19 (24–26 W)

Eius certus ordo est: quid sit, an hoc sit. et in hoc fere labor maior est, ut finitionem confirmes quam ut [in finitionem] adplices.

in finitionem A: rei finitionem Winterbottom: in rem finitionem edd. vett.: seclusi

The contrasting words are *confirmes* and *adplices*, with *finitionem* the object of both: it is more work to prove a definition (*quid sit*) than to apply it (*an hoc sit*). Good style calls for placing a shared object first, and following it with words that vary (see the preceding note, and the parallel in 7.4.21). The repetition of *ut* (which, like *quam*, is proclitic) is all right, but a repetition of *finitionem* blunts the contrast by relegating *adplices* to second position: a slight pause is felt after a shared *finitionem*, making the colon division *ut finitionem / confirmes / quam ut adplices*, with both *confirmes* and

⁴⁶ Modern scholars often act as if they believed that paleographic motives for errors were modern discoveries. Scribes met them in their every day existence, and found themselves committing them every day. Many medieval corrections operated on paleographic principles. The corrector known as 'a' is a particularly competent one, willing to attempt conjectural correction even of Greek words: see my 'Transmission'. But in this instance the supplement may have been made at a still earlier point in the transmission, and been passed down as a marginal or interlinear correction. The deletion of the final *occidit* could also have been transmitted as dots under or above the letters, which subsequent scribes were able to observe (by omitting the word, or by transmitting both the word and the dots) or ignore.

adplices enjoying the emphasis of being the first (as well as the only) accented words in their cola. Only a more emphatic word could elegantly be inserted between *ut* and *adplices*, and neither a repeated *finitionem* nor Winterbottom's *rei finitionem* (or the vulgate equivalent *in rem finitionem*)⁴⁷ deserves such emphasis (especially as neither would be missed if omitted). *Finitionem* has intruded either from a scribe's horror of ellipsis, or from his eye's straying to the beginning of the wrong line (the twenty-five letters that constitute *finitionem confirmes quam ut* are within the range of width of a single line of A's exemplar). The preceding line would have contained *in hoc fere labor maior est ut*, and it may be from the beginning of that line that *in* has intruded. Or it may have come in as a scribal supplement (under the influence of *adplices*), or as a corruption of *i* if either *ut* was written *uti*.

7.7.4 (12–26 W)

Diuersae quoque leges configunt, aut similes aut <inpaes. Similes sunt aut> [duae] quibus etiam citra aduersam legem contradici possit (ut...decurrendum); <aut> contra quas nihil opponi potest nisi lex altera.... Inpaes sunt cum alteri multa quae opponi possunt, alteri nihil nisi quod in lite est, ut cum uir fortis inpunitatem desertoris petit.

similes aut *a*: similia ut AG inpaes Christ: om. A Similes sunt aut [duae] scripsi: duae A: diuersae dett., Regius, Christ: similes aut olim ego: similes duae aut Silverman: similia aliae Winterbottom aut contra (quod coniecit et Silverman) scripsi: contra A: aliae contra Winterbottom: aut duae contra scribi potest si duae supra retines; quod si scribis, infra pro lex altera lege <alteri> altera

Over ten years ago, when I was preparing to write my 1980 *CP* article 'A Problem in the Transmission of Quintilian's *Institutio oratoria*', I noticed the above passage, and jotted the conjectures *aut similes aut <inpaes. Similes aut> [duae]* and *<aut> contra* on a slip of paper, which I inserted between the pages of my OCT volume. I forgot about the conjectures until my seminar in the Spring of 1989, when David Silverman independently offered a very similar version, differing only in reading *duae aut* where codex A has *duae* and I want only *aut*. Both Silverman and I start with Winterbottom's perception of the structure of the text, that *diuersae leges* are divided into two classes, *similes leges* and *inpaes leges*, and that the *similes leges* are themselves divided into two types (to the first of which challenge could be made separately, even if the laws did not contradict each other, while to the second the only objection is that they contradict each other); these two types of *similes leges* are defined and illustrated before Quintilian moves on to *inpaes leges* (when only one of the two laws is challengeable aside from their mutual contradictions). It has long been recognized that at the beginning of this passage there is an omission caused by *saut du même au même*. Where AG have *aut similia ut duae*, A's corrector, a, has (evidently by conjecture) *aut similes aut duae*. The restoration of *similes* was a good one, although by itself it does not remedy the lacuna. A's error reflects a combination of misdivision and confusion of an abbreviation: an exemplar from which AG descend evidently had a slight misspelling, *similis aut*, abbreviated *similaut*, which AG's source expanded as *similia ut*.⁴⁸ Winterbottom understood the mistake differently, since his *aut <similes aut inpaes.> Similium aliae* supposes that *simili aut* is a misreading of

⁴⁷ Winterbottom rejected *in rem* on the grounds that *in* after *adplico*, rather than a dative, is exceptional. It should have been a reason for rejecting the whole *in finitionem*.

⁴⁸ For attestation of both abbreviations, *simil* and *simila*, see W. M. Lindsay, *Notae Latinae* (Hildesheim 1963), pp. 290, 336–9, Supp. 55.

similiū (*similium*), with the omission of *similes aut inpaes* resulting from homoeoarchy, and *duae* from a misreading of *aliae*. But the resulting text seems most improbable. When Quintilian below (section 6) takes up *inpaes leges*, he starts with *Inpaes sunt*, which suggests that the category of *similes leges* should be introduced by *similes sunt* if Quintilian wanted his readers to be able to follow his divisions clearly.⁴⁹ He could have gotten by with a simple *similes* (my first thought), but the understanding of *sunt* with *similium aliae* is very difficult. Further, we have a disjunctive doublet following, which completely encompasses all types of *similes leges*: either both laws can be challenged aside from their mutual opposition, or neither can; when one can and the other cannot, we have not *similes leges* but *inpaes*. Such a disjunction is properly expressed either by *aut ... aut* or by *alterae ... alterae*.⁵⁰ Winterbottom was perhaps influenced to use *aliae ... aliae* by 8.3.36 *Nam cum sint eorum alia, ut dicit Cicero, 'natiua', id est, 'quae significata sunt primo sensu', alia 'reperta, quae ex his facta sunt'*, which provides a parallel both for the partitive genitive and for the use of *alia* for *altera*. But it is most improbable that, if *aliae* was used, both words would then be obliterated, not only by a corruption of the first *aliae* into *duae*, but by an unmotivated omission of the second. Once it is recognized that a was correct to emend *similia ut* to *similes aut*, it can be seen that there is an omission caused by *saut du même au même* from *aut* to *aut*. The minimum supplement, as I have indicated, would be *<inpaes. Similes aut>*, but *Inpaes sunt* in 6 suggests that we would do better to have *sunt* after *Similes*: if there was to be an ellipsis of *sunt*, the word would be more likely to be expressed in the first of two parallel structures, and omitted in the second; since *sunt* is abbreviated *̄s*, it is not much more difficult to have a *saut* from *similesaut* to *similes̄saut*, or from *similaut* to *simil̄saut* (both of which might seem to be abbreviations of *similis aut*). The retention of *aut* here enforces the supplying of an answering *aut* below before *contra quas*. Its omission there was by haplography (of open *ā* after the *ū* of *decurrendum*).

