

Paulo maiora canamus

Raccolta di studi per Paolo Mastandrea

a cura di Massimo Manca e Martina Venuti

A Problem in Sallust, *Jugurtha* 3.1

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Abstract The final clause of Sallust, *Jugurtha* 3.1 has been transmitted in six different ways in the principal manuscripts; four more reconstructions were proposed by German scholars in the nineteenth century. Close study of these versions reveals that all of them raise problems, and most can be ruled out as unidiomatic. However, the reading transmitted by an authoritative source, the manuscript P poses problems that are soluble, and this version may well be genuine.

Keywords Latin philology. Textual criticism. Conjectures. Examinatio. Sallust.

3.1 Verum ex iis magistratus et imperia, postremo omnis cura rerum publicarum minime mihi hac tempestate cupiunda uidentur, quoniam neque uirtuti honos datur, neque illi, quibus per fraudem [iis] fuit [uti], tuti aut eo magis honesti sunt. **2** Nam ui quidem regere patriam aut parentis, quamquam et possis et delicta corrigas, tamen importunum est, quom praesertim omnes rerum mutationes caedem fugam aliaque hostilia portendant. **3** Frustra autem niti neque aliud se fatigando nisi odium quaerere extremae dementiae est; **4** nisi forte quem inhonesta et perniciosa lubido tenet potentiae paucorum decus atque libertatem suam gratificari.

3.1 iis fuit uti P : his fuit uti A : ius (*aut uis*) fuit utique A² βγ : is fuit δ *ut uid.* : ius fuit N²K² : iis *del.* Dietsch, uti *del.* Jordan | tuti *om.* A, *add.* A²

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title

Paolo Mastandrea has distinguished himself in a broad range of fields within Latin philology, including Latin textual criticism, and I would like to honour him with a discussion of a problem in the text of Sallust. I trust that he will not be discomfited by a passage that argues that under the present circumstances, one should not engage in politics. It is our task to comment on the classics, with a critical spirit if need be.¹

Above stands the third paragraph of the *Jugurtha*, as reconstructed by Reynolds in his Oxford Classical Text of 1991. The apparatus is based on that of Reynolds (the last entry has been added by me); it shows that the penultimate clause of 3.1 has been transmitted in the authoritative manuscripts in at least six different ways. While a *stemma codicum* has been drawn up for the *Jugurtha*, the manuscript tradition is contaminated, which means that variants cannot be eliminated mechanically and a good reading may appear in an unexpected place.² In manuscripts ANK, the text has been altered by a later hand. This is exactly how textual contamination takes place. In fact, the presence of variant readings or corrections in the higher reaches of the *stemma* may be the easiest way to account for the textual divergence in this passage.

I will start out from the editorial vulgate, represented by Reynolds' text. Next, I will discuss the readings of the authoritative manuscripts and the reconstructions that have been proposed by modern scholars.

1. neque illi, quibus per fraudem [iis] fuit [uti], tuti aut eo magis honesti sunt (*Jordan 1886a, scripsit Reynolds 1991*)

The reconstruction printed by Reynolds (1991) goes back to Jordan (1866a), who deleted *uti* as well as *iis*, which had already been removed by Dietsch (1859).³ It is based on the reading of one of the oldest manuscripts, *P* (see no. 2 below) and on that of its close relative *A*, which is only slightly different (see no. 3).

The subject of the clause *quibus per fraudem fuit* has to be *honos*;

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1 In the research for this paper, I have made extensive use of the resources of digital philology, an area in which Paolo Mastandrea has been a pioneer. My first ports of call have been *Musisque Deoque* (<http://www.mqdq.it>) and the *PHI Latin Texts* (<http://latin.packhum.org>).

2 Reynolds 1983, 343-4; 1991, vi-xii.

3 Cf. also Jordan 1866b, 248-9. Reynolds' apparatus also attributes the deletion of *uti* in this construction to Gerlach, but in fact he had written *ius fuit*, following several manuscripts (Gerlach 1823-27, 1: 80; 2: 217).

quibus can be interpreted as a kind of possessive dative, so that the clause means roughly ‘who possessed it through deceit’. This use of *est* with a dative to indicate possession is very common.⁴ But here *est* is qualified by the adverbial phrase *per fraudem*, which is jarring in two ways. First of all, there appears to be no parallel at all for *est* qualified by an adverb or an adverbial phrase in this construction. Second, the phrase is technically false: deceit (*fraus*) does not cause the existence of honour, but its conferral upon undeserving people. In sum, this reconstruction is unidiomatic, which is not a satisfactory result for any editorial intervention, let alone a fairly invasive one such as a double deletion.

