

# **Standardisation and Variation in Latin Orthography and Morphology (100 BC – AD 100)**

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## **Abstract**

The period 100 BC – AD 100 is often seen by scholars as the time when the ‘standard’ form of educated Latin was established. Standardisation, according to some, was the defining process for the fixing of written language and written norms. Once established, these written norms, we are led to believe, remained unchanged for the rest of the Antiquity.

This study addresses this alleged standardisation of Latin in 100 BC – AD 100 by studying variations in spelling and morphology. Elimination of variation is a central part of establishing a standard language, while continuing variation characterises lack of standardisation. By studying variation in a diachronic perspective, therefore, we are able to assess the evidence for standardisation or lack thereof.

Complete standardisation can be achieved mainly in spelling: therefore, the study of spelling is central for determining the existence of any standardisation movement. The first part of the thesis is dedicated to studying spelling variation in high-register formal inscriptions, where standardisation ought to be most evident. We discuss variation of the type *maximus/maxumus*, variant spellings *ei* and *i* for /ī/ and variation between assimilated and non-assimilated spelling of prefixes. A separate chapter addresses the spelling reform of Claudius. The second part of the thesis focuses on cases of morphological variation in literary and non-literary texts (variation between *quis* and *quibus* in the dat./abl. pl. and variation between active and deponent forms of verbs).

The study of these cases of variation should add to our knowledge of language development in this period and provide a basis on which to begin a reassessment of standardisation in Latin. Language attitudes of literary authors and authors of non-literary texts, which are relevant for the question of standardisation, will also be

considered. My overall conclusion is that it is easy to exaggerate the importance of any standardising, and that it is important not to mix up uncontrolled linguistic change, which is a phenomenon of any language, and change, or fixing, that is the result of the conscious and deliberate efforts of language purists.

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### List of abbreviations

*AE* = *Année épigraphique* (Paris, 1888-).

*CE* = F. Buecheler (ed.) (1895/1897), *Carmina Latina Epigraphica*, 3 vols. (Leipzig 1897-1926).

*CIL* = *Corpus Inscriptionum Latinarum* (Berlin, 1862-).

Eck = see Eck, Caballos and Fernández (1996).

E-M. = A. Ernout and A. Meillet (1959), *Dictionnaire étymologique de la langue latine*, 4th edn (Paris, 1959).

Ehrenberg = V. Ehrenberg and A. H. M. Jones (eds.), *Documents Illustrating the Reigns of Augustus and Tiberius*, 2nd edn (repr. with addenda) (Oxford, 1976).

*FIRA* = S. Riccobono et al. (eds.), *Fontes Iuris Romani Antejustiniani*, 3 vols., 2nd edn (Florence, 1968-9).

*FRH* = T. Cornell (ed.), *The Fragments of the Roman Historians*, 3 vols. (Oxford, 2013).

Garcea = see Garcea (2012).

*GRF* = G. Funaioli (ed.), *Grammaticae Romanae Fragmenta* (Leipzig, 1907).

González and Crawford = see González and Crawford (1986).

Gordon = see Gordon and Gordon (1958-65).

*GL* = H. Keil (ed.), *Grammatici Latini*, 7 vols. (Leipzig, 1855-80).

*ILS* = H. Dessau (ed.) *Inscriptiones Latinae Selectae*, 3 vols. (Berlin, 1892-1916).

K-S. = R. Kühner and C. Stegmann, *Ausführliche Grammatik der lateinischen Sprache*, 2 vols., 3rd edn (rev. by A. Thierfelder, Darmstadt, 1955).

N-W. = C. F. Neue and C. Wagener, *Formenlehre der lateinischen Sprache*, 3 vols., 3rd edn (Berlin and Leipzig, 1892-1905).

*OGIS* = W. Dittenberger, *Orientalis Graeci Inscriptiones Selectae* (Leipzig, 1915-24).

*OLD* = *Oxford Latin Dictionary* (Oxford, 1968-82).

*ORF* = E. Malcovati (ed.), *Oratorum Romanorum Fragmenta*, 4th edn (Turin, 1976).

Ramsay = see Ramsay (1924).

*RS* = see Crawford (1996).

Ribbeck = see Ribbeck (1898).

*SEG* = *Supplementum Epigraphicum Graecum* (Leiden, 1923-).

Scheid = see Scheid (1998).

Smallwood = E. M. Smallwood, *Documents illustrating the Principates of Gaius Claudius and Nero* (1967, Cambridge).

*TLL* = *Thesaurus Linguae Latinae* (Leipzig, 1900-).

*TPSulp.* = see Camodeca (1999).

W-H. = A. Walde and J. B. Hofmann (1938), *Lateinisches etymologisches Wörterbuch I*, 3rd edn (Heidelberg, 1938).

Wstrand = see Wstrand (1976).

## Introduction

The period 100 BC – AD 100, the ‘Golden age’ of Latin literature, is usually seen as the defining time for the development of literary language. This period, in particular the first century BC, is referred to as the final stage of the formation of a fixed literary variety that remained an ideal for the centuries to come. Prominent authors of this period, above all Cicero and Caesar, are regarded as language normalisers and as influencing the formation of an alleged literary standard that had a lasting impact on the literature and language of the next centuries, on Classical perception and Classical scholarship. From this perspective, variation in Latin texts is mostly explained either as ‘mistakes’ or ‘vulgarisms’ caused by lack of education or inability to follow the rules of the written standard or as deliberate stylistic aberration from the standard, used for literary effects.

This view about the history of literary Latin in 100 BC – AD 100 as the formation of a highly standardised and uniform language has been largely promoted in scholarship (see below). The notions of standardisation and standard variety, which were first developed for modern languages,<sup>1</sup> have been applied to Latin. Most importantly, elimination of variation, which is the most important characteristic of a standardisation process, is seen by a number of scholars as the main feature of the development of Latin in this period. Kroll (1934) in his still influential article, written almost a century ago, outlines a process of elimination in morphology, syntax and word formation as the key development for the emergence of Classical Latin as a standard language (even though he does not use this term and allows for

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<sup>1</sup> Standard language represents ‘a codified norm within a speech community’ (Versteegh 2002: 55). This variety of language is defined by a set of rules and conventions in spelling, morphology and syntax. It is used as universal means of communication within the given speech community (mainly in written form). The notions of standardisation and standard language were developed by Haugen (1966) and his model is generally accepted by scholars (see e.g. Hudson (1996: 33); Wardhaugh (2006: 33-34)). According to Haugen (1966: 931-33), standardisation consists of four main stages: ‘selection’, ‘codification’, ‘elaboration of function’ and ‘acceptance’. Elimination of variation is the essential part of this process and, in an ideal case, in the end of the standardisation process a standard language would have uniform spelling, pronunciation, grammar and one meaning for every word (in reality, of course, this cannot be achieved in full except in spelling; on the limitations of the model see for example Ammon (2004)). Case studies of modern standard languages are discussed e.g. by Joseph (1987: 83-87; 132-159).

some variation in language). Along the same lines, Palmer (1954: 119) speaks of the emergence of a standard language as a result of centralisation and social domination of the elite<sup>2</sup> and regards the development of the language of classical prose as a process of selection of one form among variants and elimination of all forms, which were seen as provincial, rustic or foreign by the educated (1954: 123-4).

Neumann (1968: 91-96), following Kroll, argues that the development of classical Latin is defined by the process of reduction, which led to fixing of the norm between the time of Quintus Ennius (239 - 169 BC) and the death of Cicero in BC 43. Quintilian's influential support of the new norm in the first century AD, according to Neumann (1968: 89), made this fixation final and the new norm was preserved until the 8th century AD without any major changes. By contrast, Untermann (1977: 281) argues that complete normalisation was first achieved in the time of Quintilian and that the language of Cicero was chosen as the basis for development of the norm. According to Untermann (1977: 281), Cicero and his predecessors did not create the norm, but they provided material for the standard variety.

The view of literary language of the classical period as an almost entirely homogeneous written standard language became the *communis opinio* in scholarship. Walsh (1961) in his book on Livy speaks of a standard language, created by the purists in the middle of the first century BC, which had 'a standardized grammar and syntax, with one correct form and gender for each word, and one correct construction for each kind of the clause' (Walsh 1961: 245) and from which Livy 'deviates to a considerable extent' (Walsh 1961: 267). Rosén (1999: 13-22) regards literary language of classical Latin as a fixed standard variety, established by a deliberate movement of standardising. Petersmann (2004: 247-251) speaks of complete standardisation of written language by the late republican period and of the process of decline and 'destandardisation', which began shortly thereafter. Poccetti, Poli and Santini (2005: 325-326) speak of a homogeneous written norm and argue that, although the Latin

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<sup>2</sup> Cf. Cic. *de or.* 3, 44: *neque solum rusticam asperitatem sed etiam peregrinam insolentiam fugere discamus.*

language had various registers ('subcodes', as they call them), the homogeneous façade of the normalised written language allows only occasional glimpses into these 'subcodes'.

Recently the concept of standardisation has been applied to the history of Latin by Clackson and Horrocks (2007: 77-89; 130-181; 206-215). Although the ideas of Latin as a standard, as discussed above, are common in scholarship, this book is, to my knowledge, the first attempt systematically to apply the concept of standardisation to a description of the history of Latin. Clackson and Horrocks see literary Latin in the Roman Empire as a standard language comparable in its structure and functions to modern standard languages (2007: 80). They look at the entire history of Latin from the perspective of standardisation and regard it as the key factor in the development of the written language. When speaking of standard Latin they mean the written standard of the upper class: the broader population was 'largely unaffected by exposure to the standardised written language' (Clackson and Horrocks 2007: 227). Full standardisation, according to them, was achieved in Classical Latin from the first century BC to AD 14 (the death of Augustus), when language underwent selection and the norms were worked out. They argue that 'the higher forms of written Latin, once standardized, changed very little in terms of grammar and lexicon throughout the remainder of antiquity' (Clackson and Horrocks 2007: 227).

It cannot be denied that written Latin of the Classical period formed an entity to some extent. Selection and functional elaboration, which are characteristic of a standardisation process, can be observed, as Palmer, Clackson and Horrocks and other scholars have demonstrated,<sup>3</sup> in all genres of literary Latin of the Classical period. As Fögen (1998) ancient debates on language correctness (e.g. by Varro, Cicero and Quintilian) bear some similarity to modern debates on what constitutes the standard. However, it is essential to bear in mind profound differences between modern standard languages and our evidence of Latin. Most importantly, the view of Latin of this period as a fixed literary variety is at least partly due to

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<sup>3</sup> See also Adams (2007: 15) on evidence for a selection process in Lucilius.

the fact that we have a vast amount of Cicero's texts, whereas many works did not survive. One cannot know how our understanding of language development would change if we had, for example, the full text of Varro's *Menippea* or of more of his prose works, but even what we have provides glimpses of a different prose from that of Cicero.<sup>4</sup> The loss of a vast amount of Latin texts of the time was one of the factors that influenced a Cicero-centred approach (prominent in 19th century scholarship, but to some extent still present even now), according to which Ciceronian prose is often considered the highest achievement of Latin style and elegance and the source of 'correct' Latin,<sup>5</sup> whereas, consequently, other texts tend to be judged by the standards of Ciceronian prose and considered inferior. In addition, we cannot underestimate the normalising attitudes of the scribes of medieval copies of Latin authors: influenced by their training and Latin canon they often modified texts according to their ideals of written language. Yet another factor is the normalising policy of editors: for practical purposes of editing, they tend to amend irregularities and, consequently, make the texts of Latin authors look more homogeneous than they really were.<sup>6</sup>

The Cicero-centred approach and the notion of a uniform written variety are being challenged by recent studies of newly discovered literary and non-literary texts which display 'non-standard features' (see, for example, the discussion of the spelling of the recently discovered Gallus papyrus (Anderson, Parsons and Nisbet: 1979)), analysis of literary texts that were considered marginal before (e.g. the *Bellum Africanum* and *Bellum Alexandrinum*)<sup>7</sup> and of language and style of technical prose. These studies demonstrate a lack of homogeneity

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<sup>4</sup> On Varro's distinct style and use of language means see Laughton (1960); see also Adams on Varro's use of the genitive singular ending of the fourth declension *-uis* (2007: 433-4).

<sup>5</sup> For example, in the introduction to the edition of Lucretius Bailey (1947 1: 89) notes that 'the influence of Cicero in stereotyping the Latin language has been so strong and lasting that modern students of Latin have been apt to regard his syntax as normal and regular and charge other writers with 'irregularities' when they deviate from Ciceronian norm'.

<sup>6</sup> For example, Pinkster (1969: 260-267) in his discussion of coordination in Classical texts demonstrates how empirical observations can lead to prescriptive rules, which are then applied by editors. Similarly, as Adams (2013: 752-760) points out, editors tend to emend away without further consideration occurrences of the indicative in indirect questions in the classical period in the cases when manuscripts have the indicative.

<sup>7</sup> On the *B. Afr.* see Adams (2005: 73-96); on the *B. Alex.* see Gaertner (2010: 243-254) and Gaertner and Hausburg (2013).

of language and style and of uniformity of literary genres, as well as the problematic nature of some readily used dichotomies such as colloquial and literary, low-register and high-register for literary and non-literary texts of the period.<sup>8</sup> The question arises whether to describe the language development in 100 BC – AD 100 as a standardisation is an oversimplification, and whether the notion of standard literary Latin relies too much on the texts of language normalisers and on the preconceived notion of Latin literature as a uniform system. To what extent does Latin really become a standard language in this period and to what extent was any standardising movement successful at forming a fixed literary variety?

The question of standardisation in Latin in BC 100 – 100 AD, even though much discussed, has not yet, to my knowledge, been explored in a systematic way.<sup>9</sup> This thesis is an attempt at such a systematic study. I address the question by analysing types of spelling and morphological variation in dated inscriptions and literary texts of the period. Variation is a central concept for the study of standardisation: elimination of variation is one of the most important features of standardisation and, vice versa, continuing variation shows that a standard is not established or not fully established. By studying variation and its diachronic development, we can shed more light on the problem of standardisation and development of Latin literary language in the period in question (I refer to this period as classical Latin (CL) for the sake of simplicity).<sup>10</sup>

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<sup>8</sup> For example, Pliny the Elder did not follow Ciceronian standards in his use of morphology and syntax, which led some scholars to accuse him of language incompetence, but, as Pinkster (2005: 243-254) demonstrates, that is a result of deliberate choice, not of lack of education. On the diversity of Latin prose in this period see also the articles in Adams, Lapidge and Reinhardt (2005), especially Meyer's discussion of the problematic character of the notion of Latin *Kunstprosa* (Meyer 2005: 195-210), Adams's analysis of the *Bellum Africum* (Adams 2005) and Langslow's discussion of the language of the technical prose (Langslow 2005).

<sup>9</sup> Clackson and Horrocks (2007), owing to the handbook format, do not discuss standardisation in this particular period in detail, even though they provide examples *passim*.

<sup>10</sup> The terms 'Classical period' and 'Classical Latin' are sometimes used for the time from the late Republic to late Antiquity, sometimes for the time of the so-called 'Golden age' of Latin (late Republic – early Empire), as opposed to the following period of 'Silver Latin'. Different terminology, which is used for periodisation of Latin literature, leads to confusion, and it is perhaps simpler to use historical periodisation for literature studies, such as early republican literature (beginnings to 90 BC), late republican literature (until 40 BC), Augustan literature, literature of the early Empire and the high Empire. However, this periodisation is not very suitable for this study, which looks at both late republican literature and the literature of the Empire; therefore for the sake of simplicity the period

The first part of the thesis (chapters 1-4) is dedicated to the study of variation in spelling. As modern standard languages show, standardisation can be achieved at its fullest in spelling; therefore study of spelling is of particular importance for the topic of standardisation. In chapters 1-3 I discuss spelling variation in the material of well-dated legal and official inscriptions of the time, to gain an understanding of spelling development in formal contexts in this period. Chapter 4 deals with the inscriptional evidence of the Claudian letters as a specific attempt at a spelling reform that is directly relevant to the question of standardisation.

Chapters 5 and 6 address two types of morphological variation in authors of the period. By contrast to the chapters on spelling, here I discuss evidence in authors, not in inscriptions. In the conclusion I summarise the results and revisit the notion of standard Latin. The aim of the study is to gain new evidence on the development of the Latin language and evaluate it from the perspective of standardisation. In the end, the study should contribute to the question of the extent of standardisation, standardisation attitudes and continuing variation, which are central for the history of Latin.

In any study that refers to standardisation it is necessary to distinguish between elimination of variant forms as part of gradual language change (which is affected by a wealth of historical, sociological and linguistic factors) and deliberate standardisation as a result of normalisation attempts (in Latin deliberate attempted standardisation can be seen in the standardising activity of writers on language in the first century BC, most notably Cicero and Caesar (as presented in *De Analogia*)).<sup>11</sup> In the first case, among other ‘natural’ processes of language change, there exists a tendency to reduce multiple forms and a general tendency towards simplification of paradigms.<sup>12</sup> For example, Ernout (1954: 151-172) discusses the

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100 BC – AD 100 is called the Classical period in this chapter and in the following chapter on the deponents and the language of this period is referred to as ‘Classical Latin’ (CL).

<sup>11</sup> On Caesar’s standardising practices, which have contemporary usage as their starting point, applying the principle of *ratio* to it, see Garcea (2012: 100-101) and Willi (2010: 235-238).

<sup>12</sup> It is outside the scope of this study to address the vast topic of causes and mechanisms of ‘natural’ language change as opposed to standardisation. On language change in Latin see e.g. Janson (1979),

elimination of anomalous verbal forms in Latin from the point of view of gradual and ‘natural’ language change, influenced by a number of semantic and phonetic factors. By contrast, standardisation consists of deliberate attempts by the educated elite at working out and imposing a norm and aims at complete elimination of variant forms.<sup>13</sup> It is sometimes difficult to distinguish between elimination of variation as part of gradual language change and deliberate standardisation attempts, especially when the evidence is scarce. I will attempt to distinguish between two processes in what follows.

Finally, it is important for the present study to differentiate between direct archaisms (when a usage is long obsolete) and generally ‘artificial’, ‘high-style’ features or mannerisms (when a usage is old-fashioned, but not completely unheard of).<sup>14</sup> This distinction is highly relevant for studying standardisation, because it helps to distinguish between complete elimination of variation (with occasional direct archaisms) that indicates standardisation and retained variation in limited contexts (demonstrated by the use of mannerisms) that suggests lack of complete standardisation. I will take into consideration this distinction and assess the existing evidence carefully in each particular case.

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who focuses on extralinguistic (sociological and psychological) factors to describe and explain language change. For general discussion of language change and its mechanisms see e.g. McMahon (1994); Chambers and Shilling-Estes (2013); Labov (2010-2014). On language change specifically in phonology and morphology see also e.g. Lahiri (2003).

<sup>13</sup> On the central role of the elite and the role of sociolinguistic factors in standardisation see e.g. Joseph (1987: 43-45). On the elimination of variant forms and the process of codification as ‘minimal variation in form see Haugen (1966: 931).

<sup>14</sup> For this point I am indebted to J. N. Adams, who elaborates on this distinction in the article on the *Bellum Africanum* (Adams 2005: 79-83).

## Chapter 1

### Spelling variation of the type *maximus/maxumus*.

#### 1.1 Introduction.

##### 1.1.1 *Spelling system and standardisation.*

In handbooks and studies of Latin, spelling is usually referred to in passing<sup>15</sup> as a topic that is secondary to studies of morphology, phonology, syntax and semantics.<sup>16</sup> When spelling is mentioned, it is mostly in relation to how it reflects phonetic and morphological changes and phenomena, especially when it comes to ‘sub-standard’ texts.

For the study of standardisation, however, spelling in its own right is a central area of analysis. As studies of modern standard languages show, standardisation can be achieved in full only in spelling.<sup>17</sup> It is easier to eliminate spelling irregularities than to normalise more complex levels of language. In spelling, standardisation is more prominent and it is in spelling where the development of a possible standard can be best observed and analysed.

Thus, the analysis of Latin spelling is essential for the study of possible standardisation in Latin. However, the spelling of the period 100 BC – AD 100 has not yet been studied in detail from this perspective: for instance, in their book that has the idea of standard Latin at its core, Clackson and Horrocks do not discuss standardisation of the spelling system in the

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<sup>15</sup> For example, in the recent handbook on the history of the Latin language Clackson and Horrocks briefly mention ‘normal orthography’ (Clackson and Horrocks 2007: 240) or ‘modern orthography’ (Clackson and Horrocks 2007: 131) without further elaboration of what the features of this ‘modern’ orthography are, although this question is not as simple as it seems. Similarly, Poccetti and al. (2005) only mention spelling in passing.

<sup>16</sup> Among relatively few studies dedicated specifically to spelling one should mention an old survey on Latin orthography by Brambach (1868). See also Jimenez Delgado (1958), Wingo (1972), Traina (1973: 11-25), and a brief introduction to the history of spelling recently published by Wallace (2011: 9-28). Studies of specific spelling phenomena will be quoted in the relevant chapters.

<sup>17</sup> Milroy and Milroy (1999: 18) point out, in regard to standard English, that ‘it is only in the spelling system that full standardisation has been achieved, as deviations from the norm (however logical) are not tolerated there’ and that the modern English spelling system is ‘almost absolutely invariant’ (Milroy and Milroy 1999: 56). They also make the important observation (Milroy and Milroy 1999: 57) that the spelling system is generally the easiest to standardise, compared to other language levels, partly because in spelling the variants can be absolutely equivalent, in contrast to syntax and morphology, and it is therefore an easier process to eliminate variation and to establish one of the equivalent variants as the norm.

relevant period and only imply standardisation of the spelling system in passing (e.g. Clackson and Horrocks (2007: 181)), paying more attention to innovations and shifts in the spelling system in inscriptions of the third and second centuries BC (2007: 131-132; 141-142; 148-149). Similarly, Poccetti and al. (2005: 260-261) only briefly outline the process of ‘normalisation’ of the writing system. However, a brief look at the documents of 100 BC – AD 100 in the index to *CIL I*<sup>2</sup> shows that there is still variation in spelling. The central question from the perspective of standardisation is whether variation represents genuine lack of standardisation or obsolete remnants of old orthographic practices in archaising documents. This is the question I address in the first chapters of the thesis, which are intended as a systematic study of spelling variation in high-register legal and official inscriptions, which typically exhibit the most formal variety of literary language. I observe how regular the variation is in these documents, how it develops during this time and whether there is evidence for its elimination and for the establishment of a standard in the late Republic and earlier Empire, as some scholars suggest.

Chapters 1- 3 focus on various types of spelling variation: *i/u* in words such as *maximus/maxumus*, the spelling *ei* for *ī*, assimilated versus non-assimilated writing of prefixes. I analyse how these cases of variation develop in the period 100 BC – 100 AD. Chapter 4 discusses a specific case, namely the attempted spelling reform of the emperor Claudius and its effects and implications.

In the analysis of spelling I do not aim at a phonetic interpretation of spelling changes. Undoubtedly spelling changes are often related to changes in pronunciation (when it is relevant for the topic, I do offer some discussion of pronunciation), but there are also many features that have to do purely with the conventions of writing (for example, the introduction

of double writing of geminate consonants in Latin is purely orthographic because it is not accompanied by a change in pronunciation).<sup>18</sup>

It is also well known that spelling does not always change as fast as pronunciation and can resist phonetic change in formal contexts: for example, in the *SC de Bacchanalibus* (186 BC) spelling in many cases does not reflect sound changes that had already happened by this time.<sup>19</sup> Purely orthographic rules and conventions might be far removed from actual pronunciation: the most obvious example is written standard English. I look primarily at such spelling conventions and spelling rules (or lack thereof), not at pronunciation.

### 1.1.2 *The corpus of legal inscriptions.*

The corpus of inscriptions includes legal inscriptions and miscellaneous official texts of 100 BC – AD 100. These two groups of inscriptions are discussed separately.

The corpus of legal inscriptions consists of statutes (*leges*) and proposals (*rogationes*), collected by Crawford (1996)<sup>20</sup> and other legal texts (*senatus consulta*, decrees and edicts), published in *CIL I*<sup>2</sup> and in *ILS*. I only include those inscriptions that can be dated with some degree of certainty. I do not include texts which are poorly preserved and/or contain less than 5 lines (e.g. *RS 21* (the Guardia Vomano fragment) and *RS 18* (the Falerio fragment II)). The resulting list of dated legal inscriptions is fairly small and consists of 25 documents for the period 100 BC – AD 100. This corpus, however small, includes a number of exceptionally long inscriptions, providing much material for the study of variation. Most importantly, legal inscriptions are texts of highly official status and formulaic form (also, their language is as a rule relatively conservative): our corpus of legal documents is thus, as far as the style and level of language is concerned, to a large extent homogenous. We could reasonably assume

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<sup>18</sup> At the same time, simplification of *ss* to *s* after a long vowel or diphthong in spelling reflects phonology. When relevant, I take into consideration possible connections between spelling and pronunciation.

<sup>19</sup> E.g. the endings *-os/-om* alongside *-us/-um*, the form *Duelonai*, *-d* in the ablative. See Wachter (1987: 290-298) for the discussion of spelling in this inscription.

<sup>20</sup> I refer to inscriptions in the Crawford's edition as *RS* (= *the Roman Statutes*), see the list of the abbreviations.

that the scribes who copied these official and important documents for public display were well-trained and, consequently, the variation in spelling and morphology found in these documents cannot be, without reason, discarded as ‘sub-standard’.

The following legal inscriptions are included in the corpus and are listed, as far as possible, in chronological order.

#### Legal inscriptions of the first century BC

	name of the inscription	edition <sup>21</sup>	date
1.	Lex Cornelia de XX quaestoribus	<i>RS 14</i>	Sulla’s reign
2.	Lex Tarentina	<i>RS 15</i>	after the Social war (91- 88 BC)
3.	Senatus consultum de Asclepiade Polystrato Menisco	<i>CIL I<sup>2</sup> 588</i>	78 BC
4.	Este fragment	<i>RS 16</i>	before 76 BC
5.	Falerio Fragment I B	<i>RS 17</i>	after the Social war
6.	Lex Antonia de termessibus	<i>RS 19</i>	probably 68 BC
7.	Lex Gabinia Calpurnia de insula Delo	<i>RS 22</i>	58 BC
8.	Rome fragment A	<i>RS 20</i>	around the middle of the first century BC
9.	Tabula Heracleensis	<i>RS 24</i>	engraved in the Caesarian period
10.	Lex de Gallia Cisalpina	<i>RS 28</i>	probably after 42 BC

<sup>21</sup> In the list I refer to editions of inscriptions by abbreviation. For the list of abbreviations see bibliography.

11.	Edictum Augusti de aquaeductu Venafrano	<i>ILS 5743</i>	between 11 and 18 BC
12.	SCC de ludis saecularibus	<i>FIR 40</i>	17 BC
13.	Edictum VXuirum s.f. de luctu feminarum minuendo per ludos saeculares	<i>ILS 5050</i>	17 BC
14.	Letter of proconsul and decrees of the province of Asia on new calendar	Ehrenberg 98 <sup>22</sup>	probably 9 BC

#### Legal inscriptions of the first century AD

	name of the inscription	edition	date
15.	Decree on worship of emperors	<i>ILS 154</i>	AD 18
16.	Lex Valeria Aureliana	<i>RS 37-38</i>	AD 19-20
17.	Senatus consultum de Cn. Pisone patre	<i>Eck</i>	AD 20
18.	Decree of the town council	<i>ILS 6579</i>	AD 26
19.	Senatus consulta de aedificiis non diruendis	<i>ILS 6043</i>	AD 45 (?) and 56
20.	Edict of Claudius	<i>ILS 206</i>	AD 46
21.	Edict of the proconsul of	<i>ILS 5947</i>	AD 69

<sup>22</sup> The Greek text survives on 4 copies, a fragment of the Latin version is attested on the copy from Dorylaeum (*OGIS* 458). See Buckler (1927: 119-121) on the historical context and epigraphic details of the inscriptions.

	Sardinia		
22.	Lex de Imperio Vespasiani	RS 39	AD 69 or AD 70
23.	Lex municipii Malacitani <sup>23</sup>	ILS 6089	AD 82-84
24.	Lex municipii Salpensani	ILS 6088	AD 82-84
25.	Lex de flamonio prouvinciae	ILS 6964	date disputed (Flavian period)
26.	Lex Coloniae Genetiuae Iuliae	RS 25	inscription engraved in the Flavian period (?)
27.	Lex Irnitana	González and Crawford <sup>24</sup>	Flavian period

For the present topic the date of engraving is more important than the date when the statue was passed. Therefore I include the *Lex Coloniae Genetiuae Iuliae* (RS 25) in the inscriptions of the Flavian age; the document was probably prepared shortly after Caesar's murder (Crawford 1996: 395), but was engraved in the Flavian period, judging from the style of the letters (of course this is not an absolutely reliable criterion in itself and has to be accepted with caution). In the same way the *Tabula Heracleensis* (RS 24) is dated in the list as belonging to Caesarian times, since it was probably engraved then, although the actual text of the inscription was probably composed after the Social war (Crawford 1996: 360). I chose not to include the *Lex Libitina* (AE 1971, 88), because there is no clarity as to whether the document belonged to the late Republican, Augustan or Julio-Claudian periods. Therefore,

<sup>23</sup> The *Lex municipii Malacitani*, the *Lex municipii Salpensani* and the *Lex Irnitana* (no. 23, 24 and no. 25) are copies of the Flavian municipal law. The text of the *Lex Irnitana* is the most complete of the three copies. It overlaps with the two other copies in places: table 3 of the *Lex Irnitana* (chapters 21-29) overlaps with the *Lex Salpensana* and table 7-10 (chapters 59-69) with the *Lex Malacitana*. I list these copies as separate entities and point out spelling differences between the copies when they are relevant for the topic. On the history of discovery, archaeological and historical details of the three inscriptions see González and Crawford (1986: 147-159). On the republican municipal laws in general see Frederiksen (1965: 183-198).

<sup>24</sup> I also take into consideration improvements of the text suggested by Crawford (2008).

since this chronological attribution is too vague, it is not helpful to use the inscription to track changes of spelling that happened precisely in that period.<sup>25</sup>

### 1.1.3 *The corpus of official inscriptions.*

For the first century BC the number of official texts that are suitable for the purpose of this study is very small. Apart from legal inscriptions, there are in fact very few long inscriptions from this period that would be suitable for this study: most of them are either of an earlier date (for example, the *Elogia Scipionum*) or private inscriptions (for example, funerary inscriptions and votive inscriptions)<sup>26</sup> and/or not well dated.

Compared to legal texts, official inscriptions form a less homogeneous group, since they can have different functions and their status also varies. For example, the *Res Gestae Divi Augusti* is a major document of its time and was most probably put on display not only in Rome, but also elsewhere in the Empire (six copies of this text are preserved). It was certainly a much more important document than, for example, the military diploma and that could possibly be reflected in more careful spelling and visual presentation. It is necessary to bear in mind these differences to avoid overgeneralization. However, these texts share, as a rule, a high level of literacy and reflect the development of spelling of the written literary variety.

The following table contains the list of official inscriptions in chronological order.

#### Official inscriptions of the first century BC

	name of the inscription	edition	date
1.	Grant of citizenship and rewards to the turma Salluitana	<i>CIL</i> I <sup>2</sup> 709	around 89 BC

<sup>25</sup> On the date of the text see Bodel (1994: 74-76), with bibliography.

<sup>26</sup> Any general classification, especially the division of inscriptions into ‘official’ and ‘private’, has its limitations. This classification becomes especially problematic when spelling and morphological phenomena occur both in high register texts and in texts that are considered, roughly speaking, ‘sub-standard’.

2.	Inscription of L. Alienus and Q. Baebatius concerning the temple of Jupiter	<i>CIL</i> I <sup>2</sup> 756	58 BC
3.	Honorific inscription of Q. Fabius Maximus Allobrogicus	<i>ILS</i> 43-43a	around 57-56 BC (?)
4.	<i>Laudatio Turiae</i>	Wistrand	between 8 and 2 BC

#### Official inscriptions of the first century AD

5.	Honorific inscription for M. Valerius Maximus	<i>ILS</i> 50	Augustus' time
6.	Honorific inscription for Q. Fabius Maximus Verrucosus	<i>ILS</i> 56	Augustus' time
7.	Honorific inscription for C. Marius	<i>ILS</i> 59	Augustus' time
8.	Cenotaph for L. Caesar	<i>ILS</i> 139	AD 2-3
9.	Cenotaph for C. Caesar	<i>ILS</i> 140	AD 4
10.	Res Gestae Diui Augusti	Scheid	AD 14
11.	Oath of allegiance from Lusitania	<i>ILS</i> 190	AD 37
12.	Acta fratrum Arualium <sup>27</sup>	Gordon 82-3, 102, 104, 107, 110-11, 116, 119	AD 38, 39; about AD 50-54; AD 58-59
13.	Speech of Claudius to the senate	<i>ILS</i> 212	AD 48
14.	Honorary inscription for the first duumvir of the municipium Volubitanum	<i>FIRA</i> I, 70	after AD 54

<sup>27</sup> I list the series of inscriptions of the *Acta Fratrum Arualium* of the adjacent years as one item in the corpus for the sake of brevity.

15.	Acta fratrum Arualium	Gordon 125, 127, 129, 131, 141, 144, 146, 148, 149, 150, 151	AD 69, 70, 72, 75, 77, 78, 80, 81, 86, 87, 88, 89, 90, 91
16.	Military diploma	<i>CIL X</i> , 867	AD 71
17.	Military diploma	<i>ILS</i> 1992	AD 74
18.	Military diploma	<i>CIL XVI</i> , 21	76 AD
19.	Letter of Vespasian to the Saborenses	<i>ILS</i> 6092	77 AD
20.	Letter of Vespasian to the Vanacini	<i>CIL X</i> , 8038	77 AD (?)
21.	Letter of Vespasian	<i>ILS</i> 6090	70-79 AD
22.	Military diploma	<i>CIL XVI</i> , 24	79 AD
23.	Dedicatory inscription	<i>ILS</i> 6105	82 AD
24.	Letter of Domitian to the Falerienses	<i>CIL IX</i> , 5420	82 AD
25.	Military diploma	<i>CIL XVI</i> , 28	82 or 83 AD
26.	Dedicatory inscription	<i>ILS</i> 3512	88 AD
27.	Military diploma	<i>CIL XVI</i> , 36	90 AD
28.	Edict of the legate Antistius on wheat distribution	Ramsay 6	about 93 AD
29.	Acts of the college of Silvanus	<i>ILS</i> 3546	Domitian's reign
30.	Letter from Laberius, legate in Moesia	Smallwood 441	100 AD

## 1.2 Historical development and ancient evidence for variation of the type

### *maximus/maxumus.*

In the position before labials, due to weakening of vowels in non-initial syllables because of the initial stress accent,<sup>28</sup> the original vowel became *u* in early Latin (occasionally also *e* or *o*) (Allen 1978: 56; Leumann 1977: 87). In the later period *u* before labials tended to change to *i* in non-stressed non-initial syllables, while in initial position and under the accent in a medial position the *u* vowels were as a rule retained (Allen 1978: 57).

The earliest example of spelling with *i* before labials in a dated inscription occurs in *CIL* I<sup>2</sup> 584 (117 BC): *infimo* alongside *infumum*. However, the change *u* > *i* was not always implemented and there was considerable variation in such words, mostly in non-initial syllables (e.g. *maxumus/maximus*, *optimus/optumus*). The largest group of words where this variation occurs are superlative forms of adjectives (e.g. *pulcherrimus/pulcherrumus*, *aptissimus/aptissumus*). In this chapter I will discuss this type of variation from the perspective of standardisation in the corpus of inscriptions of 100 BC – AD 100.

Some preliminary considerations should be mentioned before discussing the inscriptional evidence. The most frequently discussed question in connection with this type of variation is that of the phonetic value of the letters *i* and *u* before labials. Many scholars believe that this variation reflects the existence of an intermediate sound between *i* and *u* (e.g. Allen 1978: 58), of which the actual phonetic value is debatable.<sup>29</sup> This view is based primarily on a passage in Quintilian, who mentions an intermediate sound at 1, 4, 8, but the passage is open to other interpretations.<sup>30</sup>

<...> et medius est quidam u et i litterae sonus (non enim sic optimum dicimus aut optumum, et <in> here neque e plane neque i auditur.

<sup>28</sup> On weakening of vowels in non-initial syllables in general see Leumann (1977: 79-91).

<sup>29</sup> On the debate see e.g. Morani (2000: 148-51); Weiss (2009: 65).

<sup>30</sup> On views on the pronunciation of words of the type *maximus/maxumus* see Traina (1973: 44; 71-72).

and there is also an intermediate sound between *u* and *i*, for we do not say *optimum* or *optumum*, and in *here* the sound is neither exactly *e* nor *i*.<sup>31</sup>

I agree with Leumann (1977: 89) that there is not enough evidence for the existence of an intermediate sound. Further evidence on the phonetic value of *i/u* before labials in grammarians is inconclusive.<sup>32</sup> By contrast to Quintilian, Velius Longus clearly distinguishes between *i* and *u* in pronunciation of words of *maximus/maxumus* type and suggests that in words such as *aucupium* the sound *u* was closer to actual pronunciation (*GL* 7, 75, 12 – 76, 8):

Aurifex melius per *i* sonat, quam per *u*. at aucupare et aucipium mihi rursus melius uidetur sonare per *u* quam per *i*; et idem tamen aucipis malo quam aucupis, quia scio sermonem et decori seruire et aurium uoluptati. unde fit ut saepe aliud scribamus, aliud enuntiemus, sicut supra locutus sum de uiro [uero] et uirtute, ubi *i* scribitur et paene *u* enuntiatur. unde Ti. Claudius nouam quondam litteram excogitauit similem ei notae quam pro aspiratione Graeci ponunt, per quam scriberentur eae uoces quae neque secundum exilitatem *i* litterae neque secundum pinguitudinem *u* litterae sonarent, ut in uiro et uirtute <...>. est autem ubi pinguitudo *u* litterae decentius seruatur, ut in eo quod est uolumus nolimus possumus. at in contimaci melius puto *i* seruari: uenit enim a contemnendo, tametsi Nisus et contumacem per *u* putat posse dici a tumore.

*Aurifex* sounds better with *i* than with *u*. However, *aucupare* and *aucipium*, it seems to me, sound better with *u* than with *i*. And in the same way I prefer to pronounce *aucipis*, not *aucupis*, because I know that speech has to follow the rules of beauty and be a delight of the ears. This is the reason why we often write one thing and say another, just as I said above about *uir* and *uirtus*, in which words we write *i* and pronounce almost *u*. That is why Tiberius Claudius

<sup>31</sup> The B group of manuscripts has *sic dicimus optimum ut opimum*. This version suggests that the contrast is between a clearly pronounced *ī* in *opimum* and a not clearly pronounced *i* in *optimum*. Allen (1978: 56) defends this variant. The inclusion of the pair *here/heri* in this passage is not unproblematic (these two words were pronounced differently and it is unclear why Quintilian mentions them side by side here in the discussion of pronunciation). Colson (1924: 40) suggests that the pair *here-heri* could be an insertion, added by analogy to 1, 7, 22, where *here-heri* is also mentioned next to *optumus-optimus* in a discussion of spelling.

<sup>32</sup> On the evidence in grammarians see Brambach (1868: 107-27) and Desbordes (1990: 195-6).

invented a new letter similar to the sign the Greeks use to mark aspiration, with which letter sounds might be written that sounded neither thin as *i* nor full as *u*, as in *uir* and *uirtus*. <...> But there are places where it is more appropriate to preserve the full sound of *u*, as in the case of *uolumus nolumus possumus*. But in the word *contimax*, I think, it is better to preserve *i*, for it is derived from *contemnendo*, though Nisus thinks that one can even say *contumacem*, because it is derived from *tumor*.

Velius considers these cases of *i* and *u* as distinct in pronunciation. It is not certain to what extent these are theoretical musings of a grammarian and an attempt to justify variation purely in spelling and to what extent this passage reflects phonetic reality. It is possible that the general context here is the polemic against the restrictive attitude of grammarians and against their artificial rules: in the last sentence of the passage Velius argues against false etymology and forced analogy for the word *contimax*.

In certain words *u* was retained (e.g. *documentum*,<sup>33</sup> *integumentum*), whereas other words always had *i* in the same position (e.g. *regimentum*, *animus*, *inimicus*). This could indicate that in some cases spelling with *i* or with *u* was tied to specific lexemes as a purely spelling convention. The question of lexeme-specific spelling will be addressed in my analysis of inscriptional evidence in this chapter. Evidence for lexeme related spelling is important for our study because it indicates a lack of any universal standardisation process in spelling (and perhaps standardisation in general).

Niedermann (1953: 24) suggested that possibly the vocalism of other syllables in the word may have had an effect on the choice of *u* or *i* (e.g. *occupare* and *occipere*).<sup>34</sup> However, there are examples that do not fit with this idea of phonetically determined variation: we have

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<sup>33</sup> However, the form *documentum* is attested in *CE* 97 (line 11) = *CIL* IX 1164 and also occurs in the older manuscripts of Cicero (*Rep.* 1, 33; 3, 15; *Mil.* 22) and Livy (3, 56, 13; 24, 45, 5; 33, 12, 7; 45, 37, 3; 45, 40, 6; 45, 44, 13), according to *TLL* 5, 1, 1803-1804 s.v. *documentum*. These occurrences are not recorded in the OCT editions, but they are notably in contrast with the potentially problematic practice of modern editions of editing away variation that is attested in manuscripts, which was addressed in the introduction.

<sup>34</sup> Cf. Sommer and Pfister (1977: 88), who also suggest that the close or open character of the preceding vowel largely determines the choice of *u* or *i* before a labial.

*integumentum*, but *regimentum*, also *possumus* (possibly by analogy with *sumus*), *uolumus* and *quaesumus*. The latter forms retained *u* although the usual ending of the first person pl. in the third declension is *-imus* and are in contrast with forms such as *colimus*. When relevant, I will consider the possibility of a phonetic interpretation, but, as pointed out in the introduction, I will study variation first and foremost at the spelling level.

More important for the present study than the question of how this type of variation in spelling reflects pronunciation is the attitude of the ancient writers to it. Ancient sources refer to Cicero and Caesar as the advocates of *i*: Velius Longus attests that Cicero considered the pronunciation with *u* *rusticanus* ‘uneducated’ (but *u* occurred both in spelling and pronunciation, according to him).<sup>35</sup> Varro says (ap. Cassiod. *GL* 7, 150, 10-17) that Caesar promoted the pronunciation and spelling with *i* and his usage was then universally accepted because of his authority (*Terentius Varro tradidit Caesarem per i eius modi uerba solitum esse enuntiare et scribere: inde propter auctoritatem tanti uiri consuetudinem factam*). This is interesting because it suggests that usage was less uniform in Caesar’s time and was established under his standardising influence and because of his authority.

The advocacy of *i* by Cicero and Caesar, which was in accordance with their standardising attitudes, was not universally accepted: Velius Longus reports that Augustus preferred *u* to *i*, at least in spelling (*GL* 7, 67, 3-5):

Varie etiam scriptitatum est mancupium, aucupium, manubiae, siquidem C. Caesar per i scripsit, ut apparet ex titulis ipsius, at Augustus [i] per u, ut testes sunt eius inscriptiones.

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<sup>35</sup> <...> *ut iam in ambiguitate cadat, utrum per i quaedam debeant dici an per u, ut est optumus, maxumus. in quibus annotandum antiquum sermonem plenioris sonus fuisse et, ut ait Cicero, rusticanum atque illis fere placuisse per u talia scribere et enuntiare. <...> (GL 7, 49, 19-22)*. Velius then states that those who want to archaïse can spell with *u*, but they should not use the equivalent pronunciation: *et concedamus talia nomina per u scribere iis qui antiquorum uoluntates sequuntur, ne tamen sic enuntiet, quo modo scribunt (GL 7, 50, 5-7)*. On the passage see also Di Napoli (2011: 105-108).

And also ‘mancupium’, ‘aucupium’, ‘manubiae’ were frequently written in different ways, since C. Caesar wrote them with *i*, as his *tituli* manifest, but Augustus wrote them with *u*, as is attested by his inscriptions.

Augustus also wrote *simus* for *sumus*, as attested in Suet. *Aug.* 87, 2 (*ponit assidue et pro stulto baceolum <...>, item simus pro sumus*).<sup>36</sup> Marius Victorinus (*GL* 6, 9, 5) attests, in the list of other unusual forms used by various authors, that Messala, Brutus and Agrippa also wrote *simus* for *sumus* (perhaps by analogy with forms of the third decl. in *-imus*).

This non-restrictive attitude is also noteworthy in the later period. For example, Cassiodorus, in the same passage where he notes Varro’s words about Caesar’s preference for *i*, speaks in favour of *i* as based on usage at *GL* 7, 150, 16 (*melius tamen est et ad enuntiandum et ad scribendum i litteram pro u ponere, in quod iam consuetudo inclinavit*), but uses the verb *inclinare* ‘to have a tendency’, thus speaking of a preference for *i*, not of an absolute rule. These liberal attitudes of grammarians might suggest that absolute standardisation was perhaps not achieved or sought, but of course their discussions do not always reflect the linguistic reality.

In order to gain a better understanding of the development of this variation, it is essential to study the evidence in inscriptions. Variation between *i* and *u* is well attested in inscriptions from 100 BC – AD 100, but, to my knowledge, has not been explored systematically.<sup>37</sup> This study is an attempt at a systematic analysis of the material in legal and official documents in the period 100 BC – AD 100. The main aim is to observe to what extent the forms with *i* replaced the forms with *u*. If there was a strong tendency to eliminate variation across all legal and official texts, this would point to a deliberate attempt at standardisation. If, on the contrary, variation in official inscription continues, it suggests rather an absence of fixed spelling norms and a relaxed attitude to variation.

<sup>36</sup> The spelling *simus* for *sumus* is also attested in *CE* 186 = *CIL* IX 3473.

<sup>37</sup> Some data are collected by Corssen (1868: 1. 332-339) for republican inscriptions, but he uses the inferior edition *CIL* I; new improved editions and new inscriptions have become available since then.

### 1.3 Variation of the type *maximus/maxumus* in legal inscriptions.

The occurrences in legal inscription in the first century BC are listed in the following table.

*I/u* in the legal inscriptions of the first century BC

	Inscription	<i>U</i>	<i>I</i>
1.	RS 14	<i>proxume</i> (adv.)	-
2.	RS 15	<i>in di[eb]us proxume[is]</i> <i>in di[eb]us proxumeis</i> <i>monumentum</i> <i>eo sexennio [p]roxumo</i> <i>mancupioe</i>	-
3.	CIL I <sup>2</sup> 588	-	-
4.	RS 16	<i>recuperatorum</i>	-
5.	RS 17	<i>recuperator[es]</i>	-
6.	RS 19	<i>recuperationes</i> <i>recuperare</i> <i>maritumeisque</i>	-
7.	RS 22	<i>carissumae</i> <i>religiosissimum</i> <i>[pulce]rrume</i> <i>nobilissumam</i> <i>sa[nc]tissumam</i>	-
8.	RS 20	-	-
9.	RS 24	<i>in diebus proxumeis</i>	<i>horam decimam</i>

		<i>diebus triginta proxumeis</i> <i>maxumam potestatem</i> <i>diebus sexaginta proxumeis</i> <i>diebus (quinque) proxumeis</i> <i>in eo anno proxumo</i>	<i>maximum magistratum</i> <i>maximamue potestatem</i>
10.	RS 28	<i>ex ieis quae proxsume s(cripta)</i> <i>s(unt)</i>  <i>recup(eratorium)</i>	-
11.	ILS 5743	<i>proxume (adv.)</i>	<i>quam maxime</i> <i>reciperatorium</i> <i>reciperatorium</i>
12.	FIR 40	-	-
13.	ILS 5050	-	<i>Ioui optimo maximo</i> <i>Iuppiter optime maxime</i>
14.	Ehrenberg 98	-	<i>felicissimum</i> <i>clarissimi uiri</i>
	<b>total</b>	25	10

In the earliest legal texts (no. 1-7, dated roughly between Sulla's rule and the first half of the first century BC) *i* before labials does not occur. Variation of the type *maximus/maxumus* is attested for the first time in the *Tabula Heracleensis* (RS 24), dated to Caesarian times: this corresponds to the evidence of the grammarians about the time of the introduction of spelling with *i*. In the *Tabula Heracleensis* the spelling with *u* is still preferred

(6: 3). The *Lex de Gallia Cisalpina* (RS 28), dated to the period after the suppression of the province of Gallia Cisalpina in 42 BC, only has forms with *u*: *proxsume* (I, 43), *recup(eratorium)* (II, 23). The preference changes for *i* in the latest inscriptions of the list, dated to the end of the first century BC (no. 13 and 14).

It is worth considering whether the spelling is tied to specific lexemes. On the one hand, the earlier texts have *recuperator* (RS 16, 17, 19), but an inscription from the Augustan period has *reciperator* (ILS 5743): in this case the spelling either changes to *i* or there is variation (there are not enough occurrences to decide which one is the case).

By contrast, *proxumus*, which is the most frequent word of this type, is always written with *u*. *Proxumus* is used mostly in temporal meaning in an expression (*in*) *diebus* (number of days) *proxumis*. Notably, those legal inscriptions that demonstrate variation in other words of the *maximus/maxumus* type (RS 24 and ILS 5743), always have *proxumus*: the *Tabula Heracleensis* (RS 24) has *in diebus proxumeis* (24; 144; 153), *diebus proxumiis* (41), *anno proxumo* (160), but variation in the spelling of *maximus/maxumus*: *maximus* is written twice with *i* (142) and once with *u* (130).

Similarly, the Edict of Augustus (ILS 5743) has *proxume* (line 27) alongside *maxime* (line 28). In the republican period the expression (*in*) *diebus proxumis* is attested both in the inscriptions of the first century BC (see the table above) and in the statutes of the second century, where the form is also always written with *u*; in the second century BC the expression occurs, for example in the *Lex repetundarum* and the *Lex agraria* (RS 1-2) 5 times (and also in a similar phrase *in bid<uo> proxumo*) and in the *Lex Latina Tabulae Bantinae* (RS 7) twice.

By contrast, *CIL I*<sup>2</sup>, according to the index, has two occurrences of the word: *proxum(o loco)* in an epitaph in *CIL I*<sup>2</sup> 1836 (= CE 72) and *qua proximum est* in a sign for directions to the temple of Feronia in *CIL I*<sup>2</sup> 1847. In both cases *proximus* signifies proximity in a geographical, not in a temporal sense.

Thus, the phrase *in diebus proxumis* is probably an expression that is associated with legal contexts. *Proxumus* continued to be written with *u* as an established spelling convention as part of this legal expression. For other words we observe no such spelling conventions in legal texts.

Among classical authors only Varro (twice, both times with *i*, according to the manuscripts, at *R.* 2, 4, 19; 2, 7, 14) and Sallust (*Jug.* 28, 2) have the expression *in diebus proximis/proxumis*. Sallust uses the phrase when he describes the decision of the senate about receiving Jugurtha's legates in Rome (*senatus <...> consultus est <...> iique decreuere, <...> uti in diebus proxumis decem Italia decederent*). Notably, the spelling in Sallust is *proxumus* in all manuscripts. The phrase with the spelling *proxumus*, as our observations of legal inscriptions suggest, was a characteristic of legal language and Sallust probably uses the phrase spelt thus on purpose in this passage, where he talks about the senate's decree.<sup>38</sup> At the same time, it is noteworthy that Sallust, as far as the manuscripts show, demonstrates a preference for the spelling with *u* throughout his work, not just in legal contexts (Reynolds 1991: XXV).

The following table shows all occurrences of relevant words in legal inscriptions of the first century AD.

*I/u* in the legal inscriptions of the first century AD

	Inscription	<i>U</i>	<i>I</i>
15.	<i>ILS 154</i>	-	<i>Uictimae</i> <i>pontif(icus) maximus</i> <i>felicissime</i>
16.	<i>RS 37-38</i>	<i>existu[marent]</i>	<i>Maximus</i>

<sup>38</sup> The phrase reappears in the legal texts in Late Latin period in the *Institutiones Gai* (2, 165, 3) and the *Digesta Iustiniani* (9, 2, 29; 18, 1, 40).

		<i>monum[entum]</i> <i>intumus</i> <i>proxumo senatu</i> <i>quam celeberrimo</i>	<i>quam maxime</i> <i>[pro]ximo anno</i> <i>plurimos</i> <i>quam maxime</i>
17.	<i>Eck</i>	24 <sup>39</sup>	<i>celeberrimo</i> <i>plurimos</i>
18.	<i>ILS 6579</i>	-	<i>Iustissimum</i> <i>C. Veianius Maximus</i>
19.	<i>ILS 6043</i>	<i>optumi principis</i>	<i>paecepto augustissimo</i> <i>cruentissimo genere</i> <i>inimicissimam faciem</i> <i>clarissimis uiris</i> <i>ornatissimi uiri</i>
20.	<i>ILS 206</i>	-	<i>pont(ificus) maxim(us)</i> <i>existimauerunt</i> <i>libentius</i>
21.	<i>ILS 5947</i>	<i>optumi (maximique principis)</i>	<i>maximique principis</i> <i>uir ornatissimus</i> <i>uir clarissimus</i>
22.	<i>RS 39</i>	-	-
23.	<i>ILS 6089</i>	-	<i>proximo tempore</i> <i>intra proximum annum</i> <i>in diebus xxx proximis</i> <i>in diebus xxx proximis</i>
24.	<i>ILS 6088</i>	<i>legitumis nuptis</i>	-

<sup>39</sup> The occurrences are listed in the separate table below.

		<i>in diebus quinq(ue) proxumis</i> <i>in diebus quinque proxumis</i> <i>in triduo proxumo</i> <i>optum(o) iure</i> <i>in diebus x proxumis</i> <i>proxumus c(iuis) R(omanus)</i>	
25.	ILS 6964	-	-
26.	RS 25	<i>in diebus (decem) proxumis</i> <i>(optima lege) optumo iure</i> <i>optuma lege</i> <i>in diebus (sexaginta) proxumis</i> <i>in diebus proxumis</i> <i>annis proxumis</i> <i>in diebus proxumis</i> <i>recu(peratorio)</i> <i>decumanis</i> <i>decumanosque</i>	<i>optima lege (optumo iure)</i> <i>monimumentum</i> <i>reciperatores</i> <i>recip(eratores)</i> <i>recip(eratores)</i> <i>recip(erator)<sup>40</sup></i>
27.	González and Crawford	corresponding to no. 24: <i>optum[o] iure</i>  no parallel to no. 23 and 24: <i>optumaque lege</i>  <i>in eos dies qui proxsumi futuri</i>	<i>reciperatorumque</i>  corresponding to no. 24: <i>legitimis nuptis<sup>41</sup></i>  <i>in diebus quinque proximis</i>  <i>(2x)<sup>42</sup></i>

<sup>40</sup> The text is uncertain (tablet d, col. II, fr. 8).

<sup>41</sup> Cf. *legitimis nuptis* in the other copy of the Flavian municipal law, the *Lex municipii Salpensani* (no. 24).

<sup>42</sup> Cf. *in diebus quinque proxumis* in ILS 6088 (no. 24). It is necessary to point out that a new improved edition of this inscription is yet to appear.

