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CICERO'S *POST REDITVM* AND OTHER SPEECHES.

THE last volume of Cicero's Orations, as published in the Oxford *Bibliotheca Scriptorum Classicorum*, was lately entrusted to me, and will be published in the course of the present year. Meanwhile I desire to record in this paper some of the more important results of my study of the MSS., and, following on this, to indicate several places where our current texts seem to be susceptible of correction and improvement.

The basal codex is for these speeches the well-known ninth-century Par. 7,794 (P), a folio of which is reproduced in Chatelain's *Paléographie*, Pl. xxiii. This MS. contains the following orations in chronological order: (1) *pridie quam in Exilium*, (2) *in Senatu*, (3) *ad Quirites*, (4) *de Domo*, (5) *pro Sestio*, (6) *in Vatinius*, (7) *de Prouinciis Consularibus*, (8) *de Harusp. Respons.*, (9) *pro Balbo*, (10) *pro Caelio*. It is noteworthy that this order is followed by other MSS. of the same family. The object of this paper is to draw special attention to two of these in their relation to P—viz. the twelfth-century *Bernensis* 136 (B) and the fifteenth-century Par. 14,749, which Mr. A. C. Clark has called Σ. Alongside of Σ the Wolfenbüttel codex 205 (W) is no longer worthy of notice: Mr. Clark has shown that it is derived from Σ (*Anecd. Oxon.* X p. xii). The same is true of Par. 6,369 and Par. 7,777. Σ is the parent of them all, and it seems to have been written in the first decade of the fifteenth century.

The criticism of the *Post Reditum* speeches was hampered for a time by Halm's view (after Madvig) that the second hand in P was that of an interpolator. On the contrary, P² represents, as was first shown by Hertz, a genuine tradition, without which the text would be less complete and correct than we have it to-day.¹ In this connexion I need only cite passages where P² has restored omissions accidentally made by the writer of P owing to the occurrence of like-endings: *ad Quir.* § 6 '*tum Metelli* (aut *Metellarum liberi pro Q. Metelli*) *reditu*': *in Vatin.* § 36 '*quae numquam* (sibi pop. Rom. appetiuit, qui numquam) *ad se*,' etc.: *Sest.* § 93 '*causam rei publicae* (amplectatur . . . duo illa rei publicae) *paene fata*,' 107 *neque* (sententiam eius auctori-

¹ Halm failed to notice, for example, that it seems to be the same hand that supplied the lacuna in P at *pro Balbo* § 9 which continues the

writing of the text at § 14. This establishes the genuineness of the words rejected by Halm in the earlier section.

tate) *neque*. The indispensable words in brackets have been in each of the above instances supplied by the second hand in P(P²).

Halm divined rather than proved (*Rhein. Mus.* IX p. 321) that the *Bernensis* (B) was a copy of P.¹ Certainly there are very few discrepancies of any importance (for example, *suffragium ferente* B in *Sen.* § 24 for *rente* P is probably a conjecture of the copyist of the *Bernensis*). I mention here an additional proof of direct copying which attracted my attention when I had the opportunity last summer of examining the two codices side by side. A system of punctuation was introduced into P by a later hand, of which the copyist of B takes full advantage, especially in the way of breaking up his text into sentences by the use of capital letters. As P² is a twelfth-century hand, and as the best authorities now ascribe B to the end of the twelfth or the beginning of the thirteenth century, I think it is a fair inference that the corrections supplied by P², as well as the 'guide to punctuation' already referred to, were made in the Paris MS. before B was copied from P: they may, in fact, have been made for the purposes of the copyist.²

The accepted view that B is copied from P becomes of all the more importance now, as it enables us to establish, as it were, an apostolic succession in the case of three manuscripts, separated from each other by intervals of three centuries. The third in the series is Mr. Clark's Σ (Par. Lat. 14,749). In the account of this codex, given in his volume on the *Vetus Cluniacensis* of Poggio (*Anecd. Oxon., Classical Series*, Part X), Mr. Clark inclined to think that, in the Post Reditum speeches, Σ was copied directly from P. This is very near the truth, and for practical purposes would be quite sufficient; but as the result of a recent discovery I am able to affirm that Σ was transcribed, so far as concerns the speeches now under consideration, not from P directly, but from P's copy, the *Bernensis*.