2. neque illi, quibus per fraudem iis fuit uti, tuti aut eo magis honesti sunt (*P* = *Paris, Bibliothèque nationale de France, lat. 16024*)
3. neque illi, quibus per fraudem his fuit uti aut eo magis honesti sunt (*A* = *Paris, Bibliothèque nationale de France, lat. 16025*)
4. neque illi, quibus per fraudem ius fuit, utique tuti aut eo magis honesti sunt (*A*², *etiam in familiis codicum βγ legitur*)

This is what we read in manuscripts *P* (at fol. 17v) and *A* (also at fol. 17v), which are closely related; they represent one sub-family within the *stemma codicum*.⁵ They were both written in France in the ninth century; according to Bischoff, *P* was written in the Loire area in the middle third, and *A* in Auxerre in the second quarter of the century.⁶ Version no. 4 is the text of *A* with the corrections (here underlined) that were made between the lines and in the margin at an early date by a Carolingian minuscule hand *A*² that is distinct from the scribe; one should compare their *ti* ligatures. This is also the reading of some manuscripts from families βγ.

Versions nos. 2 and 3 contain a plural ablative pronoun, *iis* or *his*.⁷

⁴ On this usage see Lewis-Short s.v. «sum», IB.2; *OLD* s.v. «sum», 10; Kühner-Stegmann, 1: 307-8; Hofmann-Szantyr, 2: 90-1; and Pinkster 2015, 108-9, who questions whether it is accurate to speak of a possessive dative here.

⁵ On the role of *P* and *A* in the transmission see Reynolds 1983, 343-4 and 1991, vii-xii. Colour images of *P* and *A* were available online at <http://gallica.bnf.fr>, as of 15 September 2021.

⁶ Bischoff 2014, 220. This presumably supersedes the view of Bischoff quoted by Reynolds 1991, viii-ix that *P* was copied in Soissons in north-eastern France in the second half of the century, and *A* was copied in the middle or the third quarter of the century, probably in Auxerre.

⁷ Version no. 2, that of *P*, was also printed by Schöne, Eisenhut 1950; by Kurfess 1954 in his influential revision of Ahlberg's 1919 Teubner edition; and after him by Frassinetti 1963, Mariotti 1972, Lindauer 2003 and Burkard 2010.

The latter can be ruled out immediately, as the deictic pronoun would have to point to something nearby. However, *iis* would have a suitable antecedent in *magistratus et imperia, postremo omnis cura rerum publicarum*.

This use of *fuit* too is unusual, but it has been studied by several scholars. Wölfflin started out from Tacitus, *Germania* 5.3 *est uidere apud illos argentea uasa*, compared the Greek ἔστι and ἔξεστι ‘it is possible’, which may have served as the model for this expression, and he adduced numerous parallels for *est uidere* ‘it is possible to see’.⁸ Svennung documented doubtful attestations from Plautus (*Truc.* 501 *me maleficio uincerest*, where Leo conjectured *uinceres*) and Terence onwards (*Adelph.* 828 *scire est* and *Heaut.* 192 *quem minus crederest?*, where Lachmann conjectured *scires* and *crederes*).⁹ In this construction, the meaning *est* ‘it is possible, it is permitted’ was extended naturally to *est* ‘it is allotted, it befalls, it happens’, which appears at Verg. *ecl.* 10.46-8 *tu procul a patria (nec sit mihi credere tantum) | Alpinas, a! dura niues et frigora Rhēni | me sine sola uides* and Tib. 1.6.24 *tunc mihi non oculis sit timuisse meis* (Rigler conjectured *nec mihi tunc*).¹⁰ Svennung listed over twenty attestations of this construction in archaic and classical Latin texts; whether or not it is a Grecism, it probably entered the language at an early date and its attestations in Plautus and Terence may well be genuine.

