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ADOLF M. HAKKERT EDITORE

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SOMMARIO

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Annotations to a Corpus of Latin Declamations: History, Function, and the Technique of Rhetorical Summary*

1. Introduction.

The best textual witness to three collections of Latin declamations is ms. Montpellier, Bibliothèque interuniversitaire, Section Médecine, H 126, which I shall refer to by the siglum **A** (figures 1-3)[1]. The collections, in their order of appearance in **A**, are: (1) the so-called *Minor Declamations*, traditionally attributed to Quintilian; (2) the excerpts from the compilation by the elder Seneca; and (3) a collection of excerpts bearing the name Calpurnius Flaccus[2]. The dates of the three works are far from secure, particularly given the fact that (2) and (3) ostensibly are excerpts of other works and nothing is known of the excerptors. Nonetheless, the *Minor Declamations* are generally thought to belong to the late 1st or early 2nd century AD, Calpurnius Flaccus to the 2nd century AD, and the excerpts of Seneca, vaguely, to late antiquity[3]. More secure is the date of **A** itself, which was copied in the second half of the 9th century in a style of Caroline minuscule typical of Reims, according to Bernhard Bischoff[4].

My concern is with the marginalia of **A**, which have yet to be studied to any extent proportional to their inherent interest and to the value of the issues that they bring into focus[5]. It must be observed at the outset that most of the annotations, appearing as marginalia in **A**, do not originate with **A**, but belong to the tradition of this corpus of three declamatory collections (proof of which is detailed below). The objectives of the present study are to give a brief description of the various marginalia, and to take up questions that they raise, concentrating in particular on those an-

* I am grateful to audiences at conferences where portions of the ideas and materials appearing here were presented: the Faculty Colloquium Series at Ball State Univ., Dept. of Modern Languages & Classics (2015); the International Congress on Medieval Studies, Western Michigan Univ. (2015); and the Texts and Contexts Conference, Ohio State University (2015), organized by Frank T. Coulson. I owe particular thanks to Francesco Citti and Antonio Stramaglia whose interest and support have been invaluable for my research; Donald Gilman for his humane encouragement and enthusiasm; Francis Newton, who provided feedback and whose study of marginalia in the ms. tradition of Tacitus was an inspiration to the present article; and the two anonymous referees for their helpful suggestions.

1 The siglum **A** is used with reference to this ms. for both the *Minor Declamations* and Calpurnius Flaccus. The siglum **M**, which I do not use here, has been applied when referring to the excerpts of the elder Seneca.

2 Editors of these collections have acknowledged the central importance of the Montepessulanus for the *decl. min.* and the excerpta of the elder Seneca; the portion of the ms. containing Calpurnius Flaccus is mutilated, so later mss. must be relied upon.

3 For the dates of the *Minor Declamations* and Calpurnius Flaccus, see Amato – Citti – Huelsenbeck 2015, 1. For the excerpts of the elder Seneca, see Hagendahl 1936, 299-313; Huelsenbeck 2011, 232; Håkanson 2016, 26-30.

4 Bischoff 1998-2014, 2.200; Munk Olsen 1982-2009, 1.55, 2.298, 2.419; Winterbottom 1983; Winterbottom 1984, XX.

5 To his credit, Ritter records them in his 1884 edition of the *Minor Declamations*. Winterbottom 1984 does not give a systematic record of the marginalia, although he does occasionally cite them. They are ignored by Shackleton Bailey 1989 and 2006.

notations that function as summaries. In concentrating on these marginal summaries, it will be seen that two investigative strands intertwine: their origin and their function. The latter half of the article attempts to place the summaries in the context of rhetorical practice, particularly the technique of argumentative summary.

2. Classes of marginalia in A.

Marginalia in **A** can be grouped into four classes. Belonging to the first class are corrections to the text due to accidental omission and reflecting contemporaneous correcting of **A**.

In the second class are *nota* signs (*NT*) and critical marks to signal textual difficulties, in particular: the letter $\bar{q}$ (*quaere*, 'search'), and, less frequently, cryphiae[6]. These marks are contemporaneous with the original copying, or were added shortly thereafter. But I suspect that a great many of the annotations (especially the many $\bar{q}$'s and cryphiae) were inherited, entering the tradition at a stage that predates **A**.

Third class: throughout **A**, single isolated words occur in the margins[7]. The words, which are sometimes truncated, match words in the body of the text. They are not corrections, as I have discovered, but reflect an annotator's interest in vocabulary. This interest is quite idiosyncratic, since often the words noted are not uncommon, e.g.: *prorogare*, *raptus*, *secundum*, *interim*, *quin*, *paciscor*, *utrum, iugulum, tyrannus* (all these noted more than once by the annotator)[8].

This distinctive method of registering vocabulary, together with its idiosyncratic selection, have been closely linked, in other mss., with Lupus of Ferrières, the ninth-century humanist and collector of classical Latin texts, and with Heiric of Auxerre, a student of Lupus[9]. Modern scholars, at least since Charles Beeson (1930), have called this tracking of vocabulary a «marginal index». The label, while suggestive, explains far less than it appears to. Questions still remain as to how the method actually worked and its precise purpose[10]. What is clear, at any rate, is that the marginal

6 It is remarkable how $\bar{q}$ often appears in those places where modern editors struggle to make sense of the paradosis; e.g., fol. 19r, *decl. min.* 267, where $\bar{q}$ appears three times, 267.5, 6, and 8, matching modern signals of textual difficulty in Winterbottom 1984, 58.

7 Interested readers can find these recorded in the apparatus criticus of Ritter 1884.

8 Further examples, illustrating how words are truncated: *con* for *conputatae* or *contractae* (17r), *disp* for *dispiciemus* (18v), *accers* for *accersiit* (20v), *tax* for *taxauit* (63r), *inpens* for *inpensis* (65r), *cep* for *ceperim* [written *coeperim*] (67r), *exere* for *exheredandi* (70r), *inconsul* for *inconsulto* (74r), *legi* for *legitime* or *legitimum* (76r), *exere* for *exheredauit* (84r).

9 Beeson 1930, 32-4; Beeson 1938, 6 f.; Pellegrin 1988; Bischoff 1994, 123-9; von Büren 1993, 77 f., 85 f.; von Büren 1996, 66-8. Winterbottom 1970, 23 n. 6, on the basis of comments by Ritter 1884, VIII f., remarks that it might be that **A** should be added to the list of mss. that belonged to Lupus of Ferrières. For further reading on the mss. of Lupus, see Schipke 1994; Allen 2014. On the humanism of Lupus, see Holtz 1998; Noble 1998; Romano 1998; Teeuwen 2015, 29-31. I wish to thank Michael I. Allen for his helpful comments *per litteras* on images of **A**.

10 Pellegrin 1988, 156 describes a marginal index: «les marges sont parsemées de mots typiques du texte, ou termes rares, formant une sorte d'index déjà remarqué dans plusieurs manuscrits de Loup de Ferrières; le mot est rarement écrit en entier, mais les dernières lettres sont remplacées par un point et virgule.» Von Büren 1996, 66-73 offers the most thoughtful discussion of the subject that I know of. The same term 'marginal index' is applied by Ganz 1990, 68 f., but with a broader meaning. Bischoff 1998-2014 also uses the term («Randindex») in his edited notes (e.g.

index in **A** is the outcome of a reader's interest in vocabulary and Latin usage: words are not in the margin, say, as the result of the mechanics of copying procedure.

It is a good possibility that the so-called marginal index of **A** originated with Lupus of Ferrières (c. 805-c. 862) or Heiric of Auxerre (841-876). However, there are obstacles to this attribution. In the first place, the layout and script of **A** do not suggest Lupus and his circle. Bischoff identified the script of **A** with Reims and its environs, and a comparison with other mss. copied at Reims confirms the identification[11]. More to the point, the script of the marginalia, which is often that of the main scribe on a given page (or belongs to one or another of the team of scribes who copied **A**)[12], is not that of Lupus or Heiric. It could be, then, that it was not with **A** itself that Lupus worked, but a close ancestor of **A**, such as its exemplar. This is a real possibility, but of course it stipulates that the marginal index was merely copied into **A**, and not generated there. I believe this in fact was the case: the marginal index of **A** was inherited from its model. And there is some proof of it. Words in the margin are sometimes poorly aligned with the words that they are meant to 'point to' in the body of the text. A good illustration of this occurs at *decl. min.* 351.4, with the word *eadem*, which appears in the margin on fol. 79r, whereas the word occurs in the body on the previous page, fol. 78v.

The idea that the marginalia are inherited could also help address some of **A**'s other divergences from the method of marginal annotation practiced by Lupus. In the Lupus mss., vocabulary of the marginal index is sometimes in majuscule and sometimes in minuscule, whereas in **A** the words are always in minuscule. Furthermore, the abbreviated nature of Lupus' words is signaled by means of an overline or a medial point, whereas in **A** an overline is often used, but sometimes there is no mark at all. These divergences could be explained as a matter of copying, where some features are homogenized (majuscules turned to minuscules) and others were lost (abbreviation marks).

