

THE *INTEGRI* OF CICERO'S *TOPICA*\*

Cicero's *Topica* is transmitted as part of the so-called Leiden corpus;<sup>1</sup> but it appeared in only two of the three Carolingian manuscripts carrying that corpus (Leiden, Voss. Lat. F. 84 = A and Lat. F. 86 = B; their agreement is dubbed  $\beta$ ), and in both it lacked 1–3, 28 (*magis*)*tratuum*—73 *Haec*. During the ninth century, however, B was supplemented by the addition of folios ( $B_A$ ) which completed the text. In 1860 these folios were officiously transferred to A. There are a large number of *integri*, dating from the tenth century on. Editors have picked more or less at random from this pile to back up the evidence of  $\beta$ . They are also blessed with a detailed and intelligent commentary on the *Topica* written by Boethius. 'That the text of the commentary influenced manuscripts of Cicero has been suspected but not proved' (M. D. Reeve).<sup>2</sup>

In a painstaking new edition of the *Topica*,<sup>3</sup> Giorgio Di Maria has given us the first apparatus criticus worthy of the name for this work, and provided material on which conclusions about the problem raised by Reeve and about the tradition generally can be based. Di Maria might have shown, more systematically than he does, the way in which the influence of Boethian readings spread; and he could have drawn deductions that he did not clearly draw for the editing of the *Topica*. I am entirely indebted to his book for information about the readings of the eight non- $\beta$  manuscripts that he uses (he classes them together as  $\alpha$ ). I have not had access to his own (unpublished) text of the Boethian commentary, and my conclusions must remain provisional in that respect.<sup>4</sup>

Di Maria's eight *integri* are grouped by him into two sets of three, with two over. The first group, which he calls  $\gamma$ , rests on two eleventh-century texts in Bamberg, Class. 14 ( $B_{1a}$  and  $B_{1b}$ ), together with Valenciennes 406 ( $V_2$ ), a little older. The second group consists of Chartres 498 (s. xii; C), Florence, Biblioteca Laurenziana, S. Marco 166 (s. xii; F) and Vatican, Ottobonianus lat. 1406 (s. xi ex.; O). The two others, 'qui, cum nulli alii in editione adhibito praesertim affines sint, lectiones haud spernendas nobis tradiderunt' (p. xxvi), are Einsiedeln 324 (s. x ex.; a) and Berlin, lat. 2<sup>o</sup> 252 (s. xii; e, the celebrated collection made for Wibald). Di Maria does not venture any opinion as to the relationship between  $\gamma$ , CFO, a and e, though he does say that a and  $B_A$  are very alike 'in fontibus' (p. xxvii).<sup>4a</sup> As for  $B_A$  itself, he regards it as not being

\* I am very grateful to the anonymous referee, and have tried to benefit from his comments. He added the general point 'that the style of *Topica* is rather informal, and that this makes the minutiae of textual criticism even more difficult than usual'. I have employed the following abbreviations: p.c.: after correction;  $a^c$ : a before correction;  $a^{pc}$ : a after correction;  $a^{ms}$ : a in the margin;  $a^{v1}$ : variant reading in a;  $a^{s1}$ : a above the line.

<sup>1</sup> See L. D. Reynolds (ed.), *Texts and Transmission* (Oxford, 1983), 125.

<sup>2</sup> *Ibid.*, p. 130 n. 31.

<sup>3</sup> *Marci Tullii Ciceronis Topica* edidit, commentario critico instruxit Georgius Di Maria (Palermo, 1994). I use his manuscript sigla (not that they are very convenient), and cite the *Topica* by section and Di Maria's line, adding in parentheses a line-reference to A. S. Wilkins's shoddy but more easily accessible Oxford Classical Text (1903).

<sup>4</sup> I cite the commentary from *M. Tullii Ciceronis Scholiastae*, ediderunt Io. Casp. Orellius et Io. Georgius Baiterus (Zürich, 1833) (= Orelli-Baiter V.i), 270–388, citing by page and line. The commentary as we have it extends only to *Top.* 76.