Next it must be considered whether we want to retain *duae*. If we did, parallelism would almost require supplying *aut duae* instead of simply *aut* before *contra quas* (and if we did not supply it, it would at least be understood). This would not be difficult paleographically, to suppose a *saut* from the *dū* of *decurrendum* to the *du* of *due* (with subsequent omission of a superfluous *e*). But, as Silverman points out, *duae (leges) contra quas nihil opponi potest nisi lex altera* is at best awkward, since the *lex altera* is opposed not to 'two laws' but to 'the other law'. The way to say that would be *duae contra quas nihil opponi potest nisi <alteri> altera*. It is possible that that is what we should read, supposing omission of *alteri* by *saut du même au même*, and subsequent glossing of *altera* with *lex*. But the text seems to me more satisfactory if we delete *duae* before *quibus*. Throughout 7.7 Quintilian's concern has been with pairs of laws: there does not seem to be any particular reason to emphasize the duality here and only here. The word may have arisen as a scribal supplement, or may have intruded accidentally from any of the many occurrences of the numeral 'two' (which may be written *.ii.* for any case) in the preceding sentences. For instance, three lines above *duarum* was omitted before *raptarum*. A marginal correction *.ii.* could easily have been misplaced.

⁴⁹ The verb 'to be' is often omitted in both halves of a division, but is also expressed in both halves, as in 7.1.24 *Vltima species est an optare possit alienam uxorem. Generale est an quidquid optarit accipere debeat*.

⁵⁰ For the form with *alter*, see Quint. 8.3.83 *eius duae sunt species: altera quae plus significat quam dicit, altera quae etiam id quod non dicit*. For the use of *aut ... aut* with wide separation, see earlier in the same chapter 7.7.2-3 (6-9 W) *Colliduntur autem pares inter se, ut ... conlatio est: aut secum ipsae, ut ...*

Or *duae* could have arisen when the scribe's eye strayed to *diuersae* (abbreviated *diūsae*) in the preceding sentence. It would even be possible for *duae* to be a misplaced marginal variant for *diuersae*. There is no basis for inverting *aut duae* to *duae aut* with Silverman: it is doubtful that *similes duae* can mean 'two types of similar laws',⁵¹ or, as Silverman construes it, 'The *similes* are two' (that is, of the following two types).

Another option, instead of deleting *duae*, is to read *diuersae*, as, according to Halm, some late MSS. and early editions do (though Regius, who supplied *similes* before *contra quas*, understood the text differently, as if there was a triple division of laws into *diuersae*, *similes*, and *inpaes*). There is logic in saying that similar laws are differing laws which can be opposed even aside from their mutual contradiction. Laws of such a description which are not *diuersae* would not be called *similes*, but *pares* (7.7.2). A scribe bothered by the apparent incompatibility of *similes* and *diuersae* would have sufficient motivation to emend a transmitted *diūsae* to *duae*. Nevertheless, since Quintilian just said that *diuersae leges* are either *similes* or *inpaes*, there is no need for a repetition of *diuersae* after *Similes sunt*. Therefore if *diuersae* was the source of *duae*, I would still suspect it of arising from a gloss.

8.2.14 (3–8 W)

Plus tamen est obscuritatis in contextu et continuatione sermonis, et plures modi. Quare nec sit tam longus ut eum prosequi non possit intentio, nec [transiectio] ultra modum [hyperbato] finis eius differatur. Quibus adhuc peior est mixtura uerborum, qualis in illo uersu: 'saxa uocant Itali mediis quae in fluctibus aras.'

transiectio *A*: transiectione *p**: *seclusi* ultra *Zumpt**: intra *A* modum *a*: domum *G*
hyperbato *A*: *seclusit* *Halm*

Quintilian is discussing clarity: to avoid obscurity, let a period 'not be so long that attention cannot follow it, nor let its conclusion be put off beyond measure. Still worse than this is a mixing up of the words', such as in *Aen.* 1.109. The verse cited gives an example of hyperbaton, and someone indexing his MS. of Quintilian must have noted this in the margin with the words *transiectio* and *hyperbaton*. The first of these would be meant to be a Latin translation of the Greek word hyperbaton: cf. 8.6.65 *At cum decoris gratia traicitur longius uerbum, proprie hyperbati tenet nomen*. But hyperbaton has nothing to do with the sentence preceding *Quibus*: words in a marginal index have intruded into the text. In 8.2.22 Quintilian sums up what he had said previously: *Nobis prima sit uirtus perspicuitas, propria uerba, rectus ordo, non in longum dilata conclusio, nihil neque desit neque superfluat*. The words *rectus ordo* correspond to *Quibus ... aras*, while *non in longum dilata conclusio* sums up *Quare nec sit ... differatur*, with *conclusio* equalling *finis*, *dilata* corresponding to *differatur*, and *non in longum* summing up both *nec sit tam longus ut eum prosequi non possit intentio* and *ultra modum*. The injunction to observe *modum* is a favourite of Quintilian: cf. 8.6.73 *Quamuis enim est omnis hyperbole ultra fidem, non tamen esse debet ultra modum*. See also the following passage.

8.3.25–6 (7–15 W)

Sed utendum modo nec ex ultimis tenebris repetenda. Satis est uetus 'quaeso'; quid necesse est 'quaeso' dicere? 'Oppido' quamquam usi sunt paulum tempore nostro superiores, uereor ut iam nos ferat quisquam; certe 'antegerio', cuius eadem significatio est, nemo nisi ambitiosus utetur. 'Aerumnas' quid opus est, tamquam

⁵¹ When Quintilian means 'two types', he says *duae species*, as in 8.3.83, quoted in the preceding note.

parum sit si dicamus <<'labores'? 'Exhaurio' audenter dicitur, 'exancl'o')) horridum. 'Reor' tolerabile, 'autumo' tragicum; 'prolem' dic in uersu modo, 'prosapiam' insulsum.

quaiso Gertz: quaiso *A* quamquam Gertz quam *A*: qua *a* dicamus scripsi: dicatur *A* labores... exancl'o *exempli gratia scripsi*: quod *A* dic scripsi; *sed fort. secludendum*: dicendum *Osann*: dicendi *A* in uersu *Zumpt**: uersum *A* modo scripsi: ei *A*: et *Cousin*: scribi potest et modo et prosapiam *A*: prosapia *Zumpt**

But one must use moderation in archaizing and not seek words from the darkest past. 'Quaiso' is old enough; what need is there to say 'quaiso'? Although men only a little before our time used 'oppido', I fear that no one now would stand us if we used it; certainly only a show-off will use 'antegerio', which has the same meaning. What need is there to say 'aerumnas', as if it were not enough if we should say 'labores'? 'Exhaurio' is bold, 'exancl'o' shaggy with age. 'Reor' is tolerable, 'autumno' tragic. Say 'proles' only in verse; (to say) 'prosapia' is tasteless.

