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Who Bears the Burden of Proof?
Discovering *Codices Descripti* in Mediaeval Latin Text Transmission[*]

According to Paul Maas, the relationship of dependence of one witness on another forms the basis of the philological *recensio* by virtue of its essential value within the critical method. The concept and definition of dependence are like a *Leitmotiv*, a core issue recurring in each of the three texts composing the *Textual Criticism*[1].

In the first work, the *Textkritik 1927*, Paul Maas expounds the dependence in § 4 as a constitutive and fundamental element of the textual transmission. The dependence criterion expressed in § 4, according to abstract principles and to a complex and almost cryptic binary logic, can be described as the quintessence, the mother of all other dependence considerations by Maas, that come from this one: "Each witness depends either on a surviving or on a lost exemplar. If it depends on a lost exemplar, this lost exemplar either can or cannot be reconstructed. If it can be reconstructed, this may be done either without the aid of the witness or only with its help" (Maas 1958: 2)[2].

Furthermore in § 8 (*a*), while justifying the derivation of the witness *J* from *F*, he declares that a witness that exhibits all the errors of another surviving witness, plus at least one error of its own is a *codex descriptus*: the following passage in the same § 8 (*a*) focuses on material evidence, that is to say when a peculiar error in the descendant is clearly due to the external state of the text in the surviving exemplar (Maas 1958: 4)[3].

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[*] The article is an output of the University of Udine's PRIN 2020 project, *The Latin Middle Ages. A comprehensive bibliographic repertory of writers, texts and manuscripts*, co-funded by the Ministero dell'Università e della Ricerca (PRIN 2020F98BR9). The topic of *descripti* has been widely investigated; the more recent and exhaustive analysis of the *descripti* phenomenon accompanied by examples on physical evidence and essential bibliography is Reeve 1989: 1-35; for a harsh critique of Maas definition of *descriptus*, see also Timpanaro 1985: 164-192; see Orlandi 1994 for examples of *descripti* in medieval Latin works.

[1] The three texts are Maas 1927, 1937 and 1957, this last edition in which the three sections (*Textkritik 1927, Leitfehler und stemmatische Typen 1937* and *Rückblick 1956*) are joined together for the first time. From now on, the *Textkritik* will be quoted according to the only English translation of Maas 1957, i.e. Maas 1958.

[2] This *aut-aut* logic of the sentence has had an influence on the Joseph Bédier misreading of the 1927 *Textual Criticism* (Bédier 1928). See also Montanari 2003: 358-414.

[3] The ending of § 4 (loss of value of a witness), the definition in § 8 (a) and the following passage on material evidence have reduced the effects of the phenomenology of dependence to the

In the second work – ten years later, *Leitfehler und stemmatische Typen 1937* – Paul Maas deepens the topic, the definition and the perspective of the so called *codex descriptus*: the dependence of one witness on another cannot, as a rule, be demonstrated directly, but only by excluding the possibility of its being independent (Maas 1958: 42). This definition does not contradict the previous one: as a matter of fact, a little further ahead in the text, Paul Maas goes back again to the direct demonstration of dependence – based on material evidence – but, although he does not deny its existence, he notes that it is so rare that it is not normally possible to rely on such an eventuality: "There is another type of indicative error which directly demonstrates the dependence of one witness on another. But such errors are so rare or at least so rarely demonstrable that we cannot rely on being able to find one to establish every stemmatic relationship" (Maas 1958: 43-44). Ten years later, his main aim is to free the demonstration of the dependence of one witness on another from material evidence (which in any case may exist) and to firmly bind it to the exclusion of independence, the only possible proof.

In *Rückblick 1956* Paul Maas eventually refines for the third time his definition of the relationship of dependence of one witness on another. In the famous chapter *Latente Evidenz*, he subordinates the "elementary task of 'stemmatics'" – the identification of dependence – to the previous demonstration of the absence of any 'separative error' in the antigraph (Maas 1958: 50-52). All the errors in the antigraph A that are not found in the apograph B must be produced, explaining in each case why the readings of B might be treated as conjectures. Furthermore, according to Maas the burden of proof must be placed on whoever contests the dependence: since it is impossible to assess directly the state of conjectural criticism in a specific period, the only way to positively deny the dependence is to find a truly separative error that cannot have been removed by conjecture.

These three definitions are not mutually exclusive – the third does not deny or abolish the first – but they highlight three features of the same philological task – the demonstration of dependence – from the most visible (and material) kind of evidence to the most complex, not by chance defined through an oxymoron "latent evidence".

