

# PETRUS HELIAS'S *SUMMA* ON CICERO'S *DE INVENTIONE*

BY KARIN MARGARETA FREDBORG

Petrus Helias is well known as a grammarian since his commentary, or rather *summa*, of Priscian's *Institutiones Grammaticae* enjoyed a lasting popularity in the Middle Ages. However, his rhetorical *summa*, too, should be taken into consideration, since it was widely read in the Middle Ages, and was as popular as the earlier, rhetorical commentaries by William (of Champeaux?) and Thierry of Chartres (from the turn of the century and the 1130s).<sup>1</sup> We do not know much about Peter's life, but according to William of Tyre he came from Poitiers and was a pupil of Thierry of Chartres; in both cases, the information is substantiated by other sources.<sup>2</sup> Doctrinally

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<sup>1</sup> The following abbreviations will be employed:

CIMAGL = *Cahiers de l'institut du moyen-âge grec et latin* (Copenhagen).

Menegaldus = Menegaldus in *Primam Rethoricam Ciceronis*, Cologne, Erzbisch. Diöz.-u. Dombibliothek, MS 197.

Petrus Helias, *Super Priscianum* = Petrus Helias, *Petrus Helias Summa super Priscianum*, ed. Leo Reilly, Studies and Texts (Pontifical Institute of Mediaeval Studies) 113 (Toronto, 1993).

Priscian = *Prisciani Grammatici Caesariensis Institutionum Grammaticarum libri* 18, ed. Martin Hertz, Grammatici Latini, ed. Heinrick Keil, 2–3 (Leipzig, 1855–59; repr. Hildesheim, 1961).

Thierry, *Rhetorical Commentaries* = *The Latin Rhetorical Commentaries by Thierry of Chartres*, ed. Karin Margareta Fredborg, Studies and Texts (Pontifical Institute of Mediaeval Studies) 84 (Toronto, 1988).

Victorinus, ed. Halm = *Q. Fabii Laurentii Victorini Explanatum in Rhetoricam M. Tullii Ciceronis libri duo*, in *Rhetories Latini Minores*, ed. Karl Halm (Leipzig, 1863), 153–304.

Victorinus, ed. Ippolito = *Marii Victorini Explanationes in Ciceronis Rhetoricam*, ed. A. Ippolito, CCL 132 (Turnhout, 2006).

Ward, *Ciceronian Rhetoric* = John O. Ward, *Ciceronian Rhetoric in Treatise, Scholion and Commentary*, Typologie des sources du Moyen Âge occidental 51 (Turnhout, 1995).

William = texts in Karin Margareta Fredborg, "The Commentaries on *Cicero's De inventione* and *Rhetorica ad Herennium* by William of Champeaux," CIMAGL 17 (1976): 1–39.

In this article, I am indebted to the kindness of Mary Sirridge, and to John O. Ward, who made the study of Petrus Helias's rhetoric possible in the first place. My earlier study, "Petrus Helias on Rhetoric," CIMAGL 13 (1974): 31–41, is long out of print, and certainly out of date since Ward, *Ciceronian Rhetoric*; Petrus Helias, *Super Priscianum*; Thierry, *Rhetorical Commentaries*; and *The Rhetoric of Cicero in Its Medieval and Early Renaissance Commentary Tradition*, ed. Virginia Cox and John O. Ward (Leiden, 2006).

<sup>2</sup> See Robert B. C. Huygens, "Guillaume de Tyr étudiant. Un chapitre (XIX.12) de son 'Histoire' retrouvé," *Latomus* 21 (1962): 811–29, at 822; Margaret Gibson, in "The *Summa* of Petrus Helias on Priscianus Minor," ed. James J. Tolson with an introduction by Mar-

he was influenced by Thierry in both grammar and rhetoric, as well as by the twelfth-century humanist, philosopher, and grammarian, William of Conches.<sup>3</sup> Peter's school was sought by such ambitious students as John of Salisbury, William of Tyre, and many others. He is mentioned by the author of the *Metamorphosis Goliae* (ca. 1140) among the famous Parisian masters.<sup>4</sup>

It is the purpose of this article to return to Petrus Helias's rhetoric once again, discuss the novelties he introduced as well as his use of his predecessors' works, and to look at him also in a larger geographical context beyond his northern French setting of twelfth-century rhetoric.<sup>5</sup> For Peter's fields of interests, grammar and rhetoric, invite comparison with the tradition of Italy, where grammar joined forces with rhetoric rather than with dialectic, as was the case in northern France.

What gave Petrus Helias's rhetorical *summa* such influence on par with those by (Abelard's teacher) William (of Champeaux), the Platonist and influential teacher of the trivium and the quadrivium, Thierry of Chartres, and Alanus (possibly Alan de Lille)? Even though Peter's grammar was more spectacular, widely quoted, and extant in more than twenty manuscripts (as well as five fragments), the total of the eight manuscripts for the rhetoric is a token of considerable success.<sup>6</sup> Here one must pay particular attention to Peter's choice of format. Instead of quoting verbatim the passages (*lemmata*) under discussion, he writes lucid *summas* that are much

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garet Gibson, *CIMAGL* 27–28 (1978): 159–61; C. H. Kneepkens, "Peter Helias," in *A Companion to Philosophy in the Middle Ages*, ed. Jorge J. E. Gracia and Timothy B. Noone (Oxford, 2003), 512–13.

<sup>3</sup> For the grammar see Richard W. Hunt, "Studies on Priscian in the Eleventh and Twelfth Centuries 1: Petrus Helias and His Predecessors," *Mediaeval and Renaissance Studies* 1.2 (1941–43): 194–231; Karin Margareta Fredborg, "The Dependence of Petrus Helias' *Summa super Priscianum* on William of Conches' *Glose super Priscianum*," *CIMAGL* 11 (1973): 1–57; C. H. Kneepkens, *Het Iudicium Constructionis: Het Leerstuk van de Constructio in de 2de Helft van de 12de Eeuw*, 4 vols. (Nijmegen, 1987); C. H. Kneepkens, "Grammar and Semantics in the Twelfth Century: Petrus Helias and Gilbert de la Porrée," in *The Winged Chariot: Collected Essays in the Honour of L. M. De Rijk*, ed. Maria Kardaun and Joke Spruyt (Leiden, 2000), 237–75; C. H. Kneepkens, "Peter Helias." The *summa* is edited in Petrus Helias, "The *Summa*" of Petrus Helias on *Priscianus Minor*, and Petrus Helias, *Super Priscianum*.

<sup>4</sup> Robert B. C. Huygens, "Mitteilungen aus Handschriften," *Studi Medièvali* 3. ser. 2.2 (1962): 747–72, at 771.

<sup>5</sup> See Ward, *Ciceronian Rhetoric*; Karin Margareta Fredborg, "Abelard on Rhetoric," in *Rhetoric and Renewal in the Latin West, 1100–1540: Essays in Honour of John O. Ward*, ed. Constant J. Mews, Cary J. Nederman, and Rodney M. Thomson (Turnhout, 2003), 55–80.

<sup>6</sup> Ward, *Ciceronian Rhetoric*, 145 n. 30. We even have a twelfth-century drawing presenting us with a picture of his statue, BL Royal MS 15.B.IV, fol. 10v<sup>a</sup>, entitled "statua Petri Helie famosissimi et fulgentissimi grammatici."

more accessible than ordinary, literal commentaries.<sup>7</sup> Peter is still following the run of the argumentation of Priscian and Cicero, respectively, and is therefore not to be aligned with such later grammarians of the last quarter of the twelfth century as Robert of Paris, his student Ugutio, and Robert Blund, who felt free to compose syntactical *summas* of their own design. Peter's rhetorical *summa*, interestingly enough only in one version, spread throughout Europe well into the fifteenth century, as can be seen from the list of manuscripts:<sup>8</sup>

- C** = Cambridge, Pembroke College, MS 85, sect. III (s. xiii<sup>in</sup>), fols. 84r<sup>a</sup>–99v<sup>b</sup>, which I have used here as my basic manuscript since it is the oldest complete manuscript.<sup>9</sup>
- E<sup>1</sup>** = Erfurt, Wissenschaftliche Bibliothek d. Stadt, Amplon., MS Quarto 75 (s. xiii<sup>in</sup>), fols. 1r<sup>a</sup>–40r<sup>a</sup>.<sup>10</sup> Complete, but there is a major transposition of the text on *Inv. rhet.* 1.16.22 SINE ARROGANTIA — *Inv. rhet.* 1.42.79 OMNIS ARGUMENTATIO REPREHENDITUR SI AUT EX EIS QUAE SUMPTA SUNT, which should have started fol.13r<sup>b</sup>, but is found later on fols. 18r<sup>b</sup>–38r<sup>b</sup>.<sup>11</sup>
- E<sup>2</sup>** = Erfurt, Wissenschaftliche Bibl. d. Stadt, Amplon., MS Quarto 71 (s. xiv), fols. 42r–114v.<sup>12</sup>

<sup>7</sup> Cf. Margaret Gibson, "The Early Scholastic 'Glosule' to Priscian 'Institutiones Grammaticae': The Text and Its Influences," *Studi Medievali* 3. ser. 20.1 (1979): 235–54, at 247; see also Kneepkens, *Het Iudicium Constructionis*, 1:17; Leo Reilly's introduction in Petrus Helias, *Super Priscianum*, 16; Ward, *Ciceronian Rhetoric*, 157.

<sup>8</sup> Cf. Margaret Gibson in Petrus Helias, "Summa," 163.

<sup>9</sup> M. R. James, *Descriptive Catalogue of the MSS of Pembroke College* (Cambridge, 1905), 77. **C** was copied in Bury St. Edmunds shortly after 1200, cf. Rodney H. Thomson, "The Library of Bury St. Edmunds Abbey in the Eleventh and Twelfth Centuries," *Speculum* 47 (1972): 617–45, at 639.

<sup>10</sup> W. Schum, *Beschreibendes Verzeichnis d. Amplonianischen Handschriften-Sammlung zu Erfurt* (Berlin, 1887), 342–43: "1–41 Item excerpta Herzonis de summa Victorini ex utraque rethorica Marci Tullii Cycleronis [quoted from Amplonius's fourteenth-century library catalogue of *Collegium Amplonianum*. For the identity of Herzo, see Max Manitius, *Geschichte der lateinischen Literatur des Mittelalters*, 3 vols. (Munich, 1931), 3:750, and further references in Victorinus, ed. Ippolito, XXII n. 42. Since Ippolito has not consulted the manuscript, there is a misunderstanding of the actual content of **E<sup>1</sup>**]. Anfang wie Quarto 71 nr. 3., Ende. 'quidem sufficienter dictum est.'"

<sup>11</sup> The transposition covers the discussion of the *exordium*, *narratio*, *argumentatio*, and the very beginning of *reprehensio*: "Docet deinde captare benivolentiam a persona auditorum . . . assumptorum reprehensione," corresponding to **C** fols. 88v<sup>b</sup>–94r<sup>b</sup>/**S** fols. 102v–117v.

<sup>12</sup> Schum, *Verzeichnis d. Amplonianischen*, 345: "Anf. wie Q.71 nr. 3. Ende: quidem sufficienter dictum est. In feiner Minuskel der 1. Hälfte des 13 Jh. Auf. vollst. Schema geschr.; ohne Schmuck; bunte Initialen fehlen."

**V** = Vatican, Ottobon., MS lat. 2993, with the ascription to Petrus Helias (anno 1357), fols. 1r–58r.<sup>13</sup>

**S** = Soest, Stadtbibl., MS 24. Incomplete covering only *Inv. rhet.* 1.1.1–1.54.105 (s. xii), fols. 89r–120v.

The last three known manuscripts, which have not been available to me, are all from the fifteenth century:

Naples, Bibl. naz., Fondo princ., MS V.D.10 (s. xv), fols. 1–56v.<sup>14</sup>

Naples, Bibl. naz., Fondo princ., MS V.D.25 (s. xv), fols. 1–37.<sup>15</sup>

Brescia, Bibl. civica Queriniana, MS A.V.4, incomplete, covering only *Inv. rhet.* 1.1.1–2.12.40 (s. xv), fols. 69v–113v.<sup>16</sup>

#### THE SCOPE OF THE RHETORICAL *SUMMA*

The clarity achieved by the *summa* format is enhanced by Peter's interest in definitions and concise manner of presenting alternative doctrines by other scholars. As a result of this, one should expect a certain amount of conservatism characterizing the *summa*, as well as an orderliness of structure marking this work. In his rhetoric the main authorities and sources of inspiration were Boethius's rhetorico-dialectical works *De differentiis topicis* and his commentary on Cicero's *Topica*, as well as the commentaries on *De inventione* by Victorinus (mentioned by name), the grammarian and rhetorician Manegold (possibly Manegold of Lautenbach), better known for his part in the Investiture Controversy, and Thierry of Chartres (both cited unnamed).<sup>17</sup>

<sup>13</sup> Fol. 58r: "Expliciunt Rationes Petri Elie super libro <s> rethoricorum ueterum Tullii." Cf. Paul O. Kristeller, *Iter italicum* (London, 1967), 2:422: "mbr. Misc. XV. Petr. Elia, comm. on Cicero's Rhetoric. Stosch H 6. Mercati, "Codici latini Pico," [= *Studi e Testi* 75 (Città del Vaticano, 1938), 248: "membranaceo e uiene dello Stosch. In esso ci sono, secondo la sottoscrizione, fol. 58r le 'Rationes Petri Elie super Libro Rethoricoum ueterum Tullii' principianti: <S> icut ordo. . .".

<sup>14</sup> Paul O. Kristeller, *Iter Italicum* (London, 1965), 1:400: "Summa rhetoricae Ciceronis."

<sup>15</sup> Kristeller, *ibid.*, 400: "Anon., commentarii super veterem rhetoricam"; Ward, *Ciceronian Commentaries*, 145 n. 301; Ward, "Alan (of Lille?) as Rhetor: Unity from Diversity," in *Atti del Convegno Internazionale "Dictamen, Poetria and Cicero: Coherence and Diversification" Bologna, 10–11 Maggio 2002*, ed. Lucia Calboli Montefusco, Papers on Rhetoric 5 (Rome, 2003), 204.

<sup>16</sup> Kristeller, *ibid.*, 31: "Commentum super Rhetorica veteri secundum diuum Augustinum se referentem ad opinionem Victorini."

<sup>17</sup> Manegold's commentary is found in the Cologne MS, (n. 1 above), now available on [www.ceec.uni-koeln.de/](http://www.ceec.uni-koeln.de/), and in Heidelberg Univ. bibl. MS 100, fols. 1r–30v; a fragment is copied in one of the manuscripts of William (of Champeaux?), *Com Inv. rhet.*, York, Minister MS XVI. M.7, fol. 1r<sup>a</sup>–v<sup>a</sup> (s. xii), and another fragment inserted between the *Com. Inv. rhet.* and the *Com. Rhet. Her.* by Thierry in Berlin, Bibl. Preussischer Kulturbesitz MS lat. oct. 161, fol. 36r<sup>a</sup>–v<sup>a</sup> (s. xii); a more magisterial version is found in Trier Bistumsarchiv,

Victorinus and Thierry influenced the scope and planning of the commentary, as they set great store by the theoretical emphasis on rhetoric as an art and the culture myth of the prologue (*Inv. rhet.* 1.1.1–1.14.19), which since the commentary by Grillius has been thought to be a reply to Aristotle's and Plato's criticisms of rhetoric.<sup>18</sup> As a consequence of this, we are given a very full introduction to the art of rhetoric in the *accessus*, encompassing much of the discussion of the prologue, and the discussion of book 1 swells to nearly three quarters of the whole work, with a wealth of details and classifications supported by a wide range of quotations from classical authors. On the other hand, book 2, with its case studies, gets a rather perfunctory treatment.

Even the *accessus* is provided with literary, illustrative examples from Horace and Martianus Capella, but in the body of the *summa* as well, there are many quotations from Virgil's *Aeneid* and Cicero's speeches (as in Victorinus), from the poets Horace, Statius, Terence, and Lucan; and from Aristotle, Quintilian, Boethius, Victorinus, Martianus Capella, Grillius, and Ulpian.<sup>19</sup>

The *accessus*, edited below in Appendix 1, shows the platform from which Ciceronian, scholastic rhetoric is taken to operate. Here Boethius's *De differentiis topicis* provided Petrus Helias with the details on the *species* (judicial, political, epideictic oratory), the *officium*, and *finis* of rhetoric, and Victorinus with those concerning the *genus* and the *materia* of rhetoric. It shows his interests in ancient legal matters, and the function of the Senate, the praetor, and the Roman assemblies. Following the tradition of Manegold (of Lautenbach?),<sup>20</sup> he wants specific Roman locations and audiences for the political, judicial, and epideictic genres, respectively.<sup>21</sup> In his discussion of

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MS 18, fols. 81–125 (s. xii), followed by his *Com. Rhet. Her.* fols. 125–46v (s. xii), cf. Ward, in Cox and Ward, *Rhetoric of Cicero* (n. 1 above), 70.

<sup>18</sup> See Victorinus, ed. Halm, 179.6–12; ed. Ippolito, 47.7–12 (n. 1 above), corresponding to Peter's "Sex autem sunt capitula in quibus totus inuentionis tractatus consumitur . . .," printed in Ward, *Ciceronian Rhetoric*, 156–57; for Plato's and Aristotle's influence on the prologue, see Thierry, *Rhetorical Commentaries*, 56.3–4.

<sup>19</sup> Alanus's commentary on *Rhetorica ad Herennium* is even richer in quotations, cf. Harry Caplan, "A Mediaeval Commentary on the *Rhetorica ad Herennium*," in *Of Eloquence: Studies in Ancient and Mediaeval Rhetoric* by Harry Caplan, ed. Anne King and Helen North (Ithaca, NY, 1970), 247–70, at 260–62; in grammar, Ralph of Beauvais and the anonymous gloss "Promisimus" stand out by virtue of the wealth of literary examples, even from the *Chanson de Roland*; cf. "Promisimus," in "'Promisimus': an Edition," ed. Karin Margareta Fredborg, *CIMAGL* 70 (1999): 81–228.

<sup>20</sup> Cf. Ward, *Ciceronian Rhetoric*, 136, and Claudia Villa, "Tra *Fabula e historia*: Manegoldo di Lautenbach e il *maestro di Orazio*," *Aevum* 70 (1996): 245–56.

<sup>21</sup> Mary Dickey, "Some Commentaries on the *De inventione* and *Ad Herennium* of the Eleventh and Early Twelfth Centuries," *Mediaeval and Renaissance Studies* 6 (1968): 1–41, at 10.

the subject matter of rhetoric, he refines an argument, put forward by Victorinus and Manegold, that subject matter can be taken in two ways, *ubi fit* and *unde fit*. Rhetoric, however, does not have two subject matters from which it makes persuasive speeches, but only the *ubi fit*, that is a general theory of topics for arguments, the arguments themselves, and the types of argumentation.<sup>22</sup>

Rhetorical arguments will be subdivided according to the status or focus or “main issue”/*constitutio* chosen (the conjectural *an sit*, the definitional *quid sit*, or the qualitative *quale sit*, to which Cicero in *De inventione* added the procedural *translatiua constitutio*).<sup>23</sup> Rhetorical speeches are also divided according to genre, that is, the needs of the judicial, political, and epideictic genres, respectively. This diversification according to the focus of the *constitutio* chosen is really a matter of topics chosen for arguments. Obviously, if the speaker chooses the conjectural *constitutio* and argues that his client could not possibly have committed murder at all because he was not present at the place of the murder at the time it was committed, the speaker would

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<sup>22</sup> See Petrus Helias’s *Accessus, Materia* in Appendix 1: “Materia duplex . . . ars non potest habere materiam ex qua fit, . . . ars enim scientia est, ideoque simplex quoddam est — quare non habet materiam unde fiat. Si enim haberet materia unde fieret, oporteret ut forma illi materie adueniret ut inde fieret ars. Itaque ars quiddam compositum esset ex materia et forma, quod ratione caret.” Cf. Menegaldus, fol. 8r: “sicut fabri materia est ferum *ubi fit*; *unde fit* incus, malleoli et forcipes . . . illud dicimus materiam huius artis in qua ostendenda omnis ars uersatur, id est precepta dantur.”