	<p><i>aestumauerit</i> (2x)</p> <p><i>aestumatio</i> (3x)</p> <p><i>recuperatorum</i></p> <p><i>recuperatores</i></p> <p><i>aestumato</i></p> <p><i>aestumauerit</i></p> <p><i>aestumauerint</i></p> <p><i>aestumandi</i></p> <p><i>aestumato</i></p>	<p><i>in triduo proximo</i></p> <p><i>in diebus x proximis</i></p> <p><i>proximus ciui Romano</i></p> <p><i>optimo iure</i></p> <p>text that does not survive</p> <p>in no. 24 and no. 23:</p> <p><i>proximum</i></p> <p><i>proxime</i></p> <p><i>in diebus x proximis</i></p> <p><i>maxime</i></p> <p><i>proximo anno</i></p> <p><i>diebus lxxxx proximis</i></p> <p>texts corresponds to no. 23:</p> <p><i>intra proximum annum</i></p> <p><i>in diebus xxx proximis</i></p> <p>(2x)</p> <p><i>maxime</i></p> <p>text that does not survive</p> <p>in no. 23 and 24:</p> <p><i>aestimatio</i></p> <p><i>fr[e]quentissimos</i></p> <p><i>maxim[e]</i></p>
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			<i>reciperatorum</i> <sup>43</sup> <i>in diebus quinque</i> <i>proxi[mis]</i> <i>maxime</i> <i>reciperatorum</i> <i>reciperatores (6x)</i> <i>in biduo proximo</i> <i>proxime</i> <i>reciperatores (2x)</i> <i>in loco celeberrimo</i>
	<b>total</b>	63	72

Variation continues in legal texts in the first century AD. From the perspective of standardisation it is striking that the variant with *u* does not become obsolete and variation continues: both variants are used side by side in the late first century in *ILS 5947 (optumi maximique principis)* and in *RS 25 (optimo lege optumo iure)* and also in different copies of the Flavian municipal law (no. 23, 24 and 27).

Notably, the form *proxumus* occurs in the expression *in diebus proxumis* until the late first century AD. By contrast with the inscriptions of the first century BC, we observe variation between *proximus* and *proxumus* in this expression, which reflects the gradual shift towards the spelling with *i*. Towards the end of the first century AD it probably becomes a question of orthographic tradition (or possibly even individual taste), whether to use *proximus* or *proxumus* in this expression. In the *Lex Irnitana* (no. 27) and in the *Lex municipii Malacitani* (no. 23), for example, the spelling *in diebus proximis* is preferred, whereas in another copy of the same text, the *Lex municipii Salpensani* (no. 24), the spelling *in diebus*

<sup>43</sup> Cf. this spelling *reciperatorum* (line 27) and *recuperatorum* (line 24) in the same phrase (*arbitri recuperatorum*) in the same chapter (chapter 84).

*proximus* is consistently used (cf. also *in diebus xxx proximis* in ILS 6089 and *in diebus (sexaginta) proxumis* in RS 25).

Other words do not occur frequently enough to make observations about spelling conventions, but variation is attested (*recipator/recuperator*, *plurimus/plurimum*, *monimentum/monumentum*, *existimare/existumare*). The word *maximus* is always written with *i*, as are other superlatives in *-imus* (except in no. 17, see the discussion below).

The *Senatus consultum de Cn. Pisone patre* (no. 17 in the list, dated to AD 20) represents an interesting case for the study of spelling variation, because there are two copies of this inscription (A and B in Eck's edition) that preserve a large part of the original text,<sup>44</sup> and we can compare these two versions from the point of view of spelling consistency. I include here a table of all occurrences of forms in *i/u* in the inscription (the number refers to the number of the line in copy A or B).

#### Variation in the *Senatus consultum de Cn. Pisone patre*

<i>U</i>	<i>I</i>
<i>plurimos</i> B41	<i>plurimos</i> A50
<i>plurimum</i> A117, A164	
<i>pluruma</i> A109	
<i>celeberrumae</i> A170	<i>celeberrimo</i> A171
<i>maxumus</i> A5 (= B4)	
<i>maxume</i> A149	
<i>optume</i> A115, A142 (= B105)	
<i>optumo</i> A58 (= B48)	
<i>manifestissima</i> A18 (= B14)	

<sup>44</sup> There are six copies in total, but four of them only consist of a few lines. On the history of the text and description of all copies see Eck (1996: 30-34).

<i>pessumo</i> A48 (= B39)	
<i>uetustissumo</i> A54 (= B44)	
<i>indulgentissumo</i> A59 (= B48)	
<i>constantissima</i> A64 (= B53)	
<i>dissimillumum</i> A97 (= B76)	
<i>grauissima</i> A109	
<i>iustissumas</i> A114 (= [...]suma B87)	
<i>parcissime</i> A118 (= B89)	
<i>probatissum(a)</i> A138 (= [...]atissima B102)	
<i>felicissumo</i> A139	
<i>fidelissumum</i> A145 (= [...]lissumum B 107)	
<i>fidelissima</i> A164	
<i>effusissumis</i> A157	

The spelling of these words does not differ between copies A and B, with the exception of *plurimos* in A50 as opposed to *plurumos* in B41. Superlative forms are consistently spelt with *-umus*, except *celeberrimae* in A171 (but cf. *celeberrume* in A170).<sup>45</sup> It is usually believed that from Caesar's time the prevailing spelling was *-imus* (Leumann 1977: 88) and it is also the prevailing spelling in the legal texts from the late first century BC; therefore consistent use of forms with *u* is noteworthy in this inscription.

Both copies demonstrate consistency in the spelling of *u*, which is even more remarkable given the considerable differences between the two copies in the reproduction of the text. Occasionally the text is slightly different (e.g. *quam ei* at A35 and *quam sibi* at B28; *maius* A34 and *minus* B29). The word order (e.g. *iustissumas ab ea causas sibi* at A114, but

<sup>45</sup> This passage is only preserved in the copy A.

[...]ssuma ab ea sibi causas at B87; *senatum laudare magnopere* at A132 and *senatum magnopere laudare* at B98) and syntax (e.g. the singular *pareret* at A54 and the plural *parerent* at B44; the plural *referentur* at A70 and the singular *referetur* at B57) occasionally vary.<sup>46</sup> In spelling the copies also demonstrate variation, e.g. in the assimilation of prefixes (*conponendum* at A31 and *componendum* at B25), in the spelling of stops in final position (*aliquot* at A23 and *aliquod* at B18) and also in the representation of double consonants. The scribe of the copy B tends to omit double consonants in writing (but not in all forms), as the following table shows (the numbers refer to the lines where the word occurs).<sup>47</sup>

Variation in spelling of double consonants in the *SC de Cn. Pisone patre* – look at Eck for commentary

copy A	copy B
<i>rellationi</i> 7 – false reduplication? The standard form is with one l	<i>relationi</i> 6
<i>esset</i> 9	<i>e set</i> 7
<i>exposuisset</i> 10	[ <i>ex</i> ]posuisset
<i>causam</i> 19	<i>causa</i> 15
<i>accussatoribus</i> 23	<i>accusatoribus</i> 18 standard accusare
<i>occiso</i> 43 standard is with double c (ob-cado)	<i>ociso</i> 35
<i>refferentur</i> 70	<i>referretur</i> 57

<sup>46</sup> For the list of all differences between the two copies see Eck (1996: 67-70).

<sup>47</sup> For all differences between the texts of copies A and B see Eck (1996: 67-70).

	standard with one f
<i>causa</i> 74	<i>caussa</i> 61
<i>desiderasset</i> 87	<i>desideraset</i> 70
<i>mutaset</i> 100	<i>mutasset</i> 78

Apart from the cases listed in the table, potential double consonants are represented in the same way in both copies (e.g. *causa* at A19 and *causam* at B15; *corruptus* at A45 and at B37; the ending *-issumus/-issimus*). There does not seem to be a pattern for this variation: rather, it looks as if both scribes were occasionally unsure of the spelling of double consonants, especially in the case of *ss*. In the first century BC there was a tendency for *ss* > *s* after diphthongs and long vowels, whereas in contracted forms such as *mutasset* *ss* was retained by analogy with *mutauisset* (Leumann 1978: 181). However, in the copies the contracted forms are also subject to variation (e.g. *desiderasset* in the copy A and *desideraset* in the copy B). The inscription probably reflects that the spelling of double consonants was changing and no norm was established. Similarly, the *Res Gestae* (no. 10 in the list of official inscription), also dated to the beginning of the first century (AD 14), also has variation in forms *caussa*, *claussus* and *clausus* (see section 3.2 in this chapter).<sup>48</sup>

Noteworthy is also the occasional use of the archaising genitive *quoius* (B20, B22, B47) alongside *cuius* (B13 and everywhere in the copy A) and the dative *qui* alongside *cui* (A100 = B78, A109, A138). The latter form might be a mistake made from copying the text from hearing.

Eck (1996: 55) refers to the forms with *u* in the *SC de Cn. Pisone patre* as archaisms and ‘problematic’. However, the evidence shows that spelling with *u* was in active use in legal texts of this period and therefore there is nothing problematic about this spelling habit in the *SC de Cn. Pisone*. It appears that ‘archaism’ is in this case a misleading term, since the

<sup>48</sup> Note also, for example, *sacrae religioosae* (line 2) alongside *[sa]cra religiosa* (twice: in line 10 and line 17) in the *Lex Tarentina* (RS 15, n. 2 in the list of the legal inscriptions).

spelling with *u* was in active use in legal texts (but this does not mean that spelling with *u* could not be perceived as a sort of spelling ‘mannerism’).<sup>49</sup>

More remarkable is the consistency in using *u* in these copies. There is a conscious effort of the scribes to write with *u* consistently, while, as already observed, in other cases they have spelling variation and changes in word order and syntax. This is even more remarkable since this text was undoubtedly of great political significance for consolidating Tiberius’ power and there is even (this is unusual for decrees of this kind) an explicit order for publication in the text of the inscription (lines 165-72), which shows its importance. In this highly formal document spelling variation is clearly not a result of poor execution, lack of scribal training or a low-register character of the document, but an attitude. Consistency of the spelling with *u* might suggest that these scribes were trained always to write with *u* and that they adhered to an orthographic tradition that sought to retain the ‘traditional’ spelling with *u*.

By contrast, there is no sign of such consistency in other legal texts. In several inscriptions of the first century AD *i* is used throughout (no. 15, 18, 20 and 23 in our corpus). On the other hand, the *Lex municipii Malacitani* (no. 23) and *Lex municipii Salpesiani* (no. 24), two copies of the Flavian municipal law, show consistency in the use of *i* and *u* respectively. Another copy of the Flavian municipal law, the *Lex Irnitana*, is not consistent in the use of *i* and *u* (e.g. *proxsumi* and *proximis*, *asumatio* and *astimatio* occur). Similarly, both variants are used in the *Lex Coloniae Genetivae Iuliae* (RS 25), which is also dated to the late first century AD.

Our findings show that the spelling of these words was probably influenced by a number of factors, including individual preferences, and possibly different attitudes to these spelling types in different schools of scribal training. Some scribes adhered to more ‘modern’ spelling usage with *i*, whereas others preferred the more ‘traditional’ spelling with *u*, and some were undecided. The spelling with *u* continued to be used in legal texts of the first

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<sup>49</sup> On the distinction between mannerisms and genuine archaisms see the introduction.

century AD probably because of the conservative character of legal Latin and, possibly, because it was associated with the legal contexts.

The inscriptional evidence does not indicate that there is a systematic connection between pronunciation and spelling or that the vocalism of other syllables may have an influence on the choice of *i* or *u*, as Niedermann (1953: 24) suggested. Phonetic interpretation of spelling variation might, therefore, not be a productive approach in this case.

To summarise, this type of spelling in legal inscriptions differs from the usual descriptions in handbooks and grammars: forms with *u* generally do not become obsolete in the first century AD. To some extent, change of spelling to *i* or retention of variation was linked to specific lexemes or morphemes: in the case of the ending of regular superlatives in *-imus/-umus* the form with *i* was firmly established in the first century AD; by contrast, in the case of *proximus* the form with *u* was preferred, whereas with other words there was clearly no fixed convention. We might speculate that this might reflect methods of scribal training and grammatical education: certain spelling conventions were taught for certain forms or words, but not for others. The consistent spelling with *u* in some of the texts (especially in both copies of the *SC de Cn. Pisone patre*) might suggest that there was an established orthographic tradition that prescribed spelling with *u* in all cases.

I will now compare the above results to the use of *i/u* in official inscriptions.

#### 1.4 Variation of the type *maximus/maxumus* in official inscriptions.

The following table lists all the occurrences of words with *i/u* before labials in the official inscriptions of the corpus.

*I/u* in the official inscriptions of the first century BC

	Inscription	<i>U</i>	<i>I</i>
1.	<i>CIL</i> I <sup>2</sup> 709	-	-

2.	<i>CIL I<sup>2</sup> 756</i>	-	-
3.	<i>ILS 43-43a</i>	<i>Maxsumus</i> <i>Maxsumus</i>	-
4.	Wistrand	<i>plurumis necessariis</i> <i>accerbissimum</i> <i>emancupata esset</i> <i>tutelae legitumae</i> <i>uita fidissima</i> <i>ultimum</i>	<i>[max]ime</i> ? <sup>50</sup> <i>sanctissima femina</i> <i>firmissimo [animo]</i> <i>[unam] simillimam</i>
	<b>total</b>	8	4

Relevant words are attested in two inscriptions: the first one (no. 3)<sup>51</sup> has the form *maxsumus* and the other, the so-called *Laudatio Turiae* (late first century BC)<sup>52</sup> has variation in the forms of adjectives, including superlatives in *-imum/-imum*: *accerbissimum* (II, 11), *plurumis* (I, 42), *ultimum* (II, 67) and *legitumae* (I, 21),<sup>53</sup> but *firmissimo* (II, 15), *sanctissima* (I, 9), *simillimam* (I, 43), which shows that at this time the spelling *-imus/-umus* was not yet normalised.

Spelling of relevant words in these inscriptions is consistent with that of the republican inscriptions in *CIL I<sup>2</sup>* (see the table below for the relevant inscriptions): in *CIL I<sup>2</sup>* *u* is also preferred to *i* (of course, many of these inscriptions might have been composed earlier than

<sup>50</sup> In line 4 Flach in his edition of the *Laudatio Turiae* (1991) reads *[maxu]me*, but the text in *ILS 8393* has *[maxi]me*. Mommsen's reconstruction of this inscription (*CIL VI 1527*) has *[maxi]me*. Wistrand in his edition of the *Laudatio Turiae* offers no commentary about this reconstruction.

<sup>51</sup> This inscription was set up in honour of Q. Fabius Maximus Allobrogicus (consul in 121 BC) and re-erected or renovated by Q. Fabius Maximus in 57 BC. Cicero might have referred to the restoration of this inscription by Q. Fabius Maximus at *Vatin. 28 (nihil Maximus fecit alienum aut sua uirtute aut illis clarissimis Paulis, Maximis, Africanis, quorum gloriam huius uirtute renouatam non modo speramus uerum etiam iam uidemus)*.

<sup>52</sup> See Wistrand (1976: 9-10) for discussion of the date and historical context of the inscription.

<sup>53</sup> *Contumeliosis* (II, 17) is not included, since this word always has *u*.

the first century BC)<sup>54</sup> and variation is attested in almost all frequently used words. An exception, notably, are the regular forms of the superlatives, which always end in *-umus*, as is also the case in legal inscriptions until the Augustan period (see above). Possibly, this was an established spelling convention, which changed in most inscriptions from *-umus* to *-imus* in the first century AD (but see below on *ILS* 140).

The following table illustrates the spelling of these words in *CIL* I<sup>2</sup> (the number refers to the number of the inscription):<sup>55</sup>

#### Variation in *CIL* I<sup>2</sup>

Word	<i>U</i>	<i>I</i>
<i>maxumus/maximus</i>	597a; 732; 1366; 1378; 2101; 1531	1423
<i>optumus/optimus</i>	1408; 1423; 1996; 1206; 1378; 2101	-
<i>proxumus/proximus</i>	1836	1847
<i>plurumus/plurimus</i>	( <i>plouruma</i> ) 1861	-
<i>decumus/decimus</i>	632 (twice); 1482; 1531; 1805	-
<i>monumentum/monimentum</i>	792; 834; 1202; 1212;	990 (?); 1204; 1205; 1687;

<sup>54</sup> The data in *CIL* I<sup>2</sup> are of interest for quantitative observations, but say little about diachronic development of usage or genre distribution. In addition, not all the inscriptions in *CIL* I<sup>2</sup> are republican. For example, *CIL* I<sup>2</sup> 25 was probably engraved in the first century AD (as is suggested in the later edition of the inscription in *CIL* VI 1300). On the problems of *CIL* I<sup>2</sup> as the corpus for the study of the Latin language see also Kruschwitz (2004: 14-17).

<sup>55</sup> I use the index in *CIL* I<sup>2</sup>. I exclude the legal inscriptions of the first century BC (they are treated separately in 3.1) and those inscriptions that are dated earlier than the first century BC (e.g. the *Lex Agraria* *CIL* I<sup>2</sup> 585). The remaining undated inscription could, of course, also have been written before the first century BC. The inscription on the column of Duilius (*CIL* I<sup>2</sup> 25) is not included, because its date is disputed: Wackernagel (1979: 1664-71) believed that it was written in the early Empire, but see against this view Niedermann (1936: 276-87) who believed it was a much later copy of the lost original inscription.

	1213; 1215; 1216; 1217; 1220; 1251; 1273; 1274; 1295; 1296; 1319; 1351 (twice); 1578; 1635; 1837; 2123; 2139; 2273	2032
<i>lubet/libet</i>	-	1805
<i>lubens/libens</i>	10; 28, 29, 1763, 1844, 2183, 2226, 1827, 2289, 364b, 1531	33, 392, 1792
regular superlative forms of adjectives	<i>-umus</i> 1345; 1366; 1393; 1419; 1809; 364b; 1378; 1406; 1419; 1590; 2118	<i>-imus</i> -

In the first century AD usage in official inscriptions changes radically and *i* becomes the preferred spelling:

*I/u* variation in the official inscriptions of the first century AD

	Inscription	<i>U</i>	<i>I</i>
5.	<i>ILS 50</i>	-	<i>Maximus</i>
6.	<i>ILS 56</i>	-	<i>Maximus</i> <i>cautissimus</i> <i>peritissimus</i>
7.	<i>ILS 59</i>	-	-
8.	<i>ILS 139</i>	-	<i>pontificis maximi</i>

			<i>plurimos ac maximos honores</i> <i>pontificis maximi</i> <i>pontificem maximum</i>
9.	<i>ILS</i> 140	4 <sup>56</sup>	5
10.	Scheid	<i>septuagensu[mum]</i> <i>[quadra]censu[mum]</i> <sup>57</sup>	<i>iudiciis legitimis</i> <i>quadragensimum</i> <i>amplissima colle[gia]</i> <i>[pontif]ex maximus</i> <i>annum quantum et decimum</i> <i>in consulatu decimo</i> <i>undecimum</i> <i>duodecimum</i> <i>duoduieensimum</i> <i>ad circum maximum</i> <i>consul septimum</i> <i>finitimae gentes</i> <i>(regio) proxima (2x)</i> <i>(coloniae) celeberrimae et</i> <i>frequentissimae</i> <i>plurimaeque (gentes)</i> <i>septimo</i>
11.	<i>ILS</i> 190	-	<i>Iuppiter optimus maximus</i>
12.	Gordon 82-3, 102, 104, 107, 110-11,	-	<i>Iuppiter optime maxime (2x</i> <i>102)</i> <sup>58</sup>

<sup>56</sup> See the next table for the list of words in *ILS* 140.

<sup>57</sup> Attested in the copy from Antioch, see the discussion below.

<sup>58</sup> For the discussion of spelling of this table (Gordon 102) see the chapter on the Claudian letters.

	116, 119		<i>sacratissi(mi)</i>
13.	<i>ILS</i> 212	-	<i>quam maxime</i> <i>sodalis fidelissimus</i> <i>ornatissima colonia</i> <i>ualentissimaque</i> <i>familiarissimae</i> <i>indignissimoque hoc casu</i> <i>nobilissimum uirum</i> <i>maxime</i>
14.	<i>FIRA</i> I, 70	-	<i>indulgentissimo uiro</i>
15.	Gordon 125, 127, 129, 131, 141, 144, 146, 148, 149, 150, 151	<i>uictuma</i> <sup>59</sup>	<i>Maximi</i> <i>uictimis immolates</i> <i>in proximum annum</i> <i>Ioui opt(imo) maxim(o)</i> <i>maximo procuratore</i> <i>pontificis maximi (3x)</i> <i>proximae</i> <i>pontif(ici) maxsimo</i>
16.	<i>ILS</i> 1991	-	<i>Maximi</i>
17.	<i>ILS</i> 1992	-	<i>pontifex maximus</i>
18.	<i>ILS</i> 1993	-	<i>pontifex maximus</i>
19.	<i>ILS</i> 6092	-	<i>pontifex maximus</i>
20.	<i>CIL</i> X, 8038	-	<i>post septimum consulatum</i>

<sup>59</sup> *ILS* 5033 (= *CIL* VI 2059 = Gordon 144) has the form *uictuma*, which I include in the list of forms with *u* below. Gordon reproduces lines 18-39 in no.144, but omits lines 35-55 reproduced in *ILS* 5033 of the original inscription which seem to be lost.

21.	<i>ILS 6090</i>	-	<i>Lepide carissime</i> <i>maxime</i>
22.	<i>CIL XVI, 24</i>	-	<i>pontifex maximus (2x)</i>
23.	<i>ILS 6105</i>	-	<i>ornatissimo uiro</i> <i>a sacratissimo imp(eratore)</i>
24.	<i>CIL IX, 5420</i>	-	<i>diligentissimi (2x)</i>
25.	<i>ILS 1995</i>	-	<i>pontifex maximus</i>
26.	<i>ILS 3512</i>	-	<i>bonae deae sanctissimae</i>
27.	<i>ILS 1998</i>	-	<i>pontifex maximus</i>
28.	Ramsay 6	-	<i>splendissim(i)</i> <i>tricensimum</i> <i>inequissimum</i>
29.	<i>ILS 3546</i>	<i>optum(i) principis</i>	-
30.	Smallwood 441	-	<i>Mari Laberi Maximi (2x)</i>
	<b>total</b>	7	73

The most frequently used word is *maximus* (mostly as part of the official title *pontifex maximus*), which is always written consistently with *i*, as is also the case in legal texts (see 3.1); the only exception is the form *maxsumus* in the cenotaph for C. Caesar *ILS 140* (see below). By contrast, in legal texts the preferred spelling is *proxumus*, but in the official texts *proximus* is always written with *i*. Therefore, the preference for *proxumus* in legal inscriptions was most likely a characteristic of legal texts and, as observed above (3.1), was possibly linked to its idiomatic use in the expression *(in) diebus proxumis*.

This relatively sudden change of spelling practice that happens by the end of the Augustan period (the inscriptions of the Augustan period still demonstrate variation) is noteworthy. Possibly, there might have been standardising attempts behind this change.

On the other hand, these hypothetical attempts were not altogether successful, since variation in official texts was not completely eliminated in the first century AD. Forms with *u* occur in total in 7 words in four inscriptions:

Words with *u* in official inscriptions of the first century AD

<i>maxsumus</i>	<i>ILS</i> 140, line 8
<i>simillumum</i>	
<i>iustissimum</i>	
<i>legitumus</i>	
<i>optumus</i>	<i>ILS</i> 3546, line 20
<i>septuagensu[mum]</i>	Scheid ch. 35, line 1
<i>uictuma</i>	<i>ILS</i> 5033, line 41

Two of the texts belong to the Augustan period: the cenotaph for C. Caesar *ILS* 140 (AD 4) and the *Res Gestae Divi Augusti* (AD 14). In addition, *u* also occurs in two inscriptions that are dated to the late first century: the fragment of the *Acta fratrum Arualium* *ILS* 5033 (AD 81) and in the inscription of the priest of the Silvanus' college *ILS* 3546 (late first century).

The cenotaph for C. Caesar of AD 4 (*ILS* 140) has variation. By contrast, in the cenotaph for L. Caesar *ILS* 139 (AD 2-3) all relevant words are written consistently with *i*: thus, within one genre of texts of the same period spelling habits could vary. The following table lists the relevant words in these two inscriptions:

Forms with *i* and *u* in *ILS* 139 and *ILS* 140

<i>ILS</i> 139		<i>ILS</i> 140	
<i>I</i>	<i>U</i>	<i>I</i>	<i>U</i>

<i>maximi</i> (twice) <i>maximus</i> <i>maxsimos</i>	-	<i>maxsimis</i> <i>maxsimo</i> <i>maximo</i>	<i>maxsumi</i>
<i>plurimos</i>	-	-	-
		<i>celeberrimo</i>	
		<i>belicosissimis</i>	
			<i>simillumum</i>
			<i>iustissimumum</i>
			<i>legitume</i>

Notably, in the *Res Gestae Divi Augusti* relevant words are written consistently with *i* (19 times), but there is *septuagensimum* at 35, 1. There is variation between copies of the text at 8, 2: the copy from Ancyra (the *Monumentum Ancyranum*) has *quadragesimumum*, but the copy from Antioch (the *Monumentum Antiochenum*) has [*quadra*]censu[mum], which is remarkable, since the copies display otherwise relatively few differences.<sup>60</sup> These occurrences show that the spelling with *u* had not yet been eliminated from educated usage in the Augustan period and could be used even in the most official documents intended for public display.

In *ILS* 5033 (AD 81), a fragment of the *Acta fratrum Arualium*, the word *uictuma* (line 41) is attested alongside *proximus* (line 42). All other inscriptions of the *Acta Fratrum Arualium* from the first century AD (no. 12 and 15 in the list)<sup>61</sup> consistently use *i*. This consistency is striking, since in these highly formulaic sacral texts we expect a tendency to resist modernising spelling practices. Some other features of these inscriptions, e.g. the use of

<sup>60</sup> See Scheid LXVI-LXVII for the list of differences between the two copies.

<sup>61</sup> The *Acta Fratrum Arualium* are a series of inscriptions recording the proceedings of college of *fratres Aruales*, usually concerning sacrifices and meetings of the college members. For a more detailed discussion of their content and importance see chapter 4 on the Claudian letters.

sigmatic forms, are indeed archaising, but in the case of *i/u* the ‘newer’ spelling with *i* is used consistently.

Notably, spelling variation of the type *maximus/maxumus* is also attested in less formal inscriptions in the archive of the banking family of Sulpicii (first century AD).<sup>62</sup> The stipulation of C. Novius Eunus (*TPSulp.* 51)<sup>63</sup> might have the form *luberto* alongside *liberto*<sup>64</sup> in the *scriptura interior*, written by Eunus himself (tab. 1, pag. 2, line 5). The scribe writes *liberto* in the *scriptura exterior* (tab. 3, pag. 5, line 4). The form *luberto* is remarkable, since *libertus* has long *ī*. Eunus must have used *lubertus* as a hypercorrection, on the model of *lubet* beside *libet* (Adams 1990: 231).

Eunus also has *per Iobe optumm maxumu* (= *per Iouem Optimum Maximum*) with *u* in *TPSulp.* 68 (tab. 2, line 12). Notably, the scribe also writes with *u*: *per Iouem Optimum Max(umum/imum)*. In this case it is not a false hypercorrection, but a set expression that is also attested with *u* in *CIL* I<sup>2</sup> (see above).<sup>65</sup> In the first century AD the expression is also attested with *i* in official inscriptions (*ILS* 190; Gordon 102).

In *TPSulp.* 15, which is a *uadimonium*, we have *ante aram [M]artis Vltoris pr[o]xum[e] gradus* in the *scriptura interior* (tab. 1, pag. 2, line 4). The scribal version is not preserved. Also, in *TPSulp.* 19 (*testatio sistendi*) we have *[prox]ume gradus* in the *scriptura interior*. Thus, it is remarkable that not only scribes, but private individuals in the archive use the form with *u* – maybe to make these documents, which are of legal nature, look more like official legal inscriptions, which, as observed above (3.1), retain the spelling with *u* in the first century AD.

<sup>62</sup> On the history of discovery, dating and language of the archive see the chapter on the Claudian letters (chapter 4). I use the edition by Camodeca (1999) and his abbreviation *TPSulp.*

<sup>63</sup> For the discussion of linguistic features of the document see Adams (1990: 227-247) and the chapter on the Claudian letters.

<sup>64</sup> *Luberto* is published by Giordano (1970) and Wolf-Crook (1989). However, Camodeca (1999: 137) argues that the form is in fact *liberto* and the second line of the letter *u* is part of the next letter *l*, written with two lines here and in all other cases in the document.

<sup>65</sup> But cf. *maximus* (not in combination with *optimus*) in *TPSulp.* 50, *TPSulp.* 25, *TPSulp.* 66 (twice).

In addition, forms with *u* are occasionally attested in the inscriptions from Pompei in *CIL* IV, at variance with the prevailing spelling in *i*: *optumus* (5717; 5517; 5711;<sup>66</sup> 6864; 1923; 2184) and *optimus* (in 22 inscriptions), *maxumum* (1811, 1870) and *maximum* (7 times), *plurumam* (3786; 4447) and *plurimam* (5 inscriptions), *opulentissumi* (1939), *septum(ium)* (23), *uicesumaris* (4411), *lacrumae* (4966) and *lacrimas* (4987). In addition, we have words that usually do not attest variation occasionally written with *u*, perhaps sometimes when the authors of the inscriptions wanted to add prestige to the text: *manuplos* (for *manipulos*) (2070), *idubus* (5380), *accupiamus* (only attested here (9313), *cornuff(icio)* (9313). The Pompeian inscriptions were probably composed mostly in the last few years before the eruption of Vesuvius in 79 AD (Väänänen 1959: 14),<sup>67</sup> and it is remarkable that the spelling with *u* that is supposed to be eliminated by that time is still occasionally used in inscriptions from daily life.

### 1.5 Conclusion

Legal texts, although being typically highly formulaic, show more variation in this type of spelling than other formal inscriptions of the same period. This shows that spelling habits changed at a different pace in different contexts and registers and did not result in a universal spelling standard in the period in question. Approaching the Latin spelling system from a modern point of view, seeking to impose one unified standard for literary written language across genres and registers does not seem apt; in modern standard languages formulaic texts or high register texts are typically more homogeneous and more standardised, especially when it comes to spelling. However, whereas Latin legal texts are in many respects formulaic in content and stylistic resources,<sup>68</sup> spelling in fact is less homogeneous than that of the official texts in regard to variation of the type *maximus/maxumus*. At the same time, texts that are

<sup>66</sup> Written as *optummum* (c), as opposed to *optimum* in (a).

<sup>67</sup> Of course, some of the inscriptions can also reproduce texts of earlier date.

<sup>68</sup> See e.g. Crawford (1996: 16-19) on the layout and style of legal texts and on the formulaic expressions.

typically characterised as low-register occasionally use forms with *u* that are usually considered archaising and obsolete in the first century AD. Thus, the degree of variation in Latin is not necessarily linked with the degree of formality or with register, which is the case with modern standard languages.

Based on the evidence, we might consider whether the change to *i* in words of the type *maximus/maxumus* can be seen as a result of a natural development rather than a result of deliberate standardisation. The fact that the change was implemented at a different pace in different genres, supports the idea that the spelling changed ‘naturally’. The existence of individual preferences and, possibly, different scribal traditions, also seems to point towards ‘natural’ change. The activity of language normalisers who supported the change to *i* might have accelerated the change in official inscriptions, which show a relatively quick change of usage around the end of the Augustan period, but their influence was limited, as continuing variation in the legal inscriptions and occasional reappearance of spelling with *u* in the first century show.

An important question is also whether ‘archaising’ is an apt term for legal texts: from our perspective, these texts are more consistent with a tradition and less ready to implement new changes, but not necessarily deliberately archaising. Within the genre of legal texts, in my opinion, forms in *u* were probably not perceived as obsolete, but were considered normal forms in legal contexts and continued to be used actively after they largely fell out of use in other formal texts of the first century AD.

## Chapter 2

### Spelling variation between *ei* and *i*

#### 2.1 Introduction: historical development of the diphthong *ei*.

In Old Latin there was a diphthong *ei*,<sup>69</sup> which was probably preserved in pronunciation until the late third century BC – early second century BC. At some stage in the third century BC *ei* came to be pronounced as a monophthong, presumably as close  $\bar{e}$ .<sup>70</sup> Inscriptions from the second half of the third century BC show evidence of this phonetic change: words previously written with *ei* are sometimes spelled with *e*. The change is reflected, for example, in the spelling *plourume* (nom. pl.)<sup>71</sup> in the eulogy of Scipio the Younger (*CIL* I<sup>2</sup> 9)<sup>72</sup> and in the form *dioue* (dat. sg., Old Latin *Iouei* or *Diouei* (e.g. in *CIL* I<sup>2</sup> 123), classical *Ioui*)<sup>73</sup> in *CIL* I<sup>2</sup> 20.<sup>74</sup> The same form is written with *ei*, *Diouei*, in *CIL* I<sup>2</sup> 123 (probably of an early date). Another example of this change in spelling can be observed in the form *deuas* in *CIL* I<sup>2</sup> 975:<sup>75</sup> the adjective *diuus* originally had *ei* (E-M. p. 170, W-H. p. 345).<sup>76</sup>

<sup>69</sup> *Ei* in Old Latin was either original *ei* or derived from two other diphthongs with *i* by vowel weakening: *ai* and *oi* (Leumann 1977: 421). There is an example of this diphthong in one of the oldest Latin inscriptions, the Duenos inscription (*CIL* I<sup>2</sup> 4, dated to the seventh or sixth century), where we find the form *deiuos* (classical *diuos*). For *deus* < *deiuos* see Sommer (1977: 65).

<sup>70</sup> Close  $\bar{e}$ , which was the result of monophthongisation of the original diphthong *ei*, was probably distinct from the original  $\bar{e}$  in pronunciation. Although *ei* was used both for the original  $\bar{e}$  and  $\bar{e}$ , which resulted from monophthongisation, later they developed differently; close  $\bar{e}$  became  $\bar{i}$ , but the original  $\bar{e}$  was retained (Leumann 1977: 64).

<sup>71</sup> The original ending of the nominative plural in the second declension was *-oi*, with a graphic variant *oe* (Leumann 1977: 65), which is preserved in the forms *pilumnoe poploe* in Festus (*Fest.* 224). The original ending *-oi* (*-oe*) then developed to *-ei* and later to close  $\bar{e}$  (*oi* > *ei* >  $\bar{e}$ ), see Meiser (1998: 134), Leumann (1977: 427).

<sup>72</sup> The eulogy inscriptions for Scipio father and son (*CIL* I<sup>2</sup> 6/7 and *CIL* I<sup>2</sup> 8/9) are dated to the third century BC. More precise dating is not possible. Wachter (1987: 301-342) discusses at length the dating of the father's eulogy on the basis of its linguistic features and argues that it could have been composed after the eulogy of the son.

<sup>73</sup> The dative singular ending in the third declension was originally *-ei*, which is preserved in some old inscriptions (Leumann 1977: 435). See Adams (2007: 56-57) for discussion of the form *Ioue* for dative *Ioui* in inscriptions.

<sup>74</sup> The exact dating of the inscription, given its fragmentary character, is not possible, but the archaic form of the letters points towards an early date.

<sup>75</sup> The inscription is probably of an early date, judging from the shape of the letters, but the exact date is unknown.

<sup>76</sup> Some other examples of the spelling *e* for *ei* are listed in the index to *CIL* I<sup>2</sup> (page 814).

At the same time, *ei* continued to be used in writing. The *Senatus consultum de Bacchanalibus* CIL I<sup>2</sup> 581 (186 BC) has *exdeicatis* (line 23) and *inceideretis* (line 26).<sup>77</sup> CIL I<sup>2</sup> 614 (189 BC) has *decreiuit* (line 1), which is an example of a reverse spelling (the original  $\bar{e}$  was written as *ei*).<sup>78</sup> By contrast, in the same inscription the original  $\bar{e}$  is retained in *posedisent* (line 5).

Around the second half of the second century BC the original diphthong *ei* came to be pronounced as  $\bar{i}$ . The close  $\bar{e}$ , which represented the intermediate stage of the development *ei* >  $\bar{i}$ , was still sometimes retained in dialects and may have become a dialectal feature (Adams 2007: 52-64). For the early period the evidence on the dialectal nature of  $\bar{e}$  is not conclusive (Adams 2007: 54), but there is evidence that close  $\bar{e}$  was seen as rustic by the time of Varro: in a frequently cited passage (Leumann 1977: 64; Allen 1978: 55; Adams 2007: 52) Varro refers to the rustic pronunciation of *uella* for *uilla* (R. 1, 2, 14) and *speca* for *spica* (R. 1, 48, 2).<sup>79</sup>

After the change in pronunciation of *ei* >  $\bar{e}$  >  $\bar{i}$  had taken place, *ei* continued to be used in writing. Variation in spelling between *ei* and *i* for the original diphthong *ei* and the original  $\bar{i}$  is attested in inscriptions:<sup>80</sup> for example, the *Epistula ad Tiburtes* (CIL I<sup>2</sup> 586), dated to ca. 160 BC, has the nom. pl. *purgati* (line 12), whereas in earlier inscriptions the nom. pl. of the second declension is usually spelt with *-ei* or with *-e* (the diphthong is historically correct). Similarly, we have *confeci* for *confecei* in CIL I<sup>2</sup> 560, a cista from Praeneste, which possibly

<sup>77</sup> The archaising style of this inscription can be seen, for instance, in the use of the digraphs *ai* in the nom. pl. *tabelai datai* (line 30), *ou* in *plous* (line 21), *noundium* (line 23), *oi* in *oinuorsei* (line 19). On the language of the inscription see Wachter (1987: 291-298), with bibliography.

<sup>78</sup> Etymological dictionaries assume original  $\bar{e}$  in *decreui*, see E-M. p. 115; W-H. p. 205.

<sup>79</sup> A passage in Plautus (*Truc.* 262-4), where a person who confuses *iram* 'anger' (written in the text as *airam*) with *eram* 'mistress' is laughed at as a *rusticus*, can also be interpreted as evidence for regional character of  $\bar{e}$  by that time, see the discussion in Adams (2007: 52-54), with bibliography.

<sup>80</sup> One should note that the diphthong *ei* that is attested in classical Latin between consonants, for example, in *deinde* and similar words, is a result of contraction and is not related to the old diphthong *ei* (Leumann 1977: 63).

belongs to the third century (Wachter 1987: 167).<sup>81</sup> Another example of the relatively early use of *i* for *ei/e* is the nom. pl. *ceteri* in *CIL* I<sup>2</sup> 584 (117 BC).

At the same time, *ei* for the original  $\bar{i}$  occurs, for example, in the subjunctive *faxseis* (2 person singular for *faxis*)<sup>82</sup> in the dedicatory inscription of Mummius (*CIL* I<sup>2</sup> 632) and *adeirem* (line 5-6)<sup>83</sup> in the *Lex repetundarum* *CIL* I<sup>2</sup> 583. *Preimum* (line 29) and *preiuata* (line 12 and 28) in the *Lex Antonia de Termessibus* of 71 BC (*CIL* I<sup>2</sup> 589)<sup>84</sup> would normally be spelt *primum* and *priuata* in classical Latin. *Ei* is etymologically correct: the form *preiuatus* derives from *priuus* < \**prei* ‘in front of, before’ (de Vaan 2007: 489).

In addition, *ei* was also occasionally used for  $\check{i}$ : e.g. *seine* in *CIL* I<sup>2</sup> 583 (line 58), *ceinis* in *CIL* VI 282 (line 28), *seibi* in *CIL* I<sup>2</sup> 1739). In *CIL* I<sup>2</sup> we have *ei* for  $\check{i}$  in 15 inscriptions, which is not a completely negligible number. These spellings cannot be explained as phonetic, since  $\check{i}$  and  $\bar{i}$  were not normally confused in pronunciation ( $\check{i}$  was closer in quality to  $\bar{e}$  than to  $\bar{i}$ , and  $\bar{i}$  was distinct in pronunciation from all other vowels, see Allen 1978: 48).

The spelling *ei* was also sometimes used for  $\check{e}$ : we have *inpeirator* in *CIL* I<sup>2</sup> 614 (line 1) and *heicei* for *hice*, *hic* (the first *ei* is written for  $\bar{i}$ , the second for  $\check{e}$ ) in *CIL* I<sup>2</sup> 1861. It might reflect pronunciation:  $\check{e}$  could possibly be pronounced as  $\check{i}$  and this uncertainty of pronunciation was perhaps reflected in *inpeirator*, according to Vine (1993: 96). Vine argues that *ei* in *inpeirator* was a ‘compromise’ spelling, in the same way as *aei* is sometimes written for *ai* (later *ae*) e.g. in *Caecilius* in *CIL* I<sup>2</sup> 633 and *conquaeisiuei* in *CIL* I<sup>2</sup> 638. There can be no certainty of this, because of a lack of examples. What is the most important for the present topic of variation is that in the second century BC the spelling especially for  $\bar{i}$ , but also occasionally for  $\check{i}$ ,  $\bar{e}$  and  $\check{e}$  was not established and the use of *ei* in spelling was probably more complex than the phonetic development  $ei > \bar{e} > \bar{i}$  suggests.

<sup>81</sup> According to Wachter (1987: 168), such an early occurrence of *i* for *ei* in *confeci* could be an attempt to distinguish between the ending (probably usually pronounced at this time as a close  $\bar{e}$ ) and more open  $\bar{e}$  of the stem. However, there is a lack of evidence for such ‘contrastive’ spellings and more examples of this use of spelling are needed to support Wachter’s idea.

<sup>82</sup> On the archaic sigmatic subjunctive of the type *faxo* see de Melo (2007: 191-223).

<sup>83</sup> Crawford (1996: 51-53) does not give the document a precise date.

<sup>84</sup> Crawford (1996: 332) points out that the most likely date of the statute is 68 BC.

Alongside *ei*,  $\bar{i}$  could also be represented in spelling by *I longa* and by the apex, starting from the late second century BC (the earliest dated occurrence of an apex is *múrurum* in *CIL* I<sup>2</sup> 679, dated to 104 BC (Oliver 1966: 150)) and perhaps also by *ii*. It is usually believed<sup>85</sup> that *geminatio uocalium* (the practice to write double vowels to indicate vowel length) was not used with *o* and *i*. However, for *o* we have *uootum* in *CIL* I<sup>2</sup> 365. In the case of double writing of *i*, Wachter recently suggested a new reading *viitam* (previously read *ueitam*) in *CIL* I<sup>2</sup> 364 (Wachter 1987: 444) and Oliver (1966: 154) also cites *sacriis* in *CIL* I<sup>2</sup> 594, *ingeniis* in *CIL* I<sup>2</sup> 2388 and *Iunonii* in *CIL* I<sup>2</sup> 370. Oliver (1966: 154) and Wachter (1987: 253) rightly point out that, when both *i* are of the same length, *ii* can easily be confused with the cursive *e*, since the latter in its cursive form consists of two vertical strokes. It is due to this difficulty in distinguishing *ii* from cursive *e* that it is problematic to find occurrences of *ii* in inscriptions. On the other hand, this would apply only to cases where cursive script is used (in papyri, wax and lead tablets), but would not explain absence of *ii* from official documents on stone.

As this outline shows, by the first century BC there existed various spelling variants for  $\bar{i}$ , the variants *ei* and *i* being the two most frequently used spelling forms. Now I will consider how this variation was treated in 100 BC – 100 AD under the perspective of standardisation or lack thereof.

For the present topic about variation and standardisation it is also important to consider whether variation between *ei* and *i* was completely random or whether there are cases of deliberate use of variation. The latter was sometimes suggested by scholars: as I pointed out above (n. 14), Wachter (1987: 168) talks about deliberate ‘contrastive’ spelling in the case of *cofeci*; similarly, Vine (1993: 255-257) argues that there is evidence for complementary distribution of the forms *nei* and *ni* in some inscriptions: in the *Sententia Minuciorum* of 117 BC (*CIL* I<sup>2</sup> 584) *ni* is restricted to the position before enclitics, while *nei* occurs in all other cases (however, one should note the spelling *neiue* in line 34, used alongside *niue*). Worth

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<sup>85</sup> This *communis opinio* was introduced by Ritschl (1878: 142-163), who believed that Accius did not advocate the gemination for *o* and *i*, but see against it Vine (1993: 271-272).

noting are also the remarks of Lommatzsch (1908: 134) on the frequent use of *ei* in the spelling of particular words, for example *leibertus*. I will observe whether there is evidence of such contrastive use of spelling variation in morphological forms in inscriptions.

Before discussing inscriptions, I will look at some passages that provide information about the attitudes to variation and current usage, as well as about the debate on spelling rules in grammatical texts of the late second – early first century BC.

## 2.2 Roman grammarians on the spellings for /ī/.

Grammarians and writers on language tried to tackle variation between *ei* and *i* by introducing spelling rules. Accius approached the problem from a phonetic point of view and suggested to use the spelling *ei* in all cases in order to distinguish the sound /ī/ from /i/.<sup>86</sup> By contrast, Lucilius suggested to retain variants *ei* and *i* to distinguish between words or forms. For example, the nominative plural and the genitive singular of second declension nouns are distinguished by spelling with *ei* and *i* respectively (frg. 364-366 Marx):<sup>87</sup>

iam ‘puerei uenere’: e postremum facito atque i,  
 ut puerei plures fiant. i si facis solum,  
 ‘pupilli pueri Lucili’, hoc unius fiet.

Now the next point – “the boys have come;” put at the end (of *puerei*) ‘e’ and ‘i’, that the *puerei* express the plural, boys. If you put ‘i’ alone, ‘*pupilli, pueri, Lucili*’, then you make it express the genitive singular (of an orphan, of a boy, of Lucilius).<sup>88</sup>

In the third declension, according to Lucilius, one should write *ei* in the dative singular (frg. 367-368 Marx):<sup>89</sup>

<sup>86</sup> *Cum longa syllaba scribenda esset, duas uocales ponebat, praeterquam quae in i litteram incideret: hanc enim per e et i scribebat* (ap. Marius Victorinus *GL* 6, 8, 13). On Accius’ spelling practice of writing *ei* for the long *i* see e.g. Pepe (1943: 105-20); Perini (1983: 141- 69); Dangel (1990: 37-58).

<sup>87</sup> The fragment is preserved in Velius Longus *GL* 7, 56, 7-9; Quint. 1, 7, 17 (*iam...fiant*) and partly in Charisius *GL* 1, 78, 8-9.

<sup>88</sup> Here and elsewhere I use the Loeb translation by Warmington (1967).

mendaci furique addes e, cum dare furei  
iusseris.<sup>90</sup>

To *mendaci* (a liar) and *furi* (a thief) add ‘e’ when you order anyone to give it to a thief (*furei*) or to a liar (*mendacei*).

In another fragment he said that the dative of *ille* should be written with *-i*, not with *-ei* (frg. 369-370 Marx):<sup>91</sup>

‘hoc illi factum est uni’, tenue hic facies i:

‘haec illei fecere’ addes e, ut pinguius fiat.

“This was done *illi uni*” (to him alone); this ‘i’ you will write simple. “All this *illei* (they) did;” add ‘e’ that it may become richer.

Lucilius’ reasoning for the use of these forms is along the lines of the Stoic doctrine of sympathy between the signifier and the signified (for example, in the plural the ending signified multiple objects, so an extra letter *e* was added to *i*).<sup>92</sup> At the same time, with all forms except with the dative *illi* Lucilius promoted the etymologically correct spelling variants. The distinction between *-ei* in the nominative plural and *-i* in the genitive in the first passage is historically correct<sup>93</sup> and is attested in inscriptions: *ei* in the nominative plural is used regularly in archaic and republican inscriptions,<sup>94</sup> whereas the original gen. sg. ending *-i* occurs in the oldest inscriptions (Leumann 1977: 424). Similarly, in the passage on the dative

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<sup>89</sup> The fragment is preserved in Quint. 1, 7, 15, who criticizes this spelling (*quod quidem cum superuacuum est <...> tum incommodum aliquando*), which is unsurprising since he usually relies on the phonetic principle.

<sup>90</sup> For different interpretations and emendations of this passage see Colson (1921: 13-16).

<sup>91</sup> The fragment attested in Velius Longus *GL* 7, 56, 11-12.

<sup>92</sup> On this doctrine in Lucilius see Sommer (1909: 70-77) and Kent (1913: 299-302).

<sup>93</sup> In Proto-Latin the nominative plural ending was *\*-oi*, which in Latin developed to *-ei* (Leumann 1977: 427).

<sup>94</sup> See examples in Leumann (1977: 427) and in our discussion of forms with *ei* in the official inscriptions from the first century BC (below).

*mendacei* and *furei* Lucilius advocated for the historically correct spelling *-ei* (it is attested, alongside *-e*, in early inscriptions, see Leumann 1977: 435).

Thus, as Somerville (2007: 62-63) points out, Lucilius was using the doctrine not to impose artificial rules, but to describe existing usage, because he advocated for etymologically correct forms and for those that were also preferred in inscriptions (for example, the tendency for preference of *-i* in the genitive and *-ei* in the nom. pl. is observed in inscriptions, as Anderson (1979: 133) demonstrated). In this light one can also interpret two much discussed fragments on the spelling of *peila/pila* (Marx 359-361)<sup>95</sup> and on the spelling *meillia* (Marx 358-359):<sup>96</sup> in these fragments Lucilius aim was to explain and rationalise actual usage, not to standardise it. From the perspective of standardisation, this is noteworthy: his attitude was descriptive, not prescriptive. It was an attitude of a linguist rather than of a language standardiser.

The dative *illi* in Lucilius is the only form that is not historically correct: the original ending of the dative is *-ei*,<sup>97</sup> but Lucilius suggested the spelling *illi*. Perhaps in this case, as Somerville (2007: 64) suggested, Lucilius wrongly interpreted the genitive *illi*, which was used alongside *illius* in inscriptions, as the dative, but this is a speculation. Another possibility could be that in this case he wanted primarily to explain the distinction between the plural (*illei*) and the singular according to the Stoic doctrine, but this would mean inconsistency with the other passage on the datives *mendacei* and *furei*. Notably, as Somerville (2007: 64) points out, the Gallus papyrus also has a historically inaccurate form *mihi*, whereas all other relevant forms are spelt according to the historical principle. That might suggest, according to Somerville (2007: 64), that there existed an orthographic school that adopted Lucilius'

<sup>95</sup> *tenues i: 'pilam' in qua lusimus, 'pilum' quo piso, tenues; si plura haec feceris pila quae iacimus, addes e, 'peila' ut plenius fiat* (put a simple short 'i' in *pila* (ball) at which we have played, also a simple long 'i' in *pilum* (pestle) with which I pound. If you make a neuter plural *pila* (spears) which we throw, add 'e', *peila*, that it may be a fuller word).

<sup>96</sup> *'meille' hominum, duo 'meilia', item huc et utroque opus, 'meiles' 'meilitiam'* (a thousand (*mille*) men, two thousand (*milia*); here again an 'e' is needed in both, *meiles*, *meilitia*). On this and the previous fragment see e.g. Colson (1921: 12-13); Sommer (1909: 70-77); Mariotti (1960: 27-29).

<sup>97</sup> The original ending for *illi* was *ei* (Sommer 1977: 71 n.1).

approach and that the scribe of the Gallus papyrus possibly belonged to. I will observe whether evidence for Lucilius' descriptive orthographic tradition can be seen in the legal and official inscriptions of the corpus.

In the first century BC we possibly find the doctrine of sympathy between signifier and signified applied by Nigidius Figulus:<sup>98</sup> he did not explicitly refer to the doctrine, but the passage is similar to that of Lucilius at Marx 364-366. The passage reads as follows (Funaioli 10):<sup>99</sup>

si huius amici uel huius magni scribas, unum i facito extremum; sin uero hi magnei, hi amicei casu multitudinis recto, tum ante i scribendum erit e, atque id ipsum facies in similibus.<sup>100</sup>

“If you write the genitive case of *amicus*,” he says, “or of *magnus*, end the word with a single *i*; but if you write the nominative plural, you must write *magnei* and *amicei*, with an *e* followed by *i*, and so with similar words”.<sup>101</sup>

Varro advocated the morphological distinction between the forms, such as the distinction between the nominative plural in *-ei* and the genitive singular in *-i* (ap. Ter. Scaur. *GL* 7, 19, 6):<sup>102</sup>

Quam inconstantiam Varro arguens in eundem errorem diuersa uia delabitur, dicens in plurali quidem numero debere litterae *i* <*e*> praeponi, in singulari uero minime, cum alioqui <*i*> non

<sup>98</sup> See also Cipriano (1985: 38-50) on the spelling practice of writing *ei* and *i* in Nigidius Figulus and Varro.

<sup>99</sup> ap. Gell. 13, 26, 4.

<sup>100</sup> I follow the OCT edition by Marshall (1990). Funaioli reads *tum <i> ante scribendum erit*, which means that Nigidius advocated for *geminatio* in the case of *i*. Some of the oldest manuscripts have *magnei*, *amicei* and some have *magnii*, *amici*, therefore both options remain open, but it is more plausible, in my opinion, that Nigidius makes the same suggestion as Lucilius, namely to distinguish between the genitive singular and the nominative plural, because, as already observed, the content of the two passages is similar.

<sup>101</sup> I used the Loeb translation by Rolfe (1927).

<sup>102</sup> The fragment is preceded by the following summary of Lucilius' recommendations (Ter. Scaur. *GL* 7.18.23-24): <...> *Lucilius, ubi i exile est, per se iubet scribe, at ubi plenum est, praeponendum esse e credit his uersibus*, followed by the words of Lucilius on the spelling of *mille* and *pila* (Marx 358-361).

aliud in singulari quam <in plurali, neque aliud in media> quam in extrema syllaba sonet, ut in uerbis manifestum est. dicimus enim ‘mitto misi misimus’, nisi aliam hic uult rationem [quod absurdum est], ut, cum uerba quoque ex syllabis constent, ex diuersa regula corrigantur.

Varro, while condemning this inconsistency,<sup>103</sup> slips into the same mistake through different means, saying that one should put *e* before *i* in the plural, but not in singular, although as a general rule *i* does not sound different in singular than in plural, nor does it sound different in the middle syllable than in the final syllable, which is demonstrated in verbs. For we say ‘mitto misi misimus’, unless we accept another reason (and this reason is absurd), that, although verbs also consist of syllables, they are altered by different rules.

Varro also argued for a distinction between the singular *-is* and the accusative plural *-eis* (for *-is*) in the third declension (this passage is probably of a theoretical rather than of practical nature, since one would not confuse the nominative singular and the accusative plural), if the following fragment in Terentius Scaurus can be attributed to Varro (*GL* 7, 32, 21-33, 2):<sup>104</sup>

singularis numerus per unam i litteram scribitur, ut docilis facilis, pluralis autem per e et i, ut facileis docileis.

in the singular one should write one *i*, as in *docilis facilis*, in the plural however *e* and *i*, as in *facileis docileis*.

As we can see, this evidence suggests an environment of debates and contrasting opinions, not a unified standardising approach. Lucilius based his rgrammatical observations on the material of inscriptions and Varro prescribed particular usages, but did not impose standardising rules for the spelling system as a whole. Now I will look at the evidence in

<sup>103</sup> I.e. the spelling *peila* versus *pilum* and *meille* in Lucilius (Marx 358-361).

<sup>104</sup> Lachmann in his edition of Lucretius (Lachmann 1871: 186) attributed this passage to Varro. It seems plausible that this passage belongs to Varro, not to Scaurus, because Scaurus further rejects Varro's distinction between plural and singular endings in spelling and prescribes the spelling with *I longa* in cases where a distinction between words is necessary (*GL* 7, 33, 5-8).

inscriptions and see whether the scribes had a more standardising approach to variation than these authors.

### 2.3 The spelling *ei* in legal inscriptions.<sup>105</sup>

#### 2.3.1 *Ei/i* in legal inscriptions of the first century BC.

The following table shows the distribution between *-eis* and *-is* in the dative/ablative plural of the first and second declension.

Table 1. *-eis* and *-is* in the dat./abl. pl., 1 and 2 decl.<sup>106</sup>

	inscription	<i>ei</i>	<i>i</i>
1.	<i>RS 14</i>	19	-
2.	<i>RS 15</i>	11	-
3.	<i>CIL I<sup>2</sup> 588</i>	4	1
4.	<i>RS 16</i>	-	1
5.	<i>RS 17</i>	1	-
6.	<i>RS 19</i>	16	-
7.	<i>RS 22</i>	2	-
8.	<i>RS 20</i>	-	-
9.	<i>RS 24</i>	58	-
10.	<i>RS 28</i>	2	-
11.	<i>ILS 5743</i>	1	7
12.	<i>FIR 40</i>	-	1
13.	<i>ILS 5050</i> (lines 111-114)	-	1

<sup>105</sup> In this chapter I do not discuss the spelling *ei* in stems (e.g. *ameicus CIL I<sup>2</sup> 585*; *feilius CIL I<sup>2</sup>*; *occeisus CIL I<sup>2</sup> 792*; *Papeirius CIL I<sup>2</sup> 683*), since I focus primarily on morphological variation and such words cannot be compared using formal criteria.