It was the courtesy of the librarian at Bern (Professor van Mulinen) that gave me the opportunity last summer of examining B side by side with the Paris MSS. in the Bibliothèque Nationale.³ Knowing something of the difficulty of establishing proof of direct copying, I should have hesitated to make any positive statement about the relation of Σ to B, had it not been for the emergence of a curious phenomenon which I propose now to put on record.

In turning over the pages of Σ I happened to notice particularly the passage *Harusp. Resp.* § 5 'non me magis uiolauit quam senatum, quam equites Romanos quam omnes bonos.' This passage occurs on the verso of fol. 91, and my attention was attracted by a short line drawn in the text after the words *uiolauit* and *Romanos*. When I turned to B for some possible explanation

¹ For instance, *de Domo* § 67 for *Quas iste tum* P has *Quas is tetum*, which B makes into *quas is tecum*. But this is not in itself a proof of direct copying.

² The mark of punctuation supplied in P may be seen in the Chatelain facsimile, e.g. before the words *Sed uestrae sapientiae* and *Ex hac copia*

in *pro Caelio* § 24; it occurs also in the addition made by P² at the end of § 23 in the speech *ad Quirites*, before the words *gratiam et qui rettulit*.

³ The *Bernensis* formerly belonged to Bongarsius, in whose handwriting, at the foot of fol. 97b, this note occurs: *huc reg. liber chartaceus in or. de domo sua*.

I found it—in the shape of a grease-spot! The fourth and fifth lines of fol. 131 in B may be exhibited as under:

magis uiolauit		quam senatum quam
equites romanos		quam omnes bonos quam

An oblong greasy mark caused the copyist to skip a certain portion of the parchment for fear his ink should run. The danger would possibly not be so great now, after 700 years, and even in the fifteenth century it may have been less obvious than it was to the writer in the twelfth. But the point is that the faithful copyist of Σ , to indicate that there is a blank in his original, draws two short lines where the blank occurs. This is indubitable proof of direct copying, for no scribe would have troubled to reproduce two meaningless lines, and these lines will not be found in the other Paris MSS. which are now known to have been derived from Σ —such as Par. 6,369 and Par. 7,777.¹

After the above it is of minor importance to chronicle the fact that there are identical marginalia in the two MSS. For example, at *Sest.* § 12 each reproduces the tradition of P, 'sed hoc breue dii cassi m. petrei.' But in the margin each gives the right reading, introduced by the formula 'puto sic' (sed hoc breue dicam: si M. Petrei).

For the constitution of the text of the speeches under consideration, now that the importance of the second hand in P is thoroughly appreciated, that MS. would in itself well-nigh suffice. Of other codd., perhaps the most interesting is the twelfth-century *Gemblacensis* (G), nunc *Bruxellensis* 5345. This manuscript was collated by Baiter, and has been much used by editors, but perhaps not fully understood. For the *de Domo*, a very full account of it has recently been given by D. Serruys (*Revue Belge*, 1900, p. 387), who thinks it represents a quite different tradition from P. To me it seems more probable that G (or its archetype) was copied from a MS. very close to P, but which contained various readings. This is undoubtedly the explanation of *de Dom.* § 47 'Legum scriptor] legum scripturae uel scriptor' G: *ibid.* § 61 'nec omnium hostium] nec communium hostium uel omnia' G: *cp. in Sen.* § 14 'cum stipe uel aethiope': *Sest.* § 29 'cum fratre mihi uel compare cum patre': *Vat.* § 3 'qui et uel quia.'

Another feature about G that seems specially worthy of notice is the large number of passages where the scribe has changed the order of words. As this connects with the study of what I have elsewhere called 'transposition variants' (*Am. J. Phil.* XXVIII, p. 125 sqq.), it may be worth while to enumerate the places here. They make it certain that Mueller has done wrong to accept e.g.

¹ Compare *de Prou. Cons.* § 19, where the writer of P has made a useless repetition of the text: 'bellum adfectum uidemus et uere ut dicam paene confectum uidemus et uere ut dicam paene confectum sed ita ut.' Instead of deleting the superfluous words, as he does in similar cases elsewhere, P² has written in the letters *ta* above

the latter part of the word *confectum*. (The alternative reading meant to be suggested may have been *conflatum*.) B reproduces exactly, except that it gives *confectatum*. Σ , on the other hand, saw that there was something wrong, and after copying as far as *confectatum*, relegated the rest (*uidemus . . . confectum*) to the margin.