<sup>23</sup> The *constitutio* indicates the rhetorical procedure adopted by the orators, that is *an sit/coniecturalis* (where the focus is primarily on whether he did or did not do the deed); or *quid sit/finitionis* (where the focus is on defining exactly *what* he did); or *quale sit/qualitatis* (where the focus is on the circumstances pertaining to the deed). *Constitutio* is variously defined and translated. H. M. Hubbell, translated it as “issue,” and adds the note (a) that it is a translation of the Greek *stásis* and was supplanted in Cicero’s later writings by *status* (Cicero, *De inventione, De optimo Genere Oratorum, Topica*, Loeb Series [Cambridge, MA, 1960], 20). Anton D. Leeman, “Rhetorical Status in Horace, *Serm.* 2, 1,” *Rhetoric Revalued: Papers from the International Society for the History of Rhetoric*, ed. Brian Vickers, Medieval & Renaissance Texts & Studies 19 (New York, 1982): 159–63, at 161, uses “status” with the following useful examples: “. . . *status* –*coniecturalis, finitionis, or qualitatis*, the three statuses in descending order of strength: the client has not done the deed (say murder) he is accused of (*coniecturalis*); or he has done the deed, but it falls under a different definition (murder of a traitor, *finitionis*); or he has done the deed, but he had more or less good reasons for it (e.g., murder in self-defense or other extenuating circumstances, *qualitatis*.” My own suggestion is the somewhat homespun “focus” of the case, because any rhetorical case may have additional, minor “foci,” the so-called “*status incidentes*,” e.g., slipping into a definition used in written law, even if the main *constitutio* chosen is the conjectural one (“Whether my client, who was not at the right place at the right time for this alleged murder, should be charged with homicide in the technical sense of the law?”). Petrus Helias himself gives a number of very interesting definitions of status from classical and late classical authorities on rhetoric and law, edited in Appendix 2.



avoid any arguments from extenuating circumstances, and refrain from discussing how the murder was committed.

In its most abstract form, a topic is the “foundation of an argument (*sedes argumenti*)” which “supplies force to the argument and the propositions found in the argumentation.”<sup>24</sup> For instance, a lawsuit about a murder case calls for a different array of topics and arguments than a senatorial debate about granting a general a (deserved?) triumphal celebration of his victory; or, as an example given by Petrus Helias, choosing sides in the Catilinarian controversy.<sup>25</sup>

For an orator shapes (informat), as it were, an unformed matter and welds it into the form, that is, following the rules of the genre and specific “issue”/*constitutio* needed for his case.<sup>26</sup> This process is discussed differently in Victorinus and Boethius, leaving the commentators to choose sides. Victorinus takes *Inv. rhet.* 2.4.12 to mean that Cicero holds that in any *thema* (rhetorical subject) which calls for the conjectural *constitutio*, the main topics are used so generally that any of the *constitutiones* could be applied.<sup>27</sup> Boethius, on the other hand, allowed for an even more general subject matter without form, which is then specified “and accepts bounds” according to its aims; for when aiming at justness it aims specifically at the judicial genre, if discussing the advantageous, it aims at the political genre, or if

<sup>24</sup> Boet., *De diff. top.* PL 64:1185A–B, ed. Eleonore Stump, *Boethius's De topicis differentiis: Translated, with Notes and Essays on the Text* (Ithaca, 1978), 46.

<sup>25</sup> As Petrus Helias uses the topic of the influence of false friends (*locus a victu*) and illustrates it with a quote from Sallust *In Ciceronem* 1.1.2, slandering Cicero for learning his immoderate rhetoric from M. Piso, **C** fol. 90v<sup>b</sup>, **S** fol. 108r, **V** fol. 29v, **E**<sup>1</sup> fol. 23v<sup>a</sup>, **E**<sup>2</sup> fol. 72v: “A uictu . . . Numquid apud M. Pisonem hanc immoderatam eloquentiam iactura perdidicisti?”

<sup>26</sup> Menegaldus, fol. 10r (*Inv. rhet.* 1.7.9): “Est etiam notandum quia inuencionem longius hic quam superius accipit. Nam ibi (supra, *Inv. rhet.* 1.7.9) accipitur ut sit COGITATIO RERUM UERARUM AUT UERISIMILIUM, QUAE CAUSAM PROBABILEM REDDUNT, quae proprie dicitur inuencio. Hic autem accipitur inuencio quantum ad materiam scilicet ut ipsum thema, quae est materia questionis, sciat inuenire et questionem inde formare, hoc inuento sciat inuenire in quam causam questio illa cadat, scilicet an sit iudicialis an demonstratiua uel deliberatiua. Deinde cum unaquaque harum trium habeat sub se quattuor speciales constitutiones: coniecturalem, diffinitiuam, translatiuam, generalem, sciat inuenire in quam harum cadat, quod pertinet ad materiam. Ordo littere: INVENTIO QUAE PRINCEPS EST OMNIUM PARCIUM POTISSIMUM CONSIDERETUR QUALIS ESSE DEBEAT IN OMNI GENERE id est uarietate CAUSARUM uel in generali causa illud est considerandum quid <pro> iudiciali uel deliberatiuo uel <de>monstratiuo genere sit inuenire”; and Manegold in William: York, Minster, MS XVI. M.7, fol. 41<sup>bis</sup>v<sup>b</sup> (*Inv. rhet.* 2.37.110): “Secundum magistrum Menegaldum sic: Differunt GENERE quia aliud genus est iudiciale, aliud deliberatiuum, ET FORMA id est constitutionibus. Illa enim tria quasi informia formantur in constitutionibus, et ita ad suos fines tendunt, et sic differunt forma. Iudicialis enim forma est que in aliqua constitutione tendit ad iustum uel iniustum, quod numquam alia faciunt.”

<sup>27</sup> Victorinus, ed. Halm, 260.9–21; ed. Ippolito, 183.9–24.

discussing virtue, it aims at the epideictic genre.<sup>28</sup> This “process of information” goes further, for the rhetoricians then formulate the individual cases according to a choice from among the four *constitutiones*, and their various subdivisions. Manegold uses Boethius’s example: a young man is accused of adultery by a jealous husband (a judicial case in the conjectural *constitutio*, “Has he committed adultery or not?”), but the young man defends himself (in a judicial speech before the court) with recourse to the definitional *constitutio*, “can the fact that I was seen leaving a brothel and following the wife (of the prosecuting counsel) be called adultery?”<sup>29</sup> In this way Manegold shows that the defendant is ultimately the one to shape the main *constitutio* or “issue,” upon which the case rests. He appears to have worked out the process of information not only from Boethius, but also from certain passages in the *De inventione* itself (1.10.13 and 2.37.100):

FOR THE ARGUMENT IS NOT SUBSUMED UNDER THE ISSUE BUT THE ISSUE IS SUBSUMED UNDER THE ARGUMENT. For the (main) argument/case (*causa*) is in itself unformed unless either the conjectural, or the definitional, or another of the *constitutiones* turns up to determine the *genus* which by itself was undetermined and confused, and in this manner the cases are “accommodated”/fitted out, that is the *constitutiones* effect something advantageous to it.<sup>30</sup>

William (of Champeaux?) is also keen on this process of information, and defends the position that

the individual speeches are of only one genre and one issue: for, he argues, a political speech can, as a universal thing, accept the conjectural “issue”/*constitutio* in one speech, and the same universal thing, that is the political speech, can accept the definitional “issue”/*constitutio* to make a different speech, and the general *constitutio* in another, and the procedural *constitutio* in yet another. Therefore one and the same thing takes on all *constitutiones*, but one *constitutio* does not accept another *constitutio*.<sup>31</sup>

<sup>28</sup> *De diff. top.* PL 64:1207C.

<sup>29</sup> Menegaldus, fol. 41r–v (*Inv. rhet.* 2.4.12): “Verbi gratia. Quidam uidit iuuenem exeuntem de lupanari coniugem suam subsecutam. Ductum iuuenem in causa accusat cum coniuge sua concubuisse. /fol. 41v/ Ecce iudiciale genus in coniecturali constitutione. Deinde, postquam iuuenis ille de facto se nequit expurgare, transfert se ad diffinitiuam constitutionem, non debere uidelicet uocari adulterium quod in lupanari esset commissum. Ecce in eodem negotio, iudiciale genus consideratur in diffinitiuam constitutione quod prius considerabatur (MS desiderabatur) in coniecturali.”

<sup>30</sup> Menegaldus, fol. 11v (*Inv. rhet.* 1.10.13): “NON ENIM CAUSA AD CONSTITUTIONEM, SED CONSTITUTIO AD CAUSAM ACCOMMODATUR. Causa namque per se informis est, nisi postquam \uel/ coniecturalis uel diffinitiuam uel aliqua constitutionum accedit ad determinandum genus quod per se fuit incertum et confusum, et sic accomodantur causae id est quiddam commodum ei faciunt.”

<sup>31</sup> William, 29 (*Inv. rhet.* 1.10.13): “Itaque diuersae constitutiones non possunt se pati in eodem inferiori, sed deliberatio res uniuersalis bene suscipit coniecturalem constitutionem



This process where the *genus* is seen as *materia* and the *constitutiones* as forms, so that a species is a formed genus, I have taken as a determining characteristic of this *De inventione* commentary, and I have suggested that it may well have been written by Abelard's teacher William of Champeaux; it is not only that Abelard shares some doctrines and illustrative examples with this "William" commentary,<sup>32</sup> but that some ideas therein must have been felt to be very provocative by a young Abelard, as he tells in his own autobiography, attending William's rhetoric course in the early years of the twelfth century, listening to the claim that that a *genus* is a *res universalis*.<sup>33</sup> This ontological position is called "material essence" theory, and is generally accepted as a distinguishing mark of William of Champeaux's manner of thinking.<sup>34</sup> Not all medievalists accept my attribution,<sup>35</sup> nor did all twelfth-century rhetoricians accept the theory that the *genera* are the substratum which the *constitutiones* inform when they are superimposed. Thierry did not subscribe to such theories,<sup>36</sup> nor did Petrus Helias, even though Peter (unlike Thierry) is fond of the terminology "*informat*," as is clear from his section on *constitutio* edited below in Appendix 2.<sup>37</sup> To Peter, rhetoric is bound up with particulars, so the subject matter of rhetoric is "*omnis causa*," not however

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ad eandem causam faciendam, et item eadem res uniuersalis, scilicet deliberatio, suscipit definitiuam ad aliam causam faciendam, et eadem generalem in alio inferiori, eadem translatiuam in alio inferiori. Itaque eadem res suscipit omnes constitutiones, sed una constitutio non suscipit aliam constitutionem ad unam causam faciendam nec una plures ad plures causas indiuiduales faciendas."

<sup>32</sup> Fredborg, "Abelard on Rhetoric," (n. 5 above), at 59–60.

<sup>33</sup> Abelard, *Historia Calamitatum*, ed. Jacques Monfrin (Paris, 1967), 65.80–91.

<sup>34</sup> Cf. John Marenbon, "Life, Milieu, and Intellectual Contexts," in *The Cambridge Companion to Abelard*, ed. Jeffrey E. Brower and Kevin Guilfooy (Cambridge, 2004), 13–44, at 33, and nn. 56, 57; Irène Rosier-Catach, "The *Glosulae* in *Priscianum* and Its Tradition," in *Papers in Memory of Vivien Law*, ed. Nicola McLelland and Andrew Linn (Munich, 2004), 81–99 and Rosier-Catach, "Les *Glosulae* in *Priscianum*: sémantique et universaux," *Documenti e studi sulla tradizione filosofica medievale* 19 (SISMEL Florence, 2008); 123–77; Ward, in Cox and Ward, *Cicero*, 70, epilogue in William, 33–39.

<sup>35</sup> Ward, *Ciceronian Rhetoric*, 109, 166; Ward, in Cox and Ward, *Cicero*, 25.

<sup>36</sup> Thierry, *Rhetorical Commentaries*, 89.29–35 (*Inv. rhet.* 1.10.13): "Pars autem causae constitutio dicitur, non quod integraliter causam componat, sed ideo quod quattuor constitutiones causam generaliter dividunt in singulas causas — haec quidem hanc, illa vero illam, alia vero aliam constituunt — quemadmodum substantiales differentiae partes generis dicuntur, non quod de his genus praedicatur, sed eiusdem generis divisivae esse perspicuntur." In the initial definition of *causa* and *constitutio*, Thierry wants *constitutio* to be "what a case hinges on": "Constitutio est quaestio ex qua causa nascitur, id est dubitatio principalis . . . et idcirco status dicitur, quoniam circa idem statur, id est mora fit" (80.57–61).

<sup>37</sup> Cf. John O. Ward, "Alan (of Lille)" (n. 15 above), 141–227, at 183: "Peter was his own man, had developed his own lecturing style and was deeply influenced by the lemmata/litteral commentaries of the age of William of Champeaux."

taken as undefined, but as formed by the form which the orator<sup>38</sup> applies making the speech belong to either the iudicial, political, or epideictic genre, aiming at justice, usefulness, or honesty and virtue, respectively.<sup>39</sup>

Petrus Helias here avails himself of some grammatical distinctions, which eventually will not tie him to ontological commitments like William's "*res uniuersalis*." According to grammatical doctrine current in the twelfth century, not only do all nouns and adjectives signify substance and quality, but signification is not the same as reference. For every noun both signifies (*significat*) something, and picks out or refers to (*nominat*) something. Thus, says Peter in the Priscian *summa*, the noun "man" refers to individual men only, but "man" signifies a universal entity (*universale quiddam*).<sup>40</sup> As for the subject matter of rhetoric, the word "*causa*" has both a signification involving form and quality, and an object which the word refers to, a "*nominatum*," an extra-linguistic "thing," be it concrete or abstract. So it is precisely not the *significatum*, but the *nominatum hoc nomine "causa"*/the individual cases referred to by "*causa*," says Petrus Helias, which are the subject matter of rhetoric, and not something universal (*nullum uniuersale*).<sup>41</sup>

Whether the *constitutiones* system was ever put much into practice in antiquity, or was only a theoretical construction, is a matter of debate. However, Peter refers to Ulpian for his own definition of an issue: a *constitutio* is the summary statement of the case which each speaker (for the defense or prosecuting counsel) puts forward briefly and summarily in the presence of a judge. Peter is well aware of the difference between ancient custom and what he calls the deplorable (mal)practice of his own day, when the defendant just turns up to hear the charges before leaving and postponing the defense until he has thought up something to his own advantage.<sup>42</sup>

<sup>38</sup> Cf. *Accessus, Artifex*, Appendix 1: "Est artifex huius artis orator."

<sup>39</sup> *Accessus, Species*, Appendix 1: "Et hee forme dicuntur species, id est forme artis non quod artem informent, sed quoniam per artem attribuit artifex illas formas materie ut 'artis' pro causatio genitio accipiatur, unde habetur in *Quarto Topicorum* (PL 64:1207B) quod species ex rethorica ueniunt in causam ideo scilicet quod secundum artem et per eam formas predictas artifex materie attribuit. Species ergo artis sunt genera causarum sicut ex predictis manifestum est."

<sup>40</sup> Petrus Helias, *Super Priscianum*, 192.52–54.

<sup>41</sup> *Accessus, Materia*, Appendix 1: "Sed queretur utrum hoc uniuersale 'causa' sit materia artis, uel causa omnis, uel si aliqua, una uel plures nec omnis. Sed quoniam rethorica sola particularia pertractat, ideo nullum uniuersale eius est materia; posset uero dici quod nominatum hoc nomine 'causa' ita tamen quod nullum eius sit materia. Sed potius dicendum est quod omnis causa materia eius est ita quod unaqueque, quoniam unamquamque earum pertractat artifex secundum artem."

<sup>42</sup> See the beginning of Appendix 2 below, and Ward, *Ciceronian Rhetoric*, 53; Ward, in Cox and Ward, *Cicero* (n. 1 above), 47–49; Hanns Hohmann, "Ciceronian Rhetoric and the Law," in Cox and Ward, *Cicero*, 193–207.

But for all Peter's interest in legal matters in the details of the *summa*, theory occasionally gets the better of him when he (with Thierry) tries to align the four main *constitutiones* with the ten Aristotelian categories: substance is aligned with the conjectural and definitional issues; quality, quantity and *Ad aliquid* with the general issue; and the last six categories with the procedural issue (*constitutio translativa*).<sup>43</sup>

#### THE DEPENDENCE ON VICTORINUS

A different and more specific kind of adherence to late classical authorities is Peter's dependence upon the grammarian and rhetorician Marius Victorinus. An interesting example of this is his discussion of Cicero's three types of necessary arguments: the dilemma (*complexio*), the enumeration (*enumeratio*), and the "simple" inference (*simplex conclusio*). First comes an exposition of medieval opinions, many of which could be found elsewhere, and also in his teacher, Thierry's commentary on the *De inventione*:

Some people say that the dilemma is what is called a "horned syllogism" by the ancients (St. Augustine, Jerome), e.g., if you say about somebody, "he is either good or bad," you draw your adversary into an inconvenient position in both cases, for the arguments would run like this: "If he is good, why do you prosecute him?" or: "If he is bad, why do you have him as your friend?" There are people who say that (the two first types of necessary arguments), the dilemma and the enumeration (*Inv. rhet.* 1.29.45) are species of the *divisio* (= Thierry of Chartres). Also, there are other people who dare to say that the dilemma, the enumeration and the "simple" inference are topics for arguments (= *Note Dunelmenses*) . . . or that the arguments are a special kind of topics guaranteeing the probability of the argumentation.<sup>44</sup>

<sup>43</sup> This all began with a garbled reference to Quintilian 3.6.24 ("Sed ex his omnibus prima quattuor ad status pertinere, cetera ad quosdam locos argumentorum videntur") **C** fol. 86r<sup>b</sup>-v<sup>a</sup>, **V** fols. 11v-12r, **S** fol. 96r, **E**<sup>1</sup> fol. 8r<sup>a</sup>, **E**<sup>2</sup> fol. 52r (*Inv. rhet.* 1.9.12): "Quoniam uero rethorica quodam modo quasi defluit ex arte logica, nititur Quintillianus constitutiones quatuor sub decem predicamentis redigere (includere **V**, uel sub decem predicamentis includere add **SE**<sup>2</sup>) hoc modo: Dicit enim: constitutio coniecturalis et diffinitiuia ad predicamentum substantie quodam modo pertinent. In illa enim queritur an sit, in ista uero quid sit, quorum utrumque ad rei substantiam habet pertinere. Generalis uero constitutio sub tribus predicamentis includitur quoniam in ea queritur de qualitate, in hoc ad predicamentum qualitatis pertinet. Et quoniam in ea quoque (*om SE*<sup>2</sup>) de quantitate queritur quare ad predicamentum quantitatis refertur. In hoc rursus quod in ea queritur de comparatione sub predicamento *Ad aliquid* includitur. Translatiuia autem constitutio ad cetera sex que restant predicamenta redigitur." Cf. Thierry, *Rhetorical Commentaries*, 85.17-21.