We shall now consider an example for each of the previous definitions of *descriptus*.

1.   *The First Definition: Direct Demonstration of Dependence and Material Evidence*

An example of material evidence (*e.g.*: the loss of a single leaf or of a quire) does not seem to be necessary; it is more interesting to analyze the discovery of textual symptoms which may support the (direct) dependence. Little material (textual) incongruities – as in the following examples – are expected to occur frequently in extensive texts: they provide decisive confirmation of the hypothesis of dependence based on peculiar errors.

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eliminatio codicum descriptorum. The deep effects and implications that have resulted from these definitions (and the narrow readings of scholars) cannot be examined here for reasons of space.

In the manuscript transmission of the *Vita Gregorii I papae*, written by John the Deacon in the second half of the 9th century[4], decisive proof that three coeval witnesses (10th-11th cent.) depend on one another, can be deduced from the external state of the text in at least two passages[5].

Three manuscripts

Bn   Berlin, Staatsbibliothek zu Berlin – Preußischer Kulturbesitz, Ms. theol. lat. qu. 197

Cp   Città del Vaticano, Biblioteca Apostolica Vaticana, Pal. lat. 270

Mb   München, Bayerische Staatsbibliothek, Clm 3765

show very peculiar errors in common[6], like the following[7]:

col. 63-64:	the interpolated addition of the the last 8 items (nr. 47-54) in the *tabula capitulorum* of the first book *Bn Cp Mb*
col. 68A4-5:	monachi absconderant] occultaverunt monachi *Bn Cp Mb*
col. 90B3-4:	vitiorum radices evelleret] vitia radicitus evelleret *Bn Cp Mb*
col. 113C4-5:	dare-postmodum *om. Bn Cp Mb*
col. 132A11-B11:	neque ex datione-examine reatui subiacebit *transponunt post* vel permittatis adduci (col. 132C6) *Bn Cp Mb*
col. 168D12:	valeamus] mereamur *Bn Cp Mb*

Furthermore, *Bn* and *Cp* share a few peculiar errors:

coll. 125-126	*tabula capitulorum libri III item* 53: Mauricii moresque] Mauricii Mauricii *Mb* : Mauricii *Bn Cp*
col. 151D6:	epistolam destinare] epistolam scribere *Bn Cp*

Lastly, *Cp* has peculiar errors of its own:

col. 125B13:	Domino suffragante] Domino opitulante *Cp*

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[4]   To this day, the latest edition of the hagiographical text is still the one published in Paris in 1705 and than re-edited in 1848 in *PL*, LXXV, coll. 59-242; the text of the *Vita* will be quoted according to it. For more than twenty years I have been working on a new critical edition of the *Vita Gregorii* by John the Deacon, based on the whole manuscript transmission (150 mss.); this instance and the one discussed in the section *The third definition* are a sample of the ascertained *recensio*. The following list includes works already published on this research: Castaldi 2004, 2010, 2017 and 2019.

[5]   The manuscript *sigla* are the ones adopted in the census (Castaldi 2004: XLV-LII).

[6]   Since the example shows the definition of *descriptus* given by Maas in 1927, the same philological terminology is adopted here.

[7]   These instances are only *exempli gratia*. The errors mentioned here are only the more obvious and represent a small part of the many shared by the witnesses.

col. 175B15-C3:   et quidquid-conservari *om. Cp*

col. 186B5:   vestram clementiam] vestram magnitudinem *Cp*

col. 193A6:   ex-dedignatur *om. Cp*

The process of *recensio* leads to assume that *Mb* is the antigraph of *Bn*, which is in turn the model of *Cp*; in addition to this, three pieces of material evidence provide the ultimate and definitive proof that the relationship between these manuscripts is the following

Mb

|

Bn

|

Cp
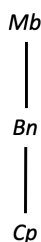
In chapter II, 44 (col. 105C9-12) John the Deacon tells the miracle according to which Gregory the Great saved the soul of the emperor Trajan from Hell not through prayers, but through tears. Gregory the Great was heard by God in the same way as Moses, who, albeit silent, grieved in his soul in such a way that his inner contrition came to God as a shout:

> Sic enim cum non oraverit Gregorius, plangendo **potuit** exaudiri, sicuti Moyses cum dolendo taceret, **potuit** clamasse videri, cui Dominus tacenti labiis: *Quid clamas*, inquit, *ad me?*

In this passage *Mb* (f. 30v) presents some mistakes (exaudiri-potuit: *om.*; inquit: *om.*), the most significant of which is the omission of the sentence (*exaudiri-potuit*) due to ho-moioteleuton (*potuit-potuit*); at a later stage the scribe, noticing the omission, supplement-ed the sentence in the bottom margin of the leaf, but erroneously placed the cross-reference symbol ℏ after the word *videri*[8] (**FIGURE 1**).