This is the second time that Quintilian has inveighed against immoderate use of archaisms. The first was 1.6.4 *Sed opus est modo, ut neque crebra sint haec nec manifesta, quia nihil est odiosius adfectione, nec utique ab ultimis et iam oblitteratis repetita temporibus, qualia sunt 'topper' et 'antegerio' et 'exanclare' et 'prosapia' et Saliorum carmina uix sacerdotibus suis satis intellecta*. The similarity in both thought and diction should be obvious. Of the four examples of excessive archaisms listed, two, *antegerio* and *prosapia*, reappear in the transmitted text of 8.3.25–6. We should not expect *topper* to appear there, since it is a synonym for *antegerio*, and Quintilian needs only one hyperarchaism to balance *oppido*. But there are some very good reasons why we should expect *exanclare* to have made an appearance. First, we have evidence of a lacuna in an unintelligible text, *tamquam parum sit si dicatur quod horridum*. The words *tamquam parum sit si dicatur* should be leading us to a quotation of something meaning the same as *aerumnas*, bold yet tolerable. But *horridum* should be a description of something excessively old and uncouth: cf. 9.4.3 *illum horridum sermonem*. So we should be missing three words: a tolerable word meaning the same as *aerumnas*, and then in chiasmic order another tolerable word, followed by an archaic synonym which can be described as *horridum*. Second, we have to explain why *aerumnas* is cited in the accusative. Possibly the reason is, as I have translated it, that we understand *dicere*. It is true that the last verbs used before this sentence were *utetur* and *usi sunt*. But the parallelism of *quid opus est* and the *quid necesse est* 'quaiso' *dicere*, which occurred four lines previously, may permit the understanding of that infinitive, especially if we allow an anticipation of a subsequent *si dicamus* (where the MSS. offer a passive *si dicatur*, which I find not impossible, but slightly awkward). But another possible reason for the accusative is that Quintilian is thinking of the frequent use of the noun in archaic poetry in the accusative case. The line which most comes to mind is Lucil. 1082 Marx *quantas quoque⁵² modo aerumnas quantosque labores / exanclaris*. For *exanclare* compare Enn. *Androm.* (*Scen.* 102 V) *quantis cum aerumnis exanclauī diem*. Compare also Cic. *Acad.* 2.108 (quoting Clitomachus) *credoque Clitomacho ita scribenti, ut Herculi quendam laborem exanclatum*, and *Tusc.* 1.118 *cum exanclauisset omnes labores*: Nonius 451.2. L *exanclare significat exhaurire*; Fest. Paul. 70.18 L *exanclare exhaurire*; Serg. Gramm. (4.477.11 K) *exantlavit, quod in Plauto lectum est, hoc est exhaurivit*. The passages establish the use of *exanclare* and *exhaurio* as synonyms governing synonymous *aerumnas* and *labores*. Of these, only *exhaurio* and *labores* continued to be acceptable in post-Augustan prose. For Quintilian's usage, cf. especially 4.5.23 *exhausti laboris*, 8 prooem. 6 *plurimum in hoc laboris exhausimus* (where, though, *labor* retains its primary meaning). He of course

⁵² I would read Dousa's *quotque*; *modo* then means 'just now'.

does not use in his own voice *aerumna* or *exanclare*. *Labores* may not seem very bold, but in fact in the meaning 'suffering' it is mostly poetic before Silver Latin (Lewis and Short B.1: 'mostly poet. and late Lat.; syn. *aerumna*'). There is therefore good reason for believing that the missing words include *labores* (accusative to match *aerumnas*), *exhaurio* and *exanclō* (probably in those forms, to be consonant with *reor* and *autumo* below, and *quaeso* above). Since the chances are slim of getting every word right in an extensive lacuna, I use the convention of double angle brackets. Among the variables, we cannot be sure that there is not some adjective (meaning *uetus*) missing after *labores* which *parum* modifies (*parum* corresponds to the *satis* of *satis uetus* above). The precise words used to call *exhaurio* 'bold but tolerable' cannot be determined: I chose *audenter dicitur* in part because of *multa alia audentius inseri possunt* in 27 below, in part because it seems to be an apt description of that particular word,⁵³ and in part because it may help explain the omission: in a sequence *si dicamus labores exhaurio audenter dicitur exanclō horridum* the scribe's eye may have skipped from *dicamus* to *dicitur*, producing *si dicatur exanclō horridum*. In this sequence *exanclō* would be unintelligible, and a scribe could have corrected it to a construable *quod*: 'if there should be said something which is horrid.' Another way in which *quod* could have been generated is if a corrector had written in the margin *q*, with a slash through its descender, meaning *quaere* (that is, investigate the problem here); this could then have intruded as a *quod*, or replaced an *exanclō* to which it was referred. I entertained the possibility that the sentence could have ended with something such as *exanclō ne dicatur, quod horridum* or *exanclō, si dicatur, horridum*, which would include *exanclō* within any omission by *saut du même au même*; but I concluded that they were too wordy and circuitous: compare the terseness and directness of the following '*Reor*' *tolerabile*, '*autumo*' *tragicum*. It is also possible that the omission is merely of a single line, with no *saut* involved. The words *labores exhaurio audenter dicitur exanclō* occupy thirty-seven letters (thirty-three when abbreviated), which is on the long side, but still within range of the column width reflected in A's tradition: perhaps a single adjective would be better than *audenter dicitur* if the error arose from omission of a whole line.

For A's *prolem dicendi uersum ei* my first thought was *prolem dicendum in uersu modo*. Second thoughts show that there are two problems with such a reading. First, the order with any adjective modifying *prolem* should be *prolem in uersu modo dicendum*, with the emphasis on *in uersu* and the modifiers enclosed between noun and adjective. Second, no adjectival form suffices to explain why *prolem* is accusative,⁵⁴ especially if the adjective were *dicendum*, since we could not then understand a *dicere* governing the noun. If there is a form of *dicere* expressed, it should govern *prolem*. Halm printed *prolem dicere inusitatum est*, which is far from the *ductus* and gives the wrong sense (Quintilian should in some sense concede the use of *proles*). Zumpt wanted *prolem dicemus in uersu, sed prosapia*. The order there should be *prolem in uersu dicemus*, to put *in uersu* in emphatic position. The only form of *dicere* that should precede an *in uersu* would be an imperative or a iussive subjunctive (which tend to come near the beginning of any sentence). The suggested *prolem dic in uersu modo* supposes that a scribe found *dicīuersum* (*dic in uersu modo*) and interpreted it as *dicendi uersum*. I know of no attestation that *dicī* or *dicī* should mean *dicendi*, but at 6.3.33 where Winterbottom prints *dicendi* (reported by Halm as the reading of aG),

⁵³ For the expression, cf. Scaev. *Dig.* 28.2.29.14 *nisi quod, licet audenter, possis dicere*, Porph. in *Hor. Carm.* 1.12.1 '*auritas quercus*' *audenter dictum*.

⁵⁴ The situation differs from the preceding sentence, where *aerumnas* can be explained as the expected object of *exanclō*. Neither *reor* nor *autumo* could govern *prolem*.

and Gesner is surely right to conjecture *dicenti*, Halm reports that A read *dicit*: this suggests an abbreviation *dicī* or *diči*, which A interpreted as *dicit* and aG as *dicendi*. And in 8 proem. 6, where A has correctly *dicendum*, G has *dicit dum* (which suggests an abbreviation *dicdum*). Even without these bits of evidence that the tradition may have interpreted the abbreviation as *dicendi*, the word could have been generated by way of *dicenti*.⁵⁵ It is possible however that even if we reconstruct *dic in uersu modo* as the source of *dicendi uersum*, we should nevertheless seclude *dic* as a scribal supplement: the word could easily be understood from the preceding context.

At first glance, an admonition to use *proles* only in verse may seem excessive, and comparable to calling *autumo* tragic rather than to calling *reor* tolerable. As E. Courtney points out to me, Quintilian's source is Cic. *De Oratore* 3.153, where *rebar* and *prolem* are included in a list of poetic words which Cicero himself would not hesitate to use in an oration. But by Quintilian's time there has been a distinction in practice: *reor* is used in his own voice by Quintilian (as in 2.16.9), but never *proles*, which, however, was used by Cicero, and is common in Silver Latin poetry, including Lucan, Statius, and Seneca. *Prosapia*, on the other hand, is never used by Lucan, Statius, or Seneca, and is not so much poetic as archaic. *Autumo* is not used by Lucan or Statius, but occurs three times in Senecan tragedy (*Ph.* 257, *Herc. O.* 916, *Oed.* 765). Although in archaic Latin it is attested most often in comedy, in Quintilian's lifetime the word is properly called 'tragic' (and not simply poetic). Therefore, although the selection of *reor* and *proles* as examples was influenced by Cicero, what Quintilian says about each word reflects the practice of his own day and his own taste, not Cicero's.