<sup>44</sup> **C** fol. 92v<sup>b</sup>, **V** fol. 36r, **S** fol. 113r, **E**<sup>1</sup> fol. 28v<sup>a</sup>, **E**<sup>2</sup> fol. 82r (*Inv. rhet.* 1.29.45): "Est autem complexio quidem secundum eos sillogismus qui ab antiquis (Hier. *Epist.* 69.2, used in Aug. *Contra Cresconium* 1.13.16, PL 43:455) 'cornutus' dicitur propter duplicem quam habet conclusionem, ut si de aliquo proponas 'aut probus est aut improbus' et utramque

Then follows an unusual exposition of how arguments work, semantically and syntactically. He here applies the definition of the noun and verb from Priscian 2.18: “It is the characteristic property of the *nomen* (nouns and adjectives) to signify substance and quality,” and that of the verb to “signify action or passion with the verbal moods, forms, tenses but without cases.”<sup>45</sup> This also goes for the infinitives.<sup>46</sup> In this concept of the verb, the infinitive stands for the the lexical force of a given verb. In any sentence, says Petrus Helias in his rhetorical *summa*, the verb and noun signify both a substance and a quality, respectively. Only if there is a semantic agreement between the qualities signified by the predicate verb and subject noun in the sentence, e.g., between the verb *occidit* which signifies its *res* (to kill) having a semantic quality of brutality of that verb, and the noun *inimicus* providing us with the subject term as its substance/*res* and the semantic quality of discord and hatred, only then a semantically coherent argument can be reached:

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partem ad aliquod inconueniens trahas, id est ad aliquid quod aduersarius (concedere **SE<sup>1</sup> E<sup>2</sup>**) pro inconuenienti habeat, ut si exequendo sic dicas ‘Si probus est, cur accusas?’ contra eum scilicet qui accusaret eum. ‘Si (sin **SE<sup>2</sup>**) inprobus, cur tamen familiariter eo uteris?’ contra eundem scilicet si ab eius familiaritate non posset diuelli. Dicitur autem a dialecticis indirecta ratiocinatio.

“Sunt etiam qui dicant quod complexio est species divisionis, disiuncta (disiunctio **SE<sup>2</sup>**) scilicet cuius utraque pars reprehenditur (Thierry, *Rhetorical Commentaries*, 149.2). . . . Quidam enim ausi sunt et complexionem, enumerationem et simplicem conclusionem locos argumentorum (*Note Dunelmenses* 6, in Thierry, *ibid.*) . . . Illud quoque a quibusdam dictum est quod complexio, enumeratio et simplex conclusio loca sunt non argumentorum sed necessitatis eorum.” Cf. Thierry, *ibid.* 149.96–150.20, the logician ‘William of Lucca,’ in Karin Margareta Fredborg, “Rhetoric and Dialectic,” in Cox and Ward, *Cicero*, 165–92, at 176–78.

<sup>45</sup> It should be noted that in Peter’s Priscian *summa*, his views on substance underwent a considerable doctrinal sophistication, cf. Kneepkens, “Grammar and Semantics” (n. 3 above), 239–55.

<sup>46</sup> Cf. the “res verbi” = lexical force as differently instantiated by the infinitive and by the other moods in Priscian 18.47 (227.31–228.4): “Igitur a constructione quoque *vim rei verborum*, id est nominis, quod significat ipsam rem, habere infinitum possumus dinoscere, res au/tem in personas distributa facit alios verbi motus. Quid est enim aliud ‘curro, curris, currit’ nisi ‘cursum ago, agis, agit?’ Itaque omnes modi in hoc [id est infinitum] transsumuntur sive resolvuntur, ut ‘ambulo’: indico me ambulare.”

Peter’s commentary on this passage runs as follows: “Infinitivum etiam adiungitur alii infinitivo, interposito ‘est’ substantivo verbo, ut ‘Currere est agere.’ ‘Currere’ autem non est aliud quam ‘cursus,’ et idcirco idem est ac si diceretur, ‘Cursus est actio.’ Unde *apparet quod infinitivum rem verbi nominat* et quod omnis modus in eum resolvitur, sicut dictum est. Que res verbi, ut ait Priscianus, distributa per diversas personas facit diversos motus verbi, id est declinationes. Secundum enim quod actus verbi distribuitur per primam et secundam et tertiam personam fit eius declinatio. Quid enim aliud est ‘curro ris rit’ nisi ‘Cursum ago,’ ‘Cursum agis,’ ‘Cursum agit,’ et ita in diversas personas distribuo ‘cursum” [my italics] (Petrus Helias, *Super Priscianum*, 1032.94–1032.3).

We, however, prefer the opinion of Victorinus . . . who analyzes this passage, and starts by saying that three things are at stake here: the topics being the *materia* of the argument, the argument itself, and the formal exposition of an argument (*materia, argumentum, argumentatio*), and that . . . all verbs and substantive nouns/adjectives have their "*res verbi*" (viz. the action referred to by the infinitive) and "*res nominis*" (substance) respectively. And all verbs and nouns/adjectives signify a quality, e.g., he killed (*occidit*). By itself, to kill is just a thing (viz. an action, be it good or bad) . . . but the quality of killing is cruelty and savagery. As a thing by itself, to kill — without the implied qualities taken into account — is bare and nude. So, in order to make an argument, we must consider the qualities . . . if they are in agreement they make an argument, if they do not, no argument can be achieved. For instance, if we posit "He killed" and then introduce "being an enemy," the quality of "enemy" is cruelty and savagery, just as the quality of "killed" is cruelty and a kind of inhumanity. Hence we may make the argument and combine "he killed" with "enemy," "enemy" also signifying savagery; accordingly, the two qualities signified by the verb and the noun go together well and build a probable argument, giving the inference "He killed him because he was his enemy." Incompatible qualities do not build arguments, e.g., "He killed and dealt him a blow with a twig."<sup>47</sup>

<sup>47</sup> **C** fols. 92v<sup>b</sup>–93r<sup>a</sup>, **V** fol. 36v, **S** fol. 113r–v, **E**<sup>1</sup> fol. 28v<sup>a</sup>, **E**<sup>2</sup> fol. 82r–v (*Inv. rhet.* I.29.45): "Sed nos Victorini sententiam (Victorinus, ed. Halm, 231.8–234.14; ed. Ippolito, 136.7–140.138) preponentes quomodo hunc exposuerit locum explanabimus . . . de argumentorum generibus quedam ab eodem expositore subtilissime dicta a principio repetentes enodabimus: Tria, inquit, in confirmatione nobis traduntur: materia, argumentum, argumentatio . . . . Ait enim quod omnia nomina et verba res habent suas, habent (habeant . . . habeant **SE**<sup>2</sup>) et qualitates id est quasdam quas intelligere dant rerum suarum (*om. CVE*<sup>1</sup>) proprietates, ut si dicas 'occidit,' hoc ipsum 'occidere' res quedam est. Qualitas autem eius et, que in ipsa ex uocabulo intelligitur, asperitas quedam est et immanitas. Itaque cum res, inquit, nuda est et cum in se et sine respectu qualitatis sue consideratur, nichil aliud quam res est, id est nichil argumenti habet facere. Ita autem ex ea facere possumus argumentum, si eius qualitatem (qualitates **SE**<sup>2</sup>) inspiciamus. Quod *subtilissime dictum fuisse* nulla dubitatione tenetur.

"Cum rerum etenim qualitates sibi conueniunt faciunt argumentum. Cum autem non conueniunt, tunc omnino argumentum non faciunt. Ut si cum posuerimus 'Occidit,' deinde ponamus 'inimicum.' Rursus (est enim **SE**<sup>2</sup>) 'inimicus' res est (*om. SE*<sup>2</sup>) cuius rei qualitas asperitas quedam est atque crudelitas, quomodo eius rei que est 'occidere' qualitas est asperitas quedam et immanitas. Ideoque quoniam utriusque rei qualitas sibi conuenit, factum est argumentum, id est 'Occidit quia inimicus fuit.' Ita ergo cum due similes qualitates sibi fuerint coniuncte, faciunt, inquit, aliquam qualitatem, que qualitas est ut argumentum probabile esse uideatur, hoc est (et hoc etiam **SE**<sup>2</sup>) faciunt argumenti probabilitatem. Itaque si dicas: 'Occidit quia gladio percussit,' argumentum est quoniam qualitas utriusque rei similis est. Si uero dixeris 'Occidit quia virga percussit,' quoniam virga non habet qualitatem ei que est occidendi similem, idcirco qualitates horum in unum coniuncte non faciunt argumentum."

The use of the notion of *qualitas* is rather un-Aristotelian and loose here as it is found in both Victorinus<sup>48</sup> and Petrus Helias, and so it was too among those of his contemporary grammarians, who were wont to classify verbs (not meaning “to be” or “to call”) as “adjectival” verbs (“to sit,” “to sleep”) dealing with matters that often fall under the categories of not only action/passion, but the other accidental categories quantity, relation, quality, where, when, position, etc.<sup>49</sup> What appeals to the rhetorician Petrus Helias here is probably that the lexical force of the verbs used in arguments would underscore the particularity of the rhetorical topics underlying the arguments. For rhetoric is bound not to solving more general, or philosophical questions, but tied to individual persons and particular cases.

Despite Peter’s frequent references to parallel phenomena in logic, it must be admitted that there is not a generous dose of genuine dialectic in Petrus Helias’s works. However, he often displays a dialectician’s concern for form, which is brought out in the concluding passage on the dilemma (*complexio*):

A dilemma, says Victorinus then, is a form of utterance embedded in necessary arguments, which has a double “flank” so whatever you choose, its contrary necessarily follows . . . to the disadvantage of the adversary. Victorinus calls it a way of speaking and dealing with arguments of the necessary type, where the two “flanks” in the same disjunction are mutually exclusive. Whatever solution is adopted, there follows something to the disadvantage of the adversary in the case. It works two ways, either in a simple form, or in a necessary form. In the simple form, the disjunctive proposition is not explicitly offered . . . in the necessary form it is fully stated, either like this “It is necessary that you grant that he is either good or bad,” or: “Either he is good, or he is bad.”<sup>50</sup>

<sup>48</sup> Cf. Pierre Hadot, *Marius Victorinus: Recherches sur sa vie et ses œuvres* (Paris, 1971), 93–94.

<sup>49</sup> See a somewhat parallel discussion in Petrus Helias, *Super Priscianum*, on the signification and definition of the verb (196–99), and his own solution which allows verbs to have various semantic (connotational) features involving other *accidentia* than signifying action and passion (in an Aristotelian sense), 200.19–40, and Karin Margareta Fredborg and C. H. Kneepkens, “*Grammatica Porreтана*,” *CIMAGL* 57 (1988): 11–67, at 62–63.

<sup>50</sup> **C** fol. 93r<sup>a</sup>, **V** fols. 36v–37r, **S** fol. 113v, **E**<sup>1</sup> fol. 28v<sup>a</sup>, **E**<sup>2</sup> fol. 82v<sup>b</sup> (*Inv. rhet.* 1.29.45): “Complexio, inquit (Victorinus, ed. Halm, 233.10–12; ed. Ippolito, 138.84–86), est forma dictionis posita in rationibus necessariis, que duplici latere constat, unde quicquid fuerit electum, necesse est ut sit contrarium. Forma, inquit, dictionis, id est modus dicendi et tractandi argumentum rationibus necessariis, cuius latera duo appellat posita contra se cum diverso in (cum **SE**<sup>2</sup>) eadem disiuncta. Quorum utrumlibet assumatur, necesse est ut quod displicet adversario consequatur. Duobus autem modis proponuntur secundum eundem Victorinum complexio, nunc per simplex, nunc per necessarium (cf. *Rhet. Her.* 2.24.38). Per simplex cum non proponitur disiuncta, sed sola ipsius executio, ut ‘Si probus est, cur accusas?’ ‘Si improbus, cur uteris?’ (si . . . uteris *om.* **SE**<sup>2</sup>); per necessarium hoc modo: ‘Aut probum aut improbum esse necesse est concedas.’ Vel ita: ‘Aut probus est aut improbus.’ In hac enim disiunctione quedam intelligitur necessitas.”



## BOETHIUS'S INFLUENCE

As we have just seen, Victorinus's Stoico-Platonic distinction between nouns' and verbs' *res/esse* (*substantia*) and their *qualitas/sic esse* (*accidentia*) appealed to the grammarian Petrus Helias in this discussion of the semantics used in argument-building.<sup>51</sup> Likewise, Boethius's commentary on Cicero's *Topica* provided him with unusual ammunition with which to put forward the view that all rhetorical argumentation is bound to particulars, more precisely to a named, particular person, *certa persona*. The ultimate aim here is to defend rhetoric from the charge of occasionally trespassing upon the realms of dialectic — the most serious bone of contention between rhetoric and philosophy — and to tie down rhetorical persuasion to particulars, denying rhetoric access to means of arguments of general applicability (and truth). The strategy is again on the sentence level, and tied up with the grammatico-rhetorical concern for subject and verb. On the basis of a passage in Boethius's commentary on Cicero's *Topics*, rarely quoted by medieval rhetoricians, the rhetorical topics from *persona* form the nucleus of topics applicable to the subject in a sentence, the *persona certa* of any rhetorical case. The verb, on the other hand, represents the predicate, namely what that person did or did not do, that is the *negotium* of the case.<sup>52</sup> The rhetorical topics from the *attributa negotio* involve how to argue from the course of action, the time and opportunity, the mitigating circumstances, cause and effect, etc. Accordingly there will be two different, possible analyses of the following sentence, depending on whether the analysis is logical or rhetorical: *An uxori Fabiae omne argentum legatum sit.*

A logician would analyze the sentence so as to take "is" as the *copula*, "money" as the subject term, and "given as inheritance to the wife Fabia" as the predicate term. In rhetoric, however, a different structure is involved, namely where the topics for argument decide the rhetorical procedure. Since

<sup>51</sup> The best introduction to M. Victorinus and his philosophical and theological works is still P. Hadot's fine book from 1971 mentioned above (n. 48). Hadot calls Victorinus's substitution of "quality" for "accidentia" typically Stoic, and later deals with his more Neoplatonic discussion of definition and the subdivisions of definitions into substantial and non-substantial (ibid., 171). But see also Andreas Pronay, *C. Marius Victorinus, Liber de definitionibus: Eine spätantike Theorie der Definition und des Definierens: Mit Einleitung, Übersetzung und Kommentar* (Frankfurt am Main, 1997) and Christoff Marksches, "C. Marius Victorinus," *Der Neue Pauly*, 16 vols. (Stuttgart, 1999) 7:911.

<sup>52</sup> Boet., *In Ciceronis Topica Commentaria*, PL 64:1071D: "Quaestio igitur, ut dictum est, an uxori Fabiae omne argentum legatum sit: subiectum, uxor Fabia; praedicatum vero, legatum argentum. Argumentum ab eo quod est in ipso de quo quaeritur, id est ab eo quod est in uxore de qua quaeritur. Est autem in uxore de qua quaeritur species uxoris (viz. materfamilias), ea scilicet quae in manum non convenit quae ad eam affecta est. Omnis enim species ad suum genus refertur, id est forma; factum est igitur argumentum ab eo quod est in ipso, ab affectis, a forma generis. Maxima propositio est, quod de una specie dicitur, id in alteram non convenire."



the topics are classified as either saying something about the *persona* involved in a rhetorical case, or the act committed and described, the *negotium*, the wife Fabia (even though here in the dative case) is the subject of the sentence, the *persona* of the case, not as undefined, but classified as belonging to the *materfamilias* type of “wives.” The rest of the sentence is the predicate, that is the *negotium* of the case.<sup>53</sup> So the argument is about whether the *materfamilias* Fabia is entitled to her legacy. If you can prove that she is a *materfamilias*, she is indeed entitled.

The implications of such a kind of rhetorical analysis are far-reaching. Since the choice of topics determines the persuability and validity of the argumentation, the topics are pivotal both to the overall structure of the speech, namely choice of genre (judicial, political, epideictic) and particularly the success of the main *constitutio* or issue chosen, be it conjectural (*an sit*), definitional (*quid sit*), general (*quale sit*), or procedural (*translativa*). On the other hand, the topics are also, in Petrus Helias’s view, what determine the very details of the individual arguments and descriptions, as we have seen first in his use of Victorinus’s model for analysis of individual sentences, and next concerning the cohesiveness between subject and predicate

<sup>53</sup> **C** fol. 90r<sup>a</sup>, **V** fol. 28r–v, **S** fol. 107r–v, **E<sup>1</sup>** fol. 22v<sup>a–b</sup>, **E<sup>2</sup>** fol. 71r–v (*Inv. rhet.* 1.24.34): “Bona uero similitudine locos ita communiter tractatos ‘siluam’ appellat. Sicut enim silua rudis est atque confusa, ita quoque tractatus iste locorum nec (uero **SE<sup>2</sup>**) per certas constitutiones distinguitur nec per certa causarum genera. Eademque similitudine appellat ‘materiam’ argumenta sic communiter tractata. Hic enim tantummodo prebet argumentandi materiam non secundum singulas constitutiones distinguendo argumenta . . . Vide ergo quod sicut in predicatiua questione dialectica queritur an predicatus terminus inhereat subiecto, ita quoque circa personam et negotium questio rethorica uersatur, ut in rethorica questione sit persona quasi terminus subiectus, negotium quasi predicatus. Unde dicit Boecius in *Commento super Topica Tullii* quod ibi ‘Fabie uxori legatum est argentum.’ ‘Fabie uxori’ subiectus est terminus, ‘legatum est argentum’ predicatus (PL 64:1071C), unde plures maxime turbantur. Secundum artem namque logicam ‘argentum’ subiectus est terminus, ‘legatum Fabie uxori’ est terminus predicatus, ‘est’ uero copula. Vide ergo quod Tullius more rethoris tractauerat *Topica* eo modo quo ad rethoricam ualent, ut scilicet inde (unde **SE<sup>2</sup>**) posset perpendi qui loci rethorici sub quibus dialecticis includantur et ex quibus emanant, Bo <ecius> itaque commentum super illum Tullii librum conscribens ut eius proposito deseruiret, secundum artis rethorice proprietatem dixit quod ‘Fabie uxori’ subiectus est terminus, ‘legatum est argentum’ predicatus. Rethorica namque questio est an Fabie uxori legatum est argentum. In causa uero in qua tractabatur hec (hoc **C** hic **E<sup>2</sup>** *om.* **V**) controuersia persona erat Fabia uxor, ideoque quasi terminus subiectus. Negotium uero legatio argenti, ideoque ‘legatum et argentum’ quasi terminus predicatus. Et merito. Nam sicut per logicam questionem queritur ut subiectus terminus predicato inhereat, sic quoque per rethoricam questionem queritur utrum hoc uel illud negotium insit huic uel illi persone (et [merito-persone] *om.* **CV**). Ut ergo procedat ratio, attributa persone sunt conuenientia ipsi per que aliquid de ipsa comprobatur persona, attributa uero negotio sunt conuenientia ipso negotio per que aliquid comprobatur de ipso, sicut iam lacius explicabitur.” Repeated later **C** fol. 92r<sup>b</sup>, **V** fol. 35r, **S** fol. 112r, **E<sup>1</sup>** fol. 27v<sup>a</sup>, **E<sup>2</sup>** fol. 80r.

terms, and Boethius's argument that in rhetorical argumentation the *persona* is the subject term.

Petrus Helias's discussion of topics is divided into five sections: 1) the above discussion of *persona* and *negotium* being the subject term and predicate term, and the use of topics concerning that discussion; 2) an exposition of Cicero's topics from *attributa personae* and *negotio* substantiated by a wealth of illustrative examples, some taken from Thierry;<sup>54</sup> 3) as Thierry had done,<sup>55</sup> he discusses the relationship of the set of topics from *De inventione* to the parallel, topical system of the seven *circumstantiae* (who, what, why, where, when, how, by what means); 4) a comparison of the topics from *adiuncta negotio*, comparable topics from other cases, with the similar, more abstract, dialectical topics; 5) at the end, he emulates Boethius's *De differentiis topicis* by listing and classifying the rhetorical topics as Themistius does, subdividing them into inherent, medial, and extrinsic.<sup>56</sup> Table 1 illustrates how a fourfold list of topics in rhetoric: A) *Attributa persona*, B) *Continentia cum negotio*, C) *Adiuncta negotio*, D) *Consequentia negotio*, can be broken up in a triple dialectical classification:

TABLE 1

<i>Loci inherentes qui informant personam: Attributa persone</i>	<i>Loci medii</i>	<i>Loci extrinseci</i>
<i>Continentia cum negotio</i>	<i>Adiuncta negotio</i>	<i>Consequentia negotio</i>
<i>In gestione negotii</i>	<i>(+in gestione negotii quoniam locus et tempus quodammodo extra rem)</i>	<i>Quoniam in auctoritate</i>

Table 2 lists and classifies the rhetorical topics with those of Themistius:

TABLE 2

<i>Rhetorici loci particulares</i>	<i>Dialectici loci generales</i>
<i>Loci ex attributis persone: nomen</i>	<i>A nominis interpretatione</i>
<i>Loci ex attributis negotii:</i>	
<i>Continentia: Ab administratione negotii</i>	<i>A causa efficienti</i>
<i>A causa ratiocinatiua/impulsua</i>	<i>A causa finali</i>

<sup>54</sup> Virgil, Ovid, Statius, Lucan in Thierry, *Rhetorical Commentaries*, 131–33, but also long examples of his own from Stat. *Theb.* 2.554–62, 2.496–99.