In *Bn* (f. 28rb) the sentence "exaudiri sicuti Moyses cum tacere potuit" is written – within the main text – in the wrong position indicated by the *Mb* cross-reference symbol; the resulting nonsensical sequence of four consecutive verbs (*potuit clamasse videri exaudi-ri*) induced the copyist to cross the last one out (*exaudiri*) and add it in the line spacing at the end of the sentence (**FIGURE 2**).

Lastly, in *Cp* (f. 29v) the verb found in the line spacing in *Bn* is inserted into the text; furthermore, the scribe corrected the cum+subjunctive grammatical form (*cum taceret*) and added a *verbum dicendi* (*inquit*) in the line spacing before the biblical quotation (Ex. 14,15)(**FIGURE 3**).

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8   Integration has other peculiar errors: dolendo *om.*; taceret] tacere.

FIGURE 1

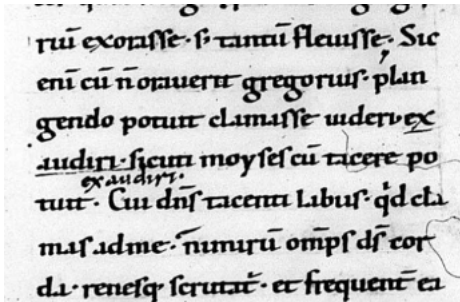München, Bayerische Staatsbibliothek, Clm 3765, f. 30v
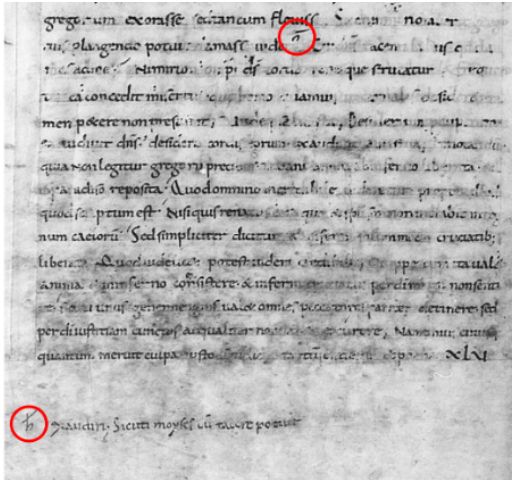
Sic enim cum non oraverit Gregorius plangendo potuit clamasse videri ℏ cui Dominus tacenti labiis: *Quid clamas ad me?*

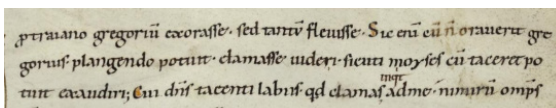ℏ exaudiri, sicuti Moyses cum tacere potuit

FIGURE 2

Berlin, Staatsbibliothek zu Berlin – Preußischer Kulturbesitz, Ms. theol. lat. qu. 197, f. 28rb

Sic enim cum non oraverit Gregorius plangendo potuit clamasse videri exaudiri sicuti Moyses cum tacere potuit exaudiri cui Dominus tacenti labiis: *Quid clamas ad me?*

FIGURE 3

Città del Vaticano, Biblioteca Apostolica Vaticana, Pal. lat. 270, f. 29v

Sic enim cum non oraverit Gregorius plangendo potuit clamasse videri sicuti Moyses cum taceret potuit exaudiri cui Dominus tacenti labiis: *Quid clamas* inquit *ad me?*

Nam gen-
tem super gentem exurgere earumque
pressuram terris insistere, plus
iam in nostris tribulationibus ‹quam›**cer
nimus**
in codicibus legimus. Quod terrae**motus**
urbes innumeras subruat ex
aliis mundi partibus scimus
quam frequenter audivimus

Such material evidence not only proves that *Mb* is the antigraph of both *Bn* and *Cp*, but also suggests that *Bn* is the model of *Cp*. Another material element confirms this hypothesis.

In chapter IV, 65 (col. 214B13-C2) John the Deacon quotes a passage of the *Homiliae in Evangelia* by Gregory the Great (hom. 1) in which he describes the conflicts and natural disasters that seem to announce the coming of the Last Judgment:

> Nam gentem super gentem exurgere earumque pressuram terris insistere, plus iam in nostris tribulationibus **cernimus** quam in codicibus legimus. Quod terrae**motus** urbes innumeras subruat ex aliis mundi partibus, scimus, quam frequenter audivimus (cfr. Étaix 1999: 6, ll. 14-18)[9].