There are parallels for adverbs and adverbial phrases used with this construction, qualifying either the main verb (Tib. 1.6.24 *tunc mihi [...] sit timuisse*, quoted above; Vitruv. 2.9.11 *est autem maxime id considerare Rauennae*) or the infinitive (Plin. *Nat.* 17.50 *de nostris moribus bene sperare est*, Sil. 6.488 *sed mihi sit Stygios ante intrauisse penates*). In version no. 2, *per fraudem* would probably qualify *uti* rather than *fuit*.

Doubt is cast on this reading not by the grammar but by the acoustics. The jingle in *fuit ūtī tūtī* is striking and unusual. Could it have been produced by dittography?

Version no. 4, which was printed by Kritz (1834), raises very different problems. One is that the word *ius* is not well suited to this context, as I will discuss below in connection with version no. 5. The other is *utique* ‘absolutely, inevitably’, which does not add anything to this passage; in fact, it is hard to make sense of *neque [...] utique tuti*. This version is anything but satisfactory.

⁸ Wölfflin 1885.

⁹ Svennung 1922, 78-81; cf. Lachmann 1850, 296-7.

¹⁰ On this usage see Hofmann-Szantyr, 2: 349, with further references, and *OLD* s.v. «est», 9 with 10c.

5. neque illi, quibus per fraudem ius fuit, tuti aut eo magis honesti sunt (*N²K² = Vatican City, Biblioteca Apostolica Vaticana, Palatinus lat. 889 and 887*)

This was added by an early hand to each of the manuscripts *N* (at fol. 36v), from the tenth century, and *K* (at fol. 26r), from the eleventh.¹¹ Selling noted in 1831 that reading, printed by Cortius (1724) and all other editors known to him, «minime gentium a Sallustio orta esse potest» because «[n]omine *ius* eo sensu, quem hic volunt interpretes, sc. *potestas*, non credo usquam usos esse scriptores Romanos».¹² Nevertheless, this was still printed by Fabri (1832), Ahlberg (1919) and Malcovati (1955).

A glance at the *Thesaurus Linguae Latinae* shows that Selling was wrong: *ius* is used regularly in the sense of *potestas* (*TLL* VII 2.689.36-690.51) and the two nouns can even be used as synonyms (*Lex Ursoniensis* 62 *iis Iiuri(s) [...] tibicinem habere ius potestasque esto*). The problem is rather that, in that sense, *ius* means a specific right, the legal power to do something, while Sallust is talking about power and authority in general, about holding political office in the Roman Republic. The term *ius* does not have such a meaning and its use here is awkward.

This version has the added weakness that *quibus [...] fuit* is qualified by *per fraudem*, the problems with which have been discussed above under version no. 1.

6. neque illi, quibus per fraudem uis fuit, tuti aut eo magis honesti sunt (*in familiis codicum βγ legitur*)
7. neque illi, quibus per fraudem is fuit, tuti aut eo magis honesti sunt (*familia codicum δ, ut uidetur*)

Version no. 6 is found in part of the families βγ; its distinctive reading *uis* surely arose through a minim-type error from *ius* in no. 4. It is impossible; *uis fuit* does not make sense in this context. Version no. 7 is attributed by Reynolds (1991) to family δ, that is to say, to manuscripts *NK ante correctionem*. I could not decipher their original reading on the digital photographs to which I have had access.¹³ This version has been printed by a number of editors including Dietsch (1846); Jacobs (1852); Eussner (1887); Ramorino (1921); Haas, *Römisch* (1953); and

¹¹ Colour images of *NK* were available online at <http://digi.vatlib.it>, as of 15 September 2021.

¹² Selling 1831, 18; cf. *OLD* s.v. «*ius*»

¹³ See fn. 10 above.

Ernout (1960).¹⁴ It shares the weaknesses of Jordan's reconstruction (no. 1), and it adds one more: the use of the emphatic nominative pronoun *is* for no clear reason. It too can be ruled out.