<sup>55</sup> C fol. 91v<sup>b</sup>, V fol. 33r, S fol. 110v, E<sup>1</sup> fol. 26r<sup>a</sup>, E<sup>2</sup> fol. 77r (*Inv. rhet.* 1.21.29): “Vide ergo quod sicut hec circumstantia ‘Quis’ includit et continet omnia attributa persone, ita quoque hec circumstantia ‘Quid’ includit summam negotii et aministrationem negotii triplicem. Hec enim ostendit quid factum sit. Illa uero circumstantia que est ‘Cur’ includit causam ratiocinatiuam et impulsuam. Utraque enim ostendit cur factum sit. Illa uero circumstantia que dicitur ‘Ubi’ continet locum. Locus enim ostendit ubi factum sit. Circumstantia uero que dicitur ‘Quando’ includit et continet tempus et occasionem quoniam horum utrumque probat quando quid fieri potuit. Circumstantia quoque que appellatur ‘Quomodo’ includit modum. Illa uero que dicitur ‘Quibus auxiliis’ facultatem includit” (cf. Thierry, *Rhetorical Commentaries*, 52.74–75, 123.43–54).

<sup>56</sup> Boethius, PL 64:1214A–B.

In gestione:	A facultate	A materiali causa, a causa formali
	A modo	A toto/a parte secundum modum
	A tempore/occasione	A toto in tempore
	A loco	A toto in loco
Adiuncta:	Ab euentu	A communiter accidentibus
	A genere uel specie	A genere uel specie
	A disparatis	Ab oppositis ut affirmatio et negatio
	A contrariis	Partim ab oppositis ut contraria, partim ab oppositis ut priuatio et habitus
	A maiori	A maiori
	A minori	A minori
	Ab eque magno	Ab eque magno
	A simili	A simili
	Consequencia negotium	Ab auctoritate <sup>57</sup>

The usefulness of such a classification is unclear to me, except that it is also an implicit comment on the plenitude and exhaustivity of the set(s) of topics. But perhaps such interdisciplinary use of Boethius could have been a didactic advantage to those students who came from dialectic to rhetoric, or who moved on to dialectic after some grounding in rhetoric, as did John of Salisbury. In the first decades of the twelfth century such crossovers within the trivium appear to have been more common than later on. That they were pedagogically and philosophically rewarding is exemplified often enough in Abelard's theological and dialectical writings, where his knowledge of Cicero (and Priscian) is on plentiful display.<sup>58</sup>

This emphasis on theory, however, has a more negative side too, namely, a certain lack of historical interest, evident in many details of the case discussions. For example, in *Inv. rhet.* 1.30.47 import and export taxes, *portorium*, are mentioned; Thierry offers three explanations: to load or unload the ships (*officium portandi uel reportandi navibus*) or repair duty (*officium reficiendi naves in portu*), a fantasy also found in Manegold's *De inventione* commentary, only to resort to Victorinus who disliked the tax, and curtly commented that *portorium* is a vile thing (*res vilis*), but useful to the Rhodians.<sup>59</sup> Petrus Helias instead adds a grammatical comment on relative verbs such as "lending–borrowing," "buying–selling," then copies Thierry but cuts out

<sup>57</sup> C fol. 92v<sup>a–b</sup>, V fol. 35r–v, S fol. 112r, E<sup>1</sup> fol. 28r<sup>b–v<sup>a</sup></sup>, E<sup>2</sup> fols. 80r–81r. The inspiration is from Boethius's schemata, *De diff. top.* 3, PL 64:1201–04.

<sup>58</sup> Gabrielle d'Anna, "Abelardo e Cicerone," *Studi Medievali* 3. ser. 10 (1969): 333–419; Irène Rosier-Catach, "Abélard et les Grammariens: sur le verbe substantif et la prédication," *Vivarium* 41 (2003): 175–248; Fredborg, "Abelard on Rhetoric," (n. 5 above).

<sup>59</sup> Victorinus, ed. Halm, 236.21; ed. Ippolito, 143.244; Thierry, *Rhetorical Commentaries*, 151.57–60.

half, and eventually keeps Victorinus's "vile thing."<sup>60</sup> Clearly, a safety net of minimum historical lore was only partially available to these medieval scholars, and the efforts of Isidorus, Grillius, and Victorinus, and the numerous ancient glossators on classical authors did not prevent the commentators from indulging in extraordinary or fanciful details.<sup>61</sup>

#### THE INFLUENCE AND DATE OF THE RHETORICAL *SUMMA*

Two questions have been put forward since Petrus Helias's rhetorical *summa* was first discussed, one concerning authorship, another concerning date. Did Peter also write a *summa* on the *Rhetorica ad Herennium*, as many twelfth-century rhetoricians did?<sup>62</sup> The ascription of the *summa* on *De inventione* to Petrus Helias, as found in the Vatican manuscript, has never been questioned, because of the uniform manuscript tradition also evidenced in the texts edited in the appendices, and because we have the same *summa* format and *accessus* in his Priscian *summa*, which even quotes the rhetorical *summa* on the subject *materia ubi fit et unde fit*: "sicut alibi aperte demonstratum est."<sup>63</sup> Moreover, it is interesting that Petrus Helias took his respect and admiration for Victorinus with him into his *summa* on Priscian, and adapted Victorinus's definition of grammar as "gnara partium orationis, gnara syllabarum, gnara litterarum" into his own "gnara recte scribendi et recte loquendi."<sup>64</sup> But did he also write on the *Rhetorica ad Herennium*? His *accessus* hints more than once at a planned commentary, but none has been found with his name on it. John Ward<sup>65</sup> has suggested that a version of such

<sup>60</sup> C fol. 93r<sup>b</sup>, V fol. 38r, S fol. 114v, E<sup>1</sup> fol. 30r<sup>a</sup>, E<sup>2</sup> fol. 84r-v (*Inv. rhet.* 1.30.47): "Similitudo. Cum ea sibi conferimus que 'ad aliquid' sunt (Priscian 2.5.28, *GL* 2, 60.19), id est que in quodam respectu ad se dicuntur, ut 'locare' et 'conducere,' 'uendere' et 'emere.' Locat enim aliquis respectu conducentis; conducit autem quis respectu locantis. Locat enim qui precium recipit, qui uero dat conducit. Hec ergo uerba ad inuicem spectant. Fit autem ex his argumentum probabile, ut quoniam si Rhodiis turpe non fuit portorium locare, nec Hermacreonti quidem conducere. Quod ut totum absoluatur. Portorium erat officium exportandi e nauibus et reportandi empta uel uendita. Quodcumque autem officium erat, uilissimum (esset uile SE<sup>2</sup>), sed magne commoditatis" (cf. Menegaldus, fol. 26v [*Inv. rhet.* 1.30.47]: "Portorium est locus iuxta portum in quem naues exportantur ut reficiantur.").

<sup>61</sup> Cox and Ward, *Cicero* (n. 1 above), 452-64.

<sup>62</sup> See Ward, "Alan (of Lille?)" (n. 15 above), at 154-55.

<sup>63</sup> Cf. Petrus Helias, *Super Priscianum*, 62.18-20: "Materia cuiuslibet artis est id in quo artifex agit secundum artem. Non enim arti attribuenda materia unde fiat, sed potius in qua fiat, sicut *alibi aperte demonstratum est*."

<sup>64</sup> Cf. Victorinus, ed. Halm, 170.26-31; ed. Ippolito, 32.127-31; Petrus Helias, *Super Priscianum*, 61.6.

<sup>65</sup> "Etsi ea is "in fact Petrus Helias himself"; the concomitant *Inv. rhet.* gloss *Ista uidentia* "could be a different reportatio of his lectures, or lectures by someone more or less contemporary" (Ward, "Alan (of Lille?)," 159, 211).

a work is preserved in an anonymous gloss commentary named after its incipit *Etsi ea* in the Venice manuscript Marc. lat. XI.23 [4686], belonging to a cluster of commentaries around the “Alanus” commentary.<sup>66</sup>

There is a slender, textual link between these commentaries. “Alanus” quotes only the first of Thierry’s gloss on *Rhet. Her.* 4.22.30, on the moods of the verbs used (VENIAM, SIM, etc.) in the example, whereas “Alanus” attributes specifically Thierry’s second half, on the verbal similarity and alliteration, not to Thierry but to Petrus Helias. As a result both of Thierry’s interpretations can be found in all three commentaries thus:

<p>“Alanus,” BL, Harley, MS 6324, fol. 61r<sup>a-b</sup>, <i>Rhet. Her.</i> 4.22.30:          QUID VENIAM, QUI SIM etc. Dicunt quidam et magister Theodor&lt;ic&gt;us: quod hi[n]c consideratur ornatus in hoc (hec MS) quod hic non ponuntur nisi uerba subiunctiua. Quod non uidetur secundum Petrum Eliam: ‘In his enim est ornatus similis: ‘QUID,’ ‘QUIS,’ ‘QUARE,’ ‘CUR’ et si qua similia.</p>	<p>Thierry, <i>Rhetorical Commentaries</i>, 337–338.88–91:          HUIUSMODI: scilicet <i>per eundem uerbi modum</i> (my italics) diuersa uerba proferuntur hoc modo: QUID VENIAM etc.          Potest etiam hic quaedam dictionum similitudo notari, qua conuenientior ab uno ad aliud fit uerborum transitio, ut QUIS, QUID, QUARE, etc.</p>	<p><i>Etsi ea</i> Ven. B. Marc, MS. lat. XI.23 [4686] fol. 80r<sup>a</sup>:          QUID VENIAM etc. Dicunt quidam quod ornatus consideratur in hoc exemplo in hoc quod non in hoc ponuntur nisi uerba subiunctiua, quod minime credo, sed in his similis (sillogismis MS) credo ornatum esse ‘QUI,’ ‘QUARE,’ ‘CUI’ et si qua sunt similia.’</p>
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Several other commentaries have been attributed to Petrus Helias (on Boethius’s *De trinitate*, the “*Absoluta*” Priscian commentary, a commentary on Phocas, and a *Textus Petri Heliae Metricus*), but are now taken to be spurious; since the above quotation is the only link between Petrus Helias and the “Proto-Alanus” commentary *Etsi ea*, I am not totally convinced by this attribution of *Etsi ea* to him. Particularly on formal grounds it appears unlikely. Peter wrote *summas*, not literal commentaries.<sup>67</sup> However, Ward

<sup>66</sup> Ward, “Alan (of Lille?),” 192–95: Variant version of Alanus in Venice, Bibl. Marc. Laur. MS XI.23 [4686] *Ista uidentia* (on *Inv. Rhet.*) and *Etsi ea* (on *Rhet. Her.*); Vienna, Nat. Bibl., MS 240 *Circa artem rhetoricam*; Uppsala Univ. Bibl. MS C 928; and Stockholm, Kung. Bibl. MS Va 10.

Principal “long” version in BL, Harley, MS 6324, fols. 1r<sup>a</sup>–68v<sup>a</sup> (s. xiv); Perugia, Bibl. Com. Augusta, MS D.55 (237), 75 fols. (s. xiv). Variant “long” version in Breslau, Bibl. Uniwersytecka, MS R 71 (CXXXI = S.I.4.22), fols. 1–61v<sup>a</sup> (s. xiii).

Principal “short” version in Cremona, Bibl. Governativa MS 125, 98 fols. (s. xv); Florence, Bibl. Med. Laur., Plut 71, MS 4, fols. 6–69v<sup>a</sup> (s. xiv), and Florence, Bibl. Med. Laur., Plut. 90, MS 87 sup., fols. 1r–59v (s. xiii) (marginal gloss); Oxford, Magdalen Coll. MS 82, fols. 1–104v<sup>b</sup> (s. xv); Paris, BNF, MS lat. 7757, 146 fols. (s. xv); cf. Ward, in Cox and Ward, *Cicero*, 74–75.

<sup>67</sup> For the spurious works, see Reilly in Petrus Helias, *Super Priscianum*, 13; also Gibson in Petrus Helias, “The Summa” (n. 2 above), 161.

has also very convincingly argued that we have more than one author for the various versions of the "Alanus" *Ad Herennium* commentary. So, in view of the painstaking research into the multiple versions of "Alanus," it remains an attractive idea that both Thierry and Petrus Helias did help to shape various sections of the "Alanus" tradition, including *Etsi ea* and the companion *De inventione* gloss commentary *Ista videnda*.<sup>68</sup>

Finally, another area of recent research has made it useful to look once again at my dating of Peter's rhetorical *Summa* to "before 1139." Petrus Helias refers to the papal schism 1130–38 and the ordinations of Pierre Leoni/anti-pope Anacletus II thus:

For example, if a controversy were now to be whether people ordained by Pierre Leoni could take up their ordained positions, this would be a case of the *constitutio negotialis*, since this is about unprecedented legal business. About such a matter no law has been made up till now, since before him/that period of time such a schism has not been heard of in God's church. But one could argue from the more, the less or the like what law should be made on the basis of what Saint Brittius did, because he, having been violently thrown out of his diocese, although two or three archbishops succeeded to his position, when he was reinstated later on, forgave everyone, and promoted those whom they had ordained to their positions.<sup>69</sup>

I used to take this passage as an indication that the date of Petrus Helias's rhetoric was earlier than 1139, when such ordinations had been rendered inefficacious by a decree made at the Second Lateran Council.<sup>70</sup> Ward's argument is that Petrus Helias debates by analogy, as an example of the *constitutio negotialis*, and that the 1139 ruling of the Second Lateran Council would be irrelevant and render the illustration inapplicable.<sup>71</sup>

If one wants to put the Pierre Leoni illustration aside as viable dating criterion, we can say more broadly that Peter's rhetoric was written some time in the 1130s and 1140s when he taught John of Salisbury rhetoric

<sup>68</sup> Cf. Ward, "Alan (of Lille?)," 166–73.

<sup>69</sup> **C** fol. 85v<sup>a</sup>, **S** fol. 94r, **V** fols. 8v–9r (**E**<sup>1</sup> fol. 9r<sup>b</sup> has a lacuna on *Inv. rhet.* 1.11.14–12.17) **E**<sup>2</sup> fol. 48v (*Inv. rhet.* 1.11.14): "Ut si ueniret nunc in controuersiam an ordinati a Petro Leonis essent ad ordines promouendi, negotialis esset constitutio, quoniam de nouo iure formando. De huiusmodi enim re nullum ius constitutum fuit adhuc, quoniam ante ipsum ([ipsum] tempora hec **SE**<sup>2</sup> illa tempora **V**) non est auditum scisma huiusmodi (huius **C om. V**) in ecclesia Dei. Per maius tamen uel minus uel simile posset fortasse conici quod ius super hoc esset constituendum ex illo beati Britti facto quia (qui **SE**<sup>2</sup>) de diocesi sua uiolenter expulsus, licet duo uel tres archiepiscopi interim sedi sue succederent, reuocatus tamen postea et omnibus misericorditer indulsit et quos illi ordinauerant ad ordines promouit."

<sup>70</sup> *Chronicon Mauriniacense* PL 180:169B; cf. Orderic Vitalis, PL 188:932C–D.

<sup>71</sup> Ward, *Ciceronian Rhetoric*, 218.

(between 1136 and 1147), as Ward has recently agreed.<sup>72</sup> What is important to me is that the rhetoric antedates his grammatical *summa*, which refers back to it, and which itself is earlier than William of Conches's late version of his glosses on Priscian from ca. 1148.<sup>73</sup>

#### PETRUS HELIAS AND ITALIAN RHETORIC

The final question, namely whether Petrus Helias in scope and intention resembles the Italian grammatico-rhetorical tradition, is complicated both historically and with respect to the question of genre. For the French tradition we have quite a number of both anonymous commentaries, and those by Manegold, William, Thierry, Petrus Helias, and Alanus, which provide us with a very solid documentation from the eleventh century onwards. This is not the case with the Italian tradition of early twelfth-century rhetoric.

The best place to start comparison is probably Petrus Helias's *accessus*, edited below in Appendix 1, and the *accessus* of the "Lucca" *summa* (from the 1170s), edited below in Appendix 3.<sup>74</sup> Under the definition of rhetoric Peter had made clear that rhetoric is not only associated with legal cases.<sup>75</sup> Next, when delineating under which type of knowledge rhetoric belongs (*genus artis*), he had given a very detailed classification covering several pages, and emphasising that a student of rhetoric is not narrowly defined,

<sup>72</sup> Cf. Gibson in Petrus Helias, "The Summa," 159; Ward, "Alan (of Lille?)," 205 n. 241: "On balance, then, it seems safe to conclude that Fredborg was right, and that Petrus Helias was lecturing on rhetoric during the 1130s when John of Salisbury had it from him 'plenius.'"

<sup>73</sup> Petrus Helias, *Super Priscianum*, 62.19–20: "Materia cuiuslibet artis est id in quo artifex agit secundum artem. Non enim arti attribuenda est materia unde fiat, sed potius in qua fit, *sicut alibi aperte demonstratum est*" (my italics). In the grammar he sometimes harks back to Victorinus's commentary on the *De inventione*, e.g., concerning the very definition of grammar: "Grammatica ergo est scientia gnara recte scribendi et recte loquendi," *ibid.* 61.6, where Victorinus (ed. Halm, 170.30; ed. Ippolito, 32.127–8) has: "Grammatica ars est gnara partium orationis, gnara syllabarum, gnara litterarum, per hanc discimus omnia vitia devitare." William's gloss on *Priscianus Minor*, only to be found in the late version, is not known to Petrus Helias (cf. Fredborg, "The Dependence" [n. 3 above], 5). In Leo Reilly's edition of the *Priscianus Minor summa*, there are some curious references to William of Conches, many of which amount to be listing where William discusses the same topic. However, what William actually says at those points is in no way comparable to Petrus Helias's statements, e.g., on barbarisms and *soloecismus* in Petrus Helias, *Super Priscianum*, 489.49–66 compared to William's gloss in Paris, BNF, MS lat.15130, fol. 87v<sup>b</sup>; or on persona, *ibid.*, 865 and William's gloss on fol. 91v<sup>b</sup> lines 34–46 on Priscian 17.15, *GL* 3, 117.11–12.

<sup>74</sup> The text was first found and discussed from Lucca, bibl. Feliniana, MS 614, fols. 199r<sup>a</sup>–205r<sup>c</sup>, and later also found in Milan, Bibl. Ambros. MS I.29, fols. 96r<sup>a</sup>–118v<sup>a-b</sup>.