All the same, I am not convinced that Lupus or Heiric is the author of the marginal index for the simple reason that real, definitive proof is lacking. The practice of tracking vocabulary in the margin was not peculiar to Lupus and Heiric[13]. It can be found, for example, in another Reims product of the same time period: Paris,

1.47, no. 207; 2.339, no. 3697; 3.126, no. 4458), and not solely in reference to Lupus mss. More recently, Pollard 2010, 350 applies the term, but his use appears to be based on Ganz's broader application.

[11] On the distinctive style of Caroline minuscule practiced by Reims scribes, see Carey 1938; Parkes 2008, 87-93, with plates 3(b) and 16-20; and see Ganz 2015, 262-5. Fundamental on Reims is the monumental study by Devisse 1975-76.

[12] In figure 2 can be seen the work of a corrector: he both corrects some of the text and copies the marginalia.

[13] Is it possible that a Reims reader who was taught by Lupus or Heiric, such as Remigius (c. 841-908), is responsible for the index? The question arises especially because von Büren (2007, 173, 177; 2010, 119, 121, 131) has argued that Lupus and Heiric had close ties to Reims and in fact taught there; this idea is challenged by Allen 2014, who gives evidence for a scriptorium at Ferrières. Or, it may be that someone such as Remigius is responsible for having a copy made of an exemplar annotated by Lupus or Heiric.

B.N. lat., 10758[14]. The practice needs to be understood better for a more certain attribution.

Now the fourth class of marginalia, where for the remainder of the article I wish to concentrate the discussion. Annotations of this class encapsulate arguments made in that portion of text against which they are set. They thus at once provide a highly condensed and efficient summary, and, through their conspicuous placement in the margin, mark out segments of text. By my count, there are 36 of them extant, transcribed and translated here in the Appendix. Although the appearance of marginal summaries is very uneven – most of them applied to the *Minor Declamations*, the largest by far of the three collections gathered in the corpus – it can be seen that they span the entire declamatory corpus as preserved in **A**. Given the mutilated state of **A** at its end, it remains an open question whether annotations of the same sort were applied also to Calpurnius Flaccus. Nonetheless, several pieces of evidence, discussed below, strongly suggest they appeared there too. The marginal summaries, I shall argue, are much older than **A**, dating back at least to late antiquity. I shall further argue that at least the bulk of them, if not all, belong to a single annotator who had before him the corpus as a whole. It is not the case, in other words, that we are dealing with a different annotator for the different collections.

3. Summaries.

It is a relatively straightforward matter to conclude that the marginal summaries are older than **A** itself. Several observations draw rapidly to this conclusion. One of the most decisive pieces of evidence is: (1) the fact that summaries occasionally were adopted into the text of the other major family, the **β** branch, of the tradition of the *Minor Declamations*[15]. But there are additional clues to support this conclusion: (2) the marginalia are copied by the same skilled bookhands, at the same level of formality, as the main body of the text. In other words, the marginalia were simply *copied* rather than *generated* by a reader who has come along after the copying was finished. (3) Their placement is sometimes out of rhythm spatially with the body of text, so that the marginalia are positioned awkwardly with the relevant portion of text. (4) They contain errors of the sort consistent with copying rather than compos-

[14] See Parkes 2008, 93 for discussion and an image (plate 20).

[15] See the apparatus criticus of Winterbottom 1984 for *decl. min.* 260.12 (*pecuniam non esse claudendam*) and 321.13 (*laus reconciliationis in fratribus*). Similarly, **A** may have incorporated into the body of its text what were originally marginal annotations in the archetype; see Winterbottom 1984, 391 (*nihil ultra proximum ius sit*), 502 (*discordia cum patre*), and 549 f. (*quaesitus est locus*). The mss. for the *decl. min.* are grouped into two families, one family represented by **A** alone and the other family (**β**) by the remaining mss., which with one exception are much later (15th cent.); see Cortesi 1994 on an additional 15th-cent. member of the **β** family. The other, earlier witness to the *decl. min.* is a fragmentary ninth-century ms. that survives now in only two leaves: Heverlee, Bibliotheek van de Societeit van Jezus, fragments W + Z. Unfortunately, the exterior margins of the leaves have been entirely trimmed away. Winterbottom 1984, XXII f. mentions the fragments but does not disclose their present location (likewise, Shackleton Bailey 1989, III f. and 2006, 3). Bischoff 1998-2014, 1.321 gives the location. I intend to publish a study of these leaves.

ing[16]. (5) And, in at least one case (no. 13, *decl. min.* 270, fol. 23r), the annotation appears both in the margin and it has been copied into the body of text: the scribe mistook it as a marginal correction rather than a comment, further demonstrating that the scribe was merely copying. (6) Finally, the spacing, too, suggests the marginalia are older. Annotations are often in the shape of an inverted pyramid – not uncommon for marginalia. More importantly, they are in near-continuous script with little regard for word boundaries.

Therefore, the marginal summaries, like the marginal index, are older than **A**. But to go beyond this – to get closer to the questions of date of origin, authorship, and purpose – is a more complicated matter. It requires consideration of more than one piece of evidence. Of especial importance, surely, is the language of the summaries itself: does it, in vocabulary or constructions, give a clue as to its origins? Secondly, we should have to consider the relationship of the annotations to the text. There are known functions that marginalia commonly fulfill, and these functions have chronological and contextual dimensions. With regard to their purpose in our declamatory corpus, I have already made a generic claim for the fourth class of annotations in calling them summaries. They summarize and do not, e.g., gloss individual words or attempt to explain difficult content.

Taking these two investigative strands together – language and function – we see that several of the annotations summarize in a way typical of marginalia: *de* + nominal topic (nos. 15, 16, 30, 33); simple nominatives (nos. 1, 10, 11, 14, 24, 29)[17]; and simple sentences (nos. 27, 31, 32). However, a larger number of the summaries use a different construction: accusative + infinitive (AcI). The AcI is a peculiarly classical construction, one that condenses speech, and can render it difficult. The appearance of the construction, combined with the fact that the majority are in this form, is exceptional. I regard it as perhaps the single most revealing piece of evidence about the annotations. Its appearance across the corpus virtually guarantees the unity of the marginal summaries: the same annotator is responsible for summaries in AcI, and likely he made most if not all the others, too. At the same time, the AcI construction, since it is redolent of antiquity, suggests the summaries are old – that they originated in an ancient or late-ancient context.

When considering their potential functions, it is difficult to overlook the fact that the summary annotations employ the same constructions found in ancient 'tables of contents' (*indices*) and 'section headings' (*capitula* or *tituli*), especially the '*de* + nominal topic' construction. The subject of the origin of headings in classical works is underdeveloped, but there are well-known instances where the author of a classical work is himself the author of the *indices*, in particular: Columella, *Agriculture* (*res rustica*; index listed at end of Book 11); the elder Pliny, *Natural History* (Book 1); Scribonius Largus, *Medical Prescriptions* (*compositiones*); and Aulus Gellius,

[16] No. 7, *decl. min.* 260.15, *Nihil esse inter laudem genera sublimius*, where *laudem* is written for *laudum*; no. 8, *decl. min.* 260.25, *Optime contra patrum duritia*, where *duritia* is written for *duritiam*; no. 18, *decl. min.* 306.13, where *dandans* is written for *danda iis*.

[17] I would include no. 8 here. With *optime* the comment reads as a kind of exclamation, but the rest of it, *contra patrum duritiam*, serves in the capacity of heading to show what the topic is.

Attic Nights[18]. One quickly notices a correlation between the presence of an index and the technical nature of the works indexed. When surveying the *indices* and *capitula* by these authors, it can be seen that even the AcI construction is sometimes employed. Although its use there is not abundant, it appears enough (see e.g. those listed by Columella for Book 4) that a reader easily feels the summaries found in **A** have some connection with this ancient tradition. All this suggests that a more profound understanding of our annotations might come about by seeing them in relation to the history of the division and articulation ('Gliederung') of ancient texts. For example, it might be imagined that the summaries in our declamatory corpus, though few, are the sort of annotations that over time could be added to until some reader developed them into section headings, such as we have for other texts[19]. But this is speculative. There remains the stubborn fact that the summaries in our corpus are marginalia, not section headings. Furthermore, it is potentially significant that the AcI construction, used in the minority in Columella and Pliny, is prevalent in our marginalia.

Study of specific vocabulary and phrases would appear at first glance to be a promising endeavor. Certain forms, words, and phrases are distinctive, and likely bear imprint of their date of origin. I list here a few of these, citing in the footnotes similar language-use in classical Latin sources: no. 2, *bonae conscientiae indicium esse libertatem*[20]; no. 6, *pecuniam…claudendam*[21]; no. 9, *legum cauta*[22]; no. 17, *leges simpliciter latas maligne interpretari*[23]; no. 21, *anubus nubere*[24]; no. 23, *suspicionem … in fratres cadere*[25]; no. 26, *usu uenire*[26]. But conclusions on this basis are elusive. What can be said is that, with the possible exception of *legum cauta* (no. 9)[27], the language of the marginalia is consistent with classical usage. This of course does not mean that it *is* classical. But I see nothing in language-use to betray the marginalia as properly medieval[28]. The vocabulary and phrases are more reveal-

[18] Petitmengin 1997; Schröder 1999, esp. 93-159; Butterfield 2013, 136-203 studies the *capitula* appearing in the textual tradition of Lucretius, *de rerum natura*. Riggsby 2007 ignores seminal secondary literature on the subject, e.g. Schröder. Butler 2008-09 argues that headings in late-antique mss. of Cicero's works originate with the author.