The differences between the readings of the manuscripts are fairly small. The variance between *iis/is/his/ius/uis* can be attributed to two trivial factors: a confusion of minims in minuscule script (*iis/ius/uis*) and the confusion of three forms which would have been pronounced in a similar way by medieval scribes whose *hs* were silent (*his/iis/is*). The variance between *uti/utique/∅* may have been caused by the omission *uti* or its expansion to *utique*. Here codex *A* has omitted another short word, *tuti* (no. 3).

In any case, it is striking that none of these manuscript readings is convincing. One may well ask whether some of them, such as the expansion of *uti* to *utique*, could have arisen when someone tried to correct a manifestly corrupt text. What was that text? And how should it be corrected?

8. neque iis, quibus per fraudem ius uirtutis est, eo magis honesti sunt (*Selling 1831, 19*)

This is how Selling tried to correct the text (he does not comment on *iis*, nor on *est*, which may be misprints or lapses for the transmitted readings *illi* and *fuit*). He compared expressions such as *ius amicitiae* (Cicero, *Quinct.* 53 and *Lael.* 63), explaining *ius uirtutis* as «id, quod uirtutis est, quod uirtuti debetur», i.e. 'that what is due to virtue'.¹⁵ But there may be no parallels for *ius* with the genitive of an abstract noun meaning 'that what is rightfully due to a condition'; not even in Cicero, where *ius amicitiae* means 'the legal bonds of friendship'. Moreover, this use of *per fraudem* [...] *fuit* (or *est*) is problematic, as we have seen in connection with version no. 1.

9. neque illi, quibus per fraudem ius fuit, eo magis honesti sunt (*Linker 1855*)

Linker wrote *ius* and omitted *uti, tuti aut* (he only indicated the deletion of *tuti aut*: his starting point had clearly been version no. 5). This has similar weaknesses as version no. 8. Also, omitting *uti, tuti aut* is counterintuitive from a palaeographic point of view: if *fuit uti, tuti* arose through dittography, when the sequence *tuti* was repeated, then only one half of that sequence is likely to be genuine.

¹⁴ Thus also Koestermann 1971 *ad l.*: «Eher könnte man *is fuit* vertreten». This is how the passage is quoted by Syme 1964, 215 fn. 2.

¹⁵ Selling 1831, 19.

10. neque illi, quibus per fraudem fuit uti, eo magis honesti sunt
(*Dietsch 1859*)

In his edition of 1859, Dietsch accepted Linker's deletion of *tuti aut*, but building on a better knowledge of the manuscripts, he kept *uti*. He also deleted *is/iis/his* after *quibus*.¹⁶

However, *uti* is a two-place verb: it takes an ablative of the thing used. Dietsch noted that the ablative could easily be omitted here by the author, as the meaning of the phrase would remain clear to all.¹⁷ He did not provide any parallels, and I know of none. Moreover, the reader could well be puzzled by *quibus* (dative or ablative?) and the complement of *uti* would not be obvious (*honos* or *magistratus et imperia, postremo omnīs cura rerum publicarum?*). In sum, this version is crabbed and awkward.

11. neque illi, quibus per fraudem uel ui fuit, tuti aut eo magis
honesti sunt (*Roscher ap. Dietsch 1868*)

In his edition of 1868, Dietsch took another path and printed a conjectural reconstruction that had been proposed to him by W.H. Roscher.¹⁸ This is unlikely for the same reasons as version no. 1; and *uel ui fuit* would result in an awkward repetition before 3.2 *nam ui quidem*, where *nam* indicates a transition and *quidem* emphasis, which are hard to explain if *ui* is not introduced as a new point.

So all of the reconstructions that have been proposed for this *locus uexatus* have some shortcomings. It is time to conduct the vital task of *examinatio*, of scrutinizing the transmitted text in order to determine which parts of it are genuine and which are corrupt. Let us return to version no. 2:

2. neque illi, quibus per fraudem iis fuit uti, tuti aut eo magis
honesti sunt

This is the reading of *P*, which is often regarded as the most reliable manuscript. The forms in the other manuscripts can be explained economically as the products of its readings *iis*, *uti* and *tuti*.

We have already noted the unusual jingle in *fuit ūtī tūtī*. This could be removed by altering *iis fuit uti* or by deleting *tuti aut*, as Linker and Dietsch have done. The deletion has the benefit of economy, of solving a problem through a light intervention. But do these words really look like an interpolation?