<sup>4a</sup> The supplementing folios  $B_A$  cannot, if only on grounds of date, have been copied from a, though they could have been copied from a's exemplar. a is not a copy of B as completed by  $B_A$  (see Di Maria's list of errors unique to AB on p. xvii).

in the  $\beta$  family. He lists (p. xx) readings common to all (or very nearly all) of the  $\alpha$  manuscripts in passages where  $\beta$  is available.<sup>5</sup>

I turn to Boethian influence on the manuscripts of the *Topica*. Di Maria (p. 75) points to a passage in 27 that suggests strongly that this influence extends to the archetype. The words 'earum autem rerum quae non sunt' seem to be imported from Boethius 320, 6–7<sup>6</sup> (where we have *vero* for *autem*); there they are entirely in place, as they are distinctly not where all the manuscripts place them in the *Topica*, before 'non esse rursus ea...' Other instances of this sort of thing may lurk, unnoticed and unnoticeable, among the many passages where the text implied or cited by Boethius is the same as that of the archetype of the *Topica*.

An analysis of cases where Boethian contamination seems certain or very likely in some (not all) of the  $\alpha$  witnesses, however, produces interesting results. We need to start from Boethian *errors*; and these are most easily diagnosed where  $\beta$  as well as  $\alpha$  is available.

*Boethian errors in  $\alpha$*  27, 5(20) parietes  $\alpha^{ac}$  (also  $B_{1b}$ ) = Boethius 320,5 (coincidental?)  
 $e\gamma FO$  24, 12(4) quod] quantum = 310, 1  
 $e\gamma CFO$  10, 11(19) lex <aelia santia> (*vel sim.*)<sup>7</sup> (also  $\alpha^{ms}$ ) = 291 *passim*  
 $eFO$  4, 17(6) scripsisses] cavisses, cf. 272, 33  
 $\gamma$  23, 23(21) ex]  $\alpha^8$  = 307, 34  
 $\gamma F$  22, 15(13) rebus] causis, cf. 306, 6–7 (and 314, 47)  
 $O$  23, 2(23) <re> minore = 308, 4; 76, 8–9(30) fortuitarum<sup>9</sup>  
 <rerum> = 388, 14–15  
 $FO$  20, 7(5) conubium] conubii ius = e.g. 304, 41 (contrast e.g. 362, 10); 21, 14(12) repugnat = 305, 40 (contrast 314, 46)

The picture is clear enough. Apart from a single instance, corrected in the manuscript,  $\alpha$  is pure; of the other nine cases, seven appear in  $O$ , six in  $F$ , four in  $\gamma$ , three in  $e$ , one in  $C$ .

Nor is the picture different if we turn to apparent Boethian errors outside the passages available in  $\beta$ .

*Boethian errors in  $B_A$*  2, 10(10–11) perveniretur (p.c.), cf. 271, 43 veniretur; 3, 7(19) Aristotelica (p.c.; so also  $ae\gamma FO$ ) = 272, 15; 55, 24(26) mereri (so all the MSS, except  $\alpha^{ac}$ ) = e.g. 365, 23  
 $e$  1, 5(5) libros = 271, 37; 49, 9(25) Graeci <vocant> = 345, 15;  
 62, 9(26) librum = 370, 34; 62, 10(27–8) *om. et cito* = 370, 39<sup>10</sup>

<sup>5</sup> A parallel list of errors common to  $B_A$  (in the absence of  $\beta$ ) and the other *integri* would not be instructive, because such errors might go back to the archetype that lies behind  $\alpha$  and  $\beta$ .

<sup>6</sup> They do not seem to come from *Top.* 26, Di Maria's alternative explanation.

<sup>7</sup>  $B^{sl}$  is said to have *elia*, but this will not have been in the exemplar. That  $e$  has *aelia sancia* before rather than after *lex* could be a sign of the contamination.  $\alpha^{ms}$ 's giving the Boethian reading is not untypical of the behaviour of  $\alpha$ 's corrector;  $\alpha$ 's original text is, as I shall show, consistently sincere.

<sup>8</sup> The reading is perfectly sensible after *ab effectis rebus* at the start of the section and similar phrases earlier (it could even be right); and this, like some of the other readings given, could be a correction made independently of Boethius.

<sup>9</sup> And  $F$  has *fortuitarum* (rather than the neuter), without *rerum*.  $O$ 's phrase may be right: cf. *rerum fortuitarum* at 73 (the right order, as in Boethius?).  
<sup>10</sup> Perhaps a coincidence.