In *Bn* (f. 102vb) the word (*cernimus*), at first omitted, is added in the internal margin of the leaf with a cross-reference symbol[10]; moreover, the word *motus* is written overrunning the line of justification, and appears just below the word *cernimus* (**FIGURE 4**).

The scribe of the witness *Cp* (f. 111r) misunderstood the insertion in the margin, considering *motus* as part of the addition, and wrote as shown in **FIGURE 5**.
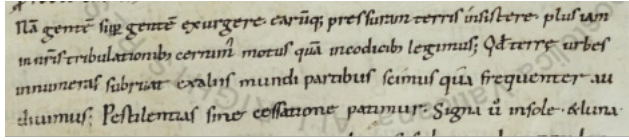
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[9]   The variants that diverge from the text of Gregory the Great are the following: exurgere *Vita GG*] exsurgere *Hom. Evv.*; cernimus *om. Hom. Evv.*; scimus *Vita GG*] scitis *Hom. Evv.*; audivimus *Vita GG*] audimus *Hom. Evv.*

[10]   The verb *cernimus* is not in the text of the edition (Etaix 1999:6), but it appears as a variant within the manuscript transmission of the *Homiliae in Evangelia* (tribulationibus: *add.* cernimus *Mp.c. K L, add.* cognoscimus *Rp.c.*); therefore, it was more than likely present in the manuscript used by John the Deacon to quote the passage from the Gregorian *Homiliae*.

Such 'material evidence' leads us to assume that *Cp* depends on *Bn*, that is to say: *Cp* is a *descriptus* of *Bn*.

2. *The Second Definition of Dependence: Exclusion of the Independence of a Witness.*

This should be the more general, typical and frequent occurrence: if the attempt to demonstrate that one witness (B) is independent of another (A) (i.e. by finding at least one certain separative error in A) fails, the dependence of B from A is indirectly shown.

Although this is the most universal and general approach – and consequently the one that should be used more frequently – it is extremely rare to find a proper application of it.

Surprisingly and interestingly, many critical editions are wrong in evaluating the separative level of errors; and even more interestingly, almost all critical editions prefer to accord more value to the 'separativeness' than necessary; for this reason many *descripti* remain undiscovered, and the data are tweaked in favour of *stemmata* with two branches[11].

Let us consider one example of undiscovered *descripti* among the many concerning Mediaeval Latin texts: in his edition of the *Glosae super Iohannem* by Anselm of Laon, Alexander Andrée publishes the *stemma codicum* shown in **FIGURE 6** (Andrée 2014: CIII).

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[11]　Not necessary here to recall in detail the extensive bibliography on the debated problem of the two-branched *stemmata* that has been published since Joseph Bédier's article (Bédier 1928). It is essential to recall the several publications on the subject by Sebastiano Timpanaro (Timpanaro 1985², Timpanaro 2006) and the observations of Michael Reeve (Reeve 1986). Extensive bibliography on the subject reported in Guidi, Trovato 2004.

FIGURE 6

Stemma codicum of the *Glosae super Iohannem* by Anselm of Laon
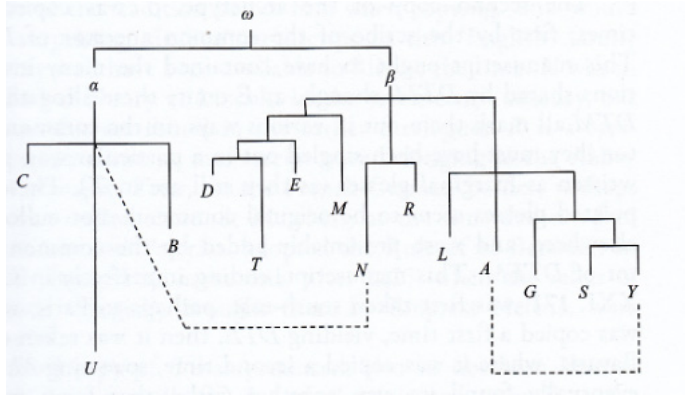
Branch α is composed of three manuscript:

B   Cambridge, Trinity College, B.1.10 (12th cent. 3/4)

C   Cambridge, University Library Kk.3.28 (12th cent. 2/4)

U   Durham, Chapter Library B.III.17 (13th cent. 1/4)

Describing *C*, the oldest witness, Andrée is forced to admit that – in spite of the position occupied by *C* in the *stemma* – "it is hard to find in *C* significant errors, which would separate it clearly from the other manuscripts in the tradition", but that however "*C* displays some individual errors not extant in any other manuscript in the tradition" (Andrée 2014: XCVI).