The *ei* which follows *uersum* in A cannot be rescued by reading it as an *et*: the rapid style requires asyndeton. It may be the remnant of the *o* that was superscribed above *modo*, or of an *et* which was a scribal interpolation. Zumpt could be right in changing *prosapiam* to *prosapia*; if not, we understand a *dicere* generated from the preceding *dic* (or the preceding context if *dic* is secluded).

8.6.33–4 (5–14 W)

At οἰνοιο et βιοιο ferimus in Graecis, Ouidius [ocoe] ludit 'uinoeo bonoeo'.... Eo magis necessaria catachresis, quam recte dicimus abusionem, quae non habentibus nomen suum accommodat quod in proximo est: sic 'equum <diuina Palladis arte> aedificant', et apud tragicos 'Aegialeo parentat pater.'

At οἰνοιο et βιοιο Heraeus: Adoinoia etuio eo A Ouidius Heraeus: obidius A [ocoe] ludit post Heraeum scripsi: ocoeludit A: ioco cludit Heraeus: hoc 'oeo' ludit tempt. Heraeus: hoc eludit tempt. Winterbottom uinoeo Heraeus: uino A diuina Palladis arte ex Verg. Badius: ogra putant A

This section has been annotated by someone of wide reading: so, in 8.6.10, there was an interpolation of a passage from Livy (deleted by Christ), which, since it is poorly placed, probably arose as just a marginal parallel, with no intent of interpolation. Christ also deleted an interpolation from Vergil in 8.6.29. In 8.6.34, *ogra putant* may be the remnant of some marginal note. If so, I think that the marginal note (meant for 8.6.33) was probably something such as *oeoeo gra<eca> putant* (most likely a combination of a marginal index, 'oeo' 'oeo', with comment on *uinoeo bonoeo* or *adoinoia etuio eo*: 'They think that the words are Greek'). The first

⁵⁵ W. M. Lindsay, *Notae Latinae* (Hildesheim, 1963), 49 and Supp. 11, records *diēs* for *dicens*, by analogy with which *diči* could be interpreted as *dicenti*. Abbreviations of forms of *dico* tend to be arbitrary, and to vary from codex to codex.

part (as *ocoe*) intruded in 8.6.33 after *obidius* (*Ouidius*), the latter part (as *o gra putant*) in 34, driving out part of a quotation of Vergil. For *Ouidius ludit*, cf. 9.3.70 *et apud Ouidium ludentem* 'cur ego non dicam Furia te furiam?', where Ovid puns. Here he parodies.

In a brilliant article,⁵⁶ W. Heraeus established that A's *uino bonoeo* conceals a fragment of a lost poem of Ovid. He confirmed his restoration by citation of Ausonius' imitation in *Ep.* 1.8.42 οὐνόοιο βόνόοιο. Winterbottom prints Heraeus' *Ouidius* and *uinoeo bonoeo*, but prints with daggers A's *adoinoia etuio eo* and *ocoeludit*, probably to leave room for his own conjecture *hoc eludit*, which does not combine well with Heraeus' *et βιοίο*. Hence he reports Radermacher's *At οἶνοι ἀγαθοί*, which wanders too far from the ductus. Although it is possible that *etuioeo* may conceal something else (e.g. *et οὐνόοιο*, which would make the Greeks too coin a word),⁵⁷ the virtue of Heraeus' *et βιοίο* is that it differs not a bit in pronunciation (in the time of the scribes) from the transmitted *etuioeo*. It is therefore not a conjecture, but a transcription.

It did not make it into Winterbottom's apparatus, but for A's *ocoeludit* Heraeus' first thought (as he explained in 259, note 2) was to seclude *ocoe* as an intruding marginal correction intended for one of the words in the sentence. Although he felt that the seclusion was supported by 9.3.70 *apud Ouidium ludentem*, he rejected it on the grounds that the tradition of Quintilian showed no secure intrusion of this type. In fact, as I have argued, this section of the text is filled with corruptions due to intrusion of marginal material. Besides the examples which I mentioned above of intruding quotations, the words *et apud tragicos aegialeo*, which occur properly here in 8.6.34, have intruded also in 8.6.26: although I suggested above that the intrusion may have arisen by the scribe's turning two pages at once, another method of intrusion would be if the line started as a marginal supplement intended to correct an accidental omission of a complete line of the exemplar at 8.6.34. At 8.6.23 Winterbottom follows Spalding in bracketing *cuius uis...ponere*, which probably originated as a marginal clarification. Also originating as a gloss would be *epitheton*, which Winterbottom secludes in 8.6.41. I have suggested above on 8.2.14 that *transiectio* and *hyperbato* originated as marginal indices, calling attention to a figure of speech in the next sentence. It is in this category, rather than Heraeus' category of correction, that I would place '*oeo oeo*': a scribe wished to call attention to the double Greek endings mentioned in the text. But *gra<eca> putant* would be a marginal comment. I doubt that the meaning would be 'They think that "*oeo oeo*" are Greek', since *oeo oeo* are syllables or forms, and both *syllaba* and *forma* are feminine. With *graeca* we should understand *nomina* or *uerba*. So I suspect two separate marginal notations: originally, on one line, *oeo oeo*, intended merely to index; then, in a line below it in the margin, a comment, 'They [that is, people, anonymous commentators] think that the words are Greek.' As codices would be copied complete with marginal notation, the lineation of the marginal notation would have been redivided, with *oeooe* on one line, and *ogra<eca>putant* on the next; there could now have been wider spacing between the lines of marginal comment, which would not have had to follow the ruling of the text proper (indeed, the margin would not normally possess ruling). From this arrangement the notations separately intruded, at least the first probably after the line-ending which it followed. Either before or (less likely) after intrusion, the notations would have been corrupted, so that *oeooe* became *ocoe* (probably by misreading of *e* as *c*, and by writing *oe* as the equivalently pronounced *e*), and *graeca*

⁵⁶ 'Ein makaronisches Ovidfragment bei Quintilian', *RhMus.* 79 (1930), 253–78.

⁵⁷ The topic under discussion is coinage of new words.

became *gra* (through *saut du même au même*). It is not possible to be sure of the process of any complicated corruption, but we can be sure that Quintilian did not misquote Verg. *Aen.* 2.15f as *equum ogra putant aedificant*,⁵⁸ while a simple *Ovidius ludit*, supported as it is by 9.3.70 *Ovidium ludentem*, seems more credible than any of the attempts to turn *ocoe* into Latin.

8.6.40 (20–21 W)

Cetera iam non significandi gratia, sed ad ornandam [non] augendamque orationem adsumuntur.

non (*alt.*) *A*: *seclusi*: et *Spalding*: aut *dubitanter Winterbottom*: nec non *Watt* augendamque
scripsi: augendam *A*

Non probably arose when the scribe, after copying a line *non significandi gratia sed ad ornandam*, instead of continuing with *augendam* mistakenly started to recopy the beginning of the same line. The mistake would have been caught, and the second *non* expunged by placing dots under or above the letters, but subsequent scribes often fail to notice such expunctions. We need a conjunctive connection, as *Rhet. ad Herennium* 4.19, *et ad ornandam et ad exaugendam orationem* (quoted by Winterbottom in his ‘Problems’) indicates, and J. M. Hunt noted in his review of ‘Problems’.⁵⁹ Quintilian’s style suggests *-que*, as in 8.3.89 *in augendo minuendoque*. The omission would be caused by haplography before *or-*, which in an uncial ligature looks very much like the abbreviation for *que* (*Q.*). See Servius on *Aen.* 5.203.1, *INTERIOR*, for which codex J shows *Interique* (and APaTa a conflation *interiorque*), and compare the way codex L (a direct copy of the MS. from which J descends) has written *OR* (*Umbrae Codicum Occidentalium* 1 [Amsterdam 1960] f. 4R, line 19).