the variant *se dicat* at *de Domo* § 105 on the authority of GVM instead of *dicat se*. To facilitate reference I shall cite the pages of Mueller's edition, giving only, in order to save space, the reading of G, which will be found in every case to be an inversion of the order in the received text, as vouched for by PBΣ et rell.

post reditum in Senatu :

§ 2 (p. 430, 9) est et infinitum : § 3 (p. 430, 28) potestas decernendi : § 4 (p. 431, 13 and 15) salutem meam and uirtute et praestantissima : § 9 (p. 433, 3) in me conseruando fuerit : § 22 (p. 438, 23 and 31) sibi cara mea and tota mea : § 31 and § 32 (p. 442, 19 and 31) mutata ueste and desereret non modo.

post red. ad Quirites :

§ 3 (p. 447, 28) magis quam fruendo intellexi : § 12 (p. 451, 5) res confecta : § 16 (p. 453, 5) uos primum.

de Domo :

§ 3 (p. 458, 26) habiturum esse : § 9 (p. 461, 9) sit allata : § 10 (p. 461, 18) quid reprehendatur quoniam princeps ego, etc. : § 36 (p. 471, 10) iure pontificio : § 40 (p. 472, 24) breuiter nunc : § 41 (p. 473, 5) diei sexta : § 42 (p. 473, 21 and 23) agere iure and esse rem pub. : § 54 (p. 478, 1) prudentiam modestiamque : § 64 (p. 481, 12) cum summa : § 66 (p. 482, 1) ciuitatis esse : § 68 (p. 482, 28 and 31) sibi dicere and esse nulla : § 72 (p. 484, 9) si est etiam : § 75 (p. 485, 13) sibi redditam : § 79 (486, 34) tum etiam : § 88 (p. 490, 7) tale mihi : § 100 (p. 494, 7) causa mea : § 105 (p. 496, 21) polluit caerimonias : § 110 (p. 498, 6) beneficiis populi : § 112 (p. 498, 36) audeat uiolare quisquam : § 118 (p. 501, 5) putanda est : § 121 (p. 502, 6) aditus templi : § 121 (p. 502, 9) tibi dicere : § 122 (p. 502, 15) defenderem iure : § 127 (p. 503, 36) inquit magnam : § 131 (p. 505, 28 and 31) illa res and in curia uolebat : § 134 (p. 507, 9) manu tetigit tremebunda : § 138 (508, 30) iure pontificum : § 141 (p. 510, 6) me seque : § 143 (p. 510, 27 and 32) esse numine and sceleratissimis suis : § 144 (p. 511, 12) illum ignem : § 145 (p. 511, 23) de salute nihil nisi ciuium meorum : § 146 (p. 511, 35) eum quaeso.

de Harusp. Resp. :

§ 7 (p. 517, 3) a praetore tertius : § 26 (p. 525, 16) mentionem generis sui : § 47 (p. 534, 27) in me uno : § 51 (p. 536, 28) gratiae esse : § 53 (p. 537, 10) sunt res : § 55 (p. 537, 34) hominum animis : § 57 (p. 539, 3) non inesset in hoc : § 63 (p. 541, 14) sono aliquid.

pro Sestio :

§ 5 (p. 3, 33) uideatur esse : § 17 (p. 8, 23) appellem nomine : § 20 (p. 9, 35) intueri impendentem : § 23 (p. 10, 31) et conferta plena : § 25 (p. 11, 22) nominatim consulum : § 27 (p. 12, 29) facta uestis : § 31 (p. 14, 19) sui tribunatus uim : § 32 (p. 14, 27) decreuisset de mea salute : § 33 (p. 15, 8) tute tibi : § 35 (p. 16, 12) malis tantis : § 35 (p. 16, 15) die hodierno : § 39 (p. 17, 35) erant omnes : § 40 (p. 18, 21) suaque—loquebantur *transposed before* tribunum—nolebant : § 41 (p. 18, 26 and 35) causae susceptae and ignari homines : § 44 (p. 19, 32) altera eius modi illa : § 45 (p. 20, 16) me potius ipse : § 46 (p. 20, 22 and 27) unus deditus essem and suum aliquem : § 55 (p. 25, 10) adprobantibus etiam : § 58 (p. 26, 17) illum magnum : § 59 (p. 27, 2 and 4) semper socius, semper amicus and nostros allata : § 62 (p. 28, 12) dicere mihi : § 63 (p. 28, 26) in p. r. : § 64 (p. 28, 35) liberis ciuitates : § 72 (p. 32, 6) p. r. : § 76 (p. 33, 35) fortissimum que mei : § 78 (p. 34, 31 and 37) ferri de me and p. r. : § 82 (p. 36, 17) illi ipsi : § 88 (p. 39, 22) re se : § 91 (p. 40, 24) appellamus publicas : § 96 (p. 42, 27) esse uolebant : § 104 (p. 46, 8) audire uelle : § 110 (p. 48, 19 and 21) non ille and bonum et fortem : § 112 (p. 49, 5) illis furias : § 122 (p. 53, 15) dici posse : § 129 (p. 56, 22) ex municipiis qui : § 144 (p. 63, 26) fratris mei :