Andrée claims that there are three individual errors – i.e. separative errors – that he considers proof of the independence of *B* and *U* from *C*:

•   I, 472/3 primatum] primatus $C^{p.c.}$, primat $C^{a.c.}$;

•   I, 681 Iohanna] ioia *C*

•   III, 3 non[1]-se] se non credebat *C*

Actually, none of these is a real separative error:

The second (I, 681 Iohanna] ioia *C*) (Andrée 2014: 31) is not only an ordinary paleographical misunderstanding of the abbreviation $\overline{\text{Ioha}}$, that can be easily conjectured, but it is also one of the most famous quotations of the Gospel according to John: *Tu es Simon filius **Iohanna**, tu vocaberis Cepha, quod interpretatur Petrus* (Ioh. 1, 42). Moreover, the same sentence *Tu es Simon filius Iohanna* is quoted a few lines earlier in the text (I, 676) and

in that case, according to the critical apparatus by Andrée, manuscript *C* is correct. *Ioia* for *Iohanna* is not a separative error and any scribe could have been able to correct the mistake.

The previous variant (1, 472/3 primatum] primatus *C*^{p.c.}, primat *C*^{a.c.} – Andrée 2014: 24) is, indeed, a *lectio* which reveals a problem in the text quoted by Anselm of Laon.
Let us consider the sentence and the variants of the manuscript transmission listed in the critical apparatus:

> *Post me venit vir* (Ioh 1, 30) tempus humanae nativitatis, quo Iohanne posterior est, <u>intellege</u>, *qui ante me factus est,* **primatum** potestatis regiae, quo etiam angelis praesidet. *Quia prior me erat* aeternitas maiestatis divinae, qua patri aequalis erat. *Post me venit* nativitate qui praecellit dignitate, quia prior divinitate.

> primatum] primatum *scripsi Alcuinum secutus*, primatus (primat *C*^{a.c.}) *C U N A G S Y*, primatu *B D T M R L*

In this passage, Anselm quotes Alcuin (*Commentarius in Iohannem*)[12]:

> *Post me venit vir* tempus humanae nativitatis designat in quo Iohanne posteriorem Christum <u>intellige</u> *qui ante me factus est* **primatum** regiae potestatis quo etiam angelis praesidet <u>intuere</u> *quia prior me erat* aeternitatem divinae maiestatis qua patri est aequalis <u>intellige</u>. *Post me venit vir qui ante me factus est quia prior me erat*; post me venit humanitate, qui ideo me praecellit dignitate quia prior me erat divinitate.

But Alcuin, in turn, quotes Bede (*Homeliae in Evangelia*, 1, 15 – Hurst 1955: 106, ll. 44-51):

> *Post me venit vir* tempus humanae nativitatis quo Iohanne posterior est <u>intellege</u> *qui ante me factus est* **primatum** regiae potestatis quo etiam angelis praesidet <u>intuere</u> *quia prior me erat* aeternitatem divinae maiestatis qua patri est aequalis <u>intellege</u>. *Post me venit vir qui ante me factus est quia prior me erat*; post me venit humanitate qui ideo me praecellit dignitate quia prior me erat divinitate.

Andrée uses Alcuin's text to conjecture *primatum*, and explains that the conjecture understands *primatum* to be the object of the preceding *intellege* (Andrée 2014: XCIV); the verb *intellege*, however, refers to the previous *tempus* (accusative), while in both Bede's text and Alcuin's text *primatum* is the object of *intuere*. Due to the lack of the verb (*intuere* in Bede's and Alcuin's text), the nominative *primatus*, found in *C* and in part of the manuscript transmission, appears to be necessary in Anselm's text; the sentence requires the nominative case and such choice is supported by the following *aeternitas*. The variant *primatu* found in the witnesses *B D T M R* and *L* matches – erroneously – the following *nativitate, dignitate, divinitate* and has no conjunctive value.

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[12] Unfortunately, there is no critical edition for this text, still available in *PL*, vol. C, coll. 737-1008, at col. 756B2-10.

This is a case in which *C* has the correct word and not a separative error.