8.6.40–1 (4–10 W)

apud oratorem, nisi aliquid efficit, redundat; tum autem efficit cum sine illo id quod dicitur minus est, qualia sunt: ‘o scelus abominandum, o deformem libidinem.’ Exornatur autem res tota maxime tralationibus: ‘cupiditas effrenata’ et ‘insanae substructiones.’ Et solet fieri aliis adiunctis [epitheton] tropis, ut apud Vergilium ‘turpis Egestas’ et ‘tristis Senectus’.

efficit (*prim.*) *Francius*: efficit *II*: efficitur *AG* efficit (*alt.*) *II*: efficitur *AG* cum *II*: si *a*:
om. AG id *II*: *om. AG* epitheton *secluit Winterbottom*: epitheto *Gertz* tropus
Obrecht

My text of 40 agrees with Halm’s. The reference is to the trope of epithet: a poet can use a conventional epithet, but in an orator an epithet must achieve something, or it is redundant. Winterbottom prints A’s *aliquid efficitur* and a’s *efficitur si*. The agreement of G with A in the omission of the conjunction makes it likely that a’s reading is a conjecture. The corrector supposed a haplography of *si*, but the reading of *II* (an eighth-century fragment in Parisinus Latinus 7530, ff. 222r–224v) suggests that the haplography is rather of *c̄* (*cum*), which would have fallen out after *ī* or *t’* (*tur*), if the omission occurred in a codex which read *efficitur*, or after *c̄*, if the omission occurred after *efficit* (abbreviated *effiē*). *Cum* makes a better correlative to *tum*.

The choice between *efficit* and *efficitur* is harder, since there is no difference in meaning. But the passive produces unmotivated switching back and forth of subject:

⁵⁸ Since throughout 8.6 Quintilian quotes complete units of poetry, Badius’ supplement is preferable to the simple deletion of *ogra putant* which Winterbottom entertains. In his text, Winterbottom prints *ogra putant* between daggers.

⁵⁹ CP 67 (1972), p. 57. Hunt, after entertaining *non* <minus quam>, preferred Spalding’s *et*.

the preceding sentence starts *Namque illis satis est conuenire id uerbo cui adponitur*, where *id* stands for *epitheton*, and functions as the subject of *conuenire* (*conuenire uerbo cui adponitur* is the concept contrasted with *aliquid efficit*); if we read passives, the subject switched from *epitheton* (with *conuenire*) to *aliquid* (with *efficitur*), back to *epitheton* (with *redundat*) back to *aliquid* (with the second *efficitur*), ending up with an *illo* which refers to *epitheton* (a much easier reference if *epitheton* is the subject of *efficit* in the preceding clause).

I am not so sure however that *IT*'s *id* (which both Halm and Winterbottom print) is correct. It may be just a scribal supplement to clarify the syntax, lest *illo* be taken as antecedent of *quod*. But the need for clarity existed for Quintilian as well as the scribe, and the record of AG in omitting small words does not permit weighing the evidence of their omission very heavily.

In 41, both Winterbottom and Halm print *egestas* and *senectus* with lower case initials. They require capitalization. The other trope with which the epithets are combined is, as Winterbottom noted, metonymy. This is on a different order from *cupiditas effrenata*, where, though the epithet 'unbridled' is metaphorical, *cupiditas* maintains its proper meaning 'greed'. In Vergil, *Egestas* and *Senectus* are demons seen by Aeneas in the underworld. Winterbottom is consistent in using lower case letters even in 8.6.27, where Horace's *pallida Mors* and Vergil's *pallentes Morbi* and *tristis Senectus* are cited to illustrate the type of metonymy defined as *id quod efficit ex eo quod efficitur*. But in 9.2.36, for the very similar figure prosopopoeia, Winterbottom capitalizes Vergil's *Famam* and the other personified nouns, such as *Voluptas* (which also illustrate *id quod efficit ex eo quod efficitur*).

8.6.54–5 (6–11 W)

In eo uero genere quo contraria ostenduntur ironia est (inclusionem uocant): quae aut pronuntiatione intellegitur aut persona aut rei natura; nam si qua earum uerbis dissentit, apparet diuersam esse orationi uoluntatem. Quamquam in plurimis id tropis accidit, ut intersit quid, de quo, quo <modo> dicatur, quia quod dicitur alibi uerum est.

quo, quo *distinxi*: quoquo *A*: quoque *Zumpt**: quo quidque *dubitanter Winterbottom* modo *scripsi: om. A* quia quod...est *A: seclussit Shackleton Bailey*

Quid corresponds to *rei natura*, *de quo* to *persona*, and *quo modo* to *pronuntiatione*: not only irony but other tropes as well are detected, and distinguished from literal truth, by what is said, of whom, and how.⁶⁰ Shackleton Bailey would seclude *quia...uerum est* as a gloss. He could be right, but not his reason, that the comment (that what is said is otherwise true) applies only to irony. It applies as well to at least metaphor, metonymy, allegory, and hyperbole. For instance, in 8.6.44 Quintilian quotes as an example of allegory Hor. *Carm.* 1.14, starting

‘O nauis, referent in mare te noui
fluctus: o quid agis? Fortiter occupa
portum’,

which he interprets as an allegory of the Ship of State. It should be clear that attention to content, reference, and tone are all necessary in order to detect that the poem is an allegory, and not simply a description of a ship.

⁶⁰ For the contrast of *quid* and *quo modo*, cf. 5.13.4 *Plurimum autem refert et quid protulerit aduersarius et quo modo*. Polysyndeton goes well with a group of two, but asyndeton suggests a grouping of three.

8.6.57 (20–21 W)

* ut ‘exta cocta numerabimus’.

* *lacunam statuit Freund* ut...numerabimus *ex Charisio Freund*: aliut textum spectaco et anumerauimus (enumerauimus A) AG

Freund understood this text correctly, that there is a lacuna referring to the trope *paroemia*, illustrated by the Latin equivalent of ‘Don’t count your chickens before they are hatched’ (‘We will count the organ meats when they are cooked’). This is quoted in better word order by Charisius 364.18 (Barwick) *parhoemia est vulgaris proverbii usurpatio cum aliqua diversitate, ut ‘cocta numerabimus exta’, cum significet ex eventu sciemus*. Winterbottom strangely prints †*aliut textum sp†* for *ut*. These words result from conflation of a suprascript correction with the text written below it; the suprascript words were probably *aliū spectā* (*aliter spectā*, meaning the scribe found *specta* in another source) superscribed over *ut extum* (a slight error for *ut exta*): *ali*+*ut* produced *aliut*, *ī*+*extum* produced *textum*, and *specta* entered following *textum*.⁶¹ *Co et anumerauimus* is a simple misreading with misdivision of *cocta numerauimus*. We must resort to Halm’s apparatus to discover that G has a more accurate version of the garbled reading, *anumerauimus* rather than A’s *facilior lectio* (since it produces a Latin word) *enumerauimus*. Here, unless A’s reading is misreported,⁶² we have another bit of evidence for G’s independence, since no conjecture would have restored the unintelligible *anumerauimus* in this badly garbled text.

9.3.67 (10 W)

‘quamquam homo hostis, homo.’

quamquam scripsi: quando A: quamuis *dubitanter Winterbottom*

Quintilian is quoting an example of a type of paronomasia. Winterbottom is probably right to feel that an adversative is needed.⁶³ But it should not be *quamuis*. The corruption is easily explained if *q̄qomo* (*quamquam homo*) became (by haplography and dittography) *q̄oomo* (*quando homo*). The haplography is seen in 8.3.25, quoted above.