- e $\gamma$ CFO 44, 16(19) obtinuisset = 341, 25;<sup>11</sup> 61, 24(17) cecidissent = 369, 34  
 $\gamma$  36, 11(25) vis] ius = 336, 37; 66, 14(27) agi (+ F<sup>v</sup>) = 378, 23 (some codd.)  
 $\gamma$ C 55, 21(23) hunc (+ B<sub>A</sub><sup>pc</sup>) = 364, 35  
 $\gamma$ F 58, 22(19) ea = 367, 17  
C 42, 4(7) Graeci...nominant = 340, 33; 51, 22(8) patere = 346, 11  
CF 56, 5(1) dicitur] nuncupatur, cf. 366, 1  
CO 44, 15(18) mortuus] moreretur = 341, 18  
CFO 31, 10(12)  $\pi\rho\phi\lambda$ . <dicunt> = 332, 15; 48, 1-2(18) praepositio (so a<sup>v</sup>)...privat (+ V<sub>2</sub>), cf. 344, 34-5; 72, 1(28) <his> quos,<sup>12</sup> cf. 386, 3  
F 62, 9(26) perturbatione <animi> = 370, 35  
FO 28, 19(4) consistit = 321, 22; 48, 1(17-18) Gr(a)ece appellatur = 344, 32; 48, 3(19) <ut> dignitas = 344, 38; 54, 11(13) negaris <et his alia negatio rursus adiungitur> = 364, 15-16

Out of these twenty-five cases, one is in the first hand of B<sub>A</sub>, three in its second; one in a (which excels itself at 55, 24 [26]); but fourteen in F, twelve in O, eleven in C, and eight each in e and  $\gamma$ .

We begin to glimpse that B<sub>A</sub> and a are virtually free of diagnosable Boethian contamination, while e $\gamma$ C and especially F and O are strongly subject to it.

Entirely consistent with this is an interesting series of cases where some, but not all, of the  $\alpha$  manuscripts have good readings, not found in  $\beta$ (B<sub>A</sub>), that could have been imported from Boethius. I merge passages where  $\beta$  is available with those where it is not, and reserve to a footnote less striking or less clear-cut cases.<sup>13</sup>

- e $\gamma$ CFO 6, 1(20) partes (artes  $\beta$ a) = 274, 17 and 276, 12; 13, 11(3) ducitur (dicitur  $\beta$ a<sup>ac</sup>) = 313, 22; 31, 11(13) cognitio enodationis (cognitionis B<sub>A</sub>a) = 332, 17; 45, 5(28) mortui (*om.* B<sub>A</sub>a) = 341, 35  
eCFO 32, 17(19) per translationem (translatione B<sub>A</sub><sup>14</sup>a $\gamma$ ) = 333, 3; 49, 9(26) aientibus (agentibus B<sub>A</sub> aB<sub>1a</sub> B<sub>1b</sub>) = 345, 18; 66, 15(28-9) melius (eius [eis  $\gamma$ ] melius B<sub>A</sub> a) = 378, 30 (see Di Maria, 100-1)  
 $\gamma$  55, 23(25) autumas (aestumas B<sub>A</sub>a, estimas eCFO) = 365, 25 and 31  
 $\gamma$ CFO 28, 18(3) iuris (*om.*  $\beta$ a<sup>ac</sup> e) = 321, 21  
FO 23, 1(24) reguntur (regantur  $\beta$ a $\epsilon$  $\gamma$ C) = 307, 44

<sup>11</sup> But the constructions differ.

<sup>12</sup> Rightly?

<sup>13</sup> e $\gamma$ CFO 38, 25-1(9) coniugatione (coniunctione B<sub>A</sub>aB<sub>1b</sub><sup>ac</sup>), cf. 337, 26-8 (and *Top.* 12 above); 44, 15(19) venisset (venissent B<sub>A</sub>a<sup>ac</sup>), cf. 341, 19 (as well as the context); 54, 5(7) igitur (autem B<sub>A</sub>a), cf. 361, 12; 54, 12(14) ut (aut B<sub>A</sub><sup>ac</sup> [?]a), cf. 364, 18; 64, 26(13) magis quam (magisque B<sub>A</sub>a<sup>ac</sup> and perhaps C) = 375, 4; 66, 17 (30) quid (before socium) (quis B<sub>A</sub> a<sup>ac</sup> [?]), cf. 378, 43.

eFO 43, 9(13) <ex eodem similitudinis loco> sic B<sub>A</sub>a $\gamma$ C: the corrector saw that this comes from 44 below, a good perception eased by the Boethian discussion at 341, 1 seq.