The last individual error of *C* according to Andrée is the following:

> **III, 3** *Erat homo ex Phariseis Nichodemus nomine*, unus ex his qui crediderunt per visa signa. Et in isto attendamus quare Iesus **non credebat se** eis
>
> non-se] se non credebat *C*

As a matter of fact, this is a banal inversion of the pronoun *se* (Iesus non credebat se eis] Iesus se non credebat eis *C*) that has no separative value at all to prove that the other manuscripts are indipendent from *C*. Moreover – and more importantly from a methodological standpoint – in this passage of the text Andrée does not identify the quotation, that is Augustinus, *In Iohannis evangelium tractatus*. In this work, the father of the Church uses the expression *Iesus non se credebat eis* six times, and one of them is exactly the sentence used by Anselm about Nichodemus (XI, 3; Willems 1954: 111, ll. 17-19):

> si ergo Nicodemus de illis multis erat qui crediderant in nomine eius, iam in isto Nicodemo adtendamus quare Iesus **non se credebat eis**.

Although the position of the pronoun *se* is wrong in both *C* and the rest of the manuscript transmission, if compared to those of the other witnesses, the variant of *C* appears to be closer to the original.

In short, none of the separative errors reported by Andrée has a real separative value.

For this reason, the correct *stemma codicum* of branch α is not the one provided by Andrée, but the following: *C* is the antigraph, and the witnesses *B* and *U* are *descripti* (see **FIGURE 7**).

FIGURE 7

Stemma codicum ed. Andrée

3. *The Third Definition of Dependence: Latent Evidence and the Burden of Proof*

This is the last step of the Maas demonstration of dependence, in which all the errors of the presumed antigraph, that are not found in the apograph witness, must be produced, and the grounds on which the readings of the apograph might be treated as conjectures must be explained; in order to deny the dependence, it is necessary to find one certain separative error that cannot have been removed in the textual transmission.

The following example is taken once again from the *Vita Gregorii* by John the Deacon. Within branch α, there is a further subdivision: a family is composed by 8 witnesses, all written in Tuscany between the 10th century and the end of the 11th century[13].

Cc	Città del Vaticano, Biblioteca Apostolica Vaticana, Vat. lat. 1207	(11th cent. *ex.*)
Cu	Città del Vaticano, Biblioteca Apostolica Vaticana, Urbinate lat. 399	(a. 1482)
F	Firenze, Biblioteca Medicea Laurenziana, Pluteo 20 dext. 3	(10th cent.)
Fc	Firenze, Biblioteca Medicea Laurenziana, Conv. soppr. 182	(a. 1032)
Fl	Firenze, Biblioteca Medicea Laurenziana, S. Marco 387	(11th cent. *ex.*)
Fs	Firenze, Biblioteca Medicea Laurenziana, Conv. soppr. 230	(11th cent. *ex.*)
Fv	Firenze, Biblioteca Nazionale Centrale, Conventi soppr. A.1.1213	(11th cent.)
Lu	Lucca, Biblioteca Capitolare Feliniana 486	(11th cent. *ex.*)

All the Tuscan manuscripts share conjunctive and separative errors, such as the following[14]:

col. 71A7-8:	atque ad extremum deducto per nocturnam visionem sub] *om. Cc Cu F Fc Fl Fv Lu*;
col. 72C13:	tanta solertia ministravit] *om. Cc Cu F Fc Fl Fs Fv Lu*;
col. 72D3:	Pelagio] Benedicto *Cc Cu F Fc Fl Fs Fv Lu*;
col. 107D5-7:	fuerit onus possessionis eius ex aliqua parte imminuetur. Quod ita quoque fieri volo ut si quis ex eis conversus] *om. Cc Cu F Fc Fl Fs Fv Lu*;
col. 136A9:	ipsum animum tuum] (*om.* ipsum) animos tuos *Cc Cu F Fc Fl Fs Lu*;
col. 233C1:	cruciatibus] periculis *Cc Cu F Fc Fl Fs Fv Lu*;
col. 237B10:	episcopo a reverendae memoriae] *om. Cc Cu F Fc Fl Fs Fv Lu*;
col. 241A16:	cuiusdam] Formosi *Cc Cu F Fc Fl Fs Fv Lu*.

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[13] The same example is discussed as part of a deeper philological reconstruction in Castaldi 2017.

