Studies on the Transmission of Cicero's speech *Pro Roscio Comoedo*

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Declaration of Independence
Selbstständigkeitserklärung

I hereby declare that this dissertation is my own original work and that all sources and resources consulted or quoted are explicitly credited and marked as such wherever they have been drawn upon in the present work.

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Conventions

Translations are my own unless otherwise indicated. Citations from Cicero's speeches are from the edition of Clark and Peterson (1905–1911); specific textual readings are cited by section and line-number in that edition. Manuscript sigla are printed bold and a key is provided at the head of the bibliography. Primary sources are listed in the general bibliography under the editor's name, not the author's. Where modern works are cited in abbreviated form, the abbreviation is listed in the bibliography. Humanists' names are given in the form and language most likely to be recognizable in each case, without applying a general rule, e.g. Nicolas de Clamanges, but Nicolaus Cusanus.

Ancient authors and works are abbreviated as in the *Oxford Classical Dictionary*, 3rd edition, with the following additions (all works of Cicero): *Agr.* = *De lege agraria*, *Caec.* = *Pro Caecina*, *Opt. gen.* = *De optimo genere oratoris*, *Rosc. com.* = *Pro Roscio comoedo*, *Rab. perd.* = *Pro Rabirio perduellionis reo* (as it is conventionally called). The abbreviation *Agr./Pis.* refers to the speeches *De lege agraria* and *In Pisonem* as a group, and *Rab./Rosc. com.* refers likewise to the three speeches *Pro Rabirio Postumo*, *Pro Rabirio perduellionis reo* and *Pro Roscio comoedo* insofar as they occur together in the transmission. Cicero's works are cited by section, not chapter number.

Greek text is set in the Alexander font made by George Douros and used here under Creative Commons licence; it is modelled on the type cut by Alexander Wilson for the edition of Homer published in 1756–58 by the Foulis Brothers' Press, Glasgow.

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Chapter 1 Introduction

The speech *Pro Roscio comoedo* is one of the most interesting but least known items in the Ciceronian corpus. This legal defence of ancient Rome's most famous actor against a claim from his former business partner casts a unique light on the day-to-day operation of the Roman theatre of the first century BC, from its payrates to its current gossip, from how to manage a slave-trainee to how Roscius acted in Plautus' *Pseudolus*. Despite this interest, it is seldom read. The reason is its disastrous transmission: all our texts depend on a single, unreliable Renaissance copy lacking both the start and end of the speech, the meaning of which is often baffling. Although the extant text is longer than many complete Ciceronian speeches, it consists entirely of dense argumentation, lacking the expository passages normally found in the opening and closing sections of a speech. We thus have no clear guide to the content that could help us make sense of the confusing and often erroneous text.

The first step to a more satisfactory interpretation of the speech is to examine the transmitted evidence to understand its limits, habits and quirks, so that, even though we have little evidence, we may learn to read what we have in a sophisticated and informed way. This is especially important given that our sole witness is the shrewd but often over-confident humanist Poggio Bracciolini (1380–1459). From other manuscript traditions we can trace how Poggio corrected, altered and standardized texts as he copied them. To read his productions intelligently, we need to be as shrewd as he was, and both track his distinctive scribal and linguistic habits and assess his level of knowledge and readiness to alter his texts on the basis of it. Wherever possible, however, we need to try to see beyond Poggio. We have such little control over his evidence that even faint indications based on any other source are of immense value, as they allow us to confront Poggio with some outside point of view, and so to gauge the objectivity of the rest of what he has given us.

The present set of studies of the transmission of *Pro Roscio comoedo*, which is preparatory to a new edition of the speech, hence pursues the twin goals of understanding Poggio as a witness to the text and of establishing sources of information about it that are, at least to some degree, independent of him. The studies proceed in broadly chronological fashion from the ancient and mediaeval reports of the speech for Roscius, through our evidence for the discovery of the text in the fifteenth century, and on to a detailed examination of the manuscript *Vaticanus latinus 11458*. This codex was announced in the mid-twentieth century by A. Campana to be Poggio's autograph copy of *Rosc. com.* made at the very moment of the text's discovery.[1] The identification will be reviewed (and confirmed), but a surprising aspect of this manuscript is that it not only allows us to understand Poggio and his text better, but also advances our goal of seeing beyond him, both through marginal notes in which he describes details of the lost codex from which he copied the text and through comparison with early copies that reveal certain elements in the manuscript to be subsequent additions. Hence as well as examining the codicology and content of the manuscript and the distinctive features of its text of *Rosc. com.*, special studies are presented here of its corrections and of two types of paratextual material, firstly Poggio's notes about the codices he found, and secondly the titles now profusely present in the manuscript. The final study addresses the question of whether, contrary to the current consensus, there could be another source of the text of *Rosc. com.* which is independent of Poggio's extant manuscript.

[1] First identified as such in 1948, but presented in more detail only in Campana, 1973.

The results of the studies are then brought together to present in conclusion a synoptic picture of the transmission of *Rosc. com.*

Existing research and the contribution of the present work

The transmission of *Rosc. com.* has usually been treated together with that of other speeches by Cicero, most decisively in the early twentieth century by CLARK in his edition of the speeches and in the monographs that prepared it,[2] and, in the same period, in the numerous studies of Renaissance discoveries of the classics by SABBADINI.[3] Clark's position that all our texts of *Rosc. com.* descend ultimately from Poggio's manuscript is essentially endorsed in the more recent standard account of the transmission of the speeches, by ROUSE AND REEVE, who update it only to take note of the rediscovery of Poggio's autograph copy itself, which was not available to Clark.[4] Many of Sabbadini's detailed interpretations are open to question, but nothing has undermined his conclusion that the first appearance of *Rosc. com.* in the post-classical era occurred in the discovery of eight Ciceronian speeches by Poggio while travelling alone in northern Europe in the summer of 1417 during the Council of Constance.

Only two studies have been been devoted specifically to the transmission of *Rosc. com.* Of these, AXER's monograph accompanying his 1976 Teubner edition of the speech was the first examination of the text in Poggio's autograph, *Vaticanus latinus 11458* (hereafter cited by the siglum **X**).[5] Axer provided a transcription of the text of *Rosc. com.* in **X**, with annotations detailing the corrections and marginalia in the manuscript, which, bar a few oversights, provides a thorough report of the text.[6] Axer's edition and transcription raise the question of how to treat the many corrections in **X**, most of them in Poggio's own hand. Axer maintains that the majority of these are not conjectural emendations by Poggio, but instead record his re-checking of his own text against the exemplar. Axer consequently treats the correction, rather than the uncorrected reading, as the transmitted text and it is this that he reports in his transcription, though the original readings are all recorded in the accompanying notes.[7] Most of these corrections were adopted by all copies of Poggio's manuscript, so the uncorrected readings were the main source of new textual information yielded by the rediscovery of **X**, as previous editors had had to reconstruct its text on the basis of the copies. Yet, paradoxically, Axer's questionable thesis about the nature of the corrections meant that these new readings were largely

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[2] The edition is cited hereafter as 'Clark, ed. 1909', while 'Clark, 1909' refers to the accompanying monograph, *Inventa Italorum*; Clark, 1905, i–iii, is also relevant. Clark's work was the culmination of over a century of manuscript study by other scholars, in which the researches of LAGOMARSINI in the 18th century (on whom see Pittia, 2004, 277–278 n. 47) and the edition of BAITER in 1854 stand out as milestones.

[3] Especially Sabbadini, 1967 (first published 1905), vol. 1, 80–81 (cf. vol. 2, 191–193), and id. 1914, 29–43.

[4] Rouse & Reeve, 1986, 91.

[5] Editors have used the sigla **g** (Clark), **P** (Coraluppi), **V** (Giardina, Axer, Marek, Olechowska, Klodt) and **X** (Nisbet, Rouse & Reeve). Of the recent sigla, **X** is here preferred because it avoids the need to change siglum for different works in the manuscript, as **P** and **V** conventionally designate other major mss. in the tradition of *In Pisonem*, *Pro Fonteio* and *Pro Flacco*, all also present in **X**.

[6] Axer, 1976, 37–59; differences from Axer's reading of the manuscript are recorded in Appendix 1 below. Hereafter 'Axer, 1976' refers to this monograph, 'Axer, ed. 1976' to the edition. Much of this monograph was subsequently republished in other languages or incorporated into the apparatus of Axer's edition; in those cases the later publications are cited.

[7] Some but not all of these annotations are repeated more briefly in Latin in the apparatus to Axer's edition, but the fuller versions in the monograph (in Polish) remain valuable, being the only complete published record of the corrections and marginalia.

passed over in his edition. The character of the corrections and the relative value of the first and second versions of the text is re-examined in Chapter 6 below.

The second study devoted specifically to the transmission of *Rosc. com.* is presented in a 2004 article by PITTIA. This stands out for the claim to have identified a second branch of manuscript transmission, independent of Poggio's copy **X**, in four Florentine manuscripts, rejecting the long-standing consensus that Poggio's copy is the sole source of all our texts of this speech. This major innovation is examined in a special study below (Ch. 9). Pittia also argues that *Rosc. com.* was unknown in the ancient world and had an anomalous transmission within the Ciceronian corpus; this point is addressed in Chapter 2 below in the study of the ancient testimonia to the speech. In addition, Pittia traces in detail the editorial history of five supposed fragments of *Rosc. com.* that appeared in a few editions around the turn of the eighteenth to nineteenth centuries.[8] Pittia has adequately demonstrated that these texts have no real connection to *Rosc. com.*, so they will not be revisited here, but another putative fragment of the speech (not considered by Pittia), which has not appeared in any edition of *Rosc. com.* but which has been widely accepted as testimony to a lost part of the speech, is examined as part of the study of the ancient testimonia presented below (Ch. 2.2).

Poggio's manuscript **X** contains eight speeches and two grammatical fragments,[9] and editors of these other works have often covered ground relevant also to the transmission of *Rosc. com.* REEVE's study of speeches *De lege agraria* and *In Pisonem* has presented findings about the earliest copies of **X** that rest on much wider manuscript evidence than the older editions and studies, which still depend heavily on the selection of Florentine manuscripts collated by Lagomarsini almost 300 years ago.[10] Reeve also reports the work of DAVIES on the relative chronology of the early copies.[11] These findings about the early copies will be built on below to elucidate the different stages of **X**'s production, in order to distinguish its earliest text from later additions.[12]

The edition and monograph of OLECHOWSKA (on *Pro Rabirio Postumo*) and the edition of MAREK (of *De lege agraria* and *Pro Rabirio perduellionis reo*) likewise present relevant aspects of parallel transmissions, the latter also offering an important interpretation of the marginalia in **X**.[13] KLODT (in her commentary on *Pro Rabirio Postumo*) and CORALUPPI (in studies preparatory to an editon of *De lege agraria*) consider the evidence for the location of Poggio's discovery of the speeches, including *Rosc. com.*, building on the older researches of Sabbadini, but each reaching a different conclusion.[14] The evidence for the discovery is re-examined below in Chapter 3 with special attention to the distinctive textual dynamics of each piece of testimony, a focus which makes it possible to progress to a more precise reading of the evidence and a firm result locating the findspot of *Rosc. com.*

Not only editors but also palaeographers and scholars of humanism have taken great interest in **X**, and the studies offered below will draw on the palaeographical researches of ULLMAN and DE LA MARE,

[8] Pittia, 2004, 279–287. The fragments appear in the editions of Cicero by Ernesti, ed. 1772–1776, vol. 4.2, p. 1059 (though not in his text of *Rosc. com.* in vol. 2.1, 81–102); Schütz, ed. 1817, vol. 16.2, p. 50; Nobbe, ed. 1827, p. 1119. The attribution of the fragments instead to *Rab. perd.* (§ 36) and Seneca (frg. 60 = *De amicitia* 9 Vottero) by Niebuhr, 1820, 79–80, is universally accepted.

[9] As described in Chapter 4 below (on the codicology of **X**), two more speeches copied by a different hand have subsequently been bound in at the back of the manuscript, but these have no connection to Poggio's discovery and are not embraced by the term 'Poggio's manuscript' in what follows.

[10] Above all in Reeve, 1995, but also in other studies.

[11] Davies, 1984, and ap. Reeve, 1995, 62.

[12] The early copies are drawn on below in Chapters 6, on the corrections, and 8, on the titles, and are discussed directly in Appendix 2.

[13] Olechowska, 1981 and 1984, and Marek, 1983, esp. p. VI, on which see below, Ch. 7, on the marginalia.

[14] Klodt, 1992, 77–81; Coraluppi, 1980.

and, more specifically for the evaluation of Poggio's marginalia, on the lexical study of RIZZO.[15] The marginalia have also been addressed directly in an 1982 article by PECERE. The study of the marginalia offered below as Chapter 7 both builds on and modifies the findings of Rizzo and Pecere.

The greatest attention in the present set of studies of the transmission of *Rosc. com.* is necessarily given to the manuscript **X** itself, which has been consulted directly, as well as on microfilm and digital images, drawing also on the standard catalogues.[16] In addition, however, use is made of some early copies of **X**, including the manuscript *Vaticanus latinus 13689* (consulted on microfilm). As shown in Appendix 2 below, the latter manuscript is one of the two earliest surviving copies of the text of *Rosc. com.* in **X**. It was formerly *S. Michele, Murano, cod. 37*, and is known in the research literature as 'the lost Murano manuscript' because it was known from an eighteenth-century catalogue but had disappeared without trace by the time of Clark's researches in the early twentieth century. The fact that this lost manuscript is still extant in the Vatican Library has remained unknown to Ciceronian scholars and its evidence is considered in detail here for the first time.[17] Its relation to **X** and the other early copies is discussed in Appendix 2.

Limitations

The present work is subject to practical limitations. The question of whether there is a non-Poggian branch of the transmission is addressed here only insofar as concerns the specific claim made by Pittia and the four manuscripts that she has identified as bearers of an independent tradition. Yet dozens of other manuscripts of *Rosc. com.* are known which remain entirely unexplored, and the question of whether any independent tradition of the text exists can only be answered definitively once these manuscripts have been examined.[18] Despite the increasing availability of digital images of manuscripts, the full study of the material would have required an investment in reproductions and/or travel that exceeded the resources of the present project. This is less problematic than it might seem, in that the one source we definitely do have, namely Poggio's manuscript **X**, still offers scope for further advancing our knowledge of the text, and this properly takes precedence over the search for possible but perhaps non-existent independent traditions. The present work is the first study of the text of *Rosc. com.* to be based on first-hand inspection of **X.**[19] The examination of the other manuscripts remains a necessary editorial task, but the present studies stand independent of it.

1.2 The Attribution of Rosc. com. to Cicero

Although the present work serves the better understanding of the speech for the actor Roscius, the study of its transmission is necessarily concerned more with its physical and palaeographical form and fortuna than with its style, arguments or factual content, which will be touched on only in passing in

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[15] Ullman, 1960; de la Mare, 1973; Rizzo, 1973.

[16] Images available at DVL (https://digi.vatlib.it/view/MSS_Vat.lat.11458). Catalogues: Ruysschaert, 1959, 93–96; Gilles-Raynal et al., 2010, 808–810.

[17] Reeve, 1995, records this codex and its contents along with all other mss. of *Agr.* and *Pis.*, but does not note its provenance from S. Michele in Murano or its identity as Clark's lost manuscript. Pittia, 2004, 277, states that the Murano manuscript is still missing.

[18] I have identified 71 mss. of *Rosc. com.* and 7 incunabular editions of equal interest, though note that Axer's incunable 'Brixiensis 1473', listed but not cited in his edition, appears to be a phantom.

[19] Axer worked from photographs and Pittia from Axer's edition, while the interest of Pecere, 1982, is in the marginalia and titles, not the text of the speeches.

the rest of this work. However, there is one very basic issue for which it is necessary to address the style and content of the speech more directly, namely the question of whether it was written by Cicero at all.

In a study of *Rosc. com.*'s unusual linguistic and rhetorical style, F. Klingner expressed surprise that he was the first to doubt its Ciceronian authorship.[20] The oddities of style—its short, paratactic sentences instead of Cicero's typical long subordinating periods, an extreme frequency of questions and question-and-answer figures, informal and colloquial language, the avoidance of Cicero's characteristic rhythmic clausulae—had been catalogued in detail, but no satisfactory explanation had been found for the anomaly.[21] The proposal that the speech is not Cicero's would resolve the problem at a stroke. Although no-one, not even Klingner himself, has taken up this suggestion, it has never been satisfactorily refuted.[22]

Klingner rejected his own proposal on the flimsy ground that *Rosc. com.* is transmitted together with other speeches of Cicero. Even first-rate manuscript evidence would count for nothing if the style were really un-Ciceronian—e.g. the speech *Pridie quam in exilium iret* has good Carolingian authority but is universally agreed to be spurious on stylistic grounds.[23] But, as we will see in Chapter 8 below, in Poggio's manuscript *Rosc. com.* alone lacks an ascription to Cicero: the titles to the other seven speeches in **X** all include Cicero's name, and the sole exception is the blunt title *Pro Roscio Comoedo*. So the manuscript evidence would seem to speak rather against Ciceronian authorship than for it.

Further, Pittia's claim that the speech is anomalous in the Ciceronian corpus in being unattested in the ancient, late antique and mediaeval worlds raises the stakes.[24] Would an anomalous absence from the ancient record not indicate an absence from the corpus altogether? Pittia does not debate the speech's authorship, but concludes that, 'il n'est pas impossible qu'il n'ait pas même été «publié» du vivant de Cicéron.' Should that be taken more literally than she intends it?

The on-going debate over the style of the speech has not resolved the problem, indeed has exacerbated it. Wide acceptance has been gained by the argument of Axer that the unusual style is motivated by the person of the defendant, the famous comedian Roscius. Axer argued that the distinctive elements previously considered colloquial are instead specifically Plautine, fitting style to subject and occasion as a matter of artistic decorum.[25] The survey of Cicero's style by M. von Albrecht can be taken as representative of the current mainstream view of the question: while granting some merit to the older theory that the speech's style reflects that of the famously 'Asianic' orator Hortensius,[26] von Albrecht

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[20] F. Klingner, 1953, 5 (= 1964, 549).

[21] Cf. e.g. Norden, 1915–1918, vol. 1, pp. 227–233 (cf. 'Nachträge', p. 16), here at p. 227: 'Es gibt wohl keine [Rede], die stärker zu dem Bilde kontrastiert, das man sich von Ciceros Stil macht: kleine zerhackte, man möchte sagen zerfetzte Sätze meist in Frageform jagen sich förmlich, während Ansätze zu längeren Perioden sich so gut wie gar nicht finden'. The debate goes back to Landgraf, 1878, and is (somewhat tendentiously) summarized in Axer, 1980; the most recent discussion is von Albrecht, 2003, 101–103.

[22] Axer, 1980, 22, states that on the basis of the rhythmical clausulae, 'we should regard the speech *Pro Q. Roscio comoedo* rhythmically so different from other speeches as if it were non-authentic', and ibid., p. 23, 'Indeed, the rhythms in this speech sometimes seem to have been composed by historians as an anti-Ciceronian protest, or, at any rate, by Brutus.' Yet he seems to regard this conclusion as a self-evidently impossible, even humorous, *reductio ad absurdum* and does not return to it.

[23] The speech has been edited most recently in De Marco, 1991, 3–27; on its manuscript basis, see Rouse & Reeve, 1986, 57–61.

[24] Pittia, 2004, 267.

[25] This interpretation is set out most fully by Axer, 1980, though it was proposed already by Schmid, 1954, 321–322.

[26] Thus both Hübner, 1906, and with some variation Klingner, 1953; cf. Cipriani, 1975, on this issue.

largely accepts Axer's explanation but seems at a loss to explain why Cicero would have spoken like this, suggesting, 'Perhaps we should consider this oration an artistic caprice'.[27]

But is this not a problem? How does such artistic whimsy relate to the courtroom practice of the advocate Cicero? How did it persuade the judge? If the motive is simply 'artistic caprice', is it not more likely to be a *jeu d'esprit* by a literary forger? Axer's explanation is that, since the ancients valued rhetoric as an art, they would appreciate an artistic (i.e. literary) speech and this appreciation would win favour for the defendant.[28] But that is really just to play on different senses of the word 'art': the ancients did indeed value the art *of rhetoric*, but the specific artistry of a forensic speech was displayed in the winning of cases; Axer's proposal, in contrast, is for a bold *Kreuzung der Gattungen* in which a forensic speech mimics a genre of verse drama.[29] Throughout his discussion Axer refers to Cicero's effect on 'the spectators', blurring the distinction between a theatrically coloured style and an actual stage performance. Yet this is to describe epideictic, not forensic oratory. It would be entirely apt within the cultural context of the Roman world to take as declamation topic, e.g., 'How Cicero would have defended Roscius', and we may note Klingner's observation that, 'der Stil unserer Rede [ist] dem der späteren Deklamatoren der frühen Kaiserzeit merkwürdig ähnlich'.[30] In that case the references and allusions to Plautus in *Rosc. com.*, which map the legal case against Roscius onto the machinations of Ballio, the pimp in *Pseudolus*, would fit neatly into the literary game.[31]

Although no-one seems to have noticed, the current philological consensus on *Rosc. com.* should really prompt us to reject the 600-year-old conjecture that it was written by Cicero.

However, before we expunge the speech from the Ciceronian corpus, we should interrogate that consensus just as critically as the traditional attribution. The issues raised by the ancient reception, manuscript transmission and titles of the speech will be treated in detail in the studies offered in the present work and, despite initial appearances, nothing requires or favours athetizing the speech. The other issues raised above may be addressed more briefly here.

Firstly we may note that the speech is certainly a real court case of the early first century BC: a passage at *Rosc. com.* 28–29 closely echoes a contemporary legal debate that was a contentious issue in company law from the 80s to the 60s BC, but never again thereafter.[32] This coincides exactly with the date-range established on the assumption that the speech is by Cicero and is a real speech for Roscius. This is too much precision to expect of even a skilful forger.

Secondly, while most research has focused on the differences in language and style between *Rosc. com.* and the rest of Cicero's oeuvre, they should not be overstated.[33] The aspects of the style of *Rosc. com.* that are judged to be anomalous are found also in *Pro Quinctio*, the strongly comic elements

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[27] Von Albrecht, 2003, 101–103, quotation at p. 101.

[28] Axer, 1980, 44.

[29] It is not in doubt that references and allusions to comedy are an element within *Rosc. com.* but if this is the basis of the verbal style, i.e. the very fabric of the speech, then, as Axer argues, the speech as a whole must be an exercise in mimicking the comic stage.

[30] Klingner, 1953, 561 (= 1964, 20–21); he does also note differences, however.

[31] The parallels between Roscius' case and *Pseudolus* are explored by Garton, 1972, 169–188.

[32] The debate was between the jurist Quintus Mucius (Scaevola the Pontiff, cos. 95 BC), Cicero's law teacher, who died in the late 80s, and Servius (Ser. Sulpicius Rufus, cos. 51 BC), a friend and contemporary of Cicero who was accepted as the leading Roman jurist by at latest 63 BC, as we know from Cicero's lawyer-jokes in *Pro Murena*. It is reported in the legal tradition at Gaius, *Inst.* 3.149 and Corpus Iuris Civilis, *Inst.* 3.25. See e.g. Zimmermann, 1996, 458–459, with further references.

[33] It is telling that in Cipriani, 1975, one of the most detailed statistical studies of the style, the summarizing preface (by E. Castorina, pp. 5–10) fails even to notice that the speech treated is *Rosc. com.*, not *Rosc. Am.*

appear again in *Pro Caelio* and *Pro Murena*, while a rich use of theatrical parallels is found e.g. in *Rab. Post.*, and even Ballio reappears in the *Philippics*.[34]

Above all, there is an overlooked, but far more satisfactory explanation of the unusual rhetorical style of *Rosc. com.*[35] Cicero himself contrasts the style needed for a *Pro Milone* with that appropriate to a private-law case addressed to a single judge.[36] Yet of the 58 surviving speeches by Cicero only four are private-law cases and of these only two are addressed to a single judge, namely *Rosc. com.* and *Pro Quinctio*, the speech closest to it in rhetorical style. That *Quinct.* is similar but not identical in style can be explained by its early date: Cicero was 25 and it was his first high-profile case, so the conversational familiarity of tone addressed to the judge in *Rosc. com.* may have seemed inappropriate.[37] Further, throughout *Quinct.* Cicero addresses not just the judge, but also his bench of advisers, the *consilium*, as is never done in *Rosc. com.*[38] This implies that *Rosc. com.* is our sole example from Cicero of a speech addressed to a single 'standing judge' (*stans iudex*, *Brutus* 289), the kind that, according to Cicero, demands a simple unadorned style like that of Lysias. It is hardly surprising that it lacks the stylistic arsenal deployed by Cicero to achieve the sublime, Demosthenic high style with which he could hold a large gathering spellbound.

It might be objected that, even if a speech were delivered in such an informal style, Cicero would have polished the published version to bring it up to his highest standards.[39] Yet this would be to mistake artful simplicity for mere carelessness. Giving a complex and effective work of rhetoric the appearance of informal speech is not an easy task. In this case, a process of pre-publication polishing would be expected to confirm the nonchalant, informal air of the text, not to dilute it. We would no more expect Lysias to rework his texts in the style of Demosthenes than we should expect Cicero to recast a speech delivered in the *tenuis* register as a grand and sublime written text.

The primary reason for doubting Cicero's authorship of *Rosc. com.*, namely its verbal and rhetorical style, is thus satisfactorily explained. Nonetheless, we should not overlook the fact that the transmitted text bears no ascription Cicero: the attribution of the speech to him is still a conjecture. Notwithstanding the similarities with the rest of his oeuvre, the text could be a real ancient speech for Roscius by someone else, as the parallels in language and themes with Cicero's other works may, for all we know, be a contemporary fashion shared by all orators of the day. Yet there was a limited

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[34] On *Quinct.* see Powell, 1985; on the use of theatrical structures in a number of speeches including *Rab. Post.*, see Klodt, 2003; Ballio is named at *Phil.* 2.15. Other shared elements are discussed e.g. at Axer, 1980, 19.

[35] As suggested by Schmid, 1954, 321 n.3, and Douglas, 1966, xiv–xv and 214; id., 1968, 39; cf. Powell, 1985 (reviewing Axer, 1980).

[36] Cic., *Opt. gen.* (ed. Wilkins, 1903) 10: *Sed si eodem modo putant exercitu in foro et in omnibus templis, quae circum forum sunt, conlocato dici pro Milone decuisse, ut si de re privata ad unum iudicem diceremus, vim eloquentiae sua facultate, non rei natura metiuntur* ('But if they think it would have been appropriate, when the army was stationed in the forum and in all the temples that are around the forum, for *Pro Milone* to be spoken in the same way as if we were addressing a single judge in a private-law case, they are measuring the force of eloquence by their own ability, not by the nature of the matter in question.'). Similarly at *Brut.* 289, a case to a single 'standing judge' is contrasted to the *grandior et plenior* speech needed to address a large gathering of participants and spectators; and cf. *Orator* 29–30 where Lysias is presented as the model of the forensic *causidicus*, characterized as *tenuis* and *inornatus* and contrasted with *ornate et graviter et copiose dicere* in the manner of Demosthenes or Aeschines.

[37] On the date of *Quinct.* see Kinsey, 1967, and id., 1971, 1. Note how in *Quinct.* the judge is always addressed formally as *C. Aquili*, whereas in *Rosc. com.* the familiar *Piso* is most often used.

[38] At *Quinct.* 4, 10, 22, 36, 79, 81, 91.

[39] The standard survey and discussion of differences between Cicero's delivered and published speeches cites *Rosc. com.* only once in passing (Humbert, 1925, 249, n. 3), noting only that its character is no different from those of other judicial speeches in this regard, i.e. that the current continuous speeches are all likely to rest on some degree of of condensation and compilation of various oral exchanges, rather than being a direct transcript of the speeches as delivered. For a review of the issue in general, see Lintott, 2008, 15–32.

number of advocates active in the courts of Rome, as we can tell from the fact that Cicero could list them in his *Brutus*, in which they were evidently recognizable figures despite the repetitive character of Roman personal names, and also from the way the same names keep cropping up in contemporary cases and politics.[40] As we have an unattributed private-law speech for the actor Roscius from the 80s to 60s BC, we can survey the known advocates active at that time and consider who would be the most likely candidate. Cicero is elsewhere recorded both as Roscius' friend and as taking up a private-law case at his request (at *Quinct.* 77), so he is the obvious first name to consider. Further, one of the most distinctive features of *Rosc. com.* is its irreverent, at times slightly madcap, humour.[41] The biographical tradition on Cicero singles out his use of wit as distinctive, even excessive, so even if all of Cicero's other works were lost, just like all his contemporaries' work is lost, we would still tend to ascribe *Rosc. com.* to the *consularis scurra* Cicero.[42]

Every perspective thus indicates the attribution of *Rosc. com.* to Cicero, which can be accepted as secure. It will be shown in the course of the present work that there is a codicological explanation for the lack of Cicero's name in the transmitted title to *Rosc. com.*, and also that the speech has been transmitted as part of a collection of Cicero's speeches at least since late antiquity. Further, contrary to previous research on the matter, not only is a speech by Cicero for the actor Roscius attested in antiquity, but specifically *this* speech by Cicero for the actor Roscius is attested, as will be shown next, in the first of the studies presented here on its transmission.

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[40] E.g. the C. Piso discussed by Cicero at *Brutus* 239 as not being as clever as he looked is likely to be the same person as the consul of 67 BC, the opposing advocate in *Pro Caecina* and the judge in our court case against Roscius.

[41] Haury, 1955, 115–116; esp. striking at §1 and §48–49, but wit is deployed throughout the text.

[42] On Cicero's distinctive reputation for wit and humour, see Quintil. 6.3.3–5, Plutarch, *Cicero* 5.4 and 25–27 and *Synkrisis of Demosthenes and Cicero* 1.4–6, and Macrobius, *Sat.* 2.1.10–14. Macrobius (2.1.12) attributes the term *consularis scurra* to 'Cicero's enemies' and specifically to Vatinius; a similar phrase about Cicero is attributed to Cato by Plutarch (*Synkr. Dem. et Cic.* 1.5).

Chapter 2 Ancient Testimonia

Cicero's speech on behalf of Roscius is not mentioned elsewhere in his works, nor is it cited directly in any other extant ancient text, despite numerous references to Roscius himself in the Ciceronian corpus and in later tradition. This has recently been taken as evidence that *Rosc. com.* had an unusually restricted circulation in antiquity, compared to Cicero's other works,[1] which, if true, would have implications for the interpretation of the text, as we would need to explain this anomalous position within Cicero's oeuvre. However, though the speech is nowhere cited by title in ancient sources, a passage of Macrobius' *Saturnalia* does retail knowledge of *Rosc. com.* via an earlier source. The passage occurs in a discussion of the social acceptability of singing in Republican times (3.14.11):[2]

> *ceterum histriones non inter turpes habitos Cicero testimonio est, quem nullus ignorat Roscio et Aesopo histrionibus tam familiariter usum ut res rationesque eorum sua sollertia tueretur, quod cum aliis multis tum ex epistulis quoque eius declaratur.*
>
> Further, the fact that actors were not classed as base persons is attested by Cicero, who everyone knows had such a close relationship with the actors Roscius and Aesopus that he protected their property and finances with his skill, as is made clear by many other things as well as his own letters.

Cicero's extant letters record an intervention to help Aesopus repurchase a runaway slave, but contain nothing comparable for Roscius, who is mentioned only in a reminiscence about a theatrical performance.[3] Macrobius drew on some letters that are no longer extant, so he could be referring to material mentioned in letters now lost.[4] However, there is no reason to date any of the lost collections before the earliest extant ones, which become frequent only from the end of the 60s BC, by which time Roscius was dead and hence unlikely to have featured in them.[5] Macrobius' open-ended description of his sources—'letters as well as many other things'—allows that the letters may support his point only with respect to Aesopus, whereas in the case of Roscius he is drawing on some other source.

This source must be *Rosc. com.* While there are ample records of the close relationship between Cicero and both Roscius and Aesopus in ancient literature prior to Macrobius, often glossed, as here, with *familiaritas* or related terms,[6] yet this notice of Macrobius' includes a specific addition to the

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[1] Pittia, 2004, 266–267: 'Le plaidoyer cicéronien *Pro Roscio comoedo* n'avait pas bénéficié d'une véritable circulation après le procès lui-même: le texte semble ignoré sous le Haut-Empire, dans l'Antiquité tardive et ... durant presque tout le Moyen Âge. ... Le discours *Pro Roscio comoedo* n'a pas connu de véritable circulation, puisqu'aucun témoignage antique ne le mentionne; il n'est pas impossible qu'il n'ait pas même été «publié» du vivant de Cicéron.'

[2] Kaster, ed. 2011, who notes the attestation of *Rosc. com.* in his apparatus fontium ad loc.

[3] Aesopus' slave: *Ad Quint.* 1.2.4.14; there are also references to Aesopus in *Fam.* 7.1 and *Att.* 11.15.3. On Roscius, recalling a famously obscene song: *Fam.* 9.22.1.

[4] At *Sat.* 2.1.14 he cites from Cicero *in libro epistularum ad Cornelium Nepotem secundo*.

[5] Fragments of the lost letters are collected in Watt, 1958. Where the addressees and topics treated are datable, they all belong to the last two decades of Cicero's life, like the bulk of the extant collections. Roscius had died 'recently' (*nuper*) when Cicero delivered *Pro Archia* in 62 BC (*Arch.* 17).

[6] On Cicero's friendship with Aesopus, see above all *Pro Sestio* 120–123, but also *Div.* 1.80, where he is called Cicero's *familiaris*. At *Leg.* 1.11 Cicero calls Roscius his *familiaris*, at *Div.* 1.79 he is even his *amores ac*

details given elsewhere, namely the phrase *ut res rationesque eorum sua sollertia tueretur*. In extant literature the speech *pro Roscio comoedo* is by far the most apt point of reference for this statement, not only in relation to Roscius, but even compared to records about Aesopus. The 'skill' (*sollertia*) for which Cicero was paradigmatic was oratory, so a speech is the most obvious way he might 'protect' (*tueretur*) someone's interests; and the legal defence of Roscius' business and financial activities in *Rosc. com.* presents an exact match in content for *res rationesque*. Both the *Oxford Latin Dictionary* and the most recent translation of this passage interpret the phrase in a general sense, translating *ratio*(*nes*) in this pairing as 'an affair, concern, business' (OLD s.v. *ratio* 9) or 'interests' (Kaster, translating this passage),[7] but *res rationesque* is a fixed phrase always used in a specifically commercial or financial sense, often with reference to written accounting documents.[8] The frequent recurrence of financial accounts and calculations is probably the most distinctive feature of *Rosc. com.*, so the specificity of the reference to accounts or finances in *res rationesque* clinches the identification. The only other putative candidate does not really fit: a brief passage in *pro Quinctio* mentions Roscius (*Quinct.* 77–79), but that case concerns not Roscius himself but his brother-in-law and presents Roscius as shrewdly helping Cicero, not *vice versa*; there is no link between Roscius and the financial aspects of Quinctius' case. Although Roscius is mentioned often elsewhere in the Ciceronian corpus, no other reference concerns business or money. Despite the prominence given to the letters in Macrobius' account of his sources, his statement about Cicero protecting Aesopus' and Roscius' *res rationesque* fits *Rosc. com.* better even than the incident involving Aesopus which is indeed found in Cicero's letters.

That is not to claim that Macrobius saw the speech itself, even in excerpts. The passage continues with further information about Roscius' life and art (3.14.12–13, including some otherwise unknown details) to illustrate the high regard in which he was held, but none of it corresponds to anything in *Rosc. com.*, much of which would offer ideal support for Macrobius' argument here. As the passage is explicitly presented as a display of erudition (at *Sat.* 3.13.16), Macrobius would surely have drawn material from *Rosc. com.*, had he been able to do so. This matches Macrobius' use of Cicero in the *Saturnalia* as a whole, which draws frequently on the philosophica, rhetorical works and letters, but makes surprisingly little use of the speeches. Kaster's index locorum to the *Saturnalia* lists 11 speeches or speech-groups, but of these only three are cited directly (the ever popular *Verrines*, *Philippics* and *Pro Milone*), while the remaining eight (including this reference to *Rosc. com.*) are all referenced through this type of oblique, indirect testimony.[9] Moreover, six of these eight speeches are attested in the passage 3.14.11–15 that we have been examining, which strongly suggests that Macrobius was here following some distinctive source but had no direct knowledge of the works on which it drew.

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deliciae, cf. the Bobbio scholiast on Roscius *quem Cicero familiarissime dilexit* (ad *Arch.* §17, Stangl p. 178, line 9) and Valerius Maximus 8.7 on Roscius' *familiaritates* with (unnamed) leading citizens.

[7] Kaster (transl.), 2011.

[8] Accounting documents, Plaut. *Capt.* 673, *Pseud.* 626, Cic. *Quinct.* 38 (in singular); commerce and finance, Plaut. *Amph.* 4; a specific transaction involving money, Plaut. *Epid.* 312 (in sg.); 'bonds of commerce', Cic. *Verr.* 2.2.172, 2.5.8 (both sg.), *Deiot.* 27, *Off.* 1.17/53; the one instance near in time to Macrobius—Ammianus Marcellinus 31.10.20, business conducted by the emperor Gratian—is unfortunately too elliptical to reveal its precise content. There are numerous other paired or contrasting uses of *res* and *ratio* in the singular but of these only Varro *Men.* 509 and Hor. *Sat.* 1.2.50 seem related to the plural phrase *res rationesque*, which does not recur between Cicero and Ammianus; in Caes. *Gall.* 6.14.3 the proximity of *res* and *rationes* is mere coincidence, each being used in a quite different sense. Instances found via the *Bibliotheca Teubneriana Latina* and *Library of Latin Texts* databases, *OLD* and Krenkel on Varro's *Saturae Menippeae* (ed. 2002), vol. 3, pp. 978–981 (= ad frg. 509). The pairing *res rationesque* is not discussed in the ThLL article on *ratio* (Wick, Beikirchner, 2015); the article on *res* has yet to appear.

[9] Kaster, ed. 2011, index locorum.

Macrobius himself records that much of the information in the *Saturnalia* is drawn from earlier scholarly works, often verbatim, rather than from what we would now class as primary sources.[10] As a result he himself may not have known what precisely lay behind his catch-all reference to *alia multa*. As author he adapted such tralaticious material to the dramatic setting of his dialogue, so there is no real discrepancy between the air of omniscient erudition conveyed by his phrasing (*quem nullus ignorat*...) and this type of uncertain knowledge of sources.[11] This passage of the *Saturnalia* is spoken by the dialogue-character Rufius Albinus, who is cast as a person of great classical learning (at *Sat.* 3.13.16), so it is a perfectly valid piece of fictional artistry if second-hand information is presented in a style more appropriate to such a learned figure.[12] Nonetheless, even second-hand knowledge refutes Pittia's picture of total ignorance of *Rosc. com.* in antiquity, as it reveals that some predecessor of Macrobius knew the speech.[13]

Immediately after the sentence quoted above, however, Macrobius does explicitly cite a speech by Cicero in support of Roscius (3.14.12):

> *nam illam orationem quis est qui non legerit, in qua populum Romanum obiurgat quod Roscio gestum agente tumultuarit?*
>
> For who has not read that speech in which he castigates the Roman people because they rioted when Roscius delivered a gesture?

It has long been recognized that Macrobius is here adducing not *Rosc. com.* but the lost oration that Cicero calls *De Othone*, which was delivered *ad populum* during Cicero's consulate, in support of Roscius Otho, a tribune of 67 BC.[14] Macrobius' mistaken association of the speech with the actor Roscius can be explained by *De Othone*'s multiple connections to the theatre: Roscius Otho was author of the *lex Roscia theatralis* of 67 BC, which reserved certain rows at the theatre to the *equites,* in protest at which the people hissed him at a theatrical performance four years later, during Cicero's consulate; Cicero as consul interrupted the festivities to hold a *contio* in support of Otho, delivering the speech that was later published, after which the people returned to the theatre suitably chastened, and applauded Otho.[15] It is not clear whether Macrobius saw any or all of the speech *De Othone* or was again drawing on an intermediate source, but in any case this information clearly has nothing to do with *Rosc. com.*

Macrobius' mistaken linkage of *De Othone* to the actor Roscius has been taken by Pittia to mean that the *Saturnalia* attest nothing about *Rosc. com.* at all.[16] However, the statement at 3.14.11 that Cicero

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[10] Macrobius describes his goals and methods in the preface to the *Saturnalia*, including, e.g., 1 Praef. 4: *res quas ex lectione varia mutuabor ipsis saepe verbis quibus ab ipsis auctoribus enarratae sunt explicabo* ('I shall present topics that I borrow from wide reading, often in the very words by which they are explained by the authors themselves').

[11] On Macrobius' adaptation of his sources to the dialogue context, and his use of sources more generally, see most recently Cameron, 2011, 580–590.

[12] An aspect overlooked by Türk, 1961, 170, who takes statements about sources in the *Saturnalia* at face value and hence makes the same errors as Macrobius, e.g. on the speech *De Othone* discussed next; he regards the letters of Cicero as the source of the present passage, because claimed as such in the text.

[13] Fantham, 2002, 364, suggests Suetonius' *De viris illustribus* as an intermediate source of the passage.

[14] Thus already Jan, 1852, reviewed most recently by Pittia, 2004, 267–274; cf. on *De Othone*, Crawford, 1994, 209–214.

[15] Plutarch, *Cic.* 13.2–4; other testimonia and a fragment of *De Othone*, also called *Cum a ludis contionem avocavit*, in Schoell, 1917, 433–434.

[16] Thus Pittia, 2004, 266–272, esp. 269 n. 16, who quotes but does not discuss the preceding sentence and its reference to *res rationesque*.

defended Roscius' and Aesopus' *res rationesque* is distinct from the reference to the oration that follows it: The logical connector *nam* (*nam illam orationem...* 3.14.12) does not relate to the statement about *res rationesque*, which has already been supported by the reference to the letters and other sources. Rather, *nam* introduces further support for the previous general statement that Cicero offers proof that actors were not classed as base in the past (*ceterum histriones non inter turpes habitos Cicero testimonio est*). This claim is supported by three distinct points: firstly the defence of Roscius' and Aesopus' business affairs (*res rationesque*); secondly the speech (as Macrobius thinks) in support of Roscius to the people; and finally the fact that Cicero and Roscius used to compete together to see whether actor or orator could express a given idea better (3.14.12). Only the first of these three points concerns *Rosc. com.*; it is entirely distinct from the second point, about the speech *ad populum*. Neither the known content of *De Othone* (an address to the people about public order) nor Macrobius' interpretation of it (a rebuke to the people while Roscius was acting) corresponds in any way to *res rationesque*, so there is no reason to associate it with the preceding point. The confusion over *De Othone* thus does not affect the status of Macrobius' previous sentence as testimony to his indirect knowledge of *Rosc. com*. If anything, it is perhaps slightly easier to understand Macrobius' error over *De Othone* if he knew that Cicero had delivered a speech on behalf of the actor, but did not know its content or occasion, so this confused notice could count as a faint indication that he had some further information about *Rosc. com.*, independent of the reference to *res rationesque*.