[19] Schröder 1999, 100 addresses how *capitula* can be developed out of an *index*.

[20] For the phrase, cf. Curt. 7.1.9, *nulli erat dubium, quin trepidatio conscientiae indicium esset*. For the thought, cf. Sen. *suas*. 5.4, *confessio seruitutis est iussa facere*.

[21] Cf. Cic. *off*. 2.55, *Quam ob rem nec ita claudenda res est familiaris, ut eam benignitas aperire non possit*.

[22] Cf. Quint. *inst*. 5.10.13, *quae legibus cauta sunt…in mores recepta sunt*.

[23] Cf. Cic. *off*. 1.33, *Existunt etiam saepe iniuriae calumnia quadam et nimis callida sed malitiosa iuris interpretatione*; Ovid, *met*. 13.270 f., *neque enim benefacta maligne / detractare meum est*.

[24] The dative form *anubus* is attested also at [Verg.], *Ciris* 375.

[25] Cf. Cic. *har*. *resp*. 37.5, *Multi enim sunt, credo, in quos huius malefici suspicio cadat*.

[26] Cf. Cic. *off*. 3.15, *Quod idem in poematis, in picturis usu uenit…*

[27] The exact phrase is found in the sixth century: Cassiodorus, *var*. 5.14.7, *sicut legum cauta tribuerunt*; 5.24.1, *legum cauta decreuerunt*; 8.20.4, *lucra renuimus quae legum cauta profanant*.

[28] Another salient characteristic of the summaries is that many of them are gnomic (e.g., nos. 2, 22, 35) or normative (e.g., nos. 3, 17, 19), hence the several appearances of *debere* and gerundives. The summaries are like this because the arguments summarized by the annotations are like this – that is, in being gnomic or normative they effectively encaspulate the fuller argument. More broadly, gnomic statements (*sententiae*) are typical of declamation; see Balbo 2011 and 2015; Citti – Pasetti 2015, 116-9.

ing when studied not in isolation, but in conjunction with the portion of text to which they are attached. The most salient features, characterizing the language of the summaries, rest in how they relate to the text. *How do they do this?*

4. Function.

It is obvious that the summary annotations, so far as the individual words and phrases applied there, draw on the language of the main text. One need only scan the text in the general vicinity of the summary to see what the annotator had in mind, the reader's eye often settling on one or two key spots (figure 3). Nonetheless, the summaries' dependence on the main text for its language is far from slavish. The relationship (as I hope to illustrate) is more complex and revealing than what might initially be assumed. The marginalia are not mere ciphers, parroting back what is in the text. Especially intriguing here is how intimately connected the summary marginalia are, not simply with the declamatory texts they annotate, but with habits and techniques that underpin declamation as a discipline. The summaries may hold new clues about ancient declamatory practice – about condensing arguments into outlines, the technique of summarizing, and use of mnemonic methods.

Let us return to the AcI construction, found in just over half of the extant marginal summaries. The AcI, besides its appearance in a variety of other contexts (e.g., reported speech in the ancient historians)[29], can be used to outline an argument. In the case of a speech actually delivered (or at least the record of one), typically an outlining of arguments was done before the argumentation proper. Such an outline is referred to by the technical term *partitio* or *diuisio* ('division')[30]. Hence the classical template for the components of an oration, according to which an outline was supposed to be given before a laying out of proof: *exordium*, *narratio*, ***diuisio***, *confirmatio*, *refutatio*, *peroratio*. Now, there is no express rule stating that a divisional outline should adopt the AcI construction. However, in the context of ancient rhetorical training, evidence suggests that as a matter of standard practice outlines of arguments were bundled into efficient argumentative packages, often through use of indirect speech (*oratio obliqua*), that is to say: AcI in main clauses, and subjunctive verbs in subordinate clauses[31]. Consequently, in one of our oldest Latin rhetorical manuals (c. 80s BC), the anonymous *Rhetorica ad Herennium*, we find lists of arguments presented in this form. It is worth quoting an example at length. At *Rhet. Her.* 3.5.8-3.5.9 opposing arguments in a declamation (a *suasoria*) are considered. One side bases its arguments on 'security' (*ratio tuta*), the other on 'honor' (*ratio*

[29] Studies that include some discussion of *oratio obliqua*, as it relates to various topics, are legion. Seminal studies of indirect statement: Hyart 1954; Wiesthaler 1956.

[30] On division, see *Rhet. Her.* 1.17; Cic. *inv.* 1.31-3; Quint. *inst.* 4.5. See further below, nn. 34-7.

[31] Cic. *inv.* 1.32 explains what makes for a good division. No mention is made of specific grammatical constructions, but a general emphasis is placed on efficiency and compactness. So, a division should possess three qualities: verbal leanness (*breuitas*), completeness (*absolutio*), and logical economy (*paucitas*); cf. *Rhet. Her.* 1.17. The examples that Cicero then gives (1.32 f.) contain indirect speech. Similarly, examples of division cited by Quintilian, *inst.* 4.5.9 contain indirect speech. He goes on to discuss specific instances of division in speeches by Cicero, quoting from *pro Cluentio* (9) and *pro Murena* (11), both of which passages apply indirect speech. See also Quint. *inst.* 5.10.12-17, where commonplace arguments are referred to through AcI.

honesta)[32]. The author explains how each side of the issue has standard arguments that it can apply, listing them in *oratio obliqua* (double indented below).

> *Rhetorica ad Herennium* 3.5.8-3.5.9[33]
>
> Sed si acciderit, ut in consultatione alteri ab tuta ratione, alteri ab honesta sententia sit, ut in deliberatione eorum qui a Poeno circumsessi deliberant quid agant, qui tutam rationem sequi suadebit his locis utetur:
>
> > nullam rem utiliorem esse incolumitate; uirtutibus uti neminem posse qui suas rationes in tuto non conlocarit; ne deos quidem esse auxilio iis qui se inconsulto in periculum mittant; honestum nihil oportere existimari quod non salutem pariat.
>
> [9] Qui tutae rei praeponet rationem honestam his locis utetur:
>
> > uirtutem nullo tempore relinquendam; uel dolorem, si is timeatur, uel mortem, si ea formidetur, dedecore et infamia leuiorem esse; considerare quae sit turpitudo consecutura: at non inmortalitatem neque aeternam incolumitatem consequi, nec esse exploratum illo uitato periculo nullum in aliud periculum uenturum; uirtuti uel ultra mortem proficisci esse praeclarum; fortitudini fortunam quoque esse adiumento solere; eum tute uiuere qui honeste uiuat, non qui in praesentia incolumis, et eum qui turpiter uiuat incolumem in perpetuum esse non posse.
>
> But if it happens that in a deliberation the counsel of one side is based on the consideration of security and that of the other on honor, as in the case of those who, surrounded by Carthaginians, deliberate on a course of action, then the speaker who advocates security will use the following topics:
>
> > Nothing is more useful than safety; no one can make use of his virtues if he has not based his plans upon safety; not even the gods help those who thoughtlessly commit themselves to danger; nothing ought to be deemed honorable which does not produce safety.
>
> [9] One who prefers the considerations of honor to security will use the following topics:
>
> > Virtue ought never to be renounced; either pain, if that is feared, or death, if that is dreaded, is more tolerable than disgrace and infamy; one must consider the shame which will ensue – indeed neither immortality nor a life everlasting is achieved, nor is it proved that, once this peril is avoided, another will not be encountered; virtue finds it noble to go even beyond death; fortune, too, habitually favors the brave; not he who is safe in the present, but he who lives honorably, lives safely – whereas he who lives shamefully cannot be secure forever.

This potential link between function and form, such that summaries of speech arguments are packaged in *oratio obliqua*, is substantiated even more strongly by another ancient source, one having specific relevance to our present investigation. The collection of the elder Seneca, *oratorum et rhetorum sententiae diuisiones colores* (note 'divisions' in the title), contains entire sections devoted to divisions of arguments[34].

[32] The *suasoria* is used also by Cicero, *inv*. 2.57.171, concerning the inhabitants of Casilinum in Campania, after the heroic defense of 216 BC against Hannibal.

[33] The text, with minor changes of orthography and punctuation, is that of Marx 1964; the translation is from Caplan 1954.