¹⁶ With extensive discussion in the prolegomena at Dietsch 1859, vol. 1, 114-16.

¹⁷ *Pace* Dietsch 1859, vol. 1, 116 «Nam obiectum verbi *uti* omissum obfendere non potest, cum nemo quid adsumendum sit frustra quaesiturus sit».

¹⁸ Dietsch 1868, vii and 38.

Safety and honour are often paired in classical Latin literature, using the same adjectives *tutus* and *honestus* that appear here: thus e.g. *Rhet. Her.* 3.8. *ea diuiditur in rationem tutam atque honestam*; Cic. *Inv.* 1.5 *hoc tuta, hoc honesta, hoc inlustris, hoc eodem uita iucunda fiat*; Cic. *fam.* 10.2.1 *si aut tuto in senatum aut honeste uenire potuissim*; Caesar *ap. Cic. Att.* 10.8b.2 *neque tutius neque honestius reperies quicquam*; Ov. *met.* 15.461 *tuta esse et honesta sinamus*. In Sallust one should note *hist. frg.* 1.55.8 Maurenbrecher *nihil gloriosum nisi tutum et omnia retinendae dominationis honesta*.

In this passage, *tuti* and *honesti* are separated by the phrase *eo magis*, which is well attested in Sallust (*Jug.* 20.6, 22.1, etc.). For the stylistic quirk of breaking up a standard pair of words by putting something in the middle, compare the parallel just quoted from the *Histories*. In sum, there are strong indications that the phrase *tuti aut eo magis honesti* is not corrupt.

That leaves us with *quibus per fraudem iis fuit uti*. There are two ways to deal with this phrase. One is by emendation. For example, one might speculate that *iis fuit uti* may be corrupt, perhaps the result of a dittography of *tuti* followed by a deliberate attempt at correcting the passage. One might propose a deletion and a lacuna:

12. neque illi, quibus per fraudem <...> [iis fuit uti] tuti aut eo magis honesti sunt

But *uti* too looks genuine: *honore, honoribus uti* is the *uox propria* for holding political office.¹⁹ In fact, the only surprising word here is *iis*, as one would expect the antecedent to be the singular *honus* rather than the plural phrase *magistratus et imperia, postremo omnis cura rerum publicarum*; but Sallust's style can be quirky, and it makes sense for this statement to be general rather than specific.

The final stumbling-block is the jingle in *fuit ūtī tūtī*. I have found no close parallels in Sallust for so marked assonance bridging a comma or a full stop, but other kinds of assonance and alliteration appear regularly, often in order to reinforce a parallelism or a contrast: compare *Jug.* 31.22 *illis, quantum inopportunitatis habent, parum est in-pune male fecisse*, 32.2-3 *pluruma et flagitiosissima facinora fecere. fuere qui [...]*, 110.6 *finis meos aduersum armatos armis tutatus sum*; also *hist.* 1.18 Maurenbrecher *ut omne ius in uiribus esset*. The lavish use of sound effects is reminiscent of early Latin, and especially of the poetry of Ennius. In our passage, the assonance of *fuit ūtī tūtī* may serve to lend the passage an archaic air of *grauitas*.

There remains no strong reason to doubt the text transmitted by *P* (no. 2). While a series of conjectural emendations have been ap-

¹⁹ OLD s.v. «utor», 6d.

plied to this passage, we have seen that a number of editors have conserved this reading.²⁰ They were very likely right.

Abbreviations

OLD = Glare, P.G.W. (ed.) (1982). *Oxford Latin Dictionary*. Oxford.
Hofmann-Szantyr = Hofmann, J.B.; Szantyr, A. (1963-65). *Lateinische Syntax und Stilistik*. München.
Kühner-Stegmann² = Kühner, R.; Stegmann, C. (1914). *Ausführliche Grammatik der lateinischen Sprache. Zweiter Teil: Satzlehre*. Hannover.
Lewis-Short = Lewis, C.T.; Short, C. (eds) (1879). *A Latin Dictionary*. Oxford.
TLL = *Thesaurus linguae Latinae* (1896-). Berlin.

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²⁰ See fn. 7 above.

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