<sup>106</sup> I include here also the dat./abl. forms *illis/illeis*. The abl. and the dat. pl. forms *eis/iis* of the pronoun *is* (derived from the stem *\*ei/i*) are not included.

14.	Ehrenberg 98	-	2
	total	114	13

In the legal texts, as we can see from this table, the ending *-eis* is preferred (114: 11). *-eis* is etymologically correct (*\*-ais/\*-ois* > *-eis* > *-es* > *is*) (Leumann 1977: 421). Variation is occasionally attested: for example, in one of the earliest documents *CIL* I<sup>2</sup> 588 the dat. pl. *leiberisue* (line 1) is used alongside *leibereis* (lines 2 and line 9).

Longer inscriptions of the corpus are remarkably consistent in the use of *-eis*. In *RS* 14, the *Lex Cornelia de XX Quaestoribus* (82 lines) and *RS* 19, the *Lex Antonia de Termessibus* (74 lines) we have *-eis* in all forms of the dat./abl. pl. This is also the case in the *Tabula Heracleensis* (*RS* 24), which is unique in our corpus because of its length (163 lines). The inscription demonstrates some spelling inconsistencies (e.g. *continente* (line 20) and *continenti* (line 56), *causa* and *caussa* in line 58) and even misspellings (*at que* instead of *ad quem* in line 7; *ad* for *a* (*ab*) in line 17; *ante tribunale* in line 34 and *quet* for *quei* in line 13).<sup>107</sup> However, in the dat./abl. pl. endings the scribe consistently writes *-eis* (58 occurrences of *-eis*, but none of *-is*) Notably, the pronoun *qui* is also always spelt *quei*, both in the singular and the plural. Possibly, in the case of *-eis*, there was a spelling convention that the scribe of the *Tabula Heracleensis* was trained to follow. The strong preference for *-eis* in all legal documents of the period suggests that this was probably a well-established spelling convention in high register texts in the first century BC.

Our evidence indicates that this convention probably starts to be less strictly followed in high register documents in the Augustan period. Forms in *-is* are preferred in the *Edictum Augusti de aquaeductu Venafrano* (number 12 in the list), dated to 18-11 BC. Notably, in this inscription other relevant forms are also spelt with *-i* (5 times in the nom. pl., 8 in the gen. sg., twice the passive infinitives, once in the dat. sg. *agenti*). All conjunctions and the pronoun *qui*

<sup>107</sup> On variation in the *Tabula Heracleensis* see also chapter 3, section 5.1

are also consistently written with *i*. If the dating of this inscription is correct, it means that perhaps the spelling conventions began to change in the early Augustan period.<sup>108</sup>

By contrast, in the dative singular of the third declension there seems to be no distinctive preference for one or the other spelling variant, as the following table shows:

Table 2: *-ei* and *-i* in the dat. sg., 3rd decl.

	Inscription	<i>Ei</i>	<i>I</i>
1.	RS 14	1	2
2.	RS 15	-	1
3.	CIL I <sup>2</sup> 588	-	-
4.	RS 16	-	-
5.	RS 17	-	-
6.	RS 19	-	-
7.	RS 22	-	-
8.	RS 20	-	-
9.	RS 24	2	-
10.	RS 28	1	1
11.	ILS 5743	-	1
12.	FIR 40	-	1
13.	ILS 5050 (lines 111-114)	-	-
14.	Ehrenberg 98	-	-
	total	4	6

<sup>108</sup> Notably, in the fragment of Gallus (written before 20 BC), published by Anderson, Parsons and Nisbet (1979), we find the ending *-eis* in line 5 (*spolieis deiuitiora tueis*) and in line 7 (*deicere*). It is possible that the scribe of the fragment adhered to the same orthographic tradition as the scribes of the legal texts of the first century BC.

The evidence for the dative is scarce. Forms in *-i* and in *-ei* occur in the two earliest documents, the *Lex Cornelia de XX quaestoribus* (RS 14) and the *Lex Tarentina* (RS 15), both dated to the beginning of the first century BC. It seems that in the dative *-ei* (which is the original form) and *-i* were equally in use.

In the nom. pl. of the second declension we also observe a change of usage in the Augustan period.

Table 3. *-ei* and *-i* in the nom. pl. of the 2 decl.

	Inscription	<i>Ei</i>	<i>I</i>
1.	RS 14	13	-
2.	RS 15	1	-
3.	CIL I <sup>2</sup> 588	-	1
4.	RS 16	-	-
5.	RS 17	-	-
6.	RS 19	15	2
7.	RS 22	2	-
8.	RS 20	-	-
9.	RS 24	6	-
10.	RS 28	-	-
11.	ILS 5743	-	3
12.	FIR 40	-	3
13.	ILS 5050 (lines 111-114)	-	-
14.	Ehrenberg 98	-	1
	total	37	10

As the table shows, in the earlier documents *-ei* (the historically correct form) is used consistently, but in the documents from the Augustan period (number 12-14) only *-i* occurs. As noted above in the case of the dat./abl. pl. *-eis*, this might indicate a growing preference for spelling with *-i*.

The forms of the genitive singular are shown in the following table.

Table 4. *-ei* and *-i* in the gen. sg. (including gerund/gerundive)

	Inscription	<i>Ei</i>	<i>I</i>
1.	RS 14	3 <sup>109</sup>	-
2.	RS 15	2	-
3.	CIL I <sup>2</sup> 588	-	-
4.	RS 16	-	-
5.	RS 17	1	-
6.	RS 19	-	3
7.	RS 22	3	1
8.	RS 20	-	-
9.	RS 24	10	15
10.	RS 28	18	2
11.	ILS 5743	-	8
12.	FIR 40	-	-
13.	ILS 5050 (lines 111-114)	-	2
14.	Ehrenberg 98	-	7
	total	37	36

<sup>109</sup> I include here three forms of the gen. *plebei* in *plebeie scito* (col. II, line 7 and line 11) and *plebeie scita* (line 17).

The original ending in the genitive is monophthongal  $-ī$ , also found in Celtic.  $-ei$  was probably used by analogy to the abl./dat. pl. ending  $-eis$ . The genitive in  $-ei$  probably fell out of use in the Augustan period: in our inscriptions of that time (number 12-14 in the list)  $-ei$  does not occur. As an analogical spelling, it probably never became a firmly established spelling variant: notably, in the *Tabula Heracleensis* (RS 14) the genitive in  $-i$  and the genitive in  $-ei$  are both used, whereas, as noted above, this text shows consistency in the use of  $-eis$ .

The following table shows the occurrences of the endings  $-ei$  and  $-i$  in the passive infinitive;  $-ei$  is the etymologically correct spelling.

Table 5.  $-ei$  and  $-i$  in the passive infinitive

	Inscription	<i>Ei</i>	<i>I</i>
1.	RS 14	3	1
2.	RS 15	-	-
3.	CIL I <sup>2</sup> 588	1	-
4.	RS 16	-	-
5.	RS 17	-	-
6.	RS 19	2	-
7.	RS 22	-	2
8.	RS 20	-	-
9.	RS 24	27	8
10.	RS 28	16	4
11.	ILS 5743	-	2
12.	FIR 40	-	1
13.	ILS 5050 (lines 111-114)	-	2
14.	Ehrenberg 98	-	1
	Total	49	21

In the longest inscription of the corpus, the *Tabula Heracleensis* (RS 24), there is a clear preference for the forms in *-ei*, but both forms are used (e.g. *legei sublegi* in col II, line 18). Generally both forms are in use from early on (e.g. in the earliest inscription of the corpus RS 14). The inscriptions of the Augustan period (number 12-14 in the list) only have forms in *-i*, which, as already noted above, points towards a change of spelling practice in favour of the spelling in *-i*.

Variation in spelling of *qui*, *si*, *uti*, *ibi*, *ubi* is shown in the following tables.

Table 6. *si/sei* (*nisi/nisei*, *seiue*, *seiquas*), *uti/utei*, *ibi/ibei*, *ubi/ubei* (excluding *ne/nei/ni*)

	Inscription	<i>Ei</i>	<i>I</i>
1.	RS 14	12	-
2.	RS 15	12	-
3.	CIL I <sup>2</sup> 588	9	1
4.	RS 16	6	-
5.	RS 17	5	1
6.	RS 19	7	1
7.	RS 22	1	-
8.	RS 20	1	-
9.	RS 24	48	3
10.	RS 28	44	-
11.	ILS 5743	-	3
12.	FIR 40	-	3
13.	ILS 5050 (lines 111-114)	-	1
14.	Ehrenberg 98	-	1
	Total	145	14

It is clear that in these words, as opposed to the forms discussed above (except the forms in *-eis*) there is a clear spelling convention for *-ei*. Forms in *-i* are rarely used until the Augustan period when usage changes in favour of *-i*. Consistency in the use of *-ei* is especially visible in the case of *qui*, since it occurs most frequently.

Table 7. *qui/quei* (in the nom. sg. and pl., *quicumque*, *quiquomque*)

	Inscription	<i>ei</i>	<i>i</i>
1.	<i>RS 14</i>	17	-
2.	<i>RS 15</i>	15	1
3.	<i>CIL I<sup>2</sup> 588</i>	2	-
4.	<i>RS 16</i>	1	-
5.	<i>RS 17</i>	4	-
6.	<i>RS 19</i>	6	-
7.	<i>RS 22</i>	2	-
8.	<i>RS 20</i>	1	-
9.	<i>RS 24</i>	60	2
10.	<i>RS 28</i>	23	-
11.	<i>ILS 5743</i>	4	-
12.	<i>FIR 40</i>	-	1
13.	<i>ILS 5050</i> (lines 111-114)	-	-
14.	Ehrenberg 98	-	-
	Total	135	4

While in all other cases the inscriptions of the Augustan period (number 12-14 in the list), as noted above, have *-i*, *qui* is also spelled as *quei* in one of these texts (number 12 in the

list): there are 4 occurrences of *quei* in this inscription, but none of *qui*. *Quei* is obviously a well-established spelling convention in high register legal texts that is consistently applied and being retained (at least in some documents) in the Augustan period.

The following table shows the variation in spelling in different morphological forms.

Table 8. *-ei* and *-i* in morphological categories

	<i>Ei</i>	<i>I</i>
nom. pl. 2 decl.	37	10
abl./dat 2 decl.	114	13
dat. sg. 3 decl.	4	6
gen. sg. 2 decl.	37	36
inf. pass.	49	21
<i>si, uti, ibi, ubi</i>	145	14
<i>qui</i>	135	4
<b>total</b>	521	104

To summarise, we observe two spelling conventions in the first century BC:

*-eis* in the dat/abl. pl. and *quei, sei, utei, ubei, ibei*. In addition, in the nominative plural the ending *-ei* is preferred (37: 7) and was possibly also a spelling convention. In these three cases the forms in *-ei* are etymologically correct and we can therefore draw a parallel between the use of these spellings on one hand and the rules of Lucilius and the spelling in the Gallus papyrus on the other as belonging to the same orthographic tradition of maintaining the historically correct spellings with *ei*.

However, in other forms, including those where *ei* is also historically correct (passive inf, dative), variation seems random until at least the Augustan period. Perhaps the

conventions were only established or followed for those forms that were most frequently used.

Inscriptional evidence does not confirm that different spellings *-ei* and *-i* were used to distinguish between morphological forms (for example, between the genitive singular and the nominative plural), contrary to what was suggested by Anderson, Nisbet and Parsons (Anderson 1979: 133 n. 66) in the discussion of the forms with *ei* in the Gallus papyrus. No general rules were applied to all relevant forms, as it is the case when a standard is established.

### 2.3.2 *Ei/i in legal inscriptions of the first century AD.*

As pointed out above, in the inscriptions of the Augustan date (with the only exception of *quei* in *ILS 5743*), there is a marked shift towards spellings in *-i*. This indicates that during the reign of Augustus spelling habits for using *ei/i* changed completely. In the first century AD (the first legal text of the first century in the corpus is dated AD 18) we can observe the complete absence of spelling with *ei* from all legal texts. The only exception is the form *eidus* for *idus* in line 1 of both copies of the *Senatus consultum de Cn. Pisone patre*. The form *eidus* was at variance with *idus* in the earlier inscriptions: notably, in inscriptions in *CIL I<sup>2</sup>* *eidus* occurs almost more frequently as *idus* (37: 21). The spelling *eidus* occurs in our corpus of legal and official inscriptions in *RS 16* (Este fragment, dated before 76 BC), which has *eidus Martias* in line 20.

This rapid change of practice is remarkable: in approximately 50 or 40 years (or perhaps even less), the spelling with *ei* disappears from use completely in legal contexts. This points towards a specific attempt of standardisation in case of variation between *ei* and *i* although, as far as I know, no such reform is mentioned by Latin authors. By contrast, *ei* is retained during the Augustan period in private inscriptions, but its use soon declines (Lommatzsch 1908: 129): this is also an indication of standardisation, since the norm is imposed from above and is

established first in the most formal contexts. Now I will compare these findings with the evidence in official inscriptions.

#### 2.4 *Ei* in official inscriptions of the first century BC and first century AD.

There are only three well-dated non-legal official inscriptions in the corpus that are dated to the first century BC before the reign of Augustus. In the earliest of these inscriptions *CIL I<sup>2</sup> 709* *ei* is used throughout the document, but there is no spelling with *i*. *Ei* occurs in stems (the nom. *opeimius*, the acc. pl. *ceiues*) and in the endings (the abl. *Palereis*, the abl. *in castreis*).<sup>110</sup>

The second earliest inscriptions, *CIL I<sup>2</sup> 756*, has variation: forms are mostly written with *-ei* (*ueicus* in lines 9 and 15, the abl. *comulateis olleis legibus, illeis regionibus, quei, utei, sei, quasei*), but *-i* is also used (*siue* twice, *Ioui, Liberi, qui, oeti* alongside *utei* for *uti*). Variation seems random: in the parallel construction in lines 15 and 17 the same words occurs with different spelling (*sei qui heic sacrum surupuerit* in line 15 and *sei quei ad h[o]c templum rem deiuinam fecerit*) and also in line 8 we have different variants of spelling of *uti* in the same line (*utei liceat oeti uenum dare*). *Seit* for *sīt* < *sīt* (line 11) is unusual: the scribe of this inscription had a taste for archaising (note also *oeti* for *uti* and consistent spelling *pequnia* which occurs 5 times in the text), but does not care to apply them very consistently; at any rate early inscriptions would prefer the disyllabic *siet*.

This inscription also has the ending *-eis* in the acc. pl. *a.d. Idus Quinctileis* (line 2). Similarly, the ending *-eis* in the acc. plural of the third declension also occurs in the earliest of the legal documents of the corpus, the *Lex Cornelia de XX quaestoribus* (*RS 14*, dated to the Sullan period) in the name of the month *k(alendas) Decembreis*. In the *Lex Cornelia* the form *Decembreis* is used consistently (in total six times with the spelling *-eis*) and the acc. pl.

<sup>110</sup> Note also a peculiar way of abbreviating names in line 5 and further throughout the inscription: in the ending *-ius* the last two letters are omitted. For example, in line 5 *Aureli* stands for *Aurelius*.

*omnes* is spelled as *omneis* once. The *i*-stems originally had *-is* < *\*-i-ns* in the acc. pl, hence *-eis* in these forms is probably a graphic variant for *-īs*.

In the third inscription in the corpus relevant forms with *ei* and *i* do not occur. In addition to the inscriptions in the corpus, we should also mention *CIL I<sup>2</sup> 766* (54 BC), which is also to a certain extent a formal document. It represents copies of the same text on a series of boundary stones (*termini*). The name of the consul Publius Seruilius is written with *ei* as *Serueilius* in all inscriptions, except the inscription I: this last text has the spelling *Seruilius*, and *qui prImI* (both *i* are written as *I longa*). This is another example of variation of this type in official contexts.

Similar to legal inscriptions, in official documents spelling usage changes in the Augustan period. In the *Laudatio Turiae* (number 4 in our corpus) all relevant forms are spelt with *i* (e.g. *cum uniuersis pat[ris]*; *si non optinuisses*; *cum plurumis necessariis*).

As is the case with legal texts, *ei* disappears from use completely in the inscriptions of the Augustan period and later, except in two inscriptions. The first inscription (*ILS 59*) is the elogium for C. Marius (the exact date is unknown, but it is probably from the Augustan period) and is attested in two copies: a fragment from the forum Augusti in Rome and a better preserved version from Arretium, a town in Etruria, which was found along with other elogia for famous people.<sup>111</sup>

The text found in Arretium was clearly not a full copy of the Roman text: the text differs occasionally (e.g. in line 2 we have *fugauit* (in the Roman fragment) and *fudit* (in the Arretium fragment)). When the text is the same, the inscriptions occasionally have spelling variation. For example, in the Roman fragment we have *Iugurtha*, in the text from Arretium *Iugurta*. By contrast, in *triumphans* aspiration is marked in spelling in both copies. Other

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<sup>111</sup> These inscriptions probably accompanied statues of famous people, which were initially placed in the forum Augusti; inscriptions from Arretium were probably copies of the Roman ones. Some fragments of these inscriptions were found near the Augustan forum: for example, fragments of elogia for C. Marius (*ILS 59*), Appius Claudius (*ILS 54*) and Q. Maximus (*ILS 56*).

examples include *apsente* in the Roman copy as opposed to *absente* in the one from Arretium and *ieis* in the Roman inscription as opposed to *iis* in the inscription from Arretium.

Notably, in the Roman fragment the spelling is *quei*, but in the copy from Arretium we have *qui*. Most probably the inscription from Arretium is the copy of the Roman original text and perhaps it was written later when *qui* became an established spelling.

The only other example of *ei* in the inscriptions of the Augustan period and in the first century AD in our corpus occurs in *ILS* 140, a cenotaph for C. Caesar, dated to the 4 AD. In lines 10-11 one form of the ablative plural is spelled with *-eis*, alongside *-is*: *deuicteis aut in [fid]em receptis bellicosissimis ac maximis gentibus*. Perhaps the ending *-eis*, which was an established convention in the earlier texts, disappeared from use later than the other forms in *-ei*.

## 2.5 Conclusion.

In the legal and (as far as it is possible to judge from limited evidence) in official inscriptions of the first century BC there is a strong preference for *ei*. In the Augustan period, however, the spelling with *ei* almost completely disappears from legal and official inscriptions, which suggests that a standardising spelling reform was implemented probably some time in the Augustan period, although, as observed above, it is not clear who promoted the reform.<sup>112</sup> Occasional, however rare, occurrences of *ei* in formal inscriptions of the Augustan time show that in the beginning at least this reform was not altogether successful and spelling with *ei* was sometimes retained.<sup>113</sup>

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<sup>112</sup> Quint. *Inst.* 1, 7, 14-17 refers to activity of Accius and Lucilius, but makes no mention of standardising in the early Augustan period, simply stating that the spelling *ei* is unnecessary and can be a hindrance when learning to read.

<sup>113</sup> Notably, in less formal inscriptions the spelling *ei* occurs also in the first century AD – for example, in the inscriptions from Pompeii and Herculaneum (Väänänen 1959: 22). See also Lomatzsch (1908: 129) for examples of the spelling in private inscriptions.

## Chapter 3

### Assimilation versus non-assimilation in prefixes in Latin inscriptions.

#### 3.1 Introduction.

As already observed in the introduction to the spelling chapters (1.1.1), standardisation in language manifests itself first and foremost in spelling. Although spelling is discussed only in passing by those scholars who suggest that Latin has become a standardised language by the early Empire, in fact the evidence of standardisation in spelling is most important in order to argue for standardisation in Latin. For the study of variation and standardisation in spelling assimilation of prefixes is an important topic: it is repeatedly discussed by ancient grammarians and is a question that every editor of Latin texts is faced with (and usually decides in favour of consistent standardising).<sup>114</sup> In this chapter I will consider whether there is evidence of standardisation in prefixes. I will draw on the previous scholarship and on the testimonies of the ancient grammarians who discuss the topic, but will focus on the evidence in high-level legal inscriptions. If there was a standardising movement, one would expect it to show up in these inscriptions.<sup>115</sup>

Before I turn to the inscriptions, it is necessary to provide a theoretical framework for the study of assimilation. In the following section I will outline types of contact assimilation in Latin and list cases where assimilation does not occur in spelling.

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<sup>114</sup> For example, in his OCT edition of Vegetius' *Epitoma rei militaris* Reid (2004: xliv) notes lack of consistency in the manuscripts, acknowledges that it seems quite random and therefore he claims no merit for his policy to assimilate in most cases, unless the non-assimilation has strong support in the major manuscripts. However, some editors adopt this policy without explicitly mentioning it.

<sup>115</sup> In this chapter, contrary to the chapters on spelling variation *ei/i* and *i/u*, I do not discuss formal inscriptions: according to my observations, a relatively random variation can be observed in even the most formal texts, e.g. in the *Res Gestae* (*collega* and *conlega*, *impensa*, *inmisso*).

### 3.2 Classification of assimilation and cases of non-assimilation in consonant clusters.

In Latin contact assimilation is widespread. Many assimilations were firmly established and no longer perceived as such (e.g. *summus* < *supmus*, *collum* < *\*kolso-*) (Meiser: 1998: 116). By contrast, four consonant clusters *kt* > *t(t)*, *ks* > *s(s)*, *pt* > *t(t)* and *ps* > *s(s)* resisted assimilation in classical educated Latin and only became partially assimilated in Late Latin until Romance (Adams 2013: 165). Assimilation is described by (a) type of assimilation (b) place of assimilation and (c) direction of assimilation.<sup>116</sup>

(a) Type of assimilation describes how constituents change phonetic value: by assimilation of voice (a voiced consonant becomes voiceless before a voiceless consonant, e.g. *optineo* < *obtineo*), by assimilation of place of articulation (e.g. dental consonant *d* assimilates in place of articulation before velar consonant *c* e.g. *accipio* < *adcipio*) and by the manner of articulation (e.g. *effero* < *ecfero*, the consonant *c* is assimilated to the following fricative *f*). Assimilation can be either full (e.g. *effero* < *ecfero*) or partial, when the sounds (or graphemes) remain distinct (e.g. *optempero* < *obtempero*).

(b) Place of assimilation can be initial, inside the word (either in the stem or in compounds between the prefix and the stem) and in the final position in the word (e.g. in the *Appendix Probi* at *GL* 4, 199, 3-4 ‘*celebs non celeps*’ and ‘*plebs non pleps*’, which possibly indicates a grammarian’s attempt to resist phonetic assimilation in spelling).<sup>117</sup>

(c) Direction of assimilation can be progressive and regressive. Latin mostly has progressive assimilation, when the previous consonant is assimilated to the following one (e.g. *adportare* > *apportare*). Regressive assimilation is rare: it occurs, for example, in consonant clusters *rs* > *rz* > *rr* (e.g. *\*fer-se* > *ferre*) and *ls* > *lz* > *ll* (e.g. *\*uel-se* > *uelle*) the

<sup>116</sup> In addition, Devine and Stephens (1977: 116) distinguish between intrasyllabic consonant sequences and intersyllabic clusters (i.e. clusters of consonants within a syllable and on the boundary between syllables). I do not include this distinction, since all consonant clusters formed by a prefix and the following stem are intersyllabic.

<sup>117</sup> On the question to what extent the *Appendix Probi* refers to spelling errors as opposed to errors of pronunciation, see Powell (2011: 75-119).

second consonant first undergoes assimilation of voice  $s > z$  and then assimilation in place and manner of articulation  $z > r$ ,  $z > l$  (Leumann 1977: 210-211).

Adams (2013: 165) points out that in standard Latin ‘the velar and labial stops are not assimilated in place of articulation to a following alveolar (t, d, n, r, l – restricting the flow in the region of the alveolar ridge, i.e. upper teeth)/dental consonant’. Since our study deals with variation between assimilated and non-assimilated spelling of prefixes, the following combinations where assimilation does not occur will be excluded from the study:<sup>118</sup>

- a) *sub*: labial consonant *b* does not assimilate in place of articulation to following alveolar/dental consonants *l, t, d, s, n, r*. Thus, such words as, for example, *subleuo*, *subdicere*, *subrogare* will not be included. However, the assimilation of voice (before voiceless consonants *t* and *s*) is possible and I include such words as *subsignare*, where both consonants may be spelt as voiceless.
- b) *ob*: the labial consonant *b* does not assimilate in place of articulation to the following alveolar/dental consonants *l, t, d, s, n, r*. When *ob* is followed by a voiceless consonants (*t, s*) the assimilation of voice can take place as, for example, in *optineo* < *obtineo* and such examples are included.
- c) *ab*: the labial consonant *b* generally does not assimilate in place of articulation before *l, t, d, s, n*. The form of the prefix with *s* before *t* (*abstineo*, *abs te*) is often used in order to avoid the combination of the labial consonant *b* before dental consonant *t*. Before the dental *f* usually the prefix *au* occurs (e.g. *aufferre*), probably to distinguish from *ad + f*, which is sometimes assimilated (e.g. *afficere*, *affluere*). The perfect forms of *abesse* are an exception: the usual spelling is *afui*, but variant forms *abfui*, *affui* also occur.

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<sup>118</sup> On the factors that influence the frequency of clusters and determine why certain clusters do not occur, see Devine and Stephens (1977: 116-119). They note that the morpheme boundary can be an important factor for the frequency of the certain cluster: for example, the cluster *tqu* occurs in Latin ‘only with intervening compound boundary’ (Devine and Stephens 1977: 118).

In addition, the following limitations of assimilation of prefixes are observed:

- d) *in*: as a rule, *n* does not assimilate before the dental/alveolar *t, d, s*, labiodentals *f, v*.  
 Before the velars *c* and *qu* the velar nasal *n* disappears: therefore it is not strictly a case of non-assimilation, but it would not be included in the study, since there is, as a rule, no variation in this position. *N* can be assimilated before the labial stops *m, p, b* and to *r* in place of articulation, resulting in full assimilation (e.g. *inmolari* > *immolari*, *inridere* > *irridere*) or partial assimilation (e.g. *inponere* > *imponere*) and before the alveolar stop *l* in manner of articulation (in this case, full assimilation takes place: *conlegium* > *collegium*). Therefore I do not include words like *insequens*, *ignotus*, but I discuss forms like *immolari* (the spelling variant *inmolari* is also possible).
- e) *con/com*: the original form is \**com* (Leumann 1977: 137). *Kom/com* is also the early form of the preposition, which proves that this is the original form of the prefix. The variants *com-*, *con-* and *co-* are used depending on the nature of the following sound.<sup>119</sup> As a rule the same restrictions apply to *con* as to *in*: *con* is used before *t, d, s, f, v, c*, and *qu*. Thus I do not include e.g. *concipio*, *conficere*. Forms where variation between *com* and *con* is possible, are included. Words with *com* are regarded as assimilated forms, words with *con* as non-assimilated forms. When *con* is followed by *gn*, variation is rare but possible: García González (1996: 100) notes in *CIL VI* *congatus* and *connatus* (both forms occur 3 times in *CIL VI*) alongside the normal *cognatus*.
- f) *ad*: the prefix is not assimilated before semi-consonant *u* and before nasals: thus words like *aduehere* or *admonere* are not included in this study. The only exception is *atuersus* in the *Lex Coloniae Genetiuae Iuliae* (RS 25), which is used alongside *aduersus* and *atministrandi* in the *Lex Irnitana* (see the section 5.3 in this chapter).

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<sup>119</sup> The nasal does not have semantic value: forms without nasal are perfectly normal when the prefix occurs before vocals (e.g. *cohors*).

- g) For the sake of completeness it should be noted that no assimilation can occur when the consonant of the prefix and the following consonant of the stem are the same (e.g. *addicere*).

García González (1996: 100; 103-107) demonstrates that these restrictions (d-g) apply for *CIL VI*, with a few exceptions are noted by him in case of *in* before *f* (*in* occurs 545 times in *CIL VI*, *im* 4 times) and *con* before *u* (*con* occurs 70 times, *com* 3 times). In addition, the prefix *ad* in general does not assimilate before nasals in *CIL VI*, except once in *ammissio* (García González 1996: 98; 106).

In the legal and official inscriptions of the corpus assimilation is always avoided in these consonant clusters (a-g), with the exception of occasional loss of voice in the prefix *ad* before voiced consonants in the *Lex coloniae Genetiuae Iuliae* and in the *Lex Irnitana* (see the section 5.3 of this chapter).

### 3.3 Attitudes to assimilation in Latin writers.

In the previous section I outlined in which cases assimilation did not occur in Latin. But when it was possible, was spelling standardised? Some preliminary observations about standardisation of spelling of prefixes can be drawn from the discussions of the topic by Latin authors. I discuss some of these texts here.

The attitude to assimilation depends, of course, on the interests and approach of an author to language: Quintilian, who is interested in pronunciation, approaches the question of assimilation from a phonetic perspective, as opposed to Longus and Scaurus who are mostly interested in spelling. The grammarians speak more frequently in favour of assimilation (e.g. Prob. *GL* 4, 150, 6; Prisc. *GL* 2, 49, 24; Cornut. ap. Cassiod. *GL* 7, 151, 7-13),<sup>120</sup> but at the

<sup>120</sup> Priscian (*GL* 2, 31, 1) also attests that Pliny and Probus were in favour of assimilation of *in* before *b*, *m*, *p*. On the evidence in grammarians see also Devine and Stephens (1977: 147), Prinz (1949-50: 111; 1953: 58), García González (1996: 94-95), Di Napoli (2011: 123-125). This evidence is of course of a much later date and the attitude towards assimilation might have changed then as compared to CL.

same time they are not always categorical in prescribing assimilation. For example, Cassiodorus, the antiquarian of the 6th century AD, speaks about assimilation not in a prescriptive, but in a descriptive manner (*plerumque euenit*) and, it seems, does not categorically exclude non-assimilation (*GL 7, 162, 10-15*):

Plerumque euenit ut consonantes quaedam uerborum aut uocabulorum coniunctae huic  
 praepositioni mutantur <...> accedo, attuli, assiduus, appareo, annuo, alligo, aspire, aspicio.

It generally happens that certain consonants of verbs or words change when they are connected to this preposition, (as for example) *accedo, attuli, assiduus, appareo, annuo, alligo, aspire, aspicio*.

There is little evidence about the attitude to assimilation of prefixes in CL, but when it is discussed the attitude is also not entirely prescriptive.

Lucilius (frg. 375-6 Marx) mentions assimilation in a passage attested by Velius Longus (*GL 7, 62, 1-4*):

Itaque Lucilius: atque ‘accurrere’ scribas ‘d’ne an ‘c’, non est quod quaeras atque labores. ille quidem non putauit interesse scripturae, sed si sonus consulitur, interest aurium ut ‘c’ potius quam ‘d’ scribatur.

And so Lucilius also says that you should not ask or worry whether to write *accurrere* with *d* or with *c*, since he did not think that there was a difference in spelling, but if one examines the sound of it, there is a difference for the ears that you should rather write *c* than *d*.

Lucilius, according to Velius Longus, says that from the perspective of spelling one can write either way, but the phonetic principle and the principle of euphony speak in favour of assimilation also in writing. This probably fits well with the conciliatory attitude of Velius himself, who seems to be neither categorically in favour of the phonetic principle nor

categorically against it (Di Napoli 2011: 114). The same attitude is expressed in the passage by Lucilius (frg. 374 Marx), also attested by Velius Longus (*GL* 7, 63, 3). Di Napoli (2011: 129) points out that, judging from these fragments the question of assimilation was discarded by Lucilius as secondary. What is, however, of interest for the topic at hand is a certain indifference towards assimilation and non-assimilation that can be seen in these fragments of Lucilius, which suggests a general lack of interest for standardising.

Quintilian lists assimilation of prefixes among other problems of spelling (apex with long vowels, *ad/at*, the spelling with the letter *k*) at *Inst.* 1, 7, 7-8:

Quaeri solet in scribendo praepositiones sonum quem iunctae efficiunt, an quem separatae obseruare conueniat, ut cum dico ‘optinuit’ (secundam enim b litteram ratio poscit, aures magis audiunt p) et ‘immunis’: illud enim, quod ueritas exigit, sequentis syllabae sono uictum m gemina commutatur.

The question is often asked whether, in writing prepositions, we should be guided by the sound they make in compounds or when separate: for example, when I say *optinuit* (reason requires *b* as the second letter, but our ears hear *p*) or *immunis* (the *n*, which the true sense demands, gives way to the sound of the second syllable, and is changed into a second *m*).<sup>121</sup>

The assimilated versus non-assimilated spelling of prefixes is a frequently debated issue (*quaeri solet*): this indicates that in educated language of Quintilian’s time the spelling was not standardised. Quintilian states that according to the etymological principle (*ratio, ueritas*) one should write *obtinuit, immunis*, but the phonetic principle (*ures, sonus*) requires *optinuit, immunis*.<sup>122</sup> According to Quintilian, spelling is defined by the phonetic principle (as long as usage does not contradict it), as he formulates at *Inst.* 1, 7, 30 (Ax 2011: 343). However, in

<sup>121</sup> Translation in the Loeb edition by Russell (2001: 187), with corrections by Ax (2011: 314).

<sup>122</sup> Colson (1924: 94) points out that there is no literary parallel to Quintilian’s support of assimilated *optinuit*, whereas in inscriptions *optinuo* does occur. Ax (2011: 314) notes that with *ob* etymological spelling is preferred, e.g. *obsides, obtineo* (except before *p*, where *op* is more frequent), whereas with *in + m* the assimilation is preferred (see, however, the discussion of these prefixes below).

this passage he does not categorically reject the principle of *ratio* and the non-assimilated spelling of prefixes, maybe precisely because usage, both in writing and in pronunciation, is not firmly established.

Finally, Cicero mentions at *Orat.* 158 that the preposition *ab* is pronounced differently in different words (*aufer*, but *amouit*, *abegit*) because of euphony. The passage is part of a bigger section in which Cicero argues against the principles of analogy and states that the principle of euphony should be followed instead (*uoluptati autem aurium morigerari debet oratio*, *Orat.* 159). The question of assimilation belongs to the realm of good taste and pleasantness of sound and is not defined by strict rules of analogy. Such an attitude implicitly allows some degree of variation (the same preposition can be pronounced and therefore spelt differently in different positions).

### 3.4 Previous research.

As observed in the previous section, in general grammarians tend to favour assimilation, but without being prescriptive and categorical.<sup>123</sup> This lack of restrictive attitude reflects to some extent a general lack of interest in standardising on their part, but also a general lack of standardisation of prefixes in the language.<sup>124</sup> The latter is confirmed by the inscriptional evidence: Prinz (1949-50: 107)<sup>125</sup> demonstrates that assimilation and non-assimilation spellings are used side by side in all periods of Latin history until the Middle Ages when assimilation finally begins to prevail. There are no universal rules for the spelling of all prefixes in all positions, but rather in each particular combination of prefix and consonant or even in the case of specific words the preference may be different (Prinz 1953: 53-54; Buck

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<sup>123</sup> On the role of grammarians as guardians of language see Kaster (1988), especially the first chapter (Kaster 1988: 15-32). However, the main focus of this excellent study is on the social standing of grammarians, not on the relation between their prescriptions and actual usage. The latter question is a ripe topic for further research.

<sup>124</sup> For other examples of lack of consensus in grammarians in regard to assimilation see Prinz (1949-50; 1953), *passim*.

<sup>125</sup> The study by Prinz (1949-50; 1953) should be used with caution, since he relies heavily on data from manuscripts. For assimilation in compounds in Plautus and Terence see also Dorsch (1887).

1899: 156-167). At the same time, as Löfstedt (1961: 197) points out, some patterns of spelling remain the same in all periods of Latin: this is the case, for example, with the consistent spelling *accidere* and *adquirere*, as well as with non-assimilation of *in + l* (e.g. in the Edictus Rothari in the seventh century AD).

García González (1996: 94-107) shows that in *CIL VI* (ca. 39000 inscriptions) it is possible to observe preferences in usage, even though there are no universal rules; for instance, in the case of *ad* before *c* (e.g. *accipio*) the preference is for assimilation, the only exception being *adclamo*, which occurs only without assimilation (García González 1996: 96). Similarly, *ad* before *s* occurs mainly without assimilation (García González 1996: 98), whereas in the case of *ad* before *l* usage is divided between assimilation and non-assimilation (García González 1996: 97; 106).

It is not entirely clear what the reasons of this different treatment might be. Scholars have different opinions about this issue. Löfstedt (1961) tends to explain most cases of non-assimilation as recomposition and argues that assimilation in spelling usually reflects a feeling that the word is not perceived as a compound (this might be true for Late Latin, but, in my opinion, cannot be proven for CL). In some cases it might have been of importance whether a prefix was recognised as a morphological unit (e.g. this is certainly the case with *com/con*: *con* was perceived as the original form and this occasionally resulted in recomposition as early as in the *SC de Bacchanalibus*, which has the form *conpromesise*), but it can hardly be the only factor in determining spelling of prefixes (see below my discussion of the legal inscriptions).

Phonetic factors might sometimes also play a role for the representation of prefixes in writing. Buck (1899: 157) points out that *con-l* is relatively easy to pronounce; the non-assimilated spelling *con-l* occurs often. According to García González (1996: 103), in *CIL VI* the spelling *con* before *l* occurs 280 times; however, the assimilated variant *col* occurs 584 times. On the other hand, this could also represent a purely spelling convention: there is

abundant inscriptional evidence that not all cases of assimilation represent pronunciation (I discuss that matter on the evidence in the legal inscriptions) and the relation between spelling and pronunciation is not straightforward. Pronunciation might have been a factor sometimes, but it is certainly not the only factor.

While in general there is abundant evidence of continuing variation in inscriptions, the most important question for the study of this type of standardisation in inscriptions is whether in high-level legal inscriptions of the period (100 BC – AD 100) this type of spelling variation is more limited and whether in these inscriptions we can observe an increasing tendency to standardise in regard to spelling of prefixes. If indeed complete standardisation took place, it would manifest itself first and foremost in high-level official texts, while less formal inscriptions might not reflect standardisation to the same extent. I will now discuss evidence for assimilation and non-assimilation of prefixes in legal inscriptions under this perspective and draw conclusions on the level of standardisation in high register texts and the tendency to standardise.

### **3.5 Assimilation in prefixes in legal inscriptions.**

All cases of assimilation and non-assimilation of prefixes in relevant positions in the corpus of legal inscriptions are listed in the following tables (table 1 and 2 for the first century BC, tables 3, 4 and 5 for the first century AD). For the legal inscriptions of the first century AD I also include a table with the number of occurrences in each of the relevant positions (table 6).

I do not discuss consonant clusters where assimilation as a rule does not occur in spelling (see above section 2 of this chapter). The words are listed in the order in which they occur in the inscription (the indication of the number of the line where the word occurs is omitted for the sake of brevity), the numbers represent the number of occurrences. If one word or one form occurs more than once, it is repeated in the list.

## 3.5.1 Legal inscriptions of the first century BC.

Table 1. List of occurrences of prefixes in inscriptions

	<b>Inscription</b>	<b>assimilation</b>	<b>non-assimilation</b>
1.	Lex Cornelia de XX quaestoribus	<i>ob</i> 1 <i>optinebit</i>	-
2.	Lex Tarentina	<i>in</i> 1 <i>immittere</i>  <i>com/con</i> 1 <i>commutare</i>	-
3.	SC de Asclepiade	<i>ob</i> 1 <i>optinent</i>	-
4.	Este fragment	-	-
5.	Falerio Fragment I B	-	-
6.	Lex Antonia de termessibus		<i>in</i> 1 <i>inperato</i>
7.	Lex Gabinia Calpurnia de insula Delo	-	<i>in</i> 3 <i>inmor[t]alium</i> <i>inmo[r]talibus]</i> <i>inportat</i>
8.	Rome fragment A	-	-
9.	Tabula Heracleensis	<i>com/con</i> 1 <i>commutatae</i>	<i>com/con</i> 1 <i>conmode</i> <i>conrectae</i>

		<b>ob 1</b> <i>optemperetur</i>	<b>ad 7</b> <i>adtribuito</i> <i>adtributus</i> <i>adtributionem</i> <i>adtributus</i> <i>adtributus</i> <i>adtribuendam</i> <i>adtributa</i>  <b>in 2</b> <i>inmortalium</i> <i>inmolitomue</i>
10.	Lex de Gallia Cisalpina	<b>ad 1</b> <i>accipietur</i>	-
11.	Edictum Augustusi de aquaeductu Venafrano	<b>com/con 3</b> <i>committere</i> <i>corrumpere</i> <i>compremsum</i>	<b>com/con 1</b> <i>conlocentur</i>  <b>in 1</b> <i>inponere</i>  <b>ad 3</b> <i>adportare</i> <i>adfuerint</i> <i>adferre</i>
12.	SCC de ludis saecularibus	-	-

13.	Edictum VXvirum s.f. de luctu feminarum minuendo per ludos saeculares	<i>com/con</i> 5  <i>collegio</i>  <i>collegio</i>  <i>commissi</i>  <i>committimus</i>  <i>composuit</i>    <i>ob</i> 1  <i>opserua[r]i</i>    <i>ad</i> 1  <i>acceptrices</i>	<i>in</i> 3  <i>inmolandarum</i>  <i>inmolanda</i>  <i>inmolauit</i>    <i>ad</i> 1  <i>adfuerunt</i>
14.	Ehrenberg 98	<i>ad</i> 1  <i>appellant</i>	

Table 2 lists the total number of occurrences for every prefix in these inscriptions.

Table 2. The total number of occurrences for each prefix

prefix	assimilation	non-assimilation
<i>ad</i>	3	11
<i>com/con</i>	10	3
<i>in</i>	1	9
<i>ob</i>	4	-
<i>total</i>	18	23

There are not many relevant occurrences of prefixes in the legal inscriptions of the first century BC and no statistically relevant conclusions can be drawn. However, as the available evidence demonstrates, legal inscriptions of the first century BC on the whole do not demonstrate an established preference for non-assimilation or assimilation. In total non-assimilation is slightly more frequent than assimilation (23:18), but for each prefix the distribution is different. In case of *ad* and *in* non-assimilation is preferred (11:3 and 9:1 respectively); *ob* and *com/con* are mostly spelt with assimilation, which demonstrates that generally assimilation cannot be regarded as a feature of substandard texts. In the earliest inscriptions there is no variation and only assimilated forms occur, but we cannot be certain that it represents a pattern and not a coincidence.

For the most part (with the exception of the first 3 inscriptions where we have only a few occurrences and of the number 13, which is mostly consistent, but has variation in the treatment of the prefix *ad*), inscriptions demonstrate inconsistent spelling: *conmodae*, *conrectae* versus *commutatae* (the *Tabula Heracleensis*), *committere*, *corrumpere* versus *conlocentur* (the *Edictum de aquaeductu Venafrano*), *acceptrices* versus *adfuerunt* (the *Edictum VXvirum s.f. de luctu*).

The *Tabula Heracleensis* (RS 24, presumably composed in Caesarian times)<sup>126</sup> demonstrates considerable variation in spelling of the prefix *com/con* (*commutatae*, but *conmode*, *conrecte*). The form *conmode* is the only example of such spelling (*con + m*) in this corpus of the legal inscriptions of the first century BC and in the first century AD (see below). García González (1996: 104) lists several occurrences of *con + m* in *CIL VI* (*com* occurs 131 times, *con* 10 times, *co* 8 times, *cum* once), which demonstrates that occasional variation of spelling was possible in the case of *com + m*. The spelling *conmode* in the *Tabula Heracleensis* might be an early case of recomposition, which is well attested in case of

<sup>126</sup> On the date of the text see Crawford (1996): 360-362. The inscription contains the end of the Latin text and no *sanctio*, with which statutes always end, which means that this is not the normal publication of a statute (Crawford 1996: 358). On the context of the inscription see also Brunt (1987: 519-523); Frederiksen (1965: 195-7).

*com/con* and as such perhaps shows that the scribe was eager to produce an etymologically correct spelling as opposed to the usual spelling. Again, this demonstrates that even in a formal context a scribe might not adopt the preferred usage and standardise.

At the same time, in the spelling of other prefixes the scribe of the *Tabula Heracleensis* follows the spelling conventions: *ad* and *in* are not assimilated and *ob* is assimilated in *optemperetur* (*op* might be the older spelling version of the prefix before mutae, see below), as is the case in other inscriptions.

In addition to variation in spelling of prefixes, the *Tabula Heracleensis* demonstrates other types of variation. We note *tuemdarum* (line 28) alongside *tuendam* (line 35), *quamta*, *tamtae*, *quamtum* (lines 37-38), *sentemtiam* (line 131) and *sententemtiam* (line 110): these are perhaps hypercorrections that indicate that in pronunciation assimilation in place of articulation was normal. Other features of the text also suggest lack of standardising: for example, the archaising *quom* (e.g. in line 1) for *cum*, *caussa* (e.g. in line 62 and 63) alongside *causa* (line 58), *aput* (e.g. in line 15 and 34) as opposed to *ad* (e.g. line 150). The evidence indicates that spelling of the formal texts of the late first century BC was not altogether standardised.

### 3.5.2 *Legal inscriptions of the first century AD*

All relevant occurrences are listed in the following table.

Table 3. List of occurrences of prefixes

	<b>Inscription</b>	<b>assimilation</b>	<b>non-assimilation</b>
15.	Decree on worship of emperors	-	<i>in</i> <i>inmolari</i> <i>inmolentur</i> <i>inmolarentur</i>

			<i>inpensam</i>  <b>ad</b>  <i>adsuetae</i>
16.	Lex Valeria Aureliana	<b>ad</b>  <i>appellentur</i>  <i>appellantur</i>  <i>accedere</i>  <b>com</b>  <i>comprehensumue</i>  <i>comprehensumue</i>	<b>ad</b>  <i>adsueta</i>  <i>ad[struerentur]</i>  <i>adgnoscerere</i>  <i>adlocutionibus</i>  <i>adpellantur</i>  <i>adpellantur</i>  <i>adsidentibus</i>  <i>adpellantur</i>  <i>adtribuendam</i>  <b>in</b>  <i>inmortalium</i>
17.	Senatus consultum de Cn. Pisone patre	<b>com</b>  <i>componendum</i>  (B 25)  <i>corruptus</i>  <b>in</b>  <i>immortalibus</i>  <i>immortalium</i>  <i>immortalibus</i>	<b>con</b>  <i>componendum (A 31)</i>  <i>conloqui</i>  <b>in</b>  <i>inpulso</i>  <i>inpunitatem</i>  <i>inmerito</i>  <i>inpunitatem</i>  <i>inpetrari</i>

		<b>ad</b> <i>accensa</i>  <b>ob</b> <i>optineret</i> <i>optulissi</i>	<i>inligata</i>  <b>ad</b> <i>adfuerunt</i> <i>adleg (for adlectus)</i> <i>adfecisset</i> <i>adsensus</i> <i>adfinitate</i> <i>adfinisue</i> <i>adclamationibus</i> <i>adfectum</i>
18.	Decree of the town council		<b>in</b>  <i>inpensis</i>  <b>ad</b> <i>adfuerunt</i>
19.	Senatus consulta de aedificiis non diruendis	<b>ab</b> <i>apstinere</i> <i>apstineret</i>  <b>com</b> <i>commigrare</i>	<b>ad</b> <i>adquireret</i> <i>adquireret</i>  <b>in</b> <i>inritas</i> <i>inrita</i>
20.	Edict of Claudius	<b>ab</b> <i>apsentia</i>	<b>ad</b> <i>adtributam</i>
21.	Edict of the proconsul of Sardinia	<b>com</b>	

		<i>comperi</i>	
22.	Lex de Imperio Vespasiani	-	-
23.	Lex municipii Malacitani	<b>sub</b> <i>suffragium</i> <i>suffragium</i>  <b>ad</b> <i>accipito</i> <i>accipiendis</i>  <b>in</b> <i>imp(erator)</i>	<b>sub</b> <i>subsignato</i> <i>subsignata</i>  <b>ad</b> <i>adfuerunt</i> <i>adfuerit</i>
24.	Lex municipii Salpensiani	<b>ad</b> <i>appellabit</i> <i>appellation</i>  <b>in</b> <i>imp(erator) 9</i> occurrences  <b>com</b> <i>collegas</i> <i>collegarum</i> <i>collegamque</i>	<b>ad</b> <i>adfuerint</i> <i>adgnatus</i>  <b>in</b> <i>inposita</i>
25.	Lex de flamonio prouinciaie	-	<b>sub</b>

			<i>subsellio</i>
26.	Lex Coloniae Genetiuae Iuliae	<b><i>ad</i></b> <i>apparebit</i> <i>apparebunt</i> <i>apparitores</i> <i>apparitores</i> <i>apparitoribus</i> <i>apparuisse</i> <i>attribuere</i> <i>attribuito</i> <i>attribuatur</i> <i>atsint</i> <i>attribuendum</i> <i>atsint</i> <i>atfinitate</i> <i>atsit</i> <i>atfuerint</i> <i>atsignatus</i> <i>atsignatus</i> <i>atsignato</i> <i>atsignando</i> <i>atsignando</i> <i>attributo</i> <i>attribui</i> <i>atsignato</i>	<b><i>ab</i></b> <i>absente</i> <i>absolui</i> <i>absolutus</i>  <b><i>ad</i></b> <i>adtribuatur</i> <i>adtribuat</i> <i>adtribui</i> <i>adtributionem</i> <i>adtribui</i> <i>adtribuendam</i> <i>adsint</i> <i>adtributa</i> <i>adfuerit</i> <i>adfuerint</i>  <b><i>con</i></b> <i>conlegio</i> <i>conlegium</i> <i>conlata</i>  <b><i>sub</i></b> <i>subscriptor</i>

		<i>atsignari</i> <i>atsignatus</i> <i>attributus</i>  <b>com</b> <i>collegio</i> <i>commutare</i>  <b>in</b> <i>immolatum</i>  <b>ob</b> <i>opsaeptos</i> <i>opsaeptum</i> <i>opsaeptio</i> <i>optinebit</i> <i>optemperanto</i>  <b>sub</b> <i>sufficere</i> <i>suffragio</i> <i>suffragio</i>	<b>in</b> <i>inlatum</i> <i>inmittere</i>
27.	Lex Irnitana	<b>ad</b> <i>appellabit</i> <i>appellatio</i> <i>appelletur</i>	<b>ad</b> <i>adfuerint</i> <i>adgnatus</i> <i>adfuerint</i>

		<i>atprobatumque</i>	<i>adfuerit</i>
		<i>accipiendis</i>	<i>adfuernit</i>
		<i>atprobauerit</i>	
		<i>apparitor</i>	<b>con</b>
		<i>accipito</i>	<i>conlega</i>
		<i>accepti</i>	<i>conlega</i>
		<i>accepta</i>	<i>conlegiumue</i>
		<i>accipiendis</i>	<i>conprehensumque</i>
		<i>accipiat</i>	<i>conpr&lt;e&gt;hensum</i>
		<i>[a]cceperit</i>	<i>conpr&lt;e&gt;hensum</i>
		<i>acceperint</i>	<i>conprehensa</i>
		<i>accepturus</i>	
		<i>accepturiue</i>	<b>sub</b>
		<i>accipi</i>	<i>substitiue</i>
		<i>appar&lt;i&gt;torio</i>	<i>subsignato</i>
		<i>apparento</i>	<i>subsignata</i>
		<i>apparitoribus</i>	
		<i>apparitor[i]</i>	<b>in</b>
		<i>apparitoribus</i>	<i>inritoue</i>
		<i>apparitoria</i>	<i>inritumue</i>
		<i>acceptiones</i>	<i>inritum</i>
		<i>acceptiones</i>	<i>inpensis</i>
			<i>inpenas</i>
		<b>com</b>	<i>inmittere</i>
		<i>[co]mprehensum</i>	<i>inpena</i>
		<i>collegas</i>	<i>ininpena</i>

		<i>collegarum</i> <i>collegio</i> <i>comprehensae</i> <i>commutare</i> <i>commutata</i>  <b>sub</b> <i>suff[ra]gium</i> <i>suffragium</i> <i>suffragium</i> <i>sufferatur</i> <i>supprimatur</i> <i>supprimito</i>  <b>in</b> <i>imp(eratoris) 26</i> occurrences <i>imparibus</i> <i>[i]mparibus</i>  <b>ob</b> <i>optinebit</i>  <b>dis</b> <i>diffidatur</i>	<i>inmissa</i> <i>inpena</i>
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		<i>diffi&lt;s&gt;us</i> <i>diffi&lt;s&gt;sus</i> <i>diffin[[den]]di</i> <i>diffi&lt;s&gt;sum</i> <i>diffindi</i> <i>diffi&lt;n&gt;dendi</i> <i>diffi[s]sum</i> <i>diffindi</i>	
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Before discussing these forms in more detail, I list the number of occurrences for each prefix in assimilated and non-assimilated form (table 5) and the spelling variants of prefixes before each relevant consonant (table 6).

Table 4. Number of occurrences

	<b>Inscription</b>	<b>prefix</b>	<b>assimilation</b>	<b>non-assimilation</b>
15.	Decree on worship of emperors	<i>ad</i> <i>in</i>	- -	1 4
16.	Lex Valeria Aureliana	<i>ad</i> <i>com</i> <i>in</i>	3 2 -	9 - 1
17.	Senatus consultum de Cn. Pisone patre	<i>ad</i> <i>com</i> <i>in</i> <i>ob</i>	1 2 3 2	8 2 6 -
18.	Decree of the town council	<i>ad</i> <i>in</i>	- -	1 1

19.	Senatus consulta de aedificiis non diruendis	<i>ab</i>	2	-
		<i>ad</i>	-	2
		<i>com</i>	1	-
		<i>in</i>	-	2
20.	Edict of Claudius	<i>ab</i>	1	-
		<i>ad</i>	-	1
21.	Edict of the proconsul of Sardinia	<i>com</i>	1	-
22.	Lex de Imperio Vespasiani	-	-	-
23.	Lex municipii Malacitani	<i>ad</i>	2	2
		<i>sub</i>	2	2
24.	Lex municipii Salpensiani	<i>ad</i>	2	2
		<i>com</i>	3	-
		<i>in</i>	-	1
25.	Lex de flamonio prouinciae	<i>sub</i>	-	1
26.	Lex Coloniae Genetivae Iuliae	<i>ab</i>	-	3
		<i>ad</i>	26	16
		<i>com</i>	2	3
		<i>in</i>	1	2
		<i>sub</i>	3	1
		<i>ob</i>	5	-
27.	Lex Irnitana	<i>ad</i>	25	5
		<i>com</i>	7	7
		<i>dis</i>	9	-

	<i>in</i>	28	10
	<i>ob</i>	1	-
	<i>sub</i>	-	6

Table 5. List of occurrences of prefixes before each consonant.

prefix	C(QU)	G	F	L	M	P	R	S	T
<i>ad</i>	<i>acc</i> 17 <i>adqu</i> 2 <i>adc</i> 1	<i>adg</i> 3	<i>adf</i> 14 <i>atf</i> 2	<i>adl</i> 2		<i>adp</i> 3 <i>app</i> 18 <i>atp</i> 2		<i>ads</i> 5 <i>ats</i> 11	<i>adt</i> 9 <i>att</i> 7
<i>ab</i>								<i>aps</i> 3 <i>abs</i> 3	
<i>com</i>				<i>coll</i> 7 <i>conl</i> 7	<i>comm</i> 4	<i>comp</i> 6 <i>conp</i> 5	<i>corr</i> 1		
<i>dis</i>			<i>diff</i> 9						
<i>in</i>			<i>inf</i> 2	<i>inl</i> 2	<i>inm</i> 8 <i>imm</i> 6	<i>inp</i> 11 <i>imp</i> 38 <sup>127</sup>	<i>inr</i> 5		
<i>sub</i>			<i>suff</i> 7			<i>supp</i> 2	<i>subr</i> 1	<i>subs</i> 7	
<i>ob</i>						<i>opt</i> 5		<i>ops</i> 3	

Table 6. Number of occurrences of each prefix

prefix	assimilation	non-assimilation
<i>ab</i>	3	3

<sup>127</sup> Mostly in the word *imperator* in the *Lex Irnitana*.