C 43, 9(12) adigere (adicere B<sub>A</sub>a $\epsilon$  $\gamma$ F, addicere O) = 341, 10.

CO 23, 24(22) huius (eius  $\beta$ a $\epsilon$  $\gamma$ F), cf. 307, 37 'hoc modo'; 39, 10(18) propiore (propiore B<sub>A</sub>aV<sub>2</sub> B<sub>1b</sub><sup>ac</sup> F: e has a further error), cf. 338, 42 'genus proximum'.

At 75, 4(26) for *Staieno*  $\beta$  has *statiieno*. Only eC have the right reading, but a has *staieno*, and this (or *staieno*) will probably have been the reading of  $\alpha$ . But the correction could have been made from 388, 7.

<sup>14</sup> It is a striking testimony to the sincerity of B<sub>A</sub> that before correction it had the accusative.

Again, a before correction is remarkably absent from the list. In other circumstances, one might suppose that these good readings had been vertically transmitted. But in view of the material assembled above, it is tempting to suppose that  $B_A$  and a owe both their vices and their virtues to a lack of interference from Boethius, while the other  $\alpha$  manuscripts, in varying degrees, owe their vices and virtues to a surfeit of it. It is not a question of drawing a stemma, but of recognizing a spectrum of sincerity which starts from  $B_A$  and a on one side, passes through  $e\gamma C$ , and arrives at F and O on the other.

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If we now turn our attention away from Boethius, we should be especially interested in agreements in error of  $\beta$  with members, or groups of members, of  $\alpha$ . Agreements with  $\alpha$  are abundantly documented above and below. But very striking too is coincidence of  $\beta$  with F, and to a lesser extent with  $B_{1a}$ . Thus  $\beta$  and F agree at: 9, 3(10) *om. quae*; 75, 4(25) *imprudentes* (but also Boethius 388, 6); 78, 4(23) *reque publica*] *atque re publica* (+  $B_{1a}^{pe}$ ); 83, 4–5(2) <sit> (so  $B_{1a}^{sl}$ ) *adsentator*; 87, 16(3) <de> *altero* (+  $B_{1a}$ : perhaps rightly, cf. Quintilian 7.3.8); 93, 14(18) *quoniam*] *quae* (+  $B_{1a}^{pe}$ ); 94, 21(25) <de> *honestate* (only  $\beta B_{1a}$ ); 94, 2(28) *laudatur* (+  $eB_{1a}$ ); 94, 2(29) *quod* (+ C); 98, 17(2) *hic*] *is* (+  $B_{1a}^{pe}$ ); 99, 1(7) <in> *libris* (+  $B_{1a}^{sl}$ ); 100, 4(11) *oratione* (only  $\beta B_{1a}^{pe}$ ). These agreements point clearly to contamination from  $\beta$  to F and to  $B_{1a}$  (continuing in its second hand), and are a further sign of the insincerity of F. There is nothing so striking in  $\beta$ 's coincidences with other individual  $\alpha$  manuscripts:  $\beta V_2$  22, 21(19) *possit*;  $\beta O$  99, 20(5) *om. et* (before *iracundia*). Either of these *could* be a transmitted error, easily corrected in the other  $\alpha$  texts (the former with the help of Boethius 306, 30); but no doubt they are in fact coincidences.

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I have tried to show, by a cumulative argument, that  $\beta(B_A)\alpha$  transmit archetypal readings that in other *integri* are regularly corrected, or corrupted, by reference to the Boethian commentary. The argument is rounded off by a list of non-Boethian passages<sup>15</sup> where  $\beta(B_A)\alpha$  are wrong against (some of) the others. If, in these cases, the other  $\alpha$  manuscripts seemed to give good readings that could not be the result of conjecture, my whole thesis would be imperilled. In fact, in all the passages I list, correction seems well within the compass of a medieval reader<sup>16</sup> (I at times comment on the ease of the correction). I reserve to a final section a list of passages where the correctness of  $\beta(B_A)\alpha$  readings, and therefore the text itself, is in doubt.