<sup>75</sup> Appendix 1, *Accessus. quid*: "rhetoric teaches to speak well not only in a legal case but also outside that."



but may become a person to lead a discussion (*disputator*), and a writer in general (*dictator*), as well as a participant in a legal dispute (*causidicus*).<sup>76</sup> The “Lucca” *summa* instead manages within seven lines to quote Cicero’s definition of the *genus* (*ciuilis ratio*), Victorinus’s comment that Cicero takes the quality of rhetoric to be the *genus*, the essence of rhetoric to be stated in the definition, namely “artful eloquence, richness of speech, careful study of eloquence, so logically speaking ‘eloquence’ would be the *genus*.”<sup>77</sup> The “Lucca” *summa* appears to know Victorinus well, but quotes him economically and in a manner that is to the point.<sup>78</sup> In one respect the *accessus* of the “Lucca” *summa* shows its closeness to the teaching of grammar, but rather in the connection with the teaching of the classical authors, than with respect to semantics and syntax. For under the heading “the *inventores* of rhetoric” are mentioned those people we meet when reading Statius’s *Thebais*, Priscian’s *Praeexercitamina*, and Horace with his glossator Pseudo-Acron, namely figures like Saturnus, Hermogenes, and the Theban Amphion, who by his sweet eloquence transformed the stones of Thebes into civilized citizens. Finally, the vocational pursuit of rhetoric, as we know it from the close links between Italian notaries and the legal profession, and sporadically evidenced in the many political, offhand remarks in the “Lucca” *summa*,<sup>79</sup> is not in view in Petrus Helias’s *summa*. Petrus Helias’s discussion of the subdivisions of law, however, which we find also in Thierry, are well developed, and this is perhaps another of Peter’s more significant contributions to French, Ciceronian rhetoric.<sup>80</sup>

As for the scope of rhetoric, the teaching institutions, it seems, differed widely in northern France and Italy. Generally speaking, Petrus Helias and the northern French cathedral school tradition demanded more of teachers and students both in bulk and detail than the students in Lucca from the

<sup>76</sup> Appendix 1, *Accessus. Genus artis*; dictator = “writer,” cf. William of Malmesbury, *Gesta Regum* 1.31.1, in Michael Winterbottom, “The Language of William of Malmesbury,” *Rhetoric and Renewal in the Latin West, 1100–1540. Essays in Honour of John O. Ward*, ed. Constant J. Mews, Cary J. Nederman, and Rodney M. Thomson (Turnhout, 2003), 129–47, at 138: “(literary style inevitably) varies with the nationality of the writer: ‘quia iuxta mores gentium varientur modi dictaminum.’”

<sup>77</sup> Appendix 3 below.

<sup>78</sup> This rhetoric aims at conciseness, the author using words as “brevius,” “succincte,” “compendiose”; cf. Karin Margareta Fredborg, “The ‘Lucca’ *Summa* on Rhetoric,” *Papers on Rhetoric 5: Atti del Convegno Internazionale “Dictamen, Poetria and Cicero: Coherence and Diversification” Bologna, 10–11 Maggio 2002*, ed. Lucia Calboli Montefusco (Rome, 2003): 115–40, at 119.

<sup>79</sup> Cf. Fredborg, *ibid.*, 136–38.

<sup>80</sup> Cf. Karin Margareta Fredborg, “The Grammar and Rhetoric Offered to John of Salisbury,” in *The Classics in the Classroom*, ed. Juanita Ruys, John O. Ward, and Melanie Heyworth, *Disputatio* 20 (Turnhout, forthcoming).

1180s, who were using not Priscian, but Papias's compendium of grammar.<sup>81</sup> Within the framework of a highly developed, speculative tradition, Petrus Helias's grammatical *summa* discusses linguistic doctrine on a higher level, with a sustained exposition of classical and medieval linguistic debate. For example, where Papias devoted a single page on the definition of a word (*dictio*) and word classes,<sup>82</sup> Petrus Helias gives ten pages on the grammarians' and the philosophers' discussion.<sup>83</sup> The same thoroughness is also in evidence in the rhetorical *summa*, first of all in Petrus Helias's detailed *accessus*, and his careful listing of variant opinions on *complexio*, *enumeratio* and *simplex conclusio*, and the topics, discussed above. In comparison, the slender "Lucca" *summa* on rhetoric is instead engaged in succinctly and elegantly weaving the *De inventione* and the *Rhetorica ad Herennium* together without any unnecessary discussion. Finally, there are the abundant, literary quotations from classical authors in Petrus Helias's rhetoric. In contrast, the "Lucca" *summa* instead illustrates points of doctrine from the Bible, and from contemporary politics and life.<sup>84</sup>

#### CONCLUSION

Earlier I believed that Peter's conservatism and his dependence on Victorinus was something of a drawback, making Peter less original and acute doctrinally than Thierry of Chartres, and pedagogically less lively than William (of Champeaux?), who provides his reader with many delightful insights into local taste in music, contemporary student life, Haley's comet spreading fear, Roscelin's depraved dialectic, etc.<sup>85</sup> But, upon second inspection, I must admit that Peter's dependence upon Boethius and Victorinus, above all has provided his readers and students with a good command of argumentative strategies and terminology. This concerns not only rhetorical,

<sup>81</sup> Roberta Cervani, ed. *Papiae Ars Grammatica* (Bologna, 1998), IV: "Hagen aveva sottolineato una totale dipendenza di quest'opera da Prisciano, ma ad un esame più attento (v. l'apparato delle fonti e l'appendice) risulta non solo che Papias ha utilizzato e risistemato la materia tratta di Prisciano per fornire un testo meglio organizzato et più facilmente fruibile."

<sup>82</sup> Papias, *ibid.*, 27–29.

<sup>83</sup> Petrus Helias, *Super Priscianum*, 175–184. For the Italian grammatical tradition see also Thurot, *Extraits de divers manuscrits latins pour servir à l'histoire des doctrines grammaticales au moyen âge* (Paris, 1869), 90–93; Marina Passalacqua, *I Codici di Prisciano*, Sussidi eruditi 29 (Rome, 1978); Robert Black, *Humanism and Education in Medieval and Renaissance Italy* (Cambridge, 2001), 45–98; Lodi Nauta, review of *'La consolazione della filosofia' nel Medioevo et nel Rinascimento italiano* (by Robert Black and Gabriella Pomaro), *Vivarium* 40 (2002): 321–23, at 321.

<sup>84</sup> Fredborg, "The 'Lucca' Summa," 120–24, 136–37.

<sup>85</sup> Fredborg, "Petrus Helias on Rhetoric" (n. 1 above), 36, 38–41; cf. Dickey, "Commentaries" (n. 21 above), 15–18, and Ward, *Ciceronian Rhetoric*, 139–40, 216–17.

but also political and ethical matters (*civilis ratio, quaestio, constitutio, loci, natura, ars, scientia, civitas*, cardinal virtues, etc.) which clarify Petrus Helias's views on the place of rhetoric in society, and its relations to the other arts and sciences, notably the arts of the trivium. Peter's admiration for Victorinus (*subtilissime dictum est ab Victorino*) is indeed one of the characteristic features of his work, also noted both in the catalogue description of the Brescia manuscript, and in Amplonius's description of the early Erfurt manuscript. But, as with any unedited text, further study is needed for better appreciating Petrus Helias's rhetoric, and his role in the renaissance of the twelfth century. His rhetoric exemplifies a Neo-Platonic bent of that period, but also a keen interest in blending humanist and scholastic methods of teaching. Just as Hunt and Kneepkens have shown Petrus Helias to be both an exponent of a certain conservatism and an innovator who was freeing grammar from the stranglehold of dialectic,<sup>86</sup> his rhetoric is refreshing in working out ideas fed by sentence analysis, based on Boethius and Victorinus, and conservative in holding on to the best from Cicero, including his *Topica*, and the rhetoric of his master Thierry of Chartres. The *summa* format, the apt, illustrative quotations, and solid grasp of the essentials in rhetorical argumentation proved to be durable qualities serving the needs of three centuries of Ciceronian rhetoric in the high Middle Ages.

### Copenhagen

#### APPENDIX 1 = <ACCESSUS SUMMAE PETRI HELIAE>

*Manuscript de base C*: Cambridge, Pembroke College, MS 85, sect. III. (s. xii–xiii<sup>in</sup>). The word order and spelling follows the Cambridge manuscript. Unimportant, single variants are not recorded. The fifteenth-century manuscripts from Brescia and Naples have not been available to me.

Sigla:

- C** = Cambridge, Pembroke College, MS 85, sect. III. (s. xii–xiii<sup>in</sup>), fol. 84r<sup>a</sup>–84v<sup>b</sup>  
**V** = Vatican, Ottobon., MS Lat. 2993 (anno 1357), fols. 1r–5v  
**E<sup>1</sup>** = Erfurt, Wissenschaftl. Bibl. d. Stadt, Amplon., MS Q.75 (s. xiii<sup>in</sup>), fols. 1r<sup>a</sup>–3v<sup>a</sup>  
**E<sup>2</sup>** = Erfurt, Wissenschaftl. Bibl. d. Stadt, Amplon., MS Q.71 (s. xv), fols. 41r–45r  
**S** = Soest, Stadtbibliothek, MS 24 (s. xii<sup>fin</sup>), fols. 89r–91v  
**S<sup>cor.</sup>** = *correcta et addita in margine S*

<sup>86</sup> C. H. Kneepkens, "On Medieval Syntactic Thought with Special Reference to the Notion of Construction," *Histoire, Epistémologie, Langage* 12.2 (1990): 139–76, at 141–42.

Sicut ordo nostre doctrine exigit, ita quoque circa artem rethoricam consideranda sunt hec: primo quid sit rethorica, deinde quod genus rethorice, que materia, quod officium, quis finis, que partes, que species, quod instrumentum, quis artifex et quare rethorica dicatur. Ad ultimum quo ordine docenda sit et discenda.

Dicit autem Victorinus<sup>1</sup> quod docere hec hoc est artem EXTRINSECUS docere, ideo scilicet quia extra et antequam ad litteram artis perueniatur oportet hec omnia prescire. Quis enim audeat se profiteri rethoricem nisi sciat quid sit rethorica, de quo scientiarum sit genere et cetera que enumerata sunt? Vel ideo extrinsecus quod totus artis uigor et uirtus in officio exercendo consistit. Illa autem que enumerata sunt extra officium artis sunt. Non enim informant oratorem ut per ea melius suum officium complere sciat; ideoque docere illa est artem extrinsecus docere.

INTRINSECUS uero docere artem est tradere precepta que oratorem ad persuadendum informant. Nec est dicendum ars extrinseca uel intrinseca, ne due artes esse putentur, sed ars extrinsecus et intrinsecus ut duo diuersi modi docendi unam et eandem artem per aduerbia illa designentur. Omnis enim ars duobus modis docetur, extrinsecus scilicet et intrinsecus, sicut iam supra dictum est. Illud quoque uidendum est quod ea que ad artem extrinsecus pertinent, appellat Varro, peritissimus Latinorum, didascalica.<sup>2</sup> Didascalus enim doctor dicitur, unde dicuntur didascalica quasi doctrinalia quoniam magis ad doctrinam et magistrarium pertinent quam ad artis exercitium. His itaque predictis ea que proposuimus secundum ordinem propositum exequamur.

RETHORICA ERGO EST scientia bene dicendi, ut sit scientia pro genere, bene dicere pro differentia. Bene autem dicere in hoc loco est dicere apposite id est dicere ea que conueniunt et sufficiunt ad persuadendum. Persuadere uero est id quod aliquis uult in opinionem auditoris inducere. Cum autem dicitur rethorica esse scientia bene dicendi non est addendum, ut quidam estimant, in causa. Docet enim bene dicere non solum in causando, uerum etiam extra. Sunt et alie multe diffinitiones rethorice quas enumerat Quintilianus,<sup>3</sup> sed que predicta est ad presens sufficiat.

GENUS secundum Victorinum pluribus modis accipitur.<sup>4</sup> Genus enim ponitur pro sanguine uel origine ut si queras de quorum genere /E<sup>1</sup> fol. 1r<sup>b</sup>/ descendat aliquis, id est de quorum sanguine. Genus iterum accipitur pro eo quod predicatur de pluribus /V fol. 1v/ etc., sicut in arte logica. Accipitur rursus pro quali-

2 rethorice] eius SE<sup>2</sup> 9 sit] s.l. add. C om. SE<sup>2</sup> 10 quod] quia VS 11 Non] hec C 15 informant] informant SE<sup>1</sup>E<sup>2</sup> 20 Varro] Varo CE<sup>1</sup> 21 et] ad add. SE<sup>1</sup> 24 ergo] igitur et sic fere semper E<sup>1</sup> 26 dicere ea] om. CV 28 esse] est VE<sup>2</sup>; causa] scientia a.c. C 34–35 predicatur] potest predicari V 35 Accipitur] accipite C

<sup>1</sup> Victorinus, ed. Halm, 170.25; ed. Ippolito, 32.122.

<sup>2</sup> Victorinus, ed. Halm, 170.25; ed. Ippolito, 32.122.

<sup>3</sup> Cf. Thierry, *Rhetorical Commentaries*, 51.50–55; Quint. *Inst.* 2.15.1–38.

<sup>4</sup> Victorinus, ed. Halm, 171.6–15; ed. Ippolito, 33.4–10.

tate substantiali, ut si queras cuius generis est hec uestis, id est qualis ipsa sit substantialiter, scilicet an sit linea uel lanea uel serica, uel cuius alterius qualitatis, et hoc equidem modo accipitur genus cum dicitur genus artis. Quod ut aper-  
 40 tius intelligatur uidendum est quod ars est scientia docendi infinita finite ad ali-  
 quid facile faciendum, uelud cum ars logica de predicabilibus tradat doctrinam,  
 et omnibus si unumquodque predicabile per se exequi uellet infinitus esset trac-  
 tatus, nec perfectam de illis doctrinam tradere posset. Ideoque decem constituit  
 predicamenta ad que omnia predicabilia redigerentur ut decem predicamentorum  
 proprietates pertractando de infinitis predicabilibus /**E**<sup>2</sup> fol. 41v/ finitam faceret  
 45 doctrinam. Idemque in ceteris artibus inuestigandum est.

Ars itaque dicitur ab artando, non solum quia regulis artat, sed quoniam infi-  
 nita ad certum quiddam et finitum reuocat. Genus ergo artis querere nichil aliud  
 est quam inquirere ad quid et qualiter habeat artare, id est utrum artet discen-  
 tem ad hoc ut reddat eum disputatorem uel causidicum uel dictatorem, et si qua  
 50 sunt his similia. Ut ergo generaliter describam: Genus cuiuslibet artis est qualitas  
 eius secundum suum effectum.<sup>5</sup> Ideoque querere genus artis rethorice est querere  
 qualis ipsa sit, id est de quo genere scientiarum secundum hoc quod efficit in  
 discente.

Est autem rethorica talis quod ipsa est maior ciuilis scientie pars, id est elo-  
 55 quentia, ideo scilicet quod efficit eloquentem, id est facundum et in persuadendo  
 facilem. Ut autem eloquentiam maiorem partem ciuilis scientie doceamus esse,<sup>6</sup>  
 incipiendum est nobis a ciuili ratione. Ratio autem dicitur hic ordo gerendorum,<sup>7</sup>  
 ut sit ratio ciuilis ordo gerendorum ad utilitatem ciuitatis pertinentium. Ciuilis  
 autem rationis due sunt species, una quarum dicitur ciuilis amministratio, altera  
 60 scientia amministrandi ciuilitate.

Ciuilis uero amministratio consistit in dictis et factis, sed que dicta et facta ad  
 solemnpnem cursum<sup>8</sup> pertinent [consistit in dictis et factis, id est in exercicio  
 dicendi et faciendi que dicta et facta pertinent ad sollemnpnem cursum] id est  
 ad communem et assiduam usum. Sunt enim qui dicunt et faciunt ad utilitatem  
 65 patrie /**S** fol. 89v/ ex usu assiduo, licet non habeant artem dicendi uel faciendi,  
 ut qui educunt exercitum caute et reducunt ad utilitatem patrie licet non  
 habeant artem militandi, quam docet Vegetius Renatus in libro *De Re Militari*,

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38 artis] sicut Victorino uidetur *add.* **E**<sup>2</sup> *in marg. add.* **S**<sup>cor.</sup> 39 intelligatur] dicatur **V**  
 40 tradat] tradet **E**<sup>1</sup> tradit **E**<sup>2</sup> 42 Ideoque] Aristotiles *add.* **SE**<sup>2</sup> 45 ceteris] aliis **SE**<sup>2</sup>  
 46 quia] enim **C**; sed] etiam *add.* **SE**<sup>2</sup> 47 *post aliud]* artis *del.* **C** 51 eius secundum  
 suum] secundum eius **V** eius secundum suum Petrus Helias, *Super Priscianum*, 61.13 55  
 ideo scilicet quod] scilicet quia **V** secundum scilicet quod **C** 56 eloquentiam] eloquentia  
**CV** 58 utilitatem] communem *s.l. add.* **S**<sup>cor.</sup> *add.* **E**<sup>2</sup> 61 uero] *om.* **SE**<sup>2</sup> 62–63 consistit  
 . . . cursum] *om.* **V**

<sup>5</sup> Cf. Victorinus, ed. Halm, 171.17; ed. Ippolito, 34.14.

<sup>6</sup> Cf. Thierry, *Rhetorical Commentaries*, 50.32–35.

<sup>7</sup> Victorinus, ed. Halm, 160.5; ed. Ippolito, 13.186.

<sup>8</sup> sollemnpnem cursum] cf. Victorinus, ed. Halm, 171.23; ed. Ippolito, 34.23.

et qui etiam ex usu bene causantur licet nesciant artem controuersandi in causa que dicitur rethorica. /V fol. 2r/

- 70 Ciuilis uero amministratio consistit in exercitio dicendi et faciendi, licet quis non habeat artem dicendi et faciendi. Illud quoque uidendum est quod ciuilis amministratio alia intrinseca est, alia extrinseca. Intrinseca est que fit et exercetur in ciuitate, ut pretoris officium quod erat dare iura populo, formare noua, mutare iam constituta unde et dicebatur “uiuua uox iuris.” Extrinseca amministratio est que fiebat extra ciuitatem ut educere exercitum et reducere quod erat officium imperatoris. De quo recte loquemur si dixerimus “caute prouidet educui, cauet receptui” iuxta quod etiam dicitur: “Tuba<sup>9</sup> cecinit eductui, tuba cecinit receptui” uel cecinit reuocationem. Non habet autem hec ciuilis administratio aliud nomen quo appelletur nisi quod generali nomine “restrictio” dicitur plerumque ciuilis ratio. Scientia uero amministrandi ciuilitate nomine suo dicitur ciuilis scientia. Hec quoque consistit in dictis et factis, id est in scientia dicendi et faciendi, in quo differt a ciuili administratione que consistit in exercitio dicendi et faciendi secundum que dicta et que facta in lite et questione uersantur — dicta scilicet uersantur in lite<sup>10</sup> id est in scientia litigandi, hoc est controuersandi que est rethorica; facta uersantur in questione, id est in scientia inquirendi quid sit uidelicet iustum, quid utile, quid honestum quod pertinet ad peritiam legum. /E<sup>2</sup> fol. 42r/

- Ciuilis itaque scientie due sunt partes integrales, eloquentia scilicet et sapientia, que a rethoribus dicitur consuetudinum uel legum peritia. Quamuis /C fol. 84r<sup>b</sup>/ autem eloquentia nichil prosit absque sapientia, maiorem tamen effectum habet eloquentia in persuadendo quam sapientia. Cum enim due sint necessaria oratori, sapientia pro robore, eloquentia pro armis, quicquid sapientia inuenit eloquentia explicat, augmentat insuper et amplificat. Unde et eloquentia dicitur maior pars ciuilis scientie. Bene dictum est ergo quod rethorica de hoc genere scientiarum est quod ipsa sit maior /E<sup>1</sup> fol. 1v<sup>b</sup>/ pars ciuilis scientie id est eloquentia. Hoc secundum effectum suum, hoc enim efficit in discente ut ipsum faciat eloquentem id est facilem et facundum in persuadendo.

MATERIA uero duplex est, unde fit ut ex ferro gladius, uel in qua fit<sup>11</sup> ut incus in qua formatur gladius. Cum ergo his duobus modis dicatur materia, ars non

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71 uidendum] dicendum C notandum E<sup>1</sup> 76 loquemur] loquens E<sup>1</sup> loquimur E<sup>2</sup> 77 cauet] et V caute S; etiam] om. CV 78 hec ciuilis administratio] hec V hoc C 85 post legum] in quibus faciendi scientia continetur. Questio enim in hoc loco dicitur inquisitio quid faciendum sit et quid non quod docet leges et inquirent in marg. add. S<sup>cor.</sup> add. E<sup>2</sup> 90 autem] enim C tamen V; eloquentia] habeat eloquentiam C 93 amplificat] et exornat, sine qua sapientia quasi elinguis est et minor in marg. add. S<sup>cor.</sup> add. E<sup>2</sup> 94 hoc] et hoc SE<sup>1</sup> 95 id est] et E<sup>2</sup> (et facilem s.l. add. S<sup>cor.</sup>)

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<sup>9</sup> Cf. Mart. Cap. 5.425, ed. Adolf Dick (Stuttgart, 1969), 210.8–212.1: “Sonuere tubae . . . omnium regina et impellere quod uellet et unde uellet deducere.”