The only positive argument for ancient ignorance of the speech is Aulus Gellius' observation that Cicero never uses the word *novissimus* (Gellius 10.21), which does occur once in Cicero, at *Rosc. com.* 30.[17] Yet without electronic searches one may forgive a single overlooked instance, as it remains a notable linguistic fact that Cicero in general avoids this word which was freely used by his contemporaries and successors.[18]

There are also indications that an author had the speech in mind, even where it is not cited. It is striking that Tacitus' sole mention of Roscius occurs in a discussion of Cicero's private-law speeches. Only four such speeches are known to have been published: *Rosc. com.*, *Pro Quinctio*, *Pro Caecina* and *Pro Tullio*.[19] Two members of this group, *Caec.* and *Tull.*, are cited in the *Dialogus de oratoribus* as examples of the lengthy legal discussions found in Ciceronian oratory, which, it is said, no 'modern' court would endure.[20] This is immediately followed by a reference to Roscius, but it is tangential to the argument: the art of acting is cited seemingly at random as an illustration of the general observation that artistic styles admired in the past are now unacceptably anachronistic, a point

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[17] As noted by Landgraf, 1878, 48.

[18] Caesar, Varro and Valerius Antias all use it, and from the Augustans on it is routine (see *OLD* s.v.). For the reasons why apparently 'un-Ciceronian' elements appear in *Rosc. com.*, see above, ch. 1.2 on the speech's rhetorical style.

[19] A few other private-law speeches are mentioned in Cicero's works, but there is no evidence that they were ever published: see Crawford, 1984, nos. 5 (*pro C. Mustio*), 7 (*pro Tullio, actio prima*) and 16 (*pro Q. Mucio Orestino*).

[20] Tac. *Dial.* 20.1–3 (ed. Winterbottom & Ogilvie, 1975): *quis <de> exceptione et formula perpetietur illa inmensa volumina quae pro M. Tullio aut Aulo Caecina legimus? praecurrit hoc tempore iudex dicentem et nisi aut cursu argumentorum aut colore sententiarum aut nitore et cultu descriptionum invitatus et corruptus est, aversatur [dicentem]. vulgus quoque adsistentium et adfluens et vagus auditor adsuevit iam exigere laetitiam et pulchritudinem orationis, nec magis perfert in iudiciis tristem et inpexam antiquitatem quam si quis in scaena Rosci aut Turpionis [aut] Ambivi exprimere gestus velit*. ('Who would endure those endless volumes about the exception-clause and the judicial formula that we read in defence of M. Tullius or Aulus Caecina? These days the judge races ahead of the speaker and unless he is charmed and seduced by rapid arguments or striking bons mots or dazzling and elegant descriptions he turns away. The crowd of onlookers, too, and the idle listener passing by are now accustomed to demand entertaining and charming speech, and harsh and unkempt archaism is no more use in the courts than if someone chose to deliver in the theatre the gestures of Roscius or Ambivius Turpio.').

that could have been illustrated by any art. *Rosc. com.* would not support the point at issue, but the discussion of part of this small corpus would surely have brought it to mind, suggesting that this is what has prompted the reference to Roscius and the art of acting as an example. Tacitus' reference to Roscius could even be read as deflecting a potential counterargument posed by *Rosc. com*. The general point made at *Dial.* 20—the speech of Aper in defence of contemporary oratory—is the unsuitability of past masters as models for modern rhetoric. The long stretches of undiluted legal argument in Cicero's private-law speeches are here cited as evidence of how far tastes have changed since Cicero's day; specifically, these old speeches are said to lack the rapid argumentation, striking bons mots and dazzling, elegant descriptions expected of contemporary pleaders (*Dial.* 20.2, *cursu argumentorum aut colore sententiarum aut nitore et cultu descriptionum*). This is a fair criticism of *Caec.* and what we have of *Tull.*, which are unremittingly earnest analyses of legal principle, but it in no way applies to *Rosc. com.*, which mixes legal argument with jokes, skits, allusions to Plautus and memorable *sententiae*. This seems rather to match the entertaining and charming speech (*laetitia et pulchritudo orationis, Dial.* 20.3) that is here classed as the modern fashion. As a counterexample to the historical scheme by which the old is dry and monotonous, the new entertaining and varied, *Rosc. com.* would hence undermine the general argument that the rhetorical approaches of the past no longer have currency. A quick reference to the anachronism of the acting style of Roscius, associating him with the even older Ambivius Turpio, anticipates any such objection: in Cicero even the jokes are outdated, so he still does not offer a workable model for emulation.

We may note also that of Quintilian's two citations of *Rosc. Am.* by name, only the one that mentions the parricide charge is called plain *Pro Roscio*, whereas the one that cites a passage solely for its verbal figures, and which hence would not be at once recognizable as the famous parricide case, is called *Pro Sex. Roscio*, suggesting that there was another *Pro Roscio* from which it had to be distinguished.[21]

Pittia notes that it is odd that there are no clearer references to *Rosc. com.* in the many other biographical testimonia about Roscius, who is mentioned 42 times in other ancient texts.[22] Yet the passage of Macrobius discussed above is the only one of these other references that we would expect to mention the speech, had it been known to the author. The *Saturnalia* passage is not only the most extensive discussion of Roscius in ancient literature, it is also the only one primarily aimed at collecting information.[23] The other passages all have particular concerns that make a reference to the speech either impossible or unnecessary. In the Ciceronian corpus the most frequent references to Roscius are found in *De Oratore*, the dramatic date of which (91 BC) would preclude mention of Cicero's speech at least a decade later; the next most detailed reference is in *Pro Quinctio*, which almost certainly antedates *Rosc. com.*[24] Elsewhere in Cicero the references to Roscius occur in formal, stylized contexts (speeches, philosophical dialogues and one highly philosophical letter) and are for the most part laudatory to the point of reverence; the rather seedy business of *Rosc. com.* would be

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[21] Quintil. 9.2.53, 12.6.4. Instances are here from Winterbottom, ed. 1970, and found via the index locorum in Cousin, ed. 1975–1980.

[22] Pittia, 2004, 267. The fullest list of biographical testimonia about Roscius is given by Leppin, 1992, 241–244, to which add Quintil. 9.3.86, Symmachus, *Ep.* 1.31.3, and Augustine, *De consensu evangelistarum*, 1.33.51; Leppin's citations of Suet. *De poetis* 11 (Reifferscheid) and Cic., *Rep.* 4.14 (Ziegler) are better assigned, respectively, to Diomedes, ed. Keil I 489, and Aristides Quintilianus 2.6 (on the latter see below, in part two of this chapter).

[23] Cf. *Sat.* 1 praef. 4 *praesens opus non eloquentiae ostentationem sed noscendorum congeriem pollicetur* ('the present work promises not a show of eloquence but a collection of things worth learning').

[24] Cicero *Quinct.*, of 81 BC, was delivered within months of Cicero's first appearance as advocate (Kinsey, 1967; 1971, 1 and 3; cf. Cic. *Brut.* 311–312). Roscius is discussed at *Quinct.* 77–79 and mentioned ten times in *De Or.*: 1.124, 129–132 (three times), 251, 254; 2.233, 242; 3.102, 221.

inappropriate here.[25] But the letters to Atticus, where we might expect to find unadorned private comment, survive only patchily from the 60s BC, the latest possible date for the speech.[26] Among the non-Ciceronian testimonia, many are little more than a brief gloss,[27] or passing mention of Roscius' name, cited as a paragon of dramatic art,[28] or are concerned solely with acting technique.[29] Only two overlap thematically with the concerns of the speech. Valerius Maximus (8.7) addresses the topic of Cicero's *familiaritas* with Roscius, but his aim is to present an uplifting and well-turned *exemplum* about the rewards of hard work, and not to cite sources; he also omits to mention the other attestations of this *familiaritas* in Cicero's works, so the absence of *Rosc. com.* means nothing. Pliny the Elder reports Roscius' earnings (*NH* 7.128) without mention of their discussion at *Rosc. com.* 23, but Pliny's interest here is specifically in the highest sums of money paid for low activities. He cites for Roscius an amount of 500,000 sesterces per annum, whereas *Rosc. com.* merely estimates 300,000 sesterces.[30] Pliny hence had no reason to cite the speech even if he knew it, because his other information (wherever it came from) offered a higher and more secure figure. The biographical testimonia on Roscius are thus clearly a case where the absence of evidence is not evidence of absence, and so they do not undermine the indications of ancient knowledge of *Rosc. com.* that have been discussed above.[31]

S. Pittia's conclusion that *Rosc. com.* was unknown to ancient authors should therefore be rejected, but the broader question that she raises still deserves an answer: why did this speech not win more favour among ancient authors, given the fame of the defendant? *Rosc. com.* is by no means unique among Cicero's speeches in its vanishingly small degree of attestation in ancient literature, and the silence of our lacunose sources should anyway not count for much.[32] Yet there remains something paradoxical about the fact that these same sources preserve over forty references to Roscius, and generous quotations from the rest of Cicero, but largely pass over a speech that might seem therefore to be of inherent interest.

The biographical testimonia themselves offer an explanation of this paradox. Consider Plutarch's two mentions of Roscius, in the *Life of Sulla* and the *Life of Cicero*. The *Life of Sulla* ends with a near-paranoid report that socializing with stage-performers, among whom Roscius is named, was the direct cause of the dictator's hideous disease and grotesque death; it is the final proof of Plutarch's general moral evaluation of Sulla as a thoroughly vicious person who, despite undeniable military

[25] *Arch.* 17; *Ad Fam.* 9.22.1; *Div.* 1.79, 2.66; *Brut.* 290; *Nat. Deor.* 1.79; *Leg.* 1.11; but not *Orator* 109, tentatively listed by Leppin, 1992, 241–242, which may just be a generic reference to actors; nor *Rep.* 4.14 Ziegler, on which see the appendix on Aristides Quintilianus below.

[26] The *terminus ante quem* for the speech is Roscius' death, 'recent' in 62 BC (Cic., *Arch.* 17).

[27] Porphyrio and Ps.-Acro (both ad Hor., *Epist.* 2.1.82); Schol. Bob., p. 178, 8–9 Stangl (ad Cic. *Arch.* 17).

[28] Hor., *Epist.* 2.1.82; Festus, s.v. 'Rosci', p. 366–367 (Lindsay); Fronto, *Eloq.* 13 & *Ad M. Caes.* 1.7.2; Gellius 5.8.4; Symmachus, *Ep.* 10.2.1 & 1.31.3.

[29] Val. Max. 8.10; Quint. 11.3.111; Tac. *Dial.* 20; Diomedes, Keil I 489.

[30] In the transmitted text of this passage (*Rosc. com.* 23) Roscius' earnings are stated three times, twice as 300,000 sesterces and once as 600,000 sesterces, but an entirely convincing conjecture by Axer has now settled the issue in favour of the lower sum: Axer, 1980, 61–64 (this conjecture is also discussed in Chapter 5 below, nn. 33 and 34, on the numerals).

[31] The four remaining testimonia, Quint. 9.3.86; Plutarch, *Sull.* 36 & *Cic.* 5; Aristides Quintilianus, *De musica* 2.6, are discussed below.

[32] E.g. *Post reditum ad Quirites* is attested by a single, equally oblique testimony, and *Pro Balbo* by a single unattributed quotation, both in the same rhetorical author, Julius Victor (Halm, 402, line 35–403, line 4, and 443, lines 25–27, respectively). Given the major loss of text in *Rosc. com.*, we would not recognize an unattributed quotation from much of it.

achievements, was in all other respects characterized by excess and lack of self-control.[33] Cicero, in contrast, is presented in a generally positive light, but he is faulted for levity and vanity, which for Plutarch are likewise the result of lack of self-control and a tendency to excess.[34] Plutarch's statement that Cicero learned oratorical delivery from Roscius and Aesopus is immediately followed by the notorious anecdote about Aesopus' murder of an actor on stage, so carried away was he by his role in the play; this in turn is followed by the *Life*'s first criticism of Cicero, namely his excessive mockery and consequent reputation for malice (Plut., *Cic.* 5.4–6). A causal connection between moral failing and associating with actors is strongly implied by this positioning of the lurid anecdote about Aesopus, which has nothing to do with Cicero and hence has purely exemplary moral relevance here. In both *Lives* actors thus mark moral danger or degeneracy. Stage performers were subject to intense social prejudice and a range of legal impediments in the Roman empire (though to what extent this applied also in the Republic is open to debate), so Plutarch's vision of actors as a fatal moral danger is probably representative of his era.[35] Cicero's paean to an actor as artist, citizen and moral paragon must have made uncomfortable reading. It should perhaps therefore be no surprise that when Plutarch's near-contemporary Quintilian quotes a passage of Cicero on Roscius it is not the lavishly admiring *Rosc. com.* but a line from *Quinct.* 78 which, out of context, appears to be an attempt to excuse the man while damning his theatrical profession.[36] In the passage of Macrobius discussed above, Roscius' and Aesopus' social interaction with leading citizens is presented as an ethical oddity worthy of record; the expectation was clearly that they would have been regarded as base (*turpes*) and hence shunned by the respectable. It is telling that when the Bobbio scholia refer to the friendship of Cicero and Roscius, the scribes turn the actor into an *auctor* of comedy.[37] No such decent fiction would be possible with the speech *Rosc. com.*, which celebrates Roscius explicitly as an actor while insisting he was worthy even of senatorial status.[38] Insofar as it is even necessary to counter an argument from the silence of our inadequate sources, the moral condemnation of performers is quite sufficient to explain why the imperial-era scholars, grammarians and teachers of rhetoric who form the indirect tradition of the rest of Cicero's speeches almost fail to mention it at all.

Respectable discomfort over actors may have precluded granting *Rosc. com.* exemplary status in a didactic setting, but the fact that a text is not cited by schoolteachers does not mean that no-one is reading it. That it was not available to Macrobius is part of the general pattern of textual transmission in antiquity, in which a large number of formerly canonical texts, and especially Republican ones,

[33] On Roscius: *Sull.* 36. For Plutarch's evaluation of Sulla see esp. the *Synkrisis of Sulla and Lysander*, though the theme of excess and lack of self-control is emphasized throughout the *Life of Sulla*.

[34] Lintott, 2013, 10–11.

[35] On the social position of actors see Leppin, 1992, with extensive further literature. The legal impediments are summarised by Ducos, 1990, on Roscius at p. 27.

[36] *Quinct.* 78 *etenim cum artifex eius modi sit ut solus videatur dignus esse qui in scaena spectetur, tum vir eius modi est ut solus dignus <esse> videatur qui eo non accedat* ('For while he is an artist of such a cast that he alone seems worthy of being seen on stage, he is a man of such a cast that he alone seems so worthy that he would not belong there'), quoted by Quintilian at 9.3.86. In its Ciceronian context it is more tongue-in-cheek than ashamed, being part of an elaborate joke aimed at Hortensius, the famously theatrical opposing advocate in that case.

[37] Ad Cic., *Arch.* 17: *Quintum Roscium Gallum dicit, illis temporibus inlustrem comici operis a u c t o r e m , quem familiarissime Cicero dilexit* (thus the sole ms., as reported by Stangl, 1912, p. 178, lines 8–9, who emends to *actorem*).

[38] § 18: *qui ita dignissimus est scaena propter artificium ut dignissimus sit curia propter abstinentiam* ('who is just as highly worthy of the stage for his artistry as he would be highly worthy of the curia for his moral restraint').

become scarce by the fifth century.[39] There is hence no reason to suppose that *Rosc. com.* had an anomalous publication history, even if it was too risqué for the schoolroom and hence for the textbooks that have come down to us.

2.2 A Supposed Fragment of Rosc. com.

The modern commentators and translators of the music theorist Aristides Quintilianus (3rd/4th cent. AD) have explained a passage of this author as a fragment or report of one of the lost parts of *Rosc. com.* The passage is embedded within a testimony to Cicero's *De re publica* and its attribution to *Rosc. com.* is accepted in the standard commentary on the fragments of *Rep.*[40]

> Aristides Quintilianus, *De musica* 2.6
>
> *πῶς γὰρ ἄν τις αὐτὸν (sc. Cicero) ἰσχυρίσαιτο μουσικὴν λοιδορεῖν τε καὶ ὡς φαύλην εὐθύνειν, τέχνην ἁρμονιῶν τε καὶ ῥυθμῶν ἀρετάς τε καὶ κακίας διορίζουσαν, ἄνδρα ὃς τὸν τηνικαῦτα ῥυθμοῖς μόνοις καὶ τούτοις ἀγεννέσι καὶ φαύλοις ἐπιδεικνύμενον Ῥώσκιον τὸν ὀρχηστὴν οὕτως σφόδρα ἐξεπλήττετο ὥστε φάσκειν αὐτὸν προνοίᾳ θεῶν ἐς ἀνθρώπους παρελθεῖν; καὶ γὰρ εἴ τις αὐτὸν φάσκοι τὰ μὲν ἐν ᾗ συγγέγραφε Πολιτείᾳ λέγειν ἑκουσίως, τὰ δὲ περὶ Ῥώσκιον τῆς προκειμένης ἕνεκεν ὑποθέσεως, ἀντιστρέφειν μὲν καὶ ἡμᾶς οὐδὲν κωλύσει τὸν αὐτὸν λόγον, ἀλλ᾽ὅμως καὶ οὕτως λάθοι τις ἂν ἀποδοκιμάζων μᾶλλον, ὅσον εἰς τὴν παροῦσαν σκέψιν, ἢ συνιστὰς τὸν ῥήτορα· ἀναξιόπιστος γὰρ πρὸς ἀληθείας εὕρεσιν ἢ δικαίαν κρίσιν ὁ ταῖς †κατ᾽αὐλὴν† ἢ κατὰ τὴν αὐτοῦ προαίρεσιν ἀλλὰ μὴ ταῖς κατ᾽οὐσίαν δουλεύων ὑποθέσεσιν. οἶμαι δὲ ὡς οὐδ᾽ἂν αὐτὴν ἔψεγε ῥητορικὴν διὰ τοὺς δεκαζομένους τῶν ῥητόρων. οὕτω δὴ καί, εἴ τινες τῶν τεχνιτῶν διὰ τὸ τοῖς πολλοῖς ἀρέσκειν τὰ ἀγεννῆ μελῳδοῦσιν, οὐ τῆς τέχνης τὸ αἰτίαμα.*
>
> For how could anyone give weight to the fact that the same man (sc. Cicero) slanders music, and censures as trivial the art of harmonies and rhythms that distinguishes excellences and faults, who was so totally stunned by the dancer Roscius, who in those days displayed only rhythms, and even those ignoble and trivial—so stunned as to claim that he had come to mankind with the foreknowledge of the gods. While someone might claim that he was speaking freely in the *Republic* which he composed, whereas the comments about Roscius were due to the topic set for discussion, firstly nothing prevents us from turning the same argument around, yet even on that argument could it escape anyone that, so far as the present inquiry is concerned, they thereby rather dismiss than support the orator? For someone who submits to hypotheses determined not by reality, but by †the (royal) court† or by his own predilection, does not deserve credence as regards the discovery of truth or right judgment. But I think that one should not blame rhetoric itself on account of the corrupt among the orators; for in the same way, if some artistes sing ignoble things to please the many, the blame does not lie with art.

[39] As noted above, Macrobius, a commentator on Cicero (the *Somnium Scipionis*), seems to have known directly only the three most famous of Cicero's speeches (Kaster, ed. 2011, index locorum). Cp. the parallel case of Varro, who remained widely read in late antiquity, but only through a small group of well-known works, whereas the rest of his large oeuvre fell from use from the fourth century onwards: Lloyd, 1961, 310.

[40] Heck, 1966, 52–54. The passage is placed at lib. 4, cap. 12/14, pp. 114–115, in Ziegler, ed., *De Re Publica*, 1969[7].

After mentioning negative comments about music in *Rep.*, Aristides seeks to refute them by pointing out Cicero's poor artistic taste and his inconsistency. For Aristides, this demonstrates firstly that Cicero lacked the requisite discernment to comment authoritatively on music and secondly that, instead of pursuing the truth, he was trimming his views to suit different contexts, for which reason none of his testimony is of any value to a serious philosophical enquiry. Both these points are exemplified by the report that Cicero was so overwhelmed by Roscius' artistry that he invoked divine providence to explain it.[41]

Ever since the standard Latin translation of this text, published by Meibomius in 1652, the comment about Roscius being brought to mankind by divine providence has been explained as referring to some such statement in the lost part of *Rosc. com.*[42] However, despite the mention of orators and rhetoric in the second half of the passage, the reference must be to Cicero's *De Divinatione*. The two books of that work argue the case for and against divination, with the second book refuting the first point by point. There are hence two contrasting presentations of the same anecdote about Roscius' infancy, the first as part of a defence of divination, delivered in the character of Quintus Cicero, the second in the sceptical voice of Marcus Cicero.[43]

> Cicero, *Div.* 1.79
>
> *quid, amores ac deliciae tuae Roscius num aut ipse aut pro eo Lanuvium totum mentiebatur? qui cum esset in cunabulis educareturque in Solonio, qui est campus agri Lanuvini, noctu lumine apposito experrecta nutrix animadvertit puerum dormientem circumplicatum serpentis amplexu. quo aspectu exterrita clamorem sustulit. pater autem Roscii ad haruspices rettulit, qui responderunt nihil illo puero clarius nihil nobilius fore. atque hanc speciem Pasiteles caelavit argento et noster expressit Archias versibus.*
>
> *Quid igitur expectamus? an dum in foro nobiscum di immortales, dum in viis versentur dum domi? qui quidem ipsi se nobis non offerunt, vim autem suum longe lateque diffundunt, quam tum terrae cavernis includunt tum hominum naturis implicant.*
>
> What? Your love and delight Roscius, surely he was not telling lies, nor all Lanuvium lying on his behalf? When he was in his cradle and being reared in Solonium, which is a plain in the territory of Lanuvium, one night when the lamp was brought over, the nurse keeping watch noticed that the boy was sleeping entwined in the embrace of a serpent. Terrified by the sight, she raised the alarm. But Roscius' father referred the matter to the haruspices, who responded that nothing would be more famous, nothing more noble than that boy. And this is the beauty which Pasiteles sculpted in silver and which our friend Archias expressed in poetry.
>
> What are we waiting for, then? For the immortal gods to mix with us in the forum, in the streets, or at home? Though they do not present themselves to us as they are, they still spread their force far and wide, at times enclosing it in the caverns of the earth, at times enfolding it in the natures of men.

[41] Winnington-Ingram, ed. 1963, 61.

[42] Meibomius, 1652, 288, referring to text at p. 70. Followed by Schäfke, 1937, 260 n. 1; Duysinx, 1999, 125. The closest to scepticism is Mathiesen, 1983, 124–125, with nn. 87–94, who says it is 'in all probability' a reference to *Rosc. com.* (p. 124, n. 89, cf. p. 30 with n. 150).

[43] Ed. Ax, 1938.

Cicero, *Div.* 2.66

de ipso Roscio potest illud quidem esse falsum, ut circumligatus fuerit angui, sed ut in cunis fuerit anguis, non tam est mirum, in Solonio praesertim ubi ad focum angues nundinari solent. nam quod haruspices responderint nihil illo clarius nihil nobilius fore, miror deos immortales histrioni futuro claritatem ostendisse, nullam ostendisse Africano.

Even about Roscius it could be a falsehood that he was wound around by a snake, but that there would have been a snake in the cradle is not so strange, especially in Solonium where the snakes like to throw a fair by the hearthside. Given that the haruspices responded that nothing would be more famous, nothing more noble than him, I am amazed that the immortal gods revealed fame to a future stage-actor, but revealed none to Africanus.

The content here, and especially the words *deos immortales histrioni futuro claritatem ostendisse* ('the immortal gods revealed fame to a future stage-actor'), is a clear match for Aristides' statement that Cicero claimed Roscius had 'come to mankind with the foreknowledge of the gods' (Ῥώσκιον τὸν ὀρχηστὴν ... προνοίᾳ θεῶν ἐς ἀνθρώπους παρελθεῖν). For Aristides' purposes this is not undermined by the double presentation of the anecdote, both credulous and sceptical, because it confirms his point about the inconsistency of Cicero's views. In response to the counterargument that Cicero was speaking freely in his own voice in *Rep.*, but suiting his comments to context in the reference to Roscius, Aristides says that he could 'turn the same argument around' (ἀντιστρέφειν μὲν καὶ ἡμᾶς οὐδὲν κωλύσει τὸν αὐτὸν λόγον). This means that between *Rep.* and the work that referred to Roscius there must have been a parallelism that would allow Aristides to argue the converse position, viz. that the statements in *Rep.* are dependent on the particular context, whereas the unknown work is the 'true' opinion of Cicero voiced freely in his own composition.[44] This would apply if the unknown work is a philosophical dialogue such as *Div.* but would not be true of a courtroom speech, where it could not be claimed that Cicero was speaking in his own right, free of external limits or pressures. The frequent references to orators in the latter part of the passage are presumably just an attempt to put Cicero on the wrong side of the quarrel between rhetoric and philosophy and so to stress his unsuitability as an authority in philosophical debate. In general in this passage Aristides' goal is to throw whatever mud might stick. He seems to draw only on Cicero's philosophica, so a reference to *De divinatione* is entirely apt, but he will of course have known very well that Cicero was famed primarily as an orator, not a philosopher, and was glad to use that stick to beat him.[45]

Meibomius also ascribed to *Rosc. com.* a sentence immediately following this passage, about how music was used in early Roman society and public life, but, as was noted already by Winnington-Ingram, the reference in this case is to a corresponding passage in the *Tusculan Disputations*.[46]

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[44] Aristides' phrase τῆς προκειμένης ἕνεκεν ὑποθέσεως, translated here as 'on account of the topic set for discussion', is too general to identify whether the work cited is a forensic speech or a philosophical dialogue, because it can refer equally to an advocate's brief, or to a theme set for philosophical discussion or rhetorical display: see LSJ s.v. ὑπόθεσις, II.1, 2 and 4.

[45] As well as this discussion of *Rep.*, the next passage adapts a section of *Tusculan Disputations*. On Aristides' sources here in general, see Schäfke, 1937, 98–99.

[46] Meibomius, 1652, p. 289; still considered by Schäfke, 1937, p. 269 n. 1. The passage of Aristides Quintilianus runs from p. 61, line 26, to p. 62, line 2, in Winnington-Ingram's edition, corresponding to *Tusc.* 4.3–4, as noted in Winnington-Ingram's apparatus fontium.

Chapter 3 The Discovery of *Rosc. com.* in 1417

The passage of the *Saturnalia* discussed above was still read in the Middle Ages, but no other information about a speech for Roscius has been found before Petrarch.[1] While it is worthy of note that *Rosc. com.* is not cited in antiquity, there should be no surprise at its lack of traceable reception in the Middle Ages, because Cicero's speeches have a far lower profile in the mediaeval tradition than his other works and only start to be attested in any quantity in the late fourteenth century.[2] Although it is clear that Petrarch did not have a text of *Rosc. com.*,[3] he refers four times to such a speech, including three unexpectedly precise references to a legal defence of Roscius by Cicero.[4] These three references go beyond Macrobius' statements but are probably based on no more than inventive extrapolation from the Macrobian passage and a mention by Pliny the Elder of the speech *De Othone*,[5] though it is possible that Petrarch had picked up some independent information about the existence of such a speech.[6] Whatever their basis, Petrarch's repeated reports of a forensic speech for Roscius by Cicero will have ensured it a place on the search-lists of lost works used by his successors such as Poggio Bracciolini. The only extant example of such a search-list (the so-called *Commentarium* of Niccolò Niccoli, discussed later in the present chapter) dates from shortly after Poggio's journeys, but information about lost works was certainly being gathered earlier, as we can see both from Petrarch and from the attention paid by Poggio to the list in Cicero's *Letters to Atticus* (2.1.3) of twelve speeches in a 'consular' corpus, five of which would be found by Poggio during the Council of

[1] As noted by Carraud, 2002, vol. 2, p. 248–249, John of Salisbury reworked the *Saturnalia* passage in his *Policraticus*, Lib. 8, Cap. 12 (ed. Webb, 1909, p. 312).

[2] Voigt, 1893, vol. 1, 36–44; Schmidt, 1983; Ornato, 1985.

[3] Baeumker, 1882, 15, followed by Nolhac, 1907, vol. 1, 251, and reviewed again by Pittia, 2004, 267–274, with the same conclusion. Petrarch nowhere mentions any detail from the extant speech, despite quite frequent references to Roscius, at *Rerum memorandarum libri* (ed. Billanovich, 1943) 1.21–22, 2.17, 4.96; *Contra medicum* (ed. Bausi, 2005) 2.25–26; *Remedia utriusque fortunae* (ed. Carraud, 2002) 1.28.8, 2.99.

[4] *Rer. mem.* (ed. Billanovich, 1943) 1.21.1 *pro quo non puduit Marcum Ciceronem in foro loqui* ('for whom Marcus Cicero was not ashamed to speak in the forum'); 1.21.4 *Ciceroni, cui tam familiariter notus fuit ut eum Cicero accusatum publico iudicio defenderet* ('Cicero, to whom he was known so closely that Cicero defended him when he was accused in a public trial'); 2.17.5 *que Roscio scenici tumultus reo impunitatem quesivit* ('which sought impunity for Roscius when he was arraigned on a charge of theatrical riot'); and less specifically *Rem. utr. fort.* (ed. Carraud, 2002) 1.28.8, lines 20–22 *dignusque pro quo tantus orator verba faceret et de quo scriptum opus memorie posterorum traderet est habitus* ('and was so worthy that such an orator spoke on his behalf and passed to posterity a written work he had delivered about him').

[5] Petrarch's identifiable sources here, including the Macrobius and Pliny passages, are listed by Billanovich, 1943, ad loc. Pliny could, with a bit of grammatical latitude, be construed to mean that Roscius had been acquitted under some law in a public court thanks to Cicero's oratory, at *NH* 7.117 (ed. Detlefsen, 1866–1882): *te* (sc. *Cicerone*) *suadente R o s c i o t h e a t r a l i s auctori l e g i s i g n o v e r u n t* (sc. *tribuus populi Romani*) in fact meaning, 'At your persuasion (the tribes of the Roman people) forgave Roscius, the author of the theatrical law', but perhaps taken as 'forgave Roscius under the theatrical law', i.e. acquitted him; some Roman court cases were indeed heard by an assembly of the people, as Petrarch probably knew from Livy.

[6] Petrarch not only sought out new texts by Cicero, but also collected information about previously unknown works by him: *Rer. mem.* (ed. Billanovich, 1943) 1.15.3: *michi quidem vix unquam peregrinatio longior suscepta est, ubi non incognitos Ciceronis ne dicam libros, sed inaudita librorum nomina compererim.* ('But hardly ever have I undertaken a longer journey on which I have not found, never mind unknown books by Cicero, but even titles of books unheard-of before.')

Constance.[7] When assessing the confusing evidence for the discovery of a text of *Rosc. com.*, it should hence be borne in mind that, whereas finds such as Silius, Valerius Flaccus or Manilius must have come as a total surprise, Poggio was already looking for a speech by Cicero for the actor Roscius.

We first encounter a text of the speech, under the title *pro Roscio comoedo*, in Poggio's hands at Constance in 1417. The copy he made is still extant,[8] but we do not know where in Europe he found and copied the text. Knowledge of the location would allow us to contextualize any scholia, anthologies or mediaeval writings that could potentially reflect knowledge of the undamaged speech.[9] The provenance of his text matters also because it would provide a valuable clue for assessing the rest of the textual evidence. If a manuscript turns out to have unusual readings, there is no simple rule to determine whether they are the result of error, conjecture or an independent line of authentic tradition. Geographical location is one important criterion, as can be illustrated by the manuscripts of *De lege agraria*, speeches that were among the Ciceronian works found by Poggio in 1417.[10] Of the nearly 200 fifteenth-century manuscripts of Cicero's speeches, just three contain texts of *Agr.* that are entirely independent of Poggio's transcript and all three were written in or around Heidelberg; presumably they derive from some older text, now lost, that was present in the area. The fact that one of these manuscripts was first brought to light as recently as the 1980s cautions against any assumption that the material holds no surprises, but also illustrates the 'geographical criterion' in action: editors were alerted to this hitherto unstudied manuscript by its potentially significant provenance.[11]

We have relatively plentiful evidence about the circumstances of the discovery of *Rosc. com.*, but the picture it yields is confused. Previous studies have reached two opposed conclusions, depending on which of the testimonia is given precedence: either the speech was discovered in Cologne cathedral, or else in 'France or Germany' (though if in Germany, then in Cologne).[12] Other readings of the evidence agree in placing the exemplar of the speech in a pile of rubbish in a monastery, but diverge on where that might have been.[13] Although these testimonia have been discussed a number of times, close attention to the specific linguistic and historical context of each text permits advances in their interpretation. Further, the most precise and detailed piece of evidence—the only one that specifically names *Rosc. com.* and gives an exact location—is also the least well studied, having been published more recently than the others.[14] This document, a letter from Poggio's son Jacopo, dates from long after the event, but before attempting to assess its reliability we should first consider the testimonia

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[7] On Petrarch's researches, see previous note; in the copy of *Att.* written by Poggio himself in 1408 (*Berlin, Staatsbibliothek, Hamilton 166*), Poggio's only marginal mark of 'Notabilia' in the whole manuscript is at the passage detailing the consular speeches (fol. 39r).

[8] *Vat. lat. 11458*; the identification is discussed in the next chapter.

[9] Cp. the fragments of *Pro Fonteio* preserved in an anthology by Sedulius Scottus (9th c.), who took excerpts from the sole surviving mediaeval manuscript before it suffered extensive damage; the anthologized phrases are now all that is left of the first part of the speech.

[10] A geographical or local criterion in tracing textual transmission was proposed by Pasquali, 1952, 156–180, esp. 178–180; it is applied to the speeches of Cicero by Reeve, 1987, discussing the mss. of *Agr.* at pp. 5–6.

[11] On these mss. see Coraluppi, 1983; cf. Reeve, 1987, 5. The total number of 15th-century mss. of Cicero's speeches is estimated from E. Ornato's figure of over 240 mss. of the speeches in total (ap. Reeve, 1984, 40), minus at least 65 pre-15th-century mss. cited in Rouse & Reeve, 1986.

[12] Cologne: Walser, 1914, 57–59; in detail, Coraluppi, 1980, 35–48; also Reeve, 1995, 57, and more tentatively Rouse & Reeve, 1986, 83 with n. 172 and p. 91 with n. 212; Pittia, 2004, 275–276, 'à toute vraisemblance, à Cologne'. — Specifically *not* Cologne (without proposing an alternative): Pecere, 1982, 92. — France or Germany: Sabbadini, 1899, 101–103, and id., 1967, vol. 1, 80–81, with vol. 2, 191–193; and Klodt, 1992, 80, who narrows Sabbadini's 'Germany' down to Cologne. — France (without argument): Schmidt, 1983; Klingner, 1953, 5 (= 1964, 549).

[13] Clark, 1909, 9; Coraluppi, 1980, 46–48.

[14] Published in the 1950s but not reviewed since that first publication.

from Poggio himself, which are less specific but were written at or soon after the moment of discovery.

3.2 Poggio's Evidence

Poggio's autograph copy of *Rosc. com.* also contains seven other speeches, namely *Pro Rabirio Postumo*, *Pro Rabirio perduellionis reo*, *Pro Caecina*, the three speeches *De lege agraria* and *In Pisonem*, all of which were new to the Italians in 1417.[15] In the manuscript the speeches are split between three fascicles: one contains the three speeches *Rab./Rosc. com.*; *Caec.* has a fascicle of its own; and the four speeches *Agr./Pis*. occupy another. There is thus no reason to assume that all the speeches were found in one place, though it is likely that the texts within each fascicle were found together. Poggio has added two subscriptions to the manuscript, which make somewhat cryptic reference to the locations involved. One is subscribed after *Caec*. and refers to a single speech, while the other appears after the eighth and last speech, *In Pisonem*, and refers to seven speeches. This final subscription is as follows:[16]

> *Has septem M. tullij orationes que antea culpa temporum apud italos deperdite erant, Poggius florentinus, perquisitis plurimis gallie germanieque* ~~*bibliotheci*~~ *summo cum studio ac diligentia biblyothecis, cum latentes comperisset in squalore et sordibus, in lucem solus extulit. ac in pristinam dignitatem decoremque restituens, latinis musis dicavit.*
>
> These seven orations of Marcus Tullius, which had through the fault of the times previously been lost among the Italians, Poggio the Florentine alone, when, after searching many libraries of France and Germany with the greatest zeal and diligence, he had found them hidden in dirt and squalor, has brought out into the light. And restoring their pristine dignity and order, he dedicated them to the Latin Muses.

This reference to 'France and Germany' is the basis for the theory that *Rosc. com.* was found either in France or in Germany: if we assume that the seven speeches of this subscription are the seven other than *Caec.*, which has its own separate subscription, the seven remaining speeches are divided between two fascicles, which could hence be assigned to France and Germany respectively. This was long the standard account of the provenance of these speeches and has been defended more recently by Klodt, who refines it by assigning the 'German' group to Cologne (the testimonia that indicate Cologne will be discussed later in this chapter), but it is questionable on several grounds.[17] The tenor of the subscription, and of any reference as general as 'France and Germany', is to stress Poggio's diligence and effort in travelling far and wide, rather than to specify a findspot, for which purpose it is so broad as to be nearly useless. Further, the reference is explicitly to Poggio's searches, not his discoveries,[18] and nothing in the subscription implies that his finds were evenly distributed among the places visited. It would be possible that Poggio could be using the subscription to drop hints about

[15] The contents and codicology of the manuscript, and its identification as Poggio's autograph, are discussed in more detail in the next chapter. Hereafter the speeches will be abbreviated as *Rab. Post.*, *Rab. perd.*, *Caec.*, *Agr.* and *Pis*. The abbreviation *Rab./Rosc. com.* is used to refer the two speeches *Pro Rabirio* and *Rosc. com.* when taken together as a group, and *Agr./Pis.* similarly to refer to those four speeches collectively.

[16] *Vat. lat. 11458*, fol. 94r. The translation given here borrows elements from that of Greenblatt, 2011, 176–177.

[17] First set out by Sabbadini, 1899, 101–103; cf. id., 1967, vol. 1, 80–81, with vol. 2, 191–193; Klodt, 1992, 80.

[18] Coraluppi, 1980, 43.

findspots—we shall see that in the other subscription he is coy in the way he names the exact location—but other evidence suggests that, counterintuitively, the reference to seven speeches may encompass all eight in the manuscript.[19] This dissolves the parallelism between two fascicles of speeches and two named locations, which was what might have made it tempting to read the subscription as such a hint. Without any distribution of finds between one or the other location, the subscription allows us to rule out, e.g., England or Italy as findspots, but that does not take us very far.

The proponents of this theory have also failed to explain how they understand 'France' or 'Germany' in the historical context of the early fifteenth century, nor in which of the many possible contemporary or classical senses they interpret the Latin terms *Gallia* and *Germania*. These could be used as shorthand for the French kingdom and German empire (properly the realms of the *rex Francorum* and the Roman, not German, emperor, respectively), more properly of ecclesiastical provinces or, differently again, for lands associated with the *natio gallica* or *germanica*—*natio* was a primarily linguistic designation used in the organization of the Council at Constance as well as the universities. Alternatively, Poggio could be using the terms classically as defined by Caesar in his *Bellum Gallicum*, according to which the Rhine divides Gaul from Germania. If used classically—and it will be argued below that this is the most likely sense[20]—then *linksrheinische* Cologne, which Klodt sees as the 'German' findspot, would be in *Gallia*, not *Germania*.

To determine the scope of these terms, some help is offered by the separate subscription to *Caec.*, which also provides a more precise location:[21]

> *Hanc orationem antea culpa temporum deperditam, Poggius latinis viris restituit. et in italiam reduxit. cum eam diligentia sua, in gallia ~~latent~~ reclusam in silvis ~~inter are~~ lingonum adinvenisset conscripsissetque ad tullij memoriam et doctorum hominum utilitatem.*
>
> This oration had in the past been lost through the fault of the times. Poggio restored it to Latin men, and returned it to Italy, since through his diligence he had discovered it hidden in Gaul in the forests of the Lingones and transcribed it, for the memory of Tullius and the use of learned men.

Lingones is the mediaeval Latin name of the town of Langres in eastern France. As T. Foffano has pointed out, the cancelled phrase *inter are* (the last letter is ambiguous) most likely refers to the river Saône, *Arar* in classical Latin, which runs not far from Langres.[22] The phrase *in silvis Lingonum* has caused puzzlement. G. Ouy helpfully wondered if Poggio had been wandering in the forest and found *pro Caecina* hidden in the crook of an oak tree? As Ouy pointed out, it is likely that the book was resting nowhere more exotic than the home of the French Ciceronian scholar Nicolas de Clamanges, with whom Poggio had friends in common and who, as a senior member of the cathedral chapter of

[19] More on this below.

[20] As suggested also by Coraluppi, 1980, 43.

[21] *Vat. lat. 11458*, fol. 49v.

[22] Foffano, 1969, 127–128 n. 5. A notable feature of Langres' physical and political geography is its position in the gap between the Saône and Maas rivers, waterways that form the traditional border between the French kingdom and the Holy Roman Empire; this may have been what Poggio had in mind with *inter Ar-*. The identification of the mediaeval *Sona* as the classical *Arar* was mentioned already by Petrarch, *Familiarium rerum libri* (ed. Rossi, 1933), vol. 1, p. 31 / Lib. 1, Ep. 5, at §16, line 100, an account of his journey from Cologne to Lyon in 1333.