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|--------------|---|
| 30, 3(4–5)   | <i>ne si]</i> nisi $B_A a\epsilon\gamma C$                              |
| 32, 2(23)    | <i>quaerentibus]</i> quaerentique $B_A a^{ac}$ (-ti C)                  |
| 33, 15(5)    | <i>diductio]</i> deductio $B_A a\epsilon\gamma CF$                      |
| 43, 9–10(13) | <i>nocet]</i> non nocet $B_A a\gamma$ , obvious nonsense in the context |
| 44, 16(19)   | <i>quae]</i> qua $B_A a^{ac}$   |
| 45, 4(28)    | <i>muta</i> $V_2$ : multa <i>rell. codd.</i>                            |
| 49, 6(22)    | <i>velut]</i> vel $B_A a\gamma C(?)$                                    |

<sup>15</sup> That is, passages where Boethius does not hand a corrector the reading on a plate, or where he does not help at all: I mention some where he might have helped somewhat. I naturally exclude passages like 86, 8(27) *propositi*, where the correction was only made in modern times.

<sup>16</sup> As will be seen, the correction is often made in only one or two (often later) manuscripts; this perhaps makes the likelihood of conjecture (rather than contamination from some unknown source) stronger.

- 49, 8(24) alia] illa  $B_A\gamma CO$ , perhaps rightly (so Friedrich; see however Di Maria, 88); the correction *alia* follows the lead of the previous sentence.
- 55, 18(20–21) conficitur]  $B_A a^{ac} \gamma$ . For the indicative cf. Boethius 364, 27 colliguntur.
- 57, 16(12–13) hae quidem] haec quidem  $B_A$ , equidem  $a^{ac}$
- 58, 21(17) equidem] et quidem  $B_A ae$
- 58, 24(20) non habet sed] habet  $B_A\gamma C$ ; the context cries out for a negative (Di Maria, 96)
- 62, 7(24) efficiunt] efficiuntur  $B_A\gamma CFO$ ; *efficient* precedes, and prompts the correction to the active.
- 63, 21(7–8) etiam ea quae fiunt partim sunt] etiam ut ea...sint (sint also O)  $B_A ae\gamma C$ ; the correction is eased by Boethius 374, 25–6.
- 64, 1(14) quae] *om.*  $B_A ae\gamma CF$
- 64, 2–3(15–16) enim et admonitione] et admonitione enim  $B_A\gamma C$ , an impossible order.
- 66, 15(28) arbitrio] arbitro  $B_A a$
- 66, 20(1) oporteret] oportet  $B_A a^{ac}$
- 67, 24(6) ex] e  $B_A a$
- 68, 9(16) spectantur] exspectantur  $B_A a^{ac} \gamma CFO$
- 72, 22(26) et] *om.*  $B_A ae\gamma C$
- 80, 17(3) aut (after autem)] *om.*  $\beta ae\gamma CF$ ; the correction brings the clause into line with the previous one.
- 83, 5(3) et natura] natura  $\beta ae\gamma C$  (acceptably?)
- 88, 20(8) adiunctis] adiuncti  $\beta ae\gamma F$
- iis] ei  $\beta$ , ii a (corrected rightly only in O). See for the whole phrase Di Maria, 109–10.

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I come finally to a discussion of passages where one might hesitate between the readings of  $\beta(B_A)a$  and those of some or all of the other *a* manuscripts. In many of them Di Maria has arguably been too favourable to the claims of what he himself regards as ‘contaminated’ witnesses.

- 2 non tam vitandi laboris mei causa quam quia tua id interesse arbitraretur  
causa FO: *om.*  $B_A\gamma C$

A genitive gerundive of cause (without *causa* etc.) is said not to be found in Cicero (though the referee points out *Rep.* 1.16), but there is a possible case in Caesar, *Bell. Gall.* 4.17.10, cited by Leumann-Hofmann-Szantyr, p. 75 (in the wake of Terence, *Adelph.* 270 ‘ne id adsentandi mage quam quo habeam gratum facere existumes’). The correction will in any case have been eased by Boethius 272, 8–9.