9.3.72 (14–17 W)

Raro enuenit, sed uehementer conuenit si contigit, ut aliqui sensus uehemens et acer uenustatem aliquam <uoce> non eadem [eo uerbo], non dissona accipiat.

conuenit scripsi: uenit A: ualet Gertz si Gertz: sic A contigit A contingit 1414 uoce *scripsi*: om. A eo (o in ras. a) uerbo aG: *seclusi*: ex uerbo Regius: ex uoce Christ accipiat *uulg.*: accipit A

⁶¹ The conflation would also have arisen if *aliter extum* was superscribed over *ut spectā*, but *spectā* is a word more likely to have arisen by conjecture in an attempt to make sense of *exta* (the corruption of *exta* to *extū* presumably followed the invention of *spectā*, and may even have followed the act of conflation in an attempt to provide *textum* as an object for *spectā*). For another example of conflation of a superscribed correction, see my explanation of 5.14.21 in ‘Transmission’ 313 (and above, n. 45).

⁶² It is unlikely that G’s reading is misreported, since the variant *anumerauimus* is recorded in editions published well before Freund solved the crux.

⁶³ See note 2 of Winterbottom’s discussion of the passage in ‘Problems’. Winterbottom translates: ‘Though a man is an enemy, he is yet a man.’ He perhaps has merely translated freely, since the *TLL* (6.3.2885.70) is surely right in classifying *homo hostis* under the category of adnominal modification: ‘Although an enemy man, yet a man.’ Cf. the other examples of adnominal modification with *homo* in *TLL* 6.3.2885.60–84.

Quintilian is discussing puns: 'It rarely comes, but it very much becomes, if it has happened that some powerful and pointed *sententia* gains some charm from an utterance that is not the same, but yet not of different sound.'⁶⁴ He goes on to illustrate with his father's pun: '*non exigo uti immoriaris legatione: immorare.*' His comment: *Nam et ualet sensus ipse et in uerbis tantum distantibus iucunde consonat uox.* There is a reprise of *sensus uehemens* in *ualet sensus*, of *uenustatem aliquam* in *iucunde*, of *non eadem* in *in uerbis tantum distantibus*, of *uoce...non dissona* in *consonat uox*. It is not clear what A's original reading was where aG have *eo uerbo*, but I would like to think that it was *ei uerbo*, which would have arisen as a scribal clarification of *non eadem non dissona*. Regius wanted *eodem ex uerbo*, but a corruption of *eodem* to *eadem* is unmotivated before *uerbo*, and the feminine is reconfirmed by *dissona*, and below by *consonat uox*. Christ emended *uerbo* to *uoce*, which is not impossible (it supposes that *uoce* was glossed with a synonym *uerbo*), but a sequence *non eadem ex uoce non dissona* is stylistically unappealing. The word shared in common is best placed in front of the varying words; and *uoce* is not included in what is negated. Winterbottom indicated a preference for [*non eadem*] *ex uoce non dissona accipiat*, which gets rid of the stylistic awkwardness of Christ's reading at the expense of removing the correspondence with *in uerbis tantum distantibus* ('in words so different'), as well as removing an essential element in the definition of the type of pun now discussed (the use of an identical word was illustrated in 9.3.66 above). I suppose the accidental omission of *uoce*, perhaps aided by *saut du même au même*: in the sequence *aliquāuocēnon*, *uoc* could look like *ua* (with an *oc* form of *a*), or *uo* like *no*. The simple ablative is preferable to one with *ex*: cf. 2.18.2 *operis...consummatione finem accipiant*, 8.5.6 *maiores uim accipiunt et mutatione figurae...et tralatione*, 10.1.2 *nisi multo stilo uires acceperit*.

In the beginning of the sentence, *conuenit* supposes haplography of *ē* (*con*) after *ī* (-*ter*) of *uehementer*. In discussing puns, Quintilian has chosen to pun. Quintilian frequently illustrates his teaching by making use of it in close proximity to the instruction. Most of the examples are long, as his prooemium to 6, an emotional protest of his *infirmis* at the death of his son, prefixed to the book in which he explains how to arouse emotion (cf. especially 6.2.26 *summa enim...circa mouendos affectus in hoc posita est, ut moueamur ipsi*). But a brief and light-hearted example may be seen at 9.2.6 (*Quid enim tam commune quam interrogare uel percontari?*).

10.3.25–6 (10–20 W)

Demosthenes melius, qui se in locum ex quo nulla exaudiri uox et ex quo nihil prospici posset recondebat, ne aliud agere mentem cogerent oculi. Ideoque lucubrantis silentium noctis et clusum cubiculum et lumen unum uelut rectos maxime teneat. Sed cum in omni studiorum genere, tum in hoc praecipue bona ualetudo quaeque eam maxime praestat frugalitas necessaria est, cum tempora ab ipsa rerum natura ad quietem refectionemque nobis data in acerrimum laborem conuertimus. Cui tamen non plus inrogandum est quam quo somnus supererit aut <certe haud> deerit. Obstat enim diligentiae scribendi etiam fatigatio...

lucubrantis *scripsi*: lucubrantis *B* quo somnus *scripsi*: quod somno *B*: quam sono *b* aut certe haud *scripsi*: aut *B*: haud *p*: aut non *Kiderlin*: aut quo somnus *Silverman*

In this section, only codex *B* is extant, plus some corrections of *b* (which I have not

⁶⁴ I have translated freely to preserve the pun. For *uehementer conuenit* cf. 6.2.19 *maxime conuenit*, 12.8.14 *minime conuenit*. I have retained the transmitted *contigit*, since it can be construed, but I would have no serious quarrel with any scholar who would prefer to take it as a simple slip for *contingit* (internal -*n*- is weakly pronounced, and often omitted).

bothered to report on readings with which we are not here concerned). Winterbottom daggered *rectos*, and indeed it is that word which has regularly been suspected, and emended to such as *tectos*. But it is exactly the right word needed. Demosthenes knew a better way to concentrate on speech writing than withdrawing to the woods. He hid himself in a place where there were no distractions, *ne aliud agere mentem cogerent oculi*: 'lest his eyes force his mind to wander.' Quintilian therefore recommends working late at night so that the silence of the night (= Demosthenes' *ex quo nulla exaudiri uox posset*), the closed chamber, and a single lamp should as it were hold the eyes fixed straight ahead. Now the single lamp can serve only one function, not keep one covered (*tectos*), but prevent one's seeing anything but one's book (= Demosthenes' *ex quo nihil prospici posset*). With *rectos* we understand *oculos* (or rather, an equivalent pronoun *eos*) from *oculi* at the end of the preceding sentence. The force of *uelut* applies to the whole expression, *uelut rectos maxime teneat*:⁶⁵ lamps and such cannot literally hold the eyes fixed. For the collocation, cf. Sen. *Const.* 5.5 *rectos oculos tenet*, Ep. 76.33 and 104.24 and Cic. *Rab. Post.* 48 *rectis oculis*, Suet. *Aug.* 16 *ne rectis quidem oculis*, all of which refer to keeping one's eyes from swerving (whether from fright or other reason). The verb and concept are resumed again below in 28: *et hic faciendus usus ut omnia quae impediunt uincat intentio: quam si tota mente in opus ipsum derexeris, nihil eorum quae oculis uel auribus incursant ad animum perueniet*. There *derexeris* has as its object *intentio* ('attention'), but the message about concentration and fixity is the same. *Rectos* should not be tampered with in 25.⁶⁶ It might be possible to retain *lucubrantes* and suppose that it was the lucubrators rather than their eyes which were held fixed (*uelut* would then soften *rectos* alone). But I doubt that the expression (*recti* meaning 'having one's eyes fixed') can be paralleled. It is easier to suppose a dittography of *s*, turning *lucubranti silentium* into *lucubrantis silentium*, with *lucubrantis* interpreted as an accusative plural and thereby undergoing an orthographic change to *lucubrantes*. The dative seems preferable to a genitive *lucubrantis*, whose distant removal from *rectos* would give it inordinate emphasis. Whether dative or accusative, the participle shares the jussive meaning of *teneat*: 'And so one should burn the midnight oil and let the silence of the night and a closed room and a single lamp especially hold one's eyes, as it were, free from swerving.' As with *ne aliud agere mentem cogerent oculi* in the preceding sentence, both sound and sight are regarded as likely to distract the gaze (that is, if we heard something, we would turn and look; distraction of the ears is not separately specified).