Langres, was often resident there in these years.[23] We can even locate Clamanges' house: it was in the town and nowhere near a forest.[24] The language and register of the text offer an explanation for the puzzle. In both subscriptions there are clear echoes of classical lapidary formulae, such as the final subscription's structure as a dedication (*Has orationes ... latinis musis dicavit*) and the triumphal *et in Italiam reduxit* of the Langres subscription.[25] The best explanation for the odd phrase *in silvis Lingonum* is that it is part of this same classicizing register. Both subscriptions are written carefully in a more formal hand than that of the rest of the manuscript,[26] and so, despite the cancellations in the text, they should be regarded as careful compositions, not just notes jotted down casually. The mediaeval place-name *Lingones* is not used as a simple town-name in classical texts, where it always refers to the Gaulish people of that name, known from Livy for invading Italy and from Caesar and Lucan as a powerful nation encountered in the Gallic war.[27] Poggio's choice of the evocative phrase 'among the forests of the Lingones' hence seems to an example of strict linguistic classicism, perhaps with a debt to Petrarch in the choice of periphrasis.[28] For that reason, in the translation supplied above *Gallia* is translated not as 'France', but as 'Gaul'. On the same grounds, it is preferable to read Poggio's *Gallia* and *Germania* in the other subscription as 'Gaul' and 'Germania', i.e. the regions on the left and right bank of the Rhine respectively, rather than the 'France' and 'Germany' with which the subscription is usually translated, though unfortunately this leaves us with the whole of northwest Europe as potential findspot(s) for the speeches other than *Caec*.

We get a little more help, but also a new complication, from Poggio's third direct record of the discovery. It appears in a letter he wrote from Constance to a friend in Italy in the autumn of 1417.[29] At the end of the letter, the following paragraph is appended:

[23] Ouy, 1979, 149–151.

[24] Le Grand, 1931, 35, identifies the house of the Treasurer of the cathedral, the position held by Clamanges.

[25] The lapidary character of the texts is noted by Campana, 1967, 67.

[26] De la Mare, 1973, 79.

[27] Cramer, 1926: Livy, 5.35; Caes., *BC* 1.26.40; Lucan 1.398.

[28] Petrarch's similar journey in the area of the Saône is the theme of two sonnets, *Per mezz'i boschi inospiti e selvaggi* and *Mille piagge in un giorno e mille rivi*, both of which focus on the forest and its dangers.

[29] To Francesco Pizzolpasso. It is known from a single, non-autograph manuscript, *British Library, Harleianus 2268*, fol. 70r–70v; the final paragraph is here re-edited from digital images of the ms., correcting an erroneous reading in the first publication, Wilmanns, 1913, *Ep.* no. 567 at pp. 459–461 (repr. in Fubini, 1969, vol. 4). The edition given here retains the spelling and punctuation of the original.

The annotated translation by Gordan, 1974, 203–206, based on consultation of the ms., is more reliable in some respects—e.g. the correct point of division of this letter from a second one to Pizolpasso—than Wilmanns. The final volume of Harth's critical edition, which should include these two letters, has not yet appeared; cf. her advance announcement of it in Harth, 1984–1987, vol. 3, p. v. The passage under discussion here has been re-edited by Sabbadini, 1913, and Klodt, 1992, 78, based on Wilmanns' report of the ms. but with readings that differ from his edition.

Wilmanns' dating of the letter to between August and early November 1417 is secure: earlier in the letter Poggio refers to the addressee's recent doctorate, which was awarded in Bologna on July 12th 1417 (Fantuzzi, 1789, 5; the date August 12th given for this by Sabbadini, 1913, 906, is an error), and time must be allowed for this news to reach Constance, providing a *terminus post* of early August; as *terminus ante* Poggio's political gossip makes clear that the new pope had not yet been elected by the Council, which was done on November 11th 1417. On the basis of the political references, Sabbadini (1913, 906) dates the letter to September 18th 1417, but Davies (1984, 253 with 256 n. 3) proposes instead October, though he did not publish his grounds. For other evidence of the date of the discovery, see n. 56 below.

Letter of Poggio Bracciolini to Francesco Pizzolpasso, Autumn 1417 (extract)

Scias velim me multa veterum excellentium virorum monumenta diligentia mea reperisse. Nam bis hanc Maniam peragravi solus. Novissime autem quod ad triumphi locum est, septem reperi M. Tulii orationes, que antea amisse erant, quarum tres sunt contra legem agrariam, quarta in Pisonem in Senatu, quinta pro A. Cecinna, sexta pro C. Rabirio Postumo, septima pro C. Rabirio perduellionis, item octava pro Roscio Comedo, cui deest principium et finis. Alia postmodum senties.

hanc Maniam] *Halamaniam* Sabbadini, *Germaniam* Wilmanns *peragravi* Wilmanns *peregram* cod. *peragraram* Ehlers[30] *quod ad* cod. *quod* Wilmanns[31] *locum* scripsi *loco* cod. *quod triumphi locus est* Klodt *Cecinna* sic in cod.[32] *Postumo* Wilmanns, *postremo* cod. *perduellionis] reo* add. Wilmanns[33]

I want you to know that I have recovered many monuments of outstanding men of old through my diligence. For I have twice travelled through this Mania alone. However, most recently—which should rank as a triumph—I have discovered seven speeches by Marcus Tullius which in the past were lost, of which three are against the Agrarian Law, the fourth against Piso in the Senate, the fifth for A. Cecinna, the sixth for C. Rabirius Postumus, the seventh for C. Rabirius on a charge of treason, and an eighth for the actor Roscius, of which the start and end is lacking. The other matters you shall learn shortly.

The odd term *hanc Maniam* seems best explained as an uncharitable pun on *la Magna* ('Germany' in contemporary Italian) and *mania* ('madness'),[34] as the rest of the letter is full of in-jokes and plays on words, such as *lunatici* for the followers of Pope Benedict XIII, that is, Pedro de Luna.[35] It should not be a surprise that Poggio's geographical terminology differs across such different genres as a joky private letter to a friend and the elevated language of a monument to posterity such as the subscriptions. In contrast to the classicizing *Germania* of the subscriptions, a contemporary term such as *la Magna* is more likely to refer to an aspect of contemporary geography, such as political or linguistic borders. If *la Magna* refers, e.g., to the empire, much of which was west of the Rhine, it would still encompass not only *Germania*, but large parts of the classical *Gallia* too, so there is no conflict in equating the travels reported here with those of the final manuscript subscription. Langres was outside the Empire, however. This is less of a contradiction than it may at first appear, as in 1417 the town was on the frontier, jutting out into imperial territory.[36] Further, Langres has been a major transport junction since Roman times, being the crossroads of the main north-south route from Cologne to the Rhône with a major east-west route from the Île de France to the Rhine bend; a traveller in this western edge of the empire would thus more conveniently pass through the French

[30] On Ehlers' *peragraram* (pers. comm.) see n. 38 below.

[31] Wilmanns prints 'quod (add. cod.)', implying that the word *quod* is a later addition in the ms., but this must be a misunderstanding of his own notes, because the ms. reads *qd. ad*, using its regular abbreviation for *quod* followed by the word *ad*. For *quod ad triumphi locum est* (which I suggest for the impossible *quod ad triumphi loco est* of the ms.) cf. Poggio's phrasing in the 'Langres' subscription cited above, in which *ad* is used in a final sense: *ad tullij memoriam et doctorum hominum utilitatem*.

[32] Klodt reports this as 'Cecina (*sic*)', but the ms. clearly spells it with a double *n*.

[33] In Poggio's manuscript of the speeches, the title of this work is given as *Pro Rabirio perduellionis*, without the word *reo*, so there is no reason to add it here.

[34] *Mania* is used in the *volgare* by Florentine writers from the 14th c. (see Battaglia s.v.), but is also sanctioned by a single use by Cicero, *Tusc.* 3.11.

[35] The references such as *lunatici* are deciphered by Sabbadini, 1913. Walser, 1914, 58 n. 4, takes *Mania* to be simply a Latin version of *la Magna*. *Alamania* is the term used in Poggio's later reworking of the passage in *De infelicitate principum* (cited below).

[36] Coraluppi, 1980, 43.

town than go around it.[37] Consequently it can be encompassed without strain in 'travelling through' the empire. Nonetheless, *la Magna* must surely exclude anything much further west than this.[38]

In the letter-collections of Poggio's friends, this group of Ciceronian speeches is called the *orationes in Germania repertae* or similar.[39] Despite the interpretation offered above for a classical reading of *Gallia* and *Germania* in the subscription, these later references to 'Germania' do not bind us to locate these speeches east of the Rhine, as is anyway ruled out by Langres. In interpreting these flexible geographical terms, usage should be judged from the linguistic context, not by fixing a particular geographical scope for each term. Here we are not in the same linguistic terrain as either the archaizing lapidary subscriptions or the irreverent in-jokes of the letter to Pizolpasso. In these public versions of learned correspondence, the more dignified *Germania* may have been felt more appropriate than the unclassical *Alamania* (not to mention 'Mania') without necessarily implying a more specific provenance than the latter term.

Septem orationes

But the oddest feature of Poggio's letter to Pizolpasso is that it announces the discovery of seven speeches, but then counts out eight. On the evidence of the two subscriptions it has been argued by a number of scholars that the eight speeches in the manuscript must be the 7 + 1 of the subscriptions, *Caec.* being distinguished from the group of seven by its separate subscription.[40] This appears all the more plausible because, on the evidence of the manuscript, *Caec.* seems to have been copied into it after *Agr.*/*Pis.*, and probably after *Rab.*/*Rosc. com.* as well: so when Poggio found and copied the first seven speeches he would have written the subscription about seven speeches that is now at the end of the manuscript, and when he later found *Caec.* in Langres he would then have added the other one about a single speech.[41] On the evidence of the subscription texts alone this would be the most obvious interpretation, though admittedly the final subscription may have been written a little later than the speeches, in which case all eight speeches may already have been present.[42] Yet in this letter to

[37] The roads as described above were in use in the Roman (Grénier, 1931–1934, vol. 2.1, pp. 37–39), high mediaeval (Rouche, 1982, 19) and early modern eras (Boissière, 2012, pp. 296, 298, 301, on the 16th- to 18th-century post roads), implying continuity of use in the intervening period. The geographical situation of Langres (see n. 22 above) makes it a natural crossroads for long-distance routes.

[38] Foffano, 1969, 126, argues that the letter refers to three trips, not two, with *Novissime autem...* introducing a third journey distinct from the two through *la Magna*, a journey that Foffano locates in France, and specifically Cluny. On this interpretation it would be preferable to read *peragraram* with Ehlers, in place of Wilmanns' *peragravi* (the ms. has *peregram*), because the pluperfect tense would make clear that these two journeys were previous to the one introduced by *Novissime*, which is reported in the perfect tense. However, this would be a strained way to read a letter sharing recent news with a friend: there would be no reason to elide explicit mention of any such third journey, as noted by Coraluppi, 1980, 42–43 n. 74. The adversative force of *autem* can be understood as in contrast to the negative characterization of the hardship endured in these solo journeys, in the sense, 'However, it was worth it,'—so Pecere, 1982, 91 n. 39.

[39] Letter of 1424 from A. Traversari to N. Niccoli (ed. Cannetus, 1759), Ep. 8.9, col. 372: *orationesque illas a Poggio in Germania repertas*. Letter of 1436 from F. Barbaro to Poggio (ed. Greco, 1991–1999), Ep. 46, vol. 2, p. 124, line 28: *orationes illas Ciceronis, quas e Germania in Italiam ... reduxisti*. For the identification of these speeches as those found in 1417, see Sabbadini, 1899, 101; id., 1914, 43–49; Clark, ed. 1909, p. v.

[40] This was long the standard view, first argued by Sabbadini, 1899, 101–103, and maintained recently by Reeve, 1995, 57, and Klodt, 1992, 80.

[41] Thus Reeve, 1995, 57; Rouse & Reeve, 1986, 91 n. 212. *Caec.* is now fourth in sequence in the manuscript, but this need not be the original order of texts, as the manuscript has been rebound and the three fascicles may have changed places. The reasons to suppose that *Caec.* was written last are discussed in the next chapter.

[42] As tentatively suggested by de la Mare, 1973, 79: 'Written in a more careful hand than the text: added later?'

Pizolpasso *Caec.* is firmly included among the seven as speech No. 5; in contrast, it is *Rosc. com.* that is tacked on in eighth place.

A. Campana concluded that, by analogy, in the final manuscript subscription, too, the reference to ‘seven speeches’ must be intended to embrace all eight texts including *Caec*. For Campana, *Rosc. com.*’s position as eighth and last in the list, with the additional explanatory detail given about it, viz. that the start and end are missing (*cui deest principium et finis*), reveals that Poggio did not regard it as a proper speech due to its mutilated state.[43] Poggio’s manuscript also contains shorter excerpts of other works, in addition to the texts of the eight speeches, and these shorter works are likewise not mentioned in the subscriptions, so this interpretation may seem quite plausible: only full works were counted in the total number, ignoring the many different fragments and excerpts that appear alongside them in the codex. (Campana does not address the question of why, then, *Caec.* merited an additional subscription to itself.)

Yet there is a problem with this view. Even in its reduced state *Rosc. com.* is one of the longer speeches in this group—three times as long as the undamaged *Agr.* 3—while two others are damaged in different, but equally serious ways.[44] It is hard to see why being topped and tailed would disqualify *Rosc. com.* alone from ranking as a ‘speech’. It is even harder to believe that Poggio would modestly decline the glory of finding eight, rather than seven, new speeches of Cicero on such a technicality. When he later re-used elements of this letter and of the subscriptions in his dialogue *De infelicitate principum*—echoes of the subscription and letter are emphasized in the Latin text below—he tallies eight speeches, not seven:[45]

> *Suscepit hic* [sc. *Poggius*] *... olim d i l i g e n t i a m et laborem p e r a g r a n d e A l a m a n i e l i b r o r u m p e r q u i r e n d o r u m g r a t i a , qui in ergastulis apud illos r e c l u s i detinentur in tenebris et carcere ceco, qua in re multum profuit L a t i n i s M u s i s eius industria. Nam o c t o C i c e r o n i s o r a t i o n e s , integrum Quintilianum, Columellam, q u i a n t e a detruncati ac deformes a p u d n o s e r a n t , et item Lucretii partem pluresque alios Latine lingue auctores preclaros r e s t i t u i t nobis.*
>
> [Poggio] here once undertook the care and effort of travelling through Alamania to seek out books that were held hidden in slaveshops in the darkness of a black dungeon, a matter in which his hard work has greatly profited the Latin Muses. For he restored to us e i g h t speeches of Cicero, a complete Quintilian and Columella, which in the past had among us been mutilated and deformed, and also part of Lucretius and many other famous authors of the Latin language.

This later total of eight speeches is in fact matched by the language of the letter to Pizolpasso, despite its explicit reference to ‘seven speeches’, for *Rosc. com.* is counted out as *octava*, sc. *oratio*, and not, for example, as *fragmentum orationis* or some such formula. We should acknowledge that there is an irreducible contradiction in the text of the letter as we have it: it explicitly counts the speeches as numbering both seven and eight.

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[43] Campana, 1973, 67, emphatically endorsed by Coraluppi, 1980, 39, and Pecere, 1982, 92 n. 44.

[44] Only the closing sections of *Agr.* 1 survive, while *Rab. perd.* consists of two discontinuous fragments and lacks the end of the speech. Both these damaged speeches are significantly shorter than the extant and continuous text of *Rosc. com.*

[45] Poggio Bracciolini, *De Infelicitate Principum* (ed. Canfora, 1998), §14, p. 11, lines 14–22.

How to account for this contradiction? A much older theory about the meaning of the 'seven' speeches in the subscription suggests an explanation. In the eighteenth century, on the basis of one of the earliest copies of Poggio's manuscript, G. B. Mittarelli proposed that there had been some early confusion over the total number of speeches in the collection. In the manuscript available to him, the early copy of **X** from the monastery of S. Michele near Murano in the Venetian lagoon, which has been believed lost ever since he used it, *Rosc. com.* has neither a title nor any mark (such as an initial capital) to signal that a new speech begins, so Mittarelli argued that the earliest readers had mistakenly conflated *Rosc. com.* with the preceding speech, *Rab. perd.*, and that this had led to the erroneous count of seven speeches.[46] This feature of the Murano codex matches a more recent observation about Poggio's own manuscript: on the basis of the layout, O. Pecere has argued that Poggio added the title *Pro Roscio comoedo* some time later than the speech itself.[47] The evidence of both manuscripts is considered together for the first time in Chapter 8 below, with the conclusion that in its earliest state Poggio's manuscript probably lacked not only the title of *Rosc. com.*, but also those of other speeches including the two *pro Rabirio*, and that the latter pair were at first understood by Poggio as parts of a single work.

Mittarelli's suggestion that *Rosc. com.* was conflated with *Rab. perd.* would only be possible if a reader merely leafed through the pages noting the incipits, whereas, even without titles, it is not plausible that Poggio himself would make such an error after copying out the two texts: the persons, topics and style of the two speeches are so unalike that only the most incurious and mechanical scribe could fail to note the change from one to the other, and Poggio was anything but incurious or mechanical in his copying.[48] Further, as noted above, Poggio already knew of and was looking for a speech for the actor Roscius, thanks to Petrarch's notices, as well as one for Rabirius, thanks to the reference to it in Cicero's list of consular speeches at *Att*. 2.1.3, where it is named as *Pro Rabirio*. Yet, in contrast, in the case of the two speeches *Pro Rabirio* in **X** there is ample scope for mistakenly conflating the two works into one, and not only through the obvious potential for confusing the two namesakes defended.

For the humanists of the early fifteenth century the trial in which *Rab. perd.* was delivered was best known through Suetonius' *Life of Caesar*, where it is directly linked to major bribery by Caesar, creating an apparent connection to the themes and personalities of *Rab. Post.*, which is a trial for massive financial corruption from the late 50s BC.[49] Further, in Poggio's manuscript, the two speeches are presented as three blocks of text, first *Rab. Post.*, an unusually short speech with disastrous textual corruption that must have slowed interpretation, then two separate fragments of *Rab. perd.* It would be exceptionally perspicacious to divine on a first or second reading that these three damaged texts for 'C. Rabirius' concern two different people and were delivered ten years apart. Even though each text has a clearly marked incipit in **X** in the form of a large initial capital, Poggio knew as well as anyone that such transmitted marks of an incipit could be erroneous: there are two examples in **X** itself (*Agr.* 1 and *Pis.*), where Poggio's marginalia point out that an incipit marked in the manuscript by a title or large initial is mistaken, and is not the true beginning of the speech.[50] While it will be proposed below that

[46] Mittarelli, 1779, cols. 255–256. The manuscript, now *Vat. lat. 13689*, is discussed further below, in Chapters 6 (on the corrections in **X**) and 8.2 (on the titles) and in Appendix 2.

[47] Pecere, 1982, 81, though Pecere does not link this feature to the numbering in the subscription.

[48] His scribal habits are discussed in Chapter 5 below.

[49] Suetonius, *Divus Iulius* 12, a passage later adapted by Poggio himself in his comparison of Scipio and Caesar (ed. Crevatin, 1982, 311). On the content and occasion of the two speeches, see Schanz-Hosius, 1927, 419–420, 435–436; more recent discussion is summarized by Klodt, 1992, 30–51 (on *Rab. Post.*), and Lintott, 2008, 120–125 (on *Rab. perd.*).

[50] These marginalia are discussed in Chapter 7 below.

the titles to the two speeches *pro Rabirio* that are now present in **X** are later additions, even if these titles were present from the start, they could still have been understood as referring to a single work, because one gives the defendant's full name (*Pro C. Rabirio Postumo incipit*), while the other mentions a charge (*Pro C. Rabirio perduellionis incipit*);[51] there is no contradiction between the two, and Poggio could easily have concluded that one or other was a false incipit.

If we adopt Mittarelli's idea of an early mistake over the number of speeches, but assume the conflation of *Rab. perd.* not with *Rosc. com.* but with the other speech *Pro Rabirio*, we could explain the confusion in Poggio's letter to Pizolpasso in two ways: as an incomplete correction, or as a face-saving fudge. Many of Poggio's letters survive in variant versions, because some got into circulation independently of his later, well edited letter-collections. The present item is one of these 'lettere estravaganti' from outside the curated collections.[52] We get an idea of the uncontrolled ways these texts spread from a later request from Poggio to Niccoli appealing for copies of his letters from this period: Niccoli has lent out the letters Poggio sent from abroad announcing his discoveries and is now asked to try to get hold of them again.[53] If an initial mistake in the number of the speeches were discovered, the recipient or any later borrower or copier could have emended the letter to update its information, yet could have forgotten to change the initial reference to seven speeches. As we have only one copy of this letter we have no control over any such variations, which could have been added at any time.[54] The incomplete correction could even have been made by Poggio himself, as he sometimes sent the same letter in slightly variant form to more than one recipient.[55]

But perhaps more likely is the explanation that this is an intentional face-saving fudge by Poggio. The public excoriation of other people's mistakes was central to Italian humanist culture, and Poggio was a frequent victim (as well as perpetrator) of this style of no-holds-barred slagging. An understandable error such as conflating two similar texts would be likely to generate endless lampoons and might overshadow the glory of finding the speeches at all. Although this is our earliest surviving letter from Poggio about the discovery, it will not have been the first sent, as the recipient, F. Pizolpasso, was not one of Poggio's especially close friends or collaborators; by early October 1417, a closer friend, Ambrogio Traversari, had already received the news and passed it on to Guarino, a 'friend' who was often one of Poggio's meanest critics.[56] If Poggio had committed himself to the number seven in

[51] The latter title is factually erroneous (*Rab. perd.* 10 reveals that the speech was delivered in a secondary case, not in the trial for *perduellio*) and has evidently been conjectured from *Pis.* 4; thus Schanz-Hosius, 1927, 420. This point is discussed again in Chapter 8 below (on the titles).

[52] For the term, see Harth, 1984–1987, vol. 3, p. V. Harth's edition covers only the three curated collections (two collections of *Epistolae familiares* and one to Niccoli, Poggio's Atticus); the 'lettere estravaganti', planned for the fourth volume of Harth's work, still await critical edition.

[53] Ed. Harth, 1984–1987, vol. 1, p. 230 (9 July 1436). He evidently failed: none of these letters are extant.

[54] The only known copy of the letter to Pizolpasso is in *British Library, Harleianus 2268*, an early to mid-fifteenth-century English manuscript of miscellaneous content, as part of a large collection of letters by Italian humanists arranged and annotated to highlight themes useful for letter composition; one letter in the collection dates from 1426, after Poggio left England, so there is probably no special connection with him. For a detailed description see the British Library's 'Online Catalogue of Manuscripts and Archives' on this item.

[55] See Sabbadini, 1903, 348–354, and id., 1914, 385–388, for a letter of 1416 from Poggio about his discoveries sent to two different recipients; the differences include both small changes in language and content and a section added at the end of one version. For the texts of the letters, see Harth, ed. 1984–1987, vol. 2, pp. 153–156 (to Guarino); ibid., p. 444–447 (to Giovanni Corvini).

[56] A. Traversari, *Epistolae* (ed. Cannetus, 1759), Ep. 6.8, col. 285, to F. Barbaro, dated Oct. 3rd 1417, Florence: *Ex litteris quas ad Guarinum proxime dedi quid Ciceronis orationum Poggii nostri diligentia reparatum sit scire poteris* ('From the letters I have recently sent to Guarino you will be able to learn what of Cicero's speeches has been recovered through the diligence of our friend Poggio'). This is the earliest precisely dated reference to the discovery of the speeches, though an earlier mention of 'Poggio's treasure' in a letter from Leonardo Bruni in

letters and copies of the texts sent to Italy and in the final manuscript subscription, he had no way to revoke it directly without admitting his error. This letter could thus be seen as intentionally blurring the difference: by adding an eighth oration with unusual features at the end of a list of seven, the two different totals are bridged without too much obvious conflict. Poggio could thus acknowledge the figure seven even as he began to replace it with the correct number, eight.

Whatever the reason for the inconsistent numbering, the letter undermines the theory that *Caec.* was excluded from the 'seven' speeches of the final manuscript subscription. While it remains something of a puzzle why eight speeches are counted as seven, explicitly in the letter and by analogy to it in the manuscript subscription, this confusion evidently goes back to Poggio himself, a point that will be of importance when evaluating the later testimonia. As regards the question of the findspot, we may ask why *Caec.* got its own subscription: an obvious possibility is that it had a distinctive findspot, as this is the one specific detail mentioned in its subscription. If the other speeches were all found in one place, we might have expected this too to be noted in a subscription, but if the 'general' subscription had taken up that spot in the manuscript, with its record of Poggio's achievement (rather than the details of the find), Poggio may simply have noted the findspot elsewhere, or assumed that he would remember. While this is only a faint hint, it does suggest that the other speeches may all have been found in one place.

3.3 Later Reports

Vespasiano da Bisticci: *In un convento di frati*

There is another potentially relevant report that is ascribed explicitly to Poggio, though we have it only at second hand in an account written in the 1480s or 1490s. The *Life of Poggio* by the Florentine scribe and bookseller Vespasiano da Bisticci (1421–1498) includes a—partly inaccurate—list of Poggio's discoveries. The first item on the list is six speeches by Cicero, and this information is attributed to conversation with Poggio himself:[57]

> *Trovò sei orationi di Cicerone, et secondo inteso dallui, le trovò in uno convento di frati, in uno monte di scartabegli, che si può dire ch'elle fussino tra la ispazatura*
>
> He [*sc.* Poggio] found six speeches of Cicero, and according to what I heard from him, he found them in a monastery, in a heap of papers,[58] so you could say that they were in the rubbish.

Clark assumed that this must refer to one of the groups of speeches found in 1417 and, given this report of dislocated and maltreated sheaves of paper, to the more mutilated group, i.e. *Rab.*/*Rosc. com.*[59] Clark was evidently untroubled by the mismatch in number between this group of three speeches and Vespasiano's six. There are other better candidates for the figure of six speeches, though

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Arezzo on Sept. 26th 1417 (ed. Mehus, 1741, Ep. 4.12, vol. 1, p. 124) may well refer to it too: Sabbadini, 1899, 101.

[57] 'Vita di meser Poggio fiorentino', in: Vespasiano da Bisticci, *Le Vite* (ed. Greco, 1970–1976), vol. 1, pp. 539–552, at 541–542. On the date of composition of the *Vite*, ibid. V–VIII.

[58] The translation 'papers' retains the ambiguity of the original, as *scartabegli* can refer to loose sheets or (more often) to pamphlets/*libelli*/sheaves of paper: Battaglia (s.v. *scartabello*, 2) interprets this passage in the latter sense, but the association with rubbish suggests the former.

[59] Clark, 1909, 9. The evidence for mutilation of the exemplar is discussed in Chapter 7, on the marginalia.

no exact match: there were five speeches in the *vetus Cluniacensis*, the early manuscript that Poggio acquired from Cluny abbey, and five could have been loosely called half a dozen; further, indications in Poggio's manuscript imply that in Langres *Caec.* may have been found in a codex that contained another four speeches (*Agr./Pis.*) along with a copy of *De Or.*,[60] and these six works of Cicero, mostly speeches, could have been garbled by Vespasiano into 'six speeches of Cicero'; finally, as we have seen above, there are the seven speeches other than *Caec.* that were found by Poggio in 1417, though it is less likely that Poggio, never inclined to understate his achievements, would have rounded down from seven to six than up from five. (As argued above, Poggio seems to have initially believed these seven were six, but by the time he was in conversation with Vespasiano in the 1440s or 1450s, this misunderstanding will have long been cleared up.[61])

Ouy has convincingly ruled out the possibility that Poggio found *Caec.* and the other five works on his own initiative in Langres: twenty years previously Nicolas de Clamanges was lamenting the lack of classical texts in the area, and it is not plausible that Poggio on a brief visit would succeed in finding a manuscript where an equally learned local resident had for years failed.[62] It remains feasible that some or all of the seven speeches other than *Caec.* were found in an otherwise unknown monastery in precisely the circumstances described,[63] but there seems no reason to look any further than Cluny abbey, an active monastic establishment where Poggio found five speeches of Cicero.[64] In a loose reminiscence of conversation such as that retailed by Vespasiano, casually rounding up from five to half a dozen is no obstacle to the identification.

There is a further reason why we should assign Vespasiano's report to Cluny. The overall impression of his account is that the texts were found in a state of disorder and neglect, that they were even about to be thrown away; the reader or hearer is clearly supposed to be shocked at the ignorance and disrespect that this implies on the part of the book's custodians. But it does not quite say explicitly that the texts were to be discarded: the effect was merely such that 'you could say' that the speeches were in the rubbish, an oddly roundabout way to put it. There is a sense that these texts were *not* in the rubbish but we are being nudged to imagine them so. The 'book on the rubbish tip' (or about to be burnt) is a recurring topos in antiquarian acquisitions of dubious legality, the highbrow equivalent of the more humble burglar's claim, 'It fell off the back of a lorry.'[65] It is hard not to associate it here with the one set of Cicero's speeches that Poggio did not transcribe but carried off in their original mediaeval form, namely the early mediaeval codex known to scholars as the *vetus Cluniacensis*, which

[60] As discussed in the next chapter, on the codicology and content of **X**.

[61] Coraluppi, 1980, 46, following Campana's interpretation of the letter to Pizolpasso, takes the 'six' speeches to refer to this group, with *Rosc. com.* discounted on grounds of its mutilation. But the dialogue *De infelicitate principum* (cited above) shows that Poggio referred to the whole group as 8, not 7, at latest by 1440 (for the date of the dialogue, see Canfora 1998, p. XIX). This is around the earliest possible date for a conversation between Poggio and Vespasiano (born 1421); whatever the interpretation of the letter, we would hence expect Poggio at this time to have spoken of the speeches aside from *Caec.* as numbering 7, not 6.

[62] Ouy, 1979, 150.

[63] But the attempt by Coraluppi, 1980, 46–48 n. 79, to equate this *convento di frati* with the Cologne cathedral chapter is not convincing: the 7th- to 13th-century evidence he cites for communal, monastic-style living does not apply to cathedral chapters in the 15th century, which had become little more than an income source for the administrative classes, with no expectation of residence. This applies all the more to the grand *Domherren* of Cologne, drawn from the senior ruling houses of Germany and the Low Countries (including the emperor himself, a chapter member in 1417): Kisky, 1906, 22–92, esp. 22–25.

[64] In the 15th century Cluny had fallen far from its high-mediaeval apogee but was still a fully functioning monastery: see Neiske, 2010.

[65] A classic of the genre is Konstantin von Tischendorf's account of how, on a visit to St. Catherine's monastery in Sinai, he acquired a number of pages from its priceless 4th-century codex of the Bible: he had saved them from a rubbish tip *and* the flames... See Parker, 2010, 128–131, for a partial deconstruction.

he had acquired from Cluny by 1415. Another library from which Poggio acquired an early codex is glossed by him as a 'slaveshop',[66] and his and his colleagues' rhetoric of the 'dark prisons' and 'dust and dirt' in which books were trapped and harmed created a justificatory ambience for their 'rescue' by visiting scholars.[67] Vespasiano's report is in the same vein. The circumstances in which Poggio liberated the *vetus Cluniacensis* are still obscure, but it appears to have stayed in his possession until his death.[68] It surely required some explaining. A popular theory claims that Poggio never went to Cluny but was given the book by the French humanist Jean de Montreuil at Constance.[69] This is pure speculation, but even if it were true the *Cluniacensis* would still be the most apt point of reference for these comments reported by Vespasiano. Poggio's own version of events was that he had removed the book from Cluny—in a published letter he writes *orationes Tullii ... quas detuli ex monasterio Cluniacensi* ('the speeches of Cicero ... which I took away from the monastery of Cluny')[70]—and he had the reputation of having discovered the hitherto unknown speeches it contained, so that is what we would expect him to say.[71] In his comments to Vespasiano he was presumably not trying to give an exhaustive account of the genesis of his library, he just had a book that needed a story.

There was no need for any such exculpatory narrative in the case of the speeches found in 1417, which Poggio transcribed with admirable *labor* and *diligentia*, so we can discount this report from consideration of their findspot.

Niccolò Niccoli and Jacopo di Poggio Bracciolini

One of the most revealing documents for the early Renaissance pursuit of classical texts is the so-called *Commentarium of Niccolò Niccoli* (or, *Commentarium Nicolai Nicoli in peregrinatione Germaniae*, the title in the only manuscript of the work), a list of classical manuscripts at locations in Germany and of lost works by classical authors, especially Cicero, that were known by title but had not yet been found.[72] It has been identified with notes on lost works reportedly given by Niccoli to two

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[66] Harth, 1984–1987, vol. 3, 83 (1448/1449): *Ammianum Marcellinum ego latinis Musis restitui, cum illum eruissem ex bibliothecis, ne dicam ergastulis Germanorum. Cardinalis de Columna habet eum codicem quem portavi litteris antiquis, sed ita mendosum, ut nil corruptius esse possit*. ('I restored Ammianus Marcellinus to the Latin Muses when I dug him out from the libraries, or rather slaveshops, of the Germans. Cardinal Colonna has the manuscript which I carried away, in ancient script, but so erroneous that nothing could be more corrupt'). The ms. is the 9th-cent. *Vaticanus latinus 1873*, from Fulda; see Seyfarth et al., 1978, pp. VI–IX; Reynolds, 1986.

[67] For example, on St. Gallen in 1416, see Poggio's letter sent to both Guarino and Giovanni Corvini, cited in n. 55 above; an echo of similar comments in L. Bruni's response to Poggio (ed. Mehus, 1741, Ep. 4.5, vol. 1, p. 112); and the letter of Cencio de' Rustici (ed. Bertalot, 1929–1930, 223–224), with a prosopopoeia of the library itself pleading for release.

[68] It will be the item *orationes tulij V antique in pergameno* in the inventory of Poggio's possessions made after his death, in Walser, 1914, 417–427, at 422, Book No. 73. Cf. de la Mare, 1973, 69.

[69] First suggested by Sabbadini, 1967, vol. 2, 73, presented as fact by Ornato, 1992, 30, but without convincing evidence.

[70] Poggio to Niccoli, 6 Nov. 1423, ed. Harth, 1984–1987, vol. 1, p. 73, lines 66–67. 'Published' in the sense of being included in the letter-collections prepared and edited for circulation by Poggio himself.

[71] Even Poggio's frequent enemy Guarino of Verona, cited by Sabbadini, 1896, 91, credited him with the discovery of the *Cluniacensis*.

[72] *New York, Pierpont Morgan Library, MS. M. 497*, foll. 268v–270r. First published in an auction catalogue in 1913, it is here cited from the edition of Robinson, 1921.

cardinals travelling on diplomatic business to Germany and France, respectively, in 1431.[73] One item in this *Commentarium* recounts a visit by Poggio to Cologne on which he found 'some speeches of Cicero' (*quasdam Ciceronis orationes*). As Poggio found only one other set of Ciceronian speeches during his travels abroad, namely the five from Cluny, these Cologne finds must be among the group discovered in 1417, but we cannot tell which specific speeches this concerns, aside from *Caec.*'s exclusion on the evidence of the subscription that it was found in Langres.

In 1958 a letter from Poggio's son Jacopo was published, in which a large part of the material in the *Commentarium* is repeated, mostly in identical phrasing but with some variations.[74] Jacopo Bracciolini's letter was written long after Niccoli's *Commentarium*—Niccoli died before Jacopo was born—but its editor, N. Rubinstein, concluded that both texts probably depend on earlier material from Poggio and that Jacopo is often the better witness to this source.[75] Not everyone has been convinced: both Klodt and Coraluppi dismiss Jacopo's letter as a slipshod compilation based on Niccoli's *Commentarium* itself and hence without any independent value as evidence, and even Rubinstein saw the letter as involving a large measure of often erroneous guesswork as well as some independent sources.[76] The question of whether Jacopo's text transmits any new, true information is crucial for our purposes, because one of the significant differences between the two texts is in the report about Poggio in Cologne, where Jacopo says Poggio found not 'some' speeches, but 'those seven' speeches of Cicero (*illas septem Ciceronis orationes*). This is preceded earlier in the letter by a series of brief accounts of Poggio's discoveries (not included in Niccoli's notes), the first of which consists of a list of seven out of eight speeches found in 1417—including both *Rosc. com.* and *Caec.* but excluding *Rab. perd.*—tabulated beside a variant form of the manuscript subscription about the 'seven speeches' (*Has septem M. Tullii orationes...*). In this context *illas septem Ciceronis orationes* must refer back to this preceding list and subscription-text, and so would locate the discovery of *Rosc. com.* at Cologne. The fact that *Caec.*, found in Langres, is also included in the list of speeches thus ascribed to Cologne shows that we cannot just take this account at face value. Nonetheless there may still be useful information to be gained from the document. Rather than dismissing it as erroneous and hence worthless, we should investigate whether Jacopo Bracciolini is responsible for the small oversight of failing to note *Caec.*'s separate provenance from the rest of the speeches, or the large and misleading error of ascribing the group as a whole to Cologne on no good grounds. Only in the latter case should we reject his evidence about *Rosc. com.*

Rubinstein convincingly showed that Jacopo often has a more 'Poggian' text than Niccoli. The largest overlapping element of the two documents is an inventory of manuscripts at three German locations (Reichenau, Hersfeld and Fulda), with detailed descriptions of e.g. the number of pages and the incipits and explicits of the works in each codex. This appears to be in essence a document cited also in letters from Poggio and others in the 1420s, and here Jacopo's text is closer to the often erroneous information in those letters and the few cited manuscripts that can still be identified, while the

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[73] The notes, described as an *index voluminum perquirendorum*, are mentioned in a letter from A. Traversari to Niccoli (ed. Cannetus, 1759), Ep. 8.2, col. 353; on their date and identification with the extant *Commentarium*, see Sabbadini, 1914, 1–7. The *Commentarium* mentions only German locations; for what may be the French equivalent, see Stadter, 1984, re-interpreting a letter first published by Foffano, 1969.

[74] Rubinstein, 1958, edited from *Paris, Bibliothèque nationale de France, ms. italien 1595 (Archivio Sforzesco)*, fols 445v–446r. Also edited by Natale, 1958, 286–288, but I here follow Rubinstein's text. On the letter, see also Bausi, 1988, 169–174.

[75] Rubinstein, 1958, 389–390: 'Although it cannot be excluded that Jacopo used and "edited" the latter [the *Commentarium*], it seems more probable that he based his inventory on a draft or copy of a list which Poggio sent to Niccoli ... and which Niccoli incorporated in his *Commentarium*.'

[76] Klodt, 1992, 80 n. 21; also Pecere, 1982, 91–92 with n. 44; Coraluppi, 1980, 40–41, esp. n. 72; Rubinstein, 1958, esp. 386–388.

Commentarium offers a more 'correct' form, as we might expect from the learned Niccoli.[77] It is true we could explain this by supposing that the changes were made not by Niccoli but by some subsequent scribe—neither of the two documents survives as an autograph copy[78]—and so Jacopo might still be dependent on Niccoli's original version; but for our purposes that would make little difference, as it would still show that, of the two extant texts, Jacopo's letter preserves the more authentic version. Yet the most likely scenario remains that this 'learned scribe' who has intervened in the text is Niccoli himself, following Rubinstein's thesis that Jacopo was drawing on the materials that Poggio gave to Niccoli, rather than Niccoli's text. A corollary of this is that we should be alert for other corrections in Niccoli's version of the text.

Rubinstein's conclusion that Jacopo transmits genuine information from Poggio independently of the *Commentarium* is thus well founded, but it is also clear that Jacopo, too, has intervened in his text, for at one point he adds the observation *Liber vero ipse apud Iacobum filium est* (p. 398, line 8: 'But the book itself is in the hands of his son Jacopo.'). Further, one substantial deviation from Niccoli's version of the list of manuscripts includes a reference to Pope Pius II, who reigned from 1458–1464, 20 years after Niccoli's death, though here we cannot know if the addition is due to Jacopo or to a late revision of the records by Poggio himself. A further element of potential confusion is that Jacopo evidently drew not on a single document left by Poggio, but on a number of items, because his final paragraph refers to the preceding material in the plural: *haec sunt que reperi Clarissime orator* (p. 399, line 35: 'These are what I found, most noble ambassador.').

In ecclesia cathedrali colonie

In this mishmash of disparate, re-worked elements, how can we distinguish reliable information? Stylistic analysis of the relevant passages permits cautious identification of what seems original, what seems an addition or alteration. For example, the notice about Cologne is matched in length and style in both documents by a passage on Livy, in which Niccoli's phrase *in quodam monasterio Dacie* seems original, whereas Jacopo's *in quodam monasterio Sore Dacie* seems tampered with, because the name *Sore* conflicts with the unspecific *quodam*. Yet, from Poggio's correspondence we know that *Sore* (i.e. Sorö) was indeed the relevant monastery as far as Poggio knew, so while it appears to be an addition by Jacopo or Poggio to an existing text, it is an accurate addition.[79] We can analyse the entry on Cologne in the same way, here in Niccoli's version with the points that differ from Jacopo Bracciolini's text emphasized (ll. 75–80).[80]

[77] Rubinstein, 1958, 389 n. 3 and 390 n. 3.

[78] Jacopo's letter was sent to the Chancellor of Milan, Cicco Simonetta, who copied it into his extant diary (Rubinstein, 1958, 385–386); the *Commentarium* is preserved in an unknown, late 15th-c. hand, in a book owned by Francesco Sassetti, on which see de la Mare, 1976, pp. 162, 186–187 (App. 9.3, No. 70), 193 n. 24.

[79] Rubinstein, p. 394.

[80] I pass over the more classical spelling of Niccoli's text (often with diphthongs rather than plain *e*, and *repperiit* rather than Jacopo's *reperit*), which would indeed be characteristic of Niccoli, but which may be due to later copyists.

In ecclesia cathedrali colonie sunt due bibliotecae, quarum Poggius *n o s t e r* *uidit illam quae est uulgatior, in qua repperiit* *q u a s d a m* *Ciceronis orationes: aliam uero quae est penitus recondita uidere non potuit propter absentiam custodis* *i l l i u s* *: De hac ipsa audiuit multa* *m i r a n d a .*

noster om. Jac. *quasdam*] *illas septem* Jac. *illius* om. Jac. *miranda*] *admiranda* Jac.

In Cologne cathedral there are two libraries, of which o u r f r i e n d Poggio saw the one that is more public: in it he discovered s o m e speeches of Cicero. The other, however, which is hidden deep inside, he could not see because the Keeper o f t h e f o r m e r was absent. Of the latter in particular he heard many marvellous things.