<sup>10</sup> lite . . . questione] cf. Victorinus, ed. Halm, 171.23; ed. Ippolito, 34.23.

<sup>11</sup> Victorinus, ed. Halm, 174.5; ed. Ippolito, 38.147.

100 potest habere materiam ex qua fit<sup>12</sup> — hoc autem ideo est: ars enim scientia est,  
 ideoque simplex quoddam est — quare non habet materiam unde fiat. Si enim  
 haberet materia unde fieret, oporteret ut forma illi materie adueniret ut inde  
 fieret ars. Itaque ars quiddam compositum esset ex materia et forma, quod rati-  
 one caret.<sup>13</sup> Ars igitur non habet materiam nisi in qua fit, id est nisi materiam in  
 105 qua ipsa ars exercetur<sup>14</sup> quod etiam in uulgaribus patet. Si enim queras que sit  
 materia carpentarii, quoniam nomen hoc ex artificio dictum est et respectu artis  
 quam habet exercere in materia, opinor, respondendum est “ligna” in quibus  
 /**V fol. 2v**/ scilicet artifex secundum artem carpentariam operatur. Ut ergo generaliter  
 describam: Materia cuiuslibet artis est id quod tractat artifex secundum  
 110 artem.

Est igitur materia rethorice artis causa que a Grecis dicitur ipothesis. Causa  
 uero est controuersia ciuilis de dicto certo uel facto certe persone. Quod ut  
 totum recte intelligas, controuersia non omnis ciuilis est, ut disputatio dialectico-  
 rum, ideoque ad eius differentiam dictum est “ciuilis”; et quia in duellis est con-  
 115 trouersia ciuilis subditur “de certo facto uel dicto certe persone.” Ut autem  
 totum exequar: persona est ille uel illa qui uel que propter aliquod factum uel  
 dictum deuocatur in causam, siue illud dictum uel factum fecerit uel dixerit siue  
 non, si propter illud in causam tamen deuocetur. Nec enim si uel equus uel alia  
 possessio tua uicino tuo noceret, non ideo equus erit persona, sicut antiqui dice-  
 120 bant, in causa, immo ille qui propter factum /**E<sup>2</sup> fol. 42v**/ sue possessionis in

100 fit] fiat **V**; est<sup>1</sup>] *om.* **CSE<sup>2</sup>** 103 ars quiddam] ars quoddam **V** quiddam ars **C** 103–4 ratione] *bis* **E<sup>2</sup>** 105 *post* exercetur] Nec enim dicitur ars habere materiam nisi respectu artis (artificis **S<sup>cor.</sup>**). Hoc autem nomen datum est ex officio. Secundum officium uero nullam habet artifex materiam nisi illam in qua suum exercet officium *add.* **S<sup>cor.</sup> E<sup>2</sup>** 107 quam habet exercere in materia] quam habet exercere queritur materiam **V** quam habet exercere, queritur materia **S**; est] esse **V** 112 *post* certe persone] quoniam uero sunt (quedam *add.* **S<sup>cor.</sup>**) controuersie generales de dictis uel factis personarum, ut “Utrum uir fortis donandus est premio?” ideo additur certe persone. Ille uero controuersie generales thetice fiunt, id est ad thesim pertinentes, sed sepe ab oratoribus transumuntur. Quoniam una ars solet transumere materiam alterius artis. Unde et hec controuersia generalis a Boecio (PL 64:1207B) dicitur specialis causa; ideo quia ab oratoribus transumuntur ad causandum, speciales quia sunt communes nec proprie dicuntur cause, sed ille tantum que fiunt de certo dicto uel facto certe persone que dicuntur a Boecio cause indiuiduales. In rethorica uero dicuntur absolute et singulares cause *in marg.* *add.* **S<sup>cor.</sup> add. E<sup>2</sup>** 117 illud] id **V** ille uel **C** 119 noceret] nocuit **E<sup>1</sup>E<sup>2</sup>**

<sup>12</sup> Cf. Petrus Helias, *Super Priscianum*, 62.18–20: “Materia cuiuslibet artis est id in quo artifex agit secundum artem. Non enim arti attribuenda materia unde fiat, sed potius in qua fiat, sicut alibi aperte demonstratum est.” Cf. Thierry, *Rhetorical Commentaries*, 51.56–9.

<sup>13</sup> Cf. Menegaldus, fol. 8r: “Et debemus accipere materiam huius artis secundum Boecium (*sic! vide* Victorinus, ed. Halm, 174.5; ed. Ippolito, 38.147) simpliciter ubi fit et unde fit. Ubi fit: in questione scilicet, quia questio [est] ducitur in causam. Unde fit: ex argumentis scilicet per que confirmatur et probatur questio, sicut fabri materia est ferrum ubi fit, unde fit incus, malleoli et forcipes . . . illud dicimus materiam huius artis in qua ostendenda omnis ars uersatur, id est precepta dantur.”

<sup>14</sup> cf. Petrus Helias, *Super Priscianum*, 62.18–20.



causam trahitur. Cum autem dico “propter factum uel dictum,” intellige in his intentionem dicendi uel faciendi. Similiter enim propter intentionem ducitur quis in causam quemadmodum propter dictum uel factum. Negotium quoque secundum artem rethoricam dicitur factum uel dictum propter quod aliquis in causam  
 125 deuocatur, ut in facto uel dicto pariter intelligatur dicendi et faciendi intentio. Et est controuersia ciuilis de certo dicto uel facto certe persone, ut “Utrum Ulixes occiderit Aiacem necne.” /**S fol. 90r**/ Si dicas hanc controuersiam non fuisse de certo facto quoniam factum illud dubium erat, dicemus quod “certum” hic non accipitur contra “dubium” sed pro “de determinato”; /**E<sup>1</sup> fol. 2r<sup>a</sup>**/ nomina-  
 130 tim etenim et determinate accusabatur Ulixes de morte Aiakis. Causa uero triplex est secundum tria finium genera.<sup>15</sup> Est autem finis cause id propter quod omnis causa inchoatur et fit. Quoniam ergo non inchoatur causa nisi propter iustum uel utile uel honestum, ideo tres fines causarum esse dicuntur iustum, utile, honestum.

135 Ex fine autem iusti, id est cum ad hoc tendit orator ut partem suam ostendat iustam esse, partem aduersarii iniustam, inde contrahit hanc qualitatem causa ut dicatur iudicialis. Cum uero tendit ad hoc ut demonstret partem suam utilem esse, partem aduersarii inutilem inde contrahit hanc qualitatem causa ut dicatur deliberatiua. Deliberamus etenim consultando. Consultatio uero est utilitatis alicuius rei per consilium inquisitio. Quando autem orator tendit ad hoc ut partem  
 140 suam demonstret honestam esse, partem aduersarii inhonestam inde contrahit hanc qualitatem causa ut dicatur demonstratiua. Demonstrare etenim in hoc loco nichil aliud est quam laudare et /**V fol. 3r**/ uituperare. Si queras quare magis dicantur fines causarum iustum, utile, honestum quam eorum contraria  
 145 respondebimus: quoniam orator non laborat ostendere partem aduersarii esse iniustum uel inutilem uel inhonestum nisi ut per hoc demonstret partem suam uel iustam esse uel utilem uel honestam, ideoque non immerito fines causarum dicuntur iustum, utile, honestum et non contraria eorum.

150 Secundum hos igitur fines tres qualitates, ut dictum est, attribuit artifex cause, uidelicet ut causam faciat uel iudiciale tenendo ad iustum, uel deliberatium tendendo ad utile, uel demonstratiuum tendendo ad honestum. Hee autem tres qualitates dicuntur tria causarum genera, que sic describimus: Genera causarum sunt qualitates causarum generales ex finibus suis prouenientes, generales ideo quia omnis causa postquam tractata est aut iudicialis /**E<sup>2</sup> fol. 43r**/ est aut

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130 etenim] *om.* **V** enim **S**; accusabatur] accusatur **E<sup>1</sup>E<sup>2</sup>**; *post* Aiakis] Causa igitur est materia artis rethorice quoniam causam tractat artifex secundum hanc artem, et dicitur a Grecis *ypothesis* id est ‘sub thesi’ quoniam ‘ypo’ interpretatur ‘sub.’ Est enim *thesis*: “An ducenda sit uxor,” *hypothesis* uero est: “An Marcia sit ducenda Catoni.” Hec enim ad certam personam descendit et sub predicta thesi continetur. Sed quoniam omnis materia debet informis esse ut sit materia, necessario quoque causa informis erit artis rethorice materia. Sed informis semper respectu forme dicitur. Quarum ergo respectu formarum informis causa nuncupabitur respectu finium *in marg. add.* **S<sup>cor.</sup>** *add.* **E<sup>2</sup>** 135 tendit] tendat *p.c.* **V** 137 iudicialis] iuridicialis **CV** 138 esse] *om.* **VE<sup>2</sup>** 152 tres] *om.* **SE<sup>2</sup>**

<sup>15</sup> triplex . . . genera] cf. Victorinus, ed. Halm, 174.22; ed. Ippolito, 39.169.

- 155 deliberatiua aut demonstratiua.<sup>16</sup> Illud quoque addendum est quod sicut sunt tria genera finium, tria genera causarum, ita quoque solebant tria genera locorum Rome,<sup>17</sup> tria genera prolocutorum, tria genera auditorum. In Foro enim ante Rostra nauium tractabatur causa iudicialis, et erat ibi prolocutor acusator et defensor, iudex auditor. Quatuor autem necessaria sunt in causa iudiciali:
- 160 "iudex armatus sceptro iusticie, acusator pugione malitie, defensor clipeo pietatis, testis tuba ueritatis."<sup>18</sup> In Capitolio quoque tractabatur deliberatiua causa, prolocutor autem erat ibidem consultator, senatus auditor. In Campo rursus Martio tractabatur causa de /E<sup>1</sup> fol. 2r<sup>b</sup>/ monstratiua, prolocutor erat contionator, populus auditor. Causa igitur tripertita, sicut predictum est, artis rethorice est
- 165 materia. Sed queretur utrum hoc uniuersale causa sit materia artis, uel causa omnis, uel si aliqua, una uel plures nec omnis. Sed quoniam rethorica sola particularia pertractat, ideo nullum uniuersale eius est materia; posset uero dici quod nominatum hoc nomine "causa" ita tamen quod nullum eius sit materia. Sed potius dicendum est quod omnis causa materia eius est ita quod unaqueque, quoniam unamquamque earum pertractat artifex secundum artem. At /C fol. 84v<sup>a</sup>/
- 170 dices. Cause sunt infinite, ergo si omnis causa materia artis est ita quod unaque-

155 post demonstratiua] uel quia continet omnes constitutiones sicut sequens tractatus docebit add. E<sup>2</sup> in marg. add. S<sup>cor.</sup> 156–57 ante locorum] eorum s.l. add. S<sup>cor.</sup> add. E<sup>2</sup> 158 ibi] eorum add. E<sup>2</sup> s.l. add. S<sup>cor.</sup> 161 tractabatur] captabatur C 165 uniuersale] scilicet add. SE<sup>2</sup> 166 omnis<sup>2</sup>] omnes C omnis, sed potius dicendum est quod omnis causa V; quoniam rethorica . . . sed] om. V quoniam . . . uel C 167 pertractat] pertractata a.c. C 170 artifex] om. C orator id est artifex V; At] si add. V sed SE<sup>2</sup>

<sup>16</sup> Cf. William, York, Minster, MS XVI. M.7, fol. 41<sup>bis,v<sup>b</sup></sup> (*Inv. rhet.* 2.37.110): "Genus secundum magistrum Ansellum dicitur finis ad quem tendit causa, quia ipse est principalis natura per quam diuersum genus in in causa <+++>, formam uocat proprietatem quandam agendi, quam ex fine recipit. Alio enim modo agitur secundum finem recti, alio secundum finem utilis. Secundum magistrum Menegaldum sic: Differunt GENERE quia aliud genus est iudiciale, aliud deliberatiuum, et FORMA id est constitutionibus. Illa enim tria quasi informia formantur in constitutionibus, et ita ad suos fines tendunt, et sic differunt forma. Iudicalis enim forma est que in aliqua constitutione tendit ad iustum uel iniustum, quod numquam alia faciunt."

<sup>17</sup> Cf. William, *ibid.*, fol. 6v<sup>a</sup>: (*Inv. rhet.* 1.5.7) = Manegold in Dickey, "Some Commentaries" (n. 21 above), 10: "He cause secundum magistrum Anselmum indiscrete ubique aguntur, sed magister Menegaldus certa et propria loca singulis causis attribuit. In foro enim aguntur (agitur MS) iudicialia placita ante iudices, in senatu deliberatiue cause ubi deliberantur an mitteretur exercitus Rome apud Parthos annon et similia, demonstratiue cause in Marcio Campo ubi laudabantur illi qui erant promouendi ad consulatum. Ibi enim dabantur honores. Has causas tres ita informatas quod agi debent uel demonstratiue uel deliberatiue uel iudicaliter dicit materias oratoris. Que secundum se dicuntur furta uel sacrilegia etc. secundum modum agendi accipientes formas dicuntur demonstratiue, deliberatiue, iudiciales." Cf. William, fol. 41<sup>bis,v<sup>b</sup></sup> (*Inv. rhet.* 2.37.110): "Secundum magistrum Menegaldum, qui uult certa loca singulis causis attribui."

<sup>18</sup> Alcuin, *Disputatio de Rhetorica et de Virtutibus*, in *Rhetores Latini Minores*, ed. Halm (Leipzig, 1863), 534.21–22; Geoffrey of Vinsauf, *Documentum*, ed. Edmond Faral, *Les Arts Poétiques du xiiie et du xiiiiie siècle* (Paris, 1971), 295.

que, uel infinite sunt materie eius uel saltem materia infinita est. Quod non sequitur. Causa namque non dicitur materia artis nisi respectu formarum quas artifex ei apponit per artem. Hee autem tres tantum sunt. Causam enim sic  
 175 informat ex arte ut uel eam faciat iudicalem uel deliberatiuam uel demonstra-  
 tiuam.<sup>19</sup> Quoniam ergo respectu harum trium qualitatum causa dicitur materia,  
 licet omnis ita quod unaqueque finitur tamen tribus generibus causarum artis  
 rethorica materia ut non infinita sit, sed quomodo dictum est tripartita.

OFFICIUM cuiuslibet artis est id quod debet facere artifex secundum artem.  
 180 Officium ergo huius artis est<sup>20</sup> dicere apposite ad persuadendum.<sup>21</sup> Quid autem  
 sit hoc superius expeditum est. Dicitur autem /V fol. 3v/ officium artis non quo-  
 niam ars illud habeat facere, sed quoniam ex arte prouenit ut secundum eam  
 habeat artifex eius hoc facere ut artis causatiuus sit genitiuus cum dicitur offi-  
 cium artis, quoniam ars illud non habet facere sed causam qua illius est ars.

FINIS uero cuiuslibet artis non dicitur ubi finitur ars, sed id ad quod tendit  
 artifex per officium.<sup>22</sup> Finis ergo huius /S fol. 90v/ artis est persuadere dictione id  
 est quantum in se dicente est ut uidelicet in ipso oratore non id maneat, licet in  
 auditore.<sup>23</sup> Dicit tamen Boethius in *Quarto Topicorum*<sup>24</sup> quod finis artis duplex  
 est, tum in se tum in altero. Finis in se est persuadere quantum in se dicente  
 190 est. Dicitur autem in se quoniam in ipso oratore est ut hunc finem consequatur.  
 Quotiens enim suum implet officium et hunc finem — ita coniunctus est officio —  
 semper consequitur, licet etiam quod uult auditori non persuadeat. Unde  
 Aristotiles in *Primo Topicorum*:<sup>25</sup> medicus non semper sanabit nec orator semper  
 195 persuadebit, set si ex contingentibus nichil omiserit recte illum suum habere pro-  
 positum dicemus, appellans contingentia que conueniunt et sufficiunt uel ad

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175 informat] orator *s.l. add. S<sup>cor.</sup> add. E<sup>2</sup>* 177 ita] *om. SE<sup>2</sup>*; post finitur tamen] finit +  
*lacuna 4 fere litt. C* 178 tripartita] secundum illas tres predictas qualitates quas artifex  
 illi per artem attribuit *add E<sup>2</sup> in marg. add. S* 184 quoniam ars] *om. SE<sup>1</sup>E<sup>2</sup>*  
 186 dictione] dictatorem *C* 187 id maneat, licet] remaneat sed *V* remaneat licet *E<sup>1</sup>*  
 189–90 post dicente est] Quare cum si bene compleat suum officium id est si dixerit ea que  
 conueniunt et sufficiunt ad persuadendum licet tamen non persuadeat. Persuadere ergo  
 dictione, sicut expositum est finis est in se *in marg. add. S<sup>cor.</sup> add. E<sup>2</sup>* 190 oratore] audite-  
 tore *SE<sup>2</sup>*

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<sup>19</sup> Cf. the Epilogue by William: “Nota etiam quod in materia oratoris diuersi sunt Boethius et Tullius. Dicit enim Boethius in *Quarto libro Topicorum* (PL 64:1207C) quodlibet negotium de quo intendit agere orator ipsius oratoris esse materia, quae postea sub demonstratio formatum uel sub deliberatio uel iudiciali cadat . . . Tullius uero nullam rem iudicat debere oratoris materiam appellari quamdiu consideratur non informatum aliqua illa proprietatum quae per demonstratiuum et deliberatiuum et iudiciale significantur” (William, 33).

<sup>20</sup> Cf. Petrus Helias, *Super Priscianum*, 62.27.

<sup>21</sup> Cf. Thierry, *Rhetorical Commentaries*, 53.84–89.

<sup>22</sup> Petrus Helias, *Super Priscianum*, 63.40.

<sup>23</sup> Cf. Thierry, *Rhetorical Commentaries*, 53.91–94.

<sup>24</sup> PL 64:1208D.

<sup>25</sup> Arist. *Top.* 1.3 101b10, AL, 8; cf. Thierry, *Rhetorical Commentaries*, 53.88–90.

sanandum quantum ad medicum, uel /**E**<sup>1</sup> fol. 2v<sup>a</sup>/ ad persuadendum quantum ad oratorem. Finis in altero est persuadere, uel potius, secundum Boethium, persuasisse.<sup>26</sup> In altero autem dicitur quoniam in altero ab oratore id est in auditore est ut ei persuadeatur. Quicquid enim dicat orator, nichil persuadebit auditori nisi forte uelit adquiescere persuasioni. Completo itaque officio semper consequitur orator finem in se, unde et hic dicitur finis proprius artis, alter uero non. Licet enim officium suum compleat orator, non tamen semper persuadet sic "neque tamen," ut in *Quarto Topicorum* habetur, "rethoricam fine suo contentam honore uacuauit."<sup>27</sup>

205 **PARTES** cuiuslibet artis sunt illa omnium quorum simul et nullius tantum per se est ars.<sup>28</sup> Ipsa est scientia, ut logice partes sunt inuentio et iudicium, quod logica nullius istorum tantum est scientia sed utriusque. Quinque partes sunt ergo artis rethorice. Inuentio, dispositio, elocutio, memoria, pronuntiatio. Nec enim rethorica alicuius istorum tantum est scientia sed omnium simul.

210 Inuentio enim est rerum uerarum aut uerisimilium excogitatio, et quia hoc totum habet logicorum inuentio additur: que causam probabilem id est uerisimilem reddunt. Per res igitur ueras argumenta necessaria intellige, per uerisimiles probabilia.