In 26, Winterbottom prints *Cui tamen non plus inrogandum est quam quod somno supererit aut <non> deerit*. I find this unintelligible.⁶⁷ Since *supererit* balances

⁶⁵ For such extension, cf. e.g. 11.2.32 *et uelut oculis intuetur non paginas modo sed uersus prope ipsos*, of someone recalling in his memory what he has written.

⁶⁶ It follows that I cannot accept the conjecture *rektor* of L. W. Rutland, 'Institutio Oratoria 10.3.25 a Suggestion', *RhM* 128 (1985), 191–4. The silence of the night *et al.* do not function 'as a tutor or guide', but operate by not distracting. And the elimination of the predicate adjective with *teneat* produces an awkwardness: *derexeris* below is a *variatio* for *rectos teneat*.

⁶⁷ In his 'Problems', Winterbottom suggested *aut <facile> deerit*, and translated: 'The only time we must devote to work is time that is superfluous to sleep—or at least can without difficulty do without it.' This is neither good English nor a credible interpretation of the Latin text (it is not time, but the orator who would have to do without sleep; but if time is easily lacking to sleep, that would mean that it was sleep that was doing without time). Butler read *haud deerit*, and translated: 'From these hours we must take only such time as is superfluous for sleep, and will not be missed.' This gives to *deerit* a unique meaning, and one which cannot be justified as a contrast to *supererit*. For the meanings that can be attached to *superest* and *deest* in contrast with one another, see the examples which I cite below for such play in Quintilian, especially 4.2.44.

deerit, it means not ‘will be left over after sleep’, but ‘will be in abundance’. The expression ‘time will be in abundance for sleep’ strikes me as odd to begin with; but how ‘time that will not be lacking for sleep’ (or, with the MSS., ‘that will be lacking for sleep’) can be directed to late night work escapes me. It is sleep that will be in abundance or will, at least, not be in short supply. A minimum change should start with reading *somnus* for *somno*, the error arising from haplography in the sequence *somno**supererit*. One might then try to justify *quod* as an accusative of extent of time, but it seems more natural to read *quo* (the change of *quo* to *quod* might have been a scribal adjustment to the error *somno supererit*, or a dittography of uncial *d* before uncial *s*): ‘No more time must be allocated for late-night work than the time when sleep will be in abundance (that is, more than one needs), or at least will not be in short supply (that is, not less than one needs).’ Since short words often do fall out, Kiderlin’s <*non*> is possible. It does however produce a shorter closing than I would expect (*deerit* is a disyllable), and lacks a word for ‘at least’. ‘Or at least’ is *aut certe* (cf. 9.2.94 *obiciant palam aut certe non exigant*, 10.4.4 *Sit ergo aliquando quod placeat aut certe quod sufficiat*, 10.3.32, and elsewhere). As the first of these examples illustrate, *aut* <*certe non*> is a possible supplement, but the cause for the omission would be ready at hand if we read *aut* <*certe haud*>. *Haud* is often spelled *haut*. Early editions generally read *haud* for *aut*, but the resulting break-up of the play between *deerit* and *supererit* condemns that attempted remedy: cf. 4.2.44 *satiisque aliquid narrationi superesse quam deesse*, 4.5.27 *ne quid in ea desit, ne quid supersit*, 9.4.84 *quod supersit aut desit*, 8.2.22 *nihil neque desit neque superfluat*. Against even my *aut certe haud*, it may be said that *haud* is used elsewhere by Quintilian only twice, both times in the phrase *haud dubie*.⁶⁸ It is not an ordinary substitute for *non* in his diction, but here the meaning ‘or at least will by no means be lacking’ may justify it.

My suggestion *quo somnus* was prompted by Silverman’s conjecture *quod somno supererit aut* <*quo somnus*> *deerit* (‘time which will be superfluous for sleep or when sleep will be lacking anyway’ because one has insomnia and cannot sleep). That would make good sense in itself (I would prefer *quo somnus supererit aut desit*), but the following words (*Obstat enim diligentiae scribendi etiam fatigatio* – ‘For diligence in writing is impeded not only by distractions but by fatigue’) show that the sentence in question must mean ‘One should always get enough sleep.’ In order to have a play on *superest* and *deest*, Quintilian has divided ‘enough sleep’ into ‘more than enough’ and ‘not less than enough’.

11.2.18 (12–14 W)

Loca ediscunt quam maxime spatiosa, multa uarietate signata, domum forte magnam et in multos diductam recessus.

loca ediscunt scripsi: *loce discunt G*: *loca discunt 1418*: *loca deligunt Spalding*

Most editions read *loca discunt*. But *G* is here our sole authority, and its *loce discunt* is a misdivision of *loca ediscunt*. *Ediscunt* is Quintilian’s regular word for ‘memorize’. Quintilian is explaining the trick for memorization: first one memorizes a spacious and varied setting, such as a palace; then one fills all the rooms and crannies with symbols of the things one wants to remember. Neither *discunt* nor *deligunt* works well: the place is not a real one, which is learned or selected, but it exists only in the imagination. Winterbottom comments that ‘*loca discunt* here and “in iis quae

⁶⁸ 1.1.4 and 10.1.85. In the last instance, *G* has *aut*. In Tacitus, we find *haud defutura* in *Hist.* 4.39.5, and *haud defuere* in *Ann.* 12.7.1.

didicerunt locis” at 23 defend each other’. In 23 we probably have an instance of ‘compound-simplex iteration’,⁶⁹ although it is not impossible that *quae didicerunt* is haplography for *quae didicerunt*.

11.3.16 (13–16 W)

Nam opus est omnibus; sicut non oris modo suauitate sed narium quoque (per quas quod superest uocis egeritur) dulcis est et non exprobratus sonus.

egeritur *B*: egreditur *b* est et *scripsi*: esse tamen *B*: esse tam *b* exprobratus *scripsi*: exprobra *b*: exprobrans *B*

Quintilian says that he will not bother discussing whether for a good voice the lungs or chest or head are more important: ‘For there is need of all; just as it is not by the sweetness of the mouth alone but of the nose as well (through which the rest of the voice exits) that a sound is sweet and free from reproach.’ Winterbottom prints *dulcis esse †tament† non exprobrans sonus*. I take the first error to arise from a scribe’s turning *ēetn̄* (*est et non*) into *ēētñn̄* (*esse tamen non*). This leaves *B*’s *exprobrans* with an unprecedented sense.⁷⁰ Since *b* has *exprobra*, I suppose that the common source had *exprobras*, which *B*, by the simplest correction, turned into *exprobrans* and *b* corrupted by haplography (before *sonus*). *Exprobras* would come from *exprobratus* by a *saut* from open *a* to *u*. The added plus is that with *exprobratus sonus* the paragraph now ends with a double cretic – on the very words which describe good sound.