[14] For many other errors of the branch α see Castaldi 2017.
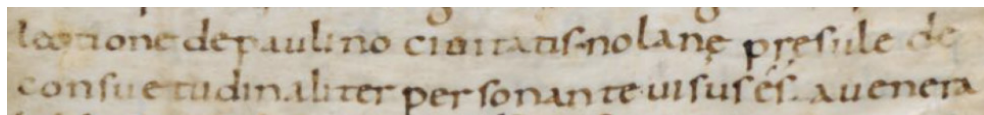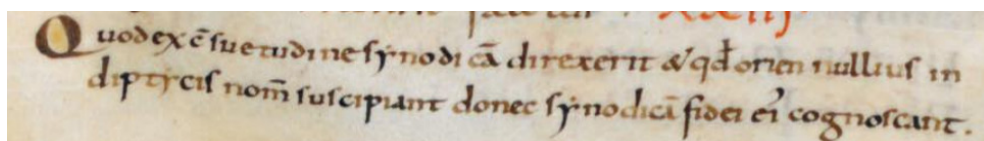
Some features of *F*, the oldest witness of the branch (10th century), suggest that it might be the antigraph of the whole Tuscan family.

For example, in the Tuscan family the sentence in the *preface* "lectione de Paulino civitatis Nolanæ præsule **consuetudinaliter** personante" appears as "lectione de Paulino civitatis Nolanæ præsule **deconsuetudinaliter** personante" and in *F* (f. 1r) the word *deconsuetudineliter* is written in two parts: *de* at the end of a line, and *consuetudinaliter* at the beginning of the following one (see **FIGURE 8**).

It seems likely that the erroneous *de* was written – by mistake – in manuscript *F* (perhaps as an argument to introduce a subject?), and that consequently the other witnesses wrote the strange adverb *deconsuetudinaliter* all together, as one word.

A similar error occurs at the *item* 23 of the index in the IV book – "quod **Orientales** nullius in diptychis nomen suscipiant, donec synodicam fidei eius cognoscant" – where in *F* (f. 95v) the word *Orientales* is written *Orien* (see **FIGURE 9**).

Curiously, in the whole Tuscan branch the word *Orientales* is never conjectured: *Fc, Fl* and *Lu* have *Orien* like *F*; *Fs* and *Fv* have *Orienti*; *Cc* omits the word (*Cu* does not have indices at all).

Furthermore, at the same point in *F* – between the end of the 12th quire (f. 95v) and the beginning of the 13th quire (f. 96r), where the scribal hand appears to change – the textual tradition is characterized by a significant anomaly.

As it has been shown above, at the end of f. 95v of *F* there is the *item* 23 "Quod ex consuetudine synodicam direxerit et quod Orien (*sic*) nullius in diptycis nomen suscipiant, donec synodicam fidei eius cognoscant"; the following f. 96r should begin with the *item* 24 "Quod susceptis decretis Mediolanensium episcopos ordinari consenserit", but in *F* the

FIGURE 10

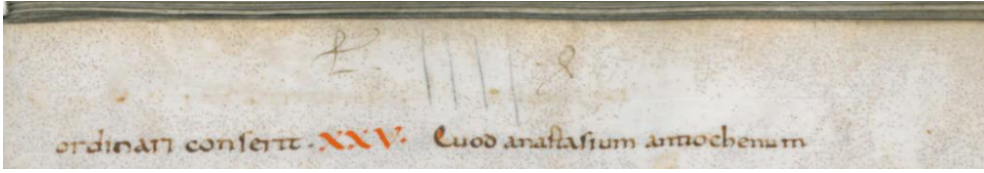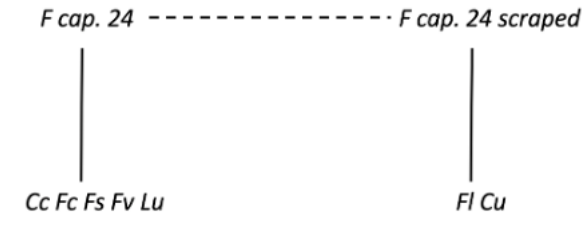Firenze, Biblioteca Medicea Laurenziana, Pluteo 20 dext. 3, f. 96r

FIGURE 11

leaf starts with the words *ordinari conserit*[15] and the beginning of item 24 is omitted (see **FIGURE 10**).

Nevertheless, it appears that a line of text in the upper margin of f. 96r has been scraped, and with the aid of the Wood lamp it is possible to read the *scriptio inferior*: "Quod susceptis decretis Mediolanensium episcopos".

Such piece of material evidence could suggest that the witnesses *descripti* from *F* might be placed in a chronological sequence:

Cc, Fc, Fs, Fv and *Lu,* the witnesses that correctly display the text of the *item* 24, could have been copied from *F* when the whole sentence of the *item* 24 was still visible in the Florentine manuscript, while *Fl* (and its copy *Cu*) could have been transcribed after the sentence was scraped (**FIGURE 11**).