<i>ad</i>	57	38
<i>com</i>	17	12
<i>in</i>	44	28
<i>ob</i>	8	-
<i>sub</i>	9	8
<i>dis</i>	9	-
total	147	89

By contrast to the legal inscriptions of the first century BC, the preference changes in favor of assimilation (147: 87, as opposed to 17: 23 in the first century BC, see table 1). This is a notable drift towards standardisation and it might reflect a deliberate standardisation movement.

The following observations on the consistency/lack of consistency of spelling of each particular prefix can be made:

a) *ad*

In the combination *ad* + *c* there is no general consistency of spelling, but there is a pattern in the form of spelling of specific lexemes. As noted above (section 4 of this chapter), in *CIL* VI forms of *accipio* are always spelt assimilated, whereas *adclamo* is spelt consistently without assimilation (García González 1996: 105). This convention of spelling is also observed in this corpus of legal inscriptions: in the first century BC *ad* is written twice before *c* always in assimilated form (*acciperetur*, *acceptrices*) and in the first century AD forms of *accipere* are always spelt with assimilation, but *adclamare* occurs without assimilation. This seems to be a spelling convention that is not related to pronunciation and it possibly reflects a tradition of scribal training.

In the combination *ad + l/g* the prefix *ad* is consistently spelt without assimilation (*adgnoscerē, adlocutionibus, adlectus, adgnatus*).

*Ad* before *qu* occurs twice in the form *adquireret*, both times in the *Senatus consulta de aedificiis non diruendis* (number 5 in the corpus). In *CIL VI* there is no consistency: García González (1996: 105) lists *adquiro* (5 times), *atquiro* (5 times), *acquiro* (once). It is worth noting that Priscian (*GL 2, 47. 26*) specifically mentions that in the case of *adquiro* the spelling should be without assimilation, whereas otherwise he promotes assimilation without exceptions, which also indicates that in the case of *ad* a lexeme-tied approach plays an important role both in theoretical discussions by grammarians and in practical use of scribes. One might speculate in this case that the spelling is determined by a school tradition, in which scribes were taught not general rules, but specific spelling conventions for specific words.

In the position before *s* and *t* non-assimilation is consistent, with the notable exception of the *Lex Coloniae Genetivae* (*atsit, adsint, attribuere*) which stands out in the use of variant forms (see the discussion below).

#### b) *ob*

Notably, in all inscriptions of the corpus *ob* is consistently written in assimilated form. In the legal inscriptions of the first century BC we have *optinebit* in the earliest inscription, the *Lex Cornelia de XX quaestoribus* (dated probably to Sullan times)<sup>128</sup> and *optinent* in the later inscription, the *Senatus consultum de Asclipiade* of 78 BC (line 10). In the *Tabula Heracleensis* we read *optemperetur* and the latest inscription, the *Edictum VXvirum s.f. de luctu feminarum* (17 BC) has *opserua[r]i* (line 113). In the first century AD the prefix *ob* is written consistently in assimilated form *op* (3 times before *s*, 5 times before *t*).

In inscriptions and manuscripts the spelling *op* before voiceless consonants is not the prehistoric *\*op*, but the result of assimilation in voice to the following voiceless consonant

<sup>128</sup> See Crawford (1996: 293) on the dating of the inscription.

(Leumann 1977: 157). However, ‘good orthography’ (in Leumann’s words) resists assimilation before voiceless stops. We might wonder, however, to what extent the point about ‘good orthography’ is true: in these legal texts only the spelling *op* before voiceless stop occurs. Again, this shows that assimilation should not be necessarily considered a vulgar or substandard feature.

In *CIL VI* non-assimilated and assimilated variants are used, with a slight preference for the latter (*ob* occurs 28 times, *op* 39 times) (García González 1996: 104). Thus the persistent use of the assimilated variant in legal texts is perhaps a spelling convention characteristic of more formal inscriptions. Grammarians also speak for the most part in favour of assimilation where possible (e.g. Cornut. *GL* 7, 151, 17; Vel. *GL* 7, 64, 5; Scaur. *GL* 7, 26, 2)<sup>129</sup> and there was possibly an instruction in this case that was part of the school tradition and that the scribes of legal inscriptions followed.

c) *sub, ab*

*Sub* does not occur in relevant positions in the first century BC in this corpus. In the first century AD there is a certain consistency in spelling: before *f* and *p* it is always written fully assimilated (9 occurrences before *f*, 2 occurrences before *p*). However, before *s* (7 occurrences) and before *r* (1 occurrence) only the non-assimilated variant occurs (*subsignato*, *subscriptor*, *substitiue*, *subsellio*).

By contrast, *ob* is written in assimilated form before *s*. The prefix *ab* before *s* shows variation of spelling in our corpus (*apstinere*, *apsentia*, *absente*, *absolui*, *absolutus*). Thus, although from the phonetic point of view combinations *sub + s* and *ob + s*, *ab + s* represent the same consonant cluster and should be pronounced the same, in spelling these combinations are treated differently. This demonstrates that spelling, as I pointed out in the

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<sup>129</sup> See Prinz (1949-50: 102) for the list of places in grammarians where this spelling is discussed.

introduction to the spelling chapters, cannot be seen as necessarily reflecting the phonetic system, but is a system with its own rules and conventions.

Notably, we observe the same pattern of spelling for *sub* + *s* in our corpus and in *CIL VI* (García González 1996: 103-104): the non-assimilated spelling is preferred (22: 4). Similarly, before *f* the prefix is always spelt as fully assimilated in *CIL VI* (20 times) and it is also always spelt assimilated in our inscriptions (7 times). It shows that there is not necessarily a difference between spelling of highly formal texts and texts of various degrees of formality in *CIL VI*.

d) *in*

In the corpus of legal inscriptions of the first century BC there is a preference for non-assimilation for the prefix *in* (9:1). This tendency continues in the first century AD: non-assimilation is consistent before *f*, *l*, *r* and before labials, especially before *p* (11: 2). In this case we can speak of a general tendency not to assimilate before all consonants, except perhaps before *m* where no clear preference can be observed (e.g. *inmittere* and *immittere*).

This tendency for non-assimilation might be peculiar to legal inscriptions: in *CIL VI* there is no consistency in the spelling of *in*, with a clear preference for the assimilated variant before *p* (143: 76), whereas before *l* the preference is for non-assimilation (65 cases of *inl*, 2 of *il*) (García González 1996: 103).

e) *com/con*

The spelling is always *com* before *m* (4 times) and before *r* (once), whereas before *l* and *p* there is almost equal number of occurrences of *com* and *con*.

Noteworthy is the variation in the *Senatus consultum de Cn. Pisone patre* (AD 20). In both copies of the text the spelling of prefixes in the same word is usually the same, which is noteworthy given the considerable number of other cases of spelling variation between the

two copies (see the table of differences by Eck 1996: 67-70). The only exception is *componendum* – it is spelt *conponendum* in copy A (line 31) and *componendum* in copy B (line 25) in the same word. This shows that *com/con* is particularly prone to spelling variation and lacks consistency in spelling: this is true for legal inscriptions both of first century BC and AD.

### 5.3.3 Inconsistency of spelling of the prefix *ad* in the *Lex Coloniae Genetiuae* and the *Lex Irnitana*.

The *Lex Coloniae Genetiuae* (RS 25) is notable for the spelling of the prefix *ad*.<sup>130</sup> Alongside forms where assimilation does occur (e.g. *attribuere*, *atsignari*, *apparere*),<sup>131</sup> we observe variation in positions where there is usually no variation:

- a) in the position before vowels: *ateo* (95.1), *atessa* (95. 25, 32, 35), *atopteturue* (96. 15), *atoptetur* (130. 43 and 131. 4).
- b) in the position before consonants: *atuersus* (93. 24-5; 97. 20; 104. 17; 125. 24; 125. 25; 126. 43, line 44; 128. 27; 129. 35; 130. 49), *atfinitate* (95. 19), *atfuerit* (97. 25), *atfuerint* (100. 14), *atuentoresque* (126. 31).<sup>132</sup>

Forms with *ad/lat* before vowels and consonants are listed in the following table (the numbers represent the numbers of occurrences of each form).

Table 7. The spelling of the prefix *ad* in RS 25

<sup>130</sup> The text is inscribed on bronze tablets of which four survive in full and one in fragments (tablets a-e in RS). The inscription is usually considered to be badly drafted (Crawford 1996: 395). The text was probably drafted shortly after Caesar's assassination, but engraved in the Flavian period, judging from the letter shapes (Crawford 1996: 395). The text has not been significantly changed between drafting and publication: for example, the Republican oath in the text of the inscription is preserved in its original form and the names of the emperors were not added.

<sup>131</sup> See Table 4 for the whole list of occurrences.

<sup>132</sup> In *CIL* VI non-assimilated *ad + f* occurs 150 times. The assimilated *at + f* occurs three times: *atferente* *CIL* VI 2464; *atfines* 1343 and 10247.

<i>ad</i>	<i>at</i>
<i>adesse</i> 2	<i>atesse</i> 3
<i>aduersus</i> 6	<i>atuersus</i> 12
<i>aderit</i> 3	-
<i>aderunt</i> 10	-
<i>adierit</i> 1	-
<i>adsint</i> 1	<i>atsint</i> 2
-	<i>atsit</i> 1
-	<i>ateo</i> 1
<i>adigito</i> 1	-
<i>adegerit</i> 1	-
<i>adfuerit</i> 1	<i>atfuerit</i> 1
-	<i>atfuerint</i> 1
-	<i>atoptetur</i> 3
-	<i>atfinitate</i> 1
total: 26	total: 25

In the forms of *adesse* (*aderit*, *aderunt*) the spelling with *ad* prevails (except in the infinitive *atesse*), but for all other words in this list the form *at* is preferred. The spelling forms such as *ateo*, *atsint* are unparalleled in the corpus and in *CIL* VI and it is clear that such forms as *ateo* or *atoptetur* cannot represent pronunciation.

It is of interest for interpretation of these forms that the preposition *ad* also shows variation that does not reflect pronunciation:

- a) before vowels: *at ea sacra* (65. 21) and *ad ea sacra* (65. 26).

- b) before *d*: *at decuriones* (twice at 64. 10-11 and 69. 34), *at Iluirum* (99. 10), *ad decuriones* occurs 13 times.

However, in the position before voiceless consonants the preposition is consistently written as *ad*: *ad pr(imas)* (58. 3), *ad sacra* (59. 31), *ad quam aedem* (72. 35), *adque* (126. 41), *ad cenam* (132. 21, 27).

*RS 25* also demonstrates variation in spelling of final *t/d* in other prepositions and grammatical words. In *RS 25* the scribe demonstrates a preference for the spelling with *t* regardless of position:

1. *id* is written 16 times with *t* (regardless of the following letter), only once with *d* (*idque* 91. 7).
2. *quid* is written twice (*quid kapito* 93. 23; *quid ex ea re <...> perueniat* 93. 24), *quit* 14 times.
3. *aliutue* occurs twice (132. 29; 93. 23), *aliudue* once (132. 25).
4. *aput* is consistently written (7 times), no spelling with *d* occurs in the document.
5. *quot* is consistently used for *quod* (9 times), *quod* occurs once (*quod ipse <...> kandidatus <...> uocari[t]* at 132. 21).

Notably, Quintilian shows indifference in his treatment of the confusion of *ad* and *at* (*Inst.* 1, 7, 5), which Colson (1924: 93) found surprising, since it is in contrast with the attitude of the grammarians (e.g. Vel. Long. *GL* 7, 69, 20, where he distinguishes between the conjunction *at* and the preposition *ad*). Adams (2013: 158-159), however, points out that in this case the grammarians are concerned with spelling, whereas Quintilian's indifference reflects that in pronunciation even of the educated there was no distinction between *ad* and *at*

and hence maintaining the difference was futile (as noted above, Quintilian's main principle for spelling is the phonological principle).

Variation between final *t/d* in these words is observed in the crude letters of Terentianus (Adams 1977: 24-29), in the Bu Njem ostraca and in Vindolanda tablets (Adams 2013: 160-162). In the legal inscriptions of the corpus, the preposition is mostly written as *ad* regardless of the following word (49 occurrences of *ad* in all positions in *RS*, but only one occurrence of *at* in *RS* 24 in line 7 (*co(n)c(ul) at que* for *consul, ad quem*)). At the same time, in other monosyllables and grammatical words there is sometimes variation in spelling of final consonants: for example, in *RS* 39 we read *id ei ne fraudi esto, nee quit ob eam rem* (line 37) and in the *Lex municipii Malacitani* there is variation between *aliut* and *aliud*, as well as between *quod* and *quit*. This shows that even in high-level legal inscriptions spelling of *ad*, *quid* and similar words was not entirely standardised and assimilation in spelling cannot be considered a vulgar feature.

At the same time, *RS* 25 occasionally shows a taste for archaism. The scribe writes *k* before *a* in the majority of cases (*kaperent* and *c(apere)* at 53.8, *c(apere)* at 71. 29, *kapito* at 81. 26, 65. 30, 67. 17, 93. 23, *K(alendas)* 63. 3 and *kandidatus* at 132.14; 16. 22 and 24). On the other hand, *c* before *u* is spelt as *c* (e.g. *pecunia*), not with *q*, in accordance to the older practice of the writing of *k/c/q* (*k* before *a* and *o*, *q* before *u* and *c* before other letters).<sup>133</sup> This practice, attested in Old Latin inscriptions, faded out and in our corpus of legal inscriptions such spellings occur very sporadically, usually in the formula *n(on) k(alumniae) c(ausa)* (but see *kaussa* in *RS* 21), but in *RS* 25 the practice is revived. Interestingly, here again the spelling of the inscription can be compared to that of Terentianus who writes *karissimo, kasus, karum, sequrum, tequm* (Adams 1977: 32).

Thus, variation in spelling of the prefix *ad*, the preposition *ad* and grammatical words in *RS* 25 is not a vulgar feature that results from lack of education. The scribe writes *u* for *i*

<sup>133</sup> This practice was borrowed from Etruscan and can be observed in the Old Latin inscriptions (Wallace 2011: 11; 15).

before labials although by that time pronunciation has changed to [i] (*optima lege optumo iure*, 66. 36; *optuma lege*, 67. 15; *proxumis*, 69. 10, 68. 28, 80. 11);<sup>134</sup> he also uses aspiration correctly (*orchestram* 127. 8). In some cases he even demonstrates a taste for old-fashioned spelling, such as the use of the letter *k*. Possibly, assimilation of the prefix *ad* and his tendency to spell grammatical words with *t* could also be influenced by his taste for old-fashioned spellings.

It is of interest for the study of standardisation that the scribe of *RS 25* is neither eager to be old-fashioned consistently nor attempts to always standardise in line with contemporary preferred usage. Thus, he demonstrates non-restrictive use of spelling conventions. Thus, even in official contexts individual preferences and tastes can play a very important role and might be a decisive factor for retaining variation.

Similarly, in the *Lex Irnitana*, which belongs to the same period, the spelling *at* is also used in the position where assimilation does not usually occur in writing: *atministrandi* (20. 29), *aterunt* (50. 39). In the case of the spelling with *at* in *atministrandi* and *aterunt* we do not have the corresponding parts of the text of the *Lex Malacitana* and *Lex Salpensana* and cannot compare spelling in different versions of the Flavian municipal law. In all other cases there is no difference in spelling of prefixes between three inscriptions (see the table 3), except in the treatment of *con + l* (the *Lex Irnitana* has both *conlega* and *collega*, the *Lex Municipii Salpesiani* only has *collega*), which is another illustration of lack of consistency in certain spellings in formal texts.

### 3.6 Conclusion.

The evidence shows that in legal inscriptions variation of this type is not consistently eliminated. Some inscriptions demonstrate a considerable degree of variation (e.g. the *Tabula Heracleensis* and the *Lex Coloniae Genetiuae*). Even in the most formal contexts individual

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<sup>134</sup> In Vindolanda tablets the spelling with *u* is also retained in some cases, although it was not applied consistently (in the stem *contib-/contub-*), see Adams (2003b: 536).

preferences and tastes could be a decisive factor for spelling habits. The fact that in some cases the spelling was determined simply by preferences of the scribe is best demonstrated by the example of the *SC de Cn. Pisone Patre*, where two copies of the same text differ in spelling of the prefix *com* (*conponendum* and *componendum*). As noted above, in *RS 25* spellings such as *atesse* might be explained by the taste for archaising.

At the same time, there is a notable change in the first century AD compared to the first century BC: in general, the usage changes towards assimilation and that might reflect the influence of a standardisation movement. However, this influence never resulted in full standardisation of this type of spelling.

For some prefixes there were preferred spelling usages, but there are no general rules for the spelling of prefixes in legal texts. Lexeme-tied (e.g. *accipere* and *adclamare*) and prefix-tied spellings (e.g. consistent assimilation of *ob* before mutae, but non-assimilation of *ab*) that we observe in legal texts might be an indication that scribes were not taught general rules, but were trained to apply certain spellings for some concrete usages for each particular preposition. In cases when there were no concrete instructions, they tended to have less consistency in spelling. There is some evidence for this approach to spelling of prepositions in grammarians when they advocate assimilation in general, but differ in treating concrete words (e.g. in Vel. Long. *GL* 7, 62, 16 *est autem ubi transeat 'd' in 'l', si ab hac eadem littera uox sequens incipiat, ut est 'alligere', nec semper tamen, quoniam dicimus adluere et adloqui et adlabi*). In the case of *ad + p*, for example, the grammarians speak for assimilation of the prefix in writing, but they have mostly *apparere*, *appellare*, *apponere* as an example (Vel. *GL* 7, 61, 11; Cassiod. *GL* 7, 151, 14; Mar. Victorin. *GL* 6, 10, 1), which possibly reflects the school tradition of prescribing certain spelling for certain words, not for all words which have the same combination of prefix + following consonant. This approach is probably what Priscian (*GL* 2, 47, 25) argues against, when he says that the scribes write *adquiro*, but *accido*

erroneously (*errore tamen scriptorum hoc fieri quam ratione*), even though the pronunciation does not differ.

Our study of prefixes shows that the tendency to standardise is probably only one of the factors that determine spelling. We might distinguish between three main factors that influence the spelling of prefixes: the movement for standardisation in the first century AD, the scribal training and the school tradition and, finally, individual preferences and stylistic tastes.

## Chapter 4

### Claudian letters. Attempted spelling reform and its effects.

#### 4.1 Introduction.

The Claudian reform has a special place in the history of Latin spelling. Introduced by the emperor Claudius in AD 47, the Claudian letters represent an attempted reform of spelling imposed from above, by contrast to other spelling changes that happened mostly gradually and whose attribution to famous people was a convention within the tradition of ‘protos heurètes’, rather than a historical reality (e.g. Appius Claudius was traditionally regarded as the inventor of the letter *r*;<sup>135</sup> the introduction of the letter *g* to the Latin alphabet was ascribed by Plutarch to Spurius Carvilius (most likely, he meant Spurius Carvilius Ruga);<sup>136</sup> the introduction of the letter *k* to *ludimagister* Salvius<sup>137</sup>).<sup>138</sup>

The Claudian reform as an effort of an historical person, well documented and attested in inscriptions, is without parallel in the history of Latin spelling. As an attempt at a spelling reform imposed from above, it is important to the study of spelling standardisation in Latin. If Latin already had a standardised spelling system at that time as some scholars believe, and if, most importantly, a notion of standardised spelling did exist, within this theoretical frame of a standardised spelling system, the new letters, having the authority of the emperor, might have been expected to be treated as a rule that had to be implemented without any exceptions. On the other hand, if the letters were used without consistency, that would indicate a lack of interest for standardisation and suggest that the notion of a standard and spelling correctness as we understand it now in regard to modern standard languages, did not exist.

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<sup>135</sup> Pompon. *Dig.* 1, 2, 2, 36.

<sup>136</sup> Plu. *Moralia* 277d.

<sup>137</sup> Isid. *Orig.* 1, 4, 12.

<sup>138</sup> The change of spelling from *u* to *i* in words such as *maxumus*/*maximus* was traditionally ascribed to Caesar, but is attested before him in inscriptions (see the chapter on *maxumus*/*maximus* in inscriptions). On the innovations and changes to the Latin alphabet see Wallace (2011: 14-17).

In this chapter I will look at the use of the Claudian letters, particularly of the Claudian digamma, in all available inscriptions, observe how consistently they are used and consider what we can infer from this use of the new letters about the attitude to the reform and, consequently, to language standardisation.

Before turning to inscriptions, I will briefly discuss the date and the context of the reform and outline what is known about the linguistic characteristics of each letter.

#### 4.2 The form and phonetic value of the Claudian letters.

The emperor Claudius introduced three letters to the Latin alphabet during his censorship (Tac. *Ann.* 11, 13, 24; Suet. *Claud.* 41, 3, 28; Quint. *Inst.* 1, 7, 26; Prisc. *GL* 2, 15,5 and Gell. 14, 5, 2).<sup>139</sup> The incentive for the reform might have been those of the censor Appius Claudius Caecus, censor of the year 312 BC. As noted above, Appius Claudius was believed to introduce spelling reforms during his censorship, such as the invention of the letter *r* and this might have been Claudius' incentive for making the spelling reform part of his censorial activity (Ryan 1993: 616-617), but this cannot be certain.

We know the time of the reform with relative certainty. Tacitus (*Ann.* 11, 13, 24) attests that the reform took place during Claudius' censorship (AD 47-48) and in an inscription of AD 47 (*CIL IX 5959*) Claudius is referred to as *tribunus* for the seventh time and as *censor designatus*; therefore he must have become censor not earlier than 25

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<sup>139</sup> We do not have much information about the near-contemporary attitude to the reform. Scholars debate as to whether Tacitus was positive or negative towards it at *Ann.* 11, 13, 2 and 14, 3 (see Malloch 2013: 225 for an overview of the debate); in any case, Tacitus does not voice his opinion explicitly. By contrast, Suetonius at *Claud.* 41, 3 may have a negative attitude to Claudius' reform, as the phrase *quasi maxime necessarias* suggests. It was suggested by Papke (1986: 183-196) that Seneca refers in a mocking fashion to Claudian letters at *Apocol.* 3, 4, but this is speculation. Quintilian speaks favorably of the Claudian digamma at *Inst.* 1, 7, 26, but does not mention the other letters (perhaps, contrary to the digamma, their introduction was based on a less solid theoretical base and thus Quintilian does not deem them worth mentioning). In any case, even though the introduction of the new letters was not successful in the long term (see below), the fact that it was mentioned by Quintilian, and then by Tacitus and Suetonius half a century later suggests that not only did it stand out for contemporaries, as demonstrated by its use in inscriptions of Claudius' time, but was also seen later as an important event of Claudius' reign in the historical perspective.

Jan. 47. The first occurrences of the Claudian letters are dated to the same year. The three letters are as follows:

a) The Claudian digamma

The Claudian digamma  $\text{ϰ}$  is used to mark the consonantal [w]. The letter has the form of the inverted and reversed Greek digamma to distinguish it from the Greek digamma. The Claudian digamma is the only Claudian letter of which both the form and the phonetic value are certain. This letter is attested more frequently and in a wider range of inscriptions than the other Claudian letter  $\text{Ϝ}$  (the third letter is not attested in inscriptions). Notably, the Claudian digamma is presented as a positive and logical invention by Quintilian at *Inst.* 1, 7, 26 (see n. 2 above). As noted above, the inscriptions with the Claudian digamma provide the most important evidence for the implementation of the letters and attitude to the reform and will be discussed in detail below.

b) The Claudian letter  $\text{Ϝ}$

The shape of the letter is  $\text{Ϝ}$ . The phonetic value can be inferred from its use in the inscriptions, which are as follows:

1) *CIL* VI 553

The Claudian letter:  $\text{SATϜR, NϜMPHABUS}$  (dat. pl.)

The inscription, found on the Via Appia, set up by a freedman Satyrus, reads as follows:

$\text{SatϜr(us) libert(us) nϜmphabus sacrum instituit l(ibens) A(nimo) D(e) S(uo) F(ecit)}$ .

2) *CIL* VI 918

The Claudian letter:  $\text{AEGϜPTI}$

This is a well-written large inscription, dated between 25 January AD 47 and 24 January AD 48 and found in the ruins of the Forum of Augustus in Rome, represents an *ex-voto* dedication of some object for Claudius by C. Iulius Postumus, praefect of Egypt in 45-47. The title of Postumus, *praefectus AegI-pti* is written with the Claudian letter. Gordon suggests that the object was of considerable size and was placed alone in a niche, thus given special prominence (Gordon and Gordon 1958: 94).

3) *CIL* VI 5064

The Claudian letter: GLI-CONIS

A funerary inscription of Stephanus, a freedman or slave of procurator Glycon, and his wife: *Dis Manibus Heuresinis Stephanus u(ixit) a(nnos) XVI GLI-conis procuratoris coniugi bene merenti fecit et sibi*

4) *CIL* VI 6605

The Claudian letter: TI-CHE

A funerary inscription made by Rhesus for his mother Iulia Tyche: *Iuliae TI-che Rhésus filius mátri fécit.*

5) *CIL* VI 12700

The Claudian letter: EVTI-CHIAIS

Funerary inscription for Atthis and his sister Eutychia. Both the letter I- and the Claudian digamma are used. For the discussion of this inscription see the next section on the digamma in inscriptions from Rome (4.3).

6) *CIL* VI 16707

The Claudian letter: CI-CNVS

A funerary inscription of the emperor Claudius' slave Cycnus and his wife, which reads as follows: *CFcnus Ti(berii) Claudi Caesaris ser(uus) fecit sibi et Marciae Marullae.*

7) *CIL* VI 30607, 4

The Claudian letter: ETF-HE

A fragment of a badly preserved funerary inscription; no other words survive in full, except for the abbreviated *a(nnos)* in line 3.

8) *CIL* VI 36158

The Claudian letter: SCF-MNVS

A funerary inscription made by Scymnus for his mother Pomponia Nymphice. Notably, both the Claudian letter and the letter *y* are used in Greek words (which demonstrates indifference to consistency of spelling on the part of the scribe): the inscription reads *D(is) M(anibus) Pomponiae Nymphice ScFmnu filius matri pientissimae fecit.*

9) *CIL* IX 5686

The Claudian letter: NF-MPHINI

An inscription from Cingulum (now Cingulo), a small town in Picenum. Notably, both the letter F and the Claudian digamma occur. The inscription is dedicated to M. Cernitius and his *concupina*<sup>140</sup> Cernitia, and reads as follows: *M(arco) Cernitio M(arco) f(ilio) æl(ina) Pollioni II ãir bis Augus(tali) et Cernitiae M(arci) L(ucii) NFmphi<sup>141</sup> concubinae eius Phiale l(ibertae) d(e) s(uo) f(ecit).* Cernitius is probably the patron of Cernitia, who is a freedwoman (*libertina*).

<sup>140</sup> On the status of concubines see Treggiari (1981: 59-81); see also McGinn (2003) on prostitution and law in Rome.

<sup>141</sup> The dative of the name *Nymphe* should be *Nympheni* (cf. the genitive *Nymphenis* *CIL* VI 35046, the dative *Nympheni* *CIL* VI 14688): this must be a spelling error.

10) *CIL X 2895*

The Claudian letter: PF-LADES

A funerary inscription from Puteoli for C. Procleius Pylades, his wife Iulia Phaenusa and his family: *C Procleius PFlades sibi et Iuliae Phaenusae et Denaten uxori suae et suis.*

11) *CIL X 6638c*

The Claudian letter: BATHF-LLVS, BF-BL, GF-BER, (c)HRI-SAOR(r), NF-MPHIVS

A fragment of a list of members of a collegium of the imperial cult at the imperial villa in Antium on Capri (the so-called *Fasti Antiates*).<sup>142</sup> Notably, in the inscription the Claudian digamma does not occur, whereas the letter *u* is used consistently for the consonantal [w], (e.g. *uetus* col. 3, line 17, *diuae Augustae* col. 3, line 32).

The inscription says that Bathyllus, whose name is written with the Claudian letter, is a house-born slave (*uerna*) and a librarian at the villa and a member of the collegium in AD 48 (*BathFllus uer(na) Capr(ensis) a bFbl(iotheca)*).

In the list of names from the following years two Greek names are written with the Claudian letter: in 49 AD *Ti(berii) (Claudii) ChrFsaor* (an imperial slave or freedman) and *NFmphus*, possibly also a slave or freedman of the imperial household.

12) *CIL XI 3199*

Claudian letter: THF-AMIDIANVS

It is found in a well-written inscription *ex-voto* by Hemeros, the imperial slave, from the ancient town Nepes (Etruria): *Hemeros Ti Claudii Caesaris Aug Germanici ser(uus) ThFamidianus ab marmorib(us) magister feroniae aras quinque d(e) s(uo) d(ono) d(edit/dedicauit).*

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<sup>142</sup> On imperial slaves and freedmen on Capri see Booms (2010: 133-143).

13) *CIL* VI 19373

The Claudian letter: FRATR̄ (dat. sg.)

A sepulchral inscription of unknown date set by a certain Hermaeros. The dat. sg. *fratri* is written with the Claudian letter: *Hermaero(s) [...] f(i)lius fratr̄ [...] fecit.*

14) *CIL* XIV 2995a

The Claudian letters: TR̄, ʌI[R], DIʌI

The inscription is set up by the daughter of the prefect Sextus Pompeius to accompany a structure built according to his will (AD 51/54): *Sex(tus) Pomp[ei]us [...] trib(unus) mil(itum) ʌʌi[r] [...] Diʌi Aug(usti) Neronis [...] praefectus testa[mento] [...] Pompeia Mummi[a] [...] [... ex qua] summa porticum mar[moribus ornauit] tr̄ albario adiecta [...] quinq(ies) passu[...].*

In line 7 we read TR̄, followed by an interpunct for word division. It is unclear whether this is an abbreviated word, or a part of the word, since the left margin of the inscription does not survive. Notably, this is the only official inscription where two Claudian letters occur: the digamma is used in lines 2 and 3 (ʌI[R], DIʌI). The context makes it unlikely that it is a Greek name, but no Latin word comes to mind.

From this evidence it is clear that the letter ʌ stands in all inscriptions for the Greek *v* (except in number 13). Moreover, it is used mostly in Greek personal names (the exceptions being *gʌber(nator)* and *bʌbl(iotheca)* in *CIL* X 6638c, on which words see the discussion below).

However, could it really have been Claudius' intention to introduce a new letter to the Latin alphabet with the sole function of rendering the Greek upsilon in Greek words (especially since the letter *y* was already widely used in this function by this time)?<sup>143</sup> It

<sup>143</sup> On the introduction and use of the letter *y* in Latin see Biville (1995: 255-319).

seems unlikely, since, as the Claudian digamma demonstrates, the form of the Claudian letters was inspired by the Greek alphabet, but the reform was intended for Latin spelling.

Oliver (1949: 255) suggested that Claudius originally intended for the letter F to take over one of the functions of the letter *i*, namely to render a sound between  $\bar{e}$  and  $\bar{i}$ , distinct from  $\bar{i}$  (if such sound indeed existed).<sup>144</sup> However, as Oliver (1949: 257) himself admits, there is hardly any inscriptional evidence supporting his idea therefore at least until more evidence emerges, this remains a speculation.

Bücheler (1915: 1.12-17) bases his hypothesis about this Claudian letter F on the following passage in Velius Longus (*GL* 7, 75, 17-76, 5):

Aurifex melius per i sonat, quam per u. at aucupare et aucipium mihi rursus melius uidetur sonare per u quam per i; et idem tamen aucipis malo quam aucupis, quia scio sermonem et decori seruire et aurium uoluptati. unde fit ut saepe aliud scribamus, aliud enuntiemus, sicut supra locutus sum de uiro [uero] et uirtute, ubi i scribitur et paene u enuntiatur. unde Ti. Claudius nouam quondam litteram excogitauit similem ei notae quam pro aspiratione Graeci ponunt, per quam scriberentur eae uoces quae neque secundum exilitatem i litterae neque secundum pinguitudinem u litterae sonarent, ut in uiro et uirtute <...>. est autem ubi pinguitudo u litterae decentius seruatur, ut in eo quod est uolumus nolumus possumus. at in contimaci melius puto i seruari: uenit enim a contemnendo, tametsi Nisus et contumacem per u putat posse dici a tumore.

*Aurifex* sounds better with *i* than with *u*. However, *aucupare* and *aucipium*, it seems to me, sound better with *u* than with *i*. And in the same way I prefer to pronounce *aucipis*, not *aucupis*, because I know that speech has to follow the rules of beauty and be a delight of the ears. This is the reason why we often write one thing and say another, just as I said above about *uir* and *uirtus*, in which words we write *i* and pronounce almost *u*. That is why Tiberius Claudius invented a new letter similar to the sign the Greeks use to mark aspiration, with which letter

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<sup>144</sup> Oliver's idea is based on the fact that Claudius drew his inspiration from Greek and Oscan: in the Boeotian alphabet the letter F is used for close *e*, later *i* (Buck 1955: 18, 22) and in Oscan the letter F was used for close  $\bar{e}/\bar{i}$ .

sounds might be written that sounded neither thin as *i* nor full as *u*, as in *uir* and *uirtus*. <...> But there are places where it is more appropriate to preserve the full sound of *u*, as in the case of *uolumus nolumus possumus*. But in the word *contimax*, I think, it is better to preserve *i*, for it is derived from *contemnendo*, though Nisus thinks that one can even say *contumacem*, because it is derived from *tumor*.

Based on these words of Velius, Bücheler suggested that the letter F̄ was originally introduced for the intermediate vowel between *i* and *u* before labials in words such as *maxumus/maximus*.<sup>145</sup> According to Velius, the new letter should have marked a sound that is neither [u] nor [i] in words like *uir* and *uirtus*: a sound in Latin words, which is close to the Greek *y*. Biville argues that Claudius introduced the letter specifically for the sound in words like *uir* [w̄i] (which was distinct, according to Biville, from the intermediate vowel before labial in words like *maxumus/maximus*) and was in the end used both for this Latin sound in *uir* and for the Greek [ū]; the letter *y* which was introduced specifically for the Greek sound [ū] was foreign and difficult to pronounce for Latin native speakers (Biville 1995: 262-263). This explanation, in my opinion, cannot be proved (Velius, for example, in the passage quoted above does not make a distinction between the sound in *uir* and *possumus*). Most importantly, there is no inscriptional evidence for the use of the new letter in Latin words after [w], whereas the Claudian digamma is used in a number of words like *uir* before *i*.

One has to take into consideration that the passage in Velius is corrupt and therefore cannot be a solid basis for determining the intended function of the letter F̄. Also the letter is not attested in the words of *maxumus/maximus* type in inscriptions. Generally, it is unclear whether the sound in words such as *maxumus/maximus* was similar to the Greek *v*. The grammarians do not provide any clarity in this matter: Priscian possibly attests that it was similar (*GL* 2, 7, 15-19). On the other hand, as Allen (1978: 58) points

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<sup>145</sup> On the 'intermediate' vowel see Allen (1978: 56-59), Sommer and Pfister (1977: 88-89).

out, ‘Quintilian specifically mentions that the sound of the Greek υ did not exist in native Latin words;<sup>146</sup> moreover, *y* is never used to write the intermediate vowel until a late date when *y* and *i* were in any case confused; it is never transcribed as υ in Greek’.

In my opinion, neither of these two phonetic interpretations offers an entirely convincing explanation. I believe it is possible that the reform was purely orthographic: the letter could be originally introduced with the aim of eliminating spelling variation *i/u/y*, which occurs in Greek words and some remnants of *i/u* variation in Latin words (on which see chapter 1). The letter *y*, introduced to Latin in the first century BC (Wallace 2011: 17), was used inconsistently and the confusion between *i/y/u* in spelling continued until Late Latin, as attested in *App. Prob. (GL 4, 197, 24 Marsyas, non Marsuas, 27 gyrus, non girus)*. Therefore it is possible that Claudius aimed at eliminating the possible confusion arising from spelling variation by introducing the new letter F. Perhaps one indication in favor of the orthographic explanation is the fact that all words written in the inscriptions with the Claudian letter F were prone to this inconsistency of spelling, including the word *bFbl(iotheca)* which could also be written *publiotheca*, *bybliotheca* (Biville 1995: 219).

The spelling *gFbernator* in *CIL X 2895* can also be interpreted in this way. Bücheler (1915: 1.16) suggested that the Claudian letter in this word marks the alleged intermediate sound, but *gubernator* clearly did not have this sound, because it does not show variation with *i* in spelling and also [u] is retained in Romance (cf. fr. *gouverner*, it. *governare*) (Coleman 1962: 100). However, if the reform was purely orthographical, the new letter could be used in this word to eliminate spelling inconsistency: while mostly the word is spelt *gubernator*, the variant spelling *gybernator* occasionally occurs (e.g.

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<sup>146</sup> Quint. *Inst.* 12, 10, 28

GYBERN(*ator*) *CIL* X 3435), since the word was originally borrowed from Greek (κυβερν-).<sup>147</sup>

Whatever the original and the perceived value of the letter might have been, what is important in relation to standardisation is that this new letter was clearly perceived as a facultative feature. This is evident from the relatively small number of occurrences in inscriptions of Claudius' time (even if many inscriptions may not have survived). The optional character of the letter is also clearly demonstrated in *CIL* VI 36158 (number 8 in the list) where the Claudian letter F and the letter *y* are both used. This example illustrates indifference to consistency in spelling. Noteworthy also is *CIL* X 6638c (number 11 in the list), where the letter F is used consistently, whereas the Claudian digamma does not occur, which indicates a lack of awareness of both letters being part of one reform but also a lack of desire to consistently apply the reform.

Perhaps the main factor for applying the new letter was the socio-linguistic factor of prestige associated with the new letters in Claudius' time. This could be the main reason for the use of F in well-drafted and well executed public inscriptions, e.g. in *CIL* VI 918 set up by Lucius Postumus and placed on the Forum of Augustus where the emperor himself might see it. In the inscriptions that feature freedmen and slaves the new letter could also be seen as a means to add prestige to their status by showing awareness of the new reform and to show their loyalty to the emperor. This could be especially relevant for slaves of the imperial household, e.g. Bathyllus, Chrysaor and Nymphius in *CIL* X 6638c.

Most importantly, there is a general relevance of these letters to the question of spelling standardisation. The letters are used creatively by some writers, and that means that traditional spellings, used by the majority of composers of inscriptions, were not

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<sup>147</sup> As well as *gubernator*, the Greeks introduced other maritime technical terms (e.g. *nauta*, *prora*) to Italy (Biville 1990: 242).

being treated by them as sacrosanct. Using new letters implies a readiness to experiment, and that attitude is the very opposite of any desire to observe regularity.

c) The Claudian letter for /ps/, /bs/

According to Priscian (*GL* 2, 1, 42), the third Claudian letter was introduced for the combinations /ps/ and /bs/. This letter is not attested in inscriptions and its form is unknown. Bücheler (1915: 8-12) suggests that it had the shape of reversed C because Priscian calls this letter antisigma.<sup>148</sup> Reversed C is also commonly used in inscriptions as a symbol for *centuria* or as a sign for the female praenomen Gaia.

#### 4.3 The Claudian digamma in inscriptions from Rome.

The Claudian digamma is a justified innovation from the grammatical point of view (as such, as observed above, it is praised by Quintilian at *Inst.* 1, 7, 26) and its value was not disputed in ancient sources nor is it by modern scholars. But was the digamma implemented regularly and consistently or was it as optional as the Claudian letter F? Consistent use of the digamma would give evidence for the existence of a wider standardisation movement and of a positive attitude to Claudius' standardisation reform, whereas irregular use would indicate a lack of interest in standardising. I will now discuss the use of the digamma in *CIL* VI with this perspective.

The digamma occurs in the following inscriptions in *CIL* VI (the inscriptions are listed in chronological order when possible):

a) *CIL* VI 919

The inscription, possibly a censorial edict of Claudius, is dated to AD 47-48.

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<sup>148</sup> Oliver argued that there was no reversed C in the manuscripts of Priscian, but that there this sign looks like the Lokrian and Arkadian sign for [ps], therefore the third Claudian letter perhaps had the form of the Lokrian sign for [ps] (Oliver (1949: 254). Unless new inscriptional evidence is found, suggestions about the shape of the letter remain speculative.

*ti. claudius caes. aug*

*l. vitellius p. f.*

*ex S · C*

*ceNSORES*

*IOCA · A PILIS ET COLUMnis*

*QUAE A PRIuATIS*

*POSSIDEBANTVR CAVSA*

*COGNITA EX · FORMA IN*

*PUBLICVM RESTITVERVNT*<sup>149</sup>

Tiberius Claudius Caesar Augustus, Lucius Vitellius, son of Publius, censors appointed by the senate's decision restored, after juridical inquiry, the places which were owned by private people starting from pillars and columns, in the possession of state, in due form of law.

The inscription is well drafted and does not contain spelling errors. The Claudian letter *w* is used once in line 5 (A PRIuATIS). There are no other words with *w* in the inscription.

In terms of spelling consistency in general, the use of interpuncts stands out: they are neither consistently applied throughout the document as word dividers nor as syntactic markers, but they occur without consistency as word dividers in line 3 and in line 7.<sup>150</sup>

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<sup>149</sup> Cf. *CIL* X 1018, an inscription from Pompeii, which describes a similar restoration of land in the possession of the state (*ex auctoritate imp. Caesaris Vespasiani Aug. loca publica a priuatis possessa T. Suedius Clemens tribunus causis cognitis et mensuris factis rei publicae Pompeianorum restituit*).

<sup>150</sup> In the republican period interpuncts are used as word dividers, but their regular use in this function is abandoned in the imperial period; instead they often function as clausal dividers or group together prepositions and nouns or verbs and pronouns; on the latter use of interpuncts see Adams (1996: 208-210), who suggests that such punctuation indicates enclitic character of pronouns. See also Müller (1964: 36-37) for the syntactic use of interpuncts.

Similarly, the *I longa* is used to mark the long *i* in *pIlls* (line 4), but not in *prīuatīs*.<sup>151</sup> Both the random use of interpuncts and *I longa* demonstrates a lack of desire to fully standardise.

b) *CIL* VI 1231, 31537, 37022, 37023

Eight terminal cippi, which marked the boundary line of Rome. The inscriptions are dated to AD 49.<sup>152</sup> The text is the same on all the stones.<sup>153</sup>

TI · CLAUDIUS  
 DRVSI · F · CAISAR  
 AVG · GERMANICVS  
 PONT · MAX · TRIB · POT  
 VIII · IMP · XVI · COS · IIII  
 CENSOR · P · P  
 AVCTIS · POPULI · ROMANI  
 FINIBVS · POMERIVM  
 AMPLIAꝑIT · TERMINAꝑITQ(ue)

Tiberius Claudius, son of Drusus, Caesar Augustus Germanicus *pontifex maximus*, tribune for the eighth time, imperator for the sixteenth time, consul for the fourth time, censor and pater patriae, after the territory of the Roman people grew larger, extended the boundary line and marked it by boundary-marks.

Notably, the Claudian digamma is used consistently on all eight copies. The use of interpuncts is also for the most part consistent (in no. 96 in Gordon and Gordon the interpunct is missing after MAX and in no. 97 the interpunct is missing between the words in line 8).

<sup>151</sup> On *I longa* see Oliver (1966: 162-163), Wallace (2011: 18)

<sup>152</sup> For the history of extension of the city border of Rome see Platner and Ashby (1929: 392-396).

<sup>153</sup> I reproduce here the reading of Gordon and Gordon (1958: 96).

However, the *I longa* is used differently in each particular inscription. If the reading which Gordon and Gordon propose is right, one copy (not published in *CIL* but mentioned in the commentary to *CIL* VI 37023, no. 96 in Gordon and Gordon) has no *I longa*, another copy (*CIL* VI 1231, no. 97 in Gordon and Gordon,) has an *I longa* in *auctIs* and *RomaNI* (line 7) and yet another copy (not published in *CIL*, no. 95 in Gordon and Gordon) has an *I longa* in *auctIs* (line 7) and in *fnibus* (line 8). This variation in the use of *I longa* demonstrates that in official inscriptions a certain degree of variation in spelling is possible, even if for the most part all spelling conventions are implemented regularly. This example indicates that Latin spelling is not treated as a system but rather is perceived as a number of disassociated features: consistency in the use of the new letter does not mean that another spelling feature, in this case the *I longa*, would also be used in a regular fashion.

c) *CIL* VI 921

Five inscriptions, written in five columns, were set up in honour of Claudius' family (Germanicus, Octavia, Antonia, Iulia and Nero) and probably accompanied portrait statues of the arch built by Claudius after his campaign in Britain (Gordon and Gordon 1958: 101). The arch, according to *CIL* VI 920 (an inscription set up in honour of the emperor Claudius and intended for the decoration of the arch), was built in AD 51-52; therefore this inscription can be dated to the same year.

The spelling of the highly formal text demonstrates a high degree of consistency. The digamma is used for [w] in all words (5 times):<sup>154</sup> DIꝚI (column 1, line 4), ꝚIR (twice in the text: column 3, lines 4 and 5), IUꝚENTUTIS (column 3 line 7), OCTAꝚIAI (*CIL* VI 921c not published by Gordon and Gordon), interpuncts are used for word division throughout the text with few exceptions, the digraph *ai* is regularly used for *ae* in all words (*CAISAR* three times,

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<sup>154</sup> *CIL* has the reading with the digamma in the now lost first column in the word DIꝚI.

never with *ae*, the genitive PATRIAI, the dative IVLIAI, ANTONIAI, AVGUSTAI, AGGRIPINAI).<sup>155</sup>

In such a formal document the use of *I longa* is not consistent: the genitive form *Claudi* is written twice with *I longa*, once with *i + I longa* (*ClaudiI*; this column is published only in *CIL* VI 921c). It is clear that, however official the text, *I longa* always remained a facultative feature and absolute consistency of spelling was not aimed at.

d) *CIL* VI 353

This is a votive inscription, consecrated to Isis and Serapis and dated to AD 51, set up by Amerimnus, a freedman of Aedia Servilia Aviola, the wife of Marcus Acilius Aviola (consul of the year 54).<sup>156</sup>

TI · CLAVDIO · CAISARE  
 AVG · GERMÁNICO · V  
 SER · CORNÉLIO · ÓRFITO · CoS  
 ISIDI · INÚICTAI · ET · SERÁPi  
 M AÍDIVS · SERfILIAÍ · AfIOL  
 LIB · AMERIMNVS  
 EX · fISV'

<sup>155</sup> Historically speaking, in the genitive the spelling *ai* reflects *āī* (both vowels long, two syllables), in the dative and in the nominative plural the spelling *ai* corresponds to the diphthong *āī* with the first element long (Leumann 1977: 417-418). However, the historically disyllabic genitive *ai* has become a spelling convention by that time and it was treated in pronunciation as one syllable; evidence for monosyllabic treatment of the gen. *ai* occurs e.g. in *CIL* VI 15346 (of Republican date), written in iambic senarii: *heic est sepulcrum hau pulcrum pulcraī feminae*. In this iambic line *pulcraī* scans as two syllables.

<sup>156</sup> Aedia Servilia is also mentioned in the inscriptions *CIL* IX 2424, 2363, 2365. I cite the text of this inscription as published in *CIL* VI 353.

In the fifth consulship of Tiberius Claudius Caesar Augustus Germanicus and in the consulship Seruilius Cornelius Orfitus, for the invincible Isis and Serapis Marcus Aedius Amerimnus, freedman of Seruilia Aviola, because of the vision.

The Claudian digamma is used here inconsistently, by contrast to the previous more formal inscriptions b) and c). In line 4 the word INVICTAI is written with the consonant *u*, but in the following lines all words with consonant *u* are written with the digamma. (SERAI'ILIAI' AAIOL, line 5, EX AIISU, line 7). Clearly this inconsistency does not represent lack of training on the part of the scribe: there are no misspellings and the diphthong *ae* is written as *ai*, according to the current archaising fashion. Rather, the inconsistency represents lack of interest in standardisation and the perception of the Claudian digamma as an optional feature that could be used or not used according to individual preferences.

e) *CIL* VI 2034, 2041, 2042b,d

These are the lists of *Acta fratrum Arualium*.<sup>157</sup> *CIL* VI 2034 is dated to the years AD 50-54 (Scheid 1998: 53).<sup>158</sup> It is a well written text with no spelling mistakes. Notably, the Claudian digamma and the letter *u* are used alongside each other (the digamma occurs 10 times, the letter *u* 12 times). Inconsistency is observed in the spelling of the same words: for example, the name *Arualium* is written with the digamma twice (lines 18 and 21), with the letter *u* once (line 4). Especially noteworthy is variation in spelling of the verb *uouimus* in the set phrase *quod hodie uouimus*: VOAIMUS (line 13), AOAIMU[S] (line 17), VOVIMUS (line 20). The present *uouemus* is spelled AOAEMUS ([ti]bi AOAEMUS esse futu>rum line 15).

The other two inscriptions of the *acta Arualium* where the digamma occurs (*CIL* VI 2041, 2042b,d) are particularly interesting since they were written after Claudius' death. It is

<sup>157</sup> On the collegium of Arval brothers and the *acta* of their religious ceremonies see Scheid (1998: III-XXII).

<sup>158</sup> Nero is mentioned as adopted by Claudius (in line 5 he is called *Nero Claudius Drusus Germanicus*), therefore the inscription was made between the date of his adoption (most likely AD 50) and him becoming emperor in AD 54 (Scheid 1998: 53)

usually assumed that the Claudian letters occur only in the period before Claudius' death and thus a text that uses the letters can be dated not later than AD 47 - 54, but the fact that they occur in these relatively late tablets proves that this assumption is wrong. The formulaic and conservative character of these *acta* must have contributed to the retention of the new letters for some time after Claudius' death.

The first of the two inscriptions *CIL* VI 2041 contains the record of the years AD 58-59. The text demonstrates a high level of literacy and no spelling mistakes. However, the Claudian digamma is not used consistently in all cases: the digamma occurs in *SALÆIVS* (line 48), and *MINERÆAE* (line 60), but in all other cases the letter *u* is used for [w] and the name *Minerua* is spelt with consonantal *u* (five times).<sup>159</sup> Notably, in line 60 the digamma is used alongside *u* (*MINERÆAE VACCAM*), which demonstrates indifference to standardising.

In the third of these inscriptions *CIL* VI 2042b,d (AD 59-60) the Claudian digamma occurs in *DIÆA* (but cf. *DIVAE* in line 44) and in *A ÆITELLIUS* (line 1, cf. *A VITE(Ilius)* in line 6), but in all other words the letter *u* marks [w].

Clearly, even though the *acta* are formulaic in character and demonstrate some conservative tendencies in spelling and morphology (e.g. the archaic sigmatic future *facxsis* in *CIL* VI 2034), the writers do not aim at absolute spelling regularity even in the spelling of the same set expressions.

In addition to the use of the digamma, other cases of spelling variation include e.g. the use of interpuncts. For example, in *CIL* VI 2041 the interpuncts are used in most cases for word division, but sometimes the words are not divided (e.g. *in collegio adfuerunt* in line 6; but *in collegio · adfuerunt* in line 12; *in collegio · ad·fuerunt* in line 31; names sometimes lack interpuncts e.g. *Vipstanus Apronianus Sulpicius* line 7; sometimes interpuncts are missing entirely for most of the line, e.g. *uaccam mineruae uaccam in collegio adfuerunt* in line 21

<sup>159</sup> The word *collegium* is spelt inconsistently (see above for the discussion of variation *conlegium/collegium*): *magister conlegii* (line 38, with second *i* written as *I* longa), *magiter conlegii* (line 58, *s* is omitted), *mag conlegii* (line 65), *magister collegii* (line 72), *in collegio adfuerunt* (in the part of the text dated to AD 58, lines 6, 12, 16, 21, 32), *in conlegio adfuerunt* (in the part of the text dated to AD 59, in line 46 with apices on *e* and the final *o*, in lines 56, 61, 69).

and *in · sacram uiam ante domum domitianum memoriae* in line 25). Another example is variation in spelling of the sigmatic future *faxo* is in *CIL VI 2034* (*facxsis* in line 11, but *facxis* in line 27).<sup>160</sup>

f) Funerary inscriptions of uncertain date

There are two sepulchral inscriptions of uncertain date with the Claudian digamma. The first *CIL VI 26067* is an inscription of the gravestone of two children, Secundus and his sister Petronia.

D · M · S  
 SECVNDUS  
 ꝯIXIT · MENS · IX  
 DIES · XXVI  
 PETRONIA · NOE  
 SOROR · EIVS  
 ꝯIXIT · ANNVM  
 MENS · III · DIES · XII  
 HIC · SEPVLTI · SVNT

Consecrated to the gods Manes. Secundus lived 9 months, 26 days. Petronia Noe(?), his sister, lived one year 3 months 12 days. They are buried here.

The Claudian digamma is used twice in lines 3 and 7 (ꝯIXIT). One notes the consistent use of interpuncts for word division and no mistakes in spelling.

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<sup>160</sup> The sigmatic future *faxo* is well attested in Archaic Latin in Plautus and Terence and occurs occasionally in Classical and Late Latin, see de Melo (2007: 171-189; 338-343). He points out that in Classical and Later Latin the sigmatic forms occur mainly in the texts of the high register: in laws, in Cicero's legal passages and in these lists of the Arval brothers.

*CIL* VI 12700 is a funerary inscription of a girl, Atthis, Her sister Eutychia, who is named in line 3, probably set up the inscription:

ATTHIS

·IX · AN · XV

EVT·CHIAIS · SOROR

Atthis, the sister of Eutychia, lived 15 years.

It is remarkable that in this inscription both known Claudian letters, the digamma and the second Claudian letter, are used.

Now I will summarise the evidence in these inscriptions. First of all, it is worth noting that the digamma occurs in public inscriptions (edict of Claudius, terminal cippi, *acta Arualium*) as well as in private inscriptions (*ex voto* and funerary inscriptions). This shows a broad use of (at least) one of the new letters in Claudius' time: they are not limited to official inscriptions intended for public display. At the same time, the Claudian digamma (as well as the letter F, see above) was clearly seen as an optional feature: in the majority of the inscriptions the digamma is used in random variation with the letter *u*. Only in the most official of these inscriptions ((b) and (c)) is the digamma applied consistently.

At the same time, the indifference to standardisation is not only demonstrated in the use of the new letter. Whereas the level of literacy and graphic representation in all these inscriptions is high and irregularities and misspellings are rare, there is some lack of consistency in spelling in most of the inscriptions (e.g. in the use of interpuncts and *I longae*), which demonstrates that spelling and writing were not completely standardised even at the highest educational level. One can argue that the Romans' notion of spelling correctness did

not include elimination of variation: variation was allowed even in high register texts, which is in contrast to the principle of a standard spelling system in which only one variant is considered correct and all variation is eliminated.

Finally, it remains to be seen if there is a pattern to the types of words or positions in which the digamma is used:

Initial position (4 words, 5 forms)

*ɹixit*

*ɹir*

*ɹitellius*

*ɹoɹemus*

*ɹoɹimus*

*ex ɹisu*

Position between vowels (8 words, 9 forms)

*a priɹatis*

*diɹa*

*diɹi*

*Iuɹentutis*

*ampliɹit*

*terminaɹitque*

*Aɹiol(ae)*

*Octaɹiai*

Position after the consonant (3 words)

*Serɹiliai*

*Salvius*

*Minervae*

Clearly, the digamma is not restricted to any position in the word and is not limited to personal names or semantically marked in any other way.

The letter is most frequently used before the vowel *i* (12: 6), but this seems a random feature. As mentioned above, the combination of the consonant *u* with the vowel *u* was seen by grammarians as problematic for spelling reasons, but in inscriptions there is only one example when the digamma replaces the spelling with double *uu* (IUENTUTIS *CIL* VI 921). The actual use of the letter was not motivated by this consideration.