On the other hand, it may be recorded here that at § 67 (p. 30, 4) I find the reading 'gentes qui feras' (hitherto attributed to G) also in PBΣ.

in Vatinius :

§ 4 (p. 66, 30) esse fas : § 10 (p. 69, 9) bonis horum : § 18 (72, 7) non duobus : § 21 (p. 73, 6) de re pub. bene : § 30 (p. 76, 33) cum summis uiris commune : § 33 (p. 77, 24) illud etiam : § 34 (p. 78, 22) uelles utrum : § 37 (p. 79, 22) legem esse : § 41 (p. 81, 8) uterque reus.

de Prov. Cons.

§ 1 (p. 115, 4) hoc quod : § 15 (p. 120, 27 *and* 31) hoc sane *and* Gabini audacia : § 18 (p. 121, 18) uir optimus me : § 30 (p. 125, 34) alia omnia : § 32 (p. 126, 24) liberata metu : § 33 (p. 126, 31) domuit compulit : § 41 (p. 130, 6 *and* 24) iudicium gratum mihi *and* generum suum : § 43 (p. 131, 16) tempus tristissimum.

pro Balbo :

§ 4 (p. 136, 2) ex uoluptatis : § 19 (p. 141, 14) potius (totius) causae : § 20 (p. 141, 32 *and* 34) fuit in ea *and* populi socii : § 24 (p. 143, 9) donatos esse : § 28 (p. 144, 28) homine libertino : § 33 (p. 146, 32) nihil esse : § 37 (p. 148, 24) uelit esse saluam : § 51 (p. 151, 36) non re : § 58 (p. 156, 34) malis nostris : § 65 (p. 159, 22) fixum iudices.

Such inversions as the above constitute a serious impeachment of the fides of G. Whether they are to be credited to the writer of G or to some previous copyist, they seem to confirm the view that the systematic adoption of such 'transposition variants' originated in a writer's desire to give some individuality to his work. In some cases the change may have been motivated by considerations of rhythm. In others the remarkable feature is that the inversion produces nonsense.

The following are passages taken from the *de Domo* alone in which the reading of G differentiates that MS. from P, and is generally found repeated in later codd. of the same group (notably M and V):

§ 7 (p. 460, 8 *and* 13) tela illa (*for* te iam illinc) *and* res illa : § 16 (463, 37) in ea re ratio : § 22 (p. 465, 34) ut praetor (*for* uteretur) : § 40 (p. 472, 51) a. D. oppio : § 44 (p. 474, 15) inuidiosorum : § 81 (p. 487, 26) ornatissimis : § 86 (p. 489, 11) incitatum iracundiamque : § 88 (p. 490, 7) profectionem notam esse tamen is qui : § 101 (p. 494, 21) *om.* adsensu : § 121 (p. 502, 7) nemo uit qua tenuit *for* nemo umquam tenuit : § 126 (p. 503, 35) tota est effecisti : § 127 (p. 504, 11) quē te unius u plebis (*for* quae uetet iniussu pl.) : § 131 (p. 506, 25) *om.* ordines omnes : § 139 (p. 509, 2) cum meus :

More valuable than any codex of the G group I have found the second *Bernensis* (254), which I call f. This MS. formerly belonged to Notre Dame, to which it was presented by Jean Courtecuisse, Chancellor of the University of Paris in 1418, and Bishop of Paris in 1420. I shall only say of it here that it shows a strong agreement with the *codex Stephani*, and that I have found in it anticipations of valuable emendations by later scholars (e.g. *de Dom.* § 16 *in ea re necne ratio*, a correction hitherto attributed to Garatoni, and *ibid.* § 120 *pontifex et tribunus*, as was conjectured by Baiter).

I now proceed to append some notes on controverted passages :

In Sen. § 12 fecitque, quod nemo umquam tyrannus, ut quo minus occulte

uestrum malum gemeretur nihil diceret, ne aperte incommoda patriae lugeretur ediceret.