The third-person style of the report matches that of many other texts we have from Poggio, such as the two subscriptions already cited.[81] Poggio would not have described himself as *noster*, while Niccoli would be likely to add it, but would Jacopo have simply omitted it? We might rather expect *Poggius pater*, his phrase elsewhere, if he had intervened in the text here at all.[82] It seems most likely that the original version was plain *Poggius*, and Niccoli has added *noster*. The next difference between the two versions, the addition in Niccoli's text of *illius*, is an important practical detail—a researcher would want to know that it was the presence of the keeper of the public library that was needed for entry to the 'hidden' one—and is so specific as to rule out guessing. Yet in the flow of the text it seems tacked on awkwardly after the closing rhythm of *propter absentiam custodis*. This is the sort of practical detail that Niccoli might have heard from or checked with Poggio and added for the sake of precision, but it would be an odd thing for Jacopo to omit if it had been in his text, given its practical utility; this seems to be another case of an addition by Niccoli, but a reliable one. The most useful detail, however, is the variation between Niccoli's word *miranda* and Jacopo's *admiranda*. The former, but not the latter, is well attested classically as a simple adjective, as here, with no gerundive verbal force; more significantly, the intended sense here is clearly 'wonder', not mere 'admiration' or 'surprise', and for this the correct classical verb is *miror*, not *admiror*.[83] The indiscriminate use of composite verb forms in the same sense as the simple form is one of Poggio's best known stylistic tics (cf. *conscripsisset* and *adinvenisset* for *scribere* and *invenire* in the Langres subscription); he was mocked for this L. Valla, and it is the sort of linguistic vice that he hoped to purge from his literary texts by submitting them to Niccoli for correction.[84] The text with *admiranda* is precisely what we would expect as authentic Poggio, while *miranda* is what we would expect from a subsequent version corrected by Niccoli. Jacopo's own writings are strictly classical in their language (far more so than Poggio's), so he would

[81] In all Poggio's manuscript subscriptions he uses this third-person style: in addition to those cited above, see Ullman, 1960, pp. 27, 30, 31–32, 33, 35, 52. Even in a letter he can lightheartedly use a third-person expression about himself (to Niccoli, 1425, ed. Harth, 1984–1987, vol. 1, p. 163, lines 10–11) *Credo eas tradam Bartholomeo nostro, qui et pecuniosior est quam Poggius et avidior* ('I think I shall hand them [sc. books] over to our friend Bartolomeo, who is richer than Poggio and greedier').

[82] In a subscription added around this time by Jacopo to one of Poggio's mss., *Vat. lat. 3245*: *Queretur haud iniuria Poggius pater, se patriis privari laribus et a filio pientissimo destitui* ('Poggius, [my] father, might complain without injustice that he is being deprived of his household gods and deserted by his most devoted son'; the book, which Jacopo is giving away, is supposed to be speaking in the person of Poggio). Quoted from Walser, 1914, 419; Bausi, 1988, 176, dates it to 1475.

[83] *OLD* s. vv.

[84] Some instances from a short stretch of Valla's *Antidoton Primum* (ed. Wesseling, 1978, Lib. 3, p. 224/§241 to end), which picks apart the language of Poggio's letters: p. 224, §249 *re/compensare*; ibid. §245 *ex/orare*; p. 228, §272 *re/commendare*; p. 234, § 304 *per/legere*; ibid. §300 *per/vestigare*; p. 236, § 315 *ex/ire*; the examples could be multiplied. Harth, 1984–1987, vol. 1, p. CXVII, notes that this feature of Poggio's language derives from mediaeval Latin; discussed also by Rizzo, 2004, 91. On Niccoli's correction of Poggio's Latin, see Harth, 1967.

not have changed the reading from the correct *miranda* to the erroneous *admiranda*.[85] Consequently we should accept that this text in its basic form does originate with Poggio, and that Jacopo's version transmits a more authentically Poggian version than that of the *Commentarium*.

What then can we say about the crucial variants *illas septem*/*quasdam*? Firstly it is hard to imagine Poggio being as vague and casual as to record only that he found 'some' speeches. The passage is not as striking as the subscriptions with their lapidary phrases like 'in the forests of the Lingones' but it is not without an element of dramatization: the scene-setting *In ecclesia cathedrali colonie sunt...* is followed up by the balanced references to Poggio's 'seeing' each library (or not), the first of which is informationally redundant, as he could not have found texts there if he did not see it; and the description of the less public library as *penitus recondita* (in essence implied already by its opposition to *vulgatior*) is a touch of colour that evokes something of the same air of adventurous quests as the forests of the Lingones. (Were he merely jotting down casual notes about his finds, he could have conveyed the same information with: *in illa, quae est vulgatior, repperit quasdam Ciceronis orationes, alteram non vidit*, in which case *quasdam* would be entirely appropriate.) And the closing *multa* (*ad*)*miranda* likewise evokes hidden treasures or wondrous quests—contrast the banalizing financial metaphor used in a contemporary letter in which he speaks merely of the potential *lucrum* of major textual finds.[86] In this tone of fable, the casual *quasdam orationes* is out of place. Poggio would surely have given us either a definite number of texts, or a characterization like *antea deperditas* vel sim., though the latter would require recasting the phrase. On the other hand, Niccoli had a good reason to change this: we have seen that there was confusion over the number of texts in the group of speeches brought back from Germany and that the number seven was therefore suspect; it was not important for Niccoli's purposes to give details of past discoveries—his interest was in future ones—so he would lose nothing by cautiously avoiding a specific statement on the number of texts. As Jacopo provides both the Poggian vocabulary *admiranda* and a number, the absence of which can be felt in Niccoli's text, we should accept this number as originating with Poggio.

But what about *illas*? For the same reasons of style and register, it seems rather out of place: fabulous quests mix uncomfortably with cross-references. Further, the text about Cologne is working with the opposition *illa* vs. *haec* (sc. *bibliotheca*), which is confused by an appearance of *illas* with reference to something else. The large number of elements in Jacopo's letter that intervene between this reference and the list of speeches to which it refers suggests that these two elements of Jacopo's text were taken from different documents. It seems most likely therefore that Jacopo has created a link between the different parts of his compilation by adding the word *illas* to a pre-existing text by Poggio.

Has septem M. Tulii orationes

In Jacopo's compilation, *illas* clearly refers back to an earlier entry near the start of the letter. After two items about pre-Poggian manuscript finds—a reference to what Petrarch did *not* find, and a

[85] Cp. the elaborately periodic and Ciceronian passages from his works quoted in Bausi, 1988, 108–109, 112; on the general increase in classicism and Ciceronianism in Latin over the course of the 15th c., see Rizzo, 2004, 65; on Poggio's pithier and more 'Italian' style, ibid. 60–61.

[86] To N. Niccoli, 26 Feb. 1429 (ed. Harth, 1984–1987, vol. 1, p. 78), line 10, *magnum esset lucrum*, about fragmentary works of Cicero; and line 16 *Hoc ingens est lucrum*, about 12 hitherto unknown works of Plautus.

mention of G. Landriani's discovery of Cicero's rhetorical works—the series of Poggio's discoveries opens with the following item:[87]

Pro .C. Rabino postumo
pro Roscio Comedo
Pro Aulo Cercina
De lege agraria
Contra Rullum orationes tres.
In .L. Pisonem

has septem .M. Tulii orationes: que culpa temporum apud Italos deperdite erant, Poggius Florentinus perquisitis plurimis gallie: germanieque bibliotechis cum Iacentes in squalore et sordibus comperisset, Latinis musis dicavit

The main argument for Jacopo's unreliability, as advanced by Rubinstein and stressed by Klodt, is that he has included *Caec.* in this list but omitted *Rab. perd.* On the traditional interpretation of the two subscriptions, *Caec.* was excluded from the 'seven' of the final subscription; for Klodt and Rubinstein, therefore, Jacopo must just have skimmed rather carelessly through the pages of **X**, noting the titles but overlooking the subscription to *Caec.*, and then, faced with the problem of eight speeches keyed to a subscription about seven, he arbitrarily chose to omit the title of *Rab. perd.* to bring the total back in line.[88] But, as we have seen from the evidence of the letter to Pizolpasso, Poggio himself included *Caec.* among the 'seven' speeches and, as was argued above, he seems not to have realized that *Rab. Post.* was distinct from *Rab. perd.* It has always been assumed that Jacopo took his information directly from **X** itself, but in that case he would surely have reached the same conclusion as all subsequent readings of its evidence alone, and so he *would* have recorded *Caec.* and its subscription separately, treating the others as the 'seven' cited in the final subscription. A conflation of the two speeches *Pro Rabirio* would in fact be most unlikely on the basis of on a reading of **X** in its later state (which must date from 1418 at the latest), as the two speeches were by then clearly distinguished by titles. It is actually an argument for Jacopo's reliability and access to independent information here that he deviates from the apparent implications of **X** and instead produces a list that matches what we can reconstruct of Poggio's own earliest interpretation of the material.[89]

We may note also that the version of the subscription-text given by Jacopo is not just shorter, but also more elegant than that in **X**. In the text below, the elements of the manuscript subscription omitted in Jacopo's version are emphasized:

> *Has septem M. tullij orationes que a n t e a culpa temporum apud italos deperdite erant, Poggius florentinus, perquisitis plurimis gallie germanieque s u m m o c u m s t u d i o a c d i l i g e n t i a biblyothecis, cum latentes comperisset in squalore et sordibus, i n l u c e m s o l u s e x t u l i t . a c i n p r i s t i n a m d i g n i t a t e m d e c o r e m q u e r e s t i t u e n s , latinis musis dicavit.*

antea is otiose given the pluperfect tense of *deperdite erant*, while *in lucem solus* is an ugly echo of *in lucem solis*. The garrulous *summo cum studio ac diligentia* is removed, and the ringing, but rather tautological *in pristinam dignitatem decoremque restituens* is also gone. The result is a less bombastic

[87] The readings *Pro Rabino*, *Cercina* and the listing of *De lege Agraria* as if it were distinct from *Contra Rullum orationes tres* are presumably misreadings by Simonetta, to whom we owe our copy of the letter, rather than by Jacopo. *Iacentes* is presumably also his misreading of *latentes*.

[88] Rubinstein, 1958, 387–388; Klodt, 1992, 80 n. 21.

[89] Simonetta cannot be responsible for eliding *Rab. perd.* to save the numbers, because the mistaken distinction of *De lege agraria* from *Contra Rullum orationes tres* brings the total back up to eight.

and but ultimately more imposing text. Further, the phrasing and punctuation split the text into units that form an elegantly balanced graphic layout:[90]

HAS SEPTEM
.M. TVLLII ORATIONES:
QVAE CVLPA TEMPORVM
APVD ITALOS DEPERDITAE ERANT,
POGGIVS FLORENTINVS
PERQVISITIS PLVRIMIS GALLIAE:
GERMANIAEQVE BIBLIOTECHIS
CVM LATENTES IN SQVALORE
ET SORDIBUS COMPERISSET,
LATINIS MVSIS
DICAVIT

It must be stressed that texts do not automatically fall into such satisfying patterns in which sense and layout accord so well—attempts to arrange the other version of this text with similar elegance fail—so this should be seen as a conscious choice to take the lapidary element of the verbal structure and phrasing a step further, to a lapidary layout of the text.[91] The version transmitted by Jacopo is thus in several ways a more polished text, and certainly not an arbitrary or sloppy alteration. The cancellations in the manuscript version of the subscriptions show that Poggio was still drafting the texts as he wrote them; it seems that his son has transmitted to us the finished version of one of them.

Conclusions

Without denying the tentative nature of any such stylistic analysis, we may summarize its implications as follows: The notice about the discovery of Ciceronian speeches in Cologne derives in its written form from Poggio himself (and is not, e.g., a summary by Niccoli of Poggio's oral account), and it originally referred to 'seven' speeches; the word *illas* linking it to the list at the start of the document, in contrast, was probably added by Jacopo Bracciolini. The list of speeches and version of the subscription do derive from Poggio and not from Jacopo's reading of Poggio's manuscript, but they were probably found among Poggio's papers in a different item from the information about Cologne.

In both Jacopo's letter and the *Commentarium*, the notice about Cologne matches that on the lost decades of Livy in length and style; in the letter the two notices appear side by side, and in the *Commentarium* they seem to have been split apart only by an insert on Cicero by Niccoli; they are the only elements shared by the two documents other than the list of manuscripts. These similarities suggest that they may have been composed at the same time. Their presence in Niccoli's text as well as Jacopo's dates their original form no later than the 1420s and, from Poggio's letters, it appears that the information about Livy first became known to him around 1424.[92] If the Cologne text was written in its original form at the same time as the Livy one, we would thus be able to date its composition to the mid- to late 1420s too. By this time the error about the number of speeches and the conflation of

[90] Following Poggio's own practice when writing in capitals, I give the text here with diphthongs written in full, not simple *e* (on this habit, see Chapter 5 below, on the text in **X**).

[91] Just as the earliest datable example of the modern 'Roman' letterfont, in both minuscules and lapidary capitals, is from Poggio's hand (ms. *Berlin,Staatsbibliothek, Hamilton 166*, dated 1408), this subscription is thus a very early step on the way to the modern title page laid out as centred capitals on the model of Roman inscriptions. Cp. Ullman, 1960, 54–56, on Poggio's development of capitals and titling on the model of classical epigraphy.

[92] Rubinstein, 1958, 394–395.

the speeches *Pro Rabirio* would have long been cleared up, and so we could unproblematically explain the 'seven' speeches in Cologne as the seven other than *Caec*. The list of speeches and subscription text, still with the error about *Pro Rabirio*, would derive from different notes made at the time of the discovery. Jacopo Bracciolini would thus be guilty of mistakenly conflating these two notes, but their original sense, which derives from Poggio and can be reconstructed, would be reliable. And so the discovery of *Rosc. com.* could be safely ascribed to the cathedral library of Cologne.

How much weight can these stylistic findings bear? As long as Jacopo was thought to have taken his evidence from **X** and so to have made fairly crass mistakes and unjustified alterations in the material, all his information was suspect. However, a point of which Rubinstein was not aware, because he was writing before the rediscovery of **X** had become known, is that Jacopo almost certainly did not own **X**: nothing corresponds to it in the inventory of books made after Poggio's death, which were inherited by his sons.[93] So the conclusion based on stylistic grounds that Jacopo was using a source other than the manuscript gains external confirmation, and with that the stylistic approach as a whole is revealed as relatively robust.

A potential objection to the findings set out above is the problem of how an old mistake about the number of speeches could still be repeated long after the error had been discovered. Why would this out-of-date, erroneous material still have been among Poggio's papers decades later? The only comparable record left by Jacopo about his father's manuscripts suggests an explanation. In a manuscript written by Poggio which lacked a subscription, Jacopo himself has added his own subscription in the form of a letter of gift, giving the book to his friend Bernardo Bembo.[94] In this subscription Jacopo records that Poggio wrote the manuscript in the reign of Pope John XXIII (1410–1415). Research on the manuscript has established that it was written at Constance, and hence between 1414 and 1418, broadly confirming the accuracy of Jacopo's information.[95] But if Jacopo knew, e.g., that it was written at Constance, it would be odd to use the papal reign rather than a reference to the Council as a means of identifying the occasion of its copying. The Council was already established as an epoch in textual discoveries, as is shown by Biondo Flavio's brief history of the discoveries (on which Jacopo seems to have drawn elsewhere in his letter),[96] and was also well known as the heroic era of Poggio's otherwise quiet and clerical biography; it was a famous and historic occasion and would have added to the interest of the book for its recipient Bembo. Further, a disgraced, imprisoned and excommunicated antipope such as John XXIII is hardly the sort of connection one would choose to recall, if a less controversial option were available. Jacopo must have found the information

[93] The inventory is printed in Walser, 1914, 418–423. Before the rediscovery of **X**, it was erroneously identified with a parchment book in the inventory, but **X** is paper.

[94] *Vaticanus latinus 3245*, for the text see Walser, 1914, 419, dated to 1475 by Bausi, 1988, 176: *phylosophiam et leges a Cicerone editas, a se vero Johannis XXIII pontificis tempore scriptas* ('the philosophy and laws [i.e. the content of the ms., Cicero's *Academica* and *Leges*] were produced by Cicero, but written by himself [sc. Poggio] in the time of Pope John XXIII'). No other information on the date or occasion of copying is mentioned.

[95] Schmidt, 1974, 292. Schmidt, ibid., 280, claims that Jacopo knew only that the text was from Constance and guessed the rest, getting the date wrong by a couple of years, but Schmidt's detailed discussion to which this claim refers (ibid., 292) tacitly slides from a demonstration of late 1417 as terminus ante quem to treating this as the absolute date of the ms.; no terminus post quem is established, aside from the fact that the copying was done at Constance during the Council. There is hence no reason to challenge Jacopo's dating to the reign of John, which continued through the first seven months of the Council. By establishing that the ms. was written at Constance, and not at a different period in Poggio's life, Schmidt's analysis in fact confirms Jacopo's accuracy insofar as it is possible to check.

[96] Biondo Flavio, *Italia Illustrata* (ed. White, 2005), Book 4, history of discoveries at § 25–31 (pp. 300–308), on Constance at § 27–28 (p. 302); Rubinstein 1958, 386–387, notes an echo of Biondo in Jacopo's brief information on Petrarch (ibid. p. 397, lines 2–3), though here again it is not clear if this notice derives from Jacopo or Poggio, Biondo's friend and colleague for 20 years in the curia.

somewhere, and the use of the regnal date suggests that this source was ordered chronologically. If Poggio thus maintained a chronological record of his scribal activity, it would record the content as he understood it when he made the entry, i.e. at the time of copying. The overall value of such a document would far outweigh any mistakes in the content of individual items, and would ensure its retention among his papers.

Contemporary Florentine habits would make it odd had Poggio *not* carefully preserved records of the manuscripts he found or copied. He and Niccoli were in effect scholar-publishers *avant la lettre* and their scribal activities, including manuscript searches as well as the production of fine copies, were business matters; the books that Poggio copied or acquired, and then sent off to friends, sometimes for years at a time, had solid monetary value. For Poggio to establish ownership of books he loaned out or to record the provenance of any he might later sell, he needed an authoritative record of his scribal work and acquisitions. In the social circles to which the humanists belonged, it was the norm to maintain a detailed business diary recording all financially relevant actions, transactions and events; these papers might be required as evidence in court or for tax purposes and stayed in the family for generations.[97] So the type of 'outdated' record hypothesized above, and its preservation by first Poggio and then his son, neatly fits quattrocento documentary practices.

A further support for the findings reached above is that, even without Jacopo's testimony, the combined evidence of the subscriptions and of Niccoli's text—the reliability of which no-one has ever contested—would already point to the same conclusion about the findspot of the speeches, albeit more faintly. For, firstly, the *quasdam* speeches recorded by Niccoli as being found at Cologne must include some at least of the texts found by Poggio in 1417, as no other Ciceronian speeches were found by Poggio aside from those securely traceable to Cluny. And, secondly, if, as implied by the letter to Pizolpasso, the manuscript subscription about the 'seven speeches' encompasses *Caec.*, we need to find a reason why *Caec.* received a special subscription; as the one concrete detail mentioned in that subscription is its findspot, the only explanation that suggests itself is that it was distinctive in this regard. The remaining seven speeches would hence all have come from one place, so Niccoli's statement that 'some' came from Cologne cathedral is sufficient to assign all seven remaining speeches to that location. Despite the variant readings offered by Niccoli and Jacopo Bracciolini, the authority and reliability of these two figures is thus not being weighed against each other; rather, the implications of the two accounts, which are both ultimately based on information provided by Poggio, complement and support each other. Each has made a small but understandable mistake related to the confusing use of 'seven speeches' in Poggio's early records of this find, but in both cases the overall implications are the same.

The combined evidence of Niccoli and Jacopo Bracciolini thus reliably takes us back to Poggio's own account. However, a question remains: can we trust Poggio? Do the circumlocutions and deflections of the two manuscript subscriptions not suggest that he chose rather to conceal the findspot(s) of these texts behind a veil of poetic language, and so might he not simply be laying false trails? An argument for such concealment might be seen in the fact that *Pro Caecina* can be established to have been found first by Nicolas de Clamanges and given by him to Poggio, yet this is not mentioned in the subscription to that speech, in which Poggio claims to have 'discovered' it (*adinvenisset*).[98] Yet that subscription is notable for the absence of many of Poggio's usual tropes: unlike other texts, *Caec.* is

[97] Martines, 1963, 45–46. E.g. Arrigo Salutati, son of the Florentine chancellor, Coluccio Salutati, records in his tax declaration of 1427 that Niccolò Niccoli still had possession of books borrowed from his father (who had died over twenty years previously); Arrigo assesses their value at 100 florins and expects interest to be paid on that sum. Archivio di Stato di Firenze, Catasto, 74, fol. 120v–127v, quoted in Martines, 1963, 113 n. 88.

[98] E.g. the ironic rhetoric of Ouy, 1979, presents the demonstration of this point as if it were the unmasking of Poggio as a charlatan.

not said to have been brought from darkness into light, released from a prison or rescued from dust and dirt; Poggio states only that he found it, transcribed it and brought it to Italy from Gaul, all of which accords with what we can establish about the true circumstances of his acquisition of the text. Although it took modern scholars some time to realize the connection between Langres and one of the early fifteenth century's leading Ciceronian scholars, contemporaries would not have been so slow. Nicolas de Clamanges, the learned Treasurer of the Langres cathedral chapter, was a major public figure, who intervened in the Council at Constance with open letters sent from Langres, and in contemporary correspondence he was known by the name 'the Treasurer of Langres'.[99] Langres was not a major centre, and Nicolas de Clamanges was its most famous resident, so in the diplomatic and curial circles in which Poggio moved, even the periphrastic reference *in silvis Lingonum* will have been enough to indicate, and so acknowledge, the source of the speech. Had Poggio wished to conceal its provenance, he need only have omitted this phrase, or neglected to provide a separate subscription to *Caec*. There is thus no call for hyperscepticism about his other records of discoveries. The sometimes unexpected or confusing expressions of the subscriptions seem motivated not by obfuscation, but by an elegant archaism that projects Poggio and his achievements into the ideal past of the classical era.[100]

We can hence accept the conclusion reached above that Poggio found all seven of the speeches other than *Caec.*—and so including *Rosc. com.*—in the 'more public library' of Cologne cathedral.

3.4 The Dombibliothek of Cologne

We can gain a little more detail about the library visited by Poggio in Cologne. The history of the Dombibliothek's collection as a whole goes back to Archbishop Hildebald (archbishop by the year 787, died 818), a member of Charlemagne's inner circle.[101] Though it is notable for very early—even sixth-century—holdings that have been in the library since Hildebald's days, these are ecclesiastical rather than classical in content. In the tenth century, in contrast, under Archbishop Bruno (925–965, archbishop from 953) and his immediate successors, the collection appears to have expanded specifically in the area of the liberal arts, the mediaeval category that embraces what we would term classical texts.[102] Although we know less about the later mediaeval period, one twelfth-century archbishop, Rainald of Dassel (ca. 1118–1169, archbishop from 1159), had a copy of Cicero's *De lege agraria* at Hildesheim, before his elevation to the archbishopric, and shared it with Wibald of Stablo (1098–1158), the presumed creator of the largest mediaeval collection of Cicero's works, a manuscript now in Berlin.[103] After the archbishops decamped to Bonn in the thirteenth century, the growth of the

[99] Nicolas de Clamanges was both a significant theological voice in his own right and the most prominent protégé and publicist of the Avignon pope, Benedict XIII; he was thus a key player in the ecclesiastical politics of the Council of Constance, on all of which see Bellitto, 2001, esp. 11–32. For citation of him under the name *Lingonensis Thesaurarius*, see the letters of Jean de Montreuil (ed. Ornato, 1963), index nominum.

[100] It should also be recalled that Poggio wrote letters announcing his discoveries, which were widely shared by his correspondents in Italy (see n. 53 above); their loss in transmission leaves us in the dark about the circumstances of the finds, but their existence implies that Poggio himself was not trying to keep his news secret.

[101] On the history of the library see Plotzek, 1998; Löffler, 1923; Lehmann, 1908, 85–98; the standard catalogue is Jaffé & Wattenbach, 1874, supplemented by Heusgen, 1933; additional materials and full digital images of all mss. in the current collection are provided in the online resource *CEEC*.

[102] Mayr-Harting, 2007, is a study of the 10th-century library through the marginalia of this period in the extant mss.

[103] Mentioned in a letter from Rainald of Dassel to Wibald, abbot of Stablo, between 1149 and 1157 (ed. Hartmann et al., 2012), Ep. 189, discussed by Rouse & Reeve, 1986, 92–92, who, ibid. p. 83, suggest Rainald as

library appears to have been more eclectic, depending largely on the interests of individual donors; acquisitions continued through to the end of the fifteenth century but halted sometime early in the print era.[104]

As regards the actual library visited by Poggio—the *biblioteca vulgatior* of his report—there are a few further records. The earliest mention of any location for the cathedral library, in 1261 before construction had begun on the gothic cathedral, sets it in a tower of the Roman walls.[105] Though this tower was still standing in the nineteenth century, by the time we get more detailed accounts, in the late eighteenth century, the library is located high in the vaulting of the gothic cathedral's choir. A fifteenth-century donor's note in one of the library books refers to a *nova libraria*: it states that the book was bequeathed to the cathedral *ut ad novam librariam ipsius ecclesie [sc. Coloniensis] ponatur, et ibidem cathenatus perpetuo remaneat* ('so that it may be placed in the new library of the same church [of Cologne] and be chained there in perpetuity').[106] The historians of the library, unaware of Poggio's report, have assumed that this must mark the transition from old location in the tower to the new site in the vaulting, but, as has been argued by Walser and Coraluppi, it seems more likely to refer to one of the two libraries mentioned by Poggio.[107]

Walser and Coraluppi saw the two libraries as separate institutions, the *bibliotheca penitus recondita* being the old library founded by Hildebald in the eighth century and in existence ever since, the other of later date. However, the reference in the donor's note to the chaining of the book, together with the parallel of the better documented Sorbonne library, suggests that we should instead see them as two sections or reading rooms, rather than distinct foundations. The fourteenth-century Sorbonne catalogue shows that its collection was divided between, on the one hand, the *communis libraria* or *magna libraria* with 330 books chained in position and, on the other, a larger collection with 1090 books which are not chained and are available for loan against a monetary deposit.[108] Since the 'large' library thus has less than a third of the number of books held in the other one, *libraria* must refer to the room, not the collection; the larger collection was presumably stacked compactly in a smaller space, whereas there would need to have been desks or benches within range of the chained books to make them usable. This arrangement would fit the testimonia about Cologne very well, with the *libraria nova* holding chained books on permanent display and being the 'more public' (*vulgatior*) of the two. One book from the Dombibliothek still has its old chained binding, and the design implies a well-appointed library with shelved book-desks—a rather different picture from Poggio's *squalor et sordes*.[109]

We catch our last glimpse of this 'more public library' in the late sixteenth century, in a report by the textual scholar Jan Gulielmius, who was based in Cologne in 1579–83.[110] He referred to a manuscript

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the ultimate source of Poggio's copy of *Agr.* Wibald's Cicero collection is now *Berlin, Staatsbibliothek, Hs. lat. 252*.

[104] Plotzek, 1998, is a detailed history of the holdings and acquisitions; on the end of the library's active acquisitions, see Frenken, 1868, 96.

[105] Frenken, 1868, surveys the older notices about the library; on the 'old tower' at pp. 51–52.

[106] *Dominus Wilhelmus de Duren, olim Rector Capelle beate Margarete Coloniensis, legavit hunc librum ecclesie Coloniensi, ut ad novam librariam ipsius ecclesie ponatur, et ibidem cathenatus perpetuo remaneat. Orate pro eo*. On a small piece of parchment bound prior to f. 1 of *Köln, Dom Hs. 182*, digital image viewed online in *CEEC*.

[107] Thus Walser, 1914, 58 n. 3; Coraluppi, 1980, 35–36 n. 57. Neither Jacopo's nor Niccoli's version of Poggio's visit to Cologne is cited in the studies of the Dombibliothek in the Renaissance, e.g. Stork, 2012; Plotzek, 1998; Löffler 1923.

[108] Ullman, 1973, 42–43, citing from the 1338 catalogue published in Delisle, 1868–1881, vol. 2, p. 142; vol. 3, p. 8.

[109] Knaus, 1961/62.

[110] On Gulielmius/Wilhelms, see Laubmann, 1879.

he collated as *liber scriptus qui Coloniae in aede maxima publicitus servatur* ('a manuscript which is preserved publicly in the cathedral at Cologne').[111] This is a routine designation to identify a manuscript, so *publicitus* must distinguish a particular location within the cathedral from some other possibility, which is exactly the same sense as Poggio's term *vulgatior*. This is surely our library. Intriguingly, the manuscript in question is the earliest of the large mediaeval Cicero collections, an eleventh-century codex containing speeches, letters and some philosophical works, now in London.[112] This is very much the sort of company that we would expect Poggio's finds to be keeping.

There is a detailed description of the Dombibliothek just prior to the French occupation of the 1790s, when the cathedral was sacked and all its fittings burnt for firewood. From this report it is clear that there was at that time only one 'alte beträchtliche Dombibliothek', which appears to have been in a single room in the vaulting of the choir.[113] However, the library had been rebound and reorganized in the 1750s, by which time chained libraries had long gone out of fashion; some at least of the formerly chained items, such as the bequest mentioned above, were integrated into the rest of the collection.[114] It seems likely that the old division into two libraries or rooms was given up at this point, if not earlier.[115] At the time of the rebinding a catalogue was made for the first time, but there is nothing in it that could be our texts.[116]

What happened to the book(s) Poggio copied? The history of the library from the time of his visit onwards is largely one of losses.[117] Even before Poggio visited, Amplonius Rating de Berka had in 1412 extracted a number of the cathedral's books to form the core of the Bibliotheca Amploniana in Erfurt, and similar migrations of books now in Wolfenbüttel and Vienna can be traced in the sixteenth century.[118] In the seventeenth century references to 'public' access are replaced by vehement complaints about the dragon-like guard set over the library,[119] but the dragons slept: J. G. Graevius and N. Heinsius shared tips on where to buy manuscripts for a fraction of their worth in a Cologne bookshop, and much of Graevius' collection can be traced to the Dombibliothek.[120] By the eighteenth century it seems to have been a free-for-all, as even the library's greatest treasure, the sixth-century

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[111] Gulielmius, 1583, cited in Clark, 1892, p. v.

[112] *Harley 2682*, on which see above all Clark, 1892; Mayr-Harting, 2007, 139–140, suggests it could belong to a group of liberal arts texts copied at Cologne under archbishop Heribert (999–1021), though most scholars have dated it rather to the later 11th century.

[113] Account of a visit in 1785 by Ph. W. Gercken (Gercken, 1786, 291; also quoted by Frenken, 1867, 93): 'An der linken Seite des hohen Chors bei dem achten Pfeiler geht die Treppe nach etlichen Gewölbern in die Höhe, worin die alte beträchtliche Dombibliothek, das Domarchiv und die Registratur ist.' Frenken sifts extensive published and unpublished testimonia to the library in the early modern period, but gives no indication of any division of the holdings.

[114] The survival of one book in the old, chained binding seems to have been due to an oversight: Knaus, 1961/1962.

[115] Already in the mid-17th c. Gelenius, 1645, 241, seems to know only this single library in the vaulting, but he provides no detailed description, and if the two rooms were contiguous it would be natural to refer to them as a single site.

[116] Hartzheim, 1752.

[117] On the early modern library see Plotzek, 1998, 50–53; Löffler, 1923; Lehmann, 1908, 85–98; Clark, 1892; Frenken, 1867.

[118] Plotzek, 1998, 52. Amplonius remained one of the *Edelpriester* of Cologne cathedral during and after Poggio's visit (Kisky, 1906, 92, no. 4), so he could still have removed books after Poggio's visit.

[119] Letter of Graevius to N. Heinsius, 21 March 1673, commiserating over the latter's failure to get inside the Dombibliothek: 'Miror barbaries Ubiorum, qui draconum instar thesauris incubant', cited by Frenken, 1867, 76–77.

[120] Graevius is the source of the Cologne mss. now in London, on which see Clark, 1891; on the correspondence between Graevius and Heinsius about Cologne, see Frenken, 1867, 76–78.

Dom Hs. 212, was taken.[121] The losses appear to have been massive, and Hartzheim's catalogue makes only the forlorn claim that it records the 'surviving' library on a certain day in 1752.[122]

For now we can say no more about what happened to the source of *Rosc. com.* and the other speeches Poggio saw, but by identifying their location in a particular library in Cologne we open up a number of new avenues for researching both their fate and their texts. Firstly, the current collections of the Dombibliothek, and of the libraries to which its books have passed, can be studied not just for the chance that some of the old texts Poggio saw could have survived in whole or part (though stranger things have happened), but because copies, collations or single variant readings made in and around these collections may well reflect the old books that are now lost. The later manuscripts of *Rosc. com.* are entirely unexplored, and any that can be traced to Cologne could reflect a local text—especially one that was 'publicly' available in the cathedral reading room—rather than just the Italian copies that ultimately depend on Poggio's transcript.[123] As Poggio was a highly sophisticated scribe who is likely to have made shrewd, but not necessarily correct guesses as he copied, it would be a great advance to find any such readings that would allow us to see what lay behind his text. In addition, a large number of early modern textual scholars are recorded as working in the library and studying its texts, and not all of their published and unpublished work has been assessed yet.[124]

As well as looking forward in time from Poggio's visit to copies made after him, a precise localization like this also allows us to trace earlier material that may reflect the books that he saw, or the earlier copies on which they in turn depended, thus perhaps throwing light on parts of *Rosc. com.* that were already missing when Poggio found the text. Recent research into tenth-century glosses in the Dombibliothek's books has found that characteristically they are not just explanations of words or simple clarifications, but rather the glossed manuscript is used as a peg on which to hang a wide range of miscellaneous knowledge of the world drawn from other sources, often of a very learned character.[125] Should any of the glossators of Cologne be found to know curious facts about Cicero or Roscius, we should take them very seriously indeed.

However, from these lost manuscripts we should turn to the text that we do have, namely the transcript Poggio made in Cologne cathedral while he was locked out of the hidden library and all its treasures.

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[121] Plotzek, 1998, 52; it was impounded again decades later when offered for sale and so returned to the collection, where it remains.

[122] Hartzheim, 1752, 162: *bibliotheca metropolitana quae superstes est anno 1752. 26. Maji.*

[123] Chapter 9 below addresses S. Pittia's claim to have identified four manuscripts that descend from a second copy made in Cologne independently of Poggio's copy.

[124] Early modern scholars who worked in the library are surveyed by Lehmann, 1908, 85–98; Plotzek, 51–53; Clark, 1892. For example, the unpublished collations of Gulielmius, who certainly worked in our 'public' library, are preserved at Leiden, as established by Schmidt, 1974, 219, cf. Berry, 1996, 65–67.

[125] This is the central finding of Mayr-Harting, 2007.

Chapter 4 Codicological Features and Content of Vat. lat. 11458

A brief note in a Vatican *Festschrift* of 1950 announced that the famous lost copy of Ciceronian speeches written by Poggio Bracciolini on his journey through Germany and France in 1417 had been rediscovered in the Vatican library.[126] A. Campana had rediscovered a manuscript, *Vat. lat. 11458*, here designated by the siglum **X**, that had been used by early modern scholars but later disappeared from view.[127] Subsequent editors knew of its existence but were unable to locate it and it was presumed lost.[128] None of these early editors regarded it as Poggio's autograph, although they all recognized that it was one of the most important early manuscripts of the speeches found in 1417. Campana's identification of this manuscript as Poggio's original transcript, made on the spot on his travels in northern Europe, has been widely, but not universally, accepted. It rests on both palaeographical and editorial grounds.

Although the script, a gothic cursive, is very different from the humanist calligraphic hand for which Poggio was famed, it is the same used in another manuscript he wrote in the same general period (excerpts from the *Chronicle* of Sigebert of Gembloux, copied in England in 1419–22) and is very similar to documents he wrote privately and in the course of his duties as papal secretary, e.g. manuscript annotations of ca. 1425 and a papal brief of 1423.[129] P. Gordan records that many more documents by Poggio in this hand, now known as his *manus velox*, still exist in the Vatican archives.[130] The palaeographical authorities A. C. de la Mare and B. L. Ullman, among others, analysed the hand and accepted the identification as Poggio's autograph.[131]

From an editorial perspective, the most immediately striking feature is the text of the two subscriptions recording Poggio's discoveries, present in **X** and other early manuscripts of the same speeches. In **X** they include cancellations and second thoughts, not present in the other copies; those in **X** are evidently the first draft, and the most obvious interpretation is that Poggio is here recording his own discoveries as (or soon after) he made them.[132] In the text itself, the readings of the early manuscripts at a crux can illustrate how all the others must, directly or indirectly, derive from **X**. At § 39 of *Rosc. com.*, **X** has the nonsensical reading *m er sequendum*.[133] Five other early manuscripts offer a total of four different readings (here cited from Clark's edition, with his sigla in bold): *inersequendum* (**ms**),

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[126] *Nel cinquantesimo di studi e testi. 1900–1950*, Città del Vaticano, 1950, p. 79, cited in Ruysschaert, 1959, 95. Campana's projected larger study of the manuscript never appeared, but there is a short statement of his findings in Campana, 1973.

[127] It was consulted by M.-A. Muret in the 16th c. and G. Garatoni (who calls it the *codex Mureti*) in the 18th: see Halm, 1850, p. 16, no. 72, who used Garatoni's collation of **X** in *Rab. Post.*

[128] Clark, ed. 1909, p. vii, no. 7, naming it the *codex Glorierii* (**g**) after an earlier owner. It is still undiscovered in *Der neue Pauly*'s history of the transmission (Binder, 2007, 148 and 156).

[129] Their script is illustrated in de la Mare, 1973, pl. XIV d (Sigebert), e (papal brief of 1423), h (manuscript annotation), alongside that of **X** (pl. XIV a + b).

[130] Gordan, 1974, 6–7.

[131] De la Mare, 1973, 72, and Ullman, 1960, 48–49.

[132] Campana, 1973, 67. The two subscriptions are quoted in the previous chapter; both are present in *Laur. conv. soppr. 13* (Clark's **M**), but only the second one in *Sen. H. VI. 12* and *Vat. lat. 13689* (Clark's **s** and **v** respectively).

[133] Not *in ecsequendum* as reported by Axer.

inexsequendum (**t**), *in eo sequendum* (**ωo**). It is clear that these four readings might arise as attempted improvements on **X**, but not vice versa. Another telling example is the word *parret* which appears in the text of **X** at § 11. This is a legal term that was archaic even for Festus in the second century AD, but it is here used correctly in the citation of a legal formula and must be the true reading.[134] It was evidently not understood by the readers of **X**, who have suggested the alternative readings *peteret* and *paret* in the margins. All other copies of *Rosc. com.*, including all printed editions, choose one of these two erroneous alternatives; thus only **X** itself is prior to this corruption of the text and must stand at the head of the tradition. These findings parallel recent examinations of the traditions of the other speeches transmitted in **X**, which rest on a wider manuscript basis than the present study. Thus e.g. E. Olechowska consulted 74 other manuscripts of *pro Rabirio Postumo*, the transmission of which parallels that of *Rosc. com.*, and concluded that they descend exclusively from **X**.[135] Detailed study by M. Reeve of the transmission of *Agr./Pis.* has also supported the identification of **X** as Poggio's autograph.[136]

There has been some very cautious dissent, however. In the most recent catalogue of Vatican manuscripts, annotations in **X** are positively identified as the hand of Poggio, but the identification of the main text as the copy made by him in Germany and France is stated with a question-mark and the codex is said to be merely 'probablement écrit par Poggio vers 1417.'[137] No grounds are given for these reservations, but it is true that, even accepting **X** as Poggio's autograph and the source of these speeches (or of the 'Poggian' transmission of those speeches that also have other branches of tradition), one might argue that it is a secondary copy of the original transcript; it would retain its position in any stemma, but we would not be able to use its codicological features to cast light on the circumstances of the discovery. We will return to consider this after first examining the codicological features of the manuscript identified by Campana, which shed light on this question.

The codex is of paper and has 116 leaves, written by two different hands.[138] Folios 1–96 are written by Poggio and contain eight speeches by Cicero, two short grammatical texts and a page of manuscript description with brief excerpts. The last two quires, fols. 97–116, containing parts of Cicero's speeches *Pro Flacco* and *Pro Fonteio*, are written in a hand that has been identified as a scribe who copied works by Poggio in the 1440s; variants of the watermark in these quires are attested from 1438 to 1455.[139] Annotations by Poggio appear in this latter part of the codex, but only in his later, sloppier script. The final section of the codex was thus evidently added later; it has no bearing on the journey of 1417 or the speeches found then.[140]

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[134] Defended already by Platschek, 2011, 370 n. 6.

[135] Olechowska, 1984, 98.

[136] Reeve, 1995, based on inspection of 86 manuscripts and incunabula of these speeches and of *Pro Fonteio*; also Rouse & Reeve, 1986.

[137] Gilles-Raynal et al., 2010, 808–810, at 808, and 866. This is the only instance known to me of doubts about the identification.

[138] It was consulted directly, as well as on microfilm and in digital images. The description by Ruysschaert, 1959, 93–96, is the fullest and most reliable, though note that the text of *Agr.* 2.1 cited on fol. 51r in fact differs from that copied out on fol. 56v (discussed further below); in the list of quires, fols. 67–82 has been omitted by Ruysschaert and his final item ('fols. 33–54') should read 'fols. 33–52'. Cf. Gilles-Raynal et al., 2010, 808–810.

[139] Date and attribution of the hand by Martin Davies, ap. Reeve, 1995, 71; the watermark is Briquet var. 6306 (with the image of a trefoil), which is attested primarily in Italy. The excerpt from *Pro Flacco* begins with the erroneous title 'ex oratione M. Celij' (fol. 97r, corrected in the margin), but *Cael.* is not in fact present (contrary to the statement by Axer, ed. 1976, p. VI, nor are there excerpts from *Caec.* in this section, as stated by Klodt, 1992, 80).

[140] On this part of **X**, see Reeve, 1984–1985, 55 n. 4, and id., 1995, 71–72.

THE MANUSCRIPT VATICANUS LATINUS 11458

Codicological units and content

I. fols. 1–16, 17–32
Watermark: Briquet 3895 (crossed keys in a circle, Rhineland 1415–1421).
Three speeches by Cicero:
Rab. Post. (fols. 1r–8r)
Rab. perd. (fols. 8v–14r, half-page left blank at fol.11v)
Rosc. com. (fols. 14v–22v)
Two short excerpts from grammatical works:
Probus, *De litteris singularibus* (fols. 24r–25r)
Marius Victorinus, *Excerpta de Orthographia* (fols. 25v–27v)
One blank leaf (fol. 23) divides the speeches from the grammatical works, ten sides (fols. 28–32) are left blank at the end.