#### 4.4 The Claudian digamma in the archive of the Sulpicii.

##### 4.4.1 Introduction.

The archive of the Sulpicii consists of about 170 wax tablets, many of them fragmentary. The tablets were found in 1959 during the excavation of a Roman villa<sup>161</sup> in Murecine (located in Roman times near Pompeii on the road from Pompeii to the port Stabiae) and published for the first time by Giordano and Sbordone in a series of articles.<sup>162</sup> A new improved edition of the tablets was carried out by Camodeca (1999).

The archive consists mostly of business contracts and documents concerning law suits of the bankers Sulpicii. The format and content of the tablets are similar to that of the archive of a Pompeian banker L. Cecilius Iucundus<sup>163</sup> and to the archive from Herculaneum, published by Pugliese-Caratelli and Arango-Ruiz.<sup>164</sup>

The place of writing of the archive of the Sulpicii, when mentioned in the texts, is almost always the port town Puteoli, an important commercial centre about 30 km from Pompeii.<sup>165</sup> The whole archive was at some point transported to the villa in Murecine, which was probably owned by the family of the Sulpicii.

78 of the total of 127 documents mention the date when the document was written: among the dated documents the earliest was written on the 26 of March AD 26 (*TPSulp.* 42), the latest in February AD 61 (*TPSulp.* 90-93; 107), but the majority come from the years AD 35-55.

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<sup>161</sup> For the archaeological details of the excavation and general information on the form and dates of the tablets see Flobert (1995: 138-140) and Camodeca (1999: 10-14).

<sup>162</sup> Sbordone and Giordano (1968: 195-202); Giordano (1970: 211-231); Sbordone (1971: 173-182); Giordano (1971: 183-197); Sbordone (1972: 307-310); Giordano (1972: 311-318). The *editio princeps* was finalised by Landi (1980: 175-198)

<sup>163</sup> Published by K. Zangmeister in *CIL* IV.1. 3340 (I-CLV). On the archive of Iucundus see Andreau (1974).

<sup>164</sup> Arango-Ruiz (1946); (1948); (1954); (1955); (1961); (1951); (1959).

<sup>165</sup> Only three documents of the archive are written elsewhere: *TPSulp.* 12 and *TPSulp.* 26 were written in Capua and *TPSulp.* 44 in Volturnum, a town on the coast situated about 15 km to the north from Cumae. I use the abbreviation introduced by Camodeca (1999) to refer to the inscriptions of the archive.

#### 4.4.2 *The digamma in the Sulpicii archive.*

The documents, in which the digamma occurs are written in AD 48 (except *TPSulp.* 5, of which the exact year is uncertain). The digamma occurs in the following documents:

##### a) *TPSulp.* 77

It is a receipt (*apocha*) in the form of a triptych, dated to 12 January AD 48. The scriptura exterior, written by a scribe, is not preserved. The scriptura interior is written by a certain C. Caesius Quartio, a creditor of the banker C. Sulpicius Cinnamus. The digamma occurs in the names of both consuls of that year, Vitellius and Vipstanus (*A(ulo) aitellio L(ucio) ai 'p'stano*<sup>166</sup> *Poblicola*) and in the word *aenalium* in the body of the document (cf. *aadimonium* in *TPSulp.* 5). By contrast, Quartio writes his own name consistently with *u* (3 times). The text demonstrates a high degree of literacy and there are no spelling mistakes (on *millia* for *milia* in pag. 2, line 5 see below). Notably, the letter *y* and not the Claudian letter *Y* is used in spelling of a Greek name *Alypi* (pag. 4, line 4).

##### b) *TPSulp.* 5

The text represents a *aadimonium* (a document that guarantees the appearance of the defendant before the praetor). The exact date is unknown.<sup>167</sup>

The scriptura exterior is lost. The scriptura interior is written by Quintus Baebius, who is not mentioned elsewhere in the archive. The text is badly damaged and there is not much to infer from the surviving lines about the spelling habits of Baebius. No spelling mistakes occur. In the first line the digamma occurs in the word *aadimonium*. There are no other words with [w].

<sup>166</sup> *Vipstano*: the letter *p* is inserted above the letter *s* as a correction.

<sup>167</sup> Camodeca (1999: 59) suggests that it was written in 48 because the digamma occurs in the archive only in that year, but it could also be of later date.

c) *TPSulp. 32*

The document, dated to 31 May AD 48, was originally a triptych, of which only the first tablet survives. It is a *testatio* (i.e. a document written by a scribe, not by the person himself). There are no spelling mistakes or morphological oddities. The digamma occurs in the names of both consuls in the *scriptura exterior* (tab. I, pag. 1): *A(ulo) aitolio L(ucio) aipstano Po[b]lico[La co(n)s(ulibus)*. In the *scriptura interior* the names of the consuls are not preserved. There are no other words with [w] in the text.

d) *TPSulp. 101*

The document is originally a triptych and is dated to 17 August AD 48. The digamma occurs in the names of both consuls in the *scriptura interior*, written by the banker C. Sulpicius Faustus:<sup>168</sup> *L(ucio) aitolio L(ucii) filio [Mes]sa[lla] aistan[o G]all[o] co(n)s(ulibus)*. The corresponding part of the *scriptura exterior* does not survive.

e) *TPSulp. 27*

This text stands out: both the *chirographum* and the copy by the scribe are preserved and this allows a direct comparison of the spelling habits of a professional scribe and a private person and their use of the digamma. The *scriptura interior* is written by Lucius Faenius Eumenes, possibly a freedman<sup>169</sup> on the 4 September AD 48. Eumenes shows a high degree of literacy. There are no spelling mistakes or morphological oddities. The only time Eumenes possibly uses an irregular form is when he writes *Putiollis* for *Puteolis*.<sup>170</sup>

<sup>168</sup> Faustus spells for the most part correctly, with the exception of Vistanus for Vipstanus (tab. III, pag. 5, line 1): the loss of *p* reflects assimilation of *p* before the consonant group *st* in pronunciation (Camodeca 1999: 213). Faustus also writes *Putiollis* instead of *Puteolis*.

<sup>169</sup> According to Camodeca (1999: 56), Eumenes probably belonged to the *gens Faenia*, most of them freedmen and each bearing the name L. Faenius. They are attested in Puteoli, Ischia, Rome and Lugdunum in the Julian-Claudian period as merchants trading with perfume and incense; see also Champlin (1987: 197).

<sup>170</sup> For the *i* instead of *e* cf. *TPSulp. 45 Putiolanorum, Putiolis*. The spelling with the double *l* is unparalleled in the archive and is an irregularity: double consonants are simplified in writing after

Notably, whereas Eumenes is consistent in his spelling, he does not apply the digamma regularly, but uses both the digamma and the letter *u* together (pag. 2, line 1) in the names of the consuls ([*L(ucio)*] *f(ilio) Messala Vipstano Gallo co(n)s(ulibus)*). The scribe's version of the first name is not preserved and the second name he writes with *u*. All other words except the name *aitellio* in line 1 are written by Eumenes with the letter *u* (*conuenisse, controuersiae, uadimonium, solui*).

Thus, Eumenes is a writer who displays a notion of correctness, but feels no obligation to implement a current spelling reform consistently. Clearly, this new letter was not a strictly observed rule that had to be followed in all cases, but merely an option available to him.

f) *TPSulp. 48*

The document is a contract (*mandatum*) between Prudens and the banker Caius Sulpicius Cinnamus and is dated to AD 48 (the month and day were originally indicated, but do not survive). All tablets are preserved. The scriptura interior is a *chirographum* by Gaius Lucius Prudens, a client of the Sulpicii, the third tablet (scriptura exterior) is a copy by a scribe.

Like Eumenes, Prudens produces a well-written document in line with the current norms of spelling and morphology.<sup>171</sup>

Prudens writes the names of both consuls with the digamma (tab. I, pag. 2, line 1): [*A(ulo)*] *aitellio f[i]l[io] L(ucio)*] *ipstano Poplicola co(n)s(ulibus)*. In the copy made by the scribe *ipstano* is also written with the digamma (tab. III, pag. 5, line 1). The first part of the name *Vitellio* is not preserved. By contrast, Prudens writes all other words with *u* (*aliusue,*

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long vowels and diphthongs (Quint. *Inst.* 1, 7, 20), but generally double *ll* after diphthongs is retained after long vowels, except in the cases when an *i* followed (Väänänen 1981: 59).

<sup>171</sup> Notably, the scribe, not Prudens, makes a spelling error: as Faustus in *TPSulp.* 101, he writes *Vistano* for *Vipstano*, omitting *p* in a consonant cluster. This form probably reflects assimilation in pronunciation. Another non-regular form used by the scribe is *quoi* for *cui* (Prudens has *cui* in his version).

*saepiusue, Suaui, alioe, creditaue, cuiusue*). The scribe also avoids the digamma in these words in scriptura exterior.

#### 4.4.3 Conclusion.

As we have seen, all documents which use the digamma display marked literary skills and show only a few irregularities of spelling, by contrast to the texts by Novius Eunus, a freedman in the Sulpicii archive, who demonstrates a tendency to write as he speaks.<sup>172</sup>

However, as already pointed out above in regard to the inscriptions from Rome, literate aptitude does not rule out variation. On the contrary, the documents of the archive display a lack of consistency in the use of the digamma, as well as inconsistency of spelling in some other cases (see below). Notably, both the private individuals (in *TPSulp.* 77; 5; 101; 27; 48) and professional scribes (in *TPSulp.* 32 and 48) allow variation between the digamma and *u* (as well as other spelling variants, see below), which demonstrates that the level of spelling consistency is not determined by professional education, but is, when it comes to the use of the digamma, a matter of personal choice.

The digamma in the archive of Sulpicii is used mostly for the semi-consonant [w] in the names of the consuls Vitellius and Vipstanus, except in *TPSulp.* 77 (*ϰenalium*) and in *TPSulp.* 5 (*ϰadimonium*). Possibly this indicates that the digamma was mostly perceived as a formal feature, suitable for formulaic headings of the documents, but omitted in the less formulaic body of the documents. One can speculate that the names of the consuls of the year 48 were originally written with the digamma in official inscriptions and as such this convention was copied in the Sulpicii texts.

At the same time, even though the digamma was probably preferred in the date, its use was not a strict rule: it occurs in some documents of the year 48 in the names of both consuls

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<sup>172</sup> C. Novius Eunus (*TPSulp.* 51, 52, 67, 68) displays a number of irregularities: for example, he omits nasals regularly in final position and internally before stops and adopts phonetic spelling *e* for *ae*. On the language of Eunus see Adams (1990: 227-247); Clackson and Horrocks (2007: 238-243).

(e.g. *TPSulp.* 48), but in *TPSulp.* 3 (3 July AD 48) and *TPSulp.* 73 (21 August AD 48)

Vitellius and Vipstanus, are written with the *u*.

It is remarkable how quickly the new letter made its way into bankers' documents of Puteoli: it occurs in AD 48, whereas the *terminus post quem* for the Claudian reform is 25 January 47. However, the digamma vanishes from the texts already in AD 49: in *TPSulp.* 49, *TPSulp.* 28, *TPSulp.* 29 and *TPSulp.* 55, dated to that year, the digamma does not occur (one of the consuls of that year is Quintus Veranus and his name is written with *u* both in scriptura interior and exterior in *TPSulp.* 55).

One of the most interesting observations is that the use of the new letter occurs both in scribal copies and in the documents by private persons. In *TPSulp.* 27, one of the few documents of which both the scriptura interior and the scriptura exterior survive, the scribe uses the letter *u* instead of the digamma. By contrast, in *TPSulp.* 48 both Prudens and the scribe use the digamma.

Thus, the reform that, as I suggested earlier, could be aimed at achieving orthographic consistency, missed its goal because of general lack of interest in standardising. This attitude to the reform would be impossible if there was a standardised spelling system and a notion of correctness along the lines of modern understanding of standard.

The documents with the digamma demonstrate some other cases of variation alongside the use of the digamma/the letter *u*. Some notable examples should be mentioned here, as they provide further evidence for lack of complete standardisation in texts written by well educated persons and professional scribes. For example, the name of the consul Lucius Vipstanus Pobicola Prudens and the scribe both spell *Poplicola*, whereas in *TPSulp.* 3 and 77 his name is written as *Pobicola*. One can perhaps draw a parallel here with the English spelling before standardisation: there are different variants

of the name Shakespeare attested that were all in use prior to spelling standardisation and the author himself used different variants of the name in his signature.<sup>173</sup>

Another case of inconsistency in the archive is the spelling of the geminates (e.g. *TPSulp.* 51 *millia*, *m<illi>bus*, *mile* for *mille* in *TPSulp.* 68, *Vitelio* for *Vitellio* in *TPSulp.* 96). The geminate form *millia* is clearly preferred in the archive (*millia* 28, *milia* 9). The form *mile* for *mille* occurs in *TPSulp.* 68.<sup>174</sup>

Finally, some inconsistencies of spelling can be observed in *TPSulp.* 27. In this document the word *causa* is written *caussa* by Eumenes twice<sup>175</sup> and the scribe of *TPSulp.* 27 is not consistent when writing this word (*causa* pag. 1, line 4; *caussa* pag. 4, line 4). This inconsistency on the part of a professional scribe indicates that the spelling with the single *s* after a long vowel or diphthong has not yet become a norm.<sup>176</sup>

Eumenes writes *a nobis*, the scribe *ab nobis*. In the archive, *ab* is preferred before a consonant (7 times *a*, 17 *ab*), another example of inconsistency in the archive.

Finally, Eumenes does not use the apex. By contrast, in the copy written by the scribe the apex is used 20 times, more frequently than in any other tablet of the archive. Camodeca (1999: 39) points out that the apex occurs in the documents of the archive mostly in the outer part, written by scribes. It is an interesting observation: possibly, using the apex was part of the professional training of scribes, whereas private individuals, even those who, like Eumenes, were well educated and wrote without mistakes, were not trained to use it.<sup>177</sup>

<sup>173</sup> See Chambers (1951 1: 504-506; 2: 169-175).

<sup>174</sup> In general the spelling tend to simplify double consonants after long vowels and diphthongs (Quint. *Inst.* 1, 7, 20). In the case of the double *l* the general trend was to simplify *ll* after diphthongs but retain *ll* after long vowels, except when an *i* followed (Väänänen 1981: 59). However, the spelling in the archive suggests that there was no consistency in spelling *ll* before *i*.

<sup>175</sup> The standard spelling at that time was a single *s* after a long vowel or diphthong, even when *ss* was etymologically justified. As Adams (1990: 239) points out, the process of simplifying the original double *s* was apparently still in progress at that time, since Quintilian (*Inst.* 1, 7, 20) writes that Cicero and Virgil preserve the spelling *ss*.

<sup>176</sup> The spelling *caussa* occurs also in *TPSulp.* 87 (page 3, line 1), which was not written by a scribe. As in the case of the *scriptura exterior* of *TPSulp.* 27, it is written according to standard orthography and contains no other spelling mistakes or peculiarities.

<sup>177</sup> In *TPSulp.* 27 in 10 cases the apex mostly marks vowels at the end of words (*Galló*, *Faustó*, *eó* (three times), *ideó*, *tertiá*, *eá causá*, *eá*), 7 times the apex is used with vowels in initial position of the

## Chapter 5

### Variation between *quis* and *quibus* (dat./abl. pl. of *qui*, *quis*).

#### 5.1 Introduction: variant forms of the relative and indefinite/interrogative pronouns.

The relative pronoun *qui* (<\*q<sup>u</sup>o-) and indefinite/interrogative pronoun *quis* (<\*q<sup>u</sup>i-) share the same paradigm in Latin, except for the masculine form of the nominative singular (*qui* as opposed to *quis*) and the neuter form of the accusative singular (*quod* as opposed to *quid*). In most cases, e.g. in the ablative singular (*quo/qua*) and in the genitive plural (*quorum/quarum*) the indefinite/interrogative pronoun *quis*, *quid* acquires the *o*-stem endings of the relative pronoun *qui*. *I*-stem endings of the indefinite/interrogative *quis*, *quid* prevail in the masculine form of the accusative singular *quem* and dative/ablative plural *quibus*.

Morphological variation is attested in the dative/ablative plural (*quis* and *quibus*) and in Old Latin in the nominative plural (*ques* and *qui*, *quae*).

The nominative plural *ques* is used by Cato (*si ques homines sunt quos delectat populi Romani gesta describere*, *FRH* Cato F1,<sup>178</sup> *quescumque Romae regnauissent*, *FRH* Cato F32) and in tragedy (*ques sunt is?*, Pacuvius *trag.* 163 Schierl; *sed quesdam*, *Acc. trag.* 447 Ribbeck<sup>3</sup>). In the *Senatus consultum de Bacchanalibus* *CIL* I<sup>2</sup> 581 (186 BC) *ques* occurs twice alongside *qui*: lines 3-4 read *sei ques essent quei sibi deicerent*, line 24 reads *sei ques esent, quei arvorum ead fecisent*. As Meiser (1998: 166) points out, in this contexts *ques* clearly still has its original interrogative-indefinite meaning as opposed to the relative meaning of *qui*. In Cato's fragment (*FRH* Cato F1) *ques* is used in similar contexts to that in *SC de Bacchanalibus* and may also have a distinct indefinite meaning. The distinction in

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word or internal position, mostly with the short *a* (*āb nobis, hāberet, acceptām, stipulatio, eorum, tāntam, āgitur*). In the Vindolanda tablets, as Adams (2003b: 531) points out, an apex frequently marks long *a* and *o* at the end of words. Camodeca (1999: 39) suggests that the apex with long vowels at the end of words could be used in order to counteract in spelling the current tendency in pronunciation to shorten long final vowels, especially *o*. The use of the apex in the archive deserves further study: apart from the tendency to mark final vowels, one notes the use of the apex on *ā* and on the vowel in the hiatus (*Fāustus, EūnI, eorum, [Q]uártIónis*).

<sup>178</sup> On this fragment, which is usually regarded as the first words of the preface of the *Origines*, see Cornell (*FRH* 3: 63).

semantics and different paradigms for the interrogative/indefinite and the relative pronouns are characteristic for Italic languages.<sup>179</sup> The use of *qui* versus *ques* in Cato and in *SC de Bacchanalibus* suggests that the differentiation in declension between interrogative and indefinite pronouns was not altogether lost in early Latin and was possibly retained longer in high-register texts, e.g. legal texts. By contrast, in Plautus, to my knowledge, this distinction in meaning is not present. The use of *ques* in tragedy, Cato and in the legal contexts suggests that it might be a form that belongs to formal language.<sup>180</sup>

After Accius (c. 130-85) *ques* does not occur. It is mentioned by Varro, but probably as an analogical construct, not a real form: *ques* is discussed among other examples of forms that are correct from the point of view of analogy and *ratio*, but are rejected by usage: for example, the feminine genitive *quaius* (formed by analogy to the masculine genitive *quoius*) or analogical forms of comparison *bonius bonissimum*, *malius malissimum* (*L.* 8, 75). *Ques* seems to be a theoretically possible but not a real form for Varro (*Var. L.* 8, 50):

et ut est quem quis, sic quos ques. quare quod nunc dicitur qui homines, dici oportuit ques.

Similarly, the nom. masc. *ques* stands in the same relation to acc. *quos*, as the sing. masc. *quis* to acc. *quem*; therefore for the *qui homines* ‘which men’ which is now used in the nominative, we ought to have said *ques*.<sup>181</sup>

By contrast to *ques*, the dat/abl *quis* (<\**q<sup>u</sup>ois*) as a variant form of *quibus* (<\**q<sup>u</sup>i-b<sup>h</sup>os*) continues to be used in the first century BC. Now I will look in detail at the use of *quis* in

<sup>179</sup> For example, the Umbrian relative pronoun *poi* (nom. sg. m.) and interrogative *pisi* (nom. sg. m./f.) are distinct and have different paradigms (de Vaan 2008: 507-510; Untermann 2000: 558; 595). Whether the distinction between relative and interrogative pronouns goes back to the Proto-Indo-European stage is unclear.

<sup>180</sup> Leo (1913: 299) sees the use of *ques* and *atque* as features of Cato’s elevated style. However, as Briscoe (*FRH* 1: 24) points out, it is difficult to evaluate Cato’s style and especially his vocabulary because earlier prose is mostly lost and because we do not know anything about the spoken language of that period. On the style of the *Origines* see also Briscoe (2010: 154-160).

<sup>181</sup> Translation in the Loeb series by Kent (1938).

Classical Latin in the period 100 BC – 100 AD (CL) and at the evidence for deliberate attempts at standardisation.

## 5.2 The dative/ablative plural *quis*: previous views.

It is usually pointed out by scholars that the use of *quis* is restricted to Old Latin and poetic language. Grammar books have little information on the topic. Leumann (1977: 473) remarks briefly that *quis* occurs only in Old Latin and in poets, the normal form being *quibus*. Kühner-Stegmann's only comment is that *quis* occurs more frequently in poetry than in prose (K-S. 1912: 613). Ernout (1953: 88) mentions that the form is used by Sallust, Pliny the Elder and Tacitus, as well as by poets. The standard school grammar by Gildersleeve and Lodge (1997: 59) offers no analysis, merely stating that 'dative plural *quis* is common in poets at all periods; and also in prose writers; but not cited from Caesar, and only from letters of Cicero'. In the new historical comparative grammar of Latin Weiss argues that 'the original *o*-stem dat.-abl. pl. *quis* is found in Old Latin (e.g. Pl. *Curc.* 552) and survives as an archaism in Classical poetry, e.g. Virg. *A.* 1. 94-6' (Weiss 2009: 351).

These scholars do not discuss in any detail the use of *quis* in classical Latin (CL), merely stating that it is a poeticism or an archaism (whatever the meaning of this label might be). The subject is therefore ripe for further analysis. In relation to the present topic of standardisation and variation, the following questions are of interest: is *quis* an obsolete form that is occasionally used again or is it a variant form which is in active use in literary language? Is there evidence for standardization in the Classical period in the case of variation between *quis* and *quibus*? I will address these questions by looking in detail at the distribution of *quis* and *quibus* in poetry and prose of the period. I will first outline the use of *quis* in Old Latin and then analyse how it changed in CL.

### 5.3 *Quis* in Old Latin.

The form is used in Old Latin less frequently than *quibus*. In Plautus the ablative plural *quis* occurs only three times at *Am.* 44; *Most.* 1040; *Curc.* 552<sup>182</sup> (by contrast, *quibus* is used by Plautus in the relative meaning 41 times and in the indefinite/interrogative meaning 11 times).

Leo (1912: 316 n.1) argues that the abl./dat. pl. *quis* is a low-register colloquialism at the time of Plautus and Terence and continues to be used as a colloquialism in poetry by Catullus and Horace or as an archaism in epic. However, Leo's suggestion that *quis* is colloquial in Old Latin seems implausible for several reasons. Firstly, if *quis* is colloquial, it is unclear why the form is so rare in Plautus. Secondly, in Plautus *quis* does not occur in the speech of slaves, young men, prostitutes and other characters who are usually characterised by their use of low-register Latin. Instead, the form occurs in elevated contexts – for example, at *Am.* 44 in the speech of the god Mercury in the prologue: (*Am.* 41-45):

nam quid ego memorem (ut alios in traegoediis  
vidi, Neptunum, Virtutem, Victoriam,  
Martem, Bellonam, commemorare quae bona  
uobis fecissent) quis benefactis meus pater  
deorum regnator, architectus<t> omnibus?

Well, why should I mention – as I've seen other deities mention in tragedies what good things they'd done for you, namely Neptune, Courage, Victory, Mars, and Bellona – well, why should I mention the good deeds my father, the king of gods, has devised for all of you?<sup>183</sup>

<sup>182</sup> At *Tri.* 1038 (manuscripts have corrupted *magis que*) Spengel suggested *magis quis*, which seems plausible. Spengel's emendation is adopted in the OCT edition by Lindsay, who suggests instead *magisque is (magi'que is sunt obnoxiosae quam parentes liberis)*.

<sup>183</sup> Here and further I use the translation in the Loeb edition by de Melo (2011).

Plautine prologues are typically written in elevated style. This is also true for the prologue to *Am.*:<sup>184</sup> Mercury, who impersonates the slave Sosia, appears dressed as a slave, wearing a hat with little wings, but his speech is composed in elevated style and with use of rhetorical devices.<sup>185</sup> The passage quoted above has an elaborate syntactic structure. As Haffter (1934: 68) points out, the prologue in *Am.* is characterised by an especially frequent occurrence of semantic doubling (e.g. *concessum et datum*, *Am.* 11; *uereri...et metuere*, *Am.* 23; *ius ignorant neque tenant*, *Am.* 37; *ueterem atque antiquam*, *Am.* 118). Such phrases are a characteristic of higher style. In addition, the iteration of the simplex *memorem* (line 41) by the compound *commemorare* (line 43) was an old literary device (Wills 1996: 443-445).<sup>186</sup>

Similarly, in two other passages in Plautus the contexts do not suggest that *quis* is a marked form as opposed to *quibus*. In the *Mostellaria* *quis* occurs in the speech of old Theopropides, a slave's master. (*Most.* 1040):

THEO eademque opera haec tibi narrauero,  
quis med exemplis hodie eludificatus est

THEO At the same time I'll tell you how he fooled me today.

In *Curculio* *quis* occurs in the words of the banker Lyco (*Curc.* 551-552):

THER. stultior stulto fuisti, qui is tabellis crederes.

LYCO quis res publica et privata geritur, nonne is crederem?

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<sup>184</sup> Prologues are usually composed in *senarii*, which is a spoken metre. Haffter (1934: 2-6; 42-43; 84-85; 114-121) and, following him, Happ (1967: 82) pointed out differences in the language of spoken verses on one hand and recitatives and sung verses on the other and demonstrated that colloquial elements occur in the spoken parts of Plautine comedies, not in the sung verses or recitatives; the latter are composed mostly in higher style. However, Haffter demonstrated that prologues are an exception: they are in spoken metre, but in rather polished, elegant language, that is closer to the style of sung verses and recitatives (Haffter 1934: 68, 119; Happ 1967: 82).

<sup>185</sup> Christenson (2000: 133) points out that Plautus employs rhetorical strategy and rhetorical devices such as *captatio benevolentiae* in *Am.* and in other prologues.

<sup>186</sup> For the use of simplex-compound verb sequences in Plautus see also Renehan (1977: 243-8), who argues that this construction was a common usage in early Latin and represents 'a genuine native feature of old Latin' that Plautus has 'preserved and artistically elaborated'.

THER You were more stupid than stupidity itself to trust these tablets.

LYCO Shouldn't I have trusted the documents through which public and private business is conducted?

Terence uses *quis* once (*An.* 630). This occurrence stands out, as the only certain attestation of the dative *quis* in Old Latin:

CHA: idnest uerum? immo id est genus hominum pessimum in  
denegando modo quis pudor paullum adest.

CHA: Oh! Can it be true? It's the worst kind of men

Who for a while feel shame to go back on their word.<sup>187</sup>

Finally, *quis* possibly occurs in Lucilius (*quos oculi non sunt neque nasum et qualia sunt*, frg. 267 Marx ap. Non. 215M). The line as attested in Nonius is corrupt: the subject is missing and it is unclear where the accusative *quos* belongs. Marx suggests that *quos* belongs to the previous line (*quos? oculi non sunt neque nasum? et qualia sunt!*), but Marx's emendation would mean that Nonius mechanically copied *quos* when quoting this passage, without paying attention to the content at all, which is unlikely.<sup>188</sup>

Other editors change either *quos* or *sunt* to make sense of the line as one sentence. Lindsay in his edition of Nonius (215M) changes *quos* to *queis*, accepting the emendation in the first edition, and leaves *sunt* unexplained, marking it with the *crux philologica*. Other suggestions include Lachmann's *quoi si oculi non sunt, neque nasum est et qualia sentit* (Lachmann fr. 496), *sanis* for *sunt* (L. Mueller). Warmington suggests *queis* (Warmington frg. 299, also adopted by Krenkel frg. 279):

<sup>187</sup> Translation in the Loeb edition by Barsby (2001).

<sup>188</sup> Nonius' text has its limitations: he was probably not a professional grammarian or schoolmaster, but an amateur (Chahoud 2007: 70) and the sources he uses can contain errors (Lindsay 1901: xvii); nevertheless, mechanical copying is generally not a characteristic of his work and we should not assume it is the case unless no other explanation is possible.

*Queis oculi non sunt neque nasum et qualia sanis*

Those who have neither eyes nor a nose nor what healthy people have.

This seems a more plausible emendation than others. In this case, *queis* is the dative form *quis* (with *ei* for long *i*), with the function of the dative *quis* similar to that at Ter. *An.* 630.

*Quis* also occurs in Cato (*omnia quis usus erit, in suo quidque loco reponito, Agr.* 68).

In tragedy *quis* occurs alongside *quibus* in Pacuvius (*quis deos infernos, quibus caelestis dignet decorare putet, fr.* 160 Schierl). The use of *quis* and *quibus* in the same sentence without difference in meaning demonstrates that the variants are interchangeable.

The absence of *quis* in legal documents of the second century BC indicates that *quis* was not part of high-register formulaic language: for example, in the *SC de Bacchanalibus* (186 BC) only *quibus* is used and *quis* does not occur. On the other hand, there is no evidence that *quis* is specifically low-register.

Given the small number of occurrences, no statistically valuable conclusions regarding the syntactic patterns in the use of *quis* in Old Latin are possible. As the following table (Table 1) shows, *quis* is used without prepositions, mostly in the ablative (the dative is attested only in Terence and possibly Lucilius).

Table 1. *Quis* in Old Latin

	dative	ablative	
		with preposition	without preposition
Plautus			<i>Curc.</i> 552 (relative) <i>Most.</i> 1040, <i>Am.</i> 44

			<i>(questio obliqua)</i>
Terence	<i>An.</i> 630 (relative)		
Pacuvius			frg. 160 Schierl ( <i>questio obliqua</i> )
Lucilius	frg. 267 (?) Marx (relative/connective) <sup>189</sup>		
Cato			<i>Agr.</i> 68 (relative, no preposition)

#### 5.4 *Quis* in Classical Latin: poetry.

By contrast to Old Latin usage, in the Classical period *quis* occurs frequently both in poetry and in prose. I will now discuss the use of *quis* as compared to *quibus* and consider whether *quis* is marked syntactically or stylistically as opposed to *quibus* and whether there is a pattern of distribution. If *quis* is a marked form and its use is limited, this is an indication that variation in this case tends to be eliminated (with *quis* being occasionally retained as a fossilized form) and an argument in favor of standardisation in CL. Free variation and lack of stylistic or morphological differentiation between two forms is, in turn, an indication of ongoing variation and lack of standardisation in CL.

Lucretius does not use *quis*.<sup>190</sup> Lucretius' style is usually regarded as more 'permissive' than that of Virgil and demonstrates a variety of styles and modes of writing (Reinhardt 2010: 203-204). Thus, his avoidance of *quis* is unexpected and must reflect personal preference.

In Catullus' long poems *quis* occurs as many times as *quibus* (each form occurs 5 times, the ablative *quis* at 63, 46; 64, 80; 66, 37; 68, 13, the dative *quis* at 64, 145; *quibus* at 61, 37; 62, 61; 63, 55; 64, 8; 64, 193; 67, 36). *Quis* is absent from the polymetric poems (1-60) and

<sup>189</sup> On the connective function see the section on the use of *quis* in Catullus below.

<sup>190</sup> At 2, 1072 the manuscripts have *Vis*. Lachmann suggests *quis* (*quis eadem natura manet*), but it is not certain.

the epigrams (69-116), whereas *quibus* is used five times in the polymetric poems (10, 6; 10, 12; 41, 5; 44, 2; 44, 3) and once in the epigrams (76, 17).

Thus, for Catullus *quis* seems to be associated with elevated style. In the long poems no further distinction in the use of *quis* is apparent: it occurs both in speeches (e.g. in Ariadne's speech at 64, 145 and alongside *quibus* in the same speech at 64, 193 and at 64, 8) and in descriptions (for example, at 63, 46).

Notably, there is a syntactic distinction between *quibus* and *quis*. *Quibus* introduces relative clauses (at 10, 6; 10, 12; 41, 5; 44, 2; 44, 3; 61, 37; 62, 61; 64, 8; 64, 193) and an indirect question at 63, 55. *Quis* introduces indirect questions (*liquidaque mente uidit sine quis ubique foret*, 63, 46; *accipe, quis merser fortunae fluctibus ipse*, 68, 13) and is used in a connective function (*quis dum aliquid cupiens animus praegestit apisci nil metuunt iurare*, 64, 145; *quis angusta malis cum moenia uexarentur*, 64, 80; *quis ego pro factis caelesti reddita coetu*, 66, 37). This is the use that introduces an independent sentence and replaces a coordinating conjunction or particle.<sup>191</sup> *Quibus* is not used by Catullus as a connective.

The use of *quis* as a connective in Catullus is noteworthy, because it does not occur in this function in Old Latin. The connective relative is generally rarely used in Old Latin (one of the few examples in Plautus is *Rud.* 431 *at ego basilicus sum: quem nisi oras, guttam non feres*) and is considered a relatively late syntactic development (K-S. 2. 319). Thus, the use of *quis* as a connective might indicate that the form is not perceived as obsolete, since it occurs in a syntactic construction that is a more recent development.

Tibullus and Propertius use *quis* rarely. In Tibullus *quis* occurs 4 times in the ablative, in Propertius *quis* is used 3 times in the ablative, *quis* is not syntactically marked in comparison to *quibus*.

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<sup>191</sup> The connective relative is usually regarded as a form of coordination (K-S. 2.319-320), but it is also argued that it may be a form of subordination (Touratier 1980:452). Calboli (1985: 362) speaks of the connective relative as a construction between coordination and subordination.

Virgil uses *quis* 9 times in the *Aeneid* (*A.* 1, 95; 5, 511; 7, 444; 7, 570; 7, 742; 7, 799; 8, 316; 10, 169; 10, 435),<sup>192</sup> once in the *Georgics* (*G.* 1, 161), never in the *Eclogues* (*quibus* is used in total 54 times, 6 times in the *Eclogues*). By contrast to Catullus and to prose (see below), there is a distinct preference in Virgil for the dative *quis*, rather than the ablative (8:2), whereas *quibus* is found more frequently in the ablative than in the dative (33: 22). *Quis* is neither used in a connective function nor in indirect questions, but only in relative clauses.

*Quis* is usually interpreted as an archaism: Austin (1971: 56) in his commentary to *A.* 1, 95 points out, referring to *quis*, that ‘presumably its archaic tone commended it for epic’ and Harrison (1991: 113) says that the form is an ‘archaic and poetic form of *quibus*’ in the commentary on *A.* 10, 169.

Virgil does indeed use *quis* in high register contexts. The only occurrence in the *Georgics* is in the introductory passage (*G.* 1, 161):

Dicendum et quae sint duris agrestibus arma,  
quis sine nec potuere seri nec surgere messes

I must tell, too, of the hardy farmer’s weapons, without which the crops could be neither sown nor raised.<sup>193</sup>

Virgil sets the tone high with the use of the word *arma* instead of some more common word for tools and tackle, with the allusion to the Greek ὄπλα; the use of *arma* in this meaning is first found here and might have been introduced by Virgil (Mynors 1990: 33 ad loc.). Notable, too, is the unusual postposition of *sine*: Latin develops as a prepositional language and postpositional constructions of this type are typically archaising and mostly

<sup>192</sup> At *A.* 10, 366 the manuscripts preserve *quis* or *quos*, but the line is corrupt, see Harrison (1991: 167-168).

<sup>193</sup> Here and further translation is by Fairclough (1999-2000) in the Loeb edition.

limited to formal contexts (with the exception of *nobiscum*) (Bauer 2009: 260).<sup>194</sup> In this formal contexts *quis* might indeed be a formal, elevated form.

In the *Aeneid* *quis* occurs three times in formal speeches, which contain allusions to Homer (*A.* 1, 95; 7, 444; 8, 316).<sup>195</sup> At *A.* 1, 95 *quis* is found in the speech of Aeneas, which echoes *Odyssey* 5, 306-12: Aeneas, like Odysseus, envies comrades who died at Troy. In the first two passages the contexts of solemn speech and the allusion to Homer suggest that *quis* might be preferred as a more elevated form than *quibus*. However, Virgil not only uses *quis* in speeches, but also in the general narrative and descriptions at *A.* 7, 742 (description of military equipment), *A.* 7, 570 (description of a gorge), *A.* 10, 435, *A.* 7, 799, *A.* 10, 168. In these neutral contexts *quis* might not be necessarily a marked form.

Ovid uses *quis* in the *Met.* (5 times), *Fasti* (4 times), *Ars* (twice) and at *Epist.* 5, 96. By contrast, *quibus* occurs 142 times. In the ablative *quis* is used mostly with prepositions, contrary to the general tendency in poetry (*cum quis Met.* 6, 141; 7, 671; 11, 383; *e quis Met.* 2, 347; *Fast.* 2, 200; once without a preposition in the ablative at *Ars* 3, 342).

Horace prefers *quibus* to *quis* (37: 5). *Quis* is used once in the *Epodes*, 4 times in the *Satires*.<sup>196</sup> By contrast to Virgil and Ovid, Horace prefers the ablative to the dative *quis* (4: 1).

Thus, we can see that within poetic genres different preferences can be observed in the use of *quis*: some authors prefer the dative, some the ablative with prepositions or without prepositions; also, the form is used in different syntactic functions (e.g., as a connective). This variation of usage indicates that the form was probably not a fossilised remnant in poetic texts and not necessarily always perceived as archaic.

In the first century *quis* is predominantly used in epic, in Valerius Flaccus (*quis* 10, *quibus* 31, the dative *quibus* 18 times), Lucan (at 7, 620, *quibus* 25 times), Statius and Silius

<sup>194</sup> On the place of prepositions in the sentence in IE and in Latin see e.g. Bauer (2009: 259-261; Marouzeau 1949: 49-57).

<sup>195</sup> On the speeches in the *Aeneid* see e.g. Hightet (1972); on Virgil and Homer see e.g. Knauer (1964).

<sup>196</sup> On the style of Horace's *Satires* see e.g. Gowers (2012: 22-24), who notes that that the *Satires* reproduce the full range of Latin and include conversational elements and epic elements as a parody (Horace mocks epic conventions).

Italicus (see below). In other poetic genres, by contrast, *quis* is rare: Persius and Martial avoid it (*quibus* occurs 5 times in Persius). However, *quis* is not altogether limited to epic: Juvenal (late first – early second century) does use *quis* once at *Sat.* 3, 30 (*quis facile est aedem conducere*), where he attacks the behavior of dishonest Artorius and Catulus (characters otherwise unknown).

Poets generally use *quibus* more than *quis*, except Silius Italicus (c. 25 AD – c. 100 AD), who consistently prefers *quis* to *quibus* (43 *quis*, 5 *quibus*). *Quis* is used mostly in the dative (30 times). Notably, Silius has *quis* in a passage that is a clear allusion to Virgil: *quis tunc cecidit custodia sorti* (7, 368) closely resembles *sunt quibus ad portas cecidit custodia sorti* (Virg. *G.* 4, 165).

Silius frequently uses *quis* in the dative of the person affected or in the dative of possession in impersonal constructions (e.g. *quis rerum summa potestas* 2, 270; *quis fas et honos* 3, 21; *quis interior cura est* 16, 338). In the dative of this type (*quis cura est* instead of *qui curam habent*) *quis* is used alongside *quibus* in poetry (e.g. *quis aetas longa magistra fuit*, Ov. *Ep.* 5, 96; *quis est cura bonae mentis*, Ov. *Fast.* 4, 365). The use of the dative *quis* in these constructions increases in Silver Latin poetry.<sup>197</sup> However, the dative *quibus* is also possible (e.g. *quibus est illaesa domus uacuique dolores*, Stat. *Theb.* 12, 38; *quibus imperium*, V. Fl. 1, 667). Perhaps within this construction free variation, with a preference for *quis*, was to some extent retained in poetic texts.

The evidence does not suggest that *quis* is a marked form in Silius: it is used in the same constructions as *quibus*, just more frequently. Notably, in the first line of the *Punica* (*ordior arma, quibus caelo se gloria tollit*) Silius uses *quibus* and not *quis*: thus, *quibus* can be used by him even in the most formal contexts.

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<sup>197</sup> Before that *quis* in this construction is not found in poets who use *quis* (Virgil, Horace, Tibullus, Propertius), except in Catullus (once) and Ovid (see above).

This unparalleled preference for *quis* is a feature of Silius Italicus' individual style.<sup>198</sup>

Thus, the individual preference of an author (even in a traditional genre such as epic as late as in the first century AD and even in a direct allusion to Virgil) could be a decisive factor in his attitude to variation and his choice of variant form.

An example of the use of *quis* for syntactic and stylistic variation can be found in Lucan. The only case of *quis* for *quibus* (*quibus* is used 25 times) occurs at 7, 620 in a lengthy description of brutalities of a battle (7, 617-625):

Inpendisse pudet lacrimas in funere mundi  
 mortibus innumeris ac singula fata sequentem  
 quaerere, letiferum per cuius uiscera uulnus  
 exierit, quis fusa solo uitalia calcet,  
 ore quis aduerso demissum faucibus ensem  
 expulerit moriens anima, quis curruat ictu;  
quis steterit dum membra cadunt, qui pectore tela  
 transmittant aut quos campis adfixerit hasta,  
quis cruor emissis perruperit aera uenis  
 <...>

Where a whole world died, it were shame to spend tears upon any of a myriad deaths, or to follow the fate of individuals and ask, through whose vitals the death-dealing sword passed, who trod upon his own entrails poured the ground, who faced the foe and dying drove out with his last gasp the blade buried in his throat. Some fell to earth when stricken; others stood upright while their arms were looped off; the weapon passed right through the breasts of some, while others were pinned to the ground by the spear; the blood of some, pouring from the veins, spouted through the air <...><sup>199</sup>

<sup>198</sup> On Silius' language and style see now Littlewood (2011: lxxx-lxxxvi).

<sup>199</sup> Translation by Duff (1928) in the Loeb edition.

This passage consists of a string of subordinate clauses. Lucan uses interrogative *quis* in different cases: first in the genitive (*cuius uiscera*), then in the nominative singular in the first subordinate clauses (*pudet quaerere, quis <...> calcet, quis <...> expulerat, quis steterit*), then in the accusative (*querere, quos campis adfixerit hasta*) and then in the dative plural to refer to the object of the action (*quis cruor perruperit*). The sentence is skilfully built as a sequence of scenes of which each is worse than the preceding. In this period the switch from *quis* in the singular to *quis* in the plural is a deliberate play with homonyms *quis* (sg.) and *quis* (dat./abl. pl.) and is clearly a stylised feature.

The following table (table 2) presents an overview of the use of *quis* in poets.

Table 2. *Quis* in poetry

	dative	ablative	
		preposition	no preposition
Lucretius	-	-	-
Catullus	1	<i>sine quis</i> 1	3
Virgil	7	-	2
Ovid	6	<i>cum quis</i> 3 <i>e quis</i> 2	1
Horace	1	<i>in quis</i> 1	3
Tibullus	-	-	4
Propertius	-	-	3
Lucan	1	-	-
Persius	-	-	-
Silius Italicus	31	-	12
Statius	15	-	1

Valerius Flaccus	6	-	4
Martial	-	-	-
Juvenal	1	-	-
total	69	7	33

The evidence in poetry of the first century BC – first century AD does not show a distinct syntactic or morphological pattern in the use of *quis* as opposed to *quibus*. *Quis* as a connective, which occurs in Catullus, does not stand out as the preferred function of *quis* in other authors. There is a marked tendency to use *quis* without prepositions in the ablative (33:7), but the tendency to avoid prepositional phrases seems to be a general characteristic of Latin poetry.<sup>200</sup>

Another tendency is the preference for the dative *quis* in the Silver Latin poets (Silius Italicus, Valerius Flaccus 31:18, Statius). Statius prefers *quibus* to *quis* in the ablative (12:1), but in the dative both forms are used with similar frequency (*quis* 15, *quibus* 19). The forms are interchangeable, which is demonstrated by their use in the same passage in the same syntactic function at Stat. *Theb.* 1, 706-707 (*iniquas <...> quis letifer annus, bella quibus populis, quaemutent sceptrae cometae*) and at *Silv.* 5, 3, 92 (*quis labor <...> et quibus Arcadia carmen*).

In the first century BC – early first century AD the form is used both in epic and in non-epic poetry (Horace, Tibullus, Propertius). In Silver Latin poetry the form is predominantly used in epic, which might indicate that it is perceived more and more as a mannerism. However, within the limits of the genre the form can be used, depending on author's preferences, freely in variation with *quibus*.

### 5.5 *Quis* in Classical Latin: prose.

<sup>200</sup> See on this feature Coleman (1991: 79-81).

### 5.5.1 *Historiography.*

#### 5.5.1.1 Sallust.

Contrary to the view of some scholars (see the introduction to this chapter), *quis* is not peculiar to or mostly used in poetry, but is also widely used in prose. Sallust uses the form often in *Jug.* and *Hist.* and twice in *Cat.* (*Cat.* 18, 1; 31, 1).

Scribes certainly corrected *quis* to *quibus* in prose, although we cannot know how frequently. Scribal regularisation is clearly at work at *Cat.* 18, 1 (*sed antea item coniurauere pauci contra rem publicam, in quis Catilina fuit*). This passage is quoted by Diomedes with *quis* (ap. *Diom. GL* 1, 445, 23), whereas the manuscripts have *quibus*. Similarly, Fronto (*Amic.* 101, 11 van den Hout) preserves *quis* when he quotes *Cat.* 31, 1 (*quis rebus permota ciuitas*), whereas all manuscripts of Sallust have normalised to *quibus*.<sup>201</sup>

In most cases, however, there is no second source that could provide comparison to the manuscripts and help to determine the original form; it is possible that scribes got rid of *quis* for *quibus* on regular basis in *Cat.*<sup>202</sup> For example, at *Cat.* 30, 1 (<...> *L. Saenius senator in senatu litteras recitauit <...>, in quibus scriptum erat <...>*) *in quibus* might be a later emendation for *in quis*: *in quis* occurs in similar contexts at *Jug.* 25, 4 (*in quis fuit M. Scaurus de quo supra memorauimus*), *Jug.* 28, 4 and *Jug.* 70, 5.

At *Cat.* 46, 1 (*quibus rebus confectis*) *quibus* might be a scribal correction for *quis*: *quis* occurs in the abl. abs. at *Jug.* 105, 1 (*quis rebus cognitis*) and *Jug.* 80, 3 (*quis adiutoribus*).

At *Cat.* 51, 34 the dative *quibus* (*quibus Damasippi mors laetitia fuerat*) is used in the same construction (the dative of the person affected in impersonal construction) as *quis* at *Jug.* 80, 5 (*quis omnia honesta atque inhonesta uendere mos erat*), *Jug.* 81, 1 (*quis omnia*

<sup>201</sup> In the recent OCT edition Reynolds (2011, ad loc.) accepts *quis*.

<sup>202</sup> The first two extant manuscripts of Sallust date to the ninth century, to the period of the Carolingian renaissance (Reynolds 1983: 345). Thus, the scribal regularisation of the text, according to what was thought to be the proper Latin at that time, could have taken place then, if not earlier.

*regna aduorsa sint*), *Jug.* 111, 2 (*quis et Jugurtha carus et Romani inuisi erant*), *Jug.* 14, 10 (*quippe quis hostis nullus erat*).

Finally, *quibus praeceptum erat* at *Cat.* 55, 5 is parallel to *quis praecipit* at *Jug.* 13, 6.

There is also some evidence for scribal regularisation in *Jug.*: at *Jug.* 7, 7 all manuscripts have *quibus* (*quibus rebus sibi <...> conuinxerat*), but in most of them it is written above the line, which suggests that it could be a later correction. Kurfess (1954 ad loc.) accepts *quibus*, but Reynolds (1991 ad loc.) changes to *quis*.

If regularisation is the reason why *quis* is absent from the manuscripts of *Cat.*, it is unclear why this does not apply to the same extent to *Jug.*, since *Cat.* and *Jug.* are copied together as part of the same manuscript (Reynolds 1991: 341-344). Is it possible that, since the events of *Jug.* take place long before the events in *Cat.*, more forms that are perceived as archaic, such as *quis*, were allowed in the former? Livy shows a tendency to drop some archaising usages as his work progresses and he proceeds to describe more recent events (Briscoe 1973 1: 12-17),<sup>203</sup> but could the tendency that is to some extent demonstrated by Livy be suitable for Sallust's genre of historical monograph, which is short and does not span a great period of time? On the other hand, perhaps the different treatment of *Cat.* and *Jug.* could be explained merely by the fact that in the manuscript tradition the text of *Jug.* follows that of *Cat.* and therefore a scribe's attention might weaken and he might spot and correct fewer 'mistakes' as he progresses. However, we should not discard the possibility that Sallust's preference just randomly changes in favour of *quis* in his later work. This would be another demonstration of individual preferences in relation to this type of variation.

*Quis* occurs in Adherbal's speech at *Jug.* 14, 10, in Marius' speech at *Jug.* 85, 37 and in Cotta's speech twice at *Hist.* 2, 47, 1 (*in quis omnibus numquam animus negotio defuit*) and 2,

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<sup>203</sup> On Livy's change of vocabulary in later decades see Adams (1974: 54-62), who notes that, even though Livy shows a tendency to use more words that are in ordinary use in later decades, he does remain within the frame of the historiographical genre. As Adams argues (1974: 54), some changes of the vocabulary are haphazard: the language preferences of any author are bound to change over time, and sometimes there is no unifying underlying reason for these changes. This might be true for Sallust's use of *quis* and *quibus* as well.

47, 4 (*quis uicuts*; cf. *pro quibus beneficiis* at *Hist.* 2, 47, 5). However, mostly *quis* is found in neutral contexts in the narrative and cannot therefore be seen as a stylistic feature peculiar to the speeches.<sup>204</sup> The following table gives an overview of Sallust's use of *quis*.

Table 3. *Quis* in Sallust

	dative	ablative	
		with preposition	no preposition
<i>Jug.</i>	7	<i>in quis</i> 3	<i>quis adiutoribus</i> 1 <i>quis rebus cognitis</i> 1 <i>quis fretus</i> 1 <i>quis rebus ...coniunxerat</i> 1
<i>Cat.</i>	-	<i>in quis</i> 1	<i>quis rebus</i> 1
<i>Hist.</i>	1	<i>in quis</i> 2	<i>quis rebus</i> 2
total	8	<i>in quis</i> 6	6

The comparison between the use of *quis* and *quibus* in Sallust shows that in the dative and in the ablative without prepositions the two forms were interchangeable. I could not find a discernible pattern for the use of *quis* as opposed to *quibus*.

The use of *quis* with the preposition *in* stands out: *in quibus* does not occur (but cf. *quibus in locis* at *Cat.* 7, 7), whereas *in quis* is used 6 times in total in all three works, of which three times in a connective function (*Jug.* 25, 4; *Hist.* 1, 5 and *Hist.* 2, 47, 1). *In quis* seems to be a set expression in Sallust and possibly generally in prose, particularly in historiography (see sections 5.1.2-4 and 5.2). By contrast, *quibus* is always used with other prepositions (e. g. *ex quibus*, *Jug.* 6, 3, *quibuscum*, *Jug.* 17, 1).

<sup>204</sup> On language and style in Sallust's speeches see e.g. Ullmann (1927), 24-47.

Both *quis rebus* (*Jug.* 105, 1; *Cat.* 31, 1; *Hist.* 2, 70, 5) and *quibus rebus* (*Cat.* 46, 1; *Jug.* 7, 7; *Jug.* 82, 2; *Jug.* 96, 4) occur. At *Jug.* 6, 2 (*quibus rebus Micipsa <...> laetus fuerat*), where one of the earliest manuscripts, codex Parisinus lat. 16025 (dated to the ninth century), has *quis* in the original text before correction (A<sup>1</sup>), the original form might have been *quis*.

To summarise, a closer look at the use of *quis* and *quibus* in *Cat.* and *Jug.* provides some glimpses into the regularising activities of scribes. The case of *quis* demonstrates that we should always take into consideration the factor of scribal corrections when discussing standardisation.

The text of *Cat.* seems to be more heavily regularised as the correction of *quis* to *quibus* is concerned, but the reason for that is unclear.<sup>205</sup> Alternatively, this might have been due to a change of taste on the part of the author. A detailed comparison of all scribal activities in *Cat.* as opposed to *Jug.* might shed more light on that problem.

Most notably, the use of *quis* and *quibus* in the dative in Sallust does not follow a definite pattern and suggests that he applied a non-restrictive attitude to this type of variation. *In quis* is possibly a set expression.<sup>206</sup>

#### 5.5.1.2 *B. Hisp.*

Caesar never uses *quis*, but the form occurs once in the pseudo-Caesarian *De bello Hispaniensi* in the passage where the author describes the fighting at the river Salsum (*B. Hisp.* 23, 8).<sup>207</sup>

Ex utroque genere pugnae complures sunt uelneribus adfecti, in quis etiam Clodius Arquitius.

<sup>205</sup> On spelling in Sallust see Reynolds (1991: xxv-xxvi), who points out that the earliest manuscripts attest conservative spelling (e.g. *optumus*, *quom*, *uorto*).

<sup>206</sup> On Sallust's style see the old, but still valuable study by Ahlberg (1911: 166-173).

<sup>207</sup> In the codex Neapolitanus IV c. 11 *in quis* is corrected to *in quibus* by the third hand (N<sup>c</sup>) and codex Vindobonensis has *in quibus*, but it is probably a later scribal correction, since all other codices have *in quis*.

As a result of both types of engagement quite a number of men were wounded, including Clodius Arquitius.<sup>208</sup>

It is noteworthy that *quis* is used with the preposition *in*. *In quis* stands out in Sallust (see 5.1.1) and its use in *B. Hisp.* might indicate that it is a set expression favoured by historians.

The text of the *B. Hisp.*, together with two other pseudo-Caesarian historical texts, *de Bello Alexandrino* (*B. Alex.*) and *de Bello Africo* (*B. Afr.*), was usually regarded in the classical tradition as low-register. This view has been recently challenged by Gaertner (2010: 243-254). He points out that the author of the *B. Hisp.* does show signs of a literary education and erudition, e.g. in the use of techniques of historical narrative (historical infinitive, summarising ablative absolute) and in the use of literary allusions (Gaertner 2010: 244). In Gaertner's view, some of the obscurities of the text might have arisen in later transmission: the text of the *B. Hisp.* depends on a single archetype manuscript and, since in the manuscript *B. Hisp.* comes in the end after *Bellum civile*, *B. Alex.* and *B. Hisp.*, the attention of the scribe was naturally weakening and he made more mistakes.

Gaertner analyses some features of the text that are usually regarded as substandard and argues convincingly that in many cases the forms and syntactic features in question cannot be interpreted as substandard, because at this time the standard did not exist. Moreover, some of the forms that are usually considered colloquialisms in the *B. Hisp.* are used by other authors including Cicero and Caesar (Gaertner 2010: 249-250).

The use of the form *quis* fits nicely into this discussion. Its use in the *B. Hisp.* demonstrates that the author is not a ill-educated copier of Caesar, but an author with his own voice and stylistic preferences.

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<sup>208</sup> Translation by Way (1955) in the Loeb edition.

Notably, the passages with *in quis* in the *B. Hisp.* and in *Jug.* have similar syntactic structures and the meaning of *in quis* is the same. Perhaps *in quis* was perceived in this meaning as a set expression in historiography in this period.

Sal. <i>Jug.</i> 25, 4 <u>In quis</u> fuit M. Scaurus de quo supra memorauimus, consularis et tum senatus princeps.	<i>B. Hisp.</i> 23, 8 Ex utroque genere pugnae complures sunt uulneribus adfecti, <b>in quis</b> etiam Clodius Arquitius.
Sal. <i>Jug.</i> 28, 4 <u>In quis</u> fuit Scaurus, cuius de natura et habitu supra memorauimus.	