On the absence or insertion of a comma after *fecitque* must depend our interpretation of the syntax of the above. Is *quod* a direct accusative after *fecit* (= *id quod*), or is it in apposition with the rest of the sentence? This interesting point will be discussed in connexion with a parallel passage, *Vat.* § 1: it is referred to here only to illustrate the importance of the punctuation of our Latin texts. Mueller obelizes *nihil diceret*, whereas Madvig rejected all the words that follow, which are omitted in P and supplied by P². The grammar and rhythm of the text might perhaps be improved by reading *nihil diceret (impedire) ne aperte . . . ediceret*. But there is something crude in the antithesis *occulte*—*aperte*, and *gemeretur*—*lugeretur*, to say nothing of *diceret*, *ediceret*. On the whole, it seems not unlikely that the words *quo minus*—*nihil diceret* should go out.¹ They have the look of an adscript supplied by someone who remembered the passage in *Pis.* § 18 ‘maiorem relinquit: maiorem aufert insignia.’ Cp. *Sest.* XIV.

ad Quir. § 1 ut quod odium . . . iam diu continerent, id in me uno potius quam in optimo quoque et universa ciuitate † deficeret.

Here Hotoman suggested *defigerent*, which might stand. But what is wanted is some word with the idea of *saturarent*; and remembering how the codd. sometimes interchange *de* and *ex*, I am inclined to think that *deficeret* may have taken the place of *expleretur*.

ibid. § 19 for *ideo manet* read *id adeo manet*. This emendation has suggested itself also to Dr. K. Busche, of Leer, Ostfriesland, who has kindly placed at my disposal some critical notes on the Post Reditum speeches, of which I hope to avail myself for the purposes of my forthcoming edition. At the end of § 20 he suggests *ego qua consueui utar (aequitate)*; I propose *oratione* as more suitable to the context.

ibid. § 23 Postremo qui in ulciscendo remissior fuit † in eorum aperte utitur.

Conjectures here are numerous. Perhaps *in eo consilium aperte laudatur* would give a suitable antithesis to what follows—at *grauissime vituperatur qui*, etc.

de Domo § 21.

In the very difficult passage occurring in this section, it should be pointed out that the pluperfects *produxeras*—*subduxeras* are not in line with those which follow, *obieceras*—*dixeras*. The latter—not the former—are naturally taken up by the closing interrogation *ad hunc honorem . . . detulisti?* Possibly there has been an omission ex homoeoteleuto, and the original text may have run somehow as follows:

‘Atque in hoc solum inconstantiam redarguo tuam qui in ipso Catone (uirum elegeris cuius in tali re firmitas et fides omnibus possent probari. Sed quid tibi cum Catone).’

¹ The construction is not really improved by the more usual *qua re hoc ita sit, nihil dico* (*Dom.*)
Lehmann's *nihil diceret <esse quod obstaret>*: it § 84; *Mil.* § 30).
must have been intended to follow the lines of

ibid. § 62 Mueller here prints the reading of P, without emendation: † *senatus consules uocabant*. From this it is easy to pass, with recent editors, to *senatum consules uocabant* (e.g. *Sest.* § 41). But this does not help the sense of the passage. Cicero is here speaking of Piso and Gabinius, and he means to be contemptuous, as usual. Read *scilicet consules uocabant*, or *scil. eos consules (cos.) uocabant*. He wishes to imply that they did not deserve the name of consuls. Cp. *Vat.* § 18 ‘duobus non consulibus sed proditoribus huius ciuitatis ac pestibus’: *Pis.* §§ 23, 24 ‘tum Romae fuisse consules quisquam existimabit? Qui latrones igitur si quidem uos consules . . . nominabuntur?’

ibid. § 68 ui, armis discriptione hominum ad caedem instituta nouoque dominatu pulsum esse dixit.

This is Mueller's reading, but it cannot stand. The codd. have *dissensione*, and also, instead of *ad*, *aut* P¹ and *et* P² rell. Why not *dissensione hominum et caede instituta*?

ibid. § 80 ea iura sanxerunt quae nec uis temporum nec potentia magistratuum nec † *res tum iudicata* nec denique uniuersi populi Romani potestas . . . labefactare possit.