[34] Another ancient work expressly devoted to rhetorical division is the Διαίρεσις Ζητημάτων (*Division of Questions*) by Sopatros, a fourth-century AD Greek rhetorician (Walz 1832-36, 8.1-385); see Innes – Winterbottom 1988 for discussion and textual commentary. In the *Introduction* (p. 3), Winterbottom distinguishes between the kind of divisions seen in the collections of the elder Sen-

These are typically listed through the AcI construction and indirect questions[35].

And when we turn to the *Minor Declamations*, the most substantial text of our corpus, we find the same technical use of *oratio obliqua* among some of the so-called *sermones* (*decl. min.* 266, 271, 317, 351-64, 376, 380) – that is, those portions of the work where the teacher imparts instructions intended to guide students as they craft their arguments[36]. As in the elder Seneca's collection, the construction can occur with no introductory verb (thus, *decl. min.* 362). But in all the cases just cited, even when AcI is introduced by a verb, it is clear that the appearance of the construction correlates with the fact that a bare outline is being presented. As the anonymous teacher himself states in one of the *sermones* (*decl. min.* 270.2), 'it is the special task of division to present the bones and sinews of an argument'[37]. The AcI construction serves this purpose of reducing arguments to their bare essentials. An especially effective illustration of this convention of packaging arguments into outline form, using *oratio obliqua*, is *decl. min.* 271. There the outline structure is visible on the page. A series of outline points (*quaestiones*) is enumerated (*prima quaestio ... secundo loco quaerimus ... tertio loco quaerimus*), and each point is illustrated with a very brief sample of speech.

What does all this imply about the context and function of the marginal summaries in **A**? First, the particular use of *oratio obliqua* to package an argument suggests that the context of the marginalia is rhetorical[38]. We can be more specific: the context is declamatory – hardly a leap given the fact that the corpus contains declamatory works. But the distinction is important. The parallels cited from rhetorical handbooks show that the context is pedagogical. Michael Winterbottom has remarked about the origins of our corpus that it «will doubtless go back to the editorial efforts of a practicing rhetorician of late antiquity»[39]. The marginal annotations seem to have arisen in precisely such a context: someone who had rhetorical training in the ancient fashion, possibly a teacher, made notes to 'bookmark' portions of the corpus.

eca and the *Minor Declamations* versus the divisions seen in Sopatros, which are more technical and informed by *stasis* theory. For an updated Greek text and German translation of Sopatros, see Weißenberger 2010.

35 E.g., Sen. *contr.* 1.5.4, *In hac controuersia de prima quaestione nulli cum altero conuenit. Latro primam fecit quaestionem: non posse raptorem qui ab rapta mori iussus esset seruari*. 'In this *controuersia* there is no agreement on the first question. Latro's was: A ravisher who is ordered by his victim to die cannot be saved' (trans. Winterbottom 1974). Outlines of arguments are not limited to the 'divisions' section of the elder Seneca's collection; see e.g. *contr.* 1.6.9 and 2.1.25. At *contr.* 2.1.19, the verb *dico* is used several times to introduce arguments packaged in *oratio obliqua*. A verb of saying commonly triggers *oratio obliqua* in Latin; but in the context of rhetorical arguments, it seems to have the more precise purpose of signaling a divisional outline. Other examples of this: Seneca, *suas.* 2.11, 3.3; Quint. *decl. min.* 266.6, 270.4, 271.10, 276.6, 351.1, 352.1, 385.8.

36 Fögen 2009, 49-53 discusses some of the linguistic peculiarities of ancient technical speech, including 'brevity' (Kürze); see ibid. p. 121 for the link between memory and compact speech. On the language of technical Latin, see also De Meo 1986; Langslow 2005.

37 *Diuisio paene hoc proprium habet, ostendere ossa et neruos controuersiae*.

38 Cf. the suggestion by Petitmengin 1997, 500 that the grammatical form a summary takes correlates with the particular genre of text summarized; Schröder 1999, 109. See also Fruyt 1997, 28-30.

39 Winterbottom 1984, XX.

These observations regarding context naturally shape how we address the difficult question of the date of the marginal summaries. The precise, technical nature of how they function implies their age: they are old. In fact, on the basis of function alone, a claim could be made that the summaries belong to an original author. But then the collective nature of the corpus makes such a claim impossible. The fact that the summaries are applied to three different works, each by a different author, means that the summaries were composed only after the collections were brought together into a single corpus. The authors of the works are not the same as the 'author' of the corpus[40]. Therefore, the earliest date for the composition of the summaries is the 2nd century AD[41]. Nothing prevents the excerpted version of the elder Seneca's work from dating to the 2nd cent. AD or even earlier. Setting the *terminus post quem* is the collection of Calpurnius Flaccus: on the basis of clausulae, a posthumously pub-

[40] It bears pointing out that 'author' in the present context is a particularly fraught term. What belongs to the author, and is thus of guaranteed authenticity? None of the three collections has an author in a traditional sense. Calpurnius Flaccus is unknown: is he the declaimer who is quoted, or is he the excerptor? It is uncertain whether Quintilian is the source of the *Minor Declamations*. And the excerpted version of the elder Seneca's work is at one remove from the original compilation by Seneca. These works in their present state are, all three, resource materials. Singly and collectively they are an archive of notes. As a resource-text, rather than a canonical literary work, they are more susceptible to accretions and alterations. The marginalia, too, are notes, and thus their authoritative status is indistinguishable from the other material contained in the main textual body of the corpus. For these reasons, the marginal summaries merit inclusion in critical editions (*Minor Declamations*; the excerpta of the elder Seneca) – not in an apparatus criticus, but in the margins.

[41] A couple scenarios, although speculative, are worth mentioning. It is possible that the annotator is himself the compiler of the corpus. One step further: it is possible even that the compiler, the annotator, and the excerptor of the elder Seneca and Calpurnius Flaccus are the same person. It is tempting to connect the origin of our corpus with ideas about an original corpus of ten rhetors, now partially lost and referred to by scholars as *Corpus decem rhetorum minorum*; see Brzoska 1897, 1372 f. For a description of the *Corpus* with relevant bibliography, see the helpful discussion by Stramaglia 2006, 572 f. The theory of a corpus of ten rhetors rests on (1) a letter by the 15th-cent. humanist Giovanni Antonio Campano, who describes a ms. now lost that contained the same texts found in **A** along with additional works (of the rhetor Antonius Julianus, and something Campano calls «*extemporanee Quintiliani*»); and (2) two subscriptions in **A**. The first subscription, introducing the excerpts of the elder Seneca, reads: *Hic iam incipit Seneca decem retorum feliciter*. The second subscription, which is found also in two 15th-cent. mss. containing the *Minor Declamations* and Calpurnius Flaccus, appears in **A** after the excerpts of the elder Seneca and introduces the excerpts of Calpurnius Flaccus: *Incipit Excalpurnio Flacco Excerptae · Excerpta · X rethorum minorum*. As is known, the subscriptions are faulty. I am reluctant to embrace the idea of a *Corpus decem rhetorum minorum* because I suspect the numerical reference of the subscriptions applies to the elder Seneca's work alone. His compilation of *Controuersiae* contained ten books, all of them available to the excerptor, and at the beginning of each book Seneca gives a pen-portrait of a different declaimer, hence *decem rhetores minores* (although only prefaces to books 1-4, 7, and 10 survive in the excerpted tradition). This organizational feature of Seneca's work has invited comparisons with the canon of ten Attic orators, and works based on this canon (e.g., by Caecilius of Calacte; see Fairweather 1981, 334 n. 7): the background of the canon of ten may explain the comparative *minores* in the subscription (or, as has been suggested, *minores* may be used with reference to Cicero). It is possible that the second half of the second subscription (*Excerpta · X rethorum minorum*) originally was a page heading (this entire second subscription appears at the beginning of a page in **A**); or it appeared before the *incipit* notice of Calpurnius Flaccus and was originally an *explicit* notice for the excerpts of the elder Seneca.

lished study by Håkanson tentatively suggests the second half of the 2nd cent. AD[42]. On the other end of the time frame, again the technical nature of the language makes it unlikely that the summaries are more recent than the 6th century AD.

Although an estimation of date must remain broad (2nd - 6th cent. AD), still more can be said about how the summaries functioned. The remaining pages of the present article, therefore, aim to expand on this idea that the summaries may contain new clues about rhetorical methodology and practice.

It is tempting for modern critics to regard the marginal summaries simply as a kind of bookmarking. They highlight, or point, but little else. After all, this can be how the process works in our own reading – we mark a passage, jotting down a few words in the page's margin to remind us of its content[43]. But, if this is our approach to marginal summaries like those found in the present corpus, we must be cognizant of the consequences: such a perspective rationalizes the dismissal of the annotations – and this with learning little or nothing from them. The summaries may be quite different from initial assumptions about them. They may have been used in reverse of what we anticipate – not as a reflection of what is in the passage, but rather as an instrument to construct an argument. I invoke an example, from the elder Seneca, as a model of a different kind of relationship between summary and full passage. The relationship seen there, I believe, offers guidance for understanding the summary annotations in our declamatory corpus.