This hypothesis of dependence is still to be verified and must bear the burden of proof: the absence of the errors of *F* in the *descripti* must be motivated by conjectural corrections, and it is necessary not to find a true separative error in *F* while these same manuscripts display the correct reading.

In at least four occurrences, however, the separative omissions of *F* could not have been conjectured exactly by the allegedly dependent manuscripts:

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[15]   *Conserit* is a variant of α for the correct *consenserit*.

FIGURE 12

α^1 .... $\alpha^{1\cdot I}$ .... $\alpha^{1\cdot II}$ .... $\alpha^{1\cdot III}$

F   Fc   Fv   Cc   Lu

Fl   Fs

Cu
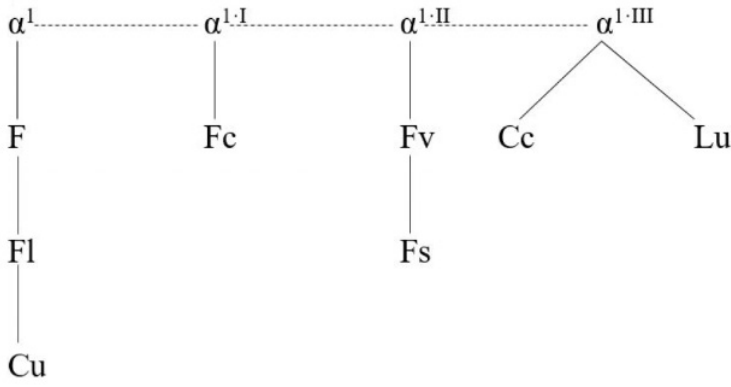
1)   the word *eorum* in the sentence "Judæi per diversa loca ad Christum, quem patres *eorum* negaverant, venire cœperunt» [col. 108A14-15]

     eorum *Cc, Fc, Fs, Fv, Lu*] om. *F, Fl, Cu*

2)   the adverb *cotidie* in the *item* 79 of the index IV "Quanta consideratione *cotidie* infirmitatem cordis sui cognoverit" (no references in the text) [coll. 171-172]

     cotidie *Cc, Fc, Fs, Fv, Lu*] om. *F, Fl* (no indices in *Cu*)

3)   the pronoun *ipsi* in the sentence "astuta cupiditatis iniquitas (…) illos sacerdotio sublimaret, qui sibi post consecrationem tanto subjectiores esse debuissent, quanto non divino, quin potius humano judicio se fuisse promotos *ipsi* proculdubio reputarent" [col. 132C7-14]

     ipsi *Cc, Fc, Fs, Lu* (*Fv* is incomplete)] om. *F, Fl, Cu*

4)   the adjective *suam* in the aforementioned *item* 23 of the index IV "Quod ex consuetudine synodicam *suam* direxerit" [coll. 169-170]

     suam *Cc, Fc, Fs, Fv, Lu*] om. *F, Fl* (no indices in *Cu*)

Therefore, manuscript *F* is not the antigraph of the whole Tuscan family, but only of the witnesses *Fl* and *Cu*. It is not surprising at all that these two witnesses were able to fill in the omission of the word *regimen* in the sentence "me infelicem esse deputavi qui tali hoc tempore *regimen* Ecclesiae suscipere consensi" [col. 138C4-5]: the conjecture is easily predictable, and facilitated by the locution that comes a little further: "Ecclesiam regere (…) melius potestis" [col. 138C11-12]

Hence, the *stemma codicum* of the Tuscan family of branch α is shown in **FIGURE 12**[16]:

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16   For a more in-depth philological demonstration of the *stemma* see Castaldi 2017.

As this last instance clearly proves, Maas was right: the relationship of dependence (or independence) between witnesses becomes apparent only after a great deal of detailed work on the text evidence (mainly when material evidence seems to make it easy to identify *descripti*).

In spite of the Latin brocard *Neganda non sunt probanda*, in philological matters the burden of proof has to be placed precisely on whom denies the dependence.

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Abstract

Lucia Castaldi
Who Bears the Burden of Proof? Discovering Codices Descripti in Mediaeval Latin Text Transmission

This paper addresses one of the central issues in Paul Maas's *Textual Criticism*: the problem of determining the dependence of one textual witness on another. It begins by examining the three definitions of descriptus – material evidence, the exclusion of independent tradition, and latent evidence –, and then illustrates each definition with specific examples drawn from the manuscript traditions of John the Deacon's *Vita Gregorii*, and Anselm of Laon's *Glosae super Iohannem*.

Keywords

Textual Criticism; Philology; Manuscript Transmission, John the Deacon; Anselm of Laon.