Further analysis of the linguistic characteristics of the *B. Hisp.* and a comparison with Caesar on the one hand and annalists on the other hand is needed.<sup>209</sup> Our initial observations in regard to the use of *quis* demonstrate that the *B. Hisp.* does not fit in with the concept of standard Latin: the literary language of the second half of the first century BC was characterised by morphological diversity.

#### 5.5.1.3 First century: Livy, Curtius Rufus.

In Livy *quis* first occurs in the third decade (book 21 and 26) and in the fourth decade (book 30). *Quis* is used 3 times (*quibus* 607 times). Given the very small number of occurrences, the absence of *quis* in the first decades is not significant: it is clear that Livy prefers *quibus* throughout the work.

<sup>209</sup> An analysis of another pseudo-Caesarian text, the *Bellum Alexandrinum* was recently published by Gaertner (2013).

*Quis* is not found in speeches and the contexts do not suggest that the form is marked.

At 30, 25, 7 *quis* occurs in the abl. abs. in the initial position in the sentence (*quibus deficientibus*). At 26, 15, 4 the dative *quis* in an impersonal construction evokes the similar use of *quis* in *Jug.*:

<p>Liv. 26, 15, 4</p> <p>subiecerentur indicibus <u>quis</u> neque quid dicerent neque quid facerent quicquam umquam pensi fuisset</p> <p>exposing (them) to the informers, who never had had any scruple as to what they were saying or what they were doing</p>	<p>Sal. <i>Jug.</i> 80, 5</p> <p>&lt;...&gt; quam rem opportunissimam incepto bello pauci impediuerant caeci auaritia, <u>quis</u> omnis honesta atque inhonesta uendere mos erat.</p> <p>Sal. <i>Jug.</i> 81, 1</p> <p>eandem illos causam belli cum Boccho habere, quam secum et cum aliis gentibus, lubidinem imperitandi, <u>quis</u> omnia regna aduorsa sint.</p> <p>Sal. <i>Jug.</i> 111, 2</p> <p>ad hoc metuere, ne fluxa fide usus popularium animos auorteret, <u>quis</u> et Iugurtha carus et Romani inuisi erant.</p>
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Finally, at 21, 62, 2 (*Romae aut circa urbem multa ea hieme prodigia facta <...> in quis*) *in quis* is used in a similar contexts ‘of whom’ as in Sallust and the *B. Hisp.* As noted above (see sections 5.1.1; 5.1.2), *in quis* in this meaning seems to be a set expression.

The use of *quis* in Curtius Rufus (probably active in the first century during the reign of Claudius)<sup>210</sup> is worth noting here. Curtius uses both *quis* and *quibus*, with a preference for the latter form (123 occurrences of *quibus*), but *quis* is not altogether rare (18 times in the ablative, 6 times in the dative).

Curtius does not use *quis* with prepositions except with *in* and once with *ex* (6, 2, 10). Similarly to Sallust, Livy and the author of *B. Hisp.*, Curtius uses the expression *in quis* mostly in the meaning ‘of whom’ (*Persarum erant centum milia, in quis eques xxx implebat*, 3, 2, 4; *peditum xxx fere milia, in quis erant sagittarii*, 8, 13, 6; *Antipater Graecorum VIII milia, in quis DC equites erant, miserat*, 7, 10, 12).

By contrast, when he uses *in quibus*, it mostly refers to geographical location (3, 4, 10; *undas, in quibus* 9, 4, 18; *angustias, in quibus* 5, 4, 29). The only exception is found at 5, 8, 3, where *in quibus* is used in the meaning ‘of whom’ (*xxx milia <...>, in quibus Graecorum erant III milia*). At 3, 13, 3 *in quis* is used in the meaning ‘in which’ (*Parmenio adseruari eo iusso litteras aperit, in quis erat scriptum*).

Thus there is a distinction between *in quis* in the meaning ‘of whom’ and *in quibus* in the meaning ‘in which’, although admittedly not an absolute one. As suggested earlier, *in quis* ‘of whom’ looks like a set expression which is favoured by historians.

#### 5.5.1.4 First century – early second century: Tacitus, Suetonius.

Tacitus uses both *quis* and *quibus*. The distribution is demonstrated in tables 4 and 5 below. The works in which *quis* is not attested (*Dial.*, *Ger.*), are not included.

Table 4. The dative *quis/quibus* in Tacitus

<sup>210</sup> Atkinson suggested that Curtius’ work was written under Claudius (Atkinson and Yardley 2009: 3-9) and this view prevails. Other scholars have suggested as the date of the work the reigns of Nero, Galba, Vespasian and even the third century (on the dating suggestions see Atkinson and Yardley 2009: 3). Curtius’ style is influenced by rhetoric (on the rhetorical devices in his speeches see Atkinson 1980: 69) and is compared to that of Livy. On the style of Curtius see Lindgren (1935) and also remarks in the introduction in the Loeb edition by Rolfe (1946: xxi-xxii). It seems that a new evaluation of Curtius’ style is due.

	dative	
<i>Hist.</i>	<i>quis</i> 7	<i>quibus</i> 29
<i>Ann.</i>	<i>quis</i> 15	<i>quibus</i> 41
total	22	78

Table 5. The ablative *quis/quibus* in Tacitus

	ablative			
	with preposition		no preposition	
<i>Agr.</i>	<i>in quis</i> 1 <i>e quis</i> 0	<i>in quibus</i> 1 <i>e quibus</i> 1	0	<i>quibus</i> 9
<i>Hist.</i>	<i>in quis</i> 6 <i>ex quis</i> 0 <i>a quis</i> 1	<i>in quibus</i> 4 <i>ex quibus</i> 9 <i>a quibus</i> 3 <i>de quibus</i> 1 <i>sine quibus</i> 1 <i>pro quibus</i> 1 <i>cum quibus</i> 1	<i>quis</i> 9	<i>quibus</i> 22
<i>Ann.</i>	<i>in quis</i> 3 <i>ex quis</i> 14 <i>a quis</i> 1 <i>cum quis</i> 1	<i>in quibus</i> 6 <i>ex quibus</i> 7 <i>de quibus</i> 2 <i>cum quibus</i> 2	<i>quis</i> 28	<i>quibus</i> 36
total	27	37	37	67

In the *Agr.* *quis* is found once (*Agr.* 37, 6). By contrast, in the *Hist.* and *Ann.* *quis* is quite frequent, if outnumbered by *quibus*. At *Ann.* 13, 14 it seems to be used in variation with *quibus*:

Et Nero infensus iis, quibus superbia muliebris innitebaturm demouet Pallantem cura rerum, quis a Claudio impositus uelut arbitrium regni agebat.

And Nero, exasperated against the supporters of this female arrogance, removed Pallas from the charge to which he had been appointed by Claudius, and in which he exercised virtual control over the monarchy.<sup>211</sup>

Similarly, *quis* occurs alongside *quibus* at *Ann.* 2, 20:

Quibus plana euenerant, facile inrupere, quis inpugnandus agger, ut si murum succederent, grauibus superne ictibus conflictabantur.

The party to which the even ground has been allotted broke in without trouble; their comrades with the barrier to force, much as if they had been scaling a wall, suffered considerably from the heavy blows delivered from higher ground.

It has been noted that, whereas in the first books of the *Annals* *quis* is as frequent as *quibus*, the former (and also along with archaising *ni, forem*) is not used in books 15-16 of the *Annals* (Löfstedt 1933: 2. 285); Martin 1969: 144-6).

Once again we see the phrase *in quis*, which is favoured by historians, in Tacitus: for example, at *Hist.* 5, 19:

Transiere Rhenum Tutor quoque et Classicus et centum tredecim Treuirorum senatores, in quis fuit Alpinus Montanus quem a Primo Antonio missum in Gallias supra memorauimus.

Tutor also and Classicus crossed the Rhine, with one hundred and thirteen Treviran senators, among whom was Alpinus Montanus, who has been sent into Gaul by Primus Antonius, as we stated above.

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<sup>211</sup> Here and further for the *Ann.* translation by Jackson (1962) in the Loeb edition.

*In quis* is used in the same meaning at *Agr.* 37, 6 (*in quis Aulus Atticus praefectis cohortis*), *Hist.* 1, 88 (*in quis et Lucium Vitellium*), *Hist.* 3, 77 (*in quis praefectus classis Apollinaris*), *Hist.* 4, 71 (*et pars equitum <...> nobilissimos Belgaros, in quis ducem Valentinum, cepit*), *Hist.* 5, 21 (*in quis Briganticus praefectus alae ceciderat*).

By contrast, *in quibus* in *Hist.* is mostly used (like in other historians) to refer to geographical places: for example, at *Hist.* 3, 24 (*illos esse campos, in quibus <...> recipere gloriam possent*), at *Hist.* 3, 11 (*in hortos, in quibus*) and *Hist.* 3, 44. An exception is *Hist.* 1, 52, where *in quibus* means ‘among these’ (*plura ambitione, quaedam iudicio, in quibus sordes <...> mutauerat*).

By contrast to the *Hist.*, no semantically determined distribution pattern could be observed in the *Ann.*: *in quis* (*Ann.* 1, 25; *Ann.* 2, 83) and *in quibus* (*Ann.* 2, 73; *Ann.* 13, 35; *Ann.* 14, 22; *Ann.* 14, 27) refer to a location, but at *Ann.* 12, 28 (*apud posteros, in quis carminum gloria praecellit*) and at *Ann.* 14, 49 (*paucis exceptis, in quibus adulatione promptissimus fuit A. Vitellius*) both *in quis* and *in quibus* refer to people.

The evidence shows that there is random variation between *in quis* and *in quibus* in the *Annals*. This is also the case with *ex quis* and *ex quibus*: the former is avoided in the *Hist.*, but both forms are used in the same meaning in the *Annals* (e.g. *comitantibus, ex quis Crepereius Gallus Ann.* 14, 5; *ex quibus erat Iulia Silana Ann.* 13, 19). Tacitus does not have a strong preference for the use of *quis* in a connective function (7 times in the *Annals*).

To summarise, in the ablative with prepositions, *quis* and *quibus* are both used with similar frequency, whereas in the dative and in the ablative without prepositions the preference is for *quibus*. It seems that, generally, the variation is to a great extent random in Tacitus.<sup>212</sup> The randomness of use increases in the *Annals*, where the semantic distinction between *in quis* ‘of whom’ and *in quibus* ‘in which (places)’, that exists in the *Hist.*, cannot be observed.

<sup>212</sup> On the random element in Tacitus’ stylistic choice see also Adams (1972: 373), who argues that Tacitus is an author who continuously discards and changes some features of his style and perhaps some of his choices are irrational.

Suetonius prefers *quibus*. *Quis* is always used in the expression *in quis* (4 times) at *Aug.* 36; *Tib.* 4, 1; *Dom.* 5, 1; *Gram.* 10, 3 (*praecepisse iuveniubus, in quis Appio quoque et Pulchro Claudiis fratribus*). However we are to characterize *in quis*, it was clearly a favoured phrase, particularly in historians.

### 5.5.2 Cicero.

*Quis* occurs in letters to Atticus (twice in the same letter) and at *de Orat.* 1, 85, but is absent in the formal contexts of the speeches. The occurrences are as follows:

- a) sed si mihi Q. Axius in hac mea fuga HS X\_I\_I non reddit quae dedi eius filio mutua et utitur excusatione temporis, si Lepta, si ceteri, soleo mirari de nescio quis HS X\_X\_ cum audio ex illo se urgeri (*Att.* 10, 11, 2)  
  
But when Q. Axius does not repay me in this exile of mine the HS 12,000 I lent his son and pleads hard times, when Lepta and the rest do the like, I cannot help feeling surprised when I hear him say that he is being pressed about a matter of HS 20,000.
- b) ea vero, quae mihi quidem qui illum amo sunt his ipsis malis in quis sumus miseriora, non sunt ab obsequio nostro (*Att.* 10, 11, 3)  
  
But the qualities that cause me, fond of him as I am, more pain even than the miseries of our present condition, do not arise from any compliance on our part.
- c) Etenim coheredes, a quis sine te opprimi +militia+ est.<sup>213</sup> (*Att.* 13, 22, 4)  
  
There are my co-heirs; it would be a shame (?) to let them descend on me when you are not here.<sup>214</sup>

<sup>213</sup> On *militia* see the commentary by Shackleton Bailey (1966: 5. 374): the word seems corrupt.

<sup>214</sup> Translation by Shackleton Bailey (1965-70).

- d) Disputabant contra disertis homines Athenienses et in re publica causisque uersati, in quis erat etiam is, qui nuper Romae fuit, Menedemus <...>. (*de Orat.* 1, 85)

Certain Athenians, accomplished speakers and experienced in politics and at the Bar, argues on the other side, among them too being that Menedemus, who was lately in Rome as my guest <...>.

*Quis* is always used in the ablative with prepositions. In the first example, *quis* occurs in the combination with *nescio*. This verb is often found with juxtaposed interrogative pronoun (*quis, quid*) or adverb (*ubi, quo, unde*), often written as one word. This may be the only instance of *nescio quis* (abl./dat. pl.). Generally speaking, the use of *quis* in letters suggests that the form could function in less formal contexts as an occasional non-marked variant of the dative/ablative instead of *quibus*.

At *de Orat.* 1, 85 *in quis* is used in the meaning ‘among them’ in the speech of Antonius, who discusses oratorical theory and practice. Here we have further evidence of the formulaic character of *in quis* in various forms of prose.

*Quis* might also be used at Cic. *Fam.* 11, 16, 3:

nunc, si me tanti facis quanti certe facis, quoniam equitum centurias tenes inque iis regnas, mitte ad Lupum nostrum ut is nobis eas centurias conficiat.

now, if you think of me as highly as you surely do, since you command the centuries of knights and you reign in them, send to our Lupus so that he makes certain of these centuries for us.

Shackleton Bailey retains the emendation *inque iis*, made by Jakob Gronovius in his 17<sup>th</sup> century edition, but there are good arguments in favour of *quis*. Most importantly, the most reliable manuscripts (including the oldest surviving manuscript *codex Mediceus* 49.9, dated to ninth or tenth century) have *in quis*. Minor manuscripts and editions (referred to as

ς)<sup>215</sup> have *in quibus*, which seems to be a later correction of *in quis*. As suggested above on Sallust, scribes might have got rid of the form, especially in prose. The absence of *quis* in Cicero's speeches and philosophical works might have been an argument for regularisation.

### 5.5.3 Varro.

Varro uses both *quibus* and *quis* in the *Res Rusticae* and *De lingua latina*. *Quis* does not occur in the extant fragments of the *Menippea* (*quibus* 11 times). Table 6 shows the occurrences in *R.* of *quibus/quis* with and without prepositions.

Table 6. *Quis* in *Res Rusticae*

	without preposition	with preposition					total
		<i>ex</i>	<i>sine</i>	<i>in</i>	<i>de</i>	<i>ab</i>	
<i>quis</i>	-	10	-	3	-	1	<b>14</b>
<i>quibus</i>	<b>38</b>	7	1	7	7	5	<b>27</b>

Varro never uses *quis* without prepositions and there is no variation in the dative plural, with *quibus* being the only form. By contrast, in the ablative plural *quis* in the combination with *ex* the form *quis* is preferred to *quibus*: *ex quis* is used 10 times, *ex quibus* 7 times. With other prepositions *quibus* is more frequent than *quis*.

From the syntactic point of view, there is a clear preference for *quis* when it is placed in the initial position in the sentence and functions as a connective between two sentences.<sup>216</sup> The ablative plural *quis* with preposition is used in half of the occurrences (7 times) in a connective function (*R.* 1, 1, 7; 1, 16, 1; 2 pr. 6, 1; 2, 1, 4; 2, 4, 10; 3, 7, 11; 3, 9, 3). For

<sup>215</sup> These are referred to by Shackleton Beiley (1966), ad loc. as *lectiones hic illic citatae siue ex codicibus deterioribus siue ex ueteribus editionibus siue originis incertae*.

<sup>216</sup> On *quis* in a connective function see also above, section 4 of this chapter.

example, in the passage where Scrofa discusses four factors that are important to consider when talking about the surroundings of a farm, *e quis* is used as a connective (*R.* 1, 16, 1):

Eius species totidem: si uicina region est infesta; <...> quartum, siquid ita est in confinibus fundis, ut nostris agris prosit aut noceat. E quis quattuor quod est primum, refert infesta region sit necne.

These considerations are the same in number: whether the region is unsafe; <...> fourth, whether the conditions on the neighbouring farms are such as to benefit or injure our land.

Taking up the first of the four: the safety or lack of safety of the neighbourhood is important.<sup>217</sup>

In *R.* 1, 1, 7 *quis* is used as a connective with conditional meaning (*in quis* = *si in eis sermonibus*):

Iis igitur deis ad uenerationem aduocatis ego referam sermones eos quos de agri cultura habuimus nuper, ex quibus quid te facere oporteat animaduertere poteris. In quis quae non inerunt et quaeres, indicabo a quibus scriptoribus repetas et Graecis et nostris.

Having now duly invoked these divinities, I shall relate the conversations which we had recently about agriculture, from which you may learn what you ought to do; and if matters in which you are interested are not treated, I shall indicate the writers, both Greek and Roman, from whom you may learn them.

In some cases the relative *quis*, when introducing a new sentence, does not refer explicitly to a word in the preceding sentence. For example, in *R.* 2 pr. 5 *e quis* refers in a summarizing manner to all listed nouns (*e quis* = *e quis rebus*).<sup>218</sup>

<sup>217</sup> Here and further the translation by Hooper and Ash (1935) in the Loeb edition.

<sup>218</sup> The connective relative in Varro often refers to the whole passage or to the whole preceding discussion: for example, at *L.* 10, 61 (*e quibus* = *e quibus rebus*). The connective relative is also used in a loose manner when it refers not to the immediately preceding clause or noun, but to the one before. For example, at *L.* 8, 2 *de quibus* refers not to the preceding *uerba*, but to *causa*.

Ex ea enim quoque fructus tolli possunt non mediocres ex ornithonibus ac leporariis et piscinis.

E quis quoniam de agri cultura librum Fundaniae uxori propter eius fundum feci, tibi, Niger Turrani noster <...> de re pecuaria breuiter ac summatim percurram <...>.

And from it, too, no little revenue can be derived – from the poultry-yards, the rabbit-hutches and the fishponds. And since I have written a book for my wife, Fundania, on one of these subjects, that of agriculture, on account of her owning a farm, for you, my dear Turranius Niger <...> I shall run over briefly and summarily the subject of cattle-raising.

Relative pronouns are used frequently by Varro in a connective function and this was perhaps an individual stylistic preference.

By contrast, *quibus* is used mostly to introduce subordinate clauses: of the total 65 occurrences of *quibus* with and without prepositions in *Res Rusticae*, there are 8 occurrences when *quibus* is used as a connective relative in the ablative with preposition,<sup>219</sup> 3 times in a connective function in the dative (*R.* 2, 3, 10; 2, 4, 15; 3, 15, 2). Thus in a connective function the ablative *quis* is almost as frequent as *quibus* (7 and 8 occurrences respectively). In addition, the ablative *quis*, whether in a connective function or not, is mostly used on its own, whereas it occurs with a noun only once at *R.* 3, 9, 3 (*ex quis tribus generibus*).

By contrast, *quibus* can be used both on its own and in combination with a noun or adjective: in the ablative *quibus* is used 27 times in total without a noun or adjective, of which 10 occurrences are without a preposition, and 17 occurrences are with a preposition. When *quibus* is used in a connective function, it is more frequent in combination with a noun or an adjective (in 6 occurrences of a total of 8).<sup>220</sup>

<sup>219</sup> I exclude cases, in which relative pronoun as part of the relative clause comes in initial position in the sentence, but does not connect the new sentence to the preceding one, but refers to the main clause in the same sentence, as, for example, in *R.* 1, 8, 2 (*cuius generis nomina duo, pedamenta et iuga. quibus stat rectis uinea, dicuntur pedamenta; quae transuersa iunguntur, iuga*). In this case we do not have a connective relative, but a relative clause, which precedes main clause. I exclude the passage at *R.* 1, 59, 2, where *quibus* is preceded by *etenim* and thus does not have the connective function.

<sup>220</sup> *e quibus tribus fastigiis*, *R.* 1, 6, 2: *de quibus uniuersis*, *R.* 1, 17, 2;; *e quibus paruis*, *R.* 1, 41, 4; *de quibus exponendis*, *R.* 3, 1, 10; *de quibus rebus*, *R.* 3, 2, 14; *de quibus uillaticis*, *R.* 3, 9, 16.

To summarise, Varro uses *quibus* without restrictions, whereas *quis* is limited to the ablative with prepositions, predominantly with the preposition *ex*. Varro has a taste for *quis* in a connective function without corresponding noun, whereas *quibus* is used more freely.

Table 6 shows the number of occurrences of *quis/quibus* in *L*.

Table 7. *Quis* in *De Lingua Latina*

	without preposition	with preposition					total
		<i>ex</i>	<i>in</i>	<i>de</i>	<i>a</i>	<i>cum</i>	
<i>quis</i>	-	12	3	1	-	-	<b>16</b>
<i>quibus</i>	<b>39</b>	7	17	9	6	1	<b>40</b>

Varro refers to the dative *quis* at *L*. 8, 72, which illustrates lack of regularity in the declension of pronouns (*et non debuit dici quibus das, his das: est enim ut hi qui his quis, aut sicut quibus hibus*). As it is the case with *ques* at *L*. 8, 50, dative *quis* is mentioned here as an analogically correct but non-existent form. Interestingly, Varro translates the theory into practice and does not use the form in the dative in any of his works (however, the dative is not entirely absent from prose and poetry, see above sections 4, 5.1.1 and 5.1.4). Perhaps this might be an indication that *quis* in the dative was considered a mannerism and was limited to poetic texts and historiography.

The construction *ex quis* is preferred to *ex quibus* (12:7), but with all other prepositions *quibus* is used more frequently. *Ex quis* seems to be something of a set expression, like *in quis*: in *R*. and *L*. *ex quis* is more frequent than *ex quibus* (22:14).

Similarly to *R.*, in all instances but one (*e quis figuris*, *L.* 10, 27) *quis* is used without a corresponding noun. Six of the 16 occurrences of *quis* are connective.<sup>221</sup> *Quibus* is also used as a connective (15 times). We can observe that in Varro the use of *quis* is limited, but not to the extent that we can call it an obsolete form.

#### 5.5.4 Vitruvius, Pliny the Elder and Petronius.

*Quibus* is the usual form (198 occurrences), but Vitruvius also uses *e quis* at 9, 1, 4, in the passage on astrology and zodiac signs,<sup>222</sup> alongside *ex quibus* at 9, 1, 1 (*formae, e quibus perficiuntur*).

In first-century prose the use of *quis* is without doubt in decline, whereas in historiography and especially epic the form enjoys increasing popularity, perhaps as a stylistic mannerism. However, its use in prose is not limited to historiography: *quis* is occasionally found in Pliny the Elder *Nat.* both in the dative (*Nat.* 9, 53; 9, 127, 7) and in the ablative with prepositions (*de quis, ex quis, in quis, sine quis*, in total 12 times). The contexts in which *quis* is used do not seem marked (e.g. *et a septentiorione uiscum, a meridie hyphear - de quis plura mox paulo*, *Nat.* 16, 120; *Nat.* 32, 21).

By contrast, in Petronius *quis* is used more significantly at 109, 2:

Vtitur paenitiae occasione dux Eumolpos et castigato ante uehementissime Licha tabulas foederis signat, quis haec formula erat <...>

Our leader Eumolpus seized the occasion of their relenting and after making a warm attack on Lichas, signed the treaty, which ran as follows<sup>223</sup>

<sup>221</sup> *L.* 5, 45; 5, 108; 6, 35; 7, 74; 10, 27; 10, 27.

<sup>222</sup> All manuscripts attest *ex quis*, with the exception of the latest manuscript cod. Vaticanus Regin. 1328, dated to the 15<sup>th</sup> century, where *ex quibus* is most probably a late standardising emendation, of the type that one finds in Sallust's manuscripts (see the section 5.1.1 of this chapter).

<sup>223</sup> Translation by Heseltine (1913).

Walsh (1970: 44-45) points out that Petronius presents a parody of a solemn oath in antique style, recalling insertion of such documents by Livy. Schmeling (2011: 423) comments that *quis* is ‘the fitting archaic dative form for an oath looking for history’. In this contexts *quis* can be stylistically motivated.

### 5.6 Conclusion.

In prose other than historiography *quis* is used mostly with the prepositions *ex* and *in* and this suggests that *quis* undergoes some fossilisation in CL. At the same time, some usages probably remain unmarked in certain authors who are less ready to normalise: notably, in Varro we observe free variation between the connective *quis* and *quibus* with prepositions. In the connective function *quis* can probably be used as an unmarked form, but this use was probably not suitable for high-register prose such as speeches and avoided. The absence of *quis* in Cicero (except in letters and at *de orat.* 1, 85) and Caesar is perhaps another example of normalising activity of these writers, who might have eliminated *quis* merely as an unnecessary doublet. This indicates that in general morphological variation, as the example of *quis* demonstrates, is in fact determined not just by one factor (such as supposedly universal standardisation in CL), but by multiple factors, including the individual preferences of the writer, his attitude to normalisation, and the tendencies of morphological development (such as fossilisation of certain forms, e.g. *in quis* and *ex quis*) that happen in language irrespective of any deliberate attempts to standardise.

While in other genres of literary prose the use of *quis* is limited, in historiography and in poetry the form remains in wide use, which is remarkable. In poetry it is used without syntactic and stylistic limitations as a non-marked variant of *quibus*, predominantly without prepositions. One of the factors (but by no means the only one) that influences the wide use of *quis* in poetry is certainly metre: it is convenient to have morphological doublets for metrical reasons. At the same time, at least to some extent, morphological variation can be influenced

by individual preferences (for example, Silius Italicus uses *quis* more than *quibus* as an individual feature) or by desire to add variation to the text. The latter factor is clearly at play when *quibus* and *quis* are used in close proximity in the same construction (e.g. *quis letifer annus, bella quibus populis*, Stat. *Theb.* 1, 707).

Historians also retain wider usage of *quis*. There is a tendency in historiography to use *in quis* in a different meaning from *in quibus* as a set expression. In my opinion, within the genres of historiography and poetry the use of *quis* was not perceived as a stylistically marked form but as a form that is ‘natural’ within the genre. Thus, even though many commentators on specific authors, especially on poets, do not hesitate to label *quis* an archaism, this term or rather label (since it is not clearly defined, what ‘archaism’ means) does not seem adequate and continuous, however limited, use of the form speaks against it being a genuine archaism. Rather we need to distinguish between different uses of *quis* in different environments and contexts and, based on the considerations outlined here, one can speak of *quis* as a fossilised form, an unmarked morphological variant in certain combinations (the connective *quis* with prepositions) or, in case of poetry and historiography, an unmarked variant within the genre. As the evidence demonstrates, one cannot apply to this case of morphological variation a notion of complete standardisation in the same way in which one speaks of ‘standard’ in relation to modern languages.

## Chapter 6

### Variation of voice in the deponent verbs.

#### 6.1 Introduction.

##### 6.1.1 *The voice system in Proto-Indo-European and Latin.*<sup>224</sup>

The PIE (Proto-Indo-European) voice system was organized around the opposition of the active and the middle voices. This opposition was based on semantic criteria (by contrast to the opposition between active and passive in Latin, which is syntactically motivated). The main meaning of the PIE middle is usually described, rather vaguely, as ‘affectedness or involvement of the subject’ (Clackson and Horrocks 2007: 25). However, it is not always entirely clear what the exact semantic criteria for defining the middle category are. That is especially so in the case of some middle verbs (for example, Greek ἔρχομαι or βούλομαι), which sometimes have active synonymous verbs with no apparent distinction in meaning (e.g. βούλομαι and ἐθέλω, which both mean ‘to wish’).<sup>225</sup>

It is not certain at which stage the passive was introduced into the IE voice system.

Greek and Sanskrit both have the passive, which is formally distinct from the middle, but

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<sup>224</sup> Here I can only briefly outline the complex historical development of the voice system in the PIE and of the Latin voice system. For discussion of the voice system in PIE and the problems of reconstruction see e.g. Fortson (2010: 89-90); Clackson (2007: 142-151); Beekes and de Vaan (2011: 267-270) (on the middle in the PIE).

For the category of voice in Latin see e.g. H-S. 287-297; Clackson and Horrocks (2007:25-26)

<sup>225</sup> Allan (2003: 248-250) argues that in Ancient Greek all verbs, including βούλομαι, have the semantic property of subject-affectedness and the various middle uses can be seen as elaborations of this schema. Allan distinguishes eleven middle uses for Ancient Greek, including perception middle, speech act middle (Allan 2003: 58-118) and argues that in the case of some middle verbs that are synonymous to active verbs (e.g. βούλομαι, which is synonymous to ἐθέλω) there is a semantic distinction between active and middle verbs that involves subject-affectedness (Allan 2003: 203-247). However, Allan only discusses the middle from the synchronic point of view and does not take into consideration historical relics or change: this approach is problematic in the case of the middle category, since this category changes significantly over time. Every semantic approach of the middle should therefore, in my opinion, discuss the category in diachronic perspective as well. For the analysis of semantics of the middle see also Kemmer (1993). Kemmer’s book is useful for the discussion of semantic typology of the middle, but also demonstrates lack of attention to the diachronic aspect of the middle category. A study of the semantics of the Latin deponent category would be of benefit for a better understanding of the category and its relation to the IE middle.

there is no morphological distinction between passive and middle in Hittite and other Anatolian languages. Hence it is clear that the morphologically distinct passive was introduced after the Anatolian branch broke off, but whether it is an innovation in PIE or a later innovation in the period when Greek and Sanskrit became separate languages, remains unclear.

In Latin the passive and the middle are formally identical. The debate on the chronological development of the Latin passive focuses on the analysis of the marker *-r*, which in Latin marks all passive endings in the first and third person. It is absent from Greek, Sanskrit and Gothic, but is present both in Latin and in Celtic. For the adherents of the Italo-Celtic theory this means that *-r* was a later innovation in the Italic and Celtic languages. However, their argument was undercut by the discovery of Hittite and Tocharian, which also have mediopassive forms in *-r*. The fact that these languages also have forms in *-r* means that it cannot be seen as an Italo-Celtic innovation, but it was probably present at some stage in PIE and was lost later in innovating central IE languages such as Greek, Sanskrit and Gothic (Clackson and Horrocks 2007: 33). By contrast, as Jasanoff (1997: 146-160) argues, the third person plural ending *\*-ntro* in the Italic and Celtic languages represents an innovation peculiar to these languages.<sup>226</sup>

#### 6.1.2 Latin deponent verbs: historical development and semantic classification.

In Latin the passive and the middle are formally identical, but from the semantic point of view one can distinguish between passive verbs and verbs that are formally but not semantically passive: for example, reflexives are not semantically passive (e.g. *lavari* has a passive meaning ‘to be washed’ and a reflexive meaning ‘to wash oneself’). These verbs can

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<sup>226</sup> Clackson and Horrocks (2007: 33) argue against Jasanoff’s view that the ending *\*-ntro* in Italic and Celtic languages has parallels in Hittite and in the Sabellian languages. The debate has not yet led to a consensus.

be distinguished from the passive by the fact that they cannot take an agent phrase (*ab* + noun) and are intransitive.<sup>227</sup>

By contrast, other verbs, which are formally but not semantically passive, do not have a distinct meaning that distinguishes them from active verbs. For example, *loquor* ('I speak') or *hortor* ('I urge') do not have corresponding active verbs with a different meaning.<sup>228</sup> For these verbs, which are usually called deponents or *media tantum*, variation with the active voice, when it occurs, is thus primarily morphological, not semantic.

There is an ongoing debate on the typology of Latin deponents, their place in the system of voice and their relation to the active voice, which is not straightforward. It is difficult to explain why these verbs are deponent from the semantic point of view and to provide semantic criteria to describe all of them.<sup>229</sup> Arguably there is a range of meanings and not one universal overarching meaning that can be attributed to all of these verbs.

Another question, related to semantic classification, is to what extent the deponents are an active morphological category in Latin and not an obsolete remnant of the IE voice system.<sup>230</sup> The common view before the study by Flobert (1975) was that deponents in Latin are an obsolete non-productive formation, a remnant of the PIE middle category, which gradually fell out of use (H-S: 287-289). An argument in support of this view is the tendency for 'activation' of deponent verbs in Late Latin: for example, we have active *egredere* in

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<sup>227</sup> As Weiss (2009: 381) points out, an alternative way of expressing reflexive meaning is to use constructions with the reflexive pronoun (for example, *quo se uerteret non habebat* 'he had nowhere to turn', Cic. *Phil.* 2, 74) or even active (*male res uertunt* 'things turn out badly', Plaut. *Pers.* 453). It would be worth investigating (which, however, is beyond the scope of the present study), to what extent there is a variation between these different ways of expressing reflexivity and whether there is a semantic difference between the variants.

<sup>228</sup> The reciprocal meaning might be one of the original semantic characteristics of the Latin deponents: e.g. in Plautus *loquor* occurs with the preposition *cum* (Plaut. *Aul.* 188), not with the dative (*loquor tibi*), which is possibly a relic of reciprocal meaning.

<sup>229</sup> For a functional semantic approach to the classification of the deponent class in Latin see e.g. Gianollo (2005: 97-110), who, along with suggesting an approach to the deponent category as unaccusatives from the perspective of the hypothesis of split-intransitivity, discusses a number of criteria for a semantic typology of deponent verbs in Latin, which provides a useful starting point for further analysis of the deponent class and its functional semantic characteristics. However, the problem, in our opinion, is not yet solved, and there might be no solution at all within the framework of semantic typology.

<sup>230</sup> On the discussion of the relation of Latin deponents to the IE middle voice see Flobert (1975: XV-XVII, with bibliography).

*Peregr. Aeth.* 12, 3 (H-S. 287).<sup>231</sup> The process of ‘activisation’ led to disappearance of the deponents in Romance languages (Elcock and Green 1975: 116-117). However, Flobert convincingly shows, using a large amount of chronologically arranged material, that the productivity of the deponent class in Latin does not decrease until late (Flobert 1975: 588-589).

### 6.1.3 *Variation between deponent and active forms of verbs in Latin (100 BC – AD 100): aims, methods and classification.*

Kroll (1933: 19-20) argues that in Classical Latin variation between the active and the deponent forms of verbs was to a large extent eliminated as part of a general movement of standardisation.<sup>232</sup> Kroll, however, illustrates his argument with only a few examples (*frustror*, *nutricor*) and discusses only Cicero’s usage and lack of variation in his use of these verbs. This Cicero-centred approach, as I point out in the introduction, can lead to overestimating the degree of standardisation and, consequently, create a picture of fully standardised Latin which might not necessarily reflect the real state of literary language at that time. In order to analyse whether this type of morphological variation was indeed eliminated in Classical Latin, one needs to look at a larger data set that takes into consideration the use in other authors, not only that of Cicero and Caesar. This chapter is an attempt at such an analysis that will address whether and to what degree this type of variation was eliminated or retained in the period 100 BC – 100 AD.

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<sup>231</sup> The so-called ‘activisation’ of deponents in Late Latin is a gradual process of elimination of deponents, influenced by spoken language of the time (on the tendency to replace deponent verbs with active in spoken language see e.g. Clackson and Horrocks (2007: 2007: 225)) and by the gradual elimination of synthetic passives. On the development of passive periphrases in Latin, which gradually replaced synthetic forms see de Melo (2012: 83-101). For the process of change of deponents into passive (‘repassivisation’) and the later formation of active counterparts see Flobert (1975: 35), who gives as an example active forms such as *pabulo*, *esco*, *famulo*, which occur in Late Latin texts in place of deponents.

<sup>232</sup> See also Clackson and Horrocks (2007: 225) who suggest, along the same lines (although more cautiously and less categorically than Kroll) that in written Latin of the classical period variation was eliminated in favor of deponent forms as more ‘correct’ (‘the classical written language generally opted for the deponent or semi-deponent variant as the more ‘correct’ form, even if variation between active and passive forms was sometimes tolerated’).

This is not an exhaustive account of all verbs that demonstrate variation of voice, since this is not the aim of the chapter. For the purpose of studying variation and standardisation, I select verbs that are well attested and demonstrate variation of voice in Old Latin,<sup>233</sup> leaving aside those that have only a few occurrences. I then compare how these verbs are used in Old Latin and in the period 100 BC – AD 100<sup>234</sup> and look at tendencies for variation or elimination of variation in 100 BC – AD 100.

The analysis of occurrences of the deponents shows that the verbs can be divided into the following groups, based on the degree of standardisation:

1. *Verbs for which the norm is established before CL (Classical Latin)*

Verbs in this category show variation in Old Latin, but demonstrate a strongly preferred variant and elimination of variation possibly already at a later stage of the Old Latin period. For these verbs the norm was probably either established already before CL or at least there was a strong impetus for the selection of one form before CL.

2. *Verbs which show variation in CL*

These verbs are the most important material for the topic of the chapter and the thesis. On the basis of the analysis of these verbs I discuss the attitude to variation and normalisation in different authors and genres, patterns of continuing variation and its limitations and the factors that influence variation and normalisation.

3. *Verbs which become standardised in CL*

By contrast to the previous two categories, this category of verbs demonstrates successful standardisation in CL. They are of less interest for

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<sup>233</sup> To select the material, I use lists of deponents in N-W. (3. 11-108), Hofmann (1910) and Flobert (1975).

<sup>234</sup> I refer to the language of the period in question (100 BC – AD 100) as Classical Latin (CL) for the sake of simplicity (see introduction n. 10).

the topic of variation, but are important to understand the mechanisms of standardisation in CL and will be discussed from this perspective.

4. *Verbs which first demonstrate variation in CL*

As material for further thought, I include a category of verbs that do not attest variation in Old Latin (there is, of course, always a possibility that some evidence does not survive), but do so in CL. There are only a few verbs of this type and they are perhaps an exception rather than a productive category.

In the following sections of the chapter I look at each category separately (with the focus being on the second and third category, which are central for the topic of the thesis). The verbs that provide the most information about the topic will be discussed in detail. A summary of the findings will conclude the chapter.

Before I turn to the discussion of each category in detail, some preliminary points that are of importance for the following discussion should be made. First of all, as observed in the introduction, it is necessary to distinguish between gradual language change and deliberate standardisation. With deponents it is sometimes unclear whether the development is a result of one or the other, but abrupt change of usage might point towards the latter.

In addition, one needs to distinguish between developments in Old Latin and Classical Latin (whether as part of language change or standardisation process) and the widespread tendency to replace deponents with actives in Late Latin.<sup>235</sup> The latter is a completely different process that lies outside our chronological frame of research and will not be discussed in this chapter.

Some technical nuances should also be mentioned.

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<sup>235</sup> Flobert (1975: 622 II) demonstrates the increasing tendency for the active to replace deponents in Late Latin graphically in a table, which is based on data analysis. Deponent verbs do occasionally become active at all periods (evidence for all periods is collected by Flobert), but in Late Latin ‘activation’ becomes a growing tendency, which leads to the disappearance of deponents in Romance.

Occasionally there is a confusion in manuscripts between the endings *-tur* and *-t*, *-ntur* and *-nt*, caused by frequent omission of *-ur* by scribes (it is usually marked in the manuscripts only by a horizontal bar above the letter *t*, which can be easily overlooked). In poetry the form can be confirmed by the metre, but in prose it is sometimes impossible to restore the original variant.

Also, as Flobert (1975: 286) points out, the testimony of Latin grammarians on variation between deponent and active voice should be studied with caution: grammarians frequently infer an active form from the passive usage of the deponent and by analogy assume that all compounds have the same voice as the corresponding simplex verbs. For the present study, however, the evidence of grammarians is of less importance, as their texts are of much later date.

Not only manuscripts, but editions too occasionally tend to normalise. If, for example, a deponent form is attested in Cicero, but his preference is otherwise for the active, in doubtful cases the active will be chosen over deponent (see more on tendency for normalisation in editions below). This is certainly useful for the practical purposes of an edition, but not helpful for the study of variation. The evidence for the use of the form in contemporary texts and in the texts of the same author occasionally allows us to argue against such emendations and to show that at least some of them result from a preconceived idea of classical ‘standard’ and an approach that overestimates the degree of normalisation in Classical texts.

Finally, since the focus in this chapter is on variation between active and deponent forms, the passive use of perfect participles of deponent verbs will not be discussed,<sup>236</sup> as this is not a case of morphological variation but a semantic shift. Semi-deponents (e.g. *gaudeo*, *gausisus sum*) are also excluded.<sup>237</sup>

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<sup>236</sup> For this use of perfect participles of deponents see Hofmann (1910: 12-17).

<sup>237</sup> Some semi-deponents demonstrate occasional variation in Old Latin and Classical Latin. For example, the deponent perfect *ausus sum* has an active variant in Old Latin (e.g. *ausit*, Plaut. *Bac.*) and in poetry in Classical Latin (Cat. 66, 28; Lucr. 4, 508). Lucretius uses the archaic subjunctive *ausis* and *ausim* 7 times. The form also occurs in Virgil, Ovid, Catullus, Statius, Quintilian, Pliny the Elder, Pliny the Younger (*Ep.* 4, 4), Tacitus (see *TLL* 2, 1251-1252 s.v. *audeo*). The ongoing use of the

Now each category will be discussed in detail.

## 6.2. Verbs for which the norm is established before CL.

As noted above, for the verbs in this category a strongly preferred variant is already established before CL. Variation between active and deponent before CL is scarce. In the case of such verbs one can speak of the development of a pre-Classical norm.

### 6.2.1 *arbitror*

*Arbitror* ('to judge', 'to decide', 'to observe') is mostly deponent in Old Latin.<sup>238</sup> The active is attested only in Plautus (*Mo.* 91; *Mer.* 902; *Stich.* 144; *Ps.* 1014).<sup>239</sup> Plautus uses the deponent in most cases (46 occurrences), Terence does so always (45 occurrences).

Variation between active *arbitro* and deponent *arbitror* in Plautus seems to be random. The active is unmarked: it is not used for metrical reasons, since in most passages the deponent and the active are both metrically acceptable, except at *Stich.* 144, where *arbitrabunt* is metrical.<sup>240</sup> It is not likely that the choice of the active is influenced by sociolinguistic factors either: the characters who speak in these four passages belong to different social classes and are of different genders (in *Stichus* it is Panegyris, the wife of Epignomus, in *Mercator* and *Mostellaria* it is the *adulescentes* and in *Pseudolus* it is a pimp).

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sigmatic subjunctive of *audeo* suggests that it is not a genuine archaism, but a form which is accepted in literary language. However, as de Melo points out, in prose only *ausim* is used and its use is restricted mostly to formulas, whereas in poetry the use is less restrictive and other persons also occur (de Melo 2007: 374). For other examples of active perfect of semi-deponents see Hofmann (1910: 10-12).

<sup>238</sup> The deponent is attested in Accius (*quod re in summa summum esse arbitror*, fr. 206 Ribbeck<sup>3</sup> ap. Cic. *N.D.* 3, 68; *quod si procedit neque te neque quemquam arbitror tuae paenituum laudis*, fr. 312 Ribbeck<sup>3</sup> ap. Non. p. 111M), Afranius (*profuturos arbitror*, fr. 216 Ribbeck<sup>3</sup> ap. Non. p. 267M), Titinius (*ego me mandatam meo uiro male arbitror*, fr. 15 Ribbeck<sup>3</sup> ap. Non. p. 81M; *contemplari ancillas, quam arbitrer illarum subcubonem esse*, fr. 91 Ribbeck<sup>3</sup> ap. Non. p. 224M) and Caecilius (*hos singulatim sapere, nos minus arbitror*, fr. 88 Ribbeck<sup>3</sup> ap. Non. p. 176M).

<sup>239</sup> In addition, Palatine manuscripts (cod. Heidelbergiensis and cod. Vaticanus) attest *arbitro* at *Mil.* 561 (the palimpsest and other Palatine manuscripts have *arbitror*).

<sup>240</sup> At *Stich.* 144 (*probiores credo arbitrabunt, si probis narraueris* 'I believe they will consider us more honourable, if you tell honourable men') the metre is trochaic septenarius and *arbitrabuntur* would only be possible if the antepenultimate had undergone iambic shortening, which is unlikely.

It looks as if in Old Latin *arbitror* is already the norm and variation is marginal. In CL usage does not change. The deponent alone is used in prose, with the exception of Cic. *N.D.* 2, 74 (see below). In poetry, however, according to Flobert (1975: 70-71), *arbitror* is mostly avoided in CL: it is only attested in Catullus, Phaedrus and Silius Italicus.<sup>241</sup> Axelson (1945: 64) lists *arbitror* amongs prosaic words, together with its synonyms *existimare* and *iudicare*. In general, as Axelson (1945: 64) points out, the poets use mostly *credo*, *puto* or *reor*. This distribution might be explained by semantic reasons; *arbitrare*, *existimare*, *iudicare* have potentially more technical (legal) colouring and could be avoided in poetry because of this association with ‘technical exactness’ and, potentially, with legal language. *Arbitror* is also metrically difficult.

The active occurs once in CL in Cic. *N.D.* 2, 74, whereas Cicero always uses the deponent elsewhere (e.g. *Ver.* 4, 42; *Catil.* 4, 23):

<.> sic cum dicimus prouidentia mundum administrari deesse arbitrato ‘deorum’, plene autem et perfecte sic dici existumato, prouidentia deorum mundum administrari.

So when we speak of the world as governed by providence, you must understand the words ‘of the gods’ and must conceive that the full and complete statement would be ‘the world is governed by the providence of the gods’.<sup>242</sup>

In this passage the Stoic philosopher Lucilius Balbus explains the Stoic notion of divine providence. The active imperative *arbitrato* can be interpreted as an old-fashioned form, used here to characterize Balbus’ speech (note also the old-fashioned spelling *existumato* for *existimato* in the same passage). Notably, the form is a hapax: Cicero might have used the active here in parallel to the following imperative *existumato* to make the construction symmetrical.

<sup>241</sup> *Catul.* 39, 8; *Phaed. A.*, 8, 23; *Sil.* 15, 112.

<sup>242</sup> Translation by Rackham (1933).

The active imperative of the deponents in *-to* and *-tor* (the so-called future imperative) is used occasionally in Old Latin (however, it is absent from Plautus and Terence);<sup>243</sup> for example, Cato uses both *utitor* and *utito* (*utito* at *Agr.* 96, 2 and *utitor* at *Agr.* 117, 1; 119, 1; 127, 1), which suggests that there is active variation between the imperative forms in *-tor* and in *-to* at that time (perhaps only in technical prose and legal texts).<sup>244</sup>

According to Leumann (1977: 572-573), in CL only the imperative in *-tor/-ntor* is used for the deponents. However, the active imperative of deponents is still attested in CL in Cicero (but never in other authors in CL, as far as I am aware) in drafts of laws (e.g. *tuento, patiuunto* at *Leg.* 3, 6-11), in a legal context in a speech (*tum auctoritatem censoriam amplexato* ‘then you may embrace the pronouncements of the censors’, *Clu.* 124)<sup>245</sup> and, according to Diomedes, in *Rep.* (*Tullius in dialogis de re publica ‘nitito’*, *GL* 1, 339, 31, fr. inc. 11 Powell).<sup>246</sup> At *de Arb.* 16, 5 (perhaps by Columella) we have the active imperative *adminiculato* of the usually deponent *adminiculor*. On the other hand, the imperatives of the deponents in *-tor*, as far as I know, only occur in CL in Lucretius and in the *Georgica*, where they are used for metrical reasons: Lucretius uses the imperative before a word which begins with a vowel (*contemplator enim*, twice at 2, 114 and at 6, 189). Similarly, in Virgil the forms *contemplator* and *nutritor* are used in the *Georgica* before a vowel to avoid a hiatus (*contemplator item* ‘mark, too’, *G.* 1, 187; *contemplator: aquas*, *G.* 4, 61; *hoc pinguem et placitam Paci nutritor oliuam* ‘after this mode nurture the plump olive, favoured of Peace’, *G.* 2, 425).<sup>247</sup>

<sup>243</sup> The forms in *-tor* are used by Plautus 5 times (*patitor*, *As.* 375 twice; *uenator*, *Mil.* 1029; *amplexator*, *Ps.* 292; *gratulator*, *Trin.* 579), by Terence twice (*loquitor*, *Hau.* 828; *utitor*, *Hau.* 972; *largitor*, *Ad.* 940).

<sup>244</sup> On the imperatives in *-to* in technical prose see Hine (2011: 624-654). Hine does not discuss either the imperatives in *-tor* or the deponents.

<sup>245</sup> Cod. Laurentianus and cod. Monacensis have *amplexator*. The deponent form occurs at Plaut. *Ps.* 292 (*pietatem ergo istam amplexator noctu pro Phoenicio*).

<sup>246</sup> On the legal language in Cicero see Powell (2005: 117-150).

<sup>247</sup> The verb is usually used as active. The deponent form is first attested here and is considered by scholars an archaism, but we cannot be certain of that. (e.g. Mynors 1990: 157).

The evidence shows that in CL authors mostly avoid using the imperative forms of deponents in *-to* and *-tor*,<sup>248</sup> but the imperative in *-to* was retained to some extent in formal and legal prose, whereas the imperative in *-tor* is very rarely used in poetry for metrical reasons. Thus, the so-called future imperative of the deponents was probably never fully standardised.

In the case of *arbitror*, although the deponent becomes the norm by the first century BC, the active imperative *arbitrato* is attested in Cicero in legal context. Thus even in the case of early elimination of variation of voice, occasional (possibly fossilised) variants could be retained under certain conditions, which speaks against the idea of complete standardisation at morphological level.

### 6.2.2 *adiutor*

The verb *adiutor* ('to help') is mostly used in the active form in Old Latin (in Plautus 5 times, in Accius once, in Terence 7 times). It is deponent in Afranius (*agite me adiutamini* 'come, help me', fr. 201 Ribbeck<sup>3</sup> ap. Non. 477, 28 M), Pacuvius (fr. 68 Schierl ap. Non. 74, 1 M; fr. 108 Schierl ap. Non. 477, 26 M) and Lucilius (fr. 741 M). The active is clearly preferred and already becomes the norm in Terence.

Starting from the first century BC the active *adiutare* is used occasionally, whereas *adiutari* almost disappears. The synonymous *adiuuare* mostly replaces *adiutare/adiutari*.<sup>249</sup>

<sup>248</sup> By contrast, the forms in *-to* for the active verbs are for the most part in active use in technical prose (Hine 2011: 652-654): thus, avoidance of imperatives in *-to* seems to be related specifically to the use of the deponents.

<sup>249</sup> Originally *adiutare* (*adiutari*) is an expressive frequentative of *adiuuare* (E-M. p. 331 s.v. *iuuo*; *adiuuo perfectae formae est, adiuto frequentatiuae*, Bede *GL* 7, 262, 16). Both verbs are used in Plautus (30 occurrences of *adiuuare*, 12 of *adiutare*) and in Terence. In Old Latin comedy a frequentative is often used with no difference in meaning from the simplex, probably a colloquial feature. The lack of a distinct frequentative meaning in comedy and the later loss of the frequentative meaning altogether leads to confusion on part of the scribe. For example, in the manuscripts of Terence *Phorm.* 99, where in  $\Sigma$  (i.e. in all manuscripts except the Bembine codex, which is the earliest one, dated to the IV-V centuries) the form *adiutaret* is replaced by the more common *adiuuaret*, whereas the oldest manuscript A has *adiutaret*. Similarly, in the commentary to *Adelph.* 16, where the manuscripts have *adiutare* (*homines nobiles hunc adiutare adsidueque una arbitra*), Donatus comments *legitur et adiuuare*, which demonstrates that at a later period the semantic difference is completely lost.

There is evidence for lexical variation between *adiutare* and *adiuuare*: in Old Latin the frequentative *adiutare* and the simplex *adiuuare* were still distinct in meaning. Later, however, with the loss of any frequentative meaning, *adiutare* could be perceived as colloquial and as a colloquialism is mostly banned from Classical prose (E-M. p. 331 s.v. *iuvo*), although it does occasionally occur in less formal contexts.

Cicero uses *adiutare* once in a letter to Q. Axius (*si tu nos aliquid adiutare potes* ‘if you could help me a bit’, *Epist. frg. 2* (10), 3)), where it does not seem to have a specifically frequentative meaning. *Adiutare* is used in a similar context in the John Hopkins curse tablets (The John Hopkins *Tabellae Defixionum*), dated by Fox (1912: 57-60) to the first century BC and characterised by colloquial/low register language.<sup>250</sup> In the tablets the verb is used repeatedly in the same phrase *ni possit aliquid se adiutare* (*Plotius 29; Avonia 28, Secunda 25, Aquilla 25*, possibly also in *Vesonia 30*),<sup>251</sup> which seems a formulaic phrase in curse tablets.<sup>252</sup>

*Adiutare* occurs in the passive in Lucretius (*adiutamur enim dubio procul atque alimur nos / certis ab rebus* ‘for we ourselves are helped without doubt and nourished by certain things’, 1, 812), as a participle in Varro (*eo enim adiutante equa alligata celerius admittuntur* ‘for with his help, when the mare is tied, the coition takes place more quickly’ *R. 2*, 7, 8) and in the passive in the pseudo-Sallustian letter to Caesar (*de Rep. 2*, 12, 4). In Varro the verb possibly has some frequentative colouring, because in the passage Varro gives general recommendations about the handling of horses. In the pseudo-Sallustian letter to Caesar *adiutare* is used in the same meaning as *adiuuare* (*quam primum res publica adiutetur* ‘as soon as possible our country may be helped’).

<sup>250</sup> However, the dating is based only on spelling features (such as use of *ei* for long *i* and the use of *ch* to mark aspiration) and therefore is not certain: such features can be occasionally used at a later period, especially in the first century AD (see the chapter on spelling).

<sup>251</sup> The tablets are cited according to the edition by Fox (1912).

<sup>252</sup> In some cases the verb in the John Hopkins curse tablets is used with the dative, which is a colloquial feature: as Adams (1977: 42) points out, in the letters of the soldier Claudius Terentianus (second century AD) and in Petronius (*nobis adiutasses*, *Petr. 62*, 11) *adiuto* is used with dative, by analogy with *adesse* and similar verbs.

In addition, the active *adiutat* occurs in the *Aetna*, a didactic poem of the first century AD (*ipse adiutat opes facilesque sibi inudit amnis* ‘the lava-river itself aids their supplies and adjusts the compliant material to its own course’, *Aetna* 491; *et lapis adiutat generandis ignibus aptus* ‘a stone is found besides, fitted to beget fire, which aids eruption’, *Aetna* 437).<sup>253</sup>

In Lucretius the frequentative can be explained by metrical reasons (in hexameter only *adiutamur* is possible, not *adiuuamur*). *Adiutamur* might have some frequentative meaning in this context, since the passage describes repeated action. *Adiutat* in the *Aetna* cannot be explained by metrical reasons but some frequentative meaning is possibly retained.

In the second century AD the active occurs in Apuleius (*ceterum ad magian nihil quicquam uidetur mihi adiutare* ‘moreover, it does not seem to me that it helps for magic in any way’, *apol.* 31, 1) and in Gellius (1, 3, 13; 15, 22, 2). For both authors the use of the active might be an archaising mannerism (since the verb as such is not out of use, we cannot call this use a direct archaisation).<sup>254</sup>

To summarise, *adiutari* fell out of use early and henceforth the variation was between a frequentative *adiutare* and non-frequentative *adiuuare*, not between a deponent and an active.

### 6.2.3 Verbs which show no variation in Terence.

The following list includes some further examples of verbs that show no variation between deponent and active forms in Terence and in CL. For some verbs there exists occasional variation in Terence’s contemporaries, but Terence’s preferred usage becomes the norm in CL.

<sup>253</sup> *Aetna* was probably written in the late Augustan or post-Augustan period (before the eruption of Vesuvius in AD 79, since it is not mentioned in the text). On the date and authorship of the poem see Goodyear (1965: 56-59).