- 9 sed ad id totum de quo disseritur tum definitio adhibetur quae quasi involutum  
evoluit id de quo quaeritur  
quae  $\gamma O$ : qua ae: quo C: *om.*  $\beta F$   
evoluit  $\gamma$ : evoluitur  $\beta ae CFO$

The passive construction *qua*<sup>17</sup>...*evoluitur* seems possible. Boethius’s paraphrase at 287, 31–7 (cf. 287, 47–288, 1 and also 291, 1–3) could have prompted  $\gamma$ ’s *quae*...*evoluit*, but does not ensure that Cicero wrote this; and compare 319, 29–30 ‘nam si definitio est qua explicatur id quod definitur quid sit’.

<sup>17</sup> Boethius 287, 31–2 *tunc...quando* rests on a misunderstanding of Cicero, for whom *tum definitio* correlates with *tum partium enumeratio* in 10.

**11** Cicero's list of *affected* includes 'alia ex adiunctis'. Only eO give *adiunctis*:  $\beta\alpha\gamma\text{CF}$  have *coniunctis*. Di Maria prefers the former 'quod antiquius sit' (p. 67); but, as he admits, Cicero's (and Boethius's) usage varies. Here *con-* is transmitted (and supported<sup>18</sup> by Boethius 293, 11); and that Cicero should have used *con-* here and *ad-* at 18 is no odder than his retrospective use of *con-* at 53.

**21** quod enim semel testamento alicui datum est, id ab eo invito cui datum est auferri non potest

alicui a<sup>v</sup>leCFO: cui  $\beta\alpha\gamma$

*cui* does not seem impossible as an indefinite in a relative clause (Kühner-Stegmann, i.634), though its position is not idiomatic. But we should probably delete it as an anticipation of *cui* below (also before *datum est*).

**27** quarum rerum nullum subest quasi corpus, est tamen quaedam conformatio insignita et impressa intellegentiae quam notionem voco

intellegentiae FO: intellegentia  $\beta\alpha\gamma\text{C}$

Boethius (320, 20–2 'sed quaedam earum rerum incorporalis animi conceptio est atque intelligentia, quam notionem vocavit') will have read the nominative (cf. also 332, 33–4), and rightly so (cf. Cic. *De finibus* 3.21 'cepit intellegentiam vel notionem potius'), for *notiones* are imprinted on the *animus* (cf. e.g. *Acad.* 1.42), not on the *intellegentia*. But all is still not well. There may be a lacuna: 'conformatio <et in animo> insignita et impressa intellegentia.'

**36** Servius noster, ut opinor, nihil putat esse notandum nisi post, et liminium illud productionem esse verbi vult

illud  $\gamma V_2 B_{1a}^{pe}\text{CFO}$ : post illud  $B_{1a}^{ac} B_{1b}$ : potest (then deleted) illud a: post et liminium (et liminium *in ras.*)  $B_A$

*illud* is unexceptionable. But if we could be sure that *post et liminium* was in  $B_A$ 's exemplar, one would delete the three words as a dittography of what precedes. As it is, the original reading of  $B_A$  is uncertain: it too could have been *post illud*. Boethius 336, 42–3 does not settle the matter either way.

**37** Scaevola autem P. filius iunctum putat esse verbum

putat esse CFO: esse putat  $B_A\alpha\gamma$

*esse putat* is not impossible, and puts (perhaps) a desirable stress on *iunctum*<sup>19</sup> (contrast Servius's view of the word as *post* plus a termination). CFO could be influenced by Boethius 337, 3–4, itself affected by Boethius's striving for rhythm.

**37** ut quae a nobis alienata cum ad hostem pervenerint ex suo tamquam limine exierint, hinc cum redierint post ad idem limen postliminio redisse videantur

hinc CFO: et ea  $B_A\alpha\epsilon B_{1a} B_{1b}$  (et huc ea  $V_2$ )

*hinc* is mere conjecture, not even supported by Boethius's paraphrase (337, 6–8), and we should read *ea* without *et* (erased in  $B_A$ ). *hinc ea* (Friedrich) is an unwarranted conflation.

<sup>18</sup> The converse of my hypothesis that coincidence with Boethius *weakens* the authority of readings of  $e\gamma\text{CFO}$  against  $\beta(B_A)a$  is that when  $\beta(B_A)a$  and Boethius agree against the others they should be giving us the truth.