215 Dispositio est rerum inuentarum in ordine distributio id est ordinate distributio uel distributa ordinatio. Possent enim distribui id est in diuersas partes cause tribui argumenta, sed non quo ordine deberent. Possent iterum ordinari in una cause parte aliqua, et sic non obseruaretur dispositio, ideoque dictum: in ordine distributio.

220 Elocutio est /**V** fol. 4r/ rerum et uerborum ad inuentionem accomodatio, ad inuentionem id est ad inuenta. Accommodare ergo res et uerba ad inuentionem nichil aliud est quam uerbis et sententiis ornare inuenta. De ornatu uero uerborum et sententiarum in *Rethorica ad Herennium* dicitur.

225 Memoria est firma animi rerum ac uerborum ad inuentionem perceptio id est rerum ac uerborum secundum quod inuenta sunt perceptio. Sed quia quidam percipiunt inuenta ante causam, quando autem ad causandum ueniunt obstupefiunt, idcirco dictum est: firma, ut uidelicet singula firme in causa orator retineat. /**E**<sup>1</sup> fol. 2v<sup>b</sup>/ Pronuntiatio est ex rerum et uerborum dignitate uocis ac

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200 forte] *om.* **V**; *post* persuasioni] Sed quamuis orator illum finem qui est in altero non consequatur, si eum finem in se consequitur, non minus fecit (facit **E**<sup>2</sup>), quod secundum artem facere debuit *in marg. add.* **S**<sup>cor.</sup> *add.* **E**<sup>2</sup> 202 persuadet sic] persuadet **V** persuadebit **E**<sup>2</sup> 204 *post* uacuauit] Differt autem finis ab officio quoniam officium est persuadere, finis est persuasisse *add.* **E**<sup>2</sup> *in marg. add.* **S** 210 enim] autem **SE**<sup>2</sup> 213 *post* probabilia] Et hec descriptio est rethorice inuentionis *in marg. add.* **S** *add.* **E**<sup>2</sup> 217–18 ideoque . . . distributio] *om.* **SE**<sup>2</sup> 219–20 accomodatio . . . ad inuentionem<sup>2</sup>] *om.* **C** (*homoioteleuton*) 223 *post* perceptio] Verba enim sicut res debemus tenere memoria *in marg. add.* **S** *add.* **E**<sup>2</sup>

<sup>26</sup> PL 64:1208D: "Finis . . . in ipso bene dixisse id est dixisse apposite ad persuasionem."

<sup>27</sup> Boeth. *De diff. top.*, PL 64:1209A.

<sup>28</sup> Petrus Helias, *Super Priscianum*, 63.45–46.

corporis moderatio. Verba enim rebus debent congruere, ut si de re lacrimabili loquamur, uerbis utamur ad lacrimas commouentibus cuiusmodi sunt uerba dolo-  
 230 rem exprimentia. Si uero de re seria loquamur uerbis utamur seriis, ut qualitates uerborum qualitati congruat rerum, iuxta illud Horatii<sup>29</sup>

scriptor. Honoratum si forte reponis Achillem,  
 impiger, iracundus, inexorabilis, acer

et cetera que sequuntur. Oportet etiam ut, si res fuerit lacrimabilis et uerba lacrimis plena, ipsa quoque pronuntiatio sit lacrimabilis, /E<sup>2</sup> fol. 44r/ et preterea moderatio corporis est obseruanda, id est habitus, uultus et membrorum corporis gesticulatio, ut, si res uidelicet fuerit lacrimabilis, uultum quoque lacrimabilem adhibeat et gesticulationem corporis lacrimanti conuenientem sicut in tractatu de pronuntiatione docetur.

240 Dicuntur autem illa quinque partes rethorice artis quadam similitudine.<sup>30</sup> Sicut enim si paries et tectum et fundamentum simul conuenerunt domus est integra, /S fol. 91r/ quodcumque uero istorum defuerit integra non est. Ita quoque, si illa quinque in aliquo simul conuenerunt, integre dicitur artem rethoricam habere, quodcumque uero istorum defuerit non integram artis rethorice  
 245 dicitur habere scientiam.

Sed queritur utrum actus inueniendi et ceterorum partes sint rethorice, uel scientia inueniendi et aliorum. Sed quoniam potest aliquis habere scientiam artis rethorice integram, licet actum inueniendi et aliorum non exerceat, ideo uidetur dicendum quod scientia inueniendi et scientia aliorum partes sint rethorice artes.  
 250 At dices. Ergo rethorica erit scientia scientie inueniendi et aliorum quod ex isto sensu potest satis concedi. Vel, ut scientia sit constans ex scientia inueniendi et ceterorum scientiis. De his tamen diuersi diuersa sentiunt. Sunt enim qui dicunt quod scientia inueniendi non est scientia artis rethorice, similiter nec /V fol. 4v/ scientia disponendi eodemque modo de ceteris dicendum. Sed dicunt quod scientia  
 255 artis rethorice ex omnibus illis scientiis constat integraliter.<sup>31</sup> Alii dicunt quod quasi partes uirtuales sunt artis rethorice ille que predictae sunt scientie, ut ars rethorica sit ex uno tractandi modo /E<sup>1</sup> fol. 3r<sup>a</sup>/ scientia inueniendi, eadem ars ex alio tractandi modo sit scientia disponendi. Similiter dicendum est de ceteris ut una et eadem ars sit unaqueque illarum scientiarum. Nec tamen scientia inueniendi est scientia disponendi, eo quod scire inuenire non est scire disponere.  
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228 moderatio] modulatio SE<sup>2</sup> 229 commouentibus] et conuenientibus add. SE<sup>2</sup> 232 si forte] bis C 234 Oportet etiam] oportet enim C opus est a.c. E<sup>1</sup> 238 gesticulationem] gestionem SE<sup>2</sup> 239 docetur] dicitur SE<sup>2</sup> 242–43 est . . . conuenerunt] om. S 245 post habere] id est si quis sciuerit argumenta idonea inuenire, disponere et cetera que dicta sunt, integram habebit huius artis scientiam in marg. add. S<sup>cor.</sup> add. E<sup>2</sup> 246 Sed queritur] si queretur E<sup>1</sup> sed queretur S; sint] sunt CE<sup>2</sup> 250 at] et SE<sup>2</sup> 254 eodemque] eodem quoque C 260 disponendi] disserendi C

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<sup>29</sup> Hor. *Ars. P.* 120–121.

<sup>30</sup> Cf. Boeth., *De diff. top.*, PL 64:1179B; Thierry, *Rhetorical Commentaries*, 54.7.

<sup>31</sup> Thierry, *Rhetorical Commentaries*, 53.4.

Dicuntur autem quasi partes uirtuales esse, quia natura fert ut de unaquaque partium uirtualium predicetur et totum earum, ut anima de ui ratiocinandi et de ui sciendi et de ceteris uiribus suis ex alio modo conformandi se dicitur anima et uis ratiocinandi, ex alio modo conformandi se dicitur uis sentiendi, sicut in philosophis manifestissime docetur.<sup>32</sup>

Queretur iterum cur, cum inuentio sit pars artis rethorice, eiusdem pars non sit iudicium? Et dixerunt /C fol. 84v<sup>b</sup>/ antiqui<sup>33</sup> quod sub inuentione comprehenditur iudicium. Sed uerius est quod iudicium pars non est artis rethorice. Non enim rethorica docet dare iudicia quemadmodum eadem docet inuenire argumenta. Iudicium enim causarum ad rethoricam non pertinet, sed potius ad legum peritiam. Quoniam ergo oratoris est secundum artem rethoricam inuenire que ualent ad causandum, non autem eius est dare iudicia, iccirco inuentio pars artis rethorice est, non uero iudicium.

Queretur rursus cur quinque /E<sup>2</sup> fol. 44v/ partes sint rethorice artis nec plures nec pauciores. Ad quod dicimus illa quinque, scilicet inuenire, disponere, eloqui, memorare et pronuntiare necessaria sunt ad iuste causandum, nec plura nec pauciora. Ideoque quinque sunt partes artis rethorice, ille scilicet que predicte sunt, nec plures nes pauciores.

SPECIES cum pluribus modis accipiantur, hic accipitur pro forma ut sint species artis forme uel qualitates quas artifex attribuit materie per artem.<sup>34</sup> Has autem formas attribuit artifex huius artis materie, id est cause, ut eam faciat uel iudiciale uel deliberatiuam uel demonstratiuam. Et hee forme dicuntur species, id est forme artis non quod artem informent, sed quoniam per artem attribuit

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263 et de ceteris uiribus suis] *om.* C de ceteris uirtutibus suis E<sup>1</sup>; alio modo] modo omni V modo enim uno SE<sup>1</sup>E<sup>2</sup> 264 anima . . . dicitur] *om.* C; et] est reuera *add.* SE<sup>2</sup> est *add.* E<sup>1</sup> 266 cur] *om.* V certum E<sup>2</sup> 267–68 quod . . . comprehenditur] quod Tullius . . . comprehendit SE<sup>2</sup> 274 Queretur] queritur E<sup>2</sup> sed queretur S 276 memorare et pronuntiare] pronuntiare ad memorare V memorare pronuntiare SE<sup>2</sup>; iuste] recte SE<sup>2</sup> *def.* C 275–78 Ad quod . . . pauciores] *om.* C 279 accipiantur] accipiatur E<sup>1</sup>E<sup>2</sup>

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<sup>32</sup> Cf. Calcidius *In Timaeum*, ed. J. H. Washink, Plato Latinus 4 (London, 1962), 244.20–22.

<sup>33</sup> Antiqui = William (of Champeaux?) and Abelard, cf. William, 22: “Praecogitare enim docet inuentio prius quod homo uel alius terminus habet cum substantia affinitatem talem quod iunctum alicui praedicando facit substantiam eidem cohaerere. Postea iudicium constituit aliquam argumentationem ubi hoc argumentum explicatur. Haec uero inuentio, quam hic definit (*Inv. rhet.* 1.7.9) inuenit locos et rationes probationum, ubi loci habent probandi efficaciam. Itaque habet et officium sui et iudicii.” Cf. Niels Jørgen Green-Pedersen, *The Tradition of the Topics in the Middle Ages: The Commentaries on Aristotle's and Boethius's Topics* (Munich, 1984), 194–200; Abelard, *Pietro Abelardo. Scritti di Logica*, ed. Mario del Pra, Pubblicazioni della Facoltà di Lettere e Filosofia dell'Università di Milano 24, 2nd ed. (Florence, 1969), 212.29–30 and 213.26–214.13; Karin Margareta Fredborg, “Abelard on Rhetoric,” in *Rhetoric and Renewal in the Latin West, 1100–1540: Essays in Honour of John O. Ward*, ed. Constant J. Mews, Cary J. Nederman, and Rodney M. Thompson (Turnhout, 2003) 55–80, at 59–60.

<sup>34</sup> Petrus Helias, *Super Priscianum*, 63.52.



artifex illas formas materie ut “artis” pro causatiuo genitiuo accipiatur, unde  
 285 habetur in *Quarto Topicorum*,<sup>35</sup> quod species ex rethorica ueniunt in causam ideo  
 scilicet quod secundum artem et per eam formas predictas artifex materie attri-  
 buit. Species ergo artis sunt genera causarum sicut ex predictis manifestum est.

INSTRUMENTUM cuiuslibet artis est id per quod artifex operatur /E<sup>1</sup> fol. 3r<sup>b</sup>/  
 in materia, ut dolabra et ascia /V fol. 5r/ et similia his instrumenta sunt carpen-  
 290 tarii. Est ergo instrumentum rethorice artis oratio rethorica cuius partes sunt  
 sex: exordium, narratio, partitio, confirmatio, reprehensio, conclusio, de quibus  
 omnibus loco suo latius postea tractabimus.<sup>36</sup>

ARTIFEX cuiuslibet artis est qui agit secundum artem.<sup>37</sup> Est igitur artifex  
 huius artis orator qui sic describitur. Orator est uir bonus dicendi peritus qui in  
 295 publicis et priuatis causis plena et perfecta utitur eloquentia.<sup>38</sup> Vir bonus intelli-  
 gitur uir religiosus a quibusdam. Dicunt autem hii quod meretrix uel dolosus  
 orator non esse possit, imo cauillator<sup>39</sup> est cum ex arte rethorica agit, quod quo-  
 niam a nostro usu nimis remotum est, dicimus quod uir bonus dicitur hic sapiens  
 ex peritia legum uel consuetudinum, sed quoniam sapientia in causis parum  
 300 ualet sine eloquentia iccirco additur: dicendi peritus. Cum autem alia causa  
 priuata sit id est de rebus priuatis cuiusque, alia publica id est de /S fol. 91v/  
 rebus publicis, quidam sciunt de rebus priuatis bene dicere sed non de publicis et  
 e conuerso, ideoque perfecti non sunt in persuadendo, propterea additur: qui in

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284 causatiuo] prociali C causali V; genitiuo] genere C lectio incerta V 287 post est] quo-  
 niam has formas attribuit artifex id est orator materie id est cause, sicut diximus. Quo-  
 modo ergo si lignum rude uideretur, posses dicere hec forma huius ligni est materia, si  
 uero formatum erit artificio diceres: hec forma non est uere <illius> sed artis, ita quoque  
 eodem loquendi genere dicuntur species artis eo quod ex arte proueniunt. Et uide quod  
 licet idem sit iustum et utile et honestum, non tamen sequitur quod si orator in iudiciali  
 genere tendit ad iustum quod ideo tendit ad utile uel ad honestum. Nam aliud est persua-  
 dere equum ex ui honestatis licet idem sit iustum et utile et honestum, sicut licet idem sit  
 longum et rotundum aliud est longitudo et rotunditas in marg add. S<sup>cor.</sup> add. E<sup>2</sup> 291  
 partitio] petitio siue diuisio p.c. V 292 tractabimus] tractabitur SE<sup>2</sup> 296 uel] et C uel  
 mendax uel dolosus V 299 legum] rerum V 301–2 cuiusque . . . priuatis] om C (homoio-  
 teleuton) 303 post conuerso] Differt rethor ab oratore. Nam rethor est qui docet artem,  
 licet eam exercere nesciat. Orator est qui eam exercet licet docere nesciat. Multi enim  
 docent rethoricam qui eam nesciunt exercere, et multi /E<sup>2</sup> fol. 45r/ exercent qui nesciunt  
 docere. De sophista etiam huius artis facit mentionem Victorinus quem ita describit: Sophista  
 est apud quem exercitium dicendi discitur (Victorinus, ed. Halm, 156.24; ed. Ippolito,  
 7.71–72). Erat enim antiquitus sophista Rome uir magne auctoritatis et omni scientie pre-  
 ditus, cuius erat officium singulos in singulis artibus experiri a quibuscumque didicissent.  
 Quod si peritum inueniret illum sophista, dabatur ei licentia regendi studium; si non, remit-

<sup>35</sup> PL 64:1207B.

<sup>36</sup> Cf. Thierry, *Rhetorical Commentaries*, 54.21–24.

<sup>37</sup> Petrus Helias, *Super Priscianum*, 64.60.

<sup>38</sup> Victorinus, ed. Halm, 156.24–25; ed. Ippolito, 7.70–71; Thierry, *Rhetorical Commenta-  
 ries*, 54.25–26.

<sup>39</sup> Cf. Sen. *Ep.* 102.20.



publicis et priuatis plena et perfecta utitur eloquentia, quod est eloquentia uti  
305 secundum artem, adiuncta ei sapientia.

RETHOROS Grece, copia dicendi Latine, et inde dicitur rethorica, quasi dicendi copia eo quod in dicendo copiosum reddat uel efficiat.<sup>40</sup>

310 HOC ORDINE DOCENDA ET DISCENDA est. Primo enim agendum est de inuentione, secundo de dispositione, tertio de pronuntiatione, quarto de memoria, ad ultimum de elocutione. Ratio autem huius ordinis in *Rhetorica ad Herennium*, quam *Secundam* uocant *Rethoricam* assignabitur. Et hec quidem circa artem extrinsecus inquirenda sunt.

CIRCA LIBRUM uero Tullii considerata sunt ista. Que sit eius intentio in hoc opere, que libri utilitas, an opus hoc ad philosophiam pertineat, quis sit operis titultus. INTENTIO ergo Tullii est in hoc opere tractare primam partem rethorice artis, id est inuentionem. Non enim in hoc opere totam intendit rethoricam tradere, sed de parte eius prima solummodo agere. UTILITAS libri est scientia facile inueniendi et copiose que ad persuadendum sunt utilia.<sup>41</sup>

320 NON PERTINET AD PHILOSOPHIAM ars rethorica. Cum enim /E<sup>1</sup> fol. 3v<sup>a</sup>/ philosophia inquisitiua ueritatis sit, rethorica inquisitiua ueritatis non est, sed animorum commotiua, ad hoc enim laborat ut de tristi faciat letum, de leto tristem, de misericordi crudelem, de crudeli misericordem. /V fol. 5v/ Nec curat an uerum dicat orator an falsum, tantummodo probabiliter persuadeat. Ideoque non est de philosophia.

325 TITULUS talis est: Marci Tullii Ciceronis Primus Liber Rethoricorum de Inuentione Incipit. Et uide quod sicut dicimus "Hec Topica, horum Topicorum" ita solebant dicere "Hec Rethorica, horum Rethoricorum" ut sit nomen artis. Vel dicebatur "Rethorica, Rethoricorum" ut "Analetica, Analeticorum."

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tebatur ad studium. Qui uero recipiebatur in doctorem iurabat fidelitatem doctrine *in marg. add. S<sup>cor.</sup> add. E<sup>2</sup>*; propterea] proprie atque C proptereaque E<sup>1</sup> 307 reddat uel efficiat] reddat uel *om. V* uel efficiat *om. E<sup>1</sup>* 309 secundo] loco *add. SE<sup>2</sup>*; tertio] loco *add. C* 318 sunt utilia] *om. C* 319–20 philosophia inquisitiua] philosophica inquisitio C 327 ut] sicut SE<sup>1</sup>

<sup>40</sup> Cf. Thierry, *Rhetorical Commentaries*, 55.30–31.

<sup>41</sup> Cf. Thierry, *Rhetorical Commentaries*, 55.35–37.

## APPENDIX 2 &lt;DE CONSTITUTIONIBUS&gt;

(*Inv. rhet.* 1.8.10) **C** fol. 85r<sup>a</sup>, **V** fols. 6v–7v, **S** fols. 92v–93r, **E**<sup>1</sup> fol. 4r<sup>b</sup>–v<sup>b</sup>, **E**<sup>2</sup> fols. 46v–47v.

- In formanda uero constitutione dolo fere omnes apud nos hodie tenentur. Cum enim reus a pretore uel a principe deuocatur in ius, audito quid intendatur in eum, differt depulsionem plerumque dicens se non ideo uenisse ut causaretur, sed ut audiret quid ei aduersarius imponere uellet, et die prestituta a iudice se responsurum super hoc promittens ut interim cogitet quid ad obiecta possit ad sue cause commodum respondere. Nescio quid doli subest in huiusmodi depulsionis dilatione, cum intentione audita ut cause constitutio formaretur deberet statim depellere. Numquid enim similiter accusator iudici dicere posset: Diem in qua nobis causandum erit prefigite et tunc proponam quid in eum uelim intendere.
- 10 Quoniam uero auctores diuersi diuerso modo constitutionem uidentur describere, necessarium duxi diuersas eorum descriptiones proponere et omnes pariter ad eam quam posuimus descriptionem applicare.
- Tullius ergo quatuor inuenitur posuisse descriptiones. Quarum prima est: Constitutio est questio ex qua causa nascitur,<sup>1</sup> id est principalis controuersia que  
15 constituit causam. Hec autem est summa cause ut superior diximus.<sup>2</sup> Secunda uero descriptio est huiusmodi. Constitutio est prima conflictio causarum ex depulsione intentionis profecta.<sup>3</sup> Vide ergo quod “causarum” posuit pro causancium, ut sit prima conflictio causarum, prima scilicet controuersia causantium profecta ex depulsione intencionis id est intencione et depulsione formata. Quamuis  
20 autem constitutio constet ex intencione et depulsione preelegit tamen dicere ex depulsione intencionis profecta, quoniam depulsio maiorem habet uim in formanda constitutione quam intencio. Scis quare? Quoniam manente una et eadem intencione pro uarietate depulsionis diuersas oportet constitutiones esse, ut manente hac intencione: “Occidisti!” si dicat defensor: “Non occidi” coniecturalis est constitutio. Si uero dicat: “Occidi iure!” generalis est, sicut docebunt

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10 auctores] auditoris **C**

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<sup>1</sup> *Inv. rhet.* 1.8.10.