II. fols. 33–52
Watermark: var. Briquet 2416 (weighing scales, Low Countries and France 1405–1420)
One speech by Cicero:
Caec. (fols. 33r–49v)
Subscription recording that 'this speech' was found by Poggio in Langres (fol. 49v)
Notes on manuscript(s) of *De Oratore*, *Agr.* and *Pis.* (fol. 51r)
Two blank sides (fol. 50) between *Caec.* and the manuscript notes; the last three sides (fol. 51v–52v) are blank.

III. fols. 53–66, 67–82, 83–96
Watermarks: first quire as fols. 1–32; otherwise var. Briquet 2677 (basilisk, Reggio Emilia 1416–1418).
Four speeches by Cicero:
Agr. 1 (fols. 53r–56r)
Agr. 2 (fols. 56v–73r)
Agr. 3 (fols. 73r–75r)
Pis. (fols. 75r–94r)
Subscription recording that 'these seven' speeches were found by Poggio 'after searching libraries in France and Germany' (fol. 94r)
The last five sides (94v–96v) are blank.

IV. fols. 97–104, 105–116
Watermark: var. Briquet 6306 (trefoil, primarily Italy, 1438–1455)
Partial text of Cicero's *Pro Flacco* (fols. 97r–102r) and *Pro Fonteio* (fols.102r–115r)
Not written by Poggio, but annotated by him in his later hand. This section of the manuscript has no connection to the journey of 1417.

Quiring from Ruysschaert, 1959, watermarks from Gilles-Raynal et al., 2010, watermark dates and distribution from Briquet, 1968.

The part of the manuscript written by Poggio consists of six quires, but the texts are not written continuously across them all. They form three distinct codicological units, of two, one and three quires respectively; it is only within each of these units that text continues across the break between quires, and blank pages are left at the end of each unit. The units are thus physically independent of each other, and the blank pages at the end also signal an independence in content. These three units divide the eight speeches into three groups: first *Rab.*/*Rosc. com.*, with the grammatical excerpts, in the first unit; then a single speech, *Caec.*, with the manuscript descriptions, in the second; and finally the four speeches *Agr.*/*Pis*. in the third unit.

Three different kinds of paper are used in Poggio's part of the manuscript, one used only for the second unit, another shared by the first and the start of the third unit, and one used only in the third. The watermarks and their geographical distribution will be considered in more detail at the end of this chapter, but we may note that the shared watermark of the first and third units perhaps suggests some link in time and place between these two units. The ink of the second unit is notably rougher and blacker than that of the other two parts, in both of which it has a reddish tint.

The two subscriptions in which Poggio recorded his discoveries (discussed in the previous chapter) are both written in a smaller, more formal hand than the text of the speeches. They appear near the end of the second and third units respectively. The first subscription, recording that 'this speech' (*hanc orationem*) was found in Langres (*in silvis Lingonum*), immediately follows the text of *Caec*.; the fact that it shares with the speech the unusual black, poor-quality ink reveals that it must have been written at the same time as the text of the rest of this unit. The second subscription, referring to seven speeches found 'after searching many libraries in France and Germany' (*perquisitis plurimis gallie germanieque ... bibliothecis*) immediately follows *Pis.* at the end of the third unit; it has been suggested that it may have been added somewhat later than the texts it follows.[141]

Because the writing within each unit crosses the quires without a break, the units must be original elements created at the time of writing, but the units, each taken as a whole, need not have been written, or originally bound, in their current sequence in the manuscript. Of the six manuscripts that seem to be the earliest copies, only one (**s**) matches the current sequence and there is no reason to see it as the earliest of the group; the rest put *Caec*. first, and then most have *Agr.*/*Pis.* followed by *Rab.*/*Rosc. com*.[142] Poggio himself seems to have been involved in some later re-binding, as the catchword at the end of the first quire (fol. 16v) has been corrected in his later, shakier hand. The later correction emends it to match the first words of the next quire (*est hoc quidem*), but the original text here was not a true catchword, reading simply *Hoc est primum*, i.e. 'This one first'. The informality of this pseudo-catchword suggests that Poggio did not at that point expect this unit to form part of a larger whole, which could hint that he found these texts before the others.

For some of the texts, the sequence of copying can be established on editorial grounds. One of the two grammatical fragments, the *Excerpta de Orthographia* of Marius Victorinus, could have been added later, at Constance. A second copy of this excerpt was made by Poggio's friend and companion at the Council of Constance, Zomino da Pistoia (Sozomenus), but neither Zomino's copy nor the text in **X** is dependent on the other; the most likely scenario is that they were both copied from another text now

[141] By de la Mare, 1973, 79. The script is still much closer to Poggio's early hand as found in the main text of this ms. than to his late annotations; the presence of the subscriptions in very early copies guarantees that they are at least roughly contemporary with the main text.

[142] Reeve, 1995, 61–62. Only **v** and **M** differ, breaking up one of the units by placing *Pis.* last after *Rosc. com.*; the grammatical excerpts and manuscript descriptions are not present in these copies. Cf. Clark, edn., praef., pp. vi-vii on these mss.

lost.[143] It would follow that the copy in **X** was not the very first discovery of this text, which was previously unknown to the Italians, but was a secondary copy. The most likely setting for the copying of a text by both Poggio and Zomino is in Constance. Zomino's manuscript also contains the other grammatical excerpt in **X**, Probus' *De litteris singularibus*, so it too is likely to have been added to **X** in the same context.[144] In that case a full twenty sides would originally have been left blank after *Rosc. com.* at the end of the first section of **X**.

Editorial considerations cast light on the sequence in which the second and third units were written, as these speeches (*Caec.*, and *Agr./Pis.* respectively) have a wider transmission, allowing us to place the texts in **X** in particular branches of it.[145] A most unusual feature of **X** is the page-long description of one or more manuscripts near the end of the second unit (fol. 51r), with short extracts from *De Oratore*, *Agr.* and *Pis.* A significant variant at *Agr.* 2.1 reveals that the manuscript described here cannot be the same one from which *Agr.* was copied out in full in the third section of **X**.[146] The text described is related instead to the fifteenth-century manuscripts of *Agr.* from Heidelberg, and the text of *Caec.* in **X** is related to one of these manuscripts too.[147] It is thus very plausible (though not demonstrable) that the speeches in the second section of the manuscript—i.e. the full text of *Caec.* and the excerpts from *Agr./Pis.*—all came from a single codex in Langres. It seems most likely that Poggio first found and copied out *Agr.* and *Pis.* in full, as now preserved in the third part of **X**, and subsequently, when he found a manuscript containing *Caec.*, *Agr.*, and *Pis.*, he copied the one text that was new to him (*Caec.*), taking only notes about the others. The second unit in **X** will thus have been written after the third one.[148]

It is not entirely clear whether the text of *De Or.* described on the same page was found in the same manuscript as *Caec.* and the excerpted speeches, but the page of notes reads most naturally as the description of a single codex containing both this work and the speeches *Agr.* and *Pis.* The oldest member of the 'German family' of *Agr.*, *Berlin, Staatsbibliothek, Hs. lat. 252* (**E**, 12th c.), also provides a parallel, as it contains all six works copied or cited in the second unit of **X**, including a text of *De Or.* of the same, relatively rare type as the one described in **X**. This supports the idea that they could have been transmitted together in the excerpted manuscript too.[149] It therefore seems best to regard the Langres manuscript as a single volume containing *Caec.*, *Agr.*, *Pis.* and *De Or.*

The first unit (*Rab./Rosc. com.* etc.) and the first gathering of the third (*Agr./Pis.*) share a watermark, suggesting that they were written at the same time and place or soon after one another. The most straightforward interpretation of the sequence would be that the (current) first unit was written first and then *Agr. & Pis.* begun, because the change of paper occurs part-way through the latter unit.[150] Yet, despite this link in the material of these two units, they differ in their layout. In the first unit, each

143 De Nonno, 1988, esp. 23–25, 39–40. De Nonno establishes that the many fifteenth-century texts of this excerpt all descend from either **X** or Zomino's copy.

144 De Nonno, 1988, 24 n. 2. The report by Guarino of Verona, *Epistolario di Guarino Veronese* (ed. Sabbadini, 1915–1919), Ep. 813, lines 239–241, that Poggio himself discovered guides to ancient abbreviations during the Council surely refers to this fragment of Probus, but may simply be an inference from its presence in **X**, which Guarino will have known at first hand: thus Rizzo, 1973, 106 n. 1.

145 Surveyed by Rouse & Reeve, 1986, 78–85, on **X** at 82 (*Caec.*) and 83–85 (*Agr./Pis.*); the relevant parts of the tradition are discussed in more detail by Coraluppi, 1983, and Reeve, 1987, 3–12.

146 Rouse & Reeve, 1986, 84; Reeve, 1995, 58.

147 Reeve, 1995, 58; the mss. are *Vat. Pal. lat. 1525* (**e**) and *Erlangen 618* (**f**); the latter does not contain *Caec.*

148 Thus Reeve, 1995, 57–58.

149 On the text of *De Or.* described in **X**, see Rizzo, 1973, 327 n. 1 and Winterbottom et al., 1986, 107. It is illustrated in Pecere, 1982, pl. XI. See also Chapter 7 below, on the marginalia.

150 Var. Briquet 3895 in ff. 1–32 and 53–66, var. Briquet 2677 in ff. 67–96.

speech begins on a fresh page, whereas the four speeches of the third unit run on, divided only by a single blank line above and below the title of each speech. There is a difference in the size of the initial capitals that open most speeches: in the first and second sections they are between two and three lines high, but twice that height in *Agr./Pis.*; the capitals are also more elaborate in *Agr./Pis.*, with serifs and finials, in contrast to the unadorned letters used as initial capitals in the rest of the manuscript. The third section also differs from the others in that the first word or two of each speech is written in small capitals.[151] If the 'odd one out' here were *Caec.*, which we know to have been copied at a different time and place, we might ascribe these differences merely to different choices on Poggio's part, but the fact that *Caec.* and *Rab./Rosc.* share the same general format, while *Agr./Pis.* have very distinctive features of layout, suggests that here Poggio is recording features of his sources. The differences in layout would thus indicate that he found *Agr./Pis.* in a different manuscript from his source of *Rab./Rosc. com.*

The spelling of all eight speeches is very similar, but we have other evidence that Poggio standardized spelling as he transcribed, so this will reflect nothing in his sources. The use of standard abbreviations is generally quite light in all the speeches, but they occur especially often at line-end, so these too must derive primarily from Poggio and not from his sources.[152]

To summarize what we can glean from these observations on content and codicological features, the most striking characteristic of **X** is its clear division into separate units that divide the texts into three autonomous groups. The pages left blank at the end of each unit indicate that Poggio was treating each group as a distinct transcription. The simplicity of the catchword, 'This one first', on fol. 16v reinforces this impression, implying as it does that, at the moment of copying, only the two quires of the first unit were seen as relevant (or foreseen at all). There is a strong sense that we have here three separate sets of texts, and hence three separate sources.

The shared watermark in both *Agr.* and *Pis.* and *Rab./Rosc. com.* does suggest that these two groups of texts were copied close together in time and/or place; the separation of the two groups by the intervening second unit does not undermine this association, because the current sequence of units in **X** is not the order of copying. However, the fact that the two groups appear in different codicological units, each with distinctive layout and textual features, strongly suggests that they nonetheless derive from different sources. If the first unit was copied before the third one, as the sequence of papers implies, then as many as ten folios of blank paper were passed over after *Rosc. com.* and a new fascicle begun for *Agr.*, a clear sign that there is no immediate connection between the two transcriptions.

The pattern of transmission and circulation of all eight speeches that is thus revealed in **X** is broadly analogous to our present-day understanding of the tradition. Today we know of a number of different strains of manuscript tradition of *Agr.* and *Pis.*, some of which occur together with *Caec.*: **X** shows that Poggio, too, found more than one text of *Agr.* and *Pis.*, and the one associated with *Caec.* in **X** has a text that falls predictably in place among the known branches of the tradition. There is no comparable evidence, then or now, for a wider circulation of *Rab./Rosc. com.*

At the start of this chapter, the question of whether or not this really is Poggio's original manuscript was postponed. The manuscript's codicological properties allow us to settle the point definitively, by consideration of the watermarks of its paper. As was noted above, three different kinds of paper are

[151] The opening of *Rab. Post.* is illustrated in Klotz, 1992, 187, those of the other speeches (except *Caec.*) in Pecere, 1982, plates X, XII, XIII. On the layout of the titles, see also below, Chapter 8.

[152] These features are addressed in more detail in the next chapter.

used for the speeches, all of appropriate date.[153] One is of very wide distribution, another is attested along the whole length of the Rhine, but the third is much more restricted geographically, with significant implications.[154]

The paper at the end of the third unit has the most secure provenance, originating in Emilia Romagna, but unfortunately this tells us little because at this time north Italian papers were the most common goods on the market throughout Germany and were also widely used in France and the Low Countries.[155] The watermark shared by the first and third units is a little more useful. It is a variant of a type attested in 1415–21 in towns on both banks of the Rhine and adjacent areas from Basel to Holland.[156] It forms a chronological series with five other very similar marks which are initially attested either in the south of France or, more often, on the Rhine, again covering the whole length of the river from Switzerland to the Hague.[157] Only the later members of the series, in the 1420s and 1430s, spread over a wider area, though they retain a large presence on the Rhine.[158] The known geographical distribution of the watermarks offers no more than a hint of where these quires may have been written, but in the absence of other information such hints have their value. Without wanting to press the point too far, we thus have a faint codicological indication that both the first and third units of **X** should be localized somewhere in or around the Rhine valley, which neatly matches the findings of the previous chapter based on testimonia to the discovery.

However, it is the paper of the second unit of **X** that is the most significant, with a known distribution that falls within a relatively narrow geographical area. It is attested in the Low Countries and through northern and central France, with a single outlier in Braunschweig but nothing further south.[159] The whole second unit is composed of this paper, which is not used elsewhere in the manuscript. As we have seen, this second unit bears the subscription recording that the single oration it contains was

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[153] The identifications of the watermarks in **X** are taken from Gilles-Raynal et al., 2010, 808–810; information on date and distribution from Briquet, 1968, also as *Briquet Online*.

[154] Variants of Briquet 2677, 3895 and 2416 respectively, according to Gilles-Raynal et al., 2010, 808; Ruysschaert, 1959, 95, regards the latter two not as variants but as identical to Briquet's examples.

[155] Var. Briquet 2677 (basilisk), attested in Reggio Emilia in 1416 and 1418; it is part of a large group of similar marks (nos. 2628 to 2682) found primarily in the cities of Emilia Romagna but also in Switzerland, France, the Low Countries and the ports of northern Germany, as discussed by Briquet, 1968, vol. 1, 192. Trade patterns in paper in the period 1400–1450 are reconstructed by Zaar-Görgens, 2004, 131 and 133–139.

[156] Briquet 3895 (crossed keys in a circle). Keinz, 1897, no. 163 (pl. XV), cites similar examples from the mid-fourteenth to the fifteenth centuries, but there seems to be a confusion between this and an earlier, Italian watermark, Briquet's no. 3892, because Keinz' illustration combines elements of the two types as depicted by Briquet; cf. the next note below.

[157] Briquet 3893–3898, attested from 1409 to 1475. Briquet, 1968, vol. 1, 243, considered an Italian origin, because watermarks enclosed in a circle are characteristic of Italy, but he rejected this in favour of France since this series is never found in Italy. Unlike the broadly similar Italian mark, no. 3892, the wires that form the designs in this series all connect with the circle, so it seems to serve a purely practical purpose in holding the image together; it hence has no bearing on the origin of the paper. Gasparinetti, 1958, argues that the series is Italian, which is accepted in the revised edition of Briquet, 1968, p. *66, but the documentary parallel he presents resembles only the securely Italian no. 3892, not the series 3893–3898.

[158] Briquet 3896–3898. This development is characteristic of trading patterns in French paper more generally in the period: Zaar-Görgens, 2004, 134–136.

[159] Var. Briquet 2416 (depicting a weighing scales), attested from 1405 to 1420, in Belgium (Limburg, Namur), Holland (Leiden), northeast and central France (Troyes, Decizes, Chateaudun, Orléans) and Braunschweig. *Briquet Online* identifies Briquet's 'Limbourg' here with Limburg an der Lahn in Germany but, as Briquet's example is taken from the state archives in Brussels, the Belgian town and administrative centre Limburg is obviously intended.

discovered and copied at Langres, which is within the attested area of distribution of this watermark.[160] It is hazardous to infer the origin of a manuscript from a watermark, as there can always be exceptional cases, such as the single instance of this mark found far to the east in Braunschweig; however, it is not plausible that any such random geographical outlier would, by sheer accident, appear in the one part of the manuscript whose content explicitly originates within the watermark's usual geographical range. This exact coincidence in the geographical implications of content and codicological properties amounts to a firm proof that this manuscript is indeed the original copy.

From every angle the evidence thus stacks up in favour of Campana's identification and nothing has been presented that challenges it in any way. The doubts of the recent cataloguers are unfounded and **X** can be accepted firmly as the autograph copy made by Poggio on the road in northern Europe in 1417.

[160] The paper presumably originates in the major papermaking area in the Champagne region around Troyes, near the centre of the geographical spread of known examples and 60 miles northwest of Langres, on which see Zaar-Görgens, 2004, 128–148; the weighing scales is a traditional motif in Troyes watermarks, ibid., 128–129.

Chapter 5 The Text of *Rosc. com.* in Vat. lat. 11458

The very script of **X** illustrates some of the editorial difficulties created by a scribe as sophisticated and independent-minded as Poggio. Although most of the text of *Rosc. com.* is written in Poggio's gothic cursive, at one severe textual corruption—the nonsense-word *iudiditionem* (25.9)[1]—Poggio, after beginning in his normal cursive as far as *iudid*, has crossed this out and then written the whole 'word' again, but now in somewhat different script, less gothic and reminiscent of scripts from older periods. We might reasonably conclude that this is a direct copy of what Poggio found in front of him, and we could thus use it to characterize the style and hence date of his source. However, the script of this word is similar above all to Poggio's own formal bookhand, which was modelled on those earlier, pre-Gothic scripts.[2] It is thus equally possible that Poggio chose to write the word out very clearly and drew on his own calligraphic script for that purpose, without reflecting his source at all.

This illustrates the central problem posed by **X** for an editor, which is to distinguish what in the text is Poggian from what was transmitted by his source.[3] We cannot simply distinguish mediaeval tradition from Renaissance innovations, as Poggio himself remained a product of that same mediaeval tradition. Nor can we be sure that specifically classical forms are authentically transmitted, as is shown by Poggio's script in capitals, which he uses for titles and some abbreviations. As in many other manuscripts written by Poggio, he uses a distinctive style of capital that was innovative in his time, but which was modelled directly on classical inscriptions, which he had been studying intensively in Rome in the years before he went to Constance.[4] But if the letter-forms were created by Poggio under the inspiration of inscriptions, the words may have been, too. From Poggio's other manuscripts, where in some cases we can compare the source he copied from, we see, for example, that he added genuinely classical abbreviations to his titles, and there may well be other parts of the text that likewise draw on his antiquarian knowledge. Thus the mere fact that something in **X** is distinctively classical in form or spelling by no means guarantees that it is authentic transmission from the ancient world. Each case needs to be considered separately. In what follows, the different aspects of the text in **X**—punctuation, spelling, abbreviations and numerals—will be examined in turn, with the aim of distinguishing what may be authentically transmitted from what is likely to be a later contribution by Poggio or some other scribe.

Punctuation

The manuscript presents two distinct, and often conflicting, schemes of punctuation: one is marked by the use of initial capital letters to highlight certain sentences; the other scheme deploys four different punctuation marks, viz. comma, period, question mark and a mark **.-** (*punctus elevatus*), which signals

[1] Readings are cited by section number and the line number in Clark's edition.

[2] On Poggio's debt to these earlier scripts, see Ullman, 1960, esp. 1–19. This page of **X** (fol. 18r) is illustrated in Axer, 1976, pl. IV; the word *iudiditionem* appears at line 6.

[3] On the general issue of Poggio's transcription habits, esp. his tendency to emend as he wrote, see Rizzo, 1973, 327–338, and esp. on the capricious character of his emendations Ehlers, 1970, 117–119.

[4] Ullman, 1960, 54–56; Walser, 1914, 28.

a strong pause.[5] In the latter scheme, the punctuation conflicts with the sense of the text so often that it can only have been added by a reader proceeding by guesswork; it does however offer some insights into processes of corruption, because some errors in the text match the erroneous punctuation.[6] In contrast, the scheme of capitalization frequently yields good sense where the punctuation marks do not.[7] If each capitalized sentence is treated as the start of a new sense-unit (like a short paragraph, in modern terms), the result is almost always an apt and intelligent structuring of the text. As these units so often conflict with the far more frequent punctuation marks, which Poggio carefully enters, it cannot be the case that he has applied the capitals himself; they must derive from his source. The use of larger initial letters as a structuring device is attested throughout the recorded history of Latin script, so we have no way of telling how long they have been part of the text in this case.[8] At the very least, these initial capitals must antedate the scheme of punctuation marks and the corruptions associated with them, and must derive from a competent reader with a good understanding of the speech; this may well have been at a time when the now fragmentary text was still complete and it so would reflect a synoptic understanding of the text that is unavailable to us now. At some points the capitalization points the way to a reading of a passage that is superior to current interpretations.[9] It should be taken into account by any editor of the speech.

Spelling

As was briefly mentioned in the previous chapter, all the texts in **X** exhibit the same system of spelling. We can assume that this spelling was imposed by Poggio, because we have another example, Poggio's copy of the *Philippics*, where his transcript and his mediaeval source both survive and can be compared, in which he strictly applied his own preferred style, altering the spellings of the source-text.[10] The spellings of Poggio's *Philippics* manuscript and that of **X** coincide exactly.

The system is as follows:[11] in the minuscule text *ae* and *oe* diphthongs are almost invariably spelt as a simple *e*, though in capitals the diphthongs are written out in full as separate letters; *mihi* and *nihil* are strictly spelt thus, as opposed to the traditional spellings *michi* and *nichil*; there are very few instances of *th* or *ph*; and the letter *y* is only used in exceptional cases. The most regular exceptions are in the use of *y*: proper names (e.g. *Dionysia*, at *Rosc. com.* 23.5) and certain words of Greek origin (*syngrafa*, *tyrannus*) retain the *y*, which is never confused with the letter-pair *ij*. Other than in names, *v* (as opposed to *u*) is sometimes used for the initial letter of a word but not otherwise. The name Cluvius is

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[5] On the *punctus elevatus*, which eventually turned into the modern colon **:** , see Parkes, 1992, 306 and the passages cited there. In **X** a point struck through with a comma also occurs, but it is not easy to say whether it is a correction or a sub-type of the punctuation mark *virgula suspensiva*, on which see Parkes, 1992, 307.

[6] E.g. 1.11–12 appears in the ms. as: *cur potius illius quam huius c r e d e r e t u r s c r i p s i s s e ? i l l e si non iussu huius expensum tulisset*; the emphasized words should read *crederetur? scripsisset ille*. The placing of the question mark before *ille* goes together grammatically with the dropping of the final *t* of *scripsisset*, and ruins the structure of the passage (restored by Navagero, ed. 1519).

[7] The capitals are mostly retained in Clark's edition, but not in Axer's, though they are recorded in Axer's transcription (1976).

[8] E.g. this is found already in legal texts preserved in inscriptions of the 1st and 2nd c. BC.

[9] This is the case, e.g., at § 29.14, where a strong break at *O societatem captiosam* correctly structures a passage that has been misunderstood by modern interpreters.

[10] Ullman, 1960, 34, with pl. 18; Rizzo, 1973, 334, cf. 338. His copy of the *Philippics*, is *Florence, Laur. plut. 48.22*, which he collated against *Vat. Arch.Cap.S.Pietro H. 25*, including some passages transcribed from it in full. Ullman's pl. 18 shows one such transcription, in which the spelling can be compared with that of **X**.

[11] These observations on spelling in **X** are based on examination of each speech in the ms. as far as the first five pages of Clark's edition, as well as full collation of *Rosc. com.*

at one point written out, crossed out again and rewritten as *Clvuivs* (at 48.17); the fact that it has been rewritten shows that this is a conscious decision and the oddity of the form implies that Poggio is here recording what he found. The few instances of *ae* written out in the main minuscule text are cases where Poggio was unsure of the sense, and therefore retained the original spelling: for example at *Rab. perd.* 1.15 *vitaeque* is exceptionally written thus, but this is a textual crux for which Poggio himself has suggested in the margin *vitiaque*; the problematic character of the reading was evidently clear to him even as he transcribed the text.[12] It may also be the case that *e caudatum* is at times retained for the same purpose, but here it is often difficult to tell whether the cauda is Poggio's original reading or a later addition by his or some other hand.

It is very useful to know that Poggio varied his spelling at difficult passages, as an example can illustrate. At *Rosc. com.* 24.24 the original reading of **X** is *publica e a pretore*; to this a cauda has been added to the single *e* and an *h* added above the line, to read *publica hae a pretore*. On the reading Clark and Axer are divided, with Axer altering the text elsewhere in order to retain *hae*, which he sees as the transmitted sense, while Clark, with Navagero, prints *publicae a praetore*. From Poggio's general spelling habits we would expect *e* to be his standard spelling of the diphthong *ae*, and because the subsequent *a pr(a)etore* makes it impossible to read *e* as the preposition *e(x)*, the only sense to be made of the letter here would be to take it, like the corrections in **X**, as the pronoun *hae*. But the fact that, as we have seen, Poggio did exceptionally copy the diphthongs he found in his source at difficult passages means that the text before correction here may indeed represent *publicae a praetore* with false word division. So, although Poggio's usual habits would argue for Axer's reading as the transmitted text, his exceptional spelling at difficult passages allows that the source anticipated the reading offered by Navagero, which is also much the more obvious sense.[13] The most satisfactory conjecture and the transmission are thus in accord.

There are some peculiarities of spelling that must be ancient because they evidently baffled Poggio himself: an example is the form *parret*, already mentioned above, which is a variant form of *paret* that was seen as an archaism already by the second-century AD lexicographer Festus;[14] Poggio has offered the alternative *peteret* in the margin. It has been replaced by this or by *paret* (suggested by another hand in the margin of **X**) in all editions of the speech but, as noted recently by J. Platschek, it should certainly be retained in the text.[15]

Abbreviations

The use of the more 'normal' abbreviations, that is, the suspensions and contractions common in gothic handwriting, is relatively sparing. They are present above all at the end of lines and hence must in the main derive from Poggio, not his exemplar. However, the infrequency of their use makes a few cases stand out, where a sudden cluster of abbreviations occurs. An example is at 32.3, where 3 out of 10 words in a row are abbreviated, a higher proportion than usual.[16] Without reference to **X**, Mommsen convincingly proposed that these apparently normal gothic abbreviations in fact conceal

[12] Likewise e.g. *Rab. Post.* 8.13 *servari aequa est* is written thus at a difficult crux; at *Agr.* 2.3.14 *aetatem* was a crux for Poggio, though it has since been resolved by other ms. witnesses.

[13] Navagero/Naugerius, ed. 1519. All the early copies adopt the correction *hae*, so unless Navagero read **X** itself (as is entirely possible), he must have conjectured his reading.

[14] OLD s.v.

[15] Platschek, 2011, 370 n. 6.

[16] The full sentence is *~~HS~~ q(uoque) cccliii tu abstulisti. si fit hoc v(ero) ~~HS~~ q(ue) tu aufer.*

ancient numerical symbols in lightly varied form.[17] The departure from Poggio's usual habit thus seems to reflect something in his exemplar: either he recognized that the passage was very uncertain and therefore declined to expand existing abbreviations or, perhaps more likely, his exemplar too displayed an unusual frequency of abbreviations here, which Poggio wisely chose to retain unaltered.

There are a number of classical abbreviations in **X**, but some of these are likely to derive from Poggio's classicizing rather than his source. This is the case with the titles of the speeches, which present Cicero's name in the standard classical form with abbreviated praenomen, *M. Tulli Ciceronis*. All Poggio's manuscripts of Cicero adopt this form, including when his source wrote *Marci* out in full.[18]

However, it is clear that there are also cases of genuine transmission of ancient abbreviations. One such case is the abbreviation *exp* for *expensum* that appears in **X** at 13.15. The expansion of the abbreviation is added in the margin by Poggio, suggesting that he had to puzzle over it; it appears only once, despite the frequent recurrence of the word, so there is no reason to suppose he would have introduced into the text it himself. He anyway had no way of knowing it: it is not a regular mediaeval or Renaissance abbreviation and it is not found on classical inscriptions on stone.[19] Only through the modern discovery of classical financial documents on wood and papyrus do we know that *EXP* is one of the two most common abbreviations in Roman accounting, *EXP* and *ACP* standing for *expensum* and *acceptum*, i.e. outgoing and incoming amounts, or credit and debit. It is valuable to know this, as unresolved classical abbreviations may be the key to textual corruptions, such as we can trace in *Rosc. com.*'s neighbouring speech in **X**, *Rab. perd.* at 17.26, where **X** senselessly reads *plura*, but the late antique palimpsest of that speech has the correct *publica iura*.[20] Clearly a source of **X** must have read *p iura*.

Numerals

The most visually striking feature of the text of *Rosc. com.* are the three dozen unusual numeral forms that express the amounts of money at stake in this financial lawsuit. Editors to date have not taken stock of just *how* unusual these are, nor of the editorial implications that arise from this.

The amounts are preceded in the manuscript by the correctly written classical monetary symbol ~~*HS*~~ for sesterces, which is potentially guessable by Poggio, as it is fairly common in inscriptions.[21] The numbers themselves, however, cannot be an intervention by Poggio, because the form in which he transmits them is nonsensical. They occur in forms such as *cccliii cccliii cccliii* (e.g. at 23.3 and 4), equivalent to '353-353-353' in Arabic notation, which is both a peculiar amount and meaningless as a sequence. The mystery was solved by Pietro Vettori in 1534.[22] In what remains the most important

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[17] Mommsen, 1885.

[18] Thus consistently in his copy of the letters, *Berlin, Staatsbibliothek, Hamilton 166*, which derives from an extant ms., *Florence, Laur. plut. 49.18*; the wording of the titles is standardized by Poggio too, on which see also in Chapter 8 below, on the titles.

[19] It is unknown to the standard collections of mediaeval abbreviations, Cappelli, 1990, and Chassant, 1970, and it baffled the scribes of most of the early copies.

[20] On the palimpsest, *Vatican, BAV, Palatinus latinus 24*, see further below, in Chapter 9.

[21] The symbol is a variation on *IIS* = 2½, a sesterce being originally 2½ *asses*.

[22] [Vettori], ed. 1534. Axer, Clark and others call this 'Navagero's second edition' and attribute the restored numerals to Navagero, but the text is merely based on Navagero's 1519 edition of Cicero's speeches, while the editorial innovations seem to be due to Vettori, general editor of this multivolume edition of Cicero's complete works. The early classical numerals are restored also in vol. 3 (the *Letters*), which is ascribed solely to Vettori.

single advance in the textual study of *Rosc. com.*, he recognized that the strange numerals in the text are closely similar in graphic form to an early Roman system of numeral notation (here called the early classical notation).[23] In this system 10,000 is expressed as ((|)) and 100,000 as (((|))) and the half of each of these groups expresses half the amount, so 5000 is |)) and 50,000 is |))) .

The nonsensical numbers in Poggio's text can be converted on the basis of the following equivalences:

c = (*l* = | *i* =)

The groups of signs created by this conversion of the transmitted signs are in all but one case regular numerals in the early classical notation. The only irregularity is one instance (at 28.10) where the letters *cccl* convert to produce the left half, i.e. (((| , of the sign for 100,000, rather than the right half that regularly expresses 50,000. Although only the 'right-hand' forms are attested in classical sources, it is consistent with the logic of the notation system to read this as nonetheless expressing 50,000. Given the habitual irregularity of all classical spellings and numeral notations in original documents from antiquity, and the extremely small degree of attestation of the early classical notation, it is unproblematic to accept this one variation as genuinely classical. In every other case, all that is needed to produce a formally correct early classical numeral is the mechanical application of the equivalences for *c*, *l* and *i* set out above.

The editorial significance of this arises from consideration of the historical periods at which this notation was known and used. Already in the first century BC the more convenient 'lineal notation' of large numerals came into use, which gradually replaced the early classical system.[24] There is no known instance of the early classical system in active use after the end of the first century AD.[25] The older forms continued to be copied into late antiquity in the texts of earlier authors—examples survive in palimpsests of Pliny and Cicero's *Verrines*[26]—but they no longer appear in works composed in this period.[27] The sole exception is an antiquarian work on numbers by Priscian in the sixth century, with the title *De figuris numerorum quos antiquissimi habent codices*.[28] The last correctly written examples of the early classical notation occur in the oldest manuscripts of this work by Priscian,[29] the later manuscripts of which garble the figures so badly as to make them unrecognizable.

The importance of this is that it limits the date at which the text could have been tampered with and yet retain the accurate early classical forms that lie disguised behind Poggio's nonsensical numbers. Each of these early classical forms contains up to 21 individual strokes, the loss, doubling or

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Navagero was anyway dead by this time; his prominence in the title and opening pages of this second volume of Vettori's complete Cicero is presumably due to a mixture of *pietas* and the marketing value of a famous name.

[23] In the epigraphic literature these forms are glossed as *scripta more vetusto* (e.g. Dessau, 1892–1916, vol. 3.2, p. 797), which is too vague to be useful, hence the name 'early classical' adopted here.

[24] This is the convention by which a line over a numeral multiplies it by 1000, and setting lines above and to the sides multiplies by 100,000. On its first appearance, see Gordon, 1983, 47, who at pp. 44–49 also provides an overview of the history of Roman numerals as a whole.

[25] Pliny the Elder and his fellow victim of Vesuvius in AD 79, L. Caecilius Iucundus of Pompeii (for whom see *CIL* IV.3340), are the two last attestations. No undated epigraphic text is obviously later than this date.

[26] These numerals are common in the 5th-century palimpsests of Pliny, and are also present at *Verrines* 2.3.55 in *Vat. Reg. lat. 2077* (5th-c., rustic caps., *CLA* 1.14).

[27] For example, a work as full of numbers as the *Corpus Agrimensorum*, which is attested in a late antique manuscript, presents not a single instance of the old notation (consulted in Blume et al., ed. 1848–1852).

[28] Ed. Keil, in *Grammatici latini*, vol. 3 (1860), 385–417.

[29] E.g. the 8th-century *Paris lat. 7530*, in Beneventan script; the readings of it and the other mss. are taken from Keil's apparatus.

misplacement of any one of which would 'break' the numeral. Yet 35 times the numeral is perfectly correct, and the only 'incorrect' one is, as noted above, a valid and comprehensible variant. This one exception, the 'left-hand' form of 50,000, is very much an exception that proves the rule, in that it allows us to exclude Priscian as the source of these numbers: Priscian specifies the right-hand form for 5000 and 50,000, so if the transmitted numerals had been confected or harmonized by some scribe with his help, this left-hand form would not have been used or would have been corrected. A mediaeval origin of the numbers that now appear in the manuscript is thus ruled out. Even in late antiquity, while we should assume that learned scribes of the classics would recognize these forms, we would not expect them to be confident in producing them. Therefore, even though they are transmitted in a manuscript of the fifteenth century, these disguised archaisms must represent a reading that goes back to the heyday of the Roman empire.

One element within the numerals, the sign ∞ for 1000, has a different history, in that it never fell from use but was gradually assimilated in late antiquity and the early mediaeval period to the uncial M, to which it has a certain graphic resemblance and which was also apt as the first letter of the word *mille*. (Hence the 'modern' Roman numeral M = 1000). This one element thus need not be quite as ancient as the rest of the numerals, but must still go back at least as far as late antiquity, given that it has not yet undergone the assimilation with M, with all three instances in **X** occurring in the original, classical form.[30]

Mommsen convincingly conjectured that the two inappropriate words *quoque* and *que* at 32.3 are remnants of a Q-like numeral with the value 500,000 which is listed by Priscian as part of the series of early classical numerals.[31] There are a few epigraphic instances of this, and two other instances in manuscripts, namely in Cicero's letters. The letters are among the very few other manuscript traditions to preserve any trace of the early classical numerals—they appear there in a different but similarly disguised form to their appearance in **X**—so this is a very plausible restoration. This is the passage in **X** at which, as mentioned above, there is a sudden cluster of abbreviations, which supports the idea that these 'abbreviations' are in fact no such thing.

It is regarded as a truism in the study of *Rosc. com.* that the numerals are hopelessly corrupt, and all editors to date have emended them with great freedom. As there is no agreement whatsoever on what the numerals *should* be, these emendations have multiplied the number of conjectures without achieving any advance in securing a reliable text.[32] The historical analysis of the numeral palaeography offered above, in contrast, implies that the early classical numerals are ancient readings transmitted unchanged from classical times, and so should be the last thing we emend, not the first. There are indeed some passages in which the text as it stands presents amounts that undeniably make no sense. One example is at 23.3–10, where there is a clear failure in the arithmetic. Yet it is telling that this has been convincingly emended by Axer not by altering the early classical numerals but by reinterpreting the one amount that is written out in words.[33] On several quite different grounds Axer's conjecture here is palmary,[34] so it can be taken as empirical confirmation of the correctness of the

[30] The three instances in **X** occur at *Rosc. com.* 28.9, 29.15 and 29.17.

[31] Mommsen, 1885. The few other instances of the sign are listed in id., 1869, 1873 and 1876.

[32] The problem of the numerals is discussed directly by Mommsen, 1885, Clark, 1909, 34–42, Philippson, 1924, and, most thoroughly, Axer, 1980, 59–88, but all editors and interpreters of the speech have been forced to address the issue to some degree. Axer, 1980, 83–86 tabulates the conjectures that have been proposed and provides an extensive bibliography of the question, ibid., 87–88.

[33] Axer's emendation of ~~*HS*~~ *sexagiens* to *hoc sexagiens* at §23.10, justified in detail in Axer, 1980, 61–64.

[34] Not only does Axer's two-letter alteration resolve the arithmetical error it was designed to fix, it also reveals that the passage has a far cleverer structure than suspected, and gives it a punchline and sophisticated *pointe*.

approach proposed above on historical grounds, namely of preserving the early classical numerals in any textual solution.

The loss of so much of *Rosc. com.* leaves the interpretation of large parts of its content wide open. Hitherto editors have decided on their interpretation of the content first and then emended the numbers to fit. Henceforth, instead, editors should welcome these ancient survivals as the most reliable framework we have for understanding this damaged and difficult text.

Chapter 6 Poggio's Corrections

Poggio's manuscript **X** is heavily corrected, in most cases in the same hand as the main text, i.e. by Poggio himself, or in ways (such as strikethroughs or underdotting) that cannot be assigned to a hand or (such as certain kinds of marginal marks) that are also found in other manuscripts emended by Poggio and hence may well derive from him.[1] This raises the question of whether these corrections by Poggio are conjectural emendations or, on the contrary, corrections of oversights in his own transcription made by checking it against the original exemplar. It is inherently likely both that he made some slips while copying and—or so we can at least hope—that he would have re-checked his text after completing it, so it is very plausible that some of his corrections may represent the reading of the exemplar, while the primary text of **X** that is replaced by the correction is no more than a scribal error by Poggio. Yet, as will be shown below, some at least of these corrections must be conjectures made by Poggio without reference to the exemplar.

Axer distinguished two sets of corrections, one in the same ink colour as the main text, the other in a different colour, though unfortunately he does not list which corrections he assigns to which group.[2] He sees the distinction in ink colour as revealing different moments of correction: corrections in the same ink colour were done simultaneously with the main transcription, but those in a different colour were done afterwards. He regards the corrections in the same ink colour as the text as being for the most part rectifications of Poggio's own errors when checked against the original;[3] with those in a different colour, he regards it as an open question whether they were done from the original or conjectured, but inclines to view them as corrections from the manuscript too.[4] He also applies the rule that conjectures are found solely in the margin, whereas corrections above the line or in the text itself are taken from the source.[5] Consequently the majority of corrections in **X** are accepted by Axer as representing the transmitted text and as such they form the basis of his edition.

One set of corrections were necessarily made at the time of writing (and are adopted without fail by the three early copies that will be discussed below), namely those that Poggio has written in the line of text by crossing out the first word and then re-writing something slightly different after it. Some of these must surely be simple slips or misreadings by Poggio, yet even here we have no guarantee that Poggio's second thoughts report his source more accurately than his first attempt. An illustrative example is *sed omnino* at 39.9, which has first been altered by drawing a careful vertical line through the first *n*, but was then crossed out entirely and followed by *se domino*. On the one hand this does confirm that Poggio paused to make corrections while writing: there would have been no point going

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[1] The style in which the corrections and marginal variants are marked in **X** is illustrated by Questa, 1968, plates III, IV.3, V.2, VI.3, VIII.3, with discussion at pp. 26–30.

[2] Axer, 1976, 3–59 records the corrections now in **X** in his annotated transcript of the text, but does not comment on the ink colour. Inspecting **X** directly, I was unable to confirm any clear pattern of differing ink colour among the corrections (Axer used photographs).

[3] Axer, ed. pp. VI–VII: 'in marginibus et inter lineas multae notae leguntur potissimum Poggi manu perscriptae, quibus ... a viro docto sui ipsius calami lapsus indagante enotantur. ... Poggius ... emendabat autem non nisi rarissime et cautissime.'

[4] Axer, ed. p. VII: 'addendum est virum doctum iam apographo suo confecto nonnulla corrigere conatum esse, ut atramenti commutatio testari videtur; utrum autem his locis de lectionibus ex vetere libro denuo pervestigato a Poggio depromptus an de ipsius humanistae textum corrigere temptantis coniecturis agatur, non liquet; mihi quidem illud verisimilius videtur.'

[5] Axer, ed. p. VII: 'coniecturas et notas criticas Poggi perpaucas tantum in marginibus invenimus.'

back and drawing the line through the letter *n* of *sed omnino* once the whole phrase had been crossed out and replaced with *se domino*, so he must have paused, puzzled, tried one cautious solution, but then hit on his preferred reading *se domino*. However: although *se domino* is a plausible reading in context, the first version *sed omnino* is certainly correct. The word may have been so heavily abbreviated as to make the reading ambivalent but even so, given that the first attempt was right, it seems clear that here Poggio's 'correction' is a conjecture and not the correction of a scribal lapse. This becomes relevant to a case like *probabrit* (45.22) where Poggio has subsequently corrected to *probarit* by cancelling the *b* with the same careful vertical line (this correction too is followed by all the early mss.). Yet in this passage both *probarit* and *probabat* are grammatically possible, with *-arit* the more obvious, but not necessarily correct, solution. We cannot be sure that Poggio's decision to change the impossible *probabrit* to the more obvious grammatical option is a correction rather than his own interpretation. It seems less likely that a fluent writer would accidentally write a nonsense word like *probabrit* (which is very clearly written) than that, as with the anomalous spellings of diphthongs at difficult passages that was described above, Poggio has here chosen to record exactly what he saw. If the text originally looked like *probabrit*, then *probabat* would have greater palaeographical plausibility.