<sup>254</sup> A fashion for archaising is a prominent movement in the second century literature; on the archaising tendencies in Apuleius see e.g. Holford-Strevens (2003: 355). For the discussion on his use of archaic authors see e.g. Matiacci (1986) and May (2006: 37-44). Gellius, too, is known for his fondness of ancient usage. On the use of and attitude to archaic Latin of Gellius and in second century literature in general see the discussion in Holford-Strevens (2003: 354-363) and May (2006: 34-37).

### 6.2.3.1. *contemplor*

The verb *contemplor* ('to examine', 'to observe', 'to contemplate' shows variation as early as Ennius: the active occurs at *scen.* 288 Vahlen, ap. Non. p. 470M and the deponent occurs at *Sat.* 3 Vahlen, ap. Servius *A.* 12, 121 and frg. 114 Vahlen, ap. Non. p. 28M. In the last passage (*corpus contemplatur unde corporaret uulnere* 'he scanned the body seeking whence he make it into a corpse with a wound') the deponent is metrically necessary (Jocelyn 1967: 265). Variation continues in Plautus: the verb is mostly active (12 times), but the deponent occurs at *Cist.* 702, *Per.* 548 and *Poen.* 1129.

Other occurrences of the verb in early drama are attested in Naevius (as an active: *contempla placide formam et faciem uirginis* 'quietly study the maiden's form and face', frg. 3 Ribbeck<sup>3</sup> ap. Non. p. 753M),<sup>255</sup> Titinius (as a deponent, *contemplari ancillas*, frg. 91 Ribbeck<sup>3</sup> ap. Nonius p. 224M) and Accius (as an active, *contempla hanc sedem* 'look carefully at this resting-place', frg. 557 Ribbeck<sup>3</sup>).

By contrast, Terence uses the deponent twice (*Ph.* 210; *Ph.* 550), but never the active. In the first century BC the deponent is established as the norm<sup>256</sup> (with the exception of the active *contemplant* at Apul. *Fl.* 26). The preference for the deponent in Terence is in contrast with the variation that we see in Plautus and other authors in OL and Terence's usage probably played a role in establishing the norm in CL.

<sup>255</sup> See the commentary in Marmorale (1950: 186).

<sup>256</sup> A possible exception is at Columella 11, 2, 69, where manuscripts have *contemplari* and *contemplare*: the oldest manuscripts, codd. Petropolitanus and Ambrosianus (dated to the 9th century) have the active, whereas the deponent is attested in later manuscripts (collected under the letter R, dated to the 15th century). The active infinitive might therefore be the original form, which was corrected to the more common deponent in later manuscripts, but Rodgers in the recent OCT edition (Rodgers 2010 ad loc.) accepts *contemplari*. Otherwise the verb is deponent in Columella (1, 2, 1; 8, 17, 8; 9, 8, 2).

### 6.2.3.2. *crimino*

Plautus uses the active *crimino* ('to accuse') at *Ps.* 493 and the deponent at *Bac.* 783 and *Mil.* 242; the active occurs in Ennius *Sat.* 8 Vahlen, but the verb is deponent at *Ter. Eu.* 855, and after that it is used as deponent. Since the deponent only occurs in Terence once, one cannot be sure whether the deponent was already the norm by his time or in CL but the former could be possible.

The first person singular of the verb is avoided. As far as we know, it occurs in this period only in Seneca the Elder (*non crimino*, *Con.* 9, 5, 14). No plausible explanation for this restriction comes to mind. There is a similar restriction in the use of the first person singular of the deponents on the case of *comperior* (see below).

### 6.2.3.3 *minitor*

*Minor* ('to threaten, menace') is not attested as active until Late Latin,<sup>257</sup> but the frequentative *minitor* shows some evidence of variation in Old Latin, where it is active in Livius Andronicus (*etiam minitas?*, *trag.* 19 Ribbeck<sup>3</sup> ap. Non. p. 473M) and in Plautus (*minitas*, *Capt.* 743, *minitabas*, *Amph.* frg. 5 ap. Non. p. 473M). The deponent occurs in Ennius, Lucilius, Plautus (19 times) and Terence (*Hau.* 489, *Hec.* 718, *Hec.* 427, *Ph.* 451). The deponent *minitor* becomes the norm in CL. Since Terence only uses the deponent and Plautus strongly prefers the deponent (19:2), variation might have been eliminated before CL.

### 6.2.3.4. *opinor*

In Old Latin the active *opino* ('to believe', 'to suppose') is attested by Nonius (*opino pro opinor*, Non. p. 474M) in tragedy in Ennius (*opino*, 145 Vahlen) and Pacuvius (*opino*, frg. 70 Schierl), in comedy in Caecilius (*opino*, frg. 17 Ribbeck<sup>3</sup>). The active also occurs in Plautus (*Bac.* 12; *Bac.* 511, *Poen.* 1169, *Rud.* 999, *Rud.* 1268, *Trin.* 422). *Opinor*, which is attested in

<sup>257</sup> However, Priscian said that archaic authors used both the active and the deponent (*multa similiter ancipiti termination in una eademque significatione protulerunt antiqui, ut 'mino' et 'minor'*, *GL* 2, 396, 11).

manuscripts, is corrected to *opino* for metrical reasons at *Cas.* 541, *Epid.* 259, *Per.* 343. The deponent form is attested in tragedy only once in Ennius (*opinor*, *scen.* 271 Vahlen). By contrast, in comedy it is frequent: Plautus uses the deponent 102 times, Terence 24 times. Terence uses only the deponent form and in CL the verb only occurs as a deponent. As Halla-Aho and Kruschwitz (2010: 145-146) point out, there is a clear preference for the deponent in comedy: this suggests that the deponent was preferred in conversation. This and other uses of the deponent in colloquial contexts suggest that there is not necessarily a strong tendency in the conversational language to use the active rather than the deponent, contrary to what is sometimes assumed by scholars (Clackson and Horrocks 2007: 225).

#### 6.2.4 Conclusion

For these and some other verbs variation between the active and the deponent forms is attested in Old Latin, but is absent in Terence and then in CL. One wonders if Terence's selectivity and conscious efforts towards creating a literary norm<sup>258</sup> were a factor for the CL usage.

As discussed above, a number of forms of the deponents that Terence used were then firmly established as the norm in CL; this possibly demonstrates Terence's influence on the literature of the first century BC and indicates that Terence keeps anticipating Classical usage and may have a tendency for normalising.<sup>259</sup>

This suggestion is further supported by the fact that Terence's language was praised by Cicero (e.g. at *Att.* 7, 3, 10 and he also cites Terence frequently *passim*) and Caesar, who both promoted normalisation (Müller 2013: 268-270). In addition, Terence became a school author quite early: Horace attests that Terence is part of the school canon (Hor. *Epist.* 2, 1, 60).

<sup>258</sup> On normalising tendencies in Terence see e.g. Palmer (1954: 89-94) and more recently Karakasis (2005: 15-22). Müller (2013: 368-370) argues that Terence's style has much in common with Caesar in the avoidance of too many graecisms and new nominal formations. This is in accordance with Caesar's principle of good Latin (i.e., roughly speaking, to avoid any 'odd', unusual words and expressions) that he famously formulates at *De Analogia: tamquam scopulum sic fugias inauditum atque insolens uerbum* (F2 Garcea).

<sup>259</sup> On the normalising activity of Terence see e.g. Müller (2007: 119-121).

Further analysis of the possible influence of Terence's language attitude and language choice on Classical authors is needed. This analysis might demonstrate that, whereas a movement for standardisation is often considered a phenomenon of the first century BC, a purist attitude on the other hand may not be limited to any particular period. Rather, a purist approach can perhaps be seen as a recurring idea that is present to a greater or lesser extent in all periods of language history (similarly to the ideas of Golden Age or of moral decline that are always present in political thought and literature in Rome).

At the same time, occasional variation is attested in Lucilius (c. 180-102 BC), the comedians Caecilius (died in 168), Titinius (probably a contemporary of Terence) and Afranius (late second century BC), Accius (170 – ca. AD 85), Pacuvius (220-130). This is the case, for example, with *contemplor* (see above). Occasionally Lucilius uses variant norms that Terence rejects; these forms might reappear later in Varro's *Menippea* (see below on Varro's use of deponents).<sup>260</sup> Thus, genre seems to be a factor for retaining variation, while the purist attitude to language of a particular author is a factor in eliminating variation.

### 6.3 Verbs which show variation in CL.

These verbs represent the most interesting category for the topic of this chapter: they show variation in the period when the standard was supposedly established and demonstrate that for a number of verbs of this category variation of voice remains current in CL. Some verbs show a certain pattern of variation: variation might be limited to certain forms or its distribution is based on morphological criteria or alternatively variation is genre-based. Some verbs demonstrate a combination of these factors (for example, genre-based and morphologically limited variation). For a number of verbs, however, especially for those with scarce occurrences in Classical Latin, no discernible patterns of usage can be observed, beyond the fact that variation continues in CL. Typically in such cases any occurrences of

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<sup>260</sup> On the language of early Roman satire and specifically on Lucilius see Petersmann (1999: 289-310).

non-standard forms are labelled by scholars as archaisms. However, it remains to be seen whether archaising (in the sense that I defined in the introduction) is the only possible interpretation.

Now I will discuss some of the verbs in this category in detail.

### 6.3.1 *adsentior*

The Latin grammarians frequently use the verb *adsentior* ('to agree in opinion', 'to approve') when discussing whether the principle of analogy or established educated usage has more weight for language choice: by the principle of analogy *adsentio* should be active, since *sentio* is active, yet the preferred form is the deponent.

The analogist Sisenna (active in the first half of the first century BC),<sup>261</sup> according to Varro (fr. 12 *GRF*, ap. Gel. 2, 25, 9), supposedly introduced the active *adsentio* by analogy with *sentio* (however, in fact the active is attested earlier than the deponent in Old Latin, see below). Varro, as Ax points out (2011: 168), seems to be sceptical about Sisenna's approach and the success of this attempt of using analogy to change usage: he remarks (*GRF* fr.12) that 'even though many followed Sisenna, they could not defeat usage' (*eum postea multi secuti, neque tamen uincere consuetudinem potuerunt*).<sup>262</sup>

Quintilian, as Ax points out (2011: 167-168), uses only the deponent, but speaks of the voice of the verb repeatedly as uncertain and does not reject altogether the active as false (e.g. at *Inst.* 9, 3, 7: *ideoque frequens permutatio est et pleraque utroque modo efferuntur: <...> adsentior adsentio*, 'with the result that there is a frequent alteration of the two forms, and

<sup>261</sup> On life and work of Sisenna see Briscoe (*FRH* 1: 305-319). See also Garcea (2012:103-104) for a comparison of attitudes to language correctness and attempts at language reforms by Sisenna and Caesar.

<sup>262</sup> See e.g. Ax (2011: 168) on the debate between analogy (*analogia*) and educated usage (*consuetudo*). It is worth noting that Cicero speaks mostly in favor of *consuetudo* at *Orat.* 155-162, where he discusses the question of analogy versus usage. Cicero does not specifically mention *adsentior* in relation to Sisenna in the passage, but in general he does not have much sympathy for Sisenna, referring to him as *emendator sermonis usitati* at *Brut.* 259 (Ax 2011: 168).

many things are expressed in both ways: *adsentior, adsentio.*’).<sup>263</sup> At *Inst.* 1, 5, 13 *adsentior* is listed as one of the examples when usage and the principle of analogy contradict each other; Quintilian says that the deponent is preferable because it is based on usage (*haec quoque pars consensus defenditur*).

Thus the choice of the deponent *adsentior* or the active *adsentio* seems to be influenced by the general attitude of particular authors to the problem of analogy versus usage. At the same time, neither Varro and Quintilian nor later grammarians reject the use of the analogical active *adsentio* explicitly; their discussion of this question implies that in theory both forms can be used. In this we might see an indication of their non-restrictive attitude to variation and their lack of interest in standardising on the theoretical level (on the practical level this attitude is observed, for example, in Varro’s use of the deponents, discussed below).

Now I will look at the use of *adsentior/adsentio* in Old Latin and in CL.

In Old Latin both the deponent and the active occur and the preference is for the active (5:2).<sup>264</sup> The active is still in use in the early first century in Pomponius, where it might be retained for metrical reasons (*pol magi’ curabo, ubi cognorint, omnes una adsentiant*, frg. 166 Frassinetti ap. Non. p. 469M). However, Latin prose of the first century BC – first century AD, starting with Varro and Cicero, demonstrates a clear preference for the deponent. In Cicero variation of voice is limited to the perfect stem, as the following table shows:

Table 1. Cicero’s use of *adsentior*

<sup>263</sup> Translation by Russel (2001). Similarly, later grammarians, for example Priscian, in theory do not reject variation between *adsentior* and *adsentio* (*sentio neutrum: ex eo assentio et assentior, dissentio et dissentior in una eademque inueniuntur significatione*, Prisc. *GL* 2, 399, 12; see also Prisc. *GL* 2, 435, 10; 436, 3 (both forms are listed) and *GL* 3, 273, 2 (only *adsentior* is mentioned)). However, it is common for grammarians to talk about past usage as if it was still current in their day and by the time of Priscian the verb had most likely undergone the process of ‘activation’, typical for the deponents in Late Latin.

<sup>264</sup> The active is used by Plautus (*adsentio, Rud.* 975; *adsentiant, Am.* 824), by Accius twice (*adsentio, adsensit silens*, ap. Non. p. 469M). The deponent occurs in Plautus (*tibi adsentior, Mer.* 412) and in Lucilius (*assensus sum*, 433 Marx ap. Prisc. *GL* 2, 399, 16). Terence avoids *adsentior* and uses only the first declension variant *adsentor* (*Eu.* 253, *Eu.* 490, *Ad.* 270, *Ad.* 988), perhaps because the latter is always deponent.

	Active	Deponent
Present stem	absent <sup>265</sup>	176
Perfect stem	9	40
total	9	216

The perfect active is used mostly in letters (*sedens iis adsensi*, *Fam.* 5, 2, 9, *Philippus adsensit Lentulo*, *Quint.* 2, 1, 2; *adsensit senatus*, *Att.* 2, 1, 8,<sup>266</sup> *homines ad quindecim Curioni* <...> *adsenserunt*, *Att.* 1, 14, 5), but almost never in speeches, except in *pro lege Manilia* (*cives adsenserint*, *Man.* 48). In rhetorical and philosophical works the form is only attested in *De inventione* (*assensit*, *Inv.* 1, 51; *assenserit*, *Inv.* 1, 54; *assenserimus*, *Inv.* 2, 10; *assensisse*, *Inv.* 1, 25).<sup>267</sup> *De inventione* is one of the earliest of Cicero's works and his style is known to have changed later. Thus, with the few exceptions (mostly from the earlier period) the active is only attested in informal contexts in letters, whereas in formal contexts Cicero aims at standardising the verb as a deponent.

The same preference for the deponent can be observed in other prose authors in 100 BC – AD 100.

Table 2. Prose (100 BC – AD 100)

	Present stem	Perfect stem
Varro	2 deponent <sup>268</sup>	-
Sallust	1 deponent	-
<i>B. Afr.</i>	1 active	-

<sup>265</sup> Manuscripts preserve both deponent and active forms at *Att.* 7, 3, 3; 9, 9, 1; *Fam.* 1, 1, 3 and *Leg.* 2, 33. In all cases the majority of best manuscripts have the active, but editions accept the deponent on the basis that Cicero uses the deponent very frequently otherwise.

<sup>266</sup> Diomedes (*GL* 1, 381, 26) attests in this passage the present form *adsentit* and not the perfect *adsensit*, but all manuscripts have *adsensit*.

<sup>267</sup> In addition, in the manuscripts of *de Orat.* 1, 110 we find variation between *assentire* and *adsentiri*.

<sup>268</sup> Both times in the *R.* (*adsentiri*, *R.* 2, 1, 27; 2, 3, 10).

Seneca the Elder	1 deponent	-
Livy	4 deponent 1 active (?) <sup>269</sup>	-
Seneca the Younger <sup>270</sup>	14 deponent 1 active <sup>271</sup>	1 deponent
Pliny	-	2 active 1 deponent
Quintilian	6 deponent	-
Tacitus	1 deponent	3 active
Curtius Rufus	6 deponent	1 deponent
Columella	2 deponent	-
total	33 deponent 2 active	3 deponent 5 active

Notably, the active present occurs in the pseudo-Caesarian *Bellum Africum* 88, 2:

Quorum cum partem assentire, partem animum mentemque perterritam atque in fugam  
destinatam habere intellexisset, amplius de ea re agere destitit nausque his attribuit, ut in quas  
quisque partis uellet proficisceretur.

On perceiving that, while some of them agreed with them, others were thoroughly scared at  
heart and had set their minds on fight, he refrained from further mention of the subject and

<sup>269</sup> *Ubi cum de aliis rebus assentire se ueteribus Gabinis diceret* ‘where, on all subjects but one, he professed a deference for the opinion of those who had long been citizens of Gabii’, 1, 54, 1.

<sup>270</sup> The verb is only used in philosophical texts (e.g. *adsentior*, *Dial.* 7, 3, 3) and in letters (e.g. *adsentiuntur*, *Ep.* 113, 19) but not in plays. It indicates that the verb was primarily associated with prose genres (on its scarce use in poetry see below).

<sup>271</sup> *Quaedam ex istis sunt quibus assentire possumus* ‘some of these are theories with which we can agree’, *Nat.* 3, 15, 1. Ogilvie in the OCT has *adsentiri*, the old OCT edition by Conway and Walters (1914) has *adsentire* (see below).

assigned ships to the latter to enable them to leave to the destination of their individual choice.<sup>272</sup>

Here *assentire* stands out as one of three attested cases of the present active infinitive in CL (cf. *assentire*, Sen. *Nat.* 3, 15, 1, see n. 46; Liv. 1, 54, 1; in addition, as noted above, Sisenna could have used the active as well, but there is no actual text available).

As was discussed above in the chapter on *quis/quibus* (5.1.1.2), the use of distinctive linguistic features in the pseudo-Caesarian *Bella* demonstrates that their authors are not mere imitators of Caesar.<sup>273</sup> Some stylistic features that can be found both in the *Bella* and in Caesar are characteristic of the genre of military reports, such as the use of conventional military phraseology (Adams 2005: 74-77), but the *Bella* also demonstrate features that are absent from Caesar. This is the case with the use of the active *assentire* in the *Bellum Africum*: the verb is avoided altogether by Caesar and is almost unparalleled in the present active form in prose in CL. As Adams (2005: 77) points out, the *Bellum Africum* is remarkable for its stylistic diversity. The unusual active *assentire* is another example of this diversity.

It is difficult to establish whether in this passage the active is a stylistic feature. The complex syntactic structure of the phrase, with the subordinate clause preceding the main clause, the subordinate clause starting with an overarching partitive *quorum* and the AcI in the subordinate clause, is clearly a characteristic of prosaic style. On the other hand, the phrase does not lack lexical mannerisms that are associated with poetry rather than prose (e.g. *animam mentemque perterritam, in fugam destinatam*), but are also not entirely absent from historiography (less so, of course, in succinct Caesarian style). The verb is never used in the present in Classical poetry (see below); therefore in this passage the present active form cannot be interpreted as a poeticism. Neither is it a genuine archaism (since the verb continues

<sup>272</sup> Translation by Way (1955).

<sup>273</sup> See Gaertner (2010: 243-254) on the language of *B. Hisp.* and *B. Afr.*; see also the discussion on *quis/quibus* above. As Way (1955: 142-143) points out in his introduction to the text of *B. Afr.*, the text demonstrates stylistic variety in speeches of different characters – clearly, the author of *B. Afr.* did not lack literary ambitions, erudition and skills.

to be in use in Classical prose as a deponent), but it might possibly have an archaizing colouring and might be interpreted as a mannerism.

In addition, in Old Latin the active is frequently used in high register contexts: in Plautus it occurs in passages which contain legal terminology and refer to legal matters. At *Rud.* 975 *adsentio* is used in a dialogue that imitates a legal quarrel in a mocking way (*mare quidem commune certost omnibus. - adsentio: qui minus hunc commune quaeso mi esset oportet uidulum?* ‘why, the sea is common to all, that’s certain. – Agreed. Then why shouldn’t I have a common right to this trunk, I ask?’).<sup>274</sup> Similarly, at *Am.* 824 the phrase contains allusions to a testimony in court (*mihi quoque assunt testes qui illud ego dicam assentiant* ‘I too have witnesses to corroborate what I say’).<sup>275</sup> The verb is also used in the active in tragedy by Accius (see above). Therefore the verb possibly did have a higher register status in Old Latin and was used as high register word and a mannerism by the author of the *Bellum Africum*.

As mentioned above (n. 269), the active present infinitive possibly occurs in Livy 1, 54, 1 (*adsentire se diceret*; cf. *si aliquis adsentiri necesse est*, 26, 49, 6). All manuscripts have the active, but in the OCT Ogilvie corrects to *adsentiri se*.<sup>276</sup> As Ogilvie argues in his commentary, ‘a unique form of this kind might be expected to have a special significance. Since none can be detected or invented <...> it is easier to believe that the mood is due to an assimilation of endings – *adsentire se* for *adsentiri se*’ (Ogilvie 1965: 208). However, morphological variation does not necessarily imply semantic difference between variants. The active *adsentire* in Livy would be parallel to *assentire* in the *Bellum Africum*, being used in the similar AcI construction, in a similar context and in the same prose genre. In my opinion,

<sup>274</sup> On legal language in Plautus see e.g. Karakasis (2003: 194-209). According to Karakasis (2003: 208), one of the functions of legal language in Plautus is to create a comic effect, which we can observe in our passages in the use of legal terminology (*commune*, *testes*).

<sup>275</sup> By contrast, the deponent is used in a simple phrase of the dialogue at *Mer.* 412 (*hercle qui tu recte dicis et tibi assentior*).

<sup>276</sup> Conway and Walters in the old OCT edition (1914) and Bayet in the Budé edition (1940) have *adsentire*.

it is not enough to change the well attested *adsenire* to deponent merely because the active is not found elsewhere in Livy.

The active in perfect forms is used by Tacitus and Pliny. The former has the deponent once in the imperfect (*adsentiebantur*, *Hist.* 4, 4), the active in the perfect 3 times (*huic Drusus adsensit*, *Ann.* 3, 23; *Blandus e consolaribus adsensit*, *Ann.* 3, 51; *adsensere* for *adsenserunt*, *Hist.* 5, 3).<sup>277</sup>

Pliny uses the active twice (*adsenserunt consules designati*, *Ep.* 2, 11, 20; *adsenserunt omnes*, *Ep.* 5, 13, 5), the deponent once (*qui Cornuto videbantur adsensi*, *Ep.* 2, 11, 21). The choice of the active in Pliny's letters might have been influenced by similar phrases in Cicero's letters (*adsenserunt consules*, *Ep.* 2, 11, 20 is perhaps parallel to *adsensit senatus* at *Cic. Att.* 2, 1, 8, *adsenserunt omnes* at *Ep.* 5, 13, 5 is similar to *homines adsenserunt* at *Cic. Att.* 1, 14, 5). Both in Cicero and in Pliny the active phrases seem to have formal colouring.

By contrast to prose, in poetry the verb is avoided in the present tenses and used only in the active in the perfect tenses.

Table 3. Poetry

	Present stem	Perfect stem
Virgil	-	1 active
Ovid	-	4 active
Lucan	-	2 active
Persius	-	1 active
Silius Italicus	-	1 active
total	-	9 active

<sup>277</sup> For the use of *-ere* in prose see Bauer (1933: 67-69), who points out that the forms in *-ere* are used in more formal contexts in prose. Bauer (1933: 67) notes that in Livy *-ere* is the preferred form in the first decade of his work.

*Adsentior* is only used in epic poetry (it is absent from Lucretius, Catullus, Horace, Tibullus, Propertius, Martial, Juvenal) and in the majority of cases in the third person perfect plural *adsensere* (= *adsenserunt*).<sup>278</sup> The only exception is the third person singular perfect *adsensit* at Ov. *Met.* 3, 406. The fact that *adsensere* is only used in epic genre suggests that it becomes a set form of the epic vocabulary, whereas all other forms of the verb are excluded from poetic lexicon (with the exception of *adsensit* at Ov. *Met.* 3, 406), like many other words or forms that are ‘unpoetic’ without a clear reason.

The verb is mostly used in the first position in verse (in 5 cases out of 8) and in most cases (except at Ov. *Met.* 3, 406 and Sil. 5, 592) it is immediately followed by the corresponding noun or adjective. Thus, there might have been a certain pattern for the use of *adsensere*, possibly influenced in later authors by Virgil. Lucan, it seems, directly refers to Virgil: *adsensere omnes sceleri* at 8, 536 looks like a deliberate allusion (with an unexpected subject *sceleri*) to *adsensere omnes* at Virg. *A.* 2, 130.

To summarise, the following observations characterise variation in the use of *adsentior* in CL:

- a. In prose variation does occur, but it is mostly limited to the perfect stem. Thus in this case standardisation did occur, but was only partly successful.
- b. The active present infinitive *adsentire* occurs in the *Bellum Africum*, Sen. *Nat.* 3, 15, 1 and possibly Liv. 1, 54, 1. This shows that the active present forms (or perhaps only the infinitive as a fossilised form) can occasionally be used for stylistic reasons by prose authors who do not have a restrictive attitude to language.

<sup>278</sup> *Adsensere omnes*, Virg. *A.* 2, 130, *adsensere dei*, Ov. *Met.* 9, 259 and 14, 592, *adsensit precibus*, Ov. *Met.* 3, 406, *doctae adsensere sorores*, Ov. *Fast.* 6, 811; *his cunctae simul adsensere cohortes*, Luc. 1, 386, *adsensere omnes sceleri*, Luc. 8, 536; Sil. 5, 592. The use of *adsensere* + noun/pronoun seems to be a set expression in epic. Persius, as Kissel (1990: 155 n. 153) points out, uses the same phrase *adsensere uiri* at 1, 36 is a parody of epic formal phraseology (to the examples above he adds also *consedere duces* at Juv. 7, 115, a parody on Ov. *Met.* 13,1): the active *adsensere* is mostly poetic and *uiri* has the epic meaning ‘heroes’.

- c. In poetry the verb is used less frequently than in prose and its use is limited to epic, where it occurs mostly in the third person plural perfect *adsensere* (7 times), which seems to be high register set form.
- d. The verb is treated differently in prose and in poetry: thus, in this particular case genre to a large extent determines the usage.

### 6.3.2 *comperior*

This verb ('to find out', 'to discover') is mostly active in Old Latin (Acc. fr. 601 Ribbeck<sup>3</sup>, ap. Non. 13, 15; Terence (8 occurrences)), except at Ter. *An.* 902 (*quiduis cupio dum ne ab hoc me falli comperiar*, Chremes 'anything to find that he is not deceiving me, Chremes').

In the first century BC – the second century AD the verb continues to be used mostly in the active. There seems to be a tendency to avoid the first person singular in the present tenses. This tendency can be observed in Cicero, who uses the verb frequently, but in the first person singular only in the perfect (e.g. *comperi* at *Cat.* 1, 10; *Cat.* 3, 4; *Ver.* 2, 182; *Clu.* 192; *Sul.* 12; *Sul.* 86; *Fam.* 8, 12, 1).

Similarly, in the early imperial period the first person singular is generally avoided in the present tenses. Columella only uses the plural *comperimus* in a meaning close to that of the first person singular (3, 2, 28; 3, 10, 19; 4, 29, 16; 6, 14, 5). Similarly, Siculus Flaccus, a Roman land surveyor (probably active in the second century),<sup>279</sup> uses the first person plural *comperimus* in the meaning of the first person singular<sup>280</sup> (110, 10; 114, 16; 116, 6; 116, 15; 122, 3; 124, 3; 124, 9; 125, 12; 126, 19; 127, 18; 127, 26; 128, 5), but avoids the first person singular *comperio*.

<sup>279</sup> See Campbell (2000: xxxvii-xxxix) on Siculus Flaccus; on the Roman land surveyors, their texts and land surveying activity in Rome in general see Campbell (2000: xx-liv).

<sup>280</sup> Siculus Flaccus uses both first person singulars and first person plurals in the same meaning (e.g. *ut supra diximus*, 105, 1; 106, 3; 107, 22, as opposed to *de quibus mentionem habui*, 107, 3). In general, however, Flaccus tends to use the first person plural instead of the first person singular (e.g. *inuenimus*, 128, 16; *respicimus*, 125, 18).

In the rare cases when the first person singular of the present stem is used, it is mostly in the deponent form. In the first century BC the first person singular *conperior* occurs twice in Sallust (*Jug.* 45, 1; *Jug.* 108, 3), whereas elsewhere Sallust uses the active, including the first person singular perfect (*comperi*, *Rep.* 2, 1, 5; 2, 10, 3) and the first person plural (with the meaning of first person singular) at *Jug.* 113, 1:

Haec Maurus secum ipse diu uoluens tandem promisit, ceterum dolo an uere cunctatus parum comperimus.

After long consideration, the Moor at last promised this. Whether his hesitation was feigned or genuine I cannot say.<sup>281</sup>

Similarly, Tacitus uses the deponent *conperior* at *Ann.* 4, 20. In this passage as a whole, and in the use of the deponent in particular he is clearly making an allusion to Sallust: Tacitus' praise for Lepidus (*hunc ego Lepidum temporibus illis grauem et sapientem uirum fuisse conperior* 'this Lepidus, I gather, was, for this period, a man of principle and intelligence') is formulated in almost exactly the same words as Sallust's praise for Metellus at *Jug.* 45, 1 (*sed in ea difficultate Metellum nec minus quam in rebus hostilibus magnum et sapientem uirum fuisse conperior* 'but I find that in dealing with this difficult situation Metellus was no less a great and prudent man than he was in waging war'). The use of the same rare form *conperior* reinforced the allusion.

By contrast, Livy only uses the first person singular present active (*hanc gentem Clusium Romamque inde uenisse comperio* 'this was the tribe, I find, which came to Clusium and whence to Rome', 5, 35, 3).

Thus, we can observe a tendency to avoid first person singular *comperio/comperior*; when it occurs it is mostly in the deponent form, although all other forms of the verb are always in the active. The deponent *conperior* is retained in the later period and occurs in

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<sup>281</sup> Translation by Rolfe (1960).

Apuleius (*Apol.* 8; *Apol.* 37; *Met.* 2, 21; *Met.* 11, 27; *Fl.* 33; *Fl.* 72; cf. *comperio* at *Fl.* 56, other forms of the verb are active in Apuleius) and in Gellius (*uerum esse comperior, quod quosdam bene litteratos homines dicere audiui* ‘I am convinced of the truth of the statement which I have heard made by men well trained in literature’, 3, 3, 1).

The case of *comperior* demonstrates that, even if the verb is almost fully normalised, limited variation is still possible. As a stylistic feature, *comperior* is retained in CL in historiography where it is used by Sallust and then by Tacitus in allusion to Sallust. In the second century, in accordance with the antiquarian fashion of the times, *comperior* reappears in Apuleius and in Gellius. Holford-Strevens (2003: 360) notes that ‘Gellius, at his most elaborate, enjoys combining ancient, neutral and modern words’. The use of *comperior* is perhaps another example of Gellius’ ‘floscular style’, as Holford-Strevens (2003: 360) aptly calls it.

Thus, contrary to the principle of analogy and the tendency for normalisation, a particular morphological form can be treated differently from the rest of the paradigm and retained as a stylistic feature.

### 6.3.3 *medicor*

In Old Latin *medicor* (‘to cure’, ‘to heal’) occurs as a deponent three times (Plaut. *Mer.* 951, Ter. *An.* 831, *An.* 944,<sup>282</sup>) and as an active once (*ego istum lepide medicabo metum* ‘I’ll doctor that fright of yours nicely’, Plaut. *Mos.* 387).<sup>283</sup>

In poetry the verb occurs in the active in Silius Italicus (*Marus instat uulneris aestus expertis medicare* ‘to cure the fever with tried remedies’, 6, 99), Ovid (*dicebam: medicare tuos desiste capillos* ‘I used to say: ‘stop drugging your hair!’’, *Am.* 1, 14, 1) and Virgil (*semina uidi equidem multos medicare serentis / et nitro prius et nigra perfundere amurca*, ‘I

<sup>282</sup> The passive form of the verb is attested at *Am.* frg. 8 (12) ap. Non. p. 44M, ap. Non. p. 247M, *quaeso, aduenienti morbo medicari iube*.

<sup>283</sup> In the Palatine manuscript from the Vatican (B) *medicabo* is corrected to *medicabor* by another hand (B<sup>2</sup>), but otherwise manuscripts have the active, which is accepted in editions.

have seen many sowers treat their seeds, drenching them first with nitre and black oil-seeds’, *G.* 1, 193).<sup>284</sup> The deponent occurs in poetry only at Virg. *G.* 2, 135 (*ora fouent illo et senibus medicantur anhelis*), where the deponent form might be metrical and at *A.* 7, 756 (*sed non Dardaniae medicari cuspidis ictum / eualuit* ‘but he availed not to heal the stroke of the Dardan spearpoint’). Virgil is the only poet who uses both the deponent and the active in CL and his use of *medicare* in the *Georgica* might have influenced Columella and Pliny the Elder (see below).

Prose authors in CL generally prefer *mederi* to *medicari*. Cicero, Varro, Sallust and Tacitus use *mederi* and avoid *medicari*.<sup>285</sup>

Vitruvius uses *medicari* in the passive (*haec ideo difficulter medicantur*, 1, 6, 3) and Pliny the Elder uses the verb in non-finite forms (participles, the gerund, the supine).<sup>286</sup>

Columella, as far as I am aware, is the only prose author in the period in question (100 BC – AD 100) to use the verb other than in the passive or forms that are not distinguished by voice (participles etc). *Medicare* occurs as an active at 11, 3, 61 (*ueteres quidam auctores, ut Democritus, praecipiant semina omnia succo herbae quae sedum appellatur medicare* ‘some ancient authorities, Democritus for example, advise that all seeds should be besprinkled with the juice of the herb which is called house-leek’) and at 11, 3, 40 (*oportet <...> aquam medicare*<sup>287</sup> ‘you should steep (it) in water’), but as a deponent at 12, 38, 2 (*ex ea seria, quam medicaturi sumus* ‘from this jar which we will besprinkle (with herbs)’).<sup>288</sup> Thus *medicari/medicare* tends to have a specific technical meaning in Columella (‘to infuse’, ‘to besprinkle’, ‘fill with liquid’).<sup>289</sup> When *medicor* is used in the broader meaning ‘treat, cure’

<sup>284</sup> Non-finite forms of the verb (i.e. participle, the supine, the gerund) are also found in Ovid, Horace (*Ep.* 1, 16, 4), Martial (9, 94, 1; 14, 207, 1).

<sup>285</sup> E.g. Var. *R.* 2, 1, 21; Cic. *S. Rosc.* 128. For other occurrences see *TLL* 8, 520-524 s.v. *medeor*.

<sup>286</sup> Plin. *Nat.* 25, 94; 14, 135; 18, 159; 28, 253.

<sup>287</sup> ‘and after it has been pounded on the day before that on which you wish to use it, you should steep it in water’, translation by Forster and Heffner (1955).

<sup>288</sup> *Mederi* is used by Columella 18 times.

<sup>289</sup> In the passive and as a participle *medicor* also mostly has the specific meaning ‘to besprinkle’ (6, 4, 4; 1, 6, 20; 2, 10, 11; 10, 35, 2; 9, 13, 3). By contrast, it is used in the direct meaning ‘to treat, to cure’ in the passive twice (*quo quasi remedio medicantur*, 8, 14, 7; *ut eius odore medicentur*, 9, 13, 7).

(twice), it is always specified by the means by which the cure is provided. By contrast, *mederi* is the preferred form when the meaning is ‘to treat, cure’ without further specification of the means (e.g. *cui rei sic medebimur*, 5, 9, 17).

Similarly, Pliny the Elder also uses *medicor* in this more specific technical meaning (*Democritus suco herbae <... > medicate seri iubet omnia semina* ‘Democritus prescribes soaking all seeds with juice of herbs before they are sown in the juice of the plant’, 18, 159).

To summarise, *medicor* is primarily part of the poetic lexicon, avoided in prose (with the exception of Vitruvius) in the first century BC. In the first century AD the verb becomes part of the technical vocabulary of agriculture in Pliny and Columella. The verb was never fully standardised: it occurs in both voices in Virgil and Columella, the active appears in Apuleius (*Apol.* 31) and the deponent resurfaces in Christian authors (Pacianus, Palladius, Ambrosius) in the fourth century.

#### 6.3.4 *mereor*

According to the *TLL* (8, 802 s.v. *mereo*), the variation between the active and the deponent of the verb *mereor* (‘to receive as one’s wage’, ‘to earn’) is semantically motivated: in the direct meaning (‘to earn something’ with the accusative) the verb is originally active, whereas the semi-deponent *mereor*, *merui* (usually in the combination *mereri de aliquot/de aliqua re*) is used in the metaphorical sense ‘to deserve, to be worthy of something’.

In Plautus the active is the preferred form in the direct meaning (7:2) and in the metaphorical meaning ‘to be worthy of’ (without object (5:2), with the direct object (12:2) and in the construction with *de aliquo* (8:1)). In Terence the preference is for the deponent, the verb is used in the indirect meaning ‘to be worthy of’ in the active 3 times and in the deponent 8 times. Thus, both forms were allowed, irrespective of semantic factors, but based probably on individual preferences.

Cicero prefers *mereor* in the letters (24: 2).<sup>290</sup> In this case letters are more consistent than the speeches, where both the deponent and the active forms are used (most frequent are the pluperfect *meruisse/meruisset* (9 times) and *meritus es/est/erat/esset* (7 times) and the infinitive *mereri* (5 times)). The variation is attested for the direct and the indirect meaning. There is no indication that variation might be semantically motivated. Similarly, in the philosophical works both forms are used and no semantic or morphological distribution could be observed. Thus the variation between deponent and active seems to be, in case of *mereor*, entirely the author's choice.

### 6.3.5 *punior*

Another example of continuing variation is *punior* ('to punish'), which is used both as an active and as a deponent in CL. Both active and deponent forms are attested in Cicero and Quintilian (*TLL* 10, 2651 s.v. *punio*). At Cic. *Off.* 1, 88 (*qui punitur aliquem aut uerbis castigat* 'who administers the punishment or reproof') the manuscripts attest *punitur* and *puniet*, Nonius has the deponent *punitur* when he quotes this passage at p. 471M (*punitur aliquem, pro punit*). The deponent is accepted by Winterbottom in the OCT (1994). The use of the deponent is certain at *Tusc.* 1, 107 (*cum multi inimicos etiam mortuos poeniuntur* 'when many punish even dead enemies'), where *poeniuntur* is attested in all manuscripts and at Non. p. 471M; p. 491M). The deponent also occurs at *Inv.* 2, 66 (*uindicationem ...per quam peccata punimur* 'revenge in the act...by which we punish offences'), *Inv.* 2, 80; *Mil.* 33; *Phil.* 8, 7. By contrast, Cicero uses the active at *Mur.* 67. There seems to be no clear pattern in the distribution of the deponent and the active forms. It is nevertheless noteworthy that Cicero, who usually tends to standardise, does allow variation in the use of this verb in formal contexts.

<sup>290</sup> The active occurs twice (*meruerunt, ad Brut.* 23, 11, 3; *meruisse, Att.* 9, 7, 4 and *Att.* 10, 4, 5).

### 6.3.6 Conclusion

The evidence suggests that standardisation of deponent versus active forms is not a universal and all-embracing phenomenon in CL. On the contrary, verbs in this category, as well as verbs in the previous category (which are normalised before CL) demonstrate that the idea of full standardisation in CL is perhaps too simplistic. On the contrary, morphological variation can be to some extent retained, although it may become limited morphologically (i.e. only used in certain forms, see e.g. *comperior*), limited to a certain genre (e.g. only used on poetry), somehow marked otherwise or might seem random and perhaps be subject to individual choice by each author. For each of the verbs the development follows a different path and there seems to be no unifying principles that can capture the diachronic development of all verbs in this category. Notably, variation seems to be purely morphological and there is no evidence of semantic distinction between the active and the deponent variants.

## 6.4 Verbs which become standardised in CL.

### 6.4.1. *aucupor*

Nonius attests the active of the verb *aucupor* ('to go bird-catching') in Accius (*nunc in consilio id reges Argium aucupant./ id quaerunt* 'this now is what the Argive monarchs seek, for this in counsel they go fowling', fr. 165 Ribbeck<sup>3</sup>; *aucupo*, fr. 407 Ribbeck<sup>3</sup>), Pacuvius (*prospectum aucupo*, fr. 65 Schierl), Ennius (*fructus uerborum aures aucupant* 'my ears catch a harvest of words' at *scen.* 362 Vahlen), Titinius (*aucupauit*, fr. 151 Ribbeck<sup>3</sup>) and Plautus (*Men.* 570, *Tru.* 964). Plautus also uses the active at *Truc.* 964, *As.* 881, *Mil.* 995 and *Mos.* 473. The verb is not attested in Terence.

The deponent in Old Latin occurs once (*uiden? scelestus aucupatur. – sine me ut occepi loqui* 'Hear that? He is setting a trap, the villain! – Let me go on with what I was saying.' Plaut. *Rud.* 1093). The treatment of this 'unusual' deponent form provides a good

example of how the possibility of variation is treated sceptically or rejected altogether by scholars if there are no other occurrences to support it. Marx in his edition of *Rud.* (1928: 194) suggests that the line is corrupt and *aucupatur* is false, since it has an otherwise unattested metaphorical meaning in this passage and since the deponent is without parallel in Old Latin. Marx's emendation is *uiden scelestum ut auguratur*. Flobert (1975: 106), following Marx, says that the deponent is 'surprising' and 'doubtful', and concludes that the deponent of this verb is formed in the Classical period. However, all manuscripts attest *aucupatur*. *Aucupor* (in a literal sense it describes the bird-catcher's activity) is attested elsewhere in a metaphorical meaning 'lie in wait', 'set a trap' (*TLL* 1239, 21 s.v. *aucupor*, e.g. *aucupor in lecto mendaces caelibe somnos* 'I in my couch can only court a sleep with lying dreams', *Ov. Ep.* 13, 107) and it is possible that this meaning did not first develop in CL, but already in Plautus.<sup>291</sup> Thus there seems to be no reason to regard *aucupatur* as corrupt. Possibly the verb was originally deponent, but in Old Latin there was an early tendency for activation of this particular verb and this tendency was reversed in CL when the verb became firmly deponent. This would explain the sudden change of use from the active to the deponent in CL (see below).

With only one occurrence of the deponent attested, it is impossible to say how widespread the variation was in Old Latin. The evidence suggests that the active was the preferred form<sup>292</sup> at least in Plautus, whereas for other authors we have to rely on Nonius' testimony, but we know that Nonius collected forms that are odd in his day and therefore did not always provide an adequate reflection of Old Latin usage.<sup>293</sup>

<sup>291</sup> On the meaning of *aucupari* in this passage and the occurrences of the verb with a similar meaning see the commentaries by Fay (1969: 159) and Sonnenschein (1891: 162); both commentators accept *aucupatur* and the form is also accepted by Leo (1896) and de Melo in the new Loeb edition (2012).

<sup>292</sup> Cf. (*antiqui*) *similiter proferebant 'aucupo' pro 'aucupor'*, Prisc. *GL* 2, 392, 23

<sup>293</sup> On Nonius see Chahoud (2007: 69-96).

However, in CL only the deponent occurs (e.g. Var. *L.* 5, 8; Var. *R.* 1, 23, 6; Cic. *Fam.* 5, 12, 6; Cic. *de Orat.* 2, 30). The sudden change of practice<sup>294</sup> suggests that there might have been deliberate standardisation that was the reason that the usage changed more abruptly than it would in the case of ‘natural’ language change. Notably, Cicero uses the deponent in all genres and more often than any other author, mostly in speeches (in total 13 times, 8 times in speeches).<sup>295</sup> Cicero did not introduce the deponent, but his usage may have been a factor in establishing the norm.

The verb is used more often in prose than in poetry. In prose it occurs in the Republican period in Varro, Cicero, the *Rhet. Her.*, in the passive in the *Bellum Africum*, in the later period in Pliny the Elder (in non-finite forms it is also used by Pliny the Elder, Columella, Apuleius, Florus, Suetonius).<sup>296</sup> In poetry *aucupari* occurs only in Ovid (*Ep.* 9, 41 and 13, 107), Seneca (*hinc aucupabor uerba rumoris uagi, Phoen.* 361) and Statius (*assiduus nunc aure uigil nunc lumine cuncta aucupor, Silv.* 1, 4, 120).<sup>297</sup>

#### 6.4.2 *auspicor*

Similarly to *aucupor*, *auspicor* (to take the auspices’) is used as an active in Old Latin (e.g. Plaut. *Per.* 689; *Rud.* 717; *St.* 502; *Capt.* 766; Cato *orat.* 36; 73), but in the deponent form from the Republican period onwards. The verb is first attested a deponent in Quadrigarius (*Flacco, ospicatur, FRH Quad.* F73),<sup>298</sup> and continues to be used in the deponent form as a political and religious term in Varro, Cicero, Columella, Livius, Pliny the Elder, Suetonius, Pliny the Younger, Seneca (see *TLL* 2, 1549-1550 s.v. *auspicor*).

<sup>294</sup> It is noteworthy that Varro, who in many cases uses such verbs in a non-standard voice (see below on Varro’s use of deponents), also has only the deponent *aucupari* (twice, in *R.* 1, 23, 6 and *L.* 5, 8).

<sup>295</sup> In speeches at *Ver.* 3; *Flac.* 92; *Sest.* 119; *Pis.* 57; *Clu.* 105; *S. Rosc.* 22; *Caec.* 52; *Caec.* 88.

<sup>296</sup> E.g. *B. Afr.* 3, 3; 58, 3; *Rhet. Her.* 1, 23, 3; 2, 11, 16; 2, 16, 15; *Plin. Nat.* 10, 23.

<sup>297</sup> Scaliger suggested *aucupet* for *occupet* in the pseudo-Senecan *Herc. O.* 482 (*circumspice agedum, ne quis arcana occupet*); the editions follow the manuscripts which have *occupet*.

<sup>298</sup> See Briscoe’s commentary on the fragment (*FRH* 3:323), who points out that the verb is never used with the dative and therefore in this fragment the dative must belong to a different clause than *ospicatur*.

Varro uses the active when he quotes ancient documents: censors' records at *L. 6, 86* (*ubi noctu in templum censor auspicauerit* 'where at night censor took the auspices') and the Commentary on the Indictment by the censor Sergius against Trogus at *L. 6, 91* (*in templo auspices*).<sup>299</sup> By contrast, Varro uses the deponent in his own words when he discusses the origin of the Festival of Wine in Latium at *L. 6, 16* (*nam flamen Dialis auspicatur uindemiam* 'for the special priest of Juppiter makes an official commencement of the vintage').

The active resurfaces in Gellius, who uses the active form *auspicauerunt* alongside the deponent *auspicantur* at 3, 2, 10, where he discusses religious ceremonies, referring to Varro as his source (*nam magistratus, quando uno die eis auspicandum est et id, super quo auspicauerunt, agendum, post mediam noctem auspicantur* <...> 'for the magistrates, whenever they must take the auspices, and transact the business for which they have taken the auspices, on the same day, take the auspices after midnight'). The active form, which is avoided in literary language since the first century BC, is possibly a mannerism here.

#### 6.4.3 *Variation in Varro: evidence against complete standardisation?*

Some verbs which become normalised in CL demonstrate occasional variation. The simplest interpretation of these forms would be to call them mannerisms. However, even though in some cases this occasional variation can be explained thus, it remains to be seen if that is really the case for all such occurrences and if in some cases these are rather examples of occasional lack of standardisation.

In late republican literature Varro stands out for his non-standard use of voice. The verbs that demonstrate variation between the active and the deponent in Varro are discussed in the following section.

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<sup>299</sup> As Kent points out in his commentary (Kent 1951: 257), the case is unknown except for Varro's mention of it here and in *L. 6, 92*. We do not know when it took place, but since two praetors are mentioned in the passage, it must have happened after 242 BC, when two praetors were introduced instead of one.

6.4.3.1 *miror*

In Old Latin Plautus (40 times) and Terence (26 times) use the deponent version of the verb *miror* ('to wonder', 'to marvel'), but the active is possibly used by Pomponius (*mirum facies, fatue, si studium mirabis diu*, Pomp. frg. 104 Frassinetti ap. Non. p. 474M).<sup>300</sup>

Classical authors mostly have the deponent (including Cicero, e.g. Cic. *Off.* 2, 56; Cic. *Caec.* 2, 90), but the non-standard active is attested in the *Menippea*: it occurs in two fragments of *Eumenides*, attested by Nonius (*hospes, quid miras auro curare Serapim?*, *Men.* 128, *aut ambos mira aut noli mirare de me*, *Men.* 129).<sup>301</sup> The active use in Varro is possibly influenced by Lucilius.<sup>302</sup> However, in the *Res Rusticae* Varro uses the deponent (*non miraremur*, *R.* 3, 5, 18).<sup>303</sup> Thus this is probably an example of variation that is determined by genre.

6.4.3.2 *consolor*

The deponent occurs in Plautus (*Mil.* 5; *Rud.* 677, 682; *Trin.* 394) and Terence (*Hec.* 293; *Ad.* 512; *Ph.* 565). The active is not attested in Old Latin, but that might be due to poor transmission of the texts that influenced Varro, most importantly, the satires of Lucilius and Ennius. In CL the deponent is the norm, but the active occurs in the *Menippea* (*per idem*

<sup>300</sup> The verb is deponent at Pomp. frg. 4 Frassinetti ap. Non. p. 147M.

<sup>301</sup> I use the edition by Astbury (2002).

<sup>302</sup> See the commentary of Cèbe (1975: 673-674), who argues against the suggestion that the use of the active here might be colloquial and suggests that the active is distinguished semantically from the deponent, representing a transitive action ('to be surprised by something') rather than a state ('to be in the state of surprise'), which is the meaning of the deponent. However, in Varro's passages it is not always possible to be certain that the active does have these nuances of meaning. There are many examples of the deponent with an accusative external object, suggesting that the deponent can also have the idea of action rather than state, e.g. Plaut. *Mer.* 371 (*nunc oculi terram mirantur tui*); more examples in *TLL* 8, 1064 s.v. *miror*.

<sup>303</sup> In the edition by Peter the active also occurs in Cornelius Sisenna, in the fragment attested at Nonius p. 481M together with the *Men.* 128 and 129 (*nolitote mirare, quam desperate uoluntate ad unam belli faciendi uiam FRH Sis. F37*). In the *FRH* Briscoe rejects the active *mirare*, arguing that the C<sup>A</sup> branch of the manuscripts, which has the active, is not reliable and that *miror* occurs in all three fragments cited by Nonius as a mere coincidence (*FRH* 3: 384). As discussed above, Sisenna argued for the active *adsentio* against the current usage (see section 3.1 in this chapter) and his use of the active *mirare* is perhaps another indication that Sisenna did not support language normalisation.

*tempus Oedipus Athenas exul uenire dicebatur, qui consolaret, Men. 347 ap. Non. p. 473M).*

This is the only occurrence of the active in the first century BC.

Gellius lists the verb among *communia*, i.e. verbs that can be in the active or deponent form (*utor et uereor et consolor communia uerba sunt*, 15, 13, 1) and grammarians attest that both forms were in use in the earlier period (*plurima inueniuntur apud uetustissimos <...> ut consolo et consolor*, Prisc. *GL* 2, 378, 8).<sup>304</sup> It therefore seems possible that variation did exist in the earlier period, but is not attested in the surviving fragments.

#### 6.4.3.3 *demolior*

In Old Latin there is evidence for variation for *demolior* ('to cast off, remove'),<sup>305</sup> but by the first century BC the deponent becomes the preferred form. By contrast, Varro uses the active *demolio* at *Men. 591 ap. Diom. GL* 1, 400, 28 (*et tamen non demolio rostra* 'and yet I do not remove the rostra').

The *codex Monacensis* (M) has *demolior ostra*. Della Corte suggests *demolior rostra*, regarding the active is the result of confusion by the scribe, who omitted the final *r* in *demolior* before the initial *r* of *rostra*. Astbury (1985: 98) in the Teubner edition accepts *demolio*, Cèbe (1999: 2124) defends the active, pointing out that the verb is originally in the active (however, the evidence for Old Latin is inconclusive on this point), whereas the deponent form is likely to be formed by analogy to *molior*, like other compounds, such as *emolior*, *immolior*, *obmolior*, *remolior* (see E-M. s.v. *moles* p. 410). Varro uses the active for the deponent in other cases and therefore here *demolio* is more likely to be a case of variation rather than scribal error. This suggestion is further supported by the fact that in the same passage Diomedes quotes the active in Varro's letters (*demoliuit tectum*, ap. Diom. *GL* 1, 401, 1).

<sup>304</sup> See also Mar. Vict. *GL* VI 198, 12; Char. *GL* I 562, 12; Serg. *GL* IV 548, 33; Aug. *GL* V 513, 3, Prisc. *GL* 2, 379, 8.

<sup>305</sup> The deponent form occurs in Plautus (*Bac.* 383, cf. *emolirier, Bac.* 762), the active is used by Cassius Hemina (*FRH* Hem. F43), Naevius (frg. 48 Ribbeck<sup>3</sup>).

In legal texts the active occurs in the first century BC in the *Lex Coloniae Genetivae* (*neue demolito neue disturbato*, RS 25, 75) and in in the *Lex Quinctia* RS 63, 16, preserved by Frontinus at *Aq.* 129. Legal texts retained the active perhaps because, as observed before (see section 1.1.2) the legal language was generally more conservative. The future active imperative of deponents is a form that is associated with legal context (see the discussion of *arbitrato* the section 2.1 of this chapter).

#### 6.4.3.4 *polliceor*

At *Men.* 41 (*ne dares, ne polliceres quod datum est* ‘you should not have given, should not have promised what has been given’) the usually deponent *polliceor* (‘to promise’, ‘to offer’) is used as an active in a quotation of a passage by an unknown author. Buecheler suggested that it is a passage from comedy.<sup>306</sup> To my knowledge, this is the only example of the active in literature, except for a late occurrence in Augustine (*August. serm.* 256C, 2 coll. Morin p. 506, 12), which is the result of later ‘activation’ of the deponents in Late Latin (see introduction to this chapter).

#### 6.4.3.5 *rixor*

The verb *rixor* (‘to quarrel violently’, ‘to contend violently’) is always deponent in Old Latin and in CL. Varro uses an active twice in the *Menippea* (*illic uiros hortari ut rixarent praeclari philosophi*, *Men.* 43; *dormit alius; nimirum uigilant, clamant, calent, rixant*, *Men.* 454). The deponent occurs at *R.* 1, 15, 1<sup>307</sup> and at *R.* 1, 47, 1. At *Men.* 454 the active might be used to agree with other active forms in the sentence, but there is no clear explanation for the occurrences of the active at *Men.* 43.

<sup>306</sup> On different interpretations of this corrupted fragment see Cèbe (1972: 171-174). The deponent occurs in Old Latin in Ennius, Plautus, Lucilius, Terence.

<sup>307</sup> Nonius p. 477M attests the active in this passage, but the manuscripts have the deponent.

6.4.3.6 *uagor*

In Old Latin *uagor* ('to wander', 'to roam') is mostly active (Plaut. *Mil.* 424; Acc. *trag.* 236; 309; 441 Ribbeck<sup>3</sup>; Turp. *com.* 121 Ribbeck<sup>3</sup>; Pac. *trag.* 164 Schierl; 204 Schierl). The deponent form occurs once at Plaut. *Pers.* 319. By contrast, from the first century BC the verb is mostly deponent. Most frequently it is used by Cicero, always in the deponent form (30 times). The deponent also occurs in Caesar, the pseudo-Caesarian *Bellum Africum* and *Bellum Alexandrinum*, Sallust, Curtius Rufus, Columella and in poetry in Catullus, Propertius, Tibullus, Virgilius, Martial.