Because Seneca's collection contains both quotations from speeches and discussions about the same speeches, it often affords an opportunity to compare summaries with the passages summarized. An excellent example of this concerns a long quotation from a speech by the philosopher-declaimer Papirius Fabianus (born c. 35 BC). Seneca first offers the long quotation without comment (*contr*. 2.1.10-13); subsequently (*contr*. 2.1.25), he makes reference to the speech, in the form of a short summary in *oratio obliqua*. Without delving into the finer details of Fabianus' remarkable quotation[44], its context requires some explanation. The premise of the declamation: a rich man had three sons whom he disinherited. The rich man then asks to adopt a poor man's one-and-only son. The poor man agrees, but when the son is unwilling, his father disinherits him. The speech is spoken in defense of the son.

What makes Fabianus' quotation particularly remarkable is the way he condemns the rich man's behavior by connecting wealth with a lack of paternal affection: the rich are morally corrupt and love only what is artificial and exotic; it is hardly surprising, then, that they do not love their natural-born children. Fabianus' argumentative progression here is liable to strike modern readers as strange. But he goes even

[42] Håkanson 2014, 120-30. More information on this subject is expected from B. Santorelli in a forthcoming collective volume edited by M. Dinter – Ch. Guérin – M. Martinho, *Reading Roman Declamation: Calpurnius Flaccus*.

[43] Paratextual elements, including marginalia, have attracted an increasing amount of scholarly interest. For marginalia in ancient and modern-era books, see Jackson 2001, who includes a chapter on *Motives for Marginalia*; a diverse range of articles, spanning antiquity to the modern age, can be found in the beautiful two-volume collection of Fera – Ferraù – Rizzo 2002; and see the major study of papyri by McNamee 2007.

[44] For a discussion of the passage see Leeman 1963, 1.262 f.; Huelsenbeck 2009, 107-32. On Papirius Fabianus, see Duret 1983, 1543-8, and Del Giovane 2015, esp. 1 n. 3, 16-20 where further bibliography can be found.

further, arguing that the absence of paternal affection brought about by wealth is responsible for Roman civil wars. Below is the short summary (*contr*. 2.1.25) of the quotation, broken up and given line numbers to facilitate discussion.

illas [*sc*. diuitias] esse,	1
quae frugalitatem, quae pietatem expugnassent,	2
quae malos patres, malos filios facerent.	3
It is wealth	1
which has destroyed temperance, destroyed familial devotion,	2
which makes evil fathers, evil sons.	3

In considering the relationship of this summary with the full quotation, two observations apply that are of particular interest to our investigation. Observation (1): the summary, at once compact and complete, efficiently encompasses the argument. It happens to possess, then, qualities essential to a good *diuisio*, according to Cicero, *inv*. 1.32: verbal leanness (*breuitas*), completeness (*absolutio*), and logical economy (*paucitas*)[45]. The Fabianic summary presents a full outline by touching on the major terms of the argument seen in his long quotation: all the key thematic components find a verbal representative. Besides the central dramatis personae of fathers (*patres*) and sons (*filios*), we see the key virtue, *pietas* (familial devotion), and vice, *diuitiae* (wealth), drawn up into a kind of shorthand equation. Thus lines 1 and 2 of the summary:

Riches	(destroy) temperance		and a sense of familial obligations		in (civil) war.
diuitias	*quae*	*frugalitatem*	*quae*	*pietatem*	*ex**pugna**ssent*

Fabianus' 'strange' argumentative progression is drawn together in a single, compact sentence. 'War' (*pugna*), the ultimate outcome of wealth's corrupting influence, is represented in the verb, the compound ***expugnassent***.

Now the second observation (2): the summary has an intricate design, so far as both its component architecture and a carefully patterned deployment of sound. The sophistication of the summary's design is not ostentatious (a cursory reading can easily overlook it), but seems rather to offer advantages of a practical nature. The formal design makes it convenient for the mind to seize upon and to use.

illas [*sc*. diuitias] esse,			1
quae Frugali**tatem**	quae Pie**tatem**	exPugnass**ent**,	2
quae **malos** Patre**s**	**malos** Filio**s**	Facer**ent**.	3

The core of the summary are two lines (ll. 2 and 3), with nearly identical number of syllables (line 2 = 14 syllables, line 3 = 13 syllables) and with parallel syntactical structure. In each of these lines are word-groups defined and associated to one another by their syntactical roles and sound correspondences: in line 2 *quae frugalitatem* corresponds with *quae pietatem*, and in line 3 *quae malos patres* corre-

[45] See note 31.

sponds with *malos filios*. The word-groups, two on each line, are followed by verbs whose terminations rhyme (*expugnass**ent** facer**ent***). There is thus correspondences between lines 2 and 3. Simultaneous correspondences, within and between lines, can be represented so:

A A[1] **B**
a a[1] **b**

The tightly binding structural complexity of the summary comes more fully into view when we see that substantives of **A**[1] and **a**[1] (*pie**tatem** / **malos** filio**s***) are phonetically and syntactically linked not only with substantives of **A** and **a** (*frugali**tatem** / **malos** patre**s***), but through alliteration are linked also with their subsequent verbs (***p**ietatem ex**p**ugnassent*[46] / ***f**ilios **f**acerent*). Recognition of the extent of correspondences both within and between lines reveals a further phonetic relationship: the pattern of initial, alliterating consonants of the second line is the inverse of the first: *F P P P F F*.

The structural complexities inherent in this summary of Fabianus' speech serve a lesson in ancient declamatory method. The summary was composed with a purpose. Its formal structures are a function of a performative context where memory – the ability both to remember a speech and to produce speech that an audience finds memorable – is vital[47]. The phonetic devices that create the multiple correspondences, grouping together smaller units while also pointing up the integrity of larger units, thoroughly safeguard every part of the summary from oblivion. They make it memorable. But, potentially even more revealing for us is to consider the way a summary could work as a mnemonic to a declaimer: a kind of 'souvenir token' with shorthand directions for the process of fashioning a full-blown version of an argument. Thus the formal structures of a summary not only make for easier recall, but outline a cogitative procedure. Glimpses of such procedures occasionally appear in Quintilian's *institutio*, where the rhetor gives step-by-step instructions for developing argumentative outlines, embedded in which are shorthand phrases in *oratio obliqua*[48]. A speaker would rehearse his speech, composing and keeping in mind

[46] Even strict definitions of alliteration (e.g., Ceccarelli 1986, 2) recognize that the initial letter of a stem in a compound word can participate in alliteration.

[47] Seeing the condensed structures of Roman argumentative summaries – particularly, how they are turned into lists and outlines – in an oral-performative context raises important questions, ones too broad to be taken up in this article. In a chapter from his seminal book, Jack Goody 1977, 74-111 (*What's in a List?*) argues that lists are not conducive to an oral context. But the opposite seems true. In Greek and Roman texts (e.g., Aristotle, *Rhetoric*; Cicero, *de inuentione* and [Cicero], *Rhetorica ad Herennium*; Quintilian, *institutio*) it is common to encounter the packaging of content, particularly content meant for oral contexts, through the form of outlines. Therefore, some pressing questions: How do we understand the *practice* of outlines? How was the outline used in the procedure of applying knowledge to a task, such as the delivery of a speech?

[48] See Quint. *inst.* 7.1.23-63. I offer an example of an outline from this discussion (7.1.23). To the premise for a *suasoria* (*Deliberat Numa an regnum offerentibus Romanis recipiat*), Quintilian gives the following argumentative framework:

an regnandum
an in ciuitate aliena
an Romae

such mnemonic 'tokens' so as to use in performance. He could rely on these tokens on multiple occasions, using the same key components of an argument found in the summary, but ending up with slightly different versions of the same argument according to the demands of the situation. It is in this sense that the relationship between short summary and full passage is different from what modern readers may anticipate. The summary, like a generator, can drive a fuller version of the argument. Or, to use a linguistic analogy, the summary is a kind of deep structure to various surface outputs. The summary is source, and the fuller argument is just a version – one way to develop the summary.

In what ways does the relationship between Fabianic quotation and summary shed light on our marginal summaries and their full passages?

As just described, the summary of Fabianus' speech is carefully designed so as to contain terms that are key to a full version of the argument. This was observation (1) about the Fabianic summary: the summary should efficiently encompass the argument. As in the Fabianic summary, key terms in the marginal summaries can be seen to match up with the same terms in the target passage[49]. An example of this is seen in figure 3, which shows a summary from *decl. min.* 264: *Non oportere per disputationem legum cauta peruerti* ('Provisions of laws should not be subverted through quibbling')[50]. Given what has been learned from the Fabianic summary and

an ***lat****uri sint* ***R****omani* ***tal****em* ***r****egem*

An element of sound-patterning can be detected in the outline (bold letters). On the connection between mnemotechnics and outline structures, which are particularly useful for their spatial and visual organization, see Lima 2014, 29. For tree diagrams in the tradition of a rhetorical text, Cicero's *de inuentione*, see O'Daly 2015. On the cogitative process (*cogitatio*), i.e. a procedure for composition without the support of writing, see Quint. *inst.* 10.6.