For *res tum iudicata* Madvig suggested *rerum iudicarum auctoritas*, and this has been adopted by Mueller. A simpler interpretation of the corruption of the MSS. would be *praetorum decreta*. For the confusion of *iudicium* and *decretum* (probably due to like contractions) cp. Balb. § 11.

§ 107 nec est ulla erga deos pietas sine honesta de numine eorum ac mente opinione, ut expeti nihil ab iis, quod sit iniustum atque inhonestum, fas esse arbitrare.

I give this interesting passage as it appears in Mueller's text: the words *fas esse* are supplied by him, the codd. giving *cum expeti . . . inhonestum arbitrare*. Accepting *ut . . . arbitrare*, it would be simpler to suppose that the words *iustum aut honestum* (instead of *fas esse*) have fallen out after *iniustum atque inhonestum*. In the earlier part of the sentence *sine—opinione* comes from Halm: most MSS. give *si—opinio*. But in place of *si* I find *nisi* in f (*Bern.* 254), which suggests that the true reading may be *nisi sit honesta—opinio*.

pro Sestio. (Cp. *Class. Quart.* III p. 266 sqq.)

§ 72 quem homines in luctu inidentes Gracchum uocabant, quoniam id etiam fatum ciuitatis fuit ut illa ex uepreculis extracta nitedula rem publicam conaretur adrodere.

The point of the joke seems to be contained in the name *Gracchum*, but it has not been satisfactorily explained. As the reference obviously is to ‘gnawing’ or ‘nibbling,’ perhaps we ought to read *Grr. . . . acchum*.

ibid. § 89 Et uinci turpe putauit et deterreri et latere: perfecit ut, etc.

Here Mueller follows Madvig. After *deterreri* P¹ and G give the unintelligible *etiam eripere eicit* (*elegit* G) *ut*: while P² and the rest have *etiam eripi reeicit ut*. There are numerous emendations to which I may be allowed to add *et clam eripi: id egit ut*, etc.

in Vat. § 1 Si tua tantum modo, Vatini, quid indignitas postularet

spectare uoluisssem, fecissem id quod his uehementer placebat, ut te . . . tacitus dimitterem.

Here, to begin with, *tua* must go out : it is not found in any MS. Cp. *Sest.* § 60 *ignari quid grauitas—ualeret*. Next there seems to be an important point about the *facere ut* construction. Either the clause *id quod—placebat* is parenthetical (cp. *in Sen.* § 12), and we have here the usual periphrasis *fecissem ut dimitterem* used for greater emphasis instead of *dimissem*, or *id quod*, etc., is the direct object of *fecissem*, the clause *ut . . . dimitterem* coming in afterwards epexegetically. I prefer the latter explanation, and insert no comma after *fecissem*, as would be necessary on the other alternative. In support of this view, I refer to the following passages :

Phil. III § 35 quod gladiatores nobiles faciunt, ut honeste decumbant, faciamus nos . . . ut cum dignitate potius cadamus quam cum ignominia seruiamus. *Vatin.* § 21 quod inuitus facio, ut recorder ruinas rei publicae. *Rosc.* § 151 Solent hoc boni imperatores facere . . . ut . . . collocent. *Verr.* II § 115 Faciunt hoc homines . . . ut uelint. *Planc.* § 72 At id . . . faciunt inuiti, ut coronam dent. *Cluent.* § 153 non fecerunt idem quod nunc Cluentius ut . . . putarent.

The above seem to be somewhat different from the equally common periphrastic construction of *facere ut*, e.g. *De Am.* § 12 Inuitus feci ut L. Flaminium e senatu eicerem : *ad Fam.* I § 7 Facio libenter ut per litteras tecum colloquar : *Verr.* II § 10 Fecerunt etiam ut me . . . prope de uitae meae statu dolore ac lacrimis suis deducerent : *Cluent.* § 111 Facite enim ut . . . recordemini : *Vatin.* § 30 qua mente feceris ut . . . accumberes.

An exactly parallel passage is *Verr.* I § 73, where the text should be shown 'fecit id quod multi reprehenderunt, ut exercitum, prouinciam, bellum relinqueret,' rather than 'fecit-id quod multi reprehenderunt-ut,' etc. Cp. *Verr.* I § 104 'quod eum natura hortabatur lex nulla prohibebat fecit ut filiam bonis suis heredem institueret' : *Cluent.* § 168 'quoniam quod fuit uiri optimi fecisti ut ne cui,' etc.

The problem may be stated also in connexion with *Sest.* § 92 Hoc uident omnes : Milo et uidit et fecit, ut ius experiretur, uim depelleret.