<sup>19</sup> But Professor J. N. Adams, whose monograph *Wackernagel's law and the placement of the copula esse in classical Latin* (Cambridge Philological Society Suppl. Vol. 18, 1994) inspired this remark, points out to me that his examples 153–9 (pp. 30–31) support the order *putat esse*. He also remarks on the likeness of 53, 19–20(28–9) 'reperiendi argumenti locus est simplex, tractandi triplex' to his example 320 (p. 62, from Cic. *de orat.* 3.67). That order (printed by Di Maria) is found only in C and one of the  $\gamma$  manuscripts. *simplex* seems to have been omitted in the transmission (*om.*  $B_A\alpha^{ac}$ ), but to have been added in different places in the MSS by conjecture or from Boethius 360, 21–2.

- 42 haec ex pluribus perveniens quo vult appellatur inductio, quae Graece ἐπαγωγή nominatur

appellatur εγCFO (nuncupatur Boethius 340, 33): appelletur B<sub>A</sub>a

The subjunctive is choicer, and probably correct. Cf. 93 'refutatio ... accusationis ... , quoniam Graece στάσις dicitur, appelletur Latine status'. It is true that there Cicero is coining the word for the first time, whereas he has used *inductio* before at *inv.* 1.51. But he had disowned the *De Inventione* (*de orat.* 1.5) as an unworthy work of his youth. Friedrich's argument (*JCIPh* 139 [1889], 290) that the subjunctive would require *quoniam* (as at 93) rather than *quae* seems not to be decisive.<sup>20</sup>

- 43 quem ad modum, fines qui magis agrorum videntur esse quam urbis, si in urbe de finibus controversia est, finibus regendis adigere arbitrum non possis, sic si aqua pluvia in urbe nocet, quoniam res tota magis agrorum est, aquae pluviae arcendae adigere arbitrum non possis.

So B<sub>A</sub>aeγC (barring minor details here suppressed). FO transpose *si...est* to follow *quem ad modum* (so Wilkins and Di Maria). They are thus led on to delete *fines*, as well as (correctly) to change *qui* to *quia* (cf. Boethius 341, 10). The transposition brings the two halves of the period more closely into line, but it is not necessary, and spoils a choice variation. The discussion in Boethius 341, 1 seq. does not throw light on the issue either way.

- 47 haec quae ex eodem genere contraria sunt appellantur adversa.

adversa FO: diversa B<sub>A</sub>aeγC

The same manuscripts have *diversa* at the reprise in 48, and it is more likely that FO have corrected from Boethius (344, 13) than that the others strayed twice. Rhythm favours the more obvious *adversa* here, but is not decisive in this text.

- 52 praeterea restinctus ignis, gladius cruentus, ceteraque quae suspicionem facti possunt movere.

ceteraque B<sub>A</sub><sup>pc</sup>CFO: cetera B<sub>A</sub>a: et cetera εγ

The two different remedies applied to the asyndetic *cetera* strike the eye. For the asyndeton cf. *inv.* 2.177 'honos, pecunia, ... potentia, cetera quae simili esse in genere intelleguntur' (with the inevitable variants). B<sub>A</sub>aeγF also give *possint*, a tolerable (generic) subjunctive.

- 54 cum autem aliqua coniuncta negaris, <aliam negationem rursus adiunxeris> et ex iis primum sumpseris ut quod relinquitur tollendum sit, is tertius appellatur conclusionis modus.

primum FO: unum<sup>21</sup> aut plura B<sub>A</sub>aeγC

*unum aut plura* is transmitted, and should prevail; it (inoffensively) leaves open the possibility of a multipartite choice (contra Di Maria, 94). The referee comments: '*primum* is presumably imported from above.'

- 55 non quod omnis sententia proprio nomine ἐνθύμημα non dicatur, sed ut...

quod omnis eFO: qui nominis B<sub>A</sub><sup>ac</sup>a: quia non omnis B<sub>A</sub><sup>pc</sup>γC

non eFO: om. B<sub>A</sub>aeγC

*non quod...non* no doubt strays in from Boethius 364, 24–5. *non quia non omnis* is preferable (as bringing *non* next to *omnis*) and legitimate (cf. e.g. *Tusc.* 1.1). But the old reading *non quin omnis* (cf. at least *Att.* 7.26.2) would be nearer still to what was transmitted.