[49] Another way to gauge how arguments are encompassed by marginal summaries is to compare how the latter align with paragraphing and section numberings in modern editions. An exceptional opportunity to see how the summaries cover the argumentative material in moderate-size portions is Quint. *decl. min.* 306, where there are six marginal summaries. These are fairly well distributed across the *declamatio*, marking several joints in the speech (although there are not enough summaries to cover *all* its arguments), and some of them connect, forming adjacent steps in the argumentative progression: see fol. 42r (figure 2), where we find four summaries each covering roughly a quarter of the text of the page (more precisely, the text covered by the summaries is *decl. min.* 306.6-16). A further indication of how well the marginalia cover the text here: the *Nota* sign on the same page corresponds with a textual puzzle, where there may be alternative versions; see Winterbottom 1984 on *decl. min.* 306.9. The idea that, in the *Minor Declamations*, there are alternative versions of passages goes back to Leo 1960.

[50] The summary correlates with Quint. *decl. min.* 264.8-10 (translation adapted from Shackleton Bailey 2006): 'Before I examine the purport of the law itself, this, gentlemen, I say for now: that this interpretation of laws (*legum*) is thoroughly pernicious to the community. For if in court this question about laws should (*oportet*) always be considered – what is just in them, what equitable, what convenable to the community –, there was no need for laws to be written at all. [9] And I do believe there were times in the past when justice rested on judgment, aIone and unsupported. But men's minds pulled it this way and that, and what should be done (*quid oporteret*) could never be adequately determined; for that reason a fixed pattern was put in place by which we were to live. Those authors of our laws (*legum*) embraced this pattern in words; if this may be changed and perverted (*peruertere*) to suit particular interests, there goes the whole meaning and use of law. [10] For what does it matter whether laws are nonexistent or whether their import is doubtful? That law embraced the provision that no more than a half be left to a woman. That no more than a half was left to either one of my clients is clear. And if the lawmaker (*legum latorem*) had wished

speech, it would be simplistic – not to say prejudicial – to regard the relationship of terms in margin and body of text as that of mimic (marginalia) and source (full argument). The summary is not simply a bookmark. The author of the summaries – who, we recall, has packaged over half of them using a method (*oratio obliqua*) typical of argumentative outlines – could use its key terms to develop a fuller version of an argument, one very similar to the version seen in the main body of the text.

But here the objection may be raised that, unlike the Fabianic summary, it is not possible for the marginal summary to work as a source to a full passage since we are almost certainly dealing with different authors – the authors of the three declamatory works and the later author of the marginalia, whose summaries are subsequent attachments to the main body of text. The full passage comes first, then the summary. The objection is important, and productive, since it can move us to see the text from the perspective of the annotator and, at the same time, it serves as a reminder of the fluid nature of the corpus text.

It is nearly certain that the summaries were added after the full passages that they summarize. But, *so far as concerns the annotator* (and, for that matter, any reader of the corpus trained in rhetorical methods), the chronology does not substantially alter the relationship between summary and full argument that has been posited above. This is because our modern idea of a summary does not entirely match its ancient rhetorical counterpart. It is the nature of the kind of summary here described to stand in a functional relationship to the passage to which it is linked. The summary works as a key to a fuller version of a passage. Out of it can be unpacked a fuller argument. The passage in the main body of text is merely representative: it is but a version of the *kind* of argument that could be developed out of the summary[51]. This is a speech meant for performance, not necessarily meant for verbatim memorization.

What about observation (2) – namely, the summaries are composed in such a way as to render them and their arguments memorable? The Fabianic summary, with its use of sound-play and overlapping layers of architectural intricacies, may represent an ultimate case, a kind of hyper-species of the practice. The summaries found in our corpus do not use sound and structure to the same degree. But they *do* use these devices. Many of the summaries possess a structural design and sound-patterning that suggest method – that justify connecting observable formal patterns with the rhetorical context and function described here. I single out a few summaries for observations.

no. 9	Non o**p**o**r**t**e**re **per** dis**p**utationem legum cauta **per**uerti	(figure 3)
17	Non debere **l**e**g**e**s** simp**l**i**c**iter **l**ata**s** ma**l**i**g**ne interpretari	(figure 2)
20	Raro **e**uadere **e**os qui **e**xponuntur	
21	Turpe esse a**nub**us **nub**ere	
23	Suspicionem **caed**is in fratres **cad**ere non debere	

that only half an estate go to females and half be left to males in all circumstances, he could obviously have provided (*cauere*) just that. No big, difficult roundabout was needed, only a law so framed that no more than half an estate go to females.'

[51] When composing, the perspective that a model passage is not fixed but dynamic – and thus subject to additions, omissions, and substitutions – can be seen in ancient discussions of paraphrase; see Quint. *inst*. 10.5.4-11; Theon, *Prog*. 15; and the discussion by M. Patillon in Patillon – Bolognesi 1997, CIV-CVII.

27 Non qui **odit** continuo **occidit**

The above summaries contain iterations of sound (in bold) – each summary with its own salient sound-trait. The different sound-traits make each of the summaries distinctive. And, although summaries might already seem fairly brief and manageable, the sound-trait helps further define an organizational shape and gives contours, offering the mind some 'handle' to grasp onto and to use for recall. So, in the case of summaries nos. 9 and 17, we can recognize an internal shape that is enhanced by sound (no. 9, *per*; and no. 17, *l-g-s*).

9 non o**p**o**r**t**e**re **per** dis**p**utationem legum cauta **per**uerti

17 non debere **l**e**g**e**s** simp**l**i**c**iter **l**ata**s** ma**l**i**g**ne interpretari

The two summaries share a structural pattern: both have 19 syllables (with elision between *maligne interpretari*), and follow the same syntactical template: main verb + dependent clause structured around a complementary infinitive. The two syntactical groups of each summary (shown through spacing above) are further defined through sound. This is particularly the case with no. 17, but also in no. 19 it can be seen how *per* marks the border of the syntactical group ***per*** *disputationem legum cauta* ***per****uerti*[52].

Similar to nos. 9 and 17, other summaries too seem informed by principles of structure and symmetry.

7 Nihil esse inter laud<u>m genera sublimius
quam hominibus alimoniam non negare

36 **Sep**ultura **c**o**r**pus non **ca**r**e**re etiam**s**i non **sep**eliatur

No. 7 has a syntactical break midway, dividing the summary exactly in two: 14 – 14 syllables. No. 36 also has two precise halves (10 – 10 syllables). In its second half, the summary is a bit redundant ('a corpse does not lack burial, even if it is not buried'), a fact explained by structural priorities. Besides the equal syllable count, structure rounds off the summary at its ends through a figura etymologica involving repetition of *sep* (***sep****ultura … **sep**eliatur*). Priority of structure is further confirmed by the fact that a canonical clausula is used (*nōn sĕpĕlĭātŭr*), the same type found in the closing *ēssĕ uĭdēātŭr* made famous by Cicero.

No. 20 is unusual among the group in its use of the repetition of an initial vowel (*e*). Nos. 21, 23, and 27 have in common the manner in which the sound highlighted associates two words of the sentence with each other. The connection reinforces the core meaning of the summary. In no. 21 occurs an iteration of *nub* (*turpe esse a**nub**us **nub**ere*), bringing together the verb for 'marriage' (*nubere*) and the noun 'old ladies' (*anubus*). While the sound-play *anubus nubere* implies that *nub* of *anubus* (an uncommon form) also means 'marry', the *a-* of the same word suggests a

[52] Adding to their sound and shape, canonical clausulae terminate both summaries: no. 9, *caūtă pēruērtĭ* (cretic + spondee) no. 17, *intērprĕtārĭ* (trochaic metron).

Greek alpha-privative – a negation. By a kind of logic of sound-play (false etymology), it is as if the noun *anubus* simultaneously means 'old women' and 'unmarriable' – an association that captures the very core of the argument. In no. 23, *Suspicionem* ***caed****is in fratres* ***cad****ere non debere*, the sound *cad* draws together *caedis* and *cadere*: 'murder' (***caed****is*) ought not 'fall' (***cad****ere*) on brothers. The real argumentative link is between 'murder' and 'brothers', a connection that the sound-play here hints at but does not entirely achieve. More successful is no. 27, *Non qui* ***odit*** *continuo* ***occi******dit***, where the connection drawn between 'hates' and 'murders' precisely captures the essence of the argument: hate does not equal murder.

5. Conclusion.

The material focus of this article is marginal annotations appearing in a corpus of declamatory collections. Once readerly attention turns to marginalia, the questions that immediately arise are: *What are they? What are they doing?* With regard to the declamatory corpus at the center of the present investigation, it can be seen that there are different classes of marginalia with different purposes. Besides corrections to the text and critical marks, two kinds of annotations appear in **A** that raise questions and warrant in-depth consideration: first, an idiosyncratic highlighting of vocabulary, and, second, summaries of arguments, the majority of these in an accusative + infinitive construction. Both these classes imply a deeper engagement with the text, and implicit to both is a methodology not immediately apparent to modern readers. As often, marginalia can evoke productive questions belying their space and position on the page.