12.11.3 (28–1 W)

quae occasio [illo] fuit dicendi malle eum deficere quam desinere.

illo *G*: *del. Obrecht*

Quintilian records that Domitius Afer kept up his career as an orator long after his powers had failed, so that when he pleaded cases (*agente illo*) some listeners laughed and some blushed. ‘And that was the occasion for saying that he would rather fail than stop.’ Obrecht was correct to delete *illo*: it is an intrusion from *agente illo* above. Winterbottom daggers the word, and records that some think that it conceals a name, such as *Iulio Africano*. Hardly. The name would not have been positioned between *quae occasio* and *fuit*. Watt’s *occasio <pop>ulo fuit* is not as bad (since *occasio populo* might be thought of as a single word), but *quae occasio fuit dicendi* forms a neat colon of proper length, with *fuit* in good enclitic position, second to its predicate, the first emphatic word in the clause: the full predicate is *occasio dicendi* (which is itself essentially a single concept), and enclisis calls for *fuit* to follow the first real word of the grouping. Any intrusion between *occasio* and *fuit* produces at best awkwardness and an over-long colon, and at worst bad Latin.⁷¹

⁶⁹ See C. Watkins, ‘An Indo-European Construction in Greek and Latin’, *HSCP* 71 (1960), 115–19; R. Renehan, *Greek Textual Criticism* (Cambridge, Mass. 1969), 77–84, and ‘Compound-Simplex Verbal Iteration in Plautus’, *CP* 72 (1977), 243–8. Most of the examples cited in Latin are from poetry, but that is only because poetry is where those who have written on the topic have looked.

⁷⁰ The *TLL* 5.2.1803.9 lists the participle as an equivalent for ‘*immitis, asper, probrus* (*opp. dulcis*)’, but gives this as the sole instance. Butler translated it ‘harsh’.

⁷¹ On the practice of the Romans to speak and write in units which we call cola, see E. Fraenkel, *Leseproben aus Reden Ciceros und Catos, Sussidi Eruditi* 22 (Rome, 1968), *Kleine Beitrage zur klassischen Philologie* (Rome, 1964), 1.73–92 (‘Kolon und Satz’) and 1.93.119 (‘Kolon und Satz II’), *Noch einmal Kolon und Satz* (Munich, 1965), T. N. Habinek, *The Colometry of Latin Prose* (U. C. Publ.: Classical Studies 25; Berkeley 1985). In the sentence in

I close with a passage from Book 3 on which there is room for reasonable disagreement, but where the case deserves to be presented for a different construction from the editors.

3.6.23–4 (16–27 W)

Ac primum Aristoteles elementa decem constituit, circa quae uersari uideatur omnis quaestio... deinde facere pati habere (quod est quasi armatum esse, uestitum esse); nouissime *κείσθαι*, quod est compositum esse quodam modo, ut iacere stare <sedere>. Sed ex his omnibus prima quattuor ad status pertinere, cetera ad quosdam locos argumentorum uidentur.

iacere 1: calere (ere in ras. a) AB: calere facere B² stare sedere scripsi: stare irasci AB: stare Adamietz: sedere Spalding

Quintilian cites the ten categories of Aristotle, the last four of which are *facere*, *pati*, *habere*, and *κείσθαι*. In Aristotle (*Cat.* 1b25–2a3) all ten categories are illustrated, each with a pair of examples. In Quintilian, only the last two of the ten are exemplified, *habere* by *quasi armatum esse*, *uestitum esse* (where Aristotle has *ἔχειν δὲ οἶον ὑποδέχεται, ὥπλισται*), *κείσθαι* by what the MSS. give as *calere*, *stare*, *irasci* (where Aristotle has *κείσθαι δὲ οἶον ἀνάκειται κἀθήται*). *Calere* is just a metathesis for *lacere*, a misreading of a *iacere* written with *i longa*. *Facere*, which shows up in the corrector of B, may be another attempt to make sense of *lacere*, which then became conflated with the first attempt. *Stare* is the only word in the MSS. which accurately exemplifies *κείσθαι*, and so is unlikely to have arisen as a conjecture after *calere* and *irasci* had made the category seem to be something much different from what Aristotle meant. *Irasci* is completely inaccurate, and must be a sheer scribal guess, after the corruption *calere* had already occurred. The scribe felt the need of a third infinitive, both because Quintilian often uses groups of three in asyndeton, and because *facere pati habere* above presented such a group (although those three are categories, and not examples). Spalding printed *sedere stare iacere*, but indicated in his notes that he preferred a group of two, *iacere sedere* (printed by Halm). Adamietz declared that we need a grouping of two, and chose *iacere stare*: he was followed by Winterbottom and Cousin. Nevertheless I believe that the instincts of the interpolator who added *irasci* were correct in so far as he judged that Quintilian would have used a grouping of three. The use of a grouping of two with *armatum esse*, *uestitum esse* is no proof to the contrary, since the greater length of the periphrastic constructions allows each to form a separate colon (it is therefore not necessary to conjecture an accidental omission of *calceatum esse*, though that possibility cannot be excluded). Quintilian is probably not using Aristotle directly, or at least not solely. It is more likely that he is using the tradition of rhetorical comment on Aristotle, probably some Latin commentary which had already made a connection between Aristotle's categories and the doctrine of *status* which is Quintilian's concern. Our clues are the following passages: Porph. in *Categ.*, p. 142.2 λέγω δὲ τὸ τε ἀνακείσθαι καὶ τὸ ἐστάναι καὶ τὸ καθῆσθαι; Ammon. in *Categ.*, p. 93.1⁷² κείσθαι δὲ ἐστὶν ἢ τοιαύδε τοῦ σώματος θέσις, τούτου δὲ εἶδη τρία, ἀνακείσθαι καθῆσθαι ἐστάναι; Mart. Cap 363

question, the second colon is marked by the enclitic *eum* as starting with *malle*. Therefore the first colon ends with *dicendi*, not with *fuit*. Since the verb does not end its colon (one of the positions open to it), nor is it emphatic and initial in its colon, it must be in the only remaining position, the common one for a copula, enclitically second in its word group, here right after the first word of its predicate.

⁷² Cf. also p. 92.6, where Ammonius distinguishes the first four categories from the other six, as does Quintilian.

situs, ut puta iacet sedet, habitus ut calceatus armatus, Mart. Cap. 381 *situs omnis denominative dicitur, ut sedere a sessione, stare ab statione*. Martianus follows Aristotle in giving his examples in groupings of two: his *iacet sedet* corresponds closely to Aristotle's ἀνάκειται κάθεται (as does his *calceatus armatus* to Aristotle's ὑποδέδεται, ὀπλίσται), but in 381 his *sedere* and *stare* lend support to *stare* in Quintilian. The one constant in all five versions (Aristotle, Porphyry, Ammonius, and both passages of Martianus) is a word for 'sit'. Porphyry and Ammonius use a grouping of three infinitives, Porphyry in the order which I believe Quintilian used ('recline and stand and sit'), Ammonius with a different order, but with asyndeton. A reason for the accidental omission of *sedere* in Quintilian is apparent: it is an easy *saut* when the following letters are *sedex*.⁷³

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⁷³ This paper has benefited from the helpful criticism of W. S. Anderson, as well as of the students mentioned above. E. Courtney supplied useful bibliographic information. The first note, on 6.3.100, was presented in briefer form at the American Philological Association Convention in December, 1989. On 6.3.78, Courtney points out to me that Syme was anticipated in arguing for *Vario* (and in identifying him with L. Varius Rufus) by A. Koerte, 'Augusteer bei Philodem', *RhM* 45 (1890), 172–7, who himself (p. 173) gives credit to W. S. Teuffel, *RLG*⁴ 51.1. But the fourth edition (Leipzig, 1882) was revised by Schwabe, who was probably responsible for electing the reading. To judge from Halm's report, all were anticipated by the *codex descriptus* M (which Syme did not acknowledge).