The early copies of **X** cast some light on the issue, as they appear not to know all of the corrections now in the manuscript. The three earliest copies of *Rosc. com.* in **X** known at present are the Murano manuscript (*Vat. lat. 13689*, hereafter **v**), and two Florentine copies, a fine calligraphic production by the famous scribe Giovanni Aretino (*Oxford, Bodleian, D'Orville 78*, hereafter **o**), and a very rough paper manuscript by five different hands (*Laur. plut. 48.26*, hereafter **ω**).[6] None of these manuscripts is dependent on either of the others—they all have different lacunae[7]—and one and perhaps two of them are direct copies of **X**; even if both **ω** and **o** depend on the same intermediate copy, **v** does not.[8] If their evidence is taken together, it should cancel out the potential for idiosyncratic choices by any one of them to skew our picture. If a correction is ignored by all three manuscripts, this is a sound enough basis to accept that those corrections must be subsequent to the original copying: it is not plausible that all three of these very different scribes (or a predecessor) would by accident or design omit all the same corrections if they had been present in **X** at the time of copying. The table opposite lists all the corrections in the text of *Rosc. com.* that are passed over by all three of these manuscripts. The true readings are in bold; where both are arguable or equally problematic, neither is emphasized. Bearing in mind Axer's thesis that only marginal corrections may be conjectured, the location of the correction in **X** (repeated in-line, overwritten/crossed out, supralinear or marginal) is also noted.

As all three early copies ignore all these corrections—all of which are plausible, and most of which are necessary improvements of the text—they must be subsequent to the original copying of **X**. A confirmation that this is a reliable indication of the lateness of a correction is the fact that the three corrections or marginal variants that are entered in hands other than that of Poggio also fall in this group of corrections ignored by the three early copies. However, of the corrections in Poggio's hand in this group, a number are supralinear or struck through, i.e. Axer's theory that later emendations *ope ingenii* were restricted to the margin is clearly incorrect. It may also be noted that, though these

[6] Here I adopt the assessment of Davies, 1984, and ap. Reeve, 1995, 62, that **ω** is the earliest copy, **o** the next earliest (Davies does not comment on **v**), together with the fact that **v** has a similar selection of corrections to **ω**, and thus appears to be reflect a similar stage of development.

[7] **v** at 3.5–6 [*persuasum ... fuerit*], **ω** at 42.17 [*Quid is dicit*], **o** at 39.15–40.22 [*Fannium ... ccclɔɔɔ*].

[8] **v** is shown to be a direct copy of **X** by its uncomprehending 'drawing' of certain letter-groups in the exact form in which they appear in **X**: 53.14 *iudiciofferes* **X**, *iudicio Rerres* **v**; 39.6 *At*] *&* **X**, *Q*÷ **v**, this last reading of **v** being an exact reproduction of the anomalous *et* ligature used here only in **X**.

readings are not all necessarily right, they are all sensible, eminently conjecturable alterations demanded by the text.

Corrections in **X** ignored by **ωov**

($\mathbf{X}^1$ = the original reading; $\mathbf{X}^C$ = the correction; true readings in bold)

§	$\mathbf{X}^1$**ωov**	$\mathbf{X}^C$	**Location of correction in X**
5.24	adversarii	**adversariis**	*supralinear*
7.7	alterne	**aeterne**	*marginal alternative (N. Niccoli)*
7.10	amplectitur	**amplectuntur**	*supralinear*
8.13	exemplo	**extemplo**	*marginal alternative (3rd hand)*
10.16	**omittamus**	amittamus	*marginal alternative (3rd hand)*
20.10	mihi videtur	**mihi causa non videtur**	*supralinear*
21.22	per se bonitatem	**per bonitatem**	*word struck through*
28.8	erant pretiosa	**erat pretiosa**	*letter struck through*
32.3	vero	verum	*marginal alternative*
38.3	obesset	obisset	*supralinear*
39.8	Fannium	Fannio	*supralinear*
41.7	causare	**causae erit**	*supralinear*
45.19	relictum	**reliquum**	*marginal alternative*
51.23	Flavio	**a Flavio**	*supralinear*

However, if we consider instead the cases where these three early copies all *do* adopt a correction, this is no guarantee that it is original either. Aside from the in-line cancellations and repetitions of words (as described above), which were necessarily done during the process of copying by Poggio and which are adopted by all three manuscripts, a large number of other corrections are adopted by all three of **ωov**, as shown in the table overleaf. Again, readings that are either necessarily or very probably the true text are in bold; where both readings are arguable, or equally problematic, neither is emphasized.[9]

[9] An intentionally cautious line is taken on assessing the true readings in order not to load the evidence; if a reading has been adopted in any recent critical edition, it is taken to be at least arguable.

Corrections in **X** adopted by **ωον**

(true readings in bold; * marks where **ω** writes both the original form and the correction above it, just as in **X**)

§/Clark	X¹	X^C ωον	Location of correction in X
4.10	conficit	confecit*	*supralinear*
4.14	quomodocunque	**quo modo cum**	*overwritten*
8.22	*om.*	**conficiant**	*marginal addition*
10.10	ti debeatur	tibi debeatur	*supralinear*
11.19	**parret**	peteret	*marginal alternative*
11.20	**libellam**	libellum	*supralinear*
11.23	tam	**tamen**	*supralinear*
12.6	angustissimum formula suspicionis	angustissimam formulam sponsionis (sponscionis **ω**)	*supralinear and part overwritten*
18.10	et hunc	hunc et	*supralinear*
19.15	causa q	causa	*letter crossed out*
22.30	**nummis**	summis	*overwritten*
23.6	*om.*	fraudem	*marginal addition*
24.23	dolere	**dolore***	*supralinear*
24.24	publica e a	publica hae a	*supralinear and overwritten*
25.8	nam tu quo tu	nam quo tu	*underlined*
25.9–10	tabulas an non	tabulas habet an non	*supralinear*
26.14	quare quare	**quaere quare**	*supralinear*
30.8	donum	**domum***	*supralinear*
37.22	ab Flavio	a Flavio	*letter struck through*
39.9	**sed omnino**	se domino	*in-line repetition*
40.24	Fannium	Fannius	*supralinear*
44.15	*om.*	**indiget**	*marginal addition*
45.17	conquoquendum	**concoquendum**	*overwritten*
45.22	probabrit	probarit	*letter struck through*
45.22	negabi	**negabit**	*supralinear*
47.11	forsitam	**forsitan**	*part of letter struck through*
47.14	constassimus	**constantissimus**	*supralinear*
48.19	totum ductum ductum	**totum ductum**	*underlined*
56.11	nisi si forte	nisi forte	*word crossed out*
56.16	quod eius	quod is* (eis **v**)	*supralinear*

As is clear from the readings in the left-hand column, in a number of cases we can be sure that the original reading of the manuscript was correct, while Poggio's correction is a misguided alteration, and hence the latter will not have been made from the source manuscript. The most clearcut case is *parret* (11.19), the rare legal term discussed already in the previous chapter, which must be the true reading; Poggio's marginal alternative *peteret* is not even a feasible option (the regular alternative *paret* is suggested by the third hand that has annotated **X**). This reading is in the margin, but it is not only these marginal alternatives that must be conjectured. Despite Axer's thesis that only marginal alternatives are conjectured, whereas corrections above the line are corrected from the original, he

himself adopts the—clearly correct—original reading *libellam* in his own edition at 11.20, and not the correction *libellum* added above the line; likewise at both 22.30 and 25.8 he adopts the original reading, not the correction written within the text. At 40.24 Axer even chooses to emend elsewhere to retain the original reading over the overline correction, though the corrected reading would give acceptable sense.[10]

The majority of the other readings entered as corrections are unobjectionable as text, but are also such banal corrections that they could easily be conjectured. Even where a whole word has been omitted and restored to the text by correction, these are either the most obvious word needed to fill a grammatical gap (thus 8.22 *conficiant*, 25.9–10 *habet*, 44.15 *indiget*), or else the correctness of the restoration is doubtful (thus 23.6 *fraudem*). The change from *suspicionis* to *sponsionis* at 12.6 could reflect a more careful reading of the original, but it is hard to suppose that in the same phrase Poggio would have accidentally written the disagreeing *angustissimum formula* if the original text had the regular *angustissimam formulam*, to which it has been corrected.[11]

There is no case where the correction offers some unexpected but true reading, which would be the only way we could be sure it derived from the original rather than from conjecture. All of them could easily have been conjectured to restore sense to the text. As noted at the outset, it is inherently probable that Poggio made and corrected some slips from the original straight after he had copied the text, but these findings show that we can only assess which these might be on general grounds of the plausibility of the reading; no rule from the style of correction in **X** can be followed.

Overall, the general impression of the corrections revealed by this study comes to the opposite conclusion to Axer's broad confidence that Poggio entered his own conjectural emendations *non nisi rarissime et cautissime*. Not a single case has been found where a correction is both certainly right and too hard to guess, while a number of instances revealed that the first reading must be right, the correction must be conjectured. In cases where we have no such clear indications from content about which reading is the true one, we should tend to be sceptical of Poggio's second thoughts.

[10] The original texts reads *Fannium ... abstulisset* and the correction fixes the grammar (*Fannius ... abstulisset*), but most editors, including Axer, have preferred to emend to *Fannium ... abstulisse*, though the nominative + subjunctive here is entirely defensible.

[11] Note also that Platschek, 2013, 45–48, has challenged the correction as being inappropriate on legal grounds.

Chapter 7 Paratextual Material I: Poggio's Editorial Marginalia

The rediscovery of **X** prompted a revision of our picture of early humanist editorial method. It had been widely assumed that early fifteenth-century scholars such as Poggio paid no attention to the character of their manuscript sources, because they were unaware of or indifferent to the knowledge that codicological detail can yield about the transmission and hence the text of classical works; it was believed that this insight was first achieved and pursued by Politian at the end of the century. The codicological description on fol. 51r of **X**, recording textual lacunae and such fine-grained details as the number of lines to a page and words to a line, revealed Poggio's engagement with manuscripts to be far more sophisticated than had been suspected.[1]

This new picture of Poggio's approach affects our reading of his other notes on sources, eight of which appear in the margins of **X**. The different terms used, such as *exemplar* as opposed to *exemplar vetustissimum*, may reflect more than just arbitrary variation in word-choice and may offer precise information about the manuscripts from which **X** was copied. Two studies have been made of the terminology in the marginalia of **X**, by S. Rizzo in the standard work on humanist editorial language and by O. Pecere in a detailed codicological examination of **X**, but unfortunately neither succeeds in interpreting the terms in a way that is entirely consistent, and the presence of any inconsistencies undermines the whole premise that we are here dealing with strict technical language.[2] Pecere argues strongly that the terminology is precise and carefully used, but his interpretation requires so many synonymous variants and exceptions to rules in such a very small sample of text that his claim does not convince. Rizzo concludes that, despite the initial impression of a systematic technical vocabulary, Poggio simply did not use consistent terminology; she cites as a clear example of this the word *sincopa* used in the manuscript description for both 'lacuna' and, on her reading, 'passage of text'.[3] If Poggio could thus use a single term to express two direct opposites, we cannot expect his notes to reveal anything more than a hazy picture of the sources he used.

Nonetheless, the repetitive terms and structure of the marginalia, together with the detail in the description of the *De Or.* codex, make this conclusion somewhat counterintuitive and the question merits a re-examination. In this chapter, the marginal notes about sources will first be surveyed, and some apparent discrepancies in terminology will then be examined more closely, before reassessing what this reveals about the sources Poggio found.

7.2 Poggio's Source-notes on the Speeches

Postponing consideration of the more detailed description of the *De Or.* codex, we may consider first the eight short notes about source-manuscripts that Poggio has added next to the texts of the speeches.

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[1] The text of the description is given later in this chapter (p. 108). Its significance in the history of editorial method is noted by Campana, 1973, 67; for the previously standard view, see e.g. Kenney, 1974, 7–10, approving Dr. Johnson's view that, 'The men of the fifteenth-century were more studious of eloquence than of truth'.

[2] Rizzo, 1973, index s.v. *Vat. lat. 11458*; Pecere, 1982, esp. 77–89; cf. the discussion of Pecere's findings by Coraluppi, 1987.

[3] Rizzo, 1973, 238–239.

Four appear in the first unit of **X** and four in the third unit. They all share a clear structure, with any manuscript or other source taking first position (*in exemplari vetustissimo* / *in exemplari* / *in quodam antiquo volumine* / *ex Asconio Pediano*), followed by a verb which expresses the main content of the phrase, in most cases *deficit*/*deficiunt*.

Editorial marginalia in X

	Text of marginal note	Position	
1	*in exemplari vetustissimo deficit una pagina.*	*Rab. perd.* § 19	fol.11v
2	*In exemplari deficiunt due charte que fuerunt abscise.*	End *Rab. perd.*	fol.14r
3	*Deficit residuum.*	End *Rosc. com.*	fol.22v
4	*Deficit residuum.*	End Probus	fol.25r
5	*In quodam antiquo volumine deficiunt due charte in principio, quare hoc non est principium orationis.*	*Agr.* 1.1	fol.53r
6	*In exemplari vetustissimo hoc erat in margine. Emendavi ad tyronem...* (for full text, see below)	*Agr.* 2, at the head of the text	fol.56v
7	*def. unus versus*	*Agr.* 2.98	fol.71v
8	*Ex asconio pediano apparet hoc non esse principium orationis sed aliquantum deesse.*	*Pis.* 1.1	fol.75r

The first two marginalia appear alongside the text of *Rab. perd.* At § 19 of that speech, half a page is left blank but for the words *nobis dabit* (for which no explanation has ever been offered) and a marginal note is added: *in exemplari vetustissimo deficit una pagina*. At the end of the speech, and so immediately before the start of *Rosc. com.*, around half a page is again left blank except for the note *In exemplari deficiunt due charte que fuerunt abscise*. The lost end of *Rab. perd.* and start of *Rosc. com.* would thus have fallen in this second gap. The meaning of the two notes may seem uncomplicated—first one page, then two pages were missing from the source—but comparison of the two notes raises problems: if they both refer to the loss of leaves in the same book (as both Rizzo and Pecere read them), why are there two different words for folio (*pagina* and *charta*) and why is the same manuscript termed both *exemplar vetustissimum* and plain *exemplar*? We may also wonder why Poggio chose to give more detail in the second but not the first note if he could see the damage in both cases.

The other two marginalia in the first unit of **X** state simply *Deficit residuum*, at the end of *Rosc. com.* and the end of the fragment of Probus. There is no further indication of whether text-loss was visible as damage or explicitly recorded in some way in the source, or if Poggio inferred from the content of the text that the original endings of these works must be missing.

The most striking marginalia are found in *Agr*. At the start of *Agr.* 1, Poggio has noted in the margin: *In quodam antiquo volumine deficiunt due charte in principio, quare hoc non est principium orationis*. This *antiquum volumen* must have been the archetype of *Agr.*, because all our texts of *Agr.* 1 begin at the same place and none provides the missing start of the speech. It has generally been assumed that Poggio is here describing a book he actually saw, but it is equally possible that he is repeating information found in scholia.[4]

[4] Pecere, 1982, 78–89 argues that Poggio saw the book directly; Rouse & Reeve, 1986, 84 appear to accept that Poggio saw the archetype, though they are not quite explicit on the point.

The next, famous note records editorial subscriptions that must date from the second century AD or earlier. At the start of *Agr.* 2, in the upper margin, we read:

> *In exemplari vetustissimo hoc erat in margine. Emendavi ad tyronem et laecanianum acta ipso cicerone et antonio coss. oratio XXIIII. In exemplo sic fuit. statilius maximus rursum emendavi ad tyronem et laecanianum et Dom. et alios veteres III oratio eximia.*
>
> In the *exemplar vetustissimum* this was in the margin. I have emended from Tiro and Laecanianus. Delivered when Cicero himself and Antonius were consuls. Speech 24. In the *exemplum* it was thus. I, Statilius Maximus, have again emended from Tiro and Laecanianus and Dom. and 3 other old authorities. Outstanding speech.

Statilius Maximus is a known second-century AD grammarian who wrote on Cicero, while 'Tyro', against which he emended his text, must mean the collection edited by Cicero's freedman Tiro; the other authorities mentioned, Laecanianus and 'Dom.', are not otherwise known. These are the earliest subscriptions transmitted in the manuscripts of Latin texts, there being no others that date back further than the fourth century AD.[5]

One further marginal note appears in *Agr.*: at *Agr.* 2.98 we read *def. unus versus*. No other text of *Agr.* fills this gap, so here too the text-loss must have happened in an archetype of all copies of *Agr.*, though from this note alone we cannot tell whether whether Poggio saw damage, a blank space of one line or a note recording the lack.

The final note in **X** appears at the start of *Pis.* Here Poggio has written in the margin: *Ex asconio pediano apparet hoc non esse principium orationis sed aliquantum deesse*. There is no other sign in **X** that *Pis.* does not begin at the true start of the speech—its title includes the word *incipit*, the text opens with a large initial and the first few words are in capitals. Poggio and others had discovered Asconius' commentary on *In Pisonem* at St Gallen the previous summer, so it is most likely that he added this note once he had digested and compared his discoveries, some time after he copied out the speech. Consistent with this conclusion, there is a distinct difference in the ink colour of the note from that of the title and text of the speech beside which the note is written.

7.3 Emendavi ad Tyronem[6]

Before examining the language of these notes, we need to take a closer look at the longest one—the ancient subscriptions recorded at the start of *Agr.* 2—to establish which words derive from Poggio himself, and so are relevant to his editorial terminology, and which words were simply copied from his source and hence can be discounted for present purposes. It is neither possible nor necessary to address the many issues raised by this unique record, but to assess the editorial work of Poggio (as opposed to that of Statilius Maximus or Tiro), we do need to establish whether this is one note by Poggio or two.

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[5] On Statilius Maximus, see Zetzel, 1974. The question of whether the edition of Tiro was a later fake mistaken for the real thing by Statilius, as Zetzel, 1973, claims, does not bear on the present study of Poggio's terminology.

[6] This section summarizes findings that I have presented in more detail in Mulholland, 2017.

The long accepted interpretation of the note is to see it as the report of two separate scholia, both deriving from Statilius Maximus and each introduced by a note by Poggio.[7] This reading of the subscription can be set out using modern typographic conventions as follows:

POGGIO:	In exemplari vetustissimo hoc erat in margine:
STATILIUS:	'Emendavi ad tyronem et laecanianum acta ipso cicerone et antonio coss. oratio XXIIII.'
POGGIO:	In exemplo sic fuit:
STATILIUS:	'statilius maximus rursum emendavi ad tyronem et laecanianum et Dom. et alios veteres III oratio eximia.'

We would thus have two notes by Poggio here, first *In exemplari vetustissimo hoc erat in margine*, and then *In exemplo sic fuit*. This would raise the question of why and in what sense Poggio has used the two terms *exemplar* and *exemplum*. If it is simply variation for whim or stylistic reasons, we would have to abandon the whole notion that he is using strict terminology to describe his sources.

The two most detailed recent studies of the subscription, by Pecere and J. Zetzel,[8] both argue that, whereas Poggio found the first Statilius-subscription in the margin of his source manuscript, the second one was in the body of the text, and they each attempt ingenious but unconvincing semantic justifications for the unparalleled use of *exemplar* as opposed to *exemplum* to express this distinction.[9] They also struggle to explain why there are two subscriptions from Statilius at all. Zetzel sees them as two versions of a single original note which has been garbled in transmission, but does not explain why, with these two different paths of transmission, they would both have turned up in the same manuscript. Pecere argues that Statilius Maximus has separately recorded two different recensions, but that raises the question of why these two notes by the same ancient scholar would appear in different places in the manuscript Poggio found, and why, according to Pecere, they are there ascribed to different sources.

V. Marek has instead proposed a far neater and more convincing solution. He regards only the first sentence (*In exemplari vetustissimo hoc erat in margine*) as the words of Poggio, taking all the remaining text to be what Poggio found in a single note in his manuscript. He proposes that an unknown editor added the first subscription, which Statilius Maximus subsequently copied, noting at the end of it *In exemplo sic fuit*; Statilius himself then added a second subscription to record his own editorial endeavours, and the whole group of comments was transmitted together thereafter.[10] In this case the text, by modern conventions, would be set out as follows:

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[7] As in the (still) standard collection of ancient Latin literary subscriptions, Jahn, 1851, here no. 1, pp. 329–330, cf. 366–367; a provisional update is offered by Zetzel, 1981, 211–231, here no. 1, p. 211.

[8] Zetzel, 1973, 225–230, with photograph of the subscription in pl. II; Pecere, 1982, 73–76, 87–89, 97–123, with photograph on pl. X.2.

[9] Zetzel cites Valla's definition of *exemplar* as the physical book and *exemplum* as the incorporeal text, but that could never express a distinction between two different parts of the physical page. Pecere cites the attested usage of *exemplar* for the source-text and *exemplum* for the apograph made from it, arguing that the *exemplar vetustissimum* was some anterior copy reported in the margins of the book Poggio found, whereas the *exemplum* (being the apograph of that anterior text) was the book Poggio actually saw; but then the *exemplum* would also be Poggio's own *exemplar*, which would be such a confusing and overlapping use of terms that it simply re-poses the question of whether there is any coherent system to Poggio's terminology at all. Rizzo, 1973, 189–192, discusses the many possible (opposed, synonymous, overlapping) Renaissance usages of the two terms.

[10] Marek, 1983, p. VI; his identification of the anonymous editor with the 'Dom.' of the second subscription is less convincing.

POGGIO:	In exemplari vetustissimo hoc erat in margine:
ANON.:	‘ “Emendavi ad tyronem et laecanianum acta ipso cicerone et antonio coss. oratio XXIIII.”
STATILIUS:	In exemplo sic fuit. statilius maximus rursum emendavi ad tyronem et laecanianum et Dom. et alios veteres III oratio eximia.’

On this interpretation both *exemplum* and *exemplar* would mean ‘source-text’ and the variation in the terms would simply be a matter of differing usage by authors in the second and fifteenth centuries respectively. Even in antiquity grammarians had trouble defining the difference between the two words and they are attested in synonymous senses both in classical Latin and in Renaissance usage.[11] It is hence much preferable to ascribe them here, with Marek, to different authors with different stylistic habits, rather than trying to find a semantic distinction between them. Marek’s reading would also account for the otherwise unmotivated variation between imperfect (*In exemplari vetustissimo hoc erat in margine*) and perfect tense (*In exemplo sic fuit*).

Zetzel and Pecere do not explicitly argue for their reading of the note as two separate observations by Poggio, which they took over from previous editions, which lay out the text in a way that presupposes this interpretation.[12] In **X** itself, however, the whole note is presented as a single, continuous text. The only internal divisions are created by the initial capitals beginning *In exemplari...*, *Emendavi...* and *In exemplo...*, which matches Marek’s interpretation (the capitals would thus introduce the comments of Poggio, the anonymous editor and Statilius Maximus respectively).

The verbal similarities that Zetzel read as transmission variants would thus be Statilius’ conscious echoing of the subscription in front of him. Marek’s solution also resolves a practical problem posed by Pecere’s picture of two recensions by Statilius: why would he have collated his text twice (*rursum*) against Tiro and Laecanianus? Collation of one text against another should not need to be done twice, whereas in Marek’s scenario it would not have been otiose for Statilius to collate his text against the same authoritative editions a second time, because a number of copies, and hence new errors, could have intervened since the first editor’s work.[13] The example of multiple recensions by the same scholar, cited in support by Pecere and more recently by A. Cameron, are not true parallels, because in many of these cases the two operations are different (e.g. the subscription to Apuleius cited by Pecere has first *legi et emendavi*, then *rursus... recognovi*), and in none of them is collation against another text involved.[14] A better parallel is offered by the double subscriptions in most manuscripts of Livy Books 3 to 8, because they repeat the same action (*emendare*), at least once with collation against an *exemplum* (sic, in Book 5); in these cases two different editors are named, matching Marek’s reading

[11] For classical Latin, see *ThLL* s.v. *exemplar*, cols. 1320.61–83 (grammarians’ discussions) and 1325.9–43 (synonymous use), and s.v. *exemplum*, col. 1349.62–66 (the sense ‘source-text’, like *exemplar*). For synonymous use by humanists, see Rizzo, 1973, 189–192, at 191.

[12] Before the rediscovery of **X**, a slightly garbled text was known from secondary mss., which formed the basis of the text of Jahn, 1851, no. 1, at pp. 329–330, cf. 366–367; the provisional update by Zetzel, 1981, 211–231, no. 1, at p. 211, corrects the text but retains Jahn’s layout.

[13] As the present discussion addresses Renaissance, and not classical, critical method, the question of what *emendare* means here in practice will be sidestepped; for the debate see e.g. the reviews of Zetzel by Jocelyn, 1983, and Reeve, 1985.

[14] Pecere, 1982, 109–112; the Apuleius subscription he cites is Jahn, 1851, no. 3, and Zetzel, 1981, no. 3; Cameron, 2011, 450 n. 174, seems to be aware of the problem but does not solve it.

of the Cicero subscriptions.[15] Marek's interpretation has not been widely accepted (or even noticed) but it is much the more convincing.[16]

Adopting Marek's interpretation, only the sentence *In exemplari vetustissimo hoc erat in margine* need be considered as part of the set of marginal notes by Poggio, so resolving one apparent inconsistency in Poggio's terminology.

7.4 Conflicts in Poggio's Terminology

Pagina/charta

In contrast to the variants *exemplum*/*exemplar*, Poggio alone must be responsible for using both *pagina* and *charta*, in the two notes to *Rab. perd.*:

	Text of marginal note	Position	
1	*in exemplari vetustissimo deficit una pagina.*	*Rab. perd.* § 19	fol.11v
2	*In exemplari deficiunt due charte que fuerunt abscise.*	End *Rab. perd.*	fol.14r

Both Rizzo and Pecere take these two notes to be essentially synonymous in referring to visible loss of leaves in Poggio's source-text, the difference being only in the number of leaves lost at each point.[17] This would imply a fairly loose use of terms by Poggio, as he would thus refer to a folio first as *pagina*, then as *charta*.

Rizzo cites the first of the two notes as certain evidence that in the early fifteenth century the word *pagina* had begun to lose its mediaeval sense of the writing area of a page, and so one side of a page, and had at this time begun to be used to mean leaf or folio, synonymous with *charta*.[18] However, the only other instances of this sense that she cites from Poggio or his contemporaries are in the epistolary formula that the writer is running out of space and so must end the letter; because this trope is sometimes used with *pagina*, sometimes with *charta*, Rizzo argues that they must be synonymous. But there is no reason why a rhetorical flourish like this should not be varied, sometimes running out of space, sometimes running out of paper; it does not follow that the two words are synonyms. Among the other instances of *pagina* collected by Rizzo, the cases where it means leaf or sheet all fall in the final decades of the fifteenth century or later (Politian, Aldus in 1499, Pontano, a book printed in 1517), while all the earlier humanists (Valla, Salutati, Guarino, Traversari, P. C. Decembrio) use it in the traditional sense. We should accept this as evidence that in 1417 *pagina* had only the traditional sense of the writing space on a page, i.e. a side, not a leaf, and we should therefore interpret the note as meaning that one side, and not one leaf, was missing at *Rab. perd.* 19

This removes one of the terminological variations in the marginalia, but poses the interesting question of how a book might lack one side of a page but not the other. This is by no means impossible. Mediaeval and Renaissance manuscripts often leave a blank space where text is known to be lacking,

[15] Livy subscriptions: Jahn, 1851, no. 6; Zetzel, 1981, no. 5.

[16] Marek's reading is not considered in the most recent discussions, Cameron, 2011, 427–429, 450; Röhle, 2005; or Pöhlmann, 2003, vol. 1, 74–75 with n. 76; Coraluppi, 1987, appears to be the only scholar to note it at all.

[17] Rizzo, 1973, 37 (on *pagina*) and 165 (*vetustissimus*); Pecere, 1982, 78 and 79.

[18] Rizzo, 1973, 35–38.

and the varying amounts of space left show that an attempt was made to estimate the correct length of the gap, as could be done if a known number of folios was missing from an exemplar. The size of any such vacat thus conveys important editorial information. If Poggio found a space of one side in length (*una pagina*) in his exemplar, we would expect him to record not just the fact, but also the length, of the gap.[19] It follows that the text-loss in this case must have happened at one remove, at least, from the manuscript seen by Poggio, i.e. it was not caused by physical damage to the book he used directly.

This is clearly a different situation from that described by the second note, in which two leaves (the regular meaning of *charte*) are not just said to be missing (*deficiunt*), but the specific damage is named: they had been cut out (*que fuerunt abscise*). When the two notes were both assumed to report damage seen by Poggio, the question was thrown up of why he gave more detail in the second case than in the first, and here we have the answer: in the first case he did not see the damage, but only a blank page.[20]

This finding has a major editorial significance that will be considered at the end of this chapter, but first we may examine the other potential conflicts or confusions in Poggio's terminology.

Exemplar vetustissimum

	Text of marginal note	Position	
1	*in exemplari vetustissimo deficit una pagina.*	*Rab. perd.* § 19	fol.11v
2	*In exemplari deficiunt due charte que fuerunt abscise.*	End *Rab. perd.*	fol.14r
6	*In exemplari vetustissimo hoc erat in margine. Emendavi ad tyronem...*	*Agr.* 2, at the head of the text	fol.56v

As argued above in the discussion of the codicological properties of **X**, it appears that the speeches *Rab./Rosc. com.* were found in a different book from that in which *Agr./Pis.* were found. It is therefore a surprise to find that Poggio's terms for the source-manuscripts do not match this division. The first reference to a source of *Rab. perd.* and the second reference to a source of *Agr.* both name an *exemplar vetustissimum*, while in the second reference in *Rab. perd.* it is a plain *exemplar*. Is this just random terminological variation?

It was suggested by Pecere that the term *exemplar vetustissimum* in note no. 6 (the classical subscriptions) referred not to the immediate source but to some anterior copy that was reported in the immediate source. His interpretation was intended to support a distinction between *exemplar* and *exemplum* which we have seen is neither plausible nor necessary, but the more general idea that *exemplar vetustissimum* could distinguish an anterior source is still of interest. As discussed in relation to *pagina/charta*, in Note 1 the damage occurred in an anterior copy, whereas Note 2 describes damage done to the book actually seen by Poggio. It is thus interesting that in the former case we hear of the *exemplar vetustissimum*, but in the latter simply the *exemplar*. The term *exemplar vetustissimum* in the first note may therefore refer to the earlier book in which damage occurred rather than the immediate exemplar, which would match Pecere's idea of an anterior copy being the *vetustissimum*.

[19] This way of recording known text-loss can be illustrated from the two mss. of *De Or.* discussed below, in which lacunae are marked by blank spaces from a word to a page or more in length.

[20] Nothing can be read into the unclassical verbal form, *fuerunt abscise* (for *sunt abscise*), as this is one of Poggio's common stylistic quirks, on which see Kajanto, 1987, 24 n. 125.

It is harder to say what motivated the term *exemplar vetustissimum* in Note 6, introducing the classical subscriptions, as we have no clear indications of where exactly Poggio found it. However, if we apply the idea suggested above of an anterior copy, it would give a plausible sense here. Poggio sought not only to copy texts, but also to identify specific manuscripts by their distinctive features, presumably in the hopes of acquiring them some day.[21] For that reason it would have mattered whether a given note was found in its current form in the margin of the immediate source, or was merely reported as having been in the margin of some earlier copy. If this note were found not simply in the margin of the immediate source, but e.g. embedded among other scholia, then it would have been important to Poggio to record that it was a second-hand report, and not what he had seen himself.

Although this remains rather uncertain, the proposed interpretation of the force of *vetustissimus* in the term *exemplar vetustissimum* not simply as 'a very old book' but as 'an earlier copy' would also resolve a long-standing puzzle in humanist terminology. The standard treatments of humanist language gloss *vetustissimus* as 'very old', interpreting e.g. *codex vetustissimus* as 'a very old manuscript'.[22] But, as suggested by the sense of 'anterior copy', we could take it to concern relative, not absolute, age, i.e. not 'very old' but 'oldest' (relative to a given textual tradition), which is a straightforward use of the Latin superlative. A notorious crux in humanist editorial studies is Politian's description of a fifteenth-century manuscript of Statius' *Silvae* as *liber vetustissimus*. The term has always been interpreted as 'very old', implying an early mediaeval codex, but the details given by Politian make it identifiable as an extant manuscript copied for Poggio in 1417.[23] In Politian's lifetime the book was thus not old at all in absolute terms. On the traditional interpretation of *vetustissimus*, consequently, either there must have been a different, far older manuscript of the *Silvae* in Florence (of which we have no other trace), or else Politian must have been so clueless about palaeography and the dating of manuscripts that all his other testimony would become worthless.[24] Yet, as Politian knew, this manuscript is indeed the oldest extant and the source of the whole tradition of the *Silvae*. In relative terms, therefore, it fully earns his description of it as 'the oldest manuscript' (*liber vetustissimus*).

If this interpretation is adopted in the marginalia in **X**, there need be no connection, or potential confusion, between the two references to an *exemplar vetustissimum*: the sense is relative to a given tradition, rather than being a characterization of a particular manuscript, so the shared term in itself neither insists nor excludes that the *exemplar vetustissimum* is the same codex in the case of both *Rab. perd.* and *Agr.*

Sincopa

We may turn now to the manuscript description on fol. 51r of **X**, which is what first suggested that Poggio's editorial terms are systematic and precise, though it raised the problem that, according to Rizzo, it uses the term *sincopa* in an entirely arbitrary fashion. Although this term does not bear

[21] This is evident from his correspondence, discussed in Chapter 3 above, in relation to the inventory of books transmitted by Niccoli and Jacopo di Poggio. Cp. Butterfield, 2013, 41–42, on the likelihood that the same manuscript of Lucretius found but not taken by Poggio in 1417 was acquired and brought to Italy around ten years later, perhaps by Poggio's friend Bartolomeo da Montepulciano.

[22] Rizzo, 1973, 147–167, in her discussion of *vetus*, *antiquus* and related terms canvasses the opinions of a range of scholars but considers no sense other than as a reference to the absolute age of a codex.

[23] *Madrid, Bibl. Nacional, ms. 3678 (olim 31).*

[24] The debate over Politian's remarks is summarized in Coleman, 1988, xxxiii; Rizzo, 1973, 155–161, discusses the apparent contradiction at length but regards the problem as unsolved.

directly on the source-texts of the speeches, any such capricious use of language would undermine the notion that Poggio's language is used carefully and with precise editorial significance. We should examine it more closely. First a series of details are given of a manuscript of *De Oratore*, followed by the incipits and explicits of the three speeches *De lege agraria* and the speech *In Pisonem*. The text given below emphasizes Poggio's own words (as distinct from the text extracts he copied out). The text extracts are not given in full here.

> Description of one or more manuscripts, with excerpts from Cic. *De Or.*, *Agr.* 1–3 and *Pis.* (*Vat. lat. 11458*, fol. 51r)
>
> *De Oratore*
>
> *Finit prima sincopa : Si quis sit forte tardior ... pene sumo* [De Or. 1.127–128]
> *sequitur : Non sane mihi displicet ... traditur* etc. [1.157]
> *finit : Nam sive quem ... iure civili* [1.193]
> *sequitur : Tentans ad disputandum ... disputasse* etc. [2.13] *Mihi enim ... nihil agit* [2.24]
> *hucusque VI charte* [written in the margin]
>
> *Sequuntur postea charte XVI usque ad III librum qui continet chartas VI et in eo est una sincopa paulo post prohemium que incipit post verba:*
> *Quid est Crasse ... et ne admo-* [3.17]
> *sequitur : Non ut iure aut iudicio ... possessionum* etc [3.110]
>
> *Deficiunt in II* [sc. *libro*] *multa verba et semiversus. Continet in qualibet charta CXII versus et quilibet versus con stat ut plurimum XV dictionibus.*
>
> *I. Que res aperte petebatur* etc.
> *finit : eadem nunc longo intervallo r. p. restituto esse videatur*
> [= incipit & explicit of *Agr.* 1]
>
> *II. Est hoc in more positum ... coniungant.*
> *finit : Tamen nos universos ... uidisse.*
> [= incipit & explicit of *Agr.* 2]
>
> *III.Commodius fecissent ... dixissent. nam etc.*
> *finit : Veniant coram ... convocaverunt, differant.*
> [= incipit & explicit of *Agr.* 3]
>
> *Iam vides belua etc.*
> *finit : Nec minus letabor ... sordidatum uiderem.*
> [= incipit & explicit of *Pis.*]

We can get a good idea of what Poggio was describing here by comparing other mutili of *De Or.*, for example the ninth-century manuscript written by Lupus of Ferrières, or the twelfth-century Berlin manuscript, already mentioned above as one of the 'German' texts of *Agr.*, written for Corvey

probably on behalf of Wibald of Stablo.[25] At the same point in the text of *De Or.* that Poggio introduces as *Finit prima sincopa*, the text of these two manuscripts stops and is followed by blank space; the text resumes after this space at the passage that Poggio has here introduced with *sequitur*.[26] The same occurs with Poggio's next pair of *finit*/*sequitur*: the passages of *De Or.* introduced by these words again appear in the other two manuscripts as the text respectively before and after a long gap of blank space; and the same is true of his description of Book Three, where he introduces the end of the passage before a gap with the words *in eo* [sc. *III libro*] *est una sincopa paulo post prohemium que incipit post verba*, and then the first words after the gap are introduced with *sequitur*.[27] And in both the extant manuscripts we find that there are many gaps of a single word or part of a line throughout Book Two, just as Poggio here reports that *Deficiunt in II* [sc. *libro*] *multa verba et semiversus*. Poggio's report of the numbers of words to a line, lines to a page and pages covered by *De Or.* reveal that neither of these extant codices is the manuscript he saw, but they give us a clear picture of the kind of text he is describing. Just a few years later, in 1421, a complete text of *De Or.* would be discovered in Italy, but in 1417 the only known versions of the work were mutilated like this, though the precise extent of the gaps was not always the same.[28] The most obvious point of textual interest in any new manuscript of this work was to record the exact details of where the gaps started and stopped, as Poggio has done here.

Poggio has given no titles for the remaining four pairs of extracts, but the quoted texts identify them as the start and end of *Agr.* 1–3 and *Pis*. In these cases the opening extract is not specifically introduced by Poggio, but the end of the text is introduced by the word *finit*, as with the *De or.* extracts. The relation of these extracts to the full texts of the speeches copied out elsewhere in **X** will be considered in the final section of this chapter, but for now the relevant point is Poggio's use of terms, and specifically Rizzo's finding that Poggio is here using the term *sincopa* both to mean a lacuna and a passage of text. If he could really use the same word to express two diametrically opposed senses, it would destroy the argument made above that his terminology is carefully deployed using fixed technical meanings.

Rizzo's interpretation is based on the first phrase in the description, *Finit prima sincopa*, which she reads as, 'the first *sincopa* ends (as follows)'. These words introduce a passage of text that precedes a lacuna; consequently, Rizzo argues that here *sincopa* must mean 'section of text', as it is the section of text that 'finishes' with these words. Later in the description, in the phrase *in eo est una sincopa paulo post prohemium que incipit post verba*, the same word unambiguously means 'lacuna'.[29] The other instances of *sincopa* that she cites, from Poggio's friends Leonardo Bruni and Ambrogio Traversari, also unambiguously mean lacuna. This sense, or the meaning in a non-editorial context that something

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[25] The mss. are *London, British Library, Harl. 2736*, and *Berlin, Staatsbibliothek, lat. 252* (**E** in the textual tradition of the speeches, discussed above, p. 66 n. 102 and p. 78); the former was consulted in facsimile in Beeson, 1930, the latter directly.

[26] The other two mss. have the word-fragment *citatione* before the words *Non sane mihi displicet* reported by Poggio.

[27] As Rizzo, 1973, 238 n. 1 observes, at *De Or.* 3.117 the Harley ms. stops at the words *inclinato iam in*, a couple of lines sooner than Poggio's ms. Here the Berlin ms. matches Poggio's text.

[28] On the transmission of *De Or.* see Winterbottom, et al., 1986, on Poggio's description at 107.

[29] Rizzo, 1973, 238: 'Singolare l'uso che fa di questo termine Poggio nella descrizione di un codice di Cic. *De Or.* ... dapprima *sincopa* sembra essere il pezzo di testo conservato fino a una lacuna, più oltre invece significa senza dubbio "lacuna".' (She then cites the description from *Finit prima sincopa* to the first *sequitur*, then continues:) 'La descrizione prosegue poi in modo analogo: Poggio introduce con la parola *finit* la fine delle parti di testo conservate e con *sequitur* le parole con cui il testo riprende dopo la lacuna. È evidente che *prima sincopa* è la prima sezione, il primo frammento di testo conservato fino alla prima lacuna. Ma la stessa parola indica subito dopo la spezzatura, cioè la lacuna del testo.' (She then cites the description of Book Three with the words *una sincopa ... que incipit post verba*, noting that the quoted words precede a known lacuna of the text.)

is left out, is how *syncope*/*syncopa* is used in classical Latin and is the primary sense attested in post-classical Latin, though there are a few post-classical instances which do clearly have the sense of a small piece or part.[30] These parallels, together with the inherent unlikeliness that the same word would be used in the description to express opposites, thereby making the text ambiguous, leave Rizzo's interpretation highly questionable.[31]

The key surely lies not in *sincopa* but in the verb *finit*. It is used in the passage a further five times without a subject, in each case introducing the last lines of a section of text or a speech. Rizzo appears to treat all these instances as implying *sincopa* as the subject of the verb, but it would be better to treat it as an independent syntactic unit that requires no substantive such as *sincopa* to complete its sense. The use of a third-person verb as a standardized technical term is found similarly in *vacat*, and *deficit* often seems to be used in a similar, impersonal way in these notes. Analogously, *finit* can be taken as the standard way of noting the end of a text passage, and distinct from *explicit* in that the latter marks the true end of a work, rather than just the end of the available text. If that is accepted, then in the phrase *finit prima sincopa*, too, this sense of 'a text passage ends' would be conveyed by *finit* alone. *Prima sincopa* could then be construed as ablative with locative sense, 'at the first lacuna'. The whole phrase would thus mean not, as Rizzo interprets it, 'the first sincopa ends (as follows)' but 'the text ends at the first lacuna (as follows)'. As all texts of *De Or.* known at this time had several major lacunae, it is no surprise that Poggio would assume familiarity with them on the part of the reader. If we take the first instance of *sincopa* as ablative in this way, there is no longer any such odd use of terms as Rizzo postulated, and *sincopa* retains its regular meaning of lacuna throughout.