Here *hoc* must be supplied with *fecit*, and so the *ut* clause becomes epexegetic : otherwise *fecit ut experiretur* would = *expertus est*.

§ 7 Quare peto a te ut mihi ignoscas Vatini, cum ei patriae peperci quam seruaueram, et . . . feras.

Here for *cum ei* in the received text (*cum et Schol.*), P et rell. give *et cum*, which ought probably to have been *ei cum*. All codd. (except the Schol.) have *pepercerim*. Why not read *ei cum—pepercerim* ? Madvig's *quod* for *cum* is not necessary, though the two are often interchanged : we find in Cicero *ignoscere si* (*Pis.* § 79) as well as *ignoscere quod* (*Phil.* II § 34).

ibid. § 9 Quid quisque nostrum de se ipse loquatur, non est sane requirendum : boni uiri iudicent, id est maximi momenti et ponderis.

Here the codd. give *iudicent*, for which Jordan conjectured *quid iudicent* :

cf. *homines quid sentiant*, below. An even simpler emendation, and more suitable to *de se ipse loquatur*, would be to write *boni uiri quid dicant*.

§ 12 *post quaesturam exierisne legatus in ulteriorem Hispaniam C. Cosconio pro consule?*

Though recent practice is against me, I see no reason why we should not read *proconsuli* here (*procos.* PB) instead of *pro consule*. It is generally believed that *proconsul* is a later form. But if the word had a plural ('bella a proconsulibus administrantur,' *Diu.* II § 76), why should it not have had a singular as well? ('res a propraetore gesta,' *Prou. Cons.* § 15). So I should print *Pompeio proconsuli* (not *pro consule*) *contubernalis*, *Cael.* § 63, and *post Brutum proconsulem*, *Phil.* II § 97. Cp. *Verr.* II, I, § 34 'Quaestor Cn. Papirio consuli fuisti.'

§ 16 *te aediliciam praetextam togam, quam frustra confecerat, uendidissem!*

Instead of violently transposing these words, with Schuetz and Zielinski, to the end of the following sentence, I propose to take them as an exclamatory parenthesis (perhaps *tene—uendidissem: Cluent.* § 84). Of the three tribunes here referred to, Cicero says, two became praetors and one got the consulship: and to think that you, Vatinius, sold the aedile's robe you had prematurely ordered!

§ 19 *et ex desiderio clarissimi ciuis et ex honore turpissimi atque improbissimi.*

It seems safer here to follow P et rell., which give *clarissimi*, instead of GHES, which have *clarissimi et fortissimi* (the *Frisingensis* collated by Halm is reported to have *fort. et clar.*). No doubt 'parablepsia' frequently occurs in regard to such superlatives (see my note on *Verr.* III § 52), and this is why I propose to accept Dr. Busche's emendation *grauissimis* <ac plenissimis> *dignitatis uiris*, *Sest.* § 6. But the fides of the G family is doubtful, both here and at § 26, where P et rell. have *impurissime*, while G gives *imp. et perditissime*. The collocation of *clarissimus* and *fortissimus* is of course very common: *Verr. Act. Pr.* § 44, cf. *Balb.* § 49, where it is G that omits *et clarissime* against P.

de Prou. Consularibus.

§ 5 *ut, quod est indignissimum, scelus imperatoris in poenam exercitus expetitur esse uideatur.*

Here *expiatum* has been adopted by Mueller, but would seem to call for *in exercitum* instead of *in poenam exercitus*: cf. *Pis.* § 85 'tua scelera di immortales in nostros milites expiauerunt.' I suspect *in poenam*, and would propose to read *in patriam exercitumque expiatum*.

ibid. § 29 *At ego idem nunc in prouinciis decernendis . . . interpellor, cum in superioribus causis hominis ornamenta fuerint, in hac me nihil nisi ratio belli, nisi summa utilitas rei publicae moueat.*

Incidentally it may be remarked that a mistake once made is apt to perpetuate itself: it is not the *in* before *prouinciis* that is missing from the

MSS. and was supplied by Lambinus, as Mueller asserts (following Baiter), but the *in* after *cum*.

For *fuertint* Dr. K. Busche has suggested *iuuerim*, in place of which I should prefer to see *fouerim*. But a simpler explanation of the corruption is suggested by a comparison of *Balb.* § 19 'ut . . . hominis ipsius ornamenta adiumento causae potius quam impedimento esse malitis.' The similar word *adiumento* has fallen out of our text after *ornamenta*: read therefore *cum* . . . *hominis ornamenta adiumento fuertint*.

ibid. § 36 Quo mihi nihil uidetur alienius . . . quam ut, etc.