<sup>2</sup> supra: **C** fol. 85r<sup>a</sup>, **S** fol. 92r: “Constitutio est summa cause quam uterque orator summatim et breuiter proponit presente iudice, quod secundum antiquum morem Romanorum dictum est. Erat enim consuetudo ut delata ad pretorem querela, traheretur reus in ius ibique accusator quid in reum intendit proponebat, uerbi gratia: Occidisti Aiacem. Defensor quoque partem suam statim in presentia pretoris proponebat, uerbi gratia: Non occidi. Ecce iam constituta erat. Cause tamen tractatio quando uidebatur iudici differebatur, ita tamen quod qua die causa primo constituta tractabatur non licebat uel accusatori intencionem, uel defensori mutare depulsionem.”

<sup>3</sup> *Inv. rhet.* 1.8.10.

sequencia. Cum autem ait prima conflictio causarum, prima inquit ad remotio-  
nem incidencium, uel ideo prima ut notaret quod constitutio etiam tractationem  
ipsius naturaliter habet precedere. Et has equidem duas descriptiones dedit Tul-  
lius in ea quam *Primam Rethoricam* uocant. In rethorica uero quam /C fol. 85r<sup>b</sup>/  
30 uocant *Secundam* terciam ponit descriptionem, que est huiusmodi. Constitutio est  
prima deprecatio defensoris cum accusatoris insimulatione coniuncta.<sup>4</sup> Depreca-  
tio autem dicitur ibi depulsio, quia “de” ibi ponitur priuatiue, sicut apud Qui-  
dium

Sepe precor mortem, mortem quoque deprecor idem.<sup>5</sup>

35 Quid est enim “deprecor” id est ne eueniat precor. Insimulatio autem idem est  
quod acusatio quia accusatoris est simulare in aduersarium quicquid potest. Quem-  
admodum ergo illa descriptio: “Domus est paries, tectum, fundamentum simul  
coniuncta” data secundum uim parcium integralium, ita quoque et illa constitu-  
tionis descriptio premissa. Quid enim est constitutio? Est prima deprecatio etc.  
40 id est constitutio est prima controuersia constans ex intencione et depulsione,  
siue malis dicere intencione et depulsione formata. Quartam quoque ponit alibi<sup>6</sup>  
idem Tullius descriptionem hoc modo: Constitutio est refutatio intencionis, et est  
data per causam quia depulsio quam appellat refutationem causa est constitui-  
onis id est quare sit constitutio. Idem ergo est ac si dixisset: Constitutio est con-  
45 trouersia constans ex refutatione et intencione. Maluit tamen dicere “refutatio  
intencionis” quam “intencio refutationis” quia maior uis formande constitutionis  
ut predictum est in depulsione consistit.

Victorinus uero constitutionem hoc modo descripsit.<sup>7</sup> Constitutio est uox  
utriusque partis que uerba quamplures deceperunt putantes quod iste due uoces  
50 “Fecisti, Non feci” essent constitutio. Si quis tamen altius inspiciat, subtilissime  
descripsit Victorinus. Sicut enim in arte logica questio complectitur affirmatio-  
nem et negationem, ita et in rethorica arte questio sua id est prima controuersia  
cause continet et complectitur uocem utriusque partis, id est intencionem et  
depulsionem. Cum ergo ait uox utriusque partis nil aliud intellexit nisi controuer-  
55 siam ex intencione et depulsione constantem.

Martianus quoque suam ponit de constitutione descriptionem hoc modo. Con-  
stitutio est principalis questio cause,<sup>8</sup> cuius expositio manifesta est ex se.

Quintilianus uero duas ponit inter ceteras descriptiones quas pre ceteris com-  
mendat quarum prima est.<sup>9</sup> Constitutio est capud querele, id est prima con-  
60 trouersia cause. Unde cum oratores nimis immorantur circa incidentia solet dici  
a iudice: Dimittite incidentia et redite ad capud querele. Hec autem descriptio

40 id est] nisi **CS** 52 sua] ciuilis scilicet **SE**<sup>2</sup>

<sup>4</sup> *Rhet. Her.* 1.11.18.

<sup>5</sup> *Ov. Pont.* 1.2.57.

<sup>6</sup> *Top.* 25.93.

<sup>7</sup> Victorinus, ed. Halm, 179.24 and 180.8; ed Ippolito, 47.27 and 48.59.

<sup>8</sup> *Mart. Cap.* 5.443, ed. Adolf Dick (Stuttgart, 1969), 218.11.

<sup>9</sup> *Inst.* 3.6.6; 3.6.21.

eadem est prorsus cum prima quam posuimus. Ponit et aliam descriptionem Quintilianus huiusmodi. Constitutio est prima questio cause cuius expositio ex se manifesta est.

- 65 Grillius<sup>10</sup> quoque ita describit questionem. Constitutiones, inquit, sunt questiones naturales. Illud quoque satis bene dictum est. Est enim prima naturalis questio an sit, quod pertinet ad coniecturalem constitutionem. Querere enim an occiderit hoc est querere an ita sit. Est iterum alia questio naturalis: Quid sit? Quod pertinet ad constitutionem diffinitivam. Sunt enim alie naturales quale uel quantum uel cuiusmodi sit que pertinet ad generalem constitutionem, quod totum ex sequentibus patebit.

Boecius uero describit hoc modo: Constitutio est forma cause, hoc ideo quod causam format constitutio.<sup>11</sup>

- 75 Ulpianus uero in *Digestis* ita describit: Constitutio est contestatio litis.<sup>12</sup> Quid autem hoc sit exponit deinde hoc modo: Contestari uero litem tunc dicimus cum uterque orator sumatim et breuiter partem suam proponit presente iudice. Quod quid sit superius expeditum est.

- Illud quoque uidendum est quod causa duobus modis consideratur, uno modo ut summatim proponitur locis et argumentis non implicita, ut "An Ulixes occiderit Aiacem," et hoc modo considerata idem est quod constitutio. Unde dicit Boecius in *Quarto Topicorum*<sup>13</sup> quod constitutiones sunt species cause. Consideratur iterum causa ut locis et argumentis implicita et sic considerata dicitur actio id est causa tractata uel placitum. Melius tamen et expeditius dici poterit quod hoc nomen causa equiuocum ad illa duo ut equiuoce dicatur de constitutione et et actione. Non tamen putes Boecium uoluisse significatum huius nominis "constitutio" esse speciem cause immo causa in quadam sua acceptione idem signifi-

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68 Quod] non C 70 que] non C

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<sup>10</sup> *Locus non inventus*, cf. Grillius, ed. Joseph Martin, *Studien zur Geschichte und Kultur des Altertums* 14.2 (1927): 50: "Constitutiones hae sunt. Aut facti aut nominis aut generis aut actionis, quae omnes ex naturali illa tripartita ratione descendunt. Quaerendum enim est utrum sit aliquid, quid sit, quale sit, quis fecerit."

<sup>11</sup> *Locus non inventus*, cf. Boethius, PL 64:1211C: "Est uero tota rhetorica in speciebus. Species uero ita totam materiam informant, ut tamen uicissim totam sibi uindictent, quod ex hoc intelligi potest, quoniam omnes materiae partes singulae species tenent. Nam in iudiciali quattuor constitutiones inuenies, et in deliberatio demonstratioque eadem quattuor inuenire queas."

<sup>12</sup> *Locus non inventus*. Lis contestata = initium causandi, cf. *Codex Iustiniani* 3.1.14: "Patroni autem causarum qui utrique parti suum praestantes auxilium ingrediuntur, cum lis fuerit contestata, post narrationem propositam et responsionem, in qualicumque iudicio maiore uel minore, etc." *Corpus Iuris Civilis*, ed. Aemilius Hermannus. Editio stereotypa, 9th ed., 3 vols. (Leipzig, 1861) 2:103. No doubt, he is quoting a gloss to the *Corpus Iuris*, cf. André Gouron, "Some Aspects of the Medieval Teaching of Roman Law," in *Learning Institutionalized: Teaching in the Medieval University*, ed. John Van Engen (Notre Dame, IN, 2000), 161–76.

<sup>13</sup> PL 64:1209A.

cat quod constitutio, sed illud uoluit dicere quod constitutio coniecturalis species est cause, similiter diffinitiuā, generalis, translatiua et idem est illas species esse constitutionis et cause.<sup>14</sup>

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89 *post cause*] Quod est dicere: Constitutiones specificant causam, quia si constitutio coniecturalis fuerit, et tota causa. Similiter, et ut generaliter dicam, qualis fuerit principalis constitutio, talis erat tota causa add **SE**<sup>2</sup>

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<sup>14</sup> Cf. *Ista uidentia*, Venice, Bibl. Marc.-Laur., MS XI.23 [4686], fols. 5v<sup>a</sup>–6r<sup>a</sup>, Alanus in BL, MS Harl., 6324 fol. 20r<sup>a</sup> (*Rhet. Her.* 1.11.18).

### APPENDIX 3: "LUCCA" *SUMMA* <ACCESSUS>

**L** = Lucca, Bibl. Felin., MS 614, fol. 199r<sup>a</sup>, here used as *manuscrit de base*

**M** = Milano, Bibl. Ambros., MS I.29 sup., fols. 96r<sup>a</sup>–97r<sup>a</sup>

*Incipit summa rethorice artis.* Artificiose eloquentie summam tribus artibus scilicet gramatica, dialetica et rethorica contineri sapientum sententia definitur. Ea enim que artificio comparatur eloquentia pollere nemo conuincitur nisi qui litterarum, sillabarum, dictionum orationumque fuerit documentis instructus, qui  
5 proponendi, assumendi seu concludendi minime roboratus, qui apposita etiam ad persuasionem extiterit facundia decoratus. Quia igitur ex hoc triplici fonte artificiosa eloquentia diriuatur, inuenta est gramatica que predictarum IV partium documenta contineret, reperta dialetica que argumentationum semitas edoceret, comparata rethorica que apposite ad persuadendum facundie lectoribus  
10 artificium notitiamque preberet.

In gramatica itaque fundamentum, in dialetica firmamentum, in rethorica artificiose eloquentie consistere perfectio comprobatur. Perfectionem eloquentie in rethorica consistere Tullius ostendit, cum eam per excellentiam summum eloquentie studium<sup>1</sup> vel artificiosam eloquentiam<sup>2</sup> seu dicendi copiam<sup>3</sup> nominauit.  
15 Ipsa enim in tripertito causarum genere forenses siue ciuiles /**M fol. 96r<sup>b</sup>**/ lites agere docet, et quid in causis tractandis unicuique persone conueniat eleganter ostendit.

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1 incipit summa rethorice] *om. M* 2 et] siue **LM** 7 diriuatur] deriuatur **M** *p.c.* debeatur **M** *a.c.*

<sup>1</sup> *Inv. rhet.* 1.1.1.

<sup>2</sup> *Inv. rhet.* 1.5.6.

<sup>3</sup> *Rhet. Her.* 1.1.1; *Inv. rhet.* 1.1.1.

De hac itaque tractaturi ne in longum sermo prodeat, quid circa ipsam secundum extrinsecam artem considerandum sit uideamus.

20 *Quid sit ars extrinseca.* Est enim, ut breuiter dicatur, ars extrinseca que absque preceptorum distinctionibus quid in arte contineatur compendiose dilucidat.

*Que circa rethoricam sunt requirenda.* Secundum hanc itaque circa rethoricam artem considerandum est, quid sit rethorica, unde huius nominis origo descendat, quid sit eius genus, que species, que materia, que partes, quid officium, quis  
25 finis, quid instrumentum, quis opifex, qui demum huius artis inuectores extiterint, que omnia eo quo proposuimus ordine<sup>4</sup> prosequamur.

*Quid sit ars rethorica.* Rethorica igitur est scientia dicendi apposite ad persuadendum<sup>5</sup> uel scientia bene dicendi,<sup>6</sup> quorum unum ad officium, alterum ad finem referri uidetur. Verum quia his assignationibus non quid ipsa sit, sed quem habitum conferat ostenditur, dici potest quod rethorica est scientia utendi in publicis  
30 et priuatis causis plena et perfecta eloquentia.<sup>7</sup> Dicitur ergo per excellentiam summum eloquentie studium uel artificiosa eloquentia copiaue dicendi.<sup>8</sup>

*A quo descendat hoc nomen rethorica.* Dicitur autem rethorica a “rethoros” quod copiam dicendi significat.<sup>9</sup>

35 *De genere artis.* Huius autem artis genus dicit Tullius esse ciuilem rationem.<sup>10</sup> Est enim ciuilis ratio quicquid ciuitas aut rationabiliter agit aut rationabiliter dicit. Set cum artificiosa eloquentia que et rethorica dicitur pars integralis ciuilis rationis esse uideatur, non uidetur ciuilis ratio suum genus /**M fol. 96v<sup>a</sup>**/ esse posse cum ad eam totum sit integrale. Unde sciendum est quod Tullius genus pro qualitate<sup>11</sup> posuit ut cognita per diffinitionem artis essentia per genus eius quoque qualitas nosceretur. Ceterum si de predicabili toto queratur, arbitror eloquentiam totius termini genus existere.

40 *De speciebus.* /**L fol. 199r<sup>b</sup>**/ Species uero rethorice sunt tria genera causarum, demonstratiuum, deliberatiuum, iudiciale, de quibus suo loco plenissime disputabitur.  
45

*De materia.* Ad artis materiam cognoscendam sciendum est quod questionum due sunt species, tesys et ypothesis. Thesis est questio generalis nullis implicita circumstantiis, ut: Utrum quispiam debeat occidi. Ypothesis autem est questio

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27 ars] *om.* **L**; est] *om.* **M** 34 significat] *ea add.* **M** 37 et] *om.* **M**

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<sup>4</sup> Thierry, *Rhetorical Commentaries*, 49–55 has the order: *genus, quid, materia, officium, finis, partes, species, instrumentum, artifex, cur uocetur*, also used by Petrus Helias and Alanus, although they more logically start with *quid* before *genus*.

<sup>5</sup> *Inv. rhet.* 1.5.6; Thierry, *Rhetorical Commentaries*, 51.53.

<sup>6</sup> Isid. *Etym.* 2.1.1; Thierry, *ibid.* 51.50.

<sup>7</sup> Victorinus, ed. Halm, 156.24; ed Ippolito, 7.72; Thierry, *ibid.*, 51.51.

<sup>8</sup> *Inv. rhet.* 1.1.1.

<sup>9</sup> Thierry, *ibid.*, 55.30–31: “Ars autem ista rethorica dicitur a copia loquendi. ‘rethoros’ enim Graece ‘copia loquendi’ Latine dicitur.”

<sup>10</sup> *Inv. rhet.* 1.5.6.

<sup>11</sup> Victorinus, ed. Halm, 171.16; ed. Ippolito, 34.14.

implicita circumstantiis. Circumstantie autem, que a Grecis περιωκην nominantur, septem sunt que quodam uersu<sup>12</sup> complectuntur sic:

quis, quid, ubi, quibus auxiliis, cur, quomodo, quando

Fit autem ypothesis hoc modo: Utrum pro inflictio crimine iure queat Sulpicius feriato die et sacro in loco capite puniri. Ypotesys ergo que et civilis questio dicitur rethorice materia est in qua uidelicet artis ratio exercetur. In ciuili enim causa controuersia est de certo facto uel dicto alicuius certe persone in qua sepius alie quoque peryoche concurrunt.

*De partibus.* Artis huius partes V sunt: inventio, dispositio, pronuntiatio, memoria, elocutio, quarum assignationes suo loco congrue disponentur.

*De officio.* Officium huius artis, ut dicit Tullius, est apposite dicere ad persuasionem, finis uero persuadere dictione.<sup>13</sup> Queri fortasse potest cur, cum melius uideatur dici finis est persuasisse,<sup>14</sup> maluerit Tullius dicere persuadere? Ad quod dici potest quod per **M fol. 96v<sup>b</sup>**/suadere ad oratorem, persuasisse autem ad auditorem attinere uidetur. Cum ergo non semper persuadeatur auditor, licet semper in oratore sit persuadendi uoluntas, non incongrue persuadere quam persuasisse Cicero dicere maluit.

*De instrumento.* Instrumentum artis oratio rethorica est per quam orator et suas corroborat et aduersariorum rationes infirmat. Ea sex partibus consummatur: exordio, narratione, partitione, confirmatione, confutatione, conclusione, de quibus suis in locis sufficienter tractabitur.

*De opifice.* Opifex alius est qui agit de arte, alius qui agit ex arte. De arte agit preceptor et compositor artis, ex arte uero exsecutor qui secundum artis precepta aliquid operatur. In hac igitur arte opifex agens de arte est Hermestes,<sup>15</sup> Hermogenes,<sup>16</sup> Tullius ceterique huius artis scriptores. Opifex autem agens ex arte orator est cuius hec est assignatio: Vir bonus dicendi peritus qui in publicis et privatis causis plena et perfecta utitur eloquentia.<sup>17</sup>

*De inuentoribus artis.* Rethorice artis inuentorem quidam Archadem Mercurium, quidam Saturnum Cretensem<sup>18</sup> arbitrantur. Ego autem illis assentio qui Amphyon Thebanum existimant. Fingunt namque fabule quod ad edificium Thebarum lapides carminibus attraxerit eo quod homines lapideos et exterritos dulci

53 ypotesys] ypotesis **M** 55 est] *s.l. add.* **M** 59 est] *om.* **M**

<sup>12</sup> uersu] cf. Victorinus, ed. Halm, 207.1; ed. Ippolito, 94.8.

<sup>13</sup> *Inv. rhet.* 1.5.6.

<sup>14</sup> cf. Boethius, PL 64:1208D: "Finis . . . in ipso bene dixisse id est dixisse apposite ad persuasionem."

<sup>15</sup> Hermestes] *Rhet. Her.* 1.11.18.

<sup>16</sup> Hermogenes] cf. *Praexercitamina*, ed. Martin Hertz, Grammatici Latini 3, ed. Heinrich Keil, (Leipzig, 1859), 440, app. crit: "Prisciani sophistae Ars Praexercitaminum secundum Hermogenem uel Libanium explicat feliciter."

<sup>17</sup> Victorinus, ed. Halm, 156.23; ed. Ippolito, 7.72.

<sup>18</sup> Victorinus, ed. Halm, 161.42; ed. Ippolito, 17.91.



80 facundia mitigans mansuetos et communiter uiuentes reddiderit.<sup>19</sup> Et de his hactenus. Nunc ad artis precepta tractanda uertamur. /**M fol. 96r<sup>a</sup>**/ Et quoniam ars rethorica in ciuili questione uelut in sua materia exercetur, ab ea potissimum sumendum uidetur exordium. *Explicit de arte extrinseca, incipit tractatus artis.*

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81 hactenus] actenus **M**

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<sup>19</sup> cf. Hor. *Carm.* 3.11.2: movit Amphion lapides canendo, et *Pseudacronis Scholia Vetusiora, ad locum*, 2 vols., ed. Otto Keller (Leipzig, 1902–4), 1:254: “iuxta hoc quod Cicero Tullius in Rhetoricis (*Inv. rhet.* 1.25.35, *Rhet. Her.* 4.4.7) dicit artium magistros adferre laudem siue uituperationem discipulis, rursus discipulos magistris. Unde hic Mercurius laudatur in Amphione discipulo cuius nota fabula est; eo quod idem Amphion citharae cantu et pecudes quarum pastor erat, ad se arcessire consuerit et lapides, quibus muri sunt extracti Thebani, ut Statius (*Theb.* 1.10) Quo carmine muris/iusserit Amphion Tyrios accedere montes.”