7.5 Poggio's Sources

It is thus possible to resolve all the apparent inconsistencies and redundancies in Poggio's editorial terminology, confirming the initial expectation that the marginalia offer precise citations of the sources found in 1417. We may now draw some conclusions about the books Poggio found.

As Pecere observed, the ink of two notes— the subscriptions about Tiro et al. and the note about the *antiquum volumen*—is of a different colour to the main text immediately beside them.[32] Pecere argues that they were both therefore taken from a second source, and not from the manuscript from which Poggio copied the text of *Agr.* itself.[33] However, the difference in ink colour would also be explained if Poggio had added at appropriate places scholia that he had found written in the margins. In the case of the subscriptions, this reconstruction is supported by the fact that, while they differ from the text

[30] Apart from the medical use of *syncope* (= a swoon), the sense of a gap or something left out is the only meaning offered by Lewis & Short (in late grammarians, hence the word does not appear in the *OLD*), Forcellini and the *Mediae Latinitatis Lexicon Minus*, and is the principal one in Du Cange; Du Cange does offer one instance, s.v. *syncopa* 2, where the word unambiguously means a small piece, not a gap, close to one sense of the Greek equivalent (LSJ συγκοπή I.1).

[31] If *sincopa* was ambiguous in the way Rizzo proposes, it would not be possible to know if the passage preceded or followed a lacuna on the basis of the description alone.

[32] The difference in colour is clear in the note about the subscriptions, but less apparent in the one about the *antiquum volumen*: there is indeed a slight difference in colour from the immediately neighbouring text, but it falls within the range of shades displayed by the speech-text more generally, which can vary quite widely even within a short stretch of text, so it is not possible to draw firm conclusions from the ink colour in the latter case.

[33] Pecere, 1982, 84. Without reference to ink colour Rouse & Reeve, 1986, 84, implicitly accept a shared source for these two notes, in that they identify the *antiquum volumen* with the *exemplar vetustissimum* of the note about the subscriptions.

beside them at the top of the page, they exactly match in colour, size and style Poggio's hand at the foot of the same page—his script changes as he progresses down the page, becoming fainter, smaller and of somewhat different style. This implies that Poggio first wrote all or most of the page, and then immediately added the subscriptions in the upper margin. This would be more consistent with the scenario in which he found the subscriptions in scholia in his principal manuscript, perhaps at the bottom of the page or in the margins a short way into the text, rather than with Pecere's proposal that the subscriptions were found in an entirely different manuscript.

As Pecere also noted, the ink of the note on *Agr.* 2.98 is of identical colour to the main text below which it is written, unlike that of the previous two notes.[34] If the ink-colour is significant at all, then in this case it must mean that the note about the missing line was indeed found in the same book from which Poggio copied his main text of *Agr.* Yet it is overwhelmingly likely that the two reports of damage to the archetype would have come from the same source, which undermines Pecere's theory that the ink-colour of the other notes means they were taken from a second manuscript, as opposed to scholia. If found in scholia, the notice about the missing line in the archetype at *Agr.* 2.98 would necessarily have appeared at the relevant point of the manuscript and been copied by Poggio exactly there, because numbering and consistent divisions of the text are not a feature of mediaeval or Renaissance manuscripts; were it not copied at exactly the same place, it would lose all significance. This would explain why its ink colour matches that of the neighbouring text exactly.

What about the *antiquum volumen* of note No. 5, which was the archetype of all our texts of *Agr.*? Did Poggio see it himself, and copy his texts directly from it? On purely editorial grounds, it is not possible to rule out that Poggio directly used the archetype, though there are also no specific indications that would support that conclusion. However, the language of the editorial marginalia suggests that he did not. Given his use of *exemplar* elsewhere for his immediate source, and the precise use of *exemplar vetustissimum* that we have argued for above, the phrase *in quodam antiquo volumine* stands out for its vagueness. The avoidance of the word *exemplar* rather suggests it was *not* Poggio's source, while *quoddam* seems pointedly unspecific, as if signalling a lack of more definite information. It seems more appropriate for a tralaticious report than a first-hand observation.

The notes thus seem to imply rather that Poggio's text of *Agr.*/*Pis.* was copied from a single manuscript with some very ancient scholia that included both the two references to the archetype of *Agr.* and the classical subscriptions. Given that the subscriptions date back to the second century, if the notes about the archetype of *Agr.* are from the same source, then there is really no control over the date of this *antiquum volumen*: the report could have originated at any time back to antiquity. Thus there is no reason to suppose that this archetype was to be found in Cologne in the Renaissance, rather than at some much earlier date; and it could have been anywhere.

But what of the excerpts of *Agr.* and *Pis.* included below the description of *De Or.*? Pecere argued that the *antiquum volumen* was a second book seen by Poggio, distinct from the source of his texts, and he identified it with the copy of *Agr.* and *Pis.* excerpted in the manuscript description.[35] However, a significant error in the text-excerpts reveals that the excerpted manuscript belonged to one branch of the textual tradition of *Agr.*, and so cannot have been the archetype, and hence it was not the *antiquum volumen*.[36]

[34] Pecere, 1982, 82.

[35] Pecere sees references to three different manuscripts of *Agr.*, two of which Poggio saw directly (the unnamed direct exemplar and the *antiquum volumen*, which Pecere identifies with the codex excerpted in the second unit of **X**); the third, the *exemplar vetustissimum*, would have been mentioned in scholia in the margin of the *ant. vol.*, according to Pecere.

[36] As pointed out by Reeve, 1988, 84 n. 32.

The affinities of the excerpted texts are rather with the 'Heidelberg' group of texts of *Agr.*, one of which also has a text of *Caec*.[37] As the manuscript description and the excerpts are written into the same section of **X** as the full text of *Caec.*, it is thus very plausible that all five speeches will have been found in a single manuscript, and so all at Langres. Another manuscript, **E**, has a quite closely related text of *Agr.* along with *Pis.*, *Caec.* and the same type of text of *De Or.*, so it is also plausible that, in parallel to this example, all six works that are either copied or excerpted in this part of **X** were found in a single manuscript at Langres. From the fact that here only *Caec.* was copied out in full, while *Agr./Pis.* were merely excerpted, it is surely a safe inference that these finds were made after the full texts of *Agr./Pis.* had been discovered in Cologne.[38]

Nothing indicates that the sources of *Agr.* and *Rab. perd.* were found together in the same codex, though the marginalia do not rule that out. The evidence from content and codicology discussed in Chapter 4, which implied that the two groups of speeches *Rab./Rosc. com.* and *Agr./Pis.* were each found in a different book thus retains its force.

Understandably, most scholarly attention has been given to the remarkable marginalia to *Agr.*, but the humbler notes added to the margins of *Rab. perd.* also have great, but hitherto overlooked editorial significance. This arises from the fact that the pages most likely to get cut out of an old book are the blank ones—paper, and even more so parchment, are valuable resources and blank parts often get trimmed to re-use the material for other purposes. It was established above in relation to the term *pagina* that the text loss at *Rab. perd.* 19 took the form of a blank side, and not physical damage. If the source of *Rab. perd.* and *Rosc. com.* used the common convention of leaving blank space to mark some prior damage at one point, it may have done so at others. And if it did, is that why the two pages at the end of *Rab. perd.* and the start of *Rosc. com.* were cut out? If all the rest of the book were written on, why extract two used pages but leave one clean side at § 19? While it is impossible to demonstrate, there is thus a very strong possibility that the two lost folios at the end of *Rab. perd.* and the start of *Rosc. com.* were blank anyway.

This has major implications. While one should never say never, the efforts of library cataloguers make it highly unlikely that some unknown manuscript remains to be found which includes the lost parts of *Rab. perd.* and *Rosc. com*.[39] Had the loss of text occurred solely through damage to the copy that Poggio saw in Cologne, then, consequently, no known manuscript could be independent of that copy, because they all start at the same point. However, if the loss of the start of the speech in fact goes back earlier in the transmission than this—and for all we know it could go back to antiquity—we have no such guarantee that all our texts must derive from such a relatively late stage of the transmission. The potential for finding genuinely new, early traditions of the text of these speeches is thus dramatically increased.

However, this finding is of even greater significance in that it directly contributes to a much enhanced understanding of the speech *Rosc. com.* It has always been assumed that the loss of the end of *Rab. perd.* and the start of *Rosc. com.* occurred solely through the loss of these two leaves. Even allowing for large, closely written pages, this sets quite narrow limits on the amount of text that could have been lost. With some space allocated for *Rab. perd.*, the meagre amount left for the beginning of *Rosc. com.* would mean that relatively little has been lost at the start of the text. Yet this makes the structure of the speech baffling: in the extant text of *Rosc. com.*, we first have 15 sections of detailed argument, then

[37] *Vaticanus Palatinus 1525*.

[38] Reeve, 1995, 57–58, though he appears to assume that Poggio found *De Or.* in a different ms. from *Agr./Pis.* and *Caec*.

[39] Though palimpsests are a different matter; improvements in imaging technology now make them a likely source of new classical texts.

Cicero announces that he has now dealt with the legal issues and will speak extra causam in defence of Roscius' honour and reputation; the text then continues for a further 40 sections before breaking off mid-flow. If the extant start is close to the real beginning of the speech, there is no room for the usual elements of a speech prior to the argumentation (such as exordium and narrative), and by far the greater part of the speech must have been extra causam.

If on the other hand the two lost pages were already blank in whole or part, then there is far less certainty about the amount of lost text they represent. These types of vacats were transmitted over hundreds of years and innumerable copies—as we have seen above, the same gaps noted in *De or.* by Poggio in **X** can be found as areas of blank space at much the same points of the text in both a ninth- and a twelfth-century manuscript—and they were subject to the variations of scribal copies just like the text. They thus have a certain freedom both to grow and, especially, to shrink, given the cost of the material. For example, some of the gaps in the *De or.* manuscripts are massively shorter than the amount of text in fact lost, as we can see when we compare the unmutilated text of the work: the huge lacuna at *De or.* 3.117–193, which occupies 24 sides in the OCT edition of the work, is represented by a just column and a half of blank space in the Berlin manuscript, i.e. less than one side of the OCT.[40] There is thus no reason to limit the amount of space granted to the earlier parts of *Rosc. com.*, and the interpretation of the speech as a whole is thereby both simplified and opened up to new possibilities.

[40] *Berlin, Staatsbibl. lat. 252*, fol. 37r, part of column a and all of column b are blank. I refer to the OCT edition by Wilkins, 1902.

Chapter 8 Paratextual Material II: The Speech Titles

The origin of the titles in **X** has been questioned above in relation to the discovery of the speeches (Chapter 3) and discussed briefly in relation to Poggio's tendency to standardize language and style (Chapter 5). On the basis of the manuscript itself, there are two routes to assessing the titles' origin as either transmitted text, or later conjectural addition, or some mixture of the two, namely through their content and their layout. The content of each title can be considered, on the one hand to see whether it conforms to Poggio's preferred style of titling elsewhere and whether the elements it contains could potentially have been conjectured by him, and on the other to see if elements are attested in other branches of the texts' manuscript transmission (where these exist) or contain references too obscure to have been guessed by Poggio. The layout is informative in that some of the titles appear in the margins, others in the main writing area of the text. While the latter could have been added later, in many cases the layout reveals that, at the least, space must have been left for them, so at a minimum they were planned at the original time of writing. This raises the question of why some were added only in the margins, suggesting that their inclusion was *not* expected when the texts themselves were written. As will be shown below, these aspects of **X** itself offer suggestive but not definitive indications about the different titles' standing as authentic transmission.[1] However, comparison with the hitherto lost Murano manuscript, which reflects the state of **X** prior to many of Poggio's corrections and which is considered here together with **X** for the first time, allows us to reach firmer conclusions, thanks to the distinctive layout of that manuscript.

The content of the titles

The ten works in **X** are accompanied by a total of twelve titles, some including the words *incipit* or *explicit*, some not. Some titles appear at the start of a work, some at the end, some works have one at each. The final speech of the manuscript concludes with the note *Explicit feliciter* without naming a title.

All but one of the titles are written wholly in Poggio's distinctive lapidary capitals, with a point at mid-height between every word and before and after every abbreviation, in direct imitation of classical inscriptions.[2] (It is not apparent why one title, that at the end of the second grammatical fragment, has *finit* in capitals and the rest written in Poggio's usual gothic minuscules.) This imitation of Roman inscriptions in the script should alert us to the possibility that the content, too, has been styled by Poggio to match classical habits.

The most common recurring element in the titles is the form of Cicero's name, which is consistently given as *M. Tulli(i) Ciceronis*, rather than any of the many other possible styles. This is the form Poggio always uses in his copies of Cicero, and in one case we have both his copy and the source from which it derived, which shows that he did indeed standardize and classicize the quite various forms of title he found in his model: in his 1408 copy of Cicero's *Letters*, Poggio standardized Cicero's name in

[1] Here and in the rest of this section, 'authentic tradition' refers to text found by Poggio in his source texts; it does not imply that the material is authentically Ciceronian.

[2] As discussed in Chapter 5 above on the script of **X** (p. 81).

the titles from e.g. *Marcii Tulii Ciceronis* to *M. Tullii Ciceronis*.[3] This correctly classical style with abbreviated praenomen was no doubt informed by his epigraphic study in Rome in the decade 1403–1414, which, as B. L. Ullman observed, inspired the novel classical majuscules and punctuation of the titles in **X** and other manuscripts written by Poggio.[4] It is likely that other distinctively classical features will often derive from Poggio's expertise rather than his manuscript sources. The variation between the spellings *Tullii* and *Tulli*, also found in other manuscripts written by Poggio, seems more likely to be a desultory application of the classical spelling with single *-i* than a reflection of titles in the sources.[5]

The work-titles in **X** and their position in the respective work

Work	Position in work	Title	Folio
Rab. post.	Start	*M TVLLII CICERONIS PRO C RABIRIO POSTVMO INCIPIT*	fol.1r
Rab. perd.	Start	*M TVLLI CICERONIS PRO C RABIRIO PERDVELLIONIS INCIPIT*	fol.8v
Rosc. com.	Start	*PRO ROSCIO COMOEDO*	fol.14v
Probus	Start	*INCIPIT VALERII PROBI DE IVRIS NOTARVM*	fol.24r
Mar. Vict.	Start	*EXCERPTIO ORTOGRAPHIAE EX MARIO VICTORINO D E* in marg.: *doctore eximio*	fol.25v
	End	*FINIT. excerptio ortographiae marij victorini. d. e.*	fol.27v
Caec.	Start	*M TVLLII CICERONIS PRO A CECINA*	fol.33r
	End	*M TVLLI CICERONIS PRO A CECINA EXPLICIT FELICITER*	fol.49v
Agr. 1	Start	*M TVLLII CICERONIS DE AGRARIA LEGE CONTRA RVLLVM TR PL INCIPIT*	fol.53r
Agr. 1 & 2	End *Agr.* 1, start *Agr.* 2	*M TVLLII CICERONIS * DE AGRARIA LEGE CONTRA RVLLVM LIBER PRIMVS EXPLICIT INCIPIT SECVNDVS.* in marg.: ** IN SENATV KL IANVARIS*	fol.56r
Agr. 3	Start	*M TVLLI CICERONIS IN CONSVLATV AD POPVLVM CONTRA LEGEM AGRARIAM*	fol.73r
Pis.	Start	*M TVLLI CICERONIS IN L PISONEM INCIPIT*	fol.75r
	End	*EXPLICIT FELICITER*	fol.94r

Poggio's other Cicero manuscripts also present the elements of the titles in the same sequence as predominates in those of **X**, in the pattern *name – work-title – incipit*. While this is of course a very natural sequence of words in Latin, it is not a necessary one, nor one that is general in mediaeval

[3] With *Tulli* and *Tul.* once each. Poggio's ms. is *Berlin, Staatsbibliothek, Ham. 166*, subscribed and dated 1408 by him; it derives from *Laur. plut. 49.18* (cf. Rouse, 1986, 137). *Ham. 166* was consulted directly, *Laur. plut. 49.18* in *Plutei Online*.

[4] Ullman, 1960, 54–56.

[5] The titles in *Laur. plut. 50.31* (Cicero's rhetorical works, written by Poggio in 1425) follow the same general model as those in **X** and *Ham. 166*; their spelling varies between *Tullii* (four times) and *Tulli* (thrice). Viewed in *Plutei Online*; date from De Robertis, 2006, 134. In *Ham. 166* there is no correspondence between the one instance of *Tulli* and the source ms., *Laur. plut. 49.18*.

Cicero manuscripts.[6] Given this standardization, which is by and large observed in the titles to **X**, the different patterns of the three titles to the two grammatical fragments stand out: *Incipit Valerii Probi de iuris notarum; Excerptio ortographiae ex Mario Victorino D. E.; FINIT. excerptio ortographiae marij victorini. d. e*. These titles stand out not only in their departure from the general pattern of the speeches, but also in that one is ungrammatical—after *de iuris notarum* we need e.g. *explicatione liber* or similar—while the other seems not to have been understood by Poggio when he wrote it, as he subsequently added a marginal explanation of the abbreviation *D.E.* They must therefore in essence be transmitted, not conjectured, though it is not obvious whether both the initial and final title to Marius Victorinus were present in the source, as one could have been reconstructed on the basis of the other.

The most obvious oddity among the speech titles is the bald *pro Roscio comoedo*, which alone among the speeches lacks an attribution to Cicero. From the content it would not be difficult to conjecture this title, but there is no special reason to assume that to have occurred. Were it conjectured by Poggio we might rather expect him to follow his usual pattern and not only open with *M. Tulli Ciceronis* but also choose *pro Q. Roscio* (the praenomen is mentioned several times in the speech) or alternatively, on the basis of Macrobius and Petrarch, to prefer *pro Roscio histrione*, this being the term those authors use in all their discussions of Roscius and Cicero's speech for him. Here too Poggio's conscious classicism in language blurs the issue, as it is clear from Cicero, both in *Rosc. com.* and elsewhere, that *histrio* is pejorative, and *comoedus* the more positive form; Poggio is certainly capable of having chosen the latter term for that reason. Yet, given that strict classicism would want the *Q.*, and Poggio would be expected to add Cicero's name—thanks to Petrarch's repetition of Macrobius' error over *De Othone*, Poggio will have 'known' that Cicero was the author of the speech for the actor Roscius—here the balance is in favour of accepting this as transmitted. The form of the title will be considered again in more detail below, taking into account the distinctive layout of the opening of the speech.

Among the other speeches, the final title to *Caec.* slightly varies Poggio's usual formula by adding *feliciter*, which is extremely common in general, but is not part of Poggio's usual title style. The titles of *Rab. perd.* and *Agr.* broadly follow Poggio's usual sequence by putting Cicero's name first, but they also include elements not usually included by him. Were these elements transmitted or conjectured?

In *Rab. perd.* it is unusual that the criminal charge (*perduellio*, a treason charge) is included in the title. The fact that two speeches were delivered for persons called C. Rabirius clearly encourages the use of such a differentiation rather than the mere name, but the reference to *perduellio* here cannot go back to Cicero himself, because it is inaccurate—this speech was delivered not in the *perduellio* trial itself but in a secondary case heard soon afterwards, as is made clear at *Rab. perd.* 10—and it has evidently been conjectured on the basis of a passage of *Pis.* (*Pis.* 4), a speech also present in **X**, which lists Cicero's consular achievements, inter alia as *Ego in C. Rabirio perduellionis reo ... interpositam senatus auctoritatem sustinui contra invidiam et defendi*.[7] That need not mean that it was conjectured by Poggio rather than by an ancient or mediaeval predecessor, though no ancient source uses this form, despite a scattering of references to the speech in the indirect tradition.[8]

The one point that can be firmly determined as transmitted is the unexpected use of the word *liber* (as opposed to *oratio*) in the title between *Agr.* 1 and 2: Poggio's knowledge of these speeches will have

[6] Cp. the title in **E** quoted in n. 12 below.

[7] Schanz-Hosius, 1927, 420. This passage is also the source of the modern title of the speech, including the additional word *reo* which completes the grammar, though this word is not used by Poggio. As noted already by Niebuhr, 1820, 70, the title *Pro Rabirio ad Quirites* would be much preferable.

[8] The only such instance is a modern conjecture which has reconstructed this title in a corrupt passage of Iulius Rufinianus, § 33, ed. Halm, 1863, 46, line 21; the conjecture does not in fact resolve the corruption and so cannot be correct.

come via *Att.* 2.1.3, where they are called *orationes*, whereas the term *liber* is paralleled by the other ('German') branch of the manuscript transmission of *Agr.*[9] This word, at least, thus must be transmitted, and if one word in a title is transmitted, we would expect also others are. However, this parallel does not extend to the—inaccurate—marginal correction to the title of *in senatu kl. ianuaris*.[10] This detail could easily be conjectured, because this date and venue are mentioned in the text shortly before the title, and the speech is also cited under this name in the list in Cicero's *Letters*.[11] The study of Poggio's corrections presented above should anyway encourage scepticism about the authenticity of any such correction. The German tradition of *Agr.* also includes variations on the elements *contra Rullum* and *de agraria lege*, though not the additional details *tr. pl.* or *in consulatu ad populum*.[12] The latter two elements could certainly be conjectured by Poggio on the basis of **X** itself and Cicero's list of consular speeches, but without other grounds for scepticism there is no reason to decide that they are inauthentic.[13]

In conclusion to this survey of the verbal content of the titles, we can summarize: It is not possible to state firmly that any specific element must have been conjectured by Poggio; we can identify four titles that must be authentically transmitted—the three titles to the two grammatical fragments and the double-title between *Agr.* 1 and 2 including the word *liber*; one other is anomalous (*Rosc. com.*); and the rest at least *could* have been adopted or adapted by Poggio according to his preferred style. The marginal 'correction' to the title between *Agr.* 1 and 2 seems very likely to be conjectural, while the inaccuracy of the element *perduellio* at the least raises a question about its origin.

The layout of the titles

In his study of **X**, O. Pecere observed that some of the speech-titles appear in the upper margin of the page, rather than at the point where the first line of text regularly begins throughout the whole manuscript.[14] This observation can be extended to all the works in the manuscript, including the grammatical fragments. Of the eight works that begin at the top of a new page, only the grammarians' titles are set at the normal level of the first line of text. All the works in **X** aside from *Rosc. com.* open with with a large initial letter in the margin, and among those speeches that begin a fresh page, it is the top of this initial letter that appears at the usual level of the first line; the title instead appears above this, in the upper margin. *Rosc. com.* has no such large initial and the text of the speech begins at the

[9] In **Eef**; **E** consulted directly, **e** as reported by Fohlen et al., 1982, and **f** as reported in Marek, 1983 (Marek's siglum is ε).

[10] Pecere, 1982, 87. The addition is inaccurate when applied to both *Agr.* 1 and 2, as is done by the phrasing of this title, because *Agr.* 2 was delivered not in the Senate but to the people.

[11] The venue and date are mentioned at *Agr.* 1.26, on the same page of **X** as the title and marginal addition. At *Att.* 2.1.3, the speech is cited as *una* [sc. *oratio*] *est in senatu kl. ianuariis*, here following Poggio's spelling in *Hamilton 166*, where the passage has been marked by Poggio himself with a 'Nota' sign (fol. 39r), the only one in the whole ms. The speech is also cited in very similar terms later in **X** at *Pis.* 4.

[12] **E** has e.g. (f. 162r) *Explicit liber M. T. C. de lege agraria in RVLLVM primus. Incipit liber secundus*; though, as in **X**, Rullus is omitted from the title to *Agr.* 3, which otherwise follows the same pattern. I do not know the titles in *Darmstadt 1428* (**d**), the remaining member of the German family, and know only those of **f** that are reported by Marek.

[13] That Rullus was tribune is stated directly at *Agr.* 2.53 (in **X** using the abbreviation *tr. pl.* after his name) and is abundantly clear from the text of *Agr.*; the abbreviation *tr. pl.* is used in **X** throughout the three Agrarian speeches. The element *in consulatu ad populum* could be deduced from the passage at *Att.* 2.1.3, a list of Cicero's consular speeches in which the second item is *altera ad populum de lege agraria*.

[14] Pecere, 1982, 80–81, with photographs of the titles of *Rab. perd.* and *Rosc. com.* in **X** on pl. XIV, 1 and 2 respectively.

usual level with no special mark that a new text begins; the title is added above, in the upper margin, as with the other speeches that begin a new page. The other titles in **X**—i.e. those that do not appear at the start of a work on a new page—appear either in the blank space at the end of their respective text, or else 'sandwiched' between two texts, as is the case of the last three titles (those preceding *Agr.* 2, 3 and *Pis*.).

Layout of titles in **X** and their position in the work and in the *mise en page*

Work	Position in work	Text begins	Position of title on page	Folio
Rab. post.	Start	New page	Upper margin	f.1r
Rab. perd.	Start	New page	Upper margin	f.8v
Rosc. com.	Start	New page	Upper margin	f.14v
Probus	Start	New page	First line of writing	f.24r
Mar. Vict.	Start	New page	First line of writing	f.25v
	End		In blank space following text	f.27v
Caec.	Start	New page	Upper margin	f.33r
	End		In blank space following text	f.49v
Agr. 1	Start	New page	Upper margin	f.53r
Agr. 1 & 2	End *Agr.* 1, start *Agr.* 2		At page-end following text (with addition in lower margin)	f.56r
Agr. 3	Start		Mid-page between two texts	f.73r
Pis.	Start		Mid-page between two texts	f.75r
	End		In blank space following text	f.94r

Pecere drew attention to this aspect of layout to argue that the title to *Rosc. com.* was conjecturally added by Poggio after he had begun to write out the text of the speech at the normal first line. It is indeed noticeable that *Rosc. com.* alone lacks an initial large capital, and it begins at the top of the writing area just like every other regular page; aside from the title in the upper margin, there is no indication that this is the start of a new speech. Pecere argued that this means Poggio must have at first mistakenly believed that this was the continuation of the previous speech and hence began it like any other page; only after a few lines did he realize that it was a new work, but by then it was too late and he was forced to add the title in the upper margin. However, a number of other titles also appear in the upper margin, and in those cases too it is at least possible that they were added later, even though their initial capitals show that Poggio knew they were new works. Thus the first titles to *Agr.* 1 and *Caec.*, and the only titles to the two speeches *Pro Rabirio* could likewise have been added later than the texts of the speeches themselves. In contrast, on the basis of the layout the two grammatical fragments must be original, as must the titles sandwiched between speeches—those to *Agr.* 2, 3 and *Pis.*—because space had to be left for the titles between the two texts. The titles added in blank space at the end of a text give no indication either way, and they could have been written either later or contemporaneously with the main text.

This very subtle observation about the layout would not bear much weight on its own, as Poggio was not obliged to maintain identical titling habits everywhere, but it is at least interesting that the speeches shown by the layout to be original coincide with the ones that were already established as original on grounds of content (the grammatical fragments, the title between *Agr.* 1 and 2). And the one element that seems very likely to be conjectured—the correction added to the double-title to *Agr.* 1 and 2—also appears in the margin, not the main text.

We gain clearer indications of the original state of **X** from one of its earliest copies.

8.2 The Evidence of the Murano Manuscript

In the copy of **X** from S. Michele in Murano (*Vat. lat. 13689*, hereafter **v**), space has been left in the text for initial capitals and titles, though these have not then been executed. Two subsequent, very sloppy hands have added titles to some of the speeches in the margins, ignoring the spaces left for titles by the first scribe. These later hands are clearly not part of the original scheme of the manuscript, which is what concerns us here.

A most interesting feature of this manuscript is the way that it has 'translated' some of the marginal notes in **X** into graphic form. For example, where the marginal note in **X** records that a line is missing at *Agr.* 2.98, **v** does not reproduce the note but has left one line blank at the point of the text where the note appears in **X**. Another example is the opening of *Agr.* 1. Although **X** gives this speech a large initial capital, **v** has omitted the initial and begins the text as if it were a regular, non-initial start of a page (just like *Rosc. com.* in **X**). This is evidently the graphic 'translation' of the marginal note about the *antiquum volumen* which had lost two pages and that hence, 'this is not the start of the speech' (*quare hoc non est principium orationis*); the note itself is not repeated in **v**, but the layout thus expresses its sense by presenting the start of the text in a 'non-initial' layout. In **v**, *Rosc. com.*, too, has this style of 'non-initial' opening, just like it does in **X**, but the parallel of *Agr.* 1 shows that, in **v** at least, this was a consciously applied style, and not a result of mechanical imitation or a mistaken belief that *Rosc. com.* was the continuation of the foregoing work. However, *Pis.* retains its initial styling as the true start of a speech. As observed above in the study of marginalia, the marginal note at the start of *Pis.*—which records on the evidence of Asconius that the transmitted start is not the original incipit—was probably written some time after the original copying, after Poggio, back in Constance, was able to compare his different finds. It would hence appear that **v** was produced before this addition to **X**, and so offers us a reflection of it at a very early stage of its history.

We can see clearly in **v** where space has been left for a title and where not. Before *Agr.* 2, 3 and *Pis.* space is left: *Pis.* begins a fresh page, and the text begins two lines down, so that there is room for a single-line title with one blank line to divide it from the text; between *Agr.* 1 and 2, and again between *Agr.* 2 and 3, three lines are left blank, so that there is room for a single-line title on the middle line to stand proud of the surrounding text, with a line of blank space above and below. In the speeches *Caec.*, *Rab. Post.* and *Rab. perd.*, in contrast, there is no such space left at the start of the text: *Caec.* and *Rab. Post.* begin a new page, but the first line of text is at the normal level of the first line; while between *Rab. Post.* and *Rab. perd.* only a single line is left free, not three, so the two texts are divided from each other by a line of blank space, but there is definitively no room for a title. Thus while in the case of *Rab. Post.*, *Rosc. com.* and *Caec.* we would be free to suppose that **v** varied its titling habits to match that of **X**—*Pis.* is embedded in the text, while the others could appear in the upper margin—the treatment of *Rab. perd.* makes clear that no title was intended. Either the scribe found no title to this speech, or decided that a title was inappropriate here.

There is one further point of interest in the layout of **v**, namely in its provision for large initial capitals, which are not present in the manuscript but are implied by the space left for them, set into the top left-hand corner of the first few lines of texts. **X** has two sizes of these, with smaller ones in the first and second sections of the manuscript and larger, more elaborate ones in the third, apparently reflecting the different decoration of their respective sources. While **v** also uses two different sizes of initial—either three or five lines deep—they are distributed differently and appear to present two different 'grades' of initial. The larger, 5-line size is used for *Caec.* and *Pis.*, but the smaller, 3-line size is used for *Agr.* 2

and *Agr.* 3, and for each speech *Pro Rabirio*. In the case of *Agr.* 2 and 3, the smaller size is perhaps to mark the fact that they are are subsections of a larger work ('books' of an oration, according to the transmitted title between *Agr.* 1 and 2). The implication thus seems to be that the two speeches *pro Rabirio*, which also receive these 'minor' initials, are likewise being treated as two parts of a whole. Neither *Rosc. com.* nor *Agr.* 1 have any space left for an initial capital, marking them as headless texts.

This would not count for much in a less systematically ordered manuscript, but here the conscious application of specific graphic styles, such as the 'non-initial' opening of *Agr.* 1—adopted contrary to its opening in **X** itself which has a 5-line high initial capital at the start of this speech—reveals that this is an intelligent and significant layout, the implications of which should be taken seriously. The single-line space before the speech *Rab. perd.* reveals that, for this scribe at least, it did not have a title: the scribe must either have found no title or decided that it did not merit one. Whichever was the case, this supports the theory proposed in Chapter 3 above in relation to the evidence for the findspot that, very early in the reception of these newly discovered texts, the two speeches *pro Rabirio* were regarded as parts of a single work.

Yet the coincidence between the missing titles in **v** and the titles placed in the margins of **X** is striking. In the light of this, the most plausible conclusion is that the titles in the margins of **X**, all of which are conjecturable and in some cases have inaccurate elements, and which are not taken account of in this early copy of **X**, are later additions to the manuscript, a manuscript which we know to have been heavily emended and corrected by Poggio in successive stages after its initial copying.

To argue that the titles were not present is not the same point as to argue that Poggio believed that the two works *pro Rabirio* were parts of a single work, as was done in Chapter 3 above in relation to the findspot. As noted in that discussion, even if both titles were present there would still be ample grounds to decide that the texts introduced by those titles in fact belonged together. On the other hand, even if the titles were not present, each speech has an initial capital in **X**, so the first assumption, even without a title, would be that these were two separate works; the retention of initial capitals, albeit 'second grade' ones, at the same points in **v** shows that these were still believed to have some significance, unlike the 'false incipit' of *Agr.* 1 which has been suppressed in **v**.

It was concluded above on the basis of the codicological features of **X** and the organization of its content that Poggio is likely to have found *Rab./Rosc. com.* in a different manuscript from that of *Agr./Pis*. The present study of the titles suggests that the source of the latter transmitted its texts with titles, which Poggio has passed on to us, perhaps with some modifications, whereas the source of *Rab./Rosc. com.* had none. Not only had this manuscript and the tradition behind it lost the start and end of *Rosc. com.* and the end of *Rab. perd.*, but the severe textual corruption of the latter part of *Rab. Post.* seems to imply physical damage towards the end of that speech as well. Mediaeval manuscripts often place the title at the end of a text, rather than the start of it, so the loss or damage of the end of all three of these speeches would easily explain the loss of their titles.

However, there remains one puzzle: the wholly anomalous title *pro Roscio comoedo*, which appears in the margin, but which does not follow Poggio's usual format. If he conjectured all the rest according to a fixed pattern, why would he have departed from that pattern here, if this title too is conjectured?

8.3 The Title to Rosc. com.

We should consider in more detail Pecere's argument about the title of *Rosc. com.*, which also draws on an aspect of layout in **X**, namely the initial capitals. All the texts apart from *Rosc. com.* open with a large initial capital in the left margin which extends a line or two above and below the start of the main

text. *Rosc. com.* differs in having no such initial, and the text begins a new page with no signal at all that a new text has begun here. Pecere concluded from this that Poggio had not realized that a new speech began here, and had hence erroneously failed to give the new text a large initial.[15] Given the loss of two pages recorded immediately prior to this,[16] it would be plausible that any such titling would have been lost in this damage, though perhaps we should grant that Poggio would have kept an open mind about whether the text after the damage was part of the same work that appeared before it.

However, Pecere's theory is not the only possible explanation for the unusual treatment of the start of *Rosc. com.* As we have seen in **v**, but find also, for example, in the first printed edition of *Rosc. com.*, texts that are known to be headless are often intentionally not given initial capitals, to signal the fact that this is not the true start of the work.[17] We have seen in the previous chapter how carefully Poggio noted in marginalia the information that certain of the speeches that in **X** do receive initial capitals—*Agr.* 1 and *Pis.*—had in fact lost text before the current apparent 'incipit'. If the start of the text as Poggio found it did not include a large initial, we would hence not expect him to add one, which would be to erase the important information that text had been lost prior to this point. So even if he saw very clearly that he had now turned from *Rab. perd.* to a new speech, he would still have maintained the style of presentation as a non-initial page.

Because Pecere held that Poggio had failed to notice that a new speech had begun here, he necessarily concluded that the title *Pro Roscio comoedo* must have been conjectured, not copied. But there is another way that Poggio could have found the name of the speech, namely in running headers in the upper margin. **X** itself has such running headers above all the speeches, and this is a common convention in mediaeval manuscripts. Poggio could have found a text lacking a title but with headers in the upper margins stating *Pro Roscio // Comoedo*, just as they do in **X** now. While retaining the styling as a non-initial page, and so preserving the information that this speech is headless, Poggio could nonetheless have added the title he found in the headers in the upper margin, their usual position.

It may seem that this argument tries to have it both ways: a marginal position for a title implies conjecture, whereas the marginal location of a header could be authentic. Yet this is not really a fair appraisal: headers are *supposed* to be in the upper margin; where else would we find them? There are no alternative locations for headers, whereas, in contrast, the titles are also found, in both **X** and **v**, in positions within the *Schriftspiegel*, yet only sometimes, in **X**, in the upper margin.

If it is accepted that the old book in which Poggio found *Rab./Rosc. com.* had running headers that preserved the names of the speeches even if the titles were lost, we have an even more obvious reason for the conflation of the two speeches *pro Rabirio*: the short version of the title that appears in the headers of the two speeches may simply have been *pro C. // Rabirio* in both cases; in that case, a reader would very reasonably conclude that they are part of a single work.

But more importantly for the present enquiry, we would have the explanation for the anomalous form of the 'title' *Pro Roscio Comoedo*, without the name of Cicero that is present in all the other titles: in the context of Poggio's—or anyone else's—titles, the form without author-name is anomalous, but as a running header this short form is absolutely standard. In **X**, all the pages of *Rosc. com.* bear the

[15] Pecere, 1982, 80–81.

[16] As recorded in the marginalia discussed in the previous chapter.

[17] The ed. pr., Bussi, 1471, is a collection of the complete speeches of Cicero; every speech that is in fact headless is given this type of 'non-initial' start; none of the others are. An example of each kind of start to a speech in Bussi is illustrated in Axer, 1976, pl. VI.

header *Pro Roscio // Comoedo*. Nowhere in **X** is Cicero's name included in the headers, as would anyway be unusual for such purposes.[18]

We would also thus be able to accept the inference made above on the basis of the verbal content of the title alone, that the title *Pro Roscio comoedo* seems more likely to be transmitted than to have been conjectured by Poggio. It is even more likely than with Poggio that any mediaeval emender would have used the term *histrio* rather than the classical term *comoedus*. The title *pro Roscio comoedo* should hence be accepted as ancient.

To conclude that it is ancient is not to say it goes back to whenever it was that Roscius had his day in court. We may be sure that, in the legal proceedings in which the speech was delivered, only the defendant's correct civil name will have been used, and not his profession *comoedus*, which formed no part of the official nomenclature of a Roman citizen. A title that uses only the civil name, viz. *Pro Q. Roscio* or *Pro Q. Roscio Gallo*,[19] would therefore arguably be more authentic than *pro Roscio comoedo*, as it is truer to the original occasion, though to reconstruct the full civil name one should really complete it as *pro Q. Roscio [?.] f(ilio) Mae(cia tribu) Gallo*.[20] However, the speech as a published work is distinct from the event that gave rise to it. Outside the courtroom, the name *Roscius comoedus* identifies the famous defendant far more effectively than his proper civil name, and is hence an apt title for the speech to circulate under. In surviving ancient manuscripts of Cicero's speeches, the titles do not use the defendants' civil names, but take shorter, less official forms, for example in the Bobbio scholia *Pro Milone* (not *Pro T. Annio Milone*), *Pro Flacco* (not *pro L. Valerio Flacco*), and *Pro Sestio* (not *Pro P. Sestio*).[21] *Pro Roscio comoedo* is thus an apt form for the ancient title of this speech and we should accept it as such.

Current critical texts use the title *pro Q. Roscio comoedo*, but this is not a happy compromise.[22] The only reason to add the fussily correct abbreviated *praenomen* would be to recreate the proper legal form of nomenclature, but in that register the informal job-description *comoedus* is out of place.[23] As a simple descriptive title, one could not quarrel with *pro Q. Roscio*, but it is much preferable to retain the transmitted ancient title *Pro Roscio comoedo*, which clearly and vividly identifies the speech and its famous defendant.

[18] It is hard to demonstrate a negative: I can only record that I have never seen any running header that includes even the abbreviated author-name *M. T. C.* vel sim. Examples may well exist but they are clearly not the norm.

[19] There is no good reason to doubt the report in the Bobbio scholia (ed. Stangl, p. 178, line 8) of Roscius' cognomen *Gallus*. The fact that it is not recorded elsewhere is no argument against it, as 'Roscius' was clearly the stage-name by which the actor was best known in informal settings, while in the formal context of *Rosc. com.* respectful avoidance of the slightly informal cognomen is unremarkable (e.g. Cicero always refers to himself in speeches as *Tullius*, not *Cicero*). In *Rosc. com.* the form *Q. Roscius* is sometimes used (17, 22, 38, 39, with *Quintus Roscius* written out in **X** once (25), but usually he is just *Roscius*.

[20] As a citizen of Lanuvium (Cic., *Nat. D.* 1.79, cf. *Div.* 1.79), Roscius will have been a member of the Maecian voting tribe (Ross Taylor 1960/2013). Although Cicero rarely includes tribal affiliation in a name in his speeches (e.g. at *Quinct.* 24 with Kinsey ad loc.), the fact that he cites it at all demonstrates its relevance to private law matters; it was anyway part of the standard civil nomenclature.

[21] Ed. Stangl, 1912, 108 & 125.

[22] Thus both Axer and Clark.

[23] Admittedly there is a parallel in the mediaeval transmission of *Pro Archia*, in which one ms. gives the title as *Pro Aulo Licinio Archia poeta* (the 12th-c. *Brussels 5352*, see ed. Reis, 1949), but there may be an explanatory element to the title in that case, as the defendant is called A. Licinius in the first, legal part of the speech and Archias in the second, literary part. The title of *Arch.* is lost in the Bobbio scholia, but the spacing appears to presuppose *Pro Archia* (at least as represented by Stangl, ed. 1912, 179, line 16).

Chapter 9 The Question of a Non-Poggian Transmission

The consensus that Poggio's copy is the sole source of all extant texts of *Pro Roscio comoedo* has been challenged by S. Pittia, in the most recent study of the transmission of *Rosc. com.*[1] She claims that an independent strain of textual transmission is preserved among extant manuscripts, which, she says, descend from a lost codex containing this speech that was copied or brought to Italy by Nicolaus Cusanus. She regards it as either certain or probable that this lost codex was the same one found and copied by Poggio. She cites four manuscripts in which, she claims, the speech descends from one or more copies made for Cusanus from the old codex and which she regards as entirely independent of **X**.