Quo here comes from Manutius. There is nothing to correspond to it in P¹, while P² et rell. supply *Quae*. Lambinus read *Atqui*. I suggest *Quanquam*.

pro Balb. § 3 ut mihi iam uerum uideatur illud esse . . . ei qui omnis animo uirtutes penitus comprehendisset omnia quae faceret † tractare.

The allusion is to the Stoic doctrine *φασὶ δὲ καὶ πάντα ποιεῖν τὸν σοφὸν κατὰ πάσας τὰς ἀρετάς*, Stobaeus *Ecl.* II p. 116: *λέγουσι δὲ καὶ πάντ' εἰ ποιεῖν τὸν σοφὸν ἄ ποιεῖ*, id. *Eth.* 169. If there were any doubt about *ei qui*, we might write *cum qui* . . . *omnia quae faceret facere recte*. But with *ei* we need, in place of the corrupt *tractare*, something like *recte stare* (*κατόρθωμα*) or *praeclare euadere*. Perhaps *omnia quae faceret recte procedere* (cf. *Rab. Post.* § 1 'cui bene quid processerit').

ibid. § 11 nos Cn. Pompei decretum (iudicium) de consilii sententia pronuntiatum recognoscemus.

Unless *iudicium* is to be entirely deleted, as an alternation needlessly suggested (cp. de Domo § 68) we may easily emend by reading *iudices*.

ibid. § 14 quasi uero leuius sit . . . facere aliquid quod scias non licere quam omnino non scire quid liceat.

This passage must be studied in its context. It is not really improved by reading *non leuius*, as the editors do, following Lambinus: or alternatively *peius*, *nequius*, or *turpius* instead of *leuius*. If this were the meaning, it would be simpler to invert the clauses, and read *quasi uero leuius sit* . . . *omnino non scire quid liceat quam facere aliquid quod scias non licere*. But this would be to mistake the argument. Pompeius is charged with having acted illegally, and the question is whether he did what he did *sciens* or *insciens*. In § 13 the former alternative is dismissed as incredible. In § 14 the accusator says, 'Very well then: let us say *insciens*'; to which Cicero makes reply in the clause beginning with *quasi uero*—words which seem to imply that the adversary's change of front is founded on a miscalculation. 'Ah!' says the orator, 'that is a mistake: you should have stuck to *sciens*: just as though it were less heinous to do an illegal act knowingly than not to know what is legal! Why, it is more heinous! You won't make it worse for Pompeius by saying *insciens*.' Madvig, Baiter, and others have failed, as it seems to me, to see the point of the dilemma which Cicero is putting. The *accusator* is looking for the heaviest charge, and ought not to grasp at the suggested alternative *insciens*. The one

horn of the dilemma has been shown to be untenable, but the adversary is not to be allowed to have the other!

ibid. § 15 Temporum magis ego nunc uitiis quam genere iudicii plura dicam.

I doubt if this can stand, and suggest that *inductus*, or *adductus*, may have fallen out after *iudicii*.

ibid. § 19 qua lege uidemus † satis esse sancti ut ciues Romani sint ii quos Cn. Pompeius . . . ciuitate donauerit.

For *satis esse sancti* Reid proposed *ita esse sanctum*, which might, I think, be improved into *rite esse sanctum* (*Har. Resp.* § 32). Pantagathus suggested *sanxisse senatum*, while others would read *satis aperte* (or *dilucide*) *esse sanctum*.

ibid. 25 Hanc tu igitur . . . condicionem statuis Gaditanis tuis ciuibus, ut quod iis quos magnis † adiutoribus tuis armis subegimus . . . liceat . . . id ne liceat ipsis.

This passage has created great difficulty, and conjectures are numerous: *magnis adiuti opibus a maioribus tuis*, Madvig; *Magni armis adiutoribus tuis*, Reid. But it seems to admit an easy remedy. All we have to do is to suppose that after *adiutoribus tuis* the word *usi* has fallen out: cf. § 26 'nihil enim magis uteremur iis adiutoribus,' and § 38 'si aut adiutoribus illorum ciuibus uti in bellis nobis non liceret.'

Perhaps even better *quos magnis adiutoribus tuis usi ciuibus armis subegimus*.

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