The marginal vocabulary and the argumentative summaries – as emerges through study of such evidence as script, layout, textual errors, transmission history, and Latinity – are older than **A**. They belong to an earlier stage in the tradition of the corpus. The highlighting of vocabulary is better understood (though, still imperfectly) through comparison with manuscripts of Lupus of Ferrières, where a similar procedure is sometimes followed. It may be that, in the ninth century, Lupus or one of his students added the marginal vocabulary to the tradition of the declamatory corpus. Still, further work needs to be done on this topic.

If the vocabulary belongs to the ninth century, the summaries are much earlier. To get at questions of age and purpose, several factors were considered: language-use, the grammatical constructions that the summaries take, and a potential connection with the articulation of texts through *indices* and *capitula*. Taken together these factors suggest the summaries are late-antique (2^{nd} - 6^{th} cent. AD). A deeper understanding of the summaries is attained by moving beyond formal factors alone to consider the relationship between linguistic form and function. How might the summaries have been used? Study of function, specifically by looking at argumentative outlines in rhetorical contexts, cuts both ways – shedding light on the marginal summaries of our declamatory corpus but also advancing a more precise understanding of argumentative summaries in ancient contexts. In this way the summaries hold new clues about ancient declamatory practice. They make salient the empirical evidence for ancient techniques of summarizing that has not been fully accounted for. We discussed this evidence, moving the investigation about the summaries in the

declamatory corpus through the following three-step progression: (1) In rhetorical contexts arguments were often condensed and bundled into convenient, manageable packages by means of *oratio obliqua*. (2) Declamatory contexts, in particular, testify to the transmission of arguments by this method. Texts of the declamatory corpus (*Minor Declamations*, elder Seneca) show precisely this method of encapsulating arguments. (3) Comparison of condensed summary and full passage (as seen in the elder Seneca) suggests a technique of rhetorical summary that was born of the exigencies of the declamatory performance: arguments were summarized in a way that not only made them manageable, but also made them memorable and capable of expansion into full versions similar (not necessarily identical) to those arguments seen in the main body of text.

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Appendix
Marginal summaries

no.	work[53]	folio	marginalia	translation
1	*decl. min*. 249.19	5r	Bona matrimonii	Virtues of marriage.
2	257.3	10v	Bonae conscientiae indicium esse libertatem	Freedom is a sign of a good conscience.
3	257.5	10v	Matrimonium futuri mariti semper iudicio permittendum	Marriage is always to be entrusted to the judgment of the future husband.
4	258.5	11v	In iuuenibus uirtutem non satis esse laudandam	Courage in youths should not be praised fully.
5	259.17	12v	Filias abdicare non debere	It is wrong to disown daughters.
6	260.12	13v	Pecuniam non esse claudendam	Money should not be locked away.
7	260.15	13v	Nihil esse inter laud<u>m genera sublimius quam hominibus alimoniam non negare	Nothing is loftier, among kinds of praises, than not to deny men support.
8	260.25	14r	Optime contra patrum duritia<m>	Excellent against the sternness of fathers.
9	264.9[54]	17r	Non oportere per disputationem legum cauta peruerti	Provisions of laws should not be subverted through quibbling.
10	268.5	20r	Vituperatio philosophiae	Attack on philosophy.
11	268.17	20v	Vituperatio oratoriae	Attack on rhetoric.
12	270.9	22r	Quae causae mortis	What are the causes of death.
13	270.27	23r	Grauius esse unum de filiis perdere quam unicum	It is worse to lose one of your sons than an only son.

[53] The citation, with modern section number, refers to that portion of text against which the summary appears. The summary's location on a page is generally a fair indicator of the portion of text that it is being summarized. In the following notes I offer some remarks on the extent of text encompassed by a summary.

[54] The summary applies to 264.8-10.

14	277.9	27v	Locus communis in ea quae adulterium grauida commiserit	Commonplace regarding the woman who committed adultery while pregnant.
15	299.3	38r	De subplicio cullei et poenae parricidarum	About the punishment of the sack, and penalty of parricides.
16	306.7[55]	42r	De grauida expositura	About the pregnant woman intending to expose her child.
17	306.10	42r	Non debere leges simpliciter latas maligne interpretari	It is wrong to interpret perversely laws passed ingenuously.
18	306.13	42r	Non omnia danda <ii>s qui praemium petunt	Not all things should be given to those who seek a reward.
19	306.15	42r	Matrimonio consensum necessarium, et anuum nuptias iuuenibus non concedendas	Agreement is necessary for marriage, and marriage of old women should not be permitted to young men.
20	306.22	42v	Raro euadere eos qui exponantur	Those who are exposed seldom escape.
21	306.29	42v	Turpe esse anubus nubere	It is disgraceful for old women to marry.
22	307.6[56]	43r	Non posse amicos esse nisi qui similes habe<a>nt mores	It is not possible to be friends except for those who have similar characters.
23	321.6	53r	Suspicionem caedis in fratres cadere non debere	Suspicion of murder ought not to fall against brothers.
24	321.14	53v	Laus reconciliationis in fratribus	Praise of reconciliation among brothers.
25	321.21	54r	In conuiuio dari uenena non posse	At a banquet it is impossible for poisons to be given.
26	325.15[57]	58r	Hereditates non numquam usu uenire non merito	Bequests sometimes happen not because of a favor.
27	328.4	59v	Non qui odit continuo occidit	He who hates is not instantly a killer.
28	328.6	59v	Nullum sic occidere ut non possit negare	No one kills in such a way that he cannot deny it.
29	335.2	66v	Figurata acerrime dicta	Figured speech spoken very aggressively.
30	388.12	87r	De amoeno litore	About a pleasant shore.

[55] The annotation occurs at the top of a page (306.7; figure 2), but the summary applies to material beginning slightly earlier (306.6).

[56] The summary applies to a section whose start is marked out in **A**, but not distinguished in modern editions. *Decl. min.* 307.6, *Iungit enim amicitias similitudo morum* begins with a *littera notabilior* ('prominent letter'). The locus to which the summary applies continues all the way through 307.6, *muta animalia si in unum conferantur, genera tamen coibunt*.

[57] Winterbottom 1984, 496 says of *decl. min.* 325.12-15 that the speaker's argument is that «bequests are not always given on merit». It is tempting to see a contrast in the summary between *usu* and *merito*. But the antithesis is only on the surface: here is an instance of false parallelism (*non usu … non merito*), perhaps used to facilitate memorization by producing a more readily apprehensible binary structure. The phrase *usu uenire* is synonymous with *contingant* ('happen') in this sentence of 325.15, *Quasi uero meritis tantum hereditates contingant*.

31	Seneca, *contr.* excerpta 1 pr. 22	90v	Seneca amator Marillum audiuit[58]	Seneca lover was a student of Marullus.
32	2.2, *extra*	93v	Ouidius Arellium Fuscum audiuit	Ovid was a student of Arellius Fuscus.
33	5.1(H 152,7)[59]	101r	De fortunae uarietate	On the changeability of fortune.
34	5.1(H 152,15)[60]	101r	Infelices meliora sperare debere	The unfortunate ought to hope for better luck.
35	5.2(H 153,18-19)	101r	Diuitias in animo esse	Riches are in the mind.
36	8.4(H 230,25)	108v	Sepultura corpus non carere e-tiamsi non sepeliatur	A corpse does not lack burial, even if it is not buried.

7 laudem *A* **8** duritia *A* **15** paenę *A* **17** interpretari A^1 interpretare *A*
18 dandans *A* **20** exponantur A^1 exponuntur *A* **25** uenena A^1 uenana *A*

A = scribe of the marginal summary on a given page
A^1 = the marginal scribe correcting himself

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[58] The sentence needs emendation: either *amator* is corrupt or, more likely, text has been lost. Perhaps read: *Seneca <sententiarum> amator Marillum audiuit*. The topic of *contr.* 1. pr. 22 is *sententiae*. Seneca's sons, whom he addresses in this preface, love *sententiae*. Seneca observes that his schoolmate Porcius Latro, too, loved *sententiae* (*hoc quoque Latro meus faciebat ut sententias amaret*).

[59] H 152,7 refers to page and line number in Håkanson 1989. The summary applies to roughly half of the excerpts (H 152.5-13) spoken on behalf of the defendant.

[60] The summary applies to H 152.13-16.

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***Abstract*:** A corpus of Latin declamatory works (*Minor Declamations*, excerpts from the elder Seneca, and Calpurnius Flaccus), as seen in the ninth-century ms. Montpellier, Bibliothèque interuniversitaire, Section Médecine, H 126 (**A**), contains several different classes of marginal notes. These include: corrections to the text, critical marks signaling textual difficulties, a register of Latin vocabulary, and argumentative summaries. This study takes up the questions of the notes' origin and function, concentrating in particular on the register of vocabulary and the summaries. These two classes of marginal notes, the study demonstrates, are older than **A** itself. The register of vocabulary, which may originate in the 9th century, closely resembles a method of tracking vocabulary seen in mss. of Lupus of Ferrières. The summaries, on the other hand, entered the tradition in late antiquity (2nd - 6th cent. AD). Their syntactical form, the manner in which they efficiently encapsulate an argument, and their employment of organizational features (symmetry, sound-patterning) are all paralleled in ancient rhetorical contexts where outlines of arguments are given. This evidence, found in classical sources and in a Carolingian ms., suggests an ancient technique both for the formal construction of the rhetorical summary and for its systematic use.