Pittia claims that, 'Sans doute plusieurs copies de l'archetype retrouvé par Poggio furent-elles exécutées, et pas seulement celle emportée par Poggio lui-même' (p. 265) and she calls for more research into 'le devenir en Italie de copies exécutées sur l'archétype de Cologne pour le compte de Nicolas de Cues' (p. 288). In her detailed treatment of the question (pp. 278–279) she states:

> Mais il faut relever qu'il existe bien une famille distincte de la famille manuscrite copié sur l'apographe de Poggio, même si cette seconde famille dérive très probablement du même original, l'exemplaire de Cologne, ce qui minore son intérêt. Les manuscrits *Laur. Plu.* 48.7, 8, 13 et 24 sont copiées sur un manuscrit dont Nicolas de Cues s'est déclaré possesseur mais dont on a perdu trace. Cette tradition germanique du plaidoyer n'a pas pour l'heure été étudiée de façon approfondie quant à sa parenté et ses différences avec la branche italienne.

It is unfortunately typical of the precision of Pittia's discussion that one of these manuscripts, *Plut. 48.24*, does not contain a text of *Rosc. com.* at all. This is not a simple slip or mistaken reference, as the rest of her discussion makes clear that she is discussing the so-called 'familia Cusana' and 'familia Germanica' without being aware that these terms, firstly, refer to two distinct groups of manuscripts and, secondly, are relevant only to the speeches *Agr.* and *Pis.*, but not to the other speeches found in 1417 such as *Rosc. com.*[2] The four manuscripts she cites do indeed belong in their texts of *Agr.* and *Pis.* to the 'familia Cusana', though this is a quite separate group of manuscripts from the 'tradition germanique' of the same speeches.[3]

To clarify this point: In contrast to *Rosc. com.*, the speeches *Agr.* and *Pis.* are transmitted not only in Poggio's copy, but also independently by four German manuscripts—the twelfth-century **E** and the three Heidelberg manuscripts **def** that have been mentioned a number of times above—which are consequently known to scholars as the 'familia Germanica'.[4] A large number of Italian manuscripts

[1] Pittia, 2004, 265, 278–279, 288. The *communis opinio* challenged by Pittia was established by Clark, 1909, and his Oxford edition, also 1909, and more recently endorsed by Rouse & Reeve, 1986, 91.

[2] She supports her statement about the 'famille distincte' with references (p. 278 n. 49) to studies of the 'familia Germanica' of *Agr.* and *Pis.*

[3] It is not apparent why Pittia has chosen these four out of the 65 mss. identified in Reeve, 1995, as belonging to the Familia Cusana in *Agr./Pis*.

[4] **d** does not contain *Pis.*; on these mss., see Coraluppi, 1983. In the case of *Pis.*, the 'familia Germanica' and Poggio's ms. are the two sub-branches of one part of a tripartite tradition (as set out most clearly in Nisbet, 1961, xx–xxix). On the 'familia Cusana' in both *Agr.* and *Pis.*, see Reeve, 1995. Lieberg, 1969, treats *Pis.* in this connection, but it is not clear how he identifies the readings he ascribes to the 'codex Cusanus', many of which look like 15th-c. conjecture or variants taken from the 'Basilicanus' (**V**), so his conclusions are not reliable.

that derive their texts of *Agr./Pis.* primarily from Poggio's copy also exhibit readings or marginal variants that match those of the four German manuscripts so often as to rule out a merely chance coincidence of independent errors or conjectures. The readings of the German tradition must therefore have—somehow—found their way to Italian scholarly circles in the course of the fifteenth century. These 'German' readings do not appear in the same places or with the same frequency in all the manuscripts that preserve them, so they are evidently not simply descended from a single manuscript with a composite text; the pattern of readings has instead been explained by the hypothesis that a manuscript of the German family was brought to Italy and was collated with local 'Poggian' texts with varying degrees of thoroughness. It is often supposed, though it remains speculative, that this hypothesized German manuscript in Italy is a book mentioned in a letter by Poggio as being in the possession of Nicolaus Cusanus, which Poggio says contained *Agr.* and *Pis.* and other works by Cicero. When this theory was first proposed, by Clark, these hybrid manuscripts were therefore given the name 'familia Cusana'. Both elements of the name are thus potentially misleading: these manuscripts do not represent a single branch on a stemma, descending purely from a common source, as the word 'familia' might suggest, but are Poggian texts with various degrees of contamination from unknown manuscript(s) of the 'German' family; and an association with Nicolaus Cusanus is plausible but by no means certain.

Further, the thesis that this mystery codex was the same one that Poggio found in Cologne is highly unlikely in the case of *Agr.* and impossible in the case of *Pis*. This is because the 'German' and 'Poggian' branches of the tradition are defined by their distinctive errors. Theoretically, it would be possible that Poggio had found a copy of the German branch of *Agr.* but transcribed it in such a wildly inaccurate and capricious fashion that all the textual differences between the 'Poggian' branch and the 'German' one were due to his intervention alone. In that case it would be possible that the same book could later have contributed the accurate readings from the 'German' tradition that appear in the margins and texts of Italian manuscripts. However, in the case of *Pis.*, where we have a much wider textual tradition to compare, we can see that many of the differences between Poggio and the 'German' branch are not errors but are genuine transmission;[5] his source must therefore have been independent of the German tradition. Consequently the book from which Poggio copied *Pis.* in Cologne is definitively not the same codex that provided the 'German' readings in *Pis.* in the 'familia Cusana'. Given that *Agr./Pis.* are treated as a single group in **X**, and also given that Poggio's transcription habits are unlikely to have been strikingly different in successive texts, it is very likely that his copy of *Agr.* was from the same source as that of *Pis.* Thus in the case of *Agr.* too it is most unlikely to have been the same codex that has contributed to the hybrid manuscripts.

Pittia's treatment of the question is thus multiply confused. She has conflated the (independent) 'familia Germanica' with the (hybrid) 'familia Cusana' of *Agr./Pis.*, and has mistakenly transferred both these elements of the transmission of *Agr./Pis.* onto *Rosc. com*. It is true that many Italian manuscripts contain both a text of *Rosc. com.* and hybrid texts of *Agr./Pis.* However, as these manuscripts by definition descend from both Poggio's copy (**X**) and the independent German tradition, it remains to be demonstrated that the text of *Rosc. com.* in any of these cases derives from something other than solely from the 'Poggian' element.

Examination of the three manuscripts cited by Pittia (i.e. the three of her four that contain *Rosc. com.*) reveals, firstly, that they are descended directly from Poggio's copy, not from another transcription of the same original; and secondly that there is no indication in them of contamination from any other authentic tradition. The first 15 sections of the speech have been collated in each case; the manuscripts *Laur. plut. 48.7*, *48.8* and *48.13* will be cited hereafter simply as **#7**, **#8** and **#13**, this being both their

[5] Nisbet, 1961, xxviii.

shelf mark on *pluteus* no. 48 of the Laurentian library and their numbering by Lagomarsini, still a widely used reference system for the manuscripts of Cicero’s speeches. Passages of the speech are identified by section and line number in Clark’s Oxford edition.[6]

The texts of *Rosc. com.* in the three manuscripts are closely related.[7] **#7** shows the text at an earlier stage of development, while **#13** and **#8** share most of its errors while adding some of their own.[8] Although **#7** reveals an earlier stage of a corruption found in the latter two, they do not descend from it.[9] In all three cases the shared text presents a selection of the corrections found in Poggio’s manuscript **X**.[10] While some of these corrections could, at least arguably, have been drawn from the book found by Poggio and so could represent a different transcription of the lost manuscript, and some could have been conjectured independently and so do not conflict with such a scenario, they also include readings that can be taken as diagnostic tests of descent from **X** but not from the lost Cologne manuscript, viz. the reading *peteret* for *parret* at 11.19, and *clarius* for *dari* at 11.22. In these cases the uncorrected reading of **X** is certainly the true one, while the alternative readings are so daft that they could not have been proposed twice independently. These diagnostic readings, together with the large number of corrections to **X** that are present in the three manuscripts, confirm that all three of Pittia’s manuscripts must be descendants of **X**, and not of a separate transcription of the Cologne manuscript.

This would still leave the possibility that, in common with the hybrid texts of *Agr./Pis.* in these manuscripts, some individual readings could have been drawn from another source of the tradition. Here we would expect good, or at least plausible, readings to be selected from this independent source, as a conscious choice would be exercised over which readings to be adopted, rather than innovations resulting merely from error or misunderstanding of the exemplar. However, the few innovations of these manuscripts that do make sense are as likely as not to be conjectures, and the pattern in which the few more-or-less sensible new readings appear does not indicate influence from a single source: the innovations are dotted about in the three manuscripts, rather than appearing in all three, and they hence appear to be occasional, independent innovations rather than the result of borrowing from the same extraneous source.[11]

The bold claims advanced by Pittia are thus not supported by any of the material she adduces. However, it must be stressed that the refutation of Pittia’s positive claim to have identified an independent strain of the transmission of *Rosc. com.* is very far from being a demonstration that no such strain exists at all, whether in the form of a second copy of the book in Cologne, or in some

[6] On the manuscripts themselves, see the descriptions by Rizzo, 1983: **#7** = Rizzo no. 17; **#8** = Rizzo no. 18; **#13** = Rizzo no. 23. **#8** and **#13** are both de luxe parchment productions dated by A. C. de la Mare (ap. Rizzo, 1983) to the 1450s and 1430s respectively, **#7** is a simpler paper manuscript which Rizzo dates to the late 15th century, though an earlier date seems more likely.

[7] Shared errors: 1.6 *Chaerea*] *Chorea*, 2.13 om. *hic ... iussisset*, 4.12 om. *est*, 4.12, 4.14 ~~*HS*~~] ~~*SS*~~, 5.20 *ait*] *aut*, 10.14 om. *certa*, 12.25 *fide*] *fidei*.

[8] Errors shared by **#8** and **#13** but not **#7**: 1.3 om. *testibus*, 3.5 om. *profer*, 4.19 *sibi*] *si*, 7.8 om. *sancte*, 7.12 *tu*] *T.*, 15.3 *ea est*] *est ea*. The earlier stage of the text in **#7** is reflected also in the sequence of speeches, which includes the 8 speeches found in 1417 as a block in the same sequence as most of the early copies, thus confirming a hypothesis of Reeve, 1995, that mss. with this sequence of speeches will be closer to Poggio’s exemplar than those in which the eight speeches are broken up.

[9] Earlier stage of corruption: 7.8 *sancte*] *sectem* **#7**, om. **#8**, **#13**; the nonsensical reading *sectem* probably arose from a misplaced overline abbreviation on *sacte*. That **#8** and **#13** are not descended from **#7** is shown by 13.15 *expensum*] *ex publico* **#7**, *ex. p.* **#8**, **#13**; *ex. p.* is certainly the reading of the book Poggio found, as well as that of **X** (as discussed in Chapter 5 above).

[10] Corrections in the collated sections of the text in **X** present in all three mss.: 11.12 *parret* **X** *peteret* **X**^{C}; 11.20 *libellam* **X**] *libellum* **X**^{C}; 11.22 *dari* **X**] *clarius* **X**^{C}.

[11] 13.15 *expensum*] *ex publico* **#7**, *ex. p.* **#8**, **#13**; 7.12 *tu*] *T.* **#7**, **#8**; 8.17 *quid*] *quod* **#8**; 1.9 *proferet*] *proferret* **#7**, *profert* **#8**, **#13**; 8.23 *paene*] *penes* **#7**.

entirely independent source. The manuscripts of *Rosc. com.* are almost wholly unexplored, aside from the very earliest copies of **X** itself, which by definition are the ones least likely to offer any evidence of an independent source. Only a complete review of the available evidence will be able to settle this question.

One point raised by Pittia is of more interest. She draws attention to the fragmentary late antique palimpsest of *Rab. perd.*, noting that, as this text is transmitted in **X** alongside *Rosc. com.*, there could potentially be some link between the palimpsest and the transmission of *Rosc. com.*[12] The presence of one speech in both manuscripts would not mean much in itself: *Rab. perd.* might have had a different, wider transmission of which only one branch is associated with *Rosc. com.*, so the mere fact that *Rab. perd.* survives on palimpsest does not tell us anything about *Rosc. com.* However, there is in fact a connection, though it is overlooked by Pittia. The sequence *Rab. Post/Rab. perd/Rosc. com.* is clear evidence of an alphabetic arrangement, and in the Palatine palimpsest we again find a speech *pro Rabirio* immediately followed by a speech *pro Roscio (Amerino)*.[13] As was pointed out by Niebuhr, this indicates that some ancient or late antique Cicero collection was arranged alphabetically and that a chunk of it at the letter R survived. Unless the whole of *Rosc. Am.* was lost in the gap between *Rab. perd.* and *Rosc. com.*—which is not impossible but is not the most obvious inference—the palimpsest cannot be the direct ancestor of the texts in **X**,[14] but they surely both derive ultimately from the same collection: more than one ancient alphabetic collection may well have been made, but it is against the odds that only R would survive from both. A further point of relevance here, not known to Niebuhr, is that the Palatine palimpsest is from Lorsch, which a) makes it the only ancient text of Cicero found north of the Alps, and b) sets it into a mediaeval context in which a large cache of unique classical texts were transmitted, including such rareties as otherwise unknown books of Livy.[15] No explanation has ever been found for how this exceptional set of texts reached Lorsch,[16] but it provides a very plausible station on the path by which unique texts of Cicero's speeches could have been transmitted to a cathedral library in Germany, especially when we recall that the great boom in 'liberal arts' in the Cologne cathedral library was begun under the tenth-century archbishop Bruno, the book- and arts-loving abbot of Lorsch. While we thus remain in the dark about the fate of the book Poggio found, and about who may have found it after him, we gain a faint shard of light into the history that lay behind it.

[12] The palimpsest is ms. *Vaticanus Palatinus latinus 24*.

[13] Niebuhr, 1820, 65–68; Lo Monaco, 1990, 182–183.

[14] The readings of the two texts do not appear either to support or exclude direct descent, but a closer study of *Rab. perd.* would be needed to establish the point.

[15] Bischoff, 1989.

[16] McKitterick, 2004, 196–210, canvasses the possibilities.

Chapter 10 The Transmission of *Pro Roscio comoedo*

We may now draw together the results of the foregoing studies to present a synoptic picture of the transmission of *Rosc. com.*

After Cicero delivered this speech in a routine business case, its preservation in writing was probably due at least in part to the fame of the defendant, the actor Roscius, a connection whom Cicero was always glad to advertise. In the following centuries, while Cicero's speeches became established as school texts, this same positive view of a stage actor manifested in the speech will have kept it out of the schoolrooms, due to the ever stronger social prejudice against performers in the Roman empire. The text was by no means unknown, but will have been the preserve of the scholar or the active orator (not exclusive categories). Its transmission in an alphabetic, i.e. scholarly and exhaustive, collection matches this *Sitz im Leben*. The remarkable preservation of accurate early classical numerals in the text, which were obscure antiquarian knowledge even in late antiquity, is again consonant with this learned character of the ancient transmission. The presence of numerous classical abbreviations in *Rosc. com.* and its neighbour in the transmission *Rab. perd.* may well also be scholarly features, given the frequent use of abbreviation in legal texts. Our learned ancient editor of the alphabetic collection should not be blamed for the erroneous title *Pro Rabirio perduellionis*, which is a conjecture most probably by Poggio Bracciolini, but the title *Pro Roscio Comoedo* does go back to an ancient collection and remains the most appropriate title for the work.

In late antiquity Macrobius collected some report by an earlier writer who knew the text of *Rosc. com.*, but Macrobius himself already approaches the mediaeval pattern of reception of Cicero's works, in which the speeches are almost wholly eclipsed in favour of the philosophica and rhetorica. Despite Macrobius' evident curiosity about Roscius, his knowledge of this as of most other Ciceronian speeches is retailed at second-hand, for the most part via the same single source to which he owes his knowledge of *Rosc. com.*

Yet someone in the late antique or early mediaeval period acquired a small part—from the letter R—of the ancient alphabetic collection of Cicero's speeches and took care to pass it on. The precise route by which these texts survived and reached Germany is not reconstructible, but a hint is given by the presence of an overlapping set of texts from the same letter R of the alphabetic collection in a late antique palimpsest which was in Lorsch by the ninth century, palimpsested along with other rarities such as a fragment of the lost books of Livy; perhaps newer copies of our 'R speeches' arrived at Lorsch in the same batch, just as newer copies of Livy did. By some such route, two speeches *Pro Rabirio* and our text *Rosc. com.* reached Cologne cathedral library. The main period in which this library acquired liberal arts texts was in the tenth and eleventh centuries, which is hence the most likely moment for these texts to have been sought out for the cathedral. A possible route for their transmission is suggested by personal connections between Cologne and Lorsch at this time, but cannot be established firmly.

It is not clear at what stage the start and end of *Rosc. com.* were lost, though the damage at the start of the text, which has also removed the end of the preceding text *Rab. perd.*, must therefore have occurred after both texts had been incorporated in the alphabetic collection, and, given that it has not affected the text of *Rab. perd.* in Lorsch, probably in some copy subsequent to the alphabetic collection (though, at least theoretically, the old collection could have suffered damage in the meantime). We do not know how many copies intervened thereafter but, by the time we get more

definite information about the text, it is found in a codex which left a blank page in the middle of *Rab. perd.* to record damage in an earlier exemplar.

By 1417, when Poggio Bracciolini visited Cologne, he found this codex chained to a bookdesk in the new reading room of Cologne cathedral library. At the end of *Rab. perd.* and the start of *Rosc. com.* this codex revealed only the stubs of two pages, which had been cut out. It is likely, however, that some or all of these two lost leaves were blank, marking previous damage in the same way as the blank side in the middle of *Rab. perd*. While the book seems not to have had any formal titles to the speeches, it most likely did have running headers in the upper margins that identifed three pieces of text as *Pro C. Rabirio* and the following one as *Pro Roscio Comoedo*.

In the same reading room, but in a different, more ornate book with proper titles, Poggio also found copies of *Agr.* and *Pis.* accompanied by unique ancient editorial scholia and reports about the archetype of all our copies of *Agr*. Despite this different immediate source, these scholia could derive ultimately from the same learned alphabetic collection as *Rosc. com.* and the speeches *Pro Rabirio*: the transmitted titles to *Agr.* include the element *In Rullum*, a personal name which would be the most easily alphabetizable element, suggesting that these works too may owe their survival to the letter R of the same collection; and the discovery of these unparalleled ancient scholia in the same library as *Rab./Rosc. com.*, all uniquely transmitted texts derived from an ancient scholarly collection, makes a common origin very plausible. However, the later transmission of *Agr.* took a different path from that of *Rosc. com.*; its association with *Pis.*, which follows it in the majority of witnesses and testimonia, seems to be thematic—the opening sections of *Pis.* discuss *Agr.*—which implies that an interest in content has driven a change in the copying pattern. The preservation of the alphabetic sequence of *Rab./Rosc. com.*, despite the loss of all the other letters of the alphabet, is an aspect of the conservatism (or inertia) that is distinctive of the post-antique transmission of the latter speeches.

We have this conservatism to thank for the accurate preservation of ancient elements such as the numerals, which must have been meaningless to the mediaeval scribes, as well as old abbreviations. Although Poggio has standardized most spellings, where difficulties arose he has preserved the original text, which we can hence see wrote out diphthongs in full, rather than converting to the more common mediaeval norm of writing them as *e* or *e* with a cauda. During his transcription of the speech, Poggio corrected his text, but often on the basis of conjecture. Afterwards he continued his corrections, in various stages, and some of these stages can be traced in the copies made from his transcript when he returned to Constance and later to Italy.

It remains an open question whether anyone else took a copy from the old book in Cologne or from any other text of this speech that may have existed, but it can be confirmed securely that no such independent copy has yet been identified.

It is unexpected that books would remain uncopied in such a central location as the ‘more public’ library of the cathedral in a major city, but the lack of titles to the book containing *Rosc. com.* could have led to the work’s omission from any catalogue, volume contents-list or other finding guide. We may wonder how many scholars in the early fifteenth century, or indeed at any time, would have recognized this set of scrappy fragments as lost works of Cicero without the assistance of full titles with an author’s name, or a library catalogue to point out what and where they were. It was only through Poggio’s careful study of the works of Cicero and Petrarch that he will have known the significance of the names ‘Rabirius’ and ‘Roscius’ in the running headers, and only his lifelong cultivation of the classical language will have enabled him to recognize Ciceronian style—in later eras familiar to all Latinists, but still a rare and rather odd interest in 1417.

Since the early twentieth century Poggio Bracciolini’s reputation has been sharply downgraded from the idealization he previously enjoyed as the greatest discoverer of classical texts. We now know that

many other people were searching for classical manuscripts at the same time, and some had already made finds that have since been ascribed to Poggio, such as *Pro Caecina*, which Poggio appears to have received from Nicolas de Clamanges. In other cases, Poggio's discoveries have been superseded by the emergence of older manuscripts. But, on present evidence at least, it is only through Poggio's *summum studium* and *diligentia* that we have *Pro Roscio comoedo* and the speeches *Pro Rabirio* at all, and he is entitled to his claim that 'he alone brought them out into the light'.

Appendix 1: Transcription Variants

J. Axer (1976: 37–59) presents a complete transcription of the text of *Rosc. com.* as it appears in **X**, including its abbreviations, punctuation and capitalization, with notes discussing corrections and marginalia (ibid. pp. 55–59).

Axer's transcript represents the corrected state of the manuscript, while the original, uncorrected readings are recorded in his notes, in accord with his thesis that the alterations in the manuscript in most cases represent Poggio's rectification of his own scribal slips, corrected from the original while it was still in front of him. The corrections would thus represent the authoritative transmission, while the uncorrected text would represent errors introduced by Poggio himself. However, all such corrections are marked and described in detail in the explanatory notes to the transcription.

Other small differences: Axer uses the letter *y* to transcribe both the sequence *ij* and the true letter *y*, which differ from each other in the manuscript (*y* occurs only once in *Rosc. com.*, in *Dionysia* at fol. 17v, § 23). In the manuscript the abbreviations *~~SS~~* and *~~HS~~* are written thus, i.e. in their correct classical form, whereas Axer transcribes them as *SS* and *HS* respectively. The numerals are written minuscule—e.g. *cccliii*—not majuscule as in Axer's transcription. Axer reads the punctuation mark **.-** as a graphic variant of the question mark (**.~**), whereas I take it to signal a strong pause (*punctus elevatus*).

It may be noted that one of the hands in the margins has been attributed to Niccolò Niccoli,[1] another to Poggio late in life.[2]

I record in the table below all substantial differences between Axer's reading of the manuscript and my own. Nos. 3, 9, 10 and 12 below are presumably just typographic errors, as they are not recorded in Axer's edition. Differences in interpreting punctuation and capitalization, which are at times ambiguous in the manuscript, are not recorded here.

1	fol. 14v, line 3 (§1)	Axer's graphic representation of the corrupt letters following the *vacat* is not accurate (in the ms. it is open at the bottom, rather than the top as shown by Axer). Axer reads the letters as *-ati* or *-citi* (p. 55 n. 1), favouring the former; however, the opening at the bottom of the letter-form (rather than the top) makes *-citi* more likely; it is taken thus by the early copyists (**ωον**).
2	fol. 14v, line 20 (§3)	*~~par~~ quis parens* (Axer: *quis ~~par~~ parens*)
3	fol. 14v, line 29 (§4)	*omnis* (Axer: *omnes*)
4	fol. 15r, line 7 (§5)	*adversariis*, the final letter is a subsequent correction, whereas Axer reads it as an original abbreviation. The letter is a small *s* written above the line. This is different from the abbreviation for *-s* used in **X**, which curls to left, not

[1] De la Mare, 1973, 79, cf. 52–55; these notes include the conjecture *aeterne* on fol. 15r (Axer's note 5 to that page).

[2] De la Mare, 1973, 79; these include the second corrector of the catchword on fol. 16v (Axer's note 9 to that page). An example of this hand is illustrated in Axer, 1976, pl. V (the word *miseria*, one of six keywords in this hand that state key themes at intervals throughout the speech).

		to right like this small *s*. It is ignored by all the early copies, so must be subsequent to their production.
5	fol. 15r, margin	Axer’s note 12: the sign he interprets as *p(lacet)* is *ł* for *vel*, i.e. a variant reading (Cappelli, 1990, 198; Chassant, 1970, sub litt. L)
6	fol. 15v, margin	Axer’s note 3: here too the sign is *ł* for *vel*, not *p*.
7	fol. 15v, line 24 (§11)	Axer’s note 7: the correction of *dari* is to *clarius*, not *clari*.
8	fol. 16v, line 2 (§16)	*leniter* (Axer: *leviter*)
		This is overlooked also by Clark, whose principal witness **ω** has this reading. *leniter* is much the better reading on grounds of sense and style as well as transmission.
9	fol. 16r, line 2 (§12)	Axer’s note 1 to this page: for *augustissimu*[*m*] read *angustissimu*[*m*]
10	fol. 18r, line 15 (§26)	*perstat* (Axer: *prestat*)
11	fol. 20r, line 5 (§39)	*m* (or *in*) *er sequendum* (Axer: *in ecsequendum*)
		The first group could be either *m* or *in*, with *m* more likely, but the *r* of the second group is unambiguous.
12	fol. 20v, line 23 (§44)	*locupletes* (Axer: *locupletas*)

Appendix 2: The Murano Manuscript, *Vat. lat. 13689*

The manuscript *Vaticanus latinus 13689* has been cited several times in the course of the present work. This was formerly codex no. 37 in the small library of S. Michele di Murano, a Camaldulensian monastery in the Venetian lagoon, and is described as such in the old catalogue of the library by Mittarelli, and now again in a new catalogue of the library's former books by Merolla.[1] The identification of this Vatican manuscript as the old Murano codex was made at latest by the 1960s by A. Campana, but it was not widely publicized and has remained unknown to Ciceronian scholars, who have a special interest in this particular book.[2]

The interest lies firstly in the fact that it is one of the few manuscripts to contain only the eight Ciceronian speeches found by Poggio in 1417, suggesting that it is one of the earliest copies of **X**, and secondly because S. Michele also held a number of books owned by Francesco Barbaro, the Venetian politician, scholar and friend of Poggio. Barbaro supported Poggio's journeys of discovery both financially and through prominent public endorsement and, in return, Poggio promised to let him take charge of the principal manuscript of the speeches after his return from Constance. These facts were known to Clark, who assigned the siglum **v** to the Murano manuscript in his edition of these speeches, though he was unable to locate the book itself.

The manuscript is on paper, in a clear and elegant but not especially calligraphic early humanist hand.[3] Spaces have been left by the first scribe for titles and large initials at the start of some speeches, but these elements have not then been executed. There are quite a lot of annotations by various hands throughout the manuscript, some of which add titles in the margins, but these very sloppy cursive additions are clearly not part of the original scheme of the manuscript. Only *Rosc. com.* has been neglected entirely by the annotators.

Now that we can examine the manuscript, it would be valuable to undertake a full review of the interrelations and priority of all the earliest copies of **X**, which would be likely to throw more light on some of the questions treated above concerning later additions to **X**. However, a study of *Rosc. com.* would be a bad place to start: the other manuscript often regarded as the very earliest copy, Clark's **M** (*Florence, Laur. Conv. soppr. 13*), has suffered damage and now no longer contains *Rosc. com.* or the speeches *Pro Rabirio*, though a contents list reveals that it once did. Consequently a review of the early copies will need to begin from one of the other speeches in order to understand **M**'s role. This appendix instead has the limited aim of presenting those aspects of **v** relevant to the arguments in which it has been cited in the course of the present work. The conclusions of Davies about the relative chronology of the other copies are accepted here, though some modifications are suggested.[4]

The first relevant point is that **v** is a direct copy of **X**, as can be seen from some peculiarities of its text. As was noted above in connection with the study of the corrections, **v** gives exact graphic reproductions of some letter-groups in **X**, which the scribe clearly did not understand. These include at 53.14 *iudicio Rerres*, exactly copying the way Poggio has written *iudiciofferres*; and at 39.6 an anomalous sign somewhat like *Q*÷ which is entirely meaningless in the humanist script of **v**, but exactly reproduces Poggio's slightly irregular gothic ligature here, which the scribe evidently failed to

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[1] Mittarelli, 1779, cols. 255–256; Merolla, 2010, 67; cf. the Vatican catalogue by Gilles-Raynal et al., 2010, 865–866.

[2] The identification was announced by Campana in a paper delivered orally in Turin in 1968, which was in turn reported in the footnotes of Foffano, 1969.

[3] Consulted on microfilm; information about its material is taken from Gilles-Raynal et al., 2010, 865–866.

[4] Davies, 1984, and ap. Reeve, 1995, 62. Davies appears to be the only person to have investigated the question of the priority of the early copies since the rediscovery of **X**.

recognize as *Et*. We can also see the scribe struggling with Poggio's less clear corrections: in **X** at 30.26 *paruom* is corrected to *prauom* by writing an *r* above the *a* (which would in fact produce the reading *praruom*), but the *r* above the line looks very like a capital *T*; the scribe of **v** has done his best and written *patruom*, the only real word to be made from this combination of letters. One of the very rare subsequent alterations in the text of **v** has corrected this to *prauom* above the line. There is thus a clear impression that this scribe is struggling directly with the readings of **X** itself, which was available for clarification afterwards.

The second point of relevance to the present work is the relative priority of the early copies. Davies regards **ω** (*Florence, Laur. plut. 48.26*) as the earliest copy overall, and **o** (*Oxford, D'Orville 78*) as somewhat later.[5] Reeve regards **ω** as directly copied from **X** (but does not say why), which is very possible, while Davies regards **o** as a direct copy, though there are no indications of this.[6] It should be borne in mind therefore that probably **o**, and perhaps **ω**, depend on some other intermediate copy. In its selection of corrections adopted in *Rosc. com.*, **v** is most similar to **ω**. Firstly, there are agreements in the corrections unknown to **ωv** against **o**, which adopts them:

Corrections ignored by **ωv**, adopted by **o**

§	**X¹ωv**	**X^C o**	Location of correction in **X**
4.16	quidquid	qui quid (also **ω²**)	underdotted
11.22	**dari**	clarius	supralinear
13.15	ex p	expensum (also **ω²**)	marginal alternative
42.10	qui iudex	quis iudex	supralinear

Of these, the second at least, being wildly wrong and unconnected to the sense of the passage, cannot be a case where two separate scribes have conjectured the same reading. While the expansion of *ex p* to *expensum* may seem obvious in retrospect, the abbreviation baffled other scribes and one later copy (*Laur. plut. 48.7*) has expanded instead to *ex publico*. The other two corrections are not strictly necessary, and so are unlikely to have been conjectured twice independently, so we can be confident that these are readings owed solely to the corrections in **X**. It should also be recalled that, in the study of the corrections presented in Chapter 6 above, a large number of corrections were cited that were adopted by all three of these manuscripts in the relatively short text of *Rosc. com.*, i.e. it appears that the scribes were aiming to copy the corrections, rather than selecting from them.

So far, we might conclude simply that **ωv** are earlier than **o**. But there are also cases where **o** has the original reading, while **ωv** adopt a correction:

Corrections ignored by **o**, adopted by **ωv**

§	**X¹o**	**X^C ωv**	Location of correction in **X**
19.21	divitem timidum	*om.* divitem	crossed out
20.26	nonne	non	crossed out
20.28	videretur	videtur	crossed out
32.23	damni iniuria	damni in iniuria	supralinear

All of these could arguably be due either to independent conjecture or of failing to note a correction in **X**—the line cancelling the word *divitem* in **X** is very faint and might therefore have been overlooked by the source of **o**, and perhaps the other two crossings out were similarly overlooked—or in the case

[5] Davies has not published his grounds in any detail and has not, to my knowledge, commented on **M**.

[6] Reeve, 1995, 62; Davies, 1984.

of *damni* <*in*> *iniuria* of a secondary corruption after the first copy was made, with the repetition of *in in-* being easily overlooked. However, it is also possible that **o** derives from a copy even earlier than the other two, which has then been supplemented by new readings. Given that the scribe of **o**, Giovanni Aretino, is elsewhere found creating a manuscript through desultory collation of new material grafted onto an older text, this may be the more likely scenario.[7]

Whatever the exact textual history of **o**, however, for the purposes of the present work, the important points are that **v** and **ω** stand at a similar stage to each other in the relative chronology of the early copies of **X** and that, in the case of *Rab./Rosc. com.*, no other known copy is earlier than them. The question of which of these two is the older is unclear, but is also not important for present purposes.[8] The chronology matters here solely for the question of whether the detectably absent titles in **v** represent the earliest recorded stage of **X**. For this purpose, **ω** is no help to us, because the first hands—it is written by five scribes—have not entered any titles, and the manuscript as a whole is too unsystematic to draw any inferences from layout about whether they were intended or not. The titles, and the note about the missing start of *Pis.* that was so conspicuous by its absence in **v**, have been added by a later annotator who also knows some later corrections than the original scribes.[9]

As noted above, a more thorough study of all these early copies, drawing on more than just the corrections and more than just this one speech, would be very welcome. However, the evidence examined so far supports the inferences based on this old and new manuscript in the present work.

[7] This is Florence, *Laur. plut. 48.10*, written in Feb. 1416, the earliest dated ms. of the speeches found in Cluny; despite this Giovanni found only the most obvious of the new passages of *Cluent.*, overlooking four others. Rizzo, 1983, no. 20, is a description.

[8] There is a handful of corrections from **X** that individually unite or divide the three manuscripts each on a different pattern, in all possible permutations; it is not clear that any of these are significant, as they are all either guessable or easily overlooked.

[9] Reeve, 1995, 62, assigns the annotator's hand to Guilielmino Tanaglia, a friend of Niccolò Niccoli.

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The sigla of Reeve and Rouse, 1986, are adopted for the major manuscripts of Cicero's speeches, those of Clark's edition for the early copies of **X**. In the manuscripts of *Agr.* I have reduced the **D** of Coraluppi, 1983, to a more humble **d**, to accord with its close relatives and contemporaries **e** and **f**. Clark varies between **ω** and **Ω** for the same manuscript: the former is used here.

#7 = Florence, Biblioteca Medicea-Laurenziana, Plut. 48.7
#8 = Florence, Biblioteca Medicea-Laurenziana, Plut. 48.8
#13 = Florence, Biblioteca Medicea-Laurenziana, Plut. 48.13
d = Darmstadt, Universitäts- und Landesbibliothek, Hs. 1428
E = Berlin, Staatsbibliothek, Hs. lat. 252
e = Vatican City, Bibliotheca Apostolica Vaticana, Palatinus latinus 1525
f = Erlangen, Universitätsbibliothek Erlangen-Nürnberg, Hs. 618 (olim 847)
M = Florence, Biblioteca Medicea-Laurenziana, Conv. soppr. 13
m = Milan, Biblioteca Ambrosiana, C. 96 supr.
s = Siena, Biblioteca Communale degli Intronati, ms. H. VI. 12
t = Siena, Biblioteca Communale degli Intronati, ms. H. XI. 61
V = Vatican City, Bibliotheca Apostolica Vaticana, Arch.Cap.S.Pietro H. 25
v = Vatican City, Bibliotheca Apostolica Vaticana, Vaticanus latinus 13689
X = Vatican City, Bibliotheca Apostolica Vaticana, Vaticanus latinus 11458
ω = Florence, Biblioteca Medicea-Laurenziana, Plut. 48.26

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Summary

The present work treats the textual transmission of the judicial speech by Cicero in defence of the Roman actor Roscius (hereafter abbreviated *Rosc. com.*). This text promises important insights into the ancient Roman theatre, but it can hardly be used by researchers on account of its poor transmission: it survives only as a fragment, lacking the start and end of the text, in a Renaissance copy of the fifteenth-century; the content is often near incomprehensible. The current work, which serves as prolegomena to a new edition of the text, presents a series of studies which, each in a different way, pursue the following two goals: on the one hand they elucidate the manner and circumstances of the text's copying by Poggio Bracciolini in 1417, primarily through study of his extant autograph manuscript, *Vaticanus latinus 11458*; on the other, they collect and assess all accessible sources of information on the text of *Rosc. com.* that are independent of this manuscript.

In the first, introductory chapter the existing research is presented along with the new approaches and sources used in the present work and the practical limitations to which the project has been subject (1.1). Thereafter the authenticity of the speech as a work by Cicero is discussed and confirmed (1.2).

In the second chapter, the ancient testimonia to *Rosc. com.* are investigated. Contrary to the findings of previous research, it can be affirmed that the speech was known in the ancient world, but a certain reserve in relation to it can also be observed, which is to be explained by its socially controversial topic of the stage performer (2.1). In a second part of the chapter, a passage that has been regarded by scholars as alluding to a lost part of the speech is shown to have no relevance to it (2.2).

The third chapter examines the sources for the discovery of the speech by Poggio Bracciolini in 1417, with the goal of identifying the findspot. One of these sources, namely a letter from one of Poggio's sons, has been largely dismissed until now, but is here shown to be reliable. This permits the findspot to be securely identified as Cologne cathedral library.

Chapters 4 to 8 treat aspects of the manuscript *Vaticanus latinus 11458* of the Vatican Library (herafter **X**).

Chapter 4 treats the content and codicological properties of this manuscript, thanks to which the widely accepted but not absolutely secure identification of this codex as the first, autograph copy of the text made by Poggio Bracciolini in 1417 can be definitively confirmed.

Chapter 5 investigates the peculiarities of the text of the speech *Rosc. com.* in **X**: script, punctuation, spelling, abbreviations and the style of the numerals offer guides relevant to the constitution of the text, as they permit insights both into Poggio's working habits and also into those elements of the text that have been transmitted from his source.

Chapter 6 addresses the issue of the corrections: the manuscript has been heavily corrected, and for the constitution of the text it needs to be established to what extent these corrections were merely conjectured, or, on the contrary, reflect the content of the lost exemplar. In a number of cases conjecture can be securely identified, in the others it is likely.

Chapter 7 treats marginal notes that provide information about the exemplars found and copied by Poggio.

In Chapter 8 the authenticity of the titles to the speeches is investigated. The title *Pro Roscio comoedo* is determined to be ancient, but others as later conjectural additions.

In Chapter 9 the question is addressed of whether another tradition of transmission has been found that is independent of Poggio's manuscript. The answer, alas, is no.

By way of conclusion in Chapter 10, on the basis of the findings of the preceding chapters, a synoptic account is given of the transmission of the speech *Rosc. com.* from antiquity to the early Renaissance.

Zusammenfassung

Die vorliegende Arbeit behandelt die Textüberlieferung der Gerichtsrede Ciceros für den römischen Schauspieler Roscius (*Rosc. com.*). Dieser Text verspricht wichtige Einsichten in das altrömische Theaterwesen, er ist aber kaum benutzbar wegen seines schlechten Überlieferungszustandes: Er ist nur fragmentarisch, ohne Anfang und Ende, in einer Humanistenabschrift des 15. Jhs. erhalten und ist inhaltlich oft kaum verständlich. Die vorliegende Arbeit, die als Prolegomena zu einer neuen Edition des Textes dient, bietet eine Reihe von Untersuchungen, die in unterschiedlicher Weise zwei Zielen folgen: Zum einen erhellen sie Art und Umstände der Abschrift des Textes durch Poggio Bracciolini in 1417, vor allem durch Untersuchung der erhaltenen autographischen Handschrift, *Vaticanus latinus 11458*. Zum anderen sammeln und prüfen sie alle feststellbare Informationsquellen zum Text, die von dieser Handschrift unabhängig sind.

Nach einer einleitenden Darstellung des Forschungsstandes sowie der in dieser Arbeit verwendeten neuen Ansätze und Quellen und der notwendigen praktischen Eingrenzungen des Projektes (1.1) wird die Echtheit der Rede als Ciceronische Schrift behandelt und bestätigt (1.2).

Im 2. Kapitel werden die antiken Zeugnisse zu *Rosc. com.* untersucht. Gegen den bisherigen Forschungsstand kann antike Kenntnis der Rede festgestellt werden, aber auch eine gewisse Ablehnung wird in der antiken Rezeption bemerkt, die durch das gesellschaftlich heikle Thema des Schauspielerwesens erklärt werden kann (2.1). In einem 2. Teil des Kapitels wird eine griechische Textstelle untersucht, die in der Forschung als Allusion zum verlorenen Teil der Rede vorgeschlagen wurde; dieser Vorschlag wird als nicht zutreffend erwiesen (2.2).

Das 3. Kapitel untersucht die Quellen zur Entdeckung der Rede durch Poggio Bracciolini in 1417 mit dem Ziel, den Fundort zu ermitteln. Darunter wird eine bekannte aber vernachlässigte Quelle, nämlich ein Brief von Poggios Sohn, als verlässlich erwiesen; dadurch kann die Kölner Dombibliothek als Fundort gesichert werden.

Kapitel 4 bis 8 behandeln Aspekte der Handschrift der Vatikanbibliothek *Vaticanus latinus 11458* (**X**).

Kapitel 4 behandelt den Inhalt und die kodikologischen Eigenschaften dieser Handschrift, dank deren die breit akzeptierte aber nicht abschließend gesicherte Zuweisung des codex als die erste und eigenhändige Abschrift des Textes durch Poggio Bracciolini in 1417 definitiv bestätigt werden kann.

Kapitel 5 untersucht die Eigenarten des Textes der Rede *Rosc. com.* in **X**: Schrift, Interpunktion, Rechtschreibung, Abkürzungen sowie Schreibweise der Ziffer bieten Anhaltspünkte für die Konstitution des Textes, da sie Einsichten erlauben sowohl in die Arbeitsweise Poggios als auch in die Elemente des Textes, die von seiner Quelle überliefert wurden.

Kapitel 6 geht die Frage der Korrekturen nach: Die Handschrift ist dicht korrigiert, für die Konstitution des Textes muss festgestellt werden, inwieweit diese Korrekturen konjiziert wurden, oder aber Schreibweise des Exemplars widerspiegeln. Konjektur wird in mehreren Fällen festgestellt, in anderen Fällen vermutet.

Im 7. Kapitel werden Randnotizen behandelt, die Auskunft über die von Poggio gefundenen und abgeschriebenen Exemplare liefern.

Im 8. Kapitel werden die Überschriften der Reden auf ihre Echtheit untersucht. Der Titel *Pro Roscio comoedo* wird als antik, andere dagegen als spätere, konjizierte Zusätze erwiesen.

Im 9. Kapitel wird der Frage nachgegangen, ob eine weitere Überlieferungstradition der Rede gefunden wird, die unabhängig von der Handschrift Poggios ist. Die Frage wird leider verneint.

Als Fazit wird im 10. Kapitel auf Grund der erarbeiteten Ergebnisse eine synoptische Darstellung der Überlieferung der Rede *Rosc. com.* von der Antike bis zur frühen Renaissance gegeben.