Varro, however, uses the active twice in the *Menippea* (*per maritimas oras uagat Men.* 215; *cum sex pueri et puellae* <...> *uagarunt, Men.* 438).<sup>308</sup> In his other works Varro uses the deponent (*L.* 6, 17,3; *R.* 2, 10, 10). Thus, in this case (as with *miror*, see above in 4.3.1) the genre seems to be a factor for the choice of voice.

Notably, the active also occurs in Lucretius (*nec ratione alia nosmet proponere nobis/ possumus infernas animas Acherunte uagare* 'in no other way can we imagine the spirits below to be wandering in Acheron' 3, 627-8; in total there are 12 occurrences of deponent).<sup>309</sup> Lucretius allows variation at a morphological and syntactic level, including some active forms for the predominantly deponent forms (*adulant*, 5, 1070; *partit*, 5, 684, see the discussion below). His attitude to language is, similarly to that of Varro, not restrictive.<sup>310</sup>

<sup>308</sup> Notably, in the second century Septimius Serenus uses the active (*rure poella uagat uirido*, Sept. *poet.* 12 Courtney), possibly in allusion to Varro's *puellae* <...> *uagarunt* at *Men.* 438. On date and style of Serenus see e.g. Courtney (1993: 372-374, 406-407).

<sup>309</sup> Not surprisingly, given the scarcity of the active in CL, Lachmann suggests *uagari* instead of *uagare*, but the manuscripts attest the active and there is no need to change the form here.

<sup>310</sup> On morphological and syntactic variation in Lucretius see the introduction by Bailey (1947: 72-108).

6.4.3.7 *imitor*

*Imitor* ('to express', 'to act like') is usually deponent in Old Latin and in CL. The active is attested in Old Latin only in Livius Andronicus (*si malas imitabo*, frg. 1 Ribbeck<sup>3</sup> ap. Non. p. 473M).<sup>311</sup> The verb occurs in the active at *Men.* 359, but it is deponent at *R.* 1, 18, 8; 3, 16, 15; 1, 17, 4.

Whereas Cicero always uses the deponent (18 occurrences in letters), Servius Sulpicius in his letter to Cicero has the active infinitive *imitare* (*noli te obliuisci Ciceronem esse* <...> *neque imitare malos medicos* 'you should not forget you are Cicero should you act like bad doctors', *Fam.* 4, 5, 5).<sup>312</sup> Servius Sulpicius' letters do not belong to high register and on the whole it is safe to say that Cicero's correspondents could be more relaxed in the use of variant forms. The active is also attested by Nonius in Varro's correspondence, of which Nonius is the only source (*tuum opus nemo imitare potest at epistula latina*, lib. 2 ap. Non. p. 473M). This indicates that writers of the epistolary genre may allow more variation than Cicero himself and that Cicero's letters may not always represent educated colloquial usage, but be more restrictive.

6.4.3.8. *aurigor*

The verb is usually active and has the meaning 'to drive a chariot'. In CL it is rare (*TLL* 2, 1500 s.v. *aurigo*). By contrast, Varro uses the deponent *aurigari* at *Men.* 316 (*asse uinum, asse pulmentarium, secundas, quo natura aurigatur, non necessitudo*) in a metaphorical meaning 'to rule, direct': Nonius (p. 70M) comments that Varro uses the verb in the same sense as *moderari* and *regere* (*aurigatur honeste positum pro moderator ac regit*).

Flobert (1975: 204) and Deschamps (1976: 266) suggest that Varro uses the deponent for semantic reasons. According to Flobert, Varro makes the verb deponent because it is used

<sup>311</sup> By the time of submission I have not been able to see the new edition by Schauer: Schauer (2013), *Tragicorum romanorum fragmenta* (Göttingen).

<sup>312</sup> *Neque* links the second infinitive *imitare* to *noli*. Second hand (M<sup>2</sup>) of the *codex Mediceus* 49.9 has *imitari*.

metaphorically, whereas Deschamps sees here a middle meaning. On the other hand, as Cèbe (1987: 1371) points out, the active *aurigat* is used in a metaphorical sense by Nonius himself in the passage where he explains the meaning of *moderatio, modus, modicum* (*moderatio quae temperat aurigatque modos*, Non. p. 520M). It is, in my opinion, difficult to find any evidence that Varro's use of the deponent *aurigor* is semantically motivated. In other cases of voice variation in the *Menippea* semantic factors do not seem to play a role.

#### 6.4.3.9 *sacrificor*

*Sacrificor* ('to sacrifice') is used as a deponent at *Men.* 266; *L.* 6, 18<sup>313</sup>; *R.* 2, 8; 2, 11.<sup>314</sup> In Old Latin and in CL the verb is always active: the deponent is first attested in Varro and does not resurface until the Late Latin period.

The interpretations of this form in Varro include analogy with other verbs in *-ficor*, e.g. *ludificor, pacificor* (Flobert 1975: 206-207) or with the deponent verbs of similar meaning, e.g. *uenerari, operari* (H-S 2, 292). As is the case with other similar verbs, Deschamps (1976: 266-267) argues that the deponent form stresses the personal involvement of the subject of action. However, it is difficult to see this in all the passages in question: at *R.* 8, 1 the words *ipsi pro se* in the phrase *ipsi pro se sacrificarentur* already signify involvement; at *R.* 2, 11 (*ibi enim solent sacrificari lacte pro uino* 'here they usually make sacrifices with milk instead of wine') the context does not imply that the involvement of the subject of action is of importance. It seems more likely, therefore, that Flobert is right and Varro may change the otherwise active verb to evoke analogy with the verbs in *-ficor*.

<sup>313</sup> The majority of the manuscripts attest the deponent *sacrificantur*, but one manuscript of the 15th century attests active *sacrificant*, most likely as a result of confusion between forms in *-nt* and *-ntur* (see introduction to this chapter).

<sup>314</sup> At *L.* 9, 105 Varro discusses the principle of regularity: those who chose the active *sacrifico* should stick to the active for all forms, whereas if the form *sacrificor* (with the same meaning: thus in this case the deponent, not the passive, is meant) is chosen, the forms should be deponent in all cases. Whether the active or the deponent is the 'correct' form, he does not say.

6.4.3.10 *murmuror*

For *murmuror* ('to murmur', 'to mutter') the evidence is scarce and variation seems random. In Old Latin the active occurs in Plautus in the active (*Aul.* 52, *Mil.* 744, *Cas.* 803). Nonius (p. 478M) attests the deponent in Quadrigarius (*populus murmurari coepit*, *FRH* Quad. F74) and in Varro (*plodere coepimus et murmurari* 'we started to applaud and to mutter', *Men.* 166; *praesertim cum uentrem meum coherceam nec murmurari patiatur*, *Men.* 572; *murmurari a similitudine sonitus dictum, qui ita leuitur loquitur* 'from likeness to the sound, he is said murmurari 'to murmur', who speaks so softly', *L.* 6, 67). Varro and Quadrigarius are the only authors in CL who use the deponent, perhaps with the exception of *Rhet. Her.* 4, 42, where the deponent is attested in some of the manuscripts (*ut maiores 'rudere' et <...> 'murmurari' appellarunt*).

In the first century BC the verb is mostly used by poets and was perhaps associated with poetic vocabulary (*murmurat*, Virg. *A.* 10, 212; *remurmurat*, Virg. *A.* 10, 291; *immurmurat*, Virg. *G.* 4, 261; Ov. *Met.* 11, 53). In the first century AD the active and active compounds occur in Silius Italicus (*immurmurat*, 5, 332 and 7, 146; *murmurat*, 11, 280; *commurmurat*, 15, 821), Statius *Silv.* 2,1, 150 and Petronius 89, 1. In the second century the deponent *murmurari* reappears in Apuleius at *Fl.* 65. This distribution suggests that the verb belongs to the poetic vocabulary.

Thus, the verb is more often attested as an active than as a deponent and the active was probably the more common form which was associated with poetic register. Varro, as Flobert (1975: 205) points out, might use the deponent form to stress the 'involvement of the subject' and to add expressivity (Virgil and Silius Italicus use prefixes for this purpose). This usage, together with other examples in this section, indicates that Varro has an individualistic approach to language and that he disregards to some extent the common usage of the time and possible genre restrictions.

6.4.3.11 *uociferor*

*Vociferant* at *R.* 3, 9, 5 is the only occurrence of an active variation of the usually deponent verb *uociferor* ('to cry out') (of course, the confusion between endings *-t* and *-tur*, on which see the introduction to this chapter, is possible here). In OL the verb is attested as a deponent in Turpilius, Rutilius and in CL it is only used as a deponent, most frequently by Livy. Oakley (1997-2005: 2.160) notes on Livy 7, 12, 5 that in the archetypes of manuscripts of Livy the active forms are found at 7, 12, 5; 10, 28, 12 and 24, 21, 2, but that in his edition he decides to standardise, since the only time the active is attested elsewhere in CL is in Varro. However, the possibility that Livy used a non-standard active form cannot be ruled out, since there might be other examples of variation of this sort in his texts (for example, the active *assentire* occurs in Livy's manuscripts, and the active *comperio* is used by Livy instead of the usual deponent, see above) and we also have other non-standard usages (e.g. the names of towns occur with *ab* about 50 times, see Adams 2013: 330-31) which show that Livy was hardly a purist.

6.4.3.12 *luctor*

*Luctare* ('to wrestle', 'to struggle') is active at *L.* 5, 61 (*natura* <...> *luctare non uolt* 'nature does not want to contend'). The verb is only attested as active in Ennius (*ann.* 298 Skutsch), Terence (*Hec.* 829) and Plautus (*quid multa verba? Plurimum luctauimus*, 'why say much? We wrestled a lot', *Vid.* frg. 9 Calderan ap. Non. p. 468M). The passage where the active *luctare* occurs deals with nature, procreation and words that refer to the forces of nature. The subject is elevated and therefore in this context the active could be used as a mannerism.

## 6.4.3.13 Conclusion.

To summarise, the attitude to variation between the active and the deponent forms differs in Varro's works. In the *Lingua Latina* variation occurs twice (*murmuratur*, *L.* 6, 67, *luctare*, *L.* 5, 61) and the active *luctare* is most probably an archaism or a mannerism. In the *Res Rusticae* the only examples are the deponent *sacrificari*, used twice instead of the more usual active (*R.* 2, 8; 2, 11) and the active *uociferare*. In the *Menippea*, on the contrary, there is a number of variant forms that are in contrast with the preferred current usage (the active *mirare* for *mirari*, *demolire* for *demoliri*, *consolare* for *consolari*, *uagare* for *uagari*, *pollicere* for *polliceri*, *rixare* for *rixari*, *imitare* for *imitari*, the deponent *sacrificari* for *sacrificare* and *murmurari* for *murmurare*). In addition, *uulpinari* 'to behave like a fox' at *Men.* 327 (*uulpinare modo et concursa qualubet: erras*) might be an example of a new deponent form (the verb is otherwise attested only in *Apul. Met.* 3, 22, 16 (*ain, inquit, uulpinaris*)).

Varro tends to use the active forms in the *Menippea* that contrast with the more usual deponent forms in the *Res Rusticae* (cf. *mira*, *Men.* 129, *miraremur*, *R.* 3, 5, 18). This shows that Varro adopts a different attitude to variation in these two works, perhaps because of their different genre and subject matter.

It proves difficult in most cases to interpret the use of variant forms in the *Menippea*, partly because the *Menippea* survive only in fragments and the context is mostly lost, and partly because Lucilius' Satires and other works that influenced Varro do not survive. It seems less beneficial to look for one semantic explanation for all cases, which is the approach adopted by Dechamps (1976) or, to a lesser extent, by Cèbe (1972); rather in each particular case the reason for the use of a variant form might be a different one. The variation between active and deponent, prominent in the *Menippea*, might be influenced by genre characteristics of the satires to some extent, given its almost total absence from *de Lingua Latina* and the *Res*

*Rusticae*. The variant forms of the deponents add to the diversity of language, which is a general characteristic of the *Menippea*.<sup>315</sup>

Varro does not always depart from the otherwise prevailing usage of the time in the *Menippea*. For example, he has the usual deponent *experrecti sint* at *Men.* 105; *expergiscor* is firmly deponent in Classical Latin, with the only example of the active ascribed to Pomponius (fig. 5 Frassinetti). Other regular deponent forms in the *Menippea* include *calumniarentur* (*Men.* 528), *commentari* (*Men.* 419), *uereor* (*Men.* 471), *uerere* (= *uereris*) (*Men.* 514).

Adams (2005: 78) points out that Varro's language has more variation than the language of Cicero or Caesar.<sup>316</sup> Varro's style, which was regarded by earlier scholars as lacking excellence (famously, Norden said that the *de Lingua Latina* was 'the greatest work about Latin language composed in the worst style'),<sup>317</sup> can now be seen in a new light, if we do not adopt the traditional Cicero-centred approach to Latin. Notably, occasional parallels to the use of the active for the deponents between Varro and other contemporary writers (Sisenna, Lucretius) suggest that a non-restrictive attitude to variation was shared by other authors as well.<sup>318</sup>

#### 6.4.4 Occasional variation in CL.

Bailey (1947: 1. 96 – 97), when discussing the syntax of verbs in Lucretius, notes that 'grammar was still fluctuating in his [Lucretius' – VN] day and that he did not feel himself

<sup>315</sup> On the stylistic variety and diversity of the *Menippea* see e.g. Woytek (1970: 14-15), who points out that Varro presents in the *Menippea* a palette of nuances of expression and style and an exceptional variety of language. In Woytek's view, 'unusual' deponent forms (*aurigari*, *uulpinari*) in Varro represent *mots savants*, whereas active forms instead of deponents reflect the colloquial language (Woytek 1970: 58), but this seems too simplistic.

<sup>316</sup> For example, as Adams (2005: 78) points out, Varro has a taste for the fourth declension genitive in *-uis*, whereas by his time mostly *-us* is used.

<sup>317</sup> 'Man wird wohl sagen dürfen, daß dies größte Werk über die lateinische Sprache in dem schlechtesten lateinischen Stil geschrieben ist' (Norden 1898: 194). On Varro's style see in general Laughton (1960: 1-28), who argues that Varro shows a taste for colloquial and archaisng and occasionally disregards the rules of good Latin (on the notion of Latin standard language and standard Latin in Varro's time see below) because of haste resulting from his encyclopaedic eagerness to put into writing as much material as possible.

<sup>318</sup> On the non-restrictive usage see Laughton (1960: 1-28): while his focus is on Varro, he also comments in passing on 'non-normalised' and variant usages in other authors or genres, e.g. on anastrophe in Cicero's letters (Laughton 1960: 3).

bound by the strict rules which were stereotyped by Ciceronian usage' and that 'in many cases he goes against normal convention, in others he adopts a recognized idiom, but uses it more freely than is customary'. In the case of variation between active and deponent forms this is true not only for Lucretius, but for some other poets as well, who use variant forms which are not attested in prose. Occasionally non-standard voice occurs in poets and in some prose writers, in which case it might indicate genuine variation, not a stylistic feature in poetry. However, if the form is in active use only in poetry and in historians, it should be interpreted as a mannerism and a stylistic feature associated with these genres.

For example, Lucretius uses the active *adulant* ('to flatter', 'to fawn upon') for *adulantur* at 5, 1070, *partit* for *partitur* at 5, 684 (however, the active might also be more convenient metrically). The active *partire* is also attested in Cicero (*partiunto*, Cic. *Leg.* 3, 3), Sallust (*consules* <...> *prouincias inter se partiuerant* 'consules divided the provinces between themselves' *Jug.* 43, 1) and in a very similar phrase (possibly in an allusion to Sallust) in Tacitus (*regnum* <...> *inter se partivere*, *Ann.* 12, 30). The active future imperative of deponents, such as *partiunto* in Cicero, is common for legal and didactic texts (see the discussion of *arbitrato* above). In Sallust and Tacitus the active is interpreted as an archaism (Koestermann 1971: 158), but its use in Lucretius and Cicero shows that the form was not entirely obsolete and is a mannerism, rather than a genuine archaism.

Virgil has a non-standard deponent form *nutritor* ('to nourish', 'to feed') at *G.* 2, 425, where the deponent is attested for the first time. The deponent *bellantur* for *bellare* ('to fight') also occurs in CL at Virg. *A.* 11, 660 (*pulsant et pictis bellantur Amazones armis*) and at Sil. 2, 349 (cf. Pacuv. *trag.* 168), but it is attested elsewhere in CL only as an active (e. g. Cic. *Ver.* 5, 72; *Man.* 32). Virgil perhaps uses the deponent *bellantur* for semantic reasons, to indicate the intensity of the fighting and the intense involvement of the subject, but there can be no certainty of that.

The active *comitare* for the usual *comitari* occurs in Propertius and Ovid (Prop. 2, 7, 15; Ov. *Met.* 8, 692; 13, 55; 14, 259; *Trist.* 5, 4, 25; *Pont.* 1, 9, 47). The verb is usually deponent in prose (e.g. Tac. *Hist.* 1,3; *Suet.* Cal. 10,1) and in poetry (e.g. Lucr. 2, 640; Virg. *A.* 4, 543) in CL.

Notably, the active *populare, depopulare* ('to devastate', 'to destroy') for the usually deponent *populari, depopulari* is occasionally attested in poetry. In Old Latin *populor* is active in Plautus (*fragm.* 71 ap. Diom. *GL* 1, 401, 5, the only occurrence of the verb in Plautus), Pacuvius (*trag.* 73 Schierl) and Accius (*trag.* 164 Ribbeck<sup>3</sup>). Terence does not use the verb. Quadrigarius uses the active (*Agrum Nolanum populare coeperunt*, *FRH* Quad. F95). Otherwise the verb is always used as a deponent in prose in CL.

By contrast, in Virgil the verb is always in the active (Virg. *G.* 1 185, *A.* 1, 527; *A.* 4. 403; *A.* 12, 263) and the active cannot be always explained by metrical convenience (e.g. *non nos aut ferro Lybicos populare penatis*, *A.* 1, 527). Interestingly, in each case the verb is used with a direct object which perhaps indicates a semantic shift of the verb from middle to active (i.e. from 'inner involvement' to the action, directed outwards).

The active occurs also in the *Ciris*,<sup>319</sup> (*et cupidos quaestu passim popularet amantes*, *Ciris* 78), in Propertius (*hinc olim ignaros luctus populavit Achiuos*, 3, 18, 29), in Silius Italicus (*Ausonios ferro populare penates*, 4, 787; the verb is deponent at 3,445; 10, 164; 14, 597). In all these cases the active is used with an object, whereas the deponent can be used with or without the object. Perhaps there is a difference in meaning between the active and the deponent, the active being the marked form that is used to stress the action as inflicted on the object, but there can be no certainty about this.

The compound *depopulare* is also mostly deponent in CL (*TLL* 5, 585 s.v. *depopulo*) and occurs very rarely in prose (in Cicero once, in Caesar twice, in Seneca once, also several times in Tacitus, Frontinus, Aulus Gellius), but very frequently in Livy (82 times).

<sup>319</sup> On the authorship and date of the poem see Lyne (1978: 48-56).

Noteworthy is an active at *B. Hisp.* 42, 6 (*agros prouinciamque <...> depopulauit*).<sup>320</sup> By contrast, Caesar uses the deponent at *Gal.* 6, 42, 3 (*ut Ambriogis fines depopularentur*).

The verb is mostly avoided in poetry, attested in Ovid twice as a deponent and in Valerius Flaccus as an active (*depopulant*, 4, 429; *depopulare*, 6, 532), possibly by analogy with *populare* in Virgil.

In general poetic texts demonstrate the tendency to allow more variation between active and deponent forms, whereas in prose the use of the deponent is more fixed. Passages from Quadrigarius and the *Bellum Hispaniense*, where the active *depopulare* occurs, indicate that historiography is potentially less restrictive when it comes to the use of variant forms, but even more so it demonstrates, as already noted, the non-restrictive approach of these authors to variation (for the use of variant forms in pseudo-Caesarian *Bella* see the discussion on the use of the active *assentire* at *B. Afr.* 88, 2 above).

Claudius Quadrigarius, who wrote his history at the same time as Cicero's early works, stands out for his use of variant forms. As Briscoe (*FRH* 1: 30) points out, Quadrigarius has many instances of vocabulary, morphology and syntax that are not attested in Cicero and Caesar, including voice forms (which I mentioned also in other sections in this chapter): the active *cohorto* (*FRH* Quad. F54),<sup>321</sup> the active *recordare* (*FRH* Quad. F55)<sup>322</sup>, the active *amplexare* (*FRH* Quad. F40; see the discussion of the fragment in the section 4.5 on Petronius below), the deponent *ospicari* (*FRH* Quad. F 73; see the discussion in the section 4.2), the deponent *murmurari* (*FRH* Quad. F74, see the discussion of the form in the section 4.3.10 on Varro), *comprehensare* (*FRH* Quad. F40; this word is a hapax). Given that there is abundant

<sup>320</sup> Cf. *agros depopulant*, *Enn. scen.* 369 Vahlen. Pascucci (1965: 392) in his commentary compares the active *depopulare* at *B. Hisp.* 42, 6 and the active *conuiciare* at *B. Hisp.* 33, 2, but it seems that these are two different cases, since the active *conuiciare* is not attested elsewhere in Old Latin or CL, and could be a colloquialism in the *B. Hisp.* and an early case of 'activation' of the deponents.

<sup>321</sup> This is the only occurrence of the active in CL. Interestingly, the verb is avoided in poetry and in prose it is used mostly by Cicero and Caesar.

<sup>322</sup> The active *recordare* is also attested at Var. *L.* 6, 46 by the majority of the manuscripts, the editions accept the standard *recordari*, attested in codex B (now not identifiable), which was used by Antonius Augustinus for his edition in 1554. There is no reason, however, why Varro could not have used the active form of the usual deponent.

evidence for neologisms in Quadrigarius (*FRH* 1: 29-30), it is not unlikely that he might have introduced some of the forms that are not attested before him.

Like Quadrigarius, Cornelius Sisenna is a prominent historian in the first century BC. He is known for his promotion of the principle of analogy (see the discussion of *adsentio* in section 3.1). Also worth noting is his use of the rare *contin(u)ari* ‘to meet’ (*FRH* Sis. F131 ap. Non. p. 93M): the verb first occurs in Sisenna and then first in Apuleius. The verb is spelt with and without *u* (*continuor* or *continator*), the *u* being inserted possibly under the influence of popular etymology, which associates the verb with the adjective *continuus* (E-M. 140 s.v. *continator*). Sisenna’s work only survives in fragments (mostly from quotations by Nonius), but the use of *adsentio* and *continuor*, as well as other usages on the lexical and morphological levels (Briscoe in *FRH* 1: 33-34), suggest that he was a writer with a distinct individual style.

Another possible example of variation in historiography is the use of the active *frustro* in Caesar and Livy. *Frustror* occurs as an active and as a deponent in Old Latin, but is mostly used as a deponent in CL.<sup>323</sup> Notably, the active might be used by Caesar, according to Diomedes (*‘frustro’ ait Gaius Caesar apud milites de commoditis eorum ‘non frustrabo uos, milites’*, *ORF* 43 ap. Diom. *GL* 1, 400, 20). The active might also be used at Liv. 7, 38, 9; most manuscripts have the active infinitive *frustrare*, whereas the deponent infinitive *frustrari* is only attested in the third hand of the Parisian manuscript (T<sup>3</sup>) and is most likely a later correction by the scribe. As sometimes happens when an odd form occurs (see e.g. the discussion of *adsentire* in Livy 1, 54, 1 in section 3.1 of this chapter), Walters and Conway in the OCT choose the deponent *frustrari*, since it occurs in Livy 8 times elsewhere. Oakley (1998: 367) comments on the choice of *frustrari* that ‘there is no certain attestation of such a form elsewhere in Livy’. However, there is no reason to believe that the active here is corrupt and there are parallel examples of variation of voice in Livy (e.g. *adsentire*, *uociferor*) that indicate that such variation is not altogether avoided by him.

<sup>323</sup> The deponent occurs in Plautus at *Am.* 830, *As.* 727, *Mos.* 589, *Bac.* 548, *Cur.* 331, the active at Plaut. *Bac.* 548 and in a fragment of Atellan farce ascribed to Pomponius (*miseret me eorum, qui sine frustris uentrem frustrarunt suum*, Pomp. frg. 75 Frassinetti ap. Non. p. 473M).

Variation between active and deponent forms is not exclusively a feature of historical texts. Varro's use of variant forms in the *Menippea* was already discussed above. In technical writing occasional variation is also attested in Columella and Vitruvius. Columella uses both *contemplare* (twice at 11, 2, 69) and *contemplari* (five times at 1, 2, 1; 8, 16, 7; 9, 8, 2 twice), whereas otherwise the verb is always deponent in CL. His use of *luxurior* as active and as a deponent is unparalleled in Classical prose (see below, section 5). Columella's use of both *medico* and *medicor* also stands out (see above, section 3.3). *Auscultetur* at Col. 8, 5, 14 is the only attested case of the deponent for the active *auscultare*<sup>324</sup> (with the exception of Charisius who mentions the verb as both deponent and active in his list of verbs that are used with dative at *GL* 1, 293, 24: *ausculto tibi et auscultor*).

The active *architectent* is attested in Vitruvius at 6, *pr.* 5. This is the only occurrence of the active, whereas the deponent is attested at *Vitr.* 1, 1, 12; 7 *pr.* 15; 9, 1, 2; in a metaphorical sense at *Rhet. Her.* 3, 32 and *Cic. Fin.* 2, 52.

Another example of occasional variation, which cannot be dismissed as genre related mannerism, is the active *auguro* for the deponent in Virgil (*A.* 7, 272),<sup>325</sup> as well as in a letter of Cicero to Calvus (*praesentit animus et augurat quommodo, quae futura sit suauitas*) and in a passage from *de Rep.* (*cuiquidem utinam uere, fideliter abundiente augurauerim*), both attested by Nonius (Non. p. 469M). Fordyce (1977: 114) comments that 'the archaic active form, used by Ennius, Pacuvius and Accius, survives in formulas in Cicero and Livy'. However, in the passages quoted by Nonius Cicero's use is hardly formulaic and Livy uses only the perfect participle (5, 54, 7; 8, 5, 8; 1, 18, 6). The active in Virgil and Cicero may not be a genuine archaism, but a case of occasional variation that is not altogether eliminated in the first century BC. In the first century AD the active form is attested at *V. Fl.* 3, 356, possibly influenced by Virgil.

<sup>324</sup> Charisius mentions the verb as both deponent and active in his list of verbs with dative at *GL* 1, 293, 24 (*ausculto tibi et auscultor*), but this might be an example of 'activation' of the deponents in Late Latin.

<sup>325</sup> The verb is mostly active in Old Latin (Plaut. *Cist.* 694; Acc. frg. 479, frg. 87 Ribbeck<sup>3</sup> ap. Non. p. 469M) and is used as a deponent from the first century BC.

#### 6.4.5 Stylistic variation between active and deponents forms in Petronius and Apuleius.

Petronius uses variation of voice as one of the stylistic means to characterise the speech of the characters.

In the speech of freedmen some deponent verbs are active and vice versa. *Amplector*, which is usually deponent in Old Latin and in CL,<sup>326</sup> occurs in the active in the words of Trimalchio at Petr. 63, 8 (*sed dum mater amplexaret corpus filii sui* ‘but when the mother put her arms around the body of her son’). This is the only example of the active *amplexo* in the first century AD. The active is used here as an incorrect form to characterise the speech of the uneducated freedman Trimalchio. By contrast, the deponent is used at Petr. 98, 3 and 98, 7 in the narrative (i.e. in the description of events of the novel by Encolpius).

The usually deponent *argutari* (‘to prattle’) is used as an active in the words of freedmen Echion at 46, 1 and Hermeros at 57, 8. Similarly, the active *conuiuare* (‘to feast’, ‘to banquet’) occurs in the speech of Hermeros at 57, 2 (*tu enim beatior est et conuiuare melius soles*). The active is better attested in Old Latin;<sup>327</sup> the deponent occurs once at Ter. *Hau.* 206. The verb is deponent in CL. The deponent continues to be used in Late Latin texts, e.g. in the *Historia Augusta* (*Alex. Sev.* 34, 6, 1; *Alex. Sev.* 34, 7, 2; *Tyr. Trig.* 30, 14, 2). The active in Petronius stands out as the only example of the active on CL.

The active *loquere* of the invariable deponent *loquor* in the words of Echion at 46, 1 (*tu, qui potes loquere, non loqui<s>*),<sup>328</sup> rag collector and freedman, is clearly a parody of

<sup>326</sup> The only occurrence of the active in the first century BC is in Claudius Quadrigarius, quoted by Priscian in the same passage (*Quintus Claudius in II annalium: comprehensare suos quisque, sauiari, amplexare*, *FRH* Quad. F40 ap. Prisc. *GL* 2, 393). As Briscoe points out (*FRH* 3: 312), Priscian also cites Cic. *Clu.* 124 as another passage with the active *amplexo*, whereas most of the manuscripts have the deponent. In addition, the active occurs at Plaut. *Poen.* 1230 (only in the Palatine manuscripts, but not in the palimpsest) and at *Acc. trag.* 70. The verb, as Briscoe notes (*FRH* *ibid.*) has a strange distribution: it occurs mostly in Plautus (22 times) and in Cicero (17 times), but elsewhere is mostly avoided; it is used only once by Terence, Lucilius and the *Rhet. Her.*

<sup>327</sup> Ennius *Sat.* 1 Vahlen, ap. Non. p. 474M, Titin. *com.* 89 Ribbeck<sup>3</sup>, Pompon. *com.* 81 Frassinetti, ap. Non. p. 474M *si calendis <domi> conuiuant, idibus cenant foris* (*conuiuant* is justified by metre, but the manuscripts have the deponent *convivantur* which may be a later correction by the scribe).

<sup>328</sup> Cod. Parisini lat. 7879 reads *loqui*, the editions accept Burman’s emendation *loqui<s>*.

colloquial speech, an exaggeration of colloquial features used for comic effect. Boyce (1991: 83) notes that *loqui* was not very popular in speech and there was a tendency to replace it with morphologically less complex verbs such as *fabulari*: thus, Echion attempts to use a verb that an educated speaker would use, but fails to use the correct voice.<sup>329</sup>

The normally active *delectare* ('to please') is deponent in the speech of Echion at 45, 7 and Trimalchio at 64, 2. Similarly, Trimalchio uses the deponent *pudeatur* at 47, 4 and *somniatur* at 74, 14 instead of the normal active. A freedman guest of Trimalchio Hermeros uses the active *rideo* as a deponent at 57, 3 and as an active at 53, 2. The use of active verbs by freedmen as deponents represents hypercorrection. As Lynch (1982: 35) points out in his commentary on Petr. 45, 7, 'Echion is portrayed as intruding anomalous forms, because he is self-conscious about, rather than unconscious of, his linguistic standing.' In the same way Catullus makes fun of the ill-educated Arrius at Catul. 48, who adds aspiration to wrong words in the hope of speaking more urbane Latin. This type of hypercorrection is one of the stylistic features that Petronius uses to imitate the uneducated colloquial speech of freedmen and slaves.<sup>330</sup> The speech of Petronius' freedmen is not necessarily an accurate representation of the colloquial speech of his time and it is very likely to be a parody.

The only example of variation of voice in the speech of an educated character, as Petersmann (1977: 163) points out, occurs at 140, 8; the narrator Encolpius uses the active *renumarare* for the usually deponent *renumerari*. This usage might represent genuine lack of normalisation of voice (an example of this is also occasional variation in the letters).

Apuleius occasionally uses the active for the deponents. For example, the active *cuncto* occurs at *Soc.* 119 (*tamen neque de luna neque de sole quisquam Graecus aut barbaros facile conctauerit deos esse*). *Cuncto* is attested in Old Latin in tragedy and in comedy (Ennius *scen.*

<sup>329</sup> Echion's speech is characterised by a larger number of vulgar and anomalous forms than almost any other character of Petronius; for the discussion of Echion's vulgarisms and anomalies see Boyce (1991: 82-84).

<sup>330</sup> Other features of *sermo plebeius* include graecisms, vulgarisms, colloquialisms, banalities and change of gender. On *sermo plebeius* and the linguistic characteristics of the language of Petronius' freedmen see Stefenelli (1962); Boyce (1991); Schmeling (2011: intr. 28); on non-literary Latin in Petronius see also Adams (2003a: 11-23).

179 Vahlen, 368 Vahlen,<sup>331</sup> Plaut. *Cas.* 792, Plaut. *Epid.* 162; Acc. *trag.* 72 Ribbeck<sup>3</sup>), but there are no examples of the active in CL and Apuleius' use of the active is possibly a genuine archaism. Another possible genuine archaism is the active *contemplo* for the deponent *contemplor* at Apul. *Fl.* 26 (see section 2.3.1)

Thus both authors have variation between active and deponent voice as a stylistic device. Apuleius, in accordance with his fondness for obsolete forms, mannerisms and archaising, uses the active for deponents as a stylistic feature. Petronius has variant voice forms to characterise the speech of freedmen (probably with the exception of the active *renumerare*).

## 6.5 Verbs which first demonstrate variation in CL.

Some verbs which are active in Old Latin are attested as deponents for the first time in Classical Latin. Other verbs, on the contrary, are firmly deponent in Old Latin and are first attested in active in CL. Such examples indicate that the category of voice is not as well defined and the norm is not as fixed in CL as it is usually assumed.

I discuss some verbs of this category in the following section.

### 6.5.1 *fabricor*

*Fabricor* ('to forge', 'to prepare') is deponent in Old Latin (Acc. *frag.* 559 Ribbeck<sup>3</sup>; Afran. 169 Ribbeck<sup>3</sup>; Plaut. *As.* 102; *Bac.* 693; *Cas.* 488).<sup>332</sup> Cicero also uses the deponent (e.g. *Div.* 2, 43; *Ac.* 2, 30; *Ac.* 2, 87; *Ac.* 2, 119; *Tusc.* 1, 62; *Tim.* 17; *N. D.* 1, 4), as do prose authors of the first century BC, with the exception of Vitruvius, who only uses the active (*artifices qui organa fabricant*, 5, 4, 4; *vasa fabricentur*, 5, 5, 1). Vitruvius' use of the active *fabrico* is another example of tolerance of variation on the part of Cicero's contemporary

<sup>331</sup> The fragments, attributed to Ennius' lost tragedy *Ambracia* (Enn. *scen.* 366-368 Vahlen) are omitted by Jocelyn (1967) as falsely attributed to Ennius.

<sup>332</sup> Note the active *perfabricuit* at Plaut. *Pers.* 781 (*ita me Toxilus perfabricauit*): in general the compounds of the deponents are often in the active.

prose authors (see above section 4.3 on variation in Varro and section 3.1 on variation in the *B. Afr.*).

In the first century BC the active occurs in poetry in Horace (*quae post fabricauerat usus*, *Sat.* 1, 3, 102) and Ovid (*fabricauerat Alcon*, *Met.* 13, 683), where it is possibly used for metrical reasons.

In the first century AD the verb is more often used as an active. The active is used in prose by Columella (*R.* 3, 13, 11; 4, 3, 1; 6, 2, 10; 7, 9, 13), Seneca the Younger (*Ep.* 16, 3; 65, 6), Suetonius (*Cal.* 37, 2, 1), Pomponius Mela (3, 87, 1), in poetry by Manilius (4, 120; 4, 264; 5, 205), Silius Italicus (16, 670), Phaedrus (4, 7, 9). It is difficult to see any influence of genre on the distribution of the active, since it is used in technical prose (Columella), historiography (Suetonius) and in letters (Seneca), as well as in poetry.

The deponent only occurs in Pliny the Elder (*illud ipsa fabricata <e>st natura*, *Nat.* 22, 107) and Tacitus (*Ann.* 15, 37; 14, 29). In Pliny we can possibly see an allusion to Cic. *Luc.* 30 (*natura fabricata esset primum animal omne deinde hominem maxime*).

There seems to be no lexical differentiation between the active and the deponent and no morphological pattern: both forms are used in the present and perfect stems, with and without an object, for all persons in the singular and plural. Except in Apuleius, who uses both the active and the deponent variants (the active at *Met.* 3, 12; 6, 32; 9, 15 and the deponent at *Mun.* 4, 9; *Apol.* 63), there is no variation between deponent and active forms in a single author. If the verb is used more than once, each author chooses only active or deponent. Therefore, it seems that variation is random and depends on the preference of a particular author, but the general tendency is for the Old Latin and late republican writers to use the deponent, whereas the active tends to become the preferred form in the first century AD (possibly, this is an early case of the ‘activation’ of deponents, which is typical for Late Latin, on which see introduction to this chapter).

### 6.5.2 *fluctuor*

The active *fluctuo* ('to waver', 'to be in doubt') is attested in Plautus (*Mer.* 890, *Rud.* 303, 903) and is absent from other Old Latin authors. In the first century BC the active *fluctuo* continues to be used, mostly in poetry in Virgil (*G.* 2, 281; *A.* 4, 532; 8, 19; 10, 679; 12, 486; 12, 527), Lucretius (4, 1077; 6, 367), Catullus (64, 62; 65, 4); and in prose in *Rhet. Her.* (4, 11; 4, 55) and Cicero (*Att.* 2, 12, 3).

The deponent is possibly first attested at Cic. *Ac.* 2, 29 (*non debere eos in suo decreto sicut in ceteris rebus fluctuari*). The manuscripts speak in favour of the deponent: the active *fluctuare* is written as a later correction over the deponent in the Palatine manuscript in Vienna (V = Vindobonensis 189); all other manuscripts have *fluctuari*.<sup>333</sup>

In later prose, starting with Livy, the deponent form prevails: Livy only uses the deponent (5 times), Seneca uses the deponent more than the active (19: 5), as well as Pliny the Elder (9 deponent, 1 active,) and Valerius Maximus (4 deponent, 2 active). By contrast, in poetry of the first century AD only the active is used (V. Fl. 3, 637; Sil. 5, 503; 16, 314; Stat. *Theb.* 9, 251; *Silv.* 3, 2, 26). Thus, it seems likely that in the first century AD usage is influenced by genre: prose writers prefer the deponent, whereas poets only use the active.

### 6.5.3 *luxurior*

*Luxurior* ('to wanton', 'to revel') is first attested in the first century BC in Quintus Aelius Tubero (*pars omnis luxuriabat* *FRH* Tub. F7, quoted by Nonius p. 481M to illustrate the active use of the verb)<sup>334</sup> and is absent from Cicero, Caesar and Varro.

In the late first century BC – early first century AD *luxurior* is attested in Seneca the Elder, who uses only the deponent (e.g. *Con.* 2, 6, 1, in total 9 times) and in Cornelius Severus

<sup>333</sup> On the textual tradition of the *Academica* see Reynolds (1983: 124-128); see also the study by Hunt (1998).

<sup>334</sup> On the context of life and writings of Lucius Tubero and his brother Quintus, who were contemporaries of Cicero (and are mentioned by him) see Oakley (*FRH* 1: 361-367).

(*luxuriantur opes atque otia longa grauantur*, ap. Diom. GL 1, 378).<sup>335</sup> By contrast, the verb is mostly active in poetry in this period (Virg. *G.* 3, 81; Ov. *Ep.* 1, 54; 16, 194; *Ars* 1, 360; 2, 437; *Met.* 7, 292; 9, 267; *Fast.* 1, 156; 4, 644; 5, 274; *Nux* 20); the deponent occurs once at Ov. *Trist.* 5, 1, 44.

The variation continues in the first century AD: Livy only uses the active (1, 19, 4; 2, 48, 3; 3, 33, 2; 23, 12, 12). By contrast, in the *Periochae*, the fourth century summary of Livy's work, the verb is always deponent (*Perioch.* 23, 27; 29, 28; 130, 1), which suggests that in the later period the deponent became the norm.

In the first century AD the active also occurs in Curtius Rufus (10, 7, 11) and Pliny the Elder (*Nat.* 16, 95, 4; 17, 178, 10; 17, 183, 5, 18, 203, 6, 19, 113, 2). By contrast, in the *Declamationes minores* ascribed to Quintilian the verb is used only as a deponent (*Decl. min.* 245, 5 (twice); 279, 3). In poetry the verb is active in Calpurnius (*Ecl.* 4, 114), Manilius (1, 739), Statius (*Theb.* 5, 262; 6, 841; 7, 13), deponent in Martial (2, 89, 5; 10, 96, 6; 12, 62, 10). In a poetic fragment in Petronius the deponent is used, probably for metrical reasons (*inter tam crassas luxuriantur opes* frg. 34 Müller).<sup>336</sup>

The only author who uses both the active and the deponent in CL is Columella (deponent at *R.* 5, 6, 36, active at *R.* 3, 2, 21). In addition, the verb is deponent in the *De Arboribus* (perhaps not by Col.) at *Arb.* 3, 2 (*eluxuriabuntur*), *Arb.* 11, 2 (*ne luxurientur*).

In the second century variation continues: the active occurs in Aulus Gellius (6, 22, 4) and in Apuleius (*Soc.* 23). The deponent also occurs in Florus (c. AD 74 – c. AD 130) at *Epit.* 1, 31, 15.

To summarise, the occurrences in the period under discussion (100 BC – AD 100) are as follows.

<sup>335</sup> 'Wealth runs riot and finds long inactivity irksome', translation by Hollis (2007).

<sup>336</sup> This and the preceding line are corrupt, see Müller's edition (1995).

active	deponent
A. Tubero 1	Seneca the Elder 10
Ovid 10	Columella 1
Virgil 1	<i>De arboribus</i> 1
Livy 4	Quintilian 3
Curtius Rufus 1	Martial 3
Plinius the Elder 5	
Columella 1	
Calpurnius 1	
Manilius 1	
Statius 1	
Total prose: 10	Total prose: 15
Total poetry: 14	Total poetry: 3

According to the evidence, variation is more prominent in prose. In poetry deponent is only used by Martial. Every author except Columella uses either the deponent or the active only, which suggests that, at least in prose, the individual preference determined the choice of voice.

## 6.6 Conclusion.

This study shows that rather than a universal tendency for elimination of variation in the first century BC there are different developments in different verbs and for this development there is a range of factors that are of importance: the tendency for standardisation is one of them, but it is not the only factor and frequently not the decisive one.

For a number of verbs usage in prose differs greatly from poetic usage (e.g. *adsentior*, *fluctuor*, *luxurior*). In some cases poets allow for more variation (e.g. *bellor* for the usual

*bello, comitor* and *comito, populo* and *popular, depopulo* and *depopulo*): the reason might be simply that the active is more convenient metrically. In other cases, however (e.g. *adsentior, arbitror*) poetic use is more limited than that of prose, sometimes perhaps for lexical rather than morphological reasons (i.e. for some reason a deponent or an active form was considered prosaic and avoided).

Genre certainly plays a role in the use of deponents. Historians demonstrate a distinct pattern of usage (e.g. *frustro*). As is usually pointed out by scholars,<sup>337</sup> historiography as a genre allows for more archaising than other genres of literary prose, but, as I noted in the introduction, when the form is in active use, it is perhaps more apt to talk about mannerisms, not archaisms. In addition, some historians (e.g. Quadrigarius, see 6.4.4 and the author of the *B. Afr.*, see 6.3.1) generally are also more tolerant of variant forms as part of their non-restrictive style.

Another genre that shows lack of standardising is technical prose. Vitruvius and Columella stand out in their use of variant forms of verbs. Genre certainly has an influence on the use of the deponents in Varro: by contrast to the *Res Rusticae* and *de Lingua Latina*, in the *Menippea* he admits a substantial amount of variant forms of deponents. He might have been responsible for new deponents in the *Menippea*.

However, genre cannot explain all cases of variation. Some verbs demonstrate variation across different genres (e.g. *mereor, punior*), and whereas in historiography and poetry occasional variant forms might be set aside as archaising, variant forms also occur, for example, in the epistolary genre (e.g. *auguro*). In the case of *comperior*, variation is limited to the first person singular in all genres. The variation might seem random, but every author chooses the active or the deponent only: this indicates that individual choice can also be the deciding factor (e.g. *mereor, fabricor*).

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<sup>337</sup> On the use of archaisms as a feature of historical style see Briscoe (*FRH* 1: 22-23), with bibliography.

Verbs that demonstrate an established norm in CL occasionally show minor variation (e.g. *arbitror*). These occasional examples of variation make it possible that our understanding of the norm in CL would change if there were more evidence available.

Semantic distinction between active and deponent forms is difficult to establish, but on the whole I could not find evidence for systematic differences (e.g. *mereor*, *fabricor*), especially in cases where some forms of the same verbs are retained and others avoided (see e.g. the discussion of *adsentior*, *comperior*). Perhaps to some extent variation is indeed random and is due to ongoing fluctuation in the deponent category, springing from the vagueness of defining criteria (see introduction). Ancient grammarians compile lists of such verbs (e.g. Prisc. *GL* 2, 396, 10), but do not develop a theoretical framework for the treatment of such verbs as a morphological category.<sup>338</sup>

Thus the view of standardisation as a universal process that affects all deponents in the same way is too simplistic. The evidence does not support the assumption that all verbs that show variation in Old Latin fall into a norm in Classical Latin. Rather, standardisation is only partly successful.

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<sup>338</sup> On the treatment of the deponents by ancient grammarians see Flobert (1975: 8-20), who points out that the ancient grammarians use different principles (morphological, semantic, formal) to classify the deponent category.

## Conclusion

As pointed out in the introduction, when discussing variation it is essential to distinguish between standardisation, which is deliberate, and natural change, which is haphazard and unrelated to a deliberate movement (see below). Evidence for successful standardisation in spelling and morphology can be seen, for example, in the case of variation between *ei* and *i* for /ī/, which is almost entirely eliminated during a short period of time in the first century AD in legal and official inscriptions (2.3.2; 2.4). In the case of the variation of the type *maximus/maxumus* the spelling in official inscriptions undergoes almost complete standardisation in the first century AD (1.4). The morphological dative/ablative variant *quis* is avoided by Cicero (except in letters, see below) and Caesar in an attempt to standardise by eliminating morphological doublets (5.5.1.2; 5.5.2). In morphology, some verbs have become fully standardised as deponents in the first century AD (6.4.1; 6.4.2).

However, in most cases (chapters 1, 3, 4, 5 and 6) the evidence on spelling and morphological variation does not show complete elimination of variation.

In chapter 1 we observed that, whereas in official inscriptions variation of the type *maximus/maxumus* is eliminated (although in rare cases *u* was still used), in legal inscriptions *u* was retained in spelling in the first century AD and variation continued (1.3).

The spelling of prefixes in legal inscriptions (chapter 3) undergoes a rapid change towards a preference for assimilation in the first century AD, probably as a result of standardisation (3.5.2). At the same time, variation in the spelling of prefixes continues in the first century AD. With some prefixes (e.g. with *con/com*, see 3.5.2) variation is not even reduced.

In chapter 5 we saw that, as a result of purist attitudes, the variant *quis* was avoided in some genres of prose: Cicero does not use *quis* in speeches and Caesar avoids the form altogether. However, at the same time in certain contexts the variant dat./abl. pl. *quis* continues to be used alongside *quibus* (5.6).

As discussed in chapter 6, for some deponents the norm is established in CL (6.2), but the category of deponents as a whole does not become fully standardised (6.6). When a norm is established, occasional (possibly fossilised) variants can be used (e.g. *arbitror*, see 6.2.1; *comperior* 6.3.2).

Thus, we observe that in a number of cases spelling and morphological variants remain in active use (although their use can be limited, see below) and we cannot always dismiss such variants as obsolete remnants of archaising spelling practices and as morphological fossils. Rather, there are cases of active variation and a genuine lack of standardisation at the spelling and morphological level in this period in Latin; thus, the idea of a linear development of a literary Latin norm by means of deliberate standardising seems to be an oversimplification. The history of spelling and morphology and of spelling and morphological variation is influenced by different factors rather than only by any standardisation movement; the latter is one of these factors but not the only one. Some factors can have the opposite effect to that of standardisation.

Genre-specific preferences and conventions are among these factors. As already pointed out, in the case of variation of the type *maximus/maxumus* (chapter 1) there is a difference in usage between legal and official inscriptions: in the latter the spelling with *i* becomes the norm, whereas in the former variation was retained (1.3; 1.5). In addition, *proxumus* written with *u* as part of the phrase *in diebus proxumis* probably represents a spelling convention used specifically in legal contexts. The specifics of the legal genre seem to be a factor for the retention of traditional spelling and the reluctance to modernise. This is not the same for other types of spelling variation: with the *ei* and *i* variants we do not find such a distinction between legal texts and other texts of official character (2.5).

In the case of morphological variation between *quis* and *quibus* (chapter 5) genre also plays a role. In prose as a whole the use of *quis* becomes limited, but in historiography its use

is less restricted (5.6). *Quis* is also used in epic poetry freely alongside *quibus* (5.4), whereas in other poetic genres its use becomes increasingly unusual in the first century AD.

Genre also plays a role in Varro's use of deponents. In the *Menippea* Varro has a number of variant forms of deponents, whereas in the *De lingua latina* and in the *Res Rusticae* he avoids such variation (6.4.3); the genre of the *Menippea* allows more diversity in the use of linguistic resources, including variant voice forms. Or again, the form *quis* (= *quibus*) is avoided by Cicero in his more formal speeches and philosophical treatises, but is admitted alongside *quibus* in his letters: the epistolary genre is less restrictive of variation (5.5.2). Similarly, historians a greater degree of variation in the use of deponent and active forms (6.4.4).

As well as genre distinctions, distinctions between prosaic and poetic usage are also a factor in influencing morphological variation. Poets might use variant forms of deponents that are not attested in prose (6.4.4; 6.6). Some verbs may be avoided in prose, but used in poetry and vice versa (e.g. *adsentior* 6.3.1, *arbitror* 6.2.1).

Orthographic traditions are an influence on variation in spelling. In the use of spelling variants we can detect certain spelling conventions, which reflect scribal training and orthographic traditions. The consistent spelling of the superlatives in *-umus* in the first century BC is an example of a spelling convention (1.4). The etymologically correct spellings *-eis* of the dat./abl. plural and possibly also *-ei* in the nom. pl. are the norm in inscriptions of the first century BC and reflect an orthographic tradition which was also possibly promoted by Lucilius (2.3.1). Spelling conventions to a large extent determine the spelling of prefixes: for example, *ob* tends to be written with assimilation and *in* without assimilation in formal inscriptions (3.5.2). Conventions can also apply to the spelling of particular words (lexeme-based variation). For example, the spelling *proxumus* in the set phrase *in diebus proxumis* is probably a spelling convention in legal contexts (1.3). Similarly, *adclamare* is consistently

written without assimilation, by contrast to *accipere*, which is usually spelt with assimilation (3.5.2).

Consistency in some inscriptions in the use of one spelling variant might also reflect scribal training. For example, in the *SC. De Cn. Pisone patre* the scribes of both copies consistently employ the spelling with *u*, possibly as part of their training (1.3). In the most formal inscriptions the Claudian letters are employed consistently, which might also point towards a convention in formal texts (4.3). Similarly, there seems to be a convention for using the Claudian digamma in the names of the consuls, perhaps because the date is a highly formal part of the inscription (4.4.3). In the Sulpicii archive the consistent use of the apex in the copies written by scribes is in contrast with the lack of apices in the copies written by individuals: writing apices was possibly part of scribal education (4.4.3).

Such conventions, which apply to some words or forms but not others (for example, in the case of the prefix *com/con* the variation seems random, see 3.5.2), demonstrate a different approach to spelling from that of standardised practices. Scribal education must have included some rules that concerned certain spelling patterns or certain words, but did not create general rules that described all cases in a systematic manner without exceptions, as in a standardised language.

In morphology, patterns of usage are by definition less easy to trace than those of spelling. Some morphological patterns in the distribution of variants can be observed in the use of *quis* and *quibus*: *quis* is regularly used as a connective in Varro (5.5.3), in the set expression *in quis* (5.1.1.1-4) and in constructions of the type *quis cura est* in poetry (5.4).

At the same time, observable genre-specific (prose/poetry-specific) usages and spelling conventions cannot explain all cases of variation. In this study we have found many cases of variation that look random: most illuminating in this respect are cases where copies of the same text display differences in the spelling of the same words (e.g. *componendum* and *conponendum* in two copies of the *Senatus consultum de Cn. Pisone patre*, see 3.5.2), and the

same word may be written differently in the same inscription (e.g. variant spellings of the verb *uouimus* in the records of Arval college, see 4.3): in such cases, clearly, spelling becomes a matter of taste. In these and other cases we observed that to some extent inconsistent variation is a matter of individual performance, which can have more impact on usage than other factors such as genre, prosaic/poetic usage or patterns of usage in morphology and orthography.

For example, we observed that whereas *quis* is common in epic poetry, Lucretius avoids the form completely (5.4). On the other hand, the epic poet Silius Italicus displays an unparalleled preference for *quis* (5.4). Caesar avoids *quis*, but it occurs in the same genre of military report in the *B. Hisp.* as a feature of the author's individual style (5.5.1.2). Similarly, in the *B. Afr.* the author uses the active *adsentire*, which is not used by Caesar (6.3.1). Individual tastes can be irrational and can also change over time: for example, variation between *quis* and *quibus* seems random in Tacitus and increases in the *Annals* as compared to the *Hist.* (5.1.4).

Individual preferences also play a role in spelling, including high-register texts such as legal inscriptions. Official and private inscriptions display a number of such individual spelling features: for example, we note the taste for archaising in the *Lex Coloniae Genetivae*, which has some features that are unparalleled in other legal inscriptions (3.5.3), as well as the unparalleled spelling *luberto* in the *TPSulp.* 51 (1.4). Some legal texts display no consistency in the use of the *i* or *u* alternatives and the choice seems to be determined by individual preference (see, for example, the spelling in the *Lex municipii Malacitani* (no. 23) as opposed to that in the *Lex municipii Salpesiani* in 1.3). In addition, despite almost complete standardisation of spelling with *i* in official texts of the first century AD, some texts have spellings with *u* (1.4), which seems to be a matter of the author's personal choice.

The factor of individual preference plays a central role in the use of the Claudian letters. Scribes and private individuals use the letters creatively in a manner at variance with the

traditional spelling conventions (4.3; 4.4.3). At the same time, personal preferences do not always mean that there is absolute consistency of usage of the same author and there is not necessarily a pattern to variation even in the same author (see e.g. 5.1.4 on *quis* and *quibus* in Tacitus).

The fact that the use of variants is in many cases determined by personal choice demonstrates the absence of a standardising mentality. Another argument for this absence is the fact that we find evidence for variation as a means of individual expression across all registers: for example, in the chapters on variation of the type *maximus/maxumus* and in the chapter on Claudian letters we observed variation both in high-register formal inscriptions and private documents. Singular occurrences of variant forms might represent individual variation, but tend to be edited away (see e.g. the active *frustro* in Livy, 6.4.4). At the same time, ‘unusual’ spellings in sub-standard texts tend to be seen as ‘mistakes’ due to a poor level of education. However, our study shows that there is more diversity in texts than some editions show and that, to some extent, the use of variation does not appear to be linked to register. This provides a contrast to standard languages, where higher register presupposes stricter adherence to rules. As already pointed out, an absence of a clear-cut relation between high-register and less variation is another argument against the existence of a standard written variety.

The importance of individual preference in the choice of spelling and morphological forms shows that the spelling and morphology rules are not treated as sacrosanct. On the contrary, there is a readiness to experiment, which speaks against the existence of the notion of a strictly defined standard and for the existence of a non-restrictive approach to language. Varro, the author of the *B. Hisp.*, Columella and Sallust demonstrate such an approach in the matter of morphological variation. The authors who display such an approach were probably indifferent to the ideas of standardising. The period of the late Republic – early Empire can be seen as a time of many competing approaches to language, a purist attitude being not the only

one, and as a time of language diversity, which is partly hidden from us by later standardising medieval and modern editors and by preconceived notions of a unified written norm.

I have admittedly examined a limited range of phenomena in this thesis, but the evidence does seem to be at variance with any idea that there was a deliberate standardising movement in the period covered. The huge amount of variation in spelling in particular is out of line with modern standard written languages such as English, in which spelling rules are taught in the school system and overseen by teachers, editors and self-appointed arbiters of correctness.

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