- 58 harum (sc. causarum) exempla ... paulo ante posui equidem ex iure civili; sed haec patent latius. causarum igitur genera duo sunt; unum ... alterum ...

igitur FO: enim B<sub>A</sub>aeγC

<sup>20</sup> Boethius in fact gives *quod*, apparently with the meaning 'because'.

<sup>21</sup> It is interesting that Boethius 364, 17 confirms *unum*, without adding *aut plura*.

Di Maria defends *igitur* (pp. 95–6), but it is a mere conjecture, with no palaeographical probability. Both particles have been deleted in their time. But we should perhaps read *autem*, comparing 26 ‘definitio est...definitionum autem duo genera prima: unum...alterum...’ (also 80–1). For the confusion of *autem* and *enim*, caused by similar compendia, see P. Lehmann, *Philologus* 27 (1914–16), 543–8.

62 habitu, ut qui facile et cito irascitur  
irascitur eCO: irascatur B<sub>A</sub>γF

Boethius 370, 39 also has the subjunctive, but he has changed the construction so that *irascatur* is parallel to his substitutes for Cicero’s *timeat* above. Unless we are to emend to *ut si quis* or to *ut quis*, making *irascatur* parallel to *timeat* above or *crescat* below, we are left with the explanation of a potential subjunctive in a defining relative clause. Despite Friedrich, *ibid.* 292, *irascitur* is not ensured by *legis* above, where the construction is different.

69 specie autem comparantur ut anteponantur quae propter se expetenda sunt iis quae propter aliud et ut innata atque insita adsumptis atque adventiciis...

The second (inelegant) *atque* is given only by FO; *et*, the reading of B<sub>A</sub>aeγC, is confirmed by Boethius 380, 36.

70 quae se ipsis contenta sunt meliora quam quae egent aliis  
ipsis eCFO: ipsa B<sub>A</sub>γ

Di Maria (p. 103) concedes that *ipsa* is possible. Indeed it is choicer and should be accepted, especially as *ipsis* could come from Boethius 382, 1. Cf. *Phil.* 5.35 ‘qua etiam si careat (*sc.* virtus), tamen sit se ipsa contenta’, where the rhythm shows that *ipsa* is nominative. See generally Kühner-Stegmann, i.632.

71 si consilio iuvare cives et auxilio aequa in laude ponendum est, pari gloria debent esse ei qui consulunt et ei qui defendunt.

consulunt eγCFO: consuluntur B<sub>A</sub>a (and probably B<sub>1a</sub>B<sub>1b</sub> before correction)

Boethius (383, 7–8) seems correct to take the two alternatives as the help given by *irisperiti* and orators respectively (for *consilio iuvare* of lawyers see *off.* 2.65, where the words gloss (del. Muther) *in iure cavere*, and perhaps Plin. *ep.* 1.22.6). For the passive of lawyers e.g. *Quinct.* 53. Conversely, *consulo* does not mean ‘advise’. The active is doubtless taken over from Boethius 383, 9.

71 Cicero goes on, according to Di Maria: ‘at quod primum, est; quod sequitur igitur.’ This is the (shorthand) text implied by Boethius (383, 10–11), but it is at least possible that we should follow B<sub>A</sub>aB<sub>1a</sub> in reading ‘et ita fit quod primum est par ei (id aB<sub>1a</sub>C) quod sequitur’, *igitur* then being taken with the following sentence.

72 ita a principio (8) divisimus ut alios locos diceremus in eo ipso de quo ambigitur haerere, ... alios adsumi extrinsecus.

B<sub>A</sub>a give *ambigetur*, and we should perhaps be encouraged by this to follow V<sub>2</sub>C in reading *ambigeretur* rather than the *ambigitur* of the other manuscripts. Compare *ageretur* at Boethius 385, 41.

76 excellit] excellel βα<sup>ac</sup>γC(?); this may be right (see *TLL* s.v. *excello* 1212, 65 seq.), despite *excellunt* transmitted at 73. It is true that Friedrich regards *excellet* as assimilated to *valet* above (*ibid.*, 293).