***Keywords*:** Marginalia, Declamation, Quintilian, Mnemotechnics, Technical Latin.

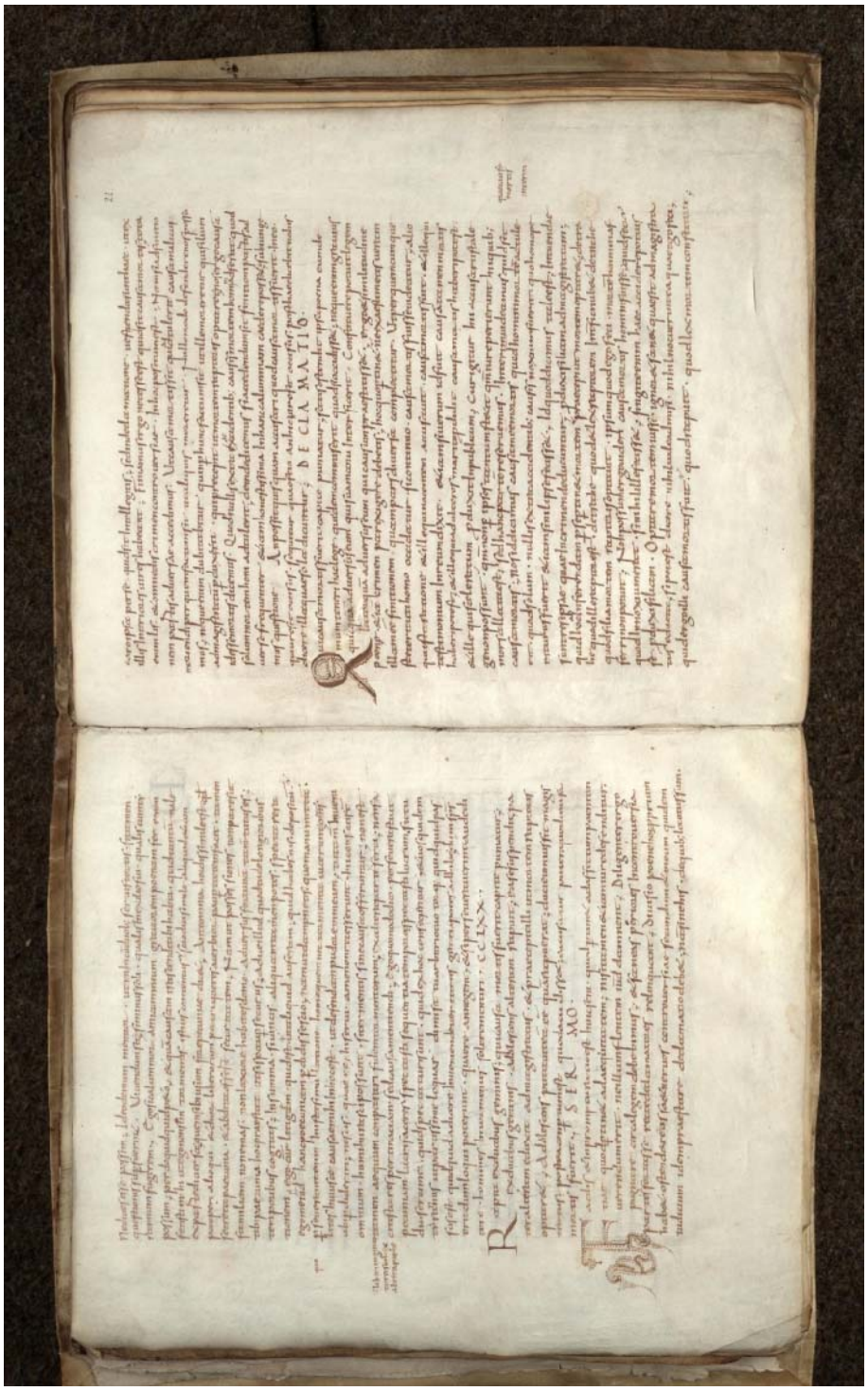

Figure 1. Montpellier, Bibliothèque interuniversitaire, Section Médecine, H 126, fols. 21v-22r, Quint. *decl. min.* 269.9-270.11. Page size: 270 × 230 mm.

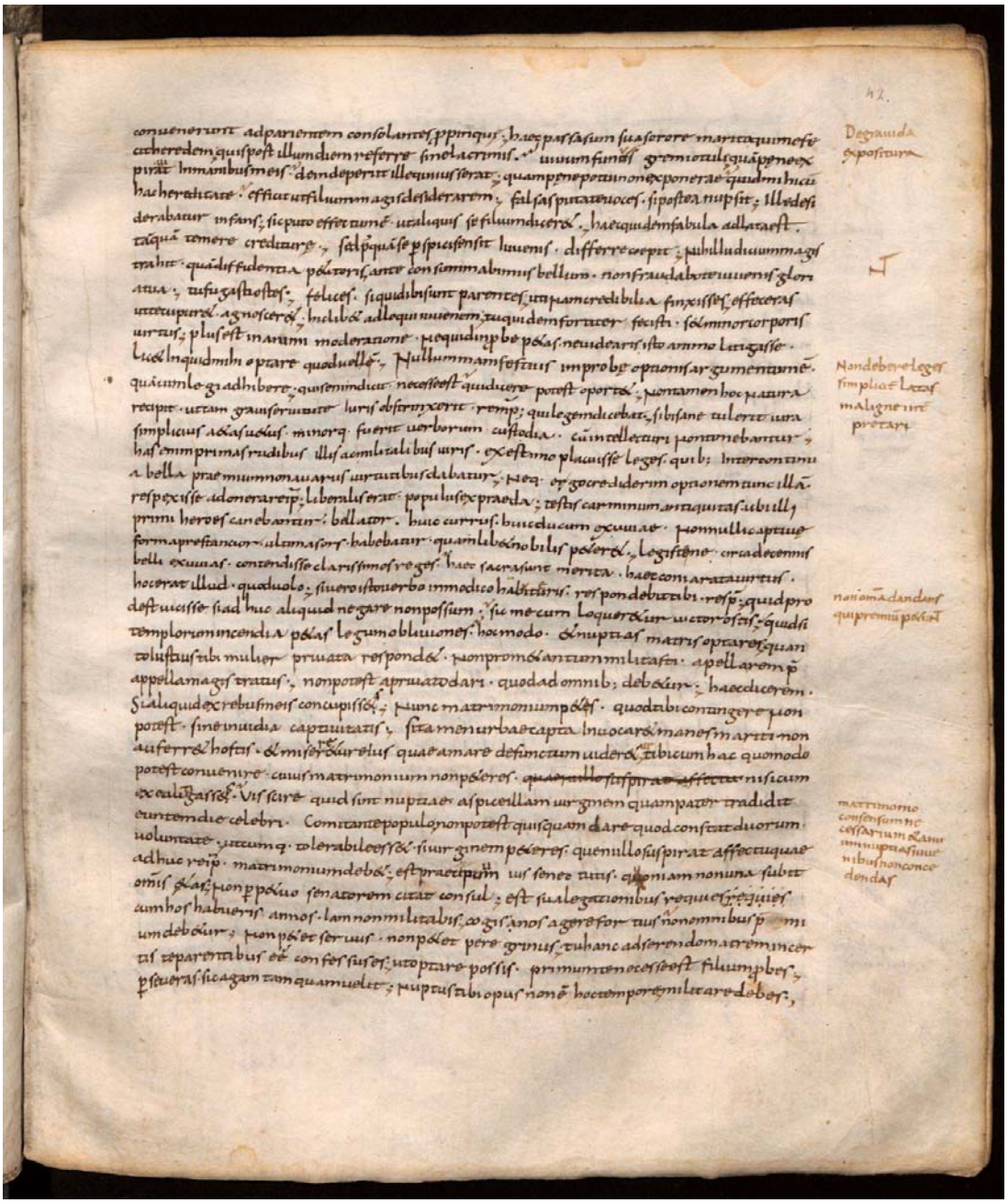

Figure 2. Montpellier, Bibliothèque interuniversitaire, Section Médecine, H 126, fol. 42r, Quint. *decl. min.* 306.7-306.17. The page shows marginal summaries nos. 16-19. The scribe of the summaries here also made corrections to the main text.

Figure 3. Montpellier, Bibliothèque interuniversitaire, Section Médecine, H 126, fol. 17r, Quint. *decl. min.* 264.4-264.12. Key terms in the marginal summary, no. 9, correspond with terms used in the fuller version of the argument (text within rectangle).